W 7a

ADDENDUM TO COMMISSION PACKET

FOR

ENERGY, OCEAN RESOURCES and

FEDERAL CONSISTENCY

For Wednesday, August 6, 2008

Item No. W 7a **A-4-OXN-07-096**

Southern California Edison

- Staff Modifications
- Ex Parte Communications
- Correspondence

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

W7a

August 4, 2008

To: Coastal Commissioners and Interested Persons

From: Alison Dettmer, Deputy Director
Cassidy Teufel, Analyst, Energy, Ocean Resources & Federal Consistency Division

Subject: STAFF REPORT ADDENDUM for Item W7a
Coastal Development Permit Appeal A-4-OXN-07-096 (Southern California Edison Company, Oxnard)

Coastal Commission staff recommends the following modifications to the staff report. Deletions are shown with ~~strikethrough~~ and additions are <u>underlined.</u>

[MODIFICATION 1: To be inserted on the title page of the staff report at the top of the page]

<u>W7a</u>

[MODIFICATION 2: To be inserted on the title page of the staff report following the words "Hearing Date:"]

<u>August 6, 2008</u>

[MODIFICATION 3: To be inserted at the end of the second paragraph on page 4 of the staff report]

… and a restoration program, concentrated on the project's disturbance footprint, which includes planting native dune scrub species <u>grown</u> ~~collected~~ from locally collected seed and annual monitoring to ensure that native species become re-established and invasive plants do not reoccur in these areas.

Edison recently began discussions with State Parks about the possibility of undertaking invasive species removal projects within State Parks property as a mitigation alternative to removing invasive species from the entire Edison-owned parcel to the east of Harbor Boulevard. Edison proposed in a letter to Commission staff the possibility of restoring some acreage on the Edison site and some on State Parks. Because there was not adequate time to develop specifics before the hearing on this project, Special Condition 3(b) gives Edison the option to apply later for a permit amendment to seek alternative mitigation. Edison would need to apply for alternative mitigation and obtain the Commission's approval of that permit amendment prior to commencing construction activities to the east of Harbor Boulevard.

[MODIFICATION 4: To be inserted on page 5 of the staff report at the end of the section on visual resources]

The Commission further finds that the project would be sited such that it would not adversely affect any of the visual or aesthetic resources specifically identified and protected in the Oxnard LCP.

[MODIFICATION 5: To be inserted within the first sentence of Special Condition 3(b) on page 7 of the staff report.]

Prior to the start of construction activities to the east of Harbor Boulevard SCE shall submit a Restoration Plan for Executive Director approval that includes, at minimum…

[MODIFICATION 6: To be inserted at the end of Special Condition 3(b) on page 7 of the staff report.]

SCE may propose alternative mitigation in the form of an amendment to this permit. SCE cannot commence construction activities to the east of Harbor Boulevard until the Commission has approved the permit amendment.

[MODIFICATION 7: Footnote to be inserted within the first italicized quotation on page 12 of the staff report]

It does give us concern as to whether the MND is adequate since we don't know whether the changing flight pattern[1] could generate noise in those neighborhoods.

---

[1] Subsequent to the Planning Commission hearing at which the concerns about the impact of the project's stack on the Oxnard Airport were first raised, SCE provided additional information to the Ventura County Department of Airports (VCDOA) regarding the proposed project. In response to questions raised by Commission staff regarding this issue, SCE has noted that based on this information, the VCDOA determined that the stack would have no adverse impact on air traffic from the Oxnard Airport. During its discussions with the VCDOA, SCE agreed to (1) grant the County of Ventura an avigation easement over the parcel that is consistent with the FAA's model avigation easement for airport operations; (2) file FAA form 7460, "Notice of Proposed Construction" for the peaker plant and any associated construction equipment such as cranes; and (3) mount an obstruction light consistent with FAA Advisory Circular 150/5345-433 on the top of the exhaust stack.

[MODIFICATION 8: To be inserted on page 21 of the staff report before the subsection titled "Potential Project Related Biological Impacts"]

Due to the disturbed nature and predominance of invasive species within the specific portions of this site that are within the proposed project's disturbance limits, the Commission does not believe that these locations qualify as environmentally sensitive habitat areas (ESHA).

[MODIFICATION 9: To be inserted within the final sentence on page 28 of the staff report]

…and a restoration program, concentrated on the project's disturbance footprint, which includes planting native dune and dune scrub species grown ~~collected~~ from locally collected seed and annual monitoring to ensure that native species become re-established and invasive plants do not reoccur in these areas.

[MODIFICATION 10: To be inserted on page 29 of the staff report before the subsection titled "Additional Mitigation Measures"]

Edison recently began discussions with State Parks about the possibility of undertaking invasive species removal projects within State Parks property as a mitigation alternative to removing invasive species from the entire Edison-owned parcel to the east of Harbor Boulevard. Edison proposed in a letter to Commission staff the possibility of restoring some acreage on the Edison site and some on State Parks. Because there was not adequate time to develop specifics before the hearing on this project, Special Condition 3(b) gives Edison the option to apply later for a permit amendment to seek alternative mitigation. Edison would need to apply for alternative mitigation and obtain the Commission's approval of that permit amendment prior to commencing construction activities to the east of Harbor Boulevard.

[MODIFICATION 11: To be inserted on page 34 of the staff report before the section titled "Water Conservation and Municipal Services"]

In recent correspondence to the Commission dated July 18, 2008, the City of Oxnard notes that "the preliminary [Federal Emergency Management Agency] FEMA flood zone map shows the peaker site within the 100-year flood zone." Because the preliminary FEMA 100-year flood map differs significantly from the U.S. Department of Housing Insurance Program Insurance Program Administration 100-year flood map referenced in LCP Policy 56, the location of the proposed peaker facility within the preliminary FEMA 100-year flood zone is not inconsistent with LCP Policy 56. Nevertheless, Commission staff has reviewed information provided on the FEMA Map Service Center website to determine the flooding risk at the peaker plant site so that the necessity for mitigation may be appropriately assessed. Based on the FEMA Issued Flood Insurance Rate Map for the area of Ventura County including the project site, the flood potential of the proposed peaker plant site is assessed at a level of B/C. FEMA defines this designation as relating to:

> *Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.*

Based on the low flooding risk of this area, as determined by FEMA, the Commission does not find it necessary to require flood protection mitigation measures for the proposed project.

[MODIFICATION 12: To be inserted following the first italicized quotation on page 36 of the staff report]

~~Because a portion of the proposed project's municipal water use shall be directed towards landscaping and a final revised landscaping plan has yet to be developed by SCE and provided to the Commission, it is not possible to include a specific calculation of the proposed project's total water requirements as a percentage of the remaining water supply capacity within the City of Oxnard. As noted above, however, neither the project's sewer nor water requirements are expected to be significant compared to existing supply.~~ In addition to the anticipated operational water use described above, proposed landscaping activities would require an additional 409,000 gallons of municipal water per year in each of the first two years of landscaping and maintenance and 163,000 gallons per year in each subsequent year. In total, the proposed project would require nearly 8 million gallons of water per year for the first two years of operation and approximately 7.8 million gallons (or 24 acre feet) in each subsequent year. Calculated as a percentage of remaining capacity in the City of Oxnard, as required under LCP Policy 42, the proposed project would comprise less than one-tenth of one percent of the City's total water demand (based on the average demand of the past five years of 29,087 acre feet per year[2]) and would require less than approximately one percent of the projected excess supply in 2010.[3] The proposed project's municipal water requirements would therefore not be expected to substantially affect remaining or projected water supply capacity in the City of Oxnard.

[MODIFICATION 13: To be inserted into paragraph two of the italicized quotation on page 54 of the staff report]

> *As noted above, the CPUC directive requires* [up to] *250 MW of new SCE-owned generation.*

[MODIFICATION 14: To be inserted after the final paragraph of the italicized quotation on page 58 of the staff report]

---

[2] Based on the Final Water Supply Assessment and Verification dated April 2008 by Kennedy/Jenks Consultants for the proposed Wagon Wheel Development project.

[3] As noted in Table 42 of Appendix A of the 2005 City of Oxnard Urban Water Master Plan, supply in 2010 is projected to be exceed demand by approximately 3,189 acre feet.

The City of Oxnard Planning Department staff and several members of the public have also raised concerns regarding the potential for the proposed project to facilitate the potential development of offshore liquefied natural gas (LNG) marine terminals in the Southern California Bight by providing a site for the natural gas pipelines associated with these marine facilities to come ashore. Although it is important to note that future development of LNG marine terminals within the Southern California Bight would require additional environmental review and action by a wide variety of state and federal agencies including the Coastal Commission and that none of these types of facilities have been approved within state or federal waters off the coast of California, it is the understanding of Commission staff that the consideration of the McGrath/Mandalay Beach area as a potential landfall site for natural gas pipelines is based primarily on the proximity of this area to existing coastal and inland SoCal Gas natural gas infrastructure (including the Center Road Valve Station and Line 324 which connects the Center Road Station to the Saugus Station in Santa Clarita) and the current industrial use and zoning designation of this area. Because the proposed project would influence neither the zoning designation nor the existing pipeline infrastructure of the area, the proposed project would not facilitate the potential development of an LNG marine terminal in the Southern California Bight. Further support for this conclusion comes from the fact that the final environmental impact statement/environmental impact report (EIS/EIR) for the BHP Billiton LNG marine terminal project considered the same pipeline landing site at McGrath/ Mandalay Beach as a potential project alternative several years prior to SCE's proposed use of its land within this area as site of a peaker plant project.

[MODIFICATION 15: To be inserted into page 58 of the staff report, before the subsection titled "CEQA"]

L. Environmental Justice[4]

The purpose of Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low income Populations," is to identify and address whether high and adverse human health or environmental effects are likely to fall disproportionately on minority and/or low income populations of the community.

Several environmental justice issues raised by the proposed project include air emissions, noise levels, water discharges and visual blight that could adversely affect the health or environmental quality of the local community. Several of these issues are discussed in previous sections above and with the adoption of the recommended special conditions, the Commission finds that the proposed project would not have significant adverse effects on the health or environmental quality of the local community. Therefore,

[4] The issue area of environmental justice is not one that is addressed by the policies of Chapter 3 of the Coastal Act. In addition, as stated in California Public Resources Code Section 21004, "In mitigating or avoiding a significant effect of a project on the environment, a public agency may exercise only those express or implied powers provided by law other than this division." Accordingly, the avoidance and mitigation of any adverse effects on the environment that are significant only because of their disproportionate impacts on minority or low-income populations are outside the scope of the Commission's authority under both the Coastal Act and the California Environmental Quality Act.

because the proposed project will not have significant adverse effects, environmental justice is not an issue for the peaker facility and it will not have a disproportionate impact on low-income and minority communities.

Additionally, U.S. Census Bureau survey data shows that the percent of the population within a three mile radius of the Proposed Project that are below the poverty level is substantially lower than the percentages of the population below the poverty level in Ventura County and the State of California and well below the 50-percent threshold considered when evaluating disproportionate impacts on low-income populations.

[MODIFICATION 16: To be inserted into page 58 of the staff report]

M~~L~~. CEQA

…

Because the proposed project has the potential to result in significant adverse environmental impacts, the Commission has identified and adopted six special conditions necessary to avoid, minimize, or mitigate these impacts. With the inclusion of these six special conditions, t~~T~~he Commission finds that, within the meaning of the California Environmental Quality Act of 1970, there are no further feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the proposed project may have on the environment. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA.

[MODIFICATION 17: To be inserted into page 65 of the staff report, within the list of substantive file documents]

Kennedy/Jenks Consultants, "Wagon Wheel Development Water Supply Assessment." April 2008.

City of Oxnard 2005 Urban Water Master Plan.

Item W7a
Appeal No. A-4-OXN-07-096
Southern California Edison

EX PARTE COMMUNICATION DISCLOSURE FORMS RECEIVED AS OF August 1, 2008

Dr. Suja Lowenthal

AUG - 1 2008

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

RECEIVED
AUG 0 1 2008
CALIFORNIA COASTAL COMMISSION

Name or description of project , LPC, etc: Southern California Edison Company, Oxnard "Peaker" Power Plant A-4-OXN-07-096 Agenda Item W7A

Date and time of receipt of communication: August 1, 2008; 1:30 pm

Location of communication: Long Beach

Type of communication (letter, facsimile, etc.): In person meeting with Dr. Suja Lowenthal

Person(s) initiating communication: Susan McCabe, McCabe & Company
Rick Zbur, Latham & Watkins LLP

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Edison representatives gave me a briefing about the project, covering the issues set forth in the briefing booklet which was previously applied to Commission Staff.

Date

Signature of Commissioner

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project: Southern California Edison Company, Oxnard "Peaker" Power Plant A-4-OXN-07-096 Agenda Item W7A

Date/time of receipt of communication: July 29, 2008; 4:30 pm

Location of communication: Palo Alto

Type of communication: Telephone

Person(s) initiating communication: Lennie Roberts, Mike Ferriara ORCA

Detailed substantive description of content of communication:

ORCA representatives briefed me about the project, and disagreed with the staff recommendation. They believe that there are visual impacts and social justice issues about the project.

7/29/08
Date

Signature of Commissioner

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: 7/28/08

Location of communication:
(If communication was sent by mail or facsimile, indicate the means of transmission.) La Jolla

Identity of person(s) initiating communication: DR DAVID Kaye

Identity of person(s) receiving communication: Pat Kruer

Name or description of project: Oxnard Peaker Project (Item 10a)

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

DR Kaye reveiwed the background and the project purpose and need. He covered previously raised and addressed issues. We reveiwed visual simulations of the peaker facility and why the peaker is consistant with the City's Certified Local Coastal Plan!

7/28/08
Date

Signature of Commissioner

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

APPENDIX 2

RECEIVED
JUL 28 2008
CALIFORNIA
COASTAL COMMISSION

FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS

Name or description of the project::	SCE Peaker Plant
Time/Date of communication:	7/26/08, 10:30am
Location of communication:	22350 Carbon Mesa Rd, Malibu
Person(s) initiating communication:	Jonathan Ziv
Person(s) receiving communication:	Sara Wan
Type of communication:	meeting

Explained he was opposed to the plant. That is area has been degraded by industrial facilities and the City has been attempting to clean it up for many, many years. The City has always interpreted the zoining in this area to be coastal dependent industrial, not just industrial or energy. Since the '60s the council had rejected anything non-coastal dependent. The Reliant plant is coastal dependent because it requires sea water.
I indicated that I thought the language in the LCP was unclear but that if the City had been interpreting it this way then they should make that clear
Visual- realize there is a great deal of visual impact from the facilities there already but since the City and the LCP take the position that this area should have it's view improved this will certainly not do that. Staff says that the facility and power lines cannot be seen from very far and that the only area impacted is the State Park which does not provide for public access. It is untrue that these will not be seen from a distance. Given their height and bulk they will be seen throughout the area and if there is no easy access to the park at this point one would hope there will be in the future
ESHA- Staff avoids the issue as to whether this is ESHA or not. They admit this is southern dune scrub habitat although degraded, which everywhere else is considered ESHA. They do not explain why this is not ESHA.

Date: 7/27/08

Sara J Wan

Commissioner's Signature

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:	Southern California Edison Company, Oxnard "Peaker" Power Plant A-4-OXN-07-096 Agenda Item W7A
Date/time of receipt of communication:	July 25, 2008; 11:00 am
Location of communication:	Palo Alto
Type of communication:	In person
Person(s) initiating communication:	Susan McCabe, McCabe & Company Rick Zbur, Latham & Watkins LLP

Detailed substantive description of content of communication:

Edison representatives briefed me about the project, covering the issues set forth in the briefing booklet which was previously supplied to Commission Staff.

They supported the staff recommendation.

7/29/08
Date

Signature of Commissioner

Item W7a
Appeal No. A-4-OXN-07-096
Southern California Edison

CORRESPONDENCE
RECEIVED AS OF
August 1, 2008

DR. THOMAS E. HOLDEN
Mayor

OFFICE OF THE MAYOR
305 West Third Street • Oxnard, CA 93030 • (805) 385-7435 • Fax (805) 385-7595
E-mail: drtomholden@aol.com

RECEIVED
JUL 21 2008
CALIFORNIA
COASTAL COMMISSION

July 18, 2008

Mr. Patrick Kruer, Chair
California Coastal Commissioners
c/o California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Appeal of the City of Oxnard's Denial of the Edison Peaker Plant Proposal
Appeal No. A-4-OXN-07-096

Dear Chair Kruer and Commissioners:

On July 24, 2007, the City of Oxnard City Council unanimously denied the Coastal Development Permit requested by Southern California Edison (SCE) to develop a 45-MW "peaker' electrical generation facility on the grounds that the project does not conform to the project site's Energy Coastal (EC) zone designation. The Coastal Act defines coastal dependent as a development or use which requires a site on, or adjacent to, the sea to be able to function at all (PRC §30101). SCE readily concedes that the proposed peaker project is not coastal dependent, but argues that a narrow reading of a subsection under the "Energy Coastal" heading within the City's certified Local Coastal Plan (LCP) allows a non-coastal dependent energy facility. We were very disappointed when Commission staff agreed with SCE's narrow reading opinion and ignored the entirety and intent of our certified LCP, as applied by the City of Oxnard. The entire City Council requested the appeal be denied in its letter of May 6, 2008, which is included as Attachment 1.

I am writing again on behalf of the entire City Council and apologize for not contacting you earlier as, in the last month, the City Council has dealt with a number of pressing matters. Last year about this time, our residents were attending the State Lands Commission and Coastal Commission hearings to defeat the BHP Billiton Cabrillo Port LNG project. Many of the LNG opponents also oppose the SCE project and plan to attend the Commission hearing.

Nevertheless, the SCE appeal is before you, and the City of Oxnard urges you to deny the appeal for the following nine reasons:

1. Not Consistent with the Oxnard Certified LCP

The Mandalay Power Plant was originally developed in the late 1950's when few people cared about the then largely empty Oxnard coast. The power plant, now owned by Reliant Energy, uses ocean water for cooling and discharges directly over the sand into the surf. In the late 1980's when the Oxnard Local Coastal Program (LCP) was developed, the peaker plant site was the oil tank farm for the then SCE-owned power plant. The LCP recognized what was already there, a coastal dependent power plant that could be expanded as long as it still needed ocean water for cooling. It is a "necessary evil" coastal land use, along with the Ormond Beach power plant. There was no anticipation that the SCE power plants would later be sold off to private companies, the land split into separate parcels, and a non-coastal power plant developed. The Commission staff cited (page 13) another EC zone that is not on the coast, the SCE substation at the corner of Victoria Avenue and Hemlock Street, as rationale supporting their narrow reading conclusion. That substation was built long before the LCP was developed and is considered legal non-conforming: that argument is irrelevant. The Oxnard City Council's longstanding intent is that the EC zone allows only coastal-dependent energy facilities, and we disagree with the Coastal Commission staff's interpretation. We ask that the Coastal Commission defer interpretation of intent to the legislative body that originally adopted the coastal program.

2. There does not exist a CPUC Ruling to Install the Fifth Turbine At This Time

The CPUC Assigned Commisioner's order can not now be used to justify the proposed peaker plant on an "emergency" basis: the emergency need is not in the record. The Commission staff report is in error on page 54 where it states, "...the CPUC directive requires 250 MW of new SCE-owned generation." The CPUC emergency order clearly states on page 2 ***"...SCE should pursue the development and installation of up to 250 MW...for summer 2007 operation"*** and on page 6 ***"...SCE should pursue development of no more than five non-RFO generation units"*** by August 2007 (emphasis added). The CPUC order has been satisfied as SCE developed four inland peaker plants that are all operational. SCE is now just enhancing their local network and providing a method of black-starting the Reliant plant. While that is an understandable goal, they cannot use the emergency CPUC order which has been satisfied to ignore the comprehensive competitive procurement practices regulated by the CPUC. There is nothing in the record showing that the order which has been satisfied to ignore the comprehensive competitive procurement practices regulated by the CPUC. There is nothing in the record showing that the CPUC supports/approves the installation of the fifth turbine under the non-emergency conditions that now exist.

3. There are Other Suitable Sites that Need to Be Evaluated

Even if you assume a continued need to have Edison continue in its effort to site a fifth turbine now, the SCE analysis of alternative sites is unnecessarily restricted. The restriction to sites that will allow the black start of Mandalay and that contribute to solving an undefined future need to re-enforce the local transmission system is inappropriate (see Attachment 2). Even if the universe of sites evaluated are restricted to those SCE felt appropriate to meet the 2007 emergency, the SCE analysis indicates sites are available that meet all their goals except the goal of timing. These sites are suitable alternatives to the proposed project site that eliminate the significant environmental impacts on the coast and preserve the site for future coastal access, but require some additional site preparation and network enhancements which SCE claims they cannot do because of the "emergency" nature of the CPUC order. Since the CPUC order is not relevant, it is not germane that alternative sites require additional site preparation or development time. On page 52, the staff report states, ***"...each of the three customer owned substation sites within the Goleta area appear[s] to meet most of SCE's site selection criteria."*** The Commission should not allow SCE to end-run appropriate and long-established site selection procedures under the cover of a CPUC emergency order.

4. Prevents Consideration of Expanded Coastal Access and Remediation

Oxnard and Ventura County need more coastal access as our populations grow. After we complete our 2030 General Plan Update later this year, Oxnard will begin to update the LCP for the Commission's consideration. The City is already considering designating the SCE and Reliant sites for coastal dune preserve and access and recreation, thereby creating a 2.5 mile beach and back dunes resource by connecting the Mandalay Beach back dunes preserve to the south of the power plant to the remediation area and McGrath State Beach Park to the north. Staff is considering incentives, such as transferable development rights, that could lead to the eventual decommissioning of the Reliant plant which is technologically obsolete. An aerial photo of the surrounding existing dunes preserves parkland and beaches park is attached (Attachment 3) showing how the power plant is an unfortunate island in what would otherwise be a unique stretch of natural coastline. By approving the peaker plant, the Commission effectively prevents Oxnard and the Commission from the opportunity to even explore the feasibility of this concept. The SCE site could also be earmarked for remediation credits and eventually purchased by another energy or coastal project that needs to offset loss of coastal dune habitat.

5. Inadequate Environmental Justice Analysis

The environmental justice (EJ) analysis in the staff report is inadequate. By purposely choosing a turbine plant that is less than 50MW and restricting the siting to only one turbine to a site, SCE has bypassed the siting authority of the California Energy Commission's (CEC). Although that may be justified for the "emergency" that existed in 2007, it is the responsibility of the Coastal Commission to follow a similar EJ review process used by the

CEC that is conforming to the U.S. EPA 1998 Guidance. The geographic extent of the staff report's EJ analysis is too small as the Oxnard beaches serve all of Ventura County. Oxnard is a minority-majority community (68% Hispanic) that already has the largest number of undesirable land uses than any other city in the area: two power plants, two closed land fills, and one EPA-superfund site. Approving a third power plant is a potentially discriminatory action under State and/or Federal law and denies us the opportunity of expanding coastal access to our growing population, especially our youngest residents who are majority Hispanic.

6. Inadequate Cumulative Projects Analysis

The staff report's cumulative project's analysis is inadequate under CEQA. The analysis omits the pending Clearwater Port LNG proposal that would bring the LNG offshore terminal's gas pipeline on shore at the Reliant and/or SCE power plant sites. Permitting the SCE plant only encourages the obsolete Reliant plant to rebuild and encourages LNG developers to use these two sites for their pipeline landfall. The Clearwater Port LNG proposal will soon come to the Commission and Oxnard will once again face the possibility of 30-inch high pressure gas lines running under our streets past high schools and hospitals. Under CEQA, the Clearwater Port LNG proposal should have been included in the cumulative analysis as it is a proposed project at this exact location. A map of the proposed LNG pipeline is attached as Attachment 4.

7. Creates Several Significant Unmitigatable Impacts

The proposed project 80 foot stack will be visible from many areas along the coast, especially when it is in operation and creates a large vapor plume which was not addressed in the impact analysis. The new stack and plume, when combined with the existing and larger Reliant stack and plume, together will dominate the western horizon of the entire county. This cumulative impact was not addressed and is considered significant by the City. Special Condition 6 removes the screening trees that the City had requested along Harbor Boulevard to screen the peaker plant from the 292-unit Northshore residential development immediately to the southeast of the project site. This is another unmitigated negative impact created by the project. A photo simulation of the stacks and plumes is attached (Attachment 5).

8. Water Supply is Not Available

On January 15, 2008, the City Council adopted a water supply policy in response to concerns over the City's ability to serve planned development and anticipated further reductions in water supply from the State Water Project due to drought and other restrictions. The policy basically states that any large water user that was not anticipated in the 2005 Urban Water Management Plan (UWMP) will have to provide a new source for its water or create water use credits by offsetting existing water use in a credible permanent manner. The peaker plant would use an estimated 9.4 million

gallons per year, about 28.8 acre feet, or roughly the equivalent of 50 single-family homes. Unless SCE provides verifiable permanent offsets to existing water users, the City Council's policy precludes providing City water to the facility. This topic was not addressed in the staff report, and SCE should be required to arrange for the offset water credits before the project is even considered for approval.

9. Located in the Preliminary FEMA 100-Year Flood Zone

The preliminary FEMA flood zone map shows the peaker site in the 100-year flood zone (see Attachment 6). In 1969, the Reliant plant was flooded and out of operation for several days. This topic was not addressed in the staff report.

In the alternative, should the Commission elect to override the City's action and grant the appeal, we ask that you instead postpone your action until the October meeting in the Los Angeles/ Orange County area so that more of our residents will have an opportunity to be heard, the several omitted issues raised above can be addressed by Commission staff, and we can meet with SCE to discuss mitigations. City-requested mitigations could include, but are not limited to, the following:

1. Prevent the possible future expansion of energy facility uses on the site by creating a larger buffer to the adjoining residential and park sites and parceling off the unused southernmost portion of their parcel and dedicating it to the City.

2. Contribute towards the planning and development of coastal access and back dunes preservation at the Mandalay Beach park site that orientates the park use away from the SCE facility and implements the LCP for that area.

3. Identify verifiable and permanent water use offsets equal to the anticipated water demand of the peaker plant.

Although we fully support SCE's efforts to meet current and future electricity demand and are more than willing to work with them in many ways, the City continues to oppose this particular project on this particular coastal site. If it does not need to be on the coast, it should not be on the coast. We are on the front lines – literally on the beach in a manner of speaking - in trying to keep land uses that do not need to be on the coast, off the coast.

Once more, we urge the Commission to affirm the City Council's denial of this permit.

Very truly yours,

SIGNATURE ON FILE

Dr. Thomas E. Holden
Mayor

Attachments:

1. City Council Letter, May 6, 2008
2. Expert Rebuttal to SCE Technical Siting Criteria and Conclusions
3. Potential Coastal Access and Dunes Preservation Expansion
4. Clearwater Port Proposed Landfall and Pipeline Routes
5. Simulation of the Two Stacks and Plumes
6. FEMA Flood Map, March 2008

cc: Dianne Feinstein, United States Senator
Barbara Boxer, United States Senator
Lois Capps, Member of Congress, 23rd District
Joe Coto, California State Assembly
Sheila Kuehl, California State Senator, 23rd District
Fran Pavley, California Assembly Member, 41st District
Pedro Nava, California Assembly Member, 35th District
Members of the Ventura County Board of Supervisors
Edmund F. Sotelo, Oxnard City Manager
Marty Robinson, Ventura County Chief Executive Officer

CITY COUNCIL

CITY COUNCIL OFFICE
305 West Third Street • Oxnard, CA 93030 • (805) 385-7428 • Fax (805) 385-7595

May 6, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Appeal of the City of Oxnard's Denial of the Edison Peaker Plant Proposal Appeal No. A-4-OXN-07-096

Dear Chair Kruer and Commissioners:

On July 24, 2007, the City of Oxnard City Council unanimously denied the permit requested by Southern California Edison (SCE) to develop a 45-MW "peaker' electrical generation facility on the grounds that the project does not conform to the site's Energy Coastal (EC) coastal zone designation. The SCE appeal is before you, and the City of Oxnard urges you to deny the appeal for the following reasons:

The Coastal Act defines coastal dependent as a development or use which requires a site on, or adjacent to, the sea to be able to function at all (PRC §30101). SCE confirmed that the proposed project is not coastal dependent and could be situated in non-coastal locations. In fact, four identical facilities are located in inland cities. The Oxnard City Council's longstanding intent is that the EC zone allows only coastal-dependent energy facilities, and we disagree with the Coastal Commission staff's interpretation of the EC zone. We ask that the Coastal Commission defer interpretation of intent to the legislative body that originally adopted the coastal program.

By overturning the City's denial and approving this facility, the Commission will inhibit the City's ability to consider long-range plans to restore the entire coastline. Oxnard considers the SCE peaker plant as not one small power plant, but an open door to the rebuilding of the adjacent obsolete Reliant Power Plant and continuing offshore Liquified Natural Gas (LNG) proposals that bring their pipeline ashore in this EC area. The Commission's approval of this project will encourage the development of potentially three permanent energy facilities at this site, in addition to the Ormond Beach power plant. Enough is enough!

The environmental analyses and mitigations are seriously deficient and leave the City with unmitigated significant adverse impacts in several areas, including: 1) cumulative impacts, 2) land use compatibility, and 3) aesthetic impacts. The staff environmental report and mitigations do not meet the requirements of Section 21080.5(d)(2)(A) of CEQA which prohibits a proposed development from being approved if there are feasible alternative

sites and/or technology, or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

Although we support SCE's efforts to meet current and future electricity demand, we oppose this project on this coastal site. There is no PUC requirement for the peaker plant to be located on this particular site. Despite SCE's arguments, it is more likely to be harmful to Oxnard, the California coast, and it directly contradicts the Coastal Commission's mission to "Protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations" At the very least, we encourage the Commissioners to recommend that Edison look at alternative sites and/or alternative technology before making this decision.

In the alternative, if the Commissioners elect to overrule Oxnard's City Council decision to deny this permit, we request that the following mitigations measures be added:

1. To prevent possible future expansion and create a buffer to the adjoining residential and park sites, SCE should carve off the unused southernmost portion of their parcel, restore it to a natural habitat, and dedicate the new parcel to the City.

2. Contribute $500,000 for the planning and development of coastal access and recreational facilities at the Fifth Street park site that orientate the park use away from the SCE facility.

Thank you again for the consideration you have provided to the Oxnard community. Once more, we urge the Commission to affirm the City Council's denial of this permit.

Very truly yours,

SIGNATURE ON FILE

Dr. Thomas E. Holden
Mayor

SIGNATURE ON FILE

Dean Maulhardt
Mayor Pro Tem

SIGNATURE ON FILE

John C. Zaragoza
Councilmember

SIGNATURE ON FILE

Andres Herrera
Councilmember

SIGNATURE ON FILE

Timothy B. Flynn
Councilman

FLYNN RCI

Flynn Resource Consultants Inc.

July 19, 2008

Comments on Need for SCE Installation of Fifth Turbine

- Original justification of technology (less than 50MW gas turbine) and restriction to only SCE site appears driven by need to install by August 2007.
- Unlikely that this technology installed by SCE would have been selected without time constraints of "emergency."
- CPUC favors a "competitive procurement process" and places restrictions on utilities selecting their own projects.
- SCE defined needs going forward should be met by a competitive process whereby SCE defines its needs in a Request for Offers (RFO).

Comments on Black Start Requirement

- Black start is a reliability requirement that must be met, but there are many ways to meet it.
- CAISO has historically obtained most of its black start requirement through RMR agreements.
- CAISO is attempting to find a methodology to competitively procure black start needs.
- SCE never explained the need to start Mandalay power plant being a critical part of its black start plan.
- A more direct and reliable way to black start Mandalay power plant would install a small generator to start the existing turbine – eliminates need for complicated and time consuming switching schemes- should be investigated.

Comments on Need to Support Local Distribution Network

- Oxnard is located within the Big Creek/Ventura local area.
- The need for generation within a local area is based upon technical studies completed by the CAISO and adopted by the CPUC.
- The 2009 Local Capacity Requirement (LCR) for the Big Creek/Ventura area, where Oxnard is located is 3,178MW. The dependable local area generation is 5,132MW. If the Mandalay (Oxnard) peaker was installed by 2009 summer, the available supply would increase to 5,177MW.

5440 Edgeview Drive, Discovery Bay, California 94505 888-634-0222

Potential Coastal Access and Dunes Preservation Expansion

McGrath State Park
and
McGrath Lake

Reliant Power Plant

SCE Peaker

Mandalay Beach
Park (undeveloped)

Dune Restoration
Northshore Project

Northshore Project
292 Homes

ATTACHMENT #3
PAGE 1 OF 1

Clearwater Port Proposed Landfall and Pipeline Routes

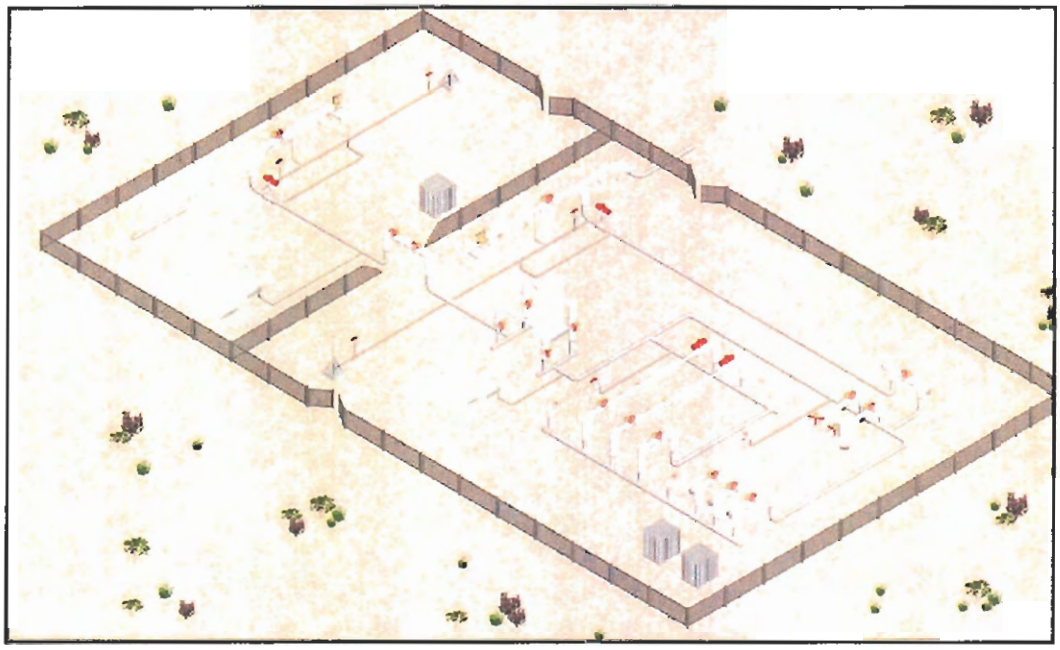


Figure 3.1-1. Clearwater and SCGC Receiving Stations

ATTACHMENT #4
PAGE 1 OF 2

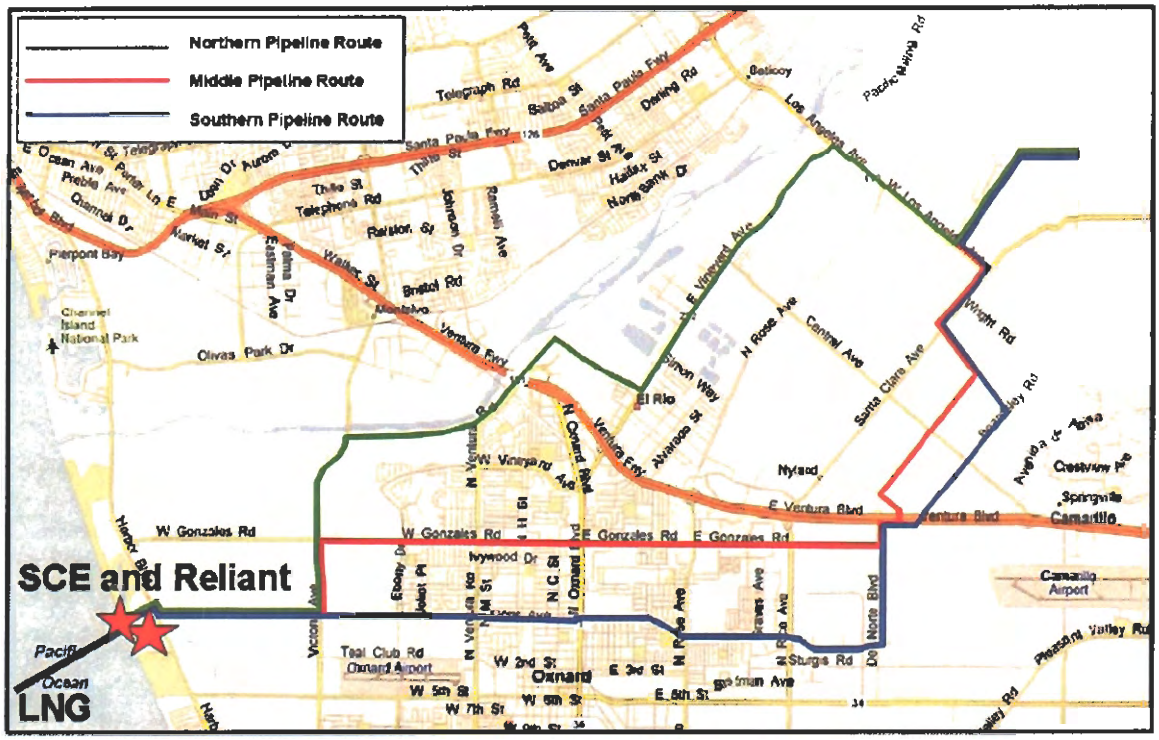
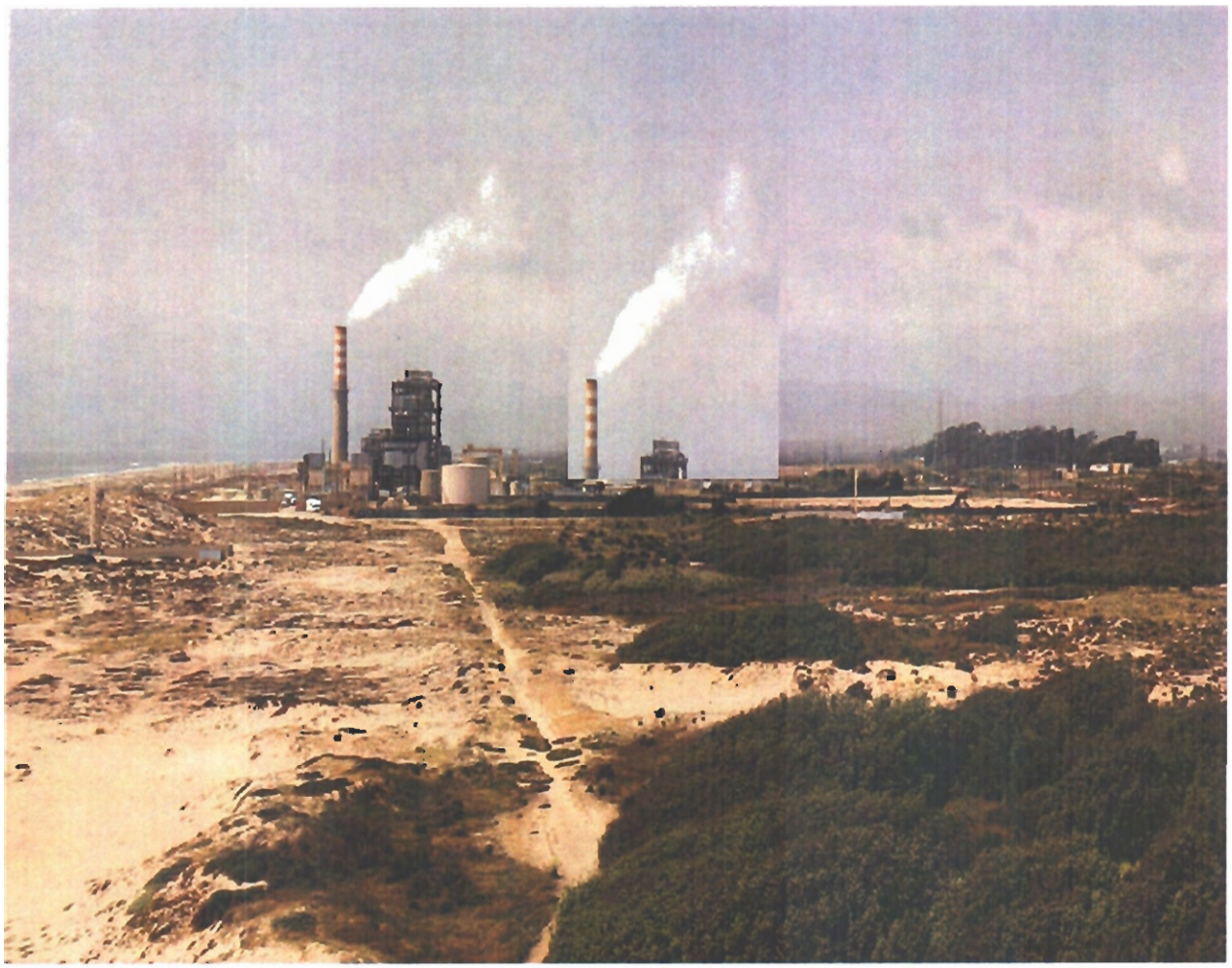


Figure 3.2-1. Mandalay to Center Road Pipeline Routes

ATTACHMENT #4
PAGE 2 OF 2

Simulation of the Two Stacks and Plumes



FEMA Flood Map, March 2008

ATTACHMENT #6
PAGE 1 OF 1

633 West Fifth Street, Suite 4000
Los Angeles, California 90071-2007
Tel: +1.213.485.1234 Fax: +1.213.891.8763
www.lw.com

LATHAM & WATKINS LLP

FIRM / AFFILIATE OFFICES

Barcelona	New Jersey
Brussels	New York
Chicago	Northern Virginia
Dubai	Orange County
Frankfurt	Paris
Hamburg	Rome
Hong Kong	San Diego
London	San Francisco
Los Angeles	Shanghai
Madrid	Silicon Valley
Milan	Singapore
Moscow	Tokyo
Munich	Washington, D.C.

RECEIVED
JUL 30 2008
CALIFORNIA
COASTAL COMMISSION

July 29, 2008

Chairman Kruer and Honorable Commissioners
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA
94150-5200

Agenda Item W7a

Re: Appeal No. A-4-OXN-07-096 (Southern California Edison Company, Oxnard "Peaker" Power Plant)

Dear Chairman Kruer and Honorable Commissioners:

On behalf of Southern California Edison, enclosed please find copies of the materials that will be used to brief the Commissioners on the above referenced matter. Copies of these briefing materials have been provided to Staff. Susan McCabe and her staff will contact you shortly to set up a briefing later this week.

Best regards,

SIGNATURE ON FILE

Damon Mamalakis
of LATHAM & WATKINS LLP

cc: Coastal Commission Staff

SOUTHERN CALIFORNIA
EDISON
An EDISON INTERNATIONAL Company

July 29, 2008

Chairman Kruer and Honorable Commissioners
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA
94105-5200

Agenda Item W7a

Re: Appeal No. A-4-OXN-07-096 (Southern California Edison Company, Oxnard "Peaker" Power Plant)

Dear Chairman Kruer and Honorable Commissioners:

We are writing in response to the July Staff Report regarding the application by Southern California Edison ("SCE") for the above-referenced Coastal Development Permit ("CDP") for the Oxnard Peaker Project ("Project"), which is scheduled to be considered by the Coastal Commission (the "Commission") at its August 6, 2008 meeting.

We appreciate Staff's hard work in analyzing the issues involved in the CDP application. We concur with Staff's conclusions and request the Commission grant the CDP with minor modifications, as previously discussed with Staff, regarding SCE's restoration plan. The proposed modifications to Special Condition 3.b clarify SCE's restoration obligations and allow for voluntary restoration to be conducted in connection with California State Parks. Revised Special Condition 3.b is attached hereto and is discussed in more detail in Section V. We therefore respectfully request that the Commission accept Staff's recommendation and approve a CDP for SCE's much-needed Project.

The Project will provide an urgently needed and environmentally responsible solution to reliability issues facing California's electric generation and transmission infrastructure. It is consistent with and will further Coastal Act and Local Coastal Program ("LCP") policies, in addition to providing significant public and environmental benefits. Set forth below is a brief discussion of (1) the Project, (2) why the Project is urgently needed, (3) the Project's consistency with the City of Oxnard's LCP, (4) why the Project site is environmentally and operationally superior to alternative sites, and(5) SCE's habitat restoration program.

I. THE PROJECT – A 45 MEGAWATT PEAKER PLANT

SCE proposes to build a 45-MW, natural gas-fired electrical generation facility, to be located on a 16-acre, SCE-owned vacant site adjacent to (and within the same Energy Coastal ("EC") subzone as) the existing, Reliant Energy's Mandalay Generating Station. The site was

formerly occupied by oil storage tanks, and is separated from the ocean by the Mandalay plant to the west and northwest and by the DCOR oil processing facilities to the southwest. The Project is expected to cost more than $50 million to build, and is therefore a "major energy facility."

The SCE facility would be a "peaker" plant, meaning that it would be capable of being started up and fully dispatched on very short notice and would operate primarily at times of peak electricity demand or during other system strains when a major power plant or transmission line becomes suddenly unavailable. The peaker will also have "black start" capability, meaning it will have the ability to start up without any external power source. It thus will be able to provide the power needed to restart other power plants and restore electrical service during area-wide power outages, as well as provide some power for essential services while the larger, slower-starting plants come back on-line.

II. THE PROJECT, THE LAST OF 5 CPUC-ORDERED PEAKER PLANTS, IS URGENTLY NEEDED

To help implement Governor Schwarzenegger's energy policy, California Public Utilities Commission ("CPUC") President Michael Peevey issued *Assigned Commissioner's Ruling Addressing Electric Reliability Needs in Southern California for Summer 2007* ("ACR") on August 15, 2006. The ACR ordered SCE to pursue the immediate development of up to five SCE-owned, black-start capable peaker facilities (totaling up to 250-MW), which could be on-line by the Summer of 2007. Four of the required peaker plants (located in the cities of Norwalk, Ontario, Rancho Cucamonga and Stanton) were granted mitigated negative declarations ("MNDs") under CEQA and are now built and operational. The development of the proposed Project will further Governor Schwarzenegger's energy policy regarding electric generation reliability and comply with the CPUC directive.

The Project would provide an important and much-needed improvement to California's electric generation and transmission infrastructure. According to the CPUC, the surprising growth in electricity demand throughout the state, coupled with the July 2006 heat storm, exposed certain vulnerabilities in the electric generation and transmission infrastructure that required immediate attention to assure future reliability. Even with the additional installed and anticipated new generating resources that will have come on-line between the summers of 2006 and 2008, CAISO still predicts a 10% risk that operating reserves in Southern California could be insufficient this summer. Thus there remains a significant need for additional peaking resources in the future, particularly in Oxnard and the surrounding Ventura County/Santa Barbara area, which is vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor.

The need for the Project is thus critical and continues to grow. The Project would be used to provide power (i) to SCE's electric customers in the Oxnard area during times of peak power use, (ii) during outages of other generating or transmission equipment that normally provide power to the area, (iii) to assist in voltage regulation of the SCE electric grid in the area, (iv) to provide black start assistance to bring the Mandalay Generating Station on-line, and (v) to supply some emergency power to the Santa Barbara area, via the local distribution lines along the coast, if the inland transmission line to Santa Barbara is disabled by fire or any other factor.

III. THE PROJECT IS CONSISTENT WITH THE CITY OF OXNARD'S CERTIFIED LCP

The City has attempted to elevate their after-the-fact interpretations of the LCP over the clear, unambiguous language of the ordinance. To do so is legally improper, as "[C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there." *Connecticut Nat'l Bank v. Germain*, 502 U.S. 249, 252 (1992). While the City asserts that its coastal zoning ordinance prohibits any non-coastal dependent development on the Project site, as Staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent.

The proposed development site lies entirely within the EC subzone. Pursuant to Section 17-20 of the City's coastal zoning ordinance, the EC subzone expressly allows "electrical power generating plant and accessory uses normally associated with said power generating facility." Because the proposed peaker facility is an electrical power generating plant, it is unquestionably permitted at the proposed development site under the City's coastal zoning ordinance.

No provision in the zoning ordinance or elsewhere in the LCP states or can be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. The zoning ordinance merely states that "coastal dependent energy facilities shall be *encouraged* to locate or expand within existing sites and shall be permitted reasonable long-term growth." Plainly, Section 17-20(A)'s "encouragement" that coastal dependent energy facilities locate or expand within existing energy sites, rather than occupying new areas of the coast, does not bar, and is not inconsistent with, allowing a non-coastal dependent facility to also locate within a site already specifically zoned for, and long used for, energy facilities.

IV. THE PROJECT SITE IS SUPERIOR AMONG ALTERNATIVES

The Project was initially scheduled to come before the Commission on May 8, 2008. However, based on comments received concerning the proposed Project's alternatives analysis, prior to the hearing the Project was pulled from the May agenda.

The July 2008 Staff Report contains an exhaustive and comprehensive analysis of Project alternatives. The CPUC's mandate defined the Project objectives—the immediate construction of black-start capable generating facilities that offer collateral benefits to SCE's transmission and distribution system and the CAISO grid. SCE screened all available SCE-owned property inside its system and determined that Oxnard and the surrounding Ventura County/Santa Barbara area have the greatest need for quick start and black start capability to support local reliability.

In February 2007 when it became apparent that the Proposed Project would not be constructed in time to meet Summer 2007 needs, SCE reassessed the proposed Project to determine if the peaker would be better placed at a different location on the SCE system. SCE's site reassessment demonstrated that no other site could meet all of the objectives set forth in the CPUC order: (1) the Goleta site failed to provide black start capability; (2) the Santa Clara site presented significant engineering challenges that made construction of a peaker extremely

impracticable (and potentially impossible) and at an unjustifiably greater cost to SCE customers; and (3) the Moorpark site failed to provide any local reliability benefits.

Based on SCE's thorough assessment of potential Project sites, the Staff Report concluded that the Project site is the preferred location. As Commission Staff determined, the Project site: (1) has the least environmental impacts; (2) best meets the purpose and need of the proposed Project; and (3) entails the least complicated construction at lowest cost to SCE's customers.

V. VOLUNTARY HABITAT RESTORATION

Special Condition 3.b requires SCE to remove all iceplant on SCE's property east of Harbor Boulevard, undertake revegetation of disturbed areas, and monitor iceplant removal areas and native plant revegetation sites. Set forth below are SCE's proposed modifications to Special Condition 3.b, clarifying various terms of SCE's on-site remediation and voluntary restoration, as previously discussed with Commission staff (attached is a revised Special Condition 3b that incorporates that set forth below).

For all land disturbed as part of the pipeline corridor, SCE will control invasive plant growth to ensure they do not re-establish anywhere in the disturbed area. SCE will replant native plants on the disturbed land north of the canal. On the land south of the canal, SCE will control invasive plant growth, but will not replant natives so long as paving from planned road-widening is imminent.

Transmission line work will result in a minor temporary disturbance of 0.4 acres and a permanent disturbance of 0.002 acres. SCE will remediate this disturbance by adding a border around the pipeline corridor and removing iceplant to keep it from re-establishing inside the corridor.

In addition, SCE has voluntarily agreed to either remove invasive ice plant on up to 10 acres of its own land east of Harbor Blvd., or alternatively to work with State Parks to identify high value State Parks-owned or controlled land from which SCE will remove iceplant or participate in some other State Parks-sponsored habitat enhancement project. The final plan will be approved by the Executive Director.

Should SCE decide to remove iceplant from its own property east of Harbor Blvd., SCE may execute an open space deed restriction with the Coastal Commission that will (1) preserve specified acreage from future non-utility development and (2) enable SCE to perform various future O&M work, facilities expansion or upgrades and new substation, telecommunications or generation projects on other specified acreage including the lands from which iceplant is removed.

We appreciate the Commission's consideration of this appeal, and respectfully request that the Commission accept the Staff's recommendation and approve the CDP for the Project.

Sincerely,

SIGNATURE ON FILE

David W. Kay
Manager, Environmental Projects

Attachment

3. Biological Resources.

(b) Prior to ~~the start of construction activities~~**commencement of peaker operation** SCE shall submit a Restoration Plan for
Executive Director approval that includes, at minimum,

(1) ~~removal of all iceplantfrom SCE owned property to the east of Harbor Boulevard; (2)~~ revegetation of **X acres of** those areas disturbed during placement/removal of transmission poles, installation of natural gas pipeline and associated staging, construction and access activities with native plant species representative of the southern dune scrub habitat
community and grown from locally collected seed; ~~and~~ **for all land disturbed as part of the pipeline corridor, SCE will control invasive plant growth to ensure they do not re-establish anywhere in the disturbed area. SCE will replant native plants on the disturbed land north of the canal. On the land south of the canal, SCE will control invasive plant growth, but will not replant natives so long as paving from planned road-widening is imminent.**

Transmission line work will result in a minor temporary disturbance of 0.4 acres and a permanent disturbance of 0.002 acres. SCE will remediate this disturbance by adding a border around the pipeline corridor and removing iceplant to keep it from re-establishing inside the corridor.

(2) voluntary restoration involving either: (i) the removal of up to 10 acres of iceplant on SCE owned property east of Harbor Blvd. or (ii) the removal of iceplant or participation in some other State Parks-sponsored restoration on State Parks property. If SCE removes iceplant from its property east of Harbor Blvd., SCE may execute an open space deed restriction with the Coastal Commission that will preserve specified acreage from future non-utility development and enable SCE to perform various future O&M work, facilities expansion or upgrades and new substation, telecommunications or generation projects on other specified acreage including the lands from which iceplant is removed; and

(3) monitoring of iceplant removal areas and native plant revegetation sites every six months and annual submittal of monitoring reports for five years from the date of issuance of Coastal Development Permit No. A-4-OXN-07-096.

If after five years the Executive Director determines that iceplant has returned, native plants are not re-establishing, or restoration and invasive species removal is not in conformance with or has failed to meet the performance standards specified in the plan, the applicant, or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director within 60 days. The revised restoration plan must be prepared by a licensed landscape architect or a qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

SOUTHERN CALIFORNIA
EDISON®

An *EDISON INTERNATIONAL®* Company

McGrath (Oxnard) Peaker Project Briefing

Wednesday, August 6, 2008

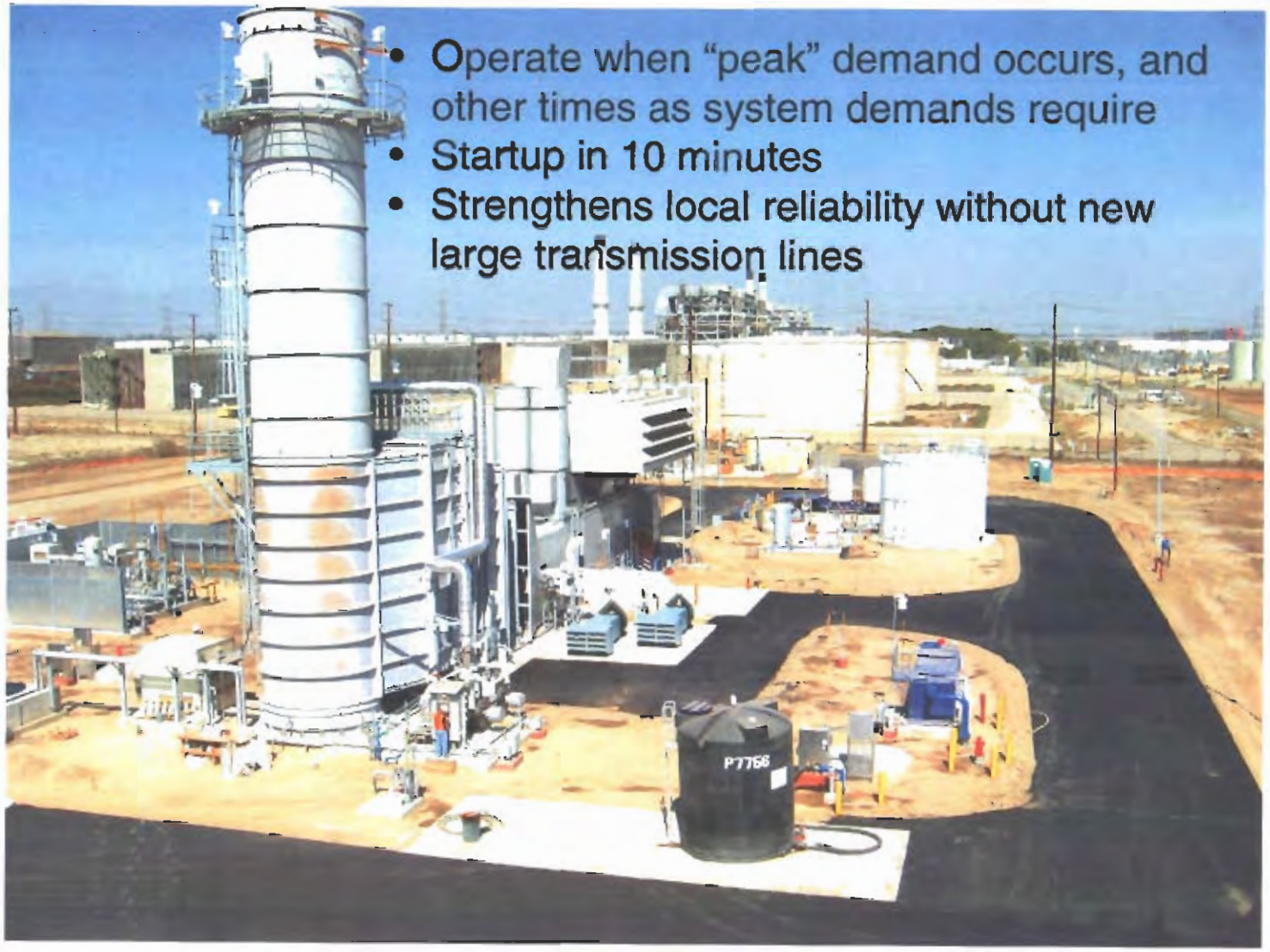
Appeal No. A-4-OXN-07-096

Agenda Item 7(a)

Background

- In August 2006, the California Public Utility Commission issued an Assigned Commissioner Ruling due to concerns over electric reliability in Southern California during summer 2007
  - SCE was directed to build up to 250 MW of peaking generation ("Peakers") to ensure reliability
- SCE proposed 5 Peakers to operate by August 2007:
  - Barre – Orange Co.
  - Mira Loma – Riverside/San Bernardino Co. Border
  - Center – Los Angeles Co.
  - Grapeland – San Bernardino Co.
  - McGrath – Ventura Co.
- The above Peakers are operational today except for McGrath, which was not approved by the City of Oxnard
- Continued serious need for peaking capacity

Background



- Operate when "peak" demand occurs, and other times as system demands require
- Startup in 10 minutes
- Strengthens local reliability without new large transmission lines

Project Purpose and Need

- Provide peaking capacity per CPUC Order
- Provide "blackstart" capability for Mandalay Generating Station
- Provide local generation in emergency

Issues Previously Raised and Addressed

- Alternatives Analysis and CEQA conformance
- Sensitive habitat
- Landscaping and visual impacts
- Water Use and groundwater effects
- Greenhouse Gases & Conventional air pollutants
- Airport interference
- Buffers from State Park property

Proposed Oxnard Peaker is Appropriate Under Coastal Act

- Constructed on SCE land formerly occupied by fuel tanks
  - Industrial property adjacent to Reliant Mandalay Generating Station
- Parcel is zoned and designated in Oxnard LCP for Energy Production
  - CCC staff agree
- No significant adverse environmental impacts from proposed project:
  - Site is graded and devoid of vegetation or other biological resources
    - Project site is not ESHA; additional biological review conducted; voluntary restoration plan in place
  - No potential for threatened or endangered biota impacts
  - Mitigation measures protect sensitive biota; buffers, landscaping, restoration
  - No potential for tidewater goby, water quality or water supply impacts
  - No significant visual impacts
  - No potential transportation impacts (incl. airport)
  - No significant air quality impacts, including GHGs

Proposed Project Site in 1979

Proposed Project Site in 2003 (Present Condition)

McGrath Peaker Should Be Permitted

- Fully compliant with Coastal Act
- No significant adverse environmental impacts
- Site zoned for power generation; LCP consistency
- City of Oxnard denial was baseless and without merit
  - LCP expressly allows energy facilities in Energy Coastal subzone
  - No LCP requirement that energy facilities must be "coastal dependent"
- No additional delay is warranted
  - SCE offered several possible voluntary projects but City expressed no interest

- Important to electric reliability in Santa Barbara/Ventura region
- Mitigates effects of probable system damage from quakes/fires:
  - Supplies energy to critical loads such as hospitals, police and fire
  - Black starts local generation at Reliant Mandalay and Ormond Beach

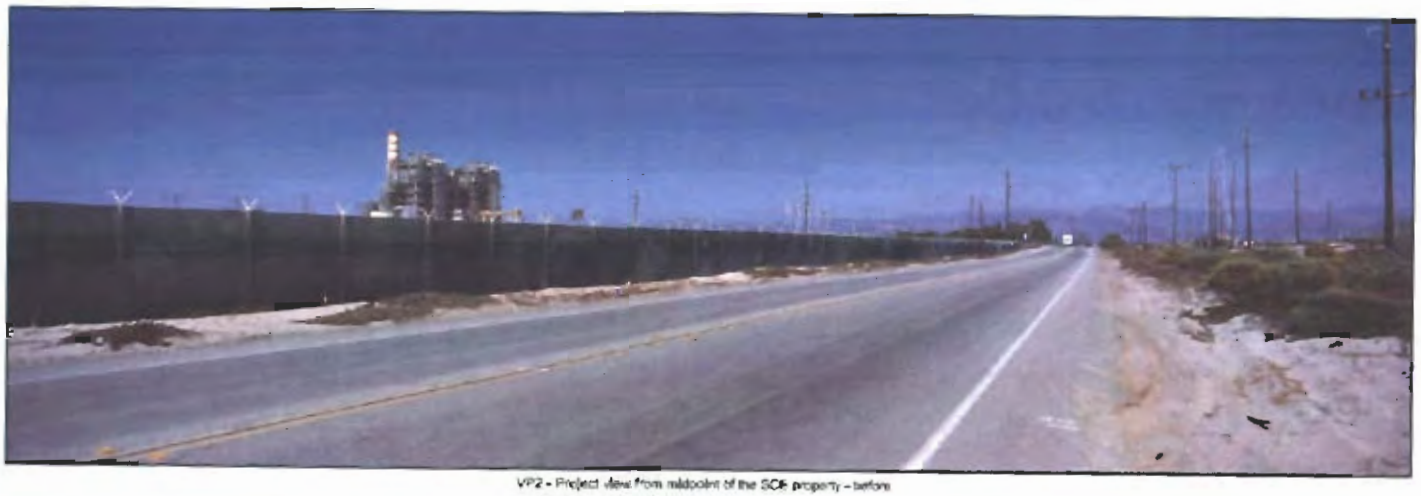
- Commission should overturn City of Oxnard denial and approve staff recommendation

Visual Simulations of Constructed Facility

VP1 - Project view from northeast corner of the SCE property - before

VP1 - Project view from northeast corner of the SCE property - after

Visual Simulations of Constructed Facility



VP2 - Project view from midpoint of the SCE property - before

VP2 - Project view from midpoint of the SCE property - after

Proposed Oxnard Peaker is Consistent with the City's Certified Local Coastal Program

- Under the Coastal Act, a CDP shall be issued if the proposed development is in conformity with the certified LCP
- The City's only rationale for denying the CDP is its unsupported claim that the LCP requires energy facilities to be "coastal dependent"
- But the LCP does not require "coastal dependent" energy facilities
  - The LCP's express terms allow electrical power generating plants in the Energy Coastal subzone
  - Nothing in the ordinance or elsewhere requires or implies that energy developments must be coastal dependent
  - The ordinance's "encouragement" of coastal dependent energy facilities does not bar non-coastal dependent facilities
  - The project is consistent with the goal of concentrating energy facilities in already-used energy sites rather than requiring development of new areas

THESE MATERIALS HAVE BEEN PROVIDED TO COASTAL COMMISSION STAFF

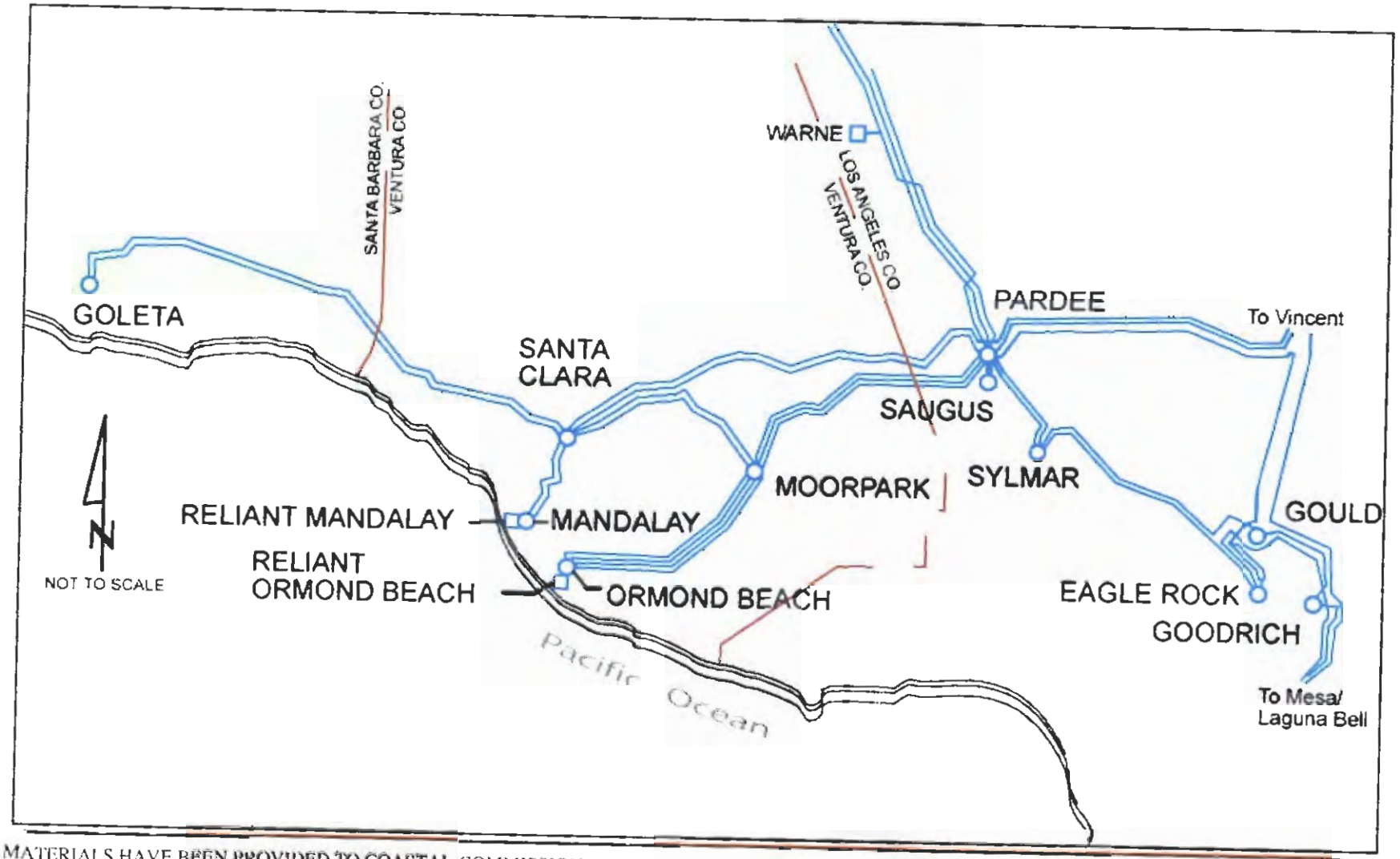
Proposed Peaker is Sited at the Environmentally and Operationally Preferred Location

- Fifty-six (56) SCE-owned properties in Ventura/Santa Barbara Cos. considered for this project
- All but 4 sites eliminated due to:
  - Insufficient space
  - Potential for impact to sensitive habitat, biota
  - Significant grading/constructability challenges
- Three of 4 remaining sites rejected due to
  - Greater potential for environmental impact
    - Grading, gas, water and transmission line impacts
  - Less reliable location for Mandalay blackstart
- The McGrath site is the preferred site
  - From environmental impact standpoint
  - For blackstart capability

THESE MATERIALS HAVE BEEN PROVIDED TO COASTAL COMMISSION STAFF

Geography of Santa Barbara/Ventura Counties and Natural Barriers Limiting Transmission Line Access

Topography of Santa Barbara/Ventura Region Limits Transmission Line Access



THESE MATERIALS HAVE BEEN PROVIDED TO COASTAL COMMISSION STAFF

Regional Area Electric System Constraints

- Santa Barbara and Ventura Counties are in the western most part of the SCE service area
- Transmission line access into the area is limited
  - Bounded by ocean, mountains and national forest lands
- Peaker unit provides black start capability, or reliability in the event of a major transmission outage

THESE MATERIALS HAVE BEEN PROVIDED TO COASTAL COMMISSION STAFF

Major Transmission Outage Scenario

- Major earthquakes
  - 1971 Sylmar and 1994 Northridge Earthquakes damaged SCE and LADWP substations
- Fires have damaged transmission towers, conductors and insulators and other transmission facilities
  - September 2007 Zaca Fire and July 2008 Goleta Fire in Santa Barbara County
  - July 1995 Santa Barbara fire
- Worst-case scenario
  - Transmission lines, substations damaged
  - Local generation plants tripped off due to loss of transmission lines
- SCE will have to rely on local generation in the Santa Barbara and Ventura systems to serve the load
  - Load dropping will be required
  - Local residents, critical load such as military sites, hospitals, police and fire departments, and commercial load could experience extended outages
- Quick start and black start generation to provide energy is urgently needed
  - A peaker unit in the area would provide quick start power for critical services and black start capability to facilitate startup of Reliant plants
  - This site is well located to serve both needs, north and south, over local lines

THESE MATERIALS HAVE BEEN PROVIDED TO COASTAL COMMISSION STAFF

1994 Northridge Earthquake
Extent of Damage to Pardee Substation

- Major damage to the substation resulting in extended outage
  - Disconnect switches bushings damaged
  - Transmission towers fell due to soil instability
  - Circuit breakers destroyed
  - Transformer bushings damaged

THESE MATERIALS HAVE BEEN PROVIDED TO COASTAL COMMISSION STAFF

Historical Fires – Zaca Fire

- Consumed 240,207 acres of land in the three months period until it was fully contained.
- Potential hazard for Transmission lines essential for Santa Barbara and Ventura Counties

CO_2 Emissions

The McGrath Beach peaker will not increase CO_2 emissions from the SCE system

- The McGrath Beach peaker does not increase the amount of electricity used by SCE's customers
  - The same amount of electricity must be generated whether or not the peaker is constructed
  - The peaker will only operate after all available renewable resources are on line
- The peaker operates in place of older, higher emitting fossil fuel resources
  - Because it has a more efficient heat rate, the peaker will burn less fuel and emit less CO_2 per megawatt-hour of electricity generated than a less efficient source
- The peaker reduces the amount of electricity that is lost to deliver power to Oxnard customers
  - The peaker delivers power directly into the local 66kV transmission system, thereby reducing line losses and consequently the amount of generation needed to serve the load
- Independent review performed by CCC staff concurs with SCE position

THESE MATERIALS HAVE BEEN PROVIDED TO COASTAL COMMISSION STAFF

Air Quality

- An Authority to Construction Application for the peaker has been submitted to the Ventura County Air Quality Management District
- The VCAPCD has completed its engineering analysis and determined that:
  - The project meets Best Available Control Technology (BACT) requirements.
  - The project does not cause or contribute to adverse air quality impacts
  - The project conforms with the requirements of the Ventura County Air Quality Management Plan
- A Draft Permit has been prepared pending Commission approval of the project
  - Permit conditions have been identified that will ensure compliance with all applicable federal, state, and local rules and regulations.

