

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE: December 11, 2024

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 9:00 AM/ No. 4

PROJECT TYPE: CUP #24-0015
Zayo Group, LLC. SUPERVISORY DISTRICT #3
LOCATION: 1941 Jessup Rd APN: 051-120-074-000

Imperial, CA 92251

PARCEL SIZE: ±46.00 AC.

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

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

GENERAL PLAN FINDINGS

☒ CONSISTENT

☐ INCONSISTENT

☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: 12/11/24

☐ APPROVED

☐ DENIED

☐ OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

☐ APPROVED

☐ DENIED

☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION:

HEARING DATE: 09/26/2024

INITIAL STUDY: #24-0024

☐ NEGATIVE DECLARATION ☒ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS

☐

NONE

☒ ATTACHED

AG

☐

NONE

☒ ATTACHED

APCD

☐

NONE

☒ ATTACHED

E.H.S.

☒

NONE

☐ ATTACHED

FIRE / OES

☒

NONE

☐ ATTACHED

SHERIFF.

☒

NONE

☐ ATTACHED

OTHER

Imperial Irrigation District

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING, THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU TAKE THE FOLLOWING ACTIONS:

1. ADOPT THE MITIGATED NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; AND,
2. APPROVE THE ATTACHED RESOLUTIONS AND SUPPORTING FINDINGS, APPROVING CONDITIONAL USE PERMIT #24-0015, SUBJECT TO ALL THE CONDITIONS, AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CUP CONTRACT UPON RECEIPT FROM THE PERMITTEE.

Planning & Development Services

801 MAIN ST., EL CENTRO, CA 92243 442-265-1736

(Jim Minnick, Director)

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STAFF REPORT
Planning Commission
December 11, 2024

Project Name: Conditional Use Permit #24-0015/ IS #24-0024

Applicant/Owner: Zayo Group, LLC.
16 Middle Street, 4th Floor
Portland, ME, 04101

Project Location:

The proposed project is located at 1941 Jessup Rd, Imperial CA 92251 also known as Assessor Parcel Number (APN:051-120-074-000) and legally described as Parcel 3, of PM 1812, of Lots 3 4 & 6, Section 10, 16-12 containing 46.00 AC in the unincorporated area of the County of Imperial, State of California (Supervisory District #3).

Project Summary:

The applicant, Zayo Group, LLC., proposes Conditional Use Permit #24-0015 to construct an unmanned fiber hut, which will house servers and ancillary equipment. The proposal will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35 feet by 23 feet and a height of 11 feet 11 inches, along with an emergency stand-by-generator. The installation of the new hut will house optical fiber in support of telecommunications, telephones signals, internet connection and cable television signals. This is not a traditional wireless telecommunication site, there will be no antennas or radios mounted to the building or any free-standing structure.

Land Use Analysis:

Per Imperial County's General Plan, the land use designation for this project is agriculture per Zoning Map #09 of the Imperial County Title 9 Land Use Ordinance and its zone as A-2 (General Agriculture Zone). Per County's Land Use Ordinance (Title 9), Division 24 – Section 92401 "Communications Facilities Ordinance", an unmanned fiber hut is allowed with an approved Conditional Use Permit (CUP) under Division 5, Chapter 8.- Land Use Permit (Conditional Use Permit) Section 90508.02. The proposed project is consistent with the County's General Plan, County's Land Use Ordinances (Title 9).

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND	ZONING	GENERAL PLAN
Project Site	Vacant	A-2 (General Agriculture Zone)	Agriculture
North	Vacant	A-2 (General Agriculture Zone)	Agriculture
South	Vacant	A-2 (General Agriculture Zone)	Agriculture
East	Residential	A-2 (General Agriculture Zone)	Agriculture
West	Residential	A-2 (General Agriculture Zone)	Agriculture

Environmental Determination:

On September 26, 2024, the Environmental Evaluation Committee (EEC) determined that Conditional Use Permit (CUP) #24-0015 for the construction of a new unmanned fiber optic hut would not have a significant effect on the environment and made a determination for a Negative Declaration (ND). The EEC Committee consists of a seven (7) member panel, integrated by the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and the Director of Planning and Development Services.

On October 1, 2024, the Notice of Intent for the Negative Declaration was filed with the Imperial County Clerk-Recorder, posted and circulated for a 20-day comment period from October 1, 2024, to October 21, 2024. Comments received were made part of this package.

The negative Declaration was publicly circulated from October 1, 2024, to October 21, 2024, where a comment letter was received from the California Department of Fish and Wildlife recommending mitigation measures that were accepted and added to the environmental document. The revised Mitigated Negative Declaration was then publicly circulated from October 29, 2024, to December 3, 2024.

Staff Recommendation:

It is recommended that you conduct a public hearing and hear all the opponents and proponents of the proposed project. Staff would then recommend that you take the following action:

1. Adopt the Mitigated Negative Declaration by finding that the proposed project would not have a significant effect on the environment; and,
2. Approve the attached Resolution(s) and supporting finding, approving Conditional Use Permit (CUP) #24-0015 subjected to all the conditions, and authorize the Planning & Development Services Director to sign the CUP upon receipt from the applicant.

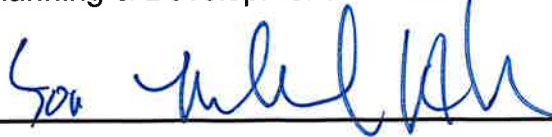
PREPARED BY: Luis Valenzuela, Planner II
Planning & Development Services



REVIEWED BY: Michael Abraham, AICP, Assistant Director
Planning & Development Services



APPROVED BY: Jim Minnick, Director
Planning & Development Services



ATTACHMENTS:




- A. Vicinity Map
- B. Site Plan
- C. CEQA Resolution and MM&RP
- D. Planning Commission Resolution
- E. Conditional Use Permit #24-0015 Agreement
- F. Comment letters
- G. EEC Original Package
- H. Application submittal

ATTACHMENT A.
VICINITY MAP

PROJECT LOCATION MAP

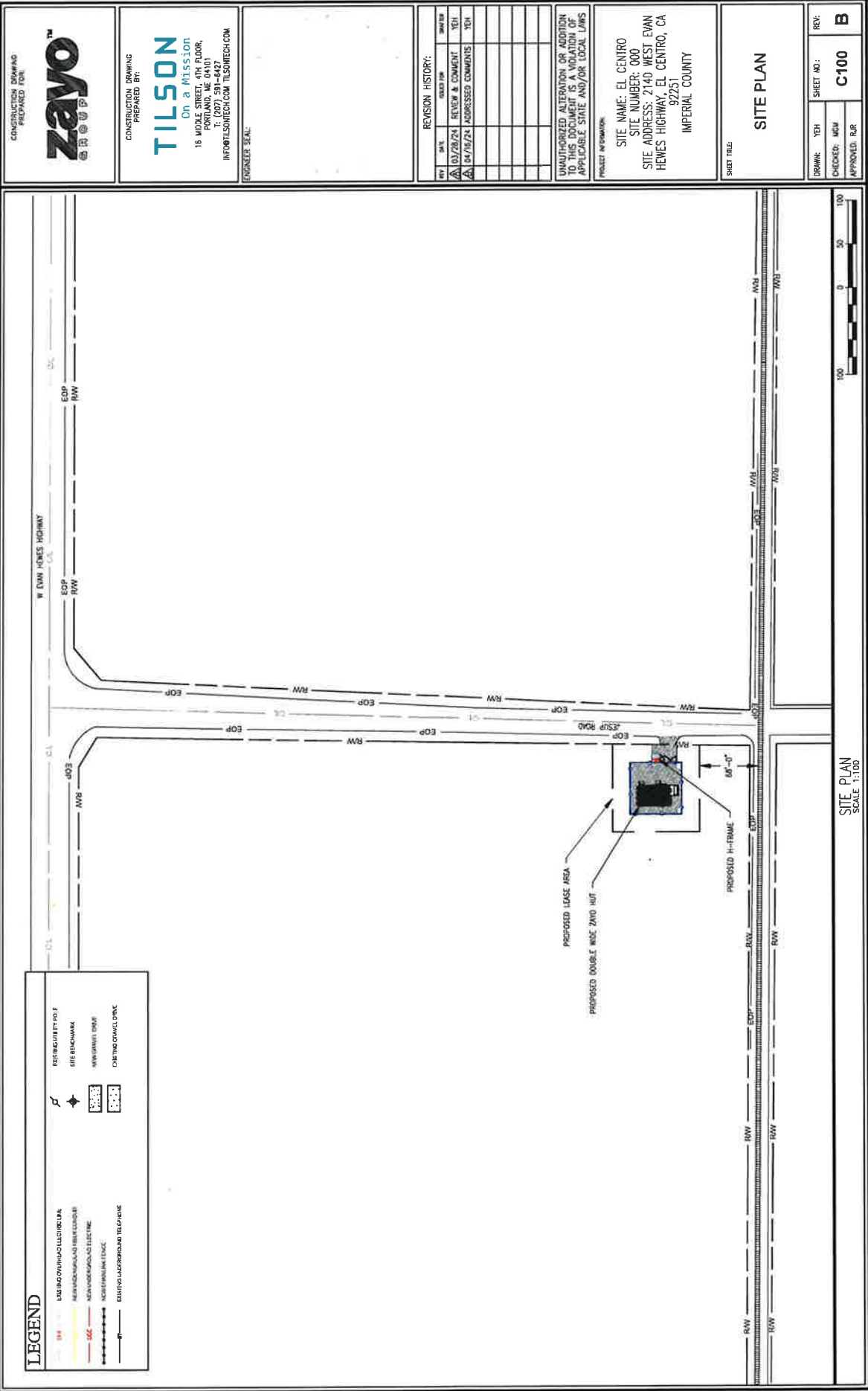


Zayo Group, LLC.
Fiber Optic building
CUP #24-0015
APN 051-120-074-000

-  Project Location
-  Centerline
-  Parcels



ATTACHMENT B.
SITE PLAN



CONSTRUCTION DRAWING
PREPARED FOR:



CONSTRUCTION DRAWING
PREPARED BY:

TILSON
On a Mission
16 MIDDLE STREET, 4TH FLOOR,
PORTLAND, ME 04101
T: (207) 591-6427
INFO@TILSONTECH.COM TILSONTECH.COM

ENGINEER SEAL:

REVISION HISTORY:

REV	DATE	REVISION	BY
1	01/28/24	REVIEW & COMMENT	YEH
2	04/16/24	ADRESSED COMMENTS	YEH

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

PRODUCT INFORMATION:

SITE NAME: EL CENTRO
SITE NUMBER: 000
SITE ADDRESS: 2140 WEST EVAN
HEWES HIGHWAY, EL CENTRO, CA
92225
IMPERIAL COUNTY

SHEET TITLE:

