

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
767-2370

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Filed: August 31, 2001
49th Day: October 19, 2001
180th Day: February 27, 2002
Staff: BP-SD
Staff Report: September 26, 2001
Hearing Date: October 9-12, 2001

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-104

Applicant: AT&T Corporation Agent: Court Morgan

Description: Installation of a fiber optic communications system, including manholes and marker poles, using directional drilling, trenching, and bridge hangings, in existing road rights-of-way within the cities of Oceanside, Carlsbad and San Diego and the unincorporated County of San Diego.

Site: Oceanside at the San Luis Rey River (approximately 600 lineal feet), Carlsbad within the Agua Hedionda lagoon segment near Cannon Road (approximately 1,000 lineal feet), San Diego County between La Bajada Bridge south to Via De La Valle (approximately 4.5 miles) and the City of San Diego from Via De La Valle south to Stallion Canyon (approximately 1.2 miles).

Substantive File Documents: Mitigated Negative Declaration for AT&T Nexgen/Core Fiber Optic Telecommunication System SLC MND: 704; U.S. Fish and Wildlife Service Biological Opinion (Reference: 1-6-01-F-1174.3); California Department of Fish and Game 1603 Streambed Alteration Agreement Notification Number 6-100-00, U.S. Army Corps of Engineers (ACOE), Section 404 Nationwide Permit NW12 (see letter from Mark Durham, 5/31/01), and State Water Resources Control Board Order for Technically-Conditioned Water Quality Certification for AT&T Corp. Nexgen/Core Fiber Optic Conduit Installation Project.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed fiber optic cable installation. As proposed, the project will not result in any direct impacts to environmentally sensitive resource areas. The project includes extensive mitigation and monitoring measures to ensure that there are no short or long-term indirect impacts to sensitive resources, including wetlands, upland vegetation, and water quality. The project has been reviewed and approved by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers,

and the State Water Resources Control Board. Special Conditions have been attached to the project that require the applicant to implement all of the proposed mitigation and monitoring conditions, as well as those required by the above resources agencies. As conditioned, no impacts to coastal resources are anticipated.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-01-104 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local governments having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for the fiber optic cable line in substantial conformance with the draft plans contained in the mitigated negative declaration approved by the State Lands Commission February 5, 2001.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

2. Avoidance of Impacts to Biological Resources. The applicant shall comply with the following plans, as submitted and attached to this staff report, which are designed to avoid impacts to biological resources: Mitigation and Monitoring Plan; Storm Water Pollution Prevention Plan; Spill Prevention, Containment, and Control Plan; Erosion and Sediment Control Plan; and the Directional Bore Contingency Plan.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

3. Other Permits. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, copies of all other required local discretionary permits for the development herein approved (i.e., coastal development permits from the cities of Oceanside, Carlsbad, Encinitas and San Diego). Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

Additionally, the applicant shall comply with all of the requirements of the following permits, as submitted and attached to this staff report: U.S. Fish and Wildlife Service Biological Opinion (Reference: 1-6-01-F-1174.3); California Department of Fish and Game 1603 Streambed Alteration Agreement Notification Number 6-100-00, U.S. Army Corps of Engineers (ACOE), Section 404 Nationwide Permit NW12 (see letter from Mark Durham, 5/31/01), State Water Resources Control Board Order for Technically-Conditioned Water Quality Certification for AT&T Corp. Nexgen/Core Fiber Optic Conduit Installation Project.

The applicant shall undertake the development in accordance with the above permits. Any proposed changes to the conditions in the above permits shall be reported to the Executive Director. No change to the conditions in the above permits shall occur without a Commission-approved amendment to coastal development permit no. 6-01-104 unless the Executive Director determines that no such amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project is one link in a buried fiber optic telecommunications systems being constructed in five links from Lamesa, Texas to Los Angeles, CA (see Exhibit #1). The purpose of the project is to provide a full range of communication services including long distance and data transmission, as well as to support future demands for high-speed bandwidth and Internet-based services. For the subject project, with the exception of the City of Oceanside, where the route is along a number of smaller streets, the proposed fiber optic cable will be located within or immediately adjacent to El Camino Real. The entire route is within existing road right-of-way (ROW).

The project itself involves the installation of twenty-four 1.5-inch conduits. Each conduit can accommodate a cable that is 1 inch in diameter and composed of 312 hair-thin glass fibers. The conduits will be bundled together and placed in a trench that is generally approximately 4 feet deep and up to 1 foot wide (see Exhibit #3). Initially, only one conduit will actually have a cable installed in it. The other conduits are intended to provide flexibility to accommodate changes and upgrades in the way fiber optic technology will be used in the future.

The conduit bundle will be installed along the side of the road using a conduit plow, a trencher, or a backhoe. For sensitive area crossings such as waterways and drainage channels, and for crossing roads and railroads, directional drilling will be used (see Exhibit #2). In several locations the conduits will be attached to bridges to avoid any impacts to sensitive resources. In all cases, the areas will be returned to preconstruction or better conditions with erosion control measures and pavement replacement. As proposed, should the system ever be abandoned, all on-site facilities must be removed and the sites restored.

Buried vaults will be placed along the route's entire length at about 2,500-foot intervals to provide assist points and splice locations for cable installation. Once the project is installed, the buried vaults will be accessed only upon installation of additional fibers in one of the empty ducts or for maintenance. Since the specific location of the buried access vaults is flexible, all of the vaults will be located in non-environmentally sensitive areas. In addition, five-foot tall plastic markers marked with a buried cable warning will be installed every 500 to 2,500 feet (see Exhibit #4). All staging areas/material storage yards, referred to as "Op Amp sites," for the entire project route will be located in commercial properties previously used for the storage and servicing of equipment. Conduit reels and construction supplies will be staged along the corridor in non-sensitive areas in advance of the construction. The installation project is expected to move along the roadside at an average rate of 1,200 feet per day, and traffic will not be restricted or detoured during construction.

The portion of the fiber optic route that will be located in California ranges 372 miles from the border with Arizona to Los Angeles. The project runs through several local jurisdictions, all of which have certified LCPs except for the County of San Diego. The subject of this permit is only the portion of the project located within the Commission's permit jurisdiction in the cities of Oceanside, Carlsbad, San Diego and San Diego

County. The proposed project links up with a section of the project approved by the Commission in CDP #6-00-150 through Camp Pendleton to the north. Exhibit #5 shows those areas where Coastal Commission jurisdiction occurs and are the subject of this permit.

The proposed project begins in the City of Oceanside just north of the San Luis Rey River. The proposed project continues south through the cities of Carlsbad, Encinitas, the County of San Diego and the City of San Diego before it turns east towards Arizona. The crossing of the San Luis Rey River is the only portion of the project within the Commission's original jurisdiction; this section would run approximately 600 feet and cross a wetland on the south side of the river. The cable conduit would be hung from an existing bridge that crosses the river and the wetland and the proposed work would be done from the top of the bridge so no impacts would occur.

With the exception of the County of San Diego, the other portions of the project are within the Commission's deferred certification areas. The County of San Diego LCP was certified but the certification lapsed; consequently, Chapter 3 policies of the Coastal Act are the standard of review for new development within San Diego County. While the City of Carlsbad has a certified local coastal program containing six LCP segments, the Agua Hedionda segment remains uncertified pending the submittal of ordinances to implement the policies of the certified LUP. Thus, the Agua Hedionda segment is an area of deferred certification. The City of San Diego also has a certified LCP, but several deferred certification areas remain, including approximately 1.2 miles of the project route from Via De La Valle, south to Stallion Canyon.

With the exception of a water crossing at a tributary to San Elijo Lagoon, all work within the Commission's jurisdiction would be done either by bridge hang to avoid wetland and associated vegetation or by bore - boring pits located outside wetland within roadway shoulders to avoid sensitive resources like water areas and wetland vegetation. At the tributary to San Elijo Lagoon (located near El Camino Real and Stonebridge Lane), the conduit would be placed within the roadway shoulder above or below the existing culvert to avoid potential impacts to the water crossing. According to the applicant, the culvert acts as an additional protection should a "frac out" occur as it provides a contained area which would separate water running through the culvert from any drilling fluids associated with a "frac out".

Within Carlsbad, the project would run approximately 1,000 feet within the Commission's jurisdiction within the Agua Hedionda lagoon LCP segment. The route is within the right of way of El Camino Real near Cannon Road. It would cross Agua Hedionda Creek and its associated wetland, consisting of riparian and freshwater marsh habitat. The crossing would be done by bridge to avoid these sensitive resources.

Within the County of San Diego, the project would run approximately 4.5 miles along El Camino Real from the La Bajada Bridge, south to Via De La Valle. It would cross Escondido Creek and its associated wetland, a water crossing located near El Camino Real and Stonebridge Lane and another wetland near the south end of the lagoon near the

intersection of El Camino Real and La Orilla. Notwithstanding the water crossing located near El Camino Real and Stonebridge Lane, impacts to sensitive resources would be avoided by either bridge hang or boring under a wetland.

Within the City of San Diego the project would run along El Camino Real approximately 1.2 miles from Via De La Valle, south to Stallion Canyon and cross the San Dieguito River and an associated wetland by a bridge hang. Thus, the project will not result in adverse impacts to sensitive coastal resources.

The locations of the features (i.e., wetlands/water crossing) along the proposed fiber optic route, type of vegetation present, and other sensitive biological resources at the site for which mitigation is proposed are illustrated in Exhibits 5 and 6. As noted, these areas are all located within the Commission's permit jurisdiction.

With the exception of the Agua Hedionda LCP segment within Carlsbad and the County of San Diego, the local jurisdictions all have certified Local Coastal Programs; therefore, the remaining portions of the fiber optic system not covered by the subject permit that are within the Coastal Zone will be permitted by the appropriate local government through a local coastal development permit. It should be noted that for those coastal development permits issued by the local governments, any portion of the project within 100 feet of the above creeks or rivers or wetlands (i.e., wetlands and riparian resources outside of lagoon ecosystems) would be appealable to the Coastal Commission. Special Condition #3 requires that all applicable local coastal development permits shall be submitted to the Commission's San Diego office prior to issuance of this coastal development permit.

The standard of review for this development is Chapter 3 policies of the Coastal Act with the certified Agua Hedionda Lagoon LUP and previously certified County of San Diego LCP used as guidance.

2. Sensitive Biological Resources/Water Quality. Section 30230 of the Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging

waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
 - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
 - (3) In wetland areas only, entrance channels for new or expanded boating facilities....
 - (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
 - (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
 - (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
 - (7) Restoration purposes.
 - (8) Nature study, aquaculture, or similar resource dependent activities.
- [...]

Section 30236 of the Coastal Act states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

In addition, Section 30240 of the Act is applicable and states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Environmental Setting

Biological surveys for the entire fiber optic cable route were conducted from March through July 2000. The studies included surveys for vegetation communities, wildlife habitat, amphibians, reptiles, birds, and mammals, protected and special status plants, invertebrates and surveys for noxious weeds. The surveys determined that the subject portion of the project contains a number of different habitat types, include some sensitive habitat and sensitive species. Specifically, coastal sage scrub, mixed chaparral, chamise chaparral, and wetland and riparian habitat occur within the vicinity of the project site. In addition, Least Bell's Vireos, California Gnatcatcher, and Southwestern Willow Flycatcher were observed.

Therefore, the project has the potential to impact environmentally sensitive species and sensitive habitat, including both upland and wetlands areas. However, as proposed, the project has been designed to avoid or mitigate all impacts to biological resources. There are number of ways in which this will be accomplished. The route itself has been designed such to avoid sensitive resources to the greatest extent feasible. The entire cable alignment will be in road pavement or 1 to 5 feet outside the edge of the pavement at shoulder locations with previously disturbed weedy vegetation communities. A construction corridor 25 to 40-feet wide would be required for construction (see detailed description of construction methods, below); however, as proposed, all sensitive resource areas must be avoided. Thus, as proposed, no direct impacts to sensitive upland vegetation or species are anticipated. However, as discussed below, the applicant has incorporated extensive mitigation measures into the project to ensure that all impacts to biological resources are avoided (Exhibit #7).

The project would also require the crossing of a number of water and wetland areas within San Diego County within the Commission's jurisdiction. Within Oceanside, approximately 600 feet of the San Luis Rey River and associated wetland would be crossed within the Commission's original jurisdiction. The cable conduit would be hung from an existing bridge that crosses the river and the wetland and the proposed work would be done from the top of the bridge so no impacts would occur. Within Carlsbad, the project would run approximately 1,000 feet along El Camino Real north of Cannon Road within the Agua Hedionda lagoon segment. It would cross a wetland located within

the right of way. The crossing would be done by bridge hang at Agua Hedionda Creek. Within the County of San Diego, the project would run approximately 4.5 miles along El Camino Real from the La Bajada Bridge to Via De La Valle. It would cross Escondido Creek and its associated wetland, a water crossing located near San Elijo Lagoon and another wetland near the south end of the lagoon near the intersection of El Camino Real and La Orilla. Again, with the exception of one crossing, impacts to sensitive resources would be avoided by either bridge hang or boring under a wetland. At that crossing, installing the conduit over or under the existing culvert would help minimize the effects associated with an unforeseen frac-out. Specifically, in the event of a frac-out, the culvert structure itself would act as a barrier helping to prevent the amount of drilling lubricant (e.g., bentonite) that could potentially be released into the drainageway. Boring entry and exit points at stream crossings will be located on the upland areas of all water crossings to prevent unstable slope conditions. Within the City of San Diego the project would run along El Camino Real, approximately 1.2 miles from Via De La Valle to Stallion Canyon, and cross the San Dieguito River and an associated wetland by a bridge hang.

As noted, construction methods and mitigation measures have been incorporated to avoid all adverse impacts to wetlands and coastal waters and associated sensitive vegetation species. At the creek and river crossings, the conduit would be placed across an existing bridge to avoid associated wetland areas at each location. At the other crossings the conduit would be directionally bored under wetlands to avoid adverse impacts.

Construction Techniques

In order to avoid any direct impacts or loss of any wetlands or waters, different installation methods will be used depending upon the site topography and the presence of sensitive resources. As noted above, there will be three main methods of installation: trenching/plowing; directional drilling; and bridge hanging. Trenching will be the most common installation method, and will be used where the conduit is to be installed in pavement, while plowing is a similar process used in terrain with little slope. Trenching would only be conducted outside of sensitive habitat areas.

Directional boring or drilling is a process whereby a hole is bored using guidance equipment to provide continuous, accurate monitoring of the drill bit position. This procedure allows the bore machine to operate at ground level some distance from the stream, to bore down under the stream, and to be steered back up to the surface. Steering avoids the need for direct surface disturbance and in-stream water work, and allows the digging to occur away from any sensitive vegetation. The directional bore drills a hole slightly larger than the conduit bundle to be installed. The boring process is lubricated with natural mineral clay materials that also serve to seal the walls of the borehole. In general, the limit on the angle of the bore is approximately 15 degrees, and the bore machine will be set away from the stream bank and any associated riparian vegetation. Once the bore reaches the opposite side of the stream, the conduit bundle is attached to the drill and pulled back through the bore. At the bore site, a bore pit is constructed for the drill entry point. The pits will generally be approximately 3 feet wide, 6 feet long,

and 2 feet deep. Overall, the disturbance area at each bore site is approximately 20 by 60 feet. All attendant equipment (such as a water truck, dump truck for removal of spoils, vacuum truck for drilling mud recycling, etc.) will be staged beyond the ground disturbance area. All bore sites have been located outside of any riparian or upland vegetation areas.

The third method involves attaching the fiber optic cable to an existing bridge to avoid wetlands and waters. This is accomplished by placing a steel pipe on the exterior portion of the bridge, generally at or below the level of the roadbed. The pipe is secured to the bridge by drilling holes into the concrete exterior of the bridge structure on either side of the pipe and fastening the pipe to the bridge with metal pipe straps.

Mitigation Measures

Although as proposed, no portions of the cable lines would be installed within any environmentally sensitive resource area, including wetlands, riparian areas, and other drainages, there are a number of ways in which the project could have indirect resource impacts, particularly where work occurs adjacent to sensitive habitat. These include the potential for soil compaction, the loss of (non-sensitive) vegetative cover, increased wind and water erosion, and the creation of opportunities for the invasion and establishment of weed species.

In addition, although directional drilling is considered a means of avoiding impacts to sensitive fish and wildlife species and habitats, the drilling could potentially impact resources if it caused pollution or sedimentation to enter watercourses or sensitive habitat areas. Pollution sources could include drilling muds (bentonite) or drilling fluid (a clay-based material) being released to a watercourse through previously unidentified fractures in the subsurface geology, spills during vehicle fueling, or transportation of surface drilling muds to watercourses during unexpected heavy rainfall events. Leakage of the drilling fluid through fractures in a stream substrate is referred to as a "frac-out".

Thus, as result of the potential for indirect impacts, extensive mitigation measures have been both incorporated into the project and required as conditions of approval by a variety of resource agencies. The applicants have proposed well over 100 mitigation measures which apply to the subject portion of the project, including measures to address air quality (which include soil, dust, and air emissions controls), biological impacts, erosion/sedimentation, and hydrology/water quality. These conditions are contained in the applicant's Mitigation and Monitoring Plan, the Storm Water Pollution Prevention Plan (SWPPP), the Spill Prevention, Containment, and Control Plan (Exhibit #8), the Erosion and Sedimentation Control Plan (Exhibit #9), the Directional Bore Contingency Plan (Exhibit #10), and Best Management Plan.

In addition, the project has been reviewed by the California Department of Fish and Game (DFG), which approved a 1603 Streambed Alteration Agreement (Exhibit #13) on February 15, 2001, U.S. Fish and Wildlife Service (USFWS), which has issued a Biological Opinion on the project (Exhibit #12), the U.S. Army Corps of Engineers

(ACOE) (Exhibit #11), which has authorized the project under a Section 404 Nationwide Permit, and the State Water Resources Control Board (SWRCB), which has issued a water quality certification for the subject project (Exhibit #14). These various approvals incorporate the applicant's mitigation and/or require additional mitigation measures design to avoid or reduce environmental impacts.

The following mitigation measures are examples of the measures which are included in the above documents proposed by the applicant and have been required through various agency approvals:

General Biological Measures

- All wetlands and a 20-foot exclusion zone around them will be flagged and stacked in the field and marked on maps prior to construction. Wetland areas and their exclusion zones will always be avoided by conduit shifting outside the exclusion zone or by directional drilling.
- Riparian areas with the potential to provide habitat for species of concern would be identified prior to construction, and buffer zones of a least 6.1 meters (20 feet) would be established around these areas. Temporary construction fencing would be used to establish the buffer zones. In areas of scattered riparian vegetation it may be possible to plow or trench a dry wash and avoid the buffered riparian vegetation. If such avoidance is not possible, conduits would be installed by directional bore or bridge hang.
- Plowing and trenching activities along the fiber optic cable system route would be limited to a 12.2-meter (40-foot) wide area of maximum disturbance except in designated sensitive resource areas (e.g., threatened, endangered and special status species habitat, wetlands and seasonal drainages), where the construction corridor would be limited to 7.6 meters (25 feet) wide. No impacts to sensitive habitat are permitted.
- Ephemeral washes crossed by trenching or plowing, preconstruction contours and compaction will be restored within 48 hours after the conduit installation is complete. Trenching or plowing will only be used where riparian vegetation can be successfully avoided and when the wash is dry or no rain event predicted within 72 hours.
- All other uncontained water bodies will be directionally drilled at least 10 feet below the bottom of the watercourse, or the conduit will be hung from existing bridge structures.
- All material stockpiling areas and staging areas would be located within the construction, or non-sensitive areas, or at designated and approved off ROW disturbed sites.
- In areas supporting California Rare, special status species of concern of CNPS 1B or 2-listed plants that are not considered threatened or endangered under either federal or state legislation, ground disturbance would be limited to a 7.6-meter (25-foot) wide corridor. Areas requiring a minimum construction corridor would be flagged and staked on the ground and marked on maps prior to construction.

Wherever feasible, sensitive plants would be avoided by routing the conduits around them.

- Impacts on threatened or endangered plant species would be avoided by shifting the conduits or by directionally drilling at least 3 meters (10 feet) beneath them.
- Disposal of soil and plant materials from non-native areas would not be allowed in native areas. That is, no disposal or transfer for excess spoils or plant material from non-native areas would be allowed into native cover type areas.
- A three-year program of invasive exotic plant monitoring and control would be conducted every two months for three years. [...]
- All stakes, flagging, and fencing used to delineate and protect any environmental or cultural feature in the project area would be removed no later than 30 days after construction and restoration are complete.
- A qualified field monitor with background experience in biology shall be on site to regulate activities that may result in impacts to aquatic, wetland, and/or riparian habitat.

California Gnatcatcher, Least Bell's Vireo, Light footed Clapper Rail, Southwestern Willow Flycatcher Measures

- All Southwestern willow flycatcher and least Bell's vireo habitat in riparian areas, and gnatcatcher habitat would be avoided by one of the following methods: constructing in the pavement; boring beneath the drainage, riparian area or coastal sage scrub; or, use of a bridge hang over the riparian area.
- Any construction or installation work performed within 1000 feet of least Bell's vireo potential habitat during March 15 to September 15, or of California gnatcatcher potential habitat during February 15 to August 31 of any given year would limit noise, dust, nighttime lighting, and human presence to the greatest extent feasible. Noise, dust, nighttime lighting, and human presence would be limited as follows:
 - a. No operations would be conducted within 1000 feet of potential habitat after dark.
 - b. Noise levels would be controlled with residential or better level mufflers or engine enclosures for trenching and other mobile equipment. [...]
 - c. There would be no construction-related pedestrian access to any riparian or coastal sage scrub habitat during project related activities except in case of emergency frac-out response.
 - d. Dust would be strictly controlled by watering within 1,000 feet of potential habitat.
- No night lighting would be used within 1,000 feet of potential habitat during the breeding seasons for southwestern willow flycatcher, least Bell's vireo, and California gnatcatcher.
- Areas with the potential to provide habitat for species of concern (e.g., Coastal California gnatcatcher) will be identified prior to construction. Buffer zones of at least 20 feet will be established around these areas

where they will be perpendicularly crossed; temporary construction fencing will be used to establish the buffer zones. Construction monitoring by a qualified biologist will be performed to ensure that impacts on riparian areas and habitats associated with species of concern are avoided.

Soils/Erosion

- Temporary sediment barriers will be placed at the base of slopes adjacent to all road or waterbody crossings where sediment has been disturbed, to prevent sediment migration off site. These barriers will remain in place until revegetation measures are judged successful.
- Where trenching is necessary on steep slopes, erosion control measures (such as trench plugs, water bars, or baffles) will be placed in the trench.
- Where sediment is transported onto a public road surface or other paved area by equipment or vehicles accessing the construction site, sediment will be removed immediately by mechanical means.
- The conditions of the Storm Water Pollution Prevention Plan will be imposed on all construction activities to limit sedimentation of surface waters.
- As weather conditions dictate, temporary sediment barriers (sand bags, silt fences or hay bales) will be strategically placed to prevent water flow off-site into waterways or storm drain inlets.
- Following duct installation, the fiber optic route alignment and working space will be recontoured to approximate original contours. Recontouring to natural lines and grades will be accomplished without disruption to adjacent undisturbed habitat.

Water Quality

- The discharge of bentonite and other drilling "mud" materials is prohibited
- Boring activities under ephemeral/seasonal surface waters shall occur only when low or no flows are present.
- Any drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types and the release of drilling lubricants through fractures in the streambed or bank substrate (i.e., "frac-outs"). In substrates where frac-outs are likely to occur, the risk shall be reduced by using, among other possible methods, lower pressure, thicker drilling mud mixtures, and/or different boring depths.
- If a frac-out is detected, drilling operations shall cease immediately, resource agency personnel will be notified immediately, and non-mechanized measures to contain the spread of drilling muds, including the installation of hay bales or silt fence, shall be implemented. The applicant shall prepare a resource damage assessment which will include the estimated amount of drilling fluid released and impacts to vegetation or sensitive resources. Notification shall include, but not be limited to, duration of discharge, amount and type of material discharged, amount of material recovered, description of existing resources affected by the discharges,

description of impacts resulting from the discharge and clean-up activities, and a description/discussion of any necessary restoration measures.

- All drilling mud will be contained and properly disposed of after drilling activities are complete
- During construction, equipment will be refueled on the ROW by a fuel truck. Refueling will take place no closer than 100 feet from a wetland or riparian zone. Full spill containment kits will be stored at the nearest staging area. The fuel truck will contain an emergency spill kit to capture any spillage.

The above is by no means a complete list of the mitigation measures both proposed by the applicant and required by the resource agencies. A complete list of proposed and required mitigation measures are attached as exhibits to this staff report. The project and the proposed mitigation measures have been reviewed by the Commission's biologist and water quality staff and found to be adequate. Therefore, with compliance with these measures, no long or short-term, direct or indirect impacts to sensitive coastal resources or water quality are anticipated. Therefore, Special Condition #2 has been attached to the project, which requires that the applicant comply with the proposed Mitigation and Monitoring Plan, the Storm Water Pollution Prevention Plan (SWPPP), the Spill Prevention, Containment, and Control Plan, the Erosion and Sedimentation Control Plan, the Directional Bore Contingency Plan, the Best Management Plan.

In addition, Special Condition #3 requires that the applicant comply with the California Department of Fish and Game 1603 Streambed Alteration Agreement, the U.S. Fish and Wildlife Service Biological Opinion, the U.S. Army Corps of Engineers Section 404 Nationwide Permit, and the State Water Resources Control Board certification. As conditioned to ensure that the extensive mitigation measures are implemented, the proposed project can be found consistent with the above-cited resource protection polices of Chapter 3 of the Coastal Act.

Section 30236 of the Coastal Act prohibits the substantial alteration of rivers and streams except for necessary water supply and flood control projects. The proposed project has been designed to avoid the alteration of streams and rivers on the project site, and therefore, can be found consistent with this section of the Act.

As cited above, under the Coastal Act, disturbance and/or fill of wetlands is severely constrained. Coastal Act Section 30233(a) sets forth a three-part test for all projects involving the fill of coastal waters and wetlands. These are:

- That the project is limited to one of the eight stated allowable uses;
- That feasible mitigation measures have been provided to minimize adverse environmental effects; and
- That the project has no feasible less environmentally damaging alternative.

It is unclear in this instance whether drilling under these wetlands constitutes "diking, filling or dredging" of wetlands as described in Section 30233 of the Coastal Act. However, in this particular case, the proposed development meets the above

requirements. As discussed previously, no portion of the proposed cable lines would be installed directly within wetlands and riparian areas, or any other environmentally sensitive habitat area. Section 30233 of the Coastal Act allow for the installation of incidental public service purposes, including, but not limited to burying cables within wetlands and riparian areas. By drilling under wetlands, the proposed project presents a feasible less environmentally damaging alternative to having to directly fill wetlands, drainages, and riparian areas for such uses, and therefore involves the least environmentally damaging alternative, avoiding all wetland impacts. As such, the proposed development is consistent with Section 30233 of the Act.

3. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

As noted, the project is located within several areas of continuing Coastal Commission jurisdiction. With the exception of San Diego County, the project route is within cities that have certified local coastal programs; those cities will do local coastal development permits for the portion of the project within their jurisdiction. However, some areas within those cities remain deferred certification areas where the Commission still has permitting authority. Those areas are the subjects of this permit. Regarding the City of Oceanside, although it has a certified LCP, the crossing of the San Luis Rey River is within the Commission's "original jurisdiction"; consequently, the Commission is reviewing that portion of the project. The Commission approved the San Diego County LCP but it was never effectively certified. Thus, Chapter 3 policies continue to be the standard of review.

Based on the preceding discussion in this report, the Commission finds that the proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act; thus, no adverse impacts to coastal resources are anticipated. The Commission also finds, that based on the above, the proposed development would not prejudice the ability of the respective local governments to complete or implement their local coastal program.

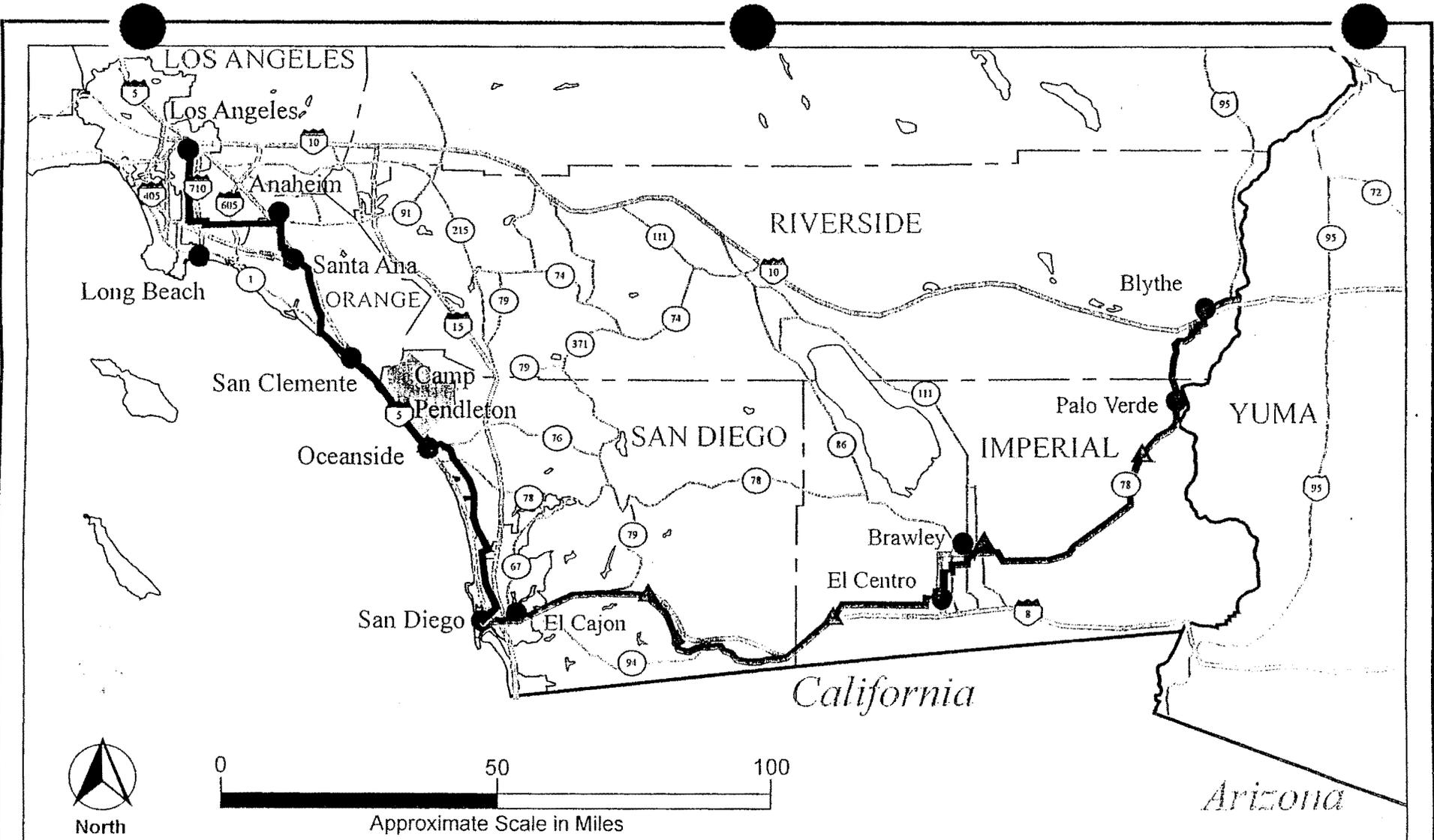
4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the biological resources and water quality policies of the Coastal Act. Mitigation measures

will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



Legend

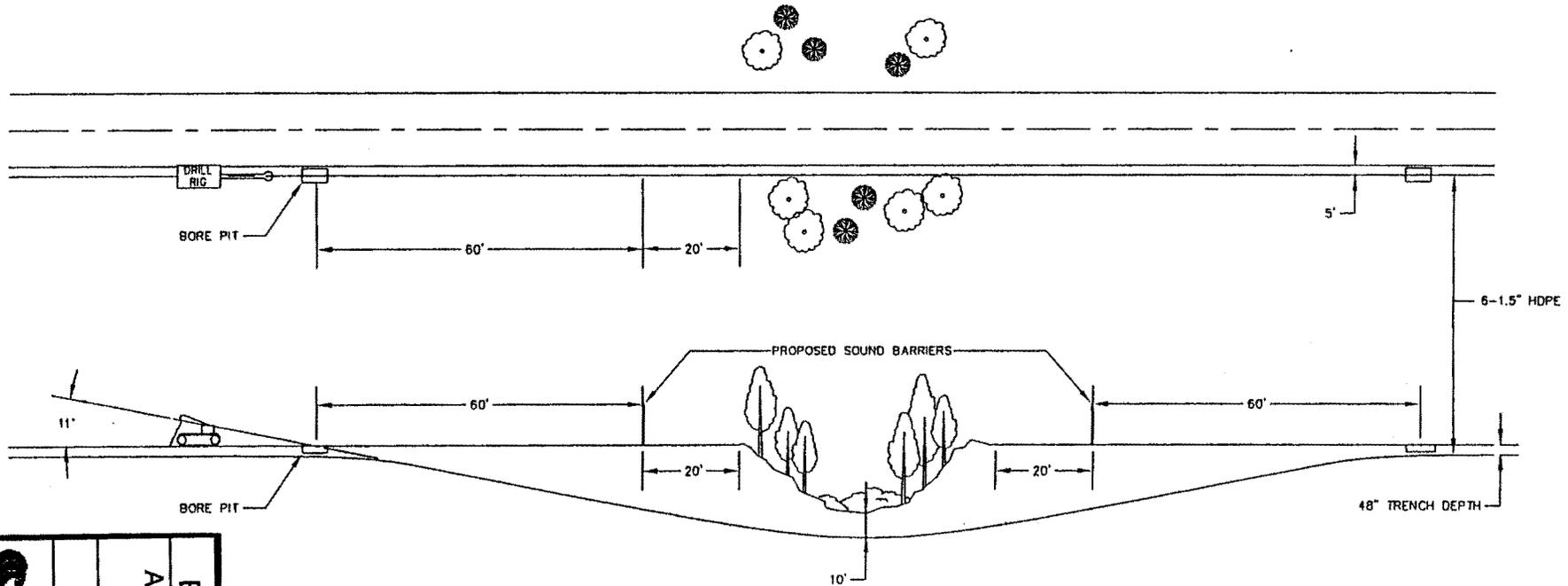
- State Boundaries
- County Boundaries
- Link 3
- Link 4
- Link 5
- Op Amp Sites

AT&T NexGen/Core Project Route

Figure 1-1 Proposed Route California Links

California Coastal Commission
 EXHIBIT NO. 1
 APPLICATION NO
 6-01-104
 Entire Project Route

1-11



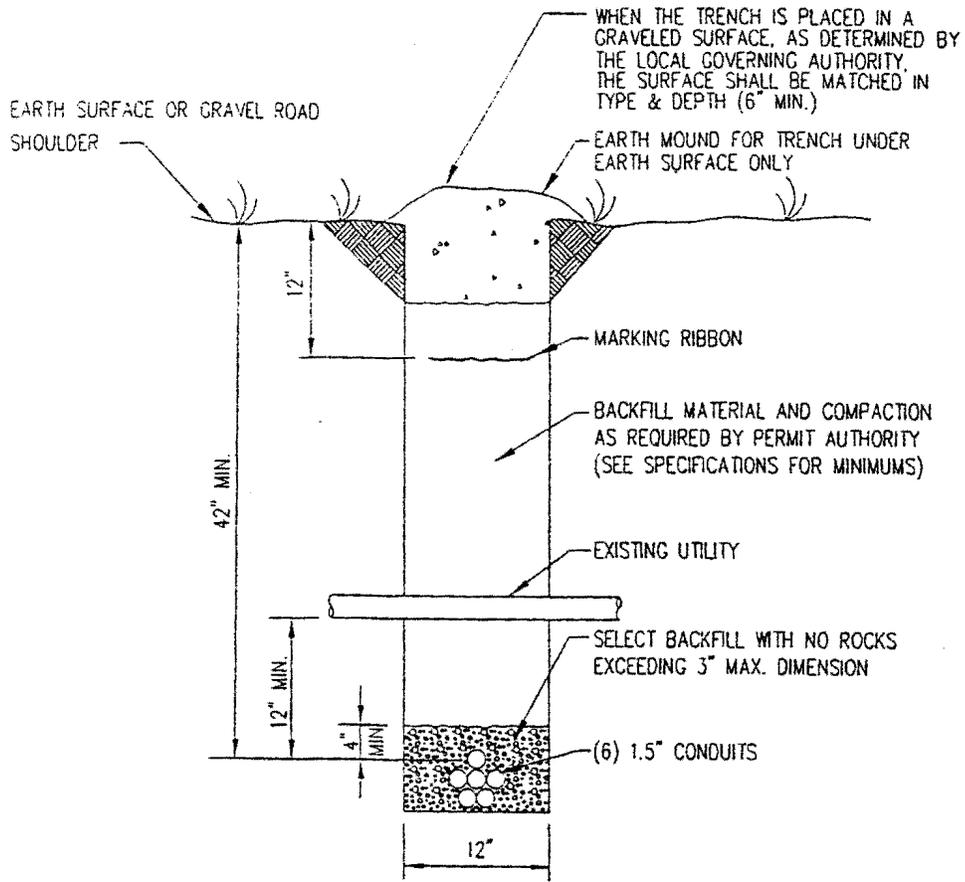
TYPICAL DIRECTIONAL DRILL

FIGURE 1-4

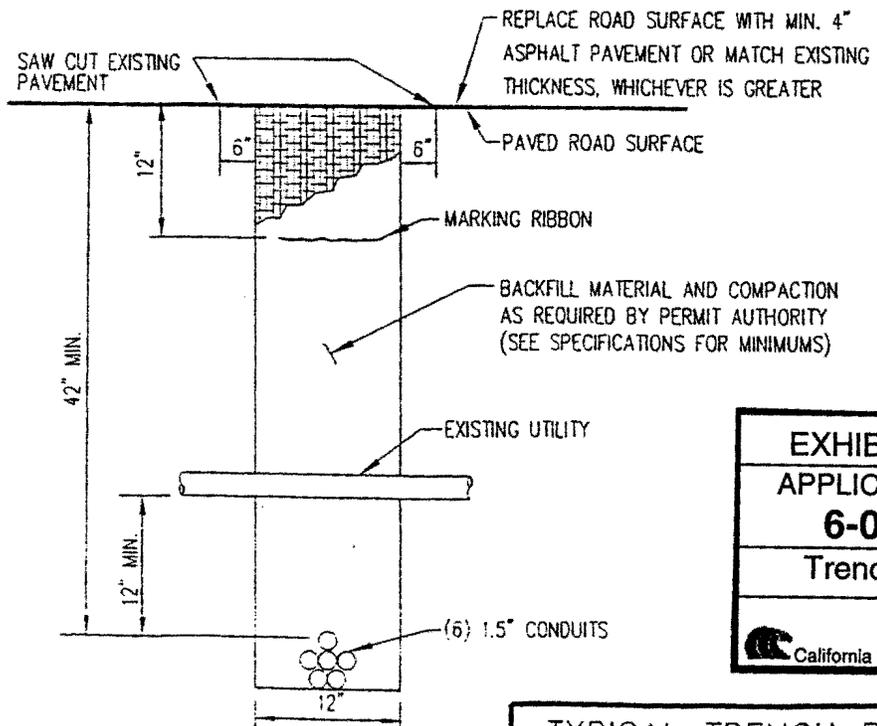
 California Coastal Commission	EXHIBIT NO. 2
	APPLICATION NO.
	6-01-104

Directional Drill





DIRECT BURIED CONDUIT
UNDER EARTH OR GRAVEL
NO SCALE



DIRECT BURIED CONDUIT
UNDER PAVED SURFACES
NO SCALE

EXHIBIT NO. 3
APPLICATION NO.
6-01-104
Trench Profile
 California Coastal Commission

TYPICAL TRENCH PROFILES
IN EARTH AND PAVEMENT

Figure 2-2

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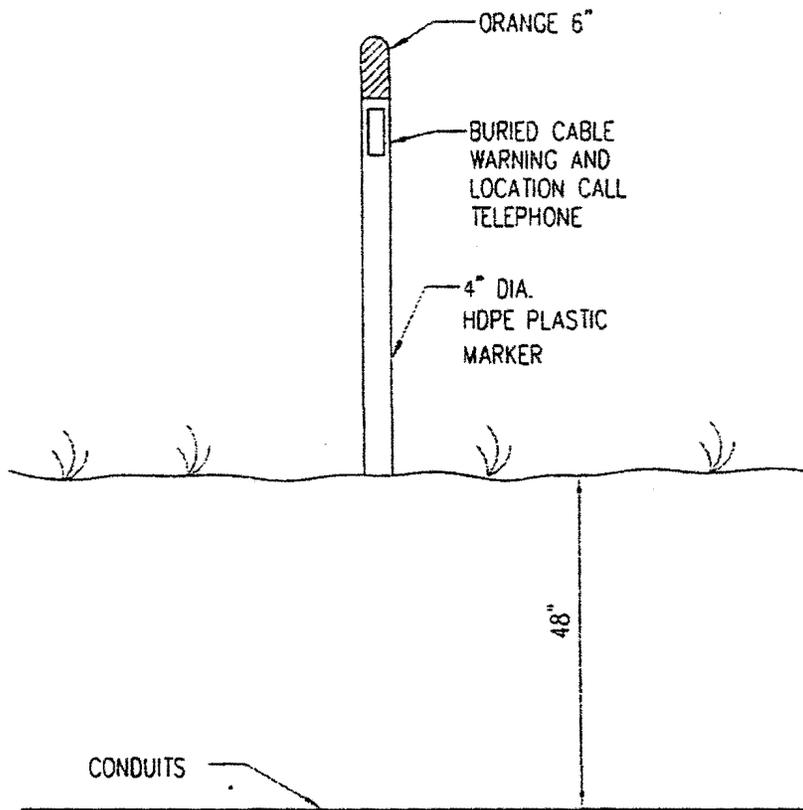


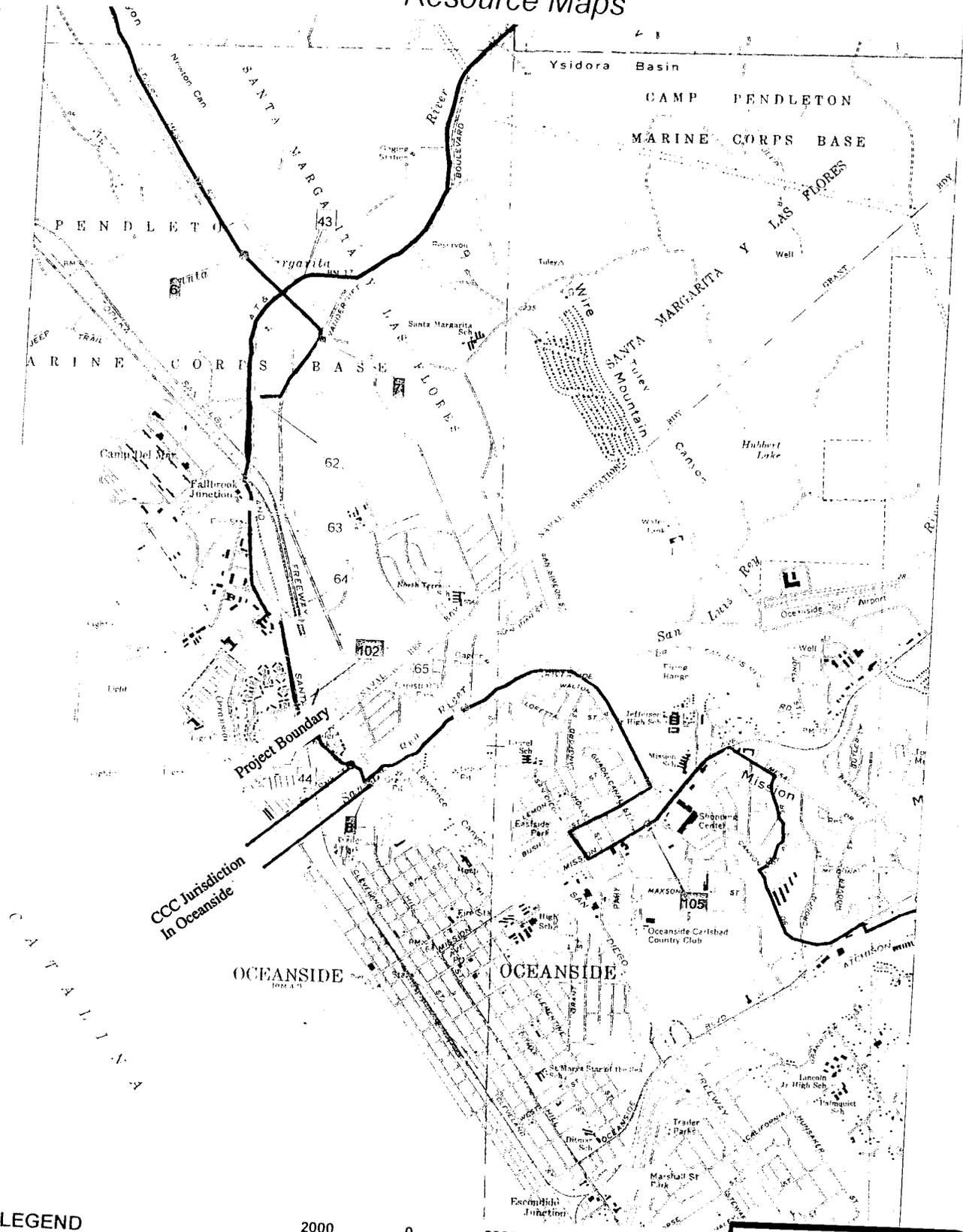
EXHIBIT NO. 4
APPLICATION NO.
6-01-104
Cable Markers
 California Coastal Commission



Figure 2-1
TYPICAL CABLE MARKERS

AT&T NEXTGEN/CORE FIBER OPTIC PROJECT

Resource Maps

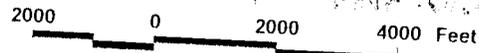


LEGEND

- Water Crossings
- Water Crossing Labels
- Wetlands
- Wetland Labels
- Sensitive Resources
- Sensitive Resource Labels
- Mileposts
- Milepost Labels

Wildlife & Plants

- Coastal CA gnatcatcher
- Arroyo toad
- Least Bell's vireo + SW willow flycatcher
- San Diego thornmint



Fiber optic running line

Sources:
 Oceanside, CA (1968) 7.5' USGS Quad
 San Luis Rey, CA (1968) 7.5' USGS Quad

EXHIBIT NO. 5

APPLICATION NO.

