June 4, 2002

Honorable Mayor and Members of the Hermosa Beach City Council

Regular Meeting of June 11, 2002

SUBJECT: AMENDMENT TO PLANNED DEVELOPMENT PERMIT/PRECISE DEVELOPMENT PLAN (PDP) NO 01-10 TO ALLOW A HORIZONTAL DIRECTIONAL DRILLING APPROACH FOR THE INSTALLATION OF A PORTION OF THE SUBMARINE FIBER OPTIC CABLE SYSTEM LOCATED AT THE BEACH AND ON CITY OWNED PROPERTY.

APPLICANT: TYCOM NETWORKS (US) INC.
60 COLUMBIA
MORRISTOWN, NJ 07960

REQUESTS: AMENDMENT TO PLANNED DEVELOPMENT PERMIT/PRECISE DEVELOPMENT PLAN NO. 01-10 AND ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT

Planning Commission Recommendations:

Adopt the attached Resolution:

- Approving an Addendum to the Certified Environmental Impact Report, and
- Approving the Amendment to Planned Development Permit/Precise Development Plan No. 01-10, with conditions.

On May 21, 2002, the Planning Commission held a public hearing to consider the Addendum to the EIR and the amendment to the PDP. Following input from staff, the applicant and one member of the public, the Planning Commission voted unanimously to recommend approval to use the HDD method. The Commission did discuss the implications of extending the permitted workday hours to help reduce the overall time required for the construction at Second Street. By extending the work hours as indicated below, the applicant demonstrated that they could reduce their overall time from seven weeks to five to six weeks. The only concern expressed by the public at the hearing was that the construction be done with consideration to the neighborhood. The Commission agreed that reducing the overall construction time frame was preferred over the shorter daytime hours, but longer overall schedule. The Commission voted to modify the conditions of approval to allow the applicant to work 7 a.m. to 8 p.m., rather than from 8 a.m. to sunset as previously permitted under the original PDP approval. However, the Commission still limited work to only Monday through Friday, with no work permitted on the weekends, subject to the following restrictions:

7:00 a.m.:	Workers may enter the staging area and begin set-up, but no heavy equipment or machinery may operate until after 8 a.m.
8:00 a.m.:	Heavy equipment, engines, etc. may begin operation.

7:00 p.m.: All heavy equipment, engines, etc. must cease operations.
8:00 p.m.: The staging area must be shut down and all workers must have exited the construction site.

The Commission also added conditions that required posting of signs around the staging area with a list of phone numbers for the responsible agencies and individuals involved with the project, including the Project Superintendent, the City's Project Manger, The Public Works Department, the Police and Fire Departments and the County Lifeguards, which the public could contact in the event of questions or problems. In addition, the Commission included requirements that the City staff monitor the project and respond to public inquires, be permitted to modify the hours as necessary based on legitimate complaints, and to have the Police Department available, should there be nuisance issues after hours. The conditions in the attached City Council resolution reflect the changes recommended by the Planning Commission.

Background:

Tyco Networks (US) Inc./Tyco Telecommunications (the applicant) submitted a complete application to amend the approved Planned Development Permit/Precise Development Plan (PDP No. 01-10) to the City of Hermosa Beach on May 13, 2002. The PDP approved by the City Council in December 2001, was based on utilizing a trenched landing approach (also called a direct burial landing) to install the fiber optic cable under the beach and in the nearshore area. The amendment to the PDP is to allow the applicant the option of utilizing a horizontal directional drilling (HDD) approach to install a portion of the submarine fiber optic cables in marine waters under the City's jurisdiction, under the beach and along a portion of the approved Second Street alignment. All other components of the approved project, including the approved lease agreement will remain unchanged. This staff report focuses on the changes to the PDP resulting from the proposed amendment. A copy of the previous City Council report is attached which details the overall project.

As originally permitted, the project involved installation of a two submarine fiber optic cable system off the coast of California and within the cities of Hermosa Beach and Redondo Beach to provide additional capacity for global voice and data transmission and global access to planned and existing land-based infrastructure. The two fiber optic cables originate in Japan and will be part of the applicant's transpacific ring cable system. Specifically, the proposed project consists of installing two fiber optic cables, each with self-contained power, onto the continental shelf and landing at a single beach manhole location at Second Street within the City of Hermosa Beach. The fiber optic cables are proposed to be connected to a cable station in Redondo Beach by buried terrestrial fiber optic cables. There will be no aerial (above ground) cables associated with this project, even as amended.

The Planning Commission had reviewed the original PDP proposal for the three segments (terrestrial, beach and marine segments) of the submarine fiber optic cable project in November of 2001. In December of 2001, the City Council granted final approval for the project when they certified the Environmental Impact Report, approved a Mitigation Monitoring Program (MMP), approved PDP No. 01-10 and approved the lease agreement between Tyco and the City.
The City Attorney has advised that federal statues define systems such as the applicant' s proposed fiber optic cable system a public utility. Public utilities are permitted on the beach and in the greenbelt, subject to approval of a Planned Development Permit/Precise Development Plan and a lease agreement

for use of the city owned property. Through the approved lease, the City would receive compensation from Tyco for the use of City owned property. The City will use a portion of the lease revenues from for beach related improvements, such as improvements to the bathrooms, storm drains and for on-going maintenance of the pier and the beach itself.

If the applicant receives approval from the City Council on June 11, 2002, the project will then require approval of a Coastal Development Permit by the California Coastal Commission (CCC) and permits from other applicable state and federal agencies. Construction will commence upon acquisition of all required permits and approvals. According to the applicant, their most recent goal is to be operational before the end of 2002. Based on staff's desire to minimize the potential short term impacts to the residents and beachgoers, the direct landing alternative, which was fully analyzed in the certified EIR and approved by the City Council in December 2001, was the preferred method of installation. Under the direct burial option, a trench would have been excavated across the beach and intertidal zone, and jets would be used to bury the system from the mean low tide line to the 15-meter water depth. A direct landing means no conduits would be installed beyond the mean low tide line. The armored marine fiber optic cable would be winched directly from the cable ship onto the beach (into a trench dug on the beach just before the winching began) and spliced into the beach manhole as one operation. This alternative would have significantly reduced the size of the staging areas on the beach and the amount of time the staging area would be utilized. However, the City recognized that the California Coastal Commission might dictate changes to the City's approval, so one of the conditions of approval required the applicant to submit any changes for reconsideration by the City in the event the project changed.

Analysis

Project Description

The current proposal involves a horizontal directional drilling (HDD) option. Because of concerns expressed by the California Coastal Commission (CCC) staff's review of the applicant's recent Coastal Development Permit application for the direct burial approach, the applicant is now proposing an amendment to their PDP, which reflects this horizontal drilling construction method. The applicant's amendment is in response the CCC's concerns about potential exposure of the cable using the direct burial approach and the impacts of the staging area on the beach itself. It is also more consistent with the City Council's review of the original project conditions of approval, which were modified to include a new requirement for cable reburial depth to ensure that the proposed cable is never exposed on the beach during severe storm surges. The applicant is requesting to amend the approved PDP to allow a HDD approach, as an option to the direct burial landing at Second Street and immediately offshore. The request by the applicant is very similar to the technique recently utilized in the City of Manhattan Beach to install a telecommunications cable under a portion of their beach near the Lifeguard Headquarters. The proposed change will affect terrestrial segment of the project between Hermosa Avenue and the shoreline, and the marine construction between the shoreline and the 43-foot water-depth contour.

HDD Staging Area

HDD operations will require approximately 3,000 square feet for staging the HDD rig and guidance controls, fluid-mixing system and pumps, pipe rack or trailer, and miscellaneous other minimal support equipment on Second Street between Beach Drive and Hermosa Avenue. The staging area is shown in Appendix B and photos of the staging area and surrounding area are included in Appendix D of the

Addendum. Additional storage and support workspace of 12,000 to 15,000 square feet will also be required. The area proposed as the main storage area along North Francesca Avenue and Herondo Street will be used as the support staging area for the bore site at Second Street. Because the Second Street site is limited in space, materials and supplies will need to be delivered daily from the main staging area to the drill site at Second Street.

Before the drill rig and associated equipment can be mobilized on site, the drilling site and surrounding area will need to be prepared. "No Parking" signs will be placed in and around the project site, and the site will be cleared of miscellaneous debris, and a temporary sound barrier will be constructed. The sound barrier will be constructed from 3/4" plywood and 2"x 4" studs, and will be 8 feet tall or higher, as required to mitigate noise impacts to the surrounding area. (Please see Page 8, Noise discussion). Sound blankets will line the plywood. The barrier will completely encircle the site and will have gates for access and deliveries. Sandbags or straw bales will be placed in appropriate areas to contain spillage of drilling fluid or site runoff from exiting the site. The staging area and areas for containment will occur totally within the public right-of-way on Second Street. No private property will be utilized for staging or drilling. Pictures of a similar sound wall and containment areas proposed for this project are included in the Addendum.

Horizontal Directional Drilling (HDD) Approach

The HDD approach is a process of boring (drilling) that allows the two bores to be steered. HDD bores are guided by a drill head fitted with a steering tool that uses magnetometers and inertial devices to track the direction of advance (horizontal and vertical) and the absolute location. The HDD drill rig drills into the ground at an angle through an excavated entry pit. In general, the limit of the bore angle is approximately 15 degrees, which will allow the two cables to be buried approximately 16 to 25 feet as they go under the Strand wall, approximately 65 feet in depth below the mean high-water mark (shoreline of the beach) and then over 100 feet in depth beyond the shoreline. The two bores for this project will each be approximately 3,300 feet in length. The end result is that the HDD approach will eliminate any possibility of the cables becoming exposed on the beach and in nearshore waters due to a significant storm event or beach erosion and will avoid the need to stage on the beach itself. Even with the HDD approach, there will be the need to install the ground beds. The ground beds will be installed in the same manner as approved for the direct burial approach, including the requirement of maintaining at least 100 feet from the nearest residence.

