

STAFF REPORT

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06/28/19
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A. Franzoia

**CONSIDER ADOPTION OF A MITIGATED NEGATIVE DECLARATION
AND ADOPTION OF A MITIGATION MONITORING PROGRAM AND
ISSUANCE OF A GENERAL LEASE – RIGHT-OF-WAY USE**

APPLICANT:

RTI Infrastructure, Inc.

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

15.58 acres, more or less, of sovereign tide and submerged land in the Pacific Ocean, near Manchester State Beach, Mendocino County.

AUTHORIZED USE:

Installation, use, maintenance, and repair of one 2-inch-diameter subsea fiber-optic cable and four 6-inch-diameter horizontal directionally drilled conduits to hold subsea fiber-optic cables.

LEASE TERM:

25 years, beginning June 28, 2019.

CONSIDERATION:

\$135,140 annually for four conduits and one cable; with an annual Consumer Price Index adjustment and the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence.

Contractor Liability: Liability insurance in an amount no less than \$5,000,000 per occurrence

Surety: Performance bond in the amount of \$135,140.

Lessee shall submit "as-built" plans and a post lay cable survey following installation to modify Exhibits A and B.

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The annual consideration shall be adjusted based on “as-built” plans.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503;
California Code of Regulations, title 2, sections 2000 and 2003.

Background:

The Applicant proposes a project to install, use, maintain, and repair four fiber-optic cables (cable) and four conduits (Project). Phase 1 will include four conduits and one cable in the Pacific Ocean. Cables have been used to transmit digital data for many years. New technology in cables allows increased transmission capacity needed to keep up with the increasing demand for telecommunication services between Silicon Valley (south of San Francisco) and Asia and Australia.

Existing Technology and Infrastructure

Existing cable systems that were installed 15 to 20 years ago, with older technology, limits the amount of telecommunication data that can be transferred between the United States, Asia, and Australia.

Proposed Technology and Infrastructure

As the use of digital media and communication systems increase globally, there is a need to upgrade and increase the number of cables that carry this digital information. Virtually all communications and data transmissions are converted to digital data and transmitted across these lines. For example, telephone conversations, emails, social media, Internet transmissions, photo and video sharing are transmitted as digital data along these lines. As the world relies on faster and more bandwidth-intensive data transmissions and 4G and 5G networks (referring to the amount of data that can be moved through the network over a certain time for uploading and downloading content), the proposed cables are needed to keep up with the technical advancements to transmit uninterrupted data. Worldwide connectivity is essential to the global economy, and data transfer interruption needs to be minimized. While other technologies, such as radio and satellite, can transmit data long distances, subsea cables can supply the volume across the Pacific Ocean.

California Environmental Quality Act:

The Commission is the lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and conducted an Initial Study to determine if the Project may have a significant effect on the environment (State CEQA Guidelines,

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§ 15063). Although the Initial Study identified several potentially significant impacts to Biological Resources, Cultural Resources, Cultural Resources – Tribal, Geology, Soils, and Paleontological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Commercial Fisheries, mitigation measures were proposed and agreed to by the Applicant prior to public review that would avoid or mitigate the identified potentially significant impacts “to a point where clearly no significant effects would occur” (State CEQA Guidelines, § 15070, subd. (b)(1)). Consequently, the Initial Study concluded that “there is no substantial evidence, in light of the whole record before the agency, that the Project as revised may have a significant effect on the environment” (State CEQA Guidelines, § 15070, subd. (b)(2)), and a Mitigated Negative Declaration (MND) was prepared.

Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025), staff prepared an MND identified as CSLC MND No. 796, State Clearinghouse No. 2019049159. The Initial Study and MND were circulated for a 30-day public review period from April 29, 2019, to May 29, 2019. Staff received four comment letters: three from state agencies and one from an organization. The primary areas of concern raised during the public comment period and staff’s response to these concerns are summarized in Exhibit D. Based on the comments received and staff’s responses, the MND does not need to be revised.

Tribal Cultural Resources

In keeping with its Tribal coordination practices and pursuant to the Commission’s Tribal Consultation Policy, staff also separately notified the 12 California Native American Tribes identified by the Native American Heritage Commission (NAHC) of the availability of the MND for public comment. The NAHC also provided a Native American contact list that Commission staff used for outreach and coordination. While no Tribes with geographical or cultural affiliation in Mendocino County have submitted written requests to the Commission for notification of CEQA projects pursuant to AB 52, Commission staff contacted the Tribal Chairpersons identified by the NAHC to ensure the Tribes had an opportunity to provide meaningful input on the proposed Project. The NAHC’s reply stated that Native American cultural sites were present within the Project area and specifically recommended the Commission contact the Manchester Band of Pomo Indians.

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On September 5, 2018, Commission staff provided a notice of the Project to all Tribes on the list provided by the NAHC. In response to the NAHC Sacred Lands File search recommendation, Commission staff contacted the Chair of the Manchester Band of Pomo Indians via a formal outreach letter as well as their cultural resources department via a telephone call followed by email containing additional Project details and maps. Staff did not receive any additional information subsequent to its initial letter and emails containing Project information. Staff also did not receive any responses from other Tribal representatives, any comments from the Tribes, or information about any sensitive Tribal cultural resources within or adjacent to the Project area.

Conclusion

Based upon the Initial Study, the MND, and the comments received during the public review process, staff believes there is no substantial evidence that the Project will have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15074, subd. (b).)

A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in Exhibit C, attached.

Public Trust and State's Best Interests Analysis:

The proposed lease area consists of tide and submerged land rights-of-way situated in the Pacific Ocean, near Manchester State Beach, Mendocino County. The Applicant, upon completion of construction, will utilize the rights-of-way for the installation, operation and maintenance of up to four proposed two-inch-diameter armored submarine cables and four proposed six-inch-diameter steel conduits as part of a transpacific submarine cable system. However, the Applicant has only submitted a first phase exhibit of the construction that includes only one of the four proposed two-inch-diameter armored submarine cables. The Applicant will amend the lease for the installation of additional cables when appropriate. Based on the first phase exhibit, the proposed lease area is 15.58 acres.

The Applicant proposes to install up to four cables (three at a later date) that would provide additional capacity for global data transmission and help to alleviate capacity restrictions that periodically occur between California and Hong Kong, Guam, Singapore, and Sydney. The proposed Project would make it possible for telecommunications data to travel between these population centers and the technical hubs in Silicon Valley via marine and terrestrial cables. Each cable would arrive offshore, it would be pulled through a conduit, and then brought on land. Once on land, each cable would then be routed through an underground conduit

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system on both sides of State Route 1 and public roads to connect with one of the three existing cable landing stations in the unincorporated town of Manchester that would transmit signals to the technical hubs in Silicon Valley.

In order to provide additional telecommunications capacity between California, Asia, and Australia, the Applicant has designed the Project to achieve the following objectives:

- Respond to the increasing need for connectivity between Asia, Australia, and the United States by installing modern cables with higher telecommunications data transmission capacity and direct connections between termini
- Increase telecommunications data transmission speeds
- Avoid identified seismically unstable zones
- Provide the first direct telecommunications link between Hong Kong and the United States
- Create diverse telecommunication pathways between the United States and Pacific Rim cities and countries

The entire Project would be installed in four phases because there are up to four cables that would connect Manchester to Asia and Australia. Before Phase 1 can start, there would be an initial phase in 2019 and 2020 to install support facilities so that the four cables can be brought to Manchester. The initial support facilities include installing four horizontally directional drilled 6-inch-diameter conduits without disrupting the seafloor or beach within the surf zone (see Exhibit B). These conduits would be buried between 25 and 50 feet below the beach and the seafloor and exit approximately 3,000 feet offshore in 30 feet of water.

Phase 1 includes the installation of the initial support facilities and a 2-inch-diameter cable from Hong Kong to California in 2020. The cable would be buried with 3 feet of cover from the continental shelf to the end of the conduit and pulled through the conduit to the final cable landing site on land.

The electrical power would be supplied by standard commercial sources on land at the final cable landing station. The commercial power would be converted to direct current, and the voltage and amperage would be converted to match the needs of the signal regenerating technology. Once converted, the electrical current would be applied to and carried by the cable.

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The new lease will require the Applicant to maintain and repair the cable and conduct inspections and tests every 5 years. The Applicant must submit an executed agreement with the local Fisherman's Association prior to the construction and installation of the conduit and cable. A lease amendment would be required for any future use or removal.

The cable will be buried 3 feet below the ocean floor and does not impede surface use or interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease. The proposed facilities do not significantly alter the land, and the lease does not alienate the State's sovereign interest, or permanently impact public rights.

The lease is limited to a 25-year term and does not grant the lessee exclusive rights to the lease premises. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition. Additionally, the proposed lease requires the lessee to maintain a performance bond in the amount of \$135,140 and to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

Climate Change:

Sea-level rise as a function of global climate change is not expected to have any effect on the Project because none of the permanent infrastructure is proposed in areas subject to flooding or increased erosion with anticipated sea-level rise. The marine component of the Project would be buried 3 feet beneath the seafloor in State waters starting 3,280 feet offshore, where they are not subject to additional flooding or associated erosion due to sea-level rise. The cable landing parcel would be on a coastal terrace well above an elevation of potential sea-level rise and inland from the edge of the coastal bluff, which could become more susceptible to increased erosion over time. The cable location between the cable landing parcel and the offshore conduits' daylight point would be drilled deep (approximately 35 to 50 feet below the beach) and thus would not be subject to increased erosion over time. The terrestrial cable would not be in areas subject to increased inland flooding as it would be installed under coastal streams. Additional background information on climate change and sea-level rise is provided in Section 5.1 of the MND.

