

CALIFORNIA COASTAL COMMISSION

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Energy and Ocean Resources Unit
 Staff: SMH-SF
 Staff Report: April 26, 1996
 Hearing Date: May 7, 1996
 Item Number: 11.a
 Commission Action/Vote:

**Funding Approval for Hydrology Consultants
 1996 SONGS Budget**

I. Staff Recommendation

As part of the staff's ongoing efforts to work with Southern California Edison to resolve permit amendment issues, the staff recommends that the Commission approve funding in the amount of \$12,000 for hydrology consulting services from Philip Williams and Associates. These services are necessary to provide advice to the Commission staff regarding the issue of enhancement credit for maintaining the San Dieguito Lagoon inlet as part of the wetland mitigation requirement of the permit (No. 6-81-330). The amount of \$12,000 will be added to the 1996 SONGS mitigation monitoring program budget approved by the Commission in November 1995.

II. Motion and Resolution

The action before the Commission to approve funding for hydrology consulting services shall be decided by the following motion:

I hereby move that the Commission approve additional funding in the amount of \$12,000 for hydrology consultation as an augmentation to the approved 1996 SONGS mitigation monitoring program.

The staff recommends a "yes" vote on the foregoing motion, which will result in the adoption by the Commission of the following resolution:

The Commission hereby determines that the services and budget set forth in this staff recommendation, dated April 26, 1996, carry out the intent of Condition II-D of Permit 6-81-330 (formerly 183-73) requiring the permittee to provide reasonable and necessary funding to the Commission and the executive director to perform their responsibilities pursuant to the mitigation and lost resources compensation conditions (II-A through C).

III. Background and Justification for Funding

In September 1995, Southern California Edison¹ sought to amend the permit (6-81-330) for the SONGS Units 2 and 3. The staff reviewed the amendment request and

¹ Southern California Edison is the majority owner of SONGS. San Diego Gas and Electric, the City of Anaheim and the City of Riverside are part-owners. Edison is the operating agent for the other three owners.

determined that it did not meet the criteria for acceptance contained in the Commission's regulations. On October 12, 1995, the executive director of the Commission informed Edison that he was rejecting the amendment for processing. At its November 15, 1995 meeting, the Commission declined to overturn the executive director's decision to reject the permit amendment, but did direct the staff to continue to work with the applicants on changes that the staff finds acceptable and reasonable.

Prior to and since the submittal of the 1995 amendment request, Commission and Edison staff have been exploring the possibility of gaining partial credit for the enhancement of existing wetlands by increasing the tidal flow into San Dieguito Lagoon. Assessment of potential habitat improvement accomplished by increased tidal flow is highly technical and complex. The appropriate amount of enhancement credit for maintaining the San Dieguito Lagoon inlet has been the subject of numerous technical discussions with Edison over the past 18 months, but no agreement has been reached.

Most recently, on April 4, 1996, Commission and Edison staff independently briefed the Interagency Wetlands Advisory Panel on the science-based areas of disagreement on the partial credit issue. No resolution was achieved, but the participants agreed that at least one, and probably two, follow-up meetings were needed to conclude work on the outstanding scientific issues. Because most of the controversy hinges upon the hydrology of San Dieguito Lagoon, and because the Commission does not retain hydrological consultants on its panel of science advisors, Edison supports the Commission staff's need to retain the services of consulting hydrologists to participate effectively in the forthcoming meetings (see attached letter of support, Exhibit 1).

The staff proposes to retain the services of Philip Williams and Associates. Two of the firm's consultants, Peter Goodwin and Jeffrey Haltiner, are familiar with the hydrology of San Dieguito Lagoon and have attended several of the staff's meetings with Edison on the subject of partial credit for increased tidal flows. Goodwin is an expert on tidal inlets and Haltiner is an expert on statistical hydrology. Goodwin and Haltiner would be of immediate assistance to the staff in the forthcoming meetings.

In its November 1995 approval of the 1996 SONGS mitigation monitoring program budget, the Commission did not include any funds for outside consultants beyond the Scientific Advisory Panel. All other funds contained in the 1996 budget are fully committed. Consequently, there are no available funds in the current budget to cover the cost for retaining the hydrology consultants necessary to assist the staff in the resolution of the enhancement credit issue. The staff therefore seeks the Commission's approval for adding \$12,000 to the 1996 SONGS budget for hydrology consulting services.

IV. Estimated Budget

The estimated \$12,000 budget includes (1) preparation time, conference calls, and attendance at two meetings for the two consultants (approximately 84 hours for a total of \$11,000) and (2) travel expenses and overhead (approximately \$1,000).

