

Status of Outstanding Issues for California Least Tern Nesting Sites

OVERVIEW – California Least Tern Nesting Islands

- Desirable as part of overall restoration of San Dieguito Lagoon.
- Restoration plan includes 11.83 acres of nesting habitat (NS 11, 12, 13 and 14)
- Location and design a culmination of years of planning and consultation with wildlife experts at USFWS and CDFG
- Not a permit requirement for SCE's SONGS Mitigation
- Responsibility of 22nd District Agricultural Association under a separate coastal development permit

BACKGROUND

- Coastal Development Permit issued in 1984 for construction of infield tunnel (CDP #6-84-525)
- To compensate for impacts to fairground habitat historically used by Least Terns
- District attempted unsuccessfully for years to acquire suitable property
- District worked with CDFG on an alternative site at the river mouth
- In the meantime, Coastal Commission imposed mitigation conditions on Edison's SONGS permit, including creation or restoration of 150 acres of wetland
 - Approved San Dieguito Lagoon as the restoration site in 1992
 - Commission staff asked District to defer further efforts on alternative site until restoration planning was completed

OUTSTANDING ISSUES

- Mitigation of impacts to existing wetlands from construction of new nesting sites
- Maintenance and monitoring responsibilities

Mitigation of wetland impacts from construction of new nesting sites

- 4 nesting sites designed to minimize impacts to existing wetlands
- However, about 2 wetland acres will be impacted from NS 12
- NS 12 cannot be reconfigured to avoid impacts
- Coastal Commission general policy requires mitigation a 4:1 mitigation ratio
- SONGS permit specifically requires a 4:1 mitigation ratio for unavoidable impacts to existing wetland
- Contribution to wetland functions and values by the nesting sites doesn't count toward mitigation of impacts caused by nest site construction
- Suitable acreage is available within the restoration area for such mitigation

Maintenance and monitoring responsibilities

- District responsibilities under its permit and agreements with CDFG include:
 - Site maintenance, including vegetation control, fence inspection and repair, and predator control
 - CDFG-conducted biological surveys consistent with available funds
- Based on results of previous restoration efforts Commission staff recommends:
 - Annual vegetation clearance and fence repair
 - Domestic and wild animal predator control and removal
 - Monitoring of nesting and rearing success (including time series data on number of breeding pairs and clutch size)
- Program adjustment in response to monitoring

STEPS TO RESOLUTION

- Representatives of the Attorney General's Office stepped in as facilitators to:
 1. Hear the issues from both parties
 2. Make site visits
 3. Suggest ways to resolve remaining differences
- Currently awaiting response from AGs office (step #3)