

PR 1 – Fiber optic cable construction activities have the potential to impact important paleontological resources within the Paso Robles Formation between Clark Valley Road and Paradise.

PR/mm-1 – Prior to issuance of construction permits, the applicant shall retain a qualified paleontologist to prepare a paleontological resources monitoring plan for this section of the project. The plan shall include a schedule for the appropriate level of monitoring by a qualified paleontologist and provide provisions to allow the monitoring level to be adjusted based on information or field observations or upon review and approval of appropriate jurisdictional authorities.

PR/mm-2 – Prior to construction, the qualified County paleontologist shall attend the project pre-construction meeting and shall establish procedures for paleontological resource monitoring. The qualified paleontologist, in consultation with the applicant, shall establish procedures for temporarily halting or redirecting work to permit sampling, identification, evaluation of the fossils and reporting protocol of any findings.

The above mitigation measures have been required as Condition of Approval 31, 32.

Residual Impacts – Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Supportive Evidence – The FEIR indicates that while no fossils have as yet been recovered from road cuts exposing the lower Paso Robles Formation along Los Osos Valley Road east of Clark Valley Road, there is a reasonable potential for fossils to be present. The excavations to be performed in placing the cable conduit along this section of Los Osos Valley Road offer a unique opportunity to better examine the potentially fossiliferous units within this formation, and paleontological monitoring of this short section is warranted. The mitigation measures indicated above are directed toward monitoring construction activities associated with the project in order to recover data on fossil characteristics in this area.

PR Cumulative Impacts – Potential loss of paleontological resources that may be present in the Paso Robles Formation are location-specific to the extent that they may result in significant impacts on the environment, and they are not “cumulative” in the sense normally applied in CEQA documents.

PR Mitigation Measure – No mitigation measures are required for this less than significant impact.

Residual Impacts – No residual impacts are anticipated.

Findings – Impact not identified as significant; therefore, no mitigation

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Supportive Evidence – The FEIR indicates that while no fossils have as yet been recovered from road cuts exposing the lower Paso Robles Formation along Los Osos Valley Road east of Clark Valley Road, there is a reasonable potential for fossils to be present. The excavations to be performed in placing the cable conduit along this section of Los Osos Valley Road offer a unique opportunity to better examine the potentially fossiliferous units within this formation, and paleontological monitoring of this short section is warranted. The mitigation measure indicated above for location specific areas would reduce any impacts to paleontological resources to insignificance.

n. Visual Resources

Impacts– The following impacts were identified in the January 2000 FEIR:

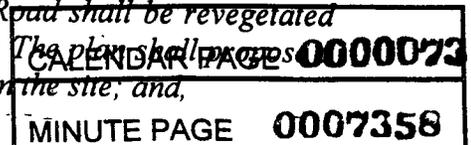
VR 1 – If the second directional bore alternative is implemented (i.e., directional boring from Pecho Valley Road west to Sandspit Road parking lot), the area adjacent to Pecho Valley Road cleared by construction may invite other vehicles to use the clearing for parking and staging for recreational activities, resulting in long-term visual disturbance.

VR 2 – Through Montana de Oro State Park, the visibility of the marker posts will add a built element to this largely undeveloped landscape, resulting in a potentially long term visual impact.

VR 3 – From the residences located at the western end of Costa Azul Drive, from along State Park Road in Montana de Oro State Park, the direct view of the source of lighting associated with night construction will result in a potentially short term visual impact.

VR/mm-1 – Prior to issuance of construction permits, the applicant shall submit a comprehensive Restoration Plan to the County of San Luis Obispo Department of Planning and Building for review and approval. The goal of the restoration plan will be to establish appropriate plant species on all disturbed areas as quickly as possible in order to visually blend the disturbed areas with the surrounding landcover, reduce soil erosion, and minimize habitat loss. The restoration plan shall be consistent with other revegetation and restoration plans required as part of the project, include but not be limited to the following measures, and shall specifically describe how each of the measures will be implemented:

- *Topsoil from areas proposed for revegetation shall be salvaged, safely stored and replaced;*
- *All disturbed grassland areas shall be seeded. The plan shall include proposed seed species, application method and rates;*
- *Disturbed areas shall be seeded prior to the rainy season, within two weeks after backfilling and regrading of the disturbed areas are completed;*
- *The construction staging area (if required) on Pecho Valley Road shall be revegetated with a combination of seeding and containerized native plants. The plan shall include a method for reducing the potential of veldt grass to reestablish on the site; and,*



- *After implementation of the revegetation plan, the staging area on Pecho Valley Road shall be fenced to prohibit parking and continued disturbance of the site, until such time that the site has successfully revegetated.*

VR/mm-2 – Prior to issuance of construction permits, the applicant shall retain a County qualified environmental monitor to observe the results of the revegetation implementation and to make recommendations for remedial actions. The monitor shall be experienced in revegetation monitoring and shall provide a written report to San Luis Obispo County Environmental Division addressing at a minimum the following observations: 1) Total and relative cover of plant species; 2) Plant species composition within revegetation areas; 3) Erosion problems; 4) Grazing or browsing problems; 5) Noxious weed infestation; and, 6) Plant vigor. The monitoring period shall be for five years. The monitoring report shall be submitted a minimum of once a year throughout the monitoring period.

If remedial actions are recommended, the applicant shall implement the measures and shall notify the County when such measures have been completed. Remedial measures include, but are not be limited to, determining if at the end of the first year after construction, revegetation of disturbed areas is unsuccessful due to continued site impacts from livestock grazing or vehicle traffic. If so, temporary exclusionary fencing shall be recommended to reduce further site disturbance.

VR/mm-3 – Prior to issuance of construction permits, the applicant shall submit to the County of San Luis Obispo Department of Planning and Building an erosion control plan. The erosion control plan shall identify means in which to limit vehicle routes and amounts of construction equipment on hillsides and propose methods to control surface erosion and may include such strategies as water bars, erosion control blanket, straw wattles, and mulch along with vegetative measures.

VR/mm-4 – Prior to issuance of construction permits, the applicant submitted Restoration Plan, Erosion Control Plan, and other plans required as mitigation for other issue areas (e.g., Surface Water Quality, Drainage, Erosion and Sedimentation, etc.), shall be reviewed by the County approved environmental monitor for consistency. Plans with inconsistencies shall be revised to ensure mitigation of one issue area does not lead to impacts in other issue areas.

VR/mm-5 – Upon completion of construction, if settling of the soil results in topographic discontinuity between the natural and graded surface, the applicant shall perform additional grading to smooth the differential.

VR/mm-6 – Within Montana de Oro State Park, and along Pecho Valley Road to Costa Azul Drive, any finish on wooden marker posts shall be transparent and non-glossy. After installation, the marker posts shall not exceed 36 inches above surrounding natural ground elevation and shall be located in areas that will not result in disruption of scenic vistas or expanses of open space.

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VR/mm-7 – 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 residences on Costa Azul Drive, or to travelers along State Park Road within Montana de Oro Sate Park, use the lowest watt bulbs possible, and conduct periodic monitoring of the visual impacts of the lights. Monitoring shall be conducted by the County's monitor and if necessary will result in recommendations to adjust the location, position, etc. of lighting at the parking lot.

Mitigation measures given above been required as Conditions of Approval 33 through 38.

Residual Impacts – Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Supportive Evidence – The FEIR describes the visual setting and the potential impacts resulting from construction of the project (Key Viewing Area 1). This key viewing area is considered to have a high level of visual quality, and visitors to this area have a wide range of views, especially facing west towards the ocean. The park user group is anticipated to have a moderately high degree of sensitivity to the surroundings due to their expectations associated with State Park lands and the coastal environment. The combination of view expectations and the high visual quality of the area would result in potentially significant short- and long-term visual impacts. The mitigation measures indicated above including restoration, reduction of light impacts during construction and care in design and placement of route markers would reduce the potential visual conflicts to insignificance.

Impacts – The following impacts were identified in the January 2000 FEIR:

VR 4 – Construction of the fiber optic cable will result in potential short-term visual impacts resulting from hillside scaring as seen from Los Osos Valley Road.

VR 5 – Construction of the fiber optic cable will result in potential short-term visual impacts resulting from hillside scaring as seen from O'Connor Way.

Mitigation Measures – The mitigation measures recommended in the January 2000 FEIR are given as follows:

Mitigation measures VR/mm-1 through VR/mm-5 should be implemented.

Mitigation has been required as Condition of Approval 33 through 37.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

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Supportive Evidence – The FEIR describes the visual setting and the potential impacts resulting from construction of the project. The type of visual change proposed with this project is likely to be consistent with the viewer group’s expectations related to construction projects and the short-term impacts are considered less than significant with careful restoration and revegetation. Due to some of the slopes in this area, special attention is required to revegetation and erosion control efforts. The mitigation measures identified above will reduce impacts to insignificance.

Impacts – The following impacts were identified in the January 2000 FEIR:

VR 6 – Construction of the proposed fiber optic cable, in conjunction with past and future fiber optic cable construction projects, will result in potential short-term cumulative impacts resulting from hillside scarring.

Mitigation Measures – The mitigation measures recommended in the January 2000 FEIR are given as follows:

Mitigation measures VR/mm-1 through VR/mm-5 should be implemented.

Mitigation has been required as Condition of Approval 33 through 37.

Residual Impacts – Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Supportive Evidence – The FEIR describes the visual setting and the potential impacts resulting from construction of the project. As construction development continues to increase in the area, so does the amount of visible hillside disturbance. Because of the potential for this cable installation project to contribute to the cumulative degradation of views in the area due to multiple cable projects scarring the hillsides, potentially significant cumulative impacts could result. Implementation of mitigation measures described above will reduce the proposed project’s incremental cumulative impacts to insignificance.

o. Traffic Safety

Impacts – The following impacts were identified in the January 2000 FEIR:

TS 1 – The project will result in short-term, temporary delays to vehicular traffic during normal hours of operation as well as during the peak hour. Impacts are considered more severe along the two-lane segment of Los Osos Valley Road from South Bay Boulevard to the San Luis Obispo City limit.

TS 2 – The project will involve construction activities near the following existing signalized intersections: 1) Los Osos Valley Road (LOVR)/Doris Avenue; 2) LOVR/Ninth Street; 3)

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LOVR/Tenth Street; 4) LOVR/South Bay Boulevard; 5) LOVR/Foothill Boulevard; 6) LOVR/Descanso Road; 7) LOVR/Laguna Lane; 8) LOVR/Royal Way; 9) LOVR/Madonna Road; 10) Madonna Road/Oceanaire Drive; 11) Madonna Road/Dalido Drive; 12) Madonna Road/El Mercado Drive; 13) Broad Street (State Route 227)/South Street (State Route 227) - Santa Barbara Street; and, 14) South Bay Boulevard/Santa Isabel Avenue. The project could result in the disturbance or damage of signal equipment including traffic signal pull boxes and conduit and vehicle detectors.

TS 3 – The project will result in the construction of manholes and other types of construction activities requiring excavation in the roadway and within existing intersections. This creates an impact to vehicular traffic safety.

TS 4 – There are potential sight distance constraints along Pecho Valley Road. This creates an impact to vehicular traffic safety.

Mitigation Measures – The mitigation measures recommended in the January 2000 FEIR are given as follows:

TS/mm-1 – During construction, fiber optic cable installation activities occurring along Los Osos Valley Road between South Bay Boulevard and San Luis Obispo city limits shall be limited to off-peak hours (Peak hours typically range from 7:15 AM to 8:15AM and 4:45 PM to 5:45 PM).

TS/mm-2 – Prior to commencement of construction activities, the applicant shall notify all agencies 48 hours in advance who have jurisdiction over the signalized intersection listed under “TS/Impact 2”. The applicant shall be responsible for all repair and maintenance associated with construction related impacts on existing traffic signal systems.

TS/mm-3 – During construction, the applicant shall be responsible for maintaining construction area traffic control in compliance with Chapter 7, “Traffic Safety Systems” of the latest edition of the Caltrans Traffic Manual.

TS/mm-4 – During construction, all excavations within the paved roadway shall be temporarily backfilled and covered with temporary pavement or have steel plates installed at the end of each construction day.

TS/mm-5 – Prior to construction, the applicant shall prepare a traffic control plan for the entire project route that incorporates the guidelines set forth in the Caltrans and City of San Luis Obispo Encroachment Permits.

Mitigation measures given above been required as Conditions of Approval 40 through 44.

Residual Impacts – Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

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Supportive Evidence – The FEIR indicates that boring activity will generally take place on the shoulder of the paved roadway or completely off the roadway. There will, however, be construction activities that will occasionally “spillover” onto travel lanes during the set up of individual drilling operations and the “off-hauling of spoils” that have the potential to conflict with traffic. These activities should have a minimal, temporary effect on roadway levels of service. In addition, trenching activities would occur near the edge of pavement for the segment of Los Osos Valley Road from the cemetery east to the San Luis Obispo City limits. This activity will result in short term, temporary traffic impacts that are mitigated to insignificance by implementing the above mitigation measures including coordination with appropriate agencies, traffic safety controls and avoidance of peak use times.

Impacts – The following impacts were identified in the January 2000 FEIR:

TS 5 – Potential long-term degradation to County right-of-way and roadway facilities due to the significant number of fiber optic cable projects recently constructed, currently under construction and proposed throughout to be constructed throughout the County.

Mitigation Measures – The mitigation measures recommended in the January 2000 FEIR are given as follows:

TS/mm-6 – Prior to construction, the applicant shall agree in a form acceptable to County Counsel, to restore any facilities or rights-of-way to the condition it was in prior to construction. Applicant will further agree to comply with any lawful and non-discriminatory term and conditions imposed by the County regarding use of the County’s public ways.

Mitigation has been required as Condition of Approval 39.

Residual Impacts – Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Supportive Evidence – In addition to the proposed project, there are approximately 6 to 10 other fiber optic cable projects proposed to be located within County right-of-way. These projects are in various stages of planning with several recently having been completed. Depending on the project and location, these projects will be constructed down the middle of existing roadways, along the edge of pavement or near the edge of the right of way off of paved roadway. Cumulative fiber optic cable construction within County road right-of-way at this time appears to be in approximately 100 miles. The number of proposed projects has the potential to result in significant long-term degradation to County road right-of-way facilities. The mitigation measure proposed above will reduce the incremental project impacts to insignificance.

p. Agricultural Resources

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Impacts – The following impacts were identified in the January 2000 FEIR:

AR 1 – Fiber optic cable construction within the road right of way has the potential to adversely impact access to and maintenance of agricultural operations.

