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**AGENDA ITEM NO.:** 7 (Action Item – Public Hearing)

**PLANNING COMMISSION  
MEETING DATE:** February 26, 2025

**SUBJECT:** Conditional Use Permit 2024-06;  
Telecommunications Plan Update 2024-  
02/Verizon-Sequoia-Lone Pine

**EXECUTIVE SUMMARY**

Verizon Wireless has submitted an application to update Verizon's existing Telecommunications Plan and request a Conditional Use Permit (CUP) to add a 105-foot monopole tower. The tower will house six 6-foot panel antennas, three 3-foot panel antennas, along with six remote radio units, two surge suppressors and two 4-foot microwave dishes. The Project also includes three cabinets, one GPS antenna, five service lights, a fiber telecom box, two surge suppressors and a 30KW backup generator on concrete pads within a 900 square feet lease area contained within an eight-foot chain link fence. The purpose of the Project is to increase the capacity of the existing Verizon Wireless network in the area and is to be located at 1203 Lubken Canyon Rd., in Lone Pine, California, on property owned by Scott and Mary Kemp, with Tax Assessor Parcel Number (APN) 026-150-30.

A Telecommunications Plan was approved for Verizon Wireless in 2003. This original plan identified six (6) tower locations. It was subsequently updated in 2016 and 2019 to include two (2) additional locations, and currently has eight (8) sites. As a note, there is one (1) site that is located inside the City of Bishop limits and not under the County's Jurisdiction, but is included in the Telecommunications Plan. This current proposal for the Verizon Wireless Telecommunications Plan Update, 2024-02/Verizon-Sequoia- Lone Pine, is to update the 2019 plan to include the proposed site at 1203 Lubken Canyon Road, Lone Pine, California to make a total of nine (9) sites upon the approval of the requested CUP.

## PROJECT INFORMATION

**Supervisory District:** 5

**Applicant:** Verizon Wireless – c/o Armando Montes with Sequoia Deployment Services.

**Property Owner:** The Tower is owned by Verizon Wireless who leases the Site from the Scott and Mary Kemp.

**Address/Community:** 1203 Lubken Canyon, Rd., CA

**A.P.N.:** 026-150-30

**General Plan:** Agriculture (A)

**Zoning:** Open Space-40 (OS)

### Surrounding Land Use:

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Vacant	Agriculture (A)	Open Space-40 (OS)
North	Residential, Vacant	(RRM) Rural Residential Medium, (NR) Natural Resources, (PF) Public Service Facilities	(P) Public District, (RR) Rural Residential – 2.5, (OS) Open Space - 40
East	Residential, Vacant	(RRM) Rural Residential Medium, (OSR) Open Space and Recreation, (NR) Natural Resources	(RR) Rural Residential – 2.5, (OS) Open Space - 40
South	Vacant	(SFL) State and Federal Lands, (RP) Rural Protection Designation	(OS) Open Space -40
West	Tuttle Creek Rd.	NA	NA

**Recommended Action:**

- 1.) Adopt the Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act, prepared for CUP 2024-06; Telecommunications Plan Update 2024-02/Verizon-Sequoia-Lone Pine.
- 2.) Make certain Findings with respect to, and approve, CUP 2024-06/Verizon-Sequoia-Lone Pine.
- 3.) Make certain Findings with respect to, and approve, Telecommunications Plan Update 2024-02/Verizon-Sequoia-Lone Pine.

**Alternatives:**

- 1.) Deny CUP 2024-06/Verizon-Sequoia-Lone Pine thereby not allowing the applicant to build the tower.
- 2.) Deny Telecommunications Plan Update 2024-02/Verizon-Sequoia-Lone Pine, thereby not allowing the applicant to update its Telecommunications Plan, or move forward with the proposed tower.
- 3.) Continue the public hearing to a future date, providing specific direction to staff regarding what additional information and analysis is needed.

**Project Planner:**

Danielle Visuaño, Senior Planner

**STAFF ANALYSIS****Background and Overview*****Project Description***

This is a request for the approval of a CUP to add a telecommunications tower in Lone Pine, California and for the approval of an update to Verizon Wireless' existing Telecommunications Plan on file with the County. Verizon Wireless submitted an application to the County for a 105-foot monopole tower. The tower will house six 6-foot panel antennas, three 3-foot panel antennas, along with six remote radio units, two surge suppressors and two 4-foot microwave dishes. The Project will also include three cabinets, one GPS antenna, five service lights, a fiber telecom box, two surge suppressors and a 30KW backup generator on concrete pads within a 900 square feet lease area contained within an eight-foot chain link fence. The Project objective is to increase the

capacity of the existing Verizon Wireless network in the area and is to be located at 1203 Lubken Canyon Rd., in Lone Pine, California (Attachment 1 – Vicinity Map).

The proposed location is not included in the approved Verizon Wireless Telecommunications Plan on file with the County, which makes this telecommunications plan update necessary per the County's Telecommunications Ordinance and requires approval by the Planning Commission. Also, Inyo County Code 18.76.060 requires all proposals for telecommunications towers to first obtain a CUP before they may be built.

#### Inyo County Code

Wireless Communication in Inyo County is governed by Chapter 18.76 of the Inyo County Code – Regulation of Wireless Communication Facilities. Section 18.76.050(A) requires all Telecommunications Plans in the County be approved by the Planning Commission, and under 18.76.050(K) it requires that once they are approved, any amendments to Telecommunications Plans must also be approved by the Planning Commission. It also establishes that in considering an amendment, the Planning Commission shall be guided by the relevant portions of Chapter 18.76. In this case, the applicant has provided the materials needed to address the relevant portions with regard to the plan update. This includes Verizon's proposed Telecommunications Plan update containing a list and a map showing Verizon's existing and future planned sites (Attachment 2), and Justification and Coverage Maps with a description of how this new site relates to the other sites in Verizon's network (Attachment 3). This Project is designed to optimize cell service in the Lone Pine and Whitney Portal areas. The Project would provide increased public safety and bring wireless service to areas of the County where it currently does not exist.

#### General Plan Consistency

The Inyo County General Plan designates this site as Agricultural (A). The A designation provides for public and quasi-public uses, and similar and compatible nonagricultural activities. The communications facility is consistent with the use as a public and quasi-public use for utility provision.

In addition to the General Plan land use designation, the proposed Project is consistent with the following two General Plan Policies, which are located within the Public Services & Utilities Element:

1. Policy PSU 7.1: Provision of Services: The County shall encourage the provision of communications and telecommunications service and facilities to serve existing and future needs.
2. Policy PSU 7.5: Communication Towers: The County shall require compliance with the Wireless Communications Guidelines for siting of communication towers in unincorporated areas of the County.

#### Zoning Ordinance Consistency

The proposed site that Verizon Wireless identified to be added to their Telecommunications Plan is zoned Open Space (OS). The OS zone allows for public and quasi-public buildings and uses recreational, religious, cultural, or public service nature. The monopole tower and telecommunications antennae are considered a public and quasi-public utility use. Chapter 18.76 "Regulation of Wireless Communications Facilities," allows for wireless communication facilities within the OS zone, but requires a CUP if such a facility exceeds the maximum height allowed in that district for principal permitted uses, which is 30-feet in the OS Zone. This is a public and

quasi-public utility and use and is permitted in the OS zone with a CUP.

Review of Wireless Plan (ICC §18.76.050)

Section 18.76.050(K) of the Inyo County Code (ICC) states that once Telecommunications Plans are approved, any amendments to those plans must also be approved by the Planning Commission as well. It also establishes that in considering an amendment, the Planning Commission shall be guided by the relevant portions of Chapter 18.76. Section 18.76.050(E) of the ICC outlining the requirements for approval of Telecommunications Plans and specifies that "after discharging its duties as the environmental review board in accordance with ICC §15.12.040, the Planning Commission shall approve the wireless communications plan if it finds:

- That the Plan is in substantial compliance with the requirements of this chapter (i.e., Chapter 18.76).

*This is an update to the existing Verizon Wireless Telecommunications Plan that was updated and approved by the Planning Commission in May 2019. The 2019 plan met all of the requirements outlined in Chapter 18.76 at the time of approval. This update is to add a location site to the Verizon Wireless Telecommunications Plan and this request for approval is ensuring that the Plan is compliant with the requirements of Chapter 18.76.050(K).*

- That the applicant has made a good faith effort and commitment to meeting the standards and goals of this chapter.

*Verizon Wireless has an adopted Telecommunications Plan that is on file with the County and is updating that Plan with the proposed site located 1203 Lubken Canyon Rd., Lone Pine, California. These actions show a good faith effort by the applicant to meet the standards as outlined in Chapter 18.76.050(E) and (K) and will result in a Plan that is compliant with County Code.*

- That none of the entities listed in 18.76.050(B)(4) have interposed an objection to the plan (i.e., Edwards, China Lake or Ft. Irwin).

*This is an update to the existing Verizon Wireless Telecommunications Plan. The entities listed under B(4) did not provide any objections to this proposed plan during the process.*

- That execution of the plan will not pose or create a threat to the health, safety, or welfare of the public."

*This application submittal is an update to a previously adopted Telecommunications Plan. The Project proposes adding a 105-foot monopole tower. The tower will house six 6-foot panel antennas, three 3-foot panel antennas, along with six remote radio units, two surge suppressors and two 4-foot microwave dishes to increase the capacity of the existing Verizon Wireless network in the area, located at 1203 Lubken Canyon Rd., in Lone Pine, California. The proposed tower location requires a distance of at least 111 feet from the nearest residence. The monopole's location is approximately 1,500 feet from the nearest residence to the north, 1,700 feet from the nearest residence to the northeast, and 2,500 feet from the nearest residence to the west. This proposal shall require all pertinent building and electrical permits to be obtained. This process ensures all State and local building and safety standards are followed; therefore, the execution of the Plan does not pose threats to the health, safety or welfare of the public.*

## **ENVIRONMENTAL REVIEW**

In December 2024, an Initial Study and Mitigated Negative Declaration (ISMND) was performed by staff to consider possible significant impacts to environmental resources for this Project. The applicant provided a biological report and cultural report for the Project. The biological report identified three potential biological impacts that can be mitigated (Owens Valley Checkerbloom, wetlands and nesting birds) but no archeological cultural resource impacts. Biological mitigations were added to the draft ISMND prior to public review. The State review period ended on January 13, 2025.

The California Department of Fish and Wildlife (CDFW) commented on the ISMND requesting mitigation measures for the avoidance of sensitive plants, burrowing owl and nesting birds. (Attachment 4). These measures have been added to the Mitigation Monitoring and Reporting Program (Attachment 5) and listed in the Conditions of Approval.

For any potential wetland impacts, prior to construction a wetlands area survey and a wetlands delineation shall be conducted to mitigate any potential wetland impacts and is listed in the Conditions of Approval.

A copy of the ISMND as well as the biological survey and cultural report can be found at: <https://www.inyocounty.us/services/planning-department/current-projects>.

## **TRIBAL CONSULTATION**

In compliance with AB 52 and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter about the Project and the opportunity for consultation on this Project. Tribal consultation invitations were sent to the: Big Pine Tribe of Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone Tribe, Twenty-Nine Palms Band of Mission Indians, Cabazon Band of Mission Indians and the Torrez Martinez/Desert Cahuilla Indians and the Kern Valley Indian Community per Tribal requests.

Inyo County did not receive any requests for consultation.

## **NOTICING & REVIEW**

Residents within 300 feet of the proposed Project were notified of the submission and review of CUP 2024-06 and Telecommunications Plan Update 2024-02/Verizon-Sequoia-Lone Pine along with the date of the public hearing for these applications.

The Notice of Availability of the Initial Study was published in the *Inyo Register* on December 14, 2024. Notification of the public hearing date for the CUP and Telecommunications Plan Update was published in the *Inyo Register* on February 15, 2025.

The CUP 2024-06 and Telecommunications Plan Update 2024-02/Verizon-Sequoia-Lone Pine applications have been reviewed by the following County Departments: Environmental Health, Public Works, Building & Safety, and the Inyo County Tax Collector. Information regarding the Project was also sent to the Great Basin Unified Air Pollution District, Owens Valley Radio Observatory, Lone Pine Fire Department, Edwards Air Force Base, Air Flight Test Center, China Lake Naval Air Weapons Station, Bicycle Lake Army Airfield at Fort Irwin and the Federal Aviation Administration.

