

STAFF REPORT

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D. Simpkin

**CONSIDER ADOPTION OF A MITIGATED NEGATIVE DECLARATION
AND ADOPTION OF A MITIGATION MONITORING PROGRAM AND
ISSUANCE OF A GENERAL LEASE – RIGHT-OF-WAY USE**

APPLICANT:

RTI Infrastructure, Inc.

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign tide and submerged land in the Pacific Ocean, Pismo State Beach, Grover Beach, San Luis Obispo County.

AUTHORIZED USE:

Installation, use, and maintenance of one 2-inch-diameter subsea fiber-optic cable and four 6-inch-diameter steel conduits.

LEASE TERM:

25 years, beginning June 23, 2020.

CONSIDERATION:

\$194,700 annually for four conduits and one cable; with an annual Consumer Price Index adjustment and the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence.

Contractor Liability: Liability insurance in an amount no less than \$5,000,000 per occurrence.

Surety: Bond or other security in the amount of \$200,000.

Other: Within 60 days of completing the construction of authorized improvements, Lessee will provide Lessor with a set of “as-built” plans and a post-lay cable survey, including photos where feasible that will show where the improvements have been

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placed. Lessor shall then replace Exhibit A (Land Description) and Exhibit B (Site and Location Map) to the Lease as necessary to accurately reflect the final location of the authorized improvements. Once approved by Lessor's Executive Officer or designee and Lessee, the revised Exhibits shall replace the Exhibits incorporated in the Lease at the time of Lease execution. The replaced Exhibits shall be incorporated in the Lease as though fully set forth therein.

Should Lessor's staff review of the as-built plans and survey identify a change in the improvements that necessitates a change in annual rent, Lessee agrees to submit an application, within 60-days' notice from Lessor's staff, to request a lease amendment to reflect such changes.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

Background:

The Applicant proposes to install, use, and maintain up to four fiber-optic cables and four steel conduits (Project). Phase 1 will include installing four steel conduits and one cable in the Pacific Ocean. The Applicant proposes to connect cables to Singapore (Phase 1), Guam (Phase 2), Hong Kong (Phase 3 or 4), and Australia (Phase 3 or 4).

As the world relies on faster and more bandwidth-intensive data transmissions and 4G and 5G networks (referring to the amount of data that can be moved through the network over a certain time for uploading and downloading content), the proposed cables are needed to keep up with technical advancements to transmit uninterrupted data. Worldwide connectivity with uninterrupted data transfer is essential to the global economy. While other technologies, such as radio and satellite, can transmit data long distances, subsea cables can provide more stable infrastructure for transmitting data between North America and Asia and Australia. Existing cable systems that were installed 15 to 20 years ago, with older technology, limit the amount of telecommunication data that can be transferred across the Pacific Ocean.

California Environmental Quality Act:

The Commission is the lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, §

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21000 et seq.) and conducted an Initial Study to determine if the Project may have a significant effect on the environment (State CEQA Guidelines (Cal. Code Regs., tit.14) § 15063). Although the Initial Study identified several potentially significant impacts to Air Quality, Biological Resources, Cultural Resources, Cultural Resources – Tribal, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Recreation, Transportation, and Mandatory Findings of Significance, mitigation measures were proposed and agreed to by the Applicant prior to public review that would avoid or mitigate the identified potentially significant impacts “to a point where clearly no significant effects would occur” (State CEQA Guidelines, § 15070, subd. (b)(1)). Consequently, the Initial Study concluded that “there is no substantial evidence, in light of the whole record before the agency, that the Project as revised may have a significant effect on the environment” (State CEQA Guidelines, § 15070, subd. (b)(2)), and a Mitigated Negative Declaration (MND) was prepared.

Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (State CEQA Guidelines, § 15025), staff prepared an MND identified as [CSLC MND No. 803](#), State Clearinghouse No. 2020040309. The proposed MND and Initial Study were circulated for a public review period from April 24, 2020, to May 26, 2020. Staff received comment letters from two sovereign Tribal Governments, three state agencies, and two local agencies. The primary issues raised by commenters related to biology, hazardous materials safety, and cultural resources; comments received, and staff’s responses are summarized in Exhibit D. As shown in Exhibit D, many public agency comments simply reiterate agency requirements or authorizations that apply to the Project; staff was able to provide additional clarification or point to specific sections of the MND to resolve other comments. Requests related to protecting sensitive Tribal Cultural Resources and cultural monitoring have been incorporated into the draft Tribal Cultural Resources Monitoring and Treatment Plan (TCRMTP) prepared for the Project. Because all comments were satisfactorily resolved via staff responses and commitments in the TCRMTP, staff believes no revisions to the MND are necessary.

Tribal Cultural Resources and Tribal Consultation

Under AB 52 (Chapter 532, Statutes of 2014), lead agencies must notify Tribes of the opportunity to consult on a project if that Tribe has requested notification, and must avoid damaging Tribal cultural resources, when feasible, whether consultation occurred or is required. For this Project, one tribe, the Xolon-Salinan Tribe, requested notification pursuant to AB 52 for the Project area. In addition to the required AB 52 notification,

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Commission staff contacted the Native American Heritage Commission (NAHC) to obtain results of a sacred lands file search (the sacred lands file is a database maintained by the NAHC of culturally sensitive areas or resources) as well as a list of Native American representatives who may be able to provide information about resources of concern located within or adjacent to the Project area.

In October 2019, the NAHC provided Commission staff with a list of nine Tribal contacts, listed in alphabetical order below:

- Barbareño/Ventureño Band of Mission Indians
- Chumash Council of Bakersfield
- Coastal Band of the Chumash Nation
- Northern Chumash Tribal Council
- Salinan Tribe of Monterey, San Luis Obispo Counties
- San Luis Obispo County Chumash Council
- Santa Ynez Band of Chumash Indians
- Xolon-Salinan Tribe
- Yak tityu tityu yak tilhini – Northern Chumash Tribe

The NAHC's reply also stated that the Sacred Lands File record search for the Project area was positive and recommended that staff contact the San Luis Obispo County Chumash Council contact on their list for more information and to assist staff with its impact analysis in the MND.

In February 2020, staff provided notice of Consultation opportunity to the Chair of the Xolon-Salinan Tribe pursuant to AB 52. In addition, staff notified the designated representatives of all Tribes on the NAHC list in order to solicit meaningful input and engagement on the Project's potential impacts. Staff received the following responses:

- Fred Collins, Chair - Northern Chumash Tribal Council
- Freddie Romero, Cultural Resources Manager - Santa Ynez Band of Chumash Indians Elders Council
- Mona Tucker, Chairwoman - Yak tityu tityu yak tilhini Northern Chumash Tribe - San Luis Obispo County and Region

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The Xolon-Salinan Tribe did not respond to the invitation to consult under AB 52. Chair Collins requested and was mailed a copy of the cultural resource survey report; and Mr. Romero expressed that the Project would likely involve impacts to sensitive areas but deferred to the Yak tityu tityu yak tilhini as the primary culturally affiliated tribe. In her response, Chairwoman Tucker requested government-to-government Consultation, pursuant to the Commission's [Tribal Consultation Policy](#) (CSLC 2016), regarding potential impacts to tribal cultural resources and sensitive cultural areas. As a result of Consultation, the proposed MND incorporates a requirement that the Applicant prepare and implement a TCRMTP to ensure unanticipated discoveries of tribal cultural resources are identified and protected in place where possible and treated with respect and care where avoidance is infeasible. In recognition of the importance of indigenous people telling their own story, the MND's ethnographic context section also incorporates and reflects Chairwoman Tucker's input during the Consultation process, which was successfully completed prior to publication of the MND.

Subsequently, during the public comment period for the MND, the Chairs of the Northern Chumash Tribal Council and the Salinan Tribe of Monterey, San Luis Obispo Counties submitted additional comments regarding potential impacts and mitigation measures for tribal cultural resources. These comments and suggestions noted that the Project area is considered highly sensitive for the presence of tribal resources and requested the Commission require the Applicant or its contractor to retain Tribal monitors to oversee construction activities (see comments and responses in Exhibit D). The comments related to the Project's potential impacts on tribal cultural resources are reflected in the MND's analysis, and the request for monitoring and oversight are reflected in the TCRMTP, which must be reviewed and approved by the Tribal representatives before it is finalized for implementation; therefore, additional changes to the MND itself were not necessary.

Conclusion:

Based upon the Initial Study, the MND, and the comments received during the public review process, staff believes there is no substantial evidence that the Project will have a significant effect on the environment. (State CEQA Guidelines, § 15074, subd. (b).) A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in the attached Exhibit C.

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Public Trust and State's Best Interests Analysis:

The proposed lease area consists of tide and submerged land situated in the Pacific Ocean, Pismo State Beach, near Grover Beach, San Luis Obispo County. The Applicant proposes to utilize rights-of-way for the installation, operation, and maintenance of up to four proposed 2-inch-diameter armored submarine cables and four proposed 6-inch-diameter steel conduits as part of a transpacific submarine cable system. However, the Applicant has so far applied only for Phase 1 of the construction that would include one of the four proposed 2-inch-diameter armored submarine cables even though all four are analyzed in the MND. The Applicant will apply to amend the lease to install additional cables when appropriate.

Each cable would arrive offshore, be pulled through one of the four steel conduits, and then be brought on land. Once on land, each cable would be routed through an underground conduit system below public roads to connect to an existing cable landing station (CLS) in the city of Grover Beach. This CLS would be upgraded from inside to house signal amplification equipment, submarine line termination equipment, switching equipment, and power feed equipment.

The Applicant designed the Project to achieve the following objectives:

- Respond to the increasing need for connecting the United States with Singapore, Guam, Hong Kong, and Australia by installing modern fiber-optic cables with higher data transmission capacity and direct connections between termini
- Increase telecommunication data transmission speeds
- Avoid identified seismically unstable zones
- Create diverse telecommunication pathways between the United States and Pacific Rim cities and countries

The proposed lease authorizes only Phase 1 of the proposed Project. The entire Project would be built in four phases. Phase 1 (year 2020) would build the infrastructure to receive up to four fiber-optic cables and bring the first fiber-optic cable from Singapore to Grover Beach. Phases 2 through 4 will require the Applicant to obtain a lease amendment and authorization from the Commission. The Phase 1 infrastructure would include installing four horizontal directionally drilled 6-inch-diameter conduits without disrupting the seafloor or beach within the surf zone. These conduits would be buried at a minimum depth of 35 to 50 feet below the beach and

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the seafloor and exit approximately 4,200 feet offshore in 33 feet of water. The cable would be buried with approximately 3 feet of cover from the edge of the continental shelf to the end of the conduit and pulled through the conduit to the final cable landing site on land.

