

Notice of Determination

Appendix D

To:
Office of Planning and Research
U.S. Mail: P.O. Box 3044
Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113
Sacramento, CA 95814

From:
Public Agency: Modoc County Planning Dept.
Address: 203 W. 4th Street
Alturas, CA 96101
Contact: Jackie Froeming
Phone: 530-233-6406

County Clerk
County of: Modoc
Address: 108 E. Modoc Street
Alturas, CA 96101

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2022020411

Project Title: T-Mobile/Vertical Bridge(D4 Communications, LLC) Use Permit

Project Applicant: D4 Communications, LLC

Project Location (include county): Co Rd 133C, Davis Creek, CA -Modoc County

Project Description:

Applicant D4 Communications, LLC is requesting a conditional use permit (UP2021-04) to construct a new unmanned telecommunications facility consisting of a 110' Vertical Bridge Mono-pine stealth tree telecommunications tower, with 12 antennas, 6 Remote Radio Units (RRUs), and 1- 8' diameter dish. In addition radio cabinets, backup generator and equipment will be installed within a fenced compound at the ground level of the stealth tree.

This is to advise that the County of Modoc has approved the above (Lead Agency or Responsible Agency)

described project on 03/23/2022 and has made the following determinations regarding the above described project.

- 1. The project will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: 203 W. 4th Street, Alturas, CA 96101

Signature (Public Agency): Jackie Froeming Title: Associate Planner

Date: 03/23/2022 Date Received for filing at OPR:



**COUNTY OF MODOC**  
**PLANNING & BUILDING SERVICES**

203 W. 4th Street  
Alturas, California 96101  
(530) 233-6406 Office

*Interim Planning  
Director  
Sean Curtis*

*Building Official  
Dominic Budmark*

**MITIGATED NEGATIVE DECLARATION**

The Modoc County Planning Department has prepared an Initial Study evaluating the environmental effects which could occur if the project described below were implemented. It has been determined that although the proposed project could have a significant effect on the environment, there will be none with mitigation incorporated. The completed Initial Study is on file and was available for public review at the above address from February 16, 2022 – March 17, 2022. The Mitigated Negative Declaration will be considered for adoption by the Planning Commission on March 23, 2022 when a Public Hearing will be held on this project.

NOTICE GIVEN: By publication in the Modoc Record on February 17<sup>and</sup> March 3, 2022. Submittal online to the Governor's Office of Planning and Research CEQAnet Web Portal on February 17, 2022, and via email to local agencies.

**LEAD AGENCY:** Modoc County Planning Department  
**PROJECT FILE NUMBER:** UP2021-04/ER2022-01  
**APPLICANT:** D4 Communications, LLC  
**PROJECT PLANNER:** Jackie Froeming, Associate Planner

**PROJECT DESCRIPTION:** Applicant D-4 Communications, LLC on behalf of T-Mobile/Vertical Bridge are requesting a conditional use permit to construct a new unmanned telecommunications facility consisting of a 110' Vertical Bridge Mono-pine stealth tree telecommunications tower, with 12 antennas, 6 Remote Radio Units (RRUs), and 1- 8' diameter dish. In addition radio cabinets, backup generator and equipment will be installed within a fenced compound at the ground level of the stealth tree. The proposed project site encompasses a lease area of 1600 square feet (40 x 40) and will be enclosed with a fence. The tower will improve wireless coverage to the area, increase network capacity, coverage area, and quality of the signal strength. Additionally, this network development will increase public safety within this area, allow for the community to have higher data transfer rates, enhanced coverage, simultaneous voice and data, and higher security and privacy for telephone users. The proposed project is located approximately 8 miles northeast of Davis Creek, CA on County Road 133C (APN # 025-030-006). Township 46N, Range 14E, Section 16; M.D.B. &M. Latitude 41.833386°, Longitude -120.351969°.

**MITIGATION MEASURES:**

To protect Cultural Resources/Tribal Resources by implementing the following mitigation measures it will reduce the impact to less than significant with mitigation incorporated:

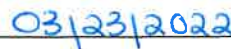
- 1) **CUL-1:** During construction activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 50 feet of the find and work shall immediately cease and the applicant shall consult a qualified cultural resources specialist or professional archaeologist to identify and investigate any subsurface archaeological remains and define their physical extent and the nature of any built features or artifact-bearing deposits. The provisions of this mitigation shall be followed during construction of the proposed unmanned wireless telecommunications facility, including land clearing, road construction, utility installation, and building site development.
  
- 2) **CUL-2:** If human remains are encountered, no further disturbance shall occur within 50 feet of the vicinity of the find(s) until the County Coroner (530.233.4416) has made the necessary findings as to origin (California Health and Safety Code Section 7550.5). Further, pursuant to California Public Resources Code section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the County Coroner determines the remains to be Native American, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State Law to arrange for Native American participation in determining the disposition of such remains. The provisions of this mitigation shall be followed during construction of the proposed unmanned wireless telecommunications facility, including land clearing, road construction, utility installation, and building site development.

PUBLIC REVIEW PERIOD ENDED: March 17, 2022 at 5:00 PM

THE SUMMARY OF THE ENVIROMENTAL EFFECTS IDENTIFIED WITHIN THE INITIAL STUDY ARE ADOPTED AS STATED AND THE MITIGATION MEASURES AS LISTED ABOVE ARE ADOPTED.



Jackie Froeming, Associate Planner



Date