AR 2 – Fiber optic cable construction activities have the potential to adversely impact agricultural lands through the spread of noxious weeds.

Mitigation Measures – The mitigation measures recommended in the January 2000 FEIR are given as follows:

AR/mm-1 – Prior to and during construction, the project applicant shall coordinate construction activity time with all owners of agricultural operations adjacent to the construction site. Proper timing of construction activities will minimize any potential impacts to grazing animals and crop harvesting. All property owners shall be notified 30-days in advance of the construction activities occurring in the vicinity of their operations.

AR/mm-2 – Prior to construction, the applicant shall coordinate with the Agricultural Commissioner's Office to conduct a pre-construction right-of-way site evaluation for the purple thistle, yellow thistle and distaff thistle.

- a. *Based on the pre-construction right-of-survey, the applicant shall prepare a map showing areas of noxious weed infestation.*
- b. *The applicant shall implement equipment wash stations and other pertinent noxious weed control recommendations based on the above map.*

Mitigation measures have been required as Condition of Approval 46, 49.

Residual Impacts – Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Supportive Evidence – The FEIR provides background information on agricultural resources. The proposed alignment traverses grazing and row crop agricultural areas. Rockwheel trenching and directional boring construction methods have the potential of interfering with access routes to operational agricultural areas by impeding access and slowing agricultural traffic. Additionally, the Department of Agriculture states that there are three noxious weed species that may exist within the right-of-way and/or easements which could be spread by construction activities. Spread of noxious weeds has the potential to occur during the construction phase of the project as trenching and other equipment is transferred from one area of the project to another. By implementing the above mitigation measures, potential impacts to agricultural resources can be reduced to insignificance.

Impacts – The following impacts were identified in the January 2000 FEIR.

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AR 3 -- Fiber optic cable construction within or along property boundaries has the potential to impact ranching operations as a result of temporary fence removal. Construction activities also have the potential to temporarily impede agricultural access maintenance activities.

Mitigation Measures – The mitigation measures recommended in the January 2000 FEIR are given as follows:

Mitigation Measures - AR/mm-1 and AR/mm-2 as well as the following:

AR/mm-3 – During construction, where construction activities require removal of fencing, a temporary construction fence shall be installed and maintained to keep grazing animals away from construction activities and trenching. Trenches shall be filled, covered, or enclosed by fencing at the end of each work day to reduce chances of animal injuries. Following construction, fences and posts shall be replaced.

AR/mm-4 – During construction, trenches shall be filled in such a manner as to retain the topsoil profile. Topsoil should remain intact after the backfill of trenches to allow rapid revegetation of grassland areas following construction.

AR/mm-5 – Upon completion of construction, disturbed areas within agricultural grazing areas shall be re-seeded with a seed mixture acceptable to landowners.

The above mitigation measures have been required as Condition of Approval 47, 48, 49.

Residual Impacts – Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Supportive Evidence – The FEIR provides background information on agricultural resources. The proposed cable route follows property easements across agricultural areas and borders both grazing lands and small areas of row crops. Impacts would be limited to those associated with short-term construction activities. Since the project follows property easements, construction is likely to require fence removal in some areas used for cattle grazing, and construction may also have a short term impact on access routes used for crop harvesting or agricultural maintenance. By implementing the above mitigation measures, including temporary fencing, covering open trenches and re-seeding, the short-term conflicts with agricultural practices can be reduced to insignificance.

q. Recreational Resources (RR)

Impacts – The following impacts were identified in the January 2000 FEIR:

RR/Impact 1--Loss of recreational opportunities due to closure of Sandspit Road parking lot.

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Mitigation Measures – The mitigation measures recommended in the January 2000 FEIR are given as follows:

RR/mm-1 – Prior to construction (i.e., at least 3 months prior to set up of the directional bore phase at the Sandspit Road parking lot), the project applicant shall notify the CDPR of the project schedule so that CDPR can ensure that no special events, maintenance activities, etc. are scheduled at the parking lot during the 8-week construction period.

RR/mm-2 – Prior to construction of directional bores at the Sandspit Road parking lot (at least one month prior to closing the parking lot), the applicant shall coordinate with CDPR and the County Department of Engineering to provide signage along Pecho Valley Road redirecting visitors to park at one of the other designated parking areas. In addition, the applicant shall post signage in the Sandspit Road parking area alerting visitors that the lot will be closed, the length of time it will be closed, and the location of alternative parking areas and shuttle service.

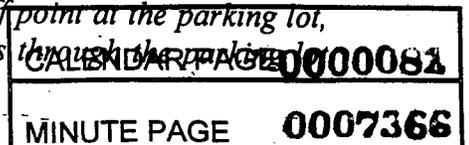
RR/mm-3 – Prior to construction (i.e., the Sandspit Road parking lot directional bore), the applicant shall coordinate with CDPR to fund the placement of temporary restrooms at the Hazard Canyon parking area. These restrooms shall be maintained for the duration of the disruption at Sandspit Road parking lot at a minimum.

RR/mm-4 – During construction of the Sandspit Road parking lot directional bore, the applicant shall coordinate with CDPR to fund the temporary employment of a “parking docent” to answer visitor questions relating to the construction process and assist in redirecting traffic and parking to appropriate CDPR facilities.

RR/mm-5 – Prior to construction, the applicant shall provide funding to the CDPR for implementation of three of the six following projects (Note: The six projects are listed in descending order of priority in terms of relationship/nexus to project impacts and ability of the measures to reduce coastal access impacts):

1. Sandspit Road – chip seal and strip;
2. Sandspit Restroom – deferred repairs, paint, door hardware, etc.;
3. Hazard Canyon Parking Area – install new restroom facility;
4. Hazard Canyon Parking Area – grade for drainage and asphalt overlay;
5. Bluff Trail – replacement of footbridge; and,
6. Islay Creek Trail – construct footbridge for interpretive programs.

RR/mm-6 – During construction, the applicant shall implement operation of a shuttle service between the closest available parking lot to Sandspit Road parking lot. The temporary parking lot shall be of at least equal capacity and the shuttle service shall be operated in coordination with CDPR. In conjunction with the shuttle service, the applicant shall designate and maintain pedestrian access from the shuttle drop-off point at the parking lot, through the parking lot and onto the coastal access path. Access through the path



during construction shall be clearly delineated and shall not result in access delays or safety concerns.

Mitigation has been required as Condition of Approval 50 through 56.

Residual Impacts – Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Supportive Evidence – Based on the estimates of visitor usage for the parking lot and the length of the project, the CDPR determined that 54,000 visitors would be disrupted by the proposed project-related closure of the Sandspit Road parking lot. Other direct impacts to recreational resources in this segment include loss of easy access for visitors for an approximately 1 to 2 mile stretch of beach and bluffs associated with Sandspit Road access. This use is significant but the closure of the parking lot will be short-term and temporary. Recommended measures seek to reduce this impact through notification of the public, providing alternate access, and providing permanent recreation/access related improvements.

Impacts – The following impacts were identified in the January 2000 FEIR:

RR 2 – Pot hole and bore and/or open trench construction along this sub-section will result in short-term impacts to bicyclists.

Mitigation Measures – The mitigation measures recommended in the January 2000 FEIR are given as follows:

RR/mm-7 – Prior to initiating construction, the project applicant shall coordinate with the County Engineering Department and CDPR and provide signage along the length of all affected roads advising bicyclists of the temporary construction and the estimated period of construction along these routes. The signage should also alert bicyclists and vehicular traffic of the need to exercise caution.

RR/mm-8 – During construction of segments at the edge of or off pavement, the construction crews shall keep all pot hole and bore equipment and trenching equipment off of the paved roadway to the maximum extent feasible to allow bicyclists to continue to use the road. (Note: Exceptions to this measures shall include situations where sensitive habitat is located adjacent to roadways and where safety issues exist.)

RR/mm-9 – During construction when equipment is located in the roadway, the project applicant shall provide flag persons to guide bicyclists and motor vehicles past the construction zone. Bicyclists shall be guided prior to and separately from the motor vehicles.

RR/mm-10 – Upon completion of construction within this subsection, the project applicant shall replace all bicycle lanes that have been damaged by the construction process to County standards (or other jurisdictional standards such as the City if applicable) for Class

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bicycle lanes. In addition, if any paint is scuffed, the project applicant shall repaint the affected bicycle lane markings.

Mitigation measures given above have been required as Condition of Approval 57 through 60.

Residual Impacts – Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Supportive Evidence – The FEIR describes the use of the State Park by visitors, particularly in the area of the parking lot and along Pecho Road. It also describes usage of all the affected roads by motorists and recreational uses, particularly bicyclists resulting from both the proposed project and cumulative impacts from other fiber optic cable projects. One of the primary recreational resources along the project route are the numerous Class II bicycle lanes along County and City roadways. The threshold of significance for impacts to these recreational resources would be if the bicycle lanes along the major roadways were closed for duration greater than two days to allow construction of the project. A significant impact to recreational resources would also result if any bicycle lanes were to be damaged (pavement or paint) on a long-term basis as a result of the project. Temporary impacts will also occur to recreational bicyclists as a result of the pot hole and bore construction within one of the bicycle and/or parking . However, with the implementation of the above mitigation measures above short-term conflicts between construction and bicycle/motorists will be reduced significantly.

PROJECT-WIDE

r. Air Quality

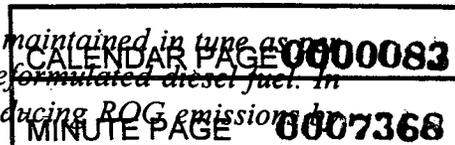
Impacts – The following impacts were identified in the January 2000 FEIR:

AQ 1 – Air pollution emissions would result from construction activities, including onshore and offshore, onsite and offsite construction equipment and fugitive dust sources.

Mitigation Measures – The mitigation measures recommended in the January 2000 FEIR are given as follows:

AQ/mm-1 – A Dust Control Plan shall be submitted to the San Luis Obispo APCD (District) for approval prior to construction. The plan shall include measures for watering of disturbed areas and inspection of heavy duty equipment to reduce particulate emissions.

AQ/mm-2 – All diesel powered construction equipment shall be maintained in tune as per manufacturer's specifications and fueled exclusively with CARB reformulated diesel fuel. In addition, oxidation catalysts or catalysts/soot traps capable of reducing ROG emissions by



50 percent and PM10 emissions by 20 percent at full engine load shall be mounted on two of the largest emitting pieces of construction equipment for the duration of the project. The APCD shall be consulted prior to, and during the selection of candidate construction equipment and emission control units.

Mitigation has been required as Condition of Approval 61, 62.

Residual Impacts – Mitigation measures would reduce emissions by implementing the dust control plan (40 percent reduction in PM10) and IC engine tuning (10 percent reduction in NO_x). While the mitigation measures would reduce the emissions associated with the project, the reduction will not be sufficient to ensure that the emissions are below the significance thresholds for all pollutants. Therefore, air pollutant emissions from the construction phase of the project would be a *significant adverse impact* (Class I).

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR but it will not reduce it to an insignificant level, thus resulting in a significant unavoidable adverse impact for a short-term until the project is completed.

Supportive Evidence – Construction emissions during the project construction only would exceed the thresholds of significance for ROG, PM₁₀ and NO_x. During construction, offshore emissions would result primarily from the cable ship main engines and generators. Onshore emissions are due primarily to off-highway trucks and other diesel powered construction equipment. Fugitive dust emissions are due primarily to disturbed areas from trenching and boring activities and by vehicle travel on paved roads. Trenching operations, which would involve trenching and piling of excavated material and then subsequent refilling of the trench, generating two (2) drops, was also a significant contributor. Mitigation measures have been proposed to reduce impacts, but there are not sufficient mitigation measures, including use of offsets to reduce the impacts to a level of insignificance.

Cumulative projects could occur at the same time as the proposed project and could exacerbate emission levels in the area, which are already significant. Any larger project could generate significant emissions independently.

Several projects have been identified in the region including: Global Crossing, Global Photon, AT&T China-U.S., Chevron Estero Bay Landing, as well as several small onshore projects. Simultaneous emissions from one of these projects and the proposed project or alternatives would be considered a *significant adverse impact* (Class I) and could exacerbate the impacts associated with project construction activities. However, based on the list of Cumulative Project Scenarios, none of the projects are expected to be conducted in the same timeframe as the proposed project. Impacts to air quality are only cumulative if the projects are conducted, and the emissions occur simultaneously.

See Statement of Overriding Considerations.

Impacts– The following impacts were identified in the January 2000 FEIR:

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AQ2 – Air pollution emissions from operational activities would exceed the San Luis Obispo APCD established Tier 1 significance threshold for operations for NO_x and PM₁₀.

AQ Mitigation Measures – No mitigation measures are required for this less than significant impact.

Residual Impacts – No residual impacts are anticipated.

Findings – Impact not identified as significant; therefore, no mitigation is necessary.

Supportive Evidence – Operational emissions would occur due to surveying of the cable route every year and a half and due to occasional operation of the emergency generators at the telecommunications facility. The operational emissions would also include emissions from workers commuting to the boat site for the survey. The emissions of NO_x and PM₁₀ would exceed the SLOAPCD Tier 1 significance criteria of 10 lbs/day for operations. However, it should be noted that this is a peak value and would occur at the most only once during the year during the emergency generator operations or an estimated 5 day work period when the work boat is conducting the survey. The annualized emissions are far below the Tier 3 level.

Impacts – The following impacts were identified in the January 2000 FEIR:

AQ3 – Air pollution emissions from abandonment activities would not exceed the San Luis Obispo APCD established Tier 1 significance threshold for operations.

AQ Mitigation Measures – No mitigation measures are required for this less than significant impact.

Residual Impacts – No residual impacts are anticipated.