The electrical power would be supplied by standard commercial sources on land at the CLS. The commercial power would be converted to direct current, and the voltage and amperage would be converted to match the needs of the signal regenerating technology. Once converted, the electrical current would be applied to and carried by the cable.

The new lease will require the Applicant to conduct a cable burial verification inspection no later than June 23, 2026, and 1 year prior to the expiration of the lease. The Applicant will enter into an agreement with the local Fisherman's Association prior to the construction and installation of the conduits and cable. A lease amendment would be required for any future use or removal.

A component of each cable system would be an onshore (under the Grover Beach parking lot) or offshore (at the end of the landing pipes) ocean ground bed (OGB). The OGB is needed for each cable system for cathodic protection and to provide a ground for the electricity that powers the cables' amplifiers. More detailed information on the OGBs is contained in the MND.

The cable would be buried below the ocean floor within State waters and would not impede surface use or interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease. The proposed facilities do not significantly alter the land, and the lease does not alienate the State's sovereign interest, or permanently impact public rights.

The lease is limited to a 25-year term and does not grant the lessee exclusive rights to the lease premises. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition. Additionally, the proposed lease requires the lessee to maintain a performance bond in the amount of \$200,000 and to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

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Climate Change:

Sea-level rise as a function of global climate change is not expected to affect the Project because none of the permanent infrastructure is proposed in areas subject to flooding (greater than a 1 percent chance, annually) or increased erosion with anticipated sea-level rise. The marine component of the Project would be buried approximately 3 feet beneath the ocean floor in State waters starting 4,200 feet offshore. The offshore Project components would not be impacted by sea-level rise. The cables between the cable landing site and where the conduits exit offshore would be drilled below the beach and thus would not be subject to increased erosion over time. The terrestrial cable would not be in areas subject to increased inland flooding since it would be installed by the horizontal directional drilling installation method going under a coastal creek and beneath local streets in Grover Beach. Additional background information on climate change and sea-level rise is provided in Section 5.1 of the MND.

Conclusion:

For all the reasons above, staff believes the issuance of the lease will not substantially impair the public rights to navigation, fishing, and commerce, or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant will not be allowed to install its conduits and fiber-optic cable. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This proposed action is consistent with the Commission's 2016-2020 Strategic Plan Strategy 1.1 to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. The Applicant has not yet obtained the necessary entitlements and permission to utilize the adjacent upland which is owned by the California Department of Parks and Recreation. The Applicant anticipates obtaining

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a land lease and right-of-entry permit from Parks subsequent to the Commission adopting the MND.

4. On June 28, 2019, the Commission authorized a 25-year General Lease – Right-of-Way use to the Applicant for the installation, use, maintenance, and repair of one 2-inch-diameter subsea fiber-optic cable and four 6-inch-diameter horizontal directionally drilled conduits to hold subsea fiber-optic cables near Manchester State Beach in Mendocino County ([Item C15, June 28, 2019](#)). This was the Applicant's first of three lease applications. The third and final lease application would be a similar fiber-optic cables project near the city of Eureka in Humboldt County. That application will be considered by the Commission at a future meeting together with a separate CEQA analysis specific to that location.
5. The Pacific Ocean from Pismo Beach south to the Santa Barbara County line is land identified as possessing significant environmental values in the Commission's Significant Lands Inventory (parcel number 40-062-030), pursuant to Public Resources Code section 6370 et seq. This parcel includes the tidelands and submerged land in the Pacific Ocean immediately west of the cable landing site. These lands are classified as category Class B, which authorizes limited use. Environmental values identified for these lands are marine and recreational. The California Department of Fish and Wildlife identified these lands as having an exceptional example of Pismo clams, with national recreational fame. Based on Commission staff's review of the Significant Lands Inventory and the CEQA analysis provided in the MND, the Project, as proposed, would not significantly affect those lands and is consistent with the use classification.

FURTHER APPROVALS REQUIRED:

City of Grover Beach
California Department of Parks and Recreation
U.S. Army Corps of Engineers
Central Coast Regional Water Quality Control Board
San Luis Obispo County Air Pollution Control District
State Historic Preservation Office
California Department of Transportation
California Department of Fish and Wildlife

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EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program
- D. Comments and Responses on the Mitigated Negative Declaration

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the MND, CSLC MND No. 803 (April 2020), State Clearinghouse No. 2020040309, was prepared for this Project in compliance with the provisions of CEQA, that the Commission has reviewed and considered the information contained therein and in the comments received in response thereto, and that the MND reflects the Commission's independent judgment and analysis.

Adopt the MND and determine that the Project, as approved, will not have a significant effect on the environment.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation, fishing, and commerce or substantially interfere with Public Trust needs and values at this location, at this time and for the foreseeable term of the lease; and is in the best interests of the State.

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning June 23, 2020, for a term of 25 years, for the installation, use, and maintenance of one 2-inch-diameter subsea fiber-optic cable and four 6-inch-diameter steel conduits, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$194,700 with an annual Consumer Price Index, and with the State reserving the right to fix a different rent periodically during the lease term, as provided

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for in the lease; liability insurance in an amount no less than \$1,000,000 per occurrence; contractor liability insurance in an amount no less than \$5,000,000 per occurrence; and a surety bond in the amount of \$200,000.

**EXHIBIT A
LAND DESCRIPTION**

W27214

Two parcels of tide and submerged land lying in the bed of the Pacific Ocean, situated west of the City of Grover Beach, San Luis Obispo County, State of California and more particularly described as follows:

Parcel 1

Beginning at a point at the westerly terminus of the northerly line of Grand Avenue, also being a point on the Ordinary High Water of the Pacific Ocean, as described in the Corporation Grant Deed recorded as Document No. 34847 in Book 1644 at Page 126, Records of said County; Thence along said line of ordinary high water, North 14° 57' 21" West, 35.78 feet to the True Point of Beginning;

1. Thence South 86° 43' 04" West, a distance of 4252.25 feet to a point having a northing of 2241229.6164 and an easting of 5773413.5198;
2. Thence North 0° 01' 59" West, a distance of 1005.96 feet to a point, having a northing of 2240986.1637 and an easting of 5769168.2422;
3. Thence South 82° 29' 42" East, a distance of 4225.81 feet to a point on said ordinary high water line as described in said deed, having a northing of 2241992.1254 and an easting of 5769167.6628;
4. Thence South 14° 57' 21" East along said ordinary high water line, a distance of 217.95 feet more or less to the True Point of Beginning, having a northing of 2241440.1848 and an easting of 5773357.2717.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

Coordinates are based upon State Plane Coordinates, California Coordinate System, Zone 5, NAD 83.

Parcel 2

A 10 foot strip of submerged lands, being 5 foot on each side of the following described centerline:

Beginning at a point on a beach manhole having a Latitude $35^{\circ} 07.3672'$ North and a Longitude $120^{\circ} 38.0277'$ West; thence along said center line of the proposed pipe bore and cable the following four courses;

1. Thence in a Southwest direction to an angle point in said centerline, having a latitude of $35^{\circ} 07.2929'$ N and a longitude of $120^{\circ} 39.0247'$ W, a distance of $1.521\pm$ kilometers;
2. Thence in a Southwest direction to an angle point in said centerline, having a latitude of $35^{\circ} 07.2633'$ N and a longitude of $120^{\circ} 39.5756'$ W, a distance of $0.839\pm$ kilometers;
3. Thence in a Southwest direction to an angle point in said centerline, having a latitude of $35^{\circ} 07.2504'$ N and a longitude of $120^{\circ} 39.8163'$ W, a distance of $0.366\pm$ kilometers;
4. Thence in a Southwest direction to an angle point in said centerline, having a latitude of $35^{\circ} 06.5717'$ N and a longitude of $120^{\circ} 43.3584'$ W, a distance of $5.526\pm$ kilometers more or less.

The sidelines of said strip shall be lengthened or shortened as to begin at the ordinary high water mark of the Pacific Ocean and terminate at the State of California Offshore Boundary.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

ALSO EXCEPTING THEREFROM any portion lying within the above described Parcel 1.

The geographic coordinates stated herein were provided by the applicant or produced from drawings provided by the applicant and are subject to change pending as-built locations. Coordinates are based upon WGS84 Datum.

END OF DESCRIPTION

New coordinates are to be collected and verified by the lessee at time of placement of the proposed facilities, and the coordinates herein edited accordingly. This description is to be updated once final as-built plans are submitted.

