Th 15b

ADDENDUM TO COMMISSION PACKET

FOR

ENERGY, OCEAN RESOURCES, and

FEDERAL CONSISTENCY

For Thursday, April 9, 2009

Item No. Th 15b **A-4-OXN-07-096**
Southern California Edison

- Ex Parte Communications
- Correspondence

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 Th15b

Date and time of receipt of communication: March, 30, 2009; 3:00 pm

Location of communication: N/A

Type of communication: Telephonic

Person(s) in attendance at time of communication: Mark Nelson, Southern California Edison, applicant; Michelle Nuttall, Southern California Edison; Susan McCabe, McCabe & Company; and Rick Zbur, Latham & Watkins LLP.

Person(s) receiving communication: Dan Secord

Detailed substantive description of the 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 supplied to Commission Staff.

Date:

Signature of Commissioner: Dan Secord

FORM FOR DISCLOSURE OF EX-PARTE COMMUNICATIONS

Name or description of the project: Agenda Item Thursday 15.b.

15.b. Appeal No. A-4-OXN-07-096 (Southern California Edison, Oxnard)

Time/Date of communication: Friday, March 27th, 2009, 9:30 am

Location of communication: La Jolla

Person(s) initiating communication: Dave Grubb (for Sierra Club Los Padres Chapter)

Person(s) receiving communication: Patrick Kruer

Type of communication: Meeting

Disagree with staff recommendation.

Request denial or postponement.

This is a new power plant, not an expansion of an existing plant, and it is not coastal-dependant.

The LCP only allows coastal-dependant uses.

Date: March 27, 2009

Patrick Kruer

EDMUND F. SOTELO
City Manager

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

March 30, 2009

Ms. Bonnie Neely, Chair
California Coastal Commissioners
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Mr. Peter Douglas
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Appeal of the City of Oxnard's Denial of the Southern California Edison (SCE) Peaker Plant Coastal Development Permit (CDP), Located at 251 North Harbor Boulevard: Appeal No. A-4-OXN-07-096

Dear Chair Neely, Commissioners, and Mr. Douglas:

City of Oxnard (City) staff have reviewed the March 20, 2009, Coastal Commission (Commission) staff report (Report) for the Southern California Edison (SCE) Peaker Plant proposed at 251 North Harbor Boulevard (Project). Listed below are significant procedural and environmental errors and omissions in the Report that prevent the Commission from approving the appeal at its scheduled hearing of April 9, 2009, as the Report does not support the required findings proposed on page 78, Section M and on page 8 under "Resolution to Approve Permit."

The Report's errors and omissions are grouped under three main topics:

1) Inconsistencies with the Oxnard LCP and PRC Section 30413(b),
2) Feasible alternatives exist, and
3) Inadequate or incomplete environmental review.

City staff believe these errors and omissions collectively render the Report inadequate and prevent the Commission from making a fully informed decision and/or proposed required findings.

1. Inconsistencies with the Local Coastal Plan (LCP) and PRC Section 30413(b)

The City maintains that Commission staff is misinterpreting the Coastal Energy Facilities (EC) subzone on pages 19 to 21. Our legislative intent and practice for over 25 years is that all energy facilities in the EC zone are required to be coastal-dependent under the meaning of the Coastal Act unless specifically allowed, such as the SCE substation on the EC parcel at Victoria Avenue and Hemlock Street. Mr. Dick Maggio, who was the Community Development Director between 1983 and 2000 when the LCP and zoning were being developed and certified by your predecessors, wrote "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 Energy Uses within the Coastal Zone...Our intent was always that any additional, accessory, or related facilities to Oxnard's two coastal power plants were also to be 'Coastal Dependent.'"[1] City staff is preparing a Coastal Land Use Plan and Zone Text amendment to clarify that EC means "coastal dependent." The amendments should be before the Commission later this year.

The Report's discussion on PRC and LCP consistency (page 18) refers to the reasonable expansion of existing coastal power plants pursuant to Section 30413(b) of the Coastal Act. This discussion relates the Commission's past actions to designate coastal zone areas for "reasonable expansion" of 19 coastal power plants, including the Reliant Mandalay facility. If the Project is a stand-alone facility and Reliant is not a party to the application, then the previous use of the SCE site as an oil tank farm does not qualify it as a designated location under PRC Section 30413(b) in that a tank farm is not a power plant. On the other hand, if the Project is an expansion or accessory use of the adjacent Reliant plant, which seems to be the current SCE argument since SCE emphasizes the need to "black start" the Reliant plant, the Project should be classified as an accessory use that is allowed by the EC zone designation and SCE should be conditioned to remove the peaker plant should the Reliant plant be decommissioned. The Report is not clear as to whether the Project is a stand-alone power plant or an accessory use to an existing power plant. Without that clarification, the Commission cannot fully determine consistency with PRC Section 30413(b) and the City's Local Coastal Plan.

2. Feasible Alternatives Exist

Beginning on page 67 is the discussion regarding the feasibility of locating the Project at the existing Santa Clara SCE substation. This short discussion is the only environmental impact analysis of building the peaker plant at the Santa Clara substation, yet it concludes that such location is not feasible without any evidence or environmental analysis equivalent to that completed for the proposed Oxnard project site. The information in the Report does not support a finding that the

[1] Richard Maggio, Letter to Coastal Commission, May 6, 2008

alternative of development of the peaker plant at the Santa Clara substation has greater environmental impacts than at the proposed site. SCE's *Supplemental Analyses for the Southern California Edison Mandalay Peaker Project*, which is referenced in the Report, states that, "A peaker at this location [Santa Clara substation] would likely be capable of black starting the Mandalay Generation Station. Power from this location can be used to serve load in the Santa Barbara system during emergencies via the 66 kV system."[2] The SCE analysis goes on to cite costs and timing as reasons for not considering the Santa Clara substation, including initiating a full CEQA review. Both costs and timing are not relevant, as legitimate costs are likely recoverable and timing is not urgent. Instead, the Report strongly supports the argument that the Santa Clara substation site is at least one feasible alternative to the proposed Project that meets SCE's main objectives: black starting the Mandalay Reliant plant and transmission on the 66kV lines.

Furthermore, footnote number 25 on page 68 states, "It is important to note that because a peaker unit currently exists at the Mandalay Generation Station, a small black start generator could be added to this peaker unit which would then be able to provide black start support for the generation station." If this were accomplished, then there would be at least three more alternative locations for the SCE peaker plant in the Goleta area that "appear[s] to meet most of SCE's site selection criteria." There is no evidence in the Report that Reliant cannot or will not consider upgrading its existing black start generator. Without that evidence, the Commission cannot conclude that there is no feasible alternative to the Project.

3. Inadequate or Incomplete Environmental Review

Environmentally Sensitive Habitat Area (ESHA)

On page 25, the Report states, "The Commission must therefore examine whether the facts show that the area east of Harbor Boulevard qualifies as ESHA." This statement clearly shows that an ESHA determination has not been made. Without a determination, the findings stated on page 8 of no adverse impacts cannot be made. The Commission should also clearly state its criteria for ESHA determination. The same criteria being used in Malibu should be used in Oxnard.

Flood, Tsunami, and Sea Level Rise

On page 46 there is a discussion of the Project's site relative to flooding from the Santa Clara River and/or a tsunami from the Pacific Ocean. The Report notes that detailed information on the tsunami inundation potential "...should be available soon." It goes on to state that tsunami preparedness and evacuation planning

[2] Supplemental Analyses for the Southern California Edison Mandalay Peaker Project, June 17, 2008, pg. 16.

"...would likely be components of responsible operation." Therefore, the tsunami impact is not known, and the mitigation is speculative, neither of which satisfies CEQA.

On page 48, with regards to possible Santa Clara River flooding, the Report states "...it is not now possible to anticipate whether the new finalized Flood Insurance Rate map for this area will include or exclude the proposed project site from the 500-year flood risk area." The Report goes on to require that if the final FEMA flood maps show the peaker site within the 500-year flood plain, SCE shall submit plans for a 500-year flood control berm. This is a required mitigation that under CEQA must be analyzed for its own impacts on the environment (Guidelines 15126.4(a)). How high could the berm be? How would the access road cross the berm?

Also on page 48, the discussion of sea level rise draws no conclusion as to impact or mitigation. Yet, the just-released March, 2009 *California Climate Change Center* sea level rise report includes a finding that 30 coastal power plants are at risk, including the Reliant and the SCE Project, if constructed. A recommended policy is that "Future development should be limited in areas at risk from rising seas." The Report does not fully address this sea level rise risk and states "SCE may need to increase the on-site berms to maintain flood protection of the site." Again, this is an inadequate CEQA analysis and mitigation.

Dewatering Impact on the Beach and Channel Islands Harbor

On page 13, the Report describes proposed dewatering that will significantly lower the local water table at and near the Project site. Specifically, over the estimated six-month period of construction during which dewatering will be required, "[t]he total estimated amount of groundwater proposed to be withdrawn and discharged into the Mandalay Canal is 455 million gallons." The water table in that area is high and supplies McGrath Lake (a freshwater lake and wetlands located approximately 2,000 feet to the north), Mandalay State Beach (which contains wetlands) to the south, and the habitat restoration mediation project just to the north of the Reliant plant. The Report fails to evaluate the potential impacts of this massive amount of dewatering on any of these areas, or the species and habitat supported by the lake and wetlands. In addition, if the 2.5 million gallons of water per day for six months is discharged into the Edison canal and then through the Reliant plant and over the beach (Reliant has no outfall pipe, its discharge is directly over the sand creating large gullies), there could be significant sand erosion laterally along the beach that could impact Least Tern and other nesting sites south of the discharge area. Finally, the discharge of 25 million gallons into the Edison canal over 10 days followed by six months of 2.5 million gallons per day could have an impact on the northward flow of water from the Channel Islands harbor, possibly backing up the flow leading to flooding

and/or stagnant water. Who is responsible for mitigating these impacts? How will they be mitigated? The Report must address these potential impacts.

Unmitigated Visual Impacts

On page 33, the Report recommends a condition requiring smaller trees on the Project screening berm. The impact of this mitigation on the views from second floor windows of the Northshore project has not been adequately analyzed or presented. On page 40, the Report states, "While views shown in these simulations are from the street level and therefore do not accurately represent the increased visibility of the proposed peaker facility from the elevated height of potential residential development..." Yet, on the same page, the report states the use of smaller trees as mitigation would "provide a high degree of visual screening" from the Northshore development. This conclusion cannot be reached when the same discussion states the simulations are not accurate. This mitigation, in effect, creates another adverse impact that could lead to lower property values as the residential units would now have a view over the lower trees and into the peaker facility equipment.

On page 42, the Report states "A visible exhaust plume would draw additional attention to the [SCE] stack and effectively increase its height by up to several dozens of feet at times.... The plume would likely be visible during predominantly summer months." The Project plume is unavoidable and would be visible from the entire western half of Ventura County, and from the beaches. The rationale that there is already a visual impact from the Reliant plant next door cannot be a justification for increasing a negative environmental impact. The Project's impacts on local and regional views must be considered significant and adverse, requiring a statement of overriding consideration under CEQA.

Municipal Water Supply

The City of Oxnard did not include the peaker plant water demand in the 2005 Urban Water Management Plan and, as such, is not prepared to extend water service to the facility unless SCE participates in a program that identifies offset consumption. Reference is made on page 52 that the Calleguas Municipal Water District has confirmed a reliable water supply, however its supply is only half of the water that would be used by the peaker, as the City blends Calleguas water with other sources. Therefore, the statements on page 52 regarding adequate water supply are incorrect.

Environmental Justice

The environmental justice (EJ) analysis beginning on page 75 is limited to a one-half mile radius around a regional facility. The U.S. Environmental Protection Agency (EPA) has guidelines for assessing allegations of environmental

injustice.[3] The EPA recommends involvement of members of the community of concern and other stakeholders in defining the geography of the affected or potentially affected area and/or community. The size and geographic extent of the affected area will vary depending on the context and scope of the assessment. EPA goes on to state that adverse impacts may include "Destruction or disruption of aesthetic values" (pg. 66). The City has consistently contended that the Report's one-half mile radius is entirely inadequate when the aesthetic impact is Citywide in scale. In addition, Commission staff did not involve the communities of concern in determining an appropriate geographic area of possible impact. The environmental justice analysis is inadequate and cannot be relied on for a Commission decision. At a minimum, if the Commission approves the appeal, it must state an overriding consideration that justifies an unmitigated environmental justice impact to the City of Oxnard.

In summary, the above are significant procedural and environmental errors and omissions that prevent the Commission from making the finding that the SCE Project is consistent with the Oxnard LCP, and the Coastal Act, and will not have a significant adverse impact on the environment and/or there are no feasible alternatives, within the meaning of CEQA per Section 13096(A) of the Commission's administrative record. The appeal application cannot be approved as the environmental record does not allow the required findings proposed by the Report.

For all of the above stated reasons, the City respectfully requests the Commission to either deny the appeal or require the above issues be fully addressed and recirculated for public comment before further consideration of the Project.

Very truly yours,

Signature on File

Edmund F. Sotelo, City Manager

CBW:cbw

cc: Dianne Feinstein, United States Senator
Barbara Boxer, United States Senator
Lois Capps, Member of Congress, 23rd District
Sheila Kuehl, California State Senator, 23rd District
Julia Brownley, 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

[3] Toolkit for Assessing Potential Allegations of Environmental Justice, EPA, November 2004.

CHAIR, BUDGET SUBCOMMITTEE ON
EDUCATION (NO. 2)

JULIA BROWNLEY
ASSEMBLYMEMBER, 41ST DISTRICT

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0041
(916) 319-2041
FAX (916) 319-2141

DISTRICT OFFICE
6355 TOPANGA CANYON BLVD.
SUITE 205
WOODLAND HILLS, CA 91367-2108
(818) 596-4141
(310) 395-3414
(805) 644-4141
FAX (818) 596-4150

April 3, 2009

Bonnie Neely, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Agenda Item Th15b
A-4-OXN-07-096
OPPOSE

Re: SCE Peaker Plant Appeal – Request for Denial

Dear Chair Neely and Commissioners:

We, the undersigned, oppose the appeal of Southern California Edison, support the City of Oxnard, and respectfully ask for denial of a Coastal Development Permit.

Edison has not established need for this plant

First and foremost, there appears to be more than adequate evidence establishing that there is no need for this fifth peaker plant at all. Much has changed since the 2007 PUC order, including a new focus at both the state and Federal levels on renewable and sustainable energy sources. According to the 2010 LCR Study of the Big Creek/Ventura area study presented by California ISO at a March 10, 2009 Stakeholder Meeting, the local capacity requirements need is a maximum of 3,596 MW, with 5,160 MW of existing Maximum Qualifying Capacity. Edison apparently concedes that there is excess capacity.

Given this information alone, the Commission should deny the Coastal Development Permit and support a No Project Alternative.

We are informed that Edison has already purchased the plant and may be anxious to find a use for it and get ratepayer reimbursement. However, we support the City of Oxnard's conclusion that the peaker equipment could be either resold by Edison or used for spare parts for the other four existing peakers.

No unique circumstances justify the Mandalay Beach location

1. Edison's October 23, 2008 letter to the California PUC states that one of the bases for their selection of this location was "to facilitate black start of Reliant Mandalay and Reliant Ormond Beach generating stations." Blackstart, however, does not require a 45 MW power plant with an 80 foot stack, nor any conditions that are unique to the subject location.

2. In addition, Edison apparently concedes that this peaker plant is not coastal dependent, which we believe places the burden on them to show there are no less-environmentally-destructive alternative sites, which they have failed to do. In fact, when Edison built its power plant on Mandalay in 1969, adjoining agricultural land was available to them, but rejected, reportedly solely on the basis of cost.

Significant biological and other adverse impacts would result at Mandalay

Substantial southern coastal foredune habitat has been lost over the decades, and has already been compromised by development decisions years ago. Despite this, environmentally sensitive habitats onsite persist and should be protected from the proposed project. (See March 10, 2009 Letter from David Magney Environmental Consulting to the Commission.)

The City of Oxnard, State Coastal Conservancy, The Nature Conservancy and others are engaged in long-term planning and visioning to restore the Oxnard coast to its original state as dunes, salt marshes and sandy beaches that serve as habitat for countless shorebirds and other coastal fauna and flora and as a place of refuge and recreation for the public. Adding this peaker plant will impair, if not defeat, such efforts and is wholly inconsistent with the restoration.

This is no small project, requiring removal of in excess of 400,000 cubic yards of dirt and 455 million gallons of groundwater during the massive dewatering, new transmission poles up to 80' in height, an 80' stack, and much more, all of which would require a full EIR if this project were to move forward, which we hope it will not.

Similar biological constraints exist at other sites, as noted in the Staff Report. For example, the Goleta-Glen Annie Canyon site supports numerous listed species and an array of sensitive habitats, including oak woodland, riparian woodland, coastal sage scrub and chaparral. The environmental constraints at other sites, along with the fact that Edison has not established a need for this plant, supports the No Project Alternative.

The proposed peaker plant misses the mark on critical climate change issues

The proposed peaker plant will add new greenhouse gas emissions. Ventura County is already in nonattainment for NOX. The proposed peaker is natural gas fired, and will contribute additional CO2 and NOX into the region's air, adding to the contaminants that the County is working to reduce. Significantly, the Staff Report fails to consider the impact of these emissions with respect to the existing physical baseline, which for this proposed peaker plant is zero. As a result, the true consequence of these emissions on climate change is not considered.

In addition, the plant would be located in an area subject to inundation from coastal flooding and projected sea-level rise. This information is based on the March 11, 2009, Pacific Institute report, *The Impacts of Sea-Level Rise on the California Coast,* an analysis prepared for three California state agencies.[1] (See also March 24, 2009 Letter from the City of Oxnard to the Commission for a map showing the impacts of sea level rise on the project area.) The Staff Report identifies sea level rise as a consequence of climate change, but fails to consider the implications of this significant impact on the project area.

[1] Available at http://www.pacinst.org/reports/sea_level_rise/index.htm

The environmental justice impacts to the community cannot be overstated

We are very concerned that Oxnard, a community that is enriched by a diverse population of hard-working people who are looking for a good life for their families has been targeted for this utility. Oxnard residents are entitled to clean water, clean air, clean and accessible beaches, and a healthy environment in general. Yet their beautiful coast has been a dumping ground over the decades for dirty industrial uses that blight the views and even put the public health at risk (ex., the Halaco slag heap that is one of the newest Superfund sites). The tourism that will be generated by the restoration of this beautiful coastal area and would be expected to be an economic boon to the area will certainly be impaired by the blighting presence of a new industrial use, the need for which has not been established.

A new industrial project on the beach in Oxnard raises serious economic and environmental justice concerns. The fact that this community is saddled with other unsightly industrial uses is no justification for one more. It should be quite the opposite. Enough is enough.

We respectfully, but most strenuously, urge you to deny Southern California Edison's appeal and request for a Coastal Development Permit. Edison's "just-in-case" argument is insufficient to override the serious adverse impacts that will result from their proposal.

In supporting the Coastal Conservancy Board's authorization to purchase the key wetland restoration parcels in 2000, the USEPA said that:

> ***"acquisition of these sites [including at Mandalay] would be the greatest wetland attainment in Southern California (and perhaps on the West Coast considering the losses which have occurred in this region) since the Bolsa Chica deal in 1997."***

We urge you to uphold the decision of the City of Oxnard to decide what projects are appropriate for their residents as a matter of local land use based on the long-term best interest of the people who live there and cherish their piece of California's magnificent coastline.

Sincerely,

Signature on File

JULIA BROWNLEY, Assemblywoman, 41st District

Signature on File

FRAN PAVLEY, State Senator, 23rd District

Signature on File

LINDA KROP, Chief Counsel, Environmental Defense Center

MICHAEL STUBBLEFIELD, Chair, Sierra Club, Los Padres Chapter

TURN
affordable utilities
livable communities

Robert Finkelstein, Legal Director

711 Van Ness Ave., #350
San Francisco. CA 94102
Tel 415/929-8876, x. 307
bfinkelstein@turn.org

April 3, 2009

Bonnie Neely, Chair
Khatchik Achadjian
Larry Clark
Steven Kram
Ross Mirkarimi
Mary Shallenberger

Dr. William Burke, Vice Chair
Steve Blank
Ben Hueso
Patrick Kruer
Dave Potter
Sara Wan

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

Re: Letter from California Independent System Operator (ISO) on SCE's Proposal for a Peaker Generation Plant in Oxnard (Coastal Development Permit Appeal A-4-OXN-07-096; Item 15.b. on 4/9/09 Agenda)

Dear Members of the Coastal Commission:

In a letter dated March 10, 2009, the California Independent System Operator (ISO) expressed its support for Southern California Edison Company's Oxnard peaker project. Before you determine whether to afford any weight to the ISO's endorsement, there are several points you should consider.

First, while it is true that the ISO is charged with operating the majority of California's transmission grid, the California Public Utilities Commission (PUC) serves as the ultimate arbiter of resource adequacy and system reliability for the state's investor-owned utilities such as SCE. As noted in our letter of March 19, 2009, the PUC has never addressed the need for the Oxnard peaker to achieve resource adequacy or system reliability needs under current or forecasted conditions.

Second, the ISO letter tacitly acknowledges that conditions have changed since 2006, but then asserts that "Southern California has a continuing strong need for additional quick start peakers." The basis for this assertion is not clear, and TURN certainly would not concede this point. But even if the ISO's statement is true, it provides little support for the SCE's proposed Oxnard peaker. The question you face, of course, is whether to permit installation of a new generation plant within the coastal zone. The "continuing strong need" described in the ISO letter would be equally served by a quick start peaker installed in many other southern California locations that are not in the coastal zone.

Nothing in the ISO letter suggests a particular need for installing the peaker plant in the proposed location.

Finally, notably absent from the ISO letter is any discussion of "black start" needs or the proposed plant's particular role with regard to ensuring that there is sufficient "black start" capability within the system. The ISO thus fails to address, much less support, the major benefit that SCE now ascribes to this proposed peaker.

In sum, the fact that the ISO supports the installation of additional quick start generation in southern California should have no bearing on the Coastal Commission's determination of whether it is appropriate to permit construction of a new generation plant within the coastal zone.

Once again, TURN thanks you for your consideration of this matter. Please contact me if you have any questions about this letter

Yours truly,

Bob Finkelstein
Legal Director

cc: Peter Douglas, California Coastal Commission
Cassidy Teufel, California Coastal Commission

Central Coast Alliance United for a Sustainable Economy
CAUSE

2021 Sperry Avenue • Suite 18 • Ventura, CA 93003 • phone: 805.658.0810 • fax: 805.658.0820 • www.coastalalliance.com

April 2, 2009

Bonnie Neely, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Appeal NO. A-4-OXN-07-096
Item 15 B, Coastal Commission Hearings April 9, 2009
Appeal of the City of Oxnard's Denial of the Southern California Edison Peaker Plant Coastal Development Permit (CDP)
251 North Harbor Blvd., Oxnard, California

Dear Chairperson Neely

We write to you today on behalf of the Board of Directors of Central Coast Alliance United for a Sustainable Economy, CAUSE. CAUSE is a non-profit organization which seeks to help realize social, economic and environmental justice for the people of this region.

As the President of the Board of Directors, I wish to convey to you first of all our appreciation for the decision of the Coastal Commission to meet in Oxnard, so that more of the directly affected residents could have a better chance of participating in this process.

We join with the City of Oxnard and many other individuals and groups in asking that you deny the appeal of Southern California Edison's request to build a Peaker Plant on the Oxnard Coast. We believe that the people of Oxnard, composed of predominately Hispanic, immigrant and working class residents should not have to endure the burden of ever more industrialization and deterioration of the coast. The people of Oxnard are currently living with the Halaco Metal Recycling plant on Ormond Beach, on its coast to the south. It has been designated by the U.S. Environmental Protection Agency as a "super-fund" site. It has been allowed to exist on sensitive coastal wetlands, near the homes of many very low income families of Oxnard for more than 40 years, threatening the people and the wildlife with a mountain of toxic waste, for which there is no definite removal timetable.

The construction of a third coastal power plant facility on the Oxnard coast, would continue the unfortunate tradition of the City of Oxnard as a place where industrial uses,

landfills, and other toxic industries are permitted to be built and operated without regard to the needs, health, well-being and wishes of the majority of the people of the area. We also believe that a decision to permit the Peaker Plant to be built on the proposed site is absolutely not in the best long term interests of the people of Oxnard and not in the best interests of California Rate Payers. We know that there is already an existing Peaker Plant on the Reliant site and believe that if it is necessary to build one (which we do not concede) it would be a better choice for the people of Oxnard and the Ratepayers of California that the existing Peaker plant at Reliant be upgraded until all of the energy facilities in Oxnard and else where can be removed from the coastline.

To add force to this point, we are aware of the report of the Pacific Institute entitled ***The Impacts of Sea-Level Rise on the California Coast***, found at http://www.pacinst.org/reports/sea_level_rise/report.pdf, which was released on March 11, 2009. The Pacific Institute is a nonpartisan research institute that works to create a healthier planet and sustainable communities. The report projects that the proposed site of the peaker plant will be inundated by sea water in the next decades. Please see attached map "Southern California power plants vulnerable to a 100-year coastal flood with a 1.4 meter sea-level rise," which includes the Mandalay proposed site of the Peaker Plant, found at:
http://www.pacinst.org/reports/sea_level_rise/PDF/Fig23_Powerplants_Inundation_SoCal.pdf

The press release accompanying the release of the report states:
"In an analysis prepared for three California state agencies, [the Ocean Protection Council, the Public Interest Research Program of the California Energy Commission, and the California Department of Transportation,] the Pacific Institute estimates that 480,000 people; a wide range of critical infrastructure; vast areas of wetlands and other natural ecosystems; and nearly $100 billion in property along the California coast are at increased risk from flooding from a 1.4-meter sea-level rise – if no adaptation actions are taken. …

Planning smart adaptation strategies now, as part of every coastal planning process, is vital to addressing these risks. 'The results of this study give a snapshot of what we face along the coast if no actions are taken and it offers advance notice of some of the smart actions California agencies and planners can take to reduce the consequences we face,' said Pacific Institute President Peter Gleick. 'California is leading the effort to offset the possible ravages of climate change and sea-level rise, *but if we fail to respond, the consequences will be severe.*' " (Emphasis added.)

We ask that the Coastal Commission consider the long range impact and future costs if smart planning principles are not employed. The proposed Peaker Plant is not coastal dependent and should not be permitted along the coast in Oxnard or anywhere else on the

Coast. The future burden of the removal of this facility will fall upon the people of Oxnard with dramatic environmental justice consequences.
We at CAUSE strongly believe that the people of the greater Oxnard area are equally entitled to enjoy a beautiful coastline and city, already having had to endure existing sites on the coast and in the city which degrade the total environment of this predominantly low income, minority and immigrant community. It is now more than urgent to change the way that the Oxnard Coastline has been used.

We respectfully request that the California Coastal Commission deny the appeal of Southern California Edison to build a Peaker Plant on the Oxnard Coast.

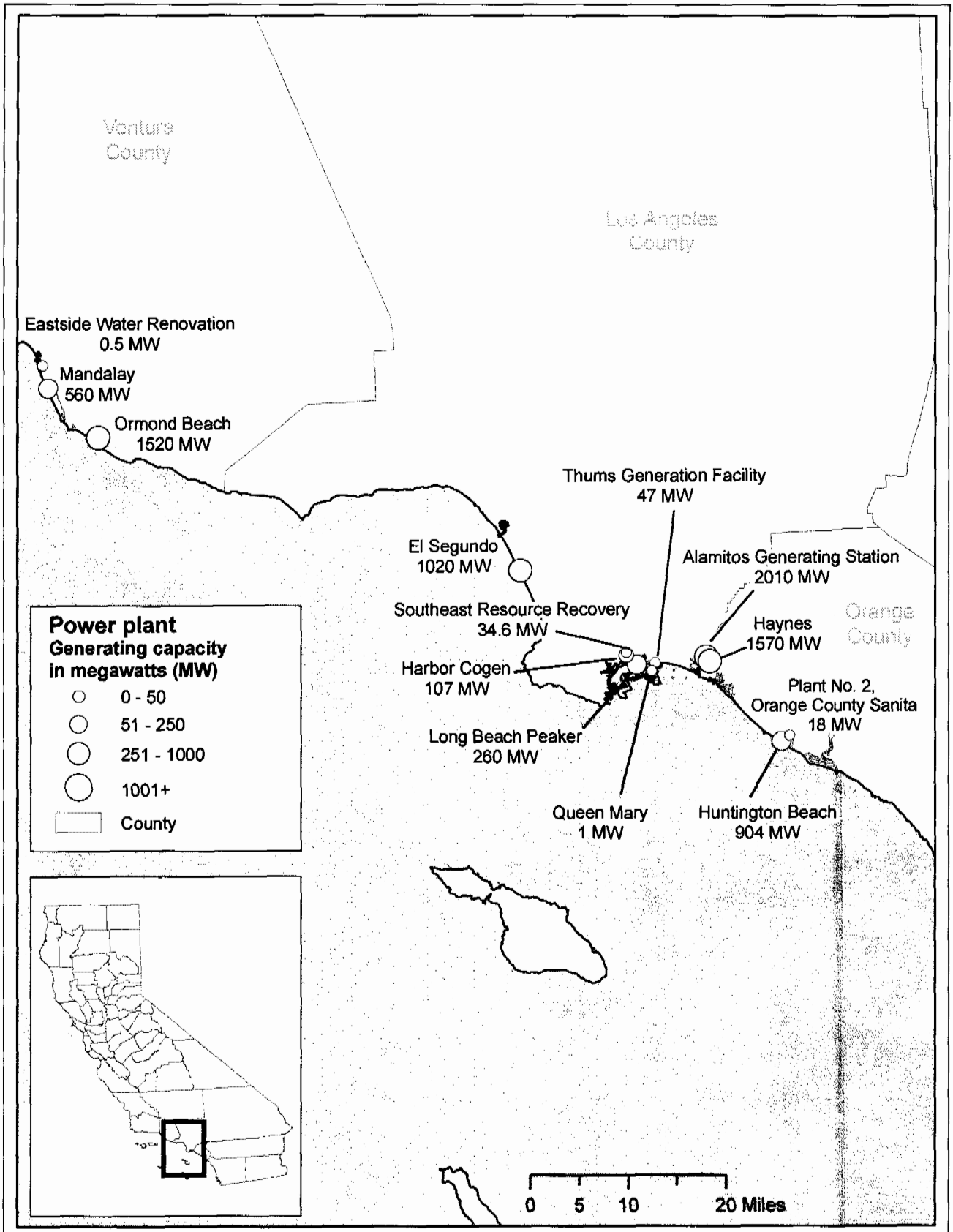
Sincerely,

Greg Freeland
President, Board of Directors

CENTRAL COAST ALLIANCE UNITED
FOR A SUSTAINABLE ECONOMY

cc: Peter Douglas, Executive Director
Commissioners of the California Coastal Commission

Attachment: Map of Southern California power plants vulnerable to a 100-year coastal flood with a 1.4 meter sea-level rise



Southern California power plants vulnerable to a 100-year coastal flood with a 1.4 meter sea-level rise

Data sources: USGS/Scripps Institution of Oceanography,California Energy Commission, CaSIL, ESRI.
http://www.pacinst.org/reports/sea_level_rise

PACIFIC INSTITUTE

Cassidy Teufel

From: Jonathan Ziv, DDS [jzivdds@pacbell.net]
Sent: Friday, March 27, 2009 1:45 PM
To: Cassidy Teufel
Subject: Letter from the Feds on SCE property east side of Harbor, Item Th15b

Dear Cassidy,

Please include this letter regarding the habitat on SCE property east of Harbor Boulevard in the upcoming addendum packet to Commissioners for Item Th15b, the SCE Peaker plant appeal.

Thank you.

