

# **Th 15b**

**Appeal No. A-4-OXN-07-096**  
Southern California Edison Co.

## **2nd CORRESPONDENCE PACKET**

- Ex Parte Communication
- Correspondence

Dr. Suja Lowenthal

AUG - 1 2008

FORM FOR DISCLOSURE OF  
EX PARTE COMMUNICATIONS

Name or description of project , LPC, etc:

Southern California Edison Company,  
Oxnard "Peaker" Power Plant  
A-4-OXN-07-096 Agenda Item W7A

CALIFORNIA  
COASTAL COMMISSION

Date and time of receipt of communication:

August 1, 2008; 1:30 pm

Location of communication:

Long Beach

Type of communication (letter, facsimile, etc.):

In person meeting with Dr. Suja  
Lowenthal

Person(s) initiating communication:

Susan McCabe, McCabe & Company  
Rick Zbur, Latham & Watkins LLP

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

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

\_\_\_\_\_  
Date

  
Signature of Commissioner

RECEIVED  
AUG 01 2008



## CITY COUNCIL OFFICE

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

March 24, 2009

Ms. Bonnie Neely, Chair  
California Coastal Commissioners  
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 and Commissioners:

Welcome to Oxnard! It is our pleasure to host the California Coastal Commission (Commission) and we hope you enjoy the Performing Arts Center theater, our city, and especially our beaches and coastal access. We appreciate the rescheduling of the appeal to April 9<sup>th</sup> so that more of our residents may participate in the SCE peaker plant appeal hearing. We invite you to drive by the SCE project site so that you may see how the characterization of the project as "...add[ing] another industrial facility to an area that is already dominated by industrial development" is not correct, as shown in the attached photograph (Attachment A).<sup>1</sup> A map is attached showing the location of the project site, your hotel, and the Performing Arts Center (Attachment B).

As you are aware, the City of Oxnard (City) continues to ask that the Commission deny SCE's appeal of the City's denial of a CDP for construction of a 45-MW peaker electrical generation facility at 251 North Harbor Boulevard. Before restating our reasons for denial, we request that the record show that we withdraw mitigation measures that were listed in our letter of May 6, 2008.<sup>2</sup> The City's position is that there are no acceptable mitigations, especially for the environmental justice issue of burdening Oxnard's majority minority population with a third power plant.

It is unfortunate that we are in this position with SCE. The City and SCE have a long record of cooperation, which we wish to continue. We understand why SCE chose this site in its response to the August 15, 2006 *Assigned Commissioner's Ruling Addressing Electric Reliability Needs In Southern California For Summer 2007* (ACR Ruling) that called for immediate construction of up to 250 MW of additional electrical generation power by summer 2007 in response to the heat wave of 2006. SCE should be

<sup>1</sup> Coastal Commission Staff Report, August 10, 2007, pg. 26.

<sup>2</sup> 1) Create an intermediate parcel and dedicate it to the City, 2) Contribute \$500,000 towards coastal access facilities.

commended for the four peaker plants that were installed within one year at inland locations. The Oxnard site, however, is not just another convenient SCE-controlled parcel next to an existing power facility. The Oxnard site is the remnant oil tank farm of an obsolete, 50-year old, ocean-dependent, once-through cooling, seldom used peaker plant located between two parks, endangered species beach nesting sites, and Environmentally Sensitive Habitat Area (ESHA).<sup>3</sup> This is a different type of site, the circumstances are now different, and we urge the Commission to carefully consider its role and its decision.

At a March 2, 2009 workshop held by a California Public Utilities Commission (CPUC) Administrative Law Judge, the consensus of those attending seemed to be that the immediate intent of the ARC Ruling was satisfied and there is no urgent need for the fifth peaker plant, at least not until 2015 or 2016 according to Michelle Nuttal of SCE.<sup>4</sup> The most recent findings of the CPUC and the California Independent System Operator (CAISO) also cast doubt on whether the Oxnard peaker is needed to meet system demand loads. In December 2007, the CPUC found that resources would be adequate in the broader Southern California region ("SP26") until 2013 – even considering the possible retirement of over 5,000 MW of existing resources.<sup>5</sup> And the CAISO has also stated that resources well in excess of need existed as of last summer.<sup>6</sup>

SCE's current justification for the Oxnard peaker is that the configuration of SCE's transmission and distribution system and the geography of Ventura and Santa Barbara counties make this portion of SCE's service territory particularly vulnerable to transmission disruptions. According to SCE, adding "black start" capability would enable the utility to re-start the Mandalay Bay and Ormond Beach generating units and then serve the area with this local generation even if an earthquake or wildfire or other disruption cut it off from the rest of SCE's grid.<sup>7</sup> SCE cites four events in 38 years as precedents, yet none of the events actually led to a regional failure.<sup>8</sup> Given the relatively low demand for peak power and low risk of losing our connection to the regional transmission network, would this new peaker plant ever be used? This situation of "needing" a local startup ability has existed for decades, even when SCE owned and operated the Mandalay Bay and Ormond Beach generating units, and no record has been presented that shows this was a serious network concern in the past. However, the SCE argument is respected and the City of Oxnard would otherwise support SCE's efforts to improve the reliability of our local network.

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<sup>3</sup> Letter by David Magney Environmental Consulting to Peter Douglas, March 10, 2009. pg. 3.

<sup>4</sup> TURN meeting notes, March 3, 2009.

<sup>5</sup> See Decision (D.) 07-12-052, Table SCE-1 (at p. 117), lines 4, 5 and 22 in particular, dated December 20, 2007. D.07-12-052 is available at [http://docs.cpuc.ca.gov/word\\_pdf/FINAL\\_DECISION/76979.pdf](http://docs.cpuc.ca.gov/word_pdf/FINAL_DECISION/76979.pdf).

<sup>6</sup> See California Independent System Operator, 2008 Summer Loads and Resources Operations Preparedness Assessment, p. 3, dated April 28, 2008, as cited at the CAISO's "Phase II Comments" in CPUC Rulemaking 08-01-025, p. 35, filed February 17, 2009. Assessment available at <http://www.caiso.com/1fb7/1fb7855eed50.pdf> and Comments available at <http://docs.cpuc.ca.gov/efile/CM/97507.pdf>.

<sup>7</sup> Draft letter to Coastal Commission, TURN, March 12, 2009

<sup>8</sup> CPUC Workshop – McGrath Peaker Justification, March 2, 2009, pg. 6.

What the City cannot support is SCE's argument that there is no alternative site or alternative "blackstart" configuration. The Reliant plant previously had "blackstart" capability. There must be a way to entice or require Reliant to reinstall and/or upgrade a "blackstart" on or at its facility rather than spend \$60 million to construct the proposed SCE peaker plant.<sup>9</sup> This cost will be proposed to be passed on to ratepayers that the Commission is being asked to indirectly approve. A more appropriate process would be for SCE to demonstrate the purported local reliability problem to the CPUC and examine a full range of potential solutions consistent with CPUC procedures and evaluated by qualified CPUC staff. The already purchased peaker equipment could be resold or used as spare parts for the four operating peakers. There are options, and we are confident that a better solution can be found if SCE is directed to the CPUC.

Based on the record to date, the City of Oxnard requests that the Coastal Commission deny the above application for the following reasons:

**1. PRC Section 30413 Requirements Are Not Satisfied**

Section 30413(b) of the Public Resources Code requires the Coastal Commission to periodically designate specific locations within the Coastal Zone where projects such as this may be located. The exception to this requirement only applies to "specific locations that are presently used for such facilities and reasonable expansion thereof". If the proposed SCE peaker plant is a stand-alone facility and Reliant is not a party to the application, then the previous use of the site as an oil tank farm does not qualify it as a designated location under PRC Section 30413(b). If the proposed peaker is an expansion or accessory use of the adjacent Reliant plant, which seems to be the current SCE argument since SCE emphasizes the lack of "blackstart" at the Reliant plant, the SCE facility should be tied to the licensing of the Reliant plant and SCE should agree to remove the peaker plant should the Reliant plant be decommissioned in the future. The record is not clear, and the Commission has not fully addressed PRC Section 30413.

**2. August 15, 2006 ARC Ruling Satisfied**

The ARC Ruling clearly stated on page 2 "...SCE should pursue the development and installation of up to 250 MW... for summer 2007 operation" and on page 6 "...SCE should pursue development of no more than five non-RFO generation units" by August 2007 (emphasis added). The ARC Ruling has been satisfied as SCE developed four inland peaker plants that are all operational. There is no urgency to justify development of a coastal site with a non-coastal dependent energy facility that effectively commits the site to permanent energy use with an expensive facility that may seldom be used.

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<sup>9</sup> CPUC Workshop, March 2, 2009, SCE McGrath Peaker Cost Summary

### **3. EC Zone Means “Coastal Dependent”**

The City’s longstanding intent is that the EC zone allows only coastal-dependent energy facilities, and we respectfully disagree with the Commission staff interpretation of our certified Local Coastal Plan (LCP). 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 and stated “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.”<sup>10</sup> The City 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.

### **4. Environmental Justice Impact Cannot be Mitigated**

The small geographic extent of the August 10, 2007 Commission staff Environmental Justice analysis was inadequate and did not reflect the City’s demographics of 68 percent Hispanic, 82 percent minority. We have two power plants, two closed landfills, numerous oil wells, and one EPA-superfund site. There is no mitigation for an environmental justice issue other than to deny the project. The City does not consider funds or any other kind of “payoff” as acceptable. If the Coastal Commission approves the appeal, it must state in the record what is the overriding consideration that justifies an unmitigated environmental justice impact.

### **5. Other Suitable Sites and Alternatives**

The proposed peaker plant could be installed at the SCE Santa Clara substation based on SCE’s own alternatives analysis which stated, “A peaker at this location 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.”<sup>11</sup> The SCE analysis goes on to cite costs and timing as reasons for not considering the Santa Clara substation more seriously, including initiating a CEQA review. Both costs and timing are not relevant, as legitimate costs are recoverable and timing is not urgent, again by SCE’s own admission. The Santa Clara substation site is at least one feasible alternative to the proposed project. In any event, the relative adequacy of alternatives is a CPUC issues that should not be before the Commission, with all due respect, as the Commission and its staff are not qualified to make CPUC decisions.

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<sup>10</sup> Richard Maggio, Letter to Coastal Commission, May 6, 2008

<sup>11</sup> Supplemental Analyses for the Southern California Edison Mandalay Peaker Project, undated, pg. 16.

## **6. Missed Coastal Planning Opportunity**

Consider the City's long-range desire that the Reliant plant be decommissioned and removed and the beach and dunes that stretch 2.5 miles from Fifth Street to the Santa Clara River eventually become a continuous stretch of backdune preserve, restoration, and coastal access. The City intends to update our Coastal Land Use Plan after we adopt our 2030 General Plan later this year. We urge the Commission to not commit the SCE site to a permanent non-coastal utility use and to allow the City an opportunity to explore alternative uses for the Reliant power plant.

## **7. Unmitigated Environmental Impacts**

SCE's proposed 80-foot stack, when combined with the existing and larger Reliant stack and plume, will further dominate the western horizon of Ventura County and further impact expansive views of the Channel Islands National Park. Special Condition 6 removes the screening trees that the City had requested along Harbor Boulevard to screen the peaker plant from the 292-unit Northshore residential development immediately to the southeast of the project site. The area east of Harbor is ESHA and will be impacted by the development. None of these impacts can be fully mitigated. If the Coastal Commission approves the appeal, it must state in the record what are the overriding considerations that justify these significant adverse impacts.

## **8. Water Supply Despite State Drought?**

Although Calleguas Water District (District) has provided a letter stating they have "new" water, the State of California is in a declared drought and water shipments to Southern California are being reduced for the coming year. It is not clear how the District can make its statement when the District is receiving less water from the California Water Project this year.

## **9. Located in Sea Level Rise Flood Plain**

The March 2009 report by the California Climate Change Center includes a sea level rise map that places the proposed peaker plant within the 1.4 meter coastal base flood zone (Attachment 1). The report notes that many coastal public and private structures and uses need to be evaluated in the coming years, including 30 coastal power plants. The report states, "Continued development in vulnerable areas will put additional areas at risk and raise protection costs."<sup>12</sup> It does not make sense to locate a \$60 million major critical public facility in an area that is identified as being inundated by sea level rise.

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<sup>12</sup> The Impact of Sea-Level Rise on the California Coast, California Climate Change Center, March 2009. Executive Summary, pg. 3: California Flood Risk, Sea Level Rise Oxnard (map).

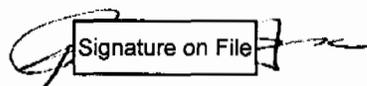
### 10. Greenhouse Gas Mitigation Not Assured

On October 24, 2008, the California Air Resources Board (CARB) released its Preliminary Draft Staff Proposal on Recommended Approaches for Setting Interim Significance Thresholds (Thresholds) for Greenhouse Gases under the California Environmental Quality Act for review and public comment. The Proposal identifies benchmarks or standards that assist lead agencies in the significance determination for industrial, residential, and commercial projects. CARB staff intends to make its final recommendation on thresholds in early 2009, consistent with new draft CEQA guidelines addressing GHG emissions. The Commission cannot state with certainty if, or how, the proposed peaker plant will meet or exceed ARB and CEQA Thresholds.

In summary, the above are significant procedural and environmental impacts and questions that prevent the Commission from making the findings that there are no feasible alternatives to the project, or that the project will not have significant adverse environmental impacts, or that overriding considerations justify the adverse impacts, or that an environmental justice impact is warranted.

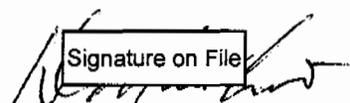
Finally, this is a CPUC issue regarding the best technology to address a system need. You do not need to be put in this position. For all of the above stated reasons, the City respectfully requests the Commission to deny the appeal.