The Federal Aviation Administration commented by providing a Determination of No Hazard to Air Navigation (Attachment 6) providing a Condition of Approval for this project addressing compatibility with FAA 5G C band and the e-filing of the required FAA Form 7460-2 Notice of Actual Construction or Alternation. These matters are detailed in the Conditions of Approval of this staff report.

No other comments have been received to date.

### **RECOMMENDATIONS**

Planning Department staff recommends the approval of CUP 2024-06 and Telecommunications Plan Update 2024-02/Verizon-Sequoia-Lone Pine, with the following Findings and Conditions of Approval:

#### **Findings:**

##### **Conditional Use Permit 2024-06/Verizon-Sequoia-Lone Pine**

1. Based upon the Initial Study and all oral and written comments received, adopt the Negative Declaration of Environmental Impact and certify that the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: An Initial Study and Draft Negative Declaration of Environmental Impact (ISMND) was prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 30-day public comment period ended on January 13, 2025. The ISMND identified three potential biological impacts (Owens Valley Checkerbloom, wetlands and nesting birds) but no archeological cultural resource impacts and mitigation was added to the ISMND accordingly. Staff received one comment letter from the California Department of Fish and Wildlife during circulation. The issues raised within this letter are sensitive plant surveys, focused and pre-construction surveys for Burrowing Owls and nesting bird surveys which are addressed in the attached Mitigation Monitoring and Reporting Program. For potential wetland impacts, preconstruction surveys and delineation have been added to the Conditions of Approval. No additional potentially significant environmental impacts were identified from the construction and operation of the telecommunications tower in the course of the ISMND circulation. Based upon the environmental evaluation of the proposed Project, the Planning Department finds that the Project has less than significant impacts on the environment with mitigation.]*
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Agriculture (A).  
*[Evidence: The proposed Conditional Use Permit is consistent with the goals and policies of the Agriculture LU 5.3 designation and Policy PSU 7.1 Provision of Services of the General Plan, as the Project offers an essential public service by*

*providing the residents of Lone Pine with improved cellphone and wireless internet service. Wireless phone services are considered a “public and quasi-public facility.” No conflicts exist with policies and objectives in the other adopted elements of the General Plan.]*

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits “Public and quasi-public buildings and uses” as a Conditional Use in the Open Space (OS) Zone.  
*[Evidence: Section 18.12 – OS (Open Space) Zone (referenced as OS) allows, under 18.12.040 Conditional uses, public and quasi-public buildings and uses of a public service nature when operating requirements necessitate its location within the district to extend capacity to existing Verizon wireless network. Telecommunications are considered a use of a public service nature, and the operating requirements necessitate the proposed location in the OS zone and the applicant has applied for the required Conditional Use Permit for the proposed monopole tower.]*
4. The proposed Conditional Use Permit is necessary or desirable.  
*[Evidence: General Plan Policy PSU-7.1 encourages the provision of new communications services to the residents of Inyo County. This Project serves the purpose of providing improved cellphone and wireless internet service to the people who live in the Lone Pine area; therefore, this is a desirable use.]*
5. The proposed Conditional Use Permit is appropriately related to other uses and transportation and service facilities in the vicinity.  
*[Evidence: The proposed tower will be sited on the property which is currently undeveloped land and mostly flat desert terrain but is lightly disturbed with roads and paths. The Project is a monopole tower that will hold cellular service antennas. The 105-foot monopole tower will have no impact on transportation or service facilities.]*
6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.  
*[Evidence: The placement of the 105-foot monopole tower will not have an impact on surrounding properties or persons standing in accessible areas on the ground as the exposure levels are below the Federal Communications Commission’s (FCC) most stringent General Population Maximum Permissible Exposure Limits of equal to or less than 5%. At the 97-foot elevation/height levels of the antennas on the tower the exposure level extends out 98-feet from the front face of the antennas, however, there are no buildings or structures in this area at this antenna elevation/height. Beyond these extended areas, the exposure levels are predicted to be below the FCC’s most stringent General Population Maximum Permissible Exposure Limits. (See Attachment 7). The applicant shall be subject to the requirements set by the building requirements specified in the California Building Code by the Inyo County Building and Safety Department and the requirements of the Environmental Health Department’s Certified Unified Program Agency (CUPA).]*
7. Periodic review of the Conditional Use Permit and deviation for the Surface Mining and Reclamation Act of 1975 (SMARA) and the Inyo County Code (ICC) section 18.76.090.  
*[Evidence: Pursuant to ICC Section 18.76110(C), the applicant is required to provide a*



*financial mechanism that meets the requirements of the Surface Mining and Reclamation Act (SMARA), as set forth in Public Resources Code Section 2710 et seq. SMARA mandates that an applicant submit a renewed financial assurance mechanism annually, which is accompanied by a yearly inspection. However, staff has reviewed the requirements and determined that annual renewals and inspections are unnecessary for telecommunications facilities. These facilities are typically static and unchanging throughout their operational lifespan, resulting in minimal alteration to the project site.*

*Staff recommends that the applicant be required to renew the financial assurance mechanism every five years, with an associated inspection at the time of renewal. This inspection will enable planning staff to assess the status of the facility and ensure its continued operation. Should the facility become inoperable or abandoned, the conditional use permit will be revoked as necessary. The five-year renewal and inspection cycle is deemed sufficient by staff to manage the oversight of the conditional use permit.*

*Furthermore, the provisions of ICC Section 18.76.090, which addresses the term, expiration, and renewal of a communications facility's conditional use permit, includes a requirement that a communications facility's conditional use permit terminates after ten years unless the applicant applies to renew the permit. Staff considers this process redundant in light of the proposed five-year renewal and inspection process for the financial assurance mechanism. As such, staff recommends deviating from the requirements of Section 18.76.090 and instead relying on the five-year renewal and inspection process. Staff further recommends that the applicant be subject to the five-year renewal and inspection process as outlined in Condition of Approval #4.*

8. Operating requirements necessitate the 105-foot monopole tower's location within the Open Space (OS) zone.

*[Evidence: Several site locations were considered in preparation for the Telecommunications Plan Update. This took into consideration the topography and challenging terrain, radio frequency propagation, elevation and height, accessible adjacent utilities, the developed properties, expansion of the overall coverage to the surrounding communities and a willing landlord. No viable co-location or non-residential opportunities existed to meet the objectives. The Project location of 1203 Lubken Canyon Road and construction of the 105-foot monopole tower meets the requirements to expand Verizon's coverage to this area in Lone Pine and Whitney Portal. Therefore, the operating requirements necessitate the 105-foot. monopole location within the OS Zone.*

## **Findings:**

### **Telecommunications Plan Update 2024-02/Verizon-Sequoia-Lone Pine**

1. Based upon the Initial Study and all oral and written comments received, adopt the Negative Declaration of Environmental Impact and certify that the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: An Initial Study and Draft Negative Declaration of Environmental Impact (ISMND) was prepared and circulated for public review and comment pursuant to the*

*provisions of the California Environmental Quality Act. The 30-day public comment period ended on January 13, 2025. The ISMND identified three potential biological impacts (Owens Valley Checkerbloom, wetlands and nesting birds) but no archeological cultural resource impacts and mitigation was added to the ISMND accordingly. Staff received one comment letter from the California Department of Fish and Wildlife during circulation. The issues raised within this letter are sensitive plant surveys, focused and pre-construction surveys for Burrowing Owls and nesting bird surveys which are addressed in the attached Mitigation Monitoring and Reporting Program. For potential wetland impacts, preconstruction surveys and delineation have been added to the Conditions of Approval. No additional potentially significant environmental impacts were identified from the construction and operation of the telecommunications tower in the course of the ISMND circulation. Based upon the environmental evaluation of the proposed Project, the Planning Department finds that the Project has less than significant impacts on the environment with mitigation.]*

2. The proposed Telecommunications Plan Update is consistent with the Inyo County General Plan.  
*The Plan Update conforms to the land use designation of Agriculture that allows for public and quasi-public facility." The communications facility is consistent with the utility provision. The Plan Update also complies with Policy PSU 7.1: Provision of Services: The County shall encourage the provision of communications and telecommunications service and facilities to serve existing and future needs; and Policy PSU 7.5: Communication Towers: The County shall require compliance with the Wireless Communications Guidelines for siting of communication towers in unincorporated areas of the County.*
3. The proposed Telecommunications Plan Update is consistent with the Inyo County Zoning Chapter 18.12 OS (Open Space).  
*The Telecommunications Plan Update, as proposed, meets all the requirements of Chapter 18.12 of the Inyo County Code, and the required findings as outlined in ICC §18.76.050(E) as described above.*
4. This Commission further finds that the proposed Telecommunications Plan Update is consistent with Chapter 18.76 of the ICC [§18.76.050(E)] required findings as discussed above:
  - a. That the plan is in substantial compliance with the requirements of this chapter;
  - b. That the applicant has made a reasonable effort and commitment to meeting the standards and goals of this chapter;
  - c. That none of the entities listed in section 18.76.050(B)(4). (military) have objected to the plan; and
  - d. That execution of the plan will not pose or create a threat to the health, safety, or welfare of the public.
5. The proposed Telecommunications Plan necessitates the 105-foot monopole tower's location within the Open Space (OS) zoning district.  
*Several site locations were considered in preparation for the Telecommunications Plan Update. This took into consideration the topography and challenging terrain, radio*

*frequency propagation, elevation and height, accessible adjacent utilities, the developed properties, expansion of the overall coverage to the surrounding communities and a willing landlord. No viable co-location opportunities or non-residential existed to meet the objectives. The Project location of 1203 Lubken Canyon Road and construction of the 105-foot monopole tower meets the requirements to expand Verizon's coverage to this area in Lone Pine and Whitney Portal. Therefore, the operating requirements necessitate the Telecommunications Plan Update.*

Recommended Conditions of Approval for Conditional Use Permit 2024-06\Telecommunications Plan Update 2024-02/Verizon-Sequoia-Lone Pine.

## **CONDITIONS OF APPROVAL**

### *1. Hold Harmless*

The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit 2024-06; Telecommunications Plan Update No. 2024-02/Verizon-Sequoia-Lone Pine. The County reserves the right to prepare its own defense.

### *2. Compliance with County Code*

The applicant/developer shall conform to all applicable provisions of the Inyo County Code. This includes, but is not limited to, Building and Safety requirements and the requirements of the Environmental Health Department, Hazardous Materials Certified Unified Program Agency (CUPA). If the use provided by this conditional use permit has not been established within one year of the approval date, it will become void.

### *3. Conformance with Approved Wireless Telecommunications Plan:*

All subsequent development of wireless communications facilities under this Telecommunications Plan including this update shall be in substantial conformance with the approved Verizon Wireless Telecommunications Plan. If future proposals are not in substantial conformance with the approved Plan, a request for approval of a modification to the approved Plan shall be submitted to the Planning Commission for approval prior to consideration of any subsequent applications for Conditional Use Permit and/or Variance applications, or any subsequent development of wireless communications facilities in Inyo County.

### *4. Reclamation Plan and Financial Security for Decommissioning and Site Restoration*

Pursuant to section 18.76.050(B)(3) of the ICC, the Applicant shall provide a wireless plan that describes in detail its methods for meeting, to the maximum extent feasible, the standards and measures outlined in the applicable sections of the Inyo County Code concerning the design, location, configuration, deployment, and removal of wireless communications facilities in Inyo County, as well as the remediation of any applicable former facility sites, and a detailed description of its policies and practices for doing so, all on both a county-wide and facility-specific basis.

Pursuant to section 18.76.070(14) of the ICC, the Applicant shall provide a detailed decommissioning plan for the removal of the facility and reclamation of the facility site(s) in the event the CUP expires

or terminates, or the cell tower facility is abandoned. This plan shall also include a time frame for decommission and restoration and shall meet any applicable provisions of such plans found in the Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code section 2710 et seq., as may be amended). The decommissioning and site restoration plan shall be submitted and reviewed and approved by the County prior to the issuance of any grading or building permits to the Applicant.