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Conclusion:

For all the reasons above, staff believes the issuance of the lease will not substantially interfere the public rights to navigation, fishing, and commerce, or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This proposed action is consistent with the Commission's 2016-2020 Strategic Plan Strategy 1.1 to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. The Project involves lands identified as possessing significant environmental values: Arena Rock (near Point Arena) within the Commission's Significant Lands Inventory, pursuant to Public Resources Code section 6370 et seq. The Project area is in the Significant Lands Inventory as parcel number 23-062-500, which includes the tide lands and submerged land in the Pacific Ocean immediately adjacent to Arena Rock near Point Arena lying 1,000 feet waterward of the ordinary high-water mark. The subject lands are classified in use category Class B, which authorizes limited use. Environmental values identified for these lands are mostly biological, including rockfishes not normally seen in shallow water (60 to 100 feet) like the turnkey-red rockfishes and China rockfish. Based on staff's review of the Significant Lands Inventory and the CEQA analysis provided in the MND, the Project, as proposed, would not significantly affect those lands and is consistent with the use classification.

FURTHER APPROVALS REQUIRED:

California Coastal Commission
California Department of Fish and Wildlife
California Department of Transportation
North Coast Regional Water Quality Control Board
U.S. Army Corps of Engineers
Mendocino County

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EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program
- D. Comments and Responses on the Mitigated Negative Declaration

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the MND, CSLC MND No. 796 (April 2019), State Clearinghouse No. 2019049159, was prepared for this Project in compliance with the provisions of CEQA, that the Commission has reviewed and considered the information contained therein and in the comments received in response and that the MND reflects the Commission's independent judgment and analysis.

Adopt the MND and determine that the Project, as approved, will not have a significant effect on the environment.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with the public's right to navigation and fishing or with the Public Trust needs and values, at this location, at this time and for the foreseeable term of the lease; and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Right-of-Way Use to RTI Infrastructure, Inc., beginning June 28, 2019, for a term of 20~~5~~ years, for the installation, use, maintenance, and repair of one 2-inch-diameter subsea fiber-optic cable and four 6-inch-diameter horizontal directionally drilled marine conduits, as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$135,140 adjusted annually by the Consumer Price

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Index and with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease; liability insurance in an amount no less than \$1,000,000 per occurrence; and a surety bond in the amount of \$135,140.

2. Authorize the Executive Officer or her designee to give approval on behalf of the Commission to modify exhibits and adjust rent based on "as-built" plans and make any other approvals required of the Commission under the Agreement.

EXHIBIT A

W 27136

LAND DESCRIPTION

Two parcels of tide and submerged land lying in the bed of the Pacific Ocean, situated north of the town of Manchester, Mendocino County, State of California and more particularly described as follows:

PARCEL 1

BEGINNING at a point on a beach manhole having a Latitude $39^{\circ} 0.870'$ North and a Longitude $123^{\circ} 41.358'$ West, which bears North $11^{\circ} 39' 16''$ West 591.541 meters from the NGS monument "1 MEM 23.46" (Epoch 2010.00) having UTM Zone 10 coordinates of Northing (y) = 4318032.302 meters, Easting (x) = 440443.684 meters; thence South $85^{\circ} 37' 05''$ West 1228.149 meters; thence North $0^{\circ} 26' 34''$ East 106.250 meters; thence South $89^{\circ} 33' 36''$ East 832.123 meters; thence South $89^{\circ} 07' 08''$ East 391.686 meters to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

PARCEL 2

A 10 foot (3.048 meters) strip of submerged lands, being 5 foot (1.524 meters) on each side of the following described centerline:

BEGINNING at a point on a beach manhole having a Latitude $39^{\circ} 0.870'$ North and a Longitude $123^{\circ} 41.358'$ West, which bears North $11^{\circ} 39' 16''$ West 591.541 meters from the NGS monument "1 MEN 23.46" (Epoch 2010.00) having UTM Zone 10 coordinates of Northing (y) = 4318032.302 meters, Easting (x) = 440443.684 meters; thence along the center line of the proposed pipe bore and cable the following four courses;

1. South $88^{\circ} 52' 24''$ West 407.068 meters;
2. South $84^{\circ} 26' 24''$ West 813.969 meters;
3. North $84^{\circ} 37' 54''$ West 2373.761 meters;

4. South 89° 26' 35" West 2599.685 meters more or less to a point on the State of California Offshore Boundary and a TERMINUS of said centerline.

The sidelines of said PARCEL 2 shall be lengthened or shortened as to terminate at said State of California Offshore Boundary.

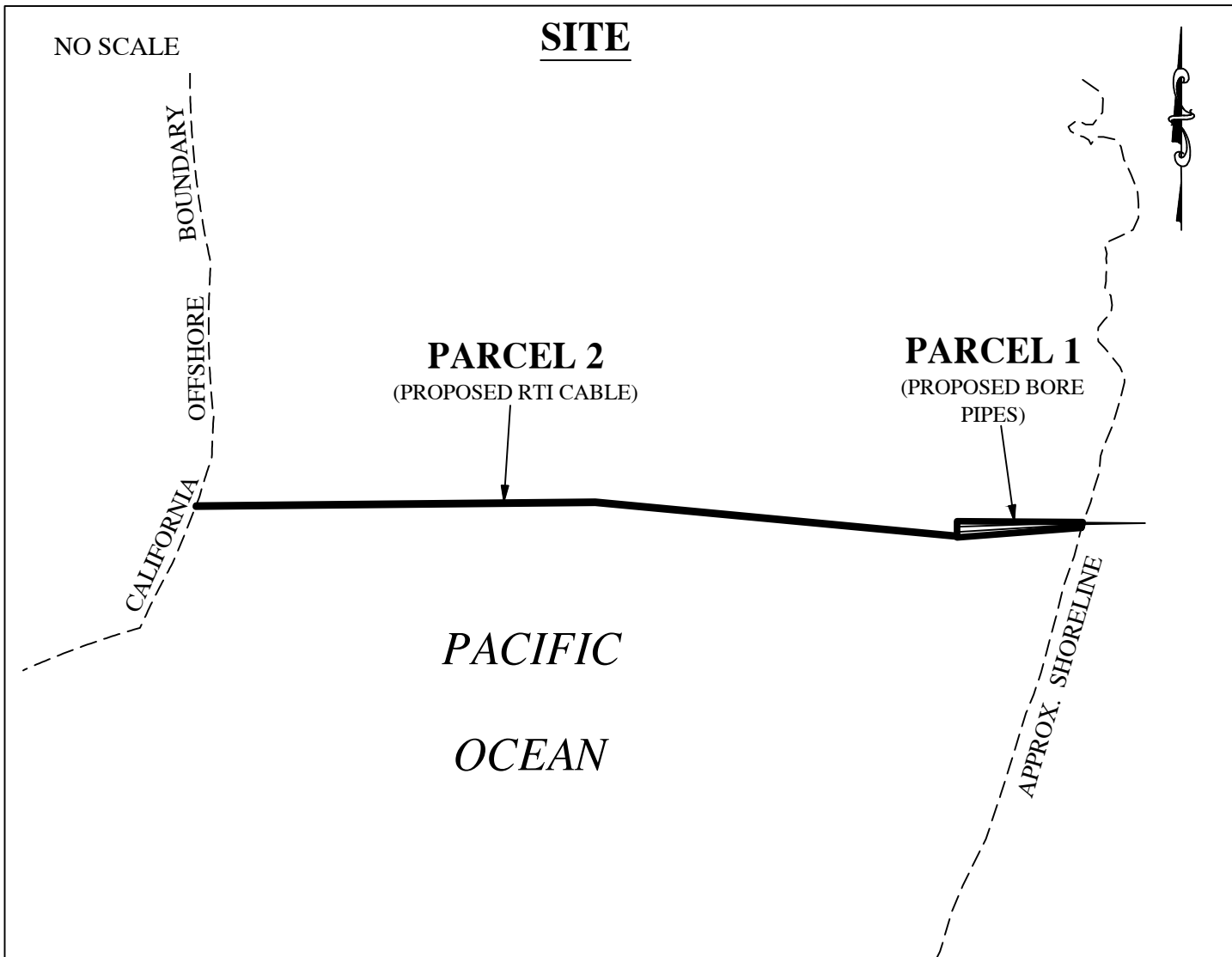
EXCEPTING THEREFROM any portion lying within above described **PARCEL 1**.

END OF DESCRIPTION

The geographic coordinates stated herein were provided by the applicant or produced from drawings provided by the applicant and are subject to change pending as-built locations. New coordinates are to be collected and verified by the lessee at time of placement of the proposed facilities, and the coordinates herein edited accordingly. This description is to be updated once final as-built plans are submitted.