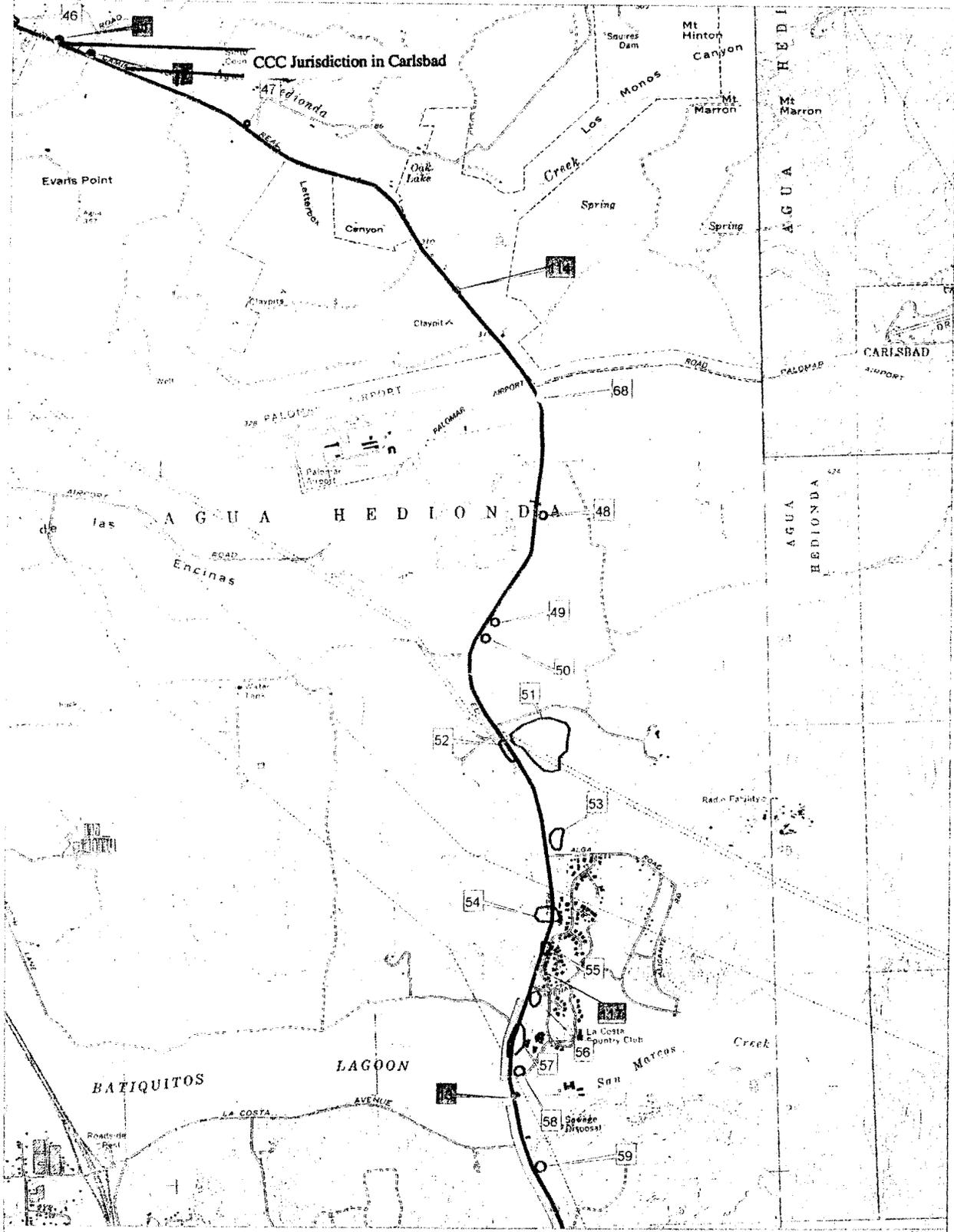
6-01-104

Wetland/Water

Crossing Map

AT&T NEXTGEN/CORE FIBER OPTIC PROJECT

Resource Maps



LEGEND

- Water Crossings
- Water Crossing Labels
- Wetlands
- Wetland Labels
- Sensitive Resources
- Sensitive Resource Labels
- Mileposts
- Milepost Labels

Wildlife & Plants

- Coastal CA gnatcatcher
- Arroyo toad
- Least Bell's vireo + SW willow flycatcher
- San Diego thornmint

Fiber optic running line

2000 0 2000 4000 Feet

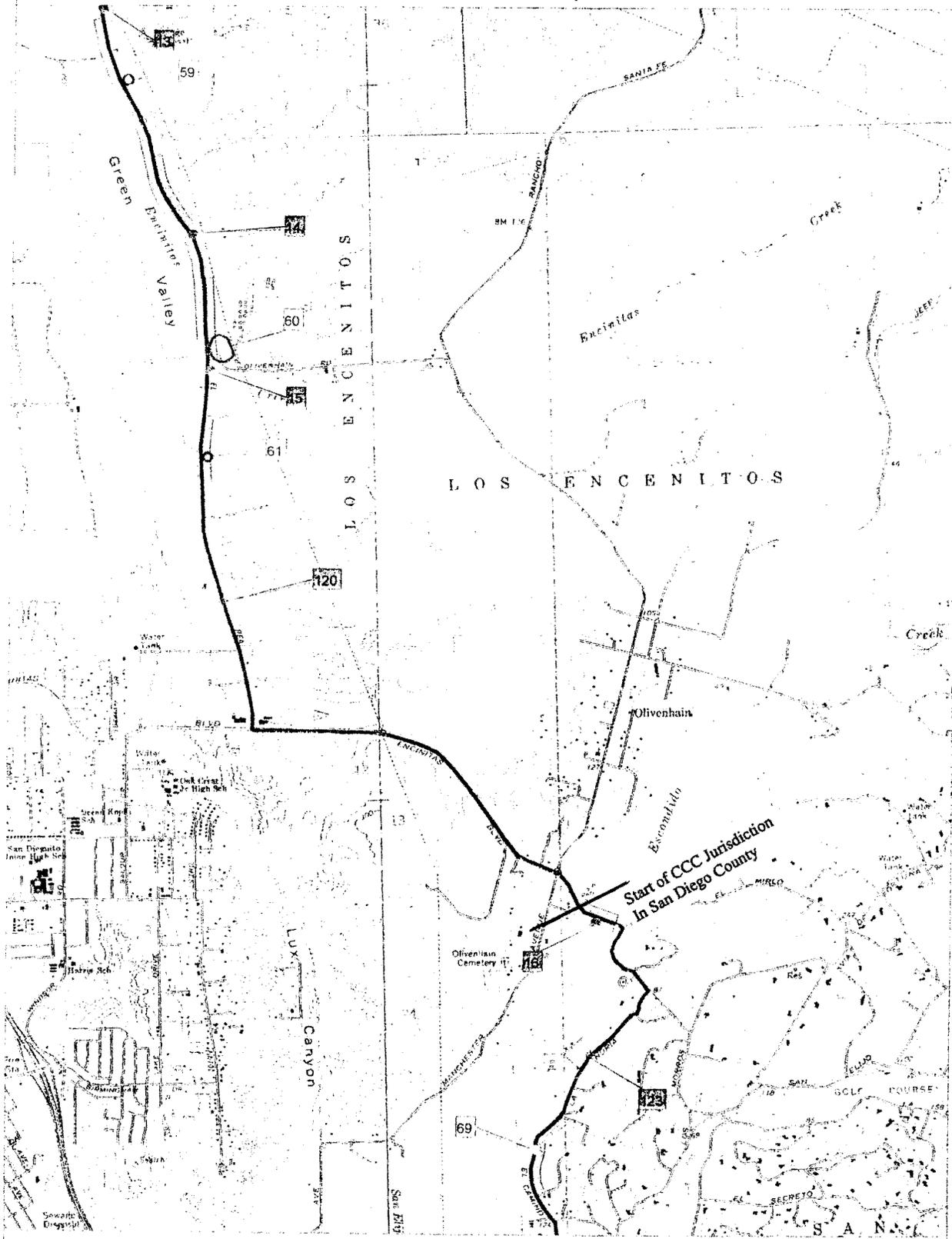


Note: Habitats are indicated only where adjacent to the proposed route. Multiple line placement is symbolic of multiple coincident habitats, not of spatial habitat distribution.

Link 5
Date: August 2000
Map 22 of 28

AT&T NEXTGEN/CORE FIBER OPTIC PROJECT

Resource Maps



LEGEND

- Water Crossings
- Water Crossing Labels
- Wetlands
- Wetland Labels
- Sensitive Resources
- Sensitive Resource Labels
- Mileposts
- Milepost Labels

Wildlife & Plants

- Coastal CA gnatcatcher
- Arroyo toad
- Least Bell's vireo + SW willow flycatcher
- San Diego thornmint
- Fiber optic running line

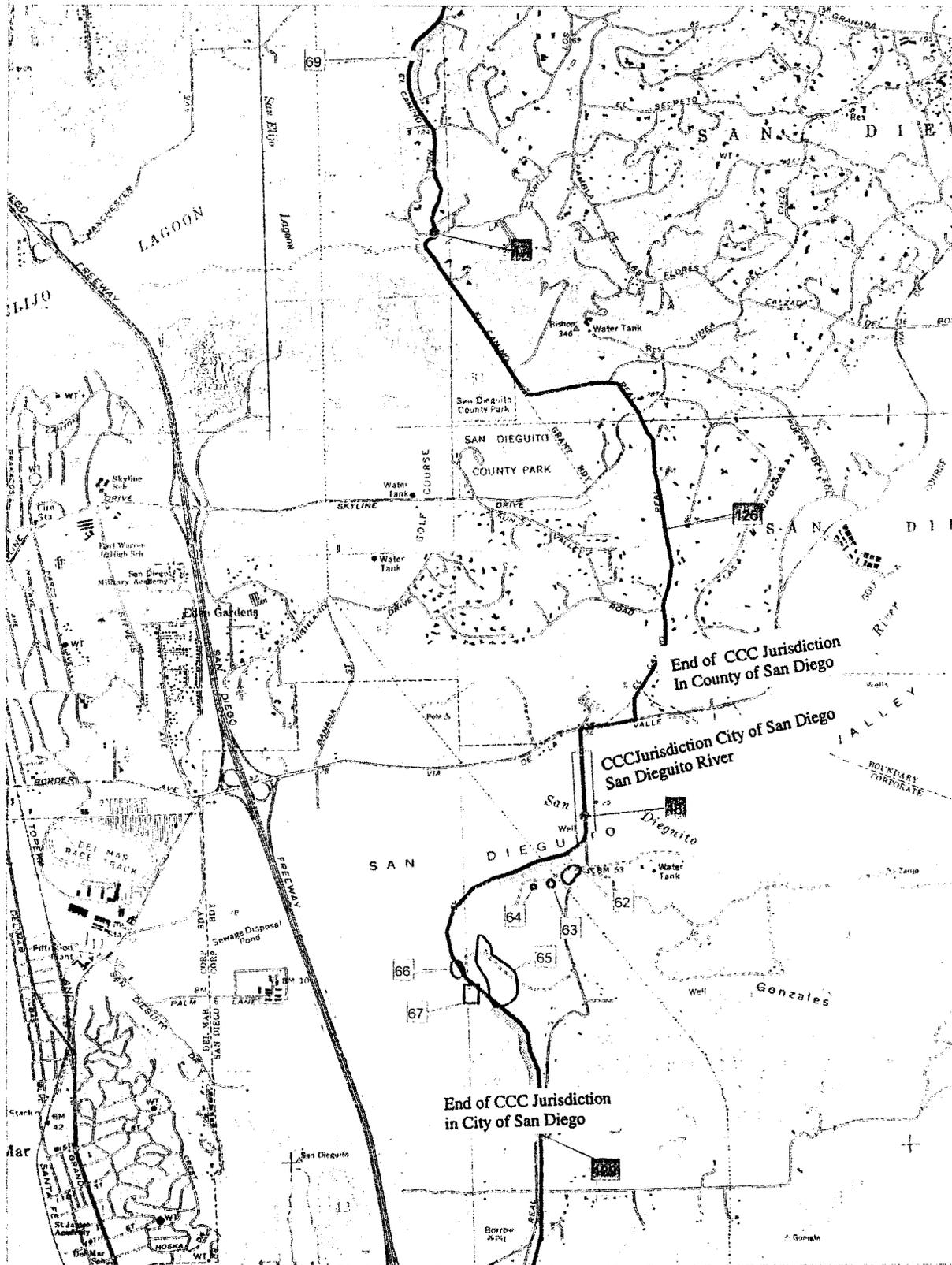
Note: Habitats are indicated only where adjacent to the proposed route. Multiple line placement is symbolic of multiple coincident habitats, not of spatial habitat distribution.

Link 5
Date: August 2000
Map 23 of 28

2000 0 2000 4000 Feet

AT&T NEXTGEN/CORE FIBER OPTIC PROJECT

Resource Maps



LEGEND

- Water Crossings
- Water Crossing Labels
- Wetlands
- Wetland Labels
- Sensitive Resources
- Sensitive Resource Labels
- Mileposts
- Milepost Labels

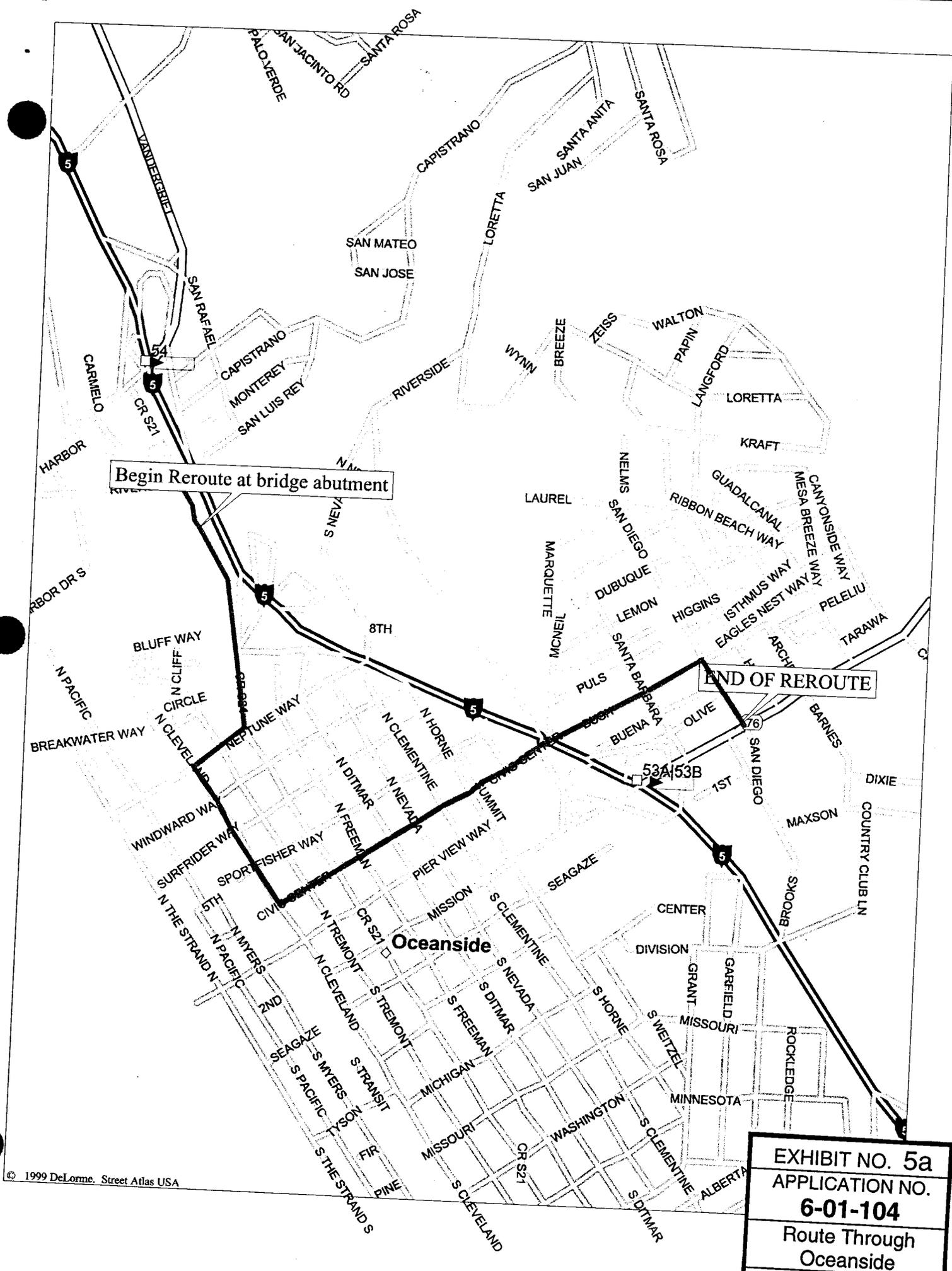
Wildlife & Plants

- Coastal CA gnatcatcher
- Arroyo toad
- Least Bell's vireo + SW willow flycatcher
- San Diego thornmint

Fiber optic running line

Note: Habitats are indicated only where adjacent to the proposed route. Multiple line placement is symbolic of multiple coincident habitats, not of spatial habitat distribution.

Link 5
Date: August 2000
Map 24 of 28



Begin Reroute at bridge abutment

END OF REROUTE

Oceanside

EXHIBIT NO. 5a
 APPLICATION NO.
6-01-104
 Route Through
 Oceanside

AT&T FIBER OPTIC PROJECT
Coastal Development Permit File No. 6-01-104
Northern San Diego County Coastal Zone Crossings

Feature Name (I.D. No.)	AT&T Milepost	Resource Map I.D. No.	Jurisdiction	General Location Description	Vegetation Characteristics	Construction Method
San Luis Rey River	102.5	8 (wetland)	City of Oceanside	Intersection of Coast Highway and San Luis Rey River	Palustrine/broad-leaved deciduous/shrub-scrub community. Dominant vegetation consists of coyote willow (<i>Salix exigua</i>) [OBL], saltcedar (<i>Tamarix ramosissima</i>) [FAC], great bulrush (<i>Scirpus validus</i>) [OBL], and broad-leaved cattail (<i>Typha latifolia</i>) [OBL]. 100 percent of the dominant plant species observed were obligate, or facultative in nature.	Bridge hang to avoid wetland and associated vegetation.
Agua Hedionda (tributary)	112.0	12 (wetland)	City of Carlsbad	Near intersection of El Camino Real and Calaveras Drive	Palustrine/shrub-scrub community. Dominant vegetation consists of broad- leaved cattail (<i>Typha latifolia</i>) [OBL], and Goodings willow (<i>Salix goodingii</i>) [OBL]. 100 percent of the dominant plant species observed were obligate.	Bridge hang to avoid wetland and associated vegetation.
Escondido Creek	122.2	16 (wetland)	San Diego County	Near intersection of Escondido Creek and Manchester Ave.	Palustrine/shrub-scrub community. Dominant vegetation consists of broad- leaved cattail (<i>Typha latifolia</i>) [OBL], coyote willow (<i>Salix exigua</i>) [OBL], Duckweed (<i>Lemna minor</i>) [OBL], and great bulrush (<i>Scirpus validus</i>) [OBL]. 100 percent of the dominant plant species observed were obligate.	Bridge hang to avoid wetland and associated vegetation.
San Elijo Lagoon	124.3	17 (wetland)	San Diego County	Near intersection of El Camino Real and La Orilla	Palustrine/shrub-scrub community. Dominant vegetation consists of coyote willow (<i>Salix exigua</i>) [OBL], great bulrush (<i>Scirpus validus</i>) [OBL], and broad-leaved cattail (<i>Typha latifolia</i>) [OBL]. 100 percent of the dominant plant species observed were obligate.	Bore – boring pits located outside extents of wetland within roadway shoulder to avoid feature and associated vegetation.

EXHIBIT NO. 6
APPLICATION
6-01-104
Coastal Zone
Crossings

AT&T FIBER OPTIC PROJECT
Coastal Development Permit File No. 6-01-104
Northern San Diego County Coastal Zone Crossings

Feature Name (I.D. No.)	AT&T Milepost	Resource Map I.D. No.	Jurisdiction	General Location Description	Vegetation Characteristics	Construction Method
San Dieguito River	127.4	18 (wetland)	City of San Diego	At intersection of El Camino Real and the San Dieguito River, south of Via De La Valley Road	Palustrine/broad-leaved deciduous community. Dominant vegetation consists of saltcedar (<i>Tamarix ramosissima</i>) [FAC], great bulrush (<i>Scirpus validus</i>) [OBL], and broad-leaved cattail (<i>Typha latifolia</i>) [OBL]. 100 percent of the dominant plant species observed were obligate, or facultative in nature.	Bridge hang to avoid wetland and associated vegetation.
San Elijo Lagoon (tributary)	123.6	69 (water)	San Diego County	Near intersection of El Camino Real and Stonebridge Lane	Chaparral, pine, eucalyptus, non-native/ornamental landscaping.	Trench conduit within roadway shoulder above or below the existing culvert to avoid potential impacts to feature

MITIGATION AND MONITORING REPORT

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EXHIBIT NO. 7
APPLICATION NO. 6-01-104
Mitigation and Monitoring Report
 California Coastal Commission

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MITIGATION AND MONITORING PLAN

1. INTRODUCTION

1.1 PURPOSE

The purpose of this Mitigation and Monitoring Plan is to describe the mitigation monitoring process of AT&T NexGen/Core Project in detail, including the mitigation measures involved. The mitigation monitoring process is vital for ensuring that measures proposed to mitigate significant environmental impacts are implemented.

Important criteria for the success of the plan include:

- Ensuring that all environmental requirements are met during the preconstruction, construction, post-construction/restoration and post-construction/operational phases of the project.
- Coordinating inspection, monitoring and enforcement activities of the agencies, who, since project activities would simultaneously affect various environmental resources, may have overlapping jurisdictions.
- Establish clear roles and responsibilities and lines of authority for agency and proponent personnel involved in the project.

1.2 SCOPE

This plan incorporates the mitigation measures that will be implemented for the protection of environmental resources as determined by the California Environmental Quality Act (CEQA). The mitigation measures adopted for the project by the California State Lands Commission (CSLC) were derived from mitigation measures proposed by CSLC and through the environmental analysis culminating in the project's Draft Mitigated Negative Declaration/Initial Study. This Plan involves all of the measures that meet the requirements of the CSLC, and incorporates other mitigation as required by federal, state, or local actions on the project.

1.3 AGENCY REQUIREMENTS

It is the standard practice of the CSLC to require that mitigation measures predetermined as conditions of approval be implemented properly, monitored, and reported on. This Mitigation Monitoring Plan represents the CSLC regulation of the project. To the extent authorized, the plan can also be a means of enforcement of certain requirements of individual agencies. A well-organized compliance monitoring plan is essential to the successful planning and completion of the AT&T NexGen/Core Project.

2. PROJECT SUMMARY

2.1 PROJECT PROPONENT

AT&T Corp. (AT&T) is a telecommunications company incorporated in the state of New York with a certificate from the State of California as a foreign corporation in good standing. AT&T is in the process of greatly expanding its nationwide telecommunication system to meet customers' demands for high-speed bandwidth and Internet-based services nationwide. AT&T in proposes to develop a new fiber optic telecommunications system in five links from Lamesa, Texas to Los Angeles, California. Two links are entirely in California and the other has a small portion in California. They are:

Link Three: Colorado River to Blythe, California (2.3 miles)

Link Four: Blythe, California, to San Diego, California (220 miles)

Link Five: San Diego, California, to Los Angeles, California (151 miles)

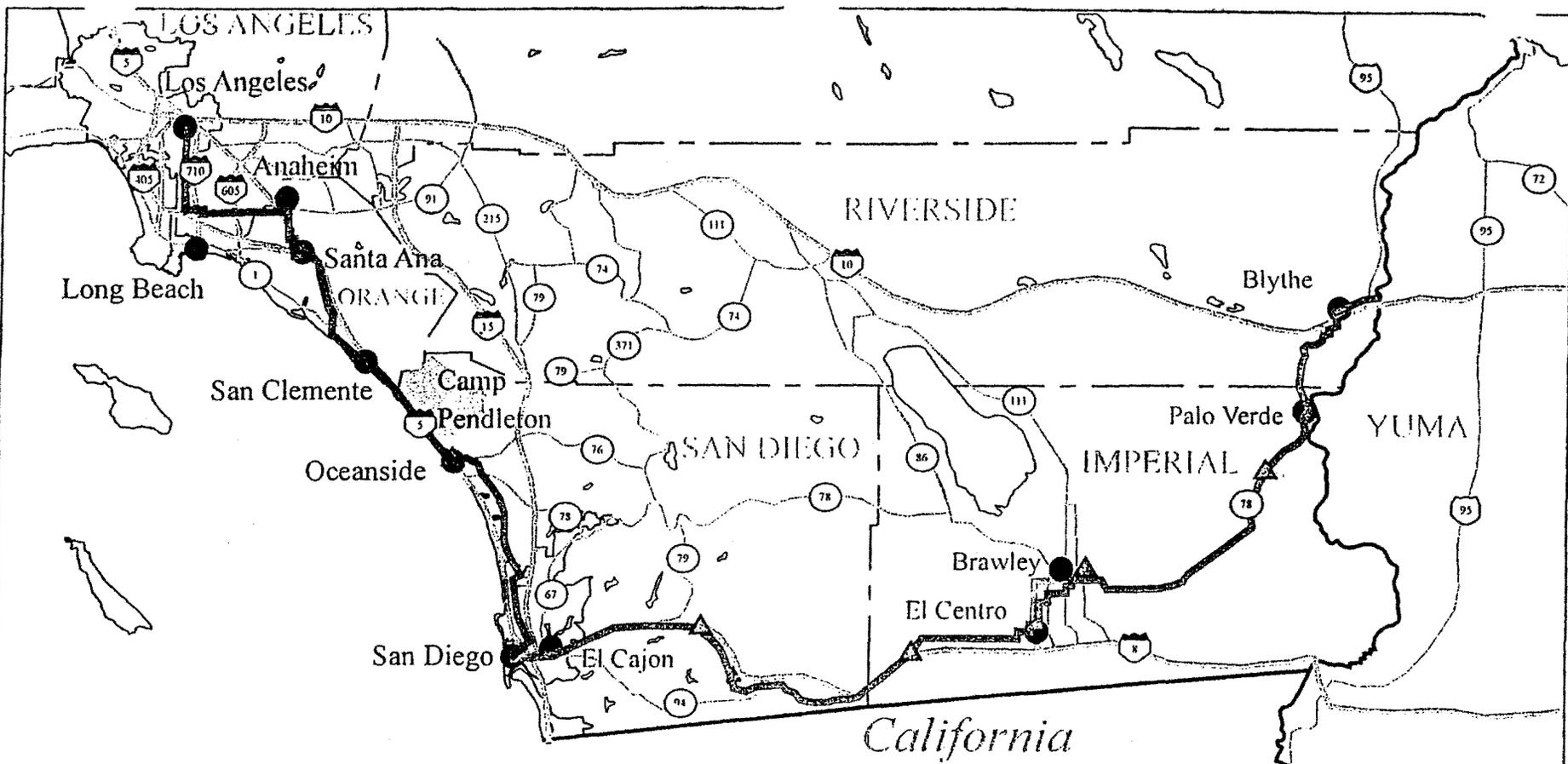
2.2 PROJECT LOCATION

The route in California covers 374 miles from the border with Arizona on the bridge over the Colorado River on the Interstate 10 (I-10) freeway to Los Angeles, California via El Centro and San Diego, California (Figure B-1). The route begins as a rural build, enters the city of Blythe to connect the local Point of Presence (POP) at 217 7th Street in Blythe, California with the nationwide system. From Blythe to the regional POP in San Diego at 650 Robinson Street, the route is a rural build and will follow public road ROW for the entire link. The proposed route travels in a southwesterly direction along Highway 78 and old Highway 80 through the following city jurisdictions: Blythe, Brawley, El Centro, El Cajon, Lamesa, and San Diego. In addition, the route will pass through large portions of unincorporated areas in all three counties and will also cross Cleveland National Forest, BLM land, and the La Posta and Campo Indian Reservations.

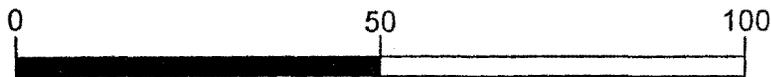
The proposed project will continue north from San Diego and add to the existing AT&T system infrastructure between the following seven regional POPs:

650 Robinson Street, San Diego, CA
2225 Mission Avenue, Oceanside, CA
28302 Marguerite Parkway, Mission Viejo, CA
1241 West Alton Street, Santa Ana, CA
217 Lemon Street, Anaheim, CA
5077 East Lew Davis, Long Beach, CA
South Grand Avenue, Los Angeles, CA

From the POP in San Diego the route moves north as a mixture of urban and suburban build through the cities of Encinitas, Carlsbad, and Oceanside to the southern boundary of Camp



North



Approximate Scale in Miles

Legend

- State Boundaries
- County Boundaries
- Link 3
- Link 4
- Link 5
- Op Amp Sites

AT&T NexGen/Core Project Route



**Figure B-1 Proposed Route
California Links**



Pendleton. Within Camp Pendleton, the route is on or immediately adjacent to Stuart Mesa Road and El Camino Real. At the north end of Camp Pendleton, the route follows El Camino Real (old Highway 101) through the San Onofre State Park, crossing into Orange County and the City of San Clemente on Avenida Del Presidente. It travels north in an urban build through San Clemente and Dana Point to the POP in Mission Viejo. From there it proceeds north as an urban build through Mission Viejo, Laguna Hills, Irvine, Santa Ana, Garden Grove, and Anaheim in Orange County. It then crosses into Los Angeles County and through the cities of Cypress, Hawaiian Gardens, Lakewood, Long Beach, Compton, Lynwood, South Gate, Huntington Park, and Vernon before terminating in the City of Los Angeles at the POP.

3. RESOURCE IMPACT AND MITIGATION TABLE

Table B-1 of this plan presents the mitigation measures that apply to the AT&T NexGen/Core Project. The table has been developed based on the environmental impacts and mitigation measures presented in the AT&T's application and supporting documentation the environmental review conducted by CSLC resulting in the Draft Mitigated Negative Declaration/Initial Study. The CSLC has determined that with the implementation of the mitigation measures presented in the table, no significant impacts will occur as a result of construction and operation of the AT&T NexGen/Core Project.

The table provides a brief description of the potential impact, the mitigation measure(s) developed to reduce or avoid the impact, the specific area(s) (OpAmp site, stream crossings, etc.) that the mitigation measure needs to be applied to, the monitoring/reporting action required to document compliance with the measure, any performance criteria that applies to demonstrate success of the mitigation measure, the responsible agency overseeing implementation or compliance, and the timing (before, during, or after construction) in which the mitigation measure needs to be implemented.

Table B-2 is the source for the complete text of all mitigation measures.

4. RESPONSIBILITIES

4.1 ORGANIZATION

This Mitigation Monitoring Plan has three organizational elements (Figure B-2). The first element includes the CSLC as the lead agency under the CEQA. The second element includes the applicant's environmental compliance inspectors. The third element includes various Federal, State, and local agencies acting with permit responsibilities assuring the overall quality and effectiveness of the plan.

Prior to construction and shortly after construction contracts are awarded, CSLC will hold a meeting between the AT&T Environmental Manager and their designated Environmental Inspector to implementation of the Mitigation Monitoring Plan, the site-specific mitigation measures, and to complete the list of individuals participating in environmental compliance monitoring process.

The CSLC Project Manager and AT&T Environmental Manager will develop a process for briefings and reports of environmental monitoring activities, construction progress, and other pertinent items. Such reports may either be provided personally, via telephone, or via computer modem.

Review of the Construction, Operation and Maintenance Plan will be completed prior to the initiation of construction. These reviews would be completed by CSLC Project Manager, and AT&T Environmental Manager.

AT&T will conduct training of the in-field inspectors. This training should include information on the species and resources of concern, recognition of those species and resources, the approved mitigation measures for the species/resources, compensation measures and procedures which should be followed. As part of the assurance role, the agencies will conduct oversight inspection and monitoring activities to the extent determined necessary by the individual agencies. For example, the Bureau of Land Management (BLM) might perform oversight on federal lands.

4.1.1 Role of the California State Lands Commission

The lead agency under CEQA, the CSLC, is responsible for overseeing this project to make sure that required mitigation measures are implemented. The CSLC will be responsible for ensuring compliance with the requirements in this monitoring plan.

The CSLC has the definitive authority to stop any construction, operation, or maintenance activity associated with the NexGen/Core Project if an activity is decided to be a deviation from the approved project or the adopted mitigation measures.

CSLC will be responsible for the implementation of the Mitigation Monitoring Plan. The environmental mitigation monitoring team will be comprised of a CSLC Project Manager and one or more Environmental Monitors.

B-7

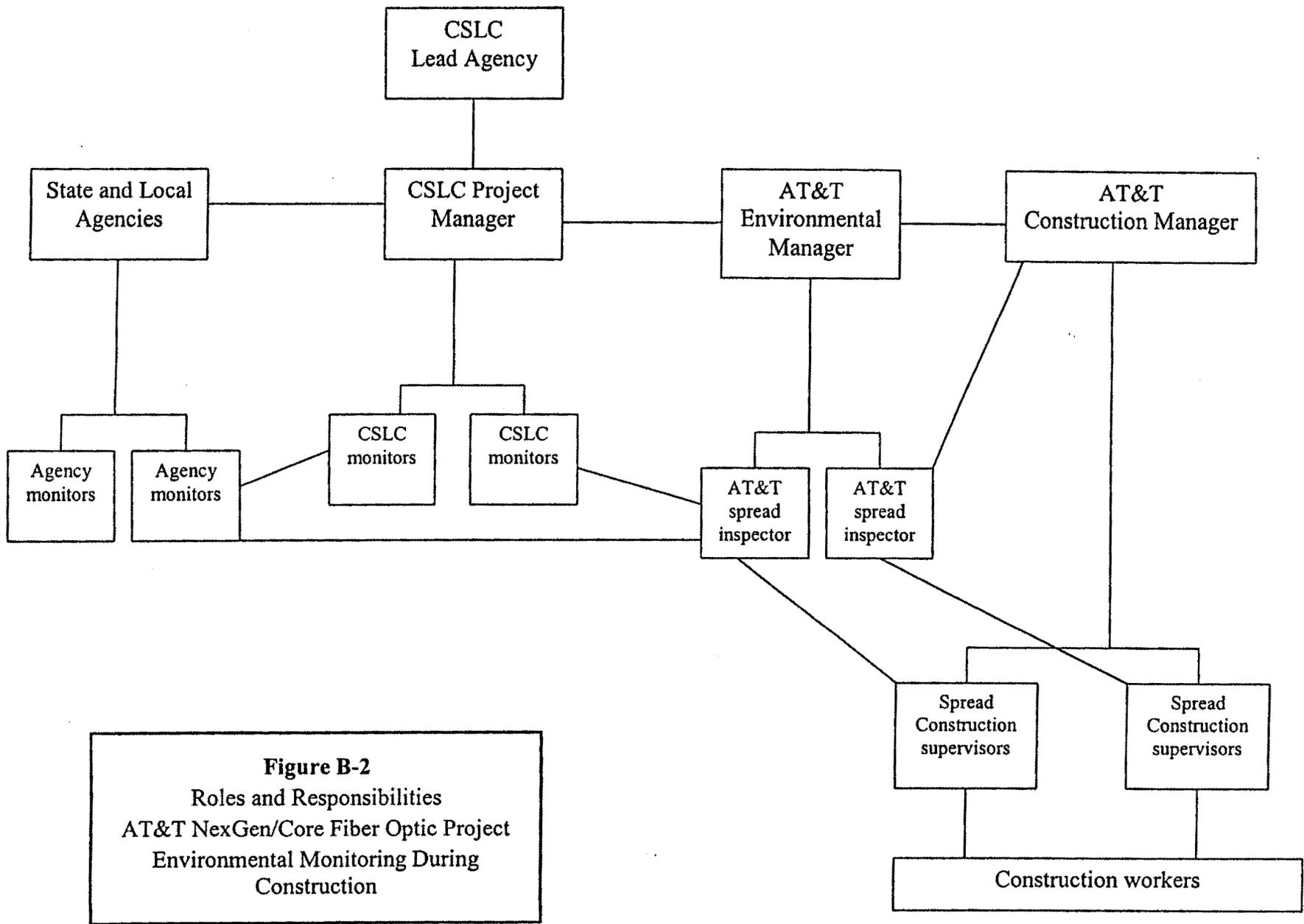


Figure B-2
Roles and Responsibilities
AT&T NexGen/Core Fiber Optic Project
Environmental Monitoring During
Construction

The CSLC Project Manager will:

- Supervise the implementation of the Mitigation Monitoring Plan with respect to compliance with the CSLC decisions, adopted mitigation measures, permits from authorizing agencies, and appropriate laws and regulations.
- Supervise the development of CSLC monitoring activities and schedules.
- Directly supervise the CSLC Environmental Monitors.
- Be responsible for monitoring significant impact incidences and follow-up measures.

The Environmental Monitors will:

Monitor mitigation activities and the activities of AT&T inspectors and other technical specialists.

- Maintain daily contact with AT&T inspectors.
- Maintain regular contact with field personnel of permitting agencies, land management agencies, and other regulatory agencies.

Regularly inspect environmentally sensitive areas to ensure compliance and protection

5. COORDINATION

5.1 APPROACH

Environmental protection measures are most effective when they are incorporated early into the engineering design, construction planning, and daily construction effort of the project. CSLC will work with AT&T and their construction contractors to ensure that an environmental education program for construction personnel is implemented, and that specific mitigation measures are shown clearly on construction drawings and the specific environmental requirements are clearly understood. As part of the environmental education program, copies of the Mitigation Monitoring Plan will be distributed and discussed in detail.

The CSLC environmental mitigation monitoring team will serve as a bridge between the various Federal and State agency requirements on one side, and AT&T and its construction contractors on the other. The bridge represents both:

- an understanding of how CSLC and other agency requirements can be effectively incorporated into the project; and
- close daily working relationship between the environmental monitoring team and the AT&T/contractor team.

During the construction phase, CSLC's trained field monitors would inspect and monitor mitigation activities to ensure compliance with plans, permits and conditions. Some of the goals for the monitoring during the construction period would be to:

5.2 COMMUNICATION

A critical component of a successful environmental mitigation monitoring plan is timely, open, and regular communication between all parties. Regular meetings will be held between AT&T, CSLC environmental monitors, and the construction supervisors to discuss the environmental implications of the day's construction activities, and to check on the adequacy of progress in resolving outstanding special reports on noncompliance events. These meetings would also be an opportunity for the environmental monitors to establish mitigation requirements for advance notice of certain construction activities or entry into certain areas.

Should a situation arise in which there is a clear infringement of environmental requirements and the time necessary for standard communications could result in an unacceptable environmental impact, the CSLC environmental monitors will take immediate action to have the specific tasks discontinued or redirected, and notify appropriate AT&T and agency personnel.

6. DISPUTE RESOLUTION PROCESS

In order to ensure that the mitigation measures are fulfilled, the CSLC will make periodic reviews of the project (G-1 in Table B-1). The reviews will follow-up with the local jurisdictions so that all applicable mitigation measures are addressed.

If the project is expected to go outside or beyond the existing route presented in the AT&T NexGen/Core Project Draft Mitigated Negative Declaration/Initial Study, AT&T will be required to file a variance with the CSLC. AT&T would also be responsible for informing affected local agencies in writing of any project changes. AT&T is responsible for informing the CSLC of any request by local agencies for the project to deviate from the existing ROWs. As discussed in Mitigation Measure G-1, if the project extends beyond the existing right-of-way, a complete environmental review of the proposed change will be triggered under CEQA, with the CSLC as the lead agency.

