

MINUTE ITEM  
This Calendar Item No. C11  
was approved as Minute Item  
No. 11 by the State Lands  
Commission by a vote of 3  
to 0 at its 4-20-00  
meeting.

CALENDAR ITEM  
**C11**

A 33

S 18

PRC 8152.1

04/20/00

W 25493

J. Lien

B. Dugal

**GENERAL LEASE - RIGHT OF WAY USE**

**APPLICANT:**

PC Landing Corp  
360 N. Crescent Drive  
Attention: General Counsel  
Beverly Hills, California 90210

**AREA, LAND TYPE, AND LOCATION:**

11 acres, more or less, of sovereign lands in the Pacific Ocean, near the city of Grover Beach, San Luis Obispo County.

**AUTHORIZED USE:**

The construction, installation, operation, maintenance and use of two 5.25-inch steel conduits and two fiber optic cables.

**LEASE TERM:**

Ten years, beginning April 20, 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:**

\$242,075 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. The above consideration is based on the estimated length of the cable that will be installed. Upon receipt and review of the as-built cable coordinates, the consideration will be modified based on the actual length of cable that is installed.

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**SPECIFIC LEASE PROVISIONS:**

**Insurance:**

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

**Bond:**

\$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. The Commission is the Lead Agency for the purposes of the California Environmental Quality Act (CEQA). Many public agencies will be using the Mitigated Negative Declaration (MND) in their decision making process and will not be granting any rights to the Applicant to construct before the Commission adopts the MND. Pursuant to the proposed Lease terms, and prior to commencing construction, the Applicant will be required to provide evidence to the Commission of the appropriate rights to use the uplands associated with the proposed landing site.
2. The purpose of the project is to develop a fiber optic cable system that will provide additional capacity for global voice and data transmission. The Applicant proposes to install two fiber optic cables, each will have a separate boring and offshore route and a cable landing at Grover Beach. The two cables will be part of the Pacific Crossing (PC-1) submarine cable system and will provide the infrastructure for additional global access to the existing land line communication network.
3. The PC-1 system is designed as a ring configuration consisting of two United States and two Japan cable landings. This ring configuration enables transmission to continue uninterrupted if there is a cable failure by routing transmission through the unaffected parts of the ring.
4. 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 California State Lands Commission ND 700, State Clearinghouse No. 2000011036. Such Proposed Mitigated Negative Declaration was prepared and circulated for public review pursuant to the provisions of the CEQA. On the afternoon and evening of February 16<sup>th</sup>, CSLC staff held public hearings in the city of Grover Beach to receive comments on the MND from the public.

CALENDAR ITEM NO. C11 (CONT'D)

5. 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).
6. A Mitigation Monitoring Program has been prepared in conformance with the provisions of the CEQA (Public Resources Code section 21081.6).
7. 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 Department of Parks and Recreation, California Coastal Commission, California Regional Water Quality Control Board, and city of Grover Beach.

**EXHIBITS:**

- A. Location Map
- B.. Land Description
- C. Mitigation Monitoring Plan

**PERMIT STREAMLINING ACT DEADLINE:**

July 14, 2000

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

CERTIFY THAT A PROPOSED MITIGATED NEGATIVE DECLARATION, CSLC ND NO. 700, STATE CLEARINGHOUSE NO. 2000011036 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.

CALENDAR ITEM NO. C11 (CONT'D)