ENLARGED SITE PLAN

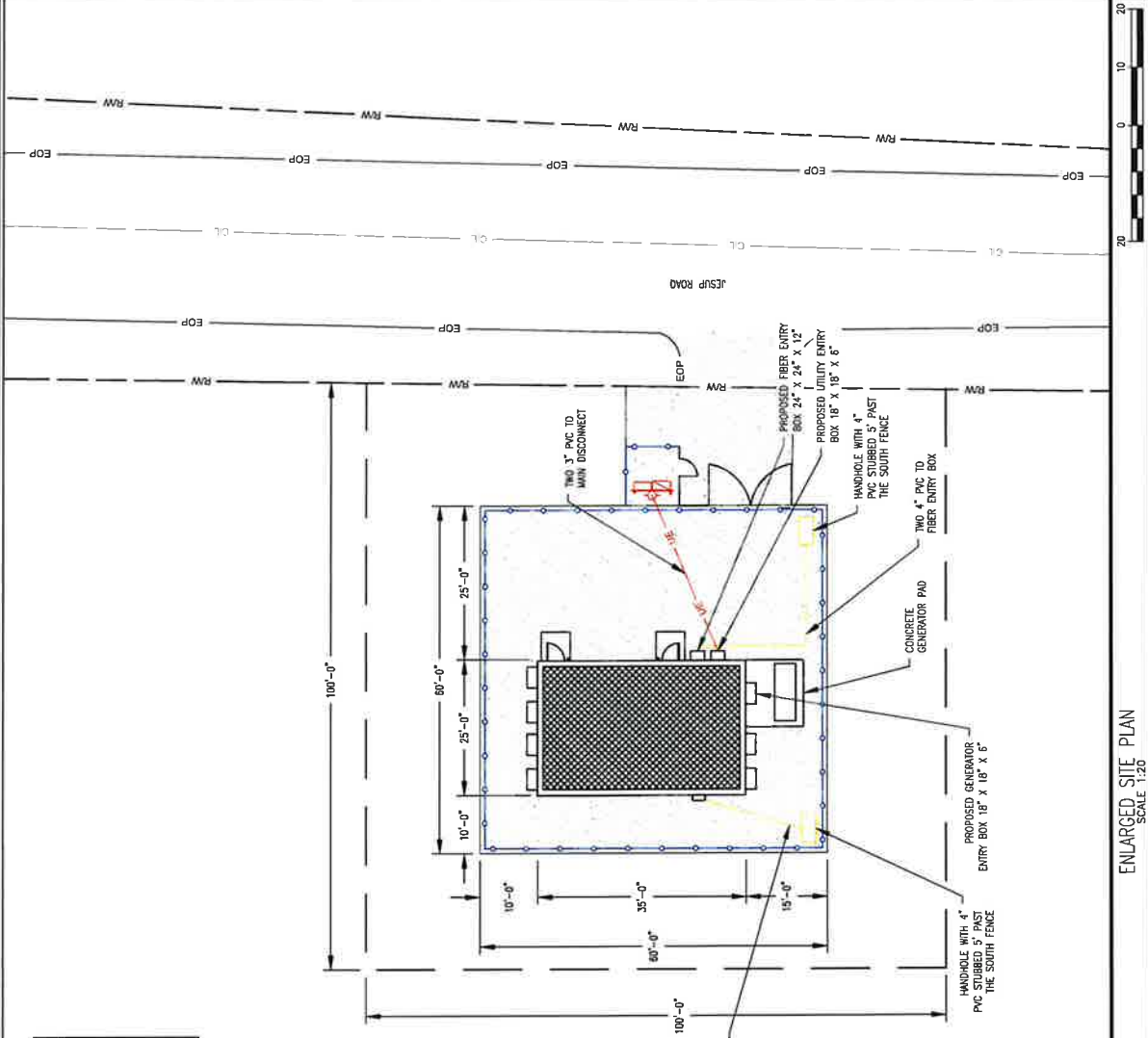
DRAWN: YEH	CHECKED: NWM	APPROVED: RJR
SHEET NO.: C102	REV: B	

LEGEND

- EXISTING OVERHEAD ELECTRIC LINE
- NEW OVERHEAD FIBER CABLE
- NEW UNDERGROUND ELECTRIC
- NEW CHANNEL FENCE
- EXISTING UNDERGROUND TELEPHONE

- EXISTING UTILITY POLE
- SITE BENCHMARK
- NEW GRAVE DRIVE
- EXISTING GRAVE DRIVE

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



ENLARGED SITE PLAN
SCALE 1:20

ATTACHMENT C.
CEQA RESOLUTION AND MM&RP

RESOLUTION NO. 2024-0000 CEQA

A RESOLUTION OF THE PLANNING COMMISSION FOR THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING THE “MITIGATED NEGATIVE DECLARATION” (INITIAL STUDY #24-0024) FOR CONDITIONAL USE PERMIT #24-0015 FOR ZAYO GROUP, LLC.

WHEREAS, on September 13, 2024, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for September 26, 2024; and,

WHEREAS, a Negative Declaration and CEQA Findings were prepared in accordance with the requirements of the California Environmental Quality Act, State Guidelines, and the County’s “Rules and Regulations to Implement CEQA, as Amended”; and

WHEREAS, on September 26, 2024, the Environmental Evaluation Committee heard the project and recommended the Planning Commission of the County of Imperial to adopt the Mitigated Negative Declaration for Conditional Use Permit (CUP) #24-0015; and

WHEREAS, the Negative Declaration was circulated for 20+ days from October 1, 2024, to October 21, 2024; and,

WHEREAS, on October 21, 2024, a comment letter from the California Department of Fish and Wildlife was received recommending mitigation measures; and,

WHEREAS, the **Mitigated Negative Declaration** was circulated for 35 days from October 29, 2024, to December 3, 2024; and,

WHEREAS, the Planning Commission of the County of Imperial has been designated with the responsibility of making recommendation for adoptions and certifications; and

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

The Planning Commission has reviewed the Mitigated Negative Declaration (MND) prior to approval of Conditional Use Permit (CUP) #24-0015. The Planning Commission finds and determines that the Mitigated Negative Declaration is adequate and was prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein are true, correct and valid; and
2. That the Planning Commission has reviewed the Mitigated Negative Declaration (MND) for Conditional Use Permit (CUP) #24-0015, and considered the information contained in the Mitigated Negative Declaration together with all comments received during the public review period and prior to approving the Conditional Use Permit (CUP) #24-0015; and,

3. That the Mitigated Negative Declaration reflects the Planning Commission independent judgment and analysis.

NOW, THEREFORE, the County of Imperial Planning Commission **DOES HEREBY ADOPT** the Mitigated Negative Declaration for Conditional Use Permit (CUP) #24-0015.

**Rudy Schaffner, Chairperson
Imperial County Planning Commission**

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on **December 11, 2024**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

**Jim Minnick, Director of Planning & Development Services
Secretary to the Imperial County Planning Commission**

MITIGATION, MONITORING AND REPORTING PROGRAM

**MITIGATION MEASURES
PURSUANT TO THE ENVIRONMENTAL EVALUATION COMMITTEE**

December 11, 2024

**Zayo Group, LLC
[CUP #24-0015]**

(APN 051-120-074-000)

(CEQA – Mitigated Negative Declaration)

MITIGATION MEASURE 1 BIOLOGICAL (a)¹

MM BIO-[A]: Assessment of Biological Resources

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

(Monitoring Agency: Imperial County Planning & Development Services Department; Timing: Prior to Project construction activities.)

BIO-[B]: Nesting Birds

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

¹ E & F - California Department of Fish and Wild MND comment letter dated: October 21, 2024

(Monitoring Agency: Imperial County Planning & Development Services Department; Timing: No more than 3 days prior to vegetation clearing or ground-disturbing activities.)

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

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. If Project activities, including burrow exclusion and closure, could result in take of burrowing owl, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

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

(Monitoring Agency: Imperial County Planning & Development Services Department; Timing: Focused surveys: Prior to the start of Project-related activities Preconstruction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance.)

MM BIO-[D]: Artificial Nighttime Light

During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest

extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

(Monitoring Agency: Imperial County Planning & Development Services Department; Timing: During project construction and operation.)

MM BIO-[E]: Construction Noise

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

(Monitoring Agency: Imperial County Planning & Development Services Department; Timing: During all project construction.)

ATTACHMENT D.
PC RESOLUTION

RESOLUTION NO. 2024-0000

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT #24-0015 (ZAYO GROUP, LLC.) FOR AN UNMANNED FIBER HUT PROJECT

WHEREAS, Zayo, Group LLC. has submitted an application for Conditional Use Permit #24-0015 for the construction and operation of an unmanned fiber hut; and,

WHEREAS, a Mitigated Negative Declaration and Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County's "Rules and Regulations to Implement CEQA, as Amended"; and,

WHEREAS, on October 21, 2024, a comment letter from the California Department of Fish and Wildlife was received recommending mitigation measures; and,

WHEREAS, the revised **Mitigated Negative Declaration** was circulated for 35 days from October 29, 2024, to December 3, 2024; and,

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of adoptions and certifications; and,

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on December 11, 2024; and,

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered Conditional Use Permit #24-0015 and Conditions of Approval prior to approval; the Planning Commission finds and determines that the Conditional Use Permit and Conditions of Approval are adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance, and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning Law and the County of Imperial, the following findings for the approval of Conditional Use Permit #24-0015 have been made:

A. The proposed use is consistent with the goals and policies of the adopted County General Plan.

The subject property is designated as "Agriculture" according to per Imperial County's General Plan Land Use Element, by the Imperial County Land Use Ordinance. The proposed project is, therefore, consistent with the County General Plan and Land Use Ordinance, Division 2, Section 90203.01

“Conditional Use Permit” which authorizes Conditional Use Permit when approved by the County. The proposed project is for the construction of a new unmanned fiber optic hut and is a conditionally permitted use pursuant to County’s Land Use Ordinance (Section 92404.01).

B. The proposed use is consistent with the purpose of the zone or sub-zone which the use will be used.

The Project could be found consistent with the purpose of the zone it is located within. The proposed unmanned fiber hut will house servers and ancillary equipment as identified in the project application. Division 24 of the Imperial County Land Use Ordinance regulates communication facilities. The proposed use could be considered a compatible use with a Conditional Use Permit pursuant to the Communication ordinance (Land Use Ordinance, Section 92404.01).

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.10.

The proposed unmanned fiber hut use is consistent with the definition of Land Use Ordinance, Section 92401.00 with an approved Conditional Use Permit.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulations of the County of Imperial and the State of California.

The Conditions of Approval will ensure that the project complies with all applicable regulations of the County of Imperial and State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The project area is designated “Agriculture” by the Imperial County General Plan. To the west of the proposed project the zoning is designated A-2 (General Agriculture Zone). The parcels located to the east, south and north of the project are zoned A-2 (General Agriculture Zone). There are no residential land uses nearby. The proposed unmanned fiber optic hut will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

F. The proposed use does not violate any other law or ordinance.

The proposed project is conditioned to be consistent with Title 9, Codified Land Use Ordinance of the County of Imperial and CEQA. The proposed project will be subject to Conditional Use Permit #24-0015 and current Federal, State, and Local regulations.

G. The proposed use is not granting a special privilege.

The proposed use of the proposed unmanned fiber hut is a permitted use subject to the conditions of approval of CUP #24-0015 (Land Use Ordinance, Section 92401.00) and will not grant any special privileges.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Conditional Use Permit #24-0015 subject to the attached Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on **December 11, 2024**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim Minnick,
Director of Planning & Development Services
Secretary to the Planning Commission

ATTACHMENT E.
CUP#24-0015 AGREEMENT

Recorded Requested by and
When Recorded Return To:

Imperial County Planning & Development
Services Department
801 Main Street
El Centro, California 92243

**AGREEMENT FOR CONDITIONAL USE PERMIT #24-0015
FOR
ZAYO GROUP, LLC
UNMANNED FIBER OPTIC HUT
Planning Commission Approved Conditions (MM/DD/YY)
Effective Date (MM/DD/YY)**

Conditional Use Permit #24-0015 was approved by the Imperial County ☐ Planning
Commission ☐ Board of Supervisors and has the Effective Date of (Month Day, Year).

This Conditional Use Permit is by and between Zayo Group, LLC. - (hereinafter referred to
as "Permittee"), and the COUNTY OF IMPERIAL, a political subdivision of the State of
California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest in certain land in
Imperial County located at 1941 Jessup Rd., Imperial, CA 92251, PAR 3 PM 1812 OF
LOTS 3 4 & 6 SEC 10 16-12, 46.08 ACRES in an unincorporated area of the County of
Imperial. The Assessor's Parcel Number is 051-120-074-000; and,

WHEREAS, Permittee has applied to the County to construct an unmanned fiber
optic hut regeneration facility, prefabricated structure, emergency stand-by generator; and,

WHEREAS, the County, after a noticed public hearing, agreed to issue
Conditional Use Permit #24-0015 to Permittee, and/or his or her successor in interest
subject to the following conditions:

GENERAL CONDITIONS:

G-1 GENERAL LAWS:

The Permittee shall obtain, comply with and maintain all applicable County, State, and federal laws, rules, regulations, ordinances, and/or standards as they may pertain to this project whether specified herein or not.