Prepared 05/14/19 by the California State Lands Commission Boundary Unit





OFFSHORE CABLE SYSTEM FROM TOWN OF MANCHESTER

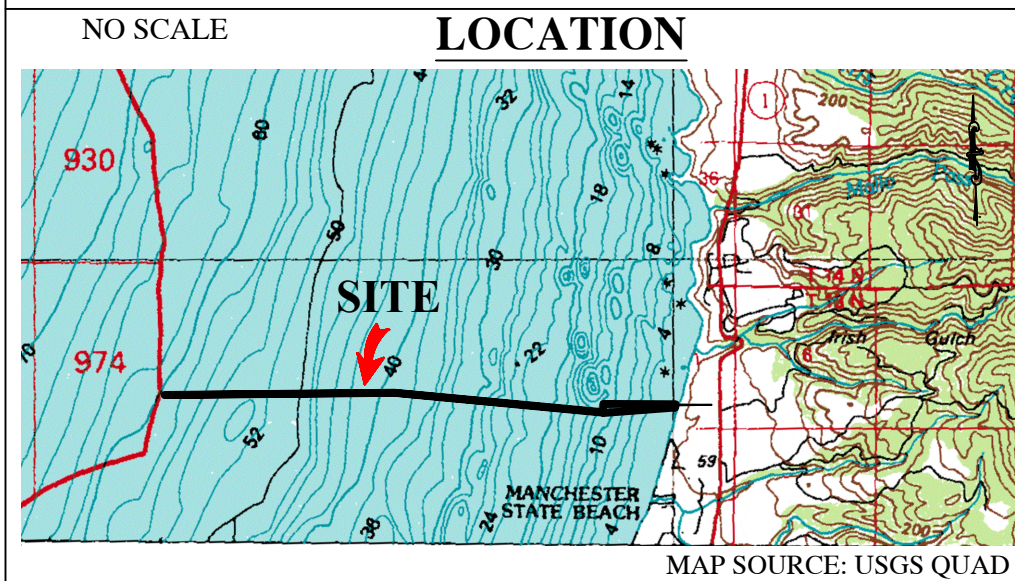


Exhibit B
W 27136
RTI INFRASTRUCTURE,
INC.
GENERAL LEASE -
RIGHT-OF-WAY USE
MENDOCINO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

RTI Infrastructure Inc. Manchester Subsea Cables Project
(State Clearinghouse No. 2019049159)

The California State Lands Commission (Commission or CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the RTI Infrastructure Inc. Manchester Subsea Cables Project (Project). In conjunction with approval of this Project, the CSLC adopts this Mitigation Monitoring Program (MMP) for implementation of mitigation measures (MMs) for the Project to comply with Public Resources Code section 21081.6, subdivision (a) and State CEQA Guidelines sections 15091, subdivision (d), and 15097.

The Project authorizes RTI Infrastructure, Inc. (Applicant or RTI) to build infrastructure in terrestrial and marine areas just north of Manchester in Mendocino County in order to connect up to four fiber optic cables coming from Asia and Australia.

PURPOSE

It is important that significant impacts from the Project are mitigated to the maximum extent feasible. The purpose of a MMP is to confirm compliance and implementation of MMs; this MMP shall be used as a working guide for implementation, monitoring, and reporting for the Project's MMs.

ENFORCEMENT AND COMPLIANCE

The CSLC is responsible for enforcing this MMP. The Project Applicant is responsible for successful implementation of and compliance *with the* MMs identified in this MMP. The term Applicant, in this context, includes all field personnel and contractors working for the Applicant.

MONITORING

CSLC staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as necessary. Some monitoring responsibilities may be assumed by other agencies, such as the County of Mendocino. The CSLC or its designee shall ensure that qualified environmental monitors are assigned to the Project.

Environmental Monitors. To confirm implementation and success of the MMs, an environmental monitor must be on-site during all Project activities with the potential to create significant environmental impacts or impacts for which mitigation is required. Along with CSLC staff, the environmental monitor(s) are responsible for:

- Confirming that the Applicant has obtained all applicable agency reviews and approvals
- Coordinating with the Applicant to integrate the mitigation monitoring procedures during Project implementation (for this Project, many of the monitoring procedures would be conducted during the deconstruction phase)
- Confirming that the MMP is followed

The environmental monitor shall immediately report any deviation from the procedures identified in this MMP to CSLC staff or its designee. CSLC staff or its designee shall approve any deviation and its correction.

Workforce Personnel. Implementation of the MMP requires the full cooperation of Project personnel and supervisors. Many of the MMs require action from site supervisors and their crews. The following action shall be taken to facilitate successful implementation:

- Relevant mitigation procedures shall be written into contracts between the Applicant and any contractors.

General Reporting Procedures. A monitoring record form shall be submitted to the Applicant by CSLC, and once the Project is complete, a compilation of all the logs shall be submitted to CSLC staff. CSLC staff or its designated environmental monitor shall develop a checklist to track all procedures required for each MM and shall confirm that the timing specified for the procedures is followed. The environmental monitor shall note any issues that may occur and take appropriate action to resolve them.

Public Access to Records. Records and reports are open to the public and are to be provided upon request.

MITIGATION MONITORING TABLE

This section presents the mitigation monitoring table (Table C-1) for Biological Resources; Cultural Resources; Cultural Resources – Tribal; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; Recreation; and Transportation. All other environmental disciplines were found to have less than significant or no impacts; therefore, they are not included in the table. The table lists the following information by column:

- Potential Impact
- Mitigation Measure (full text of the measure)
- Location (where impact occurs and where MM should be applied)
- Monitoring/Reporting Action (action to be taken by monitor or Lead Agency)
- Timing (before, during, or after construction; during operation, etc.)
- Responsible Party (entity responsible to ensure MM compliance)
- Effectiveness Criteria (how the agency can know if the measure is effective)

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Biological Resources						
Impacts on Special-Status Species and Habitats	<p>MM BIO-1: Provide Environmental Awareness Training. The Applicant shall provide environmental awareness training for construction personnel working on the terrestrial and marine components of the Project. The biological monitor(s), approved by CSLC staff prior to the start of construction activities, shall be responsible for conducting an environmental awareness training for all Project personnel and for new personnel as they are added to the Project, to familiarize workers with surrounding common and special-status species and their habitats, applicable regulatory requirements, and mitigation measures that must be implemented to avoid or minimize potential impacts on biological resources.</p> <p>The training materials shall be developed and submitted to CSLC staff for approval at least 4 weeks prior to the start of Project activities. The Applicant shall identify a representative to serve as the main contact for reporting any special-status species that is observed in or near the Project area by any employee or contractor, and shall provide the contact information for both this representative and the qualified biologist to onsite construction workers, USFWS,</p>	Terrestrial Project area	Onsite monitor to verify	Implementing MM will educate construction workers regarding special-status species and habitat	Applicant and CSLC	Prior to and throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>CDFW, and CSLC staff before construction commences. The qualified biologist shall maintain a list of contractors who have received training and shall submit a summary of the awareness training to CSLC staff within 30 days after construction begins and after construction is completed.</p>					
<p>Impacts on Special-Status Species and Habitats</p>	<p>MM BIO-2: Conduct Biological Surveying and Monitoring. A qualified biological monitor, approved by CSLC staff, shall be present on-site to survey the work area for Point Arena mountain beaver burrows, nesting birds, and plants prior to the commencement of Project activities to minimize the potential for impacts on any sensitive species or other wildlife that may be present during Project implementation.</p> <p>Qualifications for biological monitors typically include a college degree in a field of biology or environmental science and experience with pre-construction and construction monitoring.</p> <p>In addition, the biological monitor shall be on-site at all times during Project construction. If at any time during Project construction special-status species are observed in the</p>	<p>Terrestrial Project area</p>	<p>Onsite monitor to verify</p>	<p>Implementing MM will reduce the potential for impacts on special-status species and habitat</p>	<p>Applicant and CSLC</p>	<p>Throughout construction</p>