Findings – Impact not identified as significant; therefore, no mitigation is necessary

Supportive Evidence – Abandonment emissions would occur as the workboats lift sections of cable from the seafloor. The FEIR provides background on the emissions expected from the proposed project and gives the emission levels for each activity. Impacts are considered insignificant and no mitigation measures are necessary.

s. Noise

Impacts – The following impacts were identified in the January 2000 FEIR:

NS 1 – Directional boring activities, i.e., operation of the drilling rig, mud pump support equipment, will exceed nighttime noise level standards at sensitive receptors (single-family residences) located near the entrance to the State Park.

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Mitigation Measures – The mitigation measures recommended in the January 2000 FEIR are given as follows:

NS/mm-1 – During construction, all stationary directional boring equipment that generates noise shall be oriented in a manner that directs noise away from residences located to the northeast.

NS/mm-2 – During construction, all stationary directional boring equipment generating the greatest levels of noise (i.e., drilling rig, mud pump, solid control) shall install flexible exhaust pipes on the exhaust stacks and orient the exhaust pipes downward and away from the residences to the northeast.

NS/mm-3 – Prior to and during construction, the applicant shall erect temporary sound barrier walls (typically plywood with soundboard built into the walls) around the northern and eastern perimeters of the parking lot.

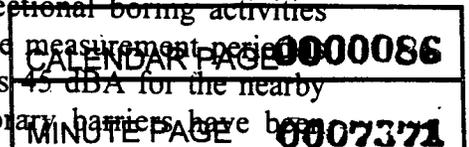
NS/mm-4 – Prior to construction, the applicant shall retain a County qualified noise consultant to record nighttime exterior noise levels at the nearest sensitive noise receptor to the parking lot boring activities. During the initial phases of directional bore construction, a County qualified noise consultant shall be retained by the applicant to record exterior noise levels at the nearest sensitive noise receptor to the parking lot boring activities. If nighttime noise standards are exceeded at identified sensitive receptors at any point during construction, the applicant shall be required to cease all nighttime Sandspit Road parking lot directional boring activities (i.e., 10 A.M. to 7 P.M.).

Mitigation has been required as Condition of Approval 15 through 18.

Residual Impacts – Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Supportive Evidence – The FEIR discusses the noise levels with activities associated with the Sandspit Road Parking Lot Cable Landing Site and Vault Location. Construction activities associated with the six bores (i.e., directional drilling, mud pumping and transporting of water to the parking lot) are expected to have a duration of 8 weeks, with operations occurring on a 24 hour per day basis, six days per week. Although the area around the parking lot is somewhat isolated by surrounding State Park land, there are several single-family residences clustered near the entrance to the State Park (approximately 2,500 to 3,000 feet northeast of the parking lot). Based on expected noise values of directional boring equipment and the above worst-case assumptions, it is expected that noise levels at previously identified sensitive receptors have the potential to be significantly impacted during cable landing site directional boring activities during the nighttime noise measurement period. The nighttime noise measurement period is from 10 P.M. to 7 A.M. and the maximum exterior noise standard is 45 dBA for the nearby residential sensitive receptors is expected to be exceeded. Temporary barriers have been



required, along with careful monitoring of noise levels. If noise levels exceed the standards, additional barriers or other mitigation measures are required, or all nighttime noise producing activity must cease. With implementation of the above mitigation measures, the expected noise levels would be reduced to insignificant levels.

Impacts – The following impacts were identified in the January 2000 FEIR:

NS 2 - Directional boring material support activities, specifically water truck deliveries, will impact sensitive receptors (i.e., single-family residences) located along Pecho Valley Road near the vicinity of the State Park entrance.

NS/mm-5 – During directional boring construction activities, heavy equipment or large vehicle traffic supporting directional boring activities shall be prohibited from accessing the landing site during the nighttime noise measurement period (10 P.M. to 7 A.M.). Heavy equipment or large vehicle traffic includes but is not limited to vehicles such as water delivery trucks.

Mitigation has been required as Condition of Approval 19.

Residual Impacts – Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Findings – Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Supportive Evidence – The FEIR discusses the noise levels with activities associated with the Sandspit Road Parking Lot Directional Boring Support Activities. There is the potential for nighttime noise level standards to be exceeded at sensitive receptor sites located along Pecho Valley Road in the vicinity of the State Park entrance due directional boring support vehicles such as water delivery trucks accessing the boring site on a 24 hour per day basis. With the implementation of the above mitigation measures, this impact would be reduced to insignificance.

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STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires lead agencies to balance the benefits of a project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (State CEQA Guidelines Section 15093[a]). CEQA also requires, however, that where a lead agency decision allows the occurrence of significant effects that are identified in the EIR and that are not at least substantially mitigated, the agency shall support in writing the specific reasons for its action. Such reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record (State CEQA Guidelines Section 15093[b]). This required statement is referred to as a Statement of Overriding Consideration.

The following adverse impact of the project is considered significant and unavoidable based on the Final EIR/EIS and the finding described above:

AQ 1 – Air pollution emissions would result from construction activities, including onshore and offshore, onsite and offsite construction equipment and fugitive dust sources.

The duration of the emissions is short-term lasting only as long as the off shore ships are dropping cable in the vicinity of Montana de Oro State Park, approximately 2 to 3 days. On shore construction activities would be linear and equipment would be continuously moving along the route. Impacts resulting from construction would last the duration of the construction activities; cumulative impacts of air quality would also last only for the length of time it took for all known fiber optic cable projects to install the cables. As a result, the adverse impacts would be temporary.

The project following specific benefits outweigh the air quality impact defined in AQ1 such that the impact defined in AQ1 is considered acceptable:

1. The project would allow for the establishment of fiber optic cable lines for the county, state and nation and would be of benefit to all.
2. Consolidating landings of the fiber optic cable routes to one major corridor through San Luis Obispo County minimizes corridor routes and thereby reduces the potential for other significant environmental impacts to occur elsewhere.
3. The fiber optic cables will enhance telecommunications such that it will increase the ability for telecommuting by various company employees, thereby indirectly reducing automobile trips and associated air quality impacts.
4. The County will benefit financially from the project by implementation of a license fee or other mechanism for use of County right-of-way. There will be short-term financial benefits to businesses from supplying workers from out of the area and possibly by supplying ancillary equipment and supplies from construction.

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5. Mitigation measures implemented to reduce significant impacts will increase the longevity of community (particularly State Park) facilities and in many cases may enhance the area. Biological improvements recommended to mitigate impacts will increase the habitat characteristics and may increase habitat over the long-term.

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EXHIBIT B

ADDITIONAL AND MODIFIED MITIGATION MEASURES AND SUPPLEMENTAL CEQA FINDINGS

The Environmental Impact Report (EIR) prepared and certified by San Luis Obispo County (SCH 98091053) contained information and analyses regarding the potential for marine mammals and trawl fishing gear to become entangled in cables. The EIR indicated a target burial depth for the cable of 1.5 meters (m) to mitigate the potential impacts to a level of insignificance.

Information regarding the above issues has become available to the Commission as a consequence of its serving as lead agency for other proposed sub sea fiber optic cable projects, specifically "Global West", "Global Crossing" and two (2) projects proposed by A.T. & T. The analyses within the cited documentation conclude that a cable burial depth of .6-1.0 m is sufficient to reduce impacts to marine mammals and commercial trawl fishermen to a level of insignificance. Correspondingly, the .6-1.0 m depth will avoid the higher levels of impacts associated with a 1.5 m burial depth within the issues of marine sediment disturbance, air quality and disturbance to the sea floor during removal of the cable.

Accordingly, the Commission adopts the additional and modified mitigation measures stipulated below to those contained in Exhibit A in addition to the associated Supplemental and Original Findings pursuant to Title 14, California Code of Regulations, sections 15091 and 15096(h).

MARINE MAMMALS

Impact: Whales and other marine mammals may be adversely impacted by an insufficiently buried cable or a suspended cable.

Mitigation Measures:

The following is added to Mitigation Measure *MBR/mm-1* in Exhibit A:

The proposed cables (JUS-1 and SC-D) will be routed around hard bottom structures and around the pinnacle structure located seven-nautical miles from shore. By re-routing and avoiding hard-bottom structures, it will be possible to bury the cable in soft-bottom substrates.

The following is substituted for Mitigation Measure *MBR/mm-2* in Exhibit A and is to be read in its place wherever *MBR/mm-2* is cited in Exhibit A.

Cables shall be buried to a depth of .6-1.0 m to avoid possible entanglement with gray whales during feeding activities.

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The following is added to Mitigation Measure *MBR/mm-3* in Exhibit A:

After installation, documentation that confirms rerouting around hard-bottom structures and adequate cable burial depth was achieved as required herein and in Exhibit A shall be submitted to the Commission as soon as possible, but no later than 30 days of Project completion. In the event that the as-built plans vary from the plans for the Project as approved, the Applicant must submit to the Commission, for its approval, a plan for the remediation of all inconsistencies as soon as possible, but no later than thirty (30) days after the completion of the as-built plans. The plan shall include, but not be limited to, a schedule and methodology for completion of the necessary work.

The following Mitigation Measure, *MBR/mm-7*, is added to those specified in Exhibit A:

A biologist familiar with marine mammal behavior shall be on board the cable laying or support vessel to observe for marine mammals that approach the Project area during cable laying or repair operations (Lease Condition 17).

Residual Impact:

Implementation of the above additional and modified mitigation measures would reduce the impacts to a less than significant level.

Finding:

Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Discussion:

A 1957 article documented 15 cases of whales entangled in submarine cables (Heezen 1957). The entanglements occurred from 1877 to 1955, and all identifiable whales were sperm whales. Efforts, during preparation of environmental documents for the California State Lands Commission (CSLC) on other cable projects, to identify other entanglement incidents have yielded no further documented (or anecdotal) cases. There are no documented cases of whale entanglement offshore California. Dr. John Heyning of the Los Angeles County Museum maintains 40 years of whale entanglement records and has not located documentation of or seen a whale entangled in a submarine cable off the coast of California. Joseph Cardero, the NMFS stranding network coordinator located in Long Beach, has records dating back to the early 1980s and also has never seen a whale entangled in a submarine cable.

When the pre-1955 entanglements occurred, submarine cables were not buried; burial technology was not available until the mid-1960s. Bathymetric data were less available

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and accurate when earlier copper cables were laid, and it is possible submarine cables may have spanned outcrops, creating suspended sections of cable. In addition, cable retrieval during repair could take eight or more days, and long strands of loose cable may have been left coiled on the bottom.

The potential for whale entanglement in project cables is contingent on the presence of exposed cable and the ability of a whale to catch a portion of its body on the cable. Since the proposed cables will be routed around hard bottom areas and buried, the potential for impacts related to entanglements is avoided.

COMMERCIAL FISHING:

Impact: Bottom trawls may become entangled with insufficiently buried cables or with cables that become exposed over time. Hence, when feasible, cables should be buried to depths sufficient to avoid entanglement with bottom trawl activities.

Mitigation Measures:

Mitigation Measure *MBR/mm-2*, as modified herein, applies.

The following is substituted for Mitigation Measure *CF/mm-1* and is to be read in its place wherever *CF/mm-1* is cited in Exhibit A:

The Applicant shall provide documentation of cable location and depth after installation to assure accurate positions and depths are provided to fishers and other interested parties. Positions for the installed cable shall be established with an acoustic navigation system linked to a surface digital global positioning system (DGPS). The transponder for the acoustical navigational system shall be mounted on the equipment used for cable installation, e.g., plow or ROV. A representative of the Commission shall monitor the cable installation phase of the Project and the acoustical navigation task shall be accomplished by a third party agreeable to the staff of the Commission in consultation with other permitting agencies.

The following is substituted for Mitigation Measure *CF/mm-2* in Exhibit A and is to be read in its place wherever *CF/mm-2* is cited in Exhibit A:

The Applicant shall conduct a post Project completion cable burial verification survey: 1) at least every 18 months, but no longer than every 24 months, if the extension of time avoids the winter season; or 2) after any event(s) that may cause buried cable to daylight. The survey shall include instrumentation to determine cable burial depth and an ROV equipped with video and still cameras and be conducted by a third party agreeable to the staff of the Commission in consultation with other permitting agencies. A report providing verification of cable burial, including depth, shall be submitted to the Commission. The Applicant must submit to the Commission, for approval, a plan for the remediation of any segments where conflicts occur, or are likely to occur, as soon as possible, but no later than 30 days after survey completion. The plan shall include, but

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not be limited to, a proposed schedule and methodology for the completion of any necessary work and for the retrieval of any involved fishing gear.

Residual Impact:

Implementation of the above mitigation measure would reduce the impact to a less than significant level.

Finding:

Mitigation measures and features incorporated into the proposed project will reduce the significant environmental effect as identified in the FEIR to an insignificant level.

Discussion:

The FEIR states that “the deeper the target burial depth, the deeper the entire cable is likely to be buried, and remain buried over the 25-year (or longer) project life. Also considered in increasing the target burial depth to 1.5 m were non-local or foreign trawlers which may use bottom trawls having larger doors and the possibility that newer gear having deeper sediment penetration may be utilized in the project area during the length of the project.”

In 1994, a limited entry program was implemented for the West Coast groundfish fishery. The transferable limited entry permits have endorsements for vessel size and primary gear in order to maintain the existing fleet vessel size composition. A West Coast groundfish vessel under this existing transferable limited entry permit system can only be replaced by a vessel of equal size or smaller and utilizing the same primary gear classification. In other words, a 100-ft groundfish trawler cannot replace an 85-ft groundfish trawler and a 60-ft trawl vessel cannot replace a 60-ft longline vessel.

The Pacific Fishery Management Council and NMFS allowed a special formula for combining of permits from smaller vessels into a single permit for a larger vessel in the Pacific whiting mid-water trawl fishery. This has allowed several large (>200-ft) factory trawlers to participate in this particular fishery. On the West Coast, these factory trawler vessels can only operate in the Pacific whiting fishery and only within the Columbia/Eureka management areas with the farthest southern point of allowed operation at 40°80' N, latitude near Eureka, California. Although there is no legal restriction preventing a factory trawler from consolidating smaller vessel transferable limited entry permits for groundfish bottom trawl, the resulting vessel would still be limited by the same trip limits as a single smaller vessel. Additionally, the stated objective of the Groundfish Fishery Management Plan is to maintain the economic viability of the existing West Coast groundfish fleet and shoreside processing industry.

