ATTACHMENT E

CONDITIONS OF APPROVAL
AT&T JEFFERSON CELL TOWER
USE PERMIT
ZONE FILE #2021-0018

A. PLANNING DIVISION (530) 666-8036

1. The project shall be developed in compliance with all adopted Conditions of Approval approved for Zone File #2021-0018. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.

2. This Use Permit (ZF2021-0018) authorizes the applicant to construct and operate a cellular telecommunications facility located at 38300 Jefferson Blvd in Clarksburg, CA 95612. Construction shall be limited to the property and include a new 140-foot tall wireless telecommunication tower with ancillary ground equipment within a 50-foot by 40-foot lease area. The lease area is to be enclosed by a six-foot tall chain link security fence. Ground equipment within the proposed lease area includes a communications shelter, fiber distribution box, 30-kilowatt backup diesel generator, multi-meter/backhaul rack, and a walk-in cabinet on an elevated concrete pad. The facility will provide space for colocation for use by the Office of Emergency Management and/or other service provider.

   Access to the proposed project site is from Jefferson Boulevard/State Route 84 provided by a 20-foot wide non-exclusive access and utility easement running approximately 350 feet to the lease area. Electrical power is to be undergrounded from an existing power pole at the southern property boundary to the lease area. A 10-foot wide utility easement is to overlay the line.

3. Any minor modification or expansion of the proposed use shall be consistent with the purpose and intent of this Use Permit and shall be approved through Site Plan Review or an amendment to this Use Permit, as determined by the Director of Community Services. The facility shall be operated in a manner consistent with the project's approval.

4. This permit is not valid until the expiration of the 15-day appeal period from the date of the Planning Commission's final action pursuant to Section 8-2.225 of the Yolo County Code.

5. This Use Permit shall commence within one year from the date of the Planning Commission's approval or said permit shall be null and void. The Director of Community Services may grant an extension of time. However, such an extension shall not exceed a maximum of one year.

6. The applicant shall cooperate with the County in addressing shared usage of the facilities and/or site for future collocation on the tower and ground lease area and shall not unreasonably oppose sharing the site and facilities with other service providers.

7. The applicant shall keep the designated leasehold area (site) free from flammable brush, grass, and weeds. Any structures on the leasehold area shall be adequately maintained, including removal of graffiti within 30 days of notification.

8. Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent properties, public right-of-way, and the night sky. Lighting fixtures shall use low-glare lamps or other similar lighting fixtures.

9. The project shall be operated in compliance with all applicable federal and state laws, including Yolo County Code regulations and FCC standards and rules regulating wireless telecommunications facilities.

10. Noise sources from operation of the project shall be kept at 60dB or less at the parcel boundaries of the closest residences.

11. Upon termination of the telecommunications facility use, the monopole shall be removed and the project site restored back to its original condition within 180 days of cessation of all uses.

12. Assessment of fees under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4 will be required. The fees (currently $2.548.00 plus a $50 Recorder fee) are payable by the project applicant upon filing of the Notice of Determination by the lead agency, within five (5) working days of approval of this project by the Planning Commission.

13. The following Avoidance and Minimization Measures (AMM) from the Yolo HCP/NCCP shall be applied to the project:

    a. **AMM 3. Confine and Delineate Work Areas.** Where natural communities and covered species habitat are present, workers will confine land clearing to the minimum area necessary to facilitate construction activities. Workers will restrict movement of heavy equipment to and from the project site to established roadways to minimize natural community and covered species habitat disturbance. The project proponent will clearly identify boundaries of work areas using temporary fencing or equivalent and will identify areas designated as environmentally sensitive. All construction vehicles, other equipment, and personnel will avoid these designated areas.

    b. **AMM 4. Cover Trenches and Holes during Construction and Maintenance.** To prevent injury and mortality of giant garter snake, western pond turtle, and California tiger salamander, workers will cover open trenches and holes associated with implementation of covered activities that affect habitat for these species or design the trenches and holes with escape ramps that can be used during non-working hours. The construction contractor will inspect open trenches and holes prior to filling and contact a qualified biologist to remove or release any trapped wildlife found in the trenches or holes.

