

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



# Th17a

September 5, 2007

**TO:** Coastal Commissioners and Interested Parties

**FROM:** Alison J. Dettmer, Deputy Director / Tom Luster, Environmental Scientist –  
Energy, Ocean Resources, and Federal Consistency Division

**SUBJECT:** Addendum to Findings for Appeal A-4-OXN-07-096 – Oxnard Peaker Plant  
(Southern California Edison)

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This addendum includes several *ex parte* disclosures and correspondence received regarding the proposed project. The comments received do not change staff's recommendation that the Commission find Substantial Issue exists with regards to the appeal.

**CORRESPONDENCE RECEIVED:** Staff received the following correspondence (attached):

August 22, 2007:

- John Kerwien
- Sherman Mullin

August 29, 2007:

- Shirley Godwin

August 30, 2007:

- Ira Green
- M. Avie Guerra
- Bill and Clarissa Meeker
- Alan Sanders – Conservation Chair, Sierra Club Los Padres Chapter
- Jane McCormick Tolmach

August 31, 2007:

- Linda Calderon
- George and Linda Coudert
- Patricia Einstein
- Nancy Pedersen

September 4, 2007:

- M. Avie Guerra

**EX PARTE DISCLOSURES:** Commissioners submitted the following disclosures (attached):

- August 27, 2007 – Commissioner Neely
- August 28, 2007 – Chair Kruer
- August 29, 2007 – Commissioner Wan (five *ex parte* forms)
- August 30, 2007 – Commissioner Achadjian

RECEIVED  
AUG 22 2007

August 20, 2007

COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

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

Enclosure: Southern California EDISON's letter of August 9, 2007 Re: Appeal from  
City of Oxnard CDP No. 06-400-05, Your File No. 4-OXN-07-203.

Members of the Commission:


Since Southern California EDISON included my name in the enclosures to their above letter, I felt that I should affirm that I agree with the decision of the City of Oxnard's rejection of the 45-Megawatt Peaker Electrical Generating Facility.

That said, it appeared to me that SOCAL was trying to fast track this installation before the citizens of the Pleasant Valley Plain could mount any organized opposition to this facility. I had begun to accept it as a done deal. I never read any articles in local papers about our County Supervisors having any discussion about the serious impact of this facility. Kathy Long was the only Supervisor I saw at EDISON's structured presentation. I applaud Oxnard for not rolling over on this issue.

EDISON seems to down play the emissions from this unit as negligible. Given the prevailing winds in this area the effects of the Plume of this proposed facility and existing Mandalay Facility should be detectable in the area of the Oxnard High School on Gonzales Road. I have seen no EIR study on this impact.

Thank you for giving me the opportunity of addressing my concerns and opinions. I hope your decision on this appeal will uphold the City of Oxnard.

Sincerely:

  
John W. Kerwien  
1139 Milligan Drive  
Camarillo, CA 93010

CC: Oxnard City Council  
305 W. 3<sup>rd</sup> Street  
Oxnard, CA 93030

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

TEL. 805-985-1413  
EMAIL: [MOON1@ROADRUNNER.COM](mailto:MOON1@ROADRUNNER.COM)

RECEIVED  
AUG 22 2007

COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

August 19, 2007

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

Attention: Ms. Deanna Christensen

Dear Ms. Christensen:

The purpose of this letter is to state our strong opposition to the Southern California Edison construction of an electrical power generation plant directly adjacent to Mandalay State Beach in Oxnard, California. There is no technical reason for this proposed plant to be constructed close to the Pacific Ocean. There is an existing power plant directly to the north which can supply the required power.

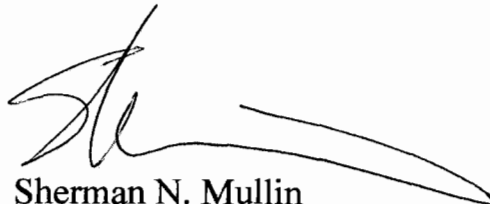
This project flies in the face of the elimination of a go kart race track just to the north and the restitution of that site to its natural state, just recently completed. To approve the Edison appeal, overriding the Oxnard Planning Commission and the Oxnard City Council, would be an egregious interference by the Commission in the City of Oxnard's renewed efforts to protect its coastal area from unnecessary and highly undesirable development.

Do the right thing for California and the current and future residents of Oxnard: reject the Edison appeal.

Yours truly,



Judia B. Mullin

  
Sherman N. Mullin

Shirley Godwin  
3830 San Simeon Ave.  
Oxnard, CA 93033  
August 28, 2007

California Coastal Commission  
C/O Tom Luster  
45 Fremont St., Suite 2000  
San Francisco, CA 94105-2219

**RECEIVED**

**AUG 29 2007**

CALIFORNIA  
COASTAL COMMISSION

RE: **Appeal No. A-4-OXN-07-096 (So. California Edison Co., Oxnard)** Appeal by So. California Edison Co. from decision of City of Oxnard denying permit to construct and operate 45 megawatt "peaker" power plant at 251 N. Harbor Boulevard, in Oxnard, Ventura County (TL-SF) September 6, 2007 hearing

Members of the Commission:

I urge the Coastal Commission to deny the appeal. I attended both the June 28, 2007 Oxnard Planning Commission and the July 24, 2007 Oxnard City Council hearings, and I have read the Southern California Edison appeal dated August 9, 2007 and the Coastal Commission staff report dated August 16, 2007.

The written and oral staff reports at the Oxnard hearings were extensive and discussed at length. I do not believe that any substantial issues remain that were not already thoroughly covered at the Oxnard hearings regarding the relevant LCP section and the definition of "coastal-dependent energy facility."