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Project area or within a pre-determined radius surrounding the terrestrial Project components (as determined by the on-site biologist), the biologist shall have the authority to stop all work and the Applicant shall contact the appropriate agency, (i.e., CDFW or USFWS and CSLC staff) to discuss ways to proceed with the Project. Monitoring results shall be summarized in a monthly report and provided to CSLC staff during construction.					
Impacts on Special-Status Species and Habitats	<p>MM BIO-3: Delineate Work Limits and Install Temporary Construction Barrier Fencing to Protect Sensitive Biological Resources. Prior to the start of Project construction, the limits of the onshore construction area at the CLP shall be clearly flagged and limited to the minimum area necessary to complete the work. Natural areas outside the construction zone shall not be disturbed. Designated equipment staging and fueling areas shall also be delineated at this time and shall be sited at least 100 feet from wetlands.</p> <p>Before construction begins, the contractor shall work with a qualified biologist, approved by CSLC staff in consultation with CDFW or USFWS, to identify environmentally sensitive locations to avoid during</p>	Terrestrial Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	Prior to and throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>construction and locations that require barrier fencing. Staging areas and access routes shall be sited to avoid any special-status plants and seasonal wetland habitat present in the Project area. Prior to ground-disturbing activities, the contractor shall install stakes and flagging to identify environmentally sensitive areas that require avoidance. The environmentally sensitive areas shall be clearly identified on the construction specifications. The staking and flagging shall be installed before construction activities are initiated and shall be maintained for the duration of construction.</p> <p>Throughout the course of construction, the biological monitor (MM BIO-2) shall inspect the staking and flagging to ensure that it is visible for construction personnel. If fencing is installed, the biological monitor shall inspect it regularly to ensure that it is functioning properly and not inadvertently trapping or snaring wildlife.</p>					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Direct Impacts on Sensitive Biological Resources	MM BIO-4: Identify and Avoid Sensitive Biological Resources through Use of Directional Boring. To avoid substantial adverse effects on sensitive biological resources (e.g., sensitive natural communities, habitat for special-status species, and populations of special-status plants), the Applicant shall use directional boring techniques to avoid direct impacts on such resources (or bridge attachments at creeks).	Terrestrial Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	Throughout construction
Impacts from Horizontal Directional Drilling and Directional Boring Activities	MM BIO-5: Implement Best Management Practices for Horizontal Directional Drilling and Directional Boring Activities. The Applicant shall implement the following BMPs related to Horizontal Directional Drilling and directional boring. <ul style="list-style-type: none"> • For the large marine Horizontal Directional Drilling (HDD), at least 60 days prior to start of construction, the following shall be submitted to CSLC staff for review: <ul style="list-style-type: none"> ○ Engineering design drawings as issued for construction certified by a California registered Civil/Structural Engineer. ○ A site-specific geotechnical report certified by a California registered Geotechnical Engineer to confirm fitness of 	Terrestrial Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>purpose of the proposed drilling program and also include any geotechnical recommendations for safe HDD installation.</p> <ul style="list-style-type: none"> ○ A set of detailed calculations certified by a California registered Civil/Structural Engineer to ensure safe HDD installation to avoid hydrofracture risk and overstress to the bore pipes. • In cases where the Horizontal Directional Drilling is under CSLC jurisdiction, a minimum depth of cover of 35 feet is required unless a shallower depth is recommended by a California registered Geotechnical Engineer. • Design the bore path to an appropriate depth below the waterbody or other biological resource to minimize the risk of an inadvertent release of drilling fluids. • In cases where the bore is under a stream, prevent the conduit from becoming exposed by natural scour of the streambed by boring a minimum of 5 feet below the streambed. • Locate drill entry and exit points far enough from the banks of streams or waterbodies to minimize impact on those areas. 					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<ul style="list-style-type: none"> Avoid removal of riparian vegetation between bore entry and exit points in preparation of trenchless stream crossing operations. 					
Accidental Release of Drilling Fluid (Special-Status Species, Habitats, and Water Quality)	<p>MM BIO-6: Prepare and Implement an Inadvertent Return Contingency Plan. At least 30 days prior to start of construction, a Final Inadvertent Return Contingency Plan for Horizontal Directional Drilling (HDD) and directional boring shall be submitted to CSLC staff for review. The plan shall include measures to stop work, maintain appropriate control materials on-site, contain drilling mud, prevent further migration into the stream or waterbody, and notify all applicable authorities. Control measures shall include constructing a dugout/ settling basin at the bore exit site to contain drilling mud to prevent sediment and other deleterious substances from entering waterbodies. In addition, workers shall monitor the onshore and offshore to identify signs of an inadvertent release of drilling fluids. The plan shall include a complete list of the agencies (with telephone number) to be notified, including but not limited to California State Lands Commission's 24-hour emergency notification number (562) 590-5201, California Governor's Office of</p>	Terrestrial Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Emergency Services (Cal OES) contact number (800) 852-7550, etc.					
Implement MM HYDRO-1: Prepare and Implement a Stormwater Pollution Prevention Plan (see below)						
Impacts on Vegetation and Special-Status Plant Species	MM BIO-7: Prepare and Implement a Site Restoration Plan. Prior to construction, the Applicant shall prepare a Site Restoration Plan to reduce impacts on vegetation and plant communities at the cable landing site and in other areas of the Project as appropriate. The Applicant shall submit the plan to CSLC staff for approval. The plan shall include details for site preparation and revegetation methods, monitoring, performance criteria, and reporting. As detailed in the Site Restoration Plan, the impact area shall be restored to pre-existing contours. The topsoil shall be stored on-site and evenly distributed over the site's restored contours. Species native to the region shall be seeded in the impact area. If impacts on special-status plant species are anticipated, a qualified biologist shall collect seeds of the species and store them in a cool, dry location. The qualified biologist, approved by the CSLC and other appropriate agencies, shall disperse the seeds upon completion of site restoration. It is anticipated that natural resource agencies will review and approve	Terrestrial Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on vegetation and special-status species (Point Area mountain beaver)	Applicant and CSLC	Throughout construction and post-construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>the Site Restoration Plan as part of the permitting process.</p> <p>The Applicant shall be responsible for avoiding and minimizing the introduction of new invasive plants and the spread of invasive plants previously documented in the BSA. The following BMPs shall be written into the construction specifications and implemented during Project construction.</p> <ul style="list-style-type: none"> • Retain all excavated soil material on-site or dispose of excess soil in a permitted off-site location to prevent the spread of invasive plants to uninfested areas adjacent to the Project footprint. • Use a weed-free source for Project materials (e.g., straw wattles for erosion control that are weed-free or contain less than 1 percent weed seed). • Prevent invasive plant contamination of Project materials during transport and when stockpiling (e.g., by covering soil stockpiles with a heavy-duty, contractor-grade tarpaulin). • Use sterile grass seed and native plant stock during revegetation. • Revegetate or mulch disturbed soils within 30 days of completing ground-disturbing activities to reduce the likelihood of invasive plant establishment. 					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Detailed information about implementing these BMPs can be found in <i>Preventing the Spread of Invasive Plants: Best Management Practices for Transportation and Utility Corridors</i> (Cal-IPC 2012).					
Entrapment of Wildlife	MM BIO-8: Install Escape Ramps in Open Trenches. To prevent accidental entrapment of wildlife species during construction, all excavated holes and trenches shall have a soil ramp installed, allowing wildlife an opportunity to exit. If a soil ramp cannot be installed, then the hole or excavation shall be covered with plywood or a similar material while unattended. Prior to construction activities each day, a biological monitor or the Project foreman shall inspect excavations to confirm the absence of or remove special-status species under the monitor's collection permit issued by CDFW.	Terrestrial Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on vegetation and special-status species (Point Area mountain beaver)	Applicant and CSLC	Throughout construction
Impacts on Point Arena Mountain Beaver if Present in Construction Areas	MM BIO-9: Conduct Surveys for Point Arena Mountain Beaver. A qualified biologist approved by the CSLC shall conduct pre-construction surveys for Point Arena mountain beaver consistent with the <i>Draft Guidelines for Project-Related Habitat Assessments and Presence-Absence Surveys for the Point Arena Mountain Beaver</i> (USFWS 2017), or using a modified or alternative survey methodology	Terrestrial Project area	Qualified biologist to provide documentation	Implementing MM will reduce the potential for impacts on vegetation and special-status species (Point Area mountain beaver)	Applicant and CSLC	Prior to construction (No more than 8 weeks prior)

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	approved by USFWS. The surveys generally require visual inspection for the presence of mountain beaver burrow openings or other signs of activity. Surveys shall be conducted no more than 8 weeks prior to proposed work activities.					
Impacts on Point Arena Mountain Beaver during Sensitive Periods	MM BIO-10: Limit Construction Period to Minimize Impacts on Point Arena Mountain Beaver. To the extent practicable, construction activities shall not be conducted in occupied Point Arena mountain beaver habitat during the breeding season (December 1 to June 30). Furthermore, nighttime work requiring illumination shall not be undertaken at any time; construction shall occur only during daylight hours.	Terrestrial Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on vegetation and special-status species (Point Area mountain beaver)	Applicant and CSLC	No Project construction between December 1 and June 30 or at night.
Impacts on Point Arena Mountain Beaver Populations and Burrows	MM BIO-11: Avoid Point Arena Mountain Beaver Populations and Burrows. The Applicant shall use the results of the Point Arena mountain beaver surveys conducted under MM BIO-9 to carefully site work areas at the CLP. Avoidance of populations and suitable burrows shall be the priority. The Applicant shall also use the results of the surveys to determine where trenching and boring should occur along the terrestrial underground conduit system routes. Boring shall be used to avoid areas with suitable burrows or adjacent populations.	Terrestrial Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on vegetation and special-status species (Point Area mountain beaver)	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Bore pits shall be sited in areas with zero or the fewest suitable burrows. Manholes shall also be constructed in areas with the fewest suitable burrows. Construction activities shall be stopped immediately and the USFWS notified if Point Arena mountain beavers are injured or killed during construction.					
Impacts on Behren’s Silverspot Butterfly Habitat	MM BIO-12: Survey for and Avoid Behren’s Silverspot Butterfly and Lotis Blue Butterfly Habitat. Prior to construction, a qualified biologist or botanist, approved by CSLC staff in consultation with USFWS or CDFW, shall conduct a survey of the areas of the BSA that will be permanently or temporarily disturbed for Behren’s silverspot butterfly and lotis blue butterfly larval host plants (western dog violet plants and other species of violet; <i>Hosackia gracilis</i> , <i>Lotus</i> spp., <i>Lupinus</i> spp., <i>Astragalus</i> spp., and <i>Lathyrus</i> spp.). The survey will be conducted during the appropriate blooming period (spring/summer). The numbers and locations of individual larval host plants identified in the BSA shall be mapped and, to the extent feasible, the Applicant shall site Project activities and facilities to avoid the removal of larval host plants.	Terrestrial Project area	Qualified biologist to provide documentation	Implementing MM will reduce the potential for impacts on vegetation and special-status species (Behren’s silverspot butterfly and lotis blue butterfly)	Applicant and CSLC	Prior to construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Impacts on Nesting Birds	<p>MM BIO-13: Conduct Pre-Construction Nesting Bird Surveys and Implement Avoidance Measures. In the event that construction would occur during the nesting season, the following conditions designed to protect both special-status and non-special-status birds shall be implemented.</p> <p>No more than 1 week prior to the start of Project construction, a qualified biologist approved by USFWS or CDFW shall conduct a survey of the Project area to determine the presence of nesting activity (the typical nesting season is from February 1 to September 1). If active nests are found, an appropriate avoidance buffer shall be established by the biologist. If federal and state special-status species are observed nesting, coordination may be warranted with USFWS or CDFW to determine the appropriate avoidance buffer distances. No disturbances shall occur within the protective buffer(s) until all young birds have fledged, as confirmed by the biologist.</p> <p>In accordance with MM BIO-2, a qualified biological monitor shall be retained by the Applicant and shall be on-site at all times during Project operations. If at any time during</p>	Terrestrial Project area	Onsite monitor to verify; coordination with USFWS/ CDFW	Implementing MM will reduce the potential for impacts on nesting birds	Applicant; CSLC; USFWS and CDFW, if necessary	Prior to construction (no more than 1 week before) and throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Project operations special-status species (including but not limited to western snowy plovers) are observed within the Project area, all work shall be stopped or redirected to an area within the Project site that would not affect special-status birds.					
Impacts on Unsurveyed Special-Status Plant Species and Habitat	MM BIO-14: Conduct Appropriately Timed Floristic Surveys of Remaining Areas. The remaining portions of the BSA that were not surveyed at the appropriate time to account for early- and mid-blooming plant species will be surveyed. The final 2018 botanical survey covered the entire BSA and coincided with the identifiable period of late-blooming species. A qualified biologist, approved by CSLC staff in consultation with CDFW or USFWS, shall conduct early- and mid-season botanical surveys of the natural and naturalized communities in the BSA—excluding developed areas and disturbed vegetation on the property containing the Private CLS—in spring and summer 2019. Botanical surveys shall follow methods described in <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> (CDFW 2018e).	Terrestrial Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on special-status plants.	Applicant and CSLC	Prior to construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Should special-status plants be documented in the BSA, directional boring would avoid impacts on the special-status species and the occupied habitat.					
Unburied Sections of Marine Cable	<p>MM BIO-15: Inspection and Burial of Cable. The marine fiber-optic cable shall be buried to the extent feasible in accordance with the following.</p> <ul style="list-style-type: none"> • Bury the cable to the extent practicable in areas with soft bottom substrate and water depths of 5,904 feet or less. • The burial report submitted by the Applicant after each phase shall include a detailed description of all buried and unburied sections and justification for any unburied sections. 	Marine Project area	Reporting forms (burial report) submitted to CSLC	Implementing MM will reduce the potential for entanglement of marine species with cable and fishing gear	Applicant and CSLC	Throughout marine Project activities while installing cable
Entanglement of Marine Species and Fishing Gear	<p>MM BIO-16: Cable Entanglements and Gear Retrieval. In the event that fishers snag a cable and lose or cut gear, the Applicant shall use all feasible measures to retrieve the fishing gear or inanimate object. Retrieval shall occur no later than 6 weeks after discovering or receiving notice of the incident. If full removal of gear is not feasible, the Applicant shall remove as much gear as practicable to minimize harm to wildlife (e.g. fishes, birds, and marine mammals). Within 2 weeks</p>	Marine Project area	Reporting forms (burial report) submitted to CSLC	Implementing MM will reduce the potential for loss of revenue for fishers	Applicant and CSLC	Throughout marine Project activities