To ensure funds are available for the approved decommissioning and site restoration plan, the Applicant shall submit, on a form acceptable to the County, a surety bond or cash equivalent (collectively, "Financial Security") in an amount equal to the estimated costs to implement the said plan pursuant to ICC section 18.76.100(A) ("Restoration Costs").

Pursuant to section 18.76.110(C) of the ICC, this Financial Security shall meet all applicable provisions of SMARA; shall list the County of Inyo as the obligee; and shall be maintained with no gap in coverage until the decommissioning and site restoration obligations set forth above have been fulfilled. If a surety bond is provided, it shall be issued by an entity listed in the latest version of U.S. Department of Treasury Circular 570 that is authorized to issue bonds in California. If a cash equivalent is provided, it may consist of a letter of credit, cashier's check, or certificate of deposit and must be prepared and issued by a federally insured commercial bank in a form approved by the County. The Financial Security shall be submitted and approved by the County prior to the issuance of any grading or building permits to the Applicant.

Pursuant to section 18.76.110(D) of the ICC, the amount of the Restoration Costs shall be calculated based on the reasonably-anticipated cost to remove the facility and to reclaim the site upon which it is located and shall be computed using the methodology and addressing all cost items stated on the Financial Assurance Cost Estimate Form for use under the Surface Mining and Reclamation Act as referenced in 14 CCR Section 3805.1, as may be amended, to the extent applicable to this Project's decommissioning and site restoration.

The Financial Security shall be conditioned upon the Applicant fulfilling and performing the decommissioning and site restoration obligations set forth in the approved decommission plan. The Planning Director shall promptly exonerate and release the Financial Security or any remaining portion thereof upon satisfaction of said decommissioning and site restoration obligations.

Telecommunication towers, unlike mines, are static, unmoving and have little to no change on the Project site during its use requiring less frequent review of the Financial Security. As such, at each five-year interval after the initial Financial Security is provided, the Financial Security amount shall be inflation indexed (i.e., increased or decreased to account for inflation over the preceding one-year period) based on the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Los Angeles-Long Beach-Anaheim. In this regard, no later than five years and three months following submittal of the previous Financial Security, Applicant shall submit a replacement Financial Security to the Inyo County Planning Department reflecting the new inflation-adjusted Restoration Costs along with an updated decommissioning and site restoration plan. Such replacement Financial Security shall be subject to County review and approval as to form and amount.

The Applicant shall prepare a new estimate of Restoration Costs, and shall submit a new Financial Security in such amount, any time Applicant proposes a Project modification or seeks to implement a new Project phase that materially alters or adds to the information contained in the previously approved decommissioning and site restoration plan. Such replacement Financial Security shall be

subject to County review and approval as to form and amount.

5. *Aesthetics*

The applicant/developer shall use low shine polish finish to prevent glare to mitigate the aesthetic impact.

6. *Federal Aviation Administration*

The applicant/developer shall meet the requirements as provided by the Federal Aviation Administration **Determination of No Hazard to Air Navigation** dated July 23, 2024 (Attachment 6).

7. *Sensitive Plants*

The owner/developer shall implement and follow the Mitigation Monitoring Report Program regarding avoidance of sensitive plants (Attachment 5). Failure to do so may result in the revocation of the conditional use permit and telecommunication plan update.

8. *Burrowing Owl Survey*

The owner/developer shall implement and follow the Mitigation Monitoring Report Program regarding avoidance of burrowing owls (Attachment 5). Failure to do so may result in the revocation of the conditional use permit and telecommunication plan update.

9. *Nesting Bird Survey*

The owner/developer shall implement and follow the Mitigation Monitoring Report Program regarding avoidance of nesting birds (Attachment 5). Failure to do so may result in the revocation of the conditional use permit and telecommunication plan update.

10. *Wetlands*

Prior to construction the applicant shall conduct a wetlands area survey and a wetlands delineation to avoid any potential wetland area impacts. Failure to do so may result in the revocation of the conditional use permit and telecommunication plan update.

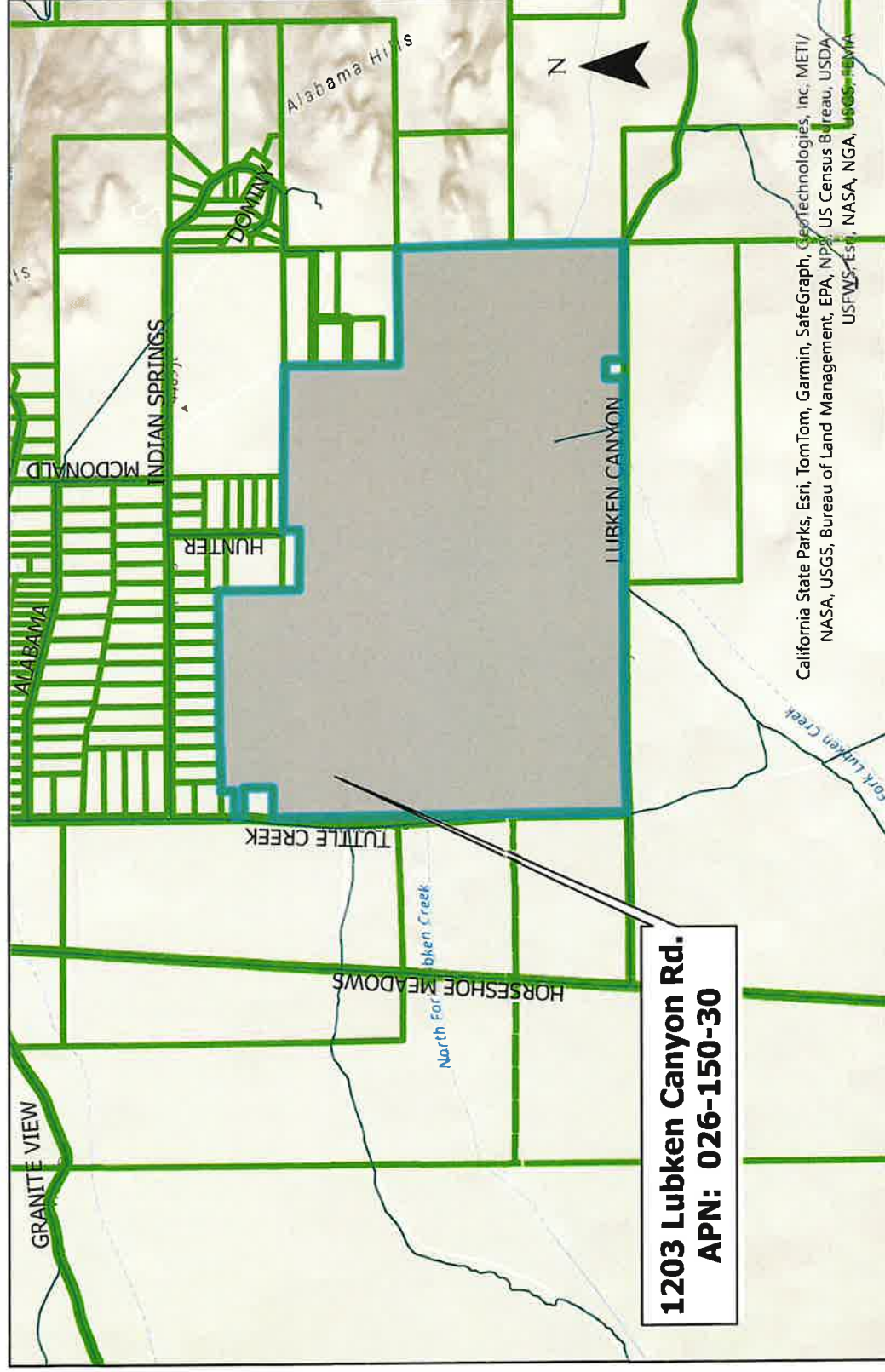
**ATTACHMENTS:**

- Attachment 1 - Vicinity Map and Photo Simulations
- Attachment 2 - Proposed Wireless Network Design Plan and Map
- Attachment 3 – Justification and Coverage Maps
- Attachment 4 - CDFW comment letter
- Attachment 5 - Mitigation Monitoring Report Program
- Attachment 6 - Federal Aviation Administration Determination of No Hazard to Air Navigation
- Photo Simulations

# ATTACHMENT 1

## VICINITY MAP

Conditional Use Permit 2024-06 and Telecommunications Plan Update/2024-02 Verizon-Sequoia-Lone Pine



**ATTACHMENT 2**



**Inyo County**

**Proposed Wireless Network Design Plan**

**Prepared by:  
Joshua Ehrlich  
08/12/2024**

# Current Network

Verizon currently operates eight (8) cell sites in Inyo County along Hwy 395. All of these sites currently provide 4G LTE service.

- West Bishop
  - Lat/Long: 37-22-27.42N 118-25-4.76W
  - APN: 011-120-64
  - Centerline: 91'
  - Frequencies
    - 746-757/776-787
    - 835-845/880-890
    - 2110-2130/1710-1730
    - 1890-1895/1970-1975
    - 2170-2180/1770-1780
- Bishop
  - Lat/Long: 37-21-32N; 118-23-45W
  - APN: 001-117-411
  - Centerline: 113'
  - Frequencies
    - 746-757/776-787
    - 835-845/880-890
    - 2110-2130/1710-1730
    - 1890-1895/1970-1975
    - 2170-2180/1770-1780



# Current Network (cont.)

- Poverty Hills

- Lat/Long: 37-03-26N; 118-14-32W
- APN 018-230-12
- Centerline: 79'
- Frequencies
  - 746-757/776-787
  - 835-845/880-890
  - 2110-2130/1710-1730
  - 1890-1895/1970-1975
  - 2170-2180/1770-1780

- Independence

- Lat/Long: 36-47-55.02N; 118-09-34.63W
- APN: 022-150-14
- Centerline: 164'
- Frequencies
  - 746-757/776-787
  - 835-845/880-890
  - 2110-2130/1710-1730
  - 1890-1895/1970-1975
  - 2170-2180/1770-1780

# Current Network (cont.)

- Lone Pine
  - Lat/Long: 36-36-58N; 118-02-29W
  - APN: 026-050-18
  - Centerline: 65'
  - Frequencies
    - 746-757/776-787
    - 835-845/880-890
    - 2110-2130/1710-1730
- Haiwee Pass
  - Lat/Long: 36-11-36N; 118-00-27W
  - APN: 033-220-43
  - Centerline: 65'
  - Frequencies
    - 746-757/776-787
    - 2110-2130/1710-1730

# Current Network (cont.)

- Gil Coso

- Lat/Long: 36-2-53N/117 56 39.9998W
- APN: 037-510-002-04
- Centerline: 96'
- Frequencies
  - 746-757/776-787

- Little Lake

- Lat/Long: 35-55-34N; 117-54-44W
- APN: 037-120-30
- Centerline: 65'
- Frequencies
  - 746-757/776-787
  - 835-845/880-890
  - 2110-2130/1710-1730

# Future Network Plans

All future site modifications and new build site plans are proposed and dependent on the necessary agreements and infrastructure availability and are subject to change. There are no estimated in-service dates at this time. Coordinates provided are an estimated point of a proposed new site. Actual locations will be determined upon completion of a feasibility study of the area. Co-location opportunities will be sought out and evaluated.

## Modifications Pending for Existing Sites

Bishop  
Gil Coso  
Independence  
Little Lake  
Lone Pine  
West Bishop

These sites are pending 5G C-band frequency adds (3700-3900Mhz), which will include adding any 4G frequencies not currently on air.