Very truly yours,



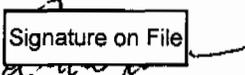
Signature on File

Dr. Thomas E. Holden  
Mayor



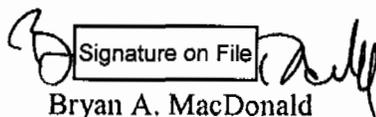
Signature on File

Dean Maulhardt  
Councilmember



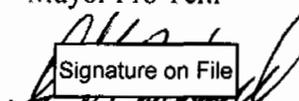
Signature on File

Andres Herrera  
Mayor Pro Tem



Signature on File

Bryan A. MacDonald  
Councilman



Signature on File

Dr. Irene G. Pinkard  
Councilwoman

Attachments:

- A. Aerial photo of the Oxnard SCE project site
- B. Map of PAC, hotel, and proposed project site
- C. California Flood Risk: Sea Level Rise Oxnard (map)

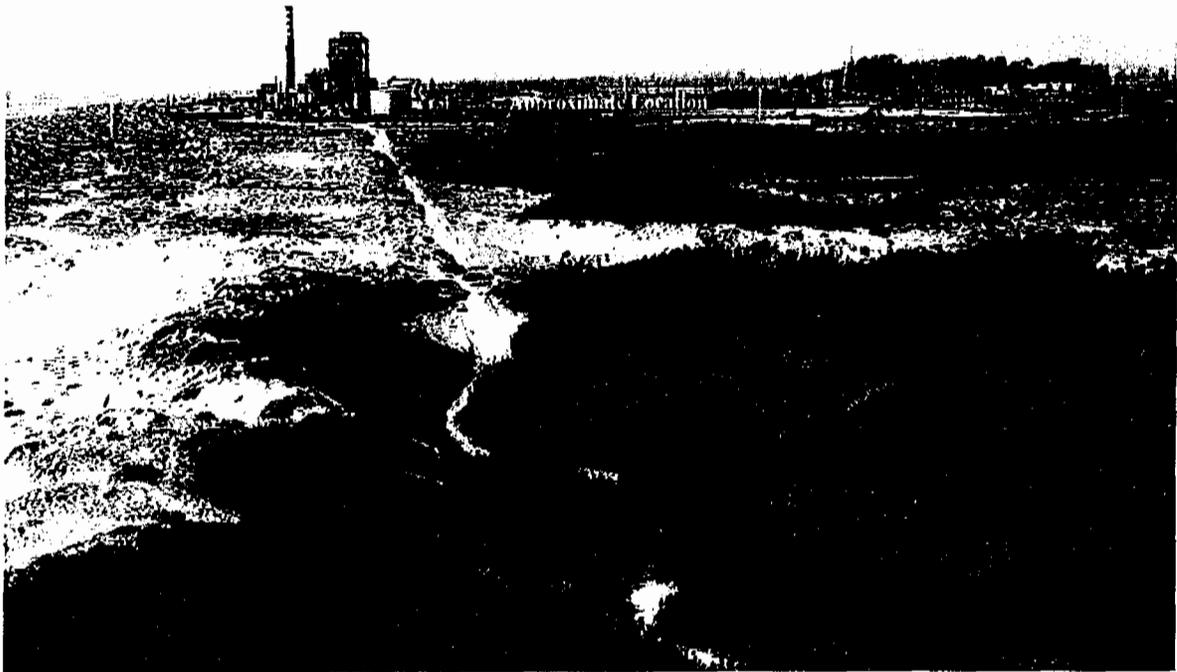
California Coastal Commission, Appeal No. A-4-OXN-07-096  
March 24, 2009  
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CBW:cbw

cc: Dianne Feinstein, United States Senator  
Barbara Boxer, United States Senator  
Lois Capps, Member of Congress, 23<sup>rd</sup> District  
Sheila Kuehl, California State Senator, 23<sup>rd</sup> District  
Julia Brownley, California Assembly Member, 41<sup>st</sup> District  
Pedro Nava, California Assembly Member, 35<sup>th</sup> District  
Members of the Ventura County Board of Supervisors  
Marty Robinson, Ventura County Executive Director

ATTACHMENT A

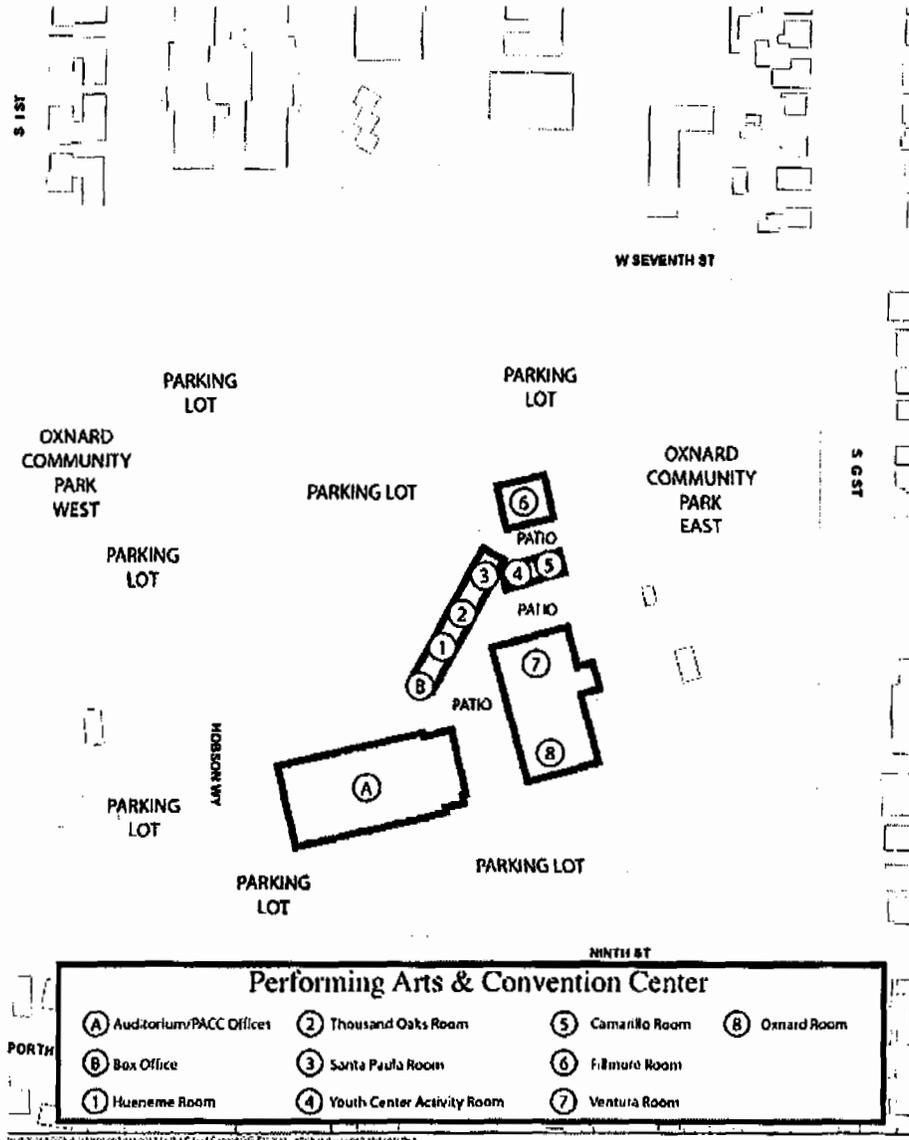
PHOTO OF THE SCE PEAKER PLANT PROJECT SITE  
FROM FIFTH STREET LOOKING NORTH  
MANDALAY BEACH PARK (UNIMPROVED) IN FOREGROUND





ATTACHMENT B

PERFORMING ARTS CENTER

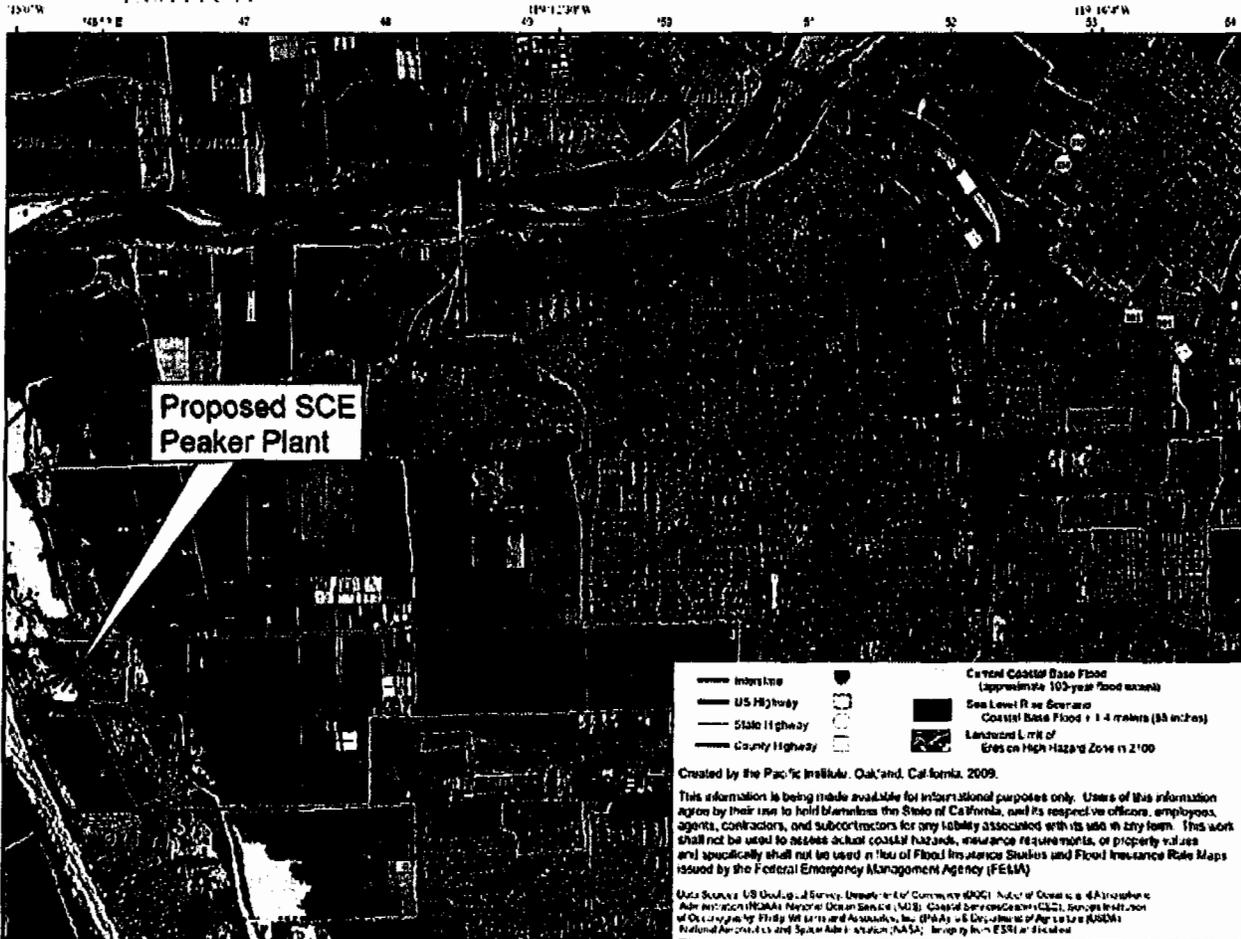


ATTACHMENT C



PACIFIC  
INSTITUTE

# California Flood Risk: Sea Level Rise Oxnard





EDMUND F. SOTELO  
City Manager

CITY MANAGER'S OFFICE

305 West Third Street • Oxnard, CA 93030 • (805) 385-7430 • Fax (805) 385-7595

May 12, 2008

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

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

Dear Chair Krueger and Commissioners:

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

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

Procedural Requirements

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

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

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

2. Section 30413(b) of the Public Resources Code requires the Coastal Commission to periodically designate specific locations within the Coastal Zone where projects such as this may be located. The exception to this requirement only applies to "specific locations that are presently used for such facilities and reasonable expansion thereof". This project does not fall within the above exception for two reasons. First, there has never been a designation of the "specific location" of the existing Reliant Energy facility. Because the boundaries of the existing facility have not been specifically located, there is no factual basis upon which the Coastal Commission may apply the exception. Second, even if there is a finding that the proposed site is within the "specific location" of the existing facility, the expansion of the facility is not a "reasonable expansion." The proposed SCE peaker plant is proposed as a stand-alone facility and Reliant is not a party to the application. If it is an expansion of the adjacent Reliant plant, the SCE facility should be tied to the licensing of the Reliant plant and SCE should agree to remove the peaker plant should the Reliant plant be decommissioned in the future.
3. Sections 30413(d), (e) and (f) of the Public Resources Code set forth a procedure the Energy Commission must follow before siting a project such as this within the Coastal Zone. The procedure requires the Coastal Commission to participate in the siting proceedings. There is nothing in the record to show:

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

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

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

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

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

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

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

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

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

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

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

#### Environmental Analyses

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

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

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

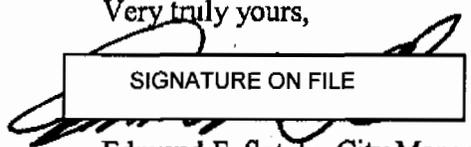
2. The Coastal Commission record does not include any discussion of alternative sites and/or energy generation technology (such as solar or wind) that would substantially lessen significant adverse impacts which the project may have on the environment. Without such evidence, the Coastal Commission cannot make the finding that the project will not have a significant adverse impact on the environment, within the meaning of CEQA per Section 13096(A) of the Coastal Commission’s administrative record.
3. Page 4, paragraph 3 states, “The peaker plant will therefore be sited in an area surrounded by other industrial development.” This is factually incorrect. Immediately adjacent to the project parcel to the south is Mandalay Beach Park, unimproved land zoned Resource Protection which is planned for coastal access and recreation by the Oxnard Local Coastal Program, Policy 67. To the southeast and adjacent across Harbor Boulevard is the 292-unit Northshore at Mandalay Bay residential development currently under construction. As the SCE project driveway extends to the southeast corner of the parcel, both the project and the SCE parcel adjoin non-industrial uses. To the immediate west of the SCE parcel is a 200-foot wide energy facility, then approximately 500 feet of dunes and beach. To the east across Harbor Boulevard is land zoned for energy use, but contains only transmission lines and is largely a dunes habitat. It is factually incorrect to state that the SCE project site is “...surrounded by other industrial development” and findings that rely directly or indirectly on that assertion cannot be made by the Coastal Commission. Attached Figure C is a recent aerial photo of the project site which clearly shows it is abutting non-industrial uses on three sides.
4. On page 15, paragraph 2, the staff report states “...a review of other areas similarly identified with the Coastal Energy Facility Sub-zone designation reveals that at least one of these areas is not located ‘on, or adjacent to, the sea.’ The example cited is the SCE substation located on the northwest corner of Victoria Avenue and Hemlock Street. This facility predates the City’s LCP and is considered legal non-conforming. The Coastal Commission cannot rely on this example to interpret the intent of the Energy Coastal zone designation.

5. On page 25 under the heading D. Visual Resources, the staff report states, "...the existing views of and around the project site are primarily industrial and energy related in nature and no significant visual or aesthetic resources are apparent." This statement is factually incorrect. The Oxnard 2020 General Plan designates Harbor Boulevard and Victoria Avenue as "regional image corridor" (Figure XII-2). There are numerous panoramic views of the coastal mountains to the north and views of the Channel Islands from all along Victoria Avenue and Harbor Boulevard marred only by the Reliant Energy exhaust stack and its large exhaust plume. These views will be further marred by the addition of the SCE stack and its vapor cloud which cannot be avoided or mitigated. Attachment D is an excerpt from the environmental assessment prepared in 2000 for the closing of the SCE tank farm (the previous use of the project site) that states that the removal of the tank farm would, "...result in a net benefit to aesthetic/visual resources." The Coastal Commission cannot find that adding to an existing adverse view condition is not an adverse impact without a discussion of alternative site locations that could remove this adverse impact.
6. On pages 32 and 33 of the staff report, the air quality impacts are stated as exceeding NO<sub>x</sub> and ROC emission thresholds established by the Ventura County Air Pollution Control District (VCAPCD). The significant emissions are mitigated only by offsets of up to 5.0 tons per year for both pollutants. Therefore, peaker plant will be emitting significant emissions next to residential and recreation uses, often during periods of heavy coastal fog which acts as an inversion layer that holds emissions low to the ground. (Hot inland weather often draws a deep marine layer over the Oxnard Plain.) The Coastal Commission staff report relies on the air quality analysis in a Mitigated Negative Declaration 07-02 that was not adopted, and this air quality analysis was specifically rejected by the Planning Commission as an inadequate analysis and potentially an unmitigated localized air quality impact. The Coastal Commission cannot find that air quality impacts are fully mitigated in the immediate area of the project as the record shows emissions exceed established VCAPD thresholds, but are mitigated by offsets.
7. On page 41 in the discussion of Greenhouse Gases (GHG), the staff report states, "The Commission staff did not have adequate time to evaluate SCE's emission analysis and conclusions prior to completion of this report." Instead, GHG analysis and possible mitigation are deferred to future study. With no analysis in the record, the Commission cannot find at this time that GHG emission impacts are not an adverse impact. CEQA does not allow for deferred mitigation, and the Coastal Commission cannot rely on this mitigation for GHG impacts.

