MINUTE ITEM
This Calendar Item No C31 was approved as Minute Item No. 31 by the California State Lands Commission by a vote of 3 to 0 at its 10-20-05 meeting.

CALENDAR ITEM
C31

A 73

S 38

10/20/05
PRC 3193 WP 3193.1
J. Smith
E. Gillies

CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT AND AN AMENDMENT OF RIGHT OF WAY EASEMENT

LESSEES:

Southern California Edison Company
P.O. Box 800
Rosemead, California 91770

San Diego Gas & Electric Company
101 Ash Street
San Diego, California 92101

AREA, LAND TYPE, AND LOCATION:

7.60 acres, more or less, of sovereign lands in the Pacific Ocean, at San Onofre, San Diego County.

AUTHORIZED USE:

Operation and maintenance of two water circulating conduits and appurtenances associated with Unit 1 of the San Onofre Nuclear Generating Station.

LEASE TERM:

49 years, beginning September 24, 1964, and ending September 23, 2013.

CONSIDERATION:

Annual rent in the amount of $21,727.

PROPOSED AMENDMENT:

1. The provision of Lease No. PRC 3193.1 requiring complete removal of facilities is proposed to be amended as follows:

It is understood that the complete removal of all facilities upon expiration or earlier termination of the lease is not the environmentally preferable option. Therefore, notwithstanding the provision for complete removal, Lessee is authorized to implement the project described in paragraph 3 below, specifically to partially remove and abandon the two water-circulating conduits and appurtenances as analyzed in the Draft (February 2005) and the Final (June 2005) EIR for Disposition of Offshore Cooling Water Conduits SONGS Unit 1 (CSLC EIR No. 729, State Clearinghouse No. 2004061092).

The termination of PRC 3193.1 and permanent disposition of the authorized facilities will occur pursuant to a future Lease Termination Agreement, which will detail Lessees' obligations and responsibilities for any abandoned facilities, and will require the future approval of the State Lands Commission and other regulatory agencies.

OTHER PERTINENT INFORMATION:

1. Lessees have permission to use the uplands adjoining the lease premises.

2. The San Onofre Nuclear Generating Station (SONGS) is located next to San Onofre State Beach, on the Camp Pendleton U. S. Marine Corps Base. The plant contains three nuclear reactors, Units 1, 2, and 3. Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E) are the co-owners and operators of the Unit 1 reactor. The Commission authorized the installation and maintenance of the water circulating conduits associated with SONGS Unit 1 on September 24, 1964 (PRC 3193.1). That right of way easement lease will expire on September 23, 2013.

   Units 2 and 3 were built in the mid-1970s to early 1980s, and are owned by SCE, SDG&E, and the cities of Anaheim and Riverside. The water circulating conduits associated with Units 2 and 3 are covered under a separate lease (PRC 6785.1). Units 2 and 3 will continue to operate until around 2022, and their decommissioning process will be the subject of a separate project application.

3. The Lessees submitted an application requesting that the Commission terminate Lease PRC 3193.1 that covers the two water-circulating

conduits and appurtenances associated with Unit 1 of the SONGS. The Lessees' proposed project included the abandonment of the conduits in place, removal of the terminal structures and manhole risers and installation of mammal barriers, removal of the marker buoys, and plugging the onshore portions of the conduits. To preserve the conduits for potential future use, and at the request of the Marine Corps Base Camp Pendleton, plugging the onshore portion of the conduits is no longer a component of the proposed project.

The Unit 1 conduits were built to provide an intake path for cooling water to the electrical generating power plant and a discharge path for the return of the slightly heated water to the ocean. Unit 1 began operation in 1968 and was shut down in 1992. The Lessees began the decommissioning of Unit 1 in 1999, and the majority of the plant's onshore structures and facilities are expected to be decontaminated, dismantled, and removed from the site by 2008.

The intake conduit is currently used to provide limited amounts of cooling water needed to dilute treated effluent that is released through the discharge conduit, along with discharges of minor amounts of wastewater, pursuant to an existing NPDES permit issued by the California Regional Water Quality Control Board. When the decommissioning process is completed, the continuing wastewater discharges will be rerouted to the discharge conduit for Units 2 and 3.

The two conduits are 12-feet in diameter and are made of steel reinforced concrete. The intake conduit extends approximately 3,200 feet offshore and the discharge conduit extends 2,600 feet offshore. The offshore portion of each conduit is buried beneath the ocean bottom and is covered with approximately four feet of sand. A terminal structure, with a horizontal dimension of 20 feet by 27.5 feet, is located at the west (seaward) end of both conduits. The terminal structures rest on separate foundations located approximately 30 feet beneath the ocean bottom and are surrounded by four feet of rock cover at the ocean floor. The intake terminal structure rises vertically to approximately 15.5 feet above the ocean floor. The discharge terminal structure rises vertically to approximately nine feet above the ocean floor. Manhole access ports are located at intervals of 500 feet along the conduits (five on the intake and four on the discharge) and rise approximately four feet above the ocean bottom.

