

**CALENDAR ITEM
C01**

A 33

03/02/09
PRC 8144.1
W 26237
S.Young
S. McFarlin

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CONSIDER THE TERMINATION OF AN EXISTING GENERAL LEASE - RIGHT OF WAY USE, THE ADOPTION OF AN ENVIRONMENTAL IMPACT REPORT, AND THE ISSUANCE OF A GENERAL LEASE - RIGHT OF WAY USE

LESSEE/APPLICANT:

AT&T Corporation
3D151F, 1 AT&T Way
Bedminster, NJ 27921

AREA, LAND TYPE, AND LOCATION:

5.56 acres, more or less, of sovereign lands in the Pacific Ocean, near the city of Los Osos, San Luis Obispo County.

AUTHORIZED USE:

Installation, use and maintenance of a portion of Segment 5 of the AT&T Asia America Gateway (AAG) fiber optic cable that will be placed into an existing five-inch diameter steel conduit.

LEASE TERM:

Ten years, beginning March 2, 2009, with the right to renew for one additional period of 15 years, subject to such reasonable renewal terms and conditions as the State may impose.

CONSIDERATION:

\$65,400 per year; with the State reserving the right to modify the method, amount or rate of consideration effective on the second anniversary of the beginning date of the lease. Irrespective of whether the State exercises the right to modify the lease consideration on the second anniversary, it may do so on the fifth anniversary, and subsequently thereafter, as provided in the Lease.

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SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit coverage of no less than \$1,000,000.

Bond:

\$500,000.

Other Provisions:

1. AT&T shall provide to the Commission a copy of the Critical Operations and Curtailment Plan for the primary work vessel.
2. AT&T shall provide to the Commission a project specific hazardous spill contingency plan.
3. Within 90 days of the acceptance by AT&T of the work as complete from the contractor, AT&T will provide a copy of the cable post lay ROV (remotely operated vehicle) survey and report and a set of as built plans showing the final plan and profile of the conduit in the lease area.
4. The Mitigation Monitoring Program and Environmental Conditions adopted by the Commission at the time of approval of the Lease are incorporated in the Lease. AT&T will be bound by and perform all of the Terms and Conditions contained in the Mitigation Monitoring Program and Environmental Conditions adopted by the CSLC.
5. The cable will be buried to a target depth of one meter to avoid entanglement with gray whales during feeding and to avoid gear entanglement with bottom trawlers.
6. A plow will be used to bury the cable wherever feasible to a water depth of 1,000 fathoms as determined by Commission staff in consultation with the on-site monitor. Precise maps giving location and actual burial depth will be provided to the Commission upon completion of the cable installation.
7. NOAA Fisheries approved marine wildlife monitors will be on board the cable burial and transport vessels for complete daytime observations during marine construction activities within 50 miles of the shore.
8. AT&T will conduct a post-lay ROV survey and provide a report, prepared by a marine biologist, which includes information on the area and estimated number and species of organisms affected by the project in rocky habitats. Additionally, a post-lay cable burial

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verification survey and inspection will to be conducted at 12 to 24 month intervals, avoiding the winter season during the first four-year period and thereafter as approved by the Commission. A post-lay cable burial verification survey and inspection will be conducted following any event that may cause the cable to be exposed.

BACKGROUND INFORMATION:

On February 8, 2000, the Commission issued a Permit for a Telephone Line Right of Way and four General Leases - Non-Exclusive Right of Way Use to MFS Globenet, Inc. (MFS). The permit and leases were part of MFS's fiber optic cable system and involved the construction of five steel conduits and placement of two fiber optic cables within two of the newly constructed conduits offshore of Montaña de Oro State Park in San Luis Obispo County. At that time, MFS contemplated the future assignment of the three empty conduits to AT&T (Lease Nos. PRC 8142, PRC 8143 and PRC 8144). On April 3, 2000, MFS notified the Commission of its intent to assign lease PRC 8144 in the event the conduit authorized under the lease was available when AT&T was ready to pull a new cable identified as China-US E1. Subsequently, on April 20, 2000, Lease No. PRC 8144.1, for the empty steel conduit identified as "Bore #5", was amended to allow the installation of the E1 new fiber optic cable into the conduit. The lease was assigned to AT&T on that date. However, the conduit had not been constructed when the cable ship was ready to install the China-US E1 cable in 2001. AT&T submitted a new application to install the E1 cable in the conduit already under construction for Lease No. PRC 8143.1 and on April 21, 2001, the Commission approved and authorized the installation of the E1 cable in the conduit for PRC 8143.1. The conduit for PRC 8144.1 was completed and has remained empty and available for future cable installation.

AT&T is now proposing to lay one new fiber optic cable from Hawaii to California as part a larger cable system originating in Asia and identified as the Asia-America Gateway (AAG) Fiber Optic Cable System. The proposed fiber optic cable would land at AT&T's existing landing facility at Montaña de Oro State Park near Morro Bay. The cable would be connected to the AT&T cable station located near San Luis Obispo, via an existing terrestrial cable conduit system. The marine cable would be installed using a combination of plowing and direct bottom lay along a pre-determined course. The near-shore cable would be installed in the existing empty conduit, Bore #5, Lease No. PRC 8144.1.

ENVIRONMENTAL PROCESS:

The Notice of Preparation (NOP) for the Environmental Impact Report (EIR) was circulated on November 7, 2007. The NOP was sent to federal, state and local agencies, environmental and public interest groups; affected landowners; local

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libraries, newspapers; and other interested parties. Two public scoping meetings were held in the city of San Luis Obispo on November 27, 2007 to provide an opportunity for the general public to learn about the proposed project and to participate in the environmental analysis by providing oral or written comments on the proposed project to be included in the Draft EIR.

On December 3, 2008, the Commission issued a Notice of Availability of the Draft EIR and Notice of Public Hearings. The Draft EIR was circulated for a 45-day public review period that started on December 3, 2008 and ended January 16, 2009.

Commission staff conducted two public hearings on January 6, 2009, in the city of San Luis Obispo. At the hearings, the public was given the opportunity to ask questions about the draft EIR and its contents and to present oral and/or written testimony. The Commission's decision-making process was also explained. Issues raised during the scoping and public comment period on the Draft EIR were addressed in the Final EIR that was released on February 19, 2009. On February 19, 2009, the Commission issued a Notice of Intent to certify the EIR.

ENVIRONMENTAL ISSUES:

The Final Environmental Impact Report (FEIR) indicates that all identified significant impacts can be reduced to less than significant with the application of the mitigation measures required under the Mitigation Monitoring Program (MMP), Exhibit D, attached.

Issues addressed in the draft EIR included aesthetics/visual resources; air quality, biological resources, cultural resources, erosion, water quality, recreation, noise, and system safety/risk of upset. Of these issues, GHG emissions and potential impacts to sensitive species are highlighted below.

1. Air Quality

The EIR found that the construction of the Project would produce NO_x emissions greater than the current threshold. In addition, the project has the possibility of producing GHG emissions that might incrementally contribute to climate change. The following mitigation measures address these two issues.

- The Project NO_x emissions will exceed the six tons per quarter threshold established by the San Luis Obispo County Air Pollution Control District (APCD) by 3.8 tons. As determined by the APCD, AT&T shall financially contribute to the off-site emission reduction program within the APCD jurisdiction for emissions exceeding the six tons per quarter threshold.

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- In addition, prior to the start of construction, AT&T shall purchase carbon offset credits from the California Climate Action Registry (CCAR), the APCD, or any source that is approved by the Commission's Executive Officer and that is consistent with the policies and guidelines of the California Global Warming Solution Act of 2006 (AB 32) to mitigate the Greenhouse Gas Emissions associated with construction of the Project. Within 60 days of completion of the project, AT&T will submit a report for the Executive Officer's review and approval, which identifies all construction-related emissions and the offsets that were purchased from approved programs that resulted in a zero net increase in emissions from the Project construction.

2. Biology

The EIR found that the construction of the Project may have adverse impacts to marine animals. These impacts have been mitigated with the following measure:

- A Marine Wildlife Contingency Plan for the pre- and post-lay surveys and cable lay operations shall be prepared and will include measures to reduce the chance of a vessel/marine mammal interaction and underwater noise impacts within the area most likely to support the most common cetaceans. The plan will include provisions for the appropriate number of NOAA marine mammal monitors to be on board vessels that could cause an impact to marine mammals including cable lay, cable burial and transport vessels.

The EIR found the potential for impacts to the Morro shoulderband snail. This potential impact has been mitigated with the following measure:

- Prior to the disturbance of potentially suitable habitat areas, a USFWS-approved biologist shall survey for, collect, and relocate any Morro shoulderband snails found within the project area to suitable on-site or off-site habitat areas not planned for disturbance.

OTHER ISSUES:

At the January 6, 2009, public hearing for the Draft EIR, Commission staff received comments from the public and local officials, encouraging AT&T to provide funding to assure the public's continued free access to Montaña de Oro State Park (Park). Portions of AT&T's existing fiber optic cables, as well as the proposed AAG cable, cross into the Park at the cable landing site. Staff understands that AT&T is participating in discussions regarding the requested funding.

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OTHER PERTINENT INFORMATION:

1. AT&T has the right to use the uplands adjoining the lease premises.
2. **Termination of Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

3. **Issuance of New Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the staff has prepared an EIR identified as CSLC EIR No. 745, State Clearinghouse No. 2007111029. Such EIR was prepared and circulated for public review pursuant to the provisions of the CEQA. A Mitigation Monitoring Program has been prepared in conformance with the provisions of the CEQA (Public Resources Code section 21081.6) and is contained in Exhibit D attached hereto.
4. CEQA Findings, made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15091) are contained in Exhibit C, attached hereto.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

FURTHER APPROVALS REQUIRED:

California Coastal Commission
Regional Water Quality Control Board
California Department of Fish and Game
U.S. Army Corps of Engineers

EXHIBITS:

- A. Location and Site Map
- B. Land Description
- C. CEQA Findings
- D. Mitigation Monitoring Program

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PERMIT STEAMLINING ACT DEADLINE:

September 1, 2009

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF LEASE – FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW LEASE: CERTIFY THAT AN EIR NO. 745, STATE CLEARINGHOUSE NO. 2007111029, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA, THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN AND THAT THE EIR REFLECTS THE COMMISSION'S INDEPENDENT JUDGMENT AND ANALYSIS.

ADOPT THE FINDINGS, MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15091, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT D, ATTACHED HERETO.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

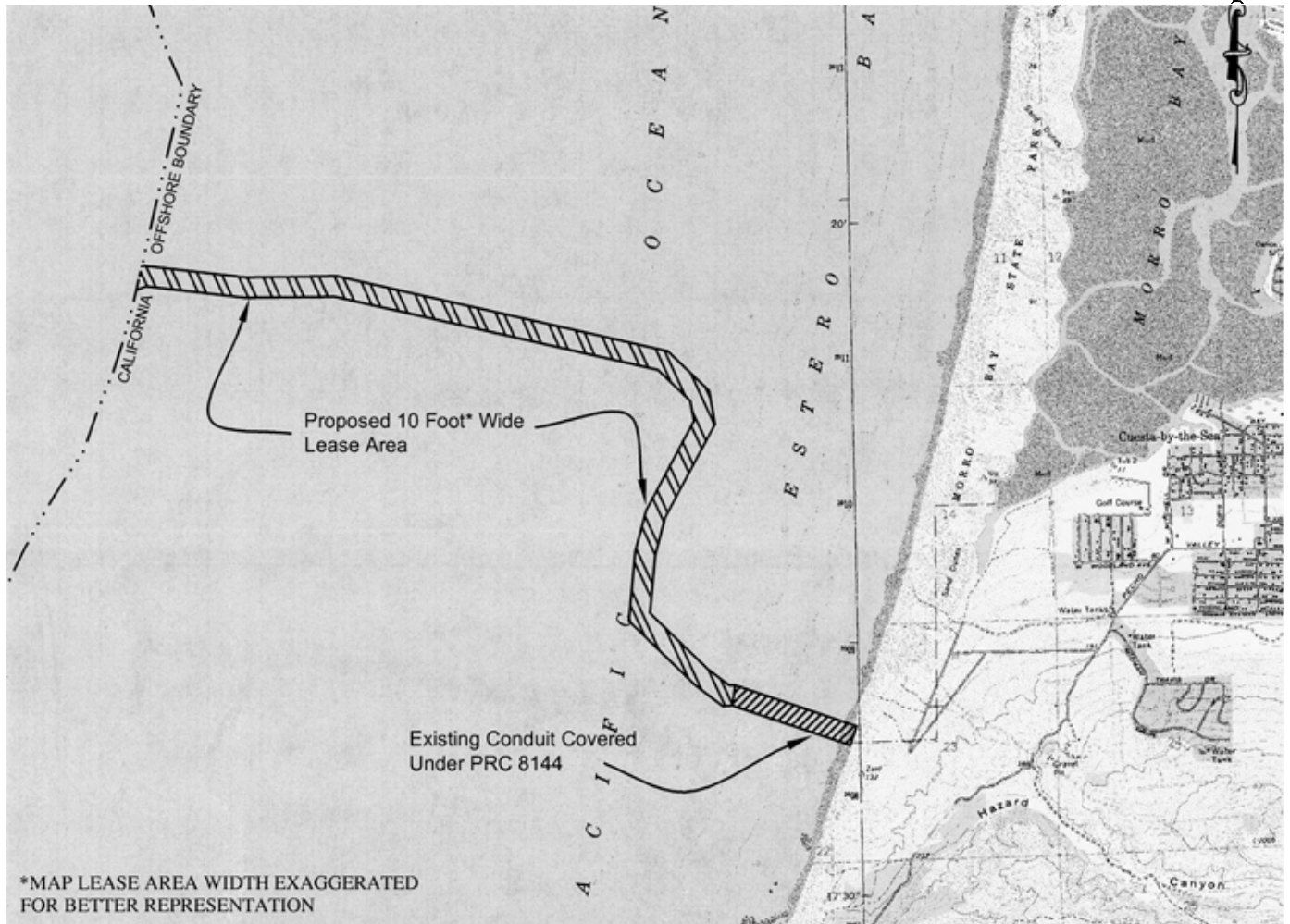
1. AUTHORIZE THE TERMINATION OF GENERAL LEASE – RIGHT OF WAY USE NO. PRC 8144.1 ISSUED TO AT&T CORPORATION, EFFECTIVE MARCH 1, 2009.
2. AUTHORIZE ISSUANCE OF A GENERAL LEASE – RIGHT OF WAY USE TO AT&T CORPORATION BEGINNING MARCH 2, 2009, FOR A TERM OF

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TEN YEARS, WITH THE RIGHT TO RENEW FOR ONE ADDITIONAL PERIOD OF 15 YEARS, SUBJECT TO SUCH REASONABLE RENEWAL TERMS AND CONDITIONS AS THE STATE MAY IMPOSE FOR THE INSTALLATION, USE AND MAINTENANCE OF ONE FIBER OPTIC CABLE (PORTION OF SEGMENT 5 OF AT&T ASIA AMERICA GATEWAY FIBER OPTIC CABLE SYSTEM) WITHIN AN EXISTING CONDUIT ON THE LAND DESCRIBED ON EXHIBIT B AND AS SHOWN ON EXHIBIT A, FOR REFERENCE PURPOSES ONLY, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$65,400; WITH THE STATE RESERVING THE RIGHT TO MODIFY THE METHOD, AMOUNT OR RATE OF CONSIDERATION EFFECTIVE ON THE SECOND ANNIVERSARY OF THE BEGINNING DATE OF THE LEASE, IRRESPECTIVE OF WHETHER THE STATE EXERCISES THE RIGHT TO MODIFY LEASE CONSIDERATION ON THE SECOND ANNIVERSARY, IT MAY DO SO ON THE FIFTH ANNIVERSARY, AND SUBSEQUENTLY THEREAFTER, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$1,000,000; AND A SURETY BOND IN THE AMOUNT OF \$500,000.

NO SCALE

SITE



PROPOSED AT&T ASIA AMERICA GATEWAY FIBER OPTIC CABLE PROJECT

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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

Exhibit A
 PRC 8144, W 26237
 AT&T CORP.
 APN 074-021-040
 GENERAL LEASE
 RIGHT-OF-WAY USE
 SAN LUIS OBISPO CO.



SITE

EXHIBIT C – AT&T Asia America Gateway Fiber Optic Cable Project STATEMENT OF FINDINGS

FINDINGS

These findings on the AT&T Asia America Gateway Fiber Optic Cable Project (proposed Project) proposed by AT&T (“the Applicant”) are made by the California State Lands Commission (CSLC), pursuant to the *Guidelines* for the California Environmental Quality Act (the CEQA) (California Code of Regulations, Title 14, section 15091). All significant adverse impacts of the project in California identified in the Final Environmental Impact Report (Final EIR) are included herein and organized according to the resource affected.

The CEQA Findings are numbered in accordance with the impact and mitigation numbers identified in the Mitigation Monitoring Program table of the Final EIR (see Section 8.0 of the Draft EIR, with revisions in Section 4.0 of the Final EIR). The CEQA Finding numbers are not numbered sequentially because some of the impacts were less than significant before mitigation (Class III) or a beneficial impact (Class IV).

For discussion of impacts, significance is classified according to the following definitions:

- **Class I** (significant adverse impact that remains significant after mitigation);
- **Class II** (significant adverse impact that can be eliminated or reduced below an issue’s significance criteria);
- **Class III** (adverse impact that does not meet or exceed an issue’s significance criteria); or
- **Class IV** (beneficial impact).

Class III and Class IV impacts require neither mitigation nor findings.

For each significant impact (i.e., Class I or II) a finding has been made as to one or more of the following, as appropriate:

- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the

mitigation measures or project alternatives identified in the Final EIR. (With respect to the proposed Project, no findings under this provision were made.)

A discussion of the facts supporting them follows the findings.

Whenever Finding (b) occurs, the agencies with jurisdiction have been specified. These agencies, within their respective spheres of influence, have the ultimate responsibility to adopt, implement, and enforce the mitigation discussed within each type of impact that could result from project implementation. However, under the CEQA (Public Resources Code section 21081.6), the CSLC, as the CEQA Lead Agency, has the responsibility to ensure that the mitigation measures contained are effectively implemented. Other specified State, local, regional, and Federal public agencies include, but are not necessarily limited to the following:

California Coastal Commission (CCC);

California Department of Fish and Game (CDFG);

California Department of Parks and Recreation (CDPR);

California Office of Spill Prevention and Response (COSPR);

California Regional Water Quality Control Board (RWQCB);

County of San Luis Obispo Planning Department/Environmental Coordinators Office (County)

National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries);

San Luis Obispo Air Pollution Control District (APCD); and

U.S. Fish and Wildlife Service (USFWS).

These Findings are based on the information contained in the Draft and Final EIRs for the Project, as well as information provided by the Applicant and gathered through the public involvement process, all of which is contained in the administrative record as noted below. The mitigation measures are briefly described in these findings; more detail on each of the mitigation measures is included in the text of the Final EIR.

The location of the administrative record is in the Sacramento office of the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.

CEQA FINDING NO. AVR-1

LIGHT AND GLARE IMPACTS

Impact: **AVR-1: Onshore Construction and abandonment activities could adversely affect daytime and nighttime views in the area.**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

Project installation activities at the Sandspit Beach parking lot will be short-term and involve minimal above-ground features; however, construction activities may deter some from visiting the Sandspit Trail, and may also temporarily affect scenic resources or degrade the existing visual character of the surrounding areas. Aesthetic impacts may occur temporarily at the Sandspit Beach parking lot due to construction activities. These impacts may include the connection trench that will be dug to connect the cable onshore. After construction activities have concluded, the connection trench will be resurfaced. Obstruction of ocean views from Pecho Valley Road will occur during construction activities, but will only be temporary (approximately four weeks). Onshore construction activities will result in potentially significant impacts (Class II) due to light and glare during night-time activities.