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

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

In the appeal Exhibit B, page 2, Edison states "...the proposed peaker (although not requiring ocean water to operate) is coastal dependent within the meaning of the ordinance, as it is directly supportive of and 'accessory' to the adjoining coastal dependent Mandalay [Reliant power plant] Station." This is not accurate. The Mandalay Station has always operated independently and will not require this peaker in order to operate.

Southern California Edison has not demonstrated good stewardship of this coastal property. SCE oil storage tanks were removed some years ago from the site now proposed for the peaker. SCE has not restored the site. The only vegetation consists of a small amount of mostly non-native vegetation like ice plant. The fencing surrounding the site has not been maintained and is an eyesore. (See Photo #1.)

Immediately north of the adjoining Mandalay Station and peaker properties is a coastal restoration area. This restoration area has appropriate fencing. By direction of the City of Oxnard and the California Coastal Commission, this site is being restored as mitigation for the residential development across Harbor Blvd. to the east. This restoration project is being done in recognition of the need to preserve and restore this coastal area. (See Photos #2 and #3.)

SCE should be ordered to restore their coastal property rather than locate a peaker plant there.

Attached are three photos that I took on August 23, 2007:

Photo # 1 Fencing around unrestored SCE peaker site west of Harbor Blvd.

Photo # 2 Coastal restoration area north of the SCE peaker site/Mandalay Station property

Photo # 3 Coastal restoration mitigation area north of peaker/Mandalay Station property

Sincerely,

Shirley Godwin

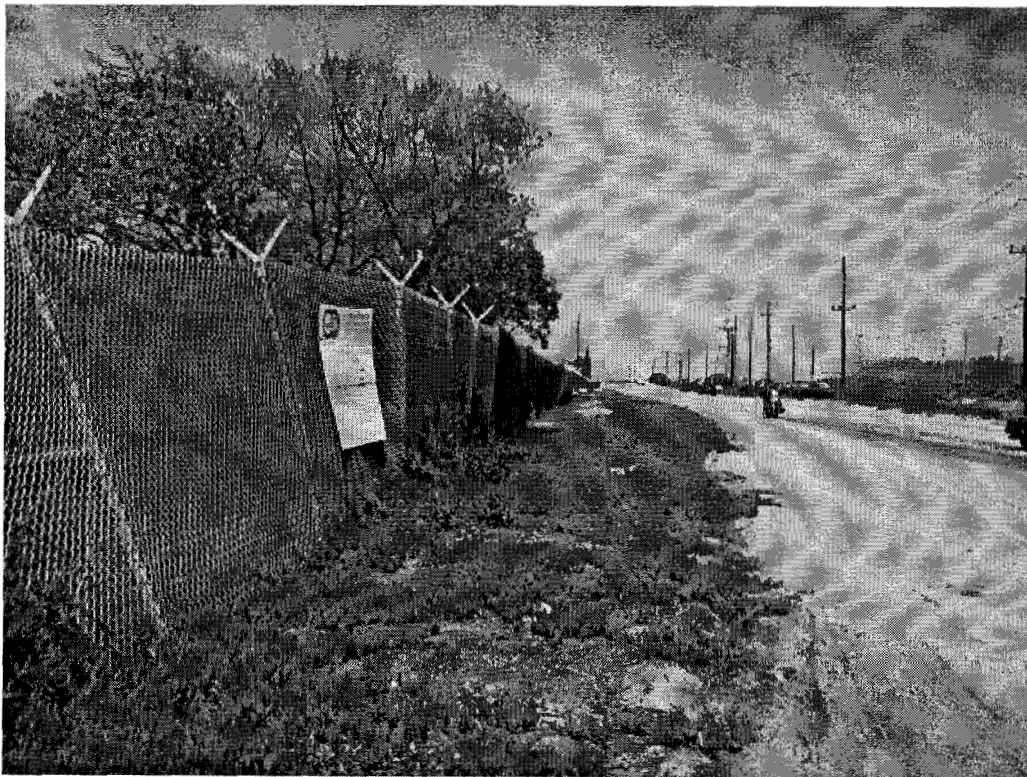


Photo # 1 Fencing around unrestored SCE peaker site west of Harbor Blvd.

