

MINUTE ITEM
This Calendar Item No. C09
was approved as Minute Item
No. 9 by the State Lands
Commission by a vote of 3
to 0 at its 118102
meeting.

CALENDAR ITEM

A 29
S 14

C 0 9

01/08/92
W 24616 PRC 7603
Garibay

GENERAL PERMIT - RIGHT-OF-WAY USE

APPLICANT:

American Telephone and Telegraph Company
4430 Rosewood Drive, Suite 3684
Pleasanton, California 94588

AREA, TYPE LAND AND LOCATION:

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

LAND USE:

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

TERMS OF ORIGINAL PERMIT:

Initial period:

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

CONSIDERATION:

Exempt, pursuant to Section 7901, Public Utilities Code.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

05/12/92

OTHER PERTINENT INFORMATION:

1. As part of a long distance telephone system, the
Applicant proposes to install fiber optic cable from
Los Osos to Hawaii.

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2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
3. A Negative Declaration was prepared and adopted for this project by San Luis Obispo County. The State Lands Commission's staff has reviewed such document.
4. San Luis Obispo County's conditions of approval are attached as Exhibit "D", which include all environmental mitigations for the project as well as conduct of an Offshore Information Program. The Offshore Information Program includes alerting commercial fishermen and other boaters regarding offshore construction activity, as well as publishing a Notice to Mariners and submitting a post-construction report to enable the cable alignment to be charted for nautical purposes. Commission staff have requested the applicant to submit evidence of following the offshore Information Program to Commission staff upon completion of the construction activity.
5. The annual rental value of the site is estimated to be \$18,900.
6. The California State Department of Parks and Recreation own the uplands and the Applicant has obtained an easement with State Parks effective.

APPROVALS OBTAINED:

San Luis Obispo County, California Coastal Commission, and the Department of Parks and Recreation.

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Notice of Determination
- D. San Luis Obispo County's Conditions of Approval

CALENDAR ITEM NO. C 0 9 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
2. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF SAN LUIS OBISPO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. AUTHORIZE ISSUANCE TO AMERICAN TELEPHONE AND TELEGRAPH COMPANY OF A CONTINUOUS USE, PLUS ONE (1) YEAR, GENERAL PERMIT - RIGHT-OF-WAY USE, PURSUANT TO THE PROVISIONS OF SECTION 7901 OF THE PUBLIC UTILITIES CODES, FOR INSTALLATION, USE AND MAINTENANCE OF A FIBER OPTIC CABLE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

W24616

LAND DESCRIPTION

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

Said strip of land is 240 feet in width, 150 feet northerly and 90 feet southerly of the following described line: Commencing at a point at Latitude 35° 18.00' N, Longitude 120° 52.35' W, on an azimuth of 290.65 to the mean high water mark of the Pacific Ocean and the POINT OF BEGINNING; thence continuing northwesterly on the azimuth of 290.65°, 2,068.70 feet to a point at Latitude 35° 18.21' N, Longitude 120° 53.04' W; said point is hereinafter referred to as Point "A"; thence northwesterly from Point "A" said strip of land is 50 feet in width, 25 feet each side of the following described centerline: Beginning at said Point "A" thence northwesterly on an azimuth of 295.65°, 350.45 feet to a point at Latitude 35° 18.23' N, Longitude 120° 53.10' W, thence northwesterly on an azimuth of 298.32 , 10,734.91 feet to a point at Latitude 35° 19.07' N, Longitude 120° 55.00' W, thence northwesterly at an azimuth of 282.81° to a point on the offshore ownership boundary of the State of California, and the end of the herein described line.

EXCEPTING THEREFROM any portion lying landward of the mean high tide line of the Pacific Ocean.

This description based on the World Geodetic System of 1984, (Same as NAD 1983).