Oxnard
Chamber of Commerce

400 E. Esplanade Drive, Suite 302
Oxnard, CA 93036
Phone 805-983-6118 Fax 805-604-7331

RECEIVED
JUL 31 2008
CALIFORNIA
COASTAL COMMISSION

FAX TRANSMITTAL

TO: California Coastal Commission

ATTENTION: Chairman Patrick Kruer

FAX NUMBER: 415-904-5400

FROM: Nancy Lindholm

DATE: July 31, 2008

TOTAL PAGES: 2

MESSAGE:

RECEIVED
JUL 31 2008
CALIFORNIA
COASTAL COMMISSION

Oxnard
Chamber of Commerce

July 31, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

August 6, 2008 Agenda Item 7.a..
Appeal No. A-4-OXN-07-096
Nancy Lindholm
In Favor of Project

RE: Southern California Edison Peaker Project

Chairman Kruer and California Coastal Commissioners:

The Oxnard Chamber of Commerce supports the proposed peaker project in Oxnard. We believe Edison's proposal incorporates the best available and cleanest burning technology that will have minimal impacts to our environment and greatly improve the view corridor along Harbor Boulevard.

The Chamber is pleased with the fact that the peaker plant's electricity will be tied into the local system for use by Oxnard customers. Many local businesses have equipment that is sensitive to fluctuations in voltage. The peaker plant will help avoid interruptions to businesses and provide power to residences during high demand periods, when existing plants may go off-line, and in the case of natural disasters such as fires, floods and earthquakes.

Unlike some public comments we have heard regarding Oxnard being forced to accommodate facilities such as the peaker plant, we believe it is prudent of the city to embrace the technology that will assure a more dependable supply of electricity for its residents and businesses.

For these reasons, we encourage the California Coastal Commission to approve the project.

Sincerely,

SIGNATURE ON FILE

Nancy Lindholm
President/CEO

400 E. Esplanade Drive, Suite 302 Oxnard, CA 93036 Phone (805) 983-6118 Fax (805) 604-7331 OxnardChamber.org

620 Graves Avenue
Oxnard Ca 93030
805.981.4312

RECEIVED
JUL 31 2008
CALIFORNIA
COASTAL COMMISSION

DFD Enterprises, Inc.

Fax

To: Chairman Kruer
CA Coastal Commission

From: Florence LaMarro

Fax: (415) 904-5400

Pages: 2

Phone:

Date: July 30, 2008

Re: SCE Proposed Peaker Power Plant

CC: Rudy Gonzalez
fax (805) 494-7015

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Please see attached letter.
Many thanks for your support in this most important project.

DFD ENTERPRISES, INC.
LIC. NO. 314958 P.O. BOX 802, CAMARILLO, CA. 93011 (805) 981-4312
620 Graves Avenue, Oxnard, CA 93030

July 30, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, CA 94105

RE: SCE Proposed Peaker Power Plant

Dear Mr. Kruer:

DFD Enterprises, Inc. has been in the Oxnard plain for many, many years. We have experienced several electrical outages and brown outs especially during the summer months. We recognize the importance of stable electricity to the residents and the business community. Stable electricity is crucial to the overall operation of our business.

To this end, DFD Enterprises, Inc. strongly supports Southern California Edison's Peaker Project at 251 N. Harbor Blvd. This project is located on SCE land adjacent to generating station formerly occupied by station fuel tanks. The area is parcel zoned and designated for Energy Production in Oxnard. We feel the City Oxnard should do everything within its powers to prevent power interruptions as a result of any unforeseen natural disaster, such as earthquakes, fires, etc. Quick start generation to provide energy is urgently needed.

The business community, the City of Oxnard and its residents all need backup sources of electricity now. We urge you to support this most important project.

Sincerely,

SIGNATURE ON FILE

Florence LaManno
President/CEO
DFD Enterprises, Inc.

cc: Rudy Gonzales, SCE

Cassidy Teufel

From: charles godwin [godwinc@earthlink.net]
Sent: Wednesday, July 30, 2008 9:42 PM
To: Cassidy Teufel
Subject: Larry Godwin comments on CCC August 6, 2008, item 7-a Appeal No. A-4-OXN-07-096

August 6, 2008, item 7-a

Appeal No. A-4-OXN-07-096

Southern California Edison

Larry Godwin

Oppose

July 25, 2008

Cassidy Teufel

California Coastal Commission

45 Fremont St., Suite 2000

San Francisco, CA 94105-2219

Members of the Commission:

I am asking the Commissioners to deny the Southern California Edison(SCE) appeal and not permit the construction of the peaker power plant on Harbor Blvd. in Oxnard.

The emissions from the peaker plant in the staff report are averaged over the year, even though the plant will operate 25% of the time. The plant will emit 4 times the average amount of pollution on days when it is in operation (the hottest and most polluting days in Ventura County, which is a non-containment county)

I disagree with Southern California Edison's principal reasons for the Mandalay installation:

1. **Black start of the Reliant Mandalay generating station:**

- If there was truly a need for Black start of the Reliant Mandalay generating station, a small black start generator could be added to the Reliant plant to start the plant as stated in Footnote 15 on page 52.

- SCE has no control over the Reliant Plant
- The Reliant plant is expected to cease operation within the next few years
- When the Reliant plant ceases operation, the plant area will probably be returned to its natural state

1. **Emergency power for the Goleta substation**:

- If reliable emergency power is required, the peaker should be at the Goleta substation, not Oxnard. In an emergency in the Santa Barbara/Goleta area, it is unlikely that a small 45-megawatt Peaker at Mandalay would make any difference.
- Page 42 of SCE Exhibit 13 states the Goleta site would provide important local reliability benefits to the Goleta subsystem.

For the reasons noted above, location of the SCE peaker plant installation at Oxnard is not justified.

Public Utilities Commissioner Michael Peevey's "Assigned Commissioner's Ruling Addressing Electric Reliability Needs in Southern California for Summer 2007" is no longer applicable and should not be construed as justification for the need of a peaker plant at Mandalay Beach in Oxnard. It is also too late for construction of this peaker for 2008 summer use.

There is also the general question of the need for this 45 megawatt peaker at all.

Attached below is "State electricity surplus going into summer", by David R. Baker, SF Chronicle Staff Writer, Wednesday, May 21, 2008.

Sincerely,

Larry Godwin

3830 San Simeon Ave

Oxnard, CA 93033

State electricity surplus going into summer

David R. Baker, SF Chronicle Staff Writer

Wednesday, May 21, 2008

California should have more than enough electricity this summer to keep the lights on and the air conditioners humming, state officials said Tuesday.

In its annual summer forecast, the California Energy Commission said the state should have 22 percent more power on tap than it will need for typical summer weather.

Even in an unusually hot summer, the state wouldn't run out of juice. California would still have 14 percent more electricity than needed, according to the forecast. State energy regulators try to maintain a cushion of 15 to 17 percent, on average.

Electricity supplies should be ample despite a dry spring that will lower the amount of energy generated by hydroelectric dams in the Sierra.

But California officials say don't consider the rosy forecast an excuse to waste power. They are relying on energy conservation and efficiency to cut the number of new power plants needed in the state, and they don't want people to stop saving now.

"While California is in a good position this summer, even with lower hydro electricity available, we urge consumers to continue conserving electricity on hot afternoons," said Melissa Jones, the energy commission's executive director. "Energy efficiency measures will help consumers reduce their electricity use during peak hours and save money."

California officials have kept a watchful eye on summer power supplies ever since the state's electricity crisis of 2000 and 2001, when a combination of high energy demand, congested power lines and market manipulation by energy companies caused blackouts across the state.

Since then, California has added 38 power plants, according to the commission. Although some older plants have been decommissioned, enough electricity has been added to the state's grid since 2001 to power 5.2 million homes. This summer, the state also will be able to import more electricity than usual from hydroelectric dams in the Pacific Northwest, which experienced a wet winter and spring.

Northern California faces less than a 1.5 percent chance of rotating blackouts this summer, according to the forecast. Southern California has a higher possibility of blackouts - about 3.8 percent.

--- Shirley & Larry Godwin
--- godwinc@earthlink.net

Cassidy Teufel

From: charles godwin [godwinc@earthlink.net]

Sent: Wednesday, July 30, 2008 11:33 PM

To: Cassidy Teufel

Subject: Shirley Godwin comments on CCC August 6, 2008, item7-a Appeal No. A-4-OXN-07-096

August 6, 2008, item7-a

Appeal No. A-4-OXN-07-096

Southern California Edison

Shirley Godwin

Oppose

July 30, 2008

Cassidy Teufel

California Coastal Commission

45 Fremont St., Suite 2000

San Francisco, CA 94105-2219

Members of the Commission:

My comments address the California Coastal Commission staff report dated July 2, 2008 for the Southern California Edison Oxnard Mandalay Peaker project.

On page 6, III Special Conditions, # 2 Mitigation Measures it states, "This permit incorporates those mitigation measures identified in the **uncertified** May 11, 2007, Mandalay Peaker Project Mitigated Negative Declaration ..." I believe that this is a violation of CEQA. While many speakers at the Oxnard Planning Commission and Oxnard City Council hearings addressed the inadequacy of the MND, neither the Commission nor the Council took action on the MND and definitely did not approve the proposed mitigation measures.

On page 4 Visual Resources, the description of the project site, on the west side of Harbor Blvd., is both inaccurate and incomplete and also contradicts what is proposed in the revised SCE landscape plan. The only reason that the Peaker site could be called at "brownfield site" is that SCE has not exercised good stewardship of this site.

When the SCE oil storage tanks were removed, SCE did not restore the site. The only vegetation consists of a small amount of mostly non-native vegetation like ice plant. The fencing around the site has not been maintained and is an eyesore. In contrast, immediately north of the adjoining Reliant Mandalay Station and peaker property is a coastal restoration area. By direction of the City of Oxnard and the California Coastal Commission, this site is being restored as mitigation for the residential development across Harbor Blvd. to the southeast.

The statements that there are no significant visual or aesthetic resources and that impacts would be minimal is wrong. The site is surrounded by coastal dunes and bordered by Harbor Blvd. which is a designated Coastal Scenic Highway. The Peaker would be clearly visible from Harbor Blvd, Mandalay State Beach and the new housing development, called "Northshore", across Harbor Blvd. to the southeast.

Because of concerns by the US Fish and Wildlife Service that trees would provide roosting habitat for predatory birds (and therefore endanger Western Snowy Plovers and California Least Terns), SCE's proposed landscaping plan will not include trees that might provide visual screening from Harbor Blvd. and adjacent areas. With only groundcover and shrubs, the Peaker will have a very significant visual impact.

Southern California Edison should be ordered to restore their coastal property and not receive approval to locate a Peaker plant there.

Shirley Godwin

3830 San Simeon Ave.

Oxnard, CA 93033

--- Shirley & Larry Godwin
--- godwinc@earthlink.net

MARC L. CHARNEY
P. O. BOX 9100
OXNARD, CA 93031-9100

RECEIVED
JUL 30 2008
CALIFORNIA
COASTAL COMMISSION

July 28, 2008

VIA FACSIMILE TO: (415) 904-5400
AND U.S. MAIL

Patrick Kruer, Chair
California Coastal Commission
45 Fremont St., Ste. 2000
San Francisco, CA 94105

Re: Oxnard (McGrath Beach) Peaker Plant

Honorable Chair Kruer:

This letter is written in support of the Coastal Commission staff's recommendation that you overturn the decision of the City of Oxnard and issue a Coastal Development Permit for this electrical generation facility.

This facility is proposed for a site that is designated for energy production in the approved Oxnard Local Coastal Plan and supports the existing Reliant energy generating facility, which is a coastal dependent industrial use. As your staff points out, there is no requirement that the proposed plant, itself, be coastal dependent. If this facility cannot be sited at a location already designated for such use under the Coastal Plan, then where can it be sited?

This peaker plant is vital to protect coastal communities from Southern Ventura County through Santa Barbara County from brownouts, blackouts, and the risk of long term power outages. These occurrences might be the result of natural disasters or excess demand on a region-wide or statewide-basis. Regardless of the cause, they present real threats to the health, welfare and economy of our community. By supplanting the coastal energy supply and providing a means of quick startup for the Reliant energy facility, the peaker plant can moderate, if not prevent, these occurrences.

A small number of individuals have exerted extraordinary efforts to rally opposition to this project from the Oxnard beach community. They have played on homeowners' fears of loss of property value and environmental risks, that will supposedly result from the peaker plant. None of their claims is supported by fact.

The proposed peaker plant complies with the adopted local Coastal Plan for the Oxnard area. It is a highly beneficial use for Ventura County's and Santa

Barbara County's coastal and inland communities. It presents no significant unmitigated environmental risk. I urge the Commission to issue a Coastal Development Permit for this facility.

Sincerely,

SIGNATURE ON FILE

Marc L. Charney

CONGRESS OF CALIFORNIA SENIORS

1230 "N" STREET, SUITE 201, SACRAMENTO, CA 95814 • (916) 442-4474 • (800) 543-3352 • FAX (916) 442-1877 • www.seniors.org

Board of Directors

State President
Henry L. "Hank" Lacayo

Vice Presidents North
Leemon Brown
Eva McLain
Joseph A. Rao

Vice Presidents South
Alicia Flores
Margaret Sowma
Carolyn Tate

Secretary
Carmen Wagner

Treasurer
Alice Ramirez

Trustees
Pearl Caldwell
Ben Espinoza
Rolland Hamilton
Marie Taylor

Members at Large
Watie Anthney
Gus Billy
Louie Duran
Norma Harvey
Carl Joaquin
Henderson Jones
Al Perisho
Chon Ramirez
Paul Ramirez
Bill Regis
Lorraine Sablan
Joanna Selby
Frank Souza
Estella "ET" Thomas
Alynn B. Wilson

Regional Chairs
Marion Faustman
Sharon Hillbrant
Chuck Holt
Chuck Latimer
Anne M. Mack
Carolyn Tate

Regional Vice Chairs
Ronnie Kinney

Regional Alternate
Barbara Lundeen

Executive Assistant to the State President
Gary Passmore

July 28, 2008

RECEIVED
JUL 29 2008
CALIFORNIA COASTAL COMMISSION

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commission Chair Kruer:

I'm writing to you as a resident of Ventura County and the State President of the Congress of California Seniors, a non-partisan broad based coalition of senior groups, whose primary responsibility is to speak out, pro or con, on issues impacting the economic interest and well being of senior citizens in the community.

We have been following closely Southern California Edison's peaker plant proposal within the confines of the City of Oxnard and want you to know of our support for this project.

We urge the Commission to recognize the importance of a stable electrical source which is essential not only to our senior citizens but to the rest of the community including corresponding business concerns. The SCE peaker plant proposal addresses those needs and in addition will provide necessary insurance to reduce power outages and brown outs for all residents of the Oxnard plain.

We are pleased to voice support for this project and respectfully urge the California Coastal Commission to consider the need for a stable supply of energy in this community and approve Southern California Edison's peaker plant proposal.

Sincerely,

SIGNATURE ON FILE

Henry L. "Hank" Lacayo
State President
3403 Bear Creek Drive
Newbury Park, CA 91320
805-498-7679
HankLacayo@aol.com

Robert Cabral Consulting

RECEIVED
JUL 29 2008
CALIFORNIA
COASTAL COMMISSION

RECEIVED
JUL 29 2008
CALIFORNIA
COASTAL COMMISSION

July 28, 2008

Mr. Patrick Kruer
California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, CA 94105

Dear Mr. Kruer,

Robert Cabral Consulting, RCC, is a Ventura County based consulting firm that works with local organizations in employee development, learning, and accounting. With many of the firm's clients residing in the city of Oxnard, I am writing in support of the proposed SCE Peaker Project. No one likes power plants but we all like electricity. You have to replace aging infrastructure. If rolling blackouts occur, we at RCC will be affected too. This area is growing rapidly, agricultural land is now being developed into commercial and industrial sites. The proposed Peaker Project provides the needed energy and reduces the amount of time that businesses might have if its power is interrupted.

Robert Cabral Consulting agrees that in the event of an emergency, we need reliable emergency backup, and the peaker provides this solution. Please help serve the needs of the city by moving to adopt this proposal.

Thank you for your consideration,

SIGNATURE ON FILE

Robert Cabral
Certified Facilitator
805.377.6115
robert@robertcabralconsulting.com

www.robertcabralconsulting.com

117 Eagle Rock Avenue
Oxnard, California 93035
July 28, 2008

RECEIVED
JUL 28 2008
CALIFORNIA
COASTAL COMMISSION

VIA FACSIMILE 415/904-5400

Mr. Patrick Kruer, Chairman
CALIFORNIA COASTAL COMMISSION
45 Fremont Street, Suite 2000
San Francisco, California 94105

Dear Mr. Kruer:

I am writing in support of Southern California Edison's appeal of the Oxnard City Council denial of a permit to build a peaker generation plant at the site of the already existing generation plant in Oxnard. I am the Chief Financial Officer of a local bank, a board member of the Ventura County Economic Development Association and live approximately five miles from the site of the proposed peaker. I pass the site every day on my way to work in Ventura. To the extent someone is likely to be impacted by additional emissions or visual impacts I would fit in that category.

The State of California has recognized the need for additional generation capacity and the CPUC directed SCE to build 5 peaker plants. The local areas of Ventura and Santa Barbara counties do not differ from the rest of California in that they have the same electricity generation limitations and will suffer the potential of brownouts/blackouts in times of peak usage. Because of this it is logical to place additional generation capability in the local geographic area.

While I understand the hesitance of any city to having large industrial plants built in their jurisdiction, the construction of this facility should be approved for the following reasons:

1. Construction of this facility complies with the Coastal Act.
2. The additional environmental impact of this facility would not be significant.
3. The site is already zoned for power generation. The current facility isn't a visual delight, but it won't be significantly worse with the addition of the peaker plant.
4. The peaker plant will provide additional peak generation capabilities and could in times of emergency be a primary source of electricity for critical loads in the local community.

While I will not be able to attend the Coastal Commission hearing on this appeal on August 6, 2008, I do wish to express my support of the appeal and for approval of construction of the peaker plant at McGrath Beach in Oxnard.

Very truly yours,

SIGNATURE ON FILE

Gerald I. Rich

RECEIVED
JUL 28 2008
CALIFORNIA
COASTAL COMMISSION

1980-2000
20 Years of Excellence
Aspen Helicopters INC.

July 28, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Mr. Kruer,

I am a resident of Oxnard and also have an aviation business at the Oxnard Airport. I need uninterrupted power to support my customers. That said I am in 100% in favor of Southern California Edison Oxnard peaker plant project.

I plan to be speaking in support of it at the next hearing.

Thank You,

Charles W. McLaughlin
President

2899 West Fifth Street, Oxnard, California 93030 (805) 985-5416
FAX (805) 985-7327 email cmclaughlin@aspenhelo.com

VCTA

Ventura County Taxpayers Association

RECEIVED
JUL 28 2008
CALIFORNIA
COASTAL COMMISSION

Patrick Kruer
Chair California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, CA 940015

July 28, 2008

Dear Mr. Kruer:

The Ventura County Taxpayers Association is in support of the proposed Southern California Edison Peaker Plant near the Mandalay Generating Plant.

We are concerned that demand is outpacing new generation, especially with new local approved growth, on the books.

Look at the past history of rotating outages, during the energy crises and transmission line problems.

Couple that with the expected hot summer usage [expected fire dangers], again the increased demand. We are looking at a potential disaster.

There is mis-information out there. The Peaker is tied into the local distribution system and can only be used by the local community.

The proposed Peaker Plants are the best available cleanest burning technology and will have minimal impacts to the environment and costs.

The Ventura County Taxpayers Association recommends the California Coastal Commission approve the Peaker Plant that will help maintain quality electric service to Oxnard residents and business.

Sincerely;

SIGNATURE ON FILE

Don Facciano
President
Ventura County Taxpayers Association

5156 McGrath Street
Ventura, CA 93003

805.644.3291
fax: 805.644.9208
email: vcta@jetlink.net

RECEIVED
JUL 28 2008
CALIFORNIA
COASTAL COMMISSION

July 21, 2008

Cassidy Teufel
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Ms. Teufel:

I am writing with regard to the resubmitted or appealed application for the McGrath Beach Peaker Power Plant project in Oxnard, California. I strongly support the Oxnard City Planning Departments decision not to approve this application for an additional power plant on the beach in Oxnard.

I believe that the proposed plant does not require a coastal location and further that it will foul the air, spoil ocean views and produce unwanted noise and truck traffic. This is just the sort of situation that the Coastal Commission was created to deal with, and I hope you will help the commission support local residence in our resistance to this proposal.

Sincerely,

SIGNATURE ON FILE

Michael R. Cobb

4456 ANTIGUA WAY • OXNARD, CA • 93035

HONORABLE ANTHONY C. VOLANTE
2534 OCEANMIST COURT
PORT HUENEME, CALIFORNIA 93041

July 28, 2008

RECEIVED
JUL 28 2008
CALIFORNIA
COASTAL COMMISSION

Patrick Kruer, Chair
California Coastal Commission
45 Fremont St., Ste. 2000
San Francisco, California 94105

Re: Southern California Edison Peaker Project Support Letter

Honorable Chairman Kruer and California Coastal Commissioners:

I am writing to you as a resident of Ventura County and a former three term Mayor for the City Of Port Hueneme strongly supporting and urging you and the Commission to recognize the importance of a stable electrical source which is essential not only to the residents of Port Hueneme but to the rest of Ventura County, Santa Barbara and to our businesses.

I and my neighbors have been following closely Southern California Edison's peaker plant proposal within the confines of the City of Oxnard and want you to know of our support for this project.

My support is based on the fact that this facility is proposed for a site that is designated for energy production and supports the existing Reliant energy generating facility, which is a coastal dependent industrial use.

The proposed peaker plant complies with the adopted local Coastal Plan for the Oxnard area. It is a highly beneficial use for Ventura County's and Santa Barbara County's coastal and inland communities. Southern California Edison's proposal addresses many of the concerns of the community, and I know addresses them appropriately. They have worked hard to reduce the environmental and social impact of building and maintaining the plant while striving to provide the highest quality service possible.

I am pleased to voice without reservation my strong support for this project and respectfully urge the California Coastal Commission to adopt this proposal.

Sincerely,

SIGNATURE ON FILE

Honorable Anthony C. Volante
805-984-8066, E-mail volantet@aol.com

Cassidy Teufel

From: Avie guerra [mavieg2002@yahoo.com]
Sent: Sunday, July 27, 2008 8:59 PM
To: Cassidy Teufel
Subject: Peaker plant no

We do not need a peaker plant at Oxnard. THANK YOU . Avie guerra 1831 Bernadette St. , OXNARD , Ca. 93030

RECEIVED

JUL 2 5 2008

CALIFORNIA
COASTAL COMMISSION

2150 Kingsbridge Way
Oxnard, CA 93035-3730
July 16, 2008

California Coastal Commission

RE: Hearing Notice Wednesday August 6, 2008 9 AM-City of Oceanside
Energy, Ocean Resources and Federal Consistency Divison
Item 7. Coastal Permit Applications

a. Appeal No.A-40XN-07-096 (Southern California Edison, Oxnard) Appeal by Southern California Edison from decision of City of Oxnard denying permit to construct and operate 45 megawatt "peaker" power plant, at 251 N. Harbor Blvd. Oxnard, Ventura County (CT-SF)

An alternate sight should be chosen in an underveloped area.

Perhaps North of the existing Edison plant on Harbor Blvd.

in Oxnard. Maybe in Port Hueneme.

The beauty of the Coast surrounding the Oxnard Harbor

and Ventura must be preserved. I LOVE THIS PLACE IN PARADISE.

Sincerely,

SIGNATURE ON FILE

Shirley A. Komick
Resident since 1973.
Owner of 2 properties in Mandalay Bay
Original buyer!

Cassidy Teufel

From: Angelaslaff@aol.com
Sent: Wednesday, July 23, 2008 5:01 PM
To: Cassidy Teufel
Subject: PROPOSED EDISON PEAKER POWER PLANT PROJECT IN OXNARD

Angela Slaff
5131 Wavecrest Way
Oxnard, CA 93035

RE: ITEM 7a Appeal No. A-4-OXN-07-096 (Southern California Edison, Oxnard)

What a disappointment to read that the California Coastal Commission staff had recommended approval of a proposed Edison peaker plant in Oxnard above the objections of the Oxnard Planning Commission, Oxnard City Council and countless citizens living in this beach community.

Please consider all of the hazards that such a plant would bring to our neighborhoods. Not only is the tower that is included in the building plans right in the flight path of Oxnard Airport, but more importantly the pollutants put out by this plant will add substantially to our already overburdened atmosphere.
Our residential community is within a few blocks of the proposed plant and we rely on California Coastal Commission to protect our coast.

We already have Reliant Energy next door to this proposed plant. One can see the steady stream of pollutants pouring out of it's smoke stack daily.

It is my understanding that most if not all of the energy this plant will provide is NOT for Oxnard area, but for cities inland from here. In last several years, Oxnard has become a highly populated area. Why not build plant in not so populated area.

In closing, let me ask you this:If you lived within a few blocks of this proposed "Peaker" pland, would you approve this plant practically in your back yard?

Thank you, Angela Slaff

Get fantasy football with free live scoring. Sign up for FanHouse Fantasy Football today.

Cassidy Teufel

From: shorebreak50@aol.com
Sent: Sunday, July 20, 2008 8:31 PM
To: Cassidy Teufel
Subject: Peaker Plant Why here in Oxnard?

Dear Cassidy Teufel,

As I sit here typing you, the Coastal Commission, I am wearing a sweater a bit chilled living here in Oxnard even though it is Summer, July 20th to be exact. I do not really get it, why do we here in Oxnard need a Peaker Plant? Very few of us in Oxnard even find a need to use air conditioning, Why put a Peaker Plant on a beautiful coastal area next to a flight path zone which is also an issue of safety? Why not where needed in the hot in land valleys and dessert communities where air conditioners are use the most. I read that a Peaker Plant does not need to coexist with water to run, so why here?

We all know that Oxnard has been chosen many times in the past to support such eye soars why again? We have enough in our back yard! Let another community do their share. Especially in communities that need it and use it the most. I just do not get it. Can the Coastal Commission truly explain the choice of putting a huge eye soar on our pristine beach even though Peakers do not need to be supported by an ocean. Please support our effort to stop the unnecessary Peaker here in Oxnard! Find another Power plant to put the Peaker next to in a city that truly needs the energy.

Sincerely
Phyllis Singer, Oxnard resident

The Famous, the Infamous, the Lame - in your browser. Get the TMZ Toolbar Now!

RECEIVED
JUL 21 2008
CALIFORNIA
COASTAL COMMISSION

July 10, 2008

California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Atten: Cassidy Teufel

Dear Ms. Teufel:

I am a weekender at the Colony at Mandalay Bay. Soot from the present plant covers my outside patio furniture. I need to scrub everything down every weekend.

Putting another plant near this present plant will inundate us and give us health problems.

I came to Oxnard for the last 30 years to breathe ocean air not soot from the present plant.

Please refuse their request.

Sincerely,

SIGNATURE ON FILE

Richard Lee
3921 Kingswood Road
Sherman Oaks, CA 91403

RECEIVED

JUL 2 1 2008

CALIFORNIA
COASTAL COMMISSION

August 6, 2008 7-a
~~May 8,~~ **2008 Agenda Item ~~12-c~~**
Appeal No. A-4-OXN-07-096
Southern California Edison

Jane M. Tolmach
Oppose

July
~~May 5~~, 2008

Cassidy Teufel
~~Alison Dettmer~~
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

Members of the Commission:

I am asking the Commissioners to deny the Southern California Edison appeal and not permit the construction of the peaker power plant on Harbor Blvd. in Oxnard.

I was a member of the Oxnard City Council from April 1970 to March 1978, including serving a term as Mayor. I continue to have a strong interest in coastal development issues.

I was a leader in the evaluation of two other major coastal industrial projects: the LNG receiving and regassification terminal proposed onshore at Ormond Beach by Western LNG in the 1970's and the Southern California Edison Ormond Beach Power Plant (now owned by Reliant Energy).

The Ormond Beach Power Plant was only approved because the technology at that time required location on the coast because seawater was needed for cooling. With the current technology, this is no longer the case.

Therefore, I do no believe there is any justification for issuing a Coastal Development Permit for the proposed SCE peaker plant. I do not believe the intent of Oxnard's LCP was ever to include non-coastal dependent power plants when coastal dependency was no longer required.

Sincerely,

SIGNATURE ON FILE

Jane M. Tolmach
656 Douglas Ave.
Oxnard, CA 93030

Cassidy Teufel

From: AnkerFam@aol.com
Sent: Thursday, July 31, 2008 6:45 PM
To: Cassidy Teufel
Subject: Edison Peaker Plant

Dear M. Teufel

The city of Oxnard has a long history of Beach Abuse and part of it is completely racist and classist Would you consider putting an edifice like this in Santa Barbara, Newport, La Jolla or Laguna? I think we both know the answer to that. The Oxnard beaches are as naturally, physically beautiful as any beaches in California, but because of our agricultural heritage our beaches have suffered man's abuse. We are trying to climb out of this abyss of disrespect and we do not need to have more insults piled upon us. Rather than add another peaker plant, you should be getting rid of all of them, including the one on Ormond where the Nature Conservancy is in the process of restoring a natural wetland. Don't forget we are also directly across from the American Galapagos (Channel Islands National Park) and lots of living creatures are depending on us to do the right thing. When you consider that these edifices don;t even require seawater, it is pretty much a no brainer, to just say no.

Best Regards,

Jean Anker
Port Huneneme

The peaker is basically a natural gas-fired jet engine generator that does not use seawater and does not need to be on the coast. The peaker would be located in the Coastal Zone.*The City of Oxnard's position is that the Local Coastal Plan does not allow non-coastal dependent energy facilities in the Coastal Zone.*

Get fantasy football with free live scoring. Sign up for FanHouse Fantasy Football today.

Cassidy Teufel

From: mrseinstein@mac.com on behalf of Patricia Einstein [mrseinstein@mac.com]
Sent: Friday, August 01, 2008 9:52 AM
To: Cassidy Teufel
Subject: Appeal No. A-4-OXN-07-096

August 6, 2008 Agenda Item 7-a

Appeal No. A-4-OXN-07-096
Opposed

Patricia Einstein
2014 Long Cove Dr.
Oxnard, CA 93036
August 1, 2008

Attn: Cassidy Teufel
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

Members of the Commission:

Why is this agenda item being heard further away from the working middle/lower class citizen of Oxnard?I have many concerns and questions about the staff report. Can anyone answer them?

***The staff report fails to mention the impact of the view of the coastline from Harbor Blvd.**

***The staff report failed to research the City of Oxnard's original record of the LCP to see if they are interpreting the LCP for it's original intent.**

In the staff report this is footnoted:

Because of its location within the peaker plant parcel to the west of Harbor Boulevard, the 2,000 foot stringing/staging area has been subtracted from the ground disturbance estimate included in Exhibit 1.

***Why has this area been subtracted? Will nearby ESHA be destroyed for the staging area?**

***What will be the air quality on days the peaker plant will be in operation?**

I am truly opposed to this Edison Perker plant for numerous reasons. The Commission really needs to think of the welfare of the children and the minority field workers who are outdoors every day in Oxnard. What air pollution study has been done to see the effects of the pollution generated from this Edison plant?

The report done by Edison states the peaker plant will only be in operation 25 percent of the year but averages their pollution over the entire year.

Shouldn't the public be aware so that we can protect the innocent who are outside and unaware of the health and safety issues?

Here in Oxnard 66 percent of the population is minority Hispanics. Agriculture is still picked by hand. These field workers need to be protected.

Please rethink this project. Edison should have proposed a solar energy facility that would be less evasive to the environment and public. Please vote against the staff report.

Sincerely,
Patricia Hernandez-Einstein

RECEIVED
JUL 3 1 2008
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Agenda Item 7.a.
Appeal No A-4-OXN-07-096
Southern California Edison

Manuel M. Lopez
Oppose

July 31, 2008

Alison Dettmer
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, Ca 94105-2219

Members of the Commission

I have been a participant in The City of Oxnard's decision making most of my adult life.

I was born in Oxnard and while a college student became a member of a group that opposed a proposed major street in my neighborhood that we believed would have endangered many children, and thereby found my calling in life.

I served the city as a Community Relations Commissioner, Redevelopment Agency member and Chair, Planning Commission member and Chair and City Council member for over 40 years.

I was the elected Mayor of Oxnard from 1992 until 2004 when I chose not to run for re-election.

The city was a lead agency on a proposed LNG re-gasification project on the coast off of Oxnard in the 1970s when I was on the Planning Commission and several similar proposals made while I was Mayor are currently either under discussion or have been defeated.

I was also on the Planning Commission and the City Council during the development and implementation of the Local Coastal Plan.

During all the time that I served in local government here, a cardinal rule all members of the different bodies embraced was the restoration and preservation of the beaches and view corridors.

Numerous individuals, both private and public have cooperated and have expended years of time and effort to save, preserve and restore what we have on the coast here within what we believe is in concert with the goals of coastal zone preservation;

Preservation of Oxnard Shores before it was completely developed, development of the park at Mandalay Bay, the hotel at the Colony, remediation of the long term oil waste site at Fifth and Harbor Streets including research and funding to restore the milk vetch plant, revocation of Halaco's operation and future remediation efforts, opposing LNG and non coastal dependent power plants and preservation and remediation plans for our wetlands and Western Snowy Plover and least tern sites are but a few examples of what has been accomplished cooperatively here by our residents, local government and other government agencies.

When Oxnard was a small town of 7000-8000 residents and the beach seemed far away, siting heavy industry there out of sight seemed like a good idea, but wiser heads prevailed as commuting became easier and the population increased. Restoration of the beaches for use as natural resources has been paramount as a written and unwritten policy now for many years.

During the many years of my involvement in city planning as a Commissioner and as a member of the City Council and as Mayor, I do not recall anyone officially or unofficially advocating that we continue siting heavy industry at the beach as was done in the early days. It would have been suicidal politically for an elected person to do so here.

The 45-megawat "Peaker" Power Plant now being considered at Mandalay Bay by Edison is counter to all our efforts and would negate overnight many of the things that have been accomplished without bringing any benefits to the state that cannot be accomplished by use of another site. There are many other more suitable sites that are available to Edison for this development without degrading an existing community that is trying to restore a resource for use by everyone in the state. Further intense industrial development would undo all that has been done to improve livability in the area.

You have the authority to say yes or no to the project. It is easy for proponents to look for legal reasons to approve it. It is also possible but equally legally defensible to find reasons to deny it. There are many. Think in terms of what is good for all our state residents and what we will leave for our children. If you do so you will find an overwhelming need to deny the project.

Sincerely,

SIGNATURE ON FILE

Manuel M. Lopez
141 South A Street
Oxnard, Ca 93030

CITY COUNCIL

CITY COUNCIL OFFICE
305 West Third Street • Oxnard, CA 93030 • (805) 385-7428 • Fax (805) 385-7595

May 6, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Appeal of the City of Oxnard's Denial of the Edison Peaker Plant Proposal
Appeal No. A-4-OXN-07-096

Dear Chair Kruer and Commissioners:

On July 24, 2007, the City of Oxnard City Council unanimously denied the permit requested by Southern California Edison (SCE) to develop a 45-MW "peaker' electrical generation facility on the grounds that the project does not conform to the site's Energy Coastal (EC) coastal zone designation. The SCE appeal is before you, and the City of Oxnard urges you to deny the appeal for the following reasons:

The Coastal Act defines coastal dependent as a development or use which requires a site on, or adjacent to, the sea to be able to function at all (PRC §30101). SCE confirmed that the proposed project is not coastal dependent and could be situated in non-coastal locations. In fact, four identical facilities are located in inland cities. The Oxnard City Council's longstanding intent is that the EC zone allows only coastal-dependent energy facilities, and we disagree with the Coastal Commission staff's interpretation of the EC zone. We ask that the Coastal Commission defer interpretation of intent to the legislative body that originally adopted the coastal program.

By overturning the City's denial and approving this facility, the Commission will inhibit the City's ability to consider long-range plans to restore the entire coastline. Oxnard considers the SCE peaker plant as not one small power plant, but an open door to the rebuilding of the adjacent obsolete Reliant Power Plant and continuing offshore Liquified Natural Gas (LNG) proposals that bring their pipeline ashore in this EC area. The Commission's approval of this project will encourage the development of potentially three permanent energy facilities at this site, in addition to the Ormond Beach power plant. Enough is enough!

The environmental analyses and mitigations are seriously deficient and leave the City with unmitigated significant adverse impacts in several areas, including: 1) cumulative impacts, 2) land use compatibility, and 3) aesthetic impacts. The staff environmental report and mitigations do not meet the requirements of Section 21080.5(d)(2)(A) of CEQA which prohibits a proposed development from being approved if there are feasible alternative

sites and/or technology, or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

Although we support SCE's efforts to meet current and future electricity demand, we oppose this project on this coastal site. There is no PUC requirement for the peaker plant to be located on this particular site. Despite SCE's arguments, it is more likely to be harmful to Oxnard, the California coast, and it directly contradicts the Coastal Commission's mission to "Protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations" At the very least, we encourage the Commissioners to recommend that Edison look at alternative sites and/or alternative technology before making this decision.

In the alternative, if the Commissioners elect to overrule Oxnard's City Council decision to deny this permit, we request that the following mitigations measures be added:

1. To prevent possible future expansion and create a buffer to the adjoining residential and park sites, SCE should carve off the unused southernmost portion of their parcel, restore it to a natural habitat, and dedicate the new parcel to the City.

2. Contribute $500,000 for the planning and development of coastal access and recreational facilities at the Fifth Street park site that orientate the park use away from the SCE facility.

Thank you again for the consideration you have provided to the Oxnard community. Once more, we urge the Commission to affirm the City Council's denial of this permit.

Very truly yours,

SIGNATURE ON FILE

Dr. Thomas E. Holden
Mayor

SIGNATURE ON FILE

Dean Maulhardt
Mayor Pro Tem

SIGNATURE ON FILE

John C. Zaragoza
Councilmember

SIGNATURE ON FILE

Andres Herrera
Councilmember

SIGNATURE ON FILE

Timothy B. Flynn
Councilman

EDMUND F. SOTELO
City Manager

CITY MANAGER'S OFFICE
305 West Third Street • Oxnard, CA 93030 • (805) 385-7430 • Fax (805) 385-7595

May 12, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Appeal of the City of Oxnard's Denial of the Edison Peaker Plant Proposal; Appeal No. A-4-OXN-07-096

Dear Chair Kruer and Commissioners:

It is our understanding that the de novo review hearing for Appeal No. A-4-OXN-07-096 may be rescheduled for the June meeting in Santa Rosa. We respectfully request that the hearing be scheduled for the July meeting in San Luis Obispo to afford our residents a reasonable opportunity to participate. Given the issues we raise below regarding time needed for CEQA-required circulation of the environmental analysis, the October meeting in Los Angeles or Orange County would be our subsequent preference.

Based on the record to date, the City of Oxnard requests that the Coastal Commission deny the above application for the following four procedural reasons, followed by seven environmental reasons:

Procedural Requirements

1. Section 30264 of the California Public Resources Code requires a determination by the State Energy Resources Conservation and Development Commission ("Energy Commission") that the proposed site has greater relative merit pursuant to Section 25516.1 of the California Public Resources Code than available alternative sites and related facilities. There is nothing in the record showing that the Energy Commission has made such a determination.

   The attached Figure A, taken from the Energy Commission website, shows numerous substations in Ventura County, southern Kern County, and the San Fernando Valley which is the service area, presumably, in need of the extra generation capacity. The PUC Assigned Ruling that initiated SCE's building of five peaker plants states "...the demand forecasts used to plan for resource needs in California may not have fully incorporated the impacts of recent population growth in the warmer inland areas of California." SCE's criteria

for site selection, Attachment B, are so limited so as to preclude any other site except Oxnard. SCE should not be able to use "too much grading" or "road degraded" as reasons to develop a coastal site over an inland site. SCE should not be allowed to use the "fast-track" reasoning to select Oxnard over another inland location as they have already spent 18 months pursuing this project that could have been spent building the peaker at another location. It is the City's position that each SCE substation location should be thoroughly evaluated before the Coastal Commission, in conjunction with the Energy Commission, may conclude that the only viable site is in the coastal zone.

2. Section 30413(b) of the Public Resources Code requires the Coastal Commission to periodically designate specific locations within the Coastal Zone where projects such as this may be located. The exception to this requirement only applies to "specific locations that are presently used for such facilities and reasonable expansion thereof". This project does not fall within the above exception for two reasons. First, there has never been a designation of the "specific location" of the existing Reliant Energy facility. Because the boundaries of the existing facility have not been specifically located, there is no factual basis upon which the Coastal Commission may apply the exception. Second, even if there is a finding that the proposed site is within the "specific location" of the existing facility, the expansion of the facility is not a "reasonable expansion." The proposed SCE peaker plant is proposed as a stand-alone facility and Reliant is not a party to the application. If it is an expansion of the adjacent Reliant plant, the SCE facility should be tied to the licensing of the Reliant plant and SCE should agree to remove the peaker plant should the Reliant plant be decommissioned in the future.

3. Sections 30413(d), (e) and (f) of the Public Resources Code set forth a procedure the Energy Commission must follow before siting a project such as this within the Coastal Zone. The procedure requires the Coastal Commission to participate in the siting proceedings. There is nothing in the record to show:

   (a) The Coastal Commission has analyzed the Energy Commission's notice of intention:

   "[P]rior to completion of the preliminary report required by Section 25510, forward to the State Energy Resources Conservation and Development Commission a written report on the suitability of the proposed site and related facilities specified in that notice. The commission's report shall contain a consideration of, and findings regarding, all of the following:

   "(1) The compatibility of the proposed site and related facilities with the goal of protecting coastal resources.

   "(2) The degree to which the proposed site and related facilities would conflict with other existing or planned coastal-dependent land uses at or near the site.

"(3) The potential adverse effects that the proposed site and related facilities would have on aesthetic values.

"(4) The potential adverse environmental effects on fish and wildlife and their habitats.

"(5) The conformance of the proposed site and related facilities with certified local coastal programs in those jurisdictions which would be affected by any such development.

"(6) The degree to which the proposed site and related facilities could reasonably be modified so as to mitigate potential adverse effects on coastal resources, minimize conflict with existing or planned coastal-dependent uses at or near the site, and promote the policies of this division.

"(7) Such other matters as the commission deems appropriate and necessary to carry out this division." [Section 30413(d) of the Public Resources Code.]

(b) That the Coastal Commission received from the Energy Commission the reports required by Sections 25302 and 25306 and commented on those reports as to the desirability of locating a powerplant within this area as required by Section 30413(f) of the Public Resources Code.

4. Section 13096(a) of the Coastal Commission's administrative regulations require consistency with applicable requirements of CEQA. As the City of Oxnard did not adopt a Mitigated Negative Declaration for the proposed project, CEQA now requires an EIR and Coastal Commission staff should now add alternatives and other EIR-level sections to their analysis. The CEQA 45-day requirement for public circulation and comment is now required as Coastal Commission staff are essentially preparing an EIR equivalent. In addition, the administrative record shows that Coastal Commission staff findings of no significant impact and no feasible mitigations are factually incorrect (these are listed in the following section). Unless the Coastal Commission staff's environmental analysis is prepared and circulated in an EIR-equivalent process, the Coastal Commission cannot find that the environmental process and record is consistent with CEQA.

Environmental Analyses

The following are seven significant errors and omissions in the Coastal Commission staff report that prevent the Coastal Commission from making the finding that the project will not have a significant adverse impact on the environment, within the meaning of California Environmental Quality Act ("CEQA") per Section 13096(A) of the Coastal Commission's administrative record.

1. Special condition 3(a) removes screening trees along the Harbor Boulevard frontage that were project mitigation measures proposed by Southern California Edision ("SCE") to "...to fully shield the project from view, with the exception of

the stack and transmission poles....It is expected that within three to five years after planting, the majority of the peaker facility would be fully screened." (Mitigated Negative Declaration [MND] 07-02, pg. 21) The record has no evidence, such as the photo simulation and line-of-site study included in the MND, that special condition 3(a) is an equivalent mitigation of the adverse view impact on a scenic highway (Harbor Boulevard) and on the adjacent Northshore at Mandalay Bay residential project. Without evidence that this change still allows adequate screening from a scenic highway, the Coastal Commission cannot make the finding that the project will not have a significant adverse impact on the environment.

2. The Coastal Commission record does not include any discussion of alternative sites and/or energy generation technology (such as solar or wind) that would substantially lessen significant adverse impacts which the project may have on the environment. Without such evidence, the Coastal Commission cannot make the finding that the project will not have a significant adverse impact on the environment, within the meaning of CEQA per Section 13096(A) of the Coastal Commission's administrative record.

3. Page 4, paragraph 3 states, "The peaker plant will therefore be sited in an area surrounded by other industrial development." This is factually incorrect. Immediately adjacent to the project parcel to the south is Mandalay Beach Park, unimproved land zoned Resource Protection which is planned for coastal access and recreation by the Oxnard Local Coastal Program, Policy 67. To the southeast and adjacent across Harbor Boulevard is the 292-unit Northshore at Mandalay Bay residential development currently under construction. As the SCE project driveway extends to the southeast corner of the parcel, both the project and the SCE parcel adjoin non-industrial uses. To the immediate west of the SCE parcel is a 200-foot wide energy facility, then approximately 500 feet of dunes and beach. To the east across Harbor Boulevard is land zoned for energy use, but contains only transmission lines and is largely a dunes habitat. It is factually incorrect to state that the SCE project site is "...surrounded by other industrial development" and findings that rely directly or indirectly on that assertion cannot be made by the Coastal Commission. Attached Figure C is a recent aerial photo of the project site which clearly shows it is abutting non-industrial uses on three sides.

4. On page 15, paragraph 2, the staff report states "...a review of other areas similarly identified with the Coastal Energy Facility Sub-zone designation reveals that at least one of these areas is not located 'on, or adjacent to, the sea.' The example cited is the SCE substation located on the northwest corner of Victoria Avenue and Hemlock Street. This facility predates the City's LCP and is considered legal non-conforming. The Coastal Commission cannot rely on this example to interpret the intent of the Energy Coastal zone designation.

5. On page 25 under the heading D. Visual Resources, the staff report states, "...the existing views of and around the project site are primarily industrial and energy related in nature and no significant visual or aesthetic resources are apparent," This statement is factually incorrect. The Oxnard 2020 General Plan designates Harbor Boulevard and Victoria Avenue as "regional image corridor" (Figure XII-2). There are numerous panoramic views of the coastal mountains to the north and views of the Channel Islands from all along Victoria Avenue and Harbor Boulevard marred only by the Reliant Energy exhaust stack and its large exhaust plum. These views will be further marred by the addition of the SCE stack and its vapor cloud which cannot be avoided or mitigated. Attachment D is an excerpt from the environmental assessment prepared in 2000 for the closing of the SCE tank farm (the previous use of the project site) that states that the removal of the tank farm would, "...result in a net benefit to aesthetic/visual resources." The Coastal Commission cannot find that adding to an existing adverse view condition is not an adverse impact without a discussion of alternatives site locations that could remove this adverse impact.

6. On pages 32 and 33 of the staff report, the air quality impacts are stated as exceeding NO_x and ROC emission thresholds established by the Ventura County Air Pollution Control District (VCAPCD). The significant emission are mitigated only by offsets of up to 5.0 tons per year for both pollutants. Therefore, peaker plant will be emitting significant emissions next to residential and recreation uses, often during periods of heavy coastal fog which acts as an inversion layer that holds emissions low to the ground. (Hot inland weather often draws a deep marine layer over the Oxnard Plain.) The Coastal Commission staff report relies on the air quality analysis in a Mitigated Negative Declaration 07-02 that was not adopted, and this air quality analysis was specifically rejected by the Planning Commission as an inadequate analysis and potentially an unmitigated localized air quality impact. The Coastal Commission cannot find that air quality impacts are fully mitigated in the immediate area of the project as the record shows emission exceed established VCAPD thresholds, but our mitigated by offsets.

7. On page 41 in the discussion of Greenhouse Gases (GHG), the staff report states, "The Commission staff did not have adequate time to evaluate SCE's emission analysis and conclusions prior to completion of this report." Instead, GHG analysis and possible mitigation are deferred to future study. With no analysis in the record, the Commission cannot find at this time that GHG emission impacts are not an adverse impact. CEQA does not allow for deferred mitigation, and the Coastal Commission cannot rely on this mitigation for GHG impacts.

In summary, the above are significant procedural and environmental errors and omissions that prevent the Coastal Commission from making the finding that the project will not have a significant adverse impact on the environment, within the meaning of CEQA per Section 13096(A) of the Coastal Commission's administrative record. Until the record shows compliance with the above, the appeal application cannot be acted on as the environmental record does not allow the required findings proposed by the staff report.

For all of the above stated reasons, the City of Oxnard respectfully requests the Coastal Commission to require the equivalent of an EIR with a public review and comment period, especially a complete and thorough review of all SCE substations in the northern Los Angeles regional service area from Santa Barbara to Santa Clarita. With this level of review, the Coastal Commission will find that the proposed SCE peaker plant results in unmitigatable significant adverse impacts at the proposed Oxnard site and that there are more suitable inland locations. If a power plant does not need to be located on the coast, it should not be located on the coast.

Very truly yours,

SIGNATURE ON FILE

Edmund F. Sotelo, City Manager

Attachments:

A. SCE substations, Santa Barbara to Santa Clarita
B. SCE siting criteria
C. Aerial photo of the Oxnard SCE project site
D. SCE Tank Farm closing 2000 Environmental Assessment, Aesthetics

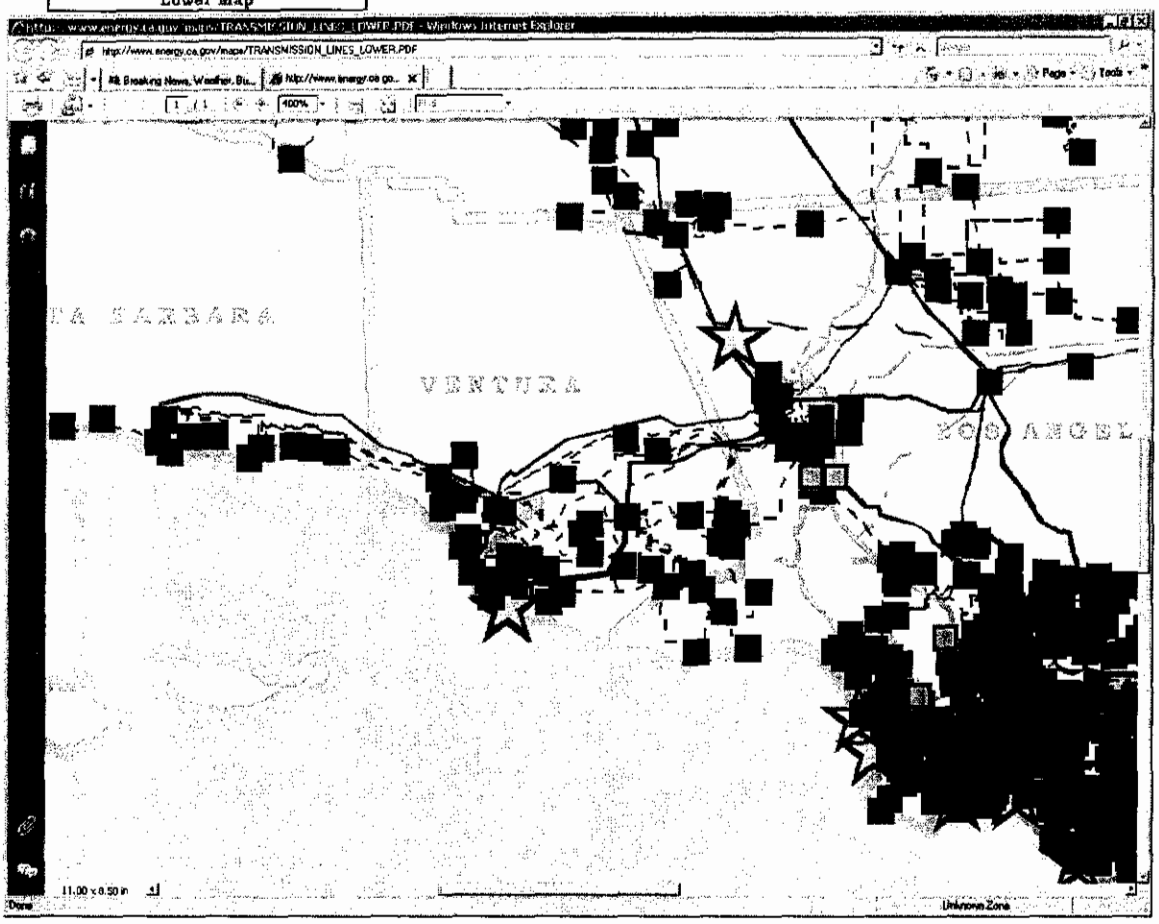
CBW:cbw

cc: Dianne Feinstein, United States Senator
Barbara Boxer, United States Senator
Lois Capps, Member of Congress, 23rd District
Joe Coto, California State Assembly
Sheila Kuehl, California State Senator, 23rd District
Fran Pavley, California Assembly Member, 41st District
Pedro Nava, California Assembly Member, 35th District
Members of the Ventura County Board of Supervisors
Marty Robinson, Ventura County Executive Director

Filename: Final admin record letter May 12
Directory: C:\Documents and Settings\cdchrw\Desktop\Housing Element Water Traffic\PeakerPlant
Template: C:\Documents and Settings\cdchrw\Application Data\Microsoft\Templates\Normal.dot
Title: California Coastal Commission
Subject:
Author: cajamr
Keywords:
Comments:
Creation Date: 5/12/2008 10:36:00 AM
Change Number: 6
Last Saved On: 5/14/2008 2:36:00 PM
Last Saved By: cdchrw
Total Editing Time: 71 Minutes
Last Printed On: 5/14/2008 2:39:00 PM
As of Last Complete Printing
- **Number of Pages:** 6
- **Number of Words:** 2,307 (approx.)
- **Number of Characters:** 13,155 (approx.)

ATTACHMENT A

California
Transmission Lines - Substations
and Selected Power Plants
Lower Map

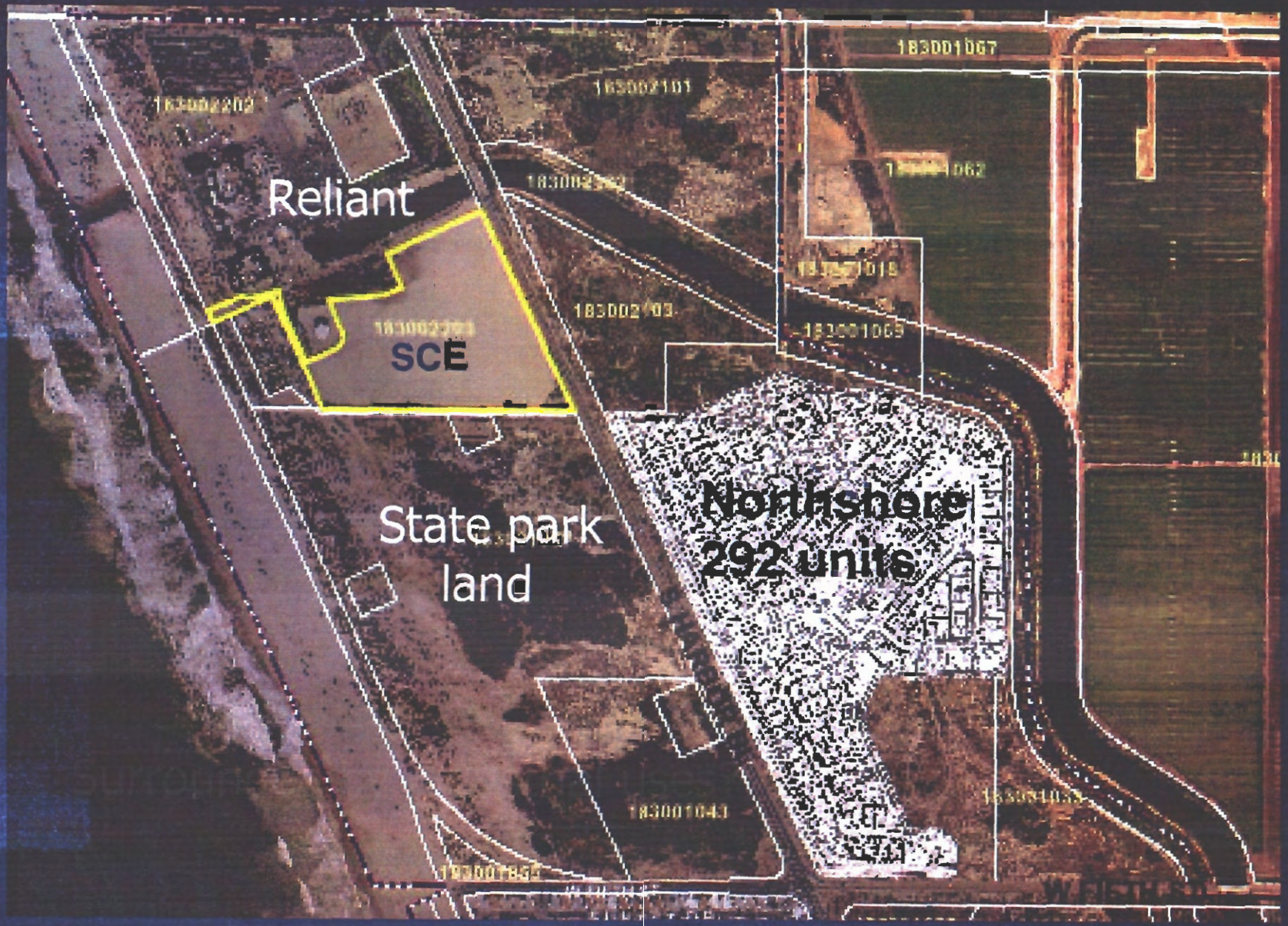


Alternatives Analysis

- Siting Criteria
  - Good location for Reliant plant Blackstart capability
  - Good location to enhance local reliability (CPUC order)
  - SCE-owned land, at least 2 acres, near SCE substation
  - Requires minimal electrical upgrades (to meet fast-track schedule)
  - Easy access to water and natural gas
- Other sites in Ventura/Santa Barbara area considered but not carried forward
  - Santa Clara Substation
    - Too much grading required, land/environmental impact; cost
  - Goleta Substation
    - Land partially in Los Padres NF; Access road degraded, requires rebuild; land/environmental impact
  - Moorpark Substation
    - Requires major electrical upgrades
    - Requires extensive gas line improvement; environmental impact

Attachment B

Surrounded by industrial uses?



Attachment C

Attachment D

Arthur D Little

Environmental Assessment

Southern California Edison Mandalay Fuel Oil Storage Tank Removal Project

Report to
Southern California Edison
Company

June 15, 2000

RECEIVED
JUN 19 2000
PLANNING DIVISION
CITY OF OXNARD

Arthur D. Little, Inc.

4.1 Aesthetics

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista? *(2020 General Plan, VII - Open Space/ Conservation Element, XI - Community Design Element; FEIR 88-3, 4.12 - Aesthetic Resources)*	☐	☐	☐	☑
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? *(2020 General Plan, VII - Open Space/ Conservation Element; XI - Community Design Element; FEIR 88-3, 4.12 - Aesthetic Resources)*	☐	☐	☐	☑
3. Substantially degrade the existing visual character or quality of the site and its surroundings? *(2020 General Plan, VII - Open Space/Conservation Element, XI - Community Design Element; FEIR 88-3, 4.12 - Aesthetic Resources)*	☐	☐	☐	☑
4. Create a source of substantial light or glare which would adversely affect day or nighttime views in the area? *(2020 General Plan, VII - Open Space/Conservation Element, XI - Community Design Element; FEIR 88-3, 4.12 - Aesthetic Resources)*	☐	☐	☐	☑

Discussion:

1-4) The proposed project would not cause any adverse impacts to visual resources. The proposed tank demolition project would result in a net benefit to aesthetic/visual resources since the tanks will be removed and they would no longer be visible. The project will have no night lighting because no work will occur during non-daylight hours. Therefore, the impacts to aesthetic/visual resources are considered to be beneficial. The tanks could be considered a visual blight, and their removal would only enhance scenic resources and coastal vistas.

Mitigation:

No mitigation measures are required or proposed.

Monitoring:

No monitoring would be required.

Result after mitigation:

The proposed project will have a beneficial impact on aesthetic/visual resources.

RECEIVED
MAY 15 2008
CALIFORNIA
COASTAL COMMISSION

May 6, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Appeal of the City of Oxnard's Denial of the Edison Peaker Plant Proposal
Appeal No. A-4-OXN-07-096

Honorable Chair and Members of the Commission

During the years 1983 through 2000 I served the City of Oxnard as Planning and Community Development Director. I was responsible for the preparation of the City Coastal Zone Ordinance, including all related studies, environmental analysis and Staff reports. My responsibility included staff recommendation of approval of the Coastal Zoning Ordinance (Chapter 17 of the City Code) to the Oxnard Planning Commission, Oxnard City Council, and the California Coastal Commission.

At the time of adoption of the Coastal Zoning Ordinance it was the intent of Staff and the Oxnard City Council to permit only Coastal Dependant Uses within the Coastal Zone. The Edison Power Plant on Harbor Blvd., now the Reliant facility, required ocean water for cooling purposes and was always considered to be "Coastal Dependant". Our intent was always that any additional, accessory, or related facilities to Oxnard's two coastal power plants were also to be "Coastal Dependant". The proposed peaker plant can now be located as a stand alone facility on non-coastal sites within the interior of the State. An energy facility that need not be on the coast, should not be on the coast.

In conclusion, please consider this "eye-witness" report as to the intent of the Oxnard LCP and its zoning and deny the Appeal and sustain the action of the Oxnard City Council.

Sincerely,

SIGNATURE ON FILE

Richard J Maggio, Oxnard Community Development Director (Retired)

SOUTHERN CALIFORNIA
EDISON
An EDISON INTERNATIONAL Company

May 2, 2008

Chairman Kruer and Honorable Commissioners
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA
94105-5200

Agenda Item Th12c

Re: Appeal No. A-4-OXN-07-096 (Southern California Edison Company, Oxnard "Peaker" Power Plant)

Dear Chairman Kruer and Honorable Commissioners:

We are writing in response to the Staff Report regarding the application by Southern California Edison ("SCE") for the above-referenced Coastal Development Permit ("CDP") for the Oxnard Peaker Project ("Project"), which is scheduled to be considered by the Coastal Commission (the "Commission") at its May 8, 2008 meeting.

The Project will provide an urgently needed and environmentally responsible solution to reliability issues facing California's electric generation and transmission infrastructure. It is consistent with and will further Coastal Act and Local Coastal Program ("LCP") policies, in addition to providing significant public and environmental benefits. Set forth below is a brief discussion of the Project's background and an explanation of why it is urgently needed and environmentally and operationally superior to alternative sites, along with an analysis of the Project's consistency with the City of Oxnard's LCP – including LCP policies concerning biological resources and sensitive habitat areas – and its consistency with climate change policies.

We appreciate Staff's hard work in analyzing the issues involved in the CDP application and agree with Staff's conclusions regarding the Project's consistency with the City of Oxnard's certified LCP and its recommendation that the Commission grant the CDP.[1] We therefore

[1] SCE and Commission Staff have been in discussion regarding minor modifications to the Special Conditions contained in the Staff Report. Any such modified Special Conditions will be contained in the Revised Staff Report. However, if SCE and Staff are unable to resolve their differences, SCE reserves its right to raise its concerns and/or issues with the Commissioners at the May 8, 2008 hearing.

respectfully request that the Commission accept Staff's recommendation and approve a CDP for SCE's much-needed Project.

I. PROJECT BACKGROUND

SCE proposes to build a 45-MW, natural gas-fired electrical generation facility, to be located on a 16-acre, SCE-owned vacant site adjacent to (and within the same Energy Coastal ("EC") subzone as) the existing, Reliant Energy's Mandalay Generating Station. The site was formerly occupied by oil storage tanks, and is separated from the ocean by the Mandalay plant to the west and northwest and by the DCOR oil processing facilities to the southwest. The Project is expected to cost more than $50 million to build, and is therefore a "major energy facility." 14 Cal. Code Regs. § 13012.

The SCE facility would be a "peaker" plant, meaning that it would be capable of being started up and fully dispatched on very short notice (approximately 10 minutes) and would operate primarily at times of peak electricity demand or during other system strains when a major power plant or transmission line becomes suddenly unavailable. The peaker will also have "black start" capability, meaning it will have the ability to start up without any external power source. It thus will be able to provide the power needed to restart other power plants and restore electrical service during area-wide power outages, as well as provide some power for essential services while the larger, slower-starting plants come back on-line.

SCE undertook the development of this facility in response to the *Assigned Commissioner's Ruling Addressing Electric Reliability Needs in Southern California for Summer 2007* ("ACR"), issued by CPUC President Michael Peevey on August 15, 2006. The ACR directed SCE to pursue, among other things, the immediate development of up to five SCE-owned, black-start capable peaker facilities (totaling up to 250-MW), which could be on-line by the Summer of 2007. Four of the requested peaker plants (located in the cities of Norwalk, Ontario, Rancho Cucamonga and Stanton) were granted mitigated negative declarations ("MNDs") under CEQA and are now built and operational. This Project is the last of the five.

II. THE PROJECT IS URGENTLY NEEDED

The Project would provide an important and much-needed improvement to California's electric generation and transmission infrastructure. According to the CPUC, the surprising growth in electricity demand throughout the state, coupled with the July 2006 heat storm, exposed certain vulnerabilities in the electric generation and transmission infrastructure that required immediate attention to assure future reliability. The California Independent System Operator's ("CAISO") assessment for the Summer of 2006 had indicated that the system could handle a demand in excess of 48,000-MW, with limited or no impact on firm load customers. However, the peak demand during the heat wave was 51,000-MW, well above any of the scenarios that were assumed in CAISO's assessment. The Summer 2006 demand was 12% higher than 2005's record; 6% higher than the worst case scenario CAISO had analyzed in its assessment; and 38% higher than the peak demand of the crisis year 2001. Moreover, it represented a demand that was not forecast to occur for another five years. Across CAISO's service area, weighted average temperatures during the heat wave ranged between 106 and 110 degrees Fahrenheit on various days, which is higher than any temperatures recorded in the 30-

year history of temperature models used by CAISO. Even with the additional installed and anticipated new generating resources that will have come on-line between the summers of 2006 and 2008, CAISO still predicts a 10% risk that operating reserves in Southern California could be insufficient this summer. Although new resources have been procured and will continue to come on-line, SCE predicts that there remains a significant need for additional peaking resources in the future.

To improve reliability for the Summer of 2007, the ACR directed SCE to increase participation in its Air Conditioning Cycling Program, to pursue accelerated procurement of more peak load capacity from independent power plant developers, and to pursue the development and installation of up to 250-MW of SCE-owned, black-start, dispatchable generation capacity within its service territory. After a study of its entire system, SCE selected five locations within its system as best suited for siting additional peaker generation to enhance reliable operations. The Oxnard/Ventura/Santa Barbara area was identified as having the greatest need for quick start and black start capability to support local reliability, and the Mandalay-adjacent property was identified as the optimal peaker site within that region.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because that region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. If that linkage and the existing Oxnard power plants were to be taken off-line at the same time, for example by an earthquake, the region would have no other adequate power supply route. By contrast, most other areas of the power grid, and *all* other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is doubly vulnerable because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous areas.

