

[EXT]DCPP Decommissioning DEIR - Comment Letter from NOAA Office of National Marine Sanctuaries, West Coast Regional Office

Kirsten White - NOAA Affiliate <kirsten.white@noaa.gov>

Tue 9/19/2023 1:52 PM

To:PL_Diablo <PL_Diablo@co.slo.ca.us>

Cc:Laura Ingulsrud - NOAA Federal <laura.ingulsrud@noaa.gov>;William Douros - NOAA Federal <william.douros@noaa.gov>

 1 attachments (234 KB)

WCRO Comment Letter to DCPD DEIR_Sept192023.pdf;

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Hello County of San Luis Obispo Staff,

NOAA's Office of National Marine Sanctuaries (ONMS) West Coast Regional Office (WCRO) appreciates the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) for the Diablo Canyon Power Plant (DCPP) Decommissioning Project. Please find the comment letter attached to this email.

In addition to this email submission, a written statement will be mailed to Susan Strachan. Thank you for considering the comments and for the continued collaboration.

Sincerely,
Kirsten White



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of National Marine Sanctuaries | West Coast Region
99 Pacific Street, Bldg 100, Suite F
Monterey, CA 93940

September 19, 2023

Susan Strachan
San Luis Obispo County Department of Planning & Building
976 Osos St., Rm 300
San Luis Obispo, CA 93408

Re: NOAA Office of National Marine Sanctuaries Comments on Draft EIR for the Diablo Canyon Power Plant Decommissioning Project (SCH 2021100559)

Dear Ms. Strachan: *SUSAN*

NOAA's Office of National Marine Sanctuaries (ONMS) West Coast Regional Office (WCRO) appreciates the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Diablo Canyon Power Plant (DCPP) Decommissioning Project. The National Marine Sanctuaries Act (NMSA) mandate to protect sanctuary resources while also promoting uses consistent with that core resource protection mandate guides our comments (16 U.S.C 1431).

On August 24, 2023, NOAA announced its proposal to designate a portion of the central California coast and offshore waters as Chumash Heritage National Marine Sanctuary (CHNMS; <https://sanctuaries.noaa.gov/chumash-heritage/>) spanning the submerged lands and marine waters from Montaña de Oro State Park to Naples in Santa Barbara County. Because the shoreward boundary would be the mean high tide line, the coastal waters within the DCPP Decommissioning Project area are located within the proposed sanctuary boundaries. However, NOAA has proposed that the private marina at DCPP, as well as Port San Luis, not be included in the sanctuary boundaries. NOAA's release of draft sanctuary designation materials suggest the possibility of sanctuary designation, which in turn, warrants consideration of potential sanctuary mandates and proposed regulations in DCPP Decommissioning Project plans. The target date for designation of the new sanctuary is mid-2024; therefore, the sanctuary and its accompanying regulations could be in place prior to initiation of DCPP decommissioning activities.

The pertinent proposed sanctuary regulations include prohibitions on disturbing submerged lands, discharges within or into the sanctuary, discharges from beyond the boundary that injure sanctuary resources, take of marine mammals, sea turtles, birds, and take of maritime heritage resources. If the sanctuary is ultimately designated, the proposed regulations would apply to any ongoing DCPP operations and future decommissioning activities affecting sanctuary resources.

Olympic Coast
National Marine Sanctuary
115 E. Railroad Avenue
Suite 301
Port Angeles, WA 98362

Cordell Bank
National Marine Sanctuary
P.O. Box 159
Olema, CA 94950

Gulf of the Farallones
National Marine Sanctuary
The Presidio
991 Marine Drive
San Francisco, CA 94129

Monterey Bay
National Marine Sanctuary
99 Pacific Street
Suite 455A
Monterey, CA 93940

Channel Islands
National Marine Sanctuary
U.C. Santa Barbara
Ocean Science Bldg 514, MC 6155
Santa Barbara, CA 93106



Several possible pathways exist for allowing activities affecting the sanctuary that would otherwise be prohibited, such as:

- At the time of designation, NOAA would have the ability to certify pre-existing permitted activities, such as permitted discharges at DCPD by Pacific Gas and Electric Company (PG&E).
- After designation, NOAA would have the authority to authorize permits for decommissioning activities that are issued by any valid Federal, State, or local agency.

These activities would need to go through environmental review under the National Environmental Protection Act (NEPA). We anticipate ONMS would build off the analysis in this DEIR to inform any future NEPA document, working in concert with PG&E, the County of San Luis Obispo (County), California Coastal Commission, California State Lands Commission, and other agencies. In addition, please let us know if you are aware of any other federal agencies that intend to produce a NEPA document related to this project and we will cooperate with that agency on a NEPA review.

As discussed in the DCPD Decommissioning Project plan, activities including cofferdam construction and vessel anchoring/mooring related to the removal and restoration of the discharge structure, as well as barge waste transportation, would impact the marine environment and thus, proposed CHNMS resources. Moreover, some of the vessel traffic/barge transits could be within other existing sanctuaries offshore California—Channel Islands, Monterey Bay and Greater Farallones—depending on specific vessel routes. We appreciate the mitigation plans that concern such sanctuary resources in the DEIR. We commend the County and PG&E for the level of detail and goals to reduce impacts to marine habitats and special biological and cultural resources, minimize contact with the seafloor, and limit water pollution by preventing spills and runoff into the marine environment during decommissioning activities and over the long term.

ONMS WCRO offers the following more specific comments to the County for consideration for the final EIR:

1. We appreciate the reference to the proposed CHNMS in DEIR Section 4.4.5, Cumulative Impact Analysis; at the time of preparation of the DEIR, that made sense since the sanctuary designation had not formally been proposed. However, now that NOAA has announced the proposed CHNMS designation, many sections of the DEIR should be updated to reflect the specific proposed boundary, proposed regulations, and designation timeline. We can provide updated information with regard to the proposed sanctuary, and its boundaries and regulatory authorities for the final EIR.
2. Most of the mitigation measures for the marine biology section should also include NOAA Sanctuaries as an agency reviewer (to be reviewed by or coordinated with other

sanctuaries by CHNMS), given CHNMS could well be designated before those plans are developed.

3. Other mitigation measures involving protection of marine resources might likely require, or should include, review and approval by CHNMS staff (assuming the sanctuary is designated in advance of completion of these mitigation plans). Examples include MM HWQ-2, MM HWQ-4, and MM TRA-8.
4. Scientists from Monterey Bay National Marine Sanctuary have had a significant lead role in the inter-agency effort to translocate black abalone affected by other shore-based threats elsewhere on the California coast, which has had some success. We offer their assistance in MM MBIO-5.
5. ONMS has had experience with barges and other large commercial vessels losing containers and other material while in transit within a sanctuary. Often the recovery is difficult. Given the potential environmental risk of the material to be transported on barges to Oregon, we suggest the County should include a new mitigation measure in the marine biology or marine transportation section that requires monitoring and reporting of all vessel transits, including reporting of precise locations should any containers or other material from the barges be lost in transit. This mitigation should also include a commitment to recover any containers lost within a national marine sanctuary and restore any damaged resources.
6. Please revise all figures that show vessel routes from southern California to the work area and from DCPD to Oregon to show the boundaries of existing national marine sanctuaries, as well as the proposed CHNMS.

We look forward to continued engagement with PG&E, the County, and other entities involved in the DCPD Decommissioning Project process. If you have any questions regarding this input, please contact Laura Ingulsrud, ONMS West Coast Regional Policy Analyst, at laura.ingulsrud@noaa.gov. Thank you for considering our comments and for the continued collaboration.

Sincerely,



William J. Douros
Regional Director