END OF DESCRIPTION

SCANNED & FORMATTED NOVEMBER, 1991 BY LLB

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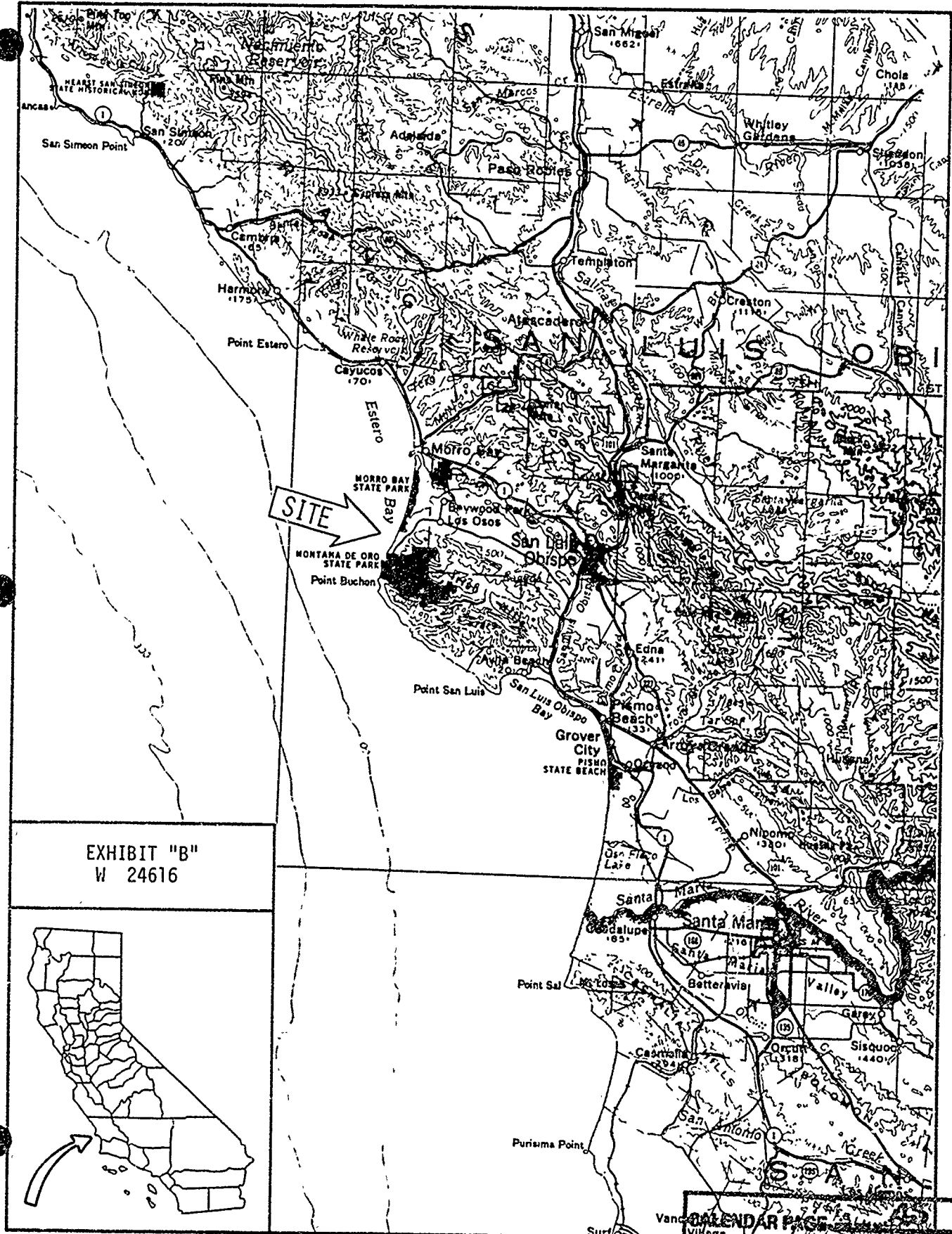


EXHIBIT "B"
W 24616



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EXHIBIT "C"

P.2
(ENDORSED)
FILED

NOV 15 1991

**I. COUNTY OF SAN LUIS OBISPO
NOTICE OF DETERMINATION AND
NEGATIVE DECLARATION**

FRANCIS M COONEY COUNTY CLERK
BY **ELEANOR PASTER**
DEPUTY CLERK

ENVIRONMENTAL DETERMINATION NO.ED90-848

DATE: September 13, 1991

Revised: November 1, 1991

PROJECT DESCRIPTION

APPLICATION/ENTITLEMENT: AT&T Fiber Optic Cable Project Onshore (AT&T Development Plan) and Offshore Portion; (D900132D)

PLANNING AREA: Estero and San Luis Obispo; Rural

LAND USE CATEGORY: Agriculture; Rural Lands; Recreation

LUE COMBINING DESIGNATIONS: Local Coastal Plan; Geologic Sensitivity Area; Sensitive Resource Area

PARCEL SIZE: The project is a linear cable line route with a typical right of way width of 30 feet with a trench width of 24" for a distance of 10.5 miles, crossing a number of individual parcels of varying sizes

LOCATION: The cable route goes from the AT&T San Luis Obispo junction facility, located southwest of the intersection of Los Osos Valley Road and Foothill Road, extending overland to and through Montana de Oro State Park south of the community of Los Osos. It then progresses to the point at which the new cable would be located on the sea bottom approximately three miles offshore.

PROPOSED USE/INTENT: Proposal to replace an existing cable line with fiber optic cable

APPLICANT: AT&T Communications of California, Inc., Pleasanton, CA.

ENVIRONMENTAL SETTING

Topography: Varies from gently sloping to steeply sloping hillsides, creek crossing, gently rolling sand dunes and sea floor.

Vegetation: Coastal sage, grassland, Morro manzanita, Arroyo de la Cruz manzanita, chaparral, dune vegetation; oak woodland.

Soil Type: Diablo and Cibo clays; Baywood fine sand; Conception loam; Gaviota fine sandy loam; Gazos-Lodo clay loams; Lodo clay loam; Lopez very shaly clay loam; Los Osos loam; rock outcrop-lithic haploxerolls complex; Salinas silty clay loam; Santa Lucia shaly clay loam

Soils Characteristics: Well to very poorly drained, low to high erodibility; low to high shrink swell potential

Geologic Hazards: Negligible or moderately high to high landslide potential; negligible to high liquefaction potential

Fire Hazard: Moderate to high

Water: N/A

Sewage Disposal: N/A

Existing Use: Existing AT&T cable right of way, undeveloped; State Park; grazing; Pacific Ocean

Surrounding Uses: Scattered single family residences; State Park; grazing and other agricultural uses; undeveloped

ADDITIONAL INFORMATION

Additional information pertaining to this environmental determination may be obtained by contacting the Environmental Coordinator's Office, County Government Center Rm 370, San Luis Obispo, CA 93408, (805) 549-5011.

