MINUTE ITEM
This Calendar Item No. C16 was approved as Minute Item No. 16 by the California State Lands Commission by a vote of 3 to 0 at its 6-27-00 meeting.

CALENDAR ITEM
C16

A 1, 2

S 33, 18

PRC 8203.1
8204.1

06/27/00
W 25562
PRC 8142
B. Dugal

GENERAL LEASE – RIGHT OF WAY USE AND AMENDMENT OF LEASE

APPLICANT:
AT&T Corp
340 Mt. Kemble Avenue
Morristown, New Jersey 97960

LESSEE:
MFS Globenet, Inc.
6929 N. Lakewood Avenue, MD 22-315G
Tulsa, Oklahoma 74117

BACKGROUND INFORMATION:

Applicant:
On June 28, 1999, AT&T Corp. submitted an application to the California State Lands Commission (CSLC) for the proposed Japan-US Cable Network System. The proposed Japan-US system consists of constructing five five-inch diameter steel conduits at Manchester State Beach, Mendocino County and the installation of two fiber optic cables that are identified as Segment 8 and Segment 9. Segment 8 would be connected at Manchester State Beach and will extend westward across the Pacific Ocean and will provide a direct link to Japan. One end of Segment 9 would also land at Manchester State Beach and the other end of Segment 9 will land at Montana De Oro State Beach in San Luis Obispo County into an existing conduit authorized by Lease No. PRC 8142.1.

Lessee:
On February 8, 2000, the CSLC authorized the issuance to MFS Globenet, Inc. (MFS), of a General Lease – Right of Way Use, Lease No. PRC 8142, for the construction of one six-inch steel conduit at Montana De Oro State Beach in San Luis Obispo County. At that time, MFS indicated that the new conduit, at some point in the future, would house a fiber optic cable. Pursuant to the terms of Lease No. PRC 8142, the CSLC made clear that approval of the installation of

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any future fiber optic cable into the empty conduit would remain entirely within the discretion of the CSLC, and would be subject to compliance with the California Environmental Quality Act (CEQA) and other applicable law.

Both MFS and AT&T are members of a multi-member consortium (Consortium) that will own the Japan-US Cable Network. The members of the Consortium have entered into a private contractual agreement for the construction and maintenance of the Japan-US cable system. Under the agreement, MFS will retain ownership of the conduit authorized by Lease No. PRC 8142 and AT&T is responsible for securing all necessary leases for the installation of the cable up to the seaward end of the empty conduit.

AREA, LAND TYPE, AND LOCATION:

Mendocino County

38 acres, more or less, of sovereign lands in the Pacific Ocean, offshore of Manchester State Beach, Mendocino County.

San Luis Obispo County

3.5 acres, more or less, of sovereign lands in the Pacific Ocean, offshore of Montana De Oro State Beach in San Luis Obispo County.

AUTHORIZED USE:

Mendocino County

Installation (via directional boring) and maintenance of five five-inch diameter steel conduits and the placement of two fiber optic cables (Segment 8 and Segment 9) within two of the steel conduits to be constructed at Manchester State Beach, Mendocino County.

San Luis Obispo County

The placement of the south end of the Segment 9 fiber optic cable from the offshore boundary to the seaward end of the conduit covered by Lease No. PRC 8142.

LEASE TERM:

Mendocino County

Ten years, beginning July 1, 2000, with the right to renew for one additional period of 15 years, subject to such reasonable renewal terms and conditions as the State may impose.

San Luis Obispo County

Ten years, beginning July 1, 2000, with the right to renew for one additional period of 15 years, subject to such reasonable renewal terms and conditions as the State may impose.

CONSIDERATION:

Mendocino County

$239,857 per year. The State may modify the method, amount, or rate of consideration effective on the second anniversary of the beginning date of the Lease. Irrespective of whether the State exercises the right to modify the consideration on the second anniversary, it may do so on the fifth anniversary and subsequently thereafter.

San Luis Obispo County

$96,697 per year. The State may modify the method, amount, or rate of consideration effective on the second anniversary of the beginning date of the Lease. Irrespective of whether the State exercises the right to modify the consideration on the second anniversary, it may do so on the fifth anniversary and subsequently thereafter.

SPECIFIC LEASE PROVISIONS:

Mendocino County

Insurance:

No less than $1,000,000 combined single limit coverage.

Bond:

$1,375,000

San Luis Obispo County

Insurance:

No less than $1,000,000 combined single limit coverage.

Bond:

$500,000

PROPOSED AMENDMENT LEASE NO. PRC 8142:

Amend the authorized use of the existing conduit to allow the south end of the Segment 9 fiber optic cable to be placed into the conduit. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant owns and has the right to use the uplands adjoining the lease premises.

2. AT&T selected the two proposed landing sites for Segment 8 and Segment 9 for a number of reasons. Considerations in choosing these sites include the availability of existing AT&T cable stations, conduit facilities and authorizations and AT&T's ongoing presence at these locations. Landings at these locations also minimize the distance across

the ocean to Japan and will facilitate the burial of the fiber optic cables with minimal impact to the environment.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the staff has prepared a Proposed Mitigated Negative Declaration identified as CSLC ND 702, State Clearinghouse No. 2000031062. Such Proposed Mitigated Negative Declaration was prepared and circulated for public review pursuant to the provisions of the CEQA.

4. Based upon the Initial Study, the Proposed Mitigated Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment; Title 14, California Code of Regulations, section 15074 (b).

5. A Mitigation Monitoring Program has been prepared in conformance with the provisions of the CEQA (Public Resources Code section 21081.6).

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

United States Army Corps of Engineers, California Coastal Commission, and the California Regional Water Quality Control Board.

