

Decision No. 86629

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas &
Electric Company in Connection
with its Sundesert Nuclear Project.

Application No. 55534
(Filed March 4, 1975)

O P I N I O N

San Diego Gas & Electric Company (SDG&E) seeks preparation of an Environmental Impact Report (EIR) on the Water Supply Phase of its proposed Sundesert Nuclear Project and certification that the Final EIR has been completed in compliance with California Environmental Quality Act (CEQA) and the Guidelines for Implementation of CEQA (Guidelines). The application for certification of public convenience and necessity under 1001 of the Public Utilities Code and the California Public Utilities Commission's General Order No. 131 will be filed separately by SDG&E and is not a part of this report.

The certified Final EIR will enable SDG&E to seek approval of two proposed water supply agreements. Each agreement requires the approval of five California agencies, to wit, Metropolitan Water District of Southern California, Palo Verde Irrigation District, Imperial Irrigation District, Coachella Valley County Water District, and The City of San Diego. The water supply agreements will provide cooling water supplies for the Sundesert Nuclear Project.

EIR Process and Public Hearings.

In compliance with the provisions of CEQA and Rule 17.1 of the California Public Utilities Commission's Rules of Practice and

Procedure, SDG&E filed with the Application as a separate exhibit not physically attached to the Application an Environmental Data Submittal (EDS). Copies of the EDS were submitted to other public agencies having expertise in various areas of environmental concern relating to the project. As a result of questions and comments made by reviewing agencies, the Staff informed SDG&E that substantial changes would be required in the EDS. The EDS was revised and resubmitted by SDG&E on September 26, 1975. The revisions were generally responsive to comments of the reviewing agencies.

On February 1, 1976, after the EDS and comments thereon had been independently evaluated and analyzed by the Staff and incorporated into the Draft EIR, a Notice of Completion of the Draft EIR was issued. The Office of Planning Research, State Clearinghouse acknowledged receipt of the Draft EIR and assigned State Clearinghouse No. 76021780 to the project. Notice to the public of completion of the Draft EIR was published as required by law.

On June 10 and 11, 1976 public hearings were held before Examiner J. Levander in San Diego, California and Coronado, California, respectively; on June 15, 16 and 17, 1976 public hearings were held before Examiner John C. Gilman, in Blythe, California and Palm Springs, California, respectively; and on July 7, 8, 9, 14, and 15, 1976 public hearings were held before Examiner J. Levander in San Diego, California, said hearings relating to all aspects of the Draft EIR and related matters. Testimony and exhibits were presented on behalf of SDG&E by thirteen witnesses; on behalf of the Commission Staff by Robert Penny; and on behalf of San Diego Energy Coalition

by one witness, Metropolitan Water District by one witness, California Department of Fish and Game by one witness, and California Farm Bureau Federation by four witnesses. In addition numerous members of the public appeared at the hearings as non-parties and expressed views, both for and against the project.

By Decision No. 86231 dated August 10, 1976, the motion of SDG&E that the Commission Staff prepare the final Environmental Impact Report was granted. The Final EIR was prepared under the direction of R. C. Moeck, Chief Environmental Engineer, was filed September 24, 1976 and included the following: (1) The Staff Summary for the Sundesert Project, (2) Comments on the Draft EIR and CPFC Responses (Appendix B to the Final EIR), (3) Environmental Data Statement Supplement and Revisions (Appendix C to the Final EIR), and (4) the Environmental Data Submittal (Appendix D to the Final EIR which incorporates such Environmental Data Submittal by reference). Exceptions to the Final EIR were filed by the City of Los Angeles and responses to those exceptions were filed by the Commission Staff and SDG&E.

Final Environmental Impact Report Water Supply.

The Staff Summary which is included in the Final EIR states:

"State Guidelines set forth that an EIR is a useful planning tool to enable environmental constraints and opportunities to be considered before project plans are finalized; that EIR's should be prepared as early in the planning process as possible to enable environmental considerations to influence project programs or designs. The Guidelines also stress the importance of providing information regarding the total project. Section 21061 of the California Public Resources Code defines the Environmental Impact Report as an informational document.

