

CALIFORNIA COASTAL COMMISSION

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**Tu 14.a**

Energy and Ocean Resources Unit
Staff: JLL, SMH—SF
Staff Report: May 20, 1999
Hearing Date: June 8, 1999
Item Number: Tu 14.a

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 now expected that the draft EIR/EIS will be released at the end of June 1999. A 45-day comment period will commence July 1, 1999 and close August 16, 1999. A public meeting will be held during the comment period; details of that meeting will be included in the draft EIR/S. The final EIR/S is expected

to be released in mid-September. Following the 30-day review required under NEPA, the final EIR/S is expected to be certified by mid-October 1999.

The permit conditions contain due dates for SCE's submittal of the final restoration plan and coastal development permit application based on an earlier completion of the EIR/S review process. In amending the permit conditions in October 1998, the Commission authorized the Executive Director to change those due dates provided that such changes would not extend the deadline for submitting the final restoration plan or the permit application by more than three months. The deadlines for the final plan and permit application are October 23, 1999 and March 15, 2000, respectively. Thus, if SCE is able to submit its final plan and permit application within three months of those deadlines, i.e., by January 23, 2000 and June 15, 2000, respectively, then no further amendments to the mitigation permit conditions will be needed.

The staff believes these submittal dates are achievable provided the final EIR/S is completed as planned by mid-October. SCE has reiterated its commitment to do everything it can to fulfill its permit obligations in a timely manner.

The staff is continuing to work with the JPA, Edison, and the 22nd District Agricultural Association (District) to resolve the remaining issues essential to completing the final restoration plan and subsequent permitting processes. The staff expects that some of these issues will be resolved in the environmental analyses.

The following summarizes the remaining issues. Refer to the attached map for property location, proposed trail alignment, berms and disposal sites.

1. Inlet Maintenance

SCE is required to maintain permanent, continuous tidal flow to the restored wetland. SCE needs access to the rivermouth through the District's rivermouth property; however, the District has proposed a least tern nesting site on that property to satisfy its obligation for a 7-acre least tern mitigation under a prior coastal development permit. The District has proposed that SCE assume full responsibility for the District's least tern mitigation obligation in exchange for an easement to the District's rivermouth property. SCE has indicated it will consider assuming responsibility for specific permit requirements to the extent that they are possible and fair, but it cannot agree to accept responsibility for permit conditions which are currently unknown.

Although SCE believes its proposed project and the alternatives being evaluated in the EIR/S could be undertaken to avoid impacts to least tern nesting at the rivermouth, tidal maintenance would be less constrained if SCE can obtain an easement to the District's property. SCE has therefore offered the District three options as compensation for use of its rivermouth property: (1) purchase of fee-simple title to the property at fair market value, (2) purchase of an easement at fair market value, or (3) construction of the 7 acres of least tern habitat in exchange for an easement which provides SCE periodic access to the District property. The District does not wish to sell any portion of the property. Consequently, SCE and the District are currently working

on a Memorandum of Agreement to specify the terms for an access easement and responsibility for the least tern mitigation.

2. Trails

The JPA has proposed a Coast to Crest trail that traverses portions of the restoration project area. Part of the trail would be aligned on the District's property from I-5 to Jimmy Durante Boulevard. Another part of the trail would traverse the District's Horsepark property along the southern boundary. The trail could be constructed on top of a proposed east-west berm (see berm issue below) or along the existing Horsepark property. The JPA has also identified an alternate route that avoids the Horsepark property. In exchange for using its property, the District has proposed to use 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, and to be deeded 15-20 acres of the Villages property to compensate for the trail's impacts on equestrian uses at Horsepark.

The staff is concerned about the lack of sufficient buffers for portions of the trail, resulting wetland habitat destruction, and habitat impacts from tram and equestrian uses. In addition, there is concern that the proposed tram would prevent public access to much of the trail for at least 20 days per year during a time of year generally considered to be highly desirable for outdoor activities. Some of these concerns may be addressed in the EIR/S.

