Findings of Fact

Nevada County Broadband Program

SCH No.: 2021120435

Prepared for:

NEVADA COUNTY CALIFORNIA

February 2023

ASCENT

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SCH No.: 2021120435

Prepared for:

Nevada County
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LIST OF ABBREVIATIONS

AB	Assembly Bill
BMP	best management practice
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNPS	California Native Plant Society
EIR	environmental impact report
ESA	federal Endangered Species Act
L_{eq}	energy-equivalent noise level
Mbps	megabits per second
MMRP	mitigation monitoring and reporting program
NCIC	North Central Information Center
NMFS	National Marine Fisheries Services
NOP	notice of preparation
project	Nevada County Broadband Program
UAIC	United Auburn Indian Community of the Auburn Rancheria
USFWS	US Fish and Wildlife Service

1 INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the Nevada County Broadband Program (project).

The CEQA Statutes (California Public Resources Code Sections 21000, et seq.) and Guidelines (California Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an environmental impact report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to State CEQA Guidelines Section 15090. When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to State CEQA Guidelines Section 15091, for each identified significant impact:

A. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

B. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

C. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

State CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. State CEQA Guidelines Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record. Because no significant unavoidable effects on the environment would remain after implementation of adopted mitigation measures, a Statement of Overriding Considerations pursuant to State CEQA Guidelines Section 15093 is not needed as part of the approval of the Nevada County Broadband Program.

The requirements of State CEQA Guidelines Sections 15091 and 15092 are addressed herein. This document summarizes the findings of fact authorized by those provisions of the State CEQA Guidelines and by the Public Resources Code for the project.

2 PROJECT DESCRIPTION

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.

The 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). Specific fixed-wireless infrastructure included in the program could include equipment (e.g., antennas, transceivers) mounted on rooftops of homes and businesses, and/or attached to existing or new utility poles or small-diameter telecommunications towers/masts. 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.

2.1 PROJECT LOCATION

The program area extends throughout much of Nevada 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.

2.2 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.

3 PROCEDURAL FINDINGS

Based on the nature and scope of the project, Nevada County determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared an EIR for the project. The EIR (State Clearinghouse No. 2021120435) was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA, which included noticing and opportunities for public comment, as follows:

- A notice of preparation (NOP) was prepared and circulated on December 17, 2021, for a 30-day public and agency comment period. The NOP was submitted to the State Clearinghouse, Nevada County Clerk-Recorder, and responsible and trustee agencies.
- 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 on September 30, 2022.
- The 45-day public comment period for the Draft EIR began on September 30, 2022, and concluded on November 14, 2022.
- Pursuant to Assembly Bill (AB) 52, the County distributed letters dated December 8, 2021, to the California tribes that are culturally and geographically affiliated with the project area. Representatives for the following tribes were notified: Nevada City Rancheria Nisenan Tribe, Shingle Springs Band of Miwok Indians, T`si Akim Maidu Tribal Council, United Auburn Indian Community of the Auburn Rancheria (UAIC), and Washoe Tribe of Nevada and California.
- On January 4, 2022, UAIC responded, requesting consultation and maps of the location of program features to better ascertain the cultural sensitivity of the overall program area. The County met with UAIC on April 4, 2022, to discuss project details, tribal concerns, and potential mitigation measures. On August 15, 2022, the County sent proposed mitigation measures to UAIC for their input. These mitigation measures are included below. Consultation is ongoing. No other tribe responded to the AB 52 notification.
- The County provided written responses to all comments received during and after the comment period referenced above for the Draft EIR to produce the Final EIR.
- The Final EIR was made available in January 2023. The Final EIR consists of the following items:
  - the Draft EIR released on September 30, 2022;
  - Responses to Comments; and
  - Revisions to the Draft EIR.

As required by State CEQA Guidelines Section 15088(b), public agencies that commented on the Draft EIR were provided at least 10 days to review the proposed responses contained in the Final EIR prior to the date for consideration of the Final EIR for certification.

4 RECORD OF PROCEEDINGS

In accordance with Public Resources Code Section 21167.6, subdivision (e), the record of proceedings for the County's decision on the project includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

- County staff reports and all attachments;
- The Draft EIR and all appendices to the Draft EIR;
- The Final EIR;
- All notices required by CEQA and presentation materials related to the project;
- All comments submitted by agencies, organizations, or members of the public during the comment period on the Notice of Preparation and the Draft EIR;
- All documents cited or referenced in the Draft EIR and the Final EIR;
- All other documents related to the project;
- The mitigation monitoring and reporting program (MMRP) for the project; and
- Any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible and trustee agencies and interested members of the public during normal business hours at the Nevada County offices at 950 Maidu Avenue, Nevada City, California.

5 FINDINGS REQUIRED UNDER CEQA

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 of the Public Resources Code goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR (State CEQA Guidelines Section 15091[a][1]). For purposes of these finding, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than- significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency (State CEQA Guidelines Section 15091[a][2]).

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Draft EIR and Final EIR (EIR) (State CEQA Guidelines Section 15091[a][(3]). "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (State CEQA Guidelines Section 15364).

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, "feasibility" under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors" (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417).

In the process of adopting mitigation measures, the County has made a determination regarding whether the mitigation proposed in the EIR is "feasible." In some cases, modifications may have been made to the mitigation measures proposed in the EIR to update, clarify, streamline, or revise those measures.

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering EIR certification for the Nevada County Broadband Program, the County recognizes that no significant unavoidable effects on the environment would remain after implementation of adopted mitigation measures.

5.1 SUMMARY OF FINDINGS

The Draft EIR identified a number of less-than-significant impacts associated with the project that do not require mitigation. The Draft EIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the project that can be fully avoided or substantially lessened through the adoption of feasible mitigation measures.

The findings of the County with respect to the project's significant effects and mitigation measures are set forth in the EIR and these Findings of Fact. The Summary of Findings does not attempt to restate anew the full analysis of each environmental impact contained in the EIR. Please refer to the Draft EIR and the Final EIR for more detail.

The following provides a summary description of each potentially significant and significant impact, describes the applicable mitigation measures identified in the Final EIR and adopted by the County, and states the findings of the County regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR and Final EIR and associated record (described herein), both of which are incorporated by reference. The County hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

To the extent any of the mitigation measures are within the jurisdiction of other agencies, the County finds those agencies can and should implement those measures within their jurisdiction and control (State CEQA Guidelines Section 15091[a][2]).

5.1.1 Findings Regarding Less-Than-Significant Impacts (No Mitigation Required)

The County agrees with the characterization in the Draft EIR and Final EIR of all project-specific impacts identified as "less than significant" and finds that those impacts have been described accurately and are either less than significant or

have no impact, as described in the EIR. Section 15091 of the State CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having "no impact" or a "less-than-significant" impact.

The State CEQA Guidelines (Section 15128) allow an EIR to briefly describe the reasons why some environmental effects were determined not to be significant and then to dismiss these effects from detailed review in the EIR. Section 3.1.4, "Effects Found Not to be Significant," in the Draft EIR describes that implementing the proposed program would not result in significant effects related air quality, agriculture and forestry resources, energy, land use and planning, public services, recreation, utilities and service systems, and wildfire. These issue areas were dismissed from detailed review in the EIR.