Recent overall groundfish vessel prices have averaged about \$0.50/lb for these species indicating a monthly gross income of about \$20,000 per vessel. NRC has reviewed pro forma operating expenses for several sizes of trawl vessels operating in the

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West Coast groundfish fishery that show trawl vessels in the 65-foot range have monthly fixed and variable operating costs of about \$11,000 per month. Larger vessels in the 82-foot range have fixed and variable operating costs of about \$22,000 per month or about break-even at the expected gross monthly income level suggested for the 2000 and future season trip limits. A 100-ft catcher trawler operating in the Gulf of Alaska or the Bering Seas has fixed and variable operating costs of about \$80,000 per month or four times the expected gross maximum allowable gross income under existing trip limits. This very simple comparison of expected gross revenues and gross operating costs demonstrates that groundfish trawl vessels larger than those currently fishing on the West Coast and particularly off Central and Southern California would simply be uneconomical to operate in these relatively small volume/value fisheries. Even during the rapidly developing West Coast groundfish fishery in the 1980's, vessels larger than those currently operating were very rare in the fleet and tended to fish off Oregon where the harvest potential was higher than off California. With the exception of the midwater trawl fishery for Pacific whiting off Northern California, Oregon and Washington, West Coast groundfish have never been fished by U.S. flag large trawlers.

Given the above simplified economic analysis, the objective of the Groundfish Management Plan to maintain the existing fleet size composition, the expected long-lasting impacts of the stock recovery plans, and the limitation on vessel replacement size built into the transferable limited entry permit program, it is highly unlikely that vessels larger than those currently operating in the groundfish trawl fishery will participate in the West Coast groundfish fishery in the foreseeable future. The existing vessels, which are typically 45 to 85 ft in length and under 600 HP, will continue to operate the relatively lightweight trawl doors and bottom trawl nets currently in use. Past analysis conducted by NRC and the U.S. Navy has shown that this type of lightweight trawl gear is unlikely to penetrate more than a few centimeters into the seafloor substrate commonly fished along the West Coast. Results of existing fiber optic communication cables buried to a depth of approximately 0.5 m into the seafloor have shown no entanglement or damage from bottom trawling. Cable damage and reported entanglement with bottom trawling gear has only been documented for unburied cable sections.

A recent U.S. Navy study of burial depth and cable encounter rates by larger industrial foreign trawlers found that 99% of gear/cable encounters were eliminated with a burial depth of 6 inches (0.15m) and 99.99% of encounters were eliminated with a burial depth of 24 inches (0.61m). As burial depth approached 3ft (~1.0 m) virtually eliminated any opportunity for potential entanglement from bottom contact fishing gear. These studies were conducted over a variety of different seafloor types including soft mud bottom. The relatively hard sand and gravel bottom found off Morro Bay, California would allow much less bottom contact gear penetration than that observed in the U.S. Navy study. Assuming the cables remain buried, which can be verified with regularly scheduled re-surveys of the cable routes, a burial depth of 0.5 m provides adequate protection against entanglement of buried fiber optic communication cables by bottom contact fishing gear.

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Potential Adverse Impacts From Cable Burial To A Depth Of 1.5 Meters

Burial of cable to a depth of 1.5 meters has the potential for additional environmental impacts, which are discussed below:

Sediment Disturbance:

The EIR does not distinguish between ROV burial and cable burial machines in discussing the 1.5m burial mitigation. Jet burial ROVs are capable of burial to depths of 1.0m in one or two passes. They generally are not able to bury deeper than a meter, even with repeated passes, unless excessively large amounts of sediment are displaced. This results in substantial disruption to the seafloor and benthic communities. The jetting process for the lesser burial depths injects water into the sediments, effectively liquefying them. Once the water dissipates, the soil returns to nearly its former state. Deeper burial requires physical removal of material, because the sediments tend to slump back into the trench. This process leaves a substantial scar on the bottom and causes considerable disruption the benthic communities. In deep water (beyond 1200m, the maximum working depth of cable burial machines), the volume of material required to be removed to assure burial of a cable to 1.5m is in the range of one cubic meter per meter of cable length. The rough distance from a water depth of 1200m to 2000m is approximately 25km. The total volume of material displaced for two cables from 1200m to 2000m water depth is about 50,000 cubic meters. This is clearly an enormous volume of material and major disturbance of the seafloor. This material will blanket the seafloor for a distance of several meters from the cable route (depending on the currents and water pressure and volume of the jetting device), with a layer of sediment several inches thick, covering and suffocating the benthic communities over this area.

Typical "standard" cable burial machines are designed for maximum burial depth of 1.1m (3.6 ft). They are about 9m (30 ft) long, 4.6m (15 ft) wide and 3.7m (12 ft) high, and weigh about 12 tons (14 tons). They ride on ski-like skids about 0.3m (1 ft) wide that support the weight of the machine on the seafloor. The skids penetrate a distance into the seafloor an amount that depends on the skid dimensions, the weight of the machine and the strength properties of the sediments. For the machine described above, in the sediments off Morro Bay, typical penetration of the skids is a few inches. The disturbance left by the blade of the machine is typically slightly greater than the width of the blade itself, 0.1m (4 inches) or so. The disturbance produced by the machine is limited to the track marks of the skids and the mark from the blade.

Specialized machines are being developed for deeper burial depths (to 1.5m) in areas where there is a greater fishing threat than that off the Central California Coast (e.g., the North Sea, Irish Sea and other heavily fished areas). Other machines have been developed that bury extremely deeply, to 5 meters and greater. These are used in areas where there are threats from anchors (harbors, heavily trafficked shipping lanes). These are not relevant to the conditions in the project area. The unit that is closest to being operational for 1.5m burial is one being developed for General Dynamics Cable Ventures. This system has not been sea trailed and has not yet buried cable, and is thus

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unproven in service. Its first trial is planned for March 2000. It is not expected to be available for service until late in 2000. The unit is 9.5m (31 ft) long, 5.5m (18 ft) wide and 4.3m (14 ft) high. It weighs 22 tons (24.2 tons). The blade is 0.275m (11 inches) wide. It incorporates two 250-hp water pumps that pump water through the blade to allow it to penetrate the sediments.

There are several aspects of this system that result in substantially more seafloor disturbance than standard burial machines. First, the size and weight of the machine requires larger skids, resulting in larger and deeper scars. The 1.5 meter machine requires four skids, instead of two on a standard machine. The skids are approximately twice as wide as on a standard machine; they can be expected to penetrate about 40 to 50% more, based on the greater weight of the larger machine. The blade is two to three times thicker than that on a standard machine, and it is penetrating deeper into the sediments, causing more disruption to the benthic communities. The water jets on the blade will disrupt the sediments and the communities to distances several times the width of the blade (or about 5 to 6 feet), and the recovery of these communities will be much slower than from a conventional blade, which slightly compresses the soil.

Air Quality:

The 1.5-meter machine described above is designed specifically for operation from the largest cable ships in the world fleet. These vessels typically have about 17,000 total installed horsepower and a fuel consumption of about 300 gallons per hour for the main engines and generators. Because of the stringent air quality requirements for operations off California, the applicant has chosen a smaller vessel that has a fuel consumption of about 240 gph. On this simplified basis (assuming 24-hour operations), the larger vessel to support the 1.5-meter burial machine will result in about 25% greater emissions for the duration of the burial machine operations. In addition, the burial machine itself has a substantial power requirement for operation of its on-board equipment and water pumps. The burial machine is self-contained with its own deck power unit. This adds about 1000 hp (about 18 gph) to the vessel's power, and a corresponding amount (about 7%) to the emissions. Standard plows have no on-board power requirement. Further, the deeper burial machine likely will require more time to complete the burial operations. The estimated net burial speed of a standard burial machine is about 1 km/hr. The larger 1.5m burial machine can be expected to be operated at a net production of 0.8 km/hr or so.

Removal of Cable:

Removal of the cable was not discussed in great detail in the FEIR. At the end of cable life, a plan for removal will be submitted to the permitting agencies, and environmental evaluation will be completed at that time. However, it is possible to determine that deeper burial of the cable has the potential for greater impacts during removal. Because the cable must be almost completely unburied to recover it, the volume of sediments to be removed is a wedge approximately as deep as the cable is buried, and about twice as wide at the top as the depth of burial. This is about one cubic meter per meter of cable length for a cable buried one meter deep. For six kilometers of

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cable (approximately 3 miles) this is about 6000 cubic meters of sediment. For a cable buried 1.5 m, it is necessary to move approximately 2.25 cubic meters per meter of cable length or 13,500 cubic meters for a 6km length of cable. Loose sands may require more sediment to be removed. In addition, because the sediments are being displaced, a lot of the sediments are put into the water in a sediment plume that then blankets the adjacent seafloor. For a cable buried 1.0 m, a rough estimate of the area of the seafloor affected by the unburial process is a strip two meters wide per meter of cable length. For a cable buried 1.5 m, the affected area is 50% greater or a strip three meters wide per meter of cable length.

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EXHIBIT C

MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091 (A) (a), codified as Section 21081 (A) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the proposed project which it has adopted or made a condition of approval, in order to mitigate or avoid significant effects on the environment.

The FEIR includes the mitigation monitoring program. The mitigation measures will be included in a subsequent implementation plan to be applied during and after construction as required. Approved mitigation monitors (including staff) will oversee phases of construction activities and mitigation implementation. The Planning Commission hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.

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VIII. MITIGATION MEASURE SUMMARY

A. INTRODUCTION

This section provides a listing of the mitigation measures recommended for the proposed project. Mitigation measures are provided by segment and by individual issue areas.

B. MITIGATION MEASURES

1. Offshore

a. Marine Geologic Hazards

MGH/mm-1 During construction (i.e., drilling of the directional borings from the Sandspit parking lot), the applicant shall implement feasible measures to minimize the potential for surfacing of drilling mud during the drilling operation. Such measures shall include, but not necessarily be limited to, monitoring of the drilling process to ensure drilling pumps are shut off if there is pressure loss, monitoring of the beach during drilling, and providing contingency measures for spill clean-up. [Note: The report on the fault investigation by the applicant's geologist is still required and is expected soon.]

b. Marine Water Quality and Oceanography

MWO/mm-1 No toxic compounds, such as diesel pills or chrome-based lignosulfonates, shall be added to the drill mud at any time prior to or during borehole drilling. If mineral oil is added, the drill mud shall pass a "bucket sheen" test (USEPA, 1985) immediately prior to emergence of the drill bit offshore. If a sheen is observed, the drill mud shall be replaced with new mud prior to further drilling and the used oil-contaminated mud shall not be discharged offshore. If the low marine toxicity of the drill mud and additives cannot be certified, trace-metal concentrations in the drill mud shall also be tested. They shall not exceed the maximum values established for generic drilling mud (USEPA, 1983) or the mud will be replaced prior to continued drilling.

MWO/mm-2 The applicant shall acquire all the necessary discharge permits or consistency certifications from the Central Coast Regional Water Quality Control Board prior to commencing drilling operations. The applicant shall abide by any waste discharge requirements imposed by the discharge permit.

MWO/mm-3 The applicant shall implement reasonable engineering methods for limiting the amount of drill mud discharged to the ocean environment. For example, onshore mud circulation pumps should stop.

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injection of drilling fluid into the borehole as soon as well pressure drops due to emergence of the drill-head offshore. Excess drill mud remaining in the bore should be collected onshore to the extent possible. Any subsequent flushing of the borehole should use seawater, freshwater, or pressurized air to clear the borehole rather than drill mud or other potentially toxic material. Debris removed from the drill pipe during pigging and brushing prior to commissioning the conduit, shall be collected and disposed of onshore.

MWO/mm-4 After completion of the borehole, all drill mud collected onshore shall be disposed of onshore or used in a subsequent borehole. None of the excess drill mud or drill cuttings collected onshore shall be discharged or dumped into marine or onshore surface waters.

MWO/mm-5 Emergency spill cleanup equipment, including but not limited to sorbent booms, shall be staged onshore during borehole drilling. They shall be deployed in the event of an accidental release of drill mud to prevent it from reaching the sensitive intertidal habitat.

MWO/mm-6 There shall be no intentional discharge of sewage or bilge/ballast water from vessels performing the installation, repair, or removal of the fiber optic cables while operating within U.S. territorial waters. The potential for an accidental discharge of oil to marine waters shall be mitigated through the development of a written oil-spill contingency plan.

MWO/mm-7 No anti-fouling substance shall be added to the protective cover on the cables other than the naturally occurring bitumen (asphalt) coating described in the proposed project.

MWO/mm-8 Lubricants applied in the marine environment shall be restricted to non-petroleum based products that do not contain contaminants in concentrations known to be toxic to marine organisms.

MWO/mm-9 Discharge of lubricants to the marine environment shall be limited by using the best available engineering techniques to minimize the volume applied to the cables and to contain the lubricant within the conduit. Techniques include precise computation of required lubricant quantities and the use of lubrication equipment such as sealed containers, feeder systems, foam spreaders, front-end lubricant filled bags, and conduit inserts and collars.

c. Marine Biological Resources

MBR/mm-1 The proposed JUS-9, SC-D, and JUS-1 cables shall be installed to the north of south of the hard-bottom structure located within three-nautical miles from shore.

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The SC-D cable shall also be rerouted around the pinnacle structure located seven-nautical miles from shore. By rerouting and avoiding hard-bottom structures, it will be possible to bury the cable in soft-bottom substrates.

MBR/mm-2 Cables shall be buried to a target depth of 1 ½ m to avoid entanglement with gray whales during possible feeding and to avoid gear entanglement with bottom trawlers.

MBR/mm-3 When known, the mitigated corridor shall be submitted to the County of San Luis Obispo and state and federal permitting agencies for review and approval. After installation, documentation that supports rerouting around hard-bottom structures and adequate cable burial depth shall also be submitted.

MBR/mm-4 Although the corridors for the two additional cables that are part of this project remain unknown, they also shall be routed to avoid hard-bottom structures. When known, corridors shall be submitted to the County of San Luis Obispo and state and federal permitting agencies for review and approval.

MBR/mm-5 Because abrupt alter-courses (AC) along the mitigated cable corridors reduce cable-laying precision and because of the increased target burial depth of 1.5 m, a plow shall be used for cable burial within 3-nautical miles (nm) from shore whenever feasible. Use of a plow will eliminate cable movement associated with post-lay jetting and will allow for deeper penetration in resistant sediments which may occur within 3-nm from shore. As required in mitigation measure CF/mm-1, maps and documentation identifying precise post-lay cable location and depth shall be provided to the County of San Luis Obispo and state and federal permitting agencies.