EXHIBITS:

A. Location Map – Mendocino County
A-1. Location Map – San Luis Obispo County
B. Land Description – Mendocino County
B-1. Land Description – San Luis Obispo County
C. Mitigation Monitoring Plan

PERMIT STREAMLINING ACT DEADLINE:

December 21, 2000

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

CERTIFY THAT A PROPOSED MITIGATED NEGATIVE DECLARATION, CSLC ND NO. 702, STATE CLEARINGHOUSE NO. 2000031062, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

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

SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

1) AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8142, A GENERAL LEASE RIGHT OF WAY USE, TO AMEND THE AUTHORIZED USE TO PERMIT CONSTRUCTION, INSTALLATION, OPERATION AND MAINTENANCE OF THE SEGMENT 9 FIBER OPTIC CABLE WITHIN THE CONDUIT PREVIOUSLY AUTHORIZED UNDER LEASE NO. PRC 8142, EFFECTIVE JULY 1, 2000; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

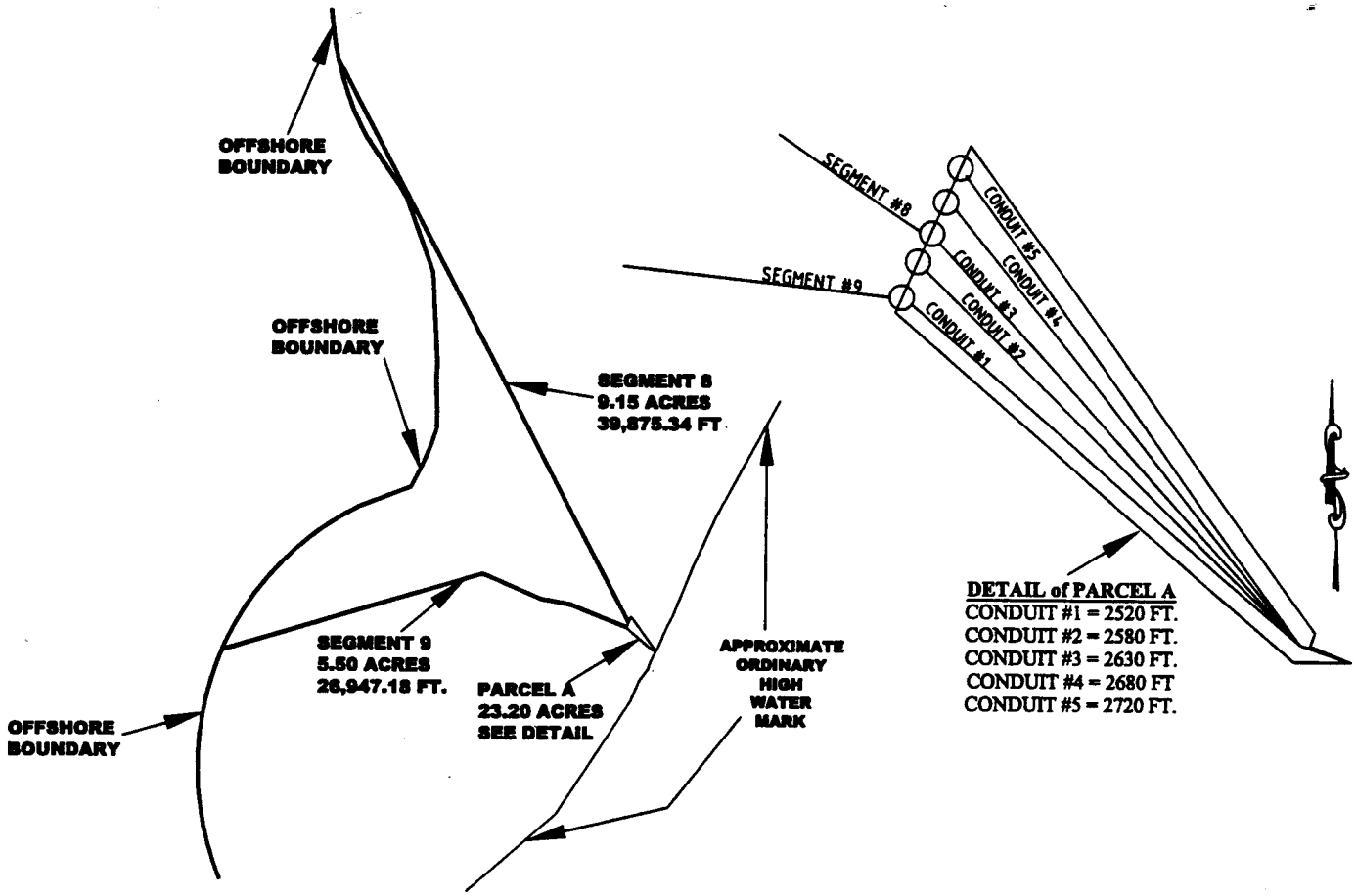
2) AUTHORIZE ISSUANCE TO AT&T CORP. OF A GENERAL LEASE – RIGHT OF WAY USE, BEGINNING JULY 1, 2000, FOR A TERM OF TEN YEARS, WITH THE RIGHT TO RENEW FOR ONE ADDITIONAL PERIOD OF 15 YEARS, SUBJECT TO SUCH REASONABLE TERMS AND CONDITIONS AS THE STATE MAY IMPOSE, FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE OF FIVE FIVE-INCH DIAMETER STEEL CONDUITS AND THE INSTALLATION OF TWO FIBER OPTIC CABLES OFFSHORE OF

MANCHESTER STATE BEACH IN MENDOCINO COUNTY AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION $239,857 PER YEAR, LESSOR MAY MODIFY THE METHOD, AMOUNT OR RATE OF CONSIDERATION EFFECTIVE ON THE SECOND ANNIVERSARY. IRRESPECTIVE OF WHETHER LESSOR EXERCISES THE RIGHT TO MODIFY THE CONSIDERATION ON THE SECOND ANNIVERSARY, IT MAY DO SO ON THE FIFTH ANNIVERSARY AND SUBSEQUENTLY THEREAFTER; INSURANCE: LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NOT LESS THAN $1,000,000; SURETY BOND IN THE AMOUNT OF $1,375,000.

3) AUTHORIZE ISSUANCE TO AT&T CORP. OF A GENERAL LEASE – RIGHT OF WAY USE, BEGINNING JULY 1, 2000, FOR A TERM OF TEN YEARS, WITH THE RIGHT TO RENEW FOR ONE ADDITIONAL PERIOD OF 15 YEARS, SUBJECT TO SUCH REASONABLE TERMS AND CONDITIONS AS THE STATE MAY IMPOSE, FOR THE CONSTRUCTION, INSTALLATION, OPERATION, AND MAINTENANCE OF ONE FIBER OPTIC CABLE OFFSHORE OF MONTANA DE ORO STATE PARK IN SAN LUIS OBISPO COUNTY AND AS DESCRIBED ON EXHIBIT B-1 ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION $96,697 PER YEAR, LESSOR MAY MODIFY THE METHOD, AMOUNT OR RATE OF CONSIDERATION EFFECTIVE ON THE SECOND ANNIVERSARY. IRRESPECTIVE OF WHETHER LESSOR EXERCISES THE RIGHT TO MODIFY THE CONSIDERATION ON THE SECOND ANNIVERSARY, IT MAY DO SO ON THE FIFTH ANNIVERSARY AND SUBSEQUENTLY THEREAFTER; INSURANCE: LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NOT LESS THAN $1,000,000; SURETY BOND IN THE AMOUNT OF $500,000

4) AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO AFFECT THE COMMISSION ACTION.