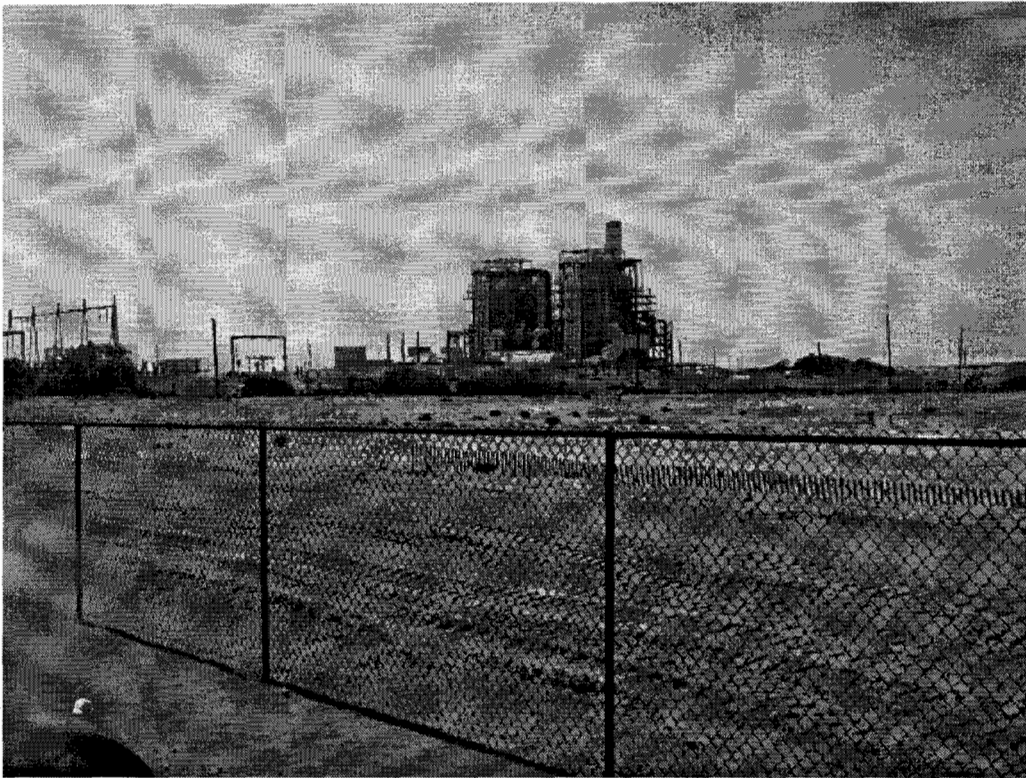


Photo # 2 Coastal restoration area north of the SCE peaker site/Mandalay Station property

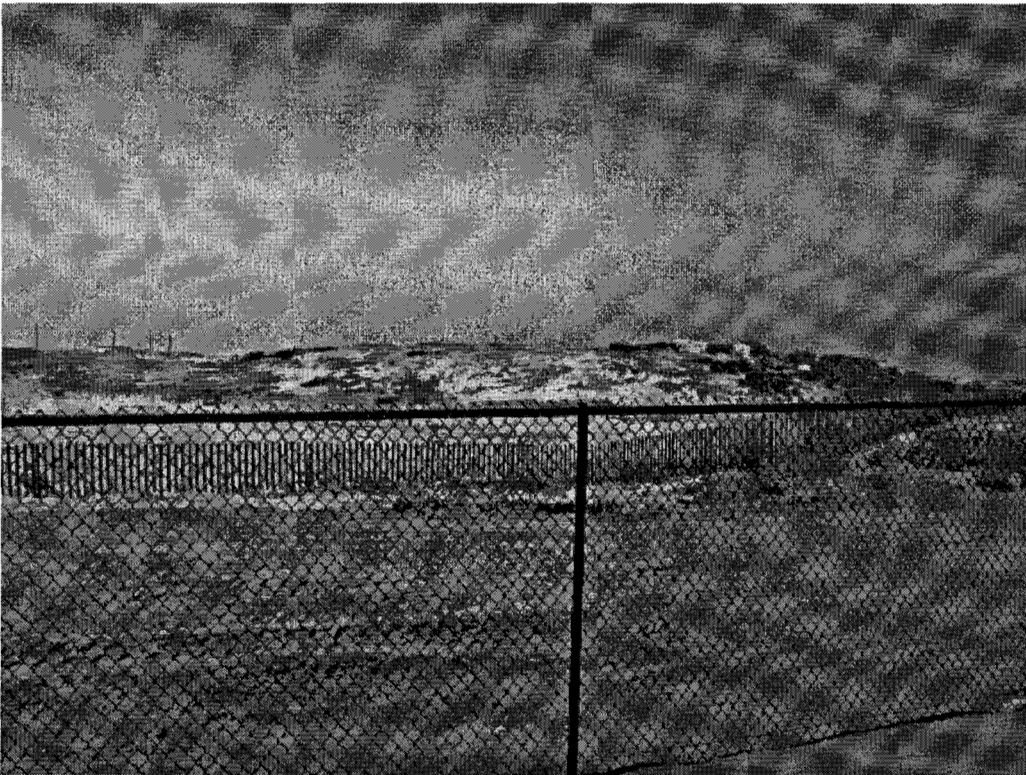


Photo # 3 Coastal restoration mitigation area north of peaker/Mandalay Station property

## Tom Luster

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**From:** Ira Green [ira.green@uclalumni.net]  
**Sent:** Thursday, August 30, 2007 5:15 PM  
**To:** Tom Luster  
**Subject:** Peaker Power Plant

Tom:

I agree with the City Of Oxnard. Why build a power plant in the coastal zone that can be built elsewhere. There is already too much of this stuff on our coastline.

Ira Green  
1362 Neptune Square  
Oxnard, CA

Tom Luster, CCC RECEIVED

45 Fremont St

AUG 30 2007

Suite 2000

CALIFORNIA  
COASTAL COMMISSION

San Francisco, Ca 94105-2217

To: Coastal Commis

Re: #4-Oxn-07-095

So California Edison

We do not want this  
Facility on our coast.  
Edison needs no sea water  
for this Peaker Plant.  
This can be placed somewhere  
in-land. It is my understanding  
this is not needed.

Again Oxnard should  
not be the dumping ground  
for corporate greed. (Ling)

Thank you

M. Gris Luster

1151 West Fir Ave

Oxnard, Ca 93031

MAVieg2002@yahoo.com

**Tom Luster**

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**From:** bmeeker1@adelphia.net  
**Sent:** Thursday, August 30, 2007 7:07 PM  
**To:** Tom Luster  
**Subject:** Oxnard Peaker Plant

Dear Mr. Luster,

We moved to the beach area near Oxnard some 5 years ago and soon got involved with other concerned citizens to improve the quality of life in our area. Over that time we have been very active in helping defeat the BHP Billiton LNG facility between here and Malibu (With the Commission's help-Thank You!!!!)and are preparing for some others, including the proposed"peaker plant"at Oxnard Shores. This "peaker plant" does not rely on ocean water, is directly across the street from hundreds of new homes being built, and is being proposed here to mainly service inland communities. If they need this so badly we say put it where the energy will be used-inland! We pleaded with the Oxnard City Council to deny this project and they agreed. The Mayor, the City Council and we citizens all agree that our area has to stop being the "dumping ground" for heavy industry, waste, and waste water and be recognized as the beautiful place that it is. Please deny this appeal.Thank you!

