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**W-12.a**

Energy and Ocean Resources Unit
Staff: JJJ, SMH—SF
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RECORD PACKET COPY**STATUS REPORT ON SONGS MITIGATION PROGRAM**

Following is a brief status report 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 wetland restoration mitigation project is undergoing a planning and environmental review process which incorporates the mitigation project into the overall San Dieguito River Valley Regional Open Space Park project, and which also includes additional wetland restoration required under the permittee's settlement agreement with the Earth Island Institute.

The CEQA/NEPA documentation is currently being prepared by the lead agencies, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) and U.S. Fish and Wildlife Service. It is expected that the draft EIR/EIS will be released at the end of May 1999.

As reported previously, the staff has begun to meet with the principal parties to the restoration project to facilitate resolution of the issues essential to completing the final restoration plan and subsequent permitting processes. The primary remaining issues—inlet maintenance, trail alignment and use, an extended berm proposal, and disposal of excavated soils—are the subject of ongoing discussion and negotiation between the JPA, Edison, and the 22nd District Agricultural Association (District). This month Edison met again with the District on these issues and the JPA's Wetland Committee met with the District's Planning Committee to discuss trail alignment and the District's plans for its "Surf and Turf" property. Following up on the series of meetings begun in March, the staff currently is focusing on resolving the matters related to the inlet maintenance plans and proposals for meeting the District's obligation required by a prior, separate coastal development permit to construct a least tern nesting site.

The following table summarizes the issues and their status toward resolution. Refer to the attached map for property location, proposed trail alignment, berms and disposal sites.

WETLAND RESTORATION PROJECT ISSUES REQUIRING RESOLUTION

	ISSUES	PROPOSALS BEING CONSIDERED	UNRESOLVED POINTS
INLET	SCE is required to maintain tidal flow in perpetuity. SCE needs access to the river-mouth through the District's property, which would impact the District's proposal for a least tern nesting site on the District's property to satisfy its obligation under a prior coastal development permit.	The District proposes that SCE construct a 7-acre least tern nesting site on JPA property to satisfy the District's permit condition in exchange for use of District property for inlet maintenance activities. SCE proposes three options: (1) purchasing all of the District's rivermouth property at fair market value, (2) purchasing an easement to the rivermouth property at fair market value, or (3) building the nesting site for the District in exchange for use of the easement.	Determination of whether SCE, District or JPA (as land manager) will accept the responsibility and cost for maintaining the nesting site. Determination of who will bear the cost if sand must be imported for the nesting site. Coastal Commission staff is concerned that any easement agreement not impede SCE's ability to satisfy the mitigation permit conditions.

	ISSUES	PROPOSALS BEING CONSIDERED	UNRESOLVED POINTS
TRAILS	<p>The JPA proposes a Coast to Crest trail. A portion of the trail in the restoration project area traverses the District's Horsepark property and property from I-5 to Jimmy Durante Blvd. The trail would impact equestrian uses and parking.</p> <p>The District proposes trams on the Coast to Crest trail during the Fair and opening Race Days to transport people who park at Horsepark to and from the fairgrounds. Trail requirements for the tram could impact wetland resources and would impact public access to the trail during tram operations.</p>	<p>The JPA receives a right-of-way for the trail across District properties in exchange for District access for equestrians across JPA property and tram use on the trail.</p> <p>The District receives exclusive use of the trail for trams during Fair season and opening day of the Races.</p> <p>The District receives a land exchange or purchases a portion of the Villages property to replace lost equestrian uses at Horsepark.</p> <p>The JPA receives the District's agreement to help seek funding for the trail.</p>	<p>Coastal Commission staff is concerned about the lack of sufficient buffers for portions of the trail, resulting wetland habitat destruction, or habitat impacts from tram and equestrian use.</p> <p>Earth Island Institute is concerned about the viability of wetland restoration on the Villages property and how any equestrian use may impact that restoration. SCE believes the restoration will satisfy its agreement with Earth Island, but is seeking restoration rights for the District's 8 acres east of I-5 in case additional restoration is required. In exchange, SCE would transfer any excess mitigation credits to the District.</p> <p>The Villages property may not be adequate to accommodate equestrian uses impacted by trails on Horsepark.</p> <p>The District has linked its use of trams with allowing trails on District property.</p>
BERM	<p>The District proposes that the north-south turn of the river training berm be eliminated and instead extend the berm along the southern boundary of Horsepark to provide flood protection. The extended berm would impact equestrian activities whether or not a trail was also aligned there. The City of San Diego plans to widen and elevate El Camino Real bridge to eliminate flooding over the road. Extending the berm requires implementation of the bridge plan, but the bridge can be widened and elevated without the extended berm along Horsepark.</p>	<p>The District receives greater flood protection to its Horsepark property.</p> <p>SCE could use the Horsepark property for disposal of excavated soil.</p>	<p>Hydrology studies show that the north-south alignment can be engineered to alleviate potential flooding on Horsepark created by the north-south berm and that the extended berm would impact flooding on properties to the south of the river. Additional information is needed.</p> <p>SCE's proposal no longer requires Horsepark as a disposal site. SCE wants the District to share costs for preparing the additional information and for constructing the extended berm. The District first wants conceptual agreement on all issues.</p>

	ISSUES	PROPOSALS BEING CONSIDERED	UNRESOLVED POINTS
DISPOSAL	SCE initially proposed some disposal sites on District properties at "Surf and Turf," main parking lot, and eastern portion of Horsepark.	SCE receives use of District property for disposal of excavated soil at no cost except for demolishing and removing existing structures at the main parking lot. District receives fill on one or more properties to even out wet places or elevate land for further flood protection (Horsepark).	SCE's proposal no longer requires disposal on District properties. Jurisdictional wetlands delineated by the US Army Corps of Engineers exist on portions of the District's "Surf and Turf" and south overflow parking properties. There are potential significant Coastal Act issues with fill.

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 experimental 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

SCE and staffs of both the State Lands Commission, the lead agency for CEQA, and Coastal Commission have been working together to address public and agency comments on the draft Program EIR for the mitigation reef, which was released for public review in November 1998. The experimental phase will be conducted as originally planned at San Clemente with two changes in response to public comments: (1) adding two reef designs that incorporate kelp planting and (2) distributing blocks of experimental reef modules uniformly throughout the lease area, with one block as far north as is practicable. In March 1999, the Executive Director approved this modified design for the experimental phase conditional on it being deemed the preferred plan after environmental review under CEQA and on SCE requesting such an

amendment to its proposed project. Edison provided these project modifications to State Lands in early April.

The final PEIR is expected to be released by mid-May 1999. State Lands' certification of the final PEIR and issuance of the offshore lease and permit for the experimental reef is expected to be acted on at the next State Land meeting following release of the final PEIR, probably in mid-June. In early April, Edison submitted its revised application to the U.S. Army Corps of Engineers for the experimental phase, which initiates the Corps' environmental review. When all reviews are complete and State Lands has issued the offshore lease and permit, the staff will bring the coastal development permit for the experimental reef before the Commission, in July or August 1999. SCE is continuing to move the experimental reef project along to begin construction in late summer or early fall 1999.

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 fish guidance lights to be more effective in preventing fish from being trapped and killed. In October 1998, the Executive Director approved the permittee's installation plan for the lights and the lights were installed in December 1998.

Monitoring to evaluate the effectiveness of the fish guidance lights was begun in March 1999, has ceased during April while Unit 2 is shut down for maintenance, and will begin again in mid-May 1999 when both units are back online.