SITE MAP



LOCATION MAP

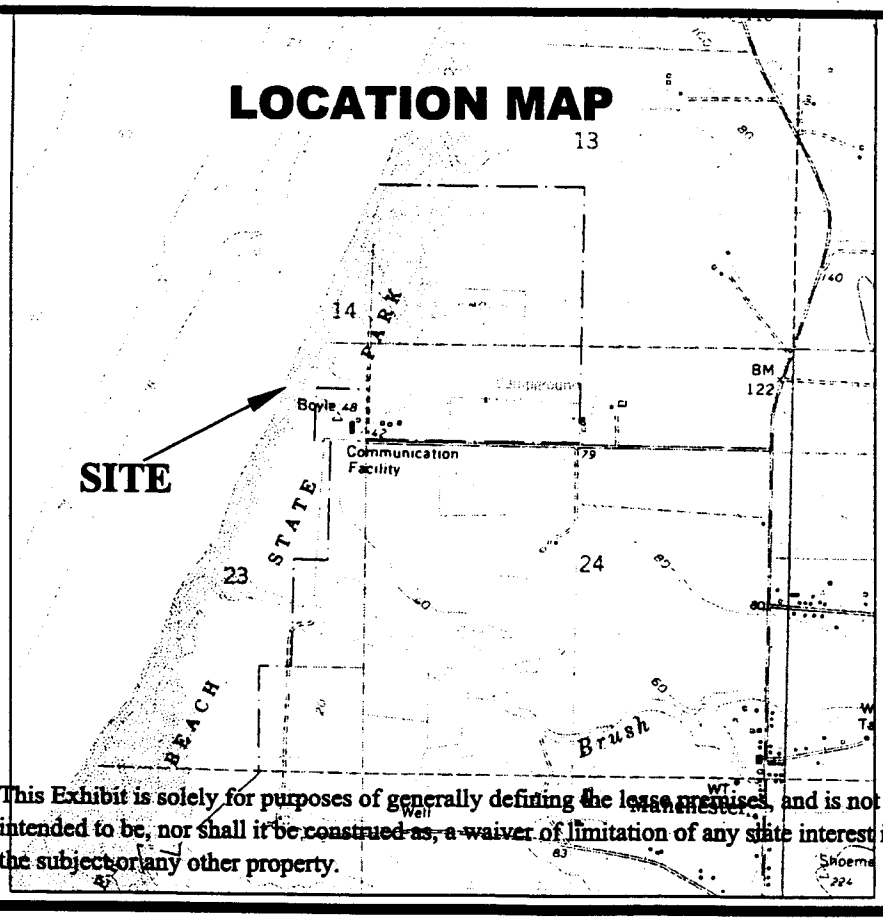
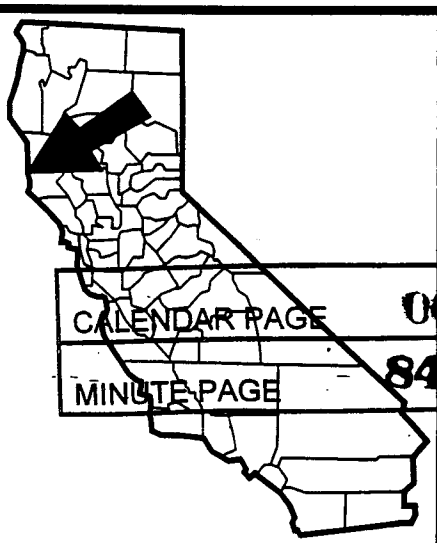