For resource topics addressed in detail in the EIR, the impacts where the project would result in either no impact or a less than significant impact, and which require no mitigation, are identified in the bulleted list below by resource topic. For these same resource effects, no cumulatively considerable impacts were identified. Please refer to the Draft EIR and Final EIR for more detail.

AESTHETICS

- Impact 3.2-1: Effects on Scenic Vistas
- Impact 3.2-2: Damage Scenic Resources within a State Scenic Highway
- Impact 3.2-3: Degrade Existing Visual Character or Quality of Public Views in Non-Urbanized Areas
- Impact 3.2-4: Conflict with Regulations Governing Scenic Quality in Urbanized Areas

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

- Impact 3.3-4: Disturb Human Remains

GEOLOGY, SOILS, AND MINERAL RESOURCES

- Impact 3.5-1: Directly or Indirectly Expose People or Structures to Adverse Seismic Impacts
- Impact 3.5-2: Result in Substantial Erosion or Loss of Topsoil
- Impact 3.5-3: Expose Infrastructure to or Cause Geologic Hazards such as Subsidence, Lateral Spreading, Liquefaction, Expansive Soils, and Slope Failure
- Impact 3.5-4: Result in the Loss of Availability of a Known Mineral Resource or Locally Important Mineral Resource Recovery Site

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

- Impact 3.6-1: Potential to Generate GHG Emissions During Construction and Operation

HAZARDS AND HAZARDOUS MATERIALS

- Impact 3.7-1: Expose the Public or Environment to Hazards Because of the Routine Transport, Use, or Disposal of Hazardous Materials
- Impact 3.7-4: Airport Safety Hazard or Excessive Noise
- Impact 3.7-5: Interfere with an Adopted Emergency Response or Evacuation Plan

HYDROLOGY AND WATER QUALITY

- Impact 3.8-2: Substantially Decrease Groundwater Supplies, Interfere Substantially with Groundwater Recharge, or Obstruct Implementation of a Groundwater Management Plan Such That the Project May Impede Sustainable Groundwater Management of the Basin
- Impact 3.8-3: Substantially Alter the Drainage Pattern of the Program Area Such That It Would Result in Substantial Erosion, Flooding, or Excessive Runoff
- Impact 3.8-4: Risk Release of Pollutants due to Inundation from a Seiche or Flood

TRANSPORTATION

- Impact 3.10-1: Conflict with a Plan, Ordinance or Policy Addressing the Circulation System, including Transit, Roadways, Bicycle Lanes and Pedestrian Paths
- Impact 3.10-2: Conflict or be Inconsistent with State CEQA Guidelines Section 15064.3(b) Regarding Vehicle Miles Traveled
- Impact 3.10-3: Result in Inadequate Emergency Access

5.1.2 Findings Regarding Impacts Mitigated to a Level of Less Than Significant

The County hereby finds that feasible mitigation measures have been identified in the EIR and these Findings of Fact that will avoid or substantially lessen the following potentially significant and significant environmental impacts to a less-than-significant level. The potentially significant and significant impacts and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the EIR for more detail.

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

Impact 3.3-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource

It is possible that fiber conduit installation could occur on the County's three bridges that have been determined eligible for listing in the National Register of Historic Places and California Register of Historical Resources. While it is unlikely that the installation of a 4- to 6-inch galvanized iron pipe would result in a disturbance or alteration of existing features such that a change in a bridge's historical significance would result, the possibility remains. This impact would be potentially significant.

Mitigation Measure 3.3-1: Protect Historic Bridges

If new fiber conduit needs to be installed on Edwards Crossing Bridge (Bridge #17C0006), Purdon Crossing Bridge (Bridge #17C0024), or Donner Summit Bridge (Bridge #17C0052), the galvanized iron pipe shall be attached to the underside of the bridge in order to eliminate any visual obstruction of the bridge. If it is not possible to install the galvanized iron pipe under the bridge, it shall be installed on the side in such a way that provides maximum concealment. This could be accomplished by painting the pipe a similar color as the bridge material, installing the pipe alongside existing utility pipes on the bridge, or installing the pipe under the lip of the bridge deck or other concealed location.

Significance after Mitigation

Implementation of Mitigation Measure 3.3-1 would reduce potentially significant impacts to historical resources because mitigation would require that any fiber conduit that must be installed on historic bridges be done in a way that is visually compatible with the bridge and does not disturb or alter existing features. By providing an opportunity to avoid disturbance or alteration of existing features such that a change in a bridge's historical significance would result, this impact would be reduced to a less-than-significant level (Draft EIR, pages 3.3-15 and 3.3-16).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to historical resources.

Impact 3.3-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources

Installation of new fiber conduit could be located on properties that contain known or unknown archaeological resources and ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. This would be a potentially significant impact.

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), 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, 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, 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, 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, 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, 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.

Mitigation Measure 3.3-2b: For All Ground-Disturbing Construction Activities, Halt Ground Disturbance Upon Discovery of Subsurface Archaeological Features

In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the find shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, the applicant shall contact the appropriate Native American tribe for their input on the preferred treatment of the find. If the find is determined to be significant by the archaeologist (i.e., because it is determined to constitute a unique archaeological resource), the archaeologist shall develop, and the applicant shall implement, appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.

Significance after Mitigation

Implementation of Mitigation Measures 3.3-2a and 3.3-2b would reduce potentially significant impacts to archaeological resources because mitigation would avoid, move, record, or otherwise treat discovered resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of archaeological resources, this impact would be reduced to a less-than-significant level (Draft EIR, pages 3.3-16 through 3.3-18).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to unique archaeological resources.

Impact 3.3-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

Although consultation did not result in the identification of any tribal cultural resources, UAIC expressed concern that resources could be discovered during ground-disturbing activities. Therefore, impacts to tribal cultural resources would be potentially significant.

Mitigation Measure 3.3-3a: Contact Geographically Affiliated Native American Tribes

During project-specific environmental review of subsequent broadband projects, the project proponent shall consult with the County to determine if the project site is in a high- or low-sensitivity area for tribal resources, according to a confidential map kept on file with the County. If the project site is located within an area of high sensitivity, the project proponent will notify UAIC. The notification will contain the following:

- A written description of the type of ground disturbance, location, and boundaries.
- A map of the project area at a sufficient scale to indicate the spatial extent of activities.
- A description of the activities (e.g., horizontal directional drilling, trenching, aboveground poles).

- A detailed description of the depth of excavation.
- A request for information regarding potential impacts to tribal cultural resources from the proposed ground-disturbing activities.

If coordination with the Tribe confirms that the project site has a high sensitivity for tribal cultural resources, the project proponent will coordinate with UAIC to conduct a site-specific survey of the project area, assuming it is not paved. If tribal cultural resources are identified within a project area and cannot be avoided, implement Mitigation Measure 3.3-3b. If the project site is located within low sensitivity, then implement Mitigation Measure 3.3-3c.

Mitigation Measure 3.3-3b: Treatment of Tribal Cultural Resources that Cannot be Avoided

The project proponent, in consultation with UAIC, will develop effective protection measures for important tribal cultural resources located within the project site; a tribal monitor will be present on-site for all ground-disturbing activities. These measures may include reburial, if culturally appropriate, or tribal retention. Reburial will take place on-site in a location not subject to further disturbance. Permanent curation of tribal cultural resources will not take place unless approved in writing by UAIC. The project proponent will defer implementing the treatment until the tribe approves protection measures, or if agreement cannot be reached after a good-faith effort, the proponent determines that any or all feasible measures have been implemented.