In the event that the AT&T and a local agency do not agree if a project results in work outside of the existing ROW, or if AT&T fails to comply with local regulatory standards (by neglecting to obtain the correct permits or not fulfilling the conditions of the permits), the CSLC will review the project in order to make a final determination. Violation of a required mitigation or permit condition can result in a CSLC stop work order that could remain in effect until AT&T and the local agency have resolved the issue.

The Mitigation Monitoring Plan is expected to reduce or eliminate many potential disputes. However, in the event that a dispute occurs, the following procedures will be practiced:

Step 1: Disputes and complaints (including those of the public) shall be directed first to the CSLC's Project Manager for resolution. The Project Manager will attempt to resolve the dispute.

Step 2: Should this first step not succeed, the CSLC Project Manager may enforce compliance to address the deviation.

Step 3: If a dispute or complaint regarding the implementation or evaluation of the Mitigation Monitoring Program or the Mitigation Measures cannot be resolved informally or through enforcement by the CSLC, any affected party in the dispute may file a written "notice of dispute" with the CSLC's Executive Director. Within 10 days of receipt, the Executive Director will meet or confer with the filer and other affected participants for purposes of resolving the dispute. The Executive Director will issue an Executive Resolution describing a decision, and serve it on the party who filed the complaint and the other participants.

The CSLC is the final judge for all disputes between the local agencies and the petitioners. If the Commission finds that AT&T has not complied with the Mitigation Measures in this plan, it may stop and/or terminate the project.

7. EVALUATING MITIGATION EFFECTIVENESS

7.1 PRIOR TO CONSTRUCTION

Prior to the commencement of construction, the CSLC Project Manager will review the permits obtained from the respective permitting agencies. Requirements and/or restrictions will be incorporated into this mitigation monitoring plan. The monitoring schedule will delineate these requirements and any reports to be provided to the permitting agencies will be noted.

Using the information gathered in the initial review of AT&T's environmental compliance plan, including any revisions directed by the CSLC Project Manager, the Environmental Monitors will review plans for the delineation and protection of sensitive resources within the project area. This effort will involve contacts between the technical review staff, AT&T field staff, and any sub-contractors retained by AT&T for this work.

7.2 CONSTRUCTION PHASE

Upon commencement of construction, the Project Manager will serve as the CSLC's direct link to AT&T's environmental mitigation compliance monitoring process. Through the Environmental Monitors and technical review staff, the CSLC Project Manager will evaluate:

- the extent to which AT&T environmental mitigation activities are being complied with, and
- that monitoring by AT&T staff is being carried out in compliance with the respective directives.

The Project Manager will meet with the AT&T environmental inspector(s) prior to construction to discuss environmental mitigation requirements. If there appear to be elements that are not being adequately applied, a report will be filed as directed by the CSLC mitigation measure levels of violations. Actions will be taken to resolve noncompliance and environmental degradation problems.

In the event of a violation on the Project, CSLC will notify appropriate agencies. Additional reporting requirements will be related to the exact nature of the violation as necessary. Any violation which affect biological resources will be reported to both CSLC and CDFG immediately.

The Project Manager will establish regular contacts with public resource agency representatives. These contacts will review compliance with both the environmental mitigation efforts and with the various operating plans and permits administered by these agencies. Lead agency representatives will directly deal with the Project Manager or his or her designated alternate.

The Environmental Monitors will inspect sensitive resource areas, especially during construction activities in the vicinity. Protective structures, flagging, or other necessary elements will be inspected and any violations or corrective action will be noted. If the activity is not in

compliance, then a noncompliance report and recommendations will be undertaken to bring the activity back into compliance.

7.3 AFTER CONSTRUCTION

Following the completion of the construction phase of the Project, the Project Manager will evaluate the success of implementing the environmental mitigation plan. An interim report will be prepared documenting the compliance of the environmental mitigation measures, specifying any noncompliance elements which remain and outlining any corrective actions needed. This report will also summarize the required site restoration work to be conducted and the monitoring requirements for those activities. This report will be delivered to AT&T within 30 days of completion of construction.

8. REPORTING

8.1 CONSTRUCTION PHASE

The environmental reporting requirements for the project are separated into two major categories: daily monitoring reports and progress reports. This two-component strategy has been used by CSLC to review the adequacy of environmental compliance for the monitoring requirements of other linear projects, and has been found to be effective.

8.2 DAILY MONITORING REPORTS

The results of the environmental Mitigation and Monitoring plan will be recorded through a diligent reporting process. The field environmental monitor will complete two types of reports: Regular Reports, which document and comment on mitigation activities inspected on a regular basis and provide a check on the completeness of the overall plan; and Special Reports, which document unsatisfactory or noncompliance conditions.

All daily reports will be reviewed promptly by the environmental Project Manager, and will also promptly be made available to the CSLC. Based on the manager's perspective of all field activities, the manager may generate a special report as needed. A coding and filing system of daily reports will allow for tracking of activities and areas for subsequent review.

A special report represents a potentially serious problem that deserves immediate and higher level attention. The following requirements will apply to all Special Reports:

- Special reports will promptly be made electronically available to all agencies within one hour of the report and will be accompanied by an alert.
- Special reports can be opened by field monitors or by managers, but they may be closed only by specifically authorized agency personnel.
- Special reports may lead to remedial actions that will be documented as new requirements.

Daily forms will be used to document AT&T's compliance with all mitigation measures. The Project Manager will review violation reports and fax them to the CSLC and the AT&T Environmental Manager as soon as possible. AT&T will be issued violation reports at the time of the violation or as soon as possible following the event. Additional reports and notifications will be initiated depending on the level of violation. Each week, copies of daily monitoring reports generated during that week will be sent to the AT&T Environmental Manager, the CSLC Contract Administrator, and other agencies, as appropriate. Special reports will be generated as appropriate to discuss noncompliance situations. All daily monitoring reports will be provided on the project web site.

8.3 MONTHLY REPORTS

Monthly progress reports will be submitted to the CSLC Project Manager with a concise summary of the previous months compliance status and events. The reports will include information regarding completion of mitigation measures, violations and analyses of potential remediation, mitigation successes, status of contract cost schedule including cost expended to the reporting date, actual or anticipated monitoring plan problems, and additional information required by the CSLC Project Manager. A copy of the monthly report will also be submitted to CDFG.

CSLC has found from previous environmental monitoring projects that a process of monthly reporting has proven very useful for keeping management informed of work progress, problems, and possible need for early remedial action. The reports are also useful as a concise chronology of compliance events along the Project route.

8.4 QUARTERLY REPORTS

The information contained within the monthly reports will be further summarized in quarterly progress reports. These reports will be submitted to the CSLC throughout the duration of the contract. The quarterly reporting process will be useful in identifying the need for adjustments to monitoring procedures in response to problems and/or violations occurring in the field.

**TABLE B-1
RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
General Measures							
Project construction and operation requires monitoring to avoid or reduce potential impacts to environmental resources.	G-1	AT&T will provide environmental monitoring for all aspects of this job.	ROW and Op Amp Sites	Daily reports	Environmental inspectors retained.	Before construction	1
Aesthetics							
Project may introduce industrial features to a natural area or may degrade existing visual character of surrounding area.	AE-1	Set back the fenced Op Amp site at least 200 feet from the edge of pavement of Highway 78.	Mitchell's Camp Op Amp Site	Preconstruction filing	Blend facility to surroundings.	Before construction	Imperial Co.
	AE-2	At Mitchell's Camp Op Amp site, all fencing will be covered with a nonreflecting coating of natural color.	Mitchell's Camp Op Amp Site	Preconstruction filing	Blend facility to surroundings.	Before construction	Imperial Co.
	AE-3	At Mitchell's Camp Op Amp site, the buildings will be neutral color.	Mitchell's Camp Op Amp Site	Preconstruction filing	Blend facility to surroundings.	Before construction	Imperial Co.
Air Quality							
Construction vehicles may cause impacts from fugitive dust.	AQ-1	Speed of vehicle traffic associated with the project on unsurfaced roads will be limited to 20 miles per hour (mph).	ROW	No	No excessive dust emissions.	During construction	2
	AQ-2	Disturbances to the soil will be minimized by limiting the construction corridor to 40 feet in width.	ROW	Daily reports	No work outside of work limits.	During construction	2
Project construction and operation may result in emissions of CO, ozone precursors, or PM ₁₀ .	AQ-3	Meet federal, state, and local emission standards for air quality.	ROW and Op Amp Sites	Quarterly reports	Air quality standards are met.	During construction	Regional air quality management districts
	AQ-4	Limit air quality impacts through good maintenance practices on all construction and maintenance equipment.	ROW and Op Amp Sites	Daily reports	Pollutants are contained.	During construction	Regional air quality management districts
	AQ-5	Equipment will be maintained and properly tuned.	ROW and Op Amp Sites	Daily reports	Pollutants are contained.	During construction	Regional air quality management districts
Construction vehicles may cause impacts from fugitive dust.	AQ-6	In populated locations watering of access roads will be conducted as specified in locally-obtained permits.	ROW and Op Amp Sites	Daily reports	No excessive dust emissions.	During construction	County & city permitting agencies
Burning of construction debris could cause impacts to local air quality.	AQ-7	Burning of construction debris will not be allowed in the project area.	ROW and Op Amp Sites	Daily reports	Pollutants are contained.	During construction	2

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**TABLE B-1
RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Construction equipment may emit CO, ozone precursors, and PM ₁₀ .	AQ-8	Use low-emission construction equipment or use reformulated fuel.	Op Amp Sites	Quarterly reports	Pollutants are contained.	During construction	Regional air quality management districts
Construction activities may cause fugitive dust emissions.	AQ-9	Construction areas will be watered as needed to minimize dust emissions.	Op Amp Sites	Daily reports	No excessive dust emissions.	During construction	2
	AQ-10	Limit grading and soil movement to that necessary to construct the fenced areas on each site.	Op Amp Sites	Daily reports	No excessive dust emissions.	During construction	2
Emergency generators may contribute to net increase in criteria pollutants.	AQ-11	Emergency generators will meet the terms and conditions of air quality management district permit requirements.	Op Amp Sites	Quarterly reports	Air quality standards are met.	During operation	Regional air quality management districts
Biological Resources							
Project may have a direct or indirect impact on wetlands or wetland species.	BIO-1	All wetlands and a 20-foot exclusion zone around them will be flagged and staked in the field and marked on maps prior to construction. Wetland areas and their exclusion zones will always be avoided by conduit shifting outside the exclusion zone or by directional drilling.	See Line List (Attachment C-2, Appendix C) and resource maps (Volume 3)	Daily reports	No surface disturbing activity will be permitted within the exclusion zones.	During construction	1
Project may have a direct or indirect impact on riparian habitats.	BIO-2	Riparian areas with the potential to provide habitat for species of concern will be identified prior to construction, and buffer zones of at least 20 feet will be established around these areas. Temporary construction fencing will be used to establish the buffer zones. If avoidance is not possible, conduits will be installed by directional bore or bridge hang.	See Line List (Attachment C-2, Appendix C) and resource maps (Volume 3)	Daily reports	No surface disturbing activity will be permitted within the exclusion zones.	During construction	1
Project may have a direct or indirect impact on ephemeral washes.	BIO-3	Ephemeral washes crossed by trenching or plowing, preconstruction contours and compaction will be restored within 48 hours after the conduit installation is complete. Trenching or plowing will only be used where riparian vegetation can be successfully avoided and when the wash is dry or no rain event is predicted within 72 hours.	ROW in desert areas	Daily reports	Restoration within 48 hours and no construction within 72 hours of a predicted rain event.	During construction	1
Project may have a direct or indirect impact on waterbodies	BIO-4	Except for ephemeral washes, all other uncontained water bodies will be directionally drilled at least 10 feet below the bottom of the watercourse, or the conduit will be hung from existing bridge structures.	See Line List (Attachment C-2, Appendix C) and resource maps (Volume 3)		No impact to flowing waters.	During construction	1

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RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have direct impact on native trees	BIO-5	Native trees in the construction corridor over 5 inches DBH or 4.5 feet (above ground) will be staked and flagged around the dripline. Trees with trunks outside the corridor, but with parts within the construction corridor, and multiple-stem shrubs with 5 or more stems 1 inch or more DBH, are included. Staking and flagging will be conducted prior to construction.	ROW and Op Amp Sites	Daily reports	No loss of large diameter trees and shrubs	Before construction	1
Project may have direct impact on native trees	BIO-6	All flagged trees and shrubs will be avoided wherever feasible. Avoidance may be accomplished by rerouting the conduits outside the dripline of the plants or directionally drilling beneath them at least 10 feet. Where the entire plant cannot be avoided, the plant may be pruned of up to one third its live crown ratio. Where pruning will not suffice, the tree or shrub will be cut off at ground level. The roots will be left in place to encourage resprouting.	ROW and Op Amp Sites	Daily reports	No loss of large diameter trees and shrubs	During construction	1
Project may have direct impact on native trees	BIO-7	For each flagged tree or shrub cut down, five seedlings of the same species as removed will be planted. Plants derived from seed collected near the construction corridor will be used. AT&T will be responsible for the planting out, monitoring, and replacement if necessary of the planted seedlings as specified in Appendix J.	ROW and Op Amp Sites	Daily reports	No loss of large diameter trees and shrubs	During construction	1
Project may have direct impact on native trees	BIO-8	An annual report will be submitted to USFWS and CDFG to document success of any revegetation efforts for three years. Success of revegetation will be determined by 100 percent surveys of planted specimens. Survival of 2 out of 5 of the seedlings planted will constitute success. If survival drops below 40 percent at any of the annual surveys, new seedlings will be planted (5 seedling to one tree removed ratio).	ROW and Op Amp Sites	Annual reports	40% success of seedings annually	After construction	1
Project may have direct impact on native trees	BIO-9	If revegetation is needed, all planted seedlings will be protected with one of the following measures: screening of seedlings with heavy wire, tree shelters, rock mulch, plastic mesh, plant collars of plastic, peat, or paper, or chemical repellent.	ROW and Op Amp Sites	Annual reports	40% success of seedings annually	After construction	1

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RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have direct impact on federally or state listed threatened or endangered plant species	BIO-10	For plant species listed as threatened or endangered (federal or state), qualified botanists will establish 20-foot exclusion zones. Exclusion zones around Peirson's milk-vetch will be 25 feet in radius. Exclusion zones will be flagged and staked in the field and marked on maps prior to construction. Impacts on exclusion zones will be avoided by shifting the conduits or by directionally drilling at least 10 feet beneath them.	ROW	Quarterly reports	No surface disturbance activity within exclusion zones	Before construction	1
Project may have direct impact in designated sensitive resource areas	BIO-11	Plowing and trenching activities will be limited to a 40-foot-wide area of maximum disturbance except in designated sensitive resource areas where the construction corridor will be limited to 25 feet wide and staked to indicate corridor limits. The corridor will be limited to 25-foot width throughout desert habitats.	ROW	Quarterly reports	Disturbance within <25 feet	During construction	1
Project may contribute to the spread of noxious weeds	BIO-12	The project area within lands administered by the BLM will be surveyed by a qualified noxious weed authority who will identify all noxious weeds present and provide a list to the authorized officer. A determination will be made by the authorized officer of any noxious weeds that may require flagging for treatment. Treatment will be according to instruction of the authorized officer.	BLM Lands	Quarterly reports	BLM concurrence	Before construction	BLM
Project may contribute to the spread of noxious weeds	BIO-13	Prior to construction, plants listed as invasive exotics by the California Exotic Plant Pest Council in the most recent "CalEPPC" A or Red Alert list, already existing in native desert habitat where construction is planned, will be identified on the ground and on maps through a preconstruction survey. This will establish a baseline of invasive exotics present from which to evaluate the possible impacts of this construction.	Outside BLM Land	Quarterly reports	Identifying weeds properly removed	Before construction	1
Project may contribute to the spread of noxious weeds	BIO-14	Disposal of soil and plant materials from non-native areas will not be allowed in native areas.	ROW and Op Amp Sites	Quarterly reports	No effect on sensitive resource areas	During construction	1

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RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may contribute to the spread of noxious weeds	BIO-15	All equipment will be washed prior to entering the project area to prevent the spread of invasive weeds from other areas. Construction supervisors and managers will be educated on weed identification and preventing the spread of invasive non-native species infestations. Gravel and/or fill material to be placed in relatively weed-free areas will come from weed free sources. Certified weed-free imported materials will be used.	ROW and Op Amp Sites	Quarterly reports	Equipment weed free when it enters project area; training documented	During construction	1
Project may contribute to the spread of noxious weeds	BIO-16	Wash stations will be established to clean equipment of noxious weed seed and plant parts. These stations will be located in commercial truck-washing facilities.	Flying J Ehrenberg, Texaco, El Centro, Pacific Fleet, El Cajon	Quarterly reports	Equipment cleaned of weeds and seeds at these locations	Before and during construction	1
Project may contribute to the spread of noxious weeds	BIO-17	A three-year program of invasive exotic plant monitoring and control will be conducted every two months for three years. Where invasive exotic plants were detected in the construction corridor prior to construction, the percent cover of invasive exotic plant species within the construction corridor must be equal to or less than the cover of invasive exotic plant species outside the construction corridor but within the highway ROW. Invasive exotic plants established only where ground was disturbed within the construction corridor after construction, or invasive exotic plant cover 20 percent or more greater in the construction corridor than the surrounding areas are the responsibility of AT&T.	ROW and Op Amp	Quarterly reports	BLM/CDFG concurrence	Before and after construction	1

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Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may contribute to the spread of noxious weeds	BIO-18	Invasive exotic plant populations within the construction corridor will be controlled in coordination with the road management agency. At least one transect per preconstruction invasive exotic plant population will be established and remeasured each of the three years. In addition, one transect will be established at each end of preconstruction invasive exotic plant populations to determine possible spread along the disturbed construction corridor. The entire route through native desert vegetation will be inspected every two months. Where a new invasive exotic plant population is noted, a transect will be established to determine percent cover of invasive exotic plants inside and outside the construction disturbance zone. Responsibility and control criteria as defined above would apply to new invasive exotic plant populations. The same crew that documents the transect will remove exotics by hand from the construction corridor as indicated by the transect results. Photo documentation, collected from permanently marked or flagged locations, along with the monitoring results, shall be submitted annually to the USFWS, BLM, and CDFG.	ROW and Op Amp Sites	Annual reports	BLM/CDFG concurrence	Before and after construction	1
Use of temporary construction areas could impact species of concern	BIO-19	Surveys for all species of concern analyzed in this document will be conducted for any temporary use areas that may be proposed during construction. Only areas not supporting species of concern will be approved for temporary use areas.	All temporary use areas	Daily reports	No significant impact to species of concern	During construction	1
Material staging and stockpile areas could impact species of concern	BIO-20	All material stockpiling areas and staging areas will be located within the construction corridor on nonsensitive areas, or at designated and approved off-ROW disturbed sites.	ROW	Daily reports	No significant impact on sensitive areas	During construction	1
Wildlife may become entrapped in open trenches	BIO 21	Any open trenches will be filled with existing spoils or material imported from an existing commercial borrow site or covered with plywood or other plate at the end of each workday. If a trench is covered with plywood or other plate, both ends of the trench will be sloped. If any wildlife is found in the trench, it will be removed by a qualified biological monitor before resumption of work in that trench segment.	ROW and Op Amp Sites	Daily reports	No trenches open at night	During construction	1
Project may interfere with movement of resident wildlife	BIO-22	Construction activities in desert areas (Palo Verde to Brunt's Corner and Octotillo to Pine Valley) will be restricted to daylight hours to minimize impacts on nocturnal and migratory species.	Blythe to San Diego ROW and associated Op Amp Sites	Quarterly reports	Minimal impact to nocturnal and migratory species	During construction	1

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RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Environmental protection flagging could draw unwanted attention to sensitive resources	BIO-23	All stakes, flagging, and fencing used to delineate and protect any environmental or cultural feature in the project area will be removed no later than 30 days after construction and restoration are complete.	ROW and Op Amp Sites	Quarterly reports	All stakes removed within 30 days	After construction	1
Project may have direct impact on vegetation	BIO-24	To compensate for the long-term but temporary loss of creosote bush scrub habitat in the construction corridor, AT&T will purchase land or land credits for a total of 148 acres. To the extent available on the market, the land will contain habitat for fairyduster (<i>Calliandra eriophylla</i>).	ROW and Op Amp Sites	Quarterly reports	BLM/CDFG occurrence	After construction	1
Project may have direct impact on vegetation	BIO-25	AT&T will post a reclamation bond in an amount adequate to cover the potential failure of either revegetation or exotic control measures. The amount of this bond will be agreed to in writing prior to the initiation of construction, but may be modified by mutual consent throughout the project. This bond will be held by BLM for the three-year period subsequent to construction during which AT&T is responsible for revegetation and exotic plant control.	ROW and Op Amp Sites	Quarterly reports	BLM concurrence	Before and during construction	1
Project may have indirect impact on Southwestern Willow Flycatcher	BIO-26	Southwestern willow flycatcher habitat in riparian areas will be avoided by one of the following methods: constructing in the pavement; boring beneath the drainage and riparian area; or use of a bridge hang over the riparian area.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1

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RESOURCE IMPACT, MITIGATION, AND MONITORING

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have indirect impact on Southwestern Willow Flycatcher	BIO-27	<p>Any construction or installation work performed within 1,000 feet of potential habitat for Southwestern willow flycatcher during the period of April 1 to June 15 will limit noise, dust, nighttime lighting, and human presence to the greatest extent feasible.</p> <ul style="list-style-type: none"> - From April 1 to June 15, no operations will be conducted within 1,000 feet of potential habitat after dark. - Noise levels will be controlled with residential or better level mufflers or engine enclosures for trenching and other mobile equipment. Boring machine noise will be restricted by use of residential or better mufflers or engine enclosures or portable sound walls. - There will be no construction-related pedestrian access to any riparian habitat during breeding season except in case of emergency frac-out response. - Dust will be strictly controlled by watering within 1,000 feet of potential habitat. <p>Construction or installation work performed within 1,000 feet of potential habitat for the southwestern willow flycatcher during the period of April 1 to June 15 will be monitored daily by a qualified biologist or as coordinated with existing Camp Pendleton monitoring, where applicable. Monthly monitoring letter reports of construction activities and their effects on biological resources will be provided to the BLM, the Camp Pendleton Environmental Security staff, U.S. Army Corps of Engineers (Corps), and USFWS. From May 1 through June 15, dawn surveys for the flycatcher will be conducted three times weekly while construction or installation work is occurring within 1,000 feet of potential habitat for southwestern willow flycatcher.</p>	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Southwestern Willow Flycatcher	BIO-28	No night lighting will be used within 1,000 feet of potential habitat during the breeding season.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1

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RESOURCE IMPACT, MITIGATION, AND MONITORING

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have indirect impact on Southwestern Willow Flycatcher	BIO-29	Any work that would subject potential habitat for southwestern willow flycatcher in critical areas as directed by the USFWS to sound levels above 60 dBA L _{eq} or background, whichever is higher, will be completed between September 16 and June 15.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Least Bell's Vireo	BIO-30	Least Bell's vireo habitat in riparian areas will be avoided by one of the following methods: constructing in the pavement; boring beneath the drainage and riparian area; or use of a bridge hang over the riparian area.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Least Bell's Vireo	BIO-31	<p>Any construction or installation work performed within 1,000 feet of potential habitat for least Bell's vireo during the period of March 15 to June 15 will limit noise, dust, nighttime lighting, and human presence to the greatest extent feasible.</p> <ul style="list-style-type: none"> - From March 1 to June 1, no operations will be conducted within 1,000 feet of potential habitat after dark. - Noise levels will be controlled with residential or better level mufflers or engine enclosures for trenching and other mobile equipment. Boring machine noise will be restricted by use of residential or better mufflers or engine enclosures or portable sound walls. - There will be no construction-related pedestrian access to any riparian habitat during breeding season except in case of emergency frac-out response. - Dust will be strictly controlled by watering within 1,000 feet of potential habitat. <p>Construction or installation work performed within 1,000 feet of potential habitat for least Bell's vireo during the period of March 15 to June 15 will be monitored daily by a qualified biologist or as coordinated with existing Camp Pendleton monitoring, where applicable. Monthly monitoring letter reports of construction activities and their effects on biological resources will be provided to the BLM, the Camp Pendleton Environmental Security staff, Corps, and USFWS.</p>	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1

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RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have indirect impact on Least Bell's Vireo	BIO-32	No night lighting will be used within 1,000 feet of potential habitat during the breeding season.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Least Bell's Vireo	BIO-33	Any work that would subject potential habitat for least Bell's vireo in critical areas as directed by the USFWS to sound levels above 60 dBA L _{eq} or background, whichever is higher, will be completed between September 16 and June 15.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Least Bell's Vireo	BIO-34	Construction within 1,000 feet of potential vireo habitat at Las Flores Creek in Camp Pendleton will be prioritized to be completed first provided construction can begin by March 15. If construction start is delayed past April 15, then construction will not occur until September 16 unless noise levels can be controlled at or below 60 dBA at the edge of potential habitat.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Coastal California Gnatcatcher	BIO-35	Coastal sage scrub areas will be avoided by constructing in the pavement or 1 to 3 feet off the edge of pavement in the disturbed shoulder, boring the fiber optic conduit and cable beneath coastal sage scrub plant communities, or hanging the conduit from a bridge.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1

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**TABLE B-1
RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have indirect impact on Coastal California Gnatcatcher	BIO-36	<p>Any construction or installation work performed within 1,000 feet of potential habitat for California coastal gnatcatcher during the period of February 15 to June 1 will limit noise, dust, nighttime lighting, and human presence to the greatest extent feasible. No night lighting will be used within 1,000 feet of potential habitat during the breeding season.</p> <ul style="list-style-type: none"> - From February 15 to June 1, no operations will be conducted within 1,000 feet of potential habitat after dark. - Noise levels will be controlled with residential or better level mufflers or engine enclosures for trenching and other mobile equipment. Boring machine noise will be restricted by use of residential or better mufflers or engine enclosures or portable sound walls. - There will be no construction-related pedestrian access to any riparian habitat during breeding season except in case of emergency frac-out response. - Dust will be strictly controlled by watering within 1,000 feet of potential habitat. <p>Construction or installation work performed within 1,000 feet of potential habitat for California coastal gnatcatcher during the period of February 15 to June 1 will be monitored daily by a qualified biologist or as coordinated with existing Camp Pendleton monitoring, where applicable. Monthly monitoring letter reports of construction activities and their effects on biological resources will be provided to the BLM, the Camp Pendleton Environmental Security staff, Corps, and USFWS.</p>	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Coastal California Gnatcatcher	BIO-37	No night lighting will be used within 1,000 feet of potential habitat during the breeding season.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Coastal California Gnatcatcher	BIO-38	Any work that would subject potential habitat for gnatcatcher in critical areas as directed by the USFWS to sound levels above 60 dBA L _{eq} or background, whichever is higher, will be completed between September 1 and June 1.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1

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Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have indirect impact on Burrowing Owl	BIO-39	Preconstruction surveys during the breeding season (February 1 to August 31) will be conducted by biologists who will check all potential habitats within 250 feet of both sides of the proposed fiber optic cable construction corridor. If active burrowing owl nests are found, biologists will establish a 250-foot buffer zone around the active burrow. No installation activities will be permitted within the specified buffer zone until after the breeding season or until it is determined that young have fledged.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	Before and during construction	1
Project may have indirect impact on Burrowing Owl	BIO-40	Preconstruction surveys during the wintering season (September 1 to January 31) will be conducted by checking all potential habitat in areas where there will be some ground disturbance. Qualified biologists will conduct preconstruction surveys for burrowing owls within 2 weeks of construction activities.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	Before and during construction	1
Project may have indirect impact on Burrowing Owl	BIO-41	The CDFG guidelines require that one-way doors be installed at least 48 hours before construction at all active burrows that exist within the construction area. The one-way doors will be installed at that time to ensure that the owls can get out of the burrows but cannot get back in. The CDFG guidelines also require the installation of two artificial burrows for each occupied burrow that is removed. Artificial burrows will be constructed prior to installation of one-way doors.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	Before and during construction	1
Project may have indirect impact on Burrowing Owl	BIO-42	If any active burrows are damaged by construction activities, compensation will be paid at the equivalency rate of 6.5 acres of foraging habitat for burrowing owls for each active burrow damaged.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Swallows	BIO-43	If activities to attach fiber optic cable to bridges occur when swallows are not breeding (September 1 through February 28), activities can proceed with no further mitigation.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Swallows	BIO-44	If proposed bridge attachments are planned to occur during the swallows' breeding season, the prior year's nests will be removed before March 1, and the bridge area will be hosed at least weekly to remove new mud and prevent swallows from completing their nests until the bridge attachment is complete or until swallows desist nesting attempts.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	Before and during construction	1

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Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have indirect impact on Swallows	BIO-45	If a swallow successfully completes a nest, attachment to the bridge will stop and will not resume before September 1 unless a qualified biologist determines that the young have fledged.	See Line List (Attachment C-2, Appendix C)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Peninsular Bighorn Sheep	BIO-46	A trained biological monitor will be on-site for activities conducted along I-8 within the boundaries of proposed critical habitat for the peninsular bighorn sheep.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Peninsular Bighorn Sheep	BIO-47	The monitor will perform pre-construction surveys of the alignment in areas adjoining potential or known bighorn sheep habitat.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Peninsular Bighorn Sheep	BIO-48	Peninsular bighorn sheep sightings will be reported to the USFWS within 24 hours.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect impact on Peninsular Bighorn Sheep	BIO-49	If a bighorn sheep is noted within 300 feet of ongoing construction, then all operations will cease until the individual/group has moved 300 feet beyond the construction corridor.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-50	A biological monitor will be present during construction in all areas of potential desert tortoise habitat.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-51	Should a tortoise wander onto the project site during construction, adjacent activities will be halted until the tortoise has been moved off the project site.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-52	If a tortoise is located on the project site and is not moving, construction will be halted until an authorized biologist is able to move it.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-53	The USFWS will approve and authorize biologists responsible for moving tortoises.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-54	The project proponent will submit the names of all proposed, authorized biologist(s) to BLM for review and approval at least 30 days prior to initiation of any desert tortoise clearance surveys. Project activities will not begin until authorized biologist(s) have been approved.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-55	A clearance survey for the desert tortoise will be conducted within 48 hours prior to construction.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-56	When burrows are found, they will be checked for desert tortoises. When tortoises are found, such burrows will be flagged.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1

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Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have indirect or direct impact on Desert Tortoise	BIO-57	All unoccupied burrows will also be flagged, but in a different manner than the occupied burrows. Burrows outside of the limits of construction will be flagged.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-58	All desert tortoise burrows and pallets will be flagged for avoidance. All desert tortoise burrows or pallets in the construction zone that cannot be avoided will be excavated by a qualified biologist or blocked. All desert tortoise handling and burrow excavation will be in accordance with handling procedures developed by the USFWS.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-59	Desert tortoises that are found aboveground and need to be moved will be placed in the shade of a shrub. All desert tortoises removed from burrows will be placed in an unoccupied burrow of approximately the same size as the one from which it was removed.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-60	If an existing burrow is unavailable, the authorized biologist will construct or direct the construction of a burrow of similar shape, size, depth, and orientation as the original burrow. Desert tortoises moved during inactive periods will be monitored for at least two days after placement in the new burrows. The authorized biologist will be allowed some judgment and discretion to ensure that survival of the desert tortoise is likely.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-61	All persons authorized by the USFWS to handle desert tortoise will follow the guidelines established in the <i>Guidelines for Handling Desert Tortoises During Construction Projects</i> (Desert Tortoise Council 1994, revised 1999).	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-62	Op Amp locations will be fenced with chain link. Within desert tortoise habitat, the lower 18 inches of the fence will be "tortoise-proof" to prevent tortoise access to the Op Amp facility).	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Desert Tortoise	BIO-63	All fiber-optic line marker signs within desert tortoise habitat will be fitted with bird repellent devices.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1

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Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have indirect or direct impact on Desert Tortoise	BIO-69	Impacts to desert tortoise habitat will be offset through either an acceptable land acquisition or an assessed financial contribution. To offset the temporary impact of construction on, and the 2-acre loss of, desert tortoise habitat, AT&T will acquire 193 acres of desert tortoise habitat in designated critical habitat of the Chuckwalla unit. The compensation must be secured prior to the onset of any project-related construction activities. Additionally, a \$200/acre management rate and \$95 enhancement fee will be given to the CDFG to manage acquired lands. The property shall be protected in perpetuity for the benefit of the desert tortoise.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Flat-Tailed Horned Lizard/Colorado Desert Fringed Toed Lizard (FTHL/CFTL)	BIO-70	Qualified biologists will conduct preconstruction surveys to identify all potential habitat along the construction area. Within 7 days before construction, biologists will identify habitat areas subject to direct construction-related disturbance.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on FTHL/CFTL	BIO-71	Seven days before construction, biologists will establish exclusion zones in the project construction corridor near potential habitat. Exclusion zones are 50 feet from the work area.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on FTHL/CFTL	BIO-72	Biologists will conduct a final clearance survey 1 to 2 days prior to construction activities, excavate potential burrows, and relocate the lizard to nearby suitable habitat in the exclusion zones. The management strategy guidelines for relocation of flat-tailed horned lizards described in Working Group of Flat-Tailed Horned Lizard Interagency Committee (Foreman 1997) shall be utilized.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on FTHL/CFTL	BIO-73	Construction areas will be periodically examined (at least hourly when surface temperatures exceed 30 degrees Celsius) for the presence of FTHL/CFTL. All trenches, holes, or deep excavations will be examined for the presence of FTHL/CFTL prior to filling. If lizards are found they will be relocated to nearby suitable habitat.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on FTHL/CFTL	BIO-74	A field contact representative will have the authority to ensure compliance with protective measures for FTHL/CFTL, and will initiate a worker education program.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1

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Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have indirect or direct impact on FTHL/CFTL	BIO-75	<p>A biological monitor shall be present in each area of active construction within FTHL/CFTL habitat throughout the work day from initial clearing through habitat restoration. The biological monitor shall have sufficient education and field experience or training with the FTHL/CFTL to understand its biology and behavior. The monitors shall ensure that all activities are in compliance with the FTHL Rangewide Management Strategy. The biological monitor shall have the authority and responsibility to halt activities that are in violation of these terms and conditions.</p> <ul style="list-style-type: none"> - Examine construction area periodically (at least hourly when surface temperatures exceed thirty degrees Celsius) for the presence of FTHL/CFTL. In addition, all open pipes, trenches, holes, or deep excavations shall be inspected for the presence of FTHL/CFTL prior to backfilling. - Work with the construction supervisor to avoid disturbance to FTHL/CFTL and their habitat. If avoiding disturbance is not possible or if FTHL/CFTL is found trapped in an excavation, the affected lizard will be captured by hand and relocated. - Relocated FTHL/CFTL shall be placed in the shade of a large shrub a short distance from the construction ROW and in the direction of undisturbed habitat. If the surface temperature in the sun is less than 30 degrees Celsius, or greater than 50 degrees Celsius, the biological monitor authorized to handle the FTHL/CFTL will hold the lizard for later release. - Initially captured FTHL/CFTL shall be held in an appropriate clean dry container from which the lizard cannot escape. Lizards shall be held at temperatures between 25 and 35 degrees Celsius and shall not be exposed to direct sunlight. Release shall occur as soon as possible after capture and during daylight hours when surface temperatures range from 32 to 40 degrees. 	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Arroyo southwestern Toad	BIO-76	Daily pre-construction sweeps of the construction area will be conducted.	See resource maps (Volume 3)	Quarterly reports	No impact to species	Before and during construction	1

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Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have indirect or direct impact on Arroyo Southwestern Toad	BIO-77	A "drift fence" of silt fence material will be installed wherever construction is taking place within suitable arroyo toad habitat. The fence will be in place to effectively exclude toads from the work space for a period of 24 hours prior to construction. The fence may be removed progressively behind equipment as the line is buried and the trench re-graded. This fence will exclude foraging arroyo toads from the work area and will be cleared before construction begins every morning by a biological monitor. This process will proceed every hour if there is any measurable precipitation. Toads found on the inside of the enclosure will be placed outside the enclosure on the stream side. Toads found on the outside of the enclosure will be placed out of harm's way and in such a manner as to facilitate the toads' presumed trajectory.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Arroyo Southwestern Toad	BIO-78	The USFWS will approve in writing those monitors who will be permitted to handle arroyo toads. AT&T will submit to BLM, which will forward to the USFWS a list of monitors with their credentials regarding their experience in identification and handling of herptofauna. The applicant is encouraged to provide to the USFWS the training schedule and curriculum that is proposed for training said monitors. The USFWS will respond with a list of the approved monitors.	See resource maps (Volume 3)	Quarterly reports	No impact to species	Before and during construction	1
Project may have indirect or direct impact on Arroyo Southwestern Toad	BIO-79	There will be continuous biological monitoring of all construction within arroyo toad habitat.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Arroyo Southwestern Toad	BIO-80	There will be no construction within 0.6 miles of arroyo toad habitat after dark.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Arroyo Southwestern Toad	BIO-81	No night lighting will be used within 1,000 feet of potential habitat during the breeding season.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Arroyo Southwestern Toad	BIO-82	During periods of precipitation within 0.6 miles of arroyo toad habitat, vehicle speeds will be 20 mph or below within the work zone.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Arroyo Southwestern Toad	BIO-83	The project construction will avoid stream channels entirely.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1

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Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project may have indirect or direct impact on Arroyo Southwestern Toad	BIO-84	Construction personnel and the biological monitors will be trained by a qualified herpetologist on the identification and avoidance of the arroyo toad.	See resource maps (Volume 3)	Quarterly reports	No impact to species	Before and during construction	1
Project may have indirect or direct impact on Arroyo Southwestern Toad	BIO-85	Directional drilling at Pine Creek, Cottonwood Creek, and Kitchen Creek will take place outside arroyo toad breeding season.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Project may have indirect or direct impact on Arroyo Southwestern Toad	BIO-86	All construction activity is limited to the south side from Glamis to Milpitas Wash of Highway 78 to avoid impacts to this species.	See resource maps (Volume 3)	Quarterly reports	No impact to species	During construction	1
Cultural Resources							
Project could cause adverse impacts to historical or archaeological resource.	C-1	Procedures for reducing impacts on significant cultural resources will be determined in consultation with the BLM, Advisory Council on Historic Preservation, and state agencies pursuant to Section 106 of the NHPA.	ROW and Op Amp Sites	Quarterly Report	No impact to sites.	During construction	2
	C-2	A specific Cultural Resources Monitoring and Mitigation Plan will be prepared that identifies specific measures to minimize potential impacts on sensitive cultural resources.	ROW and Op Amp Site	Preconstruction filing	Plan prepared.	Prior to construction	2
	C-3	AT&T will provide on-site monitoring of construction activities supervised by a qualified archaeologist at all eligible sites on the NRHP. Through consultation, additional sites may be added for monitoring.	ROW and Op Amp Sites	Daily reports	Impact to eligible sites minimized.	During construction	2
	C-4	When disturbance of NRHP eligible sites is unavoidable, impacts will be mitigated according to a site-specific treatment plan that will be formulated in consultation with the proponent, BLM, SHPO, and State lands agency representatives. Mitigation measures include monitoring of construction activities, additional surface documentation, collection, and partial or complete excavation.	ROW	Daily reports	Conformance with treatment plan.	During construction	2
	C-5	Indirect impacts will be controlled by educating employees about the significance of cultural resources and implementing a strict management policy restricting the casual collection of artifacts from the project area.	ROW and Op Amp Sites	Quarterly report	Training records.	Prior to construction	2
Temporary use areas requested during construction could cause adverse impacts to archaeological resources.	C-6	Project implementation includes intensive surveys to inventory and evaluate cultural resources for any new area proposed for temporary use. Areas that are determined to contain significant or potentially significant cultural resources will not be used for temporary work areas.	Temporary work spaces	Quarterly report	Sites with sensitive resources not used.	During construction	2

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Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project could cause adverse impacts to historical or archaeological resource.	C-7	Prior to construction, known cultural resource sites to be avoided will be flagged and staked on the ground and marked on maps as sensitive resources. No further description will be provided to preserve confidentiality of the site. Ground disturbance activities will be prohibited within the flagged area.	ROW and Op Amp sites	Quarterly report	Sensitive sites flagged and marked on maps as sensitive avoided.	Prior to construction	2
	C-8	If previously undocumented sites or subsurface components of documented sites are discovered during construction, activities will be halted until a qualified archaeologist reviews the resources and a construction method is developed according to the state-specific treatment plan approved by the SHPO.	ROW and Op Amp Sites	Quarterly reports	SHPO approval.	During construction	2
Project could disturb human remains.	C-9	If human remains are encountered during construction, all work will immediately halt in the vicinity of the discovery and the county sheriff or coroner will be immediately notified. If the coroner determines that the remains are historic or prehistoric, construction in the immediate area of the burial will not continue until the nature of the burial and an appropriate course of action are determined in consultation with the landowner and the SHPO.	ROW and Op Amp sites	Daily reports	Appropriate consultation implemented.	During construction	2
Geology/Soils							
The project could result in soil erosion or loss of top soil.	GS-1	Temporary water bars or baffles will be used to direct water runoff away from the construction ROW into energy-dissipating devices.	ROW	Daily reports	Minimum disturbance to surface waters.	During construction	2
The project could result in soil erosion or loss of top soil.	GS-2	Temporary sediment barriers will be placed at the base of slopes adjacent to all road or waterbody crossings where vegetation has been disturbed, to prevent sediment migration off site. These barriers will remain in place until revegetation measures are judged successful.	ROW	Daily reports	Minimum disturbance to surface waters.	During construction	2
The project could result in soil erosion or loss of top soil.	GS-3	Where trenching is necessary on steep slopes, erosion control measures (such as trench plugs, water bars, or baffles) will be placed in the trench.	ROW	Daily reports	Minimum disturbance to surface waters.	During construction	2
The project could result in soil erosion or loss of top soil.	GS-4	Trench plugs will be used on slopes adjacent to water bodies and wetlands or in agricultural fields and residential areas, if needed.	ROW	Daily reports	Minimum disturbance to surface waters.	During construction	2
Sediment could be tracked on to pavement.	GS-5	Where sediment is transported onto a public road surface or other paved area by equipment or vehicles accessing the construction site, sediment will be removed immediately by mechanical means.	ROW and Op Amp Sites	Daily reports	Minimum sediment on roadways.	During construction	2

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The project could result in sedimentation of surface waters.	GS-6	The conditions of the Storm Water Pollution Prevention Plan (SWPPP) will be imposed on all construction activities to limit sedimentation of surface waters (Appendix D).	ROW and Op Amp Sites	Daily reports	Reduce sedimentation to surface waters.	During construction	2
The project could result in soil erosion or loss of top soil.	GS-7	As weather conditions dictate, temporary sediment barriers will be strategically placed to prevent water flow off-site into waterways or storm drain inlets.	ROW and Op Amp Sites	Daily reports	Minimum flow off-site.	During construction	2
The project could result in soil erosion or loss of top soil.	GS-8	Dust and blowing sand caused by construction activity will be controlled through watering where needed.	ROW and Op Amp Site	Daily reports	Minimize soil movement.	During construction	2
Project may expose people or structures to risk from seismic activity.	GS-9	Construct all structures to seismic standards in local building codes.	Brunts Corner, Ocotillo, Oceanside, and Santa Ana Op Amp Sites	Preconstruction filing	Minimize earthquake hazard.	Prior to construction	Local building permit departments
Project could result in soil erosion or loss of top soil	GS-10	Following duct installation, the fiber optic alignment and working space will be recontoured to approximate original contours. Recontouring to natural lines and grade will be accomplished without disruption to adjacent undisturbed habitat. Mechanical roughening/resurfacing will be utilized to recontour the substrate and decompact the soil in native desert vegetation areas.	ROW and Op Amp Sites	Preconstruction filing	Minimize soil movement	After construction	1
Hazards/Hazardous Materials							
Project could create a hazard involving accidental release of hazardous material.	HAZ-1	Prepare and implement SPCCP.	ROW and Op Amp Sites.	Preconstruction filing	Releases minimized; spills contained.	Prior to construction	2
Project could create a hazard involving accidental release of hazardous material.	HAZ-2	The contractor will be required to have a continuous cleanup program throughout construction, and restore land crossed to its preconstruction condition. Restoration also will include the removal of ruts deeper than 4 inches and the disposal of foreign objects. Restoration will include recontouring and reseeding impacted areas with native vegetation and removing trash. The contractor will be required to keep a clear work area. After completion of the project a final walk-through will be completed on BLM lands to ensure that no waste or material is left on site and that all ruts or terrain damage or vegetation disturbance has been repaired to the satisfaction of the BLM Authorized Officer.	Row and Op Amp Sites	Quarterly reports	Restoration of lands to preconstruction condition.	During construction	2
Project could create a hazard involving accidental release of hazardous material.	HAZ-3	No nonbiodegradable debris will be deposited in the ROW or temporary use areas.	ROW and Op Amp Sites	Daily reports	Debris free work areas.	During construction	2

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**TABLE B-1
RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Improper disposal of human waste.	HAZ-4	The contractor will be required to transport one portable chemical toilet for each construction crew or group of crews of at least five persons during construction.	ROW and Op Amp Sites	Daily reports	Adequate sanitation on work sites.	During construction	2
Project could create a safety or health hazard.	HAZ-5	A Safety and Health Plan will be developed, and construction practices will be used that follow recommendations regarding fire hazards and accident prevention. The Safety and Health Plan will be consistent with 29 CFR 1910 (OSHA Occupational Safety and Health Standards) and 29 CFR 1926 (OSHA Safety and Health Regulations for Construction). It will conform to California Occupational Safety and Health Administration (CalOSHA) regulations. The Safety and Health Plan will identify the site physical hazards, site chemical hazards, and the physical hazards of the proposed operations. UXO training will be included.	ROW and Op Amp Sites	Preconstruction filing	Minimize health and safety incidents.	Prior to construction	2
Project may cause wildfires.	HAZ-6	Construction contractors will follow fire management protocols as specified in their contracts. Contractors will be responsible for determining the fire activity level for the next day and complying with contract provisions for that predicted activity level, including equipment for each crew and the types of activities that will be restricted during high activity levels.	ROW, eastern San Diego county	Daily reports	Wildland fires will be avoided.	During construction	2
Project may cause wildfires.	HAZ-7	As part of construction, each contractor will designate a person to contact the BLM Fire Management Officer daily to determine the fire activity level for the next day's work. During construction scheduling, project engineers will coordinate the construction schedule to minimize fire season conflicts by coordinating with BLM Field Offices.	BLM lands and National Forest	Quarterly reports, daily reports	Wildland fires will be avoided.	Prior to construction, during construction	BLM or USFS
Project may cause wildfires.	HAZ-8	A fire prevention plan will be prepared and will include potential fire hazards, names or job titles of key fire prevention personnel, and housekeeping procedures. Training and maintenance procedures also will be identified. [8 CCR 3221 Fire Prevention Plan]	ROW and Op Amp Sites	Preconstruction filing	Minimize fire hazards.	Prior to construction	2

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**TABLE B-1
RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Transportation/Traffic							
Project may impair implementation or interfere with an emergency response plan.	TR-1	A traffic control plan conforming to Caltrans standards will be in place prior to beginning construction.	ROW and Op Amp Sites	Preconstruction filing	Plan implemented.	Prior to construction	Caltrans, County and City Road Departments
Project may impair implementation or interfere with an emergency response plan.	TR-2	Appropriate traffic control measures will be instituted whenever required by the plan and will be in accordance with U.S. Department of Transportation standards for traffic control to protect worker and public safety.	ROW and Op Amp Sites	Daily reports	Control measures implemented.	During construction	Caltrans, County and City Road Departments
Project may impair implementation or interfere with an emergency response plan.	TR-3	All personnel will be safety-trained prior to beginning work on this project, including construction workers as well as supervisors and monitors.	ROW and Op Amp Sites	Quarterly reports	All staff trained	During construction	2
Project may impair implementation or interfere with an emergency response plan.	TR-4	At locations where access to nearby property is blocked, contractor shall be prepared at all times to accommodate emergency vehicle passage, including plating over excavations or providing detours.	ROW and Op Amp Sites	Quarterly reports	All staff trained	During construction	2
Hydrology/Water Quality							
Project could violate water quality standards.	GS-6	The conditions of the Storm Water Pollution Prevention Plan (SWPPP) will be imposed on all construction activities to limit sedimentation of surface waters (Appendix D).	ROW and Op Amp Sites	Daily reports	SWPP implemented.	During construction	2
Project could result in erosion or siltation on- or off-site.	BIO-1	All wetlands and a 20-foot exclusion zone around them will be flagged and staked in the field and marked on maps prior to construction. Wetland areas and their exclusion zones will always be avoided by conduit shifting outside the exclusion zone or by directional drilling.	All wetlands See Line List (Attachment C-2, Appendix C) and resource maps (Volume 3) of the AT&T NexGen/ Core Project, December 2000	Daily reports	No surface disturbing activity will be permitted within exclusion zones.	During construction	1
Project could result in erosion or siltation on- or off-site.	BIO-2	Riparian areas with the potential to provide habitat for species of concern will be identified prior to construction, and buffer zones of at least 20 feet will be established around these areas. Temporary construction fencing will be used to establish the buffer zones. If avoidance is not possible, conduits will be installed by directional bore or bridge hang.	See Line List (Attachment C-2, Appendix C) and resource maps (Volume 3) of the AT&T NexGen/ Core Project, December 2000	Daily reports	No surface disturbing activity will be permitted within exclusion zones.	During construction	1

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 2 On federal land management agency (BLM, USFS, BIA, or Camp Pendleton) is responsible; off federal land, CSLC is responsible.