Mitigation Measures for AVR-1: The following shall be completed by AT&T during construction.

MM AVR-1: Light and Glare. During construction, all elevated construction lighting shall be positioned downward and/or toward the west and south such that direct views of the light source are not visible from the residence on Costa Azul Drive, or to travelers along Pecho Valley Road within Montaña de Oro State Park. The lowest watt bulbs possible shall be used and periodic monitoring of the visual impacts of the lights shall be conducted. Monitoring shall be conducted by the environmental monitor and if necessary will result in recommendations to adjust the location, position, etc. of lighting in the Sandspit Beach parking lot throughout the construction period.

The proposed Project has the potential to impact onshore visual resources during its construction phase by introducing new sources of light and glare. The measure above would minimize the Project's adverse effects on light and glare. With implementation of the mitigation measure above, this impact is reduced to a less than significant level.

CEQA FINDING NO. AVR-2

VEGETATION TRIMMING AND REMOVAL

Impact: **AVR-2: Vegetation Trimming and Removal Impacts (from 1990 County of San Luis Obispo Hawaii to San Luis Obispo Conditions of Approval). Project installation may require trimming or removal of vegetation to access the existing conduit route.**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

Project installation activities will require trimming or removal of vegetation in various locations along the Project right of way (ROW). Specifically, trimming or removal of central dune scrub habitat may occur from manhole (MH) 109F to Pecho Valley Road and areas of central maritime chaparral may be trimmed or removed along the Rim Trail from MH 96F to MH 90F. The remainder of the ROW, MH 90F to the AT&T Cable Station, consists primarily of central (Lucian) coastal scrub, coastal scrub/oak woodland, and annual grassland habitat. Trimming or removal of coastal scrub and trimming of coast live oak trees may occur in various locations along the remainder of the ROW. Refer to Impact TERBIO-3 for specific locations of oak tree impacts. Removal of coast live oak trees will not occur as a result of Project installation activities.

Mitigation Measures for AVR-2:

ARV-2: Implement measures ARV-2a, ARV-2b, TERBIO-3a, and TERBIO-3b.

MM AVR-2a: Trimming of Vegetation. AT&T shall trim all woody vegetation in preference to cutting, and shall cut all woody vegetation in preference to bulldozing.

MM AVR-2b. Disposal of Trimmings. Existing ground cover such as grasses, leaves, brush and tree trimmings shall be cleared and piled only to the extent necessary. Slash and limbs shall be disposed of as directed by the appropriate agency official.

MM TERBIO-3a. Oak Tree Avoidance. To avoid unnecessary pruning impacts to several oak woodland habitat areas along the ROW, the alternative access routes outlined on the DEIR Figures 4.3-11 and 4.3-12 shall be utilized to access manholes 28.5 to 30.5 and 51 during all Project operations. Appropriate use of these alternate access routes would also avoid and/or minimize inadvertent soil compaction impacts to

the critical root zones of oak trees at these locations due to temporary access of Project vehicles and equipment.

MM TERBIO-3b. Certified Arborist. To further protect and ensure the long-term health of oak woodland habitat throughout the terrestrial cable route ROW, a certified arborist shall be retained by AT&T to perform any necessary trimming of oak tree limbs overhanging equipment access routes. This shall be conducted prior to allowing construction equipment to enter the proposed impact area to avoid and/or minimize the potential for inadvertent damage to oak tree limbs (i.e., equipment, vehicles, etc.).

The proposed Project has the potential to impact onshore visual resources during its construction phase by the cutting and removal of vegetation. The measures above would minimize the Project's adverse effects on visual resources, resulting in a less than significant impact to the visual environment by minimizing visual impacts during fiber optic cable installation.

CEQA FINDING NO. AQ-1

CONSTRUCTION AND DECOMMISSIONING EMISSIONS

Impact: **AQ-1: Vessels used for construction and decommissioning could temporarily exceed daily emission thresholds for ozone precursors within the APCD.**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations (AQ-1b) are within the responsibility and jurisdiction of another public agency (APCD) and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

The maximum daily NO_x emissions would occur during near-shore cable installation. This phase of the Project combined with worker commuting will create 2,759.7 pounds (1,252.2 kg) of NO_x per day (lbs/day), which exceeds the APCD regional significance threshold of 185 pounds (84 kg) per day. Peak daily emissions assume near shore cable installation, shore-end construction, and land based cable pulling will happen simultaneously. During construction, peak daily emissions will be 2,846.5 pounds of

NO_x, 107.8 pounds of ROC, 77.6 pounds of PM₁₀, 590.3 pounds of CO and 541.6 pounds of SO₂. Offshore cable installation and cable retroburial will also result in NO_x emissions which will exceed the daily APCD significance threshold. The total duration of activities with emissions above the daily NO_x emissions significance threshold is conservatively estimated to be six days. Forecasted unmitigated daily emissions of ROC, CO, PM₁₀, and SO₂ are less than the APCD thresholds. Mitigation to reduce or offset NO_x emissions is warranted based on the exceedance of the APCD threshold. Decommissioning and cable removal activities have not been identified in detail, but would involve equipment similar to that used for Project construction.

Appendix C of the FEIR includes emission calculation spreadsheets and emission factors used to calculate total Project emissions. Equipment included in the regional emission estimate includes marine vessels and support boats, on-land construction equipment, on-highway trucks, and worker commute vehicles. The uncontrolled emission estimates for marine vessels are based on pre-2000 emission factors and assume that none of the offshore equipment uses EPA Tier 2-compliant engines. The total NO_x emissions within the Carl Moyer Boundary would be 9.8 tons (8,890.4 kg) which exceeds the APCD regional significance threshold for total project emissions during a single calendar quarter of 2.5 tons by 7.3 tons. Emissions exceeding the 2.5 ton threshold, but are less than 6 tons, require implementation of Best Available Control Technology (CBACT). The threshold of significance which requires the purchase of offsets is set by the APCD at 6 tons for NO_x and ROC. Forecasted unmitigated total emissions of ROC, CO, PM₁₀, and SO₂ are less than the applicable APCD CEQA thresholds. Mitigation or offsets to reduce NO_x emissions is warranted based on the exceedance of the APCD threshold.

Mitigation Measure for AQ-1:

AQ-1a. NO_x Control Measures and CBACT. The proposed project shall implement Best Available Control Technology for all emissions exceeding 2.5 tons per quarter. These measures include but are not limited to the following standard construction equipment mitigation measures:

- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel powered equipment, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's Tier 2 or newer certification standard for off-road heavy-duty diesel engines.

- Maximize to the extent feasible, the use of on-road heavy duty equipment and trucks that meet the ARB's 2007 or newer certification standard for on road heavy duty diesel engines.
- All on and off-road diesel equipment shall not be allowed to idle for more than five minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the five minute idling limit.

The following additional measures shall be utilized to address the requirement for CBACT

- Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.
- Low-Emission Fuel. Low-sulfur diesel fuel shall be used in all smaller diesel-powered vessels and in all construction equipment.

AQ-1b. Offsite NO_x Mitigation. As determined by the San Luis Obispo County APCD, AT&T shall financially contribute to an off-site emission reduction program within the APCD jurisdiction for emissions exceeding 6 tons per quarter. The amount of the contribution shall be agreed upon by the APCD taking into account the limited duration of cable-laying activities. A description of the emission reduction program and a copy of a receipt for funds committed to the program shall be submitted to the APCD at least two months prior to operation of the cable.

Use of on-road diesel fuel designed for motor vehicles would ensure that combustion-related diesel particulate matter emissions from all construction equipment are reduced to the extent feasible. The CARB currently requires low-sulfur fuel (500 ppm sulfur content) in construction equipment and, in many locations, ultra-low sulfur diesel fuel (15 ppm sulfur content) is already available. In advance of CARB rulemaking, use of on-road diesel fuel in smaller marine vessels (i.e., support boats) would be feasible and appropriate. The cable-laying vessel would operate on heavier distillate and residual fuel oils, which are not available with reduced sulfur content.

Odors from construction equipment diesel exhaust would also be reduced with the recommended use of low-sulfur fuel. No substances used or activities involved with the Project are expected to have the capability to produce offensive odors.

Total construction related NO_x emissions are estimated to be 9.8 tons. As this exceeds the 6 ton per quarter threshold established by the APCD, the offset of 3.8 tons of NO_x will be required. Significant emissions greater than 6 tons of NO_x within the APCD will be mitigated with contributions to previously established programs administered by the APCD. Air quality management plans for attainment partially depend on these programs, which provide emission reductions from sources that are not Project-related and traditionally are not regulated. For example, contributions could be used to fund the

Carl Moyer Program (for upgrading or replacing existing engines in agricultural operations or other local marine operations), depending on the discretion of the APCD. The APCD would identify the level of funding necessary to address the impact in a manner consistent with the applicable attainment plan, taking into account the limited duration of cable-laying activities.

With the mitigation described above, the impact is reduced to a less than significant level.

CEQA FINDING NO. AQ-2

Increase in Greenhouse Gas Emissions

Impact: **AQ-2: The Proposed Project would produce greenhouse gas emissions and contribute to climate change.**

Class: II

- Finding(s):
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency (AQ-2) and not the agency making the finding. Such changes have been adopted by such other agency (APCD or CCAR) or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

The proposed action consists of a cable laying project requiring the use of diesel-powered equipment. GHG emissions that would be generated as a result of the use of this equipment were estimated by the following methods:

- The number of horsepower hours per year of construction equipment usage was estimated based on the equipment inventory listed in DEIR Table 4.2-4;
- The number of gallons of diesel fuel used to operate diesel-powered construction equipment was estimated using a factor of 0.05 gallon (0.2 liter) per horsepower-hour using U.S. EPA's NONROAD2005 model (EPA 2005);
- The number of gallons of gasoline used by worker commute vehicles was estimated assuming an average passenger vehicle fuel economy of 20 miles (32 km) per gallon; and
- The following carbon dioxide emission factors for mobile source fuel combustion were used (EIA 2007):

- Diesel fuel: 22.4 lbs (10.2 kg) per gallon
- Gasoline: 19.6 lbs (8.9 kg) per gallon

For the GHG analysis only, emission calculations included those associated with cable laying operations beyond the continental shelf to Hawaii and for the cable landing in Hawaii. The inclusion of just the Hawaii to California segment is based on documentation provided by AT&T that demonstrates that this segment of the Asia-America Gateway Project has independent utility and does not depend on the other larger project components for service.

Because the emission sources associated with the proposed Project are internal combustion engines, the predominant GHG emitted by the Project would be carbon dioxide (CO₂). As a result, GHG emissions for the Project are calculated based on estimated fuel usage. Based on a total fuel consumption of 345,231.0 gallons (1.3068 million liters), the Project will produce a total of 3,871.2 tons (3.512 million kg) of CO₂. These emissions would occur only during the brief construction period; however, these emissions will result in a net increase in the production of GHG. Such impacts are potentially significant therefore mitigation measures to reduce these impacts are proposed. Emission calculations are included in DEIR Table 4.2-8 and in Appendix C of the FEIR. Following construction, the proposed Project would not produce any measurable operational GHG emissions except for those associated with minor maintenance operations which are already occurring as part of the ongoing operations associated with the existing fiber optic cable system.

It is possible that GHG emissions associated with construction of the Project, when combined with emissions throughout the Project area, might incrementally contribute to climate change. Locally, there are other industrial, commercial and residential projects in the Project area that could contribute to cumulative impacts. Based upon 9,875 estimated total annual ocean-going vessel visits to California ports (CARB 2005), the additional vessel visits involved in this Project would represent less than a quarter of one percent of the total CO₂ emissions from ocean going vessels in CCW.

Mitigation Measures for AQ-2:

AQ-2. GHG Emissions Offset Program. Prior to the start of construction, the applicant shall purchase carbon offsets from the California Climate Action Registry (CCAR) or the San Luis Obispo County Air Pollution Control District (APCD). The applicant may also use offsets or credits from any source that is approved by the Executive Officer and is consistent with the policies and guidelines of the California Global Warming Solutions Act of 2006 (AB 32). Within 60 days of completing construction, the applicant shall submit a report for Executive Officer review and approval that identifies all construction-related emissions and the offsets that were purchased from approved programs that resulted in zero net increase in air emissions from project construction.

Marine vessel emissions have been documented by CARB (2005) as resulting in significant GHG impacts to California’s coastal air quality, particularly in areas of high vessel activities including the San Francisco Bay Area and Port of Los Angeles/Long Beach. Project related emissions will result in a temporary increase due to the cable lay vessels engine emissions and associated support vessels. Such emissions are considerably higher from the proposed dynamically positioned cable lay vessel versus a vessel that holds its position by anchoring. By participating in an Emissions Offset Program, these emissions will be offset through implementation of an established emissions reduction program. Therefore, this impact is reduced to a less than significant level.

CEQA FINDING NO. TERBIO-1

IMPACTS TO MIGRATORY BIRDS AND RAPTORS

Impact: **TERBIO-1: Cable installation activities could adversely affect nesting activities of protected migratory birds and raptors.**

Class: II

- Finding(s):
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency (County-adopted measures and TERBIO-1b) and not the agency making the finding. Such changes have been adopted by such other agency (County and CDFG respectively) or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

A number of migratory bird species, including shrub/ground nesters (e.g., California towhee, Bewick’s wren, white-crowned sparrow, and California thrasher) and raptors (red-tailed hawk, great horned owl, red-shouldered hawk, *etc.*) that require large trees for nesting, could potentially nest in the habitats within and adjacent to the terrestrial cable route and proposed staging areas. Tree trimming and ground-clearing activities could destroy nests, nestlings, or hatchlings, and result in a violation of the Migratory Bird Treaty Act (16 USC 703-712) and CDFG codes (Sections 3503, 3503.5, and 3800). Cable installation activities also have the potential to disrupt nesting activities within the vicinity of the cable alignments. These laws and regulations prohibit the intentional or unintentional capture, possession, or destruction of any migratory bird, its nest, eggs, young, or parts thereof without a permit issued by the USFWS. Disturbance that causes nest abandonment and/or loss of reproductive effort could be considered a “take” and is therefore a potentially significant but mitigable impact.

Mitigation Measures for TERBIO-1:

Previous Mitigation Measure from 1991 County Coastal Development Permit (D900110D): Construction activity would not take place within 0.5-mile (0.8-km) of identified raptor nesting areas during the period of February 1 through July 15.

TERBIO-1a: Vegetation Clearing Restrictions. Initial vegetation removal shall be conducted prior to, or after, the typical migratory bird nesting season (March 1 through August 1) to avoid any potential impact to migratory bird nesting activity. Therefore, initial vegetation clearing and tree trimming along the alignments should be conducted between the months of August and February.

TERBIO-1b: Nesting Bird Surveys. If MM TERBIO-1a. is infeasible, pre-construction surveys shall be conducted prior to any vegetation removal to identify any potential bird nesting activity, and:

- If active nest sites of bird species protected under the Migratory Bird Treaty Act are observed within the vicinity of the Project site, then the Project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;
- If active nest sites of bird species of special concern (e.g., loggerhead shrike, California horned lark, etc.) are observed within the vicinity of the Project site, then CDFG shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and,
- Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the State Lands Commission (lead agency), county and to the USFWS and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.

Implementation of vegetation clearance restrictions and nesting bird surveys would result in avoidance of significant impacts to migratory birds.

CEQA FINDING NO. TERBIO-2

IMPACTS TO TERRESTRIAL SENSITIVE SPECIES

Impact: **TERBIO-2: Construction activities could potentially adversely affect special-status plant and wildlife species occurring in the Project area.**

Class: II

- Finding(s):
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - b) Such changes or alterations (County-approved measures, TERBIO-2 [2b, 2f, 2g, 2h, 2i, and 2j]) are within the responsibility and jurisdiction of another public agency (County, CDFG, USFWS, and NOAA Fisheries) and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Implementation of the proposed Project including brush clearing and tree trimming to facilitate equipment access and the exposure of existing manholes will result in potentially significant impacts to special status plant and wildlife species. These species include: the CNPS List 1-B.1 federally threatened Morro manzanita and CNPS List 1-B.1 De la Cruz Manzanita; the CNPS List 1-B.2 plant species San Luis Obispo owl's clover and Cambria morning glory; critical habitat for the federally endangered Morro shoulderband snail; and the California horned lizard, a species of special concern.

Project access by trucks, cable trailers, tractors, and other necessary equipment would cross Los Osos Creek and two small tributary channels on the Silva property, using existing unpaved road crossings that pass directly through the creek and drainage channels (refer to DEIR Figure 4.3-2). Los Osos Creek is known to contain several sensitive aquatic and semi-aquatic species, including California red-legged frog, south-central California coast ESU steelhead, and southwestern pond turtle. During a reconnaissance-level survey of the Project area conducted by Padre on August 5, 2008, juvenile steelhead trout were observed within the shallow pools located immediately upstream and downstream of the proposed creek crossings. The riparian habitat of Los Osos Creek also provides suitable habitat for the special-status two-striped garter snake. During the spring time frame proposed for Project construction, these crossings are likely to have flowing water conditions. The 1990 HAW-5 Conditions of Approval specifically address impacts to Los Osos Creek and associated stream crossings, wetlands, and special-status species (Section B, and in section D.20.d.1). In summary, these conditions require monitoring, avoidance, erosion control, and revegetation of any impacts, and limit Project-related creek crossings to the normal dry period between June 1st and October 15th except where prior written permission has been granted by State and Federal agency representatives. Therefore, potential impacts to special-status aquatic and semi-aquatic species of Los Osos Creek and associated drainages are considered significant, but mitigable (Class II).

Special-status bird species such as the northern harrier, and sharp-shinned hawk could be potentially impacted during construction through the short-term loss of foraging opportunities within areas of construction. Cooper's hawk, white-tailed kite, and yellow warbler also have the potential to be affected by the short-term disturbance of both

foraging habitat and potential nest sites (i.e., eucalyptus, riparian woodland, etc.). Due to the relatively small, linear area of proposed disturbance and short-term construction period, overall impacts to foraging raptors and special-status passerine species are expected to be minimal. However, potential nesting habitat for all bird species will be carefully surveyed prior to construction as stipulated in Mitigation Measure TERBIO-1, above.

Mitigation Measures for TERBIO-2:

Previous Mitigation Measure from 1991 County Coastal Development Permit (D900110D):

Mitigation Monitoring

1. *Prior to commencing construction of each phase the Applicant shall retain a mitigation monitor approved by the County 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

2. *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 construction control lines. Any disturbance outside of these areas shall be prohibited and construction crews shall be so informed.*

Clearance and Inspection

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

Mitigation Measures included in the Project by AT&T

Access and Transportation

4. *When providing access to fiber optic cable right-of-way, the stream and any washes would be crossed at existing roads or bridges. Any construction activity in a perennial stream would be prohibited unless*

specifically allowed by the appropriate agency official or the California Department of Fish and Game Enforcement Representative. All stream channels and washes would be returned to their natural state. California Department of Fish and Game stream alteration agreement Section 1601 and 1603 permits would control and stipulate construction procedures at stream crossings in California. All streams would be crossed between June 1 and October 15, except where prior written permission has been granted by the State and Federal representatives.