# Future Network Plans (cont.)

## Proposed New Build Locations

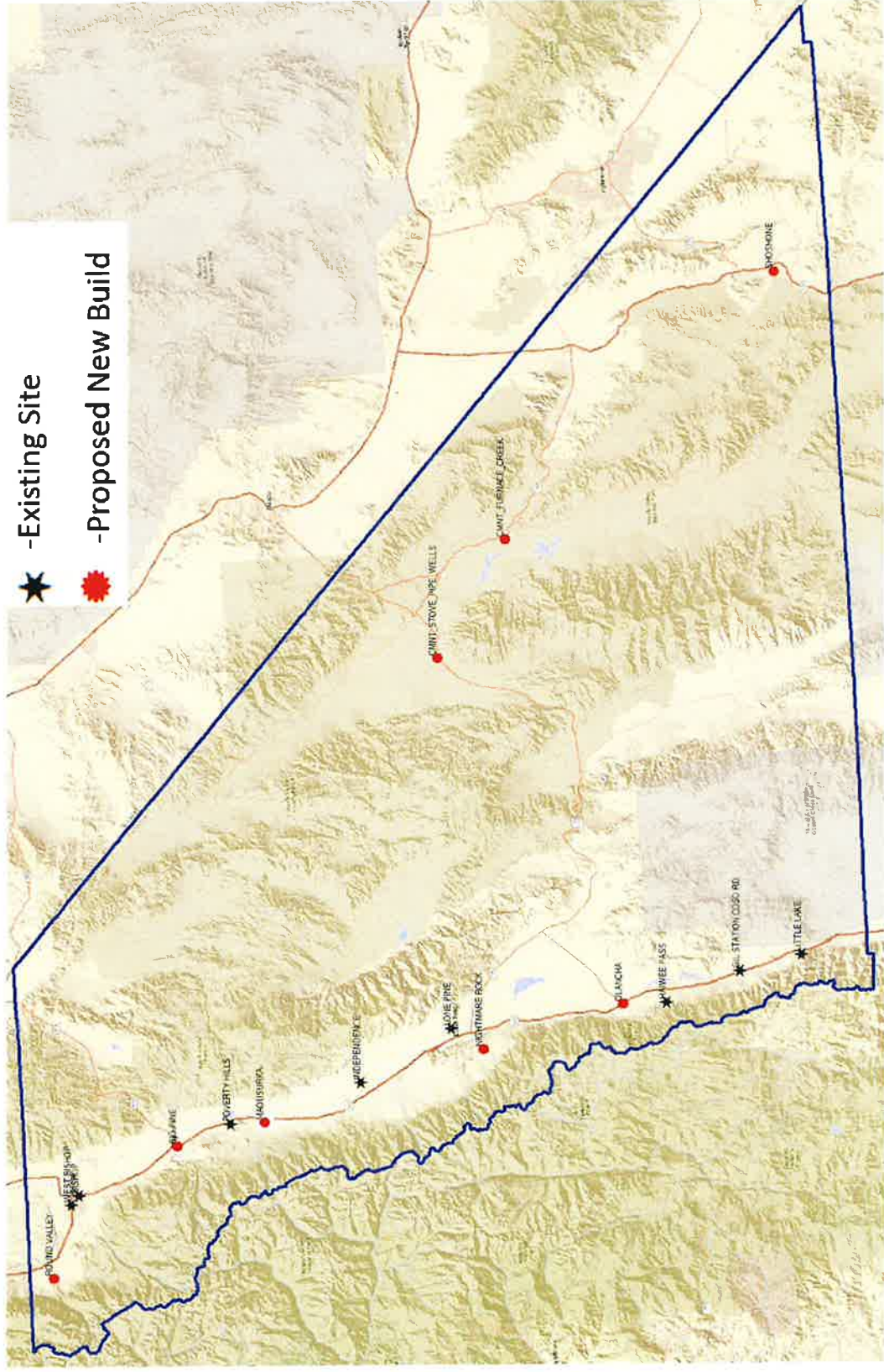
BIG PINE	37.164731	-118.290331
MAZUORKA	36.992386	-118.244611
NIGHTMARE ROCK	36.557306	-118.097819
OLANCHA	36.278986	-118.006411
SHOSHONE	35.899483	-116.275207
ROUND VALLEY	37.416731	-118.597529

All new build sites designed with the following frequencies:

- 746-757/776-787
- 835-845/880-890
- 2110-2130/1710-1730
- 1890-1895/1970-1975
- 2170-2180/1770-1780
- 3700-3900

Commnet Conversion Sites (sites currently ran by Commnet that provide roaming service to the Verizon network that are planned to be shutdown by Commnet)

CMNT_FURNACE_CREEK	36.4574	-116.87
CMNT_STOVE_PIPE_WELLS	36.60411	-117.146



**verizon**



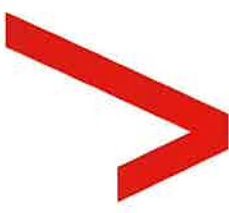
## **ATTACHMENT 3**

# **NIGHTMARE ROCK**

## **JUSTIFICATION AND COVERAGE MAPS**

Joshua Ehrlich, RF Engineer

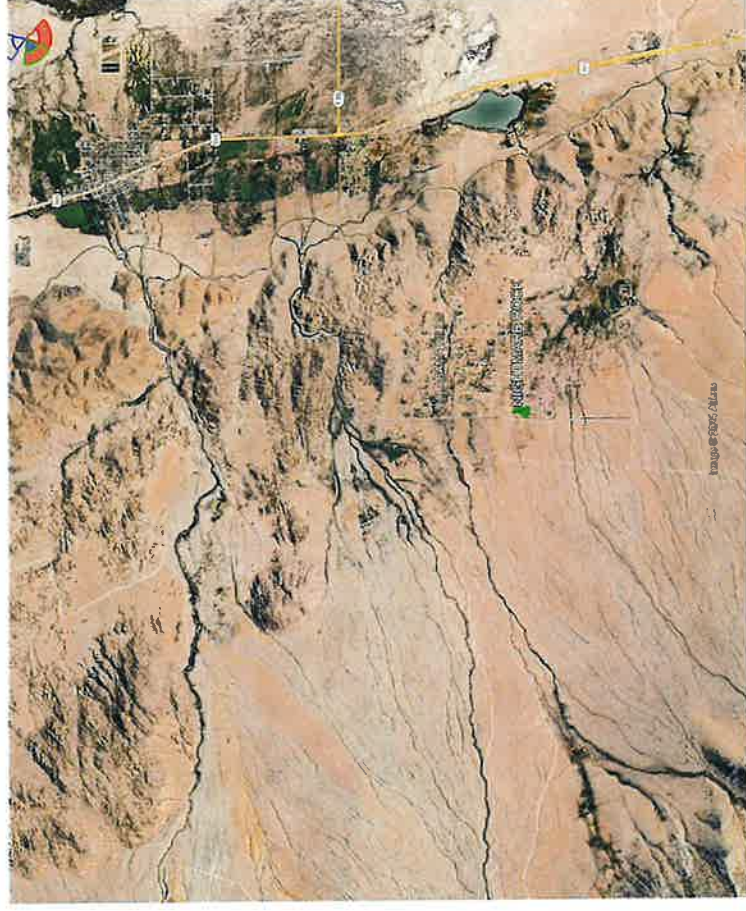
04/23/2024





## Justification Statement

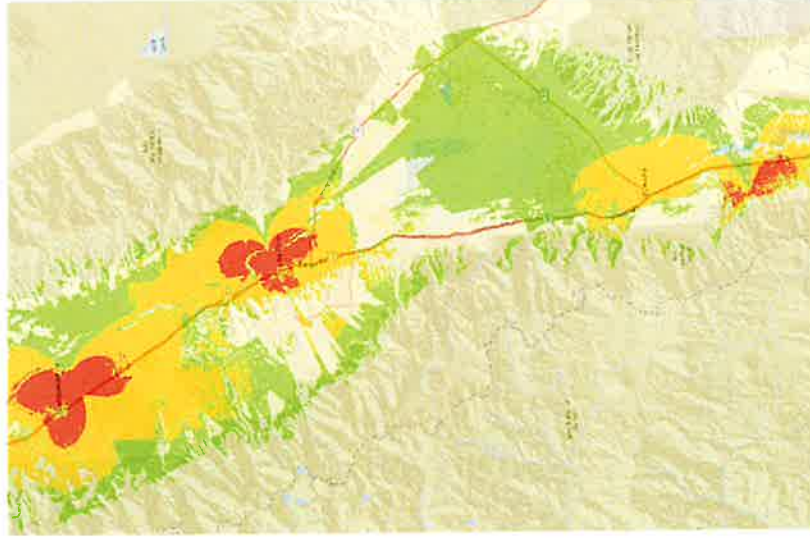
This site is needed to offload the sub1 triggers on sector 2 of our existing Lone Pine site and add capacity to the National Park and outdoor recreation areas to the west to include the Mt. Whitney Portal. This site will also add new service to the community of Alabama Hills which is an area with significant tourist travel.



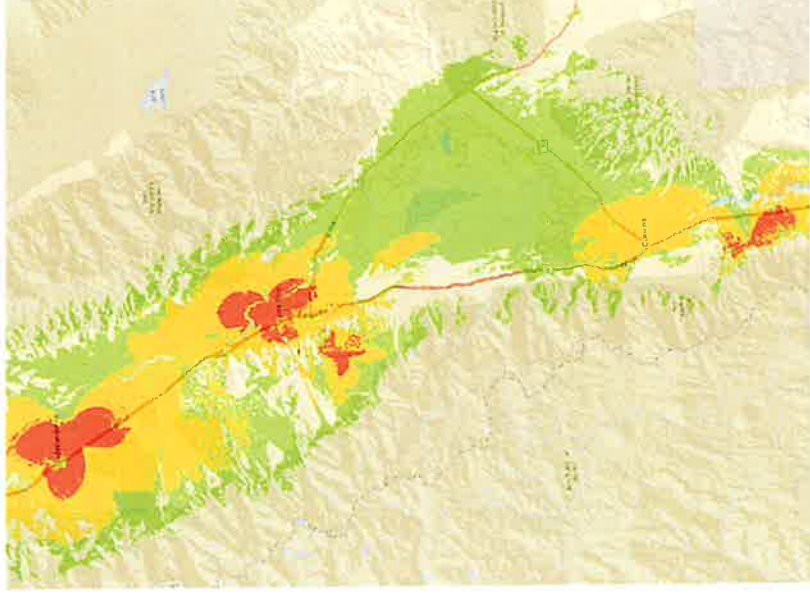
Verizon confidential and proprietary. Unauthorized disclosure, reproduction or other use prohibited.

# OVERALL AREA

Current Coverage



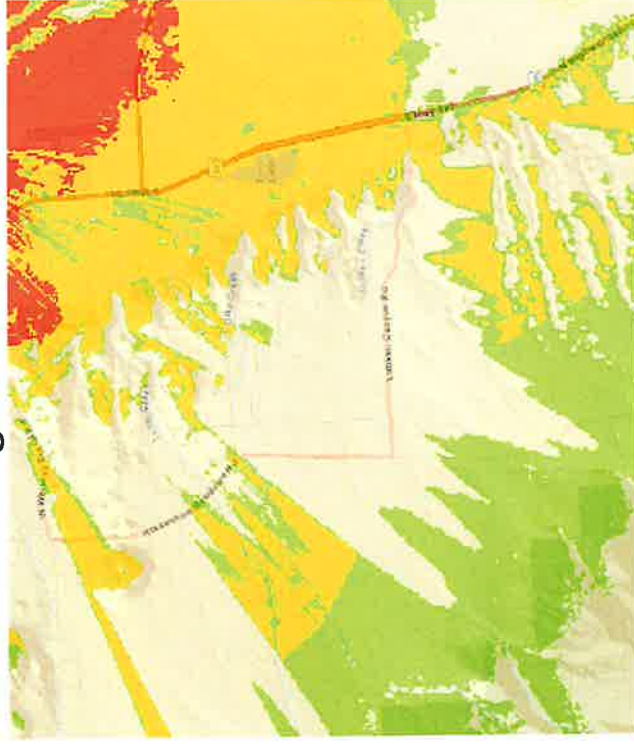
Coverage w/ Nightmare Rock Site



- In building coverage
- In vehicle coverage
- Outdoor coverage

# Immediate Area

Current Coverage



Coverage w/ Nightmare Rock Site



- In building coverage
- In vehicle coverage
- Outdoor coverage

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## Safe harbor statement

NOTE: In this presentation we have made forward-looking statements. These statements are based on our estimates and assumptions and are subject to risks and uncertainties. Forward-looking statements include the information concerning our possible or assumed future results of operations. Forward-looking statements also include those preceded or followed by the words “anticipates,” “believes,” “estimates,” “expects,” “hopes” or similar expressions. For those statements, we claim the protection of the safe harbor for forward-looking statements contained in the Private Securities Litigation Reform Act of 1995. We undertake no obligation to revise or publicly release the results of any revision to these forward-looking statements, except as required by law. Given these risks and uncertainties, readers are cautioned not to place undue reliance on such forward-looking statements. The following important factors, along with those discussed in our filings with the Securities and Exchange Commission (the “SEC”), could affect future results and could cause those results to differ materially from those expressed in the forward-looking statements: adverse conditions in the U.S. and international economies; the effects of competition in the markets in which we operate; material changes

in technology or technology substitution; disruption of our key suppliers’ provisioning of products or services; changes in the regulatory environment in which we operate, including any increase in restrictions on our ability to operate our networks; breaches of network or information technology security, natural disasters, terrorist attacks or acts of war or significant litigation and any resulting financial impact not covered by insurance; our high level of indebtedness; an adverse change in the ratings afforded our debt securities by nationally accredited ratings organizations or adverse conditions in the credit markets affecting the cost, including interest rates, and/or availability of further financing; material adverse changes in labor matters, including labor negotiations, and any resulting financial and/or operational impact; significant increases in benefit plan costs or lower investment returns on plan assets; changes in tax laws or treaties, or in their interpretation; changes in accounting assumptions that regulatory agencies, including the SEC, may require or that result from changes in the accounting rules or their application, which could result in an impact on earnings; the inability to implement our business strategies; and the inability to realize the expected benefits of strategic transactions.