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

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

Very truly yours,

  
SIGNATURE ON FILE

Edmund F. Sotelo, City Manager

Attachments:

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

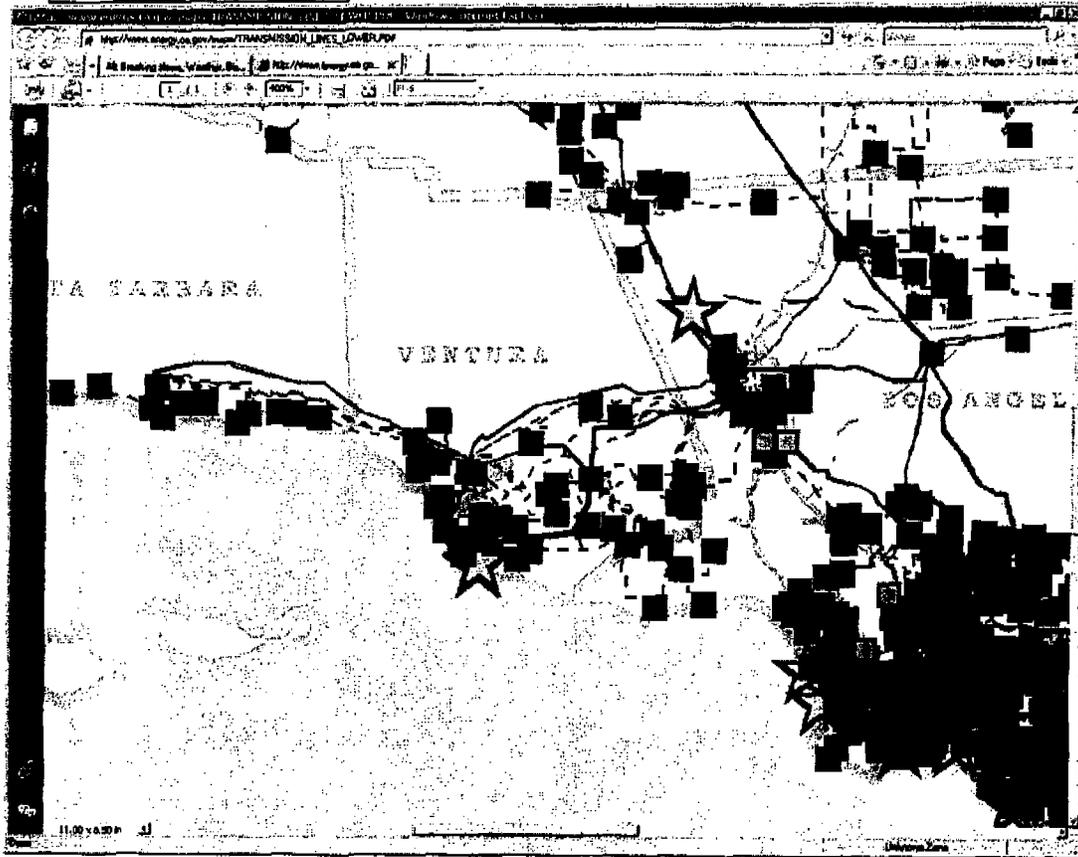
CBW:cbw

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

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

# ATTACHMENT A

California  
Transmission Lines - Substations  
and Selected Power Plants  
Lower Map



# Alternatives Analysis

## Attachment B

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



Attachment D

**Arthur D Little**

**Environmental  
Assessment**

Southern California  
Edison Mandalay Fuel  
Oil Storage Tank  
Removal Project

Report to  
Southern California Edison  
Company

June 15, 2000

**RECEIVED**  
JUN 19 2000  
PLANNING DIVISION  
CITY OF OXNARD

Arthur D. Little, Inc.

#### 4.1 Aesthetics

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

Discussion:

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

Mitigation:

No mitigation measures are required or proposed.

Monitoring:

No monitoring would be required.

Result after mitigation:

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



## Community Environmental Council

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

### BOARD OF DIRECTORS

Ivor John  
President

Kim Kimball  
Vice-President

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Jon E. Clark

David D. Davis

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Carla D. Frisk

John Malock

Russell McGlothlin

Paul Reils

David D. Davis  
Executive Director

### PROGRAM AREAS

Architecture 2030  
Challenge

Earth Day Festival

Fossil Free by '33  
Campaign

Get Energized  
Campaign

Green Business  
Program

Regional Energy  
Blueprint

Sustainable  
Transportation

Watershed  
Resource Center

To The Honorable Commissioners:

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

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

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

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

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

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

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

Sincerely,

SIGNATURE ON FILE

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

SIGNATURE ON FILE

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

# CITY of CARPINTERIA, CALIFORNIA



June 20, 2007

**RECEIVED**

Members of the City Council

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

MAY 07 2008  
CALIFORNIA  
COASTAL COMMISSION

Michael Ledbetter, Mayor  
Gregg Carty, Vice Mayor  
J. Bradley Stein  
Joe Armendariz  
Al Clark

**RE: SCE Proposed Peaker Plant**

Dear Coastal Commission:

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

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

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

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

Respectfully,

SIGNATURE ON FILE

Joe Armendariz  
Councilmember  
City of Carpinteria

**www.sbcta.org**  
**Santa Barbara County Taxpayers Association**

May 7, 2008

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

**RE: SCE Proposed Peaker Plant**

Dear Mr. Kruer:

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

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

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

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

Sincerely,

SIGNATURE ON FILE

Mike Stoker  
President

# **Santa Barbara Technology and Industry Association**

**"Promoting our quality of life through job prosperity"**

---

May 7, 2008

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

**RE: SCE Proposed Peaker Plant**

Dear Coastal Commission:

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

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

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

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

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

Respectfully,

SIGNATURE ON FILE

Tim Mahoney  
Chairman

**RECEIVED**

**MAY 07 2008**

**CALIFORNIA  
COASTAL COMMISSION**

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

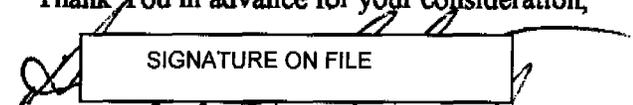
Reason: Appeal No. 4-OXN-07-096 (So. California Edison Co., Oxnard)

Dear Coastal Commission Members;

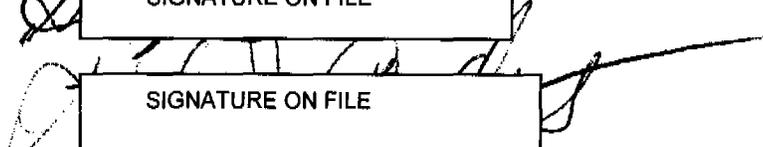
Fellow California residents, my wife and I, as native Californians, are very concerned about the proposed "peaker" power plant in Oxnard California. It seems terribly ironic that after a long battle with the BHP's Cabrillo Port proposal that we are now discussing a new proposal that would also bring added pollutants to our community. For the same reasons you rejected the BHP plan, you should reject Edison's appeal of the City of Oxnard... The first reason is simple; Edison admits that this plant would increase air pollution. Ventura County does not meet current air quality now, why would any rational Government body consider increasing the emission of nitrogen oxide, carbon monoxide, volatile organic compounds and ammonia stored on the site, sitting directly on the sand. These were admissions made by the company. The second reason is one that you have heard before, Our Mayor has told you on several occasions that the City of Oxnard has done more than its fair share in providing power plants and landfills in the past and now it is time for our community to protect its citizens by cleaning the environment and the air we breathe. The third reason is more philosophical, the need to start taking the threat of Global warming seriously! The citizens of California, you the commission members, the Governor, the Lands Commission, have all spoken on this issue and have concurred that we must reduce our Carbon footprint. We can only do so by supporting inevitable renewable resources such as wind, solar, and geothermal, not by continuing down the same polluting path. We must start to think globally and act locally. This is what we have collectively done in Oxnard, and we expect you to support us in that endeavor. Finally, and with great concern, we feel that Edison has been less than honest with this proposal. We were first told that they were "undertaking the development of this facility in response to the Assigned Commissioner's Ruling Addressing Electric Reliability Needs in Southern California for Summer 2007"... Edison said they were told to build five plants, This is clearly not the case, 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,



SIGNATURE ON FILE



SIGNATURE ON FILE

George C. Coudert and Linda I. Coudert

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

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

**RECEIVED**  
MAR 24 2009

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

March 22, 2009

California Coastal Commission  
89 South California Street  
Ventura, CA 93003

REFERENCE: California Coastal Permit Applications:  
Appeal No. A-4-OXN-07-096  
(Southern California Edison, Oxnard)

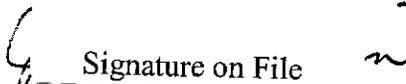
Dear Members of the Commission:

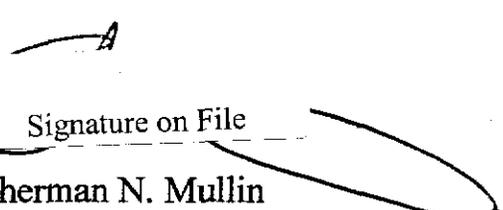
The purpose of this letter is to recommend that you disapprove the construction of a 45 megawatt "peaker" power plant at 251 N. Harbor Boulevard in Oxnard for the following reasons:

1. There is no compelling reason for the plant to be built at this specific location. There are obviously many other fully acceptable locations.
2. It would be a dereliction of your duty if this plant at this specific location is approved primarily for the convenience of Southern California Edison.
3. In this case, there is no justification for overriding the decision by the City of Oxnard, which quite correctly is and should be protecting its limited coastline.
4. The existing power plant, north of the proposed site, has been and is being used effectively as a peaker plant. Anyone denying this is ignorant of the operational details of this plant in recent years.

Do your duty and please protect the coastal area of California by rejecting this appeal.

Sincerely yours,

  
Signature on File  
Judia B. Mullin

  
Signature on File  
Sherman N. Mullin

SION

RECEIVED

JUL 14 2008

CALIFORNIA  
COASTAL COMMISSION

Please let it be known  
That I Rekanui Collins  
am for the  
Mc Grath Beach Peakes Plan Project  
it is for Edward Ca.

SIGNATURE ON FILE

7-10-2008.

**Cassidy Teufel**

---

**From:** Wanda Stroud [wstroud@gsms.us]  
**Sent:** Monday, July 14, 2008 12:58 PM  
**To:** Cassidy Teufel  
**Cc:** Jim Stroud; Wanda Stroud  
**Subject:** McGrath Beach Peaker Plant Project in Oxnard, CA

My husband and I own a home on Island View Street where we lived for about 5 years. We recently moved to 10 acres in Simi Valley because our quiet beach area was being consumed by rapid growth construction. We weren't thrilled with the un-natural looking grading on the corner of Harbor and 5<sup>th</sup>. We weren't happy with the multitudes of strip malls, apartments, and town homes along Victoria and Wooley. And, we were very disappointed with the 3-story monstrosities built right on the beach within the Mandalay Shores.

Californians have not figured out that high density population does not add value or beautification, but we keep on building. My ideal beach community would have only one or 2 story homes on at least 5-acre, ungraded lots with wide untouched perimeters in which the natural habitat could thrive, in which man-made structures don't distract from the beauty of nature, and in a situation where neighbors don't irritate each other.

Since we haven't learned our lessons, I only request two things in the review of this Peaker Plant enlargement: that it doesn't devalue the investment that we own on Island View Street. The disclosures on our real estate paperwork did not include this project and many others for that matter; otherwise, we would have reconsidered our investment. And, that it doesn't compromise my health and well-being.

While the current power plant isn't a noticeable nuisance from Island View Street (I don't know what waste-by products could be harming me), I foresee that the new homes projected to be built right next to the SCE's property will not be attracting high-end homeowners who will be investing a lot of money. Therefore, if this new housing tract becomes an undesirable area because of the power plant growth (after all, who wants to live, by choice, next to a power plant), my home on Island View Street suffers the high crime, increased pollution and graffiti, and all the negative that comes from an undesirable area. We all know that industrial sites mix with high-end, beautiful communities like water and oil does!

Keep in mind that as more homes are being built in the surrounding area, more residents will complain each time SCE wants to do something new or different. Once SCE has built all that it can on the current property and the need for electricity continues to grow (I haven't seen a decline in human population yet), then what? SCE will still be in the same boat. When housing developers run out of space to build, it is conceivable that many will see SCE's property as prime real estate (think about the Presidio in San Francisco). We talk about the need to expand the electrical capacity of this property when someday the electrical may have to move because SCE could sell to developers at a better price. This thought makes the entire project almost pointless.

There are other nuisances with SCE's property: I lose car radio reception along that stretch of Harbor Boulevard (do I need to worry about health issues resulting from the same interference?); power lines and gas lines don't bow well with earthquakes, winds, fires, and rain; an industrial site is ugly no matter what landscaping could shield it (provided that budget constraints don't neglect landscaping care later on); the site gets uglier by the year with the harsh salt air producing lots of rust; I have to remove tar from my shoes each time I walk our beach (what else is tossed into our oceans from a beach-side industrial site?); and I have to be concerned if there's an accident or problem that would have us vacate our properties.

As I ponder this project, I can't help but wonder how much more aesthetically pleasing SCE's property could be with windmills to harness wind power, or ground level (not visible) solar panels that could capture sun power. I'd be in favor of nuclear, except I lived close to Three Mile Island in Pennsylvania as a child and remember how my family evacuated the area for the day until we received word that it was purportedly safe to return. There are still people in the area that blame a generation of birth defects on that day.

I know that no one wants this power plant in their 'backyard'. Then, I recommend that California supports slow-to-no-growth measures that would prevent homes from being located too close to industrial and commercial sites. We could argue all day as to what is considered an ideal spot for industrial (beach areas, desert areas, mountain

7/14/2008

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areas). Each terrain has a beauty all to its own, so maybe it makes sense to have small, unobtrusive energy facilities that accommodate only the immediate area. It does disturb me that our beach is compromising its integrity because someone 60 miles inland needs electricity. Let that city build its own facility.

Thanks for letting me voice my concern,

Wanda (and Jim) Stroud  
Owners: 5043 Island View Street, Oxnard, CA 93035  
Resident: 80 Presidential Drive, Simi Valley, CA 93065

7/14/2008

---

## Cassidy Teufel

---

**From:** Linda Calderon [lincalderon@verizon.net]  
**Sent:** Friday, July 11, 2008 2:03 PM  
**To:** Cassidy Teufel  
**Subject:** Oxnard Peaker Plant proposal

Dear Mr. Teufel:

I would like to submit comments and ask that you share them with the Coastal Commission as they pertain to the subject McGrath Beach Peaker Plant proposed project in Oxnard, CA and use them for your Aug. 6-8 meeting which, unfortunately, is being held far from Oxnard thus not giving the residents much of an opportunity to respond in person.

I, along with many, many other residents of Oxnard, am against the proposed Peaker Plant for the following reasons:

1. There is no reason why the plant should be located on the coast since it is not coastal dependent and most of the power generated will be sent far inland, not in this area. It is my understanding that at least part of the other electrical generating structures presently located in this area are not, or soon will not be, used and were supposed to be torn down by SCE who has not done this. This is, therefore, an opportunity for the Coastal Commission to do the right thing to help restore the beauty of this coastline by denying this Peaker Plant with the ugly 80' high tower which will be visible for miles and miles. I know Santa Barbara and Mailibu would not want such a thing in their backyard and neither do we Oxnard residents. Let's restore this coastline to its original beauty.
2. The fact that a natural gas pipeline of 6" is also proposed to be installed, we believe is for the purpose of LNG being piped in from offshore - which the Coastal Commission already denied access once before and which we will fight again in the future (and hope you will also again). That is just one more reason to deny this Peaker Plant Project.
3. The proximity of the emissions and PCB's (carcinogenic) to the campers at McGrath State Beach and the housing development.
4. Most of the electricity generated by this Plant is proposed to be sent to inland areas which should, therefore, be the ones having the Peaker Plant. Why should our City and Coast be subject to his plant?
5. I do not believe that there is any way that construction activities and noise can NOT adversely affect the burrowing owls and other wildlife. noise is noise and it affects the habitat and humans adversely. I know this after living in the area of the sewer project of Oxnard for two years and having my home constantly bombarded by high noise and shaking at times. I was a nervous wreck as were my neighbors. This may cause lawsuits due to this activity affecting people's nerves.

Please, dear Commission members, rethink giving a permit for this destructive activity on the coastline under your jurisdiction.

Thank you for your time and due consideration.