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 Public Resources Code 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.

Significance after Mitigation

Implementation of Mitigation Measures 3.3-3a, 3.3-3b, and 3.3c would reduce impacts associated with tribal cultural resources to a less-than-significant level by coordinating with the culturally and geographically affiliated tribe, and requiring appropriate treatment and proper care of significant tribal cultural resources, in the case of a discovery (Draft EIR, pages 3.3-18 and 3.3-19).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to tribal cultural resources.

BIOLOGICAL RESOURCES

Impact 3.4-1: Result in Disturbance to or Loss of Special-Status Species and Habitat

Fiber optic line installation activities, including ground disturbance and vegetation removal, could result in direct removal or destruction of special-status species, or their habitat, where natural habitats occur within the program area. Because the loss of special-status species or their habitat could substantially affect the abundance, distribution, and viability of local and regional populations of these species, this would be a potentially significant impact.

Mitigation Measure 3.4-1a: Review and Survey for Project-Specific Biological Resources

Proponents of individual fiber projects will retain a qualified biologist to conduct a data review and reconnaissance-level survey prior to fiber optic line installation to identify whether any special-status plant or animal species, riparian or other sensitive habitats, sensitive natural community, or wildlife nursery site (e.g., bat maternity roosts, deer fawning areas, heron, or egret rookeries) could be affected. The data review will include the biological resources setting, species and sensitive natural communities tables, and habitat information in this Program EIR as well as review of the best available, current data for the area, including vegetation mapping data, California Native Diversity Database, California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California, relevant Biogeographic Information and Observation System queries, and relevant general and regional plans. If suitable habitat for sensitive biological surveys is present based on the results of the data review and survey, the project proponent will do one of the following:

- Suitable Habitat Is Present but Can Be Clearly Avoided. If, based on the data review and reconnaissance-level survey, the qualified biologist determines that suitable habitat for sensitive biological resources is present but adverse effects on the suitable habitat can clearly be avoided through one of the following methods, the avoidance mechanism will be implemented prior to initiating ground disturbance and will remain in effect throughout the fiber optic line installation:
  - Physically avoid the suitable habitat, including using directional drilling or aerial stringing instead of trenching or plowing, or
  - Conduct fiber optic line installation outside of the season when a sensitive resource could be present within the suitable habitat or outside the season of sensitivity (e.g., outside of special-status bird nesting season, or outside of maternity and rearing season at wildlife nursery sites).
  - Physical avoidance will include establishing environmentally sensitive areas through flagging, fencing, stakes, or clear, existing landscape demarcations (e.g., edge of a roadway) to delineate the boundary of the avoidance area around the suitable habitat. For physical avoidance, a buffer may be implemented as determined necessary by the qualified biologist.
- Suitable Habitat Cannot Be Avoided. Further review and surveys will be conducted to determine presence/absence of sensitive biological resources that may be affected, as described in the mitigation measures below. Focused or protocol-level surveys will be conducted as necessary to determine presence/absence. If protocol surveys are conducted, survey procedures will adhere to methodologies approved by resource agencies and the scientific community, such as those that are available on the California Department of Fish and Wildlife (CDFW) webpage at: https://www.wildlife.ca.gov/Conservation/Survey-Protocols. More specific survey requirements and avoidance/minimization measures may be required, as addressed by other mitigation measures.

Mitigation Measure 3.4-1b: Develop and Implement a Worker Environmental Awareness Program

Proponent of individual fiber projects will require crew members and contractors to receive training from a qualified biologist prior to beginning fiber optic line installation activities. The training will describe the appropriate work practices necessary to effectively implement the biological mitigation measures and to comply with the applicable environmental laws and regulations. The training will include the identification, relevant life history information, and avoidance of pertinent special-status species; identification and avoidance of sensitive natural communities and habitats with the potential to occur in the project area for individual fiber projects; impact minimization procedures; and reporting requirements. The training will instruct workers to allow any wildlife encountered during construction activities to leave the area unharmed and report encounters to a qualified biologist. The qualified biologist will immediately contact CDFW or the US Fish and Wildlife Service (USFWS), as appropriate, regarding relocation protocol if any wildlife protected by California Endangered Species Act (CESA) or federal Endangered Species Act (ESA) is encountered and cannot leave the site on its own.

Mitigation Measure 3.4-1c: Special-Status Plant Surveys, Protection, and Mitigation

- If Mitigation Measure 3.4-1a determines that suitable habitat for special-status plant species is present and cannot be avoided, proponents of individual fiber projects will retain a qualified botanist to conduct protocol-level surveys during the appropriate bloom period for special-status plant species with the potential to be affected by fiber optic line installation following the CDFW "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" (CDFW 2018).
- If special-status plant species are not found, the botanist shall document the findings in a letter report to the proponent and no further mitigation shall be required.
- If special-status plant species are found on the project site and are located outside of the proposed trench or plow line, and can be avoided, the proponent shall establish and maintain a buffer around special-status plants to be retained to prevent disturbance to the plants.
- Alternatively, if feasible, directional drilling could be used in place of trenching or plowing to avoid direct and indirect impacts to special-status plant species. The directional drilling shall be at a depth and length that completely avoids the seedbank and root zone of special-status plants.
- If any state- or federally listed or CNPS List 1 or CNPS List 2 special-status plant species are found that cannot be avoided during construction and directional drilling is not a feasible option, the applicant shall consult with CDFW and/or USFWS, depending on species status, to determine the appropriate mitigation measures for direct and indirect impacts that could occur because of project construction and shall implement the agreed-upon mitigation measures to achieve no net loss of occupied habitat or individuals. Mitigation measures may include preserving and enhancing existing populations, creation of off-site populations on mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals. A mitigation and monitoring plan shall be developed describing how unavoidable losses of special-status plants shall be compensated. The mitigation and monitoring plan shall be submitted to CDFW and/or USFWS for review and comment. The final mitigation strategy for directly affected plant species shall be determined by the CDFW and the USFWS through the mitigation plan approval process.
- For state-listed plants, it may be necessary to obtain an incidental take permit under Fish and Game Code Section 2081. The project proponent shall consult with the CDFW to determine whether a 2081 permit is required and obtain all required authorizations prior to initiation of activities that could affect state-listed plants.
- If CNPS List 3 or CNPS List 4 special-status plant species are found that cannot be avoided during construction, Nevada County shall determine if the impacts to these plant occurrences could substantially affect the local population of these species based on their local rarity and significance. If the County determines project losses of the CNPS List 3 of 4 plant species could result in extirpation of the species from the County, or result in loss of viability of the species, the project proponent shall develop a mitigation plan for these species and submit it to the County for review and approval. Possible mitigation for impacts to CNPS List 4 plant species can include implementation of a program to transplant, salvage, cultivate, or re-establish the species at suitable sites (if feasible), or preservation of off-site occupied habitat through a conservation easement.
- If relocation efforts are part of the mitigation plan, the plan shall include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, success criteria, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements.

  Success criteria for preserved and compensatory populations shall include:

  - The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat prior to project implementation or to nearby reference populations.
  - Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when:

- plants reestablish annually for a minimum of 5 years with no human intervention such as supplemental seeding; and
- reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.