4. The Commission, as the Lead Agency under the California Environmental Quality Act (CEQA), prepared a Final Environmental Impact Report (FEIR No. 729). In addition to analyzing the Lessees' proposed project, the document analyzed several alternatives, including complete removal of all structures; removal of the nearshore portion; crushing of the conduits and removal of the terminal structures; and an artificial reef alternative. The artificial reef alternative would involve leaving the manhole risers in place, removing the top two sections of the terminal structures and placing a steel mammal grill over the opening to prevent access by recreational divers or marine mammals. The artificial reef alternative was supported by the resource agencies (U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the Department of Fish and Game), but because of design standards and liability concerns, this alternative is not being recommended.

5. Public meetings were held in San Clemente on both the Notice of Preparation (July 2004) and the Draft EIR (March 2005). During both the public scoping meetings, hearings on the Draft EIR and correspondence regarding the Draft EIR, comments were received from local water agencies requesting that the project reserve the option of future reuse of the conduits for desalination.

6. Commission staff and the Lessees met with representatives of the local water agencies and Marine Corps Base Camp Pendleton. The representatives of the water agencies stated that they are in the process of preparing a feasibility study for a proposed desalination facility that would utilize the two water-circulating conduits. The study is expected to be completed within the next 18 – 24 months. Should the water agencies wish to proceed with use of the conduits, they would need to secure the cooperation of the Lessees and a lease from the Commission. If a desalination facility were deemed feasible, the water agencies would then proceed with environmental review and would expect to bring the facility on line between 2015 and 2020.

7. Lease No. PRC 3193.1, as presently written, requires the Lessees to completely remove all facilities upon expiration or earlier termination of the lease. It is Commission staff's position, which is supported by the analysis contained in the EIR, that complete removal would be the most environmentally damaging option. Staff is recommending that the lease be amended to provide for the option to partially remove and abandon the

remainder of the two water-circulating conduits and appurtenances in place.

8. The termination of PRC 3193.1 and permanent disposition of the authorized facilities will be pursuant to a future Lease Termination Agreement, which will detail Lessees' obligations and responsibilities for any abandoned facilities, and will require the future approval of the Commission.

9. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the staff has prepared an EIR identified as CSLC EIR No. 729, State Clearinghouse No. 2004061092. Such EIR was prepared and circulated for public review pursuant to the provisions of CEQA. A Mitigation Monitoring Program has been prepared in conformance with the provisions of the CEQA (Public Resources Code section 21081.6).

APPROVALS REQUIRED:

Marine Corps Base Camp Pendleton; U. S. Army Corps of Engineers; U.S. Fish and Wildlife Service; U.S. Coast Guard; California Regional Water Quality Control Board; California Coastal Commission

EXHIBITS:

A. Location and Site Map
B. Land Description
C. CEQA Findings
D. Mitigation Monitoring Program

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

CERTIFY THAT AN EIR, NO. 729, STATE CLEARINGHOUSE NO. 2004061092, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA, THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN AND THAT THE EIR REFLECTS THE COMMISSION'S INDEPENDENT JUDGMENT AND ANALYSIS.

ADOPT THE FINDINGS, MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15091, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.
ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT D, ATTACHED HERETO.

DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE AMENDMENT OF PRC 3193.1, A RIGHT OF WAY EASEMENT, EFFECTIVE NOVEMBER 1, 2005, OF LANDS DESCRIBED IN EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, AS FOLLOWS:

IT IS UNDERSTOOD THAT THE COMPLETE REMOVAL OF ALL FACILITIES UPON EXPIRATION OR EARLIER TERMINATION OF THE LEASE IS NOT THE ENVIRONMENTALLY PREFERABLE OPTION. THEREFORE, NOTWITHSTANDING THE PROVISION FOR COMPLETE REMOVAL, LESSEE IS AUTHORIZED TO PARTIALLY REMOVE AND ABANDON THE TWO WATER-CIRCULATING CONDUITS AND APPURTENANCES, AS DESCRIBED HEREIN AND ANALYZED IN THE DRAFT (FEBRUARY 2005) AND THE FINAL (JUNE 2005) EIR FOR DISPOSITION OF OFFSHORE COOLING WATER CONDUITS SONGS UNIT 1 (CSLC EIR NO. 729, STATE CLEARINGHOUSE NO. 2004061092).

THE TERMINATION OF PRC 3193.1 AND PERMANENT DISPOSITION OF THE AUTHORIZED FACILITIES WILL OCCUR PURSUANT TO A FUTURE LEASE TERMINATION AGREEMENT, WHICH WILL DETAIL LESSEES' OBLIGATIONS AND RESPONSIBILITIES FOR ANY ABANDONED FACILITIES, AND WILL REQUIRE THE FUTURE APPROVAL OF THE COMMISSION.