Sincerely,

Linda Calderon  
PO Box 2732  
Oxnard, CA 93034

Rev. Linda Calderon  
PO Box 2732  
Oxnard, CA 93034

**Cassidy Teufel**

---

**From:** donaldghauser [d1hauser@verizon.net]  
**Sent:** Friday, July 11, 2008 3:14 PM  
**To:** Cassidy Teufel  
**Subject:** Report: McGrath Beach Peaker Plant Project in Oxnard

Subject Report is very good.  
Reference Municipal Services  
Sanitary / sewage--insignificant  
Access / Public Roads--insignificant  
Police--insignificant  
Fire Protection--insignificant  
Potable Water--Oxnard furnishes approximately 13,000 acre feet per year (afy) to the community. The Peaker Plant will not need landscaping water, almost no "domestic" water and the turbin(s) approximately 20 afy. That is an increase in demand of 0.0007 % +/- , i.e. --insignificant. Electricity is needed to furnish water to all communities.

I support Staff's recommendation of Approval.

Thank you

Donald Hauser

7/11/2008

---

**Cassidy Teufel**

---

**From:** glen aalbers [glen42@gaalbers.com]  
**Sent:** Wednesday, July 09, 2008 9:38 AM  
**To:** Cassidy Teufel  
**Cc:** Rudolph Gonzales  
**Subject:** SCE Peaker Plant

Cassidy Teufel,

I support the staff's position of approval for the subject Peaker Plant.  
I am unable to attend the hearing as I will be out of state at that time. However,  
as a resident of Oxnard Shores Mobile Home Park, I live in sight of the proposed plant and do not have any  
objections.  
It will be nice to have the reserve energy potential right next door, that can get turned on within minutes following  
a major disaster.  
This will definitely benefit the residents of Oxnard Shores.  
I fully support the plan and hope the Commission does also.  
Thanks for reading my letter.

Glen Aalbers  
5540 West 5th St, Unit 134  
Oxnard, CA 93035-4812

Glen L. Aalbers, PLS 4494  
Aalbers & Associates  
2362 N. Oxnard Blvd  
Suite 201  
Oxnard, CA 93036  
805-207-0804  
805-604-3383 fax

7/9/2008

---

**Cassidy Teufel**

---

**From:** Paulson, Wesley NAVSEA [wesley.paulson@navy.mil]  
**Sent:** Tuesday, July 08, 2008 1:45 PM  
**To:** Cassidy Teufel  
**Cc:** wes@gobigwest.com  
**Subject:** Edison's proposed McGrath Beach Peaker Plant Project in Oxnard, Calif.

Cassidy Teufel

I'm against the proposal. Oxnard gets selected disproportionately for projects that are deemed necessary but which more affluent communities don't want.

Build the Peaker Plant in Malibu.

Wesley Paulson  
4952 Nautilus Street  
Oxnard, Calif 93035

7/8/2008

---

**Cassidy Teufel**

---

**From:** Daniel Stein [danielinbl@aol.com]  
**Sent:** Monday, July 07, 2008 9:47 PM  
**To:** Cassidy Teufel  
**Subject:** From Oxnard home owner

What is 'peak' today will be constant tomorrow. Don't build your mess in Oxnard - Start looking into renewable sources. This was vetoed last June, why are we up against it again???

Health and Joy Daniel

Daniel Stein

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The Famous, the infamous, the lame - in your browser. [Get the TMZ Toolbar Now!](#)

7/8/2008

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JUL 16 2008

CALIFORNIA  
COASTAL COMMISSION

July 11, 2008

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

Attention: Commissioners

Ladies and Gentlemen:

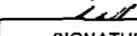
I have been following with particular interest the potential for placing this so-called "Peaker" power plant on the Channel Islands Coast at McGrath Beach. Edison's effort to get approval for this project was previously denied by the Commission and the Governor. The finding should be sustained.

This coastal area has already been compromised with the existing power plant at McGrath, the numerous offshore oil platforms, various heavy industrial operations, including more than one defunct such site virtually adjacent to the proposed Peaker site. Add to this the pollution and risk associated with the nearby operational military facilities and I think it is apparent that this community is doing more than its share of contributing to the general welfare of Ventura County, California and indeed the United States of America. If the power is necessary, site the facility elsewhere.

Furthermore, when considering this project, it is nothing less than imperative that we also consider the potential for more offshore oil platforms nearby. The United States' need for domestic oil production is now obvious, even to the most profound obstructionists, and this coastal area is an obvious available source that should and likely will be exploited. With this in mind, it would be unreasonable and short sighted to subject this community to the elective placement of this peaker project or for that matter any other polluting facility that can be optionally sited.

Thank you in advance for considering my opinion. I look forward to hearing that the commission has confirmed the earlier finding that this facility not be located at McGrath Beach.

Sincerely,

  
SIGNATURE ON FILE

  
Kenneth Gilmore  
791 Mandalay Beach Road  
Oxnard, CA 93935

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**RECEIVED**

MAY 16 2008

CALIFORNIA  
COASTAL COMMISSION

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

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

April 30, 2008

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

Dear Commissioner's,

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

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

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

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

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

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

Sincerely,

SIGNATURE ON FILE

Alan E. Friedman, PhD

# McDonald's

®

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

May 2, 2008

RECEIVED  
MAY 02 2008  
CALIFORNIA  
COASTAL COMMISSION

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

Dear Mr. Kruer:

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

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

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

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

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

Sincerely, /

Signature on File

Christopher Wood  
Owner / Operator  
McDonalds



July 30, 2008

Alison Dettmer and Cassidy Teufel  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA  
94105-5200

## **Agenda Item W7a**

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

Dear Ms. Dettmer and Mr. Teufel:

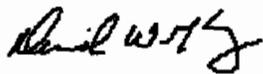
In the attached document, SCE has provided responses to all public comments that have been submitted to the City of Oxnard and the Coastal Commission from the inception of the Project through mid July 2008, with the exception of the July 18, 2008 City of Oxnard letter, which SCE is responding to separately. Each comment letter is also attached and has been coded based on the venue in which the comment was received. We request that SCE's response to public comments be included in the Administrative Record for the Project. Codes reflect the following venues:

- CCL Coastal Commission Letters: Letters and e-mails received by the California Coastal Commission in response to the proposed Project (Coastal Development Permit Appeal A-4-OXN-07-096) through June 30, 2008.
- PDL City of Oxnard Planning Department Letters: Letters and e-mails submitted to the City of Oxnard during its administrative process. This includes the 38-day CEQA review period, the City of Oxnard Planning Department Hearing, and the City Council Appeal Hearing.
- PCH City of Oxnard, Planning Commission Hearing: Oral comments made during the June 28, 2007 City of Oxnard Planning Commission Hearing.
- OCCH City of Oxnard, City Council Appeal Hearing: Oral comments made during the July 24, 2007 City of Oxnard City Council Appeal Hearing.

In preparing its responses to these comments, SCE has relied upon:

1. The technical analyses included in the City of Oxnard's Mitigated Negative Declaration for the proposed Project.
2. The administrative record of the City of Oxnard. The specific documents relied upon were cited to in SCE's appeal of August 9, 2007 at Appendix B-7 and copies were provided to Coastal Commission staff on May 7, 2008 on a CD along with an index of the CD that parallels Appendix B-7. The administrative record from the City of Oxnard comprises substantial evidence upon which various of the proposed Project analyses and determinations rely.
3. The April 24, 2008 California Coastal Commission Staff Report for the May 9, 2008 hearing (the "April Staff Report").
4. SCE's June 16, 2008 supplemental analyses for cumulative impacts, environmental justice, growth inducing impacts and alternatives.
5. Responses to Commission staff questions and comments submitted on:
  - a. February 24, 2008
  - b. March 21, 2008
  - c. April 9, 2008
  - d. June 24, 2008
  - e. June 26, 2008
  - f. June 30, 2008
6. Supplemental e-mails to the Commission staff in response to specific questions.
7. The July 2, 2008 California Coastal Commission Staff Report for the September 2008 hearing ("Staff Report"). All references to the Commission "Staff Report" refer to the Staff Report for the September 2008 hearing unless otherwise stated.

Very Truly Yours,



David W. Kay

Manager, Environmental Projects

**COMMENTS AND RESPONSES TO COMMENTS SUBMITTED TO THE  
CALIFORNIA COASTAL COMMISSION**

**COMMENT LETTER CCL-1: EDMUND F. SOTELO, CITY MANAGER, CITY  
OF OXNARD**

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

The attached Figure A, taken from the Energy Commission website, shows numerous substations in Ventura County, southern Kern County, and the San Fernando Valley which is the service area, presumably, in need of the extra generation capacity. The PUC Assigned Ruling that initiated SCE’s building of five peaker plants states “... the demand forecasts used to plan for resource needs in California may not have fully incorporated the impacts of recent population growth in the warmer inland areas of California.” SCE’s criteria for site selection, Attachment B, are so limited so as to preclude any other site except Oxnard. SCE should not be able to use “too much grading” or “road degraded” as reasons to develop a coastal site over an inland site. SCE should not be allowed to use the “fast-track” reasoning to select Oxnard over another inland location as they have already spent 18 months pursuing this project that could have been spent building the peaker at another location. It is the City’s position that each SCE substation location should be thoroughly evaluated before the Coastal Commission, in conjunction with the Energy Commission, may conclude that the only viable site is in the coastal zone.

**Response CCL-1-1:** This comment is based on the mistaken premise that the proposed peaker plant (the “Project”) falls within the authority of the Energy Commission to certify proposed powerplant sites, and that the Energy Commission is therefore required to determine that the Project site has “greater relative merit” than available alternative sites pursuant to Public Resources Code sections 30264 and 25516.1. Because the proposed Project would have only 45 megawatts of electric generating capacity, it does not fall within the siting jurisdiction of the Energy Commission. As such, Public Resources Code sections 30264 and 25516.1 do not apply; therefore, no determination from the Energy Commission regarding alternative sites is required.

As part of the Warren-Alquist State Energy Resources Conservation and Development Act (the “Act”), section 25500 of the Public Resources Code grants the Energy Commission exclusive authority to certify all proposed thermal power plant “sites” and “related facilities” in California. It is only as part of this authority that the Energy Commission is required to make determinations regarding whether or not a “site and related facility” in the coastal zone have “greater relative merit than available alternative sites and related facilities for an

applicant's service area which have been determined to be acceptable by the commission pursuant to Section 25516.”

The Act defines a “site” as “any location on which a facility is constructed or proposed to be constructed” (Pub. Res. Code § 25119). In turn, the Act defines “facility” as “any electric transmission line or thermal powerplant, or both . . . regulated pursuant to the provisions of this division” (Pub. Res. Code § 25110). A “thermal powerplant” is defined to mean an electrical generating facility “with a generating capacity of 50 megawatts or more . . .” among other requirements (Pub. Res. Code § 25120). And “electric transmission” is limited to “electric powerline[s] carrying electric power from a thermal powerplant . . .” (Pub. Res. Code § 25107).

As stated throughout the Staff Report, the proposed Project would be a 45-megawatt natural gas fired peaker power plant. Because it would not have 50-megawatts of generating capacity, the Project does not meet the definition of “facility” under the Act and the Energy Commission does not possess siting certification authority over the Project. As such, Public Resources Code section 30264 does not apply and the Project does not require a determination by the Energy Commission under Public Resources Code section 25516.1.

Even assuming arguendo that the Project did qualify as a “facility” under the Act, it would still satisfy the requirements of Public Resources Code section 30264, based on its expressly referenced exception found in section 30413(b) of the Public Resources Code. Section 30413(b) requires the Coastal Commission to designate locations within the coastal zone where siting a “facility” would prevent achievement of the objectives of the Coastal Act; however, it specifically directs the Coastal Commission not to so designate locations already being used for such facilities and reasonable expansions thereof. Because the site of the existing Mandalay Power Plant has not been designated by the Coastal Commission as a location where energy facilities should not be sited – and to the contrary, is the location of an existing plant – the development of the Project on land formerly used by the Mandalay Power Plant is plainly consistent with section 30413(b). As stated on page 13 of the Staff Report:

“In 1978, 1984, and 1985, pursuant to Section 30413(b) of the Coastal Act, the Coastal Commission adopted, revised and re-adopted a report titled “Designation of Coastal Zone Areas Where Construction of an Electrical Power Plant Would Prevent Achievement of the Objectives of the California Coastal Act of 1976.” That report identified sensitive resource areas along the California Coast and designated them areas *not* suitable for power plant siting. All designated protected areas (which includes parks, sensitive plant and wildlife habitat areas, and special agricultural lands) are displayed on 162 maps of the coastal zone. The designations do not preclude “reasonable expansion” of the then 19 existing coastal power plants, including the Mandalay Power Plant.”

In addition, the Staff Report notes a parallel process that occurred in conjunction with the CCC and San Francisco Bay Conservation and Development Commission (BCDC), wherein the California Energy Commission (“CEC”) released a report in June of 1980 titled, “Opportunities to Expand Coastal Power Plants in California.” As stated on page 14 of the Staff Report:

“The CEC report built on this definition of “reasonable expansion” and included maps designating the location and extent of coastal power plants and the adjacent areas determined to be suitable for reasonable expansion of these facilities. The map provided of the Mandalay Generating Station in Oxnard (shown as Exhibit 11) clearly includes the location of the proposed peaker facility within that area designated as a ‘power plant.’”

This comment also criticizes the criteria used by SCE for selecting the site of the proposed Project based on a draft PowerPoint slide prepared for the May 7, 2008 Commission hearing, while ignoring the more detailed site-selection discussion included in SCE’s May 2, 2008 comment letter to the Commission, which demonstrated that after a thorough review of potential peaker sites throughout SCE’s system, SCE concluded that the Project site is optimal from both an environmental and operational standpoint.

Nonetheless, based on the many public comments that requested a more thorough discussion of the alternative sites that SCE considered for the proposed Project, as well as a better understanding of why potential alternative technologies would not fulfill the purpose of and the need for the Project, SCE prepared an alternatives analysis, submitted to the Coastal Commission on June 16, 2008, that provides additional information regarding its site selection process and a discussion of each of the alternatives that have been suggested by the public.

SCE was ordered by the California Public Utilities Commission (“CPUC”) to bring on-line by the Summer of 2007 up to 250 megawatts (“MW”) of SCE-owned, black-start, dispatchable generating facilities that would bring collateral benefits to SCE’s transmission and distribution system as well as the California Independent System Operator (“CAISO”) grid. In response to this directive, SCE proposed constructing five 45-MW peaker projects. The proposed Project is the final peaker to be constructed.

At the time the CPUC directive was issued, SCE screened all available SCE-owned property inside its system. This included all the SCE-owned substation properties identified in Attachment A to the commenter’s letter. Initial screening criteria were: (1) that SCE owned the property; (2) that there were 2-3 acres of available land within or adjacent to a 66 or 115 kV substation; and (3) that the site was not within 1,000 feet of a school or hospital.

In order to best provide collateral benefits to the transmission and distribution system, SCE identified locations on its system that could most benefit from the peaker projects. One of these areas was the Ventura/Santa Barbara county area

west of the Pardee Substation. Based on the three criteria listed above, four sites passed the initial screening process – Goleta, Mandalay, Moorpark, and Santa Clara.

These four sites were then subjected to more detailed analysis based on additional criteria: (1) transmission availability; (2) no significant environmental issues; (3) no significant engineering or construction issues; and (4) local system reliability benefits. Based on these additional four criteria, the Mandalay site was determined to be superior in all respects. At the Mandalay site, the proposed Project would have no significant environmental impacts, no construction issues, and maximum reliability benefits. Moreover, it was the only site that was considered capable of meeting the required construction schedule, if permitting were to proceed expeditiously.

In February 2007 when it became apparent that the proposed Project would not be constructed in time to meet Summer 2007 needs, SCE reassessed the Project to determine if the peaker would be better placed at a different location on the SCE system. Based on the reassessment of potential project sites, Mandalay remains the preferred location for the same reasons it was initially selected.

As part of the current alternative analysis, SCE also reviewed customer substations in the Santa Clara subsystem area that had available land to determine if these sites could provide the same reliability benefits as the Mandalay site while allowing construction outside of the coastal zone. Eight customer substations with sufficient adjacent land were identified. These included Camgen, Charmin, Getty, Missile, Progen, Three M, Unioil, and Williamette. Only the Unioil substation was located close enough to the Mandalay Generating Station to allow a successful black start. However, the Unioil substation is located within the DCOR oil processing facility just west of the proposed Project site, so connecting the peaker to this location would not move its existing footprint. Therefore, the currently proposed site remains the preferred alternative.