Jon Ziv
Sierra Club, Los Padres Chapter
Member Executive Committee
jzivdds@pacbell.net
818-421-3988

How to Control Iceplant on Coastal Backdune Habitat in Ventura County

Casey Burns
Biologist
USDA - Natural Resources Conservation Service

October 21, 2008

The Southern California coastal backdune habitat east of Mandalay Generating Station in Oxnard, CA has been disturbed over the years, but this habitat type is resilient and adapted to disturbance. Being a dune habitat, the natural state of the site is constant change from dune movement due to ocean winds and periodic storms. Coupled with the resilience of the sandy soil to disturbance, this habitat is currently in relatively good shape, and has the potential for full restoration, aside from the permanently developed areas. There is limited ongoing human disturbance to the site, as evidenced by the lack of human footprints and garbage. The remaining coastal backdune habitat is of high value due to its suite of rare species and the historical amount of loss in southern California. This one site may represent more than 1% of the remaining Southern California coastal backdune habitat.

The highway iceplant or Hottentot fig (*Carpobrotus edulis*) infestation on the coastal backdune habitat is well established, but may be in check by the healthy, competitive native plant community (see Photo 1). Although iceplant can dominate certain areas, the site conditions seem to be keeping the iceplant from forming a monoculture. However, the iceplant is still a determent to the habitat quality of the site. As with most invasive plants, native insects are not adapted to efficiently utilize the plant, so one of the major components of the food web is not present in natural numbers onsite. In contrast, the other common plant onsite, goldenbush (*Ericameria ericoides*) was in full bloom during a September 2008 field visit, and was providing excellent habitat for a variety of pollinating insects.

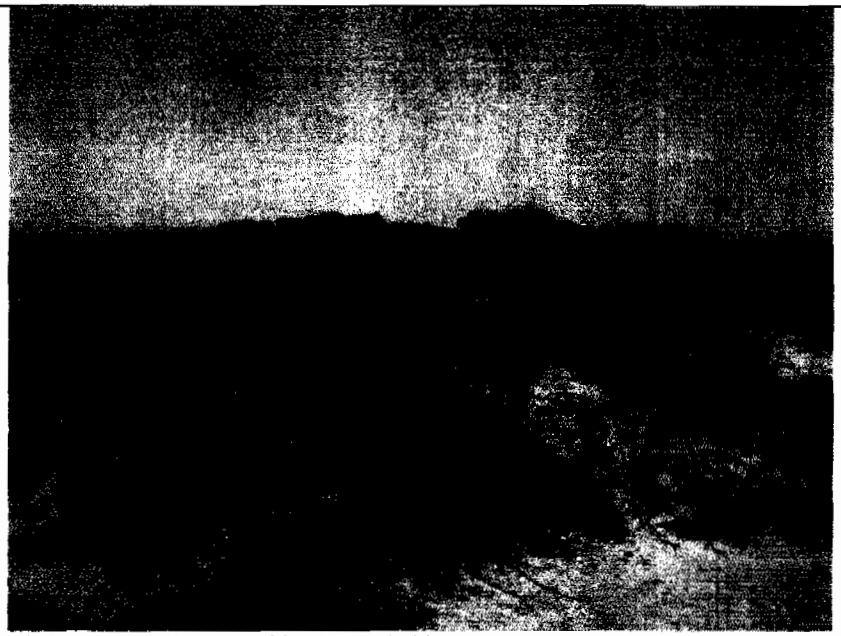
The iceplant infestation would be relatively easy to control. Eradication would be possible in two to three years. Although labor-intensive, elimination of iceplant with the correct methods and monitoring is likely. There are two general methods to remove iceplant, either physically or chemically. Physical removal requires a large and/or dedicated labor force to remove the initial aboveground biomass and any roots that are attached. Since the plant will resprout repeatedly from the remaining roots, the site will need to visited at least quarterly for at least two years to ensure all resprouts are pulled. All live plant material must be removed and disposed of properly offsite. Chemical removal requires a certified Pest Control Advisor (PCA) to make the recommendation for herbicide use for the target species in accordance with the site conditions and the label of the herbicide. If used properly, chemical treatments can be very effective, and can save time and money over physical removal as well as be minimally deleterious to the surrounding vegetation. The dead biomass can remain onsite once it is dead. It makes a good microclimate for the collection and germination of native plant seeds. As with physical removal, the site will need to be retreated and monitored. Return visits can be scheduled every six months for at least two years. Be sure to limit activity in this sensitive habitat to times outside bird nesting season (March 15-Sept 15) to avoid negative effects to nesting birds.

The two methods could be used in conjunction, with initial chemical treatment, then hand pulling of the resprouts or initial hand pulling, then chemical treatments on the resprouts. Other methods for iceplant eradication do exist, such as tarping, but are not feasible for this site. Long term monitoring of the site should be planned by the landowner or manager to find and eliminate any new iceplant or other priority invasive plant species before establishment occurs.

The site harbors a diverse mix of native plants that would naturally restore the site over time (see Photo 2). Alternatively, the site could be planted with locally collected cuttings, container plants, and/or seed, although

this would be more cost and labor-intensive. Either way, the site should be monitored on a regular basis to ensure the eventual establishment of native plants as opposed to other non-native plants.

If any ground disturbance is to occur in the area, it is imperative to remove all iceplant prior to the beginning of the activity. Since iceplant grows well vegetatively, ground disturbing activities can promote the spread and establishment. Ideally, work will occur well prior, leaving time to do retreatments of resprouting iceplant. Following ground disturbance, monitoring and retreatments should continue for two years.



1. Iceplant (red) is invasive in the coastal backdune habitat, but is only one component of an otherwise diverse, valuable, and rare habitat. (Photo: Jon Ziv)

2. Salt grass (*Distichlis spicata*) and beach morning glory (*Calystegia soldanella*) naturally reestablish in chemically treated iceplant. (Photo: Casey Burns)

VENTURA COASTKEEPER

April 2, 2009

Bonnie Neely, Chair
Khatchik Achadjian
Larry Clark
Steven Kram
Ross Mirkarimi
Mary Shallenberger

Dr. William Burke, Vice Chair
Steve Blank
Ben Hueso
Patrick Kruer
Dave Potter
Sara Wan

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

Re: Southern California Edison's (SCE's) appeal seeking to overturn the City of Oxnard's denial of SCE's application for a coastal development permit to construct and operate a 45 megawatt "peaker" power generation plant (Coastal Development Permit Appeal A-4-OXN-07-096; Item 15.b. on 4/9/09 California Coastal Commission Agenda)

Dear Coastal Commission Members:

Thank you for the opportunity to comment on Southern California Edison Company's (SCE)'s appeal, item 15.b. on your April 9, 2009 agenda, seeking to overturn the City of Oxnard's denial of SCE's application for a coastal development permit to construct and operate a 45 megawatt "peaker" power generation plant at 251 N. Harbor Blvd., Oxnard, Ventura County.

Ventura Coastkeeper ("VCK") is a program of the Wishtoyo Foundation, a community based 501(c)(3) non profit with over 700 members consisting of Ventura County residents, the general public that enjoys, depends on, and visits Ventura County's inland and coastal waterbodies, and Chumash Native Americans. Wishtoyo uses traditional Native American Chumash beliefs, practices, songs, stories and dances to increase awareness of our connection with the environment and to preserve the culture and resources of coastal communities. Core values of the Chumash include sustainable living and respect for the environment. In 2000, the Wishtoyo Foundation launched VCK to specifically focus on protecting, preserving, and restoring the ecological integrity and water quality of Ventura County's inland waterbodies, coastal waters, and watersheds.

VCK is commenting on SCE's Proposal for a Peaker Generation Plant in Oxnard to protect Ventura County's coastal ecosystems and waterbodies for its residents and the general public, to continue its longstanding efforts to protect the environmental health of Ventura County communities, and to preserve Chumash cultural resources.

VCK strongly supports the position of The Utility Reform Network (TURN) and the Los Padres Chapter of the Sierra Club, for the reasons stated in their March 19, 2009 comment letter, urging you to either deny the appeal or further postpone its consideration until the California Public Utilities Commission (CPUC) has

Wishtoyo
3875-A Telegraph Road, #425 • Ventura, CA 93003
Phone 805.658.1120 • Fax 805.258.5135 • www.wishtoyo.org

considered the SCE's current claims that this area of its service territory faces specific service reliability challenges, and that the proposed peaker is the most appropriate solution to those challenges.

In addition to the comments submitted by TURN and the Los Padres Chapter of the Sierra Club, VCK has the following specific comments as to why the Commission should deny SCE's appeal:

Ecosystem Concerns:

1.) Habitat Loss, Habitat Fragmentation, and the Prevention of the Oxnard Coastal Ecosystem Restoration Efforts

VCK, the City of Oxnard, State Coastal Conservancy, Nature Conservancy, and other community groups and NGOs are undertaking long term planning, protection, restoration, and conservation efforts to restore the Oxnard coast to its original state as an ecologically functional and pollutant free ecosystem of dunes, salt marshes, sandy beaches, lagoons, estuaries, and coastal waters that serve as habitat for countless shorebirds, fish, and other coastal fauna and flora, and as a place for public enjoyment. VCK and these entities would also like to tear down the Reliant energy plant at the end of its useful life in order to provide Ventura County residents with unobstructed and spiritually fulfilling coastal views. The addition of the SCE peaker plant as proposed, would thwart these restoration efforts. Additionally, if constructed on the Oxnard coast, the SCE peaker plant's segmentation and elimination of rare coastal habitat will likely lead to un- mitigatable and irreversible ecosystem degradation.

2.) Elimination of a Foredune Habitat and Coastal Dune Scrub Habitat that Should Receive Environmentally Sensitive Habitat Area (ESHA) Designation

Overtime, much of the coastal foredune habitat and coastal dune scrub habitat on the Ventura County coastline has been lost, and almost all of these remaining habitats have been disturbed by development, recreation, dumping, agriculture, and oil development. The property where SCE proposes to build its peaker plant, represents one of the few remnants of Ventura County's coastal foredune and coastal dune scrub habitats.

The Coastal Act requires strong protection of environmentally sensitive habitat areas (ESHA) because of their unique and critical importance to the long-term health and vitality of the ecosystem to which they belong. The peaker plant, if constructed as proposed, would eliminate and segment foredune habitat and coastal dune scrub habitat that should receive ESHA designation because the habitats are highly endangered.

Another reason why the foredune and coastal dune scrub habitats present on the proposed SCE peaker plant site should be designated as ESHAs is because they are likely to include rare species, such as the Shoulderband snail (*Helminthoglypta*) and an undescribed species of moss (*Syntrichia*) that were found on the undeveloped portions of SCE's boarding property, east of Harbor Boulevard, during a survey conducted by David Magney Environmental Consulting (Survey).[1] Because the Survey also found that the parcel where SCE proposes to build the new peaker plant currently occupies ruderal vegetation being recolonized by coastal dune scrub vegetation, that began after SCE's removed its fuel storage tank farm over five years ago, not only could these rare species be present on the proposed peaker plant site, but if they are not present, it is likely that these species could recolonize on SCE's proposed

[1] See David L. Magney's of David Magney Environmental Consulting's March 10, 2009 letter to Peter Douglas of the California State Coastal Commission assessing SCE's Mandalay Beach Property's Biological Resources (page 3).

Wishtoyo
5975-A Telegraph Road, #425 • Ventura, CA 93003
Phone 805.658.1120 • Fax 805.258.5135 • www.wishtoyo.org

peaker site with the ruderal vegetation due to their proximity and connectivity to SCE's bordering property east of Harbor Boulevard.[2]

Environmental Justice Concerns Pertaining to the Protection of the Majority Minority Population of Oxnard:

VCK feels that there are no acceptable mitigation measures that justify the construction of the SCE peaker power plant on Oxnard's coast, especially because of the environmental justice issue of burdening Oxnard's majority minority population with a third power plant that degrades the environment of Oxnard's coastline. Oxnard, which is roughly 68% Hispanic and 86% minority, already suffers from other's outsourcing of pollution and environmental eyesores. It has two power plants, two closed landfills, numerous oil wells, and an EPA Superfund site on its coast. The building of the new SCE peaker plant would add seven new 55-80 foot transmission poles, would replace seven existing poles with taller ones, and would add an 80 foot exhaust stack, pipelines, and numerous auxiliary buildings, all of which would block and impair views and access for Oxnard's residents to the coast. In regards to views and aesthetics, the SCE's proposed 80 foot exhaust stack, when combined with Reliant's stack and plume, will further dominate Oxnard's western horizon and obstruct the expansive views of Channel Islands National Park. Further, the emissions from the plant would worsen the Oxnard worker's and resident's air quality. Minorities, immigrants, and people of all income groups deserve the same right to enjoy an ecologically functional, aesthetically pleasing, unpolluted, and spiritually fulfilling coast. Oxnard's stand up, hard working residents and their families are entitled to clean air and clean water, to a healthy environment, and to enjoy access to and views of their beautiful coastline. The decades of suffering that Oxnard's minorities and low income communities have suffered at the hands of negative externalities from other's polluting activities should stop here.

Protection of Chumash Culture:

The Chumash and Gabrielino-Tongva peoples were the first human inhabitants of the Channel Islands and Santa Monica Mountains areas. There were about 20,000 Chumash living in an area that covered California's coast from Malibu in the South, to San Luis Obispo in the North. The Chumash people are known to have lived in and around the Oxnard Coast and for thousands of years, and continue to live in and around the Oxnard Coast.

The successful livelihood of the Chumash people was based upon their subsistence on the available natural resources - plants, animals and fish, and their sustainable ways of utilizing these resources. They found use for almost every type of plant and animal available - for food, clothing, medicine and tools. As a maritime culture, the Chumash were known as hunters and gatherers. Their boats - canoes, called tomols, enabled them to fish and trade, traveling up and down the coast to other villages. Chumash homes were called aps, and were constructed of local plant materials. Baskets and mats were woven, and bones and plants were used for tools and clothing. The Chumash were extremely innovative and resourceful, and found uses for everything that was available, including each part of almost every plant. The Chumash culture was one of the most unique and advanced in the continent, and there is much to learn from a people who understood the relationship between humankind and earth's natural resources; they both feared and respected the natural world, for they knew their lives depended on it for survival. Their relationship and dependency on the environment, and access to coastal ecosystem, continues to inspire and sustain their traditional livelihood, art, beliefs, stories, ceremonies and songs.

---

[2] See David L. Magney's of David Magney Environmental Consulting's March 10, 2009 letter to Peter Douglas of the California State Coastal Commission assessing SCE's Mandalay Beach Property's Biological Resources (page 1).

Wishtoyo
3875-A Telegraph Road, #423 • Ventura, CA 93003
Phone 805.658.1120 • Fax 805.258.5135 • www.wishtoyo.org

Integral to the maintenance of Chumash culture and the well being of its people, is their access to functioning coastal ecosystems and undisturbed coastal areas where they can maintain their culture, livelihoods, and spiritual well being. The proposed SCE peaker plant would significantly harm the Chumash culture and well being of its people. It would thwart the aforementioned long-term planning, conservation, and restoration efforts to restore the Ventura County coast to its original state as an ecologically functional and pollutant free ecosystem of dunes, salt marshes, sandy beaches, lagoons, estuaries, and coastal waters that serve as habitat for countless shorebirds, fish, and other coastal fauna and flora.. Obstructing Chumash people's views of the coast and the Channel Islands which played a large role in their maritime culture, would also eliminate a place for the public and the Chumash to enjoy and maintain their spiritual connection and cultural interaction with the coast and its resources.

Sea Level Rise Concerns:

The March 2009 California Climate Change Center Report, The Impact of Sea Level Rise on the California Coast, identifies the proposed SCE peaker site as lying in an area that will be inundated by the projected 1.4 meter sea level rise, as it is within the 1.4 meter coastal base flood zone.[3] Considering the environmental justice concerns, ecological impacts, and harm to Chumash cultural resources, the VCK urges the Coastal Commission not to allow SCE to locate and construct a $60 million major critical public facility on the Oxnard Coast, that will most likely be inundated by sea level rise even with substantial sea level rise protection expenditures.

For all of these reasons, the Wishtoyo Foundation/Ventura Coastkeeper asks the Coastal Commission to either deny SCE's appeal of the City of Oxnard's decision, or to postpone taking any action until after the CPUC has considered both the need for the McGrath Peaker and other potential ways for addressing that need. The bottom line is that SCE's proposed peaker plant is not coastal dependent, as other identical plants are located further inland. If the plant needs to be built, a feasible alternative would be for SCE to locate it where it does not have the significant un-mitigatable adverse impacts that harm sensitive and endangered ecosystems, where it does not pose unwarranted environmental justice threats to local minority communities, and where it does not harm the sustainability of the Chumash culture. Because locating the SCE peaker plant in another, further inland location is economically and logistically feasible, there are no overriding considerations that warrant the approval of SCE's appeal.

Thank you for considering our comments. Please feel to contact us with any questions concerning this letter.

Sincerely,

Signature on File

Mati Waiya
Executive Director
Wishtoyo Foundation/Ventura Coastkeeper

Signature on File

Jason Weiner
Associate Director & Staff Attorney
Ventura Coastkeeper

cc: Peter Douglas, California Coastal Commission
Cassidy Teufel, California Coastal Commission

[3] The Impacts of Sea-Level Rise on the California Coast (March 11, 2009), available at: http://www.pacinst.org/reports/sea_level_rise/report.pdf

Wishtoyo
3875-A Telegraph Road, #423 • Ventura, CA 93003
Phone 805.658.1120 • Fax 805.258.5155 • www.wishtoyo.org

40 W. Cochran Street,
Suite 100
Simi Valley, CA 93065
Phone: (805) 526-3900
Fax: (805) 526-6234

RECEIVED
APR 1 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Simi Valley CHAMBER OF COMMERCE and Visitor Center
"The HeartBeat of Business"

March 28, 2009

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

RE: McGrath Peaker Project - Support

The Simi Valley Chamber of Commerce supports the McGrath Peaker Project because it will benefit over a million residents in 25 cities.Southern California Edison will be allowed to restore emergency power to certain critical loads (such as hospitals) almost immediately and full power within hours to a single day and it will help the state to achieve its 33% renewable goal.

The Peaker plant also provides significant benefits to cities, in that it will create jobs, will infuse funds into the economy by purchasing materials and local labor and will generate $660,000 of property tax income for Ventura County that will benefit the county, local cities, school districts, libraries, fir protection, flood control, water districts and redevelopment projects.

The proposed location seems to be ideal with the Mandalay Generating Station is already there and is already visible, however it is no longer capable of black start and needs to be replaced.

If the project is not constructed, local residents will receive a lower quality of emergency backup protections than other areas and could be significantly adversely affected during an emergency or high energy use times of the year.

We hope you will approve Southern California Edison's proposal and we thank you for your consideration.

Sincerely,

Signature on File

Leigh Nixon
President & CEO

Community Environmental Council

BOARD OF DIRECTORS

Ivor John
President

Kim Kimbell
Vice-President

Dayna Birkley
Vice-President for Development

Brian Fahnestock
Treasurer

Richard W. Jensen
Assistant Treasurer

Mike Noling
Secretary

Robert Abbott
Diane Boss
Jon E. Clark
David D. Davis
Carla D. Frisk
David Lafitte
John Melack
Russell McGlothlin
Paul Relis

Selma Rubin
Board Emeritus

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 Land Use and Transportation

Agenda No: Th15 b
Appeal No: A-4-OXN-07-096
Birney, Megan
Deny Appeal

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. We are interested in the proposed project because it maintains our dependence on fossil fuels and the accompanying environmental analysis does not adequately examine the renewable energy alternatives or suggest adequate mitigation of greenhouse gas (GHG) emissions. Moreover, it is not clear at this time that there is a need for the proposed project, particularly in light of the economic recession and concomitant reductions in electricity demand and projections of future electricity demand.

As such, we encourage the California Coastal Commission (the Commission) to reject the appeal and we encourage the Commission and Southern California Edison (SCE) to examine alternative approaches to meeting peak energy demand instead of the proposed natural gas "peaker" plant, subsequent to the California Energy Commission's new peak electricity demand forecast, which will be released in final form very shortly[1], and the Public Utilities Commission's re-examination of its previous order to SCE regarding the need for additional peak power capacity.

Alternatives to a natural gas peaker power plant

While we understand that the peaker plant proposal resulted from an order from the Public Utilities Commission (CPUC) to quickly meet projected additional peak demand for the summer of 2007 (pg. 12), we expect the CPUC to re-examine its previous order in light of substantially different economic circumstances. We also encourage Southern California Edison to reexamine their projected need for additional peak power capacity in the Oxnard region, as we believe that it may no longer be justified given the current energy load and economic situation. As such, the "no project" alternative should be selected as the environmentally preferable alternative at this time, if the CPUC requirements are otherwise deemed to be satisfied due to changed economic circumstances or additional installed capacity.

If the CPUC finds, in their re-examination, that there is still a need for peak power in this region, we encourage SCE and the Coastal Commission to reexamine

[1] Draft report available at: http://www.energy.ca.gov/publications/displayOneReport.php?pubNum=CEC-200-2009-001-SD.

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 • www.GetEnergized.org

alternatives to natural gas as an energy source. For example, Concentrating Solar Power (CSP) 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 SCE at competitive rates. SCE 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 renewable energy can be locked in for the lifetime of the facility.

SCE may also be able to rely on local distributed, backup generators as a peak source of power, as San Diego Gas& Electric has done with their Celerity Distributed Generation Supply Contract (October 3, 2008). This would reduce the costs of peak power and eliminate most of the centralized impacts of this peaker plant.

We realize that SCE has its own objectives for this project, including provision of black-start service for the Mandalay Generation Station, and emergency generation for the Goleta subsystem (pg. 64), yet these objectives are not stated in the project description (pg. 11-19) and are only found in the Alternatives section (pg. 64). We therefore question the weight that the SCE project objectives play in the Alternatives analysis.

GHG Emission Calculations and Significance Findings

The Energy Commission staff report contains a discrepancy between hours of operation. In the Project description, the plant is estimated to run for approximately 200 hours per year (pg. 12); while in the section discussing GHG emissions, the estimated running time drops to 93 hours per year (pg. 61). This discrepancy has implications for the net effect of GHG emissions and needs to be remedied before a significance finding for GHG emissions can be found.

Moreover, we are cautious about the approach in assessing system-wide GHG emissions instead of analyzing the project's stand-alone emissions (pg. 61-62). Under CEQA, the baseline from which to evaluate project impacts is "the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published." Guidelines § 15125(a). Thus, since the power

plant is proposed for a vacant site, project impacts should be measured from a "zero" GHG baseline. And while we understand that the construction of this plant may achieve a net reduction in GHG emissions from system-wide operations resulting from changes to the loading order, the proposal does not guarantee these reductions. Therefore, we caution against the Coastal Commission making the assumption that this project will result in negligible increases in GHG emissions.

In addition, any public agency is required to "mitigate or avoid the significant effects on the environment of projects that it carries out or approves..." Pub. Resources Code § 21002, subd. (b). Therefore, if the Commission insists on taking a system-wide approach to measuring GHG emissions, mitigation must also be system-wide. The staff report must include mitigation for all GHG emissions in the SCE power system. Adequate mitigation would include a GHG emission baseline of all SCE power plants, a requirement that SCE measure system-wide GHG emissions each year and, and a requirement to offset any system-wide emissions each year that are in addition to current emissions.

Furthermore, mitigation is required for both construction and operation of any project. Currently, the GHG emission calculations that result in a finding of no significant emissions only account for operations (pg. 61). In order to have a finding of less than significant, the 618,000 Metric Tonnes CO_2E (pg. 61) from construction also must be mitigated. We encourage mitigation to take the form of investments in energy efficiency or renewable energy. If carbon offsets are purchased, the Commission should require that all offsets are verifiable through an unbiased, legitimate third party, like the California Climate Action Registry.

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.

Biological Impacts

Furthermore, there is credible evidence to suggest that while the site is not pristine, it does contain high species diversity and rare and sensitive habitat and therefore should be considered an Environmentally Sensitive Habitat Area (ESHA)[2]. As such, we encourage the Commission to reevaluate their assessment and protect the onsite plant communities.

Environmental Justice

[2] David Magney Environmental Consulting. Letter to California Coastal Commission, re: SCE's Mandalay Beach Property Biological Resources (Appeal File No. A-4-OXN-07-096) March 10, 2009

We object to the limited assessment of the affected community regarding environmental justice implications (pg. 75-77). The staff report states that "impacts would not be disproportionately felt by a minority community" (pg. 77) because the closest minority population is 1.5 miles southeast of the project site (pg. 77). Yet the impacts from air pollution, diminished biological resources, GHG emissions, and visual resources would not be limited to a 1.5 square mile boundary. Therefore, the assessment of the impacted community should not be limited to 1.5 square miles. In fact, the staff assessment states that the visual impacts of the 80-foot smoke stack may be seen as far away as "coastal Ventura" (pg. 41) – over four miles away. Therefore, the impacted community should encompass the entire City of Oxnard, not the limited neighborhood adjacent to the project. With a minority population of 80 percent within the City of Oxnard, the Environmental Justice impacts are significant and should be deemed such.

Conclusion

If built, this facility will probably contribute to increased greenhouse gas emissions and lead to adverse effects on local, national, and international coastal resources from global climate change. We encourage the Commission to deny the SCE appeal and protect the coastal resources in Oxnard, and across the globe, with the understanding that SCE has other less impactful options available.

Sincerely,

Signature on File

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

Signature on File

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

Cassidy Teufel

From: Michaele Ward [amichaeleward@gmail.com]
Sent: Thursday, April 02, 2009 3:56 PM
To: Cassidy Teufel
Cc: Jonathan Ziv, DDS
Subject: Edison Power Peaker - Oxnard

RE: OPPOSITION OF EDISON POWER PEAKER PLANT IN OXNARD

My husband and I strongly, STRONGLY, **STRONGLY** oppose the proposed Edison Power Peaker Plant to be built on the coastline in Oxnard.

We **CANNOT** jeopardize our precious resources by constructing yet **another** Edison Power Plant!!!

We fervently oppose the staff recommendation for approval of this appeal. Reference Th15b

Thank you,

Michaele and Tim Ward

(Th15 b),
Appeal number (A-4-OXN-07-096)
William L. Terry
250 E. Pleasant Valley Rd. #47
Oxnard, Ca. 93033
I am in opposition to the project.

Dear Commissioners:

Thank you for hearing the voices of the people of Oxnard and having the hearing on this important issue that affects the daily lives of hard working people to have a chance to be heard.

The Edison Corporation is being disingenuous by insulting the intelligence of the People of Oxnard.

- First by declaring that this is not an Environmental Justice Impact.
- Disregarding the fact that the Demographics of Oxnard is 68 percent Hispanic, 82 percent Minority.
- That the project would operate when the weather is HOT, to provide electricity primarily to other communities for their AIR CONDITIONiNG to be comfortable and breath filtered AIR.
- At the same time the people of Oxnard have to use natural cool Ocean Breezes by opening our doors and windows to provide some comfort, but if this project is approved by you we will have to breathe polluted AIR, being down wind from this project.
- This will have an adverse effect on the health of our Youth and Elderly.
- Edison states that Polluted AIR from this project will only travel [3] Three Miles, here we get Polluted AIR from many more miles away when there are forest fires.
- The primary reason for building this peaker plant is to prepare for the hot weather, all the reasons are side issues, and they don't honestly speak to the side effects.
- Edison have not been a responsible corporation as far as protecting our Environment and our Coast, when Edison built the Mandalay plant a pipe line was run from the tank farm to a buoy in the Ocean, when the tank farm was taken out Edison left the pipe line, so since that time they removed parts of it then got approval to leave the rest.
- At Ormond Beach, Edison put in a pipe line and don't want to remove it, it is about [3] Three or {4} four miles running through Dunes and a Estuary that The Coastal Conservancy, Other Agencies along with the Community working tirelessly to restore The Ormond Beach Wetlands.
- Also at Ormond Beach Edison put in some settling ponds that contaminents have leaked into the ground water, we feel that Edison is attempting to get around cleaning it up.
- I feel that in 2002 Edison manipulated negotiations with The Coastal Conservancy to get more money for land that wasn't worth the price that Edison forced The Coastal Conservancy to pay.

Thank You again for going out of your way for us.

William L. Terry

Cassidy Teufel

From: charles godwin [godwinc@earthlink.net]

Sent: Monday, March 30, 2009 1:24 PM

To: Cassidy Teufel

Subject: April 9, 2009, item Th15b Appeal No. A-4-OXN-07-096 Southern California Edison

April 9, 2009, item Th15b

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

Southern California Edison

Shirley Godwin

Oppose

March 30, 2009

Cassidy Teufel

California Coastal Commission

45 Fremont St., Suite 2000

San Francisco, CA 94105-2219

Members of the Commission:

I believe that the reason Southern California Edison continues to push so hard for the Peaker by the beach in Oxnard is because they hope to build a new full size power plant there when the old Reliant Generating Plant at Mandalay is decommissioned as obsolete and inefficient. If the Coastal Development Permit is approved, this will set a precedent for allowing a new full size power plant in the Coastal Zone.

I have heard at least seven presentations by Southern California Edison representatives, at Oxnard City Council and Planning Commission meetings and local community meetings. At each of these presentations, and depending on the audience, Edison has given different reasons for the "need" to locate the Peaker in

the Oxnard Coastal Zone next to the Reliant Mandalay Generating Station.

Edison is heavily lobbying local business and community groups, including those outside Oxnard. The most recent presentation by Edison officials that I attended was at a local community meeting on March 23, 2009.

In an attempt to get support, the Edison officials made some statements that I believe are not true. They said the electricity from the Peaker would be used only in Oxnard and only for emergency power for hospitals and on hot summer days. Oxnard is usually blessed with cool (often foggy) summers, and most Oxnard residents don't even have air conditioning. Edison officials also stated that the Peaker would allow them to use alternative energy like wind and solar, because the Peaker would make up for dips in electricity when there was no sun or wind on the hot summer days. This is a nonsensical.

Previously, Edison had stated that the power from the Peaker would go to the Santa Clara distribution facility in Ventura and then would be sent to Goleta for use in the Santa Barbara area for emergency service.

One thing that Edison does not mention in the presentations is that power plants are no longer coastal dependent because they do not need seawater for cooling. But we know there is no need to locate any additional power plants on the precious and environmentally rich California coast. We know that the California Coastal Conservancy is ready to buy this Edison/Reliant site for restoration of this area of the coast.

Clearly Edison is getting back into the power generation business. It seems that Edison's true motivation for wanting this site for the Peaker is to get the Coastal Development Permit for a future use that does not require coastal dependency. I urge you to deny Edison's appeal and not grant this permit that would set a precedent for a future non-coastal dependent energy facility.

Shirley Godwin

3830 San Simeon Ave.

Oxnard, CA 93033

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

RECEIVED
APR 1 2009
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

(Th15 b)
Appeal number (A-4-OXN-07-096)
E. Gloria Romar
250 E. Pleasant Valley Rd. #47
Oxnard, Ca. 93033
I am in opposition to the project.

March 29,2009

Dear Commissioner,

My name is E. Gloria Roman, for several years myself, my grandchildren, neighbors, not only volunteer to Clean-up Beach day, we are doing what ever necessary to protect the Earth. My grandchildren and other children play out door sports we teach them about the environment, about clean air.

While some of us clean, others pollute destroy the land and get away with it. That is not what we want our children to learn.

President Obama, is asking each one of us to do our part in protecting our Earth, he is encouraging and supporting Green Energy and Green Jobs.

Remember March 28, 2009 at 8:30P.M. Mayor in Los Angeles with about 47 other Countries participated in the Lights off for (1) one hour, my family and I participated. Edison should have been out front on this effort.

Companies like Edison must learn to respect the earth and their neighbors, if they care about the Planet Earth instead of being Greedy.

The commission is here to guide Companies like Edison, to do the right thing, and if you don't do it now, then when. We don't have much time.

Please denied the Peaker Plant project, it will not solve the problem of global warming, but contribute to it.

The map attached illustrates how the City of Oxnard is saturated with polluting sources, compared to other cities in Ventura County that is not counting traffic pollution, do we need anymore. I ask you?