G-2 EFFECTIVE DATE:

The Approved Conditional Use Permit shall not become effective until all of the following occurs: (a.) The passage of ten (10) Calendar days after the decision of Planning Director or Commission; and, (b.) the applicable Conditional Use Permit conditions have been met; and, (c.) the Conditional Use Permit is recorded by the Permittee or its agent with the County Recorder, with the payment of recording fees by applicant or its agent; and, (d.) In the case of a decision by the Board of Supervisors there is no 10-day appeal.

G-3 RECORDATION:

CUP #24-0015 shall as set forth in General Condition "G-2", **not be effective** until it complies with General Condition "G-2," including being recorded by Permittee or its agent at the Imperial County Recorder's Office conditioned on there not being an appeal having been filed after the approval from the hearing body. Payment of the recordation fee shall be the responsibility of the Permittee. If this CUP is not recorded within one hundred eighty (180) days from the date of approval the CUP shall be deemed null and void, without notice having to be provided to Permittee. The permittee may submit a written request for a recordation extension for this CUP by filing such a request with the Planning Director at least sixty (60) days prior to the one hundred eighty 180-day expiration. The Director may approve one (1) extension for a period not to exceed one hundred eighty (180) days. An extension may not be granted if the request for an extension is filed after the expiration date. Failure to record this CUP within one (1) year including the granted extension period shall deem this CUP null and void.

G-4 COMMENCEMENT OF WORK:

If the project for which a CUP has been approved has not commenced, or permits for said project have not been issued, within one (1) year from effective date, the CUP shall be null and void. If an applicant cannot initiate or obtain permits for the approved use during the one (1) year, the applicant may request a one (1) year extension from the Department. The request for an extension shall be in writing and be submitted with explanation to the Planning & Development Services Department at least sixty days prior to the end of the extended one (1) year period. The Director shall have the authority to extend the initial start-up period, or commencement of

work, of a CUP up to two (2) times for a maximum of two (2) years. Should the Permittee desire to continue with the project, a new application shall be submitted, and the entire process would have to begin anew.

G-5 TIME LIMIT:

Unless otherwise specified within the project specific conditions this project shall be limited to a maximum of (10) ten years from the recordation date of the CUP. The Conditional Use Permit may be extended for a single (5) five-year period by the Imperial County Planning & Development Services Director. The CUP may be revoked, or the extension may not be granted if the project is in violation of any all of the conditions or if there is a history of non-compliance with the project conditions.

G-6 ABANDONMENT:

If a CUP has been unused, abandoned, discontinued, or ceased for one (1) year, the CUP shall be null and void, and be of no effect. Notice to applicant/permittee under this division will not be required or provided by the Department.

G-7 PERMIT/LICENSE:

Permittee shall obtain and comply with any and all required permits, licenses, and/or approvals, for the construction and/or operation of this project. This shall include, but shall NOT be limited to, permits from the County Division of Environmental Health Services (EHS), Planning & Development Services Department, Office of Emergency Services (OES), Imperial County Air Pollution Control District (ICAPCD) and Public Works Department. The permittee shall likewise comply with all such permit requirements for the life of the project. **Additionally, the Permittee shall submit a copy of such additional permit(s) and/or license(s) to the Planning & Development Services Department within 60-days of receipt, including amendments or alternatives thereto.**

G-8 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:

Permittee acceptance of this CUP shall be deemed to constitute agreement with the terms and conditions contained herein. Where a requirement is imposed in this CUP that Permittee conduct a monitoring program, and where the County has reserved the right to impose or modify conditions with which the Permittee must comply based on data obtained therefrom, or where the Permittee is required to prepare specific plans for County approval and disagreement arises, the Permittee, operator and/or agent, the Planning and Development Services Director or other affected party, to be determined by the Planning and Development Services Director, may request that a hearing be conducted before the Imperial County Planning Commission whereby they may state the requirements which will implement the applicable conditions as intended herein. Upon receipt of a request, the Planning

Commission shall conduct a hearing and make a written determination. The Planning Commission may request support and advice from a technical advisory committee. Failure to take any action shall constitute endorsement of the staff's determination with respect to implementation.

G-9 CONDITION PRIORITY:

This project shall be constructed/operated as described in the CUP application, the environmental documents, the project description, and as specified in these conditions. Where a conflict occurs, the CUP conditions shall govern.

G-10 INDEMNIFICATION:

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

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

G-11 INSURANCE:

The Permittee shall take out and maintain workers compensation insurance as required by the State of California. The Permittee shall also secure liability insurance and such other insurance as required by state and/or federal law. A Certificate of Insurance is to be provided to the Planning and Development Services Department by the insurance carrier and said insurance and certificate shall be kept current for the life of the project. Certificates of Insurance shall be sent directly to the Planning and Development Services Department by the insurance carrier and shall name the Department as a recipient of both renewal and cancellation notices.

G-12 RIGHT OF ENTRY:

The County reserves the right to enter the premises at any time, announced or unannounced, in order to make the appropriate inspection(s) and to determine if the condition(s) of this CUP are complied with. Access by authorized enforcement agency personnel shall not be denied.

G-13 SEVERABILITY:

Should any condition(s) of this CUP be determined by a Court or other agency with proper jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining provision(s) of this CUP.

G-14 PROVISION TO RUN WITH LAND:

The provisions of this CUP are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest; assignee(s) and/or transferee(s) of said CUP. **The permittee shall not without prior notification to the Planning & Development Services Department assign, sell, or transfer, or grant control of CUP or any right or privilege therein.** The Permittee shall provide a minimum of 60 days written notice prior to such proposed transfer becoming effective. The permitted use identified herein is limited for use upon this parcel described herein and may not be transferred to another parcel.

G-15 COMPLIANCE/REVOCATION:

Upon the determination by the Planning & Development Services Department that the project is or may not be in full compliance with any one or all of the conditions of this CUP, or upon the finding that the project is creating a nuisance as defined by law, the issue shall be brought immediately to the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy.

G-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):

Should the Permittee violate any condition herein, the County shall give written notice of such violation and actions required of Permittee to correct such violation. If the Permittee does not act to correct the identified violation within forty-five (45) days after written notice, County may revoke the CUP. If Permittee pursues correction of such violation with reasonable diligence, the County may extend the cure period. Upon such revocation, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with the Project.

G-17 COSTS:

Permittee shall pay any and all amounts determined by the County to defray any and all cost(s) for the review of reports, field investigations, monitoring, and other activities directly related to the enforcement/monitoring for compliance of this CUP, County Ordinance or any other applicable law. Any billing against this project, now or in the future, by the Planning & Development Services Department or any County Department for costs incurred as a result of this CUP, shall be billed through the Planning & Development Services Department.

G-18 REPORT(S)

The Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this CUP. The report shall be filed at least fifteen (15) days prior to the anniversary (recording date) of this CUP. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from the Permittee or other users if applicable; however, it shall be the responsibility of the Permittee to assure that the County receives such information in a timely manner.

G-19 RESPONSIBLE AGENT

The Permittee shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A back-up name shall also be provided, and a phone number for twenty-four (24) hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

G-20 WATER AND SEWER:

The Permittee shall provide water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental

Health Services and the Planning & Development Services Department. Permittee shall hook up to a public water system or supplier if and when available.

G-21 DEFINITIONS:

In the event of a dispute, the meaning(s) or the intent of any word(s) phrase(s) and/or conditions or sections herein shall be determined by the Planning Commission of the County of Imperial. Their determination shall be final unless an appeal is made to the Board of Supervisors ten (10) days from the date of their decision.

G-22 SPECIFICITY:

The issuance of this CUP does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown in the application/project description/ CUP, nor shall this CUP allow any accessory or ancillary use not specified herein. This CUP does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project.

G-23 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within forty-five (45) days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

G-24 CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this CUP as if said successor was the original Permittee. The current Permittee shall inform the County Planning & Development Services Department in writing at least sixty (60) days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all.

G-25 PERMITS OF OTHER AGENCIES INCORPORATED:

Permits granted by other governmental agencies in connection with the Project are incorporated herein by reference. The County reserves the right to apply conditions of those permits, as the County deems appropriate; provided, however, that enforcement of a permit granted by another governmental agency shall require concurrence by the respective agency. The permittee shall provide the County, upon request, copies and amendments of all such permits.

G-26 MINOR AMENDMENTS:

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Permittee, provided it does not result in additional environmental impacts and/or are generally procedural or technical and/or which may be necessary to comply with other government permit compliance requirements.

(TOTAL "G" CONDITIONS are 26)

This space intentionally left blank.

PROJECT SPECIFIC CONDITIONS:**S-1 PROJECT DESCRIPTION:**

This permit authorizes the Permittee to construct an unmanned fiber optic hut regeneration facility, which will house servers and ancillary equipment. The addition will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35 feet by 23 feet and a height of 11 feet, 11 inches and an emergency stand-by generator. The proposed project timeline to complete is from approximately six (6) to seven (7) weeks. The proposed unmanned fiber hut will consist of civil grading/approach, concrete foundation, and installation of a precast building and generator pad with generator. The site construction and electrical will approximately two (2) to three (3) weeks to complete and one week for the fiber installation.

S-2 NO TRESPASSING SIGNS:

Permittee shall post the site for "No Trespassing" at least every side along the active perimeter of the site.

S-3 ACCESS TO SITE:

Access to the site shall be from Jessup Road.

S-4 LIGHT & GLARE:

The Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and directed to on-site areas only to minimize off-site impacts due to unacceptable levels of light or glare.

S-5 FENCING:

Security fencing shall be required to conform to Imperial County Land Use Ordinance requirements.

S-6 HOURS OF OPERATION:

Permittee shall be allowed to operate the site 24 hours per day, seven days per week.

S-7 ENFORCEMENT ACTION:

County officials responsible for monitoring and enforcing the provisions of this permit shall issue a notice requiring abatement of a violation of its terms within a reasonable time as set by ordinance or County policy. As an example, responsible County officials may issue a citation and/or cease-and-desist order for repeated

violations until such violations are debated. Under specific violations, County may order the facility to cease operation until it can or will be operated in full compliance.

In the event there is enforcement action taken by the County it shall at all times be against the permittee, even if the violation is caused by another party using the facility. It shall be the responsibility of Permittee to assure that the facility is operated in compliance with all terms and conditions of the CUP.

S-8 LATEST CODES GOVERN:

All on-site structure shall be designed and built to comply with the latest edition of the applicable codes.

S-9 PUBLIC WORKS:

- A. Developer (Permittee) shall furnish a Drainage and Grading Plan to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to offsite properties. Said plan shall be completed per the Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County. The Drainage and Grading Plan shall be submitted to the Imperial County Department of Public Works (ICDPW) for review and approval. The developer shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
- B. An encroachment permit shall be secured from this department for any construction and/or construction related activities within County right-of-way. Activities to be covered under an encroachment permit shall include the installation of, but not be limited to, stabilized construction entrances, driveways, road improvements, temporary traffic control devices, etc.
- C. Prior to the issuance of grading and building permits, a stabilized construction entrance shall be installed under an encroachment permit from this department.
- D. The developer shall repair any damage caused to County Roads during construction and maintain such roads in safe conditions as determined by the Imperial County Road Commissioner. Said road repairs shall be completed under an encroachment permit form this department.
- E. All permanent structures abutting public roads shall be located outside County right-of-way, public utility easements, and drainage easements.
- F. All on-site traffic areas shall be hard surfaced to provide all weather access for emergency vehicles. The surfacing shall meet the Department of Public Works and Fire/Office of Emergency Services (EOS) standards as well as those of the Air Pollution Control District (APCD).

