

ATTACHMENT E

CONDITIONS OF APPROVAL

Condition #1

COMPLIANCE WITH LOCAL, STATE AND/OR FEDERAL LAWS: The permittee and future project owner(s) shall comply with all of the latest adopted local, state and federal laws, regulations, standards and requirements including Tehama County's Building and Safety Code. ***Tehama County Planning Department***

Condition #2

COMPLIANCE WITH AGENCY REQUIREMENTS: The Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or other approvals for the construction and/or operation of the Project. This shall include, but not be limited to, local requirements by Tehama County Environmental Health Department, Tehama County Planning Department, Tehama County Building and Safety Department, Tehama County Air Pollution Control District, Tehama County Public Works Department, Tehama County Cooperative Fire Protection, and Tehama County Sheriff/Coroner's office. Permittee shall likewise comply with all such permit requirements. ***Tehama County Planning Department***

Condition #3

ADDRESSING: Addressing of the parcel shall meet or exceed Tehama County Code of Ordinances (TCO) Section 9.14.040 to 9.14.050. ***Tehama County Cooperative Fire Protection***

Condition #4

FLMMABLE FUELS. The tower site and all vehicle parking areas shall be cleared of all flammable fuels. ***Tehama County Cooperative Fire Protection***

Condition #5

DEFENSIBLE SPACE. Defensible space is required to be maintained at all times, whenever flammable vegetative conditions exist. One hundred feet (100 ft.) of defensible space clearance shall be maintained around all structures. (14 CCR 1299.03 and Title 9 TCO 9.05.080). ***Tehama County Cooperative Fire Protection***

Condition #6

PERMANENTLY PLACARD. The established cellular tower site shall have a permanently posted placard displaying a 24-hour emergency contact phone number. The size of letters, numbers, and symbols for the placard shall be a minimum of 3-inch letter height, 3/8-inch stroke, reflectorized and contrasting with the background color of the placard. The placard must be visible when approaching the tower site from the required road access and shall be maintained throughout the life of the site. ***Tehama County Cooperative Fire Protection***

Condition #7

OPERATIONS & EQUIPMENT. All operation and equipment on the job site shall conform to Public Resource Code Sections 4427, 4442, and 4442. (Compliance with these sections of the California Public Resources Code is required always

regardless of a parcel's zoning designation). ***Tehama County Cooperative Fire Protection***

Condition #8

CALIFORNIA FIRE CODE. All projects requiring conditioning shall be subject to the requirements set forth in the currently adopted edition of the California Fire Code. All work shall comply with the latest adopted local, state, and federal laws and ordinances whether shown on these documents or not. ***Tehama County Cooperative Fire Protection***

Condition #9

PLOT/PARCEL PLAN. County approved and signed by all departments involved plot/parcel plan. ***Tehama County Department of Building and Safety***

Condition #10

BUILDING PERMIT. Application for a building permit (in office or online) See Tehama County Building Department website for more information. ***Tehama County Department of Building and Safety***

Condition #11

BUILDING PLANS. Current set of "approved for construction" building plans that reflect current governing 2022 building codes. ***Tehama County Department of Building and Safety***

Condition #12

LAND DEVELOPMENT STANDARDS. The Developer/Applicant shall comply with the following:

- A. All the pertinent requirements of Title 16, Subdivisions, Chapters 16.04 thru 16.40 of the Tehama County Code, the Tehama County Land Development and Engineering Design Standards (TCLD&EDS), and the Subdivision Map Act, as amended.
- B. The requirements of the Regional Water Quality Control Board (RWQCB) regarding storm water permitting via Storm Water Pollution Prevention Plan (SWPPP). ***Tehama County Public Works Department***

Condition #13

MITIGATION MEASURE #VII.1: GRADING PERMIT. The Developer/Applicant shall submit a Grading Plan and obtain a Grading Permit from Tehama County Public Works prior to the start of any work related to construction of driveway and tower/shelter site. ***Tehama County Public Works Department***

Condition #14

WATER QUALITY PERMIT. Applicant shall obtain a General Construction Activity Permit from California Regional Water Quality Control Board prior to the start of any work related to road construction of access road, grading or building construction if total disturbed area is greater than one (1) acre. ***Tehama County Public Works Department***

