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Supporting Document No. 18

WATER QUALITY CONTROL BOARD

THE CITY OF SAN DIEGO 2009 JAN 26 P 1:15

COUNCILMEMBER BENJAMIN HUESO

DISTRICT EIGHT

January 21, 2009

Mr. Richard Wright
Chairman, San Diego Regional Water Quality Control Board
San Diego Regional Water Quality Control Board
San Diego - Region 9
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Re: Carlsbad Desalination Plant Marine Life Mitigation Plan (Resolution R9-2008-0039)

Dear Chairman Wright:

I am writing to encourage you and the other members of the Regional Water Quality Control Board to give final approval to the Carlsbad Desalination Plant's Marine Life Mitigation Plan (Plan) at your meeting of February 11, 2009.

This Plan was approved by the California Coastal Commission. As one of San Diego County's representatives on the California Coastal Commission, I made the motion to support the Plan that is now before you when the project was heard by the Coastal Commission. My motion was supported by the Commission's staff and approved by my colleagues on the Commission. Applying, in addition to the standards of the Coastal Act, the very same Porter-Cologne standard that the Regional Board will apply on February 11, we at the Coastal Commission determined that the Plan fully mitigates for the entrainment effects that will be associated with the Desalination Plant's operations (which should begin in late 2011/early 2012). Our principal finding in this regard states:

"implementation of the Plan will ensure the project's entrainment-related impacts will be fully mitigated and will enhance and restore the marine resources and biological productivity of coastal waters" (Emphasis in original.)

We also found that any impingement effects from the Plant will be insignificant, as the Plant incorporates the Best Technology Available to minimize such effects.

Your timely final approval of the Carlsbad Desalination Plant's Marine Life Mitigation Plan is necessary so that the project can move to construction in the coming months and thousands of San Diegans can get to work building a new water supply that our county desperately needs.



I believe that the Regional Board acted correctly when it conditionally approved the Plan last April and required the Plan to undergo a collaborative, interagency review process involving numerous interested state and local agencies. These agencies included the California Regional Water Quality Control Board staff, the State Lands Commission staff, the California Department of Fish and Game staff, the City of Carlsbad staff and others, and was coordinated by the Coastal Commission staff. Our Coastal Commission staff worked extensively with the staff of other agencies to ensure that input was received from all interested agencies. I greatly appreciate the investment that Regional Board staff made in the interagency coordination process that culminated in the final development of the Plan as approved by the Coastal Commission and State Lands Commission. As a result, the Plan has been vetted fully, is protective of the marine environment, and is consistent with the Coastal Act, as well as with Section 13142.5(b) of the Porter-Cologne Act, which the Commission and the Regional Board each must apply to the Plan.

Poseidon engaged in open dialogue with various state agencies as it developed the Plan, which included a coordinated interagency meeting at Agua Hedionda Lagoon in Carlsbad, California on May 1, 2008. Multiple scientific experts reviewed the Plan, including the Coastal Commission's independent expert, Dr. Pete Raimondi of UC Santa Cruz, and the Coastal Commission's Scientific Advisory Panel. The Plan as we adopted it reflects mitigation acreages which Dr. Raimondi calculated were necessary to mitigate for entrainment effects at a level of confidence which the Commission determined as a matter of policy to be appropriate. The Coastal Commission's Scientific Advisory Panel concurred with Dr. Raimondi's recommendation that Poseidon provide a greater amount of mitigation acreage than it originally proposed in order to afford even more confidence that the Plan is protective. The Commission's Plan approval requires Poseidon to provide up to 55.4 acres of marine habitat restoration. (I believe that the Poseidon proposal presented to you in April called for 37 acres of mitigation habitat.)

Given the extraordinary involvement from multiple regulatory agencies, and the extensive public hearings and involvement by Commission staff, consultants and experts, it is understandable that the final wording of the Plan reflecting the Coastal Commission's August 6, 2008 approval was not available from Coastal Commission staff until approximately November 7, 2008. I understand that Poseidon submitted the Plan to your agency shortly thereafter.

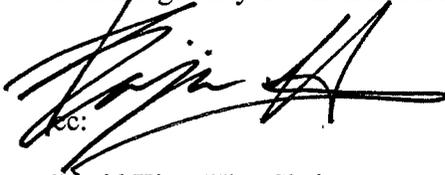
Poseidon should be allowed to move forward with the process that was started by the Regional Board so that it can take the steps contained in the Plan, and so that our respective staff, in accordance with the continuing interagency process, can determine at which of the mitigation site locations provided by the Plan the actual mitigation should occur, in accordance with the Plan's strict performance-based goals and success criteria. Your final approval of the Plan on February 11, 2009 will allow an environmentally sound project, that has been in the works for ten years, to commence construction. I hope you will act swiftly.

Thank you for your consideration of my support for the Carlsbad Desalination Project and Poseidon's Marine Life Mitigation Plan.

Sincerely,

The Honorable Ben Hueso

San Diego City Council President



cc:

David King, Vice Chairman

Eric Anderson, Board Member

Grant Destache, Board Member

George Loveland, Board Member

Wayne Rayfield, Board Member

Gary Thompson, Board Member

Kris Weber, Board Member

John Robertus, Executive Director

Catherine Hagan, Regional Board Attorney