The need for the Project is thus critical and continues to grow. The Project would be used to provide power (i) to SCE's electric customers in the Oxnard area during times of peak power use, (ii) during outages of other generating or transmission equipment that normally provide power to the area, (iii) to assist in voltage regulation of the SCE electric grid in the area, (iv) to provide black start assistance to bring the Mandalay Generating Station on-line, and (v) to supply some emergency power to the Santa Barbara area, via the local distribution lines along the coast, if the inland transmission line to Santa Barbara is disabled by fire or any other factor.

The peaking and grid-reliability roles that the Project is intended to serve cannot be met by solar or other renewable resources, since it is essential that the plant be able to come on-line very rapidly, at any time of the day or night and regardless of weather conditions. The Project is not displacing renewable power plants, or otherwise inconsistent in any way with the state's move towards more use of renewable resources. On the contrary, peaker plants like the Project are expected to be even more important in the future, since their quick start-up capabilities make them ideal to supplement and "fill in behind" intermittent renewable sources like wind and solar.

III. THE PROJECT IS CONSISTENT WITH THE CITY OF OXNARD'S CERTIFIED LCP

The only rationale provided for the City Council's resolution denying SCE's CDP application is that the Project is not "coastal dependent" and is therefore inconsistent with the LCP. The City asserts that its coastal zoning ordinance prohibits any non-coastal dependent development on the site. But no provision in the zoning ordinance or elsewhere in the LCP states or can be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as Staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report's finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance.

The proposed development site lies entirely within the EC subzone. Pursuant to Section 17-20 of the City's coastal zoning ordinance, the EC subzone expressly allows "electrical power generating plant and accessory uses normally associated with said power generating facility." Because the proposed peaker facility is an electrical power generating plant, it is unquestionably permitted at the proposed development site under the City's coastal zoning ordinance.

The City's assertion that energy development facilities must be "coastal dependent" is not supported. Nowhere does the zoning ordinance include such a requirement; instead, it merely states that "coastal dependent energy facilities shall be *encouraged* to locate or expand within existing sites and shall be permitted reasonable long-term growth." Plainly, Section 17-20(A)'s "encouragement" that coastal dependent energy facilities locate or expand within existing energy sites, rather than occupying new areas of the coast, does not bar, and is not inconsistent with, allowing a non-coastal dependent facility to also locate within a site already specifically zoned for, and long used for, energy facilities. The siting of the peaker at the proposed site is completely consistent with the goal of concentrating energy facilities in already-used energy sites rather than occupying new areas.

Moreover, to require energy developments to be coastal dependent in order to be permitted in the EC zone is inconsistent with the overall policy objectives of the LCP. Indeed, the Coastal Act mandates that LCPs contain policies that require concentration and consolidation of industrial developments, including energy facilities, and maintain and enhance marine resources.

The City's rationale for denying the Project's CDP would bar any future, non-coastal dependent upgrade or addition to the two existing power plants within the City of Oxnard that require CDPs, and any upgrade or addition to the transmission substations within the City's coastal zone that requires a CDP. Requiring developments in the EC to be coastal dependent forces non-coastal dependent energy facilities to locate along new areas of the coast rather than locating or expanding within existing energy sites. The City's interpretation of LCP Section 17-20 is inconsistent and at odds with the LCP's policy of concentrating energy facilities.

Further, the City's interpretation of Section 17-20 conflicts with the LCP's policy of maintaining and enhancing marine life. Even if the LCP required the Project to be coastal dependent—which it does not, as Staff concluded—such a requirement would directly conflict

with the LCP's policy of maintaining and enhancing marine resources because the Project would be required to have seawater intake.

IV. THE PROJECT IS ENVIRONMENTALLY AND OPERATIONALLY SUPERIOR TO ALTERNATIVE SITES

Based on a thorough review of potential peaker sites throughout SCE's system, SCE concluded that the Project's site is optimal for a peaker, from both an environmental and an operational standpoint. First, as discussed above, the Ventura County/Santa Barbara region including Oxnard is in especially dire need of black start capable peaker generation because of the serious transmission constraints affecting that region. Siting a peaker within that general area also is desirable because the other four SCE peaker sites are in inland Los Angeles, Orange and San Bernardino counties, and it is highly preferable for grid-reliability reasons to spread the peaker locations out to the extent feasible. All of the other four sites were also selected to provide black start capability to nearby large plants that could be used to bring power back on line in their region of the electric grid.

Within the Ventura County/Santa Barbara region, the Project site stands out as superior for several reasons. Environmentally, it is a brownfield site, formerly occupied by oil tanks, and located immediately adjacent to (and separated from the ocean by) the much larger Mandalay power plant and DCOR oil processing facilities. The site also is almost adjacent to the SCE substation where the Project will connect to the grid, minimizing the length of new transmission lines required. Also, because of the size and configuration of the site and the width of the adjacent Harbor Boulevard, a peaker at this site can be placed further from the nearest possible residential development than at many other potential sites.

Operationally, the site is at the ideal location on SCE's electrical system to serve multiple important purposes. Its line-proximity to the Mandalay plant makes it the best and most reliable location from which to black start Mandalay, and thereby restore power to the region in the event of a regional blackout. It also is at an excellent site on the system for providing emergency, interim power to the region's main population centers of Oxnard and Ventura while the Mandalay plant and then the Ormond Beach plant return to service. In addition, if the Ventura County-to-Santa Barbara transmission link is lost, a peaker at the Project site can feed power into the local distribution system that runs up the coast, and thereby help to provide emergency power to Santa Barbara until the transmission linkage can be restored.

V. THE PROJECT IS CONSISTENT WITH LCP POLICIES REGARDING BIOLOGICAL RESOURCES AND SENSITIVE HABITAT

The proposed site of the Project is an industrial site, next to the Mandalay Bay Power Plant. The site has been graded and is devoid of any significant vegetation. Not surprisingly, Staff concluded no portion of the Project site is designated an environmentally sensitive habitat area ("ESHA"). A biological resources assessment prepared by Keane Biological Consulting ("KBC Report") did not identify any "candidate, sensitive, or special-status species" on site.

There are areas known to support several special-status biological resources near the site, but none on it. Given the proximity to of the Project site to sensitive resources, the Commission

imposed certain Special Conditions designed to protect sensitive species should they appear during construction. The Staff Report's conclusion that the Project, as conditioned, is consistent with applicable LCP policies regarding the protection of biological resources and sensitive habitat areas is amply supported by the record.

The Project proposes the installation and removal of transmission poles and lines, and the trenching and placement of an approximately 1,800 foot natural gas pipeline, on a portion of the Project site east of Harbor Boulevard that includes coastal dune scrub. This area has not been designated ESHA and the Staff Report notes that this area is substantially degraded and does not provide the same level of ecological and habitat value as more intact southern dune scrub areas. According to the KBC Report, there is a low probability that the Ventura marsh milkvetch could occur in this area and no milkvetch was observed during field surveys. The Staff Report notes a potential for certain sensitive plant species to exist in this area because of its proximity to other more intact dune scrub areas and rare plant communities. In order to ensure the protection of any isolated plants of these species that might occur, the Commission imposed Special Condition 4(b), which requires a focused survey for specified sensitive plants to be performed in each precise location where Project activities will be conducted east of Harbor Boulevard (once they are identified). If any such plants are identified within the Project's disturbance limits, this condition requires that impact avoidance plans be developed in consultation with the Commission, California Department of Fish & Game and U.S. Fish & Wildlife Service.

The southern border of the Project site is adjacent to a portion of Mandalay State Beach Park identified as ESHA in the LCP and designated as a Resource Protection sub-zone in the City's Coastal Zoning Ordinance. In compliance with LCP Policy 6, Special Condition 3(c) requires the Project's landscaping and construction activities to be separated by at least 50 feet from the entire southern boundary of the Project site adjacent to the Resource Protection area. Staff concluded that a 50 foot buffer is sufficient here given the existing 20 foot wide dirt access road that currently separates the Project site from the state park and SCE's commitment to locate all development and construction activities an additional 30 feet north of this road.

Sensitive nesting habitat for the western snowy plover and California least tern exists approximately 1,000 feet to the west and southwest of the Project site. Special Condition 3(a) requires the replacement of proposed trees in the landscape plan with native brush and shrub species that are not expected to provide nesting habitat for predatory birds of concern.

Although the Project site is not a burrowing owl habitat, historic records show that the burrowing owl once existed on the Project site. The biological surveys conducted by KBC did not observe any burrowing owls or any burrows that could feasibly support burrowing owls. Subsequently, during soil testing, one burrowing owl was seen on the site. In order to ensure that the Project will not have an adverse impact on this species, Special Condition 4(c) requires a pre-construction survey for burrowing owls to be undertaken throughout the Project area no more than 30 days before ground disturbance activities begin, and further requires appropriate impact avoidance and mitigation plans to be submitted and approved by the Executive Director if any owls are observed or any burrows are found to be actively used.

SCE has also agreed to implement measures identified in the Project's MND to minimize potential adverse effects to biological resources or water quality in the Project area. These measures include pre-construction surveys of each construction area to identify native birds, and limitations regarding the type and quantity of hazardous materials that may be stored on-site.

VI. THE PROJECT IS EXPECTED TO RESULT IN A NET DECREASE IN GREENHOUSE GAS EMISSIONS, AND SCE WILL VOLUNTARILY COMPLY WITH SPECIAL CONDITION 6 REGARDING CLIMATE CHANGE

In concert with the Commission's authority to protect coastal resources from development-related impacts, the California Air Resources Board ("CARB") is the entity authorized to protect coastal resources from emissions-related impacts, as recognized in the Coastal Act and as set forth in Assembly Bill 32, the California Global Warming Solutions Act of 2006. The Commission's role regarding greenhouse gas emissions is to minimize energy use and to assure compliance with CARB and air pollution control district requirements. Coastal Act §§ 30253(4), 30414(a); Cal. Health & Safety Code §§ 38501(a), 38510.

SCE is deeply committed to reducing greenhouse gas emissions. Based on SCE's analysis, dated April 9, 2008, the installation of the peaker plant is expected to result in a net decrease in CO_2 equivalent emissions across SCE's generation portfolio, primarily due to the line loss benefits—the reduced energy loss from the changed path and distance that electricity must travel to reach the customer—created by the Project. Special Condition 7[2] requires an independent analysis to be performed at the direction of the Commission and a hearing on the results of the study. If the Commission disagrees with the study, it may require SCE to submit to the Commission a Greenhouse Gas Reduction and Mitigation Plan to address those emissions, which shall be subject to Commission approval consistent with existing laws, methodologies and standard practices established by CARB and the California Global Warming Solutions Act.

VII. ADDITIONAL CONDITIONS IMPOSED BY THE COMMISSION ENSURE CONSISTENCY WITH OTHER APPLICABLE LCP POLICIES

In addition to the Special Conditions discussed above concerning biological resources and greenhouse gas emissions, the Commission has imposed further requirements on the Project designed to prevent or minimize potential environmental impacts and ensure consistency with the LCP. In this regard, Special Condition 2 provides that the CDP incorporate mitigation measures identified in the Project MND concerning air quality, biological resources, cultural resources, hazards and hazardous materials, transportation, and traffic.

Special Conditions 3(a) and (b) ensure consistency with water conservation and municipal services goals in the LCP by requiring the exclusive use of native bush and shrub species for Project landscaping (in order to reduce the potentially elevated water requirements of non-native trees and species), as well as the installation of an irrigation system that minimizes water use.

---

[2] Staff had added a new Special Condition 6. Thus, the Greenhouse Gas Emissions Special Condition is now 7.

Special Conditions 3(e)-(i) address development of the landscaping plan to minimize impacts to visual resources and ensure consistency with LCP Policy 37. Among other things, these conditions require periodic monitoring and maintenance for a specified monitoring period, the development of goals and success criteria, contingency plans, and submission of a final monitoring report that must be approved by the Executive Director.

Special Condition 5 addresses potential impacts from natural hazards by requiring SCE to implement all recommendations included in the Project's Geotechnical Investigation prepared by Kleinfelder, Inc. The recommendations in Kleinfelder's report are intended to ensure the structural integrity of the proposed facility in the event of seismic activity, liquefaction or lateral spreading at the site. Prior to issuance of the CDP, SCE must submit evidence that Kleinfelder has reviewed and approved all Project plans for consistency with its recommendations.

We appreciate the Commission's consideration of this appeal, and respectfully request that the Commission accept the Staff's recommendation and approve the CDP for the Project.

Sincerely,

Signature on File

David W. Kay
Manager, Environmental Projects

MEMBERS OF THE BOARD
PETER C. FOY
Chair
STEVE BENNETT
LINDA PARKS
KATHY LONG
JOHN K. FLYNN

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

KATHY I. LONG
SUPERVISOR, THIRD DISTRICT
(805) 654-2276
FAX: (805) 654-2226
(800) 660-5474 EXT. 6542276
E-mail: kathy.long@ventura.org

May 5, 2008

California Coastal Commission
45 Fremont, suite 2000
San Francisco, CA 94105-2219

Re: Commission Appeal No.: A-4-OXN-07-096

Dear Honorable Chair and Commissioners;

To protect valuable resources along our Ventura County coastline, I urge the Coastal Commission to deny the permit to develop the proposed "peaker" electrical generation facility plant located 251 N. Harbor Boulevard. As the County Supervisor whose District includes the Ormond Beach wetlands, I work to protect and advocate for environmental sustainability in our County. Our community takes pride in Ventura County's diverse public recreational and environmental resources ranging from the Pacific Ocean to the Los Padres National Forest. The Oxnard coastline and the wetlands are home to several endangered and threatened species such as the Western Snowy Plover, Tidewater Goby, California Least Tern and rare dune species, and must be a priority.

The Ventura County coastline is a unique scenic benefit for the community. The City of Oxnard's adoption of the Coastal Land Use Plan takes seriously the opportunity to enhance the visual character, protect sensitive sites and quality of the coastline. The City of Oxnard has expressed that by overturning their denial and approving the facility, long range plans to restore the coastline will be inhibited. There are many peaker plants located throughout the state in non-coastal areas and an evaluation of alternative sites should be done.

The project site is bounded on the north by the existing Mandalay facility and channel; on the west by an existing oil processing facility, coastal dunes, and the Mandalay State Beach and Pacific Ocean; on the east are agriculture fields and on the southeast is the 292-unit Northshore at Mandalay Bay residential development. Industrial development does not completely surround the site. The addition of an energy facility will only perpetuate facilities to continue to exist along the coast, just when these non-coastal dependent facilities are moving toward being decommissioned.

I urge the Coastal Commission to continue the priority of protecting the future of our coastland and sensitive resources and deny the permit to develop the proposed "peaker" electrical generation facility.

Sincerely,

Signature on File

Kathy Long
Supervisor Third District

Recycled Paper

State of California • The Resources Agency
Arnold Schwarzenegger, *Governor*
DEPARTMENT OF PARKS AND RECREATION
Ruth Coleman, *Director*
911 San Pedro Street
Ventura, CA 93003
805-585-1850/FAX:805-585-1857

May 2, 2008

California Coastal Commission
45 Fremont, Suite 2000
San Francisco CA 94105

Subject: A-4-OXN-07-096 - Edison Peaker Plant

Dear Commissioners:

As part of the action proposed in the above referenced De Novo Review the Commission will be asked to find that the documents submitted by Southern California Edison meet the requirements of CEQA. As an adjacent property owner having stewardship responsibility for a variety of sensitive natural resources we have found that the Draft Mitigated Negative Declaration for the proposed Edison Peaker Plant, 251 N. Harbor Blvd, is deficient. The following items detail those deficiencies:

- In describing the project's location it should be noted that **Mandalay State Beach** is to the **southeast** of the proposed plant site and **McGrath State Beach** is to the northwest of the site and the Reliant Energy Plant.

- When evaluating visual impacts of the proposed project it should be noted that, "the intervening land between Mandalay State Beach and the proposed project site" is **NOT** "dotted with existing oil processing structures that are approximately 70 feet high, and the stacks of the Mandalay Power Generation Facility which is 203 feet high". All that separates Mandalay State Beach from the proposed Peaker plant site is a six foot chain link fence on the Edison property. The existing road is only a service access not formal road within the Master Plan for the Park unit and no assumption should be made that that a road will always be at that location.

- Given all projects in the immediate area (Northshore at Mandalay Development) the environmental review document fails to evaluate cumulative impacts to natural resources at Mandalay State Beach and adequate mitigations have not been addressed considered.

- The extent of the project area has not been adequately defined for pre-construction biological survey purposes.

- Given extensive restoration activities undertaken at Mandalay State Beach, a native plant palette using locally collected seed should be required for landscaping.

- The acreage of both Mandalay and McGrath State Beaches parks what remains of these habitat types and as such are protected from urban development. Construction and intensification of use in the coastal area immediately adjacent to these two State Park properties does not appear to be adequately evaluated. The MND appears to look only at the proposed site and adjacent dunes. Limited investigation of impacts to the backdune or wetland sites has been considered.

Given the vanishing open spaces and the need for coastal recreation opportunities along our southern California Coast one would like to think that there is a more appropriate location outside of the coastal zone for this proposed facility. An adequate review of alternate sites must be addressed in the environmental document.

We do not support any action on this project until an adequate environmental review has been completed. Please feel free to contact me regarding additional information at (805) 585-1848 or at bfosb@parks.ca.gov.

Sincerely,

Signature on File

Barbara Fosbrink
California State Parks
Channel Coast District

cc. Chris Williamson, Senior Planner, City of Oxnard

Alison Dettmer

From: pilawqueen@aol.com
Sent: Tuesday, April 29, 2008 1:22 PM
To: Alison Dettmer
Subject: TH May 8 Item 12-c Appeal No.: A-4-OXN 09-096

There is significant opposition to this project at this location. Contrary to the staff report, the area is not primarily industrial. While there is some oil drilling taking place and the existing power plant (which is very old and rumored to be slated for decommissioning), the surrounding area is State Campground, State Beach, Agriculture and directly across the street, approximately 290 homes are being built. Harbor Blvd is going to be expanded to 4 lanes in the exact area where this plant would be placed. None of this is mentioned in staff's report. To assert that because there is some industrial there already so that it is appropriate to place more is poor planning.

I understand the start up noise is significant and consideration should be given to that effect on birds and wildlife.

When considering this project and the MND, I was convinced that nothing could be done to mitigate the visual effect of this plant. I questioned the need for the coastal location. And, although there was some ambiguity in the LCP, it seemed clear to me that the intent was to preserve coastal energy locations for those dependent on coastal resources.

I think Oxnard has made it clear that we do not want this plant on our coastal shores. We are doing what we can to clean up the messes left by prior generations of poor decisions.

I urge a no vote.

Thank you.

Deirdre Frank
Vice Chair
Oxnard Planning Commission

Plan your next roadtrip with MapQuest.com: America's #1 Mapping Site.

Oxnard
Chamber of Commerce

April 28, 2008

RECEIVED
MAY 0 2 2008
COASTAL COMMISSION

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

May 8, 2008 Agenda Item 12.c.
Appeal No. A-4-OXN-07-096
Nancy Lindholm
In Favor of Project

RE: Southern California Edison Peaker Project

Chairman Kruer and California Coastal Commissioners:

The Oxnard Chamber of Commerce supports the proposed peaker project in Oxnard. We believe Edison's proposal incorporates the best available and cleanest burning technology that will have minimal impacts to our environment and greatly improve the view corridor along Harbor Boulevard.

The Chamber is pleased with the fact that the peaker plant's electricity will be tied into the local system for use by Oxnard customers. Many local businesses have equipment that is sensitive to fluctuations in voltage. The peaker plant will help avoid interruptions to businesses and provide power to residences during high demand periods, when existing plants may go off-line, and in the case of natural disasters such as fires, floods and earthquakes.

Unlike some public comments we have heard regarding Oxnard being forced to accommodate facilities such as the peaker plant, we believe it is prudent of the city to embrace the technology that will assure a more dependable supply of electricity for its residents and businesses.

For these reasons, we encourage the California Coastal Commission to approve the project.

Sincerely.

Signature on File

Nancy Lindholm
President/CEO

400 E. Esplanade Drive, Suite 302 Oxnard, CA 93036 Phone (805) 983-6118 Fax (805) 604-7331 OxnardChamber.org

California ISO
Your Link to Power

California Independent System Operator Corporation

Yakout Mansour
President & Chief Executive Officer

Agenda Item 12(c)
Appeal No. A-4-OXN-07-096
Yakout Mansour, President & CEO
California Independent System Operator
(CAISO)
Position - In Favor

May 2, 2008

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105--2219

RE: Appeal No. A-4-OXN-07-096 (So. California Edison Co., Oxnard), Item 12-c

Dear Members of the Commission:

The California Independent System Operator Corporation ("ISO") supports the California Coastal Commission staff's recommendation to approve a Coastal Development Permit for Southern California Edison's Oxnard peaker project.

The ISO is a not-for-profit public-benefit corporation charged with operating the majority of California's high-voltage wholesale power grid. We are responsible for maintaining electric system reliability in compliance with applicable reliability standards and are the impartial link between power plants and the utilities that serve more than 30 million consumers.

The California ISO relies heavily on imports to meet electricity demand, especially on hot summer days when consumer demand exceeds what in-state generators can supply. Because of supply challenges associated with the extreme heat wave in August 2006, the California ISO urged the California Public Utilities Commission to direct the state's investor-owned utilities to procure additional quick start generation and demand response opportunities in order to increase peak supplies and enhance grid reliability. The Oxnard peaker project is one of the resulting projects.

Today, additional peaking resources are still needed. Demand growth and limitations on power plant operations in neighboring states may reduce the capacity available to California and increase the vulnerability of the power supply at critical times. The urgency of the situation post the summer of 2006 continues to demand close attention, especially in southern California.

In closing, we urge the Commission to approve the Oxnard peaker project as a necessary addition to the California electric system.

Sincerely yours,

Signature on File

Yakout Mansour
President & Chief Executive Officer

CONGRESS OF CALIFORNIA SENIORS

1230 "N" STREET, SUITE 201, SACRAMENTO, CA 95814 • (916) 442-4474 • (800) 543-3352 • FAX (916) 442-1877 • www.seniors.org

Board of Directors

State President
Henry L. "Hank" Lacayo

Vice Presidents North
Leemon Brown
Eva McLain
Joseph A. Rao

Vice Presidents South
Alicia Flores
Margaret Sowma
Carolyn Tate

Secretary
Carmen Wagner

Treasurer
Alice Ramirez

Trustees
Pearl Caldwell
Ben Espinoza
Socorro Franco
Rolland Hamilton
Marie A. Taylor

Members at Large
Watie Anthney
Arlen Banks
Gus Billy
Louie Duran
Norma Harvey
Carl Joaquin
Henderson Jones
Joanna Kim-Selby
Al Perisho
Chon Ramirez
Paul Ramirez
Bill Regis
Frank Souza
Estella "ET" Thomas
Alynn B. Wilson

Regional Chairs
Marion Faustman
Sharon Hillbrant
Chuck Holt
Chuck Latimer
Anne M. Mack
Carolyn Tate

Regional Vice Chairs
Ronnie Kinney
Estella "ET" Thomas

Regional Alternate
Robert Lindley
Barbara Lundeen

Executive Assistant to the State President
Gary Passmore

RECEIVED
MAY 02 2008
CALIFORNIA COASTAL COMMISSION

April 29, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Commission Chair Kruer,

I'm writing to you as a resident of Ventura County and the State President for the Congress of California Seniors, a non-partisan broad based coalition of senior groups, whose primary responsibility is to speak out, pro or con, on issues impacting the economic interest and well being of senior citizens in the community.

We have been following closely Southern California Edison's peaker plant proposal within the confines of the City of Oxnard and want you know of our support for this project.

We urge the Commission to recognize the importance of a stable electrical source which is essential not only to our senior citizens but to the rest of the community including corresponding business concerns. The SCE Peaker Plant proposal addresses those needs and in addition will provide necessary insurance to reduce power outages and brown outs for all residents of the Oxnard plain.

We are pleased to voice support for this project and respectfully urge the California Coastal Commission to consider the need for a stable supply of energy in this community and approve Southern California Edison's peaker plant proposal.

Sincerely,

Signature on File

Henry L. "Hank" Lacayo
State President
3403 Bear Creek Drive
Newbury Park, CA 91320
805-498-7679
HankLacayo@aol.com

VCTA

Ventura County Taxpayers Association

RECEIVED
APR 28 2008
CALIFORNIA
COASTAL COMMISSION

Patrick Kruer
Chair California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, CA 940015

Dear Mr. Kruer:

The Ventura County Taxpayers Association is in support of the proposed Southern California Edison Peaker Plant near the Mandalay Generating Plant.

We are concerned that demand is outpacing new generation, especially with new local approved growth, on the books.

Look at the past history of rotating outages, during the energy crises and transmission line problems.

Couple that with the expected hot summer usage [expected fire dangers], again the increased demand. We are looking at a potential disaster.

There is mis-information out there. The Peaker is tied into the local distribution system and can only be used by the local community.

The proposed Peaker Plants are the best available cleanest burning technology and will have minimal impacts to the environment and costs.

The Ventura County Taxpayers Association recommends the California Coastal Commission approve the Peaker Plant that will help maintain quality electric service to Oxnard residents and business.

Sincerely;

Signature on File

Don Facciano
President
Ventura County Taxpayers Association

5156 McGrath Street
Ventura, CA 93003

805.644.3291
fax: 805.644.9208
email: vcta@jetlink.net

Sierra Club Los Padres Chapter Santa Barbara and Ventura Counties

Arguello Group Conejo Group Santa Barbara Group Sespe Group

Alan Sanders
Conservation Chair
232 N. Third St.
Port Hueneme Ca. 93041
805-488-7988
alancatdaddyal@aol.com

RECEIVED
MAY 07 2008
CALIFORNIA
COASTAL COMMISSION

Feb. 6, 2008

Th12c

Peter Douglas, Director
California Coastal Commission
South Central Coast Area
89 South California Street, Suite 200
Ventura, Ca 93001

RE: A-4-OXN-07-096; Southern California Edison

Dear Mr. Douglas and Commissioners;

The Los Padres Chapter, ("LPC") of the Sierra Club, (the "Club") recommends denial of approvals for the above referenced project. The Commission, is being asked to take **two** actions regarding the Peaker Plant Project, ("Project"). **First**, is a determination on the City of Oxnard's ("City") conclusion that the Project is not Coastal Dependent rendering it an inappropriate use within the Coastal Zone. The **second** action is to reach a decision that if the City erred, then it, and more importantly the public trust, has forfeited all rights to pursue all other aspects of the lawful decision making process.

Southern California Edison, ("SCE") appealed the City denial on the basis of the City's interpretation relating to Coastal Dependent uses. However, the appeal did not apply to other reasons that the City used in making its determination. Therefore, for all of those other applicable reasons that were relevant to the City's decision, the appeal must be denied. SCE did not appeal on the basis of other Article3 policies nor did it appeal on the basis of the California Environmental Quality Act, ("CEQA") determinations for which the statutes of limitations may now be tolled.

The Club believes that at this time the Commission should only be determining if the City's interpretation relative to citing coastal dependent uses is applicable. But the Commission should not be deciding on the validity of all of the other relevant issues including CEQA compliance . The Club disagrees with the determination by the Commission's staff that the actions taken by the Commission, for the above referenced project are sufficient to comply with provisions of the CEQA. If the Commission is to rule on the project without remanding the CEQA issues back to the City the public will lose its lawful role in bringing forth relevant information.

The Commission has failed to engage in meaningful impact analysis or to consider alternatives and cumulative impacts. Commission staff has not provided the considered analysis or public participation consistent with CEQA. Instead, it has merely outlined some of the issues without allowing the public an opportunity to rebut as would be expected in a legal environmental review. In this instance, Commission's staff is not using its CEQA equivelance to supplement holes in the City's environmental review, but to replace it entirely, without public

participation. Because of this, the public is being denied the procedural requirements for notice and participation normally found in an environmental review. The Commission's staff must consider the whole of all impacts associated with this project as well as all alternatives and reasonably foreseeable projects within the vicinity.

The City did not act to certify an environmental document. Therefore, it is still unknown whether a full Environmental Impact Report ("EIR") would be sufficient. The staff report doesn't even come close to discussion on the diversity of issues that would be expected to be considered within a full EIR.

Additionally, Coastal Act Guidelines that require protection of sensitive biological resources, coastal views and access at Mandalay Beach will also be violated if the Project is approved by the Commission.

The staff Report assumes that the only reasons for rejecting the project are based upon the City Council's interpretation of the provisions for coastal dependent land uses. However, the City was presented with evidence critical of the project on many topics. For example, the U. S. Fish and Wildlife Service and California State Parks provided information regarding sensitive habitat areas and wildlife. Therefore, any part of the decision to reject the project based upon resource issues is not affected by the issue of land use designation. In the same way, the City Council had the discretion to deny the project for any of the other issues presented at the Council hearing, including everything contained within the public record at that time. It is entirely possible that even if the City agreed that non coastal dependent uses are permitted it could still reject this same project for impacts on biological resources, coastal views, coastal access, recreation, environmental justice or failure to conform with other provisions of the policy on coastal energy facilities.

The LPC does not support staff recommendations to vote yes on the appeal to the Peaker Plant project as amended. Furthermore, we believe that even if the Commission finds that the project is consistent with the City of Oxnard's language on coastal dependent uses, it must allow the City to rule on the other Article 3 policies that apply to this project. The City must be allowed to determine whether the project complies with all 6 major policy divisions. The City must also be allowed to comply with the project's CEQA requirements.

Oxnard's CLUP

Staff has failed to provide the Commission with several passages within the City CLUP that support the City's decision. Section 1.2 lists six broad Coastal Act policies. Staff is recommending that the Commission sacrifice the objectives of four of these policies, (public access, recreation, sensitive habitats and commercial developments) because of the policy relating to energy facilities. However, the Report substantially misinterprets and under estimates negative impacts upon the energy facility elements within the CLUP. The present Mandalay Generating Station may soon lose its permitting, thereby forcing its closure. That would leave the Peaker plant as a stand alone facility, violating the policy on consolidation of energy developments.

Regardless, when conflicts arise, "the most protective policy shall prevail," (CLUP page I-2).

Section 3.1 Local Coastal Policy 1. States: "If policies of this plan overlap or conflict, the most protective policy of coastal resources shall prevail."

The Project substantially violates provisions of Section 30240 (a) and (b).

(a). Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

Because the project is not coastal dependent the areas considered to be ESHAs must be protected from the project. Substantial evidence from USFWS and State Parks show that listed species may be placed in jeopardy.

Staff notes : "The key subsection of the Coastal Energy Facility Sub-zone (Coastal Zoning Ordinance Section 17-20), states that "coastal dependent energy facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth, where consistent with this article." This subsection is the only one that specifically refers to "coastal-dependent" facilities, and it only "encourages" such facilities to locate within this zoning designation and does not prohibit non-coastal dependent facilities;..." However the staff interpretation that the use of "shall" merely "encourages" rather than "prohibits" does not conform with the City's intention in using that language. Throughout the relevant documents the differentiation between "may" and "shall" is the definitive use of language to separate "encourages" from "mandatory".

Additionally, the Report fails to elaborate on the most important clause in the subsection: " where consistent with this article." Clearly, the project is inconsistent with 30240 and other Sections of Article 3.

In another passage staff offered "Other subsections of Coastal Zoning Ordinance Section 17-20 apply generally to "energy related developments," not exclusively to "coastal-dependent" developments. Additionally, these subsections are all subject to the overarching provision of Section 17-20(A), which states that this zoning designation allows "power generating facilities and electrical substations" and is therefore not limited to "coastal-dependent" facilities." However, at the time the Zoning Ordinance was written most electrical substations in Ventura County were essentially Coastal Dependent due to their locations and cooling systems. Therefore the language here is consistent with that understanding. Peaker plants had not been invented, so decision makers could not have been invisioning such projects.

The following passage suffers from the same mistake: "One of the four types of developments that can be conditionally permitted within the Coastal Energy Facility Sub-zone is an 'Electrical power generating plant and accessory uses normally associated with said power generating facility,' such as the project proposed by SCE." Again, in speaking about "electrical power generating plant" it was understood that they must be coastal dependent.

(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Clearly, the siting of this project conflicts with ESHA and with the McGrath State Park.

Alternatives

The staff report fails to contain an alternatives analysis. Instead it makes a claim that is not supported by substantial evidence that no impacts exist that are not adequately mitigated. Therefore, alternatives, cumulative impacts, growth inducing impacts, environmental justice and a thorough impact analysis are not contained in the Report.

This omission prevents the decision makers from seeing options that would minimize impacts more efficiently than the policy of allowing impacts and attaching mitigation measures.

Southern California Edison has just announced a new energy project documented in the Ventura County Star on May 1. The article, **EDISON IS PROPOSING SOLAR POWER PROGRAM** by Alison Bruce documents how the Utility would install 250 megawatts of solar panels in 1 and 2 megawatt increments.

This is a viable alternative to the proposed Project.

Additionally, an Oxnard company EF Oxnard Inc. volunteered to provide a site within the City of Oxnard to locate the proposed Project adjacent to its own energy producing facility. Use of that location would prevent impacts associated with the coastal zone.

Many other alternatives were not discussed by the staff report in violation of CEQA and the Coastal Act.

SECTION J

Section J states that: "Section 13096(a) of the Commission's administrative regulations requires Commission *approval of coastal development permit applications to be supported by a* finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission finds that, the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act."

The finding is not supported by substantial evidence. *In fact the comments made by the* public on the Mitigated Negative Declaration are not answered by Staff. Instead all that is offered is a general statement that no impacts exist. This violates Section 21080.5(d)(2)(A) *because feasible alternatives exist, including those listed in this letter.*

Club comments to the City during its Project review included comments that the MND must be replaced with an EIR. These comments were supported by substantial evidence, including comments made by other witnesses. The Report fails to consider our comments and asks the Commission to circumvent the lawful CEQA process that has not been allowed to reach its logical conclusion. The Commission must, therefore, allow the City to pursue its lawful role in the CEQA process.

IMPACTS HABITATS AND WILDLIFE

The Club disagrees with the Report's conclusions regarding biological resources. Please refer to our comments to the City. We hereby incorporate by reference all comments made by all other parties and adopt them as our own.

SPECIAL CONDITIONS

The LPC cannot support the staff recommendation for approval of the Project because the conditions required to mitigate specific impacts are either missing or inadequate.

SUMMARY

The Public Utilities Commission does not have the authority to suspend CEQA or the Coastal Act. Your staff has failed to support the public trust by using a possible error on the part of the City of Oxnard, (which we dispute) to suspend other, more important provisions of the Coastal Act and CEQA.

We recommend that the Commission support the City's decision to deny the project.

Sincerely,
Signature on File
Alan Sanders

Alan Sanders
Conservation Chair
Sierra Club, Los Padres Chapter

cc. adettmer@coastal.ca.gov, cteufel@coastal.ca.gov, chris.williamson@ci.oxnard.ca.us

Th 12c

VenturaCountyStar

Edison is proposing solar power program

By Allison Bruce
Thursday, May 1, 2008

Southern California Edison Co. is pushing a proposal that would expand its reach into solar power, which has put some in the solar industry on the defensive.

The utility company has put forth a program that would install at least 250 megawatts of solar panels in the next five years. The company would own these panels and the 1 to 2 megawatts of power generated by each installation, which would feed directly into the power "grid" that the utility's customers draw from.

A 2 megawatt installation generates enough power for 1,300 homes, said Gil Alexander, a spokesman for Southern California Edison. Alexander said the project makes use of a lot of unused real estate — large rooftops.

The company would install panels on roofs that typically would not be used for private solar panel systems, such as large warehouses. Still, it notes it would not stick exclusively to such sites.

That has independent solar companies worried.

Every time a utility-owned system goes up on a roof, that takes away the possibility of private panels in that location — and can mean a loss of business for companies that sell and install those private systems. They argue it would effectively kill the solar industry, creating a monopoly for Edison and making it impossible for them to compete.

The program also would let Southern California Edison install systems that are bigger than what the California Solar Initiative offers incentives to build — that program stops at 1 megawatt.

Sue Kateley, executive director for the California Solar Energy Industry Association, said the Edison application validates what solar businesses have been saying — that there is a demand for larger systems and there should be a program in place to encourage those systems.

She said she worries that private solar businesses will be shut out if the Edison program is approved.

A protest letter from Cooperative Community Energy Corp. in San Rafael notes: "They would own the equipment, provide the installations, own the electricity, be subsidized by Ratepayer Public Goods Charges, and then sell the electricity back to the ratepayers in their utility district at full price, while not using any of the electricity to reduce on-site demand and relieve pressure from the grid."

Alexander said Southern California Edison felt the project would benefit all aspects of the solar industry, including boosting business for independent companies.

"We have hoped this project would bring renewed attention to the potential of rooftop solar to

homeowners and business owners who might have given up on the idea," he said.

The program would accelerate the amount of solar energy installed in the state and could bring in more solar manufacturing and jobs, he said.

The company argues that the large scale of the project would be good for consumers because it would bring down installation costs and improve technology and pricing. The electricity generated should cost less than current solar power, Alexander said.

The program would create new power generation in areas of growing demand. It also would generate more power at peak demand times and offer clean, renewable energy.

That's a bonus for the state as well because it invests in renewable energy without carbon emissions, Alexander said.

Edison would raise the $875 million for the project from investors and then increase its rates less than 1 percent to help pay back that investment over time. The rate change must be approved by the state Public Utilities Commission, or PUC.

Alexander said customers are willing to pay a little more to support renewable energy, but independent solar businesses say that burden should not be placed on ratepayers.

The California Solar Energy Industries Association commends Southern California Edison's interest in advancing solar power in the state, but raises the concern that the plan could put additional strain on supply, making it harder for the private solar sector to compete.

Kateley said that could translate into increased costs for someone who wants to install a solar energy system at their home or business.

The association also suggested that Edison's initial project be carefully evaluated through an independent review before the program is approved in its entirety. The review would include close inspection of costs.

Another suggestion is a parallel private sector project that would be used as a point of comparison.

"We're hopeful that when the PUC looks at the comments, they will recognize there's an effect on the private sector that needs to be considered," she said.

Southern California Edison announced its plan in March. Those with concerns about the program can file complaints with the PUC.

The next step is for Edison to file its response to the comments, which it will do May 8.

After that, hearings will be held, additional filings will follow and the PUC will eventually make a decision. A deadline for a decision has not been set, according to a PUC spokeswoman.

Alexander said Southern California Edison is not waiting on that decision to move ahead with its solar project. It plans to have the first panels generating power by August.

The company is willing to take that risk because it believes in the value of the project, he said.

"The more we looked at it, the more we came to believe this was a very special and significant project," he said.

On the Net:

http://www.cpuc.ca.gov

http://www.sce.com

http://www.calseia.org

© 2008 Ventura County Star

Fax Cover Page

RECEIVED
MAY 0 8 2008
CALIFORNIA COASTAL COMMISSION

C. Teufel
California Coastal Commission
(415) 904-5400

From: Community Environmental Council
Megan Birney
Fax: 805/962-9080
Phone: 805/963-0583 ext. 107
email: mbirney@cecmail.org

Date: May 8, 2008 Total Pages (including cover): 3

Comments:

Comments re: SCE peaker plant in Oxnard
Appeal No A-4-Oxn-07-096

Community Environmental Council
26 W. Anapamu St., Second Floor • Santa Barbara CA • 93101
(805) 963-0583, fax (805) 962-9080

Community Environmental Council

Appeal No: A-4-OXN-07-096
Birney, Megan

BOARD OF DIRECTORS

Ivor John
President

Kim Kimbell
Vice-President

Richard W. Jensen
Treasurer

David Lafitte
Assistant Treasurer

Mike Noling
Secretary

Robert Abbott
Dayna Birkley
Diane Boss
Jon E. Clark
David D. Davis
Brian Fahnestock
Carla D. Frisk
John Melack
Russell McGlothlin
Paul Relis

David D. Davis
Executive Director

PROGRAM AREAS

Architecture 2030 Challenge

Earth Day Festival

Fossil Free by '33 Campaign

Get Energized Campaign

Green Business Program

Regional Energy Blueprint

Sustainable Transportation

Watershed Resource Center

To The Honorable Commissioners:

The Community Environmental Council is an environmental non-profit organization founded in 1970 and based in Santa Barbara. Our flagship campaign is to wean the Tri-Counties region off fossil fuels by 2033 or sooner. More information on our programs can be found at www.fossilfreeby33.org. The Community Environmental Council would like to encourage the California Coastal Commission and Southern California Edison to examine alternative approaches to meeting peak energy demand instead of the proposed natural gas "peaker" plant.

While we understand that the peaker plant proposal resulted from an order from the Public Utilities Commission to quickly meet additional peak demand, we encourage Southern California Edison to examine alternatives to natural gas as an energy source. For example, Concentrating Solar Power (CSP) – essentially utility-scale solar power – can be a reliable and cost-effective source of peak power. Concentrating Solar Power plants can be "backed up" with an onsite natural gas generator so that even when the sun is not shining on any given day, the facility can still provide reliable peak power. There are currently nine of these facilities operating near Barstow, California, providing peak power to Edison at competitive rates. Edison is also reportedly considering such technologies to meet peak demand in other parts of its service territory, without at this time considering similar technologies for this particular site (or somewhere close enough to the Oxnard area that would be suitable for solar power facilities, which are land-intensive).

In addition to providing a stable energy supply, solar has additional benefits over natural gas, such as decreased greenhouse gas emissions, reduced traditional air pollution, reduced dependence on fossil fuels, and greater price stability. The cost of sunlight is free today and will be free forever, so once capital costs are determined, the cost of power from solar, wind and other renewables can be locked in for the lifetime of the facility.

Moreover, we object to the assumption that simply because a new plant is more efficient, net greenhouse gas emissions will decrease, as is stated in the Coastal Commission's staff report (pg. 41). The only way that

26 W. Anapamu Street, 2nd Floor • Santa Barbara, CA • 93101-3108
805.963.0583 tel • 805.962.9080 fax • www.CECSB.org • www.FossilFreeBy33.org
Printed on recycled paper

this could conclusion be valid is if an older plant were taken off-line as a consequence of the new peaker plant in Oxnard. Not only is there no mention of this in the project statement, but the very purpose of the project is to provide electricity for *additional* peak demand, not to replace inefficient plants.

To truly have no net emissions, Southern California Edison would need to utilize a renewable energy resource like CSP. As such, we recommend Southern California Edison explore other options, like solar power, for the Oxnard peaker plant and for peak demand more generally.

If built, this facility will contribute to increased greenhouse gas emissions leading to adverse effects on local, national, and international coastal resources from global climate change.

Sincerely,

SIGNATURE ON FILE

Megan Birney
Energy Program, Senior Associate
Community Enviornmental Council
(805) 963-0583 ext. 107

SIGNATURE ON FILE

Tam Hunt
Energy Program Director
Community Environmental Council
(805) 963-0583 ext. 122

CITY of CARPINTERIA, CALIFORNIA

Members of the City Council
Michael Ledbetter, *Mayor*
Gregg Carty, *Vice Mayor*
J. Bradley Stein
Joe Armendariz
Al Clark

June 20, 2007

RECEIVED
MAY 07 2008
CALIFORNIA
COASTAL COMMISSION

Mr. Patrick Kruer
Chair
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105

RE: SCE Proposed Peaker Plant

Dear Coastal Commission:

I am in support of the proposed Southern California Edison's Peaker near the Mandalay Generating Station.

I recognize the importance of stable electricity to Central Coast residents and businesses. I believe this peaker plant will help ensure that outages and brown outs will be reduced this summer and beyond.

In addition, the peaker plant will help provide higher quality electricity to local companies with equipment sensitive to voltage fluctuations.

I urge the Coastal Commission to approve the application that will help maintain quality electric service to Central Coast residents and business.

Respectfully,

SIGNATURE ON FILE

Joe Armendariz
Councilmember
City of Carpinteria

5775 CARPINTERIA AVENUE • CARPINTERIA, CALIFORNIA 93013-2697 • (805) 684-5405 • Fax (805) 684-5304 • www.ci.carpinteria.ca.us

www.sbcta.org

Santa Barbara County Taxpayers Association

May 7, 2008

Mr. Patrick Kruer
Chairman
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105

RE: SCE Proposed Peaker Plant

Dear Mr. Kruer:

On behalf of the board of directors of the Santa Barbara County Taxpayers Association, we urge the commission to support Southern California Edison's Peaker Plant.

We believe this plant will benefit the taxpayers by helping to reduce the number and frequency of power outages particularly during the summer when demand is at its highest.

SBCTA appreciates the public service of the men and women who serve on the Coastal Commission and we appreciate the opportunity to share with you our views on these important matters.

Members of the commission are always welcome to attend our monthly luncheon held on the second Thursday of the month at Andersons Pea Soup in Buellton.

Sincerely,

SIGNATURE ON FILE

Mike Stoker
President

PO Box 21621 Santa Barbara, CA 93121

phone: 805.684.0678 // www.sbcta.org // email: sbcta@cox.net

Santa Barbara Technology and Industry Association

"Promoting our quality of life through job prosperity"

May 7, 2008

Mr. Patrick Kruer
Chair
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105

RE: SCE Proposed Peaker Plant

Dear Coastal Commission:

The Santa Barbara Technology and Industry Association is in support of Southern California Edison's Peaker Plant.

SBTIA recognizes the urgency of securing stable electricity for our members on the Central Coast.

We believe very strongly that this project will help reduce the number and frequency of outages and brown outs during the summer months and beyond.

Moreover, the peaker plant will allow Edison to provide its customers higher quality electricity service especially to those companies with equipment that is sensitive to voltage fluctuations.

SBTIA respectfully requests the California Coastal Commission to approve the Edison Peaker Plant thereby helping to maintain quality electric service to Central Coast companies.

Respectfully,

SIGNATURE ON FILE

Tim Mahoney
Chairman

Post Office Box 21621, Santa Barbara, CA 93121
Phone: 805.684.0678 Email: sbia@cox.net

RECEIVED

MAY 07 2008

CALIFORNIA
COASTAL COMMISSION

To: California Coastal Commission
From: George C. and Linda I. Coudert
5120 Wooley Road #1
Oxnard, Calif. 93035
Reason: Appeal No. 4-OXN-07-096 (So.California Edison Co.,Oxnard)

Dear Coastal Commission Members;

Fellow California residents, my wife and I, as native Californians, are very concerned about the proposed "peaker" power plant in Oxnard California. It seems terribly ironic that after a long battle with the BHP"s Cabrillo Port proposal that we are now discussing a new proposal that would also bring added pollutants to our community. For the same reasons you rejected the BHP plan, you should reject Edison's appeal of the City of Oxnard... The first reason is simple; Edison admits that this plant would increase air pollution. Ventura County does not meet current air quality now, why would any rational Government body consider increasing the emission of nitrogen oxide, carbon monoxide, volatile organic compounds and ammonia stored on the site, sitting directly on the sand. These were admissions made by the company. The second reason is one that you have heard before, Our Mayor has told you on several occasions that the City of Oxnard has done more than its fair share in providing power plants and landfills in the past and now it is time for our community to protect its citizens by cleaning the environment and the air we breathe. The third reason is more philosophical, the need to start taking the threat of Global warming seriously! The citizens of California, you the commission members, the Governor, the Lands Commission, have all spoken on this issue and have concurred that we must reduce our Carbon footprint. We can only do so by supporting inevitable renewable resources such as wind, solar, and geothermal, not by continuing down the same polluting path. We must start to think globally and act locally. This is what we have collectively done in Oxnard, and we expect you to support us in that endeavor. Finally, and with great concern, we feel that Edison has been less than honest with this proposal. We were first told that they were "undertaking the development of this facility in response to the Assigned Commissioner's Ruling Addressing Electric Reliability Needs in Southern California for Summer 2007"...Edison said they were told to build five plants, This is clearly not the case, theACR directed SCE to ,"pursue, among other things, the immediate development of up to five SCE-owned, black-start capable peaker facilities" This represents a clear deception on their part,* up to" represents the maximum number of plants not the total number of plants felt needed. This directive was also specifically for the summer of 2007, this plant even if it is built would not meet these criteria. After telling the Planning Board and the City Council how great the need for this plant was to the citizens of Oxnard, a follow up question on how much power Oxnard would receive, the surprising answer was only 20%. This begs the question, where is this energy needed, and could this plant be built closer to the area of intended use, and one less sensitive than our precious coast? That answer by the company was "yes". Meeting all SCE's requirements (own land, existing power plant, etc.) this "peaker" plant could be built in Moorpark. Which leads us to believe there is more to this story than

meets the eye? Why are they so adamant about building the plant here in Oxnard, when it would be closer to the intended area, an area of more air conditioning, swimming pools…more need? And finally, why does the company claim in their appeal to the Costal Commission, that they were denied the permit by the Planning Board and the City Council only over the issue of "coastal dependent"? They were at the same meetings when all of these concerns mentioned in this letter and more were made and cited by city leaders to deny the proposal. We are living in a time in our history that is unprecedented; we must question government, and the companies that serve the needs of the citizens. We did not in the past, and now we are living with the consequences. We expect our elected officials and citizens like yourselves, who sit on important committees, to act in a responsible manner when dealing with the health of both the environment and the citizens you represent. We have faith that you will do the right thing by supporting the people of our community who have spoken through their elected officials in denying Edison's appeal.

Thank You in advance for your consideration,

SIGNATURE ON FILE

SIGNATURE ON FILE

George C. Coudert and Linda I. Coudert

COURTYARD
Marriott

RECEIVED
MAY 0 6 2008
CALIFORNIA
COASTAL COMMISSION

May 1, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Ste. 2000
San Francisco, CA 94105

Dear Chairman Kruer and Commissioners,

The hospitality industry within the Oxnard and Ventura County is a major contributor to the economic vitality of our community. Our guests expect the comforts of home as well as not experiencing down time to their business day or their recreational time.

As our community grows the demand for electrical power will continue to increase and the loss of power due to over extending usage. Natural disasters are always another possibility for curtailing our electrical power availability. We believe the approval and construction of the Oxnard Peaker Plant will provide the backup power needed in the event these two situations arise.

Oxnard tourism continues to grow as we become a destination for our beaches, sporting activities and weather. We believe the proposed site along Harbor Blvd. is an ideal location as it has an established Southern California Edison plant already in place.

We sincerely hope a solution is reached to expedite the current proposal of the Oxnard Peaker Plant.

Sincerely.

Signature on File

Patrick L. Mullin, CHA
General Manager

Courtyard by Marriott
Oxnard Ventura
600 E. Esplanade Drive, Oxnard, CA 93036
Telephone (805) 988 3600 Facsimile (805) 485 2061
Marriott.com/OXRVO

Operated under a license agreement from Marriott International Inc

Guadalupe Gonzalez Ph.D., M.P.H.
Executive Director

EL CONCILIO
del Condado de Ventura

RECEIVED
MAY 0 6 2008
CALIFORNIA
COASTAL COMMISSION

TO: Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
Oxnard, CA 94105

Fax (415) 904-5400

FROM: Guadalupe Gonzalez
Executive Director
El Concilio del Condado de Ventura
Phone: (805) 486-9777 X 228

Attached please find letter of support. If you need any additional information, please contact me at 805-486-9777 X228.

Thank you.

301 South "C" Street, Oxnard, CA 93030
PH. 805.486-9777 * Fax 805.486-9881

EL CONCILIO
del Condado de Ventura

Board Officers and Directors

Armando Lopez
Board President
Plaza Development Partners, LLC.

Maria de la Luz Flores
Vice President
Cal State Channel Island

Tom Cady
Treasurer
Oxnard Police Department- Retired

Virginia Espinoza
Secretary
Bank of America

Dr. Jose Marichal
Member at Large
Cal. Lutheran University

Eduardo Miranda
Latino Peace Officers

Frank Moraga
Ventura County Star

Gloria Chinea
St. John's Medical Center

Maricela Morales
Central Coast Alliance
United for Sustainable
Economy

Olivia Obregon
Lazer Broadcasting

Michele Pertes
The Gas Company

Maria L. Pelaya
Citibank

Rudy Gonzales
Southern California Edison

May 5, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: SCE Peaker Project Proposal

Dear Mr. Patrick Kruer,

The board of El Concilio del Condado de Ventura has reviewed Southern California Edison's peaker proposal and has taken a position to SUPPORT the project.

Electricity is essential to the constituents we serve and to our own daily operations. The proposed plant will provide additional local resources that are needed as the community of Oxnard continues to grow. It will provide added insurance that our city will not have to experience rotating outages.

We respectfully request that the California Coastal Commission APPROVE Southern California Edison's peaker project.

Sincerely,

Signature on File

Guadalupe González, Ph.D., M.P.H
Executive Director
El Concilio del Condado de Ventura

Files for Identification
ly
United Way

301 South "C" Street, Oxnard, CA 93030
PH. 805.486-9777 * Fax 805.486-9881 * www.elconcilioventura.org

Tom Waddell, CLU
State Farm: Providing Insurance and Financial Services
License #0452893
1851 N Lombard St Ste 203
Oxnard, Ca 93030
Office: 805-604-1800 or 800-326-2033
Fax: 805-604-1877

RECEIVED
MAY 0 6 2008
CALIFORNIA
COASTAL COMMISSION

May 2, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: SCE Proposed Peaker Power Plant

Dear Mr. Kruer:

I support the construction of the proposed peaker power plant by Southern California Edison. I am dismayed by the negative reception this project has incurred.

The plant will generate electricity that is tied into the local electrical system and used in Oxnard and Ventura County. As a business person in Oxnard, I have had too many occasions where our power has either gone down during office hours or over the weekend. The problems associated with these power outages for a business that relies heavily on electronic data and systems are many. The rotating power outages that we have all faced in the past will grow as the demand increases. We have also experienced many power outages in our home in Camarillo. In addition to providing the necessary electricity at peak times, the plant would utilize the cleanest burning technology and would have minimal impacts to the environment.

I believe that there are little or no alternatives to provide the necessary power to Ventura County and Oxnard other than the proposed plant. As we continue to grow, the importance of reliable, safe, and clean energy is paramount. My local State Farm associates and business colleagues will be very unhappy if this project is rejected. We hope and trust that you and your colleagues will agree with our viewpoint and approve the construction of this power plant. I believe the failure to take advantage of this opportunity would be a mistake.

Thank you for this opportunity to share my views.

Sincerely,

Signature on File

Tom Waddell

Cc: Rudy Gonzales, SCE

May 3, 2007

RECEIVED
MAY 05 2008
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
South Central Coast District
89 South California St., Suite 200
Ventura, CA 93001-2801

Ladies and Gentlemen:

I am writing to express my discontent with the proposed Peaker Power Plant. I fail to understand why this plant needs to be put in this area!! The plant should be put in the area where the power is needed—somewhere where the air conditioners are running day and night!

We have bought expensive property in this area because we need the cool breezes and clean air for our health. Many of the homeowners in this area moved here because they wanted out of the hot, smog-infested valleys. This plant will affect our air quality negatively. Even the Edison literature states that there are emissions of nitrogen oxide, volatile organic compounds, ammonia, and carbon monoxide! Do we want this in our pristine beach community??

The city of Oxnard denied the construction of this "peaker" plant, and I fail to understand why the Coastal Commission recommends its approval. **I thought the Coastal Commission was all about preserving the beauty, accessibility, and pristine condition of our coastline. What are you thinking? Obviously, you're not!!!**

Sincerely,

Signature on File

Art & Janice Serote
5020 Amalfi Way
Oxnard, CA 93035

Robert L. Duarte
2081 N. Oxnard Blvd #191
Oxnard, CA 93036

RECEIVED
MAY 05 2008
CALIFORNIA
COASTAL COMMISSION

Patrick Kruer, Chair
California Coastal Commission
45 Fremont St, Ste 2000
San Francisco, CA 94105

RE: Oxnard Peaker Plant

Honorable Chair Kruer,

This letter is written in support of the Coastal Commission's staff recommendation that you overturn the City of Oxnard and issue a Coastal Development Permit for this electrical generation facility.

My support is based on the fact that this facility is proposed for a site that is designated for energy production the approved Oxnard Local Coastal Plan and supports the existing Reliant energy generating facility, which is a coastal dependent industrial use. If this facility cannot be sited at a location already designated for such use under the Coastal plan – where can it be sited?

My support is also based on the fact that this peaker plant is needed to protect coastal communicates from Southern Ventura County to through Santa Barbara County from brownouts, blackouts & the risk of long term power outages. Whether such occurrences are the result of natural disasters or excess demand on a region-wide or state-wide basis, they represent real threats to the health (especially the health of the infirm), welfare (especially the welfare of the most needy) and the economy of our community. By supplanting the coastal energy supply and providing a means of quick startup for the reliant Energy facility, the peaker plant can moderate, if not prevent, these occurrences.

I am a resident of Oxnard & the individuals who have spoken in opposition of the peaker plant do not speak for me. I find it presumptuous that these individuals purport to speak on behalf of persons like me – who they have never consulted.

Sincerely,

Robert Duarte

RECEIVED
MAY 05 2008
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

May 3, 2008

Re: Commission Appeal A-4-OXN-07-096

To Whom It May Concern:

I am asking you to not approve the above appeal to construct and operate a larger power plant. I do not believe the environmental concerns have been adequately addressed as far as the effect on water quality, wetlands destruction and most importantly the air quality for the nearby population.

Once this project is approved, there is no turning back and the damage can be irreversible. We and the commission have an obligation to help protect this valuable area for future generations and to protect the public health.

Please do not approve the above appeal.

Thank you,

Signature on File

Lloyd Pilch
5207 Whitecap St.
Oxnard, CA

RECEIVED
MAY 05 2008
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Angela Slaff
5131 Wavecrest Way
Oxnard, CA 93035

May 4, 2008

California Coastal Commission
South Central Coast District
89 South California Street, Suite 200
Ventura, CA 93001-2801

What a disappointment to read in the Ventura County Star newspaper that the California Coastal Commission is recommending approval of a 45-megawatt "peaker" power plant at 251 North Harbor Boulevard, Oxnard, CA.

Please consider all of the hazzards that such a plant would bring to our neighborhoods.
Not only is the tower that is included in the building plans right in the flight path of Oxnard Airport, but more importantly the pollutants put out by this plant will add substantially to our already overburdened atmosphere.

We already have Reliant Energy next door to this proposed plant. One can see the steady stream of pollutants streaming out of it's smoke stack daily.

It is my understanding that most of the energy this plant will provide is not for Oxnard area, but for cities quite a ways away from here. Why not build plant in not so populated area.

In closing, let me ask you this: If you lived within a few blocks of this proposed "Peaker" plant, would you approve this plant in your back yard?

Sincerely,

Signature on File

Angela Slaff

RECEIVED
MAY 16 2008
CALIFORNIA
COASTAL COMMISSION

12. Costal Permit Applications C.
Appeal No. A-4-OXN-07-096 (SCE)
(CT-SF)

Alan E. Friedman
901 Mandalay Beach Road
Oxnard, CA 93035

April 30, 2008

California Coastal Commission
Energy and Ocean Resources Unit
45 Fremont Street, Suite 2000
San Francisco CA 94105-2219

Dear Commissioner's,

I am a resident of the Oxnard Shores community, just South of the proposed location of the Southern California Edison (SCE) proposed 45 megawatt "peaker" power plant, adjacent to the site of the existing aged Reliant facility currently in operations. I wish to present my arguments STRONGLY OPPOSED to the placement of any new power generation at this location, This is NOT the first time that I have voiced my opposition to this project. I did so at the City of Oxnard Planning Commission meeting and at the City Council meeting. It should be well known and noted that BOTH the City of Oxnard Planning Commission and the City Council have taken the position that this proposed location is not in the best interest of our City and the surrounding community, LET ALONE a location under your jurisdiction, namely the Coastal Zone. My reasons and opinions are succinctly listed below:

1) The existing Reliant generating facility is very old and nearing the end of its useful lifetime. It is extremely likely that this aged, inefficient generating facility will be decommissioned within 15 years, and it demolition and removal will allow this section of the Coastal Zone to be returned to its natural state, without a tall smokestack and brightly lit power generation station.
2) By allowing the construction of the proposed 45 megawatt "peaker" plant in this location, the Commission would be setting a precedent for electricity generation in this URBAN area of the coastal zone. SCE knows this, and would most likely propose construction of a new, more efficient, modern generating facility once the Reliant plant has been decommissioned.
3) This area of the coastal zone does not need an additional 45 megawatts of power during peak times. Such "peaker" plants do not require ocean water for cooling and thus COULD and SHOULD be located much further inland, near the communities that have high power demands during peak times of the day/year. Some suggested locations, away from the coastal zone are, the undeveloped areas North of Santa Clarita and North and East of the booming areas of Lancaster and Palmdale. Other excellent locations such as the hills of the Tehachapi area, now dotted with wind turbines and the area

Northeast of Palm Springs, also dotted with wind turbines. No one in those areas would see nor hear a peaker plant in those locations!

4) SCE already owns much land far away from the coastal zone and near areas with high peak demand. The only excuse SCE has for placing such a peaker plant in these locations is that they "are" or "may be" too distant from a large enough pipeline supply of natural gas. THIS IS A BOGUS ARGUMENT. If a peaker plant such as proposed is ONLY for a limited number of hours on any given day during a peak demand period, then SCE should be able to store enough compressed or liquefied natural gas adjacent to such "peaker" plants to meet any single period of "PEAK" demand.
5) Another extremely more logical location for such "peaker" plant locations would be on Federal land near any of the numerous Navy and Air Force flight operations locations, where the noise pollution from jet aircraft is already present and the noise and air pollution from this proposed "peaker" plant would be small in comparison. Such a superior location exists (albeit in the coastal zone) is at Point Mugu Naval Air Station in Port Hueneme.
6) Why not encourage SCE to simply and quickly erect an additional 45 megawatt solar electric (photovoltaic) generation facility in the Mohave Dessert, as they are already planning to do. This would provide 45 megawatts ALL DAY LONG, not just during brief periods of peak need.
7) I strongly suggest that the commission remember the simple laws of physics that state that the ability of air to carry sound (noise) is markedly increased by the relative humidity of the air through which the sound is passing. While one must be impressed by the "relative" low level of sound generated by the proposed GE turbine system, the air in the coastal zone is always blessed with a high level of humidity. Thus, the noise pollution of our nearby neighborhood, just a few hundred yards South of the proposed Reliant plant, would be far greater than if the plant were located in a desert area where the relative humidity were naturally low.

In closing, I beg the commission to tell SCE "NO" to any further development in this urban section of the coastal zone, so close to high priced homes, many just beginning construction and within sight of this proposed location. Trees and shrubbery to shield this facility from view, even as proposed, are not at all compatible with the coastal zone.

This is a bad idea and a bad location for placing a gas turbine. This area should and hopefully will be returned to its original natural state as soon as the existing Reliant plant is decommissioned and demolished. That should be the goal of the California Coastal Commission, by NOT allowing any further unnecessary construction adjacent to a State beach (McGrath State Beach) where visitors are often out of doors or behind walls of fabric, nor directly adjacent to thousands of beachfront residents like myself and my neighbors.

Sincerely,

SIGNATURE ON FILE

Alan E. Friedman, PhD

HONORABLE ANTHONY C. VOLANTE
2534 OCEANMIST COURT
PORT HUENEME, CALIFORNIA 93041

May 5, 2008

Patrick Kruer, Chair
California Coastal Commission
45 Fremont St., Ste. 2000
San Francisco, California 94105

Re: Southern California Edison Peaker Project Support Letter

Honorable Chairman Kruer and California Coastal Commissioners:

I am writing to you as a resident of Ventura County and a former three term Mayor for the City Of Port Hueneme strongly supporting and urging you and the Commission to recognize the importance of a stable electrical source which is essential not only to the residents of Port Hueneme but to the rest of Ventura County, Santa Barbara and to our businesses.

I and my neighbors have been following closely Southern California Edison's peaker plant proposal within the confines of the City of Oxnard and want you to know of our support for this project.

My support is based on the fact that this facility is proposed for a site that is designated for energy production and supports the existing Reliant energy generating facility, which is a coastal dependent industrial use.

The proposed peaker plant complies with the adopted local Coastal Plan for the Oxnard area. It is a highly beneficial use for Ventura County's and Santa Barbara County's coastal and inland communities. Southern California Edison's proposal addresses many of the concerns of the community, and I know addresses them appropriately. They have worked hard to reduce the environmental and social impact of building and maintaining the plant while striving to provide the highest quality service possible.

I am pleased to voice without reservation my strong support for this project and respectfully urge the California Coastal Commission to adopt this proposal.

Sincerely,

Signature on File

Honorable Anthony C. Volante
805-984-8066, E-mail volantet@aol.com

BY FAX 415.904.5400

California Coastal Commission Hearing - May 8, 2008
Agenda Number 12.a Appeal No. A-4-OXN-07-096
SCE Peaker Project
J. R. & Leslie M. Braun - Qualified Support of Project

4 May 2008

California Coastal Commission
RE: SCE Mandalay Peaker Project

Honorable Commission Members:

We live within 2 miles of the proposed project. We would like Southern California Edison (SCE) to improve their canal area for pedestrian access and more importantly convert the SCE weir adjacent to Westport to a pedestrian bridge, either now or in the immediate future.

We believe a unique opportunity now exists for our city to work with Southern California Edison (SCE) to provide additional community benefits as well as supplementary power during periods of high demand. Now that the Westport & Seabridge areas have become a reality, we think it to be a relatively simple matter to connect their pedestrian walks & paths to that of Mandalay Bay & Oxnard Beach Park areas.

We are suggesting a pedestrian path along the west side of the Edison Canal from Eastbourne to the Edison weir, modifying the weir for pedestrians and tying into the Westport park at the corner of Chesapeake Dr. If necessary, we would suggest constructing a new small footbridge to connect both sides of the channel. This could provide greatly enhanced pedestrian trails with access all the way from Oxnard Beach Park (including Embassy Suites, Hollywood Beach & Oxnard Shores) to the shopping & dining at Seabridge on Victoria and beyond. Although pedestrians should be the highest priority, the path should accommodate bicycle traffic. This type of alternative travel opportunity can help mitigate local area growth, provide economic benefits and enhance community character.

We are surprised that the City of Oxnard has not already made this an objective, as pedestrian/bike paths seem to be an important part of community planning in many areas. We believe them to be a goal of the General Plan Circulation Element as well as mentioned by SCAG and national planning standards. Nevertheless, this would be a perfect time for all parties to work together to provide this tremendous benefit. If desirable, we are happy to meet with representatives to look at the proposed route from land and/or water side.

Thank you for the opportunity to comment. We would support the Peaker project with the trail improvements noted.

Jay & Leslie Braun
4563 Gateshead Bay
Oxnard CA 93035
jrlmb.ci@gmail.com

Alison Dettmer

From: shorebreak50@aol.com
Sent: Sunday, April 27, 2008 12:57 PM
To: Alison Dettmer
Subject: Peaker Plant

Dear Coastal Commission,

I cannot believe your commission is supporting installing a Peaker Power plant here at Mandalay Beach in Oxnard. As a resident living in Oxnard for the last 30 years I have witnessed one battle after another as industry continues to push these ugly, unneeded utilities on our waters and beaches. Protecting our environment is what I admired and thought the job of the Coastal Commission was always about.

Not only is this proposed project right in the path of an airport runway and nesting grounds of many local birds, it will be unsightly and noisy when in constant use to cool not the people in our communities but inland areas. Why put it here at our beautiful coastline? It does not need ocean water to exist. I also feel it will open up the door to installing the LNG plant off our coast. Here in Oxnard, they have enough of these types of industries in our backyards. Enough is enough; we have pulled our weight over the years, establishing Oxnard and Port Hueneme as almost a dumping ground. I know many Californians think Oxnard people do not care and will put up less of a fight. This is the mentality of many Californians. They are wrong: Oxnard is changing; we do care about our local environment.

Why is the Coastal Commission taking a stand against our Oxnard City Council and Planning Commission? Explain it to me please, I just do not understand. I have always felt the Coastal Commission was on the side of what is best for the environment.

Sincerely,
Phyllis Singer

Plan your next roadtrip with MapQuest.com: America's #1 Mapping Site.

Alison Dettmer

From: Michelle Smith [Michelle.Smith@ventura.org]
Sent: Monday, April 28, 2008 9:44 AM
To: Alison Dettmer
Subject: Comments - ITEM 12-c Appeal No. A-4-OXN-07-096 (Southern California Edison, Oxnard)

In regards to the subject item scheduled to be heard by Coastal Commissioners on May 8, 2008.

It is my understanding that Coastal Commission staff plans to recommend approval of this project regardless of the fact that the City of Oxnard City Council and the Oxnard City Planning Commission denied the project and strong opposition from residents. I would like to remind the Commission and their staff of the following concerns:

1. Oxnard is already is home to 2 full scale power plants, 1 at Ormond Beach and the Mandalay Beach plant, which are both operated by Reliant Energy. There is also 1 co-generation power generator operating in Central Oxnard that is owned by Sithe Energies.

1. Endangered birds (Snowy Plover) have nesting sights at the property commonly known and referred to as Mandalay Beach, which is located only several hundred feet from the proposed Peaker Plant site. Mandalay Beach is an undeveloped State owned property that the Ventura County Parks Department oversees on their behalf. Construction and operation of another power generator at Mandalay Beach will surely impact the environment and would be a detriment to the Snowy Plover and all birds and wildlife in the area.