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	of completing the recovery operation, the Applicant shall submit to the CSLC a report describing (a) the nature and location of the entanglement (with a map); and (b) the method used for removing the entangled gear or object, or the method used for minimizing harm to wildlife if gear retrieval proves infeasible.					
Impacts on Wildlife from Marine Vessels	<p>MM BIO-17: Prepare and Implement a Marine Wildlife Monitoring and Contingency Plan. The Applicant shall prepare and implement a Marine Wildlife Monitoring and Contingency Plan (MWMCP) that shall apply to cable installation and repair activities and consist of the following elements, procedures, and response actions.</p> <ul style="list-style-type: none"> • Awareness training for Project vessel crew that includes identification of common marine wildlife and avoidance procedures included in the MWMCP for Project activities. • Provision of two qualified shipboard marine mammal observers on board all cable installation vessels to conduct observations during all active cable installation activities. The MWMCP shall establish the qualifications of and required equipment for the observers. 	Marine Project area	Retain copy of MWMCP and marine wildlife monitor notes	Implementing MM will reduce vessel movement and noise-related impacts on marine wildlife	Applicant and CSLC	Sixty days prior to and throughout marine Project activities

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<ul style="list-style-type: none"> In consultation with NMFS, establish a safety work zone around all Project work vessels that defines the distance from each work vessel that marine mammals and sea turtles may approach before all operations must cease until the marine mammal or sea turtle has moved beyond. Project-specific control measures for Project vessels (including support boats) and actions to be undertaken when marine wildlife is present, such as reduced vessel speeds or suspended operations. Reporting requirements and procedures for wildlife sightings and contact and requirements for post-installation reporting. The MWMCP shall identify the resource agencies that are to be contacted in case of marine wildlife incidents and that will receive reports at the conclusion of Project installation. The MWMCP shall be submitted to the CSLC and CCC for review at least 60 days prior to the start of marine installation activities. 					
Impacts on Environmentally Sensitive Habitat Areas	MM BIO-18: Boring beneath Environmentally Sensitive Habitat Areas. Per methods outlined in MM BIO-5 , all ESHAs will be bored beneath and avoided.	Terrestrial Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on ESHAs	Applicant and CSLC	During terrestrial construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Impacts on Wet Meadow Habitat	MM BIO-19: Locate Work and Staging Areas for the Cable Landing Site and Associated Facilities outside Wet Meadow Habitat. The Applicant shall situate work and staging areas for the cable landing site and associated facilities an appropriate distance from the wet meadow habitat to avoid direct and indirect impacts.	Terrestrial Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on wet meadow habitat	Applicant and CSLC	Prior to construction
Impacts on Hard Substrate Habitat (Sensitive Species)	MM BIO-20: Minimize Crossing of Hard Bottom Substrate. Prior to start of construction, a survey shall be conducted to identify any hard bottom habitat, eelgrass, kelp, existing utilities including but not limited to pipelines, power cables, etc., and the survey map shall be submitted to CSLC staff for review. The proposed cable routes and anchoring locations shall be set to avoid hard bottom habitat, eelgrass, kelp, existing utilities including but not limited to pipelines, power cables, etc., as identified in the survey.	Marine Project area	Reporting forms (burial report) submitted to CSLC	Implementing MM will ensure that avoidance of sensitive species and hard bottom habitat areas is achieved and will determine presence or absence of <i>Caulerpa taxifolia</i> and seagrasses	Applicant and CSLC	Prior to and throughout marine cable installation
Damage to Hard Substrate during Cable Installation	MM BIO-21: Contribute Compensation to Hard Substrate Mitigation Fund. The following mitigation is proposed for damage to slow-growing, hard-substrate organisms. <ul style="list-style-type: none"> • CCC compensation fees (based on past projects) will be required to fund the U.C. Davis Wildlife Health Center's California Lost 	Marine Project area	Applicant will provide retirement verification to the CSLC	Compensation fees will help reduce impacts on hard substrate	Applicant	Immediately after Project construction and after determination based on final burial report

