

## CALIFORNIA COASTAL COMMISSION

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**W.7a**

Energy and Ocean Resources Unit

Staff: JLL, SMH—SF

Staff Report: November 19, 1998

Hearing Date: December 9, 1998

Item Number: W.7a

**STATUS REPORT ON SONGS MITIGATION PROGRAM**

This is the first in a continuing series of brief monthly status reports that the staff committed to provide to the Commission for the mitigation projects required in Southern California Edison Company's (SCE) coastal development permit for the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3 (permit no. 6-81-330, formerly 183-73). The conditions originally were adopted by the Commission in 1991 to mitigate the adverse impacts of the power plant on the marine environment. In 1993, the Commission added a requirement for the permittee to partially fund construction of an experimental fish hatchery. The Commission has since approved amendments to the conditions in April 1997 and October 1998.

**Wetland Restoration Mitigation**

**The Project:** Condition A of the permit requires the permittee to create or substantially restore a minimum of 150 acres of wetlands to mitigate for impacts to fishes caused by the operation of SONGS. In April 1997, the Commission reaffirmed its 1992 approval of the permittee's choice of the San Dieguito River Valley as the site for the wetland restoration project.

**Progress Report:** The Commission amended the permit in October 1998 to modify the schedule for submitting the final restoration plan and CEQA/NEPA documentation, and incorporated the schedule and description of the permittee's responsibilities for providing information for the environmental review process (see Exhibit 1). The permittee is generally on schedule in providing the materials requested by the lead agencies, San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) and U.S. Fish and Wildlife Service. The permittee is expected to complete the remaining information on schedule so as not to delay the EIR/EIS process. The status of the individual information items is shown in Exhibit 1. The draft EIR/EIS is expected to be released for public review in March 1999.

The permittee expects to close escrow on the acquisition of a 54 acre parcel of land known as the "Villages," located at the north edge of the proposed mitigation area adjacent to Via de la Valle and east of Interstate 5. Pending findings of the environmental assessment under CEQA/NEPA, the permittee proposes to use this property

for additional wetland restoration as part of its settlement agreement with Earth Island Institute. SCE also proposes to use part of its funds earmarked for wetland restoration under that agreement for a portion of the purchase price. Regarding this acquisition, Earth Island Institute has recently requested the court to prohibit SCE from using settlement funds for the purchase, stating that:

(i) it is premature and unreasonable to allocate settlement funds for the purchase of the Villages Property because the environmental analysis for the overall San Dieguito wetland project is incomplete and Defendant's [SCE's] purchase of the Villages Property creates "irreversible momentum" for a proposal that may be technically flawed and provides inadequate wetlands value; (ii) Defendant's Proposed Order is overly broad; and (iii) the Consent Decree does not authorize settlement funds to be used for buffer zone property that will not be restored.

The court has not yet issued any findings on this matter. Based on preliminary information, it appears the court may allow the purchase to go ahead with the condition that if the value of the property for wetland restoration does not meet the terms of the settlement then SCE would be required to reimburse the portion of the purchase price allocated from the settlement fund for the acquisition of the Villages property.

Earth Island has requested a technical opinion from the Commission's SONGS Mitigation Program scientists on the likely wetland restoration potential of the Villages site. No detailed wetland restoration planning for the Villages site has been prepared by SCE, and the EIR/EIS for the entire San Dieguito project including the Villages site is underway. Therefore, it is premature for the Commission scientists to offer a technical opinion and it is also premature for SCE's purchase of the property to be determined to meet the conditions of the Earth Island Institute consent decree.

It is the Commission staff's position that it is appropriate and advisable for SCE to purchase the Villages property and include it in the overall San Dieguito site planning and in the EIR/EIS. The permittee also proposes to use the Villages site for excavated soil disposal. If the property can be permitted to be used as SCE plans, SCE will deed it to the JPA for inclusion in the San Dieguito River Park upon completion of the wetland mitigation project.