David A. Marchell, California PLS 6375

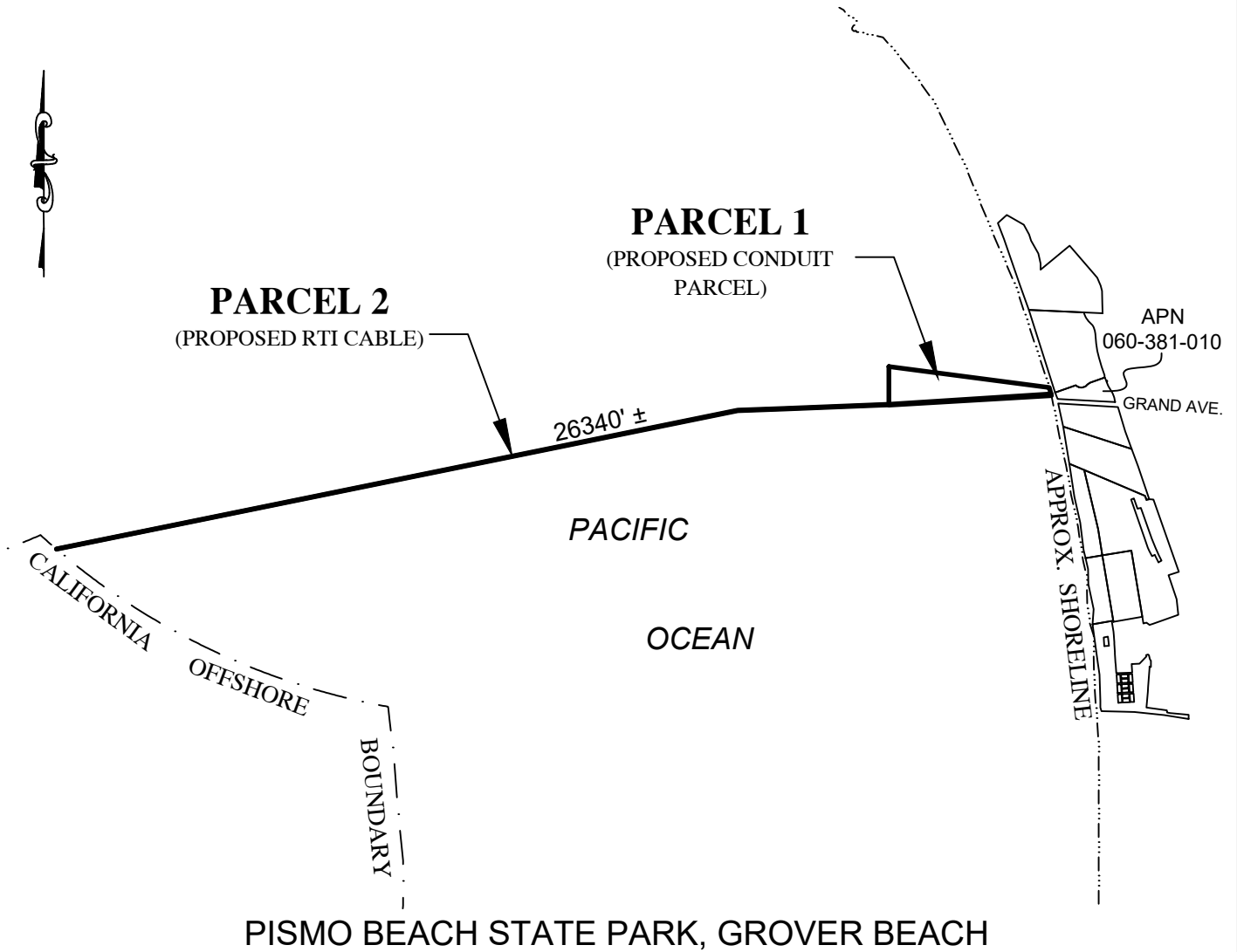
4-1-2020

Date



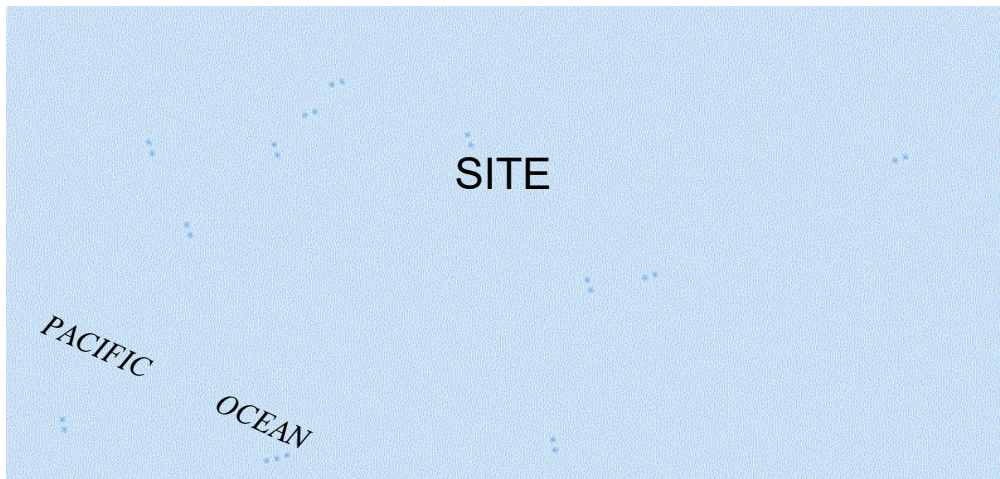
NO SCALE

SITE



NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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

Exhibit B

W 27214

RTI INFRASTRUCTURE, INC.

APN 060-381-010

GENERAL LEASE -
RIGHT-OF-WAY USE

SAN LUIS OBISPO COUNTY



TS 04/01/2020

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

RTI INFRASTRUCTURE, INC. GROVER BEACH SUBSEA
FIBER OPTIC CABLES PROJECT
(State Clearinghouse No. 2020040309)

The California State Lands Commission (CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the RTI Infrastructure, Inc. Grover Beach Subsea Fiber Optic Cables Project (Project). In conjunction with approval of this Project, the CSLC adopts this Mitigation Monitoring Program (MMP) for implementation of mitigation measures (MMs) for the Project to comply with Public Resources Code § 21081.6, subdivision (a) and State CEQA Guidelines §§ 15074, subdivision (d), and 15097. The MMs below are identical to those presented in the MND, with the exception of CUL-2/TCR-2 whose columns were inadvertently left empty in the MND. The text of this introductory material has also been modified from the MND for clarity and accuracy.

The Project authorizes RTI Infrastructure, Inc. (Applicant or RTI) to build infrastructure in terrestrial and marine areas in and offshore of Grover Beach in San Luis Obispo County to connect a total of four fiber-optic cables coming from Asia and Australia.

PURPOSE

It is important that significant impacts from the Project are mitigated to the maximum extent feasible. The purpose of an MMP is to confirm compliance and implementation of MMs; this MMP will be used as a working guide for implementation, monitoring, and reporting for the Project's MMs.

ENFORCEMENT AND COMPLIANCE

The CSLC is responsible for enforcing this MMP. The Applicant is responsible for successful implementation of and compliance with the MMs identified in this MMP. The term *Applicant*, in this context, includes all field personnel and contractors working for the Applicant.

MONITORING

CSLC staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants, as necessary. Some monitoring responsibilities may be assumed by other agencies. The CSLC or its designee shall ensure that qualified environmental monitors are assigned to the Project.

Environmental Monitors. To confirm implementation and success of the MMs, an environmental monitor must be onsite during all Project activities with the potential to create significant environmental impacts or impacts for which mitigation is required. Along with CSLC staff, the environmental monitor(s) are responsible for:

- Confirming that the Applicant has obtained all applicable agency reviews and approvals.
- Coordinating with the Applicant to integrate the mitigation monitoring procedures during Project implementation.
- Confirming that the MMP is followed.

The environmental monitor shall immediately report any deviation from the procedures identified in this MMP to CSLC staff or its designee. CSLC staff or its designee shall note any deviation and recommend its correction.

Workforce Personnel. Implementation of the MMP requires the full cooperation of Project personnel and supervisors. Many of the MMs require action from site supervisors and their crews. Any relevant mitigation procedures shall be written into contracts between the Applicant and any contractors to facilitate successful implementation.

General Reporting Procedures. A monitoring record form shall be submitted to the Applicant; and once the Project is complete, a compilation of all the logs shall be submitted to CSLC staff. CSLC staff or its designated environmental monitor shall develop a checklist to track all procedures required for each MM and shall confirm that the timing specified for the procedures is followed. The environmental monitor shall note any issues that may occur and take appropriate action to resolve them.

Public Access to Records. Records and reports are open to the public and are to be provided upon request.

MITIGATION MONITORING TABLE

This section presents the mitigation monitoring table for Air Quality; Biological Resources; Cultural Resources; Cultural Resources–Tribal; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; Recreation; and Transportation. In addition, applicant proposed measures (**APM-1** and **APM-2**) for commercial fisheries are included in the table. All other environmental disciplines were found to have less than significant or no impacts; therefore, they are not included in the table. The table lists the following information by column:

- Potential Impact
- Mitigation Measure (full text of the measure)
- Location (where impact occurs and where MM should be applied)
- Monitoring/Reporting Action (action to be taken by monitor or lead agency)
- Effectiveness Criteria (how the agency can determine whether the measure is effective)
- Responsible Party (entity responsible to ensure MM compliance)
- Timing (e.g., before, during, or after construction; during operation).