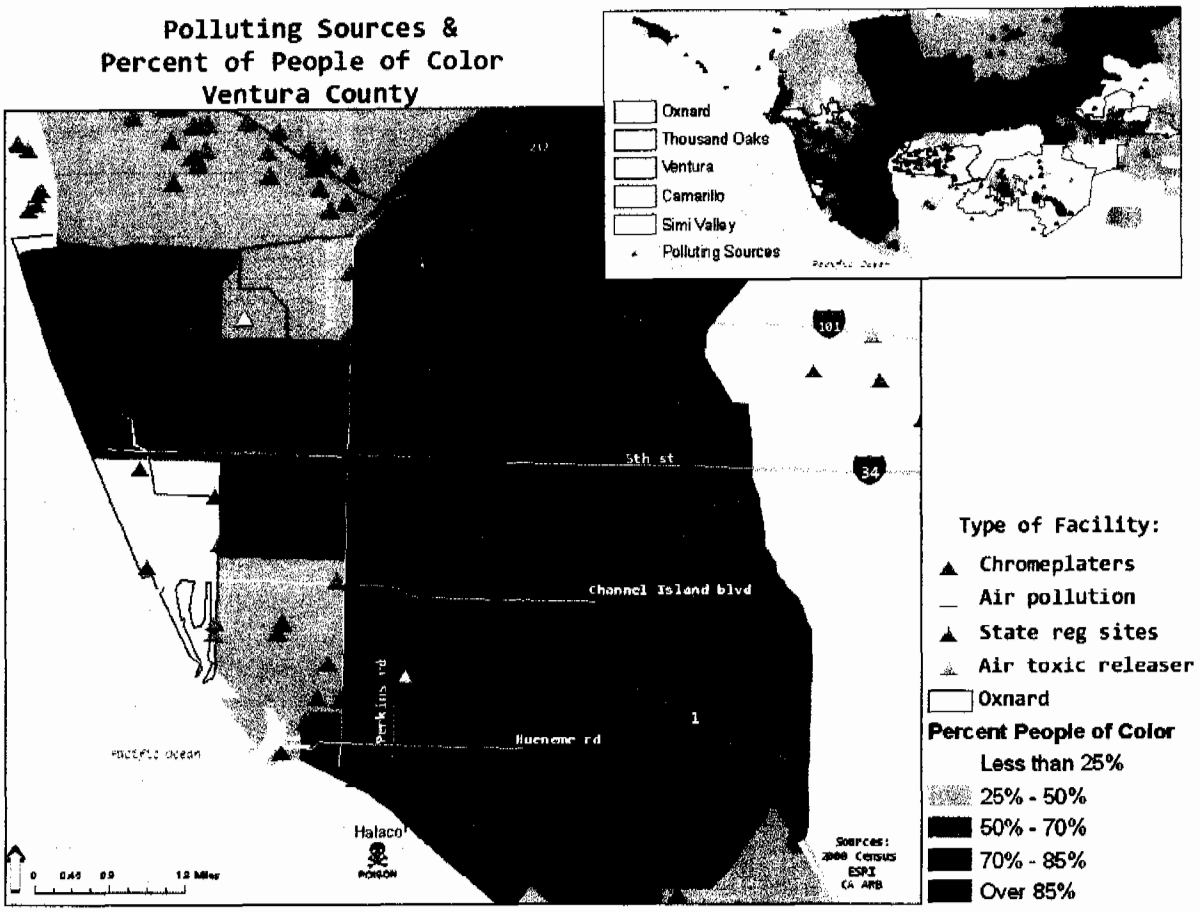
Please see the photos attached how some of us have natural air condition for our homes, we can't afford to be breathing anymore polluted air.

Enough is enough, I say.

Sincerely E. Gloria Roman

Since there is a large concentration of people of color in Oxnard, it is important to evaluate if more sources of pollution are found compare to the rest of the county. Map 8, shows the geographical distribution of people of color and polluting sources both in Oxnard and the rest of Ventura County. The list of polluting sources was obtain from the California Air Resources Board (CARB), which is responsible for the state's air quality, and the protection of the public from exposure to toxic air contaminants.

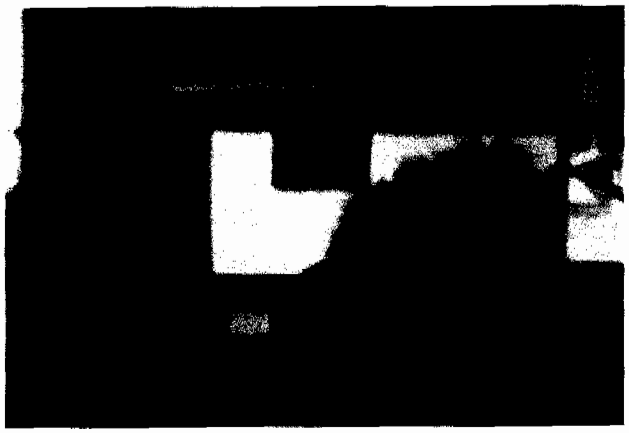
Map 8.



The following provides a brief description and example of the mapped polluting sources:

- Chromeplaters -blue-: chrome plating refers to the action of electroplating a thin layer of chromium onto a metal object, in the process people are expose to chromium, which has very high levels of toxicity.
    - Example:
      The Coastal Multichrome located at 1100 Merchantile street.
      The company works on metal finishing, more specifically anodizing, which changes the color of aluminum.
- Air Pollution/Community Health Air Pollution Information System (Chapis) – yellow-: the system locates sources that generate high levels of air pollution.

Environmental Justice is,



Preventing the contamination of the cool ocean breezes by the peaker plant, that we use to cool our homes and apartments, only to provide comfort for the privileged, leaving the youth and elderly of our community at risk because they can't afford an air-conditioner to filter and cool the air, nor could afford to pay the electric bill to run it.

Cassidy Teufel

From: Jean Joneson [tinkeyjj@yahoo.com]
Sent: Sunday, March 29, 2009 8:18 PM
To: Cassidy Teufel
Subject: Oxnard, CA Peaker Plant

Good evening everyone,

I would like to take a moment of your time to write and let you know that I would hope you take a second look at the project and give it approval.

Please read an editorial written by Mary Howard who is the chairwoman of the board of the God Coast Hispanic Business Council based in Oxnard. She is asking the businesses, public safety, emergency-response and government leaders to support the peaker plant.

I am in agreement with her. My reasons are a little different than hers and they are as follows

1. With the development that the City of Oxnard has approved we will need a back up for their bad business mistakes.
2. It will provide power for us during the summer
3. This project will not bring us unwanted traffic
4 Also they are only worried about the new development right across the street from the peaker plant
5 Now what makes this project so negative that the City does not approve it?

So please take this note as a yes for the peaker plant. I do support it.

Once again thank you for your time.

Jean Joneson

Cassidy Teufel

From: bmeeker1@roadrunner.com
Sent: Sunday, March 29, 2009 11:46 AM
To: Cassidy Teufel
Subject: "Peaker Plant", Oxnard, Ca.

Agenda Number Th15b

Appeal Number A-4-OXN-07-096

Bill Meeker (Opposed)
Clarissa Job(Opposed)

Dear Cassidy,

Please ask the commissioners to deny this proposed project. The last thing our Oxnard/Port Hueneme beach area needs are more power plants and industrial projects. We already have two large power plants on our beaches as well as the Halaco "Super Fund" contamination site, the recently approved Hueneme beach "grey water" disposal pipe and Oxnard is innundated with industrial projects.Peaker plants do not have to be located on the coast and are not dependent upon ocean water. It makes much more sense to put these facilities inland in areas that are not so enviromentally sensitive. Please ask the commissioners to override staff recommendations and deny this project at this location. Thank you.

Bill Meeker
Clarissa Job
Port Hueneme, Ca.

March 27, 2009

Elaine Sherwood
718 North Alta Drive
Beverly Hills, California 90210
Sherwoods@earthlink.net

California Coastal Commission
89 South California Street, Suite 200
Ventura, California 73001-2801

Re: Reliant Peaker Station

Dear Coastal Commission:

I would like to express my opinion with regard to the Peaker Station proposed for Mandalay Bay. To further enlarge the facility that is already a terrible blight on the beauty of the California Coast would be a huge mistake in terms of the future of preserving the California Coast for generations to come.

It would be a blatant disregard to the integrity of California's most prized natural resource, the Coastline. In the name of further profit for the energy companies, they are cloaking this endeavor in the need for additional power. With the current need to produce green resources and protect the Coast it makes no sense.

Oxnard is becoming a lovely beach community where watching dolphins play off the coast and birds fly free is a favorite past time.

We need to do all we can to prevent our coastline from becoming further compromised by ill conceived projects. I hope you will take the responsibility of your commission to protect the coast seriously enough to stop this project.

Thank you for your help.

Sincerely,

Signature on File
Elaine Sherwood

cc Oxnard City Council

2150 Kingsbridge Way
Oxnard, CA 93035-3730
March 24, 2009

California Coastal Commission

RE Appeal No.A-4-OXN-07-096
(Southern Calif Edison,Oxnard)

McGrath Peaker Plant Project at 251 N. Harbor Blvd., Oxnard
Ventura County (CT-SF)

Gentleman:

NO PEAKER PLANT AT THE ABOVE LOCATION.

LOCATE INLAND.

WHY RUIN A BEAUTIFUL COASTAL VIEW?

Sincerely,

Signature on File

Shirley Komick
Resident at the above location since 1971
Beautiful

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL Company

April 2, 2009

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

Agenda Item Th15b

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

Dear Chairperson Neely and Honorable Commissioners:

We are writing in response to the March 2009 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 at its April 9, 2009 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 discussed with Staff, regarding required grading within 50 feet of the southern border of the peaker plant property (Special Condition 3(d)), trenching and installation activities associated with the natural gas pipeline (Special Condition 3(e)) and the use of a flood control berm or levee (Special Condition 7). Specifically, SCE requests modification of Special Condition 3(d) to allow for grading and the removal and replacement of a chain link fence and gate within 50 feet of the southern border of the peaker plant. Additionally, SCE requests modification of Special Condition 3(e) so that all construction, trenching, and installation activities associated with the natural gas pipeline are limited to within 30 feet, rather than 6 feet, of the paved portion of Harbor Boulevard, because there is no sensitive habitat within 30 feet of Harbor Boulevard and limiting construction related activities to 6 feet would require the closure of both lanes of Harbor Boulevard during installation of the pipeline. Finally, SCE proposes to modify Special Condition 7 so that SCE will submit a permit amendment to construct a flood control berm or levee if SCE is in the 500-year flood zone of the final, adopted Federal Emergency Management Agency ("FEMA") map, unless existing design criteria are reviewed and/or modified by a registered civil engineer to ensure that existing design criteria are adequate to withstand a 500-year flood event. Please see Section VIII below for a detailed discussion of SCE's proposed revisions to Special Conditions 3(d), (e) and 7.

We therefore respectfully request that the Commission accept Staff's recommendation and approve a CDP for SCE's much-needed Project, for the reasons summarized below and set forth in the Clarifications to the Staff Report attached hereto as Exhibit A.

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 following an Executive Summary is a brief discussion of (1) the Project, (2) the Project's consistency with the City of Oxnard's certified LCP zoning designation, (3) the Project's consistency with LCP policies that provide for the protection of sensitive habitat areas, (4) the Project's lack of adverse impacts on low-income or minority populations; and (5) the Project's visual compatibility with existing uses and the absence of any adverse impacts to any significant visual resources.

Finally, attached as Exhibit B are responses to comments raised at the August 2008 Commission hearing.

I. EXECUTIVE SUMMARY

A. The Project is Consistent with the City of Oxnard's Certified LCP Zoning Designation

- Language adopted by the Coastal Commission and used by the CEC does not require that a facility be coastal dependent in order to qualify as a "reasonable" expansion of a coastal power plant.

- 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 in new areas.

- Coastal Commission staff have reviewed the LCP zoning designation and agree that the proposed Project is consistent with LCP requirements.

B. The Project is Consistent with LCP Requirements that Provide for the Protection of Sensitive Habitat Areas

- The City of Oxnard's coastal land use plan specifically designates sand dune habitat that qualifies as ESHA and the Project site is not so designated.

- The Project site upon which the peaker is proposed to be located is a former tank farm, has been graded in the past, and does not have any sensitive habitat on site.

- The portions of Project site upon which the transmission lines and natural gas pipeline are proposed to be located are so degraded, as confirmed by the CCC Staff Biologist, and SCE's Biologist, that it does not qualify as ESHA – the areas where work will occur are predominated by non-native and invasive species. These areas have only approximately 10% native species.

- The designation of the Project site as an ESHA would be inconsistent with the City's prior interpretation and application of its own LCP with regards to the Northshore development project.

- Construction of the transmission poles and natural gas pipeline will disturb a very small area, with a permanent disturbance of only 93 square feet.

- SCE will spend more than $500,000 to remove iceplant and other non-native species from 37 acres of back dune area..

C. The Project Does Not Adversely Impact Low-Income or Minority Populations

- Because the Project will not have any significant adverse effects, the Project cannot disproportionately impact any segment of the local community – including low income or minority populations.

- Under federal, state or SCAQMD standards, the community within the immediate vicinity of the Project is not comprised of predominately minority or low-income populations and those populations would not be disproportionately impacted adversely.

- The closest residential area is less than 14.8% minority, which is less than half of the average minority population percentages in Ventura County (43.3 %) and in the State of California (53.3 %).

- Only 5.9% of the population in the closest residential area was below the poverty level in 2000; this percentage is substantially lower than the percentages of the population below the poverty level in Ventura County (9.2%) and in the State of California (14.2%).

- Low-income and minority populations in the vicinity of the Mandalay site are less than those in the vicinity of the four identical and previously constructed peakers, which were not found to have environmental justice impacts.

D. The Project is Visually Compatible with Existing Uses

- U.S. Fish and Wildlife Service, the California Department of Parks and Recreation, and Coastal Commission Staff reached consensus on the trees to be used in the landscape plan to screen the facility.

- The fixed 80-foot exhaust stack is currently low profile design and meets CEC standards for no adverse impact.

- The stack is the minimum height that meets U.S. EPA Acid Rain emission monitoring requirements.

- Retractable, collapsible or movable stacks are not available from any manufacturer.

- A retractable, collapsible or movable stack would require a power up which would eliminate blackstart capability, a key Project objective.

II. 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.

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

While the City asserts that its coastal zoning ordinance prohibits any non-coastal dependent development on the Project site, as the Commission concluded in the Staff Report, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify or imply that it must be coastal dependent. The City's after-the-fact interpretations of the LCP over the clear, unambiguous language of the ordinance are unpersuasive.

The Coastal Commission has long viewed the policy regarding the "reasonable expansion" of existing coastal zone power plants as allowing the development of new power

facilities at existing sites as needed to meet the State's energy needs without any requirement that such developments constitute coastal dependent facilities. "Designation of Coastal Zone Areas Where Construction of an Electric Power Plant Would Prevent Achievement of the Objectives of the California Coastal Act of 1976," a report adopted, revised, and re-adopted by the Coastal Commission in 1978, 1984, and 1985, allows for the "reasonable expansion" of coastal power plants in areas otherwise deemed unsuitable for power plant development. The California Energy Commission built on this definition, noting in a report entitled, "Opportunities to Expand Coastal Power Plants in California," that the "legislative mandates of the CCC and BCDC require that their designations to protect coastal resources not be applied to specific areas necessary for the "reasonable" expansion of existing coastal zone power plants …[which includes] the provision, or maintenance, of land area adequate to satisfy a specific site's share of the state's need for increased electrical power generating capacity." This language adopted by the Coastal Commission and used by the California Energy Commission does not require that a facility be coastal dependent in order to qualify as a "reasonable" expansion of a coastal power plant.

In the same vein, pursuant to Section 17-20 of the City's coastal zoning ordinance, the EC subzone, which encompasses the entire site of the proposed Project, expressly allows "electrical power generating plant and accessory uses normally associated with said power generating facility." Similar to the language adopted and used by the Coastal Commission and the California Energy Commission, the LCP's language does not state or imply that an energy development must be "coastal dependent" to be permitted at the proposed site. As an "electrical power generating plant," the proposed peaker facility is unquestionably permitted at the proposed site under the City's coastal zoning ordinance.

No provision in the zoning ordinance or elsewhere in the LCP requires that energy developments must be "coastal dependent" to be permitted at the proposed site. Because one section of the 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 City contends that all development within the EC subzone must be coastal dependent. 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 the development of a non-coastal dependent peaker plant within a site already specifically zoned for, and long used for, energy facilities.

While the City has recently taken a preliminary step in amending its LCP to require that all power generating facilities must be coastal dependent to be conditionally permitted uses in the Coastal Energy Facilities subzone, such action does not impact the proposed Project's consistency with the LCP zoning designation. The proposed LCP amendment has not yet gone before either the Oxnard City Council or the Commission and is thus inapplicable.[1] Under traditional principles of administrative law, a commission, in its *de novo* review, must apply the

[1] The proposed amendment has been challenged by SCE at the City and has been pulled from consideration by the City Council without any new date set for consideration.

zoning ordinances in effect at the time of its final decision.[2] *Russian Hill Improvement Association v. Board of Permit Appeals of the City and County of San Francisco*, 66 Cal. 2d 34, 40 (1967). Because the proposed LCP amendment is pending consideration by both the Oxnard City Council and the Commission, the proposed LCP amendment is inapplicable to a determination of the Project's consistency with the LCP zoning designation. Accordingly, as the Staff Report concludes, the Project is a conditionally permitted use of the Coastal Energy Facilities subzone.

IV. THE PROJECT SITE IS CONSISTENT WITH THE LCP POLICIES THAT PROVIDE FOR THE PROTECTION OF SENSITIVE HABITAT AREAS

While the City incorrectly contends the Project site east of Harbor Boulevard is ESHA, as the Commission concluded in the Staff Report, the Project site does not qualify as ESHA given its diminished biological and ecological value. Neither the proposed site of the peaker plant nor the areas where the transmission line poles or the natural gas pipeline will be located qualify as ESHA because: (1) the City of Oxnard's coastal land use plan specifically designates sand dune habitat that qualifies as ESHA and the Project site is not so designated; (2) the Project site is so degraded that it does not fit within the definition of ESHA established by either the Coastal Commission or the City; and (3) the designation of the Project site as an ESHA would be inconsistent with the City's prior interpretation and application of its own LCP.

Because the City's LCP specifically designates the sand dune habitat that constitutes ESHA and the designation does not include any portion of the Project site, a finding that the Project site contains ESHA is contrary to and inconsistent with the LCP. Recent case law confirms that when an LCP identifies ESHA, as the Oxnard LCP does, the Coastal Commission's authority to designate ESHA is more limited than its general authority on *de novo* review of a CDP appeal. *See Security National Guaranty, Inc. v. California Coastal Comm'n*, 159 Cal. App. 4th 402 (2008).

Moreover, the Project site is so degraded that it does not fit within the definition of ESHA established by either the Coastal Commission or the City. The proposed site of the peaker plant is a brownfield site formerly occupied by oil tanks that has been graded and is devoid of any significant vegetation. This portion of the Project site that will house the peaker therefore does not meet the definition of ESHA.

The site conditions east of Harbor Boulevard also do not qualify as ESHA. The underground natural gas pipeline will be located within a previously disturbed area and will cause only approximately 6 square feet of permanent disturbance. A biological study by Tony

---

[2] Even if the LCP amendment were adopted and certified at the time of SCE's CDP appeal before the Coastal Commission, the amendment would not lawfully apply to the peaker plant because the LCP amendment was clearly undertaken by the City of Oxnard to frustrate the approval of the proposed Project. *See Delta Wetlands Properties*, 121 Cal. App. 4th 128 (citing *Sunset View Cemetery Assn. v. Kraintz*, 196 Cal. App. 2d 115) (holding that zoning amendments occurring after the submission of a permit application cannot be enforced upon the applicant if the sole purpose for enacting the zoning amendment was to frustrate a particular project).

Bomkamp of Glenn Lukos Associates quantified the composition and approximate cover of the vegetation along the proposed natural gas pipeline route. Data collected from the pipeline route transect indicates a relatively high level of disturbance. Native plant cover along the transect comprises only approximately 10.7 percent of the total cover. Because the Project site does not contain the vegetation and habitat consistent with sensitive coastal dune habitats, the study concluded that the pipeline transect does not qualify as ESHA.

The areas containing the transmission line poles also do not qualify as ESHA. The new transmission line poles east of Harbor Boulevard will be added to the existing Channel Islands-Mandalay pole line. To accommodate the new line, seven (7) existing poles will be replaced in approximately the same locations, and three (3) new poles will be added to support the added stresses. The permanent ground disturbance impact of the new poles will be only 93 square feet. Moreover, the Bomkamp biological study demonstrates that native plant cover along the transmission line transect only comprises approximately 14.9 percent of the total cover. Based on this study, the Project area does not qualify as ESHA.

Finally, the designation of the Project site as ESHA is inconsistent with the City's prior interpretation and application of its own LCP. Both the City and the Coastal Commission reviewed the immediately adjoining Northshore project site and determined that because the area was degraded and did not contain vegetation characteristic of sensitive coastal dune habitat, none of the Northshore project site, including the dune areas, qualified as ESHA.

Site visits by Commission Staff and biologist Tony Bomkamp subsequent to the August 2008 hearing confirm that the Project site is not ESHA. Ms. Engle, of Commission Staff, reported that the Project area is "degraded and disturbed" and noted that the "chronic disturbance . . . from public utility infrastructure installation and maintenance activities over the years has been substantial – an electricity transmission substation, gravel staging and storage area, several dirt roads, two underground natural gas pipelines and several dozen transmission poles and overhead power lines exist on the site and transmission line cleaning and maintenance activities involving the use of high clearance trucks, along each of the seven transmission line corridors occurs once every four weeks." Moreover, Tony Bomkamp reported that "the gas line and pipeline route areas have been subject to various types of disturbance, including the installation of existing utilities and roads and the invasion and establishment of non-native invasive plants."

As the Commission concluded, because the many sources of habitat disturbance on the Project site have diminished the biological and ecological value of the site, the Project site is not ESHA.

V. THE PROJECT DOES NOT ADVERSELY IMPACT LOW-INCOME OR MINORITY POPULATIONS

While the City incorrectly contends that there is an environmental justice impact that cannot be mitigated, as the Commission concludes in the Staff Report, the Project would not adversely affect human health or environmental resources within the Project area. Furthermore, the residential area and community within the vicinity of the Project site is not comprised of a predominately minority and/or low income population. Although environmental justice is not an issue that provides a basis for denial under the Coastal Act or the LCP, the Staff Report

nevertheless undertook an environmental justice analysis of the Project and determined that the Project has no significant adverse impacts on minority or low income populations.

On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations." This Executive Order mandates: "[t]o the greatest extent practical and permitted by law…each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions…." In April 1998, the EPA published a document titled "Final Guidance For Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses" to guide EPA staff in incorporating environmental justice goals into the preparation of environmental impact statements and environmental assessments under NEPA.[3] The EPA guidance document was prepared with input from the Interagency Working Group on Environmental Justice created by Executive Order 12898. According to EPA's guidelines, a minority and/or low-income population exists if the minority and/or low-income population percentage of the affected area is 50 percent or more of the area's general population. The CEC's environmental justice approach is consistent with the U.S. EPA's 1998 environmental justice guidance.

Although not applicable to this case, to determine if the Project will adversely impact low-income or minority populations, it is necessary to evaluate the potential significant adverse effects of the Project and then determine whether those effects would be felt disproportionately by low-income or minority populations. Potential issues raised by the Project that could adversely affect the local community include air emissions, noise, water discharge and visual blight. However, the mitigated negative declaration and the Coastal Commission Staff Report both found that the proposed Project will have no significant adverse effects on the environment and, with conditions, is consistent with the LCP. As such, it necessarily follows that the proposed Project cannot have a disproportionate impact on low-income and minority populations.

Moreover, even if the Project had significant adverse effects, the population surrounding the Project site is not predominately low-income or minority and thus the Project's impacts would not adversely affect such populations. As the Commission noted, given the Project's proposed use, size and design, the likelihood that, even under a worse-case scenario, it would adversely impact populations more than half-mile away from the Project site is very unlikely. The closest residential area to the Project site has 14.8 percent minority representation. The nearest residential area with a minority population above 40 percent is over 1.5 miles from the Project site. This is well below the minority population percentages in Ventura County (43.3 percent) and the State of California (53.3 percent) and well below the 50 percent threshold used to evaluate disproportionate impacts on minority populations. It is only when a six mile radius is considered that the minority representation of the population exceeds 50 percent and reaches 62 percent. However, because the Project will likely have no impact on populations more than half-

[3] 42 U.S.C. Section 4321 et seq.

mile away, and because the Project has no significant adverse impacts, there are no impacts on environmental justice populations.

Additionally, in the nearest residential area to the Project site described above, only 5.9 percent of the population was below the poverty level in 2000. This is substantially lower than the percentages of the population below the poverty level in Ventura County (9.2 percent) and in the State of California (14.2 percent) and well below the 50 percent threshold used to evaluate disproportionate impacts on low-income populations. Moreover, there are substantially fewer residential areas within a three mile radius of the Project site that are below the poverty level than there are in Ventura County and the State of California. *See* Table 2, Percentages of Low-Income and Minority Populations in Zip Codes for Mandalay, Alternative, Other Peaker, and Existing Coastal Power Plant Sites in *SCE's Supplemental Environmental Justice Analysis*, submitted to Commission staff on October 11. 2008, attached hereto as Exhibit C. Finally, the percentage of the population below the poverty level within a six-mile radius of the Project is well below the 50-percent threshold established by law.

Finally, low-income and minority populations in the vicinity of the Mandalay site are similar to those 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 or minority populations more than the alternative locations evaluated by SCE.

VI. THE PROJECT IS VISUALLY COMPATIBLE WITH EXISTING USES AND WOULD NOT RESULT IN ADVERSE IMPACTS

While concerns have been raised about the visual impacts of the Project, Commission staff correctly concluded that the Project will not result in any significant adverse visual impacts. The location of the Project on a brownfield site in close proximity to the Mandalay Generating Station, in conjunction with SCE's proposal to construct a vegetated berm and implement a landscaping plan, will minimize the Project's visual impacts to a non-significant level in compliance with Local Coastal Policy 37, which requires that all new development in the coastal zone be designed to minimize impacts on the visual resources of the area.

SCE's efforts to screen the proposed facility and reduce its visual profile include both the implementation of a landscaping plan as well as the construction of an earthen berm to augment the landscaping plan and increase the height of proposed vegetation. Due to the possibility that the placement of substantial numbers of large trees on the Project site could degrade the viability of nearby sensitive habitat areas, SCE revised its original landscape plan to eliminate the use of large native and non-native tree species. The large trees have been replaced by large shrub, small native tree, bush, shrub, grass and groundcover species. Under the new plan, the use of trees would be limited to those that have been approved by the California Department of Parks and Recreation, U.S. Fish and Wildlife Service and Commission staff as unlikely to attract predatory bird species. Although the large shrub and trees will likely not attain heights in excess of 20 feet, the density of their branches, their placement on the berm, and their use with other

large bushes would enable them to provide a high degree of visual screening. Therefore, the Project will not result in any significant adverse visual impacts.[4]

However, despite these screening efforts, in response to questions raised at the August 2008 hearing, SCE nonetheless considered the use of a retractable stack. The LM6000 peaker that SCE has proposed to install is a pre-engineered, standard design that is purchased as a package from General Electric. SCE thus engaged in discussions with various manufactures regarding the feasibility of using alternative stack designs. SCE contacted both gas turbine suppliers and stack manufacturers including General Electric, Pratt & Whitney, Express Integrated Technologies, M&I Power Technologies, and Braden Manufacturing and learned that none of these manufacturers currently offer its customers retractable, collapsible, or moveable stacks. Stacks are currently designed to include air quality monitoring equipment; a retractable stack could not include such equipment. Moreover, the use of retractable stacks would not meet the performance requirements of the proposed Project. The use of a retractable stack would require electricity and additional time to become operational and thus is at odds with the peaker's purpose of quickly dispatching power with black start capability.

While direct design changes to further reduce the visibility of the plant are not feasible, SCE's commitment to construct vegetated berm and implement the landscaping plan will sufficiently minimize the Project's impacts on the visual resources so that the Project will not result in any significant adverse visual impacts.

VII. ADDITIONAL SUPPORT FOR THE STAFF REPORT'S CONCLUSIONS AND RECOMMENDATIONS

While we concur with Staff Report's conclusions, we would like to supplement the Staff Report's findings with additional information set forth in Exhibit D with regard to: (1) alternatives analysis; (2) the need for the Project; (3) cumulative impacts; and (4) hazards. This information provides additional support to the Staff Report's recommendation for approval of the proposed Project.

VIII. REQUESTED MODIFICATIONS TO SPECIAL CONDITION 3(D), 3(E) AND 7

Set forth below are three changes that we request to the Staff Report's special conditions. We are in the process of discussing these proposed changes with Commission Staff, who are currently evaluating our requested modifications.

- SCE requests the following modifications to Special Condition 3(d):

3(d) The only activities allowed within 50 feet of the southern border of the peaker plant property shall be **required grading,** the removal **and replacement in a new location** of the ~~existing~~ chain link fence **and gate** and the following landscape activities: (1) eradication of the existing exotic weed species; and (2) planting of native plant species from locally collected seed that are compatible with the

[4] Exhibit H contains an additional visual simulation from the height of a proposed second story residence at the Northshore development.

revegetation project completed on the adjacent Mandalay State Beach in 2002. All landscaping and construction activities within 50 feet of Mandalay Canal shall be avoided with the exception of dewatering wastewater discharge, natural gas pipeline installation on Harbor Boulevard over Mandalay Canal, and use of existing roads for equipment access.

SCE requests the Commission adopt its proposed revisions to Special Condition 3(d) so SCE can move the gate from its current location, which is immediately adjacent to the southern fence line of the parcel, to a location 50 feet farther north in order to leave a buffer that does not currently exist. SCE needs to grade the area because the soil in the area does not meet the grading plan needed to ensure drainage from the Project. Additionally, the site surface is currently above the grade that will be needed to move the gate farther north, which must be at the grade of Harbor Boulevard. The grading will not affect any sensitive habitat.

- SCE also requests the following modification to Special Condition 3(e):

3(e) All construction, trenching and installation activities associated with the natural gas pipeline shall be limited to within ~~six~~ **thirty** feet of the paved portion of Harbor Boulevard, except those activities associated with the pipeline tap point and access cover installation at the pipeline's northern terminus.

For several reasons, SCE seeks to modify Special Condition 3(e). First, constructing the pipeline within the proposed 6 foot wide construction corridor will require the full closure of both lanes of Harbor Boulevard during the entire 6-8 week construction period, with a detour around the construction zone onto alternate streets. Second, the location that the Commission has proposed to place the pipeline south of the bridge has already been allocated by the City of Oxnard to a 20-inch storm drain, and 15-feet curb and gutter system that was approved as part of the Northshore Development. This is the closest location to the existing pavement that remains available. In order to comply with the proposed condition as written, the pipeline would have to be installed under the existing pavement. Third, reducing the width of the construction corridor does not result in significant additional protection to vegetation or habitat as this road shoulder has been subject to frequent vegetation and soil disturbance over the years due to the accumulation of litter, automotive debris and road runoff and its occasional use by parked and broken down vehicles. Glenn Lukos Associates surveyed a transect down the center of the pipeline construction corridor along its full length, and determined that native plants only comprised 10.7% of the total cover and no sensitive species were present.

The requested modification to Special Condition 3(e) is compliant with the Coastal Act and the City of Oxnard LCP. The proposed modification will not cause construction, trenching or installation activities to occur within an area that has sensitive habitat. Moreover, the proposed modification will minimize traffic impacts associated with the installation of the natural gas pipeline.

- Finally, SCE requests the following modifications to Special Condition 7:

7. **Flood Protection:** If the final approved FEMA Flood Insurance Rate Map for the project area that is currently in draft status shows the peaker plant site within the

500-year flood zone, SCE shall submit, within 60 days of FEMA's determination, a permit amendment to construct a flood control berm or levee of sufficient height, **unless the existing design criteria is reviewed, and if necessary, modified by a registered civil engineer to ensure that existing design criteria are adequate to withstand a 500-year flood event and would not result in flooding of the peaker plant.** The flood control berm or levee shall surround the peaker plant, the substation and the natural gas metering station.