Although the entire project is conceptually defined herein, this EIR deals primarily with the environmental impact of the water supply aspects of the proposed Sundesert Nuclear Plant. San Diego Gas & Electric Company's reason for requesting this report is to enable it to enter into vital agreements for securing the necessary supply of cooling water for the proposed plant. It will be used by SDG&E in seeking to secure final approvals from each of the California Colorado River water contractors of the water supply agreements for the project. Conditional approval of these contracts has been given by each of the California contractors. Without these agreements SDG&E cannot be assured at the outset that a water supply will be available for its proposed power plant.

An Environmental Impact Statement for the Sundesert Nuclear Plant as a whole will be completed and processed in accordance with the provisions of the National Environmental Policy Act, with the lead agency expected to be the Nuclear Regulatory Commission (NRC). With suitable modifications by the California Energy Resources Conservation and Development Commission, the California lead agency, SDG&E anticipates that the NRC report will also serve as the Environmental Impact Report on the overall project required under the California Environmental Quality Act. These reports will also include the environmental impact of the water supply aspects of the project.

Rule 17.1 of this Commission's Rules of Practice and Procedure sets forth the methods for implementation of the California Environmental Quality Act (CEQA) of 1970. Under this Rule the Commission is required to prepare an Environmental Impact Report (EIR) on projects for which the Commission has the principal responsibility of approval and which may have a significant effect on the environment."

On December 15, 1975, the Commission and the Energy Resources Conservation and Development Commission ("ERCDC") entered into an Interagency Agreement providing that the Commission is the Lead Agency under Section 21067 of the Public Resources Code with respect to the preparation of the Final EIR which SDG&E seeks in this Application.

Project Description (SDG&E's Proposal)

To meet anticipated demand for electric energy, SDG&E is proposing the construction of a nuclear generating plant. The first 950 Mw. generating unit is scheduled to go into service in 1984 and the second unit of 950 Mw. is scheduled to go into service in 1986. For the thermal generating units, water is required for cooling. It is anticipated that each of the units will require 17,000 acre feet per year of consumptive use.

The proposed plant site is located on the Lower Palo Verde mesa which lies about 5 miles westerly of the Colorado River and 16 miles southwesterly of the City of Blythe. The mesa is a part of the Mojave Desert area in southeastern California. Alternative sites are still under consideration.

To provide cooling water for the power plant, SDG&E proposes to enter into an agreement with the Metropolitan Water District of Southern California, certain other California agencies and the Secretary of the Interior whereunder it may divert and consume up to 17,000 acre feet of water per year from the Palo Verde Outfall Drain, an irrigation return drain serving the Palo Verde Irrigation District. Inasmuch as the drain water would otherwise return to the Colorado River for use downstream, such diversions are in effect diversions from the river itself. Under the proposed agreement, Metropolitan Water District will replace the diverted and consumed water in the river by making an offsetting reduction in the amount of water it diverts upstream at Parker Dam for conveyance to its service areas through the Colorado River Aqueduct.

To provide additional cooling water for the plant, SDG&E proposes to enter into an agreement with Palo Verde Irrigation District, certain other California agencies and the Secretary of the Interior whereunder it plans also to divert and consume water from the Palo Verde Outfall Drain. Under this agreement, SDG&E will replace the diverted and consumed water in the Colorado River by retiring from irrigation a portion of approximately 7,000 acres of land owned by it.

Under this Agreement, SDG&E may divert and consume up to 33,300 acre feet per year. The applicant has committed to undertake a land management plan to minimize any adverse environmental impact upon surrounding irrigated lands and the community resulting from the reduction in irrigation. At least 11,500 acre feet per year will continue to be utilized for irrigation under crop rotation, leaving 21,800 acre feet annually for power plant uses. The land management commitment is set forth in an agreement executed by SDG&E as a part of the land management plan and is a condition of obtaining the approval of the two water supply agreements by Palo Verde Irrigation District. Applicant plans to divert and consume only 17,000 acre feet under the Palo Verde Agreement.