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Air Quality						
Increase of any criteria pollutant for which the Project region is non-attainment	<p>MM AQ-1: Standard Control Measures for Construction Equipment. The following SLOAPCD standard air quality MMs shall be implemented during terrestrial construction. Note that measures less stringent than those required by MM AQ-2 have been removed from the list.</p> <ul style="list-style-type: none"> • Maintain all construction equipment in proper tune according to manufacturer's specifications. • Fuel all off-road and portable diesel-powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road). • All on- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and job sites to remind drivers and operators of the 5-minute idling limit. • Diesel idling within 1,000 feet of sensitive receptors is not permitted. • Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors. • Electrify equipment when feasible. • Substitute gasoline-powered in place of diesel-powered equipment, where feasible. • Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), 	Terrestrial Project area	Implement SLOAPCD standard air quality MMs during construction	Implementing MM will reduce air quality impacts during construction	Applicant and CSLC	During construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	liquefied natural gas (LNG), propane, or biodiesel.					
Increase of any criteria pollutant for which the Project region is non-attainment (cont.)	MM AQ-2: Best Available Control Technology. Diesel construction equipment used during terrestrial construction shall be equipped with Tier 3 or Tier 4 CARB-certified off-road engines and 2010 on-road-compliant engines.	Terrestrial Project area	Construction equipment equipped with BACT	Implementing MM will reduce air quality impacts during construction	Applicant and CSLC	During construction
Increase of any criteria pollutant for which the Project region is non-attainment (cont.)	MM AQ-3: Fugitive Dust Mitigation. The following SLOAPCD fugitive dust MMs shall be implemented during terrestrial construction: <ul style="list-style-type: none"> • Reduce the amount of the disturbed area, where possible. • Use water trucks or sprinkler systems to prevent airborne dust from leaving the site. If wind speeds are more than 15 miles an hour, water more often. Use reclaimed (non-potable) water whenever possible. • Spray all dirt stockpile areas everyday as needed. • Implement permanent dust control measures identified in the approved Project revegetation and landscape plans as soon as possible once soil-disturbing activities are finished. • Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast-germinating, non-invasive grass seed, and watered until vegetation is established. 	Terrestrial Project area	Implement SLOAPCD fugitive dust MMs during construction	Implementing MM will reduce air quality impacts during construction	Applicant and CSLC	During construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<ul style="list-style-type: none"> • All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD. • All roadways, driveways, and sidewalks to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. • Do not drive any construction vehicles more than 15 miles per hour on any unpaved surface at the construction site. • Cover or maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) on all trucks hauling dirt, sand, soil, or other loose materials in accordance with California Vehicle Code section 23114. • Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site. • Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible. • Show all of these fugitive dust MMs on grading and building plans. • Designate a person or persons (by the contractor or builder) to monitor the 					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	fugitive dust emissions and enhance implementing measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity (cloudiness), and prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.					
Expose sensitive receptors to substantial pollutant concentrations	Implement MM AQ-1: Standard Control Measures for Construction Equipment (see above) Implement MM AQ-2: Best Available Control Technology (see above) Implement MM AQ-3: Fugitive Dust Mitigation (see above)					
Biological Resources						
Impacts on special-status species and habitats	MM BIO-1: Provide Worker Environmental Awareness Training. The Applicant shall provide an environmental awareness training before starting construction activities for all construction personnel (including new personnel as they are added to the Project) working on the terrestrial and marine Project components. This training would be given by biological monitors and cultural monitors (approved by CSLC staff) to help the trainees understand the following: <ul style="list-style-type: none">• Surrounding common and special-status species and their habitats• Applicable regulatory requirements	Terrestrial Project area	Training materials approved by CSLC staff 30 days before start of construction On-site monitor to submit list of trained personnel and training materials to CSLC after construction	Implementing MM will educate construction workers regarding special-status species and habitat	Applicant and CSLC	Before, during, and after construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<ul style="list-style-type: none"> MMs designed to avoid or minimize impacts on sensitive resource areas <p>The training materials shall be developed and approved by the CSLC staff at least 30 days before starting Project activities in the terrestrial and marine work areas. The biological monitors shall maintain a list of all contractors who have been trained and shall submit this list and the final training material to CSLC staff within 30 days after construction starts and after construction is completed.</p> <p>The lead environmental monitor shall be the main contact for reporting any special-status species observed in or near the Project area by any employee or contractor. The Applicant shall provide the contact information for the lead environmental monitor and the biological monitors to on-site construction workers, USFW, CDFW, and CSLC staff before construction starts.</p>					
Impacts on Special-Status Species and Habitats (cont.)	MM BIO-2: Conduct Biological Surveying and Monitoring. A biological monitor (typically with a college degree in a field of biology or environmental science, knowledge of species surveying for, and experience with pre-construction and construction monitoring), approved by CSLC staff, shall be present onsite to survey the work area for special-status wildlife species (e.g., California red-legged frog, western pond turtle, northern California legless lizard, Blainville's horned lizard, and two-striped garter snake) and nesting birds (as applicable)	Terrestrial Project area	<p>On-site monitor to verify</p> <p>Submit daily monitoring report for work within CSLC's jurisdiction and weekly report for work outside CSLC's jurisdiction</p>	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	Before and during construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>prior to starting work in the terrestrial work area to minimize potential impacts on any special-status species or other wildlife that may be present during Project construction.</p> <p>The biological monitor shall be onsite at all times during Project construction for all work west of the UPRR in and adjacent to natural habitats and not during work occurring east of the UPRR on city streets in developed areas. If at any time during Project construction, special-status species are observed in the Project area or within a predetermined radius surrounding the terrestrial Project components (as determined by the biological monitor), the biological monitor shall have the authority to stop all work, and the Applicant shall contact the appropriate agency, (i.e., CDFW or USFWS and CSLC staff) to discuss ways to protect the special-status species.</p> <p>Construction monitoring reports for work under CSLC's jurisdiction shall be submitted daily and for work outside of the CSLC's jurisdiction shall be submitted weekly.</p>					
Impacts on Special-Status Species and Habitats (cont.)	<p>MM BIO-3: Delineate Work Limits to Protect Sensitive Biological Resources. Natural areas outside the construction work area shall not be disturbed. Before starting Project construction, the following areas shall be staked and flagged by the biological monitor (MM BIO-2), in coordination with the CSLC, and inspected throughout</p>	Terrestrial Project area	On-site monitor to verify in coordination with CSLC	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	Before and during construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>construction to ensure that they are visible for construction personnel:</p> <ul style="list-style-type: none"> Identify construction work area limits at the cable landing site. Delineate bore pits and staging area (for equipment and fueling), and site these areas at least 100 feet from Meadow Creek. Mark areas using stakes and flags to identify environmentally sensitive areas (Meadow Creek and associated wetland and riparian communities) that would remain marked during construction. 					
Direct Impacts on Sensitive Biological Resources	<p>MM BIO-4: Install Metal Covers or Some Kind of Escape Ramps in Open Trenches. To prevent accidental entrapment of wildlife species during construction, all excavated holes and trenches that will be left open overnight shall have a metal cover or some kind of soil ramp installed, allowing wildlife an opportunity to exit. If escape ramps are installed, a biological monitor or the construction inspector (for work in developed areas east of the UPRR) shall inspect excavations before starting construction each day to confirm that no wildlife species are entrapped or to remove wildlife species that are unable to escape on their own. Any wildlife handling will be conducted under the biological monitor's applicable collection permit or as authorized by the appropriate wildlife agency. If a biological monitor is not present, the lead environmental monitor</p>	Terrestrial Project area	On-site monitor to inspect daily before starting construction	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	During construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	for the Project would be contacted immediately to determine the appropriate course of action.					
Impacts from Horizontal Directional Drilling Activities	<p>MM BIO-5: Implement Best Management Practices for Horizontal Directional Drilling Activities.</p> <p>A. When using the large marine HDD equipment to install landing pipes, the following shall be submitted to CSLC staff for review at least 60 days before starting construction:</p> <ul style="list-style-type: none"> • Engineering design drawings for construction certified by a California-registered Civil/Structural Engineer. • A site-specific geotechnical report certified (stamped, signed, and dated) by a California-registered Geotechnical Engineer, including boring logs and any geotechnical recommendations (including, but not limited to, identification of reasonably foreseeable risks during HDD installation and proposed risk mitigations) for safe HDD installation. • If HDD is under CSLC jurisdiction, a minimum depth of 35 feet is required unless a shallower depth is recommended by a California-registered Geotechnical Engineer. <p>B. When using small HDD equipment to install the underground conduit system, do the following to reduce possible environmental impacts:</p> <ul style="list-style-type: none"> • Engineering design drawings for the underground conduit system 	Terrestrial Project area	<p>Submit geotechnical report to CSLC 60 days before starting construction</p> <p>On-site monitor to verify BMPs during construction</p>	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	Before and during construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>construction would be certified by a California registered Civil/Structural Engineer.</p> <ul style="list-style-type: none"> Prevent the underground conduit from becoming exposed by natural scour of the streambed by boring a minimum of 5 feet below the streambed of Meadow Creek. Locate drill entry and exit points far enough from the banks of Meadow Creek to minimize impacts on the creek system. Avoid removal of riparian vegetation along Meadow Creek between bore entry and exit points in preparation of trenchless stream crossing operations. 					
Accidental Release of Drilling Fluid (Special-Status Species, Habitats, and Water Quality)	<p>MM BIO-6: Prepare and Implement an Inadvertent Return Contingency Plan.</p> <p>A Final Inadvertent Return Contingency Plan for the large and small HDD including the following objectives shall be submitted to CSLC staff for review at least 30 days before starting construction:</p> <ul style="list-style-type: none"> Measures to stop work, maintain appropriate control materials onsite, contain and remove drilling mud before demobilization, prevent further migration of drilling mud into the stream or waterbody, and notify all applicable authorities. Control measures of constructing a dugout/ settling basin at the bore exit site to contain drilling mud to prevent sediment and other deleterious substances from entering waterbodies. 	Terrestrial Project area	<p>Submit Plan to CSLC 30 days before start of construction</p> <p>On-site monitor to verify during construction</p>	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	Before and during construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<ul style="list-style-type: none"> Workers shall monitor the onshore and offshore to identify signs of an inadvertent release of drilling fluids. Any abandonment contingency plans in case the HDD operations are forced to be suspended and a partially completed bore hole abandoned. Complete list of the agencies (with telephone number) to be notified, including but not limited to the CSLC's 24-hour emergency notification number (562) 590-5201, and the California Governor's Office of Emergency Services (Cal OES) contact number (800) 852-7550. 					
Impacts on Nesting Birds	<p>MM BIO-7: Conduct Pre-Construction Nesting Bird Surveys and Implement Avoidance Measures. If construction occurs during the nesting season (typically from February 1 to September 1), the following conditions (designed to protect both special-status and non-special-status birds) shall be implemented:</p> <ul style="list-style-type: none"> Areas within the terrestrial BSA: No more than 1 week before starting Project-related construction, a biological monitor, approved by CSLC staff, shall survey the non-developed natural areas within the Project area to look for nesting activity. Areas outside the terrestrial BSA: Areas outside the BSA (but within the line-of-sight from active construction) would be surveyed using binoculars 	Terrestrial Project area	<p>If construction occurs during nesting season, conduct surveys 1 week before start of construction</p> <p>On-site monitor to verify; coordination with USFWS/ CDFW</p>	Implementing MM will reduce the potential for impacts on nesting birds	Applicant and CSLC	Before and during construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>and accessing within the public right-of-way.</p> <ul style="list-style-type: none"> • If no active nests are detected during these surveys, no additional measures are required. • If an active nest is found, an appropriate avoidance buffer (based on the species as explained below) would be established around the nest site to avoid disturbance or destruction of the nest until the end of the breeding season (generally August 31) or until after biological monitor determines that the young have fledged and moved out of the area (this date varies by species). Suitable buffer distances may vary between species. The extent of these buffers will be determined by the biological monitor in coordination with the applicable wildlife agency (i.e., CDFW and/or USFWS), and will depend on the bird species, level of construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. No disturbances shall occur within the protective buffer(s) until all young birds have fledged, as confirmed by the biological monitor. • A biological monitor shall be retained by the Applicant (MM BIO-2) and shall be onsite during construction activities in non-developed areas of the Project (west of the UPRR). 					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Entanglement of Wildlife	MM BIO-8: Inspection and Burial of Cable. The marine fiber optic cable shall be buried to the extent feasible in accordance with the following: <ul style="list-style-type: none"> Bury the cable to the extent practicable in areas with soft bottom substrate and water depths of 5,904 feet or less. Submit a burial report after each Project phase with detailed descriptions of all buried and unburied sections and justification for any unburied sections. 	Marine Project area	Submit burial report after each Project phase	Implementing MM will reduce the potential for impacts on marine species	Applicant and CSLC	During and after construction
Impacts on Marine Wildlife	MM BIO-9: Cable Entanglements and Gear Retrieval. If fishers snag a cable and lose or cut gear, the Applicant shall use all feasible measures to retrieve the fishing gear or inanimate object. Retrieval shall occur no later than 42 days after discovering or receiving notice of the incident. If full removal of gear is not feasible, the Applicant shall remove as much gear as practicable to minimize harm to wildlife (e.g., fishes, birds, and marine mammals). Within 14 days of completing the recovery operation, the Applicant shall submit to CSLC staff a report describing the following: <ul style="list-style-type: none"> Nature and location of the entanglement (with a map) Method used for removing the entangled gear or object, or the method used for minimizing harm to wildlife if gear retrieval proves infeasible. 	Marine Project area	Retrieval within 42 days of discovery Submit recovery report within 14 days of recovery completion	Implementing MM will reduce the potential for impacts on marine species	Applicant and CSLC	During and after construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Impacts on Marine Mammals and Sea Turtles	<p>MM BIO-10: Prepare and Implement a Marine Wildlife Monitoring and Contingency Plan. The Applicant shall prepare and implement a Marine Wildlife Monitoring and Contingency Plan (MWMCP) for installing or repairing cables with the following elements, procedures, and response actions:</p> <ul style="list-style-type: none"> • Awareness training for Project vessel crew that includes identification of common marine wildlife and avoidance procedures included in the MWMCP for Project activities. • Have two qualified shipboard marine mammal observers onboard all cable installation vessels during cable installation activities. The MWMCP shall establish the qualifications of and required equipment for the observers. • In consultation with the National Marine Fisheries Service, establish a safety work zone around all Project work vessels that defines the distance from each work vessel that marine mammals and sea turtles may approach before all operations must stop until the marine mammal or sea turtle has moved beyond. • Project-specific control measures for Project vessels (including support vessels) and actions to be undertaken when marine wildlife is present, such as reduced vessel speeds or suspended operations. • Reporting requirements and procedures for wildlife sightings and 	Marine Project area	<p>Submit Plan 60 days prior to the start of marine installation activities</p> <p>Qualified biologist to provide documentation</p>	Implementing MM will reduce the potential for impacts on marine wildlife	Applicant and CSLC	Before, during, and after construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>contacts made to be reported in the post-installation reports. The MWMCP shall identify the resource agencies to be contacted in case of marine wildlife incidents and to receive reports at the conclusion of Project installation.</p> <ul style="list-style-type: none"> The MWMCP shall be submitted to the CSLC and CCC for review at least 60 days before starting marine installation activities. 					
Impacts on Hard Substrate Habitat Areas	<p>MM BIO-11: Minimize Crossing of Hard Bottom Substrate. At least 30 days before starting construction of Phase 1, a pre-construction seafloor survey shall be conducted and provided to CSLC covering the proposed cable lease area and the temporary construction corridor (including construction vessels anchoring areas and depicting seafloor contours, all significant bottom features, hard bottom areas, sensitive habitats, the presence of any existing wellheads, pipelines, and other existing utilities) to identify any hard bottom habitat, eelgrass, kelp, existing utilities (including but not limited to pipelines), and power cables. The proposed cable routes and anchoring locations shall be set to avoid hard bottom habitat (to the extent feasible), eelgrass, kelp, existing utilities (including but not limited to pipelines), and power cables, as identified in the seafloor survey.</p>	Marine Project area	Submit survey map at least 30 days before start of construction for Phase 1	Implementing MM will reduce the potential for impacts on hard substrate habitat areas	Applicant and CSLC	Before construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Impacts on Hard Substrate Organisms	<p>MM BIO-12: Contribute Compensation to Hard Substrate Mitigation Fund.</p> <p>The following would be proposed if slow-growing hard substrate organisms are damaged:</p> <ul style="list-style-type: none"> • CCC compensation fees (based on past projects) will be required to fund the U.C. Davis Wildlife Health Center's California Lost Fishing Gear Recovery Project or other conservation programs for impacts on high-relief hard substrate affected by the Project. The amount of the hard bottom mitigation fee shall be calculated by applying a 3:1 mitigation ratio to the total square footage of affected hard bottom and multiplying that square footage by a compensation rate of \$14.30 per square foot. • A final determination of the amount of high-relief hard substrate affected (used to calculate the total compensation fee) will be based on a review of the final burial report from the cable installation. The total assessment and methods used to calculate this figure will be provided to the CSLC and CCC for review and approval. Both the CSLC and CCC also will be provided documentation of the total amount of mitigation paid and the activities for which the funds will be used. 	Marine Project area	Applicant will provide retirement verification to the CSLC	Compensation fees will help reduce impacts on hard substrate	Applicant	Immediately after Project construction and after determination based on final burial report