Typical design criteria concern a facility's ability to withstand a 100-year flood event. The Commission's proposed condition holds SCE to an even higher standard. To ensure flood safety under all circumstances, SCE agrees to submit, if so required, a permit amendment to construct a flood control berm or levee of sufficient height so that even a 500-year flood event would not result in flooding of the peaker plant.

However, SCE proposes to modify Special Condition 7 to allow SCE to conduct site specific engineering to determine risk and need for such construction. As proposed, Condition 7 will require SCE to submit a permit amendment to construct a flood control berm or levee if the peaker is in the 500-year flood zone of the final, adopted FEMA map, unless existing design criteria are reviewed and/or modified by a registered civil engineer to ensure that existing design criteria are adequate to withstand a 500-year flood event.

IX. CLARIFICATIONS TO STAFF REPORT

As mentioned above, attached hereto as Exhibit A are clarifications submitted by SCE to the Project Description and Staff Report. The majority of SCE's revisions clarify and correct the description of the California Public Utilities Commission's consideration of SCE's pending application.

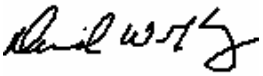
Additionally, SCE's revisions address operation and maintenance activities necessary to maintain the transmission line poles and natural gas pipeline east of Harbor Boulevard. With respect to existing and future operation and maintenance access requirements, SCE must retain the ability to operate and maintain its existing distribution, subtransmission and transmission facilities on its land east of Harbor Boulevard. SCE commits to maintain those existing facilities with a minimum amount of ground disturbance. Also, should future growth in the Oxnard area require substation upgrades and expansion, SCE needs the ability to expand the existing substation, subject to separate, future Commission approval. Although the existing SCE subtransmission line is located inside the eastern edge of the Harbor Boulevard right-of-way, it may be necessary at some point to relocate the existing line farther to the east on the property and if necessary to replace the existing poles with different structures that are able to accommodate additional or higher capacity circuits. The footprint of future pole upgrades would be insignificant and Commission staff would be consulted in advance of any such work.

SCE requests that the Project Description be clarified in the Staff Report, along with other clarifications set forth in Exhibit A. Specifically, SCE requests that Commission staff clarify the description of the California Public Utilities Commission's consideration of SCE's pending application and the operation and maintenance activities necessary to maintain the transmission line poles and natural gas pipeline east of Harbor Boulevard along with other minor

clarifications in Exhibit A and adopt such clarifications as part of the Project Description and Staff Report.

Finally, attached hereto as Exhibit E is a list of additional documents that are part of the administrative record but are not currently listed in Appendix A of the Staff Report, List of Exhibits and Substantive File Documents. SCE requests that the documents referenced in Exhibit E are added to Appendix A of the Staff Report, List of Exhibits and Substantive File Documents.

Sincerely,



David W. Kay
Manager, Environmental Projects

Attachments: Exhibit A: Clarifications to Staff Report
Exhibit B: Responses to August 2008 Hearing Comments
Exhibit C: Table 2 of SCE's Supplemental Environmental Justice Analysis
Exhibit D: Additional Support for Staff Report, with Review of Potential Land Impacts and Analysis of Alternatives Attachments
Exhibit E: Additional Substantive File Documents
Exhibit F: California ISO Letter re Need for Peaker Project, submitted March 10, 2009
Exhibit G: Calleguas Water District Letter, dated January 25, 2009
Exhibit H: Visual Simulation From Northshore Second Story

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description and Background

Southern California Edison (SCE) proposes to build and operate a 45-megawatt natural gas fired "peaker" plant in the coastal zone within the City of Oxnard. The project would require the use of two sites, one to the west of Harbor Boulevard for the peaker plant itself, as well as a substation, natural gas metering station and associated infrastructure. On the other site, to the east of Harbor Boulevard, SCE proposes an 1,800-foot long gas pipeline and ten new and replacement transmission poles. SCE historically used the western site as a tank farm to store fuel oil before the nearby Mandalay Generating Station was converted to be powered by natural gas. The eastern site currently supports seven transmission lines, an electrical substation, and a variety of underground pipelines and infrastructure. Both sites, owned by SCE, are in close proximity to the Mandalay Generating Station, the Mandalay Canal, an existing offshore oil processing facility and two operating oil wells on the west, and the undeveloped sand dune habitat of Mandalay State Beach on the south (as shown in Exhibit 1).

SCE initially proposed this project following an Assigned Commissioner's Ruling by Commissioner Michael Peevey of the California Public Utilities Commission (CPUC) (attached as Exhibit 2) which directed SCE to expand one of its energy conservation programs and to "…pursue the development and installation of up to 250 megawatts of black-start, dispatchable generation capacity within its service territory for summer 2007 operation." In this context, the term "black-start" refers to the ability of a generating unit to turn on and power-up without the need for external power input, for example during a power outage in the area, and the term "dispatchable" refers to a unit's ability to start and ramp up power output quickly, for example in response to a rapid demand increase or a sudden loss of other generation or transmission resources.~~device to turn on and power up without the need for external power input and the term "dispatchable" refers to the potential for the up to 250 megawatts to be provided to or dispatched to the larger power grid~~. In response to this Assigned Commissioner's Ruling, SCE constructed and brought on line four 45 megawatt peaker plants outside of the coastal zone in southern California for an estimated 180 megawatts of generating capacity and began the permitting process for a fifth 45 megawatt peaker within the coastal zone in Oxnard. The four inland peaker plants were installed ~~in 2006 and 2007 and operated in 2008 for between 104 and 127 total hours.~~

~~The CPUC is currently in the process of reviewing the Assigned Commissioner's Ruling to determine whether or not construction of a fifth peaker plant at this point would still be necessary to satisfy it due to the fact that the summer 2007 deadline specified in the Assigned Commissioner's Ruling has passed as well as other factors such as the ambiguity of the phrase "up to 250 megawatts" used in the Ruling and resulting debate regarding the actual number and capacity of generating units required to satisfy the Ruling, questions regarding the need for a fifth peaker plant, recent downward adjustments of electricity growth and demand forecasts as a result of the current economic recession, and questions regarding whether or not SCE may charge ratepayers to recover permitting and construction costs associated with the development of the McGrath peaker.~~

~~Additionally, within the next several months, the CPUC is also expected to make a decision regarding whether or not SCE can charge ratepayers for the cost of the McGrath peaker. It is the understanding of Commission staff that SCE would continue to pursue development of the proposed peaker plant in Oxnard regardless of the determination by the CPUC regarding the applicability of the 2006 Assigned Commissioner's Ruling. SCE states that the proposed peaker plant~~ and operating by August 2007, and during 2008 they operated between 104 and 127 total hours each.

SCE currently has an application pending before the CPUC for recovery in its electricity rates of the costs that SCE incurred on the four completed peakers. In January 2009, other parties to that proceeding raised the issue at the CPUC of whether there is continued need for the fifth peaker and accordingly whether further SCE spending on the fifth peaker should be eligible for recovery, citing factors such as the passage of the Summer 2007 period which was the focus of concern in the Assigned Commissioner's Ruling, the four completed peakers, and the recent downturn in the economy and electricity demand forecasts. SCE stated that the fifth peaker remains needed, especially because of power transmission constraints affecting the Ventura County-Santa Barbara County area and the resultant need for a black-start capable generator within that area, which does not currently

have any black-start capable generation. The CPUC has not yet taken any action on this issue.

The California Independent System Operator (ISO) has submitted a letter to the Coastal Commission on March 10, 2009 (Exhibit 1A) stating that the ISO supports the peaker project. The ISO is a not-for-profit, public-benefit corporation statutorily charged with operating most of California's transmission system and maintaining the system's reliability in compliance with applicable standards. The ISO letter states that "Southern California has a continuing strong need for additional quick start peakers. In addition to providing peak power during times of high electricity demand, plants such as the Oxnard peaker provide the quick-start and power-ramping capabilities that are needed to maintain transmission system stability while integrating additional renewable resources into the transmission system."

SCE states that the proposed peaker plant, besides providing emergency black-start capability in the case of transmission outages to the Ventura County-Santa Barbara County area, "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" and that "the unit can be started on short notice to respond to demand peaks." Use of the peaker plant would be limited to a maximum of 2,000 hours per year (as specified in the air pollution emission limits established by the Ventura County Air Pollution Control District) and anticipated use would be around 200 hours per year.

The proposed peaker plant would require the construction of numerous components and infrastructure, including both a natural gas-fired emergency start-up generator (also known as a black-start generator because of its ability to startup without an external power source) and a natural gas-fired turbine generator with pollution control equipment, an 80 foot tall exhaust stack, a 10,500 gallon aqueous ammonia storage tank, a water demineralization system and 50,000 gallon de-ionized water storage tank, a 180,000 gallon fire water storage tank, natural gas and water supply lines and storage tanks, transformers, access roads, security gates, fences and transmission lines and poles. Additionally, the construction of an approximately 4,900 square foot electrical substation and a 3,000 square foot natural gas metering station would be required to facilitate electricity generation and transmission.

Site Preparation: Site preparation activities at the peaker plant site include establishing temporary staging areas and excavating, grading, and de-watering construction areas. Proposed temporary staging areas would encompass approximately 4.6 acres of the project site and would be used for the storage of material and equipment during construction. In addition, much of the remainder of the project site would be used for construction office trailers and temporary parking facilities. Proposed grading and excavation activities include the placement of a 1,000 foot long, 50 foot wide and six foot tall earthen berm along the entire eastern edge of the project site (adjacent to Harbor Boulevard), the temporary removal of roughly 408,000[3] cubic yards of soil to facilitate de-watering activities and the installation

---

[3] Based on information provided by SCE that estimates the size of the excavation area at 240 feet by 340 feet and the depth of the excavation at 15 feet. Upon completion of dewatering activities and the installation of

of the peaker plant's foundation, as well as additional smaller scale earth moving activities necessary to install the foundations for the natural gas metering station and transmission substation. The majority of this excavated material would be used as backfill at the site of excavation once the de-watering and foundation construction activities are completed. Excess material would be used to construct the earthen berm. Any remaining material would be disposed of at an appropriate offsite receiving facility. To enable excavation and foundation construction to proceed, SCE proposes to lower the water table at the construction site by between 8 and 10 feet.

Proposed de-watering activities would withdraw approximately 25 million gallons of groundwater from the project site within the first ten days and would then proceed at an estimated withdrawal rate of 2.5 million gallons per day for an estimated additional 172 days. These de-watering activities would require between 11 and 30 separate twenty-four inch diameter by 40 foot deep wells around the perimeter of the approximately two acre peaker plant foundation footprint. Groundwater withdrawn by the proposed well system would be directed to a 21,000 gallon Baker style de-sanding tank to allow suspended solid materials within the water to settle out before the water is discharged through an existing storm drain pipe into the Mandalay Canal. Material collected within the proposed de-sanding tank would be chemically analyzed and then either used in the proposed landscape berms or hauled away to an approved disposal site, based on the results of chemical analysis. During the proposed ten day initial de-watering period, operation of the pump system would be continuous for 24 hours per day and would then proceed at the frequency necessary to maintain the target water depth, based on the rate of ground water intrusion and return. The total estimated amount of groundwater proposed to be withdrawn and discharged into the Mandalay Canal is 455 million gallons. Upon completion of foundation construction, de-watering would cease.

SCE has provided Commission staff with the results of chemical analyses conducted on groundwater samples from the project site. All pollutant levels appear to be well within applicable limits established by the California Regional Water Quality Control Board. Groundwater is brackish due to seawater intrusion and proximity to the ocean. SCE has also provided the water sample lab results to the California Regional Water Quality Control Board and has submitted a Notice of Intent to comply with general waste discharge requirements and obtain a National Pollutant Discharge Elimination System (NPDES) Permit.

Transmission Lines and Poles: As shown in Exhibit 1, SCE also proposes to install approximately 1,350 circuit feet of transmission line, seven new 55-80 foot tall transmission poles (four within the peaker plant parcel to the west of Harbor Boulevard and three to the east of Harbor Boulevard) and replace seven existing transmission poles located east of Harbor Boulevard with new poles that are slightly larger and taller (ranging in size from 65-85 feet tall).

The routing of the transmission line would require placement of two 55-60 foot tall wood power poles within the project site to connect the peaker plant to the transmission substation and two additional 55-65 foot wood power poles also within the project site but south of the proposed substation to route the powerline to the point where it will cross Harbor Boulevard.

---

foundation supports, the majority of this material would be used onsite to backfill this excavation or construct the six-foot high earthen berm along the eastern edge of the site.

After the line crosses Harbor Boulevard, it will be routed along an existing transmission line within an existing transmission corridor through SCE's property on the east side of the street. In order to accommodate the weight of the new transmission line, provide sufficient ground clearance for safety purposes, and route the line to the appropriate junction with the existing transmission line east of the existing Mandalay Substation, approximately seven wood power poles from the current transmission corridor will be replaced by new wood power poles in the same or adjacent locations, and approximately two additional wood power poles and one additional steel power pole will be installed in new locations. The proposed steel pole would require a seven foot diameter reinforced concrete support foundation to be installed above ground at its proposed footing site adjacent to the Mandalay substation's existing unpaved service road (this pole location is referred to as number 4533721E on Exhibit 1). A steel pole is required at this location to resist the stresses of a "corner" location along the line.

Apart from the proposed steel pole, the new and replacement poles will be similar in appearance but approximately five to ten feet taller than the existing poles within the same transmission corridor along Harbor Boulevard, which range from 60 to 75 feet in height. Placement of these poles and their anchoring systems require the excavation of 32 augured holes, each between six and ten feet in depth with a diameter of two feet, and one concrete foundation (25 feet deep and seven feet in diameter). The total amount of ground proposed to be permanently occupied by these poles, footings and foundations would be approximately 87 square feet. SCE also proposes to temporarily disturb approximately 21,548 square feet of undeveloped land to the east of Harbor Boulevard for transmission line construction staging activities and to facilitate truck and equipment access to the proposed pole installation and removal sites. In regard to poles and transmission line installation activities, SCE notes:

> *For transmission line installation, access for vehicles will not require temporary or permanent roads, as the terrain is a fairly flat, dune type of terrain that can be accessed with all wheel drive line trucks... High ground clearance trucks that can drive over the existing vegetation and ground mats to stabilize the sand will be used to access and install the new poles to avoid the need to establish or pave new roads. Trucks will be driven on the shortest route to and from their destinations in the narrowest path possible.*

Additionally, SCE has committed to using existing paved and unpaved access roads whenever feasible.

Natural Gas Pipeline and Tie-in: As previously noted, the proposed peaker plant would be powered by natural gas and would require the construction of both a gas metering station on an approximately 40 foot by 75 foot foundation and an 1,800 foot long by six inch diameter natural gas pipeline. This pipeline would require a six square foot maintenance hatch at its tie-in location to the larger natural gas supply line that services the Mandalay Generating Station. While the metering station would be constructed adjacent to the proposed peaker plant within the peaker plant site to the west of Harbor Boulevard, the Southern California Gas Company (the entity that would construct and install this pipeline) has determined that the most feasible and preferred location for the proposed natural gas pipeline would be along the east side of Harbor Boulevard. Potential pipeline routes on the west side of Harbor Boulevard were rejected by SCE and the Southern California Gas Company due to the presence of telephone and electrical lines, associated concrete vaults and a ten-inch gas

pipeline on this side of the road as well as the need to obtain a voluntary easement from Reliant in order to install the proposed pipeline on Reliant's property north of the Mandalay Canal. SCE has therefore proposed to concentrate the trenching and pipeline installation activities within a 30 foot wide area stretching inland from Harbor Boulevard (at the pipeline's northern terminus this construction corridor would increase to 54 feet wide).

The proposed pipeline would cross the Mandalay Canal in a cell within ~~on the underside of~~ an existing vehicle bridge and run approximately 1,000 feet north along the edge of the roadway before tying-in to an existing 20 inch diameter natural gas pipeline near the northern edge of the Reliant Generating Station property. The proposed project site and approximate transmission line and natural gas pipeline routes and footprints are shown in Exhibit 1. The pipeline would be installed at a minimum depth of 36 inches and a planned depth of 42 inches and would be trenched using a backhoe within approximately 30 feet of the shoulder area along the eastern edge of Harbor Boulevard. Approximately 1,200 cubic yards of material would be excavated during trench construction and would be side-cast within the proposed 30 foot wide pipeline corridor. Any material remaining after backfill operations would be taken off site and disposed of at an approved facility.

The total anticipated footprint required for pipeline trenching and installation activities (not including the potential use of a portion of Harbor Boulevard) would be approximately 36,000 square feet. Pipeline construction is expected to be carried out concurrent with peaker plant construction and would take approximately 7 weeks to complete. Construction equipment required for pipeline installation would include pipe trucks, dump trucks, welding equipment, and backhoes as well as boring and lifting equipment. The proposed staging area for pipeline trenching and construction would be located within the project site in the same location as the peaker plant construction staging area. Temporary closure of the ~~southbound~~ northbound traffic lane on Harbor Boulevard may periodically be required during pipeline installation to allow the safe access and operation of equipment. As described within the mitigation measures included within Exhibit 8, which SCE has committed to implement, traffic control shall be provided during these activities.

Operation and Maintenance Access Requirements: For typical distribution lines, SCE requires a 5-foot right-of-way on each side of the centerline of the pole line. SCE requires this access to maintain its facilities and respond to emergencies. Almost all work on distribution lines can be performed by crews on foot using hand tools.

Sub-transmission lines typically require a right-of-way under the line of 25 feet total width for operation and maintenance, but that assumes truck access is available into that right-of-way laterally across the property. If access is confined to the line right-of-way with no lateral access, then a minimum right-of-way of 25 feet on each side of the line (50 feet total width) is needed for vehicle movement. For sub-transmission poles, a 100-foot diameter right-of-way is typically required for every structure. Where access is confined, this can be reduced to a 50-foot diameter.

Where space or access is constrained by existing structures, private property, or habitat, SCE can access pole locations by foot and use a crane to deliver poles, crossarms and

equipment to the pole location. The pole hole can be hand dug and set by crane from an adjacent disturbed area. The size of the crane is dependent on the pole weight.

Crews are capable of setting a 55-foot pole by hand. Anything taller requires a crane. The McGrath poles are 47 feet to 70 feet.

Routine operation and maintenance of a typical SCE 66 kv line is limited to a pole inspection every 10 years for rot and insect damage, and a yearly insulator wash. During inspections, other problems may be noted that require action. However, the existing 66kv lines in the Peaker Project vicinity are required to be inspected 4 to 5 times a year owing to more impacting climatic conditions on the coast (moisture and salt). Similarly, due to increased salt deposition, SCE washes the insulators every four weeks from May to October (this may vary sometimes depending on rainfall).[4]

Transmission lines are typically 220kv or greater. One 220kv transmission line crosses the northern of the two SCE parcels, supported by two lattice steel towers. Though operation and maintenance work is usually limited to periodic inspection and insulator washing (same frequency as 66 kv lines), access to these towers and line must be maintained for emergency purposes. SCE must maintain a 100-foot radius area around each tower for vehicle and equipment access and materials laydown in the event of tower repair or reconstruction. Line maintenance and tower access are also facilitated by the existing unpaved roads shown on the photomap, which must remain accessible.

Future Development: Although the existing SCE subtransmission line is located 5 feet inside (to the west of) the eastern edge of the Harbor Boulevard right-of-way, it is not expected that the road widening will require the line to be moved. However, it may be necessary at some point in the future to relocate the existing line farther to the east on the property and/or to replace the existing poles with different structures that are able to accommodate additional or higher capacity circuits as load growth continues in the City of Oxnard. In any case, the footprint of future pole upgrades would be insignificant. Additionally, Coastal Commission staff would be consulted in advance of any such work.

Load growth from development in the Oxnard area will likely require expansion of the existing SCE customer substation on parcel no. 183002101 east of Harbor Boulevard. A typical SCE distribution substation occupies 2 acres. The existing Mandalay Substation occupies approximately 0.7 acres, so an additional 1.3-1.5 facility acres would need to be added, likely directly east and adjacent to the existing substation. If substation expansion at this site is pursued, SCE will apply for a CDP as required.

---

[4] A wash entails the use of a 3 axle truck with an 80-foot boom that drives along the line, stops at every pole, extends outriggers, elevates a boom and washes the insulators with high-pressure deionized water.

SCE does not have plans at this time for any other future development on the property east of Harbor Boulevard.

Natural Gas Pipeline. To provide the peaker facility with the natural gas needed to power its turbines and generators, SCE has proposed to install, connect and bury a natural gas supply pipeline parallel to Harbor Boulevard on the inland side. These activities would require (a) excavation of an 1,800 foot-long by a minimum depth of 36 inches and a planned depth of 42 inches ~~two foot~~ deep pipeline trench within a pipeline corridor located to the east of the inland lane of Harbor Boulevard; (b) temporary use of 36,000 square feet for trenching, soil sidecasting, vehicle and equipment access, storage and staging; and (c) permanent use of roughly six total square feet of habitat area for installation of a pipeline tie-in point access hatch. An aerial photograph detailing these proposed permanent and temporary use areas is provided as Exhibit 1.

As described in the biological characterization section above, although the habitat along the proposed pipeline corridor supports native dune scrub species, the area is also highly degraded, has undergone a variety of historic and chronic disturbances and is largely dominated by invasive plant species. The level of disturbance increases with proximity to Harbor Boulevard and the area within six feet of the road contains an existing pipeline right-of-way that has been previously trenched to allow the installation of an existing natural gas pipeline. Although vegetation has returned subsequent to this activity, native plant cover in this area is limited. Exhibit 15 includes the results of a biological evaluation carried out by SCE's consultant biologist that included a transect survey of the habitat directly adjacent to Harbor Boulevard:

> *Native plant cover along the transect comprises only approximately 10.7 percent of the total cover. The remainder is comprised of 48.4 percent non-native cover, 29.3 percent unvegetated sand dune, 7.3 percent disturbed bare areas, and 4.3 percent asphalt. Furthermore, when just the vegetated areas are considered, the level of disturbance is very high, with approximately 82 percent of all vegetation consisting of non-native species.*

Additionally, in the area directly adjacent to the northbound lane of Harbor Boulevard, disturbances, debris and litter from vehicle traffic have also accumulated over the years and contributed to the degradation of the viability and quality of the habitat located here. Although most of its discussion is focused on the biological value of the larger site, a March 10, 2009 letter to Commission staff from David Magney Environmental Consulting on behalf of the Los Padres Chapter of the Sierra Club (included within the correspondence attached to this report) provides a brief description of the area adjacent to Harbor Boulevard and some of the types of disturbance present within it:

> *Debris is found at scattered locations of the site and some areas have been graded and filled, primarily in the western portion adjacent to Harbor Boulevard. Debris observed onsite includes concrete rubble, rusted pipes, steel cables, strands of barbed wire, and other trash. Regardless, much of the site is in relatively pristine condition.*
>
> *The previously disturbed areas either are dominated by invasive exotic plant species or represent a large component of the vegetation. The dominant invasive exotic plant on the parcel is Hottentot Fig (Carpobrotus edulis), a common mat-forming shrub in the Ice Plant family (Aizoaceae). This invasive exotic plant has also invaded*

the proposed color was considered to have the least visual impact when accounting for all lighting conditions and vantage points and, as noted by SCE, reducing the height of the stack would cause other undesirable results:

> *Reducing the height of the stack is not feasible, and could result in additional undesirable impacts such as change in emission characteristics. The height of the stack has already been minimized to the maximum extent feasible and cannot be reduced further.*

A visible condensation~~exhaust~~ plume would draw additional attention to the stack and effectively increase its height by up to several dozen feet at times. The peaker plant's operation would be limited to a maximum of 2,000 hours annually, however, and therefore a visible condensation ~~exhaust~~ plume would not be a permanent visual feature of the project. The plume would only be visible upon the occurrence of certain metrological events (cold temperatures and high humidity) ~~and would likely be visible during the predominantly summer months~~ when peak energy requirements necessitate the use of the facility. It should be noted, however, that the condensation~~exhaust~~ plume associated with this proposed facility would not be the same as the steam plume visible from the Mandalay Generating Station and other power plants with similar steam turbine generators. Because the proposed peaker would rely on a different turbine system which would make use of an adapted jet engine, exhaust vapors and gas released from the stack are much hotter and would disperse significantly before the water vapor in the stack exhaust cooled sufficiently to condense, and would only be visible when atmospheric conditions would resulted in condensation. Although the condensation ~~exhaust~~ plume would undoubtedly increase the visual presence of the peaker plant during these times, SCE has stated that elimination or minimization of the condensation ~~exhaust~~ plume would not be possible due to technical limitations and air quality requirements. Even without effective minimization of this visual feature, the Commission does not anticipate adverse affects to the aesthetics of the surrounding area to result from the condensation~~exhaust~~ plume, primarily due to its temporary and impermanent nature.

A reduction in the height of the proposed transmission poles is also not feasible due to the size and weight of the proposed transmission lines and the safety, design requirements and standards that transmission infrastructure must adhere to. The Commission therefore finds that the required height of the proposed peaker plant's exhaust stack and transmission poles preclude efforts to completely screen these features from all nearby vantage points. As specified under the LCP's visual resource policy (policy 37), however, "all new development in the coastal zone shall be designed to minimize impacts on the visual resources of the area" and "particular care shall be taken in areas of special quality." While direct design changes which would reduce the visibility of the peaker plant facility or its associated transmission poles and exhaust stack are not feasible, SCE's commitment to construct vegetated berms on the eastern border of the project site would serve to minimize the proposed project's impacts on the visual resources of the project area.

With implementation of the landscaping plan, as noted above and described within Exhibit 4, the Commission finds that the project's adverse visual effects will be minimized to the extend feasible and therefore will be consistent with LCP Policy 37.

Supplemental Analyses for the Southern California Edison Mandalay Peaker Project, SCE rejected five of these sites because they are not located within the Santa Clara transmission subsystem and "the Mandalay Generating Station can only be black-started from within the Santa Clara subsystem when the peaker is connected to a non-bulk power 66 kv substation." In other words, SCE rejected three sites within the Goleta subsystem and two sites within the Moorpark subsystem because construction of a peaker unit at these sites would not meet the project purpose by simultaneously eliminating the need for an additional future project that would provide the Mandalay Generating Station with black-start support. As noted previously, providing the Mandalay Generating Station with black-start support was one of the two principle local reliability projects that resulted in SCE's selection of the Ventura/Santa Barbara region for a peaker facility.

However, the other principle local reliability project that drove the selection of the Ventura/Santa Barbara region, providing additional emergency generation to the Goleta subsystem, would potentially be resolved by locating the peaker unit within the Goleta subsystem. As SCE notes, a peaker facility located within the Goleta transmission subsystem would still provide "important local reliability benefits to the Goleta subsystem that would otherwise require the construction of a new generation project in the Santa Barbara area." SCE also states that if a Goleta site were chosen, "a second generation project would need to be proposed and constructed in the Oxnard area [at a future date] in order to provide black-start capability [for the Mandalay Generating Station[5]]." In other words, each of the three customer owned substation sites within the Goleta area appears to meet most of SCE's site selection criteria (with the exception of the criteria which specifies that SCE should already own the proposed peaker unit site). Nevertheless, SCE has rejected these sites and appears to have prioritized the sites with the potential to eliminate the necessity for a future project which would provide the Mandalay Generating Station with black-start support (i.e. sites which would allow the peaker unit itself to provide this black-start support). In its letter of June 25, 2008, to Commission staff, SCE explained this prioritization as follows,

> *The Santa Clara substation has three emergency tie-lines that can be used to route emergency power into the Goleta 66kv subsystem network. When the Santa Clara subsystem is used to provide power simultaneously to both the Santa Clara and Goleta subsystems, local generation must be turned on inside the Santa Clara 66kv subsystem to provide additional energy, voltage and frequency support to this area to anchor it while bypass power is being routed to the north. Existing cogenerators and the Mandalay* [Generation Station] *peaker can be used to provide a portion of this anchor. The* [proposed] *new McGrath Beach peaker would be used to provide the remaining power needed to anchor the system.*

According to SCE, a peaker unit within the Santa Clara subsystem could potentially provide both additional emergency generation to the Goleta subsystem as well as black-start support for the Mandalay Generating Station.

---

[5] It is important to note that because a peaker unit currently exists at the Mandalay Generating Station, a small black start generator could be added to this peaker unit which would then be able to provide black start support for the generating station. However, much more substantial changes would be needed to meet FERC standards for a black start unit.

EXHIBIT B

Upon the announcement of the Commission's continuance of Southern California Edison's ("SCE") Coastal Development Permit ("CDP") application for the proposed McGrath Beach Peaker Power Plant (the "Project") at the August 2008 hearing, the Commission requested that SCE further analyze a number of issues. In response to the Commission's request, SCE has made numerous submittals to Commission Staff addressing these issues. SCE now submits a compilation of its responses in summary form, along with references to full responses to the issues that were raised at the hearing and any issues raised by the City or Commission staff subsequently.

Issue 1: Visual Impacts. Commissioners Blank, Achadjian and Wan raised concerns about the Project's visual impacts. Commissioner Blank specifically inquired about whether the peaker could be designed with a retractable stack.

> **Response 1:** The Project will not result in any significant adverse visual impacts. SCE's efforts to screen the proposed facility and reduce its visual profile include both the implementation of a landscaping plan and the construction of an earthen berm to augment the landscaping plan and increase the height of proposed vegetation.
>
> Despite these screening efforts, SCE nonetheless additionally considered the use of a retractable stack. The LM6000 peaker that SCE has proposed to install is a pre-engineered, standard design that is purchased as a package from General Electric. SCE thus engaged in discussions with various manufactures regarding the feasibility of using alternative stack designs. All contend that peaker plants with retractable, collapsible, or moveable stacks are not currently available on the market. Moreover, the use of a retractable stack would not meet the performance requirements of the proposed Project as they require electricity and additional time to become operational and thus are at odds with the peaker's purpose of quickly dispatching power with black start capability.
>
> *See Response to March 2009 Staff Report* and *Landscape Plan and Simulations* submitted February 17, 2009.

Issue 2: Water Supply. Commissioner Reilly inquired about the Project's water demand and the need to prove the availability of the water supply needed for the Project.

> **Response 2:** The Project requires minimal water supply. Expected water use is 1-2 acre-feet per year. Maximum potential water use is approximately 24 acre-feet per year, which is less than one tenth of one percent of the City's total water demand and far less than other projects that the City has concluded were not large water users. For instance, the City concluded that the Oxnard Village Specific Plan Project, with a water demand of 640 acre-feet per year and roughly 26 times the Project's maximum use, would have no significant impact on the City's water supply. In addition, the City deemed the Casden Development, with a water demand of 175 acre-feet per year, a "small new water user."
>
> Nonetheless, SCE has researched water and offset availability in order to accommodate the City's request for SCE to provide its own water. The Calleguas Water District has

warranted that it can provide the City of Oxnard with additional water supplies equivalent to that which would be used by the proposed Project if so required by the City.

See Letter re Water Supply for the Southern California Edison Mandalay Peaker Project, submitted July 22, 2008, and *Letter from Calleguas Water District to California Coastal Commission*, dated January 15, 2009.

Issue 3: FEMA Flood Plain. Commissioners Reilly and Potter inquired about whether the proposed Project would be located in a FEMA flood plain.

Response 3: On the flood plain map currently in effect in the City of Oxnard, the Project site is not located seaward of the 100-year flood/wave run-up line and thus SCE's project is consistent with the policies of the LCP.

FEMA's proposed map is not applicable to the Commission's determination of Project approval because the proposed map has not been finalized – FEMA has not adopted the map, the City's Land Use Map has not been accordingly modified and incorporated into the CLUP, and the Commission has not certified the City's CLUP amendment.

Nonetheless, even on FEMA's draft map, the proposed location of the Project would be outside the Special Flood Hazard Areas Inundated by 100-year flood. However, the draft map does place the Project within a zone that includes "areas of 500-year flood." Dr. Chang, SCE's retained engineer, evaluated the proposed map and conducted a site specific analysis that concluded that the Project site is not subject to flooding during either the 100-year flood or the 500-year flood. Consequently, Dr. Chang submitted an appeal of the draft flood delineation to FEMA, requesting a map change for the Project site, to show that the site is not located within the 500-year flood area.