MBR/mm-6 Once out of service, abandoned cables shall be removed from the seafloor. Removal shall occur out to the jurisdictional limit of the permitting agencies, but at a minimum between the shoreline and the 1,000-fathom depth contour. However, during the application for removal phase, the applicant may provide evidence to the permitting agencies identifying the benefits of abandoning the cable in place. The decision regarding abandonment by removal or in place shall reside with the permitting agencies.

MBR/mm-7 A anchoring plan which identifies procedures for avoiding hard-bottom habitats shall be developed and provided to the County of San Luis Obispo and state and federal permitting agencies. The plan shall also provide illustrations of potential anchoring patterns super imposed on maps identifying the locations of hard-bottom features in the anchoring area. The maps identifying the locations of the hard-bottom features shall be derived from the side-scan sonar survey conducted during the initial site characterization phase of the project and be presented at a scale of 1:3000. The anchoring plan shall also describe the procedures for removing all anchors which may be used during cable installation or repair.

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d. Marine Cultural Resources

MCR/mm-1 Prior to the pre-lay grapnel run and cable installation, the applicant shall provide a detailed analysis of side scan sonar and magnetometer data for each proposed cable route between the shoreline and the 1,000 fathom depth contour. The analysis shall identify and analyze all magnetic and side scan sonar anomalies that occur in the cable corridor, which is defined by a lateral distance of 1 kilometer (500 meters on each side of the proposed cable route). The analysis shall also include analysis of the potential cultural significance of each anomaly identified within the cable corridor. The applicant must submit the side scan sonar and magnetometer data, and an accompanying report which analyzes the data. Final approval from the State Lands Commission (for areas within the three mile limit) and Army Corps of Engineers (areas between the three mile limit and the edge of the continental shelf) must be received prior to the pre-lay grapnel run and cable installation.

MCR/mm-2 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 Mitigation Measure MCR/mm-2, the proposed cable route shall be modified to avoid the potentially significant cultural resource.

e. Marine Transportation

MT/mm-1 All project vessels will be equipped and marked in accordance with U.S. Coast Guard regulations during cable installation, repair, maintenance, and removal activities.

MT/mm-2 Vessel activity, work location, and schedule shall also be posted with the U.S. Coast Guard Notice to Mariners. The same schedule shall also be posted with Harbor Patrol offices in Morro Bay and Port San Luis so that mariners will be informed of offshore project activities and project vessels at all times.

f. Commercial and Recreational Fishing

CF/mm-1 Provide documentation of cable location and depth after installation to assure that accurate positions and depths are known to fishers and other interested parties. Positions for the installed cable shall be obtained by an acoustic navigation system linked to surface DGPS. The transponder for the acoustical navigational system shall be mounted on the equipment used for cable installation (i.e., plow or ROV). The cable installation phase shall be monitored by a representative of San Luis Obispo County or the state and federal permitting agencies and the acoustical navigation task shall be accomplished by a third party agreed-to by the same agencies.

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CF/mm-2 Conduct post-lay cable burial verification survey every 18 months or after events that may cause buried cable to daylight. The survey shall be conducted by an ROV equipped with video and still cameras and by a third party agreed-to by the County of San Luis Obispo and the permitting state and federal agencies. A report providing verification of cable burial shall be submitted to the permitting agencies.

g. Socioeconomics

SE/mm-1 Notify fishing organizations, U.S. Coast Guard, National Oceanic and Atmospheric Administration, California State Lands Commission, California Department of Fish and Game, County of San Luis Obispo, City of Morro Bay, and Port San Luis Harbor District and distribute specific information regarding installation and location of cables.

SE/mm-2 Provide 24-hour toll-free contact number and free nautical charts showing cable locations to help fishers avoid conflicts with portions of the cable that are exposed or buried less than the target depth of 1 1/2 meters.

SE/mm-3 Enter into an agreement with fishers that would minimize impacts of the proposed project on commercial fishing operations and would protect fishers against potential economic losses in the event that project impacts on commercial fishing operations are greater than anticipated due to changes in the project, as described in this EIR, or the applicant's inability to fully implement other mitigation measures identified in this EIR. At a minimum, the agreement shall contain each of the elements as identified in the "Interim Agreement Between Cable Companies and Fishermen" dated 22 July 1999, and shall also be amended to include the more restrictive measures contained in this EIR, such as increased cable target burial depth and routing.

Measures in the agreement designed to protect fishers, such as holding fishers harmless from redress for unintentional damage to buried cables that result from normal responsible legal fishing activities, shall also apply to fishers that are not a signatory to the agreement, recognizing that fishers from other ports may not have an opportunity to participate in the agreement.

Should the applicant be unable to reach an agreement, as described above, with fisher groups or individuals, the applicant shall enter into binding arbitration to resolve outstanding issues that prevented an agreement. The mediator for this arbitration must be acceptable to both parties and approved by the State Lands Commission.

SE/mm-4 Schedule work during periods of lower Park usage (e.g. weekdays) to minimize impacts during period of greatest beach use.

weekdays) to minimize
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SE/mm-5 Post information about the project at the work site, at the park entrance, and elsewhere in the vicinity to keep the general public informed about the work in progress and avoid confusion that could reduce beach and park use.

2. Onshore

a. Geologic Hazards

GH/mm-1 Implement mitigation measure MGH/mm-1

b. Drainage, Erosion and Sedimentation

DES/mm-1 During construction (regardless of the time of year), the applicant shall implement the following measures related to the disposal and storage of spoils in that section of the project:

- a. The time of construction is limited to between March 15 through November 15, or unless authorized by the County of San Luis Obispo.
- b. Earth materials removed by excavation or boring (i.e., "spoils"), and deemed unsuitable for use as backfill, shall be removed from the project corridor the same day as excavated and disposed of at a site previously approved for such disposal by the Environmental Division of the County Planning Department.
- c. Spoils deemed suitable for backfill may be stored within the project corridor during the day they are excavated provided they are not placed at a location that may convey concentrated runoff or where they may act to concentrate runoff. Examples of locations that may convey concentrated runoff include, but are not limited to: 1) watercourses or gullies in off-road areas; 2) gutter areas where curbs have been installed along roadways; and 3), roadside ditches where curbs have not been installed along roadways. An example of the placement of spoils so as to concentrate runoff would be a row of spoils that would force sheet flow from a field or roadway to concentrate along the toe of the spoils row, resulting in the potential for erosion and transport of the spoils.
- d. No spoils may be stored within the project corridor overnight.
- e. Spoils suitable for backfill, that cannot be stored within the project corridor for the reasons above, shall be removed prior to the end of the working day and stored at a location previously approved for such storage by the Environmental Division of the County Planning Department.

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DES/mm-2 During construction and upon completion of any defined section of the along or within a road right-of-way, the applicant shall:

- a. For those sections excavated through the road pavement, repave as soon as feasible the completed section to the satisfaction of the responsible agency involved (the County Engineering Department or the Public Works Department of the City of San Luis Obispo).
- b. For those sections excavated within a road right-of-way, but off the paved section, replace as soon as feasible any protective material such as road base, gravel, etc., to the satisfaction of the responsible agency involved (the County Engineering Department or the Public Works Department of the City of San Luis Obispo).

DES/mm-3 During construction and upon completion of any defined section of the project within the off-road section of the northern route, the applicant shall:

- a. Seed all disturbed areas as soon as feasible consistent with the approved Revegetation Plan.
- b. On slopes greater than 10% and in areas not cultivated for agricultural purposes:
 1. Stockpile soils from the top 10-12 inches of the trench separately from other excavated material, and replace as the top 10-12 inches of the backfill.
 2. Provide water bars, or other devices approved by the County's Environmental Monitor, to prevent concentration of runoff along the excavated alignment with minimum spacing as follows: 10-20% slope, 100 feet; 20-30% slope, 50 feet; greater than 30% slope, 20 feet.
 3. Provide for monitoring of revegetation by a consultant approved by the Environmental Division of the County Planning Department for a period of three years, or two years after vegetation has been reestablished to the satisfaction of the Environmental Division, whichever is greater. Should the revegetated area be damaged by erosion during the monitoring period, the applicant shall implement, or cause to be implemented, repairs of the soil section and reseeding as necessary to revegetate the disturbed area.

In areas where repairs and reseeding are required, monitoring of the results shall continue for a period of three years, or two years after vegetation has been reestablished to the satisfaction of the Environmental Division (i.e., specifically, reestablished to pre-project conditions), whichever is greater.

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c. Surface Water Quality

SWO/mm-1 Prior to issuance of construction permits, the applicant shall submit evidence of an approved Storm Water Pollution Prevention Plan (SWPPP) covering all aspects of the project and specifically addressing conditions and measures to be implemented to minimize the adverse effects of erosion and/or a spill of toxic material. The SWPPP should include but not be limited to spill contingency measures relating to all onshore directional boring activities, vehicle and equipment maintenance, and dewatering potentially required during trenching and other subsurface activities.

d. Biological Resources

BR/mm-1 Prior to issuance of construction permits, the applicant shall retain a County qualified biological monitor to supervise all construction activities located within or directly adjacent to sensitive communities including intertidal and sandy beach areas, central dune scrub habitats, and potential wetland areas. The biological monitor shall conduct a brief training session prior to commencement of construction to advise construction personnel on the biological sensitivity of various habitats and discuss various measures for minimizing potential construction-related impacts. The biological monitor shall visit construction zones located within or near sensitive areas at a frequency and duration determined appropriate by the County and based on construction timing and sensitivity of resources at issue. Weekly reports will be prepared by the monitor which document construction activities and associated effects on sensitive biological resources.

BR/mm-2 During construction, monitor directional bore alignments for potential daylighting of drill lubricant. To reduce potential impacts to sensitive biological resources that could occur in the unforeseeable event of daylighting of drill lubricant during boring activities and impacts associated with noise and lighting, the following measure should be implemented throughout construction.

- a) During boring activities, the biological monitor should inspect the alignment from the surf zone to the parking area on a daily basis. If drill-lubricant material is encountered, clean-up operations should immediately be implemented and notification of appropriate response and regulatory agencies should occur. The biological monitor should closely supervise all clean-up efforts to ensure that disturbance of vegetation is minimized, and closely supervise the use of any equipment during clean-up operations.
- b) Appropriate materials for clean-up of drill-lubricant should be retained on site throughout the duration of construction.

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- c) During construction, all stationary directional boring equipment generating the greatest levels of noise (i.e., drilling rig, mud pump, solid control) shall install flexible exhaust pipes on the exhaust stacks and orient the exhaust pipes downward.
- d) Prior to and during construction, the applicant shall erect temporary sound barrier walls (typically plywood with soundboard built into the walls) around the perimeter of the parking lot (all directions).
- e) Throughout construction, orient lighting so that it is directed downward and toward the work area located within the existing parking lot to minimize spillover to adjacent areas.

BR/mm-3

During construction, a temporary access route should be designated which leads from Pecho Valley Road to the beach boardwalk to minimize indirect impacts to central dune scrub and habitat for sensitive species resulting from temporary closure of the parking lot and associated increased foot traffic. The temporary access route(s) will be located along one of the existing, un-maintained trails which lead from Pecho Valley Road to the beach. Establishing the temporary access route will not require additional removal of any native vegetation. The entrance point for the access route should be clearly posted on Pecho Valley Road and the access route should be clearly marked throughout its length. A sign should be posted at the entrance point which indicates the sensitivity of biological resources of the surrounding area and the importance for staying on the designated pathway. A qualified biologist should be retained well in advance of closure of the parking area to select the most appropriate route for the temporary access route or routes. The qualified biologist shall coordinate with representatives from California State Parks to determine the most appropriate route(s) for the temporary access path(s).

In addition, a van shuttle service will be established to provide access to beach visitors. Under this option, service will be provided from a designated parking area to and from alternative beach access points, as designated by California State Parks.

BR/mm-4

Prior to issuance of construction permits, the applicant shall obtain required permits from applicable State and Federal Resource agencies including the U.S. Fish and Wildlife Service (Service). Project implementation may result in direct or indirect disturbance or potential take of federal listed species, primarily Morro shoulderband snail. Project implementation would therefore require authorization for this disturbance from the Service. At a maximum, authorization for take by the Service would require issuance of a section 10(a)(1)(B) permit. This permit requires the development and implementation of a Habitat Conservation Plan (HCP). The applicant is in the process of preparing an HCP for Morro shoulderband snail, and a public draft of the document is currently under review. The HCP currently covers activities associated with construction of the telecommunications facility. The applicant would seek an incidental take permit at a later date, if deemed necessary by the Service, for

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activities associated with remaining components of the fiber optic cable project. Mitigation measures currently proposed under the HCP to mitigate for impacts to Morro shoulderband snail include conducting sensitive species training and retaining a biological monitor at all construction sites, moving snails away from areas of disturbance, providing funding for habitat restoration within Montana de Oro, and providing funding for purchase of high-quality off site habitat.

As indicated, an amendment to the incidental take permit, issued for the telecommunications facility, may be required prior to implementation of any other fiber optic cable components. However, there is potential for the Service to issue a "no effect" determination for impacts to Morro shoulderband snail associated with the remaining fiber optic components. If the Service does determine that an amendment to the incidental take permit is required, purchase of 3.38 acres of high-quality habitat at an off-site location will function as mitigation for the incidental take.

BR/mm-5

Prior to issuance of construction permits, the applicant shall prepare and submit a revegetation, restoration and exotic plant control plan to the Department of Planning and Building/Environmental Coordinator. The plans should be prepared by a qualified botanist, restoration specialist, or firm that is approved by the County. The plan shall address all natural communities (e.g., central dune scrub, chaparral, annual grassland, and coastal scrub) impacted by all phases of the proposed project (e.g., Pecho Road Directional Bore staging area, temporary trails, etc.). The plan shall provide detailed specifications for replacement and restoration of all affected natural communities, including appropriate replacement ratios for disturbed native plants, and shall specify the duration and frequency of monitoring associated with revegetation/restoration efforts. The plan will also identify the entities responsible for implementing the revegetation and exotic control plan, monitoring revegetation areas, and ensuring compliance.

