

MINUTE ITEM
This Calendar Item No. C26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 3
to 0 at its 8/3/94
meeting.

CALENDAR ITEM

C26

S 14, 18

08/03/94
WP 7603 PRC 7603
J. SMITH

AMENDMENT OF GENERAL PERMIT - RIGHT-OF-WAY USE

APPLICANT:

American Telephone and Telegraph Company
340 Kimble Avenue, Room 210
Morristown, New Jersey 07960-1995

LAND USE:

Installation, operation and maintenance of a fiber optic
cable for telecommunication signals.

ORIGINAL PERMIT TERMS:

Area, Type Land And Location:

A 30± acre parcel of tide and submerged land in the Pacific
Ocean at Los Osos, San Luis Obispo County.

Initial Period:

Continuous use, plus one (1) year, beginning
January 10, 1992.

Consideration:

Exempt, pursuant to Section 7901, Public Utilities Code
per annum; five-year rent review.

PROPOSED PERMIT TERMS:

Area, Type Land and Location:

Three parcels of tide and submerged land comprising a
total area of 82± acres, as described in Exhibit "A"
attached.

Period:

Amended term to be continuous use, plus one (1) year,
effective August 3, 1994.

All other terms and conditions of original permit remain in
full force and effect.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

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AB 884:

09/14/94

OTHER PERTINENT INFORMATION:

1. On January 8, 1992, the Commission authorized issuance of a General Permit - Right-of-Way Use (PRC 7603) to American Telephone and Telegraph Company (AT&T) for installation, operation and maintenance of a fiber optic cable, extending across a 30± acre parcel of tide and submerged land in the Pacific Ocean, as part of a long distance telephone system from San Luis Obispo County to Hawaii. The project involved the construction of four offshore directionally bored pipes. One pipe was to be utilized for the laying of cable at that time and the remaining three pipes were to facilitate future cable landings.
2. In October 1993, upon completion of the as-built plans, Commission staff was advised by AT&T's engineers that the project extended outside the authorized right-of-way. In addition, staff was advised that AT&T was now proposing to lay addition cables within the existing offshore bore pipes.
3. On December 21, 1993, AT&T submitted an application to amend their existing lease (PRC 7603) to accommodate the widening of the easement area and the laying of additional cable.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a Proposed Negative Declaration identified as ND 656, State Clearinghouse No. 94051054. Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

Staff of the Commission received comments from the United States Department of the Interior, Minerals Management Service, the California Department of Fish and Game, San Luis Obispo County Air Pollution Control District (APCD) and the California Coastal Commission. In response to the APCD concerns, two additional mitigation measures were developed and have been incorporated into the project description (Exhibit "D"). Commission staff then prepared a

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revised Mitigation Monitoring and Reporting Plan which includes the additional project modifications, attached hereto as Exhibit "E". Commission staff has also responded to the Coastal Commission's concerns and has been advised that the Commission staff recommendations, as proposed, are acceptable.

Based upon the Initial Study, the Proposed Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment. (14 Cal. Code Regs. 15074(b))

5. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
6. A Mitigation Monitoring Plan has been prepared in conformance with the provisions of the CEQA. (Section 21081.6, P.R.C.)
7. Both San Luis Obispo County and the State Department of Parks and Recreation have advised AT&T that this new project is authorized under existing permits. The California Regional Water Quality Control Board has advised AT&T that the project does not require a water quality certification.

APPROVALS OBTAINED:

San Luis Obispo County, State Department of Parks and Recreation.

FURTHER APPROVALS REQUIRED:

State Lands Commission; U.S. Army Corps of Engineers, California Coastal Commission.

EXHIBITS:

- A. Land Description
- B. Location and Site Map
- C. ND 656
- D. Additional Mitigation Measures
- E. Mitigation Monitoring and Reporting Plan

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A PROPOSED NEGATIVE DECLARATION, ND 656, STATE CLEARINGHOUSE NO. 94051054, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN AND THE COMMENTS RECEIVED IN RESPONSE THERETO.
2. ADOPT THE ADDITIONAL MITIGATION MEASURES, ATTACHED HERETO AS EXHIBIT "D".
3. ADOPT THE PROPOSED NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS REVISED AND APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. ADOPT THE REVISED MITIGATION MONITORING AND REPORTING PLAN, ATTACHED HERETO AS EXHIBIT "E".
5. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
6. AUTHORIZE ISSUANCE TO AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF AN AMENDMENT EFFECTIVE AUGUST 3, 1994, OF A CONTINUOUS USE, PLUS ONE (1) YEAR GENERAL PERMIT - RIGHT-OF-WAY USE (PRC 7603); PURSUANT TO THE PROVISIONS OF SECTION 7901 OF THE PUBLIC UTILITIES CODE; TO ACCOMMODATE WIDENING OF EASEMENT AREA AND THE LAYING OF ADDITIONAL CABLE ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF. ALL OTHER TERMS AND CONDITIONS OF ORIGINAL PERMIT REMAIN IN FULL FORCE AND EFFECT.

LAND DESCRIPTION

PARCEL A

A strip of tide and submerged land located in the Pacific Ocean, south of Morro Bay, San Luis Obispo County, California.

Said strip of land is 520 feet in width, 235 feet northerly and 285 feet southerly of the following described line: Commencing at the U.S.G.S. Triangulation Station "ZARD" at 2307478.415N, 5703608.744E; thence N71°35'11"E, 1124.32' to the Sandspit Beach Manhole at 2307833.56N, 5704675.50E; thence N68°56'15"W to a point on the mean high water mark of the Pacific Ocean said point being the POINT OF BEGINNING; thence continuing N68°56'15"W, 2,790'+/- to a point at 2309380N, 5700660E, being the end of the herein described line, said point being the end of bore pipe #2.

PARCEL B

A strip of submerged land located in the Pacific Ocean, south of Morro Bay, San Luis Obispo County, California.

Said strip of land is 50 feet in width, 25 feet each side of the following described centerline: Commencing at the end of bore pipe #2, described in Parcel A above, being the POINT OF BEGINNING; thence N57°43'28"W, 225' to a point at 2309500N, 5700470E; thence N37°34'07"W, 164' to a point at 2309630N, 5700370E; thence N51°37'57"W, 306' to a point at 2309820N, 5700130E; thence N59°2'10"W, 117' to a point at 2309880N, 5700030E; thence N37°34'7"W, 164' to a point at 2310010N, 5699930E; thence N37°52'30"W, 228' to a point at 2310190N, 5699790E; thence N45°0'0"W, 269' to a point at 2310380N, 5699600E; thence N59°2'10"W, 117' to a point at 2310440N, 5699500E; thence N49°5'08"W, 198' to a point at 2310570N, 5699350E; thence N36°52'12"W, 150' to a point at 2310690N, 5699260E; thence N21°2'15"W, 139' to a point at 2310820N, 5699210E; thence N59°2'10"W, 117' to a point at 2310880N, 5699110E; thence N37°52'30"W, 228' to a point at 2311060N, 5698970E; thence N0°0'0"W, 70' to a point at 2311130N, 5698970E; thence N90°0'0"W, 50' to a point at 2311130N, 5698920E; thence N0°0'0"W, 120' to a point at 2311250N, 5698920E; thence S39°48'20"W, 78' to a point at 2311190N, 5698870E; thence N90°0'0"W, 50' to a point at 2311190N, 5698820E; thence N47°7'16"W, 191' to a point at 2311320N, 5698680E; thence N59°2'10"W, 233' to a point at 2311440N, 5698480E; thence N35°32'16"W, 86' to a point at 2311510N, 5698430E; thence N36°52'12"W, 150' to a point at 2311630N, 5698340E; thence N68°11'55"W, 162' to a point at 2311690N, 5698190E; thence N65°54'27"W, 7153' to a point at 2314610N, 5691660E; thence N77°11'24"W to a point on the offshore ownership boundary of the State of California and the end of the herein described centerline.

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PARCEL C

A strip of submerged land located in the Pacific Ocean, south of Morro Bay, San Luis Obispo County, California.

Said strip of land is 50 feet in width, 25 feet each side of the following described centerline: Commencing at "ZARD" described in Parcel A above; thence N61°20'31"W, 3360' to a point at 2309090N, 5700660E, said point being the end of bore pipe #1 and the POINT OF BEGINNING; thence N89°40'13"W to a point on the offshore ownership boundary of the State of California and the end of the herein described centerline.

PARCEL D

A strip of submerged land located in the Pacific Ocean, south of Morro Bay, San Luis Obispo County, California.

Said strip of land is 50 feet in width, 25 feet each side of the following described centerline: Commencing at "ZARD" described in Parcel A above; thence N52°59'41"W, 3392' to a point at 2309520N, 5700900E, said point being the end of bore pipe #4 and the POINT OF BEGINNING; thence N43°27'27"W, 11558' to a point at 2317910N, 5692950E, thence N42°51'41"W, 1705' to a point at 2319160N, 5691790E, thence N47°38'33"W, to a point on the offshore ownership boundary of the State of California and the end of the herein described centerline.

This description is based on the California State Plane Coordinate System, Zone 5, North American Datum of 1983. Coordinates and distances are given in U.S. survey feet.

END OF DESCRIPTION

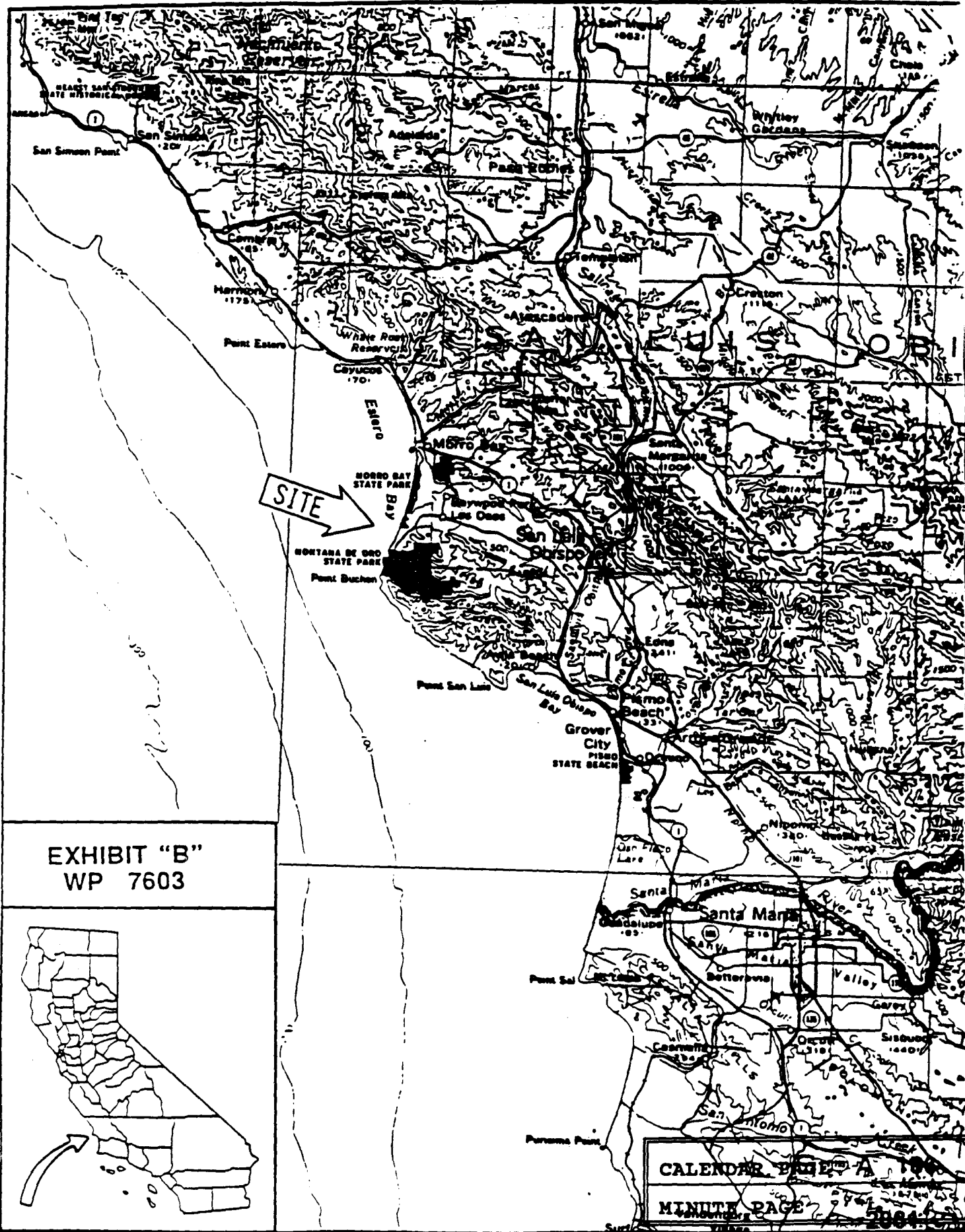


EXHIBIT "B"
WP 7603



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**Proposed Negative Declaration
for the
Installation of AT&T TPC-5
Submarine Cables
on the Continental Shelf
Offshore San Luis Obispo County,
California**

SCH No. 94051054

May 1994

Prepared for

California State Lands Commission
Division of Environmental Planning and Management
Staff Contact: Judy Brown
(916) 324-4715

Prepared by

Science Applications International Corporation
816 State Street, Suite 500
Santa Barbara, CA 93101

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**Proposed Negative Declaration
for the Installation of AT&T TPC-5
Submarine Cables on the Continental Shelf
Offshore San Luis Obispo County, California**

State Clearing House #94051054

May 1994

Prepared for

**California State Lands Commission
Division of Environmental Planning and Management
1807 13th Street
Sacramento, CA 95814
Staff Contact: Judy Brown
(916) 324-4715**

Prepared by

**Science Applications International Corporation
Environmental Programs Division
816 State Street, Suite 500
Santa Barbara, California 93101**

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STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
RUSSELL S. GOULD, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95834

ROBERT C. NIGHT
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: PRC 7603

ND 656

SCH No. 94051054

Project Title: A T & T TPC-5 Fiber Optic Cable Project
Project Proponent: A T & T
Project Location: Montana de Oro State Park, San Luis Obispo County
Project Description: Installation of two new telecommunications lightguide systems servicing both Hawaii and Oregon.
Contact Person: Judy Brown Telephone: (916) 324-4715

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Code Regulations).

Based upon the attached Initial Study, it has been found that:

that project will not have a significant effect on the environment.

mitigation measures included in the project will avoid potentially significant effects.

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Environmental Impact Assessment Checklist

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ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13.20 (7/82)

PRC 7603

File Ref.: _____

ND 656
SCH No. 940!

I. BACKGROUND INFORMATION

A. Applicant: AT&T
340 Kimble Avenue, Room 240
Morristown, NJ 07960-1995

B. Checklist Date: 05 / 04 / 94

C. Contact Person: Judy Brown, Division of Environmental Planning and Management
Telephone: (916) 324-4715

D. Purpose: Installation of two new fiber optic cables (offshore) from San Luis Obispo County to Hawaii and Oregon, respectively.

E. Location: Beginning at Montana de Oro State Park both cable routes proceeding westerly to the edge of the continental shelf

F. Description: See accompanying document for details.

G. Persons Contacted: See listing at end of accompanying document

II ENVIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers)

| | Yes | Maybe |
|--|--------------------------|-------------------------------------|
| A Earth Will the proposal result in: | | |
| 1 Unstable earth conditions or changes in geologic substructures? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2 Disruptions, displacements, compaction, or overcovering of the soil? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3 Change in topography or ground surface relief features? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4 The destruction, covering, or modification of any unique geologic or physical features? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5 Any increase in wind or water erosion of soils, either on or off the site? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6 Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or estuary? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7 Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? | <input type="checkbox"/> | <input type="checkbox"/> |

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B. *Air*. Will the proposal result in:

Yes Maybe No

- 1. Substantial air emissions or deterioration of ambient air quality?
- 2. The creation of objectionable odors?
- 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

C. *Water*. Will the proposal result in:

- 1. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters?
- 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?
- 3. Alterations to the course or flow of flood waters?
- 4. Change in the amount of surface water in any water body?
- 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?
- 6. Alteration of the direction or rate of flow of ground waters?
- 7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?
- 8. Substantial reduction in the amount of water otherwise available for public water supplies?
- 9. Exposure of people or property to water-related hazards such as flooding or tidal waves?
- 10. Significant changes in the temperature, flow or chemical content of surface thermal springs?

D. *Plant Life*. Will the proposal result in:

- 1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?
- 2. Reduction of the numbers of any unique, rare or endangered species of plants?
- 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
- 4. Reduction in acreage of any agricultural crop?

E. *Animal Life*. Will the proposal result in:

- 1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?
- 2. Reduction of the numbers of any unique, rare or endangered species of animals?
- 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
- 4. Deterioration to existing fish or wildlife habitat?

F. *Noise*. Will the proposal result in:

- 1. Increase in existing noise levels?
- 2. Exposure of people to severe noise levels?

G. *Light and Glare*. Will the proposal result in:

- 1. The production of new light or glare?

H. *Land Use*. Will the proposal result in:

- 1. A substantial alteration of the present or planned land use of an area?

I. *Natural Resources*. Will the proposal result in:

- 1. Increase in the rate of use of any natural resources?
- 2. Substantial depletion of any nonrenewable resources?

| | | Yes | Maybe | |
|---|--|--------------------------|-------------------------------------|-------------------------------------|
| J. Risk of Upset. Does the proposal result in: | | | | |
| 1. | A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. | Possible interference with emergency response plan or an emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| K. Population. Will the proposal result in: | | | | |
| 1. | The alteration, distribution, density, or growth rate of the human population of the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| L. Housing. Will the proposal result in: | | | | |
| 1. | Affecting existing housing, or create a demand for additional housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| M. Transportation/Circulation. Will the proposal result in: | | | | |
| 1. | Generation of substantial additional vehicular movement? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. | Affecting existing parking facilities, or create a demand for new parking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. | Substantial impact upon existing transportation systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. | Alterations to present patterns of circulation or movement of people and/or goods? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. | Alterations to waterborne, rail, or air traffic? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. | Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| N. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: | | | | |
| 1. | Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. | Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. | Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. | Parks and other recreational facilities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. | Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. | Other governmental services? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| O. Energy. Will the proposal result in: | | | | |
| 1. | Use of substantial amounts of fuel or energy? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. | Substantial increase in demand upon existing sources of energy, or require the development of new sources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| P. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities: | | | | |
| 1. | Power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. | Communication systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. | Water? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. | Sewer or septic tanks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. | Storm water drainage? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. | Solid waste and disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Q. Human Health. Will the proposal result in: | | | | |
| 1. | Creation of any health hazard or potential health hazard (excluding mental health)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. | Exposure of people to potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| R. Aesthetics. Will the proposal result in: | | | | |
| 1. | The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| S. Recreation. Will the proposal result in: | | | | |
| 1. | An impact upon the quality or quantity of existing recreational opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- C. CRITICAL RESOURCES**
1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site? X
 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? X
 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? X
 4. Will the proposal restrict existing religious or sacred uses within the potential impact area? X

U. Mandatory Findings of Significance.

1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? X
2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? X
3. Does the project have impacts which are individually limited, but cumulatively considerable? X
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? X

II. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

-SEE ATTACHED-

V. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **NEGATIVE DECLARATION** will be prepared
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required

Date 05/16/94

Justin A. Brown

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For the State Lands Commission

Supporting Documentation

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1.0 INTRODUCTION

This document provides project information and analyzes in support of the Environmental Impact Assessment Checklist. It is intended to satisfy requirements of the California Environmental Quality Act (CEQA) and to inform state and federal permit decisions on the Phase II offshore portion of the AT&T TPC-5 Project. The State Lands Commission is the CEQA Lead Agency for this project.

This evaluation is focused on the potential environmental impacts of the project within State Tidelands, from 0 to 3 nautical miles (nmi) offshore. To facilitate consistency with the permitting requirements of the U.S. Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbors Act, and the California Coastal Commission (CCC) under the California Coastal Act, additional descriptive and analytical information is provided on the project beyond the 3 nmi limit, sufficient to address possible impacts *within* 3 nmi. Discussions with USACE and CCC representatives have confirmed their needs to consider possible impacts due to project activities beyond 3 nmi offshore. For these agencies' purposes, however, there is no specific requirement to extend the analysis a fixed distance beyond 3 nmi, e.g., 6 or 12 miles offshore (personal communications, S. Monowitz and T. Welch 1994).

AT&T's TPC-5 Project is a two-phase project, with Phase I including onshore activities and use of facilities (parking/staging area, cable conduits) previously constructed for the AT&T HAW-5 Project. Phase I onshore activities have been reviewed and permitted by San Luis Obispo County and the California Department of Parks and Recreation as being within the scope of the previous HAW-5 environmental review and permits (personal communication, D. Sears 1994; Appendix B, Appendix D). Brief description of Phase I onshore activities, which are being completed during the spring of 1994 (personal communication, B. Brungardt 1994) is provided below.

Relevant baseline information and many applicable details on project construction are contained within the County of San Luis Obispo's Negative Declaration for the previous HAW-5 Project (Morro Group 1991 [Document Nos. D900132D, ED90-848, SCH #91091070]). In preparing this evaluation, extensive use has been made of that document, of additional applicant-supplied information, other environmental documents, especially the San Miguel Project Final EIS/EIR (URS 1987 [SCH #85042406]), and interviews as noted below.

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2.0 PROJECT DESCRIPTION

2.1 OVERVIEW AND TENTATIVE SCHEDULE

AT&T proposes to install two new telecommunications lightguide systems servicing both Hawaii and Oregon that will terminate at AT&T's San Luis Obispo junction (Figure 1). This project, designated TPC-5, includes two phases. Phase I involves pulling two sets of power and fiber optic cables into an existing 10.5-mile overland conduit system that extends from the San Luis Obispo junction to the Sandspit Beach parking area in Montaña de Oro State Park. Phase I has been reviewed and permitted by the County of San Luis Obispo and California Department of Parks and Recreation, and is being completed during the spring of 1994 (Appendix B; Appendix D). For the remainder of this document, the focus is on Phase II of the TPC-5 Project; all discussion of "the project" refers to Phase II.

During Phase II, each of two armored fiber optic cables will be pulled from a cable ship into the existing bore pipes - located 4 feet beneath the sea bottom approximately 0.5 nmi offshore - and conduit to the manhole at the parking area (Figure 2). Subsequently, the cable ship will proceed seaward, laying/burying each cable on the ocean floor along the prescribed routes (Figure 3) to the edge of the continental shelf at depths of 1,400 m (765 fm), 40-50 nmi offshore, where the cables would be buoyed for later recovery and direct bottom laying to Hawaii.

Project construction will take approximately 1 month to complete and is scheduled to occur between September 1 and November 30, 1994, depending on receipt of all permits, AT&T's selection of the near-shore and shore-end contractor and final scheduling decisions by AT&T. Offshore activities would be preceded by onshore cable pulling and splicing as described below. The two cable segments, T1 (to Bandon, Oregon) and G (to Keawaula, Hawaii), will be installed sequentially, using the same procedures. Upon arrival, the cable ship will anchor at the offshore bore pipe exit for 2-3 days while cable pulling and splicing take place. The subsequent cable laying/burying operation is expected to traverse State Tidelands in approximately 1 day, and to require 1-2 weeks to complete cable installation out to the 1,400m isobath. The ship will then return to the bore exit and install the second cable.

Further detail on each aspect of the project is provided below.

2.2 CABLE DESIGN AND ROUTE DESCRIPTIONS

The cables are armored depending upon depth and the need for protection from damage. Cable armoring provides strength to ensure against breakage from any foreseeable causes, such as commercial fishing, and burial in such areas further minimizes the potential for damage to fishing gear. AT&T has coordinated route alignments and installation procedures with Morro Bay fishermen to lessen potential conflicts where feasible (personal communications, J. Giannini and G. Perek 1994). Cable alignments are published on nautical charts. AT&T requests, but cannot require, avoidance of fishing near the cables. Cable owners are required under international law to pay compensation for any gear sacrificed to avoid injuring a submarine cable, provided such a loss is properly documented. If a fisherman is advised to slip his gear, AT&T will provide detailed instructions for presenting a claim (personal communication, G. Perek 1994).

Nearshore portions are double-armored for maximum strength and protection. The double-armored cable is 2 inches (51mm) in diameter and is wrapped with two bands of tar-coated (for water proofing and corrosion resistance) galvanized steel wire, as well as inner and outer bands of tar-coated nylon yarn. Segment T1 is double-armored to a depth of 60m, approximately 3nmi offshore, whereas segment G is double-armored to a depth of 600m, approximately 6 nmi offshore.