S-10 AIR POLLUTION CONTROL DISTRICT:

A. The Permittee will comply with all Air District rules and regulations and would emphasize Regulation VIII – Fugitive Dust Rules.

B. The Permittee shall contact the Air District to obtain required Air Permits.

S-11 IMPERIAL COUNTY FIRE DEPARTMENT:

A. Fire Department access roads shall be installed and maintained in accordance with the California Fire Code. Roadways within the project will be provided with all-weather surface and capable of supporting imposed loads of fire apparatus. Secondary access will be required for the project. Roadway width will be determined upon further review of the site plan. Knox box (locks) will be required for the project. All locks and gates shall be installed in accordance with the California Fire Code.

B. Secondary access shall be required and shall be kept clear of vehicle congestion and other factors that could limit access.

C. Compliance with all required sections of the fire code.

S-12 IMPERIAL IRRIGATION DISTRICT:

A. The applicant has already submitted a formal application to the district for the project's electrical service requirement. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.

B. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.

C. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.

D. The applicant will be required to provide and bear all costs associated with acquisition of rights of way, easements, and infrastructure relocations deemed .

necessary to accommodate street or road improvements imposed by the municipality or County.

E. The applicant will be required to provide rights of ways and easements for any proposed power line extensions and/or any other infrastructure needed to serve the project as well as the necessary access to allow for continued operation and maintenance of any IID facilities located on adjoining properties.

S-13 RESTORATION SURETY:

(a) Upon the expiration of this CUP, Permittee shall restore the site upon which the project is located back to its undeveloped condition. To ensure that such restoration is completed, Permittee shall provide surety bond that is in conformance with the County's Financial Assurance Guideline, is acceptable to the Office of County Counsel, and in an amount not less than \$25,000. Said surety shall cover Permittee, as well as any co-locators, users, or other subleases located at the site.

(b) The amount of surety may be administratively increased by the Planning Department or the Planning Commission, upon a finding that the characteristic of the site warrants additional security. The surety shall be filed with the County within six (6) months of the approval of this CUP and shall guarantee restoration of the land to its undeveloped condition prior to the issuance of any building or grading permit, whichever comes first.

(c) The surety shall remain in effect until the project has been completely removed, and the site has been fully restored to its undeveloped condition. In the event there is a history of noncompliance with the conditions of this CUP, or any other applicable federal, State or local law, regulation, rule, policy or procedure, the minimum amount of required surety may be administratively increased by the Planning Department or Planning Commission to \$35,000.

S-14 TOWER EMERGENCY INFORMATION:

Permittee shall file with the Imperial County Planning & Development Services Department a tower Site Information Sheet. The permittee shall update this information yearly.

S-15 FREQUENCY COORDINATION:

The operation of the project shall not cause interference with transmission or reception of signals or other communications facilities. Failure to comply with this condition shall result in suspension or revocation of the Conditional Use Permit.

S-16 MITIGATION, MONITORING AND REPORTING PROGRAM:**MM BIO-[A]: Assessment of Biological Resources**

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

BIO-[B]: Nesting Birds

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

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

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing

owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. If Project activities, including burrow exclusion and closure, could result in take of burrowing owl, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

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

MM BIO-[D]: Artificial Nighttime Light

During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent

possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

MM BIO-[E]: Construction Noise

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

(TOTAL "S" CONDITIONS are 16)

NOW THEREFORE, County hereby issues Conditional Use Permit #24-0015 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE:

Mike Mounphiphak

By: _____
Mike Mounphiphak

Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA:

By: _____
JAMES MINNICK, Director
Planning & Development Services Department

Date

FOR PERMITTEE NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____ } S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

Dated _____

FOR COUNTY NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF IMPERIAL} S.S.

On _____ before me, _____ a
Notary Public in and for said County and State, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could
prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

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**ATTACHMENT F.
COMMENT LETTERS**



COUNTY OF
IMPERIAL

DEPARTMENT OF
PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (442) 265-1818
Fax: (442) 265-1858

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Public Works works for the Public

September 3, 2024

Mr. Jim Minnick, Director
Planning & Development Services Department
801 Main Street
El Centro, CA 92243

Attention: Luis Valenzuela, Planner II

SUBJECT: CUP 24-0015 Zayo Group, LLC
Located on 2149 W Evan Hewes Highway, Seeley, CA
APN 051-120-074

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on July 8, 2024, for the above-mentioned project. The applicant is proposing an unmanned fiber optic hut which will house servers and ancillary equipment. The addition will comprise of a prefabricated structure which will be located along Jessup Road.

Department staff has reviewed the package information, and the following comments shall be Conditions of Approval:

1. Applicant shall furnish a Drainage and Grading Plan to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. Said plan shall be completed per the Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County. The Drainage and Grading Plan shall be submitted to this department for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included.
2. An encroachment permit shall be secured from this department for any construction and/or construction related activities within County Right-of-Way. Activities to be covered under an encroachment permit shall include the installation of, but not be limited to, stabilized construction entrances, driveways, road improvements, temporary traffic control devices, etc.
3. Prior to the issuance of grading and building permits, a stabilized construction entrance shall be installed under an encroachment permit from this department.
4. The Developer shall repair any damage caused to County Roads during construction and maintain such roads in safe conditions as determined by the Imperial County Road commissioner. Said road repairs shall be completed under an encroachment permit from this department.
5. All permanent structures abutting public roads shall be located outside County right-of-way, public utility easements, and drainage easements.

6. All on-site traffic areas shall be hard surfaced to provide all weather access for emergency vehicles. The surfacing shall meet the Department of Public Works and Fire/Office of Emergency Services (EOS) Standards as well as those of the Air Pollution Control District (APCD)

INFORMATIVE

- All solid and hazardous waste shall be disposed of in approved solid waste disposal sites in accordance with existing County, State and Federal regulations (Per Imperial County Code of Ordinances, Chapter 8.72).
- The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior county approval of onsite grading plan (40 CFR 122.28).
- A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and large vehicles which impose greater than legal loads and/or dimensions on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

John A. Gay, PE
Director of Public Works

By:



Veronica Atondo, PE, PLS
Deputy Director of Public Works - Engineering



Jim Minnick
DIRECTOR

Imperial County Planning & Development Services Planning / Building

July 09, 2024
REQUEST FOR REVIEW
AND COMMENTS

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

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

From: Luis Valenzuela Planner II - (442) 265-1736 or luisvalenzuela@co.imperial.ca.us

Project ID: CUP24-0015 APN 051-120-074

Project Location: 1941 Jessup Rd, Imperial CA 92251

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

Applicants: Zayo Group, LLC

Comments due by: **July 24th, 2024 at 5:00PM**

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

Name: Antonio Venegas Signature:  Title: Agricultural Biologist/Standards Specialist IV

Date: 07/19/2024 Telephone No.: (442) 265-1500 E-mail: antoniovenegas@co.imperial.ca.us

LV/KMS:\AllUsers\APN\051\120\074\CUP24-0015 IS24-0024\COMMENT LETTERS\Request for Comments 07 08 24.docx

AIR POLLUTION CONTROL DISTRICT



RECEIVED

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

July 22, 2024

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

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

Dear Mr. Minnick,

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

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

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

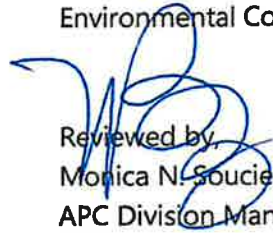
Finally, the Air District requests a copy of the draft CUP prior to recording for review.

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

Respectfully,

A handwritten signature in blue ink, appearing to read "Ismael Garcia", written over the printed name.

Ismael Garcia
Environmental Coordinator

A handwritten signature in blue ink, appearing to read "Monica N. Soucier", written over the printed name.

Reviewed by,
Monica N. Soucier
APC Division Manager



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



RECEIVED

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

October 21, 2024
Sent via e-mail

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

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

Dear Luis Valenzuela:

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

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

CDFW ROLE

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Zayo Group LLC

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

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

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

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

COMMENTS AND RECOMMENDATIONS

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

I. Project Description and Related Impact Shortcoming

COMMENT #1: Timing of Construction, and Construction Activities

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

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

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

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

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

II. Environmental Setting and Related Impact Shortcoming

COMMENT #2: Assessment of Biological Resources

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

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

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

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

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

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

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

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

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

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

III. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #3: Nesting Birds

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

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

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

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

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

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

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

MM BIO-[B]: Nesting Birds

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

COMMENT #4: Burrowing Owl

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

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

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

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

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

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

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

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

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

Luis Valenzuela, Planner II
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Page 7

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

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

COMMENT #5: Artificial Nighttime Light

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

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

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

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

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Imperial County Planning and Development Services
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disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

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

MM BIO-[D]: Artificial Nighttime Light

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

COMMENT #6: Construction Noise

Section #XIII, Page #21

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

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

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

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

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

MM BIO-[E]: Construction Noise

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

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES


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

CONCLUSION

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

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

Sincerely,

DocuSigned by:

84F92FFEEFD24C8...
Kim Freeburn

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

Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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

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

REFERENCES

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

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

Luis Valenzuela, Planner II
Imperial County Planning and Development Services
October 21, 2024
Page 11

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

Luis Valenzuela, Planner II
 Imperial County Planning and Development Services
 October 21, 2024
 Page 12

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



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July 9, 2024

RECEIVED

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

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

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

Dear Mr. Valenzuela:

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

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

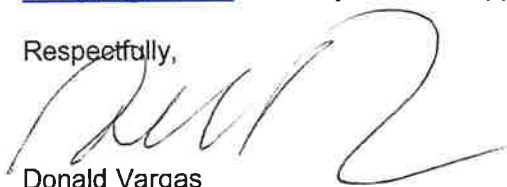
1. The applicant has already submitted a formal application to the district for the project's electrical service requirement. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Electrical capacity is limited in the project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

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

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

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

Respectfully,



Donald Vargas
Compliance Administrator II

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



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October 29, 2024

RECEIVED

By Imperial County Planning & Development Services at 4:09 pm, Nov 01, 2024

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

SUBJECT: NOI for the Preparation of an MND for Zayo Group Telecom Project; CUP #24-0015

Dear Mr. Valenzuela:

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

The IID has reviewed the Initial/MND and found that the comments provided in the October 1, 2024 district letter on the IS/Negative Declaration (see attached) continue to apply.

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

Respectfully,

Donald Vargas
Compliance Administrator II

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



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October 1, 2024

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

SUBJECT: NOI for the Preparation of an ND for Zayo Group Telecom Project; CUP #24-0015

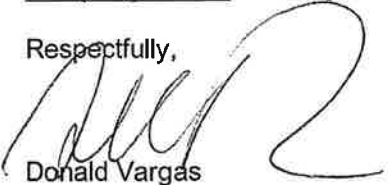
Dear Mr. Valenzuela:

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

The IID has reviewed the IS/ND and found that the comments provided in the July 9, 2024 district letter (see attached) continue to apply.