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STATEMENT OF FINDINGS

The Environmental Coordinator after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Sections 21108 21151 & 21167) is proposed.

ACTION TAKEN

On November 14, 1991, the San Luis Obispo County Board of Supervisors/Planning Commission/Staff, having considered the Environmental Coordinator's action, approved/denies this project.

A copy of the Negative Declaration is available for review from the San Luis Obispo County Clerk, Room 385, County Government Center, San Luis Obispo, CA 93408.

Prepared by the Morro Group, Inc. for the San Luis Obispo County Environmental Coordinator's Office

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EXHIBIT "D"

APPENDIX B
EXHIBIT D900132D:B
CONDITIONS OF APPROVAL

APPROVED USE

1. This approval authorizes trenching and horizontal boring for installation of a fiber optic cable from the County's western jurisdictional boundary easterly for approximately 10.5 miles to the AT&T facility located on Los Osos Valley Road; involving realignment of portions of the easement for the cable; a 50 space parking lot; boardwalk trail over the stabilized dunes to the beach, including continuous fencing and signing of the boardwalk; and habitat restoration and revegetation for all portions of the cable route with environmental monitoring. Project development and ongoing use shall be consistent with the Park General Plan and the Master Development Plan/Coastal Development Permit (D900110D). The project shall be consistent with revised plans listed herein as well as the negative declaration/expanded initial study which further defines environmental mitigation measures for the project. For the purposes of administering various aspects of the project the following phases will be followed:

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

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

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

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

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

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

CONSTRUCTION SCHEDULE

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

MITIGATION MONITORING

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

STAKING OF DISTURBANCE AREAS

4. Prior to commencing construction activities or any clearing in preparation for construction staging, for each phase, the applicant shall stake with lath and flag all areas proposed for

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

CLEARANCE AND INSPECTION

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

REVISED SITE PLAN

PHASE I AREA

6. Prior to commencing construction of Phase II the applicant shall submit a set of precise plans to function as a revised site plan (including project detail plans) for all areas included within this Phase (see condition number 1 above). The revised site plan shall be at a scale to show sufficient detail of all aspects of the proposed improvements and shall include but not be limited to the following:
 - (a) A practical Plan and Profile for the road leading from Pecho Road to the Parking Lot.
 - (b) A parking lot detail to show the location of 50 parking spaces, fencing, signing the location of the restrooms and an interior planter area to be used to establish native plants to make the parking lot more aesthetically pleasing and in keeping with surrounding vegetation. Native vegetation shall be selected in conjunction with State Parks and the County, and shall be established during the revegetation portion of the project, prior to commencing with Phase III. The parking lot shall include bicycle racks to accommodate at least 25 bicycles.
 - (c) A site detail (or details) for the boardwalk to the beach showing width, height, anchoring, and length.
 - (d) A comprehensive fencing plan to ensure that visitors are contained within the parking lot, road and boardwalk areas and that human intrusion into sensitive habitats is minimized to the greatest extent feasible.
 - (e) A comprehensive signing plan coordinated with State Parks, to indicate that hiking is not allowed outside of fenced areas and to ensure that the public understands the sensitive nature of the surrounding habitat.

PHASE II AREA

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

ONGOING MANAGEMENT OF BEACH PARKING LOT AND BOARDWALK

8. The ongoing management of this area shall be in accordance with the Montana de Oro Park Plan with the additional mitigation measures established in these conditions of approval. If degradation due to human use occurs additional mitigation shall be initiated, including but not limited to gating of the roadway to limit hours of use or possible closure for sufficient periods

of time to allow recovery. Annual progress reports shall evaluate the overall condition of this area as required by the conditions of approval for the Master Development Plan/Coastal Development Permit. Evaluation shall be by the Department of Parks and Recreation in conjunction with the county and any other appropriate agencies.

AGENCY CLEARANCE

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

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

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

ARMY ROAD CLOSURE AND HABITAT REGENERATION

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

GRADING AND DRAINAGE REVIEW FOR PARKING LOT

11. Submit grading, drainage and erosion control plans prepared in accordance with requirements of Section 23.05.044 of the County Coastal Land Use Ordinance to the Department of planning and Building for review and approval prior to any construction activities along the cable route. If so required, review of the plan shall be subject to inspection and checking agreement with the Engineering Department and/or the plan shall be prepared by a registered civil engineer. Grading and Drainage Permits may be phased at the discretion of the Senior Building Official and Enviromental Coordinator. The plans shall provide for the following:

- a. protection of coastal streams and wetlands.
- b. protection of terrestrial habitat.
- c. drainage devices within the beach parking lot shall include traps for petroleum residue.
- d. minimizing removal of vegetation.
- e. maximum feasible erosion control.
- f. maximum feasible control of sedimentation.
- g. all environmental mitigation measures listed in the mitigation measures listed below and as further defined in the negative declaration/expanded initial study.

