Meeting Date: 02/23/21
Application Number: W27218
Staff: A. Franzoia

Staff Report 10

APPLICANT:

RTI Infrastructure, Inc.

PROPOSED ACTION:

Consider adoption of a Mitigated Negative Declaration, adoption of a Mitigation Monitoring Program, and issuance of a General Lease – Right-of-Way Use

AREA, LAND TYPE, AND LOCATION:

Sovereign tide and submerged land in the Pacific Ocean, adjacent to the Samoa Peninsula, near Samoa, Humboldt County.

AUTHORIZED USE:

Installation, use, and maintenance of four, 6-inch-diameter steel landing pipes and two, 2-inch-diameter subsea fiber-optic cables.

TERM:

25 years, beginning February 23, 2021.

CONSIDERATION:

$236,005 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:

- 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.
- Bond or other Surety in the amount of $250,000, to be reviewed every five years.
- Lessee shall submit two sets of "as built" drawings for the Project in Phase 1 (including installation of the landing pipes and the first two subsea

cables) that would be certified (stamped, signed, and dated) by a California registered Civil/Structural Engineer and showing all design changes or other amendments to the construction drawings as originally approved. One set shall be provided within 60 days of completion of installation of the four landing pipes. The second set shall be provided within 60 days of completion of the entire Project (including laying of the subsea cable) in the Lease Premises.

- Based on the "as-built" drawings received, 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 within the Commission's jurisdiction. 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 staff's 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 following notice from Lessor's staff, to request a lease amendment to reflect such changes.
- Lessee acknowledges it has entered into the Northern California Cable and Fishing Agreement (Agreement), dated June 25, 2020, between Lessee and the North Coast Fishermen's Cable Committee and have formed a joint committee, Redwood Coast Cable Committee, prior to the construction and installation of the landing pipes and subsea cables. Lessee agrees to comply with all the provisions of such agreement during the Lease term, which includes but is not limited to conditions requiring maintenance of a 24-hour toll-free contact number, fishing gear replacement, indemnity protections, notices to fishers' provisions, and conflict resolution procedures and expenses.
- Prior to commencement of construction, Lessee shall obtain Lessor's staff and Coastal Commission staff written approval of the Agreement. Lessee shall provide Coastal Commission staff and Lessor staff with either: (a) an amended Agreement; or (b) the existing Agreement along with Lessee's justification for not amending the Agreement, which shall include a letter documenting efforts made to be more inclusive and seek greater participation in the Joint Committee. Lessee shall provide the amended Agreement or the justification for not amending the Agreement at least thirty (30) days prior to the commencement of construction and shall not begin construction until both Coastal Commission staff and Lessor's staff have issued written approval of the submittal. Lessee shall continually comply with such Agreement, as may be amended, during the Lease Term. ~~At least 15 days prior to construction, Lessee shall submit, to both the Commission staff and California Coastal Commission~~

~~staff, an executed amended Agreement, that has been approved by both Commission staff and California Coastal Commission staff in advance, that achieves greater inclusivity with the fishing community. Such amended~~The Agreement shall be publicly available upon request.

- Lessee shall submit copies of the Redwood Coast Cable Committee's annual financial reports including but not limited to balance sheets; income and expense statements; list of all transactions; list of all grant fund requests, awards, and disbursements; and lost gear claims from any fishermen. Lessee shall submit a copy of the approved Redwood Coast Cable Committee's Fisheries Improvement Fund management plan including policies, procedures, evaluation criteria, goals, and objectives.
- Lessee shall not perform survey, installation, or non-emergency maintenance or removal operations for the Project within state waters during the open season of the commercial Dungeness crab fishery for open waters of Humboldt County (as designated by California Fish and Wildlife).
- Lessee and their subcontractors shall employ a minimum of one, and up to two, local commercial fishing vessels and their crews as guard vessels and a commercial fisherman anytime that a fiber optic cable is installed, surveyed, repaired, or removed.

BACKGROUND:

The world relies on fast and bandwidth-intensive data transmissions from 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 Project to install subsea cables is needed to keep up with technological advancements to transmit uninterrupted data for essential business such as telework, telemedicine, and distance learning. 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, Asia, and Australia. Existing subsea cable systems installed 15 to 20 years ago, with older technology, limit the amount of telecommunication data that can be transferred across the Pacific Ocean.

The Applicant was previously authorized to install similar landing pipes by horizontal directionally drilled (HDD) construction methods to install subsea cables near Manchester, Mendocino County (Item C15, June 28, 2019), and Grover Beach, San Luis Obispo County (Item C50, June 23, 2020). Landing pipes installed by the HDD method eliminate disturbance to the beach and the nearshore ocean bottom substrate.

For the proposed Project, each subsea cable would begin in Asia or Australia and be laid on the ocean floor by a cable-laying vessel. When the cables reach the continental shelf offshore Samoa, Humboldt County, each cable will be buried before being pulled through one of the four landing pipes and connected in an onshore cable-landing site located on private property near New Navy Base Road. The Phase 1 infrastructure would include installing four landing pipes by HDD construction methods at a minimum depth of 35 feet below the beach and the ocean floor and exiting approximately 3,600 feet offshore in 40 feet depth of water. The subsea cables will be installed with a sea plow towed behind the cable-laying vessel, which will create a 3.3-foot-wide, 3.3- foot-deep furrow in the ocean floor, where the cable will lay, that will be naturally filled as the disturbed sediments resettle. The subsea cable will be buried from the edge of the continental shelf to where the landing pipe exits. These subsea cables would be pulled through each of their own designated landing pipes and brought on land into the cable-landing site. The cable-landing site includes four landing vaults, one for each proposed cable, (approximately 8 feet wide by 12 feet long by 9 feet deep) that would be buried with a cast-iron vault cover (36 inches in diameter) flush with the ground.

At least one subsea cable has already been installed in Grover Beach. The first subsea cable in Manchester is expected to arrive sometime before summer 2021.

This is the Applicant's third Project to install, use, and maintain four landing pipes and four subsea cables (Project). Phase 1 will include installing four landing pipes and two subsea cables in the Pacific Ocean offshore of Samoa and connecting subsea cables from Singapore and Taiwan to Eureka (Phase 1). Phases 2 and 3 will connect subsea cables from either Japan or Australia (to be determined).

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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Commission is the lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and completed an Initial Study to determine if the Project may have a significant effect on the environment (State CEQA Guidelines, § 15063). Although the Initial Study identified potentially significant impacts to Biological Resources, Cultural Resources, Cultural Resources – Tribal, Greenhouse Gas Emissions, Hazards and Hazardous

Materials, Hydrology and Water Quality, Noise, Recreation, and Transportation, 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)). Therefore, pursuant to the Commission's delegation of authority and the State CEQA Guidelines section 15025, staff prepared a Mitigated Negative Declaration (MND) identified as CSLC MND No. 804, State Clearinghouse No. 2020120205 that is available at https://www.slc.ca.gov/ceqa/rti-infrastructure-inc-eureka/.

The proposed MND and Initial Study were circulated for a 30-day public review period from December 11, 2020, to January 12, 2021. Staff received comment letters from two sovereign Tribal Government representatives, one state agency, one local agency, and 11 from various commercial fishing associations (one comment letter was later retracted). The primary issues raised by commenters relate to impacts to marine biological resources, a historic landfill at the cable-landing site, and potential impacts to commercial fishing; comments received, and staff's responses, are summarized in Exhibit D. The first part of Exhibit D includes the following master responses to address similar comments received from multiple commenters:

- Master Response #1: Cable Burial/Cable Suspensions
- Master Response #2: Northern California Oceanographic Conditions
- Master Response #3: Whale Entanglements
- Master Response #4: Regional Commercial Fishing Cable Liaison Committee
- Master Response #5: Cable Paths
- Master Response #6: 2020 Northern California Geophysical Cable Route Survey
- Master Response #7: Cumulative Impacts

In response to the comments from Humboldt County Department of Human and Health Services (see Exhibit D), staff revised the MND to document the landfill near the cable-landing site in the Hazards and Hazardous Materials section and clarified Mitigation Measure (MM) HAZ-1 related to work occurring near the historic landfill.

Staff revised Table 5-1, at the request of the Pacific Coast Federation of Fishermen Association, to clarify fishing season, method, and habitat for commonly fished species in the waters off of Samoa, California. Staff also made a clarification in the Cultural Resources – Tribal section regarding Tribal outreach.

Staff determined that these changes do not constitute a "substantial revision," as defined in State CEQA Guidelines section 15073.5, subdivision (b), and that recirculation of the MND prior to Commission consideration is not required pursuant to State CEQA Guidelines section 15073.5, subdivision (c).

Based upon the Initial Study, the MND, and the comments received in response to the MND, there is no substantial evidence that the Project will have a significant effect on the environment. (State CEQA Guidelines section 15074, subdivision (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.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The proposed lease area consists of tide and submerged land situated in the Pacific Ocean adjacent to and offshore from the Samoa Peninsula, near Samoa, Humboldt County. The Applicant proposes to utilize rights-of-way for the installation, use, and maintenance of four proposed landing pipes and four proposed subsea cables as part of a transpacific subsea cable system. The Applicant has only applied for Phase 1 of the Project. Construction would include installation of two of the four proposed subsea cables and four landing pipes; however, all four of the proposed subsea cables are analyzed in the MND. The Applicant will apply to amend the lease to install the last two subsea cables when appropriate.

Each subsea cable would begin in Asia or Australia and be laid on the ocean floor by a cable-laying vessel. When the cables reach the continental shelf offshore Samoa, each cable will be buried before being pulled through one of the four landing pipes and connected in an onshore cable-landing site located on private property near New Navy Base Road. The Phase 1 infrastructure would include installing four landing pipes by HDD construction methods at a minimum depth of 35 feet below the beach and the ocean floor and exiting approximately 3,600 feet offshore in 40 feet depth of water. The subsea cables will be installed with a sea plow towed behind the cable-laying vessel, which will create a 3.3-foot-wide, 3.3-foot-deep furrow in the ocean floor, where the cable will lay, that will be naturally filled as the disturbed sediments resettle. The subsea cable will be buried from the edge of the continental shelf to where the landing pipe exits. These subsea cables would be pulled through each of their own designated landing pipes and brought on land into the cable-landing site. The cable-landing site includes four landing

vaults, one for each proposed cable, (approximately 8 feet wide by 12 feet long by 9 feet deep) that would be buried with a cast-iron vault cover (36 inches in diameter) flush with the ground.

An ocean ground bed (OGB) is needed for each subsea cable system for cathodic protection and to provide a ground for the electricity that powers the subsea cables' amplifiers. Each subsea cable system will include an onshore OGB in the cable-landing site. Additional information on the OGBs is contained in the MND, which also analyzed the possibility of installing offshore OGBs near the end of where the landing pipes exit. However, the Applicant has agreed to install all OGBs onshore- outside the Commission's leasing area

The Applicant designed the Project to achieve the following objectives:

- Respond to the increasing need for connecting the United States with Asia (e.g., Singapore, Taiwan, and Japan) and Australia by installing modern subsea cables with high 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 is anticipated to be built in three phases. Phase 1 (year 2021) includes construction of the infrastructure to receive up to four subsea cables and bring the first two subsea cables from Singapore and Taiwan to the Samoa Peninsula. Phases 2 and 3 will require the Applicant to obtain a lease amendment and authorization from the Commission.

The new lease will require the Applicant to conduct a subsea cable burial verification inspection within 60 days following subsea cable installation, every 5 years thereafter on or before the anniversary date of the lease, and after major storm events. A lease amendment would be required for any significant changes to the authorized use in the future.

The Applicant entered into an agreement with the local North Coast Fishermen's Cable Committee on June 25, 2020, regarding the proposed construction and installation of the landing pipes and subsea cables. This agreement focuses on protecting the fishing community from potential financial losses that might occur if the proposed Project interferes with commercial fishing activities or causes

damage to fishing equipment. The agreement provides notice requirements to fishers prior to construction activities as well as procedures for replacing damaged gear and resolving disputes between the parties. Staff were contacted by fishers in the area regarding the proposed lease and the agreement. Some fishers are concerned that the agreement is not inclusive of the larger Humboldt area fishing community and wish to amend the agreement. Commission staff is supportive of efforts to ensure that the Agreement between the Applicant and the fishers is inclusive, publicly available, and broadly represents the needs of the community. While the Commission is not a party to the agreement, staff will continue to work with the Applicant, the fishing community, and other responsible agencies involved with the project to reach resolution. ~~The proposed lease requires the execution of the amended Agreement at least 15 calendar days prior to the construction and installation of the landing pipes and subsea cable.~~

The landing pipes and subsea cables 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 improvements do not permanently alter the land due to their small width and the nature of their installation. Additionally, 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 $250,000 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.

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 coastal flooding (greater than a 1 percent chance, annually) or increased erosion with anticipated sea-level rise. The marine component (subsea cables) of the Project would be buried approximately 3.3 feet beneath the ocean floor in State waters starting at approximately 3,600 feet offshore and ending at approximately 32 miles offshore. The offshore Project components would not be impacted by sea-level rise. The subsea cables between the cable-landing site and where the landing pipes exit offshore will be HDD deep below the beach

(approximately 35 feet) and thus would not be subject to increased erosion over time. Additional background information on climate change and sea-level rise in the Project area is provided in Section 5.1, *Climate Change and Sea-Level Rise*, of the MND.

TRIBAL COORDINATION AND CONSULTATION

In keeping with its Tribal coordination practices and pursuant to the Commission's Tribal Consultation Policy, staff contacted the Native American Heritage Commission (NAHC) requesting a list of the California Native American Tribes in the Project area. On June 1, 2020, the NAHC identified the following California Native American Tribes in the Project area and stated that no records were identified in the Sacred Lands File record search for the Project area:

- Bear River Band of Rohnerville Rancheria
- Blue Lake Rancheria
- Cher-Ae Heights Indian Community of the Trinidad Rancheria
- Wiyot Tribe

On July 15, 2020, staff sent out a notification of consultation letter, in accordance with AB 52, to the Blue Lake Rancheria, who had previously requested to be notified of Commission projects. The AB 52 provisions ensure Tribes have the opportunity to provide meaningful input on the Project's potential effects on Tribal Cultural Resources and possible measures to avoid or minimize any significant effects.

On July 15, 2020, staff provided CEQA notice to the other NAHC identified California Native American Tribes (Bear River Band of Rohnerville Rancheria, Cher-Ae Heights Indian Community of the Trinidad Rancheria, and the Wiyot Tribe) that an MND would be prepared for this Project and available for public comment.

One response was received from the AB 52 invitation letter, and two responses were received from the CEQA outreach letters. The number of responses is clarified in the MND on page 3-91 to remove any confusion because the Commission only had Blue Lake Rancheria on the AB 52 list and not the Wiyot Tribe. To date, no response has been received from the Cher-Ae Heights Indian Community of the Trinidad Rancheria.

On August 7, 2020, Janet P. Eidsness, Tribal Historic Preservation Officer for the Blue Lake Rancheria, responded to the AB 52 invitation letter, declining the invitation to consult further on the Project. Ms. Eidsness stated she was not aware of any known Tribal or other cultural resources in the Project area. She also stated that the Project area has a low archaeological sensitivity as the dune field has been greatly modified in the past. She provided an "inadvertent archaeological discovery"

protocol that has already been incorporated into MM CUL-1/TCR-1 and MM CUL-6/TCR-3 (see Exhibit C). During the MND public comment period, Ms. Eidsness responded on December 16, 2020, reemphasizing that she was not aware of any known cultural resources in the Samoa area where the onshore infrastructure will be constructed. She also stated that she was encouraged by the MMs in place for any underwater prehistoric deposits. On January 26, 2021, Ted Hernandez, Chairman/Cultural Director of the Wiyot Tribe, submitted a comment on the MND concurring with Ms. Eidsness' comments above.

Two responses were received as a result of the CEQA outreach letters. One was on August 13, 2020, from Mr. Hernandez, Chairman/Cultural Director of the Wiyot Tribe, stating that he concurred with the Blue Lake Rancheria Tribal Historic Preservation Officer's recommendations for the Project as well as incorporating the inadvertent discovery protocol presented by Ms. Eidsness. The second response was on September 3, 2020, from Ms. Erika Cooper of the Bear River Band of Rohnerville Rancheria, stating that she was not aware of any known resources in the Project area. Ms. Cooper also indicated her agreement with the inadvertent discovery protocol recommendations (MM CUL-1/TCR-1 and MM CUL-6/TCR-3 as provided in Exhibit C) provided by Ms. Eidsness.

CONCLUSION:

For all the reasons above, staff believes the issuance of the proposed 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 authorized to install its landing pipes and subsea 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. The Applicant has not yet obtained the necessary entitlements and permission to utilize the adjacent upland which is owned by the Humboldt Bay Harbor, Recreation, and Conservation District (District). The Applicant anticipates

obtaining the land lease and right-of-entry permit from the District after the Commission's adoption of the MND.

3. 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.

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are significant by nature of their public ownership (as opposed to environmentally significant). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, title 2, section 2954 is not applicable.

APPROVAL REQUIRED:

California Coastal Commission
Humboldt Bay Harbor, Recreation, and Conservation District
North Coast Regional Water Quality Control Board
North Coast Unified Air Quality Management District

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. 804 (February 2021), State Clearinghouse No. 2020120205, was prepared for this Project pursuant to the provisions of CEQA, that the Commission has reviewed and considered the information contained therein,

and in the comments received in response, 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.

AUTHORIZATION:

Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning February 23, 2021, for a term of 25 years, for the installation, use, and maintenance of four, 6-inch-diameter steel landing pipes and two, 2-inch-diameter subsea fiber-optic cables, 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 $236,005 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 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 $250,000 to be reviewed every five years.

EXHIBIT A

W 27218

LAND DESCRIPTION

Three parcels of tide and submerged land lying in the bed of the Pacific Ocean, situated west of the town of Eureka, Humboldt County, State of California and more particularly described as follows:

PARCEL 1

BEGINNING at a point on a beach landing vault having a Latitude 40° 48.284' North and a Longitude 124° 11.887' West, which bears North 06° 20' 18" West 942.425 meters from the NGS monument "D 735" (Epoch 2010.00) having UTM Zone 10 coordinates of Northing (y) = 4516834.871 meters, Easting (x) = 399042.719 meters; thence South 0° 46' 59" West 9.252 meters; thence North 78° 11' 16" West 284.234 meters; thence North 78° 12' 02" West 1320.925 meters; thence North 14° 35' 38" East 192.024 meters, thence North 21° 57' 29" East 142.206 meters; thence South 66° 43' 39" East 1328.928 meters; thence South 65° 50' 20" East 272.902 meters to the POINT OF BEGINNING.

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

PARCEL 2

A 10 foot (3.048 meters) strip of submerged lands, being 5 foot (1.524 meters) on each side of the following described centerline:

BEGINNING at a point on a beach landing vault having a Latitude 40° 48.282' North and a Longitude 124° 11.887' West, which bears North 06° 21' 34" West 939.671 meters from the NGS monument "D 735" (Epoch 2010.00) having UTM Zone 10 coordinates of Northing (y) = 4516834.871 meters,
Easting (x) = 399042.719 meters; thence along the center line of the proposed pipe bore and cable the following four courses;

1. North 71° 32' 56" West 277.410 meters;
2. North 71° 34' 05" West 1324.850 meters;

3. North 51° 30′ 25″ West 580.997 meters;
4. North 42° 18′ 12″ West 1158.205 meters;
5. North 25° 11′ 26″ West 1391.658 meters;
6. North 63° 44′ 11″ West 1421.009 meters;
7. North 81° 01′ 08″ West 123.105 meters more or less to a point on the State of California Offshore Boundary and a TERMINUS of said centerline.

The sidelines of said PARCEL 2 shall be lengthened or shortened as to terminate at said State of California Offshore Boundary.