    c. **AMM 6. Conduct Worker Training.** All construction personnel will participate in a worker environmental training program approved/authorized by the Conservancy and administered by a qualified biologist. The training will provide education

regarding sensitive natural communities and covered species and their habitats, the need to avoid adverse effects, state and federal protection, and the legal implications of violating the FESA and NCCPA Permits. A pre-recorded video presentation by a qualified biologist shown to construction personnel may fulfill the training requirement.

d. **AMM 8. Avoid and Minimize Effects of Construction Staging Areas and Temporary Work Areas.** Project proponents should locate construction staging and other temporary work areas for covered activities in areas that will ultimately be a part of the permanent project development footprint. If construction staging and other temporary work areas must be located outside of permanent project footprints, they will be located either in areas that do not support habitat for covered species or are easily restored to prior or improved ecological functions (e.g., grassland and agricultural land).

   Construction staging and other temporary work areas located outside of project footprints will be sited in areas that avoid adverse effects on the following:
   - Serpentine, valley oak woodland, alkali prairie, vernal pool complex, valley foothill riparian, and fresh emergent wetland land cover types.
   - Occupied western burrowing owl burrows.
   - Nest sites for covered bird species and all raptors, including noncovered raptors, during the breeding season.

   Project proponents will follow specific AMMs for sensitive natural communities (Section 4.3.3, Sensitive *Natural Communities*) and covered species (Section 4.3.4, *Covered Species*) in temporary staging and work areas. For establishment of temporary work areas outside of the project footprint, project proponents will conduct surveys to determine if any of the biological resources listed above are present.

   Within one year following removal of land cover, project proponents will restore temporary work and staging areas to a condition equal to or greater than the covered species habitat function of the affected habitat. Restoration of vegetation in temporary work and staging areas will use clean, native seed mixes approved by the Conservancy that are free of noxious plant species seeds.

e. **AMM 14. Minimize Take and Adverse Effects on Habitat of Western Pond Turtle.** There are no specific design requirements for western pond turtle habitat, however, project proponents must follow design requirements for the valley foothill riparian and lacustrine and riverine natural communities described in AMMs 9 and 10, which require a 100-foot (minimum) permanent buffer zone from the canopy dripline (the farthest edge on the ground where water will drip from the tree canopy, based on the outer boundary of the tree canopy). If modeled upland habitat will be impacted, a qualified biologist must be present and will assess the likelihood of western pond turtle nests occurring in the disturbance area (based on sun exposure, soil conditions, and other species habitat requirements).

   If a qualified biologist determines that there is a moderate to high likelihood of western pond turtle nests within the disturbance area, the qualified biologist will monitor all initial ground disturbing activity for nests that may be unearthed during the disturbance, and will move out of harm's way any turtles or hatchlings found.

f. **AMM 15. Minimize Take and Adverse Effects on Habitat of Giant Garter Snake.** The project proponent will avoid effects on areas where planning-level surveys indicate the presence of suitable habitat for giant garter snake. To avoid effects on giant garter snake aquatic habitat, the project proponent will conduct no in-water/in-channel activity and maintain a permanent 200-foot non-disturbance buffer from the outer edge of potentially occupied aquatic habitat. If the project proponent cannot avoid effects of construction activities, the project proponent will implement the measures below to minimize effects of construction projects (measures for maintenance activities are described after the following bulleted list).

- Conduct preconstruction clearance surveys using USFWS-approved methods within 24 hours prior to construction activities within identified giant garter snake aquatic and adjacent upland habitat. If construction activities stop for a period of two weeks or more, conduct another preconstruction clearance survey within 24 hours prior to resuming construction activity.

- Restrict all construction activity involving disturbance of giant garter snake habitat to the snake's active season, May 1 through October 1. During this period, the potential for direct mortality is reduced because snakes are expected to move and avoid danger.

- In areas where construction is to take place, encourage giant garter snakes to leave the site on their own by dewatering all irrigation ditches, canals, or other aquatic habitat (i.e., removing giant garter snake aquatic habitat) between April 15 and September 30. Dewatered habitat must remain dry, with no water puddles remaining, for at least 15 consecutive days prior to excavating or filling of the habitat. If a site cannot be completely dewatered, netting and salvage of giant garter snake prey items may be necessary to discourage use by snakes.