Exceptions and Replies

On or about October 13, 1976, the City of Los Angeles (hereinafter City"), filed Exceptions to the Final Environmental Impact Report prepared by the Staff. The City objected to the fact that the Final EIR did not consider the issues raised by the City at the public hearings on the draft EIR, maintaining that the Commission

has an obligation, pursuant to PUC Rule 17.1(g)(1)(b), to discuss freely issues raised at such hearings. First, the City maintained the Final EIR should address whether the agreement between the Metropolitan Water District ("MWD") and SDG&E provided for an arbitrary water rate to SDG&E, which would have a potential negative impact on Los Angeles taxpayers, and whether the price of water should be on a cost of service basis. Second, the City indicated the Final EIR is deficient for not discussing and fully analyzing how a curtailment program would be implemented in the event of a water shortage. The City's position is that the Final EIR should be revised to incorporate the aforementioned issues.

On October 28, 1976, Responses to the City's Exceptions were filed by the Staff and by SDG&E. The Staff Responses noted that pricing of water by MWD is a complicated question, which is the subject of litigation currently pending in the Los Angeles Superior Court (The City of L.A. et al. v. MWD et al., Case No. 136402). The Staff stated that cost benefit analysis of the entire Sundesert Nuclear Project would be the more appropriate approach if the pricing issue is to be addressed at all in relation to Sundesert. The Staff further recognized curtailment to be a vital issue relative to Sundesert. The Staff recommended that the Commission in this decision direct the attention of the ERCDC to problems of curtailment in the event of a water shortage. Finally, the Staff noted that reliability of a water supply is an issue scheduled to be considered by ERCDC. ✓

The Response of SDG&E stated that the inclusion issues raised by the City were not mandated in the Final EIR. Reasons cited in support of this position were that curtailment is a problem which will occur, if at all, regardless of the MWD-SDG&E arrangement and that SDG&E is to be treated, in terms of both the price and curtailment of water, as any other user in the MWD service territory. Second, SDG&E pointed to the aforementioned Superior Court litigation, arguing that the inclusion of this issue in the Final EIR would merely be repetitive of an issue appropriately being adjudicated in the courts. SDG&E, however, referring to the CEQA Guidelines for the contents of a Final EIR, recommended that this decision, out of caution, include a brief summary of the positions of the City and the Applicant. Finally, SDG&E said that the issues of water pricing and curtailment could probably be considered in hearings on Sundesert before the ERCDC.

Alternatives to the Project

The Staff Summary which is included in the Final EIR states at pages 10 and 11:

"Many energy sources have been identified as possible supplements or replacements for dwindling oil and gas reserves. Some options such as fusion and magnetohydrodynamics, are clearly within the early stages of research and development. Potential generation sources include fast-breeder nuclear reactors, solar farms and fuel cells. These forms, although potentially commercially useable by the year 2,000, require extensive development for large scale commercial application and are not considered as reasonable alternatives within the time frame of the proposed Sundesert Project. ✓

The United States has large coal reserves, estimated to be capable of providing this country's energy needs for the next 500 to 1,000 years. Energy production nationally is moving towards large scale development of this resource. California itself has no substantial coal reserves but two utilities, Los Angeles Department of Water and Power and Southern California Edison, are participants in out-of-state coal fired plants. Power companies in the eastern and central part of the United States are presently looking toward proportionately larger percentage of coal fired energy.

California utilities have been negotiating for participation in out-of-state coal fired projects such as the recently canceled Kaiparowits project. Major environmental considerations have placed most of these projects in limbo. Coal is not now nor does it appear that it will in the near future be a major source of electrical energy for California.

The Company's EDS narrowed to three, the potential sites for the facility. Criteria are outlined that led to the final selection of the Palo Verde Mesa for the Sundesert Nuclear Project. The geographic region considered was the southwest corner of the Colorado River Basin; all of San Diego, Riverside and Imperial counties; portions of Orange and San Bernardino counties; and portions of Yuma and Mohave counties in Arizona. The study area was limited arbitrarily by political borders and technically by the availability of cooling water.

Regional screening introduced the factors of population density and utilization of dedicated land uses. The availability of cooling water and the results of geologic studies particularly with regard to seismic adequacy, were detailed by SDG&E. The seismic ranking and the regional screening resulted in the selection of three sites.

