

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400  
TDD (415) 597-5885



# W14b

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## STAFF REPORT: PERMIT AMENDMENT/ MODIFIED CONSISTENCY CERTIFICATION

**Application No.:** E-98-029-A3

**Consistency Certification No.:** CC-059-00

**Applicant:** AT&T Corporation

**Location:** State and federal waters offshore of Montana de Oro State Park, west-southwest of the City of Los Osos, San Luis Obispo County (see [Exhibit 1](#)).

**Project Description:** Amend original permit (E-98-027) and modify consistency certification (CC-041-00) to remove E1 and S7 cables from state and federal waters to a depth of 1000 fathoms.

**Staff Recommendation:** Approve permit amendment/concur with modified consistency certification

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## SUMMARY OF STAFF RECOMMENDATION

In May and June 2000, the Commission approved coastal development permit (CDP) E-98-029 and consistency certification CC-059-00 for the installation, operation, and maintenance of the E1 and S7 transoceanic telecommunications fiber optic cable systems, also known as the China-U.S. Cable Network, in State and federal waters offshore of Montana de Oro State Park in the County of San Luis Obispo (SLO) (see [Exhibit 1](#)). AT&T now proposes to amend its CDP and modify its federal consistency certification to remove both cables, consistent with Special Condition 7 of the original approval.

Although cable removal will result in long-term benefits to marine habitat and fishing uses, cable removal activities have the potential to result in temporary and minor impacts to marine resources and commercial and recreational fisherman. To minimize impacts to marine resources, AT&T must implement several conditions from the original CDP to minimize the potential for whale entanglements or collisions, accidental spills of hazardous materials and impacts to hard bottom habitat. Specifically, **Special Condition 9** requires that a trained marine mammal observer, approved by the Executive Director, be on the cable recovery or support vessel to monitor the presence of marine mammals in the project vicinity and shutdown all project activities in the event of a threat to marine mammals. **Special Condition 10** requires AT&T to submit a marine mammal monitoring report to the Executive Director within 30 days of completion of cable recovery activities. **Special Condition 8** prohibits marine discharge of sewage or bilge/ballast water from vessels during project activities. **Special Condition 14** requires the applicant to submit for Executive Director approval a project-specific spill contingency plan. To minimize the potential for impacts to hard bottom habitat, AT&T will implement a Marine Safety and Anchoring Plan that identifies and avoids these areas. With these measures in place, impacts to marine resources will be short-term and insignificant.

To minimize the potential for conflict with commercial and recreational fisherman, AT&T has incorporated several measures into its project description, including providing a Notice to Mariners describing the nature, location and duration of cable recovery activities at least 15 days prior to the commencement of operations, as well as notifications to the Harbormaster at Morro Bay, the Morro Bay and Port San Luis Commercial Fisherman's Associations, and the Central California Joint Cable/Fisheries Liaison Committee. These notifications will ensure that for the short period during which cable removal activities are taking place, fisherman are aware of the position of the cable removal vessels in order to keep a safe distance and to pursue other nearby fishing grounds that are not affected by project activities. Thus, impacts to fisherman are expected to be minor and temporary.

Commission staff recommends that the Commission approve the proposed permit amendment and concur with AT&T's modified consistency certification. The **motions** to implement this recommendation are found on **Page 4**. The standard of review for this amendment/modification is Chapter 3 of the Coastal Act.

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## EXHIBITS

Exhibit 1 – Project Map including AT&T China-U.S. Cable Routes

## **I. MOTIONS AND RESOLUTIONS**

### **1. Coastal Development Permit Amendment**

**Motion:**

*I move that the Commission **approve** Coastal Development Permit Amendment Application No. E-98-029-A3 subject to the staff recommendation.*

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

**Resolution:**

*The Commission hereby approves Coastal Development Permit Amendment E-98-029-A3 and adopts the findings set forth below on grounds that the development as amended and subject to conditions will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment 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 amended 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 amended development on the environment.*

### **2. Consistency Certification**

**Motion:**

*I move that the Commission concur with the proposed modification of Consistency Certification CC-059-00, that the project, as modified by AT&T and pursuant to the staff recommendation, remains consistent with the enforceable policies of the California Coastal Management Program (CCMP).*