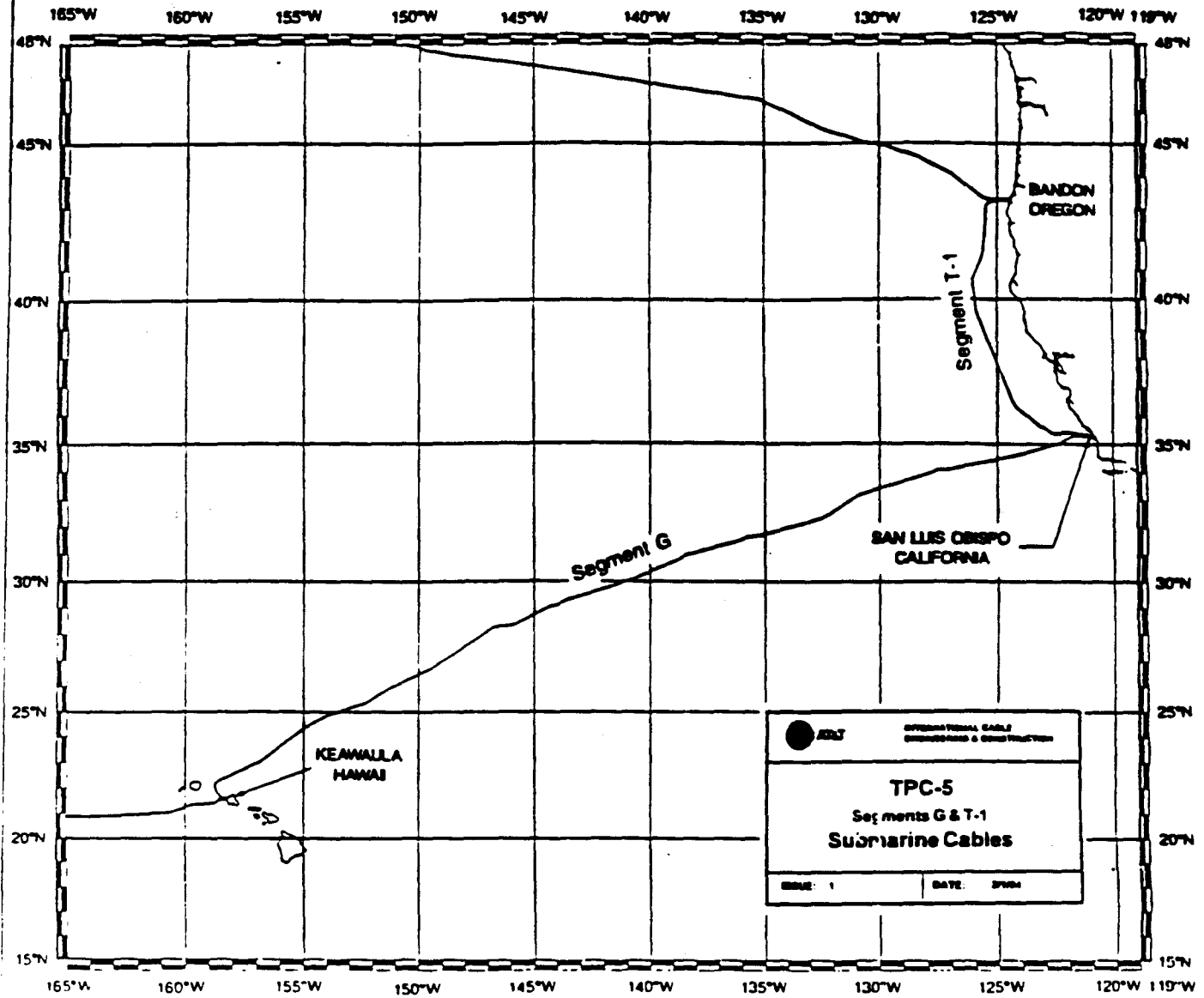


Figure 1
AT&T TPC-5 SUBMARINE CABLE ROUTES

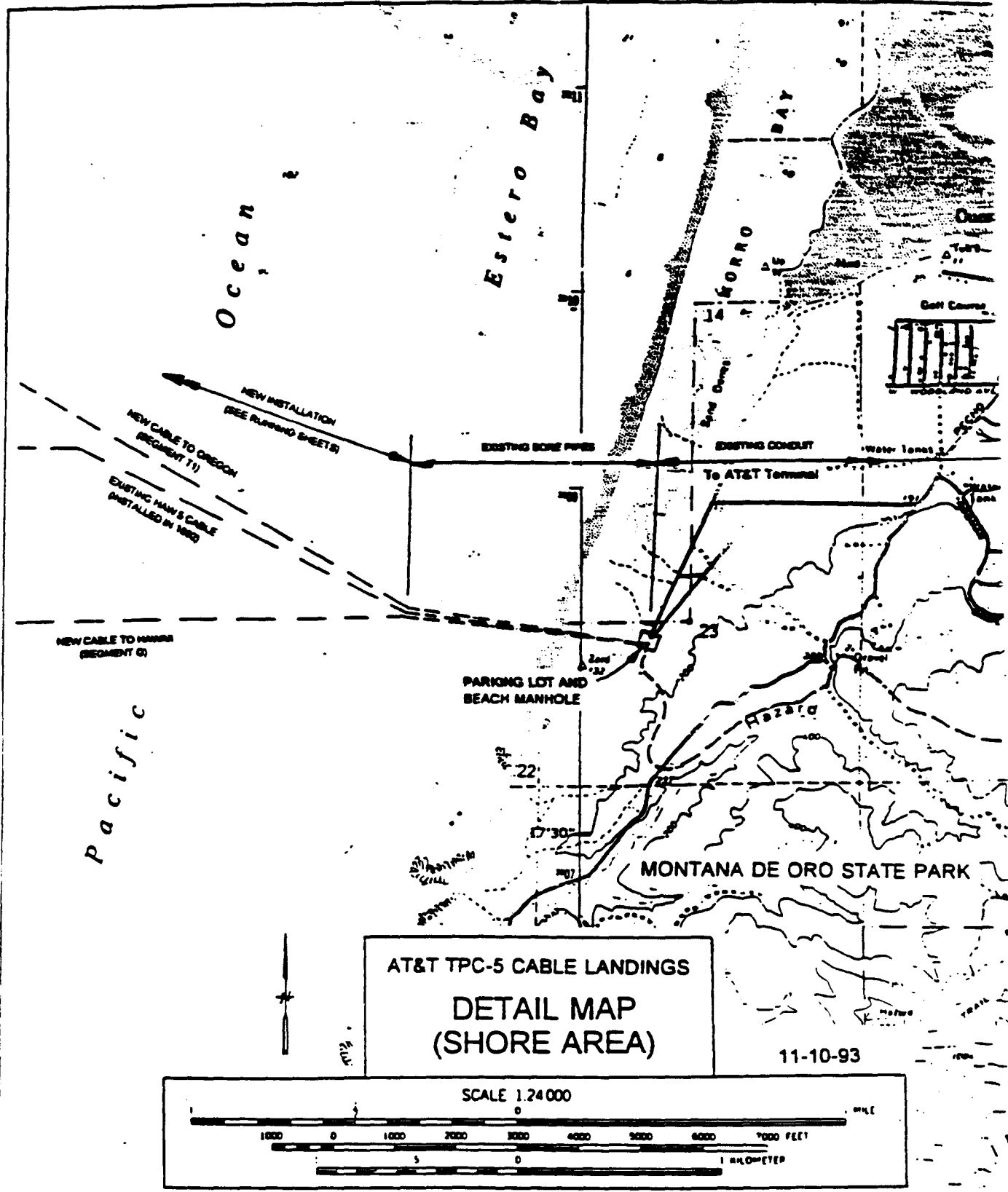


Figure 2

ONSHORE TO NEARSHORE PORTION OF AT&T TPC-5 PROJECT

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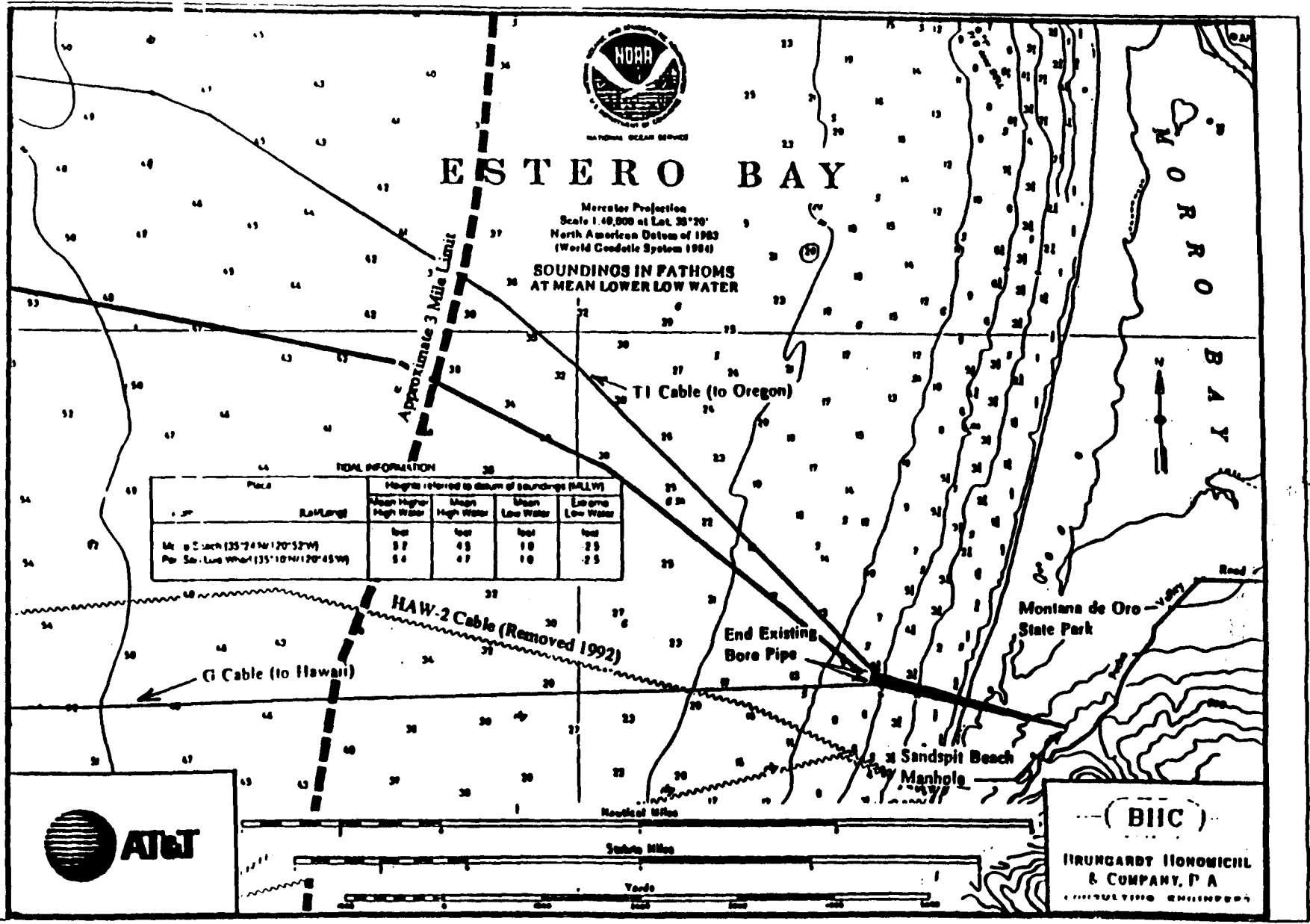


Figure 3

AT&T TPC-5 SUBMARINE CABLE ROUTES NEARSHORE

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offshore. At progressively greater depths, out to a depth of 1,400m, 40-50 nmi offshore, either single-armor (1.66 inch = 42mm diameter), or a light-weight armor design (1.5 inch = 38mm diameter) are used. Both of these types are wrapped with a single band of tar-coated steel wires. Cable specifications are contained in Appendix C.

Tables 1 and 2 provide cable "running sheets" to the edge of the continental shelf. Cable routes have been designed to minimize, to the extent practicable, the need to traverse rock outcrops.

Surveys of the cable routes were conducted by Seafloor Surveys International (SSI) for AT&T using the Sys120 Side-Scan Sonar System (Appendix C; additional background provided in Morro Group 1991, incorporated herein by reference). Previous side scan sonar and remote-operated vehicle (ROV) survey data from the HAW-5 project, as well as data obtained from Pacific Gas & Electric, were also used by SSI to interpret seafloor geology in the vicinity of the cable routes. The resulting geologic interpretations along the cable routes out to just beyond 3 nmi and 6 nmi, respectively, are shown in Figures 4 and 5.

Other than in areas where hand-burial is used (see below), cable installation will be accomplished using a Sea Plow (Appendix C) which is towed along the bottom by the cable ship at the surface. In general, the cables will be laid across the surface in rocky areas. In soft-bottom areas of sufficient areal extent and sediment depth the cables will be plowed (4 feet deep) into the sediment. Rock outcrops will be avoided wherever possible, based upon the operator's observation of bottom conditions using the Sea Plow's instruments during cable installation. The plow shank will be raised, and the cable laid directly across the surface, wherever rock or other obstructions are encountered and are too large to steer around.

Surveys indicate unconsolidated sediments surrounding the bore exit points at depths of 10m. The cables will be hand-buried by divers for the first 100m or so emerging from the bore pipes. Thereafter the Sea Plow would be deployed. Segment T1 crosses a small rocky area approximately 1nmi offshore (depth of 25m), and encounters extensive outcroppings of sedimentary rock from approximately 1.2 to 2 nmi offshore (depths of 30-50m). The remainder of segment T1 is in unconsolidated sediments and is expected to be plowed out to the 1,000m isobath (approximately 35 nmi offshore). Approximately 6 nmi offshore, the cable route passes north of a prominent outcrop which rises above the surrounding seafloor and is known as Ship Rock (shown on Figure 5).

Segment G encounters extensive outcrops of sedimentary rock between approximately 1.7 and 3 nmi offshore (depths of 50-80m). Subsequently, except for a narrow outcrop approximately 4.2 nmi offshore, segment G crosses unconsolidated sediments and could probably be plowed to the 1,000m isobath, about 40 nmi offshore. Segment G crosses and nearly parallels the former route of the HAW-2 cable, which was removed in 1992 (Figure 5).

2.3 ONSHORE ACTIVITY (CABLE LANDING)

The cable landing will involve excavating an approximately 2-x-20-foot trench to expose the end of each bore pipe and pulling in the cables with assistance from a winch and turning wheel. Support equipment will include a backhoe, compressor, motor, and pickup trucks. The parking lot will need to be closed during this phase of the project. Mr. David Sears, Superintendent of Montaña de Oro State Park, is aware of this requirement that has been anticipated since the HAW-5 project. As for Phase I of the TPC-5 Project, this activity is considered to be within the scope of the existing HAW-5 permit, subject to the same conditions of approval (Appendix B; Appendix D). Excavations will be backfilled and compacted, and the parking lot surface will be restored following completion of the cable pulling operation. Finally, both cables will be spliced to the overland cables in the beach manhole. This onshore activity will take approximately two to three weeks to complete.

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Table 1

AT&T TPC-5 CABLE RUNNING SHEET, SEGMENT T-1
From San Luis Obispo, California
To Bandon, Oregon

| Pos. No. | Latitude DD MM.MM N | Longitude DD MM.MM -W/+E | Depth (m) | ROUTE DISTANCE (km) | | Percent Slack | Length of Cable (km) | Total Cable Length (km) | Cable Type* | Remarks |
|-------------|---------------------------|--------------------------------|--------------|------------------------|--------|------------------|-------------------------------|----------------------------------|----------------|----------------|
| | | | | Between | Total | | | | | |
| 1 | 35 18.02 | -120 52.35 | 0 | 0 | 0.000 | | 0.000 | 0.000 | | Beach splice |
| 2 | 35 18.2753 | -120 53.112 | 10 | 1.248 | 1.248 | 2.0 | 1.273 | 1.273 | DA | End conduit #1 |
| 3 | 35 19.62 | -120 54.76 | 56 | 3.524 | 4.772 | 2.0 | 3.595 | 4.868 | DA | |
| 4 | 35 19.82 | -120 55.0 | 60 | 0.519 | 5.291 | 0.5 | 0.521 | 5.389 | DA | |
| 5 | 35 20.166 | -120 55.492 | 70 | 0.982 | 6.273 | 0.5 | 0.987 | 6.376 | SA | |
| 6 | 35 20.53 | -120 56.18 | 75 | 1.241 | 7.514 | 0.5 | 1.247 | 7.623 | SA | |
| 7 | 35 21.08 | -120 57.29 | 90 | 1.965 | 9.479 | 0.5 | 1.975 | 9.598 | SA | |
| 8 | 35 21.19 | -120 57.63 | 90 | 0.554 | 10.033 | 0.5 | 0.557 | 10.155 | SA | |
| 9 | 35 21.27 | -120 58.54 | 95 | 1.386 | 11.420 | 0.5 | 1.393 | 11.548 | SA | |
| 10 | 35 21.4 | -121 0.22 | 130 | 2.556 | 13.976 | 0.5 | 2.569 | 14.117 | SA | |
| 11 | 35 21.46 | -121 1.0 | 160 | 1.187 | 15.163 | 0.5 | 1.193 | 15.310 | SA | |
| 12 | 35 21.55 | -121 5.32 | 260 | 6.546 | 21.709 | 0.5 | 6.579 | 21.889 | LWA | |
| 13 | 35 22.0 | -121 8.9 | 335 | 5.486 | 27.195 | 0.5 | 5.514 | 27.403 | LWA | |
| 14 | 35 23.7 | -121 23.7 | 705 | 22.632 | 49.827 | 0.5 | 22.745 | 50.148 | LWA | |
| | 35 24.55 | -121 33.5 | 1000 | 14.920 | 64.747 | 0.5 | 14.995 | 65.143 | LWA | |
| | 35 24.8 | -121 36.3 | 1100 | 4.264 | 69.011 | 2.5 | 4.370 | 69.513 | LWA | |
| | 35 24.3 | -121 50.5 | 1400 | 21.517 | 90.528 | 2.5 | 22.055 | 91.568 | LWA | |

- DA = Double armor
- SA = Single armor
- LWA = Light weight armor

Table 2

AT&T TPC-5 CABLE RUNNING SHEET, SEGMENT G
From San Luis Obispo, California
To Keawaula, Hawaii

| Pos. No. | Latitude DD MM.MM N | Longitude DD MM.MM -W/+E | Depth (m) | ROUTE DISTANCE (km) | | Percent Slack | Length of Cable (km) | Total Cable Length (km) | Cable Type* | Remarks |
|-------------|---------------------------|--------------------------------|--------------|------------------------|--------|------------------|-------------------------------|----------------------------------|----------------|----------------|
| | | | | Between | Total | | | | | |
| 1 | 35 18.02 | -120 52.35 | | 0 | 0.000 | | 0.000 | 0.000 | | Beach splice |
| 2 | 35 18.2026 | -120 53.158 | 5 | 1.271 | 1.271 | 2.0 | 1.297 | 1.297 | DA | End conduit #3 |
| 3 | 35 18.13 | -120 57.0 | 80 | 5.825 | 7.096 | 2.0 | 5.941 | 7.238 | DA | |
| 4 | 35 18.125 | -120 57.19 | 85 | 0.288 | 7.384 | 2.0 | 0.294 | 7.532 | DA | |
| 5 | 35 18.11 | -120 57.96 | 95 | 1.168 | 8.552 | 0.5 | 1.173 | 8.705 | DA | |
| 6 | 35 18.1 | -120 58.22 | 102 | 0.395 | 8.946 | 0.5 | 0.397 | 9.102 | DA | |
| 7 | 35 18.1 | -120 58.31 | 103 | 0.136 | 9.083 | 0.5 | 0.137 | 9.239 | DA | |
| 8 | 35 18.0 | -121 4.8 | 275 | 9.840 | 18.922 | 0.5 | 9.889 | 19.128 | LWA | |
| 9 | 35 16.79 | -121 24.8 | 800 | 30.404 | 49.326 | 0.5 | 30.556 | 49.684 | LWA | |
| 10 | 35 16.32 | -121 41.25 | 1000 | 24.959 | 74.285 | 0.5 | 25.084 | 74.768 | LWA | |
| 11 | 35 15.5 | -121 43.2 | 1250 | 3.323 | 77.609 | 2.0 | 3.390 | 78.157 | LWA | |
| 12 | 35 14.66 | -121 45.494 | 1400 | 3.810 | 81.419 | 2.0 | 3.887 | 82.044 | LWA | |

- * DA = Double armor
- LWA = Light weight armor

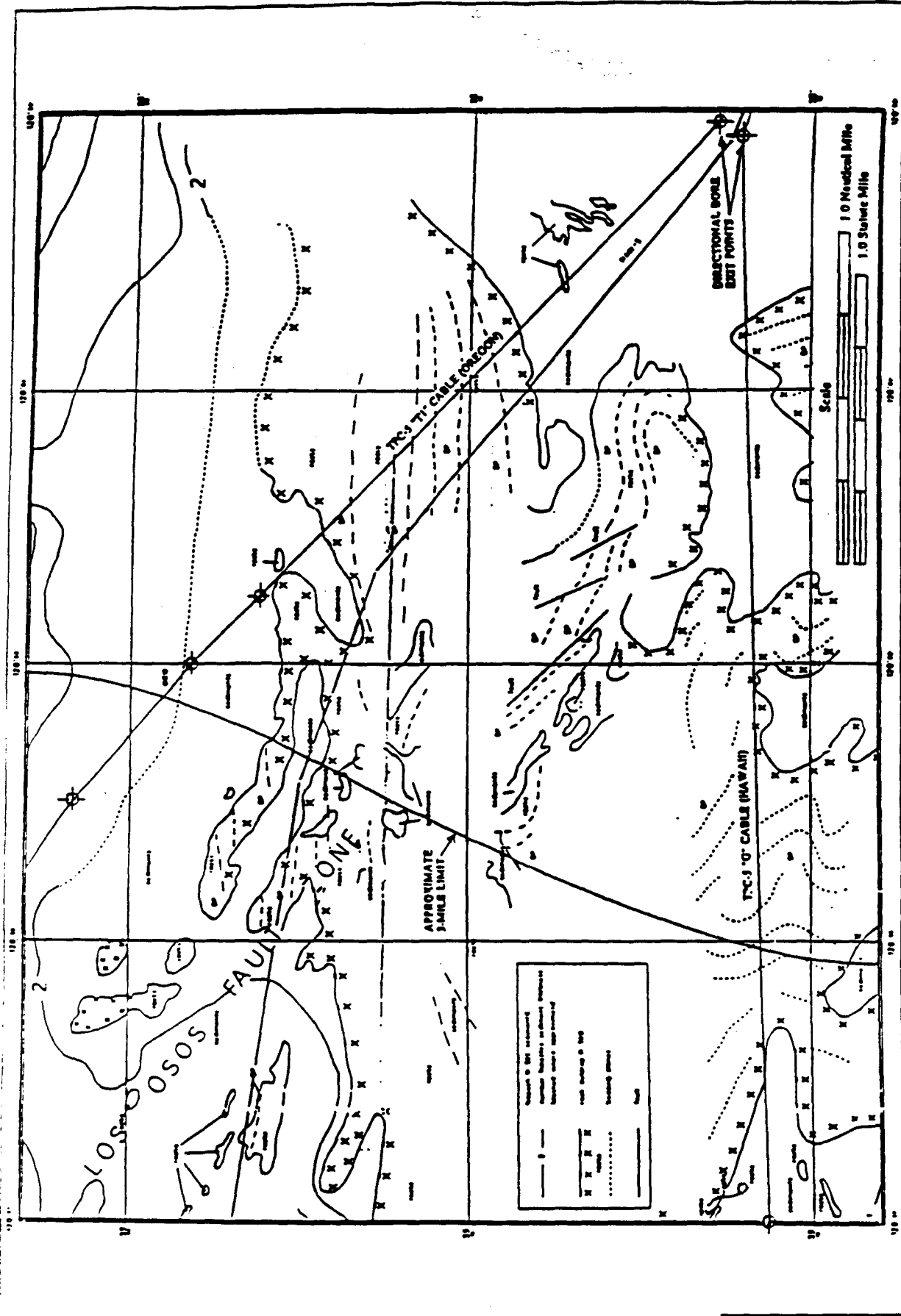


Figure 4
 SEAFLOOR GEOLOGY ALONG AT&T TPC-5 CABLE ROUTES - NEARSHORE AREA

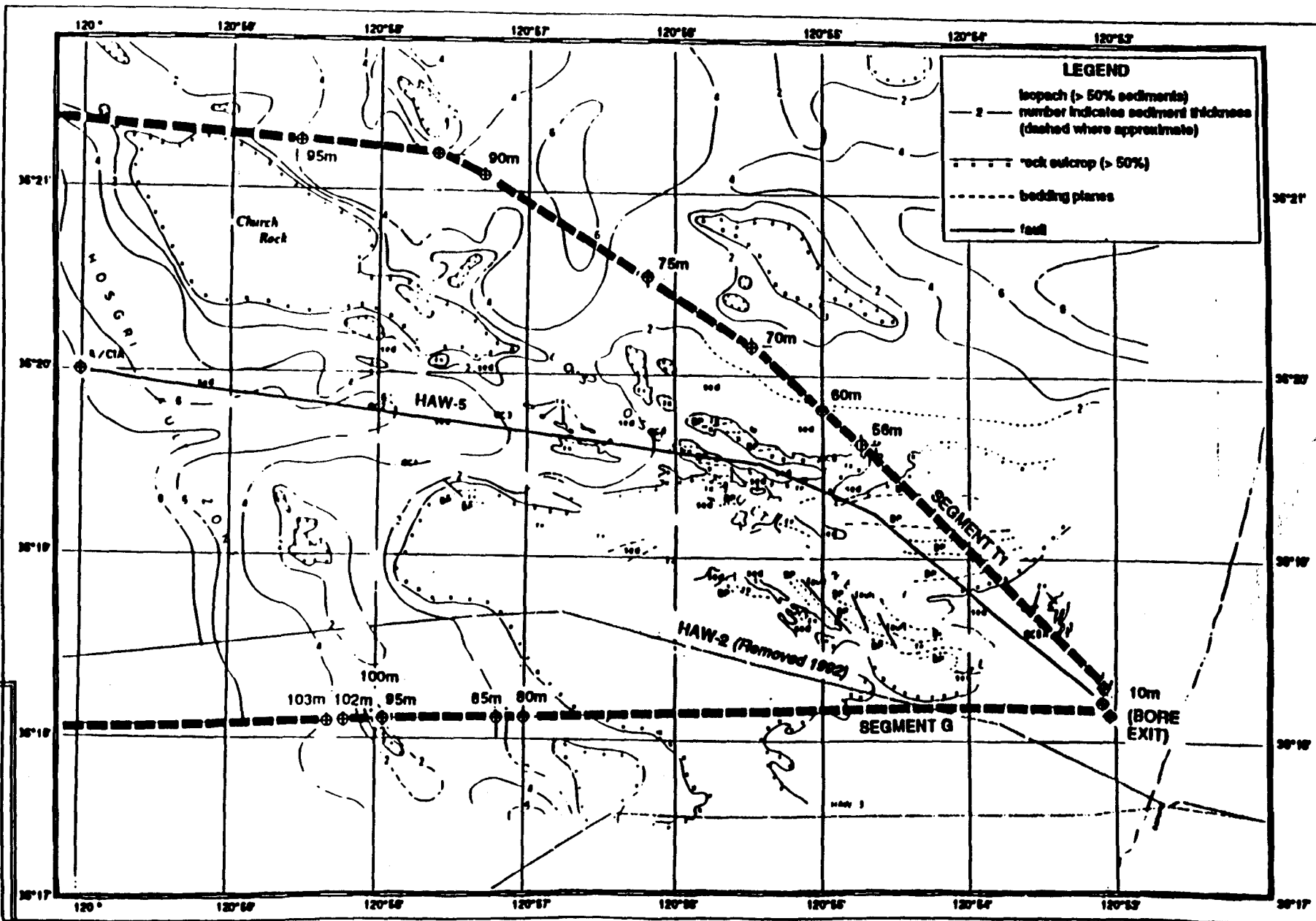


Figure 5

SEAFLOOR GEOLOGY ALONG AT/ PC-5 CABLE ROUTES - TO 6NMI OFFSHORE

2.4 OFFSHORE ACTIVITY

Offshore activity will involve feeding two fiber optic cables off the stern of a ship to be pulled through the existing bore pipes (Figure 6). After the cables have been pulled into the beach manhole and temporarily anchored, a plow sled will be deployed (Figure 7), and the cables will be plowed or laid, depending on seafloor geology as described previously (see also below), along predetermined courses toward destinations in Hawaii and Oregon. Plowing operations will be performed separately and will take approximately one week each to complete. Beyond the 1,400m isobath, where buried protection is no longer required, each cable will be directly laid on the sea floor until it approaches its terminal destination.

2.4.1 Cable Pull

A cable-laying ship will position itself approximately 300 feet seaward of the end of the existing directional bore pipe into which the cable will be pulled. Divers will then be dispatched to excavate the sea floor sediment away from the end of the bore pipe using pressurized water jets. Approximately 100 ft² of seafloor (previously disturbed during HAW-5 construction) would be disturbed at each bore pipe by this activity. After jetting to expose the ends of the bore pipes (currently about 4 feet deep), the cap will be removed and a steel pulling cable will be retrieved from the ship and attached to a nylon pull rope.

Ship personnel will attach the pulling cable to the armored fiber optic cable that is carried on board the ship. With assistance from a pulling winch on shore, the fiber optic cable will be lowered off the stern of the ship and will be pulled through the bore pipe into the beach manhole. As the cable is pulled shoreward through the exit point, the divers will lubricate the cable with "Vitalite," a non-water soluble, petroleum-based lubricant with the consistency of Vaseline. It is anticipated that 50 to 100 gallons of the lubricant will be used per bore pipe. When the pulling operation is complete, the divers will jet in the cable between the exit point and the point beneath the ship where cable plowing operations will take place. The jetted trench will be approximately 2 feet deep and 2 feet wide.

This procedure will be repeated for both cables. The entire cable pulling operation will take two to three weeks to complete.

2.4.2 Cable Lay

Once the cable has been spliced and anchored on shore, the cable plowing operation will begin. The Sea Plow will be lowered from the cable ship to the sea floor and the fiber optic cable will be inserted into the sled's hollow plow shank. The cable will be buried 48 inches deep.

Plowing will proceed at a rate of 0.4 to 0.7 knots, depending on the sea floor conditions. Where rock outcrops are encountered, the plow shank will be raised and the cable laid directly on the rock surface. Minor course corrections may be made based upon the operator's observations of bottom conditions using the Sea Plow's instruments (Appendix C). No rock sawing will be performed, and the cable will not be mechanically anchored to the rock.

The cable will be plowed for approximately 50 nmi, which will take approximately one week. The cable will then be buoyed temporarily and the ship will return to repeat this process for the second cable. After the cables have been plowed, divers will return to the ends of the bore pipes and retrobury the cable and pipe ends to a depth of 48 inches. Beyond approximately 1,400m depth (40-50 nmi), both cables will be laid directly on the sea floor.