Condition #15

MITIGATION MEASURE #IV.1: BIOLOGICAL SURVEYS. A visual analysis of aerial imagery and a CNDDDB query demonstrate that the Project area is likely to contain suitable habitat for several state special-status species and habitat types, including but not limited to foothill yellow-legged frog north coast DPS (*Rana boylei* pop. 1, State Rank (SR) S4: Apparently Secure, State Species of Special Concern), Crotch's bumble bee (*Bombus crotchii*, Candidate Endangered and State Rank S1: Critically Imperiled), and Shasta clarkia (*Clarkia borealis* ssp. *arida*, SR S2: Imperiled, Rare Plant Rank: 1B.1). A basic biological assessment should first be conducted and typically includes a desktop review and botanical, wildlife, and habitat surveys, conducted at the appropriate time of the year, to determine whether protocol surveys for special status species are warranted. CDFW recommends analyzing all plant and wildlife species identified in the CNDDDB and other biological resource databases (U.S. Fish and Wildlife Service, California Native Plant Society, or other pertinent references) for their potential to occur within the Project area. Please note that the CNDDDB is a positive sighting database and therefore does not predict where resources may occur. All species with potential to occur, included on database lists or not, should be thoroughly analyzed for potential impacts from Project implementation.

The following information should be included in the biological assessment:

1. Date/time/weather conditions during the survey(s).
2. A description of the natural environment.
3. A list of common species, special status plants and wildlife species, habitat observed onsite at the time of the survey(s), and invasive plant species. 2
4. Rare/local/unusual species and habitats present during the survey(s).
5. A thorough assessment of rare plants and sensitive natural communities should be conducted following CDFW's March 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.
6. If habitat is present for special status plants or wildlife, focused species-specific surveys should be conducted at the appropriate time of year and/or time of day when the species are active or otherwise identifiable. Please refer to CDFW's Survey and Monitoring Protocol Guidelines for some special status species that have potential to occur. For those species not included in the above link, species-specific survey procedures should be developed in consultation with CDFW and/or otherwise approved by CDFW.
8. Impacts to wildlife movement areas, wildlife corridors, and other critical seasonal-use areas should be fully evaluated, and impact analysis provided.
9. Thorough discussion of direct and indirect Project-related impacts, including adverse impacts and/or beneficial impacts, to all biological resources. This should include quantitative impact numbers to species and acreage of habitat(s). Impacts analysis should include all components of the Project including preconstruction

activities, active construction activities, long-term management activities of the facility and decommissioning of the facility.

10. Avoidance and minimization, and mitigation measures, if warranted, for adverse Project-related impacts to sensitive plants, wildlife, and habitats should be developed and thoroughly discussed. All measures should first emphasize avoidance and reduction of Project impacts. For unavoidable impacts, the feasibility of onsite habitat restoration or enhancement should be discussed. If onsite mitigation is not feasible, Offsite mitigation through habitat creation, enhancement, acquisition, and/or preservation in perpetuity should be addressed. **California Department of Fish and Wildlife**

Condition #16

MITIGATION MEASURE #IV.2: FENCING. CDFW understands fences are essential for controlling trespass however, inappropriately designed or placed fencing may create serious hazards and/or barriers for wildlife. Therefore, CDFW strongly encourages perimeter fencing be designed and implemented to alleviate potential hazards to wildlife. This resource may provide useful information about wildlife friendly fencing techniques: A Landowners Guide to Wildlife Friendly Fences. **California Department of Fish and Wildlife**

Condition #17

MITIGATION MEASURE #IV.3: NESTING BIRDS. The Project area contains suitable habitat for nesting birds. Nesting migratory birds and raptors, if present, could be directly or indirectly impacted by construction, land modification, and vegetation removal activities. Direct effects could include mortality resulting from vegetation removal and/or construction equipment operating in an area containing an active nest with eggs or chicks. Indirect effects could include nest abandonment by adults in response to loud noise levels, human encroachment, or a reduction in the amount of food available to young birds due to changes in feeding behavior by adults. Implementation of nest season surveys, outlined below, would ensure that impacts to nesting birds are less than significant.