From the comment letters, SCE identified the following seven alternatives to the proposed Project:

- 1) No Project Alternative (do not construct a “black start” peaker in the Ventura/Santa Barbara area);
- 2) Renewable/Demand Side Management/Energy Efficiency Alternative;
- 3) Local Cogeneration Alternative;
- 4) EF Oxnard Site Alternative;
- 5) East of Harbor Boulevard Alternative;
- 6) Mandalay Generating Station Alternative; and
- 7) Non-Coastal Location in the Ventura/Santa Barbara Area Alternative.

SCE considered the above alternatives; however, none will meet the purpose of and need for the proposed Project, which is to provide an additional 45 MW of dispatchable generation at a location capable of black starting the Mandalay Generating Station and providing other needed grid reliability benefits.

If a black start peaker is not constructed west of the Pardee substation, then the local reliability issues identified for this area will remain. Therefore, one or more future generation or transmission projects will need to be constructed in this same area to address these issues. Consequently, the no project alternative does not meet the fundamental purpose of and need for the proposed Project.

Renewable energy, demand side management, and energy efficiency projects are valuable in providing additional power and helping to reduce demand on SCE's system. However, these options do not provide black start, dispatchable generation, nor do they provide the required grid reliability benefits.

Existing cogeneration units within the Santa Clara system were taken into account by the CAISO and the CPUC, prior to determining that more peak generation was necessary. Therefore, they do not supply additional power to the system. Further, these units do not provide black start, dispatchable generation, nor the required reliability benefits.

The EF Oxnard site is not suitable for the peaker because there is not enough unoccupied land available to house the Project's 2-3 acre footprint.

Siting the project on the SCE-owned land east of Harbor Boulevard would require clearing currently undeveloped dune land and would likely have greater environmental impacts than siting the Project at the current brownfield location.

Several options related to the Reliant Energy Mandalay Generating Station were identified by commenters, including using the existing peaker, replacing the existing peaker with the proposed project, and siting the new peaker on Reliant's property. The existing Reliant Energy Mandalay Generating Station peaker was taken into account when the need for additional generation was identified. Therefore, it does not supply additional power to the system as required by the CPUC directive. This unit is also not a good candidate to black start the Mandalay Generating Station and is not able to provide the required reliability benefits.

Replacing the existing 140-MW peaker with the proposed 45-MW peaker would also not comply with the CPUC's directive. The CPUC directed SCE to install 250 MW of new generation. To replace the existing peaker, multiple units capable of supplying a total of 185 MW of power would be needed to ensure that an additional 45 MW of power would be available, requiring a significantly larger project than what has been proposed.

As for building the peaker on the Reliant site, SCE does not own this land and Reliant Energy has not indicated its willingness to sell a portion to SCE for the

proposed Project. Further, the only available land at this site is located on the north side of the property adjacent to the beach, dunes, and McGrath State Beach park. Thus, siting the Project at this location would have greater potential environmental impacts than siting the Project at the proposed location.

Within the Ventura/Santa Barbara area, SCE considered multiple locations prior to selecting the Mandalay site for the proposed Project. The selected site has fewer potential environmental impacts and provides better reliability benefits than the alternate sites; therefore, it remains the preferred alternative.

In summary, SCE has conducted a detailed needs and siting assessment for the proposed Project, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, in addition to being the environmentally-preferred site.

SCE disagrees with the commenter's suggestion that the additional environmental impacts that could be caused if the Project were sited elsewhere should be disregarded; or that SCE may not consider operational constraints that would be imposed at alternative sites or the enhanced reliability benefits of the currently proposed site. The reasons reflected in "Attachment B" to the commenter's letter, as well as others, support SCE's decision to site the Project in Oxnard. SCE also disagrees with the commenter's suggestion that SCE should disregard the additional time that would be required to develop other sites, given both the CPUC's original mandate that SCE immediately develop up to five peakers by summer 2007 and the continuing need for this generation to address potential power shortages as indicated by the CAISO in its May 2, 2008 letter to the Commission. Finally, because the Project does not fall within the Energy Commission's jurisdiction under State law for the reasons stated above, SCE disagrees with the commenter's statement that the Energy Commission should thoroughly evaluate the Project before the Coastal Commission may issue a CDP. Both at the time SCE originally selected the proposed site, and subsequently, SCE has reviewed all the SCE-owned substations requested by the commenter, and has determined that the proposed site is the preferred alternative. This analysis has been thoroughly evaluated by the Commission during its *de novo* review of the Project.

**Comment CCL-1-2:** Section 30413(b) of the Public Resources Code requires the Coastal Commission to periodically designate specific locations within the Coastal Zone where projects such as this may be located. The exception to this requirement only applies to "specific locations that are presently used for such facilities and reasonable expansion thereof." The project does not fall within the above exception for two reasons. First, there has never been a designation of the "specific location" of the existing Reliant Energy facility. Because the boundaries of the existing facility have not been specifically located, there is no factual basis upon which the Coastal Commission may apply the exception. Second, even if there is a finding that the proposed site is within the "specific location" of the existing facility, the expansion of the facility is not a "reasonable

expansion.” The proposed SCE peaker plant is proposed as a stand-alone facility and Reliant is not a party to the application. If it is an expansion of the adjacent Reliant plant, the SCE facility should be tied to the licensing of the Reliant plant and SCE should agree to remove the peaker plant should the Reliant plant be decommissioned in the future.

**Response CCL-1-2:** As noted in response to the previous comment (Response CCL-1-1), the Project would not be a “facility” within the meaning of Public Resources Code section 25110; accordingly, by its terms, section 30413(b) does not apply to the Project.

In addition, the commenter’s contention that section 30413(b) requires the Coastal Commission to specifically designate locations within the coastal zone where energy projects may be located misconstrues the statute. Section 30413(b) requires the Coastal Commission to “designate those specific locations within the coastal zone where the location of a facility as defined in Section 25110 would prevent the achievement of the objectives of this division; provided, however, that specific locations that are presently used for such facilities and reasonable expansion thereof shall not be so designated.” Accordingly, the Coastal Commission is not required to designate the Mandalay Power Station as a specific location where an energy plant may be sited; section 30413(b) merely prohibits the Coastal Commission from designating the Mandalay site as a location where a plant may not be sited.

As stated on page 13 of the Staff Report and noted in Response CCL-1-1 above, development of the Project on land previously used as part of the Mandalay Power Plant and recognized by the Coastal Commission as suitable for a power plant – in order to provide an electrical power source – satisfies the “reasonable expansion” provision of section 30413(b) even though the Project will be a stand-alone facility.

**Comment CCL-1-3:** Sections 30413(d), (e) and (f) of the Public Resources Code set forth a procedure the Energy Commission must follow before siting a project such as this within the Coastal Zone. The procedure requires the Coastal Commission to participate in the siting proceedings. There is nothing in the record to show:

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

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

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

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

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

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

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

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

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

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

**Response CCL-1-3:** As noted above in Responses CCL-1-1 and CCL-1-2, Section 30413 is not applicable to the Project because the peaker plant would not be a “facility” within the meaning of Public Resources Code section 25110. Accordingly, the commenter’s claim that the record must include evidence that the Coastal Commission has complied with certain requirements found in Public Resources Code section 30413(d), (e) and (f) is incorrect and based on a misinterpretation of the law.

Section 30413(d) requires the Coastal Commission to participate in proceedings conducted by the Energy Commission when it is exercising its siting certification authority under Public Resources Code section 25500 for “thermal powerplant or transmission line” projects in the coastal zone. Because the Energy Commission does not have siting certification authority over this Project, as detailed at length in Response CCL-1-1 above, section 30413(d) is inapplicable here and there is no Energy Commission proceeding in which the Coastal Commission could participate.

Section 30413(e) gives the Coastal Commission discretion to participate in proceedings held by the Energy Commission regarding its power plant siting authority. Again, however, because the Energy Commission does not have jurisdiction over the Project and is not conducting proceedings related to the Project, section 30413(e) is also inapplicable.

Section 30413(f) requires the Coastal Commission to comment on any reports prepared by the Energy Commission under Public Resources Code sections 25302

and 25306 which relate to the coastal zone or coastal zone resources, and provides that such comments should specifically discuss the desirability of particular areas within the coastal zone for potential power plant development. The commenter does not reference any reports that have been prepared by the Energy Commission under these sections that are relevant to this Project. Notably, and as mentioned above and in the Staff Report at pages 13-14, the location of the proposed Project has been recognized by the Coastal Commission as a suitable power plant location since at least 1985.

**Comment CCL-1-4:** Section 13096(a) of the Coastal Commission's administrative regulations requires consistency with applicable requirements of CEQA. As the City of Oxnard did not adopt a Mitigated Negative Declaration for the proposed Project, CEQA now requires an EIR and Coastal Commission staff should now add alternatives and other EIR-level sections to their analysis. The CEQA 45-day requirement for public circulation and comment is now required as Coastal Commission staff are essentially preparing an EIR equivalent. In addition, the administrative record shows that Coastal Commission staff findings of no significant impact and no feasible mitigations are factually incorrect (these are listed in the following section). Unless the Coastal Commission staff's environmental analysis is prepared and circulated in an EIR-equivalent process, the Coastal Commission cannot find that the environmental process and record is consistent with CEQA.

**Response CCL-1-4:** The California Coastal Commission is a certified regulatory agency under the California Environmental Quality Act ("CEQA"). CEQA requires that a document used as a substitute for an EIR or Negative Declaration under a certified regulatory program include the following:

"(a) ... a description of the proposed activity with:

(i) Alternatives to the activity and mitigation measures to avoid or reduce any significant or potentially significant effects that the project might have on the environment, or

(ii) A statement that the agency's review of the project showed that the project would not have any significant or potentially significant effects on the environment and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. This statement shall be supported by a checklist or other documentation to show the possible effects that the agency examined in reaching this conclusion; and

(b) Be available for a reasonable time for review by the public and public agencies." (Pub. Res. Code § 21080.5(d); CEQA Guidelines § 15252)

Here, the Coastal Commission Staff Report is the EIR-equivalent document. The Commission's review of the proposed Project, Southern California Edison's (SCE's) Oxnard peaker unit, has concluded that the proposed Project has been

adequately mitigated and will not have any significant or potentially significant effects on the environment. (Staff Report at p. 5; see also Mitigated Negative Declaration (“MND”) at pp. 100-01.) Therefore, the Project is compliant with CEQA pursuant to 14 Cal. Code Regs. § 13096(a).

Although the Commission does not need to conduct an alternatives analysis under § 15252 of the CEQA guidelines, based on comments received concerning the proposed Project, SCE has submitted an alternatives analysis for the proposed Project, as well as analyses related to cumulative impacts, environmental justice, and growth inducing impacts. As per Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. (Staff Report at p. 56).

The Staff Report complies with CEQA’s public notice and review requirements for certified regulatory programs. Specifically, Public Resource Code section 21080.5(d)(3)(B) requires that the Commission provide a “reasonable time for review and comment” for a EIR-equivalent document prepared under a certified regulatory program allow. A 45-day review period is not required for the Coastal Commission.

SCE disagrees with the commenter’s general statement that “the administrative record shows that Coastal Commission staff findings of no significant impact and no feasible mitigations are factually incorrect,” and submits that the administrative record thoroughly supports each of the Staff Report’s finding of no significant environmental impact, as detailed in response to specific comments below.

**Comment CCL-1-5:** Special condition 3(a) removes screening trees along the Harbor Boulevard frontage that were project mitigation measures proposed by Southern California Edison (“SCE”) to [sic] “...to fully shield the project from view, with the exception of the stack and transmission poles...It is expected that within three to five years after planting, the majority of the peaker facility would be fully screened.” (Mitigated Negative Declaration [MND] 07-02, pg. 21) The record has no evidence, such as the photo simulation and line-of-sight study included in the MND, that special condition 3(a) is an equivalent mitigation of the adverse view impact on a scenic highway (Harbor Boulevard) and on the adjacent Northshore at Mandalay Bay residential project. Without evidence that this change still allows adequate screening for a scenic highway, the Coastal Commission cannot make the finding that the project will not have a significant adverse impact on the environment.

**Response CCL-1-5:** The screening trees along the Harbor Boulevard frontage were not part of a mitigation measure for significant adverse aesthetic impacts. As stated on page 22 of the Mitigated Negative Declaration, no mitigation is required or proposed for impacts to aesthetics, as discussed below.

Potential visual impacts were discussed on pages 29-32 of the Staff Report. As stated on page 30 of the Staff Report:

“As demonstrated by the photographs in Exhibit 3, the existing views of and around the project site are industrial and energy related in nature. The project site is bordered on three sides by energy, industrial or transportation infrastructure (specifically an oil extraction and processing facility, a power plant cooling water supply canal and Harbor Boulevard) and on the fourth side by Mandalay State Beach. However, the portion of the state park that is immediately adjacent to the project site, although recognized as a resource protection area (as shown in Exhibit 7 – LCP exhibit 2.5), does not currently provide public access or recreational opportunities and visitors to the park do not use this area. No significant visual or aesthetic resources are apparent on the proposed project site and currently, the most dominant aspects of the proposed site are the adjacent dunes of the state park, the nearby Mandalay Generating Station and the approximately eight foot high screened chain-link and barbed-wire fence that surrounds the vacant and graded site.

“Apart from the adjacent state park, the LCP notes that the project area lacks significant or notable visual resources and states that “the ocean is generally not visible from Harbor Boulevard, limiting the visual resources north of Fifth Street.” (The project site is located approximately ¼ of a mile north of Fifth Street). The LCP does, however, reference the tall sand dunes south of Fifth Street and south of Wooley Road, the lower dunes in the Mandalay Beach County Park (now referred to as Mandalay State Beach) north of Fifth Street, and the wetlands in the Ormond Beach area. Of these three designated visual resource areas, “the lower dunes” of Mandalay State Beach are the closest to the project site. These dunes extend from south of the project site to the intersection of Harbor Boulevard and Fifth Street.

“Some elements of the project – the 80-foot tall exhaust stack, the seven new power poles and seven new transmission poles – would be visible from both the resource protection and publicly accessible portions of Mandalay State Beach. However, constructing the peaker plant at this site will add another industrial facility to an area that already supports other industrial development. The Mandalay Power Plant, which is sited directly landward of a stretch of Mandalay State Beach, dominates the visual profile of this stretch of coastline. The peaker plant, however, would be sited further inland and south of the existing power plant.”

Since the ocean and dunes are generally not visible from Harbor Boulevard, the peaker plant would not obstruct a scenic view from Harbor Boulevard. Furthermore, since the existing views of and around the Project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent, the peaker plant would not substantially degrade the

existing visual character or quality of the site and its surroundings. Therefore, the Project would not cause a significant adverse aesthetic impact, even without additional landscaping.

Although not required to mitigate a significant adverse impact, SCE proposed landscaping to reduce visual impacts. As discussed in the Staff Report, removal of trees from the landscaping plan is necessary to avoid potential significant impacts to biological resources. However, the modified landscaping will be designed to minimize the plant's visual effects. Furthermore, Special Condition 6 requires monitoring and reporting the success of the landscaping to the Commission Executive Director annually, and revisions to the landscaping plan if the Executive Director determines that the plan did not meet its success criteria.

Therefore, visual simulations to evaluate a revised landscaping plan are not required to evaluate a mitigation measure, since the landscaping is not considered a mitigation measure for a significant adverse impact.

**Comment CCL-1-6:** The Coastal Commission record does not include any discussion of alternative sites and/or energy generation technology (such as solar or wind) that would substantially lessen significant adverse impacts which the project may have on the environment. Without such evidence, the Coastal Commission cannot make the finding that the project will not have a significant adverse impact on the environment, within the meaning of CEQA per Section 13096(A) of the Coastal Commission's administrative record.