Clearing and Site Preparation

5. *Sidehill cuts would be kept to a minimum to ensure resource protection and a safe and stable plan for efficient equipment use. The appropriate agency official (i.e., county and/or county compliance monitor) would provide assistance and would approve sidehill cuts prior to construction.*
6. *Existing ground cover such as grasses, leaves, brush, and tree trimmings would be cleared and piled only to the extent necessary. Slash and limbs would be disposed of as directed by the appropriate agency official (i.e., county and/or county compliance monitor).*
7. *Trees and shrubs on the right-of-way that are not cleared would be protected from damage during construction. The bulldozers would maintain their blade in a raised position except at areas designated for clearing, such as bore pits, manholes, splice boxes and washes.*
8. *AT&T would trim all woody vegetation in preference to cutting and would cut all woody vegetation in preference to bulldozing.*

Safety/Health

9. *Care would be taken to avoid lubricant and fuel spills and other types of pollution in all areas including streams and other water bodies and in their immediate drainage areas. All spills and trash would be cleaned up immediately.*
10. *Engine oil changed would be contained in suitable containers and disposed of as refuse.*

11. *Construction equipment would not be refueled or serviced within stream channels.*
12. *Garbage and other refuse would be disposed of in an authorized disposal site or landfill.*
13. *Construction sites would be maintained in a sanitary condition at all times; waste materials at those sites would be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.*

Threatened or Endangered Plants and Animals

14. *Field surveys would be conducted for State and Federal listed species potentially present along the route. Where appropriate and necessary, site-specific mitigation would be developed and approved by the land management agencies, U.S. Fish and Wildlife Service, and California Department of Fish and Game. Field work for identification of plant species would be done before construction and would be scheduled to coincide with known flowering periods and/or during periods of phenological development necessary to identify the plant species of concern.*

Stream Crossings, Wetlands, and Fisheries

15. *Where the right-of-way crosses streams, the banks would be stabilized to prevent erosion. Construction techniques would minimize damage to shorelines, recreational areas, and fish and wildlife habitat.*
16. *During construction activities near streams, sedimentation (detention) basins and/or straw bale or fabric filters will be constructed to prevent suspended sediments from reaching downstream watercourses or lakes, as required by the California Department of Fish and Game.*
17. *Disturbance to riparian vegetation and wetlands would be minimized by avoidance where possible. Approaches to streams would require selective clearing of vegetation subject to California Fish and Game authorization. No mature riparian trees would be removed.*

General Mitigation Measures Applying to All Routes and Improvements

18. *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 where plants will be affected.*
19. *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 (e.g., the rim trail).*

SLO Junction to Clark Valley Road

20. *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.*
21. *In areas of chaparral, construction shall follow the existing road, and disturb the vegetation along the side as little as possible.*

Clark Valley Road to Los Osos Creek

22. *The existing road west of Clark Valley Road shall be followed where feasible to avoid the oaks and shrubs.*
23. *All Morro manzanitas along the route shall be flagged and avoided where possible.*

0.2-Mile West of the Eastern Boundary of Montaña de Oro State Park to Hazard Canyon Road

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

Additional TERBIO-2 Mitigation Measures:

TERBIO-2: Worker Orientation. Prior to construction, an agency-approved biological monitor shall conduct a worker orientation program that includes information on and emphasizes the presence of all special-status species within the Project site, identification, their habitat requirements, and applicable regulatory policies and provisions regarding their protection, and measures being implemented to avoid and/or minimize impacts for all construction contractors (site supervisors, equipment operators and laborers);

TERBIO-2b. Monitoring Frequency. All construction monitoring shall be conducted at a frequency and duration specified by the appropriate regulatory agency(s) (e.g., county, CDFG, USFWS, and NOAA Fisheries) in consultation with AT&T. This consultation shall include appropriate Project authorization from the USFWS (i.e., approved Incidental Take Permit/Habitat Conservation Plan or other appropriate authorization) relative to impacts to the federally-listed Morro shoulderband snail;

TERBIO-2c. Exclusionary Fencing. In accordance with resource agency guidance, exclusionary fencing shall be erected at the boundaries of equipment staging areas to preclude equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species (i.e., coastal dune scrub, annual grassland, etc.). The exact location of exclusionary fencing for each staging area shall be determined by an agency-approved biological monitor. The fencing shall remain in place throughout the construction phase of the Project;

TERBIO-2d. Limits of Night-time Operations. At no time shall any night-time operations and/or construction activities be allowed along the terrestrial cable route from manholes 109F to 4.5. Any required night-time equipment lighting within the Montaña de Oro AT&T Parking Lot to facilitate the Shore-End Segment cable pull and/or within the AT&T Cable Station shall be shielded away from adjacent wildlife habitat areas and pointed downward to minimize lighting/glare impacts to wildlife; and,

TERBIO-2e. Spill Prevention and Contingency Plan. AT&T or its construction contractor shall prepare and implement a Spill Prevention and Contingency Plan that includes provisions for avoiding and/or minimizing impacts to sensitive onshore habitat areas, wetlands and waterways of the Project area (i.e., Los Osos Creek and associated tributaries) due to spills during Project implementation. Specifically, the plan shall include but not be limited to the following provisions:

- All equipment fueling shall be conducted within the designated staging areas of the Project site. At no time shall any equipment fueling be

- An overview of the containment measures to appropriately store and contain all fuels and associated petroleum products during the Project shall be included in the plan. This shall include specific provisions for equipment staging areas, such as the need for drip pans underneath all parked equipment and designated storage areas for fuel dispensing equipment with visqueen lining and secondary containment; and,
- A description of the response equipment that will be on-site during construction and exact procedures for responding to any inadvertent spills including miscellaneous fuel and/or lubricant spills from construction equipment and vehicles during operations. Final specifications of the Spill Prevention and Contingency Plan shall be reviewed and approved by the CSLC, county and CDFG prior to Project implementation.

Additional Protective Measures for Special-Status Wildlife

TERBIO-2f. USFWS Authorization. Prior to installation of the terrestrial cable route, AT&T shall provide an approved USFWS Incidental Take Permit and Habitat Conservation Plan or other appropriate authorization that identifies the conservation measures that AT&T agrees to implement to avoid and/or minimize impacts to Morro shoulderband snail during Project operations. If an Incidental Take Permit/Habitat Conservation Plan is required, it will document methods of relocation of Morro shoulderband snails from work areas and mitigating temporary impacts to Morro shoulderband snail critical habitat elements (i.e., coastal dune scrub). This shall include a letter of agreement from State Parks approving the final provisions of the proposed Morro shoulderband snail mitigation site within Montaña de Oro State Park as illustrated on Figure 4.3-1. All measures of any Habitat Conservation Plan or other appropriate USFWS authorization specific to the Project shall become Conditions of Approval.

TERBIO-2g. Morro Shoulderband Snail Survey(s). Prior to the disturbance of potentially suitable habitat areas (manholes 109F to 96F and Rim Trail), a USFWS-approved biologist shall survey for, collect, and relocate any Morro shoulderband snails found within the Project area to suitable on-site or off-site habitat areas not planned for disturbance. USFWS authorization shall be required for this activity (i.e., approved Incidental Take Permit/Habitat Conservation Plan).

TERBIO-2h. Coast Horned Lizard Survey(s). A CDFG-approved biologist shall conduct pre-construction surveys to determine presence/absence of California horned lizard within and in areas adjacent to chaparral and/or scrub habitats with emphasis from manholes 109F to 82F. Surveys shall

only be required during the active period of California horned lizards (generally April through September). If California horned lizards are identified adjacent to and/or within work areas, then hand rakes or an equivalent shall be utilized by biological monitors to scarify the ground surface and encourage the horned lizards (and other wildlife) to vacate the immediate area prior to construction. As necessary, the agency-approved biological monitor shall physically relocate California horned lizard to suitable habitat located outside the construction zone. Exact procedures and protocols for relocation shall be agreed to during pre-Project consultation with CDFG;

TERBIO-2i. Vegetation Clearing Monitoring. A USFWS and CDFG-approved biological monitor shall be on-site during all vegetation clearing and periodically monitor the Project site during construction activities to inspect protective fencing, equipment staging areas, and physically relocate/remove any special-status wildlife species entering the construction zone (i.e., Morro shoulderband snail, California horned lizard, etc.). All special-status species shall be relocated to suitable habitat located outside the construction zone by a qualified biologist. Exact procedures and protocols for relocation shall be agreed to during pre-Project consultation with USFWS and CDFG;

TERBIO-2j. Los Osos Creek Pre-Activity Surveys. Prior to crossing of Los Osos Creek and associated drainages by Project vehicles and equipment each day, a CDFG-approved biologist shall conduct a focused pre-activity survey of the proposed crossing(s) including a buffer of approximately 50 feet (15 m) upstream and downstream of the crossing(s) to determine presence/absence of aquatic and semi-aquatic special-status species including but not limited to steelhead trout, California red-legged frog, southwestern pond turtle, and two-striped garter snake. All special-status species within and/or immediately adjacent to the crossing(s) shall be relocated to suitable habitat located outside the roadway by a qualified biologist. The frequency of special-status species surveys within Los Osos Creek should be increased at the discretion of the approved biologist to account for increased special-status species activity and/or occurrences. Exact procedures and protocols for relocation of species of concern (e.g., southwestern pond turtle, two-striped garter snake, etc.) shall be agreed to during pre-Project consultation with CDFG. At no time shall any federally-listed species (e.g., steelhead trout, California red-legged frog, etc.) be relocated from the crossings without prior authorization from the NMFS and/or USFWS.

TERBIO-2k. Prohibit Domestic Pets. During all construction activities, domestic pets shall not be allowed within the construction area to minimize the potential for wildlife harassment.

The above measures provide several means of avoiding impacts to special status plant and wildlife species by placing controls on specific project activities, conducting special species surveys to ensure they are not within potential impact areas, and monitoring. Therefore, the impacts are reduced to a less than significant level.

CEQA FINDING NO. TERBIO-3

DEGRADATION OF NATURAL HABITATS

Impact: **TERBIO-3: Degradation of Natural Habitats.**

Class: II

- Finding(s):
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - b) Such changes or alterations (County-approved measures) are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency (County) or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

The proposed Project has the potential to result in permanent loss and/or long-term degradation and fragmentation of natural habitats including sensitive plant communities, which provide forage, cover, and breeding elements for several wildlife taxa, including special-status species (Potentially Significant, Class II).

Plant communities existing within and adjacent to the Project site have been disturbed by previous activities including, but not limited to, development of the State Park road and trail system, the original terrestrial cable route installation and construction of the Montaña de Oro Parking Lot in 1990, planting of non-native vegetation including eucalyptus windrows, and ongoing private property owner agricultural practices including cattle grazing. Although portions of natural habitat may be intact (i.e., Montaña de Oro State Park), the value of portions of these plant communities has been reduced due to fragmentation, introduction of non-native vegetation, and periodic disturbance.

The proposed Project involves re-disturbance of the existing terrestrial cable route to facilitate installation of the new cable system. No new construction or significant deviation from the previous projects' activities is proposed, other than the addition of the Twissleman Road access route. However, installation of the proposed cable system along the existing cable route has the potential to result in additional permanent loss and/or temporary disturbance of the plant communities existing within the Project area

including central dune scrub, maritime chaparral, coast live oak woodland, and perennial grassland habitat areas.

Based on Project-specific surveys, central dune scrub, central maritime chaparral, and fragmented valley needlegrass grassland were found in or immediately adjacent to the Project site and are considered sensitive by State and/or Federal agencies. Additional sensitive habitats within or adjacent to the Project site include sandy beach and riparian areas. Temporary disturbance and/or loss of central dune scrub and maritime chaparral habitat would be considered significant because of their habitat value and declining acreage within coastal San Luis Obispo County. Potential temporary impacts would include crushing or pruning of existing vegetation along the alignments, but no permanent loss of coastal dune scrub would occur as part of the Project. Pruning of maritime chaparral components (i.e., Morro manzanita and De la Cruz manzanita) along the Rim Trail would also be required as part of the Project to allow vehicle/equipment access to manholes 96F through 89F. Although previous project impacts to manzanita were mitigated via the 1991 mitigation plantings within Montaña de Oro State Park, the proposed Project could result in inadvertent impacts to other maritime chaparral areas not impacted by past projects. Lastly, fragmented portions of valley needlegrass grassland habitat areas located along the eastern portion of the alignment within the vicinity of manhole 9½ could be impacted by Project vehicles and equipment access. Therefore, potential impacts to coastal dune scrub, maritime chaparral, and valley needlegrass grassland are considered significant, but mitigable (Class II) with implementation of the required mitigation measures.

Project access by trucks, cable trailers, tractors, and other necessary equipment would also result in additional impacts to coast live oak woodland habitat areas along the ROW and access roads by damaging overhanging branches, although no Project components would require oak tree removals. Rather, all impacts identified would consist of pruning overhanging branches to allow vehicle and equipment access.

The 1990 HAW-5 Conditions of Approval (D900132D) specifically address oak tree impacts in section D.20.a.1-10. This section requires avoidance where possible, oak pruning to reduce impacts prior to vehicle access, and mitigation planting for oaks impacted by pruning or vehicle damage. The 1990 County of San Luis Obispo Conditions of Approval specify a 5:1 replacement ratio for all oak trees removed by the Project, but do not specify a ratio for impacts to trees from pruning. Subsequent fiber-optic cable installation projects have utilized a 2:1 ratio to mitigate oak tree trimming impacts along the cable routes. Implementation of the 1990 HAW-5 Conditions of Approval (D900132D), in addition to the oak tree avoidance and minimization measures outlined below, would reduce potentially significant impacts to coast live oak woodland habitat areas along the ROW to less than significant (Class II).

Project access by trucks, cable trailers, tractors, and other necessary equipment would cross Los Osos Creek and two small tributary channels on the Silva property, using existing unpaved road crossings that pass directly through the creek and drainage channels. Los Osos Creek is known to contain sensitive aquatic species, including but

not limited to the California red-legged frog, steelhead trout, and southwestern pond turtle. The 1990 HAW-5 Conditions of Approval specifically address impacts to Los Osos Creek and stream crossings, wetlands, and fisheries in section B, and in section D.20.d.1. These conditions require monitoring, avoidance, erosion control, and revegetation of any impact areas, and limit Project-related creek crossings to the normal dry period between June 1st and October 15th, except where prior written permission has been granted by State and Federal agency representatives. Therefore, Project impacts to sensitive riparian and wetland habitat areas would be considered less than significant (Class II) with appropriate implementation of the 1990 HAW-5 Conditions of Approval (D900132D), in addition to the monitoring provisions outlined below.

Lastly, Project access by trucks, cable trailers, tractors, and other necessary equipment along the ROW and access roads could cause or create erosion control issues on steep road sections, and on steep grassy slopes that are not typically used as heavy equipment access roadways. Specifically, repeated vehicle travel would reduce existing plant cover, and could loosen or disturb soils, thereby increasing the potential for erosion to occur. Project construction is proposed to begin at the normal cessation of the rainy season (i.e. March or April), and implementation of measures to reduce erosion potential during construction are also required. The proposed Project includes procedures for repairs of existing erosion features located along the Rim Trail as well as measures to reduce the potential for additional erosion impacts as a result of Project construction. The 1990 HAW-5 Conditions of Approval (D900132D) address erosion control in detail in sections B and C. These conditions require implementation of temporary and permanent erosion control measures, preparation of site-specific restoration plans, seasonal restrictions on work activities, re-establishment of vegetation cover in disturbed areas, and installation of erosion control structures where necessary to ensure that long-term disturbance and/or degradation of the existing habitat areas within the Project site are avoided and/or minimized. Therefore, implementation of the 1990 HAW-5 Conditions of Approval (D900132D), in addition to the erosion control measures outlined below, would reduce potentially significant impacts due to erosion hazards along the ROW to less than significant.

Mitigation Measures for TERBIO-3:

Previous Mitigation Measure from 1991 County Coastal Development Permit (D900110D):

General Measures

- 1. Standard procedures for the proposed fiber optic cable Project would include implementation of erosion control and revegetation measures to ensure that lands disturbed by construction activities would be restored to a stable, productive, and aesthetically acceptable condition.*
- 2. Detailed site-specific restoration and reclamation plans would be developed under the direction of the appropriate agency official. Because*

the proposed right-of-way is composed of many types of terrain, soils, water, bedrock, vegetation, land uses, and climatic conditions, AT&T would include sets of techniques and measures tailored to each condition encountered. Site-specific erosion control, re-vegetation, and restoration measures would be implemented under the direction of the appropriate agency official.

3. *During construction of the Project, an AT&T representative would provide: a) liaison with the appropriate agency officials; b) expertise to direct applicable restoration procedure when special conditions are encountered without causing construction delays; and c) favorable public relations.*
4. *General erosion control restoration measures are applicable to the following areas:*
 - seasonal restrictions for construction phases;
 - right-of-way and site clearing;
 - plowing, rock sawing, or trenching, and preservation of topsoil;
 - backfilling and grading;
 - land preparation and cultivation;
 - revegetation, and;
 - maintenance and monitoring.
5. *Actual construction activities would immediately follow clearing operations. Rehabilitation and revegetation would immediately follow construction operations, especially in areas of soil that are highly susceptible to wind or water erosion and/or in other special areas.*
6. *AT&T would conduct all activities associated with the Project in a manner that would avoid or minimize degradation of air, land, and water quality. In the construction, operation, maintenance, and abandonment of the Project, AT&T would perform its activities in accordance with applicable air and water quality standards, related facility siting standard and related plans of implementation, including but not limited to, the Clean Air Act, as amended (42 USC 1321).*
7. *All design material and construction, operation, maintenance, and termination practices would be in accordance with safe and proven engineering practices.*

Specific Resource/Activity Measures

Access and Transportation

8. *Design and construction of all temporary, reconstructed, and newly constructed roads would ensure proper drainage, minimize soil erosion, and preserve topsoil. The design would include clewing work, rehabilitation, and use and maintenance agreements associated with transportation needs.*
9. *Construction-related traffic would be restricted to routes approved by the appropriate agency official. New access roads or cross-country vehicle travel would not be permitted unless prior written approval was given by the appropriate agency official. Temporary roads used by AT&T would be rehabilitated when construction activities were complete, as approved by the appropriate agency official.*
10. *Where possible, the right-of-way would be used as an access road during the construction period. The Department of Parks and Recreation would require that the access roads paralleling the fiber optic cable be closed and vegetative cover reestablished after construction is completed.*
11. *As a general rule, no overland access to the right-of-way would be permitted. When necessary, overland access would be specified in lieu of road construction or reconstruction.*
12. *All temporary roads would be closed and areas restored without undue delay or maintained as specified in the land use authorizations.*
13. *All damaged streets would be repaired to the permit requirements of the governing agency (e.g., city or county road or street cut permits), or otherwise to an equal or better condition.*

Seasonal Restrictions

14. *During adverse weather conditions, as determined by the Authorized Officer, stop and start orders would be issued to prevent rutting or excessive tracking of soil and deterioration of vegetation in the right-of-way area.*

Clearing and Site Preparation

15. *Existing ground cover such as grasses, leaves, brush, and tree trimmings would be cleared and piled only to the extent necessary. Slash and limbs would be disposed of as directed by the appropriate agency official.*

Rehabilitation and Revegetation

16. *In strongly sloping and steep terrain (greater than 28 percent slope), erosion control structures such as water bars, diversion channels, and terraces would be constructed to divert water away from the fiber optic cable trench and reduce soil erosion along the right-of-way and other adjoining areas disturbed during construction, as specified and approved.*
17. *AT&T would dispose of materials unsuitable for backfilling or excess backfill material at approved locations.*
18. *Temporary work space areas used at stream and highway crossings and other special sites would be restored to approximate preconstruction conditions.*
19. *Suitable mulches and other soil stabilizing practices would be used on all regraded and topsoiled areas to protect unvegetated soil from wind and water erosion and to improve water absorption.*
20. *Rock mulches would be used in steep-sloping rock outcrop areas and low precipitation areas to reduce erosion and promote vegetation growth.*
21. *AT&T would revegetate disturbed areas where necessary, using agreed upon methods suitable for the disturbed locations.*
22. *Seed would be planted by drilling, broadcasting or hydroseeding.*
23. *Seeding would be done when seasonal or weather conditions are most favorable.*
24. *Only species adapted to local soil and climatic conditions would be used. Generally, these would be native species. However, introduced species may be considered for specific conditions.*
25. *Seed mixtures would be planted in the amount specified in pounds of pure live seed/acre where necessary. There would be no primary or secondary*

noxious weeds in the seed mixture. Seed would be tested, and the viability testing of seed would be done in accordance with State laws and within 9 months prior to purchase. Commercial seed would be either certified or registered seed.