ALL OTHER TERMS AND CONDITIONS OF PRC 3193.1 WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

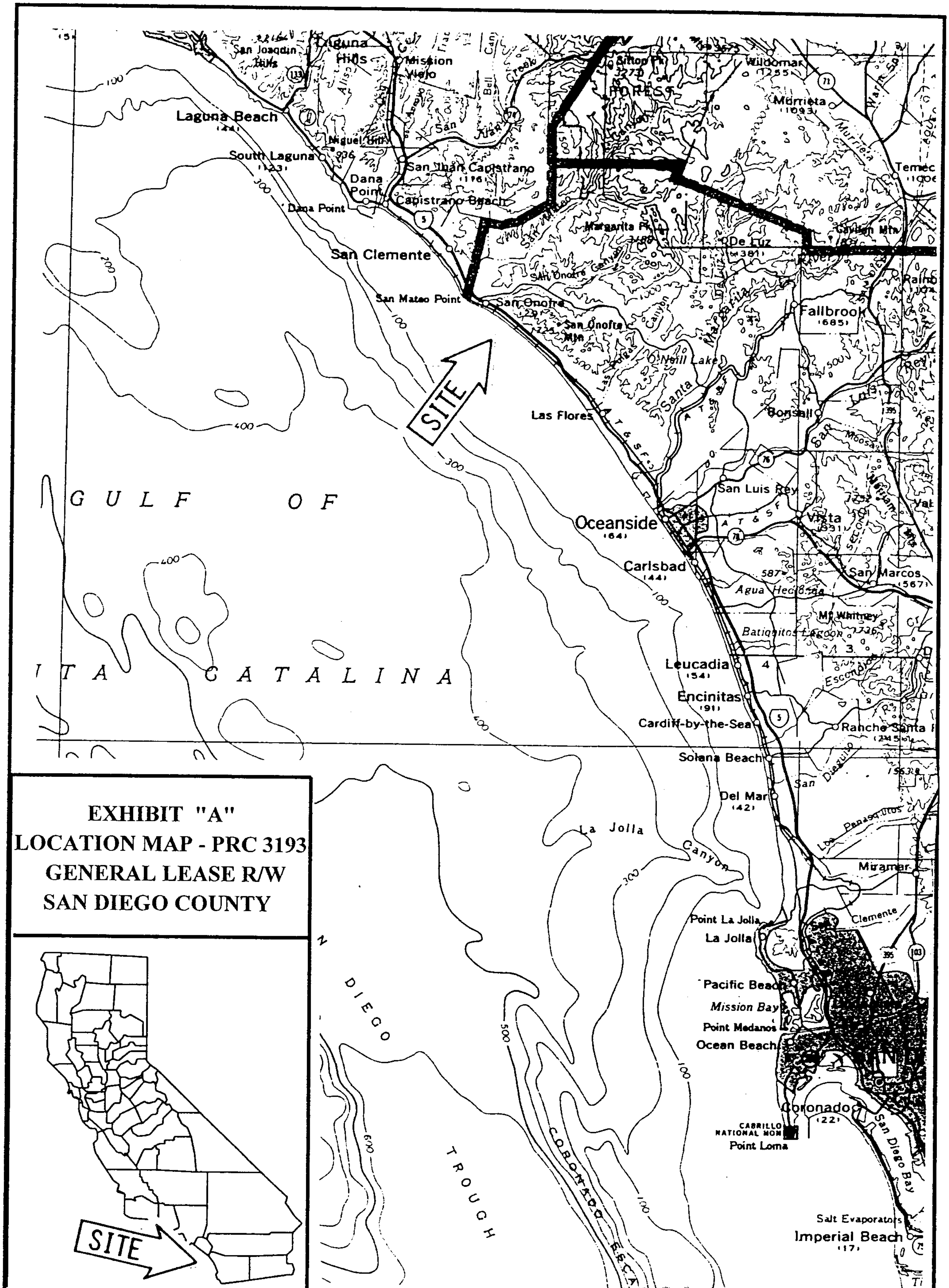

EXHIBIT "A"
LOCATION MAP - PRC 3193
GENERAL LEASE R/W
SAN DIEGO COUNTY

CNP 96

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CALENDAR PAGE

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EXHIBIT B

A STRIP OF TIDE AND SUBMERGED LAND, ONE-HUNDRED (100) FEET WIDE, IN THE GULF OF SANTA CATALINA, SAN DIEGO COUNTY, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THAT CERTAIN COURSE IN THE SOUTHWESTERLY BOUNDARY OF THE 83.63-ACRE PARCEL OF LAND SHOWN ON THE LICENSED SURVEYOR'S MAP FILED ON JUNE 13, 1963, AS MAP NO. 6242 OF RECORDS OF SURVEY IN THE OFFICE OF COUNTY RECORDER OF SAID COUNTY, SAID CERTAIN COURSE IS SHOWN ON SAID MAP AS HAVING A BEARING OF "S 52° 00' 51" E" AND A LENGTH OF "299.95 FEET", SAID POINT BEING SOUTH 52° 00' 51" EAST 18.71 FEET FROM THE NORTHWESTERLY TERMINUS OF SAID CERTAIN COURSE; THENCE SOUTH 33° 00' 00" WEST, 3,310.11 FEET, CONTAINING 7.599 ACRES MORE OR LESS.