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>Fishing Gear Recovery Project or other conservation programs or impacts to high-relief, hard substrate affected by the Project. The amount of the hard bottom mitigation fee shall be calculated by applying a 3:1 mitigation ratio to the total square footage of impacted hard bottom and multiplying that square footage by a compensation rate of \$14.30 per square foot.</p> <ul style="list-style-type: none"> A final determination of the amount of high-relief, hard substrate affected (used to calculate the total compensation fee) will be based on a review of the final burial report from the cable installation. The total assessment and methods used to calculate this figure will be provided to the CSLC and the CCC for review and approval. Both CSLC and CCC also will be provided documentation of the total amount of mitigation paid, and the activities for which the funds will be used. 					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Spread of Nonnative Aquatic Species	MM BIO-22: Control of Marine Invasive Species. Applicant shall ensure that the underwater surfaces of all project vessels are clear of biofouling organisms prior to arrival in state waters. The determination of underwater surface cleanliness shall be made in consultation with CSLC staff. Additionally, and regardless of vessel size, ballast water for all Project vessels must be managed consistent with the CSLC’s ballast management regulations, and Biofouling Removal and Hull Husbandry Reporting Forms shall be submitted to CSLC staff as required by regulation. No exchange of ballast water for project vessels shall occur in waters shallower than the 5,904 feet isobath.	Hull cleaning/ biofouling removal to be conducted at vessel origination site At Project kick-off meeting site	Reporting forms submitted to CSLC Project kick-off meeting sign-in sheet	Implementing MM will reduce the introduction of nonnative aquatic species and ensure that vessel operators are aware of nonnative aquatic species regulations	Applicant and CSLC	Biofouling removal prior to Project vessels transitioning to Project site Submit Biofouling Removal and Hull Husbandry Reporting Forms prior to Project operations During Project kick-off meeting
Cultural Resources						
Disturbance of Terrestrial Archaeological Resources	MM CUL-1: Discovery of Previously Unknown Cultural Resources. The Applicant shall retain a qualified archaeologist to train construction staff to be able to identify potential cultural resources. In the event that potential resources are uncovered during Project implementation, all ground-disturbing work within 100 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the	Terrestrial Project area	Qualified archaeologist, treatment plan if needed	Implementing MM will reduce potential impacts on archaeological resources	Applicant and CSLC	Prior to and throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>nature and significance of the discovery. In the event that a potentially significant resource is discovered, the Applicant, the CSLC, and any local, state, or federal agency with approval or permitting authority over the Project that has requested or required such notification shall be notified within 48 hours. The location of any such finds must be kept confidential and measures shall be taken to secure the area from site disturbance and potential vandalism. Impacts on previously unknown significant archaeological resources shall be avoided through preservation in place if feasible. A treatment plan developed by the archaeologist shall be submitted to CSLC staff for review and approval. If the archaeologist determines that damaging effects on the resource would be avoided or minimized, work in the area may resume.</p> <p>Title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the CSLC.</p>					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Disturbance of Marine Archaeological Resources	<p>MM CUL-2: Conduct a Pre-Construction Offshore Archaeological Resources Survey. Using the results of an acoustic survey (e.g., a Compressed High-Intensity Radiated Pulse [CHIRP] System survey) for evidence of erosion/incision of natural channels, the nature of internal channel-fill reflectors, and the overall geometry of the seabed, paleochannels and surrounding areas shall be analyzed for their potential to contain intact remains of the past landscape that could contain prehistoric archaeological deposits (e.g., Schmidt et al. 2014). The analysis shall include core sampling in various areas, such as paleochannels, to verify the seismic data analysis. Based on the CHIRP and coring data, a Marine Archaeological Resources Assessment Report shall be produced by a qualified maritime archaeologist and reviewed by the CSLC or the State Historic Preservation Officer to document effects on potentially historic properties. All acoustic surveys will be conducted by operators permitted by CSLC through its Low-Energy Offshore Geophysical Permit Program (https://www.slc.ca.gov/ogpp/).</p>	Marine Project area	Qualified archaeologist, Marine Archaeological Resources Assessment Report, if needed	Implementing MM will reduce potential impacts on marine archaeological resources	Applicant and CSLC	Prior to and throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Disturbance of Archaeological Resources (Offshore Historic Shipwrecks)	<p>MM CUL-3: Conduct a Pre-Construction Offshore Historic Shipwreck Survey. A qualified maritime archaeologist, in consultation with CSLC staff, shall conduct an archaeological survey of the proposed cable routes. The archaeological survey and analysis shall be conducted following current CSLC, BOEM, and USACE (San Francisco and Sacramento Districts) standard specifications for underwater/marine remote sensing archaeological surveys (Guidelines for Providing Geological and Geophysical, Hazards, and Archaeological Information Pursuant to 30 CFR Part 585).</p> <p>The archaeological analysis shall identify and analyze all magnetic and side-scan sonar anomalies that occur in each cable corridor, defined by a lateral distance of 0.31 mile on either side of the proposed cable route. This analysis shall not be limited to side scan and magnetometer data and may include shallow acoustic (subbottom) data as well as AUV and multi-beam data that may have a bearing on identification of anomalies representative of potential historic properties. All magnetic, side-scan sonar, and acoustic surveys will be conducted by operators permitted by CSLC through its Low-Energy</p>	Marine Project area	Qualified maritime archaeologist	Implementing MM will reduce potential impacts on marine archaeological resources	Applicant and CSLC	Prior to and throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Offshore Geophysical Permit Program (https://www.slc.ca.gov/ogpp/) .					
Disturbance of Marine Archaeological Resources	MM CUL-4: Prepare and Implement an Avoidance Plan. All cultural resources identified in the Marine Archaeological Resources Assessment Report and the Offshore Historic Shipwreck Survey Report shall be avoided by developing and implementing an avoidance plan. If any cultural resources are discovered as a result of the marine remote sensing archaeological survey, the proposed cable route or installation procedures shall be modified to avoid the potentially historic property. The Applicant shall route the cable no closer than 164 feet from the center point of any given find. In the event a resource is discovered during construction that did not show up on the remote sensing survey and was not part of the avoidance plan, construction in that area will stop, CSLC will be notified, and the cable will be rerouted to avoid the discovery.	Marine Project area	Qualified maritime archaeologist	Implementing MM will reduce potential impacts on marine archaeological resources	Applicant and CSLC	Prior to and throughout construction
Disturbance of Human Remains	MM CUL-5: Unanticipated Discovery of Human Remains. If human remains are encountered, all provisions provided in California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98	Terrestrial Project area	Qualified archaeologist; County Coroner	Implementing MM will reduce potential impacts on human remains	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	shall be followed. Work shall stop within 100 feet of the discovery and an archaeologist must be contacted within 24 hours. The archaeologist shall consult with the County Coroner. In addition, CSLC staff shall be notified within 24 hours. If human remains are of Native American origin, the County Coroner shall notify the Native American Heritage CSLC within 24 hours of this determination and a Most Likely Descendent shall be identified. No work is to proceed in the discovery area until consultation is complete and procedures to avoid or recover the remains have been implemented.					
Cultural Resources – Tribal						
Discovery of Tribal Cultural Resources	<p>MM TCR-1: Discovery of Previously Unknown Tribal Cultural Resources. Prior to Project related ground-disturbing activities, the Applicant shall prepare a Tribal Cultural Resources Monitoring Plan subject to CSLC approval. The Plan shall be prepared in coordination with the CSLC and a California Native American Tribe that is culturally affiliated with the Project site. The Plan shall include, but not be limited to, the following measures.</p> <ul style="list-style-type: none"> The Applicant shall retain a monitor from a California Native American Tribe that is culturally 	Terrestrial Project area	Native American monitor, if needed	Implementing MM will reduce potential impacts on tribal resources	Applicant and CSLC	Prior to and throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>affiliated with the Project site during all ground-disturbing activities.</p> <ul style="list-style-type: none"> • The Applicant shall provide a minimum 5-day notice to the tribal monitor prior to all scheduled ground-disturbing activities. • The Applicant shall provide the tribal monitor safe and reasonable access to the Project site. • Procedures for tribal monitoring including availability of resources and information to monitor excavation activities. • Guidance on identification of potential tribal resources that may be encountered • The tribal monitor will provide orient construction personnel with an orientation on the requirements of the Plan, including the probability of exposing tribal resources, guidance on recognizing such resources, and direction on procedures if a find is encountered. • Preparation of a Treatment Plan (see MM TCR-2) if tribal resources are discovered during excavation activities. The Applicant will train construction staff to be able to identify potential Tribal cultural resources 					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>and identify a tribal point of contact prior to construction. In the event that potential resources are uncovered during Project implementation, all ground-disturbing work within 100 feet of the find shall be temporarily suspended or redirected until the tribal point of contact or his designee has evaluated the nature and significance of the discovery. Should Tribal cultural deposits be uncovered during Project implementation, CSLC staff and the tribal point of contact shall be contacted within 24 hours. A Treatment Plan developed in consultation with the tribal contact or his designee shall be submitted to CSLC staff for review and approval. The location of any such finds must be kept confidential. Measures should be taken to secure the area from minimize site disturbance and potential vandalism. Additional measures to meet these requirements include assessment of the nature and extent of the deposit, subsequent recordation, and notification of relevant parties based on the results of the assessment. Impacts on previously unknown significant Tribal cultural resources shall be</p>					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	avoided through preservation in place if feasible.					
Treatment of Uncovered Tribal Cultural Resources	<p>MM TCR-2: Tribal Cultural Resources Treatment Plan. Should intact tribal cultural deposits be uncovered during Project implementation, CSLC staff and the tribal monitor shall be contacted immediately within 24 hours. A Treatment Plan developed in consultation with the tribal monitor shall be submitted to CSLC staff for review and approval. CSLC staff, in consultation with the tribal monitor, shall have the authority to temporarily halt all work within 100 feet (metric) of the find. The location of any such finds must be kept confidential, and measures shall be taken to ensure that the area is secured to minimize site disturbance and potential vandalism. Additional measures to meet these requirements include assessment of the nature and extent of the deposit, and subsequent recordation and notification of relevant parties based on the results of the assessment. Impacts on previously unknown significant Tribal cultural resources shall be avoided through preservation in place, if feasible, or through a mitigation and data recovery plan established between the CSLC, designated Tribes, and</p>	Terrestrial Project area	Develop a treatment plan	Implementing MM will reduce potential impacts on tribal resources	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	qualified archaeologists to offset the effects of the impact.					
Geology, Soils, and Paleontological Resources						
Erosion and/or Loss of Topsoil	Implement MM HYDRO-1: Prepare and Implement a Stormwater Pollution Prevention Plan (see below)					
Greenhouse Gas Emissions						
GHG Emissions during Construction	MM GHG-1: Purchase GHG Carbon Offsets for Construction Emissions. The Applicant shall purchase carbon offsets equivalent to the Project's projected GHG emissions (2,691 metric tons CO ₂ e) to achieve a net zero increase in GHG emissions during the construction phase for emissions within 24 nm off the California coast. A carbon offset is a credit derived from the reduction of GHG emissions through a separate reduction project, often in a different location from the emission source. To be acceptable for emissions reduction credit, the carbon offset must be permanent, quantifiable, verifiable, and enforceable. Several existing voluntary offset exchanges have been validated by the California Air Resources Board, including the California Action Reserve Voluntary Offset Registry, American Carbon Registry, and Verified Carbon Standard. The Applicant shall purchase all offsets prior to ground breaking and provide copies of the offset retirement verification to the CSLC.	Up to 24 nm off the California coast	Applicant will provide retirement verification to the CSLC	Purchase of carbon offsets will reduce GHG emissions impacts	Applicant	Prior to Project construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Hazards and Hazardous Materials						
Accidental Release of Hazardous Materials	MM HAZ-1: Hazardous Materials Management and Contingency Plan. The Applicant shall develop and implement Hazardous Materials Management and Contingency Plan (Plan) measures for onshore and offshore operations. Measures shall include, but not be limited to, identification of appropriate fueling and maintenance areas for equipment, daily equipment inspection schedule, a spill response plan, spill response supplies to be maintained on-site and on marine vessels, and a complete list of the agencies to be notified (with their telephone number), including but not limited to California State Lands Commission's 24-hour emergency notification number (562) 590-5201, California Governor's Office of Emergency Services (Cal OES) contact number (800) 852-7550, etc. For any offshore activities involving work vessels, the primary work vessel will be required to carry on board a minimum 400 feet of sorbent boom, 5 bales of sorbent pads at least 18-inch by 18-inch square and small powered boat for rapid deployment to contain and clean up any small spill or sheen on the water surface. The Plan shall provide for the immediate call out of	Terrestrial and marine Project area	Submit Plan to CSLC	Implementing MM will reduce potential for release of hazardous materials into the environment	Applicant	Prior to and throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	additional spill containment and cleanup resources in the event of an incident that exceeds the rapid clean up capability of the on-site work force.					
Accidental Release of Hazardous Materials (Soil Contamination)	MM HAZ-2: Contaminated Materials Management Plan. Prior to Project construction, a plan shall be prepared that identifies the actions and notifications to occur if evidence of soil contamination is encountered during onshore excavation. The Applicant shall notify the County of Mendocino Health and Human Services Agency Environmental Health Department within 24 hours of discovery of contaminated materials encountered during the course of Project construction or decommissioning activities. Work in the area suspected of contamination shall stop until the notified agencies, together with the Applicant, have determined next steps.	Terrestrial Project area	Submittal of the Contaminated Materials Management Plan to County of Mendocino Health and Human Services Agency Environmental Health Department, if needed	Implementing MM will reduce potential impacts on human health from exposure to contaminated soils	Applicant; Mendocino Health and Human Services Agency Environmental Health	Prior to and throughout construction
	Implement MM BIO-5: Implement Best Management Practices for Horizontal Directional Drilling and Directional Boring Activities (see above) Implement MM BIO-6: Prepare and Implement an Inadvertent Return Contingency Plan (see above) Implement MM HYDRO-1: Prepare and Implement a Stormwater Pollution Prevention Plan (see below)					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Hydrology and Water Quality						
Violation of Water Quality Standards	<p>MM HYDRO-1: Prepare and Implement a Stormwater Pollution Prevention Plan. A SWPPP consistent with the Statewide National Pollution Discharge Elimination System Construction General Permit (Order No. 2012-0006-DWQ) shall be developed and implemented. The SWPPP shall detail the construction-phase erosion and sediment control BMPs and the housekeeping measures for control of contaminants other than sediment. Erosion control BMPs shall include source control measures, such as wetting of dry and dusty surfaces to prevent fugitive dust emissions, preservation of existing vegetation, and effective soil cover (e.g., geotextiles, straw mulch, and hydroseeding), for inactive areas and finished slopes to prevent sediments from being dislodged by wind, rain, or flowing water. Sediment control BMPs shall include measures such as installation of fiber rolls and sediment basins to capture and remove particles that have already been dislodged.</p>	Terrestrial Project area	Onsite monitor to verify	Implementing the MM will reduce the potential for impacts on water quality from release of contaminants and sediment into water-bodies and ensure prompt response in the event of a spill	Applicant and CSLC	Prior to and throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	The SWPPP shall establish good housekeeping measures such as construction vehicle storage and maintenance, handling procedures for hazardous materials, and waste management BMPs, which shall include procedural and structural measures to prevent the release of wastes and materials used at the site. The SWPPP also shall detail spill prevention and control measures to identify the proper storage and handling techniques of fuels and lubricants, and the procedures to follow in the event of a spill.					
	Implement MM HAZ-1: Hazardous Materials Management and Contingency Plan (see above) Implement MM HAZ-2: Contaminated Materials Management Plan (see above) Implement MM BIO-5: Implement Best Management Practices for Horizontal Directional Drilling and Directional Boring Activities (see above) Implement MM BIO-6: Prepare and Implement an Inadvertent Return Contingency Plan (see above) Implement MM BIO-7: Prepare and Implement a Site Restoration Plan (see above)					
Noise						
Construction Noise	MM N-1 Restrict Terrestrial Construction Work on Sundays. On Sundays, the Applicant shall not conduct any activities that exceed ambient noise levels work within 300 feet of sensitive receptors.	Terrestrial Project area	Contract specifications	Implementing MM will reduce construction noise impacts on sensitive receptors	Applicant; Applicant's contractor	Throughout Project construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Recreation						
Offshore recreation	Implement MM T-1: Publication of U.S. Coast Guard Local Notice to Mariners (see below)					
Transportation						
Onshore traffic	Implement MM N-1 Restrict Terrestrial Construction Work on Sundays (see above)					
Marine vessel traffic	<p>MM T-1: Publication of U.S. Coast Guard Local Notice to Mariners. The Applicant shall ensure that its contractor submits to the USCG District 11 (https://www.navcen.uscg.gov/?pageName=lnmDistrict&region=11), 14 days prior to operation, a request to publish a Local Notice to Mariners that includes the following information:</p> <ul style="list-style-type: none"> • Type of operation (i.e., dredging, diving operations, and construction). • Location of operation, including latitude and longitude and geographical position, if applicable. • Duration of operation, including start and completion dates (if these dates change, the USCG needs to be notified). • Vessels involved in the operation. • VHF-FM radio frequencies monitored by vessels on the scene. • Point of contact and 24-hour phone number. • Chart number for the area of operation. 	Marine Project area	Contract specifications	Implementing MM will reduce construction noise impacts on sensitive receptors	Applicant; Applicant's contractor	Throughout Project construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Commercial Fishing						
Disruption of Commercial Fishing	<p>APM-1: Fishing Agreement. The Applicant will enact a fishing agreement that will serve to minimize potential impacts on the viability of the commercial fishing industry. This agreement would, in part, establish the following:</p> <ul style="list-style-type: none"> • A cable/fishing liaison committee that would manage the interactions between the fishers and the cable companies. • Policies for how the fishers will work around the cables and what to do if they think their fishing gear is hung up on a cable or similar issue. • Methods of gear replacement and costs claims in the unlikely event that fishing gear is entangled in cable owned by the Applicant. • Design and installation procedures to minimize impacts on fishing activities, such as: <ul style="list-style-type: none"> - Burying cable where possible - Allowing fishing representatives to review marine survey data and participate in cable alignment selection - Communication and notification procedures - Contributions to fishing improvement funds 	Marine Project area	Provide Agreement to the CSLC prior to construction	Implementing this APM will reduce the potential for gear entanglement, cable unburial, and uncompensated loss of gear	Applicant; Applicant's contractor	Throughout Project construction and operation