EXHIBIT A

W 25562

R/W Lease
Manchester Beach
Mendocino County



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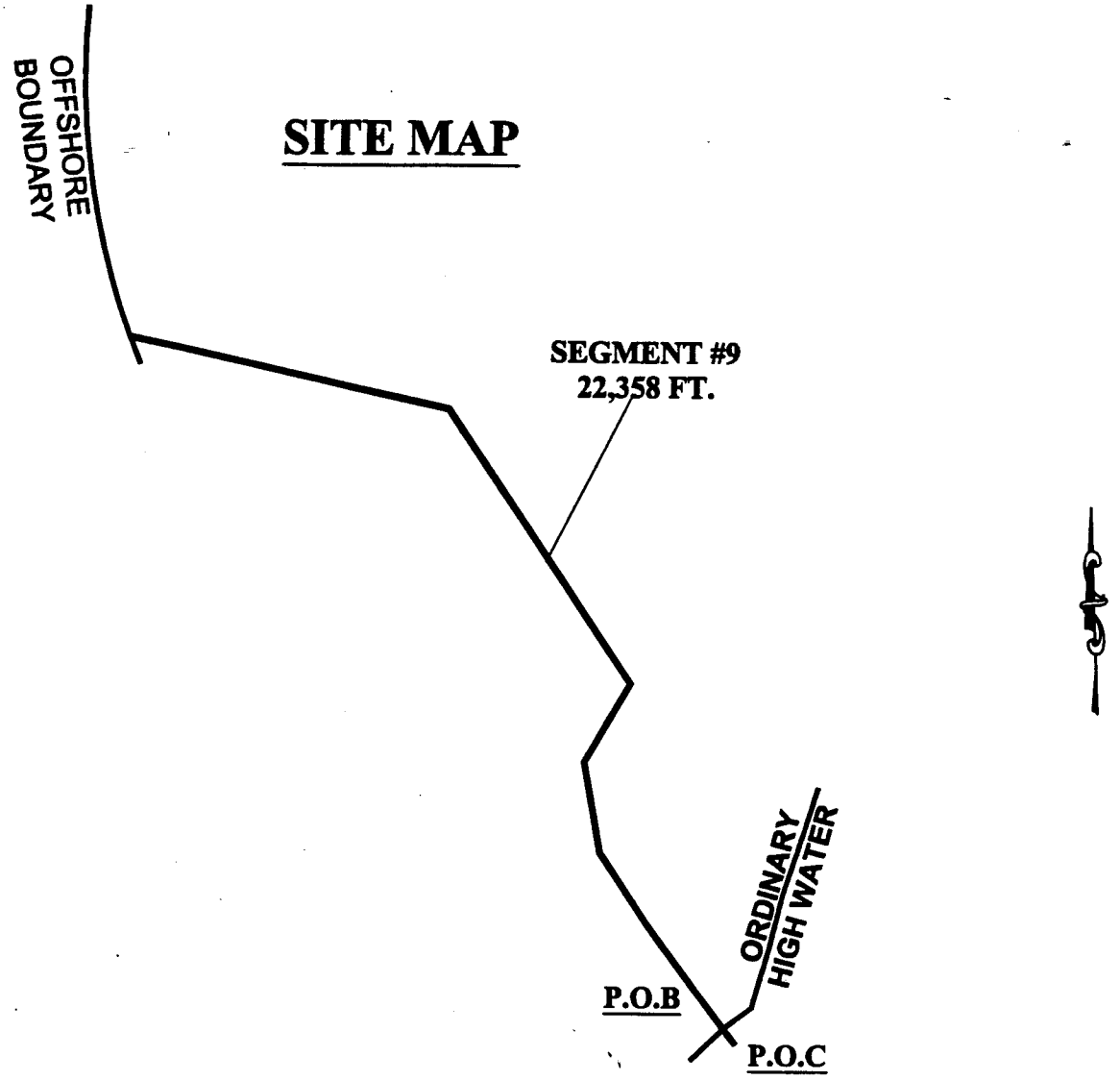
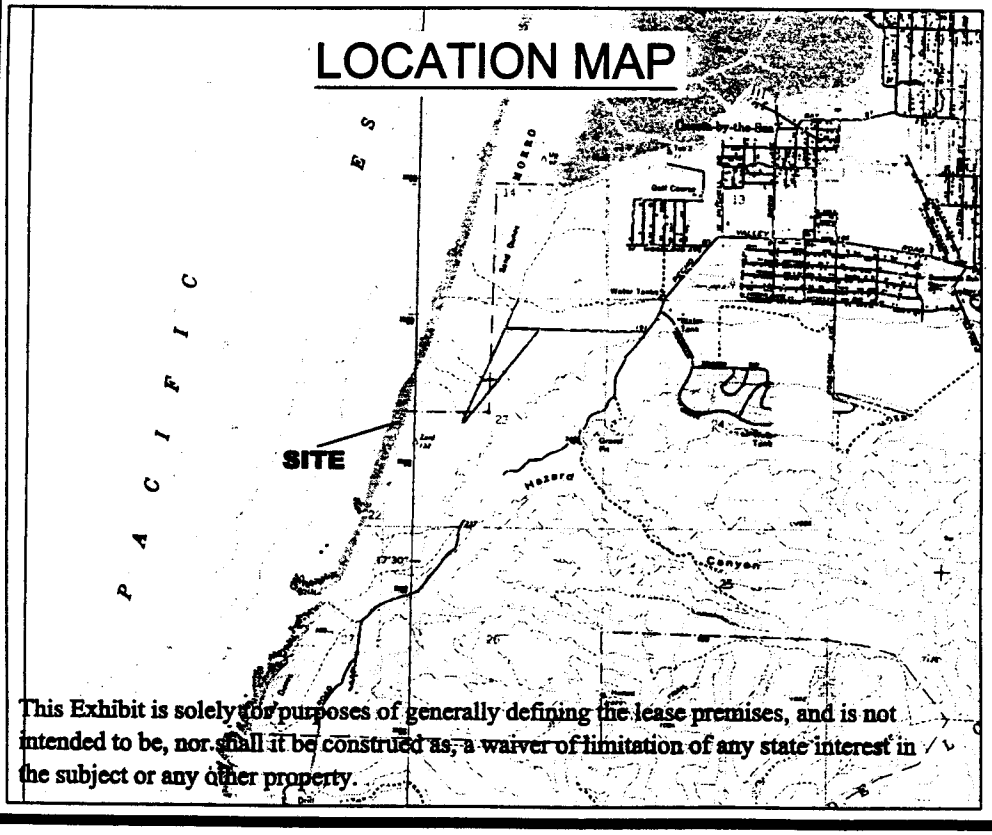
This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

C. N. PEREZ - 2000

SITE MAP



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.

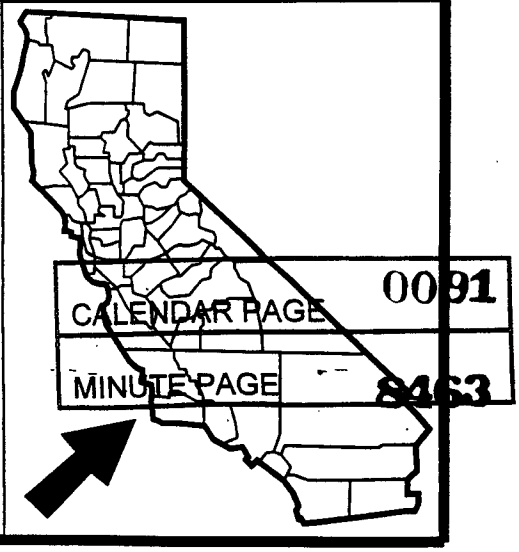
EXHIBIT A-1

W 25562

R/W Lease

Morro Bay

San Luis Obispo County



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C. N. PEREZ - 2000

EXHIBIT "B"
LAND DESCRIPTION

W25562

Three parcels of tide and submerged lands in the bed of the Pacific Ocean, lying between the Ordinary High Water Mark and the State of California Offshore Boundary in the County of Mendocino, State of California, said parcels more particularly described as follows:

PARCEL A:

Township 13 North, Range 17 West, Mount Diablo Base and Meridian, Section 23; being a portion of Lot 1 and of submerged land westerly of Lot 1 described as follows:

Commencing at a point 681.63 feet South 2° 29' 48.6" West from the Northeast corner of Lot One (1), Section Twenty-three (23), Township Thirteen (13) North, Range Seventeen (17) West, Mount Diablo Base and Meridian, said point being the northeast corner of Tract 1 described in a Warranty Deed recorded in Book 438 of the Official Records at Page 322 in the Mendocino County Recorder's Office; the coordinates for said point being 483,720.63 North (N) and 1,515,758.57 East (E); thence South 0° 48' 17.3" West, 659.94 feet, with the Westerly line of the County Road running North from Kinney Lane, to a point at 483,060.76N and 1,515,749.30E being the southeast corner of said Tract 1; thence North 89° 11' 42.2" West, 699.94 feet (through 6" X 6" concrete reference monuments at cumulative distances of 43.00 and 689.94 feet respectively), to a point at 483,070.59N and 1,515,049.43E being the southwest corner of said Tract 1; thence continuing North 89° 11' 42.2" West along the southerly boundary of Tract 2 described in the previously referenced Warranty Deed, 567.11 feet (through a 6" X 6" concrete reference monument at 290.68 feet), to a point at 483,078.56N and 1,514,482.38E; said point being the Point of Beginning of Parcel A.