BR/mm-6

Upon completion of construction, the applicant shall implement the pre-approved revegetation, restoration and exotic plant control plan described above. Following completion of construction along each route, immediately revegetate all areas of central dune scrub and annual grassland disturbed as a result of project implementation. Areas that may require revegetation include the proposed locations of pot hole and bore entrance and exit points, construction staging areas (e.g., in Montana de Oro), and areas experiencing trenching. Revegetate only with appropriate indigenous native vegetation and plants from local seed stock. At a minimum, the structure and composition of habitats restored should reflect pre-project site conditions or better. The health and maintenance of all replacement vegetation should be monitored for a sufficient duration and frequency to ensure successful establishment of the vegetation.

During and upon completion of construction, further introduction of invasive exotic plants shall be controlled. To control further

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exotic plants within areas disturbed by proposed construction activities, implement the following measures.

- a) Use only clean fill material (free of weed seeds) within all construction zones.
- b) Prohibit planting or seeding disturbed portions of natural communities with non-native plant species.
- c) Control the establishment of invasive exotic weeds in all disturbed areas.

BR/mm-7

During construction, avoid or minimize disturbance of special-status plants and sensitive habitat types, including Morro manzanita, sand almond, central dune scrub, and wetlands by implementing the following measures:

- a) Prior to initiation of construction activities, define and clearly mark the construction zone and retain a qualified biologist to clearly map each individual or groups of Morro manzanita and sand almond located in the immediate vicinity with highly visible flagging. Morro manzanita located in the southwestern portion of the Common Route should be mapped, flagged, and completely avoided.
- b) Provide instruction to construction personnel regarding avoidance of sensitive habitats and special-status plants located in the vicinities of areas experiencing ground disturbance.
- c) In the event an identified rare plant cannot be avoided during ground disturbance activities, CDFG should be contacted to determine appropriate avoidance measures prior to construction. Various measures may include relocation and transplanting of individual plants, and/or stockpiling of existing soils to retain the seedbank.
- d) The use of all heavy equipment should be restricted to within the identified work area throughout the duration of construction and all construction personnel should be advised of the importance of limiting ground disturbance and construction activities to within the identified work areas.

BR/mm-8

Prior to and during construction, minimize loss of Morro shoulderband snail. To minimize the direct loss of Morro shoulderband snail and their habitat which may occur within proposed staging areas and boring sites, various measures identified in the applicant's HCP for the species (in preparation) should be implemented. Measures may include, but will not be limited to, retention of a qualified biologist to move living snails to unaffected, adjacent habitats, and restoration of areas disturbed during construction.

BR/mm-9

Prior to and during construction, implement erosion and spill control measures. To reduce the potential for inadvertent release of sediment or fuel from

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construction areas to adjacent drainage and wetland areas, the following measures should be implemented.

- a) Install appropriate erosion control devices (i.e., hay bales, silt fences) around the perimeter of each construction zone and areas experiencing disturbance of the ground surface. Erosion control devices should be checked on a daily basis to ensure proper function.
- b) To the extent feasible, limit construction activities to the typical dry season to avoid indirect impacts to seasonal drainages and wetland habitats related to increased runoff and sedimentation from areas experiencing ground disturbance.
- c) During construction, avoid all cleaning and refueling of equipment and vehicles within the vicinities of existing drainages and associated seasonal wetland habitat.
- d) Following completion of construction-related activities, revegetate all disturbed and barren areas with appropriate native vegetation to reduce the risk of erosion and sedimentation in adjacent drainage areas.

BR/mm-10

During construction, avoid disturbance of California black rail breeding and nesting. As specified by CDFG, avoid all construction activities within the immediate vicinity of Los Osos Creek during the time period of March through August (typical breeding season). Only surveying activities shall be allowed in the immediate vicinity of the Los Osos Creek crossing during the specified time period unless specific written authorization from CDFG is submitted.

BR/mm-11

During construction, avoid disturbance of rare bird breeding and nesting activities. To avoid indirect disturbance of breeding and nesting activities or rare songbirds, including willow flycatcher, yellow warbler, and yellow-breasted chat, limit all excessive noise-producing activities that will occur in the vicinities of well-developed riparian scrub/forest, to outside of the typical breeding periods for these species. The typical time period for breeding and nesting of these species occur between April and early September. If construction within the immediate vicinity of well-developed riparian vegetation cannot be avoided during the typical breeding season, retain a qualified biologist to conduct pre-construction surveys (approximately 1 week prior to construction) to determine presence/absence. If no breeding or nesting activities of identified rare birds are detected within 500 feet of the proposed work area, noise-producing construction activities may proceed.

As indicated in BR/mm-10, no construction activities will occur in the immediate vicinity of the Los Osos Creek crossing during the typical breeding season for California black rail unless specific written authorization from CDFG is submitted.

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BR/mm-12 During construction, avoid disturbance of riparian vegetation. The construction plans specify that two short directional bores will be used in this area to install the fiber optic cable beneath the various drainages. Construction staging areas will only be located within the existing farmed land. The farmed land located between the drainages will only be accessed using the existing farm road. No new crossings of existing drainages or riparian vegetation will be established, and no riparian vegetation will be disturbed while accessing the bore entry/exit points. All construction vehicles will be required to use designated access routes throughout the duration of construction activities. The locations of the bore entry/exit points will be a minimum of 25 feet from the upland extent of the dripline of riparian vegetation.

BR/mm-13 During construction, avoid disturbance of coast live oak driplines. To avoid direct disturbance of the driplines of oak trees located along this section of the route, primarily in the area of the Los Osos Oaks Preserve, implement the following measures.

- a) Prior to commencement of project implementation along this section of the route, place highly visible fencing around the perimeters of the driplines of all coast live oaks located near the existing fiber optic cable alignment. The portion of the dripline located adjacent to the existing roadway should be clearly marked.
- b) Avoid all soil disturbance, compaction, and grading activities within and adjacent to the associated dripline of each individual oak located within or adjacent to the alignment.
- c) Retain a qualified botanist to supervise all associated construction activities to minimize disturbance to identified trees and their root zones wherever possible.

e. Cultural Resources

CR/mm-1 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 unnecessary 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.

CR/mm-2 During construction, cultural resource monitoring should be conducted by a qualified archaeologist and Native American monitor familiar with the resource types potentially present in these locations. The qualified archaeologist

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conduct monitoring activities based on an cultural resources monitoring plan (refer to following mitigation measure).

CR/mm-3 Prior to issuance of construction permits, the applicant shall prepare and submit a cultural resources monitoring plan to the Department of Planning and Building/Environmental Coordinator. The plan shall be prepared by a qualified archaeologist or firm that is approved by the County. The plan shall address issues (but not be limited to) such as specific subsections warranting monitoring, physical monitoring boundaries (e.g., 100-foot 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.

f. Paleontological Resources

PR/mm-1 Prior to issuance of construction permits, the applicant shall retain a qualified paleontologist to prepare a paleontological resources monitoring plan for this section of the project. The plan shall include a schedule for the appropriate level of monitoring by a qualified paleontologist and provide provisions to allow the monitoring level to be adjusted based on information or field observations or upon review and approval of appropriate jurisdictional authorities.

PR/mm-2 Prior to construction, the qualified County paleontologist shall attend the project pre-construction meeting and shall establish procedures for paleontological resource monitoring. The qualified paleontologist, in consultation with the applicant, shall establish procedures for temporarily halting or redirecting work to permit sampling, identification, evaluation of the fossils and reporting protocol of any findings.

g. Visual Resources

VR/mm-1 Prior to issuance of construction permits, the applicant shall submit a comprehensive Restoration Plan to the County of San Luis Obispo Department of Planning and Building for review and approval. The goal of the restoration plan will be to establish appropriate plant species on all disturbed areas as quickly as possible in order to visually blend the disturbed areas with the surrounding landcover, reduce soil erosion, and minimize habitat loss. The restoration plan shall be consistent with other revegetation and restoration plans required as part of the project, include but not be limited to the following measures, and shall specifically describe how each of the measures will be implemented:

- Topsoil from areas proposed for revegetation shall be salvaged, safely stored and replaced;
- All disturbed grassland areas shall be seeded. The plan shall include proposed seed species, application method and rates;

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- Disturbed areas shall be seeded prior to the rainy season, within two weeks after backfilling and regrading of the disturbed areas are completed;
- The construction staging area (if required) on Pecho Valley Road shall be revegetated with a combination of seeding and containerized native plants. The plan shall propose a method for reducing the potential of veldt grass to reestablish on the site; and,
- After implementation of the revegetation plan, the staging area on Pecho Valley Road shall be fenced to prohibit parking and continued disturbance of the site, until such time that the site has successfully revegetated.

VR/mm-2 Prior to issuance of construction permits, the applicant shall retain a County qualified environmental monitor to observe the results of the revegetation implementation and to make recommendations for remedial actions. The monitor shall be experienced in revegetation monitoring and shall provide a written report to San Luis Obispo County Environmental Division addressing at a minimum the following observations: 1) Total and relative cover of plant species; 2) Plant species composition within revegetation areas; 3) Erosion problems; 4) Grazing or browsing problems; 5) Noxious weed infestation; and, 6) Plant vigor. The monitoring period shall be for five years. The monitoring report shall be submitted a minimum of once a year throughout the monitoring period.

If remedial actions are recommended, the applicant shall implement the measures and shall notify the County when such measures have been completed. Remedial measures include, but are not be limited to, determining if at the end of the first year after construction, revegetation of disturbed areas is unsuccessful due to continued site impacts from livestock grazing or vehicle traffic. If so, temporary exclusionary fencing shall be recommended to reduce further site disturbance.

VR/mm-3 Prior to issuance of construction permits, the applicant shall submit to the County of San Luis Obispo Department of Planning and Building an erosion control plan. The erosion control plan shall identify means in which to limit vehicle routes and amounts of construction equipment on hillsides and propose methods to control surface erosion and may include such strategies as water bars, erosion control blanket, straw wattles, and mulch along with vegetative measures.

VR/mm-4 Prior to issuance of construction permits, the applicant submitted Restoration Plan, Erosion Control Plan, and other plans required as mitigation for other issue areas (e.g., Surface Water Quality, Drainage, Erosion and Sedimentation, etc.), shall be reviewed by the County approved environmental monitor for consistency. Plans with inconsistencies shall be revised to ensure mitigation of one issue area does not lead to impacts in other issue areas.

VR/mm-5 Upon completion of construction, if settling of the soil results in topographic discontinuity between the natural and graded surface, the applicant shall perform additional grading to smooth the differential.

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VR/mm-6 Within Montana de Oro State Park, and along Pecho Valley Road to Costa Azul Drive, any finish on wooden marker posts shall be transparent and non-glossy. After installation, the marker posts shall not exceed 36 inches above surrounding natural ground elevation and shall be located in areas that will not result in disruption of scenic vistas or expanses of open space.

VR/mm-7 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 residences on Costa Azul Drive, or to travelers along State Park Road within Montana 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 County's monitor and if necessary will result in recommendations to adjust the location, position, etc. of lighting at the parking lot.

h. Traffic Safety

TS/mm-1 During construction, fiber optic cable installation activities occurring along Los Osos Valley Road between South Bay Boulevard and San Luis Obispo city limits shall be limited to off-peak hours (Peak hours typically range from 7:15 AM to 8:15 AM and 4:45 PM to 5:45 PM).

TS/mm-2 Prior to commencement of construction activities, the applicant shall notify all agencies 48 hours in advance who have jurisdiction over the signalized intersection listed under "TS/Impact 2". The applicant shall be responsible for all repair and maintenance associated with construction related impacts on existing traffic signal systems.

TS/mm-3 During construction, the applicant shall be responsible for maintaining construction area traffic control in compliance with Chapter 7, "Traffic Safety Systems" of the latest edition of the *Caltrans Traffic Manual*.

TS/mm-4 During construction, all excavations within the paved roadway shall be temporarily backfilled and covered with temporary pavement or have steel plates installed at the end of each construction day.

TS/mm-5 Prior to construction, the applicant shall prepare a traffic control plan for the entire project route that incorporates the guidelines set forth in the Caltrans and City of San Luis Obispo Encroachment Permits.

TS/mm-6 Prior to construction, the applicant shall agree in a form acceptable to County Counsel, to restore any facilities or rights-of-way to the condition it was in prior to construction. Applicant will further agree to comply with any lawful and non-discriminatory term and conditions imposed by the County regarding use of the County's public ways.

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i. Agricultural Resources

AR/mm-1 Prior to and during construction, the project applicant shall coordinate construction activity time with all owners of agricultural operations adjacent to the construction site. Proper timing of construction activities will minimize any potential impacts to grazing animals and crop harvesting. All property owners shall be notified 30-days in advance of the construction activities occurring in the vicinity of their operations.

AR/mm-2 Prior to construction, the applicant shall coordinate with the Agricultural Commissioner's Office to conduct a pre-construction right-of-way site evaluation for the purple thistle, yellow thistle and distaff thistle.

a) Based on the pre-construction right-of-survey, the applicant shall prepare a map showing areas of noxious weed infestation.

b) The applicant shall implement equipment wash stations and other pertinent noxious weed control recommendations based on the above map.

AR/mm-3 During construction, where construction activities require removal of fencing, a temporary construction fence shall be installed and maintained to keep grazing animals away from construction activities and trenching. Trenches shall be filled, covered, or enclosed by fencing at the end of each work day to reduce chances of animal injuries. Following construction, fences and posts shall be replaced.

AR/mm-4 During construction, trenches shall be filled in such a manner as to retain the topsoil profile. Topsoil should remain intact after the backfill of trenches to allow rapid revegetation of grassland areas following construction.

AR/mm-5 Upon completion of construction, disturbed areas within agricultural grazing areas shall be re-seeded with a seed mixture acceptable to landowners.

j. Recreational Resources

RR/mm-1 Prior to construction (i.e., at least 3 months prior to set up of the directional bore phase at the Sandspit Road parking lot), the project applicant shall notify the CDPR of the project schedule so that CDPR can ensure that no special events, maintenance activities, etc. are scheduled at the parking lot during the 8-week construction period.