Staff recommends a **YES** vote on the motion. Passage of this motion will result in an agreement with the certification that the project remains consistent with the CCMP and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

**Resolution to Concur with Modification to Consistency Certification:**

*The Commission hereby concurs with AT&T Corporation's modification of Consistency Certification CC-059-00 on the grounds that the project as modified*

*by AT&T and pursuant to the staff recommendation remains consistent with the enforceable policies of the CCMP.*

## **II. STANDARD CONDITIONS**

This permit amendment is granted subject to the following standard conditions (all conditions of the original permit that no longer apply are noted as such):

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. *Not applicable*
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

## **III. SPECIAL CONDITIONS**

This permit amendment is granted subject to the following special conditions (all conditions of the original permit that no longer apply are noted as such):

### **General Conditions**

1. **Scope of Project Approval.** *Not applicable*
2. **Indemnification.** In addition to any immunities provided for by law, in exercising this permit, the applicant agrees to hold harmless and indemnify the Coastal Commission, its officers, employees, agents, successors and assigns from any claims, demands, costs,

expenses and liabilities for any damage to public or private properties or personal injury that may result directly or indirectly from the project.

3. **Liability for Costs and Attorneys Fees.** The applicant shall reimburse the Coastal Commission in full for all costs and attorneys fees --- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay --- that the Coastal Commission incurs in connection with the defense of any action brought against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit, the interpretation and/or enforcement of permit conditions, or any other matter related to this permit.

### Mitigation Measures

4. **Cable Burial Depth.** *Not applicable*
5. **Cable Installation Documentation.** *Not applicable*
6. **Cable Surveying.** *Not applicable*
7. **Cable Removal.** *Not applicable*
8. **Marine Discharge.** There shall be no marine discharge of sewage or bilge/ballast water from vessels either installing or repairing the cables.
9. **Marine Mammals.** A trained marine mammal observer, to be approved by the Executive Director in consultation with the National Marine Fisheries Service, shall be on the cable lay or support vessel to monitor marine mammals that approach the project work area. In the event that, in the opinion of the observer, project operations have the potential to threaten the health or safety of marine mammals or have the potential to take, as defined by the Endangered Species Act, a marine mammal, the observer shall have the authority to terminate all project activities until the observer determines there is no longer a threat.
10. **Marine Mammal Report.** Within 30 days of completion of cable installation activities, the applicant shall submit to the Executive Director a copy of the marine mammal monitoring report required by condition 12 of the applicant's State Lands Commission lease(s).
11. **Ghost Nets.** *Not applicable*
12. **Hard Bottom Seafloor Survey.** *Not applicable*
13. **Hard Bottom Mitigation Fund.** *Not applicable*
14. **Oil Spill.** Prior to issuance of this permit, the applicant shall submit for Executive Director approval a project-specific oil spill contingency plan that includes: (a) an estimate of a reasonable worst case spill from project operations pursuant to the nontank vessel contingency plan regulations found at 14 CCR Sections 825.03 - 827.02; (b) a list of all

clean-up equipment that will be maintained on the primary work vessel (at a minimum, the equipment required in 14 CCR Sections 825.03-827.02); (c) the specific designation of the onsite person who will have responsibility for implementing the plan; and (d) for all project vessels, evidence of a contract with an oil spill response organization for on-water and shoreline protection capable of responding to a worst-case spill in the event that a spill exceeds the cleanup capability of the onsite work force.

## **IV. FINDINGS AND DECLARATIONS**

### **A. BACKGROUND**

Over two hearings in May and June 2000, the Commission approved coastal development permit (CDP) E-98-029 and consistency certification CC-059-00 for the installation, operation, and maintenance of the E1 and S7 transoceanic telecommunications fiber optic cable systems, also known as the China-U.S. Cable Network, in State and federal waters offshore of Montana de Oro State Park, west-southwest of the City of Los Osos in the County of San Luis Obispo (SLO) (see [Exhibit 1](#)). The S7 cables extend from Morro Bay to China and other East Asian countries. The E1 cable is routed north along the California coastline, to Bandon, Oregon, connecting the S7 segment to another trans-pacific cable segment.