**Response CCL-1-6:** As per Response to Comment CCL-1-4, the California Coastal Commission, as a certified regulatory agency, prepares an EIR-equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment an alternatives assessment is not required and the Project is CEQA compliant.

According to CEQA Guidelines §15126.6(a), "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Since the MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts, alternatives to the proposed Project would not avoid or substantially lessen significant impacts. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the Proposed Project is not required under §15126.6(a).

Nonetheless, based on comments received concerning the proposed Project, SCE has provided supplemental analyses extensively evaluating project alternatives –

both alternative sites and alternative energy generation technologies – for the proposed Project.

As discussed in Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Additionally, the analysis also demonstrates that while solar and wind energy generating technologies are valuable resources, they do not meet the purpose of and need for the proposed Project. Renewable energy options do not provide black start, dispatchable generation, nor do they provide the required system reliability benefits. Therefore, they would not attain any of the basic objectives of the proposed Project, and, therefore, need not be evaluated even if an analysis of alternatives were required.

**Comment CCL-1-7:** Page 4, paragraph 3 states, “The peaker plant will therefore be sited in an area surrounded by other industrial development.” This is factually incorrect. Immediately adjacent to the project parcel to the south is Mandalay Beach Park, unimproved land zoned Resource Protection which is planned for coastal access and recreation by the Oxnard Local Coastal Program, Policy 67. To the southeast and adjacent across Harbor Boulevard is the 292-unit Northshore at Mandalay Bay residential development currently under construction. As the SCE project driveway extends to the southeast corner of the parcel, both the project and the SCE parcel adjoin non-industrial uses. To the immediate west of the SCE parcel is a 200-foot wide energy facility, then approximately 500 feet of dunes and beach. To the east across Harbor Boulevard is land zoned for energy use, but contains only transmission lines and is largely a dunes habitat. It is factually incorrect to state that the SCE project site is “...surrounded by other industrial development” and findings that rely directly or indirectly on that assertion cannot be made by the Coastal Commission. Attached Figure C is a recent aerial photo of the project site which clearly shows it is abutting non-industrial uses on three sides.

**Response CCL-1-7:** While the peaker plant may not be completely surrounded by other industrial development, the findings regarding impacts on visual resources, which are the subject of the discussion in paragraph 3 on page 4, did not rely on the site being completely surrounded by other industrial development. Instead, as discussed in Response CCL-1-5, the findings relied on the existing views of and around the Project site and concluded that the existing views of and around the Project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent.

**Comment CCL-1-8:** On page 15, paragraph 2, the staff report states “...a review of other areas similarly identified with the Coastal Energy Facility Sub-zone designation reveals that at least one of these areas is located ‘on, or adjacent to, the sea.’ The example cited is the SCE substation located on the northwest corner of Victoria Avenue

and Hemlock Street. This facility predates the City's LCP and is considered legal non-conforming. The Coastal Commission cannot rely on this example to interpret the intent of the Energy Coastal zone designation.

**Response CCL-1-8:** While the referenced facility may predate the City's LCP, it is nonetheless consistent with the plain language of the LCP's Coastal Zoning Ordinance, which expressly permits within the Coastal Energy Facility Sub-zone the "siting, construction, modification and maintenance of power generating facilities and electrical substations . . ." As noted on page 16 of the Staff Report, the referenced facility supports an electric substation and "is one of several non-coastal dependent conditionally permitted uses specified by the LCP's Coastal Zoning Ordinance Section 17-20(b) as potentially approvable within the Coastal Energy Facility Sub-zone." Clearly, there is no requirement in the LCP that energy facilities in the EC Sub-zone must be "coastal dependent", and Oxnard's claim to the contrary is rejected by the express terms of the Coastal Zoning Ordinance.

**Comment CCL-1-9:** On page 25 under the heading D. Visual Resources, the staff report states, "...the existing views of and around the project site are primarily industrial and energy related in nature and no significant visual or aesthetic resources are apparent," This statement is factually incorrect. The Oxnard 2020 General Plan designates Harbor Boulevard and Victoria Avenue as "regional image corridor" (Figure XII-2). There are numerous panoramic views of the coastal mountains to the north and views of the Channel Islands from all along Victoria Avenue and Harbor Boulevard marred only by the Reliant Energy exhaust stack and its large exhaust plum [sic]. These views will be further marred by the addition of the SCE stack and its large exhaust vapor cloud which cannot be avoided or mitigated. Attachment D is an excerpt from the environmental assessment prepared in 2000 for the closing of the SCE tank farm (the previous use of the project site) that states that the removal of the SCE tank farm would, "...result in a net benefit to aesthetic/visual resources."

**Response CCL-1-9:** Although Harbor Boulevard is designated as "regional image corridor" in the Oxnard 2020 General plan, it is apparent in the photographs in Exhibit 3 of the Staff Report that views of the Channel Islands from Harbor Boulevard are blocked by topography in the vicinity of the Project site. Furthermore, as seen in the photographs, coastal mountains are not visible in the background in the photographs when looking toward the Project site from Harbor Boulevard. Therefore, contrary to the comment, the peaker facility would not mar existing scenic views from Harbor Boulevard.

Although the environmental assessment prepared in 2000 for the closing of the tank farm concluded that removal of the tank farm would result in a net benefit to visual resources, this does not mean that the addition of the peaker will cause a significant adverse impact. Landscaping to block views of the tank farm from Harbor Boulevard did not exist before the tank farm was removed. Thus, conclusions regarding visual impacts from the former tank farm are not relevant

to the proposed Project. The peaker project will include a berm and landscaping along Harbor Boulevard,

**Comment CCL-1-10:** On pages 32 and 33 of the staff report, the air quality impacts are stated as exceeding NOx and ROC emission thresholds established by the Ventura County Air Pollution Control District (VCAPCD). The significant emission [sic] are mitigated only by offsets of up to 5.0 tons per year for both pollutants. Therefore, [sic] peaker plant will be emitting significant emissions next to residential and recreation uses, often during periods of heavy coastal fog which acts as an inversion layer that holds emissions low to the ground. (Hot inland weather often draws a deep marine layer over the Oxnard Plain.) The Coastal Commission staff report relies on the air quality analysis in a Mitigated Negative Declaration 07-02 that was not adopted, and this air quality analysis was specifically rejected by the Planning Commission as an inadequate analysis and potentially an unmitigated localized air quality impact. The Coastal Commission cannot find that air quality impacts are fully mitigated in the immediate area of the project as the record shows emission [sic] exceed established VCAPCD thresholds, but our [sic] mitigated by offsets.

**Response CCL-1-10:** As discussed more fully below, an air quality analysis was conducted in accordance with Ventura County Air Quality Assessment Guidelines (Oct. 2003) (the “Guidelines”). The analysis concludes that the proposed Project does not result in a significant air quality impact; therefore, no mitigation is required pursuant to the VCAPCD Guidelines.

The proposed Project site is located within the boundaries of the VCAPCD’s jurisdiction. The VCAPCD established the Guidelines to provide a framework for lead agencies to evaluate air quality impacts under CEQA. As part of the Guidelines, the VCAPCD has set significance thresholds to determine if a project’s emissions jeopardize attainment of applicable air quality standards and thus result in a significant impact under CEQA. According to page 3-2 of the Guidelines, the VCAPCD has established the following significance thresholds for the operational phase of a project:<sup>1</sup>

*“1. Ozone<sup>2</sup> (based on emission levels of reactive organic compounds and oxides of nitrogen)*

*The following are the reactive organic compounds (ROC) and nitrogen oxides (NOx) thresholds that the Ventura County Air Pollution Control Board has determined will individually and cumulatively jeopardize attainment of the federal one-hour*

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<sup>1</sup> No significance thresholds have been established for PM10, CO, or SOx. (See Ventura County Air Quality Assessment Guidelines, p. 3-3.)

<sup>2</sup> Ventura County is designated a severe ozone nonattainment area. (Ventura County Air Quality Assessment Guidelines, p. 1-5.)

ozone standard, and thus have a significant adverse impact on air quality in Ventura County[.]

*(b) Remainder of Ventura County<sup>3</sup>*

- *Reactive Organic Compounds: 25 pounds per day*
- *Nitrogen Oxides: 25 pounds per day*

Ozone is a criteria pollutant that is formed when ROCs and NO<sub>x</sub>—both byproducts of combustion—undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable. The potential air quality impacts caused by formation of ozone from ROC and NO<sub>x</sub> emissions are considered regional impacts, rather than localized impacts, because the reactions that form ozone do not occur over short time intervals. An elevated level of ozone irritates the lungs and breathing passages, causing coughing, and pain in the chest and throat, thereby increasing susceptibility to respiratory infections and reducing the ability to exercise. Effects are more severe in people with asthma and other respiratory ailments. Long-term exposure may lead to scarring of lung tissue and may lower the lung efficiency.

Proposed Project operational emissions were presented in Tables C-7 through C-9 of the MND (pp. 34-35). Table C-10 of the MND (p. 36) compared the operational emissions to the significance thresholds, but there was an error in the methodology so the calculations presented in Table C-10 are not accurate. According to the Guidelines (pp. 1-1 to 1-2):

*“The Guidelines are not applicable to equipment or operations required to have [VCAPCD] permits (Authority to Construct or Permit to Operate)...Moreover, the emissions from equipment or operations requiring [VCAPCD] permits are not counted towards the air quality significance thresholds.”*

The facility combustion turbine generator will receive a VCAPCD permit. As a result, the combustion turbine generator should not have been included in the proposed Project’s operational emissions significance evaluation. (See Guidelines, p. 1-2.) Applying the proper methodology, the proposed Project’s correct operational emissions are shown in the table below, which supplants the Table C-10 originally presented in the MND.

It is important to note, however, that the error in the MND did not lead to an incorrect determination of insignificance. The MND determined that the

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<sup>3</sup> The Guidelines also provide a significance threshold for ROCs and NO<sub>x</sub> in the Ojai planning area but the proposed Project is not located in the Ojai planning area.

proposed Project emissions would not have a significant impact on ROC and NOx after applying mitigation. (See MND, pp. 34-36.) Applying the correct methodology recommended by the VCAPCD, the proposed Project's operational emissions will not exceed VCAPCD significance thresholds and thus will neither require mitigation nor result in a significant regional impact to air quality. (See Guidelines, p. 3-3.)

**Table C – 10 Operational Emissions Significance Evaluation**

**Direct Operational Emissions**

<b>Source</b>	<b>CO (lbs/day)</b>	<b>ROC (lb/day)</b>	<b>NOx (lbs/day)</b>	<b>SOx (lbs/day)</b>	<b>PM10 (lbs/day)</b>
<b>Combustion Turbine Generator</b>	<i>N/A*</i>	<i>N/A*</i>	<i>N/A*</i>	<i>N/A*</i>	<i>N/A*</i>
<b>Black Start Generator</b>	1.52	0.43	1.19	0.0	0.03
<b>Peak Daily Direct Operational Emissions</b>	1.52	0.43	1.19	0.0	0.03
<b>Peak Daily Indirect Operational Emissions</b>	1.44	0.23	4.43	0.01	0.19
<b>Total Peak Daily Emissions</b>	2.96	0.66	5.62	0.01	0.22
<b>Significance Thresholds**</b>	<i>N/A</i>	25	25	<i>N/A</i>	<i>N/A</i>
<b>Mitigation Recommended?</b>	No	No	No	No	No
<b>Emission Offsets Required?</b>	No	No	No	No	No
<b>Significant Impact?</b>	No	No	No	No	No

\* Emissions from the Combustion Turbine Generator are not included in the operational emissions significance evaluation pursuant to the Ventura County Air Quality Assessment Guidelines (Oct. 2003), at pp. 1-1 and 1-2, as issued by the Ventura County Air Pollution Control District.

\*\* Ventura County Air Quality Assessment Guidelines (Oct. 2003) § 3.3.1.

As shown in the revised Table C-10, total peak daily emissions for ROC and NOx fall far short of the VCAPCD's significance threshold of 25 lbs/day. Impacts for all criteria pollutants, including ROC and NOx, are less than significant. VCAQMD Guidelines do not require mitigation or offsets in cases where project emissions fall below significance thresholds. (See Guidelines, pp. 3-2, 3-6.)<sup>4</sup>

<sup>4</sup> According to the Guidelines (p. 3-6), no mitigation is required if a project's emissions of ROC or NOx are less than 25 pounds per day.

The MND (p. 35) included a discussion of the VCAPCD's offset program. The discussion, however, is not applicable to the proposed Project. No significant operational emissions impacts will result and offsets are not required for the proposed Project.

The proposed Project has also been reviewed under the New Source Review ("NSR") program. NSR is a permitting program separate from the CEQA environmental review process that is used to ensure that new or modified equipment and facilities do not significantly degrade air quality or slow progress towards clean air. NSR permits are legally binding documents that specify what air emission sources can be constructed, what emission limits must be met, and how emission sources must be operated. The primary components of NSR are the installation of Best Available Control Technology and emission offsets. The VCAPCD's Engineering Division administers the NSR program for the air district.

Under VCAPCD Rule 26.2 – New Source Review Requirements, "[t]he [Air Pollution Control Officer] APCO shall deny an applicant an Authority to Construct for any new, replacement, modified or relocated emissions unit with an emission increase of any of the pollutants specified in Table B-1, and where the potential to emit of the stationary source would be greater than or equal to the limits specified in Table B-1, unless offsets are provided for any emission increases of such pollutants from the new, replaced, modified, or relocated emissions unit." Under Table B-1, the VCAPCD requires offsets for emissions units with ROC and NOx emission increases above 5.0 tons per year (tpy).

VCAPCD considered the regional impacts of emission sources with ROC and NOx emissions of less than 5.0 tpy, and determined that these small sources do not require offsets under the NSR program.<sup>5</sup> These small emission sources of ROC and NOx are tracked by the VCAPCD and accounted for in planning.<sup>6</sup> The VCAPCD determined that permitting of small emission sources performed in compliance with Rule 26.2 is consistent with state requirements for ozone.

With respect to the analysis of localized air quality impacts from the proposed Project, an air quality model was used to analyze potential localized air quality impacts for criteria pollutants other than ozone (carbon monoxide, nitrogen dioxide, sulfur dioxide and particulate matter smaller than 10 microns diameter (PM10)). The air quality modeling is discussed on pages 35-38 of the MND. The air quality modeling used three years of meteorological data collected at the VCAPCD Emma Wood State Beach site, which is a coastal site that experiences meteorological conditions similar to the conditions experienced at the proposed Project site. These conditions include periods with poor dispersion of emissions, such as occurs during heavy coastal fog. Use of these data was approved by the

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<sup>5</sup> Personal communication with John Harader, VCAPCD AQ Engineer, June 24, 2008.

<sup>6</sup> *Id.*

VCAPCD for the Authority to Construct (ATC) application for the facility. To ensure that potential impacts from operation of the proposed Project were evaluated under all meteorological conditions, the modeling was conducted for every hour of the three-year period.

Results of the air dispersion modeling, presented in Tables C-11, C-12 and C-13 (pages 37 and 38) indicated that emissions will not cause federal or California ambient air quality standards to be exceeded. Since these standards have been established to protect public health with an adequate margin of safety, emissions will not cause significant adverse local air quality impacts during operation of the peaker. Thus, air quality impacts to nearby residents or visitors from criteria pollutant emissions will not be significant.

The Northshore at Mandalay Bay residential development is a 292-unit low-density residential development that is currently under construction on the east side of Harbor Boulevard, approximately 750 feet southeast of the proposed Project site. Because of its size and its proximity to the proposed Project, impacts to the Northshore development were evaluated as part of the local air quality analysis and health risk assessment (HRA). (See MND, p. 40; see also Figure D-2, p. 60, Appendix D: Air Quality Impacts Analysis Methodologies.)

The analysis utilized a network of receptors consistent with the *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*, published by the California Office of Environmental Health Hazard Assessment (OEHHA, 2003). Receptors were placed at the Northshore development project, the Mandalay Power Generation facility, the proposed Project fence line at a spacing of every 30 meters, and on a Cartesian grid at 100 meter spacing out two kilometers from the proposed Project fence line. (MND, p. 40; Figure D-2, p. 60, Appendix D: Air Quality Impacts Analysis Methodologies.)