With HDD, the two fiber optic cable conduits are installed from shore, in sequence. The conduit is advanced in 30-foot (9.3-meter) sections through the borehole as it is created. Surveys are conducted in 30-foot (9.3-meter) increments to verify the drill position and path. A bentonite (natural clay-like substance)/water mixture is used to lubricate the bore, cool the drill, and keep the hole open by sealing the outside surface of the bore. The two boreholes will be approximately 5 inches in diameter each to allow the passage of the two, but separate, fiber optic cables. Once the bore conduits reach the desired depth, it is leveled out as the drilling continues to push the pipe horizontally through the ground. After reaching the appropriate distance offshore (approximately 2,640 feet [800 meters]), the drill head is guided to the surface and the bore is complete. The boreholes at Second Street will eventually become part of the manhole that has been relocated from the previously approved location near the Strand to serve the cable alignment inland along Second Street to the applicant's Switching Station in Redondo

Beach. The bore alignment is shown on the figure in Appendix A of the Addendum. Additional details on the HDD method of installation are also included in the Addendum.

Once the site has been prepared, the drill rig and associated equipment, supplies and materials will be mobilized to the site by road transport. The drill rig will be set up and configured on the site. All drilling-fluid pumping systems will be installed and tested and then the bore entry pit will be excavated. After all of the equipment has been set up and tested, drilling can commence. The preliminary geo-technical reports indicate that the soils will accommodate the HDD approach without impacts to surrounding private properties. No boring will occur under private property. The alignment for the drilling will be conducted entirely within the public right-of-way and City owned property. In fact, the proposed alignment has been directed away from the public bathrooms on the beach at Second Street to avoid any conflicts with the facility or with existing infrastructure in the area.

As drilling progresses, drilling mud will be pumped through the drill pipe to the mud motor. Blending dry bentonite with fresh water in the mud-mixing tank will control the viscosity range and other properties of the drilling mud. Bentonite is very fine-grained, non-toxic, natural marine sediment that swells in water. The slurry mixture is usually about 15 to 20% bentonite; the remainder is water. Water for the drilling fluid will be obtained from a local water source near the staging area. Spent drilling fluids and cuttings will be collected and contained within the HDD staging area prior to disposal at a permitted landfill. According to the applicant, a truckload of cuttings from the HDD site will be hauled away a few times per week during HDD operations. The applicant will be available to provide additional details on the drilling operations at the hearing.

Once drilling operations have been completed, the drilling site will be demobilized. All equipment associated with this operation will be removed from the site. The temporary sound barrier and site containment materials will also be removed. A water truck and vacuum truck will be used to wash any remaining drilling fluid and mud from the site. Silt will not be washed into storm drains. Finally, all disturbed pavement will be restored. The remaining terrestrial segments of the project would then be completed as previously approved by the City. The remaining segments will include the construction of the manhole at the drill site where The applicant will continue the alignment up the Second Street right-of-way and install the two cables in separate trenches along with two other vacant selves for future cable expansion or replacement opportunities. The approved lease agreement allows the applicant the use of no more than four cables. The construction period the HDD approach is outlined on the following table:

Proposed Construction for the HDD Component of the Project
(based on the extended hours of 7a.m. to 8 p.m., Monday through Friday, as recommended by the Planning Commission)

Activity	**Approximate Duration**
Site Preparation, Mobilization, Equipment Placing & Testing	1 week
Drilling of First Pipe	1.5week
Drilling of Second Pipe	1.5 week
Site Cleanup and Demobilization	1 week
Contingency	1 week
Total	**5 to 6 weeks**

The applicant has submitted a Precise Development Permit Amendment application and the City Council may impose additional standards to improve the quality of development and to mitigate any environmental impacts. Some of the general criteria applicable to the amendment to the PDP application include the short-term impacts during construction and its relationship to the following:

- Distance from residential and commercial development.
- Noise, air quality or vibration that may be generated.
- Adequacy of mitigation measures.

Parking, setbacks, and other normal development standards are not applicable to this project, since the improvements will be located underground or on the ocean floor.

Regardless of the method of installation approved, the conditions of approval include the requirement that all work within the City is subject to review and approval by the Public Work's Department. The City will inspect and monitor all the work as it proceeds and ensure that all work is designed and constructed in accordance with all applicable local, state and federal regulations. With the incorporation of the recommended conditions of approval for this alternative, the project will comply with the applicable criteria set forth in the Planned Development Permit/Precise Development Plan section of the City's Zoning Code.

General Plan Consistency

The project, as amended, complies with the City's General Plan Conservation, Open Space, Land Use, Circulation/Transportation/Parking, Noise and Public Utilities Elements' goals and policies, as well as the City's Local Coastal Program and the California Coastal Act.

Pursuant to Section 65402 of the Government Code, Restriction on the Acquisition and Disposal of Real Property (attached), a local agency shall not dispose of any real property (sale, long term lease or easement) until the location, purpose and extent of such disposition has been submitted to and reported upon the planing agency having jurisdiction as to the conformity with the adopted General Plan or part thereof. The approved terms of the lease would be for a period of twenty-five years and cover the installation, maintenance, operation and retirement of the system. Since the fiber optic cables would be buried on the beach and in the street or greenbelt, and either buried or laid on the sea floor, the presence of these fiber optic cables would not be in conflict General Plan and Zoning goals of preserving open space or protecting the beach and ocean as a recreational resource. The approved lease agreement for the applicant's use of the City owned property is in conformance with the goals of the General Plan. The use of City owned land by the applicant is not affected by the change in the method of installation. A finding in the attached resolution affirms that the amended PDP is consistent with the City's General Plan.

Addendum to the EIR

The City is the lead agency relating to environmental determinations under CEQA, since Hermosa Beach has the greatest responsibility for supervising and approving the project as a whole. The City concluded that the appropriate method to ensure the adequate environmental analysis of the amendment was through the preparation of an Addendum to the certified Environmental Impact Report (EIR). While the certified EIR addressed boring in general terms under the discussion of alternatives, the

Addendum is based on a specific project description developed by the applicant for a HDD approach from Second Street. In addition, since the change to the project involves the selection of an alternative construction method over a relatively limited portion of the project, and the applicant will be required to incorporate all necessary practices and controls to avoid any new significant impacts or substantial increases in previously identified significant impacts, an Addendum to the existing certified EIR is permitted under CEQA.

The Addendum to the Environmental Impact Report reviewed the potential environmental impacts relative to short-term and long-term implementation of the project as amended. The Addendum concluded that the environmental impacts would be short-term, limited to the duration of construction activities. The Addendum also reviewed the environmental impacts associated with directional drilling that were not specifically addressed in the previously certified EIR. The existing setting from the certified EIR is used as the existing setting for the Addendum, since the existing environment is unchanged. Below is a list of the primary potential impacts of directional drilling discussed in the Addendum:

- Construction Noise
- Traffic and Parking
- Air Quality/Water Quality
- Aesthetics

The significance criteria used for the Addendum are the same as those used in the certified EIR. The certified EIR analyzed in detail the impacts of terrestrial and marine construction associated with the project. Many of the mitigation measures adopted as part of the previously approved project would also apply to the project using the HDD approach. Appendix C of the Addendum includes a copy of the City-approved mitigation monitoring plan (MMP) and notes which measures would apply to the project with directional drilling. The applicant has also proposed Best Management Practices (BMPs) that would avoid or reduce any new significant impacts or substantial increases to previously identified significant impacts as outlined below

Noise

The proposed project is considered a public utilities project and therefore is not subject to restricted hours of construction stated with the State Health and Safety Code. However, there will be noise generated during the short-term construction of a portion of the terrestrial segment using the HDD approach. The nearest residences and businesses are less than 50 feet from the drill rig and staging area. Residents adjacent to the bore site, public users of the Second Street beach access, and the adjacent businesses on Second Street at Hermosa Avenue would be affected by the short term construction noise for approximately five weeks, of which approximately 14 days are expected to involve actual drilling operations.

As analyzed in the Addendum, uncontrolled drilling noise levels, based on equipment use without implementation of the proposed Best Management Practices (BMPs), are estimated to be approximately 88 dBA at 50 feet. The applicant has proposed BMPs to reduce the noise generated during the short term construction, including constructing a sound barrier around the staging area, enclosure of drill and pump engines and use of a muffler on the rig and pump exhaust. The sound barrier proposed by the applicant around the staging area would be constructed from ¾" plywood and 2"x4" studs, and will be 8 feet tall or higher, as required to mitigate noise impacts to the surrounding area.

Sound blankets will line the plywood barrier that will completely encircle the site. According to the applicant, based on their experience with HDD drilling in similar situations, it is expected that the proposed mitigation measures would result in approximately 10 to 15 dBA of noise reduction. The applicant has proposed to avoid the peak summer season. The applicant is required to notify residents prior to start of construction. In addition, The applicant has hired a noise consultant to assist with the preparation of their engineering specifications for the project and with the actual design, implementation and operational aspects of the noise mitigation measures.

Although the drilling operations will result in elevated noise levels in and around the staging area during construction, noise levels will only be elevated during the daytime hours and will be temporary. This impact is therefore considered less than significant. Please see EIR Addendum for specific discussion of noise related impacts.

Circulation, Traffic and Parking

Under the proposed change, Second Street from Hermosa Avenue to Beach Street would be closed to local traffic for approximately five weeks. Access to all residences would be maintained, although detours will be required around the staging area on Second Street. Six public parking spaces would be occupied during this time for drilling operations. These impacts are construction related and short term. The applicant is preparing a traffic plan to safely divert traffic around the bore-site staging area and arranging for alternative parking for the affected public parking spaces. The traffic and parking control plan includes ensuring emergency access is maintained, residents and businesses are provided advance notification of construction or parking that may be temporarily displaced, all bike and pedestrian ways will be maintained during construction, any detours are safe and convenient, off-site staging areas of equipment, and hours of work in the rights of way to be approved by the City. The proposed drilling would occur outside of the peak summer season. No new or different marine transportation impacts would occur with implementation of the proposed change. Implementation of the HDD approach as proposed, combined with appropriate mitigation measures in the MMP, would not create any new significant transportation impacts nor substantially increase any previously identified transportation impacts.

Air and Water Quality

On a daily basis, the project using the HDD approach would result in a slightly lower amount of NOx emissions over the daily thresholds than the project using the direct burial landing approach. With implementation of the BMPs, in particular BMP A-3 (offset credits), the air quality impact of the project using the HDD approach would be basically the same as that of the project using the direct burial landing, and thus would not result in any new significant impacts to air quality or any substantial increase in previously identified air quality impacts.