To avoid impacts to nesting birds and/or raptors protected under Fish and Game Code Sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act, one of the following should be implemented:

- a. Vegetation removal and other ground-disturbing activities should occur between September 1 and January 31, when birds are not anticipated to be nesting; or
- b. If vegetation removal or ground disturbing activities occur during the nesting season, a pre-construction nesting bird survey should be conducted by a qualified biologist to identify active nests in and adjacent to the Project area.

Surveys should begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The survey should consider acoustic impacts and line of sight Project disturbances to determine a sufficient survey radius to maximize observations of nesting birds. A nesting bird survey report should be prepared and, at a minimum, the report should include a description of the area surveyed, date and

time of the survey, ambient conditions, bird species observed, a description of any active nests observed, any evidence of breeding behaviors (e.g., courtship, carrying nest materials or food, etc.), and a description of any outstanding conditions that may have impacted the survey results (e.g., weather conditions, excess noise, presence of predators).

If an active nest is located during pre-construction surveys, a non-disturbance buffer should be established around the nest by a qualified biologist in consultation with CDFW and U.S. Fish and Wildlife Service to comply with Fish and Game Code Sections 3503 and 3503.5 and the Migratory Bird Treaty Act. Avoidance and minimization measures may include, but are not limited to, exclusion buffers, sound-attenuation measures, seasonal work closures based on the known biology and life history of the species identified during the survey, as well as ongoing monitoring by biologists.

Nesting bird surveys should be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than one week after the pre-construction nesting bird survey, the site should be resurveyed. ***California Department of Fish and Wildlife***

Condition #18

MITIGATION MEASURE #IV.4: LOW IMPACT DEVELOPMENT. Projects with the same or similar land modification and development typically include activities like paving, increasing impervious surfaces and thus, increasing stormwater runoff. CDFW recommends the implementation of Low Impact Development(LID) strategies to prevent a net-increase in stormwater runoff from new developed areas. LID strategies may include permeable pavement, sediment retention basins, and rainwater catchment to retain and infiltrate stormwater runoff on-site. These LID strategies are typically designed to prevent project generated stormwater runoff from exceeding that of a 100-year storm event, to protect water quality and manage stormwater as close to its source as possible, thus mitigating potential flooding and the outflow of toxic pollutants such as 6-ppd quinone, a chemical contaminant derived from vehicle tires, suspected to negatively impact aquatic organisms. Ideally, post project stormwater run-off volume, rate and duration will match pre-project conditions and hydro modification would not occur as a result of the Project. CDFW supports and encourages the use of LID strategies because they have been found to minimize impacts to aquatic habitats by filtering out pollutants, decrease peak flows, minimize erosion, and increase ground water recharge ***California Department of Fish and Wildlife***

Condition #19

MITIGATION MEASURE #IV.5: AVOIDING INADVERTENT WILDLIFE ENTRAPMENT. If Project activities include trenching or excavating, CDFW recommends securely covering any open trench or excavation prior to stopping work each day and/or a wildlife exit ramp should be installed to prevent wildlife entrapment. If pipes are left out onsite, CDFW recommends inspection for wildlife prior to burying, capping, moving, or filling. ***California Department of Fish and Wildlife***

Condition #20

MITIGATION MEASURE #IV.6: CROTCH'S BUMBLE BEE. On September 30, 2022, the California Fish and Game Commission accepted a petition to list Crotch's bumble bee (*Bombus crotchii*, CBB) as endangered under CESA, advancing the species to the candidacy stage of the CESA listing process. Candidate species are granted full protection under CESA during this period. Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Additionally, CBB has a state ranking of S2, of which are imperiled and extremely rare (often five or fewer populations) and is listed as an invertebrate of conservation priority under the Terrestrial and Vernal Pool Invertebrates of Conservation Priority.

CBB thrives in regions that offer a diverse array of flowering plants with suitable nesting sites, such as those available throughout the Project area. CBB may inhabit diverse habitats including woodlands, grasslands, shrublands, agricultural lands and urban landscapes. Without appropriate avoidance and minimization measures for CBB, direct mortality and potentially significant indirect impacts associated with ground- and vegetation disturbing activities may occur as a result of the Project. Indirect impacts may include loss of foraging plants, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, and a reduction in health and vigor of eggs, young and/or queens.