3. In the future, it is expected that the two existing Reliant plants will soon be decommissioned. They are old, inefficient, and do not need to be located on the coast. The Reliant plants were previously owned by Southern California Edison (SCE) prior to deregulation, and it is likely that SCE will attempt to build a large new power plant on the site when the Reliant Mandalay plant is decommissioned. Approval of the Peaker plant at this site would set a precedent. Oxnard has been a "dumping ground" for undesirable projects that are harmful to the natural environment for many years now. Residents and concerned others seek to change that.

5. A peaker power plant is basically a natural gas-fired jet engine generator that does not use seawater for cooling and does not need to be located on the coast.

6. The peaker would be located in the Coastal Zone. The City of Oxnard's position is that the Local Coastal Plan does not allow non-coastal dependent energy facilities in the Coastal Zone.

7. The City of Oxnard has played host to power generators on our coastline for the last 40 + years. It's time for another city to be selected for these type of environmentally disturbing projects.

8. SCE representatives claim that Michael Peevey, president of the California Public Utilities Commission, is requiring them to build peaker plants, but there is no requirement that one be located in Oxnard, or in the coastal zone.

I urge the Coastal Commission to deny this project wholeheartedly. Please consider the lives of coastal animals and the residents of Oxnard and Port Hueneme when making this most important decision.

Submitted respectfully.

Michelle J. Smith
801 Trinidad Way
Oxnard, CA 93033
Homeowner and 40 year resident of Oxnard

Alison Dettmer

From: Glen Aalbers [glen42@roadrunner.com]
Sent: Monday, April 28, 2008 5:07 PM
To: Alison Dettmer
Subject: Peaker Plant Oxnard

I am a resident of Oxnard Shores Mobile Home Park and I am in favor of the Peaker Plant. It will be a big assist for our power supply.

Glen L. Aalbers
5540 West 5th Street
Unit 134
Oxnard Shores, CA
805-815-0151
Livin at and enjoy'n the beach!

Alison Dettmer

From: Oxnardbutterfly@aol.com
Sent: Sunday, April 27, 2008 10:17 PM
To: *Alison Dettmer*
Subject: Peaker Plant at SCE in Oxnard: Appeal of Denial

Agenda Item: 12-C Appeal No. A-4-Oxn-07-096
(Southern California Edison, Oxnard)
Nancy Pedersen

I am opposed to the Peaker Plant because Oxnard already has two electric plants on its coastline. Other cities in Ventura County have beaches without power plants, why has Oxnard been blighted with not just the two plants (at Ormond Beach and this one off Harbor Blvd) but also a Super Fund site at Halaco. Environmental Justice would demand that Oxnard not be targeted for yet another unsightly blight on its coastline.

Many businesses in Oxnard have their own peaker plants. More are being built so there is obviously another solution to the need for more power. With all these peaker plants there is even less need for this one to be built on the Oxnard coast.

This peaker plant is not coastal dependent. If it is needed, which is doubtful, it could just as easily be built inland where the demand for new power is greater. Why not build it in a community that has no power plants?

I urge you to deny this appeal and stop this peaker plant from being foisted upon a community that is united against it.

Sincerely,

Nancy Pedersen
514 East Kamala Street
Oxnard, CA 93033

Need a new ride? Check out the largest site for U.S. used car listings at AOL Autos.

Cassidy Teufel

From: Norman Eagle [greeneagle2@verizon.net]
Sent: Tuesday, April 29, 2008 1:34 PM
To: Cassidy Teufel
Cc: bterry@webtv.net
Subject: Southern Califorania Edison Appeal A-4-OXN-o7-096

Dear Mr./ Ms. Teufel:

We urge you to reject the Southern California Edison Company appeal A-4-OXN-07-096, on the following grounds:

The location for the peaker plant is inimical to population health

It is expected that thousands of tons of CO2 will be emitted from the plant which is exactly what is NOT needed at this perilous time of encroaching global warming,

The SCEC should be encouraged to use this investment to explore less dangerous approaches to energy production.

Is the Commission aware that work has just begun on the construction of a residential development of OVER 200 UKNITS – JUST ACROSS THE STREET from the proposed
Plant. I repeat: JUST ACROSS THE STREET. This alone should disqualify the proposal.

We trust the Commission will do the right thing for our people, and our planet.

Norman and Betty Eagle
2037 Majorca Dr
Oxnard, 93035
(805) 382-0969.

May 8, 2008 Agenda Item 12-c
Appeal No. A-4-OXN-07-096
Opposed

Shirley Godwin
3830 San Simeon Ave.
Oxnard, CA 93033
April 28, 2008

Attn: Alison Dettmer
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

RE: **Appeal No. A-4-OXN-07-096 (So. California Edison Co.**, Oxnard) Item 12-c

Members of the Commission:

I am writing on behalf of the Oxnard community group, the Saviers Road Design Team. The name of our group comes from the name of a major road in Oxnard. We are all local volunteers in our community who are working to revitalize and improve our City. Because Oxnard is bordered by the ocean on both the south and west, one of our major focuses is the coast. We see our coastal areas as key to improving our quality of life and economic vitality.

We urge the Coastal Commission to deny the appeal. Members of our group attended the Southern California Edison Open House, the Oxnard community meeting, the Oxnard Planning Commission and the Oxnard City Council hearings on this Peaker project. Edison officials also made a special presentation to our group, and we asked them many questions.

The written and oral staff reports at the Oxnard hearings were extensive and discussed at length. We do not believe that any substantial issues remain that were not already thoroughly covered at the Oxnard hearings regarding the relevant Local Coastal Plan sections and the definition of "coastal-dependent energy facility." Certainly Oxnard officials would be the most knowledgeable about the intent of the language in the LCP.

The ruling by PUC President Michael Peevey, the assigned commissioner, states "… SCE should pursue the development and installation of up to 250 MW of black-start, dispatchable generation capacity within its service territory for summer 2007 operation." The ruling does not require a peaker plant specifically in Oxnard, and it definitely does not require a peaker in the coastal zone.

It is important to note that there was no action taken on the MND by the Oxnard Planning Commission or the Oxnard City Council and that a number of speakers at the Oxnard hearings addressed the inadequacy of the MND and the need for a full EIR. The speakers stated that any industrial facility, especially a power generating facility, located in the fragile and sensitive coastal zone, must have full environmental review.

- Alternative sites must be evaluated in an EIR. Edison officials have stated in public meetings that the Mandalay Beach site was their preferred site but not the only alternative. For example, since the Peaker is not coastal dependent, the SCE substation in Moorpark, and other inland alternatives that are not in the Coastal Zone, must be evaluated.

- Peaker plant emissions must be accurately evaluated in an EIR. SCE's statement that the Peaker will result in a slight decrease in emissions because of a local source must be questioned, because the electricity will first be transmitted to the Santa Clara Station in Ventura, CA before any distribution to the Oxnard area or to other local areas. SCE's emissions projections are calculated and averaged on a yearly basis rather than a daily basis of actual days of Peaker use, which understates the emissions during actual use.

- The Mandalay Beach site cannot be presumed to be an expansion within an existing site because this site and the neighboring Reliant Generating Station site are under separate ownership. In addition, the Independent System Operator is studying the Reliant Mandalay Generating Station as not essential to the grid and not suitable for repowering, and it is anticipated that it will be decommissioned.

- Environmental Justice must be addressed in an EIR. Oxnard has a significant minority population. Oxnard is already home to two power generation plants at Mandalay Beach and Ormond Beach as well as several cogeneration plants operated by private companies. The Halaco metals recycling Superfund Priority listed site is also in Oxnard.

Sincerely,

Signature on File

Shirley Godwin, Chairperson
Saviers Road Design Team - Oxnard, CA

Haas Automation, Inc.

May 1, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Dear Chairman Kruer:

Haas Automation, an Oxnard-based employer of 1500 people strongly supports Edison's proposed peaker power plant. Our future growth is dependent on this project.

Over the past 10 years in which Haas Automation has been an Oxnard resident, we have suffered hundreds of thousands of dollars in downtime and damaged equipment due to interruptions in electricity. This is an unnecessary burden on our company. We are already under great pressure to improve efficiency and better compete with offshore competitors.

While alternative sources of power are preferred and supported by Haas, the fact is that those alternative sources do not exist today and without them we are being unnecessarily penalized. I urge you to consider Southern California Edison's peaker project. This immediate and relatively clean source of power is needed today.

Sincerely,

Signature on File

Peter Zierhut
Director of Corporate Relations
Haas Automation, Inc.

Headquarters: 2800 Sturgis Road, Oxnard, California 93030
Telephone: 805-278-1800 • **Fax:** 805-278-2255 • **www.HaasCNC.com**

Thomas C. Nielsen
994 East Collins Street
Oxnard, CA 93036

May 1, 2008

Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Ste. 2000
San Francisco, CA 94105

Re: Oxnard (McGrath Beach) Peaker Plant

Honorable Chair Kruer:

This letter is written in support of the Coastal Commission's staff recommendation that you overturn the decision of the City of Oxnard and issue a Coastal Development Permit for this electrical generation facility.

My support is based upon my understanding of the function of the proposed facility and the need for its energy production to be included in the state's power grid. The site that is proposed is currently designated to be used for the production of electrical power and has done so in its past. The need for this facility to be located at McGrath Beach is well founded due to location of this county in relation to the overall power grid, we have found ourselves near the "end" of the power grid.

My support is also based upon my understanding of the duty cycle (of power energy production) that this facility will be asked to undertake during its operational life, and this understanding is critical for the local residents to comprehend. The complex function and operation of the current grid is based on interdependent power generation facilities and the supported population centers, in order for the population centers to be assured of an adequate supply of un-interrupted power, the utility has to have energy plants it can call upon in times of extreme need. This means that old facilities need to be replaced by modern and more efficient ones. This modular facility is an example of a new generation plant being placed next to old technology, for the purpose of start up, support and one day replacement of that older equipment.

In closing, as a long time resident of Oxnard, I would like to point out that the general community is under the misconception that our two old existing power plants (within the Oxnard sphere of influence) are fully operational and are generating at their full power capacity for the grid, this could not be further from the truth, the technology they currently have (as you are aware) does not allow them to do so, as the local air quality would then be seriously degraded and the lawsuits to shut them down would follow. The belief that this peaker plant is an unnecessary addition to an already plentiful energy supply is false, and arguments made to this point are also false. We are in need of this upgrade (as well as many others) to our states electrical grid. We will be the recipients of this improvement, so I ask that the commissioners act for the good of the state as well as the residents of Ventura County. I urge you to issue a Coastal Development Permit for this facility.

Sincerely,

Signature on File

Thomas C. Nielsen

BUICK BEYOND PRECISION™ | PONTIAC | Everyone's runnin' to BUNNIN YOUR GM SUPERCENTER | GMC WE ARE PROFESSIONAL GRADE | Cadillac

May 5, 2008

Mr. Patrick Kruer
Chairman- Cal. Coastal Commission
45 Fremont St. Suite 2000
San Francisco, Ca. 94105

RECEIVED
MAY 05 2008
CALIFORNIA COASTAL COMMISSION

Dear Chairman Kruer;

As the Public Relations Director for six large automobile dealerships, we are always looking for ways to conserve energy and electricity. Currently we operate three dealerships in the city of Oxnard, Ca.

From everything I've heard and read about Southern California Edison's proposal to build a peaker plant here, it seems to be a win-win for local business who strives to maintain a profit in these tough challenging times.

There have been cases in the past when, during particular busy selling weekends, we have lost power and consequently lost business due to inability to process much needed paperwork.

As I understand it, the proposed peaker plant would provide added power directly to Oxnard.

And with much of the needed infrastructure already in place, I urge you and the commission to look favorably on this project.

Best regards.

Signature on File

Shane Morger
PR Director
Bunnin Automotive Group

BUICK • PONTIAC • GMC
1501 Ventura Blvd. Oxnard, CA 93036
P. 805-899-2200 F. 805-983-1215

www.bunningmsupercenter.com

CADILLAC
1600 Auto Center Drive, Oxnard, CA 93036
P. 805-988-2200 F. 805-988-4600

VCEDA

VCEDA's Mission Statement: To advocate for policies, legislation and programs that stimulate business and a vital economy as the foundation for a vibrant quality of life in Ventura County.

EXECUTIVE BOARD
Mike Silorci, Chairman
AT&T
Suzanne Chadwick
Santa Barbara Bank & Trust
Marc Chartney
Nordman, Cormany, Hair & Compton
Joanne Coville, Treasurer
CSUCI
Ron Greenwood
Global Energy & Technology, Inc.
Michael Kahn
Schroeder Comis Nelson & Kahn LLP
Charles Mosley
California Lutheran University
David Ossentjuk,
Musick Peeler & Garrett LLP
Howard Smith
Morgan Stanley

DIRECTORS
Robert Beisner
SolarWorld Industries America LP
Don Boughey
Rabobank
Steve Brooks
Brooks Insurance Services, Inc.
William Buenger
World Affairs Council
Elizabeth Callahan
EDCO
George Cogswell
Ventura County Star
Henry Dubroff
Pacific Coast Business Times
Don Facciano
Ventura County Taxpayers Association
Captain David Fleisch
Naval Base Ventura County
Tom Gaughan
Coastal Occupational Medical Group
Rudy Gonzales
Southern California Edison
G. Ronald Hendren
Limoneira Company
Susan Hersberger
Aera Energy LLC
Joseph D. Kreutz
County Commerce Bank
W. John Kubiec AIA
Anderson-Kubiec/Architects
Carolyn Leavens, Honorary Lifetime Member
Leavens Ranches
H. Edwin Lyon, Honorary Lifetime Member
Salim Murr
BMW of North America, LLC
Michael Murray
St. John's Regional Medical Center
Michele Pettes
Southern California Gas Company
Gerald Rich
Affinity Bank
Sharon Ilar Roberts
Soares Sandall Bernacchi & Petrovich, LLP
Stacy A. Roscoe, Honorary Lifetime Member
Ron Rowen
RJR & Associates
Joe Ruiz
Blue Cross of California
Dave Smith
United Way of Ventura County
Tom Sundling
ITS Corporation
Anthony J. Taormina
Oxnard Harbor District
Zoe Taylor
Federated Chambers of Ventura County
Dick Thomson
Procter & Gamble Paper Products
Rob Westberg
Amgen, Inc.
Dave White

May 2, 2008

RECEIVED
MAY 02 2008
CALIFORNIA
COASTAL COMMISSION

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: SCE Proposed Peaker Plant in Oxnard

Dear Chairman Kruer:

The VCEDA Board of Directors is in support of Southern California Edison's proposed Peaker Plant near the Mandalay Generating Station in Oxnard.

VCEDA recognizes the importance of stable electricity to residents and businesses in Ventura County. We believe this peaker plant will help ensure that outages and brown outs will be reduced this summer and beyond.

Also, the peaker plant will help provide higher quality electricity to local companies with equipment sensitive to voltage fluctuations.

We urge the California Coastal Commission to approve this application that will help maintain quality electric service to Oxnard residents and businesses.

Respectfully,

Signature on File

Bill Buratto
President/CEO

AG RX

National Environmental Respect Award Winner

May 2, 2008

Mr. Patrick Kruer, Chair

California Coastal Commission

45 Fremont St., Ste 2000

San Francisco, CA 94105

Dear Chair Kruer.

AG RX is an Oxnard based employer with 125 employees.We have been headquartered in Oxnard for over 50 years. We strongly support Edison's application for the proposed peaker plant.

AG RX cannot be exposed to grayouts or blackouts caused by a lack of available electricity. This peaker plant will be at the end of a transmission line and would directly benefit our community when the need arises. Their proposal is to construct it next to an existing and operating facility and would be on property designated for this type of use for over 35 years

Please give Edison's application favorable consideration.

Sincerely,

Signature on File

Joseph E. Burdullis

CFO, AG RX

OFFICES

OXNARD: 751 South Rose Avenue • P.O. Box 2008, Oxnard, California 93034 • Phone (805) 487-0696 Fax (805) 483-6146
FILLMORE: 186 East Telegraph Road, Fillmore, California 93015 • Phone (805) 524-2687 Fax (805) 524-1412
SOMIS: 3250 Somis Road, Somis, California 93066 • Phone (805) 386-2674 Fax (805) 386-1234
GOLETA: 6150 Francis Botello Road, Goleta, California 93117 • Phone (805) 681-1686 Fax (805) 681-1689

May 1 2008
1917 N Dwight Av
Camarillo CA
93010-3852
(805) 482-5282

RECEIVED
MAY 02 2008
CALIFORNIA
COASTAL COMMISSION

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont St. Suite 20000
San Francisco, CA 94105
Fax (415) 904-5400

Subject: So. CA Edison's Oxnard peaker project

Chairman Kruer and Commissioners:

I am associated with Calleguas Municipal Water Distict.

Calleguas M W D serves approximately 550,000 people in the cities of Simi Valley, Moorpark, Thousand Oaks, Camarillo, Port Hueneme, both Navy bases and Oxnard.

Water is the life blood of all communities.

Electricity is necessary for pumping, purifying and distribution of potable water.

The proposed peaking generation plant at Oxnard will assure that Calleguas' water will be delivered to our customers.

I encourage the California Coastal Commission to approve the peaker project in Oxnard.

Sincerely

Signature on File

Don Hauser
Calif.C E 20406

COURTYARD
Marriott

RECEIVED
MAY 02 2008
CALIFORNIA
COASTAL COMMISSION

May 1, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Ste. 2000
San Francisco, CA 94105

Dear Chairman Kruer and Commissioners,

The hospitality industry within the Oxnard and Ventura County is a major contributor to the economic vitality of our community. Our guests expect the comforts of home as well as not experiencing down time to their business day or their recreational time.

As our community grows the demand for electrical power will continue to increase and the loss of power due to over extending usage. Natural disasters are always another possibility for curtailing our electrical power availability. We believe the approval and construction of the Oxnard Peaker Plant will provide the backup power needed in the event these two situations arise.

Oxnard tourism continues to grow as we become a destination for our beaches, sporting activities and weather. We believe the proposed site along Harbor Blvd. is an ideal location as it has an established Southern California Edison plant already in place.

We sincerely hope a solution is reached to expedite the current proposal of the Oxnard Peaker Plant.

Sincerely,

Signature on File

Patrick L. Mullin, CHA
General Manager

Courtyard by Marriott
Oxnard Ventura
600 E. Esplanade Drive, Oxnard, CA 93036
Telephone (805) 988 3600 Facsimile (805) 485 2061
Marriott.com/OXRVO

McDonald's
®
Wood & Wood Enterprises
P.O. Box 21655
Oxnard, CA 93034
(805) 487-3333
Fax: (805) 486-1999

RECEIVED
MAY 02 2008
CALIFORNIA
COASTAL COMMISSION

May 2,2008

California Coastal Commission
Mr. Patrick Kruer, Chairman
45 Fremont Street Suite 2000
San Francisco, CA. 94105-2219

Dear Mr. Kruer:

As a resident of Ventura County and a business owner in Oxnard this letter is written is support of the Coastal Commission's Staff recommendation that you overturn the decision of the City of Oxnard and issue a Coastal Development Permit for this electrical generation facility.

The City of Oxnard is currently undergoing expansion in both the commercial and residential arenas. This dramatic expansion must lead us to review our energy needs. I believe the SCE Peaker Project can be a valuable tool in maintaining a safe, reliable and low impact flow of electricity to the City.

The rolling blackouts required in the past years may be avoided with this peaker plant in place. In case of interruptions of service caused by earthquakes or other natural disasters, the peaker plant could provide critical service to Oxnard's businesses, hospitals and homes.

Southern California Edison's proposal addresses many of the concerns of the community, and I believe them appropriately. They have worked hard to reduce the environmental and social impact of building and maintaining the plant while striving to provide the highest quality service possible.

I'm pleased to voice support for this project and respectfully urge the California Coastal Commission to consider the need for a stable supply of energy in the community and approve Southern California Edison's peaker plant proposal.

Sincerely,

Signature on File

Christopher Wood
Owner / Operator
McDonalds

Commission Appeal No. A – 4 – OXN – 07 – 096
Nancy Symons

RECEIVED
MAY 0 1 2008
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Coastal Commission
South Central Coast District Office
89 South California Street, Ste 200
Ventura CA 93001

April 29, 2008

Re: Commission Appeal No. A – 4 – OXN – 07 – 096

Dear Commissioners:

I have lived in the coastal area of Oxnard for over 7 years. I do not believe the proposed Edison Peaker Plant is an appropriate use for the coastal region of Oxnard. There will be negative visual, noise and biological environmental impacts to this proposed plant that will not be able to satisfactorily be mitigated.

Please protect our precious coastal area from further negative impact.

Thank you.

RECEIVED
MAY 0 2 2008
CALIFORNIA
COASTAL COMMISSION

Signature on File

Nancy Symons
5222 Sandpiper Way
Oxnard, CA 93035
805-985-1177

SHERMAN N. MULLIN
665 MANDALAY BEACH ROAD
OXNARD, CALIFORNIA 93035-1051

TEL. 805-985-1413
EMAIL: MOON1@ROADRUNNER.COM

RECEIVED
MAY 01 2008
CALIFORNIA
COASTAL COMMISSION

April 28, 2008

California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Reference: Appeal No. A-4-OXN-07-096

Ladies and Gentlemen:

We strongly oppose the proposed Southern California Edison peaker power plant at 251 N. Harbor Boulevard, Oxnard, CA, for the many reasons which follow.

The proposed plant does not require cooling water, as does the adjacent Reliant Energy power plant, so it need not be ocean adjacent.

The proposed site is surrounded by pristine prime state owned coastal land, to which the proposed plant would be a permanent eye sore.

The site is in an area where a major remediation effort has been made to restore land to it natural state. This is true of land across the street and also of many acres to the north. The proposed plant would be a blatant reversal of this major initiative.

The current Reliant Energy plant is fully capable of supplying electrical power on a peaking basis.

In summary, allowing an electrical power plant to be established in this prime coastal location would an outrageous reversal of the fundamental stated objectives of the California Coastal Commission. Please live up to your sober obligations to the people of California and reject Southern California Edison's appeal.

Yours truly,

Signature on File
Judia B. Mullin

Signature on File
Sherman N. Mullin

RECEIVED
MAY 05 2008
CALIFORNIA
COASTAL COMMISSION

May 8, 2008 Agenda Item 12-c
Appeal No. A-4-OXN-07-096
Opposed

Patricia Einstein
2014 Long Cove Dr.
Oxnard, CA 93036
April 29, 2008

Attn: Alison Dettmer
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

RE: **Appeal No. A-4-OXN-07-096 (So. California Edison Co.,** Oxnard) Item 12-c

Members of the Commission:

I am writing on behalf of the children of Oxnard. I am a teacher and resident in Oxnard. I teach my second grade students numerous California teaching standards as well as the difference between right and wrong behavior.

One thing they are reminded of daily is the fact that I am here to help them and protect them. If I have any reason to believe someone is doing harm to them, I am required by law to report it to the proper channels to be investigated.

Today I am here to report to you that these children have a right to go the beach and enjoy its' natural beauty. Oddly, that is not so in Oxnard. Oxnard has been a victim of coastal neglect and abuse since before the Coastal Act was established. The majority of its residents are lower class Hispanics and the city is seen as prey to big business.

The city of Oxnard's Planning Commission and City Council said no to this peaker plant!

Consider this analogy:
A small child isn't sure how to stop an adult from abusing it, but the child does its' best to say no! Can the adult go around another way and get permission to abuse the child?
In my book, NO means No. Don't assist Edison and allow the molestation of the Oxnard coast to continue.

Luckily, the Coastal Act was established. I'm positive that the members of the California Coastal Commission are familiar with the reasons it was established. Let's just look at portions it.

30001.5. The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:(a) **Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.**

30001.2. The Legislature further finds and declares that, notwithstanding the fact electrical generating facilities, refineries, and **coastal-dependent developments**, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state.

30260. **Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division.** However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

30264. Notwithstanding any other provision of this division except subdivisions (b) and (c) of Section 30413, **new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites** and related facilities for an applicant's service area which have been determined to be acceptable pursuant tothe provisions of Section 25516.

The Edison Company wants to put a peaker plant in the coastal zone when it is **not a coastal-dependent development**.

I could not find any reference in the Coastal Act to a new non-coastal dependent energy development. This peaker plant does not need to be placed here. There are alternative sites. Edison is in process of building peaker plants in Norwalk, Ontario, Rancho Cucamonga, and Stanton. Please don't think I am just being another N.I.M.B.Y. Here in Oxnard we have two other power plants in our back yard and feel we have our share of coastal eyesores.

I truly have faith that the commission is here to protect the coast and will not favor Edison because they were smarter and found a loophole.

Environmental Justice should be addressed in an EIR. Oxnard has a significant minority population. Oxnard is already home to two power generation plants at Mandalay Beach and Ormond Beach as well as several cogeneration plants operated by private companies. The Halaco metals recycling Superfund Priority listed site is also in Oxnard.

Will another power plant be placed here and the public kept in the dark to the degree of *contaminants or environmental damage that will occur because of the lack of an EIR? There* must be a reason why no plants or animals exist on this Edison site.

At least make Edison go back and complete an Environmental Impact Report so the human health factors of stirring up the sand and the other effects of the Peaker plant can be studied. How do we know it's not another Halaco?

Sincerely,

Signature on File

Patricia Einstein
Teacher at Brekke Elementary
Oxnard, CA
(805) 889-5680

Attn. Alison Dettmer,

Can you please replace my personal 3 page the letter I faxed on Friday, May 2nd with this one and attach it to the 18 student letters. I was in such a rush that I forgot to sign, proof read and change it to legal size.

Thank you so much,
Patricia Einstein

May 19 2008

Dear Commissioners,

Please protrolect the beach and the plants and animals that live on the beach. We want the beach left alone.
The Edison Plant can go some where else.

Your friend,

Oscar Sosa

May 1, 2008.

Dear Commissioner,

We want to protect the beach. W dont want anything to happen to the animals on the beach. I want to protect all of the fish. Please Vote no on the Edson power plant.

Your friend,

Anthony Alzalde.

May 1st, 2008

Dear Commissioners,

We want the beach to look the way God made it. We don't want the Edison plant because it will hurt the birds. And it will give pollution to people that go to the beach. We want you to take alh the power plants out.

Your friend,

Jordyn Chevalier

May 1, 2008

Dear Commissioners

We want the beach to look the way God made it. We don't want the birds to get hurt. We don't need the Edison plant. We don't need the Edison plant because the people in Oxnard will get pollution.

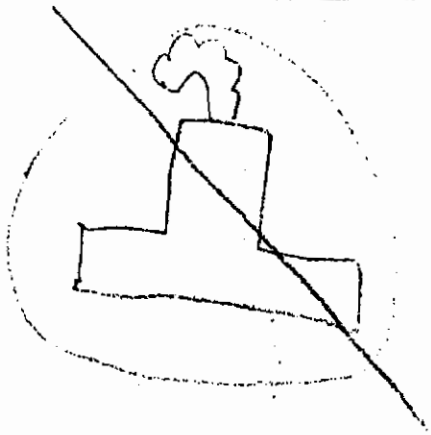
Your friend,

Christian Gastales

May 1, 2008

Dear Commissoners,

We want the beach to look the way God made it. We don't need the Edison plant. We don't want the birds to get hurt. The people don't want the Edison plant. God would not like this on the beach.



Love,

Miriam Covarrubias

May 1, 2008

Dear Commissioner,

We want to prated the beach. It is not fair. We already have 2 power plants. We want the beach to look the way God made it. The people in Oxnard don't want it. The birds will fly away from it.

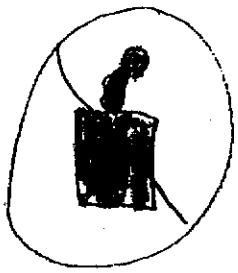
Love,

Kylie DeLeon

May 1, 2008

Dear Commissioners,

We want the beach to look the way God made it. I don't want the fish to die or birds to be hurt. I hate the power plant. It's not fair and we want you to take all the power plants down.



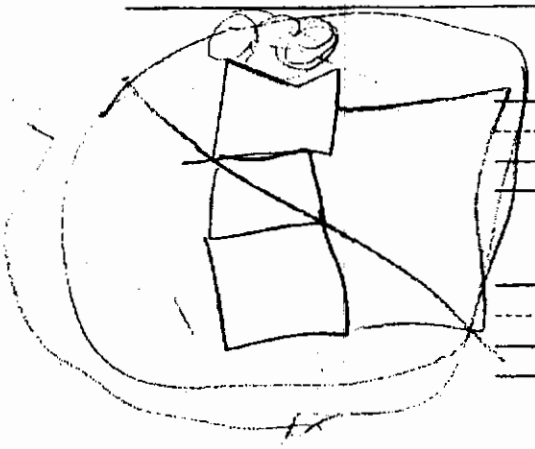
Love,

Mia Espinoza

May 1, 2008

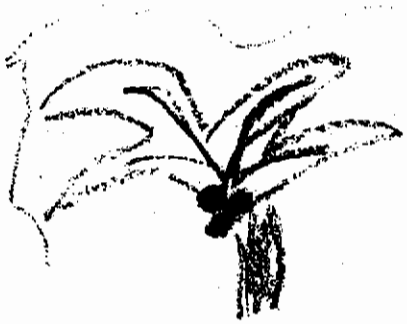
Dear commissioners,

I want the beach to be clean. We want the beach natural. I don't want the birds to get hurt. It's not fair because this won't keep the beach clean.



Your friend,

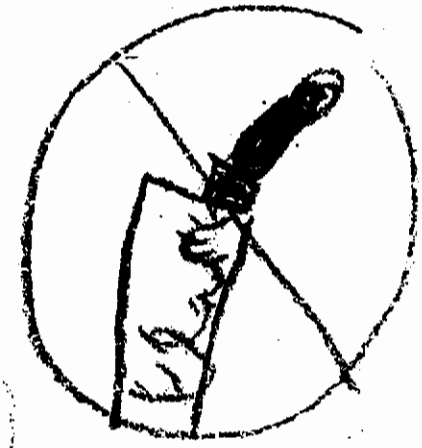
Alec Gonzalez



May 1, 2008

Dear Commissioners,

We want to protect the beach. We don't want it because it will hurt our birds. It is not fair. We want you to take all of them down. Please don't put another one in Oxnard. We want to protect our beach.



Your friend,

Rebeckah Guevara

May 1, 2008

Dear Commissoners,

We want to protect the beach. I want the beach to be natural. We don't want the beach ugly. The Edison plant will hurt the birds. It is not fair. Take all of the power plants down.

Your friend,

Angel Herrera

May 1, 2008

Dear Commissioners,

We want to protect the beach. We do not want the Edison plant because the smoke will hurt the birds. We want you to take down all the power plants. The smoke will hurt people.

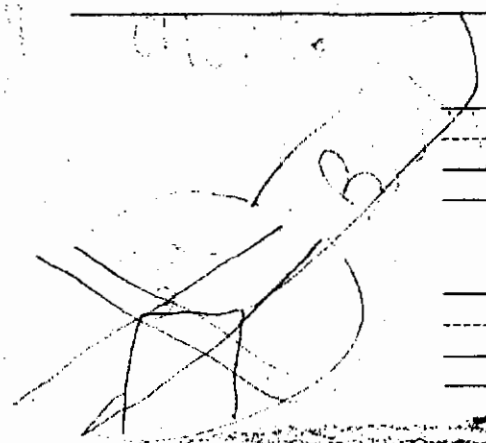
Love,

Bryson Jaramillo

May [illegible]

Dear commissioners

We want to protect the [illegible] The b[illegible] will not look [illegible] the [illegible] plant. We don't like the smoke from the power [illegible] Please [illegible]



[illegible]

May 1, 2008

Dear Comissioners,

We want the beach to look the way God made it. We want to see the birds and we want you to take all the power plants down. We don't need the Edison plant. Vote no on the peaker plant.

Your friend,

Celest Martinez

May 1, 2008

Dear Commissoners,

We want the beach to look the way God made it. The birds will fly away from it. We want to protect the beach. It is not fair. We already have two power plants. We want you to take all the power plants down.

Your friend,

Xena Ordaz

May 1, 2008

Dear Commissioners,

We want to protect the beach. We want the beach to be natural. We dont want the Edison plant. We want the beach to look the way God made it. The people in Oxnard dont want it.

Love,

Isaac Pillado

May 1, 2008

Dear Commissioners,

We want to protect the beach. We want it the way God made it. We want to see the birds. We don't want the people to get sick. And we don't want the people to get hurt.

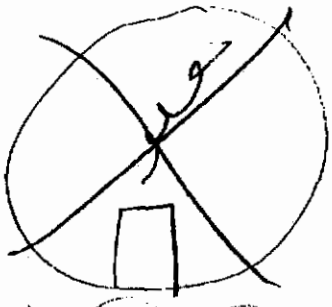
Your friend,

Victor Santander

May. 29 2008

Dear Comissioners,

The people in Oxnard don't want the power plant. I want the birds to fly and be happy forever. another Power Plant ever again. I want The animals be happy forever.



Love

Miguel Soto

May 1, 2008

Dear Commissioners,

We want to protect the beach. It's not fair we already have 2 power plants. It will make the plants die. We don't need 3 power plants. Vote no.

Love,

Alex Suarez

MARC L. CHARNEY
P. O. BOX 9100
OXNARD, CA 93031-9100

RECEIVED
MAY 0 2 2008
CALIFORNIA
COASTAL COMMISSION

April 28, 2008

Patrick Kruer, Chair
California Coastal Commission
45 Fremont St., Ste. 2000
San Francisco, CA 94105

Re: Oxnard (McGrath Beach) Peaker Plant

Honorable Chair Kruer:

This letter is written in support of the Coastal Commission's staff recommendation that you overturn the decision of the City of Oxnard and issue a Coastal Development Permit for this electrical generation facility.

My support is based on the fact that this facility is proposed for a site that is designated for energy production in the approved Oxnard Local Coastal Plan and supports the existing Reliant energy generating facility, which is a coastal dependent industrial use. If this facility cannot be sited at a location already designated for such use under the Coastal Plan, then where can it be sited?

My support is also based upon the fact that this peaker plant is needed to protect coastal communities from Southern Ventura County through Santa Barbara County from brownouts, blackouts, and the risk of long term power outages. Whether such occurrences are the result of natural disasters or excess demand on a region-wide or statewide-basis, they present real threats to the health (especially the health of the infirm), welfare (especially the welfare of the most needy) and economy of our community. By supplanting the coastal energy supply and providing a means of quick startup for the Reliant energy facility, the peaker plant can moderate, if not prevent, these occurrences.

One final matter of importance. During the course of the hearings that have occurred prior to the Coastal Commission hearing, several individuals who have opposed this application have stated that they speak for the Oxnard beach community. I am a member of that community and they do not speak for me. I find it presumptuous and offensive that these individuals purport to speak on behalf of persons with whom they have never consulted and from whom they have never received authorization. I trust that the Commissioners will recognize that their statements deserve no credence.

Patrick Kruer, Chair
April 28, 2008

The proposed peaker plant complies with the adopted local Coastal Plan for the Oxnard area. It is a highly beneficial use for Ventura County's and Santa Barbara County's coastal and inland communities. It presents no significant unmitigated environmental risk. I urge you to issue a Coastal Development Permit for this facility.

Sincerely,

Signature on File

Marc Lacharney

09999\008\LTR\10344540.DOC

117 Eagle Rock Avenue
Oxnard, California 93035
April 28, 2008

RECEIVED
MAY 0 2 2008
CALIFORNIA
COASTAL COMMISSION

Mr. Patrick Kruer, Chair
CALIFORNIA COASTAL COMMISSION
45 Fremont Street, Suite 2000
San Francisco, California 94105

Dear Mr. Kruer:

I am writing in support of Southern California Edison's appeal of the Oxnard City Council denial of a permit to build a peaker generation plant at the site of the already existing generation plant in Oxnard. I am the Chief Financial Officer of a local bank, a board member of the Ventura County Economic Development Association and live approximately five miles from the site of the proposed peaker. I pass the site every day on my way to work in Ventura. To the extent someone is likely to be impacted by additional emissions or visual impacts I would fit in that category.

The State of California has recognized the need for additional generation capacity and the CPUC directed SCE to build 5 peaker plants. The local areas of Ventura and Santa Barbara counties do not differ from the rest of California in that they have the same electricity generation limitations and will suffer the potential of brownouts/blackouts in times of peak usage. Because of this it is logical to place additional generation capability in the local geographic area.

While I understand the hesitance of any city to having large industrial plants built in their jurisdiction, the construction of this facility should be approved for the following reasons:

1. Construction of this facility complies with the Coastal Act.
2. The additional environmental impact of this facility would not be significant.
3. The site is already zoned for power generation. The current facility isn't a visual delight, but it won't be significantly worse with the addition of the peaker plant.
4. The peaker plant will provide additional peak generation capabilities and could in times of emergency be a primary source of electricity for critical loads in the local community.

While I will not be able to attend the Coastal Commission hearing on this appeal on May 8, 2008, I do wish to express my support of the appeal and for approval of construction of the peaker plant at McGrath Beach in Oxnard.

Very truly yours,

Signature on File

Gerald I. Rich

BEARDSLEY & SON

CUSTOM DRY & LIQUID FERTILIZERS

(805) 485-2113 2473 CAMINO DEL SOL P.O. BOX 135 OXNARD, CALIFORNIA 93030 Fax (805) 485-3364

April 24, 2008

RECEIVED

MAY 01 2008

CALIFORNIA COASTAL COMMISSION

California Coastal Commission
Mr. Patrick Kruer, Chairman
45 Fremont Street Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Kruer:

As the owner of a business located in Oxnard, I am writing in support of the Proposed SCE Peaker Project.

The City of Oxnard is currently undergoing rapid expansion in both the commercial and residential arenas. This dramatic expansion must lead us to review our energy needs and determine the best way this increased need might be met. I believe the SCE Peaker Project can be a valuable tool in maintaining a safe, reliable and low impact flow of electricity to the City.

The rolling blackouts required in past years may be avoided with this peaker plant in place. In case of interruptions of service caused by earthquakes or other natural disasters, the peaker plant could provide critical service to Oxnard's businesses, hospitals and homes.

Southern California Edison's proposal addresses many of the concerns of the community, and I believe addresses them appropriately. They have worked hard to reduce the environmental and social impact of building and maintaining the plant while striving to provide the highest quality service possible.

I urge you to help serve the needs of the City by moving to adopt this proposal.

Thank you for your consideration.

Sincerely

Signature on File

Thomas S. Beardsley, President
Beardsley & Son, Inc.

TSB/cm

DFD ENTERPRISES, INC.

LIC. NO. 314958 P.O. BOX 802, CAMARILLO, CA. 93011 (805) ~~485-7723~~ 981-4312

~~3803 VENTURA BOULEVARD, OXNARD, CALIFORNIA 93030~~

620 Graves Avenue, Oxnard, CA 93030

April 27, 2008

Mr. Patrick Kruer, Chair
California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, CA 94105

RE: SCE Proposed Peaker Power Plant

Dear Mr. Kruer:

DFD Enterprises, Inc. has been in the Oxnard plain for many, many years. We have experienced several electrical outages and brown outs especially during the summer months. We recognize the importance of stable electricity to the residents and the business community. Stable electricity is crucial to the overall operation of our business.

To this end, DFD Enterprises, Inc. strongly supports Southern California Edison's Peaker Project at 251 N. Harbor Blvd. This project is located on SCE land adjacent to generating station formerly occupied by station fuel tanks. The area is parcel zoned and designated for Energy Production in Oxnard. We feel the City Oxnard should do everything within its powers to prevent power interruptions as a result of any unforeseen natural disaster, such as earthquakes, fires, etc. Quick start generation to provide energy is urgently needed.

The business community, the City of Oxnard and its residents all need backup sources of electricity now. We urge you to support this most important project.

Sincerely,

Signature on File

Florence LaManno
President/CEO
DFD Enterprises, Inc.

Cc: Rudy Gonzales, SCE

MANDALAY SHORES COMMUNITY ASSOCIATION, INC.
Suite 316
3844 W. Channel Islands Blvd.
Oxnard, CA 93035

May 8, 2008 Agenda Item 12-c
Appeal No. A-4-OXN-07-096
Opposed

RECEIVED
MAY 05 2008
CALIFORNIA COASTAL COMMISSION

May 4, 2008

Attn: Alison Dettmer
California Coastal Commission
San Francisco, CA 94105-2219

RE: **Appeal No. A-4-OXN-07-096** (So. Calif. Edison Co., Oxnard, CA.) Item 12-c

Members of the Commission:

We, the Board Members of the Mandalay Shores Community Association and the Oxnard Shores Neighborhood Council, representing over 1400 residences, within a quarter of a mile of the proposed Edison Peaker plant, oppose this project because of its potential negative environmental impact.

Our main focus is the health and welfare of our beach community. The proposed site of this Peaker plant project is an abandoned fuel tank field, which may contain contaminated soil. Peaker plant emissions and noise also a concern.

Our understanding is that the proposed plant does not require an E.I.R., thus we have no way of knowing what air quality residents will be breathing during and after the construction of this plant. And let's not ignore our natural habitat. How will emissions and the noise of this plant affect the native birds that migrate annually to this nesting area.

Mandalay Beach is already the home of one of the two power generation plants located in Oxnard, CA.. An additional Peaker plant and its noise would be aesthetically unpleasing, not only to local residents, but also to visitors and vacationers that come to enjoy our tranquil coastal area.

Help preserve our coastal zone. Edison officials have publicly stated that Mandalay Beach is their "preferred" site and that there are alternative sites, not located in a Coastal Zone. Since, the proposed Peaker plant is not coastal dependent, we urge that these alternative sites be considered.

Respectfully

Signature on File

Larry McGrath
President, M.S.C.A and O.S.N.C.
Julie Pena
M.S.C.A. Secretary

Mildred A. Miele
3107 South Harbor Blvd.
Oxnard, CA 93035

May 5, 2008

California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

RECEIVED
MAY 05 2008
CALIFORNIA
COASTAL COMMISSION

RE: Peaker Power Plant, Harbor Blvd, Oxnard
Commission Appeal No: A-4-OXN-07-096

It is time the California Coastal Commission begins considering the welfare of the citizens of Oxnard and not special interest groups. Several years ago I attended a Coastal Commission meeting where members extended the Ventura County dump which was located in Oxnard, far beyond the timeframe it should have been in operation. No consideration was given the citizens of Oxnard who were affected by the pollution from the dump. Now the California Coastal Commission is again using Oxnard as a dumping ground overturning the decision of the City of Oxnard to deny the construction and operation of a 45-megawatt "peaker" power plant on our beautiful coastline.

Following are some of the many reasons this plant should NOT be built:

1. Volatile chemicals will be stored at the Edison sight at close proximity to residences.
2. Exhaust release stack will be high enough to affect the flight plan of planes flying to/from Oxnard Airport.
   a. Will planes be dangerously redirected to fly over homes? Several small planes with engine problems have already made emergency landings on our streets.
3. Oxnard citizens have had more than their share of polluting operations in our area:
   a. When Raytheon's Oxnard location was closed, pollutants were left in the ground.
   b. A business on 5th Street between Harbor and Victoria left contaminated soil when it closed its' operations.
   c. Oxnard is the home of the Ventura County Naval Base and Point Mugu which are generators of pollutants. I was employed for a government contractor and was appalled when I worked on documents for testing missiles on the bases which included nuclear energy and its hazardous waste.
4. The Ventura County dump was located in Oxnard, polluting our air and soil much longer than should have been allowed thanks to the California Coastal Commission.
5. There is a Reliant Energy Plant operating right next to the proposed site of the peaker power plant. There are already enough chemicals and pollutants involved in this operation.
6. There is a marine sanctuary right off our coast. Oxnard is home to many species of wild life. Their safety should also be taken into consideration.
7. THE ENERGY WILL NOT EVEN BE USED FOR OXNARD. Why not locate the plant away from homes and in the area where the energy will be used.

Would members of the California Coastal Commission care to live so close to this plant??? I think NOT!! It is time Oxnard is considered more than just a dumping ground for pollutants.

Mildred A. Miele

RECEIVED
MAY 05 2008
CALIFORNIA COASTAL COMMISSION

5/4/08 FAX-415-904-5400

5/5/08 Ventura office suggested I call. (SF office)

TO: CALIFORNIA COASTAL COMMISSION
89 South California Street, Suite 200
Ventura, CA 93001-2801
(805) 585-1800

FROM: BILL MILEY, 919 NO. SIGNAL STREET, OJAI CA 93023 Bill Miley

SUBJECT: COMMISSION APPEAL NO.: A-4-OXN-07-096, Southern California Edison Company, Construction and operation of a 45-megawatt "peaker" power plant. Commission meeting 5/7-8-9/08. (I request this appeal be denied)

I would like to make several points in defence of the denial of the appeal by Southern California Edison for their Peaker Power Plant to be located next to the current Reliant Mandalay Generating Plant on Harbor Boulevard in Oxnard, Ca.

1. After reading the staff report of the Commission and seeing that they found a "hole" in the Oxnard City Local Coastal Plan which they interpret as allowing power plants even though they are not coastal dependent, it seems this was never the intent of the city of oxnard to allow new or additional "anykind" of power plants on its coastal dune structures. As populations expand, coastal areas which for the most part are open and still sandy and with residual dunes were intended to be protected. **STAFF FINDING A "LOOPHOLE" IN THE OXANRD LCP SEEMS TO VIOLATE THE INTENT OF CEOA OF PROTECTING OUR NATURAL AND IRREPLACEABLE RESOURCE.**

2. I don't believe the required section on ALTERNATIVES TO THE PROJECT was adequately done or considered by the staff in their recommendation. The PEAKER PLANT is a stand-alone facility as long as space is available for supporting structures and access to transmission lines is available. It certainly is in other areas of ventura county, such as Moorpark. I would suggest that Edison is trying to save money on land acquisition or lease by using the Mandalay site. **This site is not appropriate as it is a one-of-a-kind Pacific Ocean Coastal area and shouldn't be cluttered with a sound generating, visual contaminating non-coastal dependent power generating facility which could be placed relatively easily some place else (by a power generating company which does this as a business).**

3. TURBINE NOISE -- I am sure somewhere in all of the documents for this application, there is commentary about the sound levels which will be generated by this Peaker Plant Facility.

But I did not find anything that spoke to the sound/noise production when it is operating. SOUND GENERATION BOTH AT GROUND LEVEL AND AIRBORNE LEVEL WILL BE AN ADVERSE ENVIRONMENTAL ISSUE. The current Mandalay Reliant Plant when operating does not produce any, beyond ambient sound, as my family expeiences on the beach have noticed. What is the staff thinking when their only "key" to recommending approval is the "loophole" in the Oxnard City LCPlan and totally failing to address the noise level of this turbine, with no comment or adverse mitigation for this sound generating Peaker Plant Facility.

Lots of sound gets generated by the gas turbine exhaust. According to this website (http://poweracoustics.com/Tech%20Papers%20PDF/NoiseCon_2003_Paper.pdf) POWER ACOUSTICS, INC, ORLANDO, FL ,

"Gas turbine based power generation facilities require customized noise abatement features to achieve various community noise standards or regulations. While many sound sources exist within these facilities, the most complex and costly to silence is typically that related to the gas turbine exhaust."

4. THE NOISE PROBLEM -- SINCE THE PEAKER PLANT IS A GAS POWER TURBINE ENGINE AND WILL GENERATE EXHAUST SOUND FROM ITS OPERATION THIS ENVIRONMENTAL ADVERSE EFFECT MUST RECEIVE VERY CAREFUL ENGINERING STUDY AND CONCLUSION.

A. MY OPINION AND IT IS A STRONG OPINION BASED ON WHAT I KNOW ABOUT CEQA, IS THAT NO SOUND GENERATING POWER GAS TURBINE SHOULD BE LOCATED IN A COASTAL ZONE UNLESS THERE IS NO OTHER PLACE TO PUT IT AND IT IS A LIFE AND DEATH NECESSITY.

THIS ISN'T!!! IT CAN BE LOCATED OUTSIDE THE COASTAL ZONE, AND LOCATED IN A PLACE TO TOTALLY MITIGATE TURBINE EXHAUST NOISE.

B. ANIMALS, ESPECIALLY BIRDS AND PEOPLE SHOULD NOT HAVE TO EXPERIENCE THE EXHAUST GAS NOISE FROM A PEAKER PLANT TURBINE ON OUR CALIFORNIA COAST.

5. **COASTAL COMMISSIONERS: PLEASE LOOK AT THE BIG PICTURE. REJECT THE STAFF RECOMMENDATION AND DENY THIS APPEAL.**

THANK YOU

BILL MILEY

Law Office of Tim Riley

MEMBER OF THE NEW YORK BAR

5246 OUTRIGGER WAY
≈ CHANNEL ISLANDS HARBOR ≈
OXNARD SHORES
CALIFORNIA 93035

MEMBER OF THE CALIFORNIA BAR

TELEPHONE (805) 984-2350 • FACSIMILE (805) 984-2FAX • WEBSITE TimRileyLaw.com • EMAIL Tim.Riley@gte..net

California Coastal Commission
Hearing Date: May 8, 2008
Th12c De Novo Review Appeal # A-4-OXN-07-096

PRAYER: DENY

The Appeal Should Be Denied.
Common sense and the integrity of our precious California Coast should prevail.
This appeal should not be granted based upon SCE's untimely and impractical rationale.

Conceded Issues:

Southern California Edison, at prior public hearings, has conceded:

1. The peaker plant can be built inland and does not need sea water for cooling or operation;
2. Optional inland locations for the plant do in fact exist;
3. The plant is primarily intended to provide inland power during peak need.
4. Belatedly, SCE proposes this project in response to an order with a deadline which has passed.

Argument and Reasoning:

The integrity of our coast should be protected by the integrity of our commonsense - not squandered by untimely or impractical rationales. Since the peaker plant does not require seawater for operation or cooling, it would be misguided to permit another power plant on our coveted coast when the same power plant, admittedly, can be built inland. This is true, even more so, where the power generated is intended to service inland communities. Moreover, the 2007 CPUC deadline has passed, and SCE needs a time-machine to "more fully" comply.

Conclusion:

Where coastal resources are so limited, only sound and pressing reason should prevail - not belated or impractical rationales. The proposed peaker plant is not physically or practically dependant on the coast for its operation. SCE should consider building the peaker plant at an available inland site where the power generated is intended for inland use.

Respectfully, please deny the coastal power plant.

Sincerely,
Law Office of Tim Riley

Timothy Clifford Riley
TCR/me

ORE

OCTAVIO R. ELIAS

1080 MANDALAY BEACH ROAD • OXNARD SHORES • CALIFORNIA 93035

RECEIVED

MAY 0 5 2008

CALIFORNIA COASTAL COMMISSION

May 1, 2008

ITEM 12-c
Appeal No. A-4-Oxn-07-096
So. Cal Edison, Oxnard

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Commissioners:

What is your mandate? **To protect California's coastline** from unneeded and unnecessary development, blight and degradation.

Errors were made many, many years ago with the approval to Edison of the old, existing Reliant Energy power plant on Harbor Bl. that has been polluted the air and interrupted the ecosystem. It was water-cooled and probably less expensive to run which justified its location on the shoreline. The old plant is now obsolete and due to be decommissioned.

The proposed Peaker Plant could be with us forever. It is not coastal dependent. My understanding is that the City of Oxnard has offered other more appropriate sites with minimal red tape. Besides the aesthetic issue, Ventura County is 15th in the nation for smog. To site an industrial facility where the winds will carry particulants to the general population is absurd.

So much has been accomplished in that general area over the past few years with the *privately–funded cleanup of toxic substances* at the North Shore development at the corner of 5th & Harbor. The discovery and propagation of the 'extinct' milk vetch plant has been a success. It is a slap in the face to us all to contradict all the good that we have worked for.

You have a once in OUR lifetime opportunity to Restore the Beach.

Sincerely,

Signature on File

Octavio and RoseMarie Elias

RECEIVED

JUL 14 2008

CALIFORNIA
COASTAL COMMISSION

Please let it be known
That I Rekanui Collins
am for the
Mc Grath Beach Peaker Plan Project
in or for Oxnard Ca.

SIGNATURE ON FILE

7-10-2008.

Cassidy Teufel

From: Wanda Stroud [wstroud@gsms.us]
Sent: Monday, July 14, 2008 12:58 PM
To: Cassidy Teufel
Cc: Jim Stroud; Wanda Stroud
Subject: McGrath Beach Peaker Plant Project in Oxnard, CA

My husband and I own a home on Island View Street where we lived for about 5 years. We recently moved to 10 acres in Simi Valley because our quiet beach area was being consumed by rapid growth construction. We weren't thrilled with the un-natural looking grading on the corner of Harbor and 5th. We weren't happy with the multitudes of strip malls, apartments, and town homes along Victoria and Wooley. And, we were very disappointed with the 3-story monstrosities built right on the beach within the Mandalay Shores.

Californians have not figured out that high density population does not add value or beautification, but we keep on building. My ideal beach community would have only one or 2 story homes on at least 5-acre, ungraded lots with wide untouched perimeters in which the natural habitat could thrive, in which man-made structures don't distract from the beauty of nature, and in a situation where neighbors don't irritate each other.

Since we haven't learned our lessons, I only request two things in the review of this Peaker Plant enlargement: that it doesn't devalue the investment that we own on Island View Street. The disclosures on our real estate paperwork did not include this project and many others for that matter; otherwise, we would have reconsidered our investment. And, that it doesn't compromise my health and well-being.

While the current power plant isn't a noticeable nuisance from Island View Street (I don't know what waste-by products could be harming me), I foresee that the new homes projected to be built right next to the SCE's property will not be attracting high-end homeowners who will be investing a lot of money. Therefore, if this new housing tract becomes an undesirable area because of the power plant growth (after all, who wants to live, by choice, next to a power plant), my home on Island View Street suffers the high crime, increased pollution and graffiti, and all the negative that comes from an undesirable area. We all know that industrial sites mix with high-end, beautiful communities like water and oil does!

Keep in mind that as more homes are being built in the surrounding area, more residents will complain each time SCE wants to do something new or different. Once SCE has built all that it can on the current property and the need for electricity continues to grow (I haven't seen a decline in human population yet), then what? SCE will still be in the same boat. When housing developers run out of space to build, it is conceivable that many will see SCE's property as prime real estate (think about the Presidio in San Francisco). We talk about the need to expand the electrical capacity of this property when someday the electrical may have to move because SCE could sell to developers at a better price. This thought makes the entire project almost pointless.

There are other nuisances with SCE's property: I lose car radio reception along that stretch of Harbor Boulevard (do I need to worry about health issues resulting from the same interference?); power lines and gas lines don't bow well with earthquakes, winds, fires, and rain; an industrial site is ugly no matter what landscaping could shield it (provided that budget constraints don't neglect landscaping care later on); the site gets uglier by the year with the harsh salt air producing lots of rust; I have to remove tar from my shoes each time I walk our beach (what else is tossed into our oceans from a beach-side industrial site?); and I have to be concerned if there's an accident or problem that would have us vacate our properties.

As I ponder this project, I can't help but wonder how much more aesthetically pleasing SCE's property could be with windmills to harness wind power, or ground level (not visible) solar panels that could capture sun power. I'd be in favor of nuclear, except I lived close to Three Mile Island in Pennsylvania as a child and remember how my family evacuated the area for the day until we received word that it was purportedly safe to return. There are still people in the area that blame a generation of birth defects on that day.

I know that no one wants this power plant in their 'backyard'. Then, I recommend that California supports slow-to-no-growth measures that would prevent homes from being located too close to industrial and commercial sites. We could argue all day as to what is considered an ideal spot for industrial (beach areas, desert areas, mountain

areas). Each terrain has a beauty all to its own, so maybe it makes sense to have small, unobtrusive energy facilities that accommodate only the immediate area. It does disturb me that our beach is compromising its integrity because someone 60 miles inland needs electricity. Let that city build its own facility.

Thanks for letting me voice my concern,

Wanda (and Jim) Stroud
Owners: 5043 Island View Street, Oxnard, CA 93035
Resident: 80 Presidential Drive, Simi Valley, CA 93065

Cassidy Teufel

From: Linda Calderon [lincalderon@verizon.net]
Sent: Friday, July 11, 2008 2:03 PM
To: Cassidy Teufel
Subject: Oxnard Peaker Plant proposal

Dear Mr. Teufel:

I would like to submit comments and ask that you share them with the Coastal Commission as they pertain to the subject McGrath Beach Peaker Plant proposed project in Oxnard, CA and use them for your Aug. 6-8 meeting which, unfortunately, is being held far from Oxnard thus not giving the residents much of an opportunity to respond in person.

I, along with many, many other residents of Oxnard, am against the proposed Peaker Plant for the following reasons:

1. There is no reason why the plant should be located on the coast since it is not coastal dependent and most of the power generated will be sent far inland, not in this area. It is my understanding that at least part of the other electrical generating structures presently located in this area are not, or soon will not be, used and were supposed to be torn down by SCE who has not done this. This is, therefore, an opportunity for the Coastal Commission to do the right thing to help restore the beauty of this coastline by denying this Peaker Plant with the ugly 80' high tower which will be visible for miles and miles. I know Santa Barbara and Mailibu would not want such a thing in their backyard and neither do we Oxnard residents. Let's restore this coastline to its original beauty.

2. The fact that a natural gas pipeline of 6" is also proposed to be installed, we believe is for the purpose of LNG being piped in from offshore - which the Coastal Commission already denied access once before and which we will fight again in the future (and hope you will also again). That is just one more reason to deny this Peaker Plant Project.

3. The proximity of the emissions and PCB's (carcinogenic)to the campers at McGrath State Beach and the housing development.

4. Most of the electricity generated by this Plant is proposed to be sent to inland areas which should, therefore, be the ones having the Peaker Plant. Why should our City and Coast be subject to his plant?

5. I do not believe that there is any way that construction activities and noise can NOT adversely affect the burrowing owls and other wildlife. noise is noise and it affects the habitat and humans adversely. I know this after living in the area of the sewer project of Oxnard for two years and having my home constantly bombarded by high noise and shaking at times. I was a nervous wreck as were my neighbors. This may cause lawsuits due to this activity affecting people's nerves.

Please, dear Commission members, rethink giving a permit for this destructive activity on the coastline under your jurisdiction.

Thank you for your time and due consideration.

Sincerely,

Linda Calderon
PO Box 2732
Oxnard, CA 93034

Rev. Linda Calderon
PO Box 2732
Oxnard, CA 93034

Cassidy Teufel

From: donaldghauser [d1hauser@verizon.net]
Sent: Friday, July 11, 2008 3:14 PM
To: Cassidy Teufel
Subject: Report: McGrath Beach Peaker Plant Project in Oxnard

Subject Report is very good.
Reference Municipal Services
Sanitary / sewage--insignificant
Access / Public Roads--insignificant
Police--insignificant
Fire Protection--insignificant
Potable Water--Oxnard furnishes approximatly 13,000 acre feet per year (afy) to the community. The Peaker Plant will not need landscaping water, almost no "domestic" water and the turbin(s) approximatly 20 afy. That is an increase in demand of 0.0007 % +- , i.e. --insignificant. Electricity is needed to furnish water to all communities.

I support Staff's recommendation of Approval.

Thank you

Donald Hauser

Cassidy Teufel

From: glen aalbers [glen42@gaalbers.com]
Sent: Wednesday, July 09, 2008 9:38 AM
To: Cassidy Teufel
Cc: Rudolph Gonzales
Subject: SCE Peaker Plant

Cassidy Teufel,

I support the staff's position of approval for the subject Peaker Plant.
I am unable to attend the hearing as I will be out of state at that time. However,
as a resident of Oxnard Shores Mobile Home Park, I live in sight of the proposed plant and do not have any objections.
It will be nice to have the reserve energy potential right next door, that can get turned on within minutes following a major disaster.
This will definitely benefit the residents of Oxnard Shores.
I fully support the plan and hope the Commission does also.
Thanks for reading my letter.

Glen Aalbers
5540 West 5th St, Unit 134
Oxnard, CA 93035-4812

Glen L. Aalbers, PLS 4494
Aalbers & Associates
2362 N. Oxnard Blvd
Suite 201
Oxnard, CA 93036
805-207-0804
805-604-3383 fax

Cassidy Teufel

From: Paulson, Wesley NAVSEA [wesley.paulson@navy.mil]
Sent: Tuesday, July 08, 2008 1:45 PM
To: Cassidy Teufel
Cc: wes@gobigwest.com
Subject: Edison's proposed McGrath Beach Peaker Plant Project in Oxnard, Calif.

Cassidy Teufel

I'm against the proposal. Oxnard gets selected disproportionately for projects that are deemed necessary but which more affluent communities don't want.

Build the Peaker Plant in Malibu.

Wesley Paulson
4952 Nautilus Street
Oxnard, Calif 93035

Cassidy Teufel

From: Daniel Stein [danielinbl@aol.com]
Sent: Monday, July 07, 2008 9:47 PM
To: Cassidy Teufel
Subject: From Oxnard home owner

What is 'peak' today will be constant tomorrow. Don't build your mess in Oxnard - Start looking into renewable sources. This was vetoed last June, why are we up against it again???

Health and Joy Daniel

Daniel Stein

The Famous, the infamous, the lame - in your browser. Get the TMZ Toolbar Now!

RECEIVED
JUL 16 2008
CALIFORNIA
COASTAL COMMISSION

July 11, 2008

Cassidy Teufel
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Attention: Commissioners

Ladies and Gentlemen:

I have been following with particular interest the potential for placing this so-called "Peaker" power plant on the Channel Islands Coast at McGrath Beach. Edison's effort to get approval for this project was previously denied by the Commission and the Governor. The finding should be sustained.

This coastal area has already been compromised with the existing power plant at McGrath, the numerous offshore oil platforms, various heavy industrial operations, including more than one defunct such site virtually adjacent to the proposed Peaker site. Add to this the pollution and risk associated with the nearby operational military facilities and I think it is apparent that this community is doing more than its share of contributing to the general welfare of Ventura County, California and indeed the United States of America. If the power is necessary, site the facility elsewhere.

Furthermore, when considering this project, it is nothing less than imperative that we also consider the potential for more offshore oil platforms nearby. The United States' need for domestic oil production is now obvious, even to the most profound obstructionists, and this coastal area is an obvious available source that should and likely will be exploited. With this in mind, it would be unreasonable and short sighted to subject this community to the elective placement of this peaker project or for that matter any other polluting facility that can be optionally sited.

Thank you in advance for considering my opinion. I look forward to hearing that the commission has confirmed the earlier finding that this facility not be located at McGrath Beach.

Sincerely,

SIGNATURE ON FILE

Kenneth Gilmore
791 Mandalay Beach Road
Oxnard, CA 93935

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL® Company

July 30, 2008

Alison Dettmer and Cassidy Teufel
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA
94105-5200

Agenda Item W7a

Re: Appeal No. A-4-OXN-07-096 (Southern California Edison Company, Oxnard "Peaker" Power Plant)

Dear Ms. Dettmer and Mr. Teufel:

In the attached document, SCE has provided responses to all public comments that have been submitted to the City of Oxnard and the Coastal Commission from the inception of the Project through mid July 2008, with the exception of the July 18, 2008 City of Oxnard letter, which SCE is responding to separately. Each comment letter is also attached and has been coded based on the venue in which the comment was received. We request that SCE's response to public comments be included in the Administrative Record for the Project. Codes reflect the following venues:

CCL Coastal Commission Letters: Letters and e-mails received by the California Coastal Commission in response to the proposed Project (Coastal Development Permit Appeal A-4-OXN-07-096) through June 30, 2008.

PDL City of Oxnard Planning Department Letters: Letters and e-mails submitted to the City of Oxnard during its administrative process. This includes the 38-day CEQA review period, the City of Oxnard Planning Department Hearing, and the City Council Appeal Hearing.

PCH City of Oxnard, Planning Commission Hearing: Oral comments made during the June 28, 2007 City of Oxnard PlannOxnaring Commission Hearing.

OCCH City of Oxnard, City Council Appeal Hearing: Oral comments made during the July 24, 2007 City of Oxnard City Council Appeal Hearing.

In preparing its responses to these comments, SCE has relied upon:

1. The technical analyses included in the City of Oxnard's Mitigated Negative Declaration for the proposed Project.

2. The administrative record of the City of Oxnard. The specific documents relied upon were cited to in SCE's appeal of August 9, 2007 at Appendix B-7 and copies were provided to Coastal Commission staff on May 7, 2008 on a CD along with an index of the CD that parallels Appendix B-7. The administrative record from the City of Oxnard comprises substantial evidence upon which various of the proposed Project analyses and determinations rely.

3. The April 24, 2008 California Coastal Commission Staff Report for the May 9, 2008 hearing (the "April Staff Report").

4. SCE's June 16, 2008 supplemental analyses for cumulative impacts, environmental justice, growth inducing impacts and alternatives.

5. Responses to Commission staff questions and comments submitted on:

    a. February 24, 2008
    b. March 21, 2008
    c. April 9, 2008
    d. June 24, 2008
    e. June 26, 2008
    f. June 30, 2008

6. Supplemental e-mails to the Commission staff in response to specific questions.

7. The July 2, 2008 California Coastal Commission Staff Report for the September 2008 hearing ("Staff Report"). All references to the Commission "Staff Report" refer to the Staff Report for the September 2008 hearing unless otherwise stated.

Very Truly Yours,

David W. Kay

Manager, Environmental Projects

COMMENTS AND RESPONSES TO COMMENTS SUBMITTED TO THE CALIFORNIA COASTAL COMMISSION

COMMENT LETTER CCL-1: EDMUND F. SOTELO, CITY MANAGER, CITY OF OXNARD

Comment CCL-1-1: Section 30264 of the California Public Resources Code requires a determination by the State Energy Conservation and Development Commission ("Energy Commission") that the proposed site has greater relative merit pursuant to Section 25516.1 of the California Public Resources Code than available alternative sites and related facilities. There is nothing in the record showing that the Energy Commission has made such a determination.

The attached Figure A, taken from the Energy Commission website, shows numerous substations in Ventura County, southern Kern County, and the San Fernando Valley which is the service area, presumably, in need of the extra generation capacity. The PUC Assigned Ruling that initiated SCE's building of five peaker plants states "… the demand forecasts used to plan for resource needs in California may not have fully incorporated the impacts of recent population growth in the warmer inland areas of California." SCE's criteria for site selection, Attachment B, are so limited so as to preclude any other site except Oxnard. SCE should not be able to use "too much grading" or "road degraded" as reasons to develop a coastal site over an inland site. SCE should not be allowed to use the "fast-track" reasoning to select Oxnard over another inland location as they have already spent 18 months pursuing this project that could have been spent building the peaker at another location. It is the City's position that each SCE substation location should be thoroughly evaluated before the Coastal Commission, in conjunction with the Energy Commission, may conclude that the only viable site is in the coastal zone.

> **Response CCL-1-1:** This comment is based on the mistaken premise that the proposed peaker plant (the "Project") falls within the authority of the Energy Commission to certify proposed powerplant sites, and that the Energy Commission is therefore required to determine that the Project site has "greater relative merit" than available alternative sites pursuant to Public Resources Code sections 30264 and 25516.1. Because the proposed Project would have only 45 megawatts of electric generating capacity, it does not fall within the siting jurisdiction of the Energy Commission. As such, Public Resources Code sections 30264 and 25516.1 do not apply; therefore, no determination from the Energy Commission regarding alternative sites is required.
>
> As part of the Warren-Alquist State Energy Resources Conservation and Development Act (the "Act"), section 25500 of the Public Resources Code grants the Energy Commission exclusive authority to certify all proposed thermal power plant "sites" and "related facilities" in California. It is only as part of this authority that the Energy Commission is required to make determinations regarding whether or not a "site and related facility" in the coastal zone have "greater relative merit than available alternative sites and related facilities for an

applicant's service area which have been determined to be acceptable by the commission pursuant to Section 25516."

The Act defines a "site" as "any location on which a facility is constructed or proposed to be constructed" (Pub. Res. Code § 25119). In turn, the Act defines "facility" as "any electric transmission line or thermal powerplant, or both . . . regulated pursuant to the provisions of this division" (Pub. Res. Code § 25110). A "thermal powerplant" is defined to mean an electrical generating facility "with a generating capacity of 50 megawatts or more . . ." among other requirements (Pub. Res. Code § 25120). And "electric transmission" is limited to "electric powerline[s] carrying electric power from a thermal powerplant . . ." (Pub. Res. Code § 25107).

As stated throughout the Staff Report, the proposed Project would be a 45-megawatt natural gas fired peaker power plant. Because it would not have 50-megawatts of generating capacity, the Project does not meet the definition of "facility" under the Act and the Energy Commission does not possess siting certification authority over the Project. As such, Public Resources Code section 30264 does not apply and the Project does not require a determination by the Energy Commission under Public Resources Code section 25516.1.

Even assuming arguendo that the Project did qualify as a "facility" under the Act, it would still satisfy the requirements of Public Resources Code section 30264, based on its expressly referenced exception found in section 30413(b) of the Public Resources Code. Section 30413(b) requires the Coastal Commission to designate locations within the coastal zone where siting a "facility" would prevent achievement of the objectives of the Coastal Act; however, it specifically directs the Coastal Commission not to so designate locations already being used for such facilities and reasonable expansions thereof. Because the site of the existing Mandalay Power Plant has not been designated by the Coastal Commission as a location where energy facilities should not be sited – and to the contrary, is the location of an existing plant – the development of the Project on land formerly used by the Mandalay Power Plant is plainly consistent with section 30413(b). As stated on page 13 of the Staff Report:

> "In 1978, 1984, and 1985, pursuant to Section 30413(b) of the Coastal Act, the Coastal Commission adopted, revised and re-adopted a report titled "Designation of Coastal Zone Areas Where Construction of an Electrical Power Plant Would Prevent Achievement of the Objectives of the California Coastal Act of 1976." That report identified sensitive resource areas along the California Coast and designated them areas *not* suitable for power plant siting. All designated protected areas (which includes parks, sensitive plant and wildlife habitat areas, and special agricultural lands) are displayed on 162 maps of the coastal zone. The designations do not preclude "reasonable expansion" of the then 19 existing coastal power plants, including the Mandalay Power Plant."