- Provide environmental awareness training for construction personnel, as approved by the Conservancy. Training may consist of showing a video prepared by a qualified biologist, or an inperson presentation by a qualified biologist. In addition to the video or in-person presentation, training may be supplemented with the distribution of approved brochures and other materials that describe resources protected under the Yolo HCP/NCCP and methods for avoiding effects. Yolo Habitat Conservancy Chapter 4. Application Process and Conditions on Covered Activities.

- A qualified biologist will prepare a giant garter snake relocation plan which must be approved by the Conservancy prior to work in giant garter snake habitat. The qualified biologist will base the relocation plan on criteria provided by CDFW or USFWS, through the Conservancy.

- If a live giant garter snake is encountered during construction activities, immediately notify the project's biological monitor and USFWS and CDFW. The monitor will stop construction in the vicinity of the snake, monitor the

snake, and allow the snake to leave on its own. The monitor will remain in the area for the remainder of the workday to ensure the snake is not harmed or, if it leaves the site, does not return. If the giant garter snake does not leave on its own, the qualified biologist will relocate the snake consistent with the relocation plan described above.

- Employ the following management practices to minimize disturbances to habitat:
  - Install temporary fencing to identify and protect adjacent marshes, wetlands, and ditches from encroachment from construction equipment and personnel.
  - Maintain water quality and limit construction runoff into wetland areas through the use of hay bales, filter fences, vegetative buffer strips, or other accepted practices. No plastic, monofilament, jute, or similar erosion-control matting that could entangle snakes or other wildlife will be permitted.

Ongoing maintenance covered activities by local water and flood control agencies typically involve removal of vegetation, debris, and sediment from water conveyance canals as well as resloping, rocking, and stabilizing the canals that serve agricultural water users. Maintenance of these conveyance facilities can typically occur only from mid-January through April when conveyance canals and ditches are not in service by the agency, although some drainages are used for storm conveyance during the winter and are wet all year. This timing is during the giant garter snake's inactive period. This is when snakes may be using underground burrows and are most vulnerable to take because they are unable to move out of harm's way. Maintenance activities, therefore, will be limited to the giant garter snake's active season (May 1 to October 1) when possible. All personnel involved in maintenance activities within giant garter snake habitat will first participate in environmental awareness training for giant garter snake, as described above for construction-related activities. To minimize the take of giant garter snake, the local water or flood control agency will limit maintenance of conveyance structures located within modeled giant garter snake habitat (Appendix A, Covered Species Accounts) to clearing one side along at least 80 percent of the linear distance of canals and ditches during each maintenance year (e.g., the left bank of a canal is maintained in the first year and the right bank in the second year). To avoid collapses when resloping canal and ditch banks composed of heavy clay soils, clearing will be limited to one side of the channel during each maintenance year.

For channel maintenance activities conducted within modeled habitat for giant garter snake, the project proponent will place removed material in existing dredged sites along channels where prior maintenance dredge disposal has occurred. For portions of channels that do not have previously used spoil disposal sites and where surveys have been conducted to confirm that giant garter snakes
are not present, removed materials may be placed along channels in areas that are not occupied by giant garter snake and where materials will not re-enter the canal because of stormwater runoff.

Modifications to this AMM may be made with the approval of the Conservancy, USFWS, and CDFW.

g. **AMM 16. Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite.** The applicant will retain a qualified biologist to conduct planning-level surveys and identify any nesting habitat present within 1,320 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.

   If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000) within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the Conservancy and CDFW. If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW and USFWS. The designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior.

h. **AMM 21. Minimize Take and Adverse Effects on Habitat of Tricolored Blackbird.** The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A, *Covered Species Accounts*) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the Conservancy (which will include CNDDB data, and data from the tricolored blackbird portal) to determine if tricolored blackbird nesting colonies have been active in or within 1,300 feet of the project footprint during the previous five years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008).

   Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need to conduct planning or construction surveys or implement any additional avoidance measures.

   If an active tricolored blackbird colony is present or has been present within the last five years within the planning-level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s), unless a shorter distance is approved by the Conservancy, USFWS, and CDFW. If a shorter distance is approved, the project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season but may apply the approved lesser distance

outside the nesting season. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.

B. ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

1. Prior to handling hazardous materials in quantities greater than 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases a Hazardous Materials Business Plan (HBMP) must be completed and submitted to Yolo County Environmental Health (YCEH). Starting January 1, 2013, this must be done by going to the California Environmental Reporting System (CERS) web site (http://cers.calepa.ca.gov/), to create an account, enter required hazardous materials information, and submit the information for approval by YCEH. For assistance with CERS, please visit our web site at http://www.yolocounty.org/community-services/environmental-health-services/hazardous-materials or call YCEH at (530) 666-8646 and ask to speak to a Hazmat Specialist.

C. BUILDING DIVISION (530) 666-8609

1. All building plans shall be submitted to the Department of Community Services for review and approval in accordance with County Building Standards prior to the commencement of any construction.

2. If applicable, the applicant shall obtain the necessary building permits prior to installation of equipment. New installation shall meet State of California minimum code requirements for fire, life, and safety standards. All proposed antennas and appurtenances shall be installed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes.

3. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to the School District, Fire District, and County facility fees.

4. Because these structures are in a special flood hazard area, additional requirements apply. All construction shall meet all of the requirements of Yolo County Code Chapter 8-4 Flood Protection Article 5 Provisions for Flood Hazard Reduction. These requirements include designing all utilities to prevent the entry an accumulation of flood waters. The structure must meet all applicable requirements of California Building Code Section 1612, Chapter 5 of ASCE 7-16, and ASCE 24. For more information, please contact Scott Doolittle, scott.doolittle@yolocounty.org or (530) 666-8609.

D. PUBLIC WORKS DIVISION (530) 666-8436

1. The applicant shall secure and pay for a Caltrans encroachment permit for any proposed work within State Route 84/Jefferson Boulevard right-of-way (i.e., any proposed driveway modifications).

2. Ongoing maintenance of gravel parking areas and access roads shall be provided, including but not limited to, stabilizing any areas that have eroded, preventing the downstream conveyance of sediment, and providing dust control.

3. If the development disturbs one acre or more of land, the developer must obtain coverage under California's "National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (State General Permit)" for controlling construction activities that may adversely affect water quality. State General Permit coverage requires preparation of a Storm Water Pollution Prevention Plan (SWPPP). The developer shall provide Yolo County its State-issued Waste Discharge Identification Number (WDID #), and pay associated fees, prior to issuance of a County building or grading permit.

E. YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT (530) 757-3650.

1. In order to reduce construction-related air pollutants, the following best management practices will be required at the project site to control dust:
   - All construction areas shall be watered as needed.
   - All trucks hauling soil, sand, or other loose materials shall be covered or required to maintain at least two feet of freeboard.
   - Unpaved access roads, parking areas, and staging areas shall be paved, watered, or treated with a non-toxic soil stabilizer, as needed.
   - Exposed stockpiles shall be covered, watered, or treated with a non-toxic soil stabilizer, as needed.
   - Traffic speeds on unpaved access roads shall be limited to 15 miles per hour.
   - Any visible soil material that is carried onto adjacent public streets shall be swept with water sweepers, as needed.
   - Prohibit all grading activities during periods of high wind (over 20 miles per hour);
   - Post a publicly visible sign with the telephone number and person to contact regarding dust complaints; and
   - Limit the area under construction at any one time

2. To reduce tailpipe emissions from diesel-powered construction equipment, the following best environmental practices will be required:
   - Maximize the use of diesel construction equipment that meet CARB's 2010 or newer certification standard for off-road heavy-duty diesel engines;
   - Use emission control devices at least as effective as the original factory-installed equipment;
   - Substitute gasoline-powered for diesel-powered equipment when feasible;
   - Ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation; and
   - Use Tier 4 engines in all construction equipment, if available.

F. MITIGATON MEASURES

1. **MM IV-1 Special-status plants.**
   (a) Prior to the issuance of grading or construction permits, a qualified biologist shall conduct focused plant surveys for watershield, bristly sedge, Bolander's water-hemlock, woolly rose-mallow, delta tule pea, Mason's lilaeopsis, delta mudwort, Sanford's arrowhead, side-flowering skullcap, and saline clover. The surveys

shall be timed during the blooming season and shall cover all potentially suitable habitats on-site and within the 200-foot buffer area surveyed in the Biological Resources Assessment prepared for the proposed project. The results of the surveys shall be submitted to the Yolo County Community Services Department. If none of the species occur in the aforementioned area, further mitigation is not required.