Implementation of the proposed change would also result in temporary increases in turbidity and potential disturbance of a small quantity of existing contaminated sediment during bore breakthrough and initial cable jetting. These increases in turbidity and sediment disturbance are less than those associated with the direct landing analyzed in the EIR. Implementation of the HDD approach as proposed, combined with appropriate mitigation measures from the MMP, would not create any new significant water quality impacts nor substantially increase any previously identified water quality impacts.

Aesthetics

Implementation of the proposed HDD approach would result in temporary aesthetic impacts on beach users at the Second Street beach access, and on Second Street residents and businesses. The impact on beach users themselves would be less under the proposed HDD approach than under the direct burial landing approach (due to avoidance of trenching of cable on the beach), but the impact on residents around the drill site would be greater. These impacts are associated with the use and storage of heavy construction equipment and machinery in and around the project site during the estimated five weeks required for drilling activities. Only beach users located on the upper part of the beach or on the Strand in an area directly aligned with Second Street would likely observe and hear the construction activity. Beach users in other parts of the beach or Strand would not notice construction, with the exception of the ground bed installation, which is anticipated to take approximately one to two days. Beach users using Second Street to access the beach would notice construction directly, while passing on the sidewalk. The applicant has proposed to provide a sound wall for attenuation of noise impacts. This sound wall would also prevent direct observation of drilling, which would further reduce the aesthetic impacts. In the lease, there are provisions for liquidated damages to the City should the project extend beyond the approved construction schedule. The HDD approach is not expected to result in any new significant aesthetic impacts nor substantially increase any previously significant aesthetic impacts. No new or different marine aesthetic impacts would occur with implementation of the proposed change.

City Review of the Addendum

Outside consultants were utilized to provide a third party peer review on behalf of the City of the environmental information provided by the applicant. According to their review for water quality, The applicant is utilizing "state of practice protocol" for this type of drilling. The City's consultant concluded that the methods and monitoring techniques proposed by The applicant will provide reasonable assurances that any potential impacts from the drilling operation will be less than significant.

In regards to noise, the City's consultant recommended to further reduce the nuisance impacts of drilling noise that additional conditions of approval be considered. The following recommendations have been included as conditions of approval in the attached resolution:

- The noise attenuation barrier walls be used to completely surround the drill site with minimum wall height of no less than 8 feet. The final noise attenuation wall height shall be determined by acoustical study prepared in conjunction with the wall design for the project.
- That the barrier wall material should consist of fiberglass-filled acoustical curtains or panels with a Sound Transmission Class (STC) rating of at least 27 (STC-27) and they be designed to preclude structural failure due to such factors as winds, shear, shallow soil failure, earthquakes, and erosion as approved by the City's Public Works Director.
- A diesel engine acoustical enclosure of metal framed, fiberglass-filled panels be required for the drill rig, and any compressor and pumps, with all other internal combustion equipment using noise shrouds no less effective than those originally installed on the equipment. The final design of the enclosure shall be determined by acoustical study prepared for the project.
- High performance mufflers are used on all diesel engines in regular use on the drill site and the use of air impact wrenches or similar equipment used on drill pipe flange bolts conform to all noise abatement requirements.
- With the exception of drilling operations, no heavy equipment is operated outside of those approved hours specified in the Resolution.

- No equipment setup, tear down, or initial drilling start-up operations may occur outside of those approved hours specified in the Resolution.
- No trucks involved in materials removal or delivery shall access the site outside of those approved hours specified in the Resolution.

The City's third party peer review of the Addendum found that environmental impacts remain primarily short term and there are no new significant long-term impacts associated with the applicant's amended proposal. All potential significant short-term impacts have been avoided or reduced to a less than significant level. Project modifications to reduce or avoid significant environmental impacts are included, as mitigation measures and Best Management Practices in the Addendum to the EIR. These recommended mitigation measures are incorporated into a Mitigation Monitoring Program. A condition of approval is included to ensure the City recovers all costs associated with the implementation of the Mitigation Monitoring Program. The implementation of the mitigation monitoring program will be an integral part of the success of the project. The mitigation measures will also be included as recommended conditions of approval to the Planned Development Permit/Precise Development Plan application. In addition, The applicant has informed the other state and federal regulatory agencies, including the CCC, Water Quality Board, and Army Corps of Engineers of the proposed amendment to allow HDD.

Lease Agreement

The project as amended will continue to provide the City with the revenues agreed upon in the approved lease of city owned property. The City will receive funds from Tyco for a one time license fee, plus annual payments over the life of the agreement (25 years). The lease terms are unchanged. The lease will also cover Tyco's obligation to fund the costs of improvements to the beach, pier, bathrooms and construction of a new bathroom, plus inspection costs, ongoing maintenance and retirement and/or removal of the system at the end of the lease.

The City Council public hearing was duly advertised in the newspaper, posted at the staging site and a mailing notifying all residents within 1000 feet of the staging area on Second Street of the public hearing date for City Council was mailed out on May 30, 2002. The applicant did contact residents in the area. A summary of the meeting is attached. To date, no formal written opposition has been received and any correspondence received prior to the Council hearing will be presented to the City Council at the hearing.

Conclusion:

In summary, there was no neighborhood opposition to the amended PDP. The implementation of the HDD approach as proposed, combined with appropriate mitigation measures, Best Management Practices and conditions of approval, would not create any new significant environmental impacts nor substantially increase any previously identified environmental impacts. The HDD method will eliminate any possibility of the cables becoming exposed on the beach and in nearshore waters due to a significant storm event or beach erosion and will avoid the need to stage on the beach itself, which better addresses the City Council's initial concerns of possible exposure with the direct burial method of installation. Compensation received through the lease agreement will provide the City with long term funding for improvements of the beach, related beach facilities and adjacent streets and walkways.

Therefore, Staff recommends that the City Council concur with the Planning Commission and approve the project, subject to conditions in the attached Resolution. If approved, the final Resolution will be re-codified to include both the original Conditions of Approval and those modified or added for the amended PDP.

_____
Bob Goldin
Project Planner

CONCUR:

_____
Sol Blumenfeld, Director
Community Development Department

_____
Stephen Burrell,
City Manager

Attachments

1. Resolution approving the Addendum and the Amended PDP with Conditions of Approval
2. PDP application with alignment and staging area exhibits
3. Addendum to the EIR including the Mitigation Monitoring Program, Best Management Practices, support studies graphics, exhibits and pictures
4. December 2001 City Council report
5. Neighborhood meeting notes

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EXHIBIT "A" TyCom Transpacific Fiber Optic Cable and Hermosa Beach Landing Project Conditions of Approval, Mitigation Measures, BMP's and Permit Requirements from the PDP 01-10, Amended PDP 01-10, DEIR/FEIR and Addendum 6-11-02		
Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
A1	**Plan, Development and Use Requirements**	**1.** *Condition of Approval:* Continuing use of the Project shall conform to the applicable submitted plans and the Mitigation Monitoring Program reviewed and approved by the City Council for a single landing site at 2nd Street **on December 18, 2001**, utilizing direct burial method **as more fully detailed in the Certified EIR, or the option of horizontal directional drilling (HDD) as shown and more fully described in the amended PDP application and Addendum to the EIR for installation of the fiber optic cable system as approved by the City Council on June 11, 2002**. **The applicant shall be responsible for reimbursing the City all City-related costs associated with the implementation, monitoring, reporting and follow-up required in the Mitigation Monitoring Program and further detailed in the Memorandum of Understanding between the City and the applicant.** **The hours of operation for HDD portion of the project are as follows:** **7:00 a.m.: Workers may enter the staging area and begin set-up, but no equipment may operate until after 8 a.m.** **8:00 a.m.: Heavy equipment, engines, etc. may begin operation.** **7:00 p.m.: All heavy equipment, engines, etc. must cease operations.** **8:00 p.m.: The staging area must be shut down and all workers must have exited the construction site.** **The Director of Public Works may further restrict the approved workday hours for the HDD operation, in the event the noise generated from the HDD operation creates a legitimate material adverse impact on the surrounding properties as a result of noise that is in excess of the City approved noise study, Mitigation Measures, Conditions of Approval, Best Management Practices and/or additional noise reduction measures as proposed by the applicant and approved by the City for the project.** The requirement that the grounding beds on the beach be located a minimum of 100 feet from the nearest residential property line. The Second Street alignment shall be as shown in the **Certified** EIR **and/or the Addendum to the EIR, depending on the method of cable installation to be used**. The Greenbelt between Second Street and Herondo Street shall be part of this alignment and shall be used temporarily for the operation of construction equipment to bore across Herondo Street. The beach manhole shall be relocated on project plans so as not to interfere with existing residential parking west of Beach Drive. The final plans shall be subject to review by the Directors of Public Works and Community Development.
A2		*Condition of Approval:* Any minor deviations from the approved plans relating to construction staging areas or alignments shall be reviewed and may be approved by the Community Development Director.
A3		*Condition of Approval:* Prior to issuance of construction permits, project plans shall be reviewed and approved by the Community Development Department and Public Works Department for consistency with the applicable plans reviewed and approved by the Planning Commission and City Council.