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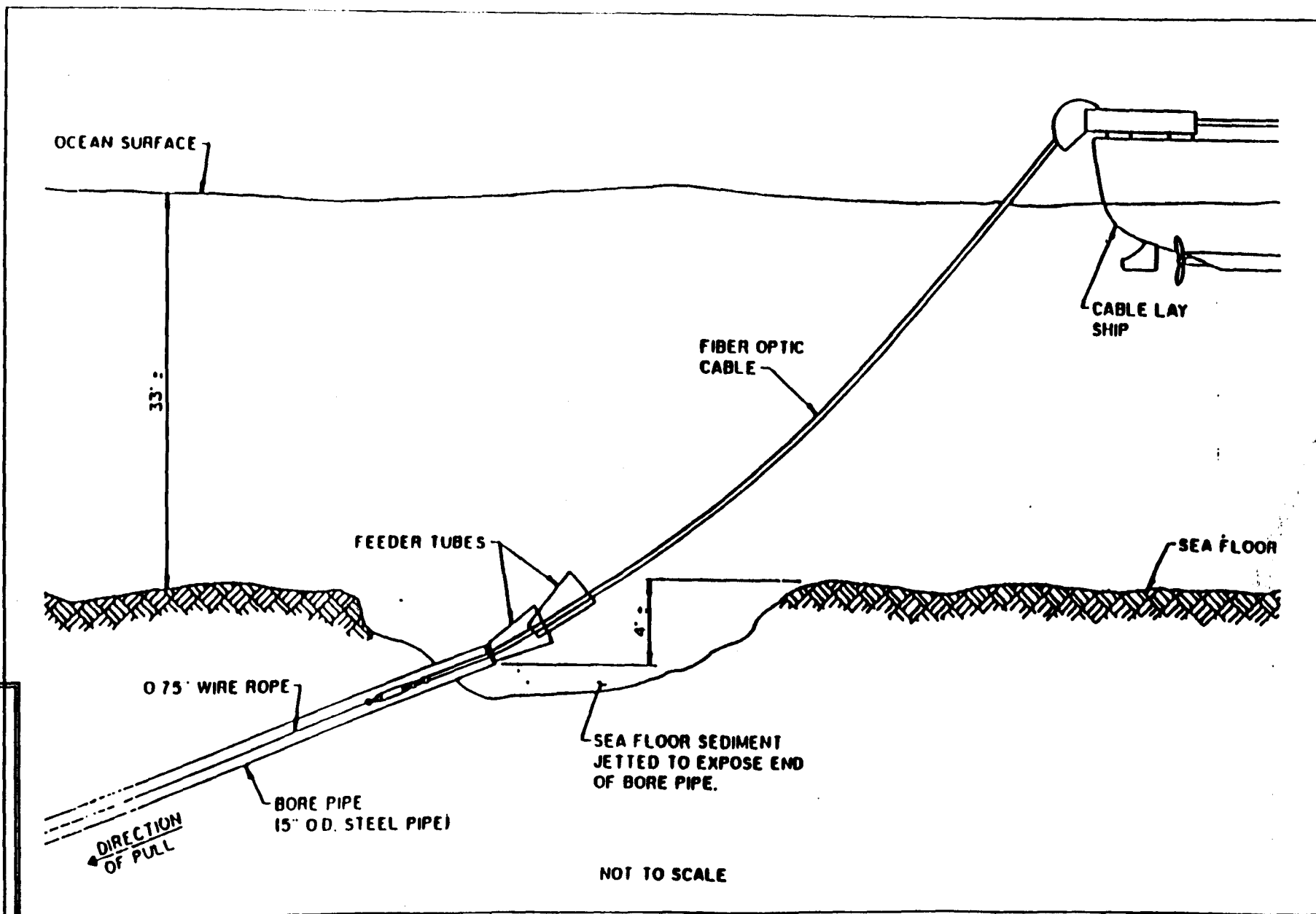
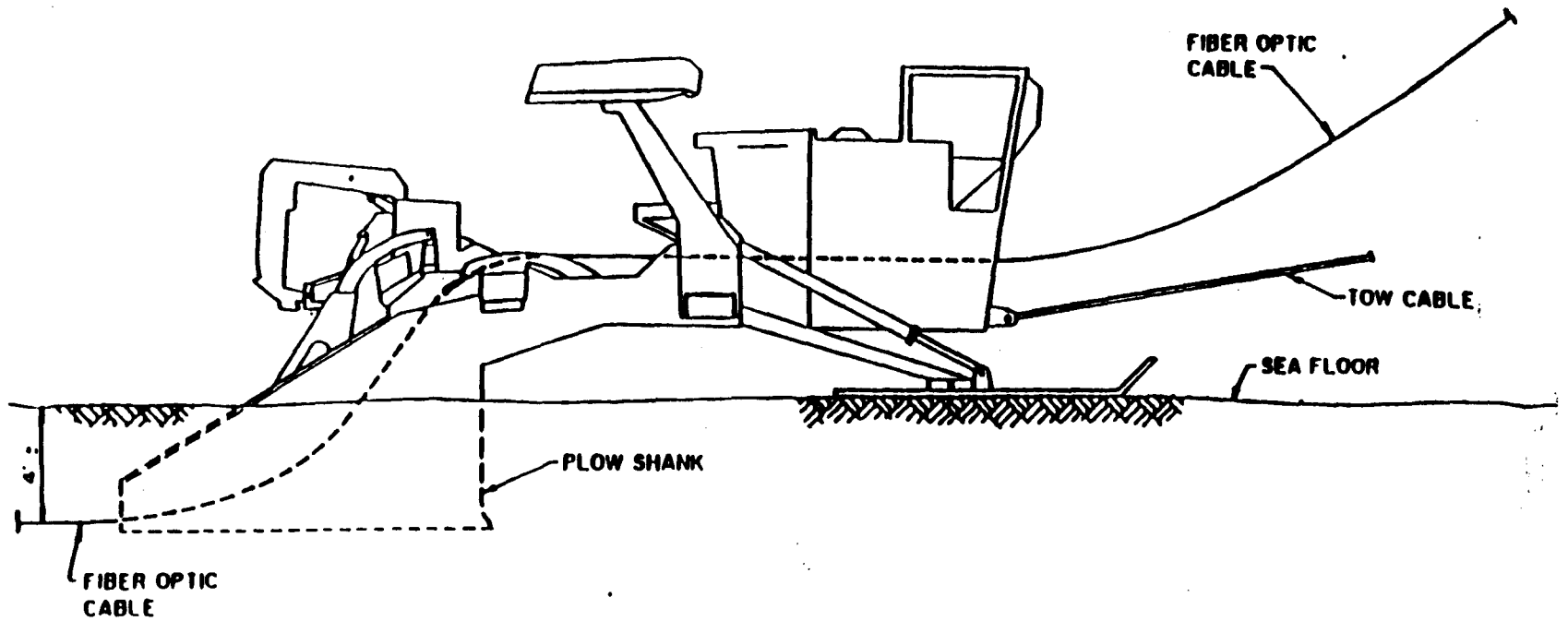


Figure 6
CABLE P BACK OPERATION

SEA FLOW



NOT TO SCALE

Figure 7
CABLE PLOWING OPERATION

2.5 POST-INSTALLATION ACTIVITIES

The cable will require no maintenance or inspection once installed. All monitoring will be performed from the onshore terminal facility in San Luis Obispo. Repairs would be made as needed.

2.6 MITIGATION MEASURES INCORPORATED INTO THE PROJECT

Measures 1 through 6 below have been required by the USACE and are hereby incorporated into the description of this project. Measures 7 through 9 were developed during the course of this review, have been accepted by AT&T, and are also hereby incorporated into the project.

1. The permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.
2. The permittee shall notify the Commander (oan) Eleventh Coast Guard District, 501 West Ocean Boulevard, Long Beach, California 90802, (310) 980-4300 ext. 501 at least two weeks prior to start of activity. The notification should include the following information:
 - a. The location of the work site.
 - b. The size and type of equipment that will be performing the work.
 - c. Name and radio call signs for working vessels, if applicable.
 - d. Telephone number for on-site contact with project engineers.
 - e. The schedule for completing the project.
3. To prevent any effect on the southern sea otter (*Enhydra lustris nereis*), a biologist familiar with sea otter behavior shall be on site at all times during construction to watch for otters. Should otters be sighted in close proximity to the project area, the applicant shall cease operations until the otter(s) leave the project area.
4. To document compliance with condition #3, the applicant shall submit a report no later than 30 days after cable installations are completed. The report shall include a description of otters observed, observation times and locations as well as behavior, and all actions taken to avoid affecting the otter. Copies of the report shall be sent to the Corps of Engineers and to Mr. Craig Faanes, Field Supervisor, USFWS Ventura Field Office, 2140 Eastman Avenue, Suite 100, Ventura, California 93003.
5. If rock outcroppings are encountered, the cable shall be laid directly on the rock surface. No rock sawing shall be performed and cable installation shall not be mechanically anchored to the rock.
6. No new facilities shall be constructed.
7. AT&T will adhere to all applicable conditions of approval for San Luis Obispo County's previous permitting of onshore activities associated with the HAW-5 and TPC-5 Projects.
8. If it is required to flush out the bore pipes pursuant to the cable landing and pulling operations, potable water will be used.
9. Any equipment lost overboard or left on the seafloor shall be recovered.

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3.0 ENVIRONMENTAL SETTING AND PROJECT IMPACTS

To facilitate cross-reference, this section follows the outline of the Environmental Impact Assessment Checklist.

A. EARTH

Environmental Setting

The previous HAW-5 document (Morro Group 1991) provided background on regional and project-area geology that is incorporated herein by reference. Additional information is found in the San Miguel Project Final EIS/EIR (URS 1986). As discussed previously, Figures 4 and 5 provide generalized descriptions of seafloor conditions along the cable routes. The salient features of shoreline and seafloor geology within the nearshore portion of the project are briefly described in the following paragraphs.

The shoreline of San Luis Obispo County is characterized by uplifted sedimentary rocks associated with the continental shelf. The onshore portion of the project is on old, wind blown sand, formed into dunes and stabilized by perennial vegetation. The nearest rock outcrops on the shoreline are approximately 0.5 mile south of the beach parking area. Rocky shoreline predominates beginning at Islay Creek and continuing southward around Point Buchon.

The immediate nearshore area surrounding the bore exits is characterized by thick deposits of coarse sands, cobbles, and shell fragments which are poorly sorted due to the dynamic surf-zone environment, characterized by strong waves and currents. Sedimentary rock outcroppings appear frequently from approximately 1 nmi to 3 nmi offshore at depths of approximately 30m to 60m. The rocks are folded and faulted due to movement along the Los Osos and Hosgri fault zones (Figures 4 and 5). Rock outcrops are interspersed with sedimentary deposits of silts and sandy silts (Morro Group 1991). Approximately 6 nmi offshore between the areas traversed by the HAW-5 cable and proposed TPC-5 segment T-1 is a prominent outcrop known as "Ship Rock" that rises to a depth of approximately 60m, whereas the surrounding seafloor is at a depth of approximately 100m.

Proceeding farther offshore, the cable alignments traverse the sediment-filled Santa Maria Basin as the continental slope descends gradually to depths of approximately 1,400m at 40-50 nmi offshore. Approximately 30 nmi west-southwest of the cable landing, in an area skirted by TPC-5 segment G is the northern end of the Santa Lucia Bank, which rises to depths of approximately 500m, some 50-100m shallower than the inshore basin.

Project Impacts

1. Earth Conditions

No unstable structures or changes in geologic substructures would occur.

2. Soil Displacement

The initial jetting away of sediment to expose the bore pipes and to retrobury the cable entails a very localized displacement of sediment along the seafloor. Given the dynamic nearshore environment, this disturbance is insignificant. Otherwise, the design of the Sea Plow minimizes sediment displacement during cable installation, as sediments are replaced as the cable is plowed in.

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3. Topography

There would be no effect on topography owing to the small size of the cables and their manner of installation (no alteration of rocky bottom features).

4. Unique Features

The project would have no effect on unique offshore geologic features.

5. Erosion

The project would not increase erosion.

6. Sedimentation

Sedimentation effects due to hand-jetting of sediments at the bore exits would be negligible in the dynamic nearshore environment. The Sea Plow effectively minimizes sediment disruption during cable plowing.

7. Geologic Hazards

Although active faults are present near the cable alignments, no submarine canyons or other potentially unstable areas such as might be affected by landslides are traversed. Hence movement along the fault zones poses no risk of damage to the cables.

B. AIR

Environmental Setting

Air quality in the project area is generally good, due to a high frequency of sea breezes and lack of substantial emission sources. The EPA has designated all areas of the United States as having air quality better than (attainment) or worse than (nonattainment) the National Ambient Air Quality Standards (NAAQS). Presently, San Luis Obispo County is in attainment of all NAAQS. The California Air Resources Board (ARB) also designates areas within the state as either in attainment or nonattainment of the California Ambient Air Quality Standards (CAAQS). Presently, San Luis Obispo County is in nonattainment of the CAAQS for ozone (O₃) and particulate matter less than 10 microns in diameter (PM₁₀) and in attainment for nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and carbon monoxide (CO).

Project Impacts

1. Emissions

Onshore activities have been previously permitted by the County, and any applicable air quality conditions of the County's permit will be followed.

Air quality impacts from offshore construction activities would occur from combustive emissions due to the operation of a cable laying vessel and associated support craft. Emissions from these activities would be short term and would occur for about 17 days in the San Luis Obispo County region. The following San Luis Obispo County Air Pollution Control District (APCD) thresholds are used to determine the significance of project emissions: (1) 185 pounds per day of reactive organic gases (ROG) or nitrogen oxides (NO_x) or (2) 2.5 tons of ROG or NO_x during a calendar quarter (APCD 1994). Exceedance of one of these thresholds would require mitigation measures to minimize emissions. Daily and total emissions for the project

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are shown in Tables 3 and 4, respectively. A summary of data used to generate these emissions are presented in Tables 5 and 6.

The data in Table 3 shows that NO_x emissions would exceed the APCD emission threshold of 185 pounds per day during each construction activity. Additionally, Table 4 shows that total NO_x emissions for offshore construction would exceed the APCD emission threshold of 2.5 tons during a calendar quarter. Therefore, mitigation measures would be required to reduce NO_x emissions.

The most feasible and effective way to mitigate NO_x emissions during offshore construction would be to retard injection timing on diesel-powered engines by two degrees. Implementation of this measure would reduce NO_x emissions by 15 percent (Southwest Research Institute 1991). The effect of this mitigation measure is presented in Tables 3 and 4. Further reductions in NO_x emissions would be difficult to achieve during construction activities, due to the nature of project emission sources: implementation of additional NO_x control measures could affect the reliability and safety of vessel operations. Therefore, it is expected that the implementation of injection timing retard on all diesel-powered engines would satisfy APCD mitigation requirements. As a result, the short-term air quality impacts from project offshore construction would be insignificant.

Implementation of mitigation measures recommended by the APCD for onshore construction would produce insignificant air quality impacts from this activity (Morro Group 1991). Impacts from both onshore and offshore construction, in combination, would remain insignificant.

2. Odors

No objectionable odors are expected to be created by the project.

3. Air Movement

The project would have no effect on air movement or local climate.

C. WATER

Environmental Setting

Oceanographic conditions in the project area described in the previous HAW-5 document (Morro Group 1991) and by URS (1986). Nearshore conditions are dynamic, characterized by strong winds and associated waves and surface currents. Farther offshore to the edge of the continental shelf, the California Current system predominates. The system is composed of the generally offshore, southward flowing California current at the surface, a deep water undercurrent which flows northward and sometimes surfaces during fall and winter, and the inshore Davidson current, which flows northward from October to April.

Project Impacts

1. Currents

The project would not affect oceanographic currents.

2. Drainage & Runoff

No effect on drainage or runoff would arise.

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Table 3. Daily Emissions for Offshore Construction Activities.

| Activity/ Equipment Type | Pounds Per Day | | | | | | |
|------------------------------|----------------|------|-------|-------|---------|-------|-------|
| | TOG | ROG | CO | NOx | SO2 | PM | PM10 |
| Deploy and Bury Cable | | | | | | | |
| Cable Lay Vessel | 25.0 | 24.0 | 84.0 | 188.8 | 317.6 | 44.5 | 42.7 |
| Tug Boat | 33.3 | 32.0 | 51.1 | 296.8 | 20.8 | 24.0 | 23.1 |
| Tug Boat | 12.6 | 12.1 | 19.3 | 112.1 | 7.8 | 9.1 | 8.7 |
| Work Boat | 2.5 | 2.4 | 3.9 | 22.4 | 1.6 | 1.8 | 1.7 |
| Activity Emissions | 73.4 | 70.4 | 158.3 | 620.2 | 347.8 | 79.4 | 76.3 |
| Mitigated Emissions | | | | 527.2 | | | |
| Cable Plowing/Lay | | | | | | | |
| Cable Lay Vessel | 93.8 | 90.0 | 315.1 | 708.1 | 1,191.2 | 166.9 | 160.2 |
| Activity Emissions | 93.8 | 90.0 | 315.1 | 708.1 | 1,191.2 | 166.9 | 160.2 |
| Mitigated Emissions | | | | 601.9 | | | |
| Vessel Return | | | | | | | |
| Cable Lay Vessel | 62.5 | 60.0 | 210.1 | 472.1 | 794.1 | 111.3 | 106.8 |
| Activity Emissions | 62.5 | 60.0 | 210.1 | 472.1 | 794.1 | 111.3 | 106.8 |
| Mitigated Emissions | | | | 401.3 | | | |

Table 4. Total Emissions for Offshore Construction Activities.

| Activity/ Equipment Type | Total Tons | | | | | | |
|------------------------------|------------|-----|-----|-----|-----|-----|------|
| | TOG | ROG | CO | NOx | SO2 | PM | PM10 |
| Deploy and Bury Cable | | | | | | | |
| Cable Lay Vessel | 0.1 | 0.1 | 0.3 | 0.6 | 1.0 | 0.1 | 0.1 |
| Tug Boat | 0.1 | 0.1 | 0.2 | 0.9 | 0.1 | 0.1 | 0.1 |
| Tug Boat | 0.0 | 0.0 | 0.0 | 0.1 | 0.0 | 0.0 | 0.0 |
| Work Boat | 0.0 | 0.0 | 0.0 | 0.1 | 0.0 | 0.0 | 0.0 |
| Activity Emissions | 0.2 | 0.2 | 0.4 | 1.6 | 1.0 | 0.2 | 0.2 |
| Cable Plowing/Lay | | | | | | | |
| Cable Lay Vessel | 0.5 | 0.5 | 1.6 | 3.5 | 6.0 | 0.8 | 0.8 |
| Activity Emissions | 0.5 | 0.5 | 1.6 | 3.5 | 6.0 | 0.8 | 0.8 |
| Vessel Return | | | | | | | |
| Cable Lay Vessel | 0.0 | 0.0 | 0.1 | 0.2 | 0.4 | 0.1 | 0.1 |
| Activity Emissions | 0.0 | 0.0 | 0.1 | 0.2 | 0.4 | 0.1 | 0.1 |
| Total Emissions | 0.7 | 0.7 | 2.1 | 5.4 | 7.4 | 1.1 | 1.1 |
| Mitigated Emissions | | | | 4.6 | | | |

Table 5. Emission Source Data for Offshore Construction Activities.

| <i>Activity/ Equipment Type</i> | <i>HorsePower (Hp)</i> | <i>Load Factor</i> | <i>Number Active</i> | <i>Hp-Hrs</i> | <i>Gall/Hr</i> | <i>Hours /Day</i> | <i>Work Days</i> | <i>Total Fuel Usage</i> |
|-------------------------------------|----------------------------|------------------------|--------------------------|---------------|----------------|-----------------------|----------------------|-----------------------------|
| Deploy and Bury Cable | | | | | | | | |
| Cable Lay Vessel | 5000 | 0.20 | 1 | 1000 | 56 | 24 | 6 | 8093 |
| Tug Boat | 2400 | 0.45 | 1 | 1080 | 61 | 12 | 6 | 4370 |
| Tug Boat | 850 | 0.72 | 1 | 612 | 34 | 8 | 2 | 550 |
| Work Boat | 340 | 0.72 | 1 | 245 | 14 | 4 | 6 | 330 |
| Cable Plowing/Lay | | | | | | | | |
| Cable Lay Vessel | 5000 | 0.75 | 1 | 3750 | 211 | 24 | 10 | 50580 |
| Vessel Return | | | | | | | | |
| Cable Lay Vessel | 5000 | 1.00 | 1 | 5000 | 281 | 12 | 1 | 3372 |

Table 6. Emission Factors for the TPC5 Project

| <i>Equipment Type</i> | <i>Fuel Type</i> | <i>Emission Factors (Pounds/1000 Gallons)</i> | | | | | | | <i>Source</i> |
|-----------------------|----------------------|---|------------|-----------|------------|------------|-----------|-------------|---------------|
| | | <i>TOG</i> | <i>ROG</i> | <i>CO</i> | <i>NOx</i> | <i>SO2</i> | <i>PM</i> | <i>PM10</i> | |
| Ocean Going Vessels | D | 18.5 | 17.8 | 62.3 | 140.0 | 235.5 | 33.0 | 31.7 | (a) |
| Tug/Crew Boats | D | 45.7 | 43.9 | 70.2 | 407.5 | 28.5 | 33.0 | 31.7 | (b) |

Notes: (a) Department of Transportation 1987. Port Emission Model.

(b) ARB 1984, except SO2/PM from Scott Environmental Technology 1981.

3. **Flooding**

The project would not affect flooding.

4. **Surface Water Quantity**

The project would not affect surface water quantity.

5. **Water Quality**

The project will cause very localized disruption of sediments. In areas of greatest disruption, i.e. at the ends of the bore pipes, sediments are relatively coarse, and strong currents would quickly disperse any suspended sediments. Hence no effects on turbidity are expected. During the cable pulling operation, it may be necessary to flush the bore pipes. AT&T has committed to using potable water if it is necessary to flush the bore pipes. No accumulation of material in the bore pipes is expected other than naturally occurring sediment, hence this discharge would not significantly affect marine water quality. The Regional Water Quality Control Board has confirmed that no permit or certification will be required for these activities (personal communication, A. White 1994; Appendix B).

6. **Ground Water Flow**

The project would not affect ground water flow.

7. **Ground Water Quantity**

The project would not affect ground water quantity.

8. **Water Supply**

The project would not affect public water supplies.

9. **Water-Related Hazards**

The project would not result in any public exposure to water-related hazards.

10. **Thermal Springs**

No thermal springs are known from the project area; no effects would occur in any case.

D. **PLANT LIFE**

Environmental Setting

Neither surf grasses nor eelgrass are expected in the sandy bottom habitat from the bore exit out to the rock outcrops, owing both to depth and substrate instability. The rock outcrops in deeper water (25-60m depth) are expected to support sparse algal growth, owing to reduced light due to depth and turbidity, although small patches of kelp may be present on rock outcrops at inshore locations. The nearest kelp beds, which probably contain both giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis leutkiana*), as well as palm kelp (*Pterygophora californica*), are associated with the rocky shoreline - which continues offshore - 1.5-2 miles south at Islay Point, and more extensively further south around Point Buchon (e.g., URS 1986).

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Project Impacts

1. Diversity

No effect on the abundance or diversity of marine plants is expected, owing to the small diameter of the cables and the manner of installation, which is non-destructive to rock outcrops.

2. Unique, Rare, or Endangered Plants

No unique, rare, or endangered plants are known or expected to be present in areas potentially affected by the project.

3. Species Introductions

The project has no potential for the transport or introduction of new species into the waters offshore San Luis Obispo County.

4. Agriculture

Oysters are cultivated in Morro Bay, but there are no agri- or aquaculture operations in the vicinity that could be affected by the project.

E. ANIMAL LIFE

Environmental Setting

Pismo clams (*Tivela stultorum*) occur in shallower waters in the project area. At the shallower depths crossed by the project, sand dollar beds (*Dendraster excentricus*) are likely to be encountered, and large concentrations of white urchins (*Lytechinus* spp.) may occur along the cable route. Infaunal organisms that would be anticipated include a variety of amphipods, burrowing gastropods and clams, both tube-dwelling and errant polychaetes, brittle stars, and sea stars. Flatfishes (sanddabs, halibut, etc.) are especially prominent in this habitat (e.g., URS 1986).

The rock outcrops in deeper water (100- to 200-foot depths) are expected to support sparse algal growth, owing to reduced light. Benthic communities are expected to be dominated by encrusting or colonial invertebrates, including a variety of sponges, anemones, gorgonians, tube-dwelling polychaetes, bryozoans, tunicates, and solitary corals. Associated mobile fauna typically include gastropods, amphipods, crabs, seastars, brittle stars, and demersal fishes such as rockfishes (*Sebastes* spp.).

The region surrounding the project, including Morro Bay and the rocky coastline of Point Buchon, includes important habitat for seabirds, sea otters and sea lions, and cetaceans (Dohl et al. 1983). The closest specific areas of importance include, for seabirds, the sandy beach and mudflat habitats inshore of the project and in Morro Bay; for sea lions, the rocky shoreline to the south, beginning in the area of Islay Point; and for sea otters, rocky areas and kelp beds to the south, also beginning at Islay Point, although sea otters are common in the nearshore areas off Sandspit Beach (author, personal observations; personal communication, R. Hardy 1994). Cetaceans that may be encountered in nearshore areas include harbor porpoises (during winter and spring), and gray whales (during the southward [December-January] migration).

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Project Impacts

1. Animal Abundance and Diversity

Due to the small size of the cables, and relatively non-destructive, temporary activities associated with cable installation, no significant impact on animal abundance and diversity is expected.

The SeaPlow VI would cause surficial disturbance in a corridor at least 20 feet wide (the width of the vessel), and would slice a 4-foot deep furrow during cable burying. This operation would cause some mortality to infaunal invertebrates, but would not substantially alter the seafloor. Wave- and current-induced turbulence and bioturbation are expected to thoroughly remix sediments within a few months following construction. It is expected that macroinvertebrates would recolonize the disturbed corridor primarily by immigration from adjoining areas, and that population densities within the disturbed area would be indistinguishable from surrounding areas within several months to a year.

The laying of the cable over rock outcrops in deeper water would disrupt epibenthic communities, possibly crushing and/or dislodging invertebrates in a corridor several feet wide. Given prevailing turbidity and the depth of the outcrops, neither kelps nor associated macroinvertebrates (e.g., abalone) are expected. Localized crushing or dislodging of small, sessile or relatively sedentary macroinvertebrates would occur. Affected populations would be expected to recover via immigration, asexual propagation, and larval recruitment within approximately 1 year. Sessile species may experience repeated, localized disturbances throughout the life of the cable if the cable sways due to wave and current action. The cable would remain as a permanent feature on the bottom in this habitat, with either adverse or beneficial effects, the latter resulting from the provision of shelter, depending on the species.

Human activity at the surface could temporarily disturb marine birds and mammals in the immediate vicinity. The routing of the cable avoids sensitive habitats such as sandy beach, rocky intertidal, and kelp bed habitats. The rate of construction across State Tidelands and beyond (0.4 to 0.7 knots) would be slow enough to allow fishes and marine birds and mammals to avoid areas of disturbance, yet would only briefly (i.e. minutes to, at most, a few hours) interfere with the use of benthic, water column, and surface habitat areas along the cable route.

2. Unique, Rare, or Endangered Animals

In response to the U.S. Fish and Wildlife and U.S. Army Corps of Engineers stipulations for offshore construction, measures to protect the southern sea otter from incidental disturbance during cable installation have been incorporated into the project by AT&T (section 2.5 of this document). Discussion with representatives of these agencies (personal communications, T. Welch and M. Linday 1994) and with officials of the California Department of Fish and Game (personal communications, R. Nitsos and R. Hardy 1994), and National Marine Fisheries Service (personal communication J. Bybee 1994) confirms these agencies do not believe the project would significantly affect marine wildlife, including sensitive species.

3. Species Introductions, Effects on Migration

As noted previously, the project has no potential to cause the introduction of foreign species. The rate of progress of the cable ship (0.4-0.7 knots) is slow relative to the swimming speeds of marine mammals that could be present, and the ship itself and towed Sea Plow would be conspicuous but small and easily swum around by any marine mammals in the vicinity. Hence no impacts on migration are expected.

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4. **Deterioration of Habitat**

Cable installation would represent a very localized, temporary and insignificant disturbance in marine habitats. The cables themselves may provide an additional microhabitat feature within the sedimentary or rock outcrop habitats, without materially affecting overall habitat quality.

F. **NOISE**

Environmental Setting

Montaña de Oro State Beach is a popular recreation site. No noise measurements are available, but background noise is considerable owing to strong winds and surf.

Project Impacts

1. **Effect on Existing Noise Levels**

Noise generated by the project would be short-term and intermittent, and would not substantially affect noise levels on the beach. Underwater noise during cable installation could constitute a very transient and hence insignificant disturbance to marine wildlife. Noise has not been an issue in connection with HAW-5 or Phase I of the TPC-5 Project. Accordingly, impacts are considered insignificant.

2. **Severe Noise Levels**

The project has no potential to expose people to severe noise levels.

G. **LIGHT AND GLARE**

Environmental Setting

Existing offshore lighting in the project area is associated with intermittent ship traffic.

Project Impacts

Lighted ships will be visible in the nearshore area intermittently during the one-month cable installation period. Because of the temporary nature of new lighting, the impact is considered insignificant.

H. **LAND USE (INCLUDING STATE TIDELANDS)**

Environmental Setting

There are 3 National Marine Sanctuaries offshore central California- Monterey Bay, Point Reyes-Farallon Islands, and Cordell Bank. The legal boundaries of these sanctuaries (published under CFR Title 15, Parts 936, 942, and 944) were compared with the T-1 cable running sheet to confirm that cable installation activity will not occur within a marine sanctuary.

Regional offshore economic activities, in areas traversed by the TPC-5 cable routes, were reviewed in the previous HAW-5 document (Morro Group 1991). The Santa Maria Basin is known to contain oil and gas fields, and there are active leases in federal waters crossed by the project (also reviewed by URS [1986]), but no production or exploration is occurring at present in areas crossed by the cable routes. Future activity on these leases is possible, but unlikely to begin before late 1995 (personal communication, C. Fusaro 1994).

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Commercial and sport fishing activity in the Morro Bay area were reviewed in the HAW-5 document (Morro Group 1991). Other useful summaries are found in a recent Minerals Management Service publication (MBC 1989), and in the San Miguel Project Final EIS/EIR (URS 1986). Regional fisheries information (from MBC 1989) is included in Appendix C.

The Morro Bay fishing fleet is primarily composed of hook and line vessels, but the majority of the landed catch comes from trawling. The remaining vessels are trawling, trapping (crab), diving (abalone and urchins), and gill netting vessels. These vessels are equipped with a wide variety of gear types, including drift gill nets, set nets, trawl, hook and line (trolling and long line), purse seine, traps, and diving.

Approximately 10 local vessels are occupied by set net fishing, which takes place primarily within the 55-meter depth contour. The gill net fleet generally work inshore of 130 kilometers offshore and on the Santa Lucia Bank for rockfish.

Trawling is the predominant type of fishing in the area, occupying the work of approximately 22 local vessels. Trawling occurs between 70 and 1,100 meters depth, and not closer than 5 kilometers from shore. Halibut and sole trawling occur primarily in the months from September through March.

Trolling for albacore is an important industry during the late summer and fall (July through October). Salmon are fished from May through August. Other hook and line fishing occurs in water depths of less than 440 meters.

Purse seines fish along the coast for squid and fish such as anchovy and mackerel. Crab are trapped in water depths up to 110 meters. A few fishermen dive for abalone, but this fishing has become restricted due to natural depletion. Oysters are currently being farmed in the Morro Bay area. Sport fishing also occurs out of Morro Bay.

There is limited set net and trap fishing in the project area. Trap fishing for rock and dungeness crabs on offshore rocky bottoms from 20-100m depth occurs in winter months. Trawling does not occur over the State Tidelands crossed by the cable route. Trawling in deeper waters 10-40 nmi offshore over soft bottom habitats is the most important commercial fishing activity in the project area, the Santa Lucia Bank being an area of concentrated fishing activity for Dover and rex sole (MBC 1989; personal communication, J. Giannini 1994). Segment G skirts the northern end of this area, as did the old HAW-2 cable, which was removed in 1992.

Another area of particular interest for recreational and commercial fishing offshore San Luis Obispo County is Church Rock, just south of the T-1 cable alignment about 6 nmi offshore. Fishing here is primarily for rockfish using hook and line (personal communication, R. Hardy 1994).

Project Impacts

AT&T has worked to lessen potential conflicts with the local fishing industry (personal communications, J. Giannini and G. Perek 1994). The project has incorporated measures to ensure adequate notification to fishermen and other shipping activity during and after cable installation, including all measures previously implemented on the HAW-5 project (section 2.5 of this document). As discussed in the project description, cable design and installation procedures minimize the possibility of cable damage or entanglement of fishing gear. In conclusion, the project would not significantly affect commercial fishing or other uses of the marine environment.