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Impacts on Native Species	MM BIO-13: Control of Marine Invasive Species. The Applicant shall ensure that the underwater surfaces of all Project vessels are clear of biofouling organisms prior to arrival in State waters. The determination of underwater surface cleanliness shall be made in consultation with CSLC staff. Regardless of vessel size, ballast water for all Project vessels must be managed consistent with CSLC's ballast management regulations, and Biofouling Removal and Hull Husbandry Reporting Forms shall be submitted to CSLC staff as required by regulation. No exchange of ballast water for Project vessels shall occur in waters shallower than the 5,904-foot isobath.	Marine Project area	On-site monitor to verify	Implementing MM will reduce the potential for impacts on marine native species	Applicant and CSLC	During construction
Impacts on Wetlands	Implement MM BIO-5: Implement Best Management Practices for Horizontal Directional Drilling Activities (see above) Implement MM BIO-6: Prepare and Implement an Inadvertent Return Contingency Plan (see above)					
Impacts on Environmentally Sensitive Areas	Implement MM BIO-1 through MM BIO-13 (see above)					
Cultural Resources						
Disturbance of shipwrecks, Archaeological Sites, Historic, Cultural, or Tribal Cultural Resources	MM CUL-1/TCR-1: Discovery of Previously Unknown Cultural or Tribal Cultural Resources. In the event that potential cultural or tribal resources are uncovered during Project implementation, all earth-disturbing work within 100 feet of the find shall be temporarily suspended or redirected until an approved archaeologist and tribal monitor, if retained, has evaluated the nature and significance of the discovery. In the event that a potentially significant	Marine and Terrestrial Project areas	Qualified archaeologist, tribal monitor, monitoring plan, and treatment plan if needed	Implementing MM will reduce potential impacts on archaeological resources	Applicant and CSLC	Prior to and throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>cultural or tribal cultural resource is discovered, Applicant, CSLC and any local, state, or federal agency with approval or permitting authority over the Project that has requested/required notification shall be notified within 48 hours. The location of any such finds must be kept confidential and measures shall be taken to secure the area from site disturbance and potential vandalism. Impacts to previously unknown significant cultural or tribal cultural resources shall be avoided through preservation in place if feasible. Damaging effects to tribal cultural resources shall be avoided or minimized following the measures identified in Public Resources Code section 21084.3, subdivision (b), if feasible, unless other measures are mutually agreed to by the lead archaeologist and culturally affiliated tribal monitor that would be as or more effective.</p> <p>A treatment plan, if needed to address a find, shall be developed by the archaeologist and, for tribal cultural resources, the culturally affiliated tribal monitor, and submitted to CSLC staff for review and approval prior to implementation of the plan. If the archaeologist or tribe determines that damaging effects on the cultural or tribal cultural resource shall be avoided or minimized, then work in the area may resume.</p>					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>Title to all shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under CSLC jurisdiction. The final disposition of shipwrecks, archaeological, historical, and tribal cultural resources recovered on State lands under CSLC jurisdiction must be approved by the CSLC.</p>					
	<p>MM CUL-2/TCR-2: Cultural Resources Monitoring. Prior to Phase 1 ground-disturbing activities, the Applicant shall prepare a Cultural Resources Monitoring Plan subject to CSLC approval. The Plan shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> • The Applicant shall notify/invite a qualified archeologist and a representative of a California Native American tribe that is culturally affiliated to the Project site to monitor all ground disturbing activities in the Project site. • The Applicant shall provide a minimum 5-day notice to the archeologist and tribal monitor prior to all activities requiring monitoring. • The Applicant shall provide the archeologist and tribal monitor safe and reasonable access to the Project site. • Guidance on identification of potential cultural resources that may be encountered. <p>The archeologist and Native American representative shall provide construction</p>	Terrestrial Project areas	Qualified archaeologist, tribal monitor, monitoring plan, and treatment plan if needed	Implementing MM will reduce potential impacts on archaeological and tribal cultural resources	Applicant and CSLC	Prior to and throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	personnel with an orientation on the requirements of the Plan, including the probability of exposing cultural resources, guidance on recognizing such resources, and direction on procedures if a find is encountered.					
Disturbance of Marine Archaeological Resources	MM CUL-3: Conduct a Pre-Construction Offshore Archaeological Resources Survey. Using results of an acoustic survey (e.g., a CHIRP [compressed high-intensity radiated pulse] system survey) for evidence of erosion/incision of natural channels; the nature of internal channel-fill reflectors; and overall geometry of the seabed, paleochannels, and the surrounding areas will be analyzed for their potential to contain intact remains of the past landscape with the potential to contain prehistoric archaeological deposits. The analysis would include core sampling in various areas, including but not limited to, paleochannels to verify the seismic data analysis. Based on the CHIRP survey and coring data, a Marine Archaeological Resources Assessment Report shall be produced by a qualified maritime archaeologist and reviewed by the California Coastal Commission or the State Historic Preservation Officer and the CSLC to document effects on potentially historic properties.	Marine Project area	Qualified archaeologist, Marine Archaeological Resources Assessment Report, if needed	Implementing MM will reduce potential impacts on marine archaeological resources	Applicant and CSLC	Before construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Disturbance of Archaeological Resources (Offshore Historic Shipwrecks)	<p>MM CUL-4: Conduct a Pre-Construction Offshore Historic Shipwreck Survey. A qualified maritime archaeologist, in consultation with the CSLC, shall conduct an archaeological survey of the proposed cable routes. The archaeological survey and analysis shall be conducted following current CSLC, Bureau of Ocean Energy Management (BOEM), and U.S. Army Corps of Engineers (San Francisco and Sacramento Districts) standard specifications for underwater/marine remote sensing archaeological surveys (Guidelines for Providing Geological and Geophysical, Hazards, and Archaeological Information Pursuant to 30 CFR part 585).</p> <p>The archaeological analysis shall identify and analyze all magnetic and side-scan sonar anomalies that occur in each cable corridor, defined by a lateral distance of 0.5 kilometer on each side of the proposed cable route. This analysis shall not be limited to side-scan and magnetometer data, and may include shallow acoustic (subbottom) data as well as autonomous underwater vehicle and multibeam data that may have a bearing on identification of anomalies representative of potential historic properties. The analysis shall include evaluation to the extent possible of the potential significance of each anomaly that cannot be avoided within the cable corridor. If sufficient data are not available</p>	Marine Project area	Qualified maritime archaeologist	Implementing MM will reduce potential impacts on marine archaeological resources	Applicant and CSLC	Before construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>to identify the anomaly and make a recommendation of potential significance, the resource(s) shall be considered as potentially eligible for listing in the NRHP and CRHR, and treated as a historic property.</p> <p>If any cultural resources are discovered as the result of the marine remote sensing archaeological survey, the proposed cable route or installation procedures shall be modified to avoid the potentially historic property. BOEM administratively treats identified submerged potentially historic properties as eligible for inclusion in the NRHP under Criterion D, and requires project proponents to avoid them unless the proponent chooses to conduct additional investigations to confirm or refute their qualifying characteristics. BOEM typically determines a buffer (e.g., 50 meters) from the center point of any given find beyond which the project must be moved, in order to ensure that adverse effects on the potential historic property will be avoided during construction.</p>					
Disturbance of Marine Archaeological Resources	<p>MM CUL-5: Prepare and Implement an Avoidance Plan for Marine Archaeological Resources. Pursuant to section 30106 and 30115 of the Coastal Act of 1976, "where developments would adversely impact archaeological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required" (Pub. Resources Code, § 30244). An</p>	Marine Project area	Qualified maritime archaeologist	Implementing MM will reduce potential impacts on marine archaeological resources	Applicant and CSLC	Before construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	avoidance plan, therefore, shall be developed and implemented to avoid all documented resources from the Marine Archaeological Resources Assessment Report and the Offshore Historic Shipwreck Survey Report, address discoveries of as yet unidentified resources encountered during the planned marine survey and construction, and provide mitigation monitoring if deemed necessary during construction to ensure compliance.					
Disturbance of Human Remains	MM CUL-6/TCR-3: Unanticipated Discovery of Human Remains. If human remains are encountered, all provisions provided in California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98 shall be followed. Work shall stop within 100 feet of the discovery, and both the archaeologist and CSLC staff must be contacted within 24 hours. The archaeologist shall consult with the County Coroner. If human remains are of Native American origin, the County Coroner shall notify the Native American Heritage Commission within 24 hours of this determination, and a Most Likely Descendent shall be identified. No work is to proceed in the discovery area until consultation is complete and procedures to avoid or recover the remains have been implemented.	Terrestrial Project area	Contact archaeologist and CSLC within 24 hours; archaeologist consults with County Coroner	Implementing MM will reduce potential impacts on human remains	Applicant and CSLC	Throughout construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Cultural Resources Tribal						
	Implement MM CUL-1/TCR-1: Discovery of Previously Unknown Cultural or Tribal Cultural Resources (see above)					
	Implement MM CUL-2/TCR-2: Cultural Resources Monitoring (see above)					
	Implement MM CUL-6/TCR-3: Unanticipated Discovery of Human Remains (see above)					
Greenhouse Gas Emissions						
GHG Emissions during Construction	MM GHG-1: Purchase GHG Carbon Offsets for Construction Emissions. The Applicant shall purchase carbon offsets equivalent to the Project’s projected GHG emissions (2,729 metric tons CO2e) to achieve a net zero increase in GHG emissions during the construction phase for emissions within 24 nm (required only for 3 nm) of the California coast. A <i>carbon offset</i> is a credit derived from the reduction of GHG emissions through a separate reduction project, often in a different location from the emission source. To be acceptable for an emissions reduction credit, the carbon offset must be permanent, quantifiable, verifiable, and enforceable. Several existing voluntary offset exchanges have been validated by the CARB, including the California Action Reserve Voluntary Offset Registry, American Carbon Registry, and Verified Carbon Standard. The Applicant shall purchase all offsets prior to groundbreaking and provide copies of the offset retirement verification to the CSLC.	Up to 24 nm off the California coast	Applicant will provide retirement verification to the CSLC	Purchase of carbon offsets will reduce GHG emissions impacts	Applicant	Before construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Hazards and Hazardous Materials						
Accidental Release of Hazardous Materials	<p>MM HAZ-1: Develop and Implement Spill Contingency and Hazardous Materials Management and Plans. Prior to construction, the Applicant shall develop and implement Spill Contingency and Hazardous Materials Management Plans (Plans) for onshore and offshore operations. They shall include, but not be limited to, procedures to be implemented, specific designation of the on-site person who will have responsibility for implementing the plans, on-site spill response materials/tools/equipment, and spill notification protocol and procedures. These Plans shall be submitted to CSLC for review and approval 30 days before construction begins.</p> <p>A. Terrestrial Work: Measures for terrestrial operations shall include, but not be limited to, identification of appropriate fueling and maintenance areas for equipment, a daily equipment inspection schedule, and spill response procedures including maintaining spill response supplies onsite.</p> <p>The terrestrial Plan will identify the actions and notifications to occur if evidence of soil contamination is encountered during onshore excavation. The Applicant shall notify the County of San Luis Obispo County Environmental Health Services Division within 24 hours of discovery</p>	Terrestrial and marine Project areas	Submit Plans to CSLC 30 days prior to construction of the offshore and onshore Project components	Implementing MM will reduce potential for release of hazardous materials into the environment	Applicant; Applicant's Contractor	Before and during construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>of contaminated materials encountered during Project construction activities. Work in the area suspected of contamination shall stop until the notified agencies, together with the Applicant, have determined the next steps.</p> <p>The Plans will identify, at a minimum, implementing the following BMPs related to using hazardous substances:</p> <ul style="list-style-type: none"> • Follow manufacturer's recommendations on use, storage, and disposal of chemical products used in construction • Avoid overtopping construction equipment fuel gas tanks • During routine maintenance of construction equipment, properly contain and remove grease and oils • Conduct all fueling of equipment at least 100 feet from wetlands and other waterbodies • Properly dispose of discarded containers of fuels and other chemicals • Maintain a complete list of the agencies to be notified (with their telephone number), including but not limited to, the CSLC's 24-hour emergency notification number (562) 590-5201 and the California Governor's Office of Emergency Services (Cal OES) contact number (800) 852-7550. 					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	B. Offshore Work: For offshore activities involving work vessels, the primary work vessel (dive support vessel) will be required to carry on board a minimum 400 feet of sorbent boom, 5 bales of sorbent pads at least 18-inch by 18-inch square, and a small powered vessel for rapid deployment to contain and clean up any small spill or sheen on the water surface. The Plans shall provide for the immediate call out of additional spill containment and clean-up resources in the event of an incident that exceeds the rapid clean-up capability of the on-site work force.					
	Implement MM BIO-1: Provide Environmental Awareness Training (see above) Implement MM BIO-3: Delineate Work Limits to Protect Sensitive Biological Resources (see above) Implement MM BIO-5: Implement Best Management Practices for Horizontal Directional Drilling Activities (see above) Implement MM BIO-6: Prepare and Implement an Inadvertent Return Contingency Plan (see above)					
Hydrology and Water Quality						
Violation of Water Quality Standards	Implement MM BIO-3: Delineate Work Limits to Protect Sensitive Biological Resources (see above) Implement MM BIO-5: Implement Best Management Practices for Horizontal Directional Drilling Activities (see above) Implement MM BIO-6: Prepare and Implement an Inadvertent Return Contingency Plan (see above) Implement MM HAZ-1: Develop and Implement Spill Contingency and Hazardous Materials Management Plans (see above)					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Noise						
Construction Noise	<p>MM NOI-1 Construction Noise Control Plan. The Applicant shall ensure that its contractor develop a set of site-specific noise attenuation measures to ensure compliance with applicable City noise limits for the duration of the construction period. Before starting construction activities, the Applicant shall ensure that its contractor submits a Construction Noise Control Plan to the City for review and approval. Noise attenuation measures shall be identified in the Plan and implemented to meet a goal of keeping noise levels below the residential and commercial limits specified in the City's municipal code. Noise measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Require that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation. • Prohibit gasoline or diesel engines from having unmuffled exhaust systems. • Ensure that equipment and trucks for Project construction use the best available noise control techniques (e.g., improved mufflers, redesigned equipment, intake silencers, ducts, engine enclosures, acoustically 	Terrestrial Project area	Contract specifications	Implementing MM will reduce construction noise impacts on sensitive receptors	Applicant; Applicant's contractor	During construction