Although the cables were expected to operate for 25 years, AT&T and other members of a consortium that own the cables determined that the cables had become obsolete due to other developments. Accordingly, AT&T notified the State Lands Commission (SLC) in November 2015 that it intended to terminate its leases for the China-US Cable Network. In November 2017, the SLC approved an addendum to the Project EIR, originally certified in 2000, and amended the leases to permit the removal of the E1 and S7 cables in state waters. Special Condition 7 of CDP E-98-029 states that within 90 days of either taking the cables out of service or after the expiration or sooner termination of AT&T's lease(s) from the SLC, the applicant shall apply for an amendment to its permit to remove the cables from the seafloor. Accordingly, AT&T submitted an application seeking to amend its CDP and modify its consistency certification to remove the E1 and S7 cables from the seabed in waters offshore of Montana de Oro State Park.

### **B. PROPOSED AMENDMENT AND CONSISTENCY CERTIFICATION MODIFICATION**

AT&T proposes to remove the China-U.S. Cable Network, specifically cables E1 and S7, from state and federal waters offshore of Montana de Oro State Park in San Luis Obispo County to a depth of 1000 fathoms ([Exhibit 1](#)). This will entail removal of approximately 66.92 miles (107.69 km) of the E1 cable and approximately 58.5 miles (94.14 km) of the S7 cable. Based on underwater Remotely Operated Vehicle (ROV) surveys conducted in 2015, AT&T determined that the cables remain buried up to approximately 1 meter in depth and are largely unchanged since original installation. Thus, due to the relatively shallow burial depth, AT&T proposes to remove the cables by direct extraction from the seafloor.

Before removal of the cables can proceed, AT&T will identify the precise location of the cables by injecting a 25 Hertz test set tone signal onto the copper conductor of the cable and then using a magnetometer to detect the signal. Divers will mark the nearshore portion of the

cable with marker buoys starting at the conduit borehole location and proceeding offshore. Once cable removal is ready to proceed, AT&T will expose the beach manhole, and disconnect the cables from the existing land power and fiber optic cables. AT&T will then excavate a trench 6 feet wide by 20 feet long within the beach parking lot to expose the end of the bore pipe that is installed beneath the beach. Concurrently, divers will expose the offshore end of the bore pipe using a water jet and cut the S7 and E1 cables as they exit the bore pipe. A power winch staged at the beach manhole will be used to pull both cables through the bore pipe. The Cables will be temporarily stored onshore and then transferred to the offshore cable recovery vessel for transport to the cable recycling facility. The excavated area within the parking lot will be backfilled, compacted and returned to its original condition.

The offshore portion of the cable will be removed using the Marine Vessel (M/V) Layla, or a similar equivalent vessel. A messenger cable will be used to connect a ground rope that is attached to the cable stopper on the vessel to the end of the cable exposed at the offshore end of the bore pipe. The vessel will sail at a slow constant speed while pulling on the ground rope. The ground cable and detrenched cable will be pulled onto the vessel and the cable will be attached to the tensioner onboard the M/V Layla. The M/V Layla will then proceed along the cable route, pulling the cable up vertically and recovering it onto the ship. Cable recovery will proceed until the 1000-fathom depth, at which point the cable will be cut and the cable deeper than 1000 fathoms will be left on the seabed. The recovered cables will be transported to a mechanical dismantling/recycling factory located in Cape Town, South Africa.

Onshore work, including staging and site restoration, will take approximately one to two weeks and is expected to take up about half of the available parking spaces in the Sandspit Parking Lot. The onshore cable pull portion of the onshore work will take about one day. Nearshore work will be conducted during daytime hours and is expected to take approximately two to three days. Offshore work will be completed by the M/V Layla on a 24 hour basis and is expected to take approximately 12 days.

### **C. PERMIT AND FEDERAL CONSISTENCY JURISDICTION**

This staff report is a combined analysis for the coastal development permit amendment and the modified consistency certification. The Coastal Commission has original coastal permit jurisdiction over project areas on public trust lands, tidelands, and submerged lands from the mean high tide line to three nautical miles offshore. The portion of the revised project that involves cables buried within State waters (i.e., seaward of the mean high tide line to three nautical miles offshore) required a CDP amendment from the Coastal Commission, and is the subject of this amendment application.