EXCEPTING THEREFROM any portion lying within above described **PARCEL 1**.

PARCEL 3

A 10 foot (3.048 meters) strip of submerged lands, being 5 foot (1.524 meters) on each side of the following described centerline:

BEGINNING at a point on a beach landing vault having a Latitude 40° 48.281′ North and a Longitude 124° 11.887′ West, which bears North 06° 22′ 50″ West 936.917 meters from the NGS monument "D 735" (Epoch 2010.00) having UTM Zone 10 coordinates of Northing (y) = 4516834.871 meters,
Easting (x) = 399042.719 meters; thence along the center line of the proposed pipe bore and cable the following four courses;

1 North 74° 37′ 00″ West 278.957 meters;
2. North 74° 52′ 08″ West 1314.767 meters;
3. North 56° 47′ 38″ West 942.525 meters;
4. North 47° 25′ 56″ West 1886.399 meters;
5. North 74° 15′ 25″ West 1599.315 meters more or less to a point on the State of California Offshore Boundary and a TERMINUS of said centerline.

The sidelines of said PARCEL 2 shall be lengthened or shortened as to terminate at said State of California Offshore Boundary.

EXCEPTING THEREFROM any portion lying within above described **PARCEL 1**.

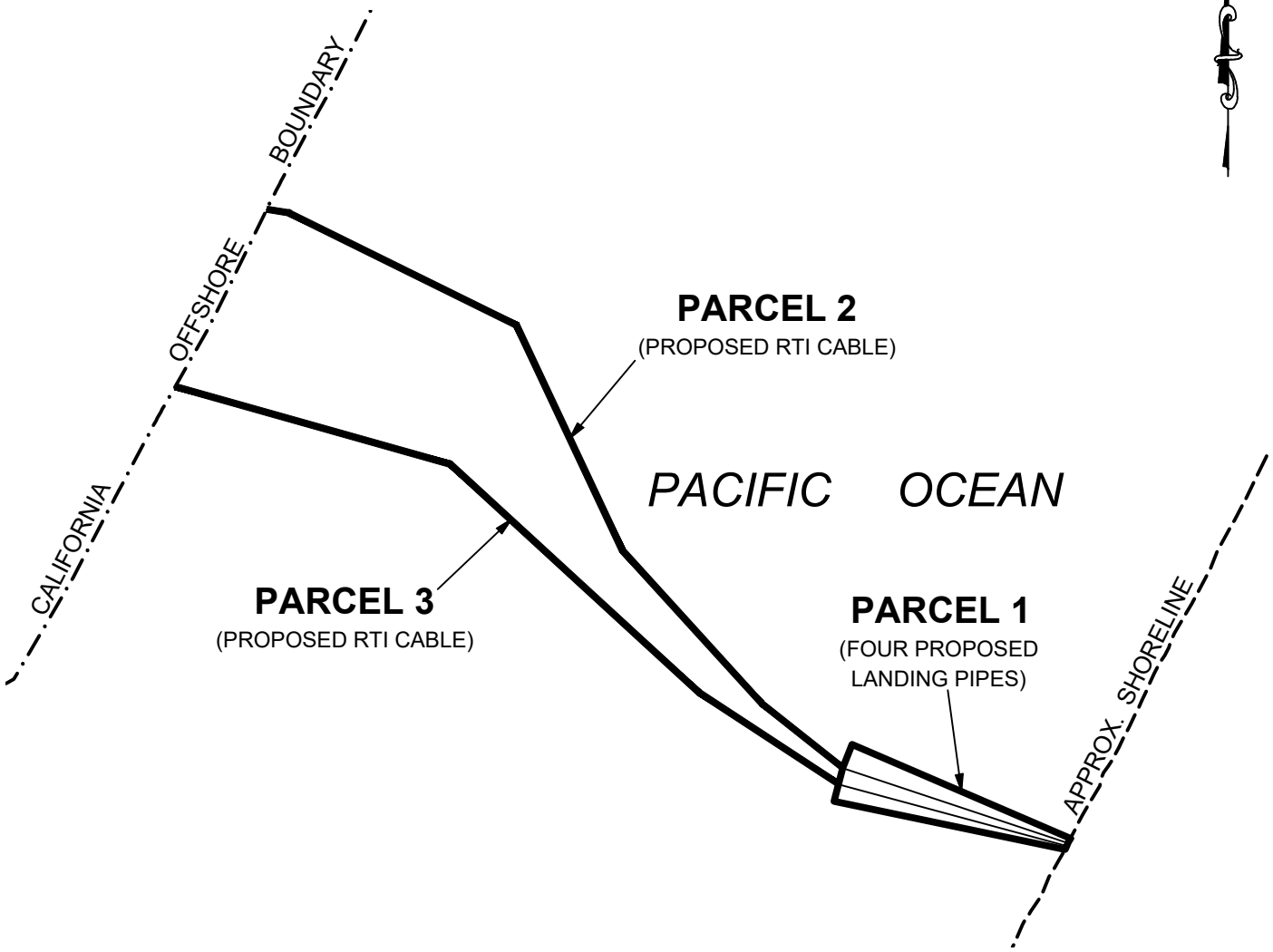
END OF DESCRIPTION

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. 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.

Prepared 01/04/2021 by the California State Lands Commission Boundary Unit

NO SCALE

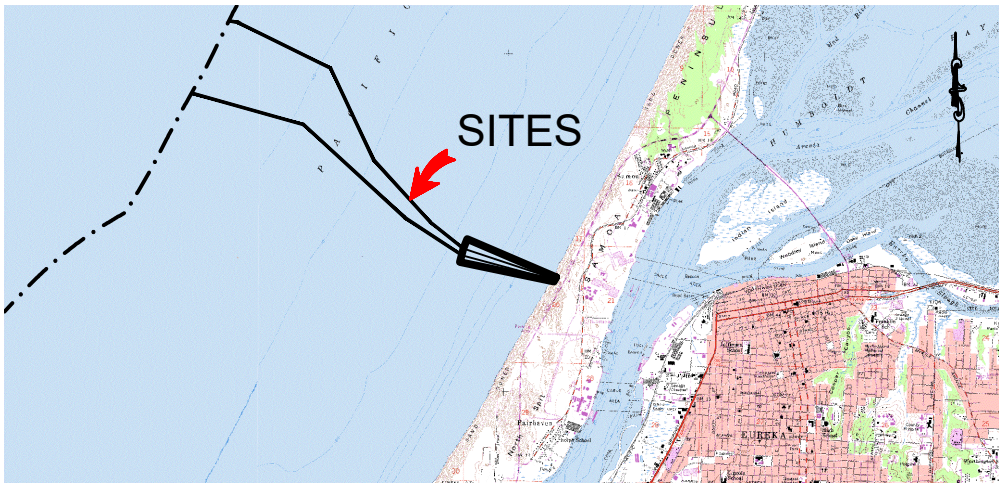
SITE



OFFSHORE CABLE SYSTEM NEAR SAMOA

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 27218
RTI INFRASTRUCTURE, INC.
GENERAL LEASE - RIGHT-OF-WAY USE
HUMBOLDT COUNTY

TS 01/04/2021

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
RTI INFRASTRUCTURE, INC. EUREKA SUBSEA FIBER OPTIC CABLES PROJECT
(State Clearinghouse No. 2020120205)

The California State Lands Commission (CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the RTI Infrastructure, Inc. Eureka 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 Project authorizes RTI Infrastructure, Inc. (Applicant or RTI) to build infrastructure in terrestrial and marine areas in and offshore south of the unincorporated community of Samoa in Humboldt County to connect a total of four fiber optic cables (cables) coming from Asia (e.g., Singapore, Taiwan, and Japan) 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 and Applicant Proposed Measures (APMs) 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. 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 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 (Table 4-1) for 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**, **APM-2**, and **APM-3**) for Biological Resources and Commercial and Recreational 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
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: • Surrounding common and special-status species and their habitats • Applicable regulatory requirements • MMs designed to avoid or minimize impacts on sensitive resource areas 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 shall provide an updated final list after construction is completed. The lead environmental monitor shall be the main contact for reporting any special-status species observed in or	Terrestrial and marine Project areas	Training materials approved by CSLC staff 30 days before construction starts Onsite monitor to submit list of trained personnel and training materials to CSLC within 30 days after construction starts and after construction is completed	Implementing MM will educate construction workers regarding special-status species and habitat	Applicant and CSLC	Before, during, and after construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	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 onsite construction workers, USFWS, CDFW, and CSLC staff before construction starts.					
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 species and nesting birds (as applicable) 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. The biological monitor shall be onsite full-time during the initial equipment mobilization and site preparation (including fence installation) and during the final demobilization phase of construction at the cable landing site. In addition, the monitor will make weekly site visits during Project construction for all work on the cable landing site. While on site, if the biological monitor observes special-status species on the Project site, the biological monitor shall have the authority to stop all work, and the Applicant shall contact the appropriate	Terrestrial and marine Project areas	Onsite monitor to verify Submit daily monitoring report for work within CSLC's jurisdiction and weekly report for work outside CSLC's jurisdiction	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	Before and during construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	agency, (i.e., CDFW or USFWS and CSLC staff) to discuss ways to protect the special-status species. If a biological monitor was not monitoring the Project site during construction when a special-status species was observed on the site, the lead environmental monitor for the Project would be contacted immediately to determine the appropriate course of action. Construction monitoring reports for marine work under CSLC's jurisdiction shall be submitted daily, and for terrestrial work outside of the CSLC's jurisdiction shall be submitted weekly.					
Impacts on Special-Status Species and Habitats (cont.)	**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, sensitive biological resource areas within and adjacent to the cable landing station work area shall be staked and flagged by the biological monitor (**MM BIO-2**). The special-status plant (dark-eyed gilia) located along the southern edge of the cable landing site work area will be protected with orange construction barrier fencings. The location of the staking and flagging and barrier fencing will be documented in the daily monitoring log and provided to CSLC prior to the start of construction. These demarcated areas shall be inspected daily throughout	Terrestrial Project area	Onsite monitor to document in the monitoring log	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	Before and during construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	construction to ensure that they are visible for construction personnel.					
Impacts on Sensitive Biological Resources	**MM BIO-4: Install Covers or Some Kind of Escape Ramps in Open Trenches.** To prevent accidental entrapment of wildlife species during construction, all excavated holes that will be left open overnight shall have a cover or some kind of soil ramp installed, allowing wildlife an opportunity to exit. If escape ramps are installed, construction inspector/ biological monitor 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 onsite, a local biologist (with appropriate permits) would be called out to remove any species.	Terrestrial Project area	Onsite construction inspector/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
Impacts from Horizontal Directional Drilling (HDD) Activities	**MM BIO-5: Prepare and Implement an Inadvertent Return Contingency Plan.** A Final Inadvertent Return Contingency Plan (either one report that describes a plan for both terrestrial and marine areas or separate reports for each area) for the HDD shall be submitted to CSLC staff for review and approval at least 30 days before starting construction in terrestrial and marine areas. The plan shall include the following:	Terrestrial and marine Project areas	Submit report to the CSLC 30 days before starting construction Onshore or offshore biological monitor to identify signs of an inadvertent	Implementing MM will reduce the potential for impacts on special-status species and habitat	Applicant and CSLC	Before and during construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• Measures to stop work, maintain appropriate control materials onsite, contain and remove drilling mud before demobilization, prevent further migration of drilling mud into the 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. • Onshore and offshore biological monitors shall monitor the onshore and offshore to identify signs of an inadvertent release of drilling fluids. • An abandonment contingency plan 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.		release of drilling fluids			
Impacts on Nesting Birds	**MM BIO-6: 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	Terrestrial Project area	If construction occurs during nesting season, conduct surveys 1 week before	Implementing MM will reduce the potential for impacts on nesting birds	Applicant and CSLC	Before and during construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	and non–special-status birds) shall be implemented: • Areas within the BSA: No more than 1 week before starting Project-related construction, a biological monitor, approved by CSLC staff, shall survey the Project areas within the BSA 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 and accessing the site. • 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) shall 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 the 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 shall 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		start of construction Onsite monitor to verify; coordination with USFWS/ CDFW			

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	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 everyday if construction activities happen during bird nesting season and a nest is identified within the buffer area.					
Impacts from Horizontal Directional Drilling Activities	**MM BIO-7: Implement Best Management Practices for Horizontal Directional Drilling Activities.** When using the large HDD equipment to install landing pipes, the following shall be submitted to CSLC staff for review and approval at least 60 days prior to construction of Phase 1 as defined in the MND: • 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	Marine Project area	Submit engineering design drawings and geotechnical report to CSLC at least 60 days prior to construction of Phase 1 as defined in the MND On-site monitor to verify BMPs during construction	Implementing MM will reduce the potential for impacts on marine wildlife and water quality associated with HDD activities	Applicant and CSLC	Before and during construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	unless a shallower depth is recommended by a California-registered Geotechnical Engineer. • The Applicant shall incorporate any BMPs identified in the reports or reviews into the HDD plans in order to minimize potential impacts on marine wildlife and water quality.					
Impacts on Marine Wildlife	**MM BIO-8: Cable Entanglements and Gear Retrieval.** If fishers snag a cable and lose or cut gear or if the Applicant snags fishing 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: • 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 are	Retrieval within 42 days of discovery Submit recovery report to CSLC within 14 days of completing the recovery operation	Implementing MM will reduce the potential for impacts on marine species	Applicant and CSLC	Before, during, and after construction
Impacts on Marine Mammals and Sea Turtles	**MM BIO-9: 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	Marine Project area	Submit the MWMCP to CSLC and CCC for review and approval at	Implementing MM will reduce the potential for impacts on	Applicant and CSLC	Before and during construction, and during maintenance or repairs

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	cables with the following elements, procedures, and response actions: • 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 NMFS, 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 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.		least 60 days before starting marine installation activities	marine species		

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• The MWMCP shall be submitted to the CSLC and CCC for review and approval at least 60 days before starting marine installation activities.					
Impacts on Hard Substrate Habitat Area	**MM BIO-10: Minimize Crossing of Hard Bottom Substrate.** At least 30 days before starting construction of Phase I, a pre-construction ocean floor 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 ocean floor 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 ocean floor survey.	Marine Project area	Conduct pre-construction ocean floor survey and submit results (with maps) to CSLC at least 30 days before starting construction of Phase I.	Implementing MM will reduce the potential for impacts on hard bottom habitat areas and associated marine biological resources	Applicant and CSLC	Before starting marine construction
Impacts on Hard Substrate Organisms	**MM BIO-11: Contribute Compensation to Hard Substrate Mitigation Fund.** The following would be proposed if slow-growing hard substrate organisms are damaged: • CCC compensation fees (based on past projects) will be required to fund the U.C. Davis Wildlife Health Center's	Marine Project area	Applicant will provide documentation to CSLC and CCC for (1) assessment and methods used to	Compensation fees will help reduce impacts on hard substrate habitat and associated marine	Applicant	After Project construction and after determination based on final burial report

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	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 hardbottom 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.		calculate total compensation fee; and (2) total amount of mitigation paid and the activities for which the funds will be used.	biological resources		
Impacts on Marine Native Species	**MM BIO-12: 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	Marine Project area	Onsite monitor to verify	Implementing MM will reduce the potential for impacts on marine native species	Applicant and CSLC	During construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	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.					
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 cultural resources are discovered during Project implementation, all earth-disturbing work within 50 feet of the find shall be temporarily suspended or redirected until a qualified archaeologist retained by the Applicant can adequately assess the find and determine whether the resource requires further study. In the event that a cultural or tribal cultural resource discovery is potentially significant, the 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. For all discoveries known or likely to be associated with Native American heritage (pre-contact sites and select post-contact historic-period sites), the THPOs for the Bear River Band of Rohnerville Rancherία, Blue Lake Rancherία, and Wiyot Tribe shall be contacted immediately by the CSLC to evaluate the discovery and, in consultation with the Applicant and a qualified archaeologist,	Terrestrial Project area	Qualified archaeologist, notification of permitting agencies, treatment plan if needed	Implementing MM will reduce potential impacts on archaeological resources	Applicant and CSLC	Prior to and throughout construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	develop a treatment plan in any instance where significant impacts cannot be avoided. The treatment plan shall be submitted to the CSLC staff and any participating tribe for review and approval prior to its implementation, and additional work in the vicinity of the discovery shall not proceed until the plan is in place. 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 on previously unknown significant cultural or tribal cultural resources shall be avoided through preservation in place, if feasible. Damaging effects on tribal cultural resources shall be avoided or minimized following the measures identified in Pub. Resources Code section 21084.3 subdivision (b), if feasible, unless other measures are mutually agreed to by the lead archaeologist and culturally affiliated tribes that would be as or more effective. 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.					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Potential Impacts on Previously Unknown Terrestrial Archaeological Resources	**MM CUL-2/TCR-2: Cultural Resources Contractor Awareness Training.** Prior to beginning construction, the Applicant shall retain a qualified archaeologist to prepare a Cultural Resources Contractor Awareness Training subject to CSLC approval. The training shall be given to all construction personnel prior to working on the Project, and the training shall include, but not be limited to, the following: • Guidance on identification of potential cultural resources that may be encountered. • The probability of exposing cultural resources. • Clear direction on procedures if a find is encountered. The archeologist shall provide construction personnel with an orientation on the requirements of the treatment plan, including the probability of exposing cultural resources, guidance on recognizing such resources, and direction on procedures if a find is encountered.	Terrestrial Project area	Qualified archaeologist, training for all construction personnel prior to working on the Project, including identification and handling of previously unknown cultural resources	Implementing MM will reduce potential impacts on archaeological resources	Applicant and CSLC	Prior to construction
Disturbance of marine archaeological resources	**MM CUL-3: Conduct a Pre-Construction Offshore Archaeological Resources Survey.** Using the 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 the overall geometry of the seabed, paleochannels, and the surrounding areas shall be analyzed for their potential	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

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	to contain intact remains of the past landscape with prehistoric archaeological deposits. The analysis shall 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 CCC or the SHPO and the CSLC to document effects on potentially historic properties.					
Disturbance of Marine Archaeological Resources (Offshore Historic Shipwrecks)	**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, BOEM, and USACE (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). 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 km on each side of the proposed cable route. This analysis shall not be limited to side-scan and magnetometer	Marine Project area	Qualified maritime archaeologist	Implementing MM will reduce potential impacts on marine archaeological resources	Applicant and CSLC	Before construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	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 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. 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.					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Disturbance of Marine Archaeological Resources	**MM CUL-5: Prepare and Implement an Avoidance Plan for Marine Archaeological Resources.** An avoidance plan 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.	Marine Project area	Qualified maritime archaeologist	Implementing MM will reduce potential impacts on marine archaeological resources	Applicant and CSLC	Before and throughout construction
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 Pub. Resources Code section 5097.98 shall be followed. Work shall stop within 100 feet of the discovery, and both the archaeologist retained by the Applicant 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 (see at http://www.nahc.ca.gov/profguide.html) 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