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I. NATURAL RESOURCES

Environmental Setting

Refer to discussion of the previous section.

Project Impacts

1. Use of Natural Resources

The project would not materially affect the use of natural resources.

2. Nonrenewable Natural Resources

The project would not affect any nonrenewable natural resources.

J. RISK OF UPSET

Environmental Setting and Project Impacts

1. Release of Hazardous Substances

Given coordination of the project with the Coast Guard and precautionary noticing to mariners, an accident during the one-time activities associated with cable installation is extremely unlikely and consequences in any case would not be severe. No conflicts with established shipping traffic are foreseen. A reasonable comparison in terms of environmental consequences is with the San Miguel Project Final EIS/EIR (URS 1986), wherein the risk of upset due to support boat accidents throughout the life of the project was considered fully mitigated by reducing the length of trips between project facilities and the support base. As cable installation is a one-time, relatively short-term activity, the risk of upset is considered minimal. In a worst case, i.e. foundering of one of the project vessels or detachment of the Sea Plow, there could be spillage of fuel oil into ocean waters and loss of equipment on the sea bottom. AT&T has committed to retrieving any lost equipment to ensure that no obstructions are inadvertently placed on the seafloor. Given the extremely low probability and relatively minor consequences of upset during cable installation, the overall risk is considered insignificant.

2. Interference with Emergency Response

The project would not affect emergency response.

K. POPULATION

Environmental Setting and Project Impacts

The project would not affect population density or growth rate.

L. HOUSING

Environmental Setting and Project Impacts

The project would not affect housing.

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M. TRANSPORTATION/CIRCULATION

Environmental Setting and Project Impacts

Refer to previous discussion under Land Use. The project would temporarily affect oceangoing traffic. Given precautionary noticing and coordination with the Coast Guard, this is not considered a significant impact.

N. PUBLIC SERVICES

Environmental Setting and Project Impacts

Use of State Parks' property has been previously permitted and all relevant conditions of approval will be followed. The project has no foreseeable effect on other governmental services, including areas of fire, police protection, schools, and roads.

O. ENERGY

Environmental Setting and Project Impacts

The project does not result in substantial use of or demand for energy resources.

P. UTILITIES

Environmental Setting and Project Impacts

The necessary connections to utility power have been installed as part of the HAW-5 Project and during Phase I of the TPC-5 Project. No impacts on power, natural gas, communications systems, water, sewer, storm drainage, or solid waste will occur.

Q. HUMAN HEALTH

Environmental Setting and Project Impacts

The project will not result in the creation of any health hazards or in the exposure of people to potential health hazards.

R. AESTHETICS

Environmental Setting and Project Impacts

Views of the marine environment from the shoreline of Montaña de Oro State Park are essentially pristine but for seagoing traffic. The project will result in human activity and vessel traffic in a very small area of the nearshore marine environment intermittently over a period of one month. This is more likely to be of casual interest than offensive to viewers, given public information on the project. Based on the temporary nature and small scale of activities, the impact in any case is considered insignificant.

S. RECREATION

Environmental Setting and Project Impacts

Recreational activities of relevance to this evaluation include public use of Montaña de Oro State Park, and recreational boating and fishing offshore. As discussed in previous sections,

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onshore activities have been coordinated with State Park personnel and are authorized under the previously issued HAW-5 permit (personal communication, D. Sears 1994). All corresponding conditions of approval will be satisfied. As discussed under Land Use (section H above), there would be temporary very localized effects on boating and fishing activities. These effects are not considered significant.

T. CULTURAL RESOURCES

Environmental Setting

There are no known prehistoric or historic cultural resources along the offshore cable routes. USACE and State Lands Commission archaeological staff have reviewed existing databases and found no historic/archaeological sites along the cable routes (Appendix B). Onshore work has been previously reviewed and permitted to the satisfaction of State Parks (personal communication, D. Sears 1994). The State Office of Historic Preservation was contacted regarding the project and indicated their need to review the environmental document before reaching a conclusion (personal communication, C. Caesar 1994).

As discussed in the previous HAW-5 document (Morro Group 1991), there have been at least 5 shipwrecks in the general area of Morro Bay. This information is consistent with the MMS database on shipwrecks between Morro Bay and the Mexican Border (Pierson et al. 1987). The locational data are imprecise, but there are no indications that these shipwrecks are in the vicinity of the cable route.

The information available indicates an extremely low likelihood of any cultural resources being occurring along the offshore cable route. Seafloor survey data from ROV, sidescan sonar, seismic subbottom profiling, and magnetometer have not detected any anomalies that might be cultural resources, although there remains a (remote) possibility of encountering objects that could be cultural resources (Morro Group 1991).

Project Impacts

1. Prehistoric or Historic Archaeological Sites

The possibility of encountering cultural resources during cable installation is considered remote. In addition, as discussed under the project description (see Appendix C; also Morro Group 1991 for additional discussion), the Sea Plow VI deploys a detection system that enables the operators to see and avoid (go around) buried obstructions, such as shipwrecks, that could be cultural resources. Finally, low-impact construction methods in areas of hard bottom, in conjunction with the small size (1-2 inch diameter) of the cables, effectively eliminate possible adverse effects on objects that might rest on areas of hard bottom. Therefore, the project would not result in the alteration or destruction of an archaeological site.

2. Adverse Physical or Aesthetic Effects to Cultural Resources

Based on the foregoing, the project would not have adverse physical or aesthetic effects on cultural resources.

3. Ethnic Cultural Values

No effects on ethnic cultural values are known or expected.

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4. Religious Sites

No effects on religious sites are known or expected.

U. MANDATORY FINDINGS OF SIGNIFICANCE

1. Environmental Quality

The foregoing project information and analyses indicate that the project, with mitigations as incorporated into the project description, does not have the potential to degrade the quality of the environment, adversely affect fish and wildlife populations or sensitive plant or animal species, or eliminate important examples of California history or prehistory.

2. Short-Term Gains vs Long-Term Goals

The project does not entail the sacrifice of long-term environmental goals for short-term gains.

3. Cumulative Impacts

The project does not have cumulatively significant impacts.

4. Human Effects

The project will not have substantial adverse effects, either directly or indirectly, on human beings.

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APPENDIX A
MITIGATION MONITORING
AND REPORTING PLAN

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5.0 PERSONS AND AGENCIES CONTACTED

- Brown, Judy.** Project Manager, Division of Environmental Planning and Management, State Lands Commission, Sacramento, CA.
- Brungardt, Bill.** P.E. and President, Brungardt Honomichl & Company (Engineering Consultant to AT&T), Overland Park, KS.
- Bybee, James.** Northern California Coordinator, U.S. Department of Commerce National Marine Fisheries Service, Long Beach, CA.
- Caesar, Clarence.** Historic Archaeologist, State Office of Historic Preservation, Sacramento, CA.
- Fusaro, Craig.** Oil/Fisheries Liaison Office, Santa Barbara, CA.
- Giannini, Jody.** Morro Bay Fishermen's Association, Morro Bay, CA.
- Hardy, Robert.** Biologist, California Department of Fish and Game, Morro Bay, CA.
- Lindsay, Marie.** Staff Biologist, U.S. Fish and Wildlife Service, Ventura, CA.
- Monowitz, Steve.** Planner, California Coastal Commission, Santa Cruz, CA.
- Nitsos, Richard.** California Department of Fish and Game, Long Beach, CA.
- Perek, Gene.** Pacific Supervisor, AT&T Submarine Cable Protection, Morristown, NJ.
- Reents, Mary.** Planner, The Morro Group, Los Osos, CA.
- Sears, David.** Superintendent, Montaña de Oro State Park.
- Welch, Tiffany.** U.S. Army Corps of Engineers, Ventura Regulatory Field Office, Ventura, CA.
- White, Adam.** Regional Water Quality Control Board, San Luis Obispo, CA.

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APPENDIX A:

MITIGATION MONITORING AND REPORTING PLAN

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

General

The applicant has incorporated a number of mitigation measures into the project description. Strict adherence to these measures and to other specifications, procedures, and commitments set forth in the project description, subject to amendment as agreed upon by AT&T and the State Lands Commission, is required. Failure to meet this requirement could result in unanticipated, and potentially significant impacts and is cause for permit revocation. The State Lands Commission shall review and/or monitor project implementation as necessary to ensure consistency with the project description and assumptions upon which this environmental analysis was based. AT&T shall provide documentation in support of compliance upon reasonable request from the State Lands Commission.

Air Quality

1. **MITIGATION MEASURE:** To mitigate short-term adverse impacts of cable installation activities on air quality offshore San Luis Obispo County, injection timing on diesel-powered engines shall be retarded by two degrees. Prior to initiation of construction, AT&T shall provide to the State Lands Commission written evidence of its contractors' compliance with this measure.

MITIGATION MONITORING: The State Lands Commission shall review AT&T's submittal for compliance with this requirement.

Marine Transportation/Fishing

2. **MITIGATION MEASURE:** AT&T shall notify the Commander (oan) Eleventh Coast Guard District, 501 West Ocean Boulevard, Long Beach, California 90802, (310) 980-4300, ext. 501 at least two weeks prior to start of activity. The notification should include the following information:
 - a. The location of the work site.
 - b. The size and type of equipment that will be performing the work.
 - c. Name and radio call signs for working vessels, if applicable.
 - d. Telephone number for on-site contact with project engineers.
 - e. The schedule for completing the project.

MITIGATION MONITORING: Prior to the start of offshore construction, the State Lands Commission shall confirm AT&T's notification of the Coast Guard as required by this measure.

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Biology

3. **MITIGATION MEASURE:** To prevent any effect on the southern sea otter (*Enhydra lutris nereis*), a biologist familiar with sea otter behavior shall be on-site at all times during construction to watch for otters. Should otters be sighted in close proximity to the project area, the applicant shall cease operations until the otter(s) leave the vicinity of the project area.

To document compliance, the applicant shall submit a report no later than 30 days after cable installations are completed. The report shall include a description of otters observed, observation times and locations as well as behavior, and all actions taken to avoid affecting the otter. Copies of the report shall be sent to the Corps of Engineers and to Mr. Craig Faanes, Field Supervisor, USFWS Ventura Field Office, 2140 Eastman Avenue, Suite 100, Ventura, CA 93003.

MITIGATION MONITORING: Prior to the start of offshore construction, the State Lands Commissions shall confirm with USFWS that AT&T is meeting this requirement. AT&T shall submit a copy of the compliance report mentioned above to the State Lands Commission. The State Lands Commission shall confirm the acceptability of the report with USFWS.

Onshore Activities

4. **MITIGATION MEASURE:** During onshore activities, AT&T shall adhere to all applicable conditions issued in conjunction with County of San Luis Obispo Development Plan/Coastal Permit #D900132D and the Temporary Use Permit issued by the California Department of Parks and Recreation, and to subsequent additions or modifications as deemed necessary for the TPC-5 Project by these agencies.

MITIGATION MONITORING: Prior to, during, and upon completion of cable installation for the TPC-5 Project, the State Lands Commission shall confer with San Luis Obispo County and Montaña de Oro State Park to confirm AT&T's compliance with all applicable conditions.

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APPENDIX B
CORRESPONDENCE RECEIVED

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Michael Andre Donnell
Senior Attorney

Room 323583
295 North Maple Avenue
Basking Ridge, NJ 07920
908 221-8379

December 23, 1992

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: TPC-5 Network Cable Landing License
File No. S-C-L-92-005

Dear Ms. Searcy:

Paragraph 10(7) of the TPC-5 Network Cable Landing License granted by the Federal Communications Commission on November 12, 1992 and released November 25, 1992 requires that the terms and conditions upon which the TPC-5 Network Cable Landing License is granted shall be accepted by the Licensee by filing a letter with the Secretary, Federal Communications Commission within thirty days of the release of the order. Pursuant to that requirement, American Telephone and Telegraph Company hereby accepts the terms and conditions upon which the above-referenced TPC-5 Network Cable Landing License was granted and issued to it.

Respectfully submitted,

AMERICAN TELEPHONE AND TELEGRAPH COMPANY

Michael Andre Donnell

cc: Mr. G. Li
All parties of record

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

AMERICAN TELEPHONE
AND TELEGRAPH
COMPANY
CICL, INC.
GTE HAWAIIAN
TELEPHONE COMPANY
INCORPORATED
IT&E OVERSEAS, INC.
MCI INTERNATIONAL, INC.
SPRINT COMMUNICATIONS
COMPANY LIMITED
PARTNERSHIP
TRT/FTC
COMMUNICATIONS, INC.

File No. 94-C-L-92-005

Joint Application for a
License to Land and Operate
a High Capacity Digital
Submarine Cable Network
Between and Among the
United States Mainland,
the State of Hawaii,
the Island of Guam
and Japan

CABLE LANDING LICENSE

Adopted: November 12, 1992; Released: November 25, 1992

By the Chief, Common Carrier Bureau:

1. On June 4, 1992, seven United States international service carriers (hereinafter referred to as Joint Applicants)¹ filed the above-captioned Joint Application requesting authority pursuant to "An Act Relating to the Landing and Operation of Submarine Cables in the United States," 47 U.S.C. §§34-39, to land and operate a high capacity digital submarine cable network known as the

TPC-5 Cable Network (TPC-5), extending between and among the United States Mainland, the State of Hawaii, the Island of Guam, and Japan.

2. The Joint Application was placed on public notice on June 10, 1992. STC Submarine Systems Inc. (STC) comments requesting the Commission to condition the cable landing license and the accompanying Section 214 authorization.² The Joint Applicants³ filed a Reply to which STC subsequently responded. For the reasons discussed below, we grant this application.

The TPC-5 Cable Network

3. TPC-5 will land at Coos Bay, Oregon (U.S.), San Luis Obispo, California (U.S.), Keawaula, Hawaii (U.S.), Tumon Bay, Guam (U.S.), and extend to Miyazaki and Ninomiya, Japan. The proposed cable network consists of twelve segments.⁴

4. TPC-5 will employ the latest SL2000 technology operating at 4.8 Gigabits per second (Gbit/s) on each of the two fiber pairs. One fiber pair will be used for service while the other will be used for restoration. The "loop" configuration of TPC-5, along with the fully redundant restoration pair, provides 100 percent fiber-on-fiber restoration and route diversity within the network, resulting in a much higher circuit reliability. The operating capacity of 4.8 Gbit/s for each pair, service and restoration, consists of 32 Basic System Modules (BSM) operating at 155 Megabits per second (Mbit/s), with each BSM consisting of 63 Minimum Investment Units (MIUs).⁵ The design capacity per fiber pair is 2,016 MIUs. For voice services, digital circuit multiplication equipment (DCME) can be employed to derive about 150 virtual voice paths from each MIU.

5. The proposed cable network will be owned by Joint Applicants and 37 foreign telecommunications administrations and entities in the following locations: Argentina, Australia, Austria, Belgium, Canada, China, Denmark, Finland, France, Germany, Hong Kong, Ireland, Indonesia, Italy, Japan, Korea, Luxembourg, Malaysia, Mexico, Netherlands, New Zealand, Norway, Peru, Philippines, Portugal, Singapore, Sweden, Switzerland, Taiwan, Turkey and the United Kingdom.

6. Although expressly supporting the construction of TPC-5, STC requests the Commission to condition approval of the cable landing license and accompanying Section 214 authorization by requiring the Joint Applicants to use a fair and open procurement process in awarding the construction contracts for TPC-5 as it did in *Pacific Telecom Cable*.⁶ As we decided in TPC-4, given competitive market circumstances, we can find no public interest benefit to involving the Commission in the management of the TPC-

¹ The Joint Applicants include American Telephone and Telegraph Company (AT&T), CICL, Inc., d/b/a IDB International (IDB), GTE Hawaiian Telephone Company, Inc. (HTC), IT&E Overseas, Inc. (IT&E), MCI International, Inc. (MCI), Sprint Communications Company Limited Partnership (Sprint), and TRT/FTC Communications, Inc. (TRT/FTC).

² See File No. ITC-92-179.

³ Sprint and MCI did not join in this reply.

⁴ Segments A, B, C, D, E, and F, are, respectively, the new cable station at Coos Bay, Oregon; the cable station at San Luis Obispo; the cable station at Keawaula, Hawaii; the cable station at Tumon Bay, Guam; the cable station at Miyazaki, Japan; and the cable station at Ninomiya, Japan. Segment G is the whole of

the submarine cable network linking Segments B and C. Segment H is the whole of the submarine cable network linking Segments C and D. Segment I is the whole of the submarine cable network linking Segments D and E. Segment J is the whole of the submarine cable network linking Segments F and A. Segment T1 is the whole of the submarine cable network linking Segments A and B. Segment T2 is the whole of the submarine cable network linking Segments E and F.

⁵ A MIU is a 2.048 Mbit/s digital stream jointly assigned between two partners or wholly assigned to a party which used for purposes of ownership allocation.

⁶ *Pacific Telecom Cable, Inc.*, 2 FCC Rcd 2686 (1983) (additional license); 4 FCC Rcd 2147 (1989) (initial license).

5 procurement decisions and do not believe that it is necessary to condition the grant of TPC-5 on assurances of competitive procurement practices.⁷

7. Pursuant to our obligations under 47 U.S.C. §§34-39, the Department of State, after having coordinated with the National Telecommunications and Information Administration and the Defense Information Systems Agency, has approved the landing of TPC-5 in the United States.⁸

8. Based on the information provided by the Joint Applicants, we conclude that the grant of the requested authorization will not have a significant effect on the environment as defined in Section 1.1307 of the Commission's Rules and Regulations implementing the National Environmental Policy Act of 1969, 42 U.S.C. §§4321-4335 (1976).⁹ Consequently, no environmental assessment is required to be submitted with this Joint Application under Section 1.1311 of the Commission's Rules.

9. Concurrent with consideration of this application, this Commission has granted the Joint Applicants authority under Section 214 of the Communications Act of 1934, as amended, to construct and operate TPC-5 (DA 92-1559, adopted November 12, 1992, File No. I-T-C-92-179). As detailed in the companion Section 214 authorization of TPC-5, we find that the proposed TPC-5 Cable Network is in the public interest, and we find that this application requesting a cable landing license should be granted.

Ordering Clauses

10. Accordingly, this Commission HEREBY GRANTS AND ISSUES under the provisions of "An Act Relating to the Landing and Operation of Submarine Cables in the United States," 47 U.S.C. §§34-39, and pursuant to authority delegated to this Commission under Executive Order No. 10530, dated May 10, 1954, 3 C.F.R. 1954-1958 Comp., p.189 (1961), *reprint in* 3 U.S.C.A. §301 at 1052 (1985), to the Joint Applicants (AT&T, IDB, HTC, IT&E, MCIL, Sprint and TRT/FTC) a license to land and operate one high capacity digital submarine cable, having a capacity of 4.8 Gbits per fiber pair, extending between Coos Bay, Oregon (U.S.), San Luis Obispo, California (U.S.), Keawaula, Hawaii (U.S.), Tumon Bay, Guam (U.S.), Miyazaki, Japan and Ninomiya, Japan. This license is subject to: (1) "An Act Relating to the Landing and Operation of Submarine Cables in the United States," 47 U.S.C. §§34-39; (2) the Communications Act of 1934, as amended, 47 U.S.C. §§151-609; (3) subsequent applicable acts; (4) any treaties or conventions relating to communications to which the United States of America is now or may hereafter become a party; (5) any actions by the Commission or the Congress of the United States of America rescinding, changing, modifying, or amending any rights accruing to any person, and (6) the following conditions:

(1) The location of the cable within the territorial waters of the United States of America, its territories and possessions, and upon the foreshore thereof, shall be in conformity with plans approved by the Sec-

retary of the Army, and the cable shall be moved or shifted by the Licensees at their expense upon the request of the Secretary of the Army whenever he or she considers such course necessary in the public interest, for reasons of national defense, or for the maintenance or improvement of harbors for navigational purposes;

(2) The Licensees shall at all times comply with all requirements of the United States' Government authorities regarding the location and concealment of the cable facilities, buildings, and apparatus with a view to protecting and safeguarding the cable from injury or destruction by enemies of the United States of America;

(3) The Licensees or any persons or companies directly or indirectly controlling them or controlled by them or under direct or indirect common control with any of them shall not acquire or enjoy any right, for the purpose of handling traffic to or from the United States, its territories or possessions, to land, connect or operate cables or landlines, to construct or operate radio stations, or to interchange traffic, which is denied to any other United States company by reason of any concession, contract, understanding, or working arrangement to which the Licensees or any persons or companies controlling them or controlled by them are parties;

(4) Neither this license, nor the rights granted herein shall be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of or disposed of indirectly by transfer of control of the Licensees to any persons, unless the Federal Communications Commission shall give prior consent in writing;

(5) This license is revocable after due notice and opportunity for hearing by the Federal Communications Commission in the event of breach or nonfulfillment of any requirements specified in Section 2 of "An Act Relating to the Landing and Operation of Submarine Cables of the United States," 47 U.S.C. §§34-39, or for failure to comply with the terms of the authorization;

(6) The Licensees shall notify the Commission in writing of the date on which the cable is placed in service; and this license shall expire 25 years from that date, unless renewed or extended upon proper applications duly filed no less than six months prior to the expiration date; and, upon expiration of the license, all rights granted under it shall be terminated; and

(7) The terms and conditions upon which this license is given shall be accepted by the Licensees by filing a letter with the Secretary, Federal Communications Commission, Washington, D.C. 20554, within 30 days of the release of this order.

⁷ See *American Telephone & Telegraph, et. al.*, 4 FCC Red 1044 at 8 (1989) (TPC-4 Decision). See also TPC-5 Section 214 authorization, para 22 and 23, DA 92-1559, adopted November 12, 1992.

⁸ Letter from Michael T.N. Fitch, Senior Deputy U.S. Coordinator and Director for the Bureau of International Communica-

tions and Information Policy, Department of State to George Li, Chief, International Facilities Division, Common Car Bureau, Federal Communications Commission (October 1992).

⁹ See Section 214 Application, File No. I-T-C-92-179, p. 2

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11. IT IS FURTHER ORDERED that STC's request to condition the TPC-5 cable landing license is hereby denied.

12. This order is issued under Section 0.291 of the Rules and is effective upon adoption. Petitions for consideration under Section 1.106 or applications for review under Section 1.115 of the Rules may be filed within 30 days of public notice of this order (see Section 1.14(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Cheryl A. Tritt
Chief, Common Carrier Bureau

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Department of Planning and Building San Luis Obispo County

Alex Hinds, Director
Bryce Tingle, Assistant Director
Barney McCoy, Chief Building Official
Normie Salisbury, Administrative Services Officer
Ellen Carroll, Environmental Coordinator

January 12, 1994

Bill A. Brungardt, P.E.
Brungardt Honomichl Consulting Engineers
8575 West 110th Street Suite 210
Overland Park, KS. 66210

Dear Mr. Brungardt:

I reviewed the project description you submitted on December 10, 1993 and the scope of work for mitigation monitoring with Mary Reents of the Morro Group today and have found both to be acceptable.

Please proceed at your earliest convenience with the project start up portion of the project so that we can better avoid the winter storms. I understand that there will be a pre-construction meeting the first week in February to review the development plan permit and environmental monitoring aspects of the project with the work crew and project managers. Mary and I will be reviewing the final construction schedule and the scope of work with the AT&T group at that meeting.

As we discussed earlier, the Department of Planning and Building remains concerned about the timing of this work relative to what will undoubtedly be intermittent winter storms, the impact on the vegetation along the cable route, as well as visual impacts. The mitigation monitor will be working with AT&T to ensure that every effort is made to minimize disruption of vegetation and top soil, although some revegetation will likely be necessary. Some work staging may be necessary if the soil becomes too saturated, and stop work is likely during periods of heavy precipitation.

We will be working with you to re-evaluate the route after completion. The condition of the improvements (especially the water bars along the Ridge Trail), and the extent of revegetation will be documented so that AT&T can begin the revegetation program and make repairs to drainage and erosion control improvements.

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As you know the Department of Planning and Building has interpreted your request to lay additional cable in the existing conduit to be a continuation of this project for which you currently have a valid development plan and coastal development permit, subject to those same conditions of approval.

Please call me at (805) 781-5621 if you have questions or concerns.

Sincerely,

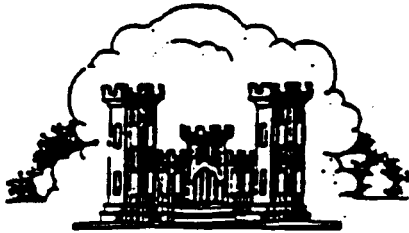

Terry Wenler, Senior Planner
Development Review Section

Rec 1-12-94

cc: Earl Dalrymple
Kevin Doyle
file

tw A:AT&TBB.ltr

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LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

NOTICE OF APPLICATION FOR LOP

Public Notice/Application No. 94-250-TW
Comment Period: January 13, 1994 through January 28, 1994

Applicant(s)

AT&T
340 Kimble Avenue, Room 210
Morristown, NJ 07960-1995
(201) 326-4820

Contact

Brungardt Honomichl & Company, P.A.
8575 West 110th Street, Suite 210
Overland Park, KS 66210
(913) 345-1516

Location

In the Pacific Ocean extending from Montana de Oro State Park, San Luis Obispo to Keawaula, Hawaii and Bandon, Oregon.

Activity

Installation of two new offshore fiber optic cables (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10, River and Harbor Act of 1899 (33 U.S.C. 403). Comments should be mailed to:

U.S. Army Corps of Engineers
Ventura Regulatory Field Office
ATTN: CESPL-CO-R-94-250-TW
2151 Alessandro Drive, Suite 100
Ventura, California 93001

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Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof, among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion, and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Coastal Zone Management- The applicant shall certify that the proposed activity complies with and shall be conducted in a manner that is consistent with the approved State Coastal Zone Management Program.

Cultural Resources- A cultural resources review conducted by Corps archaeological staff indicates no historic/archaeological site(s) located near the proposed activity.

Endangered Species- Although the southern sea otter (Enhydra lutris nereis) a federally-listed species may be present in the area, preliminary determinations indicate that the proposed activity would not affect this species. Therefore, formal consultation under Section 7(c) of the Endangered Species Act is not required.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

AT&T proposes to pull two armored fiber optic cables through existing offshore bore pipes (COE file no. 91-136-SG) into an existing manhole at the Sandspit Beach Parking Area at Montana de Oro State Park. This would then be followed by cable lays from San Luis Obispo to the destination

point in Hawaii and region.

Additional Project Information

The proposed project would be conducted in two phases as follows:

Phase I: On-shore Activities (non-jurisdictional):

At Montana de Oro State Park a 2' x 20' trench would be excavated to expose the end of each bore pipe and pulling in the cables with assistance from a winch and turning wheel.

All activities would be confined to the parking lot surface. Excavations would be backfilled and compacted and the parking lot surface restored following completion of the cable pulling operations. Operations would require approximately 2 to 3 weeks to complete.

Phase II: Offshore Activities (jurisdictional from the plane of Mean High Water to the seaward limit of the territorial seas):

Expose ends of bore pipes (currently 4 feet deep) with pressurized water jets and feed the two fiber optic cables off the stern of a ship for the pulling operation. After the cables have been pulled into the beach manhole and temporarily anchored, a plow sled would be deployed. The cables would be plowed to a 4 foot depth for approximately 40 miles, thereafter the cable would be directly laid on the seafloor for the remaining distance. Upon completion of the cable laying, the bore pipes would be reburied to their original depths by jetting the material on-site.

If during the plowing operations rock outcroppings are encountered, the cable would be laid directly on the rock surface. No rock sawing would be performed and the cable would not be mechanically anchored to the rock.

No new facilities would be constructed.

Proposed Special Conditions

No special conditions have been proposed by the applicant at this time.

Commenting agencies (California Department of Fish and Game, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, National Marine Fisheries, California Coastal Commission, and the U.S. Coast Guard) are requested to reply by January 28, 1994. The proposed project is being reviewed for a Letter of Permission (LOP). Agencies not responding by January 28, 1994 will be assumed to have no objection to issuance of an LOP for the proposed project.

For additional information please call Ms. Tiffany Welch of my staff at (805) 641-2935. This public notice is issued by the Chief, Regulatory Branch.

DEPARTMENT OF PARKS AND RECREATION

San Luis Obispo Coast District
3220 S. Higuera St., Suite 311
San Luis Obispo, CA 93401
(805) 549-3312

February 1, 1994

Bill A. Brungardt
Brungardt Honomichl & Co.
8575 West 110th St., Ste 210
Overland Park, KS 66210

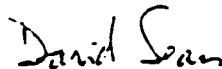
Dear Mr. Brungardt:

By this letter I am again extending the "Temporary Use Permit" issued for American Telephone and Telegraph (AT&T) for an additional year. The new expiration date becomes January 7, 1995.

All conditions and standards contained in this agreement remain in effect for the extended time period.

If you have any questions, please call me at (805) 549-3312.

Sincerely,



David L. Sears
District Superintendent

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DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 7711
LOS ANGELES, CALIFORNIA 90003-2215

REPLY TO
ATTENTION OF
Office of the Chief
Regulatory Branch

FEB 2 1994

AT&T
c/o Burngardt Honomichl & Company, P.A.
8575 West 110th Street, Suite 210
Overland Park, KS 66210

Gentlemen:

We have received the attached letters of comment in response to our Notice of Application for a Letter of Permission No. 94-250-TW. These letters are being provided only for your information and a response is not expected from you. Nevertheless, you may provide your views, in writing, for our files if you wish.