ARCHAEOLOGICAL RESOURCE PROTECTION

12. If archaeological resources or human remains are accidentally discovered during construction, County shall be notified, work shall be halted within 50 meters (150 feet) of the find, until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures (if necessary) shall be formulated and will be outlined within 48 hours of discovery, and will be implemented. If any archaeological evidence is discovered during earthwork, only the area that shows signs of evidence is affected, and construction activities can proceed outside the affected area, subject to monitoring requirements.

EFFECTIVE APPROVAL PERIOD

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

ENVIRONMENTAL MITIGATION MEASURES

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

A. MITIGATION MONITORING

An environmental monitor approved by the County shall be hired at the applicant's expense to oversee construction activities and mitigation measure implementation. The monitor shall submit a work program to the Planning and Building Department for review and approval prior to issuance of grading and final land use permits. The work program shall include timing of proposed activities, methods used to monitor activities, criteria for evaluation, and timing of reports to the County Planning and Building Department. The reports shall detail the applicant's compliance with conditions of approval and the mitigation measures outlined in the project Negative Declaration. In the event that field conditions warrant changes in design, the environmental monitor shall have the authority to stop work on the project until the redesign has been reviewed and approved by the Planning and Building Department.

The county environmental monitor shall oversee the entire length of the project. However, the California Department of Parks and Recreation have indicated that they wish to utilize their environmental monitor to monitor all construction activities within the limits of Mission de Oro State Park. The county's environmental monitor will coordinate monitoring activities with the state park monitor. Within the state park, the state park monitor will be the principal monitor, and will be responsible for keeping the county environmental monitor apprised of compliance with the conditions set forth in this statement. The county monitor will be allowed to observe construction activities within the state park and will be responsible for informing the state park monitor if AT&T is not complying with county conditions. It will be up to the state park monitor to ensure compliance with the county conditions as well as state park conditions within the state park boundary.

B. MITIGATION MEASURES INCLUDED IN THE PROJECT BY AT&T

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

The applicant has committed to mitigation measures as listed below. These measures would be made a part of each construction contract let by AT&T, and the contracts would require an engineer/inspector for AT&T on each construction spread to enforce the terms of the contract. The term "Authorized Officer" as used in these measures is the person in the affected agency responsible for making the determination referenced.

General Measures

1. *Standard procedures for the proposed fiber optic cable project would include implementation of erosion control and revegetation measures to ensure that lands disturbed by construction activities would be restored to a stable, productive, and aesthetically acceptable condition .*
2. *Detailed site-specific restoration and reclamation plans would be developed under the direction of the appropriate agency official. Because the proposed right of way is composed of many types of terrain, soils, water, bedrock, vegetation, land uses, and climatic conditions, AT&T would include sets of techniques and measure tailored to each condition encountered. Site-specific erosion control, re-vegetation, and restoration measures would be implemented under the direction of the appropriate agency official.*
3. *During construction of the project, an AT&T representative would provide: 1) liaison with the appropriate agency officials; b) expertise to direct applicable restoration procedure when special conditions are encountered, without causing construction delays; and c) favorable public relations .*
4. *General erosion control and restoration measures are applicable to the following areas:*
 - *seasonal restrictions for construction phases*
 - *right of way and site clearing*
 - *plowing, rock sawing, or trenching, and preservation of topsoil*
 - *backfilling and grading*
 - *land preparation and cultivation*
 - *revegetation*
 - *maintenance and monitoring*
5. *Actual construction activities would immediately follow clearing operations. Rehabilitation and revegetation would immediately follow construction operations, especially in areas of soil that are highly susceptible to wind or water erosion and/or in other special areas.*

6. AT&T would conduct all activities associated with the project in a manner that would avoid or minimize degradation of air, land, and water quality. In the construction, operation, maintenance, and abandonment of the project, AT&T would perform its activities in accordance with applicable air and water quality standards, related facility siting standards, and related plans of implementation, including but not limited to, the Clean Air Act, as amended (42 USC 1321).
7. All design, material, and construction, operation, maintenance and termination practices would be in accordance with safe and proven engineering practices.