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

**SIGNIFICANT LANDS INVENTORY FINDING:**

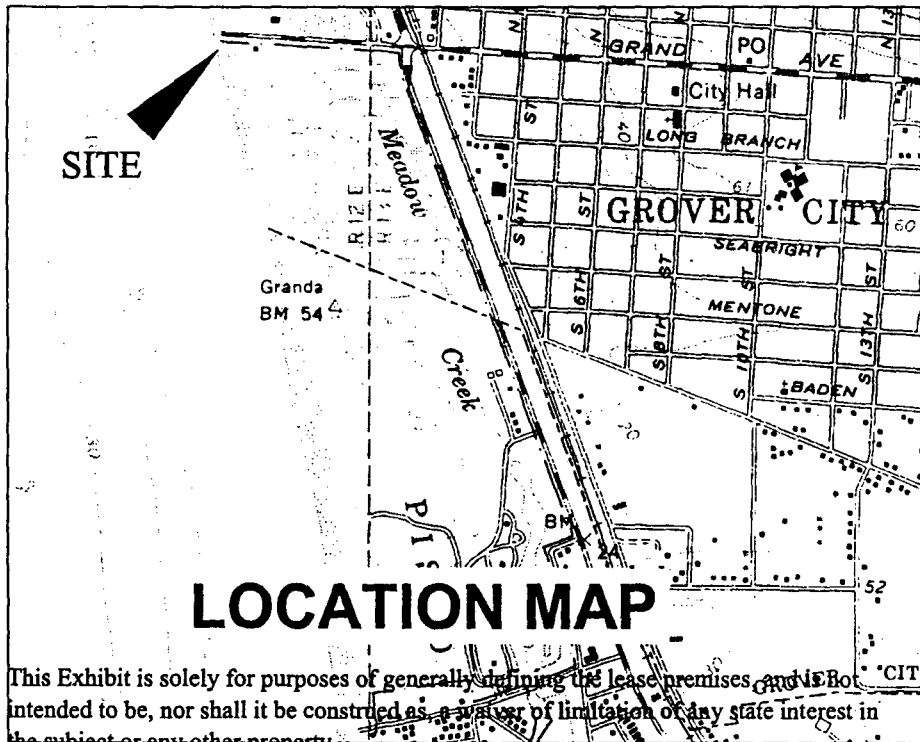
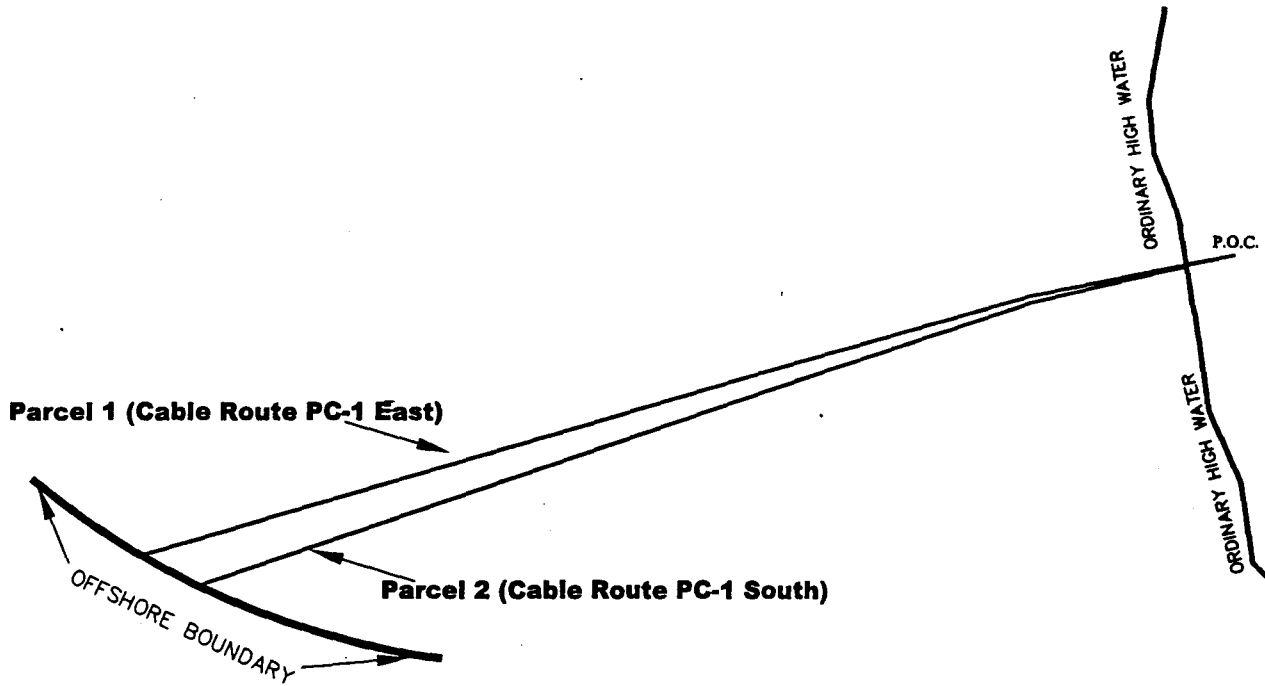
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE  
CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE  
LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,  
ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO PC LANDING CORP OF A GENERAL  
LEASE - RIGHT OF WAY USE, BEGINNING APRIL 20, 2000, FOR A  
TERM OF TEN YEARS, WITH THE RIGHT TO RENEW FOR ONE  
ADDITIONAL PERIOD OF 15 YEARS, SUBJECT TO SUCH  
REASONABLE RENEWAL TERMS AND CONDITIONS AS THE STATE  
MAY IMPOSE, FOR CONSTRUCTION, INSTALLATION, OPERATION,  
AND USE OF TWO 5.25-INCH STEEL CONDUITS AND TWO FIBER  
OPTIC CABLES ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED  
AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT  
IN THE AMOUNT OF \$242,075, (SUBJECT TO ADJUSTMENT BASED  
ON THE LENGTH OF CABLE THAT IS INSTALLED); STATE MAY  
MODIFY THE METHOD, AMOUNT OR RATE OF CONSIDERATION  
EFFECTIVE ON THE SECOND ANNIVERSARY. 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;  
LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE  
NO LESS THAN \$1,000,000; SURETY IN THE AMOUNT OF \$1,000,000.

NO SCALE

# SITE 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**  
**W 25493**  
 RW LEASE  
 GROVER BEACH  
 SAN LUIS OBISPO



EXHIBIT "B"  
LAND DESCRIPTION

W 25493

Two parcels of tide and submerged land; being a ten (10) foot wide use area, five (5) feet along each side of the cable in the bed of the Pacific Ocean, adjacent to Pismo State Beach, San Luis Obispo County, California, more particularly described as follows:

**Parcel 1 ( Cable Route PC-1 East)**

A 3.048 meter wide strip of land lying 1.524 meters on each side of the following described centerline:

Commencing from a point within the lands of Pismo State Beach (herein called "DEA-1") at 35°07'21.90000" North Latitude, 120°37'57.10000" West Longitude, North American Datum 1983 (NAD83), epoch 1991.35 and Universal Transverse Mercator, Zone 10 coordinate value, in meters, at North 3,889,220.28, East 715,733.75 (based on Global Position System observations collected on November 11, 1998 as constrained to the High Precision Geodetic Network at station "CA 05 05", PID: FV2048 with September 6<sup>th</sup>, 1994 National geodetic Survey, geodetic position value published at 35°05'03.22668", North Latitude, 120°35'03.12870" West Longitude, NAD83, epoch 1991.35 and Universal Transverse Mercator, Zone 10 coordinate value, in meters, at North 3,885,053.57, East 720,241.71);

Thence S 78°27'50" W, 311.23 meters, to the mean high water of the Pacific Ocean, being the **True Point of Beginning**;

Thence, across tide lands, S 78°27'50" W, 31.05 meters to mean low water;

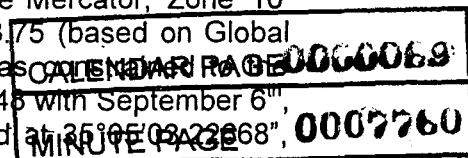
Thence, across submerged lands of the Pacific Ocean, S 78°27'50" W, 1096.94 meters to 35°07'13.63" North Latitude, 120°38'53.03" West Longitude, NAD83, epoch 1991.35 and Universal Transverse Mercator, Zone 10 coordinate value, in meters, at North 3,888,932.46, East 714,323.60;

Thence continuing across submerged lands of the Pacific Ocean, S 73°52'00" W, 6,410 meters, plus or minus, to a point on the 3-mile offshore boundary and the end of said centerline.

**Parcel 2 ( Cable Route PC-1 South)**

A 3.048 meter wide strip of land lying 1.524 meters on each side of the following described centerline:

Commencing from a point within the lands of Pismo State Beach (herein called "DEA-1") at 35°07'21.90000" North Latitude, 120°37'57.10000" West Longitude, North American Datum 1983 (NAD83), epoch 1991.35 and Universal Transverse Mercator, Zone 10 coordinate value, in meters, at North 3,889,220.28, East 715,733.75 (based on Global Position System observations collected on November 11, 1998 as constrained to the High Precision Geodetic Network at station "CA 05 05", PID: FV2048 with September 6<sup>th</sup>, 1994 National geodetic Survey, geodetic position value published at 35°05'03.22668",



North Latitude, 120°35'03.12870" West Longitude, NAD83, epoch 1991.35 and Universal Transverse Mercator, Zone 10 coordinate value, in meters, at North 3,885,053.57, East 720,241.71);

Thence S 76°37'54" W, 311.62 meters, to the mean high water of the Pacific Ocean, being the **True Point of Beginning**;

Thence, across tide lands, S 76°37'54" W, 31.36 meters to mean low water;

Thence, across submerged lands of the Pacific Ocean, S 76°37'54" W, 1096.46 meters to 35°07'12.17" North Latitude, 120°38'52.65" West Longitude, NAD83, epoch 1991.35 and Universal Transverse Mercator, Zone 10 coordinate value, in meters, at North 3,888,887.70, East 714,334.28;

Thence continuing across submerged lands of the Pacific Ocean, S 71°25'00" W, 6,092 meters, plus or minus, to a point on the 3-mile offshore boundary and the end of said centerline.

Note: The basis of bearings for these descriptions is UTM grid, to convert to geodetic north, rotate counter clockwise, 1°21'45.4" at "DEA-1".

END DESCRIPTION

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**EXHIBIT C**

**MITIGATION MONITORING PLAN**

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**Mitigation Monitoring Plan**

Mitigation Number	Mitigation	Impact Reference	Documentation Required	Responsible Agency
<b>Earth Resources</b>				
1	If cable <u>repair</u> is required, the hydrographic survey charts and as-built drawings shall be consulted to locate an area of soft bottom for grapnel retrieval (this is a standard procedure). If the charts indicate the repair location is near one of the rock outcrops, the retrieval point shall be relocated—either along the affected cable or by approaching from the opposite side—to avoid contact with the rock outcrop. Cable loop shall be laid and reburied in soft substrate.	Earth Resources No. 2 (Repair)	Video documentation if near hard substrate	CSLC
2	The cable landing site shall be restored to pre-construction conditions by the following measures: <ul style="list-style-type: none"> <li>■ Removal of excess excavation spoils from the construction site</li> <li>■ Removal of trash and construction debris</li> <li>■ Returning excavations to grade with clean fill; repairing, and stabilizing ground surfaces disturbed by construction</li> <li>■ Regrading, hand-raking, or manipulating the finished ground surface to the level of smoothness necessary for seeding or sodding</li> <li>■ Resurfacing hard surfaces in accordance with local city standards</li> <li>■ Reestablishing natural grades</li> <li>■ Disposing of all bentonite lubricant at an approved landfill facility</li> </ul>	Earth Resources No. 6	Completion of site restoration measures contingent upon acceptance by CDPD  Documentation of appropriate disposal of bentonite provided to the City of Grover Beach subsequent to installation	City of Grover Beach CDPR
3	<ul style="list-style-type: none"> <li>■ Directional drilling under Meadow Creek</li> <li>■ Disturbance at the drilling site adjacent to Meadow Creek shall be reduced by erosion control measures designed to prevent erosion into the creek or the storm drain on Grand Avenue where the drain crosses Meadow Creek. Standard erosion control practices, such as haybales, matting, and sod, shall be employed during all construction activity. These measures shall be inspected and maintained daily.</li> <li>■ The site-specific spill prevention plan shall be followed and containment and cleanup equipment shall be staged at the drill site</li> <li>■ The construction site shall be restored to preconstruction conditions using measures similar to Earth Resources Impact No. 6 (Mitigation No. 2).</li> <li>■ A boring plan and program shall be developed and submitted to, and subject to approval of the City of Grover Beach.</li> </ul>	Earth Resources No. 7	Onshore Spill Prevention Plan (Appx. B)  Completion of site restoration measures contingent upon acceptance by CDPD  Approved onshore boring plan	City of Grover Beach CDPR
<b>Air Quality</b>				
	<ul style="list-style-type: none"> <li>■ Emission abatement strategies shall be applied to two pieces of equipment used for onshore installation. Abatement strategies would likely be the application of catalytic converters and/or soot traps. Abatement equipment is available from the SLO APCD. A 2- to 4-degree timing retard shall also be applied to onshore installation equipment if required by the SLO APCD.</li> <li>■ If required by the SLO APCD, four-degree timing retard shall be applied to the cable lay vessel engines for operations conducted within the 3-nm boundary, which will result in an estimated 25% reduction of offshore NO<sub>x</sub> emissions.</li> </ul>	Air Quality No. 1	Provide SLO APCD with mechanic's record's documenting application of emission abatement strategies	SLO APCD