Bill and Clarissa Meeker  
Port Hueneme, CA.



## Sierra Club

Los Padres Chapter

Santa Barbara and Ventura Counties

Arguello Group

Conejo Group

Santa Barbara Group

Sespe Group

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

**RECEIVED**

**AUG 30 2007**

CALIFORNIA  
**COASTAL COMMISSION**

August 30, 2007

Peter Douglas/Tom Luster  
California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco, Ca 94105-2219  
tluster@coastal.ca.gov

Re: **Appeal No. A-4-OXN-07-096 (So. California Edison Co., Oxnard)** Appeal by So. California Edison Co. from decision of City of Oxnard denying permit to construct and operate 45 megawatt "peaker" power plant at 251 N. Harbor Boulevard, in Oxnard, Ventura County (TL-SF)

Dear Director Douglas,

The Los Padres Chapter has opposed the above referenced project at the City of Oxnard Planning Commission and the Oxnard City Council because of its inconsistency with several provisions of the Coastal Act and City of Oxnard certified Local Coastal Plan. Evidence on the project impacts on adjacent Environmentally Sensitive Habitat areas provided by California State Parks and the United States Fish and Wildlife Service clearly show the inadequacy of a Mitigated Negative Declaration and violation of Section 30240.

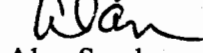
**"Section 30240 Environmentally sensitive habitat areas; adjacent developments** (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."

The proposed project is not coastal dependent and another location has been offered within the City of Oxnard.

Therefore, for the reasons listed above, provided earlier to the City of Oxnard, an made by all other parties which are herein incorporated by reference and adopted as our own the Club asks that the appeal be denied.

Thank you for your consideration.

Sincerely,

  
Alan Sanders

Alan Sanders
Conservation Chair
Sierra Club, Los Padres Chapter

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AUG 30 2007

The California Coastal Commission  
Tom Luster  
tluster@coastal.ca.gov.

CALIFORNIA  
COASTAL COMMISSION

656 Douglas Avenue  
Oxnard, CA 93030  
August 28, 2007

Dear Commisioner:

Southern Calif. Edison has appealed the denial of the Oxnard Mandalay Beach Peaker Plant to your Commission. It is scheduled to be heard by you September 6 in Eureka.

We long time residents of Oxnard have had a difficult time protecting our wonderful coast from industrial development. The proposed Peaker is not coastal dependent because it does not need seawater for cooling. Both the Oxnard Planning Commission and the Oxnard City Council voted to deny the Coastal Development Permit. Please support us in protecting our coast.

I am a former member of the Planning Commission, the Oxnard City Council, and served as Mayor for a year. That was long ago, but I am still interested in protecting our City.

Sincerely,

*Jane McCormick Tolmach*  
Jane McCormick Tolmach

*Appeal No. A4-Oxn-07-096 (So. California Edison)*

## Tom Luster

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**From:** LINDA CALDERON [lincalderon@verizon.net]  
**Sent:** Friday, August 31, 2007 11:49 AM  
**To:** Tom Luster  
**Subject:** Re SCE Appeal #A-4-OXN-07-096 (So. CA Edison Co., Oxnard)

Dear Mr. Luster:

I would like to ask you to deny Appeal #A-4-OXN-07-096 by Southern California Edison, for Oxnard, Ventura County, Peaker Plant which they wish to locate at 251 N. Harbor Blvd., Oxnard, CA for the following reasons:

1. No need for an additional plant such as this has been proven by an independent study.
2. Only a small amount of the electricity being generated will be "possibly" used by Oxnard with most of it going inland and therefore it should be located inland, if it's even needed. It is not coastal dependent so does not need to be located on the coast and detracts from the beauty and environment of the coast. It is ugly and there is no way to camouflage that high an edifice.
3. Both the Oxnard City Council and the Oxnard City Planning Commission have turned down the plant which is in line with the desires of the populace and should be taken into consideration.
4. I didn't hear of any rolling blackouts as predicted. I believe much false information has been given by SCE due to wanting the \$ this would bring them.
5. I believe this will add noise and pollution and alternative energy such as wave energy should be used in such a perfect location as this and eventually do away with the entire plant now located there. It will be located close to a housing development and doesn't seem a good match (I own a home far away from that area of Oxnard so no vested interest that way).
6. My son is a pilot and even though the airport people now state that they don't see it as a problem, anything new sticking up 80' in the air is not helpful to pilots in taking off so I'm against it for safety reasons for the pilots.

To sum up, I don't see that any need has been proven, it doesn't need to be next to the ocean and most of the electricity will go elsewhere so I see no grounds for locating it in Oxnard.

Thank you for your consideration,

Linda Calderon

[REDACTED]  
Oxnard, CA 93034

[REDACTED] (please keep info confidential)

8/31/2007

To: California Coastal Commission  
From: George C. and Linda I. Coudert  
5120 Wooley Road #1  
Oxnard, Calif. 93035

Reason: Appeal No. 4-OXN-07-096 (So. California Edison Co., Oxnard)

RECEIVED  
AUG 31 2007  
CALIFORNIA  
COASTAL COMMISSION

Dear Coastal Commission Members;

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

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

Thank You in advance for your consideration,

A handwritten signature in black ink, appearing to read "George C. Coudert and Linda I. Coudert". The signature is fluid and cursive, with the names of both individuals clearly visible.

George C. Coudert and Linda I. Coudert

**Tom Luster**

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**From:** Einstein, Patricia [peinstein@oxnardsd.org]  
**Sent:** Friday, August 31, 2007 8:38 AM  
**To:** Tom Luster  
**Subject:** Appeal No. A-4-OXN-07-096 (So. California Edison Co., Oxnard)

August 30, 2007

Dear Coastal Commission,

I am writing against Appeal No. A-4-OXN-07-096 (So. California Edison Co., Oxnard). The Southern California Edison Company wants to appeal the City of Oxnard's denial for a permit to construct and operate a 45 – megawatt power generating facility in the coastal zone.