THE SIDE LINES OF SAID STRIP OF LAND SHALL BE SHORTENED AT THE NORTHEASTERLY TERMINUS THEREOF SO AS TO TERMINATE IN THE SOUTHWESTERLY BOUNDARY LINE OF SAID 83.63-ACRE PARCEL OF LAND, SHOWN ON SAID LICENSED SURVEYOR'S MAP.

Copied from original lease document PRC 3193.1 dated December 21, 1964

CEQA FINDINGS

These findings on the Disposition of Offshore Cooling Water Conduits Project (Proposed Project) proposed by Southern California Edison (Applicant) are made by the California State Lands Commission (CSLC), pursuant to the California Environmental Quality Act (the CEQA) Guidelines (California Code of Regulations, Title 14, section 15091). All significant or potentially significant adverse impacts of the project in California identified in the Final Environmental Impact Report (Final EIR) are included herein and organized according to the resource affected.

The CEQA Findings are numbered in accordance with the impact and mitigation numbers identified in the Mitigation Monitoring Program table of the Final EIR (see Section 6 of the Draft EIR, with revisions in Section 4 of the Final EIR). The CEQA Finding numbers are not numbered sequentially because some of the impacts were less than significant before mitigation (Class III) or a beneficial impact (Class IV).

For discussion of impacts, significance is classified according to the following definitions:

- **Class I** (significant adverse impact that remains significant after mitigation);
- **Class II** (significant adverse impact that can be eliminated or reduced below an issue's significance criteria);
- **Class III** (adverse impact that does not meet or exceed an issue's significance criteria); or
- **Class IV** (beneficial impact).

Class III and Class IV impacts require neither mitigation nor findings.

For each significant impact, i.e., Class I or II, a finding has been made as to one or more of the following, as appropriate:

a) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

c) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

A discussion of the facts supporting them follows the findings.

Whenever Finding (b) occurs, the agencies with jurisdiction have been specified. These agencies, within their respective spheres of influence, have the ultimate responsibility to adopt, implement, and enforce the mitigation discussed within each type of impact that could result from project implementation. However, under the CEQA (Public Resources Code section 21081.6), the CSLC, as the CEQA Lead Agency, has the responsibility to ensure that the mitigation measures contained are effectively implemented. Other specified State, local, regional, and federal public agencies include, but are not necessarily limited to the following:

- California Coastal Commission;
- California Department of Fish and Game (CDFG);
- California Regional Water Quality Control Board (RWQCB);
- U.S. Army Corps of Engineers (ACE, or ACOE);
- Other local districts or jurisdictions.

Whenever Finding (c) is made, the CSLC has determined that sufficient mitigation is not practicable to reduce the impact to a less than significant level and, even after implementation of all feasible mitigation measures, there will or could be an unavoidable significant adverse impact due to the project. The Statement of Overriding Considerations applies to all such unavoidable impacts as required by the State CEQA Guidelines sections 15092 and 15093.

CEQA FINDING NO. WAT-1

MARINE WATER QUALITY

Impact: **WAT-1 Turbidity impacts during operations would reduce water column transmittance and clarity.**

Class: **II**

Finding: a) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING

Dredging during project operations would release sediment into the water column, increasing turbidity and decreasing light transmittance. Substantial increases in turbidity

could adversely affect biological productivity by reducing available sunlight and nutrients. These turbidity impacts will be greatly reduced by implementing the following four mitigation measures that were identified in the EIR: controlling dredge bucket operations; minimizing drop height; properly managing spoils; and minimizing anchor dragging.

- ***Dredge-bucket Operations.*** The Applicant shall minimize turbidity by using a closed-cap bucket for mechanical dredging around the terminal structures to minimize turbidity at all excavation areas. Work in the nearshore zone shall utilize a surf sled vehicle to access the nearshore manhole access structures, while minimizing wave impacts to the work structure and the footprint on the seafloor.

- ***Drop Height.*** The Applicant shall implement best management practices for reducing the spill of dredged sediment. Dredging operations shall minimize horizontal and vertical travel of the clamshell bucket while placing sediment spoils from excavated areas. A maximum 10-foot (3-m) drop height shall be employed.

- ***Spoil Management.*** The creation of submarine dredge spoils shall be managed to minimize the footprint over the adjacent, existing benthic community. Spoils shall be placed upcurrent of each respective excavation and as close to each excavated area as practicable. Spoil height shall be configured to take best advantage of natural infill by nearshore currents. Excavations at depths greater than 21 feet (6 m) shall be partially filled by mechanical means to assist in the reestablishment of habitat without penetration into the preexisting benthic surface.