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 Contractor Awareness Training** (see above) Implement **MM CUL-6/TCR-3: Unanticipated Discovery of Human Remains** (see above)					
Greenhouse Gas Emissions						
Greenhouse Gas Emissions during Construction	**MM GHG-1: Purchase GHG Carbon Offsets for Construction Emissions.** The Applicant shall purchase all offsets prior to groundbreaking and provide copies of the offset retirement verification to the CSLC. The Applicant shall purchase carbon offsets equivalent to the Project's projected GHG emissions (2,451 metric tons CO2e) to achieve a net zero increase in GHG emissions during the construction phase for emissions within 24 nm (even though only required for within 3 nm) of the California coast. A carbon offset 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 real, permanent, quantifiable, verifiable, enforceable, and additional (per the definition in California Health and Safety Code sections 38562[d][1] and [2]). 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.	Within 24 nm off the California coast	Applicant will provide verification of offset purchase to the CSLC prior to ground-breaking	Purchase of carbon offsets will reduce GHG emissions impacts	Applicant	Before construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Hazards and Hazardous Materials						
Accidental Release of Hazardous Materials	**MM HAZ-1 Develop and Implement Spill Contingency and Hazardous Materials Management Plans.** At least 30 days before start of construction of the Project, the Applicant shall submit Spill Contingency and Hazardous Materials Management Plans for onshore and offshore operations to the CSLC for review and approval. Prior to construction, the Applicant shall develop and implement the following Plans: **Worker Health and Safety Plan (WHSP)** At least 30 days prior to the start of construction of the Project, the Applicant shall submit to the CSLC a final Worker Health and Safety Plan that has been reviewed and approved by the Humboldt County Division of Environmental Health that addresses measures to minimize risks from landfill gases and potential worker exposure to hazardous materials associated with construction activities at the cable landing site and within 1,000 feet of the Samoa Ash Landfill. The WHSP shall be prepared by a qualified geologist or engineer. A. The WHSP shall include, at a minimum, measures to: i. Address the potential for the presence and migration of landfill gases during construction	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	Before and during construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	ii. Minimize risks of exposure by construction workers to anticipated hazardous materials (e.g., wood ash), to potential unanticipated waste types (e.g., municipal solid waste), and to potential landfill gas accumulation post-construction by operational and maintenance personnel iii. Assure Project stability and structural integrity associated with any incompetent waste fill material that may be present. B. The Applicant shall undertake development in accordance with the approved final WHSP. Any proposed changes to the approved final WHSP shall be reported to the CSLC and Humboldt County Division of Environmental Health. No changes to the approved final WHSP shall occur without written approval from the CSLC and Humboldt County Division of Environmental Health. **Soil and Waste Excavation and Management Plan (SWEMP)** At least 30 days prior to the start of construction of the Project, the Applicant shall submit to the CSLC a final SWEMP that has been reviewed and approved by the Humboldt County Division of Environmental Health. The SWEMP shall address soil and waste					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	management for construction activities at the cable landing site (within 1,000 feet of the Samoa Ash Landfill). The SWEMP shall be prepared by a qualified geologist or engineer. C. The SWEMP shall include, at a minimum, the following: i. A description of the specific locations, methods, and procedures for staging, stockpiling, managing, characterizing, testing, and disposing of soil (including bentonite material), groundwater, and waste material expected to be encountered during construction ii. Procedures for managing unanticipated waste types (i.e., municipal solid waste) that may be encountered during construction iii. BMPs for odor and dust control, including, but not limited to, measures to reduce the potential for exposure of staged and stockpiled materials to wind and stormwater runoff iv. Provisions for characterizing and testing soil, groundwater, and waste material in accordance with California Department of Toxic Substances Control (DTSC) Protocol for Burn Dump Site Investigation and Characterization. Testing should include, at a minimum, volatile organic compounds (VOCs), semi-volatile					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	organic compounds (SVOCs), polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), dioxins/furans, organochlorine pesticides (OCPs), and California Administrative Metals (CAM-17) heavy metals v. Provisions for proper waste disposal at authorized facilities capable of receiving the waste(s) D. The Applicant shall undertake development in accordance with the approved final SWEMP. Any proposed changes to the approved final SWEMP shall be reported to the CSLC and Humboldt County Division of Environmental Health. No changes to the approved final SWEMP shall occur without written approval from the CSLC and Humboldt County Division of Environmental Health. **Spill Contingency and Hazardous Materials Terrestrial Plan (SCHMTP)** Measures for terrestrial operations shall include, but not be limited to, identifying appropriate fueling and maintenance areas for equipment, a daily equipment inspection schedule, and spill response procedures including maintaining spill response supplies onsite. The SCHMTP could be prepared separately or the elements of the SCHMTP could be					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	included in the Solid Waste Excavation and Management Plan (SWEMP). The terrestrial SCHMTP will identify the actions and notifications to occur if contaminated soil is encountered during onshore excavation. The Applicant shall notify the County of Humboldt Division of Environmental Health within 24 hours of discovering contaminated materials 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. The terrestrial SCHMTP will identify, at a minimum, implementing the following BMPs related to using hazardous substances: • 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.					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• Maintain a complete list of agencies (with their telephone number) to be notified of potential hazardous material spills, 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. **Spill Contingency and Hazardous Materials Offshore Plan (SCHMOP)** For offshore activities involving work vessels, the primary work vessel (dive support vessel) will be required to carry onboard a minimum 400 feet of sorbent boom, 5 bales of sorbent pads at least 18-inches by 18-inches square, and a small powered vessel for rapid deployment to contain and clean up any small hazardous material spill or sheen on the water surface. The offshore plan SCHMOP 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 onsite work force. These offshore measures may be provided as part of a separate offshore plan (SCHMOP) or combined with the terrestrial plan (SCHMTP) as described above.					
	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: Prepare and Implement an Inadvertent Return Contingency Plan** (see above)					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
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: 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)					
Noise						
Construction Noise	**MM NOI-1: Implement Construction Noise Control Measures.** The Applicant will ensure that its contractor implements site specific noise attenuation measures to ensure compliance with applicable County noise limits for the duration of the construction period. Noise attenuation	Terrestrial Project area	Contract specifications	Implementing MM will reduce construction noise impacts on sensitive receptors	Applicant	During construction
	measures shall be implemented to keep noise levels below the limits specified in the County's General Plan (Table 13-C Land Use/Noise Compatibility Standards). Noise measures shall include the following and shall be included in the construction specifications: • 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.					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• 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 attenuating shields or shrouds) wherever feasible. • Use "quiet" gasoline powered or electrically powered compressors as well as electric rather than gasoline or diesel powered forklifts for small lifting, where feasible.					
	Implement **MM BIO-9: Prepare and Implement a Marine Wildlife Monitoring and Contingency Plan** (see above)					

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Recreation						
Impacts on Offshore Recreational Activities	**MM REC-1: Advanced Local Notice to Mariners.** At least 15 days before (1) start of the HDD operation, and (2) start of offshore cable laying activity, a Local Notice to Mariners (https://www.dco.uscg.mil/Featured-Content/Mariners/Local-Notice-to-Mariners-LNMs/District-11/) shall be submitted to the USCG describing all offshore operations. A copy of the published notice shall be provided immediately to the CSLC. The notice shall include: • 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 at least 15 days before (1) start of the HDD operation, and (2) start of offshore cable laying activity. Copy of published notice submitted to CSLC immediately	Implementing MM will reduce Project impacts on offshore recreation	Applicant and CSLC	Before and after construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Transportation						
Interference with Local Marine Vessel Traffic	Implement **MM REC-1: Advanced Local Notice to Mariners** (see above) Implement **APM-2: Marine Anchor Plan** (see below)					
Commercial and Recreational Fishing						
Disruption of Commercial Fishing	**APM-1: Fishing Agreement.** The Applicant is actively involved in a Fishing Agreement with the regional commercial fishing cable liaison committee. This agreement, in part, establishes the following: • A cable/fishing liaison committee that manages 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: ° 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 Fishing Agreement to CSLC prior to construction	Implementing this APM will reduce the potential for gear entanglement, cable unburial, and uncompensated loss of gear	Applicant	During construction and maintenance

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Impacts on ocean bottom from marine anchoring	**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: • 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 ocean floor survey map.	Marine anchoring areas only	Provide plan to CSLC 30 days before starting construction	Implementing this APM will ensure safety for anchoring operations	Applicant; Applicant's contractor	Before and during construction
Entanglement of marine species from exposed cable	**APM-3: Cable Burial Surveys.** The Applicant will conduct initial and periodic post-lay surveys of all installed cables between the mean-high tide line to where Project operations extend into federal waters and out to the 5,904-foot depth contour to verify that the cable was and remains buried as initially planned, or to the maximum extent feasible as determined by the initial post-lay assessment. These surveys will assess and report to the CSLC and the CCC the following: • The depth of burial achieved along the cable route.	Marine Project area	Conduct post-lay survey within 60 days of cable installation and every 5 years after, or until Applicant can demonstrate after subsequent burial survey that cable remains buried; distribute	Implementing this APM will avoid exposure of cable and potential for entanglement	Applicant and CSLC	After construction

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	• Any areas of cable suspension greater than 3.3 feet from the ocean floor and an explanation of why the cable could not be re-routed to avoid suspension. • The consistency of cable installation with the Project description. These post-lay surveys and assessments will be conducted as follows: • Within 60 days of cable installation. • Every 5 years after cable installation or until such time that the Applicant can demonstrate following one or more post-lay burial surveys that the cable remains buried. • After any incident or activity, including but not limited to, potential commercial fishing gear snags, a severe earthquake in the vicinity of the cable, or an extreme storm event that could cause excessive ocean floor scouring and result in cable exposure to the ocean floor surface. Should the cable become unburied in any location where it should have been buried or had been previously buried, the Applicant shall ensure that the cable is reburied to the initial cable burial depth at that location. A survey/burial report will be prepared and distributed to responsible State agencies following each survey.		survey/burial report to responsible State agencies following each survey			

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Implement **MM REC-1: Advanced Local Notice to Mariners** (see above)					

Terms:

APM = Applicant Proposed Measure
Applicant = RTI Infrastructure, Inc.
AUV = autonomous underwater vehicle
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
CO_2e = CO_2 equivalent
CRHR = California Register of Historic Resources
CSLC = California State Lands Commission
dB = decibel(s)
ESHA = environmentally sensitive habitat area
GHG = greenhouse gas
HDD = horizontal directional drilling
nm = nautical mile(s)
NMFS = National Marine Fisheries Service
NRHP = National Register of Historic Places
SHPO = State Historic Preservation Officer
THPO = Tribal Historic Preservation Officer
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. Eureka Subsea Fiber Optic Cables Project
(State Clearinghouse No. 2020120205)

Following the 30-day public review period (December 11, 2020 to January 12, 2021) of the Initial Study and Mitigated Negative Declaration (MND) (CSLC MND No. 804), Commission staff received 18 comment letters/emails. One letter (California Coast Crab Association) was later retracted therefore the comments are not included in Exhibit D, but both letters are included as part of the Administrative Record. Comments were received from the following:

A. State Agency:
   California Department of Fish and Wildlife
B. Local Agency:
   Humboldt County Department of Health & Human Services
C. Native American Representatives:
   Blue Lake Rancheria Tribe
   Wiyot Tribe
D. Organizations:
   Access Humboldt
   California Center for Rural Policy
   Fishermen's Marketing Association
   North Coast Fishermen's Cable Committee
   Crescent City Commercial Fishermen's Association
   Crescent City Harbor District
   Humboldt Fishermen's Marketing Association, Inc. (David Helliwell)
   Humboldt Fishermen's Marketing Association, Inc. (Harrison Ibach and Ken Bates, January 19, 2021)
   Humboldt Fishermen's Marketing Association, Inc. (Harrison Ibach and Ken Bates, January 21, 2021)
   Law Offices of William S. Walter
   Pacific Coast Federation of Fishermen's Associations
   Salmon Troller's Marketing Association, Inc.
   Trinidad Bay Fishermen's Marketing Association, Inc.

This exhibit is divided into two parts. The first part contains **Master Responses (MR-1** through **MR-7)** and the second part contains responses to the individual comments. Staff appreciate the time taken by each commenter to voice concerns, provide feedback, or suggest clarifications or changes. In addition to the responses below, staff has added conditions to the proposed lease for the Project to address concerns or provide clarity about non-environmental issues related to the fishing industry in the proposed Project area that might not otherwise be addressed under CEQA.

I. Master Responses (MR-1 through MR-7)

The master responses provided below address many similar comments received from multiple commenters on the MND and, therefore, many of the individual responses to comments in Part II refer back to these master responses. The master responses include:

- **MR-1: Cable Burial/Cable Suspensions**
- **MR-2: Northern California Oceanographic Conditions**
- **MR-3: Whale Entanglements**
- **MR-4: Regional Commercial Fishing Cable Liaison Committee**
- **MR-5: Cable Paths**
- **MR-6: 2020 Northern California Geophysical Cable Route Survey**
- **MR-7: Cumulative Impacts**

MR-1: Cable Burial/Cable Suspensions

"Submarine cables" are Different than Fiber Optic Cables

Some commenters implied or suggested that buried Project-related cables "commonly" become exposed or suspended above the ocean floor, allowing them to become entangled in bottom contact fishing gear such as crab pots and long-lines. The commenters suggest that the "submarine cables" could become exposed. There are already various types of "submarine cables" in the ocean, including historic "submarine cables" such as transoceanic telephone and telegraph cables, which were typically laid on the ocean surface and left uncovered. These commenters frequently refer to "submarine cables" rather than subsea fiber optic cables (fiber optic cables or cables) proposed for the Project; they are not the same.

Fiber Optic Cables Would Stay Buried

The commenters failed to provide any documentation or verifiable facts to support their statements that the fiber optic cables proposed for the Project will not remain buried. The Project is proposing subsea fiber optic cables and not "submarine cables." The new fiber optic cables like the ones proposed for the Project are installed differently from traditional "submarine cables." With the assistance of advanced technology (such as high-resolution side scan sonar, seafloor coring, cable installation equipment and tension monitoring, etc.), the new fiber optic cable routes are carefully planned based on ocean floor surveys and are buried beneath the ocean floor and not laid on top of the ocean floor. If these buried fiber optic cables become exposed, then there is a possibility that all bottom contact fishing gear types are subject to entanglement and/or loss on exposed/suspended fiber optic cables. However, the possibility of a buried fiber optic cable becoming exposed is very small. If a fiber optic cable becomes exposed, then there are other mitigation measures (MMs) and Applicant Proposed Measures

(APMs) in place to ensure that the fishers are financially compensated for any damages or losses as explained below in this master response.

Fiber Optic Cables Would Not Become Suspended

Some commenters stated that "… submarine cables commonly become suspended." These commenters are referring to the older submarine cables laid before the 1990s, since earlier methods of installing cables could result in exposure and suspension of cables in certain conditions and locations. This could be the reason why some commenters appear to confuse the methods by which "submarine cables" were laid in the past with how the proposed Project's fiber optic cables would be buried. Equating these two very different methods is misleading. Claims that rely on accounts of historic cables, which rested on the ocean floor, to speculate about present-day fiber optic cable installation and operations are inaccurate and scientifically indefensible. As explained in the MND Section 2, *Project Description,* the fiber optic cables would be buried approximately 3.3 feet below the ocean floor until the cables reaches a depth of approximately 5,904 feet.

The commenters did not provide any verifiable incidences of fiber optic cable suspensions or documentable cases of crab pots or other fishing gear becoming entangled in fiber optic cables (not submarine cables); therefore, these comments are not relevant to the proposed Project. There are documented and verifiable records of fiber optic cable installations (not submarine cables) offshore of California, Washington, and Oregon coasts that can be used for comparison to the proposed Project to assess the potential for conflict with commercial fishers and fishing gear. This data confirms the analysis and evaluation of the MND—that Project-related impacts on commercial and recreational fishing are unlikely. Since there is no data showing impacts from fiber optic cable installations on commercial fishers and fishing gear in California, additional data from Oregon and Washington states is being used to further support this claim. Since the late 1990s, approximately 22 fiber optic cables have been installed offshore of California and another 14 fiber optic cables installed offshore of Oregon and Washington. Of these 36 fiber optic cables, none in California and Oregon have become unburied, and only a single segment of one fiber optic cable in Washington has become unburied. This individual incident was the result of improper burial and cable tensioning during installation in 1999, in a high-energy nearshore environment just offshore of the Columbia River. The cable was later recovered and properly buried.[1] Therefore, there is little to no potential for the Project fiber optic cables to become unburied or suspended and to impact fishing gear.

[1] Antrim, L., Balthis, L., Cooksey, C. 2018. Submarine cables in Olympic Coast National Marine Sanctuary: History, Impact, and Management Lessons. Marine Sanctuaries Conservation Series ONMS-18-01. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries, Silver Spring, MD. 60 pp.

How Would the Fiber Optic Cables be Buried to Reduce Cable Tension?

To avoid the potential natural unburial of a fiber optic cable, all offshore fiber optic cable installations off California must follow a cable tensioning and burial plan that ensures proper tension by the cable plow during burial so that the cable does not become uncovered. Additionally, as part of the cable route assessment and selection process, ocean floor sediments are and will be evaluated for composition, compaction, and depth to ensure that the path facilitates burial to a minimum depth of 3.3 feet (1 meter) starting where the landing pipes exit at about 3,600 feet offshore at approximately 40 feet water depth.

The Project's fiber optic cables proposed in Phase 1 would be completely buried under the ocean floor (Figure 3.4-3. Marine Biological Study Area on MND page 3-41) to the target depth (or deeper), avoid sensitive marine habitats such as hard rocky reefs and National Oceanic and Atmospheric Administration-designated Habitat Areas of Particular Concern, and would avoid narrow submarine canyons where unstable sediments may be present. The proposed Project will use a pre-construction ocean floor survey, a pre-lay grapnel run, diver assistance, and will lay the cable at slow speeds (the cable lay ship will operate at approximately 2.3 miles per hour (2 nautical miles per hour)) to ensure proper burial (MND Section 2.4.9, *Marine Project Construction Methods,* starting on MND page 2-20).

What If Fiber Optic Cables Become Unburied?

Once Project's fiber optic cables are buried, there are mechanisms in place that will ensure that the cables stay buried. One of those mechanisms will be **APM-3: Cable Burial Surveys** (MND page 3-57) that would require a post-lay survey and assessment be conducted within 60 days of laying cable to verify proper burial. APM-3 would also require surveys after any incident, such as an extreme storm event, that would result in excessive ocean floor scouring and expose the fiber optic cable on the ocean floor. **APM-3** also states that "should the cable be observed to have become unburied in any location where it should have been buried or had been buried, the Applicant shall ensure that the cable is reburied to the initial cable burial depth at that location. A survey/burial report will be prepared and distributed to responsible State agencies following each survey." Once the cables are reburied, **APM-3** also requires that "a survey/burial report will be prepared and distributed to responsible State agencies following each survey."

In the history of fiber optic cables in California, and after many post-lay surveys, this condition of cables becoming unburied has never been observed. It is hard to contemplate a situation where soft material on the ocean floor covering the buried fiber optic cable would be washed out by ocean waves and leave the buried fiber optic cable suspended on the ocean floor. The cable, being heavier than water, would find the new ocean floor. In the extreme and unlikely case that the cable becomes suspended greater than 3.3 feet from the ocean floor, **APM-3** requires that the segment of exposed

cable would be charted and reported to the staff and the California Coastal Commission staff with an explanation of why the cable could not be re-routed to avoid suspension. Again, it is important to note that this has never occurred in California. All cable exposures and/or suspensions will be reported to the Commission and will require reburial by the Applicant or require the Applicant to explain why the cable could not be reburied or rerouted to avoid exposure or suspension.

Fiber Optic Cable Would Not Be Risk to Commercial Fishing Gear

As presented on MND pages 5-17 to 5-18, *Commercial and Recreational Fishing*, the results of the two surveyed Project cable routes for Phase 1 indicate that these cables would be buried at least 3.3 feet or deeper from the landing pipe to the continental shelf (water depth of 5,904 feet [1,800 meters]). There would be no reason to assume that Project fiber optic cables will become unburied and pose a risk to commercial fisheries or fishing gear or result in any loss in community fishing grounds offshore of Samoa. As explained on MND page 5-18 that a key reason for burying the fiber optic cables 3.3 feet deep through nearshore coastal waters is for "… avoiding potential loss of fishing habitat for ocean floor-oriented commercial fisheries as well as possible entanglement and loss of gear."