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

Respectfully,


Donald Vargas
Compliance Administrator II

Jamie Asbury – General Manager
Mike Pacheco – Manager, Water Dept.
Matthew H Smelser – Manager, Power Dept.
Paul Rodriguez – Deputy Mgr. Power Dept.
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Since 1911

July 9, 2024

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

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

Dear Mr. Valenzuela:

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

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

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

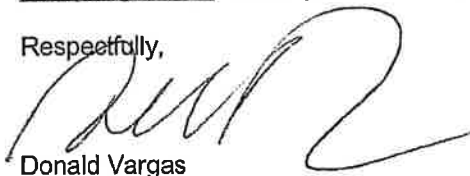
Luis Valenzuela
July 9, 2024
Page 2

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

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

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

Respectfully,



Donald Vargas
Compliance Administrator II

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

AIR POLLUTION CONTROL DISTRICT



October 21, 2024

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

RECEIVED

By Imperial County Planning & Development Services at 9:30 am, Oct 22, 2024

SUBJECT: Notice of Intent for a Mitigated Negative Declaration for Conditional Use Permit
24-0015 – Zayo Group LLC

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) would like to thank you for the opportunity to review and comment on the Notice of Intent (NOI) for a Mitigated Negative Declaration (MND) for Conditional Use Permit (CUP) 24-0015 (Project). The project proposes an unmanned fiber hut to house servers and ancillary equipment and will include a stand-by generator. The project is located at 1941 Jessup Rd also identified with Assessor's Parcel Number 051-120-074.

The Air District provided comments for the project previously in a letter dated July 22, 2024, and will reiterate its previous comments. The use of the stand-by generator by the project will require the applicant submit an application for engineering review of the project to determine its permitting requirements. The project and all future developments must comply with all Air District Rules & Regulations including Regulation VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20 % visual opacity. Finally, the Air District requests a copy of the draft CUP for review.

For your convenience, all Air District rules and regulations can be accessed online at <https://apcd.imperialcounty.org/rules-and-regulations> and engineering application can be found at <https://apcd.imperialcounty.org/engineering/>. Should you have any questions or concerns please feel free to contact the Air District by calling our office at (442) 265-1800.

Respectfully,


Ismael Garcia
Environmental Coordinator

Reviewed electronically by,
Monica Soucier
APC Division Manager

ATTACHMENT G.
EEC ORIGINAL PACKAGE

PROJECT REPORT

**TO: ENVIRONMENTAL EVALUATION
COMMITTEE**

AGENDA DATE: September 26, 2024

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 1:30 PM/ No. 2

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

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

Imperial, CA 92251 PARCEL SIZE: ±46.00 AC.

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

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

GENERAL PLAN FINDINGS ☒ CONSISTENT ☐ INCONSISTENT ☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: _____

☐ APPROVED

☐ DENIED

☐ OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

☐ APPROVED

☐ DENIED

☐ OTHER

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

INITIAL STUDY: #24-0024

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

☒ NONE
☐ NONE
☐ NONE
☒ NONE
☒ NONE

Imperial Irrigation District

☐ ATTACHED
☒ ATTACHED
☒ ATTACHED
☐ ATTACHED
☐ ATTACHED

REQUESTED ACTION:

(See Attached)

Planning & Development Services
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(Jim Minnick, Director)

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EEC ORIGINAL PKG

☒ **NEGATIVE DECLARATION**
☐ **MITIGATED NEGATIVE DECLARATION**

*Initial Study & Environmental Analysis
For:*

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



Prepared By:

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SECTION 1 INTRODUCTION

A. PURPOSE

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

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

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

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

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

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

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

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

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

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

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

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

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

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

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

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

SECTION 1

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

SECTION 2

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

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

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

SECTION 3

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

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

preparation of this Initial Study and Negative Declaration.

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

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

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

E. SCOPE OF ENVIRONMENTAL ANALYSIS

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

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

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

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

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

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

1. Tiered Documents

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

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

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

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

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

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

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

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

2. Incorporation By Reference

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

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

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

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

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

II. Environmental Checklist

1. **Project Title:** Conditional Use Permit (CUP) #24-0015
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Luis Valenzuela, Planner II, (442)265-1736, ext. 1749
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** luisvalenzuela@co.imperial.ca.us
6. **Project location:** 1941 Jessup Rd, Imperial, CA 92251, The property is also known as Assessor's Parcel Number (APN) 051-120-074.
7. **Project sponsor's name and address:** Zayo Group, LLC. 16 Middle Street, 4th floor, Portland, ME 04101
8. **General Plan designation:** Agriculture
9. **Zoning:** A-2 (General Agricultural)
10. **Description of project:** The applicant, Zayo Group LL., is proposing an unmanned fiber hut which will house servers and ancillary equipment. The project is located on Jessup Road, in the County of Imperial, California. The subject property is described as Parcel 3 PM 1812 of Lots 3 4 & 6 Section 10 16-12 46.08AC containing 46.00 acres. The addition will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35' by 23' and a height of 11'11" and an emergency stand-by-generator. The installation of the new hut will house optical fiber in support of telecommunications, telephones signals, internet connection and cable television signals. This is not a traditional wireless telecommunication site, there will be no antennas or radios mounted to the building or any free-standing structure.
11. **Surrounding land uses and setting:** The project is surrounded by parcels zoned as A-2 (General Agricultural) to the North; parcels zoned as A-2 (General Agricultural) to the South; parcels zoned as A-2 (General Agricultural) to the West; and parcels zoned as A-2 (General Agricultural) to the East.
12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.): Planning Commission.

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

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

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

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

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

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

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

EEC VOTES

PUBLIC WORKS
ENVIRONMENTAL HEALTH SVCS
OFFICE EMERGENCY SERVICES
APCD
AG
SHERIFF DEPARTMENT
ICPDS

YES

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

NO

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

ABSENT

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

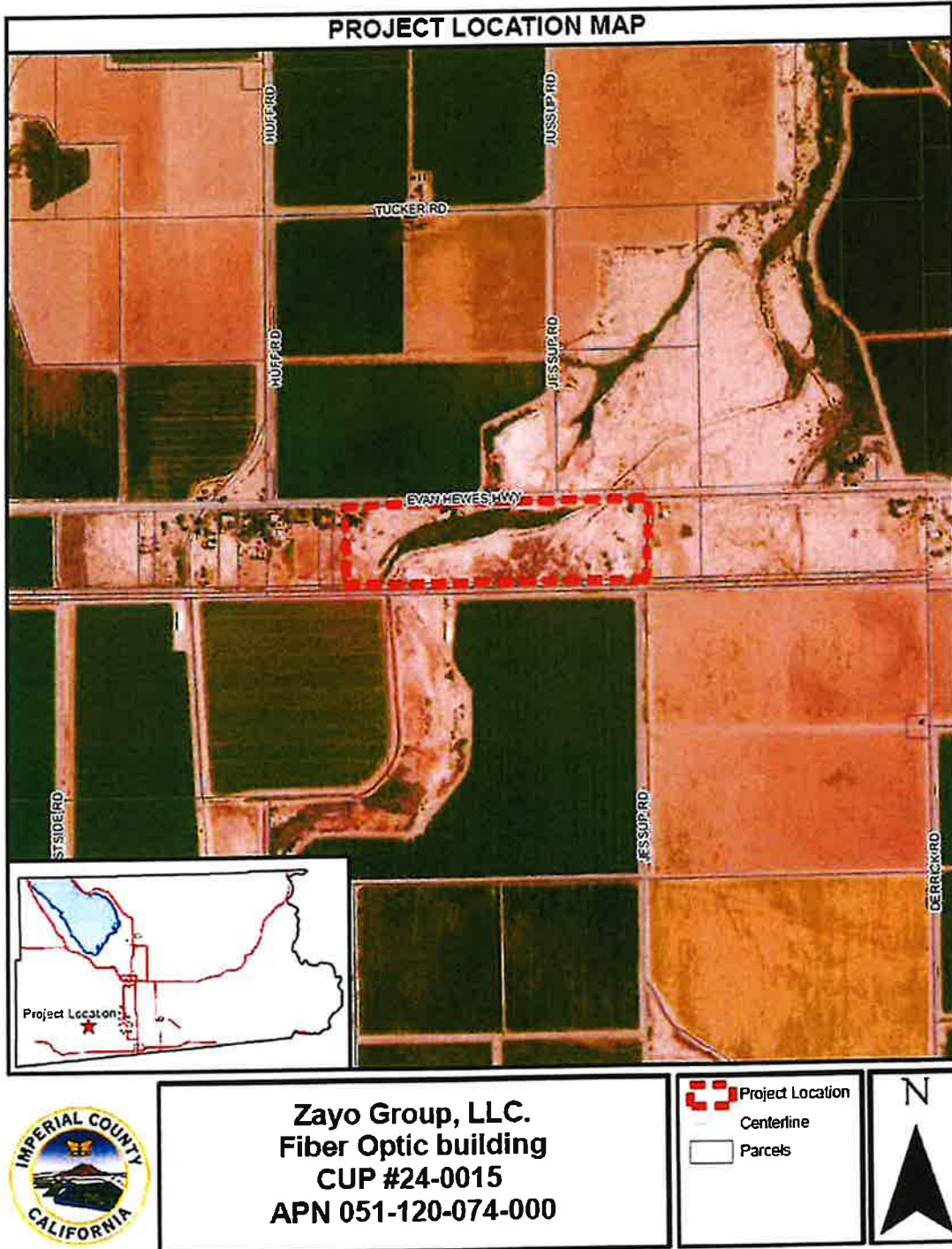

Jim Minnick, Director of Planning/EEC Chairman

Date: 9-26-2024

PROJECT SUMMARY

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

Exhibit "A"
Vicinity Map



[illegible]

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EVALUATION OF ENVIRONMENTAL IMPACTS:

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

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
I. AESTHETICS				
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) The project site is not located near any scenic vista or scenic highway according to the Imperial County General Plan Circulation and Scenic Highway Element¹. No impacts are expected.				
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) As previously stated on section I(a), the proposed project is not located near a scenic vista or state scenic highway; therefore, it will not damage scenic resource including trees, outcroppings, and historical buildings within a state scenic highway. No impacts are expected.				
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) The proposed project is consistent with current zoning and land uses in the surrounding parcels. The site is zoned for agriculture uses and has been previously impacted by those uses. Therefore, a less than significant impact is expected.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) The proposed project is for an unmanned fiber hut which will house servers and ancillary equipment. The unmanned fiber hut will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35' by 23' and a height of 11'11" and an emergency stand-by-generator. However, lighting will be required to be shielded to avoid light spill and glare. It is not expected that a new source of substantial light or glare would adversely affect day or nighttime views in the area; therefore, the impact is considered to be less than significant impact.				

II. AGRICULTURE AND FOREST RESOURCES

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

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) The proposed project site is listed as "Other Land" per the California Farmland Mapping & Monitoring Program: Imperial County Important Farmland 2018 Map². Therefore, the proposed project will not convert any type of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. No impacts are expected. | | | | |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) The County of Imperial has no current active Williamson Act contracts; therefore, the proposed project is not expected to conflict with existing zoning for agricultural use, or a Williamson Act Contract. No impacts are expected. | | | | |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

III AIR QUALITY

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

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

IV. BIOLOGICAL RESOURCES Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				
a) The proposed project site is located within disturbed land. According to the Imperial County General Plan's Conservation and Open Space Element ⁴ , Figure 1 "Sensitive Habitat Map ⁴ ," the project is not located within a sensitive habitat area. Additionally, in accordance to Figure 2 "Sensitive Species Map ⁴ ," the project is located within the Burrowing Owl Species Distribution Model area. Consequently, it does not appear to have a substantially adverse effect, either directly or through habitat modification, or to any species identified as a candidate, sensitive, or of special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife Service. Any future developments on site, the applicant shall contact ICPDS; therefore, any impacts are expected to be less than significant.				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) According to the Imperial County General Plan's Conservation and Open Space Element ⁴ , the project site is not within a sensitive or riparian habitat, or on other sensitive natural community. Additionally, the majority of land will remain as agricultural; therefore, it does not appear to have a substantial effect in local regional plans, policies, and regulations with respect to sensitive natural communities or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Any impacts are expected to be less than significant.				
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) As previously stated on item (IV)(b) above, the proposed project is for an unmanned fiber hut that is not located within a riparian habitat and which will not cause a substantial adverse effect on federal protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Any impacts are expected to be less than significant.				
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) The proposed project site is for the construction of the unmanned fiber hut which will house servers and ancillary equipment. Additionally, as previously stated on item (IV)(b) above, the project site is not located within a Sensitive Habitat; therefore, it would not interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Any impacts are expected to be less than significant.				
e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) The proposed project does not conflict with any local policy or ordinance protecting biological resources, such as tree preservation policies or ordinances. No impacts are expected.				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) The proposed project is for an unmanned fiber hut and is not within a designated sensitive area according to the Imperial County General Plan's Conservation and Open Space Element ⁴ , therefore, it would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Any impacts are expected to be less than significant.				