Specific Resource/Activity Measures

Access and Transportation

1. Design and construction of all temporary, reconstructed, and newly constructed roads would ensure proper drainage, minimize soil erosion, and preserve topsoil. The design would include clearing work, rehabilitation, and use and maintenance agreements associated with transportation needs.
2. Construction-related traffic would be restricted to routes approved by the appropriate agency official. New access roads or cross-country vehicle travel would not be permitted unless prior written approval was given by the appropriate agency official. Temporary roads used by AT&T would be rehabilitated when construction activities were complete, as approved by the appropriate agency official.
3. Where possible, the right of way itself would be used as an access road during the construction period. The Department of Parks and Recreation would require that the access roads paralleling the fiber optic cable be closed and vegetative cover re-established after construction is completed.
4. As a general rule, no overland access to the right of way would be permitted. When necessary, overland access would be specified in lieu of road construction or reconstruction.
5. All temporary roads would be closed and areas restored without undue delay or maintained as specified in the land use authorizations.
6. Boring to allow conduit installation would be specified for certain developed roads.
7. When providing access to fiber optic cable right of way, the stream and any washes would be crossed at existing roads or bridges. Any construction activity in a perennial stream would be prohibited unless specifically allowed by the appropriate agency official or the California Department of Fish and Game Enforcement Representative. All stream channels and washes would be returned to their natural state. California Department of Fish and Game stream alteration agreement Section 1601 and 1603 permits would control and stipulate construction procedures at stream crossings in California. All streams would be crossed between June 1 and October 15, except where prior written permission has been granted by the state and federal representatives.
8. All damaged streets would be repaired to the permit requirements of the governing agency (e.g., city or county road or street cut permits), or otherwise to an equal or better condition.

Traffic Control

All traffic would be controlled in a safe and efficient manner.

Seasonal Restrictions

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

Clearing and Site Preparation

1. Sidehill cuts would be kept to a minimum to ensure resource protection and a safe and stable plan for efficient equipment use. The appropriate agency official would provide assistance and would approve sidehill cuts prior to construction.
2. Existing ground cover such as grasses, leaves, brush, and tree trimmings would be cleared and piled only to the extent necessary. Slash and limbs would be disposed of as directed by the appropriate agency official.
3. Trees and shrubs on the right of way that are not cleared would be protected from damage during construction. The bulldozers would maintain their blade in a raised position except at areas designated for clearing, such as bore pits, manholes, splice boxes, and washes.

Cable Installation

1. Grading for cable installation would be done only when necessary.
2. In trenching operations, unearthed materials would be removed and stored in a manner that facilitates backfilling procedures, uses a minimum amount of right of way area, and protects the excavated material from vehicular and equipment traffic.
3. Plowing, rock sawing, and trench backfilling operations would be conducted in such a manner as to minimize further disturbance of vegetation.

Backfilling and Grading

1. Trench backfill would be replaced and compacted as specified and approved by the appropriate agency official and/or responsible state or county permitting officer.

Rehabilitation and Revegetation

1. In strongly sloping and steep terrain (greater than 28 percent slope), erosion control structures such as water bars, diversion channels, and terraces would be constructed to divert water away from the fiber optic cable trench and reduce soil erosion along the right of way and other adjoining areas disturbed during construction, as specified and approved.

2. AT&T would dispose of materials unsuitable for backfilling or excess backfill material at approved locations.
3. Temporary work space areas used at stream and highway crossings and other special sites would be restored to approximate preconstruction conditions.
4. Suitable mulches and other soil stabilizing practices would be used on all regraded and topsoiled areas to protect unvegetated soil from wind and water erosion and to improve water absorption.
5. Rock mulches would be used in steep-sloping rock outcrop areas and low precipitation areas to reduce erosion and promote vegetation growth.
6. AT&T would revegetate disturbed areas where necessary, using an agreed upon method suitable for the locations.
7. Seed would be planted by drilling, broadcasting, or hydroseeding.
8. Seeding would be done when seasonal or weather conditions are most favorable.
9. Only species adapted to local soil and climatic conditions would be used. Generally, these would be native species. However, introduced species may be considered for specific conditions.
10. Seed mixtures would be planted in the amount specified in pounds of pure live seed/acre, where necessary. There would be no primary or secondary noxious weeds in the seed mixture. Seed would be tested, and the viability testing of seed would be done in accordance with state laws and within 9 months prior to purchase. Commercial seed would be either certified or registered seed.

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

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

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

11. Waterbars may be constructed to: 1) simulate the imaginary contour lines of the slope (ideally with a grade of 0 or 2 percent); 2) drain away from the disturbed area; and 3) begin and end in vegetation or rock whenever possible.
12. AT&T would trim all woody vegetation in preference to cutting, and would cut all woody vegetation in preference to bulldozing.

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

14. Temporary measures could include the following:

- constructing temporary breakers at proper intervals on slopes and access roads to control runoff whenever applicable;
- installing silt screens as silt barriers in swales, at the base of small slopes, and in other areas subject to sedimentation from low velocity runoff;
- temporarily seeding critical areas such as road cuts and stream banks with an approved grass seed mixture;
- mulching slopes; and
- protecting drains with barriers.

Fire Control

AT&T would work with the State Department of Parks and Recreation and the California Division of Forestry/County Fire Department prior to construction to develop a fire plan, and would follow restrictions prescribed by the Montana de Oro State Park. AT&T would take into account measures for prevention and suppression of fire on the right of way and other state lands used or traversed by AT&T in connection with operations of the right of way. Project personnel would be instructed as to individual responsibility.