- ***Anchoring.*** The Applicant shall keep anchors suspended within the water column via a support vessel before being dropped at predetermined locations. This procedure will minimize anchor dragging and the resuspension of sediment and reduce the disturbed area of the seafloor.

By implementing these mitigation measures during dredging, turbidity impacts will be reduced to insignificant levels.

Rationale for Mitigation

Turbidity impacts can be greatly reduced by minimizing the drop height during sidecasting of dredged material. The horizontal extent of turbidity and dredge bucket spillage is a function of the longshore current, the sediment grain size distribution, and

the drop height above the seabed. Reducing the vertical drop height and horizontal sidecasting distance would reduce turbidity plumes from the excavation activities.

Minimizing spoil footprint would reduce benthic environment impacts and require a heightened vertical spoil profile. Taller spoil profiles close to the excavation would help to promote the potential for slumping of stockpiled material into the excavated area.

Minimizing anchor dragging during multiple anchor-sets would reduce the disturbed area of the seafloor and the resuspension of sediment.

CEQA FINDING NO. BIO-1

MARINE BIOLOGICAL RESOURCES

Impact: **BIO-1 Project activities could impact groundfish and pelagic Essential Fish Habitat by disturbing existing habitat from anchoring, excavation and sedimentation.**

Class: **II**

Finding: a) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING

Project operations could disturb essential fish habitat due to effects from dredging, anchoring and sedimentation. Substantial increases in turbidity could adversely affect biological productivity by reducing available sunlight and nutrients. These impacts to marine biological resources will be greatly reduced by implementing the same four water quality mitigation measures and rationale identified in the EIR, described above for CEQA Finding No. WAT-1: controlling dredge bucket operations; minimizing drop height; properly managing spoils; and minimizing anchor dragging (see Page 2 of these Findings).

CEQA FINDING NO. BIO-2

MARINE BIOLOGICAL RESOURCES

Impact: **BIO-2 The Proposed Project could directly impact biologically significant habitats such as surfgrass beds and kelp forests by damaging the substrate and increasing turbidity and sedimentation.**

Class: **II**

Finding: a) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING

Small surfgrass beds were observed in the vicinity of the manhole risers, and small stands of giant kelp may occasionally be present on hard substrate within the project area. Dredging during project operations could increase turbidity, bury surfgrass beds, and adversely affect biological productivity, growth and reproductive capacity by reducing available sunlight. These impacts to marine biological resources will be greatly reduced by implementing the same four water quality mitigation measures and rationale identified in the EIR, described above for CEQA Finding No. WAT-1: controlling dredge bucket operations; minimizing drop height; properly managing spoils; and minimizing anchor dragging (see Page 2 of these Findings).

CEQA FINDING NO. BIO-3

MARINE BIOLOGICAL RESOURCES

Impact: **BIO-3 Project activities could result in indirect impacts to sensitive habitat beyond the footprint of the Proposed Project.**

Class: **II**

Finding: a) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING

Rocky intertidal habitat is located within 0.25 miles (400 km) of the conduits, the San Onofre kelp forest is located approximately 0.5 miles (0.8 km) offshore of the project area, and hard bottom substrate is located on the perimeter of the project footprint. Dredging during project operations could have indirect adverse effects on these habitats by increasing turbidity and sedimentation beyond the project footprint. These impacts to marine biological resources will be greatly reduced by implementing the same four water quality mitigation measures and rationale identified in the EIR, described above for CEQA Finding No. WAT-1: controlling dredge bucket operations; minimizing drop height; properly managing spoils; and minimizing anchor dragging (see Page 2 of these Findings).

CEQA FINDING NO. FSH-2

COMMERCIAL FISHING

Impact: **FSH-2 The Proposed Project could substantially interfere with commercial fishing in the project area for more than one month during open fishing season(s) or preclude setting lobster or fish traps within a substantial area where it would otherwise be permitted.**

Class: **II**

Finding: a) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING

The offshore area is commonly used by lobster fishermen who set lobster traps in the project vicinity. The exclusion of commercial fishermen from a proven fishing ground during lobster season could significantly impact the livelihood of individual fishermen. This potential impact will be mitigated by scheduling offshore project activities to begin after the close of the lobster season and be completed two weeks prior to the opening of the subsequent lobster season (the first Wednesday in October). By implementing this mitigation measure, impacts to commercial fishermen will be avoided altogether.