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**Mitigation Monitoring Plan**

Mitigation Number	Mitigation	Impact Reference	Documentation Required	Responsible Agency
	The SLO APCD will provide guidance on the application of the above mitigation measures when construction is about to begin. Based on the actual project schedule, which will affect the level of emissions within a given quarter, and availability of control devices for the onshore equipment, the applicant and the SLO APCD may also consider the use of CARB diesel or purchase of emission credits to substitute or supplement the measures. If there are any modifications in the vessel mix because of scheduling changes, the Applicant shall submit new information to the SLO APCD so mitigation adjustments can be made, if applicable (Lajoie 1999a, 1999b ).		Prior to installation, provide the SLO APCD with project schedules and equipment lists	
<b>Biological Resources</b>				
5	Mitigations to prevent an oil release, and contain and remove a spill if one occurs during <u>installation</u> are provided under Mitigation No. 25 (Risk of Upset Impact No. 1).	Biological Resources No. 5 (Installation)	See Mitigation No. 25 (Risk of Upset Impact No. 1)	CSLC
6	A biologist familiar with marine mammal behavior shall be on the cable lay or support vessel to watch for marine mammals that approach the project area during <u>installation</u> operations. If a marine mammal gets in proximity to the work area, the monitor will have the authority to cease operations until the animal has left the area. In the unlikely event that a whale becomes entangled in the cable, the monitor shall call in a 'disentanglement team' to extricate the animal from the cable; however, the animal would probably not survive. The monitor shall develop this standby team in consultation with NMFS and CDFG prior to the start of cable laying operations.	Biological Resources No. 6 (Installation)	A marine mammal monitoring report submitted to NMFS, CDFG, CCC and CSLC subsequent to the completion of installation activities  "Disentanglement team" contingency plan developed in coordination with NMFS and CDFG prior to installation and submitted to CSLC.	CSLC

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**Mitigation Monitoring Plan**

Mitigation Number	Mitigation	Impact Reference	Documentation Required	Responsible Agency
7	<ul style="list-style-type: none"> <li>■ The cables shall be buried throughout the project area (to a water depth of 1,000 fathoms), and shall lay flat on the seafloor offshore California beyond the 1,000-fathom isobath. Burial depth in the sediments will be 0.6 to 1 meter (2 to 3 feet).</li> <li>■ ROV burial shall be conducted in instances when the seaplow cannot be used, such as during post-lay burial (e.g., the pock-marked areas of the route) and after repairs, if they occur during the project period.</li> <li>■ ROV burial inspection shall be conducted every 18 to 24 months and after events that affect cable burial.</li> </ul>	Biological Resources No. 7	<p>Video documentation of cable burial from borehole to 1,000-fathom contour and confirmation of burial depth provided to CSLC</p> <p>After a repair, if necessary, video documentation of re-burial of repaired cable segments provided to CSLC</p>	CSLC CCC
8	A qualified biological monitor onboard the <u>repair</u> or support vessel will have the authority to cease operations if marine mammals approach too closely.	Biological Resources No. 8 (Repair)	Marine mammal monitoring report submitted to NMFS, CDFG, CCC, and CSLC following repair	CSLC
9	Mitigations to prevent an oil release, and contain and remove a spill if one occurs during <u>repair</u> are provided under Mitigation No. 26 (Risk of Upset No. 2).	Biological Resources No. 9 (Repair)	See Mitigation No. 26	CSLC OSPR
10	<ul style="list-style-type: none"> <li>■ Directional drilling under Meadow Creek to avoid disturbance to creek.</li> <li>■ Erosion control measures such as hay bales, erosion control matting or sod shall be employed to prevent drilling muds or disturbed soil from entering Meadow Creek. These measures shall be inspected and maintained daily.</li> <li>■ A silt fence and berm shall be constructed around the bentonite slurry sump to prevent bentonite from entering Meadow Creek.</li> <li>■ Bentonite slurry volume shall be monitored to detect potential loss.</li> <li>■ Onshore Spill Prevention Plan shall be followed during construction.</li> <li>■ An onshore boring plan and program shall be developed, submitted to, and subject to the approval of the City of Grover Beach.</li> <li>■ A biological monitor shall be present during boring operations under Meadow Creek.</li> </ul>	Biological Resources No. 11	<p>Approved onshore boring plan submitted to CSLC</p> <p>Onshore Spill Prevention Plan (Appx. B)</p>	City of Grover Beach