Visual Resources

1. Trees which must be removed would be cut. Trees with trunks outside the 15-foot wide area of disturbance would not be cut, but would only have overhanging limbs removed by cutting, with the tree to remain. Limbs which are removed would be cut flush with the tree trunk to avoid leaving unsightly stubs. Trees and shrubs in the right of way that are not cleared would be protected from damage during construction.
2. Adjacent to Pecho Valley Road in the sensitive view areas, disturbed soils within the right of way would be treated to reduce landscape texture contrasts and soil color contrasts. This would be accomplished by hand-placing clumps of cut brush and limbs in a layer about 2 feet thick over the disturbed area. The cut limbs and brush would be generated from on-site by the feather of right of way edges. The clumps would be spaced so that there would not be a continuous fuel source in case of wildfire.
3. Adjacent to Pecho Valley Road in sensitive view areas, revegetation of the right of way by native brush species would be encouraged. No grass seeding would occur in these areas. Grass seeding could compete for available moisture and nutrients and could inhibit brush and tree revegetation in these sensitive visual areas.

4. *In sensitive focal point areas, waterbars would have a crescent-shaped, or curved, alignment, rather than the typical straight line, 2 percent grade of most waterbars. Curved waterbars would have a high point on top of the buried cable and two outlets per bar, one at each side of the right of way. Outlets would be tied in to a naturally brushy or rocky area to dissipate energy of the water.*
5. *In sensitive view areas adjacent to Pecho Valley Road, no maintenance roads or off-road-vehicle (ORV) trails would be permitted along the fiber optic cable route. Signs prohibiting ORV use of the right of way would be placed at the crossings of the right of way by any road.*

Safety/Health

1. *Care would be taken to avoid lubricant and fuel spills and other types of pollution in all areas including streams and other water bodies and in their immediate drainage areas. All spills and trash would be cleaned up immediately.*
2. *Engine oil changed would be contained in suitable containers and disposed of as refuse.*
3. *Construction equipment would not be refueled or serviced within stream channels.*
4. *Garbage and other refuse would be disposed of in an authorized disposal site or landfill.*
5. *Construction sites would be maintained in a sanitary condition at all times; waste materials at those sites would be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.*

Land Uses

1. *All existing improvements under federal management or permit would be protected, and damage would be repaired immediately.*
2. *Existing fences, gates, and brace panels that require modification during construction would be reconstructed to appropriate State Parks standards.*
3. *Gates on established roads on State Parks-administered lands would be left locked or closed as designated by the Authorized Officer.*
4. *AT&T would protect all survey monuments found within the right of way. Survey monuments include, but are not limited to, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) surveys monuments. In the event of obliteration or disturbance of any of the above, AT&T would report the incident, in writing, to the appropriate agency official and the respective installing authority if known.*
5. *AT&T would provide for the safety of the public using public roads intersecting the AT&T right of way. Safety measures would include, but not be limited to, road detours, barricades for open trenches, and flagpersons with communication systems for blasting operations.*

Threatened or Endangered Plants and Animals

1. Field surveys would be conducted for state and federal listed species potentially present along the route. Where appropriate and necessary, site-specific mitigation would be developed and approved by the land management agencies, U.S. Fish and Wildlife Service, and California Department of Fish and Game. Field work for identification of plant species would be done before construction and would be scheduled to coincide with known flowering periods and/or during periods of phenological development necessary to identify the plant species of concern.
2. Construction activity would not take place within 0.5 mile of identified raptor nesting areas during the period February 1 through July 15.

Stream Crossings, Wetlands, and Fisheries

1. Where the right of way crosses streams, the banks would be stabilized to prevent erosion. Construction techniques would minimize damage to shorelines, recreational areas, and fish and wildlife habitat.
2. During construction activities near streams, sedimentation (detention) basins and/or straw bale or fabric filters will be constructed to prevent suspended sediments from reaching downstream watercourses or lakes, as required by the California Department of Fish and Game.
3. Los Osos Creek would be trenched during the dry season.
4. No blasting in a live stream would occur.
5. Disturbance to riparian vegetation and wetlands would be minimized by avoidance where possible. Approaches to streams would require selective clearing of vegetation subject to California Fish and Game authorization. No mature riparian trees would be removed.

Cultural and Paleontological Resources

1. AT&T would meet all stipulations to fulfill all federal and state cultural and paleontological resource legal requirements.
2. Any cultural and/or paleontological resource (historical or prehistoric site or object) discovered by AT&T, or any person working on AT&T's behalf, would be immediately reported to the appropriate agency official. AT&T would suspend all operations in the immediate area of such discovery until written authorization to proceed was issued by the appropriate agency official. An evaluation of the discovery would be made by the appropriate agency official to determine appropriate actions to prevent the loss of significant cultural or scientific values. AT&T would be responsible for the cost of evaluation, and any decision as to proper mitigation measures would be made by the appropriate agency official after consulting with AT&T.

C. SOILS AND EROSION

16. Erosion of Cut and Fill Slopes. In order to reduce the potential erosion of cut and fill slopes, the angle of the cut and fill slopes shall be decreased from the standard of 2:1 (horizontal to vertical) to 3:1 west of Pecho Valley Road. This will increase the area of disturbance, but it will decrease erosion prior to revegetation and will also facilitate revegetation.

17. Erosion Control East of Pecho Valley Road. Potential increased erosion in the segment underlain by sand east of Pecho Valley Road along Rim Trail shall be controlled by providing waterbars at intervals no greater than 200 feet. Providing periodic diversion of runoff from the trail will reduce the rate of erosion now occurring along this segment.