Other finer features of the total evaluation focussed attention on the currently preferred Sundesert site on the Palo Verde Mesa.

Use of the Salton Sea or other highly saline drain waters in Southeastern California has been proposed, particularly by the California Farm Bureau Federation. Studies performed thus far by SDG&E show these cooling water sources to be not feasible for the Sundesert site. Indications are that the Salton Sea would be a viable

source of water for sites in that area. However, because of the seismic nature of the area, use of a site nearer the Salton Sea would require off-setting seismic design considerations.

A "no project" alternative to the proposed project would require SDG&E to purchase the required power or curtail demand on the SDG&E system. The Company has stated that in the mid-1980's sufficient and reliable generating capacity would not be available for an extended period from adjacent utilities.

The State Energy Resource Conservation and Development Commission in its Notice of Intent procedure requires the in-depth consideration of alternative sites. A Notice of Intent is presently being processed by that agency for this project.

The Energy Conservation and Development Commission and the Public Utilities Commission are both taking steps to bring about conservation of energy. Although there is an indicated decrease in the rate of growth in demand, demand is still growing. The general consensus is that conservation will be an important part of meeting our future energy needs."

It is anticipated that the ERCDC will make an in-depth analysis and evaluation of alternatives to this project including regional and state-wide considerations.

Need for the Project

The Staffs Summary which is included in the Final EIR states at page 8:

"Diminishing oil and gas resources have placed utilities, highly dependent on such energy sources, in precarious circumstances regarding future ability to provide electric energy to their customers. The Sundesert Nuclear Project is planned to ultimately provide 1900 megawatts of base-load electrical energy independent of fossil fuel limitations.

Consideration of the need for the capacity of the proposed units is in terms of meeting SDG&E's total system requirements. The Company's service territory, as shown on the frontispiece of the EDS encompasses 90 communities in a 4,105 square mile area. This includes most of San Diego County, an adjoining portion of Orange County to the north and a small portion of Imperial County to the east. The estimated 1974 population was 1.7 million."

ERCDC has utilized the "common methodology" approach among others to resource planning. Evidence was received that the common methodology approach supports the need for the Sundesert Nuclear Project. Revisions to SDG&E's electrical need and demand projections through 1995 include minor changes in the peak demand with more significant changes in the energy sales area. The annual peak is lower by 0.07% in 1985 and higher by 0.19% in 1995. The corresponding electric sales are lower in 1984 by 1.45% and higher by 21% in 1995. Further the Project will allow SDG&E to keep the future costs of electric energy for customers to a minimum.

The Staff Summary which is in the Final EIR states at page 9:

"The Company's resource plan has undergone many changes since the DEIR was submitted. Most notable was the termination of the Kaiparowits Project in which SDG&E has a 23.4% interest. This reduction in generation was compensated for by the reduced demand forecast and lower reserve margins. The Encina 5 Unit has been delayed from mid-1977 to October 1978 and the Sundesert Project has been accelerated so that the first Unit should be in commercial operation by April 1984, with the second unit in commercial operation by January 1986.

San Diego Gas & Electric has stated that it plans to utilize at least 51% of the capacity of the Sundesert Units. The balance is being made available to other utilities and municipal agencies in Southern California and to the State of California. The negotiations concerning prospective participants are in the early stages of development and final decisions have not yet been made. However, SDG&E has received expressions of interest from the State of California Department of Water Resources and the cities of Glendale, Anaheim, Pasadena and Riverside totaling 22 percent participation in both units. Negotiations with additional possible participants are continuing. Each participant has been requested by SDG&E to provide a pro-rata share of the cooling water supply for the project. The most likely participants for the remaining portion of the project are Southern California Edison Company,

Los Angeles Department of Water and Power and
Arizona Public Service.

This proceeding has not produced evidence of coordinated planning for regional power needs. The short and long range needs of the possible participants were not made part of this record."

The determination of the need for the Sundesert Project is appropriately an issue that will be addressed by in-depth analysis by the ERCDC in its consideration of the matter of project certification.