- If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

Mitigation Measure 3.4-1d: Special-Status Wildlife Surveys, Protection, and Mitigation

- If Mitigation Measure 3.4-1a determines that suitable habitat for special-status wildlife species is present and cannot be avoided, proponents of individual fiber projects will require a qualified biologist to conduct focused or protocol-level surveys for special-status wildlife species with potential to be directly or indirectly affected by fiber optic line installation. This determination will be based on species distribution, known occurrences relative to the project area for individual fiber projects, and the presence of suitable habitat for these species in or near the project area. The survey area will be determined by a qualified biologist based on the species and habitats and any recommended buffer distances in agency protocols.
- The qualified biologist will determine if following an established protocol is required, in consultation with the appropriate resource agency. Survey timing and methodology will follow established survey protocols, where protocols are required. Unless otherwise specified in a protocol, the survey will be conducted no more than 14 days prior to the beginning of construction activities that could affect special-status wildlife or their habitat. Focused or protocol surveys for a special-status species with potential to occur in the project area may not be required if presence of the species is assumed.
- If protocol surveys determine a special-status species is not present, the qualified biologist shall document the findings in a letter report to the appropriate agency and the proponent and no further mitigation shall be required.
- If special-status wildlife species are found on the project site and the species or habitat for the species is located outside of the proposed fiber optic line installation area for trenching or plowing, and can be avoided, and a qualified biologist determines direct and indirect impacts will be negligible, the proponent shall establish and maintain a buffer around special-status species habitat to be retained to prevent disturbance to the species.
- If special-status wildlife species or species habitat are found that cannot be avoided during construction, the following will apply:
  - For species listed as threatened or endangered under ESA or CESA, existing state and federal laws require consultation and take authorization. Potential impacts will be addressed through implementation of project-specific compensatory or other mitigation for any adverse effects on these species as a condition of project approval. Specifically, USFWS and CDFW would not permit a project that would degrade habitat or result in take of a state or federally listed species without compensatory mitigation to offset losses of state or federally listed species and their habitat. Nevada County will require proponents of individual fiber projects to obtain any required take permits prior to project implementation.
  - For other special-status species that have less formal regulatory protection (e.g., CDFW species of special concern), significant impacts would be minimized by modifying the installation method to avoid special-status species by using directional drilling or aerial installation, and through development and implementation of project-specific mitigation measures consistent with applicable state and federal requirements and standards for any significant impacts as a condition of project approval to reduce impacts to less than significant under CEQA. For species for which standard, established mitigation guidance exists (e.g., established by CDFW, USFWS, or National Marine Fisheries Services [NMFS]), developed mitigation measures would follow these standards or provide a similar level of protection. These measures could include

implementing no-disturbance buffers, limited operating periods for construction and operations, implementing alternative fiber optic line installation methods such as directional drilling, stringing fiber optic line on bridges or power lines, or installing fiber optic line underneath pavement, or compensatory habitat creation, enhancement, or restoration. In the absence of previously established guidance or standards, mitigation would be developed in consultation with the appropriate agencies with jurisdiction over the affected species (e.g., CDFW, USFWS, NMFS).

Mitigation Measure 3.4-1e: Avoid Nesting Birds

Where possible, vegetation removal and project activities will occur outside of the active nesting bird season as determined by the qualified biologist. However, if work during the nesting season is unavoidable, proponents of individual fiber projects will retain a qualified biologist to conduct surveys for nesting birds within and adjacent to the project area. The area for surveys will be determined by the qualified biologist based on the potential species in the area and presence of suitable habitat. Surveys should be timed no more than 1 week prior to vegetation removal or project activities that could disturb nesting birds. If active nests are detected, the project proponent will establish a temporary buffer around the nest that is sufficient to ensure that breeding is not likely to be disrupted or adversely affected by construction activities, as determined by a qualified biologist. Factors to be considered for determining buffer size will include the following: presence of natural buffers provided by vegetation or topography, nest height, locations of foraging territory, baseline levels of noise and human activity, species sensitivity, and expected treatment activities. Buffers will be maintained until a qualified biologist determines the young have fledged or the nest is no longer active.

Significance after Mitigation

Implementation of Mitigation Measures 3.4-1a through 3.4-1e would reduce significant impacts on special-status species to a less-than-significant level because they would require identification and avoidance of special-status species and their habitat, or reduce direct and indirect impacts to a negligible level through additional project-specific mitigation measures, or provide compensation for loss of special-status species or their habitat through enhancement of existing populations, creation and management of off-site populations, conservation easements, or other appropriate measures (Draft EIR, pages 3.4-34 through 3.4-38).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to special-status species and habitat.

Impact 3.4-2: Result in Destruction or Adverse Modification of Areas Designated by USFWS as Critical Habitat for Sierra-Nevada Yellow-legged Frog and California Red-legged Frog

Fiber optic line installation, including vegetation removal and ground disturbance, may result in the loss or degradation of USFWS designated critical habitat for Sierra Nevada yellow-legged frog and California red-legged frog, if critical habitat occurs within the program area. This would be a potentially significant impact.

Mitigation Measure 3.4-2: Avoid or Compensate for Loss of Critical Habitat for Sierra Nevada Yellow-Legged Frog and California Red-Legged Frog

Wherever feasible, fiber optic line installation will be designed to avoid construction activities within or adjacent to critical habitat as designated by USFWS. This could include switching installation methods from trenching or plowing to directional drilling or aerial stringing.

If avoidance is not feasible, informal consultation with USFWS will determine a mitigation strategy to ensure that construction activities do not result in the destruction and adverse modification of the value of the habitat or affect the survival and recovery of Sierra Nevada yellow-legged frog and California red-legged frog. Measures are likely to include seasonal restrictions, reduced construction corridors, pre-construction surveys, worker environmental education sessions, biological monitoring, and re-vegetation programs.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-2 would reduce impacts to Sierra Nevada yellow-legged frog and California red-legged frog critical habitat to a less-than-significant level because the proponents of individual fiber projects would be required to avoid or compensate for loss or degradation of critical habitat (Draft EIR, pages 3.4-38 and 3.4-39).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to Sierra Nevada yellow-legged frog and California red-legged frog.

Impact 3.4-3: Result in Loss or Degradation of Riparian Habitat and Other Sensitive Natural Communities

Fiber optic line installation, including vegetation removal and ground disturbance, may result in the loss or degradation of riparian habitat or other sensitive natural communities, if they occur within the program area. This would be a potentially significant impact.

Mitigation Measure 3.4-3a: Implement Mitigation Measure 3.4-1a

Mitigation Measure 3.4-3b: Obtain All Required Regulatory Authorizations if Project-Specific Fiber Optic Line Installation Would Result in Impacts to Riparian Habitats within CDFW Jurisdiction

If it is determined that project-specific fiber optic line installation could affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the proponents of individual fiber projects shall abide by the conditions of any executed Lake and Streambed Alteration Agreement.

Mitigation Measure 3.4-3c: Prevent Spread of Invasive Plants and Noxious Weeds

Proponents of individual fiber projects will take the following actions to prevent the spread of invasive plants and noxious weeds:

- identify and map significant infestations of invasive plant species (i.e., those rated as invasive by Cal-IPC or designated as noxious weeds by California Department of Food and Agriculture) during reconnaissance-level surveys.
- clear clothing, footwear, and equipment used during fiber optic line installation of soil, seeds, vegetative matter or other debris or seed-bearing material before entering the project area or when leaving an area with infestations of invasive plants and noxious weeds;
- for all heavy equipment and vehicles traveling off road, pressure wash, if feasible, or otherwise appropriately decontaminate equipment at a designated weed-cleaning station prior to entering the project area from an area with infestations of invasive plants and noxious weeds;
- inspect all heavy equipment, vehicles, tools, or other treatment-related materials for mud or other signs that weed seeds or propagules could be present prior to use in the project area; and
- stage equipment in areas free of invasive plant infestations.