EXHIBIT "A" TyCom Transpacific Fiber Optic Cable and Hermosa Beach Landing Project Conditions of Approval, Mitigation Measures, BMP's and Permit Requirements from the PDP 01-10, Amended PDP 01-10, DEIR/FEIR and Addendum 6-11-02		
Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
A4		*Condition of Approval:* Prior to issuance of construction permits, the lease shall be fully executed and in effect for use of city owned property in connection with the Project.
A5		*Condition of Approval:* Prior to issuance of construction permits, TyCom shall provide evidence to the City of Hermosa Beach that all required permits from other applicable permitting agencies have been obtained.
A6		*Condition of Approval:* Design, construction, and continuing use of the Project shall comply with all requirements of the City, including, but not limited to Public Works and Fire Departments.
A7		*Condition of Approval:* Pursuant to Section 17.50 of the Zoning Code, the Precise Development Plan/Planned Development Permit shall be null and void within eighteen months from the date of execution of the lease agreement unless construction permits have been obtained.
B1	**Marine Use, Land Use, And Recreation**	***Mitigation Measure #MU/LU/R-1*:** TyCom will keep its Notice to Mariners current by providing written update notices to the Commander, Eleventh Coast Guard District, 501 West Ocean Boulevard, Long Beach, California 90802, every two weeks during project installation.
B2		***Mitigation Measure #MU/LU/R-2*:** Similar to the Notice to Mariners, TyCom will provide notice to the Department of Conservation, the U.S. Navy, CCC, and the Cities of Hermosa Beach and Redondo Beach two weeks before commencement of marine cable installation. The notice will be kept current (every two weeks) and will include the location of the work site; the size and type of equipment that will perform the work; associated guard ships; name and radio call signs for working vessels, if applicable; and telephone numbers of onsite contact representatives and the schedule for completing the project.
B3		***Mitigation Measure #MU/LU/R-3:*** After the marine alignments have been installed, TyCom will submit as-laid plans, including depth of burial from the mean high-water line to the 1,800-meter (5,904-foot) water depth, to the Department of Conservation, the U.S. Navy, CCC, and the Cities of Hermosa Beach and Redondo Beach. The fiber optic cable location will be recorded using a differential Global Positioning System (GPS), with the transponder mounted on the equipment (cable plow or remotely operated vehicle [ROV]) used for burial.
B4		***Mitigation Measure #MU/LU/R-4:*** Every 18 months for the life of the project, or at a modified frequency if authorized by the CCC, TyCom will survey the marine alignments in locations where the seawater depth is equal to or less than the 1,200-meter (3,936 feet) seawater depth mark to verify that the alignments have remained buried consistent with the as-built plans detailed in Mitigation Measure #MU/LU/R-3. The survey will be conducted within the jurisdiction of permitting agencies for this project. If the survey shows that the alignments are no longer consistent with the as-built cable plans detailed in Mitigation Measure #MU/LU/R-3, TyCom shall, within 30 days of survey completion, submit to the C.D. Director for approval a plan to remedy the discrepancies with the as-built plans.
B5		***Mitigation Measure #MU/LU/R-5:*** Ninety days before taking the marine cables out of service or expiration of the submerged land lease or permits with Hermosa Beach, TyCom will apply for amendments to all applicable marine permits to retire, abandon, or remove the cable. **For those portions of the project installed utilizing the HDD method, applicable marine permits to retire, abandon, or remove the cable shall be obtained and implemented, as determined feasible by the City and Coastal Commission.**

EXHIBIT "A" TyCom Transpacific Fiber Optic Cable and Hermosa Beach Landing Project Conditions of Approval, Mitigation Measures, BMP's and Permit Requirements from the PDP 01-10, Amended PDP 01-10, DEIR/FEIR and Addendum 6-11-02		
Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
B6		***Mitigation Measure #MU/LU/R-6*:** TyCom will protect public safety by preventing public access to the marine construction zone using barriers, buoys, or other controls. TyCom will also coordinate with County Lifeguards and the City's Public Works Director to ensure that TyCom implements all necessary public safety measures.
B7		***Mitigation Measure #MU/LU/R-7*:** TyCom will compensate for the displacement of public use of the beach by providing monetary compensation to fund beach-related improvements that is being negotiated with the City of Hermosa Beach as part of a lease agreement. The compensation will be greater if beach or other public access is displaced during peak beach season between Memorial Day and Labor Day. The money will be placed into a City fund that will be earmarked for enhancement of public recreation facilities within the Coastal Zone. The money may be used for projects such as public restrooms, improvements to pedestrian access, and improvements to beach entrances and pier facilities.
B8		***Mitigation Measure #MU/LU/R-8:*** Construction of the project will be scheduled to avoid construction during peak summer use of the beach and in areas where access to the beach would be affected, such as the manhole area and nearshore [within 300 yards (274 meters) of the beach] marine recreation area, except as otherwise authorized by the CCC.
B9		***Mitigation Measure #MU/LU/R-9:*** TyCom shall submit a plan to the City of Hermosa Beach Community Development Director and Public Works Directors for City and CCC approval showing how TyCom will ensure that the cable stays buried in the shoreline area such that it won't impact beach users. In the event the cable becomes exposed, TyCom shall initiate actions to rebury the cable in a manner and time frame approved by the Director of Public Works. TyCom shall be responsible for achieving an initial burial depth of at least three meters on the beach, 2 meters in the surf zone and 1 meter beyond the surf zone. TyCom shall be responsible for achieving a reburial depth of 1.6 meters on the beach and 1.6 meters in the surf zone and one meter beyond the surf zone. The reburial requirement will be triggered when the cable becomes exposed or is within .5 meters of the surface on the beach or in the surf zone. In addition, TyCom shall maintain adequate slack in the cable pay out of the manhole during the initial installation, in the event the cable later becomes exposed on the beach, along the shoreline or out a distance comparable to the end of the pier and reburial of the cable is required. The City, at its discretion, shall have the ability to require TyCom to again bury the cable at its initial burial depth at the lowest sand migration period of the year to ensure future exposure of the cable is minimized. Prior to such reburial, a reburial plan shall be submitted to the City for review and approval and TyCom shall obtain all required applicable permits**.**
B10		***Mitigation Measure #MU/LU/R-10*:** To assist the City with future development, TyCom will submit detailed engineering (plan, profile, and cross-section) as-laid plans of the nearshore and beach areas (30-meter seawater depth mark to the western edge of The Strand) along the cable alignments, including depth of burial to CCC, County of Los Angeles Lifeguards, and the City of Hermosa Beach. The cable location shall be recorded to national map standard accuracy. The as-built plans will depict the shoreline and existing municipal facilities accurately.

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Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
B11		***Mitigation Measure #MU/LU/R-11:*** TyCom will fence the staging area and cover it with screening acceptable to the Community Development Director to prevent public access and reduce the visibility of construction activities.
B12		***Mitigation Measure #MU/LU/R-12:*** TyCom will provide written notice to the City of Los Angeles, City of El Segundo, City of Lawndale, City of Manhattan Beach, City of Redondo Beach, and City of Torrance one month before the commencement of construction to alert these municipalities that a portion of the beach will be closed, to advise of the length of time it will be closed, and to provide a telephone number for answers to questions regarding the project. This notice will be updated weekly during construction.
B13		***Mitigation Measure #MU/LU/R-13:*** A week before preparation of staging and construction areas, TyCom will relocate the existing municipal facilities on the beach. The relocation of these facilities will be coordinated with the City of Hermosa Beach and the County of Los Angeles Lifeguards. After construction is complete, the facilities should be placed back in their pre-project locations or the new locations based on direction from the City of Hermosa Beach and County of Los Angeles Lifeguards. In addition, the swing sets will be replaced by TyCom as they will not survive the move.
B14		***Mitigation Measure #MU/LU/R-14:*** One month before commencement of construction, TyCom will coordinate with Caltrans, County of Los Angeles Lifeguards, and the City of Hermosa Beach to provide signage along the Pacific Coast Highway, Hermosa Avenue, Longfellow Avenue, Second Street, Pier Avenue, and at the beach, to alert visitors that a part of the beach will be closed, to indicate the length of time it will be closed, and provide a telephone number for answers to questions regarding the project. Notice also will be given to local residents through and announcement in *The Beach Reporter* and on the City of Hermosa Beach's Web site. The notice will be updated weekly during project construction. Two weeks prior to beach staging area development, TyCom will notify volleyball players of the project by posting notices to be approved by the Community Development Director.
B15		***Mitigation Measure #MU/LU/R-15*:** TyCom will ensure that access to The Strand is not disrupted for more than 4 hours at any location. Detours to maintain access will be marked and designed to protect public safety. TyCom will not require detours on weekends.
B16		***Mitigation Measure #MU/LU/R-16:*** Before initiating construction, TyCom will coordinate with the City of Hermosa Beach and provide signage along the length of all affected roads to advise bicyclists of the temporary construction and the estimated period of construction along these routes. The signage also will alert bicyclists and vehicular traffic of the need to exercise caution.
B17		***Mitigation Measure #MU/LU/R-17:*** During construction of segments at pedestrian or bike paths, the construction crews will keep all construction equipment and trenching equipment off the paved roadway or maintained to the maximum extent feasible to allow bicyclists to continue to use the road or provide detours or alternate routes.
B18		***Mitigation Measure #MU/LU/R-18*:** During construction, when equipment is located in the roadway, the project applicant will provide flag persons to guide pedestrian, bicyclists, and motor vehicles past the construction zone and will comply with all municipal and state traffic control guidelines. Pedestrians and bicyclists will be guided before and separately from the motor vehicles.
B19		***Mitigation Measure #MU/LU/R-19:*** Upon completion of construction, the project applicant will replace all pedestrian bicycle lanes that have been damaged by the construction process to City standards (or other jurisdictional standards such as the Caltrans, if applicable).

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Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
B20		***Mitigation Measure #MU/LU/R-20:*** TyCom will maintain access to neighborhood businesses including parking lots at all times during project construction. In addition, businesses and residents will be notified by TyCom in writing of any construction directly in front of their properties.
C1	**Geology/Soils/Mineral Resources**	***Mitigation Measure #G-1:*** All components will be appropriate seismic design standards, including but not limited to the City-approved standards as prescribed in the construction permit.
C2		***Mitigation Measure #G-2:*** No action is required along the route. If any alterations are made to the route aligning within 50 feet (15 meters) of any oil and gas wells, the wells should be identified and flagged in the field so that all construction activities will avoid them. If the route collides with a well, the immediate area will be evacuated and flagged off. CDC, Division of Oil and Gas, will be notified immediately. The construction supervisor will initiate consultation with the division for remedial operations.
See B9		***Mitigation Measure #G-3:*** TyCom will develop a Burial Mitigation and Monitoring Plan that will describe in detail how TyCom will ensure that the cable and the associated components stay buried in the shoreline area. It also will specify a 24-hour TyCom contact for the City as well as a response plan in case the cable becomes unburied. The Plan shall be submitted to the City of Hermosa Beach Community Development Director. Approval by the Director will be required before issuance of the City's construction permit. (Note: See explication for G-3 in Attachment A.)
C3		***Mitigation Measure #G-4:*** Trench backfilling will begin immediately after the cable is placed in the trench. Backfill material (sand) will be compacted to eliminate erosion and sand settlement in conformance with the specifications of the City of Hermosa Beach and the City of Redondo Beach. Monitoring activities are included in Mitigation Measure #G-3.
??		***Mitigation Measure #G-5:*** Accidental collision with an oil or gas well is highly unlikely. However, if the route collides with an offshore well (out to 3 statute miles), the immediate area will be evacuated and flagged off. The CDC, Division of Oil and Gas, will be notified immediately. The construction supervisor will initiate consultation with the division for remedial operations. In the event of collision with a well outside the 3-statute-mile line, the Mineral Management Service will be contacted.
D1	**Water Resources**	***Mitigation Measure #W-1*:** The proponent will have a shipboard oil pollution emergency plans (SOPEPs) for their installation, repair, and monitoring. The SOPEPs will comply with International Convention for the Prevention of Pollution from Ships (MARPOL) Annex 1 and will include the following information at a minimum: purpose of the plan, hazards assessment, spill prevention and containment, emergency response procedures, closing of the spill incident, and a spill notification contact list. This document will contain preventive measures and procedures to be followed in the event of a spill, either onshore or offshore.
D2		***Mitigation Measure #W-2:*** The primary work vessel will carry onboard a minimum of 122 meters (400 feet) of sorbent boom, five bales of sorbent pads at least 45 centimeters by 45 centimeters (18 inches by 18 inches) square and a small, powered boat for rapid deployment to contain and clean up any small spill or sheen on the water surface.
D3		***Mitigation Measure W-3:*** Ballast water will not result in the discharge of ballast in waters less than the 22.2 km offshore (12 nm) limit of the territorial seas. If any ballast water is discharged beyond the territorial seas, then the location of the vessel and volume discharged will