Furthermore, as presented on page 5-18 in the MND, *Commercial and Recreational Fishing*, there have been no reported incidents of commercial crab fishing equipment becoming entangled in any of the installed fiber optic cables in California, Oregon, or Washington; and there are no claims of lost crab gear. In California, there was a single claim by a longline fisher who believed that his gear had become entangled in a fiber optic cable. Due to the proximity of the snagged gear to a known cable location, the cable owner requested that the fisher abandon his gear; and he was promptly reimbursed for the abandoned equipment (SBFLC pers. comm.[2]). Offshore of Oregon and Washington, two possible longline fishing gear entanglements resulted in immediate reimbursement and eight paid claims for entangled bottom trawl gear (OFCC pers. comm.[3]). As a result of improved communication and coordination between the Oregon Fishermen's Cable Committee and Oregon trawlers, there have been no claims for potentially entangled gear since 2009 (OFCC pers. comm.).

It should be noted that in locations where thin veneers of sediment overlay a hard bottom/rocky substrate, fiber optic cable burial to the 3.3-foot target depth may not be possible; and in some exposed hard substrate/rocky bottom, burial is not possible at all. It is unknown whether any of the aforementioned fishing gear entanglements occurred in these types of locations. However, as mentioned above, for the two Project cable routes surveyed for Phase 1, full burial of the fiber optic cables is proposed out to the

[2] South Bay Cable/Fisheries Liaison Committee, Inc (SBCFLC). Telephone conversation between spokesperson for the committee and Jay Johnson, Applied Marine Sciences. September 23, 2020.

[3] Oregon Fishermen's Cable Committee (OFCC). Telephone conversations between spokesperson for the committee and Jay Johnson, Applied Marine Sciences. September 24 and 28, 2020.

5,904-foot water depth. Similar seafloor routing and burial assessment surveys will be conducted for the remaining two fiber optic cables for Phases 3 and 4 (two northernmost cables) prior to installation.

Lastly, if fiber optic cables become unburied for any reason, there are additional measures like **MM BIO-8: Cable Entanglements and Gear Retrieval** (MND page 3-58) to address snagged fishing gear and **APM-1: Fishing Agreement** (MND page 3-59) to make sure the Applicant informs the fishers in the area of any possible exposed fiber optic cables so the fishers can avoid those grounds to protect their gear. Lastly, if there is any planned work to fix any exposed fiber optic cable, then **MM REC-1: Advanced Local Notice to Mariners** (MND page 3-148) would require the Applicant to provide a Local Notice to Mariners at least 15 days before starting any work offshore that would explain the type of work, location of work, and the estimated schedule of work.

Fiber Optic Cables Would Not Reduce Fishing Grounds

Some commenters were concerned that the Project would reduce available fishing grounds. The chances for a cable to become exposed or suspended and result in reduced fishing grounds is none to very slim. Additionally, the Applicant recently proposed to eliminate any ocean ground beds (OGBs) offshore from the proposed Project even though four were analyzed (one for each fiber optic cable) in the MND on page 2-12. The OGBs would now be only onshore to provide cathodic protection to control corrosion and to provide a ground for the electricity that would travel through the cable.

To restate, of all the fiber optic cable installations along the coasts of California, Oregon, and Washington, there has been only one surfacing of a short segment of buried cable, no reported incidents of crab gear entanglement on buried or surface exposed cables, and no lost gear claims for the past 11 years (SBCFLC pers. comm.,[4] OFCC pers. comm.,[5] CCJCF/FLC pers. comm.[6], PAJCDLC pers. comm.[7]).

In summary, commenters' concerns and claims that Project-related fiber optic cables will become unburied, suspended above the ocean floor, or snag bottom contact fishing equipment (specifically commercial crab fishing gear) is not supported by any documentable facts that the California Environmental Quality Act (CEQA) analysis and impact significance determinations were based on, and therefore there will be no loss of fishing grounds associated with the Project.

[4] SBCFLC pers. comm. Cited above.
[5] OFCC pers. comm. Cited above.
[6] Central California Joint Cable Fisheries/Fisheries Liaison Committee (CCJCF/FLC). Telephone conversation between spokesperson for the committee and Jay Johnson, Applied Marine Sciences. September 24, 2020.
[7] Point Arena Joint Cable Fisheries Liaison Committee (PAJCFLC. Telephone conversation between spokesperson for the committee and Jay Johnson, Applied Marine Sciences. February 4, 2021.

MR-2: Northern California Oceanographic Conditions

Multiple commenters were concerned that the severity of storms and associated impacts on oceanographic conditions in Northern California was not the same as other parts of the State and that the Project CEQA analysis did not take this into consideration. One commenter stated, *"The Pacific Ocean, north of Cape Mendocino, is not the same ocean as found off Central and Southern California."* This understanding is not completely correct for California alone. Strong tidal and storm-driven currents in any region may cause major sediment movement in California, Oregon, or Washington. The commenter's claim that the severe 1982/1983 winter El Niño storm event is typical of oceanic conditions offshore Northern California is misleading and inaccurate. As characterized by the Woods Hole Oceanographic Institute,[8]

> *"The 1982–1983 El Niño was the strongest and most devastating of the century, perhaps the worst in recorded history. During that period, trade winds not only collapsed--they reversed. Its effects were long lasting as well."* The statement continues, *"It caused weather-related disasters on almost every continent. Australia, Africa and Indonesia suffered droughts, dust storms, and brush fires. Peru was hit with the heaviest rainfall in recorded history—11 feet in areas where 6 inches was the norm. Some rivers carried 1,000 times their normal flow."*

Throughout coastal California, marinas and harbors were closed for months because of massive sediment transported along the coast, which settled in harbor entrances and made them inaccessible. Additionally, storm-induced surf caused severe shoreline erosion, cliff collapse, and loss of coastal kelp beds throughout the State.[9] Further, the 1982/1983 winter El Niño event was made worse by the 1964/1965 winter storm event that caused massive flooding throughout Northern California and Oregon and resulted in the discharge of unprecedented volumes of sediment into coastal waters[10,11]. Much of that sediment remained in the Northern California nearshore environment until the 1982/1983 winter El Niño storm event, when it was resuspended and transported onshore, downcoast, or deposited in harbors. If such a severe storm event occurs in the future, APM-3 would be triggered and the Applicant would be required to conduct a survey of the cable(s).

[8] WHOI.edu. 2021. 1982–1983 El Niño: The worst there ever was. Available: https://www.whoi.edu/science/B/people/kamaral/1982-1983ElNino.html. Accessed January 29, 2021.

[9] National Research Council 1984. California Coastal Erosion and Storm Damage during the Winter of 1982–83: A Reconnaissance Report. Washington, DC: The National Academies Press. Available: https://www.govinfo.gov/content/pkg/CZIC-gb458-d43-1984/html/CZIC-gb458-d43-1984.htm. Accessed January 25, 2021.

[10] U.S. Geological Survey. 1971. Floods of December 1964 and January 1965 in the Far Western States; Part 1 Description. Available: https://pubs.sgs.gov/wsp/1866a/report.pdf. Accessed January 25, 2021.

[11] *Times Standard*. 2018. The "Thousand Year Flood" of 1964. Available: https://www.times-standard.com/2014/12/18/the-thousand-year-flood-of-1964/. Accessed January 25, 2021.

Even though there are currently no fiber optic cables off Eureka, there are approximately 14 fiber optic cables installed under similar oceanographic conditions off Oregon and Washington. These fiber optic cables have been in place since 1998, as explained on page 5-18 in the MND, *Commercial and Recreational Fishing*. There has been only one report of a buried fiber optic cable becoming exposed from Oregon and Washington as explained in **MR-1: Cable Burial/Cable Suspensions**. Therefore, the Northern California oceanographic conditions are not expected to result in impacts to the Project fiber optic cables.

MR-3: Whale Entanglements

Some commenters were concerned about the potential for whales to become entangled in exposed fiber optic cables or in bottom contact fishing equipment, such as crab pots, that may become entangled in a suspended fiber optic cable. This matter was addressed in the MND on pages 3-56 to 3-57, *Cable Entanglement*. This section briefly described historical instances of whale entanglements with older "submarine cables" (not Project-proposed fiber optic cables as explained in **MR-1: Cable Burial/Cable Suspensions**) at depths to 3,270 feet prior to 1966 (Heezen 1957[12]; Wood and Carter 2009[13]). These whale entanglements were due to telegraphic cables that were surface laid (never buried) and did not involve modern fiber optic cables. No cases of whale entanglements in modern fiber optic cables have been documented (Carter et al. 2009[14]; Wood and Carter 2009; Taormina et al. 2018[15]; AMS 2020[16]). Advances in ocean floor survey technologies, cable design and construction, burial procedures, and repair techniques have effectively eliminated the potential for entanglement of whales in modern fiber optic cables.

Newer fiber optic cable installation and burial methods have helped to ensure that no marine mammals or other wildlife have become entangled in fiber optic cables installed in California waters since 2000 (AMS 2020[17]). Offshore of Eureka, cables would be buried 3.3 feet below the ocean floor, or greater, out to a depth of 5,904 feet. This far exceeds the depths of reported whale entanglements in telegraphic cables that occurred before 1957 (Heezen 1957[18]). As presented on pages 5-17 to 5-18 in the MND, *Commercial and Recreational Fishing*, the results of the two initially surveyed

[12] Heezen, B.C. 1957. Whales Entangled in Deep Sea Cables. Deep Sea Research 4: 105–115.
[13] Wood, M.P. and L. Carter. 2009. Whale Entanglements with Submarine Telecommunication Cables. *IEEE Journal of Oceanic Engineering* 33(4):445–450.
[14] Carter, L., D. Burnett D., S. Drew, G. Marle, L. Hagadorn, D. Bartlett-McNeil, and N. Irvine. 2009. Submarine Cables of the Oceans – Connecting the World. UNEP-WCMC Biodiversity Series No. 31. ICPC/UNEP/UNEP-WCMC.
[15] Taormina, B., J. Bald, A. Want, G. Thouzeau, M. Lejart, N. Desroy, and A. Carlier. 2018. A Review of Potential Impacts of Submarine Power Cables on the Marine Environment: Knowledge Gaps, Recommendations and Future Directions. Renewable and Sustainable Energy Reviews 96:380–391.
[16] Applied Marine Sciences. 2020 (original 2019). Marine Aquatic Habitats and Biological Resources Offshore Eureka, California. August. Prepared for RTI. Livermore, CA. 56 pp.
[17] Ibid.
[18] Heezen, B.C. 1957. Cited above.

Project cable routes indicate that burial to the minimum depth of 3.3 feet or greater will be possible along both cable routes out to a water depth of 5,904 feet. Additionally, post-burial surveys (**APM-3** in the MND) would identify burial depths of the cables to ensure that they remain buried throughout their operating life and further prevent any potential for entanglement of whales or commercial bottom contact fishing gear. A more detailed discussion of cable burial and suspension is provided in **MR-1: Cable Burial/Cable Suspensions**.

Some commenters also expressed concerns that Project-related fiber optic cables, if suspended above the ocean floor, could snag bottom fishing gear, which then could entangle whales. As discussed in **MR-1: Cable Burial/Cable Suspensions**, the potential for a buried fiber optic cable (not submarine cables) becoming unburied, suspended, and entangling bottom contact fishing gear (such as commercial crab pots), is extremely unlikely. This conclusion, and the conclusion of the CEQA assessment for the Project, is based on historical evidence. Over the past 20 years, there have been 36 fiber optic cable installations offshore of California, Oregon, and Washington. Not a single one of these fiber optic cables is known to have become suspended and to have entangled any whale or commercial crab fishing equipment.

Other commenters expressed concerns that any markings left by cable entanglement on a whale would resemble the markings of rope entanglement from fishing gear, and the Dungeness crab fishery would be wrongfully held responsible— resulting in fishery closure and economic loss. This should not be a concern for the Project-proposed fiber optic cables because they would be buried. Therefore, any such markings on a whale or other marine organism that resemble entanglement would not be from fiber optic cables because those cables have a very low potential to be become unburied or suspended (see **MR-1: Cable Burial/Cable Suspensions**) and to capture fishing gear leading to an entanglement or “take” of a marine mammal or Endangered Species Act listed species.

Additionally, the extreme bending of a fiber optic cable required to entrap a whale most likely would result in damage to the highly sensitive glass fibers within the cable, causing a loss of signal, which would be investigated by the cable operator (Heezen 1957[19]; Wood and Carter 2008[20]). Staff is advised that non-reporting is not a likely explanation for the lack of whale entanglements in submerged fiber optic cables over the past 60 years. Any encounter between a whale and fiber optic cable would likely damage the cable and require repair. Companies that repair submerged fiber optic cables are specialized and operate at high standards. It would be very difficult for an event such as a whale capture/entanglement to go unnoticed by the media (Carter et al.

[19] Heezen, B.C. 1957. Cited above.
[20] Wood, M.P. and L. Carter. 2009. Cited above.

2009[21]; Taormina et al. 2018[22]). Additionally, the impacts of subsea fiber optic cable installations and operations on other marine biota, such as benthic infauna, are detailed in MND's Section 3.4.1.2, *Marine Biological Resources*, and in additional supporting documents included in Appendix C.

In summary, the commenters' concerns and claims that Project-related cables could entangle whales or other marine mammals is not supported by documentable facts, which were the basis of the CEQA analysis and impact significance determinations. No changes to the MND are required.

MR-4: Regional Commercial Fishing Cable Liaison Committee

Several commenters expressed concern about the Project's requirement to support the establishment and operation of a local commercial fishing cable liaison committee (Committee) (**APM-1** in the MND), including how it operates, who it represents, and what funding would be provided to this Committee. Additional questions pertain to why the majority of Committee advisory board members must be bottom contact and non-trawl fishers. Staff believes that these questions and concerns are based on misinformation or a misunderstanding of the requirements of the Applicant-proposed measure.

The Northern California Cable & Fishing Agreement[23] (Agreement) was finalized and established on June 25, 2020; and the North Coast Fisherman's Cable Committee was incorporated in July 2018[24]. The Agreement essentially establishes a non-profit entity that:

> "…*facilitate(s) inter-industry communication, coordination, and cooperation between the commercial fishing industry of Northern California and undersea fiber optic telecommunication companies operating in Northern California*."

As clearly stated in its founding principal, the Committee represents not only trawlers but also all commercial fishers. The intent of the Committee is to keep all local commercial fishers informed of cable installation, operation, and maintenance activities. The Committee also will act as a single point of contact to facilitate the recovery of fishing gear that may have been lost or abandoned due to a possible snag on a known fiber optic cable. In short, the Committee will facilitate rapid conflict resolution between local commercial fishers and cable operations/owners. Fishing gear that may be

[21] Carter, L., D. Burnett D., S. Drew, G. Marle, L. Hagadorn, D. Bartlett-McNeil, and N. Irvine. 2009. Cited above.
[22] Taormina, B., J. Bald, A. Want, G. Thouzeau, M. Lejart, N. Desroy, and A. Carlier. 2018. Cited above.
[23] Northern California Cable & Fishing Agreement, dated 25 June 2020. There is just one Agreement that establishes one Committee. There are two parties to that Agreement: The North Coast Fishermen's Cable Committee, Inc. a nonprofit organization, and RTI Infrastructure Inc., a cable company. The Committee established by the Agreement is named "The Redwood Coast Cable Committee."
[24] North Coast Fishermen's Cable Committee Letter submitted to the California State Lands Commission on January 4, 2021, in support of the RTI Eureka Subsea Fiber Optic Cable Project.

entangled in a Project-related fiber optic cable should be reported through a toll-free hotline that will be staffed 24/7 and provided by the cable operators in the region. This telephone number would be utilized by fishers or vessel operators that suspect their gear may be snagged on a fiber optic cable. Similar liaison committees have been successfully established in Southern California, Central California, Northern California, Oregon, and Washington—as documented in Section 5.2 of the MND, *Commercial and Recreational Fishing*, and cited in outreach to these organizations (SBCFLC pers. comm.[25]; OFCC pers. comm.[26]; CCJF/FLC pers. comm.[27]).

The Agreement establishes roles and responsibilities for the Committee, the fiber optic cable company representatives to the Committee, and compensation for Committee and advisory board members when engaged in Committee activities. Multiple commenters expressed their concerns that the Agreement does not provide mitigation compensation payments for lost fishing grounds. However, the MND (Section 5.3, *Commercial and Recreation Fishing*) and **MR-1: Cable Burial/Cable Suspensions** both explicitly state that no fishing grounds should be lost as a result of Project-related activities. The organizations eligible for Committee membership are identified in the Agreement and not limited to any one group of commercial fishers. As a 501-c corporation incorporated in the State of California, selection and seating of advisory board members are regulated by the by-laws of the corporation.

The Agreement not only establishes a single interface between local commercial fishers and cable operations but also establishes procedures and compensation for the following:

1. Hiring local commercial fishers to act as onboard observers during cable installation and/or maintenance/repair activities.

2. Hiring local commercial fishers to provide guard boat services for Project activities, as warranted or required.

3. Establishing authorization and procedures for compensating a commercial fisher for any gear entangled in an area fiber optic cable or when a fisher is requested to abandon gear due to a possible snag on a fiber optic cable—as well as compensation for lost catch while replacing abandoned gear.

    - Any lost or entangled gear would be replaced for all commercial fishing gear types and not just trawl equipment.

The compensation provided to the Committee by the cable companies includes the reasonable operating costs of the Committee and an annual payment of $75,000 per cable deposited into a Commercial Fishing Industry Improvement Fund. Staff is

[25] SBCFLC pers. comm. Cited above.
[26] OFCC pers. comm. Cited above.
[27] CCJCF/FLC pers. comm. Cited above.

informed that this money can be used for regional projects benefiting local commercial fishers or for other community improvement projects. These projects may be proposed by any member of the local commercial fishing community or the community at large. There are no mitigation payments for lost fishing grounds because no loss of fishing grounds is anticipated from Project-related activities. Further discussion and details are provided in **MR-1: Cable Burial/Cable Suspensions**.

Comments about the Agreement and operation in other parts of California do not relate to the establishment and operation of this Committee. The **APM-1: Fishing Agreement** outlines the criteria for this Agreement on MND page 3-59.

MR-5: Cable Paths

Some commenters were under the impression that the four proposed fiber optic cable paths would reduce available fishing grounds, essentially closing off the area to commercial fishing. The cable paths shown in the MND in Figure 3.4-3 (Marine Biological Study Area) are intended to show the maximum potential impacts from the four cables proposed by the Project. The general fiber optic cable alignments shown are sufficient for assessment of potential impacts.

As the engineering design and route-specific geophysical surveys are completed, the Applicant will use accepted and well-proven, state-of-the-art design practices, commonly developed over decades by the subsea fiber optic cable industry. The Applicant has stated that they will attempt to keep each of the four nearshore cable routes as close to each other as practicable while taking into account certain operational restrictions (see below). The Applicant has completed the necessary engineering design and geophysical surveys for the first two cables. Both of those cables remain relatively close to each other and generally take the most direct path from shore to the continental shelf, while maximizing the route path design for optimal burial.

Staff is informed that there are some accepted and prudent subsea fiber optic cable installation standards that will require the fiber optic cables to be kept at some distance, of at least three times the water depth apart from other cables or pipelines, wherever feasible for the following reasons:

- Fiber optic cables can be recovered by grapnel in the unlikely event of cable faults caused by component failure, large seismic forces, or other causes (MND Section 2.5.2, Emergency Cable Repair (Marine), on page 2-26).

- Fiber optic cables laid less than three times the water depth apart may not be recoverable by standard methods.

- Other underwater geophysical features identified during survey, such as rock outcroppings, sea mounts, canyons, and shipwrecks will dictate the final cable alignments.

- A localized event (e.g., a large ship dragging a multi-ton anchor in soft ocean bed, such as in a case of emergency anchoring) could damage several cables in a short time frame. It is therefore recommended to maintain adequate cable separation in order to maintain connectivity in such a rare event.

It must be re-iterated that the buried subsea fiber optic cables have had virtually no effect on the fishing methods or location of fishing activities on the U.S. West Coast, and the Project-proposed fiber optic cables will not reduce available fishing grounds.