In addition, the Staff Report notes a parallel process that occurred in conjunction with the CCC and San Francisco Bay Conservation and Development Commission (BCDC), wherein the California Energy Commission ("CEC") released a report in June of 1980 titled, "Opportunities to Expand Coastal Power Plants in California." As stated on page 14 of the Staff Report:

> "The CEC report built on this definition of "reasonable expansion" and included maps designating the location and extent of coastal power plants and the adjacent areas determined to be suitable for reasonable expansion of these facilities. The map provided of the Mandalay Generating Station in Oxnard (shown as Exhibit 11) clearly includes the location of the proposed peaker facility within that area designated as a 'power plant.'"

This comment also criticizes the criteria used by SCE for selecting the site of the proposed Project based on a draft PowerPoint slide prepared for the May 7, 2008 Commission hearing, while ignoring the more detailed site-selection discussion included in SCE's May 2, 2008 comment letter to the Commission, which demonstrated that after a thorough review of potential peaker sites throughout SCE's system, SCE concluded that the Project site is optimal from both an environmental and operational standpoint.

Nonetheless, based on the many public comments that requested a more thorough discussion of the alternative sites that SCE considered for the proposed Project, as well as a better understanding of why potential alternative technologies would not fulfill the purpose of and the need for the Project, SCE prepared an alternatives analysis, submitted to the Coastal Commission on June 16, 2008, that provides additional information regarding its site selection process and a discussion of each of the alternatives that have been suggested by the public.

SCE was ordered by the California Public Utilities Commission ("CPUC") to bring on-line by the Summer of 2007 up to 250 megawatts ("MW") of SCE-owned, black-start, dispatchable generating facilities that would bring collateral benefits to SCE's transmission and distribution system as well as the California Independent System Operator ("CAISO") grid. In response to this directive, SCE proposed constructing five 45-MW peaker projects. The proposed Project is the final peaker to be constructed.

At the time the CPUC directive was issued, SCE screened all available SCE-owned property inside its system. This included all the SCE-owned substation properties identified in Attachment A to the commenter's letter. Initial screening criteria were: (1) that SCE owned the property; (2) that there were 2-3 acres of available land within or adjacent to a 66 or 115 kV substation; and (3) that the site was not within 1,000 feet of a school or hospital.

In order to best provide collateral benefits to the transmission and distribution system, SCE identified locations on its system that could most benefit from the peaker projects. One of these areas was the Ventura/Santa Barbara county area

west of the Pardee Substation. Based on the three criteria listed above, four sites passed the initial screening process – Goleta, Mandalay, Moorpark, and Santa Clara.

These four sites were then subjected to more detailed analysis based on additional criteria: (1) transmission availability; (2) no significant environmental issues; (3) no significant engineering or construction issues; and (4) local system reliability benefits. Based on these additional four criteria, the Mandalay site was determined to be superior in all respects. At the Mandalay site, the proposed Project would have no significant environmental impacts, no construction issues, and maximum reliability benefits. Moreover, it was the only site that was considered capable of meeting the required construction schedule, if permitting were to proceed expeditiously.

In February 2007 when it became apparent that the proposed Project would not be constructed in time to meet Summer 2007 needs, SCE reassessed the Project to determine if the peaker would be better placed at a different location on the SCE system. Based on the reassessment of potential project sites, Mandalay remains the preferred location for the same reasons it was initially selected.

As part of the current alternative analysis, SCE also reviewed customer substations in the Santa Clara subsystem area that had available land to determine if these sites could provide the same reliability benefits as the Mandalay site while allowing construction outside of the coastal zone. Eight customer substations with sufficient adjacent land were identified. These included Camgen, Charmin, Getty, Missile, Procgen, Three M, Unioil, and Williamette. Only the Unioil substation was located close enough to the Mandalay Generating Station to allow a successful black start. However, the Unioil substation is located within the DCOR oil processing facility just west of the proposed Project site, so connecting the peaker to this location would not move its existing footprint. Therefore, the currently proposed site remains the preferred alternative.

From the comment letters, SCE identified the following seven alternatives to the proposed Project:

1) No Project Alternative (do not construct a “black start” peaker in the Ventura/Santa Barbara area);
2) Renewable/Demand Side Management/Energy Efficiency Alternative;
3) Local Cogeneration Alternative;
4) EF Oxnard Site Alternative;
5) East of Harbor Boulevard Alternative;
6) Mandalay Generating Station Alternative; and
7) Non-Coastal Location in the Ventura/Santa Barbara Area Alternative.

SCE considered the above alternatives; however, none will meet the purpose of and need for the proposed Project, which is to provide an additional 45 MW of dispatchable generation at a location capable of black starting the Mandalay Generating Station and providing other needed grid reliability benefits.

If a black start peaker is not constructed west of the Pardee substation, then the local reliability issues identified for this area will remain. Therefore, one or more future generation or transmission projects will need to be constructed in this same area to address these issues. Consequently, the no project alternative does not meet the fundamental purpose of and need for the proposed Project.

Renewable energy, demand side management, and energy efficiency projects are valuable in providing additional power and helping to reduce demand on SCE's system. However, these options do not provide black start, dispatchable generation, nor do they provide the required grid reliability benefits.

Existing cogeneration units within the Santa Clara system were taken into account by the CAISO and the CPUC, prior to determining that more peak generation was necessary. Therefore, they do not supply additional power to the system Further, these units do not provide black start, dispatchable generation, nor the required reliability benefits.

The EF Oxnard site is not suitable for the peaker is because there is not enough unoccupied land available to house the Project's 2-3 acre footprint.

Siting the project on the SCE-owned land east of Harbor Boulevard would require clearing currently undeveloped dune land and would likely have greater environmental impacts than siting the Project at the current brownfield location.

Several options related to the Reliant Energy Mandalay Generating Station were identified by commenters, including using the existing peaker, replacing the existing peaker with the proposed project, and siting the new peaker on Reliant's property. The existing Reliant Energy Mandalay Generating Station peaker was taken into account when the need for additional generation was identified. Therefore, it does not supply additional power to the system as required by the CPUC directive. This unit is also not a good candidate to black start the Mandalay Generating Station and is not able to provide the required reliability benefits.

Replacing the existing 140-MW peaker with the proposed 45-MW peaker would also not comply with the CPUC's directive. The CPUC directed SCE to install 250 MW of new generation. To replace the existing peaker, multiple units capable of supplying a total of 185 MW of power would be needed to ensure that an additional 45 MW of power would be available, requiring a significantly larger project than what has been proposed.

As for building the peaker on the Reliant site, SCE does not own this land and Reliant Energy has not indicated its willingness to sell a portion to SCE for the

proposed Project. Further, the only available land at this site is located on the north side of the property adjacent to the beach, dunes, and McGrath State Beach park. Thus, siting the Project at this location would have greater potential environmental impacts than siting the Project at the proposed location.

Within the Ventura/Santa Barbara area, SCE considered multiple locations prior to selecting the Mandalay site for the proposed Project. The selected site has fewer potential environmental impacts and provides better reliability benefits than the alternate sites; therefore, it remains the preferred alternative.

In summary, SCE has conducted a detailed needs and siting assessment for the proposed Project, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, in addition to being the environmentally-preferred site.

SCE disagrees with the commenter's suggestion that the additional environmental impacts that could be caused if the Project were sited elsewhere should be disregarded; or that SCE may not consider operational constraints that would be imposed at alternative sites or the enhanced reliability benefits of the currently proposed site. The reasons reflected in "Attachment B" to the commenter's letter, as well as others, support SCE's decision to site the Project in Oxnard. SCE also disagrees with the commenter's suggestion that SCE should disregard the additional time that would be required to develop other sites, given both the CPUC's original mandate that SCE immediately develop up to five peakers by summer 2007 and the continuing need for this generation to address potential power shortages as indicated by the CAISO in its May 2, 2008 letter to the Commission. Finally, because the Project does not fall within the Energy Commission's jurisdiction under State law for the reasons stated above, SCE disagrees with the commenter's statement that the Energy Commission should thoroughly evaluate the Project before the Coastal Commission may issue a CDP. Both at the time SCE originally selected the proposed site, and subsequently, SCE has reviewed all the SCE-owned substations requested by the commenter, and has determined that the proposed site is the preferred alternative. This analysis has been thoroughly evaluated by the Commission during its *de novo* review of the Project.

Comment CCL-1-2: Section 30413(b) of the Public Resources Code requires the Coastal Commission to periodically designate specific locations within the Coastal Zone where projects such as this may be located. The exception to this requirement only applies to "specific locations that are presently used for such facilities and reasonable expansion thereof." The project does not fall within the above exception for two reasons. First, there has never been a designation of the "specific location" of the existing Reliant Energy facility. Because the boundaries of the existing facility have not been specifically located, there is no factual basis upon which the Coastal Commission may apply the exception. Second, even if there is a finding that the proposed site is within the "specific location" of the existing facility, the expansion of the facility is not a "reasonable

expansion." The proposed SCE peaker plant is proposed as a stand-alone facility and Reliant is not a party to the application. If it is an expansion of the adjacent Reliant plant, the SCE facility should be tied to the licensing of the Reliant plant and SCE should agree to remove the peaker plant should the Reliant plant be decommissioned in the future.

> **Response CCL-1-2:** As noted in response to the previous comment (Response CCL-1-1), the Project would not be a "facility" within the meaning of Public Resources Code section 25110; accordingly, by its terms, section 30413(b) does not apply to the Project.
>
> In addition, the commenter's contention that section 30413(b) requires the Coastal Commission to specifically designate locations within the coastal zone where energy projects may be located misconstrues the statute. Section 30413(b) requires the Coastal Commission to "designate those specific locations within the coastal zone where the location of a facility as defined in Section 25110 would prevent the achievement of the objectives of this division; provided, however, that specific locations that are presently used for such facilities and reasonable expansion thereof shall not be so designated." Accordingly, the Coastal Commission is not required to designate the Mandalay Power Station as a specific location where an energy plant may be sited; section 30413(b) merely prohibits the Coastal Commission from designating the Mandalay site as a location where a plant may not be sited.
>
> As stated on page 13 of the Staff Report and noted in Response CCL-1-1 above, development of the Project on land previously used as part of the Mandalay Power Plant and recognized by the Coastal Commission as suitable for a power plant – in order to provide an electrical power source – satisfies the "reasonable expansion" provision of section 30413(b) even though the Project will be a stand-alone facility.

Comment CCL-1-3: Sections 30413(d), (e) and (f) of the Public Resources Code set forth a procedure the Energy Commission must follow before siting a project such as this within the Coastal Zone. The procedure requires the Coastal Commission to participate in the siting proceedings. There is nothing in the record to show:

(a) The Coastal Commission has analyzed the Energy Commission's notice of intention:

"[P]rior to completion of the preliminary report required by Section 25510, forward to the State Energy Resources Conservation and Development Commission a written report on the suitability of the proposed site and related facilities specified in that notice. The commission's report shall contain a consideration of, and findings regarding, all of the following:

> "(1) The compatibility of the proposed site and related facilities with the goal of protecting coastal resources.
>
> "(2) The degree to which the proposed site and related facilities would conflict with other existing or planned coastal-dependent land uses at or near the site.

"(3) The potential adverse effects that the proposed site and related facilities would have an aesthetic values.

"(4) The potential adverse environmental effects on fish and wildlife and their habitats.

"(5) The conformance of the proposed site and related facilities with certified local coastal programs in those jurisdictions which would be affected by any such development.

"(6) The degree to which the proposed site and related facilities could reasonably be modified so as to mitigate potential adverse effects on coastal resources, minimize conflict with existing or planned coastal-dependent uses at or near the site, and promote the policies of this division.

"(7) Such other matters as the commission deems appropriate and necessary to carry out this division." [Section 30413(d) of the Public Resources Code.]

(b) That the Coastal Commission received from the Energy Commission the reports required by Sections 25302 and 25306 and commented on those reports as to the desirability of locating a powerplant within this area as required by Section 30413(f) of the Public Resources Code.

Response CCL-1-3: As noted above in Responses CCL-1-1 and CCL-1-2, Section 30413 is not applicable to the Project because the peaker plant would not be a "facility" within the meaning of Public Resources Code section 25110. Accordingly, the commenter's claim that the record must include evidence that the Coastal Commission has complied with certain requirements found in Public Resources Code section 30413(d), (e) and (f) is incorrect and based on a misinterpretation of the law.

Section 30413(d) requires the Coastal Commission to participate in proceedings conducted by the Energy Commission when it is exercising its siting certification authority under Public Resources Code section 25500 for "thermal powerplant or transmission line" projects in the coastal zone. Because the Energy Commission does not have siting certification authority over this Project, as detailed at length in Response CCL-1-1 above, section 30413(d) is inapplicable here and there is no Energy Commission proceeding in which the Coastal Commission could participate.

Section 30413(e) gives the Coastal Commission discretion to participate in proceedings held by the Energy Commission regarding its power plant siting authority. Again, however, because the Energy Commission does not have jurisdiction over the Project and is not conducting proceedings related to the Project, section 30413(e) is also inapplicable.

Section 30413(f) requires the Coastal Commission to comment on any reports prepared by the Energy Commission under Public Resources Code sections 25302

and 25306 which relate to the coastal zone or coastal zone resources, and provides that such comments should specifically discuss the desirability of particular areas within the coastal zone for potential power plant development. The commenter does not reference any reports that have been prepared by the Energy Commission under these sections that are relevant to this Project. Notably, and as mentioned above and in the Staff Report at pages 13-14, the location of the proposed Project has been recognized by the Coastal Commission as a suitable power plant location since at least 1985.

Comment CCL-1-4: Section 13096(a) of the Coastal Commission's administrative regulations requires consistency with applicable requirements of CEQA. As the City of Oxnard did not adopt a Mitigated Negative Declaration for the proposed Project, CEQA now requires an EIR and Coastal Commission staff should now add alternatives and other EIR-level sections to their analysis. The CEQA 45-day requirement for public circulation and comment is now required as Coastal Commission staff are essentially preparing an EIR equivalent. In addition, the administrative record shows that Coastal Commission staff findings of no significant impact and no feasible mitigations are factually incorrect (these are listed in the following section). Unless the Coastal Commission staff's environmental analysis is prepared and circulated in an EIR-equivalent process, the Coastal Commission cannot find that the environmental process and record is consistent with CEQA.

Response CCL-1-4: The California Coastal Commission is a certified regulatory agency under the California Environmental Quality Act ("CEQA"). CEQA requires that a document used as a substitute for an EIR or Negative Declaration under a certified regulatory program include the following:

> "(a) … a description of the proposed activity with:
>
> (i) Alternatives to the activity and mitigation measures to avoid or reduce any significant or potentially significant effects that the project might have on the environment, or
>
> (ii) A statement that the agency's review of the project showed that the project would not have any significant or potentially significant effects on the environment and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. This statement shall be supported by a checklist or other documentation to show the possible effects that the agency examined in reaching this conclusion; and
>
> (b) Be available for a reasonable time for review by the public and public agencies." (Pub. Res. Code § 21080.5(d); CEQA Guidelines § 15252)

Here, the Coastal Commission Staff Report is the EIR-equivalent document. The Commission's review of the proposed Project, Southern California Edison's (SCE's) Oxnard peaker unit, has concluded that the proposed Project has been

adequately mitigated and will not have any significant or potentially significant effects on the environment. (Staff Report at p. 5; see also Mitigated Negative Declaration ("MND") at pp. 100-01.) Therefore, the Project is compliant with CEQA pursuant to 14 Cal. Code Regs. § 13096(a).

Although the Commission does not need to conduct an alternatives analysis under § 15252 of the CEQA guidelines, based on comments received concerning the proposed Project, SCE has submitted an alternatives analysis for the proposed Project, as well as analyses related to cumulative impacts, environmental justice, and growth inducing impacts. As per Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. (Staff Report at p. 56).

The Staff Report complies with CEQA's public notice and review requirements for certified regulatory programs. Specifically, Public Resource Code section 21080.5(d)(3)(B) requires that the Commission provide a "reasonable time for review and comment" for a EIR-equivalent document prepared under a certified regulatory program allow. A 45-day review period is not required for the Coastal Commission.

SCE disagrees with the commenter's general statement that "the administrative record shows that Coastal Commission staff findings of no significant impact and no feasible mitigations are factually incorrect," and submits that the administrative record thoroughly supports each of the Staff Report's finding of no significant environmental impact, as detailed in response to specific comments below.

Comment CCL-1-5: Special condition 3(a) removes screening trees along the Harbor Boulevard frontage that were project mitigation measures proposed by Southern California Edison ("SCE") to [sic] "...to fully shield the project from view, with the exception of the stack and transmission poles....It is expected that within three to five years after planting, the majority of the peaker facility would be fully screened." (Mitigated Negative Declaration [MND] 07-02, pg. 21) The record has no evidence, such as the photo simulation and line-of-sight study included in the MND, that special condition 3(a) is an equivalent mitigation of the adverse view impact on a scenic highway (Harbor Boulevard) and on the adjacent Northshore at Mandalay Bay residential project. Without evidence that this change still allows adequate screening for a scenic highway, the Coastal Commission cannot make the finding that the project will not have a significant adverse impact on the environment.

Response CCL-1-5: The screening trees along the Harbor Boulevard frontage were not part of a mitigation measure for significant adverse aesthetic impacts. As stated on page 22 of the Mitigated Negative Declaration, no mitigation is required or proposed for impacts to aesthetics, as discussed below.

Potential visual impacts were discussed on pages 29-32 of the Staff Report. As stated on page 30 of the Staff Report:

> "As demonstrated by the photographs in Exhibit 3, the existing views of and around the project site are industrial and energy related in nature. The project site is bordered on three sides by energy, industrial or transportation infrastructure (specifically an oil extraction and processing facility, a power plant cooling water supply canal and Harbor Boulevard) and on the fourth side by Mandalay State Beach. However, the portion of the state park that is immediately adjacent to the project site, although recognized as a resource protection area (as shown in Exhibit 7 – LCP exhibit 2.5), does not currently provide public access or recreational opportunities and visitors to the park do not use this area. No significant visual or aesthetic resources are apparent on the proposed project site and currently, the most dominant aspects of the proposed site are the adjacent dunes of the state park, the nearby Mandalay Generating Station and the approximately eight foot high screened chain-link and barbed-wire fence that surrounds the vacant and graded site.
>
> "Apart from the adjacent state park, the LCP notes that the project area lacks significant or notable visual resources and states that "the ocean is generally not visible from Harbor Boulevard, limiting the visual resources north of Fifth Street." (The project site is located approximately ¾ of a mile north of Fifth Street). The LCP does, however, reference the tall sand dunes south of Fifth Street and south of Wooley Road, the lower dunes in the Mandalay Beach County Park (now referred to as Mandalay State Beach) north of Fifth Street, and the wetlands in the Ormond Beach area. Of these three designated visual resource areas, "the lower dunes" of Mandalay State Beach are the closest to the project site. These dunes extend from south of the project site to the intersection of Harbor Boulevard and Fifth Street.
>
> "Some elements of the project – the 80-foot tall exhaust stack, the seven new power poles and seven new transmission poles – would be visible from both the resource protection and publicly accessible portions of Mandalay State Beach. However, constructing the peaker plant at this site will add another industrial facility to an area that already supports other industrial development. The Mandalay Power Plant, which is sited directly landward of a stretch of Mandalay State Beach, dominates the visual profile of this stretch of coastline. The peaker plant, however, would be sited further inland and south of the existing power plant."

Since the ocean and dunes are generally not visible from Harbor Boulevard, the peaker plant would not obstruct a scenic view from Harbor Boulevard. Furthermore, since the existing views of and around the Project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent, the peaker plant would not substantially degrade the

existing visual character or quality of the site and its surroundings. Therefore, the Project would not cause a significant adverse aesthetic impact, even without additional landscaping.

Although not required to mitigate a significant adverse impact, SCE proposed landscaping to reduce visual impacts. As discussed in the Staff Report, removal of trees from the landscaping plan is necessary to avoid potential significant impacts to biological resources. However, the modified landscaping will be designed to minimize the plant's visual effects. Furthermore, Special Condition 6 requires monitoring and reporting the success of the landscaping to the Commission Executive Director annually, and revisions to the landscaping plan if the Executive Director determines that the plan did not meet its success criteria.

Therefore, visual simulations to evaluate a revised landscaping plan are not required to evaluate a mitigation measure, since the landscaping is not considered a mitigation measure for a significant adverse impact.

Comment CCL-1-6: The Coastal Commission record does not include any discussion of alternative sites and/or energy generation technology (such as solar or wind) that would substantially lessen significant adverse impacts which the project may have on the environment. Without such evidence, the Coastal Commission cannot make the finding that the project will not have a significant adverse impact on the environment, within the meaning of CEQA per Section 13096(A) of the Coastal Commission's administrative record.

Response CCL-1-6: As per Response to Comment CCL-1-4, the California Coastal Commission, as a certified regulatory agency, prepares an EIR-equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment an alternatives assessment is not required and the Project is CEQA compliant.

According to CEQA Guidelines §15126.6(a), "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Since the MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts, alternatives to the proposed Project would not avoid or substantially lessen significant impacts. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the Proposed Project is not required under §15126.6(a).

Nonetheless, based on comments received concerning the proposed Project, SCE has provided supplemental analyses extensively evaluating project alternatives –

both alternative sites and alternative energy generation technologies – for the proposed Project.

As discussed in Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Additionally, the analysis also demonstrates that while solar and wind energy generating technologies are valuable resources, they do not meet the purpose of and need for the proposed Project. Renewable energy options do not provide black start, dispatchable generation, nor do they provide the required system reliability benefits. Therefore, they would not attain any of the basic objectives of the proposed Project, and, therefore, need not be evaluated even if an analysis of alternatives were required.

Comment CCL-1-7: Page 4, paragraph 3 states, "The peaker plant will therefore be sited in an area surrounded by other industrial development." This is factually incorrect. Immediately adjacent to the project parcel to the south is Mandalay Beach Park, unimproved land zoned Resource Protection which is planned for coastal access and recreation by the Oxnard Local Coastal Program, Policy 67. To the southeast and adjacent across Harbor Boulevard is the 292-unit Northshore at Mandalay Bay residential development currently under construction. As the SCE project driveway extends to the southeast corner of the parcel, both the project and the SCE parcel adjoin non-industrial uses. To the immediate west of the SCE parcel is a 200-foot wide energy facility, then approximately 500 feet of dunes and beach. To the east across Harbor Boulevard is land zoned for energy use, but contains only transmission lines and is largely a dunes habitat. It is factually incorrect to state that the SCE project site is "...surrounded by other industrial development" and findings that rely directly or indirectly on that assertion cannot be made by the Coastal Commission. Attached Figure C is a recent aerial photo of the project site which clearly shows it is abutting non-industrial uses on three sides.

Response CCL-1-7: While the peaker plant may not be completely surrounded by other industrial development, the findings regarding impacts on visual resources, which are the subject of the discussion in paragraph 3 on page 4, did not rely on the site being completely surrounded by other industrial development. Instead, as discussed in Response CCL-1-5, the findings relied on the existing views of and around the Project site and concluded that the existing views of and around the Project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent.

Comment CCL-1-8: On page 15, paragraph 2, the staff report states "...a review of other areas similarly identified with the Coastal Energy Facility Sub-zone designation reveals that at least one of these areas is located 'on, or adjacent to, the sea.' The example cited is the SCE substation located on the northwest corner of Victoria Avenue

and Hemlock Street. This facility predates the City's LCP and is considered legal non-conforming. The Coastal Commission cannot rely on this example to interpret the intent of the Energy Coastal zone designation.

> **Response CCL-1-8:** While the referenced facility may predate the City's LCP, it is nonetheless consistent with the plain language of the LCP's Coastal Zoning Ordinance, which expressly permits within the Coastal Energy Facility Sub-zone the "siting, construction, modification and maintenance of power generating facilities and electrical substations . . ." As noted on page 16 of the Staff Report, the referenced facility supports an electric substation and "is one of several non-coastal dependent conditionally permitted uses specified by the LCP's Coastal Zoning Ordinance Section 17-20(b) as potentially approvable within the Coastal Energy Facility Sub-zone." Clearly, there is no requirement in the LCP that energy facilities in the EC Sub-zone must be "coastal dependent", and Oxnard's claim to the contrary is rejected by the express terms of the Coastal Zoning Ordinance.

Comment CCL-1-9: On page 25 under the heading D. Visual Resources, the staff report states, "...the existing views of and around the project site are primarily industrial and energy related in nature and no significant visual or aesthetic resources are apparent," This statement is factually incorrect. The Oxnard 2020 General Plan designates Harbor Boulevard and Victoria Avenue as "regional image corridor" (Figure XII-2). There are numerous panoramic views of the coastal mountains to the north and views of the Channel Islands from all along Victoria Avenue and Harbor Boulevard marred only by the Reliant Energy exhaust stack and its large exhaust plum [sic]. These views will be further marred by the addition of the SCE stack and its large exhaust vapor cloud which cannot be avoided or mitigated. Attachment D is an excerpt from the environmental assessment prepared in 2000 for the closing of the SCE tank farm (the previous use of the project site) that states that the removal of the SCE tank farm would, "...result in a net benefit to aesthetic/visual resources."

> **Response CCL-1-9:** Although Harbor Boulevard is designated as "regional image corridor" in the Oxnard 2020 General plan, it is apparent in the photographs in Exhibit 3 of the Staff Report that views of the Channel Islands from Harbor Boulevard are blocked by topography in the vicinity of the Project site. Furthermore, as seen in the photographs, coastal mountains are not visible in the background in the photographs when looking toward the Project site from Harbor Boulevard. Therefore, contrary to the comment, the peaker facility would not mar existing scenic views from Harbor Boulevard.
>
> Although the environmental assessment prepared in 2000 for the closing of the tank farm concluded that removal of the tank farm would result in a net benefit to visual resources, this does not mean that the addition of the peaker will cause a significant adverse impact. Landscaping to block views of the tank farm from Harbor Boulevard did not exist before the tank farm was removed. Thus, conclusions regarding visual impacts from the former tank farm are not relevant

to the proposed Project. The peaker project will include a berm and landscaping along Harbor Boulevard,

Comment CCL-1-10: On pages 32 and 33 of the staff report, the air quality impacts are stated as exceeding NOx and ROC emission thresholds established by the Ventura County Air Pollution Control District (VCAPCD). The significant emission [sic] are mitigated only by offsets of up to 5.0 tons per year for both pollutants. Therefore, [sic] peaker plant will be emitting significant emissions next to residential and recreation uses, often during periods of heavy coastal fog which acts as an inversion layer that holds emissions low to the ground. (Hot inland weather often draws a deep marine layer over the Oxnard Plain.) The Coastal Commission staff report relies on the air quality analysis in a Mitigated Negative Declaration 07-02 that was not adopted, and this air quality analysis was specifically rejected by the Planning Commission as an inadequate analysis and potentially an unmitigated localized air quality impact. The Coastal Commission cannot find that air quality impacts are fully mitigated in the immediate area of the project as the record shows emission [sic] exceed established VCAPCD thresholds, but our [sic] mitigated by offsets.

Response CCL-1-10: As discussed more fully below, an air quality analysis was conducted in accordance with Ventura County Air Quality Assessment Guidelines (Oct. 2003) (the "Guidelines"). The analysis concludes that the proposed Project does not result in a significant air quality impact; therefore, no mitigation is required pursuant to the VCAPCD Guidelines.

The proposed Project site is located within the boundaries of the VCAPCD's jurisdiction. The VCAPCD established the Guidelines to provide a framework for lead agencies to evaluate air quality impacts under CEQA. As part of the Guidelines, the VCAPCD has set significance thresholds to determine if a project's emissions jeopardize attainment of applicable air quality standards and thus result in a significant impact under CEQA. According to page 3-2 of the Guidelines, the VCAPCD has established the following significance thresholds for the operational phase of a project:[1]

> "*1. Ozone*[2] *(based on emission levels of reactive organic compounds and oxides of nitrogen)*
>
> *The following are the reactive organic compounds (ROC) and nitrogen oxides (NOx) thresholds that the Ventura County Air Pollution Control Board has determined will individually and cumulatively jeopardize attainment of the federal one-hour*

---

[1] No significance thresholds have been established for PM10, CO, or SOx. (See Ventura County Air Quality Assessment Guidelines, p. 3-3.)

[2] Ventura County is designated a severe ozone nonattainment area. (Ventura County Air Quality Assessment Guidelines, p. 1-5.)

ozone standard, and thus have a significant adverse impact on air quality in Ventura County[.]

(b) Remainder of Ventura County[3]

- *Reactive Organic Compounds: 25 pounds per day*
- *Nitrogen Oxides: 25 pounds per day*"

Ozone is a criteria pollutant that is formed when ROCs and NOx—both byproducts of combustion—undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable. The potential air quality impacts caused by formation of ozone from ROC and NOx emissions are considered regional impacts, rather than localized impacts, because the reactions that form ozone do not occur over short time intervals. An elevated level of ozone irritates the lungs and breathing passages, causing coughing, and pain in the chest and throat, thereby increasing susceptibility to respiratory infections and reducing the ability to exercise. Effects are more severe in people with asthma and other respiratory ailments. Long-term exposure may lead to scarring of lung tissue and may lower the lung efficiency.

Proposed Project operational emissions were presented in Tables C-7 through C-9 of the MND (pp. 34-35). Table C-10 of the MND (p. 36) compared the operational emissions to the significance thresholds, but there was an error in the methodology so the calculations presented in Table C-10 are not accurate. According to the Guidelines (pp. 1-1 to 1-2):

> *"The Guidelines are not applicable to equipment or operations required to have [VCAPCD] permits (Authority to Construct or Permit to Operate)…Moreover, the emissions from equipment or operations requiring [VCAPCD] permits are not counted towards the air quality significance thresholds."*

The facility combustion turbine generator will receive a VCAPCD permit. As a result, the combustion turbine generator should not have been included in the proposed Project's operational emissions significance evaluation. (See Guidelines, p. 1-2.) Applying the proper methodology, the proposed Project's correct operational emissions are shown in the table below, which supplants the Table C-10 originally presented in the MND.

It is important to note, however, that the error in the MND did not lead to an incorrect determination of insignificance. The MND determined that the

---

[3] The Guidelines also provide a significance threshold for ROCs and NOx in the Ojai planning area but the proposed Project is not located in the Ojai planning area.

proposed Project emissions would not have a significant impact on ROC and NOx after applying mitigation. (See MND, pp. 34-36.) Applying the correct methodology recommended by the VCAPCD, the proposed Project's operational emissions will not exceed VCAPCD significance thresholds and thus will neither require mitigation nor result in a significant regional impact to air quality. (See Guidelines, p. 3-3.)

Table C – 10 Operational Emissions Significance Evaluation

Direct Operational Emissions

Source	**CO (lbs/day)**	**ROC (lb/day)**	**NOx (lbs/day)**	**SOx (lbs/day)**	**PM10 (lbs/day)**
Combustion Turbine Generator	*N/A**	*N/A**	*N/A**	*N/A**	*N/A**
Black Start Generator	1.52	0.43	1.19	0.0	0.03
Peak Daily Direct Operational Emissions	1.52	0.43	1.19	0.0	0.03
Peak Daily Indirect Operational Emissions	1.44	0.23	4.43	0.01	0.19
Total Peak Daily Emissions	2.96	0.66	5.62	0.01	0.22
Significance Thresholds **	*N/A*	25	25	*N/A*	*N/A*
Mitigation Recommended?	No	No	No	No	No
Emission Offsets Required?	No	No	No	No	No
Significant Impact?	No	No	No	No	No

* Emissions from the Combustion Turbine Generator are not included in the operational emissions significance evaluation pursuant to the Ventura County Air Quality Assessment Guidelines (Oct. 2003), at pp. 1-1 and 1-2, as issued by the Ventura County Air Pollution Control District.
** Ventura County Air Quality Assessment Guidelines (Oct. 2003) § 3.3.1.

As shown in the revised Table C-10, total peak daily emissions for ROC and NOx fall far short of the VCAPCD's significance threshold of 25 lbs/day. Impacts for all criteria pollutants, including ROC and NOx, are less than significant. VCAQMD Guidelines do not require mitigation or offsets in cases where project emissions fall below significance thresholds. (See Guidelines, pp. 3-2, 3-6.)[4]

[4] According to the Guidelines (p. 3-6), no mitigation is required if a project's emissions of ROC or NOx are less than 25 pounds per day.

The MND (p. 35) included a discussion of the VCAPCD's offset program. The discussion, however, is not applicable to the proposed Project. No significant operational emissions impacts will result and offsets are not required for the proposed Project.

The proposed Project has also been reviewed under the New Source Review ("NSR") program. NSR is a permitting program separate from the CEQA environmental review process that is used to ensure that new or modified equipment and facilities do not significantly degrade air quality or slow progress towards clean air. NSR permits are legally binding documents that specify what air emission sources can be constructed, what emission limits must be met, and how emission sources must be operated. The primary components of NSR are the installation of Best Available Control Technology and emission offsets. The VCAPCD's Engineering Division administers the NSR program for the air district.

Under VCAPCD Rule 26.2 – New Source Review Requirements, "[t]he [Air Pollution Control Officer] APCO shall deny an applicant an Authority to Construct for any new, replacement, modified or relocated emissions unit with an emission increase of any of the pollutants specified in Table B-1, and where the potential to emit of the stationary source would be greater than or equal to the limits specified in Table B-1, unless offsets are provided for any emission increases of such pollutants from the new, replaced, modified, or relocated emissions unit." Under Table B-1, the VCAPCD requires offsets for emissions units with ROC and NOx emission increases above 5.0 tons per year (tpy).

VCAPCD considered the regional impacts of emission sources with ROC and NOx emissions of less than 5.0 tpy, and determined that these small sources do not require offsets under the NSR program.[5] These small emission sources of ROC and NOx are tracked by the VCAPCD and accounted for in planning.[6] The VCAPCD determined that permitting of small emission sources performed in compliance with Rule 26.2 is consistent with state requirements for ozone.

With respect to the analysis of localized air quality impacts from the proposed Project, an air quality model was used to analyze potential localized air quality impacts for criteria pollutants other than ozone (carbon monoxide, nitrogen dioxide, sulfur dioxide and particulate matter smaller than 10 microns diameter (PM10)). The air quality modeling is discussed on pages 35-38 of the MND. The air quality modeling used three years of meteorological data collected at the VCAPCD Emma Wood State Beach site, which is a coastal site that experiences meteorological conditions similar to the conditions experienced at the proposed Project site. These conditions include periods with poor dispersion of emissions, such as occurs during heavy coastal fog. Use of these data was approved by the

---

[5] Personal communication with John Harader, VCAPCD AQ Engineer, June 24, 2008.
[6] Id.

VCAPCD for the Authority to Construct (ATC) application for the facility. To ensure that potential impacts from operation of the proposed Project were evaluated under all meteorological conditions, the modeling was conducted for every hour of the three-year period.

Results of the air dispersion modeling, presented in Tables C-11, C-12 and C-13 (pages 37 and 38) indicated that emissions will not cause federal or California ambient air quality standards to be exceeded. Since these standards have been established to protect public health with an adequate margin of safety, emissions will not cause significant adverse local air quality impacts during operation of the peaker. Thus, air quality impacts to nearby residents or visitors from criteria pollutant emissions will not be significant.

The Northshore at Mandalay Bay residential development is a 292-unit low-density residential development that is currently under construction on the east side of Harbor Boulevard, approximately 750 feet southeast of the proposed Project site. Because of its size and its proximity to the proposed Project, impacts to the Northshore development were evaluated as part of the local air quality analysis and health risk assessment (HRA). (See MND, p. 40; see also Figure D-2, p. 60, Appendix D: Air Quality Impacts Analysis Methodologies.)

The analysis utilized a network of receptors consistent with the *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*, published by the California Office of Environmental Health Hazard Assessment (OEHHA, 2003). Receptors were placed at the Northshore development project, the Mandalay Power Generation facility, the proposed Project fence line at a spacing of every 30 meters, and on a Cartesian grid at 100 meter spacing out two kilometers from the proposed Project fence line. (MND, p. 40; Figure D-2, p. 60, Appendix D: Air Quality Impacts Analysis Methodologies.)

The VCAPCD Air Quality Assessment Guidelines (p. 3-5) also recommend estimating potential health risks from toxic air contaminants (TACs) by conducting a HRA (MND, pp. 39-41). A HRA for the proposed Project was conducted as described on pages 39 through 41 of the MND. The HRA included estimating TAC emissions during operation of the facility, conducting air quality modeling to estimate off-site exposures to the TACs, and estimating the potential health risks that would results from the exposures. As shown in Table C-15 (page 41) of the MND, all of the estimated health risks are below the significance thresholds established by the VCAPCD. Therefore, air quality impacts to nearby residents or visitors from TAC emissions will not be significant.

The VCAPCD indicated in a comment letter submitted to the City of Oxnard regarding the MND that it has reviewed the MND and concurs with the modeling and conclusions contained in the MND, including the conclusion that the proposed Project will result in less than significant impacts to air quality. Therefore, the VCAPCD concurs that emissions from the peaker plant will not cause significant adverse air quality impacts.

Finally, the VCAPCD does not require incorporating construction emissions when analyzing localized air quality impacts. (VCAPCD Air Quality Assessment Guidelines, p. 6-2.) The VCAPCD requires fugitive dust modeling for certain types of large construction projects that may generate a significant amount of fugitive dust, such as mining, landfills or large development projects requiring significant levels of grading. (VCAPCD Air Quality Assessment Guidelines, p. 6-2.) The proposed Project, however, does not fall into any of these categories. As a result, no significant impacts will result during proposed Project construction.

As can be seen from the above discussion, there are no significant, unmitigated local air quality impacts caused by the proposed Project that would affect either residents or recreational users.

SCE disagrees with the commenter's assertion that the air quality analysis that was performed as part of the MND for the Project is not relevant and should be ignored or that it is an inadequate analysis. As discussed in detail above, the analysis was performed according to the VCAPCD Air Quality Assessment Guidelines, the details of which were reviewed and concurred with by the VCAPCD, the applicable regulatory agency over air quality regulations related to the proposed Project.

SCE also disagrees with the commenter's assertion that the analysis was specifically rejected by the Planning Commission as an inadequate analysis and potentially an unmitigated localized air quality impact. City Planning Department staff specifically considered the issue of coastal fog in detail prior to issuing the MND,[7] and the staff stated in both the City Staff Report to the Planning Commission[8] and at the Planning Commission hearing[9] that they agreed that no localized impacts from coastal fog existed. Further, at the hearing, only one question was asked by a Commissioner regarding the air quality analysis,[10] and the analysis was never referred to as inadequate nor rejected by the Planning Commission.[11]

Comment CCL-1-11: On page 41 in the discussion of Greenhouse Gases (GHG), the staff report states, "The Commission staff did not have adequate time to evaluate SCE's

---

[7] See Oxnard Request for Additional Environmental Analysis for the Mitigated Negative Declaration (MND), March 15, 2007, p.2 and SCE Response to Request for Additional Environmental Analysis for the MND, April 19, 2007, p.5

[8] Planning Commission Staff Report, June 24, 2007, p.3.

[9] Planning Commission Hearing Transcript, June, 28, 2007, pp. 7-8

[10] Planning Commission Hearing Transcript, June, 28, 2007, pp. 43-44

[11] Planning Commission Hearing Transcript, June 28, 2007, pp. 93-113

emission analysis and conclusions prior to completion of this report." Instead, GHG analysis and possible mitigation are deferred to future study. With no analysis in the record, the Commission cannot find at this time that GHG emission impacts are not an adverse impact. CEQA does not allow for deferred mitigation, and the Coastal Commission cannot rely on this mitigation for GHG impacts.

> **Response CCL-1-11:** Since the time of the April Staff Report, the Commission has fully evaluated the Project's estimated greenhouse gas emissions from the operation of the peaker, the construction of the peaker, and the preparation of the local distribution system in anticipation of the peaker's operation as requested by the commenter. The Commission has concluded that only a slight increase in CO_2E emissions across SCE's generation portfolio would result from the proposed Project. The Commission further notes that over a 30 year period, CO_2E emissions would increase by approximately 726 Metric Tonnes of CO_2E emissions, a "relatively small number" and less than the amount of Metric Tonnes of CO_2E produced by eight Toyota Prius cars operated for 15,000 miles per year over a 30 year period. Consequently, the Staff Report concludes that, "[b]ased on these relatively low levels of greenhouse gas emissions over the life of the project, the Commission agrees with SCE that no mitigation or offset is required."

COMMENT LETTER CCL-2: CITY OF OXNARD CITY COUNCIL

Comment CCL-2-1: The Coastal Act defines coastal dependent as a development or use which requires a site on, or adjacent to, the sea to be able to function at all (PRC §30101). SCE confirmed that the proposed Project is not coastal dependent and could be situated in non-coastal locations. In fact, four identical facilities are located in inland cities. The Oxnard City Council's longstanding intent is that the EC zone allows only coastal-dependent energy facilities, and we disagree with the Coastal Commission staff's interpretation of the EC zone. We ask that the Coastal Commission defer interpretation of intent to the legislative body that originally adopted the coastal program.

> **Response CCL-2-1:** The Commission is entitled to rely on the Oxnard Local Coastal Program ("LCP"), and in particular the Oxnard Coastal Zoning Ordinance, as it is written. Thus, the City Council's request that the Commission apply a reading of the LCP which is not expressed in the Ordinance is inappropriate. Where the City Council acts as a legislative body in passing an ordinance, interpretation of that ordinance is governed by the rules of statutory construction. According to the rules of statutory construction enunciated by the United States Supreme Court, "in interpreting a statute a court should always turn to one cardinal canon before all others. . . .[C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there." *Connecticut Nat'l Bank v. Germain*, 502 U.S. 249, 252 (1992). To discover the meaning of a statute, courts first look to the words of the statute, giving them their usual and ordinary meaning. *Granberry v. Islay Investments*, 9 Cal. 4th 738, 744 (1995); *DaFonte v. Up-Right, Inc.*, 2 Cal. 4th 593, 601 (1992). "Where the

words of the statute are clear, we may not add to or alter them to accomplish a purpose that does not appear on the face of the statute or from its legislative history." *Burden v. Snowden*, 2 Cal. 4th 556, 562 (1992). Indeed, "[w]hen the words of a statute are unambiguous, then, this first canon is also the last: 'judicial inquiry is complete.'" *Germain*, 502 U.S. at 252. Thus, unless the statutory language is ambiguous or unclear, there is no need to attempt to glean the City's intent by looking at City officials' after-the-fact interpretations.

The words of the Oxnard Coastal Zoning Ordinance are clear and unambiguous and statutory construction of the ordinance is therefore limited to giving its words their usual and ordinary meaning. The EC zoning designation specifically allows "power generating facilities and electrical substations." No provision in the zoning ordinance or elsewhere in the LCP states or can be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as Staff concluded, the City's Coastal Zoning Ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent in order to be located in the EC zone. The ordinance only requires that coastal dependent energy facilities be encouraged to locate or expand within existing sites. Though Section 17-20(A)'s "encourage[s]" coastal dependent energy facilities to locate or expand within existing energy sites, it does not bar the location of a non-coastal dependent facility within an existing energy site that has been specifically zoned and long used for energy facilities. Because the words of the ordinance are unambiguous, the inquiry is complete and City officials' after-the-fact interpretations are irrelevant.

Moreover, to require energy developments to be coastal dependent in order to be permitted in the EC zone is inconsistent with the overall policy objectives of the LCP. Indeed, the Coastal Act mandates that LCPs contain policies that require concentration and consolidation of industrial developments, including energy facilities, and maintain and enhance marine resources.

Comment CCL-2-2: The environmental analyses and mitigation measures are seriously deficient and leave the City with unmitigated significant adverse impacts in several areas, including: 1) cumulative impacts, 2) land use compatibility, and 3) aesthetic impacts.

Response CCL-2-2: The comment does not provide justification for the statement that the Project will cause significant adverse unmitigated cumulative impacts. However, a separate evaluation of potential cumulative impacts has been prepared. Given its size and its proximity to the proposed Project site, the environmental impacts from the Northshore at Mandalay Bay residential development, a 292-unit low-density development approximately 750 feet southeast of the proposed Project site, were evaluated as part of the proposed Project's cumulative impacts analysis.

The MND concluded that the proposed Project would not have an impact on agricultural resources, geology/soils, land use/planning, population/housing, mineral resources or recreation. Since the proposed Project itself will not cause

adverse impacts in these areas, it will not, in conjunction with the Northshore development, cause cumulatively considerable impacts.

While the proposed Project will have some less than significant impacts with respect to aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology/water quality, noise, public services, transportation/traffic, utilities and service systems, the incremental effects of the proposed Project are not significant cumulative impacts when combined with the impacts of the Northshore development.

Therefore, the proposed Project will not cause potential significant adverse cumulative impacts.

The comment does not provide justification for the statement that the Project will cause significant adverse unmitigated land use compatibility impacts. The MND (pp. 70-74) concluded that the proposed Project would have no impact on land use. Moreover, response CCL-2-1 above discusses the Project's compatibility with the EC zoning designation.

Please see Response CCL-1-5 regarding aesthetic impacts. As discussed in Response CCL-1-5, since the existing views of and around the Project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the Project would not cause a significant adverse aesthetic impact.

Comment CCL-2-3: The staff environmental report and mitigations do not meet the requirements of Section 21080.5(d)(2)(A) of CEQA which prohibits a proposed development from being approved if there are feasible alternative sites and/or technology, or feasible mitigation measures available which would substantially lessen any significant effect that the activity may have on the environment.

Response CCL-2-3: As discussed in Response CCL-1-6, the MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Furthermore, as per Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Project, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.

Additionally, while alternate technologies are valuable resources, they do not meet the purpose of and need for the proposed Project. These options do not

provide black start, dispatchable generation, nor do they provide the required system reliability benefits. Therefore, they would not attain any of the basic objectives of the proposed Project, and, therefore, need not be evaluated even if an analysis of alternatives were required.

Additionally, since the proposed Project, as conditioned by the Commission, will not cause significant adverse impacts, additional mitigation measures are not warranted or required.

Comment CCL-2-4: Although we support SCE's efforts to meet current and future electricity demand, we oppose this project on this coastal site. There is no PUC requirement for the peaker plant to be located on this particular site. Despite SCE's arguments, it is more likely to be harmful to Oxnard, the California coast and it directly contradicts the Coastal Commission's mission to "Protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations." At the very least, we encourage the Commissioners to recommend that Edison look at alternative sites and/or alternative technology before making this decision.

Response CCL-2-4: The CPUC required SCE to site the peaker at a location that would "bring collateral benefits to SCE's transmission and distribution system as well as the CAISO grid." The proposed Project site best meets the PUC requirement to provide collateral benefits among all the alternatives that were considered.

As per the response to the previous comment (Response to Comment CCL-2-3), the MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts. Therefore, the Project does not harm Oxnard or the California Coast. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

The proposed Project is consistent with the Coastal Commission's mission to enhance human-based resources. By locating the peaker at the proposed site, SCE is seeking to concentrate energy facilities, rather than disburse such facilities and locate the peaker in an area unoccupied by energy development. Thus, by concentrating energy development, SCE is enhancing the human-based resources of the California coast. Moreover, the staff's determination that the proposed Project will not cause any significant adverse impacts ensures that the proposed Project is enhancing human-based resources of the California coast in an environmentally sustainable and prudent manner.

Additionally, as per Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Project that considered numerous alternate sites, both at the time of its original siting and subsequent to that time. SCE also considered alternate technology. The proposed Project sited

on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.

Comment CCL-2-5: In the alternative, if the Commissioners elect to overrule Oxnard's City Council decision to deny this permit, we request that the following mitigation measures be added:

1. To prevent possible future expansion and a create a buffer to the adjoining residential and park sites, SCE should carve off the unused southernmost portion of their parcel, restore it to a natural habitat, and dedicate the new parcel to the City.

2. Contribute $500,000 for the planning and development of coastal access and recreational facilities at the Fifth Street park site that orientate the park use away from the SCE facility.

Response CCL-2-5: Please see Response CCL-2-3. The MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project, as conditioned, would not cause any significant adverse impacts. As such, additional mitigation measures are not warranted or required. *See* CEQA Guidelines § 15126.4(a)(3) ("Mitigation measures are not required for effects which are not found to be significant.").

COMMENT LETTER CCL-3: ALAN SANDERS, LOS PADRES CHAPTER OF THE SIERRA CLUB

Comment CCL-3-1: Southern California Edison, ("SCE") appealed the City denial on the basis of the City's interpretation relating to Coastal Dependent uses. However, the appeal did not apply to other reasons that the City used in making its determination. Therefore, for all of these other applicable reasons that were relevant to the City's decision, the appeal must be denied. SCE did not appeal on the basis of other Article 3 policies nor did it appeal on the basis of the California Environmental Quality Act, ("CEQA") determinations for which the statutes of limitations may now be tolled. The Club believes that at this time the Commission should only be determining if the City's interpretation relative to citing coastal dependent uses is applicable. But the Commission should not be deciding on the validity of all of the other relevant issues including CEQA compliance.

Response CCL-3-1: The commenter misunderstands the Coastal Commission appeal process regarding the issuance of a coastal development permit and therefore incorrectly alleges that SCE's appeal to the Coastal Commission is not being properly heard. There are two sequential preprocesses that are undertaken for a Coastal Commission appeal. The first is a substantial issue hearing. (14 Cal. Code Regs. § 13115). There, the Commission must first determine whether

the appeal raises a "substantial issue" relative to conformance with the Local Coastal Program ("LCP") or with Coastal Act public access policies. The Commission's decision on this issue will depend on the facts and the nature of issues raised in the appeal.

Next, if the Commission finds that a project raises a "substantial issue," the Commission takes jurisdiction over the coastal development permit. While the "substantial issue" phase of an appeal is limited to issues actually raised in the appeal, once the Commission determines the appeal does in fact raise a substantial issue, the Commission hears the appeal *de novo* and considers all issues relating to the project's conformance with LCP and Coastal Act public access and recreation policies. (14 Cal. Code Regs. § 13155). New studies may be required to address unresolved issues and in some cases, changes in project design, location, or additional mitigation measures may be needed to address LCP or Coastal Act requirements.

This is the process the Coastal Commission has undertaken here. On September 6, 2007 the Coastal Commission made its substantial issue determination finding that SCE had raised a substantial issue regarding the conformance of the City of Oxnard's permit denial with the LCP. As such, the Commission proceeded to the full appeal hearing which necessarily is a *de novo* review of all applicable issues related to the Project and the issuance of the coastal development permit.

Comment CCL-3-2: The Club disagrees with the determination by the Commission's staff that the actions taken by the Commission, for the above referenced project are sufficient to comply with the provisions of CEQA. If the Commission is to rule on the project without remanding the CEQA issues back to the City the public will lose its lawful role in bringing forth relevant information. The Commission has failed to engage in a meaning impact analysis or to consider alternatives and cumulative impacts.

Response CCL-3-2: As per Response to Comment CCL-1-4, the California Coastal Commission, as a certified regulatory agency, prepares an EIR-equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment an alternatives assessment is not required and the Project is CEQA compliant.

As per Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.

Despite the fact that additional analysis was not required, the Commission requested that SCE prepare a supplemental alternatives and cumulative impact

analysis for their critical review. Please refer to Section K of the Staff Report as well as response CCL-2-2 for a more detailed discussion of the Project's cumulative impacts analysis, which concludes that the incremental effects of the proposed Project are not significant cumulative impacts when combined with the impacts of the Northshore development.

Consequently, the Commission has engaged in a thorough alternatives and cumulative impacts analysis and has considered mitigation measures to avoid or reduce any significant or potentially significant effect that the Project might have on the environment. Given the Commission's compliance with Section 21080.5 of the Public Resources Code and its decision to provide additional information beyond what is required of it, the actions taken by the Commission are more than sufficient to comply with the provisions of CEQA.

Comment CCL-3-3: Commission staff has not provided the considered analysis or public participation consistent with CEQA. Instead, it has merely outlined some of the issues without allowing the public an opportunity to rebut as would be expected in a legal environmental review. In this instance, Commission's staff is not using its CEQA equivelance [sic] to supplement holes in the City's environmental review, but to replace it entirely, without public participation. Because of this, the public is being denied the procedural requirements for notice and participation normally found in an environmental review. The Commission's staff must consider the whole of all impacts associated with this project as well as all alternatives and reasonably foreseeable projects within the vicinity.

Response CCL-3-3: The commenter fails to understand that the Coastal Commission is a certified regulatory program under CEQA and therefore does not proceed under CEQA in the same manner that non-certified agencies do. See Response CCL-1-4 above. With respect to public participation requirements, to qualify for certification and thus comply with CEQA, a regulatory program must:

> (1) require notice of the filing of the plan or other written documentation to be made to the public and to a person who requests, in writing, notification. The notification shall be made in a manner that will provide the public or a person requesting notification with sufficient time to review and comment on the filing; and
>
> (2) be available for a reasonable time for review and comment by other public agencies and the general public.

Pub. Res. Code 21080.5(d)(2)(F); (d)(3)(B).

CEQA allows for regulatory certified programs, such as the Commission's issuance of coastal development permits, to submit written documentation in lieu of an environmental impact report. CEQA requires that an agency's filing of its EIR-equivalent document, here the Commission's Staff Report, be noticed to the public and to any person who requests notification such that it is made available

for a reasonable time so that the public and interested persons have sufficient time to review and comment on the document. In accordance with these requirements, the Commission's regulations require that Staff Reports be distributed within a "reasonable time" to assure adequate notification prior to the Commission's scheduled public hearing on the matter. (14 Cal. Code Regs. § 13059). Further, to ensure the maximum public participation, written comments on Staff Reports can be received by the executive director prior to the day of the hearing or in the hearing room on the day of the public hearing. (14 Cal. Code Regs. § 13060(b)). As such, the Commission has provided notice and the opportunity for public participation consistent with CEQA by complying with the procedural requirements normally found in a standard environmental review.

Moreover, under the Commission's regulations, all dates for public hearing are set with an eye toward allowing adequate public dissemination of information contained in the application, public participation and attendance at the hearing. (14 Cal. Code Regs. § 13062).

The commenter's contention that the Commission has not provided considered analysis and has merely outlined some issues grossly misrepresents the Staff Report's rigorous analysis of the City of Oxnard's LCP zoning designation as well as key LCP/Coastal Act policies. The Staff Report also thoroughly analyzes the Project's potential impacts to biological resources and water quality, visual resources, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts. In response to Commission staff inquiry concerning various Project components and potential impacts, SCE submitted numerous sets of responses to the staff's comments, listed above. Finally, the Staff Report's list of exhibits and substantive file documents further demonstrates the depth of research and analysis that went into the preparation of the Staff Report.

As per Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.

Comment CCL-3-4: The City did not act to certify an environmental document. Therefore, it is still unknown whether a full Environmental Impact Report ("EIR") would be sufficient. The staff report doesn't even come close to discussion on the diversity of issues that would be expected to be considered within a full EIR.

Response CCL-3-4: The commenter is wrong to suggest that the Coastal Commission needs to prepare an EIR. As per Response to Comment CCL-1-4, the California Coastal Commission, as a certified regulatory agency, prepares an EIR-equivalent document that either addresses alternatives and mitigation

measures or otherwise states that there are no significant or potentially significant effects. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment an alternatives assessment is not required and the Project is CEQA compliant.

Further, although the City of Oxnard never certified its Mitigated Negative Declaration, the Commission's Staff Report is a sufficient environmental document for purposes of CEQA compliance. Moreover, the Commission's review of the Project has resulted in additional detailed analyses on a range of potential environmental impacts. The Commission's review has also shown that the Project will not have any significant or potentially significant effects on the environment. The Staff Report thus satisfies the requirements for EIR-equivalent documents.

Comment CCL-3-5: Coastal Act Guidelines that require protection of sensitive biological resources, coastal views and access at Mandalay Beach will also be violated if the Project is approved by the Commission.

Response CCL-3-5: The comment provides no basis for the assertion that the requirements for protection of sensitive biological resources, coastal views and access at Mandalay Beach will be violated. On the contrary, the Staff Report (pages 16-29) thoroughly evaluated potential impacts to sensitive biological resources, and concluded that, with implementation of the Special Conditions, the proposed Project is not expected to cause significant adverse impacts to sensitive biological resources. Moreover, the Staff Report found that the Project, as conditioned, is consistent with the applicable LCP Policies 6, 9, 10, 52 and 57.

Additionally, please see Response CCL-1-5 regarding aesthetic impacts. As discussed in Response CCL-1-5, since the existing views of and around the Project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the Project would not cause a significant adverse aesthetic impact.

Furthermore, access to Mandalay State Beach is from the end of Fifth Street, which is more than 2,100 feet south of the Project site. Given this large distance from the Project site, the Project would not have significant impacts to the access to Mandalay State Beach.

Comment CCL-3-6: The staff Report assumes that the only reasons for rejecting the project are based upon the City Council's interpretation of the provisions for coastal dependent land uses. However, the City was presented with evidence critical of the project on many topics. For example, the U.S. Fish and Wildlife Service and California State Parks provided information regarding sensitive habitat areas and wildlife. Therefore, any part of the decision to reject the project based upon resources issues is not

affected by the issue of land use designation. In the same way, the City Council had the discretion to deny the project for any of the other issues presented at the Council hearing, including everything contained within the public record at that time. It is entirely possible that even if the City agreed that non coastal dependent uses are permitted it could still reject this same project for impacts on biological resources, coastal views, coastal access, recreation, environmental justice or failure to conform with other provisions of the policy on coastal energy facilities.

> **Response CCL-3-6:** The reasons that the City may have had or not had for rejected the Project are not relevant to the proceeding. As discussed in Response to Comment CCL-3-1, once the Commission finds that a project raises a "substantial issue," the Commission assumes jurisdiction over the coastal development permit and conducts a *de novo* review of the project.

Comment CCL-3-7: The LCP does not support staff recommendations to vote yes on the appeal to the Peaker Plant project as amended. Furthermore, we believe that even if the Commission finds that the project is consistent with the City of Oxnard's language on coastal dependent uses, it must allow the City to rule on the other Article 3 policies that apply to this project. The City must be allowed to determine whether the project complies with all 6 major policy divisions. The City must also be allowed to comply with the project's CEQA requirements.

> **Response CCL-3-7:** The commenter misunderstands the appeals process of a coastal development permit and the City's continuing role in that process. When the City had jurisdiction over Project approval, the only rationale provided for the City Council's resolution denying SCE's CDP application was that the Project is not "coastal dependent" and is therefore inconsistent with the LCP. Thus, when the City made its determination, it did not base it on the Project's inconsistency with Chapter 3 policies. Upon the exhaustion of local appeals, the Commission took jurisdiction over Project approval and began its *de novo* review. (14 Cal. Code Regs. § 13114). At that point, the City's jurisdiction over Project approval ended, as did its ability to determine whether the Project complies with all six major policy divisions of the Coastal Act.
>
> However, the Commission's *de novo* review of the Project includes a determination as to whether the Project complies with all six major policy divisions of the Coastal Act. Commission regulations require that the Staff Report includes, among other things, "[s]pecific findings, including a statement of facts, analysis, and legal conclusions as to whether the proposed development conforms to the requirements of the Coastal Act including, but not limited to, the requirements of Public Resources Code section 30604[, which requires that a coastal development permit be issued if it is in conformity with the relevant certified local coastal program]." Thus, in preparing its Staff Report, the Commission determined that the Project complies with all six major policy divisions of the Coastal Act, which have been incorporated into the City's LCP and include public access, recreation, marine environment, land resources, development and industrial development.

With respect to the commenter's contention that LCP does not support staff recommendations to vote yes on the appeal, as explained in Response CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report's finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance.

Comment CCL-3-8: Staff has failed to provide the Commission with several passages within the City CLUP that support the City's decision. Section 1.2 lists six broad Coastal Act policies. Staff is recommending that the Commission sacrifice the objectives of four of these policies, (public access, recreation, sensitive habitats and commercial developments) because of the policy relating to energy facilities. However, the Report substantially misrepresents and under estimates negative impacts upon the energy facility elements within the CLUP. The present Mandalay Generating Station may soon lose its permitting, thereby forcing its closure. That would leave the Peaker plant as a stand alone facility, violating the policy on consolidation of energy developments. Regardless, when conflicts arise, "the most protective policy shall prevail."

Response CCL-3-8: In a site such as the one at issue here, the CLUP specifically gives the development of energy facilities the highest priority. Section 1.2 of the City's CLUP contains policies by which all new developments are assessed. These policies address issues of access, recreation, marine environment, land resources, new development, and industrial development. Section 1.2 establishes priorities for these competing uses of coastal resources. Specifically, "[i] n areas that are determined to be neither sensitive areas nor suitable for agriculture, coastal-dependent uses, including public recreational uses, coastal-dependent industries and energy facilities receive the highest priority."

Moreover, the siting of the Project furthers the six broad Coastal Act policies. The Project's concentration and consolidation of energy facilities is consistent with the Coastal Act, the CLUP, and all other Coastal Act policies. By developing a non-coastal dependent energy facility in the EC zone, SCE has located the Project within an existing energy site rather than along new areas of the coast, thereby furthering the Coastal Act's industrial development policy. The remote possibility that the Mandalay Generating Station may one day be shut down does not warrant locating the peaker at another site given the Project's proposed location furthers all six policy provisions of the Coastal Act.

As a non-coastal dependent energy facility, the Project does not intake seawater. Thus, the Project maintains and enhances marine resources.

In addition, the Project is located on a brownfield site, formerly occupied by oil tanks, and located immediately adjacent to the much larger Mandalay power plant

and DCOR oil processing facilities. As such, the site does not interfere with the policy of concentrating new residential and commercial development in existing developed areas, nor with the policy of preserving coastal areas suitable for recreational use.

Also, because the Project is separated from the ocean by the Mandalay power plant and DCOR oil processing facilities, it does not interfere with coastal access.

Finally, the proposed Project site is an industrial site that has been graded and is devoid of any significant vegetation, and thus, as staff concluded, no portion of the Project site is designated an environmentally sensitive habitat area ("ESHA"). Moreover, a biological resources assessment prepared by Keane Biological Consulting did not identify any "candidate, sensitive, or special-status species" on site. As such, the Commission's recommendation to approve the Project furthers the objectives relating not only to energy facilities but also to all other Coastal Act policy objectives. This is bolstered by the CLUP's mandate that energy facility development in areas that are determined to be neither sensitive areas nor suitable for agriculture receive the highest priority.

Comment CCL-3-9: The Project substantially violates provisions of Section 30240(a) and (b). Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Because the project is not coastal dependent the areas considered to be ESHAs must be protected from the project. Substantial evidence from USFWS and State Parks show that listed species may be placed in jeopardy.

Response CCL-3-9: The commenter is mistaken in its assumption that any portion of the Project is sited in an environmentally sensitive habitat area. The proposed site of the Project is an industrial site, next to the Mandalay Bay Power Plant, that has been graded and is devoid of any significant vegetation. Not surprisingly, staff concluded no portion of the Project site is designated an environmentally sensitive habitat area ("ESHA"). Moreover, a biological resources assessment prepared by Keane Biological Consulting ("KBC Report") did not identify any "candidate, sensitive, or special-status species" on site.

There are areas known to support several special-status biological resources near the site, but none on it. Given the proximity of the Project site to sensitive resources, the Commission imposed certain Special Conditions designed to protect sensitive species should they appear during construction and to address all comments made by USFWS and State Parks relevant to sensitive biological resources. The Staff Report's conclusion that the Project, as conditioned, is consistent with applicable LCP policies regarding the protection of biological resources and sensitive habitat areas is amply supported by the record.

The Project proposes the installation and removal of transmission poles and lines, and the trenching and placement of an approximately 1,800 foot natural gas pipeline, on a portion of the Project site east of Harbor Boulevard that includes

coastal dune scrub. This area has not been designated ESHA and the Staff Report notes that this area is substantially degraded and does not provide the same level of ecological and habitat value as more intact southern dune scrub areas. According to the KBC Report, there is a low probability that the Ventura marsh milkvetch could occur in this area and no milkvetch was observed during field surveys. The Staff Report notes a potential for certain sensitive plant species to exist in this area because of its proximity to other more intact dune scrub areas and rare plant communities. In order to ensure the protection of any isolated plants of these species that might occur, the April 2008 Staff Report imposed Special Condition 4(b), which required a focused survey for specified sensitive plants to be performed in each precise location where Project activities will be conducted east of Harbor Boulevard (once they are identified). This focused survey was conducted by Glenn Lukos Associates on May 16, 2008 for all identified special-status plants on the east side of Harbor Boulevard along the natural gas pipeline route immediately adjacent to Harbor Boulevard as well as along the transmission line corridor that would connect the Southern California Edison substation with the proposed Peaker facility.

Glenn Lukos concluded the highly degraded dune habitat does not support any special-status plants and installation of the pipeline as well as installation and removal of transmission line poles would not result in significant adverse impacts to dune-related biological resources. Similarly, there would be no impacts to the Mandalay Canal, which will be buffered by 50 feet from any work associated with power pole removal or installation. The woolly seablite detected in the canal would be protected and no potential impacts to this species will occur with implementation of the Project. In addition, Special Condition 3(b) requires that a Restoration Plan be prepared which will ensure all disturbed areas are revegetated with native plant species grown from locally collected seed.

The southern border of the Project site is adjacent to a portion of Mandalay State Beach Park identified as ESHA in the LCP and designated as a Resource Protection sub-zone in the City's Coastal Zoning Ordinance. In compliance with LCP Policy 6, Special Condition 3(d) requires the Project's construction activities to be separated by at least 50 feet from the entire southern boundary of the Project site adjacent to the Resource Protection area. Staff concluded that a 50 foot buffer is sufficient here given the existing paved access road that currently separates the Project site from the state park. The only activities that will be allowed within 50 feet of the southern boundary will consist of activities needed to update the existing entrance in order to remove existing exotic weed species and replace them with new landscaping comprised of native plant species compatible with the adjacent Resource Protection area. These activities will enhance protection of the adjacent ESHA property be removing existing exotic species to prevent them from spreading.

Sensitive nesting habitat for the western snowy plover and California least tern exists approximately 1,000 feet to the west and southwest of the Project site. Special Condition 3(a) of the April 2008 Staff Report required the replacement of

proposed trees in the landscape plan with native brush and shrub species that are not expected to provide perching or nesting habitat for predatory birds of concern. A revised landscaping plan was prepared consistent with this requirement, which is included as Exhibit 4 and discussed on page 23 of the Staff Report. Special Condition 6 requires SCE to comply with this plan.

Although the Project site is not a burrowing owl habitat, historic records show that the burrowing owl once existed on the Project site. The biological surveys conducted by KBC did not observe any burrowing owls or any burrows that could feasibly support burrowing owls. Subsequently, during soil testing, one burrowing owl was seen on the site. In order to ensure that the Project will not have an adverse impact on this species, Special Condition 3(c) requires a pre-construction survey for burrowing owls to be undertaken throughout the Project area no more than 30 days before ground disturbance activities begin, and further requires appropriate impact avoidance and mitigation plans to be submitted and approved by the Executive Director if any owls are observed or any burrows are found to be actively used.

SCE has also agreed to implement all measures identified in the Project's MND to minimize potential adverse effects to biological resources or water quality in the Project area (Special Condition 2) as well as all "indirect impact" minimization measures described in the Mandalay Peaker Project Biological Resources Assessment prepared by Keane Biological Consulting (Special Condition 3(a)). These measures include pre-construction surveys of each construction area to identify native birds, and limitations regarding the type and quantity of hazardous materials that may be stored on-site.

In summary, the project does not impact ESHA, or any candidate, sensitive, or special-status species. Moreover, as conditioned, the Project will protect against sensitive species if they should appear on site during construction. Consequently, the proposed Project fully complies with Section 30240 (a) and (b) of the Coastal Act, which requires that ESHA be protected against any significant disruption of habitat values and that development in areas adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade those areas.

Comment CCL-3-10: Staff notes: "The key subsection of the Coastal Energy Facility Sub-zone (Coastal Zoning Ordinance Section 17-20), states that "coastal dependent energy facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth, where consistent with this article." This subsection is the only one that specifically refers to "coastal-dependent" facilities, and it only "encourages" such facilities to locate within this zoning designation and does not prohibit non-coastal dependent facilities; …" However, the staff interpretation that the use of "shall" merely "encourages" rather than "prohibits" does not conform with the City's intention in using that language. Throughout the relevant documents differentiation between "may" and "shall" is the definitive use of language to separate "encourages" from "mandatory." Additionally, the Report fails to elaborate on the most

important clause in the subsection: "where consistent with this article." Clearly, the project is inconsistent with 30240 and other Sections of Article 3.

> **Response CCL-3-10:** As explained in Response CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report's finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance.
>
> Moreover, to require energy developments to be coastal dependent in order to be permitted in the EC zone is inconsistent with the overall policy objectives of the LCP and the policies of Chapter 3 of the Coastal Act, which constitute the standards by which the permissibility of proposed developments are determined. Indeed, Chapter 3 of the Coastal Act mandates that LCPs contain policies that require concentration and consolidation of industrial developments, including energy facilities, and maintain and enhance marine resources.
>
> The City's rationale for denying the Project's CDP would bar any future, non-coastal dependent upgrade or addition to the two existing power plants within the City of Oxnard that require CDPs, and any upgrade or addition to the transmission substations within the City's coastal zone that requires a CDP. Requiring developments in the EC to be coastal dependent forces non-coastal dependent energy facilities to locate in new areas rather than locating or expanding within existing energy sites. The City's interpretation of LCP Section 17-20 is thus inconsistent and at odds with the LCP and the Coastal Act's policy of concentrating energy facilities.
>
> Further, the City's interpretation of Section 17-20 conflicts with the LCP and the Coastal Act's policy of maintaining and enhancing marine life. Even if the LCP required the Project to be coastal dependent—which it does not, as staff concluded—such a requirement would directly conflict with the policy of maintaining and enhancing marine resources because the Project would be required to have seawater intake.
>
> As for the Project's compliance with section 30240 of the Public Resources Code, which requires the protection of ESHA, please see Response CCL-3-9 above. The Project does not impact ESHA, or any candidate, sensitive, or special-status species. Moreover, as conditioned, the Project will protect against sensitive species if they should appear on site during construction.