Significance after Mitigation

Implementation of Mitigation Measures 3.4-3a through 3.4-3c would reduce impacts to riparian vegetation and other sensitive natural communities to a less-than-significant level because it would require identification and avoidance of riparian vegetation and sensitive natural communities and management practices to prevent spread of invasive plants into these habitat types (Draft EIR, pages 3.4-39 and 3.4-40).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to riparian habitat and other sensitive natural communities.

Impact 3.4-4: Degradation of State or Federally Protected Wetlands and Waters of the United States or Waters of the State

Construction activities would avoid direct impacts to wetlands and sensitive aquatic resources, but fiber optic line installation activities would occur adjacent to or underneath (in the case of directional drilling) aquatic resources. Aquatic resources could be indirectly affected by erosion and sedimentation, or by the accidental introduction of oil, fuel, or other pollutants from construction equipment and materials, or by "frac-out" (i.e., the escape of drilling materials or sediment into the environment). This would be a potentially significant impact.

Mitigation Measure 3.4-4a: Implement Mitigation Measure 3.8-1

Mitigation Measure 3.4-4b: Avoid Effects on Aquatic Habitat, Including Wetlands and Waters of the State and the United States

- Ground disturbing (trenching, plowing, or grading) work within 20 feet of jurisdictional waters of the State or of the United States, and all directional drilling activities under waterways shall be monitored full-time by a County-approved biologist to assure that there is no surface disturbance to jurisdictional waters or impacts to downstream water quality, and to ensure drilling is immediately stopped and the drilling fluid seepage and spill prevention measures are implemented, in the case of a frac-out. CDFW or the Central Valley Regional Water Quality Control Board ay establish additional conditions to protect waters of the State and water quality, as described in any Lake and Streambed Alteration Agreement, Water Quality Certification, or waste discharge requirements issued for the project.
- All vehicles and equipment shall be maintained in proper working condition to minimize the potential for
- fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials.
- Hazardous spills shall be cleaned up immediately and the contaminated soil properly disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated area. Service/maintenance vehicles shall carry a bucket and pads to absorb leaks or spills.
- Because fuels, lubricants, and solvents may be stored in staging areas, all staging areas shall be located at least 150 feet away from lakes, streams, drainages, and wetlands.

Significance after Mitigation

Implementation of Mitigation Measures 3.4-4a and 3.4-4b would reduce indirect impacts to wetlands and waters of the United States and state to a less-than-significant level by requiring avoidance and minimization of impacts, including due to frac-out (Draft EIR, pages 3.4-40 and 3.4-41).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to wetlands, waters of the United States, and waters of the state.

Impact 3.4-5: Interfere Substantially with Wildlife Movement Corridors or Impede Use of Nurseries

The program area is within identified ECAs or Natural Landscape Blocks. Fiber optic line installation could occur in areas used as wildlife movement corridors or nursery sites (e.g., bat maternity roosts, deer fawning areas, heron or egret rookeries). Installation related noise and disturbance could lead to temporary changes in migration or movement patterns. Fiber optic line would be buried or would be installed through aerial stringing and therefore would not create barriers to wildlife long-term. Temporary shifts in wildlife movements to avoid or navigate around

fiber optic line installation and associated disturbances would not substantially interfere with movement requirements or migration patterns; and program implementation would not create permanent barriers to local or landscape-level movements. This would be a less-than-significant impact. Installation of fiber optic line through waterways would be accomplished through directional drilling and would avoid direct impacts to aquatic habitat. However, a frac-out could temporarily affect aquatic movement corridors. Installation-related noise and disturbance, and construction activities such as tree and vegetation removal could result in loss or temporary disturbance of wildlife nursery sites if these occur adjacent to roadways. This would be a potentially significant impact.

Mitigation Measure 3.4-5a: Retain Nursery Habitat and Implement Buffers to Avoid Nursery Sites

Proponents of individual fiber projects will implement the following measures while working in the project area for individual fiber projects that contain nursery sites identified in surveys conducted pursuant to Mitigation Measure 3.4-1a:

- **Retain Known Nursery Sites.** A qualified biologist will identify the important habitat features of the wildlife nursery and, prior to construction activities, will mark these features for avoidance and retention during fiber optic line installation.
- **Establish Avoidance Buffers.** The proponent will establish a non-disturbance buffer around the nursery site if activities are required while the nursery site is active/occupied. The appropriate size and shape of the buffer will be determined by a qualified biologist, based on potential effects of project-related habitat disturbance, noise, visual disturbance, the potentially affected species, and other factors. No construction activity will commence within the buffer area until a qualified biologist confirms that the nursery site is no longer active/occupied. Monitoring of the nursery site by a qualified biological monitor during and after construction activities will be required if a qualified biologist determines that proposed activities could disrupt use of active nursery sites. If construction activities cause agitated behavior of the individual(s), the buffer distance will be increased, or construction activities modified until the agitated behavior stops.

Mitigation Measure 3.4-5b: Implement Mitigation Measure 3.8-1

Significance after Mitigation

Implementation of Mitigation Measures 3.4-5a and 3.4-5b would reduce potentially significant impacts to wildlife nursery sites because it would avoid removal of important habitat features and avoid or minimize disturbance from noise and human presence. This would retain the value and function of the nursery site such that its use by native wildlife would not be substantially impeded, thereby reducing this impact to a less-than-significant level (Draft EIR, pages 3.4-41 and 3.4-42).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to wildlife movement corridors and nurseries.

Impact 3.4-6: Potential Conflict with Local Policies or Ordinances

Fiber optic line installation could conflict with local policies or ordinances protecting biological resources, such as local tree preservation policies, standards, and ordinances. Following the restrictions and mitigations required in Chapter 12.36 of the City of Grass Valley code, Chapter 18.01 of the Nevada City code, and Section 18.30.155 of the Town of Truckee code would avoid significant impacts related to tree removal. Tree removal associated with the program within Nevada County could conflict with Section L-II 4.3.15, Tree Resource Protection Standards, in Title 3 of the County Land Use and Development Code. This would be a potentially significant impact.

Mitigation Measure 3.4-6: Prepare a Biological Inventory and Avoid or Compensate for Loss of Landmark or Heritage Trees or Groves

If an individual fiber project requires tree removal, a qualified arborist will prepare a Biological Inventory that details the species and DBH of all trees subject to possible tree removal and will identify any landmark and heritage trees and groves. If landmark and heritage trees or groves are identified and can be avoided, no further mitigation is required.