For drilling, seed would be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling was possible. The seed mixture would be evenly and uniformly planted over the disturbed area (smaller/heavier seeds have a tendency to drop to the bottom of the drill and be planted first). AT&T would take appropriate measures to ensure this did not occur.

Where drilling is not possible, seed would be broadcast and the area raked or chained to cover the seed. When broadcasting the seed, the pounds per acre would be doubled. The seeding would be repeated until a satisfactory stand was established.

- Drilling would be used where topography and soil conditions allow operation of equipment to meet the seeding requirements of the species being planted.
- Broadcast seeding would be used for inaccessible or small areas.
- Hydroseeding would be done in critical areas.

26. *Waterbars may be constructed to: (1) simulate the imaginary contour lines of the slope (ideally with a grade of 0 or 2 percent); (2) drain away from the disturbed area; and (3) begin and end in vegetation or rock whenever possible.*

27. *AT&T would trim all woody vegetation in preference to cutting and would cut all woody vegetation in preference to bulldozing.*

28. *The reestablishment of vegetative cover as well as watershed stabilization measures would be scheduled during the ongoing working season and prior to the succeeding winter season.*

29. *Temporary measures could include the following:*

- Constructing temporary breakers at proper intervals on slopes and access roads to control runoff whenever applicable;

- Installing silt screens as silt barriers in swales, at the base of small slopes, and in other areas subject to sedimentation from low velocity runoff;
 - Temporarily seeding critical areas such as road cuts and stream banks with an approved grass seed mixture;
 - Mulching slopes; and,
 - Protecting drains with barriers.
 - Visual Resources
30. *Trees that must be removed would be cut. Trees with trunks outside the 15-foot (4.6 m) wide area of disturbance would not be cut, but would only have overhanging limbs removed by cutting, with the tree to remain. Limbs which are removed would be cut flush with the tree trunk to avoid leaving unsightly stubs. Trees and shrubs in the right-of-way that are not cleared would be protected from damage during construction.*

Soils and Erosion

31. *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 (61 m). Providing periodic diversion of runoff from the trail will reduce the rate of erosion now occurring along this segment.*

Biological Resources

32. *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:*
- a. *General Mitigation Measures applying to all routes and improvements:*
 - 1) *Any revegetation shall utilize seeds or cuttings collected from adjacent areas;*
 - 2) *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;

- 3) *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 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);*
- 4) *The revegetation plan shall include the following:*
 - Species to be replanted and source of seeds and plants to be used;
 - 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, and;
 - The standard county procedures for oak tree preservation shall be included.
- 5) *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 shall be accomplished by stringing colored surveyors tape to denote the areas where plants will be affected;*
- 6) *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 (e.g., the rim trail);

- 7) 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;*
- 8) 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 eliminate 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;*
- 9) 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 for a minimum period of five years, and;*
- 10) The width of the disturbance necessary for construction shall be kept to a minimum. It should be noted that the Applicant shall be required to replace all vegetation removed during construction, specifically with a 5:1 replacement of oak trees and manzanita and 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 should not exceed 40 feet (12 m) at crossings and in areas of difficult terrain, and would average 30 feet (9 m) along the majority of the line. In areas of sensitive vegetation, it is possible to reduce the width of disturbance to 10 feet (3 m) depending on terrain conditions.*

b. *SLO Junction to Clark Valley Road*

- 1) *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.*
- 2) *In areas of chaparral, construction shall follow the existing road, and disturb the vegetation along the side as little as possible.*

c. *Clark Valley Road to Los Osos Creek*

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

d. *Los Osos Creek Crossing*

- 1) *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. Arroyo willows should be included.*

e. *Los Osos Creek Crossing to 0.2 Mile (0.3 km) West of the Eastern Boundary of Montaña de Oro State Park*

- 1) *The alignment shall follow the existing open pathway through the oaks. All disturbance should be as far away from the trunks as possible and outside of the drip line.*

f. *0.2 Mile West of the Eastern Boundary of Montaña de Oro State Park to Hazard Canyon Road.*

- 1) *Where the 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.*

Additional TERBIO-3 Mitigation Measures

The following mitigation measures are required to further reduce or eliminate construction-related impacts to sensitive habitat areas known to occur or with the potential to occur along the terrestrial cable route:

TERBIO-3a. Oak Tree Avoidance. To avoid unnecessary pruning impacts to several oak woodland habitat areas along the right-of-way, the alternative access routes outlined on Figures 4.3-11 and 4.3-12 of the DEIR shall be utilized to access manholes 28.5 to 30.5 and 51 during all Project operations. Appropriate use of these alternate access routes would also avoid and/or minimize inadvertent soil compaction impacts to the critical root zones of oak trees at these locations due to temporary access of Project vehicles and equipment.

TERBIO-3b. Certified Arborist. To further protect and ensure the long-term health of oak woodland habitat throughout the terrestrial cable route ROW, a certified arborist shall be retained by AT&T to perform any necessary trimming of oak tree limbs overhanging equipment access routes. This shall be conducted prior to allowing construction equipment to enter the proposed impact area to avoid and/or minimize the potential for inadvertent damage to oak tree limbs (i.e., equipment, vehicles, etc.).

TERBIO-3c. Trail Enhancement Plan and Erosion Control Monitoring. To ensure that the Rim Trail is remediated to a permanent, sustainable condition as required by CDPR, AT&T shall develop a Trail Enhancement Plan focused on repair and restoration of the trail to current CDPR standards. The Trail Enhancement Plan would be prepared by AT&T for review and approval by CDPR prior to implementation of the project's terrestrial component. To further ensure that all repaired erosion features along the Rim Trail and any newly created erosion areas due to Project implementation are properly stabilized utilizing the erosion and sedimentation control measures outlined above, all repaired areas shall be monitored during the subsequent rainy season. Specifically, the following measures shall be included in the Trail Enhancement Plan and implemented accordingly following project completion:

- All erosion repair areas (both minor and major) of the terrestrial cable route right-of-way shall be identified and numbered accordingly and illustrated on a site plan for easy reference;
- The stabilized erosion features shall be monitored for overall effectiveness during three significant storm events (>1-inch [2.5 cm] rain in a 24-hour period) during the pending subsequent season;
- Any erosion control deficiencies including, but not limited to rills, gullies, waterbar(s) failure, and localized slope failures shall be identified and appropriate corrective actions using the measures outlined above shall be discussed in a monitoring report;

- Copies of the monitoring report shall be provided to the appropriate regulatory agencies, landowner representatives and AT&T within 48 hours of erosion feature documentation;
- Recommended measures within the report shall then be implemented within 72 hours by an AT&T on-call contractor; and,
- Any areas requiring repair will be monitored using these same protocols the following rainy season.

TERBIO-3d Pre-construction Equipment Washing, Right-of Way Survey and Weed Control Measures: Any construction equipment to be used on the project originating from locations outside of San Luis Obispo County shall be power washed prior to transport to the County to remove any plant material that could be transferred to soils in the project construction area. Prior to construction, the applicant shall coordinate with the San Luis Obispo County Agricultural Commissioner’s Office to conduct a pre-construction right-of-way site evaluation for noxious weeds. Based upon the survey, the applicant shall prepare a map showing areas of noxious weed infestation. The applicant shall implement equipment wash stations and other pertinent noxious weed control measures as determined appropriate and necessary based upon the above map and further coordination with the San Luis Obispo County Agricultural Commissioner’s Office.

Natural habitats will be protected from significant disturbance due to project actions such as unnecessary oak tree pruning, erosion and introduction of weedy species by the use of appropriate controls and personnel as provided for in the measures above. Therefore, this impact is reduced to a less than significant level.

CEQA FINDING NO. MARBIO-1

POTENTIAL ROCK SUBSTRATE DISTURBANCE DURING PRE-LAY GRAPNEL SURVEY

Impact: **MARBIO-1: Potential Rock Substrate Disturbance During Pre-Lay Grapnel Survey.**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

The grapnel will be dragged along the proposed alignment in sedimentary seafloor habitats inshore of the 6,000-foot (1,830 m) isobath and is expected to disturb a three

foot-wide (1 m-wide) area along the centerline of the cable lay corridor. While the trench created by the grapnel in the finer grain sediments in water depths greater than approximately 120 feet (37 m) is expected to take up to several years to fill in, the active sediment transport in the nearshore areas is expected to fill in the seafloor alteration within several weeks of the completion of the activity. Potentially significant impacts to sensitive habitats and biota could occur if rock features are crossed with the grapnel.

Mitigation Measures for MARBIO-1:

MARBIO-1. Pre-Survey Map. The CSLC shall be provided with a grapnel survey plan that includes a figure that depicts the areas where the grapnel will be deployed and, within those areas of the marine segment that have rocky seafloor substrate, delineates where the grapnel will not be used.

The mitigation measure above would provide for the identification and avoidance of impacts to hard bottom substrate.

CEQA FINDING NO. MARBIO-2

WATER QUALITY DEGRADATION FROM ROUTINE VESSEL MAINTENANCE

Impact: **MARBIO-2: Potential Impacts to Rock Substrate During Vessel Anchoring and Nearshore Cable Placement**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

The cable lay vessel will be located approximately 330 feet (100 m) offshore of the conduit and will release the buoyed cable into the water. The buoys will be removed and the cable will be inserted into the excavated conduit by divers. While sedimentary substrate characterizes the nearshore seafloor habitats at and around the conduit, rocky substrate has been recorded approximately 0.4 mile (0.6 km) offshore (west) of the conduit. Placing the cable onto the substrate could result in significant impacts to the habitat and the associated biota.

Mitigation Measures for MARBIO-2:

MARBIO-2a Anchor Plan. Prior to anchoring any vessels, prepare, and have CSLC approve, a detailed anchor plan that shows all proposed anchor locations. Complete a side scan sonar or diver survey within a 100 foot- (31 m) diameter area around all proposed anchor locations and within a 20 foot- (6 m) wide corridor along all proposed anchor line alignments within those

areas that have not been similarly surveyed within the past year or where rocky habitat has been previously recorded.

MARBIO-2b Cable Placement Area Clearance. Minimize the area of seafloor that is affected during inshore cable placement and avoid all previously-documented rocky seafloor habitats by at least 50 feet (15 m).

Implementation of an anchor plan devised to avoid rocky habitat and minimization of the cable placement area would reduce impacts, to a less than significant level, to rocky substrate during vessel anchoring and nearshore cable placement.

CEQA FINDING NO. MARBIO-3

DAMAGE TO ROCK SUBSTRATE DURING CABLE LAYING

Impact: **MARBIO-3: Damage to Rock Substrate During Cable Laying.**

Class: II

- Finding(s):
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency (MARBIO-3) and not the agency making the finding. Such changes have been adopted by such other agency (CCC) or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

The proposed offshore cable route follows an approximately 0.8 mile (1.3 km) seafloor corridor, which includes a 0.5 mile (0.9 km) area between the 2,800 and 2,940-foot [854 and 897 m] isobaths and a 0.30 mile (0.51 km) of solid rock substrate (0.06 mile [0.01 km] of high relief and 0.24 mile [0.50 km] of low relief) located in approximately 230 feet (70 m) of water (AMS 2008, NEC 2008). That substrate is expected to support longer-lived epibiota including gorgonian and hard corals, sponges and rockfish. While the effects to this habitat and the associated biota are expected to be confined to the width of the cable, because deepwater high relief substrate and the associated biota are considered sensitive resources, any effect to them is considered potentially significant and requires mitigation (Class II). The actual area of effect will not be known until the results of the post-lay survey are available.

Mitigation Measures for MARBIO-3:

MARBIO-3: Post-Lay ROV Survey, Report, and Compensation Determination.
Good quality video footage of the seafloor taken by the ROV during cable

lay operations within the “subcropping rock” and “outcropping rock” areas specified in Table 4.6-1 (see below) and within a 100 m-long buffer zone inshore and offshore of each segment will be provided to a California State Lands Commission- (CSLC-) approved marine biologist for review and assessment. The CSLC-approved marine biologist shall prepare a technical report that includes information on the area (in square meters) and estimated number and species of organisms affected in rocky habitats, and shall submit the report to the CSLC. The applicant shall contribute to a CSLC/CCC-approved hardbottom mitigation program proportional to impacts documented in the survey report.

Table 4.6-1. Sediments Encountered Along the Proposed Marine Cable Route

Material Type	Approximate Location (Kilometer Posts [KP])	Percent of Route Between KP 0 and KP 95
Fine-Grained (Silt/Clay)	0-3.5, 8.2-56.3, 61.2-71.2, 88.5-95.0	71.6
Coarse Grained (Sand/Gravel)	3.5-8.2, 56.3-56.8, 57.7-61.2, 71.2-72.8, 72.9-76.0, 76.7-83.3	21.1
<i>Subcropping Rock</i>	<i>72.8-72.9</i>	<i>0.1</i>
<i>Outcropping Rock</i>	<i>8.0-8.1, 56.8-57.7, 76.0-76.7, 83.3-88.5</i>	<i>7.2</i>

Source: Alcatel-Lucent 2008

Implementation of the measure above would provide for the assessment of any project damage to hardbottom substrate that was not avoided through the previous avoidance measures and would provide for appropriate compensatory habitat replacement. Therefore, this impact is reduced to a less than significant level.

CEQA FINDING NO. MARBIO-4

MARINE MAMMAL-VESSEL INTERACTION DURING CABLE LAYING

Impact: **MARBIO-4: Marine Mammal Interaction with Cable Lay, Cable Burial and Support Vessels.**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency (MARBIO-4) and not the agency making the finding. Such changes have been adopted by such other agency (NOAA Fisheries) or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

The speed of the cable lay vessel is expected to be slow enough to reduce or eliminate possible marine mammal/vessel interactions, and because no anchoring is proposed for that vessel, the potential for impacts to marine mammals, including the endangered sea otter, is expected to be less than significant. However, due to the limited maneuverability of the vessel during cable laying operations within the Project region, marine mammals traversing in a perpendicular direction to the vessel's route could collide with the vessel or become entangled in the deployed cable. Although considered to be unlikely, vessel/cable-related impacts to marine mammals are considered potentially significant and require mitigation (Class II).

According to the Project-specific cable burial assessment (NEC 2008) the vessel that supports either the ROV or sea-plow during the burial process is expected to proceed at speeds between 0.5 and 1.1 miles per hour (0.2 and 0.5 meters per second). That speed is expected to be slow enough to preclude marine mammal/vessel interaction. The vessel is expected to be limited in its maneuverability while the equipment is deployed and therefore the possibility of a marine mammal/vessel interaction is not likely, but exists. Because of their special status, impacts to marine mammals, including a collision or entanglement of a marine mammal with the vessel or ROV/sea-plow cable, respectively, are considered potentially significant, although unlikely.

The potential for support vessel-marine mammal interaction during vessel transit to and from the Project site is possible. Impacts from such a collision are considered potentially significant, although unlikely. According to NOAA Fisheries, gray whales migrate along the central coast of California from March to June and can be encountered near the Project site during this period. During that period, there is a possibility that females (cows) accompanied by their calves could be migrating through the marine waters of the Project area. An increase in Project-related vessel activity may also cause disturbance and result in separation of cows from their calves. With an anticipated offshore construction start in the second quarter (April to June) of 2009, vessel impacts to marine mammals are considered potentially significant and require mitigation (Class II).

Mitigation Measures for MARBIO-4:

MARBIO-4: Marine Wildlife Contingency Plan. A Marine Wildlife Contingency Plan (Plan) for the pre- and post-lay surveys and cable lay operations shall be prepared and will include measures to reduce the chance of vessel/marine mammal interactions within the area most likely to support

the most common cetaceans. That Plan shall include the provision for the appropriate number of NOAA Fisheries-approved marine mammal monitors to be onboard vessels that could cause an impact to marine mammals including the cable lay, cable burial and transport vessels for complete daytime observations during marine construction activities within 50 miles (80 km) of the shore. The Plan will also include notification procedures and lists of the federal and state agency staff to be contacted in the event of a marine mammal strike. The Plan will be reviewed and approved by NOAA Fisheries prior to the initiation of in-water activities. (See MM NOI-1 for additional Plan requirements).

The use of qualified marine mammal monitors and implementation of other Plan elements such as appropriate authority notification procedures would minimize the disturbance of marine mammals from project activities and ensure appropriate procedures are in place in the event of any accidental deleterious encounter between Project vessels, cable or other paraphernalia and marine mammals. Therefore, this impact is reduced to a less than significant level.

CEQA FINDING NO. MARBIO-5

INCIDENTAL AND ACCIDENTAL VESSEL DISCHARGES

Impact: **MARBIO-5: Incidental and Accidental Vessel Discharges.**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

Discharges associated with the proposed Project include those from vessels (i.e. gray water, bilge, sanitary waste, ballast) and those that would result from an accidental release (i.e. fuel oil, lubricants, bunker oil). Potentially significant impacts to the water quality and the concomitant effects to the marine biota, could result from the discharge of these products and would be in violation of the Clean Coastal Act (SB 771) enacted in 2006 and designed to limit the types of discharges that ocean-going vessels can discharge within California State waters. Fluids that would decrease the dissolved oxygen content and/or are toxic to marine organisms are of particular concern.

The effects of a petroleum spill to the coastal, water column, and seafloor habitats and biota could be significant. Oil effects include alteration of habitats by coating the existing substrate or modifying sedimentary habitats; smothering by coating epibiota; reduction in thermal protection for otters and marine birds; and toxic effects from ingestion. Refined products tend to be more toxic than crude petroleum, but also evaporate and/or dissipate quicker than heavier crude products. Irrespective, a

petroleum discharge from one or more of the Project vessels could result in potentially significant effects on the existing marine resources.

Mitigation Measures for MARBIO-5:

MARBIO-5a: Zero Discharge Policy. A zero-discharge policy shall be adopted for all Project vessels; no fluids shall be discharged into the marine waters shoreward of the 6,000-foot water depth.

MARBIO-5b: Spill Response and Recovery Plan. An oil spill response and recovery plan shall be prepared. When in California waters and as required by OSPR and OPA-90 regulations, sufficient onboard oil recovery equipment to respond to a specified oil spill shall be maintained. If required, contract arrangements with spill response organizations shall be established and maintained that can respond to an oil spill with the appropriate equipment and within the regulation-specified period.

The zero-discharge policy shall be implemented to prevent marine pollution from Project vessels. However, in the event of an accident implementation of an appropriate Oil Spill Response and Recovery Plan would minimize damage from such an event to the marine environment. Therefore, this impact is reduced to a less than significant level.

CEQA FINDING NO. MARBIO-6

DAMAGE TO ROCK SUBSTRATE DURING MAINTENANCE AND REPAIRS

Impact: **MARBIO-6: Damage to Rock Substrate During Maintenance and Repairs**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

Repairs to the proposed cable will occur only if a defect is detected and would include recovery of the cable onboard a repair vessel and redeployment following completion of repairs. Recovery would necessitate the use of grapnels or ROV, depending upon the location of the fault and the depth of burial of the cable, which would result in some seafloor disturbance. Although the increase in turbidity and disturbance of the infauna and epibiota in and on the sediments and cable is expected to be local and a less than significant impact with habitat and the biological community returning to pre-repair conditions within a relatively short period of time, potentially significant impacts to the rock-associated biota could occur if the recovered cable is dragged across that substrate or laid over hard bottom habitats following repair.

Anchoring of vessels associated with maintenance, repair, and abandonment could affect sensitive rocky substrate and the associated biota if anchors and/or anchor lines are placed or cross over that substrate. These impacts are considered potentially significant, particularly in deeper water where long-lived and slower-growing epibiota occur.

As care will be taken to return the cable to the alignment from which it came, no long term significant impacts to the marine resources from maintenance and repair are expected.

Mitigation Measures for BIO-6:

MARBIO-6: Pre-Planning for Cable Recovery and Repair Operations. Prior to initiation of in-water activities, an anchoring plan for all vessels involved in maintenance, repair, and/or abandonment/removal activities shall be submitted to CSLC for approval. If necessary, an anchor-area clearance survey, similar to that recommended in Mitigation Measure MB-2a above, shall be completed.