MR-6: 2020 Northern California Geophysical Cable Route Survey

Several comments were submitted concerning negative interactions between Dungeness crab fishing fishers and geophysical survey vessels in July and August 2020 while those vessels were assessing the proposed cable routes for the initial two proposed Project fiber optic cables. Staff received information about the incident from the fishers and the Applicant. The fishers allege that the survey work was done during the open season for the Dungeness crab fishery and that Dungeness crab fishers lost legally set crab gear during the survey operations. The Applicant alleges that the incident described by the commenters does not match their independent investigation. The Applicant alleges that all survey work from surf zone out to 3 nautical miles (within Commission's jurisdiction) was done in late August 2020 after the commercial Dungeness crab fishing season ended. Based on the 2020 Commercial Fishing Digest, the Dungeness crab season for the Eureka area was December 1 through July 15. The post-survey reports submitted to the staff indicate that the surveys were completed on June 23, June 30, July 2, July 3, and between August 5 to 9, 2020. Based upon the information in the post-survey reports, some surveys did occur during the Dungeness crab season in 2020; however, the Applicant alleges that surveys from the surf zone to 3 nautical miles were done outside of the commercial Dungeness crab fishing season between August 5 to 9, 2020.

Even though this incident is not part of the proposed Project, staff is taking this incident seriously and adding lease conditions for this Project to prevent such incident from happening again. Therefore, no future surveys or planned work would be allowed within the crab fishing seasons. Please note that this incident is not part of the Project. This incident is an example of an (alleged) economic loss, but it is not a CEQA concern. The Applicant has reported to staff that this incident has already been settled and the fisher was financially compensated.

The Applicant alleges that the marine surveyor followed all standard, permitted, and authorized procedures to conduct the survey, including measures to avoid affecting fishing gear in the area.

The following process was followed by the surveyor:

1. Conduct Reconnaissance Run. Before starting survey operations, the survey vessel recorded multiple reconnaissance runs to mark the locations of visible, fixed fishing gear buoys and to identify the in-shore limits of where their survey equipment could be safely used. During the reconnaissance, the survey vessel bridge personnel (control center of the ship) identified signs of obstructions in the ocean, paying particular attention to potential fishing gear. During the reconnaissance run, no equipment was towed by the vessel. Further, the vessel hull does not have any protruding features, such as un-housed propellers, that typically could snag or damage a fishing buoy or its line.

2. Identify Survey Area. Based on the information collected during the reconnaissance run, in which the coordinates of several observed crab pot buoys (set in a broken line parallel to the shore) were marked on the vessel plotter and recorded in an Excel file, the vessel moved offshore to a safe distance beyond the observed line of fishing gear.

3. Surveys. The survey included towing a sensitive side scan profiler at a distance of approximately 50 to 100 meters off of the ocean floor. This equipment is highly sensitive and very expensive to replace. If this equipment had become entangled with fishing gear or any other obstruction, it would have been immediately evident to the survey team monitoring at their ship-board workstations. The vessel operator would not have continued to survey in an area where their equipment could become entangled in fishing gear and risk damage to the fishing gear and their equipment. This is the reason for careful reconnaissance in advance of towfish (sidescan sonar) deployment.

Staff is advised that due to the required methods of the survey and the sensitivity of the towed equipment to the slightest disequilibrium, it is virtually impossible that the survey equipment was entangled with fishing gear without being noticed.

It should be noted that the Applicant alleges that the vessel did pass through some large gaps in a line of crab pots set directly across the survey path. Staff is informed that the operator was able to keep at least 100 meters clearance on either side of any survey equipment. The cable route survey was after a long period of heavy weather in which numerous fishers reported missing their fishing gear once they returned to their fishing equipment. It is well documented that, in any given year, high wind and tide conditions drag crab pots long distances from their set positions or break their lines. During that same weather, the survey vessel also was unable to conduct any operations and was laid-to in a shelter cove to the south.

On returning to check his crab pots after this stormy weather and finding several pots missing, one fisher contacted the fisheries liaison officer and stated that the survey vessel was responsible. Although a review of all the information suggested that it was

unlikely that the survey operations could have snagged his gear and that most probably the gear had been lost to weather (as was crab gear of many other fishers that week), the survey company worked directly and in good faith with the claimant fisher. The claim was settled without dispute and to the full claim amount and satisfaction of the fisher.

MR-7: Cumulative Impacts

Background

Several commenters asserted that the Project would contribute to significant cumulative effects, and the MND failed to discuss cumulative impacts. The comments focus on two future projects in the Humboldt Bay vicinity: Nordic AquaFarms (a land-based project) and proposed wind energy farms (e.g., Redwood Coast Energy Authority) located offshore. The commenters assert that the Project would contribute to unspecified cumulative onshore impacts from Nordic AquaFarms and would contribute to the loss of fishing access caused by the Project and future offshore wind farms.

The State CEQA Guidelines require analysis of cumulative impacts when the Project's incremental effect is "cumulatively considerable" (i.e., significant) in the context of a significant cumulative impact on a given resource. State CEQA Guidelines section 15130 defines "cumulative impact" as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Section 15130(b) further states: "[the] cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." The State CEQA Guidelines do not require an agency to evaluate a potential impact that is speculative at the time the Project is being considered. (State CEQA Guidelines section 15145; (See also *Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014) 227 Cal. App. 4th 1036, 1058).

The Nordic AquaFarms proposal is mentioned briefly on page 5-15 of the MND in the context of other projects on the landside. The proposal is to clean up and remodel the former pulp mill in Samoa for use as a fish farm. A mix of fresh and salt water would be used to raise 33,000 tons of steelhead or Pacific salmon, discharging 7.7 million gallons of effluent daily through the former pulp mill's existing ocean outfall. The outfall extends 1.5 miles offshore.

With regards to the potential wind farms, the federal Bureau of Ocean Energy Management (BOEM) has established a "Call Area" (area available for potential energy leases) for potential offshore wind energy generation facilities 20-30 miles west of Humboldt Bay. This is mentioned briefly in Section 2.4.3 of the MND, and the "Call Area" is shown in Figure 3.4-3. BOEM is considering a lease auction for this area that

would enable the development of offshore wind farms. Wind farms would require the installation of subsea fiber optic cables to carry the electrical energy generated at the offshore facilities to the electrical grid onshore. No leases have been granted as of this writing, so the locations and designs of any future wind farms are unknown, as are the locations and design of future electrical cables.

Onshore Facilities

The Project will not result in any significant effects as a result of its onshore facilities. Construction will occur over a short period of time, will not involve substantial surface disturbance, and the site will be largely restored to its original condition. The Applicant anticipates completing Phase 4 by Fall 2024 (MND page 2-7). After such construction is completed, the cables will be buried and no construction activities will contribute to air emissions. No impacts have been identified for the Project's onshore facilities that would contribute to any significant cumulative effect.

Given the lengthy permitting process, it is unlikely that BOEM Wind farms projects will start construction before Applicant completes construction. At the present time, the Nordic AquaFarms project is expecting to receive final permits in June/July 2021 and start demolition work in Fall 2021 (Oetker pers. comm.[28]). Accordingly, only the Nordic AquaFarms project construction would overlap onshore work on the Project.

The commenter has not identified any significant cumulative effect to which the Project would contribute. The MND examines the two most common significant cumulative impacts, air quality and biological resources, and concludes that the Project would not make a considerable contribution. Air quality analysis is based on the conditions within the air basin and is therefore inherently a cumulative impact analysis. Similarly, impacts on biological resources are based on endangered species act listings, and the MND considers the Project's effect on a species in the cumulative context of the viability of that species. Although the Nordic AquaFarms project may result in significant effects, its design characteristics, environmental impacts, and mitigation measures, if any, are unknown and therefore speculative. In any case, the question of whether the contributions of that much larger and more intensive project are considerable is a question for the Nordic AquaFarms CEQA document and is separate from the cumulative impact analysis of the RTI Project.

Offshore Facilities

The primary offshore facilities of the Project are fiber optic cables that will be buried under the ocean floor. Cable installation will involve ship activity within fishing areas. Any planned Project-related work would be done with an advanced public notice to

[28] Larry Oetker, Executive Director Humboldt Bay Harbor, Recreation, and Conservation District. Email to Chris Brungardt, RTI. February 10, 2021.

mariners through the MND's **MM REC-1: Advanced Local Notice to Mariners** as explained on page 3-148**.** The fishers would have this advance notice for any work within their fishing grounds.

The commenters have not presented substantial evidence that the buried fiber optic cables will conflict with commercial fishing and crabbing activities and gear or will lead to any substantial change in the fishing areas (see **MR-1: Cable Burial/Cable Suspensions**). The MND identifies numerous MMs and APMs to address the potential adverse effects of the fiber optic cables and reduce them below a level of significance. For example, any temporary conflict with fishing activities during fiber optic cable installation will be mitigated by **MM BIO-10: Minimize Crossing of Hard Bottom Substrate**, **MM BIO-11: Contribute Compensation to Hard Substrate Mitigation Fund**, **MM HAZ-1: Develop and Implement Spill Contingency and Hazardous Materials Management Plans**, **APM-1: Fishing Agreement**, **APM-2: Marine Anchor Plan**, and **APM-3: Cable Burial Surveys**. As a result of these MMs, the Project is not expected to contribute to any cumulative impact on fishing or crabbing.

BOEM will be the National Environmental Policy Act (NEPA) lead agency for any potential commercial wind energy lease areas on the Pacific Outer Continental Shelf (OCS) off the coast of northern and central California. Any NEPA analysis would consider the environmental consequences associated with issuing commercial wind leases, associated site characterization activities (i.e., biological, archeological, geological, and geophysical surveys and core samples), and site assessment activities (i.e., installation of meteorological buoys) off of California.

At this time, the exact location and design of any future wind farm is unknown. In addition, the locations and design of future electrical cables installed to carry electrical output to the land grid are unknown. Therefore, any specific environmental effects of the wind farms and their related cables on commercial fishing access are speculative, and surface impacts on fishing and crabbing of locating wind energy installations within the "Call Area," if any, cannot be known at this time. Approval of these installations would be federal actions subject to NEPA review, which would require identification and mitigation of adverse effects. In any case, the adverse effects on fishing and crabbing as a result of surface installations would be separate from the cable installations beneath the ocean floor.

Wind energy installations will also require subsea electrical cables to carry the energy generated at the installations to onshore. The locations and design of future electrical cables installed to carry electrical output to the land grid and the impacts of those cables, if any, are unknown. There is no evidence on which to base an assumption that energy cables serving the wind energy installations will be placed on the surface of the ocean floor and not follow accepted practice by being buried. Even if such cables are not buried, the fact that the Project's four cables will be buried means that the Project would not contribute to any impact resulting from exposed cables.

Whether or not future NEPA analyses conclude that the future wind energy installations within the "Call Area" will result in an adverse effect on fishing and crabbing as a result of surface or ocean floor infrastructure, the Project will not contribute to that effect. The Project does not include any offshore surface structures and therefore would not interfere with surface operations. The Project's subsea fiber optic cables will be buried and therefore will not have an effect on ocean floor fishing or crabbing operations.

At this point in time, all known foreseeable projects have been looked at and considered for cumulative impacts. The Project would not contribute to any cumulatively considerable impacts.

II. Individual Responses

The following provides a summary of the primary comments raised during the public comment period and Commission staff's responses to the comments.

A. State Agency Comments

California Department of Fish and Wildlife (CDFW)

Comment Summary	Response
1. Commenter outlines CDFW's responsibilities, understanding of the Project, and biological significance of the area.	The commenter is outlining their submittal. No response it necessary.
2. Comment states that the U.C. Davis Recovery Project may not be sufficient mitigation since it operates primarily in southern California. Commenter recommends the Project identify alternate mitigation options for impacts on hard substrate through consultation with the Department and other resource and permitting agencies.	This methodology has been utilized for more than 20 years and has been proven to be effective. The California Coastal Commission has determined the calculations and methods for assessment. Lastly, at least for Phase 1 (first two fiber optic cables), there will be no rock habitat crossed, thus no mitigation. For Phases 2 and 3, surveys will be completed to find the best route while reducing impacts to rock habitat (**MM BIO-10: Minimize Crossing of Hard Bottom Substrate** in the MND on page 3-68). If impacted to hard substrates are expected, then appropriate mitigation options would be considered.
3. Commenter requests that the Project report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB).	Staff confirmed with ICF that they reported all special-status species and natural communities to the CNDDB on July 28, 2020.
4. This comment informs that an assessment of filing fees is necessary and outlines specific requirements.	The Project Applicant will pay all required fees and comply with all required regulations.

B. Local Agency Comments

Humboldt County Department of Human & Health Services

Comment Summary	Response
1. The County notified the staff of the Project being surrounding by already closed landfills with potential methane gases that could impact public health.	The Commission staff coordinated with the County, California Department of Resources Recycling and Recovery (CalRecycle), and California Coastal Commission to address this concern. The County provided guidance on including specific criteria for these two different plans being Worker Health and Safety Plan and a Soil and Waste Excavation and Management Plan (see **MM HAZ-1** in Exhibit C) to address possible methane gas impacts before any construction happens on the Project site. The County's provided guidance was included in MND's Section 3.10 Hazards and Hazardous Materials Environmental Settings (Starting on MND page 3-116) and by modifying the already existing **MM HAZ-1: Develop and Implement Spill Contingency and Hazardous Materials Management Plans** (MND page 3-118 and in Exhibit C). The County would review and approve the two plans they requested before the Applicant can start construction to be 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 (see "Other Pertinent Information" section in the Staff Report).
2. This comment is a request for a summary report of testing or preparation/ implementation of a Landfill Gas Investigation Work Plan to ensure that combustible gases do not exceed thresholds per 27 CCR, section 20921: 5 percent methane by volume at designated facility boundary.	This comment is a request for a summary report of testing or preparation/ implementation of a Landfill Gas Investigation Work Plan to ensure that combustible gases do not exceed thresholds per 27 CCR, section 20921: 5 percent methane by volume at the designated facility boundary. Staff has clarified **MM HAZ-1** of the MND as recommended by the Humboldt County's Division of Environmental Health to include a Worker Health and Safety Plan and a Soil and Waste Excavation and Management Plan that address the potential for encountering landfill gasses.

C. Native American Representative Comments

Blue Lake Rancheria Tribal Representative

Comment Summary	Response
1. There are no outstanding concerns from the Blue Lake Rancheria Tribe. The Tribe reemphasizing that they were not aware of any known cultural resources in the area of Samoa where the onshore infrastructure will be constructed. They also stated that they were encouraged by the Mitigation Measures in place for any underwater prehistoric deposits.	No other response is necessary. Staff appreciates the Blue Lake Rancheria Tribe's input to help protect the cultural and Tribal resources.

Wiyot Tribal Representative

Comment Summary	Response
1. Commenter concurs with the Blue Lake Rancheria representative comments provided above on the Project.	No other response is necessary.

D. Organization Comments

Access Humboldt

Comment Summary	Response
1. Commenter thinks the Project would benefit the fishing community and provide essential new communications infrastructure to the greater Humboldt County area.	The commenter expresses support for the Project. No other response is necessary.

California Center for Rural Policy

Comment Summary	Response
1. Commenter reiterates the MND analysis that fiber optic cables do not impact fishing gear and expresses support for the Project.	The commenter expresses support for the Project. No other response is necessary.

Fishermen's Marketing Association

Comment Summary	Response
1. The commenter is supportive of the Project and describes their positive experience with the Applicant (RTI Infrastructure, Inc.) and the development of the North Coast Fishermen's Cable Committee.	The commenter expresses support for the Project. No other response is necessary.

North Coast Fishermen's Cable Committee

Comment Summary	Response
1. Commenter is generally supportive of the Project and believes fiber optic cables are stable once buried.	The commenter expresses support for the project. No other response is necessary.

Crescent City Commercial Fishermen's Association

Comment Summary	Response
1. Commenter asserts that the MND is deficient for failing to address impacts on crab fishers, including loss of fishing ground access for crabbers. The commenter specifically expressed concern that the MND is "deficient in its description of the negative impacts on the environment and on crab and longline fishermen by these proposed cables." The commenter states that the analysis did not include loss of fishing ground access, displacement of bottom contact fishing gear, and possible entanglement of Dungeness crab fishing gear on exposed Project fiber optic cables.	As discussed in **MR-1: Cable Burial/Cable Suspensions,** there is no expected loss of fishing grounds, loss of access to fishing grounds, or entrapment of Dungeness crab fishing gear on exposed Project cables. MND pages 5-3 through 5-20 in Section 5.2, *Commercial and Recreational Fishing*, provide a thorough analysis of cable burial and other Project-related activities in relation to commercial and recreational fishing methods, such as trap, long-line, trawl, trolling, and hook and line. The analysis includes potential impacts by gear type and target species. Additionally, detailed information about the potential effects of Project-related activities on the marine environment are presented on MND pages 3-55 through 3-72 in Section 3.4, *Biological Resources – Marine Components*, and in Appendix C.
2. The commenter raises questions about the effectiveness of the proposed Fishing Agreement mitigation measure.	The commenter's question about Project cable routing is addressed in **MR-5: Cable Paths.** There would be no loss of fishing grounds. If Project-related activities must occur during the Dungeness crab season, any disruption of normal fishing efforts would be minimized or compensated as necessary. This process is outlined in the Regional Commercial Fishing Cable Liaison Committee's Agreement. Please see **MR-4: Regional Commercial Fishing Cable Liaison Committee** for the purpose of this Committee. The Committee is intended to facilitate communication among local fishers concerning scheduling of Project-related activities. This Project is not expected to affect local commercial fishing; however, unforeseen events can occur, as discussed in **MR-4: Regional Commercial Fishing Cable Liaison Committee**. Similar fishermen's liaison committees have been established

	throughout California, Oregon, and Washington with success and avoidance of potential impacts or disturbance to commercial fishing activities. These committees play a key role in providing information about Project activities to the regional commercial fishing community and resolving conflict when necessary.
3. Commenter asserts that there would be a significant impact from the Project. He asks that the Commission answer the Association's questions before proceeding.	Commenter asserts that the "no significant impacts" determination for Project-associated effects on commercial fishing is in error and that impacts are significant. As stated in responses to comments 1 and 2, above, based on CEQA significance criteria used for the assessment of potential-Project related effects on commercial and recreational fishing on MND pages 5-10 in section 5.2, *Commercial and Recreational Fishing*, no loss of fishing grounds or substantive interference with commercial fishing activities is expected to occur as a result of Project activities. The commenter's reference to loss of fishing gear in 2020 from a geophysical survey vessel, as an indication of Project-related activities, is addressed in **MR-6: 2020 Northern California Geophysical Cable Route Survey**.

Crescent City Harbor District

Comment Summary	Response
1. Commenter asserts that the MND does not sufficiently describe the negative impacts on the environment nor the negative economic impacts on crab and longline fishers by the proposed cables, including loss of lines.	The commenter asserts that the analysis failed to include loss of fishing ground access, displacement of bottom contact fishing gear, entanglement of Dungeness crab fishing gear suspended on Project subsea fiber optic cables, and mention of economic losses from entangled gear, which is incorrect. The commenter submitted their comments in support of the Crescent City Commercial Fishermen's Association, who expressed similar concerns. Please also see the responses to comments expressed by the Crescent City Commercial Fishermen's Association. As discussed in **MR-1: Cable Burial/Cable Suspensions,** there is no anticipated loss of fishing grounds, fishing ground access or entrapment of Dungeness crab fishing gear

	on suspended Project cables. MND pages 5-3 through 5-20 (Section 5.2, *Commercial and Recreational Fishing*) provide a thorough discussion of the cable burial process and how other Project related activities pose little to no threat to commercial and recreational fishing methods, including trap, long-line, trawl, trolling, and hook and line. This analysis was conducted by gear type and target species. Any possible environmental threats are discussed in detail on MND pages 3-55 through 3-72 (Section 3.4, *Biological Resources*, Marine Components) and in Appendix C. The commenter expressed concern over a lack of mitigation for loss of fishing grounds and gear. As discussed in **MR-1: Cable Burial/Cable Suspensions,** no loss of fishing grounds or substantive interference with commercial fishing activities is expected to occur from Project activities, therefore negating the need for financial mitigation. Similarly, no expected loss of Dungeness crab fishing gear is expected to occur as a result of Project activities. As discussed in **MR-4: Regional Commercial Fishing Cable Liaison Committee**, the local fishermen's liaison committee was established to provide information about Project scheduling to local commercial fishers to avoid conflicts and potential losses of gear and catch. This committee also has the ability to compensate local fishers for lost or abandoned gear and catch if any equipment were to become entangled on any Project fiber optic cables.