Prior to approval of a site plan, grading plan, or any permit authorizing construction, the project proponent shall prepare a Management Plan as required under the Nevada County Tree Resource Protection Standards. The Management Plan shall specify measures to mitigate for the loss of defined trees and groves to ensure no net loss of oak or hardwood habitat, and emphasis will be placed on protection of blue oaks (*Quercus douglasii*) and valley oaks (*Quercus lobata*). Measures could include preservation of on-site oak woodlands in a conservation easement, purchase and preservation of off-site oak woodlands, on- or off-site enhancement of degraded oak woodlands, or by paying in-lieu fees into a County-approved fund used to purchase and preserve comparable oak woodland or hardwood communities in the region. The Management Plan shall also include measures to protect trees during construction and following fiber optic line installation. Measures could include specifications for protective fencing and construction buffers, or fiber optic line installation method changes. The plan shall identify financial responsibility and funding sources for all measures.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-6 would reduce potentially significant impacts to trees because it would determine if landmark or heritage trees or groves are present and avoid removal of these defined trees or groves or provide compensatory mitigation that achieves a no-net loss standard if they are present and removal could not be avoided, thereby reducing this impact to a less-than-significant level (Draft EIR, page 3.4-43).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen conflicts with local policies or ordinances.

GEOLOGY, SOILS, AND MINERAL RESOURCES

Impact 3.5-4: Result in the Loss of a Unique Paleontological Resource or Unique Geological Feature

Paleontological resources and unique geological features exist in Nevada County. Unique geological features are generally aboveground and therefore would not be affected by the program. Because individual fiber projects would primarily be implemented in disturbed road shoulders and only in very limited areas of bedrock, and because of the limited paleontological bearing formations in Nevada County as well as the small diameter of the conduit to be installed, impacts to paleontological resources would be minimized. Nevertheless, unique paleontological resources could be damaged or destroyed during construction. Mitigation Measure 3.5-4 requires a site-specific paleontological resource assessment and moving facilities aboveground if any paleontological resources could be affected. The impact would be potentially significant.

Mitigation Measure 3.5-4: Perform a Site-Specific Paleontological Resources Inventory Assessment by Rock Unit and if Paleontological Resources Could be Affected, Install Fiber Optic Line Aboveground

Before submitting a grading permit application that would include boring through bedrock, the applicant for an individual fiber project shall retain the services of a qualified professional paleontologist who shall prepare a paleontological resources inventory and assessment for any affected rock units. This report shall include the following components:

- A report of any fossils observed during a reconnaissance-level field survey.

- The results of a records search of appropriate paleontological databases (at a minimum, the database at the University of California, Berkeley Museum of Paleontology) to determine whether any previously recorded fossil localities are located within or immediately adjacent to the fiber optic facilities where rock boring is proposed.
- A determination as to whether the geologic formations are of high or low paleontological sensitivity, and a discussion supporting the reasons why the sensitivity determinations were made.

If the rock formation is determined to be of high paleontological sensitivity, the fiber optic infrastructure will be designed to be installed aboveground. Prior to issuance of grading permits that would allow for boring in bedrock, the approving local jurisdiction will review the report and findings to confirm no paleontological resources would be affected.

Significance after Mitigation

By avoiding rock units of high paleontological sensitivity, the impact on paleontological resources would be mitigated to a less-than-significant level (Draft EIR, pages 3.4-15 and 3.5-16).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to unique paleontological resources and unique geological features.

HAZARDS AND HAZARDOUS MATERIALS

Impact 3.7-2: Cause Reasonably Foreseeable Upset and/or Accident Conditions or Be Located on a Hazardous Waste Site

Because numerous hazardous waste sites are present along roadways within the program area, contaminated soil or groundwater may be encountered during excavation activities for fiber optic line installation. Other contaminants associated with historic land uses, such as aerially deposited lead, organochlorinated pesticides, and mine waste, may be present in soils where fiber optic line installation would occur. If released to the environment, hazards to people or the environment would be a potentially significant impact.

Mitigation Measure 3.7-2: Conduct Soil and Groundwater Sampling and Testing if Contamination is Suspected

Soil sampling shall be conducted in the project footprint before construction begins on or adjacent to hazardous waste sites identified on DTSC- and SWRCB-maintained databases of known contaminated sites. Soil information shall be provided to construction crews to inform them about soil conditions and potential hazards.

If hazardous substances are unexpectedly encountered during trenching, grading, or excavating work, work shall be stopped until the material is properly characterized and appropriate measures are taken to protect human health and the environment. If excavation of soil contaminated with hazardous materials is required, the materials shall be handled, transported, and disposed of in accordance with federal, state, and local regulations.

If suspected contaminated groundwater is encountered in the construction areas, samples shall be collected and submitted for analysis of petroleum hydrocarbons, metals, volatile organic compounds, and semi-volatile organic compounds. If necessary, groundwater shall be collected during construction, contained, and disposed of in accordance with federal, state, and local regulations.

Significance after Mitigation

To reduce potentially significant impacts, project proponents would implement Mitigation Measure 3.7-2, which requires sampling and testing of suspected contaminated soil or groundwater that is encountered during project construction. This measure would require regular monitoring and evaluation of soil conditions to ensure that any previously unknown contaminants encountered during construction would be evaluated quickly to determine potential hazards. With implementation of these measures, potentially hazardous conditions would be identified and remediated either prior to or immediately upon discovery, which would ensure that potential impacts associated with previously unknown contamination would be reduced to a less-than-significant level (Draft EIR, pages 3.7-17 and 3.7-18).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to hazardous waste sites.

Impact 3.7-3: Emit or Handle Hazardous Materials, Substances, or Waste Within One-Quarter Mile of an Existing or Proposed School

Schools may be located within one-quarter mile of individual fiber project construction activities. While unlikely, fiber installation projects could result in accidental spills of fuel or oil, or expose contaminated soil or groundwater within one-quarter mile of an existing or proposed school. This impact would be potentially significant.

Mitigation Measure 3.7-3: Implement Mitigation Measure 3.7-2

Significance after Mitigation

To reduce potentially significant impacts, each project proponent would implement Mitigation Measure 3.7-3, which requires preparation of a Phase I ESA for each individual broadband project. Mitigation Measure 3.7-3 would ensure that areas of potential soil and groundwater contamination are identified and remediated prior to excavation activities, such that contaminated soils or groundwater would not be accidentally released within one-quarter mile of an existing or proposed school. Because program activities would be conducted in accordance with the state and federal regulations described in Section 3.7.1, "Regulatory Setting," and in compliance with Mitigation Measure 3.7-3, potential impacts would be reduced to less than significant (Draft EIR, pages 3.7-18 and 3.7-19).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to hazardous materials, substances, and waste near schools.

Impact 3.7-6: Expose People or Structures, Either Directly or Indirectly, to a Significant Risk of Loss, Injury, or Death Involving Wildland Fires

Installation of new fiber optic cable would involve activities that could result in a temporary increase in risk for wildfires by increasing sources of ignition through use of vehicles and equipment in the vicinity of dry fuel and from certain worker behaviors. This, in turn, could increase the risk of exposing project occupants and structures to a significant risk of loss, injury, or death involving wildland fires. Operation of the new fiber optic lines would involve minimal maintenance and the lines are not a source of heat or combustion. Therefore, they would not increase the risk of wildland fires in the area. While the potential may be remote, wildfire resulting from construction activities or worker behavior would be potentially significant.

Mitigation Measure 3.7-6: Fire Prevention and Cessation

The construction contractors for individual fiber projects shall implement the following measures for all construction activities to prevent and address wildfires:

- Train and brief all construction workers on fire prevention and suppression methods, including requirements for carrying emergency fire suppression equipment on the project site.
- Construction "tailgate meetings" shall be held daily, prior to construction and cover the following topics: fire safety, smoking restrictions, idling vehicles, and restricting construction during red flag warnings.
- No construction work will occur during times of high fire threat, and if conditions change after commencing construction, work will cease in periods of extreme fire danger, such as red flag warnings issued by the National Weather Service or other severe fire weather conditions as identified by Nevada County.