There are numerous reasons why this “peaker” plant should not be permitted. I would like to mention the top 3 reasons.

Reason 1 - The numerous citizen come before the Oxnard City Planning Commission and the Oxnard City Council against this project. Oxnard already has 2 other power generating facilities in the coastal zone.

Reason 2 - Southern California Edison stated that they would be building 5 of these peaker plants in the next year. The locations of the other peaker plants are not along the coast. This peaker plant is not coastal dependent. According to the Coastal Act, Article 7 Industrial Development section 30260`states nothing about non coastal-dependent industrial facilities may be permitted.

Reason 3 -- This non coastal-dependent facility should be require to have a full environmental impact report prior to coming before the California Coastal Commission.

Please protect our California coast and do not permit this energy facility to be build in the coastal zone.

Sincerely,

Patricia Einstein  
2014 Long Cove Dr.  
Oxnard, Ca. 93036

8/31/2007

**Tom Luster**

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**From:** Oxnardbutterfly@aol.com  
**Sent:** Friday, August 31, 2007 7:57 AM  
**To:** Tom Luster  
**Subject:** Appeal No. A-4-OXN-07-096 (SCE Oxnard)

Appeal No. A-4-OXN-07-096 (Southern California Edison Co., Oxnard) Appeal by SCE of decision by City of Oxnard denying permit to construct and operate 45 megawatt "peaker" power plant at 251 North Harbor Blvd. in Oxnard, Ventura County

This "peaker" plant is not coastal dependent. It could be built inland as were the 4 other "peaker" plants built by SCE.

Oxnard's coastline is already being used for two aging power plants--one at Ormond Beach in the heart of the now being restored wetlands and the Mandelay plant next to this proposed use. Halaco, a proposed Superfund site, is near the Ormond plant. A second LNG project is proposed for the area by this "peaker" plant and the first LNG project, now defeated, would have been located on Ormond Beach by that power plant. It is wrong in so many ways for Oxnard's coast to be the location of unwanted industrial uses. Halaco, LNG projects and power plants line our coast, while Ventura and Santa Barbara lure tourists with beaches that are used for recreation.

Social justice as well as common decency would dictate that Oxnard be spared yet another inappropriate use of our beaches.

This "peaker" plant is not only not coastal dependent, it would also be located in an area currently also being restored with native vegetation replacing non-native plants and inappropriate uses of the coast line. While the EPA fights to mitigate the massive problems at Halaco and the City of Oxnard and various environmental groups work to restore the damage done to the Ormond Beach wetlands, yet another inappropriate use is proposed by SCE. We need to fix the damage other industrial projects have done to Oxnard's coast. We need to have in Oxnard what Santa Barbara and other coastal cities take for granted--a coastline that the residents and tourists can use for beach recreation.

This is not coastal dependent, it has no reason to be located on the ocean and the City of Oxnard and its residents all say "No" to this project. Please uphold the denial of permits.

Nancy Pedersen  
514 East Kamala Street  
Oxnard, CA 93033

<BR><BR><BR>\*\*\*\*\*<BR> Get a sneak peek of the all-new AOL at <http://discover.aol.com/memed/aolcom30tour></HTML>

Sara War CCC

45 Fremont St #2000

San Francisco, Ca 94105

8/29/07

To: Coastal Commission

From: M. Qui Huera

Re: #4-Oxn-07-096  
S.C. Edison.

RECEIVED  
SEP 04 2007  
CALIFORNIA  
COASTAL COMMISSION

I do not want this "Becker Plant"  
placed on our Oxnard Beach.  
This another attempt to pollute our  
environment, like the LNG Companies  
to save our coast we must all  
work together. This electric plant  
should be place somewhere inland  
It does need to be depend on Ocean  
Water.

Sincerely & Thank you

M. Qui Huera

1151 West Fir Ave  
Oxnard, Ca 93031

navieg2002@yahoo.com.

**FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATION****RECEIVED**  
AUG 28 2007  
CALIFORNIA  
COASTAL COMMISSION

Date and time of communication:  
(For messages sent to a Commissioner  
by mail or facsimile or received as a  
telephone or other message, date  
time of receipt should be indicated.)

8/27/2007 -- 3:30 p.m.

Location of communication:  
(For communications sent by mail or  
facsimile, or received as a telephone  
or other message, indicate the means  
of transmission.)

Eureka, CA - Conference Call

Person(s) initiating communication:

Susan McCabe

Person(s) receiving communication:

Bonnie Neely

Name or description of project:

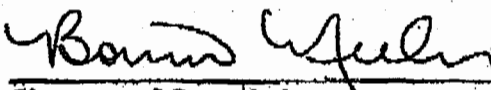
So Cal Edison/Power Plant in Oxnard

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

Supports findings of substantial issue.

08/27/07

Date

  
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the  
communication is not ex parte and this form does not need to be filled out.

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

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

FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONS

Th 17a  
RECEIVED  
AUG 28 2007  
CALIFORNIA  
COASTAL COMMISSION

Date and time of communication:

7/28/07

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

La Jolla, Calif.

Identity of person(s) initiating communication:

Susan McCabe

Identity of person(s) receiving communication:

Pat Krueger

Name or description of project:

Th 17a / Edison Appeal

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

The applicant is the applicant and agrees with  
the finding of substantial issue in the question  
of a zoning - Does a Energy zone allow  
only coastal dependent uses? Edison believes  
there is no such distinction for coastal dependent  
only.

