



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009

In Reply Refer To:
FWS-MCBCP-4421.1

MAR 28 2005

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

Re: Draft Environmental Impact Report for Disposition of Offshore Cooling Water Conduits, San Onofre Nuclear Generating Station, Unit 1, San Diego County, California (SCH No. 2004061092)

Dear Mr. Gillies:

Thank you for providing the U.S. Fish and Wildlife Service (Service) the opportunity to review and comment on the subject Draft Environmental Impact Report (DEIR) for the Disposition of Offshore Cooling Water Conduits, San Onofre Nuclear Generating Station (SONGS), Unit 1, located at Marine Corps Base Camp Pendleton, San Diego County, California. According to the DEIR, Southern California Edison (applicant) proposes to operate a barge with crane and clamshell dredge offshore from the SONGS facility for approximately four months while above- and below-surface workers remove the terminal structures, marker buoys, and manhole risers associated with the Unit 1 cooling conduits. Other onshore and nearshore activities associated with the project are also proposed to occur.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, certain marine mammals and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; "Act").

3.1.1

We have several concerns with the subject DEIR. First, it is unclear why the subject project is considered separate from the other SONGS activities, especially those activities associated with decommissioning of Unit 1. By piecemealing environmental review of a project, impacts may not be fully or adequately addressed or mitigated. All activities should be considered together (see also Cumulative Effects below). However, given that the DEIR addresses this single aspect of the larger project, our additional comments will focus on the activities described in the subject DEIR and are categorized into Cumulative Effects and Listed Species.



Cumulative Effects

3.1.2

The Cumulative Projects section (p. 4.0-4) is currently not complete. As stated in the DEIR, “According to section 15130 (b)(1)(A) of the State CEQA Guidelines, a list of *past, present,* and probable future projects producing related or cumulative impacts may be used as a basis of the cumulative impacts analysis” (emphasis added). The information presented in the DEIR does not fully address past and present projects. For example, ongoing SONGS operations are not included. As a specific example, Units 2 and 3 use a once-through cooling system that, combined, discharges offshore from the facility over 2.5 billion gallons of cooling water and facility-generated effluent per day. These cooling systems kill millions of fish annually. For example, in 2003, an estimated total number of 2,569,039 fish were impinged at the Unit 2 intake (CRWQCB 2005, p. E-41) of which about 2.3 million were northern anchovies (*Engraulis mordax*), a fish the DEIR describes as included in the Fishery Management Plan for Coastal Pelagic Species. This specific example would call into question the statement in section 4.1.8 (p. 4.1-56, line 22) that “None of the cumulative projects identified in section 4.0 would impact marine biological resources”, and the DEIR’s conclusion that “there would be no adverse cumulative effects” (p. 4.1-56, line 23). Given that the subject project occurs in the same vicinity as the ongoing SONGS Units 2 and 3 impacts, any additional impacts in the same area could be considered significant and as such should be mitigated. The ongoing SONGS Units 2 and 3 activities and all other past and present projects should be identified and fully addressed in the cumulative effects analysis in the final EIR.

Listed Species

Our comments below refer to specific sections in the preferred alternative; however, they should also be applied to each of the DEIR’s project alternatives.

3.1.3

Although “Impact BIO-4” (page 4.1-44) directs the reader to “Impact BIO-5” (page 4.1-45) for seabirds, it is nevertheless, imprecise to state “no federally or State listed species . . . are present in the project area”. The brown pelican (*Pelecanus occidentalis*) and California least tern (*Sterna antillarum browni*) may occur within the project area, and both species are listed as endangered under the Federal and State Endangered Species Acts (see also below). Additionally, “Impact BIO-5” does not address impacts that may occur as a result of the floating vessels being present. In particular, the brown pelican and the double-crested cormorant, the latter being a State bird species of special concern, are known to loaf and roost on floating structures along the southern California coast. It is not unreasonable to expect these and other bird species may take up temporary residence on the derrick barge while it is inactive. Loafing and roosting birds may be exposed to oil, grease, other lubricants, hydraulic fluid, and other chemicals that could be present on the surfaces of the barge. This type of exposure is not addressed by the Oil Spill Response Plan presented in the DEIR. The final EIR should address the potential occurrence and impacts to birds on the barge and other support vessels and include avoidance and mitigation measures and monitoring.

