TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

March 9, 2023

R3X Group
Attn: Mr. Sammy Rodriguez
11828 Spring Head Road
Austin, Texas 78717

SHOREZONE DEBRIS REMEDIATION, AT&T CALIFORNIA, SUBMARINE COMMUNICATION CABLE REMOVAL, EL DORADO COUNTY PORTION OF LAKE TAHOE, CALIFORNIA, ASSESSOR'S PARCEL NUMBER 018-060-004, ET.AL, TRPA FILE NUMBER ERSP2022-1690

Dear Mr. Rodriguez:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence. Thank you for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Paul Nielsen

Digitally signed by Paul Nielsen
DN: cn=Paul Nielsen, o=Tahoe Regional Planning Agency, ou, email=pnielsen@trpa.gov, c=US
Date: 2023.03.09 11:39:15 -08'00'

Paul Nielsen
Special Projects Manager
Permit and Compliance Division

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PERMIT

PROJECT DESCRIPTION: Removal of Two Submarine AT&T Cables from Lake Tahoe (AT&T Project A020LET)

PERMITTEE(S): AT&T California FILE # ERSP2022-1690 APNs: 018-060-004, et.al

COUNTY/LOCATION: El Dorado / Shorezone areas of Lake Tahoe extending from Baldwin Beach to D.L. Bliss State Park

Having made the findings required by Agency ordinances and rules, the TRPA approved the project on March 9, 2023, subject to the standard conditions of approval attached hereto (Attachment Q), and the special conditions found in this permit.

This permit shall expire on March 9, 2026, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of initiating permitted project activities. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

THE PROJECT ACTIVITIES SHALL NOT COMMENCE UNTIL:

(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
(2) ALL PRE-ACTIVITY CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
(3) THE PERMITTEE OBTAINS ALL REQUIRED AGENCY PERMITS, IF NECESSARY. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY AND/OR APPLICABLE AGENCIES PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
(4) A TRPA PRE-ACTIVITY INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

Paul Nielsen Digitally signed by Paul Nielsen
DN: cn=Paul Nielsen, o=Tahoe Regional Planning Agency, ou, email=pnielsen@trpa.gov, c=US
Date: 2023.03.09 11:40:06 -08'00'

March 9, 2023

TRPA Executive Director/Designee Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s)_____ Date_____

PERMIT CONTINUED ON NEXT PAGE

ASSESSOR'S PARCEL NUMBER 018-060-004, ET.AL,
TRPA FILE NUMBER ERSP2022-1690

Security Posted (1): Amount $5,000.00 Type ____ Paid _____ Receipt No._____

Security Administrative Fee (2): Amount $_____ Paid _____ Receipt No._____

Notes:
(1) See Condition 3.D below
(2) See TRPA Filing Fee Schedule

Required plans determined to be in conformance with approval: Date:_____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-project activity conditions of approval as of this date:

_____ _____
TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit authorizes the removal of two lengths of submarine telecommunications cable in Lake Tahoe proper and Emerald Bay. The longest cable is approximately 6-miles long and runs along the Southwestern shore of Lake Tahoe. The cable stretches from Baldwin Beach past Rubicon Point near Lester Beach. Most of the cable resides in the Emerald Bay and DL Bliss Underwater State Parks. This 6-mile cable comes up on shore a total of six times. The second cable rests at the mouth of Emerald Bay and spans approximately 1,000-feet. The shorter cable extends between the shores of Emerald Point and Eagles Point and lies in the Emerald Bay Underwater Park. The cables largely rest on the lake bed, not within the substrate, and measure approximately 3-inches in diameter.

   Three staging areas are approved the lake entry point for barge launch, the cut locations where cable comes up on shore, and the mobile barge. The cable will be removed using a 30-foot by 60-foot modular barge suitable for shallow water use. An outboard skiff will be used to maneuver the barge and is comparably sized to a recreational boat. Portions of the cable on land will be accessed from the barge from which a technician will approach the cut location on foot. Cable segments on shore are buried 4-6-inches. Sections of the cable may lie beneath large boulders, a mini excavator staged on the barge will be used to temporarily remove them. To remove the cable, it will be exposed at the high water line at 6,229.1-feet with hand tools or a mini excavator that will access the location by ramp from the barge, at which the cable will be severed.

   The cable will be cut with a reciprocating saw. A container will be used to collect particulates generated from the cable cutting operations. To minimize airborne cable particles, the cable will be kept wet during cutting operations. The cut end of the cable will be tied onto a steel cable and winched onto the barge, then spooled into segments. The portion above the high-water line will be covered by a 3M shrink cap and reburied with hand tools. A touchdown monitor will observe the operation underwater and collect cable fragments that fall to the lakebed. A technician on the barge

will skim fragments from the surface. Collected cable fragments will then be disposed into a container onboard. Lake access is tentatively planned to be staged from the Tahoe Keys Marina.

The following APNs are included in the project area for the 6-mile cable segment:
Cut Location 1 - 118-090-069
Cut Location 2 - 018-060-004
Cut Location 3 - 017-131-001
Cut Location 4 - 017-111-001
Cut Location 5 - 017-071-001
Cut Location 6 - 016-131-005

The following APNs are included in the project area for the 1,000-foot cable segment in Emerald Bay:
Cut Location A - 017-131-001
Cut Location B - 018-060-005

2. All standard conditions of approval contained in Attachment Q shall apply to this project.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

   A. The permittee shall submit an estimated construction schedule.

   B. The project plans shall be revised to include the location of the silt fence to be installed on both sides of Tallac Creek.