Date

7/28/07

Signature of Commissioner

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

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

**FORM FOR DISCLOSURE OF  
EX-PARTE COMMUNICATIONS**

Name or description of the project: TH 17a: Appeal No. A-4-OXN-07-096 (So. California

Edison Co., Oxnard)

Time/Date of communication:

8/27/08-9am,10:30am;

8/28/07 9am,3pm, 6pm

Location of communication:

22350 Carbon Mesa Rd., Malibu

Person(s) initiating communication:

Dave Grubb, Gabe Solmer, Pam

Heathrington, Nancy Graves, Noah Smuckler, Gordon Hensley, Morgan

Rafferty, Gail Hamilton, Rizzanne Wehren, Rob Cozens, Penny Elia, Joe Geever, Vicki Finan, Mary

Hubbard, Kristen Coppa, Lennie Roberts, John Lynch, Micahel Ferriera, Kathryn Slater-Carter

Person(s) receiving communication:

Sara Wan

Type of communication:

phone calls

Thursday 17a- LCP – 17-20 energy facilities sub-zone states “coastal dependent energy facilities”- facility is not coastal dependent. SCE states that zoning does not require it to be coastal dependent- City says it does. It is a matter of interpretation that if City can show was the intent then the appeal should be denied. In any event, this is an issue that is very important to the community and should not be heard in Eureka. It should be continued to October.

Date: 8/29/07

A rectangular stamp containing a handwritten signature in cursive script that reads "Sara Wan". The signature is written in dark ink on a light background.

---

Sara Wan

**FORM FOR DISCLOSURE OF  
EX-PARTE COMMUNICATIONS**

Name or description of the project: W4a, W9a, W14a, W15b, W15h, W16a, Th 17a, 18b & c, Th 27b, Th29a, Fri 8a

Time/Date of communication: 9:30am, 8/27/07

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Pam Heatherington, Nancy Graves, Noah Smuckler, Gordon Hensley, Morgan Rafferty

Person(s) receiving communication: Sara Wan

Type of communication: phone call

W4a- could not find a coastal act issue.

W9a- Violates the LCP provisions for ESHA- septic system within ESHA buffer- no discussion by City of alternatives

If no alternative available then must comply with maximum development standards which this doesn't

Flawed wetland delineation- area with a preponderance of hydrophytic plants was not included and an area with hydrophytic plants was not surveyed

Did not survey the upland portion with native transitional habitat for possibility it is ESHA- area City incorrectly states that the Malibu Colony overlay district supercedes the LUP provisions for ESHA. This is incorrect and if allowed to stand would set a precedent for the interpretation of the Malibu LCP which is, in itself, a basis for finding SI

In addition, does not deal with the protection of the many species of birds, particularly raptors and herons that are in cypress trees that will be impacted by the development

Urge find SI

W14a- The entry block, wall and trellis will adversely impact public access to a required public trail which was required as a condition of the approval of the Brightwater development. Bolsa Chica street is public but this gives impression it is a private street. In addition, project is immediately adjacent to a park and the project would impact public views from the park. It is inconsistent with the LCP as well as the fact that it is situated on public land.

Find SI

W15b- Does not conform to the stringline policies of the LCP and is therefore inconsistent with it and the pattern of development in the area

In LUP- 3 options for setback but along with that is the intent to setback for habitat protection and avoid encroachment into the canyon

One option is by depth of lot. If choose setback based on depth, because this is a very deep lot will result in development well beyond adjacent development- therefore need to apply stringline- but this does not meet stringline for structure or deck- applicant says can use any one of 3 methods they wish but that ignores the goal of the LUP and that must be read in conjunction with the 3 option. This will set a precedent for future development to move forward

#### Support staff

15h-find no issue with staff report

Dredging is allowed under 30233 to maintain boating channels and marinas. Only issue for commission is toxicity and nature of disposal

16a- again no issue

Thursday

Th17a-

Cities LCP - 17-20A energy facilities sub-zone states "coastal dependent energy facilities"- facility is not coastal dependent. SCE states that zoning does not require it to be coastal dependent- is a matter of interpretation. Disagree with staff and urge find no SI. However, in the least, this is an issue of major importance to the people of Oxnard and it probably should be continued to October so the community can have a say in this.

Th18b&c

New project consists of drilling boreholes and wells and capping

Installing well casings and wellheads, using a large crane and laying all sorts of cables, vehicles on the beach and many other activities on the beach.

The contention that this is segmentation of the project raises valid concerns for SI, contrary to staff recommendation, because LCP does not allow for these types of structures to be located here and it would involve using a state beach. If this were only a test to determine if the method works there would be no segmentation issue but they have already stated that if the test show feasibility they will use this location, therefore there is an issue of segmentation.

This is just another example of attempting to use State Parks for infrastructure- roads, power plants, power lines and deSal facilities.

No analysis of the impacts of the new project- staff report list mitigations but does not provide any analysis of the actual impacts so how can you say that all impacts have been mitigated when they have not been analyzed?

Removal of casings involves major equipment and support lines over the beach, large crane in the parking lot- all the infrastructure to get to the MHTL must cross the state park and this is not consistent with the LCP- The parts that cross the state beach, even though they are not

"structures" are elements of the project and therefore is not consistent with the LCP

This drilling is a component of the deSal facility, it is not isolated but the area is zoned as recreation so it is not allowable.

Public access impacts-

Requires that lateral access be maintained but does not specify how that would be accomplished- twice during the day tides are high and no room for equipment and public access.- condition inadequate because it is impossible to accomplish

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EX-PARTE COMMUNICATIONS**

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Time/Date of communication: 10:30am, 8/27/07

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Dave Grubb, Gabe Solmer

Person(s) receiving communication: Sara Wan

Type of communication: phone call

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EX-PARTE COMMUNICATIONS**

Name or description of the project: W4a, W9a, W14a, W15b, W15h, W16a, Th 17a, 18b & c, Th 27b, Th29a, Fri 8a

Time/Date of communication: 9am, 8/28/07

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Gail Hamilton, Rixanne Wehren, Rob Cozens

Person(s) receiving communication: Sara Wan

Type of communication: phone call

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applicant says can use any one of 3 methods they wish but that ignores the goal of the LUP and that must be read in conjunction with the 3 option. This will set a precedent for future development to move forward

Support staff

15e- no information-don't know what the argument is- believe this is allowed under the LCP and that a specific amendment was approved that allows this.