Environmental Matters

A comprehensive record on environmental matters has been developed in this proceeding through public hearings, preparation of the draft EIR, consultation with public agencies, and presentation of testimony and exhibits by various parties, all of which are elements in the EIR process culminating in the preparation and issuance of the Final EIR Water Supply.

The next section of this decision includes, pursuant to Rule 17.1 of our rules an extensive series of findings,, based on the final EIR's coverage of (a) the environmental impact of the proposed action; (b) any adverse environmental effects which cannot be avoided if the proposal is implemented; (c) mitigation measures proposed to minimize the impact; (d) alternatives to the proposed action; (e) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; (f) any irreversible environmental changes which would be involved in the proposed action should it be implemented; (g) and the growth-inducing impact of the action; and (h) any future related developments.

The Commission has carefully considered the evidence on the environmental matters, especially the contents of the Final EIR Water Supply, and makes the following findings pursuant to Rule 17.1(j)(3) of its Rules of Practice and Procedure.

Findings

1. The EDS as supplemented and revised by Appendix C of the Final EIR Water Supply sets forth the general plan and concepts for the Sundesert Nuclear Project.
2. In view of the fact that later reports, the EIS by the Nuclear Regulatory Commission and the total project EIR by the ERCDC, will give in-depth information regarding the impacts of the Sundesert Nuclear Project, it is found that the impacts of the Project, although not quantified in all cases, have been satisfactorily identified.
3. The Final EIR Water Supply provides detailed information pertinent to impacts specifically connected with the water supply aspects of the Sundesert Nuclear Project.
4. The Final EIR Water Supply sufficiently develops information concerning all matters required to be addressed by Rule 17.1 (d)(2)(B).
5. The withdrawal of agricultural lands from irrigation is recognized by SDG&E as one of the more significant environmental effects of the water supply portion of this Project. Without proper management the retired lands could adversely effect adjacent lands.
6. SDG&E has agreed to a Land Management Plan (Appendix C to the Draft EIR) as a condition to the approval by Palo Verde Irrigation District of the Water Supply Agreements.

7. The Land Management Plan will mitigate the adverse environmental effects accompanying the decrease in irrigated area on SDG&E's land in the Palo Verde Valley incidental to providing a cooling water supply. Under the Land Management Plan, an attempt will be made to retire less productive areas from irrigation taking into account isolation from adjacent farm area in order to minimize effects thereon; a program for control of weeds and pests and for control of phreatophytes will be undertaken; land not permanently retired from irrigation would have an average idle period for fallow lands not to exceed six months, being farmed under a rotation program.

8. No significant adverse environmental impacts are expected on the quality or quantity of water in the Colorado River or on the quality or quantity of ground water as a result of the Project.

9. Water Supply Facilities of the Project are mostly buried conveyance facilities which would not detract from the aesthetics of the area except during the short period of construction. Areas over buried pipeline facilities will be revegetated. The only above ground structures will be the diversion works, including a pumping plant near the edge of the Palo Verde Outfall Drain and water storage facilities at the plant site, the latter being a component of the visual impact of the main plant facilities. A temporary adverse effect on visual environment will result from construction activities. Structures will present a minimal adverse visual impact. The architecture of the structures and landscaping of the site should avoid creating objectionable aesthetic qualities.

The change in the appearance of the lands retired from or lessened in irrigation agricultural use will not be significant.

10. The effects on recreation will principally be the changes in flow patterns and water levels accompanying the Project. No significant adverse impact on recreation is expected as a result of the small drop in water level in the Palo Verde Outfall Drain.

11. Conflicting evidence has been received as to the severity of the environmental impacts of lowering the water level of the Palo Verde Outfall Drain as a result of diversions of cooling water for the Sundesert Nuclear Project. The diversion of water will result in a water level drop within the Drain. Studies performed by SDG&E's consultant have satisfactorily defined the anticipated changes in the level of the Drain. No significant adverse impact is expected as a result of this lowering of the water level.

12. Valuable archaeological resources have been identified in the vicinity of the proposed Sundesert Plant and along a few portions of the route for the Water Supply Facilities. However, the most significant resources will not be impacted by construction activities and will be preserved by mitigation measures to be undertaken by SDG&E. Those few archaeological resources that would otherwise be destroyed during construction will be collected and preserved by a qualified archaeologist.