April 19, 1996

Susan Hansch, Manager
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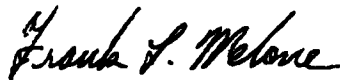
Subject: Funding To Retain Philip Williams & Associates

Dear Susan,

In your April 17, 1996 letter, you requested a letter from me supporting a staff request for Commission approval of additional SONGS Mitigation Program funding for staff consultation with Philip Williams & Associates on hydrological issues related to the San Dieguito Lagoon inlet. In general, Edison is very concerned about the cost of the unprecedented, and often unnecessary, level of scrutiny to which staff subjects the technical work Edison undertakes as part of the SONGS Mitigation Program. However, in this case we believe that staff's use of Philip Williams & Associates may help resolve our current dispute over the appropriate level of inlet maintenance credit for San Dieguito Lagoon, thereby breaking the impasse and enabling the project to move forward. For that reason, we support your funding request of \$12,000 specifically for Philip Williams & Associates.


As you know Philip Williams & Associates was part of the Edison consulting team which completed the early hydrological studies of the San Dieguito inlet. This work contributed to various restoration design alternatives and our understanding of lagoon hydrology which forms some of the basis for our current dispute on inlet credit. We feel Philip Williams & Associates is a very capable firm. Please let me know if you would like me to testify in support of your request at the May Commission meeting.

Sincerely,



Frank L. Melone

P. O. Box 800
2244 Walnut Grove Ave.
Rosemead, CA 91770

EXHIBIT NO. 1
APPLICATION NO.
SONGS Hydrology Consulting Funds
 California Coastal Commission

RECORD PACKET COPY

Tu. 169

State of California

California Coastal Commission
San Diego District

M E M O R A N D U M

TO: Commissioners and Interested Persons DATE: April 23, 1996

FROM: Staff

SUBJECT: Request to Waive Time Limits for the City of Carlsbad Local Coastal Program Amendment 2-96, Coastal Commission meeting of May 7 - 10, 1996

On April 9, 1996, the City of Carlsbad's second LCP amendment request package, LCPA #2-96, was received in the San Diego Area Office. The submittal was deemed complete and filed as of that date. The amendment package consists of four unrelated zoning code amendments or rezonings of specific properties. The amendment includes: LCPA #94-04/Mar Vista and MSP California L.L.C. rezonings; LCPA #95-06/Appellate Procedures; LCPA #95-09/Ocean Bluff rezoning and LCPA #95-12/Accessory Structures Height Limitation.

Pursuant to Section 30514 of the Coastal Act, amendments to certified LCPs are required to be processed within the same time limits as the original land use plan or implementation plan. Therefore, LCP amendments involving land use plan revisions must be acted upon by the Commission within 90 days; LCP amendments involving implementation plan changes must be acted upon by the Commission in 60 days; and combined land use plan and implementation plan amendments must be acted on by the Commission within 90 days of their filing.

Based on the above-cited time limits, the proposed LCP amendment package, which involves changes to the City's zoning code and rezonings of individual properties, constitutes several implementation plan amendments and they must be acted on within 60 days. The amendment package has been scheduled for the June 11 - 14, 1996 hearings in San Rafael; however, given an additional week between the May and June hearing dates, action on the items would not occur within the prescribed 60 days. However, Section 30517 of the Coastal Act and Section 13535(c) of the California Code of Regulations state that the Commission may extend for good cause the applicable time limits for a period not to exceed one year.

Due to the date of the amendment request's receipt in the San Diego office, the amount of work already agendized for Commission review in May and the May meeting production schedule, staff was unable to review and prepare recommendations for this second amendment package for the May agenda. In most instances, these items cannot be heard at the next immediate meeting and would usually be agendized for the following month. However, with the added week between the May and June hearing dates, these items will not carry over even to the June hearing without the extension of the time limits by the Commission.

Memo to Commissioners
April 23, 1996
Page 2

SUMMARY: Staff recommends that the Commission extend the 60-day time limit for a period not to exceed one year on the City of Carlsbad's LCP Amendment #2-96 submittal. However, in fact, the amendment request will be scheduled for the June 11 - 14, 1996 hearings in San Rafael.

MOTION:

I move that the Commission extend the 60-day time limit to act on the City of Carlsbad's LCP Amendment #2-96 for a period not to exceed one year.

STAFF RECOMMENDATION:

Staff recommends a YES vote. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

(1056A)