**TABLE B-1
RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Project could result in erosion or siltation on- or off-site.	BIO-3	Ephemeral washes crossed by trenching or plowing, preconstruction contours and compaction will be restored within 48 hours after the conduit installation is complete. Trenching or plowing will only be used where riparian vegetation can be successfully avoided and when the wash is dry or no rain event is predicted within 72 hours.	ROW in desert areas	Daily reports	Restoration within 48 hours and no construction within 72 hours of a predicted rain event.	During construction	1
Project could result in erosion or siltation on- or off-site.	BIO-4	Except for ephemeral washes, all other uncontained water bodies will be directionally drilled at least 10 feet below the bottom of the watercourse, or the conduit will be hung from existing bridge structures.	All uncontained water bodies	Daily reports	No impact to flowing waters.	During construction	1
Project could result in erosion or siltation on- or off-site.	HY-1	Contained waters may be crossed by trenching over or beneath the culverts where trenching can occur without risk of damage to the culvert and is approved by the culvert manager or owner. Otherwise such waters will be directionally drilled.	ROW flood control structures, irrigation canals and drainage ditches in culverts	Daily reports	No impact to flowing waters.	During construction	2
Project could degrade water quality.	HY-2	On Camp Pendleton, all water bodies will be directionally drilled with the exception of San Mateo Creek, San Onofre Creek, and the Santa Margarita River, which will be crossed using bridge hangs existing bridges.	Camp Pendleton	Daily reports	Minimize impact to surface waters.	During construction	Camp Pendleton
	HY-3	Water to be used during the construction phase includes water needed for directional drilling and for dust control. All water used will be obtained from private sources off-ROW, and no natural water sources will be tapped for construction use.	ROW and Op Amp Sites	Daily reports	No water withdrawal from natural water sources.	During construction	2
	HY-4	During construction, equipment will be refueled on the ROW by a fuel truck. Refueling will take place no closer than 100 feet from a wetland or riparian zone. Full spill containment kits will be stored at the nearest staging areas. The fuel truck will contain an emergency spill kit to capture any spillage. Contents of the Spill Kit are specified in the SPCC Plan.	ROW and Op Amp Sites	Daily reports	Minimize spills to land and water.	During construction	2
Noise							
Potential for emergency generators to expose persons or nearby residents to excess noise during emergency operation.	NO-1	Emergency generators for Op Amp facilities will be enclosed in an insulating shelter that limits noise levels to 85 dBA at 5 feet from the shelter.	Op Amp Sites	Preconstruction filing	Minimize loud noises.	Prior to construction	Caltrans, County and City Road Departments

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**TABLE B-1
RESOURCE IMPACT, MITIGATION, AND MONITORING**

Potential Impact	Mitigation Measure No.	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Timing	Responsible Agencies
Potential to expose persons or nearby residents to excess noise during construction.	NO-2	Construction of Op Amp facilities will be limited to Monday through Saturday from 6 am to 7 pm.	Op Amp Sites	Daily reports	Limit noise impact to neighbors.	During construction	Caltrans, County and City Road Departments
Potential to expose persons or nearby residents to excess noise during construction.	NO-3	On-ROW construction will be limited by local permitting agencies, including counties and municipalities, according to the local ordinances. All on-ROW construction will conform to local noise ordinances.	ROW and Op Amp Sites	Preconstruction filing	Limit noise impact to neighbors.	During construction	Caltrans, County and City Road Departments
Recreation							
Project could impact recreational use on BLM lands.	REC-1	In the vicinity of Algodones Dunes Recreation Area, construction activities will be limited from November 16 through June 14 to work only Tuesday through Thursday to avoid OHV south of Highway 78.	In the vicinity of Algodones Dunes Recreation Area	Daily reports	Minimize conflict with OHV users.	During construction	BLM
	REC-2	No construction equipment will be staged over the weekend in the dunes area.	Algodones Dunes	Daily reports	Minimize conflict with OHV users.	During construction	BLM
Transportation/Traffic							
Potential to block emergency access to nearby properties during construction; project may disrupt traffic flow.	TR-1	A traffic control plan conforming to Caltrans standards will be in place prior to beginning construction.	ROW and Op Amp Sites	Preconstruction filing	Minimize traffic impacts.	Before construction	Caltrans, County and City Road Departments
	TR-2	Appropriate traffic control measures will be instituted whenever required by the plan and will be in accordance with U.S. Department of Transportation standards for traffic control to protect worker and public safety.	ROW and Op Amp Sites	Daily reports	Minimize traffic impacts.	During construction	Caltrans, County and City Road Departments
Potential to block emergency access to nearby properties during construction.	TR-3	All personnel will be safety-trained prior to beginning work on this project, including construction workers as well as supervisors and monitors.	ROW and Op Amp Sites	Training records	Minimize health and safety impacts.	Before construction	2
	TR-4	At locations where access to nearby property is blocked, contractor shall be prepared at all times to accommodate emergency vehicle passage, including plating over excavations or providing detours.	ROW and Op Amp Sites	Daily reports	No delays to emergency vehicles.	During construction	2

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**TABLE B-2.
MITIGATION MEASURES**

GENERAL

- G-1. AT&T will provide environmental monitoring for all aspects of this job. Construction will be monitored to ensure that impacts are minimized.

AESTHETICS

- AE-1. At Mitchell's Camp, the fenced Op Amp site will be set back at least 200 feet from the edge of pavement of Highway 78.
- AE-2. At Mitchell's Camp Op Amp site, all fencing will be covered with a nonreflecting coating of natural color.
- AE-3. At Mitchell's Camp Op Amp site, the buildings will be neutral color.

AIR QUALITY

- AQ-1. Speed of vehicle traffic associated with the project on unsurfaced roads will be limited to 20 miles per hour (mph).
- AQ-2. Disturbances to the soil protective mechanisms (i.e., the algal crusts, desert pavement, and vegetation) will be minimized by limiting the construction corridor to 40 feet in width.
- AQ-3. The project will meet federal, state, and local emission standards for air quality.
- AQ-4. Air quality impacts will be limited through good maintenance practices on all construction, backup generators, and maintenance equipment.
- AQ-5. Equipment will be maintained and properly tuned.
- AQ-6. In populated locations watering of access roads will be conducted as specified in locally-obtained permits to control particulate emissions during construction.
- AQ-7. Burning of construction debris will not be allowed in the project area.
- AQ-8. Construction equipment for Op Amp sites will be low-emission or use reformulated fuel.
- AQ-9. Construction areas at Op Amp sites will be watered as needed to minimize dust emissions.
- AQ-10. Grading and soil movement will be limited to that necessary to construct the fenced Op Amp sites.
- AQ-11. Generators used for emergency power supply at all Op Amp sites will meet the terms and conditions of an Authority to Construct and Permit to Operate issued by the regional air quality management district.

BIOLOGICAL RESOURCES

- BIO-1. All wetlands and a 20-foot exclusion zone around them will be flagged and staked in the field and marked on maps prior to construction. No surface disturbing activity will be permitted within the exclusion zones. Wetland areas and their exclusion zones will be avoided by conduit shifting outside the exclusion zone or by directional drilling.
- BIO-2. All areas with riparian vegetation have been identified (see Volume 2, Appendix C, and Volume 3, resource maps, for specific locations). Riparian areas with the potential to provide habitat for species of concern will be identified prior to construction, and buffer zones of at least 6.1 meters (20 feet) will be established around these areas. Temporary construction fencing will be used to establish the buffer zones. In areas of scattered riparian vegetation it may be possible to plow or trench a dry wash and avoid the buffered riparian vegetation. If such avoidance is not possible, conduits will be installed by directional bore or bridge hang.
- BIO-3. Where ephemeral washes are to be crossed by trenching or plowing, preconstruction contours and compaction will be restored within 48 hours after the conduit installation is complete. Trenching or plowing will only be used where riparian vegetation can be successfully avoided and will occur only when the wash is dry and no rain event is predicted within 72 hours.
- BIO-4. Except for ephemeral washes, all other uncontained water bodies will be directionally drilled at least 10 feet below the bottom of the water body or watercourse, or the conduit will be hung from existing bridge structures.
- BIO-5. Native trees in the construction corridor over 5 inches DBH (diameter at breast height or 4.5 feet (1.2 m) above ground) will be staked and flagged around the dripline. Trees with trunks outside the corridor, but with parts of their canopies within the construction corridor, and multiple-stem shrubs with 5 or more stems 1 inch or more DBH, are included. Staking and flagging will be conducted prior to ground disturbing activities.
- BIO-6. All flagged trees and shrubs will be avoided wherever feasible during construction. Avoidance may be accomplished by rerouting the conduits outside the dripline of the plants or directionally drilling beneath them at least 10 feet. Where the entire plant cannot be avoided, the plant may be pruned of up to one third its live crown ratio, keeping pruning cuts outside of branch collars. Where pruning will not suffice to allow equipment to pass, the tree or shrub will be cut off at ground level. The roots will be left in place to encourage resprouting.
- BIO-7. For each flagged tree or shrub cut down, AT&T will plant five seedlings of the same species as removed. Plants derived from seed collected near the construction corridor will be used. Seed will be collected by BLM El Centro Field Office under agreement with AT&T and grown at the Joshua Tree National Park nursery specifically for this project. AT&T will be responsible for the planting out, monitoring, and replacement if necessary of the planted seedlings as specified in "Evaluating Revegetation Success," Appendix J.
- BIO-8. An annual report will be submitted to USFWS and CDFG to document success of any revegetation efforts for each of three years. The success of revegetation will be determined by 100 percent surveys of planted specimens. Survival of 2 out of 5 of the seedlings planted will constitute success at the end of the three year period. If survival

- drops below 40 percent (2 out of 5 planted) at any of the annual surveys, new seedlings will be planted to replenish the 5 seedling to one tree removed ratio.
- BIO-9. If revegetation is needed, all planted seedlings will be protected with one of the following measures: screening of seedlings with heavy wire, tree shelters (e.g., Tubex, Tree Pro, Tree Sentry, and BLUE-X), rock mulch, plastic mesh, plant collars of plastic, peat, or paper, or chemical repellent.
- BIO-10. For plant species listed as threatened or endangered (federal or state), qualified botanists will establish 6.1-meter (20-foot) exclusion zones around individuals and populations. Exclusion zones around Peirson's milk-vetch will be 7.6 meters (25 feet) in radius. Exclusion zones will be flagged and staked in the field and marked on maps prior to construction. No surface disturbing activity will be permitted within the exclusion zones. Impacts on exclusion zones will be avoided by shifting the conduits or by directionally drilling at least 10 feet beneath them.
- BIO-11. Plowing and trenching activities along the fiber optic cable system route will be limited to a 40-foot-wide area of maximum disturbance except in designated sensitive resource areas (e.g., threatened, endangered, and special status species habitat, wetlands, and seasonal drainages), where the construction corridor will be limited to 25 feet wide and staked to indicate corridor limits. The corridor will be limited to 25-foot width throughout desert habitats.
- BIO-12. In accordance with Executive Order 13112, the project area within lands administered by the BLM will be surveyed by a qualified noxious weed authority who will identify all noxious weeds present and provide a list to the authorized officer. A determination will be made by the authorized officer of any noxious weeds that may require flagging for treatment. Treatment will be according to instruction of the authorized officer. Any use of herbicides in California will be handled by properly-licensed county agricultural agents.
- BIO-13. Prior to construction, populations of plants listed as invasive exotics by the California Exotic Plant Pest Council in the most recent "CalEPPC" A or Red Alert list, already existing in native desert habitat where construction is planned, will be identified on the ground and on maps through a preconstruction survey. This will establish a baseline from which to evaluate the possible impacts of this construction on the spread of these invasive exotic plants or the establishment of other invasive exotic plants.
- BIO-14. Disposal of soil and plant materials from non-native areas will not be allowed in native areas. That is, no disposal or transfer for excess spoils or plant materials from non-native areas will be allowed into native cover type areas.
- BIO-15. All equipment will be washed prior to entering the project area to prevent the spread of invasive weeds from other areas. Construction supervisors and managers will be educated on weed identification and the importance of controlling and preventing the spread of invasive non-native species infestations. Gravel and/or fill material to be placed in relatively weed-free areas will come from weed free sources. Certified weed-free imported materials (or rice straw in upland areas) will be used.
- BIO-16. Wash stations will be established to clean equipment of noxious weed seed and plant parts. These stations will be located in commercial truck-washing facilities. The table below shows the proposed commercial wash stations to be used.

Wash Stations for Equipment Working Outside of Pavement

Wash Station Name	Milepost	Station Area Address	City	Type of Facility	Surfacing	Needed Surveys
Flying J. Service	L3-0 (off-ROW)	I-10, exit 1, south frontage road	Ehrenberg, AZ	commercial wash station	paved	none
Texaco Car Wash	L4-97 (off-ROW)	Highway 10	El Centro	commercial wash station	paved	none
Pacific Fleet Wash	L4-204 (off-ROW)	2514 Jamacha Rd # 138	El Cajon	commercial wash station	paved	none

- BIO-17. A three-year program of invasive exotic plant monitoring and control will be conducted every two months for three years. Where invasive exotic plants were detected in the construction corridor prior to construction, the percent cover of invasive exotic plant species within the construction corridor must be equal to or less than the cover of invasive exotic plant species outside the construction corridor but within the highway ROW. Invasive exotic plants established only where ground was disturbed within the construction corridor after construction, or invasive exotic plant cover 20 percent or more greater in the construction corridor than the surrounding areas are the responsibility of AT&T.
- BIO-18. AT&T will control those invasive exotic plant populations within the construction corridor in coordination with the road management agency (CalTrans or Imperial County) with eradication of the invasive exotic population as a goal. At least one transect per preconstruction invasive exotic plant population will be established and remeasured each of the three years. In addition, one transect will be established at each end of preconstruction invasive exotic plant populations to determine possible spread along the disturbed construction corridor. The entire route through native desert vegetation will be inspected every two months and any new invasive exotic plant populations noted. Where a new invasive exotic plant population is noted, a transect will be established to determine percent cover of invasive exotic plants inside and outside the construction disturbance zone. Responsibility and control criteria as defined above would apply to new invasive exotic plant populations. The same crew that documents the transect will remove exotics by hand from the construction corridor as indicated by the transect results. Photo documentation, collected from permanently marked or flagged locations, along with the monitoring results, shall be submitted annually to the USFWS, BLM, and CDFG.
- BIO-19. Surveys for all species of concern analyzed in this document will be conducted for any temporary use areas that may be proposed during construction. Only areas not supporting species of concern will be approved for temporary use areas.
- BIO-20. All material stockpiling areas and staging areas will be located within the construction corridor on nonsensitive areas, or at designated and approved off-ROW disturbed sites. Nonsensitive areas are those that do not support species of concern and are outside of riparian and wetland exclusion zones.
- BIO-21. Any open trenches will be filled with existing spoils or material imported from an existing commercial borrow site or covered with plywood or other plate at the end of each workday. If a trench is covered with plywood or other plate, both ends of the

trench will be sloped to form escape ramps. If any wildlife is found in the trench, it will be removed by a qualified permitted biological monitor before resumption of work in that trench segment. AT&T will specify this requirement in the agreements with all construction contractors.

- BIO-22. Construction activities in desert areas (Palo Verde to Brunt's Corner and Octotillo to Pine Valley) will be restricted to daylight hours to minimize impacts on nocturnal and migratory species.
- BIO-23. All stakes, flagging, and fencing used to delineate and protect any environmental or cultural feature in the project area will be removed no later than 30 days after construction and restoration are complete.
- BIO-24. To compensate for the long-term but temporary loss of creosote bush scrub habitat in the construction corridor, AT&T will purchase land or land credits for a total of 148 acres. To the extent available on the market, the land will contain habitat for fairyduster (*Calliandra eriophylla*). This total acquisition will also compensate for temporary loss of habitat for desert tortoise, Crissal and LeConte's Thrasher, and flat-tailed horned lizard. Desert tortoise habitat compensation accounts for 108 acres (see measure BIO-48); therefore an additional compensation must be purchased for 40 acres.
- BIO-25. AT&T will post a reclamation bond in an amount adequate to cover the potential failure of either revegetation or exotic control measures. The amount of this bond will be agreed to in writing prior to the initiation of construction, but may be modified by mutual consent throughout the project. This bond will be held by BLM for the three-year period subsequent to construction during which AT&T is responsible for revegetation and exotic plant control. In the event that any revegetation or exotic control measure should fail as defined within the criteria defined above, all or part of the bond may be forfeit to cover the costs of completing the required mitigation measures.

Special Status Wildlife Species

Southwestern Willow Flycatcher

- BIO-26. Southwestern willow flycatcher habitat in riparian areas will be avoided by one of the following methods: constructing in the pavement; boring beneath the drainage and riparian area; or use of a bridge hang over the riparian area.
- BIO-27. Any construction or installation work performed within 305 meters (1,000 feet) of potential habitat for Southwestern willow flycatcher during the period of April 1 to June 15 of any given year will limit noise, dust, nighttime lighting, and human presence to the greatest extent feasible. Noise, dust, nighttime lighting, and human presence will be limited as follows:
- From April 1 to June 15, no operations will be conducted within 305 meters (1,000 feet) of potential habitat after dark.
 - Noise levels will be controlled with residential or better level mufflers or engine enclosures for trenching and other mobile equipment. Boring machine noise will be restricted by use of residential or better mufflers or engine enclosures or portable sound walls. Noise reduction methods may be used in conjunction with one another,

or other noise reduction methods may be used to reduce noise impacts. Noise levels as measured at the edge of potential habitat will always be below 90 dBA, or ambient, whichever is higher, with a goal of reducing noise to below 60 dBA whenever and wherever possible.

- There will be no construction-related pedestrian access to any riparian habitat during breeding season except in case of emergency frac-out response.
- Dust will be strictly controlled by watering within 305 meters (1,000 feet) of potential habitat.

Construction or installation work performed within 305 meters (1,000 feet) of potential habitat for the southwestern willow flycatcher during the period of April 1 to June 15 will be monitored daily by a qualified biologist or as coordinated with existing Camp Pendleton monitoring, where applicable. Monthly monitoring letter reports of construction activities and their effects on biological resources will be provided to the BLM, the Camp Pendleton Environmental Security staff, U.S. Army Corps of Engineers (Corps), and USFWS. In addition, from May 1 through June 15, dawn surveys for the flycatcher will be conducted three times weekly while construction or installation work is occurring within 305 meters (1,000 feet) of potential habitat for southwestern willow flycatcher.

- BIO-28. No night lighting will be used within 1,000 feet of potential habitat during the breeding season.
- BIO-29. Any work that would subject potential habitat for southwestern willow flycatcher in critical areas as directed by the USFWS to sound levels above 60 dBA L_{eq} or background, whichever is higher, will be completed between September 16 and June 15.

Least Bell's Vireo

- BIO-30. Least Bell's vireo habitat in riparian areas will be avoided by one of the following methods: constructing in the pavement; boring beneath the drainage and riparian area; or use of a bridge hang over the riparian area.
- BIO-31. Any construction or installation work performed within 305 meters (1,000 feet) of potential habitat for least Bell's vireo during the period of March 15 to June 15 of any given year will limit noise, dust, nighttime lighting, and human presence to the greatest extent feasible. Noise, dust, nighttime lighting, and human presence will be limited as follows:
- From March 1 to June 1, no operations will be conducted within 305 meters (1,000 feet) of potential habitat after dark.
 - Noise levels will be controlled with residential or better level mufflers or engine enclosures for trenching and other mobile equipment. Boring machine noise will be restricted by use of residential or better mufflers or engine enclosures or portable sound walls. Noise reduction methods may be used in conjunction with one another, or other noise reduction methods may be used to reduce noise impacts. Noise levels as measured at the edge of potential habitat will always be below 90 dBA, or ambient, whichever is higher, with a goal of reducing noise to below 60 dBA whenever and wherever possible.

- There will be no construction-related pedestrian access to any riparian habitat during breeding season except in case of emergency frac-out response.
- Dust will be strictly controlled by watering within 305 meters (1,000 feet) of potential habitat.

Construction or installation work performed within 305 meters (1,000 feet) of potential habitat for least Bell's vireo during the period of March 15 to June 15 will be monitored daily by a qualified biologist or as coordinated with existing Camp Pendleton monitoring, where applicable. Monthly monitoring letter reports of construction activities and their effects on biological resources will be provided to the BLM, the Camp Pendleton Environmental Security staff, Corps, and USFWS.

- BIO-32. No night lighting will be used within 1,000 feet of potential habitat during the breeding season.
- BIO-33. Any work that would subject potential habitat for least Bell's vireo in critical areas as directed by the USFWS to sound levels above 60 dBA L_{eq} or background, whichever is higher, will be completed between September 16 and June 15.
- BIO-34. Construction within 305 meters (1,000 feet) of potential vireo habitat at Las Flores Creek in Camp Pendleton will be prioritized to be completed first provided construction can begin by March 15. If construction start is delayed past April 15, then construction will not occur until September 16 unless noise levels can be controlled at or below 60 dBA at the edge of potential habitat.

California Gnatcatcher

- BIO-35. Coastal sage scrub areas will be avoided by constructing in the pavement or 1 to 3 feet off the edge of pavement in the disturbed shoulder, boring the fiber optic conduit and cable beneath coastal sage scrub plant communities, or hanging the conduit from a bridge.
- BIO-36. Any construction or installation work performed within 1,000 feet of potential habitat for California coastal gnatcatcher during the period of February 15 to June 1 of any given year will limit noise, dust, nighttime lighting, and human presence to the greatest extent feasible. No night lighting will be used within 1,000 feet of potential habitat during the breeding season. Noise, dust, nighttime lighting, and human presence will be limited as follows:
- From February 15 to June 1, no operations will be conducted within 305 meters (1,000 feet) of potential habitat after dark.
 - Noise levels will be controlled with residential or better level mufflers or engine enclosures for trenching and other mobile equipment. Boring machine noise will be restricted by use of residential or better mufflers or engine enclosures or portable sound walls. Noise reduction methods may be used in conjunction with one another, or other noise reduction methods may be used to reduce noise impacts. Noise levels as measured at the edge of potential habitat will always be below 90 dBA, or ambient, whichever is higher, with a goal of reducing noise to below 60 dBA whenever and wherever possible.

- There will be no construction-related pedestrian access to any riparian habitat during breeding season except in case of emergency frac-out response.
- Dust will be strictly controlled by watering within 305 meters (1,000 feet) of potential habitat.

Construction or installation work performed within 1,000 feet of potential habitat for California coastal gnatcatcher during the period of February 15 to June 1 will be monitored daily by a qualified biologist or as coordinated with existing Camp Pendleton monitoring, where applicable. Monthly monitoring letter reports of construction activities and their effects on biological resources will be provided to the BLM, the Camp Pendleton Environmental Security staff, Corps, and USFWS.

- BIO-37. No night lighting will be used within 1,000 feet of potential habitat during the breeding season.
- BIO-38. Any work that would subject potential habitat for gnatcatcher in critical areas as directed by the USFWS to sound levels above 60 dBA L_{eq} or background, whichever is higher, will be completed between September 1 and June 1.

Burrowing owl

- BIO-39. Preconstruction surveys during the breeding season (February 1 to August 31) will be conducted by biologists who will visually check all potential habitats within 250 feet of both sides of the proposed fiber optic cable construction corridor. If active burrowing owl nests are found, biologists will establish a 250-foot buffer zone around the active burrow. No installation activities will be permitted within the specified buffer zone until after the breeding season or until it is determined that young have fledged.
- BIO-40. Preconstruction surveys during the wintering season (September 1 to January 31) will be conducted by visually checking all potential habitat in areas where there will be some ground disturbance including vehicle access or trenching. Qualified wildlife biologists will conduct preconstruction surveys for burrowing owls within 2 weeks of construction activities.
- BIO-41. The CDFG guidelines require that one-way doors be installed at least 48 hours before construction at all active burrows that exist within the construction area so that the burrows are not occupied during construction activities. The one-way doors will be installed at that time to ensure that the owls can get out of the burrows but cannot get back in. The CDFG guidelines also require the installation of two artificial burrows for each occupied burrow that is removed. Artificial burrows will be constructed prior to installation of one-way doors.
- BIO-42. If any active burrows are damaged by construction activities, compensation will be paid at the equivalency rate of 6.5 acres of foraging habitat for burrowing owls for each active burrow damaged.

Le Conte and Crissal Thrasher

- BIO-5. Native trees in the construction corridor over 5 inches DBH (or 4.5 feet (1.2 meters) above ground) will be staked and flagged around the dripline. Trees with trunks outside the corridor, but with parts of their canopies within the construction corridor, and

multiple-stem shrubs with 5 or more stems 1 inch or more DBH, are included. Staking and flagging will be conducted prior to ground disturbing activities.

- BIO-6. All flagged trees and shrubs will be avoided wherever feasible during construction. Avoidance may be accomplished by rerouting the conduits outside the dripline of the plants or directionally drilling beneath them at least 10 feet. Where the entire plant cannot be avoided, the plant may be pruned of up to one-third its live crown ratio, keeping pruning cuts outside of branch collars. Where pruning will not suffice to allow equipment to pass, the tree or shrub will be cut off at ground level. The roots will be left in place to encourage resprouting.
- BIO -24. To compensate for the long-term but temporary loss of creosote bush scrub habitat in the construction corridor, AT&T will purchase land or land credits for a total of 148 acres. To the extent available on the market, the land will contain habitat for fairyduster (*Calliandra eriophylla*). This total acquisition will also compensate for temporary loss of habitat for desert tortoise, Crissal and LeConte's Thrasher, and flat-tailed horned lizard. Desert tortoise habitat compensation accounts for 108 acres (see measure BIO-48); therefore an additional compensation must be purchased for 40 acres.

Cliff Swallow

- BIO-43. If activities to attach fiber optic cable to bridges occur when swallows are not breeding (September 1 through February 28), activities can proceed with no further mitigation.
- BIO-44. If proposed bridge attachments are planned to occur during the swallows' breeding season, the prior year's nests will be removed before March 1 to discourage nesting, and the bridge area will be hosed at least weekly to remove new mud and prevent swallows from completing their nests until the bridge attachment is complete or until swallows desist nesting attempts.
- BIO-45. If a swallow successfully completes a nest, attachment to the bridge will stop and will not resume before September 1 unless a qualified biologist determines that the young have fledged.

Peninsular Bighorn Sheep

- BIO-46. A trained biological monitor will be on-site for activities conducted along I-8 within the boundaries of proposed critical habitat for the peninsular bighorn sheep.
- BIO-47. The monitor will perform pre-construction surveys of the alignment in areas adjoining potential or known bighorn sheep habitat.
- BIO-48. Peninsular bighorn sheep sightings will be reported to the USFWS within 24 hours.
- BIO-49. If a bighorn sheep is noted within 92 meters (300 feet) of ongoing cable installation, then all operations will cease until the individual/group has moved 92 meters (300 feet) beyond the construction corridor.

Desert Tortoise

- BIO-50. A biological monitor will be present during construction in all areas of potential desert tortoise habitat.

- BIO-51. Should a tortoise wander onto the project site during construction, adjacent activities will be halted until the tortoise has been moved off the project site out of harm's way.
- BIO-52. If a tortoise is located on the project site and is not moving, construction will be halted until an authorized biologist is able to move it out of harm's way.
- BIO-53. The USFWS will approve and authorize biologists responsible for moving tortoises out of harm's way.
- BIO-54. The project proponent will submit the names of all proposed, authorized biologist(s) to BLM for review and approval at least 30 days prior to initiation of any desert tortoise clearance surveys. Project activities will not begin until an authorized biologist(s) has been approved.
- BIO-55. A clearance survey for the desert tortoise will be conducted within 48 hours prior to ground disturbance.
- BIO-56. When burrows are found, they will be checked for desert tortoises. When tortoises are found, such burrows will be flagged.
- BIO-57. All unoccupied burrows will also be flagged, but in a different manner than the occupied burrows. Burrows outside of the limits of construction will be flagged so that the biological monitor will be able to more easily locate them during construction.
- BIO-58. All desert tortoise burrows and pallets will be flagged for avoidance. All desert tortoise burrows or pallets in the construction zone that cannot be avoided will be excavated by a qualified biologist or blocked. All desert tortoise handling and burrow excavation will be in accordance with handling procedures developed by the USFWS and conducted by qualified desert tortoise biologists.
- BIO-59. Desert tortoises that are found aboveground and need to be moved from harm's way will be placed in the shade of a shrub. All desert tortoises removed from burrows will be placed in an unoccupied burrow of approximately the same size as the one from which it was removed.
- BIO-60. If an existing burrow is unavailable, the authorized biologist will construct or direct the construction of a burrow of similar shape, size, depth, and orientation as the original burrow. Desert tortoises moved during inactive periods will be monitored for at least two days after placement in the new burrows to ensure their safety. The authorized biologist will be allowed some judgment and discretion to ensure that survival of the desert tortoise is likely.
- BIO-61. All persons authorized by the USFWS to handle desert tortoise will follow the guidelines established in the *Guidelines for Handling Desert Tortoises During Construction Projects* (Desert Tortoise Council 1994, revised 1999).
- BIO-62. Op Amp locations will be fenced with chain link. Within desert tortoise habitat, the lower 46 centimeters (18 inches) of the fence will be "tortoise-proof" (i.e., the mesh will be 1.3 centimeters [0.5 inches] or less to prevent tortoise access to the Op Amp facility).
- BIO-63. All fiber-optic line marker signs within desert tortoise habitat will be fitted with "bird-be-gone" or similar bird repellent devices.

- BIO-64. Existing routes of travel will be used whenever possible. To the extent possible, previously disturbed areas within the project sites will be used for temporary storage areas, laydown sites, and any other surface-disturbing activities. Any routes of travel that require construction or modification will have a qualified biologist(s) survey the area for tortoises prior to modification or construction of route.
- BIO-65. Trench segments or other excavations will be fenced with temporary tortoise-proof fencing, covered at the close of each working day, or provided with tortoise escape ramps. All excavations will be inspected for tortoises prior to filling.
- BIO-66. Anytime a vehicle is parked, the ground around and under the vehicle will be inspected for desert tortoises before the vehicle is moved. If a desert tortoise is observed, it will be left to move on its own. If this does not occur within 15 minutes, an authorized biologist will remove and relocate the tortoise. Within desert tortoise habitat, any construction pipe, culverts, or similar structures with a diameter of 8 to 30 centimeters (3 to 12 inches) that are stored on the construction site for one or more nights will be inspected for tortoises before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored on the construction site.
- BIO-67. All construction related activities in desert tortoise habitat will be conducted from dawn until dusk.
- BIO-68. A speed limit of 32 kilometers/hour (20 mph) will be maintained while on the construction site, dirt or unposted access roads, and storage areas.
- BIO-69. Impacts to desert tortoise habitat will be offset through either an acceptable land acquisition or an assessed financial contribution. To offset the temporary impact of construction on, and the 2-acre loss of, desert tortoise habitat, AT&T will acquire 193 acres of desert tortoise habitat in designated critical habitat of the Chuckwalla unit. This acreage is based on the loss of 2 acres and the temporary impact of construction on 77 acres of category III habitat compensated at a 1:1 ratio; temporary impact of construction on 6 acres of category II desert tortoise habitat compensated at a 3:1 ratio; and temporary impact of construction of 24 acres of category I habitat compensated at a 4:1 ratio. Overall, the parcel (reviewed and mutually approved by the USFWS, BLM, and CDFG) must be comparable or superior in quality to the tortoise habitat that will be disturbed by the proposed project. Correspondingly, AT&T could provide enough funds directly to the BLM or CDFG to procure lands in designated critical habitat of the Chuckwalla unit. In both cases, the compensation must be secured (with any property either deeded to BLM or CDFG) prior to the onset of any project-related construction activities. Additionally, a sum of \$38,695 (i.e., \$200/acre management rate and \$95 enhancement fee) will be given to the CDFG to manage acquired lands. The property shall be protected in perpetuity for the benefit of the desert tortoise.
- BIO-24. To compensate for the long-term but temporary loss of creosote bush scrub habitat in the construction corridor, AT&T will purchase land or land credits for a total of 148 acres. To the extent available on the market, the land will contain habitat for fairyduster (*Calliandra eriophylla*). This total acquisition will also compensate for temporary loss of habitat for desert tortoise, Crissal and LeConte's Thrasher, and flat-tailed horned lizard. Desert tortoise habitat compensation accounts for 108 acres (see measure BIO-48); therefore an additional compensation must be purchased for 40 acres.

Flat-Tailed Horned Lizard (FTHL) and Colorado Desert Fringe-Toed Lizard (CFTL)

- BIO-70. Qualified biologists will conduct preconstruction surveys to identify all potential habitat along the construction area. Within 7 days before construction begins, biologists will identify habitat areas subject to direct construction-related ground disturbance.
- BIO-71. Following preconstruction searches for potential FTHL/CFTL habitat, and 7 days before construction, biologists will establish exclusion zones in the project construction corridor near potential habitat. Exclusion zones are 50 feet from the work area.
- BIO-72. Biologists will conduct a final clearance survey 1 to 2 days prior to construction activities, excavate potential burrows, and relocate the lizard to nearby suitable habitat in the exclusion zones. The management strategy guidelines for relocation of flat-tailed horned lizards described in Working Group of Flat-Tailed Horned Lizard Interagency Committee (Foreman 1997) shall be utilized.
- BIO-73. Construction areas will be periodically examined (at least hourly when surface temperatures exceed 30 degrees Celsius) for the presence of FTHL/CFTL. In addition, all trenches, holes, or deep excavations will be examined for the presence of flat-tailed horned lizards prior to filling. If lizards are found they will be relocated to nearby suitable habitat.
- BIO-74. A field contact representative will have the authority to ensure compliance with protective measures for FTHL/CFTL, and will initiate a worker education program.
- BIO-75. A biological monitor shall be present in each area of active construction within FTHL/CFTL habitat throughout the work day from initial clearing through habitat restoration. The biological monitor shall have sufficient education and field experience or training with the FTHL/CFTL to understand its biology and behavior. The monitors shall ensure that all activities are in compliance with the FTHL Rangewide Management Strategy. The biological monitor shall have the authority and responsibility to halt activities that are in violation of these terms and conditions.
- Examine construction area periodically (at least hourly when surface temperatures exceed thirty degrees Celsius) for the presence of FTHL/CFTL. In addition, all hazardous sites (open pipes, trenches, holes, or deep excavations) shall be inspected for the presence of FTHL/CFTL prior to backfilling.
 - Work with the construction supervisor to take steps, as necessary, to avoid disturbance to FTHL/CFTL and their habitat. If avoiding disturbance is not possible or if FTHL/CFTL is found trapped in an excavation, the affected lizard will be captured by hand and relocated.
 - Relocated FTHL/CFTL shall be placed in the shade of a large shrub a short distance from the construction ROW and in the direction of undisturbed habitat. If the surface temperature in the sun is less than 30 degrees Celsius, or greater than 50 degrees Celsius, the biological monitor authorized to handle the FTHL/CFTL will hold the lizard for later release.
 - Initially captured FTHL/CFTL shall be held in a cloth bag, cooler, or other appropriate clean dry container from which the lizard cannot escape. Lizards shall be held at temperatures between 25 and 35 degrees Celsius and shall not be exposed

to direct sunlight. Release shall occur as soon as possible after capture and during daylight hours when surface temperatures range from 32 to 40 degrees.

- BIO-24. To compensate for the long-term but temporary loss of creosote bush scrub habitat in the construction corridor, AT&T will purchase land or land credits for a total of 148 acres. To the extent available on the market, the land will contain habitat for fairyduster (*Calliandra eriophylla*). This total acquisition will also compensate for temporary loss of habitat for desert tortoise, Crissal and LeConte's Thrasher, and flat-tailed horned lizard. Desert tortoise habitat compensation accounts for 108 acres (see measure BIO-48); therefore an additional compensation must be purchased for 40 acres.

Arroyo Southwestern Toad

The following avoidance and minimization measures will be employed when construction takes place within arroyo toad habitat. For the purposes of this document, arroyo toad habitat is defined as areas within one kilometer [0.6 miles] of Miller Creek, La Posta Creek, Kitchen Creek, Cottonwood Creek, Pine Valley Creek, Samagatuma Creek, Sweetwater River, Viejas Creek, San Mateo Creek, Santa Margarita River, San Juan Creek, Trabuco Creek, San Onofre Creek. These conservation measures are derived from the Recovery Plan for the Arroyo Southwestern Toad (USFWS 1999):

- BIO-76. Daily pre-construction sweeps of the construction area will be conducted.
- BIO-77. A "drift fence" of silt fence material will be installed wherever construction is taking place within suitable arroyo toad habitat. The fence will be in place far enough ahead of the construction to effectively exclude toads from the work space for a period of 24 hours prior to construction. The fence may be removed progressively behind equipment as the line is buried and the trench re-graded. This fence will exclude foraging arroyo toads from the work area and will be cleared before construction begins every morning by a biological monitor. This process will proceed every hour if there is any measurable precipitation. Toads found on the inside of the enclosure will be placed outside the enclosure on the stream side. Toads found on the outside of the enclosure will be placed out of harm's way and in such a manner as to facilitate the toads' presumed trajectory.
- BIO-78. The USFWS will approve in writing those monitors who will be permitted to handle arroyo toads. AT&T will submit to BLM, which will forward to the USFWS a list of monitors with their credentials regarding their experience in identification and handling of herptofauna. The applicant is encouraged to provide to the USFWS the training schedule and curriculum that is proposed for training said monitors. The USFWS will respond with a list of the approved monitors.
- BIO-79. There will be continuous biological monitoring of all construction within arroyo toad habitat.
- BIO-80. There will be no construction within one kilometer (0.6 miles) of arroyo toad habitat after dark.
- BIO-81. No night lighting will be used within 1,000 feet of potential habitat during the breeding season.
- BIO-82. During periods of precipitation within one kilometer (0.6 miles) of arroyo toad habitat, vehicle speeds will be 32 kilometers/hour (20 mph) or below within the work zone.