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Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
		be documented and will be in compliance with applicable MARPOL and USCG regulations. Copies of ships' logbooks will be available to the USCG or other agencies.
D4		***Mitigation Measure W-4*:** Vessels will not discharge untreated sewage into marine waters. Vessels must be equipped to collect, contain or treat waste products. Vessels will not discharge bilge waters to the marine waters less than 22.2 kilometers off-shore (12 nm). Treatment and handling of sewage, bilge water, and deck drainage will be in accordance with applicable MARPOL and USCG regulations.
D5		***Mitigation Measure W-5*:** All work vessels will maintain a logbook to keep track of all debris created by objects of any kind that may fall into waters within the jurisdictional areas of permitting agencies. Types, date, time, and location of debris that enters water during offshore operations will be documented to facilitate identification and location of debris for debris recovery and site clearance verification.
D6		***Mitigation Measure #W-6:*** The proponent will develop and implement a SWPPP that identifies BMPs to be used during all construction activities. The SWPPP will include the following information: purpose, facility design, construction method, erosion and sediment control measures, erosion and sedimentation control measure practices and implementation, maintenance and repair, and work schedule.
E1	**Marine Biological Resources**	***Mitigation Measure #MB-1:* In the event the Applicant uses the direct burial method of installation for any portion of the cable system,** if the intertidal beach work occurs in March through August, a biologist will monitor the beach within 30 meters (98 feet) of each cable landing site on the third or fourth night following a full moon or new moon and one to five hours after high-tide within the two weeks before installation. If a spawning event occurs during the two weeks before construction activities, additional monitoring would be conducted during the next high-tide cycle to determine if a new spawn has occurred. Beach construction activities will be limited to a time period that will avoid impacts to spawning, incubation, and hatching. Monitoring will occur based on the CDFG's predicted grunion spawning run schedule (see www.dfg.ca.gov/mrd/). A qualified biologist will determine the day on which the construction can begin again after a spawning event.
E2		***Mitigation Measure #MB-2*:** In order to reduce the potential impact to hard-bottom substrate, TyCom has designed the route to minimize crossing high-relief outcrops. TyCom has agreed to pay the established compensation fees for actual impacts that result in mortality of slow-growing organisms that take longer than one year to recover within the jurisdictional limits of relevant permit authorities. These species may be found on high- or low-relief habitat within jurisdictional waters. It is estimated that the areas of impact will be limited to the width of the cable (5 centimeters [0.16 feet]) and the potential width of cable movement (15 centimeters [0.5 feet]) due to strong currents, for a total of 20 centimeters. CCC has imposed compensation fees on past projects in order to fund artificial reef construction. As cited in Consistency Certification No. CC-110-00 for the Global West Network, Inc., off the coast of California, the compensatory hard-bottom mitigation fee may be approximately $27.31 per meter of high-relief, hard-bottom substrate crossed by the project. As noted above, the maximum length of high-relief area crossed by both cables is 23.05 kilometers (14.32 miles). However, the total area of high-relief, hard-bottom substrate that supports soft corals or aggregate anemones likely will be significantly less than 23.05 kilometers (14.32 miles), based on the maximum depth range of such species and the physical characteristics of the hard-bottom substrate (i.e., scattered boulders instead of continuous rock reefs). A final determination of the amount of high-relief, hard-bottom substrate for fee purposes will be

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Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
		determined based on a review of the post-installation ROV video surveys conducted in accordance with Mitigation Measure #MB-12 (also referenced as Mitigation Measure #F-3 and #MU/LU/R-8).
E3		***Mitigation Measure #MB-3:*** To reduce the potential for interference, four biologists familiar with marine mammal behavior will be aboard the cable vessel or on a separate vessel engaged for post-lay inspection, cable repair operations, or burial of the cable to watch for marine mammals that approach the project area during operations. Monitors will be on board cable vessels or on a separate vessel within the jurisdictional limits of relevant permit authorities. This protocol will be followed unless otherwise determined by CCC in consultation with NMFS. This protocol will be followed unless otherwise determined by the CCC in consultation with NMFS. The monitors will be aboard the ships during installation and repair activities that occur within the continental shelf boundary, thereby suitably encompassing the general area of whale activity in the project area. At least two monitors will always be on duty to comply with the monitoring requirements. Except possibly in emergency situations, the on-duty monitors will observe from the bridge of the vessel, where a 360º view of surrounding waters in ensured. In the event of an emergency situation, it may be useful to have one observer leave the bridge to obtain a better view of the unfolding situation. The strategic position of the monitors on the bridge will provide immediate lines of communication with the acting Vessel Master if a marine mammal is located. If an individual marine mammal approaches the work area, the monitors will have the authority to cease operations (stop the boat) until the animal leaves the area. If a collision occurs, Mr. Jose Cordaro, NMFS marine mammal stranding coordinator, will be contacted immediately. Mr. Dan Chia of CCC will also be contacted. Agency contact requirements are discussed further in Mitigation Measure #MB-10.
E4		***Mitigation Measure #MB-4:*** Support vessels will make every effort to maintain a distance of 1,000 feet from sighted whales and other threatened or endangered marine mammals and sea turtles.
E5		***Mitigation Measure #MB-5:*** Support vessels will not cross in front of migrating whales.
E6		***Mitigation Measure #MB-6*:** When paralleling whales, support vessels will operate at a constant speed that is not faster than the whales.
E7		***Mitigation Measure #MB-7:*** Female whales will not be separated from their calves.
E8		***Mitigation Measure #MB-8:*** Support vessels will not be used to herd or drive whales.
E9		***Mitigation Measure #MB-9:*** If a whale engages in evasive or defensive action, support vessels will drop back until the animal calms or moves out of the area.
E10		***Mitigation Measure #MB-10:*** Collisions with marine mammals or sea turtles will be reported promptly to the federal and state agencies listed below, pursuant to each agency's reporting procedures. Collisions with marine mammals also will be reported to NMFS, CDFG, CCC, and the Marine Mammal Rescue Center (see Attachment B for contact information).

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	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
E11		***Mitigation Measure #MB-11*:** As discussed in the project description (see Section 2), TyCom will bury the marine fiber optic cable to reduce the probability that fishing gear will become snagged. TyCom will bury the entire marine cable 1 meter below the seafloor for areas where the water depth is less than 1,200 meters (3,936 feet), except where bottom features prevent burial. Where the seaplow cannot be used to install the cable, TyCom will direct-lay the cable and then bury it using an ROV.
E12		***Mitigation Measure #MB-12:*** TyCom will inspect the route immediately following installation, every 18 months thereafter (unless otherwise authorized by the relevant permit authorities), and after events that affect the cables for the life of the project to ensure that the fiber optic cables remain buried. The inspections will be conducted using an ROV with video and still cameras under the direction of a third party.
E13		***Mitigation Measure #MB-13*:** TyCom will attempt to rebury any cable that becomes exposed after installation for any reason (e.g., fishing gear snags, cable repair, or shifting sediments) within the jurisdictional limits of relevant permit authorities.
E14		***Mitigation Measure #MB-14*:** TyCom will attempt to retrieve lost fishing gear within the jurisdictional limits of relevant permit authorities.
E15		***Mitigation Measure #MB-15:*** To reduce the potential for interference, four biologists familiar with sea turtle basking behavior will be on the cable-lay or support vessel to watch for sea turtles that approach the project area during operations. If an individual approaches the work area, the monitor will have the authority to cease operations (stop the vessel) until the animal leaves the area. If a collision occurs, Mr. Cordaro will be contacted immediately (see also Mitigation Measure #MB-10).
F1	**Fisheries**	***Mitigation Measure #F-1*:** TyCom will advise commercial and recreational fishers of a definite work schedule two weeks in advance of installation.
F2		***Mitigation Measure #F-2*:** TyCom will bury the entire marine cable 1 meter below the seafloor for areas where the water depth is less than 1,200 meters (3,936 feet), except where the bottom features prevent burial. Where the seaplow cannot be used to install the cable, TyCom will direct-lay the cable. TyCom then will attempt to bury the cable using an ROV where seabed conditions appear to be favorable for ROV burial.
F3		***Mitigation Measure #F-3*:** Unless otherwise permitted by CCC, TyCom will inspect the route immediately following installation, every 18 months thereafter, and after events that affect the cables for the life of the project to ensure that the cables remain buried within jurisdictional limits of relevant permitting agencies. The inspections will be limited to water depths less than 1,200 meters (3,936 feet) and will be conducted using an ROV with video and still cameras under the direction of a third party.
See B9		***Mitigation Measure #F-4*:** TyCom will attempt to rebury any cable that becomes exposed after installation for any reason (e.g., fishing gear snags, cable repair, or shifting sediments), within the jurisdictional limits of relevant permitting agencies.
F4		***Mitigation Measure #F-5*:** Commercial fishers will be compensated for the fishing gear (including anchors) that is damaged or lost during installation or that becomes snagged on the marine cables, within the jurisdictional limits of relevant permitting agencies.

