

## **Addendum No. 1 to the Negative Declaration of Environmental Impact Prepared for Conditional Use Permit 2014-02/ Branson Olancha**

This Addendum has been prepared pursuant to the California Environmental Quality Act (CEQA) to assess a proposed Amendment to Conditional Use Permit (CUP) #2014-02/Branson Olancha. Initially approved on April 23, 2014, CUP #2014-02 authorized the installation of a 60ft tower to accommodate a wireless internet service antenna, aimed at serving the Olancha community, at the site of the Olancha Volunteer Fire Department fire station. The applicant is now seeking an amendment to the CUP to replace the existing tower with a new 80-foot tower. The new tower will be situated 8.9 feet in front of the current structure, which will subsequently be removed upon completion of the new tower's construction.

### **Authority**

CEQA Guidelines Section 15164 and Inyo County Code Section 15.36.220 indicate, in part, that an addendum to a Negative Declaration (ND) may be prepared if none of the requirements for preparation of a subsequent environmental document apply. The decision-making bodies shall consider the addendum prior to deciding on the project. The addendum need not be circulated for public review.

### **Project Description**

The proposed project, CUP Amendment 2014-02/Branson Olancha, will enable Stimulus Technologies of CA, operating as Lone Pine Communications, to upgrade the current 60-foot tower with an 80-foot tower. Field technicians from Stimulus will construct the new tower, positioning it 8.9 feet in front of the existing structure and utilizing the existing power meter and electrical box. After the new tower is completed, the old tower will be disassembled, and a new fence will be installed around the new tower and electrical pole. The benefits of replacing the existing tower are to provide better internet service to Olancha, Cartago, Keeler and surrounding areas. The added height to the tower will help to provide internet service to the remote community of Sage Flats and Haiwee Reservoir.

### **Negative Declaration- Conditional Use Permit 2014-02**

The ND prepared for CUP 2014-02 and certified in March of 2014, evaluated the project through an Initial Study (IS). Based upon the environmental evaluation, the Planning Department found that the project did not have the potential to create significant adverse impact on flora or fauna; natural scenic and historic resources; the local economy; public health; safety; and welfare. This constituted a Negative finding for the Mandatory Findings required by Section 15065 of the CEQA Guidelines.

### **Need for an Addendum to the Original ND Conditional Use Permit 2014-02**

The proposed 80-foot tower does not affect the project footprint and the height of the proposed tower will not have a substantial adverse effect on the scenic vista, as delineated in the 2014 ND, which was prepared and certified for the project..

Specifically, CEQA Guidelines Section 15162 notes that once an ND has been certified for a project, the preparation of a subsequent ND is not necessary unless the lead agency for the project (in this case, Inyo County) determines that “substantial changes” are proposed either in or by the project itself, or changes are proposed in the circumstances under which the project is undertaken, or if substantial new information becomes available concerning the project.

Staff concluded that there is no need for a subsequent Negative Declaration, based on:

1. The proposed project has an insignificant impact on the existing project footprint.
2. The height of the proposed new replacement tower will not have a substantial adverse effect on the scenic vista.
3. The actual area of impact from the proposed project is relatively small and is already disturbed by the existing tower.

CEQA Guidelines Section 15164 notes that such an Addendum to a ND should be prepared by the lead agency for a project. The Guidelines further note that an Addendum is appropriate “if some changes or additions are necessary but none of the conditions described in (CEQA Guidelines) Section 15162 calling for preparation of a subsequent ND have occurred.” Staff has determined this to be the case as replacing the existing 60 ft tower with an 80 ft tower and relocating it 8.9 feet from its original position is necessary to enhance service for the towns of Olancha, Cartago, Keeler, and surrounding areas. Additionally, this upgrade will extend internet coverage to the Community of Sage Flats and Haiwee Reservoir. Given that the applicant has demonstrated that this project will not result in significant impacts, it does not constitute a substantial change or introduce substantial new information. However, it does necessitate an addendum to the ND to reflect this additional modification.