   C. The permittee shall submit a photograph or equipment details for the proposed mini excavator to be used on the landward portions of the project area.

   D. The security required under Standard Condition I.B. of Attachment Q shall be $5,000.00. The security shall not be released until TRPA determines the project was completed in accordance with the permit.

   E. The permittee shall submit final plans to TRPA.

4. The two Tahoe Yellow Cress (TYC) populations adjacent to project disturbance areas identified in the Tahoe Yellow Cress study shall be avoided and remain undisturbed. Any impacts to Tahoe Yellow Cress plants and/or associated habitat will be considered a violation of this permit. Sites where TYC were located during the July surveys shall be clearly flagged and these areas will be avoided during all work activities. An onsite qualified biological monitor will be present during all earthwork at these sites.

5. A preconstruction survey, no more than two weeks prior to earth work taking place, will be conducted at ALL terrestrial work sites to ensure no TYC are present. If additional TYC are observed outside of work locations the avoidance measures below will be implemented. If avoidance measures cannot be implemented (e.g. TYC is directly above the cable) TRPA and the California Department of Fish and Wildlife (CDFW) will be consulted and no work will occur at that location until an updated and approved plan is agreed upon. Sites where TYC were located during the July surveys will be clearly flagged and these areas will be avoided during all work activities and an onsite qualified biological monitor will be present during all earth work at these sites.

6. At Cut Location #4, a plastic tarp will be placed over known locations where plants were observed in order to prevent any soil or other material from falling onto the area and covering or burying plants and or seeds. The tarp will be removed once that work is completed.

7. At the Baldwin Beach Location, a silt fence will be placed between the TYC locations and area where the cable will be hand dug in order to clearly delineate the TYC area and prevent impacts to soil where plants are located.

8. Prior to any work being implemented, all individuals involved in project activities must attend a field worker education program that specifically outlines TYC avoidance measures.

9. If feasible, all work should occur outside of the nesting period (February through mid-September). If work is to take place during the nesting period, surveys for active nests should be conducted by a qualified wildlife biologist no more than 10 days prior to the start of the Project. The surveys should be conducted at all terrestrial work locations. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. Identified nests should be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of the project. If behavioral changes are observed, the work causing that change should cease and TRPA and CDFW should be consulted for additional avoidance and minimization measures. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, then a minimum no-disturbance buffer of 250 ft around active nests of bird species and a 500-ft no-disturbance buffer around the nests of raptors should be maintained until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers should be supported by a qualified wildlife biologist, and TRPA and CDFW be notified in advance of implementing a no disturbance buffer variance.

10. All work shall be performed consistent with the proposed construction methodology described in the Biological Survey Report dated August 2022. Any deviations regarding the cable removal methods or equipment to be used shall be approved by the TRPA Environmental Specialist in writing before such deviations occur.

11. All project staging shall occur in developed areas outside of Lake Tahoe and the immediate project impact areas.

12. The permittee shall implement stormwater BMPs as needed to ensure turbidity is minimized, and soil movement and stormwater discharge to Lake Tahoe or its tributaries is avoided.

13. No trees are authorized to be removed.

14. All watercraft shall be inspected for presence of aquatic invasive species at a TRPA approved watercraft inspection station and evidence of inspection shall be presented to the TRPA Environmental Specialist prior to or at the required TRPA pre-activity inspection.

15. It is the permittee's responsibility to dispose of the reclaimed cable at an approved facility in accordance with local, state, and federal regulations.

16. If a prehistoric archeological site (such as midden soils, stone tools, chipped stone, baked clay, or concentrations of shell or bone) or a historic-period archaeological site (such as structural features, concentrated deposits of bottles, or other historic refuse) is uncovered during project activities, all ground-disturbing activity within 100 feet of the discovery shall be halted until a qualified archaeologist can assess the significance of the find. TRPA shall be notified of the potential find and a qualified archaeologist shall be retained to investigate its significance. If the find is a prehistoric archeological site, the appropriate Native American group shall be notified. Any previously undiscovered resources found during construction will be recorded on appropriate California Department of Parks and Recreation 523 forms and evaluated for significance under all applicable regulatory criteria. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource, a unique archaeological resource, or tribal cultural resource), the archaeologist shall work with TRPA to follow accepted professional standards such as further testing for evaluation or data recovery, as necessary.

17. The permittee is responsible for obtaining permission from all applicable property owners for any work occurring on public or private property.

18. All temporarily disturbed areas shall be returned to their pre-project conditions prior to the release of the project security.

19. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

20. Any change to the project requires approval (except for TRPA exempt activities) of a TRPA plan revision permit prior to the changes being made to any element of the project (i.e. structural modifications, coverage, scenic, grading, BMPs, etc.). Failure to obtain prior approval for modifications may result in monetary penalties and removal of the unapproved elements.

21. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board (including individual members), its Planning Commission (including individual members), its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, administrative appeal, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

    Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to

pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise, or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

22. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

END OF PERMIT