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Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
		If a fisher suspects that he or she has snagged a cable, he or she will be able to consult the nautical charts or other information such as electronic charts supplied by TyCom, and identify whether he or she is located near a submarine cable owned by TyCom. If based on nautical charts and navigational equipment, such as Long-Range Aid to Navigation (Loran) or a Global Position System (GPS; standard features on commercial fishing vessels), a fisher concludes that a snag is due to TyCom's cable, TyCom requests the fisher to cut his/her gear to free himself or herself from the snag and will compensate the fisher for the reasonable cost of the sacrificed gear. The compensation will be in the amount of 150% of the replacement cost of the lost gear. The 150% value will compensate the fisher for the lost gear, the catch that may have been in the gear at the time of loss, and the lost opportunity to fish from the time that the gear is lost to the time that it is replaced. The fisher will be required to provider reasonable evidence of the loss such as a written statement and receipts.
F5		***Mitigation Measure #F-6*:** TyCom will attempt to retrieve lost fishing gear immediately, within the jurisdictional limits or relevant permitting agencies.
F6		***Mitigation Measure #F-7*:** Fishers will be held harmless for unintentional damage to a buried cable, as long as fishers exercise a reasonable standard of care and are complying with international and national laws.
G1	**Terrestrial Biology**	***Mitigation Measure #TB-1*:** Measures agreed to by the applicant will be implanted to minimize impacts to common wildlife: If left open overnight, holes, trenches, pits, and tanks either will be covered or fenced temporarily to prevent entry; and open holes, trenches, pits, and tanks left overnight will be monitored by construction personnel at the start of construction the next day to determine whether trapped wildlife are present before hole closure.
G2		***Mitigation Measure #TB-2*:** TyCom will conduct pre1construction surveys if construction occurs in the greenbelt between March and August (i.e., the period covering the nesting seasons of Cooper's hawks, American kestrels, red-shouldered hawks, red-tailed hawks, and peregrine falcons). If an active raptor nest is identified during the surveys, then, in consultation with CDFG and USFWS, TyCom will establish a no-construction zone around the nest minimize potential impacts to nesting activities. No construction will take place within the no-construction zone until the breeding season (i.e., March to August) is completed or subsequent raptor surveys confirm that all offspring have fledged and no new nests have been established.
H1	**Cultural Resources**	***Mitigation Measure #CR-1*:** TyCom has agreed to conduct enhanced monitoring for all soil-disturbing activities from Fifth Street south to the TyCom Cable Station. This enhanced monitoring will entail a standard archaeological monitoring procedure, but also will require that trenches remain open so that a qualified geoarchaeologist and archaeologist can map any stratigraphic units visible in the sidewalls of excavations. In areas where the archaeological monitor determines deposits to be disturbed, or culturally sterile, this process will be abandoned. If unrecorded archaeological resources are discovered, a salvage plan will be developed. If human remains are discovered, TyCom will apply the following procedures: work will cease immediately in and near the site, and a coroner will be contacted; the

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Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
		contractor will await authorization to resume work from the City of Hermosa Beach, in consultation with the coroner or a Native American representative, if applicable; and the coroner will make a determination as to how to proceed. An archaeologist will also document both preconstruction and post-construction conditions of The Strand and The Strand wall where TyCom proposes to cross it near Second Street and near Longfellow Avenue. Archaeologists also will monitor any cutting or removal of The Strand wall to document its current construction.
H2		***Mitigation Measure #CR-2:*** **In the event the Applicant uses the direct burial method of installation for any portion of the cable system,** TyCom has agreed to conduct standard archaeological monitoring for all soil-disturbing activities north of Fifth Street in Hermosa Beach. Standard archaeological monitoring procedures will require that a qualified archaeologist oversee all subsurface intrusions. The archaeologist will record and inspect any prehistoric or historic archaeological materials that may be encountered. In areas where the archaeological monitor determines deposits to be disturbed, or culturally sterile, this process will be abandoned. Standard archaeological recording procedures will be followed, and in the event of unanticipated discoveries, a salvage plan will be developed according to the findings and consultation with a qualified third-part archaeologist, Native American monitors, and the City of Hermosa Beach. If human remains are discovered, TyCom will follow the procedures described in CR-1 above.
H3		***Mitigation Measure #CR-3:*** TyCom has agreed to conduct additional marine surveys and to avoid any features identified during the survey that could be cultural resources of potential significance. The additional surveys will include the simultaneous use of high-resolution sidescan sonar and a magnetometer from approximately the 20-meter (66-foot) water depth to the 200-meter (656-foot) water depth along both marine routes. The magnetometer will be towed at speeds less than 5 knots and at a height no more than 6 meters (20 feet) from the seafloor. The speed, height, and location of the survey equipment will be recorded. A qualified marine archaeologist will be onboard the survey vessel and will prepare a report documenting the results of this initial magnetometer survey. If features are identified that could be cultural resources of potential significance, TyCom has agreed to reroute the cable(s) and avoid the identified feature(s) by at least 100 meters (328 feet).
H4		***Mitigation Measure #CR-4:*** The initial magnetometer survey described above will cover about 10% of the total distance of the routes, including nearshore areas where most shipwrecks would be expected. Historic shipwrecks tend to be better preserved in deep water (i.e., in excess of 100 meters [328 feet]) due to physical, chemical, and biological conditions. If the magnetometer survey does not reveal potential shipwrecks that were not already identified by sidescan sonar previously conducted by TyCom, then this would increase the confidence in the sidescan sonar data and no further surveys would be required. If, however, the initial magnetometer survey reveals potential shipwrecks that were not already identified by the sidescan sonar, then the entire portions of the route where the water depth is less than 1,200 meters (3,936 feet) would have to be surveyed with a magnetometer. This additional magnetometer survey would be directed by a qualified marine archaeologist. If features are identified that could be cultural resources of potential significance, TyCom has agreed to reroute the cable(s) and avoid the identified feature(s) by at least 100 meters (328 feet).
I1	**Noise**	***Mitigation Measure #N-1*****:** The applicant will limit construction to 8 a.m. to sunset, Monday through Friday for the beach segment of the

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Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
		project: and for other segments of the project, as permitted by the Director of Public Works and the CCC. Construction hours may be modified by the Public Works Director, as needed.
I2		***Mitigation Measure #N-2:*** The contractor will implement operational constraints to the extent feasible, such as operating only one piece of equipment at a time and shutting it off when not in use.
I3		***Mitigation Measure #N-3*:** The applicant will notify residences and commercial buildings adjacent to the proposed construction by mail at least two weeks prior to construction. This notice would include a brief project description, the estimated level of noise, and hours of operation.
I4		***Mitigation Measure #N-4*:** The applicant will prepare a plan containing noise control measures for construction equipment and submit it to the Cities of Hermosa Beach and Redondo Beach. This plan will detail how the equipment noise will be muffled.
J1	**Transportation**	***Mitigation Measure #T-1:*** The contractor will notify the Public Works Department, fire department, police department, medics, and school bus garage of Hermosa Beach, Redondo Beach, and Manhattan Beach, before operations so that they may re-route emergency and service vehicles around the construction zones.
J2		***Mitigation Measure #T-2:*** Delivery of construction materials to individual work sites on state highways and city streets will be conducted during off-peak commute hours (before 7:30 a.m. and after 9 a.m., and before 5 p.m. and after 7 p.m.).
J3		***Mitigation Measure #T-3:*** The contractor will prepare and submit traffic control plans prepared in accordance with Caltrans and city guidelines to the Cities of Hermosa Beach and Redondo Beach for approval before beginning construction. Copies of the approved traffic control plans shall be on site during construction.
J4		***Mitigation Measure #T-4:*** All affected business and residences that would be directly affected by a blocked driveway or loss of parking will be provided with advance notification of one week as to when the access and/or parking will be blocked.
See J1		***Mitigation Measure #T-5:*** The contractor shall notify the Public Works Department, fire department, police department, medics, and school bus garage of Hermosa Beach, Redondo Beach, and Manhattan Beach, and the Los Angeles County MTA, before initiating construction so that they may ensure that there is adequate emergency access around the construction zones.
J5		***Mitigation Measure #T-6:*** During non-working hours, the contractor will keep the existing traffic lanes clear for traffic without interference from the operations, equipment, and materials.
J6		***Mitigation Measure #T-7:*** The applicant will submit a Parking Plan to the City of Hermosa Beach, subject to the approval by the Public Works Director. The plan will show how the construction operation will minimize parking impacts.
J7		***Mitigation Measure #T-8*:** A Notice to Mariners will be issued two weeks before construction.
J8		***Mitigation Measure #T-9*:** The applicant shall notify USCG and VTS of dates of construction, and potential dates of crossing traffic lanes.
K1	**Air Quality**	***Mitigation Measure #A-1:*** TyCom will implement at least one of the reasonably available control measures specified in SCAQMD Rule 403 to minimize fugitive dust impacts. Measures to minimize this impact could include using water on a periodic basis on uncovered stockpiles or cleaning the tires of work vehicles to limit the amount of dirt tracked on to streets.