Thence, from the Point of Beginning, North 89° 11' 42.2" West, 241.15 feet, to a point at 483,081.94N and 1,514,241.25E; thence North 49° 17' 58.2" West, 2,233.64 feet, to a point at 484,538.51N and 1,512,547.86E; thence North 23° 42' 17.0" East, 768.42 feet, to a point at 485,242.10N and 1,512,856.79E; thence South 35° 51' 53.7" East, 2,515.23 feet, to a point at 483,203.76N and 1,514,330.40E; thence South 20° 17' 21.0" West, 59.52 feet, to a point at 483,147.93N and 1,514,309.76E; thence South 68° 06' 24.7" East, 186.03 feet to the Point of Beginning.

EXCEPTING THEREFROM any portion of said parcel lying landward of the Ordinaty High Water Mark of the Pacific Ocean.

PARCEL B:

A strip of submerged land located in the Pacific Ocean west of Mendocino County, California, 10 feet in width, 5 feet on each side of the centerline described as follows:

Commencing at the Point of Beginning of Parcel A described previously, thence North 89° 11' 42.2" West, 241.15 feet, to a point at 483,081.94N and 1,514,241.25E; thence North 49° 17' 58.2" West, 2,233.64 feet, to a point at 484,538.51N and 1,512,547.86E; thence North 23° 42' 17.0" East, 376.06 feet, to a point at 484,882.84N and 1,512,699.05E; said point being the Point of Beginning of the centerline of the 50 foot wide strip of submerged land; thence North 27° 55' 37.5" West, to a point on the offshore ownership boundary of the State of California and the end of the herein described centerline, shortening or extending sidelines as necessary to terminate at the boundary of Parcel A previously described.

PARCEL C:

A strip of submerged land located in the Pacific Ocean west of Mendocino County, California, 10 feet in width, 5 feet on each side of the centerline described as follows:

Commencing at the Point of Beginning of Parcel A described previously, thence North 89° 11' 42.2" West, 241.15 feet, to a point at 483,081.94N and 1,514,241.25E; thence North 49° 17' 58.2" West, 2,233.64 feet, to a point at 484,538.51N and 1,512,547.86E; thence North 23° 42' 17.0" East, 35.22 feet, to a point at 484,570.76N and 1,512,562.02E; said point being the Point of Beginning of the centerline of the 50 foot wide strip of submerged land; thence North 68° 15' 40.8" West, 3,784.04 feet, to a point at 485,972.27N and 1,509,047.09E; thence North 79° 59' 22.9" West, 1,918.02 feet, to a point at 486,305.67N and 1,507,158.27E; thence North 66° 49' 51.9" West, 4,038.04 feet, to a point at 487,894.41N and 1,503,445.90E; thence South 73° 38' 51.9" West, to a point on the offshore ownership boundary of the State of California and the end of the herein described centerline, shortening or extending sidelines as necessary to terminate at the boundary of Parcel A previously described.

This description is based on the California State Plane Coordinate System, Zone 2, North American Datum of 1927. Coordinates and distances are given in U.S. survey grid feet.

END DESCRIPTION

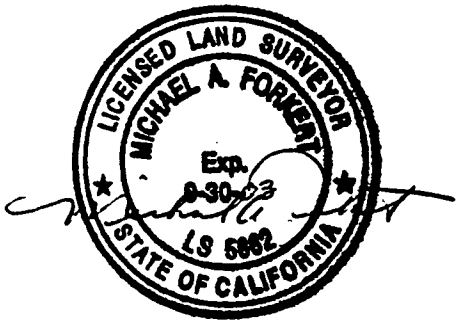

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EXHIBIT "B-1"
LAND DESCRIPTION

W25562

A strip of tide and submerged land located in the bed of the Pacific Ocean, lying between the Ordinary High Water Mark and the State of California Offshore Boundary, south of Morro Bay, San Luis Obispo County, California.

Said strip of land is 10 feet in width, 5 feet on each side of the following described centerline:

Commencing at the U.S.G.S. Triangulation station "ZARD" at 2,307,478.415N, 5,703,608.744E; thence North 37°20' 45.8" West, 3,582.43 feet, to a point in the Pacific Ocean, at 2,310,326.40N, 5,701,435.54E, said point being the end of proposed bore pipe and the POINT OF BEGINNING;

Thence, from the point of Beginning, North 34°33' 17.3" West, 2,104.92 feet to a point at 2,312,059.98N, 5,700,241.64E; thence North 10°22' 43.9" West, 2,195.71 feet to a point at 2,314,219.76N, 5,699,846.07E; thence North 30°31' 30.2" East, 2203.10 feet to a point at 2,316,117.53N, 5,700,965.06E; thence North 34°10' 32.7" West, 7,915.95 feet to a point at 2,322,666.54N, 5,696,518.41E; thence North 77°41' 55.3" West, 4,698.65 feet to a point at 2,323,667.60N, 5,691,927.64E; thence North 77°34' 21.5" West to a point on the offshore ownership boundary of the State of California and the end of the herein described centerline.