3.1.4

As alluded to in the Cumulative Effects section, above, there may be additional effects to Essential Fish Habitat, which may impact northern anchovies and other fish used as prey by seabirds. As mentioned above, two listed piscivorous seabirds, the California least tern and the California brown pelican occur within the project area. Both of these species feed upon the northern anchovy, with the brown pelican in particular being “highly dependent” on this fish (Thompson *et al.* 1997,

3.1.5 { Shields 2002). Through mitigation to avoid the commercial lobster fishing season, the project is proposed to occur during the spring and summer. This coincides with the bird breeding season when foraging is especially important for seabirds. These potential impacts to the Essential Fish Habitat and indirect effects on listed bird species should be addressed in the final EIR.

3.1.6 { Additionally, the final EIR should consider adopting the "Artificial Reef Alternative" due to its potential to improve the fish habitat in the SONGS area.

3.1.7 { The federally threatened western snowy plover (*Charadrius alexandrinus nivosus*) is not typically considered a "seabird" as DEIR's "Impact BIO-5" currently characterizes it. This species may occur along the shoreline near the project site. Again, "Impact BIO-4" imprecisely characterizes the presence of listed species in the project area. Although nesting sites for the snowy plover are not currently known to occur in the vicinity of the proposed project, it is unclear from the description in the DEIR, what if any impacts may occur to the shoreline during the onshore portions of the project (e.g., plugging the conduit and during winching operations). In the final EIR, the shoreline portions of the project should be better described, specifically in reference to snowy plover habitat, especially because the project will take place during the plover's nesting season. Discussions of avoidance, monitoring, and mitigation should be included.

We appreciate the opportunity to comment on the subject DEIR. If you have any questions or concerns regarding this letter, please contact Gjon Hazard at (760) 431-9440 extension 287.

Sincerely,



Karen Goebel
Assistant Field Supervisor

References Cited

[CRWQCB] California Regional Water Quality Control Board, Region 9, San Diego Region. 2005. Tentative Order Nos. R9-2005-0005 and R9-2005-0006, National Pollutant Discharge Elimination System Permit Nos. CA0108073 and CA0108181, Waste Discharge Requirements for Southern California Edison, San Onofre Nuclear Generating Station Units 2 and 3, San Diego County, California. 145 pp.

Shields, M. 2002. Brown Pelican (*Pelecanus occidentalis*). In *The Birds of North America*, No. 609 (A. Poole and F. Gill, eds.). The Birds of North America, Inc., Philadelphia, PA.

Thompson, B. C., J. A. Jackson, J. Burger, L. A. Hill, E. M. Kirsh, and J. L. Atwood. 1997. Least Tern (*Sterna antillarum*). In *The Birds of North America*, No. 290 (A. Poole and F. Gill, eds.). The Birds of North America, Inc., Philadelphia, PA.

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1 **3.1 U.S. Department of the Interior, Fish and Wildlife Service, March 28, 2005**

2
3 3.1.1 The decommissioning of SONGS Unit 1 was the subject of California Public
4 Utilities Commission Decision D.99-06-007 and Coastal Development Permit
5 CDP E-00-001. Decommissioning activities began in 1999, are ongoing and
6 scheduled to conclude in 2008. Although activities continue in the
7 decommissioning of Unit 1, the decommissioning “project” is, for purposes of the
8 environmental and regulatory processes, complete. The impacts identified in the
9 cited document and associated mitigation constitute changes in the
10 environmental baseline that occurred prior to and were present when the Notice
11 of Preparation was issued on June 17, 2004. Section 15126.2 (a) of the State
12 CEQA Guidelines provides, in part, “In assessing the impact of a proposed
13 project on the environment, the lead agency should normally limit its examination
14 to changes in the existing physical conditions in the affected area as they exist at
15 the time the notice of preparation is published...” The DEIR appropriately bases
16 its analysis on an environmental baseline that reflects current information and the
17 entirety of activities associated with the decommissioning of SONGS Unit 1 that
18 remains.