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	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
K2		***Mitigation Measure #A-2:*** The following mitigation measures would reduce NO_X emissions from vessel engines and will be implemented as the best available control technology for construction equipment (CBACT): fuel injection timing retard of 2º on diesel-powered vessel engines, and maintenance of equipment in tune to manufacture's specifications.
K3		***Mitigation Measure #A-4:*** A feasible mitigation measure is acquisition of emission credits for out to three nautical miles that have been created in SCAB.
K4		***Mitigation Measure #A-5*:** Use ARB on-road diesel fuel to reduce ROC emissions.
K5		***Mitigation Measure #A-6*:** The applicant would implement a comprehensive maintenance program for vessel diesel engines, to reduce CO emissions.
K6		***Mitigation Measure #A-7*:** The applicant will use clean diesel fuel having a maximum sulfur content of 15ppm; OR *Mitigation Measure **#A-7a*:** The applicant will acquire emission credits out to three nautical miles.
L1	**Hazardous Materials (including oil spills)**	***Mitigation Measure #H-1:*** TyCom will prepare a Spill Prevention and Contingency Plan (SPCP) for construction activities. The SPCP plan will be submitted to the Hermosa Beach Fire Department for approval prior to issuance of the City's construction permit. At a minimum, the plan will include the following standard operating procedures (SOPs) for spill prevention: hazard assessment, spill prevention and containment, emergency response procedures, and closing the spill incident. TyCom will also prepare a Hazardous Materials Business Plan for operations at the Cable Station. The business plan will be submitted to the city of Redondo Beach.
L2		***Mitigation Measure #H-2*:** Before construction begins, site workers will be trained to recognize and respond to spills in accordance with the SPCP plan and which authorities to contact. Construction crews will have an emergency spill kit containing sorbent booms and pads, personal protective equipment (PPE), and emergency response guidance.
L3		***Mitigation Measure #H-3*:** Construction equipment will be maintained and kept in operating condition to reduce the likelihood of line breaks and leakage. Any vehicles with chronic or continuous leaks will be removed from the construction site and repaired before being returned to operation.
L4		***Mitigation Measure #H-4*:** Absorbent material or drip pans will be placed underneath vehicles during equipment maintenance or refueling. Refueling may take place on the beach, but only within a designated and contained refueling area. Any refueling will be conducted at least 30.5 meters (100 feet) away from the mean high tide. Any fluids drained from equipment will be collected in leak-proof containers and taken to an appropriate disposal or recycling facility.
L5		***Mitigation Measure #H-5*:** Hazardous materials used at the staging area will be stored in the proper storage containers and will have sufficient secondary containment to contain any potential spill.
L6		***Mitigation Measure #H-6*:** Human waste at the construction area will be disinfected. Portable chemical toilets will be used. The toilets will not be placed near environmentally sensitive areas. A commercial vendor will maintain the self-contained chemical toilets in good

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Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
		working order to ensure that there are no leaks and will pump the toilets as necessary to prevent overflow. The vendor will be responsible for off-site disposal of the wastes.
L7		***Mitigation Measure #H-7:*** The Cable Station's underground diesel storage tank and the piping will be installed and operated in compliance with applicable state and federal regulations.
L8		***Mitigation Measure #H-8*:** All hazardous waste generated through maintenance activities or if a spill occurs during construction will be disposed of according to appropriate State and federal regulations. The appropriate disposal method will depend on the type of waste generated. Waste oils and other wastes considered hazardous in California will be transported by an RCRA-certified treatment, storage, and disposal facility (TSDF) and disposed at a Class I hazardous waste landfill, such as Kettleman Hills.
L9		***Mitigation Measure #H-9:*** The construction crew will be informed of the types of hazardous substances that could be encountered and the indicators of the contaminants (e.g., stained soil or odor).
L10		***Mitigation Measure #H-10*:** If hazardous substances are encountered, the appropriate agencies will be immediately notified to determine further courses of action. Installation work will not resume until it is determined by the local regulatory agencies that installation will not create an adverse impact to human health.
L11		***Mitigation Measure #H-11:*** TyCom's construction contractor will develop and implement a Health and Safety Plan (HSP) consistent with 29 CFR 1910 (OSHA Occupational Safety and Health Standards) and 29 CFR 1926 (OSHA Safety and Health Regulations for Construction). The HSP will identify physical and chemical hazards that could result from proposed operations.
L12		***Mitigation Measure #H-12:*** The construction crew will be trained on safety measures regarding trenching and excavation, work zone safety CPR, spill prevention and control, and driving safety.
See J1 & A2		***Mitigation Measure #H-13:*** The contractor will prepare and submit traffic control plans prepared in accordance with Caltrans and City guidelines to the Cities of Hermosa Beach and Redondo Beach for approval before beginning construction. Copies of the approved traffic control plans shall be on site during construction.
L13		***Mitigation Measure #H-14:*** Contractors will receive training regarding the proper handling and/or storage of potential fire hazards, potential ignition sources (such as smoking or sparking equipment), and appropriate types of fire protection equipment.
L14		***Mitigation Measure #H-15*:** TyCom will identify all utilities before construction, using utility locator services.
L15		***Mitigation Measure #H-16*:** Other mitigation measures, detailing construction offsets if utilities are encountered and notification of the proper authorities if a utility is damaged, are described in Section 16.1.5.
L16		***Mitigation Measure #H-17:*** The Cable Station will be equipped with an automatic protection system to prevent power surges.
L17		***Mitigation Measure #H-18*:** To avoid collisions, before entering the project area, the vessel will notify USCG, which will issue a Notice to Mariners to alert marine users in the area of the project activity. Fishers are required (47 USC 25) to remain 1 nautical mile (1.85 kilometers) from cable-lay vessels during cable lay operations.
L18		***Mitigation Measure #H-19*:** A Shipboard Oil Pollution Emergency Plan (SOPEP) will be developed and implemented before the cable

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	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
		vessel enters the project area for installation, repair, and monitoring. Before the cable lay begins, the plan will be submitted to OSPR as required by regulations amended in December 1999. The SOPEP will comply with MARPOL Annex 1 and will include, at minimum, the following information: purpose of the plan, hazards assessment, spill prevention and containment, emergency response procedures, closing of the spill incident, and spill notification contact list. If the vessel has an emergency, its SOPEP emergency procedures will be in effect, which will include immediate notification to USCG to report the emergency and request assistance.
L19		***Mitigation Measure #H-20*:** A critical operations and curtailment plan will be developed and implemented, before the cable vessel enters the project area for installation, repair, and monitoring, to delineate and maintain safe operating conditions aboard the cable-lay vessel. This plan will specify the appropriate wind and sea conditions for the operation of the vessel, will refer to the appropriate personnel and evacuation procedures, and will require adherence to the ship's oil spill response plan.
L20		***Mitigation Measure #H-21*:** The primary work vessel will carry on board a minimum of 122 meters (400 feet) of sorbent boom, five bales of sorbent pads at least 45cm-by-45cm (18in-by-18in) square and a small powered boat for rapid deployment to contain and clean up any small spill or sheen on the water surface.
L21		***Mitigation Measure #H-22:*** A local on-water response vessel, an oil spill response organization (OSRO) located in Los Angeles, will be placed on standby during installation. The capacity of the oil spill response vessel and its location will comply with the OSPR regulations amended in December 1999.
L22		***Mitigation Measure #H-23:*** Standard safety measures will be incorporated into vessel operating procedures and confirmed by the safety certificate issued by USCG to limit the risk of fire and explosion to a less-than-significant level.
	Aesthetics	***Mitigation Measure #A-1*:** The applicant will minimize visual impacts of beach staging areas with berms and fences. A chain-link, approximately 6 feet (1.8 meters) to 8 feet (2.4 meters) tall, will surround the beach staging area, and will be covered with privacy screening. The type of screening will be approved by the Community Development Director and Public Works Director before authorization.
M1	**Public Utilities / Services**	***Mitigation Measure #PU/S-1*:** Before issuance of construction permits, the applicant will disseminate information to the fire, police, and public works departments in Hermosa Beach, Redondo Beach, and Manhattan Beach to notify them of construction on affected roads. The information shall include times, the designated cable route, and dates.
M2		***Mitigation Measure #PU/S-2*:** The applicant will work with local police and fire departments and utility service providers, and prepare and implement an Emergency Response Plan. This plan will include provisions for a confined space rescue team.
M3		***Mitigation Measure #PU/S-3*:** Before issuance of construction permits, the applicant shall submit detailed maps of the proposed cable route to utility providers and agencies. If the route crosses existing utility lines, the applicant shall coordinate with utility providers and the applicable agencies to determine the appropriate depth of fiber optic cable and construction method for installation.
M4		***Mitigation Measure #PU/S-4:*** The applicant will coordinate with utility providers, locate utilities, and pothole as necessary to avoid disrupting utilities, thereby minimizing the risk of accidental striking.

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	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
M5		***Mitigation Measure #PU/S-5:*** The applicant will comply with State laws concerning location of cable relative to other utilities.
M6		***Mitigation Measure #PU/S-6:*** In the event of an accidental striking, the applicant will replace or repair any damaged utility lines, pipelines, or any other utility infrastructure.
M7		***Mitigation Measure #PU/S-7:*** The applicant will ensure maintenance of at least 25 feet of beach access around the perimeter of the staging area for emergency vehicle access.
M8		***Mitigation Measure #PU/S-8:*** **In the event the Applicant uses the direct burial method of installation for any portion of the cable system,** the applicant shall ensure that there will be no time lapse between the establishment of temporary lifeguard towers and the displacement of the original lifeguard towers at Second Street.
M9		***Mitigation Measure #PU/S-9:*** The applicant shall identify beach tower communication lines and avoid striking during beachfront construction. The applicant shall relocate the lines with the lifeguard towers, so that communication and beach safety are maintained.
M10		***Mitigation Measure #PU/S-10:*** The applicant shall provide mockup designs of the proposed fencing around the beach construction area to Los Angeles County Lifeguards to ensure that visibility from the lifeguard towers is maintained.
	Construction and Phasing	
N1		*Condition of Approval:* Construction staging on the beach shall be as shown on approved project staging plans per the Project EIR for a direct burial method of installation. Requests for minor alternate construction staging shall be considered through written request to the Director of Community Development and Director of Public Works.
N2		*Condition of Approval:* TyCom shall coordinate in the preparation of a Construction Operation Plan and Program **to address either the use of direct burial as approved by the City Council on December 18, 2001, or as approved by the City Council on June 11, 2002 for the use of HDD.** Said plan shall be reviewed and approved prior to the issuance of construction permits by the Director of Public Works. The plan shall incorporate the following: ▪ Specifications for fencing of the site and construction staging areas evaluated to ensure maximum screening of views to site and aesthetic concerns. ▪ Limitations on construction activities by date and hour. ▪ A scaled plan that depicts pedestrian circulation routes and demonstrates the maintenance of safe and open access to the beach, The Strand, and the greenbelt during project construction. ▪ **Posting of signage at the staging and construction areas identifying limitations on construction activities by date and hour and phone numbers the public may contact in the event of concerns and/or complaints for the following:** * **Applicant's on-site Project Superintendent (24 hour accessible phone number)** * **City's Project Manager** * **Department of Public Works**