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**Mitigation Monitoring Plan**

Mitigation Number	Mitigation	Impact Reference	Documentation Required	Responsible Agency
11	<ul style="list-style-type: none"> <li>A biological monitor shall conduct a pre-construction survey to confirm the absence of California red-legged frogs.</li> <li>An onshore boring plan and program shall be developed, submitted to, and subject to the approval of the City of Grover Beach.</li> <li>Bentonite slurry volume shall be monitored during drilling to detect potential loss; drilling shall cease if loss is detected or suspected.</li> <li>Hay bales or other barrier material shall be staged at locations downstream from construction activities to be used to trap bentonite if there is a bentonite release.</li> <li>A biological monitor shall be present during boring operations under Meadow Creek.</li> </ul>	Biological Resources No. 12	Findings of pre-construction survey for red-legged frog submitted to the City of Grover Beach prior to construction  Approved onshore boring plan	City of Grover Beach
12	<ul style="list-style-type: none"> <li>A biological monitor shall conduct a pre-construction survey for snowy plover, least tern, or any other shorebirds to confirm their absence in the project area.</li> <li>If a nesting species of concern is found at the cable landing site during the preconstruction survey, the applicant shall contact the USFWS and the CDFG to discuss the necessary steps to reduce or avoid impacts on the species found. Construction activities shall not resume at the site until the USFWS and CDFG have authorized the site disturbance.</li> </ul>	Biological Resources No. 13	Findings of pre-construction survey for shorebirds submitted to the City of Grover Beach prior to construction	City of Grover Beach USFWS CDFG
<b>Water Resources</b>				
13	Mitigation to prevent an oil release, and contain and remove a spill if one occurs during <u>installation</u> , are provided under Mitigation No. 25 (Risk of Upset , Impact No. 1) .	Water Resources No. 2 (Installation)	See Mitigation No. 25 (Risk of Upset Impact No. 1)	CSLC OSPR
14	Mitigation to prevent an oil release, and contain and remove a spill if one occurs during <u>repair</u> , are provided under Mitigation No. 26 (Risk of Upset , Impact No. 2) .	Water Resources No. 7 (Repair)	See Mitigation No. 26 (Risk of Upset Impact No. 2)	CSLC OSPR
15	<ul style="list-style-type: none"> <li>Erosion control measures such as the use of hay bales, erosion control matting, or sod shall be used to protect Meadow Creek from sedimentation runoff from construction areas. These measures shall be inspected and maintained daily.</li> <li>A trench de-watering plan shall be developed prior to construction and submitted to the Central Coast Regional Water Quality Control Board and the City of Grover Beach for review and approval prior to construction. In the event that the trenches excavated during installation of the shore component require de-watering, operations shall adhere to the approved de-watering plan.</li> </ul>	Water Resources No. 8	Approved trench de-watering plan	City of Grover Beach RWQCB

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**Mitigation Monitoring Plan**

Mitigation Number	Mitigation	Impact Reference	Documentation Required	Responsible Agency
16	<ul style="list-style-type: none"> <li>The construction contractor shall implement the site-specific spill prevention plan, and the construction crew shall be instructed in its provisions.</li> <li>An onshore boring plan and program shall be developed, submitted to, and subject to the approval of the City of Grover Beach.</li> <li>A berm and siltation fence shall surround the slurry sump to keep the slurry from flowing into Meadow Creek.</li> <li>The bentonite volume shall be continuously monitored to confirm that no subsurface release is occurring.</li> <li>If a release of bentonite to Meadow Creek occurs, drilling shall cease and the release shall be contained with straw bales or sand bags.</li> </ul>	Water Resources No. 9	Onshore Spill Prevention Plan (Appx. B)  Approved onshore boring plan with final engineering diagrams showing location of silt fence	City of Grover Beach CCC
<b>Noise</b>				
17	<ul style="list-style-type: none"> <li>The contractor shall limit the hours of construction equipment operation to 7 a.m. to 7 p.m. during weekdays and 9 a.m. to 5 p.m. on weekends and holidays.</li> <li>Operational constraints, such as operating only one piece of equipment at a time and shutting off a piece of equipment if it is not in use, shall be used to the extent feasible.</li> </ul>	Noise No. 3	None required	City of Grover Beach
<b>Land Use and Recreation</b>				
18	<ul style="list-style-type: none"> <li>A Notice to Mariners shall be issued at least two weeks prior to vessel arrival for <u>installation</u> to alert marine users of their presence.</li> </ul>	Land Use and Recreation No. 1 (Installation)	Notice to Mariners approved by CSLC prior to issuance	CSLC
19	<ul style="list-style-type: none"> <li>The cable locations shall be recorded on navigational charts for public information.</li> <li>Notice to Mariners shall be issued prior to <u>repair</u> to alert marine users of upcoming vessel activity.</li> </ul>	Land Use and Recreation No. 2 (Repair)	Navigational charts updated with PC-1 and PAC provided to CSLC subsequent to installation Notice to Mariners approved by CSLC prior to issuance	CSLC
	<ul style="list-style-type: none"> <li>The City of Grover Beach shall be provided alignment maps to consult if and when the pier proposal is advanced.</li> <li>The manhole shall be designed to have an adjustable height to allow for flexibility in the landscaping if the need arises.</li> </ul>	Land Use and Recreation No. 4	As-built diagrams of offshore borings, manhole and vault, and cable alignment provided to the City of Grover Beach and CSLC upon completion of installation activities	City of Grover Beach, CSLC