The project also required a federal permit from the United States Army Corp of Engineers, and therefore required a federal consistency certification pursuant to Section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA). For the portion of the project that lies outside the coastal zone in federal waters, AT&T Corp. submitted a modified consistency certification to the Coastal Commission on June 5, 2018. Under 15 CFR § 930.65, the Commission has the authority to review changes to projects (or changed circumstances), to determine whether, with

the changes, the project remains consistent with California's Coastal Management Program (CCMP). AT&T Corp. has certified that the activity, as modified, remains consistent with and will be conducted in a manner consistent with the CCMP.

#### **D. OTHER AGENCY APPROVALS**

##### **State Lands Commission**

On November 9, 2015, AT&T notified the State Lands Commission (CSLC) that it intended to terminate Leases PRC 8154.1 (China-U.S. Segment S7) and PRC 8278.1 (China-U.S. Segment E1). As required by the lease, AT&T submitted a Plan for the removal of the cables and restoration of the Lease Premises. The CSLC authorized the lease amendment and certified an addendum to the original CEQA document on November 29, 2017.

##### **California State Parks**

AT&T has applied for a Use Permit for Montana del Oro State Park. The permit is pending.

##### **Regional Water Quality Control Board**

AT&T has applied for a 401 Certification. The Certification is pending.

##### **U.S. Army Corps of Engineers**

AT&T's application for a Nationwide Permit is currently under review.

#### **E. MARINE RESOURCES**

Section 30230 of the Coastal 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.*

In the original permit, the Commission included Special Condition 7 requiring AT&T to apply for an amendment to the permit to remove the cables from the seafloor within 90 days of taking the cable out of service or after the expiration or sooner termination of AT&T's lease with the

SLC. In November 2017, the SLC approved amendments to AT&T's two leases for the China-U.S. S7 and E1 cables allowing for permanent removal of the two cables. Subsequently, AT&T submitted an application for the proposed amendment to amend the CDP and modify the federal consistency certification to allow for removal of the two cables.

The original permit included findings that required removal of the cable at the end of its useful life to minimize impacts to marine resources from the presence of the cable on or below the seafloor. For example, cable removal would eliminate concerns that: 1) whales may become entangled with the cables; 2) trawlers may snag their gear on a cable and thus lose gear and fishing time; and/or 3) abandoned trawl nets may get snagged by the cable and entangle and drown marine mammals or other marine wildlife. Furthermore, removal of the cable would eliminate impacts associated with the required cable burial surveys, including air emissions, marine mammal collisions, avoidance of the project area by marine species while surveys are being conducted, and nuisance to fisherman who are forced to avoid the survey areas or remove traps along the survey route prior to the surveys taking place.

Although removal of the cable will eliminate many of the potential impacts to marine resources from operation of the cables, the removal process itself could result in adverse impacts to marine resources. The original permit included several special conditions to minimize impacts to marine resources associated with marine installation of the cables. Potential impacts associated with removing the cable are very similar, and thus, implementing several of the special conditions in the original permit will similarly minimize the potential for impacts to marine resources during removal of the cable. Specifically, AT&T is required to implement Special Conditions 8, 9, 10 and 14 during cable removal activities. These conditions specifically address impacts to marine mammals and marine water quality and are discussed in more detail below.

One potential concern associated with removal of the cables is that whales, sea turtles and other marine mammals could become entangled in the cable as it traverses the entire length of the water column before being pulled up onto the recovery vessel. In addition, the proposed cable recovery operation could result in impacts to marine mammals and sea turtles from collisions with or harassment from project vessels during marine operations. To minimize the potential for entanglement and collisions, AT&T has committed to developing and implementing a Project-specific Marine Wildlife Mitigation and Training Plan (MWMTP) for cable recovery activities. In addition, **Special Condition 9** of the original permit, requiring that a trained marine mammal observer, approved by the Executive Director, be on the cable recovery or support vessel to monitor the presence of marine mammals that approach the project area during cable recovery will continue to apply. If project operations have the potential to threaten the health or safety of marine mammals or have the potential to take a marine mammal, the marine mammal observer shall have the authority to cease all project activities until the observer determines there is no longer a threat. AT&T must also implement **Special Condition 10** of the original permit which requires AT&T to submit a marine mammal monitoring report to the Executive Director within 30 days of completion of cable recovery activities. With these conditions in place, the potential for adverse impacts to marine mammals and sea turtles from entanglement and collisions with project vessels will be minimized.

