

APPLICANT

Application No. 99-0098

Assessor's Parcel No. 46-151-01, Et AL.

AGREEMENT FOR PREPARATION OF ENVIRONMENTAL IMPACT  
REPORT/ENVIRONMENTAL IMPACT STATEMENT

THIS AGREEMENT is entered into and effective this 22<sup>nd</sup> day of June, 1999, by and between the ~~MCI Worldcom~~ <sup>MFS GLOBENET, INC.</sup> (hereinafter referred to as "Applicant") and the County of Santa Cruz (hereinafter called "County").

WITNESSETH THAT:

WHEREAS, the Applicant has filed with the County an application for a discretionary action on the part of the County; and,

WHEREAS, the County has determined that review of said application will require an Environmental Impact Report under the terms of the California Environmental Quality Act (CEQA); and the National Oceanic and Atmospheric Administration/Monterey Bay National Marine Sanctuary (hereinafter called "NOAA/Sanctuary") has determined that review of this application will also require preparation of an Environmental Impact Statement under the terms of the National Environmental Policy Act (NEPA); and

WHEREAS, the staffs of the County and NOAA/Sanctuary have agreed that

Applicant Contract to Prepare a Combined EIR/EIS  
MCI/Worldcom Fiber Optic Cable Project

preparation of a single combined CEQA/NEPA document will facilitate public review and understanding of the project as well as provide a more useful source of information to decision-makers rather than the preparation of two separate environmental documents, and this CEQA/NEPA document should be prepared under one contract administered by the County; and

WHEREAS, County policy places the burden of the cost of all work necessary for the preparation and review of said Environmental Impact Report/Environmental Impact Statement upon the Applicant; and,

WHEREAS, County has arranged for performance of said work through the services of a qualified Consultant and has notified the Applicant of the nature of said arrangement including the selection of personnel, scope of work, and estimated cost; and,

WHEREAS, said Environmental Impact Report/Environmental Impact Statement is to be completed by the San Francisco office of Tetra Tech, Inc. (hereinafter called "Consultant"); and,

WHEREAS, the fee for the preparation of said Environmental Impact Report/Environmental Impact Statement has been negotiated to be \$ 304,954.00 as full compensation of said Consultant; and,

WHEREAS, Applicant has made payment to the County in the full amount of said

negotiated fee (\$304,954.00 total); and

WHEREAS, the fee for County review and processing of said Report is a separate cost to the Applicant and Applicant and County have entered into another contract separate from this agreement for the payment of such costs for County review and processing of the EIR/EIS;

NOW, THEREFORE, the parties hereto mutually agree as follows:

Upon execution of this agreement, pursuant to the Santa Cruz County Environmental Review Guidelines and applicable statutes and ordinances, the County shall take all necessary steps to prepare and review the aforementioned Environmental Impact Report/Environmental Impact Statement, including entering into an agreement for services with said Consultant and working directly with NOAA/Sanctuary in reviewing the Consultant's work. Said agreement by and between County and Consultant shall be attached hereto as Exhibit "A" and by reference made a part thereof.

The Applicant shall provide the Consultant with whatever background information is needed to complete the report within 10 days of the starting date specified on Page 1 of this agreement.

The County shall deposit Applicant's payment into a fund set up for collection and distribution of funds involved in the preparation and review of Environmental Impact Reports/Environmental Impact Statements .

If, in the opinion of the County or NOAA/Sanctuary, additional copies of the Environmental Impact Report/Environmental Impact Statement are necessary to provide adequate copies for public review beyond the number stated in Exhibit A, the County shall print such copies and the Applicant shall reimburse the County for the actual cost of printing.

Upon satisfactory completion of the preparation and review of said Environmental Impact Report/Environmental Impact Statement, County shall pay from said funds the above mentioned Consultant fee and bill the Applicant the appropriate fee for review and processing.

The County shall furnish Applicant with a copy of said Environmental Impact Report/Environmental Impact Statement.

Either the County or Applicant may terminate this agreement by presentation to the other party hereto of written notice of said termination ten (10) days prior to the effective date of said termination. In the event of early termination, County shall within 10 days of receipt of written notice, notify Consultant and shall compensate Consultant in accordance with Exhibit A. County shall also retain reimbursement for staff costs incurred prior to said date of termination (based upon hours spent). County shall refund to Applicant any portion of above mentioned payment by Applicant in excess of said costs. Termination of this agreement at any point by the Applicant shall constitute abandonment of the project.