The above would avoid rock substrate minimizing impacts caused by the fiber optic cable installation therefore reducing the impact to a less than significant level.

CEQA FINDING NO. CR-1

CONSTRUCTION RELATED CULTURAL RESOURCE IMPACTS

Impact: **CR-1: Certain areas of the Project corridor pass through landscapes known to contain abundant cultural resources (e.g. Los Osos)**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency (CR-1) and not the agency making the finding. Such changes have been adopted by such other agency (State Parks and County) or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

The greater Morro Bay and Los Osos areas have had numerous archaeological investigations. A concentration of prehistoric archaeological sites exists throughout the general area.

A project-specific archaeological records search was completed at the Central Coast Archaeological Information Center at the University of California Santa Barbara and revealed the presence of 52 recorded archaeological sites and 198 previous archaeological surveys within a one mile (1.6 km) radius of the landing site and along the conduit corridor (Appendix H of the DEIR). The archaeological records search covered two USGS quadrangle maps: the Morro Bay South Quadrangle and the San Luis Obispo Quadrangle.

The background records search also reviewed inventories for the State Historic Property Data Files, the National Register of Historic Places, National Register of Determined Eligible Properties, California Historical Landmarks, California Points of Historic Interest, California OHP Archaeological Determinations of Eligibility and the Caltrans State and Local Bridge Surveys. This review did not reveal any property evaluations in these inventories.

The results of these searches indicated that, with one exception SLO-798, either no cultural resources are located in the areas proposed for construction, or if previously identified, are located such that project construction activities would not impact the sites.

SLO-798, a small archaeological site, is located on or very close to the conduit route near Hazard Canyon. The site was recorded in 1977 as a scatter of prehistoric marine shellfish food remains and scattered evidence of stone tool production (Reindehl 1977). The surface survey determined that site SLO-798 covered 59,395 ft² (5,518 m²) along the ridge.

Subsequent investigations were completed by Peak and Associates (1991) for the HAW-5 fiber optic cable project. Prior impacts to the archaeological site including trails, dirt roads and an excavation pit were noted. The 1991 fieldwork reduced the site size to 25,555 ft² (2,375 m²). The archaeologists observed over 150 chert flakes and related debitage, several obsidian flakes and a chert core (Peak and Associates 1991).

In locations of known cultural resource sensitivity, such as SLO-798, the possibility exists for encountering new archaeological deposits. Exposing these resources through

mechanical excavation techniques would result in direct impacts to the resource. Limited amounts of trenching will occur within the Sandspit Beach parking lot which presents the possibility to discover cultural resources.

Mitigation Measures for CR-1:

Mitigation Measure for CR-1: Project Related Cultural Resource Impacts (from 1991 County of San Luis Obispo Hawaii to San Luis Obispo Conditions of Approval)

CR-1a. Cultural Resource Monitoring Plan. Prior to issuance of construction permits, AT&T will prepare and submit a cultural resources monitoring plan to CSLC, State Parks and the San Luis Obispo County Department of Planning and Building/Environmental Coordinator. The plan shall be prepared by a qualified archaeologist that is approved by the CSLC, State Parks and the county. The plan shall address, but not be limited to, monitoring, physical monitoring boundaries (e.g., 100-feet (31 m) each side of a site), site security, protocol for notifying local authorities (i.e. Sheriff, Police) should site looting and other illegal activities occur during construction.

CR-1b. Preconstruction 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.

CR-1c. Cultural Resource Monitoring. During trenching in the Sandspit Beach parking lot, cultural resource monitoring shall be conducted by a qualified archaeologist and Native American monitor familiar with the resource types potentially present in these locations. The qualified archaeologist shall conduct monitoring activities based on a cultural resources monitoring plan.

During work at the staging area and in the vicinity of Manhole MH 89 F, cultural resource monitoring will be conducted by a qualified archaeologist and Native American monitor familiar with the resource types potentially present in these locations. The qualified archaeologist shall conduct monitoring activities based on a cultural resources monitoring plan developed for the Project.

Prior to commencement of construction activities, the site boundaries will be marked with fencing, the present work areas will be examined for cultural remains, and any artifacts present within work areas will be mapped and collected.

CR-1d. Reporting of Found Cultural and/or Paleontological Resources. Any cultural and/or paleontological resources (historical or prehistoric site or

object) discovered by AT&T, or any person working on AT&T's behalf, shall be immediately reported to the appropriate agency official. AT&T shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the appropriate agency official. An evaluation of the discovery would be made by the appropriate agency official to determine actions that will be taken to prevent the loss of significant cultural or scientific values.

Implementation of the measures above would reduce the likelihood of impacts to cultural resources. In the event that such resources are encountered the specified actions will be taken to reduce the effects to a less than significant level.

CEQA FINDING NO. CR-2

ARCHAEOLOGICAL RESOURCES OR HUMAN REMAINS DISCOVERY

Impact: **CR-2: The potential exists for archeological resources or human remains to be found at any time during the Project activities.**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

See discussion for CR-1.

Mitigation Measures for CR-2:

The following mitigation measures shall be implemented:

Mitigation Measure for CR-4: Archaeological Resources or Human Remains

CR-2. Archaeological Resources or Human Remains. If archaeological resources or human remains are discovered during construction, CSLC and the County shall be notified, and work shall be halted within 150 ft (46 m) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated within 48 hours of discovery, and will be implemented. Human remains must be reported to the Coroner's office. If the human remains are Native American in origin, the Native American Heritage Commission (Commission) must be notified. A Most Likely Descendant will be appointed by the Commission for reburial of the remains.

The measures above would ensure that the treatment of archaeological resources and human remains reduces impacts to a less than significant level.

CEQA FINDING NO. CR-3

CONSTRUCTION ACTIVITIES WITHIN AREAS OF PREVIOUSLY-RECORDED ONSHORE CULTURAL RESOURCES

Impact: **CR-3: When activities are being conducted along the perceived perimeters of known cultural resources and outlying deposit, construction activities could result in damage to the resource**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

See discussion for CR-1.

Mitigation Measures for CR-3:

CR-3. Excluding Activity from Sensitive Areas. During construction, the following activities shall be excluded from designated sensitive areas: (1) unnecessary or expansive excavation; (2) staging equipment or machinery on undisturbed or exposed portions of the cultural resource; (3) failure to immediately contain and collect any chemical spills; (4) collection, removal or displacement of any artifacts, ecofacts or other cultural remains; (5) stockpiling of imported soils within the designated sensitive area; (6) removal of native soils outside a sensitive area.

Implementation of this mitigation measure will avoid impacts to areas with known cultural resources.

CEQA FINDING NO. CR-4

DAMAGE TO UNKNOWN CULTURAL RESOURCE OR SHIPWRECK

Impact: **CR-4: A highly degraded or deteriorated cultural resource (shipwreck) may occur undetected in the Project area buried within unconsolidated sediments, which could be damaged or destroyed during the pre-lay grapnel run or during the cable burial process**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

The waters along coastal California have the potential to contain intact prehistoric sites, shipwrecks, and other historic resources. Impacts are defined as those activities associated with the offshore segment of the proposed Project that will cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5 or cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5.

Accurate identification of cultural resources prior to cable installation is crucial in that those resources are non-renewable and even minor damage to an intact prehistoric site or vessel lying on or buried within the substrate will cause immediate degradation of the physical integrity of the resource by exposing a portion of the previously-protected resource to aerobic or other chemical effects.

In general, the cable route for the proposed Project has been designed to avoid previously-recorded maritime resource locations (shipwrecks) identified by the CSLC and the MMS (Pierson, et al. 1987, Gearhart, et al. 1990). To date no intact inundated or buried prehistoric sites have been located offshore of Morro Bay. South of the Project area, at Avila Beach, one isolated artifact was identified in a water depth of less than 100 ft (31 m).

Mitigation Measures for CR-4:

CR-4a. Detailed Resources Assessment. Prior to the pre-lay grapnel run and cable installation, a qualified marine archaeologist shall complete an analysis of available side scan sonar data for the cable route between the 328 ft. (100 m) the 6,000 ft (1,830 m) water depth. The analysis shall identify and analyze all side scan sonar anomalies that occur in a 0.6 mile (1.0 km) wide corridor centered on the proposed cable route. AT&T will submit the results of that report to the CSLC for approval prior to the pre-lay grapnel run and cable installation.

CR-4b. Reroute Cable as Needed. Should a previously unknown shipwreck of potential cultural resource value be discovered within the proposed cable corridor as a result of the study required in CR- 4a, the proposed cable route or installation procedures shall be modified to avoid the potentially significant cultural resource.

In addition, AT&T shall implement MARBIO-5b: Spill Response and Recovery Plan.

Implementation of the above measures will avoid impacts to cultural marine resources.

CEQA FINDING NO. GEO-1

Onshore Erosion Impacts During Construction Activities

Impact: **GEO-1: Construction during the wet season has the potential to result in erosion along access roads and at work zones along the cable conduit route.**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

The terrestrial route extends along a ridgeline eastward from the Sandspit Beach parking lot to the existing AT&T cable facility along Los Osos Valley Road. The conduit system will be accessed via existing unpaved access roads, as shown on Figures 2-5a through 2-5d of the DEIR. Erosion impacts could result from use of the access routes during the wet season (October 15 to April 15) from vehicles and equipment traveling back and forth along access roads and overland between the conduit system manholes.

Based on these conditions and with onshore construction expected to commence before April 15th, significant geologic impacts may result from erosion during construction activities along existing access roads and along the conduit system route. Mitigation measure WQ-1, discussed within Section 4.7 - Hydrology and Water Quality, of the DEIR, is recommended in this segment if construction occurs during the wet season.

Mitigation Measure for GEO-1:

GEO-1: AT&T shall implement Mitigation Measures WQ-1 and TERBIO-3c.

These measures will prevent and reduce erosion to a less than significant level through implementation of a stormwater pollution prevention plan and erosion control measures.

CEQA FINDING NO. WQ-1

EROSION AND SEDIMENTATION IMPACTS DURING CONSTRUCTION ACTIVITIES

Impact: **WQ-1: Construction during the wet season has the potential to result in potentially significant surface water quality impacts to sensitive water bodies and wetland areas.**

Class: II

- Finding(s):
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency (WQ-1) and not the agency making the finding. Such changes have been adopted by such other agency (RWQCB) or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Based on the drainage characteristics of the project area, construction during the wet season has the potential for significant impacts to water quality in sensitive water bodies and wetlands along the segment of the Project between Montaña Way and the crest of the hill east of Doris Avenue due to runoff, erosion, or a toxic spill. The following mitigation measures are recommended in this segment if construction occurs during the wet season

Mitigation Measures for WQ-1:

WQ-1. Prepare and Implement an Erosion and Sedimentation Control Plan and a Storm Water Pollution Prevention Plan. Prior to issuance of construction permits, AT&T shall submit to the CSLC evidence of an approved Erosion and Sedimentation Control Plan (ESCP) as required by the County of San Luis Obispo, and Storm Water Pollution Prevention Plan (SWPPP), if required pursuant to Regional Water Quality Control Board requirements (such as disturbance greater than one acre), covering all aspects of the Project and specifically addressing conditions and measures to be implemented to minimize the effects of erosion and/or a spill of toxic substances. The ESCP and SWPPP should include but not be limited to spill contingency measures, vehicle and equipment maintenance, and any dewatering activities that become necessary in accessing manholes.

In addition, AT&T shall implement mitigation measures TERBIO-2e: Spill Prevention and Contingency Plan, and TERBIO-3c: Erosion Control Monitoring.

Implementation of the Erosion and Sediment Control Plan, Stormwater Pollution Prevention Plan, Spill Prevention and Contingency Plan and erosion control monitoring will reduce the likelihood of pollutants entering the water and water quality impacts from any incidents attributable to the Project to a less than significant level.

CEQA FINDING NO. WQ-2

EFFECTS OF A PETROLEUM DISCHARGE DURING CONSTRUCTION ACTIVITIES

Impact: **WQ-2: A petroleum discharge during construction activities would result in significant impacts to water quality.**

Class: II

- Finding(s):
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency (WQ-2) and not the agency making the finding. Such changes have been adopted by such other agency (OSPR) or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Impacts to water quality resulting from an accidental petroleum discharge are potentially significant, although unlikely to occur. While the risk of a spill is considered unlikely, without confinement and recovery, the effects of petroleum and/or other vessel discharge could be significant.

Mitigation Measures for WQ-2:

WQ-2. Prepare Spill Response and Recovery Plan. Prior to laying any cable, AT&T shall require that the vessel operator prepare and have onboard the lay vessel and other larger construction vessels, an oil spill response plan, approved by the California Office of Spill Prevention and Response, that specifies equipment and actions that will be taken in the event of a petroleum spill.

The Spill Recovery and Response Plan will provide for the quick and effective cleanup of any unanticipated spills, thereby reducing the severity of such an incident on water quality to a less than significant level.

CEQA FINDING NO. WQ-3

DISCHARGE OF CONTAMINATED WATER DURING PIPE PREPARATION ACTIVITIES

Impact: **WQ-3: Discharge of contaminated water during pipe preparation activities would result in significant impacts to water quality.**

Class: II

- Finding(s):
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency (WQ-3) and not the agency making the finding. Such changes have been adopted by such other agency (RWQCB) or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Similar to the projects assessed in EIRs for other cable projects (*i.e.* SAIC 2000), the only non-vessel discharge associated with the proposed Project would occur when the conduit is flushed, using air and possibly potable fresh water. This activity, and the excavation of an estimated 30 CY (23 m³) of sediment around the conduit terminus, will disturb and re-suspend bottom sediments resulting in an increase in water column turbidity. However, use of water containing residual chlorine by-products or other elevated contaminants could violate the RWQCB's Ocean Plan standards and result in an impact to water quality.

Mitigation Measures for WQ-3:

WQ-3. Water Quality Testing and Reporting for Pipe Flushing Water. If required by the RWQCB, AT&T shall conduct chemical analytical testing of the current contents of the bore pipe and any proposed flush water prior to pipe preparation activities to ensure the water quality will not violate Ocean Plan water quality standards. Copies of the water quality analytical testing results shall be submitted to the California State Lands Commission or its environmental monitor and the Regional Water Quality Control Board for review and approval prior to discharge.

In the event that the RWQCB does not require such analytical testing, evidence substantiating this determination shall be submitted to the CSLC prior to pipe preparation activities.

Testing of bore pipe contents and flush water and coordination with the RWQCB would ensure that water quality objectives are not exceeded thereby reducing the impact to a less than significant level.

CEQA FINDING NO. REC-1

LOSS OF RECREATIONAL PARKING AT THE SANDSPIT BEACH PARKING LOT

Impact: **REC-1: The proposed Project could temporarily affect recreational use of the Sandspit Beach parking lot.**

Class: II

- Finding(s):
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - b) Such changes or alterations (REC-1a, REC-1b) are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

The Sandspit Beach parking lot in Montaña de Oro State Park will be used as a staging area for the onshore coastal activities associated with construction of the proposed Project. The parking lot will be completely closed for an estimated three days during cable landing and pulling operations and partially closed for up to two weeks. Visitors who would have used the Sandspit Beach parking lot are expected to park in the turnouts along Pecho Valley Road, at the horse camp turn-around, or select alternative parking locations such as Hazard Canyon and Spooner's Cove. Although this impact is short-term it is considered potentially significant (Class II) without the proposed mitigation.

Mitigation Measures for REC-1:

REC-1a. Notifying the California Department of Parks and Recreation. Prior to cable installation, AT&T shall submit a plan and obtain the approval from the California Department of Parks and Recreation (CDPR) for the scheduling and locating of Project activities at the Sandspit Beach parking lot, access routes, and staging along the Ridge Conduit system within State Parks land, incorporating measures to ensure the availability of offsite parking, restrooms, fire prevention and spill prevention/control measures, and pedestrian access to the beach during Project activities. AT&T shall submit documentation of the

approval to the Executive Officer of the California State Lands Commission (CSLC) prior to Project initiation.

REC-1b. Posting Signage. Prior to construction within the Sandspit Beach parking lot, AT&T shall coordinate with the California Department of Parks and Recreation and the County Department of Public Works to provide signage along Pecho Valley Road redirecting visitors to park at one of the other designated parking areas. In addition, AT&T shall post signage in the Sandspit Beach parking area alerting visitors that the lot will be closed or partially closed, the length of time, and the location of alternative parking areas.

The measures presented above provide for notification of and coordination with the appropriate authorities as well as the public thereby reducing impacts to recreational facilities and persons recreating to a less than significant level.

CEQA FINDING NO. NOI-1

EXCEED NOAA-SPECIFIED NOISE LEVELS FOR MARINE MAMMAL HARASSMENT DURING CABLE LAYING OPERATIONS

Impact: **NOI-1: While vessel-specific noise measurements are not available, it is expected that maximum noise levels will be at or near the NOAA-specified harassment levels only within a short distance of the vessel.**

Class: II

- Finding(s):
- a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency (NOI-1) and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Although the potential for noise-related impacts to marine mammals are possible, the area of potential effect is expected to be 1,000 ft (310 m) or less around the vessel, and would be limited to the cable lay and burial operations (Class II). Removal of the proposed cable at the time of retirement is anticipated to result in similar impacts as installation.

Mitigation Measures for NOI-1:

NOI-1. Marine Wildlife Contingency Plan. A Marine Wildlife Contingency Plan (Plan) for the pre- and post-lay surveys and cable lay operations shall be prepared and will include measures to reduce the chance of noise-related impacts to marine mammals within the area most likely to support the most common cetaceans. That Plan shall include the provision for an appropriate number of NOAA Fisheries-approved marine mammal monitors to be onboard the cable lay, cable burial and transport vessels for complete daytime observations during marine construction activities within 50 miles (80 km) of the shore. The Plan will also include a specified distance from the vessels within which the 160 dB re: 1 $\mu\text{Pa}_{\text{RMS}}$ noise level is expected to occur and will discuss the actions that the onboard marine wildlife observers will institute, including but not limited to temporary cessation of activities, if a marine mammal or reptile is showing noise-related behavioral changes within that safety zone. The Plan will be reviewed and approved by NOAA Fisheries prior to the initiation of in-water activities. Such Approval shall be submitted to the CSLC. (See MM MARBIO-4 for additional Plan requirements.)

The measure presented in this section provides improved protection from noise exposure to marine mammals offshore. This measure will minimize the effect of Project-generated noise on marine mammals thereby reducing this impact to a less than significant level.

CEQA FINDING NO. SYS-1

ACCIDENTAL SPILL DURING ONSHORE CONSTRUCTION ACTIVITIES

Impact: **SYS-1: Onshore construction activities will involve the use of vehicles and equipment within sensitive areas. A fuel spill would result in a significant impact to the environment.**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

Onshore construction activities will require the use of vehicles and construction equipment within sensitive areas where the conduit is laid and at the Sandspit Beach parking lot. Re-fueling of vehicles and equipment could result in a fuel spill resulting in a significant impact.

Mitigation Measures for SYS-1:

SYS-1a. Spill Response Equipment. All construction vehicles shall be required to carry absorbent materials to be used in the event of fuel or oil leaks or spills. Sufficient quantities of spill containment and clean-up materials shall be stored at the staging areas for clean up of spills during refueling or servicing of equipment. All spills, regardless of size, shall be cleaned up immediately and reported, if required by existing regulations.

SYS-1b. Prohibition of Re-fuelling Activities and Equipment Repair Near Wetlands and Water Courses. All vehicle or equipment repair or fueling shall occur at least 100 feet (31 meters) from wetlands and water courses.

SYS-1c. Disposal of Spill Recovery Materials. All absorbent material used to clean up leaks and spills shall be disposed of in accordance with applicable hazardous waste regulations.