3. Berm

The District has proposed that the north-south turn of the river training berm be eliminated and instead extend the berm in an east-west direction along the southern boundary of Horsepark. This option could provide several benefits: (1) an additional site for disposal of excavated soils, (2) flood protection for the Horsepark property, (3) separation of trail activities from equestrian activities at Horsepark, and (4) an opportunity to improve the El Camino Real roadway.

SCE completed studies to determine the feasibility of this project option. Although it appears feasible, hydrology studies show that the north-south berm can be engineered to alleviate potential flooding on Horsepark and that the extended east-west berm would impact flooding on properties to the south of the river. Additional information was needed for the environmental analyses; SCE proposed cost-sharing but the District was unwilling to commit funds to participate in the CEQA/NEPA review. The lead CEQA/NEPA agencies have eliminated this option from further evaluation. The proposed wetland restoration project can proceed without the east-west extended berm option.

4. Disposal Sites

SCE initially proposed some disposal sites on District properties at "Surf and Turf," the main parking lot, and eastern portion of Horsepark. SCE's current proposal no longer requires disposal on District properties. However, SCE is willing to place

excavated soils on District property in accordance with District specifications, if the CEQA/NEPA environmental analyses conclude this is acceptable.

KELP REEF MITIGATION

The Project

Condition C of the permit requires construction of 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

As a result of public and agency comments received on the draft Program EIR for the mitigation reef, SCE and staffs of both the State Lands Commission (lead agency for CEQA) and Coastal Commission revised the experimental phase originally planned at San Clemente by: (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. Edison also submitted its revised application to the U.S. Army Corps of Engineers for the experimental phase, which initiated the Corps' environmental review.

The final PEIR is expected to be released May 24, 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 State Lands meeting tentatively scheduled for June 14, 1999.

The staff produced a draft monitoring plan for the experimental reef and sent it to SCE and the resource agencies for review in May 1998. The draft monitoring plan also was included in the draft PEIR for general public review. In response to comments, the draft monitoring plan was revised and sent to SCE, the resource agencies, and other technical specialists for additional review in May 1999. The staff plans to bring the

proposed monitoring plan and coastal development permit for the experimental reef before the Commission in July 1999.

SCE is continuing to move the experimental reef project along. The technical specifications for constructing the experimental reef are expected to be provided to bidders in May 1999, and SCE hopes to select a contractor in a few weeks. SCE has indicated it will be ready to begin construction by August 1, 1999 so that it can be completed by October 1, 1999 to avoid conflicts with the commercial lobster fishing season. Commencement of construction by the August 1 start date is dependent on state and federal regulatory agencies issuing the permits prior to that date.

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. Monitoring ceased during April while Unit 2 was shut down for maintenance, but will begin again when both units are back on-line.






LA-5 OOMDS
(OFF POINT LOMA) DS42

22nd District Ag. Assoc.
Proposed Nesting Site

TRAILS LEGEND

-  Coast to Crest Trail
(Hikers, Bicyclists & Equestrians)
-  Berm Interpretive Overlook
(Pedestrian Only)
-  Mesa Loop Trail
(Pedestrian Only)

LEGEND

-  DS44 DISPOSAL SITE NUMBER
-  UPLAND DISPOSAL SITE
-  BEACH DISPOSAL SITE
-  NEARSHORE DISPOSAL SITE
-  NESTING SITE

SAN DIEGUITO LAGOON RESTORATION PROJECT

DISPOSAL SITE LOCATIONS /PROPOSED TRAIL ALIGNMENT

SCALE: 1"=1000'

Upland Disposal Site Options

- | | |
|------|------|
| DS32 | DS36 |
| DS33 | DS37 |
| DS34 | DS38 |
| DS35 | DS39 |

Overexcavation Disposal Site Option

DS44



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FEBRUARY 1, 1999