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>attenuating shields or shrouds) wherever feasible. Acoustically attenuating shields would be appropriate for activities at the cable landing site, where construction will be stationary for a few weeks. According to the Federal Highway Administration, the use of shields or barriers around noise sources can reduce noise by 5 to 10 dBA, depending on the type of barrier used.</p> <ul style="list-style-type: none"> • Use “quiet” gasoline powered or electrically powered compressors as well as electric rather than gasoline or diesel powered forklifts for small lifting, where feasible. • Locate stationary noise sources, such as temporary generators, concrete saws, and crushing/processing equipment, as far from nearby receptors as possible. Muffle and enclose noise sources within temporary enclosures and shield with barriers which could reduce construction noise by as much as 5 dB. Or implement other measures, to the extent feasible. • Undertake the noisiest activities during times of least disturbance to surrounding residents and occupants, such as in the late morning, the middle of the day, or early afternoon. • In response to noise complaints received from people in the Project area, monitor the effectiveness of noise attenuation measures by taking noise measurements and adjusting 					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	the measures as necessary to reduce complaints.					
Construction Vibration	<p>MM NOI 2: Construction Vibration Notification and Disturbance Coordinator. The Applicant shall provide advance written notification (via flyer) 15 days prior to the start of proposed construction activities to all residences and other sensitive uses within 80 feet of the construction site. Notification will include a brief overview of the Project and its purpose, proposed construction activities, schedule, and name and contact information of the Project manager or another designee responsible for ensuring that reasonable measures are implemented to address complaints received.</p> <p>The Applicant shall designate a representative to act as construction vibration disturbance coordinator responsible for resolving construction vibration concerns. They will be available during regular business hours to monitor and respond to concerns. If construction hours are extended, they also will be available during the extended hours. If a vibration complaint is received, they will be responsible for determining the cause of the complaint and ensuring that all reasonable measures are implemented to address the problem.</p>	Terrestrial Project area	Provide advance written notification 15 days prior to start of activities to residences and other sensitive uses within 80 feet of construction	Implementing MM will reduce construction vibration impacts on sensitive receptors and provide notification	Applicant; Applicant's contractor	Before construction
Implement MM BIO-10: Prepare and Implement a Marine Wildlife Monitoring and Contingency Plan (see above)						