Proposed cable removal activities also have the potential to adversely affect marine water quality. Potential impacts include increased turbidity resulting from suspension of sediments covering the cable as the cable is lifted to the surface and the release of fuel, hazardous material, sewage or bilge/ballast water from project vessels. As described in the findings of the original permit, increases in turbidity can degrade water quality by reducing light penetration, discoloring the ocean surface, or interfering with filter-feeding benthic organisms sensitive to increased turbidity. Turbidity impacts are likely to be the most significant near the terminus of the bore pipe where a water jet will be used to clear sediment away and expose the terminus of the bore pipe. However, as described in the original findings, the sediment near the bore pipe terminus consists largely of sand, which is expected to settle rapidly, resulting in only minor, short-term and localized impacts. Further offshore, sediments are more likely to include clay and silt particles which take longer to settle. However, lifting the cable out of the trench is not a highly energetic activity and is not expected to result in significant concentrations of suspended sediments, thus resulting in minor impacts associated with increased turbidity. Given the minor, short-term and localized nature of increased turbidity associated with cable removal activities, impacts to benthic and other marine organisms will be insignificant.

In addition to potential impacts from increased turbidity, marine water quality could also be adversely affected by a discharge of fuel or other hazardous fluids, sewage water, bilge water, debris, or ballast water from one of the project vessels into the marine environment. Depending on the size and contents of the release, impacts to marine organisms could be significant. To address this issue, **Special Condition 8** prohibits marine discharge of sewage or bilge/ballast water from vessels during project activities. In addition, although the likelihood of a spill occurring is low, **Special Condition 14** requires the applicant to submit for Executive Director approval a project-specific spill contingency plan that includes (a) an estimate of a worst case spill from project operations pursuant to the nontank vessel contingency plan regulations found at 14 CCR Sections 825.03 - 827.02; (b) a list of all clean-up equipment that will be maintained on the primary work vessel (at a minimum, the equipment required in 14 CCR Sections 825.03 - 827.02); (c) the specific designation of the onsite person who will have responsibility for implementing the spill plan; and (d) for all project vessels, evidence of a contract with an oil spill response organization for on-water and shoreline protection capable of responding to a worst-case spill in the event of an incident that exceeds the rapid cleanup capability of the onsite work force.

Project activities also have the potential to result in impacts to hard-bottom substrate, or areas of exposed rocky substrate that provide habitat for a diverse group of plants and animals. As described in the original permit, the cable route was specifically designed to avoid rocky bottom areas to the maximum extent feasible. The post burial report and subsequent surveys indicate that the E7 cable impacted a maximum of 779 meters (about 2556 feet) of hard substrate and the S1 cable impacted a maximum of 508 meters (about 1667 feet) of hard substrate. When the cables were laid, it is likely that the bottom communities directly under the cable were crushed or dislodged. AT&T was required by Special Condition 13 to mitigate for impacts to hard substrate by paying a mitigation fee to be used to construct new artificial reefs. In the seventeen years since the cable was initially installed, it is likely that some epifaunal organisms have colonized portions of the cable. Removing the cable will likely dislodge or displace these organisms and result in a small footprint of disturbance right around the cable. However, as with cable

installation, the disturbed area is expected to recolonize over time. Furthermore, AT&T has already mitigated for impacts to the cable corridor by paying a mitigation fee, and thus no additional mitigation is needed.