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	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
		* **City Fire Department** * **City Police Department** * **County Lifeguards** **2. The noise attenuation barrier walls shall be used to completely surround the drill site with minimum wall height of no less than 8 feet and as high as necessary to adequately attenuate the sound as required by the City. The length, height, and location of the noise attenuation barrier walls shall be adequate to ensure proper acoustical performance and shall be approved by the Director of Public Works. The final noise attenuation wall height shall be determined by acoustical study prepared by the applicant in conjunction with the wall design for the project and reviewed and approved by the Director of Public Works prior to commencement of operations.** **3. That the barrier wall material should consist of fiberglass-filled acoustical curtains or panels with a Sound Transmission Class (STC) rating of at least 27 (STC-27) and they be designed to preclude structural failure due to such factors as winds, shear, shallow soil failure, earthquakes, and erosion as approved by the City's Public Works Director prior to commencement of operations.** **4. A diesel engine acoustical enclosure consisting of a metal framed, fiberglass-filled panels or other acceptable design be required for the drill rig, and any compressor and pumps, with all other internal combustion equipment using noise shrouds no less effective than those originally installed on the equipment. Design noise reduction shall be no less than 18 dBA measured at equipment height from locations to be selected outside of the noise attenuation barrier walls. All other internal combustion equipment shall use noise shrouds no less effective than those originally installed on the equipment. The final design of the enclosure shall be determined by acoustical study prepared by the applicant for the project and reviewed and approved by the Director of Public Works prior to commencement of operations.** **5. High performance mufflers are used on all diesel engines in regular use on the drill site and the use of air impact wrenches or similar equipment used on drill pipe flange bolts conform to all noise abatement requirements. Truck engines are excluded, but shall not have unmuffled exhaust.** **6. With the exception of drilling operations, no heavy equipment is operated outside of those approved hours specified by the City Council approval on June 11, 2002 (7 a.m. to 8 p.m., Monday through Friday).** **7. No equipment setup, tear down, or initial drilling start-up operations may occur outside of those approved hours specified by the City Council approval on June 11, 2002 (7 a.m. to 8 p.m., Monday through Friday).** **8. No trucks involved in materials removal or delivery shall access the site outside of those approved hours specified by the City Council approval on June 11, 2002 (7 a.m. to 8 p.m., Monday through Friday).** **9. All internal combustion equipment shall be properly tuned-up to minimize noise emissions.**

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	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
N3		*Condition of Approval:* In order to avoid conflicts with special events held in the project area, construction on the site shall be suspended on certain days as determined appropriate by the City. The City shall retain the right to change or extend the dates when warranted to ensure that special events are not significantly impacted by project construction.
N4		*Condition of Approval:* No closure, either temporary or permanent shall be allowed on the existing public walkway known as The Strand, except as otherwise approved by the City (also see Condition no. 21 and MU/LU/R-15).
N5		*Condition of Approval:* TyCom shall include in its construction contract a clause which stipulates, to the satisfaction of the City Attorney, that the contractor will recycle materials used in construction to the extent feasible in order to divert construction waste from regional landfills.
N6		*Condition of Approval:* TyCom shall ensure that construction contractor's require employees to use off-street parking. Such remote parking shall remain in use until the completion of construction of the project.
N7		*Condition of Approval:* TyCom shall be responsible to restore all work within City streets, greenbelt and right of way to its pre-construction condition or better. TyCom shall also be responsible for providing funds to the City of Hermosa Beach in the amount of $275,000, as detailed in the approved easement agreement, to be used for repaving of Second Street from The Strand to Valley Drive. In addition, TyCom shall be responsible for providing upgrades to that portion of the greenbelt affected by the cable installation in an amount directed by the City Manager to achieve the originally approved landscape plans dated 12-9-97 (CIP 96-508) for that portion of the greenbelt. TyCom shall also be responsible for slurry sealing (slurry seal and crack sealing) the entire width and length of all other affected streets, as well as, removal (grinding or sandblasting) and replacement of any traffic striping and pavement markers affected by the project construction, in a time and manner that has been reviewed and approved by the Public Works Department.
	Certifications	
O1		*Condition of Approval:* An acceptance of conditions form shall be executed by TyCom and submitted to the Community Development Department prior to issuance of construction permits.
O2		*Condition of Approval:* This grant shall not be effective for any purposes until TyCom has filed at the office of the Planning Division of the Community Development Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this grant.
O3		*Condition of Approval:* The PDP and this Resolution shall be recorded, and proof of recordation shall be submitted to the Community Development Department
O4		*Condition of Approval:* Each of the above conditions is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid an enforceable.
O5		*Condition of Approval:* TyCom shall defend with Counsel of the City's choosing, indemnify, and hold harmless the City, it agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside, void or annul this permit approval or any other proceeding or action taken pursuant to this permit. The City shall promptly notify TyCom of any claim,

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Condition of Approval	**Category**	**Conditions of Approval, Mitigation Measures and Permit Requirements**
	Resource Topic	**Mitigation From DEIR/FEIR/Conditions of Approval, BMP's**
		action, or proceeding and the City shall cooperate fully in the defense.
O6		*Condition of Approval:* TyCom shall reimburse the City for any court and attorney's fees, which the City may be required to pay as a result of any claim or action brought against the City because of this grant
O7		*Condition of Approval:* The Project shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of TyCom to cease any development or activity not in full compliance shall be a violation of these conditions.
O8		*Condition of Approval:* Pursuant to Code of Civil Procedure Section 1094.6, any legal challenge to the decision of the City Council must be brought within 90 days after the final decision by the City Council.
O9		***Condition of Approval:* The applicant shall be responsible for reimbursing the City all City-related costs associated with the implementation, monitoring, reporting and follow-up required in the Mitigation Monitoring Program and further detailed in the Memorandum of Understanding between the City and the applicant.**

Attachment A
Mitigation Measure G-3, Explication of Burial Plan requirements

At minimum, the [Burial] Plan will incorporate the following measures:

A. It will be necessary to establish control data to use as a basis for future monitoring. TyCom will survey a profile along both alignments and will compare these data to measurements taken at the Hermosa Beach Pier. The fluctuation of sand over time relative to both sites and the pier will be the benchmark. Monthly surveys of the routes will be conducted from October 2001 to May 2002. Elevations will be surveyed along the cable routes at 75 meter (246 foot) intervals between The Strand wall and the 5-meter (16.4 foot) contour. Between the 5-meter and 15-meter (16.4 foot and 49.2 foot) contour, survey intervals will be increased to 200 meters (656-feet). Additionally, sand levels will be measured at 25-meter (82 foot) intervals along the Hermosa Beach Pier from the beach to the end of the pier.

B. It will be necessary to monitor sand migration for the first two winters to determine whether and when the sand cover is reduced to less than 0.5 meter (1.6 feet). Monitoring will determine when remedial activities must be undertaken. Monitoring will consist of surveying and monitoring the sand elevations at certain locations and at certain intervals along both submarine cable routes and at the Hermosa Beach Pier as described below.

i. During the first winter (November through March), sand elevations will be measured monthly at the locations and intervals described above. Additionally, sand elevations will be measured after large storms in which waves exceed 3.5 meters (11.5 feet) for a period of more than 8 hours as measured by the Coastal Data Information Program.

ii. During the second winter (November through March), sand elevations will be measured monthly at the locations and intervals described above.

iii. After the second winter, for the life of the project, sand measurements will be taken annually during January or February, when sand levels are typically at their lowest. These sand measurements will be taken only at the Hermosa Beach Pier. The measurements will be compared to the data collected during the three previous years to determine whether measurements along the cable alignments are needed. If the sand levels at the pier are found to be lower than any of the previous years' measurements, sand levels will be measured along both cable alignments.

iv. Additionally, after major storm events (defined as having waves that exceed 4.3 meters [14.1 feet] for a period of more than 8 hours as measured by the Coastal Data Information Program), if normal monitoring is not scheduled, sand level measurements will be taken.

C. This section will apply to the cables in the nearshore area between the beach manhole and the 10-meter (32.8-foot) contour water depth point.

i. TyCom will contract with a local marine contractor to provide on-call response burial services until retirement of the project. This contract will allow timely response to rebury the cables if necessary.

ii. If the sand cover over the cables is reduced to a depth of less than 0.5 meter for a distance of more than 40 meters (131 feet), TyCom will initiate activities to rebury the cables to a depth of 1 meter (3.3 feet) below the elevation at the time of the reburial. If at any time the cables become exposed, TyCom will take immediate action to rebury the cables to a depth of 1 meter (3.3 feet) below the elevation at the time of the reburial.

iii. Immediately upon notification by others or discovery by TyCom of a shallow cable (a cable with less than 0.5 meter [1.65 feet] of cover over a distance of more than 40 meters [131 feet]), TyCom initiate activities necessary to rebury the cable. The cables will be reburied to a depth of 1 meter (3.3 feet) below the elevation at the time of the reburial. Work will begin as soon as it is safe to do so depending on weather and sea conditions.

iv. Because a storm event may cause sand to migrate away and then return in a very short time (a few days), sand measurements will be taken be-fore the commencement of the reburial operation. If the sand level is once again more than 0.5 meter (1.6 feet) above the cable, the reburial activities will not necessarily be performed.

v. Immediately upon notification or discovery by TyCom of an exposed cable, TyCom will initiate activities necessary to rebury the cables. The cables will be reburied to a depth of 1 meter (3.3 feet) below the elevation at the time of the reburial. The forces will begin work as soon as it is safe to do so depending on weather and sea conditions.

vi. Between the times when the exposed cable is discovered and the reburial is completed, TyCom will provide an on-site safety person to warn those in the vicinity of the exposed cable. The safety person will see that buoys are placed as warning devices and/or will remain on site to warn individuals in the vicinity.

Attachment B
Mitigation Measure MB -10 Contact Information

Jose Cordaro or Tina Fahy
National Marine Fisheries Service
Long Beach, CA 90802
(310) 980-4017

Enforcement Dispatch Desk
California Department of Fish and Game
Long Beach, CA 90802
(909) 597-9823
(916) 445-0045 (during non-business hours)

Dan Chia or Marine Carzola
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105
(415) 904-5200

Marine Mammal Rescue Center
389 North Hope Avenue
Santa Barbara, CA 93110
(805) 687-3255

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