The typical design standard for a project is the 100-year flood. LCP Policy 56 also only refers to the 100-year flood line.

However, were FEMA to adopt the proposed map without changes and were the City to amend its LCP to incorporate said map, Special Condition 7, as revised, would provide SCE flood protection and the Project would be compliant with LCP Policy 39 under any circumstance.

See Letter re Flooding Potential and the Proposed FEMA Flood Zone Map, submitted October 7, 2008 and Chang Consultant's *Study of Flooding Potential at the McGrath Beach Peaker Plant Site in Oxnard*, dated September 17, 2008.

Issue 4: Environmental Justice. Commissioners Wan, Hueso, and Burke raised concerns about the Project's potential environmental justice impacts.

Response 4: While the City incorrectly contends that there is an environmental justice impact that cannot be mitigated, as the Commission concludes in the Staff Report, the Project would not adversely affect human health or environmental resources within the Project area. Furthermore, the residential area and community within the immediate vicinity of the Project site is not comprised of a predominately minority and/or low

income population. Although environmental justice is not an issue that provides a basis for denial under the Coastal Act or the LCP, the Staff Report nevertheless undertook an environmental justice analysis of the Project and determined that the Project has no significant adverse impacts on minority or low income populations.

In April 1998, the EPA published a document titled "Final Guidance For Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses" to guide EPA staff in incorporating environmental justice goals into the preparation of environmental impact statements and environmental assessments. According to EPA's guidelines, a minority and/or low-income population exists if the minority and/or low-income population percentage of the affected area is 50 percent or more of the area's general population. The CEC's environmental justice approach is consistent with the U.S. EPA's 1998 environmental justice guidance.

To determine if the Project will adversely impact low-income or minority populations, it is necessary to evaluate the potential significant adverse effects of the Project and then determine whether those effects would be felt disproportionately by low-income or minority populations. Potential issues raised by the Project that could adversely affect the local community include air emissions, noise, water discharge and visual blight. However, the mitigated negative declaration and the Coastal Commission Staff Report both found that the proposed Project will have no significant adverse effects on the environment and, with conditions, is consistent with the LCP. As such, it necessarily follows that the proposed Project cannot have a disproportionate impact on low-income and minority populations.

Moreover, even if the Project had significant adverse effects, the population surrounding the Project site is not predominately low-income or minority and thus the Project's impacts would not adversely affect such populations. The closest residential area to the Project site has 14.8% minority representation. The nearest residential area with a minority population above 40% is over 1.5 miles from the Project site. This is well below the minority population percentages in Ventura County (43.3 percent) and the State of California (53.3 percent) and well below the 50 percent threshold used to evaluate disproportionate impacts on minority populations.

Additionally, in the nearest residential area to the Project site described above, only 5.9% of the population was below the poverty level in 2000. This is substantially lower than the percentages of the population below the poverty level in Ventura County (9.2 percent) and in the State of California (14.2 percent) and well below the 50 percent threshold used to evaluate disproportionate impacts on low-income populations. Moreover, there are substantially fewer residential areas within a three mile radius of the Project site that are below the poverty level than there are in Ventura County and the State of California.

Finally, low-income and minority populations in the vicinity of the Mandalay site are similar to those 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 or minority populations more than the alternative locations evaluated by SCE.

See Response to March 2009 Staff Report and *Letter on McGrath Environmental Justice Analysis,* dated October 11, 2008.

Issue 5: ESHA. Commissioners Wan, Reilly, Potter, and Hueso expressed their concern that the Project site East of Harbor Boulevard is ESHA.

Response 5: To provide the Commission with additional information about the areas that will be impacted by the placement of the transmission line poles and the natural gas pipeline, SCE asked biologist/botanist Tony Bomkamp, of Glenn Lukos Associates, to conduct a study quantifying the composition and approximate cover of the vegetation at the Project site. The areas where the transmission line poles and the natural gas pipeline will be located do not qualify as environmentally sensitive habitat area.

Because the LCP specifically designates the sand dune habitat that constitutes ESHA and the designation does not include any portion of the Project site, a finding that the Project site contains ESHA is contrary to and inconsistent with the LCP. Recent case law confirms that when an LCP identifies ESHA, as the Oxnard LCP does, the Coastal Commission's authority to designate ESHA is more limited than its general authority on *de novo* review of a CDP appeal. *See Security National Guaranty, Inc. v. California Coastal Comm'n,* 159 Cal. App. 4th 402 (2008).

Moreover, the Project site is so degraded that it does not fall within the definition of ESHA established by either the Coastal Commission or the City. The underground natural gas pipeline will cause only approximately 6 square feet of permanent disturbance. The pipeline route is highly degraded and native plant cover along the transect comprises only approximately 10.7 percent of the total cover. Also, the permanent ground disturbance impact of the new transmission line poles will be only 87 square feet. Native plant cover along the transmission line transect only comprises approximately 14.9 percent of the total cover.

Site visits by Commission Staff and biologist Tony Bomkamp subsequent to the August 2008 hearing confirm that the Project site is not ESHA. Ms. Engle, of Commission Staff, reported that the Project area is "degraded and disturbed" and noted that the "chronic disturbance . . . from public utility infrastructure installation and maintenance activities over the years has been substantial—an electricity transmission substation, gravel staging and storage area, several dirt roads, two underground natural gas pipelines and several dozen transmission poles and overhead power lines exist on the site and transmission line cleaning and maintenance activities involving the use of high clearance trucks, along each of the seven transmission line corridors occurs once every four weeks." Moreover, Tony Bomkamp reported that "the gas line and pipeline route areas have been subject to various types of disturbance, including the installation of existing utilities and roads and the invasion and establishment of non-native invasive plants."

Finally, the designation of the Project site as ESHA would be inconsistent with the City's prior interpretation and application of its own LCP. Both the City and the Coastal Commission reviewed the immediately adjoining Northshore project site and determined

that because the area was degraded and did not contain vegetation characteristic of sensitive coastal dune habitat, none of the Northshore project site, including the dune areas, qualified as ESHA.

See Response to March 2009 Staff Report and *Letter re ESHA*, dated February 5, 2009.

Issue 6: Coastal Conservancy. Ms. Rishoff, District Director for Assemblymember Brownley, read a statement in opposition to SCE's development of the Project on behalf of Assemblymember Brownley, regarding the California Coastal Conservancy's interest in SCE's property and incorrectly asserted that the Coastal Commission is required to deny SCE's CDP on that basis.

Response 6: Section 30604(e) of the Coastal Act does not provide a basis to deny the CDP for the peaker project. An assertion to the contrary mischaracterizes the applicable law. The spirit and intent of Section 30604(e) is to protect property owners and their right to develop their land. The significance of this right is expressed in the language of the statute. Section 30604(e) restricts the Commission's authority to deny a CDP. It does not state that a CDP may be denied if various conditions are met. Rather, it states that, "*[n]o coastal development permit may be denied* under this division on the grounds that a public agency is planning or contemplating to acquire the property on, or property adjacent to the property on, which the proposed development is to be located, *unless* the public agency has been specifically authorized to acquire the property and there are funds available, or funds that could reasonably be expected to be made available within one year, for the acquisition." Section 30604(e) (emphasis added).

Additionally, the Conservancy has a policy that requires cooperation with property owners. *See Additional Conservancy-Adopted Criteria*.[1] This policy necessitates, and the Conservancy's practice demonstrates, that the Conservancy must find a willing seller when selecting its projects. SCE has retained the property where the proposed Project is to be located because it foresaw the potential need for the proposed Project and the expansion of its energy facilities. SCE notified the Conservancy of its decision to retain the property in 2001. SCE is not interested in selling its property and SCE is not aware of any public agency that has been specifically authorized to acquire the property or any funds that are available or that could reasonably be expected to be made available within one year. Because SCE does not authorize the Conservancy to acquire its property and there is no evidence in the record indicating Section 30604(e) is applicable to the proposed Project site, Section 30604(e) cannot be used to deny SCE's CDP applicaiton.

Issue 7: Alternative Sites for Transmission Poles and Gas Pipeline. Commissioner Wan expressed concern about the location of the transmission lines.

Response 7: The locations of the proposed pipeline and transmission pole lines east of Harbor Boulevard are superior to alternative locations because they involve a permanent

[1] Coastal Conservancy, Project Selection Criteria, *available at http://www.scc.ca.gov/disp.file?plan#business_principles*.

disturbance of only 93 square feet for all project work. The areas where work will occur are highly degraded, with only 10-15% native species. A complete description of the alternatives that were considered for the pipeline and transmission lines, construction details, and an in-depth discussion of specific impacts is included as an attachment to Exhibit D.

The gas supply pipeline installation for the peaker Project will have minimal impacts. The pipeline will be located within the Harbor Boulevard public right-of-way and thus no temporary or permanent roads will be needed for construction activity. Permanent impacts consist of only one manhole cover/vault lid of approximately 6 square feet. SCE has agreed to restore all areas temporarily disturbed by pipeline construction by native species grown from local seed that will replicate high quality southern dune scrub vegetation. In addition, because the City of Oxnard has long term plans to widen Harbor Boulevard, all land that would be disturbed due to the pipeline installation will eventually be paved over.

The impacts from the electric transmission lines east of Harbor Boulevard will also be minimal. The new transmission line route would be located within an existing transmission corridor. Because all of the lines emanating from the Mandalay Substation serve specific load areas and provide redundancy to ensure reliability, the lines cannot be combined to reduce the number of line corridors. Due to the large number of transmission lines in the area, which include five 66 kV lines and two 220 kV lines, there are no other available routes for this line. The new transmission line must utilize the existing Channel Islands-Mandalay pole line and cross portions of SCE's property east of Harbor Boulevard to reach its destination. In addition, the current design of the pole replacement program offers the best trade off between minimizing the number of poles, minimizing their height, minimizing the size of the pole bases, and replacing poles in the same location to minimize any incremental disturbance. Transmission line work east of Harbor Boulevard consists of replacing 7 wooden poles with poles that are slightly taller and adding three new poles, one of which will be steel. The new poles will be sited on bare ground or in stands of non-native vegetation. Permanent impacts from the new poles total 87 square feet. SCE will restore any areas where temporary vegetation impacts occur by planting native species from local seed as described above.

See Review of Potential Land Impacts and Analysis of Alternatives attached to Exhibit D.

Issue 8: Reliant as an Alternative Site for the Peaker. Commissioner Blank inquired as to why SCE could not put the peaker on the Mandalay site owned by Reliant.

Response 8: Replacing the existing Mandalay peaker with the proposed Project is not viable, and would not meet the purpose and need of the proposed Project. The existing Mandalay Generating Station peaker is operated by Reliant Energy. SCE neither owns the property nor makes business decisions on behalf of Reliant Energy. Moreover, SCE is not aware of any plans for Reliant Energy to retire its existing 140 MW unit, which currently supplies power to the SCE system and produces revenue for Reliant's shareholders. Also, because the new project will be SCE-owned, it will require

independent support equipment in order to provide mechanical and electrical separation from the Reliant facility.

As for building SCE's peaker on the Mandalay Generating Station property, even if SCE had control of the property, based on a review of the site layout, the only available parcel of land that is of sufficient size to house the Proposed Project is located to the north of the existing generating units. This land is located immediately adjacent to the beach, sensitive dune habitat, and McGrath Lake. This location would place the proposed Project closer to sensitive habitat, would result in greater visual impacts, would be within the 100-year wave run-up line, and could have greater impacts in the areas of noise, air quality, and hazards than at the currently proposed site. This location would also require the construction of a new 66kV transmission line along the northern end of the Mandalay parcel. Consequently, it is more impactful to build SCE's peaker on Reliant Energy's Mandalay Generating Station property than at its currently proposed location. Additional discussion of the alternate generation sites that were considered, including Mandalay, is included in the attachments to Exhibit D.

See Review of Potential Land Impacts and Analysis of Alternatives attached to Exhibit D.

Issue 9: The Use of Batteries for the Peaker's Blackstart Capabilities. The City has raised concerns that SCE did not consider the use of batteries to black start the Mandalay Generation Station instead of constructing the proposed Project.

Response 9: Contrary to the City's assertion, batteries were considered by SCE as part of the alternatives analysis for the proposed project. Commercially available, large-scale batteries are not yet dispatchable independent of the grid, and thus are not black start resource candidates. Further, large-scale battery installations have not been tested and proven for emergency black start applications. Because black start is a critical reliability function, only proven technologies are appropriate to fulfill this function. Moreover, even if batteries were a proven technology, the price and size of the installation would be prohibitive. The peaker can be operated indefinitely to provide emergency power once it is started. Batteries only supply limited power for a limited time. Providing 45 MW of battery power for 12-24 hours would require installing 18-36 acres of batteries at a customer cost of $540-$720 million[2], not including the price of the land. This is compared to the $60 million price for the peaker as currently designed. Further, the

[2] Price and land requirements based on the most recently published estimtes of $3-4 million/MW and 1-2 acres/MW to install high power density Japanese NAS (i.e., sodium sulfur) batteries. High power batteries can only provided reliable, sustained power for approximately 4-7 hours, depending on the technology. To provide the same amount of power as the proposed peaker for the minimum 12-24 hours needed to black start the Mandalay Generating Station would require a minimum of 45 MW x 4 = 180 MW of batteries, assuming the highest 7-hour output. Less power dense battery arrays such as advanced lead acid batteries cost less, currently averaging $1-1.5 million/MW. However, these arrays would require up to 10 times the amount of land due to these batteries' lower efficiencies.

peaker is able to provide long term emergency support lasting days or weeks if needed. This function cannot be duplicated with batteries.

Therefore, the use of a large-scale battery installation to black start the Mandalay Generating Station is not feasible.

See Letter re Response to Coastal Staff Questions, dated June 30, 2008.

Issue 10: Air Quality. Commissioners Burke and Hueso both expressed concerns about the Project's air quality impacts.

Response 10: Concerns were expressed with the air quality impact modeling that had been conducted for the proposed Project. Because the project will only operate for a limited number of hours a year, there was concern that Project emissions had been averaged over operating and non-operating hours when calculating potential air quality impacts, rather than utilizing the highest potential emissions under the worst case scenario.

SCE has reviewed the modeling inputs and confirmed that average emissions including non-operation hours were not used in the analysis. Worst case exposure levels greater than would occur during normal operations and multiple operating scenarios that exceed the unit's permitted operating hours were used in the modeling. The results of the modeling demonstrate that the maximum predicted air quality concentrations and carcinogenic and non-carcinogenic risks do not pose any risk to human health.

The Ventura County Air Quality Management District (VCAPCD) has reviewed SCE's modeling and concurs that the modeling was done correctly, the project meets all air quality regulations, and the facility will not pose any health risk to the local population.

Further, the City's LCP requires that the Project conform to the air quality regulations of the Ventura County Air Quality Management Plan, and as such, the Project must meet the requirements of New Source Review Rule 26. The VCAPCD has concluded that the project meets Rule 26's requirements and that no emission offsets are required. SCE has further proposed to implement mitigation measures for its construction-related emissions that will reduce these potential adverse air impacts to less than significant levels.

The Project is therefore consistent with the LCP's air quality policies.

See SCE Air Modeling Letter, submitted October 3, 2008.

Table 2
Percentages of Low-Income and Minority Populations in Zip Codes for the Proposed Project, Alternative, Other SCE Peaker, and Existing Coastal Power Plant Sites

Site	Zip Code	Population below Poverty Level (percent)[(a)]	Minority Population (percent)[(b)]
Proposed Project Site	93035	5.4	46.0
Alternative Sites			
Santa Clara Substation	93004	4.8	31.7
Moorpark Substation	93021	**6.7**	37.7
Goleta Substation	92117	**8.7**	30.5
EF Oxnard, LLC	93030	**15.3**	**79.5**
Other SCE Constructed Peaker Sites			
Barre	90680	**17.1**	**68.8**
Center	90650	**11.9**	**81.1**
Grapeland	91730	**11.0**	**54.3**
Mira Loma	91761	**12.4**	**73.3**
Existing Coastal Power Plants, SCE Service Area			
Alamitos Generating Station	90803	5.3	19.7
El Segundo Generating Station	90245	4.6	22.9
Huntington Beach Generating Station	92646	3.9	22.8
Long Beach Generating Station	90802	**27.8**	**66.2**
Mandalay Generating Station	93035	5.4	46.0
Ormond Beach Generating Station	93033	**18.0**	**88.2**
Redondo Beach Generating Station	90278	**6.0**	33.9
Existing Coastal Power Plants, Outside SCE Service Area			
Contra Costa Power Plant	94509	**8.5**	44.02
Diablo Canyon Power Plant	93424	**8.1**	7.65
Encina Power Station	92008	**7.9**	24.51
Harbor Generating Station	90744	**27.2**	**92.84**
Haynes Generating Station	90803	5.3	19.67
Humboldt Bay Power Plant	95503	**14.2**	15.72
Morro Bay Power Plant	93442	**12.9**	16.36
Moss Landing Power Plant	95039	**20.5**	**53.65**
Pittsburg Power Plant	94565	**13.1**	**68.32**

Table 2
Percentages of Low-Income and Minority Populations in Zip Codes for the Proposed Project, Alternative, Other SCE Peaker, and Existing Coastal Power Plant Sites

Site	Zip Code	Population below Poverty Level (percent)[(a)]	Minority Population (percent)[(b)]
Potrero Power Plant	94107	**15.7**	42.30
Scattergood Generating Station	90293	**6.5**	25.86
South Bay Power Plant	91911	**13.3**	**74.04**

[(a)] Source: Census 2000 Summary File 3 (SF 3) Table GCT-P14 Income and Poverty in 1999:2000; 2000 Summary File 3 (SF 3) Table P87 Poverty Status in 1999 by Age

[(b)]Source: Census 2000 Summary File 1 (SF 1) Table P8 Total minus White Only

Values in **Bold** are higher than those for the Proposed Project.

EXHIBIT D

The information provided below serves as additional support for the Staff Report's recommendation for approval of the proposed Project.

A. Alternatives Analysis

The Staff Report details the screening criteria SCE established to facilitate the selection and comparison of potential substation sites but does not address the analysis SCE conducted with respect to the placement of the gas supply pipeline and transmission poles.[1]

The location of the proposed pipeline and transmission poles east of Harbor Boulevard is superior to alternative locations because it involves a permanent disturbance of only 93 square feet. The areas where work will occur are highly degraded, with only 10-15% native species.

The gas supply pipeline installation will have minimal impacts. The pipeline will be located within the Harbor Boulevard public right-of-way and thus no temporary or permanent roads will be needed for construction activity. The Project area has been subject to various types of disturbance, including the installation of existing utilities and roads and the invasion and establishment of non-native invasive plants, which has been exacerbated by its proximity to Harbor Boulevard. Biological data collected from the pipeline route transect indicates a highly degraded area. Native plant cover along the transect comprises only approximately 10.7 percent of the total cover. When just the vegetated areas are considered, the level of disturbance is very high, with approximately 82 percent of all vegetation consisting of non-native species. In addition, because the City of Oxnard has long term plans to widen Harbor Boulevard, all land that would be disturbed due to the pipeline installation will eventually be paved over.

The impacts from the electric transmission lines east of Harbor Boulevard will also be minimal. The new transmission line route would be located within an existing transmission corridor. Native plant cover along the transmission line transect only comprises approximately 14.9 percent of the total cover. Moreover, when just the vegetated areas are considered, approximately 73 percent of all vegetation consists of non-native species. Because all of the lines emanating from the Mandalay Substation serve specific load areas and provide redundancy to ensure reliability, the lines cannot be combined to reduce the number of line corridors. This system of multiple lines and substations also provides alternative redundant paths for power. Should a single line be taken out of service, alternate lines in a different corridor can continue to provide power. This grid-like designed-in redundancy of the system is the industry standard in the U.S. Due to the large number of transmission lines in the area, which include five 66 kV lines and two 220 kV lines, there are no other available routes for this line. The new transmission line must utilize the existing Channel Islands-Mandalay pole line and cross portions of SCE's property east of Harbor Boulevard to reach its destination. Standard design requirements prohibit connecting the new line directly to RMGS without utilizing the protection of the substation's circuit breakers. In addition, the current design of the pole replacement program offers the best trade off between minimizing the number of poles, minimizing their

[1] See Exhibit D Attachment: *Review of Potential Land Impacts and Analysis of Alternatives* regarding construction of natural gas pipeline and transmission pole replacements.

height, minimizing the size of the pole bases, and replacing poles in the same location to minimize any incremental disturbance.

Although Special Condition 3(e) provides for the placement of the gas supply pipeline in the same location as SCE proposed, it does restrict construction, trenching and installation activities to within 6 feet of Harbor Boulevard. Because constructing the pipeline within the proposed 6 foot-wide construction corridor will require the full closure of both lanes of Harbor Boulevard and reducing the width of the construction corridor does not result in significant additional protection to vegetation or habitat, SCE has requested that the construction, trenching and installation activities be allowed within 30 feet of the paved portion of Harbor Boulevard.

Just as there are no feasible alternatives to the placement of the Project substation that would substantially lessen any significant adverse effects that the Project might have on the environment, there are no feasible alternatives to the placement of the Project gas supply line and transmission line poles that would substantially lessen any significant adverse effects that the Project might have on the environment.

B. Project Need

In the Staff's description of the of the proposed Project, it notes that the CPUC is currently in the process of reviewing the Assigned Commissioner's Ruling to determine whether or not construction of a fifth peaker plant would still be necessary. This is not correct. SCE currently has an application pending before the CPUC for cost recovery for the four completed peakers. As part of this proceeding, several interested parties requested a Workshop to discuss the need for the fifth peaker. This Workshop occurred in March, 2009. The CPUC has not yet taken any action as a result of this workshop to reopen the issue of need.

On March 10, 2009, the California Independent System Operator Corporation ("CAISO"), the entity responsible for maintaining electric system reliability, reaffirmed the need for the Project. In its letter of support to the Commission, CAISO noted that while new peaking resources have been procured and constructed during the last three years, "Southern California has a continuing strong need for additional quick start peakers" and urged the Commission to approve the McGrath peaker project as a "necessary and important addition to the California electric system." *See California ISO Letter re Need for Peaker Project*, submitted March 10, 2009, attached hereto as Exhibit F.

C. Cumulative Impacts

The Staff Report notes concerns raised by the City of Oxnard and members of the public regarding the potential for the proposed Project to facilitate the development of offshore liquefied natural gas ("LNG") marine terminals by providing a site for the natural gas pipelines to come ashore. In addition to the Commission's response, it is important to note that the peaker does not use enough gas to attract or support an LNG terminal. Even if the peaker operated at maximum capacity continuously for an entire year, it would account for less than 1/3 of the capacity of one LNG ship. Furthermore, LNG has too high a heating (BTU) value to be used in the peaker. LNG would damage the peaker and violate air quality permit requirements. LNG

needs to be processed and delivered as part of normal gas supplies before it can be used by the peaker.

While SCE agrees with the Staff Report that the area near the Project may continue to be considered as a landing site for an LNG pipeline regardless of the Project development, SCE nonetheless conducted a cumulative impacts analysis should the Clearwater Port LNG development occur near the Project site. *See Response to City of Oxnard July 18, 2008 Letter*, submitted July 30, 2008 which contains a full analysis of the Project's cumulative impacts.

As demonstrated by SCE's cumulative impacts analysis of the Clearwater Port, the proposed Project, in conjunction with the Clearwater Port project, will not cause cumulatively considerable adverse impacts.

Potential cumulatively considerable impacts that might be caused during operation of the peaker Project in conjunction with construction and operation of the Clearwater Port project were evaluated based on analyses of potential environmental impacts included in the Clearwater Port project application. The MND for the peaker Project concluded that the peaker Project would not have an impact on agricultural resources, geology/soils, land use/planning, mineral resources, population/housing, or recreation. As such, no mitigation was required for these areas. Since the peaker Project itself will not cause adverse impacts in these areas, it will not, in conjunction with the Clearwater Port project, cause cumulatively considerable impacts.

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 and water quality, noise, public services, transportation/traffic, and utilities and service systems. Potential cumulatively considerable impacts in each of these environmental areas, when combined with the impacts of the Clearwater Port project, are not anticipated to cause cumulatively considerable impacts for the reasons discussed in *SCE Supplemental Analyses for Oxnard Peaker*, submitted June 16, 2008.

D. Hazards

The Commission requires that SCE submit a permit amendment for an engineered berm or levee, or otherwise re-engineer the site around the peaker plant if the final approved Flood Insurance Rate Map shows the project site to be at risk from a 500-year flood event.

The typical design standard for a project is the 100-year flood. LCP Policy 56 only prohibits industrial or energy-related development seaward of the *100-year* flood/wave run-up line. On the current map in effect under the Oxnard LUP, SCE is consistent with LCP Policy 56, as the Project site is not located seaward of the 100-year flood/wave run-up line. Moreover, as Doctor Chang's report and appeal of the draft FEMA flood map demonstrate, the proposed FEMA map is flawed. However, were FEMA to adopt the proposed map without changes and were the City to amend its LCP to incorporate said map, Special Condition 7, as revised, would provide SCE flood protection and the Project would be compliant with LCP Policy 39 under any circumstance.

REVIEW OF POTENTIAL LAND IMPACTS AND ANALYSIS OF ALTERNATIVES

In response to questions raised by Commissioners at the August 2008 hearing and additional follow up questions from staff, SCE has prepared the following discussion of the temporary and permanent impacts that would result from construction of the natural gas supply and electrical transmission lines associated with the Peaker Project on the 37 acres of SCE-owned land east of Harbor Boulevard. The attached photomap, "McGrath Peaker Temporary and Permanent Impacts," illustrates these impacts.

Although the impacts on SCE's land are minimal, as part of the project description, SCE has committed to the voluntary removal of iceplant and other non-native species from the entire 37 acres of SCE property east of Harbor Boulevard, to reseeding all areas that will be temporarily disturbed by Project construction activities with native plant species grown from locally collected seed that will replicate high quality southern dune scrub vegetation, and to maintain its existing distribution, subtransmission and transmission facilities with a minimal amount of ground disturbance according to the attached protocol. Thus, to the extent that minimal impacts exist, SCE has reduced and/or contained them to the smallest possible amount and has mitigated them far in excess of what would typically be required. None of the impacts are significant and therefore, do not prohibit approval of SCE's Coastal Development Permit.

In response to Commissioner questions, SCE has also provided further information on the alternatives that were considered to the proposed gas pipeline and transmission line locations; and on the Mandalay and Goleta alternatives to the proposed peaker site west of Harbor.

I. Executive Summary

A. Construction Methods and Impacts East of Harbor Boulevard

The Peaker Project has two components that will cause minor impacts to the SCE-owned property east of Harbor Boulevard: the natural gas pipeline and the transmission line utility connections.

The natural gas supply pipeline is proposed to be located within the previously designated Harbor Boulevard public right-of-way, in a previously disturbed and existing pipeline corridor. Although a temporary construction easement will be required, no temporary or permanent roads will be needed for the construction activity, as Harbor Boulevard will be used for access. Because the City of Oxnard has long term plans to widen Harbor Boulevard to accommodate increased traffic, all land that would be disturbed due to the pipeline installation will eventually be paved or become part of the graveled road shoulder.

Biological data collected from a transect of the pipeline route indicates a highly degraded area. Native plant cover along the transect comprises only approximately 10.7 percent of the total cover. Because the Project site does not contain the vegetation and habitat consistent with sensitive coastal dune habitats, this land does not qualify as ESHA. Other than the installation of

a single manhole/vault lid of no more than 6 square feet, all impacts are temporary. SCE has committed to remove invasive plants and reseed and restore all land disturbed by pipeline construction activities with native species which will have a higher biological value than the existing vegetation. Consequently, the installation of the natural gas supply pipeline will have minimal impacts.

The impacts from the Peaker Project's electric transmission line connection east of Harbor Boulevard will also be minimal. There are currently five transmission lines emanating from the Mandalay Substation. Because these lines serve specific load areas and provide redundancy to ensure reliability, the lines cannot be combined to reduce the number of line corridors. The new transmission line route from the proposed Peaker Project to its tap point is proposed to be located within an existing transmission corridor using existing pole locations to the extent feasible. The design of the pole replacement program offers the best trade off between minimizing the number of poles, minimizing their height, minimizing the size of the pole bases, and replacing poles in the same location to minimize any incremental disturbance. Existing pole replacement will not result in any new permanent ground impact. Permanent ground impacts from the installation of new poles will be no more than 87 square feet. Biological data collected from a transect of the transmission line route also indicates a highly degraded area (<15% native species). Poles will be placed in areas that are currently bare or are covered with iceplant or common coastal species present. Any vegetation impacts, largely to invasive species, will be revegetated with native species using locally collected seed. Finally, vehicle access for transmission line installation will not require the construction of any temporary or permanent roads.

B. Future Operation and Maintenance Access Requirements

With respect to existing and future operation and maintenance access requirements, SCE must retain the ability to operate and maintain its existing distribution, subtransmission and transmission facilities on its land east of Harbor Boulevard. SCE has committed to the voluntary removal of non-native species on its operating property and within its existing transmission line right-of-ways, with the understanding that current routine and customary O&M practices, which include trimming vegetation to remain in compliance with FERC utility maintenance standards, repair and replacement of equipment with similar but not identical equipment, and the incidental replacement and upgrades of existing poles, crossarms, insulators, conductors, and ancillary hardware will continue to be allowed under coastal act maintenance policies. SCE commits to maintain these existing facilities with a minimum amount of ground disturbance as discussed in Section V.

C. Future Development of Project Site

Should future growth in the Oxnard area require substation upgrades and expansion, SCE needs the ability to expand the existing substation, subject to separate, future Commission approval. Similarly, although the existing SCE 66 kV Mandalay-Channel Islands subtransmission line is located inside the eastern edge of the Harbor Boulevard right-of-way to the south of the SCE canal, it may be necessary at some point to relocate the existing line farther to the east on the property and/or to replace the existing poles with different structures that are able to

accommodate additional or higher capacity circuits. The footprint of future pole upgrades would be insignificant and Commission staff would be consulted in advance of any such work.

Again, SCE is undertaking the voluntary removal of non-native plants from its property with the understanding that this will not preclude future expansion needed to serve customers in the Oxnard area, subject to California Public Utility Commission and California Coastal Commission authorization.

D. Impact Minimization

Commission staff proposed CDP Special Condition 3.b, requiring SCE to reseed all areas east of Harbor Boulevard in which the vegetation is disturbed by construction activities, and maintain those areas for five years. Additionally, SCE will remove invasive iceplant, tree tobacco and other non-natives from all 37 acres it owns east of Harbor Boulevard.

SCE voluntarily commits to minimize ground impacts caused by peaker subtransmission line installation and existing or future operation and maintenance work by confining pole and tower vehicle access, pole maintenance, tower maintenance, subtransmission line access, distribution line access, and peaker equipment laydown to existing corridors and disturbed areas.

E. Feasibility of Relocating the Peaker to an Alternative Site

For a variety of reasons, it is technically infeasible and environmentally more impacting to relocate the Peaker Project to an alternative site. Fifty-six SCE-owned and eight non-SCE owned properties were reviewed as potential locations for the proposed project. The bulk of the alternate sites are located too far away to be able to reliably black start the Mandalay Generating Station, the primary goal of the project. Some sites, such as the Santa Clara substation, are essentially unconstructable due to their significant engineering challenges. Others had greater potential for environmental impacts due to grading, gas, water, and transmission line installations and/or the potential to impact sensitive habitat or species. At the August 8, 2008 Coastal Commission hearing, additional information was requested about the Reliant Mandalay Generating Station ("RMGS") and the Goleta Substation alternatives.

While Reliant maintains an active permit on its existing peaker, the black start equipment for this unit is no longer functional. This unit is nearly 40-years old and obsolete. Further, it has extremely limited permissible run hours since it does not possess modern air pollution control equipment. Even if the black start capability for this unit could be restored, the unit is no longer sufficiently reliable to perform an emergency function. A new black start peaker that complies with the current, stringent National Electric Reliability Council Critical Infrastructure Protection guidelines is needed.