If you have any questions, please contact Ms. Tiffany Welch of my staff at (805) 641-2935.

Sincerely,

David J. Castanon
Chief, North Coast Section

Enclosures

Rec. 2-7-94

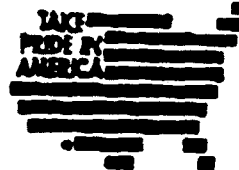
cc: Earl Dalrymple
Chris Brungardt
Bill Brungardt
Environmental Consultant
file

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United States Department of the Interior



FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES

Ventura Field Office

2140 Eastman Avenue, Suite 100

Ventura, California 93003

January 28, 1994

David Castanon, Section Chief
U.S. Army Corps of Engineers
Ventura Regulatory Field Office
2151 Alessandro Drive, Suite 100
Ventura, California 93001

Attention: Tiffany Welch

Subject: Notice of Application for a Letter of Permission
to Install Two Fiber Optic Cables Offshore of
Montana de Oro State Park, San Luis Obispo County,
California (94-250-TW)

Dear Mr. Castanon:

The U.S. Fish and Wildlife Service (Service) has reviewed the referenced notice dated January 13, 1994. The project applicant, AT&T, proposes to install two fiber optic cables from Montana de Oro State Park, San Luis Obispo County, California to Keawalua, Hawaii and Brandon, Oregon. These comments have been prepared under the authority of, and in accordance with, the provisions of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e; 45 Stat. 401), and other authorities mandating Department of the Interior concern for environmental values.

AT&T proposes to use existing bore pipes, which extend offshore into Estero Bay from the parking area at Sandspit Beach, to facilitate the installation of the cables. First, both ends of the bore pipes would be exposed. The cables would then be deployed from an offshore ship and pulled on-shore through the bore pipes. When the on-shore end is anchored, the ship will simultaneously lay and bury the cables for approximately 40 miles. Thereafter, the cables would be laid directly on the seafloor until the destination point is reached.

The southern sea otter (*Enhydra lutris nereis*), a federally listed species, has been observed in Estero Bay and the proposed project area by Service, National Biological Survey, and California Department of Fish and Game biologists. Based on information received from these sources, we believe that the proposed activity may cause intentional or incidental mortality of southern sea otters, temporary displacement

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David Castanon, Section Chief

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otters, and subsequent effects on adjacent southern sea otter populations.

Please note that the take of any southern sea otters, including through harassment, is prohibited, and may occur only under the authority of the Service through authorizations pursuant to sections 7, for Federal actions, or 10(a)(1)(B), for actions without a Federal nexus, as mandated in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544, 87 Stat. 884)(Act). Furthermore, section 7(b)(4)(C) of the Act specifies that incidental take of an endangered or threatened marine mammal must be authorized under section 101(a)(5) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361-1407)(MMPA). Therefore, until the requirements of section 7(b)(4)(c) of the Act and section 101(a)(5) of the MMPA are met, no incidental take can be authorized.

Our experience with actions such as that proposed by AT&T has been that the activities associated with project implementation are likely to cause southern sea otters to leave the area. In some cases, intentional harassment of southern sea otters has been necessary to ensure that they are not injured by human activities. Under a worst case scenario, a southern sea otter could be killed during the activity permitted by the Corps.

Therefore, the Service recommends that the Corps initiate formal consultation with the Service pursuant to section 7 of the Act, to ensure that southern sea otters are not taken illegally at any time during project implementation. To reduce the need for repeated consultations, we believe that it would be useful to consult on a variety of activities, such as the repair of breakwaters, docks, and other facilities, that are likely to have very minor adverse impacts on southern sea otters, and that can be mitigated through a standard set of terms and conditions. The biological opinion that would result from such a consultation could authorize the intentional and incidental harassment of southern sea otters that may occur within a given project area.

The Service believes the course of action that we have proposed with regard to consulting on routine activities within the range of the southern sea otter would reduce the workload placed upon our staffs. The issuance of an incidental take statement for the harassment of southern sea otters would also ensure that the Corps has fulfilled its obligations under section 7 of the Act and should lend assurances to project proponents that their activities would not be in violation of the Act.

We look forward to additional coordination with you and your staff on this proposed project and to discussing a programmatic approach to section 7 compliance.

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David Castanon, Section Chief

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If you have any questions regarding this letter, please contact Ms. Marie Lindsey of my staff at 805/644-1766.

Sincerely,



Craig Faanes
Field Supervisor

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| CALENDAR PAGE | 247 |
| MINUTE PAGE | 2922 |

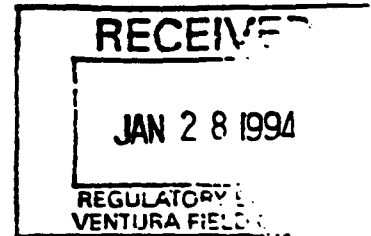


UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213
TEL (310) 980-4000; FAX (310) 980-4018

January 27, 1994

F/SW021:RSH

Colonel R.L. VanAntwerp
District Engineer
Los Angeles District
U.S. Army Corps of Engineers
P.O. Box 2711
Los Angeles, California 90053-2325



Dear Colonel VanAntwerp:

We do not have any objections to the issuance of a permit for the following Letter Of Permission (LOP).

94-250-TW-AT&T

Sincerely,

James J. Slawson
Chief, Habitat Conservation
Division

CC:
USFWS
EPA
CDFG
COE-Ventura

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2022



MEMORANDUM OF CALL

Previous editions usable

TO:

TW

YOU WERE CALLED BY- YOU WERE VISITED BY-

Clude Morris

OF (Organization)

USEPA

PLEASE PHONE FTS AUTOVON

WILL CALL AGAIN IS WAITING TO SEE YOU
 RETURNED YOUR CALL WISHES AN APPOINTMENT MESSAGE

No objection for 94-250-TW

RECEIVED BY TW DATE 1/21 TIME

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81) Prescribed by GSA FPMR (41 CFR) 101-11.6

MEMORANDUM OF CALL

Previous editions usable

TO:

TW

YOU WERE CALLED BY- YOU WERE VISITED BY-

Dick Nitsos

OF (Organization)

CDFG

PLEASE PHONE FTS AUTOVON

WILL CALL AGAIN IS WAITING TO SEE YOU
 RETURNED YOUR CALL WISHES AN APPOINTMENT MESSAGE

No objection on 94-250-TW

RECEIVED BY TW DATE 1/21 TIME

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81) Prescribed by GSA FPMR (41 CFR) 101-11.6

MEMORANDUM OF CALL

Previous editions usable

TO:

TW

YOU WERE CALLED BY- YOU WERE VISITED BY-

J. Martin

OF (Organization)

USCG (Oan-br)

PLEASE PHONE FTS AUTOVON

WILL CALL AGAIN IS WAITING TO SEE YOU
 RETURNED YOUR CALL WISHES AN APPOINTMENT MESSAGE

No objection provided we include local Notice to Mariners condition

CALENDAR PAGE 249
MINUTE PAGE 2924

RECEIVED BY TW

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81) Prescribed by GSA FPMR (41 CFR) 101-11.6



DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 3711
LOS ANGELES, CALIFORNIA 90033-3711

MAR - 2 1994

REPLY TO
ATTENTION OF

Office of the Chief
Regulatory Branch

AT&T
c/o Burngardt Honomichl & Company, P.A.
8575 West 110th Street, Suite 210
Overland Park, KS 66210

Gentlemen:

Reference is made to your application dated December 30, 1993 (File No. 94-250-TW) for a Department of the Army authorization to install two new offshore fiber optic cables in the Pacific Ocean extending from Montana de Oro State Park, San Luis Obispo to Keawaula, Hawaii and Bandon, Oregon.

While this activity, along with the attached special conditions, meets the general terms and conditions for authorization under a Letter of Permission at 33 CFR Part 325.2(e)(1), we note that you have not obtained consistency certification, or waiver thereof, pursuant to section 307 of the Coastal Zone Management Act (CZMA), from the California Coastal Commission (CCC). Therefore, your application is denied without prejudice.

Your project cannot be authorized until the requirements at 33 CFR 320.3(b), 320.4(h) and 325.2(b)(2)(ii) are satisfied. These requirements can be satisfied by obtaining CZMA consistency certification, or obtaining evidence that six months have passed since you applied to the CCC for CZMA consistency certification. Be aware that any conditions on your CZMA consistency certification will become conditions on your Letter of Permission, unless the Corps of Engineers determines that such conditions do not comply with the provisions of 33 CFR 325.4. In the latter case, the Corps of Engineers will consider the conditional certification administratively denied.

If you have any questions, please contact Ms. Tiffany Welch of my staff at (805) 641-2935

Sincerely,

John A. Gill
John A. Gill
Chief, Regulatory Branch

Enclosure

Rec 3-9-94

cc E A Dalrymple AT&T

| | |
|---------------|------|
| CALENDAR PAGE | 250 |
| MINUTE PAGE | 2925 |

SPECIAL CONDITIONS FOR 94-250-TW

1. The permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.

2. The permittee shall notify the Commander (oan) Eleventh Coast Guard District, 501 West Ocean Boulevard, Long Beach, California 90802, (310) 980-4300 ext. 501 at least two weeks prior to start of activity. The notification should include the following information:

- a. The location of the work site.
- b. The size and type of equipment that will be performing the work.
- c. Name and radio call signs for working vessels, if applicable.
- d. Telephone number for on-site contact with project engineers.
- e. The schedule for completing the project.

3. To prevent any affect on the southern sea otter (Enhydra lutris nereis), a biologist familiar with sea otter behavior shall be on-site at all times during construction to watch for otters. Should otters be sighted in close proximity to the project area, the applicant shall cease operations until the otter(s) leave the vicinity of the project area.

4. To document compliance with condition #3, the applicant shall submit a report no later than 30 days after cable installations are completed. The report shall include a description of otters observed, observation times and locations as well as behavior, and all actions taken to avoid affecting the otter. Copies of the report shall be sent to the Corps of Engineers and to Mr. Craig Faanes, Field Supervisor, USFWS Ventura Field Office, 2140 Eastman Avenue, Suite 100, Ventura, CA 93003.

5. If rock outcroppings are encountered, the cable shall be laid directly on the rock surface. No rock sawing shall be performed and cable installation shall not be mechanically anchored to the rock.

6. No new facilities shall be constructed.

| | |
|---------------|------|
| CALENDAR PAGE | 251 |
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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD —
CENTRAL COAST REGION

81 HIGUERA STREET, SUITE 200
SAN LUIS OBISPO, CA 93401-5477
(805) 549-3147



April 4, 1994

Kevin Doyle
Brungardt Honomichi & Co., P.A.
8575 West 110th Street, Suite 210
Overland Park, KS 66210

Dear Mr. Doyle:

**SECTION 401 WATER QUALITY CERTIFICATION APPLICATION, TPC-5 CABLE LANDING PROJECT,
SAN LUIS OBISPO COUNTY**

Staff has reviewed your application for the subject project and has the following comments.

Your application describes project activity as the installation of two fiber optic cables from an existing manhole at Montana De Oro State Park. The cables will be buried in 4 feet of ocean bottom sediment out to 40 miles by use of a large plow sled towed by a boat. Forty miles out, the cables will be laid directly on bottom with final termination being in Oregon and Hawaii.

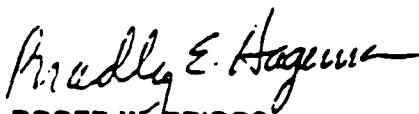
Through conversations with the Army Corps of Engineers, Ventura Field Branch, it is our understanding that this project is subject to a letter of permission under 40 CFR 325 and accordingly, does not require a water quality certification.

The Board does have the authority to require a report of Waste Discharge for the project. However, staff does not feel requirements are needed for the project, as currently proposed. Staff's recommendation of waiver will be presented to the Regional Board at the Board meeting scheduled for May.

In addition, you must notify the Regional Board, pursuant to Section 13260 of the Water Code, if substantial project changes result in un-mitigated adverse impacts to water quality.

If you questions, please contact Adam White (805) 549-3694 between the hours of 8-10 a.m. and 1-5 p.m. Monday through Friday.

Sincerely,

FOR 
ROGER W. BRIGGS
Assistant Executive Officer

AW/V:tpc5.cr

cc: Stan Martinson
State Water Resurces Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Dept. of The Army
U.S. Corps of Engineers
Regulatory Branch
2151 Alessandro Drive
Ventura, CA 93003

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2927

CC: EARL DALRYMPLE
BILL BRUNGERDT
FILE 3.2

Memorandum

April 18, 1994

File: PRC 7603

TO: Judy Brown

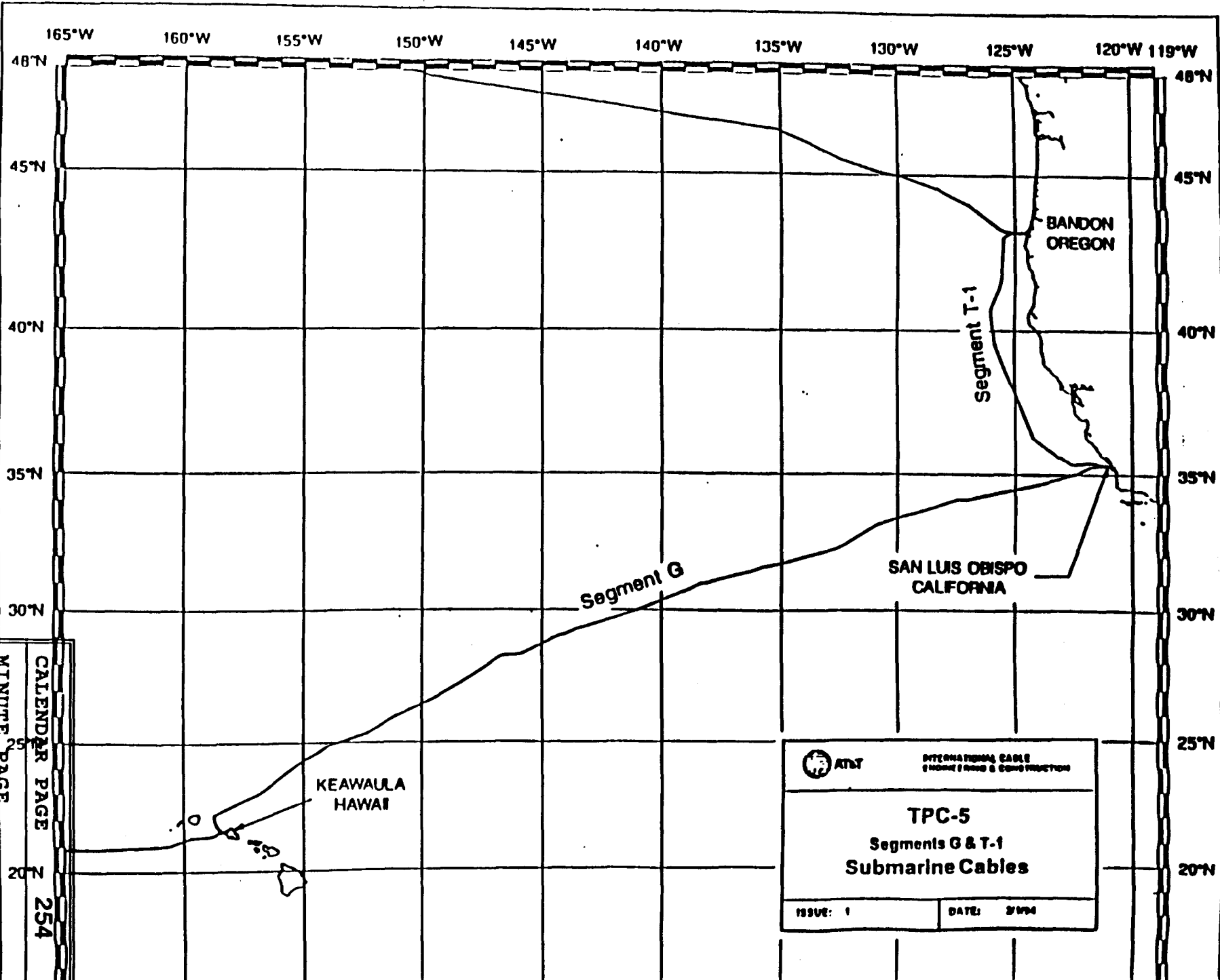
FROM: Kirk Walker 


SUBJECT: Review of AT&T Fiber Optic Cable Alignment of TPC-5 for Potential Shipwreck Locations

I have reviewed AT&T's proposed cable route for this project, and find that the proposed cable route will parallel a previously placed fiber optic cable to well beyond the State's three-mile limit. The route as identified on the drawing dated February 1, 1994, entitled AT&T International Cable Engineering & Construction, TPC-5 Segments G & T-1, Submarine Cables, has been checked against the State Lands Commission's Shipwreck Database, and that the proposed cable route would not impact any known shipwrecks.

CALENDAR PAGE 253

MINUTE PAGE 2028



| | |
|---|--------------|
|  INTERNATIONAL CABLE SYSTEMS & CONSTRUCTION | |
| TPC-5 Segments G & T-1 Submarine Cables | |
| ISSUE: 1 | DATE: 2/1966 |

MINUTE PAGE
 CALENDAR PAGE
 N 254
 2929

APPENDIX C
SUPPORTING TECHNICAL INFORMATION

| | |
|----------------------|-------------|
| CALENDAR PAGE | 255 |
| MINUTE PAGE | 2930 |

Commercial and Partyboat Fisheries of the Morro Bay Region
(from MBC 1989)
(page 1 of 3)

| <i>Species</i> | <i>Description</i> |
|-----------------------------|---|
| <i>Invertebrates</i> | |
| Rock Crab | The Dungeness fishery decreases south of the Monterey Bay region and is replaced by a trap fishery for three species of <i>Cancer</i> collectively referred to as rock crabs. Although <i>Cancer anthonyi</i> is common in sedimentary areas, most trapping for <i>C. productus</i> and <i>C. antennarius</i> occurs in rocky areas in water depths from 10 to 50 fathoms (fm). Areas of particularly heavy fishing are between Cape San Martin and Point Estero; from Morro Rock to Point Buchon; from Pismo Beach to Point Arguello; and from Point Arguello to Point Conception. |
| Lobster | Commercial lobster trapping in this region is limited to the nearshore areas (to 20 fm) between Points Conception and Arguello. Extensive lobster fishing occurs south of Point Conception; however, water temperature and severe weather conditions limit this fishery north of Point Conception. |
| Ocean Shrimp | Area C, which extends from Pigeon Point south, constitutes the southernmost ocean shrimp bed in California. Although one of the largest, Area C is generally the least productive of all of the California ocean shrimp beds. Bed C extends from Lion Rock on the Point Buchon peninsula to Purisima Point, in water depths of 70 to 130 fm. This bed like all others has a green mud bottom, a habitat preferred by this species throughout its geographic range. |
| Abalone and Urchins | Commercial fisheries for these species are limited to rocky areas in the vicinity of kelp beds of the region. Historically, abalone have been taken between Point Buchon and Port San Luis (to 20 fm); sea otters in this area may have limited most recent catches. Between Points Arguello and Conception and when weather permits, there are good areas to depths of 20 fm. The urchin fishery has recently expanded into several more northern regions. Urchin harvesting is limited to rocky areas to depths of 20 fm; centers of production in this region include Point Buchon and between Points Arguello and Conception. |
| <i>Fishes</i> | |
| Dover Sole | Found within the rockfish grounds in the summer, Dover sole are caught by trawl primarily between Lopez Point and Alder Creek and from Point Sierra Nevada to Cambria in 100 to 300 fm. Dover sole are also fished extensively from 200 to 500 fm on the Santa Lucia Bank. |

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2034

Commercial and Partyboat Fisheries of the Morro Bay Region
(from MBC 1989)
(page 2 of 3)

| <i>Species</i> | <i>Description</i> |
|-----------------------|---|
| <i>Fishes (cont.)</i> | |
| Rex Sole | Occurring along the inner depth range of Dover sole in the southern portion of the region, this species is commonly trawl-caught 200 to 300 fm on the Santa Lucia Bank and between Point Sal and Point Arguello. |
| Petrals Sole | This species is trawled inshore of the rex and Dover sole ground and is limited to depths of approximately 70 to 200 fm, between Points Purisima and Arguello and off Point Sal. |
| Halibut | North of Point Arguello, trawling is only allowed outside the 3-mile limit. Within the region, halibut are commercially harvested in water depths from 2 to approximately 45 fm; trawling occurs generally from Point Arguello to Port San Luis from the 3-mile limit to 45 fm. Within the 3-mile limit, set netting and trammel netting are popular. Historically important areas within the region include those between Ragged Point and Point San Luis (2 to 20 fm); from Pismo Beach to Oso Flaco Lake; and between Points Sal and Purisima (3 to 20 fm). Sandy bottoms between Points Purisima and Conception have been important for set gear. |
| Rockfish | <p>Trawling, hook-and-line, trolling, and deep water set nets are utilized to capture this group throughout the region, in water depths from 50 to 300 fm. Rocky or steep-bottom areas are not usually trawled but are fished by hook and line and set net fishermen. Rockfish trawling during winter is concentrated south of Morro Bay, particularly between the Santa Maria River and Point Purisima from the 3-mi limit to 200 fm. South to Point Arguello, rockfish are also caught with English and petrale sole. Summer trawl grounds range from Cambria to Point Sierra Nevada, and from Alder Creek to Lopez Point. Hook-and-lining extends from Lopez Point to Ragged Point in water depths to 150 fm and in untrawlable areas south of the Santa Lucia Bank and on the Bank itself in water depths up to 250 fm. An historically important rockfish trawl and hook-and-line area extends through the "Finger Canyons" between Point Arguello and Point Conception in 50 to 120 fm of water. Set nets have also been utilized around Point Sal.</p> <p>Sport rockfishing extends from Piedras Blancas to Point Sal, especially around San Simeon; between San Simeon and Point Estero; at a rocky reef off Morro Bay (50 fm); and from Point Buchon to Point San Luis. Most partyboat activity for rockfish is in less than 30 fm</p> |

| | |
|---------------|------|
| CALENDAR PAGE | 257 |
| MINUTE PAGE | 2932 |

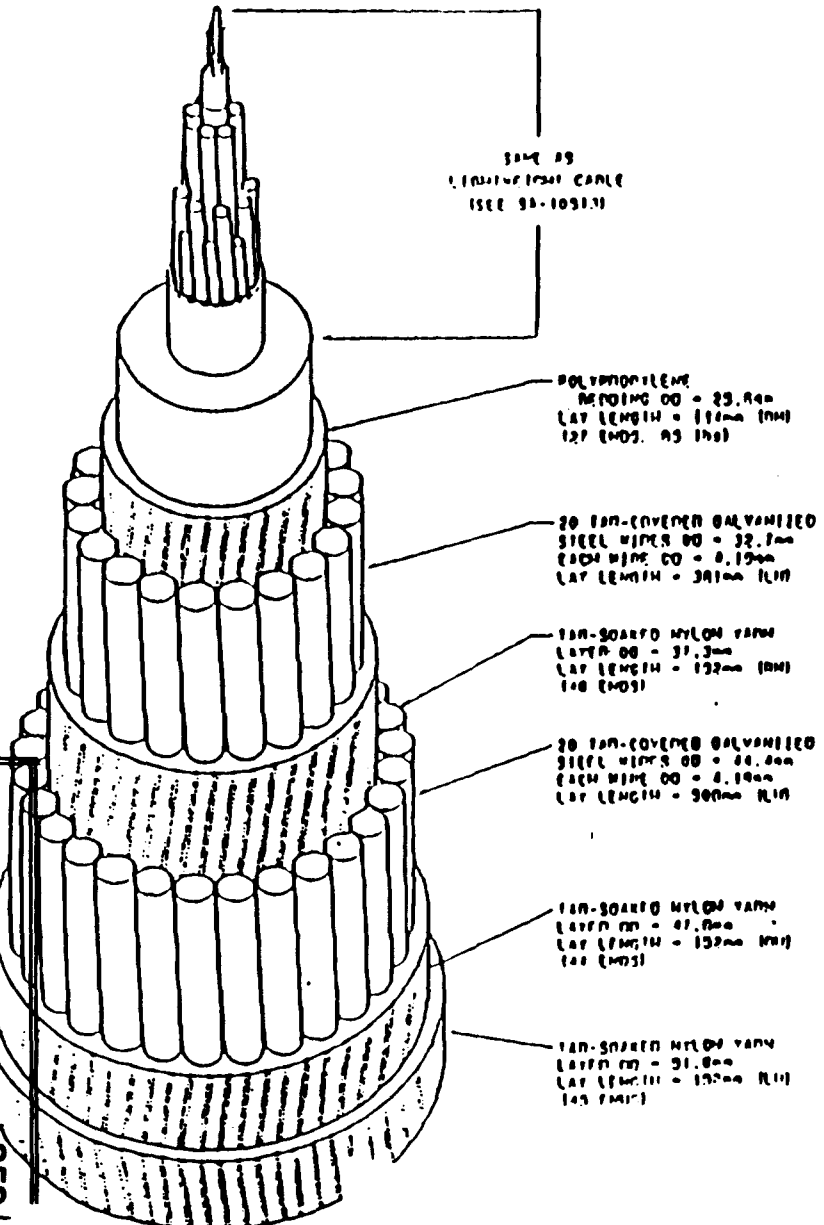
Commercial and Partyboat Fisheries of the Morro Bay Region
(from MBC 1989)
(page 3 of 3)

| <i>Species</i> | <i>Description</i> |
|---------------------------------|---|
| <i>Fishes (cont.)</i> | |
| Swordfish and Thresher Shark | Although more productive areas are south of Point Conception, there are several productive areas for drift-netting in this region. Thresher shark are commonly taken around upwelling areas offshore Point Buchon and off Point Sal, while swordfish are occasionally targeted (particularly in warm water years) between Point Sur and Piedras Blancas, and between Morro Bay and Point Sal. Swordfish are also taken on the southwest edge of the Santa Lucia Bank, west of the Santa Lucia Escarpment. |

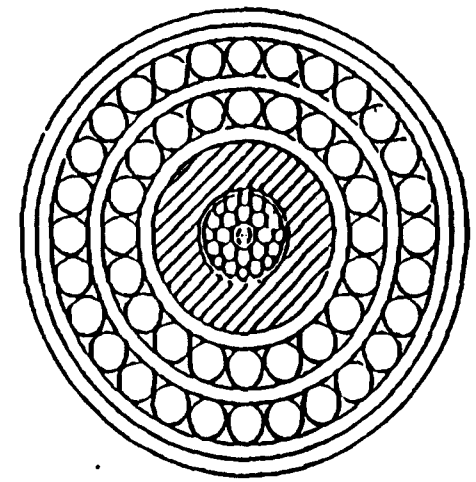
CALENDAR PAGE 258

MINUTE PAGE

~~2933~~



CROSS SECTION



CABLE PROPERTIES

| | | |
|----------------------|------------|-------------|
| OUTER DIAMETER | 51.8 mm | 2.010 in |
| STORAGE FACTOR | 96.1 cl/km | 177.9 cl/MM |
| MAXIMUM WORKING LOAD | 33,112 kg | 73,000 lbs |
| BREAKING STRENGTH | 44,225 kg | 97,500 lbs |

| | kg/km | lbs/km | lbs/ft | lbs/MM |
|---------------------|-------|--------|--------|--------|
| WEIGHT IN AIR | 0.016 | 15.026 | 4.500 | 27.028 |
| WEIGHT IN SEA WATER | 5.233 | 11.501 | 3.530 | 21.440 |

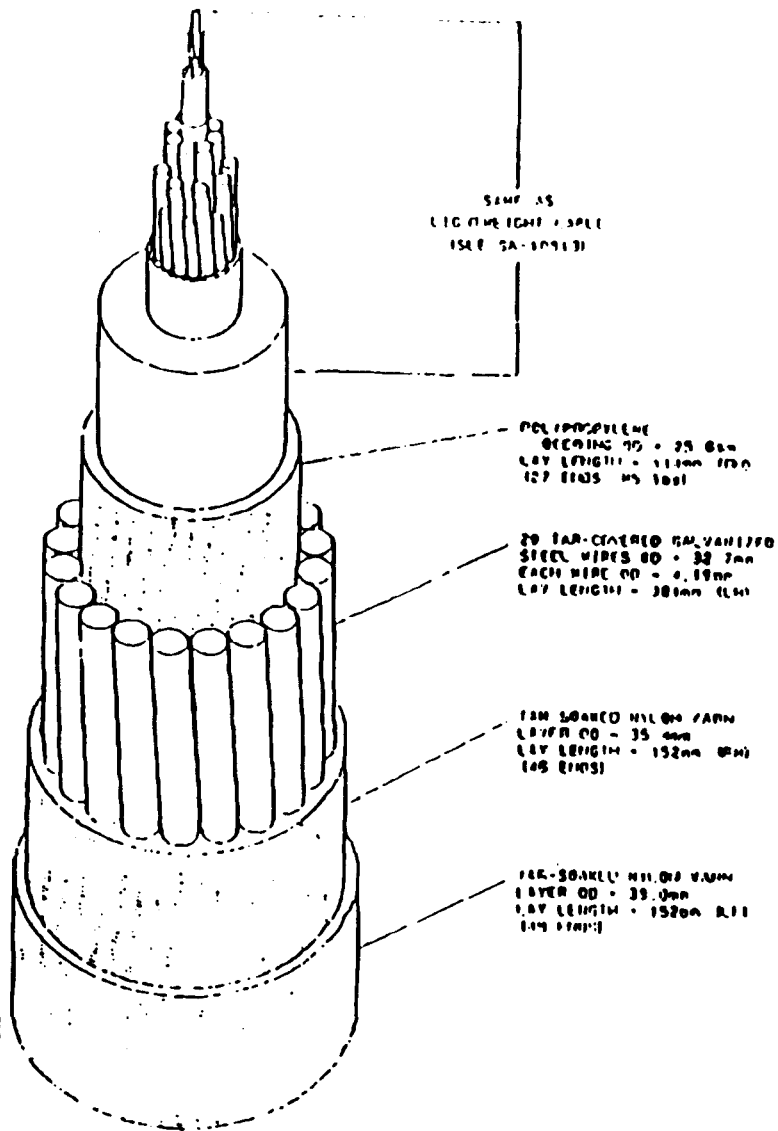
NOTES:
- AT 1.5x MINIMUM BENDING RADIUS.