Significance after Mitigation

Mitigation Measure 3.7-6 would ensure that the on-site personnel during construction are made aware of fire prevention and safety practices and that accurate responses to fire emergencies occur. Implementation of Mitigation

Measure 3.7-6 would reduce impacts related to wildland fire exposure to less-than-significant levels (Draft EIR, pages 3.7-20 and 3.7-21).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to people or structures involving wildland fires.

HYDROLOGY AND WATER QUALITY

Impact 3.8-1: Violate any Water Quality Standards, Waste Discharge Requirements, Water Quality Control Plan or Otherwise Substantially Degrade Surface or Groundwater Quality

Implementation of the proposed program would disturb soil during construction increasing the potential for erosion that could degrade surface or groundwater quality. Construction equipment has the potential to leak gasoline, diesel fuel, engine oil, and hydraulic fluid that could affect surface and groundwater quality. Additionally, drilling fluids could seep or spill into nearby water bodies, which could affect ground and surface water quality. Surface water and groundwater resources vary throughout the county. Due to the shallow nature of the broadband conduit, groundwater would not likely be affected by the program. The program would not require work in any wetlands or Waters of the US or State. With adherence to the NPDES Construction General Permit and all Town, City, and County codes, the program would not cause substantial erosion or adversely affect water quality from fluids from construction equipment. Though unlikely, the use of drilling fluids during directional boring beneath streams could result in frac-out, or the seepage of drilling fluid from the boring into the surface water. This impact would be potentially significant.

Mitigation Measure 3.8-1: Implement Drilling Fluid Seepage and Spill Prevention Measures

Drilling fluid containment and cleanup equipment (e.g., certified weed-free bales, silt fencing, and portable pumps) will be present for use in the work area where there is a potential for frac-out or spills of drilling fluid. Best management practices (BMPs) will be installed between the bore site and any flowing stream or wetland to prevent the mixture from entering the stream or wetland. Spill areas will be restored to pre-spill conditions, as practicable, and spill documentation and reporting will be carried out.

Portable pumps will be kept on-site to control seepage to the surface and to prevent the mixture from entering streams or wetlands. If the mixture seeps to the surface in the stream or wetland channel, a pump will be used to pump it back to the drill site. If a release occurs at a high-risk boring location, the stream flow will be immediately dammed and flumed, and the bentonite will be contained and removed.

At locations where boring is taking place adjacent to streams or wetlands, damming and flume materials will be pre-staged. During directional boring activities near streams or wetlands, construction crews will visually monitor bentonite flow and returns so that fluid loss can be identified before the material surfaces in the stream channel and promptly stop work if there is a detection of any bentonite or construction material release. If a spill is detected in a flowing channel, wetland, or other sensitive resource area, drilling will cease immediately, and spill prevention and control measures will be immediately employed to safely contain and remove the spilled materials. Concurrent with implementation of the containment measures, construction crews will contact the appropriate resource agency personnel, as indicated on local, state, or federal permits.

Significance after Mitigation

Because fiber projects would be primarily installed in public or private roads, in previously disturbed and/or developed areas, in existing conduit, and on new or existing utility poles where subsurface installation is infeasible, installation beneath creeks or streams would be relatively rare. In addition, because drilling techniques are implemented to preclude frac-out (e.g., through drilling at an appropriate pace and depth) and to immediately detect potential frac-out (e.g., by watching for flow out of exit pits and monitoring exit pit pressure), such incidents are rarer still. The low potential for occurrence, combined with mitigation measures (BMPs) designed to contain a potential

spill and to have equipment at the ready to minimize, secure, and clean up a potential spill, would render this impact less than significant (Draft EIR, pages 3.8-12 and 3.8-13).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to surface or groundwater quality.

NOISE

Impact 3.9-1: Exposure of Persons to or Generation of Excessive Construction Noise

The program would generate temporary, intermittent construction noise as individual fiber projects are implemented. Construction noise is exempt from noise standards for projects located within unincorporated Nevada County and the Town of Truckee. Construction equipment could reach a noise level of 83 decibels (dB) energy-equivalent noise level (L_{eq}) at 50 feet; thus, construction activity would not exceed Nevada City's construction noise standard of 90 dB within 50 feet. However, construction equipment operation would surpass 90 dB within 23 feet of construction. Similarly, individual fiber projects located in the City of Grass Valley could exceed the daytime noise standard for residential uses of 55 dB L_{eq} if construction were to occur within 1,269 feet of sensitive receptors. Because individual fiber project information is not known at this time, it is unknown whether individual projects would be located farther than 1,269 feet or 23 feet from sensitive receptors in the City of Grass Valley and Nevada City, respectively. In any case, construction activities along any given roadway or fiber route would be temporary and would not require any stationary noise equipment. Notwithstanding, construction activities in the vicinity of sensitive receptors could generate noise levels that cause discomfort or annoyance throughout the program area. Therefore, the impact would be potentially significant.

Mitigation Measure 3.9-1: Implement Measures to Reduce Exposure to Construction Noise

The construction contractors for individual fiber projects shall comply with the following measures for all construction activity to take place within 1,269 feet of noise sensitive receptors in the City of Grass Valley, Nevada County, and/or Town of Truckee and that are anticipated to generate exterior noise levels above 55 dB L_{eq} or that are within 23 feet of noise sensitive receptors in Nevada City:

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate noise generating equipment as far as possible from noise-sensitive uses when noise-sensitive uses adjoin or are near a construction project area.
- Use "quiet" air compressors and other stationary noise-generating equipment where appropriate technology exists.
- The project sponsor shall designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler) and will require that reasonable measures warranted to correct the problem be implemented. The project sponsor shall also post a telephone number for excessive noise complaints in conspicuous locations in the vicinity of the project site and send a notice to neighbors in the project vicinity with information on the construction schedule and the telephone number for noise complaints.
- Install temporary noise curtains as close as possible to the noise-generating activity such that the curtains obstruct the direct line of sight between the noise-generating construction activity and the nearby sensitive receptors. Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least 1 pound per square foot.
- Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors).

- Operate heavy-duty construction equipment at the lowest operating power possible.
- Provide a minimum of 1 week of advance notice to owners of all residential located within 1,300 feet of where construction activity would take place. This noticing shall inform the recipients of when and where construction would occur and the types of measures being implemented to lessen the impact at potentially affected receptors. This noticing shall also provide the contact information for the designated disturbance coordinator.

Significance after Mitigation

Implementation of Mitigation Measure 3.9-1 would reduce levels of construction noise exposure at noise-sensitive receptors by ensuring proper equipment use; locating noise-generating equipment away from sensitive land uses; locating temporary barriers around noisy equipment; and requiring the use of enclosures, shields, and noise curtains (noise curtains typically can reduce noise by up to 10 dB [EPA 1971]). Construction activities would be prohibited by ordinance during noise-sensitive hours and would be temporary in any given location. Thus, Mitigation Measure 3.9-1 would substantially reduce construction-related noise, reducing the potential for disturbance and annoyance at sensitive receptors. With implementation of Mitigation Measure 3.9-1, the impact would be reduced to a less-than-significant level (Draft EIR, pages 3.9-13 through 3.9-15).