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**Mitigation Monitoring Plan**

Mitigation Number	Mitigation	Impact Reference	Documentation Required	Responsible Agency
21	<ul style="list-style-type: none"> <li>The area around construction activity near the sidewalk shall be marked with cones or other means to restrict pedestrian access to the construction area.</li> <li>No trenches shall be left open overnight.</li> </ul>	Land Use and Recreation No. 5	Contract documents for on-shore installation work provided to the City of Grover Beach prior to installation	City of Grover Beach
<b>Commercial and Recreational Fishing</b>				
22	<ul style="list-style-type: none"> <li>Notice to Mariners – commercial and recreational boaters shall be notified of <u>installation</u> activity at least two weeks in advance of installation. The Applicant shall also notify fishermen of the upcoming activity through the Cable/Fisheries Committee, local fishing associations, and the Harbor Masters at ports in the project area.</li> <li>The cable lay vessel shall use all appropriate navigational and deck lights, and communications during <u>installation</u> to publicize project vessel location and allow safe passage for all vessels.</li> <li>The Applicant shall notify fishermen of expected post-lay burial locations and schedules and shall charter a local fishing vessel to stay at the locations where cable is exposed to give notice to fishermen and other mariners.</li> <li>The Applicant shall provide information about the cable <u>installation</u> activities by preparing and distributing information packets. The public outreach shall be supplemental to the Notice to Mariners. In order to warn boaters that may not be on the Coast Guard mailing list and/or those who do not have access to the internet, the Applicant shall distribute an informational packet, describing the cable routes, installation schedule, and means of identifying cable ships. This information shall be distributed to fishermen, recreational boaters, and harbor masters in the project area. The packet shall also include a 24-hour toll-free number whereby interested parties can learn about the proposed project.</li> </ul>	Commercial and Recreational Fishing No. 1 (Installation)	Navigational charts updated with PC-1 and PAC provided to CSLC subsequent to installation  CSLC provided with all notifications of post-lay burial operations  Notice to Mariners approved by CSLC prior to issuance  CSLC provided with all information distributed to local fishermen	CSLC

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**Mitigation Monitoring Plan**

Mitigation Number	Mitigation	Impact Reference	Documentation Required	Responsible Agency
23	<ul style="list-style-type: none"> <li>■ The cables shall be completely buried in the project area through the life of the project, from the duct ends to the 1,000-fathom isobath.</li> <li>■ Burial depth in the sediments shall be between 0.6 and 1 m, below normal fishing penetration depths.</li> <li>■ ROV burial inspection shall occur every 18 to 24 months for the first five years of operation, and after events that affect the cables; after five years of operation the inspection interval shall be revisited with agencies using previous inspection results.</li> <li>■ The cable shall be reburied if exposed or repaired.</li> <li>■ The applicant will provide a total of \$500 per fisherman for upgrading communication and navigational equipment. Prior to installation, the applicant will submit a written Navigational Equipment Upgrade Program to the CSLC for review and approval.</li> <li>■ The cable operator shall maintain a 24-hour toll-free hotline where fishermen can call to report possible cable snags.</li> <li>■ If a cable snag is positively identified, the cable operator shall promptly compensate the fishermen 150% of the replacement cost of the gear.</li> <li>■ The cable operator shall participate in the Joint Cable/Fisheries Liaison Committee (JCFLC) that shall be established and used for conflict resolution if disputes arise between fishermen and the cable operator. All expenses for the conflict resolution process shall be paid by the cable operator.</li> <li>■ The cable operator shall hold fishermen harmless for damaging a cable unless it is established to the satisfaction of the JCFLC by clear and convincing evidence that such damage was intentionally inflicted.</li> </ul>	Commercial and Recreational Fishing No. 2	<p>CSLC, CCC, and JCFLC provided with as-built charts, video documentation and other installation records demonstrating complete burial and burial depth along the entire route</p> <p>Subsequent to repair, if one is necessary, CSLC provided with video documentation of re-burial of repaired segments</p> <p>Subsequent to installation, the toll-free number to be used for reporting cable snags provided to CSLC</p> <p>Records of all claims of lost gear, including dollar amounts of compensation and records of payment shall be kept by the JCFLC and forwarded to the CSLC within 30 days of processing</p>	CSLC, CCC

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**Mitigation Monitoring Plan**