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

END OF DESCRIPTION

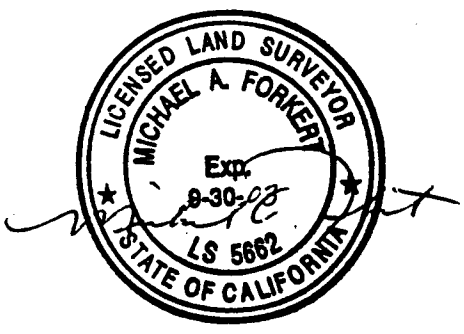

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EXHIBIT C

Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures
(Page 1 of 13)

Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
IMPACTS AT MANCHESTER/POINT ARENA				
Air Quality	No substantial pollutant concentrations or odors. No emissions in exceedance of visibility limits allowed by Mendocino County Air Quality Management District Rule 410. Ground disturbances during onshore construction would produce minor fugitive dust (PM_{10}). (Class III)	Mitigation not required.	None	N/A
Geology	Short-term increase in soil exposed to wind and water erosion from trenching (Class III).	See WQ-1 below.	See below	See below
	Seismic activity could produce ground motion resulting in a cable break. A cable break would have no adverse impact to persons or the environment (Class III).	None	None	N/A
	Disturbance of seafloor substrates (Class III).	None required.	N/A	N/A
Water Quality	Short-term increase in the amount of soil exposed to wind and water erosion from trenching (Class III).	**WQ-1:** Standard erosion control measures shall be implemented to prevent off-site siltation during construction. Standard erosion control measures shall include placement of drainage diversion structures such as silt fences, hay bales, trench plugs, and water bars.	AT&T to include measures on final design plans and contractor specifications. Submit to County for approval, prior to construction.	Mendocino County Dept. of Planning & Building Services

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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures
(Page 2 of 13)

Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
Water Quality (continued)	Spillage of petroleum could enter nearby drainages and the Pacific Ocean. Impacts minimized by Onshore Spill Prevention Plan (Class III). Drilling fluids released from fractures in the seafloor would be dispersed and diluted rapidly (Class III).	**WQ-2**: Designated fueling and equipment maintenance areas shall be established at a safe distance (i.e., greater than 100 feet [30 m]) from nearby drainages and/or creeks, such as Brush Creek, located south of the proposed trench location. Fuel spill contingency plans shall be established in construction areas to prevent migration of fuel spills to nearby drainages. Such plans shall include, but not be limited to, notification of relevant regulatory agencies and stockpiling of spill containment materials.	Onshore Spill Prevention Plan (in MND). AT&T to include measures on final design plans and contractor specifications. Submit to County for approval prior to construction.	Mendocino County Dept. of Planning & Building Services
Terrestrial Biology	Bore pipe and conduit installation could adversely affect the endangered Point Arena Mountain Beaver (PAMB) population at AT&T facility. The proposed project incorporates measures to avoid adverse impacts (Class III).	**TB-1**: To minimize impacts to PAMB habitat, the proposed project incorporates the following: • No construction activity (including access) will occur north of the fence that marks the southern boundary of potential PAMB habitat; therefore, no habitat will be removed. • No construction activity will occur during the PAMB breeding season of December 15 to April 15. • A temporary sound deflector will be constructed directly north of the horizontal directional drilling machine to reduce the noise level over PAMB habitat. The deflector will be 8 feet (2.4 m) tall and approximately 70 feet (21 m) long. The deflector will be moved from one bore location to the next as the drilling machine is moved. • Because the PAMB is a nocturnal animal, construction will occur only during daylight hours.	AT&T to incorporate all requirements into final design and contractor specifications. Submit to USFWS and County for approval prior to construction.	USFWS/ Mendocino County Dept. of Planning & Building Services
IMPACTS AT MANCHESTER/POINT ARENA				

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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures
(Page 3 of 13)

Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
Terrestrial Biology (continued)	(see above)	• The drilling fluid mixer and water tank will be staged nearly 50 feet (15 m) south of the drilling machine to move activity farther from PAMB burrows. AT&T will obtain an easement from the owner of the land to the south to stage equipment and access the construction area from the south side of the row of trees on the southern property boundary. • The ground bed will be placed at least 150 feet (45 m) south of the bore pipes and conduit, further removing them from PAMB habitat. • By connecting the bore pipes to the manhole in the parking lot with conduit during this proposed project, future cable laying projects for the other three bore pipes would not have to disturb PAMB habitat. • In accordance with technical assistance provided by the USFWS (see letter in Appendix D), onshore construction activities will be stopped immediately and the USFWS consulted if PAMBs are observed above ground during daylight hours, or if construction activities disrupt PAMB burrows or are within 100 feet of active PAMB burrows.	(see above)	(see above)
	Disturbance of coastal prairie vegetation (Class III).	**TB-2**: To minimize biological and cultural resource impacts, AT&T will restrict all project-related activity at Manchester to the dirt road and the pasture land to the south.	AT&T to include measures on final design plans and contractor specifications. Submit to County for approval prior to construction.	Mendocino County Dept. of Planning & Building Services
IMPACTS AT MANCHESTER/POINT ARENA				

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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures

Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
Marine Biology	Localized, mostly temporary disturbance of seafloor habitats. Cable route avoids high relief areas (Class III). Possible anchor impacts on high relief rocky substrates (Class III).	**MB-1**: To avoid potential impacts of anchoring on high-relief rock outcrops, cable installation plans shall incorporate all available data from sidescan sonar, ROV survey, and other sources to map areas of high-relief substrate and designate corresponding no-anchor zones in these areas.	Project plans submitted by AT&T to CSLC and CCC for approval prior to construction.	CSLC/ CCC
	Possible risk of injury to marine mammals during cable installation (Class III).	**MB-2:** A marine mammal training video or photographic presentation shall be reviewed by all shipboard personnel involved with cable operations to emphasize the types of mammals that may occur in the project area, general habits and distribution, and methods to avoid impacts. Included in the presentation shall be a listing of contact numbers to report marine mammals in distress, and a requirement to make a verbal report if any such mammals are observed during project operations.	CSLC and CCC to review and approve training materials and observer protocols, prior to construction.	CSLC/ CCC
		MB-3: A biologist familiar with marine mammal behavior shall be present during installation and repair activities to observe for marine mammals that approach the project area. The observer shall be authorized to call a halt to project activities that pose a risk of injury to marine mammals.	Agencies must approve qualifications of observer and procedures to be followed prior to construction. A Marine Mammal monitoring report submitted to NMFS, CDFG, CCC, and CSLC subsequent to completion of installation activities.	CSLC/ CCC/ NMFS/ CDFG
		IMPACTS AT MANCHESTER/POINT ARENA		

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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures
(Page 5 of 13)

Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
Cultural Resources	Onshore construction activities not expected to affect previously unknown cultural resources (Class III).	**CR-1**: In the event of an unanticipated cultural resource discovery during onshore construction at the Manchester site, all ground disturbance within 200 feet of the discovery shall be halted or re-directed to other areas until the discovery has been documented by a qualified archaeologist and its potential significance evaluated in terms of applicable criteria. Resources considered potentially significant shall be avoided.	Archaeologist's report if a resource is discovered.	Mendocino County Dept. of Planning & Building Services
	Potential disturbance to previously unknown shipwrecks, mitigable by avoidance (Class III).	**CR-2**: Prior to the pre-lay grapnel run and cable installation, the applicant shall provide a detailed analysis by a qualified marine archaeologist of side scan sonar and magnetometer data for the cable route between the shoreline and the 3-nm limit. 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 0.5 kilometer on each side of the proposed cable route. The analysis shall also include investigation of the potential cultural significance of each anomaly identified within the cable corridor that cannot be avoided. 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 must be received prior to the pre-lay grapnel run and cable installation. **CR-3:** Should a previously unknown shipwreck of potential cultural resource value be discovered within the proposed cable corridor as a result of the study required in CR-1, the proposed cable route or installation procedures shall be modified to avoid the potentially significant cultural resource.	Marine Archaeologist's report, verification of resource avoidance, including route modifications if necessary to ensure resource avoidance, to be approved by CSLC, CCC.	CSLC/ CCC
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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures
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Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
Commercial and Recreational Fishing	Short-term localized preclusion of fishing during cable installation; bottom disturbance during cable laying; potential economic losses if fishing is avoided over cables; potential economic losses due to gear entanglement on cables. Proposed project measures would minimize these impacts (Class III).	**CRF-1**: The proposed project incorporates measures to minimize impacts on commercial and recreational fishing as follows: • Throughout the life of the project, AT&T will adhere to the noticing procedures that are specified in the project description.	Copies of *Notice to Mariners* submitted to CSLC/CCC	CSLC/ CCC
		• AT&T will participate in and fund operations of the Point Arena and Morro Bay Joint Cable/Fisheries Liaison Committees, respectively. The purpose of the Committees is to discuss and resolve issues relating to telecommunications cables owned and operated by the cable companies, along the California coast adjacent to Point Arena and Morro Bay.	AT&T to submit "Interim Agreement" with all up to date commitments, procedures, and signatures.	CSLC/ CCC (all measures)
		• Where feasible, AT&T cables will be buried to a target depth of 3 feet (0.9 m) in areas between 3 miles from shore and 1,000 fathoms (1,800 m) water depth.	AT&T to provide videotapes or other documentation of successful cable burial to CSLC and CCC within 60 days following installation.	
		• Timing and methods of construction and installation of the individual cables will be determined by AT&T in consultation with the respective Committees for the Point Arena and Morro Bay areas, with the goal of minimizing any negative impacts to the fishing industry.	AT&T and/or Committee provide record of discussions.	
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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures
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Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
Commercial and Recreational Fishing (continued)	(see above)	• A Committee fisherman representative will be offered the opportunity to be on board the cable installation vessel to observe cable installation.	AT&T and Committee verify that the opportunity was made available.	
		• Following installation of the cables, AT&T will provide cable "as built" coordinates to the fishermen in writing, electronically, and on navigational charts.	Documents demonstrating compliance submitted to CSLC and CCC by AT&T within 60 days following installation.	CSLC/ CCC (all measures)
		• AT&T will conduct burial verification of the cables every 18 to 24 months (and after any event that may affect the cables) by ROV and will provide to the Committee videotapes recording the verification.	Copies of videotapes provided to CSLC and CCC by AT&T within 60 days following installation.	
		• Each licensed fisherman owning and operating vessels engaged in trawl fishing in the area of the proposed cables who signs the Fishing Agreement will receive payment from participating cable companies for upgrading communication and navigation equipment.	AT&T to provide records of payments to fishermen to CSLC and CCC.	
		• AT&T, either independently or in conjunction with other cable companies, will provide a 24-hour toll-free telephone "hotline" to receive calls from fishermen who believe they have snagged gear on a telecommunications cable.	AT&T to provide hotline number and description of response process to CSLC and CCC.	
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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures
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Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
Commercial and Recreational Fishing (continued)	(see above)	• In the event that a fisherman sacrifices gear in order to avoid injury to an AT&T submarine cable, AT&T will pay 100% of the gear equipment replacement costs, and will pay an additional 50% of those gear replacement costs to compensate the fisherman for loss of catch and fishing opportunity. The full amount of this payment shall be available to any fisherman who sacrifices gear in order to avoid injury to an AT&T submarine cable, regardless of whether the fishermen has signed the Fishing Agreement.	AT&T provide records of all gear claims and their resolution to CSCL and CCC.	CSLC/ CCC (all measures)
		• AT&T will release claims that it might have for damage to cables against fishermen that comply with the terms of the applicable Fishing Agreement and the Fishing Vessel Operating Procedures established by the Committee.	AT&T provide copies of applicable agreement and operating procedures, as signed, to CSLC and CCC.	
		• Upon expiration or termination of the lease, AT&T will present a specific proposal to the CSLC and other appropriate agencies, with a copy to the respective Committees for Point Arena and Morro Bay, to remove cables, and activities required to implement the proposal. The CSLC and other agencies with jurisdiction would review the environmental consequences that could result from proposed activities, taking into account the current equipment and techniques for removal, project-specific information, historical data collected during the cable lifetime, and current environmental conditions in the project area.		
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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures
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Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
Land Use and Recreation	Nuisance noise from installation could affect park users (Class III).	**N-1:** The proposed project incorporates muffled HDD equipment to reduce sound levels to approximately 65 dBA at a distance of 150 feet.	AT&T to include requirement for use of muffling equip. in construction contracts, prior to construction.	Mendocino County Dept. of Planning & Building Services
Aesthetics	Intermittent nearshore vessel traffic for 9 to 10 weeks. Once installed, the cable would be buried and result in no visual impacts (Class III).	None.	N/A	N/A
Noise	Unhindered noise exposure at the group campground would be approximately 56 dB without noise shielding (Class III).	**N-1:** The proposed project incorporates muffled HDD equipment to reduce sound levels to approximately 65 dBA at a distance of 150 feet.	AT&T to include requirement for use of muffling equip. in construction contracts.	Mendocino County Dept. of Planning & Building Services
Public Services and Utilities	Precautionary construction techniques would prevent adverse impacts on existing undersea utilities. (Class III).	None.	N/A	N/A
Onshore Traffic	The maximum of 40 additional vehicle trips during cable installation would not result in lane closures, impedance to traffic flow, or damage to traffic control systems (Class III).	None.	N/A	N/A
Marine Transportation	Localized, short-term interference with vessel traffic, similar for proposed and maximum burial alternative routes; mitigated by proposed noticing procedures (Class III).	As proposed (CRF-1), AT&T will ensure the publication of a *Notice to Mariners*, describing the nature, location, and duration of cable installation activities, at least 15 days prior to initiation of activity.	CSLC/CCC provided with *Notice to Mariners* when issued. CSLC/CCC concurrently provided with all information distributed to local fishermen.	CSLC/ CCC
IMPACTS AT MANCHESTER/POINT ARENA				