13. The short-term uses of man's environment relating to the Sundesert Water Supply Phase consist mainly of adverse visual effects and the slight reduction in use of lands for agricultural purposes. In this case the extent of natural vegetation and animal life displaced by the water pumping and conveyances facilities will be negligible.

14. The Land Management Plan is designed to preserve the long term productivity of the Company's farm lands in the Palo Verde Valley. The irreversible environmental changes associated with the Water Supply Phase consist of energy consumed in construction of the Project, the probable minor loss of wildlife due to removal of habitat during construction, and the loss of space occupied by permanent facilities. After the Sundesert Water Supply Facilities have served their useful lives, such facilities could be removed and the land eventually returned to its natural state. ✓

15. Growth inducement related to the Water Supply Phase, of necessity, is dependent upon growth inducement associated with the entire Project. Future growth induced by an adequate supply of energy can only occur if other growth inducing factors such as favorable economic conditions, land use changes, transportation changes and the policies of governing bodies are also present.

16. Despite the adverse environmental impacts identified by the Final EIR Water Supply which will not be fully mitigated, the Sundesert Nuclear Project will provide overriding social and economic benefits, including but not limited to:

- a. Use of agricultural drain water for Sundesert Nuclear Plant cooling will improve the downstream salinity of the Colorado River to the benefit of agricultural and other water users within portions of the State of California including users in the Palo Verde Irrigation District, the Imperial Irrigation District, the Coachella Valley County Water District, and to downstream users within the State of Arizona and in the Republic of Mexico.

- b. Cooling water supplies will be made available to the Sundesert Nuclear Plant without increasing the water demand upon the Colorado River, thereby protecting the river water entitlements of downstream water users.
- c. The statements in a and b are true because agricultural drain water, which ordinarily returns to the Colorado River, will be diverted for cooling water purposes and replaced in the river with an equal amount of lower salinity water obtained by San Diego Gas & Electric Company under the water agreements.
- d. Electric energy will be generated to meet the power needs of residential, industrial, commercial and other users within the service areas of SDG&E and the other participating owners of the Sundesert Nuclear Project.
- e. Construction of a nuclear powered generating station will lessen the dependency of our economy upon foreign oil resources; a larger portion of oil resources will be available for agricultural and other uses.

f. Electric energy generated for the State of California, one of the joint owners of the proposed Sundesert Nuclear Project, will be used for pumping of California State Water Project Water which is brought from northern California to the San Joaquin Valley, southern California and elsewhere.

17. The Energy Resources Conservation and Development Commission in its certification proceedings will address the issue of whether the Sundesert Nuclear Project is, in fact, required to meet SDG&E's projected future electrical energy demands.

18. The Final EIR Water Supply states reasons why specific comments and suggestions received have not been accepted and sets forth the factors of overriding importance warranting the override of those comments and suggestions.

19. The environmental setting, the environmental impact, and the unavoidable adverse environmental effects of the Water Supply Facilities and mitigation measures for such water supply impacts as well as alternatives to the proposed water supply and water supply facilities are adequately described in Chapters 3.1, 4.1, 5.1, 6.1 and 7.1 of the EDS as supplemented and revised.

20. The environmental setting, the environmental impact and the unavoidable environmental effects of the Sundesert Nuclear Project and mitigation measures for the described impacts and alternatives to the Project are adequately described in Chapters 3.2, 4.2, 5.2, 6.2 and 7.2, taking into account the early developmental stage of the Project at this time and that an Environmental Impact

Statement will subsequently be prepared pursuant to the National Environmental Policy Act (NEPA) and that a Final EIR will be prepared as to the overall project by the ERCDC.

21. The relationship between local short-term uses and long-term productivity of the environment, the irreversible environmental changes and the growth-inducing impacts for, from and of the Water Supply Facilities are adequately described in Chapters 8.1, 9.1 and 10.1 of the EDS as supplemented and revised.