No alteration or variation in the terms of this agreement shall be valid unless in

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writing and signed by the parties hereto.

This Agreement shall be construed and interpreted in accordance with the laws of the State of California. Applicant warrants that execution of this agreement is authorized by MCI/Worldcom and that the signatory below is authorized to execute this Agreement on its behalf. MFS GLOBENET, INC.

IN WITNESS WHEREOF, the County and the Applicant have executed this Agreement to the effective date which shall be the date of execution by the County as written below.

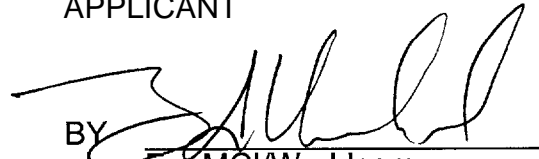
COUNTY OF SANTA CRUZ

APPLICANT

BY

Alvin D. James  
Planning Director

BY

  
For MCI/Worldcom-  
MFS GLOBENET, INC.

DATE

\_\_\_\_\_

DATE

6-4-99

Address and Phone:

6929 North Lakewood Avenue  
M.D. 2.2 315G  
Tulsa, OK 74117

(918) 590-8421

ATTEST:

BY

County Clerk

Approved As To Form:

BY

  
County Counsel

fiberopticApplicantcontr.wpd

COUNTY OF SANTA CRUZ  
REQUEST FOR APPROVAL OF AGREEMENT

ATTACHMENT 3

0718

TO: Board of Supervisors  
County Administrative Officer  
County Counsel  
Auditor-Controller

FROM:

Planning

(Dept.)

*Nancy McAllen* (Signature) 6/15/99 (Date)

The Board of Supervisors is hereby requested to approve the attached agreement and authorize the execution of the same.

- Said agreement is between the County of Santa Cruz Planning Department (Agency)  
and MCI/WorldCom, 6929 N. Lakewood Avenue, Tulsa, Oklahoma, 74117 (Name & Address)
- The agreement will provide a scope of work for the preparation of a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the MCI/WorldCom Trans-Pacific and onshore fiber optic cable project.
- The agreement is needed, to define the scope of work and responsibilities of the consultant in preparation of the EIR/EIS.
- Period of the agreement is from June 22, 1999 to June 30, 2000
- Anticipated cost is \$ 304,954. (Fixed amount; ~~Monthly rate; Not to exceed~~)
- Remarks: Cost paid by applicant. No cost to County.

Revenue is \_\_\_\_\_  
7. Appropriations are budgeted in 135454 (Index#) 1324 (Subobject)

NOTE: IF APPROPRIATIONS ARE INSUFFICIENT, ATTACH COMPLETED FORM AUD-74

Appropriations ~~are~~ available and ~~have been~~ encumbered. Contract No. 91872 R-702 Date 6/15/99  
N/A  
GARY A. KNUTSON, Auditor - Controller  
By Ronald J. Silva Deputy.

Proposal reviewed and approved. It is recommended that the Board of Supervisors approve the agreement and authorize the Planning Director to execute the same on behalf of the Planning Department (Agency).

Remarks: 6/15/99 (Analyst) By Ch E County Administrative Officer Date 6/15/99  
Agreement approved as to form. Date \_\_\_\_\_

Distribution:  
Bd. of Supv. - White  
Auditor-Controller - Blue  
County Counsel - Green \*  
Co. Admin. Officer - Canary  
Auditor-Controller - Pink  
Originating Dept. - Goldenrod

\*To Orig. Dept. if rejected.

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ADM - 29 (6/95)

State of California )  
County of Santa Cruz ) ss  
I \_\_\_\_\_ ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz,  
State of California, do hereby certify that the foregoing request for approval of agreement was approved by  
said Board of Supervisors as recommended by the County Administrative Officer by an order duly entered  
in the minutes of said Board on \_\_\_\_\_ County Administrative Officer  
By \_\_\_\_\_ Deputy Clerk