18. Erosion Control West of Pecho Valley Road. The potential for increased erosion resulting from an increase in concentrated runoff from the access road shall be mitigated by:

- a. Designing, to the satisfaction of the Department of Parks and Recreation, the access road west of Pecho Valley Road to shed runoff as sheet flow; or, 2) collecting runoff from the access road west of Pecho Valley Road and conveying it to canyon bottoms below the active knick points in non-erosive devices, providing energy dissipators at points of release; or 3), collecting runoff from that part of the access road downslope from the two major canyons and conveying it to the parking area where it can infiltrate into the sand, and provision of berms as necessary to retain runoff in the vicinity of the parking area, or conveying all the runoff from the access road to the parking area.
- b. Applicant shall prepare a Drainage Plan for the area west of Pecho Valley Road, to be reviewed and approved by the Environmental Coordinator and the Department of Parks and Recreation prior to the issuance of a final permit for the project.

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

D. BIOLOGICAL RESOURCES

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

a. General Mitigation Measures applying to all routes and improvements.

- 1) Any revegetation shall utilize seeds or cuttings collected from adjacent areas.
- 2) As practicable, revegetation shall occur within the same vicinity as the vegetation to be removed. If it is not possible to revegetate in the same vicinity, then the revegetation shall occur at designated locations as stipulated in the revegetation plan. Unless specified, eucalyptus and other non-native species need not be replanted, but shall be replaced with native species as specified in the revegetation plan.
- 3) Arroyo de la Cruz manzanita, Morro manzanita and coast live oak trees shall be replaced at a ratio of 5:1, with plants established from cuttings or seeds collected from the local population. The revegetation areas for manzanita shall be: 1) in cleared areas adjacent to the right of way or within the right of way if it is not to be used for maintenance; or 2), in

other areas designated by the environmental monitor (such as in areas that have been cleared of eucalyptus, trails to be abandoned or other suitable areas requiring revegetation).

- 4) The revegetation plan shall include the following:
 - Species to be replanted and source of seeds and plants to be used
 - Location of the revegetation areas
 - Timetable for revegetation
 - Method of revegetation (such as the size of plants, soil amendments, special techniques needed to ensure successful replanting, etc.)
 - Irrigation method where needed
 - Method to verify that replanting has been successful
 - The standard county procedures for oak tree preservation shall be included
- 5) Prior to commencement of construction activities, the applicant shall be required to clearly mark all of the trees to be removed during construction as well as any trees that will be trimmed. In the case of manzanita, the marking can be accomplished by stringing colored surveyors tape to denote the areas where plants will be affected.
- 6) Any oak trees, or manzanita that are within ten feet of an area to be graded, not including those to be removed, shall be temporarily marked for protection (e.g., flagged with a different color surveyors tape). The purpose of the marking is to act as a reminder to the construction crew that these areas are not to be disturbed during grading. Marking shall be completed prior to commencement of any grading operations within the affected segment of the line (eg. the rim trail).
- 7) During construction, the operation of heavy equipment shall avoid the area within the driplines of oaks. Such equipment shall not be parked under these trees in order to prevent oily residue from leaking into the root zone and to avoid soil compaction in this area.
- 8) All trenching shall take place outside of the dripline and root zone of all oak trees. Remedial measures ensuring the health of these trees (i.e., pruning to eliminate growth stress) shall also be specified in the revegetation plan. If it is not possible to avoid the driplines of oak trees, the tree shall be considered damaged and shall be replaced as required in item #3 above.
- 9) The Environmental Monitor shall record all trees that are impacted by removal, cutting and grading. The monitor will be responsible for monitoring the health of the replanted trees until it is determined that they can survive on their own, a minimum period of five years.
- 10) The width of the disturbance necessary for construction shall be kept to a minimum. It should be noted that the applicant shall be required to replace all vegetation removed during construction, specifically with a 5:1 replacement of oak trees and manzanita and revegetation with an appropriate mix of native seeds and plants. If the environmental monitor deems that the width of the disturbance is excessive, work shall cease until it can be determined what the appropriate width should be. AT&T has indicated that the width of disturbance should not exceed 40 feet at crossings and in areas of difficult terrain, and would average 30 feet along the majority of the line. In areas of sensitive vegetation, it is possible to reduce the width of disturbance to 10 feet depending on terrain conditions.

b. SLO Junction to Clark Valley Road.

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

c. Clark Valley Road to Los Osos Creek

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

d. Los Osos Creek Crossing

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

e. Los Osos Creek Crossing to 0.2 Miles West of the Eastern Boundary of Montana de Oro State Park

- 1) The alignment shall follow the existing open pathway through the oaks. All disturbance should be as far away from the trunks as possible and outside the drip line.
- 2) The line shall be routed upslope from the wet area shown in Figure V-4 of the Onshore portion of the Expanded Initial Study, and modifications to drainage patterns during construction should be avoided.

f. 0.2 Miles West of the Eastern Boundary of Montana de Oro State Park to Hazard Canyon Road

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

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

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

Once the area of manzanita canopy removal has been determined, the areas of eucalyptus canopy to be removed shall be determined after consultation with the Department of Parks and Recreation. Where the eucalyptus stand to be removed is greater than the amount of manzanita calculated for removal, the entire stand should be removed if the majority of canopy is designated for removal.