- BIO-83. The project construction will avoid stream channels entirely.
- BIO-84. Construction personnel and the biological monitors will be trained by a qualified herpetologist on the identification and avoidance of the arroyo toad.
- BIO-85. Directional drilling at Pine Creek, Cottonwood Creek, and Kitchen Creek will take place outside arroyo toad breeding season, typically January through July.

Couch's Spadefoot Toad

- BIO-86. Couch's Spadefoot Toad habitat is limited to the north side of Highway 78 from Glamis to Milpitas Wash. All construction activity is therefore limited to the south side from Glamis to Milpitas Wash of Highway 78 to avoid impacts to this species.

CULTURAL RESOURCES

- C-1. Procedures for reducing impacts on significant cultural resources will be determined in consultation with the BLM, Advisory Council on Historic Preservation, and state agencies pursuant to Section 106 of the NHPA and implementing regulations (36 CFR 800). Avoidance is the primary method of reducing impacts on cultural resources.
- C-2. A specific Cultural Resources Monitoring and Mitigation Plan will be prepared that identifies which portion of the general measures C-5 and C-6 will be applied at each site to minimize potential impacts on sensitive cultural resources.
- C-3. AT&T will provide on-site monitoring of construction activities supervised by a qualified archaeologist at all eligible sites on the National Register of Historic Places (NRHP). Through consultation, additional sites may be added for monitoring.
- C-4. When disturbance of NRHP eligible sites is unavoidable, impacts will be mitigated according to a site-specific treatment plan that will be formulated in consultation with the proponent, BLM, SHPO, and State lands agency representatives. Mitigation measures include monitoring of construction activities, additional surface documentation, collection, and partial or complete excavation.
- C-5. Indirect impacts will be controlled by educating employees about the significance of cultural resources and implementing a strict management policy restricting the casual collection of artifacts from the project area.
- C-6. In addition to the 100 percent Class III survey already completed for the entire project, consideration of cultural resources during project implementation includes intensive surveys to inventory and evaluate cultural resources for any new area proposed for temporary use. Areas that are determined to contain significant or potentially significant cultural resources will not be used for temporary work areas.
- C-7. Prior to construction, known cultural resource sites to be avoided will be flagged and staked on the ground and marked on maps as sensitive resources. No further description will be provided to preserve confidentiality of the site. Ground disturbance activities will be prohibited within the flagged area.
- C-8. If previously undocumented sites or subsurface components of documented sites are discovered during construction, activities will be halted until a qualified archaeologist

reviews the resources and a construction method is developed according to the state-specific treatment plan approved by the SHPO.

- C-9. If human remains are encountered during construction, all work will immediately halt in the vicinity of the discovery and the county sheriff or coroner will be immediately notified. If the coroner determines that the remains are historic or prehistoric, construction in the immediate area of the burial will not continue until the nature of the burial and an appropriate course of action are determined in consultation with the landowner and the SHPO.

GEOLOGY/SOILS

- GS-1. Temporary water bars or baffles will be used to direct water runoff away from the construction ROW into energy-dissipating devices.
- GS-2. Temporary sediment barriers (such as sedimentation fences and certified weed-free straw bales) will be placed at the base of slopes adjacent to all road or waterbody crossings where vegetation has been disturbed, to prevent sediment migration off site. These barriers will remain in place until revegetation measures are judged successful.
- GS-3. Where trenching is necessary on steep slopes, erosion control measures (such as trench plugs, water bars, or baffles) will be placed in the trench.
- GS-4. Trench plugs will be used on slopes adjacent to water bodies and wetlands or in agricultural fields and residential areas, if needed.
- GS-5. Where sediment is transported onto a public road surface or other paved area by equipment or vehicles accessing the construction site, sediment will be removed immediately by mechanical means (sweeping, shoveling, or blading) only.
- GS-6. The conditions of the Storm Water Pollution Prevention Plan (SWPPP) will be imposed on all construction activities to limit sedimentation of surface waters. Draft SWPPPs for each of the State Regional Water Quality Control Board Regions crossed by this project (4, 7, 8, and 9) are included in Appendix D.
- GS-7. As weather conditions dictate, temporary sediment barriers (sand bags, silt fences or hay bales) will be strategically placed to prevent water flow off-site into waterways or storm drain inlets.
- GS-8. Dust and blowing sand caused by construction activity will be controlled through watering where needed.
- GS-9. Construct all structures to seismic standards in local building codes.
- GS-10. Once the fiber optic duct has been installed and the backfilled, the fiber optic alignment and working space will be recontoured to approximate original contours. Recontouring to natural lines and grade will be accomplished without disruption to adjacent undisturbed habitat. Mechanical roughening/resurfacing will be utilized to recontour the substrate and decompact the soil in native desert vegetation areas.

HAZARDS/HAZARDOUS MATERIALS

- HAZ-1. Prepare and implement Spill Prevention, Containment, and Control Plan (SPCCP).
- HAZ-2. The contractor will be required to have a continuous cleanup program throughout construction, and restore land crossed to its preconstruction condition. Restoration also will include the removal of ruts deeper than 4 inches and the disposal of foreign objects (see restoration plan, Appendix J). Restoration will include recontouring and reseeding impacted areas with native vegetation similar to the original and removing trash. The contractor will be required to keep a clear work area. After completion of the project a final walk-through will be completed on BLM lands to ensure that no waste or material is left on site and that all ruts or terrain damage or vegetation disturbance has been repaired to the satisfaction of the BLM Authorized Officer.
- HAZ-3. No nonbiodegradable debris will be deposited in the ROW or temporary use areas.
- HAZ-4. The contractor will be required to transport one portable chemical toilet for each construction crew or group of crews of at least five persons during construction.
- HAZ-5. A Safety and Health Plan will be developed, and construction practices will be used that follow recommendations regarding fire hazards and accident prevention. The Safety and Health Plan will be consistent with 29 CFR 1910 (OSHA Occupational Safety and Health Standards) and 29 CFR 1926 (OSHA Safety and Health Regulations for Construction). It will conform to California Occupational Safety and Health Administration (CalOSHA) regulations. The Safety and Health Plan will identify the site physical hazards, site chemical hazards, and the physical hazards of the proposed operations. Unexploded ordnance (UXO) training will be included.
- HAZ-6. Construction contractors will follow fire management protocols as specified in their contracts. Contractors will be responsible for determining the fire activity level for the next day and complying with contract provisions for that predicted activity level, including equipment for each crew and the types of activities that will be restricted during high activity levels.
- HAZ-7. As part of construction, each contractor will designate a person to contact the BLM Fire Management Officer daily to determine the fire activity level for the next day's work. During construction scheduling, project engineers will coordinate the construction schedule to minimize fire season conflicts by coordinating with BLM Field Offices.
- HAZ-8. A fire prevention plan will be prepared and will include potential fire hazards, names or job titles of key fire prevention personnel, and housekeeping procedures. Training and maintenance procedures also will be identified. [8 CCR 3221 Fire Prevention Plan]

HYDROLOGY/WATER QUALITY

- HY-1. Contained waters (flood control structures, irrigation canals and drainage ditches in culverts) may be crossed by trenching over or beneath the culverts where trenching can occur without risk of damage to the culvert and is approved by the culvert manager or owner. Otherwise such waters will be directionally drilled.

- HY-2. On Camp Pendleton, all water bodies will be directionally drilled with the exception of San Mateo Creek, San Onofre Creek, and the Santa Margarita River, which will be crossed using bridge hangs existing bridges.
- HY-3. Water to be used during the conduit installation phase includes water needed for directional drilling and for dust control. All water used will be obtained from private sources off-ROW, and no natural water sources will be tapped for construction use.
- HY-4. During construction, equipment will be refueled on the ROW by a fuel truck. Refueling will take place no closer than 100 feet from a wetland or riparian zone. Full spill containment kits will be stored at the nearest staging areas. The fuel truck will contain an emergency spill kit to capture any spillage. Contents of the Spill Kit are specified in the SPCC Plan (Appendix D, Attachment D-1).

NOISE

- NO-1. Emergency generators for Op Amp facilities will be enclosed in an insulating shelter that limits noise levels to 85 dBA at 5 feet from the shelter.
- NO-2. Construction of Op Amp facilities will be limited to Monday through Saturday from 6 am to 7 pm to limit noise impact to neighbors.
- NO-3. On-ROW construction will be limited by local permitting agencies, including counties and municipalities, according to the local ordinances. All on-ROW construction will conform to local noise ordinances.

RECREATION

- REC-1. In the vicinity of Algodones Dunes Recreation Area, construction activities will be limited from November 16 through June 14 to work only Tuesday through Thursday to avoid conflicts with off-highway vehicles (OHV) south of Highway 78.
- REC-2. No construction equipment will be staged over the weekend in the dunes area.

TRANSPORTATION/TRAFFIC

- TR-1. A traffic control plan conforming to California Department of Transportation (CalTrans) standards will be in place prior to beginning construction.
- TR-2. Appropriate traffic control measures will be instituted whenever required by the plan and will be in accordance with U.S. Department of Transportation standards for traffic control to protect worker and public safety.
- TR-3. All personnel will be safety-trained prior to beginning work on this project, including construction workers as well as supervisors and monitors.
- TR-4. At locations where access to nearby property is blocked, contractor shall be prepared at all times to accommodate emergency vehicle passage, including plating over excavations or providing detours.

ATTACHMENT D-1
SPILL PREVENTION, CONTAINMENT,
AND CONTROL PLAN (SPCCP)

AT&T Corp. NEXGEN/CORE Fiber Optic Conduit Installation Project

Prepared for:

All Star Telecom

Prepared by:

Foster Wheeler Environmental Corporation
1940 E. Deere Avenue, Suite 200
Santa Ana, CA 92705

EXHIBIT NO. 8
APPLICATION NO. 6-01-104
Spill Prevention Plan
 California Coastal Commission

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ATTACHMENT

Exhibit D-1-1 Spill Report Form and List of Hazardous Substances and Reportable Quantities

1.0 INTRODUCTION

The purpose of this Spill Prevention, Containment, and Control Plan (SPCCP) is to outline practices to prevent, minimize, and/or clean up potential spills during construction of a fiber optic conduit which runs from El Toro to eastern San Diego. This plan establishes emergency response procedures and lines of communication and responsibilities. It also restricts the location of fuel/hazardous material storage and construction equipment maintenance along the construction right-of-way (ROW) and describes procedures and materials to contain and clean up spills of these materials, should they occur. The goals of the plan are to:

1. Minimize the potential for a spill of these materials
2. Contain any spillage to the smallest area possible
3. Protect areas that are considered environmentally sensitive (streams, wetlands, etc.)

All Star Telecom will comply with all environmental and safety laws and regulations and provide the necessary training and equipment to prevent pollution during construction of the pipeline project. All Star Telecom intends to do everything practicable to minimize the potential for a spill and the consequences if a spill occurs.

The Environmental Inspector (EI) will assure that a copy of this plan is available on site to all construction crews.

2.0 PROJECT DESCRIPTION

AT&T Communications Inc. is constructing a buried set of fiber optic conduits from Los Angeles to San Diego and continuing through to Blythe, California, to increase the capacity of their nationwide fiber optic network. The project will be constructed by All Star Telecom. The conduit will be installed using conventional trenching, plowing, rock sawing, and directional drilling methods. The conduit route addressed in this report is in Regional Water Quality Control Board (RWQCB) Region 9 and consists of two links totaling 148 miles. Link 5 begins near El Toro in Orange County and runs 88.5 miles south to downtown San Diego (MP 63 to 151.5). Link 4 then runs eastward 59.5 miles to the Imperial County border (MP 160.5 to 220). In total, six 1½-inch ducts will be installed in a trench approximately 42 inches deep. Actual trench width is approximately 18 inches. All Star Telecom plans either directional boring or bridge hanging for all water crossings.

2.1 SITE PREPARATION

Site preparation for areas within the clearing limits of road rights-of-way (ROW) will not be necessary. Where installation occurs within the ROW but outside the clearing limits, site preparation may include weed or brush removal, rock removal, or pavement cutting.

2.2 INSTALLATION

Facilities to be installed include conduit, regeneration stations, and access vaults.

2.2.1 Conduit Placement

Conduit will be installed by trenching, directional boring, or bridge hanging. After the conduit is laid in the trench, the trench will be backfilled and re-paved.

Directional boring or drilling is a process whereby a hole is bored using guidance equipment to provide continuous, accurate monitoring of the drill bit position. Duct is placed in the drilled hole going from one side of the crossing to an exit on the other side, without disturbing the stream banks, roads, or other sensitive resources or uses. The boring process would be lubricated with natural mineral clay materials that also serve to seal the walls of the borehole.

The attachment of fiber optic cable to bridges is accomplished by placing a steel pipe on the exterior portion of the bridge, generally at or below the level of the roadbed. The diameter of the steel pipe is determined by the number of ducts that would be attached to the bridge; the greater the number of ducts, the larger the diameter of the pipe. The pipe is secured to the bridge by drilling holes into the concrete exterior of the bridge structure on either side of the pipe, and setting threaded bolts with epoxy grout. The pipe is then fastened to the bridge with metal pipe straps, which consist of two ear straps, chisel point studs, nuts, washers, and epoxy capsules. Epoxy grout is used at both ends of the bridge head wall to seal the sleeve and pipe between the

ground and the bridge attachment. A handhole/manhole would be installed on either end of the bridge for cable slack and to serve as assist points for cable routing. The handholes/manholes would each contain a minimum of 100 feet of slack cable.

2.2.2 Optical Amplification Facilities

To maintain the integrity of signals being transmitted over the new system, signals will need to be optically amplified approximately every 50 miles at Optical Amplification (Op Amp) facilities. Easement arrangements are made with private property owners to site these stations, which require an approximately 2-acre parcel of land. Buildings at the station will be a maximum of 48 feet long by 29 feet wide by 12 feet tall. Each area requires a diesel-powered generator designed to provide back-up power in case of an electrical distribution outage. The back-up generator and a 336-gallon fuel storage tank are located outside each of the building areas. The generator and fuel tank are a single unit, with the double-walled fuel tank mounted below the generator in a concrete catch basin and accessible through a utility panel on the side of the generator. The generator is contained within a separate enclosure approximately 8 feet by 10 feet by 4 feet, with utility access panels along one side. The concrete catch basin will be inspected regularly to detect leaks. A spill prevention control and counter measure plan is not required for this facility pursuant to CFR 40 § 112.1, because the tanks are smaller than 660 gallons individually and 1,320 gallons collectively.

2.2.3 Access Vaults

As necessary, utility access vaults and manholes would be placed at intervals of approximately 2,500 feet along the project alignment to assist in cable installation and maintenance. For the majority of the project, buried utility access vaults would be used. The utility access vaults would measure 2.5 feet by 4 feet by 2 feet. In some areas, manholes would be used instead of utility access vaults. Manholes measure 4 feet by 4 feet by 6 feet and would be placed at intervals of 2,500 feet.

2.2.4 Construction Schedule

Construction is anticipated to begin in January 2001 and to be completed by January 2002. Each construction spread would require 8 to 15 workers, including foremen, equipment operators, general laborers, compliance monitors, and construction inspectors. Each spread would require several support vehicles and construction equipment, depending upon the activities performed. There may be as many as five spreads under construction at any one time over the entire route, requiring approximately 40 to 75 workers, their equipment, and support vehicles. Separate specialized crews would build the regeneration stations. These special crews average 5 to 7 workers each. Some of the duties of the construction crews may be subcontracted or combined, which could reduce the overall size of the construction force.

2.3 SITE RESTORATION

All roads will be restored to their pre-construction condition.

3.0 HAZARDOUS/TOXIC MATERIALS USED DURING CONSTRUCTION, OPERATION, AND SPILL PREVENTION

Potential spills from construction and operation are limited primarily to: (1) diesel used to fuel construction equipment and backup generators and (2) lubricating oils and hydraulic fluid used in construction equipment.

Hazardous substances, chemicals, fuels, and lubricating oils will not be stored within 100 feet of streambanks or wetlands to prevent them from reaching waterways. No refueling or maintenance of construction equipment will be allowed within 100 feet of any streambank or wetland or within 100 feet of sensitive plant populations or groundwater wells. At regeneration stations, diesel fuel will be stored in tanks within an approved containment system.

Strategic placement of these materials will be the first step in reducing the potential impact of a spill to the environment. The locations of all fuel storage and refueling areas, other material storage areas, and construction equipment maintenance areas will be clearly identified and their limits staked in the field.

The second step requires the construction contractor to visually inspect equipment tanks for cracks, excessive corrosion, or other flaws that may compromise their integrity. Hoses and valves will be similarly inspected. If the construction contractor determines that the equipment is in good mechanical condition, it may be moved onto the construction ROW. Otherwise, the equipment will be rejected and alternative equipment in good condition employed. Each tank will be similarly inspected as it is moved down the construction ROW.

The third step requires the construction contractor to inspect the integrity of the fuel containment area and repair the structure or replace the liner immediately if they become breached or torn. Catch basins or fuel/oil pans will be installed at each of the fueling locations to collect residual materials that may drain from hoses used to fuel the construction equipment. Draining of hoses will occur in designated maintenance areas. Materials collected in the catch basin or fuel/oil pan or spillage collected in the liner will be stored in 55-gallon drums and sent off site to an approved recycling facility.

Lubricants will be drained from the construction equipment in maintenance areas. Before drainage occurs, a layer of at least 10-mil plastic liner will be placed under the equipment to collect any spilled material. Spilled material will be drained from the liner and recycled along with the fluids removed from the construction equipment. Under no circumstances will the construction contractor allow material from the liner to spill onto the ground surface.

4.0 PROPOSED TRAINING PROCEDURE

All Star Telecom employees and subcontractors responsible for spill reporting, containment, and cleanup, or involved with transporting or handling fuel or fueling and maintaining construction equipment, will be required to complete spill training prior to the start of construction. This training program will be implemented in the field.

The training program will incorporate the following:

1. Review of the provisions of the SPCCP and discussion of responsibilities of each employee
2. Location of spill control materials and operation of spill prevention and control equipment
3. Inspection procedures for construction equipment and hazardous materials location
4. Spill reporting procedures
5. Phone numbers and verifications of correctness
6. Contractor/employee responsibility in the event of a spill
7. Maintenance and monitoring requirements for possible sources of spills

5.0 RESPONSE TEAM CONFIGURATION AND AGENCY NOTIFICATION

The California Emergency Response Center (916 323-3600) (Response Center) serves as the coordinator of spill response in the State of California. The Response Center determines the severity of spills and contacts the appropriate local agency. Local emergency response contact numbers are also provided in the event that a spill involves injuries or fire. The Response Center also maintains an up-to-date list of approved disposal facilities to accept spill-related contaminated soils and clean-up materials.

CALIFORNIA STATE SPILL/RELEASE RESPONSE CONTACTS

Contact Name	Title or Location	Phone Number
TBD	Environmental Inspector	TBD
TBD	Authorized Alternate	TBD
TBD	Construction Contractor	TBD
TBD	All Star Telecom Representative	
Orange County Highway Patrol		(949) 223-5450
San Diego County Highway Patrol		(619) 220-5492
California DTSC Emergency Response (8 am to 5 pm)		(916) 323-3600
Governor's Office of Emergency Service		(916) 262-1621 (800) 852-7550
National Spill Response Center		(800) 424-8802
Los Angeles County Fire Department		(323) 881-2455
South Orange County Fire Department		(949) 770-6016
San Diego County Fire Department- Camp Pendleton		(619) 725-3375

SPILL RESPONSE CONTRACTORS

Contact Name	Title or Location	Phone Number
TBD		TBD
TBD		TBD
TBD		TBD

6.0 EMERGENCY COORDINATOR

At all times, the EI will be designated as the Emergency Coordinator, with responsibility for coordinating all emergency response measures. The EI will be thoroughly familiar with all aspects of the construction activities, the location and characteristics of all hazardous substances and wastes handled, the location of all records associated with the construction spread, the location and condition of spill control materials, and the spread layout. Furthermore, the EI has been trained and has the authority to commit the necessary resources to implement this plan.

If a spill occurs, only those persons involved in the oversight or performance of emergency operations will be allowed within the spill area.

7.0 EMERGENCY EQUIPMENT

Emergency response equipment will be kept on hand and maintained at all times during construction. While construction activities are ongoing, the construction site will have fire extinguishers and related emergency response equipment on hand. All such equipment will be inspected daily for operability and accessibility. The locations of fire extinguishers and related emergency response equipment will be clearly marked with signs. Each foreman in charge of construction will be provided with and will maintain a readily accessible copy of this plan.

Prior to any construction activity, spill absorbent material to handle a spill of diesel fuel or other hazardous materials will be stored in the project area. At a minimum, a supply of the following spill control materials will be located in the project area prior to construction activities:

- One bale of Universal absorbent pads (200 count)
- 500 feet of 6- or 8-inch-diameter absorbent skimmer boom material (Pigalog SA2010 or equivalent)
- 50 packages of heavy duty trash bags
- 10 Universal absorbent particulate pillows
- 10 straw bales

All Star Telecom will designate a single employee to be responsible for maintenance of this equipment. Also, all fuel trucks will be supplied with one bail of absorbent pads.

8.0 EMERGENCY RESPONSE PROCEDURES

This section contains guidelines for site personnel to follow in the event of a hazardous materials spill associated with project activities. These materials include fuel oil, gasoline, hydraulic fluid, lubricants, antifreeze, and lead-acid batteries. In cases of an imminent or actual emergency situation, the person observing the incident will implement the procedures outlined in the following sections.

8.1 INITIAL RESPONSE

- Make every effort to stop the source of the spill
- Warn all personnel at the construction site
- Immediately contact the EI and report your name, location, and the nature and extent of the incident

The first rule of response to any spill is to contain the spill to the smallest area possible and stop the spill from reaching a waterway or other sensitive area (i.e., a groundwater well).

The following procedures are recommended for containment of small spills:

1. For a spill on the ground surface where it can be blocked, construct a ditch or dike to stop the flow of the spilled material and contain the spill to the smallest area possible.
2. In a moving water channel, set up a barrier as follows:
 - a) Dam the channel with a bypass siphon or tube.
 - b) Use a straw barrier.
 - c) Install additional booms if the water is deep enough to float the boom.
 - d) Excavate a side pool or holding pond to isolate the spilled material.
 - e) Channel the water around the spilled material.

Use the following procedures for major spills:

1. For a spill on the ground where it can be blocked using a backhoe or other cleanup equipment, construct a ditch or dike to stop the flow of the spilled material and contain the spill to the smallest area possible.
2. Move the spilled material into a 55-gallon drum, an on-site containment structure, or a vacuum truck.
3. Provide for water removal, if it is raining.
4. In a moving water channel, set up a downstream barrier immediately. It may be necessary to provide more than one barrier downstream. Install as many barriers as needed to contain the flow of the spill material. Side channels can be used with collecting ponds, and it will be necessary to pick up the accumulated spilled material. All fuel or oil or traces of fuel or oil must be soaked up with straw or other absorbent material.

Containment devices suitable for field application include:

- **Earth Fill Dams**—An earth fill dam, in one form or another, is commonly used for spill containment. Dams of this type may range from simple, naturally constructed fills to more elaborate controlled-flow structures designed to trap petroleum products on water. Ideally, a spill should be caught in its earliest stage close to the source, thus permitting the simplest means of containment and recovery with minimal damage to the environment.
- **Sand Bagging**—Sand bagging may offer the best means of controlling a spill in congested areas or on paved surfaces where dirt moving, trenching, etc., is not practicable. This type of containment dam can be rapidly constructed and requires no specialized equipment. These advantages may well be the key to containing the spill close to the source, which is a prime objective.
- **Straw Barriers**—Experience with straw barriers has demonstrated their effectiveness not only as an absorbent medium, but as an underflow-type containment dam capable of backing up an oil film several inches in thickness. An oil layer up to 4 inches thick can be held for several hours before significant leakage is detected. Second- and third-stage barriers should be placed immediately downstream if leakage does occur.
- **Diverting booms**—When a spill occurs in a moving stream, one retrieval method to consider is diverting the spilled material to a backwater area so skimming devices can be used. Personnel and equipment must be concentrated downstream of the leading edge of the spill so that a minimum of three or four hours of working time is available. A location along a low bank or gravel bar in the streambed should be selected for an operational site.

8.2 SPILL RESPONSE

If a spill occurs, the release will be contained to the extent possible, and any hazardous material, contaminated material or soil will be cleaned up as soon as possible. The following general procedures will be used for rapid and safe response and control of the situation and to prevent the recurrence or spread of a release.

8.2.1 Hazard Assessment

If a spill is discovered, the employee will immediately report it to the EI and provide the following information:

- The material spilled or released
- The location of the release or spill of hazardous materials
- The location in which the spill is heading
- The rate at which the spill is being released
- Any threat to waterways
- Any injuries involved

This information will help the EI to assess the magnitude and potential seriousness of the spill or release. The EI will contact and deploy the necessary contract personnel. If the accident is

beyond the capabilities of the on-site equipment and personnel to handle, the EI will contact necessary local emergency assistance agencies (see Section 5) and, if necessary, will contact All Star Telecom's representatives and appropriate assistance personnel.

8.2.2 Response Coordination

The initial response to an emergency will be to protect human health and safety and then to protect the environment. Identification, containment, treatment, and disposal assessment will be the secondary response. Because of the potential fire hazard associated with diesel fuels used during construction, possible sources of ignition will be eliminated to prevent such an occurrence. If the spill involves more than one gallon, vehicular traffic and work in the immediate area will cease until the spill is contained. If the spilled materials are flammable, fire equipment will be made ready.

If a spill is not contained within a dike, an area of isolation will be established around the spill. The size of this area will generally depend on the size of the spill and the materials involved. The EI will be responsible for determining the extent of the isolation area. When any spill occurs, only those persons involved in the oversight or performance of emergency operations will be allowed within the designated hazardous area.

For all large spills or serious leaks in storage tanks, the following guidelines will be followed as closely as possible:

1. If a leak develops or a spill occurs, the person discovering the incident will contact the EI. The EI will obtain the following information:
 - a. Person(s) injured and seriousness of the injury
 - b. Location of the spill or leak, material involved, and source
 - c. Approximate amount of spillage
2. Next, the EI will:
 - a. Initiate evacuation of the hazard area
 - b. Obtain medical attention for any injured persons and call the hospital
 - c. Dispatch emergency personnel to the site to take the appropriate action
 - d. Contact appropriate local emergency coordination centers so that any downstream water users can be notified
 - e. Contact All Star Telecom's representative, who can assist with notifications of appropriate State and Federal agencies
3. Cleanup personnel will:
 - a. Make sure all unnecessary persons are removed from the hazard area
 - b. If possible, try to stop the leak
 - c. Contain, divert, and clean up the spill

- d. Properly dispose of all containment and cleanup materials, recovered waste, and contaminated soils

8.2.3 Required Notification

For spills occurring in California, the California Emergency Response Center (916 323-3600) and the National Spill Response Center (800 424-8802) will be notified immediately by the EI. Reports to these agencies must include the following:

- Name, address, and phone number of the person reporting the spill
- Date, time, and type of incident
- Quantity and type of hazardous waste or material involved in the incident
- Resource damages, if any (i.e., dead fish)
- Extent of injuries, if any
- Estimated quantity and disposition of recovered materials, if any

9.0 CLEANUP AND DISPOSAL OF SPILLS

Any soils contaminated by fuels, lubricating oils, or other hazardous materials will be cleaned up, removed from the ROW, and either treated by an approved contractor or hauled to an approved disposal site.

Cleanup of contaminated soils includes the removal of all soils that were subjected to the pollutant. If necessary, the EI may require the construction contractor to collect samples of soil strata below the spill to assure that all hydrocarbon-contaminated soils have been removed from the site.

All materials used to clean up the spill will be double bagged and inspected prior to removal from the spill site. All vegetation contaminated by the spilled material will be similarly collected, bagged, and disposed of at an approved disposal facility.

EXHIBIT D-1-1

**SPILL REPORT FORM AND LIST OF HAZARDOUS SUBSTANCES
AND REPORTABLE QUANTITIES**

PROCEDURE FOR DETERMINING IF A HAZARDOUS
MATERIAL SPILL IS OF A REPORTABLE QUANTITY

1. Determine the type and quantity of material that has been spilled.
2. Obtain a material safety data sheet (MSDS) for the spilled material and determine whether any of the constituents are listed in Table 302.4 in 40 CFR, Part 302. A copy of the CFR is attached.
3. If none of the constituents in the spilled material are listed in Table 302.4 (excluding ethylene glycol), the spill is not reportable.
4. If the constituents in the spilled material are listed in Table 302.4, use the following equation to determine the pounds of material spilled:

$$\text{Pounds Spilled} = (V) (\text{Wt}\%) (\text{Sg}) (0.0834)$$

Where:

- V = Volume of the material spilled, in gallons
Wt% = The weight percent of the constituents in the spilled material
(see the MSDS)
Sg = Specific gravity of spilled material (see the MSDS)

For example:

V = 7 gallons
Wt% = 3.5
Sg = 1.04
Pounds spilled = (7) (3.5) (1.04) (0.834) = 2.13 pounds

5. If, based on the calculation, the pounds spilled are greater than the final reportable quantity (RQ) value listed in Table 302.4 of 40 CFR, Part 302 or the state's reportable quantity minimum amount, the spill must be reported to the appropriate Federal, State, and local agencies.

STORM WATER POLLUTION PREVENTION PLAN SPILL REPORT FORM

Reported By: _____
Name Telephone Number

Date Reported: _____ Time Reported: _____

Date of Spill: _____ Time of Spill: _____

Name of Facility: _____

Legal Description: _____ 1/4 _____ 1/4 _____ 1/4 SEC _____ TWP _____ Range _____

County: _____

Describe Spill Location and Events Leading to Spill: _____

Material Spilled: _____

Source of Spill: _____

Amount Spilled (gallons or pounds): _____

Amount Spilled to Waterway (gallons or pounds): _____

Nearest Municipality: _____

Containment or Cleanup Action: _____

List Environmental Damage (fish kill, etc.): _____

List Injuries or Personal Contamination: _____

**STORM WATER POLLUTION PREVENTION PLAN
SPILL REPORT FORM**

Date and Time Cleanup Completed or Terminated: _____

If Cleanup Delayed, Nature and Duration of Delay: _____

Description of Materials Contaminated: _____

Approximate Depth of Soil Excavation: _____

Action To Be Taken to Prevent Future Spills: _____

Agencies Notified:

Local: _____

Date: _____

State: _____

Date: _____

Federal: _____

Date: _____

Signed: _____

Contractor Superintendent or
Environmental Inspector

ATTACHMENT D-3

EROSION AND SEDIMENT CONTROL PLAN

The entire project route from El Toro to San Diego is within or adjacent to the paved surface of roads. Temporary erosion and sediment control elements shall be placed to prevent damage to the adjacent property and potential degradation of downstream resources. Additional control devices will be positioned to intercept flows and eliminate the introduction of silt-laden runoff from entering rivers, creeks, wetlands, and tributaries. Erosion and sediment problems are not likely due to the small area of ground disturbance caused by the project. However, essential components of the erosion and sediment control system must be fully operational before beginning a construction phase that may cause the introduction of sediments into a stream. In addition, dust control measures must be available before any phase of construction.

- Bare soil shall not be left uncovered for longer than seven days. In no case shall soil be left uncovered over weekends or holidays, unless personnel are on site who can cover bare soil as needed to prevent erosion.
- No mud or dirt that has been tracked onto pavement during construction shall be left overnight. All tracked material shall be removed by broom, mechanical sweeper, or shovel and disposed of in a controlled sediment disposal area. Mud and dirt shall not be washed off pavement into drainage conveyances.
- All sensitive areas, including streams, wetlands, and creeks, shall be marked with pin flags, boundary markers, or other standard designation devices before work in those areas commences.
- All temporary soil stockpiles will be covered with plastic or mulch if unused for more than seven days or if there is any opportunity for eroded soil to enter drainage channels or flow onto pavement or enter property outside of the road right-of-way (ROW).

INSTALLATION

All Best Management Practices (BMPs) will be followed in accordance with directions contained in the Storm Water Quality Task Force, *California Storm Water Best Management Practices Handbook* (Camp, Dresser, & McKee 1993). Detailed descriptions of the BMPs are provided in Attachment D-5 of this document. The following specific items are to be followed:

- **Filter Fence**—Fence posts shall be placed downstream of flows, allowing for a maximum overland or sheet flow of 100 feet. The bottom of the fence shall be secured in a trench at least 8 inches wide and 12 inches deep, upslope of the line of the fence. The ends of the fence will be turned up hill to prevent end-cutting. Fence material will be stretched tight and installed on a contour if possible. (Attachment D-5, ESC50).

EXHIBIT NO. 9
APPLICATION NO. 6-01-104
Erosion & Sediment Control Plan

- **Straw Bale Check Dams**—Straw bale check dams may be used if necessary to retain small amounts of sediment and reduce flow velocity in drainage ditches, as directed by the engineer. Enough bales will be installed to ensure that the top of the bale at the lowest point of the ditch shall be the lowest point of the dam to prevent end-cutting. (Attachment D-5, ESC51).
- **Rock or Gravel Check Dams**—Dams shall be constructed so that the center of the dam is lower than the edges to prevent end-cutting. Gravel shall be pre-washed to avoid silt deposition in live streams. Gravel shall be placed in burlap or other suitable material that allows water to flow through the bags. Check dams should be used in combination with an upstream sediment trap. (Attachment D-5, ESC 41).
- **Dust Control**—On graded or excavated surfaces or construction traffic surfaces, wet suppression shall be used to minimize the impact of dust. Water shall be applied at least daily or as needed to effectively minimize wind blown or vehicular dust. Construction traffic will not exceed 15 mph through unpaved areas. (Attachment D-5, ESC21).
- **Stabilize Construction Entrance**—To reduce the tracking of sediment onto public or private roads, all access points used by installation equipment during construction will utilize sediment barriers such as gravel and fabric underliner to facilitate sediment removal. Should sediment be tracked onto roads, the roads will be swept clean. Accumulated sediment or silt will not be swept into the storm drain systems. (Attachment D-5, ESC24).

INSPECTION

All on-site temporary erosion and sediment control measures shall be inspected and maintained daily. The frequency of inspections shall be recorded in the EI's field notes.

An official copy of the Erosion and Sediment Control (ESC) Plan will be maintained in the construction project engineer's office, on which changes affecting the ESC Plan are documented. Revisions to the ESC Plan will be approved by the project engineer after consultation with the office responsible for developing the plan. The EI or Site Inspector will inspect the construction site daily and after any significant rainfall or runoff event to ensure that the BMPs are functioning properly. The EI's daily report will be used to record observations and changes to the ESC Plan. The project inspector will conduct the final inspection to ensure that all contractor work required by the ESC Plan has been completed.

MAINTENANCE

The following is a list of BMPs and their associated maintenance requirements:

- **Filter Fence**—Filter fence is to be inspected immediately after each rainfall and at least daily during prolonged rainfall. Repair tears, endcutting, undercutting, and fence posts as needed. Sediment shall be removed when it reaches approximately one third the height of the fence and placed in a controlled sediment disposal site. Any sediment deposits remaining in place after the filter fence is no longer required shall be removed to a controlled sediment disposal site.

- **Straw Bale Check Dams**—Straw bale check dams shall be inspected immediately after each runoff-producing rainfall and at least daily during prolonged rainfall. Sediment shall be removed when it reaches one half the height of the dam and after each runoff-producing rainfall and placed in a controlled sediment disposal site. Any sediment deposits remaining in place after the straw bales are no longer required shall be dressed to conform to the existing grade, prepared, and seeded.
- **Rock or Gravel Check Dams**—Rock and gravel check dams shall be inspected immediately after each runoff-producing rainfall and at least daily during prolonged rainfall. Sediment shall be removed when it reaches one half the height of the dam and after each runoff-producing rainfall and placed in a controlled sediment disposal site. Any sediment deposits remaining in place after the rock and gravel check dams are no longer required shall be dressed to conform to the existing grade, prepared, and seeded.
- **Dust Control**—Graded and exposed soil surface will be monitored continually. Soils will be wetted as required based on visible observation of dust emissions.
- **Stabilize Construction Entrance**—The construction perimeter will be inspected daily and following each rainfall for sediments deposited outside of the construction area. All sediment deposited on paved roads will be removed daily.

PERMANENT STABILIZATION

The trenched section of roads will be filled and compacted, and the pavement will be replaced.

ATTACHMENT D-4

DIRECTIONAL BORE CONTINGENCY PLAN

To prevent impacts to sensitive fish and wildlife species and habitats, All Star Telecom proposes to directionally drill under water crossings and their associated protective buffers. Through this technique, physical disturbance to the water crossings and associated buffers are avoided; the entrance and exit holes will be set back from the ordinary high water mark of associated streams, rivers, and wetlands so that sediment will not wash into the watercourse.

The only potential effects to fish species would result from pollution or sedimentation of watercourses that support these species. Pollution sources could include drilling muds (bentonite) released to a watercourse through a subsurface fracture, spills during vehicle fueling, or transportation of surface drilling muds to watercourses during unexpected heavy rainfall events. To minimize these risks, All Star Telecom proposes to implement a strict set of protocols covering the design, installation, and monitoring phases of the project.

RISK OF DRILLING MUD RELEASES DUE TO DIRECTIONAL DRILLING

Although it is considerably less likely than traditional trenching methods to affect water quality, directional boring carries a slight risk of affecting a water resource. Leakage of the drilling fluid through fractures in a stream substrate, referred to as "frac-out," is possible during boring operation. The drilling fluid, a clay-based material, could contribute to limited sediment impacts, depending on the magnitude of a leak. To minimize this risk, All Star Telecom has developed a Directional Drilling Protocol (DDP) (see details below). A key component of the DDP involves assessment of each watercourse to establish the site-specific directional drilling approach, given potential fish species present, habitat conditions, time of year, and subsurface conditions. For each watercourse, the approach may involve measures to reduce the potential for frac-out, such as drilling deeper, using a lower drilling pressure, or incorporating peat and mica into the drilling fluids to increase their viscosity. With implementation of the DDP, drilling mud releases will be eliminated or the volume released will be small and dilute rapidly. Therefore, the risk of affecting fisheries resources or infiltrating sediments will be small.

DIRECTIONAL DRILLING PROTOCOL (ESC 57)

The project would rely extensively on directional drilling techniques to traverse waterbodies and to avoid the removal of, or damage to, large trees. Directional drilling can result in the release of drilling mud into a waterbody or nearby areas through previously unidentified fractures in the subsurface geology. All Star Telecom will implement the following measures as part of the DDP to minimize potential impacts associated with directional drilling.

EXHIBIT NO. 10
APPLICATION NO.
6-01-104
Directional Bore Contingency Plan

Planning and Design

- All bentonite material brought onto the project site will be kept in closed containers compliant with the Department of Transportation packing specifications except when transferred to mixing boxes during boring activities.
- All Star Telecom will drill a minimum of 10 feet below the lowest point of the streambed when crossing stream channels.
- If the minimum depth is not possible at a specific location, All Star Telecom shall contact Department of Fish and Game (DFG) and request, in writing, a site-specific variance. The variance request shall include site location information and a brief statement as to why the minimum drill depth cannot be obtained. The drilling operation may not commence until the variance has been approved by the DFG, and AT&T has an approved copy of the variance at the drill site.
- All Star Telecom will design bores in a manner that will prevent frac-out. In substrates likely to be subject to frac-out, All Star Telecom will plan to use lower pressure and/or leak sealant (peat, mica, etc.).
- Prior to beginning construction, All Star Telecom inspectors and drill crews will be trained in all aspects of the DDP.

Construction Setup

The following protocol applies to all pre-planned directional bores:

- All Star Telecom will assign inspectors for upcoming bores.
- Inspectors will participate in construction meetings.
- Site visits will be conducted to identify sensitive resources and site-specific features that could be affected if a frac-out occurs.
- Any deviation from the plan will be resolved prior to construction.

Operation

- All Star Telecom will conduct on-site briefings, and construction setup protocol will be followed.
- At wet crossings and sensitive resources while the drill is in operation, a designated All Star Telecom observer will be on site at all times. The primary responsibility of the observer will be to watch for frac-outs.
- All members of All Star Telecom drill crews and inspectors are responsible for reporting spills. Factors indicating a possible frac-out include observed loss in drilling pressure, slow down in the volume of returned drilling muds, or visual observation of drilling material extruding into water or on land.

Spill Protocol

- If a frac-out is detected, drilling operations shall cease immediately.
- Agency personnel will be notified immediately.
- All Star Telecom drill crews will implement non-mechanized measures to contain the spread of drilling muds, including the installation of hay bales or silt fence.
- Sump pumps will be used to pump the drilling fluids.
- All Star Telecom will prepare a resource damage assessment to be used in the event of a frac-out which will include the estimated amount of drilling fluid released and impacts to vegetation or sensitive resources.

RISK OF SPILLS

Fuel spills during vehicle refueling or spills of drilling mud from drill site sumps could pollute watercourses. To minimize the risk of a fuel spill, All Star Telecom will prohibit fueling within 100 feet of any watercourse. Bulk fuel (diesel) will usually be transported in 50- to 100-gallon tanks mounted on the contractor's pickup truck. The contractor will be required to keep universal absorbent pads, absorbent particulate pillows, heavy-duty trash bags, and straw bales on site. The fueling rigs will be required to carry absorbent pads at all times.

At the entrance and exit sites for directional drilling, sump pumps will be excavated for the containment and processing of drilling mud returns. To accommodate an unexpected rainstorm, the sites will be sized to contain 100 percent of the possible product from the boring procedure. If the amount of inadvertent returns of drilling fluids is not great enough to allow practical collection, then the affected area will be diluted with fresh water and allowed to dry and dissipate naturally back into the earth. All Star Telecom has developed a Spill Prevention, Control, and Containment Plan (SPCCP) that includes measures for preventing spills and, in the unlikely event of a spill, controlling and cleaning up a spill (SWPPP, Attachment D-1).

RISK OF SEDIMENTATION

In order to achieve a depth adequate to pass underneath a waterbody, directional drilling inherently requires a significant setback from a watercourse. The risk of sediment input will be further reduced by following the Storm Water Pollution Prevention Plan (SWPPP) protocols. Implementation of the physical and procedural controls established in the SWPPP to minimize erosion and to prevent sediment from entering waterbodies will reduce this potential to negligible levels. The proposed action is not expected to have a significant impact on water quality or habitat for any fish species.