Anchoring associated with the cable recovery and support vessels also has the potential to result in adverse impacts to hard bottom areas. To avoid these impacts, AT&T will implement a Marine Safety and Anchoring Plan. This plan, which is incorporated into the project description as an applicant-proposed mitigation measure, will identify areas of hard bottom habitat and designate these areas as “no-anchor zones.” Furthermore, anchors will be set and retrieved vertically so as to avoid dragging across the seafloor. AT&T will follow up the cable removal activities with ROV surveys to document the condition of the seafloor. With implementation of the Marine Safety and Anchoring Plan, impacts to hard bottom habitat from anchoring will be avoided.

In conclusion, the Commission finds that the provisions of **Special Conditions 8, 9, 10, and 14**, that will be implemented during cable removal activities, will substantially minimize the potential for adverse impacts associated with marine mammal entanglement and collisions, accidental marine discharges and damage to hard bottom habitat areas. Thus, for the reasons described above, the Commission finds that, as conditioned, the amended/modified project will be carried out in a manner that maintains marine resources and sustains the biological productivity and quality of coastal waters and therefore is consistent with Coastal Act Sections 30230 and 30231.

## **F. COMMERCIAL AND RECREATIONAL FISHING**

Coastal Act Section 30234.5 states:

*The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

Findings from the original permit describe in detail potential effects on commercial and recreational fisherman from installation and operation of the fiber optic cables. Potential impacts included equipment snags and entanglement and temporary loss of fishing areas due to installation and survey vessels. Several measures were included to address these potential conflicts, including requirements to bury the cables to a target depth of 1 meter, submit as-built plans for the cables, periodically survey the cable to verify burial status and eventually remove the cables from the seafloor. AT&T also became a signatory to an agreement with the Morro Bay Commercial Fisherman’s Association and the Port San Luis Commercial Fisherman’s Association that was intended to minimize conflicts between the cables and the fishing industry.

Removal of the cables will fulfill one of the requirements of the original permit and eliminate the potential for future conflicts with commercial and recreational fisherman. However, cable removal activities could temporarily impede fishing in the immediate vicinity of the cable recovery vessel. Given the short-term nature of this impact (approximately two weeks) and the availability of similar fishing grounds in the vicinity, impacts to fisherman will not be significant. To further minimize any conflicts with fisherman, AT&T has committed to

providing a Notice to Mariners describing the nature, location and duration of cable recovery activities at least 15 days prior to the commencement of operations, as well as notifications to the Harbormaster at Morro Bay, the Morro Bay and Port San Luis Commercial Fisherman's Associations, and the Central California Joint Cable/Fisheries Liaison Committee. With these measures included as part of the project description, fisherman will have the information they need to maintain a safe distance from cable removal vessels and to pursue other nearby fishing grounds that are not affected by project activities. Thus, impacts to fisherman from cable removal activities will be short-term and minor. Furthermore, removal of the cables will ultimately benefit fisherman by eliminating the potential for future snags, entanglements and gear loss. Thus, the Commission finds the proposed amendment/modification consistent with Section 30234.5 of the Coastal Act.

#### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

(Applies to the CDP amendment only.)

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The proposed amendment will result in the removal of infrastructure from the ocean floor. The project as amended by the conditions of approval described herein incorporates mitigation measures to avoid any significant environmental effects under the Coastal Act and the CEQA. There are no less environmentally damaging feasible alternatives or mitigation measures.

**Appendix A: Substantive File Documents**

California Coastal Commission. “Final Revised Findings for CDP Application Number E-98-029 and Consistency Certification CC-059-00.” May 25, 2000 (S7 cable) and June 22, 2001 (E1 cable) [Approved May 11, 2000 (S7 Cable) and June 13, 2000 (E1 Cable)].

AT&T Corporation. Application to Amend CDP E-98-029 and CC-059-00. Submitted December 11, 2017.

Paul Hastings LLP. Response to Notice of Incompleteness for Amendment to CDP E-98-029 for Removal of Segments E1 and S7 of the China-U.S. Network, dated June 4, 2018.

Padre Associates, Inc. Coastal Zone Consistency Analysis and Findings for AT&T Removal of Segments E1 and S7 of the China-U.S. Network. Submitted June 5, 2018.

Email Correspondence from Padre Associates, Inc. representative dated 8/20/18 and 8/28/18.