

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF SEPTEMBER 9, 2005
Prepared on August 30, 2005

ITEM NUMBER: 15

SUBJECT: Pacific Gas and Electric Company Diablo Canyon Nuclear Power Plant, Status Report Regarding Resolution of Cooling Water Impacts

KEY INFORMATION

Location: Seven miles West by Northwest of Avila Beach, San Luis Obispo County
Discharge Type: Cooling Water, Industrial Process Wastewater
Flow Limit: 2,760 MGD (maximum for all discharges)
Disposal: Pacific Ocean
Recycling: None
Existing Order: WDR Order No. 90-09 (NPDES Permit No. CA0003751)

SUMMARY

This supplemental sheet transmits additional information regarding the Marine Life Protection Act and marine reserves. The Fish and Game Commission adopted its Marine Life Protection Act Master Plan Framework on August 18, 2005. The Master Plan Framework is a substantial document; the Table of Contents and the Executive Summary are included here as Attachment 1, and the entire document can be read and downloaded at:

<http://www.dfg.ca.gov/mrd/mlpa/draftdocuments.html>

The Master Plan Framework states:

“Achieving the goals and objectives of individual Marine Protected Areas, the statewide system of Marine Protected Areas, and of the Marine Life Protection Act itself will depend upon sufficient short and long-term funding for carrying out key management activities, including public education, research, monitoring and evaluation, and enforcement. At FGC Section 2856(a)2(K), the MLPA requires that the master plan include

‘[R]ecommendations for funding sources to ensure all Marine Protection Area management activities are carried out and the Marine Life Protection Program is implemented.’ One of the products of the MLPA Initiative will be the development of a comprehensive funding strategy by December 2005, which will address these needs.”

As stated in staff’s report to the Board for this item, we believe long-term funding for marine reserves is the most ecologically beneficial mitigation option. The Marine Life Protection Act, with its three categories of marine protection (state marine reserve, state marine park, and state marine conservation area) represents a fundamental shift from a species focus and maximizing fishing yields toward sustainability and an ecosystem focus. This is the essence of why staff believes mitigation funding should be directed toward long-term support for marine reserves. Entrainment at Diablo Canyon Power Plant impacts the overall ecosystem, not a select few species. Mitigation funds should be directed toward the most beneficial option on an ecosystem scale.

The Marine Life Protection Act provides that scale.

Regarding funding, the Master Framework states:

“Although some funds for management may be raised from local fees or from the private sector profit and non-profit communities, the primary source of funding for the management of Marine Protected Areas will be state government and perhaps the federal government (Salm et al. 2000). It is also possible to reduce the need for government funding through effective partnerships in carrying out management or research activities.”

The state and federal budget processes are volatile and unpredictable. Many well-intentioned programs are cut or left unfunded every year; this is the nature of government budgeting. Such funding cannot be guaranteed. The best long-term funding source for the Marine Life Protection Act is a permanent endowment. Public, non-profit, and private funds could be directed to the endowment, which could be held by a non-partisan, non-profit third party.

The Master Framework states:

“Other sources of funds may indirectly contribute to achieving the goals and objectives of Marine Protected Areas in a region by mitigating threats to species and habitats of concern from pollution and poor water quality. For instance, the State Water Resources Control Board has the authority to designate an area of state ocean waters as an “area of special biological significance” or a “state water quality protection area”; if the area is also a Marine Protected Area there would be overlapping designations. Recent legislation places a high priority on using available pollution control funds on improving water quality in such areas.”

Water Board staff agrees that the designations mentioned above would provide positive overlap and additional protection for Marine Protected Areas. The overlapping

designations may provide an avenue to coordinate funding with the Department of Fish and Game and the Fish and Game Commission.

The Master Plan Framework states:

“There remains disagreement whether Marine Protected Areas, particularly no-take marine reserves, provide direct benefits to fisheries. These scientific viewpoints are discussed in more detail in this document.”

Water Board staff acknowledges the disagreement, and we also note that there are disagreements regarding every issue that comes before the Department of Fish and Game and the Water Board. The weight of the evidence is that marine reserves provide substantial benefits to the marine environment, including conservation benefits, reestablishment of natural community structure, and increased diversity and productivity.

Attachment 2 to this Supplemental Sheet is the *Scientific Consensus Statement on Marine Reserves and Marine Protected Areas*, February 17, 2001. This statement lists the ecological benefits of marine reserves, and is signed by 162 (one hundred sixty two) marine scientists from around the world.

We urge the Board to not underestimate the value of habitat and ecosystem conservation. We often hear that certain areas are not in need of protection because they are not currently being impacted. In fact, these relatively pristine habitats are the areas most in need of protection because the pressure on these areas will only increase over time.

This Supplemental Sheet also includes additional documents submitted by PG&E. Attachment 3 is a letter from PG&E describing the issues where PG&E agrees and disagrees with staff's September 9, 2005 status report to the Water Board. Attachment 4 is a review of the independent scientists' Mitigation Paper by a resource economic expert for PG&E. The review concludes, among other things, that the mitigation paper is seriously flawed because it

does not follow standard economic valuation principles and does not comply with section 316b of the Clean Water Act.

ATTACHMENTS

NOTE: Hard copies of these attachments are provided to Board members only. Electronic versions are available on-line at: <http://www.swrcb.ca.gov/rwqcb3/Facilities/Diablo/Diablo.htm>

1. *California Marine Life Protection Act Initiative, MLPA Master Plan Framework*, August 22, 2005. Table of Contents and Executive Summary only. The full report is available at: <http://www.dfg.ca.gov/mrd/mlpa/draftdocuments.html>
2. Scientific Consensus Statement on Marine Reserves and Marine Protected Areas, February 17, 2001.
3. Letter from PG&E, August 31, 2005. Comments on Staff's September 9, 2005 Staff Report.
4. Review of Independent Scientists' Report With Consideration of Stratus Report Prepared for PG&E by TER, August 31, 2005

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