Rationale for Mitigation

It will be possible to minimize the impacts to commercial fishing, if not avoid them altogether, by starting the offshore portion of the project immediately after the close of lobster season in March and completing the offshore work at least 2 weeks prior to the opening of the subsequent lobster season in October. In general, as shown in Table 4.11-2, the most productive portion of lobster season consists of the first few months at the start of any given season. While lobster trapping can occur in very shallow water, most trapping occurs well outside the surf zone. The more months of open season that are avoided in the offshore area beyond the surf zone, the more effective the mitigation will be. If project scheduling requires an overlap with an open lobster season, offshore project activities should overlap with the end of one lobster season rather than the beginning of the following season. For example, over the five fishing seasons from October 1999 – March 2004, the month of October, on average, accounted for over 40 percent of total seasonal catch, while the month of March, on average, accounted for less than 4 percent of total seasonal catch. Project activities that continue into the beginning of a lobster season would result in maximum impacts to local commercial fishermen, given that the last offshore stages of the Proposed Project would occur at the offshore end of the conduits, because the project would affect the most productive fishing area at the most productive time of the lobster season.

CEQA FINDING NO. GEO-1

GEOLOGY AND SOILS

Impact: **GEO-1 Dredging during project implementation would cause sedimentation effects in downcoast areas.**

Class: **II**

Finding: a) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

FACTS SUPPORTING THE FINDING

Dredging during project operations would release sediment into the water column, and it is estimated that the horizontal extent of the sediment plume during dredging could range from 10 to 50 feet (3 to 15 meters) from the point of placement. These turbidity impacts in downcoast areas will be reduced by implementing the same four water quality mitigation measures and rationale identified in the EIR described above for CEQA Finding No. WAT-1: controlling dredge bucket operations; minimizing drop height; properly managing spoils; and minimizing anchor dragging (see Page 2 of these Findings).

6.0 MITIGATION MONITORING PROGRAM

As the Lead Agency under the CEQA, the CSLC is required to adopt a program for reporting or monitoring regarding the implementation of mitigation measures for this project, if it is approved, to ensure that the adopted mitigation measures are implemented as defined in this EIR. This Lead Agency responsibility originates in Public Resources Code section 21081.6(a) (Findings), and the State CEQA Guidelines sections 15091(d) (Findings) and 15097 (Mitigation Monitoring or Reporting).

6.1 MONITORING AUTHORITY

The purpose of a Mitigation Monitoring Program (MMP) is to ensure that measures adopted to mitigate or avoid significant impacts are implemented. An MMP can be a working guide to facilitate not only the implementation of measures by the project proponent, e.g., *Anchoring Plan* (Appendix D), *Seafloor Debris Removal Plan* (Appendix E), *Oil Spill Response Plan* (Appendix G), but also the monitoring, compliance and reporting activities of the CSLC and any monitors it may designate.

The CSLC may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as deemed necessary, and some monitoring responsibilities may be assumed by responsible agencies, such as affected jurisdictions and cities, and the CDFG. The number of construction monitors assigned to the project will depend on the number of concurrent activities and their locations. The CSLC or its designee(s), however, will ensure that each person delegated any duties or responsibilities is qualified to monitor compliance.

Any mitigation measure study or plan that requires the approval of the CSLC must allow at least 60 days for adequate review time. When a mitigation measure requires that a mitigation program be developed during the design phase of the project, the Applicant must submit the final program to the CSLC for review and approval for at least 60 days before construction begins. Other agencies and jurisdictions may require additional review time. It is the responsibility of the environmental monitor to ensure that appropriate agency reviews and approvals have been obtained.

The CSLC or its designee will also ensure that any deviation from the procedures identified under the monitoring program is approved by the CSLC. Any deviation and its correction shall be reported immediately to the CSLC or its designee by the environmental monitor assigned to the Proposed Project.

6.2 ENFORCEMENT RESPONSIBILITY

The CSLC is responsible for enforcing the procedures adopted for monitoring through the environmental monitor assigned to each activity. Any assigned environmental monitor shall note problems with monitoring, notify appropriate agencies or individuals about any problems, and report the problems to the CSLC or its designee.

6.3 MITIGATION COMPLIANCE RESPONSIBILITY

The Applicant is responsible for successfully implementing all the mitigation measures in the MMP and is responsible for ensuring that these requirements are met by all of its construction contractors and field personnel. Standards for successful mitigation also are implicit in many mitigation measures that include such requirements as obtaining permits or avoiding a specific impact entirely. Other mitigation measures include detailed success criteria. Additional mitigation success thresholds will be established by applicable agencies with jurisdiction through the permit process and through the review and approval of specific plans for the implementation of mitigation measures.

6.4 GENERAL MONITORING PROCEDURES

Environmental Monitors

Many of the monitoring procedures will be conducted during the operations of the project. The CSLC and the environmental monitor(s) are responsible for integrating the mitigation monitoring procedures into the process in coordination with the Applicant. To oversee the monitoring procedures and to ensure success, the environmental monitor assigned to each activity must be onsite during that portion that has the potential to create a significant environmental impact or other impact for which mitigation is required. The environmental monitor is responsible for ensuring that all procedures specified in the monitoring program are followed.