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Marine Anchoring	APM-2: Marine Anchor Plan. At least 30 days prior to start of construction, a vessel anchoring plan shall be submitted to CSLC staff for review. The plan is to provide a map (as identified in MM BIO-20) of the proposed anchor spread and anchor locations or offshore temporary mooring location for each work vessel, and a narrative description of the anchor setting and retrieval procedures to be employed that will result in minimal impacts on the ocean bottom. Please note that anchor dragging along sea bottom is not allowed.	Marine anchoring areas only	Provide Plan to the CSLC prior to construction	Implementing this APM will ensure safety for anchoring operations	Applicant; Applicant's contractor	Throughout Project construction

Terms:

- APM = Applicant Proposed Measure
- Applicant = RTI Infrastructure, Inc.
- AUV = autonomous underwater vehicle
- BMP = best management practice
- BOEM = Bureau of Ocean Energy Management
- BSA = biological study area
- CCC = California Coastal Commission
- CDFW = California Department of Fish and Wildlife
- CFR = Code of Federal Regulations
- CLP = cable landing parcel
- CO_{2e} = CO₂ equivalent
- CSLC = California State Lands Commission
- ESHA = environmentally sensitive habitat area
- GHG = greenhouse gas
- HDD = horizontal directional drilling
- nm = nautical miles
- NMFS = National Marine Fisheries Service
- USACE = U.S. Army Corps of Engineers
- USCG = U.S. Coast Guard
- USFWS = U.S. Fish and Wildlife Service

EXHIBIT D
CALIFORNIA STATE LANDS COMMISSION
COMMENTS ON THE MITIGATED NEGATIVE DECLARATION AND RESPONSES

RTI Infrastructure Inc. Manchester Subsea Cables Project
(State Clearinghouse No. 2019049159)

Following the 30-day public review period (April 29, 2019 to May 29, 2019) of the Initial Study and Mitigated Negative Declaration (MND) (CSLC MND No. 796), Commission staff received four comment letters: three from state agencies and one from an organization. The following provides a summary of the primary areas of concern raised during the public comment period and Commission staff's response to these concerns. Based on the comments received and Commission staff's responses, no revisions to the MND would be required.

California Department of Transportation (Caltrans): Responsible Agency

Comment Summary	Response
1. Caltrans commented that the Project will require an access and a longitudinal encroachment permit.	The Applicant is applying for an encroachment permit and will provide all required information to obtain the permit before starting any construction.