If the project were to be constructed on RMGS property, the only location on the site that has the requisite 2-3 acres of open land needed to construct the Peaker Project is at the northwest corner, immediately adjacent to the beach and sensitive habitat. At that location, the peaker would be more visible, located within the 100-year high-tide line, and have potentially greater impacts due to noise and chemical use, and would need to build a new transmission line along the northern

edge of the RMGS property. Therefore, the proposed location is the environmentally preferred location when considering both SCE and RMGS property. Finally, SCE does not own or control the RMGS property.

As for the Goleta substation alternative, it will not satisfy the primary purpose of the Peaker Project – to establish black start capability for RMGS. The Goleta substation is too distant to assure the reliable blackstart of RMGS as its power would need to traverse approximately 60 circuit miles before reaching RMGS. Also, in a major earthquake scenario, it is less likely that the transmission line from this location would remain intact. Finally, to route power from this location to RMGS would require additional time to isolate the electrical circuit. Placing the project immediately adjacent to RMGS allows restart to begin almost immediately. Moreover, because the Goleta-Santa Barbara-Carpinteria region will ultimately require much more peaking capacity than the proposed 45MW peaker will provide, siting the proposed peaker alone at Goleta will not adequately provide emergency local power and enhance local reliability to that region, even without considering black start. Finally, the Goleta Substation poses significant constructability challenges and would have greater environmental impacts than the proposed site.

II. Construction Methods and Impacts East of Harbor Boulevard

A. Gas Supply Pipeline

For the Peaker Project gas supply pipeline installation, the pipeline will be located within the Harbor Boulevard public right-of-way in a previously disturbed pipeline corridor (Figures 1-4). SCE will utilize a temporary construction easement (yellow shaded on photomap) extending 30 feet from the existing edge of the pavement, and widening to 54 feet in the vicinity of the tie-in point to the existing, Southern California Gas ("SCG") 20-inch pipeline that serves RMGS. No temporary or permanent roads will be needed for this construction activity, as Harbor Boulevard will be used for access. The pipeline will be constructed and owned by SCG.

The bulk of the pipeline will be constructed on SCE-owned land designated as Public Utility/Energy Facility and located in the Energy Coastal ("EC") subzone, within the City of Oxnard's designated right-of-way for Harbor Boulevard. The northerly tap point to the existing transmission pipeline will be located just to the north of SCE's property, also within the Harbor Boulevard right-of-way (Figure 2).

The pipeline route is proposed to exit the project site to the south of the customer substation and cross Harbor Boulevard at right angles. From there, the pipeline will travel northwest along the east side of Harbor Boulevard (Figures 2-4) within an existing pipeline corridor (blue and green shaded areas on photomap, north and south of the canal, respectively; the road right-of-way is defined by the solid purple line.). The new pipeline would be located alongside an existing 8-inch oil pipeline and a 10-inch natural gas pipeline and adjacent to existing road pavement (Figures 1-4). The existing right-of-way has been and will continue to be disturbed periodically for pipeline and transmission line maintenance purposes.

South of the canal, the pipeline will be installed eighteen feet from the edge of the existing pavement. This is because installing the pipeline closer to the pavement would interfere with the

20-inch storm drain and 15-foot curb and gutter system that was previously approved and will be constructed as part of the Northshore development. The Northshore development included plans to widen Harbor Boulevard from two to four lanes along this stretch of road. This is the closest location to the existing pavement that remains available. Although the original developer of the Northshore project (Trimark) is currently in receivership after defaulting on its bank loan, it is expected that the same or a similar project, including the approved road widening, will be constructed after the current economic downturn has passed.

As it crosses the canal, the pipeline will be placed inside an open cell within the existing Harbor Boulevard bridge (Figure 4). SCG proposes to accomplish this by opening the bridge at specific locations and inserting the pipeline accordingly. The bridge will be repaired and restored to its original condition by utilizing a repair plan developed by a Civil Engineer registered in the State of California. This work will require a temporary one lane road closure with radio control.

North of the canal the pipeline will be constructed approximately two to six feet from the existing pavement. This is to avoid interference with the existing 8-inch and 10-inch pipelines lines that are located to the east, farther from the pavement.

The northerly tap point and the connection to the 20-inch gas transmission line will occur approximately 50 feet west of the pavement. The permanent footprint at the tap point will either be a 10-inch diameter steel lid to access the valve casing or a 2x3-foot lid for a small buried vault (Figure 2). Which access is used depends on the exact final location of the tap, which will not be known until excavation and inspection occur. This is the only permanent impact from the proposed gas supply line.

The pipeline will be 6 inches in diameter, with a length of approximately 1,800 feet (blue line on photomap). The maximum depth of the pipeline may vary, depending on the location of existing substructures that will be encountered along the proposed route. That being said, the line will be installed at a minimum depth of 36 inches, with a planned depth of 42 inches, and will be excavated with a backhoe typically utilized for pipeline construction. SCG estimates the total volume of trench excavation to be approximately 1,200 cubic yards, which includes the tie-in and bell-hole excavations. However, pipeline construction is dynamic in nature and the estimated excavation volume will not occur all at once. Any excess trench materials will be taken off site and disposed of by the pipeline contractor to an approved facility. More detail on installation is provided in the attached letter from SCG.

Glenn Lukos Associate's biologists/botanists Tony Bomkamp and Paul Schwartz's study quantifying the composition and approximate cover of the vegetation along the proposed natural gas pipeline route demonstrates that the route is highly degraded coastal dune habitat. The coastal dune habitat within this area has been subject to various types of disturbance, including the installation of existing utilities and roads and the invasion and establishment of non-native invasive plants, which has been exacerbated by its proximity to Harbor Boulevard (see various figures). Data collected from the pipeline route transect indicates a relatively high level of disturbance. Native plant cover along the transect comprises only approximately 10.7 percent of the total cover. The remainder is comprised of 48.4 percent non-native cover, 29.3 percent un-vegetated sand dune, 7.3 percent disturbed bare areas, and 4.3 percent asphalt. Furthermore,

when just the vegetated areas are considered, the level of disturbance is very high, with approximately 82 percent of all vegetation consisting of non-native species.

Moreover, the City of Oxnard has long term plans to eventually widen Harbor Boulevard to four lanes to accommodate the increase in traffic that is expected to accompany growth within the region. Although the present draft General Plan Update does not yet commit to this widening, it is expected to occur at some point. The Harbor Boulevard right-of-way is 120 feet wide in the vicinity of the proposed Peaker Project (purple lines on photomap). The existing two-lane paved road is 38.5 feet wide and lies entirely on the western (seaward) half of the right-of-way. The eastern edge of the existing pavement is aligned with the center of the 120-foot right-of-way strip. Therefore, when the City widens the street, the two new lanes will be constructed entirely to the east of the existing pavement.

According to the plans included in the Environmental Impact Report for the Northshore Housing Development,[1] Harbor Boulevard will be widened to four lanes from 5th Street to the SCE property line, where the road will narrow to the existing two lanes to cross the existing Mandalay Canal bridge as part of this Project. This previously approved project includes a median/left hand turn lane (darker blue shading on photomap). Power line relocation for the eventual widening has already occurred adjacent to the Northshore parcel (Figures 5 and 6).

Assuming the two new lanes have the same width as the existing lanes, a minimum of a 38.5-foot strip of existing undeveloped land on the eastern side of Harbor Boulevard north of the canal will be paved when the road is widened (green shading on photomap). A central median will be installed and the shoulder will be paved; thus, pavement will cover the majority of the eastern 60-foot right-of-way strip. Construction of the natural gas pipeline will disturb at most a 30-foot strip adjacent to the existing pavement (yellow shading on photomap), only widening to 54 feet at the tap point. Therefore, all land that would be disturbed due to the pipeline installation will eventually be paved over or become part of the graveled road shoulder. The total new permanent ground impact area from the gas line tap point work east of Harbor Boulevard is approximately 6 square feet, assuming a 2x3-foot vault lid at the tap point (a manhole lid will have a smaller footprint). The additional 36,000 square feet (0.83 acre) of pipeline installation temporary impact will be revegetated following pipeline installation, and will eventually be covered by the widening of Harbor Boulevard .

At the request of SCE, SCG considered multiple alternatives to the proposed pipeline routes. Existing underground obstructions prevent the construction of the pipeline on the west side of Harbor Boulevard. According to SCG, there is no room along the west shoulder of Harbor Boulevard for the peaker gas line, due to presence of telephone and electrical lines, associated concrete vaults and a 10-inch gas pipeline. Further, north of the canal SCE cannot widen the right-of-way corridor westward without encroaching onto Reliant property, which would require a voluntary easement or condemnation (and condemnation is generally only allowed if there is no feasible alternative). South of the canal, the pipeline could cross under Harbor Boulevard and travel south to the proposed peaker site; however, this location would be underneath the 6-foot

[1] Addendum 2 to the North Shore at Mandalay Bay EIR, pp. 1.0-23 to 1.0-25

tall landscaping berm. In order to protect the pipeline from damage from roots, trees are considered incompatible with a natural gas transmission line right of way.

On the east side of the street, the proposed pipeline is currently located as close to the pavement as possible considering existing and future underground obstructions.

As an alternative to its current location, the gas pipeline could be installed under the existing pavement on the east side of Harbor Boulevard for the majority of its length, with the exception of the tap point. Because the road shoulder is the designated pipeline corridor in this area, there are no existing subsurface structures on the east side of Harbor. The point of connection to the main gas line would still require routing the pipeline across undeveloped land to the east of the pavement in the vicinity of the tap point, to reach the portion of the line that is not encased for structural support, as is required for the ultimate widening of Harbor Boulevard. Placement of a valve access cover in the middle of a highly traveled lane of a major road would also create an unnecessary safety hazard. Therefore, placing the new gas line in the pavement does not eliminate the 6 square foot permanent impact from the tap point.

Placing the pipeline at this location (just under the pavement edge) would place it in the future center of the road when Harbor is widened to four lanes. If the City were to construct a planted divider in the center of the road, as has already been approved south of the bridge, the pipeline may need to be moved at the time the road is widened due to concerns with root damage. If the pipeline is not moved, having the pipeline located under the fast lane of a four-lane highway is a sub-optimal location in which to conduct any required maintenance work.

Further, construction under the pavement would require a one lane closure of Harbor Boulevard for the 6-8 month construction period. Traffic in the other lane would be radio controlled. This pipeline location would require almost the full 30 foot construction easement to the east of Harbor as the originally proposed location, due to the need to minimize construction equipment on the pavement and allow sufficient setback for traffic to pass. Since this pipeline location would create a significant traffic impact without a significant reduction to the disturbance in the road shoulder, the proposed pipeline location is the preferred alternative.

The proposed construction corridor east of Harbor Boulevard cannot be narrowed without requiring a two lane closure of Harbor Boulevard during construction and a detour around the area.[2]

Due to the significant adverse impact on traffic that would occur if the pipeline were to be constructed under the existing pavement or if the construction corridor were narrowed, the fact that the land on which temporary impacts will occur is already highly degraded and will be restored as part of the proposed Project, and that all land to be disturbed as part of the proposed Peaker Project is scheduled to eventually be paved or graveled shoulder, the proposed location of the pipeline has the least impact of the alternatives that were considered. Finally, all impacts are temporary, except for the manhole/vault lid providing valve access at the tap point.

[2] Steel plates could be used to re-open the road during non-working hours.

B. Electric Transmission Lines

1. Land Ownership, Rights and Historic Operations

The land east of the present Harbor Boulevard pavement on which the transmission line upgrade will occur consists of two SCE-owned parcels, both of which are designated as Public Utility/Energy Facility and located in the EC subzone (see attached Map 2 from LCP Amendment). The two parcels total 37 acres (bounded by purple lines on photomap; also see attached assessors parcel map). This land has been and will continue to be retained by SCE to maintain existing and/or construct future energy projects as needed to serve the Oxnard area as electric load growth occurs.

To the south of the Mandalay canal, three existing SCE poles will be affected by the proposed Project. These poles are shown on the photomap designated as green triangles. Two of the existing poles are located in the Harbor Boulevard right-of-way. These poles will be replaced by taller poles, designated as a red dot. In addition, one new pole will be installed within the right-of-way. A third existing pole on the SCE parcel just south of the canal will also be removed and replaced with a taller pole. SCE poles not involved in the Peaker Project also exist within the right-of-way both north and south of the project area (shown as blue dots).

To the north of the Mandalay canal, four existing SCE poles (green triangles) will be replaced by taller poles (red dots), and two additional new poles will be installed.

SCE records indicate the 66 kV line running north-south along the east side of Harbor Boulevard and crossing the canal into Mandalay Substation was installed during or before 1960, as part of the original Mandalay-Silverstrand line (now the Channel Islands-Mandalay-Unioil 66 kV line, Figure 7). The Mandalay 66 kV Substation located to the north of the canal was initially constructed in 1958 to provide power for the construction of the Mandalay Generating Station via one 66 kV line crossing west over Harbor Boulevard (now the Mandalay-Auxbank line, Figures 7 and 8). This line now provides auxiliary power for Mandalay station startup and maintenance outages. When SCE later installed the original peakers at the Mandalay Generating Station, a second 66 kV line (Mandalay-Peaker, Figures 7 and 8) was installed across Harbor Boulevard between the peakers and the substation. These two lines now belong to Reliant Energy. The 230 kV double-circuit Mandalay-Santa Clara Nos. 1 and 2 line (two lattice steel towers on the northern SCE parcel, Figure 8) was constructed concurrent with generating station construction to convey bulk power from the station at high voltage eastward to Santa Clara Substation (Figure 9), where it could then be either stepped down in voltage for regional subtransmission or continue eastward along the 230 kV lines to Pardee Substation in Santa Clarita. Thus, the 66 kV power that comes into Mandalay Substation all originates from substations to the east. Except for power from the original peakers (which require external power for startup, are not considered reliable and are restricted to very few hours of operation), no 66 kV power is available directly from RMGS. Rather, power must be provided **to** the RMGS from sources to the east.

The Mandalay Substation also serves as a hub for other subtransmission lines serving the Oxnard coastal area. At the time of substation construction, 66 kV lines were also constructed from the

Santa Clara Substation in the east to the Mandalay Substation (Santa Clara-Mandalay Nos. 3 & 4 lines, Figure 9). These lines are shown running west-east from Mandalay Substation on the photomap, and share the same poles running east from the substation for about 650 feet, at which point they separate and follow different routes to Santa Clara Substation. Some of the poles supporting these lines today are the originals installed in 1958-60. Others have been replaced over the years for various reasons (insects, rot, car-collision damage). South of the Peaker Project site along Harbor Boulevard, a section of line poles installed in 1960 were replaced in 2007 for the Northshore development. Smaller distribution lines in the area along Harbor Boulevard were installed prior to 1960.

As development occurred in the Oxnard-Ventura area over the years and load demand increased, the Mandalay-Gonzalez line was added (Figure 9). The proposed Peaker circuit will tap into this existing line via the Channel Islands-Mandalay-Unioil poles (Figure 7). Another 66 kV line, the Mandalay-San Miguel line, exits the substation in a northwest direction and then travels north along Harbor Boulevard towards Ventura (Figure 8).

This system of multiple lines and substations is required not only to serve load, but to provide alternative redundant paths for power. Should a single line be taken out of service during maintenance or damage, alternate lines, preferably in a different corridor, can continue to provide power to an area to avoid a blackout. Each circuit requires its own circuit breaker within the substation for protection, not unlike circuits in a residential home. This grid-like designed-in redundancy of the system is the industry standard in the U.S. **All of the lines emanating from the Mandalay Substation serve specific load areas and provide redundancy to other lines in the area to ensure reliability. They cannot, therefore, be combined into fewer larger lines to reduce the number of line corridors.**

2. Peaker Subtransmission Line Routing and Impact

The new electric transmission line route from the proposed Peaker Project to its tap point on the existing 66 kV Mandalay-Gonzales line would be located within an **existing transmission corridor** on this property, designated on the photomap by light blue shading. SCE currently drives high ground clearance utility trucks across this area on a limited as-needed basis to perform line maintenance every four weeks and as required for equipment repair and replacement, and requires permanent vehicle access to the area to respond to system emergencies.

Due to the large number of transmission lines in the area, which include five 66 kV lines and two 230 kV lines, there are no other available routes for the proposed Project line. The new transmission line must utilize the existing Channel Islands-Mandalay pole line and cross portions of SCE's property east of Harbor Boulevard to reach its destination. The pole replacement project is designed to disturb as little land as possible. Standard design requirements prohibit connecting the new line directly to a 66kV line located on RMGS property without utilizing the protection of the substation's circuit breakers.

The new transmission circuit (3 wires) east of Harbor Boulevard will be added to the existing Channel Islands-Mandalay pole line to avoid the need for a second set of poles. To

accommodate the new circuit east of Harbor Boulevard, seven (7) existing poles will be replaced in approximately the same locations with replacement poles 5 feet higher to accommodate an additional circuit, and three (3) new poles (red dots) will be added to these seven replacements to support the added stresses. Refer to the photomap and specific pole numbers; green triangles are poles to be removed and paired or solo red dots are new or replacement poles. Of the seven replacement poles, one will be a steel pole (required to handle corner stress) requiring a 7-foot diameter concrete foundation adjacent to an existing access road (Structure No. 4533721E on photomap, Figures 10-12). The pole base itself is roughly four times the diameter of the existing wood pole 4241244E. In an effort to prevent corrosion, SCE (and all similar electric utility companies or agencies) protect all steel components (anchor bolts, base of pole, etc.) from direct contact with the soil whenever possible. This is typically done by projecting the top of the concrete footing above ground level, usually by a foot or two (Figure 11). Such protective design is of critical importance in the corrosive coastal climate. If the pole and footing were placed below grade in order to reduce the surface footprint, the surface soil would still need to be excavated periodically to expose the pole base for inspection, negating any habitat preservation benefit of a below-grade design. Also, the new pole base diameter would occupy a footprint roughly triple the area of the existing pole, reducing further the footprint reduction benefit of burying the foundation. The replacement pole for this location is a custom length minimized to reduce visual impact, while still attaining required ground and conductor clearances.

To the extent possible, new or replacement wood poles (red dots on photomap) will be placed in the same location (in the same hole) as the existing poles to be replaced (green triangles on photomap) to reduce ground disturbance. The line span (the distance between poles) has also been adjusted to the maximum feasible length in the vicinity of the Mandalay canal to provide a 50-foot buffer zone from the canal's edge. Increasing the span further in an attempt to reduce the number of poles would require significantly taller poles with wider bases to be installed. This would increase the visibility of the poles and would not reduce the amount of disturbed land, due to the larger bases that would be required.

The following narrative explains each of the additional pole replacements/placements from north to south and refers to corresponding pole numbers on the attached photomap and figures, which show the habitat present at each location: (1) New pole 4533706E will be placed in the location shown on Figures 13 and 14. (2) Existing pole 1824140E (Figure 15) will be replaced by new pole 4533707E (Figures 15 and 16). (3) New pole 4533708E will be placed in the location shown in Figures 17 and 18. (4) Existing pole 1327053E will be removed and replaced further from the Mandalay Canal with pole 4533709E as shown in Figures 19 and 20. (5) Existing pole 1327054E (Figure 21) will be replaced by new taller pole 4533710E. (6) Existing pole 1327056E (Figures 22 and 23) will be replaced by taller pole 4533711E. Finally, new pole 4533712E will be placed in the location shown in Figures 24 and 25.

Undergrounding the proposed subtransmission line east of Harbor Blvd. would cause much greater habitat impacts than the proposed Project, because the line would need to be placed within buried conduit, connected by accessible vaults. The conduit burial would cause temporary impact along the entire line length, and the vaults would cause permanent impacts with their surface footprints. The additional cost would also be substantial. The CPUC does not normally authorize undergrounding of subtransmission lines except to avoid significant

environmental impacts. In this case, the environmental impact of undergrounding would be far more significant than the proposed 7 pole replacements and 3 new pole additions.

The current design is therefore the best trade off between minimizing the number of poles, minimizing their height to reduce visual impacts, minimizing the size of the pole bases, and replacing poles in the same location to minimize any incremental habitat disturbance. The total new **permanent** ground impact area from new pole installation east of Harbor Boulevard will be 87 square feet (0.002 acre). The replacement of existing poles with taller poles into the existing pole holes will not result in any new permanent ground impact. If possible, SCE will use the same pole hole. If not, SCE will place the new pole as close as possible to the existing pole to be removed. All replaced poles will be completely removed. Any disturbed ground will be actively revegetated.

As the quantitative study by Tony Bomkamp and Paul Schwartz demonstrates, any transmission line impact will occur in a disturbed area. Native plant cover along the transmission line transect only comprises approximately 14.9 percent of the total cover. The remainder is comprised of 40.9 percent non-native cover, and 44.1 percent un-vegetated sand dune. Moreover, when just the vegetated areas are considered, the level of disturbance is very high, with approximately 73 percent of all vegetation consisting of non-native species. Further, all poles that are not placed in their original holes will be sited on bare ground or in stands of iceplant or other non-native vegetation to minimize impacts; and all poles will be sited more than 50 feet from Mandalay canal. Finally, it is important to note that all vegetation impacts will be mitigated by active revegetation.

3. Subtransmission Line Installation

For electric transmission line installation, access for vehicles will not require temporary or permanent roads, as the terrain is a fairly flat, dune type of terrain that can be accessed with all wheel drive line trucks and has been previously disturbed to maintain the existing pole line. Areas that will be accessed are shown on the attached photomap as green crosshatched south of the canal, and flesh crosshatched north of the canal (equivalent to existing operation and maintenance access). High ground clearance trucks that can drive over the existing vegetation and ground mats to stabilize the sand will be used to access and install the new poles to avoid the need to establish or pave new roads. Trucks will be driven on the shortest route to and from their destinations in the narrowest path possible (green crosshatched on photomap). Laydown areas have been proposed only in highly disturbed areas within the Harbor Boulevard right-of-way and adjacent to the existing substation where they can be accessed by existing roads (green crosshatched on photomap, Figures 26, 27 and 28). The total **temporary** ground impact area from pole replacement/installation work east of Harbor Boulevard is approximately 21,548 square feet (0.495 acre).

III. Existing and Future Operation and Maintenance Access Requirements

For typical distribution lines (direct to small customers, shown white on the attached photomap), SCE requires a 5-foot right-of-way on each side of the centerline of the pole line. SCE requires

this access to maintain its facilities and respond to emergencies. Almost all work on distribution lines can be performed by crews on foot using hand tools.

A. Sub-transmission lines (blue, red and green on the attached photomap) typically require a right-of-way under the line of 25 feet total width for operation and maintenance, but that assumes truck access is available into that right-of-way laterally across the property. If access is confined to the line right-of-way with no lateral access, then a minimum right-of-way of 25 feet on each side of the line (50 feet total width) is needed for vehicle movement (shown as light blue on photomap). For sub-transmission poles, a 100-foot diameter right-of-way is typically required for every structure. Where access is confined, this can be reduced to a 50-foot diameter (shown as flesh-colored circles on photomap). The McGrath Peaker transmission line is 66 kV, which is standard "sub-transmission" in the SCE system. 66 kV is the smallest of SCE's transmission lines.

Where space or access is constrained by existing structures, private property, or habitat, SCE can access pole locations by foot and use a crane to deliver poles, crossarms and equipment to the pole location. The pole hole can be hand dug and set by crane from an adjacent disturbed area. The size of the crane is dependent on the pole weight.

Crews are capable of setting a 55-foot pole by hand. Anything taller requires a crane. The McGrath Peaker subtransmission line poles are 47 feet to 70 feet.

Routine operation and maintenance of a typical SCE 66 kV line is limited to a pole inspection every 10 years for rot and insect damage, and a yearly insulator wash. However, the existing 66 kV lines in the Peaker Project vicinity are required to be inspected 4 to 5 times a year owing to the more impacting climatic conditions on the coast (moisture and salt). Similarly, due to increased salt deposition, SCE washes the insulators every four weeks from May to October (this may vary sometimes depending on rainfall).[3] During inspections, other problems may be noted that require action. Damaged equipment is repaired or replaced with equipment that is standard at the time the repair is made, not necessarily with exact like-kind replacement parts.

On the attached photomap/drawing, the existing operation and maintenance corridor (an area historically accessed and driven on in order to maintain the existing lines) is shown as flesh-colored crosshatched area.

B. Transmission lines are typically 220 kV or greater. One 230 kV double-circuit transmission line crosses the northern of the two SCE parcels, supported by two lattice steel towers. Though operation and maintenance work is usually limited to periodic inspection and insulator washing (same frequency as 66 kV lines), access to these towers and line must be maintained for emergency purposes. As shown on the photomap, SCE must maintain a 100-foot radius area around each tower for vehicle and equipment access and materials laydown in the

[3] A wash entails the use of a 3-axle truck with an 80-foot boom that drives along the line, stops at every pole, extends outriggers, elevates a boom and washes the insulators with high-pressure deionized water.

event of tower repair or reconstruction. Line maintenance and tower access are also facilitated by the existing unpaved roads shown on the photomap, which must remain accessible.

Vegetation growing within transmission corridors must be trimmed as necessary to remain compliant with required maintenance standards to prevent line arcing.

IV. Future Development

Although the existing 66 kV Channel Islands-Mandalay subtransmission line is located 5 feet inside (to the west of) the eastern edge of the Harbor Boulevard right-of-way in the transmission corridor to the south of the Mandalay canal, it is not expected that the widening of Harbor Boulevard will require the line to be moved. However, it may be necessary at some point in the future to relocate the existing line farther to the east on the property and/or to replace the existing poles with different structures that are able to accommodate additional or higher capacity circuits as load growth continues in the City of Oxnard. In any case, the footprint of future pole upgrades would be insignificant. Additionally, Coastal Commission staff would be consulted in advance of any such work.

Load growth from development in the Oxnard area will likely require expansion of the existing SCE customer substation on parcel no. 183002101 east of Harbor Boulevard. A typical SCE distribution substation occupies 2 acres. The existing Mandalay Substation occupies approximately 0.7 acres, so an additional 1.3-1.5 facility acres would need to be added, likely directly east and adjacent to the existing substation. This likely future expansion is shown on the photomap as white crosshatched. At the time substation expansion occurs, additional transmission lines may need to be constructed. It is SCE policy to preferentially site new lines within existing transmission corridors and on existing poles, if feasible. If substation expansion at this site is pursued, SCE will apply for a CDP as required.

SCE does not have plans at this time for any other future development on the property east of Harbor Boulevard.

V. SCE's Agreement to Voluntarily Minimize Ground Impacts

The total permanent impact to the SCE parcels east of Harbor Boulevard is approximately 93 square feet (87 square feet for the poles plus 6 square feet for the gas valve vault lid). Commission staff has proposed CDP Special Condition 3.b, requiring SCE to reseed all areas disturbed east of Harbor Boulevard with a native hydroseed mix and maintain those areas for five years to prevent non-native weeds from establishing themselves in these areas. Invasive iceplant, tree tobacco and other non-native species would also be removed from all 37 acres owned by SCE east of Harbor Boulevard.

Furthermore, SCE commits to minimizing ground impacts from construction and operation and maintenance via the following measures:

1. Pole and tower vehicle access will be confined to either existing access roads or the narrowest overland path possible within the area of historical access; generally, 16 feet wide (green crosshatched on photomap).
2. Pole maintenance will be confined to a 25-foot radius surrounding each pole.
3. Tower maintenance will be confined to a 100-foot radius surrounding the two lattice steel towers.
4. Subtransmission line access will be confined to the 50-foot-wide blue shaded corridors shown on the photomap.
5. Distribution line access will be confined to the SCE Standard 10-foot-wide corridor under each distribution line (white on the photomap).
6. Peaker equipment laydown will be confined to the previously disturbed 100 feet x 100 feet area adjacent to the existing SCE substation (green crosshatched on photomap, and shown in Figures 26 and 27).

VI. Feasibility of Relocating the Peaker to the Reliant Mandalay Generating Station Property or SCE Goleta Substation

A. Reliant Mandalay Generating Station (RMGS)

For a variety of reasons summarized below, it is technically infeasible and/or environmentally more impacting to locate the Peaker Project on the RMGS property.

First, per the information previously submitted in SCE's alternatives analysis, siting the proposed peaker on the RMGS site to replace the existing RMGS peaker does not meet the purpose and need of the SCE Peaker Project. SCE customers in the region require both the existing peakers' power and the power from the proposed SCE Peaker Project to meet the objectives of the California Public Utilities Commission Assigned Commission Ruling. Replacing the 140 MW RMGS peaker with a 45 MW unit would reduce peak generating capacity by 95 MW rather than increasing it, as desired.

Second, Reliant still maintains an active permit on the existing peaker (about 80 hrs/year), but its black start equipment (i.e., the hydraulic accumulators) are not functional. The existing peaker is nearly 40 years old and is obsolete. Even if the black start capability for this unit could be restored by utilizing a modern diesel or natural gas backup generator, the unit is no longer sufficiently reliable to perform an emergency function. A new black start peaker that complies with the current, stringent National Electric Reliability Council Critical Infrastructure Protection guidelines is needed.

Also, the existing RMGS units have different characteristics than SCE's and require less land (due to different operating design and less air quality emissions control equipment). Inspection of the attached photomap shows the minimum footprint of the proposed Peaker would not fit over the location of the existing peakers without impinging upon other existing generating station infrastructure. Also, the existing peaking units have very low profiles and no stacks. Thus, replacing them with the modern unit would create visual impacts at the adjacent state beach. Finally, the existing peaker site is also immediately adjacent to the least tern nesting sites

where the noise profile of the new unit would intersect with them. Thus, the proposed project could not be sited at the location of the existing equipment.

If the project were to be constructed on RMGS property, the only location on the site that has the requisite 2-3 acres of open land needed to construct the Peaker Project, including the switchrack, customer substation, natural gas metering station, water and ammonia tanks and appurtenances does not exist at the RMGS property, except at the northwest corner, and this site has other limitations that make it more environmentally impacting. This location would place the SCE Peaker adjacent to the beach where the facility would be highly visible from considerable distances both up- and down-coast. At the proposed site, the equipment is completely hidden behind existing RMGS equipment when viewed from the state beach to the northwest, and mostly hidden by landscaped sand dunes along Harbor Boulevard when viewed from the east. Other drawbacks of this location are that the hazard footprint from a worst-case ammonia release could impact the beach-going public, the noise profile of the project would intersect the beach, and this location will not meet the new standards for setback from 100-year high tide ocean-related flooding. Finally, constructing the project at this location will require the construction of a new electric transmission line along the northern edge of the Mandalay property in order to connect the project to the existing 66 kV infrastructure as well as requiring pole replacements and new poles on the east side of Harbor Boulevard.

Consequently, siting the proposed project at RMGS would have greater environmental impacts than at the proposed location.

B. Goleta Substation Alternative

Staff requested more detail regarding the obstacles to siting the proposed Peaker Project at the Goleta Substation, one of the three final alternative sites considered.

First, Goleta substation will not satisfy the primary purpose and need of the proposed project – to establish blackstart capability for the Reliant Mandalay Generating Station (RMGS). Since it is located approximately 60 circuit miles away, the Goleta substation is simply too distant to assure the reliable blackstart of RMGS with a 45 MW peaker unit.

Even if RMGS could be started from this location, in a major earthquake scenario causing extensive damage to Pardee Substation or the 230kV transmission lines feeding Pardee from the west, RMGS would need to shut down until the Ventura region electrical system were properly isolated to receive power from RMGS via alternative circuits. Subsequently, RMGS would be black started, and only then could its power on the local grid be used to blackstart Ormond Beach Generating Station, which would have also shut down following transmission line damage or damage at Pardee.

If the 45 MW peaker were sited at Goleta Substation, its power would first need to traverse over almost 60 circuit miles before reaching RMGS. If damaged by the earthquake, these circuits would first need to be repaired. Then, all other load that could draw power from the peaker would need to be isolated from the circuit, which is not possible. These constraints prevent blackstart capability at RMGS with a 45 MW peaker in Goleta. SCE would need to install a 150

MW or larger peaker in the Goleta area to accomplish blackstart at RMGS. In addition, the need to isolate the circuit from Goleta would cause a delay and lengthen the time it would take to begin the black start procedure. Siting the peaker immediately adjacent to RMGS would allow black start to begin almost immediately. Additionally, there is a greater risk that the transmission lines between Goleta and Mandalay would be damaged during a large earthquake, thereby preventing a successful black start until repairs are effected. Obviously, siting the peaker adjacent to RMGS, as proposed, is the most reliable black start arrangement and requires a much smaller turbine unit.