The provision of onsite spill response material, prohibition of refueling and such activities near water bodies and wetlands, and appropriate disposal of used spill recovery material will reduce the potential for a fuel spill and minimize the environmental damage in the case of an unanticipated spill event. Therefore, this impact is reduced to a less than significant level.

CEQA FINDING NO. SYS-2

INCIDENTAL AND ACCIDENTAL VESSEL DISCHARGES

Impact: **SYS-2: An incidental and/or accidental vessel discharge during construction activities would result in significant impacts to water quality.**

Class: II

Finding(s): a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING(S)

The risk of spills or upsets from the cable laying or repair vessels is low due to normal operational restrictions on vessel activities during more severe sea states. In the event of any spill, the emergency protocol to be followed is described in the ship's emergency response guidelines. Cable laying, repair, and route-survey vessels are fully designed and equipped to carry out these activities anywhere in the world and under all safe sea and weather conditions. All vessels would operate in accordance with Title 33 CFR Parts 154-156.

At the cable landing site, the risk of spill or upset would be minimized by scheduling construction or repair activities when nearshore weather and working conditions are moderate to mild. This is an important scheduling consideration because rough sea conditions are common along the coastal region.

In the event of a spill that exceeds the vessel's clean-up capability, the vessel would immediately coordinate with the USCG to avoid or minimize any effects. A Shipboard Oil Pollution Emergency Plan (SOPEP) for the cable laying ship will be in place as required by the USCG. The cable laying vessel will carry onboard the required spill containment boom and absorbent materials as required by the SOPEP. The cable laying vessel will also have a small powered boat to rapidly deploy the absorption materials to collect any spill or cleanup resources to be used if the spill exceeds the cleanup capability of the cable laying ship. A lead vessel is responsible for overseeing all oil spill containment activities and is identified in the SOPEP of the cable ship.

Impacts of removal of the cable after abandonment would be similar to system safety/risk of upset impacts from cable installation.

Mitigation Measures for SYS-2:

To reduce potential impacts from accidental spills from the cable laying ship or support vessels, AT&T shall implement mitigation measures MM-MARBIO-5a: Zero Discharge Policy and MARBIO-5b: Spill Response and Recovery Plan during construction activities.

The measures identified above provide improved protection for system safety and risk of upset thereby reducing the impact to a less than significant level.

ACRONYMS

APCD	Air Pollution Control District
AQ	Air Quality
AVR	Aesthetic and Visual Resources
BACT	Best Available Control Technology
BIO	Biology
BMPs	Best Management Practices
CCC	California Coastal Commission
CDFG	California Department of Fish and Game
CDPR	California Department of Parks and Recreation
COSPR	California Office of Spill Prevention and Response
CDPW	County Department of Public Works
CEQA	California Environmental Quality Act
cm	Centimeter
CO	Carbon Monoxide
CR	Cultural Resources
CSLC	California State Lands Commission
CY	Cubic Yards
EIR	Environmental Impact Report
ESA	Endangered Species Act
ESU	evolutionary significant unit
ft	Square Feet
ft ²	Global Climate Change
GHG	Greenhouse Gas
km	Kilometer
lb	Pound (weight)
m	Meter
m ²	Meters Square
MAR	Marine Habitat
MARBIO	Marine Biology
MBTA	Migratory Bird Treaty Act
MH	Man Hole

MW	Megawatt
MWCP	Marine Wildlife Contingency Plan
NO ₂	Nitrogen Oxide
NOAA	National Oceanic and Atmospheric Administration
NOD	Notice of Determination
NOI	Noise
O ₃	Ozone
OHP	Office of Historic Preservation
OSPR	Office of Spill Prevention and Response
REC	Recreation
ROV	Remotely Operated Vehicle
ROW	Right-of-Way
RWQCB	Regional Water Quality Control Board
SLO	San Luis Obispo
SLOAPCD	San Luis Obispo Air Pollution Control District
SOPEP	Shipboard Oil Pollution Emergency Plan
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
SYS	System
TERBIO	Terrestrial Biology
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WQ	Water Quality

1 **8.0 MITIGATION MONITORING PROGRAM**

2 As the Lead Agency under the CEQA, the CSLC is required to adopt a program for
3 reporting or monitoring regarding the implementation of mitigation measures for this
4 project, if it is approved, to ensure that the adopted mitigation measures are
5 implemented as defined in this EIR. This Lead Agency responsibility originates in Public
6 Resources Code section 21081.6(a) (Findings), and the CEQA Guidelines sections
7 15091(d) (Findings) and 15097 (Mitigation Monitoring or Reporting).

8 **8.1 MONITORING AUTHORITY**

9 The purpose of a Mitigation Monitoring Program (MMP) is to ensure that measures
10 adopted to mitigate or avoid significant impacts are implemented. A MMP can be a
11 working guide to facilitate not only the implementation of mitigation measures by the
12 Project proponent, but also the monitoring, compliance and reporting activities of the
13 CSLC and any monitors it may designate.

14 The CSLC may delegate duties and responsibilities for monitoring to other
15 environmental monitors or consultants as deemed necessary, and some monitoring
16 responsibilities may be assumed by responsible agencies, such as affected jurisdictions
17 including the County of San Luis Obispo and the California Department of Fish and
18 Game (CDFG). The number of construction monitors assigned to the project will
19 depend on the number of concurrent construction activities and their locations. The
20 CSLC or its designee(s), however, will ensure that each person delegated any duties or
21 responsibilities are qualified to monitor compliance.

22 Any mitigation measure study or plan that requires the approval of the CSLC must allow
23 at least 60 days for adequate review time. When a mitigation measure requires that a
24 mitigation program be developed during the design phase of the project, the Applicant
25 must submit the final program to CSLC for review and approval for at least 60 days
26 before construction begins. Other agencies and jurisdictions may require additional
27 review time. It is the responsibility of the environmental monitor assigned to each
28 spread to ensure that appropriate agency reviews and approvals are obtained.

29 The CSLC or its designee will also ensure that any deviation from the procedures identified
30 under the monitoring program is approved by the CSLC. Any deviation and its correction
31 shall be reported immediately to the CSLC or its designee by the environmental monitor
32 assigned to the construction spread.

1 **8.2 ENFORCEMENT RESPONSIBILITY**

2 The CSLC is responsible for enforcing the procedures adopted for monitoring through the
3 environmental monitor assigned to each construction spread. Any assigned
4 environmental monitor shall note problems with monitoring, notify appropriate agencies
5 or individuals about any problems, and report the problems to the CSLC or its designee.

6 **8.3 MITIGATION COMPLIANCE RESPONSIBILITY**

7 The Applicant is responsible for successfully implementing all the mitigation measures
8 in the MMP, and is responsible for assuring that these requirements are met by all of its
9 construction contractors and field personnel. Standards for successful mitigation also
10 are implicit in many mitigation measures that include such requirements as obtaining
11 permits or avoiding a specific impact entirely. Other mitigation measures include
12 detailed success criteria. Additional mitigation success thresholds will be established by
13 applicable agencies with jurisdiction through the permit process and through the review
14 and approval of specific plans for the implementation of mitigation measures.

15 **8.4 GENERAL MONITORING PROCEDURES**

16 **Environmental Monitors**

17 Many of the monitoring procedures will be conducted during the construction phase of
18 the project. The CSLC and the environmental monitor(s) are responsible for integrating
19 the mitigation monitoring procedures into the construction process in coordination with the
20 Applicant. To oversee the monitoring procedures and to ensure success, the
21 environmental monitor assigned to each construction spread must be on site during that
22 portion of construction that has the potential to create a significant environmental impact
23 or other impact for which mitigation is required. The environmental monitor is
24 responsible for ensuring that all procedures specified in the monitoring program are
25 followed.

26 **Construction Personnel**

27 A key feature contributing to the success of mitigation monitoring will be obtaining the
28 full cooperation of construction personnel and supervisors. Many of the mitigation
29 measures require action on the part of the construction supervisors or crews for
30 successful implementation. To ensure success, the following actions, detailed in
31 specific mitigation measures, will be taken:

- 1 • Procedures to be followed by construction companies hired to do the work will be
2 written into contracts between the Applicant and any construction contractors.
3 Procedures to be followed by construction crews will be written into a separate
4 document that all construction personnel will be asked to sign, denoting
5 agreement.
- 6 • One or more pre-construction meetings will be held to inform all and train
7 construction personnel about the requirements of the monitoring program.
- 8 • A written summary of mitigation monitoring procedures will be provided to
9 construction supervisors for all mitigation measures requiring their attention.

10 **General Reporting Procedures**

11 Site visits and specified monitoring procedures performed by other individuals will be
12 reported to the environmental monitor assigned to the relevant construction spread. A
13 monitoring record form will be submitted to the environmental monitor by the individual
14 conducting the visit or procedure so that details of the visit can be recorded and progress
15 tracked by the environmental monitor. A checklist will be developed and maintained by
16 the environmental monitor to track all procedures required for each mitigation measure and
17 to ensure that the timing specified for the procedures is adhered to. The environmental
18 monitor will note any problems that may occur and take appropriate action to rectify the
19 problems.

20 **Public Access to Records**

21 The public is allowed access to records and reports used to track the monitoring
22 program. Monitoring records and reports will be made available for public inspection by
23 the CSLC or its designee on request.

24 **8.5 MITIGATION MONITORING TABLE**

25 The following sections present the mitigation monitoring and reporting tables for each
26 environmental discipline. Each table lists the following information, by column:

- 27 • Impact (impact number, title, and impact class);
- 28 • Mitigation Measure (full text of the measure);

- 1 • Location (where the impact occurs and the mitigation measure that should be
2 applied);
- 3 • Monitoring/reporting action (the action to be taken by the monitor or Lead
4 Agency);
- 5 • Effectiveness criteria (how the agency can know if the measure is effective);
- 6 • Responsible agency; and
- 7 • Timing (before, during, or after construction; during operation, etc.).

1 **Table 8-4.1. Mitigation Monitoring Program - Aesthetic/Visual Resources**

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
AVR-1: Onshore construction and abandonment activities could adversely affect daytime and nighttime views in the area.	AVR-1: During construction, position all elevated construction lighting downward and/or toward the west and south such that direct views of the light source are not visible from the residence on Costa Azul Drive, or to travelers along Pecho Valley Road within Montaña de Oro State Park. Use the lowest watt bulbs possible, and conduct periodic monitoring of the visual impacts of the lights. Monitoring shall be conducted by the environmental monitor and if necessary will result in recommendations to adjust the location, position, etc. of lighting in the Sandspit Beach parking lot throughout the construction period.	Terrestrial segment	Compliance monitoring.	Reduces aesthetic and visual impacts.	CSLC	During construction.
AVR-2: Project installation may require trimming or removal of vegetation to access the existing conduit route	AVR-2a: AT&T shall trim all woody vegetation in preference to cutting, and shall cut all woody vegetation in preference to bulldozing.	Terrestrial segment	Compliance monitoring.	Reduces aesthetic and visual impacts.	CSLC	During construction.
	AVR-2b: Existing ground cover such as grasses, leaves, brush and tree trimmings shall be cleared and piled only to the extent necessary. Slash and limbs shall be disposed of as directed by the appropriate agency official.	Terrestrial segment	Compliance monitoring.	Reduces aesthetic and visual impacts.	CSLC / CDPR / San Luis Obispo County Planning (SLOCP)	During construction.
In addition, implement MM-TERBIO-3a and b : Oak tree avoidance and certified arborist.						

2

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Table 8-4.2. Mitigation Monitoring Program - Air Quality

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>AQ-1: Vessels used for construction and decommissioning could temporarily exceed daily emission thresholds for ozone precursors within the APCD.</p>	<p>NOx Control Measures and CBACT. The proposed project shall implement Best Available Control Technology for all emissions exceeding 2.5 tons per quarter. These measures include but are not limited to the following standard construction equipment mitigation measures:</p> <ul style="list-style-type: none"> • Maintain all construction equipment in proper tune according to manufacturer's specifications. • Fuel all off-road and portable diesel powered equipment, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road). • Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's Tier 2 or newer certification standard for off-road heavy-duty diesel engines. • Maximize to the extent feasible, the use of on-road heavy duty equipment and trucks that meet the ARB's 2007 or newer certification standard for on road heavy duty diesel engines. • All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit. <p>The following additional measures shall be utilized to address the requirement for CBACT</p> <p>Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices.</p> <p>Low-Emission Fuel. Low-sulfur diesel fuel shall be used in all smaller diesel-powered vessels and in all construction equipment.</p>	<p>Entire alignment</p>	<p>Construction vehicle and equipment compliance.</p>	<p>Exhaust emissions are minimized.</p>	<p>San Luis Obispo County APCD</p>	<p>During construction.</p>

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>AQ-1b: As determined by the San Luis Obispo County APCD, AT&T shall financially contribute to an off-site emission reduction program within the APCD jurisdiction for emissions exceeding 6 tons per quarter. The amount of the contribution shall be agreed upon by the APCD taking into account the limited duration of cable-laying activities. A description of the emission reduction program and a copy of a receipt for funds committed to the program shall be submitted to the APCD at least two months prior to operation of the cable.</p>	Entire alignment	Compliance reporting.	Exhaust emissions mitigation.	San Luis Obispo County APCD	During construction.
<p>AQ-2: The Proposed Project would produce greenhouse gas emissions and contribute to climate change.</p>	<p>MM AQ-2: Prior to the start of construction, the applicant shall purchase carbon offsets from the California Climate Action Registry (CCAR) or the San Luis Obispo County Air Pollution Control District (APCD). The applicant may also use offsets or credits from any source that is approved by the Executive Officer and is consistent with the policies and guidelines of the California Global Warming Solutions Act of 2006 (AB 32). Within 60 days of completing construction, the applicant shall submit a report for Executive Officer review and approval that identifies all construction-related emissions and the offsets that were purchased from approved programs that results in a zero net increase in air emissions from project construction.</p>	Entire alignment	Compliance reporting.	Exhaust emissions mitigation.	San Luis Obispo County APCD and CSLC	During construction.

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Table 8-4.3. Mitigation Monitoring Program - Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>TERBIO-1: Cable installation activities could adversely affect nesting activities of protected migratory birds and raptors.</p>	<p>TERBIO-Previous MM: Construction activity would not take place within 0.5-mile (0.8-km) of identified raptor nesting areas during the period of February 1 through July 15.</p>	<p>Terrestrial segment</p>	<p>Compliance monitoring.</p>	<p>Consistent with requirements stipulated by resource agencies. Confirmation by Environmental Monitor.</p>	<p>SLOCP</p>	<p>During construction.</p>
	<p>TERBIO-1a: Initial vegetation removal shall be conducted prior to, or after, the typical migratory bird nesting season (March 1 through August 1) to avoid any potential impact to migratory bird nesting activity. Therefore, initial vegetation clearing and tree trimming along the alignments should be conducted between the months of August and February.</p>	<p>Terrestrial segment</p>	<p>Pre-construction survey.</p>	<p>Consistent with requirements stipulated by resource agencies. Confirmation by Environmental Monitor.</p>	<p>USFWS / CDFG</p>	<p>During construction.</p>
	<p>TERBIO-1b: If MM TERBIO-1a. is infeasible, pre-construction surveys shall be conducted prior to any vegetation removal to identify any potential bird nesting activity, and:</p> <ul style="list-style-type: none"> • If active nest sites of bird species protected under the Migratory Bird Treaty Act are observed within the vicinity of the Project site, then the Project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young; • If active nest sites of bird species of special concern (e.g., loggerhead shrike, California horned lark, etc.) are observed within the vicinity of the Project site, then CDFG shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and, 	<p>Terrestrial segment</p>	<p>Pre-construction surveys and monitoring.</p>	<p>Consistent with requirements stipulated by resource agencies. Confirmation by Environmental Monitor.</p>	<p>CSLC/ SLOCP/ USFWS / CDFG</p>	<p>Prior to and during construction.</p>

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<ul style="list-style-type: none"> Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the State Lands Commission (Lead Agency), County and to the USFWS and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures. 					
<p>TERBIO-2: Construction activities could potentially adversely affect special-status plant and wildlife species occurring in the Project area.</p>	<p>TERBIO-2: Previous Mitigation Measure from 1991 County Coastal Development Permit (D900110D):</p> <p>Mitigation Monitoring</p> <ol style="list-style-type: none"> <i>Prior to commencing construction of each phase the Applicant shall retain a mitigation monitor approved by the County Environmental Coordinator. The mitigation monitor shall submit a monitoring Plan to the Environmental Coordinator prior to construction for review and approval.</i> <p>Staking of Disturbance Areas</p> <ol style="list-style-type: none"> <i>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 construction control lines. Any disturbance outside of these areas shall be prohibited and construction crews shall be so informed.</i> <p>Clearance and Inspection</p> <ol style="list-style-type: none"> <i>Prior to commencing construction activities or any clearing in preparation for construction staging, the Applicant shall obtain a letter of release from the County Environmental Coordinator after field inspection of construction control staking by the Environmental Coordinator, State Parks and the mitigation monitor.</i> 	<p>Terrestrial segment</p>	<p>Pre-construction activities and Compliance monitoring.</p>	<p>Consistent with requirements stipulated by resource agencies. Confirmation by Environmental Monitor.</p>	<p>SLOCP / USFWS / CDFG / NOAA</p>	<p>Prior to and during construction.</p>