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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures

Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
System Safety/ Risk of Upset	Low likelihood of accidents, none with potentially severe consequences (Class III).	None.	N/A	N/A
Socioeconomics	Although both adverse and beneficial impacts are likely, their magnitude would be minor and less than significant (Class III).	See measure CRF-1, as discussed above.	(see above)	(see above)
IMPACTS AT MORRO BAY				
Air Quality	Short-term exceedance of San Luis Obispo County APCD thresholds during cable installation (Class III).	**AQ-1:** The injection timing on diesel-powered vessels and construction equipment will be retarded 4° prior to and throughout cable installation with the exception of the main cable ships which will be operated at 3° retardation. These measures will produce a 20-25 percent reduction in emissions of nitrogen oxides (NOx).	AT&T installation contractor to provide SLO APCD with mechanic's records documenting application of emission reduction strategies. Prior to installation, provide the SLO APCD with project schedules and equipment lists.	SLO APCD

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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures
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Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
Air Quality (continued)	(see above)	**AQ-2**: Onshore equipment will use low-sulfur/low-aromatic diesel fuel as designated by the ARB. Ocean vessels will burn low-sulfur diesel fuel as designated by the EPA.	AT&T installation contractor to provide fuel tickets or other evidence of use of approved fuels to SLO APCD prior to and continuing during construction.	SLO APCD
		AQ-3: With the exception of marine vessel injection timing retard (AQ-1), all diesel powered construction equipment will be properly tuned, well maintained, and operated within manufacturer's specifications.	AT&T installation contractor to provide equipment list and documentation of compliance to SLO APCD prior to and continuing during construction.	SLO APCD
		AQ-4: If total NOx emissions in San Luis Obispo County exceed 2.5 tons, AT&T will contribute to a San Luis Obispo County APCD program an amount set by the APCD, based on the average costs of air quality offsets provided by the APCD.	AT&T to provide funds to SLO APCD.	SLO APCD
Geology	Disturbance of seafloor substrates (Class III).	None required.	N/A	N/A
Water Quality	Small-scale, temporary increases in turbidity during cable installation (Class III); potential spills from vessels mitigated by project operating procedures and spill contingency plans.	None required.	None	None
IMPACTS AT MORRO BAY				
Biology	No impacts on terrestrial resources. Localized, mostly temporary disturbance of seafloor habitats (Class III), Possible anchor impacts on high relief rocky substrates (Class III).	Same as MB-1, MB-2, and MB-3, discussed above under Manchester/Point Arena.	Same as MB-1, MB-2, and MB-3, discussed above under Manchester/ Point Arena.	CSLC/ CCC

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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures

Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
Cultural Resources	Potential disturbance to previously unknown shipwrecks (Class III).	Same as CR-2 and CR-3, discussed above, under Manchester/Point Arena.	Same as CR-2 and CR-3, discussed above, under Manchester/ Point Arena.	CSLC/ CCC
Commercial and Recreational Fishing	Short-term localized preclusion of fishing during cable installation; potential economic losses if fishing is avoided over cables; potential economic losses due to gear entanglement on cables (Class III).	Same as CRF-1, discussed above, under Manchester/ Point Arena.	Same as CRF-1, discussed above, under Manchester/ Point Arena.	CSLC
Land Use and Recreation	Potential short-term interference with recreation at the Sandspit Parking Lot (Class III).	**REC-1**: To mitigate the potential impact of cable installation activities on recreation associated with the Sandspit Parking Lot, AT&T shall coordinate with Montaña de Oro State Park on the scheduling of activities and on measures to ensure the availability of parking, restrooms, and pedestrian access to the beach during proposed project activities at the parking lot.	Approved schedule for installation provided in writing.	CDPR
Aesthetics	Intermittent nearshore vessel traffic for nine days. Once installed, the cable would be buried and result in no visual impacts (Class III).	None.	N/A	N/A
Noise	Temporary noise and the presence of working equipment and workers during cable installation (Class III).	None.	N/A	N/A
Public Services and Utilities	Precautionary construction techniques would prevent adverse impacts on existing undersea utilities (Class III).	None.	N/A	N/A
		IMPACTS AT MORRO BAY		
Onshore Traffic	The maximum of 40 additional vehicle trips during cable installation would not result in lane closures, impedance to traffic flow, or damage to traffic control systems (Class III).	None.	N/A	N/A

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Table ES-1. Summary of Project Impacts and Mitigation and Monitoring Measures
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Resource Area	*Impact & Significance Class* [1]	*Mitigation Measure (Incorporated into Proposed Project)*	*Monitoring or Documentation Required*	*Responsible Party*
Marine Transportation	Localized, short-term interference with vessel traffic, similar for proposed and maximum burial alternative routes; mitigated by proposed noticing procedures (Class III).	As proposed (CRF-1), AT&T will ensure the publication of a *Notice to Mariners*, describing the nature, location, and duration of cable installation activities, at least 15 days prior to initiation of activity.	CSLC/CCC provided with *Notice to Mariners* when issued. CSLC/CCC concurrently provided with all information distributed to local fishermen.	CSLC/ CCC
System Safety/ Risk of Upset	Low likelihood of accidents, none with potentially severe consequences (Class III).	None.	N/A	N/A
Socioeconomics	Although both adverse and beneficial impacts are likely, their magnitude would be minor and less than significant (Class III).	Same as CRF-1, as discussed above.	Same as CRF-1, as discussed above.	CSLC/ CCC

1. Class III = less than significant. All impacts are less than significant with the incorporation of commitments and mitigation measures into the proposed project as described in section 2.10 of the Draft MND.

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