Comment CCL-3-11: In another passage staff offered "Other subsections of Coastal Zoning Ordinance Section 17-20 apply generally to "energy related developments," not exclusively to "coastal-dependent" developments. Additionally, these subdivisions are

all subject to the overarching provision of Section 17-20(A), which states that this zoning designation allows "power generating facilities and electrical substations" and is therefore not limited to "coastal-dependent" facilities." However, at the time the Zoning Ordinance was written, most electrical substations in Ventura County were essentially Coastal Dependent due to their locations and cooling systems. Therefore the language here is consistent with that understanding. Peaker plants had not been invented, so decision makers could not have been invisioning [sic] such projects.

The following passage suffers from the same mistake: "One of the four types of developments that can be conditionally permitted within the Coastal Energy Facility Sub-zone is an 'Electrical power generating plant and accessory uses normally associated with said power generating facility,' such as the project proposed by SCE." Again, in speaking about "electrical power generating plant" it was understood that they must be coastal dependent.

> **Response CCL-3-11:** The Commission is entitled to rely on the Oxnard Local Coastal Program ("LCP"), and in particular the Oxnard Coastal Zoning Ordinance, as it is written. Here, the EC zoning designation specifically allows "power generating facilities and electrical substations" and is therefore, by the plain meaning of its terms, not solely limited to "coastal-dependent" facilities. As explained in Response CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report's finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance.
>
> The commenter is also mistaken about the functions of an electrical substation. Electrical substations are facilities associated with the transmission and distribution of electricity. Substations contain a wide variety of high voltage equipment that transforms, switches or otherwise manages electricity, none of which requires ocean cooling. Electrical substations are not and have never been coastal dependent.

Comment CCL-3-12: Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. Clearly, the siting of this project conflicts with ESHA and with the McGrath State Park.

> **Response CCL-3-12:** It is important to note that no portion of the Project site is designated an environmentally sensitive habitat area ("ESHA"), as the proposed location of the Project is an industrial site that has been graded and is devoid of any significant vegetation. As explained in detail in Response CCL-3-9, a biological resources assessment prepared by Keane Biological Consulting ("KBC

Report") did not identify any "candidate, sensitive, or special-status species" on site or in areas that would be disturbed on the east side of Harbor Boulevard. A focused biological survey for special-status plant species was also conducted by Glenn Lukos Associates on the property east of Harbor Boulevard. This survey similarly concluded that no special-status plant species would be adversely impacted by the Project. The proposed landscape plan enhances ESHA habitat in Mandalay State Park by removing existing trees and invasive species and replacing them with species grown from native seed that are compatible with the adjacent habitat and that do not provide perching or nesting habitat for predatory birds of concern.

With respect to development adjacent to ESHA and parks and recreation areas, Coastal Act policy 30240(b) requires that such development be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.

Given the Project's proximity to sensitive resources, the Commission has imposed certain special conditions designed to protect sensitive species should they appear during construction. The Staff Report thoroughly analyzed the Project's potential impacts to adjacent ESHA, parks and recreation areas. Thus, the Commission's conclusion that the Project, as conditioned, is consistent with Coastal Act policy 30240(b) requirements and applicable LCP policies regarding the protection of resources and sensitive habitat areas is amply supported by the record.

Comment CCL-3-13: The staff report fails to contain an alternatives analysis. Instead it makes a claim that is not supported by substantial evidence that no impacts exist that are not adequately mitigated. Therefore, alternatives, cumulative impact, growth inducing impacts, environmental justice and a thorough impact analysis are not contained in the Report. This omission prevents the decision makers from seeing options that would minimize impacts more efficiently than the policy of allowing impacts and attaching mitigation measures.

Response CCL-3-13: As per Response to Comment CCL-1-4, the California Coastal Commission, as a certified regulatory agency, prepares an EIR-equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment an alternatives assessment is not required and the Project is CEQA compliant.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA guidelines, in order to provide the most thorough review possible, SCE has prepared supplemental analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice that have undergone critical review by Commission staff. Please see pages 48 to 58 of the Staff Report for a discussion of these analyses.

Response to Comment CCL-1-1 summarizes the conclusions of the alternatives analysis. SCE evaluated both alternative sites and alternate generation technologies for the proposed Project. Constructing a black start peaker on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station best meets the purpose of and need for the proposed Project. This location is also the environmentally-preferred site.

Response CCL-2-2 summarizes the conclusions of the cumulative impact analysis. The only project with the potential for cumulative impacts is the adjacent Northshore at Mandalay housing project, a low-density residential development in the Project vicinity. After thorough analysis, it was concluded that the proposed Project will not have any significant cumulative impacts when combined with the impacts of the Northshore development.

Regarding growth inducing impacts, the proposed Project will not induce growth directly, since it does not include construction of new housing and will only require one or two new employees during operation. Neither will the proposed Project indirectly induce growth. The primary purpose of the proposed Project is to provide additional electrical power and/or voltage support during periods of peak power demand. Because the proposed Project is responding to past and anticipated future growth, it will not cause population growth by providing additional electrical power.

For similar reasons, the proposed Project will not remove impediments for growth. The proposed Project is not designed to enhance or extend the regional power supply; instead, it will provide an urgently needed solution to reliability issues currently facing California's electric generation and transmission infrastructure.

With respect to environmental justice, the primary environmental justice issues associated with siting and developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. These issues are discussed in detail in the Staff Report and in the MND, and it was concluded that the proposed Project will not have significant adverse effects. Since the proposed Project will not cause significant adverse effects, no impacts will exist which could disproportionately impact low-income and minority communities; therefore, environmental justice is not an issue for the proposed Project.

Even so, surveys indicate that the percentage of the population living below the poverty level and within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations.

Further, the percentage of low-income and minority populations residing in the vicinity of the Mandalay site is similar to those populations residing in the vicinity of the alternative sites and lower than those in the vicinity of the sites where peaker plants have already been constructed. Therefore, the location selected for the Mandalay site does not have the potential to impact low-income populations.

Finally, the City of Oxnard previously conducted a thorough impact analysis for the Project. Commission staff performed additional critical review of each section of the MND and required supplementary analyses which included a thorough review of greenhouse gas emissions, reassessment of compliance with Ventura County Air Pollution Control District (VAPCD) emission limits, the potential for localized air quality impacts, a biological survey of the Mandalay canal, and a focused survey for special-status plant species on the east side of Harbor Boulevard. Based on this detailed and thorough review, Commission staff have concluded that the proposed Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment.

Comment CCL-3-14: Southern California Edison has just announced a new energy project documented in the Ventura County Star on May 1. This article, EDISON IS PROPOSING SOLAR POWER PROGRAM by Alison Bruce documents how the Utility would install 250 megawatts of solar panels in 1 and 2 megawatt increments. This is a viable alternative to the proposed Project.

Response CCL-3-14: As discussed in more detail in Response to Comment CCL-1-1, small scale solar projects cannot provide the peaking and grid-reliability roles that the proposed Project is intended to serve, since it is essential that the plant be able to come on-line very rapidly, at any time of day or night regardless of weather conditions, and be able to provide high megawatt black start capability to the adjacent Mandalay Generating Station. The Project does not displace renewable power plants, nor is it inconsistent in any way with the state's move towards more use of renewable resources. On the contrary, peaker plants like the Project fill an important role in the integration of renewable energy, since their ability to follow load make them ideal to supplement and "fill in behind" intermittent renewable sources like wind and solar to keep the voltage and frequency of the grid stable.

Comment CCL-3-15: Additionally, an Oxnard Company EF Oxnard Inc. volunteered to provide site within the City of Oxnard to locate the proposed Project adjacent to its own energy producing facility. Use of that location would prevent impacts associated with the coastal zone. Many other alternatives were not discussed by the staff report in violation of CEQA and the Coastal Act.

Response CCL-3-15: As discussed in detail in the alternatives analysis and Response to Comment CCL-1-1, SCE considered the EF Oxnard site at the time it was proposed. The EF Oxnard site is not suitable for the peaker because there is

not enough unoccupied land available to house the proposed Project's 2-3 acre footprint.

An analysis of alternative sites is not required under the Commission's certified regulatory program, because the proposed Project will not cause significant unmitigated adverse impacts. However, to provide the most thorough review possible, SCE has prepared, and the Commission's EIR-equivalent document contains, a detailed discussion concerning alternatives. Please see pages 48 to 56 of the Staff Report. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Comment CCL-3-16: "The Commission finds that, the proposed Project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed Project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act." This finding is not supported by substantial evidence. In fact, the comments made by the public on the Mitigated Negative Declaration are not answered by Staff. Instead all that is offered is a general statement that no impacts exist. This violates Section 21080.5(d)(2)(A) because feasible alternatives exist, including those listed in this letter.

Response CCL-3-16: Responses to all comments regarding the adequacy of the environmental analyses in the MND are provided in this document. As demonstrated by these responses, the finding that the proposed Project, as conditioned, will not have significant adverse effects on the environment is the correct one.

As per Response to Comment CCL-1-4, the California Coastal Commission, as a certified regulatory agency, prepares an EIR-equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment an alternatives assessment is not required and the Project is CEQA compliant.

As discussed in more detail in Response to Comment CCL-1-1, even though it is not required under section 15252 of the CEQA guidelines, SCE has prepared a supplementary alternatives analysis that evaluates both alternative sites and alternate generation technologies for the proposed Project. Constructing a black start peaker on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station best meets the purpose and need of the proposed Project. This location is also the environmentally-preferred site.

Comment CCL-3-17: Club comments to the City during its Project review included comments that the MND must be replaced with an EIR. These comments were supported by substantial evidence, including comments made by other witnesses. The Report fails

to consider our comments and asks the Commission to circumvent the lawful CEQA process that has not been allowed to reach its logical conclusion. The Commission must, therefore, allow the City to pursue its lawful rule in the CEQA process.

> **Response CCL-3-17:** When the City denied SCE a coastal development permit based on its finding that only coastal-dependent projects could be developed in the EC subzone, SCE appealed the decision to the Commission. The Commission then began a public hearing on the appeal to determine whether it raised a "substantial issue" relative to conformance with the LCP or with Coastal Act public access policies. The Commission found that the proposed Project raised a substantial issue and thus took jurisdiction over SCE's coastal development permit. In the current *de novo* hearing phase of the appeal, all issues relating to conformance with the LCP and Coastal Act public access and recreation policies are appropriate for consideration. Thus, the Commission's review of the Project has not circumvented the lawful CEQA process; rather, it is completely in keeping with it.

Comment CCL-3-18: The Club disagrees with the Report's conclusions regarding biological resources. Please refer to our comments to the City. We hereby incorporate by reference all comments made by all other parties and adopt them as our own.

> **Response CCL-3-18:** Attachment F to the City of Oxnard's MND that contained all comments received by the City related to the proposed Project in the City of Oxnard's June 24, 2008 Staff Report to the Planning Commission ("City Staff Report") does not contain comments submitted by the Sierra Club. Oral comments made by Mike Demartine, who stated he was representing the Sierra Club at the City of Oxnard Planning Commission hearing for the Project, also did not refer to impacts to biological resources. Therefore, the City's administrative record does not include comments from the Sierra Club regarding biological resources.
>
> For a detailed discussion of the biological surveys that were conducted in regards to the proposed Project and a summary of the Special Conditions that have been imposed by the Commission to ensure that the Project does not adversely affect biological resources, please see Response to Comment CCL-3-9.

Comment CCL-3-19: The LCP cannot support the staff recommendation for approval of the Project because the conditions required to mitigate specific impacts are either missing or inadequate.

> **Response CCL-3-19:** This comment does not provide any basis for the assertion that mitigation measures for specific impacts are either missing or inadequate. On the contrary, the Staff Report found that the proposed Project, as conditioned, will not cause significant adverse impacts.

COMMENT LETTER CCL-4: BARBARA FOSBRINK, CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

Comment CCL-4-1: In describing the project's location it should be noted that Mandalay State Beach is to the southeast of the proposed plant site and McGrath State Beach is to the northwest of the site and the Reliant Energy Plant.

> **Response CCL-4-1:** This comment does not set forth any deficiency in the environmental review, and the directional description is noted.

Comment CCL-4-2: When evaluating visual impacts of the proposed Project it should be noted that, "the intervening land between Mandalay State Beach and the proposed Project site" is NOT "dotted with existing oil processing structures that are approximately 70 feet high, and the stacks of the Mandalay Power Generation Facility which is 203 feet high". All that separates Mandalay State Beach from the proposed Peaker plant site is a six foot chain link fence on the Edison property. The existing road is not part of the Master Plan for the Park unit and no assumption should be made that that road will always be at that location.

> **Response CCL-4-2:** The statement referred to in the comment, on page 30 of the Staff Report, was referring to the beach area within Mandalay State Beach between the water and the front dunes. Exhibit No. 1, at the end of the Staff Report, clearly shows that the peaker site is separated from the beach by the DCOR oil processing facility and the Mandalay Generating Station. Because this area is accessible to and frequently utilized by the public, it was given special consideration in the Staff Report.
>
> The dune land to the south of the site, which is managed by Ventura County Parks Department, was referred to in the environmental report as a resource protected area. This land is currently fenced on two sides to limit public access.
>
> Visual simulations of the Project were prepared from all angles, including from the south, at 5th Street, which is just past the existing fence line. From all directions, including the backdune area to the south of the Project site, the Mandalay Generating Station dominates the view. The peaker does not significantly change the existing view from this direction. Therefore, the visual assessment adequately considered the impact of the Project on visual resources.
>
> The existing road mentioned in the comment is presumably referring to the access road discussed on page 25 of the Staff Report. As stated in the Staff Report, "...a real estate parcel map ...shows that the State resource protection area starts 22 feet south of SCE's fence line, to the south of the road parcel. Since this is a permanent road, the state partitioned their land to separate the right of way from the rest of the parcel."
>
> The access road that is referred to is a 30 foot wide paved road that is frequently used on a daily basis by large trucks accessing the DCOR facility; therefore, it is appropriate to consider the existence of the road parcel as a separation between

SCE's property and the Resource Protection Area within Mandalay State Beach to the south of the peaker site.

Comment CCL-4-3: Given all projects in the immediate area (Northshore at Mandalay Development) the environmental review document fails to evaluate cumulative impacts to natural resources at Mandalay State Beach and adequate mitigations have not been addressed [sic] considered.

Response CCL-4-3: As discussed in Response to Comment CCL-1-4, the California Coastal Commission is a certified regulatory agency and as such, it prepares an EIR-equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Therefore, the Staff Report has met CEQA's requirements regarding cumulative impacts and no further analysis is required.

The MND considered potential impacts from the proposed Project to Mandalay State Beach assuming that the Northshore development had been constructed. Cumulative impacts including the Northshore at Mandalay Bay residential development were therefore adequately considered in the original analysis.

Nonetheless, SCE has prepared, and the Staff Report has thoroughly analyzed, an evaluation of potential cumulative impacts from the proposed Project that includes consideration of impacts from the Northshore at Mandalay Bay residential development, a 292-unit low-density development approximately 750 feet southeast of the Project site. As per Response CCL-2-2 and Section K of the Staff Report, the proposed Project will not have significant cumulative impacts when combined with the impacts of the Northshore development. Therefore, mitigation measures for adverse cumulative impacts are not required.

Comment CCL-4-4: The extent of the project area has not been adequately defined for preconstruction biological survey purposes.

Response CCL-4-4: The Project area has been well defined. Special Condition 4, on pages 7 and 8 of the April 2008 Staff Report and on pages 2 and 3 of the addendum to the April 2008 Staff Report, required additional pre-construction biological surveys to ensure that all potentially impacted biological resources have been identified and mitigation implemented if required.

Specifically, Special Condition 4(b) of the April 2008 Staff Report required a survey of the locations for all project activities to the east of Harbor Boulevard to identify the presence of special status plant species. This survey was conducted on May 16, 2008 by Tony Bomkamp of Glenn Lukos Associates. The extent of the study area was proposed by Coastal Commission Staff Analyst Cassidy Teufel

in an email transmitted on May 14, 2008 and was described by Mr. Teufel as follows:

> "The area surveyed should include 1) the proposed natural gas pipeline route and associated trenching, staging and equipment disturbance footprints – all areas within approximately 30+ feet of the east side of Harbor Boulevard from the point where the pipeline would pass under Harbor Boulevard north past the canal and within approx. 60 feet of the east side of Harbor Boulevard north of the canal near the natural gas pipeline tie-in point; and 2) the disturbance footprints associated with equipment access, staging, construction and removal of the transmission poles that would be added/removed from the transmission line corridor east of Harbor Boulevard and between the existing substation and the point where the transmission lines would pass over Harbor Boulevard."

Thus, the area east of Harbor Boulevard to be included was well defined prior to the survey. All areas within the pipeline route and transmission line corridor as described by Mr. Teufel were carefully surveyed on foot in a manner that allowed for direct observation of all portions of the study area. Mr. Bomkamp was accompanied by Coastal Commission Staff Ecologist Dr. Jonna Engel during the surveys, and Dr. Engel assisted in the survey effort. The survey found that the highly degraded dune habitat east of Harbor Boulevard does not support any special-status plants, and installation of the pipeline as well as installation and removal of transmission line poles would not result in significant adverse impacts to dune-related biological resources. Similarly, there would be no impacts to the Mandalay Canal, which will be buffered by 50 feet from any work associated with power pole removal or installation. Woolly seablite detected at the canal's edge would be protected and no potential impacts to this species will occur with implementation of the Project.

Additionally, Special Condition 3(c) requires that, no more than 30 days prior to the initiation of ground disturbing activities, SCE shall conduct a pre-construction survey for burrowing owls throughout all portions of the Project area (including the peaker plant site, construction staging areas, landscaping areas and transmission line and pipeline corridor to the east of Harbor Boulevard). If any burrowing owls are observed or burrows are found to be actively used within the Project area, prior to the initiation of construction or ground disturbing activities, SCE shall submit an Impact Avoidance and Mitigation Plan for the Executive Director's approval.

Comment CCL-4-5: Given extensive restoration activities undertaken at Mandalay State Beach, a native plant palette using locally collected seed should be required for landscaping.

Response CCL-4-5: As requested by the commenter, the Project will use only native plant species and locally collected seed in its landscaping plan. Moreover, Special Condition 6, on page 8 of the Staff Report, requires SCE to undertake

plant installation and ongoing monitoring and maintenance as outlined in its proposal: "*McGrath Beach Peaker Landscaping Plan*," included as Exhibit 4 of the Staff Report, for the five year term described in that document. Staff will ensure that the selected plants are appropriate for the site considering both the need to protect Mandalay State Beach, as requested by the Park Department, and the need to provide adequate visual shielding for the Northshore development, as requested by the City of Oxnard.

Comment CCL-4-6: The acreage of both Mandalay and McGrath State Beaches [sic] parks what remains of these habitat types and as such are protected from urban development. Construction and intensification of use in the coastal area immediately adjacent to these two State Park properties does not appear to be adequately evaluated.

Response CCL-4-6: The Project will be located on land that has been used for energy development for 50 years. Siting the Project at this location is consistent with the Coastal Act policy which favors consolidating energy development at existing sites. The environmental assessment took into account sensitive habitats and the proximity to State Park land and determined that there would be no impact. In compliance with Local Coastal Plan (LCP) Policy 6, Special Condition 3(d) requires the Project's construction activities to be separated by at least 50 feet from the entire southern boundary of the Project site adjacent to the Mandalay State Beach Resource Protection area. Staff concluded that a 50-foot buffer is sufficient here given the existing paved access road that currently separates the Project site from the state park. The only activities that will be allowed within 50 feet of the southern boundary are those activities needed to update the existing entrance in order to remove existing exotic weed species and replace them with new landscaping comprised of native plant species compatible with the adjacent Resource Protection area. These activities will enhance protection of the adjacent ESHA property by removing existing exotic species to prevent them from spreading.

The Project site is located approximately 1,000 feet from McGrath State Beach, and the Reliant Mandalay Generating Station is located between the Project site and McGrath State Beach. Given this large separation between the Project site and McGrath State Beach, and the intervening presence of the Mandalay Generating Station, the Project does not have the potential to cause adverse impacts to the resources at McGrath State Beach.

Sensitive nesting habitat for the western snowy plover and California least tern exists approximately 1,000 feet to the west and southwest of the Project site in Mandalay State Beach. Special Condition 6 requires the replacement of proposed trees in the landscape plan with native brush and shrub species that are not expected to provide perching or nesting habitat for predatory birds of concern. Existing trees will be removed.

Thus, potential impacts to the Mandalay and McGrath State Beach Parks have been adequately evaluated and conditions have been imposed that ensure that significant adverse impacts will not occur.

Comment CCL-4-7: The MND appears to look only at the proposed site and adjacent dunes. Limited investigation of impacts to the backdune or wetland sites has been considered.

Response CCL-4-7: The environmental review considered all land which would be impacted by the Project. Potential impacts to the backdune portion of Mandalay State Beach is discussed on pages 20 and 25 of the Staff Report, and potential impacts to wetland areas are discussed on pages 20, 26 and 27 of the Staff Report. Special Condition 3(d), on page 7 of the Staff Report, which requires the avoidance of landscaping or construction activities within 50 feet of Mandalay State Beach, including the backdune portion, and within 50 feet of Mandalay Canal will ensure that significant adverse impacts to backdune or wetland areas will not occur.

Comment CCL-4-8: Given the vanishing open spaces and the need for coastal recreation opportunities along the Southern California Coast one would like to think that there is a more appropriate location outside of the coastal zone for this proposed facility. An adequate review of alternate sites must be addressed in the environmental document.

We do not support any action on this project until an adequate environmental review has been completed.

Response CCL-4-8: The MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required. The Staff Report's list of exhibits and substantive file documents demonstrates the depth of research and analysis that went into the Staff Report's review of the potential impact of the Project.

Nonetheless, SCE has prepared a supplemental alternatives analysis that discusses the evaluation of alternative sites (Included as Exhibit 13 of the Staff Report). SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. As discussed in more detail in Response to Comment CCL-1-1, the proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

COMMENT LETTER CCL-5: LARRY MCGRATH, MANDALAY SHORES COMMUNITY ASSOCIATION AND OXNARD SHORES NEIGHBORHOOD COUNCIL

Comment CCL-5-1: The proposed site of this Peaker plant is an abandoned fuel tank field, which may contain contaminated soil.

> **Response CCL-5-1:** The potential for contaminated soil to be present at the site was addressed in Section G of the Mitigated Negative Declaration (page 63). As stated in the Mitigated Negative Declaration, contamination is not known to be present at the Project site, but environmental contamination has been identified on the Mandalay Generating Station property adjacent to the Project site. Soil samples will be taken during excavation for construction of the proposed Project. If contaminated soil is encountered, the soil will be disposed of in accordance with state and federal hazardous waste regulations. Therefore, contaminated soil at the site would not cause significant adverse impacts.

Comment CCL-5-2: Peaker plant emissions and noise [sic] also a concern.

> **Response CCL-5-2:** Please see Response to Comment CCL-1-10 regarding potential air quality impacts. As discussed in that response, the analyses of potential air quality impacts in the MND concluded that the Project will not cause either regional or localized adverse air quality impacts.
>
> Potential noise impacts were analyzed in Section K (pages 76-83) of the MND. The City of Oxnard Municipal Code, Chapter 7 Nuisances, Article XI Sound Regulation §7-188(D) exempts "sound sources associated with or created by construction, repair, remodeling or grading of any real property…provided the activities occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday." Since Project construction activities involving the use of heavy construction equipment and construction-related traffic will not occur on Sunday and will only occur between 7:00 a.m. and 6:00 p.m. on other days, noise impacts associated with project-related construction activities will comply with City of Oxnard noise control standards.
>
> The noise levels that would be generated during operation of the facility were estimated, and the noise impacts calculated using a sound propagation model. The noise modeling concluded that the noise levels from operation of the peaker facility at the nearest future residence within the Northshore at Mandalay housing development would be lower than the existing noise levels at that location. Therefore, noise from operation of the facility would not be audible above the existing noise levels, and the Project will not cause significant adverse noise impacts.
>
> The beach and shoreline are located farther from the Project than the Northshore housing development and ambient background noise levels are higher due to closer proximity to the ocean. Since background noise is higher and Project noise

is lower at these locations than it is at the Northshore development, noise from the Project would not be audible at this location either, and would therefore not cause significant adverse noise impacts to either recreational beachgoers or local wildlife.

Comment CCL-5-3: Our understanding is that the proposed plant does not require an E.I.R., thus we have no way of knowing what air quality residents will be breathing during and after the construction of this plant.

Response CCL-5-3: Please see Response to Comment CCL-1-10 regarding the evaluation of air quality impacts, including impacts to nearby residents. The air analysis that was conducted as part of the MND is the same as would be conducted in an EIR. The analyses of potential air quality impacts in the MND concluded that the Project will not cause localized adverse air quality impacts. This conclusion was concurred with by the Ventura County Air Pollution Control District. Therefore, air emissions from the proposed Project will not harm local residents.

Comment CCL-5-4: How will emissions and the noise of this plant affect the native birds that migrate annually to this nesting area.

Response CCL-5-4: Air quality impacts from emissions from the facility were discussed in Response to Comment CCL-1-10. As indicated in that response, emissions from the Project will not cause local air pollutant concentrations to exceed federal or California ambient air quality standards, and, for most pollutants, the increases in concentrations caused by emissions from the facility will be less than the existing ambient concentrations. Since emissions from the facility will not substantially increase existing concentrations, they are not anticipated to cause significant impacts to migratory birds.

Potential noise impacts on threatened and endangered species were evaluated in Section D of the MND. As discussed on pages 45 and 46 of the MND, California least terns nest at active container terminals (Port of Los Angeles, the second-largest nesting site in California in 2006) and airports (Lindberg Field in San Diego, which supported over 100 nests in 2006). Therefore, it is unlikely that the noise, vibration and other disturbances associated with construction and operation of the Project would result in significant indirect impacts on this species. This statement also holds true for snowy plovers, since snowy plovers at Camp Pendleton Marine Base nest successfully despite military operations, including frequent traffic by large tanks on the beach just west of the nesting area, which generate both noise and vibration. Among other locations adjacent to human disturbance, snowy plovers also nest successfully at a nesting site at Batiquitos Lagoon in San Diego County, which is adjacent to 4-lane Carlsbad Boulevard. Snowy plovers are more susceptible to disturbances caused by people and pets walking close to nests. Further, as noted in Comment CCL-5-2 above, operational noise from the Project would not be audible in the front dune

locations where snowy plovers and least terns nest. Therefore, noise impacts to birds and wildlife from the proposed Project are not anticipated to be significant.

Comment CCL-5-5: Mandalay Beach is already the home of one of the two power generation plants located in Oxnard, CA. An additional peaker plant and its noise would be aesthetically unpleasing, not only to local residents, but also to visitors and vacationers that come to enjoy our tranquil coastal area.

Response CCL-5-5: Visual resources and aesthetic impacts are evaluated on pages 29-32 of the Staff Report. This evaluation concluded that, with implementation of the landscaping plan, the Project's adverse visual effects will be minimized and, therefore, will be consistent with Local Coastal Plan Policy 37, which addresses impacts on visual resources from new development in the coastal zone. Please see Response to Comment CCL-1-5 for more information on visual impacts.

Response CCL-5-5:

Please see Response to Comment CCL-5-2 regarding noise impacts. As stated in the response, noise impacts will not be significant.

Comment CCL-5-6: Edison officials have publicly stated that Mandalay Beach is their "preferred" site and that there are alternative sites, not located in a Coastal Zone. Since, the proposed Peaker plant is not coastal dependent, we urge that these alternative sites be considered.

Response CCL-5-6: The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA Guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site, on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station, is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

COMMENT LETTER CCL-6: KATHY LONG, SUPERVISOR THIRD DISTRICT

Comment CCL-6-1: The Oxnard coastline and the wetlands are home to several endangered and threatened species such as the Western Snowy Plover, Tidewater Goby, California Least Tern and rare dune species, and must be a priority.

> **Response CCL-6-1:** Potential impacts to endangered and threatened species, including the Western Snowy Plover, the California Least Tern, the Tidewater Goby, and the Ventura marsh milk-vetch (a Special Status dune plant species) were evaluated on pages 16-29 of the Staff Report.
>
> Reports from biological surveys of the site conducted by Keane Biological Consulting on the mornings of September 20, 2006, and February 15, 2007, have noted that "no amphibian or fish species are expected to occur on the project site, which supports no aquatic or marine habitat" and "no reptile species were observed during the survey, although several species including the side-blotched lizard, western fence lizard, southern alligator lizard, San Diego coast horned lizard [a federal species of concern], western rattlesnake, and gopher snake are expected to occur in the project vicinity." Furthermore, the biological survey notes that "very few bird species were present on the site during the survey" with the most abundant species being the non-native European starling and additional observed species including American kestrel, black phoebe, American crow, house finch and belted kingfisher (heard offsite in the adjacent Mandalay Canal). Additional wildlife was observed indirectly, with tracks of coyote or grey fox, Botta's pocket gopher and Audubon's desert cottontail present. Thus, no Special Status species have been detected on the Project site.
>
> SCE's biological consultant has also concluded that the Project area provides only marginal habitat for burrowing owls and no burrows that could feasibly support burrowing owls were observed during the various biological surveys of the Project area that SCE has conducted. Nevertheless, due to the strong site fidelity of burrowing owls and the fact that an owl was observed at the Project site during the breeding season, to ensure that this Special Status species and its habitat is not adversely affected by the proposed Project, the Commission is requiring in Special Condition 3(c) that SCE, no more than 30 days prior to the initiation of ground disturbance activities, conduct a pre-construction survey for burrowing owls throughout all portions of the Project area. This condition also requires that if any burrowing owls are observed during this survey or if burrows are found to be actively used within the Project area, prior to the initiation of construction or ground disturbing activities, SCE shall submit an Impact Avoidance Plan for the Executive Director's approval.
>
> Therefore, the Project will not cause significant adverse impacts to Special Status species on the Project site.

The Project also proposes the installation and removal of transmission poles and lines, and the trenching and placement of an approximately 1,800 foot natural gas pipeline east of Harbor Boulevard in an area that includes coastal dune scrub. The Staff Report notes that this area is substantially degraded with vegetation dominated by invasive ice plant (*Carpobrotus sp.*) and native heather goldenbush (E*ricameria ericoides*), which make up 60-80% of the vegetative cover. The area therefore does not provide the same level of ecological and habitat value as more intact southern dune scrub areas. However, the Staff Report notes the potential for certain sensitive plant species, including the state and federally endangered Ventura marsh milkvetch (*Astragalus pycnostachyus* var. *lanosissimus*), to exist in this area because of its proximity to other more intact dune scrub areas and rare plant communities.

Therefore, the Commission required a focused survey for Special Status plant species to be performed in the precise locations where Project activities will be conducted east of Harbor Boulevard. This focused survey was conducted by Glenn Lukos Associates on May 16, 2008 in conjunction with the Commission's staff ecologist. An additional site visit occurred in June of 2008. In none of the biological surveys that have been conducted in either September 2006, February 2007, May 2008, or June 2008 was the presence of any Special Status species detected within the proposed disturbance area east of Harbor Boulevard or its immediate vicinity.

Therefore, the Project will not cause significant adverse impacts to Special Status species east of Harbor Boulevard.

The northern border of the proposed Project is adjacent to the Mandalay Canal. On January 9, 2008, a biological survey of the Mandalay Canal was conducted by ENTRIX, Inc. to test for the presence of tidewater gobies. No tidewater gobies were taken in the Mandalay Canal. It was also noted that the habitat in this area is largely mud which is not a preferred substrate for the tidewater goby and that little or no freshwater influence exists in the canal so the water maintains a marine salinity, or nearly so, which is also undesirable for tidewater gobies. Therefore, the Project is not anticipated to cause adverse impacts to tidewater gobies.

The Staff Report notes that the canal is known to provide habitat and forage for a number of marine, estuarine, and riparian species, including large schools of juvenile topsmelt, the primary forage species of least terns. Special Status bird species observed foraging along Mandalay Canal include the California least tern, osprey, and double-crested cormorant. To ensure that the Project will not cause adverse impacts to these species, Special Condition 3(d) requires that all Project construction and landscaping activities remain more than 50 feet from the Mandalay Canal, with the exception of dewatering discharge, natural gas pipeline installation, and the use of existing roads for equipment access.

Therefore, the Project will not cause significant adverse impacts to Special Status species associated with the Mandalay Canal.

The inland portion of Mandalay State Beach, which is located south of the Project site, has been identified in the City of Oxnard's certified LCP as an environmentally sensitive habitat area and designated as a Resource Protection sub-zone in the City's Coastal Zoning Ordinance. As noted in the Local Coastal Plan (LCP), this "26-acre area of dunes at the intersection of Fifth Street and Harbor Boulevard is an excellent example of this increasingly rare habitat" and has thus been provided with protected status due to the rarity and diversity of plant and animal life it supports. Among those species that have been observed foraging or inhabiting the dune habitat within or near Mandalay State Beach, several have been granted special protection status. These species include several state and/or federally designated threatened or endangered species: western snowy plover, California least tern, peregrine falcon, Belding's savannah sparrow, and Ventura marsh milkvetch (the only known natural population of which is located to the east of Harbor Boulevard – outside the State Park and Project site). The area also supports several species included in the California Native Plant Society's list of rare native plants - red sandverbena, dunedelion, estuary seablite, and wooly seablite - and several designated as federal species of concern - the sandy beach tiger beetle, globose dune beetle, wandering skipper butterfly, silvery legless lizard, San Diego horned lizard, and California horned lizard.

To ensure that the Project will not cause adverse impacts to these species, Special Condition 3(d) requires the Project's construction activities to be separated by at least 50 feet from the entire southern boundary of the Project site adjacent to the Resource Protection area. The only Project activities that will be allowed in this area are relocation of the existing chain link fence, eradication of existing exotic weed species and the planting of native plant species from locally collected seed that is compatible with the adjacent habitat.

Therefore, the Project will not cause significant adverse impacts to Special Status species located at Mandalay State Beach.

Sensitive nesting habitat for the western snowy plover and California least tern exists approximately 1,000 feet to the west and southwest of the Project site. During local review of the Project, the US Fish and Wildlife Service raised concerns about the effect of SCE's initially proposed landscape plan on the nesting area because the trees that were included may have provided perching or nesting habitat for American crows and ravens that are known to prey on western snowy plover and California least tern chicks and eggs. Consequently, SCE revised its landscape plan to replace the proposed trees with native brush and shrub species that are not expected to provide perching or nesting habitat for predatory birds. As discussed in Response to Comment CCL-5-4, the nesting success of neither of these two species is adversely affected by adjacent industrial development.

Therefore, the Project will not cause significant adverse impacts to the nesting habitat of any Special Status species.

Although the Project site is not a burrowing owl habitat, historic records show that the burrowing owl once existed on the Project site. The biological surveys conducted by KBC did not observe any burrowing owls or any burrows that could feasibly support burrowing owls. Subsequently, during soil testing, one burrowing owl was seen on the site. In order to ensure that the Project will not have an adverse impact on this species, Special Condition 3(c) requires a pre-construction survey for burrowing owls to be undertaken throughout the Project area no more than 30 days before ground disturbance activities begin, and further requires appropriate impact avoidance and mitigation plans to be submitted and approved by the Executive Director if any owls are observed or any burrows are found to be actively used.

SCE has also agreed to implement all impact minimization measures identified in the Project's MND (Special Condition 2) and in the Mandalay Peaker Project Biological Resources Assessment prepared by Keane Biological Consulting (Special Condition 3(a)). These measures include pre-construction surveys of each construction area to identify native birds, and limitations regarding the type and quantity of hazardous materials that may be stored on-site.

In summary, the project does not impact ESHA, or any candidate, sensitive, or Special Status species. Moreover, as conditioned, the Project will protect against sensitive species if they should appear on site during construction.

Thus, as can be seen from the above, the protection of threatened and endangered species has been a priority of the staff's analysis, and the Special Conditions that have been required will ensure that there are no significant adverse direct or indirect impacts to these species from the proposed Project.

Comment CCL-6-2: There are many peaker plants located throughout the state in non-coastal areas and an evaluation of alternative sites should be done.

Response CCL-6-2: The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA Guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including sites in non-coastal areas. The proposed site, on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station, is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Comment CCL-6-3: Industrial development does not completely surround the site. The addition of an energy facility will only perpetuate facilities to continue to exist along the coast, just when these non-coastal dependent facilities are moving toward being decommissioned.

Response CCL-6-3: Although the peaker plant may not be completely surrounded by other industrial development, this fact does not affect the finding that the Project does not cause any significant adverse environmental impacts.

Moreover, there is no requirement that an energy facility can only be placed in an area on the coast if it is completely surrounded by industrial development. The City's zoning ordinance states that "coastal dependent energy facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth." The siting of the peaker at the proposed location is consistent with the Coastal Act's industrial development policy by concentrating energy facilities in already-used energy sites rather than occupying new areas.

Finally, SCE is not aware of any plans for either Reliant Energy's Mandalay Generating Station or the other local coastal generating stations to shut down or be decommissioned. On the contrary, recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.

Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the current level of coastal generation will remain at or near its present location for the foreseeable future.

COMMENT LETTER CCL-7: DEIRDE FRANC, VICE CHAIR, OXNARD PLANNING COMMISSIONS

Comment CCL-7-1: Contrary to the staff report, the area is not primarily industrial. While there is some oil drilling taking place and the existing power plant (which is very old and rumored to be slated for decommissioning), the surrounding area is State Campground, State Beach, Agriculture and directly across the street, approximately 290 homes are being built. Harbor Blvd. is going to be expanded to 4 lanes in the exact area where this plant would be placed. None of this is mentioned in the staff's report. To assert that because there is some industrial there already so that it is appropriate to place more is poor planning.

> **Response CCL-7-1:** There is no requirement that an energy facility can only be placed in an area on the coast if it is completely surrounded by industrial development. In fact, the Coastal Act mandates the concentration and consolidation of industrial developments to maintain and enhance marine resources. Section 1.2 of the Oxnard Coastal Land Use Plan also requires that "industrial developments, including coastal-dependent and energy facilities, are also to be concentrated and consolidated as much as possible." The potential impact of the Project on the surrounding area, including resource protection, recreational, agriculture and residential land uses, was fully analyzed by the MND and the Staff Report and the Project was not found to have any significant or potentially significant effects.
>
> The widening of Harbor Boulevard is discussed on page 27 of the Staff Report. This widening will occur on the opposite side of the street from the site of the proposed Project and would not be affected by it.

Comment CCL-7-2: I understand the start up noise is significant and consideration should be given to that effect on birds and wildlife.

> **Response CCL-7-2:** Please see Response to Comment CCL-5-2 and CCL-5-4 regarding potential noise impacts to threatened and endangered species. The discussion in those responses indicates that noise impacts to birds and wildlife are not anticipated to be significant.

Comment CCL-7-3: When considering this project and the MND, I was convinced that nothing could be done to mitigate the visual effects of this plant.

> **Response CCL-7-3:** Please see Response to Comment CCL-1-5 regarding visual impacts from the proposed Project. Due to the existing adjacent industrial equipment, it was determined by the MND that the construction of the peaker would not result in any significant adverse visual or aesthetic impacts that require mitigation. The addition of landscaping minimizes the visual impact of the proposed Project to shield views of the facility to the extent feasible, while still protecting sensitive species.

Comment CCL-7-4: And, although there was some ambiguity in the LCP, it seemed clear to me that the intent was to preserve coastal energy locations for those dependent on coastal resources.

> **Response CCL-7-4:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as Staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report's finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

COMMENT LETTER CCL-8: PATRICIA EINSTEIN

Comment CCL-8-1: The Edison Company wants to put a peaker plant in the coastal zone when it is not a coastal-dependent development.

I could not find any reference in the Coastal Act to a new non-coastal dependent energy development. This peaker plant does not need to be placed here. There are alternative sites.

> **Response CCL-8-1:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report's finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.
>
> Also see Response to Comment CCL-1-1. As discussed in that response, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time which considered many alternative sites. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Comment CCL-8-2: Environmental Justice should be addressed in an EIR. Oxnard has a significant minority population. Oxnard is already home to two power generation plants at Mandalay Beach and Ormond Beach as well as several cogeneration plants

operated by private companies. The Halaco metals recycling Superfund Priority listed site is also in Oxnard.

Response CCL-8-2: The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, the Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Therefore, the Staff Report fully addresses all issues and additional environmental review is not required.

However, although the Commission is not required to conduct an environmental justice analysis, in order to provide the most thorough review possible, SCE has presented the Commission with a supplemental environmental justice analysis.

The primary environmental justice issues that are raised when siting and developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

Further, surveys indicate that the percentage of the population living below the poverty level within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations. Please refer to Response to Comment CCL-3-13 for further discussion of environmental justice.

Comment CCL-8-3: Will another power plant be placed here and the public kept in the dark to the degree of contaminants or environmental damage that will occur because of the lack of an EIR? There must be a reason why no plants or animals exist on this Edison site. At least make Edison go back and complete an Environmental Impact Report so the human health factors of stirring up the sand and the other effects of the Peaker plant can be studied.

Response CCL-8-3: As noted above in Response to Comment CCL-8-2, the California Coastal Commission is a certified regulatory agency under the California Environmental Quality Act (CEQA). As such, it prepares an Environmental Impact Report (EIR) equivalent document, in this instance a Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission Staff Report has fully analyzed all potential impacts from the Project and has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on human health or the environment. The Staff Report's list of exhibits and substantive file documents

demonstrates the depth of research and analysis that went into the Staff Report's review of the potential impact of the Project.

As discussed on page 8 of the Staff Report, the reason the site does not have any plants or animals is that the site was a former tank farm that was used to store fuel oil for the Mandalay Generating Station. The site was remediated and graded and left in a condition suitable for future development.

SCE assumes the statement "stirring up the sand" refers to particulate matter that may be emitted by earthmoving activities during construction of the peaker facility. Emissions during construction were analyzed on pages 28-30 of the MND. As discussed on page 29 of the MND, the Ventura County Air Pollution Control District (VCAPCD) recommends that lead agencies include Fugitive Dust Mitigation Measures that are recommended in the "Ventura County Air Quality Assessment Guidelines," with special attention given to projects that require a grading permit. These mitigation measures were incorporated in the MND (pages 42-43) and are required to be implemented by the Staff Report (Special Condition 2). Therefore, particulate matter emissions during construction will not cause significant adverse impacts. For a detailed discussion of the potential air impacts of the proposed Project, please refer to Response to Comment CCL-1-10.

COMMENT LETTER CCL-9: TIMOTHY CLIFFORD RILEY

Comment CCL-9-1: Since the peaker plant does not require seawater for operation or cooling, it would be misguided to permit another power plant on our coveted coast when the same power plant, admittedly, can be built inland. This is true, even more so, where the power generated is intended to service inland communities.

Response CCL-9-1: The commenter is incorrect in asserting that the power generated by the Project is intended to service inland communities. The energy produced by the plant will be distributed and used within the local Oxnard area.

Even more importantly, the Project was sited in the Oxnard area to provide additional reliability to the local Ventura/Santa Barbara county transmission and distribution system. Within this area, the Project was sited at a location that would be able to both provide black start service for the Mandalay Generating Station and assist in providing increased emergency generation to Santa Barbara county. At its proposed location, the Project would provide an important and much-needed improvement to the local electric generation and transmission infrastructure.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are

accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.

The need for the Project is thus important and continues to grow. The Project would be used to provide power (i) to SCE's electric customers in the Oxnard area during times of peak power use, (ii) during outages of other generating or transmission equipment that normally provide power to the area, (iii) to assist in voltage regulation of the SCE electric grid in the area, (iv) to provide black start assistance to bring the Mandalay Generating Station on-line, and (v) to supply some emergency power to the Santa Barbara area, via the local distribution lines along the coast, if the inland transmission line to Santa Barbara is disabled by fire or any other factor.

Siting the project at the Mandalay site has important benefits:

- Due to its proximity, it is unlikely that the connection between the peaker and the generation station would be broken or could not be quickly repaired during an emergency.

- From this site, the peaker can connect directly into the local distribution system to quickly provide power to key local installations such as hospitals, police, fire and military sites in situations where the high voltage transmission system is damaged.

- From this site, the peaker can provide the energy, voltage and frequency support needed to allow the Santa Clara substation to provide power simultaneously to both Ventura and Santa Barbara Counties.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Comment CCL-9-2: Moreover, the 2007 CPUC deadline has passed, and SCE needs a time-machine to "more fully" comply."

Response CCL-9-2: The commenter is incorrect in implying that because Summer 2007 has passed, the Project is no longer needed. Even with the additional installed and anticipated new generating resources that will have come on-line between the summers of 2006 and 2008, CAISO still predicts a 10% risk that operating reserves in Southern California could be insufficient this summer.

Although new resources have been procured and will continue to come on-line, SCE predicts that there remains a significant need for additional peaking resources in the future.

Further, the local emergency functions of the proposed Project have yet to be filled. There is currently no black start facility in the Oxnard area that is capable of black starting either the Mandalay or the Ormond Beach generating stations in the event of an emergency. And, as was just demonstrated in the recent July 2008 fire, Santa Barbara does not have sufficient local generation resources to meet the existing electricity demand in the event that the main transmission line that supplies the area is taken out of service. The proposed project will address both of these emergency needs by: 1) supplying black start capability to the Mandalay Generating Station and from there to the Ormond Beach Generating Station, and 2) providing the system support needed to provide additional power to the Santa Barbara system during emergencies.

Therefore, the need for the Project still remains.

Comment CCL-9-3: The proposed peaker plant is not physically or practically dependent on the coast for its operation. SCE should consider building the peaker plant at an available inland site where the power generated is intended for inland use.

Response CCL-9-3: No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

COMMENT LETTER CCL-10: SHIRLEY GODWIN, CHAIRPERSON, SAVIERS ROAD DESIGN TEAM

Comment CCL-10-1: Alternative sites must be evaluated in an EIR. Edison officials have stated in pubic meetings that the Mandalay beach site was their preferred site but not the only alternative. For example, since the Peaker is not coastal dependent, the SCE

substation in Moorpark, and other inland alternatives that are not in the Coastal Zone, must be evaluated.

> **Response CCL-10-1:** The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, in this case a Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.
>
> Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.
>
> As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Comment CCL-10-2: Peaker plant emission must be accurately evaluated in an EIR. SCE's statement that the Peaker will result in a slight decrease in emissions because of a local source must be questioned, because the electricity will first be transmitted to the Santa Clara Station in Ventura, CA before any distribution to the Oxnard area or to other local areas. SCE's emissions projections are calculated and averaged on a yearly basis rather than a daily basis of actual days of Peaker use, which understates the emissions during actual use.

> **Response CCL-10-2:** The California Coastal Commission is a certified regulatory agency and as such, the Staff Report functions as an Environmental Impact Report (EIR) equivalent document. Power plant emissions were accurately analyzed in this document. The peaker plant emissions were originally evaluated in Section C (pages 24–43) of the Mitigated Negative Declaration, and the results from those analyses critically analyzed by Commission staff and summarized on pages 37 and 38 of the Staff Report. Commission staff also conducted an independent review of Project greenhouse gas emissions which is summarized on pages 40-48 of the Staff Report.
>
> The comment regarding a slight decrease in emissions appears to refer to the analysis of greenhouse gas emissions summarized on page 41 of the April Staff Report and discussed in detail in Appendix A, Exhibit 10 of the report. In Exhibit

10, calculation of net Project greenhouse gas emissions indicates that a slight net decrease in emissions would occur under a scenario in which the peaker operates at its maximum permitted number of hours. This decrease is due to the reduction in transmission line losses that will occur because power from the Peaker is transmitted directly into the local Oxnard system without having to be transmitted to the Santa Clara Substation before it is distributed into the local grid. The commenter is incorrect in suggesting that energy from the peaker site must first be transmitted to the Santa Clara Station in Ventura, CA before being distributed to Oxnard or other local areas. From the peaker site, power is transmitted directly into the local system via the 66 kV sub-transmission system.

It should be noted that the greenhouse gas emissions from the proposed Project summarized on page 47 of the July Staff report differ from those summarized in April. The July Staff Report states a slight net *increase* in greenhouse gas emissions would occur from the proposed Project. This is because the July staff report refers to a scenario in which the peaker runs for the minimum expected number of hours. This is a different scenario than the one referenced in the April report, although both scenarios are included in Exhibit 10. Regardless, this slight emission increase was determined to be insignificant, and the Staff Report concludes that no mitigation or offsets are required.

The commenter is incorrect in stating that the emissions projections were only calculated and averaged on a yearly basis. Table C-10 on page 36 of the Mitigated Negative Declaration lists peak daily criteria pollutant emissions during operation of the peaker plant. These peak daily emissions were used in dispersion modeling presented in the Mitigated Negative Declaration to evaluate short-term impacts on local air quality. The modeling analyses concluded that the peaker emissions would not cause federal or California ambient air quality standards to be exceeded. The modeling was conducted using meteorological inputs for every hour of a three year period to ensure that the maximum potential impacts were adequately analyzed.

Additionally, maximum hourly toxic air contaminant emissions are listed in Table C-14 on page 40 of the Mitigated Negative Declaration, and these peak hourly emissions were used to evaluate potential acute (short-term) health risks from operation of the project. The analyses concluded that emissions from the peaker facility would not cause adverse acute health risks.

For further discussion of project air emissions analyses, please see Response to Comment CCL-1-10.

Comment CCL-10-3: The Mandalay Beach site cannot be presumed to be an expansion within an existing site because this site and the neighboring Reliant Generating site are under separate ownership.

Response CCL-10-3: The conclusion that the Project cannot be presumed to be an expansion within an existing site because it and the neighboring site are under

separate ownership is not correct. As stated on page 13 of the Staff Report and noted in Response CCL-1-1 above, development of the Project on land previously used as part of the Mandalay Power Plant and recognized by the Coastal Commission as suitable for a power plant – in order to provide an electrical power source – satisfies the "reasonable expansion" provision of section 30413(b) of the Public Resources Code even though the Project will be a stand-alone facility.

Further, Section 17-20 of the City ordinance makes no reference to common ownership with respect to the concept of energy facilities expanding within existing sites. The use of the term "expand" is used in Section 17-20 in specific reference to "coastal dependent" energy facilities. Moreover, the actual phrase used is "encouraged to locate or expand," which means that even if "expan[sion]" required common ownership, locat[ion] does not. Finally, Section 1.2 of the Oxnard Coastal Land Use Plan requires that "industrial developments, including coastal-dependent and energy facilities, are also to be concentrated and consolidated as much as possible." Thus, locating the proposed Project adjacent to the existing facility is consistent with the intent of the Coastal Act.

Comment CCL-10-4: In addition, the Independent System Operator is studying the Reliant Mandalay Generating Station as not essential to the grid and not suitable for repowering, and it is anticipated that it will be decommissioned.

Response CCL-10-4: SCE is not aware of any plans for Reliant Energy's Mandalay Generating Station to shut down or be decommissioned. Recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.

SCE is similarly unaware of any study by the Independent System Operator or other regulatory body that states that the Mandalay Generating Station is not suitable for repowering. On the contrary, the California Ocean Protection Council recently published a study indicating that Mandalay could be readily converted to comply with once through cooling requirements.

Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the Mandalay Generating Station will remain in operation for the foreseeable future in either its current or in a repowered configuration.

Comment CCL-10-5: Environmental Justice must be addressed in an EIR. Oxnard has a significant minority population. Oxnard is already home to two power generation plants at Mandalay Beach and Ormond Beach as well as several cogeneration plants

operated by private companies. The Halaco metals recycling Superfund Priority listed site is also in Oxnard.

> **Response CCL-10-5:** The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, the Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Therefore, the Staff Report fully addresses all issues and additional environmental review is not required.
>
> However, although the Commission is not required to conduct an environmental justice analysis, in order to provide the most thorough review possible, SCE has presented the Commission with a supplemental environmental justice analysis.
>
> The primary environmental justice issues that are raised when siting and developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.
>
> Further, surveys indicate that the percentage of the population living below the poverty level within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations. Please refer to Response to Comment CCL-3-13 for further discussion of environmental justice.

COMMENT LETTER CCL-11: MICHELLE SMITH

Comment CCL-11-1: Oxnard is already is [sic] home to 2 full scale power plants, 1 at Ormond Beach and the Mandalay Beach plant, which are both operated by Reliant Energy. There is also 1 co-generation power generator operating in Central Oxnard that is owned by Sithe Energies.

> **Response CCL-11-1:** Both a cumulative impacts and environmental justice analysis was performed as part of the project's environmental analyses. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities.

Comment CCL-11-2: Endangered birds (Snowy Plover) have nesting sights [sic] at the property commonly known and referred to as Mandalay Beach, which is located only several hundred feet from the proposed Peaker Plant site. ... Construction and operation

of another power generator at Mandalay Beach will surely impact the environment and would be a detriment to the Snowy Plover and all birds and wildlife in the area.

> **Response CCL-11-2:** Please see Response to Comment CCL-6-1 regarding the evaluation of impacts to threatened and endangered species. As indicated in that response, construction and operation of the proposed Project, as conditioned, will not cause significant adverse impacts to threatened and endangered species. The Staff Report (pages 21-23) has thoroughly analyzed the potential impact of the Project on the western snowy plover nesting site. In order to ensure no significant adverse impact to this species, SCE has developed a landscape plan that does not provide nesting or perching habitat for predators of snowy plover chicks or eggs.

Comment CCL-11-3: In the future, it is expected that the two existing Reliant plants will soon be decommissioned.

> **Response CCL-11-3:** SCE is not aware of any plans for Reliant Energy's two existing generating stations to be decommissioned. On the contrary, recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.
>
> Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the majority of the existing coastal generating stations will remain in operation for the foreseeable future in either their current or in a repowered configuration.

Comment CCL-11-4: Oxnard has been a "dumping ground" for undesirable projects that are harmful to the natural environment for many years now.

> **Response CCL-11-4:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. Therefore, the Project does not have a significant adverse impact on the natural environment.

Comment CCL-11-5: A peaker power plant is basically a natural gas-fired jet engine generator that does not use seawater for cooling and does not need to be located on the coast.

> **Response CCL-11-5:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment CCL-11-6: The peaker would be located in the Coastal Zone. The City of Oxnard's position is that the Local Coastal Plan does not allow non-coastal dependent facilities in the Coastal Zone.

> **Response CCL-11-6:** As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. The Coastal Commission was correct in its in conclusion that the Local Coastal Plan allow the proposed project to be constructed at this location.

Comment CCL-11-7: The City of Oxnard has played host to power generators on our coastline for the last 40+ years. It's time for another city to be selected for these types of environmentally disturbing projects.

> **Response CCL-11-7:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites in other cities. Four of the five peakers that were part of the current project were in fact sited in other cities. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project in the Ventura/Santa Barbara County area, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment CCL-11-8: SCE representatives claim that Michael Peevey, president of the California Public Utilities Commission, is requiring them to build peaker plants, but there is no requirement that one be located in Oxnard, or in the coastal zone.

> **Response CCL-11-8:** As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

The Project would provide an important and much-needed improvement to the local Ventura/Santa Barbara county transmission and distribution system.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area. Potential electrical system impacts from emergency situations will be reduced by siting the peaker in this location. Please see CCL-9-1 for additional information regarding the local benefits of the Project.

COMMENT LETTER CCL-12: MILDRED A. MIELE

Comment CCL-12-1: Volatile chemicals will be stored at the Edison sight [sic] in close proximity to residences.

Response CCL-12-1: Potential off-site impacts caused by a catastrophic release of hazardous chemicals stored at the facility, specifically aqueous ammonia, were analyzed in Section G.2 (pages 59-63) of the Mitigated Negative Declaration. The analyses concluded that a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts or create a hazard for local residents. Additionally, the design of the aqueous ammonia storage and delivery system includes engineering features to minimize the potential for a release. Southern California Edison has met several times with the City of Oxnard Fire Department, which is the Certified Unified Program Agency, in the design of the ammonia system, including conducting a hazard review and hazard assessment with them.

Comment CCL-12-2: Exhaust release stack will be high enough to affect the flight plan of planes flying to/from Oxnard Airport. Will planes be dangerously redirected to fly over homes?

Response CCL-12-2: The Ventura County Department of Airports (VCDOA) commented to the City that it was concerned that the exhaust stack might pose a risk to aircraft and that aircraft might alter their flight paths to avoid the stack and fly closer to residences, causing adverse noise impacts. Southern California Edison responded to VCDOA's expressed concerns by analyzing both aircraft safety and potential noise impacts. VCDOA reviewed Southern California Edison's analyses and concurred with the conclusions that the stack would not pose a hazard to aircraft nor would it cause aircraft to alter flight paths or cause adverse noise impacts.

Comment CCL-12-3: Oxnard citizens have had more than their fair share of polluting operations in our area:

- When Raytheon's Oxnard location was closed, pollutants were left in the ground.
- A business on 5th Street between Harbor and Victoria left contaminated soil when it closed its' operations.
- Oxnard is the home of the Ventura County Naval Base and Point Mugu which are generators of pollutants. I was employed for a government contractor and was appalled when I worked on documents for testing missiles on the bases which included nuclear energy and its hazardous waste.

The Ventura County dump was located in Oxnard, polluting our air and soil much longer than should have been allowed thanks to the California Coastal Commission.

There is a Reliant Energy Plant operating right next to the proposed site of the peaker power plant. There are already enough chemicals and pollutants involved in this operation.

> **Response CCL-12-3:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities.

Comment CCL-12-4: There is a marine sanctuary right off out coast. Oxnard is home to many species of wild life. Their safety should also be taken into consideration.

> **Response CCL-12-4:** Please see Response to Comment CCL-6-1 regarding the evaluation of impacts to threatened and endangered species. As indicated in that response, construction and operation of the proposed Project, as conditioned, will not cause significant adverse impacts to threatened and endangered species. Further, because the plant will neither use sea water for cooling nor discharge wastewater into the ocean, the plant will neither affect marine resources nor local marine sanctuaries.

Comment CCL-12-5: THE ENERGY WILL NOT EVEN BE USED FOR OXNARD. Why not locate the plant away from homes and in the area where the energy will be used?

Response CCL-12-5: The commenter is incorrect in asserting that the power generated by the Project will not be used for Oxnard. The energy produced by the plant will be distributed and used within the local Oxnard area. More importantly, the Project was sited in the Oxnard area to provide additional reliability to the local Ventura/Santa Barbara county transmission and distribution system. At its proposed location, the Project would provide an important and much-needed improvement to the local electric generation and transmission infrastructure. See Response to Comment CCL-9-1 for a more detailed discussion of local benefits.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

COMMENT LETTER CCL-13: BILL MILEY

Comment CCL-13-1: After reading the staff report of the Commission and seeing they found a "hole" in the Oxnard City Local Coastal Plan which they interpret as allowing power plants even though they are not coastal dependent, it seems this was never the intent of the city of oxnard [sic] to allow new or additional "anykind" of power plants on its coastal dune structures.

Response CCL-13-1: As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

Comment CCL-13-2: I don't believe the required section on ALTERNATIVES TO THE PROJECT was adequately done or considered by the staff in their recommendation.

Response CCL-13-2: The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, in this case a Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Comment CCL-13-3: 3. TURBINE NOISE – I am sure somewhere in all of the documents for this application there is a commentary about the sound levels which will be generated by this Peaker Facility. But I did not find anything that spoke to the sound/noise production when it is operating. SOUND GENERATION BOTH AT GROUND LEVEL AND AIRBORNE LEVEL WILL BE AN ADVERSE ENVIRONMENTAL ISSUE. The current Mandalay Reliant Plant when operating does not produce any, beyond ambient sound, as my family experiences on the beach have noticed. What is the staff thinking when their only "key" to recommending approval is the "loophole" in the Oxnard City LCPlan and totally failing to address the noise level of this turbine, with no comment or adverse mitigation for this sound generating Peaker Plant Facility.

Lots of sound gets generated by the gas turbine exhaust. According to this website (http://poweracoustics.com/Tech%20Papers%20PDF/Noise Con_2003_Paper.pdf) POWER ACOUSTICS, INC, ORLANDO, FL,

"Gas turbine based power generation facilities require customized noise abatement features to achieve various community noise standards or regulations. While many sound sources exist within these facilities, the most complex and costly to silence is typically that related to the gas turbine exhaust."

4. THE NOISE PROBLEM – SINCE THE PEAKER PLANT IS A GAS POWER TURBINE ENGINE AND WILL GENERATE EXHAUST SOUND FROM ITS OPERATION THIS ENVIRONMENTAL ADVERSE EFFECT MUST RECEIVE VERY CAREFUL ENGINEERING STUDY AND CONCLUSION.

Response CCL-13-3: Please see Response to Comment CCL-5-2 regarding the evaluation of potential noise impacts. As discussed in that response, noise modeling concluded that the noise levels from operation of the peaker facility, including the combustion turbine, at the nearest future residence would be substantially lower than the existing noise levels at that location. At the beach and shoreline, where background noise levels would be higher and Project noise levels lower, the peaker would also not be audible. Therefore, the project will sound no different than the much larger Mandalay Reliant Plant that the

commenter has noted creates no audible noise on the beach and will not cause significant adverse noise impacts.

Comment CCL-13-4: ANIMALS, ESPECIALLY BIRDS AND PEOPLE SHOULD NOT HAVE TO EXPERIENCE THE EXHAUST GAS NOISE FROM A PEAKER PLANT TURBINE ON OUR CALIFORNIA COAST.

Response CCL-13-4: See Response to Comment CCL-13-3 above regarding lack of noise impacts. See also Response to Comment CCL-5-4, which specifically addresses potential noise impacts on birds. Because the operation of the peaker will not be audible, there will not be adverse noise impacts on animals, birds, or people.

COMMENT LETTER CCL-14: JULIA B. MULLIN AND SHERMAN N. MULLIN

Comment CCL-14-1: The proposed plant does not require cooling water, as does the adjacent Reliant Energy power plant, so it need not be ocean adjacent.

Response CCL-14-1: No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Comment CCL-14-2: The proposed plant is surrounded by pristine prime state owned coastal land, to which the proposed plant would be a permanent eye sore.

Response CCL-14-2: The statement in the comment that "The proposed plant is surrounded by pristine prime state owned coastal land..." is not correct. As stated on page 8 of the Staff Report, "The proposed site is in close proximity to the Mandalay Generating Station and adjacent to the Mandalay Canal on the north, Harbor Boulevard on the east, an existing oil processing facility and two operating oil pumps on the west and the undeveloped sand dune habitat of Mandalay State Beach on the south (as shown in Exhibit 1). Thus, industrial uses are located to the north and west of the project site, and Harbor Boulevard is located to the east. Section 1.2 of the Oxnard Coastal Land Use Plan requires that "industrial developments, including coastal-dependent and energy facilities, are […] to be concentrated and consolidated as much as possible." Therefore, the

location of the project at this spot is consistent with the Oxnard Land Use Plan. The potential impact of the Project on the surrounding land uses, including resource protection, recreational, agriculture and residential lands was fully analyzed by the MND and the Staff Report and the Project was not found to have any significant or potentially significant impacts.

Please see Response to Comment CCL-1-5 regarding visual impacts of the facility. As discussed in that response, the facility will not cause significant adverse visual impacts. The addition of landscaping along Harbor Boulevard will also improve the current appearance of the site.

Comment CCL-14-3: The current Reliant Energy plant is fully capable of supplying electrical power on a peaking basis.

Response CCL-14-3: The current Reliant Energy plant cannot provide the same electrical benefits that would be proposed by the proposed Project. The output of all existing generation resources, including the Reliant Energy plant, was taken into account by the CAISO and the CPUC prior to determining that more peak generation was necessary. Therefore, the CPUC's order to construct 250 MW of new generation would not be satisfied by assuming that the existing unit is providing the needed electricity. Further, the Reliant plant is not able to provide the additional system reliability benefits that are needed by the local Ventura/Santa County Barbara transmission system. The proposed Project will provide much needed black start capability to the adjacent Mandalay Generating Station and would allow additional power to be transmitted to the Santa Barbara area during emergencies. See Response to Comment CCL-9-1 for further discussion of the benefits provided by the Project. See Response to Comment CCL-1-1 or Exhibit 13 of the Staff Report for further discussion of the alternatives that were considered.

COMMENT LETTER CCL-15: NANCY SYMONS

Comment CCL-15-1: There will be negative visual, noise and biological environmental impacts to this proposed plant that will not be able to satisfactorily be mitigated.

Response CCL-15-1: The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including potential visual, noise, and biological impacts. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that are not significant.

Please see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that response, the facility will not cause significant adverse impacts. The addition of landscaping will also minimize the visual impact of the proposed Project by shielding views of the facility to the extent feasible, while still protecting sensitive species.

Please see Response CCL-to Comment 5-2 regarding the evaluation of potential noise impacts. As discussed in that response, noise modeling concluded that the noise levels from operation of the peaker facility, including the combustion turbine, at the nearest future residence would be substantially lower than the existing noise levels at that location. At the beach and shoreline, where background noise levels would be higher and Project noise levels lower, the peaker would also not be audible. Therefore, the project will not cause significant adverse noise impacts.

Please see Response to Comment CCL-3-9 and CCL-6-1 regarding potential impacts to biological resources. As discussed in these responses, Special Condition 3(a-d) (pages 6-7 of the Staff Report) reduces potential impacts to threatened and endangered species to less than significant levels. Therefore, the project will not cause significant adverse impacts to biological resources.

COMMENT LETTER CCL-16: OCTAVIO AND ROSEMARIE ELIAS

Comment CCL-16-1: The old plant is now obsolete and due to be decommissioned.

SCE is not aware of any plans for Reliant Energy's Mandalay Generating Station to be decommissioned. On the contrary, recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.

Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the Mandalay Generating Station will remain in operation for the foreseeable future in either its current or in a repowered configuration.

Comment CCL-16-2: The proposed Peaker Plant could be with us forever. It is not coastal dependent. My understanding is that the City of Oxnard has offered other more appropriate sites with minimal red tape.

Response CCL-16-2: As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

To the best of SCE's knowledge, the City of Oxnard has not offered more appropriate sites with minimal red tape for the project. SCE received one e-mail from EF Oxnard, suggesting that the project be sited at their location. SCE investigated this site at the time the offer was made and determined that there was not enough unoccupied land available to house the proposed Project's 2-3 acre footprint. Therefore, it was not feasible to locate the peaker at that site.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment CCL-16-3: Besides the aesthetic issue, Ventura County is 15th in the nation for smog. To site an industrial facility where the winds will carry particulants [sic] to the general population is absurd.

Response CCL-16-3: Please see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that response, the facility will not cause significant adverse impacts. The addition of landscaping will also further minimize the visual impact of the proposed Project by shielding views of the facility to the extent feasible, while still protecting sensitive species.

Please see Response to Comment CCL-1-10 regarding air quality impacts. As discussed in that response, an air quality model was used to analyze potential localized air quality impacts for criteria pollutants other than ozone, including particulate matter smaller than 10 microns diameter (PM10). Natural gas is a very clean burning fuel, so particulate emissions from the Project will be very low. The air quality modeling is discussed in detail on pages 35-38 of the Mitigated Negative Declaration. Results the air dispersion modeling are presented in Tables C-11, C-12 and C-13 (pages 37 and 38) of the MND and indicate that emissions will not cause federal or California ambient air quality standards for particulate matter to be exceeded. Since these standards have been established to protect public health with an adequate margin of safety, emissions will not cause significant adverse local air quality impacts during operation of the peaker. Thus, air quality impacts to nearby residents from particulate matter emissions will not be significant. Furthermore, the impacts to particulate matter concentrations in the atmosphere decrease with distance from the facility. Thus, impacts farther from the facility will be less than the maximum impacts identified with the air quality model. Consequently, particulate matter emissions from the project will not cause significant adverse impacts on the general population.

COMMENT LETTER CCL-17: NANCY PEDERSEN

Comment CCL-17-1: I am opposed to the Peaker Plant because Oxnard already has two electric plants on its coastline. Other cities in Ventura County have beaches without power plants, why has Oxnard been blighted with not just the two plants (at Ormond Beach and this one off Harbor Blvd) but also a Super Fund site at Halaco. Environmental Justice would demand that Oxnard not be targeted for yet another unsightly blight on its coastline.

> **Response CCL-17-1:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. The primary environmental justice issues that are raised when siting and developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.
>
> Further, surveys indicate that the percentage of the population living below the poverty level within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations. Please refer to Response to Comment CCL-3-13 for further discussion of environmental justice and Response to Comment CCL-2-2 for further discussion of cumulative impacts.
>
> Also see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that response, the facility will not cause significant adverse impacts. The addition of landscaping will minimize the visual impact of the proposed Project by shielding views of the facility to the extent feasible, while still protecting sensitive species.

Comment CCL-17-2: Many businesses in Oxnard have their own peaker plants. More are being built so there is obviously another solution to the need for more power. With all these peaker plants there is even less need for this one to be built on the Oxnard coast.