Directional drilling is planned for riparian or wetland areas. This technique has little potential to alter riparian vegetation or riparian functions that could in turn alter aquatic conditions. Also, because of directional drilling and the strict protocols that All Star Telecom will implement, the

proposed project has little potential to affect stream channel morphology, stream bank stability, or any other elements of habitat for fish species.



RECEIVED
 DEPARTMENT OF THE ARMY
 JUN 08 2001
 LOS ANGELES DISTRICT, I
 SAN DIEGO FIELD OFFICE
 16885 WEST BERNARD
 SAN DIEGO, CALIFORNIA
 CALIFORNIA COASTAL COMMISSION
 SAN DIEGO COAST DISTRICT
 REPLY TO

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages **4**

Sender Wheeler	File # Normal
Dept./Agency Env. Corp	Phone # (619) 452-3409
Fax # 619 756-7560	Fax # 452-4196

NSN 7540 01 317 7268 5099 101 GENERAL SERVICES ADMINISTRATION

May 31, 2001

Office of the Chief
Regulatory Branch

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT AUTHORIZATION

AT&T Corporation
Attention: Ms. Peggy Womack
1200 Peachtree St., N.E., Room 2015
Atlanta, Georgia 30309

Dear Ms. Womack:

This is in reply to your letter (No. 200001757-TCD) dated August 25, 2000, concerning our permit authority under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) over your proposal to construct and operate a buried fiber optic telecommunications system in southern California between Blythe and Los Angeles by way of San Diego. Six (6) 1.5-inch high-density polyethylene conduits will be installed along a majority of the route. Additional conduits are planned in some urban areas and across Camp Pendleton. Multiple conduits will be bundled together and placed in a trench typically measuring 4 feet deep by 1 foot wide. Temporary construction corridors across waterways will be 25 feet wide, whereas the ultimate maintenance easement will be 10 feet wide. The proposed project will cross a total of 300 waterways in five Counties, 164 of which will involve Corps jurisdictional impacts (in two Counties). Approximately 4.7 acres of named and unnamed washes and drainages will be temporarily impacted by the proposed project. The remaining crossings, as well as 39 jurisdictional wetland crossings, are to be constructed using methods to avoid jurisdictional impacts, including: 1) directional boring under the waterway; 2) hanging the conduits across existing bridges or culverts; and 3) placing the conduits within the pavement of existing roadways. The work is proposed in various waters of the United States, through Riverside, Imperial, San Diego, Orange, and Los Angeles Counties, California. Jurisdictional Impacts will occur only in Imperial and San Diego Counties.

The Corps of Engineers has determined that your proposed activity complies with the terms and conditions of nationwide permit NW12, as described in enclosure 1. Furthermore, you must comply with the following non-discretionary Special Conditions:

1. The permittee shall comply with all reasonable Terms and Conditions of the *Biological Opinion on AT&T NEXGEN/ORE PROJECT, La Mesa, Texas to Los Angeles, California* (Reference: 1-6-01-F-1174.3), as it pertains to the portions of the project within Riverside, Imperial, San Diego, Orange, and Los Angeles Counties, California;
2. The permittee shall not discharge dredged or fill material into jurisdictional wetlands, or into any other waters of the United States not authorized by this Nationwide Permit

EXHIBIT NO. 1
APPLICATION NO.
6-01-104
 Army Corp of
 Engineer Approvals

-2-

3. The permittee shall ensure that disturbance of all jurisdictional areas is reduced to the minimum necessary to construct the project at each crossing of waters of the United States;
4. Upon completion of each crossing, the permittee shall restore the site to its pre-construction contour;
5. Except as necessary for future access for maintenance of the authorized project, all disturbed shall be allowed to return to natural vegetative state. Future maintenance areas shall be minimized to avoid jurisdictional impacts (maximum 10-foot width within the utility corridor within Corps jurisdiction).

This letter of verification is *valid for a period not to exceed two years unless the nationwide permit is modified, reissued, revoked, or expires before that time*. Presently, nationwide permits 1, 2, 4, 5, 6, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38 are scheduled to expire on February 11, 2002, and nationwide permits 3, 7, 12, 14, 27, 39, 40, 41, 42, 43, and 44 are scheduled to expire on June 7, 2005. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of the nationwide permit.

A nationwide permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in our regulatory program. If you have any questions, please call Mr. Terry Dean of my staff at (858) 674-5386.

Sincerely,



Mark Durham
Chief, South Coast Section
Regulatory Branch

Enclosures

-3-

cc: EPA

USFWS, Carlsbad

SWRCB, Sacramento

Attn: Tim Stevens

Div. of Water Quality

901 P Street

Sacramento, CA 95814

Foster Wheeler Environmental Corp. (via Fax at 949-756-7560)

Attn: Court Morgan

Penny Eckert

1940 E. Deere Avenue, Ste. 200

Santa Ana, CA 92705-5718

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

**CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT**

Permit Number: 200001757-TCD

Name of Permittee: AT&T Corporation

Date of Issuance: May 31, 2001

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S Army Corps of Engineers
Regulatory Branch
ATTN: CESPL-CO-R-200001757-TCD
16885 West Bernardo Drive
San Diego, California 92127

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this nationwide permit you may be subject to permit suspension, modification, or revocation procedures as contained in 33 CFR 330.5 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit condition(s).

Signature of Permittee

Date



United States Department of the Interior
Fish and Wildlife Service
Ecological Services
Carlsbad Fish and Wildlife Office
2730 Loker Avenue, West
Carlsbad, CA 92008

RECEIVED

JUN 08 2001

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST



APR 05 2001

In Reply Refer To: FWS-ERIV-1174.3

Memorandum

To: District Manager, U.S. Bureau of Land Management, California Desert District
Office, Riverside, California

From: *Acting* Assistant Field Supervisor, Carlsbad Fish and Wildlife Office

Celia Arman

Subject: Biological Opinion on AT&T NEXGEN/CORE PROJECT, La Mesa, Texas to
Los Angeles, California (Reference: 1-6-01-F-1174.3)

This document transmits the Fish and Wildlife Service's (Service) biological opinion based on our review of the proposed AT&T NEXGEN/CORE Project La Mesa, Texas to Los Angeles, California, and its affects on desert tortoise (*Gopherus agassizii*) and its designated critical habitat in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). Your request for formal consultation was received on December 6, 2000.

The Service concurs with the Bureau of Land Management's (BLM) determination of "no effect" for Razorback sucker (*Xyrauchen texanus*), Yuma clapper rail (*Rallus longirostris yumanensis*), bald eagle (*Haliaeetus leucocephalus*), Stephen's kangaroo rat (*Dipodomys stehpensi*), and Pacific pocket mouse (*Perognathus longimembris pacificus*). The proposed project may affect arroyo toad (*Bufo californicus*), Pierson's milk-vetch (*Astragalus magdalenae* var. *peirsonii*), San Diego thornmint (*Acanthomintha ilicifolia*), Quino checkerspot butterfly (*Euphydryas editha quino*), tidewater goby (*Eucyclogobius newberryi*), light-footed clapper rail (*Rallus longirostris levipes*), mountain plover (*Charadrius montanus*) (proposed threatened), Interior least tern (*Sterna antillarum athalassos*), northern aplomado falcon (*Falco femoralis septentrionalis*), southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), cactus ferruginous pygmy owl (*Glaucidium brasilianum cactorum*), coastal California gnatcatcher (*Polioptila californica californica*), and Peninsular bighorn sheep (*Ovis canadensis*), but is not likely to adversely affect these species or adversely modify their respective proposed/designated critical habitats if the conservation measures proposed by AT&T are implemented. Based on a recent change in the project description, the arroyo toad is no longer included in this consultation. Therefore, these species will not be further addressed in the Biological Opinion, except in the **Description of the Proposed Action**.

This biological opinion is based on information provided during informal consultation meetings with the Bureau of Land Management (BLM), AT&T, and Foster Wheeler on May 5, and June 8,

EXHIBIT NO. 12
APPLICATION NO.
6-01-104
USFWS Biological
Opinion

2000; Biological Assessment for AT&T NEXGEN/CORE Project updated December 2000; e-mail dated January 23, 2001; telephone conversations with Penny Eckert, Lenny Malo and Larry Foreman; and other sources of information. A complete administrative record of this consultation is on file at the Service's Carlsbad Field Office.

CONSULTATION HISTORY

On May 17, 2000, the BLM, AT&T, and Foster Wheeler met in the Service's Carlsbad Field Office to discuss the proposed project. On August 22, 2000, we received a draft Biological Evaluation, Technical Reports, and Resource Maps from Foster Wheeler for the proposed project. On August 28, 2000, we conversed with Lenny Malo and Penny Eckert about the project proponent sharing a trench with Level 3 to reduce impacts. On October 19, 2000, we e-mailed comments on the draft Biological Evaluation to Foster Wheeler. We received an updated draft of the Biological Evaluation on October 30, 2000. On November 28, 2000, we sent comments via e-mail to Larry Foreman of the BLM, concerning the updated Biological Evaluation. On November 29, 2000, we contacted biologists John Sherman and Bill Merhege of the BLM in New Mexico to verify that there were no impacts to listed species in Texas and New Mexico. John Sherman and Bill Merhege stated there were no issues in New Mexico, however, John Sherman stated that the route through Texas had not been reviewed. In a series of calls on November 29, 2000, between the Service, Penny Eckert and John Sherman, John agreed to review a supplement of the Biological Evaluation for the route within Texas. On December 2, 2000, Penny Eckert of Foster Wheeler sent an e-mail stating that John Sherman had reviewed the Texas supplement and had only minor changes. Foster Wheeler made the changes to the supplement and delivered it to the USFWS office in Austin, Texas for review. On December 6, 2000, we received an updated Biological Evaluation with supplements for the cactus ferruginous pygmy owl and four Texas species. On December 12, 2000, we received concurrence on the effects determinations for the four Texas species via e-mail from the Austin, Texas USFWS office, given the conservation measures in the Biological Evaluation. On January 11, 2001, we received concurrence on the effects determination for the cactus ferruginous pygmy owl via e-mail from the Tucson, Arizona USFWS office, given the inclusion of conservation measures.

BIOLOGICAL OPINION

DESCRIPTION OF THE PROPOSED ACTION

The proposed project is to install, operate and maintain a fiber optic conduit from La Mesa, Texas to Los Angeles, California in five links spanning about 2,117 kilometers (1,323 miles). The project is within California for the last 594 kilometers (372) miles) of that distance. The fiber optic conduit project includes the design and construction of AT&T fiber optic conduit in a multi-conduit system and ancillary facilities for the upgrade of an AT&T system that would cross Riverside, Imperial, San Diego, Orange and Los Angeles counties. Ancillary facilities would include optical amplification stations spaced an average of 50 miles apart, buried splice boxes placed at 762-meter (2,500-foot) intervals, and marker poles placed at line-of-sight approximately 152 meters (500 feet) apart. Because the only species being addressed in this biological opinion is

within California, the route for the fiber optic cable will be described in California.

The Blythe to San Diego portion of the route is mostly characterized as a rural build, and would be within public road right-of-way (ROW) for the entire build. The proposed route would begin at Blythe, California, and travel in a southwesterly direction along Highway 78 and Old Highway 80 through the following city jurisdictions: Blythe, Brawley, El Centro, El Cajon, La Mesa, and San Diego. In addition, the route would pass through unincorporated areas in all three counties, and would also cross the Cibola National Wildlife Refuge, land and a canal managed by the USDI Bureau of Reclamation, the Cleveland National Forest, BLM land, and the La Posta and Campo Indian Reservations. The proposed route is designed for placement within existing state, county, and city road ROW.

Because AT&T has reached a commercial agreement with Level (3), another telecommunications company installing fiber optic conduit along an identical route, AT&T would not conduct ground-disturbing activities for conduit installation between Santee and Ocotillo. At the conclusion of the Level (3) construction and installation of conduit, AT&T contractors would return and install fiber optic cable in the conduits purchased from Level (3) as described in the **Fiber Installation** section below.

From San Diego to Los Angeles the route moves north as a mixture of urban and suburban build through the cities of Encinitas, Carlsbad, and Oceanside to the southern boundary of the U.S. Marine Corps Base, Camp Pendleton (Camp Pendleton). Within Camp Pendleton, the route is on, or immediately adjacent to, Stuart Mesa Road and El Camino Real. At the north end of Camp Pendleton, the route follows El Camino Real (old Highway 101) through the San Onofre State Park, crossing into Orange County and the City of San Clemente on Avenida Del Presidente. The route travels north in an urban build through San Clemente and Dana Point to Mission Viejo. From there the route proceeds north through Mission Viejo, Laguna Hills, Irvine, Santa Ana, Garden Grove, and Anaheim in Orange County. It then crosses into Los Angeles County and through the cities of Cypress, Hawaiian Gardens, Lakewood, Long Beach, Compton, Lynwood, South Gate, Huntington Park, and Vernon before terminating in the City of Los Angeles.

A working construction easement (referred to as the "construction corridor" in this report) of 7.6 to 12.2 meter (25 to 40 foot) width would be needed during construction, with a permanent easement of 10 feet requested for maintenance and operation of the system. Within cities, conduit would be placed under pavement in city owned roads. Outside of city limits, construction would usually take place within the pavement or at the road shoulder, but road managers may require the conduits to be installed at the far edge of the ROW where road widening or expansion is contemplated. Along Highway 78 the conduit line would be placed approximately 20 feet from the edge of the Highway. The locations of previously installed telecommunications and other transmission lines would be determined in the field prior to construction of this project. After construction is completed, marker poles would be placed at a minimum of 152-meter (500-foot) intervals to identify the underground facility and to provide a toll-free number for locate services, should any other ground-disturbing activity be proposed in the area.

Camp Pendleton Route Details

After entering San Diego County, the route traverses San Mateo State Park, Southern California Edison, and Camp Pendleton lands. The route begins at Avenida Del Presidente and heads south along the west side of the Trestles bike path inside the pavement for approximately 1372 meters (4,500 feet). The San Mateo Creek bridge would be hung on the west side. All work to complete the bridge hang would be conducted from the bridge. One cultural resource area along Basilone Road would be avoided by directionally drilling at least 40 feet beneath the feature.

The running line would continue south along the east side of Basilone Road in the pavement until San Onofre Creek. The east side of San Onofre Creek Bridge would be hung. All work to complete the bridge hang would be conducted from the bridge. The conduit would be placed 5 feet off the west edge of pavement in a maintained shoulder for approximately 305 meters (1,000 feet) along the Southern California Edison Plant access road. A cultural resource area would be avoided by directionally drilling the conduit diagonally beneath a dry retaining pond for approximately 762 meters (2,500 feet). The running line would then continue 1 meter (3 feet) into pavement on the west side of the access road to avoid sensitive habitat areas.

At the boundary fence between Camp Pendleton and Southern California Edison, the running line would continue south on the west side of the road 1.2 meters (4 feet) in the pavement for approximately 1,433 meters (4,700 feet). This section of the route would include directionally drilling two jurisdictional water crossings. Approximately 1,433 meters (4,700 feet) south of the Edison/Pendleton gate the running line would then be moved 1 meter (3 feet) off the edge of pavement into the road shoulder, which is a mosaic of bare soil, and weedy disturbed vegetation. The alignment would continue on the west side of the road 3 feet off the edge of pavement in the road shoulder for approximately 10.4 kilometers (6.5 miles). This portion of the route would include the avoidance of 15 jurisdictional water crossings and one cultural resource area by directional drilling.

As the route joins Stuart Mesa Road immediately northwest of the Las Pulgas base entrance check point, the alignment moves to the east side of the road 1.5 meters (5 feet) off the edge of pavement in a maintained road shoulder. The line continues south 1.5 meters (5 feet) off the edge of pavement for approximately 488 meters (1,600 feet). North of the Las Pulgas/Stuart Mesa intersection an approximate 732 meter (2,400 foot) bore would avoid a cultural resource area, and move the conduit onto the west side of the road 1 meter (3 feet) into the pavement. The route continues on the west side of the road 1 meter (3 feet) in pavement for approximately another 11.2 kilometers (seven miles). This section of the alignment includes the avoidance of 7 jurisdictional water crossings and six cultural resource areas by directional drilling. The Santa Margarita River would be crossed with a bridge hang on the Stuart Mesa Bridge. All work to complete the bridge hang would be conducted from the bridge. Handholes would be placed at sufficient intervals on either side of the bridge to allow for emergency aerial cable placement in

the event of bridge failure.

The running line then follows adjacent to a railroad ROW behind the Vandergrift shopping center. The running line is 10 meters (33 feet) east of the center line of the railroad tracks in unvegetated fill material and continues for approximately 457 meters (1,500 feet). The route crosses the railroad tracks and Interstate 5 via directional bore and continues 4.6 meters (15 feet) west of the California Department of Transportation (Caltrans) fence line in an upland, disturbed road shoulder for approximately 168 meters (550 feet). The alignment then re-enters the pavement on the east side of A Street 2 feet into the pavement. The running line follows A Street for approximately 335 meters (1,100 feet) and then 1.9 meters (6 feet) into the pavement along the east side of Santa Fe Street until exiting Camp Pendleton. This portion of the route includes the avoidance of two jurisdictional water crossings through directional drilling. The route leaves the base along Santa Fe, paralleling the railroad tracks through a dirt parking lot into Oceanside.

Fiber Optic Conduit System Construction and Operation

Four construction methods would be used for installation of the fiber optic conduit system: trenching, plowing, directional drilling, and bridge attachments. Conduit placement would be followed by fiber optic cable installation.

Trenching

Trenching opens an area about 46 centimeters (18 inches) wide and about 1.2 meters (48 inches) deep along the running line. Trenching is generally conducted using a backhoe or a rubber-tired or tracked excavator. While the trench is 46 centimeters (18 inches wide), the total ground disturbance from the installation is about 3 meters (10 feet wide), including the tracks of the excavating equipment. On Camp Pendleton, a special "offset trencher" would be used that would keep both tracks or wheels on the pavement of Old Highway 101 and only the bucket of the trencher would disturb areas outside of the pavement (see Figure 1-2). This would result in a total off-pavement disturbance area of about 1.2 meters (4 feet).

For the installation in pavement, trenching would occur after the pavement is cut. In places where there is existing pavement or sidewalk, the paved area would be cut with an asphalt or cement saw about 61 centimeters (2 feet) wide along the planned alignment. This is known as a "T-cut" procedure where a larger area of pavement is removed than simply the width of the trenched area required to lay the fiber conduit. To facilitate pavement replacement, a track-mounted trencher or backhoe would then be used to cut the trench to the 1.2-meter (4-foot) depth for conduit placement. In locations where utilities are present, digging would be done manually. After conduit placement and base compaction are completed, pavement would be restored to pre-construction conditions (see Figure 1-3).

For installation where a trencher cannot directly cut through the substrate, the trench would be excavated utilizing rock saws or rock hammers. Blasting would not be used. Spoils would be

returned to the ditch and placed generally over and along the running line within the disturbed area. If necessary, excess rock would be used as additional protection at the banks of major washes. Rock excavation would incorporate track-mounted excavators and hammers, in addition to tracked mounted rocksaws. All spoils and activities would be limited to the existing ROW and authorized work space.

Culverts passing under the road would be avoided by one of three methods. If the culvert is buried far enough below the road surface, the conduits may be trenched in above the culvert. If less than 1.1 meters (42 inches) of cover would result, conduits would be cased in concrete slurry to protect them under or adjacent to pavement. Second, the conduits may be installed by trenching up to the culvert and tunneling under the culvert. Third, they may be directionally drilled beneath the culvert. Method selection would be based on the encroachment permit conditions but no damage or change would occur to the culvert in any case.

Plowing

For terrain that is level and away from immediate road edges, the conduit bundle would be installed by plow, a method that requires no trench and does not create a spoil pile. The width of direct soil disturbance caused by the direct-burial plow would be approximately 30 centimeters (1 foot), in addition to lesser disturbance from the equipment tracks (3-meter [10-foot] width).

Plowing would utilize tracked equipment with a plow capable of maintaining the minimum depth of conduit while causing minimum displacement of the soil. The plow normally would be towed by another tracked vehicle to ensure ease of placement and minimize disturbance to the ground, and an activity called "ripping" would utilize a ripper shank to pre-plow the trench and facilitate the plow prime mover, which is of equal size.

At the time of plow installation, the excavation for the running line would be 25 centimeters (6 inches) deeper than burial depth. After the conduit bundle is placed, the rip would be restored utilizing a roller or walking the tracked vehicle down the rip, compacting the disturbed soil. A slight surface indentation would remain along the tip to allow moisture collection and aid future vegetation establishment. The ripping operation also would identify areas requiring rock excavation.

Buried Access Vaults

Buried vaults (i.e., handholes and manholes described below), would be placed along the route's entire length to provide assist points and splice locations for cable installation at intervals of 762 meters (2,500 feet) or less. Once the project is installed, the buried vaults would be accessed only upon installation of additional fibers in one of the empty ducts or, rarely, for maintenance. Each vault would house 24.4 meters to 30.5 meters (80 feet to 100 feet) of cable slack. All access vaults would be located outside of known cultural sites, riparian or wetland buffer or exclusion zones, or other areas requiring special protection. The following locations are already known for

buried access vaults: at every change of construction technique (for example, at each end of a directional drill or bridge hang), at every significant change in direction, whether horizontal or vertical, and at intervals of no more than 762 meters (2,500 feet) along continuous stretches of trenching installation. Spoils would be placed within the disturbed area and smoothed out to blend with surrounding landscape contours.

Handholes

Outside of pavement, two handholes would be placed approximately every 762 meters (2,500 feet). The fiberglass reinforced polymer plastic/polymer concrete handholes are 76 centimeters by 152 centimeters and 76 centimeters deep (30 by 60 inches and 30 inches deep), would be buried so that their tops would lie approximately 46 centimeters (18 inches) below ground surface, and are equipped with a locating device for re-entry. Installation of the handholes would require an excavation 4.6 meters long, 1.2 meters wide, and 1.8 meters deep (15 feet long, 4 feet wide, and 6 feet deep). Once installed, the handholes are not visible from the ground surface. The buried access vaults are covered after the conduit bundle burial operation and re-opened during fiber installation (described below) before they are permanently covered.

Manholes

Where the conduit bundle is installed in pavement, manholes would be placed approximately every 500 to 1,500 feet. Manholes are 1.2 meters by 1.2 meters and 1.2 meters deep (4 feet by 4 feet and 4 feet deep) and would require an excavation 1.5 meters by 1.5 meters and 1.8 meters deep (5 by 5 feet and 6 feet deep). They are equipped with a cast iron lid that is visible from the ground surface.

Directional Drilling

At stream crossings, certain sensitive resource locations, and other locations determined by engineering requirements, the conduit would be installed using directional or guided boring. Directional bores are bores that can be steered. This procedure allows the bore machine to sit at ground level some distance from the resource to be avoided, to bore down under the stream, and to be steered back up to the surface. Steering avoids the need for direct surface disturbance and in-stream water work, and minimizes impacts on associated riparian vegetation.

The directional bore drills a hole slightly larger than the conduit bundle to be installed. In general, the limit on the angle of the bore is approximately 15 degrees, and the bore machine is usually set outside of the stream bank. Once the bore reaches the opposite side of the stream, the conduit bundle can be attached to the drill and pulled back through the bore. At bore sites, a bore pit is constructed for the controlled head of the directional drill. The pit is usually about 1 meter (3 feet) wide, 1.8 meters (6 feet) long, and 61 centimeters (2 feet) deep. Overall, the disturbance area at each bore site is determined by the size of the directional drilling rig and the necessary attendant vehicles. For roadside builds the bore setup would require a staging area about

10.1 meters long by 2.1 meters wide (35 feet long by 7 feet wide) for the smaller bore rigs, to 37 meters long and 2.4 meters wide (120 feet long and 8 feet wide) for bores over 305 meters (1,000 feet) in length, behind the bore pit itself (see Figure 1-4).

For perpendicular crossings of riparian areas, the bore sites are located adjacent to riparian areas that parallel the road. In those cases, the construction machinery on the road would be less than 20 feet away from riparian vegetation. Vegetation adjacent to the road may be trimmed back to allow installation of the bore pits. Vegetation trimming would be avoided if possible and reduced to the minimum necessary to install bore pits. Up to 1 meter (3 feet) of trimming 2 meters (7 feet) long may be required.

On Camp Pendleton, all directional drills would require steel casing to contain the 24 conduits. This steel casing would be pulled back through the bore hole, generally from an assembly point at the exit pit location. Assembling the steel casing requires welding at least 3 12.2-meter (40-foot) lengths of the pipe together before starting to pull the casing back. At least 37 meters (120 feet) of welded pipe must be laid out along the road, and a welding site established to add 12.2-meter (40-foot) lengths of casing to the overall pipe length.

Bridge Hanging

Bridge hanging is the preferred means of crossing streams where permitted by the bridge owner or manager. The attachment of fiber optic cable to bridges is accomplished by placing a steel pipe on the exterior portion of the bridge, generally at or below the level of the roadbed. The diameter of the steel pipe is determined by the number of conduits that would be attached to the bridge (the greater the number of conduits, the larger the diameter of the pipe). The pipe is secured to the bridge by drilling holes into the concrete exterior of the bridge structure on either side of the pipe, and setting threaded bolts with epoxy grout. The pipe is then fastened to the bridge with metal pipe straps, which consist of two ear straps, chisel point studs, nuts, washers, and epoxy capsules for anchoring. Epoxy grout is used at both ends of the bridge head wall to seal the sleeve and pipe between the ground and the bridge attachment. A splice box or manhole would be installed on either end of the bridge for cable slack and for assist points for cable routing. The splice boxes or manholes each would contain a minimum of 30 meters (100 feet) of slack cable.

Bridge hangs require scaffolds in some cases, and the installation of scaffolding may require vegetation pruning up to 1 meter (3 feet) away from the bridge. For all bridge hangs, precautions would be taken to prevent debris from entering the stream courses or vegetation below during work activities at the bridges.

Colorado River Bridge Hang

Work proposed at the Colorado River crossing would consist of installing two 4-inch diameter galvanized steel pipe conduits (GSPs) by suspending them under the westbound travel lanes of the existing bridge along Interstate 10 (I-10). Installation of GSP along the bridge would occur from

the existing catwalks beneath the highway. No work would occur within the Colorado River (River) or below the ordinary high-water mark. GSPs would be suspended approximately 46 centimeters (18 inches) from the underside of the bridge deck. The GSP would be suspended from the bridge with hangers spaced not more than 3 meters (10 feet) off center. The two GSPs under the bridge would each connect at the west (California) end to a vertical "sweep" GSP which would in turn end in an underground connection to the handhole to be placed for each of the two GSPs. Six conduits would be divided into two groups of three and each group taken into the handhole. From the handhole, both sets of three conduits would be routed through the GSP by using winch on the California end. The winch would pull the conduits through the GSP and down into the handhole, where they would be connected to conduits brought to the handhole in a trenching operation from Riviera Road on the northwest side of the bridge.

Fiber Installation

Once the conduit bundle is placed in the ground and permanent buried access vaults have been placed, the fiber optic cable would be "pulled" or "blown" through one of the conduits. These methods use compressed air to either "blow" the fiber through the conduit or blow a nylon rope through the conduit to "pull" the cable. In addition to the permanent buried access vaults, which are placed during the first pass along the ROW (during conduit bundle burial), temporary assist points are required to facilitate the fiber installation process. These temporary mid-point assist points require an excavation 1.2 meters wide, 1.2 meters deep, and 4.6 meters long (4 feet wide, 4 feet deep, and 15 feet long), and are dug at least once between permanent buried access facilities (sometimes more than once depending on terrain and other field-variable conditions). Temporary assist points would be backfilled after an entire reel has been placed.

Necessary equipment includes a cable reel containing 4.8 to 12.8 kilometers (3 to 8 miles) of cable, air compression equipment to assist the pulling or blowing, and a backhoe to dig necessary temporary assist points. Equipment is pulled on small trailers or mounted on trucks (typically one-ton size).

Staging Areas

Material storage yards have been designated on previously-disturbed sites along the route on nonfederal lands. Conduit reels cable and construction supplies would be staged along the corridor in advance of the placement operation. This would limit any congestion on the route and eliminate the need for numerous access points. All staging areas would be located in commercial properties previously used for the storage and servicing of equipment. There are two types of facilities to be used, commercial contractor yards, and OP Amp sites.

Op-Amp Facility Construction

Op Amp facilities would permanently occupy up to 0.8 hectare (2 acres). Initial ground disturbance would be confined to two fenced areas of approximately 30 meters by 46 meters (100

by 150 feet) each. It is anticipated that eventually the 0.8-hectare (2-acre) sites would house other similar facilities. However, it is beyond the scope of this document to analyze environmental impacts from future construction. Each site would be engineered and graded to ensure that surface drainage would not flood the access ways and buildings. Most selected facility sites have already been cleared, so the removal of trees is not necessary. The Mitchell's Camp site would require removal of trees over 12.7 centimeters (5 inches) diameter at breast height (DBH). Most often, site preparation would involve grubbing of vegetation, removal of any pre-existing structures, and grading to create a level area for building pad installation. Vegetation would be cleared to a depth of 30 centimeters (1 foot) below the original ground surface. Stumps would be removed completely, and cleared materials and/or vegetation would be disposed of at an approved off-site facility. Remaining material would be stockpiled at an approved location within the work area and re-used in the final landscaping. Stockpiled topsoil would be covered with plastic at Blythe and Brunt's corner to prevent burrowing by owls. Six inches of topsoil and subsurface material would be stripped from those areas that would underlie gravel, pavement, and new structures. Underlying areas would be constructed using excavated subsoil. Off-site material would be used only after available excavated materials have been utilized. Fill material would be graded and compacted to uniform building code standards. Disposal of construction waste would be performed at approved disposal facilities.

The Op Amp sites would contain two separately fenced areas for housing electronic equipment. Concrete pads approximately 30 centimeters (12 inches) thick would be poured on the prepared site for the foundations of the buildings. A minimum of 20 to 30 centimeters (8 to 12 inches) of gravel, landscaping, and/or paving would be placed over the remainder of the site. One of the areas would contain a single pad 9 by 15 meters (30 feet by 50 feet). A single building 14.6 meters long by 8.8 meters wide by 3.7 meters tall (48 feet long by 29 feet wide by 12 feet tall) would be installed on a pad of prefabricated steel-reinforced concrete tilt-up wall design. With a tilt-up wall design, the walls and roof are made of large concrete panels that are poured off site, brought in on semi-trailers, and then erected on site. The other area would contain two pads, each 9 by 15 meters (30 by 50 feet). One pad would be used for future expansion, while the other would contain four precast concrete buildings, each 3.6 meters wide, 3.3 meters tall, and 9.1 meters long (11 feet 8 inches wide, 10 feet 8 inches tall, and 30 feet long). Each building in both areas would house electronic amplification equipment; 48-volt wet cell batteries; and DC/AC inverter equipment for emergency power, lights, and a heating and air conditioning system.

The fiber optic conduit and cables would be installed or constructed simultaneously with building installation, commercial power connection, and installation of Op Amp equipment for powering the fiber optic signal. Conduit from and to the fiber cable line is typically installed in two separate trenches with a minimum 7.6-meter (25-foot) separation to maintain system integrity. The conduit would be connected to the existing system at new handholds.

Except for door and air-conditioning outlets, there are no other openings in the Op Amp facility

buildings. Op Amp facilities would be designed and painted to blend with the natural environment as required by county planning departments. Op Amp facilities would conform to local ordinances for appearance and landscaping. Final grading would be reshaped to blend functionally and aesthetically with the surrounding topography.

Site Restoration and Maintenance

Stockpiled topsoil and sod would be placed and fencing, gates, and security lighting would be installed at each location. Each building would have an overhead security light. All lighting would be equipped with sky shielding and night timers or motion detectors to minimize night light pollution. Areas outside of the prepared pads and graveled areas would be seeded or planted to blend into the surrounding area as required by local ordinance

Maintenance of these facilities would consist of periodic visits for drainage and vegetation management and two to four visits per month for maintenance. The facility buildings have a manufacturer's expected lifetime of 20 years. Technology is expected to advance rapidly, however, requiring replacement of electronic equipment in the regeneration stations at shorter intervals. This replacement would be conducted within the buildings and would require little or no further ground-disturbing activities.

The BLM and applicant agreed to the following measures to avoid any adverse effects to the arroyo toad, Peirson's milk-vetch, San Diego thornmint, Quino checkerspot butterfly, tidewater goby, light-footed clapper rail, mountain plover, interior least tern, northern aplomado falcon, southwestern willow flycatcher, least Bell's vireo, cactus ferruginous pygmy owl, coastal California gnatcatcher, and Peninsular bighorn sheep; and minimize and compensate for anticipated project-related impacts to the desert tortoise and its designated critical habitat. Although not federally listed species, the applicant has agreed to the following measures to avoid and minimize impacts to the burrowing owl (*Speotyto cunicularia*), LeConte's thrasher (*Toxostoma lecontei*), Crissal thrasher (*Toxostoma crissale*), cliff swallow (*Hirundo pyrrhonota*) and flat-tailed horned lizard (*Phrynosoma mcallii*).

Conservation Measures

General

1. Riparian areas with the potential to provide habitat for species of concern would be identified prior to construction, and buffer zones of at least 6.1 meters (20 feet) would be established around these areas. Temporary construction fencing would be used to establish the buffer zones. In areas of scattered riparian vegetation it may be possible to plow or trench a dry wash and avoid the buffered riparian vegetation. If such avoidance is not possible, conduits would be installed by directional bore or bridge hang.
2. AT&T would provide environmental monitoring for all aspects of this job. Construction

monitoring would be performed to ensure that impacts on riparian areas are minimized.

3. Native trees in the construction corridor over 12.7 centimeters (5 inches) DBH (diameter at breast height or 1.4 meters [4.5 feet] above ground) would be staked and flagged around the dripline. Trees with trunks outside the corridor, but with parts of their canopies within the construction corridor, and multiple-stem shrubs with 5 or more stems 2.5 centimeters (1 inch) or more DBH, are included. Staking and flagging would be conducted prior to ground disturbing activities.
4. All flagged trees and shrubs would be avoided wherever feasible during construction. Avoidance may be accomplished by rerouting the conduits outside the dripline of the plants or directionally drilling beneath them at least 3 meters (10 feet). Where the entire plant cannot be avoided, the plant may be pruned of up to one-third its live crown ration, keeping pruning cuts outside of branch collars. Where pruning would not suffice to allow equipment to pass, the tree or shrub would be cut off at ground level. The roots would be left in place to encourage resprouting.
5. For each flagged tree or shrub cut down, AT&T would plant five seedlings of the same species as removed. Plants derived from seed collected near the construction corridor would be used. Seed would be collected by BLM El Centro Field Office under agreement with AT&T and grown at the Joshua Tree National Park nursery specifically for this project. AT&T would be responsible for the planting out, monitoring, and replacement if necessary of the planted seedlings as specified in "Evaluating Revegetation Success", Appendix D of the Biological Evaluation.
6. An annual report would be submitted to USFWS and CDFG to document success of any revegetation efforts for each of three years. The success of revegetation would be determined by 100 percent surveys of planted specimens. Survival of 2 out of 5 of the seedlings planted would constitute success at the end of the three year period. If survival drops below 40 percent (2 out of 5 planted) at any of the annual surveys, new seedlings would be planted to replenish the 5 seedlings to one tree removed ratio.
7. If revegetation is needed, all planted seedlings would be protected with one of the following measures: screening of seedlings with heavy wire, tree shelters (e.g., Tubex, Tree Pro, Tree Sentry, and BLUE-X), rock mulch, plastic mesh, plant collars of plastic, peat, or paper, or chemical repellent.
8. In areas supporting California Rare, special status species of concern or CNPS 1B or 2-listed plants that are not considered threatened or endangered under either federal or state legislation, ground disturbance would be limited to a 7.6-meter (25-foot) wide corridor. Areas requiring a minimum construction corridor would be flagged and staked on the ground and marked on maps prior to construction. Wherever feasible, sensitive

plants would be avoided by routing the conduits around them.

9. Impacts on threatened or endangered plant species would be avoided by shifting the conduits or by directionally drilling at least 3 meters (10 feet) beneath them.
10. In accordance with Executive Order 13112, the project area within lands administered by the BLM would be surveyed by a qualified noxious weed authority who would identify all noxious weeds present and provide a list to the authorized officer. A determination would be made by the authorized officer of any noxious weeds that may require flagging for treatment. Treatment would be according to instruction of the authorized officer. Any use of herbicides in California would be handled by properly-licensed county agricultural agents.
11. Prior to construction, populations of plants listed as invasive exotics by the California Exotic Plant Pest Council in the most recent "CalEPPC" A or Red Alert list, already existing in native desert habitat where construction is planned, would be identified on the ground and on maps through a preconstruction survey. This would establish a baseline from which to evaluate the possible impacts of this construction on the spread of these invasive exotic plants or the establishment of other invasive exotic plants.
12. Disposal of soil and plant materials from non-native areas would not be allowed in native areas. That is, no disposal or transfer for excess spoils or plant materials from non-native areas would be allowed into native cover type areas.
13. All equipment would be washed prior to entering the project area to prevent the spread of invasive weeds from other areas. Construction supervisors and managers would be educated on weed identification and the importance of controlling and preventing the spread of invasive non-native species infestations. Gravel and/or fill material to be placed in relatively weed-free areas would come from weed free sources. Certified weed-free imported materials would be used.
14. Wash stations would be established to clean equipment of noxious weed seed and plant parts. These stations would be located in commercial truck-washing facilities.
15. A three-year program of invasive exotic plant monitoring and control would be conducted every two months for three years. Where invasive exotic plants were detected in the construction corridor prior to construction, the percent cover of invasive exotic plant species within the construction corridor must be equal to or less than the cover of invasive exotic plant species outside the construction corridor but within the highway ROW. Invasive exotic plants established only where ground was disturbed within the construction corridor after construction, or invasive exotic plant cover 20 percent or more greater in the construction corridor than the surrounding areas are the responsibility of AT&T.

16. AT&T would control those invasive exotic plant populations within the construction corridor in coordination with the road management agency (CalTrans or Imperial County) with eradication of the invasive exotic population as a goal. At least one transect per preconstruction invasive exotic plant population would be established and remeasured each of the three years. In addition, one transect would be established at each end of preconstruction invasive exotic plant populations to determine possible spread along the disturbed construction corridor. The entire route through native desert vegetation would be inspected every two months and any new invasive exotic plant populations noted. Where a new invasive exotic plant population is noted, a transect would be established to determine percent cover of invasive exotic plants inside and outside the construction disturbance zone. Responsibility and control criteria as defined above would apply to new invasive exotic plant populations. The same crew that documents the transect would remove exotics by hand from the construction corridor as indicated by the transect results. Photo documentation, collected from permanently marked or flagged locations, along with the monitoring results, shall be submitted annually to the Service, BLM, and CDFG.
17. Plowing and trenching activities along the fiber optic cable system route would be limited to a 12.2-meter (40-foot) wide area of maximum disturbance except in designated sensitive resource areas (e.g., threatened, endangered and special status species habitat, wetlands and seasonal drainages), where the construction corridor would be limited to 7.6 meters (25 feet) wide.
18. All material stockpiling areas and staging areas would be located within the construction corridor, or non-sensitive areas, or at designated and approved off ROW disturbed sites.
19. Any open trenches would be filled with existing spoils or material imported from an existing commercial borrow site or covered with plywood or other plate at the end of each workday.
20. Before covering open trenches at the end of a workday, both ends of the trench would be sloped to form escape ramps.
21. Wildlife found in the trench would be removed by a qualified permitted biological monitor before resumption of work in that trench segment. AT&T would specify this requirement in the agreements with all construction contractors.
22. Construction activities in desert areas (Palo Verde to Brunt's Corner and Octotillo to Pine Valley) would be restricted to daylight hours to minimize impacts on nocturnal and migratory species.
23. All stakes, flagging, and fencing used to delineate and protect any environmental or cultural feature in the project area would be removed no later than 30 days after construction and restoration are complete.

Arroyo Toad

24. There would be no construction within one kilometer (0.6 miles) of arroyo toad habitat after dark.
25. During periods of precipitation within one kilometer (0.6 miles) of arroyo toad habitat, vehicle speeds would be 32 kilometers/hour (20 miles/hour) or below within the work zone.
26. Personnel would check under parked vehicles, in front of and behind each tire, before operating the vehicle. If an arroyo toad is found under a vehicle, it is not to be captured, but allowed to move from the area of its own accord.
27. During fiber instillation, to the maximum extent practicable, handholes with the lowest potential for arroyo toad presence will be selected for splicing fiber together. Where practicable, handholes at the ends of directional bores which were performed to cross drainages which hold arroyo toad populations will be avoided.

Burrowing Owl

28. Preconstruction surveys during the breeding season (February 1 to August 31) would be conducted by biologists who would visually check all potential habitats within 250 feet of both sides of the proposed fiber optic cable construction corridor. If active burrowing owl nests are found, biologists would establish a 250-foot buffer zone around the active burrow. No installation activities would be permitted within the specified buffer zone until after the breeding season or until it is determined that young have fledged.
29. Preconstruction surveys during the wintering season (September 1 to January 31) would be conducted by visually checking all potential habitat in areas where there would be some ground disturbance including vehicle access or trenching. Qualified wildlife biologists would conduct preconstruction surveys for burrowing owls within 2 weeks of construction activities.
30. The CDFG guidelines require that one-way doors be installed at least 48 hours before construction at all active burrows that exist within the construction area so that the burrows are not occupied during construction activities. The one-way doors would be installed at that time to ensure that the owls can get out of the burrows but cannot get back in. The CDFG guidelines also require the installation of two artificial burrows for each occupied burrow that is removed. Artificial burrows would be constructed prior to installation of one-way doors.
31. If any active burrows are damaged by construction activities, compensation would be paid at the equivalency rate of 6.5 acres of foraging habitat for burrowing owls for each active

burrow damaged.

Desert Tortoise

32. A biological monitor would be present during construction in all areas of potential desert tortoise habitat.
33. Should a tortoise wander onto the project site during construction, adjacent activities would be halted until the tortoise has been moved off the project site out of harm's way.
34. If a tortoise is located on the project site and is not moving, construction will be halted until an authorized biologist is able to move it out of harm's way.
35. The project proponent will submit the names of all proposed, authorized biologist(s) to the BLM for review and approval at least 30 days prior to initiation of any desert tortoise clearance surveys. Project activities will not begin until an authorized biologist(s) has been approved.
36. A clearance survey for the desert tortoise will be conducted within 48 hours prior to ground disturbance.
37. When burrows are found, they will be checked for desert tortoises. When tortoises are found, such burrows will be flagged.
38. All unoccupied burrows will also be flagged, but in a different manner than the occupied burrows. Burrows outside of the limits of construction will be flagged so that the biological monitor will be able to more easily locate them during construction.
39. All desert tortoise burrows and pallets will be flagged for avoidance. All desert tortoise burrows or pallets in the construction zone that cannot be avoided will be excavated by a qualified biologist. All desert tortoise handling and burrow excavation will be in accordance with handling procedures developed by the Service and conducted by qualified desert tortoise biologists.
40. Desert tortoises that are found aboveground and need to be moved from harm's way will be placed in the shade of a shrub. All desert tortoises removed from burrows will be placed in an unoccupied burrow of approximately the same size as the one from which it was removed.
41. If an existing burrow is unavailable, the authorized biologist will construct or direct the construction of a burrow of similar shape, size, depth, and orientation as the original burrow. Desert tortoises moved during inactive periods will be monitored for at least two days after placement in the new burrows to ensure their safety. The authorized biologist will be allowed some judgment and discretion to ensure that survival of the desert tortoise

is likely.