**As required by SEC rules, we have provided a reconciliation of the non-GAAP financial measures included in this presentation to the most directly comparable GAAP measures in materials on our website at [www.verizon.com/about/investors](http://www.verizon.com/about/investors)**





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](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



## ATTACHMENT 4

January 13, 2025

Danielle Visuaño  
Senior Planner  
Inyo County Planning Department  
168 North Edwards Street  
PO Drawer L  
Independence, CA 93526  
[dvisuano@inyocounty.us](mailto:dvisuano@inyocounty.us)  
*sent via email*

Dear Ms. Visuaño:

**Conditional Use Permit 2024-06 and Telecom Plan Update 2024-02/Verizon-Sequoia-Lone Pine (Project)**  
**MITIGATED NEGATIVE DECLARATION (MND)**  
**SCH# 2024120529**

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Inyo County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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:** Verizon Wireless

**Objective:** The objective of the Project is to increase the capacity of the existing Verizon Wireless network in the area. Primary Project activities include installing a 105 foot (ft) tall monopole telecommunications tower and associated ground-based equipment within a 900 square ft (30 ft x 30 ft) fenced lease area and trenching 750 ft to run power and fiber

<sup>1</sup> 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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Inyo County Planning Department  
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conduits along a 15 ft wide access route from the proposed tower to a proposed "meet-me-box" and existing utility pole.

**Location:** East of Tuttle Creek Road, Lone Pine, CA; Assessor Parcel Number: 026-150-30, in Inyo County at Latitude 36.557419° , Longitude - 118.097589° .

**Timeframe:** None mentioned

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Inyo 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. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends in Attachment A, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

### I. Environmental Setting and Related Impact Shortcoming

**Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?**

**COMMENT 1:** Sensitive wildlife species identified but only botanical and pre-construction clearance surveys proposed as mitigation.

#### Limited Biological Resources Report, Section 3.4 General Wildlife, Page 4

**Issue:** No avoidance, minimization, or mitigation measures were proposed to reduce impacts to biological resources despite identifying federal and state-listed species that have the potential to occur in the Project area. CDFW recommends incorporating avoidance, minimization, or mitigation measures specific to the several special status species that have the potential to occur within the Project area.

**Specific impact:** The Project is bordered by Sierra Nevada alluvial washes and their associated habitats, including North Fork Lubken Creek to the south and its tributaries. The Limited Biological Resources Technical Report prepared by Trileaf (Report) of the IS/MND concluded that the proposed Project has the potential to have a significant effect on threatened and endangered species, species of special concern, their habitats, and migratory birds (Trileaf, 2024); but only proposed limited botanical survey methods to avoid, minimize, or mitigate impacts to Owens Valley checkerbloom (*Sidalcea covillei*; state endangered) in the Project area.

Based on iPaC and CNDDDB review, the Report identified additional special-status species expected to occur in the Project area including fisher (*Pekania pennanti*), California condor (*Gymnogyps californianus*), western yellow-billed cuckoo (*Coccyzus americanus*), bald eagle (*Haliaeetus leucocephalus*), golden eagle (*Aquila chrysaetos*), Owens pupfish (*Cyprinodon radiosus*), Owens Tui chub (*Gila bicolor ssp. snyderi*), and Monarch butterfly (*Danaus plexippus*); though only Monarch butterfly had been determined to have any potential to occur.

The Report also indicated that the following sensitive/listed wildlife species have the potential to occur in undisturbed shrubland, such habitat pervading the Project area including Sierra Nevada yellow-legged frog (*Rana sierrae*), Western snowy plover (*Charadrius nivosus nivosus*), least Bell's vireo (*Vireo bellii pusillus*), Sierra Nevada bighorn sheep (*Ovis canadensis sierrae*), and desert tortoise (*Gopherus agassizii*). However, Trileaf did not disclose in the Report the resource or literature from which this information was derived.

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The Project area stated in the IS/MND includes habitat for state listed species. If during the environmental analysis for the Project, it is determined the Project may have the potential to result in "take" of a state-listed species, the IS/MND shall disclose how CESA compliance will be obtained prior to starting construction activities. "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." The environmental document must include all avoidance and minimization to reduce the impacts to a less than significant level. If impacts to listed species are expected to occur even with the implementation of these measures, mitigation measures shall be proposed to fully mitigate the impacts to state-listed species (Cal. Code Regs., tit. 14, § 783.2, subd.(a)(8)). CDFW encourages early coordination to determine appropriate measures to offset Project impacts and facilitate future permitting processes.

Based on the sensitive species impact analyses provided in the Report and relevant literature review to support it, CDFW recommends mitigation measures for the following species that were determined to have a potential to occur: Owens Valley rare plants, burrowing owl, and nesting birds.

**Why impact would occur:** The IS/MND includes no avoidance, minimization, or mitigation measures to reduce impacts to sensitive wildlife species or avoid take of CESA-listed species.

**Evidence impact would be significant:** Take of any CESA listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Consequently, if a project, including project construction or any project-related activity during the life of the project, results in take of CESA-listed species, CDFW recommends that the Project proponent seek appropriate authorization prior to project implementation. This may include an incidental take permit (ITP) or a consistency determination (Fish and Game Code, §§ 2080.1 & 2081).

## Owens Valley Rare Plants

### Limited Biological Resources Report, Section 3.5 Sensitive Biological Resources – Sensitive Plant Species, Page 6

**Issue:** Owens Valley checkerbloom (*Sidalcea covillei*) is presumed present in the Project area but limited botanical survey methods have been proposed to determine presence/absence during its blooming period (April-June) (Calflora, 2025). According to the CNDDDB, Owens Valley checkerbloom has a documented occurrence in the Project footprint.

Inyo County star-tulip (*Calochortus excavatus*), another rare plant species<sup>2</sup>, has been documented approximately 2,000 ft east of the Project area (CDFW, 2025), co-occurring within the same freshwater emergent wetland feature mapped in the [National Wetlands Inventory](#) figure in the Report (USFWS, 2025).

CDFW is concerned that an analysis was not completed to form a complete inventory of rare plants within the Project area and to identify the level of impacts on those species identified as potentially present and thus whether the Project's impacts have been adequately identified, disclosed, and mitigated.

**Specific impact:** The Project includes trenching a 750 ft long underground trench along 15 ft wide access road and requires vegetation removal of mapped Owens Valley checkerbloom habitat.

Owens Valley checkerbloom is a perennial herb in the mallow family (*Malvaceae*) that only grows in alkali meadows and spring plant communities having sandy loam soils with alkaline crusts in Owens Valley in Inyo County, California. Owens Valley checkerbloom currently has a limited distribution of 42 occurrences along 75 miles of the Owens River

<sup>2</sup> California Native Plant Society (CNPS) rank status 1B.1: Plants rare, threatened, or endangered in California and elsewhere; seriously threatened in California

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watershed (CDFW, 2025). These occurrences are threatened by lowering water tables and grazing. Unsustainable extraction of water in the Owens River Valley has lowered the water table, allowing noxious weeds to thrive while less water is available for Owens Valley checkerbloom and other native plants. Various studies show that vegetative cover is responsive to the groundwater depth and that lower groundwater can aid in recruitment success of plants that have not been historically present. This can cause unprecedented competition, and ultimately the decline of rare species such as Owens Valley checkerbloom (CDFW, 2017).

Inyo County star-tulip is a perennial geophyte, endemic to eastern California and was first described by Edward L. Greene in 1890 from a collection made by W. H. Shockley (No. 427) at Bishop Creek, Inyo County (Greene, 1901). There are 70 known populations, which all occur within alkali meadows, a severely threatened community type due to groundwater pumping, grazing, human disturbance, invasive species and habitat conversion (Winitsky, 2021).

The freshwater emergent wetland mapped by the [National Wetlands Inventory](#), when analyzed with CNDDDB for the Project area, has shown to support rare and endemic alkali meadow plant communities including Inyo County star-tulip as well as Owens Valley checkerbloom. Therefore, CDFW recommends MM BIO-1 below be added to the IS/MND to fully avoid and otherwise protect rare plant communities from Project-related direct and indirect impacts.

**Why impact would occur:** The timing of the July 31, 2024 surveys noted in the Report phenologically mismatches with the blooming season for Owens Valley checkerbloom, which blooms from April to June (Calflora, 2025). The July 31, 2024 survey was also conducted at the end of the Inyo County star-tulip blooming season (April to July) (Calflora, 2025), which did not involve surveying for Inyo County star-tulip potential occurrence. The Project area has not been surveyed for these two rare plant species during their corresponding blooming seasons and an impact analysis has not been done for Inyo County star-tulip. In both cases, a presence/absence determination cannot be made.

**Evidence impact would be significant:** The IS/MND presumes presence of only Owens Valley checkerbloom in the Project area, where Inyo County star-tulip has been documented in the same wetland feature. A botanical field survey following [CDFW or California Native Plant Society \(CNPS\) botanical survey protocol](#) is needed during each plant species' specific blooming season to identify plants at a taxonomic level to determine rarity and inform listing status of other sensitive plants that may not have been identified.

**Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant:** CDFW recommends inclusion of the following changes to the proposed 'Sensitive Plant Species' botanical survey to avoid take of Owens Valley checkerbloom (edits are in strikethrough and additions are in bold):

#### **MM BIO-1: Sensitive Plants Surveys**

**Sensitive Plant Species:** ~~Prior to construction, a botanical survey should be conducted during the appropriate blooming period to determine the presence or absence of sensitive plant species, specifically *Sidalcea covillei* (Owens Valley Checkerbloom), as the proposed project footprint extends through mapped habitat. If this species is identified within the proposed project area and cannot be avoided, necessary permits need to be obtained to continue construction.~~

**Prior to Project implementation, and during the appropriate blooming season, Inyo County shall conduct botanical field survey following protocols set forth in the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW-approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special status and locally significant plants, and familiar with the**



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appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status.

If any rare plants or sensitive vegetation communities are identified, Inyo County shall either avoid the occurrence, with an appropriate buffer, or mitigate the loss of the occurrence through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 3:1 (replacement-to-impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed) or is not occupied by or available to special status species.

If the Project has the potential to impact any State-listed plant species, the County should apply for a CESA ITP with CDFW. CDFW [may issue permits for Owens Valley checkerbloom pursuant to CESA](#).

## Burrowing Owl (*Athene cunicularia*)

### Limited Biological Resources Report, Section 3.5 Sensitive Biological Resources

**Issue:** The Project may impact burrowing owl, a candidate species under the California Endangered Species Act (CESA) and Project activities may result in take as defined in Fish and Game Code section 86.

**Specific impact:** The IS/MND does not acknowledge the potential for burrowing owl to occur given, despite the Project area containing suitable habitat. No burrowing owls or signs were observed during the field site visit. CDFW notes that only one survey was performed on July 31, 2024. A focused survey for the species following CDFW approved guidelines was not conducted and CDFW has determined the site supports suitable habitat. Therefore, CDFW is concerned that Inyo County may not have adequately identified potentially significant impacts. Project implementation, including trenching, vegetation clearing and construction, may result in direct mortality, population declines, or local extirpation of burrowing owl not previously identified. Additionally, the California Wildlife Habitat Relationships (CWHHR) dataset, Burrowing Owl Predicted Habitat (CDFW, 2016), displays a high potential for burrowing owl presence within the Project area.

