



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Russell A. Matulich
MC GLOBAL BP4
268 Bush Street 15, No. 77
San Francisco, CA 94104

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7015 3010 0001 9147 7437

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED MC GLOBAL BP4 TRANSPACIFIC FIBER OPTIC CABLES PROJECT (Corps' Project No. 2015-00638-AP), PACIFIC OCEAN, CITY OF HERMOSA BEACH, LOS ANGELES COUNTY (File No. 15-107)


Dear Mr. Matulich,

Board staff has reviewed your request on behalf of MC GLOBAL BP4 (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 27, 2016.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Please read this entire document carefully. The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger, P.E.
Executive Officer

August 9, 2016
Date

DISTRIBUTION LIST

<p>Chris Brungardt, Vice President ICF International (ICF) 630 K St., Suite 400 Sacramento, CA 95818</p>	
<p>Bill Orme (via electronic copy) State Water Resources Control Board Division of Water Quality P.O. Box 944213 Sacramento, CA 94244-2130</p>	
<p>Andreas Polis (via electronic copy) U.S. Army Corps of Engineers Regulatory Branch, Los Angeles District 915 Wilshire Blvd., Suite 1101 Los Angeles, CA 90017</p>	
<p>Melissa Scianni Elizabeth Goldmann (via electronic copy) U.S. Environmental Protection Agency, Region 9 WRT-2-4 75 Hawthorne Street San Francisco, CA 94105</p>	
<p>G. Mendel Stewart Johnathan Snyder U.S. Fish and Wildlife Service 2177 Salk Ave. Carlsbad Ca, 92008</p>	
<p>California Coastal Commission 200 Oceangate, 10th Floor Long Beach, CA 90802</p>	

ATTACHMENT A

**Project Information
File No. 15-107**

1. Applicant: Russell A. Matulich
MC GLOBAL BP4
268 Bush Street, #77 San Francisco, CA 94104

Phone: (415) 837-3511 Fax: (415) 837-3511

2. Applicant's Agent: Chris Brungardt
ICF International
630 K Street, Suite 400
Sacramento, CA 95818

Phone: (916) 231-9552 Fax: (916) 737-3010

3. Project Name: MC GLOBAL BP4 Transpacific Fiber Optic Cables

4. Project Location: Hermosa Beach, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
-----------------	------------------

33° 52.246' N	118° 24.393' W
33° 52.501' N	118° 24.504' W
33° 52.498' N	118° 24.501' W
33° 52.241' N	118° 24.392' W

5. Type of Project: Fiber Optic Cable Installation and Landing development

6. Project Purpose: MC GLOBAL BP4 (MCG) proposes to install and operate up to four transpacific submarine cables to land at Hermosa Beach in Southern California. The project would be implemented in four phases— one phase for each of the four cable systems. Each cable system would entail installing a fiber optic cable system onto the continental shelf, landing in one of two locations in Hermosa Beach, and then connecting to a terminal on land. The landing sites would be within city street right of way—one at Longfellow Avenue, and the other at 25th Street. Buried terrestrial conduit systems would connect the cable systems with a local telecommunications carrier at an interconnection point. The other appurtenant facilities necessary for the cable systems would be installed at various times during various phases of work.

ATTACHMENT A

Project Information File No. 15-107

7. Project Description:

The four independent cable systems would connect the United States to various Pacific Rim locations, such as Southeast Asia, China, Australia, and Japan. The cable will be pulled into a steel pipe that will be installed by directional bore. The directional bore will begin in the city street right of way, bore below the beach (at a minimum depth of 25'), beneath the shore line and out into the ocean. It will come up to the ocean floor at a water depth of 30' which is about 2,500 feet offshore. The end of the pipe will be at least 3 feet below the ocean floor. From that point westerly the cable will be buried to a depth of 3' while in state waters. The cable in State of California waters will be 1 1/2 inches in diameter. The cable will be in service for approximately 25 years. Because the cable will be buried beneath the ocean floor while in state waters it would be abandoned in place once its useful life is exceeded.

At this time, two cable system connections have been identified; these would be accommodated in the first two phases of the proposed project. Other cables would follow in future phases as additional connection points in other countries are identified. The four phases being proposed are summarized below.

Phase 1: Southeast Asia to the United States (SEA-US) and support facilities. The first phase of work would include installation of the SEA-US Cable System, connecting the United States to Guam, the Philippines, and Indonesia. Certain facilities necessary for the other three cable systems would be installed during Phase 1 to take advantage of economies of scale and efficiencies.