CROSS SECTION OF CABLE FOR SL SUBMACHINE SYSTEMS
DA
(DOUBLE ARMORED)
WITH SPECS: MS-23150 (L7)

| | | | |
|-------|-------|--------------|----------|
| FORM: | DATE: | DESIGNED BY: | DATE: |
| 02 | JCM | GCS | 01/19/90 |

10517

MINUTE PAGE 2934
CALENDAR PAGE 259



SAMP AS
LIGHTWEIGHT SPLICE
(SEE SA-10913)

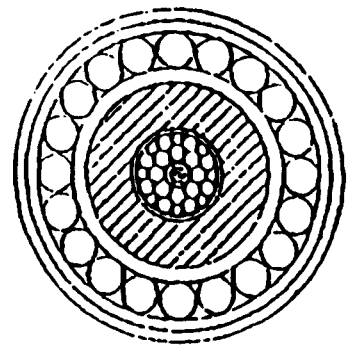
POLYPROPYLENE
DIAMETER OD = 25.6mm
LAY LENGTH = 112mm (4 1/2")
127 RINGS (5 1/2")

20 FAR-CENTERED GALVANIZED
STEEL WIRES OD = 32.7mm
EACH WIRE OD = 4.18mm
LAY LENGTH = 381mm (15")

FAR-SOAKED NYLON YARN
LAYER OD = 35.0mm
LAY LENGTH = 152mm (6")
145 RINGS

FAR-SOAKED NYLON YARN
LAYER OD = 39.0mm
LAY LENGTH = 152mm (6")
144 RINGS

CROSS SECTION



CABLE PROPERTIES

| | | |
|----------------------|------------|--------------|
| OUTER DIAMETER | 39.0 mm | 1.500 in |
| STORAGE FACTOR | 53.5 cf/ks | 99.1 cf/1000 |
| MAXIMUM WORKING LOAD | 14,969 kg | 33,000 lbs |
| BREAKING STRENGTH | 18,416 kg | 40,600 lbs |

| | kg/ks | lbs/ks | lbs/ft | lbs/100' |
|---------------------|-------|--------|--------|----------|
| WEIGHT IN AIR | 3.375 | 7.490 | 2.280 | 11.052 |
| WEIGHT IN SEA WATER | 2.470 | 5.446 | 1.660 | 10.095 |

NOTES:

* AT 1 GPM MINIMUM
DENDING MARINE

CROSS SECTION OF CABLE
FOR SL SUBMARINE SYSTEMS
LWA
(LIGHT WIRE ARMORED)
WITH SPECS (MS-2319 L3)

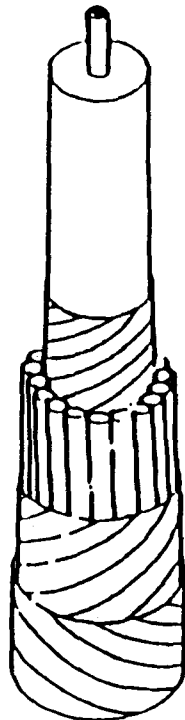
| | | | |
|------|-----------|------------|----------|
| DATE | DESIGN BY | CHECKED BY | DATE |
| 02 | JCM | GCS | 01/19/90 |

NAVY OPERATIONAL CABLE
ENGINEERING & CONSTRUCTION

SA - 10515

SA -
MINUTE PAGE
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SL SINGLE ARMORED
L5 (KS-23158)



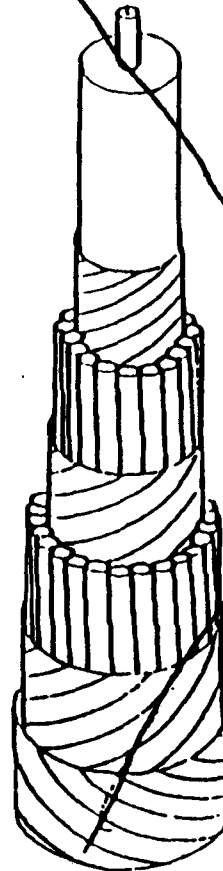
KS-23157 BASIC DEEP WATER CABLE

JUTE BEDDING PER KS-23327 L1
(ONE SERVING WITH 114-mm [4.5-INCH]
RIGHT-HAND LAY)

17 TAR-COVERED STEEL ARMOR WIRES
PER KS-16226 L1 1330-mm [13-INCH]
LEFT-HAND LAY FLOOD WITH KS-16224 L1

NYLON YARN COVERING PER KS-23326 L2
(ONE SERVING WITH 140-mm [5.5-INCH]
RIGHT-HAND LAY, FLOOD WITH KS-16224 L1
AND ONE SERVING WITH 140-mm [5.5 INCH]
LEFT-HAND LAY, FLOOD WITH KS-16224 L1)

SL DOUBLE ARMORED
L7 (KS-23158)



KS-23157 BASIC DEEP WATER CABLE

JUTE BEDDING PER KS-23327 L1
(ONE SERVING WITH 114-mm [4.5-INCH]
RIGHT-HAND LAY)

20 TAR-COVERED STEEL ARMOR WIRES
PER KS-16226 L1 1301-mm [13-INCH]
LEFT-HAND LAY FLOOD WITH KS-16224 L1

SECOND JUTE BEDDING PER KS-23327 L1
(ONE SERVING WITH 114-mm [4.5-INCH]
RIGHT-HAND LAY)

20 TAR-COVERED STEEL ARMOR WIRES
PER KS-16226 L1 1301-mm [13-INCH]
LEFT-HAND LAY FLOOD WITH KS-16224 L1

NYLON YARN COVERING PER KS-23326 L2
(ONE SERVING WITH 152-mm [6.0-INCH]
RIGHT-HAND LAY, FLOOD WITH KS-16224 L1
AND ONE SERVING WITH 152-mm [6.0-
INCH] LEFT-HAND
LAY, FLOOD WITH
KS-16224 L1)

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| SL TYPE | OUTSIDE DIAMETER | | POUNDS PER 1,000 | | HYDRODYNAMIC CONSTANT (IN) DEGREE ANGLES | SHEATH THICKNESS | | STORAGE FACTOR | | MINIMUM BEND RADIUS (FEET) AT 50 TENSION | DRAINAGE | | DRAINAGE SYSTEM |
|---------|------------------|----|------------------|-------------------|--|------------------|--------|----------------|------------|--|----------|--------|-----------------|
| | INCHES | MM | FEET IN AIR | FEET IN SEA WATER | | TOP | BOTTOM | WIRE OD INCHES | WIRE OD MM | | | | |
| L5 | 1.66 | 42 | 1620 | 1850 | 75.0 | 1.37 | 65.5 | 121.0 | 1.5 | 201 | 17 | 10,710 | |
| L7 | 2.31 | 59 | 2580 | 3110 | 101.1 | 1.37 | 80.1 | 177.0 | 1.5 | 265 | 17 | 17,500 | |

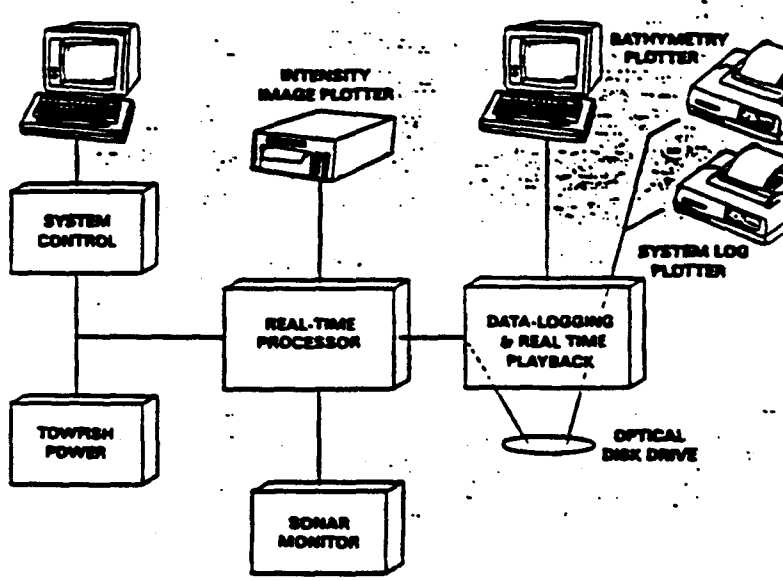
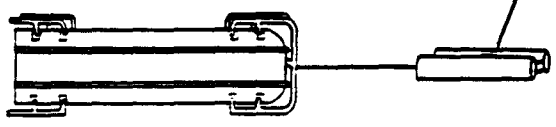
CROSS SECTION OF CABLE TYPES
USED FOR SL SYSTEMS

SA 0 DA

DRAWINGS NOT TO SCALE

| | | | |
|-------------------------|-----------|-------------|---------|
| WIRE SPEC: | DRAWN BY: | CHECKED BY: | DATE: |
| | WJ | GJS | 1 11 60 |
| NOT RECOMMENDED FOR USE | | | SA 25 |

Sys120 Specifications*



Side-scan

Operating frequency: 120 kHz
 Beam width (along track): 2.0°
 Output power: +220 dB re 1 µPa at 1 meter
 Ping rate: 1 to 10 per second
 Tow depth: 1 to 3,000 meters
 Tow altitude: 5% to 50% of swath width
 (2.5 to 400 meters)
 Water depth: 3 to 1,400 meters
 (Coaxial tow cable)
 3 to 3,400 meters
 (Fiber optic tow cable)
 Data logging format: Optical disk

Intensity imaging system

Data source: Side-scan acoustics
 Image format: Slant-range and speed-corrected
 Swath width: 50, 100, 200, 500, or 1,000 m
 Pixel size: 2.5 to 50 cm (2,048 pixels total)
 Min. identifiable object: 0.5 to 50 meters
 Min. detectable object: 2 cm

Bathymetric system

Data source: Side-scan acoustics
 Display format: Color-encoded and speed-corrected (Depths plots from approx. 250 discrete depth measurements per ping)
 Swath width: 3.4 x altitude
 Accuracy: >2% of altitude
 Resolution: >0.5% of altitude

Magnetometer system

Sensor: Three perpendicular components in separate, passively oriented tow body
 Sensitivity: 1 ntesia (gamma) per component
 Sample rate: 1 per ping
 Range: 0 to ±60,000 ntesia per component

Subbottom system

Display format: Surface-referenced (Adjustable amount of water column removable)
 Operating frequency: 6.5 kHz
 Power output: +195 dB re 1 µPa at 1 meter
 Ping length: 300 µs
 Depth resolution: 40 µs (One sample interval)
 Max. penetration: 41 msec (1,024 samples at 40 µsec per sample)

Support requirements

Min. ship size: 30 meters l.o.a.
 Mobile operations center:
 Power: 208 or 440 Vac; 3 phase; 60 Hz; 5 kVA
 Deck area: 20 ft. long ISO container
 Exterior deck area: 10 sq. meters
 Deck power: 208 or 440 Vac; 3 phase; 60 Hz; 20 kVA
 Min. survey crew: 3 people
 Shipping: Standard 20 ft. sea containers

Data acquisition options

Swath widths and ping rates are ship-controlled and operator-selectable to provide optimum resolution for various water depths and survey objectives. Intensity Image Width is constant for any width setting.

| Intensity Image Width | Altitude Range | Ping Rep. Rate | Pixel Size |
|-----------------------|----------------|----------------|------------|
| 50 m | 2.5-25 m | 10/sec | 2.5 cm |
| 100 m | 5.0-50 m | 10/sec | 5 cm |
| 200 m | 10-100 m | 5/sec | 10 cm |
| 500 m | 25-250 m | 2/sec | 25 cm |
| 1,000 m | 50-400 m | 1/sec | 50 cm |

*Due to our ongoing commitment to advancing technology, specifications are subject to change.

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Sys120 Towfish
Weight: 200 kg
Length: 3 meters
(Magnetometer in foreground)

Seafloor Surveys International, Inc.

Sys120 Side-Scan Sonar System

The advanced imaging/
 mapping system
 with superior seafloor
 coverage

The Sys120 from Seafloor
 Surveys International, Inc. is a
 high-resolution side-scan sonar
 system for fresh and salt water
 field studies. Using acoustic
 energy reflected from depths of
 3 to 1,400 meters (3 to 3,400
 meters with fiber optic tow

cable), the system delivers simul-
 taneous real-time images and
 industry standard bathymetric
 maps. Bathymetry data from the
 Sys120 is regionally more accu-
 rate than narrow-beam echo
 sounder data because observa-
 tional coverage of the seafloor is
 more complete. Depths through-
 out the swath are measured, so
 no data interpolation is needed.

The Sys120 towfish is equipped
 with a 6.5 kHz subbottom pro-
 filer, providing superior resolution
 profiles of sediment structure in
 the uppermost meters of the

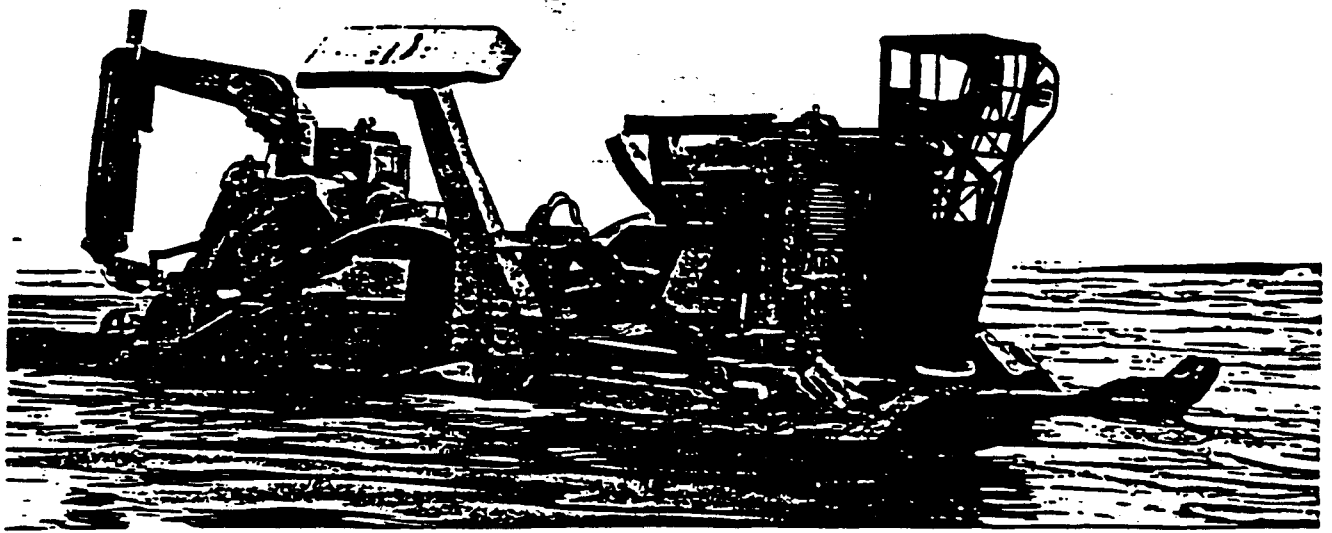
seafloor. Mounted in the tow-
 with the side-scan array, the
 transducer precisely correlates
 subbottom data with bathymetry
 and side-scan images. The sub-
 bottom profiler transmits at the
 same time as the side-scan and
 both sets of signals are digitized,
 telemetered, and logged on
 an optical disk for safe reliable
 storage. An additional towfish-
 mounted magnetometer pro-
 vides data for confident identifi-
 cation of seafloor anomalies.

Pier 66, 2201 Alaskan Way
 Seattle, Washington 98121 USA
 (206) 441-9305
 Telex: 49601196 SSI UD
 FAX: (206) 441-9308

1221 Kapiolani Blvd., PH-40
 Honolulu, Hawaii 96814
 (808) 537-9561
 Telex: 984709 SSI UD
 FAX: (808) 523-5958

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Specifications

SEA PLOW VI

| | | | |
|--------------------------|---|-------------------|---|
| Trench Depth | : 0—1.2m | Cable Cutter | : Up to 100mm wire rope |
| Cable Size | : Up to 100mm OD | Hydraulic System | : 15kW electro-hydraulic power pack serving 35 functions |
| Repeater Size | : Up to 400mm OD | Instrumentation | : 22 transducers 10 contact closures, 5 moisture detectors 3 echo sounders and a compass |
| Cable Burial Depth | : Up to 1.1m cover | Surveillance | : Obstacle avoidance sonar, hydrophone, 3 B&W SIT cameras and 4 lights |
| Repeater Burial Depth | : Up to 0.7m cover | Emergency Systems | : Sonar triggered cable eject Two emergency lift ropes |
| Water Depth | : 0—1000m | Soil Types | : 5kPa mud to soft rock |
| Operating Modes | : Diverless simultaneous lay and burial, post lay burial | Crane/Grab | : 4 function 5tm crane with 3 function cable grab |
| Tow Method | : Surface tow with optimum 10 degrees inclination of tow rope at plow | | |
| Tow Force | : Normal operating 30—50t maximum 75t | | |
| Operating Speed | : Up to 2 knots | | |
| Weight | : 25t | | |
| Dimensions | : 10.5m long, 6.0m wide, 4.5m high | | |
| Steering Angle | : +/- 12 degrees | | |

TRANSPACIFIC COMMUNICATIONS INCORPORATED

412 Mt. Kemble Avenue, Room N410
Morristown, New Jersey 07960
Phone (201) 644-6244
Telex 201102 · Fax (201) 644-7530

CALENDAR PAGE

264

MINUTE PAGE

2939

APPENDIX D
PREVIOUSLY ISSUED PERMITS AND CONDITIONS

| | |
|----------------------|------------|
| CALENDAR PAGE | 265 |
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| MINUTE PAGE | 2940 |
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STATE OF CALIFORNIA - RESOURCES AGENCY
DEPARTMENT OF PARKS AND RECREATION

TEMPORARY USE PERMIT

AMERICAN TELEPHONE AND TELEGRAPH COMPANY

Montaña de Oro State Park

This permit is entered into this 8th day of January, 1992,
by and between the STATE OF CALIFORNIA, acting by and through the
Department of Parks and Recreation, hereinafter called STATE, and
AT&T Communications Inc., acting on behalf of AMERICAN TELEPHONE AND
TELEGRAPH COMPANY, Interstate Division, and AT&T Communications of
California Inc., hereinafter called PERMITEE.

PERMITEE is hereby granted permission to use, subject to the
terms and conditions set forth below, for a renewable term of one
year commencing on January 8, 1992 and ending January 7, 1993,
that portion of Montaña de Oro State Park described more fully in
Exhibit "1" and hereinafter referred to as Premises. All exhibits by
this reference are made a part hereof.

This permit is issued for the purpose of allowing PERMITEE
temporary use of noted Premises to allow for the implementation of
the fiber optic cable installation project as reviewed and approved
on November 14, 1991, by the San Luis Obispo County Planning
Commission, through Development Plan/Coastal Permit D900132D. Noted
project includes the replacement of an existing AT&T cable with a
fiber optic cable necessitating the partial realignment of an

1 existing easement, habitat mitigation, restoration efforts, construc-
2 tion of public access improvements, and other related improvements
3 and measures as specified in County Permit D900132D and this
4 Temporary Use Permit issued by STATE.

5
6 This permit is issued upon the following conditions:

- 7
- 8 1. That the Premises be used only for the purposes specified
9 above. All activities permitted under this temporary use
10 permit shall be guided by the principle that the primary use
11 of noted Premises is for the permanent preservation and
12 protection of the recreational and resource values
13 associated with the subject park lands.

 - 14 2. The San Luis Obispo County Development Plan/Coastal
15 Development Permit No. D900132D, approved on November 14,
16 1991, is herein incorporated by reference into this
17 Temporary Use Permit. The conditions contained in STATE'S
18 Temporary Use Permit are in addition to and do not take the
19 place of, those conditions or special requirements contained
20 in the San Luis Obispo County Development Plan No. D900132D.

 - 21 3. STATE and PERMITTEE agree to initiate action leading to the
22 granting of a permanent re-aligned easement through Montaña
23 de Oro State Park understanding that PERMITTEE shall quit
24 claim to STATE all portions of the existing AT&T easement
25 within Montaña de Oro State Park except for those portions
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described in Exhibit "A", commonly known and referenced to as the "white elephant" portion, and the coastal bluff cable blow out portion of the existing easement.

4. Prior to the commencement of phase II construction activity as defined in the County Permit, PERMITTEE shall provide STATE with copies of all final plans required by County Permit D900132D including, but not limited to, the construction schedule, monitoring plans, revegetation plans, revised site plans, final road and parking lot design plans and all other plans that address those aspects of the fiber optic cable installation project which are located within Montaña de Oro State Park. All final plans addressing those aspects of this project that are located within Montaña de Oro State Park are subject to the review and approval by the District Superintendent for the San Luis Obispo District of the California State Parks System.

5. PERMITTEE, in the exercise of the privileges herein granted, shall at all times, comply with all applicable laws, rules and regulations including, but not limited to, rules and regulations for the State Park System now in effect or hereinafter adopted.

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6. STATE expressly reserves the right to the use of said Premises in any manner, provided such use does not unreasonably interfere with the use of the permit area herein granted.

7. This permission is subject to all valid and existing contracts, leases, licenses, encumbrances, and claims of title which may affect said property; and the use of the word "grant" herein shall not be construed as a covenant against the existence of any thereof.

8. PERMITTEE hereby waives all claims and recourse against STATE, for loss or damage to persons or property arising from, growing out of, or in any way connected with or incident to this permit except claims arising from the sole negligence of STATE, its officers, agents, and employees. PERMITTEE shall indemnify, save harmless, and defend STATE, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, or liability costs arising out of PERMITTEE's construction activities under this permit except for liability arising out of the sole negligence of STATE, its officers, agents, or employees.

9. All construction related activities to be undertaken by PERMITTEE are confined to those areas of the premises specifically approved by STATE. As required by County

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Permit D900132D, prior to the initiation of construction activity, identified construction areas will be delineated on-ground by staking. Site specific delineation of all construction areas shall be reviewed and approved by the District Superintendent or his designated representative prior to the commencement of construction. STATE may declare and collect damages from PERMITTEE for any disturbance of any area outside of approved construction areas and may impose a penalty fee, not to exceed twenty-five (\$25.00) dollars per square yard, for any serious disturbance of any area outside of approved construction areas as determined by the District Superintendent.

10. Subject to the approval of the District Superintendent, this permit, allows for the ingress and egress of construction equipment and personnel over existing unimproved State Park roads known as the Army Road and "A" Road which lead to the proposed staging area/parking lot as identified in Exhibit "B". Nothing in this permit authorizes or encourages trespass across private property.

11. PERMITTEE shall be solely responsible for repairing any and all damage to all park roads, areas and facilities utilized by PERMITTEE that are damaged by PERMITTEE during the course of construction related activity. All such repairs shall be carried out in a manner satisfactory to STATE.

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12. In the event that PERMITTEE shall at any time be in default in respect to any of the conditions set forth herein, STATE may immediately order PERMITTEE to stop all construction activities affected by the default until such default is cured. STATE may at its option declare this Permit and all rights of PERMITTEE hereunder forfeited and terminated, provided however, before any forfeiture shall be declared hereunder by reason of default as aforesaid, STATE shall cause to be given to PERMITTEE a written notice specifying the particulars wherein PERMITTEE is in default and demanding performance in accordance with the terms of this permit. If within fifteen (15) days after such notice is received, PERMITTEE shall fully comply therewith or in good faith shall have commenced the work necessary to comply therewith and thereafter diligently prosecutes such work to timely completion to the satisfaction of the State Park District Superintendent, no forfeiture by reason of breach shall be declared hereunder. However in the event of failure by PERMITTEE to comply with such notice or to diligently or timely prosecute the work necessary to comply with the notice to the satisfaction of the State Park District Superintendent, STATE may then declare and effect a forfeiture by reason of the default therein specified.

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| CALENDAR PAGE | 271 |
| MINUTE PAGE | 2946 |

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13. Upon termination of this permit, PERMITTEE shall remove all construction related property and equipment upon said premises unless STATE agrees to allow said equipment to remain in place.

14. PERMITTEE, in conjunction with STATE, is required to develop and implement a five-year post-construction monitoring program of re-vegetation and erosion control for all construction, laydown and storage areas utilized by PERMITTEE. The standards for the five-year post-construction monitoring program shall be incorporated into the erosion control and revegetation plans required by County Permit. Noted plans and monitoring program shall also address those portions of the existing easement known as the "White Elephant" and the coastal bluff cable blowout area as shown on Exhibit "A". Should monitoring reveal that restoration goals are not met, PERMITTEE, in conjunction with STATE, shall undertake appropriate remedial actions as directed by District Superintendent.

15. PERMITTEE shall, at all times during the term of this permit, require its contractors performing work pursuant to this permit to maintain in full force and effect, a policy of public liability and property damage insurance as follows:

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This policy is to be in an amount not less than five million dollars (\$5,000,000.00) providing coverage for Public Liability (each accident and aggregate) and Property Damage Liability, and in a form satisfactory to STATE, and a complete and signed copy of a Certificate of Insurance thereof shall be submitted to STATE prior to the execution of this permit.

Insurance policies shall contain the following special endorsement:

"The State of California, California State Park and Recreation Commission, Department of Parks and Recreation, their officers, employees, and agents, are hereby declared to be additional insureds under the terms of this policy, both as to the activities of the PERMITTEE and as to the activities of the STATE, the State Park and Recreation Commission, the Department of Parks and Recreation, their officers, employees and agents, as related to the activities contemplated in this permit."

This insurance policy will not be reduced or cancelled without thirty (30) days prior written notice to the Department of Parks and Recreation. The STATE is not liable for the payment of any premiums or assessments on this policy.

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This cancellation provision shall not be construed in derogation of the duty of the PERMITTEE to furnish insurance during the entire term of the permit. In the event PERMITTEE fails to keep in effect at all times insurance coverage as herein provided, STATE may, in addition to any other remedies it may have, terminate this permit and all privileges PERMITTEE may have hereunder.

Notwithstanding the foregoing, PERMITTEE may self-insure for any or all of the matters set forth above, upon adequate proof of such self-insurance to STATE.

16. Prior to commencement of "phase II" construction, PERMITTEE, in conjunction with STATE shall prepare a plan to determine the location of vehicular barrier gates to be provided for, constructed and installed by PERMITTEE. Noted gates, designed to standards specified by STATE, shall be installed at key locations on the Premises to preclude unauthorized vehicular access over the easement route and at other locations as determined by the District Superintendent.

17. If archeological resources are discovered during construction within Montaña de Oro State Park, all work within 150 feet of the find shall be immediately halted and STATE shall be immediately notified. The significance of any archeological find shall be determined by STATE's professional archeologist. Appropriate mitigation measures

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shall be formulated by STATE and PERMITTEE jointly within five (5) working days and will be implemented by PERMITTEE.

18. No hazardous materials or petroleum products in excess of 55 gallons shall be stored within State Park Property.

19. PERMITTEE shall secure the consent of the STATE as to the route or routes to be utilized for the purposes of temporary ingress and egress through Montaña de Oro State Park for all future activities pertaining to installation, maintenance, repair, replacement, inspection, change of size or removal of said cables and appurtenant facilities. PERMITTEE however, shall not be denied reasonable ingress and egress for the purposes so noted. Such right of ingress and egress shall at all times be exercised in a manner which will cause the least damage to the property of the STATE and shall be subject to a permit to be issued by District Superintendent.

20. Proposed access road to be constructed from Pecho Road to proposed parking lot shall be paved 20 ft. in width with two foot graveled shoulders. Subject to County approval, proposed 50 car parking lot may be surfaced by "chip seal" until such time as the final installation of cables does occurs whereupon subject parking lot shall be paved.

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| CALENDAR PAGE | 275 |
| MINUTE PAGE | 2950 |

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21. PERMITTEE shall provide STATE with five (5) picnic tables of a design and standard identified in Exhibit "C" to be installed adjacent to the proposed 50 car parking area.
22. PERMITTEE shall construct a rest room facility of a design and standard identified in Exhibit "D" to be located adjacent to the proposed 50 car parking lot area.
23. PERMITTEE shall provide for and coordinate the installation of permanent underground electrical power lines, related appurtenances and telephone lines and pay telephone to serve the parking lot/recreational access site. Electrical power line shall be designed to a load standard as determined by the District Superintendent
24. PERMITTEE shall provide to STATE the sum of ten thousand dollars (\$10,000.00) to be utilize by STATE for the design, development, and placement of public safety, regulatory, and customized resource interpretive signs and panels to be installed at locations determined by the District Superintendent. PERMITTEE shall be allowed by STATE to place, or cause to be placed, its logo and a statement on any or all interpretive signs on or near the construction areas of this project.