Finding on Proposed Mitigation

The County finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to excessive construction noise.

5.2 MITIGATION MONITORING

An MMRP was prepared for the project and approved by the County (Public Resources Code, Section 21081.6, subd. [a][1]; State CEQA Guidelines Section 15097). The County will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

5.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS

The State CEQA Guidelines (Section 15126) require a discussion of the significant irreversible environmental changes which would be involved in a project should it be implemented. The irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes. Irreversible and irretrievable resources are those that cannot be recovered or recycled or those that are consumed or reduced to unrecoverable forms.

The individual fiber projects implemented under the program would result in the irreversible and irretrievable commitment of energy and materials during construction and operation. Energy would be expended in the form of electricity, gasoline, diesel fuel, and oil for equipment and vehicles that would be needed for project construction, operation, and maintenance. Materials used during fiber optic line installation could include rocks, wood, concrete, glass, and steel. The County finds that use of these nonrenewable resources would account for a minimal portion of the region's resources and would not affect the availability of these resources for other needs within the region. Construction contractors for individual fiber projects would use best available engineering techniques, construction and design practices, and equipment operating procedures. Moreover, the program would not require new, permanent dedicated staff in comparison to existing conditions, which would not contribute to a considerable increase in vehicle trips in the region. Therefore, implementing the program would not result in inefficient use of energy (Draft EIR, page 5-2).

5.4 GROWTH INDUCEMENT

The effect of the program and other telecommunication projects on growth-inducing impacts is difficult to distinguish from other factors that cause people to move to an area. The availability of high-speed, high-volume communications is one factor among many in the decision by people and businesses to move to an area. The

proposed program would not create a significant number of jobs, promote the construction of homes, or remove any obstacle that impedes growth in Nevada County. However, the Nevada County Broadband Program would not directly induce growth for the following reasons (Draft EIR, pages 5-1 and 5-2):

- Program implementation (i.e., construction of individual fiber projects) is expected to occur over many years, with 1 mile of underground fiber optic conduit construction taking approximately 18-20 days to install the conduit in a trench and 10 days to install the conduit via bore. An average of three to five construction workers would be anticipated at each individual fiber project site for the duration of construction and it is assumed that up to five individual fiber projects could be implemented concurrently. Operation and maintenance of the on-site and off-site facilities would be fulfilled by existing employees of the broadband providers. The program would not generate a sufficient number of jobs, either temporarily during construction or during operation and maintenance, to attract appreciable economic or population growth to Nevada County. Furthermore, the unemployment rate for Nevada County suggests an available labor pool for construction of the proposed program.
- The proposed program would not involve the construction of any new residential units that could bring new residents to Nevada County.
- Operation of the proposed program would provide and expand the availability of high-speed internet access to existing rural residents, businesses, and schools in Nevada County. Implementation of the program would be expected to contribute to the retention of existing residents and businesses, which could indirectly contribute to a limited amount of future growth. The introduction of improved internet access would not be expected to trigger an influx of residents or businesses; thus, the proposed program would not likely result in removal of a substantial obstacle that impedes growth in Nevada County.

6 PROJECT ALTERNATIVES

In accordance with the Section 15126.6 of the State CEQA Guidelines, a range of reasonable alternatives to the project that could feasibly attain the basic project objectives but would avoid or substantially lessen any of the significant effects of the project was addressed in the Draft EIR. The purpose of the alternatives analysis is to determine whether or not an alternative to the Nevada County Broadband Program would feasibly reduce or eliminate significant project impacts, within the basic framework of the objectives.

The EIR includes an evaluation of the following three alternatives to the Nevada County Broadband Program, as describe below:

- 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.

6.1.1 Alternative 1: No Project Alternative

Under Alternative 1, the No Project Alternative, no actions would be taken to expand broadband availability and the service area would remain unchanged from current conditions. The No Project Alternative would not meet the project objectives. However, as required by CEQA, the No Project Alternative is evaluated in the EIR. The EIR finds that with the No Project Alternative there would no impact related to those resource topics (i.e., aesthetics;

archaeological, historical, and tribal cultural resources; biological resources; geology, soils, and mineral resources; greenhouse gas emissions and climate change; hazards and hazardous materials; hydrology and water quality; noise; and transportation) that would be affected by program implementation.

CONCLUSION

Alternative 1, the No Project Alternative, is not approved because it would not meet any of the basic project objectives of the Nevada County Broadband Program.

6.1.2 Alternative 2: Reduced Program Area Alternative

The Reduced Program Area Alternative would focus on providing rural broadband infrastructure in unincorporated areas of Nevada County. It would exclude the incorporated areas within the Town of Truckee, City of Grass Valley, and Nevada City from the program area. This would reduce the area covered by the program by approximately 41 square miles or 4.2 percent when compared to the proposed program. This alternative would reduce the total amount of construction that would occur under the program and would avoid all effects related to the construction or operation of broadband infrastructure within the more densely populated incorporated areas of the county.

In all other respects, this alternative would be the same as the proposed program. It would include the same connections to existing facilities, new facilities, and construction methods as the proposed program, except these activities would occur only in unincorporated portions of Nevada County.

CONCLUSION

The Reduced Program Area Alternative (Alternative 2) would result in less overall construction and operation of broadband infrastructure by avoiding all activities within incorporated communities. This would result in incrementally reduced impacts to all resource areas. While this alternative is feasible and would achieve most of the basic project objectives, it would achieve the project objectives to a lesser degree than the proposed program because it would not improve broadband availability or reliability within the Town of Truckee, City of Grass Valley, or Nevada City, and would not provide benefits to the approximately 32,500 residents of those three incorporated communities. This alternative is not approved primarily because it would not meet the objectives to provide a broadband network in all unserved and underserved areas of Nevada County and to streamline the environmental review process for individual broadband projects that are implemented in incorporated jurisdictions. Moreover, while this alternative would result in incrementally reduced impacts, it would not avoid any significant effects of the project as proposed; all potentially significant effects of the proposed project are mitigable to less-than-significant levels.

6.1.3 Alternative 3: Existing Infrastructure Alternative

The Existing Infrastructure Alternative would seek to minimize construction-related impacts by prioritizing 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. In all other respects, this alternative would be the same as the proposed program. It would include the same connections to existing facilities, new facilities, and construction methods as the proposed program, except these activities would occur only where no existing infrastructure is present. This alternative would result in less construction activity and new infrastructure than the proposed program. It would also result in more aboveground fiber optic line because much of the line would be attached to existing utility poles, rather than being placed in new underground conduit as would occur under the proposed program.

CONCLUSION

The Existing Infrastructure Alternative would result in less overall construction of broadband infrastructure than both the proposed program and Alternative 2 because it would use existing utility poles and conduit and only construct new conduit where no existing infrastructure is available. This alternative would result in more fiber optic line installed aboveground on existing utility poles. This alternative would result in similar impacts to aesthetics and lesser impacts to all other resource areas. While this alternative would lessen multiple environmental impacts, it would result in a less reliable broadband network due to the increased prevalence of aboveground fiber optic line that could be affected by exposure to storms and wildfires. This alternative was not approved because it would achieve the project objectives to a lesser degree than the proposed program. Moreover, while this alternative would result in incrementally reduced impacts, it would not avoid any significant effects of the project as proposed; all potentially significant effects of the proposed project are mitigable to less-than-significant levels.