Thursday

17a-Cities LCP - 17-20A energy facilities sub-zone states "coastal dependent energy facilities"- facility is not coastal dependent. SCE states that zoning does not require it to be coastal dependent- is a matter of interpretation. Disagree with staff and urge find no SI. However, in the least, this is an issue of major importance to the people of Oxnard and it probably should be continued to October so the community can have a say in this.

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This drilling is a component of the deSal facility, it is not isolated but the area is zoned as recreation so it is not allowable.

Public access impacts-

Requires that lateral access be maintained but does not specify how that would be accomplished- twice during the day tides are high and no room for equipment and public access.- condition inadequate because it is impossible to accomplish

Requires monitoring for sensitive species and marine mammals and a report on the impacts but does not specify what happens if there are impacts, i.e that the project cease and changes be made to eliminate those impacts.

Simply states monitoring wells will be located at least 100' from snowy plover nests. This is inadequate- this area is a known Snowy Plover nesting area- plan does not say how close the activity involved in placing or maintaining those wells can come to active nests and 100'- is not

**FORM FOR DISCLOSURE OF  
EX-PARTE COMMUNICATIONS**

Name or description of the project: W4a, W9a, W14a, W15b, W15f, W15h, W16a, Th 17a, 18b  
& c, Th 22f, Th 27b, Th 28a, Th 29a, Fri 8a

Time/Date of communication: 3pm, 8/28/07

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Penny Elia, Joe Geever, Vicki Finan, Mary Hubbard,  
Kristen Coppa

Person(s) receiving communication: Sara Wan

Type of communication: phone call

W4a- concerns about on-going fuel mods and fire department- concerns about the loss of the small patch which is cumulatively important. This is an on-going issue. This is an example

W9a- 2 appellants- Malibu Slow Growth and Steve Littlejohn- Violates the LCP provisions for ESHA- septic system within ESHA buffer- no discussion by City of alternatives

If no alternative available then must comply with maximum development standards which this doesn't

Flawed wetland delineation- area with a preponderance of hydrophytic plants was not included and an area with hydrophytic plants was not surveyed

Did not survey the upland portion with native transitional habitat for possibility it is ESHA- area City incorrectly states that the Malibu Colony overlay district supercedes the LUP provisions for ESHA. This is incorrect and if allowed to stand would set a precedent for the interpretation of the Malibu LCP which is, in itself, a basis for finding SI

In addition, does not deal with the protection of the many species of birds, particularly raptors and herons that are in cypress trees that will be impacted by the development

Urge find SI

W14a- The entry block, wall and trellis will adversely impact public access to a required public trail which was required as a condition of the approval of the Brightwater development. Bolsa Chica street is public but this gives impression it is a private street. In addition, project is immediately adjacent to a park and the project would impact public views from the park. It is inconsistent with the LCP as well as the fact that it is situated on public land.

Has been constructed and may be gated someday.

Find SI, need to deal with as enforcement action. If do not find SI can't deal with the enforcement issue.

W15b- Does not conform to the stringline policies of the LCP and is therefore inconsistent with it and the pattern of development in the area.

In LUP- 3 options for setback but along with that is the intent to setback for habitat protection and avoid encroachment into the canyon

One option is by depth of lot. If choose setback based on depth, because this is a very deep lot will result in development well beyond adjacent development- therefore need to apply stringline- but this does not meet stringline for structure or deck-

applicant says can use any one of 3 methods they wish but that ignores the goal of the LUP and that must be read in conjunction with the 3 option. This will set a precedent for future development to move forward

Support staff

15f- sub-surface temporary demonstration seawater intake system-approx 20 sites proposed up and down the coast – need to minimize entrainment- many are relying on open intake, support this because this is an attempt to answer some of these questions and use best available when these deSal facilities come forward.

15h-& 16a-toxicity and nature of the disposal of the of the sand be closely monitored.

Thursday

17a-Cities LCP – 17-20A energy facilities sub-zone states “coastal dependent energy facilities”- facility is not coastal dependent. SCE states that zoning does not require it to be coastal dependent- is a matter of interpretation. Disagree with staff and urge find no SI. However, in the least, this is an issue of major importance to the people of Oxnard and it probably should be continued to October so the community can have a say in this.

18b&c

New project consists of drilling boreholes and wells and capping

Installing well casings and wellheads, using a large crane and laying all sorts of cables, vehicles on the beach and many other activities on the beach.

The contention that this is segmentation of the project raises valid concerns for SI, contrary to staff recommendation, because LCP does not allow for these types of structures to be located here and it would involve using a state beach. If this were only a test to determine if the method works there would be no segmentation issue but they have already stated that if the test show feasibility they will use this location, therefore there is an issue of segmentation.

This is just another example of attempting to use State Parks for infrastructure- roads, power plants, power lines and deSal facilities.

No analysis of the impacts of the new project- staff report list mitigations but does not provide any analysis of the actual impacts so how can you say that all impacts have been mitigated when they have not been analyzed?

Removal of casings involves major equipment and support lines over the beach, large crane in the parking lot- all the infrastructure to get to the MHTL must cross the state park and this is not consistent with the LCP- The parts that cross the state beach, even though they are not “structures” are elements of the project and therefore it is not consistent with the LCP

This drilling is a component of the deSal facility, it is not isolated but the area is zoned as recreation so it is not allowable.