Contractor Personnel

A key feature contributing to the success of mitigation monitoring will be obtaining the full cooperation of contractor personnel and supervisors. Many of the mitigation measures require action on the part of the field supervisors or crews for successful implementation. To ensure success, the following actions, detailed in specific mitigation measures, will be taken:

- Procedures to be followed by the companies hired to complete the operation will be written into contracts between the Applicant and any contractors. Procedures

to be followed by crews will be written into a separate document that all personnel will be asked to sign, denoting agreement.

- One or more preconstruction meetings will be held prior to activities to inform and train all personnel about the requirements of the monitoring program.
- A written summary of mitigation monitoring procedures will be provided to supervisors for all mitigation measures requiring their attention.

General Reporting Procedures

Site visits and specified monitoring procedures performed by other individuals will be reported to the environmental monitor assigned to the relevant disposition activity. A monitoring record form will be submitted to the environmental monitor by the individual conducting the visit or procedure so that details of the visit can be recorded and progress tracked by the environmental monitor. A checklist will be developed and maintained by the environmental monitor to track all procedures required for each mitigation measure and to ensure that the timing specified for the procedures is adhered to. The environmental monitor will note any problems that may occur and take appropriate action to rectify the problems.

Public Access to Records

The public is allowed access to records and reports used to track the monitoring program. Monitoring records and reports will be made available for public inspection by the CSLC or its designee on request.

6.5 MITIGATION MONITORING TABLE

The following sections present the mitigation monitoring tables for each environmental discipline. Each table lists the following information, by column:

- Impact (impact number, title, and impact class);
- Mitigation Measure (title only; full text of the measure is presented in Section 4);
- Location (where the impact occurs and the mitigation measure should be applied);
- Monitoring/reporting action (the action to be taken by the monitor or Lead Agency);
- Effectiveness criteria (how the agency can know if the measure is effective);

- Responsible agency; and
- Timing (before, during, or after construction; during operation, etc.).

1

Mitigation Monitoring Program

Impact	Mitigation/Preventative Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Section 4.1 – Marine Biological Biological Resources						
BIO-1: Project activities could impact groundfish and pelagic Essential Fish Habitat by disturbing existing habitat from anchoring, excavation, and sedimentation.	**WAT-1a.** Use closed-cap dredge bucket.	Entire conduit alignment	Compliance monitoring	Low level of turbidity during excavation	CSLC	During excavation
	WAT-1b. Minimize sediment drop height to 10 feet (3 m) maximum.	Entire conduit alignment	Compliance monitoring	No sediment spill during excavation	CSLC	During excavation
	WAT-1c. Minimize spoil placement distance from excavation; create heightened spoil profile.	Excavation locations	Compliance monitoring	Successful reestablishment of habitat without penetration into preexisting benthic surface	CSLC	Following excavations
	WAT-1d. Minimize anchor dragging	Anchor locations	Compliance monitoring	No increase in turbidity due to anchors dragging along bottom of seafloor	CSLC	Prior to anchoring

Impact	Mitigation/Preventative Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
BIO-2: The Proposed Project could directly impact biologically significant habitats such as surfgrass beds and kelp forests by damaging the substrate, and increasing turbidity and sedimentation.	**WAT-1a.** Use closed-cap dredge bucket.	Entire conduit alignment	Compliance monitoring	Low level of turbidity during excavation	CSLC	During excavation
	WAT-1b. Minimize sediment drop height to 10 feet (3 m) maximum.	Entire conduit alignment	Compliance monitoring	No sediment spill during excavation	CSLC	During excavation
	WAT-1c. Minimize spoil placement distance from excavation; create heightened spoil profile.	Excavation locations	Compliance monitoring	Successful reestablishment of habitat without penetration into preexisting benthic surface	CSLC	Following excavations
	WAT-1d. Minimize anchor dragging	Anchor locations	Compliance monitoring	No increase in turbidity due to anchors dragging along bottom of seafloor	CSLC	Prior to anchoring
BIO-3: Proposed activities could result in indirect impacts to sensitive habitat beyond the footprint of the Proposed Project.	**WAT-1a.** Use closed-cap dredge bucket.	Entire conduit alignment	Compliance monitoring	Low level of turbidity during excavation	CSLC	During excavation
	WAT-1b. Minimize sediment drop height to 10 feet (3 m) maximum.	Entire conduit alignment	Compliance monitoring	No sediment spill during excavation	CSLC	During excavation