Mitigation Number	Mitigation	Impact Reference	Documentation Required	Responsible Agency
24	<ul style="list-style-type: none"> <li>A Notice of Mariners shall be issued in the event <u>repair</u> activities are initiated.</li> <li>The cable operator shall also notify fishermen in the project area of <u>repair</u> activities through local fishing organizations and the JCFLC. The cable operator shall identify the specific location of the repair, indicate whether there is a possibility of exposed cable, and provide estimated schedules for cable repair activities.</li> <li>If a <u>repair</u> is necessary within heavily fished ocean areas, a local commercial fishing vessel shall be hired to act as liaison, patrolling the repair area during repair operations.</li> </ul>	Commercial and Recreational Fishing No. 3 (Repair)	All notifications of repair activities provided to CSLC prior to their release	CSLC
<b>Risk of Upset</b>				
25	<ul style="list-style-type: none"> <li>At least 2 weeks in advance of <u>installation</u>, the USCG shall be notified so they can issue a Notice to Mariners.</li> <li>Critical operations and curtailment plan shall be followed aboard the cable lay vessel. If a vessel other than the <i>Dock Express 20</i> is used in the project, its plan will be provided to the CSLC prior to its entering the project area for <u>installation</u>.</li> <li>Shipboard oil spill prevention and response plan; if a vessel other than the "<i>Dock Express 20</i>" is used for <u>installation</u>, its plan will be provided to the CSLC 30 days prior to its entering the project area (1,000-fathom contour). Before cable lay begins, the plan will be submitted to OSPR as required in regulations amended in December 1999 (verification of submittal will be provided to CSLC).</li> <li>A local on-water response vessel with 400 feet of sorbent boom and 5 bales of sorbent pads (minimum size 18" by 18") shall be placed on standby during <u>installation</u> within the 1,000 fathom contour.</li> </ul>	Risk of Upset No. 1 (Installation)	<p>Notice to Mariners approved by CSLC prior to issuance</p> <p>Critical Operations and Curtailment Plan for <i>Dock Express 20</i> (Appx. D). If a vessel other than the <i>Dock Express 20</i> is used a Critical Operations and Curtailment Plan for that vessel will be submitted to the CSLC for review and approval</p> <p>Contract documentation supporting retention of on-water oil spill response capabilities provided to CSLC prior to installation</p>	CSLC OSPR

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Mitigation Number	Mitigation	Impact Reference	Documentation Required	Responsible Agency
26	<ul style="list-style-type: none"> <li>The USCG will be notified of cable <u>repair</u> operations prior to entering the area.</li> <li>The cable <u>repair</u> vessel will have a shipboard critical operations and curtailment plan to delineate and maintain safe operating conditions. This plan will include information similar to the plan for the <i>Dock Express 20</i> that is included in Appendix D of this document.</li> <li>The cable <u>repair</u> vessel will also have a shipboard oil spill prevention and response plan similar to the plan for the <i>Dock Express 20</i> that is included in Appendix D of this document. Before repair work is conducted, the plan will be submitted to OSPR as required by regulations amended in December 1999 (verification of submittal will be provided to CSLC)</li> <li>A support boat equipped with 400 feet of sorbent boom and five bales of sorbent pads (minimum size 18"x18") will be present during any <u>repair</u> within a water depth of 1,000 fathoms (6,000 ft).</li> </ul>	Risk of Upset No. 2 (Repair)	<p>Notice to Mariners approved by CSLC prior to issuance</p> <p>Critical operations and curtailment plan and shipboard oil spill prevention and response plan submitted to CSLC for approval</p>	CSLC OSPR
27	<p>For the installation of the cable landing site:</p> <ul style="list-style-type: none"> <li>A site-specific onshore spill prevention plan shall be maintained and followed.</li> <li>The construction contractor shall provide secondary containment for fuel stored on site.</li> <li>Construction crew members shall be trained to implement the cleanup procedures.</li> </ul>	Risk of Upset No. 3	Onshore Spill Prevention Plan (Appx. B)	City of Grover Beach
28	<p>For the installation of the shore component:</p> <ul style="list-style-type: none"> <li>An on-site spill prevention and response plan shall be maintained and followed.</li> <li>Traffic control shall be provided for construction in the streets.</li> </ul>	Risk of Upset No. 4	Onshore Spill Prevention Plan (Appx. B)	City of Grover Beach
29	The cable station design shall include secondary spill containment for batteries and fuel that will be stored on site.	Risk of Upset No. 5	Documentation of inspection of cable station by City of Grover Beach Fire Department	City of Grover Beach
<b>Transportation/Circulation</b>				
30	Mitigations to avoid the temporary disturbance of marine traffic during cable <u>installation</u> are provided under Mitigation No. 22 (Commercial and Recreational Fishing Impact No. 1).	Transportation /Circulation No. 1 (Installation)	<p>Notice to Mariners approved by CSLC prior to issuance</p> <p>CSLC concurrently provided with all information distributed to local fishermen</p>	CSLC
	Mitigations to avoid the temporary disturbance of marine traffic during <u>repair</u> are provided under Mitigation No. 24 (Commercial and Recreational Fishing Impact No. 3).	Transportation /Circulation No. 2 (Repair)	All notifications of repair activities provided to CSLC prior to their release	CSLC