> **Response CCL-17-2:** The existing cogeneration peaker plants in Oxnard cannot provide the electricity and transmission system reliability benefits that will be supplied by the proposed Project. The majority of the power generated by cogeneration units is used by the industrial processes that they were built to support and is not available to the electric grid. Further, because these units were built to support an industrial process, they operate at a constant level and are not capable of peaking when needed. The output of all existing generation resources, including the existing Oxnard peakers, were taken into account by the CAISO and

the CPUC prior to determining that more peak generation was necessary. Therefore, the CPUC's order to construct 250 MW of new generation would not be satisfied by assuming that existing units are providing the needed electricity.

Further, the cogeneration peakers are not able to provide the additional system reliability benefits that are needed by the local Ventura/Santa County Barbara transmission system. The proposed Project will provide much needed black start capability to the adjacent Mandalay Generating Station and would allow additional power to be transmitted to the Santa Barbara area during emergencies. See Response to Comment CCL-9-1 for further discussion of the benefits provided by the Project. See Response to Comment CCL-1-1 or Exhibit 13 of the Staff Report for further discussion of the alternatives that were considered.

Comment CCL-17-3: This peaker plant is not coastal dependent. If it is needed, which is doubtful, it could just as easily be built inland where the demand for power is greater. Why not build it in a community that has no power plants?

Response CCL-17-3: No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

COMMENT LETTER CCL-18: BILL AND CLARISSA MEEKER

Comment CCL-18-1: Reliant has failed to show that the plant is even needed. By their own admission the plant will mainly be supplying inland markets and not the local market-It therefore should be located inland.

Response CCL-18-1: It should be noted that the project is being proposed by Southern California Edison adjacent to the Reliant facility. As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted

a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment CCL-18-2: The plant is not reliant on seawater for it's [sic] operation.

Response CCL-18-2: As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site.

Comment CCL-18-3: Several hundred new homes are going in right across the street.

Response CCL-18-3: The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. These analyses included potential impacts to the Northshore development, which is being constructed to the southeast of the peaker site, across Harbor Boulevard. The Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

A separate evaluation of potential cumulative impacts has also been prepared. Given its size and proximity to the proposed Project site, the environmental impacts from the Northshore at Mandalay Bay residential development, a 292-unit low-density development approximately 750 feet southeast of the Project site, were evaluated as part of the Project's cumulative impacts analysis. As per Response to Comment CCL-2-2, the proposed Project will not have significant cumulative impacts when combined with the impacts of the Northshore development.

Comment CCL-18-4: There is no requirement from anyone that this must be built on the coast.

Response CCL-18-4: As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Comment CCL-18-5: This site is located in the Coastal Zone and the City of Oxnard does not allow non-coastal dependent energy facilities in the Coastal Zone and neither should the Coastal Commission.

> **Response CCL-18-5:** As noted above in Response to Comment CCL-18-2 and further discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site.

Comment CCL-18-6: Furthermore, we would like to add that we already have the pollution from two power plants in the area, as well as pollution from the toxic Halaco Super Fund site…

> **Response CCL-18-6:** Both a cumulative impacts and environmental justice analysis was performed as part of the project's environmental analyses. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities.

COMMENT LETTER CCL-19: PHYLLIS SINGER

Comment CCL-19-1: Not only is the proposed Project right in the path of an airport runway and nesting grounds of many local birds, it will be unsightly and noise when in constant use..."

> **Response CCL-19-1:** Please see Response to Comment CCL-12-2 regarding potential impacts to aircraft operations. As discussed in that response, Southern California Edison responded to the Ventura County Department of Airports' (VCDOA) expressed concerns regarding potential impacts on aircraft operations with various analyses related to both aircraft safety and to potential noise impacts. VCDOA reviewed Southern California Edison's analyses and concurred with the conclusions that the stack would not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths or cause adverse noise impacts.
>
> **Response CCL-19-1:** Please see Response to Comment CCL-3-9 and CCL-6-1 regarding potential impacts to biological resources. As discussed in these responses, Special Condition 3(a-d) (pages 6-7 of the Staff Report) reduces potential impacts to threatened and endangered species to less than significant levels. Therefore, the project will not cause significant adverse impacts to biological resources.
>
> Please see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that response, the facility will not cause significant adverse impacts. The addition of landscaping will also further minimize the visual impact of the

proposed Project by shielding views of the facility to the extent feasible, while still protecting sensitive species.

Please see Response to Comment CCL-5-2 regarding the evaluation of potential noise impacts. As discussed in that response, noise modeling concluded that the noise levels from operation of the peaker facility, including the combustion turbine, at the nearest future residence would be substantially lower than the existing noise levels at that location. Therefore, noise from operation of the facility would not be audible above the existing noise levels, and the project will not cause significant adverse noise impacts.

Additionally, as discussed on page 3 of the Mitigated Negative Declaration, the peaker unit will be operated primarily during periods of peak power demand when the electrical grid system needs additional usable electric power capacity or when local voltage support is required. Thus, as stated on page 38 of the Staff Report, the facility will operate only a limited number of hours per year (no more than 2,000 hours). Therefore, the peaker unit will not be in constant use.

Comment CCL-19-2: Why put it here at our beautiful coastline? It does not need ocean water to exist.

Response CCL-19-2: No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

COMMENT LETTER CCL-20: JAY AND LESLIE BRAUN

This letter does not include comments that require a response.

COMMENT LETTER CCL-21: NORMAN AND BETTY EAGLE

Comment CCL-21-1: The location of the peaker plant is inimical to population health.

Response CCL-21-1: The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment or human health. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment or human health alone or in conjunction with other local facilities.

Comment CCL-21-2: It is expected that thousands of tons of CO2 will be emitted from the plant...

Response CCL-21-2: As part of the environmental analysis for the proposed Project, Southern California Edison conducted an in depth lifecycle analysis of the total greenhouse gas emissions that would be created by the construction and operation of the peaker plant. This analysis concluded that the operation of the peaker plant would result in no net increase in CO2 emissions across the SCE system. This is because the operation of the project would be offsetting emissions from higher emitting facilities. However, in addition to the CO2 emissions from the peaker plant itself, the project will also result in a small amount of greenhouse gas emissions from the construction equipment used to build the project and changes needed in transmission system equipment.

These additional emissions will be offset to a greater or lesser degree, depending on how much the peaker operates. If the peaker operates for its maximum number of permitted hours (2,000 hours per year), the project will result in a slight lifecycle decrease in CO2 emissions. If the peaker operates for fewer hours, then there will be a slight lifecycle increase in CO2 emissions. This is because there is a CO2 benefit to generating the power closer to where it is being used. Power that is generated farther away requires additional power to transport it to its final destination. The power that is lost in transport is called a line loss. The more the peaker operates, the fewer line losses will occur, and the more CO2 benefits will accrue.

Pages 40-48 of the Staff Report considers greenhouse gas emissions in detail. An independent review of SCE's analysis performed by Marine Research Specialists substantiates the above conclusions. Specifically, Marine Research Specialists found that CO2 equivalent emissions would increase by approximately 726 Metric Tonnes over the anticipated 30 year project life (as demonstrated in Exhibit 12 of the Staff Report) if the project operated under an economic dispatch scenario of 93 hours per year. To provide perspective on this level of CO_2E emissions, the U.S. Environmental Protection Agency has estimated that eight Toyota Prius cars operated for 15,000 miles (45% highway driving and 55% city

driving) per year would produce 744 Metric Tonnes of CO_2E over this same period.

Based on these relatively low levels of greenhouse gas emissions over the life of the project, the Commission concluded that no mitigation or offset is required.

Comment CCL-21-3: The SCEC [sic] should be encouraged to use this investment to explore less dangerous approaches to energy production.

Response CCL-21-3: As discussed in Response to Comment CCL-1-1, SCE considered the use of renewable energy resources instead of the proposed project. However renewable energy resources do not provided the needed peaking and grid reliability benefits that are needed in this area and therefore do not meet the purpose and need of the proposed Project.

Comment CCL-21-4: Is the Commission aware that work has just begun on the construction of a residential development of OVER 200 UKNITS [sic] – JUST ACROSS THE STREET from the proposed Plant.

Response CCL-21-4: Please see Response to Comment CCL-18-2 which discusses the impact of the project on the Northshore at Mandalay Bay residential housing development. The Staff Report thoroughly analyzes the Project's potential impacts to the Northshore development, which is being constructed 750 feet to the southeast of the peaker site, across Harbor Boulevard. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not impact the environment, including the nearby residents.

COMMENT LETTER CCL-22: EX-PARTE COMMUNICATION, GABRIEL SOLMER, MARCO GONZALEZ, BRUCE RESNIK AND JOANNE PEERSAN

Comment CCL-22-1: Alternative sites must be evaluated in an EIR. For example, since the peaker is not coastal dependent, the SCE substation in Moorpark, and other inland alternatives that are not in the Coastal Zone, must be evaluated.

Response CCL-22-1: The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, in this case a Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including the Moorpark site and many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Additionally, as discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

Comment CCL-22-2: Peaker plant emissions must be accurately evaluated in an EIR. Emissions will not decrease, because the electricity will first be transmitted to the Santa Clara Station in Ventura, CA before any distribution to the Oxnard area or to other local areas.

Response CCL-22-2: The peaker plant emissions were accurately evaluated in Section C (pages 24–43) of the Mitigated Negative Declaration, and the results from those analyses are summarized on pages 37 and 38 of the Staff Report.

The comment regarding a decrease in emissions presumably refers to the analysis of greenhouse gas emissions, referred to on page 41 of the April Staff Report. Please see Response to Comment CCL-10-2 and CCL-21-2 for an explanation of this finding. In the July Staff Report, the Commission concluded that under the worst case scenario, the peaker would result in a small net *increase* in greenhouse gas emissions. This increase was determined to be insignificant over the lifecycle of the project.

It should be noted that power generated from the proposed Peaker will be distributed directly into the local Oxnard system and does not need to be transmitted first to the Santa Clara Substation.

Comment CCL-22-3: SCE's emissions projections are averaged on a yearly basis rather than a daily basis of actual days of peaker use, which understates the emissions during actual use.

Response CCL-22-3: The comment is incorrect. Emissions were calculated on an hourly basis to ensure that maximum potential impacts from the Project were

adequately analyzed. Please see Response CCL-10-2 for a detailed discussion of the hourly basis of the air calculations.

Comment CCL-22-4: The Mandalay Beach site cannot be presumed to be an expansion within an existing site because this site and the neighboring Reliant Generating Station site are under separate ownership.

Response CCL-22-4: This conclusion is incorrect. As stated on page 13 of the Staff Report, development of the Project on land previously used as part of the Mandalay Power Plant and recognized by the Coastal Commission as suitable for a power plant – in order to provide an electrical power source – satisfies the "reasonable expansion" provision of section 30413(b) of the Public Resources Code even though the Project will be a stand-alone facility. See Response to Comment CCL-10-3 for a more detailed discussion of reasonable expansion.

Comment CCL-22-5: The Independent System Operator is studying the RGS as not essential to the grid and not suitable for repowering, and it could be decommissioned.

Response CCL-22-5: SCE is unaware of any study by the Independent System Operator or other regulatory body that states that the Mandalay Generating Station is not suitable for repowering and could be decommissioned. On the contrary, the California Ocean Protection Council recently published a study indicating that Mandalay could be readily converted to comply with once through cooling requirements. See Response to Comment CCL-10-4 for additional discussion regarding the potential shut down of the Mandalay Generating Station.

Comment CCL-22-6: Environmental Justice must be addressed in an EIR. Oxnard has a significant minority population. Oxnard is already home to two power generation plants at Mandalay Beach and Ormond Beach as well as several cogeneration plants operated by private companies. The Halaco metals recycling Superfund Priority listed site is also in Oxnard.

Response CCL-22-6: This comment is identical to Comment CCL-8-2. Please see Response to Comment CCL-8-2. Environmental justice issues were fully considered during the evaluation of the proposed Project. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

COMMENT LETTER CCL-23: EX-PARTE COMMUNICATION, ORCA/MAGGY HERBELIN

Comment CCL-23-1: All alternatives need to be analyzed in a full EIR.

Response CCL-23-1: The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, in this case a Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Comment CCL-23-2: Emissions need to be accurately analyzed through an EIR.

Response CCL-23-2: This comment provides no justification for the implication that emissions were not accurately analyzed in the MND or in the Staff Report. Criteria pollutant and toxic air contaminant emissions during both construction and operation of the facility were thoroughly analyzed in Section C (pages 24-43) and Appendix E in the MND. Greenhouse gas emissions during construction and operation of the facility were thoroughly analyzed on pages 40-48 of the Staff Report.

Please see Response to Comment CCL-23-1 regarding why an EIR is not required.

Comment CCL-23-3: ...the project can't be considered an expansion of the existing operation because the properties are under different ownerships...

Response CCL-23-3: The conclusion that the Project cannot be presumed to be an expansion within an existing site because it and the neighboring site are under separate ownership is not correct. As stated on page 13 of the Staff Report and noted in Response CCL-1-1 above, development of the Project on land previously used as part of the Mandalay Power Plant and recognized by the Coastal Commission as suitable for a power plant – in order to provide an electrical power source – satisfies the "reasonable expansion" provision of section 30413(b) of the Public Resources Code even though the Project will be a stand-alone facility. See

Response to Comment CCL-10-3 for additional discussion on reasonable expansion.

Comment CCL-23-4: ...under environmental justice, there are already so many plants there.

Response CCL-23-4: The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities. See Response to Comment CCL-3-13 for additional discussion of environmental justice.

COMMENT LETTER CCL-24: ALAN E. FRIEDMAN

Comment CCL-24-1: The existing Reliant generating facility is very old and nearing the end of its useful lifetime. It is extremely likely that this aged, inefficient generating facility will be decommissioned within 15 years, and it demolition and removal will allow this section of the Coastal Zone to be returned to its natural state, without a tall smokestack and brightly lit power generation station.

Response CCL-24-1: The commenter does not provide any basis for the assertion that the Reliant Mandalay Generating Station will be decommissioned and demolished within 15 years. SCE is not aware of any plans for Reliant Energy to retire this unit. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay.

Response CCL-24-1:

Comment CCL-24-2: By allowing the construction of the proposed 45 megawatt "peaker" plant in this location, the Commission would be setting a precedent for electricity generation in this URBAN area of the coastal zone. SCE knows this, and would most likely propose construction of a new, more efficient, modern generating facility once the Reliant plant has been decommissioned.

Response CCL-24-2: The comment's speculation that SCE would most likely propose construction of a new generating facility once the Reliant plant has been decommissioned is incorrect. As stated in Response to Comment CCL-24-1, SCE is not aware of any plans for Reliant Energy to retire this unit. Furthermore, even if the Reliant facility were to be decommissioned and demolished, SCE has no

ownership interest or operational control over this property and has no plans to propose an additional generating facility on the Reliant site.

Comment CCL-24-3: This area of the coastal zone does not need an additional 45 megawatts of power during peak times. Such "peaker" plants do not require ocean water for cooling and thus COULD and SHOULD be located much further inland, near the communities that have high power demands during peak times of the day/year. Some suggested locations, away from the coastal zone are, the undeveloped areas North of Santa Clarita and North and East of the booming areas of Lancaster and Palmdale. Other excellent locations such as the hills of the Tehachapi area, now dotted with wind turbines and the area Northeast of Palm Springs, also dotted with wind turbines. No one in those areas would see nor hear a peaker plant in those locations!

Response CCL-24-3: As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. Locating the peaker north of Santa Clarita, north and east of Lancaster and Palmdale, or in the Tehachapi area, as suggested in the comment, would not provide the desired benefits to the transmission and distribution system in the Ventura/Santa Barbara area. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment CCL-24-4: SCE already owns much land far away from the coastal zone and near areas with high peak demand. The only excuse SCE has for placing such a peaker plant in these locations is that they "are" or "may be" too distant from a large enough pipeline supply of natural gas. THIS IS A BOGUS ARGUMENT. If a peaker plant such as proposed is ONLY for a limited number of hours on any given day during a peak demand period, then SCE should be able to store enough compressed or liquefied natural gas adjacent to such "peaker" plants to meet any single period of "PEAK" demand.

Response CCL-24-4: The contention in the comment that other locations for the peaker plant were rejected because of distance from an existing natural gas pipeline is incorrect. SCE screened all available SCE-owned property inside its system. Initial screening criteria were: (1) that SCE owned the property; (2) there were 2-3 acres of available land within or adjacent to a 66 or 115 kV substation; and (3) the site was not within 1,000 feet of a school or hospital.

Sites that passed this initial screening were then subjected to more detailed analysis based on additional criteria: (1) transmission availability; (2) no significant environmental issues; (4) no significant engineering or construction issues; and (5) local system reliability benefits. The distance to a natural gas

pipeline was considered as part of the engineering issues analysis. All available sites were located within an acceptable distance of a main natural gas pipeline. Therefore, no sites were rejected for this reason.

The Mandalay site was selected as the preferred site for this project because it provides the needed reliability benefits and has no significant environmental impacts.

Comment CCL-24-5: Another extremely more logical location for such "peaker" plant locations would be on Federal land near any of the numerous Navy and Air Force flight operations locations, where the noise pollution from jet aircraft is already present and the noise and air pollution from this proposed "peaker" plant would be small in comparison. Such a superior location exists (albeit in the coastal zone) is at Point Mugu Naval Air Station in Port Hueneme.

Response CCL-24-5: As discussed in Response to Comment CCL-5-2 and below in CCL-24-7, the peaker will not produce audible noise outside of the project site. SCE did investigated siting the project at substations serving Point Mugu and Port Hueneme, but those locations were too far from the Mandalay Generating Station to result in a successful black start. Therefore, they do not provide the required local reliability benefits. See Response to Comment CCL-1-1 for more information about the alternatives that were analyzed.

Comment CCL-24-6: Why not encourage SCE to simply and quickly erect an additional 45 megawatt solar electric (photovoltaic) generation facility in the Mohave Dessert [sic], as they are already planning to do. This would provide 45 megawatts ALL DAY LONG, not just during brief periods of peak need.

Response CCL-24-6: As discussed in Response to Comment CCL-24-3, the proposed peaker plant is intended to provide benefits to the transmission and distribution system in the Oxnard, Ventura, and Santa Barbara area. A solar generation facility in the Mojave Desert would not provide benefits to this area. Furthermore, a solar generation facility would not provide black start, dispatchable generation or the required grid reliability benefits that are the focus of this project. See Response to Comment CCL-1-1 for more information about the renewable energy alternatives that were analyzed.

Comment CCL-24-7: I strongly suggest that the commission remember the simple laws of physics that state that the ability of air to carry sound (noise) is markedly increased by the relative humidity of the air through which the sound is passing. While one must be impressed by the "relative" low level of sound generated by the proposed GE turbine system, the air in the coastal zone is always blessed with a high level of humidity. Thus, the noise pollution of our nearby neighborhood, just a few hundred yards South of the proposed Reliant plant, would be far greater than if the plant were located in a desert area where the relative humidity were naturally low.

Response CCL-24-7: Potential noise impacts were analyzed in Section K (pages 76-83) of the MND. The noise levels that would be generated during operation of the facility were estimated, and the noise impacts calculated using a sound propagation model. The noise modeling concluded that the noise levels from operation of the peaker facility at the nearest future residence, located at Northshore at Mandalay approximately 750 feet from the peaker facility, would be lower than the existing noise levels at that location and would not be audible above the existing noise levels.

If elevated relative humidity decreased the attenuation of sound from the peaker facility, it would also decrease the attenuation of sound from the sources of the existing sound levels. As a result, existing sound levels and sound from the peaker at the nearest residence would both increase. The increase in existing noise levels would be the same as the increase in noise levels from the peaker Therefore, noise levels from the peaker would still be lower than existing noise levels and would remain inaudible.

It should also be noted that the commenter's neighborhood, the Oxnard Shores area, is approximately 2,400 feet from the peaker facility, which is more than three times farther than the distance to the nearest future residence at Northshore at Mandalay. Therefore, sound from the peaker facility would not be audible at the Oxnard Shores area.

Comment CCL-24-8: Trees and shrubbery to shield this facility from view, even as proposed, are not at all compatible with the coastal zone.

Response CCL-24-8: As requested by the commenter, the tree and shrubbery species in the original landscape plan have been replaced by native bush, shrub, grass and groundcover species that are compatible with the coastal zone.

COMMENT LETTER CCL-25: RICHARD J. MAGGIO, OXNARD COMMUNITY DEVELOPMENT DIRECTOR (RETIRED)

Comment CCL-25-1: During the years 1983 through 2000 I served the City of Oxnard as Planning and Community Development Director. I was responsible for the preparation of the City Coastal Zone Ordinance, including all related studies, environmental analysis and Staff reports. My responsibility included staff recommendation of approval of the Coastal Zoning Ordinance (Chapter 17 of the City Code) to the Oxnard Planning Commission, Oxnard City Council, and the California Coastal Commission.

At the time of adoption of the Coastal Zoning Ordinance it was the intent of Staff and the Oxnard City Council to permit only Coastal Dependant Uses within the Coastal Zone. The Edison Power Plant on Harbor Blvd., now the Reliant facility, required ocean water for cooling purposes and was always considered to be "Coastal Dependant". Our intent was always that any additional, accessory, or related facilities to Oxnard's two coastal power plants were also to be "Coastal Dependant". The proposed peaker plant can now be

located as a stand alone facility on non-coastal sites within the interior of the State. An energy facility that need not be on the coast, should not be on the coast.

In conclusion, please consider this "eye-witness" report as to the intent of the Oxnard LCP and its zoning and deny the Appeal and sustain the action of the Oxnard City Council.

Response CCL-25-1: The Commission is entitled to rely on the Oxnard Local Coastal Program ("LCP"), and in particular the Oxnard Coastal Zoning Ordinance, as it is written. Thus, the City Council's request that the Commission apply a reading of the LCP which is not expressed in the Ordinance is inappropriate. Where the City Council acts as a legislative body in passing an ordinance, interpretation of that ordinance is governed by the rules of statutory construction. According to the rules of statutory construction enunciated by the United States Supreme Court, "in interpreting a statute a court should always turn to one cardinal canon before all others. . . .[C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there." *Connecticut Nat'l Bank v. Germain*, 502 U.S. 249, 252 (1992). To discover the meaning of a statute, courts first look to the words of the statute, giving them their usual and ordinary meaning. *Granberry v. Islay Investments*, 9 Cal. 4th 738, 744 (1995); *DaFonte v. Up-Right, Inc.*, 2 Cal. 4th 593, 601 (1992). "Where the words of the statute are clear, we may not add to or alter them to accomplish a purpose that does not appear on the face of the statute or from its legislative history." *Burden v. Snowden*, 2 Cal. 4th 556, 562 (1992). Indeed, "[w]hen the words of a statute are unambiguous, then, this first canon is also the last: 'judicial inquiry is complete.'" *Germain*, 502 U.S. at 252. Thus, unless the statutory language is ambiguous or unclear, there is no need to attempt to glean the City's intent by looking at City officials' after-the-fact interpretations.

The words of the Oxnard Coastal Zoning Ordinance are clear and unambiguous and therefore statutory construction is limited to giving the words of the statute their usual and ordinary meaning. The EC zoning designation specifically allows "power generating facilities and electrical substations." No provision in the zoning ordinance or elsewhere in the LCP states or can be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as Staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent in order to be located in the EC zone. The statute only requires that coastal dependent energy facilities be encouraged to locate or expand within existing sites. Plainly, Section 17-20(A)'s "encouragement" that coastal dependent energy facilities locate or expand within existing energy sites, rather than occupying new areas of the coast, does not bar, and is not inconsistent with, allowing a non-coastal dependent facility to also locate within a site already specifically zoned for, and long used for, energy facilities. Therefore, because the words of the statute are unambiguous, inquiry into statutory construction is complete and City Council members' interpretations are irrelevant.

As the commenter noted, the peaker plant does not use once through cooling. However, to have a policy that requires the peaker and similar plants to use once through cooling would be contrary to the policies of the Coastal Act.

COMMENT LETTER CCL-26: COMMUNITY ENVIRONMENTAL COUNCIL

Comment CCL-26-1: The Community Environmental Council would like to encourage the California Coastal Commission and Southern California Edison to examine alternative approaches to meeting peak energy demand instead of the proposed natural gas "peaker" plant

While we understand that the peaker plant proposal resulted from an order from the Public Utilities Commission to quickly meet additional peak demand, we encourage Southern California Edison to examine alternatives to natural gas as an energy source. For example, Concentrating Solar Power (CSP) - essentially utility-scale solar power - can be a reliable and cost effective source of peak power. Concentrating Solar Power plants can be "backed up" with an onsite natural gas generator so that even when the sun is not shining on any given day, the facility can still provide reliable peak power. There are currently nine of these facilities operating near Barstow, California, providing peak power to Edison at competitive rates. Edison is also reportedly considering such technologies to meet peak demand in other parts of its service territory, without at this time considering similar technologies for this particular site (or somewhere close enough to the Oxnard area that would be suitable for solar power facilities, which are land intensive).

In addition to providing a stable energy supply, solar has additional benefits over natural gas, such as decreased greenhouse gas emissions, reduced traditional air pollution, reduced dependence on fossil fuels, and greater price stability. The cost of sunlight is free today and will be free forever, so once capital costs are determined, the cost of power from solar, wind and other renewables can be locked in for the lifetime of the facility.

Response CCL-26-1: SCE has more solar electric capacity in its portfolio than any other utility in the nation, and has an aggressive program to add additional solar resources to its system in both central station and distributed configurations. However, as discussed in more detail in Response to Comment CCL-1-1, solar projects cannot provide the grid-reliability services that the proposed Project is intended to fill, since it is essential that the plant be able to come on-line very rapidly, at any time of day or night regardless of weather conditions, and be able to provide high megawatt black start capability to the adjacent Mandalay Generating Station and operate for an extended period of time during emergency situations. The Project does not displace renewable power plants, nor is it inconsistent in any way with the state's move towards more use of renewable resources. On the contrary, peaker plants like the proposed Project fill an important role in the integration of renewable energy, since their ability to follow load make them ideal to supplement and "fill in behind" intermittent renewable sources like wind and solar to keep the voltage and frequency of the grid stable.

Comment CCL-26-2: Moreover, we object to the assumption that simply because a new plant is more efficient, net greenhouse gas emissions will decrease, as is stated in the Coastal Commission's staff report (pg. 41). The only way that this could conclusion be valid is if an older plant were taken off-line as a consequence of the new peaker plant in Oxnard. Not only is there no mention of this in the project statement, but the very purpose of the project is to provide electricity for *additional* peak demand, not to replace inefficient plants.

To truly have no net emissions, Southern California Edison would need to utilize a renewable energy resource like CSP. As such, we recommend Southern California Edison explore other options, like solar power, for the Oxnard peaker plant and for peak demand mote generally.

If built, this facility will contribute to increased greenhouse gas emissions leading to adverse effects on local, national, and international coastal resources from global climate change.

> **Response CCL-26-2:** The analysis of greenhouse gas emissions from the proposed Project is discussed on pages 45-48 of the Staff Report. An independent review performed by Marine Research Specialists substantiates SCE's analysis. This review concluded that no increase in CO_2E would occur across SCE's generation portfolio as the result of direct emissions from the project, and only a slight increase in CO_2E emissions would result from the proposed project due to ancillary construction and transmission system upgrade emissions. Specifically, Marine Research Specialists found that CO2E emissions would increase by approximately 726 Metric Tonnes of CO_2E over the anticipated 30 year project life (as demonstrated in Exhibit 12). This figure matches the conclusion reached by SCE considering the economic dispatch scenario. Over a 30 year project life, this is a relatively small number. To provide perspective on this level of CO_2E emissions, the U.S. Environmental Protection Agency has estimated that eight Toyota Prius cars operated for 15,000 miles (45% highway driving and 55% city driving) per year would produce 744 Metric Tonnes of CO_2E over 30 years.
>
> Based on these relatively low levels of greenhouse gas emissions over the life of the project, the Commission agrees with SCE that no mitigation or offset is required.
>
> As noted above in Response to Comment CCL-26-1, SCE explored the use of renewable energy sources for this project, but the characteristics of these types of resources did not meet the generation profile needed to provide the desired grid reliability benefits.

COMMENT LETTER CCL-27: GEORGE C. COUDERT AND LINDA I. COUDERT

Comment CCL-27-1: Edison admits that this plant would increase air pollution. Ventura County does not meet current air quality now, why would any rational Government body consider increasing the emission of nitrogen oxide, carbon monoxide, volatile organic compounds and ammonia stored on the site, sitting directly on the sand.

> **Response CCL-27-1:** Please see Response to Comment CCL-1-10 regarding potential air quality impacts. As discussed it that response, the analyses of potential air quality impacts concluded that the Project will not cause air quality standards to be exceeded nor cause either regional or localized adverse air quality impacts.
>
> Potential off-site impacts caused by a catastrophic release of hazardous chemicals stored at the facility, specifically aqueous ammonia, were analyzed in Section G.2 (pages 59-63) of the Mitigated Negative Declaration. The analyses concluded that a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts. Additionally, the design of the aqueous ammonia storage and delivery system includes engineering features to minimize the potential for a release. Aqueous ammonia will be stored in a tank on a concrete containment system. It will not be sitting directly on the sand.

Comment CCL-27-2: …Our Mayor has told you on several occasions that the City of Oxnard has done more than its fair share in providing power plants and landfills in the past and now it is time for our community to protect its citizens by cleaning the environment and the air we breathe.

> **Response CCL-27-2:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities. See Response to Comment CCL-3-13 for additional discussion of environmental justice.

Comment CCL-27-3: The citizens of California, you the commission members, the Governor, the Lands Commission, have all spoken on th[e threat of Global warming] and have concurred that we must reduce our Carbon footprint. We can only do so by supporting inevitable renewable resources such as wind, solar, and geothermal, not by continuing down the same polluting path.

Response CCL-27-3: As discussed in Response CCL-1-1, renewable energy options were considered, but they do not provide black start, dispatchable generation, nor do they provide the desired system reliability benefits. Therefore, they would not attain any of the basic objectives of the proposed Project. Furthermore, as discussed in Response CCL-26-2, greenhouse gas emissions over the life of the project will be relatively low, and the Staff Report agrees with SCE that no mitigation or offset is required.

Comment CCL-27-4: …we feel that Edison has been less than honest with this proposal. We were first told that they were "undertaking the development of this facility in response to the Assigned Commissioner's Ruling Addressing Electric Reliability Needs in Southern California for Summer 2007"...Edison said they were told to build five plants, [sic] This is clearly not the case, the ACR directed SCE to ,"pursue, among other things, the immediate development of up to five SCE-owned, black-start capable peaker facilities" [sic] This represents a clear deception on their part,"up to" represents the maximum number of plants not the total number of plants felt needed.

Response CCL-27-4: As discussed in Response CCL-1-1, SCE was ordered by the CPUC to bring on-line by the Summer of 2007 up to 250 MW of SCE-owned, black-start, dispatchable generating facilities that would bring collateral benefits to SCE's transmission and distribution system as well as the CAISO grid. In order to best provide collateral benefits to the transmission and distribution system, SCE identified locations on its system that could most benefit from these projects and proposed constructing five 45-MW peaker projects as the best approach to meeting the 250 MW target.

Comment CCL-27-5: This directive was also specifically for the summer of 2007, this plant even if it is built would not meet these criteria.

Response CCL-27-5: The commenter is incorrect in implying that because Summer 2007 has passed, the Project is no longer needed. Even with the additional installed and anticipated new generating resources that will have come on-line between the summers of 2006 and 2008, CAISO still predicts a 10% risk that operating reserves in Southern California could be insufficient this summer. Although new resources have been procured and will continue to come on-line, SCE predicts that there remains a significant need for additional peaking resources in the future.

Further, the local emergency functions of the proposed Project have yet to be filled. There is currently no black start facility in the Oxnard area that is capable of black starting either the Mandalay or the Ormond Beach generating stations in the event of an emergency. And, as was just demonstrated in the recent July 2008 fire, Santa Barbara does not have sufficient local generation resources to meet the existing electricity demand in the event that the main transmission line that supplies the area is taken out of service. The proposed project will address both of these emergency needs by: 1) supplying black start capability to the Mandalay Generating Station and from there to the Ormond Beach Generating Station, and

2) providing the system support needed to provide additional power to the Santa Barbara system during emergencies.

Therefore, the need for the Project still remains.

Comment CCL-27-6: After telling the Planning Board and the City Council how great the need for this plant was to the citizens of Oxnard, a follow up question on how much power Oxnard would receive, the surprising answer was only 20%.

Response CCL-27-6: The commenter did not fully understand the answer to the follow up question. 100% of the power from the peaker would be distributed to the local Oxnard area. However, the peaker's air quality permit will limit operation of the facility to approximately 1,881 hours per year, which is approximately 20% of the total hours in a year.

Comment CCL-27-7: This begs the question, where is this energy needed, and could this plant be built closer to the area of intended use, and one less sensitive than our precious coast? That answer by the company was "yes". Meeting all SCE's requirements (own land, existing power plant, etc.) this "peaker' plant could be built in Moorpark. Which leads us to believe there is more to this story than meets the eye? Why are they so adamant about building the plant here in Oxnard, when it would be closer to the intended area, an area of more air conditioning, swimming pools... more need?

Response CCL-27-7: As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. Siting the project at Moorpark would not provide the desired local reliability benefits. Further, this site would place the project immediately adjacent to residential homes. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment CCL-27-8: … why does the company claim in their appeal to the Costal Commission, that they were denied the permit by the Planning Board and the City Council only over the issue of "coastal dependent"? They were at the same meetings when all of these concerns mentioned in this letter and more were made and cited by city leaders to deny the proposal.

Response CCL-27-8: The City of Oxnard Planning Commission Resolution No. 2007-19 which denied SCE's application (Staff Report Appendix A, Exhibit 5) clearly states that the application was denied because the proposed Project was

not coastal-dependent. This decision was upheld by the City Council. No other reason was cited.

COMMENT LETTER CCL-28: ART & JANICE SEROTE

Comment CCL-28-1: The plant should be put in the area where the power is needed – somewhere where the air conditioners are running day and night.

> **Response CCL-28-1:** See Response to Comment CCL-9-1 regarding the need to locate the peaker plant at the proposed site.

Comment CCL-28-2: This plant will affect our air quality negatively. Even the Edison literature states that there are emissions of nitrogen oxide, volatile organic compounds, ammonia, and carbon monoxide.

> **Response CCL-28-2:** See Response to Comment CCL-1-10 regarding potential air quality impacts from the proposed Project. As discussed it that response, the analyses of potential air quality impacts concluded that the Project will not cause air quality standards to be exceeded nor cause either regional or localized adverse air quality impacts. Therefore air quality will not be negatively affected.

COMMENT LETTER CCL-29: LLOYD PILCH

Comment CCL-29-1: I do not believe the environmental concerns have been adequately addressed as far as the effect on water quality, wetlands destruction and most importantly the air quality for the nearby population.

> **Response CCL-29-1:** The commenter provides no basis for the statement that effects on water quality, wetlands destruction and air quality have not been adequately addressed. The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including water quality and air quality. Because the proposed Project is being constructed on a brownfield site, with transmission and gas pipeline connections being made in coastal dune habitat, it will not destroy wetlands. Moreover, the Staff Report imposes Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

COMMENT LETTER CCL-30: ANGELA SLAFF

Comment CCL-30-1: Please consider all of the hazzards [sic] that such a plant would bring to our neighborhoods. Not only is the tower that is included in the building plans right in the flight path of Oxnard Airport, but more importantly the pollutants put out by this plant will add substantially to our already overburdened atmosphere.

We already have Reliant Energy next door to this proposed plant. One can see the steady stream of pollutants streaming out of it's [sic] smoke stack daily.

> **Response CCL-30-1:** The Ventura County Department of Airports (VCDOA), has reviewed the structures that would be constructed as part of the peaker project and concurs with SCE that the power plant stack would not pose a hazard to aircraft in the flight path for the Oxnard Airport.
>
> See Response to Comment CCL-1-10 regarding potential air quality impacts. As discussed it that response, the analyses of potential air quality impacts concluded that the Project will not cause either regional or localized adverse air quality impacts.
>
> The visible plume that can be seen exiting the Reliant Energy power plant stack is due to water vapor, not smoke or other pollutants. When the hot water vapor in the power plant exhaust mixes with the air, the water vapor cools and condenses, which causes the visible plume.

Comment CCL-30-2: It is my understanding that most of the energy this plant will provide is not for Oxnard area, but for cities quite a ways away from here. Why not build plant in not so populated area.

> **Response CCL-30-2:** All the energy produced by the plant will be used in the local Oxnard area. See Response to Comment CCL-9-1 regarding the need to locate the peaker plant at the proposed site.

COMMENT LETTER CCL-31: JOSEPH E. BURDULLIS, AG RX

This letter does not include comments that require a response.

COMMENT LETTER CCL-32: THOMAS S. BEARDSLEY, BEARDSLEAY & SON

This letter does not include comments that require a response.

COMMENT LETTER CCL-33: SHANE MORGER, BUNNIN AUTOMOTIVE GROUP

This letter does not include comments that require a response.

COMMENT LETTER CCL-34: YAKOUT MANSOUR, CALIFORNIA ISO

This letter does not include comments that require a response.

COMMENT LETTER CCL-35: HENRY L. "HANK" LACAYO, CONGRESS OF CALIFORNIA SENIORS

This letter does not include comments that require a response.

COMMENT LETTER CCL-36: PATRICK L. MILLIN, COURTYARD BY MARRIOTT

This letter does not include comments that require a response.

COMMENT LETTER CCL-37: FLORENCE LAMANNO, DFD ENTERPRISES, INC.

This letter does not include comments that require a response.

COMMENT LETTER CCL-38: DON HAUSER

This letter does not include comments that require a response.

COMMENT LETTER CCL-39: GUADALUPE CONZALEZ, EL CONCILIO DEL CONDADO DE VENTURA

This letter does not include comments that require a response.

COMMENT LETTER CCL-40: GERALD I. RICH

This letter does not include comments that require a response.

COMMENT LETTER CCL-41: PETER ZIERHUT, HAAS AUTOMATION, INC.

This letter does not include comments that require a response.

COMMENT LETTER CCL-42: MARC L. CHARNEY

This letter does not include comments that require a response.

COMMENT LETTER CCL-43: CHRISTOPHER WOOD, MCDONALD'S

This letter does not include comments that require a response.

COMMENT LETTER CCL-44: NANCY LINDHOLM, OXNARD CHAMBER OF COMMERCE

This letter does not include comments that require a response.

COMMENT LETTER CCL-45: ROBERT L. DUARTE

This letter does not include comments that require a response.

COMMENT LETTER CCL-46: TOM WADDELL, STATE FARM INSURANCE

This letter does not include comments that require a response.

COMMENT LETTER CCL-47: THOMAS C. NIELSEN

This letter does not include comments that require a response.

COMMENT LETTER CCL-48: ANTHONY C. VOLANTE

This letter does not include comments that require a response.

COMMENT LETTER CCL-49: BILL BURATTO, VENTURA COUNTY ECONOMIC DEVELOPMENT ASSOCIATION

This letter does not include comments that require a response.

COMMENT LETTER CCL-50: DON FACCIANO, VENTURA COUNTY TAXPAYERS ASSOCIATION

This letter does not include comments that require a response.

COMMENT LETTER CCL-51: GLEN L. AALBERS

This letter does not include comments that require a response.

COMMENT LETTER CCL-52: JOE ARMENDARIZ, COUNCILMEMBER, CITY OF CARPINTERIA

This letter does not include comments that require a response.

COMMENT LETTER CCL-53: SANTA BARBARA COUNTY TAXPAYERS ASSOCIATION

This letter does not include comments that require a response.

COMMENT LETTER CCL-54: SANTA BARBARA TECHNOLOGY AND INDUSTRY ASSOCIATION

This letter does not include comments that require a response.

COMMENT LETTER CCL-55: WANDA STROUD

Comment CCL-55-1: And, that it doesn't compromise my health and well-being.

> **Response CCL-55-1:** As discussed in Response CCL-1-6, the MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

Comment CCL-55-2: I lose car radio reception along that stretch of Harbor Boulevard (do I need to worry about health issues resulting from the same interference?)

Response CCL-55-2: SCE understands the comment to be asking about power-frequency electric and magnetic fields (EMF), which are associated with any power generation or transmission and can sometimes interfere with radio reception. First, of course, any currently existing EMF is not from the proposed peaker, which is not yet built and operating. The EMF associated with the peaker and its very short interconnection to the existing facilities will be significantly less than that associated with the existing transmission lines, since the peaker is a relatively small generating unit and will generate at a subtransmission voltage of only 66 kV. Sixty-six kV lines are commonplace throughout California and elsewhere including in residential and commercial neighborhoods.

As required by the CPUC, SCE designs and constructs all of its overhead transmission, subtransmission and distribution facilities to meet or exceed the requirements of General Order 95 (GO 95), Rules for Overhead Electric Line Construction. GO 95 establishes the minimum design and construction requirements for overhead transmission, subtransmission and distribution facilities constructed within the State of California. In addition to the requirements of GO 95, SCE utilizes other applicable industry standards in the design of its overhead electric facilities. The proposed Project will meet or exceed the requirements of GO 95 and these other applicable industry standards.

An integrated action plan has been developed in California in response to concerns about the possibility of health impacts of EMF from electric utility facilities. This plan was established by the CPUC in Decision 93-11-013 (and reaffirmed in Decision 06-01-042), in which the CPUC adopted a policy requiring investor-owned electric utilities operating within the state to incorporate various "no-cost and low-cost" measures into the construction of new or upgraded power lines and substations, and requiring each utility to develop and publish guidelines to implement this policy.

SCE's plan for implementing recommended "no- and low-cost" magnetic field reduction measures for the Project is consistent with CPUC Decisions 93-11-013 and 06-01-042 and also with the direction of leading national and international health agencies.

In addition, as discussed in Response CCL-1-6, the MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts. Please see Response to Comment CCL-1-10 regarding the evaluation of air quality impacts, including impacts to nearby residents. Emissions from the Project will not cause local air pollutant concentrations to exceed federal or California ambient air quality standards. The analyses of potential air quality impacts in the MND concluded that the Project will not cause localized adverse air quality impacts. This conclusion was concurred with by the Ventura County Air Pollution Control District. Therefore, air emissions from the proposed Project will not harm local residents.

Comment CCL-55-3: ...power lines and gas lines don't bow well with earthquakes, winds, fires and rain...

> **Response CCL-55-3:** Transmission and gas lines are constructed in accordance with standards that account for potential effects from earthquakes, winds, fires and rains. There are existing transmission and gas lines in the immediate vicinity of the proposed Project and throughout California. The construction of the new transmission lines and the gas pipeline for the proposed Project would not introduce new potential hazards.

Comment CCL-55-4: ...an industrial site is ugly no matter what landscaping could shield it ... the site gets uglier by the year with the harsh salt air producing lots of rust...

> **Response CCL-55-4:** Please see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that response, the facility will not cause significant adverse impacts. The addition of landscaping will also further minimize the visual impact of the proposed Project by shielding views of the facility to the extent feasible, while still protecting sensitive species.

Comment CCL-55-5: ...and I have to be concerned if there's an accident or problem that would have us vacate our properties.

> **Response CCL-55-5:** Potential off-site impacts caused by a catastrophic release of hazardous chemicals stored at the facility, specifically aqueous ammonia, were analyzed in Section G.2 (pages 59-63) of the Mitigated Negative Declaration. The analyses concluded that a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts. Additionally, the design of the aqueous ammonia storage and delivery system includes engineering features to minimize the potential for a release.

Comment CCL-55-6: Let that city build its own facility.

> **Response CCL-55-6:** As per Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Project, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.
>
> The energy produced by the plant will be distributed and used within the local Oxnard area. More importantly, the Project was sited in the Oxnard area to provide additional reliability to the local Ventura/Santa Barbara county transmission and distribution system. At its proposed location, the Project would provide an important and much-needed improvement to the local electric generation and transmission infrastructure. See Response to Comment CCL-9-1 for a more detailed discussion of local benefits.

COMMENT LETTER CCL-56: LINDA CALDERON

Comment CCL-56-1: There is no reason why the power plant should be located on the coast since it is not coastal dependent and most of the power generated will be sent far inland, not in this area.

> **Response CCL-56-1:** As explained in Response CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report's finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance.
>
> The energy produced by the plant will be distributed and used within the local Oxnard area. More importantly, the Project was sited in the Oxnard area to provide additional reliability to the local Ventura/Santa Barbara county transmission and distribution system. At its proposed location, the Project would provide an important and much-needed improvement to the local electric generation and transmission infrastructure. See Response to Comment CCL-9-1 for a more detailed discussion of local benefits.

Comment CCL-56-2: It is my understanding that at least part of the other electrical generating structures presently located in this area are not, or soon will not be, used and were supposed to be torn down by SCE who has not done this.

> **Response CCL-56-2:** SCE is not aware of any plans for Reliant Energy's two existing generating stations to be decommissioned. On the contrary, recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.
>
> Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the majority of the existing coastal generating stations will remain in operation for the foreseeable future in either their current or in a repowered configuration

Comment CCL-56-3: ...the ugly 80 ' high tower which will be visible for miles and miles.

Response CCL-56-3: As discussed in Response CCL-1-5, since the existing views of and around the Project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the Project would not cause a significant adverse aesthetic impact.

Comment CCL-56-4: The fact that a natural gas pipeline of 6" is also proposed to be installed, we believe is for the purpose of LNG being piped in from offshore...

Response CCL-56-4: The commenter is incorrect. The natural gas pipeline will connect to an existing Southern California Gas pipeline.

Comment CCL-56-5: The proximity of the emissions and PCB's (carcinogenic) to the campers at McGrath State Beach and the housing development.

Response CCL-56-5: Please see Response to Comment CCL-1-10 regarding the evaluation of air quality impacts, including impacts to nearby residents. The air analysis that was conducted as part of the MND is the same as would be conducted in an EIR. The analyses of potential air quality impacts in the MND concluded that the Project will not cause localized adverse air quality impacts. This conclusion was concurred with by the Ventura County Air Pollution Control District. Therefore, air emissions from the proposed Project will not harm local residents or campers. Additionally, contrary to the comment, PCB's will not be associated with the proposed project.

Comment CCL-56-6: Most of the electricity generated by this Plant is proposed to be sent to inland areas which should, therefore, be the ones having the Peaker Plant.

Response CCL-56-6: The energy produced by the plant will be distributed and used within the local Oxnard area. More importantly, the Project was sited in the Oxnard area to provide additional reliability to the local Ventura/Santa Barbara county transmission and distribution system. At its proposed location, the Project would provide an important and much-needed improvement to the local electric generation and transmission infrastructure. See Response to Comment CCL-9-1 for a more detailed discussion of local benefits.

Comment CCL-56-7: I do not believe that there is any way that construction activities and noise can NOT adversely affect the burrowing owls and other wildlife.

Response CCL-56-7: Potential noise impacts on threatened and endangered species were evaluated in Section D of the Mitigated Negative Declaration. As discussed on pages 45 and 46 of the Mitigated Negative Declaration, California least terns nest at active container terminals (Port of Los Angeles, the second-largest nesting site in California in 2006) and airports (Lindberg Field in San Diego, which supported over 100 nests in 2006). Therefore, it is unlikely that the noise, vibration and other disturbances associated with construction and operation of the Project would result in significant indirect impacts on this species. This

statement also holds true for snowy plovers, since snowy plovers at Camp Pendleton Marine Base nested (and continue to nest) successfully despite military operations including frequent traffic by large tanks on the beach just west of the nesting area, generating both noise and vibration. Among other locations adjacent to human disturbance, snowy plovers also nest successfully at a nesting site at Batiquitos Lagoon in San Diego County that is adjacent to 4-lane Carlsbad Boulevard. Snowy plovers are more susceptible to disturbances caused by people and pets walking close to nests. Therefore, noise impacts to birds and wildlife are not anticipated to be significant.

COMMENT LETTER CCL-57: WESLEY PAULSON

Comment CCL-57-1: Oxnard gets selected disproportionately for projects that are deemed necessary but which more affluent communities don't want.

Response CCL-57-1: Please see Response to Comment CCL-8-2. Environmental justice issues were fully considered during the evaluation of the proposed Project. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

Moreover, surveys indicate that the percentage of the population living below the poverty level and within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations.

COMMENT LETTER CCL-58: DANIEL STEIN

Comment CCL-58-1: Start looking into renewable resources.

Response CCL-58-1: As discussed in more detail in Response to Comment CCL-1-1, renewable resources, such as solar and wind power, cannot provide the peaking and grid-reliability roles that the proposed Project is intended to serve, since it is essential that the plant be able to come on-line very rapidly, at any time of day or night regardless of weather conditions, and be able to provide high megawatt black start capability to the adjacent Mandalay Generating Station. The Project does not displace renewable power plants, nor is it inconsistent in any way with the state's move towards more use of renewable resources. On the contrary, peaker plants like the Project fill an important role in the integration of renewable energy, since their ability to follow load make them ideal to supplement and "fill

in behind" intermittent renewable sources like wind and solar to keep the voltage and frequency of the grid stable.

COMMENT LETTER CCL-59: KENNETH GILMORE

Comment CCL-59-1: Edison's effort to get approval for this project was previously denied by the Commission and the Governor. The finding should be sustained.

> **Response CCL-59-1:** Contrary to the comments assertions, the proposed Project has not been denied by either the California Coastal Commission or the Governor. In fact, development of the proposed Project will further Governor Schwarzenegger's energy policy regarding electric generation reliability. To help implement Governor Schwarzenegger's energy policy, CPUC President Michael Peevey issued *Assigned Commissioner's Ruling Addressing Electric Reliability Needs in Southern California for Summer 2007* on August 15, 2006 ordering SCE to pursue the immediate development of up to five SCE-owned, black-start capable peaker facilities, which could be on-line by the Summer of 2007.

Comment CCL-59-2: If the power is necessary, site the facility elsewhere.

> **Response CCL-59-2:** As per Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Project, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.

COMMENT LETTER CCL-60: PEKANUI COLLINS

This letter does not include comments that require a response.

COMMENT LETTER CCL-61: GLEN AALBERS

This letter does not include comments that require a response.

COMMENT LETTER CCL-62: DONALD HAUSER

This letter does not include comments that require a response.

COMMENTS AND RESPONSES TO COMMENTS SUBMITTED TO THE CITY OF OXNARD PLANNING DEPARTMENT

COMMENT LETTER PDL-1: SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

This letter does not include comments that require a response.

COMMENT LETTER PDL-2: CITY OF VENTURA

Comment PDL-2-1: A.3 It is unclear from the photos and simulations provided in Appendix C and D how the proposed facilities will not degrade the quality of the site and view from the beaches to the north and northwest. Please illustrate how the proposed development will appear from the north and northwest.

> **Response PDL-2-1:** At the request of the City, Southern California Edison (SCE) provided approximately 15-20 visual simulations and key maps of the project from numerous angles in order to conduct a thorough assessment of the potential visual impact from the project. Four of these simulations were selected by the City for inclusion in the Draft MND. From a north or northwest beach location, the project would be located behind the much taller existing infrastructure of the Mandalay Generating Station and would therefore not have an adverse impact because the project would not cause a significant change in the existing visual character of the site. Consequently, simulations were neither requested nor prepared from this direction. No additional analysis is required since the visual impacts of the project from this direction were adequately considered.

Comment PDL-2-2: A.4 Permanent lighting. It is unclear from the discussion and rationale how new lighting at the facility will not generate considerable nighttime glare. Please include a rendering demonstrating the location and intensity of proposed lighting.

> **Response PDL-2-2:** The location of lights was included in the Coastal Development Permit application that is the subject of the MND. More detailed lighting plans and calculations were reviewed by Commission staff. The proposed lighting plan complies with the California Energy Commission's Title 24 California Code of Regulations Part 6 which governs Energy Efficiency Standards for Nonresidential Buildings, including Section 147 "Requirements for Outdoor Lighting." This regulation sets outdoor lighting standards to ensure that nighttime glare meets established limits. The proposed area lighting fixtures are cut off luminaries where no more than 2.5% of the light output extends about the horizontal (90 degrees above nadir) and no more than 10% of the light output extends at or above a vertical angle of 80 degrees above nadir. The proposed design incorporates automatic cut off switches and multi level switching as required to allow best practice management of lighting levels. As noted on page 22 of the Draft MND, the proposed lighting plan is consistent in intensity with the

existing lighting at the immediately adjacent Mandalay Generating Facility and will therefore have a less than significant impact on nighttime views in the area.

COMMENT LETTER PDL-3: VENTURA COUNTY WATERSHED PROTECTION DISTRICT

Comment PDL-3-1: The biological resources section needs to consider potential impacts to the federally endangered tidewater goby (Eucyclogobius Newberri) in the Edison canal.

We recommend preconstruction surveys by a qualified natural fish biologist and appropriate protective measures (eg., exclusion nets or silt fences) during construction.

> **Response PDL-3-1:** Please see Response to Comment CCL-6-1 regarding a survey for the presence of tidewater goby in the Edison canal. As recommended by the commenter, SCE's biological consultants conducted a survey of the Mandalay Canal on January 9, 2008, to test for the presence of tidewater gobies. No tidewater gobies were taken in the Mandalay Canal, and the habitat is largely mud which is not a preferred substrate for the tidewater goby. Little or no freshwater influence exists in this canal so the water maintains a marine salinity or nearly so, which is undesirable for tidewater gobies. Therefore, the project is not anticipated to cause adverse impacts to tidewater gobies. However, to ensure that the project will not cause adverse impacts to the Mandalay Canal, Special Condition 3(d) requires that all project development remain more than 50 feet from the canal.

Comment PDL-3-2: We have reviewed the Environmental Factor Section H. Hydrology and Water Quality Items No. 2 and 6, which are checked "No Impact". We disagree with the "No Impact" designations listed. Trucking of wastewater to an approved disposal site is acknowledged, however, the planned connection to the city wastewater system is the preferred long-term option. The proposed Project should not adversely affect water quality after connecting to the City of Oxnard sewer system. Groundwater hydrology could however, be impacted by loss of surface infiltration due to paved surfaces and building footprints. Since this project is above the "clay cap" protecting deeper useable aquifers, there should be less-than-significant losses to groundwater recharge within the unused Perched Zone aquifer. We therefore recommend changing the Initial Study findings from "No Impact" to "Less than Significant" for the reviewed Items No. 2 and 6.

> **Response PDL-3-2:** As discussed on page 16 of the MND, 1.61 acres of new impervious surfaces will be created on the project site. This is only 11 percent of the total site area of 16.1 acres. As stated in the comment, the "No Impact" findings for these items should have been "Less than Significant." However, this does not alter the conclusions that the project would not cause significant unmitigated adverse impacts to hydrology and water quality.

COMMENT LETTER PDL-4: VENTURA COUNTY PUBLIC WORKS TRANSPORTATION DEPARTMENT

Comment PDL-4-1: The Traffic Study for the MND should evaluate and provide mitigation measures for the site-specific impacts this project may have on the County's Regional Road Network. As provided in the proposed truck route, of particular interest to the County are the potential traffic impacts at the following intersections and portion of the County road:

- Intersection of Doris Avenue and Victoria Avenue;
- Intersection of Victoria Avenue and Gonzales Road;
- Intersection of Victoria Avenue and Olivas Park Drive; and
- Portion of Victoria Avenue from Oxnard City Limit (at Teal Club Road) to Ventura City Limit (at Olivas Park Drive)

> **Response PDL-4-1:** Traffic impacts were discussed in Section O of the MND, on pages 90-95. As presented on page 91 of the MND, truck trips during construction are anticipated to peak at 11 trips per day and will occur during the day outside the peak traffic periods on Victoria Avenue. Since the peak number of truck trips is so low and the trips will occur outside the peak traffic periods, they would clearly not cause a significant adverse impact to traffic at the intersections or on the portion of Victoria Avenue listed in the comment.

COMMENT LETTER PDL-5: VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

This letter does not include comments that require a response.

COMMENT LETTER PDL-6: CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

Comment PDL-6-1: In describing the project's location it should be noted that Mandalay State Beach is to the southeast of the proposed plant site and McGrath State Beach is to the northwest of the site and the Reliant Energy Plant.

> **Response PDL-6-1:** This comment is identical to Comment CCL-4-1. Please see Response to Comment CCL-4-1.

Comment PDL-6-2: When evaluating visual impacts of the proposed Project it should be noted that, "the intervening land between Mandalay State Beach and the proposed Project site" is **NOT** "dotted with existing oil processing structures that are

approximately 70 feet high, and the stacks of the Mandalay Power Generation Facility which is 203 feet high". All that separates Mandalay State Beach from the proposed Peaker plant site is a six foot chain link fence on the Edison property.

> **Response PDL-6-2:** This comment is identical to Comment CCL-4-2. Please see Response to Comment CCL-4-2.

Comment PDL-6-3: Impacts to the access road and resources at Mandalay State Beach have not been evaluated or mitigations considered.

> **Response PDL-6-3:** Access to Mandalay State Beach is from the end of Fifth Street, which is more than 2,100 feet south of the project site. Given this large distance from the project site, the project would not have significant impacts to the access to Mandalay State Beach.
>
> The Staff Report includes an extensive review of potential impacts of the project on Mandalay State Beach. The environmental assessment, on pages 16-25 of the Staff Report, took into account sensitive habitats and the proximity to Mandalay State Beach and determined that there would be no impact. In compliance with Local Coastal Plan (LCP) Policy 6, Special Condition 3(d) requires the project's landscaping and construction activities to be separated by at least 50 feet from the entire southern boundary of the Project site adjacent to the Mandalay State Beach Resource Protection area. Staff concluded that a 50 foot buffer is sufficient here given the existing 30 foot wide paved access road that currently separates the project site from the state park and SCE's commitment to locate all development and construction activities an additional 50 feet north of this road.
>
> Sensitive nesting habitat for the western snowy plover and California least tern exists approximately 1,000 feet to the west and southwest of the project site in Mandalay State Beach. Special Condition 6 requires the replacement of proposed trees in the landscape plan with native brush and shrub species that are not expected to provide perching or nesting habitat for predatory birds of concern. Existing trees will be removed.
>
> Thus, potential impacts to Mandalay State Beach have been adequately evaluated and conditions have been imposed that ensure that significant adverse impacts will not occur.

Comment PDL-6-4: The extent of the project area has not been adequately defined for preconstruction biological survey purposes.

> **Response PDL-6-4:** This comment is identical to Comment CCL-4-4. Please see Response to Comment CCL-4-4.

Comment PDL-6-5: Given extensive restoration activities undertaken at Mandalay State Beach, a native plant palette using locally collected seed should be required for landscaping.

Response PDL-6-5: This comment is identical to Comment CCL-4-5. Please see Response to Comment CCL-4-5.

Comment PDL-6-6: Properties entrusted to the California Department of Parks and Recreation for stewarding contain high resource and recreational values. Mandalay and McGrath State Beaches contain wetland, dune, backdune and riparian habitats. The acreage of these parks hold what remains of these habitat types and as such are protected from urban development. Construction and intensification of use in the coastal area immediately adjacent to these two State Park properties does not appear to be adequately evaluated.

Response PDL-6-6: The project will be located on land that has been used for energy development for 50 years. Siting the project at this location is consistent with the Coastal Act policy which favors consolidating energy development at existing sites. The environmental assessment in the Staff Report took into account sensitive habitats and the proximity to State Park land and determined that there would be no impact. Please see Response to Comment PDL-6-3 regarding potential impacts to Mandalay State Beach. As discussed in that response, the project will not cause significant unmitigated adverse impacts to Mandalay State Beach.

The project site is located approximately 1,000 feet from McGrath State Beach, and the Reliant Mandalay Generating Station is located between the project site and McGrath State Beach. Given this large separation between the project site and McGrath State Beach, and the intervening presence of the Mandalay Generating Station, the project does not have the potential to cause adverse impacts to the resources at McGrath State Beach.

Comment PDL-6-7: The MND appears to look only at the proposed site and adjacent dunes. Limited investigation of impacts to the backdune or wetland sites has been considered.

Response PDL-6-7: This comment is identical to Comment CCL-4-7. Please see Response to Comment CCL-4-7

COMMENT LETTER PDL-7: U.S. FISH AND WILDLIFE SERVICE

Comment PDL-7-1: Our concerns lie with the proposed row of trees. It is likely that this row of trees will provide habitat for American crows (Corvus brachyrhynchos) and ravens (Corvus corax) that prey on the California least tern and western snowy plover chicks and eggs located on the adjacent beaches. Specifically, we are concerned that these species are known to take up residence in areas with suitable breeding habitat and that are adjacent to food sources (e.g. California least tern colonies).

Response PDL-7-1: This comment was specifically addressed in the Staff Report (pages 21-23). To address the potential impact to sensitive species and

habitats, SCE revised its landscaping plan to replace the trees with native brush and shrub species that are not expected to provide nesting habitat for predatory birds of concern. Existing trees will be removed. If the landscaping plan is modified as described above, the Commission believes the western snowy plover and California least tern nesting sites will be adequately protected from project-related activities.

COMMENT LETTER PDL-8: SUSAN RUIZ, VENTURENO CHUMASH COUNCIL MEMBER

This letter does not include comments that require a response.

COMMENT LETTER PDL-9: SHIRIN ANDERSON

This letter does not include comments that require a response.

COMMENT LETTER PDL-10: SAVIERS ROAD DESIGN TEAM

This letter does not include comments that require a response.

COMMENT LETTER PDL-11: LARRY GODWIN

Comment PDL-11-1: Any industrial project in the Coastal Zone must have a full Environmental Impact Report.

> **Response PDL-11-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PDL-11-2: The peaker plant is not coastal dependent and can not be approved. There is never any justification for putting non-coastal dependent industry in the Coastal Zone. The plant is not consistent with the Coastal Zone designation of "Coastal Energy Facility".

Response PDL-11-2: No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

Comment PDL-11-3: The plant can not be classified as an accessory use to the existing Mandalay Power Generation facility since it will operate independent of the Mandalay facility.

Response PDL-11-3: The commenter's contention that the Project cannot be considered as an accessory use to the existing Mandalay facility does not affect the zoning determination. The proposed development site lies entirely within the EC subzone. Pursuant to Section 17-20 of the City's coastal zoning ordinance, the EC subzone expressly allows "electrical power generating plant and accessory uses normally associated with said power generating facility." Because the proposed peaker facility is an electrical power generating plant, it is unquestionably permitted at the proposed development site under the City's coastal zoning ordinance and is not required to be "an accessory use."

Comment PDL-11-4: The MND must address the requirements of AB-32 with respect to greenhouse gas. The Air Quality impact analysis does not even calculate or address the amount [sic] carbon dioxide emitted.

Response PDL-11-4: AB32, The California Global Warming Solutions Act of 2006, does not include specific requirements that affect the electricity sector. The California Air Resources Board has not yet adopted regulations pursuant to AB32; however the project will comply with all applicable regulations once adopted.

Potential greenhouse gas emissions associated with the project have been evaluated in the Staff Report on pages 40-48. Over a 30 year period, net CO_2E emissions from the Project would be approximately 726 Metric Tonnes of CO_2E emissions, a relatively small number. Consequently, the Staff Report concludes that no mitigation or offset is required. Please see Response to Comment CCL-21-2 for more information on the greenhouse gas emission analysis.

Comment PDL-11-5: The project does not comply with the Ventura County Air Quality Assessment (AQMP) [sic] Guidelines since it does not conform to the applicable General Plan designation.

Response PDL-11-5: The comment is incorrect that the project is inconsistent with the Air Quality Management Plan (AQMP). Consistency with the AQMP, as described in the VCAPCD's "Ventura County Air Quality Assessment Guidelines," is based on consistency with respect to population growth as projected in the current AQMP. The proposed Project will not induce population growth, either directly or indirectly, as discussed in Response to Comment CCL-

3-13. Since the project will not cause growth in population, it cannot be inconsistent with the growth projections in the AQMP.

Comment PDL-11-6: The AQMP must assume that the plant will operate 100% of the time. There is no compelling reason to believe, that after spending $50 million to construct the plant, that Southern California Edison would not operate the plant as much as possible.

Response PDL-11-6: The combustion turbine will be limited to 1,881 hours of normal operation per year, 120 startup events per year, and 120 shutdown events per year (MND page 31). These operating limits will be specified as conditions in the permits issued for the facility by the Ventura County Air Pollution Control District. The VCAPCD has the authority to enforce compliance with these limits. Therefore, the air quality analyses in the MND were correctly based on these operating limits.

Comment PDL-11-7: There is no discussion of the restoration requirements when the oil tanks on the site were removed and if any of those requirements remain.

Response PDL-11-7: There are currently no restoration requirements for the site. Therefore, such restoration requirements were not discussed in the MND.

Comment PDL-11-8: If the plant is built, it must be removed when the existing Mandalay Power Generation facility is removed and the site restored. There is a requirement that existing power plants, that use seawater for cooling, cease operation in 5 to 10 years. Since these plants are not suitable for upgrading, they most likely will be removed.

Response PDL-11-8: SCE is not aware of any plans for Reliant Energy's Mandalay Generating Station to shut down. Further, the California Ocean Protection Council recently published a study indicating that Mandalay could be readily converted to comply with once through cooling requirements. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay.

COMMENT LETTER PDL-12: OCTAVIO AND BODINE ELIAS

Comment PDL-12-1: We were very disappointed to see than an Environmental Impact Report was not required for the Peaker Plant even though Edison's own literature refers to emissions from [sic] nitrogen oxide (Nox), carbon monoxide, volatile organic compounds (VOC) and the presence of storage tanks filled with ammonia.

The siting of this plant where the prevailing winds blow from ocean to land is poorly thought out. Even with what Edison describes as 'state of the art equipment', any emissions are unacceptable. See the attached photo of the Reliant plant and note the wind direction.

Response PDL-12-1: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Please see Response to Comment CCL-1-10 regarding evaluation of air quality impacts. As discussed in that response, the peaker project will not cause adverse localized or regional air quality impacts.

Please see Response to Comment CCL-12-1 regarding potential off-site impacts caused by a catastrophic release of hazardous chemicals stored at the facility, specifically aqueous ammonia. As discussed in that response, a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts.

Comment PDL-12-2: Governor Schwarzenegger said when he vetoed the LNG facility that to meet California standards, the requirement is to ***improve air quality and protect its coastal resources***. The Peaker Plant does neither.

Response PDL-12-2: A statement made by Governor Schwarzenegger does not constitute a requirement of the California Environmental Quality Act. Additionally, this comment incorrectly paraphrases Governor Schwarzenegger's statement. The statement, which was included in a letter to the United States Maritime Administration[12], was "...any LNG import facility must meet the strict environmental standards California demands to continue to improve our air quality, protect our coast, and preserve our marine environment." The MND along with the Staff Report have concluded that the project will comply with required environmental standards and will not have significant adverse effects on the environment, consistent with Governor Schwarzenegger's statement.

Comment PDL-12-3: The noise will disturb hundreds of households.

Response PDL-12-3: Please see Response CCL-5-2 regarding potential noise impacts. As discussed in that response, the sound generated during operation of the peaker facility will not be audible above existing sound levels at the closest future residence. Therefore, the noise will not disturb any households.

Comment PDL-12-4: Why is Oxnard again a Target – Dumping Grounds for industrial blight?

---

[12] http://www.marad.dot.gov/Headlines/2007/0518_cali_gov_BHP_DWP.html

Response PDL-12-4: The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

COMMENT LETTER PDL-13: BILL AND CLARISSA MEEKER

Comment PDL-13-1: As someone involved in the development business and having looked at the MID [sic] itself, I would ask you to reconsider this and ask for a complete, extensive EIR on the project. I realize there is a trend to minimize unnecessary EIR's but I have never seen a MID [sic] outside of residential housing. An EIR, I believe, would uncover shortcomings of the project and more importantly would open the question of whether or not this is even the right location for this project.

Response PDL-13-1: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PDL-13-2: Since this plant does not rely on the exchange of water for operation, why does it have to be on one of our beaches?

Response PDL-13-2: No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

Comment PDL-13-3: We urge the Planning Department and the City Council of Oxnard to demand Edison take their "peaker plant" elsewhere, or at the very least to really explore the ramifications of such a project in this location, with an extensive Environmental Impact Report.

> **Response PDL-13-3:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.
>
> As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

COMMENT LETTER PDL-14: DAVE HERMANSON

Comment PDL-14-1: I would love for our alternate site to be discussed in hopes of reaching a consensus that would allow the plant to be placed in a less controversial area.

> **Response PDL-14-1:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

COMMENT LETTER PDL-15: SUZANNE SCHECHTER

This letter does not include comments that require a response.

COMMENT LETTER PDL-16: NANCY SYMONS AND EDWARD PAGLIASSOTTI

Comment PDL-16-1: We believe the City of Oxnard should require the proponent to complete a satisfactory Environmental Impact Report.

> **Response PDL-16-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PDL-16-2: Edison's own literature states that the proposal will emit nitrogen oxide, carbon monoxide, volatile organic compounds and ammonia. We must be assured that this proposal meets air quality standards.

> **Response PDL-16-2: Response 11-1:** Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded.

Comment PDL-16-3: Since the peak power needs are in other parts of the state like Cucamonga and not in this area of Oxnard we should not just allow this plant to be set up here without a proper and complete review. We should not just agree to it because Edison has the land available to set up the plant.

> **Response PDL-16-3:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.
>
> As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use.
>
> Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the

Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PDL-16-4: Oxnard has been the dumping ground for too many projects with negative impacts.

Response PDL-16-4: The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

COMMENT LETTER PDL-17: SINGER FAMILY

Comment PDL-17-1: Once again I don't get it, why is Oxnard always the dumping zone?

Response PDL-17-1: The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in Oxnard. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PDL-17-2: Edison has admitted to emissions of nitrogen oxide, carbon monoxide, volatile organic compounds, and ammonia.

> **Response PDL-17-2:** Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause either regional or localized adverse air quality impacts.