Due to potentially suitable habitat throughout the Project area and the potential for significant impacts to CBB, CDFW recommends including AMM's for CBB in the conditions of approval, and/or draft environmental document, and aligning the measures with survey considerations outlined in the June 2023 Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. ***California Department of Fish and Wildlife***

Condition #21

MITIGATION MEASURE #IV. 7: BATS. Bats are considered non-game mammals and are Afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). Construction activities, including ground disturbance, vegetation removal, and any activities leading to increased noise levels, may have direct and/or indirect impacts on bats and bat roosts.

CDFW recommends the Biological Evaluation/Biological Assessment provide a thorough discussion of potential impacts to bats and bat roosts from Project activities. If applicable, avoidance and minimization measures should be included to reduce impacts to less than significant.

Trees that contain cavities, crevices, or exfoliated bark have high potential to be used by various bat species. If land alteration and/or removal of trees with the above-referenced characteristics will occur, a thorough survey should be conducted by a qualified biologist to determine if bat roosting opportunities are present prior to tree removal. Two-step removal of trees containing occupied bat roosts or providing suitable bat habitat, must only be conducted during seasonal periods of bat activity and may not be conducted in summer months (May 1 to August 14). Trees with 12" diameter at breast height (DBH) or greater with potentially suitable roosting features should be clearly marked by a qualified biologist and may be removed as follows:

1. To avoid impacts to roosting bats, removal of trees should occur only during the following time frames and subject to the following weather conditions, or as otherwise approved/recommended by a qualified biologist:
 - Between March 15 and April 30, and between August 15 and October 1; and
 - Between October 2 and March 14 when evening temperatures are above 45°F, and no more than ½” of rainfall within a 24 hour period prior to tree removal.
2. Trees shall be removed using a two-step process to allow bats the opportunity to abandon the roost prior to removal. The two-sept removal process is as follows:
 - Day 1: Remove small-diameter trees, brush, and non-habitat features of large trees (branches without cavities, crevices, or exfoliating bark) to create noise and vibration disturbance on the tree and to alter the air flow and temperature around the roost feature thus encouraging bats to vacate 4 roost features on their own. The tree shall then be left for 24 hours to allow the bats to move to another roost site. No excavators, grinders, or other heavy equipment should be used for first day trimming of bat habitat trees.
 - Day 2: If bats may be in branches that can be removed from the tree and set aside, cut the branches off intact and set them upright against trees away from the Project area to allow any bats present to passively escape. Then, remove the remainder of the tree.

This two-step process changes the microhabitat of the area, causing bats to vacate under their own volition, therefore minimizing direct and indirect impacts to bat species.

California Department of Fish and Wildlife

Condition #22

MITAGATION MEASURE #IV.8: LIGHTING. Studies have shown that artificial lighting has adverse effects on wildlife and plant species. The effects may include, but are not limited to, alteration of flowering, photosynthesis, foraging, reproduction, navigation (being attracted to or deterred from), migration patterns (including movement barriers of light) and predator-prey dynamics. To minimize adverse effects of artificial light on wildlife, CDFW recommends that lighting fixtures associated with the Project be downward facing, fully shielded, and designed and installed to minimize lightpollution and spillover of light onto adjacent wildlife habitat. Studies have found that it's best to use lowerintensity, warmer-colored lighting that may also be lower on the light spectrum (lower Kelvin values with fewer short-wavelength blue light emissions) (Gaston et al., 2017). ***California Department of Fish and Wildlife***

Condition #23

MITAGATION MEASURE #IV.9: CALIFORNIA ENDANGERED SPECIES ACT. Several CESA-listed species have the potential to occur within or adjacent to the Project area including, but not limited to Bald Eagle (*Haliaeetus leucocephalus*, Endangered), and Crotch's bumble bee (*Bombus crotchii*, Candidate Endangered). Please be advised that a

CESA Incidental Take Permit must be obtained if the Project has the potential to result in “take” (hunt, pursue, catch, capture, kill, or attempt thereof) of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project has the potential to result in take of a CESA-listed species, early consultation is encouraged, as significant modification to the Project may be necessary to minimize and fully mitigate impacts as required by Fish and Game Code section 2081(b)(2). **California Department of Fish and Wildlife**