The proposed Peaker Project also provides emergency local power and enhances local reliability by providing peak generation during high demand periods. These purposes and needs are secondary siting drivers, in that they can be met at locations other than the proposed site adjacent to RMGS. However, because the Goleta-Santa Barbara-Carpinteria region will ultimately require much more peaking capacity than the proposed 45 MW peaker will provide (estimated at between 150-300 MW), SCE would not site the proposed unit at the Goleta Substation to meet only these two drivers. Rather, SCE would site a much larger peaker or even multiple units at other locations in the region having lesser space, constructability and environmental constraints than Goleta Substation poses. Goleta Substation was considered for this project because it was not eliminated from the original list of 56 sites considered by SCE and screened for size and environmental constraints (per available databases). For small peaker projects, new transmission lines are not typically constructed due to their disproportionate cost in relation to the size of the project. For larger 150-300 MW projects, additional sites would be considered.

In addition, the Goleta Substation poses significant constructability challenges, which were discussed with CCC staff during a site visit on October 8, 2008 (Figure 29). The most significant constraint involves the access road and placement of a gas pipeline. Over 3.5 miles of 6-inch gas pipeline would need to be installed in the road from the substation to state Highway 101. At that point, the pipeline would need to be routed beneath the highway using directional boring methods in order to tap into the existing gas main pipeline south of the highway.

Before the pipeline could be installed in the existing access road, numerous drainages that cross under the road would need to be evaluated and if needed, re-engineered and modified. The road itself would need to be widened at the curves to accommodate the need to haul the peaker components. In addition, numerous utility lines crossing the road would need to be relocated temporarily to provide vertical clearance for the tallest peaker components.

At the Goleta Substation site itself, 6-8 Tubular Steel Poles supporting a 66kV line would need to be relocated to accommodate the required turbine pad. The turbine pad itself would require import fill 26 feet high at the downhill end, with a deep footing retaining wall. The downhill end would impinge upon existing stream drainage (Figure 29).

Consequently, the proposed Mandalay location is the better location from both an operational and environmental perspective.

VII. Conclusion

The proposed location for the gas pipeline, electric transmission line, and generating unit are the environmentally preferred locations. To minimize project impacts, SCE commits to the special conditions proposed for the coastal permit including the voluntary removal of iceplant and other non-native species from its property east of Harbor Boulevard. However, SCE must retain the ability to operate and maintain its existing distribution, subtransmission and transmission facilities on its 37 acres as specified above and shown on the photomap. SCE thus further commits to maintain those existing facilities with a minimum amount of ground disturbance. Finally, subject to separate CCC approval in the future, SCE requires the ability to expand the existing substation, as noted above and on the photomap, should future demand growth in the Oxnard area require substation upgrades and expansion.

Attachments: Figures 1-29
Photomap No. KA080826728
Letter from SCG 3-17-08
Northshore EIR drawings
Map 2, LCP Amendment
Assessor's parcel map

The Gas Company®

A Sempra Energy® utility

Ronald G. Bott
Project Manager

Project & Construction
Management
GT23F1
555 W 5th Street
Los Angeles, CA 90013

Tel: (213) 244-5423
Fax: (213) 244-8231

March 17, 2008

Paul Phelan
Manager, Power Production Engineering & Technical Services
Southern California Edison
300 N. Lone Hill Avenue
San Dimas, CA 91733

Dear Paul:

Southern California Gas Company (SCG) has reviewed the request for information from the California Coastal Commission dated March 13, 2008, and has prepared the following responses to the information requests.

1. Although SCG does not anticipate more than typical groundwater seepage in the excavations, the potential for dewatering during construction of the natural gas pipeline exists while excavating the trench for the pipeline. Should groundwater be encountered during construction, SCG will incorporate typical trench de-watering practices which utilize diaphragm sump pumps in the bell holes, pits and trench. Small gravel filled holes would be installed in the pit or trench where the pump hose is installed to reduce sediment. The water will be conveyed from the forward work area to the immediate rear to remove it form the active bellhole or pit to a completed bellhole where it will not interfere with construction and will remain within the excavation. If the volume of groundwater seepage is deemed too great, SCG would pump groundwater to a Baker tank where the water would sampled, tested and disposed of appropriately, which may also include using it for dust control along the work right of way. Sediments accumulated in the Baker tanks will be collected and disposed of to an appropriate authorized landfill.

2. Attached for your reference is a schematic of the proposed pipeline route and meter set assembly (MSA). The pipeline route is proposed to exit the project site to the south of the customer substation and cross Harbor Boulevard at right angles. From there, the pipeline will travel northwest along the east side of Harbor Boulevard, until it ties into the existing 20-inch diameter transmission pipeline that serves the Mandalay Generating Station located just to the north of the generating station property.

   The pipeline will be installed inside the existing bridge along Harbor Boulevard that currently crosses over the Edison Canal. SCG proposes to accomplish this by opening the

bridge at specific locations and inserting the pipeline accordingly. The bridge will be repaired and restored to its original condition by utilizing a repair plan developed by a Registered Civil Engineer registered in the State of California.

The pipeline will be 6-inches in diameter, with a length of approximately 1,800 feet. The maximum depth of the pipeline may vary, and depends on the location of existing substructures that will be encountered along the proposed route. That being said, the line will be installed at a minimum depth of 36 inches, with a planned depth of 42 inches and will be excavated with a backhoe typically utilized for pipeline construction. SCG estimates the total volume of trench excavation to be approximately 1,200 cubic yards which includes the tie-in and bell-hole excavations. However, pipeline construction is dynamic in nature and the estimated excavation volume will not occur all at once. Any excess trench materials will be taken off site and disposed of by the pipeline contractor to an approved facility. SCG will utilize typical best management practices (BMPs) like fiber rolls, sand bags, and filter fabric to control erosion along the project extents. The actual type and frequency of the specific BMPs will be determined by SCG's Environmental Services Group prior to, and during construction.

The pipeline will be constructed on project property and within the public right-of-way for Harbor Boulevard in a previously disturbed pipeline corridor. A temporary construction easement will be required and will consist of 30 feet from the existing edge of pavement, widening to 54-feet in the vicinity of the tie-in point at SCG existing 20-inch pipeline.

Pipeline construction is expected to take place concurrent with the peaker plant construction and will take approximately 7 weeks to complete. Construction equipment required for pipeline installation includes pipe trucks, dump trucks, welding equipment, backhoes, conventional boring equipment and lifting equipment. A construction crew of up to 20 people is required for pipeline construction. The construction crews will be at various locations along the proposed route during construction. A 100- by 100-foot staging area will be required adjacent to the specified MSA location, located on the project property for material storage and parking.

4. SCG will not require specific temporary access roads to facilitate the pipeline construction. However, a lane closure may be required at times on Harbor Boulevard for the pipeline; a complete road closure is not anticipated. Through traffic will be routed around construction per an approved traffic control plan developed by a Registered Civil Engineer registered in the State of California. All trenches within the paved roadway and road shoulder within 15 feet of the edge of pavement will be covered during non-working hours.

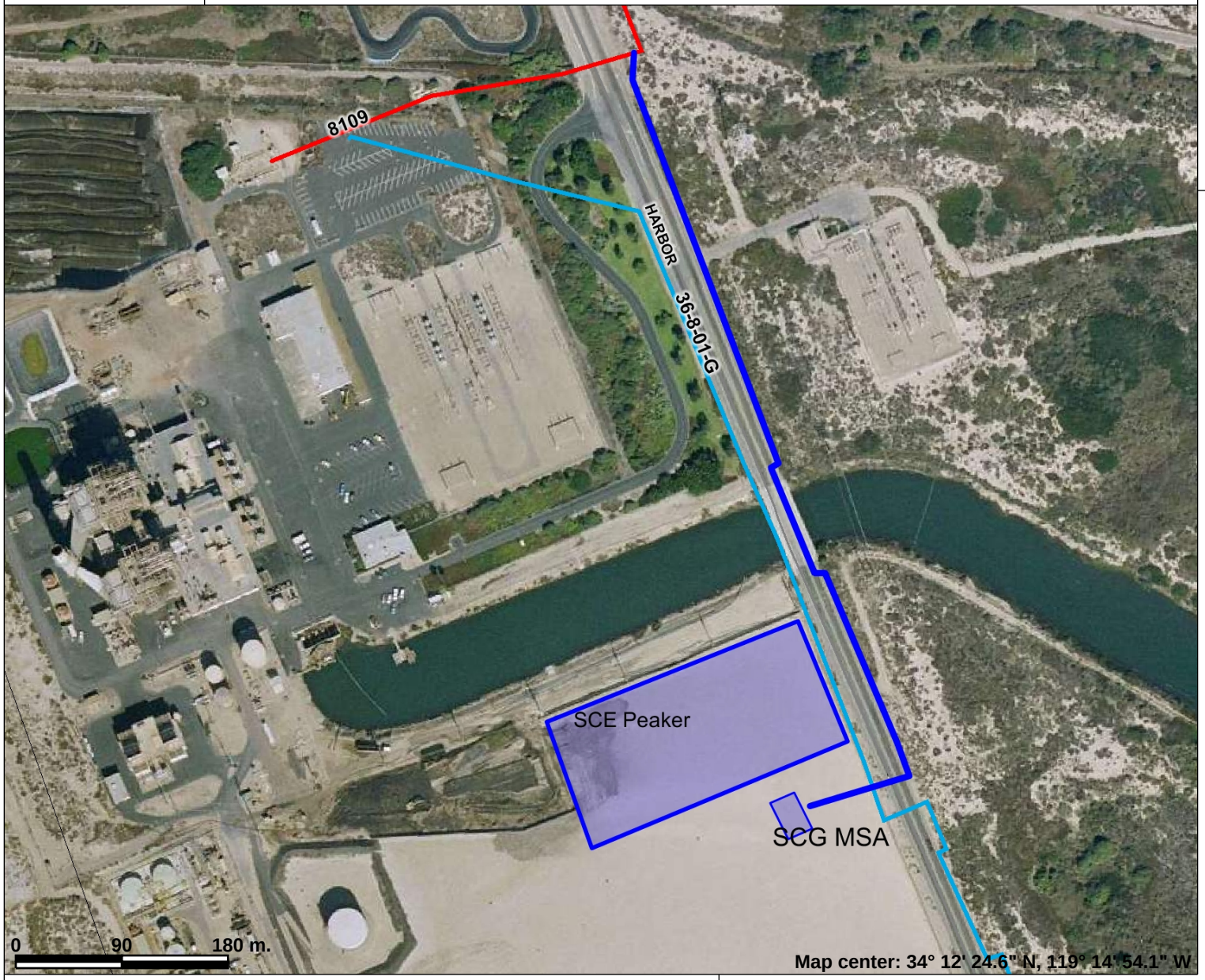
Please let me know if you have any questions or would like to discuss this further.

Sincerely,
Ronald Bott
Project Manager III
Southern California Gas Company
555 West Fifth Street, Los Angeles, CA 90051
Tele: 213-244-5423

Cc: file

LAND SERVICES GIS
http://gis.sempra.com

SCE McGrath Beach Peaker

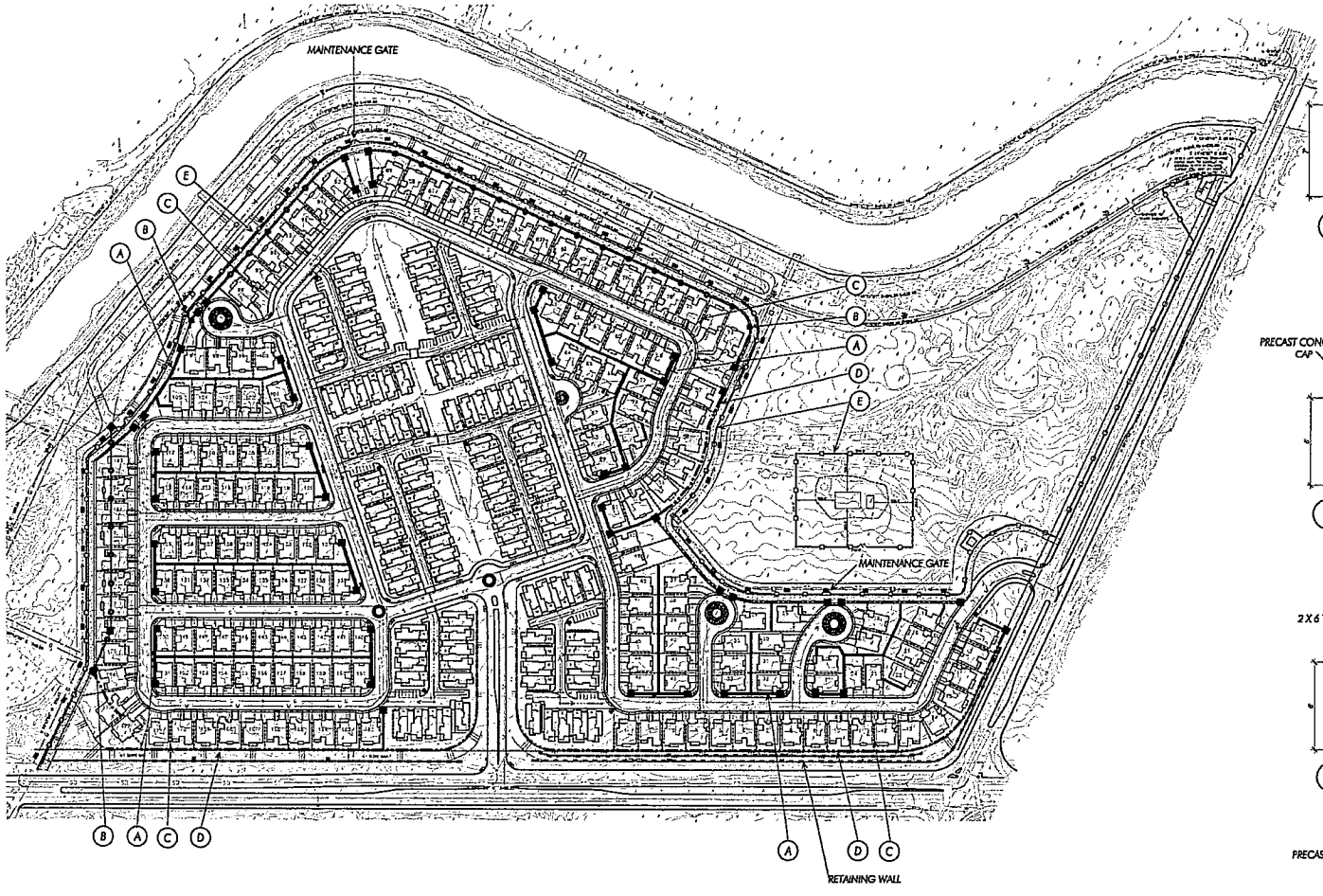


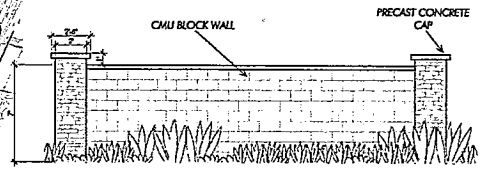
Legend

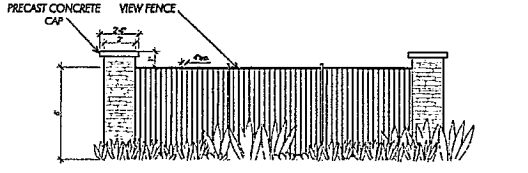
- Counties
- Gas Pipelines
- SCG LDS
- SCG TS
- SDGE LDS
- SDGE TS
- STORAGE
- Road Centerlines
- Pacific Ocean

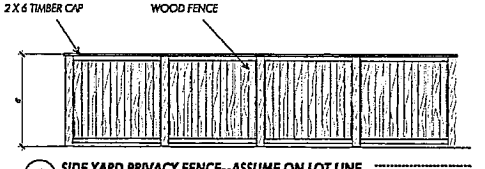
N

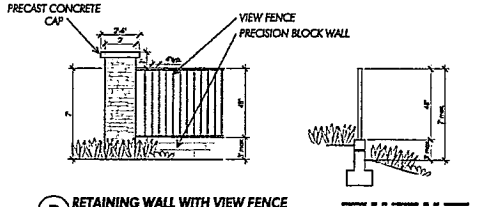
Scale: 1:5,071





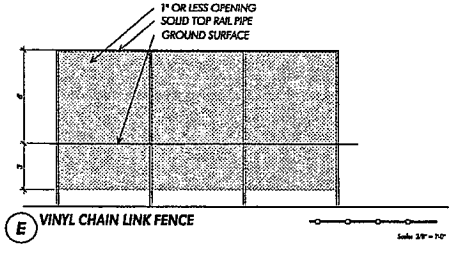


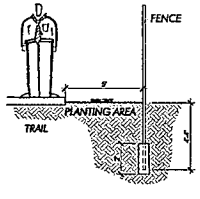




WALL/SYMBOL LEGEND

SYMBOL	DESCRIPTION
	SOLID BLOCK WALL
	VIEW FENCE
	WOOD FENCE
	RETAINING WALL
	RETAINING WALL WITH VIEW FENCE (7' MAX.)
	6' BLACK VINYL CHAIN LINK FENCE
	PILASTER
	MAINTENANCE GATE





North Shore at Mandalay Bay- Tract 5060

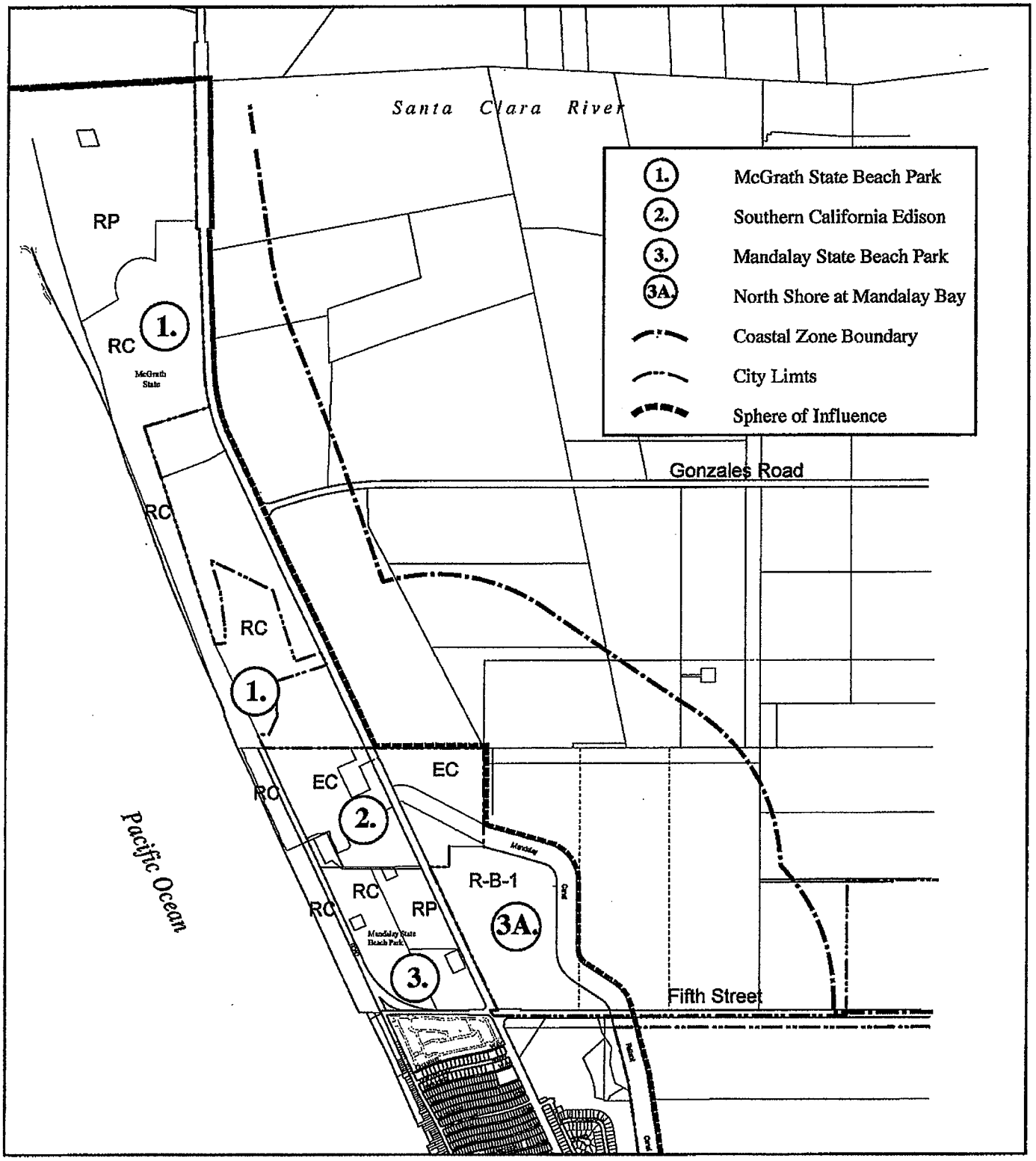
Wall and Fence Plan

TM#01

Revised - August 25, 2005

Prepared for:
Trimark Pacific Homes

The Collaborative West



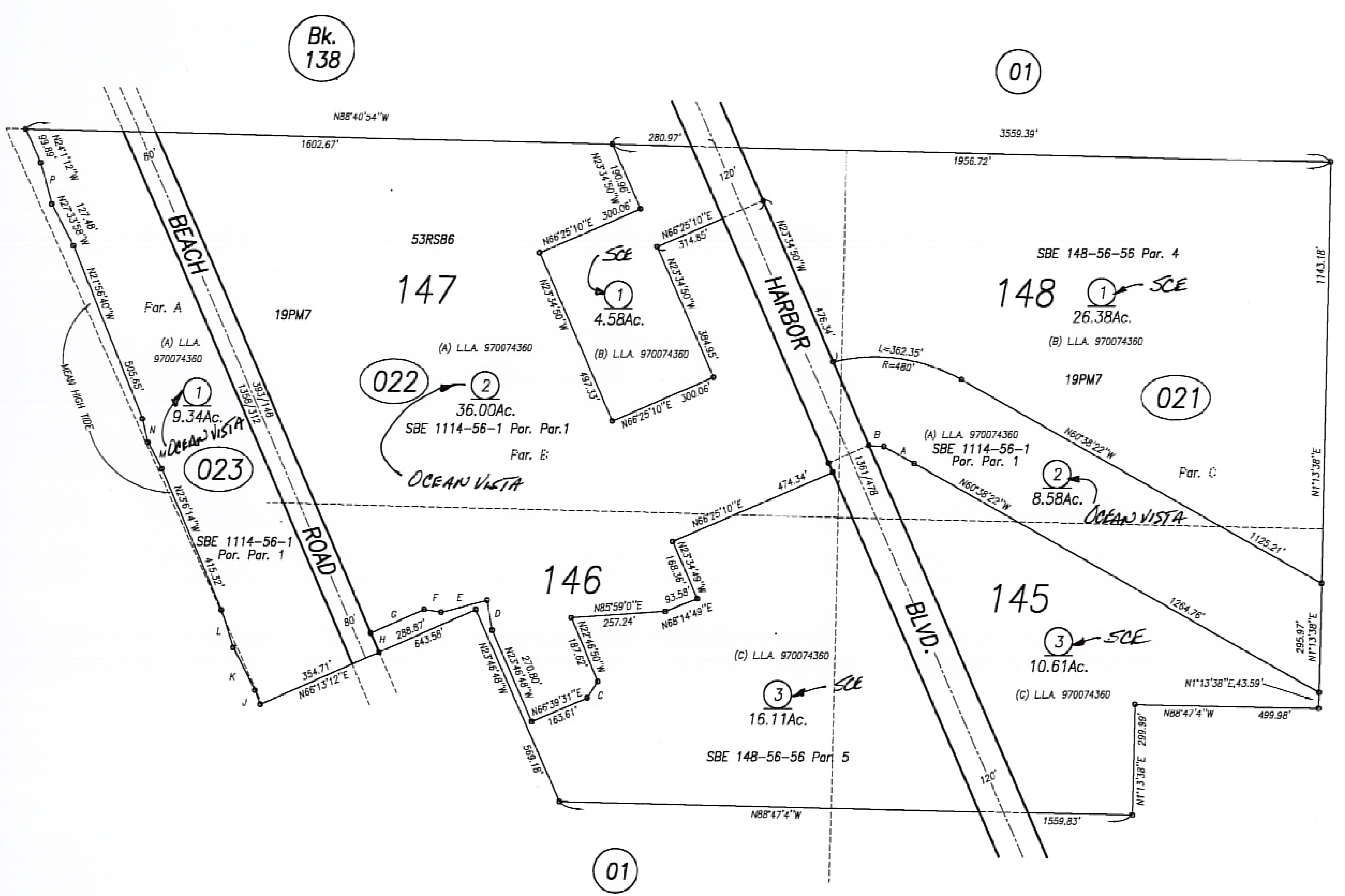
Map 2
Coastal Access Land Use Amendement
LCP AMENDMENT-NORTHSHOE AT MANDALAY

RANCHO EL RIO DE SANTA CLARA O' LA COLONIA
T.2N, R.23W, S.B.B.&M

Tax Rate Area
03040

183-02

1" = 300'



COURSE SCHEDULE		
A	N60°55'40"W	94.33'
B	N85°46'3"W	41.56'
C	N32°46'59"E	52.95'
D	N9°40'33"W	82.43'
E	N75°30'3"E	128.80'
F	N80°58'30"W	47.21'
G	N66°13'6"E	160.04'
H	N23°32'21"W	56.48'
J	N21°29'29"W	40.71'
K	N27°20'45"W	130.60'
L	N17°55'26"W	107.21'
M	N27°49'12"W	81.41'
N	N13°11'11"W	65.73'
P	N14°59'27"W	115.95'

CITY OF OXNARD
Ventura County Assessor's Map.

Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.
Assessor's Mineral Numbers Shown in Squares.

NOTE: ASSESSOR PARCELS SHOWN ON THIS PAGE DO NOT NECESSARILY CONSTITUTE LEGAL LOTS. CHECK WITH COUNTY SURVEYOR'S OFFICE OR PLANNING DIVISION TO VERIFY.

DRAWN		REVISED	6-4-2003
REDRAWN	S.N.	CREATED	4-1-1999
INKED	PLOTTED	EFFECTIVE 9900	ROLL
PREVIOUS Bk.183, Portion Pg.01			
Compiled By Ventura County Assessor's Office			

Patterson Ranch Sub, M.R. Bk.8, Pg.1


W GONZALES RD
93030
JEEP TRL
VENTURA
SCE
SCE
OCEAN VISTA
OXNARD
SCE
SCE
EDISON CNL
W 5TH ST
SUNSET DR
SEAVIEW DR
VENETIAN DR
93035
SURFSIDE DR
DRIFTWOOD ST
HARBOR BLVD
Imagery Copyright© 2006, Eagle

Attachment B - Figures

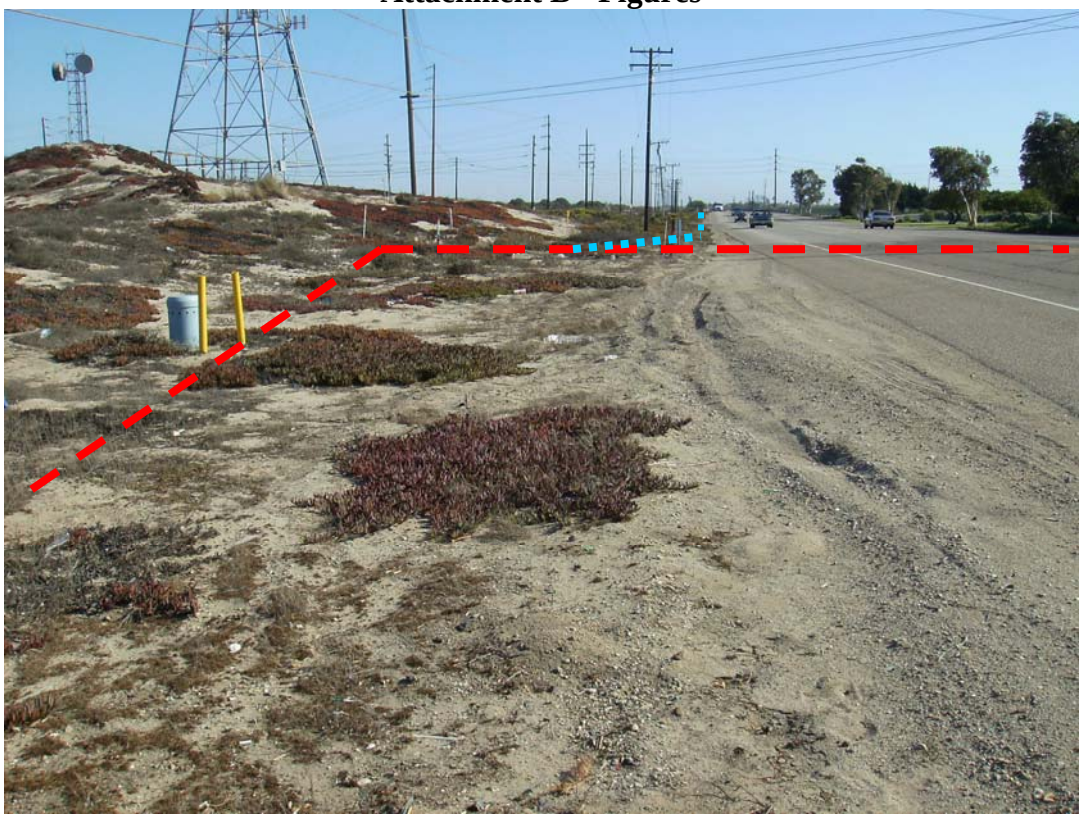


Figure 1. Location of existing gas pipeline (red) and proposed new pipeline (blue).

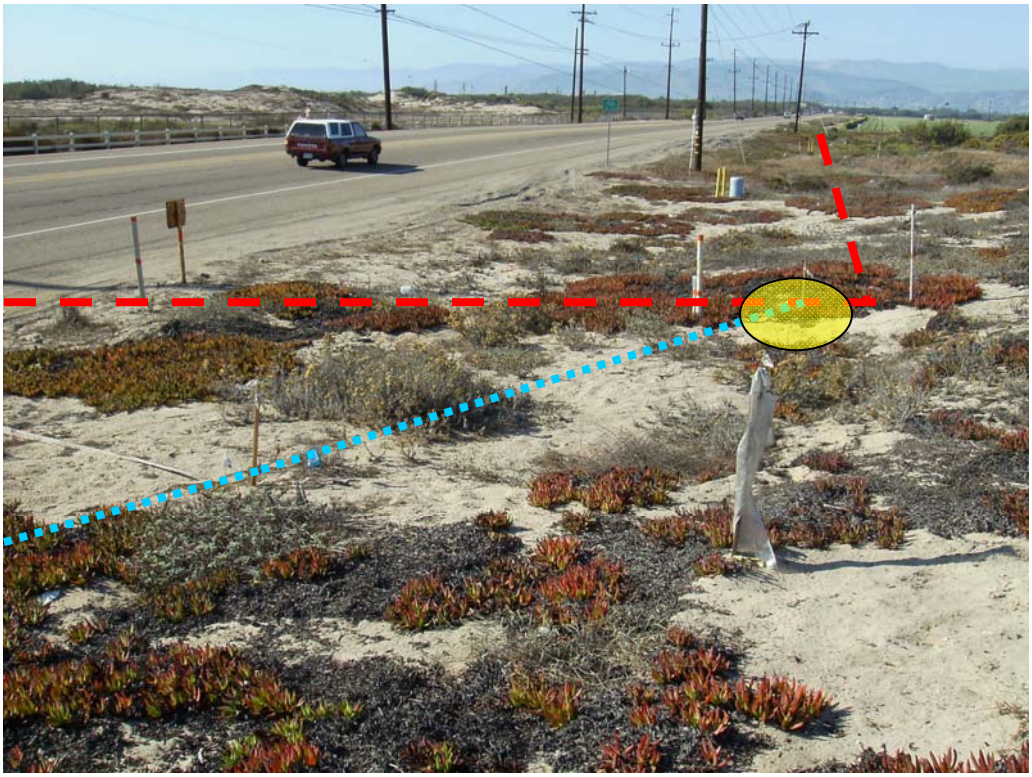


Figure 2. Location of new gas pipeline tap point (blue) to existing line (red) and valve manhole (yellow).