CEQA Guidelines Section 15164 also states an Addendum to an EIR or ND “need not be circulated for public review but can be included in or attached to a final EIR or adopted negative declaration” for the project. As a result, staff has not circulated this Addendum to the ND for public review, but rather has included it as an attachment to the original ND prepared for CUP 2014-02/Branson Olancha.

## **Findings**

CEQA Guidelines Section 15162 indicates that no subsequent environmental document is required unless certain conditions apply. These conditions do not exist for the proposed Amendment to Conditional Use Permit 2014-02/Branson Olancha.

1. No substantial changes will result from the Amendment to CUP 2014-02/Branson Olancha that will require major revisions to the previous ND as there are no new significant effects or substantial increases in the previously identified effects.  
*The proposed amendment to the Conditional Use Permit (CUP) is consistent with the environmental analysis included in the Negative Declaration (ND) prepared for CUP 2014-02/Branson Olancha. The area outside the original project footprint is minimal (8.9 feet) and already highly disturbed. The increase in tower height from 60 feet to 80 feet is not expected to significantly impact the scenic vista. The use of non-glare paint and colors that blend with*

*the surrounding environment, will be implemented as a condition of approval. These measures are anticipated to effectively reduce any potential visual impact, ensuring that the tower height increase does not result in a significant effect on the environment.*

2. No substantial changes have occurred with respect to the circumstances under which the project is being undertaken, which might require major revisions of the previous ND due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

*Staff has analyzed the proposed Amendment to CUP 2014-02/Branson Olancha and determined that no substantial changes have occurred with respect to the circumstances of the overall project that will result in significant environmental effects or increases in severity. The site is already highly disturbed, and the new placement of the tower and the height increase will not have a significant impact. The use of non-glare paint and colors that blend with the surrounding environment, will be implemented as a condition of approval. These measures are anticipated to effectively reduce any potential visual impact, ensuring that the tower height increase does not result in a significant effect on the environment.*

3. No new information of substantial importance that was not known, and which could not have been known with the exercise of reasonable diligence at the time the previous ND was certified, shows or indicates that any of the following has occurred, or will occur, as a result of the proposed left hand turn lane project:

- A) One or more significant effects not discussed previously.

*The project aims to enhance the current infrastructure by upgrading from a 60-ft tower to an 80-ft tower. The new tower will be positioned 8.9 feet in front of the existing structure, which will be removed upon the completion of the project. There are no substantial changes, and the project does not cause new impacts that were not evaluated in the certified ND prepared for CUP 2014-02/Branson Olancha.*

- B) Significant effects previously examined will be substantially more severe.

*There are no significant environmental effects identified in the area subject to the CUP Amendment that were previously identified significant and can be substantially more severe, as the area where the new 80-ft pole will be erected is only 8.9 feet from the original approved pole and the area is already highly disturbed.*

- C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project. Mitigation measures were not included in the Conditions of Approval for CUP 2014-02/Branson Olancha. No new mitigation measures are deemed necessary due to the existing disturbance of the project area and the minor alterations to its original designated design.

4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

*Mitigation measures were not included in the Conditions of Approval for CUP 2014-02/Branson Olanca. The project area is already extensively disturbed, with the affected portion relatively small (8.9 feet). Additionally, this area is subject to the conditions outlined in CUP 2014-02/Branson Olanca. Therefore, no new mitigation measures are deemed necessary. Given the existing disturbance in the project area and the minor alterations to the original CUP, which will not result in new impacts, no additional mitigations are required for the Amendment to CUP 2014-02/Branson Olanca.*

None of the above-specified conditions apply to the proposed Amendment to CUP 2014-02/Branson Olanca ; therefore, no subsequent environmental document is required.

Consideration of this addendum is adequate to comply with CEQA for this project, pursuant to CEQA Guidelines Section 15164.