RR/mm-2 Prior to construction of directional bores at the Sandspit Road parking lot (at least one month prior to closing the parking lot), the applicant shall coordinate with CDPR and the County Department of Engineering to provide signage along Pecho Valley Road redirecting visitors to park at one of the other designated parking areas. In addition, the applicant shall post signage in the Sandspit Road parking area alerting visitors that the lot will be closed, the length of time it will be closed, and the location of alternative parking areas and shuttle service.

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RR/mm-3 Prior to construction (i.e., the Sandspit Road parking lot directional bore), the applicant shall coordinate with CDPR to fund the placement of temporary restrooms at the Hazard Canyon parking area. These restrooms shall be maintained for the duration of the disruption at Sandspit Road parking lot at a minimum.

RR/mm-4 During construction of the Sandspit Road parking lot directional bore, the applicant shall coordinate with CDPR to fund the temporary employment of a "parking docent" to answer visitor questions relating to the construction process and assist in redirecting traffic and parking to appropriate CDPR facilities.

RR/mm-5 Prior to construction, the applicant shall provide funding to the CDPR for implementation of three of the six following projects (Note: The six projects are listed in descending order of priority in terms of relationship/nexus to project impacts and ability of the measures to reduce coastal access impacts):

1. Sandspit Road – chip seal and strip;
2. Sandspit Restroom – deferred repairs paint, door hardware, etc.;
3. Hazard Canyon Parking Area – install new restroom facility;
4. Hazard Canyon Parking Area – grade for drainage and asphalt overlay;
5. Bluff Trail – replacement of footbridge; and,
6. Islay Creek Trail – construct footbridge for interpretive programs.

RR/mm-6 During construction, the applicant shall implement operation of a shuttle service between the closest available parking lot to Sandspit Road parking lot. The temporary parking lot shall be of at least equal capacity and the shuttle service shall be operated in coordination with CDPR. In conjunction with the shuttle service, the applicant shall designate and maintain pedestrian access from the shuttle drop-off point at the parking lot, through the parking lot and onto the coastal access path. Access through the parking lot during construction shall be clearly delineated and shall not result in access delays or safety concerns.

RR/mm-7 Prior to initiating construction, the project applicant shall coordinate with the County Engineering Department and CDPR and provide signage along the length of all affected roads advising bicyclists of the temporary construction and the estimated period of construction along these routes. The signage should also alert bicyclists and vehicular traffic of the need to exercise caution.

RR/mm-8 During construction of segments at the edge of or off pavement, the construction crews shall keep all pot hole and bore equipment and trenching equipment off of the paved roadway to the maximum extent feasible to allow bicyclists to continue to use the road. (Note: Exceptions to this measures shall include situations where sensitive habitat is located adjacent to roadways and where safety issues exist.)

CALENDAR PAGE **0000116**

MINUTE PAGE **0007401**

RR/mm-9 During construction when equipment is located in the roadway, the project applicant shall provide flag persons to guide bicyclists and motor vehicles past the construction zone. Bicyclists shall be guided prior to and separately from the motor vehicles.

RR/mm-10 Upon completion of construction within this subsection, the project applicant shall replace all bicycle lanes that have been damaged by the construction process to County standards (or other jurisdictional standards such as the City if applicable) for Class II bicycle lanes. In addition, if any paint is scuffed, the project applicant shall repaint the affected bicycle lane markings.

3. Project-wide

a. Air Quality

AO/mm-1 A Dust Control Plan shall be submitted to the San Luis Obispo APCD (District) for approval prior to construction. The plan shall include measures for watering of disturbed areas and inspection of heavy duty equipment to reduce particulate emissions.

AO/mm-2 All diesel powered construction equipment shall be maintained in tune as per manufacture's specifications and fueled exclusively with CARB reformulated diesel fuel. In addition, oxidation catalysts or catalysts/soot traps capable of reducing ROG emissions by 50 percent and PM10 emissions by 20 percent at full engine load shall be mounted on two of the largest emitting pieces of construction equipment for the duration of the project. The APCD shall be consulted prior to, and during the selection of candidate construction equipment and emission control units.

b. Noise

NS/mm-1 During construction, all stationary directional boring equipment that generates noise shall be oriented in a manner that directs noise away from residences located to the northeast.

NS/mm-2 During construction, all stationary directional boring equipment generating the greatest levels of noise (i.e., drilling rig, mud pump, solid control) shall install flexible exhaust pipes on the exhaust stacks and orient the exhaust pipes downward and away from the residences to the northeast.

NS/mm-3 Prior to and during construction, the applicant shall erect temporary sound barrier walls (typically plywood with soundboard built into the walls) around the northern and eastern perimeters of the parking lot.

CALENDAR PAGE 0000117

MINUTE PAGE 0007402

NS/mm-4 Prior to construction, the applicant shall retain a County qualified noise consultant to record nighttime exterior noise levels at the nearest sensitive noise receptor to the parking lot boring activities. During the initial phases of directional bore construction, a County qualified noise consultant shall be retained by the applicant to record exterior noise levels at the nearest sensitive noise receptor to the parking lot boring activities. If nighttime noise standards are exceeded at identified sensitive receptors at any point during construction, the applicant shall be required to cease all nighttime Sandspit Road parking lot directional boring activities (i.e., 10 A.M. to 7 P.M.).

NS/mm-5 During directional boring construction activities, heavy equipment or large vehicle traffic supporting directional boring activities shall be prohibited from accessing the landing site during the nighttime noise measurement period (10 P.M. to 7 A.M.). Heavy equipment or large vehicle traffic includes but is not limited to vehicles such as water delivery trucks.

CALENDAR PAGE 0000118

MINUTE PAGE 0007403

W-25495

No Scale

Offshore Boundary of the State of California

PACIFIC

MFS GLOBENET
FIBER OPTIC CABLES
AND BORE HOLES

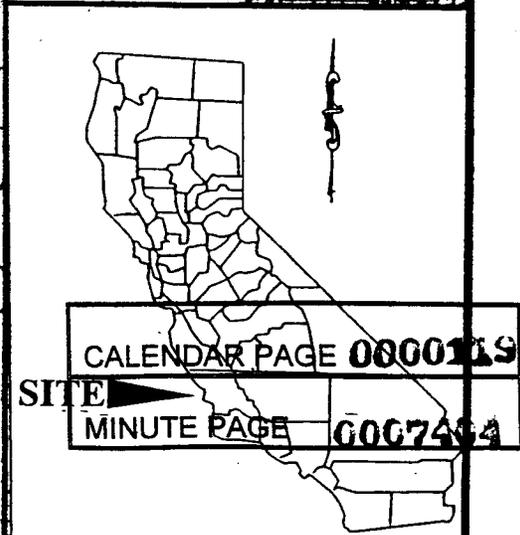
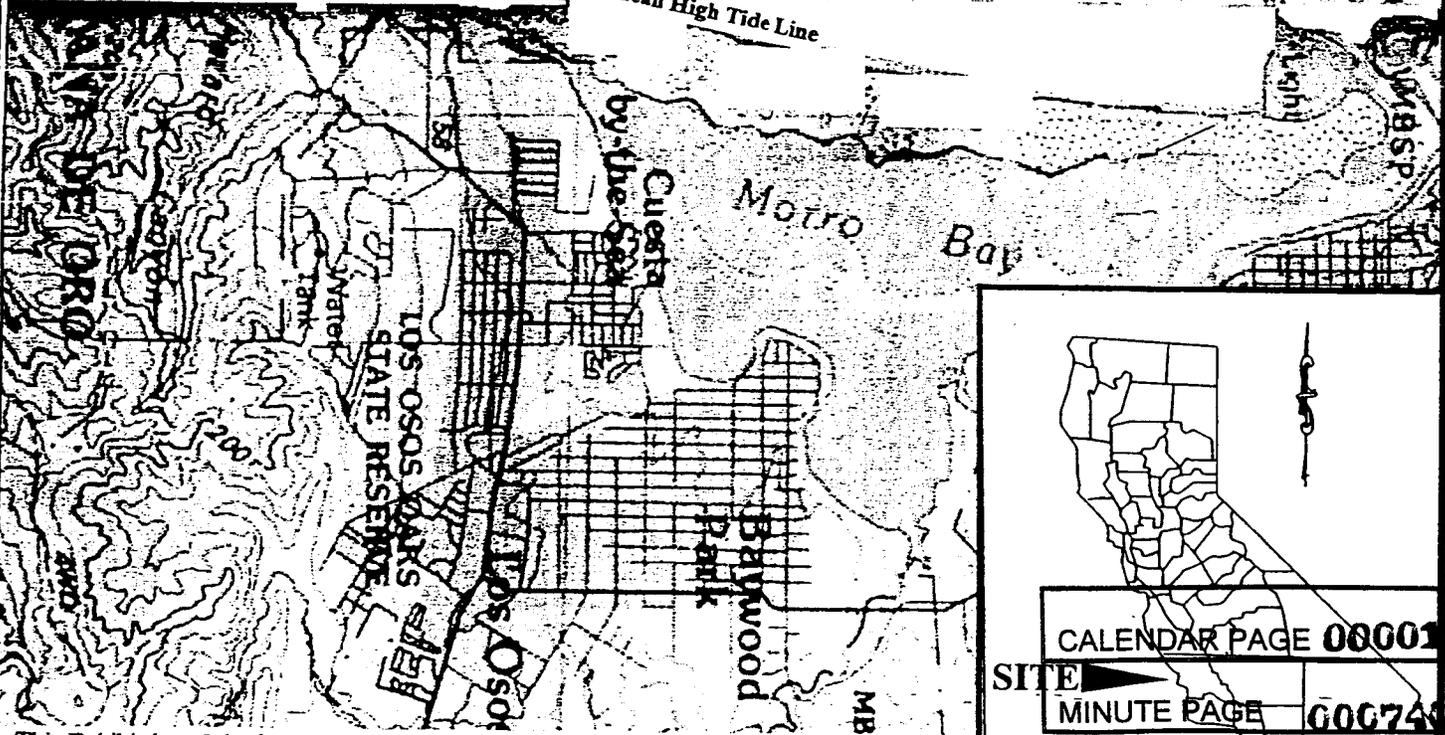
OCEAN

BORE HOLE 1
BORE HOLE 2
BORE HOLE 3
BORE HOLE 4
BORE HOLE 5

JAPAN - U.S. SEG 1 Cable

SOUTHERN CROSS Cable

Approx. Mean High Tide Line



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

MFS GLOBENET
EMPTY CONDUIT #1
January 25, 2000
W 25495

EXHIBIT E

LAND DESCRIPTION

A ten foot wide strip of tide and submerged lands in the bed of the Pacific Ocean, San Luis Obispo County, State of California, the centerline of said strip more particularly described as follows:

BEGINNING at a point at Latitude 35°18'01 38" North, Longitude 120°52'20.34" West; thence along said centerline in a straight line to its terminus at Latitude 35°18'24.41" North, Longitude 120°53'00.29" West.

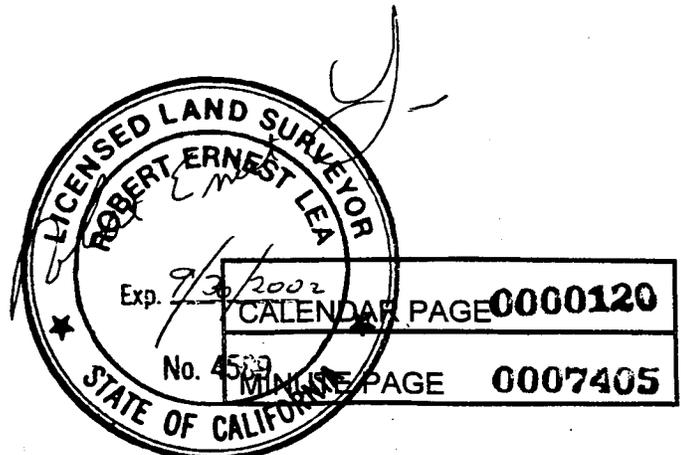
EXCEPTING THEREFROM any portion of said ten-foot wide strip centerline lying landward of the Ordinary High Water Mark of the Pacific Ocean.

The sidelines of said ten foot wide strip shall be extended or shortened to terminate at the said Ordinary High Watermark of the Pacific Ocean.

The basis of coordinates for this description is WGS84 ellipsoid.

END OF DESCRIPTION

RL;rl



MFS GLOBENET
Seg. D – Morro Bay
To Spencer Beach
February 4, 2000
W25495

EXHIBIT F

LAND DESCRIPTION

A ten foot wide strip of tide and submerged lands in the bed of the Pacific Ocean lying between the Ordinary High Tide Line and the Offshore Boundary of the State of California, San Luis Obispo County, State of California, the centerline of said strip more particularly described as follows:

BEGINNING at a point at Latitude 35°18'01.38" North, Longitude 120°52'19.80" West; thence along said centerline as defined by following points:

Latitude 35° 18' 22.20" North, Longitude 120°53'01.20" West;
Latitude 35° 18' 45.00" North, Longitude 120°53'22.80" West;
Latitude 35° 18' 52.80" North, Longitude 120°53'24.60" West;
Latitude 35° 19' 09.00" North, Longitude 120°53'19.80" West
Latitude 35° 19' 34.20" North, Longitude 120°53'18.60" West;
Latitude 35° 19' 45.60" North, Longitude 120°53'33.00" West;
Latitude 35°20' 09.34" North, Longitude 120°55'42.22" West;
said point lying on the offshore boundary of the State of California and the end of the herein described centerline.

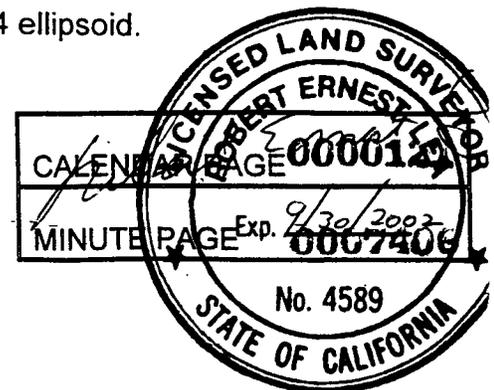
The sidelines of said 10 foot wide strip of tide and submerged lands to be prolonged or shortened at said Ordinary High Tide Line, said Offshore Boundary and at angle-point intersections.

EXCEPTING THEREFROM any portion of said ten-foot wide strip centerline lying landward of the said Ordinary High Tide Line and waterward of said Offshore Boundary.