California Department of Fish and Wildlife (CDFW): Responsible and Trustee Agency

Comment Summary	Response
2. CDFW's primary concerns are that the MND does not adequately assess, map, or disclose potentially impacted rare plant populations, Sensitive Natural Communities (SNCs), or bridge bat roosts would likely occur within the Project's footprint. Due to incomplete biological surveys and impact assessments, CDFW and the public cannot meaningfully review the MND to determine if the Project's impacts are significant or if proposed mitigations are feasible and effective.	ICF biologists and botanists conducted additional spring and summer 2019 surveys. The 2019 field surveys, and the design of the Project to avoid and minimize potential substantial adverse effects are being done in compliance with the required MND mitigation. Based on the additional surveys and refined Project engineering plans, all potential substantial adverse effects on rare plant populations, SNCs, and other sensitive natural resources (e.g., bat colonies) have been minimized and avoided through Project design. Because no cables would not be attached to the bridges, any expected impacts to bats would be avoided. Therefore, no new significant effects to these resources have been identified and no new mitigation measures (MMs) are necessary. Impacts to sensitive biological species are as anticipated and described in the MND.
3. Prior to the start of construction, rare plant and Sensitive Natural Communities (SNC) survey results with maps, and mitigations	Rare plant and SNC survey results with maps will be submitted to CDFW for review and concurrence prior to the start of construction.

Exhibit D: MND Comments and Responses to Comments

<p>as appropriate, should be submitted to CDFW for review and concurrence.</p>	<p>RTI will submit this information to CDFW along with applications for the Section 1600 permit(s).</p>
<p>4. The MND identifies 8.5 acres as "Perennial Grasslands" with "Common velvet-grass- sweet vernal grass meadow" as the vegetative alliance. These habitat types are difficult to interpret because they combine older vegetation classification systems with the current classification in the Manual of California Vegetation (MCV) (CNPS 2019). It is important to classify vegetation using the current system MCV classification, when feasible, because the definition of whether these alliances are SNCs, which must be considered under CEQA, is based primarily on the current MCV classification.</p>	<p>CEQA does not specify what classification system should be used to characterize and document natural communities. ICF botanists' professional judgement was used based on existing conditions and appropriate level of documentation given the type of Project. The CEQA impact analyses and significance conclusions related to potential effects on natural communities would not change with a different classification system.</p> <p>ICF botanists conducted additional 2019 vegetation surveys to confirm the site-specific grassland alliance on the Cable Landing Parcel (CLP) and associated staging area/work area and access road. The CLP is dominated by the non-native, perennial velvet grass (<i>Holcus lanatus</i>) with approximately 12 percent comprised of the native California blackberry (<i>Rubus ursinus</i>), Douglas iris (<i>Iris douglasiana</i>), and yellow bush lupine (<i>Lupinus arboreus</i>).</p>
<p>5. Coastal bluff morning-glory (<i>Calystegia purpurata</i> ssp. <i>saxicola</i>) may occur within the Project area, particularly on the CLP which has a California Natural Diversity Database State Rank of S2/S3, meaning its imperilment status in California is "imperiled" or "vulnerable." The Applicant should confirm the identification of <i>Calystegia purpurata</i> ideally using a botanist familiar with these taxa.</p>	<p>ICF botanists confirmed the presence of the rare <i>Calystegia purpurata</i> ssp. <i>saxicola</i> on the CLP. Impacts on the <i>Calystegia purpurata</i> ssp. <i>saxicola</i> found on the CLP will be avoided and minimized through the design of the access road, the layout of the cable landing site, as well as the implementation of MM BIO-2, MM BIO-7, and MM BIO-14, among others.</p> <p>On June 13, 2019, CDFW, CNPS, Commission staff, ICF botanists, and the Applicant met and confirmed that the restoration plan (MM BIO-7) will be reviewed by CDFW. The restoration plan will include requirements for monitoring and success criteria.</p>
<p>6. The MND does not specify the location of the staging area or the landing manhole/surface access vault, drill pits and receiving pits for the horizontal directional drilling (HDD) proposed at six watercourse crossings.</p>	<p>Project engineering plans have advanced since the MND and do not indicate any new significant impacts to biological resources compared to that disclosed in the MND. The Applicant will provide the resource maps overlain with the engineering plans to CDFW for review and concurrence prior to construction.</p>
<p>7. The biological study area (BSA) is too narrow to show the potential impact area</p>	<p>HDD bore pits have been located in areas within the State Route 1 Right-of-Way that</p>

Exhibit D: MND Comments and Responses to Comments

<p>of HDD pits and drilling on adjacent habitats.</p>	<p>avoid direct and indirect effects on rare plant populations, SNCs, wetlands, and riparian habitat.</p>
<p>8. At the Landing Parcel, the staging area and landing manhole will need to be sited an appropriate distance from the edge of the BSA.</p>	<p>The beach manhole and associated staging area are located along the north boundary of the CLP BSA, which avoids direct and indirect effects on the unnamed stream and associated riparian habitat located at the southern edge of the BSA.</p>
<p>9. Disturbance from bridge construction could significantly affect bat colonies. If cables will be routed on bridges, then prior to starting construction, a professional biologist with experience surveying for bats on bridges should assess if bats are utilizing these bridges.</p>	<p>The Project’s engineering plans show no trench or bridge attachment methods over any stream crossings. The two bridge crossings (Brush Creek and Alder Creek bridges) will be installed through directional drilling under the creeks, such that the creeks and the underside of the bridges will not be disturbed. The remaining stream crossings have culverts that are overgrown with vegetation that do not provide suitable bat habitat.</p> <p>Although the bridges crossings will be under the creeks to avoid any potential bat colonies, additional 2019 spring surveys conducted by ICF biologist confirmed that the Brush Creek bridge has no habitat for bat colonies. The Alder Creek bridge is of older construction with some joints near the abutments that provide roosting habitat; however, no bats or evidence of bat colonies were observed.</p>

California Coastal Commission (CCC): Responsible Agency

Comment Summary	Response
<p>1. Installation of cable along State Route 1 will be close to environmental sensitive habitat area (ESHA). The CLP appears to be undeveloped and consisting of ESHA. The CLP is zoned Rangelands, and it appears that there may be some Project elements that would displace/convert rangeland to non-agricultural uses. Mendocino County should review Project consistency with Local Coastal Program (LCP) ESHA and agricultural policies. The MND land use analysis understates potential conflicts with LCP policies.</p>	<p>The terrestrial cable will be installed using directional boring along State Route 1 and the setup and receiving pits will be situated to avoid encroachment within ESHA or other sensitive resource areas consistent with LCP policies regarding protection of ESHA.</p> <p>The MND acknowledged in Section 3.12 that the Project would “slightly reduce the land available for grazing at the CLP, which is zoned for rangeland use.” All temporarily disturbed rangeland will be restored and will be useable for rangeland purposes after construction. The total permanent disturbance would be 0.09 acre compared to the contiguous rangeland west of State Route 1 surrounding the cable landing site (approximately 35 acres). This small amount</p>

Exhibit D: MND Comments and Responses to Comments

	of permanent disturbance will not change the rangeland use of the parcel and will not result in the conversion of rangeland to non-agricultural uses overall and thus the Project will be consistent with LCP policies concerning agriculture and rangelands.
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California Native Plant Society (CNPS): Organization

Comment Summary	Response
<p>1. The botanical survey and report have not been completed. Given the many factors involved in determining where boring versus above-ground trenching occurs (including the necessity to protect federally listed animal species), can rare plant avoidance measures be guaranteed even before surveys have been completed?</p>	<p>As provided in the MND, surveys were conducted during the spring and summer of 2018. Although not all areas were surveyed, mitigation measures are provided in the MND that require preconstruction surveys. To take advantage of the 2019 spring flowering season during the time the MND was in preparation and circulated for public review, ICF botanists completed all botanical survey work in 2019 and all sensitive plant species and vegetation has been documented. Based on the 2018 and 2019 surveys, the anticipated impacts and mitigation measures in the MND remain the same.</p>
<p>2. The Project documents use the California Wildlife Habitat Relationships (https://www.wildlife.ca.gov/Data/CWHR) habitat descriptions to generally group vegetation types, but vegetation should be mapped using the Manual of California Vegetation Online (http://vegetation.cnps.org/) and Holland 1986 when MCV classification is not available. Vegetation survey forms (rapid assessments and relevés) should be completed and submitted to CDFW for review and type determination to help delineate between native and non-native grasslands.</p>	<p>See response to CDFW comment #4 above.</p>
<p>3. The Project documents inaccurately describe the closed-cone pine-cypress habitat type as Monterey Pine Forests (<i>Pinus radiata</i> Alliance), even though it references the Manual of California Vegetation. Could the botanical surveys have mistaken some of the Bishop pine trees for Monterey pines or were no Bishop pines actually found within the biological assessment area?</p>	<p>As disclosed in the MND, “While Monterey cypress stands and Monterey pine forests are both sensitive natural communities (CDFW 2018a), the Monterey cypresses and Monterey pines in the BSA were planted outside their native range (Baldwin et al. 2012), and the communities are not considered sensitive.” As such, regardless of what the Monterey pine forest is classified as, it is not a sensitive vegetation type for the purposes of CEQA. Bishop pine was observed on the north side of Kinney Road,</p>

Exhibit D: MND Comments and Responses to Comments

	<p>just outside the BSA and thus would not be affected by the Project. Because it was outside the BSA, it was not mentioned in the MND.</p>
<p>4. "Hybridization" does not occur between <i>Calystegia purpurata</i> subspecies, as they are not separate species, although individual plants may exhibit characteristics of both subspecies.</p>	<p>See response to CDFW comment #5 above. There were a wide range of characteristics observed on the <i>Calystegia</i> plants documented on the CLP. ICF botanists were conservative in their identification and determined during the recent 2019 spring survey that they are the special-status species <i>Calystegia purpurata</i> ssp. <i>saxicola</i> (CRPR 1B.2).</p>