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

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? ☐ ☐ ☒ ☐
- a) According to the Imperial County General Plan's Conservation and Open Space Element⁴, Figure 5, the project site is not

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

VI. **ENERGY** Would the project:

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

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

- a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving: ☐ ☐ ☒ ☐
- a) The construction of the proposed fiber hut does not appear to conflict with the geology and soil of adjacent parcels in the area. Any development to occur on the parcel, will be subject to compliance with the latest edition of the California Building Code as well as to go through a ministerial building permit review. Therefore, the proposed project would not directly or indirectly cause potential substantial adverse effects regarding impacts to geology and soils. Any expected are expected to be less than significant.
- 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?
- 1) Although the most recent Alquist-Priolo Earthquake Fault Zoning Map⁵ does not include the proposed project site within any Earthquake Fault Zones, and approximately is 13 miles away northwest of Wiener Fault according to the California Fault Activity Map⁷ and the United States Geological Survey's Quaternary Faults Map⁸. However, Imperial County is classified as Seismic Zone D per the Uniform Building Code, which requires that any developments within this zone to incorporate the most stringent earthquake resistant measures. Any development to occur on the parcel, such will be subject to compliance with the latest edition of the California Building Code as well as to go through an administrative building permit review. Adherence and compliance to these standards and regulations would bring any

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Impacts to less than significant levels.				
2) Strong Seismic ground shaking? 2) As previously stated on item (VII)(a)(1) above, the proposed project is located approximately 13 miles away northwest of the Wienert Fault, indicating seismic ground shaking is expected. Adherence to the latest edition of the California Building Code and as well as to going through a ministerial building permit review would bring any impacts to less than significant levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Seismic-related ground failure, including liquefaction and seiche/tsunami? 3) The project site is not located in a seiche/tsunami area per the California Tsunami Data Maps ⁹ . Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Landslides? 4) According to Imperial County General Plan's Seismic and Public Safety Element ¹⁰ , "Landslide Activity Map ^{10a} ," Figure 2, the proposed project is not located within a landslide activity area. The topography within the proposed project site is generally flat; therefore, no impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? b) According to Imperial County General Plan's Seismic and Public Safety Element ¹⁰ , "Erosion Activity Map ^{10a} ," Figure 3, the proposed project is not located within an area of substantial soil erosion. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? c) The proposed project site is not located on a geological unit that would become unstable or collapse as a result of the proposed fiber hut. Any construction to occur on the parcel, such will be subject to compliance with the latest edition of the California Building Code and will require a building permit. Adherence and compliance to these standards and regulations would bring any impacts to less than significant levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property? d) The proposed project is not located on an expansive soil area. However, as previously stated on section (VII)(c), any new developments will require adherence and compliance to the California Building Code, as well as to go through a ministerial building permit review which would bring any impacts to less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? e) The proposed project is for the construction of an unmanned new fiber hut. No septic tanks or other alternative wastewater disposal systems are proposed. Thus, there is no potential for adverse impacts to result from inadequate soils in this regard. Any future construction proposing any septic or alternative wastewater disposal systems shall comply with applicable standards and regulations from the Imperial County Public Health Department, Division of Environmental Health. Adherence and compliance to these standards would bring any impacts to less than significant levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? f) The project site is located on already disturbed land. The proposed project does not appear to directly or indirectly destroy a unique paleontological resource or site of unique geologic feature on site. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VIII. **GREENHOUSE GAS EMISSION** Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
a) The proposed project is located in an already disturbed land; therefore, the action is not expected to generate greenhouse | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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gas emissions, either directly or indirectly, that may have a significant impact on the environment. Adherence and compliance to ACPD's rules and regulations will bring any impacts to less than significant.

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

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

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ☐ ☐ ☐ ☒
- a) The proposed project is not expected to create a significant hazard to the public nor the environment as it does not involve the handling of any hazardous materials. No impacts are expected.
- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ☐ ☐ ☐ ☒
- b) The proposed fiber hut is not expected to create a significant hazard to the public nor environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment as no hazardous materials are anticipated as part of the project. No impacts are expected.
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☐ ☒
- c) The proposed project does not anticipate the emitting of hazardous emissions, or the handling of hazardous or acutely hazardous materials, substances, or waste as previously stated on items (IX)(a) and (IX)(b) above. Additionally, the project site is not located within a ¼ mile of any schools. The nearest school in the area is Seeley Union School, which is approximately 1.5 miles northeast of the proposed project site; therefore, it would not represent a risk to educational facilities. No impacts are expected.
- d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ☐ ☐ ☐ ☒
- d) The proposed project is not located on a site included on a list of hazardous materials sites according to California Department of Toxic Substances Control EnviroStor¹²; therefore, no impacts are expected.
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? ☐ ☐ ☐ ☒
- e) The proposed project is not located within an airport land use plan per Imperial County Airport Land Use Compatibility Maps¹⁴. The nearest airport in the area is the NAF Airport located approximately 3.8 miles northeast of the project site; therefore, it would not result or create a significant hazard or excessive noise for people residing or working in the project area. No impacts are expected.
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☐ ☒
- f) The proposed project would not interfere with an adopted emergency response plan or emergency evacuation plan. The applicant will meet any requirements requested by the Fire/OES Department. No impacts are expected.
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? ☐ ☐ ☒ ☐
- g) According to Cal Fire "Fire Hazard Severity Zones in State Responsibility Areas – Imperial County¹⁵" adopted November

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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7, 2007, the proposed project site is located within an unincorporated Local Responsibility Area. Any construction that occurs on the parcel, may be subject to the inclusion of fire sprinklers and have either a private water or public source as pressurized hydrants for fire suppression. Compliance with ICFD standards would bring any impacts to less than significant levels.

X. HYDROLOGY AND WATER QUALITY *Would the project:*

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? ☐ ☐ ☒ ☐

a) The proposed project is for the construction of a new fiber hut and would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Therefore, any impacts are expected to be less than significant.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? ☐ ☐ ☐ ☒

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

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: ☐ ☐ ☒ ☐

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

- (i) result in substantial erosion or siltation on- or off-site; ☐ ☐ ☒ ☐

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

- (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; ☐ ☐ ☒ ☐

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

- (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or; ☐ ☐ ☒ ☐

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

- (iv) impede or redirect flood flows? ☐ ☐ ☒ ☐

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

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

d) The proposed project is for the construction of a new fiber hut; therefore, impacts related to risk release of pollutants due

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to project inundation are considered to be low. Additionally, as previously stated on item (X)(c)(iv) above, even though the proposed project site is located within "Zone X" of flood map 06025C1700C, compliance with ICPWD's standards would contribute to lessen any impacts to less than significant levels.				
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) The proposed project is for the construction of a new fiber hut, which is not expected to conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. As previously stated on item (X)(c) above, the proposed project would require a grading letter approved by the Imperial County Public Works Department. Any impacts are expected to be less than significant.				

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

- a) Physically divide an established community? ☐ ☐ ☐ ☒
- a) The proposed project is for the construction of a new unmanned fiber hut which will house servers and ancillary equipment. The addition will comprise of a prefabricated structure which will be located along Jessup Road, with a footprint of approximately 35' by 23' and a height of 11'11" and an emergency stand-by-generator, which would not physically divide an established community; therefore, it does not anticipate changing the existing land use designation nor zoning; therefore, no impacts are expected.
- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? ☐ ☐ ☐ ☒
- b) As previously stated on item (XI)(a) above, the proposed project is consistent with the Imperial County General Plan and the County's Land Use Ordinance. The project is not located in or conflicts with habitat conservation or natural community conservations area or plans. The proposed project is located in an A-2 zoned and will not physically divide an established community. Therefore, no impacts are expected.

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

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ☐ ☐ ☐ ☒
- a) The proposed project does not anticipate the removal of mineral resources, and it is not located within the boundaries of an active mine per Imperial County General Plan's Conservation and Open Space Element⁴, "Existing Mineral Resources Map^{4a}" Figure 8. No impacts are expected.
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ☐ ☐ ☐ ☒
- b) The proposed project will not result in the loss of availability of locally-important mineral resources recovery site delineated on a local general plan, specific plan or other land use plan. No impacts are expected.

XIII. **NOISE** Would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ☐ ☐ ☒ ☐
- a) The proposed project is for the construction of a new unmanned fiber hut that would not result in the generation of temporary or permanent noise beyond that which already occurs on the site. However, any construction occurs, such action would be subject to the Imperial County General Plan's Noise Element¹⁸ which states that construction equipment operation shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Friday, and from 9 a.m. to 5 p.m. on Saturday. Additionally, construction noise from a single piece of equipment or combination, shall not exceed 75 dBL_{eq} when averaged over an eight (8) hour period. Compliance with Imperial County General Plan's Noise Element would bring any impacts to less than

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significant.				
b) Generation of excessive groundborne vibration or groundborne noise levels? b) The proposed project is for the construction of a new unmanned fiber hut; it is not expected to generate excessive ground-borne vibration or noise. Therefore, less than significant impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? c) The proposed project site is not located within the vicinity of a private airstrip; therefore, no impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. POPULATION AND HOUSING *Would the project:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?
a) The proposed project would not induce a substantial unplanned population growth in an area, either directly or indirectly. Therefore, no impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?
b) The proposed unmanned fiber hut will not displace substantial numbers of people necessitating the construction or replacement housing elsewhere; no impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XV. PUBLIC SERVICES

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
a) The proposed project is for the construction of a new unmanned fiber hut. Additionally, it is not anticipated that the project would result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios. Any impacts would be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 1) Fire Protection?
1) The proposed unmanned fiber hut is not expected to result in substantial impacts on fire protection. Any construction or development may be subject to fire sprinklers and to have either a private or public source of water for fire suppression purposes such as pressurized hydrants. Compliance with ICFD would bring any impacts to less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Police Protection?
2) The proposed unmanned fiber hut is not expected to result in substantial impacts on police protection. Both the California Highway Patrol and Sheriff's Office have active policing and patrol operations in the area. Any impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Schools?
3) The proposed unmanned fiber hut is not expected to have a substantial impact on schools and would not require additional school services. Any impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
4) The proposed project is not expected to have a substantial impact on parks and would not increase demand/use for local parks. Any impacts are expected to be less than significant.				
5) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would not appear to put an increased burden on off-site public services, including existing fire, police, school and other governmental services. Therefore, no impacts are expected.				

XVI. RECREATION

- a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- a) The proposed project is for the construction of a new unmanned fiber hut. Subsequently, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Any impacts are expected to be less than significant.
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- b) As mentioned above in XVI a); the proposed project is for the construction of a new unmanned fiber hut and would not appear to include an expansion of recreational facilities; therefore, any impact is expected to be less than significant.

XVII. TRANSPORTATION *Would the project:*

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- a) The proposed project is for the construction of a new unmanned fiber hut and is not expected to create a substantial impact on surrounding roads nor conflicting with Imperial County General Plan's Circulation and Scenic Highway Element¹. However, any new impacts would appear to be less than significant.
- b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- b) The proposed project will not conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b) as it is not expected to have a significant transportation impact within transit priority areas with no proposed change on the existing land use. Additionally, the proposed project site is not located within 1/2 mile of either an existing major transit stop or a stop along an existing high quality transit corridor. Less than significant impacts are expected.
- c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- c) The existing agricultural use on the proposed project site is compatible with the Imperial County General Plan Land Use Designation and the site design is not expected to increase hazards. Therefore, any impacts are expected to be less than significant.
- d) Result in inadequate emergency access?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- d) The proposed project would not result in inadequate emergency access. Additionally, no change on existing land use nor zoning are proposed. All on-site traffic areas exist with at least all-weather access for fire protection vehicles. The proposed project will not affect the existing emergency access. Less than significant impacts are expected.