Phase 2: China to the United States (China-US). The second phase would be associated with landing the second cable. The second cable is expected to connect the United States to China.

Phase 3. The third phase would be associated with landing the third cable. The third cable is expected to be installed sometime before 2020. The exact cross-Pacific landing location is not yet known.

Phase 4. The fourth phase would be associated with landing the fourth cable system. This cable system has not been identified, but it is expected to be installed sometime before 2025. The exact cross-Pacific landing location is not yet known.

ATTACHMENT A

Project Information File No. 15-107

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Permit No. **2015-00638-AP**
9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit (File No. 9-16-0160)
- Federal Communications Commission
Cable-landing License
- City of Hermosa Beach
Precise Development Permit
- City of Hermosa Beach
Fiber Optic Cable Easement and Associated Construction Easement
10. California Environmental Quality Act Compliance: The City Council of the City of Hermosa Beach approved the project's Final Environmental Impact Report (EIR No 2015040114, SCH No. 92041046) on April 19, 2016.
11. Receiving Water: Pacific Ocean and Offshore zones of Hermosa Beach (Hydrologic Unit Code: 180701040500)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, SAL, MAR, WILD, RARE, MIGR, SPWN, SHELL
13. Impacted Waters of the United States: Ocean: 9.15 temporary acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The proposed project is substantially similar to the Tyco Global Network (TGN) project that was authorized by the City of Hermosa Beach (City) in 2001/2002. (File 01-125)
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- MC GLOBAL BP4 will ensure compliance with all local, state, and federal permits received for the project.

ATTACHMENT A

Project Information File No. 15-107

- The construction contractor will delineate the construction limits for vegetated and habitat areas to prevent unintended effects on natural vegetation, beach areas, and other sensitive sites outside of the construction limits. The construction limits will be clearly marked with high-visibility construction fencing prior to any ground-disturbing or construction-related activities, and no work in these sensitive areas will occur.
- The construction contractor will implement measures to prevent erosion from sand, soil or rock stockpiles, excavated materials, and excess soil materials into sensitive areas outside of the construction limits as a result of stormwater runoff.
- A preconstruction survey for active nests will occur within 2 weeks of the start of construction activities along the greenbelt and in Valley Park if construction activities in these areas occur between March 15 and August 31 (the period covering the nesting season for most birds).
- If an active nest is identified during the survey, a 50-foot (15-meter) buffer zone will be established around the nest to minimize potential impacts on nesting activities from vegetation trimming and construction noise.
- If the beach landing site is in a Special Protection Zone then activities will not be allowed until western snowy plovers are no longer present.
- If the area is not within a Special Protection Zone, a biologist trained in recognizing western snowy plover will conduct a survey of the sites to determine if plovers are present. The biologist will be present to monitor the establishment of the beach landing sites to ensure that no western snowy plovers are injured or killed.
- The sites will include fencing/walls that will prevent western snowy plovers from entering the work areas. The biologist will conduct weekly site visits to ensure that fence/walls are intact until construction activities are finished at the sites and all equipment is removed from the beach.

ATTACHMENT A

Project Information File No. 15-107

- All drivers of vehicles and machinery that are operated on sections of beach where snowy plovers may occur will be trained in snowy plover avoidance.
- Vehicles will avoid operating within Special Protection Zones. Vehicles simply transiting between points will not be allowed within these areas.
- Visible markers, will be placed at the inland corners of any Special Protection Zones adjacent to the beach landing construction sites to remind vehicle operators of their presence.
- The process is not expected to disturb more than ½ acre. If disturbance from construction will exceed 1 acre, the construction contractor will develop and implement temporary erosion and sediment control (TESC) plan for all aspects of project construction requiring clearing, vegetation removal, grading, ditching, filling, embankment compaction, demolition, and/or excavation. BMPs defined in the plan will be used to control sediments from all vegetation removal or ground-disturbing activities.
- The construction contractor will develop a spill prevention control and countermeasures (SPCC) plan prior to beginning construction at the beach sites. The SPCC plan will identify the appropriate spill containment measures that will be employed throughout project construction.
- The construction contractor will adhere to water quality standards as stated in the 401 Water Quality Certificate and National Pollution Discharge Elimination System (NPDES) permit issued for the project as applicable. BMPs included in the TESC and SPCC plans and NPDES permit conditions will include, but are not limited to, the following:
 - Erosion control devices (e.g., silt fences) will be installed, as needed, to protect surface waters and other critical areas.
 - Material that may be temporarily stored for use in project activities will be covered with plastic or other impervious material during rain events to prevent sediments from being

ATTACHMENT A

Project Information

File No. 15-107

washed from the storage area to surface waters outside of the construction area.