The location of the eucalyptus stand and the amount of canopy to be removed shall be included as part of the revegetation plan, and the area of canopy of eucalyptus to manzanita removal can be adjusted during construction with approval of the environmental monitor. The eucalyptus removal shall occur during or immediately after construction of the Rim Trail portion of the line.

Once eucalyptus removal has occurred the applicant may utilize this area for revegetation with manzanita. This manzanita can be with those plantings required in the 5:1 replacement of manzanita removed in the project right of way.

- 3) The alignment shall be routed outside the wetland area, and modifications to drainage patterns during construction should be avoided. If modifications to drainage patterns during construction cannot be avoided, the environmental monitor shall be informed prior to any alterations to drainage. The environmental monitor shall determine, in consultation with State Parks and Recreation and any necessary specialists, if the proposed alterations are necessary, and appropriate mitigation shall be determined at that time.

g. Hazard Canyon Road to Pecho Valley Road

- 1) Morro manzanitas in this area shall be replaced with plants established from cuttings or seeds collected from the local population. Other plants used in the revegetation should include shrubs and herbs native to the local chaparral community.

h. Pecho Valley Road to the Parking Area

- 1) The State Department of Parks and Recreation is proposing to restrict vehicle access to their portion of Army Road. The applicant shall be required to prepare a restoration plan for Army Road. This plan will be prepared in consultation with a biologist with expertise

in Morro Bay kangaroo rat habitats. The plan shall be reviewed by the State Department of Parks and Recreation and the U.S. Fish and Wildlife Service and shall be approved by the Environmental Coordinator's Office. The plan shall include the following:

- Area to be affected by the restoration plan shall be equal to the area disturbed by At&T activities.
 - The plan shall include fencing of the State Parks boundary in the vicinity of Army Road.
 - Remnants of road base along "A" Road and Army Road on State Park property shall be removed and transported to the future parking lot at the proposed boring site. This activity can be implemented after completion of the offshore boring and cable installation or at the time of construction of the parking lot.
 - Any remaining compacted road areas shall be ripped and contoured so that these areas can be revegetated.
 - The plan shall include a revegetation plan for the road areas to be affected and, where appropriate, an exotic plant removal plan such that the road areas can be returned to natural habitat.
- 2) Areas of cut and fill shall be revegetated as soon as feasible after construction of the access road. Revegetation shall include plants native and indigenous to the local area. A qualified botanist shall review and make recommendations regarding the revegetation mix before implementation.
- 3) All Morro manzanitas and dune almonds removed shall be replaced at a ratio of 5:1 with plants established from cuttings or seeds collected from the local population. Other plants used in the revegetation shall include shrubs and herbs native to the local chaparral/coastal dune scrub community. A qualified botanist shall review and make recommendations regarding the revegetation mix before implementation. No introduced species shall be included.
- 4) The access road shall be constructed to its full width as a part of the proposed project to avoid recurrence of impacts at such time as the road were to be widened.

21. Banded Dune Snail. Prior to construction of the segment of the project within 1,000 feet of the parking area (boring site), the limits of disturbance in this segment should be staked and flagged by the applicant, and this area should be re-surveyed for the presence of banded dune snails. Should any banded dune snails be found in this area, they should be removed and placed in suitable habitat west of the project area.

22. Morro Blue Butterfly. The long-term loss of Morro blue butterfly habitat can be mitigated by closing the Army Road. Revegetation of areas within this portion of the project shall include silver beach lupine in the revegetation plan. Short-term losses of habitat in areas of cut and fill can be mitigated by including silver beach lupine in the revegetation of these slopes.

E. ARCHAEOLOGICAL RESOURCES

23. Pre-construction meeting. A pre construction meeting shall be conducted by a qualified archaeologist to advise the construction crew of conditions to be aware of that may indicate the presence of a significant archaeological site.

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24. CA-SLO-798. CA-SLO-798 shall either: 1) be further investigated to determine its extent in the subsurface and its significance; or 2), be avoided by re-routing the alignment along one of several alternatives. Alternative C (one of three alternative routes to avoid the site) as shown on Figure 1 of the archaeological report contained in the file, shall be the preferred route.

A qualified archeologist and Native American observer shall be present to monitor construction in Sensitive Area 1 as designated in the confidential archaeological report available with the Office of Environmental Coordinator to mitigate potential impacts to CA-SLO-787.

F. VISUAL RESOURCES

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

G. OTHER CONDITIONS

26. AT&T Markers. No markers shall be used between Pecho Road and the ocean.

27. Off Shore Information Program. The applicant shall institute an information program to alert commercial fishermen and other boaters regarding offshore activities. At minimum the applicant shall broadcast updates immediately prior to, during, and after construction. A Notice to Mariners regarding the timing and activities of the proposed project shall be published so as to avoid disruption of commercial fishing. A post-construction report shall be provided to the appropriate agency so that the cable is charted in order to reduce any impacts to fishing activities.