19 3.1.2 SONGS Units 2 and 3 were the subject of an EIS prepared by the NRC titled,
20 Final Environmental Impact Statement related to the proposed San Onofre
21 Nuclear Generating Station, Units 2, and 3, dated March 1973, and a
22 subsequent Final Environmental Impact Statement published by the NRC in April
23 1981. Units 2 and 3 have been operating for more than 21 years. Accordingly,
24 the impacts associated with their operation are accounted for in the
25 environmental baseline existing at the time of the release of the NOP, more than
26 20 years after Units 2 and 3 started operating. We believe that the intent of
27 section 15130 (b)(1)(A) of the State CEQA Guidelines, with respect to “past”, is
28 to capture projects that have been implemented within a reasonable time of a
29 proposed project. The ongoing operations of Units 2 and 3 are without the
30 bounds of this term and are appropriately considered as part of the existing
31 environmental baseline rather than in the cumulative impact analysis.

32 3.1.3 The text of Impact BIO-4 has been revised, see lines 25-26, page 4.1-44, to
33 clarify that its conclusions pertain only to fish, plants, invertebrates among others.
34 The text of Impact BIO-5 within Draft EIR, specifically lines 7-9 on page 4.1-46,
35 indicates, “The special-status species marine birds most likely to occur in the
36 vicinity of the project area include brown pelican, double-crested cormorant,
37 western snowy plover, California gull, elegant tern, and occasionally, California

1 least tern and common loon.” We acknowledge that pelicans and cormorants loaf
2 and roost on floating structures; however, the construction schedule calls for a
3 24-hour operation of generators and 12-hour workdays on the barge, which
4 would reduce the likelihood of birds loafing or roosting on the barge.

5 3.1.4 Please refer to Response 3.1.2 above. Although we do not disagree with the
6 information provided in Comment 3.1.2, we believe that such impacts should
7 have been identified and considered in the above-cited document.

8 3.1.5 Please refer to lines 9-15 at page 4.1-46 of the DEIR. The analysis recognizes
9 that a small area would not be accessible for foraging activities, but also
10 recognizes that marine birds would still be able to forage in the remaining
11 unaffected areas. Accordingly, the impact is judged to be adverse, but not
12 significant.

13 3.1.6 Section 15121 of the State CEQA Guidelines states, in part, ““An EIR is an
14 informational document which will inform public agency decision makers and the
15 public generally of the significant environmental effect of a project, identify ways
16 to minimize the significant effects, and describe reasonable alternatives to the
17 project.” The EIR will be used by staff of the California State Lands Commission
18 (CSLC) to recommend a specific project to the CSLC, which will also use the EIR
19 to consider such recommendation. The stated preference of the USFWS for the
20 “Artificial Reef Alternative” is acknowledged.

21 3.1.7 Please refer to lines 26-37 on page 4.1-27 and lines 1-3 on page 4.1-28 of the
22 DEIR, which indicate that the western snowy plover is a species that “occurs
23 year-round along the sand and cobble beaches of the SCB.”

24 As to BIO-4, please refer to Response 3.1.3 above. We concur, see lines 10-11
25 on page 4.1-26 of the DEIR, in the statement that nesting sites “are not currently
26 known to occur in the vicinity of the proposed project.”

27 Finally, the DEIR indicates at lines 2-2, at page 2-15, that, with respect to conduit
28 plugs, “Installation of the concrete plug would be accomplished from the SONGS
29 Unit 1 site through existing manholes on the plant site (Figure 2-9).” As such, the
30 activity would not affect the shoreline as further indicated in lines 1-4 of page 4.1-
31 50 of the DEIR. Appendix D, at Section 15.9, describes the onshore aspect of the
32 winching operations. The installation and operation of the “beach winch” will not
33 have an impact on the snowy plover because, as confirmed by the commenter,
34 nesting sites are not currently known to occur in the vicinity of the proposed
35 project.