The VCAPCD Air Quality Assessment Guidelines (p. 3-5) also recommend estimating potential health risks from toxic air contaminants (TACs) by conducting a HRA (MND, pp. 39-41). A HRA for the proposed Project was conducted as described on pages 39 through 41 of the MND. The HRA included estimating TAC emissions during operation of the facility, conducting air quality modeling to estimate off-site exposures to the TACs, and estimating the potential health risks that would result from the exposures. As shown in Table C-15 (page 41) of the MND, all of the estimated health risks are below the significance thresholds established by the VCAPCD. Therefore, air quality impacts to nearby residents or visitors from TAC emissions will not be significant.

The VCAPCD indicated in a comment letter submitted to the City of Oxnard regarding the MND that it has reviewed the MND and concurs with the modeling and conclusions contained in the MND, including the conclusion that the proposed Project will result in less than significant impacts to air quality. Therefore, the VCAPCD concurs that emissions from the peaker plant will not cause significant adverse air quality impacts.

Finally, the VCAPCD does not require incorporating construction emissions when analyzing localized air quality impacts. (VCAPCD Air Quality Assessment Guidelines, p. 6-2.) The VCAPCD requires fugitive dust modeling for certain types of large construction projects that may generate a significant amount of fugitive dust, such as mining, landfills or large development projects requiring significant levels of grading. (VCAPCD Air Quality Assessment Guidelines, p. 6-2.) The proposed Project, however, does not fall into any of these categories. As a result, no significant impacts will result during proposed Project construction.

As can be seen from the above discussion, there are no significant, unmitigated local air quality impacts caused by the proposed Project that would affect either residents or recreational users.

SCE disagrees with the commenter's assertion that the air quality analysis that was performed as part of the MND for the Project is not relevant and should be ignored or that it is an inadequate analysis. As discussed in detail above, the analysis was performed according to the VCAPCD Air Quality Assessment Guidelines, the details of which were reviewed and concurred with by the VCAPCD, the applicable regulatory agency over air quality regulations related to the proposed Project.

SCE also disagrees with the commenter's assertion that the analysis was specifically rejected by the Planning Commission as an inadequate analysis and potentially an unmitigated localized air quality impact. City Planning Department staff specifically considered the issue of coastal fog in detail prior to issuing the MND,<sup>7</sup> and the staff stated in both the City Staff Report to the Planning Commission<sup>8</sup> and at the Planning Commission hearing<sup>9</sup> that they agreed that no localized impacts from coastal fog existed. Further, at the hearing, only one question was asked by a Commissioner regarding the air quality analysis,<sup>10</sup> and the analysis was never referred to as inadequate nor rejected by the Planning Commission.<sup>11</sup>

**Comment CCL-1-11:** On page 41 in the discussion of Greenhouse Gases (GHG), the staff report states, "The Commission staff did not have adequate time to evaluate SCE's

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<sup>7</sup> See Oxnard Request for Additional Environmental Analysis for the Mitigated Negative Declaration (MND), March 15, 2007, p.2 and SCE Response to Request for Additional Environmental Analysis for the MND, April 19, 2007, p.5

<sup>8</sup> Planning Commission Staff Report, June 24, 2007, p.3.

<sup>9</sup> Planning Commission Hearing Transcript, June, 28, 2007, pp. 7-8

<sup>10</sup> Planning Commission Hearing Transcript, June, 28, 2007, pp. 43-44

<sup>11</sup> Planning Commission Hearing Transcript, June 28, 2007, pp. 93-113

emission analysis and conclusions prior to completion of this report.” Instead, GHG analysis and possible mitigation are deferred to future study. With no analysis in the record, the Commission cannot find at this time that GHG emission impacts are not an adverse impact. CEQA does not allow for deferred mitigation, and the Coastal Commission cannot rely on this mitigation for GHG impacts.

**Response CCL-1-11:** Since the time of the April Staff Report, the Commission has fully evaluated the Project’s estimated greenhouse gas emissions from the operation of the peaker, the construction of the peaker, and the preparation of the local distribution system in anticipation of the peaker’s operation as requested by the commenter. The Commission has concluded that only a slight increase in CO<sub>2</sub>E emissions across SCE’s generation portfolio would result from the proposed Project. The Commission further notes that over a 30 year period, CO<sub>2</sub>E emissions would increase by approximately 726 Metric Tonnes of CO<sub>2</sub>E emissions, a “relatively small number” and less than the amount of Metric Tonnes of CO<sub>2</sub>E produced by eight Toyota Prius cars operated for 15,000 miles per year over a 30 year period. Consequently, the Staff Report concludes that, “[b]ased on these relatively low levels of greenhouse gas emissions over the life of the project, the Commission agrees with SCE that no mitigation or offset is required.”

## **COMMENT LETTER CCL-2: CITY OF OXNARD CITY COUNCIL**

**Comment CCL-2-1:** The Coastal Act defines coastal dependent as a development or use which requires a site on, or adjacent to, the sea to be able to function at all (PRC §30101). SCE confirmed that the proposed Project is not coastal dependent and could be situated in non-coastal locations. In fact, four identical facilities are located in inland cities. The Oxnard City Council’s longstanding intent is that the EC zone allows only coastal-dependent energy facilities, and we disagree with the Coastal Commission staff’s interpretation of the EC zone. We ask that the Coastal Commission defer interpretation of intent to the legislative body that originally adopted the coastal program.

**Response CCL-2-1:** The Commission is entitled to rely on the Oxnard Local Coastal Program (“LCP”), and in particular the Oxnard Coastal Zoning Ordinance, as it is written. Thus, the City Council’s request that the Commission apply a reading of the LCP which is not expressed in the Ordinance is inappropriate. Where the City Council acts as a legislative body in passing an ordinance, interpretation of that ordinance is governed by the rules of statutory construction. According to the rules of statutory construction enunciated by the United States Supreme Court, “in interpreting a statute a court should always turn to one cardinal canon before all others. . . . [C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there.” *Connecticut Nat’l Bank v. Germain*, 502 U.S. 249, 252 (1992). To discover the meaning of a statute, courts first look to the words of the statute, giving them their usual and ordinary meaning. *Granberry v. Islay Investments*, 9 Cal. 4th 738, 744 (1995); *DaFonte v. Up-Right, Inc.*, 2 Cal. 4th 593, 601 (1992). “Where the

words of the statute are clear, we may not add to or alter them to accomplish a purpose that does not appear on the face of the statute or from its legislative history.” *Burden v. Snowden*, 2 Cal. 4th 556, 562 (1992). Indeed, “[w]hen the words of a statute are unambiguous, then, this first canon is also the last: ‘judicial inquiry is complete.’” *Germain*, 502 U.S. at 252. Thus, unless the statutory language is ambiguous or unclear, there is no need to attempt to glean the City’s intent by looking at City officials’ after-the-fact interpretations.

The words of the Oxnard Coastal Zoning Ordinance are clear and unambiguous and statutory construction of the ordinance is therefore limited to giving its words their usual and ordinary meaning. The EC zoning designation specifically allows “power generating facilities and electrical substations.” No provision in the zoning ordinance or elsewhere in the LCP states or can be reasonably construed to imply that an energy development must be “coastal dependent” to be permitted at the proposed site. To the contrary, as Staff concluded, the City’s Coastal Zoning Ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent in order to be located in the EC zone. The ordinance only requires that coastal dependent energy facilities be encouraged to locate or expand within existing sites. Though Section 17-20(A)’s “encourage[s]” coastal dependent energy facilities to locate or expand within existing energy sites, it does not bar the location of a non-coastal dependent facility within an existing energy site that has been specifically zoned and long used for energy facilities. Because the words of the ordinance are unambiguous, the inquiry is complete and City officials’ after-the-fact interpretations are irrelevant.

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

**Comment CCL-2-2:** The environmental analyses and mitigation measures are seriously deficient and leave the City with unmitigated significant adverse impacts in several areas, including: 1) cumulative impacts, 2) land use compatibility, and 3) aesthetic impacts.

**Response CCL-2-2:** The comment does not provide justification for the statement that the Project will cause significant adverse unmitigated cumulative impacts. However, a separate evaluation of potential cumulative impacts has been prepared. Given its size and its proximity to the proposed Project site, the environmental impacts from the Northshore at Mandalay Bay residential development, a 292-unit low-density development approximately 750 feet southeast of the proposed Project site, were evaluated as part of the proposed Project’s cumulative impacts analysis.

The MND concluded that the proposed Project would not have an impact on agricultural resources, geology/soils, land use/planning, population/housing, mineral resources or recreation. Since the proposed Project itself will not cause

adverse impacts in these areas, it will not, in conjunction with the Northshore development, cause cumulatively considerable impacts.

While the proposed Project will have some less than significant impacts with respect to aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology/water quality, noise, public services, transportation/traffic, utilities and service systems, the incremental effects of the proposed Project are not significant cumulative impacts when combined with the impacts of the Northshore development.

Therefore, the proposed Project will not cause potential significant adverse cumulative impacts.

The comment does not provide justification for the statement that the Project will cause significant adverse unmitigated land use compatibility impacts. The MND (pp. 70-74) concluded that the proposed Project would have no impact on land use. Moreover, response CCL-2-1 above discusses the Project's compatibility with the EC zoning designation.

Please see Response CCL-1-5 regarding aesthetic impacts. As discussed in Response CCL-1-5, since the existing views of and around the Project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the Project would not cause a significant adverse aesthetic impact.

**Comment CCL-2-3:** The staff environmental report and mitigations do not meet the requirements of Section 21080.5(d)(2)(A) of CEQA which prohibits a proposed development from being approved if there are feasible alternative sites and/or technology, or feasible mitigation measures available which would substantially lessen any significant effect that the activity may have on the environment.

**Response CCL-2-3:** As discussed in Response CCL-1-6, the MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Furthermore, as per Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Project, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.

Additionally, while alternate technologies are valuable resources, they do not meet the purpose of and need for the proposed Project. These options do not

provide black start, dispatchable generation, nor do they provide the required system reliability benefits. Therefore, they would not attain any of the basic objectives of the proposed Project, and, therefore, need not be evaluated even if an analysis of alternatives were required.

Additionally, since the proposed Project, as conditioned by the Commission, will not cause significant adverse impacts, additional mitigation measures are not warranted or required.

**Comment CCL-2-4:** Although we support SCE's efforts to meet current and future electricity demand, we oppose this project on this coastal site. There is no PUC requirement for the peaker plant to be located on this particular site. Despite SCE's arguments, it is more likely to be harmful to Oxnard, the California coast and it directly contradicts the Coastal Commission's mission to "Protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations." At the very least, we encourage the Commissioners to recommend that Edison look at alternative sites and/or alternative technology before making this decision.

**Response CCL-2-4:** The CPUC required SCE to site the peaker at a location that would "bring collateral benefits to SCE's transmission and distribution system as well as the CAISO grid." The proposed Project site best meets the PUC requirement to provide collateral benefits among all the alternatives that were considered.

As per the response to the previous comment (Response to Comment CCL-2-3), the MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts. Therefore, the Project does not harm Oxnard or the California Coast. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

The proposed Project is consistent with the Coastal Commission's mission to enhance human-based resources. By locating the peaker at the proposed site, SCE is seeking to concentrate energy facilities, rather than disburse such facilities and locate the peaker in an area unoccupied by energy development. Thus, by concentrating energy development, SCE is enhancing the human-based resources of the California coast. Moreover, the staff's determination that the proposed Project will not cause any significant adverse impacts ensures that the proposed Project is enhancing human-based resources of the California coast in an environmentally sustainable and prudent manner.

Additionally, as per Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Project that considered numerous alternate sites, both at the time of its original siting and subsequent to that time. SCE also considered alternate technology. The proposed Project sited

on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.

**Comment CCL-2-5:** In the alternative, if the Commissioners elect to overrule Oxnard's City Council decision to deny this permit, we request that the following mitigation measures be added:

1. To prevent possible future expansion and a create a buffer to the adjoining residential and park sites, SCE should carve off the unused southernmost portion of their parcel, restore it to a natural habitat, and dedicate the new parcel to the City.
2. Contribute \$500,000 for the planning and development of coastal access and recreational facilities at the Fifth Street park site that orientate the park use away from the SCE facility.

**Response CCL-2-5:** Please see Response CCL-2-3. The MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project, as conditioned, would not cause any significant adverse impacts. As such, additional mitigation measures are not warranted or required. *See* CEQA Guidelines § 15126.4(a)(3) ("Mitigation measures are not required for effects which are not found to be significant.").

### **COMMENT LETTER CCL-3: ALAN SANDERS, LOS PADRES CHAPTER OF THE SIERRA CLUB**

**Comment CCL-3-1:** Southern California Edison, ("SCE") appealed the City denial on the basis of the City's interpretation relating to Coastal Dependent uses. However, the appeal did not apply to other reasons that the City used in making its determination. Therefore, for all of these other applicable reasons that were relevant to the City's decision, the appeal must be denied. SCE did not appeal on the basis of other Article 3 policies nor did it appeal on the basis of the California Environmental Quality Act, ("CEQA") determinations for which the statutes of limitations may now be tolled. The Club believes that at this time the Commission should only be determining if the City's interpretation relative to citing coastal dependent uses is applicable. But the Commission should not be deciding on the validity of all of the other relevant issues including CEQA compliance.

**Response CCL-3-1:** The commenter misunderstands the Coastal Commission appeal process regarding the issuance of a coastal development permit and therefore incorrectly alleges that SCE's appeal to the Coastal Commission is not being properly heard. There are two sequential pre-processes that are undertaken for a Coastal Commission appeal. The first is a substantial issue hearing. (14 Cal. Code Regs. § 13115). There, the Commission must first determine whether

the appeal raises a “substantial issue” relative to conformance with the Local Coastal Program (“LCP”) or with Coastal Act public access policies. The Commission’s decision on this issue will depend on the facts and the nature of issues raised in the appeal.

Next, if the Commission finds that a project raises a “substantial issue,” the Commission takes jurisdiction over the coastal development permit. While the “substantial issue” phase of an appeal is limited to issues actually raised in the appeal, once the Commission determines the appeal does in fact raise a substantial issue, the Commission hears the appeal *de novo* and considers all issues relating to the project’s conformance with LCP and Coastal Act public access and recreation policies. (14 Cal. Code Regs. § 13155). New studies may be required to address unresolved issues and in some cases, changes in project design, location, or additional mitigation measures may be needed to address LCP or Coastal Act requirements.

This is the process the Coastal Commission has undertaken here. On September 6, 2007 the Coastal Commission made its substantial issue determination finding that SCE had raised a substantial issue regarding the conformance of the City of Oxnard’s permit denial with the LCP. As such, the Commission proceeded to the full appeal hearing which necessarily is a *de novo* review of all applicable issues related to the Project and the issuance of the coastal development permit.

**Comment CCL-3-2:** The Club disagrees with the determination by the Commission’s staff that the actions taken by the Commission, for the above referenced project are sufficient to comply with the provisions of CEQA. If the Commission is to rule on the project without remanding the CEQA issues back to the City the public will lose its lawful role in bringing forth relevant information. The Commission has failed to engage in a meaning impact analysis or to consider alternatives and cumulative impacts.

**Response CCL-3-2:** As per Response to Comment CCL-1-4, the California Coastal Commission, as a certified regulatory agency, prepares an EIR-equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Because the Commission’s review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment an alternatives assessment is not required and the Project is CEQA compliant.

As per Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.

Despite the fact that additional analysis was not required, the Commission requested that SCE prepare a supplemental alternatives and cumulative impact

analysis for their critical review. Please refer to Section K of the Staff Report as well as response CCL-2-2 for a more detailed discussion of the Project's cumulative impacts analysis, which concludes that the incremental effects of the proposed Project are not significant cumulative impacts when combined with the impacts of the Northshore development.