**Why impact would occur:** According to the Biological Constraints Analysis, focused burrowing owl surveys were not conducted on the Project site. Burrowing owls have been known to use highly degraded and marginal habitat where existing burrows are available. Burrowing owls are well-adapted to open, relatively flat expanses and vacant lots and prefer habitats with generally short sparse vegetation with few shrubs such as those occurring on the Project site. If BUOW burrows are not properly detected, prior to ground disturbance, site preparation and grading could destroy habitat and result in take of burrowing owl. Occupied site or occupancy means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow within the last three years. Occupancy of suitable burrowing owl habitat may also be indicated by owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site.

**Evidence impact would be significant:** On October 10, 2024, the California Fish and Game Commission accepted a petition to list Western Burrowing Owl as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. As a candidate species, Western Burrowing Owl is granted full protection of a threatened species under CESA. If Project activities could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under

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Fish and Game Code section 2081) should be obtained prior to commencement of Project activities. 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). 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. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

**Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant:** CDFW recommends that prior to commencing Project activities, focused and preconstruction surveys for burrowing owl be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). Because appropriate surveys were not conducted prior to circulation of the MND, the MND may not adequately identify potentially significant impacts. CDFW recommends the IS/MND be revised and recirculated following completion of survey so that results and appropriate specific avoidance and minimization measures can be included, to ensure that impacts to burrowing owls are reduced to less than significant. However, if Inyo County chooses not to follow this path, CDFW recommends including the MM BIO-2 measure below to ensure an adequate assessment is completed and CESA authorization obtained, if needed.

#### **MM BIO-2: 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. The Designated Biologist shall provide to CDFW a GIS or KMZ map of BUOW burrow complex(es) and atypical burrows (e.g. culverts, buckled concrete, etc.) The map shall be at a scale of 1:24,000 or finer to show details and shall show locations of all BUOW sightings and labeled if sightings were potential burrows, occupied burrows, satellite burrows, areas of concentrated burrows, and BUOW sign. Locations documented by use of GPS coordinates must be collected in NAD83 datum. The map shall include an outline of the Project Area. The map shall include a title, north arrow, scale bar, and legend.**

**If burrowing owl occupancy is confirmed, and if Project activities may impact burrowing owl, including burrow exclusion and closure, the Project Proponent shall begin early coordination with CDFW for appropriate CESA authorization (i.e., Incidental Take Permit (ITP) under Fish and Game Code section 2081) prior to commencement of Project activities. The ITP application shall describe, at a minimum, project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) Permittee-responsible mitigation land acquisition or 2) Conservation or Mitigation Bank credits (if available).**

## **Nesting Birds**

### **Limited Biological Resources Report, Section 3.6.3 Nesting Birds, Page 8**

**Issue:** The Report recognizes that the trees and shrubs located within the immediate vicinity of the Project site provide suitable avian nesting habitat for several avian species but only includes pre-construction clearance surveys as mitigative measures to avoid impacts to nesting birds. Furthermore, the IS/MND does not provide an estimated timeframe for construction. Mitigating impacts to nesting birds requires avoiding

Danielle Visuaño, Senior Planner  
Inyo County Planning Department  
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construction activities during the avian nesting season (February-September). CDFW is concerned that the Project does not avoid impacts to nesting birds, whether or not during avian nesting season.

**Specific Impact:** Potential take of nesting birds and loss of bird nesting and/or foraging habitat.

**Why impact would occur:** Project activities may disturb nesting birds, which can lead to failure of the nest or unauthorized take.

**Evidence impact would be significant:** Potential habitat for nesting birds and birds of prey is present within the Project area. The proposed Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its close vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the environmental document. Measures to avoid the impacts should include species specific work windows, biological monitoring, installation of noise attenuation barriers, etc.

Inyo County is responsible for complying with Fish and Game Code sections 3503, 3503.5, and 3513, which state as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs or any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto; 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 the Fish and Game Code or any regulation adopted pursuant thereto; 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(s) to reduce impacts to less than significant:** CDFW recommends a qualified biologist survey the entire Project area, not only for nesting birds, but also all bird activity to observe behavior that could be related to nest building, incubation, feeding of young and/or possible behavior that could indicate agitation and/or nest abandonment caused by Project activities. CDFW recommends inclusion of the following changes to the proposed nesting bird pre-construction clearance survey to avoid take of nesting birds (edits are in strikethrough and additions are in bold):

#### **MM BIO-3: Nesting Bird Surveys**

~~If construction activity must occur during the nesting season, a qualified biologist should perform a pre-construction clearance survey to determine the presence/absence of nesting activity onsite and in the vicinity of the project site. The survey will address impacts to nesting birds per the MBTA. If no nesting activity is observed, no further action is required.~~

~~If nesting activity is observed on or in the immediate vicinity of the project site, construction activity may proceed after the nestlings have fledged. If the facility must be installed in the vicinity of an active nest, a biological monitor will be present during all construction activity. Construction activity can be conducted at the discretion of the monitor to ensure that it does not directly or indirectly cause a nest to fail.~~

**Regardless of the time of year, nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Pre-construction 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 the survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests,**

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**establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).**

**All measures to protect nesting birds should be performance-based. While some birds may tolerate disturbance within 250 feet of construction activities, other birds may have a different disturbance threshold and take could occur if the temporary disturbance buffers are not designed to reduce stress to that individual pair. CDFW recommends including performance-based protection measures for avoiding all nests protected under the Migratory Bird Treaty Act and Fish and Game Code. A 250-foot exclusion buffer may be sufficient; however, that buffer may need to be increased based on the birds' tolerance level to the disturbance.**

#### **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 MND to assist Inyo County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Bryant Luu, Environmental Scientist at (760) 923-8666 or [Bryant.Luu@wildlife.ca.gov](mailto:Bryant.Luu@wildlife.ca.gov).

Sincerely,

DocuSigned by:

*Alisa Ellsworth*  
84FBB8273E4C480...

Alisa Ellsworth  
Environmental Program Manager

cc: Graham Meese, Senior Environmental Scientist Supervisor  
Inland Deserts Region  
[Graham.Meese@wildlife.ca.gov](mailto:Graham.Meese@wildlife.ca.gov)

Office of Planning and Research, State Clearinghouse, Sacramento  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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## ATTACHMENT A: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR CDFW-PROPOSED MITIGATION MEASURES

### PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

### TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p><b>MM BIO-1: Sensitive Plants Surveys</b></p> <p><del><b>Sensitive Plant Species:</b> Prior to construction, a botanical survey should be conducted during the appropriate blooming period to determine the presence or absence of sensitive plant species, specifically <i>Sidalcea covillei</i> (Owens Valley Checkerbloom), as the proposed project footprint extends through mapped habitat. If this species is identified within the proposed project area and cannot be avoided, necessary permits need to be obtained to continue construction.</del></p> <p>Prior to Project implementation, and during the appropriate blooming season, Inyo County shall conduct botanical field survey following protocols set forth in the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW-approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status.</p> <p>If any rare plants or sensitive vegetation communities are identified, Inyo County shall either avoid the occurrence, with an appropriate buffer, or mitigate the loss of the occurrence through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 3:1 (replacement-to-impact) ratio. Note that a higher ratio may be warranted if the</p>	<p>Prior to and during ground- or vegetation disturbing activities</p>	<p>Inyo County</p>



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<p>proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed) or is not occupied by or available to special status species.</p> <p>If the Project has the potential to impact any State-listed plant species, the County should apply for a CESA ITP with CDFW. CDFW <a href="#">may issue permits for Owens Valley checkerbloom pursuant to CESA</a>.</p>		
<p><b>MM BIO-2: Focused and Pre-Construction Surveys for Burrowing Owl</b></p> <p>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. The Designated Biologist shall provide to CDFW a GIS or KMZ map of BUOW burrow complex(es) and atypical burrows (e.g. culverts, buckled concrete, etc.) The map shall be at a scale of 1:24,000 or finer to show details and shall show locations of all BUOW sightings and labeled if sightings were potential burrows, occupied burrows, satellite burrows, areas of concentrated burrows, and BUOW sign. Locations documented by use of GPS coordinates must be collected in NAD83 datum. The map shall include an outline of the Project Area. The map shall include a title, north arrow, scale bar, and legend.</p> <p>If burrowing owl occupancy is confirmed, and if Project activities may impact burrowing owl, including burrow exclusion and closure, the Project Proponent shall begin early coordination with CDFW for appropriate CESA authorization (i.e., Incidental Take Permit (ITP) under Fish and Game Code section 2081) prior to commencement of Project activities. The ITP application shall describe, at a minimum, project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) Permittee-responsible mitigation land acquisition or 2) Conservation or Mitigation Bank credits (if available).</p>	<p>Prior to and during ground- or vegetation disturbing activities</p>	<p>Inyo County</p>
<p><b>MM BIO-3: Nesting Bird Surveys</b></p> <p><del>If construction activity must occur during the nesting season, a qualified biologist should perform a pre-construction clearance survey to determine the presence/absence of nesting activity onsite and in the vicinity of the project site. The survey will address impacts to nesting birds per the MBTA. If no nesting activity is observed, no further action is required.</del></p> <p><del>If nesting activity is observed on or in the immediate vicinity of the project site, construction activity may proceed after the nestlings have fledged. If the facility must be installed in the vicinity of an active nest, a biological monitor will be present during all construction activity. Construction activity can be conducted at the discretion of the monitor to ensure that it does not directly or indirectly cause a nest to fail.</del></p> <p>Regardless of the time of year, nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days</p>	<p>Prior to ground- or vegetation disturbing activities</p>	<p>Inyo County</p>

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<p>prior to vegetation clearing or ground disturbance activities. Pre-construction 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 the survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).</p> <p>All measures to protect nesting birds should be performance-based. While some birds may tolerate disturbance within 250 feet of construction activities, other birds may have a different disturbance threshold and take could occur if the temporary disturbance buffers are not designed to reduce stress to that individual pair. CDFW recommends including performance-based protection measures for avoiding all nests protected under the Migratory Bird Treaty Act and Fish and Game Code. A 250-foot exclusion buffer may be sufficient; however, that buffer may need to be increased based on the birds' tolerance level to the disturbance.</p>		
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## ATTACHMENT 5

### MITIGATION MONITORING AND REPORTING PROGRAM

#### PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

#### TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the party that is primarily responsible for implementing the mitigation measure

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p><b>MM BIO-1: Sensitive Plants Surveys</b></p> <p>Prior to Project implementation, and during the appropriate blooming season, Applicant shall conduct botanical field survey following protocols set forth in the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by an approved botanist experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status.</p> <p>If any rare plants or sensitive vegetation communities are identified, Applicant shall either avoid the occurrence, with an appropriate buffer, or mitigate the loss of the occurrence through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 3:1 (replacement-to- impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed) or is not occupied by or available to special status species.</p> <p>If the Project has the potential to impact any State-listed plant species, the Applicant should apply for a CESA ITP with CDFW. CDFW may issue permits for Owens Valley checkerbloom pursuant to CESA.</p>	<p>Prior to and during ground- or vegetation disturbing activities</p>	<p>Applicant</p>

<p><b>MM BIO-2: Focused and Pre-Construction Surveys for Burrowing Owl</b></p> <p>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 BUOW burrow complex(es) and atypical burrows (e.g. culverts, buckled concrete, etc.) are identified, the Designated Biologist shall provide to CDFW a GIS or KMZ map. The map shall be at a scale of 1:24,000 or finer to show details and shall show locations of all BUOW sightings and labeled if sightings were potential burrows, occupied burrows, satellite burrows, areas of concentrated burrows, and BUOW sign. Locations documented by use of GPS coordinates must be collected in NAD83 datum. The map shall include an outline of the Project Area. The map shall include a title, north arrow, scale bar, and legend.</p> <p>If burrowing owl occupancy is confirmed, and if Project activities may impact burrowing owl, including burrow exclusion and closure, the Project Proponent shall begin early coordination with CDFW for appropriate CESA authorization (i.e., Incidental Take Permit (ITP) under Fish and Game Code section 2081) prior to commencement of Project activities. The ITP application shall describe, at a minimum, project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) Applicant-responsible mitigation land acquisition or 2) Conservation or Mitigation Bank credits (if available).</p>	<p>Prior to and during ground- or vegetation disturbing activities</p>	<p>Applicant</p>
<p><b>MM BIO-3: Nesting Bird Surveys</b></p> <p>A nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Pre- construction 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 the survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).</p>	<p>Prior to ground- or vegetation disturbing activities</p>	<p>Applicant</p>