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>Mitigation Measures included in the Project by AT&T</p> <p>Access and Transportation</p> <p>4. <i>When providing access to fiber optic cable right of way, the stream and any washes would be crossed at existing roads or bridges. Any construction activity in a perennial stream would be prohibited unless specifically allowed by the appropriate agency official or the California Department of Fish and Game Enforcement Representative. All stream channels and washes would be returned to their natural state. California Department of Fish and Game stream alteration agreement Section 1601 and 1603 permits would control and stipulate construction procedures at stream crossings in California. All streams would be crossed between June 1 and October 15, except where prior written permission has been granted by the state and federal representatives.</i></p> <p>Clearing and Site Preparation</p> <p>5. <i>Sidehill cuts would be kept to a minimum to ensure resource protection and a safe and stable plan for efficient equipment use. The appropriate agency official (i.e., County and/or County compliance monitor) would provide assistance and would approve sidehill cuts prior to construction.</i></p> <p>6. <i>Existing ground cover such as grasses, leaves, brush, and tree trimmings would be cleared and piled only to the extent necessary. Slash and limbs would be disposed of as directed by the appropriate agency official (i.e., County and/or County compliance monitor).</i></p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>7. <i>Trees and shrubs on the right of way that are not cleared would be protected from damage during construction. The bulldozers would maintain their blade in a raised position except at areas designated for clearing, such as bore pits, manholes, splice boxes and washes.</i></p> <p>8. <i>AT&T would trim all woody vegetation in preference to cutting and would cut all woody vegetation in preference to bulldozing.</i></p> <p>Safety/Health</p> <p>9. <i>Care would be taken to avoid lubricant and fuel spills and other types of pollution in all areas including streams and other water bodies and in their immediate drainage areas. All spills and trash would be cleaned up immediately.</i></p> <p>10. <i>Engine oil changed would be contained in suitable containers and disposed of as refuse.</i></p> <p>11. <i>Construction equipment would not be refueled or serviced within stream channels.</i></p> <p>12. <i>Garbage and other refuse would be disposed of in an authorized disposal site or landfill.</i></p> <p>13. <i>Construction sites would be maintained in a sanitary condition at all times; waste materials at those sites would be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.</i></p> <p>Threatened or Endangered Plants and Animals</p> <p>14. <i>Field surveys would be conducted for state and federal listed species potentially</i></p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p><i>present along the route. Where appropriate and necessary, site-specific mitigation would be developed and approved by the land management agencies, U.S. Fish and Wildlife Service, and California Department of Fish and Game. Field work for identification of plant species would be done before construction and would be scheduled to coincide with known flowering periods and/or during periods of phenological development necessary to identify the plant species of concern.</i></p> <p>Stream Crossings, Wetlands, and Fisheries</p> <p>15. <i>Where the right of way crosses streams, the banks would be stabilized to prevent erosion. Construction techniques would minimize damage to shorelines, recreational areas, and fish and wildlife habitat.</i></p> <p>16. <i>During construction activities near streams, sedimentation (detention) basins and/or straw bale or fabric filters will be constructed to prevent suspended sediments from reaching downstream watercourses or lakes, as required by the California Department of Fish and Game.</i></p> <p>17. <i>Disturbance to riparian vegetation and wetlands would be minimized by avoidance where possible. Approaches to streams would require selective clearing of vegetation subject to California Fish and Game authorization. No mature riparian trees would be removed.</i></p> <p>General Mitigation Measures Applying to All Routes and Improvements</p> <p>18. <i>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</i></p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p><i>manzanita, the marking can be accomplished by stringing colored surveyors tape to denote the areas where plants will be affected.</i></p> <p>19. <i>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 (e.g., the rim trail).</i></p> <p>SLO Junction to Clark Valley Road</p> <p>20. <i>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.</i></p> <p>21. <i>In areas of chaparral, construction shall follow the existing road, and disturb the vegetation along the side as little as possible.</i></p> <p>Clark Valley Road to Los Osos Creek</p> <p>22. <i>The existing road west of Clark Valley Road shall be followed where feasible to avoid the oaks and shrubs.</i></p> <p>23. <i>All Morro manzanitas along the route shall be flagged and avoided where possible.</i></p> <p>0 2-Mile West of the Eastern Boundary of Montaña de Oro State park to Hazard Canyon Road</p> <p>24. <i>Where the Rim Trail is wide, no brush removal should be required and significant disruption to the root systems can be</i></p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p><i>avoided. Trimming of manzanita along the side of the trail may be required but shall be kept to a minimum by following proper pruning procedures.</i></p> <p>General Measures</p> <p>MM TERBIO-2a. Prior to construction, an agency-approved biological monitor shall conduct a worker orientation program that includes information on and emphasizes the presence of <u>all</u> special-status species within the Project site, identification, their habitat requirements, and applicable regulatory policies and provisions regarding their protection, and measures being implemented to avoid and/or minimize impacts for all construction contractors (site supervisors, equipment operators and laborers);</p> <p>MM TERBIO-2b. All construction monitoring shall be conducted at a frequency and duration specified by the appropriate regulatory agency(s) (<i>e.g.</i>, County, CDFG, USFWS, and NOAA Fisheries) in consultation with AT&T. This consultation shall include appropriate Project authorization from the USFWS (<i>i.e.</i>, approved Incidental Take Permit / Habitat Conservation Plan) relative to impacts to the federally-listed Morro shoulderband snail;</p> <p>MM TERBIO-2c. In accordance with resource agency guidance, exclusionary fencing shall be erected at the boundaries of equipment staging areas to preclude equipment and human intrusion into adjacent habitats with emphasis on protection of areas containing special-status species (<i>i.e.</i>, coastal dune scrub, annual grassland, <i>etc.</i>). The exact location of exclusionary fencing for each staging area shall be determined by an agency-approved biological monitor. The fencing shall remain in place throughout the construction phase of the Project;</p> <p>MM TERBIO-2d. At no time shall any night-</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>time operations and/or construction activities be allowed along the terrestrial cable route from manholes 109F to 4.5. Any required night-time equipment lighting within the Montaña de Oro AT&T Parking Lot to facilitate the Shore-End Segment cable pull and/or within the AT&T Cable Station shall be shielded away from adjacent wildlife habitat areas and pointed downward to minimize lighting/glare impacts to wildlife; and,</p> <p>MM TERBIO-2e. AT&T or its construction contractor shall prepare and implement a Spill Prevention and Contingency Plan that includes provisions for avoiding and/or minimizing impacts to sensitive onshore habitat areas, wetlands and waterways of the Project area (<i>i.e.</i>, Los Osos Creek and associated tributaries) due to spills during Project implementation. Specifically, the plan shall include but not be limited to the following provisions:</p> <ul style="list-style-type: none"> • All equipment fueling shall be conducted within the designated staging areas of the Project site. At no time shall any equipment fueling be conducted within 50 feet (15 m) of any wetland and/or existing waterway; • An overview of the containment measures to appropriately store and contain all fuels and associated petroleum products during the Project shall be included in the plan. This shall include specific provisions for equipment staging areas, such as the need for drip pans underneath all parked equipment and designated storage areas for fuel dispensing equipment with visqueen lining and secondary containment; and, • A description of the response equipment that will be on-site during construction and exact procedures for responding to any inadvertent spills including miscellaneous fuel and/or lubricant spills from construction equipment 					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>and vehicles during operations. Final specifications of the Spill Prevention and Contingency Plan shall be reviewed and approved by the CSLC, County and CDFG prior to project implementation.</p> <p>Additional Protective Measures for Special-Status Wildlife</p> <p>MM TERBIO-2f. USFWS Authorization. Prior to installation of the terrestrial cable route, AT&T shall provide an approved USFWS Incidental Take Permit and Habitat Conservation Plan or other appropriate authorization that identifies the conservation measures that AT&T agrees to implement to avoid and/or minimize impacts to Morro shoulderband snail during Project operations. If an Incidental Take Permit/Habitat Conservation Plan is required, it will document methods of relocation of Morro shoulderband snails from work areas and mitigating temporary impacts to Morro shoulderband snail critical habitat elements (i.e., coastal dune scrub). This shall include a letter of agreement from State Parks approving the final provisions of the proposed Morro shoulderband snail mitigation site within Montaña de Oro State Park as illustrated on Figure 4.3-1. All measures of any Habitat Conservation Plan or other appropriate USFWS authorization specific to the Project shall become Conditions of Approval.</p> <p>MM TERBIO-2g. Prior to the disturbance of potentially suitable habitat areas (manholes 109F to 96F and Rim Trail), a USFWS-approved biologist shall survey for, collect, and relocate any Morro shoulderband snails found within the Project area to suitable on-site or off-site habitat areas not planned for disturbance. USFWS authorization shall be required for this activity (i.e., approved Incidental Take Permit / Habitat Conservation Plan).</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>MM TERBIO-2h. A CDFG-approved biologist shall conduct pre-construction surveys to determine presence/absence of California horned lizard within and in areas adjacent to chaparral and/or scrub habitats with emphasis from manholes 109F to 82F. Surveys shall only be required during the active period of California horned lizards (generally April through September). If California horned lizards are identified adjacent to and/or within work areas, then hand rakes or an equivalent shall be utilized by biological monitors to scarify the ground surface and encourage the horned lizards (and other wildlife) to vacate the immediate area prior to construction. As necessary, the agency-approved biological monitor shall physically relocate California horned lizard to suitable habitat located outside the construction zone. Exact procedures and protocols for relocation shall be agreed to during pre-project consultation with CDFG;</p> <p>MM TERBIO-2i. A USFWS and CDFG-approved biological monitor shall be on-site during all vegetation clearing and periodically monitor the Project site during construction activities to inspect protective fencing, equipment staging areas, and physically relocate/remove any special-status wildlife species entering the construction zone (<i>i.e.</i>, Morro shoulderband snail, California horned lizard, <i>etc.</i>). All special-status species shall be relocated to suitable habitat located outside the construction zone by a qualified biologist. Exact procedures and protocols for relocation shall be agreed to during pre-Project consultation with USFWS and CDFG;</p> <p>MM TERBIO-2j. Los Osos Creek Pre-Activity Surveys. Prior to crossing of Los Osos Creek and associated drainages by Project vehicles and equipment each day, a CDFG-approved biologist shall conduct a focused pre-activity survey of the proposed crossing(s) including a</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>buffer of approximately 50 feet (15 m) upstream and downstream of the crossing(s) to determine presence/absence of aquatic and semi-aquatic special-status species including but not limited to steelhead trout, California red-legged frog, southwestern pond turtle, and two-striped garter snake. All special-status species within and/or immediately adjacent to the crossing(s) shall be relocated to suitable habitat located outside the roadway by a qualified biologist. The frequency of special-status species surveys within Los Osos Creek should be increased at the discretion of the approved biologist to account for increased special-status species activity and/or occurrences. Exact procedures and protocols for relocation of species of concern (e.g., southwestern pond turtle, two-striped garter snake, etc.) shall be agreed to during pre-Project consultation with CDFG. At no time shall any federally-listed species (e.g., steelhead trout, California red-legged frog, etc.) be relocated from the crossings without prior authorization from the NMFS and/or USFWS.</p> <p>MM TERBIO-2k. During all construction activities, domestic pets shall not be allowed within the construction area to minimize the potential for wildlife harassment.</p>					
<p>TERBIO-3: The proposed Project has the potential to result in permanent loss and/or long-term degradation and fragmentation of natural habitats including sensitive plant communities, which provide forage, cover, and breeding elements for several wildlife taxa, including special-status</p>	<p>TERBIO-3: Previous Mitigation Measure from 1991 County Coastal Development Permit (D900110D):</p> <p>General Measures</p> <ol style="list-style-type: none"> Standard procedures for the proposed fiber optic cable project would include implementation of erosion control and revegetation measures to ensure that lands disturbed by construction activities would be restored to a stable, productive, and aesthetically acceptable condition. Detailed site-specific restoration and 	Entire alignment	Compliance monitoring.	Reduces damage to oak trees.	SLOCP / USFWS / CDFG / CDPR / SLOCACD	Before and during construction.

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
species.	<p>reclamation plans would be developed under the direction of the appropriate agency official. Because the proposed right of way is composed of many types of terrain, soils, water, bedrock, vegetation, land uses, and climatic conditions, AT&T would include sets of techniques and measures tailored to each condition encountered. Site-specific erosion control, re-vegetation, and restoration measures would be implemented under the direction of the appropriate agency official.</p> <p>3. During construction of the Project, an AT&T representative would provide: a) liaison with the appropriate agency officials; b) expertise to direct applicable restoration procedure when special conditions are encountered without causing construction delays; and c) favorable public relations.</p> <p>4. General erosion control restoration measures are applicable to the following areas:</p> <ul style="list-style-type: none"> • seasonal restrictions for construction phases; • right-of-way and site clearing; • plowing, rock sawing, or trenching, and preservation of topsoil; • backfilling and grading; • land preparation and cultivation; • revegetation, and; • maintenance and monitoring. <p>5. Actual construction activities would immediately follow clearing operations. Rehabilitation and revegetation would immediately follow construction operations, especially in areas of soil that are highly susceptible to wind or water erosion and/or in other special areas.</p> <p>6. AT&T would conduct all activities associated with the Project in a manner</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>that would avoid or minimize degradation of air, land, and water quality. In the construction, operation, maintenance, and abandonment of the Project, AT&T would perform its activities in accordance with applicable air and water quality standards related facility siting standards and related plans of implementation, including but not limited to, the Clean Air Act, as amended (42 USC 1321).</p> <p>7. All design material and construction, operation, maintenance and termination practices would be in accordance with safe and proven engineering practices.</p> <ul style="list-style-type: none"> • Specific Resource/Activity Measures • Access and Transportation <p>8. Design and construction of all temporary, reconstructed, and newly constructed roads would ensure proper drainage, minimize soil erosion, and preserve topsoil. The design would include clearing work, rehabilitation, and use and maintenance agreements associated with transportation needs.</p> <p>9. Construction-related traffic would be restricted to routes approved by the appropriate agency official. New access roads or cross-country vehicle travel would not be permitted unless prior written approval was given by the appropriate agency official. Temporary roads used by AT&T would be rehabilitated when construction activities were completed, as approved by the appropriate agency official.</p> <p>10. Where possible, the right of way itself would be used as an access road during the construction period. The Department of Parks and Recreation would require that the access roads paralleling the fiber optic cable be closed and vegetative cover</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>reestablished after construction is completed.</p> <p>11. As a general rule, no overland access to the right of way would be permitted. When necessary, overland access would be specified in lieu of road construction or reconstruction.</p> <p>12. All temporary roads would be closed and areas restored without undue delay or maintained as specified in the land use authorizations.</p> <p>13. All damaged streets would be repaired to the permit requirements of the governing agency (e.g., city or county road or street cut permits), or otherwise to an equal or better condition.</p> <p>Seasonal Restrictions</p> <p>14. During adverse weather conditions, as determined by the Authorized Officer, stop and start orders would be issued to prevent rutting or excessive tracking of soil and deterioration of vegetation in the right of way area.</p> <p>Clearing and Site Preparation</p> <p>15. Existing ground cover such as grasses, leaves, brush, and tree trimmings would be cleared and piled only to the extent necessary. Slash and limbs would be disposed of as directed by the appropriate agency official.</p> <p>Rehabilitation and Revegetation</p> <p>16. In strongly sloping and steep terrain (greater than 28 percent slope), erosion control structures such as water bars, diversion channels, and terraces would be constructed to divert water away from the fiber optic cable trench and reduce soil erosion along the right of way and other adjoining areas disturbed during construction, as specified and approved.</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>17. AT&T would dispose of materials unsuitable for backfilling or excess backfill material at approved locations.</p> <p>18. Temporary work space areas used at stream and highway crossings and other special sites would be restored to approximate preconstruction conditions.</p> <p>19. Suitable mulches and other soil stabilizing practices would be used on all regraded and topsoiled areas to protect unvegetated soil from wind and water erosion and to improve water absorption.</p> <p>20. Rock mulches would be used in steep-sloping rock outcrop areas and low precipitation areas to reduce erosion and promote vegetation growth.</p> <p>21. AT&T would revegetate disturbed areas where necessary, using agreed upon methods suitable for the disturbed locations.</p> <p>22. Seed would be planted by drilling, broadcasting or hydroseeding.</p> <p>23. Seeding would be done when seasonal or weather conditions are most favorable.</p> <p>24. Only species adapted to local soil and climatic conditions would be used. Generally these would be native species. However, introduced species may be considered for specific conditions.</p> <p>25. Seed mixtures would be planted in the amount specified in pounds of pure live seed/acre where necessary. There would be no primary or secondary noxious weeds in the seed mixture. Seed would be tested, and the viability testing of seed would be done in accordance with state laws and within 9 months prior to purchase. Commercial seed would be either certified or registered seed.</p> <p>For drilling, seed would be planted using a</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>drill equipped with a depth regulator to ensure proper depth of planting where drilling was possible. The seed mixture would be evenly and uniformly planted over the disturbed area (smaller/heavier seeds have a tendency to drop to the bottom of the drill and be planted first). AT&T would take appropriate measures to ensure this did not occur.</p> <p>Where drilling is not possible, seed would be broadcast and the area raked or chained to cover the seed. When broadcasting the seed, the pounds per acre would be doubled. The seeding would be repeated until a satisfactory stand was established.</p> <ul style="list-style-type: none"> • Drilling would be used where topography and soil conditions allow operation of equipment to meet the seeding requirements of the species being planted. • Broadcast seeding would be used for inaccessible or small areas. • Hydroseeding would be done in critical areas. <p>26. Waterbars may be constructed to: 1) simulate the imaginary contour lines of the slope (ideally with a grade of 0 or 2 percent); 2) drain away from the disturbed area; and 3) begin and end in vegetation or rock whenever possible.</p> <p>27. AT&T would trim all woody vegetation in preference to cutting and would cut all woody vegetation in preference to bulldozing.</p> <p>28. The reestablishment of vegetative cover as well as watershed stabilization measures would be scheduled during the ongoing working season and prior to the succeeding winter season.</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>29. Temporary measures could include the following:</p> <ul style="list-style-type: none"> • Constructing temporary breakers at proper intervals on slopes and access roads to control runoff whenever applicable; • Installing silt screens as silt barriers in swales, at the base of small slopes, and in other areas subject to sedimentation from low velocity runoff; • Temporarily seeding critical areas such as road cuts and stream banks with an approved grass seed mixture; • Mulching slopes; and, • Protecting drains with barriers. <p>Visual Resources</p> <p>30. Trees that must be removed would be cut. Trees with trunks outside the 15-foot (4.6 meters) wide area of disturbance would not be cut, but would only have overhanging limbs removed by cutting, with the tree to remain. Limbs which are removed would be cut flush with the tree trunk to avoid leaving unsightly stubs. Trees and shrubs in the right of way that are not cleared would be protected from damage during construction.</p> <p>Soils and Erosion</p> <p>31. 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 (61 m). Providing periodic diversion of runoff from the trail will reduce the rate of erosion now occurring along this segment.</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>Biological Resources</p> <p>32. 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:</p> <p>a. General Mitigation Measures applying to all routes and improvements.</p> <ol style="list-style-type: none"> 1) Any revegetation shall utilize seeds or cuttings collected from adjacent areas; 2) 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; 3) 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 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 					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>or other suitable areas requiring revegetation);</p> <p>4) The revegetation plan shall include the following:</p> <ul style="list-style-type: none"> • Species to be replanted and source of seeds and plants to be used; • 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, and; • The standard county procedures for oak tree preservation shall be included. <p>5) 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 shall be accomplished by stringing colored surveyors tape to denote the areas where plants will be affected;</p> <p>6) 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</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>grading. Marking shall be completed prior to commencement of any grading operations within the affected segment of the line (e.g., the rim trail);</p> <p>7) 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;</p> <p>8) 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 eliminate 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;</p> <p>9) 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 for a minimum period of five years, and;</p> <p>10) The width of the disturbance necessary for construction shall be kept to a minimum. It should be noted that the applicant shall be required to replace all vegetation removed during construction, specifically with a 5:1 replacement</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>of oak trees and manzanita and 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 should not exceed 40 feet (12 m) at crossings and in areas of difficult terrain, and would average 30 feet (9 m) along the majority of the line. In areas of sensitive vegetation, it is possible to reduce the width of disturbance to 10 feet (3 m) depending on terrain conditions.</p> <p>b. SLO Junction to Clark Valley Road</p> <ol style="list-style-type: none"> 1) 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. 2) In areas of chaparral, construction shall follow the existing road, and disturb the vegetation along the side as little as possible. <p>c. Clark Valley Road to Los Osos Creek</p> <ol style="list-style-type: none"> 1) The existing road west of Clark Valley Road shall be followed where feasible to avoid the oaks and shrubs. 2) All Morro manzanitas along the route shall be flagged and avoided where possible. 					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>d. Los Osos Creek Crossing</p> <p>1) 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. Arroyo willows should be included.</p> <p>e. Los Osos Creek Crossing to 0.2 mile (0.3 km) West of the Eastern Boundary of Montaña de Oro State Park</p> <p>1) The alignment shall follow the existing open pathway through the oaks. All disturbance should be as far away from the trunks as possible and outside of the drip line.</p> <p>f. 0.2 mile (0.3 km) West of the Eastern Boundary of Montaña de Oro State Park to Hazard Canyon Road.</p> <p>1) 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.</p> <p>Additional TERBIO-3. Mitigation Measures: The following mitigation measures are recommended to further reduce or eliminate construction-related impacts to sensitive habitat areas known to occur or with the potential to occur along the terrestrial cable route:</p> <p>MM TERBIO-3a. To avoid unnecessary pruning impacts to several oak woodland habitat areas along the right-of-way, the alternative access routes outlined on Figures 4.3-12 and 4.3-13 of the EIR shall be utilized to</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>access manholes 28.5 to 30.5 and 51 during all Project operations. Appropriate use of these alternate access routes would also avoid and/or minimize inadvertent soil compaction impacts to the critical root zones of oak trees at these locations due to temporary access of Project vehicles and equipment.</p> <p>MM TERBIO-3b. To further protect and ensure the long-term health of oak woodland habitat throughout the terrestrial cable route ROW, a certified arborist shall be retained by AT&T to perform any necessary trimming of oak tree limbs overhanging equipment access routes. This shall be conducted prior to allowing construction equipment to enter the proposed impact area to avoid and/or minimize the potential for inadvertent damage to oak tree limbs (i.e., equipment, vehicles, etc.).</p> <p>MM TERBIO-3c. Trail Enhancement Plan and Erosion Control Monitoring. To ensure that the Rim Trail is remediated to a permanent, sustainable condition as required by CDPR, AT&T shall develop a Trail Enhancement Plan focused on repair and restoration of the trail to current CDPR standards. The Trail Enhancement Plan would be prepared by AT&T for review and approval by CDPR prior to implementation of the project's terrestrial component. To further ensure that all repaired erosion features along the Rim Trail and any newly created erosion areas due to Project implementation are properly stabilized utilizing the erosion and sedimentation control measures outlined above, all repaired areas shall be monitored during the subsequent rainy season. Specifically, the following measures shall be included in the Trail Enhancement Plan and implemented accordingly following project completion:</p> <ul style="list-style-type: none"> • All erosion repair areas (both minor and major) of the terrestrial cable route right- 					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>of-way shall be identified and numbered accordingly and illustrated on a site plan for easy reference;</p> <ul style="list-style-type: none"> • The stabilized erosion features shall be monitored for overall effectiveness during three significant storm events (>1-inch [2.5 cm] rain in a 24-hour period) during the pending subsequent season; • Any erosion control deficiencies including, but not limited to rills, gullies, waterbar(s) failure, and localized slope failures shall be identified and appropriate corrective actions using the measures outlined above shall be discussed in a monitoring report; • Copies of the monitoring report shall be provided to the appropriate regulatory agencies, landowner representatives and AT&T within 48 hours of erosion feature documentation; • Recommended measures within the report shall then be implemented within 72 hours by an AT&T on-call contractor; and, • Any areas requiring repair will be monitored using these same protocols the following rainy season. <p>MM TERBIO-3d: Pre-construction Equipment Washing, Right-of Way Survey and Weed Control Measures: Any construction equipment to be used on the project originating from locations outside of San Luis Obispo County shall be power washed prior to transport to the County to remove any plant material that could be transferred to soils in the project construction area. Prior to construction, the applicant shall coordinate with the San Luis Obispo County Agricultural Commissioner's Office to conduct a pre-construction right-of-way site evaluation</p>					