The basis of coordinates for this description is WGS84 ellipsoid.

END OF DESCRIPTION

RL;rl



NO SCALE

SITE MAP

EXHIBIT G

W25495 MFS GLOBENET Fiberoptic Line Seg. D - Morro Bay to Spencer Beach San Luis Obispo County

Offshore Boundary of
State of California

Length of cable = 7195.21 Meters

LAT: 35°20'09.34" N
LONG: 120°55'42.22" W

LAT: 35°19'45.60" N
LONG: 120°53'33.00" W

LAT: 35°19'34.20" N
LONG: 120°53'18.60" W

LAT: 35°19'09.00" N
LONG: 120°53'19.80" W

LAT: 35°18'52.80" N
LONG: 120°53'24.60" W

LAT: 35°18'45.00" N
LONG: 120°53'22.80" W

LAT: 35°18'27.20" N
LONG: 120°53'01.20" W

LAT: 35°18'01.38" N
LONG: 120°52'19.80" W

PACIFIC OCEAN



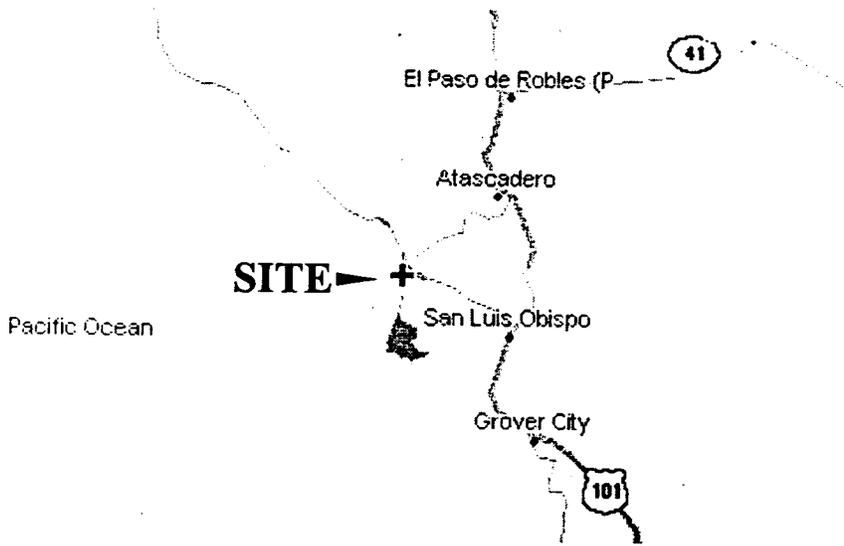
NOTE:
Coordinates shown
hereon are based on
WGS84 Ellipsoid

Approx. Location Mean High Tide

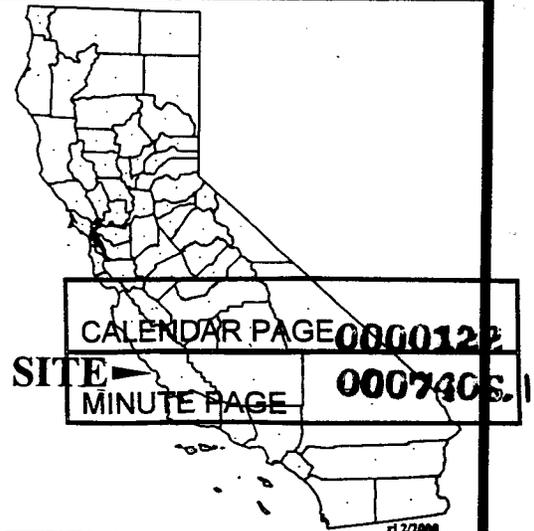
MORRO BAY

NO SCALE

LOCATION MAP



SITE



CALENDAR PAGE 0000122

SITE MINUTE PAGE 0007406.1

This Exhibit is solely for purposes of generally defining the premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

MFS GLOBENET
Japan - U.S.
Segment 1
February 4, 2000
W25495

EXHIBIT H

LAND DESCRIPTION

A ten foot wide strip of tide and submerged lands in the bed of the Pacific Ocean lying between the Ordinary High Tide Line and the Offshore Boundary of the State of California, San Luis Obispo County, State of California, the centerline of said strip more particularly described as follows:

BEGINNING at a point at Latitude 35°18'01.38" North, Longitude 120°52'20.34" West; thence along said centerline as defined by following points:

Latitude 35°18'19.80" North, Longitude 120°53'02.40" West;
Latitude 35°18'43.80" North, Longitude 120°53'33.00" West;
Latitude 35°19'10.80" North, Longitude 120°53'22.80" West;
Latitude 35°19'31.80" North, Longitude 120°53'28.20" West;
Latitude 35°19'52.20" North, Longitude 120°55'00.00" West;
Latitude 35°19'54.10" North, Longitude 120°55'46.83" West;
Said point being on the offshore boundary of the State of California and the end of the herein described centerline.

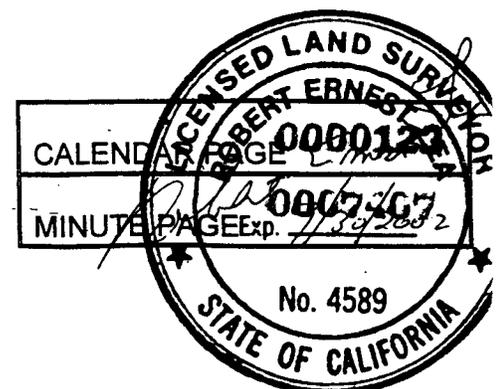
The sidelines of said 10 foot wide strip of tide and submerged lands to be prolonged or shortened at said Ordinary High Tide Line, said Offshore Boundary and at angle-point intersections.

EXCEPTING THEREFROM any portion of said ten-foot wide strip centerline lying landward of the said Ordinary High Tide Line and waterward of said Offshore Boundary.

The basis of coordinates for this description is WGS84 ellipsoid.

END OF DESCRIPTION

RL;rl

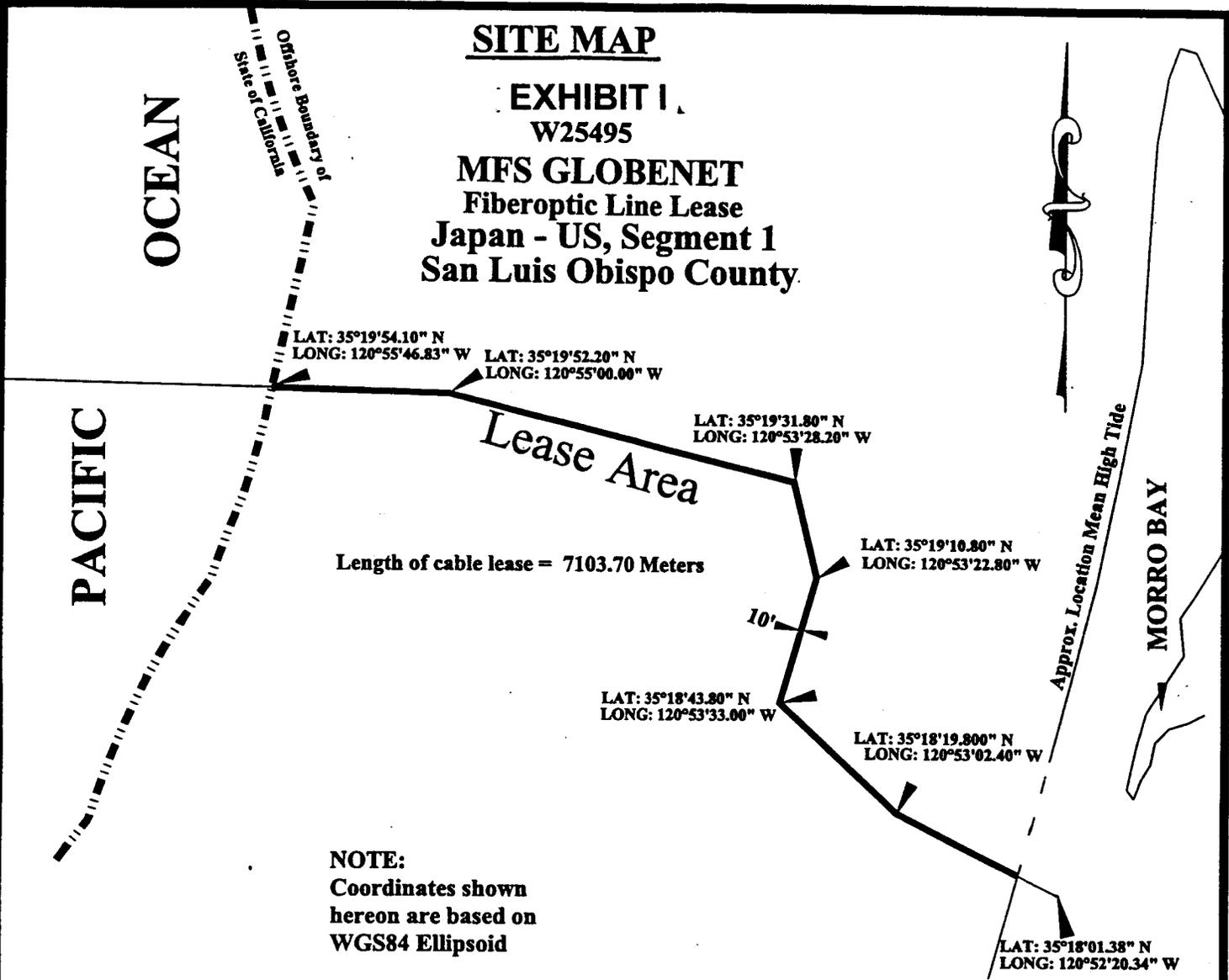


SITE MAP

EXHIBIT I

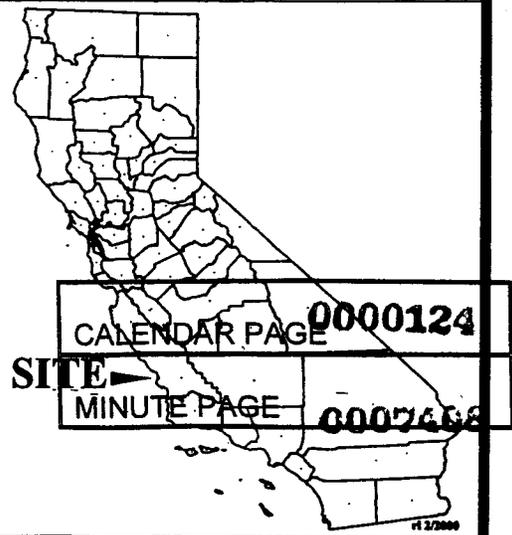
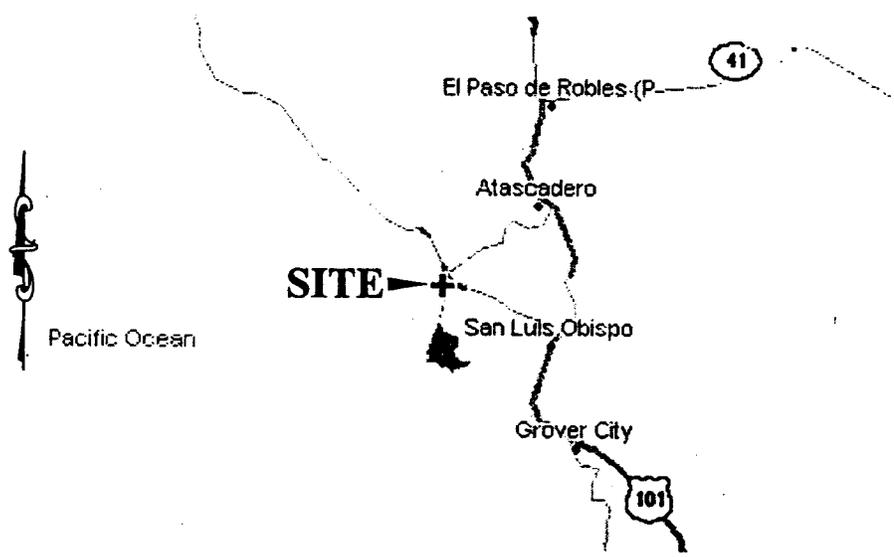
W25495

MFS GLOBENET
Fiberoptic Line Lease
Japan - US, Segment 1
San Luis Obispo County



NO SCALE

LOCATION MAP



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

MFS GLOBENET
EMPTY CONDUIT #4
January 25, 2000
W 25495

EXHIBIT J

LAND DESCRIPTION

A ten foot wide strip of tide and submerged lands in the bed of the Pacific Ocean, San Luis Obispo County, State of California, the centerline of said strip more particularly described as follows:

BEGINNING at a point at Latitude 35°18'01.38" North, Longitude 120°52'20.34" West; thence along said centerline in a straight line to its terminus at Latitude 35°18'17.56" North, Longitude 120°53'03.76" West.

EXCEPTING THEREFROM any portion of said ten-foot wide strip centerline lying landward of the Ordinary High Water Mark of the Pacific Ocean.

The sidelines of said ten foot wide strip shall be extended or shortened to terminate at the said Ordinary High Watermark of the Pacific Ocean.

The basis of coordinates for this description is WGS84 ellipsoid.

END OF DESCRIPTION

RL;rl



MFS GLOBENET
EMPTY CONDUIT #5
January 25, 2000
W 25495

EXHIBIT K

LAND DESCRIPTION

A ten foot wide strip of tide and submerged lands in the bed of the Pacific Ocean, San Luis Obispo County, State of California, the centerline of said strip more particularly described as follows:

BEGINNING at a point at Latitude 35°18'01.38" North, Longitude 120°52'20.34" West; thence along said centerline in a straight line to its terminus at Latitude 35°18'16.70" North, Longitude 120°53'04.23" West.

EXCEPTING THEREFROM any portion of said ten-foot wide strip centerline lying landward of the Ordinary High Water Mark of the Pacific Ocean.

The sidelines of said ten foot wide strip shall be extended or shortened to terminate at the said Ordinary High Watermark of the Pacific Ocean.

The basis of coordinates for this description is WGS84 ellipsoid.

END OF DESCRIPTION

RL;rl

