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## Desalination plan OK'd, but with 20 conditions

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**Poseidon ordered to offset marine deaths**

**By Michael Burge**



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UNION-TRIBUNE STAFF WRITER

November 17, 2007

CARLSBAD – Poseidon Resources has persuaded the Coastal Commission to give it a permit to build an ocean-water desalination plant in Carlsbad, but the strings attached to that permit may tie up the developer for months, or even years.

After an 8 1/2-hour hearing and lengthy debate Thursday, commissioners voted 9-3 to give Poseidon a coastal permit to build the desalination plant – but only after attaching more than 20 conditions.

Poseidon must work out the details of those conditions with the commission's staff and then deliver the plan back to the commissioners for approval.

The most stringent condition is a requirement that Poseidon devise a plan to offset the number of tiny marine organisms – fish eggs, larvae and plankton – the desalination plant would kill while processing seawater.

Poseidon had argued that such a condition was outside the commission's authority, but commissioners didn't buy that position.

During the months Poseidon's application was vetted by the commission's staff earlier this year, the staff had pushed to see the company's studies on fish deaths. The staff was not satisfied with what the firm delivered.

“The figures they gave us, we don't have any confidence in those,” Coastal Commission Executive Director Peter Douglas said yesterday. “We haven't seen the study that underlies those numbers.”

“The first thing we've got to do,” he said, “is get the information about the studies . . . to try to gauge the degree of impact.”

Douglas said the commission needs an accurate accounting of all the species the desalination process will kill to create a plan to compensate for those deaths. Poseidon has proposed restoring about 40 acres of San Dieguito Lagoon in Del Mar, but Douglas said it is unknown whether such a restoration would offset the types and numbers of species the desalination plant would destroy.



DON KOHLBAUER / Union-Tribune  
Poseidon Resources would use the water between these rock jetties for its desalination process.

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“We can't issue the permit until we get compliance,” he said. “There's no deadline on how long it takes to get compliance . . . with the conditions.”

He said it will be months before Poseidon's plan returns to the commission.

Douglas also said staff reductions will slow the process. Applications for permits get priority because they face legal deadlines, while compliance issues such as Poseidon's, take a back seat.

“We want to move forward as fast as we can but it's going to be more difficult with our staffing cuts and the cuts coming up,” he said.

Poseidon has said compensating for environmental damage is not financially feasible beyond a certain level, Douglas said.

The company, however, has not turned over financial information to show that, saying it was proprietary. That will make it hard for the company to argue financial limitations, he said.

Douglas compared Poseidon's situation with that of Southern California Edison, which built the San Onofre Nuclear Generating Station.

After years of arguing, the utility is spending \$86 million to restore San Dieguito Lagoon to compensate for the loss of marine life at San Onofre.

He said that like Edison, Poseidon will have to pay whatever it takes.

“Obviously we're not going to be blind to the financial package of the mitigation but . . . those need to be implemented no matter what it costs,” Douglas said.

Other conditions include a provision that Poseidon's project not add greenhouse gases to the atmosphere. The firm and the commission are far apart on that, and the commission did not adopt Poseidon's offer of \$5 million.

Poseidon also will be required to pay the commission's court costs and attorney's fees if the commission is sued over the permit.

A Surfrider Foundation representative said after Thursday's vote that his organization will weigh its “legal options.”

Poseidon proposes to draw 100 million gallons a day from Agua Hedionda Lagoon, then filter and force it through reverse-osmosis membranes to produce 50 million gallons of drinking water. The remaining 50 million gallons would be returned to the ocean with a higher concentration of salt and impurities.

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