(b) If the listed special-status plants are identified on-site or within the 200-foot buffer area during the focused plant surveys, the project applicant shall be responsible for ensuring construction activities avoid special-status plants through preparation of an Avoidance Plan Report detailing protection and avoidance criteria, measures, and the extent to which special-status plants were successfully avoided. The Avoidance Plan Report shall be subject to review and approval by the Yolo County Community Services Department.

(c) If avoidance is determined to be infeasible, the qualified biologist shall ensure seed collection for affected special-status plants is completed and plants are re-established at a minimum of a one-to-one ratio (number of newly established plants relative to the number of plants impacted) in a preserved, suitable habitat approved by the Yolo County Community Services Department.

Re-established populations shall be monitored annually by the project applicant in accordance with an approved Habitat Mitigation and Monitoring Plan prepared in consultation with the Yolo County Community Services Department, with annual monitoring taking place for a minimum of five years. The Habitat Mitigation and Monitoring Plan shall include criteria, subject to approval by all applicable agencies, including the Yolo County Community Services Department, USFWS, and CDFW, detailing the survival ratio required of re-established populations and performance standards for further replanting for any re-established plant species that do not survive. Reports describing performance results shall be prepared and submitted for Year One, Three, and Five of the monitoring period.

2. **MM IV-2 Migratory Birds and Raptors**

If ground-disturbing activities occur during the breeding season (generally February 1 through September 15), preconstruction surveys for active nests shall be conducted by a qualified biologist no more than 10 days prior to start of activities. Preconstruction nesting surveys shall be conducted for nesting migratory avian and raptor species in the project site and buffer area. Preconstruction biological surveys shall occur prior to the proposed project implementation, and during the appropriate survey periods for nesting activities for individual avian species. Surveys shall follow required CDFW and USFWS protocols, where applicable. A qualified biologist shall survey suitable habitat for the presence of the species. If a migratory avian or raptor species is observed and suspected to be nesting, a buffer area shall be established to avoid impacts to the active nest site. Identified nests shall be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. If nesting avian species are not found, project activities may proceed and no further mitigation shall be required. The results of the surveys shall be submitted to the Yolo County Community Services Department.

If active nesting sites are found, the following exclusion buffers shall be established, and project activities shall not occur within the buffer zones until young birds have fledged and are not reliant upon the nest or parental care for survival:

- Minimum non-disturbance buffer of 250 feet around active nest of non-listed bird species and 250-foot non-disturbance buffer around migratory birds;
- Minimum non-disturbance buffer of 500 feet around active nest of non-listed raptor species and 0.5-mile non-disturbance buffer around listed species and fully protected species (tricolored blackbird and Swainson's hawk) until breeding season has ended or until a qualified biologist has determined that the birds have fledged and are not reliant upon the nest or parental care for survival;
- Once work commences, all nests shall be continuously monitored to detect any behavioral changes as a result of project activities. If behavioral changes are observed, the work causing that change shall cease and the appropriate regulatory agencies (i.e., CDFW, USFWS, etc.) shall be consulted for additional AMMs; and
- A variance from the foregoing non-disturbance buffers may be implemented when compelling biological or ecological reason exists to do so, such as when the project area would be concealed from a nest site by topography. Any variance from the foregoing buffers shall be supported by a qualified wildlife biologist. CDFW and USFWS shall be notified in advance of implementation of a non-disturbance buffer variance

3. **MM IV-3 Prevent Contamination of Wetlands**
During project construction, the project contractor shall ensure the following Best Management Practices (BMPs) are implemented to prevent contamination of fuel and other construction materials into sensitive wetland habitat to the south of the proposed project site:

    - The use or storage of petroleum-powered equipment shall be accomplished in a manner to prevent the potential release of petroleum materials into waters of the State and U.S.;
    - Areas for fuel storage, refueling, and servicing of construction equipment shall be located in an upland location;
    - Wash sites shall be located in upland locations to ensure wash water does not flow into adjacent wetlands;
    - All construction equipment shall be in good working condition, showing no signs of fuel or oil leaks. All questionable motor oil, coolant, transmission fluid, and hydraulic fluid hoses, fittings and seals shall be replaced. The mechanical equipment shall be inspected on a daily basis to ensure no leaks. All leaks shall be repaired in the equipment staging area or other suitable location prior to resumption of construction activity;
    - Oil absorbent and spill containment materials shall be located on-site when mechanical equipment is in operation within 100 feet of a waterway. If a spill occurs, no additional work shall occur until (1) the mechanical equipment is inspected by the contractor and the leak has been repaired; (2) the spill has been contained; and (3) CDFW and the Yolo County

Community Services Department are contacted and have evaluated the impacts of the spill; and

- To avoid debris contamination into drainages and other sensitive wildlife habitats, silt fence or other sediment control devices shall be placed around construction sites to contain spoils from construction excavation activities;

The foregoing standard construction measures shall be included in the notes on the project grading and improvement plans, which shall be subject to confirmation by the Yolo County Community Services Department.

4. **MM V-1 Monitoring Plan.**
Prior to commencement of construction activities, the applicant shall retain an archaeologist to prepare a written monitoring plan that describes the role of the tribal monitors, archaeological monitors, and developer's representatives, timelines for advanced notification to Yocha Dehe Wintun Nation prior to grading, and the procedures to follow in the event archaeological/tribal remains are uncovered. The procedures shall comply with Yocha Dehe Wintun Nation's "Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation." Proof of compliance shall be provided to the Yolo County Department of Community Services.

5. **MM V-2 Cultural Monitoring.**
During grading, excavating, and trenching of soils within a 300-foot (north-to-south direction) by 200-foot (east-to-west direction) portion of the southwest corner of the project site, a tribal monitor and archaeological monitor shall be present on-site.

During excavation/trenching for the tower foundation, underground utilities etc. in all portions of the project site, a tribal monitor and archaeological monitor shall be present on-site.

The foregoing measures shall be included in the project's written monitoring plan, required in Mitigation Measure V-1.

6. **MM VII-1 Paleontological Resources**
During project construction activities, should paleontological resources be discovered, work shall be halted in the area within 75 feet of the find. The applicant shall notify the County Administrator, or a designee chosen by the Administrator, and the Yolo County Department of Community Services and retain a qualified paleontologist to inspect the discovery. The find must be recorded by a qualified archaeologist or paleontologist using relevant professional protocols and a report fully recording the find submitted to the County Administrator or designee chosen by the Administrator and the Yolo County Department of Community Services. The report shall include recommendations for appropriate removal and preservation of the artifact. If deemed appropriate in the report, the resource(s) shall then be salvaged and deposited at an appropriate venue, where the discovery would be properly curated and preserved for the benefit of current and future generations. The language of this mitigation measure shall be included on any grading plans

approved by the Department of Community Services for the proposed project, where ground disturbance would be required.

7. **MM XVIII-1 Cultural Sensitivity Training.**
   Prior to commencement of construction activities, the applicant shall arrange for a member of Yocha Dehe Wintun Nation to conduct Cultural Sensitivity Training to the construction crew. Generally, the training would consist of a presentation to the construction crew about types of resources and evidence thereof, role of the Tribe, what to do if resources are uncovered, etc. To schedule Cultural Sensitivity Training prior to commencement of construction, the applicant shall contact the Cultural Resources Department Administrative Staff, Yocha Dehe Wintun Nation, Office (530) 796-3400, Email: THPO@yochadehe-nsn.gov. Proof of compliance with this measure shall be provided to the Yolo County Department of Community Services.

G. COUNTY COUNSEL (530) 666-8172

1. The applicant shall agree to indemnify, defend, and hold harmless the county or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the county, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

   The county shall promptly notify the applicant of any claim, action or proceeding and that the county cooperates fully in the defense. If the county fails to promptly notify the applicant of any claim, action, or proceeding, or if the county fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the county harmless as to that action.

   The county may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

2. Failure to comply with the Conditions of Approval as approved by the Yolo County Planning Commission may result in non-issuance of future building permits or legal action.