Humboldt Fishermen's Marketing Association, Inc. (David Helliwell)

Comment Summary	Response
1. Commenter expresses concern about analysis of Project impacts on bottom contact fishers.	Concerns expressed by the commenter about analysis of Project impacts on bottom contact fishers are addressed in **MR-1: Cable Burial/Cable Suspensions**. Concerns and statements made about cable route survey work conducted in June and July 2020 are addressed in **MR-6: 2020 Northern California Geophysical Cable Route Survey**. Concerns and comments related to agreements with commercial fishers and mitigation/compensation for lost gear are

	addressed in **MR-4: Regional Commercial Fishing Cable Liaison Committee**.
2. Commenter expresses concerns about potential interference with crabbing operations and oceanographic conditions.	Concerns and comments expressed about potential interference with crabbing operations and oceanographic conditions are addressed in **MR-1: Cable Burial/Cable Suspensions** and **MR-2: Northern California Oceanographic Conditions**. There is no substantial evidence of the potential conflicts that the commenter asserts will occur. Specific APMs and MMs, as noted in the master responses, are included in the MND and will be imposed by the Commission to minimize the potential for conflicts with commercial fishing operations.

Humboldt Fishermen's Marketing Association, Inc. (Harrison Ibach and Ken Bates, January 19, 2021)

Comment Summary	Response
1. Commenter asserts that the scope of the MND is too narrow and should address impacts beyond the 3 nautical miles limit of the Commission's jurisdiction.	The MND analyzes the environmental impacts within California (3 nautical miles). However, the marine study area, within which all potential Project-related effects were evaluated, is defined on MND page 3-40, Section 3.4.1.2 (*Marine Biological Resources*): *"The marine biological study area (MSA) extends west into the Pacific Ocean and is south of Samoa State Marine Conservation Area (Figure 3.4-3). It extends to the 5,940-foot depth contour from the mean high-tide line and comprises coastal water and intertidal and subtidal habitats occurring offshore of the cable landing site. It also extends approximately 1,650 feet (about 0.5 mile) up-coast and down-coast of the proposed cable routes."* The MND analyzes the Greenhouse Gas emissions offshore to 24 nautical miles to be consistent with the State's GHG emissions inventory and reduction planning goals as stated in the MND on page 3-112 in **MM GHG-1: Purchase GHG Carbon Offsets for Construction Emissions**. Lastly, the statement on page ES-2, Executive Summary, the MND states that, "The scope of this Project ends at 3 nautical miles (nm) offshore to correspond with the boundaries of Commission's jurisdiction (after 3 nm, federal waters extend 12 nm from shore and the United States Exclusive Economic Zone

<table>
<tr><td></td><td>extends 200 nm from shore).” The statement was intended to establish state and federal jurisdictions.</td></tr>
<tr><td>2. Commenter asserts that the described work schedule is inadequate by failing to include potential delays resulting from weather and commercial fishing conflicts.</td><td>Many of the tasks shown in Table 2-1 are conducted in overlapping succession, and do not represent a cumulative total of days. The total estimated time to install one subsea fiber optic cable over the continental shelf could be a maximum of approximately 51 days (7 weeks and 2 days), inclusive of contingency to accommodate potential delays for weather. The approximately 7 weeks of marine work, including built-in weather standby, is shown in the following table.

<table>
<tr><th>Activity</th><th>Duration</th></tr>
<tr><td>Route clearance (pre-lay grapnel run)</td><td>7 days</td></tr>
<tr><td>Cable pulled from conduit end to shore landing vault</td><td>2 days</td></tr>
<tr><td>Cable burial and remotely operated vehicle post-lay inspection and burial</td><td>30 days + 14 days</td></tr>
<tr><td>Total expected time for marine installation</td><td>51 days</td></tr>
</table>

All other installation activities would occur onshore or concurrently with other marine operations. For Phase 1, there are two fiber optic cables coming to Samoa. The cable installing activities are not going to be overlapping for the cables in Phase 1. Therefore, the maximum time for each cable to be installed would be 51 days.

Please see MR-1: Cable Burial/Cable Suspensions explaining that no long-term disruption to fisheries is expected. A fiber optic cable installation progresses along a linear path. That is, the operation occurs in a particular area for only a short period of time as the installation progresses. Based on prior cable installation projects along the Pacific coast, there have been no long-term disruptions to mobile, drifting, or fixed-gear fisheries from subsea fiber-optic cable installations.</td></tr>
</table>

3. Commenter asserts that the MND fails to adequately consider the effects of scour and other ocean ground bed (OGB) activities that can lead to exposure of the fiber optic cable. This includes inadequate mitigation to address exposed cable and fouling of fishing lines. The commenter also expressed concern that, if placed offshore in water depths subject to wave energy and possible shifting seafloor sediments, the OGB could be subject to exposure.	The Project description allows for the flexibility of installing the OGB either on land or in the ocean. Both were analyzed in the MND. It is now certain that that all OGBs will be located on land at the cable landing site (Figure 2-1 in the MND on page 2-3). The land-based anodes will be installed vertically as shown in the top portion of Figure 2-2.
4. Commenter is concerned that the project now includes four cables when earlier discussions had considered one or two.	The proposed Project includes a maximum of four cable systems, as described in the MND. The two routes surveyed include the cable route currently under review, and an additional "stub" that may be connected at a later date. Two more cable routes are under consideration but have not been surveyed. Please also see the discussion of "Project Need" on page 1-5 of the MND. Regarding the assertion that the survey operations resulted in "lost bottom contact fishing gear," please see **MR-6: 2020 Northern California Geophysical Cable Route Survey.**
5. Commenter asserts that the proposed cable locations constitute a "take" of fishing rights and recommends installing the cables in parallel with a specified distance between.	Please see **MR-5: Cable Paths**.
6. Commenter asserts the MND underestimates and fails to adequately consider the effects of cable exposure and suspension due to the unique and severe weather of the Mendocino Coast. The commenter asserts that the MND negligently omits these discussions.	The commenter's concerns about potential Project-related cable exposure are addressed in **MR-1: Cable Burial/Cable Suspensions.** The commenter's concerns about oceanographic conditions offshore Northern California and specifically in the nearshore waters of California are addressed in **MR-2: Northern California Oceanographic Conditions**. The commenter also expressed concern about "hand" burying of the fiber optic cables, including when it occurs, and the duration of the process. Staff has been informed that the only location where diver assisted "hand" burial (by using hand jets to open a narrow furrow beneath the fiber optic cable as explained on MND page 2-23) adjacent to where the landing pipes would exit offshore. As explained on MND page 2-23, a short

	segment of cable initially would be laid on the ocean floor surface to allow deployment of the cable burial plow and to avoid damaging the offshore terminus of the landing pipe. Burial of this short segment of cable would occur immediately following landing of the fiber optic cable onshore and, depending on the water depth and length of the fiber optic cable required to be buried by hand, requires from 2 to 7 days to accomplish. The maximum time required for this work is listed in MND Table 2.1, Proposed Construction Schedule for Project Phases 1–4. The duration of marine cable burial (diver-assisted) is shown in the table as 1 week.
7. Commenter asserts the MND fails to address the hazards to fishing and sea life from exposed cables.	The need for emergency cable repair off the California coast is unlikely. In the history of subsea fiber optic cables in California, no repairs have required retrieval of the cable. As noted in the preceding response, standard cable protection requirements and permitting conditions require the Applicant to bury the cables where feasible. The only locations where cables are not buried are when crossing hard rock substrate where burial is not possible or on excessively steep slopes where a burial plow is not operable. The geophysical surveys completed for the first two phases of the Project show that rock outcrops have been avoided and that the ocean floor conditions are favorable for full burial of both cables. **APM-3: Cable Burial Surveys** requires the Applicant to conduct initial and periodic post-lay surveys to verify cable burial after the cable has been installed.
8. Commenter asserts that the MND underestimates the frequency and cost to fishermen of cable entanglements. They assert that fishermen will not be properly reimbursed for lost equipment.	In response to the commenter's concern about entanglement of commercial fishing gear with fiber optic cable, see **MR-1: Cable Burial/Cable Suspensions**. The commenter's statement that the MND assessment of potential Project impacts on commercial and recreational fishing could include fishing gear entanglement is correct. The MND assessment identifies potential impacts of the Project. The MND discusses how such entanglement might occur (suspended cables above the ocean floor) and how the project design and operation would reduce potential impacts on

	commercial and recreational fishing (i.e., burying the cable to a minimum depth of 3.3 feet and using proper cable tensioning during installation to prevent cable suspension and fishing gear entanglement). The commenter's statement about the single documented longline gear entanglement occurring in Southern California also is correct. As noted in **MR-1: Cable Burial/Cable Suspensions,** this is the only known incident and claim made to any of the fisherman liaison committees established throughout the State of California to address issues involving fiber optic cable and commercial fisher's gear and operations. Staff has been advised that the Point Arena cable corridor was created to support trans-Pacific surface-laid AT&T telecommunication cables (telephone and telegraph cables), not Project-related or known buried fiber optic cables. The incident described by the commenter must have involved a submarine telecom cable, not a buried fiber optic cable, which is being assessed under CEQA in the Project MND, since no claims of gear entanglement have been received by the Point Arena Joint Cable Fisheries Liaison Committee (PAJCFLC 2021[29]). The commenter is correct that the Applicant is a member of the Point Arena Joint Cable/Fisheries Liaison Committee; however, the Applicant only recently joined the Committee. The Applicant has yet to install a cable in the Point Arena area and thus has yet to financially contribute to the Committee in any way. Nor has the Applicant been involved in any of the Committee's previous administrative activities.
9. Commenter speculates that exposed cable could lead to "take" of a protected whale by entanglement, leading to closure of the crab fishery. They assert that the MND should disclose this possibility as a significant effect.	The commenter is correct in stating that entanglement of migrating and resident whales by commercial crab fishing gear is a concern for state and federal agencies and environmental non-governmental organizations. Entanglement of whales by commercial fishing gear, including Dungeness crab gear, has occurred for decades and only recently has been

[29] Point Arena Joint Cable Fisheries Liaison Committee. 2021. Personal Communication February 4, 2021.

	addressed, as documented by the commenter. The commenter's concerns about whale entanglement by Project-related buried fiber optic cables is fully addressed in **MR-1: Cable Burial/Cable Suspensions** and **MR-3: Whale Entanglements**.
10. Commenter asserts that the MND fails to fully describe in one place the potential for exposure and needed mitigation for the effects of seabed scour. The commenter specifically states that the MND is "deficient in its lack of accurate reporting on oceanic and environment conditions that cause cable exposure and suspension" and further states that the MND fails to identify the Project's "… position on cable exposure, suspension, and mitigation to protect fishing gear from entanglement or outright loss."	Throughout the MND and in the supporting documents (e.g., Appendix C), the potential environmental effects of an unburied fiber optic cable are discussed. The commenter acknowledges that the topic of suspended cables is "scattered" throughout the report. It is repeatedly mentioned to address the potential environmental impacts on different ocean floor habitats and commercial fishing activities. As stated in **MR-1: Cable Burial/Cable Suspensions** and the response to comment 6 above, the two surveyed and assessed Project-related cable routes indicate that ocean floor conditions are favorable for full burial of both cables to a water depth of 5,904 feet. The MND impact assessment considers and analyzes when a cable cannot be buried (typically when transiting hard rock substrate or excessively steep cliffs); the two projected cable routes for Phases 3 and 4 currently are unknown. As stated on MND pages 3-66 through 3-68 (*Hard Substrate Communities*), it is the intent of RTI and the Project to avoid crossing hard bottom rocky habitat. The two surveyed cable routes do not traverse any hard substrate habitats before a water depth of 5,904 feet. The two projected cable routes north of the MSA were tentatively selected to avoid known hard substrate/rocky habitat. The final route selection and assessment for Phases 3 and 4 will ensure maximum cable burial along the proposed route and avoidance of hard substrate/rocky habitat. As noted in the MND, there is no known or reported hard substrate/rocky habitat in water depths below 200 meters (656 feet). MND Section 5.2, *Commercial and Recreational Fishing*, discusses in detail potential Project-related effects on commercial and recreational fishers, the potential source of those effects, the Project-related actions to prevent those effects, and how to mitigate potential impacts to less than significant if complete avoidance is not feasible.

11. Commenter asserts that the MND inadequately describes the extent of the crab fishery and its operations, and therefore fails to adequately describe and mitigate impacts on the fishery. The commenter specifically states: *The largest bottom contact fixed gear fishery in the State of California is dealt with under section 3.4.1.2 Marine Biological Resources, as follows: There are virtually no established fishing locations even though there are some restrictions on where commercial trawling can happen. The commercial and recreational fishers are quite secretive about where they set traps and trawl.*	The statement quoted (MND page 3-40, lines 33-35) refers to Figure 3.4-3, which illustrates the MSA used for the CEQA analysis. The statement is intended to clarify that, because there are no restrictions on where any individual commercial or recreational fisher can fish within the MSA, the figure does not show any specific unique permitted fishing locations. It is not intended to show where any specific fishers might set their gear. Additionally, Section 5.2, *Commercial and Recreational Fishing*, discusses in detail all types of commercial fishing equipment used, the seasons for commercial fishing (if appropriate), and the general locations and water depths with a specific target species or where a fishery is conducted. The impact assessment discusses potential impacts by gear type, target species, and timing of the Project relative to commercial fishing activities. The documents included in MND Appendix C concerning marine resources discuss commercial and recreational fish landed over a 5-year period in the Eureka region. Consequently, the commenter's statement that "The RTI MND is deficient and incomplete in describing the impacts to prioritized commercial fishing operations that the applicant RTI plans to negatively impact by the installation of four submarine cables" is not substantiated. The MND CEQA review extensively discusses marine resources, commercial and recreational fishing activities, and the potential effects of Project activities. It also discusses Project-related approaches to prevent and minimize those impacts and, if needed, mitigation actions that will render potential impacts to less than significant.
12. The commenter expresses concern about the potential for an inadvertent release of drilling fluid to the marine environment and the potential effects of the discharge on marine biota and water quality. The commenter states: *The RTI plan makes no mention, assessment, or evaluation of the toxicity of the drilling mud chemical components and additives, nor does the report evaluate morbidity of benthic marine flora*	The inadvertent (accidental) release of bentonite drilling fluid (a marine clay) is discussed multiple times in MND sections 3.10 (*Hazardous Materials*), 3.11 (*Hydrology and Water Quality*), and 3.19 (*Utilities and Service Systems*). Potential impacts relative to marine biota are discussed in Section 2.4.4 (*Horizontal Directional Drilling Fluid*), Section 3.4.1.2 (*Marine Biological Resources*) and in Appendix C, its supporting detailed document.

and fauna as they are enveloped by drilling mud spills or releases.	In summary, as stated throughout the MND, the drilling fluid used during the HDD boring of the cable landing consists of non-toxic bentonite clay, a natural marine clay and water. The greatest threat to marine biota is the potential release of large volumes of drilling fluid, which has the potential to alter ocean floor sediment composition and bury and/or smother marine infauna and epifauna. For this reason, two mitigation measures are required by the Project CEQA assessment. Mitigation measures **MM BIO-5: Inadvertent Release Contingency Plan** and **MM BIO-7: Implementation of Best Management Practices for Horizontal Directional Drilling Activities**. **MM BIO-5** requires on-site shore and marine monitoring of the HDD operations in order to immediately detect any potential inadvertent release of drilling fluid and to implement appropriate response actions to stop and control the inadvertent release, such that the marine environment and associated biota are not harmed. This monitoring approach has been used on all fiber optic cable landings in California since 2000. In addition to specifying the monitoring requirements, the Inadvertent Release Contingency Plan lays out potential response and clean-up actions to be taken in the event of an inadvertent release. As the commenter frequently mentions in his letter, nearshore coastal wind, wave, current, and ocean floor topography are different throughout the state. Consequently, the implemented response to an inadvertent release of drilling fluid depends on the location and circumstances of the landing location in order to maintain the key goal of the mitigation measure—to prevent harm to the marine environment and associated flora and fauna. The comments and interpretations of how the HDD boring contractor, RTI, State agencies, and third-party onsite marine biological monitors will respond to an inadvertent drilling fluid release are misinformed., as demonstrated by the historic actions and approaches taken over the past 20+ years in the boring of 32 cable landings confirming that the processes employed for those projects, and that will be employed for this Project, have ensured potential environmental effects were and will be minimized.