<p>All measures to protect nesting birds should be performance-based. While some birds may tolerate disturbance within 250 feet of construction activities, other birds may have a different disturbance threshold and take could occur if the temporary disturbance buffers are not designed to reduce stress to that individual pair. CDFW recommends including performance-based protection measures for avoiding all nests protected under the Migratory Bird Treaty Act and Fish and Game Code. A 250-foot exclusion buffer may be sufficient; however, that buffer may need to be increased based on the birds' tolerance level to the disturbance.</p>		
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## ATTACHMENT 6



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2024-AWP-8494-OE

Issued Date: 07/23/2024

Julie Heffernan  
The Towers, LLC  
7500 Park of Commerce Dr  
Suite 200  
Boca Raton, FL 33487

### **\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower US-CA-5825 - NIGHTMARE ROCK
Location:	Lone Pine, CA
Latitude:	36-33-26.71N NAD 83
Longitude:	118-05-51.32W
Heights:	4617 feet site elevation (SE) 110 feet above ground level (AGL) 4727 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Emissions from this site must be in compliance with the parameters set by collaboration between the FAA and telecommunications companies and reflected in the FAA 5G C band compatibility evaluation process (such as power, frequencies, and tilt angle). Operational use of this frequency band is not objectionable provided the Wireless Providers (WP) obtain and adhere to the parameters established by the FAA 5G C band compatibility evaluation process. **Failure to comply with this condition will void this determination of no hazard.**

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

☐ At least 10 days prior to start of construction (7460-2, Part 1)  
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

### **See attachment for additional condition(s) or information.**

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 01/23/2026 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination of No Hazard is granted provided the following conditional statement is included in the proponent's construction permit or license to radiate:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take such immediate corrective action as is necessary to eliminate the harmful interference. This condition expires after 1 year of interference-free operation.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (206) 231-2877, or [Nicholas.Sanders@faa.gov](mailto:Nicholas.Sanders@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-AWP-8494-OE.

**Signature Control No: 626231482-628090707**

( DNE )

Nicholas Sanders  
Technician

Attachment(s)  
Additional Information  
Frequency Data

cc: FCC

## **Additional information for ASN 2024-AWP-8494-OE**

Part 77 authorizes the FAA to evaluate a structure or object's potential electromagnetic effects on air navigation, communication facilities, and other surveillance systems. It also authorizes study of impact on arrival, departure, and en route procedures for aircraft operating under visual or instrument flight rules, as well as the impact on airport traffic capacity at existing public use airports. Broadcast in the 3.7 to 3.98 GHz frequency (5G C band) currently causes errors in certain aircraft radio altimeters and the FAA has determined they cannot be relied upon to perform their intended function when experiencing interference from wireless broadband operations in the 5G C band. The FAA has adopted Airworthiness Directives for all transport and commuter category aircraft equipped with radio altimeters that prohibit certain operations when in the presence of 5G C band.

This determination of no hazard is based upon those mitigations implemented by the FAA and operators of transport and commuter category aircraft, and helicopters operating in the vicinity of your proposed location. It is also based on telecommunication industry and FAA collaboration on acceptable power levels and other parameters as reflected in the FAA 5G C band evaluation process.

The FAA 5G C band compatibility evaluation is a data analytics system used by FAA to evaluate operational hazards related to aircraft design. The FAA 5G C band compatibility evaluation process refers to the process in which the telecommunication companies and the FAA have set parameters, such as power output, locations, frequencies, and tilt angles for antenna that mitigate the hazard to aviation. As the telecommunication companies and FAA refine the tools and methodology, the allowable frequencies and power levels may change in the FAA 5G C band compatibility evaluation process. Therefore, your proposal will not have a substantial adverse effect on the safe and efficient use of the navigable airspace by aircraft provided the equipment and emissions are in compliance with the parameters established through the FAA 5G C band compatibility evaluation process.

Any future changes that are not consistent with the parameters listed in the FAA 5G C band compatibility evaluation process will void this determination of no hazard.

# Frequency Data for ASN 2024-AWP-8494-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	2000	W
614	698	MHz	1000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W
3700	3980	MHz	3280	W



# ATTACHMENT 7



YOUR RF SAFETY PARTNER

## RADIO FREQUENCY ELECTROMAGNETIC FIELDS EXPOSURE REPORT

PRE-Activation

Prepared for Verizon

Site Name: **Nightmare Rock**  
Site ID: **5000918226**  
Site Type: **Monopole**

Located at:

1203 Lubken Canyon Rd  
Lone Pine, CA 93526  
Latitude: 36.557306 / Longitude: -118.097819

Report Date: **4/9/2024**  
Report By: **Christopher Stollar, P.E.**

Based on FCC Rules and Regulations, Verizon is compliant.

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## 1.0 EXECUTIVE SUMMARY

Dtech Communications, LLC ("Dtech") has been retained by Sequoia Deployment Services, Inc., contractors to Verizon, to determine whether its wireless communications facility complies with the Federal Communications Commission ("FCC") Radio Frequency ("RF") Safety. This report contains a computer-simulated analysis of the Electromagnetic Fields ("EMF") exposure resulting from the facility. The analysis also includes assessment of existing wireless carriers on site, where information is provided. The table below summarizes the results at a glance:

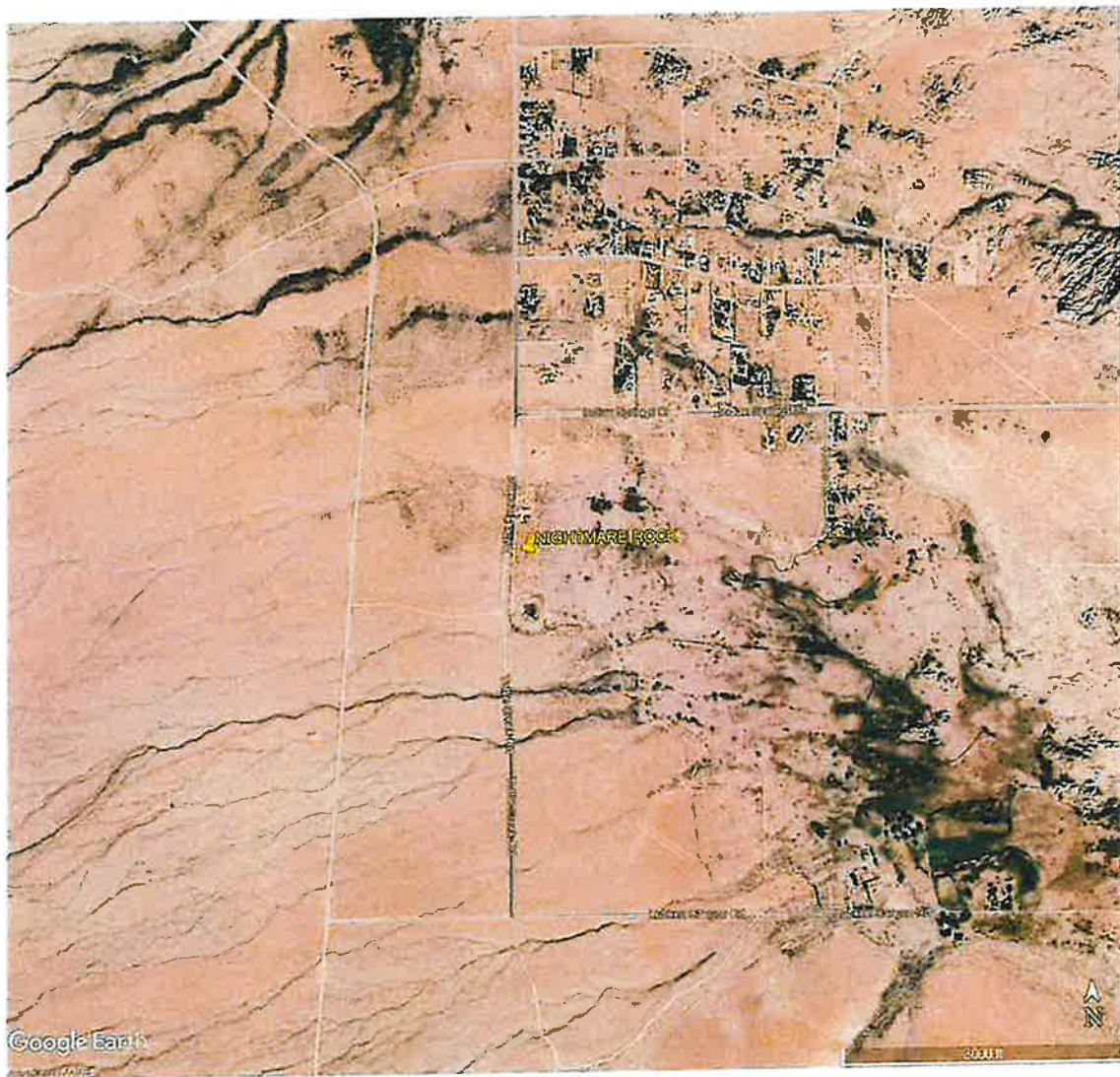
*Table 1: EMF Summary*

Verizon	Summary
Access Type	Gate
Access to antennas locked	Optional
RF Sign(s) @ access point(s)	NA
RF Sign(s) @ antennas	NA
Barrier(s) @ sectors	NA
Max EMF simulated level for Verizon on Ground	0.5% General Population
Clearance Distance from Face of Verizon's Antennas	98 Feet

## 2.0 SITE DESCRIPTION

The wireless telecommunication facility is located on the ground. The facility consists of 1 wireless carrier(s) or operator(s): Verizon. The antennas are typically grouped into sectors pointing in different directions to achieve the desired areas of coverage. Verizon's antennas are mounted on a monopole tower.

### 2.1 Site Map



## 2.2 Antenna Inventory

The table below reflects the technical specifications provided by our clients and/or gathered from physical field surveys where applicable. This final configuration, including power settings and antenna orientations must be maintained to remain in compliance with FCC guidelines. For co-locators or nearby transmitters, conservative estimates are used for purposes of a cumulative study where information is not provided or available.