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25. PERMITTEE shall pay STATE an administration processing fee to reimburse STATE for all administrative costs associated with the review and analysis of this project including the processing of subject Temporary Use Permit. The fee, in the amount of twenty-two thousand seven hundred seventy seven dollars (\$22,777.00) shall be delivered to the California Department of Parks and Recreation, San Luis Obispo Coast District, prior to issuance of permit.

26. PERMITTEE shall pay STATE a mitigation/monitoring/ planning fee to reimburse STATE for costs associated with construction, monitoring requirements, costs associated with the post-construction mitigation monitoring activity, and for costs associated with the preparation by STATE, of comprehensive signing, fencing, and trail plans to conform to the requirements of County Permit D900132D. The fee, in the amount of twenty nine thousand one hundred sixty-four dollars (\$29,164.00) shall be delivered to the California Department of Parks and Recreation, San Luis Obispo Coast District, prior to issuance of permit. Sole control and responsibility for the use of said funds rest with STATE, and any persons retained, contracts executed, or liability incurred as a consequence of the use of said funds shall rest solely with STATE.

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27. Amendment or change to this permit will require written approval by STATE's representative and an authorized representative of PERMITTEE. STATE's representatives will be as follows in priority order:

- A. District Superintendent, San Luis Obispo Coast District
- B. Regional Land Agent, Central Coast Region

28. Any notice, demand, or request required or authorized by this Permit to be given or made to or upon PERMITTEE shall be deemed properly given or made if delivered by U.S. Postal Service to AT&T, 101 E. Orangethorpe Street, Anaheim, CA 92801, Attention: John McComb, Project Engineer. Said notice shall become effective upon receipt. Nothing herein contained shall preclude the giving of any such notice by personal service.

29. Any notice, demand, payment, or request required or authorized by this permit to be given or made to or upon STATE shall be deemed properly given or made if delivered by U.S. Postal Service to the California Department of Parks and Recreation, San Luis Obispo Coast District, District Superintendent, 3220 South Higuera Street, Suite 311, San Luis Obispo, CA 93401. Said notice shall become effective upon receipt. Nothing herein contained shall preclude the giving of any such notice by personal service.

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STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

AT&T COMPANY USA

APPROVED:

APPROVED:

By: David Seas

By: [Signature]

Title: District Superintendent

Title: Plant Engineer

APPROVAL RECOMMENDED:

~~APPROVAL~~

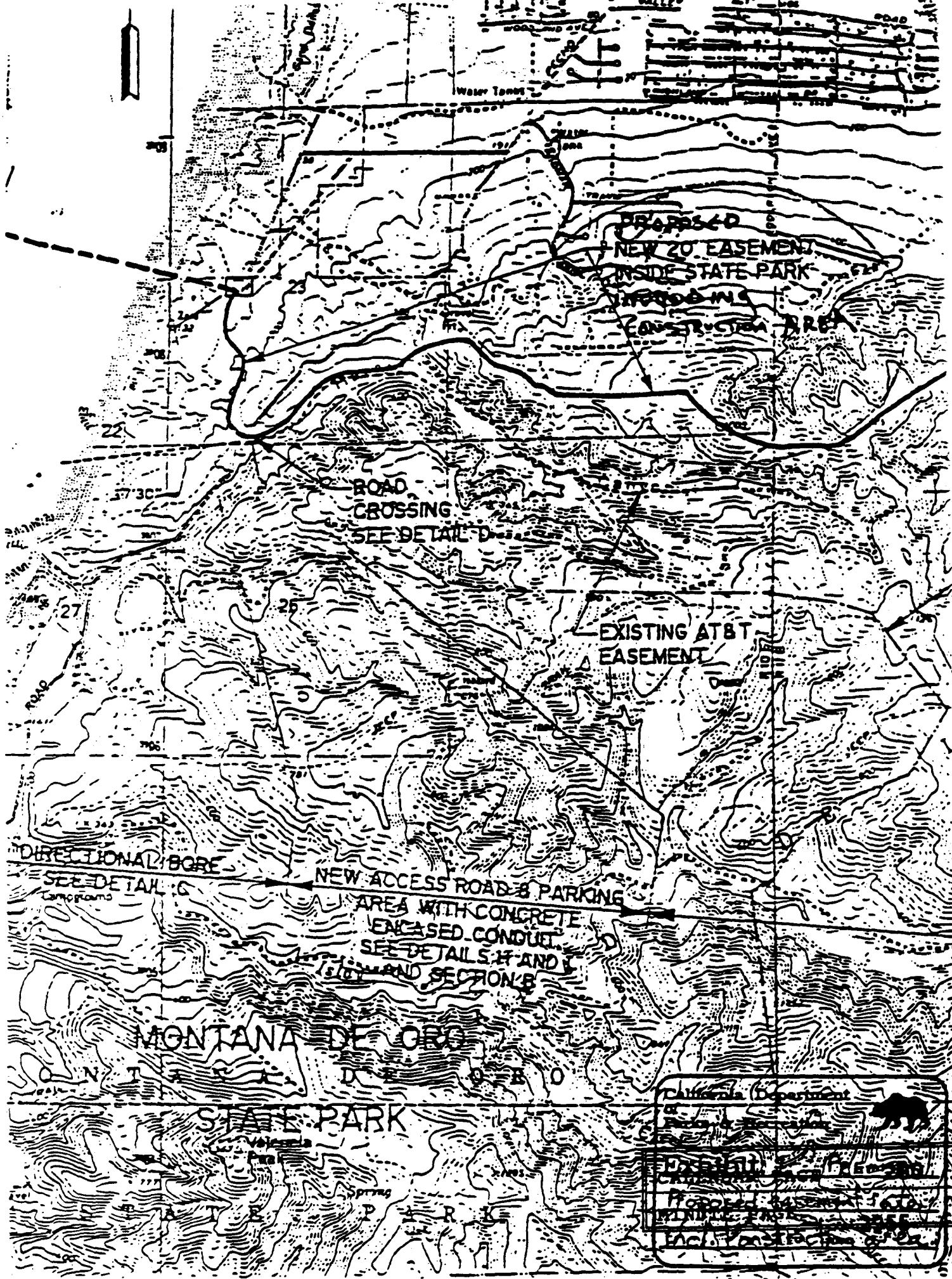
RECOMMENDED:

By: Victor S. Roth Jr.

~~By: _____~~

Title: REGIONAL LAW AGENT

~~Title: _____~~



PROPOSED
NEW 20' EASEMENT
INSIDE STATE PARK
CONSTRUCTION AREA

ROAD
CROSSING
SEE DETAIL D

EXISTING AT&T
EASEMENT

DIRECTIONAL BORE
SEE DETAIL G

NEW ACCESS ROAD & PARKING
AREA WITH CONCRETE
ENCASED CONDUIT
SEE DETAILS H AND
SECTION B

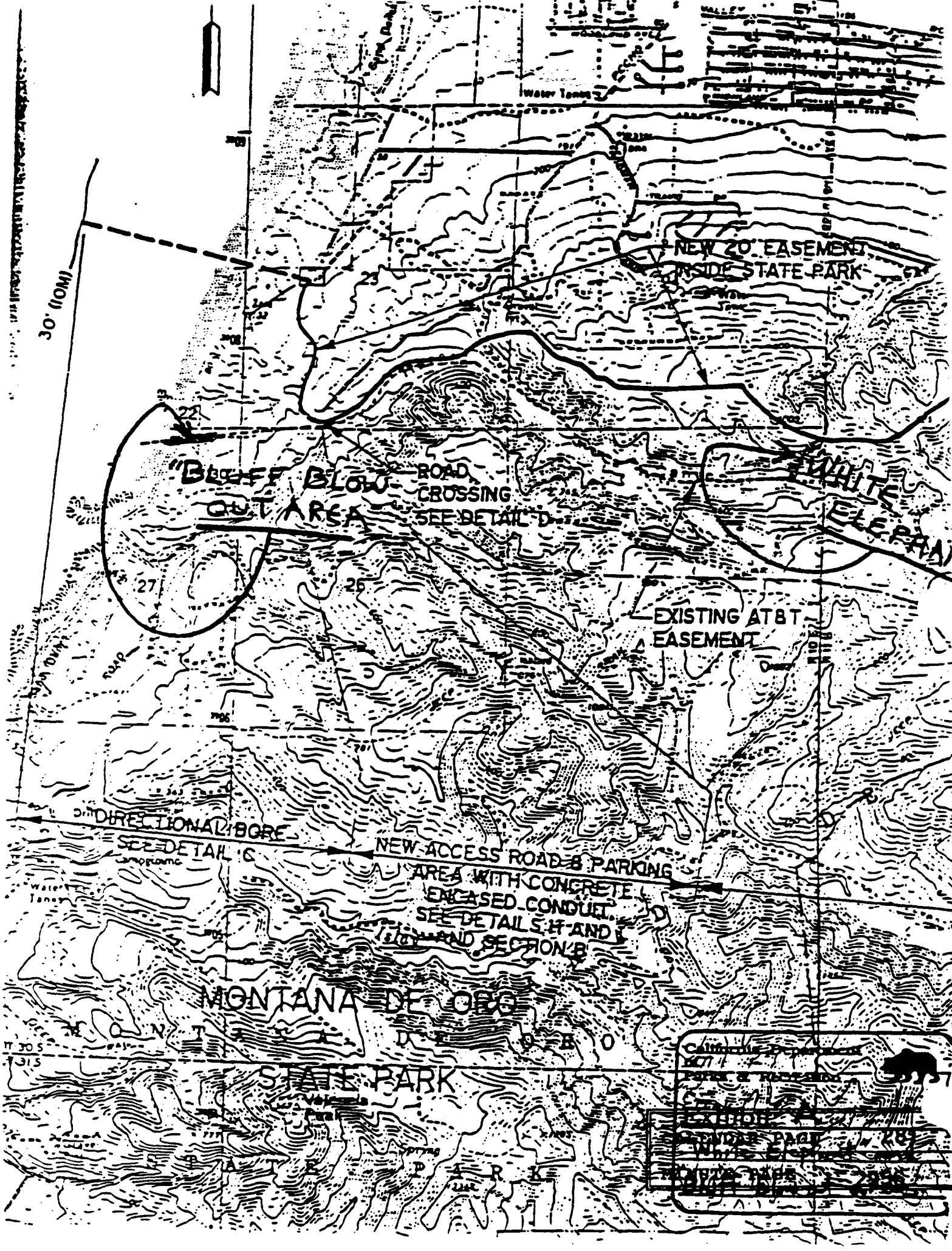
MONTANA

STATE PARK

COLORADO

California Department
of Public Resources
Division of Parks and Recreation
SAN DIEGO COUNTY
Parks and Recreation
Facilities Section





30' (10M)

Water Tank

NEW 20' EASEMENT
INSIDE STATE PARK

"BUFF BLOW
OUT AREA" ROAD
CROSSING
SEE DETAIL D

EXISTING AT&T
EASEMENT

DIRECTIONAL BORE
SEE DETAIL G

NEW ACCESS ROAD & PARKING
AREA WITH CONCRETE
ENCASED CONDUIT
SEE DETAILS H AND
I AND SECTION B

MONTANA DE ORO

STATE PARK

California Department
of Parks & Recreation

MONTANA DE ORO STATE PARK

PROJECT NO. 100-100-100-100

SHEET NO. 100-100-100-100

DATE: 10/10/10

DRAWN BY: 100-100-100-100

CHECKED BY: 100-100-100-100

APPROVED BY: 100-100-100-100

SCALE: 1" = 100'

Water Tank

ARMY ROAD

LA ROAD

NEW 20' EASEMENT
INSIDE STATE PARK

30' (10M)

ROAD
CROSSING
SEE DETAIL D

EXISTING AT&T
EASEMENT

DIRECTIONAL BORE
SEE DETAILS

NEW ACCESS ROAD & PARKING
AREA WITH CONCRETE
EMBEDDED CONDUIT
SEE DETAILS H AND
ROAD SECTION B

MONTANA DE ORO

STATE PARK

California Department of
Parks & Recreation

STATEMENT OF WORK

PROJECT: [Illegible]

DATE: [Illegible]

SCALE: [Illegible]

PROJECT NO: [Illegible]

DATE: [Illegible]

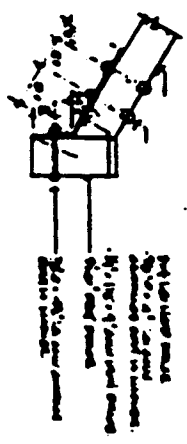
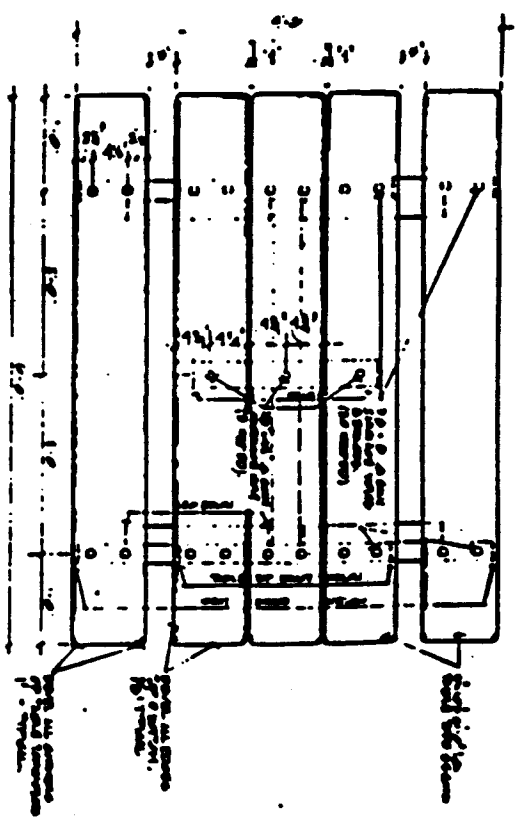
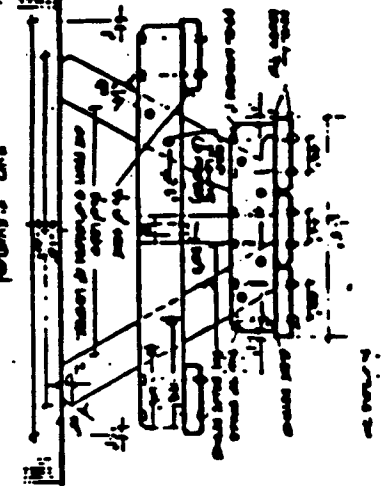
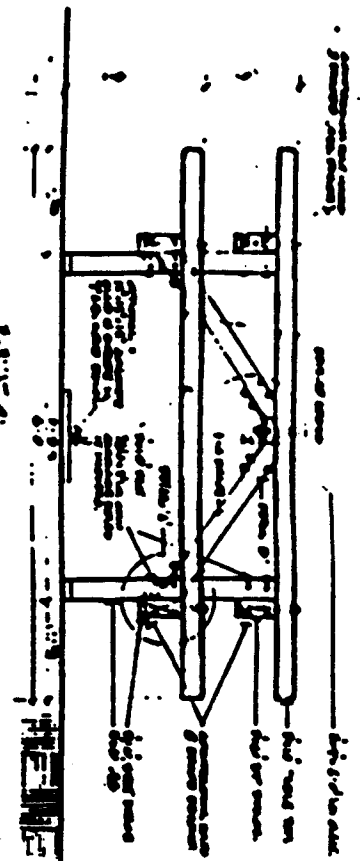


FIG. 1. Detail of leg and cross brace.



FIG. 2. Detail of leg and cross brace.

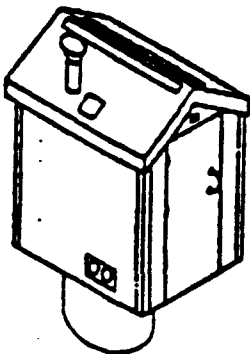
- NOTES:
1. All members to be steel structural light weight.
 2. All surfaces to be painted with leaded zinc primer and two coats of enamel.
 3. All welding to be done in accordance with specifications.
 4. All bolts shall be of the standard type with lock washers and nuts.
 5. Finish all parts of wood with two coats of stain and one coat of varnish.

| NO. | DESCRIPTION |
|-----|-------------|
| 1 | Table |
| 2 | Benches |
| 3 | Legs |
| 4 | Seats |
| 5 | Backs |
| 6 | Tables |
| 7 | Benches |
| 8 | Legs |
| 9 | Seats |
| 10 | Backs |
| 11 | Tables |
| 12 | Benches |

Exhibit C
Picnic table
design

"The Californian"

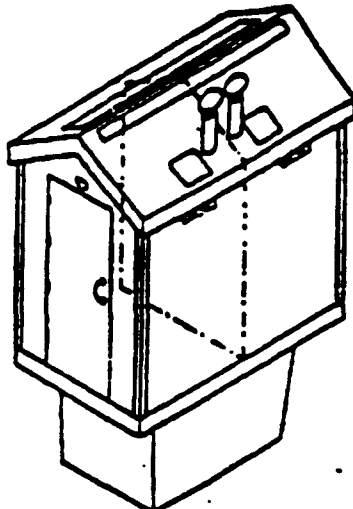
Pre-Fabricated Buildings



MODEL "CA 250"

WIDTH 45 1/2"
 DEPTH 47"
 EX. HEIGHT 80"
 IN. HEIGHT 78"
 DOOR 25"x72"

FOR WATERLESS MODELS
 140-S, 250-R and 350-R



MODEL "CA 935-DE"

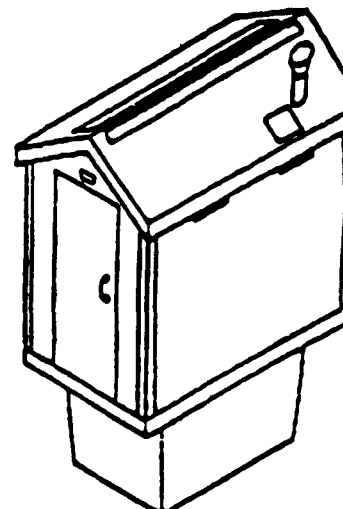
THIS DUAL ENTRY MODEL
 OFFERS TWO 24-SQUARE FT.
 USER COMPARTMENTS, EACH
 WITH ITS OWN PRIVATE
 ENTRANCE

FOR
 SHASTA WATERLESS MODELS
 748-S and 935-S

EXTERIOR: Width 61"
 Length 51"
 Height 78"

INTERIOR: Width 50"
 Length 50"
 Height 72"

DOOR: 34" x 60"



MODEL "CA 935-HC"

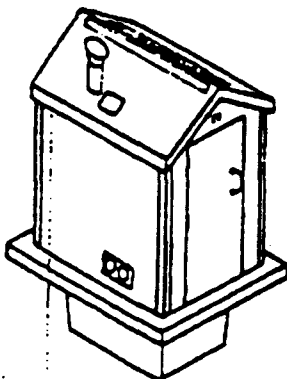
THIS HANDICAPPED
 ACCESSIBLE MODEL OFFERS
 48 SQUARE FEET INTERIOR
 FLOOR SPACE.

FOR
 SHASTA WATERLESS MODELS
 748-S and 935-S

EXTERIOR: Width 61"
 Length 61"
 Height 78"

INTERIOR: Width 50"
 Length 50"
 Height 72"

DOOR: 34" x 60"



MODEL "CA 935"

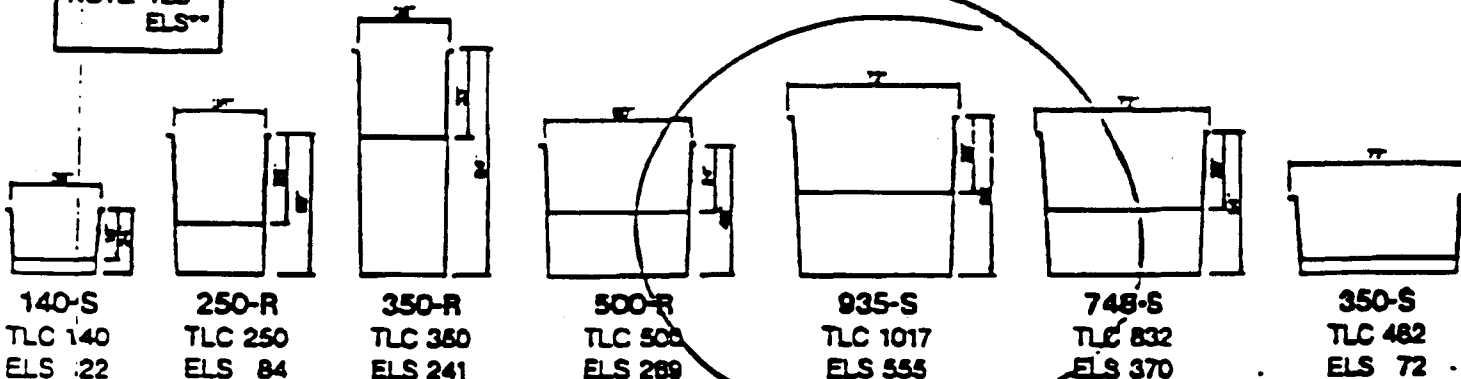
WIDTH 45 1/2"
 DEPTH 47"
 EX. HEIGHT 82"
 IN. HEIGHT 78"
 DOOR 25"x72"
 FLOOR 5'6"x5'6"

FOR
 WATERLESS MODELS
 800-R, 350-S,
 748-S and 935-S

ALL "THE CALIFORNIAN" PRE-FABRICATED
 BUILDINGS HAVE THE DEEP GRAINED LOOK AND
 FEEL OF REAL WOOD AND SHAKE SHINGLES.

The Shasta **WATERLESS** - SANITATION SYSTEMS

NOTE: TLC*
 ELS**



*TOTAL LIQUID CAPACITY IN GALLONS

**EFFECTIVE LIQUID STORAGE BELOW INNER TANK IN GALLONS



MAILING ADDRESS
 P.O. BOX 2243
 REDDING, CA
 96099

TEL (916) 241-1492
 FAX (916) 241-1496

Department
 of
 Parks & Recreation

CALENDAR PAGE **D** 284

MINUTE REST ROOMS 2050

Facility

CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)
12/23/91

PRODUCER

CP1132-1

Marsh & McLennan, Inc.
1221 Avenue of the Americas
New York, NY 10020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY LETTER **A** AMERICAN RIDGE INSURANCE COMPANY

COMPANY LETTER **B** Planet Insurance Co.

COMPANY LETTER **C** Natl Union Fire Ins Co of Pittsburg American Ridge Ins. Co.

COMPANY LETTER **D** Self Insured Retention Hartford Accident and Indemnity

COMPANY LETTER **E** Employers Reinsurance Corporation

INSURED

American Telephone and Telegraph Company
550 Madison Ave.
New York, N.Y. 10022

COVERAGES

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES.

| CO LTR | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE (MM/DD/YY) | POLICY EXPIRATION (MM/DD/YY) | LIABILITY LIMITS IN THOUSANDS | | |
|--------|--|---|-----------------------------|------------------------------|-------------------------------|--|-----------|
| | | | | | | EACH OCCURRENCE | AGGREGATE |
| A | GENERAL LIABILITY | GL-2-01-01-91 | 09/01/91 | 09/01/92 | BODILY INJURY | \$ | \$ |
| | <input checked="" type="checkbox"/> COMPREHENSIVE FORM | | | | PROPERTY DAMAGE | \$ | \$ |
| | <input checked="" type="checkbox"/> PREMISES/OPERATIONS | | | | BI & PD COMBINED | \$ 2500 | \$ 2500 |
| | <input checked="" type="checkbox"/> UNDERGROUND EXPLOSION & COLLAPSE HAZARD | | | | PERSONAL INJURY | | \$ |
| | <input checked="" type="checkbox"/> PRODUCTS/COMPLETED OPERATIONS CONTRACTUAL | | | | | | |
| | <input checked="" type="checkbox"/> INDEPENDENT CONTRACTORS BROAD FORM PROPERTY DAMAGE PERSONAL INJURY | | | | | | |
| B | AUTOMOBILE LIABILITY | NO. NKA 0100157 00 NKA 0100158 00 | 09/01/91 | 09/01/92 | BODILY INJURY (PER PERSON) | \$ | |
| | <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS (PRIV. PASS.) | | | | BODILY INJURY (PER ACCIDENT) | \$ | |
| | <input type="checkbox"/> ALL OWNED AUTOS (OTHER THAN (PRIV. PASS.)) | | | | PROPERTY DAMAGE | \$ | |
| | <input type="checkbox"/> HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY | | | | BI & PD COMBINED | \$ 2500 | |
| C | EXCESS LIABILITY | | | | | | |
| | <input checked="" type="checkbox"/> UMBRELLA FORM OTHER THAN UMBRELLA FORM | BE3083792 XSO-2-10-15-91 | 10/15/91 | 10/15/92 | BI & PD COMBINED | \$ 5000 | \$ 5000 |
| D | WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY | SELF INSURED RETENTION \$500,000 10WBL 5801E (CALIF.) 10WERML 4221E (TEX) | 1/1/92 4/1/91 3/1/91 | 1/1/93 4/1/92 3/1/92 | STATUTORY | \$500,000 (EACH ACCIDENT) \$500,000 (DISEASE-POLICY LIMIT) \$500,000 (DISEASE-EACH EMPLOYEE) | |
| E | OTHER | | | | | | |
| | Excess Workers Comp. | C 12902 R6 | 8/1/91 | 8/1/92 | | \$4,500 | |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS All Operations of the Insured.
WORK PERMIT FOR MONTANA D ORO STATE PARK, SAN LUIS OBISPO COUNTY, CA

CERTIFICATE HOLDER

STATE OF CALIFORNIA
DEPT. OF PARKS & RECREATION
CENTRAL COAST REGION HEADQUARTERS

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL DAYS WRITTEN NOTICE TO THE COORDINATOR. FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY.

AUTHORIZED REPRESENTATIVE

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ATTACHED TO AND FORMING PART OF CERT. # CP1132-1

The State of California, California State Park and Recreation Commission, Department of Parks and Recreation, their officers, employees, and agents, are hereby declared to be additional insureds under the terms of this policy, both as to the activities of the PERMITTEE and as to the activities of the STATE, the State Park and Recreation Commission, the Department of Parks and Recreation, their officers, employees and agents, as related to the activities contemplated in this permit.

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PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

November 14, 1991

PRESENT: Commissioners Anna Alexander, Shirley Bianchi, Don
Kaefer, David Oakley, Susan Ostrov, Chairman Ken
Schwartz

ABSENT: None

RESOLUTION NO. 91-89
RESOLUTION RELATIVE TO THE GRANTING
OF A DEVELOPMENT PLAN

WHEREAS, The County Planning Commission of the County of San Luis Obispo, State of California, did, on the 14th day of November, 1991, grant a Development Plan to AT&T COMMUNICATIONS OF CALIFORNIA, INC./CLARK WHITTEN-COATES FIELD SERVICE, INC. to allow approval of a fiber optic cable project (onshore and offshore) within a typical easement width of approximately 30 feet and a typical trench width of 24 inches for a distance of approximately 10.5 miles, running from the existing AT&T facility on Los Osos Valley Road near Foothill Boulevard, through an existing easement paralleling Sycamore Canyon and Clark Valley, south of Los Osos, through the northern portion of Montana De Oro, and offshore for a distance of approximately three miles. County File Number: D900132D.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit subject to the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts

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relating to said application, approves this permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 14th day of November, 1991, does hereby grant the aforesaid Permit, No. D900132D.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 22.02.050 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six months (6) or conditions have not been complied with, such Permit approval shall become void.

On motion of Commissioner Bianchi, seconded by Commissioner Alexander, and on the following roll call vote, to-wit:

AYES: Commissioners Bianchi, Alexander, Keefer, Ostrov, Oakley, Chairman Schwartz

NOES: None

ABSENT: None

the foregoing resolution is hereby adopted.

/s/ Ken Schwartz

Chairman of the Planning Commission

ATTEST:

/s/ Diane Tingle

Secretary, Planning Commission

1450L

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EXHIBIT A
FINDINGS

- A. The project approved by this Development Plan is consistent with the San Luis Obispo County Coastal Zone Land Use Element and Inland Land Use Ordinance of the general plan because fiber optic cables are permissible land uses within the Agriculture, Recreation, and Rural Lands land use categories, and related improvements associated with this project are also consistent with the general plan. The parking lot and boardwalk improvements are consistent with overall park use.
- B. As conditioned herein, the proposed project or use satisfies all applicable provisions of Titles 22 and 23 of the County Code.
- C. The establishment and subsequent operation or conduct of the use will not because of the circumstances and conditions applied in the particular case be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project included in this request will include appropriate measures to mitigate any ill-effects associated with development ongoing use and maintenance activities associated with this project.
- D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its ultimate development because the easement is located in remote rural areas and will restore disturbed areas to the greatest extent feasible.
- E. The improvements for the beach access parking lot and boardwalk approved under this development plan will not in and of themselves generate a volume of traffic beyond the safe capacity of all roads providing access to the project either existing or to be improved with the project because the project is located on Pecho Road which is currently capable of handling the (existing) traffic associated with the project. In addition, the project involves no new facilities which would generate additional traffic, but rather involves the relocation of an existing visitor access area from Army Road to the new area.
- F. The site design and development incorporate adequate measures to ensure that archaeological resources will be acceptably and adequately protected because the applicant will stop work in the event historical resources are discovered.
- G. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the

environmental effects of the project, and on the basis of the expanded initial study and all comments received there is no substantial evidence that the proposed project will have a significant effect on the environment.