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Mitigation Number	Mitigation	Impact Reference	Documentation Required	Responsible Agency
32	<ul style="list-style-type: none"> <li>■ Directional drilling shall be used under Meadow Creek, Highway 1 and the railroad tracks to avoid the need to trench through the roadway.</li> <li>■ An onshore boring plan and program shall be developed, submitted to, and subject to the approval of the City of Grover Beach.</li> <li>■ The following traffic regulation measures shall be incorporated into the construction contract:                             <ul style="list-style-type: none"> <li>• There shall be at all times adequate vehicle and pedestrian access for ingress and egress from the properties adjacent to the project.</li> <li>• During non-working hours, the contractor shall keep the existing traffic lanes clear for traffic without interference from their operations.</li> <li>• The contractor shall notify local traffic engineering departments, fire department, police department, medic one, the school bus garage, and metro transit prior to operations so that they may reroute their emergency and service vehicles around the construction zone.</li> <li>• No trench or excavation shall be left open overnight or unattended.</li> <li>• The contractors shall prepare and submit traffic control plans to the local permitting agency for approval prior to beginning construction. A copy of the approved traffic control plan shall be on site during construction.</li> </ul> </li> </ul>	Transportation /Circulation No. 4	Boring plan submitted to CSLC prior to installation  City of Grover Beach provided with contract documentation prior to installation	City of Grover Beach
<b>Hazardous Materials and Human Health</b>				
33	The installation of cable landing components shall be conducted in accordance with the following standard operating procedures and environmental protection measures incorporated in a site-specific spill prevention plan: <ul style="list-style-type: none"> <li>■ Construction crews shall have an emergency spill kit containing sorbent booms and pads, personal protective equipment, and emergency response guidance.</li> <li>■ When equipment maintenance or re-fueling is conducted, absorbent material or drip pans shall be placed underneath project vehicles. Any re-fueling shall be conducted at least 100 feet away from any drainage including storm drains and gutters.</li> <li>■ Any fluids drained from equipment shall be collected in leak-proof containers and taken to an appropriate disposal or recycling facility.</li> <li>■ Any vehicles with chronic or continuous leaks shall be removed from the construction site and repaired prior to being returned to operation.</li> <li>■ Directional boring shall be conducted in accordance with a Boring plan that shall include a complete description of drilling fluids including any Material Safety Data Sheets.</li> <li>■ An onshore boring plan and program shall be developed, submitted to, and subject to the approval of the City of Grover Beach.</li> <li>■ An offshore boring plan shall be developed, submitted to, and subject to the approval the CSLC.</li> </ul>	Hazardous Materials and Human Health No. 3	Onshore Spill Prevention Plan (Appx. B)  Approved onshore and offshore boring plans	CSLC, City of Grover Beach
	<ul style="list-style-type: none"> <li>■ A directional bore shall be used to install conduit under a storm drain on South 3<sup>rd</sup> Street, avoiding damage to city infrastructure.</li> <li>■ The installation contract shall specify that the contractor will identify all utilities prior to construction using utility locator services such as Underground Service Alert.</li> </ul>	Hazardous Materials and Human Health No. 5	Approved onshore boring plan	City of Grover Beach

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**Mitigation Monitoring Plan**

Mitigation Number	Mitigation	Impact Reference	Documentation Required	Responsible Agency
35	Installation along the ROW shall be conducted in accordance with the standard operating procedures and spill prevention measures discussed in Mitigation No. 33.	Hazardous Materials and Human Health No. 7	Onshore Spill Prevention Plan (Appx. B)	City of Grover Beach
<b>Aesthetics, Light, and Glare</b>				
36	In the event that a 24-hour operation is necessary, work area lighting shall be directed toward the west and south, away from residences, to reduce the effect of night illumination of the site on nearby residences.	Aesthetics, Light, and Glare No. 3	None Required	City of Grover Beach
<b>Cultural Resources</b>				
37	<p>To mitigate for the potential disturbance of cultural resources at the cable landing site:</p> <ul style="list-style-type: none"> <li>The applicant signed a Memorandum of Agreement (MOA) with the San Luis Obispo County Chumash Council to conduct a pre-construction survey of the site to identify possible sensitive areas relative to project activities. The MOA also establishes protocols for identification, treatment, and disposition of Native American human remains, grave goods, and cultural artifacts found in the project area.</li> <li>A Native American Monitor and archeologist shall be on site during initial ground breaking activities (including drilling and trenching), and shall have authority to stop work if artifacts are present.</li> <li>If there is a discovery of any potentially significant cultural resources, the site shall be immediately evaluated by a qualified archeologist, in consultation with the Native American Heritage Commission, or the State Historic Preservation Office to determine what should be done to avoid or mitigate the potential damage. Construction work will be allowed to continue on areas unaffected by the investigation of the discovery while mitigation takes place.</li> </ul> <p>If human remains are discovered:</p> <ul style="list-style-type: none"> <li>Work shall cease immediately in and nearby the site and a coroner shall be contacted.</li> <li>The contractor shall await authorization to resume work from the City of Grover Beach C, in consultation with the coroner or Native American representative, if applicable.</li> </ul>	Cultural Resources No. 4	<p>Signed Memorandum of Agreement</p> <p>Construction Cultural Resource Monitoring Report submitted to the City of Grover Beach</p>	City of Grover Beach
38	Mitigations for the potential disturbance of cultural resources along the shore route to the cable station are provided under Mitigation No. 37	Cultural Resources No. 6	See Mitigation No. 37	City of Grover Beach

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