	The commenter's reference to MARPOL Annex V regulations does not apply in this instance. MARPOL Annex V prohibits or regulates the discharge of plastics, dunnage, paper, rags, glass, and victual (food) waste from vessels. All of the MARPOL regulations concern vessels and the accidental and deliberate discharge of assorted materials and wastes. Project discharges (accidental or deliberate) to the marine environment are covered under the Clean Water Act. All Project discharges will be managed under a National Pollution Discharge Elimination System (NPDES) permit issued by the State Water Board (as discussed in MND Section 3.11, *Hydrology and Water Quality*).
13. Commenter states that abandonment of cables is unacceptable and that the MND lacks a plan for removal and mitigation of removal impacts on fishing.	Both the California State Lands Commission Lease and the Coastal Development Permit require removal of all abandoned cables within State waters. Beyond that, Section 1.11 of the Fishing Agreement, required by **APM-1**, requires the Applicant to remove any out-of-service cables where feasible. If removal is not feasible, the Applicant is required to establish a fund that would be used to settle any potential fishing gear entanglement claims after abandonment of the cables. A project near Morro Bay, California (the AT&T China-US cable system) recently was decommissioned and removed from the ocean—from the shore to the shelf and all the way to Asia. Decommissioned fiber optic cables have salvage value and there is now a market incentive for professional removal and recycling of the various components. Companies with specialized vessels and crew are actively engaged in global recovery and salvage of out-of-service subsea cable.
14. Commenter states that loss of access to local fishing grounds due to cumulative negative impacts caused by multiple submarine cables requires an Environmental Impact Report (EIR), not an MND.	As discussed in the responses to this comment letter and **MR-7: Cumulative Impacts**, the Project would not result in any significant environmental impacts on the fishery.
15. Commenter asserts that cable paths constitute "closed areas" lost to bottom contact fishers because cables are rarely inspected to ensure that they remain buried.	Once constructed, the Project would not reduce or hinder fishing grounds. The MSA is used for the CEQA analysis and is not intended to show any restriction where specific fishers might set their gear. Concerns regarding cable burial or suspension are

	addressed in **MR-1: Cable Burial/Cable Suspensions**. The MND considers the Project's contribution to significant cumulative impacts as required by law. The commenter asserts that the cumulative impact analysis is inadequate. Please see **MR-7: Cumulative Impacts.**
16. Local fishers believe that RTI is attempting to limit mitigation impacts for submarine cables to trawl vessels instead of all bottom contact fishing gears; the Agreement should contain resident non-trawl bottom contact fishers as a majority of voting board members.	The commenter's concerns are addressed in detail in **MR-4: Regional Commercial Fishing Cable Liaison Committee.**
17. RTI cable paths would traverse a BOEM-designated offshore wind power site; present and future wind power sites and cables present a significant cumulative negative impact on fishing grounds.	Please see **MR-7: Cumulative Impacts.**
18. MND should address how COVID-19 will affect schedule and measures to prevent spread by RTI employees and subcontractors.	Staff acknowledges concerns related to COVID-19 Pandemic and the effects on the local population. However, the Project is neither the cause of, nor would it exacerbate, the pandemic. Per the California Supreme Court's interpretation in *California Building Industry Assoc. v. Bay Area Air Quality Mgnt District* (2015) 62 Cal.4th 369, impacts of the environment on the Project are not CEQA impacts. COVID-19 is an impact of the environment on the Project; therefore, it is not a subject of CEQA analysis.
19. Commenter asserts that RTI is negligent in its oversight and has committed permit violations for financial gain.	Please see **MR-6: 2020 Northern California Geophysical Cable Route Survey.**
20. Local fishers were not notified of drilling and cable installation on Point Arena fishing grounds.	Staff offers a clarification of the cable construction operations conducted near Point Arena (Manchester Beach) in 2020. The project-related activity that occurred in 2020 involved HDD of two landing bore pipes. No route survey or cable installation occurred. The first cable to be landed from Asia is scheduled for April 2021. This would explain the comments that Captain Bogdahn was unable to find any notices to mariners or other information on cable lay ship operations in the area in 2020, and that the local commercial fisheries liaison committee did not notify anyone of scheduled cable installation activities and request moving fishing gear. Such notices and

	communications would not take place if no cable installation activities were scheduled to occur. A notice to mariners was posted with the U.S. Coast Guard for marine biological monitoring of the HDD cable boring and for commercial diver work involved in the ocean floor termination of the HDD bored landings. Because no route survey work or cable-laying activities occurred in 2020, it would appear that the comment that Mr. Stornetta lost crab pots to cable or route survey ship activities is mistaken, and that the loss of gear was caused by weather or some other source. Additionally, it should be noted that the Manchester Beach cable landing activities (HDD cable landing borings) occurred miles north of the Manchester Beach MSA. Additional comments by Mr. Stornetta concerning the HDD cable landing boring operations conducted in 2020 also appear mistaken because the HDD boring operations were conducted only from 7 a.m. to 7 p.m. As with Captain Bogdahn's comment, it appears that his black cod fishing gear was placed near the AT&T submarine cable corridor. In that event, his activities also were conducted miles south of the RTI Manchester Beach cable landing activities in 2020.
21. Local fishers were given only 2 weeks advance notice of vacating cable path, and no guard boat used to clear the inshore cable path.	The commenter is misinformed about the project particulars in Grover Beach and has not accurately stated the notification process or engagement that took place for the project. All legal notices were posted, and numerous notifications were made to the local fishing Committee. The Applicant joined the Central California Joint Fisheries Liaison Committee, which now incorporates their newly installed fiber optic cable. Notifications of the cable installation activities were provided through the Committee both 2 months and 1 month in advance of construction activities commencing. Further, the Applicant visited various local ports to pass out flyers to fishers 2 weeks prior to the beginning of work. The Committee has board members from local trawlers and from the Morro Bay Commercial Fishermen's Organization and the Port San Luis Commercial Fishermen's Association, in addition to a number of other trawl fishers. These board members also have the

	responsibility of communicating with their constituents. There is no requirement for the Applicant to provide a guard boat or an on-board fishing representative. However, the Applicant was willing to provide those services and corresponded with the Committee, asking their advice on the need for such. The Committee members determined that such representation was not required, and they did not request it.
22. RTI is complicit in mismanagement and permit violations by the board of the Point Arena Joint Cable Committee.	While the commenter is correct that the Applicant is a member of the Point Arena Joint Cable/Fisheries Liaison Committee, they only recently joined the Committee. The Applicant has yet to install a cable in the area and thus has yet to financially contribute to the Committee in any way. Nor has the Applicant been involved in any of the previous administrative activities or aware of any mismanagement of funds.
23. Commission and California Coastal Commission not actively enforcing permit conditions to protect commercial fishing operations.	The letter does not provide specific examples of violations that Commission has failed to enforce. However, the lease contains specific provisions protecting the fishing community and requiring compliance with the MMP. The lease includes a reimbursement agreement to ensure that Commission will be funded to monitor the construction.

Humboldt Fishermen's Marketing Association, Inc. (Harrison Ibach and Ken Bates, January 21, 2021)

Comment Summary	Response
1. MND fails to mitigate conflicts with policy concerning protected coastal-dependent uses and impacts on commercial fishing to a level of insignificance.	The commenter does not present substantial evidence to support the claim that "The RTI proposal presents a significant impact on the marine environment." This general comment is responded to below.
2. MND does not state that "all bottom contact fishing gear types are subject to damage or loss on submarine cables," rendering finding of "no significant impacts" invalid.	The commenter suggests, without evidence, that the MND is lacking or omitted adequate analysis to support the determination of no significant impacts on commercial fishing after mitigation. Commission staff do not disagree that there is a possibility that any bottom contact fishing gear type could lost or damaged if there is an exposed cable. However, the likelihood of cables causing loss or damage to any bottom contact fishing gear is remote. **APM-1** sets provides assurance that any fishing gear lost or

	damaged by the cables will be replaced. **MR-1: Cable Burial/Cable Suspensions**, **MR-2: Northern California Oceanographic Conditions**, and **MR-3: Whale Entanglements** address previous comments submitted by the commenter on their expressed concerns of why bottom contact fishers would be impacted by the Project.
3. MND lacks specific scheduled marine monitoring programs to assess biological and economic impacts of cables, no real-time monitoring of cable burial compliance.	Marine monitoring will be required under **APM-3: Cable Burial Surveys**. Additionally, **MM BIO-9: Prepare and Implement a Marine Wildlife Monitoring and Contingency Plan** requires the Applicant to implement a Marine Wildlife Monitoring and Contingency Plan. Economic impact is not an impact subject to CEQA review except in those circumstances where substantial evidence shows that the economic impact is sufficiently severe to result in adverse changes in the physical environment. (*Joshua Tree Downtown Business Alliance v. County of San Bernardino* [2016] 1 Cal.App.5th 677). The commenter has not provided substantial evidence linking the Project's economic effects, which are largely speculative given the lack of physical effects on the fishery, to a physical change.
4. Agency options are to deny the project, require an EIR, or prepare and extensive mitigation plan approved by a majority of Northern California fishers.	The MND does not require approval of the Project. The Commission may choose to approve or deny the Project based on its consideration of its statutory and regulatory obligations, as well as the MND. An EIR is prepared when a project may result in a significant adverse effect on the environment. The commenter has not provided substantial evidence that this is the case for the Project. Commission staff have not received any new substantial information that suggests the proposed Project will have a significant impact on the environment. An MMP will be implemented that will reduce Project impacts to a less than significant level. Therefore, Commission staff has determined that preparation of an EIR is not required. These responses to comments are part of the record of proceedings that will be presented to the Commission. They clarify the content of the MND. No major revisions are necessary.

Law Offices of William S. Walter

Comment Summary	Response
1. The commenter is outlining their submittal.	Specific environmental issues raised in the comment letter are addressed below.
2. The commenter states that the comment period was not sufficient due to peak fishing season coinciding with COVID-19 restrictions.	The Commission has provided the 30-day review period required under State CEQA Guidelines section 15073. In addition, as described in the Commission's December 11, 2020, Notice of Public Review for this MND, the public will be afforded an additional opportunity to comment when the Commission will consider adopting the MND and, if adopted, taking action on the proposed Project at its meeting on February 23, 2021. Staff did agree to provide more time beyond the 30-day review period to accommodate a request from fishermen's associations. All comments received are part of the Administrative Record and will be considered by the Commission prior to adopting the MND. The Commission has considered whether there is substantial evidence supporting a "fair argument" for the presence of a significant effect and has concluded that there is none. Therefore, no EIR is necessary for this Project.
3. The commenter outlines the assertion that an MND is not sufficient.	The Commission has considered the evidence it has collected in the MND and in the submitted comments. The MND is a comprehensive examination of the Project and its potential to result in significant effects on the environment. The MND itself is nearly 300 pages in length; its Appendix C, *Terrestrial and Marine Biological Resource Information*, contains nearly 120 pages of discussion on this topic. The MND includes 15 mitigation measures for biological resources and three Applicant Proposed Measures. Mitigation Measures **MM BIO-1**, **MM BIO-5**, **MM BIO-7** through **MM BIO-12**, and **MM HAZ-1**, and Applicant Proposed Measures **APM-1** and **APM-3** in particular focus on marine resources. Implementation of these MMs would reduce the potential effects of the Project to a less than significant level and therefore there is no trigger for preparing an EIR.

	Effects on commercial fishing are evaluated in MND Section 5.2, *Commercial and Recreational Fishing*. The MND concludes that there would be no significant impacts. The specific measures to be implemented to avoid significant impacts on commercial fishing are **MM BIO-10**, **MM BIO-11**, **MM REC-1**, and **APM-1** and **APM-3**.
4. This comment asserts that the MND does not meet basic standards for EIR adequacy.	The MND represents the Commission's good faith effort at disclosing the potential effects of the Project and the MMs that will reduce all effects to a less than significant level. As discussed in response to comment 3, the MND is a substantial document that provides a comprehensive analysis of the Project.
5. The commenter states that the MND fails to make reasonable forecasts.	Appendix C of the MND extensively reviews the marine life that may be affected by the project. MND Chapter 3.4, *Biological Resources*. The commenter provides no specific reason why the analyses contained in Chapter 3.4, *Biological Resources*, and Appendix C: Terrestrial and Marine Biological Resource Information of the MND are not adequate, nor why unspecified forecasts are necessary.
6. This comment suggests that the MND's analyses is not fact-based.	The commenter suggests, without evidence, that the MND is lacking in data to support its analysis of biological resources. The MND analysis of marine biological resources is based on additional information contained in Appendix C: Terrestrial and Marine Biological Resource Information. Appendix C was prepared by Applied Marine Sciences, a respected consultant firm specializing in marine biology. The key researcher, Jay Johnson, has over 30 years of professional experience in applied marine and aquatic sciences environmental consulting. He has designed and managed environmental programs in support of oil and gas exploration activities in all of the United States Outer Continental Shelf regions as well as in the North Sea, the Middle East, Asia, Russia, and other regions of the Former Soviet Union. He has been involved in long-term marine monitoring programs involving nuclear power plants, thermal effluent discharges, and coastal discharges. He has recently been involved in providing the State of California with Independent Third-party Environmental Mitigation Monitoring support for a marine terminal decommissioning

	project and for coastal fiber optic cable landing projects (17 separate cables) located throughout the state, the development of a marine monitoring program for the Department of the Interior to assess long-term changes to ocean floor ecology resulting from coastal sand mining, preparation of CEQA / NEPA EA's, and MND's for coastal marine protection areas, coastal aquaculture, San Francisco Delta marinas, commercial sand mining in San Francisco Bay and Delta, marine terminal operations, and coastal and San Francisco Bay desalination projects.
7. The commenter asserts that the MND does not follow accepted methodology standards.	The commenter asserts, without evidence, that the MND has failed to follow standards and accepted methodologies for impact analysis. The commenter does not mention which analysis was deficient and does not provide information about what methodology should have been used. As provided above in response to comment 6, the analysis of marine biological impacts was undertaken by a respected consultant firm specializing in marine biology. Staff has made its best effort to engage a qualified consultant to better understand and analyze possible environmental impacts undertaken by this Project in the MND's impact analysis.
8. This comment states that the MND fails to address cumulative impacts.	Please see **MR-7: Cumulative Impacts** for a detailed discussion of cumulative impacts.
9. The commenter asserts that the MND does not provide an adequate environmental setting and baseline.	The commenter asserts, without specific evidence, that the MND does not include an adequate discussion of the environmental setting and baseline. A detailed discussion of the setting and baseline is contained in Appendix C and the analysis in the MND is grounded in that information.
10. The commenter asserts that economic and social impacts on the fishing industry are not analyzed.	As provided in the Staff Report, staff concludes that 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. The effects on commercial fishing are specifically evaluated in MND Section 5.2, *Commercial and Recreational Fishing*, and concludes that there would be no significant impacts. CEQA does not consider social or economic impacts to be significant impacts unless they result in a significant adverse impact on the physical environment. (State CEQA Guidelines section 15064(e)). The

	commenter has not submitted substantial evidence of physical changes that might result from the social or economic impacts of the project. “Substantial evidence” does not include “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which to do not contribute to or are not caused by physical impacts on the environment.” An assertion of economic impact being a CEQA impact must be supported by an economic analysis; no such analysis has been submitted. (*Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677).
11. This comment asserts that the MND description of unavoidable significant impacts is not legally adequate.	The MND, by its nature, concludes that the Project will not have any unavoidable significant impacts. Therefore, no description of unavoidable significant effects is required.
12. This comment suggests that the cumulative impacts discussion is missing from the MND.	Please see **MR-7: Cumulative Impacts** for a detailed discussion of cumulative impacts.
13. This comment asserts that the MND's analyses for biological resources is inadequate.	The commenter makes a number of assertions about impacts on biological resources, impact mitigation, and monitoring of mitigation, but provides no substantial evidence to support those assertions. Please see the response to comment 3, above regarding the MMs that will be implemented with the Project to avoid impacts on biological resources. In addition to MMs for short-term impacts, long-term measures are provided by **APM-1**, **APM-3**, **MM BIO-8**, **MM BIO-9**, and **MM BIO-11**. These measures are discussed in detail in the MND Chapters 3.4, *Biological Resources*, and 5.2, *Commercial and Recreational Fishing*, and in Exhibit C (MMP) of the Staff Report. Please see response to comment 6 above regarding the adequacy of the study protocols. The consultant has relied on protocols that are standard for the practice of analyzing impacts on marine biology resources.

14. The commenter asserts that mitigation measures proposed in the MND are legally inadequate.	The MND includes MMs for each potentially significant impact identified. Staff developed the MMs in consultation with Applied Marine Services, a specialized consultant with extensive experience in marine biology. The commenter asserts inadequacies in the MMs but does not provide any substantial evidence of any inadequacy. With regard to marine mammal or marine life lethality reporting, MM BIO-9 starting on page 3-62 in the MND contains the several performance standards to avoid lethality, including developing a Marine Wildlife Monitoring and Contingency Plan (MWMCP) for Project activities, having two qualified shipboard marine mammal observers onboard all cable installation vessels during cable installation activities, consulting with National Marine Fisheries Service to establish a safety work zone around all Project work vessels, implementing Project-specific control measures for Project vessels (including support vessels) and actions to be undertaken when marine wildlife is present, and reporting requirements and procedures for wildlife sightings. The MWMCP shall be submitted to the Commission and California Coastal Commission for review at least 60 days before starting marine installation activities.
15. The commenter lists proposed mitigation and monitoring standards be included in the Project.	The commenter suggests a new MM to avoid impacts on fisheries and marine resources. The suggested MM is similar to the measures identified in MND Chapter 3.4, *Biological Resources*, particularly measures **MM BIO-1** through **MM BIO-12**, **APM-1**, and **APM-3** that reduce the impacts to less than significant.
16. The commenter lists several conflicts of the Project to commercial fishing and suggestions for additional measures.	The commenter suggests a new MM to avoid impacts to the commercial fishing industry. The Project will not have a CEQA impact on commercial fishing, as discussed in the response to comment 10, above.
17. The commenter states that the MND fails to identify enforceable mitigation.	The Commission will impose the MMs as conditions of Project approval. This meets the requirement under Public Resources Code Section 21081.6 that MMs are “fully enforceable through permit conditions, agreements, or other measures.” Pursuant to State CEQA Guidelines section 15097, the Commission will adopt a separate Mitigation Monitoring Program (see Staff Report Exhibit

	C) for the MMs that is its responsibility to implement.

Pacific Coast Federation of Fishermen's Associations

Comment Summary	Response
1. MND is flawed in its approach to analyzing impacts on commercial fishing industry that operates in and around the Project area. Pacific Coast Federation of Fishermen's Associations (PCFFA) supports comments submitted by the Humboldt Fishermen's Marketing Association and the California Coast Crab Association. PCFFA wishes there had been more time to review the IS-MND due to numerous factors affecting the Dungeness crab fishing community.	Concerns over potentially lost fishing gear during a geophysical survey in 2020 are addressed in **MR-6: 2020 Northern California Geophysical Cable Route Survey**. The commenter's belief that the MND is flawed in its analysis of possible Project-related impacts on commercial fishing is assumed to reference the subsequent listing of General Concerns presented in the letter (discussed in detail below). It is understood that the commenter supports the comments submitted by the Humboldt Fishermen's Marketing Association and the California Coast Crab Association, which are addressed separately. However, the California Coast Crab Association later withdrew their comment letter, and opposition to the Project. Please see response to comment 2 of Law Offices of William S. Walter's letter, above, for the specific State CEQA Guidelines regarding review periods.
2. No analysis of cumulative impacts of wind farms and cables on closing areas for commercial fishing.	The commenter cites California Code of Regulations, title 14, section 15355 regarding cumulative impact analysis and expresses concern regarding the Project's potential contribution to cumulative impacts. Please see **MR-7: Cumulative Impacts**.
3. MND presents inaccurate fisheries information; contact local fishers to understand their operations.	The commenter expresses concern about inaccurate information in the MND related to commercial fishing in the Project area but does not provide any evidence or specifics. MND pages 5-3 through 5-20 in section 5.2, *Commercial and Recreational Fishing*, include analyses of the possible impacts of fiber optic cables and other Project-related activities on all commercial and recreational fishing methods, including trap, long-line, trawl, trolling, and hook and line. This analysis was conducted by gear type and target species. The *Commercial and Recreational Fishing* section also presents the commercial fish landings for the past 5 years to provide a thorough assessment of potential effects on these species due to

	Project related activities. Additionally, MND pages 3-55 through 3-72 in section 5.4, *Biological Resources* (*Marine Components*) and Appendix C provide details about possible threats to the marine environment. The comment further suggests that the Project Applicant should increase dialogue with local fishermen to better understand the operations of local fisheries and potential impacts. The Project Applicant began outreach efforts with local commercial fishers in fall 2018 (Fishermen's Marketing Association 2021[30]) and has continued outreach efforts.
4. Dungeness crab industry could be held accountable for entanglement of an actionable species in "unknown fishing gear." This could result in closure of remainder of fishing season.	The commenter's concern that Project cables could trap marine mammals or Dungeness crab gear, which could then entangle marine mammals, is addressed in **MR-3: Whale Entanglements**.
5. California's commercial fishers have been feeding Californians during the pandemic.	The commenter points out that the fishing industry has been crucial during the pandemic. Staff acknowledges the fishing industry is a crucial part of California's food supply.
6. MND should evaluate cumulative impacts of cable project and Nordic Aquafarms; information about Trident Wind is inaccurate; Redwood Coast Energy Authority proposes wind energy project offshore Humboldt County.	For a response to the concern that the MND did not address cumulative impacts please see **MR-7: Cumulative Impacts**.
7. MND does not describe potential impacts on crustaceans, anadromous fish stocks, and other living marine resources.	The commenter's concern about the potential negative impacts of HDD drilling fluid on the ocean floor habitat and other marine taxa is addressed on MND pages 3-55 to 3-60 in section 3.4.1.2, *Marine Biological Resources*, and in Appendix C. The drilling fluid used during the HDD boring of the cable landing is composed of non-toxic bentonite marine clay and water. An inadvertent release of drilling fluid to the marine environment during HDD boring of the cable landing is very unlikely. The greatest threat to marine biota is the potential release of large volumes of drilling fluid, which can temporarily alter ocean floor sediment composition and bury or smother benthic marine organisms. Although this outcome is not expected, two mitigation measures are required by the Project CEQA

[30] Fishermen's Marketing Association. 2021. Comment letter submitted to the California State Lands Commission, dated January 4, 2021.

	assessment: mitigation measures **MM BIO-5: Prepare and Implement an Inadvertent Return Contingency Plan** and **MM BIO-7: Implement Best Management Practices for Horizontal Directional Drilling Activities**. **MM BIO-5** requires onshore and offshore monitoring of HDD operations to ensure that an inadvertent release of drilling fluid is detected quickly and that appropriate actions are taken to stop or control the release. An immediate response would minimize any negative impacts on the marine environment. This monitoring approach has been used for all fiber optic cable landings in California since 2000. The potential effects of bentonite drilling fluid on marine taxa were evaluated when assessing the potential of drilling fluid release during Project HDD activities. The pertinent studies are cited in the MND (MND page 3-55 and Appendix C).
8. If landing pipes ran parallel and closer together, fewer impacts on fishing operations.	The commenter's concern about cable routing is addressed in **MR-5: Cable Paths**.
9. MND should explain how cable company will be alerted to an exposed cable.	The commenter's concern about severe weather in the Project area is valid and is addressed in part in **MR-2: Northern California Oceanographic Conditions**. **MR-1: Cable Burial/Cable Suspensions** provides a more detailed discussion of the 14 buried fiber optic cables installed and operating off the coast of Oregon and Washington since 1998. There have been no reported cases of Dungeness crab gear entanglements on any of these cables. Staff refers commenter to **APM-3: Cable Burial Surveys** that relates to the buried cables. This APM commits to regular surveys during the initial years after cable installation and surveys after major weather events to determine whether the cables remain buried. Should a cable become uncovered by weather, **APM-3** requires remediation measures to be implemented. Please also see **MR-1: Cable Burial/Cable Suspensions**.