- H. The project is consistent with the relevant policies of the following chapters in the Coastal Plan Policies Document: Shoreline Access, Recreation and Visitor Serving Facilities, Environmentally Sensitive Habitats, Coastal Watersheds, Visual and Scenic Resources, Hazards, Archaeology, Air Quality; because the project successfully balances the two goals of facilitating public access and preserving the park's environmental resources.
- I. The projects approved with this development plan are consistent with the following goals and policies of the ESTERO AREA PLAN: 3. PUBLIC FACILITIES AND SERVICES: RECREATION SERVICES; CHAPTER 4. CIRCULATION - A. ROADS - Pecho Road; B. OTHER TRANSPORTATION MODES - Transit, Bikeways; C. PLANNING AREA CIRCULATION PROGRAMS - Area-wide - 4. Scenic Corridors - Pecho Road, South Bay - 3. Trails; CHAPTER 6 LAND USE - Recreation; with the conditions of approval.
- J. The proposed beach access improvements are consistent with Coastal Policies of the Local Coastal Plan as replacement vehicular access for the Army Road closure.
- K. The portion of the proposed project within the Montana de Oro State Park is consistent with those portions of the Park General Plan applicable to and approved by Development Plan/Coastal Development Permit D900119D
- L. The project is consistent with the Local Coastal Plan as it pertains to Sensitive Resource Areas as follows:
- (1) The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design.
 - (2) Natural features and topography have been considered in the design and siting of all proposed physical improvements.
 - (3) Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
 - (4) The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil

erosion, and sedimentation of streams through undue surface runoff.

M. The project is consistent with the Local Coastal Plan as it pertains to Environmentally Sensitive Habitats as follows:

- (1) There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because although some habitat disruption will occur in the southern portion of the habitat area, a more extensive area in the northern portion of the habitat known as Army Road will be closed to vehicular access and; an extensive habitat restoration project will be made possible.
- (2) The proposed use will not significantly disrupt the environment because although it will involve an access road along the easement route West of Pecho Road and a parking area, vehicular and human disturbance will be controlled, minimizing long term disturbance in this area and; the project will make extensive habitat restoration possible at Army Road and; thereby allow for overall enhancement of the environment in the long term.

EXHIBIT D900132D:B
CONDITIONS OF APPROVAL

Approved Use

1. This approval authorizes trenching and horizontal boring for installation of a fiber optic cable from the County's western jurisdictional boundary easterly for approximately 10.5 miles to the AT&T facility located on Los Osos Valley Road; involving realignment of portions of the easement for the cable; a 50 space parking lot; boardwalk trail over the stabilized dunes to the beach, including continuous fencing and signing of the boardwalk; and habitat restoration and revegetation for all portions of the cable route with environmental monitoring. Project development and ongoing use shall be consistent with those portions of the Park General Plan applicable to and approved by the Master Development Plan/Coastal Development Permit (D900119D). The project shall be consistent with revised plans listed herein as well as the negative declaration/expanded initial study which further defines environmental mitigation measures for the project. For the purposes of administering various aspects of the project the following phases will be followed:

Phase I - Horizontal bore from bore site to ocean including some enlarging of the existing denuded area at the bore site.

Phase II - Trenching from bore site east to Pecho Road with subsequent construction of a roadway, parking lot, boardwalk to the beach, restrooms, fencing, signing program and revegetation program.

Phase III - Trenching and cable placement under Pecho Road, along existing cable route and along a new route along Rim Trail. Also included is the continuation of trenching eastward to the boundary of Montana de Oro Park. This phase also includes a revegetation program.

Phase IV - This Phase includes the Los Osos Creek dry crossing and the area between Phase III and Phase IV; and a revegetation program.

Phase V - Includes the remaining portion of the project east of Los Osos Creek to the AT&T facility on Los Osos Valley Road; and a revegetation program.

Phases I through III shall be followed sequentially. Phases IV and V may proceed simultaneously with Phases I through III, subject to the additional requirements of the conditions listed below.

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local hire for construction and environmental mitigations activities authorized in this Development Plan to maximize the employment of local residents where feasible.

Construction Schedule

2. Prior to commencing construction of any of the above phases, the applicant shall submit a construction schedule indicating the construction periods proposed and revegetation schedule.

Mitigation Monitoring

3. Prior to commencing construction of each phase the applicant shall retain a mitigation monitor approved by the Environmental Coordinator. The mitigation monitor shall submit a monitoring Plan to the Environmental Coordinator prior to construction for review and approval.

Staking of Disturbance Areas

4. Prior to commencing construction activities or any clearing in preparation for construction staging, for each phase, the applicant shall stake with lath and flag all areas proposed for disturbance to form construction control lines. Any disturbance outside of these areas shall be prohibited and construction crews shall be so informed.

Clearance and Inspection

5. Prior to commencing construction activities or any clearing in preparation for construction staging, the applicant shall obtain a letter of release from the Environmental Coordinator after field inspection of construction control staking by the Environmental Coordinator, State Parks and the mitigation monitor.

Revised Site Plan

Phase II Area Precise Plans

6. Prior to commencing construction of Phase II the applicant shall submit a set of precise plans to function as a revised site plan (including project detail plans) for all areas included within this Phase (see condition number 1 above). The revised site plan shall be at a scale to show sufficient detail of all aspects of the proposed improvements and shall include but not be limited to the following:

(a) A practical Plan and Profile for the road leading from Pecho Road to the Parking Lot.

(b) A parking lot detail to show the location of 50 parking spaces, fencing, signing the location of the restrooms and an interior planter area to be used to establish native

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plants to make the parking lot more aesthetically pleasing and in keeping with surrounding vegetation. Native vegetation shall be selected in conjunction with State Parks and the County, and shall be established during the revegetation portion of the project, prior to commencing with Phase III. The parking lot shall include bicycle racks to accommodate at least 25 bicycles.

- (c) A site detail (or details) for the boardwalk to the beach showing width, height, anchoring, and length.
- (d) A comprehensive fencing plan to ensure that visitors are contained within the parking lot, road and boardwalk areas and that human intrusion into sensitive habitats is minimized to the greatest extent feasible.
- (e) A comprehensive signing plan coordinated with State Parks, to indicate that hiking is not allowed outside of fenced areas and to ensure that the public understands the sensitive nature of the surrounding habitat.

Phase II Area Overall Site Plan

- 7. Prior to commencing construction activities or any clearing in preparation for construction staging, the applicant shall submit a revised site plan for the area within Phase II the precise alignment of the cable route (realignment).

Ongoing Management of Beach Parking Lot and Boardwalk

- 8. The ongoing management of this area shall be in accordance with the Montana de Oro Park Plan with the additional mitigation measures established in these conditions of approval. If degradation due to human use occurs additional mitigation shall be initiated, including but not limited to gating of the roadway to limit hours of use or possible closure for sufficient periods of time to allow recovery. Annual progress reports shall evaluate the overall condition of this area as required by the conditions of approval for the Master Development Plan/Coastal Development Permit. Evaluation shall be by the Department of Parks and Recreation in conjunction with the county and any other appropriate agencies.

Agency Clearance

- 9. Prior to construction in any Phase, the applicant shall obtain clearance from the following agencies:

- Army Corps of Engineers
- State Lands Commission
- Coastal Commission (for coastal development permit)
- Regional Water Quality Control Board
- State Department of Fish and Game
- State Department of Parks and Recreation.

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-California Department of Forestry

If approved by the Director of the Department of Planning and Building and the Environmental Coordinator, the applicant may submit the above clearance letters/ permits for areas immediately effected by their review, corresponding to the Phase in question, subject to State and Federal Laws governing required agency reviews.

Army Road Closure and Habitat Regeneration

10. The beach parking lot and related improvements shall be coordinated with the Army Road rehabilitation program and shall be subject to the State Park General Plan and Coastal Development Permit.

Grading and Drainage Review for Parking Lot

11. Submit grading, drainage and erosion control plans prepared in accordance with requirements of Section 23.05.044 of the County Coastal Land Use Ordinance to the Department of Planning and Building for review and approval prior to any construction activities along the cable route. If so required, review of the plan shall be subject to inspection and checking agreement with the Engineering Department and/or the plan shall be prepared by a registered civil engineer. Grading and Drainage Permits may be phased at the discretion of the Senior Building Official and the Environmental Coordinator. The plans shall provide for the following:
 - a. protection of coastal streams and wetlands.
 - b. protection of terrestrial habitat.
 - c. drainage devices within the beach parking lot shall include traps for petroleum residue.
 - d. minimizing removal of vegetation.
 - e. maximum feasible erosion control.
 - f. maximum feasible control of sedimentation.
 - g. all environmental mitigation measures listed in the mitigation measures listed below and as further defined in the negative declaration/expanded initial study.

Archaeological Resource Protection

12. If archaeological resources or human remains are accidentally discovered during construction, County shall be notified, work shall be halted within 50 meters (150 feet) of the find, until it can be evaluated by a qualified professional ~~archaeologist.~~ If the find is determined to be significant, appropriate

mitigation measures (if necessary) shall be formulated and will be outlined within 48 hours of discovery, and will be implemented. If any archaeological evidence is discovered during earthwork, only the area that shows signs of evidence is affected, and construction activities can proceed outside the affected area, subject to monitoring requirements.

Effective Approval Period

13. This development plan/coastal development permit approval is valid for 36 months. Time extensions may be granted if requested by the applicant in accordance with the requirements of the Land Use Ordinance. Should portions of the project not be completed by that time a separate development plan shall be required to obtain approval of the remaining portions of the project.

Environmental Mitigation Measures

14. The applicant shall adhere to and incorporate the following measures into the proposed project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. Any other changes made to the project may require a new environmental determination. The following measures further refine and complement the previously listed conditions and are not to be considered duplicate requirements:

a) MITIGATION MONITORING

Environmental Monitor.

- 1) Prior to commencing any construction or vegetation removal an Environmental Monitor approved by the County shall be hired at the applicant's expense to oversee construction activities and mitigation measure implementation. The monitor shall submit a work program to the Planning and Building Department for review and approval prior to issuance of grading and final land use permits. The work program shall include timing of proposed activities, methods used to monitor activities, criteria for evaluation, and timing of reports to the County Planning and Building Department. The reports shall detail the applicant's compliance with conditions of approval and the mitigation measures outlined in the project Negative Declaration. In the event that filed conditions warrant changes in design, the Environmental Monitor shall have the authority to stop work on the project until the redesign has been reviewed and approved by the Planning and Building Department.
- 2) The County Environmental Monitor shall oversee the entire length of the project. However, the California Department of Parks and Recreation have indicated that they wish to utilize their Environmental Monitor to monitor all construction activities within the limits of Montana de Oro State Park. The county's Environmental Monitor will coordinate monitoring

activities with the state park monitor. Within the state park, the state park monitor will be the principal monitor, and will be responsible for keeping the county Environmental Monitor appraised of compliance with the conditions set forth in this statement. The county monitor will be allowed to observe construction activities within the state park and will be responsible for informing the state park monitor if AT&T is not complying with county conditions. It will be up to the state park monitor to ensure compliance with the county conditions as well as state park conditions within the state park boundary.

b) MITIGATION MEASURES INCLUDED IN THE PROJECT BY AT&T

- 1) General Construction Measures. The applicant has committed to general construction measures as listed in Chapter III of the Onshore portion of the Expanded Initial Study. These construction measures shall be incorporated into the project to provide mitigation to reduce a variety of impacts.

c) SOILS AND EROSION

- 1) Erosion of Cut and Fill Slopes. In order to reduce the potential erosion of cut and fill slopes, the angle of the cut and fill slopes shall be decreased from the standard of 2:1 (horizontal to vertical) to 3:1 west of Pecho Valley Road. This will increase the area of disturbance, but it will decrease erosion prior to revegetation and will also facilitate revegetation.
- 2) Erosion Control East of Pecho Valley Road. Potential increased erosion in the segment underlain by sand east of Pecho Valley road along Rim Trail shall be controlled by providing waterbars at intervals no greater than 200 feet. Providing periodic diversion of runoff from the trail will reduce the rate of erosion now occurring along this segment.
- 3) Erosion Control West of Pecho Valley Road. The potential for increased erosion resulting from an increase in concentrated runoff from the access road shall be mitigated by:
 - (a) Designing, to the satisfaction of the Department of Parks and Recreation, the access road west of Pecho Valley Road to shed runoff as sheet flow; or, 2) collecting runoff from the access road west of Pecho Valley Road and conveying it to canyon bottoms below the active knick points in non-erosive devices, providing energy dissipators at points of release; or 3), collecting runoff from that part of the access road downslope from the two major canyons and conveying it to the parking area where it can infiltrate into the sand, and provision of berms as necessary to retain runoff in the vicinity of the parking area, or conveying all the runoff from

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the parking area.

(b) Applicant shall prepare a detailed Grading and Drainage Plan for the area west of Pecho Valley Road, and submit it to the Department of Planning and Building for joint review and approval by the Environmental Coordinator and the Department of Parks and Recreation prior to commencing with any construction.

6) Creek Crossings. At any creek crossing, the conduits shall be installed when the creek is not flowing and rain is not forecast during the time necessary to complete the crossing.

4) BIOLOGICAL RESOURCES

1) Revegetation Plan. The applicant shall prepare a revegetation plan for all disturbed areas of the project. A qualified botanist acceptable to the county and the Department of Parks and Recreation shall review and make recommendations regarding the revegetation plan before implementation. The revegetation plan shall include the following measures:

2) General Mitigation Measures applying to all routes and improvements.

(a) Any revegetation shall utilize seeds or cuttings collected from adjacent areas.

(b) As practicable, revegetation shall occur within the same vicinity as the vegetation to be removed. If it is not possible to revegetate in the same vicinity, then the revegetation shall occur at designated locations as stipulated in the revegetation plan. Unless specified, eucalyptus and other non-native species need not be replanted, but shall be replaced with native species as specified in the revegetation plan.

(c) Arroyo de la Cruz manzanita, Morro manzanita and coast live oak trees shall be replaced at a ratio of 5:1, with plants established from cuttings or seeds collected from the local population. The revegetation areas for manzanita shall be 1) in cleared areas adjacent to the right of way or within the right of way if it is not to be used for maintenance; or 2), in other areas designated by the Environmental Monitor (such as in areas that have been cleared of eucalyptus, trails to be abandoned or other suitable areas requiring revegetation).

(d) The revegetation plan shall include the following:

-Species to be replanted and source of seeds and plants to be used.

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-Location of the revegetation areas

-Timetable for revegetation

-Method of revegetation (such as the size of plants, soil amendments, special techniques needed to ensure successful replanting, etc.).

-Irrigation method where needed

-Method to verify that replanting has been successful

-The standard county procedures for oak tree preservation shall be included

- (e) Prior to commencement of construction activities, the applicant shall be required to clearly mark all of the trees to be removed during construction as well as any trees that will be trimmed. In the case of manzanita, the marking can be accomplished by stringing colored surveyors tape to denote the areas there plants will be affected.
- (f) Any oak trees, or manzanita that are within ten feet of an area to be graded, not including those to be removed, shall be temporarily marked for protection (e.g., flagged with a different color surveyors tape). The purpose of the marking is to act as a reminder to the construction crew that these areas are not to be disturbed during grading. Marking shall be completed prior to commencement of any grading operations within the affected segment of the line (eg. the rim trail).
- (g) During construction, the operation of heavy equipment shall avoid the area within the driplines of oaks. Such equipment shall not be parked under these trees in order to prevent oily residue from leaking into the root zone and to avoid soil compaction in this area.
- (h) All trenching shall take place outside of the dripline and root zone of all oak trees. Remedial measures ensuring the health of these trees (i.e., pruning to eliminated growth stress) shall also be specified in the revegetation plan. If it is not possible to avoid the driplines of oak trees, the tree shall be considered damaged and shall be replaced as required in item #3 above.
- (i) The Environmental Monitor shall record all trees that are impacted by removal, cutting and grading. The monitor will be responsible for monitoring the health of the replanted trees until it is determined that they can survive on their own, a minimum period of five years.
- (j) The width of the disturbance necessary for construction shall be kept to a minimum. It should be noted that the 299

applicant shall be required to replace all vegetation removed during construction, specifically with a 5:1 replacement of oak trees and manzanita a revegetation with an appropriate mix of native seeds and plants. If the Environmental Monitor deems that the width of the disturbance is excessive, work shall cease until it can be determined what the appropriate width should be. AT&T has indicated that the width of disturbance would not exceed 40 feet at crossings and in areas of difficult terrain, and would average 30 feet along the majority of the line. In areas of sensitive vegetation, it is possible to reduce the width of disturbance to 10 feet depending on terrain conditions.

3) SLO Junction to Clark Valley Road.

- (a) *Stipa pulchra* (purple needle-grass), *Stipa Lepida* (slender needle-grass) seeds shall be included in the revegetation plans for grasslands between SLO junction and Clark Valley Road.
- (b) In areas of coastal scrub and Arroyo de la Cruz manzanita, the route shall follow existing roads or trails as closely as possible to reduce vegetation removal. Revegetation shall be with fast growing herbs and shall include shrubs native to the local coastal scrub community.
- (c) In areas of chaparral, construction shall follow the existing road, and disturb the vegetation along the side as little as possible.
- (d) The new trench shall be realigned downslope from the serpentine outcrop located approximately 0.75 miles west of the SLO junction, and the outcrop shall be left undisturbed. The actual location of the route shall be marked by the applicant, and checked by a qualified botanist prior to construction.

4) Clark Valley Road to Los Osos Creek

- (a) The existing road west of Clark Valley Road shall be followed where feasible to avoid the oaks and shrubs.
- (b) All Morro manzanitas along the route shall be flagged and avoided where possible.

5) Los Osos Creek Crossing

- (a) Creek and riparian vegetation shall be disrupted as little as possible at the Los Osos Creek Crossing. The area disturbed shall be revegetated with plants native to the riparian zone as listed in the revegetation plan.

willows should be included.

6) Los Osos Creek Crossing to 0.2 Miles West of the Eastern Boundary of Montana De Oro State Park

(a) The alignment shall follow the existing open pathway through the oaks. All disturbance would be as far away from the trunks as possible and outside the dripline.

(b) The line shall be routed upslope from the wet area shown in Figure V-4 of the Onshore portion of the Expanded Initial Study, and modifications to drainage patterns during construction should be avoided.

7) 0.2 Miles West of the Eastern Boundary of Montana De Oro State Park to Hazard Canyon Road

(a) Where Rim Trail is wide, no brush removal should be required and significant disruption to the root systems can be avoided. Trimming of manzanitas along the side of the trail may be required, but shall be kept to a minimum following proper pruning procedures.

(b) Since the Rim Trail will be maintained as an access road for maintenance purposes and will require removal of manzanitas and trimming of manzanitas, maintenance will result in a long term loss of coverage. In order to mitigate this long term loss, particularly canopy loss, the applicant shall remove an area of eucalyptus canopy equal to the area of Morro manzanita canopy that will be required to continue the maintenance of the road. To determine the area of eucalyptus canopy to be removed, the applicant, in the revegetation plan, will map the total area of Morro manzanita to be removed on the Rim Trail and equate this removal to square feet of total coverage. This will allow field verification of the exact area of manzanita canopy that can be equated to eucalyptus canopy to be removed.

(c) The State Department of Parks and Recreation has identified certain stands of non-plantation eucalyptus in natural habitat area near the proposed line that should be removed in order to provide additional habitat for Morro manzanita. For example, there are areas just east of Pecho Valley Road where Eucalyptus trees could be removed and Morro manzanita reestablished. These areas are clearly good habitat for manzanita as shown by the maritime chaparral in the fringe areas around the grove and scattered in the understory of the grove.

(d) Once the area of manzanita canopy removal has been determined, the areas of eucalyptus canopy to be removed shall be determined after consultation with the Department of Parks and Recreation. Where the eucalyptus stands to be removed

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removed, is greater than the amount of manzanita calculated for removal, the entire stand should be removed if the majority of canopy is designated for removal.

- (e) The location of the eucalyptus stand and the amount of canopy to be removed shall be included as part of the revegetation plan, and the area of canopy of eucalyptus to manzanita removal can be adjusted during construction with approval of the Environmental Monitor. The eucalyptus removal shall occur during or immediately after construction of the Rim Trail portion of the line.
 - (f) Once eucalyptus removal has occurred the applicant may utilize this area for revegetation with manzanita. This manzanita can be with those plantings required in the 5:1 replacement of manzanita removed in the project right of way.
 - (g) The alignment shall be routed outside the wetland area, and modifications to drainage patterns during construction should be avoided. If modifications to drainage patterns during construction cannot be avoided, the Environmental Monitor shall be informed prior to any alterations to drainage. The Environmental Monitor shall determine, in consultation with State Parks and Recreation and any necessary specialists, if the proposed alterations are necessary, and appropriate mitigation shall be determined at that time.
- 8) Hazard Canyon Road to Pecho Valley Road
- (a) Morro manzanitas in this area shall be replaced with plants established from cuttings or seeds collected from the local population. Other plants used in the revegetation should include shrubs and herbs native to the local chaparral community.
- 9) Pecho Valley Road to the Parking Area
- (a) The State Department of Parks and Recreation is proposing to restrict vehicle access to their portion of Army Road. The applicant shall be required to prepare a restoration plan for Army Road within the park. This plan will be prepared in consultation with a biologist with expertise in Morro Bay kangaroo rat habitats. The plan shall be reviewed by the State Department of Parks and Recreation and the U.S. Fish and Wildlife Service and shall be approved by the Environmental Coordinator's Office. The plan shall include the following:
 - (b) Area within the park to be affected by the restoration plan shall be equal to the area disturbed by AT&T activities.

- (c) The plan shall include fencing of the State Parks boundary in the vicinity of Army Road.
- (d) Remnants of road base along "A" Road and Army Road on State Park property shall be removed and transported to the future parking lot at the proposed boring site. This activity can be implemented after completion of the offshore boring and cable installation or at the time of construction of the parking lot.
- (e) Any remaining compacted road areas within the park shall be ripped and contoured so that these areas can be revegetated.
- (f) The plan shall include a revegetation plan for the road areas within the park to be affected and, where appropriate, an exotic plant removal plan such that the road areas can be returned to natural habitat.
- (g) Areas of cut and fill shall be revegetation as soon as feasible after construction of the access road within the park. Revegetation shall include plants native and indigenous to the local area. A qualified botanist shall review and make recommendations regarding the revegetation mix before implementation.
- (h) All Morro manzanitas and dune almonds removed shall be replaced at a ratio of 5:1 with plants established from cuttings or seeds collected from the local population. Other plants used in the revegetation shall include shrubs and herbs native to the local chaparral/coastal dune scrub community. A qualified botanist shall review and make recommendations regarding the revegetation mix before implementation. No introduced species shall be included.
- (i) The access road shall be constructed to its full width as part of the proposed project to avoid recurrence of impacts at such time as the road were to be widened.
- (j) Banded Dune Snail. Prior to construction of the segment of the project within 1,000 feet of the parking area (boring site), the limits of disturbance in this segment should be staked and flagged by the applicant, and this area should be re-surveyed for the presence of banded dune snails. Should any banded dune snails be found in this area, they should be removed and placed in suitable habitat west of the project area.
- (k) Morro Blue Butterfly. The long-term loss of Morro blue butterfly habitat can be mitigated by closing the Army Road. Revegetation of areas within this portion of the project shall include silver beach lupine in the revegetation plan. Short-term losses of habitat in areas of cut and fill can be mitigated by including silver beach

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lupine in the revegetation of these slopes.

e) ARCHAEOLOGICAL RESOURCES

- 1) Pre-construction meeting. A pre-construction meeting shall be conducted by a qualified archaeologist to advise the construction crew of conditions to be aware of that may indicate the presence of a significant archaeological site.
- 2) CA-SLO-798. CA-SLO-798 shall be avoided by re-routing the alignment along one of several alternatives. Alternative C (one of three alternative routes to avoid the site) as shown on Figure 1 of the archaeological report contained in the file, shall be the preferred route.
- 3) A qualified archeologist and Native American observer shall be present to monitor construction in Sensitive area 1 as designated in the confidential archaeological report available with the Office of Environmental Coordinator to mitigate potential impacts to CA-SLO-787.

f) VISUAL RESOURCES

- 1) Cable realignment. Significant adverse visual effects resulting from trenching throughout the Morro manzanita shall be minimized by moving the cable crossing approximately 50 feet northeast and following the marked horse trail shown on the Expanded Initial Study Figure V-8, bottom and Figure IV-6.

EXHIBIT "D"

**ADDITIONAL MITIGATION MEASURES
AT&T TPC-5 SUBMARINE CABLE PROJECT
SAN LUIS OBISPO COUNTY**

Air Quality

IMPACT: Short-term adverse impacts of cable installation on air quality offshore San Luis Obispo County.

MITIGATION MEASURE:

Injection timing on diesel powered vessels and construction equipment shall be retarded by four degrees prior to and throughout cable installation. The injection timing on the cable-lay vessel, Sentinel, will be retarded by three degrees throughout cable installation. AT&T's implementation of this measure shall be verified by a qualified independent inspector or mechanic. AT&T will report such written verification to the State Lands Commission and the San Luis Obispo County APCD.

MITIGATION MEASURE:

Onshore equipment shall use low-sulfur/low-aromatic (ARB) diesel fuel. During its stop at Port Hueneme, the cable-laying vessel, Sentinel, shall bunker a sufficient amount of low-sulfur EPA diesel to complete project activities offshore San Luis Obispo County. Copies of contractor specifications, receipts or other documentation in support of compliance shall be provided to the State Lands Commission and the San Luis Obispo County APCD.

EXHIBIT "E"

MITIGATION MONITORING AND REPORTING PLAN

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

General

The applicant has incorporated a number of mitigation measures into the project description. Strict adherence to these measures and to other specifications, procedures, and commitment set forth in the project description, subject to amendment as agreed upon by AT&T and the State Lands Commission, is required. Failure to meet this requirement could result in unanticipated, and potentially significant impacts and is cause for permit revocation. The State Lands Commission shall review and/or monitor project implementation as necessary to ensure consistency with the project description and assumptions upon which this environmental analysis was based. AT&T shall provide documentation in support of compliance upon reasonable request from the State Lands Commission.

Air Quality

- 1a. **MITIGATION MEASURE:** To mitigate short-term adverse impacts of cable installation on air quality offshore San Luis Obispo County, injection timing on diesel-powered vessels and construction equipment shall be retarded by four degrees prior to and throughout cable installation. The injection timing on the cable-lay vessel, Sentinel, shall be retarded by three degrees throughout cable installation. AT&T's implementation of this measure shall be verified by a qualified independent inspector or mechanic who will report to the State Lands Commission and the San Luis Obispo County APCD. An acceptable inspector/mechanic may be hired by AT&T, in which case his or her qualifications shall be pre-approved by the State Lands Commission and the APCD.

MITIGATION MONITORING: The State Lands Commission and San Luis Obispo County APCD shall receive confirmation of compliance from an independent inspector/mechanic prior to AT&T's initiation of cable laying activities.

- 1b. **MITIGATION MEASURE:** Onshore equipment shall use low-sulfur/low-aromatic (ARB) diesel fuel. During its stop at Port Hueneme, the cable-laying vessel, Sentinel, shall bunker a sufficient amount of low-sulfur EPA diesel to complete project activities offshore San Luis Obispo County. Copies of contractor specifications, receipts or other documentation in support of compliance shall be provided to the State Lands Commission and San Luis Obispo County APCD.

MITIGATION MONITORING: The State Lands Commission and San Luis Obispo County APCD shall review AT&T's documentation of compliance with this requirement.

Marine Transportation/Fishing

2. **MITIGATION MEASURE:** AT&T shall notify the Commander (oan) Eleventh Coast Guard District, 501 West Ocean Boulevard, Long Beach, California 90802, (310) 980-4300, ext. 501 at least two weeks prior to start of activity. The notification should include the following information:
- a. The location of the work site.
 - b. The size and type of equipment that will be performing the work.
 - c. Name and radio call signs for working vessels, if applicable.
 - d. Telephone number for on-site contact with project engineers.
 - e. The schedule for completing the project.

MITIGATION MONITORING: Prior to the start of offshore construction, the State Lands Commission shall confirm AT&T's notification of the Coast Guard as required by this measure.

Biology

3. **MITIGATION MEASURE:** To prevent any effect on the southern sea otter (*Enhydra lutris nereis*), a biologist familiar with sea otter behavior shall be on site at all times during construction to watch for otters. Should otters be sighted in close proximity to the project area, the applicant shall cease operations until the otter(s) leave the vicinity of the project area.

To document compliance, the applicant shall submit a report no later than 30 days after cable installations are completed. The report shall include a description of otters observed, observation times and locations as well as behavior, and all actions taken to avoid affecting the otter. Copies of the report shall be sent to the Corps of Engineers and to Mr. Craig Faanes, Field Supervisor, USFWS Ventura Field Office, 2140 Eastman Avenue, Suite 100, Ventura, CA 93003.

MITIGATION MONITORING: Prior to the start of offshore construction, the State Lands Commission shall confirm with USFWS that AT&T is meeting this requirement. AT&T shall

submit a copy of the compliance report mentioned above to the State Lands Commission. The State Lands Commission shall confirm the acceptability of the report with USFWS.

Onshore Activities

4. **MITIGATION MEASURE:** During onshore activities, AT&T shall adhere to all applicable conditions issued in conjunction with County of San Luis Obispo Development Plan/Coastal Permit #D900132D and the Temporary Use Permit issued by the California Department of Parks and Recreation, and to subsequent additions or modifications as deemed necessary for the TPC-5 Project by these agencies.

MITIGATION MONITORING: Prior to, during, and upon completion of cable installation for the TPC-5 Project, the State Lands Commission shall confer with San Luis Obispo County and Montana de Oro State Park to confirm AT&T's compliance with all applicable conditions.

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