Impact	Mitigation/Preventative Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	WAT-1c. Minimize spoil placement distance from excavation; create heightened spoil profile.	Excavation locations	Compliance monitoring	Successful reestablishment of habitat without penetration into preexisting benthic surface	CSLC	Following excavations
	WAT-1d. Minimize anchor dragging	Anchor locations	Compliance monitoring	No increase in turbidity due to anchors dragging along bottom of seafloor	CSLC	Prior to anchoring
Section 4.2 – Commercial Fishing						
FSH-2: The proposed disposition could substantially interfere with commercial fishing in the disposition area for more than 1 month during open fishing season(s) or preclude setting lobster or fish traps within a substantial area where it would otherwise be permitted.	**FSH-2.** Schedule offshore project activities to begin after the close of lobster season (the first Wednesday after March 15) and conclude 2 weeks prior to the opening of the subsequent lobster season (the first Wednesday in October).	Offshore portion of conduits	Set offshore start date	Avoidance of lobster season	CSLC	Prior to excavation
Section 4.3 – Marine Water Quality						
WAT-1: Turbidity impacts during operations would reduce water column light transmittance and clarity.	**WAT-1a:** Minimize turbidity by using a closed-cap buckets for mechanical dredging around the terminal structures and all excavation areas	Entire conduit alignment	Compliance monitoring	Low level of turbidity during excavation	CSLC	During excavation

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Impact	Mitigation/Preventative Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	WAT-1b: Minimize turbidity by minimizing horizontal and vertical travel of sediment spoils using a maximum drop height of 10 feet	Entire conduit alignment	Compliance monitoring	No sediment spill during excavation	CSLC	During excavation
	WAT-1c: Minimize dredge spoils footprint by placing spoils upcurrent and as close to excavated area as possible, configure spoil height to take advantage of nearshore current infill, and partially fill excavations of depths greater than 21 feet	Excavation locations	Compliance monitoring	Successful reestablishment of habitat without penetration into preexisting benthic surface	CSLC	Following excavations
	WAT-1d: suspend anchors within the water column using a support vessel before dropping	Anchor locations	Compliance monitoring	No increase in turbidity due to anchors dragging along bottom of seafloor	CSLC	Prior to anchoring
Section 4.4 – Recreation						
REC-2: Project activities could pose a safety hazard for recreational boaters	**PM REC-2:** Notify U.S. Coast Guard to include project information in Local Notice to Mariners	Offshore and nearshore portions of alignment	Ensure that project is listed in the Local Notice to Mariners	Recreational marine vessels have awareness of project	U.S. Coast Guard	Prior to and during disposition
REC-3: Project activities could interfere with coastal recreational activities	**PM REC-2** Notify U.S. Coast Guard to include project information in Local Notice to Mariners	Offshore and nearshore portions of alignment	Ensure that project is listed in the Local Notice to Mariners	Recreational marine vessels have awareness of project	U.S. Coast Guard	Prior to and during disposition

Impact	Mitigation/Preventative Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Section 4.6 – Transportation						
TRA-2: Project activities could create a short-term hazard to waterborne navigation	**PM REC-2:** Notify U.S. Coast Guard to include project information in Local Notice to Mariners	Offshore and nearshore portions of alignment	Ensure that project is listed in the Local Notice to Mariners	Marine vessels have awareness of project	U.S. Coast Guard	Prior to disposition
Section 4.7 – Geology and Soils						
GEO-1: Dredging during the Proposed Project would cause sedimentation effects in downcoast areas	**WAT-1a:** Minimize turbidity by using a closed-cap buckets for mechanical dredging around the terminal structures and all excavation areas	Entire conduit alignment	Compliance monitoring	Low level of turbidity during excavation	CSLC	During excavation
	WAT-1b: Minimize turbidity by minimizing horizontal and vertical travel of sediment spoils using a maximum drop height of 10 feet	Entire conduit alignment	Compliance monitoring	No sediment spill during excavation	CSLC	During excavation
	WAT-1c: Minimize dredge spoils footprint by placing spoils upcurrent and as close to excavated area as possible, configure spoil height to take advantage of nearshore current infill, and partially fill excavations of depths greater than 21 feet	Excavation locations	Compliance monitoring	Successful reestablishment of habitat without penetration into preexisting benthic surface	CSLC	Following excavation
	WAT-1d: suspend anchors within the water column using a support vessel before dropping	Anchor locations	Compliance monitoring	No increase in turbidity due to anchors dragging along bottom of seafloor	CSLC	Prior to anchoring

Impact	Mitigation/Preventative Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Section 4.8 Hazards						
HAZ-1: Activities could expose people to potential hazards, including explosion, exposure to hazardous substances, and/or spills from marine vessels.	**PM REC-2:** Notify U.S. Coast Guard to include project information in Local Notice to Mariners	Offshore and nearshore portions of alignment	Ensure that project is listed in the Local Notice to Mariners	Marine vessels have awareness of project	U.S. Coast Guard	Prior to disposition
HAZ-2: Activities could interfere with Emergency Response or Evacuation Plans	**PM REC-2:** Notify U.S. Coast Guard to include project information in Local Notice to Mariners	Offshore and nearshore portions of alignment	Ensure that project is listed in the Local Notice to Mariners	Emergency marine vessels have awareness of project	U.S. Coast Guard	Prior to disposition