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Recreation						
Offshore Recreation	MM REC-1: Advanced Local Notice to Mariners. All offshore operations shall be described in a Local Notice to Mariners to be submitted to the U.S. Coast Guard (USCG) at least 15 days before offshore cable laying activities or repair activities. A copy of the published notice shall be immediately provided to the CSLC. The notice shall include: <ul style="list-style-type: none"> • Type of operation (i.e., dredging, diving operations, construction). • Specific location of operation or repair activities (including whether there is a possibility of exposed cable), including latitude and longitude and geographical position, if applicable • Estimated schedule of activities (operation or repair), including start and completion dates (if these dates change, the USCG needs to be notified) • Vessels involved in the operation • VHF-FM radio frequencies monitored by vessels on the scene. • Point of contact and 24-hour phone number • Chart Number for the area of operation 	Marine Project area	Local Notice to Mariners submitted to USCG 15 days before offshore cable laying activities Published notice submitted to CSLC immediately	Implementing MM will reduce project impacts on offshore recreation	Applicant and CSLC	Before construction
Transportation						
Marine Vessel Traffic	Implement MM REC-1: Advanced Local Notice to Mariners (see above)					
	Implement APM-2: Marine Anchor Plan (see below)					

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Commercial Fishing and Marine Anchors						
Disruption of Commercial Fishing	<p>APM-1: Fishing Agreement. The Applicant will enact a fishing agreement, or will join an existing fishing agreement, that will serve to minimize potential impacts on the viability of the commercial fishing industry. This agreement would, in part, establish the following:</p> <ul style="list-style-type: none"> • A cable/fishing liaison committee that would manage the interactions between the fishers and the cable companies • Policies for how the fishers will work around the cables and what to do if they think their fishing gear is hung up on a cable or similar issue • Methods of gear replacement and costs claims in the unlikely event that fishing gear is entangled in cable owned by the Applicant • Design and installation procedures to minimize impacts on fishing activities, such as: <ul style="list-style-type: none"> ◦ Burying cable where possible ◦ Allowing fishing representatives to review marine survey data and participate in cable alignment selection • Communication and notification procedures • Contributions to fishing improvement funds 	Marine Project area	Provide Agreement to the CSLC prior to construction	Implementing this APM will reduce the potential for gear entanglement, cable unburial, and uncompensated loss of gear	Applicant; Applicant's contractor	During construction and operation

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Marine Anchoring	<p>APM-2: Marine Anchor Plan. At least 30 days before starting construction, the Applicant will submit a Marine Anchor Plan to CSLC staff for review with the following:</p> <ul style="list-style-type: none"> • Map of the proposed acceptable anchor locations and exclusion zones or offshore temporary anchoring or mooring for work vessels. • Narrative description of the anchor setting and retrieval procedures to be employed that will result in minimal impacts on the ocean bottom. Please note that anchor dragging along ocean bottom is not allowed. • Coordinates of all dropped anchor points during construction shall be recorded and included on the post construction seafloor survey map. 	Marine anchoring areas only	Provide Plan to the CSLC 30 days before starting construction	Implementing this APM will ensure safety for anchoring operations	Applicant; Applicant's contractor	Before and during construction

Terms:

APM = Applicant proposed measure
 Applicant = RTI Infrastructure, Inc.
 AUV = autonomous underwater vehicle
 BACT = best available control technology
 BMP = best management practice
 BOEM = Bureau of Ocean Energy Management
 BSA = biological study area
 CARB = California Air Resources Board
 CCC = California Coastal Commission
 CDFW = California Department of Fish and Wildlife
 CFR = Code of Federal Regulations
 CLP = cable landing parcel

CO_{2e} = CO₂ equivalent
 CSLC = California State Lands Commission
 ESHA = environmentally sensitive habitat area
 GHG = greenhouse gas
 HDD = horizontal directional drilling
 nm = nautical miles
 NMFS = National Marine Fisheries Service
 SLOAPCD = San Luis Obispo Air Pollution Control District
 USACE = U.S. Army Corps of Engineers
 USCG = U.S. Coast Guard
 USFWS = U.S. Fish and Wildlife Service

EXHIBIT D
CALIFORNIA STATE LANDS COMMISSION
COMMENTS AND RESPONSES ON THE MITIGATED NEGATIVE DECLARATION
RTI INFRASTRUCTURE INC. GROVER BEACH SUBSEA FIBER OPTIC CABLES
PROJECT
(State Clearinghouse No. 2020040309)

Following the public review period (April 24, 2020 to May 26, 2020) of the Initial Study and Mitigated Negative Declaration (MND) (CSLC MND No. 803), Commission staff received comments from seven organizations: three state agencies, two local agencies, and two Tribal representatives. The following provides a summary of the primary areas of concern raised during the public comment period and Commission staff's response to these concerns. Based on the comments received and Commission staff's responses, no revisions to the MND would be required since all comments were satisfactorily resolved via staff responses and commitments in the Tribal Cultural Resources Monitoring and Treatment Plan.

I. State Agency Comments

California Department of Transportation (Caltrans)

Comment Summary	Response
Informs that Caltrans requires an encroachment permit when working in their ROW and details requirements.	The Applicant will obtain an encroachment permit and comply with the permit processes and conditions. Further consultation and coordination will occur with Caltrans staff per the permit conditions.

California Department of Fish and Wildlife

Comment Summary	Response
Notes MM BIO-11 but remarks on potential impacts from unburied cable on hard substrate due to cable placement, suspension, or scour, especially given the cable's relatively small diameter.	<p>No hard bottom would be crossed by the cable in nearshore waters where wave and current generated energy can or would cause any impact to hard substrate habitat and associated marine communities. This is one of the key reasons cable landings use HDD construction methods under the nearshore environment to avoid the higher energy intertidal and nearshore subtidal waters and habitats. When crossing hard substrate habitat in deeper waters (> 100 ft) the cable would become part of the substrate and quickly become one and the same. Several studies cited in the IS/MND (pages 3-65 and 3-67) and marine technical report appended to the IS/MND support these conclusions.</p> <p>The primary concern related to the cable crossing over hard bottom would be in high energy environments in shallow water depths. There are</p>

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	no such circumstances for this Project. In deeper waters, if a cable were to cross hard bottom, securing the cable is not feasible or necessary.
Recommends increasing the stability of the cable in these areas to avoid suspension and scour by encasing the cable in a ductile cast iron pipe (articulated pipe) or clamping the cable to the seafloor at regular intervals.	The primary concern related to the cable crossing over hard bottom would be in high energy environments in shallow water depths. There are no such circumstances for this Project. In deeper waters, if a cable were to cross hard bottom, securing the cable is not feasible or necessary.
Recommends adding an annual monitoring and reporting requirement for any unburied sections of cable in depths less than 5,904 feet to MM BIO-8 (Inspection and Burial of Cable) within at least state waters.	Cables are not expected to move once installed along the seafloor in deeper coastal waters. This observation is based on monitoring conducted for several other cable lines. Therefore, annual monitoring of the unburied cables is not warranted and not included in the MND. As stated above, no hard bottom would be crossed by the cable in nearshore waters where the energy can or would cause any impact. In deeper waters (> 100 ft) the cable would become part of the substrate and quickly become one and the same.

Department of Toxic Substances Control

Comment Summary	Response
Requests that the MND acknowledge potential for release of hazards/hazardous waste and any existing hazardous materials sites and/or conditions. Also requests identification of the mechanism to be implemented in the case of investigations or remediation.	<p>The MND identifies the methods used to determine past land uses and includes the results on page 3-119. A search of government databases (e.g., EnviroStor, Geotracker) per Government Code section 65962.5 was conducted for the Project area. No hazardous waste/materials sites were identified.</p> <p>Because the majority of ground disturbance would occur when installing the underground conduit system using HDD construction methods, construction workers would have little contact with soils (because of HDD construction method) resulting in little potential to encounter unexpected hazardous materials. Any excavation involving shoring will be constructed in a safe manner and comply with the current industry standards and requirements, including but not limited to, those of the Division of Occupational Safety and Health, better known as the California Occupational Safety and Health Administration (MND page 2-23).</p> <p>The following mitigation measures would be implemented in addition to the local standard housekeeping Best Management Practices and erosion and sediment control measures:</p> <ul style="list-style-type: none"> MM BIO-5: Implement Best Management Practices for Horizontal Directional Drilling Activities- has already been prepared for marine and terrestrial HDD and are attached