Public access impacts-

FORM FOR DISCLOSURE  
OF EX PARTE  
COMMUNICATIONSRECEIVED  
AUG 30 2007  
CALIFORNIA  
COASTAL COMMISSION

Date and time of communication:

THURS. 30TH AUG. 2007 3PM

Location of communication:

COUNTY GOV. CENTER S.L.O.

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

MEETING

Identity of person(s) initiating communication:

Identity of person(s) receiving communication:

K. ACHARTIAN

Name or description of project:

Description of content of communication:

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

See attached

Date

8/30/07

Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

APPENDIX 2

Meeting with Commissioner Achadjian

RE: September 2007 Coastal Commission Meeting

Attendees:

Morgan Rafferty, Executive Director, Environmental Center of San Luis Obispo  
Gordon Hensley, San Luis Obispo Coastkeeper  
Noah Smukler, Board Chair, San Luis Bay Surfrider  
August 30, 2007

ISSUES:

Wednesday, September 5.

W9a- Appeal by Malibu Coalition for Slow Growth and Steve Littlejohn from decision of City of Malibu granting permit to **Darren Domingue** for construction of 5,200 sq. ft. single family residence, 1,368 sq. ft., attached garage, pool/spa, and alternative onsite wastewater treatment system at 23405 Malibu Colony Drive, Malibu, Los Angeles County.

We urge a finding of Substantial Issue for the following reasons:

This project violates the LCP provisions for ESHA by locating a septic system within ESHA buffer and providing no discussion by the City of alternative locations. If no alternative is available then the project must comply with maximum development standards.

The wetland delineation is flawed – an area with a preponderance of hydrophytic plants was not included and an area with hydrophytic plants was not surveyed.

The upland portion with native transitional habitat was not surveyed for possibility it is ESHA.

The City incorrectly states that the Malibu Colony overlay district supersedes the LUP provisions for ESHA. This is incorrect and if allowed to stand would set a precedent for the interpretation of the Malibu LCP which alone is a basis for finding Substantial Issue.

In addition, does not deal with the protection of the many species of birds, particularly raptors and herons that are in cypress trees that will be impacted by the development

W14a- Appeal by Commissioners Wan & Shallenberger of decision by City of Huntington Beach granting permit with conditions to Signal Landmark/Hearthside Homes, Inc. to construct entry monument for "**Brightwater**" residential development consisting of 10.5 ft. decorative block wall and trellis structure within portions of public right-of-way, at 17261 Bolsa Chica Street (east and west side of Bolsa Chica Street, south of Los Patos Avenue), Huntington Beach, Orange County.

We ask for a finding of Substantial Issue because the entry block, wall and trellis will adversely impact public access to a required public trail which was required as a condition of the approval of the Brightwater development.

Bolsa Chica Street is public but this gives impression it is a private street. In addition, project is immediately adjacent to a park and the project would impact public views from the park.

Inconsistent with the LCP as well as the fact that it is situated on public land.

**W15b**-Application of Brian and Sarah McNamara to demolish 1-story, 1,539 sq. ft., single-family home with attached garage and construct 24-ft.-high, 3,900 sq. ft., single-family home, with attached 2-car garage and 1,048 sq. ft. decks on 13,873 sq. ft. canyon lot, at 219 W. Marquita, San Clemente, Orange County.

We ask you to support the staff recommendation because this project does not conform to the stringline policies of the LCP and is therefore inconsistent with it and the pattern of development in the area.

The LUP provides three options for setback with the intent to provide a setback for habitat protection and avoid encroachment into the canyon. One option is by depth of lot. If choose setback based on depth, because this is a very deep lot will result in development well beyond adjacent development- therefore need to apply stringline- but this does not meet stringline for the structure or deck.

The applicant argues they can use any one of the three methods they wish which ignores the goal of the LUP to provide a setback for habitat protection.

Approval as proposed will allow applicants/developers to choose which regulations to follow. And sets a precedent and eliminates the discretionary authority of local jurisdictions or the Commission.

**15h**-Application of County of Orange, Watershed & Coastal Resources to temporarily install 150 ft. long dock attached to existing marina to moor boats to accommodate dredging of 177,000 cu. yds. from navigational channels, shoaled areas under docks, swimming lagoon and areas adjacent to storm drain outlets to design depths varying from minus 7-ft MLLW in swimming lagoon to minus 8-ft. MLLW in marina and boat dock areas with off-shore disposal, Newport Dunes Waterfront Resort, at 1131 Back Bay Drive, Newport Beach, Orange County.

Please support the staff recommendation.

Thursday

Th17a-Appeal by So. California Edison Co. from decision of City of Oxnard denying permit to construct and operate 45 megawatt "peaker" power plant at 251 N. Harbor Boulevard, in Oxnard, Ventura County

The City's LCP - 17-20A energy facilities sub-zone states "coastal dependent energy facilities"- facility is not coastal dependent. SCE states that the zoning does not require it to be coastal dependent. This is a matter of interpretation.

We ask that you disagree with staff and urge that you find no Significant Issue.

At the very least, we ask you to recognize that this is an issue of major importance to the people of Oxnard and that it should be continued to October so the community can have a say in this.

#### Th18b&c Cambria Test Wells

New project consists of drilling boreholes and wells and capping. Installing well casings and wellheads, using a large crane and laying all sorts of cables, vehicles on the beach and many other activities on the beach. Zoning = RECREATION

The contention that this is segmentation of the project raises valid concerns for SI, contrary to staff recommendation, because LCP does not allow for these types of structures to be located here and it would involve using a state beach. If this were only a test to determine if the method works there would be no segmentation issue but they have already stated that if the test show feasibility they will use this location, therefore there is an issue of segmentation.

This is just another example of attempting to use State Parks for infrastructure- roads, power plants, power lines and desal facilities.

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