Condition #24

MITIGATION MEASURE #IV.10: NATIVE VEGETATION IN LANDSCAPING. The Project includes landscaping, thus, CDFW encourages landscaping with vegetation native to the local area. Benefits of utilizing native vegetation in landscaping are numerous and include providing vital resources for native wildlife such as hummingbirds and other beneficial pollinators, conserving water, reducing pesticide use, and reducing landscaping maintenance. The California Native Plant Society (CNPS) website includes a variety of useful information and tools to help determine which native species occur in a particular area, information on care and maintenance of native species, and contacts for purchasing native plants or seeds. The CNPS tool Calscape generates a list of native plants that grow in an area based on a specific address and can be used to develop a planting palette for landscaping plans. For more information regarding the importance of using native species in landscaping, please refer to the CNPS Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation. **California Department of Fish and Wildlife**

Submitting Data CEQA requires that information developed in environmental documents be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Public Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during this Project’s surveys to the CNDDDB. For additional information about submitting data, please Submitting Data to the CNDDDB.

Condition #25

MITIGATION MEASURE #V.1: CULTURAL RESOURCES. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and a qualified archaeologist shall be consulted, before construction continues. The qualified archaeologist could require the following: including but not limited to, researching and identifying the history of the resource(s), mapping the locations, and photographing the resource. In addition, pursuant to Section 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of any human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. **Tehama County Planning Department**

Condition #26

MITIGATION MEASURE #XVIII.1: INADVERTENT DISCOVERY PROTOCOL: The Final Map shall contain the following Note, "If any new cultural resources are located during project activities, all work in the vicinity of the discovery must stop and a qualified archaeologist must immediately be notified. Archaeological and historic-period resources in the region may include:

§ **Archeological materials:** flaked stone tools (projectile point, biface, scraper, etc.) and debitage (flakes) made of chert, obsidian, etc., groundstone milling tools and fragments (mortar, pestle, handstone, millstone, etc.), faunal bones, fire-affected rock, dark middens, housepit depressions and human interments.

§ **Historic-era resources:** may include, but are not limited to, small cemeteries or burial plots, cut (square) nails, containers or miscellaneous hardware, glass fragments, cans with soldered seams or tops, ceramic or stoneware objects or fragments, milled or split lumber, earthworks, feature or structure remains and trash dumps." ***Tehama County Planning Department***

Condition #27

MIGATION MEASURE #XVII.2: TRIBAL CULTURAL RESOURCES PROTECTION. The Cultural Resources Department has reviewed the project and concluded that it is within the Aboriginal territories of the Paskenta Band of Nomlaki Indians. Therefore, we have cultural interest and authority in the projected project area and require monitors to be present for all ground disturbing activity. ***Tehama County Planning Department***

Condition #28

MIGATION MEASURE #XVII.3: TRIBAL CULTURAL RESOURCES PROTECTION TRAINING. Cultural Sensitivity Training to be provided to the team and is conducted by a Tribal Monitor onsite prior to any work starting on the project site. ***Tehama County Planning Department***

Condition #29

INDEMNIFICATION. As a condition and in consideration of the approval of this Use Permit, the Permittee shall defend, indemnify, and hold harmless, at the Permittee's sole expense, the County of Tehama and its employees, officers, contractors, and agents (the "County Indemnitees") from and against any claim, action, or judicial or administrative proceeding brought against the County Indemnitees, or any of them, to attack, set aside, void, annul, or otherwise challenge the County's decision to issue this Use Permit to the Permittee, any environmental review or absence thereof associated with the proposed project, or the manner in which the County interprets or enforces the terms and conditions of this Use Permit at any time. The Permittee shall further pay all losses, liabilities, damages, penalties, costs, awards, judgments, fees (including reasonable attorney's fees) and expenses arising from such claim, action, or judicial or administrative proceeding. Counsel for the County Indemnitees in any such legal defense shall be selected by the County. Upon request of the County, the Permittee shall execute a formal written agreement containing the foregoing terms, but the Permittee's obligations hereunder shall be fully operative and enforceable regardless of whether such an agreement is executed. ***Tehama County Planning Department***