Exhibit D- Comments and Responses on the MND

	<p>to the Regional Water Quality Control Board Section 401 Water Quality Certification.</p> <ul style="list-style-type: none"> • MM BIO-6: Prepare and Implement an Inadvertent Return Contingency Plan- has already been prepared for marine and terrestrial HDD and are attached to the Regional Water Quality Control Board Section 401 Water Quality Certification. • MM HAZ-1 Develop and Implement Spill Contingency and Hazardous Materials Management Plans- also identifies actions to be taken if previously unidentified, potentially hazardous materials are encountered during terrestrial work activities.
<p>Outlines the historic use of leaded gasoline (from 1920s until 1992) and potential to encounter aurally deposited lead (ADL) in soils along heavily traveled roads. Suggests collecting soil samples for lead analysis.</p>	<p>ADL is not expected to be a significant problem as ground disturbance will be kept to a minimum by using HDD construction techniques. Ground disturbance would occur only at the landing manhole (at the cable landing site in the parking lot) and along the road Right-of-Way (ROW) on the City surface streets when installing the underground conduit system. Since the city surface streets are not heavily traveled areas, it is not expected that there would be ADL. If previously unidentified and potentially hazardous materials are encountered, then MM HAZ-1: Develop and Implement Spill Contingency and Hazardous Materials Management Plans would be implemented.</p>
<p>Notifies that if the Project is in an area known for mining, mine waste should be discussed in the MND.</p>	<p>No current or former mining operations are known to be in the Project area.</p>
<p>Notifies steps to be taken in the event buildings or other structures are to be demolished to avoid hazardous building materials such as lead-based paint, asbestos-containing materials or mercury.</p>	<p>No demolition of structures would occur as part of the Project.</p>
<p>Recommends that any imported materials for backfilling excavated areas be free of contamination.</p>	<p>The Project would not require importation of soils and would therefore not expose workers or the public to contaminated soils. All excavations would be backfilled according to City of Grover Beach Public Works specifications which require native material (the material excavated from the hole), class II aggregate base, or cement slurry.</p>
<p>Recommends the current and former agricultural lands be evaluated for contamination due to pesticides.</p>	<p>Current land uses in the Project area are mostly residential and commercial. Agricultural uses haven't occurred in the Project area since before World War II. In addition, the majority of ground disturbance will occur underground through HDD construction methods. Construction workers and the public would have very little contact with soils and, as a result, very little potential to expose/encounter hazardous materials in the form of pesticides.</p>

II. Local Agency Comments

San Luis Obispo County Air Pollution Control District (SLOAPCD)

Comment Summary	Response
Informs that certain portable equipment may require a permit from the California Air Resources Board or SLOAPCD.	The Project will comply with all applicable rules and regulations, including obtaining required permits for both construction and operation. MND Page 3-20 notes that SLOAPCD has established local air quality rules and regulations that may be applicable to the Project. The text specifically notes that the Project would require an Authority to Construct. (MND Page 1-7 erroneously refers to SLOAPCD as SLO Air Quality Management District. This minor, non-substantive error does not require a revision to the MND.)
Identifies specific restrictions on idling diesel engines to minimize impacts to residential receptors within 1000 feet of the Project area.	SLOAPCD's restrictions for limiting vehicle idling and reducing receptor exposure to constructed generated emissions are consistent with the requirements of MM AQ-1.
Recommends resources for locating real, verifiable, and regulatorily satisfactory greenhouse gas offsets that may be purchased to satisfy MM GHG-1.	Mitigation Measure GHG-1 requires all offsets be permanent, quantifiable, verifiable, and enforceable. The measure also identifies available exchanges that have been validated by CARB, including the California Action Reserve Voluntary Offset Registry, American Carbon Registry, and Verified Carbon Standard, which are consistent with SLOAPCD's comment.

City of Grover Beach (City)

Comment Summary	Response
Requests that <i>Section 1.7.2 Other Agencies</i> , Table 1-1, of the MND be revised to include the following additional "anticipated approvals/regulatory requirements" to City of Grover Beach: Exclusive Construction Easement and Non-Exclusive Fiber Optic Cable Easement.	Comment noted and the Applicant will obtain the required easements. However, the MND document itself will not be revised for this minor addition.
Requests that Section 4.3 Monitoring of the MND clarify what, if any, duties and responsibilities CSLC would attempt to delegate to the City.	The Mitigation Monitoring Program (Exhibit C) does not delegate any duties to the City, despite the statement of MND <i>Section 4.3 Monitoring</i> .

III. Native American Representative Comments

Northern Chumash Tribal Council (NCTC) Tribal Representative

Comment Summary	Response
Notifies that the Chumash Cultural Resources that have the potential to be destroyed or disturbed are irreplaceable, and irreparable harm could come to these Sacred and Precious resources.	Commission staff appreciates the reminder that the Chumash Cultural Resources are Sacred and Precious resources and should be avoided. The MND analysis considers any archeological resource to be sensitive and to be avoided. Although the MND itself does not identify the extent and character of unknown underwater

Exhibit D- Comments and Responses on the MND

<p>Recommends that an underwater archaeological investigation take place before the Project proceeds.</p>	<p>archaeological resources, the following mitigation measures will identify and avoid known or unknown cultural or tribal resources:</p> <ul style="list-style-type: none"> • MM CUL-1/TCR-1: Discovery of Previously Unknown Cultural or Tribal Resources • MM CUL-2/TCR-2: Cultural Resources Monitoring • MM CUL-3: Conduct a Pre-Construction Offshore Archaeological Resources Survey • MM CUL-4: Conduct a Pre-Construction Offshore Historic Shipwreck Survey • MM CUL-5: Prepare and Implement an Avoidance Plan for Marine Archaeological Resources <p>Identifying potential marine cultural resources is a multistep process for the purpose of fully avoiding sensitive marine cultural resources (Appendix D). MM CUL-5: Prepare and Implement an Avoidance Plan for Marine Archaeological Resources commits to the full avoidance of resources identified from implementing MM CUL-3: Conduct a Pre-Construction Offshore Archaeological Resources Survey. These surveys and reports are completed before installing the cable to identify and avoid any identified resources and the studies are consistent with Guidelines for Providing Geological and Geophysical, Hazards, and Archaeological Information pursuant to 30 CFR Part 585.</p> <p>The Phase 1 cable alignment route (first of the possible four cables) surveys have been completed, and no potential cultural resources were identified within the pre-lay cable route for that alignment. Similar surveys will be completed for the other cable alignment routes (i.e. phases).</p>
<p>Recommends that all onshore underground cabling should be studied and that NCTC be provided with the Record Searches for all underground placement, and where necessary Phase I surveys are necessary, and/or extended Phase I, as the area which Grover Beach sets is a Chumash Sacred Place.</p>	<p>Commission staff appreciates being reminded that all underground conduit system onshore will need to be studied. The 1.5 miles long (7920 feet) underground conduit system would be installed using smaller HDD machines. The conduit bundle (approximately 8 to 10 inches in diameter) would be buried at least 3 feet deep with periodic manholes (spaced at intervals of approximately 850 feet all along the underground conduit system to allow access for maintenance) on one side of the surface streets.</p> <p>Archaeological surveys were completed for the terrestrial component of the Project (all aboveground and underground placement), including a record search, literature and background review, intensive pedestrian survey, and geoarchaeological analysis. A contract archaeologist gathered and reviewed the results</p>

Exhibit D- Comments and Responses on the MND

	of the record searches (and all other surveys) and summarized them in Section 3.5, <i>Cultural Resources</i> in the MND. A copy of the entire cultural resource survey report was provided to the Northern Chumash Tribal Council representative.
Recommends that offshore surveys and investigations be done as soon as possible, considering, Whale migrations, White Sea Bass migrations, Squid and bait fish migration, and other marine migrations and breeding timetables, submerged clam and small animal breeding and nesting habits, like Grunion.	As described on page 3-70 of the MND, due to the slow ship speed during cable laying activities (approximately 0.5 to 1.5 nautical miles per hour while plowing), the potential for the vessel to interfere substantially with migratory fish or with established or migratory wildlife is considered negligible. In addition, MM BIO-8 through MM BIO-13 and APM-1 would further reduce potential interference with fish or marine wildlife. MM BIO-10 requires preparation and implementation of a Marine Wildlife Monitoring and Contingency Plan. The Plan, in part, would require two qualified shipboard marine mammal observers onboard all cable installation vessels during cable installation activities and would establish a safety work zone around all Project work vessels that defines the distance from each work vessel that marine mammals and sea turtles may approach before all operations must stop until the marine mammal or sea turtle has moved beyond.
Recommends that subsurface testing be done in the terrestrial Project area because much of the paving and building was done before CEQA and current regulatory standards.	<p>The Project would not involve any trenching even though it was analyzed in the MND's <i>Section 2.3.8.2 Install Underground Conduit System</i> (MND page 2-22) as a possibility if HDD wasn't feasible in some places. Because trenching is not planned, subsurface testing would not be needed since HDD-related construction work would minimally disturb soils and a Tribal Monitor would be present during any excavation of bore pits etc.</p> <p>The 1.5 miles long (7920 feet) underground conduit system would be installed using smaller HDD machines and burying the conduit bundle (approximately 8 to 10 inches in diameter) at least 3 feet deep with periodic manholes (spaced at intervals of approximately 850 feet all along the underground conduit system to allow access for maintenance) on one side of the surface streets.</p> <p>Any excavation involving shoring will be constructed in a safe manner and comply with the current industry standards and requirements, including but not limited to, those of the Division of Occupational Safety and Health, better known as the California Occupational Safety and Health Administration (MND page 2-23). Therefore, any ground disturbance will be limited to approximately 12 pits to hold access vaults (6 feet by 8 feet and 7 feet deep) and approximately 14 bore pits to hold boring machines (2 feet by 8 feet and 4 feet deep). The excavations would occur in</p>

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	paved surface streets and the State Parks parking lot. The remaining underground work will consist of using HDD construction techniques so soils will not be extracted. Ground disturbance from HDD construction technique would be minimal and a Tribal monitor would be present when bore pits etc. would be excavated.
Requests that MM CUL-2/TCR-2 be changed from “notify/invite” to “shall retain” a qualified archeologist and that Northern Chumash Cultural Monitors from the two local Tribal Governments be retained for the entire onshore excavations.	The Applicant will retain a paid qualified Tribal Monitor culturally affiliated to the Project site to monitor all onshore ground disturbing activities. Additional conditions and details are provided in the Tribal Cultural Resources Monitoring and Treatment Plan.

Salinan Tribe of Monterey, San Luis Obispo Counties Tribal Representative

Comment Summary	Response
Requests that all ground disturbing activities for this Project be monitored by a cultural resource specialist from their tribe because of the many recorded cultural sites near the Project location.	The Applicant will retain a paid qualified Tribal Monitor culturally affiliated to the Project site to monitor all onshore ground disturbing activities. Additional conditions and details are provided in the Tribal Cultural Resources Monitoring and Treatment Plan.