



February 8, 2017

Dear Mr. Lewis et. al:

I am in receipt of your February 3, 2017 letter demanding an immediate investigation into a Coastal Commission staffer who mentioned a Scripps study in a recent talk on desalination. It is regrettable that one of your member entities has drawn your organization into this unnecessary conflict, which stems from a persistent and intentional misrepresentation of facts that are easily verifiable.

The comments by Commission Senior Environmental Scientist Tom Luster at a December, 2016 conference, where he was a panelist, have been misconstrued and the misunderstanding is being widely disseminated despite our repeated attempts to correct the record.

During the panel discussion, Mr. Luster referenced the 2015 study "Dramatic Declines in Coastal and Oceanic Fish Communities off California." The study documented a sharp decline in fish abundance since the 1970s, including a massive decline in overall larval fish abundance. Mr. Luster noted these declines in a slide and said it could be difficult for new open intakes to meet Coastal Act requirements, given that they threaten to cause additional harm to these populations.

Unfortunately, the authors misinterpreted Mr. Luster's comments to mean their study showed that the decline in plankton populations was due to entrainment from open intakes. This was neither stated nor implied by the report nor Mr. Luster.

We have since learned that one of Mr. Luster's accusers is also employed by Poseidon, a company proposing one of the nation's largest seawater desalination facilities off the coast of Huntington Beach. The \$900 million project is going through the regulatory review process with various agencies and will eventually come before the commission, where Mr. Luster will be the lead analyst.

Here is Mr. Luster's full quote from the presentation: "Another key issue that argues against open intakes -- this [slide] represents the decline in plankton off of Southern

California of about 75% since the early 1970s. It's hard to maintain and enhance marine life, like the Coastal Act requires, in a situation like this. So, open intakes have a hurdle to overcome, and if you can do something other than that, you can do much better through the permitting process." The video of the presentation is available here:

<http://www.ventura.org/steve-bennett>

Nowhere in his comments did Mr. Luster misrepresent the information in the Scripps report. He did not, at any point, say the findings "attribute this decline (in taxa) to the impact of coastal development or nearshore power-plant intakes." He did not conclude the plummeting populations were due to open ocean intakes.

What he did was make a fairly unremarkable observation that a new activity which places additional stress on those crashing populations would be difficult to approve under the Coastal Act, and that the applicants would be well-served to consider other technologies. This position is consistent with prior Commission deliberations and actions, as well as overall state policy regarding open ocean intakes.

I prefer not to believe that those advancing this false narrative about Mr. Luster are attempting to undermine the credibility of a highly respected public sector scientist. Doing this prior to a Commission decision on the pending permit that Mr. Luster will review strongly implies an effort to influence commission deliberations – and that would be reckless.

The Coastal Commission has a long history of sound, science-based decision making, free of internal bias or external pressure. This legacy has become all the more important in an era where inconvenient truths are increasingly dismissed out of hand, and those who articulate them are demonized or muzzled.

I wholeheartedly agree with you that the reputation of the Commission and its staff and the integrity of its regulatory oversight must be beyond reproach. I assure you that Mr. Luster's comments and conduct with regards to this matter are consistent with those values.

Sincerely,

A handwritten signature in blue ink that reads "Dayna Bocho". The signature is fluid and cursive, with the first name "Dayna" and last name "Bocho" clearly legible.

DAYNA BOCHCO, Chair
California Coastal Commission