XVIII. TRIBAL CULTURAL RESOURCES

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:				
a) According to the Imperial County General Plan's Conservation and Open Space Element ⁴⁴ , Figure 6, the proposed project site is not located within any known Native American cultural sensitivity area. Additionally, the County has reached out the appropriate tribes with potential interest in the area. On July 9, 2024, AB52 letter was sent to the Quechan Indian Tribes and Campo Band of Mission Indian Tribes for consultation, no comments were received until this date. Therefore, less than significant impacts are expected.				
b)				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or (i) According to the California Historic Resources ¹⁹ in Imperial County, the proposed project site is not listed or seem to be eligible under the Public Resources Code Section 21074 or 5020.1 (k); therefore, any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
0 (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth is subdivsion (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe. (ii) No significant resources listed as defined in the Public Resources Code Section 5024.1 are expected to be impacted by the proposed project. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?
a) The proposed project is for the construction of a new unmanned fiber hut and will create a small number of temporary construction jobs. No wastewater or water services will be needed for the proposed project. Therefore, no impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?
b) As previously stated on section (XIX) (a) there will not be a need for wastewater or water services, therefore, the project would not require or result in the construction of new water of water treatment facilities or expansion of existing facilities; therefore, no impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
c) The proposed project is not expected to result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to provider's existing commitments. Neither water nor wastewater will be part of the project, only water during construction; therefore, no impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
d) The proposed project is for the construction of a new unmanned fiber hut; the project does not propose to increase the generation of solid waste. No impact is expected.				
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) All proposed projects within the County shall contract with a licensed waste hauler for waste generated by the facility. The proposed project shall comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Any impacts are expected to be less than significant.				

XX. WILDFIRE

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

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☒ ☐
- a) As previously stated on item (X)(g) – “Hazards and Hazardous Materials” above, per Cal Fire’s “Fire Hazard Severity Zones in State Responsibility Areas – Imperial County¹⁵” adopted November 7, 2007, the proposed project site is located within an unincorporated Local Responsibility Area (LRA) with the closest Very High Fire Hazard Severity Zone (VHFHZ) located approximately 23.5 miles South, from the Salton Sea, on the Borrego Springs Fire Protection District in the County of San Diego. Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Less than significant impacts are expected.
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? ☐ ☐ ☒ ☐
- b) As previously stated on item (XX)(a) above, the proposed project is not located within a Very High Fire Hazard Severity Zone (VHFHZ); therefore, impacts due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire are expected to be less than significant.
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? ☐ ☐ ☒ ☐
- c) The proposed project is for the construction of a new unmanned fiber hut and does not appear to adversely affect either the existing operations on the property or impact infrastructure. Therefore, a less than significant impacts are expected.
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? ☐ ☐ ☒ ☐
- d) The proposed project site is generally flat and moderately sloped terrain. Additionally, as previously stated on item (XX)(a) above, the proposed project is not located within a Very High Fire Hazard Severity Zone per Cal Fire’s “Fire Hazard Severity Zones in State Responsibility Areas – Imperial County¹⁵”; therefore impacts related to exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes are considered to be less than significant.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors*, (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 856.

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

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Revised 2019 – ICPDS

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

IV. PERSONS AND ORGANIZATIONS CONSULTED

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

A. COUNTY OF IMPERIAL

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

B. OTHER AGENCIES/ORGANIZATIONS

- Imperial Irrigation District
- Quechan Indian Tribe

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

V. REFERENCES

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

VI. NEGATIVE DECLARATION – County of Imperial

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

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

Project Applicant: Zayo Group, LLC.

Project Location: 1941 Jessup Road, Imperial, CA 92251

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

VII. FINDINGS

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

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

☐ The Initial Study identifies potentially significant effects but:

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

A MITIGATED NEGATIVE DECLARATION will be prepared.

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

NOTICE

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

9-26-2024 
Date of Determination Jim Minnick, Director of Planning & Development Services

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


Applicant Signature

9.26.2024
Date

SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

(ATTACH DOCUMENTS, IF ANY, HERE)

\\VIS-1A\Users\APN051120\074\CUP24-0015 IS24-0024\EEC\IS24-0024 Zayo Group.docx

COMMENTS

EEC ORIGINAL PKG

AIR POLLUTION CONTROL DISTRICT



RECEIVED

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

July 22, 2024

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

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

Dear Mr. Minnick,

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

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

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

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

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

CUP 24-0015 – Zayo Group LLC

Page 1 of 2

EEC ORIGINAL PKG

Respectfully,

A handwritten signature in blue ink, appearing to read "Ismael Garcia".

Ismael Garcia

Environmental Coordinator

A handwritten signature in blue ink, appearing to read "Monica N. Soucier".

Reviewed by,

Monica N. Soucier

APC Division Manager



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July 9, 2024

RECEIVED

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

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

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

Dear Mr. Valenzuela:

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

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

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

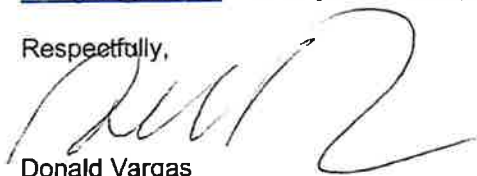
EEC ORIGINAL PKG

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

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

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

Respectfully,



Donald Vargas
Compliance Administrator II

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

EEC ORIGINAL PKG

Luis Valenzuela

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

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

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

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

Good morning Mr. Loper,

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

Thank you.

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



From: Andrew Loper <AndrewLoper@co.imperial.ca.us>
Sent: Thursday, July 11, 2024 10:06 AM
To: Kamika Mitchell <kamikamitchell@co.imperial.ca.us>
Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Luis Valenzuela <luisvalenzuela@co.imperial.ca.us>; Aimee Trujillo <aimeetrujillo@co.imperial.ca.us>; Jenyssa Gutierrez <jenyssagutierrez@co.imperial.ca.us>; Kayla Henderson <kaylahenderson@co.imperial.ca.us>; Laryssa Alvarado <laryssaalvarado@co.imperial.ca.us>; Olivia Lopez <OliviaLopez@co.imperial.ca.us>
Subject: RE: Request for Comments- Conditional Use Permit #24-0015 APN 051-120-074

REC ORIGINAL PKG



Jim Minnick
DIRECTOR

Imperial County Planning & Development Services Planning / Building

July 09, 2024
REQUEST FOR REVIEW
AND COMMENTS

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

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

From: Luis Valenzuela Planner II - (442) 265-1736 or luisvalenzuela@co.imperial.ca.us

Project ID: CUP24-0015 APN 051-120-074

Project Location: 1941 Jessup Rd, Imperial CA 92251

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

Applicants: Zayo Group, LLC

Comments due by: **July 24th, 2024 at 5:00PM**

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

Name: Antonio Venegas Signature:  Title: Agricultural Biologist/Standards Specialist IV

Date: 07/19/2024 Telephone No.: (442) 265-1500 E-mail: antoniovenegas@co.imperial.ca.us

LV/KMS:\AllUsers\APM051\120\074\CUP24-0015 IS24-0024\COMMENT LETTERS\Request for Comments 07 08 24.docx

APPLICATION

EEC ORIGINAL PKG

CONDITIONAL USE PERMIT

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

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

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

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

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

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

MIKE MOUNPHIPHAK

Print Name

Date

Signature

Print Name

Date

Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN

B. FEE

C. OTHER

D. OTHER

APPLICATION RECEIVED BY:

APPLICATION DEEMED COMPLETE BY:

APPLICATION REJECTED BY:

TENTATIVE HEARING BY:

FINAL ACTION:

☐ APPROVED

☐ DENIED

DATE

DATE

DATE

DATE

DATE

REVIEW / APPROVAL BY
OTHER DEPT'S required

☐ P W

☐ E H S

☐ A P C D

☐ O E S

☐

☐

CUP #

EEC ORIGINAL PKG

June 5, 2024

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

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

Dear Planning & Development Services Department:

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

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

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

Regards,

Mike Mounphiphak

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



CONSTRUCTION DRAW
PREPARED BY:

TILSON
On a Mission
16 MIDDLE STREET, 4TH FLOOR,
PORTLAND, ME 04101
T: (207) 591-6427
INFO@TILSONTECH.COM TILSONTECH.COM

07-000000

[illegible]

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

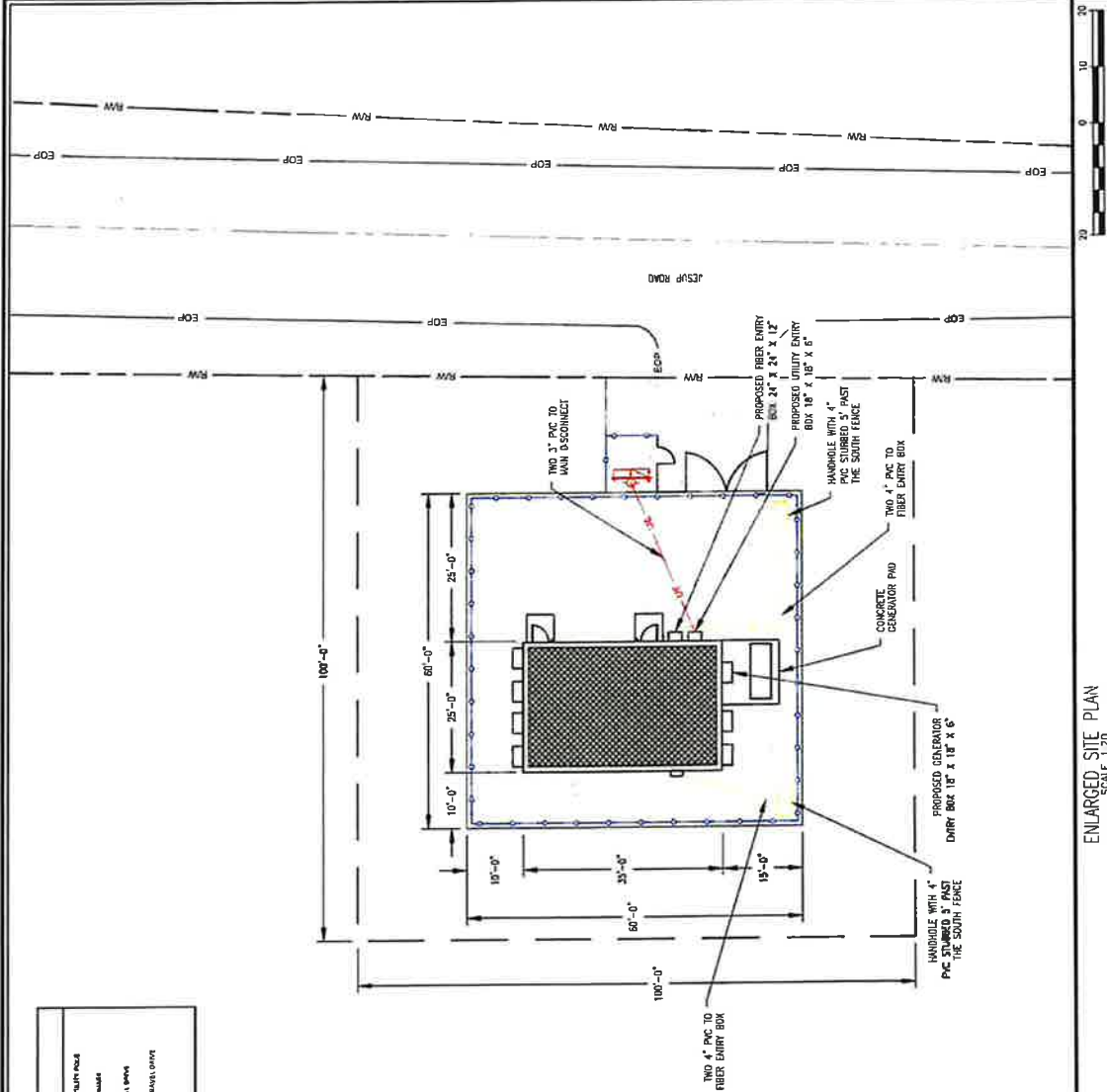
MULTIMEDIA DIVISION

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

34571

ENLARGED SITE PLAN

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



LEGEND

OUTSIDE OF THE ELECTRICAL
NON-UNDERGROUND FIBER CONDUIT
SIDE UNDERGROUND FIBERS
ELECTRIC UNDERGROUND FIBERS
ELECTRIC UNDERGROUND FIBERS