22. The relationship between local short-term uses and long-term productivity of the environment, the irreversible environmental changes and growth-inducing impacts for, from and of the Sundesert Nuclear Project are adequately described in Chapters 8.2, 9.2 and 10.2 of the EDS as supplemented and revised, taking into account the early development stage of the Project at this time and that subsequently an EIS will be prepared pursuant to NEPA and that a Final EIR on the overall project will be prepared by ERCDC. ✓

23. The Exceptions of the City of Los Angeles to the Final EIR raise issues which are more appropriate for consideration in other forums. The issue as to the proper price structure for MWD to utilize for the provision of water is the subject of litigation, pending in the Superior Court in and for the County of Los Angeles, Case No. 136402, The City of Los Angeles, et al. v. The Metropolitan Water District of California et al. Furthermore, the City has an opportunity to present this issue as well as the issue of curtailment in the event of a water shortage at adjudicatory hearings currently being held before the ERCDC on the Sundesert

Project. Curtailment in the event of a water shortage should occur on an equitable basis; the ERCDC has made the reliability of water an issue to be considered in the Notice of Intention hearings on the Project.

Conclusion

The Commission should certify that a Final EIR on the water supply phase of SDG&E's Sundesert Nuclear Project has been completed in compliance with CEQA and the Guidelines. This decision certifying the Final EIR should be made effective on the date of signing based upon SDG&E's representation that without an immediate effective date it faces a substantial risk of loss of funds and resources. This decision should be made available to The Metropolitan Water District of Southern California, Palo Verde Irrigation District, Imperial Irrigation District, Coachella Valley County Water District, the Secretary of the Department of Interior of the United States of America, and the City of San Diego for review and consideration by these public agencies in the approval, execution, and carrying out the conditions of the Water Supply Agreements. The Final EIR should not be used, unless accompanied by a supplemental EIR, as the basis for approvals by other governmental agencies affecting the Sundesert Nuclear Project.

O R D E R


IT IS ORDERED that:

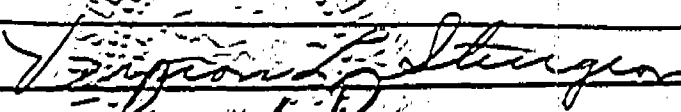
1. The Final Environmental Impact Report prepared to evaluate the water supply phase of San Diego Gas & Electric Company's Sundesert Nuclear Project is hereby certified to have been completed in compliance with CEQA and the Guidelines.

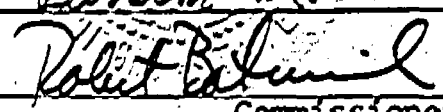
2. The Executive Director of the Commission is directed to file a Notice of Determination for the project, with contents as set forth in Appendix A to this decision, with the Secretary for Resources.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16th
day of NOVEMBER, 1976.



President


Leonard R. ...


Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

NOTICE OF DETERMINATION

TO: ☒ Secretary for Resources
1416 Ninth Street, Room 1312
Sacramento, California 93814

FROM: (Lead Agency) ✓
California Public Utilities Com
350 McAllister Street
San Francisco, California 94102

☐ County Clerk
County of _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108
or 21152 of the Public Resources Code

Project Title

Sundesert Nuclear Project

State Clearinghouse Number (If submitted to State Clearinghouse)

76021780

Contact Person

William R. Johnson

Telephone Number

(415) 557-1487

Project Location

Riverside and Imperial Counties

Project Description

Application No. 55534 of San Diego Gas & Electric Company in Connection
with its Sundesert Nuclear Project.

This is to advise that the California Public Utilities Commission
Per Inter-Agency Agreement with (Lead Agency) ERCDC 12/15/75
has made the following determination regarding the above described project:

1. The project has been ☐ approved by the Lead Agency
☐ disapproved Project approval not sought at this time. ☒ ✓
2. The project ☒ will have a significant effect on the environment
3. ☒ will not
☒ An Environmental Impact Report was prepared for this project pursuant
to the provisions of CEQA
☐ A negative Declaration was prepared for this project pursuant to the
provisions of CEQA. A copy of the Negative Declaration is attached.

Date Received for Filing _____

Executive Director _____

Date _____