Comment PDL-17-3: Oxnard won't benefit from having it here, put it where they need it high electricity demands on hot days "inland."

> **Response PDL-17-3:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use.
>
> Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.
>
> SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PDL-17-4: Once again I'm asking Oxnard what about the noise this wills [sic] create for us and the new housing development going in on Harbor? Please address these issues.

> **Response PDL-13-2:** Please see Response CCL-5-2 regarding the evaluation of noise impacts. As discussed in that response, noise levels from operation of the peaker facility at the nearest future residence would be substantially lower than the existing noise levels at that location. Therefore, noise from operation of the facility would not be audible above the existing noise levels, and the project will not cause significant adverse noise impacts.

COMMENT LETTER PDL-18: MILDRED MIELE

Comment PDL-18-1: Was amazed to find out that Oxnard is being targeted again as a dumping ground for pollutants.

> **Response PDL-18-1:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

Comment PDL-18-2: Was shocked when I heard that there was no Environmental Impact Report for the Proposed Peaker Power Plant proposed just north of Oxnard Shores on Harbor, Blvd., Oxnard.

> **Response PDL-18-2:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PDL-18-3: Why should Oxnard have to be polluted again to cover the needs of Cucamonga at peak electricity demands. The plant will not serve Oxnard.

> **Response PDL-18-3:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. All the power produced from the project will be used in the Oxnard area.
>
> SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PDL-18-4: ...Edison's own literature speaks about the emission of Nitrogen Oxide (Nox), carbon monoxide, volatile organic compounds (VOC) and ammonia stored on tanks on site. What if the plant is built and fails to achieve the promised emission

reduction? With prevailing winds from ocean to land, any emission generated are unacceptable.

> **Response PDL-18-4:** Please see Response to Comment CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded and will not cause significant adverse air quality impacts. Additionally, the permits issued by the Ventura County Air Pollution Control District (VCAPCD) will include conditions that limit emissions. Compliance with these limits will be verified through measurements. The VCAPCD has the authority to enforce compliance with those conditions.
>
> Please see Response to Comment CCL-12-1 regarding aqueous ammonia. As discussed in that response, a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts.

Comment PDL-18-5: When Governor Schwarzenegger terminated the experimental floating LNG Terminal proposed by BHP Billiton, he said that any LNG facility must meet standards California requires to improve air quality and protect its coast Resources. THIS PROJECT DOES NEITHER!!!

> **Response PDL-18-5:** Please see Response PDL-12-2 regarding Governor Schwarzenegger's statement. As stated in that response, the project will comply with California environmental standards and will not cause significant adverse impacts.

COMMENT LETTER PDL-19: ANGELA SLAFF

Comment PDL-19-1: Now Edison wants to further pollute our area with a peaker power plant right in our neighborhood with the energy generated by this plant to go to cities inland.

> **Response PDL-19-1:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use.
>
> SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

Comment PDL-19-2: With so much concern about our environment, it is shocking to me to me that an Environmental Impact Report was NOT required by the City of Oxnard.

Response PDL-19-2: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

COMMENT LETTER PDL-20: EDWARD M. COSTILLO

Comment PDL-20-1: Please allow this written letter to serve as my formal protest to the direction to adopt MND 07-02 – vs – Bringing forth a full EIR for the proposed Project of a 45-Megawatt Peaker Generation Plant.

Response PDL-20-1: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

COMMENT LETTER PDL-21: ART AND JANICE SEROTE

Comment PDL-21-1: I fail to understand why this plant needs to be put in this area!! The plant should be put in the area where the power is needed—somewhere where the air conditioners are running day and night!

Response PDL-21-1: As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is

not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not in other cities. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PDL-21-2: Even the Edison literature states that there are emissions of nitrogen oxide, volatile organic compounds, ammonia, and carbon monoxide!

Response PDL-21-2: Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded and will not cause significant adverse air quality impacts.

Comment PDL-21-3: Why is there no Environmental Impact Report required by the City of Oxnard??

Response PDL-21-3: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

COMMENT LETTER PDL-22: DAVID N COOK

Comment PDL-22-1: On one hand, it is easy to see that an addition to an existing plant makes sense, since the infrastructure is already there. On the other hand, why not build the addition at the Ormond Beach plant where there are no houses nearby?

The land surrounding the Ormond Beach site has been purchased by the Coastal Conservancy as part of a wetland restoration project. There is not sufficient SCE-owned land remaining at this location to build the proposed Project. Further, the site is located too far away to be used as a black start location for the Mandalay Generating Station, which is an important purpose of the proposed Project.

COMMENT LETTER PDL-23: NO SIGNATURE

Comment PDL-23-1: Please don’t put a power plant in our backyard.

Response PDL-23-1: As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

COMMENT LETTER PDL-24: LEON MEEKS

Comment PDL-24-1: As a resident of Oxnard and living in the area near the proposed plant I feel that it should have an environmental impact report.

Response PDL-24-1: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PDL-24-2: The literature from Edison states that the emissions of "nitrogen oxide (NOx), carbon monoxide, volatile organic compounds (VOC) and ammonia are present and could leak affecting the residents in the general area. The prevailing winds from the ocean to land would put in to [sic] our residence...

Response PDL-24-2: Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause either regional or localized adverse air quality impacts.

Comment PDL-24-3: It was my understanding that CA standards requires [sic] to "improve air quality and protect its coastal resources."

Response PDL-24-3: This comment is apparently referring to the statement by Governor Schwarzenegger regarding the BHP Billiton LNG terminal, that is discussed in Response PDL-12-2. As stated in that response, the project will comply with California environmental standards and will not cause significant adverse impacts. Therefore, it is consistent with the above statement.

COMMENT LETTER PDL-25: NANCY PEDERSEN

Comment PDL-25-1: This should not even be a mitigated negative declaration. It should be a full EIR because of its location on our fragile coast.

> **Response PDL-25-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PDL-25-2: There is no demonstrated need that requires this project be built on Oxnard's coast. Oxnard has natural air conditioning, so it is ludicrous for SCE staff to state that this plant must be built to prevent brown outs when we all turn on our air conditioners in a heat wave. What compelling need requires that only this location can be used for this project? Why not build this plant in an area that has heat waves and a need for more electricity?

> **Response PDL-25-2:** The Project would provide an important and much-needed improvement to California's electric generation and transmission infrastructure. The Oxnard/Ventura/Santa Barbara area was identified as having a need for black start capability to support local reliability, and the Mandalay-adjacent property was identified as the optimal site within this region.
>
> Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.
>
> As discussed in Response CCL-1-1, after a thorough review of potential peaker sites throughout SCE's system, SCE concluded that the Project site is optimal from both an environmental and operational standpoint.

Comment PDL-25-3: No other coastal area in this county has even one electric plant located on the coast. Oxnard has two with this as the third. Why dump all unwanted uses in Oxnard. Social Justice demands that this proposal be examined for its effects on the largely minority residents of Oxnard.

Response PDL-25-3: SCE assumes this comment refers to Environmental Justice. The primary environmental justice issues that are raised when siting and developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

Further, surveys indicate that the percentage of the population living below the poverty level within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations. Please refer to Response to Comment CCL-3-13 for further discussion of environmental justice.

Comment PDL-25-4: What are the effects of this proposal on the air quality of Oxnard and Ventura County? With Global Warming a recognized reality, this project and all other projects must be examined in light of the increased air pollution they would create. What are the prevailing wind patterns? What residents would be impacted by this air pollution?

Response PDL-25-4: Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded and will not cause significant adverse air quality impacts. Regarding prevailing wind patterns, a wind rose is shown on page D-27 of Appendix D for the MND.

Please see Response to Comment CCL-26-2 regarding greenhouse gas emissions. As discussed in that response, greenhouse emissions from the Project will be insignificant.

Comment PDL-25-5: How would the fragile bird, plant and other wildlife populations in this are be affected by this increased air pollution?

Response PDL-25-5: Air quality impacts from emissions from the facility were discussed in Response to Comment CCL-1-10. As indicated in the response, emissions will not cause local air pollutant concentrations to exceed federal or California ambient air quality standards, and, for most pollutants, the increases in concentrations caused by emissions from the facility will be less than existing concentrations. Since emissions from the facility will not substantially increase existing concentrations, they are not anticipated to cause significant impacts to biological resources.

Comment PDL-25-6: This proposed plant is surrounded by homes, a beach park, nature preserves and the ocean. This project is not compatible with any of these uses.

Response PDL-25-6: The potential impact of the Project on the surrounding area, including resource protection, recreational, agriculture and residential land uses, was fully analyzed by the MND and the Staff Report and the Project was not found to have any significant or potentially significant adverse effects.

Comment PDL-25-7: The noise will affect all the wildlife in the nearby areas, including the ocean.

Response PDL-25-7: Please see Response to Comment CCL-5-4 regarding potential noise impacts on threatened and endangered species. As discussed in that response, noise from the peaker project will not be audible outside of the project site. Therefore, there will not be adverse impacts on threatened or endangered species.

Comment PDL-25-8: The present lights already negatively affect the wildlife nearby. More light pollution will not improve the situation. What kinds of mitigation can be done to force the applicant to allow their light to affect only the areas necessary to be lighted?

Response PDL-25-8: The commenter does not provide any basis for the statement that existing lights affect wildlife in the vicinity of the project. However, please see Response to Comment PDL-2-2 regarding the lighting plan. As discussed in that response, the proposed lighting complies with state standards for outdoor lighting and contains features that minimize light spillage and allow for best practice management of lighting levels as requested by the commenter. As noted on page 22 of the MND, the proposed lighting plan is consistent in intensity with the lighting at the immediately adjacent Mandalay Generating Station and will therefore have a less than significant impact on nighttime views in the area.

Comment PDL-25-9: The 80 foot tall exhaust stack seems to be a hazard for the birds that use the ocean, dunes, nature preserves, McGrath Lake and other nearby areas. How will birds be protected from this hazard? How will air pollution and light pollution affect the already endangered wildlife? Audubon reported that bird populations are falling rapidly. Will this project cause even more losses?

Response PDL-25-9: The commenter provides no basis for the statement that the exhaust stack will be a hazard for birds. The stack would be clearly visible to birds, which would avoid flying into it. Therefore, it would not pose a hazard to birds.

Please see Response to Comment CCL-1-10 regarding potential impacts from air pollution. As discussed in that response, the project will not cause potential adverse air quality impacts.

Please see Response to Comment PDL-2-2 regarding potential impacts from lighting. As discussed in that response, the project will not cause adverse impacts to nighttime views in the area.

Please see Response to Comment CCL-6-1 regarding potential impacts to biological resources. As discussed in that response, the project will not cause adverse impacts to biological resources.

Comment PDL-25-10: The 80 foot tall stack will be a visual blight. The view is from the ocean and the land—how will people using the ocean or the land be shielded from this ugly visual blight?

Response PDL-25-10: Please see Response CCL-1-5 regarding visual impacts. The addition of landscaping will also minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species.

Comment PDL-25-11: This project must have a full Environmental Impact Report. The many negative impacts on the area must be considered, discussed and mitigation offered by the applicants. This will disclose, as I believe, the negative effects can not be mitigated, requiring the project to be denied.

Response PDL-25-11: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

COMMENT LETTER PDL-26: ART AND JANICE SEROTE

This letter is a duplicate of letter PDL-21. Please see comments and responses to comments for letter PDL-21.

COMMENT LETTER PDL-27: ROGER G. PARISEAU, JR.

Comment PDL-27-1: The proposed negative declaration for a 45-Megawatt peaker generator at 251 N. Harbor Boulevard insufficiently addresses the disruption and safety issues that will be caused by closures of Harbor Boulevard, by potential releases of hazardous aqueous ammonia, by its affect [sic] on our coast, on our ocean and on the wildlife living in this area.

Response PDL-27-1: Please see Response to Comment PDL-27-2, below, regarding traffic impacts and Response to Comment PDL-27-3, below, regarding potential impacts from releases of aqueous ammonia.

Comment PDL-27-2: Closing Harbor Boulevard will seriously impact our already undersized arteries, such as Gonzales Road, Victoria Avenue, Vineyard Avenue, Ventura Road, among others, that drivers would attempt to use as alternatives to Harbor Boulevard.

> **Response PDL-27-2:** Harbor Boulevard will not completely close during construction of the Project. As stated on page 93 of the MND, construction of the project may necessitate temporary closures of the northbound lane on Harbor Boulevard, during construction of the natural gas pipeline. These closures would be short-term, and a traffic control plant will be required to minimize impacts to traffic on Harbor Boulevard. Therefore, the project will not cause significant adverse impacts to Harbor Boulevard or its arteries.

Comment PDL-27-3: Ammonia even at dilute concentrations is highly toxic to aquatic animals...

> **Response PDL-27-3:** The aqueous ammonia storage and handling systems are described on pages 57-58 of the MND. The project design will include secondary containment for the storage and unloading system, with a capacity sufficient to contain the contents of the entire storage tank plus an additional allowance for precipitation from a 25-year, 24-hour storm event. This secondary containment will prevent release of liquid aqueous ammonia offsite during either a catastrophic failure of the storage tank or an accident during ammonia unloading to the tank. Therefore, the project will not result in the release of liquid aqueous ammonia to the marine environment.

Comment PDL-27-4: I request that you not approve Negative Declaration 07-02 and further that you require the Oxnard Planning Department to execute a full, formal Environmental Impact Report due to this and other omissions in this declaration.

> **Response PDL-27-4:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

COMMENT LETTER PDL-28: LESTER GRAY

This letter does not include comments that require a response.

COMMENT LETTER PDL-29: WILLIAM L. TERRY

Comment PDL-29-1: There needs to be a full E.I.R.. 1. Because there have been many changes in the area since the last E.I.R..

> **Response PDL-29-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PDL-29-2: 2. The Peaker Plant is not a Coastal Dependent project.

> **Response PDL-29-2:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

Comment PDL-29-3: 3. There are at least four (4) peaker plants within five (5) miles of this location. In fact there is a peaker plant within the Reliant Mandalay Bay Power Plant.

> **Response PDL-29-3:** The existing peaker plants in Oxnard cannot provide the electricity and transmission system reliability benefits that will be supplied by the proposed Project. See Response to Comment CCL-1-1 for further discussion of the alternatives to the Project that were considered, including the existing peaking units.

Comment PDL-29-4: 4. The Peaker Plants are not very efficient, which should be controlled by AB32 (GLOBAL WARMING) ...

> **Response PDL-29-4:** Please see Response PDL-11-4 regarding the compliance of the Project with AB32. Potential greenhouse gas emissions are discussed in Response CCL-26-2, which indicates that any greenhouse emissions from the project will be insignificant.

COMMENT LETTER PDL-30: SHERI CALABRESE

Comment PDL-30-1: If this is approved, it will be dangerous for our children and elders, being so close to nitrogen oxide, carbon monoxide, and ammonia substances, as well as, the rest of us.

Response PDL-30-1: Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded and will not cause either regional or localized adverse air quality impacts.

Please see Response to Comment CCL-12-1 regarding aqueous ammonia. As discussed in that response, a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts and would therefore not be dangerous for children or elders.

Comment PDL-30-2: How sad that Edison is looking at our coastal areas to pollute and ruin Oxnard's beautiful beaches, when there are remote areas for them to build a plant.

Response PDL-30-2: The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

COMMENT LETTER PDL-31: GEORGE C. COUDERT AND LINDA COUDERT

Comment PDL-31-1: Our county does not meet current air quality standards now, why would any rational Government body even consider increasing the emission of nitrogen oxides, carbon monoxide, volatile organic compounds and ammonia stored at the site, if this proposal is agreed to.

Response PDL-31-1: Please see Response to Comment CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded and will not cause significant adverse air quality impacts.

Comment PDL-31-2: We must demand from Edison and city government an environmental impact study, anything less would be unconscionable!

> **Response PDL-31-2:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PDL-31-3: ...is the reason they want to put the plant here because it is more cost effective, should they be placing the plant nearer to the area it will most likely serve...

> **Response PDL-31-3:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

COMMENT LETTER PDL-32: PAULINE I. MASON

Comment PDL-32-1: ...an idea like this to ruin the air.

> **Response PDL-32-1:** Please see response to Comment CCL-1-10 regarding potential impacts to air quality. As discussed in that response, the peaker project will not cause adverse air quality impacts and, therefore, it will not ruin the air.

Comment PDL-32-2: We have already become a dumping ground. We don't need any more.

> **Response PDL-32-2:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

Comment PDL-32-3: It's bad for health, Environment, beach restoration and quality of life.

> **Response PDL-32-3:** As discussed in previous response, the Staff Report thoroughly evaluated all potential impacts from the peaker project and concluded that the project would not cause significant adverse impacts.

COMMENT LETTER PDL-33: VENTURA COUNTY DEPARTMENT OF AIRPORTS

Comment PDL-33-1: The Ventura County Department of Airports (VCDOA) commented that it was concerned that the exhaust stack might pose a risk to aircraft and that aircraft might alter their flight paths to avoid the stack and fly closer to residences, causing adverse noise impacts.

> **Response PDL-33-1:** Southern California Edison responded to VCDOA's expressed concerns by analyzing both aircraft safety and potential noise impacts. VCDOA reviewed Southern California Edison's analyses and concurred with the conclusions that the stack would not pose a hazard to aircraft nor would it cause aircraft to alter flight paths or cause adverse noise impacts.

COMMENT LETTER PDL-34: THOMAS S. BEARDSLEY, PRESIDENT BEARDSLEY & SON, INC.

This letter does not include comments that require a response.

COMMENT LETTER PDL-35: PETER ZIERHUT, HAAS AUTOMANTION, INC.

This letter does not include comments that require a response.

COMMENT LETTER PDL-36: TOM WADDELL, STATE FARM INSURANCE

This letter does not include comments that require a response.

COMMENT LETTER PDL-37: REYNA O'NEIL, EXECUTIVE DIRECTOR, EL CONCILIO DEL CONDADO DE VENTURA

This letter does not include comments that require a response.

COMMENTS AND RESPONSES TO COMMENTS MADE DURING THE JUNE 28, 2007 CITY OF OXNARD PLANNING COMMISSION HEARING

Comment PCH-1: We find the mitigated negative declaration deficient for the following reasons. There appears to be confusion in identifying state properties. Mandalay state beach is to the south of the proposed plant site; McGrath state beach is to the northwest of the site and the Reliant plant. This information is significant in conducting a proper analysis within the MND.

> **Response PCH-1:** This comment is identical to Comment CCL-4-1. Please see Response to Comment CCL-4-1.

Comment PCH-2: When evaluating visual impacts, there also appears to be a misrepresentation. It should be noted, and I quote from the document:

> The intervening land between Mandalay state beach and the proposed site is dotted with existing oil structures that are approximately 70 feet high and stacks from the Mandalay generation facility, which is 203 feet high.

That's incorrect. There are no visual barriers between Mandalay state beach and the proposed peaker plant with the exception of a 6-foot chain-link fence that's on the boundary of the park and the Edison property.

> **Response PCH-2:** This comment is identical to Comment CCL-4-2. Please see Response to Comment CCL-4-1.

Comment PCH-3: Impacts to Mandalay state beach, access road and resources, which include federally listed species have not been adequately identified or addressed in the mitigated negative dec. The extent of the area of impact has not been adequately identified.

> **Response PCH-3:** This comment is identical to Comment PDL-6-3. Please see Response to Comment PDL-6-3.

Comment PCH-4: And the landscaping as even discussed this evening proposes the installation of non native trees whose seeds can easily be transported into the park and we an active program in removing non natives there.

> **Response PCH-4:** As requested by the commenter, the Project will use only native plant species in its landscaping plan. Moreover, Special Condition 6, on page 8 of the Staff Report, requires SCE to undertake plant installation and ongoing monitoring and maintenance as outlined in its proposal: "*McGrath Beach Peaker Landscaping Plan*," included as Exhibit 4 of the Staff Report, for the five year term described in that document. Staff will ensure that the selected plants are appropriate for the site and protect Mandalay State Beach.

Comment PCH-5: In addition, in your packet, there's a comment letter from the U.S. Fish and Wildlife Service where they raise substantial questions related to the introduction of trees in the landscape along Harbor Boulevard and around the site which appear to be an integral component for the possible result of adding roost sites for predators for listed species, California least tern and Western snowy plover.

> **Response PCH-5:** To address the potential impact to sensitive species and habitats, SCE has revised its landscaping plan to replace all trees with native brush and shrub species that are not expected to provide perching or nesting habitat for predatory birds of concern. With this change in the landscape plan, California least tern and western snowy plover will be adequately protected from project-related activities.

Comment PCH-6: Given the damage of open spaces and the need for coastal recreation opportunities, we would like to think there is a more appropriate location outside the coastal [zone]

> **Response PCH-6:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PCH-7: Their logic leaves me absolutely speechless. There is talk, and it's very serious talk, of dismantling both of the plants, both Ormand and Reliant. They are both outdated. They are both useless because they are no longer within the current bounds of what's acceptable both in location and in amount of air pollution. They are both need to – in need of being removed.

> **Response PCH-7:** SCE is not aware of any plans for Reliant Energy's Mandalay or Ormand Beach Generating Stations to be dismantled. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay and the coastal fleet.

Comment PCH-8: I think it's about time that if they need to put an eyesore on someone's beach, they look at, oh, I don't know, Santa Barbara or Ventura Harbor. There are other places on the beach in other cities that could take this peaker plant.

> **Response PCH-8:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. This included sites in Santa Barbara or Ventura Harbor. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PCH-9: Why Oxnard? Why nowhere else? Is there nowhere in Spanish Hills that they could put this thing? I mean, why are we the only place in the entire county where this plant can be located?

Response PCH-9: Please see Response to Comment PCH-8 regarding alternative locations.

Comment PCH-10: …everything that they did in the natives is wrong. I didn't see anyting that they really included. They're putting in Eucalyptus, non native.

Response PCH-10: As requested by the commenter, the landscape plan has been revised to only include local native species.

Comment PCH-11: ...they said we don't have building Savannah sparrows. Well, gee, I'll tell that to the flock that lives in my front yard, and I'll make sure that they understand that they don't exist so I won't feed them anymore.

Response PCH-11: Discussion of the presence of Belding's Savanna Sparrow is included on pages 238-239 of the Biological Resources Assessment in Appendix F of the MND. Although the commenter states that a flock lives in her front yard, no potential habitat for this species is present on the project site.

Comment PCH-12: ...and we definitely need a full EIR if anything is put there.

Response PCH-12: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PCH-13: This is an eyesore.

Response PCH-13: Please see Response to Comment CCL-1-5 regarding visual impacts. The addition of landscaping will minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species.

Comment PCH-14: And this is one of the reasons I think we need full EIR. Any project within the coastal zone needs a full EIR or any industrial project, particularly energy project to fully examine all of the -- all of the impacts and the alternatives.

In terms of alternatives, there's an issue of need. What are the real needs and what are the real alternatives?

Response PCH-14: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PCH-15: The letter that was mentioned earlier from Michael Peevey, the president of the Public Utility Commission. I'd like to read another line from it. It says:

> The SCE – meaning Southern California Edison – should pursue the development and installation of up to 250 megawatts of black-start dispatchable generation capacity within its service territory for summer 2007

No place there does it say five peaker plants, and no place there does it say one of them has to be in Oxnard.

Response PCH-15: As discussed in Response CCL-1-1, SCE was ordered by the CPUC to bring on-line by the Summer of 2007 up to 250 MW of SCE-owned, black-start, dispatchable generating facilities that would bring collateral benefits to SCE's transmission and distribution system as well as the CAISO grid. In order to best provide collateral benefits to the transmission and distribution system, SCE identified locations on its system that could most benefit from these projects and proposed constructing five 45-MW peaker projects as the best approach to meeting the 250 MW target.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PCH-16: There are many other alternatives that we should be looking at, not only in location, but ways to meet peak demand. Edison is doing one of them right now with remote control thermostats. During peak times power – your air conditioner can be turned off and then turned back on, cycles on a short term. Private companies are doing the same thing. I'm aware of companies, big nationwide companies, like Auto Zone who now have these programmable thermostats that are controlled from a central location where they can monitor the temperature of the buildings at all times, and they can cycle the air conditioners as necessary. These things are things that should be explored as alternatives in a full EIR.

Response PCH-16: Air conditioner cycling and the use of programmable thermostats are methods of demand side management. These are critically important programs to reduce energy use and SCE is pursuing them vigorously. However, the expected implementation of demand side programs is already included in future energy forecasts that predict the need for more peak generation. Further reduction in energy use does not provide the needed system reliability benefits of black start and quick start emergency power that are needed in the local area.

Comment PCH-17: The mitigated negative dec is totally inadequate, and as the comments were made earlier on the size of the plants and the landscaping, I've looked at those beautiful drawings. Looks like those bushes are 40 feet high, and the comments made about the size they're planting, these are not going to be the -- the peaker plant is not going to be hidden behind these.

Response PCH-17: Please see Response to Comment CCL-1-5 regarding potential visual impacts. The landscaping has been designed to minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species. Although some elements of the project may not be completely shielded by the landscaping, the existing views of and around the project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent. Thus, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the project would not cause a significant adverse aesthetic impact, even without additional landscaping.

Comment PCH-18: And I think that an independent study should be done to show us that we have a need for this...

Response PCH-18: Please see Response to Comment PCH-14 and regarding the need for the Project.

Comment PCH-19: And also I know many of us would like to see us switch to solar. And I think that all of our city buildings should have to have solar panels put on them, and this would decrease our energy needs.

> **Response PCH-19:** While renewable energy projects are valuable sources of energy, they do not have the generation profile needed to meet the purpose and need of the proposed Project. These options do not provide black start, dispatchable generation, nor do they provide the required system reliability benefits. Therefore, they would not attain any of the basic objectives of the proposed Project. Please see Response to Comment CCL-26-1 for additional discussion of the solar energy alternative.

Comment PCH-20: ...there should be a complete EIR.

> **Response PCH-20:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PCH-21: I don't know where it's mentioned about AB32, the global warming bill.

> **Response PCH-21:** AB32, The California Global Warming Solutions Act of 2006, does not include specific requirements that affect the electricity sector. The California Air Resources Board has not yet adopted regulations pursuant to AB32; however the project will comply with all applicable regulations once adopted.

Comment PCH-22: The only reason that Edison want to put this here because they own the property already. And the question about antitrust, Edison has to buy power from Reliant. This Reliant plant has a peaker plant in it already. So they don't need a peaker plant next to it to start it up if it goes down, and this comes straight from a Reliant executive.

> **Response PCH-22:** Although there is a peaker on the adjacent Reliant Energy property. It is not configured with black start capability and is only permitted to operate for a limited number of hours. In addition, as discussed in Response to Comment CCL-17-2, existing peakers within the Santa Clara system, including the Reliant Energy peaker, were already taken into account by the CAISO and the CPUC, prior to determining that more peak generation was necessary. Therefore, the CPUC's order to construct 250 MW of new generation would not be satisfied by assuming that the existing unit is providing the needed electricity.

Comment PCH-23: Environmental justice. Why Oxnard?

Response PCH-23: As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

The primary environmental justice issues that are raised when siting and developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

Further, surveys indicate that the percentage of the population living below the poverty level within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations. Please refer to Response to Comment CCL-3-13 for further discussion of environmental justice.

Comment PCH-24: There's a Santa Clara substation where the power is going to be fed into the network. Why not build the peaker plant there? It's right next to the transmission lines, and it will have a better quick up start there than over here at the Reliant plant.

Response PCH-24: The Santa Clara substation was considered as a potential site for the Project. However, the Santa Clara location has constructability issues and

requires more green field construction than the Mandalay site. Further, having the peaker sited immediately adjacent to the Mandalay Generating Station is the optimal location for black start capability. See Response to Comment CCL-1-1, after additional discussion of the alternative sites that were considered.

Comment PCH-25: The question also has to be addressed and get a straight answer from Reliant is what are they planning for these plants? Are they planning to tear them down?

Response PCH-25: SCE is not aware of any plans for Reliant Energy's Mandalay or Ormond Beach Generating Stations to be torn down. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay.

Comment PCH-26: If you look at population growth between 1965 and currently from Moorpark and Simi Valley and presently to Oxnard, the percentage of growth in Oxnard is considerably less than that for Moorpark and Simi Valley. That is, the demand for energy consumption on a percentage basis increases significantly in those two communities. They're also on the power grid, so the peaker plant, which is going to be used to primarily supply power during peak hours, i.e., high demand for energy to power air conditioners and swimming pools, there's higher usage in Moorpark and Simi Valley than in Oxnard. Very few people own air conditioners in Oxnard. Why? Because it's temperate. The average temperature in Oxnard is what? 70 degrees. If we go to Simi Valley or Moorpark in the summer, we can fry an egg. So I suggest the location of this plant be moved over to that location, not here in Oxnard.

Response PCH-26: As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites in other cities. Siting the project in either Moorpark or Simi Valley would not provide the desired reliability benefits. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PCH-27: And I ask the commissioners to consider the impact that this would have on that Northshore housing development that you've all have approved of. These are all going to be multimillion dollar homes, and I'm sure they don't want to be looking over an eyesore like we have now plus the peaker plant.

Response PCH-27: The MND and the Staff Report evaluated all potential adverse impacts required by the California Environmental Quality Act (CEQA) and concluded that the project would not cause unmitigated significant adverse impacts, including significant adverse impacts to the future residents of the

Northshore development. Specifically, please see Response to Comment CCL-1-5 regarding visual impacts. The proposed landscaping will minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species.

Comment PCH-28: You already have existing power plants here, but most of the power is not going to local use. It's going out of the area. I don't know why we couldn't have more power diverted here and avoid having to have this peaker plant since we already have more than one peaker plant in our area.

Response PCH-28: The majority of the power produced by local generating stations is used to meet local energy demand. However, none of the existing power plants can provide the required reliability needs that will be met by the proposed Project. Please see Response to Comment CCL-17-2 for further discussion of why existing peakers will not meet the purpose and need of the proposed project.

Comment PCH-29: So there is potential for plane crashes in that area. And I can tell you right now that the jets are flying over our neighborhoods already contrary to their flight paths, and we hear them screaming over our neighborhoods already. This is just going to make it worse.

Response PCH-29: Please see Response to Comment CCL-12-2 regarding an evaluation of potential effects on aircraft safety and noise. As discussed in that response, the VCDOA agrees with SCE that the project will not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths and cause adverse noise impacts.

Comment PCH-30: Finally I am also representing the Sierra Club tonight. They have asked me to have you deny this project, and also to ask for a full EIR on this project.

Response PCH-30: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PCH-31: The model used by SCE to mitigate the air quality during dense fog conditions indicate they used data from Ventura County Air Quality Management taken at Emma Woods state beach during a three-month period.

Of course, the conditions at Emma Woods is far different than that we have here in Oxnard. So the site of that I would question. But more importantly, what is the three-month period that they used? Was it April, May and June, because that's when we see the dense fog? Or was it July, August and September when we hardly ever see the fog? So

I'm just questioning that they had actually mitigated the increase in air pollution during dense fog.

> **Response PCH-31:** An air quality model was used to analyze potential localized air quality impacts for carbon monoxide, nitrogen dioxide, sulfur dioxide and particulate matter smaller than 10 microns diameter, PM10. The air quality modeling is discussed on pages 35-38 of the Mitigated Negative Declaration. The statement in the comment that three months of meteorological data were used is incorrect. The air quality modeling used three years of meteorological data collected at the Ventura County Air Pollution Control District (VCAPCD) Emma Wood State Beach site, which is a coastal site that experiences meteorological conditions similar to the conditions experienced at the proposed Project site. These conditions include periods with poor dispersion of emissions, such as occurs during heavy coastal fog. Use of these data was approved by the VCAPCD for the Authority to Construct (ATC) application for the facility. To ensure that potential impacts from operation of the project were evaluated under all meteorological conditions, the modeling was conducted for every hour of the three-year period.
>
> Results from the air dispersion modeling, presented in Tables C-11, C-12 and C-13 (pages 37 and 38) indicated that emissions will not cause federal or California ambient air quality standards to be exceeded. Since these standards have been established to protect public health with an adequate margin of safety, emissions will not cause significant adverse local air quality impacts during operation of the peaker. Thus, air quality impacts to nearby residents or visitors from criteria pollutant emissions will not be significant. Please see Response to Comment CCL-1-10 for more discussion of the air modeling that was performed to assess the potential impacts of the proposed project.

Comment PCH-32: Secondly, their argument about we -- we see increased demand for energy in ten years, so they want to have the peaker plant in place now. Anyone who listens to Sacramento or Washington, D.C., knows that there's a great deal of discussion now talking about carbon taxes, incentives for renewable energy to reduce our dependence on fossil fuels.

So even though there is most likely going to be an increased demand for electricity, I'm hoping that we also see an increased demand for solar roof tiles and then turbines, because I don't think that we can continue to look at these old-fashioned ways of providing our energy demands for electricity.

> **Response PCH-32:** Although solar energy and other renewable resources were considered, these projects do not have the required generation profile to provide the reliability services needed by the local area. See Response to Comment CCL-26-1 for additional discussion of the solar energy alternative and CCL-1-1 for discussion of all alternatives considered.

Comment PCH-33: I'm not happy with the MND, and I'm also not happy with the scare tactics of the threat that we will lose electricity. That's not -- you know, that's very farfetched. It happened a very long time ago, and we all know why. But what I want to talk about is I think we have tipped the scale in the direction of needing a full EIR.

> **Response PCH-33:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PCH-34: There are three species of special concern that were not mentioned at all in any of the documentation. And I worked at the Mandalay beach plant for one year, and I know that two of these species do exist on the property. That would be the horned lizard, which is a special status species. And the anniella pulchra, that's the California legless lizard. It's there, and several people saw it, and we also had one that accidentally got killed. It is special status. And also the globos dune beetle also is presumed to occur in the area; it's not mentioned at all.

> **Response PCH-34:** The statement that three California Department of Fish and Game Species of Special Concern are not addressed in the documentation is not correct. Discussion of these species is included in the Biological Resources Assessment (Appendix F) of the Mitigated Negative Declaration. Table 1, on page 249 of the MND, identifies the Coast horned lizard and Silvery legless lizard as potentially occurring within the project area. The globose dune beetle is discussed on page 239 of the MND. Biological resource expert Kathy Keane of Keane Biological Consulting confirmed in the MND and in subsequent discussion that no potential habitat for this species is present on the project site.

Comment PCH-35: Also, where they're talking about placing the transmission lines, they're not really clear on that, that it might impact the marsh milk-vetch. And I think at that point that -- and other people brought up things, I think that if you really like the idea of a peaker plant, you really need to do a full environmental impact report because that is a federally and state listed plant, and it does occur right near the site.

> **Response PCH-35:** The Commission required a focused survey for Special Status plant species to be performed in the precise locations where Project activities will be conducted east of Harbor Boulevard. This included a specific survey for the Ventura marsh milk-vetch. This focused survey was conducted by Glenn Lukos Associates on May 16, 2008 in conjunction with the Commission's staff ecologist. An additional site visit occurred in June of 2008. In none of the biological surveys that have been conducted in either September 2006, February 2007, May 2008, or June 2008 was the presence of any Special Status species

detected within the proposed project area. Please see Response to Comment CCL-6-1 regarding potential impacts to threatened and endangered species.

Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PCH-36: The MND must address requirements of AB32 with respect to greenhouse gas. CO2 or carbon dioxide, which is a major contributor from greenhouse gas release from these type of facilities. The air quality impact analysis doesn't even address CO2 emissions at all.

Also remember what was said at the BHP Billiton LNG hearings. Coastal commission executive director Peter Douglas said that as part of the environmental review process, there must be evaluation of a project's potential effect on global warming.

Also, lieutenant governor John Garamendi said that every environmental impact statement with LNG and any energy source has and must deal with the total greenhouse gas emissions and that the state – the current state law requires it.

Response PCH-36: The Commission has conducted a full evaluation of greenhouse gas emissions from the proposed project. Please see Response to Comment CCL-26-2 for a summary of these findings.

Comment PCH-37: A couple of things. Number one, all information that we have is that Mandalay and Ormand will be declared nonessential to the grid. The other thing is from what we're hearing is they're too old to really be reworked into the -- the new to gen power plants.

Response PCH-37: SCE is not aware of any plans for Reliant Energy's Mandalay or Ormond Beach Generating Station to be shut down. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay and other coastal generating stations.

Comment PCH-38: And when they go away, there's no real reason for the new power plants to be on the beach. That's too expensive; too fragile; too environmentally sensitive. There's no reason why they can't be farther inland on the grid.

Response PCH-38: Recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.

Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the Mandalay Generating Station will remain in operation for the foreseeable future in either its current or in a repowered configuration.

Comment PCH-39: One of the things that struck me is the height of the emissions stack and the effect it would have on aircraft. One of the hot points on my agenda is the fact that too many planes are veering to the south over residential neighborhoods right now. And that needs to be corrected.

There's a huge ocean straight off the runway. All turns should be made over the ocean not over residential neighborhoods, and if this 80-foot stack encourages more turns to the south over residential neighborhoods, that's to the extreme detriment of our community.

Response PCH-39: Please see Response to Comment CCL-12-2 regarding potential impacts to aircraft operations. As discussed in that response, VCDOA concurs with SCE that the Project will not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths or cause adverse noise impacts.

Comment PCH-40: I'm very much opposed to this, as well as the fact that it's just another source of greenhouse gases.

Response PCH-40: Please see Response to Comment CCL-26-2 for a summary of the greenhouse gas emissions from the project. The Commission has thoroughly assessed the emissions from this Project and determined that they will be insignificant.

Comment PCH-41: And you know, if you also – if you like the idea of this peaker plant, I – I suggest that there are already five peaker plants in our city. Five. Including the one there at the Reliant plant. Why don't these companies with all this money they have – why can't they work together and just enhance those that we already have instead of building another one and bringing more pollution to our area? They just don't – you know, work together and work on those.

Response PCH-41: The existing peakers cannot provide the needed local reliability services. See Response to Comment CCL-17-2 for further discussion on why the existing peakers do not meet the purpose and need of the proposed project.

Comment PCH-42: I'm not only concerned about the wildlife, I'm concerned about our health, our children, their children's health.

Response PCH-42: Please see Response to Comment CCL-6-1 regarding potential impacts to threatened and endangered species. As discussed in that response, the Project will not cause significant adverse impacts to wildlife.

Further, the Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. Therefore, the Project will not have adverse impacts on human health.

Comment PCH-43: We don't want the noise; we don't want the worse air quality coming in; we don't want the dangers of what happens if there's an accident out there.

Response PCH-43: Please see Response to Comment CCL-5-2 regarding potential noise impacts. As discussed in that response, the project will not cause significant adverse noise impacts.

Please see Response to Comment CCL-1-10 regarding air quality impacts. As discussed in that response, the peaker project will not cause significant adverse localized or regional air quality impacts.

Please see Response to Comment CCL-12-1 regarding potential off-site impacts caused by a catastrophic release of hazardous chemicals stored at the facility, specifically aqueous ammonia. As discussed in that response, a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts. Additionally, the design of the aqueous ammonia storage and delivery system includes engineering features to minimize the potential for a release.

Comment PCH-44: Now we'll go to the lead spokesman who stood before you, and she said, no, Oxnard is not the only site that we can use in the system.

Response PCH-44: SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PCH-45: It doesn't require. Move it inland. That's where the electricity is going to go anyway.

Response PCH-45: As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura,

and Santa Barbara communities. The power generated from this site is not intended for inland use.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.

Comment PCH-46: Currently the requirement for noise abatement is that all planes take off north of Fifth. Some as have been mentioned veer, cut across too soon. But essentially this is going to move the flight path right over Oxnard Shores...

Response PCH-46: Please see Response to Comment CCL-12-2 regarding potential impacts to aircraft operations. As discussed in that response, the VCDOA concurs with SCE that the Project will not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths or cause adverse noise impacts.

Comment PCH-47: With an EIR, you're familiar with your EIRs, you would have received a notice of preparation that said to responsible and trustee agencies. And it may have read something like this. The city of Oxnard will be receiving an environmental impact report to prepare a proposed Project that describes the attached notice of preparation. The city needs to know the view of your agency regarding the scope and content of the environmental information that we use in this EIR. The project description, location, environmental issues to be addressed in the EIR or obtained material.

You would have read something like that along those lines if you had the EIR. You would also had the letter from the clearing house from the state of California telling all agencies to forward their information to you so you do a proper study of all the impacts.

Along those lines, you probably would have received a letter also probably from the California Regional Water Quality Control Board.

You may have received a letter from the Department of Toxic Substance Control whether there was any issues on that land.

You may have received some letters from the neighboring cities, maybe Camarillo, Ventura in regards to how they feel about this peaker plant taking place. But because we don't have an EIR, because we have a mitigated negative dec, we don't quite have those letters or comments or qualified testimony in the document itself.

My point is I understand the negative dec, how it works. I also understand how it kind of underscores or gets away from giving the full information to the public. If you're going to make a decision on this, you should at least have all of the information in front of you, and that's very, very important. Without the EIR, it's not a complete report.

> **Response PCH-47:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PCH-48: But one of the things that concerned me was the fact that the noise issue had not been addressed, especially with the new information that came regarding the flights.

> **Response PCH-48:** Please see Response to Comment CCL-5-2 regarding potential noise impacts caused by operation of the peaker facility. As discussed in that response, the results of noise modeling indicated that noise caused by operation of the peaker facility would not be audible at offsite locations.
>
> Please see Response to Comment CCL-12-2 regarding potential noise impacts from aircraft. As discussed in that response, As discussed in that response, the VCDOA concurs with SCE that the Project will not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths or cause adverse noise impacts.

Comment PCH-49: I'm not quite sure about the -- the aqueous ammonia. They said that it's not as detrimental as what they're using now, that this is a low-grade. But it doesn't say that in -- in the information that we have. It's -- it's written as if there is a danger. And so that concerned me.

> **Response PCH-49:** Please see Response to Comment CCL-12-1 regarding analyses of potential off-site impacts from a catastrophic release of aqueous ammonia. As discussed in that response, analyses concluded that a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts.

Comment PCH-50: I -- I know that they -- they say that this plant will be supportive of the one that is already there. So if it supports the one that is already there, what happens if that one leaves? That was a concern that I had because it was mentioned that it may go away in three or four years or something like that.

> **Response PCH-50:** SCE is not aware of any plans for Reliant Energy's Mandalay Generating Station to be shut down. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay. However, even if the Mandalay Generating Station would cease operations, the other benefits of having a peaker at the proposed site would remain.

Comment PCH-51: But it also in the information that we have talks about various impacts to the -- the plant species, the native plant species and that it would significantly affect them.

> **Response PCH-51:** Please see Response to Comment CCL-6-1 regarding potential impacts to special status plant species. The project will not have a significant adverse impact on native plant species.

Comment PCH-52: And then it also talks about the water issue and how it may affect the vegetation and the wildlife there.

So those were some items that I was not clear on that was really mitigated because it says that it --there would be a reversal of the -- let's see, where is it? That this impact would be temporary and reversible and thus there's significant criteria presented in this specific section 5.1 would not be considered significant.

But the information they gave in 5.1 didn't really tell me what would be done to mitigate the problem.

> **Response PCH-52:** This comment is presumably referring to portions of Section 5.2.4 in the biological assessment report in Appendix E for the MND. As discussed in that section of the appendix, indirect impacts on vegetation (and wildlife) could occur as the result of impacts to water quality by siltation and urban pollutants. Runoff from improper disposal of chemicals (including petroleum) and other materials construction (temporary) and use of herbicides and insecticides (permanent) could adversely impact water quality in the Edison Mandalay canal. Additionally, increased siltation caused by disturbing the soil (temporary) and increased hardscape (permanent) could also adversely affect water quality. This impact could be significant per criteria 2 of the significance criteria presented in Section 5.1 of the appendix, but can be minimized to less than significant by implementation of Mitigation Measure 4, which imposes several restrictions on construction activities to avoid impacts to water quality and potential resulting indirect impacts.
>
> As stated in Condition 3(a) in the Staff Report (page 7), "All 'indirect impact' minimization measures described within the Mandalay Peaker Project Biological Resources Assessment, dated February 2007, prepared by Keane Biological Consulting, shall be strictly adhered to and incorporated into all final project design plans, construction methodologies and management practices." Therefore, implementation of Mitigation Measure 4 in the biological resources assessment will avoid indirect impacts on plant communities and vegetation.

Comment PCH-53: So those were some items that I was not clear on that was really mitigated because it says that it -- there would be a reversal of the -- let's see, where is it? That this impact would be temporary and reversible and thus there's significant criteria presented in this specific section 5.1 would not be considered significant.

But the information they gave in 5.1 didn't really tell me what would be done to mitigate the problem.

> **Response PCH-53:** As stated at the conclusion of Section 5.1 of the biological assessment report in Appendix E for the MND, which presents significance criteria:
>
> > "Direct impacts are long-term and directly remove a resource such as trees and other vegetation or breeding habitat for wildlife species. Mortality (killing) of an animal that could result from such activities would also be considered a direct impact. Indirect impacts would include the potential loss of habitat used for foraging by some wildlife species, or high noise levels and project lighting that may affect wildlife populations in the project vicinity."
>
> Thus, impacts that are temporary and reversible would not be considered significant adverse impacts. As stated in section 5.2.4 of the biological assessment report in Appendix E for the MND ,vegetation in the project vicinity, particularly the coastal dune vegetation east of the project site, could be adversely affected by dust and airborne pollutants generated by construction vehicles during project construction. However, this impact would be temporary, because it only would occur during the construction period, and would be reversible after construction ended. Therefore, it would not be a significant adverse impact, and, therefore, mitigation is not required.

Comment PCH-54: So as far as the MND, I think we need a complete EIR.

> **Response PCH-54:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PCH-55: And she commented that the biological studies on bird migration -- birds impacting the facility; birds not knowing if it's daytime or nighttime; birds not knowing whether they should eat or not eat -- that the studies were inadequate on that.

And adapting that rationale to what I'm looking at here, which people have -- I know it's in this staff report, and I know it's in the negative mitigation declaration that we got. But I don't think it's been adequately addressed. As a matter of fact, it's just been kind of thrown aside.

The lighting to me is a very important issue. The lights are going to be pretty much the same according to the document I read that's on the existing Mandalay Reliant plant now.

Response PCH-55: As stated on page 22 of the MND, new lighting that will be installed on the proposed equipment will be consistent in intensity and type with the existing lighting on equipment within the Mandalay Power Generation facility. Since new lighting will be consistent with the existing lighting on the Mandalay Power Generation facility, it will not introduce a substantially different type of lighting in the area. Therefore, it is not anticipated to cause significant adverse impacts to birds.

Comment PCH-56: But I pointed out that the projections that they were showing on particularly northbound Harbor as you view it from Fifth did not take into account what was happening at Northshore with respect to road improvements.

Harbor Boulevard at that location -- and I told them this; I don't think anyone wrote it down because I'm seeing the identical photos tonight as I saw then.

Harbor Boulevard at that location is going to be four lanes. There is a landscape plan that's going to allow for walkways and bikeways -- bicycle paths, and all kinds of development, beautiful development from Fifth Street to the Edison canal. That is not reflected in any of the photos that you've shown us. The increase in recreational use that's being anticipated for that particular part of Harbor, not to mention the increased traffic that's going to be coming to that area of Harbor Boulevard. So as far as I'm concerned, the projections that we're seeing here are not adequate and not inclusive.

Response PCH-56: The widening of Harbor Boulevard is discussed on page 27 of the Staff Report. This widening will occur on the opposite side of the street from the site of the proposed Project and would not be affected by it. The visual simulations only simulated changes directly caused by the proposed Project.

Comment PCH-57: And in that utilities section, it doesn't say that there's any anticipated need for future electricity. It doesn't -- yeah, we're growing. We're growing like mad. But in all those huge projects that we're looking at, including the 190 houses that we just voted no on for those of you who say we don't vote no on anything. We just voted no on that last week. That one. The Southwinds -- those are the two that come off the top of my head right now since I've been working since 6:00 this morning -- have no impact with respect to utilities. So I'm questioning that why now we just automatically say growth/need, growth/need.

Response PCH-57: Even with the additional installed and anticipated new generating resources that will have come on-line, CAISO still predicts a 10% risk that operating reserves in Southern California could be insufficient this summer. Although new resources have been procured and will continue to come on-line, SCE predicts that there remains a significant need for additional peaking resources in the future.

Further, the local emergency functions of the proposed Project have yet to be filled. There is currently no black start facility in the Oxnard area that is capable of black starting either the Mandalay or the Ormond Beach generating stations in

the event of an emergency. And, as was just demonstrated in the recent July 2008 Gap fire, Santa Barbara does not have sufficient local generation resources to meet the existing electricity demand in the event that the main transmission line that supplies the area is taken out of service. The proposed project will address both of these emergency needs by: 1) supplying black start capability to the Mandalay Generating Station and from there to the Ormond Beach Generating Station, and 2) providing the system support needed to provide additional power to the Santa Barbara system during emergencies.

Comment PCH-58: And I really, you know question the timing; I question the location; you know, the fact that we have two other similar plants in close proximity. You know, I just really have – I really have some issues with this project. And again, I was hoping to be persuaded that it was -- it was needed.

Response PCH-58: Please see the above Response to Comment PCH-57 regarding the need for the project.

Comment PCH-59: You guys yourself said that it could be in another location, but you chose to put it in Oxnard.

Response PCH-59: SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the City of Oxnard. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PCH-60: As counsel for Southern California Edison has stated, there's a number of different ways to interpret the statute. Off the top of my head, I can't recall, but I think there's something like 19 different analyses that we go through. However, the top two are usually determined, the purpose, the intent of the legislative body, and determine the plain meaning.

Southern California Edison is saying the plain meaning does not prohibit. The staff is saying look at. One of the statements made in 17-20a is (unintelligible) consistency with the Oxnard coastal land use plan following coastal act provisions in land use planned policy shall apply, one, coastal dependent energy facilities.

It's within the province of the planning commission to determine -- because this is a -- there's no permitted uses. These are all conditional permitted uses, if you will whether this is consistent with the zoning purpose.

Southern California Edison is correct in that it doesn't say only coastal dependent energy facilities. Staff is correct in saying look at the purpose.

This is -- I'm going to kick it back to the planning commission. This is within your province.

Response PCH-60: As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

The commenter is incorrect in asserting that the plain meaning of the statute can be ignored. According to the rules of statutory construction, "[I]n interpreting a statute a court should always turn to one cardinal canon before all others. . . [C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there." *Connecticut Nat'l Bank v. Germain*, 502 U.S. 249, 252 (1992). The words of the Oxnard Coastal Zoning Ordinance are clear and unambiguous and therefore statutory construction is limited to giving the words of the statute their usual and ordinary meaning. The EC zoning designation specifically allows "power generating facilities and electrical substations." Therefore, the proposed Project, which consists of a power generating facility. can be constructed in the EC zone. Please see CCL-25-1 for further discussion of statutory construction.

Comment PCH-61: Now we're back to the point of whether it's allowed here or not.

Response PCH-61: Please see above Response to Comment PCH-61.

Comment PCH-62: Another point I'm discussing MND versus going with the full EIR. One of the questions was asked and the answer we got is the four other projects all went through the MND process and not full EIRs. I'd like to interject that those weren't on our pristine coastline either. Certainly we're not talking apples and apples here.

I have trouble with the MND for -- for just that reason.

Response PCH-62: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PCH-63: I also feel very strongly as with Commissioner Frank on the issue of the MND. I feel that it's inadequate in the same very similar format that you had stated -- and I won't repeat it because it's getting late. But I do feel that it does need an environmental impact report in order to establish this project as being viable.

Response PCH-63: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission

calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment PCH-64: As far as the coastal permit, I strongly feel that the aesthetics of this project is really lacking.

Response PCH-64: Please see Response to Comment CCL-1-5 regarding potential visual impacts. As discussed in that response, the existing views of and around the project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent. Thus, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings and would not cause significant adverse aesthetic impacts. The landscaping will minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species.

Comment PCH-65: The improvements on Harbor were not even demonstrated within this proposal.

Response PCH-65: The improvements along Harbor Boulevard are associated with the Northshore development and will occur across the street from the proposed Project. The environmental impacts from the Northshore at Mandalay Bay residential development, were evaluated as part of the proposed Project's cumulative impacts analysis. Improvements along Harbor Boulevard associated with the Northshore development will not alter the conclusions that the peaker project will not cause significant adverse impacts.

Comment PCH-66: The biggest factor is that alternate locations should be considered as part of this environmental review. I think that's critical that we establish what environmental impacts would occur as an alternative location would be considered.

Response PCH-66: SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff. As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. Please see Response to Comment CCL-1-1 for a discussion of the alternatives that were considered.

Comment PCH-67: And I'm under the understanding that there is no problem in the amount of energy we have as far as supplying to the city of Oxnard.

The commenter is incorrect in implying that the Project is not needed. The project is being constructed to fill important reliability needs in the local area. Please refer to CCL-9-1 for a full discussion of the local benefits from and need for the proposed Project.

Comment PCH-68: And noting that, they said that Edison – or Reliant said that Oxnard is the best place that will benefit this. Go to the second best place and put the -- best place, and I think we have enough.

Response PCH-68: SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the city of Oxnard. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment PCH-69: And the bottom line, it goes to the core. We're having global warming. Our ice shelves are melting. Within ten years, it was gone. Okay? I want to make a difference in burning of fossil fuels and force them or even – make a mark saying we're going to other alternative energies. I would like not -- I can't lend my vote to this at this time because of multiple reasons, and bottom line is global warming.

Response PCH-69: Please see Response to Comment CCL-26-2 regarding greenhouse gas emissions. As discussed in that response, potential greenhouse emissions from the Project will be insignificant.

COMMENTS AND RESPONSES TO COMMENTS MADE DURING THE JULY 24, 2007 CITY OF OXNARD CITY COUNCIL HEARING

Comment OCCH-1: They refer to when they need a peaker plant when Reliant goes down. Reliant has a peaker plant within the plant, and within this area for five miles, there's four peaker plants. So why do we need another one here?

> **Response OCCH-1:** See Response to Comment CCL-17-2 regarding why the existing peaker plants will not fulfill the purpose and need for the proposed project.

Comment OCCH-2: It's kind of questionable why they want to put it in Oxnard. These peaker plants, they don't have to have five of them to get 250 Megs.

> **Response OCCH-2:** See Response to Comment CCL-9-1 regarding the local need for the project. See Response to Comment CCL-27-4 regarding why five projects were proposed for construction.

Comment OCCH-3: The other thing is that it says this is a coastal act, is a coastal-dependent development or use means development or use required onsite to be able to function at all...

> **Response OCCH-3:** As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

Comment OCCH-4: … and also, it's cumulative. You have a gas sweetening plant out there, along with Edison – I mean with Reliant, which accumulates quite a bit of smog.

> **Response OCCH-4:** A cumulative impacts analysis was performed as part of the project's environmental analyses. This analysis concluded that that the Project will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities. See Response to Comment CCL-2-2 for additional discussion regarding the cumulative impacts analysis.

Comment OCCH-5: We would like to recommend to the city council of Oxnard and Southern California Edison to examine alternatives to meeting energy demand other than the natural gas peaker plant.

The Community Environmental Council is environmental nonprofit based in Santa Barbara. Our flagship campaign is actually weaning the tri-county area off fossil fuels by 2033 or sooner.

While we understand that the peaker plant proposal resulted from an order from the Public Utilities Commission to quickly meet additional peak demand, we encourage sc --

SCE to examine alternatives to natural gas as an energy source, for example, concentrating solar power.

> **Response OCCH-5:** SCE considered concentrating solar energy projects, but their generation profile will not provide the desired local reliability benefits. See Response to Comment CCL-26-1 for additional discussion of the solar energy alternative.

Comment OCCH-6: And if -- take a look at the map over there. If you look at where the Channel Islands Harbor is, if you go out there a little bit, I've been out there in my boat. You get an excellent stereo -- stereoscopic view of two smokestacks -- or actually, three smokestacks just pouring smoke and pollutants into our -- our county right now.

This company wants to add an additional source of pollution to -- to our community and not taking into consideration that we already have two plants here that are pumping out all kinds of NOx and pollution.

> **Response OCCH-6:** The visible plumes from the power plant stacks are water vapor, not smoke. When the hot water vapor in the power plant exhaust mixes with the air, the water vapor cools and condenses, which causes the visible plume. Other gases emitted from the stacks, including nitrogen oxides (NOx) are essentially invisible.
>
> Please see Response to Comment CCL-1-10 regarding air quality impacts. As discussed in that response, the peaker project will not cause significant localized or regional air quality impacts.

Comment OCCH-7: So – and we do not get the benefit from those power plants. Most of that power is being distributed elsewhere…. Why are we at the end of the power grid where we have two power plants here already, and those power plants have existing peaker plants with them. They don't need to be started by this additional plant.

> **Response OCCH-7:** The bulk of the energy produced by the local power plants is consumed in the local area. It is not distributed elsewhere. See Response to Comment CCL-17-2 regarding why the existing peaker plants will not meet the purpose and need of the proposed project. Further, none of these resources have black start capability that can be used to start the Mandalay Generating Station in an emergency.

Comment OCCH-8: So I would encourage people to go out and take a look at the amount of pollutants coming from the plants that we have already and – and consider that as the whole and not just look at this one peaker plant out of -- out of the whole context of the pollution that's being brought to our county.

> **Response OCCH-8:** Please see Response to Comment CCL-1-10 regarding the evaluation of potential adverse air quality impacts. In particular, as discussed in that response, the peaker facility will not cause significant adverse air quality impacts. Potential regional air quality impacts caused by NOx or ROC emissions

are accounted for in the air basin planning process conducted by the VCAPCD to ensure they are being accounted for and offset. Therefore, the peaker facility will not cause adverse regional air quality impacts in the context of other regional emissions.

Comment OCCH-9: What we need is 21st century answers to our energy needs, and that includes solar, wind power, and we've got the technology to do it, and the price of it's all coming down.

Response OCCH-9: Renewable energy projects were considered for the current application, but these types of projects cannot provide the desired local reliability benefits. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment OCCH-10: By their own admission, this plant would increase air pollution.

Response OCCH-10: Please see Response to Comment CCL-1-10 regarding the evaluation of potential adverse air quality impacts. As discussed in that response, the analyses of potential air quality impacts concluded that the Project will not cause either regional or localized adverse air quality impacts.

Comment OCCH-11: They also glossed over the fact they could build this facility in Moorpark under the same CPUC guidelines that they used to say they needed to build it in Oxnard.

Response OCCH-11: SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including the city of Moorpark. Locating the project in Moorpark would not provide the desired local reliability benefits. Further, this site would place the project immediately adjacent to residential homes. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment OCCH-12: If we approve this power plant, we pay for it in many ways, but the most hurtful, of course, is the increase in pollutants that threaten the health of our community's citizens.

Response OCCH-12: Please see Response to Comment CCL-1-10 regarding the evaluation of potential adverse air quality impacts. In particular, as discussed in that comment, results from the air dispersion modeling, presented in Tables C-11, C-12 and C-13 (pages 37 and 38) in the MND indicated that emissions will not cause federal or California ambient air quality standards to be exceeded. Since these standards have been established to protect public health with an adequate margin of safety, emissions will not cause significant adverse local air quality impacts during operation of the peaker. Additionally, as shown in Table C-15 (page 41) of the MND, all of the estimated health risks from the HRA are below

the significance thresholds established by the VCAPCD. Therefore, air quality impacts to nearby residents or visitors from TAC emissions will not be significant. Thus, air quality impacts to nearby residents or visitors will not be significant and will not adversely affect the health of the community's residents.

Comment OCCH-13: But it also has an adverse effect on the environment.

Response OCCH-13: The Staff Report adequately evaluated all environmental topic areas. The Staff Report concluded, on page 42, that "...the proposed Project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970." Therefore, the project will not cause significant unmitigated adverse impacts on the environment.

Comment OCCH-14: It takes money and attention away from the inevitable need to find and support renewable energy sources… If we are ever going to take the issue of global warming seriously, follow our governor's call for reducing our collective carbon footprint, we must take these steps now.

Response OCCH-14: The proposed Project neither displaces nor diverts resources from the development of renewable energy sources. On the contrary, peaker plants like the proposed Project fill an important role in the integration of renewable energy, since their ability to follow load make them ideal to supplement and "fill in behind" intermittent renewable sources like wind and solar to keep the voltage and frequency of the grid stable. Renewable energy sources were considered, but cannot provide black start, dispatchable generation or the required grid reliability benefits that are the focus of this project. See Response to Comment CCL-1-1 for discussion of the alternatives that were considered.

Comment OCCH-15: There appears to be confusion in describing and analyzing state-owned property. In describing the project's location, it should be noted that Mandalay State Beach, not just state property, is on the south of the proposed plant site, and McGrath State Beach is to the northwest of the site and the Reliant Energy plant. This information is significant for both the analysis and complete evaluation required by CEQA.

Response OCCH-15: This comment is identical to Comment CCL-4-1. Please see Response to Comment CCL-4-1.

Comment OCCH-16: The MND misrepresents visual impacts. When evaluating visual impacts of the proposed Project, it should be noted that -- and I quote from the document -- "the intervening land between Mandalay State Beach and the proposed Project is not dotted with existing oil processing structures that are approximately 70 feet high and stacked so the Mandalay generation facility, which is 203 feet high. All that separates Mandalay State Beach from the proposed peaker plant site is a six-foot chain link fence on the Edison property."

Response OCCH-16: This comment is essentially identical to Comment CCL-4-2. Please see Response to Comment CCL-4-2.

Comment OCCH-17: Impacts to the access road and resource at Mandalay State Beach have not been evaluated and mitigations considered. The extent of the area impact has not been adequately defined; therefore, it's inadequately evaluated for construction biological survey purposes.

Response OCCH-17: This comment is essentially identical to Comments PDL-6-3 and CCL-4-4. Please see Response to Comment PDL-6-3 and Response to Comment CCL-4-4.

Comment OCCH-18: Of note is the proposed landscaping. It's not appropriate for a coastal dune environment. The U.S. Fish and Wildlife Service, in their comment letter on the MND, has raised concern about the landscaping, and we at State Parks who have worked diligently to remove non-native species from our property cannot support the proposed planting pallet.

Response OCCH-18: This comment is essentially identical to Comment PCH-5. Please see Response to Comment PCH-5.

Comment OCCH-19: The City's LCP is clear that this is not a coastal-dependent use.

Response OCCH-19: As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

Comment OCCH-20: Given the vanishing open space and the need for coastal recreation opportunities, we'd like to think of a more appropriate location outside the coastal zone for the proposed facility that will be used for seasonal peak purposes can be found. Such action would be consistent with the City's LCP.

Response OCCH-20: SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Further, the MND and Staff Report concluded that the construction of the proposed Project at this location would not have a significant adverse impact on either open space or coastal recreation opportunities, and is fully complaint with all sections of the City's LCP.

Comment OCCH-21: It's feasible to build a substation in east Ventura County versus west Ventura County.

> **Response OCCH-21:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including sites in east Ventura County. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment OCCH-22: So while these two plants, Ormond Beach and Mandalay Beach, have been underutilized, there is no need to build a peaker plant where the demand isn't there. The demand actually takes place in east Ventura County.

> **Response OCCH-22:** The Project was sited at the location where it would provide the greatest local reliability benefits. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including sites in east Ventura County. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment OCCH-23: … keep in mind this project would have an adverse effect to the safety, health, and welfare of the public in the adjacent buildings.

> **Response OCCH-23:** Impacts on the Northshore residential housing development were considered as part of the MND and Staff Report's environmental analysis. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could affect the residents in the adjacent buildings. Therefore, there will be no significant safety, health, or welfare impacts on the public.

Comment OCCH-24: The other thing is a couple speakers said this would improve the appearance of the site. ... It's certainly not going to look better with this big smokestack and facility there.

> **Response OCCH-24:** Please see Response to Comment CCL-1-5 regarding visual impacts of the facility. As discussed in that response, the facility will not cause significant adverse visual impacts.

Comment OCCH-25: It never said five peaker plants, never said Oxnard, and it certainly didn't say they -- a peaker plant had to be built in the Coastal Zone.

> **Response OCCH-25:** SCE was ordered by the California Public Utilities Commission ("CPUC") to bring on-line by the Summer of 2007 up to 250

megawatts ("MW") of SCE-owned, black-start, dispatchable generating facilities that would bring collateral benefits to SCE's transmission and distribution system as well as the California Independent System Operator ("CAISO") grid.

In order to best provide collateral benefits to the transmission and distribution system, SCE identified locations on its system that could most benefit from the peaker projects. One of these areas was the Ventura/Santa Barbara county area. Within this area, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment OCCH-26: Also, the MND for the peaker is legally deficient and must not be considered. An EIR must be done...

Response OCCH-26: Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Comment OCCH-27: ...and it also must address the requirements of AB32 with respect to greenhouse gas. CO2 is the major greenhouse gas that we have, and the air quality impact analysis of the MND does not address CO2 emission. And since the peaker proposal is in the coastal zone, you have to -- to look at what the coastal commission is looking at.

And you'll remember at the coastal commission hearing on BHP Bulletin LNG, the Lieutenant Governor, John Garamendi, said that every Environmental Impact Statement with LNG or any energy source has to be and must deal with the total greenhouse emissions and that that current state law requires it.

Response OCCH-27: Please see Response to Comment PDL-11-4 regarding the compliance of the Project with AB32. The Commission has conducted a full evaluation of greenhouse gas emissions from the proposed project. Response to Comment CCL-26-2 summarizes this analysis, which concludes that greenhouse emissions from the project will be insignificant.

Comment OCCH-28: Um, why don't they build the peaker plant and tear down all of this that they've got on our beach and move the whole thing to the east point where it's obviously needed -- their power is needed more than it is here.

See Response to Comment CCL-9-1, for a discussion of the need for the proposed project.

Comment OCCH-29: All this pollution they're going to emit to our air. Another thing is that I don't -- there was no mention of AB32, this global warming bill, on how it -- and how it's going to comply with this, how it's going to comply.

Response OCCH-29: Please see Response to Comment CCL-1-10 regarding potential adverse air quality impacts. As discussed in that response, the project will not cause significant adverse air quality impacts.

See Response to Comment PDL-11-4 regarding the compliance of the Project with AB32. The Commission has conducted a full evaluation of greenhouse gas emissions from the proposed project. Response to Comment CCL-26-2 summarizes this analysis, which concludes that greenhouse gas emissions from the Project will be insignificant.

Comment OCCH-30: We don't need this plant. We have several already. They can work on enhancing those that already exist.

The commenter is incorrect in implying that the Project is not needed. See Response to Comment CCL-9-1 for a discussion of the need for the proposed Project. See Response to Comment CCL-1-1 and CCL-17-2 for a discussion of why the existing facilities do not meet the purpose and need of the proposed Project.

Comment OCCH-31: Are we benefiting specifically the citizens of Oxnard? We should not look at it so selfishly as that is our only goal. But if we are benefiting citizens from other areas of this county at the expense of the citizens in Oxnard – an item that came up during the LNG hearings, the environmental discrimination issue, I think that's unfair. That's not share and share alike.

Response OCCH-31: The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the City of Oxnard. The proposed site on SCE-owned brownfield land

adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Comment OCCH-32: If the Edison Company can state that this is the only place this site can be, it would make me look at it differently. But they have not stated that. The issue of coastal dependent use, I don't -- in my mind, this does not meet a coastal dependent use, strictly coastal dependent use.

Response OCCH-32: No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

Comment OCCH-33: But I think that we still have problems with the exhaust stack out there, and I'm sure that Edison wouldn't check with the airport, but if when the airplanes take off they have to veer over towards Oxnard Shores, you know, which is a residential development, and the air quality, I think, is -- is -- is going to be, um, intruded upon.

Response OCCH-33: Please see Response to Comment CCL-12-2 regarding potential impacts to aircraft operations. As discussed in that response, VCDOA concurs with SCE that the Project would not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths or cause adverse noise impacts.

Comment OCCH-34: There's rare species out there, and -- in that area.

Response OCCH-34: Please see Responses to Comments CCL-3-8 and CCL-6-1 regarding potential impacts to biological resources. As discussed in those responses, the project will not cause significant adverse impacts to special status animal or plant species.

Comment OCCH-35: And, um, the North Shore development is coming up to that -- I think it's going to be right across the street, uh, and I think it's going to probably hurt the quality of life for all those individuals there and also for the rest of the residents of Oxnard.

Response OCCH-35: The comment that the Northshore development will be directly across Harbor Boulevard from the peaker project is incorrect. The Northshore development will be located 750 feet to the southeast of the peaker site. Additionally, the MND and the Staff Report thoroughly evaluated potential impacts to both the future residents of the Northshore development and the City of Oxnard and concluded that the peaker project would not cause significant adverse impacts.

Comment OCCH-36: ...and to put something that ugly next to those homes in particular just doesn't make sense.

Response OCCH-36: Please see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that comment, pages 25 and 26 of the Staff Report state:

> "As demonstrated by the photographs in Exhibit 3, the existing views of and around the project site are primarily industrial and energy related in nature and no significant visual or aesthetic resources are apparent. Currently, the most dominant aspects of the proposed site are the adjacent Mandalay Generating Station and the approximately 10 foot high screened chain-link and barbed-wire fence that surrounds the vacant and graded site."

Since the existing views of and around the project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the project would not cause a significant adverse aesthetic impact. The addition of landscaping will minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species.

Comment OCCH-37: ...I think any additional generating plants that are needed should be put closer to the areas in which they are not currently placed and could be just as beneficial.

Response OCCH-37: The Coastal Act mandates the concentration and consolidation of industrial developments to maintain and enhance marine resources. Section 1.2 of the Oxnard Coastal Land Use Plan also requires that "industrial developments, including coastal-dependent and energy facilities, are also to be concentrated and consolidated as much as possible."

The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.