NOTE: FISCAL ENTRY BOXES SUPPLIED BY OWNER, GENERATION AND UTILITY ENTRY BOXES SUPPLIED BY CONTRACTOR

EEC ORIGINAL PKG



Jim Minnick
DIRECTOR

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

NOTICE TO APPLICANT

SUBJECT: PAYMENT OF FEES

Dear Applicant:

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

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

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

Sincerely yours,

Jim Minnick, Director
Planning & Development Services

RECEIVED BY:

DATE: June 5th 2024

MIKE MOUNTRICHAK



ZAYO GROUP LLC

1401 Wynkoop Street, #500
Denver, CO 80202
USA

www.zayo.com
@ZayoGroup

SECRETARY'S CERTIFICATE

ZAYO GROUP, LLC

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

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

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

Dated as of February 6, 2024.

DocuSigned by:

Lauren Lantero

39BB240E56F142A

Lauren Lantero, Assistant Secretary
Zayo Group, LLC

EEC ORIGINAL PKG

February 8, 2024

Re: LETTER OF AUTHORIZATION

To Whom It May Concern,

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

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

Sincerely,

DocuSigned by:

E11EB9A95B58473...

Jason Jorgensen

SVP Network Implementation

jason.jorgensen@zayo.com

February 8, 2024

EEC ORIGINAL PKG

IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES GENERAL INDEMNIFICATION AGREEMENT

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

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

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

Executed at Garden Grove California on June 5th, 2024

APPLICANT

Name: Zago Group LLC
Mike Manginlah (agent)

By _____

Title Site Acq.

Mailing Address:

16 Middle Street 4th Flr
Portland, ME 04101

REAL PARTY IN INTEREST

(If different from Applicant)

Name _____

By _____

Title _____

Mailing Address:

ACCEPTED/RECEIVED BY _____ Date _____

PROJECT ID NO _____ APN _____

S:\FORMS _ LISTS\General Indemnification FORM 041516.doc

MAIN OFFICE: 801 Main Street El Centro, CA 92243 (442) 265-1736 FAX: (442) 265-1735 E-MAIL: planning@co.imperial.ca.us

EEC ORIGINAL PKG

ATTACHMENT H.
APPLICATION SUBMITTAL

CONDITIONAL USE PERMIT

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

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

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

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

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

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

MIKE MOONPHIPHAK

Print Name

Date

Signature

Print Name

Date

Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN

B. FEE

C. OTHER

D. OTHER

APPLICATION RECEIVED BY:

APPLICATION DEEMED COMPLETE BY:

APPLICATION REJECTED BY:

TENTATIVE HEARING BY:

FINAL ACTION:

☐

APPROVED

☐

DENIED

DATE

DATE

DATE

DATE

DATE

REVIEW / APPROVAL BY

OTHER DEPT'S required

☐ P.W.

☐ E.H.S.

☐ A.P.C.D.

☐ O.E.S.

☐

☐

CUP #

June 5, 2024

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

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

Dear Planning & Development Services Department:

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

Regards,

Mike Mounphiphak

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

IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES GENERAL INDEMNIFICATION AGREEMENT

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

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Executed at Garden Grove California on June 5th, 2024

APPLICANT

Name: Zargo Group LLC
Mike Manghalek (Agent)

By _____

Title Site Acq.

Mailing Address:

16 Middle Street 4th Flr
Portland, ME 04101

REAL PARTY IN INTEREST

(If different from Applicant)

Name _____

By _____

Title _____

Mailing Address:

ACCEPTED/RECEIVED BY _____ Date _____

PROJECT ID NO _____ APN _____

S:\FORMS_LISTS\General Indemnification FORM 041516.doc



Jim Minnick
DIRECTOR

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

NOTICE TO APPLICANT

SUBJECT: PAYMENT OF FEES

Dear Applicant:

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

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

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

Sincerely yours,

Jim Minnick, Director
Planning & Development Services

RECEIVED BY:

DATE: June 5th 2024

MIKE MOUNTRICHAK

OWNER'S AFFIDAVIT

In the event the applicant is not owner, the following shall be signed and acknowledge by the owner.

Permission is hereby granted to Zayo Group LLC c/o Tilson Technology Management Inc to apply for this
(Lessee, Tenant, Contractor-Specify)

Conditional Use Permit on the described property located at address
(State permit type clearly i.e. building, land used)

2149 Evans Hewes Highway, Imperial, CA 92251 Further identified by Assessor's Parcel Number
(APN) 051-120-074 is hereby granted.

Israel Hernandez
OWNER (SIGNATURE)

Israel Hernandez
OWNER (TYPED OR PRINT)

2149 Evan Hewes Hwy, Imperial, CA 92251
OWNER'S ADDRESS

6/3/2024
DATE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Imperial } S.S.

On June 3, 2024 before me,
Esther Gomez Aleman, Notary Public personally appeared
Israel Hernandez, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and
that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Esther Gomez Aleman* (Seal)



ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent
fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document Owner's Aff.
Number of Pages 1 Date of Document 6-3-2024
Signer(s) Other Than Named Above N/A



ZAYO GROUP LLC

1401 Wynkoop Street, #500
Denver, CO 80202
USA

www.zayo.com
@ZayoGroup

SECRETARY'S CERTIFICATE

ZAYO GROUP, LLC

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

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

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

Dated as of February 6, 2024.

DocuSigned by:
Lauren Lantero
39BB240E66F142A...
Lauren Lantero, Assistant Secretary
Zayo Group, LLC

February 8, 2024


Re: LETTER OF AUTHORIZATION

To Whom It May Concern,

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

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

Sincerely,

DocuSigned by:

E11EB8A95B58473...

Jason Jorgensen

February 8, 2024

SVP Network Implementation

jason.jorgensen@zayo.com

CONSTRUCTION DRAWING
PREPARED FOR:



CONSTRUCTION DRAWING
PREPARED BY:

TILSON

On a Mission
18 MIDDLE STREET, 4TH FLOOR,
PORTLAND, ME 04101
T: (207) 591-6427
INFO@TILSONTECH.COM TILSONTECH.COM

ENGINEER SEAL

REVISION HISTORY:

REV	DATE	ISSUED FOR	REVIEW & COMMENT	Y/N
1	03/24/24	REVIEW & COMMENT	YES	
2	04/16/24	ADDRESSED COMMENTS	YES	

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

PROJECT INFORMATION:

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

SHEET TITLE:

ENLARGED SITE PLAN

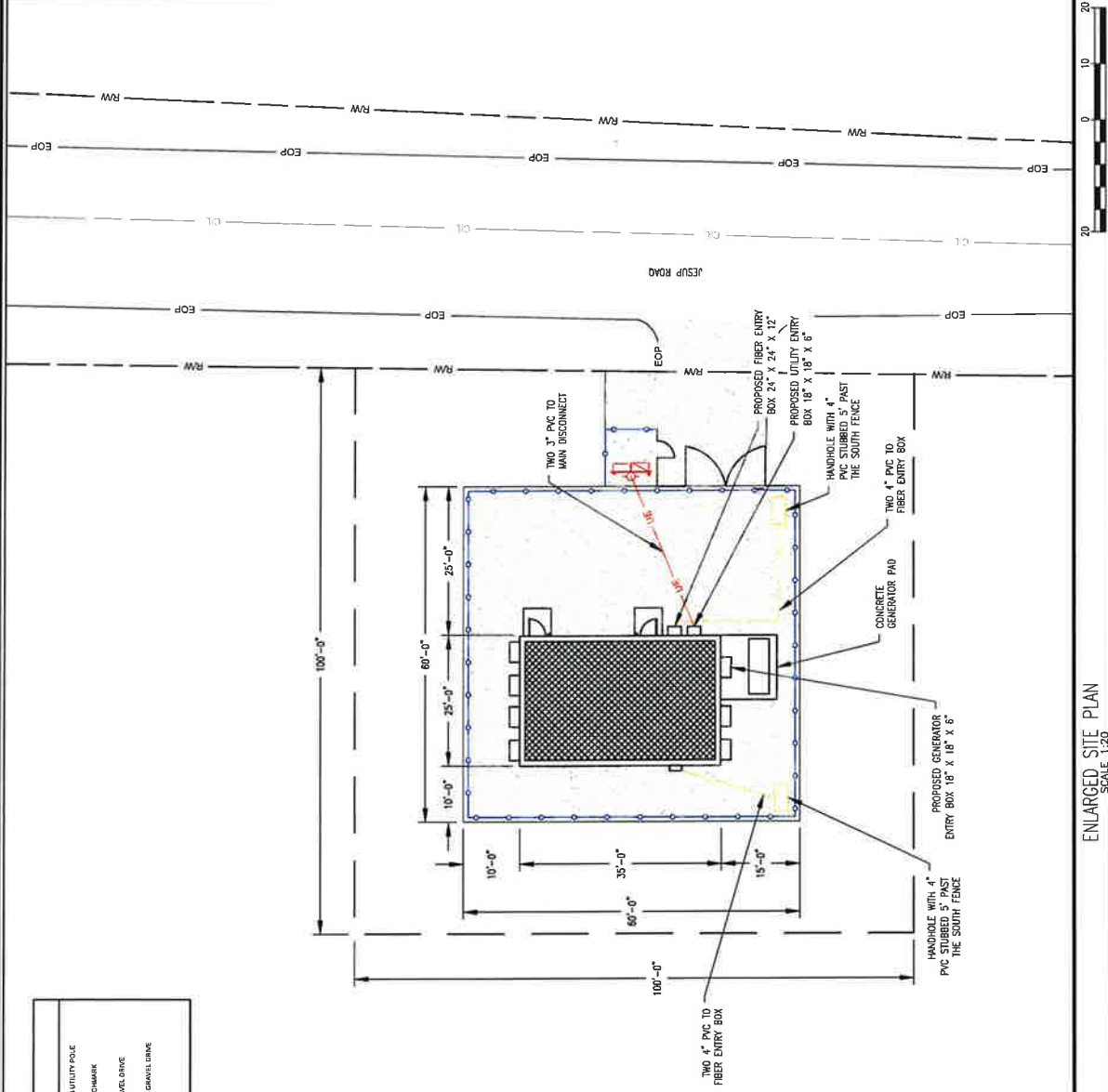
REV:	B
SHEET NO.:	C102
DRAWN: YEH	CHECKED: MWM
APPROVED: RLR	

LEGEND

- EXISTING OVERHEAD ELECTRIC LINE
- EXISTING UNDERGROUND FIBER CONDUIT
- NEW UNDERGROUND ELECTRIC
- NEW UNDERGROUND FIBER
- EXISTING UNDERGROUND TELEPHONE

- EXISTING UTILITY POLE
- SITE BENCHMARK
- NEW GRAVEL DRIVE
- EXISTING GRAVEL DRIVE

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



ENLARGED SITE PLAN
SCALE 1/20