### **Kelp Reef Mitigation**

**The Project:** Condition C of the permit requires an artificial reef that will consist of an experimental reef and a larger mitigation reef. The experimental reef must be a minimum of 16.8 acres and the mitigation reef must be of sufficient size to sustain 150 acres of medium to high density kelp bed community. The purpose of the experimental reef is to determine what combination of substrate type and substrate coverage will best achieve the performance standards specified in the permit. The design of the mitigation reef will be contingent on the results of the experiment reef.

In April 1997, the Commission added the requirement for a payment of \$3.6 million to the State's Ocean Resource Enhancement and Hatchery Program (OREHP) to fund a

mariculture/marine fish hatchery to provide compensation for resources not replaced by the artificial mitigation reef. SCE has fully satisfied this requirement.

**Progress Report:** The State Lands Commission, lead agency for CEQA, released the Draft Program EIR for the mitigation reef for public review on November 9, 1998. The public review period will continue through December 28, 1998. A public meeting is scheduled for December 10, 1998 at the San Clemente Community Center in San Clemente from 2:00 p.m. to 4:00 p.m. and from 7:00 p.m. to close of comments. Copies of the draft can be obtained from the State Lands Commission in Sacramento. (Contact person: Mary Griggs at telephone 916-574-1814.)

### **Fish Behavioral Mitigation**

**The Project:** Condition B requires the permittee to install and maintain behavioral barrier devices at SONGS to reduce fish impingement losses.

**Progress Report:** Following the permittee's experiments on light and sound devices, the permittee considered lights to be more effective in preventing fish from being trapped and killed. On October 29, 1998, the Executive Director approved the permittee's installation plan for the lights. The engineering and construction design also was recently approved by plant operators. The permittee will complete installation of the lights and begin testing before the end of the year.

**EXHIBIT 1**  
**Information to be Provided by the Permittee for EIR/EIS**

	Due Date	Status
<b>GRADING FOR PROJECT ALTERNATIVES</b>		
Grading (excavation) plan for each restoration alternative.	10/23/98	Provided 10/21
Total amount of grading required for each alternative.	10/31/98	Provided 10/30
Grading information specific to existing rights-of-way or on lands owned by another entity.	11/27/98	Provided 10/30
<b>LEAST TERN NESTING SITES</b>		
Description of each nesting site.	11/7/98	Provided 11/4; grading information for sites provided 11/16
<b>BERMS</b>		
Description of the berms.	11/1/98	Expected 11/20
Description of proposed landscaping for the berms.	11/1/98	Provided 11/4
Description of level of maintenance proposed by SCE for the berms.	11/1/98	Proposed landscaping maintenance provided 11/4; berm maintenance plan not yet provided.
Description of the use of riprap and map indicating all locations where it will be used.	11/14/98	Provided 11/16
Description of amount of rock required at each berm location, transportation of rock, and required excavation in the channel or along the bank.	11/14/98	Provided 11/16
<b>DREDGE DISPOSAL</b>		
Map of the proposed disposal site options and information on the amount of disposal at each location under each alternative.	N/A	Provided prior to October 1998 amendment
Erosion control landscape plan for the disposal sites.	11/1/98	Provided 11/4
Grading plan for each disposal site.	11/7/98	Provided 11/16
Information about storage and replacement of topsoil.	11/21/98	Expected on schedule

Information about dredging or grading techniques, description of phasing plan.	11/21/98	Expected on schedule
Information regarding dredge disposal within the drainage basin.	12/1/98	Expected on schedule
Description of temporary erosion controls.	12/15/98	Expected on schedule
<b>CONSTRUCTION</b>		
Proposals for hours and season of operation, anticipated number and type of construction vehicles, temporary construction access roads, stockpile areas, construction staging areas, etc.	11/21/98	Some information provided; remainder expected on schedule
<b>CHANNEL DREDGING</b>		
Illustration of disturbance and depth of initial channel dredging. Description of maintenance dredging operations. Description of recommended location and technique for placing material on the beach.	11/1/98	Provided 11/1
<b>INLET MAINTENANCE PROGRAM</b>		
Information on the Inlet Maintenance Program.	N/A	Provided prior to October 1998 amendment