- All temporary and permanent erosion and sedimentation control measures will be inspected on a regular basis, maintained, and repaired to ensure continued performance of their intended function.
- Silt fences will be inspected after each rainfall, and at least daily during prolonged rainfall.
- Turbid water will be prevented from discharging to marine areas. Turbid wastewater may be routed to temporary or permanent detention facilities.
- All equipment to be used for construction activities will be cleaned and inspected prior to arriving at the project site to ensure no potentially hazardous materials are exposed, no leaks are present, and the equipment is functioning properly.
- Construction equipment and vehicles will be maintained to prevent them from leaking fuel or lubricants.
- Uncured concrete and/or concrete byproducts will be prevented from coming in contact with surface water that may enter marine waters during construction.
- A concrete truck chute cleanout area or equally effective BMP will be established to properly contain wet concrete.
- Grapnel will not be deployed over high relief bottom sections crossed by the cable routes.
- Project vessel movements will be slow during project activities allowing mobile species to avoid project vessels.
- Monitoring by a biologist familiar with marine mammal and sea turtle behavior will be conducted during all project activities that occur within the continental shelf of California.
- In the event that marine mammals or sea turtles are present in the immediate area of the project vessels or are approaching the

ATTACHMENT A

Project Information File No. 15-107

work area such that interactions may occur, the biologist will have the authority to halt vessel operations until any risk of collision has passed.

- Vessels operating with marine mammals in the area will modify operations to achieve the following to reduce the potential for interactions with marine mammals.
 - When paralleling whales, support vessels will operate at a constant speed that is not faster than the whales.
 - Female whales will not be separated from their calves.
 - Support vessels will not be used to herd or drive whales.
 - If a whale engages in evasive or defensive action, project support vessels will drop back until the animal calms or moves out of the area.
- Modern cable laying equipment and methods will be used to regulate cable deployment and tensioning to minimize suspensions between rock ridges and loops in the cable due to unregulated tensioning.

17. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation due to the temporary nature of impacts associated with the project.

18. Required
Compensatory
Mitigation:

The Regional Board will not require any additional compensatory mitigation, as the impacts are minimal in nature and are temporary.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 15-107

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Coastal Commission (CCC) Coastal Development Permit. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CCC's Coastal Development Permit, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

ATTACHMENT B

Conditions of Certification

File No. 15-107

6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
8. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. s.
9. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
10. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
11. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
12. The Applicant shall not conduct any ground disturbing construction activities within waters of the State, other than the Pacific Ocean, during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State. This measure shall not apply to work in the Pacific Ocean.
13. Except for work in the Pacific Ocean, no activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge**

ATTACHMENT B

Conditions of Certification

File No. 15-107

(ROWD) to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

14. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
15. Ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary for each phase. All other sampling shall take place at a minimum of two locations. Monitoring for the following shall be included:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids (TSS)
 - visual assessment for floating particulates (oil and grease shall not be visible)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to project commencement (baseline sampling) and then monitored on a daily basis during the first week of construction, and then on a weekly basis, thereafter, until the work is complete. Monitoring shall ensure compliance with all water quality objectives specified in the 2012 Ocean Plan.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Construction activities shall not result in the degradation of beneficial uses or non-compliance of any water quality objectives. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

16. The Applicant shall restore **all acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species.
17. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until project completion. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all

ATTACHMENT B

Conditions of Certification File No. 15-107

restoration efforts. At a minimum the Annual Reports shall include the following documentation::

- (a) Color photo documentation of the pre- and post-project site conditions;
- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
- (c) The overall status of project including whether or not work has begun on the Project and a detailed schedule;
- (d) Copies of all permits revised as required in Additional Condition 1;
- (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;
- (f) A certified Statement of "no net loss" of wetlands associated with this project;
- (g) Discussion of any monitoring activities and exotic plant control efforts; and
- (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

18. All applications, reports, or information submitted to the Regional Board shall be signed:

- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
- (b) For a partnership, by a general partner.
- (c) For a sole proprietorship, by the proprietor.
- (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

19. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the

ATTACHMENT B

Conditions of Certification
File No. 15-107

information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

20. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-107**. Submittals shall be sent to the attention of the 401 Certification Unit.
21. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
22. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2012-0011-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
23. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
24. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

ATTACHMENT B

Conditions of Certification File No. 15-107

25. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.

26. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.