10. Fishing vessels actively fish in the offshore area, not just "pass by periodically."	The referenced statement on MND page 3-9 was intended to indicate the presence of other shipping and work vessels, including commercial fishing vessels, that might contribute to or be affected by the aesthetics of the Project. Staff acknowledge that fishing vessels actively fish in the offshore area.
11. Commenter asks if NMFS (NOAA Fisheries) was consulted about species or habitat.	The Applicant has had several teleconference calls and email exchanges with NOAA Fisheries West Coast and Pacific Islands Regions. These communications are documented in the federal Biological Assessment that has been prepared for the Project to support Section 7 consultation between the U.S. Army Corps of Engineers and NOAA Fisheries.
12. Commenter asks if the Project would conflict with the State's drafting of a habitat conservation plan (HCP) for the commercial Dungeness crab fishery that would be completed prior to Project completion.	The commenter's observation that the Project is within the area where the California Department of Fish and Wildlife (CDFW) has drafted a conservation plan for California's commercial Dungeness crab fishery is correct. Staff understands that CDFW prepared a draft HCP dated May 15, 2020, for an incidental take permit (ITP) under Section 10 of the federal Endangered Species Act (FESA). The ITP was prepared to cover crab gear entanglement of humpback whale, blue whale, and Pacific leatherback sea turtle. The HCP would cover all ocean waters offshore of California out to 200 nautical miles where the fiber cable is proposed. Because of the material properties of the cable, entanglement with marine mammals, turtles, salmonids, or any other marine species is not anticipated. Modern cable-laying equipment and methods are capable of regulating cable deployment and tensioning to minimize the length of cable through the water column, minimize the occurrence of suspensions between rock ridges, and prevent creating loops in the cable once laid. For these reasons, modern telecommunications cables (fiber optic and coaxial) have not been implicated in a single whale entanglement since 1959. A geophysical survey for cable installation has not identified any places where the cable may be suspended because of high-relief rocky bottom or areas of abrupt change in slope. The risk of encountering and becoming

	entangled in marine cable depends on the length of cable exposed or suspended. Cable routes through soft bottom substrates would be identified through geophysical mapping surveys to bury as much of the cable as possible out to a depth of 5,904 feet within the outer continental shelf, thereby minimizing cable interaction with whales, turtles, and other marine species. The Applicant and their permitting consulting team will monitor the status of the draft HCP that CDFW submitted and will review the final plan to see how it may affect the proposed Project.
13. CDFW tracks catch location, and Vessel Monitoring Systems give exact locations of vessels. These data should be analyzed to reveal where commercial fishing activities are taking place.	The commenter's concern that the fifth bullet point on MND page 3-40, lines 33–35 implies that the types and locations of specific commercial fishing activities that occur offshore Eureka are unknown is a misinterpretation of the statement. The statement refers to the information in Figure 3.4-3 that shows the marine study area (MSA) used for the CEQA analysis. It explains that there are no fishing restrictions within the MSA because the figure does not show any specific uniquely permitted fishing locations. This was not intended to show where any specific fishers might set their gear or describe what fish species might be harvested within the MSA. MND section 5.2, *Commercial and Recreational Fishing*, provides a detailed discussion of commercial fishing efforts within the MSA, including gear type, season (if appropriate), and the general locations and water depths of a target species' fishery. This impact assessment discusses potential impacts by gear type, target species, and timing of the Project relative to commercial fishing activities. The marine resource documents included in Appendix C of the MND provide information about commercial and recreational fish landings in Eureka over a 6-year period. The commercial and recreational fishing data for the MSA are sufficient to assess possible Project-related effects on commercial and recreational fishing, as required by CEQA.

14. Include NOAA-listed special-status species in analysis.	The commenter's observation of limiting the analysis of special-status marine species to only U.S. Fish and Wildlife Service (USFWS) identified and FESA listed taxa is correct. Although CEQA only requires analysis of FESA and California Endangered Species Act (CESA) listed taxa, the MND was not limited to this interpretation for the very reasons mentioned by the commenter. The MND analysis of special-status species includes all species: *…Listed and proposed as threatened or endangered by USFWS pursuant to FESA (which includes all NOAA identified FESA species); listed as rare, threatened, or endangered by CDFW pursuant to CESA; managed and regulated under the Magnuson-Stevens Act (commercial fisheries); protected under the Marine Mammal Protection Act; managed and regulated by CDFW under the Nearshore Fisheries Management Plan and the Market Squid Fisheries Management Plan; designated by CDFW as a California species of concern; designated by NOAA as a species of concern; and not currently protected by statute or regulation but considered rare, threatened, or endangered under CEQA (State CEQA Guidelines section 15380).* To provide clarification in the MND, the text on page 3-45, bullet point 1, has been edited as follows (deleted text is shown in strikeout and new text is underlined): • Listed, proposed, or are candidate species for listing as threatened or endangered by USFWS <u>and NOAA</u> pursuant to FESA.
15. Should include species "Managed and regulated by CDFW under the Nearshore FMP and Market Squid FMP." This also should include Dungeness crab fishery managed by CDFW under RAMP.	The commenter's observation that the list of special-status species includes species managed or regulated under the Risk Assessment and Mitigation Program (RAMP) is noted. RAMP is not a fisheries management plan designed to manage Dungeness crab or other species but rather a plan designed to reduce Dungeness crab fishery impact on migrating and resident marine mammals. RAMP should not be included in the list of programs that identifies, manages, or protects special-status species.

16. Commenter thinks statute is drafting an HCP for Commercial Dungeness crab fishery that will be done before the Project. Commenter expressed concern that because of recent reductions to Pacific sardine catch limits imposed by NMFS, that the species should be added to the listing of endangered and threatened species contained in Appendix C, Table 7.1	Table 7.1 in MND's Appendix C (Marine Habitats and Biological Resources Offshore Eureka, California), to which the comment is directed, includes species protected under FESA, CESA, the Marine Mammal Protection Act, the California Fish and Game Code, NMFS species of concern, USFWS, CDFW, and state or federal agencies such as the California Coastal Commission that designate species as having a scientific, recreational, ecological, or commercial importance. In June 2019, NMFS declared that the Pacific sardine had been overfished and required modified catch limits (NMFS 2019[31]). However, the Pacific sardine was not placed in any of the categories listed above, which would warrant its inclusion in MND's Appendix C, Table 7.1.
17. The comment is concerning critical habitat for the Central America, Mexico, and Western Pacific distinct populations segments of humpback whales and the southern resident killer whale distinct population segment.	This information was included in the drafting of Table 7.1 in MND's Appendix C and is reflected in the MND analysis of special-status species.
18. Commenter asks why portions of the Humboldt County Local Coastal Program were not included in MND.	The full text from Section B of the Humboldt County Local Coastal Program was not included because the omitted text is not applicable to the Project (e.g., public docks, shop building and boat repair, and commercial fishing facilities). For this reason, only the text that is applicable to the Project, "outfall or discharge pipelines serving offshore facilities," was included.
19. Comment questions the use of the term "Abandoned" in relation to fishing gear entanglement.	The use of the word "abandoned" in reference to commercial fishing gear is intentional. If fishing gear is suspected of being entangled on a cable, the fisher likely will be instructed to abandon the equipment. Depending on the type of gear entangled, recovery efforts may be damaging to the cable. If this scenario were to occur, the fisher would be compensated for the abandoned gear and lost revenue while replacing the gear. This process is outlined in the Regional Commercial Fishing Cable Liaison Committee Agreement required in **APM-1** and discussed in detail in **MR-4:**

[31] National Marine Fisheries Service (NMFS). 2019. Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications. 50CFR Part 660. June 24, 2019. Pp. 31223-31226. Available at:https://www.govinfo.gov/content/pkg/FR-2019-07-01/pdf/2019-13960.pdf. Accessed January 28, 2021.

	Regional Commercial Fishing Cable Liaison Committee.
20. Commenter expresses concern regarding the potential for Dungeness crab gear entanglement in Project cables, potential threats of entangled gear to entangled whales, and compensation for lost/abandoned gear.	The concerns expressed by the commenter about potential Dungeness crab gear entanglement in Project cables, potential threats of entangled gear to entangled whales, and compensation for lost/abandoned gear are addressed in **MR-1: Cable Burial/Cable Suspensions**, **MR-3: Whale Entanglements**, and **MR-4: Regional Commercial Fishing Cable Liaison Committee.**
21. Comment alleges that the fishing agreement with Humboldt commercial fishers is a dishonest or suspicious arrangement that benefits only certain individuals or groups.	The commenter's allegation that the fishing agreement with Humboldt commercial fishers is a dishonest or suspicious arrangement that benefits only certain individuals or groups is misinformed. **MR-4: Regional Commercial Fishing Cable Liaison Committee** clearly states the reasons for establishing a fishing/cable liaison committee, which include facilitating communication between Project organizers and commercial fishers, describing mechanisms for avoiding and resolving conflicts, and providing compensation for abandoned gear and lost revenue. The agreement and the Committee support all area fishers.
22. Suggestion to reword text about four fishery management plans.	Commenter's remark is noted. Staff and the Applicant acknowledge that four fishery management plans (FMPs) are responsible for overseeing commercial fisheries operating along the Northern California coast. National Marine Fisheries Service has adopted FMPs for groundfish, salmon, coastal pelagic species and highly migratory species. California has adopted FMPs to govern the market squid fishery and nearshore waters of the State. The Dungeness crab fishery also is managed by CDFW under the RAMP, as of the 2019–2020 commercial season, to limit potential fishery impacts on migrating and resident marine mammals. Catch limits for the Pacific halibut fishery are established under the International Pacific Halibut Commission and the Pacific Fishery Management Council's Halibut Catch Sharing Plan.

23. Commenter suggests revisions to Table 6.2 in Appendix C.	Table 6.2 in Appendix C presents a 6-year listing of commercial fish and invertebrate landings in the Eureka area. This table identifies the most commonly caught and sold fish and invertebrate species in the region that may be most affected by Project activities. CDFW had not published the 2019 landings data before the MND was drafted. Adding the 2019 data to Table 6.2 would not dramatically alter the analysis of potential Project impacts on local commercial and recreational fishing. Similarly, including ex-vessel values of commercial and recreational landings would not change the analysis. Furthermore, CEQA does not consider social or economic consequences to be important unless they result in a significant adverse impact on the environment (State CEQA Guidelines section 15064(e)).
24. Commenter suggests revisions to Table 5-1 in the MND.	Table 5-1 of the MND has been revised as suggested to show Dungeness crab fishing season changes under RAMP; Dover sole and market squid fishing methods; and added pacific halibut as a growing commercial fishery. These minor changes do not alter the analysis of the document.
25. Commenter cites an excerpt from the Commission Environmental Justice Policy.	The Project, as mitigated and with Applicant Proposed Measures, will not result in an adverse effect. This is consistent with the cited policy.
26. The commenter concludes that their abovementioned concerns need to be addressed.	Please see above responses to all comments. The adequacy of the MND also is addressed above.

Salmon Troller's Marketing Association, Inc.

Comment Summary	Response
1. The commenter suggests that RTI has offered monetary compensation to a select group of commercial trawlers, leaving bottom contact fishers with lost fishing grounds and catch.	The commenter is misinformed about the Project Applicant's outreach to the commercial fishing community in the Eureka area. The Project Applicant started outreach efforts to the local commercial fishing community, including bottom contact fishers (longline and Dungeness crab fishermen) in Fall 2018 (Fishermen's Marketing Association 2021[32]) and has continued to do so. As discussed in **MR-4: Regional Commercial Fishing Cable Liaison Committee,** the

[32] Fishermen's Marketing Association. 2021. Comment letter submitted to the California State Lands Commission, dated January 4, 2021.

	Northern California Cable & Fishing Agreement establishes a local commercial fishing liaison committee to keep local commercial fishers informed of Project related activities and establishes a seamless process for fishers to receive compensation (if warranted) for lost gear and catch as a result of Project-related activities. Finally, no loss of fishing grounds, catch, or gear is expected as a result of Project-related activities. Further discussion is provided in **MR-1: Cable Burial/Cable Suspensions** and MND pages 5-3 through 5-20 in section 5.2, *Commercial and Recreational Fishing*.
2. The commenter asserts that the four proposed fiber optic cable paths will reduce available fishing grounds in the area by 200-240 square miles.	Fishing grounds would not be reduced in the area by 200 to 240 square miles. As discussed in **MR-1: Cable Burial/Cable Suspensions** and **MR-5: Cable Paths**, all four cable paths would be carefully selected to ensure subsea fiber optic cable burial to a minimum depth of 3.3 feet out to a water depth of 5,904 feet. With proper fiber optic cable burial, there should be no loss of fishing grounds, catch, or gear due to Project-related activities. MND pages 5-3 through 5-20 in section 5.2, *Commercial and Recreational Fishing*, provide an analysis of Project buried fiber optic cables and other Project-related activities on all commercial and recreational fishing methods, including trap, longline, trawl, trolling, and hook and line. This analysis was conducted by gear type and target species. Concerns that buried fiber optic cables may become exposed and suspended due to oceanographic conditions offshore Eureka are addressed in **MR-2: Northern California Oceanographic Conditions**. The commenter states that Marine Protected Areas have reduced historical fishing grounds and that possible future cable and offshore wind projects not conducted by RTI may further reduce fishing grounds; these future projects are outside the scope of the MND insofar as they are speculated. Please see **MR-7: Cumulative Impacts** for a discussion regarding the cumulative impacts of the Project and other nearby projects (e.g., wind farms).

	Finally, the commenter's assertion that "RTI paid less 'mitigation fees' for their first cable at Point Arena than AT&T did 20 years ago and will probably try to do the same in Eureka" is not supported by fact or documentation and is unrelated to the Project evaluated in the MND. As discussed in **MR-4: Regional Commercial Fishing Cable Liaison Committee**, no mitigation fees will be paid by any fiber optic cable operators. The liaison committees are provided with sufficient funds to facilitate the coordination and liaison support outlined in each agreement. Additionally, the agreement with the North Coast Fishermen's Cable Committee requires the placement of an annual $75,000/cable into a Commercial Fishing Industry Improvement Fund. These funds can be used for regional projects benefiting local commercial fishers or for other community improvement projects. These projects may be proposed by any member of the local commercial fishing community or the community at large.
3. The commenter expressed concern over possible impacts to the local fishing community by Project related survey ships, onshore drilling, cable lay ships, and cable surveys.	Potential impacts on commercial fishing and measures implemented to prevent these outcomes are outlined in detail on MND pages 5-3 through 5-20 in section 5.2, *Commercial and Recreational Fishing*, and in **MR-1: Cable Burial/Cable Suspensions**. The commenter does not provide evidence that the MND is inaccurate in its assessment of potential Project-related impacts on commercial fishing activities. The analyses in the MND are based on 36 cable installations in California, Oregon, and Washington that have occurred since the late 1990s. **MR-4: Regional Commercial Fishing Cable Liaison Committee** describes the procedures for informing local commercial fishers of Project activities and addressing lost equipment and catch if fishing gear were to become entangled on Project fiber optic cables. The commenter's concern about the Applicant's disregard for local commercial fishers is misinformed. Please see response to comment 2 above and the detailed discussion in **MR-4: Regional Commercial Fishing Cable Liaison Committee**.

4. The commenter reiterates their belief that the MND inaccurately reports impacts on bottom contact fishing.	The commenter's statement that "the RTI/AT&T 'fishing agreement' for the Point Arena cables that compensate five trawlers (two are no longer trawling) in Noyo Harbor" is not accurate. The Northern California Cable & Fishing Agreement created a Fishing Cable Liaison Committee to inform local commercial fishers of Project activities and establish a seamless process for fishers to receive compensation for any lost gear and catch that may result from Project-related activities. See **MR-4: Regional Commercial Fishing Cable Liaison Committee** for details on this agreement and the response to comment 2, above.

Trinidad Bay Fishermen's Marketing Association, Inc.

Comment Summary	Response
1. The commenter expresses concern that Dungeness crab gear will become snagged or lost on exposed Project related fiber optic cables following sediment movement from winter storms.	The commenter's concern regarding snagged gear is addressed on MND pages 5-3 through 5-20 in section 5.2, *Commercial and Recreational Fishing*, and in greater detail in **MR-2: Northern California Oceanographic Conditions** and **MR-1: Cable Burial/Cable Suspensions**.
2. The commenter expresses concern about a report of lost fishing gear from a geophysical survey ship working offshore of the Samoa Peninsula in the summer of 2020. fi	The events surrounding the geophysical survey and interactions with the local Dungeness crab fishers are discussed in detail in **MR-6: 2020 Northern California Geophysical Cable Route Survey**. In short, a single Dungeness crab fisher reported a lost crab trap and was fully compensated for his missing gear and catch. Statements and suppositions regarding the cable liaison committee/organization that facilitates communication and coordination between fiber optic cable operators in North Central California are not supported by any evidence. There appears to be confusion or misinformation concerning these liaison committees and their role and the terms of the agreement between cable operators and the liaison committee. The purpose of the fisher's liaison committee is to keep local commercial fishers informed of Project-related activities and establish a seamless process for fishers to receive compensation for lost gear and catch as a result of subsea fiber optic cable Project-related activities (if they should inadvertently occur). This is

	discussed in detail in **MR-4: Regional Commercial Fishing Cable Liaison Committee**. The fishers/ fiber optic cable liaison committees process does not compensate for lost gear from all offshore cables, including historical telephone and telegraph cables, such as those offshore Point Arena. The agreements and conflict resolution approaches established with the fiber optic cable industry and local commercial fishers cover only fiber optic cables installed offshore California.
3. The commenter claims that the MND fails to address the reduction in fishing grounds that will occur as a result of the Project.	No loss of fishing grounds is anticipated from Project-related activities. Further discussion is provided in **MR-5: Cable Paths**, **MR-1: Cable Burial/Cable Suspensions** and MND pages 5-3 through 5-20 in section 5.2, *Commercial and Recreational Fishing*.
4. Commenter asserts that loss of fishing grounds would occur and would be exacerbated by future wind farms.	The Project would not significantly contribute to a cumulative impact from other projects (e.g., wind farms). Please see **MR-7: Cumulative Impacts** for a detailed discussion of cumulative impacts.