



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

MAR 31 2005

F/SWR4:RSH

Mr. Eric L. Gillies
Project Manager
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825

Dear Mr. Gillies:

Thank you for providing NOAA's National Marine Fisheries Service (NMFS) the opportunity to review the Draft Environmental Impact Report for the Disposition of Offshore Cooling Water Conduits SONGS Unit 1. This letter is provided in accordance with the Fish and Wildlife Coordination Act and PL 94-265 - the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).

The proposed project is located in an area identified as Essential Fish Habitat (EFH) for fish species federally managed under the Pacific Groundfish Fishery Management Plan and Coastal Pelagic Fishery Management Plan. The proposed project would remove the intake terminal structures, marker buoys, manhole risers, and would plug the onshore portions of the conduits. The terminal structures are anticipated to be removed using a crane barge and clamshell dredge.

While much of the impacts associated with this work would be of a temporary nature, we are concerned over the possible loss of seagrass that is likely to occur with the proposed project and some of the alternatives. Surfgrass (*Phyllospadix torryei*) is found in the project area and is likely to be adversely impacted by the proposed project. The loss of this habitat should be considered as an adverse effect to designated EFH.

3.3.1

Because of the turbulent nature of the habitat where surfgrass is found, traditional seagrass transplanting techniques to mitigate losses are not applicable. As a consequence, mitigating for this type of loss has yet to be perfected. The most promising technique appears to be the transplanting of sprigs (short length of rhizome containing a few shoots). The recovery time, assuming successful establishment of sprigs, is likely to extend over 5-10 years given the slow growth rates associated with this species. Thus, the mitigation costs including monitoring to attempt to offset this loss could be considerable. As a consequence, we believe avoiding impacts to this habitat should be vigorously pursued.

3.3.2

Because of the habitat value associated with surfgrass and the challenges associated with attempting to replace it, we believe Alternative 4 (Artificial Reef) should instead be adopted as the preferred alternative. Not only will impacts to surfgrass be avoided with



3.3.2 { this alternative, but it also offers the beneficial reuse of the terminal structures as artificial reef material resulting in the enhancement of fishery resources.

3.3.3 { To ensure the conservation and enhancement of EFH and associated fishery resources, NMFS recommends that the following recommendations be included in the Final Environmental Impact Report for the project:

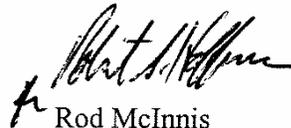
EFH Conservation Recommendations

- 1. The State Lands Commission will adopt Alternative 4 (Artificial Reef) as the preferred project.

3.3.4 { Please be advised that regulations (50 CFR Sections 600.920) to implement the EFH provisions of the MSFCMA require Federal action agencies to provide a written response to this letter within 30 days of its receipt and at least 10 days prior to final approval of the action. A preliminary response is acceptable if final action cannot be completed within 30 days. Their final response must include a description of measures to be required to avoid, mitigate, or offset the adverse impacts of the activity. If their response is inconsistent with our EFH Conservation Recommendations, they must provide an explanation of the reasons for not implementing those recommendations. Although these regulations do not apply to State agencies, NMFS would appreciate a written response from your agency similar to those required by Federal agencies.

Should you have any questions regarding our comments, please contact Mr. Robert Hoffman at 562-980-4043 or via email at: bob.hoffman@noaa.gov.

Sincerely,



Rod McInnis
Regional Administrator

cc: USFWS - Carlsbad (Carolyn Lieberman)
CDFG – San Diego (Marilyn Fluharty)

1 **3.3 U.S. Department of Commerce, NOAA, National Marine Fisheries Service,**
2 **March 31, 2005**

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4 3.3.1 We concur that avoidance of an impact is the first priority. As indicated at page
5 4.1-43 of the DEIR, “Small surfgrass beds were observed in the vicinity of
6 manhole risers D-3 and I-3 . . . ” and at line 12-13, page 4.1-44, “ . . . hard bottom
7 substrate that supports surfgrass...is located on the perimeter of the project
8 footprint, both upcoast and downcoast of SONGS.” The DEIR identifies turbidity
9 and sedimentation as the factors that could impact surfgrass, and also concludes
10 that the mitigation measures within Section 4.3, Marine Water Quality, see pages
11 4.3-14 to 4.3-18, would “reduce potential turbidity and sedimentation impacts to
12 less than significant levels.”

13 3.3.2 Comment acknowledged.

14 3.3.3 Comment acknowledged, and please also see Response 3.1.6 to like comment
15 from the USFWS.

16 3.3.4 Section 15132, Subsections (a)-(e) of the State CEQA Guidelines lists what must
17 be contained in a Final EIR. Subsection (b) is, “Comments and recommendations
18 received on the Draft EIR.....” and Subsection (d) is, “The responses of the Lead
19 Agency to significant environmental points raised in the review and consultation
20 process.” The regulations of the CSLC require that a Final EIR be available 15
21 days prior to the meeting at which certification of the document will be
22 considered.

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