Figure 3. Path of new gas pipeline north of canal bridge (looking southward).

Figure 4. Path of new gas pipeline south of canal bridge (looking northward) and area of previously approved road widening.

Figure 5. Looking southward along Northshore development frontage. SCE lines were recently relocated to accommodate planned road widening.

Figure 6. Looking northward from Northshore frontage. Line shows approximate extent of planned Harbor Blvd widening.

Figure 7. Looking southwest from Mandalay Substation. Channel Islands-Mandalay 66kv line is on the left. The new McGrath Beach Peaker will utilize this line by raising the pole height, adding a second circuit to the poles and then tapping into the existing Mandalay-Gonzales 66kv line (Figure 9). Mandalay-Unioil 66kv line is in the center and the Mandalay-Peaker 66kv line is on the right.

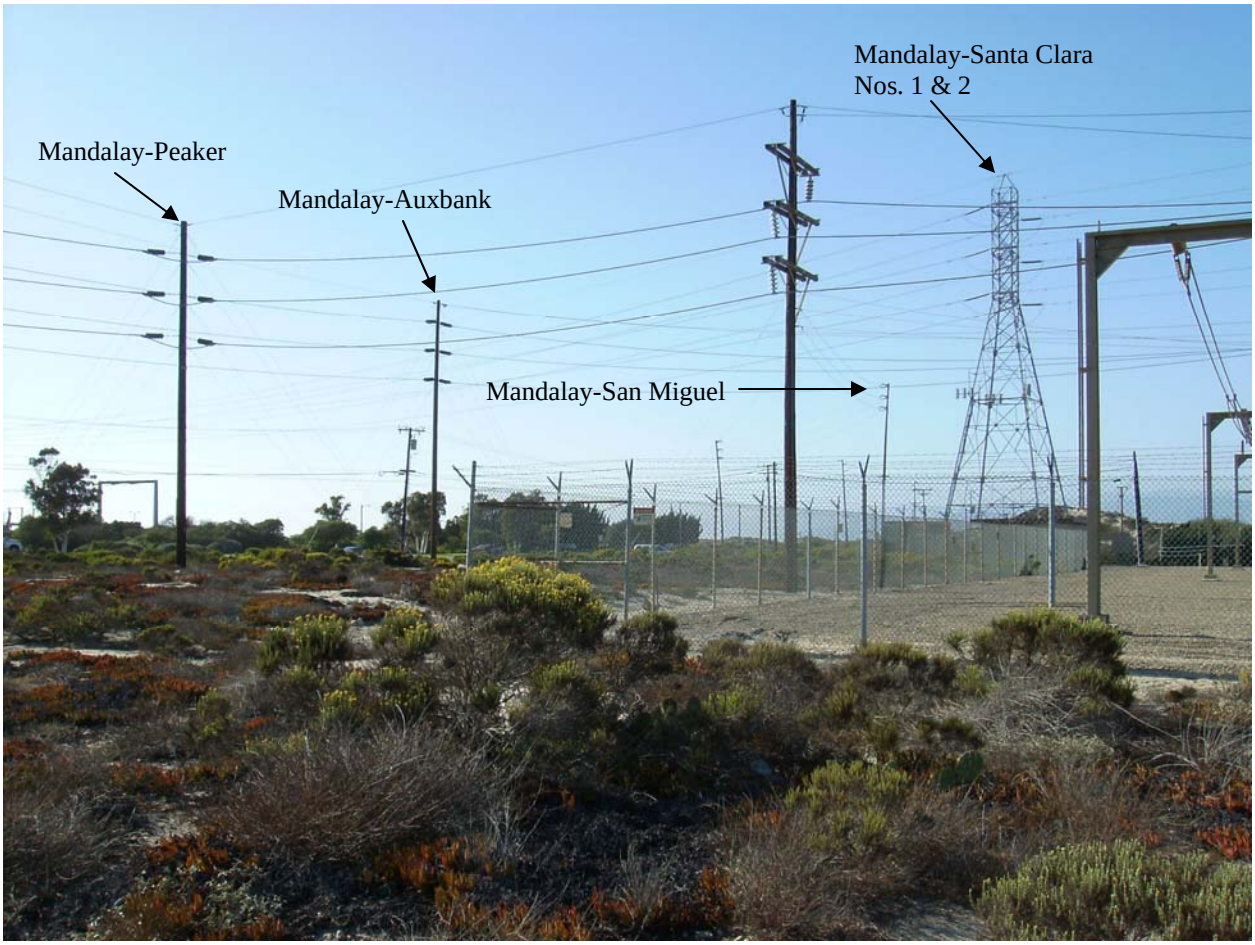


Figure 8. Looking northwest from Mandalay Substation. Mandalay-Peaker 66kv line and Mandalay-Auxbank 66kv line exit the substation westward and cross Harbor Blvd. Mandalay-San Miguel 66kv line heads northward. Mandalay-Santa Clara Nos. 1 & 2 220kv lines run on lattice steel towers from Reliant Mandalay Generating Station to Santa Clara Substation in the east (bypassing the Mandalay Substation).

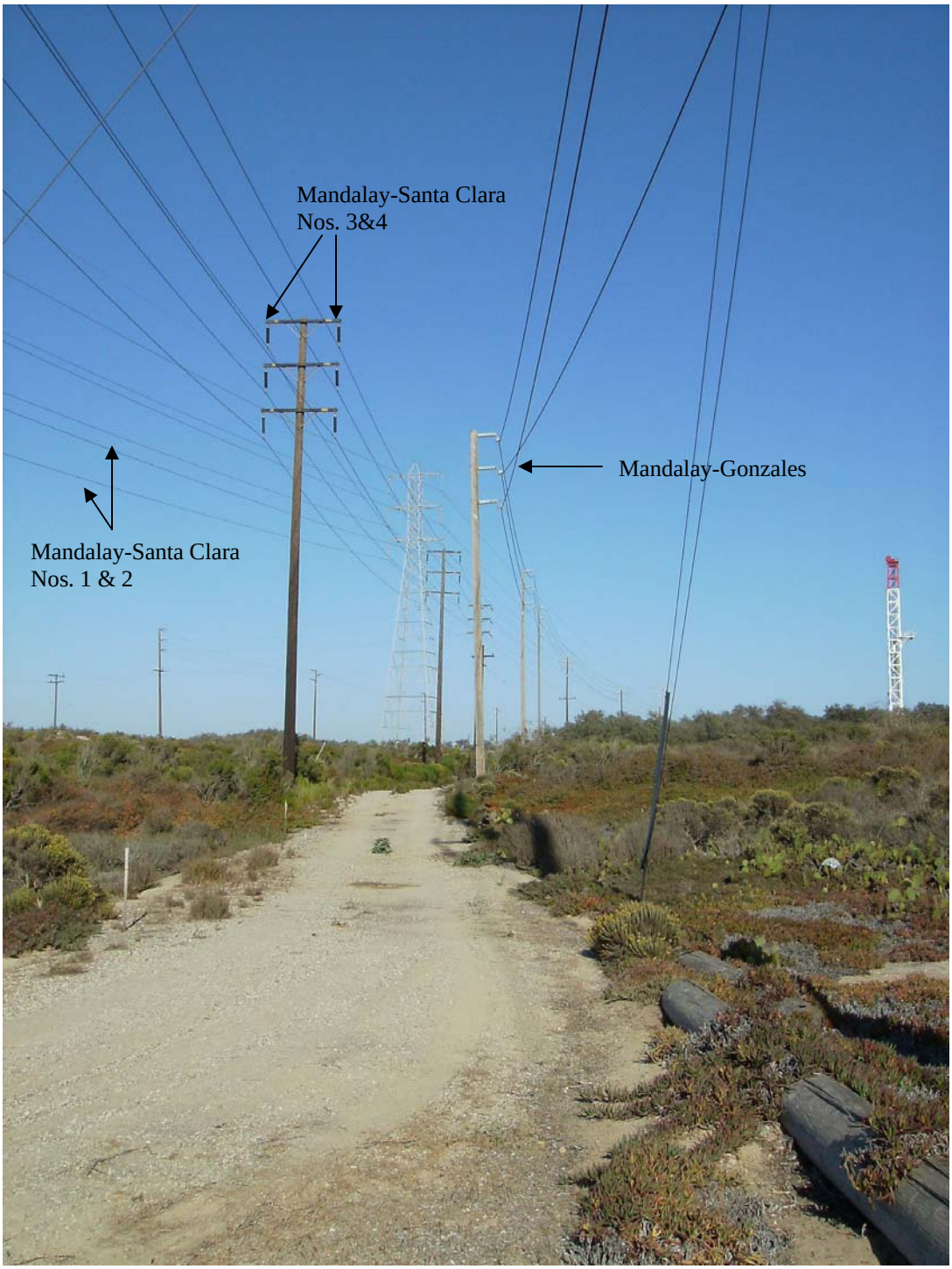


Figure 9. Looking eastward from Mandalay Substation. From left to right, Mandalay-Santa Clara Nos. 1 & 2 220kv lines, Mandalay-Santa Clara 3 & 4 66kv lines, and Mandalay-Gonzales 66kv line. All lines are serviceable from the existing access roads.

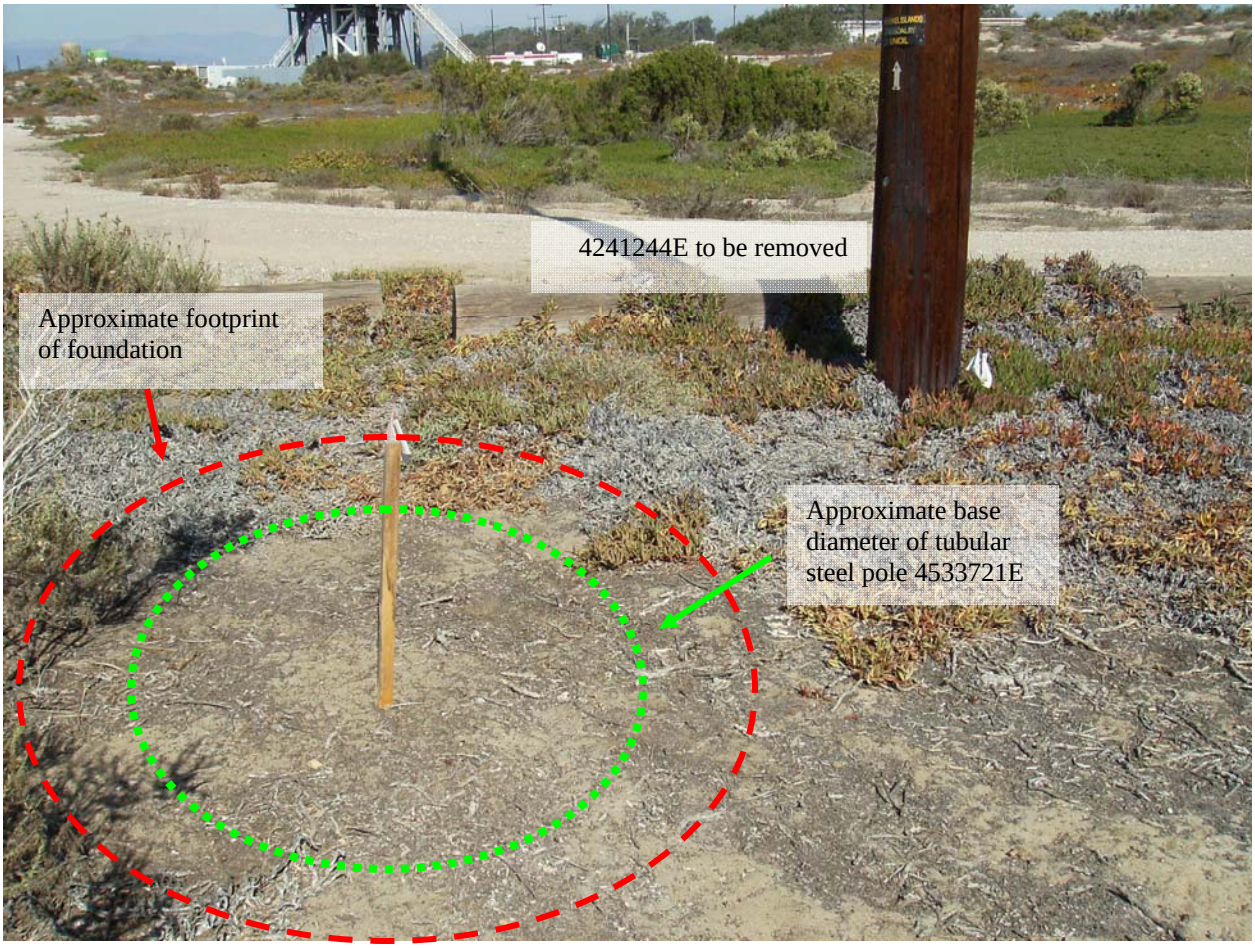


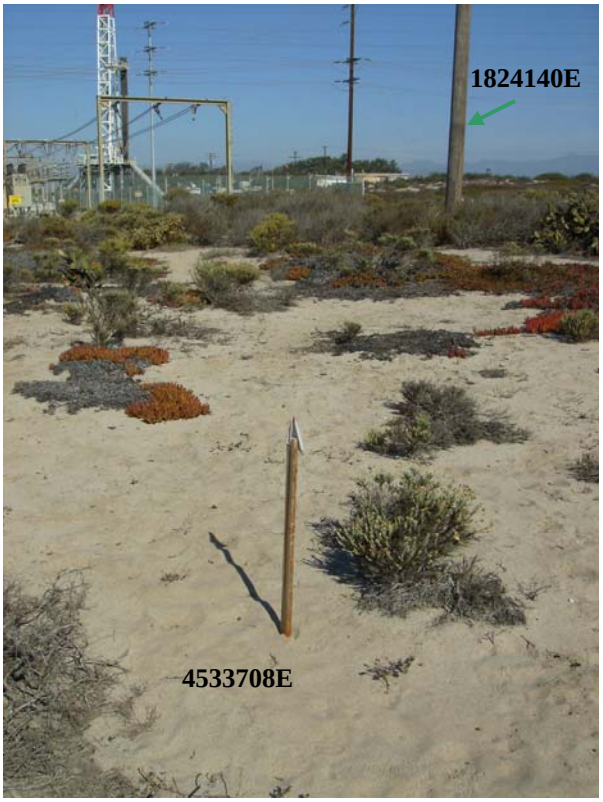
Figure 10. Pole No. 4241244E will be replaced by a tubular steel pole (TSP) 4533721E with a 7'-diameter concrete foundation (approximate footprint shown). Invasive iceplant is shown surrounding existing pole. Figure 11 below shows typical TSP foundation. See Figure 12 for general location.

Figure 11. Typical TSP base and foundation.

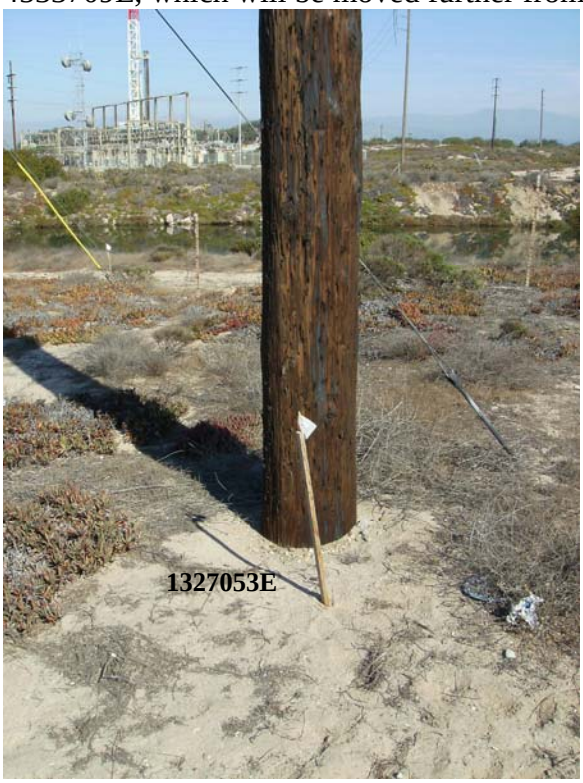
Figure 12. View southward showing Pole No. 4241244E (from Figure 10) located adjacent to existing access road.

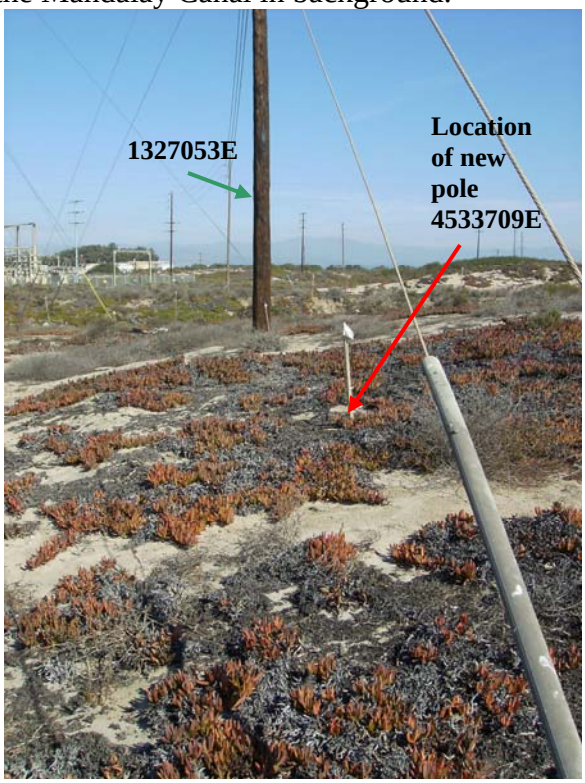
Above: Figures 13 and 14. Location of new pole 4533706E

Below: Figures 15 and 16. Locations of pole 1824140E to be removed and new taller pole 4533707E

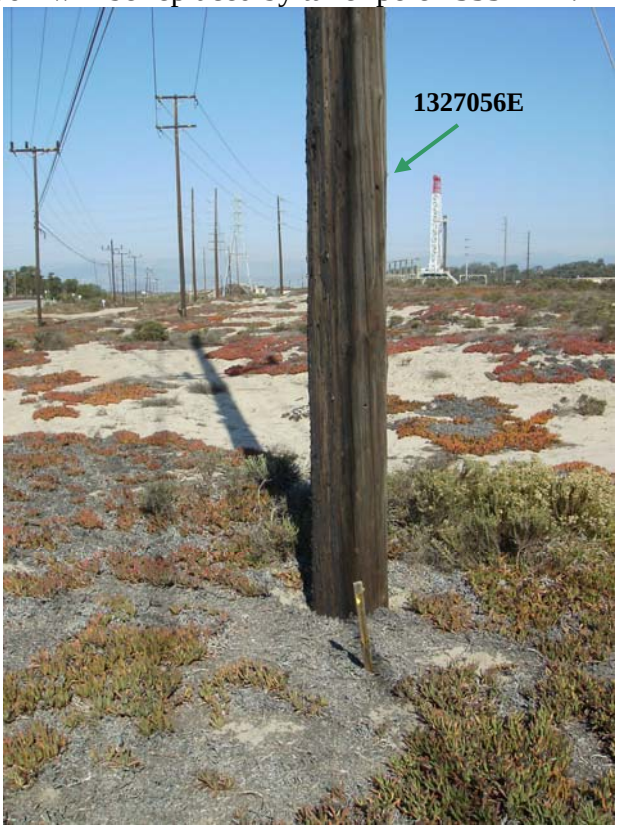


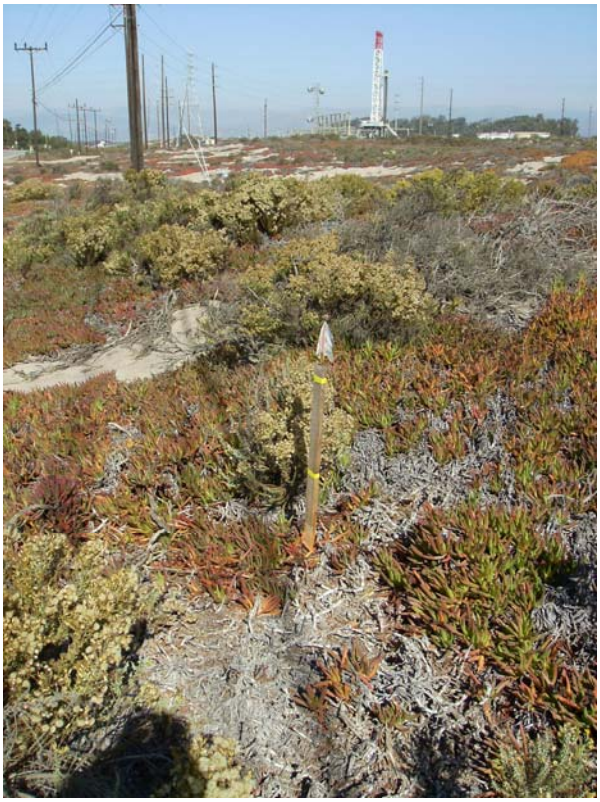
Above: Figures 17 and 18. New taller pole 4533708E will be placed in the staked location shown. Existing pole 1824140E, to be removed, is seen in the background of Figure 17.
Below: Figures 19 and 20. Existing pole 1327053E will be replaced by new taller pole 4533709E, which will be moved further from the Mandalay Canal in background.





Above left: Figure 21. Existing pole 1327054E will be replaced by new taller pole 4533710E.
Below: Figures 22 and 23. Existing pole 1327056E will be replaced by taller pole 4533711E.





Figures 24 and 25. New pole 4533712E will be placed in the staked location shown.

Figure 26. Looking north, proposed 100'x100' laydown will abut the access road. Vegetation is predominately invasive iceplant on previously disturbed ground.

Figure 27. Looking east across proposed 100'x100' laydown area

Figure 28. Existing pole south of canal, east of Harbor Blvd. Green area shows construction access path.

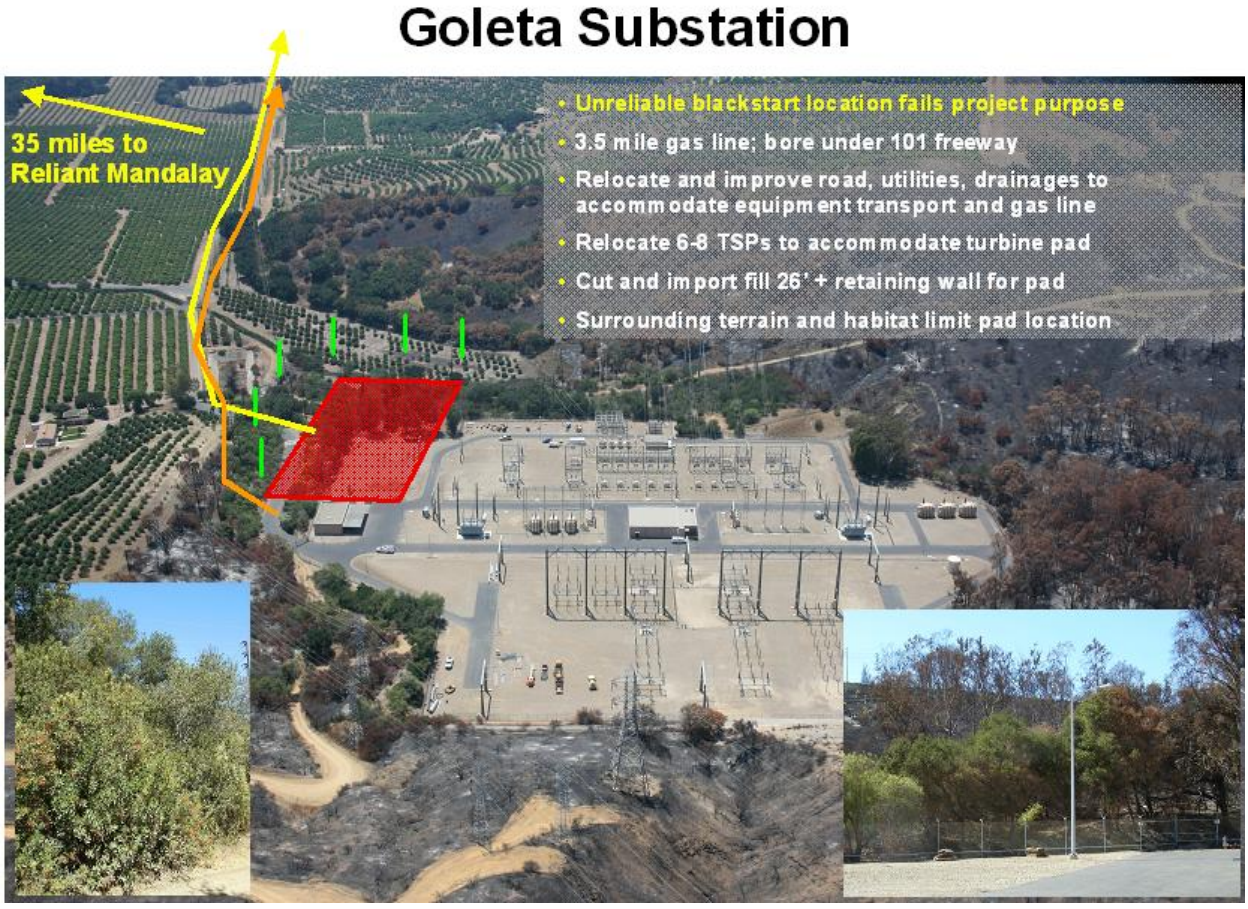


Figure 29. Physical siting constraints at Goleta Substation. Inset photos show habitat at downhill side of pad location (left inset) and relief of surrounding substation terrain (right).

EXHIBIT E

To ensure the record from the proceedings before the Coastal Commission is complete, SCE has provided below a list documents that appear to be missing from the Staff Report's list of Substantive File Documents. SCE requests that these documents are added to the Commission's Substantive File Document list.

- Southern California Edison Company, Letter to California Coastal Commission (with compact disc and index of documents from the City of Oxnard administrative record), May 7, 2008

- Southern California Edison Company, Letter to California Coastal Commission re McGrath AQ Impacts, October 3, 2008

- Southern California Edison Company, Letter to California Coastal Commission re Environmental Justice, October 10, 2008

- Southern California Edison Company, Letter to California Coastal Commission re Revised Landscaping Plan and New Simulations, February 20, 2009

- Calleguas Municipal Water District, Letter to Southern California Edison Company, January 15, 2009

- California ISO, Letter to California Costal Commission, March 10, 2009

California ISO
Your Link to Power

California Independent System Operator Corporation

Yakout Mansour
President & Chief Executive Officer

March 10, 2009

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)

Dear Members of the Commission:

The California Independent System Operator Corporation ("ISO") would like to express its support 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.

In 2006, the ISO urged the California Public Utilities Commission to direct the state's investor-owned utilities to procure additional quick start generation to increase peak energy supplies and enhance grid reliability. Although new peaking resources have been procured and constructed during the last three years, Southern California has a continuing strong need for additional quick start peakers. In addition to providing peak power during times of high electricity demand, plants such as the Oxnard peaker provide the quick-start and power-ramping capabilities that are needed to maintain transmission system stability while integrating additional renewable resources into the transmission system.

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

Sincerely,

Y. Mansour.

Yakout Mansour
President & Chief Executive Officer

CALLEGUAS
MUNICIPAL WATER DISTRICT

web site: www.calleguas.com

2100 OLSEN ROAD • THOUSAND OAKS, CALIFORNIA 91360-6800 805/526-9323 • FAX: 805/522-5730 • FAX: 805/526-3675

January 15th, 2009

Michelle Nuttall
Project Manager, Generation Planning & Strategy
Southern California Edison Company
P.O. Box 800
Rosemead, CA 91770

RE: Southern California Edison Request for Service

Dear Ms Nuttall:

Calleguas Municipal Water District received your letter of January 6th, 2009, requesting a water service agreement for the proposed McGrath Beach Peaker. Calleguas wholesales water to member purveyors only, which in this case, is the City of Oxnard. Thus, the District is not in a position to enter into water a service agreement directly with Edison. However, Calleguas warrants that it can provide additional water to the City of Oxnard to service Edison's proposed facility.

From Calleguas' perspective, the incremental increase of 1 to 2 acre-feet of annual water consumption for this important peaker facility is quite small, and supplies are available. This is also true of the estimated maximum annual use by the peaker in a prolonged emergency.

Very truly yours,

Donald R. Kendall
General Manager

cc: Cy Johnson

SOUTHERN CALIFORNIA
EDISON
An *EDISON INTERNATIONAL* Company

January 6, 2009

Dr. Donald R. Kendall
General Manager
Calleguas Municipal Water District
2100 Olsen Road
Thousand Oaks, CA 91360

Subject: Southern California Edison Request for Water Service

Dear Dr. Kendall:

Southern California Edison ("SCE") is proposing to construct a new "peaker" electric generating facility (the "McGrath Beach Peaker") at 251 N. Harbor Blvd. in Oxnard, Ventura County, California, on the site of a former oil tank farm located adjacent to Reliant Energy's existing Mandalay Generating Station. SCE is taking this action in response to an August 2006 California Public Utilities Commission ruling prompted by California's severe Summer 2006 heat storms, that directed SCE to enhance electric system reliability by constructing up to 250 MW of new utility-owned generation facilities to provide additional peak power supplies and other transmission and distribution system benefits. This facility is the last of five SCE peaker plants to be built pursuant to this directive.

Upon completion, the McGrath Beach Peaker will provide electric power to support peak demand periods as well as other important local and regional reliability benefits, including the addition of "black start" capability. "Black start" capability enables SCE to quickly and efficiently restart its electric system in the event of a widespread electricity blackout. This capability does not currently exist in the Ventura/Santa Barbara region and is necessary to ensure a robust system restoration plan for the area.

The McGrath Beach Peaker will not discharge water to the ocean and represents the most current technology and efficiency for a peaking plant of its kind. The engineered water usage associated with the plant's operation will require a range of 1 to 2 acre-feet per year (afy) at the facility's expected demand usage. The plant's maximum potential demand usage would range between 24 to 30 afy, assuming sustained full time operations at peak design assumptions under a long-term emergency scenario.

In response to the above requirements, SCE requests that a service agreement be entered into with the Calleguas Municipal Water District ("Calleguas") to provide the necessary water to guarantee the on line service of this peaker plant. We would greatly appreciate receiving confirmation in writing that Calleguas has the required amount of water available and can allocate such water to SCE for the purposes contemplated above. The water provided by this service agreement must be in addition to any water that would otherwise be provided to the

P. O. Box 800
2244 Walnut Grove Ave.
Rosemead, CA 91770

City of Oxnard ("City") by Calleguas. The City has indicated that it does not believe it has sufficient water supplies to provide firm water service to SCE without water offsets, since the proposed peaker facility was not contemplated at the time the City's current Water Management Plan was developed. To eliminate any such concerns, SCE is seeking to secure "new" water by either increasing the City's existing water supply or offsetting existing demand, in order for its facility to be constructed.

We look forward to working with you and your staff to prepare the necessary documentation to permit this facility to move toward its intended completion. If you have questions or require additional information, please do not hesitate to call me at (626) 302-1677. Thank you for your consideration.

Sincerely,

Michelle Nuttall

Michelle Nuttall
Project Manager, Generation Planning & Strategy

Lot 19 - before

Lot 19 - after

J:\2008_Projects\06200 – SCE\031–Peakers\Mandalay\New Sims\Lot–19.dwg