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	for noxious weeds. Based upon the survey, the applicant shall prepare a map showing areas of noxious weed infestation. The applicant shall implement equipment wash stations and other pertinent noxious weed control measures as determined appropriate and necessary based upon the above map and further coordination with the San Luis Obispo County Agricultural Commissioner's Office.					
MARBIO-1: Potential Rock Substrate Disturbance During Pre-Lay Grapnel Survey.	MM MARBIO-1. Pre-Survey Map. The CSLC shall be provided with a grapnel survey plan that includes a figure that depicts the areas where the grapnel will be deployed and, within those areas of the marine segment that have rocky seafloor substrate, delineates where the grapnel will not be used.	Marine segment	Pre-construction activity.	Reduce hard bottom habitat impacts.	CSLC	Prior to construction.
MARBIO-2: Potential Impacts to Rock Substrate During Vessel Anchoring and Nearshore Cable Placement.	MM MARBIO-2a. Prior to anchoring any vessels, prepare, and have CSLC approve, a detailed anchor plan that shows all proposed anchor locations. Complete a side scan sonar or diver survey within a 100 foot- (31 m) diameter area around all proposed anchor locations and within a 20 foot- (6 m) wide corridor along all proposed anchor line alignments within those areas that have not been similarly surveyed within the past year or where rocky habitat has been previously recorded.	Marine segment	Pre-construction activity.	Reduce rock substrate impacts.	CSLC	Prior to construction.
	MM MARBIO-2b. Minimize the area of seafloor that is affected during inshore cable placement and avoid all previously-documented rocky seafloor habitats by at least 50 feet (15 m).	Marine segment	Construction compliance monitoring.	Reduce rock substrate impacts.	CSLC	During construction.
MARBIO-3: Damage to Rock Substrate During Cable Laying.	MM MARBIO-3. Good quality video footage of the seafloor taken by the ROV during cable lay operations within the "subcropping rock" and "outcropping rock" areas specified in Table 4.6-1 (see below) and within a 100 m-long buffer zone inshore and offshore of each segment will be provided to a California State Lands Commission-approved marine	Marine segment	Post-construction survey and reporting.	Mitigate impacts to hard bottom habitat from cable laying activities.	CSLC	Post construction.

(CSLC-)

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	biologist for review and assessment. The CSLC-approved marine biologist shall prepare a technical report that includes information on the area (in square meters) and estimated number and species of organisms affected in rocky habitats, and shall submit the report to the CSLC. The applicant shall contribute to a CSLC/CCC-approved hardbottom mitigation program proportional to impacts documented in the survey report.					
MARBIO-4: Marine Mammal Interaction with Cable Lay, Cable Burial and Support Vessels.	MM MARBIO-4. A marine wildlife contingency plan for the cable lay and post-lay surveys shall be prepared that will include measures to reduce the chance of vessel/marine mammal interactions within the area most likely to support the most common cetaceans. That plan shall include the provision for NOAA Fisheries-approved marine mammal monitors to be onboard the cable lay, cable burial and support vessels for complete daytime observations during marine construction activities within 50 miles (80 km) of the shore.	Marine segment	Compliance monitoring.	Reduce impacts to marine mammals during cable laying activities.	NOAA	Before and During construction.
MARBIO-5: Incidental and Accidental Vessel Discharges.	MM-MARBIO-5a. Zero Discharge Policy. A zero-discharge policy shall be adopted for all Project vessels; no fluids shall be discharged into the marine waters shoreward of the 6,000-foot water depth.	Marine segment	Compliance monitoring.	Reduces damage to marine environment.	CSLC	During construction.
	MARBIO-5b: An oil spill response and recovery plan shall be prepared. When in California waters and as required by OSPR and OPA-90 regulations, sufficient onboard oil recovery equipment to respond to a specified oil spill shall be maintained. If required, contract arrangements with spill response organizations shall be established and maintained that can respond to an oil spill with the appropriate equipment and within the regulation-specified period.	Marine segment	Pre-construction activity.	Reduces possible damage to marine environment.	CDFG-OSPR / USCG / CSLC	Prior to construction.

Mitigation Monitoring Program

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>MARBIO- 6: Damage to Rock Substrate During Maintenance and Repairs.</p>	<p>MM-MARBIO-6: Prior to initiation of in-water activities, an anchoring plan for all vessels involved in maintenance, repair, and/or abandonment/removal activities shall be submitted to CSLC for approval. If necessary, an anchor-area clearance survey, similar to that recommended in Mitigation Measure MB-2a above, shall be completed.</p>	<p>Marine segment</p>	<p>Compliance monitoring.</p>	<p>Reduces damage during maintenance activities.</p>	<p>CSLC</p>	<p>Prior to construction.</p>

Table 8-4.4. Mitigation Monitoring Program - Commercial and Recreational Fishing

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Impacts less than significant (Class III).	No proposed mitigation measures.	N/A	N/A	N/A	N/A	N/A

Table 8-4.5. Mitigation Monitoring Program - Cultural Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>CR-1: Certain areas of the Project corridor pass through landscapes known to contain abundant cultural resources (e.g. Los Osos).</p>	<p>CR-1a: Prior to issuance of construction permits, AT&T will prepare and submit a cultural resources monitoring plan to CSLC, State Parks and the San Luis Obispo County Department of Planning and Building/Environmental Coordinator. The plan shall be prepared by a qualified archaeologist that is approved by the CSLC, State Parks and the county. The plan shall address, but not be limited to, monitoring, physical monitoring boundaries (e.g., 100-feet (31 m) each side of a site), site security, protocol for notifying local authorities (i.e. Sheriff, Police) should site looting and other illegal activities occur during construction.</p>	<p>Terrestrial segment</p>	<p>Compliance documentation.</p>	<p>Consistent with requirements stipulated by resource agencies. Confirmation by Environmental Monitor.</p>	<p>CSLC / SLOCP/ CDPR</p>	<p>Prior to construction.</p>
	<p>CR-1b: 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.</p>	<p>Terrestrial segment</p>	<p>Compliance meeting.</p>	<p>Reduce possible damage to cultural resources.</p>	<p>CSLC</p>	<p>Prior to construction.</p>
	<p>CR-1c: During trenching in the Sandspit Beach parking lot, cultural resource monitoring shall be conducted by a qualified archaeologist and Native American monitor familiar with the resource types potentially present in these locations. The qualified archaeologist shall conduct monitoring activities based on a cultural resources monitoring plan.</p> <p>During work at the staging area and in the vicinity of Manhole MH 89 F, cultural resource monitoring will be conducted by a qualified archaeologist and Native American monitor familiar with the resource types potentially present in these locations. The qualified archaeologist shall conduct monitoring activities based on a cultural resources monitoring plan developed for the Project.</p> <p>Prior to commencement of construction</p>	<p>Terrestrial segment</p>	<p>Compliance monitoring.</p>	<p>Reduce possible damage to cultural resources.</p>	<p>CSLC/ Native American Heritage Commission (NAHC)</p>	<p>During construction.</p>

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>activities, the site boundaries will be marked with fencing, the present work areas will be examined for cultural remains, and any artifacts present within work areas will be mapped and collected.</p> <p>CR-1d: Any cultural and/or paleontological resources (historical or prehistoric site or object) discovered by AT&T, or any person working on AT&T's behalf, shall be immediately reported to the appropriate agency official. AT&T shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the appropriate agency official. An evaluation of the discovery would be made by the appropriate agency official to determine actions that will be taken to prevent the loss of significant cultural or scientific values.</p>	Terrestrial segment	Reporting of found materials.	Reduce damage to cultural resources.	CSLC	During construction.
<p>CR-2: The potential exists for archeological resources or human remains to be found at any time during the Project activities.</p>	<p>CR-2: If archaeological resources or human remains are discovered during construction, CSLC and the County shall be notified, and work shall be halted within 150 ft (46 m) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated within 48 hours of discovery, and will be implemented. Human remains must be reported to the Coroner's office. If the human remains are Native American in origin, the Native American Heritage Commission must be notified. A Most Likely Descendant will be appointed by the commission for reburial of the remains.</p>	Terrestrial segment	Compliance monitoring.	Reduce possible damage to paleontological and/or cultural resources.	CSLC/ SLOCP/ NAHC	During construction.
<p>CR-3: Along areas of the Project corridor there are known cultural resources.</p>	<p>CR-3: During construction, the following activities shall be excluded from designated sensitive areas: (1) unnecessary or expansive excavation; (2) staging equipment or machinery on undisturbed or exposed portions of the cultural resource; (3) failure to immediately contain and collect any chemical spills; (4) collection, removal or displacement of any artifacts, ecofacts or other cultural remains; (5)</p>	Terrestrial segment	Map and mark sensitive resources on construction drawings or project maps.	Reduce damage to cultural resources.	CSLC	During construction.

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	stockpiling of imported soils within the designated sensitive area; (6) removal of native soils outside a sensitive area.					
<p>CR-4: A highly degraded or deteriorated cultural resource (shipwreck) may occur undetected in the Project area buried within unconsolidated sediments, which could be damaged or destroyed during the pre-lay grapnel run or during the cable burial process.</p>	<p>CR-4a: Prior to the pre-lay grapnel run and cable installation, a qualified marine archaeologist shall complete an analysis of available side scan sonar data for the cable route between the 328 ft. (100 m) and 6,000 ft. (1830 m) water depth. The analysis shall identify and analyze all side scan sonar anomalies that occur in a 0.6 mile (1.0 km) wide corridor centered on the proposed cable route. The results of that report to the CSLC for approval prior to the pre-lay grapnel run and cable installation.</p>	Marine segment	Review assessment for compliance.	Reduce possible damage to unknown shipwrecks.	CSLC	Prior to construction.
	<p>CR-4b: Should a previously unknown shipwreck of potential cultural resource value be discovered within the proposed cable corridor as a result of the study required in CR- 6a, the proposed cable route or installation procedures shall be modified to avoid the potentially significant cultural resource.</p>	Marine segment	Compliance monitoring.	Reduce possible damage to unknown shipwrecks.	CSLC	During construction.
	<p>In addition, implement MM-MARBIO-5b: Spill Response and Recovery Plan.</p>					

Table 8-4.6. Mitigation Monitoring Program - Geology and Soils

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
GEO-1: Construction during the wet season has the potential to result in erosion along access roads and at work zones along the cable conduit route.	Implement WQ-1: Prepare and Implement Storm Water Pollution Prevention Plan, and MM-TERBIO-3c: Erosion Control Monitoring.	Terrestrial segment	Prepare and review SWPP.	Reduce possible damage related to erosion.	RWQCB / CSLC	Before and during construction.

Table 8-4.7. Mitigation Monitoring Program - Hydrology and Water Quality

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>WQ-1: Construction during the wet season has the potential to result in potentially significant surface water quality impacts to sensitive water bodies and wetland areas.</p>	<p>WQ-1: Prior to issuance of construction permits, AT&T shall submit to the CSLC evidence of an approved Erosion and Sedimentation Control Plan (ESCP) as required by the County of San Luis Obispo, and Storm Water Pollution Prevention Plan (SWPPP), if required pursuant to Regional Water Quality Control Board requirements (such as disturbance greater than one acre), covering all aspects of the Project and specifically addressing conditions and measures to be implemented to minimize the effects of erosion and/or a spill of toxic substances. The ESCP and SWPPP should include but not be limited to spill contingency measures, vehicle and equipment maintenance, and any dewatering activities that become necessary in accessing manholes.</p>	<p>Terrestrial segment</p>	<p>Prepare and review ESCP and SWPP.</p>	<p>Reduce possible damage related to erosion.</p>	<p>SLOCP / RWQCB</p>	<p>Prior to construction.</p>
<p>In addition, implement MM TERBIO-2e: Spill Prevention and Contingency Plan, and MM-TERBIO-3c: Erosion Control Monitoring.</p>						
<p>WQ-2: A petroleum discharge during construction activities would result in significant impacts to water quality.</p>	<p>WQ-2 : Prior to laying any cable, AT&T shall require that the vessel operator prepare and have onboard the lay vessel and other larger construction vessels, an oil spill response plan, approved by the California Office of Spill Prevention and Response, that specifies equipment and actions that will be taken in the event of a petroleum spill.</p>	<p>Terrestrial segment</p>	<p>Prepare plan and review.</p>	<p>Reduce effect of a petroleum discharge.</p>	<p>CSLC/ CDFG-OSPR</p>	<p>Prior to construction.</p>

<p>WQ-3: Discharge of contaminated water during pipe preparation activities would result in significant impacts to water quality.</p>	<p>WQ-3 : If required by the RWQCB, AT&T shall conduct chemical analytical testing of the current contents of the bore pipe and any proposed flush water prior to pipe preparation activities to ensure the water quality will not violate Ocean Plan water quality standards. Copies of the water quality analytical testing results shall be submitted to the California State Lands Commission or its environmental monitor and the Regional Water Quality Control Board for review and approval prior to discharge.</p> <p>In the event that RWQCB does not require such analytical testing, evidence substantiating this determination shall be submitted to the CSLC prior to the pipe preparation activities.</p>	<p>Terrestrial segment</p>	<p>Compliance monitoring, and testing.</p>	<p>Reduce effect of fresh water discharge.</p>	<p>CSLC/ RWQCB</p>	<p>Prior to construction.</p>
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Table 8-4.8. Mitigation Monitoring Program - Land Use and Recreation

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>REC-1: The proposed Project could temporarily affect recreational use of the Sandspit Beach parking lot.</p>	<p>REC-1a: Prior to cable installation, AT&T shall submit a plan and obtain the approval of such plan from the California Department of Parks and Recreation (CDPR) for the scheduling and locating of Project activities at the Sandspit Beach parking lot, access routes, and staging areas along the Ridge Conduit system within State Parks land, incorporating measures to ensure the availability of offsite parking, restrooms, fire prevention and spill prevention/control measures, and pedestrian access to the beach during Project activities. AT&T shall submit documentation of the approval to the Executive Officer of the California State Lands Commission (CSLC) prior to Project initiation.</p>	<p>Terrestrial segment</p>	<p>Notification of CDPR.</p>	<p>Reduce impacts to recreational resources at Sandspit parking lot.</p>	<p>CDPR / CSLC</p>	<p>Prior to construction.</p>
	<p>REC-1b: Prior to construction within the Sandspit Beach parking lot AT&T shall coordinate with California Department of Parks and Recreation (CDPR) and the County Department of Public Works (CDPW) to provide signage along Pecho Valley Road redirecting visitors to park at one of the other designated parking areas. In addition, AT&T shall post signage in the Sandspit Beach parking area alerting visitors that the lot will be closed or partially closed, the length of time, and the location of alternative parking areas.</p>	<p>Terrestrial segment</p>	<p>Posting of signage.</p>	<p>Public notification.</p>	<p>CDPR / CDPW</p>	<p>Prior to construction.</p>

Table 8-4.9. Mitigation Monitoring Program - Marine Transportation

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Impacts less than significant (Class III)	No proposed mitigation measures.	N/A	N/A	N/N/A	N/A	N/A

Table 8-4.10. Mitigation Monitoring Program - Noise

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>NOI-1: While vessel-specific noise measurements are not available, it is expected that maximum noise levels will be at or near the NOAA-specified harassment levels only within a short distance of the vessel.</p>	<p>NOI-1: A Marine Wildlife Contingency Plan (Plan) for the pre- and post-lay surveys and cable lay operations shall be prepared and will include measures to reduce the chance of noise-related impacts to marine mammals within the area most likely to support the most common cetaceans. That Plan shall include the provision for an appropriate number of NOAA Fisheries-approved marine mammal monitors to be onboard the cable lay, cable burial and transport vessel for complete daytime observations during marine construction activities within 50 miles (80 km) of the shore. The Plan will also include a specified distance from the vessels within which the 160 dB re: 1 $\mu\text{Pa}_{\text{RMS}}$ noise level is expected to occur and will discuss the actions that the onboard marine wildlife observers can institute, including but not limited to temporary cessation of activities, if a marine mammal or reptile is showing noise-related behavioral changes within that safety zone. The Plan will be reviewed and approved by NOAA Fisheries prior to the initiation of in-water activities. Such approval shall be submitted to the CSLC. (See MM MARBIO-4 for additional Plan requirements.)</p>	<p>Marine segment</p>	<p>Compliance monitoring.</p>	<p>Consistent with requirements stipulated by resource agencies.</p>	<p>NOAA / CSLC</p>	<p>Before and during construction.</p>

Table 8-4.11. Mitigation Monitoring Program - System Safety/Risk of Upset

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>SYS-1: Onshore construction activities will involve the use of vehicles and equipment within sensitive areas. A fuel spill would result in a significant impact to the environment.</p>	<p>SYS-1a: All construction vehicles shall be required to carry absorbent materials to be used in the event of fuel or oil leaks or spills. Sufficient quantities of spill containment and clean-up materials shall be stored at the staging areas for clean up of spills during refueling or servicing of equipment. All spills, regardless of size, shall be cleaned up immediately and reported, if required by existing regulations.</p>	Marine segment	Pre-construction activity.	Reduces possible damage to marine environment.	CSLC	Prior to construction.
	<p>SYS-1b: All vehicle or equipment repair or fueling shall occur at least 100 feet (31 m) from wetlands and water courses.</p>	Marine segment	Pre-construction activity.	Reduce possible damage to marine environment.	CSLC	During construction.
	<p>SYS-1c: All absorbent material used to clean up leaks and spills shall be disposed of in accordance with applicable hazardous waste regulations.</p>	Marine segment	Pre-construction activity.	Reduce possible damage to marine environment.	CSLC	During construction.
<p>SYS-2: An incidental and/or accidental vessel discharge during construction activities would result in significant impacts to water quality.</p>	Implement MM-MARBIO-5a: Zero Discharge Policy, and MM-MARBIO-5b: Spill Response and Recovery Plan.					

Table 8-4.12. Mitigation Monitoring Program - Transportation and Circulation

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Impact less than significant (Class III)	No proposed mitigation measures.	N/A	N/A	N/A	N/A	N/A