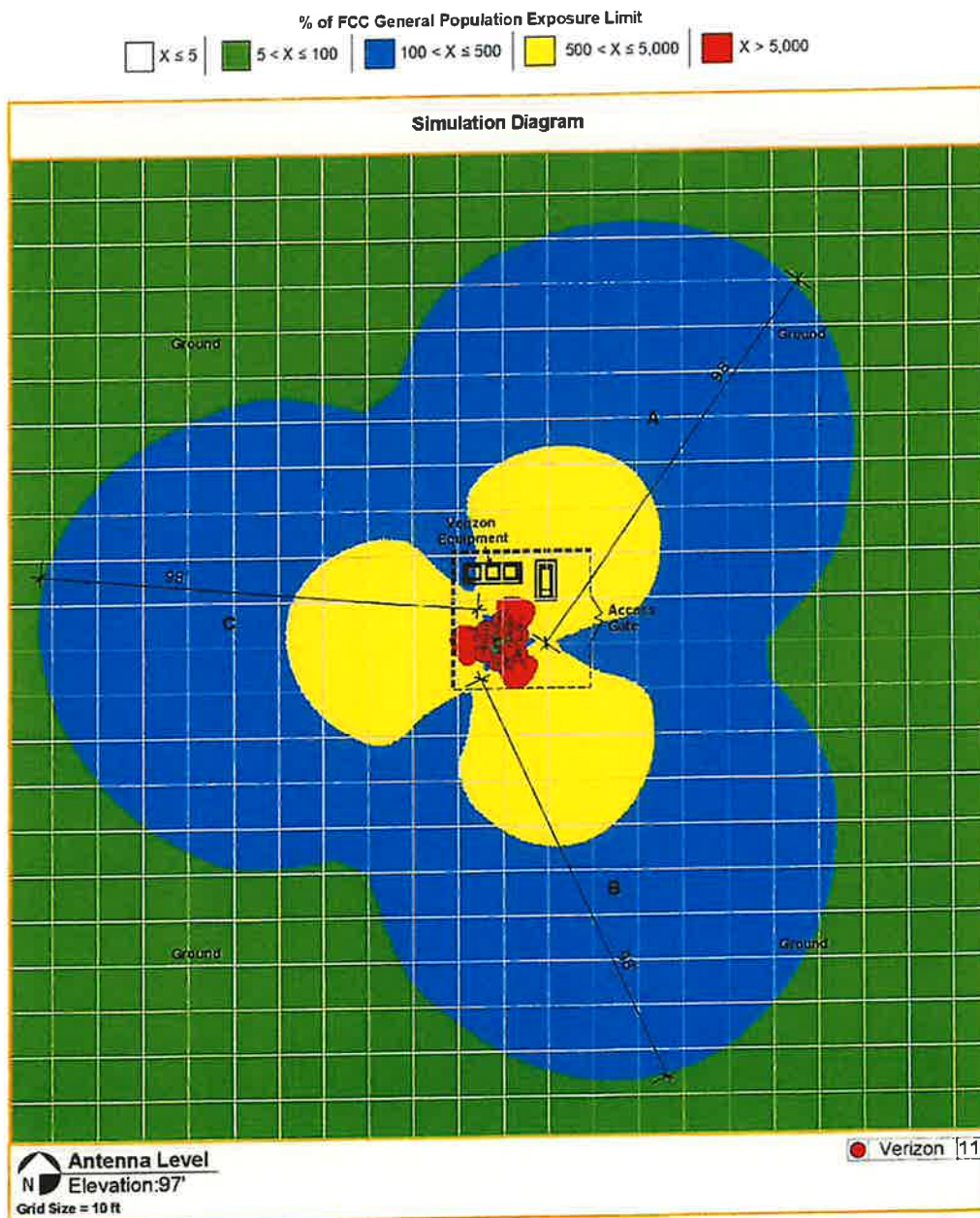
Table 2: Site Technical Specifications

Antenna ID	Antenna Num	Operator	Antenna Mtg	Antenna Model	Type	Frequency (MHz)	Orientation (°T)	Horizontal BWidth (°)	Antenna Aperture (ft)	Antenna Gain (dBi)	Total Input Power (Watts)	Duty Cycle	Total ERP (Watts)	Bottom Tip Height Above Ground (ft)	Bottom Tip Height Antenna Level (ft)
A1	1	Verizon	Ericsson	AIR6419	Panel	3700	35	11	2.4	23.5	320	0.8	56669	100.4	0.0
A2	2	Verizon	Commscope	NHH-65B-R2B	Panel	746	35	65	6.0	12.3	120	1.0	2033	97.0	0.0
A2	2	Verizon	Commscope	NHH-65B-R2B	Panel	880	35	60	6.0	12.7	120	1.0	2235	97.0	0.0
A2	2	Verizon	Commscope	NHH-65B-R2B	Panel	1965	35	69	6.0	15.7	240	1.0	8818	97.0	0.0
A3	3	Verizon	Commscope	NHH-65B-R2B	Panel	746	35	65	6.0	12.3	120	1.0	2033	97.0	0.0
A3	3	Verizon	Commscope	NHH-65B-R2B	Panel	880	35	60	6.0	12.7	120	1.0	2235	97.0	0.0
A3	3	Verizon	Commscope	NHH-65B-R2B	Panel	2120	35	64	6.0	16.2	240	1.0	10055	97.0	0.0
B1	4	Verizon	Ericsson	AIR6419	Panel	3700	155	11	2.4	23.5	320	0.8	56669	100.4	0.0
B2	5	Verizon	Commscope	NHH-65B-R2B	Panel	746	155	65	6.0	12.3	120	1.0	2033	97.0	0.0
B2	5	Verizon	Commscope	NHH-65B-R2B	Panel	880	155	60	6.0	12.7	120	1.0	2235	97.0	0.0
B2	5	Verizon	Commscope	NHH-65B-R2B	Panel	1965	155	69	6.0	15.7	240	1.0	8818	97.0	0.0
B3	6	Verizon	Commscope	NHH-65B-R2B	Panel	746	155	65	6.0	12.3	120	1.0	2033	97.0	0.0
B3	6	Verizon	Commscope	NHH-65B-R2B	Panel	880	155	60	6.0	12.7	120	1.0	2235	97.0	0.0
B3	6	Verizon	Commscope	NHH-65B-R2B	Panel	2120	155	64	6.0	16.2	240	1.0	10055	97.0	0.0
C1	7	Verizon	Ericsson	AIR6419	Panel	3700	275	11	2.4	23.5	320	0.8	56669	100.4	0.0
C2	8	Verizon	Commscope	NHH-65B-R2B	Panel	746	275	65	6.0	12.3	120	1.0	2033	97.0	0.0
C2	8	Verizon	Commscope	NHH-65B-R2B	Panel	880	275	60	6.0	12.7	120	1.0	2235	97.0	0.0
C2	8	Verizon	Commscope	NHH-65B-R2B	Panel	1965	275	69	6.0	15.7	240	1.0	8818	97.0	0.0
C3	9	Verizon	Commscope	NHH-65B-R2B	Panel	746	275	65	6.0	12.3	120	1.0	2033	97.0	0.0
C3	9	Verizon	Commscope	NHH-65B-R2B	Panel	880	275	60	6.0	12.7	120	1.0	2235	97.0	0.0
C3	9	Verizon	Commscope	NHH-65B-R2B	Panel	2120	275	64	6.0	16.2	240	1.0	10055	97.0	0.0
D1	10	Verizon	Unknown	Unknown	Dish	10000	37	1.5	4.0	38.7	-	1.0	1463	91.0	-6.0
D2	11	Verizon	Unknown	Unknown	Dish	10000	165	1.5	4.0	38.7	-	1.0	1463	91.0	-6.0





Figure 2: Plan (bird's eye) view map of results compared to FCC's General Population MPE (Maximum Permissible Exposure) Limits for a typical 6-foot person. White represents areas where exposure levels are calculated to be at or below 5%; Green- between 5% & 100% (below MPE limits); blue, yellow & red – greater than 100% (exceeds MPE limits). Individuals can safely occupy areas in white and green for indefinite amount of time; whereas areas in blue, yellow & red must be restricted to RF trained personnel who has been made fully aware of potential for exposure, has control and knows how to reduce their exposure with the use of personal protection equipment or has the ability to power down the transmitters.





## 4.0 CONCLUSION

### 4.1 Results

For a typical 6-foot person standing in accessible areas on the ground, calculations for Verizon's site resulted in exposure levels below the FCC's most stringent General Population MPE Limits.

At antenna elevation, the highest calculated exposure level is above the FCC's General Population MPE Limits near the Verizon antenna(s). The overexposed areas extend 98-feet from the front face of the Verizon antenna(s). There are no other buildings or surrounding structures at antenna elevation within the overexposed areas. Beyond these areas, exposure levels are predicted to be below the FCC's most stringent General Population MPE Limits.

The antennas are mounted on a tall tower and therefore not accessible by the general public. It is presumed that Verizon employees and contractors are aware of the transmitting antennas and will take appropriate precautions when working near them.

### 4.2 Recommendation(s)

Further actions are not required.

### 4.3 Statement of Compliance

Based on the above results, analysis and recommendation(s), it is the undersigned's professional opinion that Verizon's site is compliant with the FCC's RF Safety Guidelines.

### 4.4 Engineer Certification

This report has been prepared by or under the direction of the following Registered Professional Engineer: Darang Tech, holding California registration number 16000. I have reviewed this report and believe it to be both true and accurate to the best of my knowledge.



## Appendix A: Background

Dtech uses the FCC's guidelines described in detail in Office of Engineering & Technology, Bulletin No. 65 ("OET-65") "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields". The table below summarizes the current Maximum Permissible Exposure ("MPE") safety limits classified into two groups: General population and Occupational.

Table 3: FCC MPE Limits (from OET-65)

Frequency (Mhz)	General Population/ Uncontrolled MPE (mW/cm <sup>2</sup> )	Averaging Time (minutes)	Occupational/ Controlled MPE (mW/cm <sup>2</sup> )	Averaging Time (minutes)
30 - 300	0.2	30	1.0	6
300 - 1500	Frequency (Mhz)/1500 (0.2 - 1.0)	30	Frequency (Mhz)/300 (1.0 - 5.0)	6
1500 - 100,000	1.0	30	5.0	6

**General population/uncontrolled** limits apply in situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment, and may not be fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

**Occupational/controlled** limits apply in situations in which persons are exposed as a consequence of their employment, and those persons have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits, as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

It is important to understand that the FCC guidelines specify *exposure* limits not *emission* limits. For a transmitting facility to be out of compliance with the FCC's RF safety guidelines an area or areas where levels exceed the MPE limits must, first of all, be in some way *accessible* to the public or to workers. When accessibility to an area where excessive levels is appropriately restricted, the facility or operation can certify that it complies with the FCC requirements.

## **Appendix B: Measurement and/or Computer Simulation Methods**

Spatial averaging measurement technique is used. An area between 2 and 6 feet, approximately the size of an average human, is scanned in single passes from top to bottom in multiple planes. When possible, measurements were made at very close proximity to the antennas and inside the main beam where most of the energy is emitted. The spatial averaged values were recorded. A result higher than 100% exceeds the FCC's General Population MPE Limits.

Dtech uses an industry standard power density prediction computer Model<sup>1</sup> to assess the worse-case, cumulative EMF impact of the surrounding areas of the subject site. In addition, the analysis is performed at 80% duty cycle for all (C-Band/CBRS/mmWave) TDD technologies. All other frequencies are operating at 100% duty cycle transmitting at maximum total power. Lower interiors (if applicable), were analyzed 10-feet below roof level with a 10dB deck attenuation. For purposes of a cumulative study, nearby transmitters are included where possible. The result is a surrounding area map color-coded to percentages of the applicable FCC's MPE Limits.

## **Appendix C: Limitations**

The conclusions in this document rendered by Dtech are based solely upon the information collected during the site survey and/or furnished by our Client which Dtech believes is accurate and correct. Dtech, however, has no responsibility should such Client provided information prove to be inaccurate or incorrect. Third party specification estimates used for cumulative computer simulation purposes, where applicable, are based on common industry practices and our best interpretation of available information. Data, results and conclusions in this document are valid as of its date. However, as mobile technologies continuously change, these data, results and conclusions may also be at variance with such future changes. Dtech has no responsibility to update its survey or report to account for such future technology changes. This document was prepared for the use of our Client only and cannot be utilized by any third party for any purpose without Dtech's written consent. Dtech shall have no liability for any unauthorized use of this document and any such unauthorized user shall defend, indemnify and hold Dtech and its owners, directors, officers and employees harmless from and against any liability, claim, demand, loss or expense (including reasonable attorney's fees) arising from such unauthorized use.

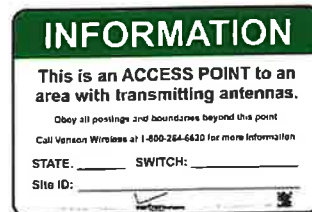
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<sup>1</sup> Roofmaster(tm)

## Appendix D: Sample Verizon<sup>2</sup> RF Advisory Signs



GUIDELINES Sign



NOC INFORMATION Sign



NOTICE Sign



CAUTION Sign



CAUTION Stay-Back Sign



WARNING Sign

<sup>2</sup> The above signage is for reference only. Actual signs may be updated in accordance to Verizon RF policy



VIEW 1



EXISTING



PROPOSED LOOKING NORTHEAST FROM TUTTLE CREEK ROAD

VIEW 2



EXISTING



PROPOSED

LOOKING SOUTHWEST FROM INDIAN SPRINGS DRIVE



VIEW 3



EXISTING



PROPOSED LOOKING SOUTH FROM TUTTLE CREEK ROAD

VIEW 4



EXISTING



PROPOSED LOOKING SOUTHEAST FROM TUTTLE CREEK ROAD