42. All persons authorized by the Service to handle desert tortoise will follow the guidelines established in the *Guidelines for Handling Desert Tortoises During Construction Projects* (Desert Tortoise Council 1994, revised 1999).
43. Op Amp locations will be fenced with chain link. Within desert tortoise habitat, the lower 46 centimeters (18 inches) of the fence will be "tortoise-proof" (i.e., 1" horizontal x 2" vertical welded wire fencing to prevent tortoise access to the Op Amp facility).
44. All fiber-optic line marker signs within desert tortoise habitat will be fitted with "bird-be-gone" or similar bird repellent devices.
45. Existing routes of travel will be used whenever possible. To the extent possible, previously disturbed areas within the project sites will be used for temporary storage areas, laydown sites, and any other surface-disturbing activities. Any routes of travel that require construction or modification will have a qualified biologist(s) survey the area for tortoises prior to modification or construction of route.
46. Trench segments or other excavations will be fenced with temporary tortoise-proof fencing, covered at the close of each working day, or provided with tortoise escape ramps. All excavations will be inspected for tortoises prior to filling.
47. Anytime a vehicle is parked, the ground around and under the vehicle will be inspected for desert tortoises before the vehicle is moved. If a desert tortoise is observed, it will be left to move on its own. If this does not occur within 15 minutes, an authorized biologist will remove and relocate the tortoise. Within desert tortoise habitat, any construction pipe, culverts, or similar structures with a diameter of 8-30 centimeters (3-12 inches) that are stored on the construction site for one or more nights will be inspected for tortoises before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored on the construction site.
48. All construction related activities in desert tortoise habitat will be conducted from dawn until dusk.
49. A speed limit of 32 kilometers/hour (20 miles/hour) will be maintained while on the construction site, dirt or unposted access roads, and storage areas.
50. Impacts to desert tortoise habitat will be offset through either an acceptable land acquisition or an assessed financial contribution. To offset the temporary impact and permanent loss of desert tortoise habitat, AT&T will acquire 230 acres of desert tortoise habitat in designated critical habitat of the Chuckwalla unit. This acreage is based on the permanent loss of 2 acres of category III habitat at the Mitchells Camp Op-Amp site, the

temporary impact of construction on 36.2 acres of category III habitat compensated at a 1:1 ratio, and the temporary impact of construction on 63.9 acres of category II desert tortoise habitat compensated at a 3:1 ratio. Overall, the parcel (reviewed and mutually approved by the Service, BLM, and CDFG) must be comparable or superior in quality to the tortoise habitat that will be disturbed by the proposed project. Correspondingly, AT&T could provide enough funds directly to the BLM or CDFG to procure at least 230 acres in designated critical habitat of the Chuckwalla unit. In both cases, the compensation must be secured (with any property either deeded to BLM or CDFG) prior to the onset of any project-related construction activities. Additionally, a sum of \$46,095 (i.e., \$200/acre management rate and \$95 enhancement fee) will be given to the CDFG to manage or support management of acquired lands. The property shall be protected in perpetuity for the benefit of the desert tortoise.

Flat-tailed Horned Lizard (FTHL) and Colorado Desert Fringe-toed Lizard (CFTL)

51. Qualified biologists would conduct preconstruction surveys to identify all potential habitat along the construction area. Within 7 days before construction begins, biologists would identify habitat areas subject to direct construction-related ground disturbance.
52. Following preconstruction searches for potential FTHL/CFTL habitat, and 7 days before construction, biologists would establish exclusion zones in the project construction corridor near potential habitat. Exclusion zones are 15.2 meters (50 feet) from the work area.
53. Biologists would conduct a final clearance survey 1 to 2 days prior to construction activities, excavate potential burrows, and relocate the lizard to nearby suitable habitat in the exclusion zones. The management strategy guidelines for relocation of flat-tailed horned lizards described in the *Flat-tailed Horned Lizard Rangelwide Management Strategy* (Foreman 1997) shall be utilized.
54. Construction areas would be periodically examined (at least hourly when surface temperatures exceed 30 degrees Celsius) for the presence of FTHL/CFTL. In addition, all trenches, holes, or deep excavations would be examined for the presence of flat-tailed horned lizards prior to filling. If lizards are found they would be relocated to nearby suitable habitat.
55. A field contact representative would have the authority to ensure compliance with protective measures for FTHL/CFTL, and would initiate a worker education program.
56. A biological monitor shall be present in each area of active construction within FTHL/CFTL habitat throughout the work day from initial clearing through habitat restoration. The biological monitor shall have sufficient education and field experience or training with the FTHL/CFTL to understand its biology and behavior. The monitors shall

ensure that all activities are in compliance with the management strategy guidelines for relocation of flat-tailed horned lizards described in *Flat-tailed Horned Lizard Rangewide Management Strategy* (Foreman 1997). The biological monitor shall have the authority and responsibility to halt activities that are in violation of these measures.

57. Examine construction area periodically (at least hourly when surface temperatures exceed thirty degrees Celsius) for the presence of FTHL/CFTL. In addition, all hazardous sites (open pipes, trenches, holes, or deep excavations) shall be inspected for the presence of FTHL/CFTL prior to backfilling.
58. Work with the construction supervisor to take steps, as necessary, to avoid disturbance to FTHL/CFTL and their habitat. If avoiding disturbance is not possible or if FTHL/CFTL is found trapped in an excavation, the affected lizard would be captured by hand and relocated.
59. Relocated FTHL/CFTL shall be placed in the shade of a large shrub a short distance from the construction ROW and in the direction of undisturbed habitat. If the surface temperature in the sun is less than 30 degrees Celsius, or greater than 50 degrees Celsius, the biological monitor authorized to handle the FTHL would hold the lizard for later release.
60. Initially captured FTHL/CFTL shall be held in a cloth bag, cooler, or other appropriate clean dry container from which the lizard cannot escape. Lizards shall be held at temperatures between 25 and 35 degrees Celsius and shall not be exposed to direct sunlight. Release shall occur as soon as possible after capture and during daylight hours when surface temperatures range from 32 to 40 degrees.

Peirson's Milk-vetch and San Diego Thornmint

61. Preconstruction surveys would be conducted within 1 week prior to surface disturbing activities to detect any possible occurrence of Peirson's milk-vetch within/near the utility, road, or other rights-of-way traversing the Algodones Dunes; and San Diego thornmint in the suitable habitat found near the Orange/San Diego county line at the Southern California Edison Plant (San Onofre) adjacent to Camp Pendleton.
62. For plant species listed as threatened or endangered (federal or state), qualified botanists would establish 6.1-meter (20-foot) exclusion zones around individuals and populations. Exclusion zones around Peirson's milk-vetch would be 7.6 meters (25 feet) in radius. Exclusion zones would be flagged and staked in the field and marked on maps prior to construction. No surface disturbing activity would be permitted within the exclusion zones. Impacts on exclusion zones would be avoided by shifting the conduits or by directionally drilling at least 10 feet beneath them.

Peninsular Bighorn Sheep

63. A trained biological monitor would be on-site for activities conducted along Interstate 8 within the boundaries of designated critical habitat for the Peninsular bighorn sheep.
64. The monitor would perform pre-construction surveys of the alignment in areas adjoining potential or known bighorn sheep habitat.
65. Peninsular bighorn sheep sightings would be reported to the Service within 24 hours.
66. If a bighorn sheep is noted within 92 meters (300 feet) of ongoing cable installation, then all operations would cease until the individual/group has moved 92 meters (300 feet) beyond the project footprint.

Quino Checkerspot Butterfly

67. A USFWS approved, federally permitted Quino biologist would evaluate the construction alignment and would identify areas of potential Quino habitat. Areas along the alignment that contain high quality habitat (large patches of *Plantago* sp.), would be avoided by directional boring.

California Coastal Gnatcatcher, Least Bell's Vireo, Light Footed Clapper Rail, Southwestern Willow Flycatcher, and Tidewater Goby

68. All Southwestern willow flycatcher and least Bell's vireo habitat in riparian areas, and gnatcatcher habitat would be avoided by one of the following methods: constructing in the pavement; boring beneath the drainage, riparian area or coastal sage scrub; or, use of a bridge hang over the riparian area.
69. Construction work in the vicinity of:
Las Flores Creek on Camp Pendleton (MP 94.5 to 95.1, west side of road, long directional drill), San Juan Creek in Orange County (MP 73.2-73.3, west side of road, bridge hang) will be conducted from September 15 to March 14 to protect least Bell's vireo habitat.

79. Construction work within 305 meters (1000 feet) of the following areas will be restricted:

1. All gnatcatcher habitat in Camp Pendleton:

Begin MP	End MP	Miles	Comment
83.4	85.0	1.6	San Mateo Creek Bridge Hang
85.8	93.8	8.0	Parallels road
94.9	95.1	0.2	Las Flores Creek
96.9	97.0	0.1	Aliso Creek, short crossing
98.3	98.6	0.3	Cocklebur canyon, parallels road
99.7	100.1	0.4	Along Stuart Mesa rd, parallels road
Total = 10.6			

2. San Luis Rey River Bike Path (vireo habitat, MP 102.4-103.5, east side of road, in pavement)
3. Batiquitos Lagoon (gnatcatcher habitat, MP 117.2-117.4, east side of road, in pavement)

Any construction or installation work performed within 305 meters (1000 feet) of least Bell's vireo potential habitat during March 15 to September 15, or of California gnatcatcher potential habitat during February 15 to August 31 of any given year would limit noise, dust, nighttime lighting, and human presence to the greatest extent feasible. Noise, dust, nighttime lighting, and human presence would be limited as follows:

- a. No operations would be conducted within 305 meters (1,000 feet) of potential habitat after dark.
- b. Noise levels would be controlled with residential or better level mufflers or engine enclosures for trenching and other mobile equipment. Boring machine noise would be restricted by use of residential or better mufflers or engine enclosures or portable sound walls. Noise reduction methods may be used in conjunction with one another, or other noise reduction methods may be used to reduce noise impacts. Noise levels would be measured at the edge of potential habitat and results provided to the Fish and Wildlife Service to verify baseline conditions and conditions during construction activities. Noise levels will be kept at or below the 60 dBA level. If the current ambient noise level exceeds the 60 dBA threshold, noise levels generated from construction activities will not exceed existing conditions.
- c. There would be no construction-related pedestrian access to any riparian or coastal sage scrub habitat during project related activities except in case of emergency frac-out response.

- d. Dust would be strictly controlled by watering within 305 meters (1,000 feet) of potential habitat.
80. All other construction or installation work performed within 305 meters (1000 feet) of all other areas of potential habitat within the project area potential habitat for Southwestern willow flycatcher during the period of April 1 to September 15, least Bell's vireo during March 15 to September 15, and California gnatcatcher during February 15 to August 31 of any given year would limit noise, dust, nighttime lighting, and human presence to the greatest extent feasible. Noise, dust, nighttime lighting, and human presence would be limited as follows:
- a. No operations would be conducted within 305 meters (1,000 feet) of potential habitat after dark.
 - b. Noise levels would be controlled with residential or better level mufflers or engine enclosures for trenching and other mobile equipment. Boring machine noise would be restricted by use of residential or better mufflers or engine enclosures or portable sound walls. Noise reduction methods may be used in conjunction with one another, or other noise reduction methods may be used to reduce noise impacts.
 - c. There would be no construction-related pedestrian access to any riparian or coastal sage scrub habitat during project related activities except in case of emergency frac-out response.
 - d. Dust would be strictly controlled by watering within 305 meters (1,000 feet) of potential habitat.
81. For any area of potential habitat listed in items 79 and 80, above, preconstruction protocol surveys may be conducted for the species being protected. Results of the protocol surveys will be submitted to the USFWS for review and concurrence. If the protocol surveys show no protected bird species present, construction may proceed without restriction at the end of the survey period. This would mean that construction could begin mid-July near unoccupied habitat for any of the three species.
82. Construction or installation work performed within 305 meters (1,000 feet) of potential habitat for the southwestern willow flycatcher, least Bell's vireo, and California gnatcatcher, would be monitored daily by a qualified biologist to ensure the project is implemented as described including all avoidance and minimization measures. On Camp Pendleton, construction monitoring will be coordinated with existing annual survey efforts where applicable. Monthly monitoring letter reports of construction activities and their effects on biological resources would be provided to the BLM, the Camp Pendleton Environmental Security staff, U.S. Army Corps of Engineers (Corps) and USFWS.
83. No night lighting would be used within 1,000 feet of potential habitat during the breeding

seasons for southwestern willow flycatcher, least Bell's vireo, and California gnatcatcher.

Northern Aplomado Falcon

84. There would be no operations in potential aplomado falcon nesting habitat from February 1 through August 30. If protocol surveys indicate the absence of falcons then operations may resume at the conclusion of the surveys.

Mountain Plover

85. Any construction planned during the mountain plover breeding season (April 1 to June 30) in areas identified as potential habitat would require protocol preconstruction surveys. If nesting birds are present, no construction would occur in that area until the young are fledged.

Interior Least Tern

86. Any construction planned during the least tern breeding season (April 1 to June 30) in areas defined as potential habitat would require protocol preconstruction surveys. If nesting birds are present, no construction would occur in that area until the young are fledged.

Cactus Ferruginous Pygmy Owl

87. One more round of spring surveys would be conducted for the 2001 season following the revised survey protocol; if no pygmy-owls are detected, survey results will be valid until December 31, 2001.
88. AT&T would donate \$27,800 to the City of Marana as an attempt to restore vegetation vital to the pygmy-owl. This is done as enhancement for the areas where the proposed fiber optic cable installation project crosses areas designated as critical habitat and within proposed recovery areas, totaling 12 miles. The money would go towards the purchase of up to 2,535 trees and their irrigation and maintenance for up to 3 years after planting, to ensure survivability. The City of Marana, or other entity designated by the Service, will in turn plant and maintain this vegetation in a sustainable location. Documentation from AT&T and the Town of Marana outlining the final details, including the transfer of funds, would be sent to the Tucson USFWS office, and Carlsbad USFWS office for inclusion in the project file.

Cliff Swallow

89. If proposed bridge attachments are planned to occur during the swallow breeding season, site-specific measures will be taken to protect the swallows from visual disturbance from bridge attachment activities. Where there is an open line of sight between the proposed construction activities and the swallow nests, tarps would be hung vertically down from the bridge structure between the swallow nests and the work area, providing a visual barrier between the nests and the work area. Tarps will remain in place until work is completed, and will be removed immediately after completion of bridge attachment activities. No bridge attachments would occur that require removal of or direct contact with active swallow nests until young have fledged, as determined by a qualified biological monitor, or September 1, if no fledging determination made.

STATUS OF THE SPECIES/CRITICAL HABITAT

The desert tortoise is a large herbivorous reptile found in portions of the California, Arizona, Nevada, and Utah deserts, and extending in range to Sonora and Sinaloa, Mexico. In California, the species occurs primarily within the creosote bush, shadscale, and Joshua tree series of the Mojave Desert scrub, and the lower Colorado River Valley subdivision of the Sonoran Desert scrub. Optimal habitat has been characterized as creosote bush scrub in which precipitation ranges from 5-20 centimeters [2-8 inches], the diversity of perennial plants is relatively high, and production of ephemerals is prominent (Luckenbach 1982, Turner 1982, Turner and Brown 1982, Schamberger and Turner 1986). Soils must be friable to allow for burrow excavation, but firm to avoid burrow collapse. In California, desert tortoises are typically associated with gravelly flats or sandy soils with some clay, although the species has occasionally been found on windblown sand or rocky terrain (Luckenbach 1982). Live tortoises have been recorded in the California desert from below sea level to an elevation of 2,225 meters [7,300 feet], but the most favorable habitat occurs at elevations of about 300 to 900 meters [1,000 to 3,000 feet] (Luckenbach 1982, Schamberger and Turner 1986).

Desert tortoises are most active in California during the spring and early summer when annual plants are most prevalent. Additional activity occurs during the warmer fall months and sometimes following summer rain storms. Desert tortoises spend the remainder of the year in burrows, escaping the extreme conditions of the desert. Further information on the range, biology, and ecology of the desert tortoise is described in Burge and Bradley (1976), Burge (1978), Luckenbach (1982), Weinstein et al. (1987), Hovik and Hardenbrook (1989), and Service (1994a,b).

On April 2, 1990, the Service listed the Mojave population of the desert tortoise as threatened (55 FR 12178). The population is defined as occurring north and west of the Colorado River in

California (Mojave and Sonoran deserts), southern Nevada, northwestern Arizona, and southwestern Utah. Reasons for the threatened status included loss and degradation of habitat from construction projects, conversion of tortoise habitat for agricultural development, livestock grazing, and off-highway vehicle (OHV) activity. Also cited as factors for individual mortality and population declines were illegal collection, upper respiratory tract disease, and elevated levels of predation.

On February 8, 1994, the Service designated approximately 2.62 million hectares [6.47 million acres] of critical habitat for the Mojave population of the desert tortoise (i.e., California-8 units, 1.94 million hectares [4.8 million acres]; Nevada-4 units, 486,000 hectares [1.2 million acres]; Arizona-2 units, 137,200 hectares [338,700 acres]; Utah-2 units, 52,300 hectares [129,100 acres] (59 FR 5820). The rule became effective on March 10, 1994, and a final Desert Tortoise (Mojave Population) Recovery Plan was published in June 1994 (Service 1994a). The plan serves as the key strategy for recovery and delisting of the desert tortoise. The document divides the species' range into six distinct population segments or recovery units (i.e., northern Colorado, eastern Colorado, eastern Mojave, northeastern Mojave, western Mojave, and upper Virgin River) and recommends the establishment of 14 Desert Wildlife Management Areas (DWMAs) throughout the recovery areas. Within each designated region, the recovery plan recommends reserve level protection for both desert tortoise populations and habitat, while maintaining and conserving sensitive species and ecosystem functions. The design of the DWMAs would follow accepted concepts of reserve design and, as part of the actions, restrict human activities that negatively affect the desert tortoise (Service 1994a).

A portion of the proposed AT&T installation activities are located within the eastern Colorado recovery unit of California, and within the Chuckwalla critical habitat unit (about 37 km of the line) and the Chuckwalla DWMA. From the period of 1988 to 1991, tortoise densities in the management unit were estimated between 5-175 adults/mi² with an overall average of 15 adults/mi² (Service 1994a). Target densities for the Chuckwalla DWMA have been established at 40 adults/mi² or 50,000 animals. Intensive habitat protection would be necessary as the proposed area may not be sufficiently large to support the recommended tortoise numbers. The Recovery Plan deemed threats to desert tortoise as relatively high inside the management zone (rated four on a scale of 1-5). The predominant sources of disturbance to the desert tortoise, and the species' associated habitat, have largely been from military operations, mining activities, landfill enterprises, agricultural development, domestic sheep grazing, and unauthorized off-road vehicle use.

ENVIRONMENTAL BASELINE

Focused surveys following Service protocol for the desert tortoise were performed (Spring 2000) along the construction corridor along the entire portion of the Highway 78 ROW within desert

tortoise habitat, and at Mitchell's Camp Op-Amp facility. The Zone of Influence surveys conducted were at 100 ft and 300 ft intervals from the Highway 78 ROW. Fenced and posted parcels of private land beyond the highway ROW were not surveyed. The Naval Live Bombing Range just west of the dunes, and adjacent to the Highway 78 ROW were not surveyed. No tortoise or tortoise sign was found at the proposed Mitchell's Camp Op-Amp facility. No live tortoises were observed within the Caltrans ROW on Highway 78, and the 100 ft Zone of Influence transect. A total of 15 carcasses (disarticulated animals), and 11 burrows and one pallet were observed during the survey. Only one of these burrows would potentially be located along the proposed route for the project. During the 300-ft Zone of Influence transect, one live tortoise, one tortoise carcass, four scat, and eleven burrows were detected.

Desert tortoise habitat along the proposed project route spans from where the line leaves the Palo Verde Valley and enters the Palo Verde Mountains along Highway 78 (Milepost 26), down to about the town of Glamis (Milepost 60). Habitat along the proposed project route, which parallels Highway 78 approximately 20 feet from pavement, has been degraded and fragmented by Highway 78. The density of tortoises in the area of highway 78 most likely decreased after the construction of the highway. Tortoise densities along paved roads are generally found to be much lower than areas that are away from roads due to vehicle caused mortality and collection (Nicholson 1978, Service 1994a). Typically, within about 10-20 ft. of the highway along flat areas, there are varying degrees of ground disturbance from grading and other activities occurring directly adjacent to the highway. There is evidence of off-highway vehicle activity at various washes along the highway, which undoubtedly has degraded an unknown amount of habitat within the vicinity of Highway 78.

EFFECTS OF THE ACTION

Activities associated with the cable installation could cause (directly or indirectly) injury/death to desert tortoises. Some construction activities would occur in largely unfenced areas without physical barriers to prevent tortoises from entering and moving into construction zones. Thus, animals could move into the construction zone and encounters between individual animals and surface disturbing equipment or support vehicles could occur during project construction. Moreover, animals inhabiting areas along the linear footprint, may suffer from equipment strikes/burrow collapse. Habitat potentially used by tortoises for foraging, breeding, and cover would be temporarily disturbed by cable-laying activities but habitat conditions would reestablish after trench filling and revegetation. Ground disturbance may result in invasion of exotic plant species along the construction corridor, and subsequent dispersal of exotics out from the corridor. Exotic species may displace native vegetation used for tortoise forage. The project proponent would minimize exotic plant establishment through an invasive exotic plant monitoring and control effort to be conducted every two months for three years. In addition, all equipment would continuously be washed prior to entering the construction sites to prevent exotic seed

transport to the construction corridor.

Based on survey results, which found degraded habitat conditions and low numbers of animals, available data indicate that tortoise densities are low along the proposed project footprint. Combined with the knowledge that individual animals observed within/near the linear corridor can typically be avoided/safeguarded, we anticipate that up to 2 desert tortoises might be harassed during the overall operation, and one tortoise may be accidentally killed because it was never observed during project construction.

Proposed avoidance and minimization measures would reduce the potential for incidental take; however, interactions with tortoises along the railroad/road/fence rights-of-way may periodically require movement of a tortoise from construction hazards. Clearance and relocation efforts could impose physical stresses on animals removed from the construction zone. Increased human presence could attract additional predators (e.g., raven, coyotes) to the work site due to food in the form of trash and litter, or water, and ultimately result in higher tortoise mortality. However, the proposed conservation measures would reduce adverse effects to minimal levels.

The Mitchell's Camp Op-Amp facility would permanently destroy 2 acres of tortoise habitat. An estimated 100.1 acres of desert tortoise habitat would be temporarily impacted by excavation-related activities, of which approximately 69.7 acres are within designated critical habitat. The conservation measures agreed to by the BLM and applicant would decrease adverse impacts to the desert tortoise due to the biological education program, biological monitoring, and habitat acquisition within the Chuckwalla critical habitat unit to offset habitat loss. Habitat acquisition within the Chuckwalla critical habitat unit conforms to the Recovery Plan, strategy and Draft Northern and Eastern Colorado Desert Plan to secure habitat in the proposed Chuckwalla Desert Wildlife Management Area within the Eastern Colorado Recovery Unit (Service 1994a, BLM 2001). In addition, the effects upon the tortoise and habitat would be minimized through post-construction reclamation efforts. However, several years/decades would be necessary before the pre-project vegetation conditions become reestablished.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, local or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

Within eastern Imperial County, the majority of lands lying in proximity to the fiber optic route are either administered by the BLM or the military (e.g., Chocolate Mountain Aerial Gunnery Range). Consequently, most actions reasonably expected to occur within the foreseeable future

would have direct Federal involvement. Additionally, in the areas adjoining Highway 78, camping and off-road uses have become commonplace in desert tortoise habitat. Over an extended timeframe, such practices have diminished and will continue to diminish vegetation density and cover, and potentially affect local tortoise populations (e.g., vehicle strikes, collection). Additionally, the increase in illegal immigrations across the desert could compound impacts to the tortoise and, if left unaddressed, may further impede species recovery. Lastly, a multi-agency plan, encompassing the Northern and Eastern Colorado Desert (NECO) area, is being developed to address future management/conservation of listed and sensitive resources in Imperial, Riverside, and San Bernardino counties. The strategy proposes to advance the objectives and recommendations of the Desert Tortoise (Mojave Population) Recovery Plan through the establishment of DWMAs, creation of environmental education programs, and continuation of research efforts to monitor tortoise population trends.

CONCLUSION

After reviewing the current status of the desert tortoise, environmental baseline for the action area, effects of the proposed AT&T NexGen/Core Project, and cumulative effects, it is the Service's biological opinion that the project, as proposed, is not likely to jeopardize the continued existence of the desert tortoise, and is not likely to adversely modify or destroy designated critical habitat.

The value of designated desert tortoise critical habitat would not be adversely modified or destroyed by proposed activities to the extent that the survival and recovery of the species would be appreciably reduced. This conclusion was based on (1) the temporary nature of the impacts; (2) the location of the proposed route adjacent to an existing highway; (3) the disturbed condition of the habitat along much of the proposed route; and (4) minimal amount of tortoise sign and low tortoise density along the route.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act, and Federal regulation pursuant to section 4(d) of the Act, prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by FWS to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by FWS as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns that include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4)

and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The measures described below are non-discretionary, and must be undertaken by the Bureau of Land Management so that they become binding conditions of any grant or permit issued to the applicants, as appropriate, for the exemption in section 7(o)(2) to apply. The Bureau of Land Management has a continuing duty to regulate the activity covered by this incidental take statement. If the Bureau of Land Management (1) fails to assume and implement the terms and conditions or (2) fails to require the applicants to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. To monitor the impact of incidental take, the Bureau of Land Management or applicants must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement [50 CFR §402.14(i)(3)].

Amount or Extent of Take Anticipated

The Service anticipates 102.1 acres of desert tortoise habitat would be destroyed as a result of this proposed action.

The Service anticipates the following forms of take:

1. One (1) desert tortoise may be accidentally injured or killed as a direct/indirect result of activities associated with AT&T's proposed cable installation.
2. All desert tortoises found in harm's way in work areas may be harassed by capture and removal; the Service estimates that no more than 2 tortoises will be harassed during project activities.

The amount of incidental take was derived from the **Effects Of The Action** section on page 26.

Effect of Take

In the accompanying biological opinion, the Service determined that the level of anticipated take for desert tortoise is not likely to result in jeopardy to the species or adverse modification of critical habitat.

Reasonable and Prudent Measures

The following reasonable and prudent measures are necessary and appropriate to minimize the impacts of incidental take of the desert tortoise:

1. Measures shall be taken to minimize mortality or injury of desert tortoise due to construction and related activities.
2. On-site biological supervision/monitoring, clearance surveys, and relocation efforts shall be used to minimize the potential for injury/death to desert tortoises during the fiber optic cable installation.
3. An employee education program shall be implemented to reduce project-related impacts to the desert tortoise and its habitat.

Terms and Conditions

To be exempt from the prohibitions of section 9 of the Act, BLM, Cleveland National Forest, U.S. Marine Corps Camp Pendleton, and the applicant must comply with the following terms and conditions, which implement the reasonable and prudent measures described above. A portion of the terms and conditions have been adopted from BLM and AT&T's conservation measures, with minor modification for the proposed project. These terms and conditions are non-discretionary.

The following terms and conditions implement reasonable and prudent measure number 1:

- 1.1 BLM and the permit applicant shall implement all the conservation measures agreed to in the project description.
- 1.2 If water is used to control dust along highway 78 within desert tortoise habitat (Milepost 26 to 61), tortoise fencing will be erected on both sides of the highway to prevent tortoises from entering the area of construction and watering. Tortoise fencing will consist of 1-inch horizontal by 2-inch vertical welded wire. The fence will extend at least 18 inches above ground and, where feasible, 6 to 12 inches below ground. If burial is not feasible, the lower portion of the fence shall be positioned flat on the ground, opposite the project site, and appropriately weighted (e.g, large rocks) or secured. Fence placement and construction will be supervised and approved by an authorized biologist with related experience. Measures shall be implemented to ensure that proper fence closure occurs at any entry points, with the gates remaining closed, except to allow for the immediate passage of vehicles. All tortoise fencing will be dismantled and transported from the site following project completion.

- 1.3 Trash and food items shall be promptly stored in raven and coyote proof containers and conveyed from the project site on a regular basis (at least weekly). Construction refuse will be removed daily from the project site and properly disposed.
- 1.4 No pets or firearms shall be permitted inside the construction boundaries, or other associated work areas, at any time. Additionally camping and fires will be prohibited within the project area.
- 1.5 The Service, BLM, CDFG, and CNF and Camp Pendleton when appropriate, shall be immediately notified regarding any emergency repairs on the fiber optic cable line that may result in disturbance or impacts to these species or associated habitat.
- 1.6 AT&T shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective measures for listed species, involved in compliance coordination with the BLM and other agencies, and authorized to halt any installation activities that may be in violation of this biological opinion. The FCR (a contract biologist, environmental coordinator, project manager, or other appropriate employee) shall retain a copy of the protective measures and be available on-site for all project operations that may affect listed species.
- 1.7 AT&T shall conspicuously stake, flag, or mark the 25-foot construction corridor and associated work area boundaries in desert tortoise habitat. Movement of vehicles and equipment shall be confined within these delineated regions. Material stockpiling, machinery storage, and vehicle parking will only be permitted at the staging areas or along existing roadways. For all project-related actions, the crushing/removal of perennial vegetation shall be avoided to the maximum extent possible. Upon completion of the fiber optic line, all stakes, flags, and materials shall be removed from the project area.

The following terms and conditions implement reasonable and prudent measure number 2:

- 2.1 An authorized biologist (a biologist demonstrating experience in the proper handling of desert tortoises, and locating tortoises and their sign) or biological monitor (an individual with education, training, and experience in performing tortoise presence/absence surveys, supervising construction actions, and implementing tortoise avoidance and minimization measures) shall be present for all clearance efforts and accompany each construction crew during ongoing work. Furthermore, the biologist(s) will continuously survey the fiber optic route and surrounding area for desert tortoises.
- 2.2 Only authorized biologists shall be allowed to handle/relocate desert tortoises. The project proponent will submit the names of all proposed, authorized biologist(s) and biological monitors to the BLM for review and approval at least

- 15 days prior to initiation of any desert tortoise clearance surveys. Project activities will not begin until an authorized biologist(s) has been approved.
- 2.3 As appropriate, staging areas, assist points, and valve removal locations, shall undergo clearance surveys (using Service approved protocol) by authorized biologists no greater than 48 hours prior to any habitat impacts. All desert tortoise burrows, as well as other suitably-sized burrows, within 100 feet of the linear corridor shall be examined for the species' presence. To the maximum extent possible, both active and inactive burrows shall be conspicuously marked and avoided (employing a 50-foot buffer). Any tortoise occupying a burrow that must be directly and permanently affected by the proposed action shall be removed by the authorized biologist. At the completion of each installation phase, all materials used to mark or identify the tortoise burrows shall be promptly removed.
- 2.4 Any desert tortoise relocated or otherwise removed from the project site shall be handled in accordance with the procedures described in *Guidelines for Handling Desert Tortoises During Construction Projects* (DTC 1994, revised 1999). All tortoises shall be moved the minimum distance practicable, within appropriate habitat, to ensure the animal's safety and survival.
- 2.5 The authorized biologist shall maintain a complete record of all desert tortoises encountered and moved from harm's way during the cable installation. At a minimum, the information shall include: location (written description and map) of the tortoise finding, date and time of observation, along with details of the relocation site; tortoise life history information (i.e., weight, length, width, height, and sex); general condition and health, including any apparent injuries/state of healing, occurrence of bladder voiding upon handling; and diagnostic markings (e.g., identification number or previously marked lateral scute).
- 2.6 Desert tortoises removed/relocated from the linear corridor shall be marked for future identification. An identification number (using the acrylic paint/epoxy technique) will be affixed to the fourth costal scute (Service 1990), and a 35-mm photograph (slide) of the carapace, plastron, and fourth left costal scute shall be obtained. No notching or replacement of fluids by injection (i.e., syringe) shall be authorized.
- 2.7 No later than 90 days following completion of the fiber optic system, the authorized biologist shall submit a report to the Service summarizing results of the clearance surveys, relocation/handling efforts, informal sightings, and any tortoise injuries/deaths encountered during the proposed action. The report will include an evaluation of the current effectiveness of

the avoidance/minimization measures and possible recommendations to further reduce the direct/indirect effects of construction activities on desert tortoises and the species associated habitat.

The following terms and conditions implement reasonable and prudent measure number 3:

- 3.1 A federally listed species education program shall be presented to all employees conducting work associated with the AT&T project. Personnel participation in the program shall precede any initiation of the proposed action. Following the onset of construction activities, new employees must formally complete the training prior to working on-site. The BLM-approved program will contain, at a minimum, the following topics: (1) species distribution/occurrence; (2) general behavior and ecology; (3) species' sensitivity to human activities; (4) legal protection; (5) penalties for violation of State or Federal laws; (6) reporting requirements; and (7) project protective measures.

The reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize the impact of incidental take that might otherwise result from the proposed action. If, during the course of the action, this level of incidental take is exceeded, such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measures provided. The Federal agency must immediately provide an explanation of the causes of the taking and review with the Service the need for possible modification of the reasonable and prudent measures.

Disposition of Sick, Injured, or Dead Specimens

The Service's Carlsbad Field Office [(760) 431-9440] must be notified within three working days should any desert tortoise be found injured or dead on the project site. A written notification must be made within five calendar days and include the date, time, and location of the discovered animal/carcass, the cause of injury or death, and any other pertinent information. Injured animals should be transported to a qualified veterinarian or certified wildlife care facility and the Service informed of the final disposition of any surviving animal(s). All dead specimen(s)/carcass(es) shall be submitted to educational/research institutions possessing the appropriate State and Federal permits. Failing deposition to an available institution, the carcass should be marked, photographed, and left in the field.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

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1. The Service and BLM should cooperatively develop programmatic standards for long-distance linear projects to ensure that consistent and comprehensive protective measures for federally listed species are implemented.
2. The Service would recommend that any sightings/encounters involving the sensitive flat-tailed horned lizard be documented and incorporated into the final biological report.
3. BLM should require payment of the flat-tailed horned lizard mitigation fee for all impacts to horned lizard suitable habitat, as required by the Flat-tailed Horned Lizard Management Strategy.

To be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.

REINITIATION NOTICE

This concludes formal consultation on the action(s) in the request. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat is designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

If you have any questions regarding this Biological Opinion, please contact Matt McDonald of my staff at (760) 431-9440.

cc: Kim Hartwig, Phoenix USFWS office
Raymond Brown, Austin USFWS office
Peggy Womack, AT&T
Penny Eckert, Foster Wheeler

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STATE OF CALIFORNIA-THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME

Inland Deserts and Eastern Sierra Region, Region 6
Habitat Conservation Program
330 Golden Shore, Suite 250
Long Beach, CA 90802
(562) 590-5132

Gray Davis, Governor



AGREEMENT REGARDING PROPOSED ACTIVITIES SUBJECT TO
CALIFORNIA FISH AND GAME CODE SECTION 1603

NOTIFICATION NUMBER: 6-100-00;

AGREEMENT PERIOD: Date of Department's Signature to October 31, 2003

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the **Department**, and **AT & T Corporation**, (as represented by Court Morgan of Foster Wheeler Env. Corporation, (949) 756-7527), 1200 Peachtree Street, NE Room PA 103 Atlanta, GA 30390 in the Counties of Imperial, Riverside, Orange, San Diego and Los Angeles, State of California, hereinafter called the **Operator**, is as follows:

WHEREAS, pursuant to Section 1603 of California Fish and Game Code, the Operator, on the 8th day of September, 2000, notified the Department that they intend to divert or obstruct the natural flow of, or change the bed, channel, or bank of, or use material from the streambed(s)/lake of, the following water(s) (features identified more than once are crossed more than once at distinct locations):

Riverside County: (Link 3) Colorado River, F Canal, Burrow Pit Drain, Unnamed overflow from Burrow Pit Drain Levee, East Side Drain, D-10 Canal, Goldman Slough, (Link 4) two unnamed irrigation canals, Lovekin Drain, three unnamed irrigation canals, West Canal, two unnamed irrigation canals, C-05 Canal, two unnamed irrigation canals, Palo Verde Lagoon, unnamed irrigation canal, Palo Verde Lagoon, four unnamed irrigation canals, Rannell's Drain, and eight unnamed irrigation canals.

Imperial County: (Link 4) Two unnamed irrigation canals, Outfall Drain-Palo Verde, two unnamed irrigation canals, Outfall Drain-Palo Verde, thirty four unnamed irrigation canals, Milpitas Wash, seventy-two unnamed irrigation canals, Coachella Canal, Highline Canal, two unnamed irrigation canals, Alamo River, three unnamed irrigation canals, Moorehead Canal, three unnamed irrigation canals, Rockwood Lateral, DeMoulin Drain, Rose Outlet, eighteen unnamed irrigation canals, Eucalyptus Canal, ten unnamed irrigation canals, Elder Lateral, Elder Lateral, New River, Bull Head Slough, unnamed irrigation canals, Dixie Drain, Forget-Me-Not Canal, unnamed irrigation canals, Foxglove Canal, Westside Canal, ten unnamed drainages, Coyote Wash, eight unnamed irrigation canals, Coyote Wash, nine unnamed drainages, six crossings of Meyers Creek, unnamed drainage, Boulder Creek, and tributary to Boulder Creek.

San Diego County: (Link 4) Boulder Creek, fourteen unnamed drainages, Boundary Creek, nine unnamed drainages, tributary to Walker Creek, unnamed drainage, Campo Creek, Campo Creek, three unnamed drainages, Miller Creek, six unnamed drainages, La Posta Creek, Kitchen Creek, unnamed drainage, tributary to Cottonwood Creek, Cottonwood Creek, three unnamed drainages, tributary to Pine Valley Creek, tributary to Pine Valley Creek, Pine Valley Creek, ten unnamed drainages, Sweetwater River, three unnamed drainages, Veijas Creek, seven unnamed drainages, Los Coches Creek, three unnamed drainages, tributary to Los Coches Creek, and two unnamed drainages, (Link 5) [In Camp Pendleton: San Mateo Creek, San Onofre Creek, eleven unnamed drainages, Homo Creek, six unnamed drainages, Las Flores Creek, eight unnamed drainages, cocklebur Creek, Santa Margarita River, four unnamed drainages], San Luis Rey River, tributary to San Luis Rey River, Loma Alta Creek, Loma Alta Creek, Buena Vista Creek, tributary to Aqua Hedionda, tributary to Aqua Hedionda, tributary to Aqua Hedionda, unnamed drainage, San Marcos Creek, unnamed drainage, Encinitas Creek, Escondido Creek, Soledad Canyon Creek, Los Penasquitos Creek, three unnamed drainages, Rose Canyon Creek, San Clemente Canyon Creek, San Diego River.

EXHIBIT NO. 13
APPLICATION NO.
6-01-104
CA Fish & Game
1603 Agreement

Orange County: (Link 5) Unnamed flood control channel, Carbon Creek, flood control channel at Haster Basin, Santa Ana River, Santa Ana Gardens Channel, Santa Ana Delhi Channel, Santa Fe Channel, San Diego Creek Channel, three unnamed flood control channels, Bee Canyon Wash, Aqua Chinon Wash, Borrego Canyon Wash, Serrano Creek, San Diego Creek, Aliso Creek, Oso Creek, Trabuco Creek, two unnamed flood control channels, Horno Creek, San Juan Creek, three unnamed flood control channels.

Los Angeles County: (Link 5) Two unnamed flood control channels, Los Angeles River, three unnamed flood control channels, San Gabriel River, unnamed flood control channel, Coyote Creek, Moody Creek.

The California links are part of a multi-state project, starting in La Mesa, Texas and ending in Los Angeles, California. The California links include part of Link 3 (Colorado River to Blythe), Link 4 (Blythe to San Diego), and Link 5 (San Diego to Los Angeles). Please see Attachment A for a complete description of all crossings.

The project passes through the USGS 7.5 minute quadrangle maps as found in Appendix E.

WHEREAS, the Department (represented by Teresa Newkirk, Terri Dickerson, Leslie MacNair, Don Chadwick) has determined that such operations may substantially adversely affect existing fish and wildlife resources including: Desert tortoise, Least Bell's vireo, Southwestern willow flycatcher, Yuma clapper rail, Black rail, Western yellow-billed cuckoo, Southwestern arroyo toad, Peirson's milkvetch, Desert pupfish, Brown pelican, Peregrine falcon, California gnatcatcher, Aleutian Canada goose, Yuma clapper rail, Silvery-leaved sunflower, Harwood's milkvetch, Wiggins' croton, Baja California ipomopsis, Wiggins' cholla, Giant Spanish needles, Alkali skipper, San Diego thornmint, Colorado desert fringe-toed lizard, Lowland leopard frog, Western Burrowing owl, Mountain plover, Yellow-breasted chat, California yellow warbler, Vaux's swift, Tricolored blackbird, Reddish egret, California horned lark, Western least bittern, Loggerhead shrike, White-faced ibis, Black rail, Large-billed savannah sparrow, California gnatcatcher, Peninsular big horn sheep, Desert big horn sheep, Couch's spadefoot toad, Flat-tailed horned lizard, Pallid bat, Spotted bat, Pacific western big-eared bat, Pocketed free-tailed bat, Big free-tailed bat, Greater western mastiff-bat, California leaf-nosed bat, Small-footed myotis bat, Little brown bat, Southern rubber boa, Southwestern pond turtle, Orange-throated whiptail, Coastal western whiptail, Northern red-diamond rattlesnake, San Diego horned lizard, Two-stiped garter snake, Cooper's hawk, Tricolored blackbird, Southern California rufous-crowned sparrow, Golden eagle, Great egret, Long-eared owl, Western snowy plover, Western yellow-billed cuckoo, Gilded flicker, Black swift, Sonoran yellow warbler, Snowy egret, White-tailed kite, Prairie falcon, Bald eagle, California gray-headed junco, Elf owl, Brown-crested flycatcher, Black-crowned night heron, Summer tanager, Black-tailed gnatcatcher, Vermilion flycatcher, Bendire's thrasher, Cliff swallow, Rough-winged swallow, Colorado Valley woodrat, Los Angeles pocket mouse, raccoon, opossum, skunk, coyote, California ground squirrel, Audubon cottontail, mice, pocket gopher, Razorback sucker, Tidewater goby; Riparian Vegetation which provides habitat for those species: willows, poplars, oaks, sycamore, and mulefat; and all other fish and wildlife resources, including that riparian vegetation which provides habitat for such species, and all other aquatic resources, and wildlife in the streambed/lake and associated area affected by the proposed project in this agreement.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife resources during the Operator's work. The Operator hereby agrees to accept the following measures/conditions as part of the proposed work.

If the Operator's work changes from that stated in the notification specified above, this Agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this Agreement and with other pertinent code sections, including but not limited to Fish and Game Code Sections 5650, 5652, 5937, and 5948, may result in prosecution.

Nothing in this Agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances. A consummated Agreement does not constitute Department of Fish and Game endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

THIS AGREEMENT BECOMES EFFECTIVE ON DATE OF DEPARTMENT'S SIGNATURE AND TERMINATES December 31, 2003, for the proposed project only. The Operator may request an extension of the agreement annually for a 12-month period if additional construction time is necessary. The extension shall be requested prior to the termination date of the agreement. This agreement shall remain in effect for that time necessary to satisfy the terms/conditions of this agreement.

THIS AGREEMENT BECOMES EFFECTIVE ON date of Department's signature AND TERMINATES ON December 31, 2003 for the proposed projects only. This agreement shall remain in effect for that time necessary to satisfy the terms and/or conditions of this agreement.

STREAMBED ALTERATION CONDITIONS FOR NOTIFICATION No. 6-100-00:

1. The following provisions constitute the limit of activities agreed to and resolved by this Agreement. The signing of this Agreement does not imply that the Operator is precluded from doing other activities at the site. However, activities not specifically agreed to and resolved by this Agreement, shall be subject to separate notification pursuant to Fish and Game Code §1600.

2. The agreed work includes activities associated with No. 3 and 4 below. The project area is located in the following streambeds: Riverside County: (Link 3) Colorado River, F Canal, Burrow Pit Drain, Unnamed overflow from Burrow Pit Drain Levee, East Side Drain, D-10 Canal, Goldman Slough, (Link 4) two unnamed irrigation canals, Lovekin Drain, three unnamed irrigation canals, West Canal, two unnamed irrigation canals, C-05 Canal, two unnamed irrigation canals, Palo Verde Lagoon, unnamed irrigation canal, Palo Verde Lagoon, four unnamed irrigation canals, Rannell's Drain, and eight unnamed irrigation canals. Imperial County: (Link 4) Two unnamed irrigation canals, Outfall Drain-Palo Verde, two unnamed irrigation canals, Outfall Drain-Palo Verde, thirty four unnamed irrigation canals, Milpitas Wash, seventy-two unnamed irrigation canals, Coachella Canal, Highline Canal, two unnamed irrigation canals, Alamo River, three unnamed irrigation canals, Moorehead Canal, three unnamed irrigation canals, Rockwood Lateral, DeMoulin Drain, Rose Outlet, eighteen unnamed irrigation canals, Eucalyptus Canal, ten unnamed irrigation canals, Elder Lateral, Elder Lateral, New River, Bull Head Slough, unnamed irrigation canals, Dixie Drain, Forget-Me-Not Canal, unnamed irrigation canals, Foxglove Canal, Westside Canal, ten unnamed drainages, Coyote Wash, eight unnamed irrigation canals, Coyote Wash, nine unnamed drainages, six crossings of Meyers Creek, unnamed drainage, Boulder Creek, and tributary to Boulder Creek. San Diego County: (Link 4) Boulder Creek, fourteen unnamed drainages, Boundary Creek, nine unnamed drainages, tributary to Walker Creek, unnamed drainage, Campo Creek, Campo Creek, three unnamed drainages, Miller Creek, six unnamed drainages, La Posta Creek, Kitchen Creek, unnamed drainage, tributary to Cottonwood Creek, Cottonwood Creek, three unnamed drainages, tributary to Pine Valley Creek, tributary to Pine Valley Creek, Pine Valley Creek, ten unnamed drainages, Sweetwater River, three unnamed drainages, Veijas Creek, seven unnamed drainages, Los Coches Creek, three unnamed drainages, tributary to Los Coches Creek, and two unnamed drainages, (Link 5) [In Camp Pendleton: San Mateo Creek, San Onofre Creek, eleven unnamed drainages, Horno Creek, six unnamed drainages, Las Flores Creek, eight unnamed drainages, cocklebur Creek, Santa Margarita River, four unnamed drainages], San Luis Rey River, tributary to San Luis Rey River, Loma Alta Creek, Loma Alta Creek, Buena Vista Creek, tributary to Aqua Hedionda, tributary to Aqua Hedionda, tributary to Aqua Hedionda, unnamed drainage, San Marcos Creek, unnamed drainage, Encinitas Creek, Escondido Creek, Soledad Canyon Creek, Los Penasquitos Creek, three unnamed drainages, Rose Canyon Creek, San Clemente Canyon Creek, San Diego River. Orange County: (Link 5) Unnamed flood control channel, Carbon Creek, flood control channel at Haster Basin, Santa Ana River, Santa Ana Gardens Channel, Santa Ana Delhi Channel, Santa Fe Channel, San Diego Creek Channel, three unnamed flood control channels, Bee Canyon Wash, Aqua Chinon Wash, Borrego Canyon Wash, Serrano Creek, San Diego Creek, Aliso Creek, Oso Creek, Trabuco Creek, two unnamed flood control channels, Horno Creek, San Juan Creek, three unnamed flood control channels. Los Angeles County: (Link 5) Two unnamed flood control channels, Los Angeles River, three unnamed flood control channels, San Gabriel River, unnamed flood control channel, Coyote Creek, Moody Creek.

3. The Operator proposes to construct a buried set of fiber optic conduits from Los Angeles to San Diego and continuing through to Blythe, CA in order to increase the capacity of the AT&T Corporation nationwide fiber optic network. The conduit will be installed using conventional trenching, plowing, rock sawing, and directional drilling methods. Construction will require a temporary easement 20-40 feet wide. Up to twelve 1-1/2 inch ducts will be installed in a trench approximately 48 inches deep and 10-18 inches wide. Impacts include trenching across small washes, attaching cables to bridges, and in the case of larger washes, directional boring. Staging areas for entry and exit areas for boring under streams crossings will be located outside the drainage area and any associated riparian vegetation.

4. Specific work areas and mitigation measures are described on/in the plans and documents submitted by the Operator and shall be implemented as proposed, unless directed differently by this agreement.

5. Operator agrees to those mitigation measures set forth in their application package, associated environmental documents, and the conditions of approval required by the CEQA Lead Agency California State Lands Commission. Operator shall implement the following additional mitigation measures to further minimize potential project impacts on state and federal endangered, threatened, and sensitive species.

1. Cable Hanging Conduit shall be hung from existing structures at the following locations: (See Attachment B) Link 3- Colorado River. Link 4- Alamo River, Boulder Creek, Boulder Creek, Boundary Creek, Cottonwood Creek, Kitchen Creek, Kitchen Creek, La Posta Creek, Meyers Creek, Meyers Creek, Sweetwater River, Tributary to Pine Valley Creek, 3 Unnamed, Viejas Creek. Link 5- Buena Vista Creek, Carmel Valley Creek, Coyote Creek, Encinitas Creek, Escondido Creek, Los Angeles River, Los Penasquitos Creek, Rose Canyon Creek, San Clemente Canyon Creek, San Diegiuto River, San Diego Creek Channel, San Gabriel River, San Juan Creek, San Luis Rey River, San Marcos Creek, San Mateo Creek, San Onofre Creek, Santa Ana River, Santa Margarita River, Soledad Canyon Creek, Trabuco Creek, Tributary to Aqua Hedionda, Tributary to San Elijo Lagoon. Conduit shall be hung in such a manner that existing cracks, expansion joints, and hinges are not altered. The Operator shall ensure that during drilling, application of epoxy grout, anchoring, installation of handholes/manholes, or associated activity no debris, silt, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any maintenance, construction, of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the state.
2. Directional Drilling The Operator proposes to bore at the following locations- (See Attachment C)-Link 4-Unnamed drainage, Palo Verde Outfall Drain, Palo Verde Outfall Drain, unnamed, New River, Bull Head Slough, Bull Head Slough, Westside Canal, 10 unnamed drainages. Link 5- Horno Creek and Los Flores Creek.
3. Culvert Crossing The Operator will trench over culvert structures listed if permitted to do so by culvert manager (See Attachment D). Link 3- F Canal, Burrow Pit Drain, Unnamed over flow from Burrow Pit Drain Levee, East Side Drain, D-10 Canal, Goldman Slough. Link 4- 2 unnamed, Lovekin Drain, 3 Unnamed, West Canal, 2 Unnamed, C-05 canal, 2 unnamed, Palo Verde Lagoon, Unnamed, Palo Verde Lagoon, 3 unnamed, Rannell's Drain, 11 unnamed, Rockwood Lateral, DeMoulin Drain, Rose Outlet, 18 unnamed, Eucalyptus Canal, 10 unnamed, Elder Lateral, Elder Lateral, unnamed, Fern Drain, Bullhead Slough, unnamed, Dixie Drain, Forget-Me-Not Canal, unnamed, Foxglove canal, 4-Meyers Creek, Unnamed, Tributary to Boulder Creek, 2 unnamed, Tributary to Walker Creek, 2-Campo Creek, Miller Creek, 4-unnamed, tributary to Cottonwood Creek, 3-unnamed, Tirbutary to Pine Valley Creek, Tributary to Pine Valley Creek, 3-unnamed, Sweetwater River, Sweetwater River, 7-unnamed. Link 5- 6-unnamed, Moody Creek, Unnamed, Carbon Creek, Culvert to Haster Basin, Santa Ana Gardens Channel, Santa Ana Delhi Channel, Santa Fe Channel, 3-Unnamed, Bee Canyon Wash, Aqua Chinon Wash, Borrego Canyon Wash, Serrano Creek, San Diego Creek, Aliso Creek, Oso Creek, 2-unnamed, Horno Creek, 28-unnamed, Cocklebur Creek, 4-unnamed, Tributary to San Luis Rey River, Loma Alta Creek, Loma Alta Creek, Tributary to San Luis Rey River, Loma Alta Creek, Loma Alta Creek, Tributary to Aqua Hedionda, Tributary to Aqua Hedionda, 2-unnamed, San Elijo Lagoon, San Diego River. Otherwise culverts in Appendix D will be directionally

embedding the interstitial spaces in gravels, and filling rearing pools, which may decrease available habitat upon which these fish or other aquatic resources may depend. In the event of a BENTONITE spill, clean-up efforts may result in increased disturbance to the stream channel banks, channel bed, riparian areas, and in stream habitat as equipment, machinery, and personnel enter and conduct the clean-up work.

22. The Operator shall drill a minimum of thirty (30) feet below the lowest point of the streambed or bottom of a wetland area when crossing stream channels or wetland areas where water is present. The minimum depth shall be ten (10) feet at dry crossings. If the minimum depth is not possible at a specific site, the Operator shall contact the Department and request, in writing, a site specific variance. The variance request shall include site location information and a brief statement as why the minimum drill depth can not be obtained. The drilling operation may not commence until the variance has been approved in writing by the Department and the Operator has a copy of the approved variance at the drill site. The Drilling Operator shall submit to the Operator's environmental monitor an estimate of total bentonite use for each crossing prior to commencing operations. When bentonite use has reached 100 percent of the estimate, the drilling operator shall notify the Operator representative and shall include the approximate percent complete for the bore. If the bore is less than 80 percent complete or there is a discrepancy that cannot be explained by known environmental conditions, the drilling operation shall be halted while a search is conducted in the area for possible fraq-outs. The Operator's representative shall submit a special report to the Department regarding any such searches. If no fraq-outs are detected, the drilling may continue, but daily reports on the use of bentonite and the percent complete for the drill will be filed and daily searches for fraq-outs will be conducted.

23. Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation, shall be halted until effective Department approved control devices are installed, or abatement procedures are initiated.

24. Water containing mud, silt, or other pollutants from aggregate washing, trenching, drilling, boring, settling ponds, water treatment facilities, or other project-related activities shall not be allowed to enter a flowing stream or place in locations where they may be washed by flows or precipitation into State waters.

25. Silty/turbid water shall not be discharged into the stream or into storm drains. Such water shall be settled, filtered, or otherwise treated prior to discharge back into the stream channel. The plan to minimize siltation/turbidity may require that the work site be isolated and/or may require the construction of silt catchment basins, so that silt, or other deleterious materials are not allowed to pass to downstream reaches. The placement of any structure or materials in the stream for this purpose, not included in the original project description, shall be coordinated with the Department prior to construction.

26. All contaminated (including muddy) water from the excavation and/or project activities shall be pumped into a holding facility or into a settling pond located in flat stable areas outside of the stream channel or pumped up on a stable grassy area where the water clears prior to flowing back into the stream.

27. Any equipment or vehicles driven and/or operated within or adjacent to the stream/lake shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life.

28. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream/lake shall be positioned over drip pans.

29. During construction, the contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.

30. The upstream and downstream limits of the work areas within the washes, including all areas of impact to existing desert riparian habitat and "Environmentally Sensitive Areas (ESA)", shall be identified with flagging or brightly colored mesh fencing or some other means readily conveyed to the equipment operators. These limits will be identified by a supervisor familiar with the terms of this agreement, prior to the beginning of activities, and will be confined to the minimal area needed to accomplish the proposed work.

31. Vehicle access to all project activities will be limited to the least resource disturbing ingress and egress corridors possible, utilizing already established dirt access roads where possible. All other areas will be considered off-limits to equipment. Vehicles shall not be driven or equipment operated in water covered portions of a stream or in wetted areas (including but not limited to ponded, flowing, or wetland areas), or where desert riparian vegetation may be destroyed, except as necessary to complete authorized work as provided for in the project description and plans submitted by the Operator.
32. Spoil sites shall not be located within a stream, where spoil could be washed back into a stream, or where it will cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of a stream that could be washed downstream or could be deleterious to aquatic life shall be removed from the project site prior to inundation by high flows.
33. Staging/storage areas for equipment and materials shall be located outside of the streams or their associated wetland/riparian habitat areas. Any equipment or vehicles driven and/or operated within or adjacent to the streambeds shall be checked and maintained daily to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. No equipment maintenance shall be done within or near any stream channel or waters where petroleum products or other pollutants from the equipment may enter these areas under any flow.
34. No debris, silt, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any maintenance, construction, or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the state. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
35. A complete revegetation plan shall be submitted to the Department for approval. The Department shall approve the revegetation plan prior to commencement of construction activities.
36. Restoration shall include the revegetation of stripped or exposed areas with vegetation native to the area.
37. Except as otherwise permitted in this Agreement, the removal of soil, vegetation, and vegetative debris from the stream bed or stream banks is prohibited. The Operator may remove all human generated debris, such as lawn and farm cuttings, garbage and trash. The Operator shall remove washed out culverts, and other construction materials, that the Operator places within, or where they may enter the stream.
38. The Operator shall not plant, seed or otherwise introduce invasive exotic plant species to the landscaped areas adjacent and/or near the mitigation/open space areas. Exotic plant species not to be used include those species listed on Lists A & B of the California Exotic Pest Plant Council's list of "Exotic Pest Plants of Greatest Ecological Concern in California as of August 1996." This list includes such species as: pepper trees, pampas grass, fountain grass, ice plant, myoporum, tree of heaven, black locust, capeweed, tree of heaven, periwinkle, bush lupine, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained by contacting the California Exotic Pest Plant Council in Orange County. The Operator shall submit a copy of the draft landscape/planting plan to the Department's representative for review at least 30 days prior to the acquisition and/or use of any plant materials (seeds or container plants) adjacent to the mitigation/open space site. A site visit by the DFG representative to review the presence (or absence) of exotic pest plants is required prior to the Department's acceptance of the completed project.
39. A performance bond for the amount of complete restoration and land costs shall be submitted to the Department prior to initiation of construction activities. This amount shall be based on a cost estimate which shall be submitted to the Department for approval within 30 days of signing this Agreement.
40. All project resident engineers, project engineers, project inspectors, and contractors and sub-contractors shall be provided with a copy of this agreement, and shall abide by the terms and conditions of this agreement.
41. The Operator shall comply with all litter and pollution laws. All contractors, subcontractors and employees

Appendix A Waters and Wetlands Crossed by Proposed Project in California

See the Line List (Appendix C, Attachment C-2) of the AT&T NexGen/Core Project Proposed Mitigated Negative Declaration/Initial Study (December 2000).

Appendix B

FEATURES PROPOSED FOR BRIDGE HANG, APPROVAL PENDING

LINK 3	LINK 5
3WL1 - Colorado River	5WL1 - San Mateo Creek
LINK 4	5WL2 - San Onofre Creek
4WL16 - Kitchen Creek (Level 3)	5WL06 Santa Margarita River
4W262 - La Posta Creek (Level 3)	5WL8 - San Luis Rey River
4W263 - Kitchen Creek (Level 3)	5W14 - Santa Ana River
4W266 - Cottonwood Creek (Level 3)	5W29 - Trabuco Creek
4W286 - Sweetwater River (Level 3)	5W33 - San Juan Creek
4W290 - Viejas Creek (Level 3)	Listed crossings denotes CDFG required hang and structure manger has approved of construction technique

FEATURES OPERATOR PROPOSES TO HANG, BUT MAY BORE IF REQUIRED BY BRIDGE MANAGER

4WL10	Alamo River	5WL13	San Marcos Creek
4W216	Meyers Creek	5WL15	Encinitas Creek
4W217	Meyers Creek	5WL16	Escondido Creek
4W222	Boulder Creek	5WL17	Tributary to San Elijo Lagoon
4W224	Boulder Creek	5WL18	San Diegiuto River
4W239	Boundary Creek	5WL19	Carmel Valley Creek
4W270	Tributary to Pine Valley Creek	5W70	Soledad Canyon Creek
4WL17	Unnamed	5WL20	Los Penasquitos Creek
4W299	Unnamed	5W74	Rose Canyon Creek
4WL18	Unnamed	5W75	San Clemente Canyon Creek
5W03	Los Angeles River	NOTE: "No." column identifies where the feature can be found Link 3, 4, or 5 NOTE: WL = USACE jurisdictional wetland; W = defined bed and bank	
5W07	San Gabriel River		
5W09	Coyote Creek		
5W18	San Diego Creek Channel		
5W67	Buena Vista Creek		
5WL12	Tributary to Aqua Hedionda		

Appendix C

FEATURES THAT THE OPERATOR PROPOSES TO BORE

Feature No.	Feature Name
4WL5	Unnamed
4WL8	Outfall Drain- Palo Verde
4WL9	Outfall Drain- Palo Verde
4W30	Unnamed
4WL11	New River
4WL12	Bull Head Slough
4WL13	Bull Head Slough
4W185	Westside Canal
4W186	Unnamed
4W187	Unnamed
4W188	Unnamed
4W189	Unnamed
4W190	Unnamed
4W191	Unnamed
4W192	Unnamed
4W193	Unnamed
4W194	Unnamed
4W195	Unnamed
4W196	Coyote Wash
4WL15	Unnamed
5W48	Horno Creek
5W55	Las Flores Creek

NOTE: "No." column identifies where the feature can be found Link 3, 4, or 5

NOTE: WL = USACE jurisdictional wetland; W = defined bed and bank

Appendix D CULVERT CROSSINGS

FEATURES OPERATOR PROPOSES TO TRENCH OVER IF THE FEATURE
MANAGER WILL PERMIT IT

Feature No.	Feature Name	Feature No.	Feature Name	Feature No.	Feature Name	Feature No.	Feature Name
LINK 3				LINK 4			
3W1	F Canal	4W01	Unnamed	4W143	Unnamed	4W183	Unnamed
3WL2	Burrow Pit Drain	4W02	Unnamed	4W144	Rockwood Lateral	4W184	Foxglove Canal
3WL3	Unnamed /over flow from Burrow Pit Drain Levee	4WL1	Lovekin Drain	4W145	De Moulin Drain	4W215	Meyers Creek
3WL4	East Side Drain	4W03	Unnamed	4W146	Rose Outlet	4W218	Meyers Creek
3W2	D-10 Canal	4W04	Unnamed	4W147	Unnamed	4W219	Meyers Creek
3W3	Goldman Slough	4W05	Unnamed	4W148	Unnamed	4W220	Meyers Creek
		4W06	West Canal	4W149	Unnamed	4W221	Unnamed
		4W07	Unnamed	4W150	Unnamed	4W223	Tributary to Boulder Creek
		4W08	Unnamed	4W151	Unnamed	4W244	Unnamed
		4W09	C-05 Canal	4W152	Unnamed	4W245	Unnamed
		4WL2	Unnamed	4W153	Unnamed	4W248	Tributary to Walker Creek
		4W10	Unnamed	4W154	Unnamed	4W250	Campo Creek
		4WL3	Palo Verde Lagoon	4W155	Unnamed	4W251	Campo Creek.
		4W11	Unnamed	4W156	Unnamed	4W255	Miller Creek
		4WL4	Palo Verde Lagoon	4W157	Unnamed	4W256	Unnamed
		4W12	Unnamed	4W158	Unnamed	4W257	Unnamed
		4W13	Unnamed	4W159	Unnamed	4W258	Unnamed
		4W14	Unnamed	4W160	Unnamed	4W260	Unnamed
		4WL6	Rannell's Drain	4W161	Unnamed	4W265	Tributary to Cottonwood Creek
		4W15	Unnamed	4W162	Unnamed	4W267	Unnamed
		4W16	Unnamed	4W163	Unnamed	4W268	Unnamed
		4W17	Unnamed	4W164	Unnamed	4W269	Unnamed
		4WL7	Unnamed	4W165	Eucalyptus Canal	4W271	Tributary to Pine Valley Creek
		4W18	Unnamed	4W166	Unnamed	4W272	Tributary to Pine Valley Creek
		4W19	Unnamed	4W167	Unnamed	4W279	Unnamed
		4W20	Unnamed	4W168	Unnamed	4W280	Unnamed
		4W21	Unnamed	4W169	Unnamed	4W281	Unnamed
		4W22	Unnamed	4W170	Unnamed	4W284	Sweetwater River
		4W23	Unnamed	4W171	Unnamed	4W285	Sweetwater River
		4W24	Unnamed	4W172	Unnamed	4W287	Unnamed
		4W25	Unnamed	4W173	Unnamed	4W291	Unnamed

Feature No.	Feature Name	Feature No.	Feature Name	Feature No.	Feature Name	Feature No.	Feature Name
LINK 3		LINK 4					
	4W133	Coachella Canal	4W174	Unnamed	4W292	Unnamed	
	4W134	Highline Canal	4W175	Unnamed	4W293	Unnamed	
	4W135	Unnamed	4W176	Elder Lateral	4W295	Unnamed	
	4W136	Unnamed	4W177	Elder Lateral	4W296	Unnamed	
	4W137	Unnamed	4W178	Unnamed	4W301	Unnamed	
	4W138	Unnamed	4W179	Fern Drain	4W302	Unnamed	
	4W139	Unnamed	4W180	Bullhead Slough			
	4W140	Moorehead Canal	4W181	Unnamed			NOTE: WL = USACE jurisdictional wetland; W = defined bed & bank
	4W141	Unnamed	4WL14	Dixie Drain			
	4W142	Unnamed	4W182	Forget-Me-Not Canal			

Feature No.	Feature Name	Feature No.	Feature Name	Feature No.	Feature Name
LINK 5					
5W01	Unnamed	5W31	Unnamed	5W58	Unnamed
5W02	Unnamed	5W32	Horno Creek	5W59	Unnamed
5W04	Unnamed	5W34	Unnamed	5WL03	Unnamed
5W05	Unnamed	5W35	Unnamed	5WL04	Unnamed
5W06	Unnamed	5W36	Unnamed	5W60	Unnamed
5W08	Unnamed	5W37	Unnamed	5WL05	Unnamed
5W10	Moody Creek	5W38	Unnamed	5W61	Cocklebur Creek
5W11	Unnamed	5W39	Unnamed	5WL07	Unnamed
5W12	Carbon Creek	5W40	Unnamed	5W62	Unnamed
5W13	Culvert to Haster Basin	5W41	Unnamed	5W63	Unnamed
5W15	Santa Ana Gardens Channel	5W42	Unnamed	5W64	Unnamed
5W16	Santa Ana Delhi Channel	5W43	Unnamed	5W65	Tributary to San Luis Rey River
5W17	Santa Fe Channel	5W44	Unnamed	5W66	Loma Alta Creek
5W19	Unnamed	5W45	Unnamed	5WL09	Loma Alta Creek
5W20	Unnamed	5W46	Unnamed	5WL10	Tributary to Aqua Hedionda
5W21	Unnamed	5W47	Unnamed	5WL11	Tributary to Agua Hedionda
5W22	Bee Canyon Wash	5W49	Unnamed	5W68	Unnamed
5W23	Aqua Chinon Wash	5W50	Unnamed	5WL14	Unnamed
5W24	Borrego Canyon Wash	5W51	Unnamed	5W69	San Elijo Lagoon
5W25	Serrano Creek	5W52	Unnamed	5WL21	San Diego River
5W26	San Diego Creek	5W53	Unnamed		NOTE: WL = USACE jurisdictional wetland; W = defined bed & bank
5W27	Aliso Creek	5W54	Unnamed		
5W28	Oso Creek	5W56	Unnamed		
5W30	Unnamed	5W57	Unnamed		

Appendix E

PROJECT QUADS

East-west	Quad name	East-west	Quad name
1	Blythe	44	Tustin
2	Ripley	45	Newport
3	Palo Verde	46	Anaheim
4	Cibola	47	Los Alamitos
5	Palo Verde Peak	48	Long Beach
6	Buzzards Peak	49	South gate
7	Mt. Barrow	50	Los Angeles
8	Ninemile Wash	51	Hollywood
9	East of Acolita		
10	Glamis		
11	Glamis NW		
12	Holtville NE		
13	Alamorio		
14	Brawley		
15	El Centro		
16	Seeley		
17	Plaster City		
18	Painted Gorge		
19	Coyote Wells		
20	In-Ko-Pah Gorge		
21	Jacumba		
22	Live Oak Springs		
23	Cameron Corners		
24	Mount Laguna		
25	Descanso		
26	Viejas Mtn.		
27	Alpine		
28	El Cajon		
29	La Mesa		
30	Point Loma		
31	La Jolla		
32	Del Mar		
33	Rancho Santa Fe		
34	Encinitas		
35	San Luis Rey		
36	Oceanside		
38	Las Pulgas Canyon		
39	San Onofre Bluff		
40	San Clemente		
41	Dana Point		
42	San Juan Capistrano		
43	El Toro		



Winston H. Hixson
Secretary for
Environmental
Protection

State Water Resources Control Board

Executive Office

1001 T Street • Sacramento, California 95814 • (916) 341-5615
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
FAX (916) 341-5671 • Web Site Address: <http://www.swrcb.ca.gov>



Gray Davis
Governor

P. 02/29

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RECEIVED

JUN 08 2001

Mr. Court Morgan
Foster Wheeler Environmental Corporation
1940 East Daere Avenue, Suite 200
Santa Ana, CA 92705

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Mr. Morgan:

ORDER FOR TECHNICALLY-CONDITIONED WATER QUALITY CERTIFICATION: AT&T CORP.
NEXGEN/CORE FIBER OPTIC CONDUIT INSTALLATION PROJECT-LOS ANGELES TO
SAN DIEGO AND SAN DIEGO TO BLYTHE (CORP'S FILE NUMBER FILE NO. 20000 1757-TCD)

This Order responds to your request on behalf of AT&T Corp. for water quality certification for the subject project.

ACTION:

1. Order for Standard Certification
2. Order for Technically-Conditioned Certification
3. Order for Denial of Certification

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except for denials as noted under Condition 3.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 8 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was

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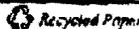


EXHIBIT NO. 14
APPLICATION N
6-01-104
Water Quality
Certification

Mr. Court Morgan

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filed pursuant to subsection 3855(b) of Chapter 28, CCR 23, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

- 3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23, and owed by the applicant.

ADDITIONAL CONDITIONS (for Certification Action 2):

In addition to the three standard conditions, AT&T Corp. (the applicant) shall satisfy the following:

I. Compliance with Other Documents and Agency Requirements

- A. Copies of any final California Department of Fish and Game (DFG) Streambed Alteration Agreement (SAA) (or agreements) shall be provided upon request to the appropriate Regional Water Quality Control Board (Regional Board) at the addresses given below.
- B. The project shall be implemented as described in the application materials. Any deviation from the proposed project shall require notification of such to the appropriate State Water Resources Control Board (State Board) and Regional Board contact persons listed below, and may require revision to the existing or an additional, new water quality certification.
- C. This certification does not apply to discharges which require a permit under section 402 of the Clean Water Act (e.g., a storm water construction or other National Pollutant Discharge Elimination System permit).

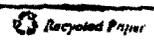
II. Controls On Trenching, Drilling, and Boring Activities

- A. Proper coordination with appropriate agencies prior to trenching, drilling, and boring shall be performed to ensure that construction crews are fully aware of the location of buried sewage lines, pipelines, and other objects to avoid potential pollution spillage into State water bodies due to line breakage.
- B.
 - 1. The discharge of bentonite and other drilling "mud" materials into waters of the State is prohibited.
 - 2. The submission schedule for and contents of "boring plans" and "frac-out prevention and clean-up plans" have been described in Item 17 (Page 7 of 11) of DFG SAA Number 6-100-00 (dated February 16, 2001). Such plans shall also be provided at the same time to the appropriate Regional Board.
 - 3. One cause for a bentonite discharge under and into a water body may be an overly severe descent-ascent angle at the radii of a bore. Such plans shall include information

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(e.g., engineering diagrams) on the planned bore track under the water body. Such information shall include the location of alternative bore entry/exit points, the range of possible "set-back" distances, and the range of resulting bore depths.

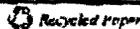
- 4. Whenever boring equipment design limits may be approached, DFG and the Regional Board(s) shall be so notified in the boring plan.
- C. Boring activities under ephemeral/seasonal surface waters shall occur only when low or no flows are present. If the site is determined to be at high risk for a discharge and flows are present, an appropriate activity—such as damming, fluming, or screening the stream—shall be prestaged. The downstream end of any structure (e.g., flume) used shall be dammed or shall otherwise contain all (bentonite or other) drilling mud. Any drilling mud, spoils, etc., must be completely removed from the streambed prior to removal of the structures (e.g., dam, flume, screen).
- D. In addition to the duties of the Biological Monitor described in Item 18 of DFG SAA Number 6-100-00 (Page 7 of 11), the Monitor shall also see that the conditions of this document are met.
- E. Boring activities will occur during daylight hours to ensure effective monitoring, quick discovery of problems or spills, and rapid implementation of mitigation measures, unless drilling after sundown is otherwise required by another (e.g., federal, State, or local) authority. If work must occur at night, notification shall be provided to the appropriate Regional Board, and steps shall be taken to ensure adequate visibility for workers, supervisors, and monitors (e.g., using portable high output lighting).
- F. All drilling mud will be contained and properly disposed of after drilling activities are completed.
- G. Any drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types and the release of drilling lubricants through fractures in the streambed or bank substrate (i.e., "frac-outs"). In substrates where frac-outs are likely to occur, the risk shall be reduced by using, among other possible methods, lower pressure, thicker drilling mud mixtures, and/or different boring depths.

III. Prohibitions Against and Controls on Other Activities

- A. All activities shall adhere to appropriate requirements and prohibitions in the State Water Quality Control Plans, including the Basin Plans and California Ocean Plan. Discharges which are prohibited include, but are not limited to:
 - 1. Any material (including soil) in concentrations toxic to humans, plant, or animal life;
 - 2. Oil, grease, wax, or fuel to receiving waters or to the substrate (where it may enter ground water);

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3. Anything that may cause a visible film or coating on the surface of or objects in receiving waters;
 4. A concentration or bioconcentration of toxic pollutants in the water column, sediments, or biota so as to adversely affect beneficial uses of water or human health;
 5. Anything that contributes to excessive algae growth in the project area or downstream waters;
 6. Anything that discolors receiving waters so as to be harmful to beneficial uses;
 7. Floating materials including solids, liquids, foam, or scum that adversely affect beneficial uses; and
 8. Anything that increases turbidity in receiving waters so as to cause nuisance or adversely effect beneficial uses.
- B. Disturbance or removal of riparian or in-stream vegetation shall not exceed the minimum necessary to complete operations.
- C. No equipment shall be operated or trenching shall occur in flowing or standing water within a stream channel.
- D. No debris, soil, silt, sand, cement, concrete, bentonite-containing or other drilling mud, or washings thereof, other construction-related materials or wastes, oil or petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be washed into waters of the State
- E. No cleaning, lubrication, refueling, or maintenance of equipment will occur where potential spills can enter waters of the State (including via gutters and storm drains). Such activities are prohibited within 50 feet of any water body with the following exception:
1. Such activities shall be allowed within 50 feet of waters of the State only when removal of non-mobile or low mobility equipment (e.g., directional boring equipment) out of and away from waters of the State would result in unnecessary and unavoidable additional damage to the environment (e.g., to streambanks, riparian vegetation, and coastal shorelines).
 2. Under such circumstances, the applicant shall take extraordinary care not to discharge fuel, oil, or other materials that may harm beneficial uses of water (e.g., fish, wildlife, aesthetics, drinking water, ground water, etc.). The applicant shall use appropriate devices (e.g., commercially-available mats designed to be placed under equipment in order to catch spilled petroleum products) to prevent fuel and oil from reaching underlying soils.
 3. This allowance may be revoked at any point and a prohibition applied by the Regional Board or U.S. Army Corps of Engineers (Corps) against fueling or

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maintenance in waters of the State or the United States if discharges of fuel or oil occur. On request, the applicant shall arrange to demonstrate a re-fueling procedure to State or federal agents visiting a project site.

- F. Storage/staging facilities shall not be placed and re-fueling equipment shall not be stored in or within 200 feet of waters of the United States.
- G. No trash, garbage, sewage, debris, or wastewater from any activities at project sites shall be disposed of or allowed into waters of the State.
- H. When feasible, the applicant shall hang cable structures from existing bridges or other structures rather than risk disturbing or drilling under State waters.
- I. Activities shall avoid all temporary and permanent deleterious impacts to vernal pools if need be by diverting construction around vernal pools or by directional boring safely under and well outside (i.e., entry and exit points at least 100 feet from the edge) of vernal pools. Activities shall not puncture impermeable soil layers underneath vernal pools.
- J. In particular, no activity shall create a nuisance or pollution as defined in California Water Code section 13050 or cause a violation of any water quality standard applicable to regional water bodies (as discussed in the Water Quality Control Plans).

IV. Accidental Discharges and Emergencies

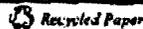
In the event of a frac-out or any other accidental discharge affecting waters of the State, the applicant shall notify the staff of the appropriate Regional Board within 24 hours by phone message or fax. Notification shall include, but not be limited to, duration of discharge, amount and type of material discharged, amount of material recovered, description of existing resources affected by the discharge, description of impacts resulting from the discharge and clean-up activities, and a description/discussion of any necessary restoration measures.

V. Mitigation and Monitoring of Impacts to Aquatic, Wetland, and Riparian Areas

- A. A qualified field monitor with background experience in biology shall be on site to regulate activities that may result in impacts to aquatic, wetland, and/or riparian habitats (e.g., boring, trenching, vegetation removal, and equipment operation in or near waters of the State). Within ten days after work is completed, a report on such impacts, if any, shall be transmitted to the appropriate Regional Board. In addition, any significant adverse impacts, not previously described in the application and supporting documentation, occurring during construction/operations shall be reported (via phone message or fax) to the appropriate Regional Board within 24 hours of occurrence.
- B. Disturbed areas shall be restored to original surface contours, and erosion control measures shall be implemented as necessary.

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Mr. Court Morgan

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- C. If mitigation is required by any authority, the applicant shall provide a copy of the mitigation plan to the appropriate Regional Board within 30 days of completion of activities within that Region. For all compensatory mitigation, the mitigation plan shall include success criteria and a mitigation monitoring plan. A remedial action plan shall be developed and submitted to the Regional Board if success criteria are not achieved.
- D. Permanent loss of woody riparian vegetation shall be replaced using a minimum 2:1 mitigation-acreage-to-impact-acreage ratio unless a higher ratio is required by another local, State, or federal agency.
- E. Photographs of any potentially impacted aquatic, wetland, and/or riparian areas shall be taken before and after project activities to document impacts or a lack thereof. The applicant shall also take photographs of all compensatory mitigation areas, if applicable, one and three years (the exact length of time may be determined by the Regional Board staff) after completion of project activities. Copies of all photographs shall be properly identified and sent to the Regional Boards and the Corps.

VI. Inspections

The applicant shall allow staff inspectors from the Regional Boards or Corps to freely visit project sites. A knowledgeable project spokesperson shall be available upon request to answer State and federal inspectors' questions and to discuss construction procedures pertaining to water quality concerns.

VII. Ocean-Specific Conditions

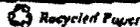
- A. As listed in the California Ocean Plan, activities are prohibited that may result in the degradation of indigenous marine species or threaten human health.
- B. Activities shall be scheduled and conducted in such a manner as to avoid or minimize disturbance to the ocean floor and marine environment.
- C. Discharges, including trenching, plowing, and other construction activities associated with placement of an underwater cable, are prohibited within the boundaries of all Areas of Special Biological Significance (ASBS). Maps and locations of all ASBSs are available from the State Board and Regional Boards.

VIII. Other Related Cable Lines

This certification action only applies to and is only intended for the construction and placement of the fiber optic cable described herein. It does not apply to other cable projects that may ultimately connect to the cable lines described herein.

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Mr. Court Morgan

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REGIONAL WATER QUALITY CONTROL BOARD STAFF CONTACTS (all reports and notifications should be made to the following appropriate contacts):

Los Angeles Region

Raymond Jay
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013
(213) 576-6689
(213) 576-6640 (FAX)

Colorado River Region

Sheila Ault
Colorado River Basin Regional Water Quality
Control Board
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
(760) 776-8960
(760) 341-6820 (FAX)

Santa Ana Region

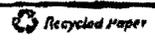
Hope Smythe
Santa Ana Regional Water Quality
Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339
(909) 782-4493
(909) 781-6288 (FAX)

San Diego Region

Stacey Backowski
San Diego Regional Water Quality
Control Board
9771 Clairemont Mesa Boulevard, Suite A
San Diego, CA 92124-1324
(858) 637-5594
(858) 671-6972 (FAX)

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California Environmental Protection Agency



Mr. Court Murgan

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STATE WATER RESOURCES CONTROL BOARD CONTACT PERSON:

Timothy Stevens
Division of Water Quality
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814
(916) 341-5464
(916) 341-5470 (FAX)
stevt@dwq.swrcb.ca.gov (e-mail)

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the AT&T Corp. NEXGEN/CORE Fiber Optic Conduit Installation Project—Los Angeles to San Diego and San Diego to Dlythe--will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act, and with other applicable requirements of State law.



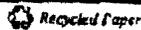
Edward C. Anton
Acting Executive Director
State Water Resources Control Board

Enclosure

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California Environmental Protection Agency



Distribution List

Mr. Dennis Dickerson
 Executive Officer
 Los Angeles Regional Water Quality
 Control Board
 320 West 4th Street, Suite 200
 Los Angeles, CA 90013

U.S. Fish and Wildlife Service
 2493 Portola Road, Suite B
 Ventura, CA 93003

Mr. Phil Gruenberg
 Executive Officer
 Colorado River Basin Regional Water Quality
 Control Board
 73-720 Fred Waring Drive, Suite 100
 Palm Desert, CA 92260

Mr. Gerard Thibeault
 Executive Officer
 Santa Ana Regional Water Quality
 Control Board
 3737 Main Street, Suite 500
 Riverside, CA 92501-3339

Mr. John Robertus
 Executive Officer
 San Diego Regional Water Quality
 Control Board
 9771 Clairemont Mesa Blvd., Suite A
 San Diego, CA 92124-1324

Mr. Mark Durham, Chief
 Regulatory Branch
 Los Angeles District
 U.S. Army Corps of Engineers
 P.O. Box 532711
 Los Angeles, CA 90053-2325

Mr. Tim Vendlinkski, Chief
 Wetlands Regulatory Office
 U.S. Environmental Protection Agency,
 Region 9
 75 Hawthorne Street
 San Francisco, CA 94105

Mr. Kirk Walker
 California State Lands Commission
 100 Howe Street, Suite 100 South
 Sacramento, CA 95825



Enclosure

PROJECT INFORMATION

Applicant: AT&T Corp.
1200 Peachtree Street, NE
Room 2015
Atlanta, Georgia 30390

Applicant Representatives: Court Morgan
Foster Wheeler Environmental Corporation
1940 East Deere Avenue, Suite 200
Santa Ana, CA 92705

All Star Telecom
2420 Grand Avenue, Suite G2
Vista, CA 92083

Project Name: AT&T Corp. NEXGEN/CORE Fiber Optic Conduit
Installation Project—Los Angeles to San Diego and
San Diego to Blythe.

Project Summary: Installation of fiber optic conduits via trenching,
directional boring, and placement on existing structures
(c.g., bridges).

Project Description: The applicant will install a 372-mile fiber optic conduit
system, from Los Angeles to San Diego and from
San Diego to Blythe at the Colorado River. Los Angeles,
Orange, San Diego, Riverside, and Imperial Counties
will be impacted. Conduit will occupy a trench
approximately four feet deep and one foot wide. Where
trenching is performed, tracked excavators will be used.
The project will cross 167 (federal) jurisdictional water
bodies. Trenching, directional boring, and placement of
cable on existing facilities will be used. Most potential
impacts to water bodies and all to jurisdictional wetlands
crossed by the line will be avoided (e.g., by directional
bores). Those impacts that remain will be minimal and
temporary. Optical amplification facilities will be
constructed along the route approximately every
50 miles.

Project Information (Continued)

- 2 -

Approximately 156 miles of the line are under pavement, 133 miles under weedy disturbed road shoulder, 24 miles on adjacent agricultural land, and 59 miles at the edge of creosote scrub habitat.

Project Location: Southern California—Cable line along public road right-of-ways through Los Angeles, Orange, San Diego, Riverside, and Imperial Counties. (See attached map.)

Proposed Mitigation: The project avoids, wherever possible, habitat of concern by using right-of-ways and existing (e.g., bridge) facilities. Storm Water Pollution Prevention Plan (SWPPP) construction site best management practices will be followed. Impacts to jurisdictional wetlands will be avoided by directional boring.

Impacts to ephemeral wash habitat (e.g., vegetation) will be avoided and minimized. Restoration of pre-construction compaction and contours will be made within 24 hours of trenching. Large trees (> 5 inches in diameter 4.5 feet above ground) will be avoided or replaced with seedlings at a 5:1 ratio. Annual re-vegetation success reports will be made to U.S. Fish and Wildlife Service and Department of Fish and Game for three years. Additional biological, water quality, and other mitigation is listed in Table ES-1 of Volume 1 of the draft Negative Declaration/Initial Study.

A Mitigation and Monitoring Plan is included in the draft Negative Declaration/Initial Study document.

Fill/Excavation Area (acres): The project will result in temporary impacts (discharge of fill) to 4.707 acres of ephemeral freshwater washes.

U.S. Army Corps of Engineers Permit Number: Nationwide Permit 12 (stacked).
Individual Permit (for Milpitas Wash crossing)
(File No. 20000 1757-TCD)

Federal Public Notice: A Notice of Intent was published in the Federal Register April 28, 2000.

Project Information (Continued)

Status of California Environmental Quality Act Compliance:

Negative Declaration certified by Commission on February 5, 2001.

Application Fee Provided:

Yes (\$5,000)

Other WQ Permits:

A Notice of Intent and SWPPP has been prepared for and transmitted to each water quality region. A Spill Prevention, Containment, and Control Plan is attached to each SWPPP.

CEQA Lead Agency:

California State Lands Commission

Attachment