Consequently, the Commission has engaged in a thorough alternatives and cumulative impacts analysis and has considered mitigation measures to avoid or reduce any significant or potentially significant effect that the Project might have on the environment. Given the Commission's compliance with Section 21080.5 of the Public Resources Code and its decision to provide additional information beyond what is required of it, the actions taken by the Commission are more than sufficient to comply with the provisions of CEQA.

**Comment CCL-3-3:** Commission staff has not provided the considered analysis or public participation consistent with CEQA. Instead, it has merely outlined some of the issues without allowing the public an opportunity to rebut as would be expected in a legal environmental review. In this instance, Commission's staff is not using its CEQA equivalance [sic] to supplement holes in the City's environmental review, but to replace it entirely, without public participation. Because of this, the public is being denied the procedural requirements for notice and participation normally found in an environmental review. The Commission's staff must consider the whole of all impacts associated with this project as well as all alternatives and reasonably foreseeable projects within the vicinity.

**Response CCL-3-3:** The commenter fails to understand that the Coastal Commission is a certified regulatory program under CEQA and therefore does not proceed under CEQA in the same manner that non-certified agencies do. See Response CCL-1-4 above. With respect to public participation requirements, to qualify for certification and thus comply with CEQA, a regulatory program must:

- (1) require notice of the filing of the plan or other written documentation to be made to the public and to a person who requests, in writing, notification. The notification shall be made in a manner that will provide the public or a person requesting notification with sufficient time to review and comment on the filing; and
- (2) be available for a reasonable time for review and comment by other public agencies and the general public.

Pub. Res. Code 21080.5(d)(2)(F); (d)(3)(B).

CEQA allows for regulatory certified programs, such as the Commission's issuance of coastal development permits, to submit written documentation in lieu of an environmental impact report. CEQA requires that an agency's filing of its EIR-equivalent document, here the Commission's Staff Report, be noticed to the public and to any person who requests notification such that it is made available

for a reasonable time so that the public and interested persons have sufficient time to review and comment on the document. In accordance with these requirements, the Commission's regulations require that Staff Reports be distributed within a "reasonable time" to assure adequate notification prior to the Commission's scheduled public hearing on the matter. (14 Cal. Code Regs. § 13059). Further, to ensure the maximum public participation, written comments on Staff Reports can be received by the executive director prior to the day of the hearing or in the hearing room on the day of the public hearing. (14 Cal. Code Regs. § 13060(b)). As such, the Commission has provided notice and the opportunity for public participation consistent with CEQA by complying with the procedural requirements normally found in a standard environmental review.

Moreover, under the Commission's regulations, all dates for public hearing are set with an eye toward allowing adequate public dissemination of information contained in the application, public participation and attendance at the hearing. (14 Cal. Code Regs. § 13062).

The commenter's contention that the Commission has not provided considered analysis and has merely outlined some issues grossly misrepresents the Staff Report's rigorous analysis of the City of Oxnard's LCP zoning designation as well as key LCP/Coastal Act policies. The Staff Report also thoroughly analyzes the Project's potential impacts to biological resources and water quality, visual resources, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts. In response to Commission staff inquiry concerning various Project components and potential impacts, SCE submitted numerous sets of responses to the staff's comments, listed above. Finally, the Staff Report's list of exhibits and substantive file documents further demonstrates the depth of research and analysis that went into the preparation of the Staff Report.

As per Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.

**Comment CCL-3-4:** The City did not act to certify an environmental document. Therefore, it is still unknown whether a full Environmental Impact Report ("EIR") would be sufficient. The staff report doesn't even come close to discussion on the diversity of issues that would be expected to be considered within a full EIR.

**Response CCL-3-4:** The commenter is wrong to suggest that the Coastal Commission needs to prepare an EIR. As per Response to Comment CCL-1-4, the California Coastal Commission, as a certified regulatory agency, prepares an EIR-equivalent document that either addresses alternatives and mitigation

measures or otherwise states that there are no significant or potentially significant effects. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment an alternatives assessment is not required and the Project is CEQA compliant.

Further, although the City of Oxnard never certified its Mitigated Negative Declaration, the Commission's Staff Report is a sufficient environmental document for purposes of CEQA compliance. Moreover, the Commission's review of the Project has resulted in additional detailed analyses on a range of potential environmental impacts. The Commission's review has also shown that the Project will not have any significant or potentially significant effects on the environment. The Staff Report thus satisfies the requirements for EIR-equivalent documents.

**Comment CCL-3-5:** Coastal Act Guidelines that require protection of sensitive biological resources, coastal views and access at Mandalay Beach will also be violated if the Project is approved by the Commission.

**Response CCL-3-5:** The comment provides no basis for the assertion that the requirements for protection of sensitive biological resources, coastal views and access at Mandalay Beach will be violated. On the contrary, the Staff Report (pages 16-29) thoroughly evaluated potential impacts to sensitive biological resources, and concluded that, with implementation of the Special Conditions, the proposed Project is not expected to cause significant adverse impacts to sensitive biological resources. Moreover, the Staff Report found that the Project, as conditioned, is consistent with the applicable LCP Policies 6, 9, 10, 52 and 57.

Additionally, please see Response CCL-1-5 regarding aesthetic impacts. As discussed in Response CCL-1-5, since the existing views of and around the Project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the Project would not cause a significant adverse aesthetic impact.

Furthermore, access to Mandalay State Beach is from the end of Fifth Street, which is more than 2,100 feet south of the Project site. Given this large distance from the Project site, the Project would not have significant impacts to the access to Mandalay State Beach.

**Comment CCL-3-6:** The staff Report assumes that the only reasons for rejecting the project are based upon the City Council's interpretation of the provisions for coastal dependent land uses. However, the City was presented with evidence critical of the project on many topics. For example, the U.S. Fish and Wildlife Service and California State Parks provided information regarding sensitive habitat areas and wildlife. Therefore, any part of the decision to reject the project based upon resources issues is not

affected by the issue of land use designation. In the same way, the City Council had the discretion to deny the project for any of the other issues presented at the Council hearing, including everything contained within the public record at that time. It is entirely possible that even if the City agreed that non coastal dependent uses are permitted it could still reject this same project for impacts on biological resources, coastal views, coastal access, recreation, environmental justice or failure to conform with other provisions of the policy on coastal energy facilities.

**Response CCL-3-6:** The reasons that the City may have had or not had for rejected the Project are not relevant to the proceeding. As discussed in Response to Comment CCL-3-1, once the Commission finds that a project raises a “substantial issue,” the Commission assumes jurisdiction over the coastal development permit and conducts a *de novo* review of the project.

**Comment CCL-3-7:** The LCP does not support staff recommendations to vote yes on the appeal to the Peaker Plant project as amended. Furthermore, we believe that even if the Commission finds that the project is consistent with the City of Oxnard’s language on coastal dependent uses, it must allow the City to rule on the other Article 3 policies that apply to this project. The City must be allowed to determine whether the project complies with all 6 major policy divisions. The City must also be allowed to comply with the project’s CEQA requirements.

**Response CCL-3-7:** The commenter misunderstands the appeals process of a coastal development permit and the City’s continuing role in that process. When the City had jurisdiction over Project approval, the only rationale provided for the City Council’s resolution denying SCE’s CDP application was that the Project is not “coastal dependent” and is therefore inconsistent with the LCP. Thus, when the City made its determination, it did not base it on the Project’s inconsistency with Chapter 3 policies. Upon the exhaustion of local appeals, the Commission took jurisdiction over Project approval and began its *de novo* review. (14 Cal. Code Regs. § 13114). At that point, the City’s jurisdiction over Project approval ended, as did its ability to determine whether the Project complies with all six major policy divisions of the Coastal Act.

However, the Commission’s *de novo* review of the Project includes a determination as to whether the Project complies with all six major policy divisions of the Coastal Act. Commission regulations require that the Staff Report includes, among other things, “[s]pecific findings, including a statement of facts, analysis, and legal conclusions as to whether the proposed development conforms to the requirements of the Coastal Act including, but not limited to, the requirements of Public Resources Code section 30604[, which requires that a coastal development permit be issued if it is in conformity with the relevant certified local coastal program].” Thus, in preparing its Staff Report, the Commission determined that the Project complies with all six major policy divisions of the Coastal Act, which have been incorporated into the City’s LCP and include public access, recreation, marine environment, land resources, development and industrial development.

With respect to the commenter's contention that LCP does not support staff recommendations to vote yes on the appeal, as explained in Response CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report's finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance.

**Comment CCL-3-8:** Staff has failed to provide the Commission with several passages within the City CLUP that support the City's decision. Section 1.2 lists six broad Coastal Act policies. Staff is recommending that the Commission sacrifice the objectives of four of these policies, (public access, recreation, sensitive habitats and commercial developments) because of the policy relating to energy facilities. However, the Report substantially misrepresents and under estimates negative impacts upon the energy facility elements within the CLUP. The present Mandalay Generating Station may soon lose its permitting, thereby forcing its closure. That would leave the Peaker plant as a stand alone facility, violating the policy on consolidation of energy developments. Regardless, when conflicts arise, "the most protective policy shall prevail."

**Response CCL-3-8:** In a site such as the one at issue here, the CLUP specifically gives the development of energy facilities the highest priority. Section 1.2 of the City's CLUP contains policies by which all new developments are assessed. These policies address issues of access, recreation, marine environment, land resources, new development, and industrial development. Section 1.2 establishes priorities for these competing uses of coastal resources. Specifically, "[i]n areas that are determined to be neither sensitive areas nor suitable for agriculture, coastal-dependent uses, including public recreational uses, coastal-dependent industries and energy facilities receive the highest priority."

Moreover, the siting of the Project furthers the six broad Coastal Act policies. The Project's concentration and consolidation of energy facilities is consistent with the Coastal Act, the CLUP, and all other Coastal Act policies. By developing a non-coastal dependent energy facility in the EC zone, SCE has located the Project within an existing energy site rather than along new areas of the coast, thereby furthering the Coastal Act's industrial development policy. The remote possibility that the Mandalay Generating Station may one day be shut down does not warrant locating the peaker at another site given the Project's proposed location furthers all six policy provisions of the Coastal Act.

As a non-coastal dependent energy facility, the Project does not intake seawater. Thus, the Project maintains and enhances marine resources.

In addition, the Project is located on a brownfield site, formerly occupied by oil tanks, and located immediately adjacent to the much larger Mandalay power plant

and DCOR oil processing facilities. As such, the site does not interfere with the policy of concentrating new residential and commercial development in existing developed areas, nor with the policy of preserving coastal areas suitable for recreational use.

Also, because the Project is separated from the ocean by the Mandalay power plant and DCOR oil processing facilities, it does not interfere with coastal access.

Finally, the proposed Project site is an industrial site that has been graded and is devoid of any significant vegetation, and thus, as staff concluded, no portion of the Project site is designated an environmentally sensitive habitat area (“ESHA”). Moreover, a biological resources assessment prepared by Keane Biological Consulting did not identify any “candidate, sensitive, or special-status species” on site. As such, the Commission’s recommendation to approve the Project furthers the objectives relating not only to energy facilities but also to all other Coastal Act policy objectives. This is bolstered by the CLUP’s mandate that energy facility development in areas that are determined to be neither sensitive areas nor suitable for agriculture receive the highest priority.

**Comment CCL-3-9:** The Project substantially violates provisions of Section 30240(a) and (b). Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Because the project is not coastal dependent the areas considered to be ESHAs must be protected from the project. Substantial evidence from USFWS and State Parks show that listed species may be placed in jeopardy.

**Response CCL-3-9:** The commenter is mistaken in its assumption that any portion of the Project is sited in an environmentally sensitive habitat area. The proposed site of the Project is an industrial site, next to the Mandalay Bay Power Plant, that has been graded and is devoid of any significant vegetation. Not surprisingly, staff concluded no portion of the Project site is designated an environmentally sensitive habitat area (“ESHA”). Moreover, a biological resources assessment prepared by Keane Biological Consulting (“KBC Report”) did not identify any “candidate, sensitive, or special-status species” on site.

There are areas known to support several special-status biological resources near the site, but none on it. Given the proximity of the Project site to sensitive resources, the Commission imposed certain Special Conditions designed to protect sensitive species should they appear during construction and to address all comments made by USFWS and State Parks relevant to sensitive biological resources. The Staff Report’s conclusion that the Project, as conditioned, is consistent with applicable LCP policies regarding the protection of biological resources and sensitive habitat areas is amply supported by the record.

The Project proposes the installation and removal of transmission poles and lines, and the trenching and placement of an approximately 1,800 foot natural gas pipeline, on a portion of the Project site east of Harbor Boulevard that includes

coastal dune scrub. This area has not been designated ESHA and the Staff Report notes that this area is substantially degraded and does not provide the same level of ecological and habitat value as more intact southern dune scrub areas. According to the KBC Report, there is a low probability that the Ventura marsh milkvetch could occur in this area and no milkvetch was observed during field surveys. The Staff Report notes a potential for certain sensitive plant species to exist in this area because of its proximity to other more intact dune scrub areas and rare plant communities. In order to ensure the protection of any isolated plants of these species that might occur, the April 2008 Staff Report imposed Special Condition 4(b), which required a focused survey for specified sensitive plants to be performed in each precise location where Project activities will be conducted east of Harbor Boulevard (once they are identified). This focused survey was conducted by Glenn Lukos Associates on May 16, 2008 for all identified special-status plants on the east side of Harbor Boulevard along the natural gas pipeline route immediately adjacent to Harbor Boulevard as well as along the transmission line corridor that would connect the Southern California Edison substation with the proposed Peaker facility.

Glenn Lukos concluded the highly degraded dune habitat does not support any special-status plants and installation of the pipeline as well as installation and removal of transmission line poles would not result in significant adverse impacts to dune-related biological resources. Similarly, there would be no impacts to the Mandalay Canal, which will be buffered by 50 feet from any work associated with power pole removal or installation. The woolly seablite detected in the canal would be protected and no potential impacts to this species will occur with implementation of the Project. In addition, Special Condition 3(b) requires that a Restoration Plan be prepared which will ensure all disturbed areas are revegetated with native plant species grown from locally collected seed.

The southern border of the Project site is adjacent to a portion of Mandalay State Beach Park identified as ESHA in the LCP and designated as a Resource Protection sub-zone in the City's Coastal Zoning Ordinance. In compliance with LCP Policy 6, Special Condition 3(d) requires the Project's construction activities to be separated by at least 50 feet from the entire southern boundary of the Project site adjacent to the Resource Protection area. Staff concluded that a 50 foot buffer is sufficient here given the existing paved access road that currently separates the Project site from the state park. The only activities that will be allowed within 50 feet of the southern boundary will consist of activities needed to update the existing entrance in order to remove existing exotic weed species and replace them with new landscaping comprised of native plant species compatible with the adjacent Resource Protection area. These activities will enhance protection of the adjacent ESHA property by removing existing exotic species to prevent them from spreading.

Sensitive nesting habitat for the western snowy plover and California least tern exists approximately 1,000 feet to the west and southwest of the Project site. Special Condition 3(a) of the April 2008 Staff Report required the replacement of

proposed trees in the landscape plan with native brush and shrub species that are not expected to provide perching or nesting habitat for predatory birds of concern. A revised landscaping plan was prepared consistent with this requirement, which is included as Exhibit 4 and discussed on page 23 of the Staff Report. Special Condition 6 requires SCE to comply with this plan.

Although the Project site is not a burrowing owl habitat, historic records show that the burrowing owl once existed on the Project site. The biological surveys conducted by KBC did not observe any burrowing owls or any burrows that could feasibly support burrowing owls. Subsequently, during soil testing, one burrowing owl was seen on the site. In order to ensure that the Project will not have an adverse impact on this species, Special Condition 3(c) requires a pre-construction survey for burrowing owls to be undertaken throughout the Project area no more than 30 days before ground disturbance activities begin, and further requires appropriate impact avoidance and mitigation plans to be submitted and approved by the Executive Director if any owls are observed or any burrows are found to be actively used.

SCE has also agreed to implement all measures identified in the Project's MND to minimize potential adverse effects to biological resources or water quality in the Project area (Special Condition 2) as well as all "indirect impact" minimization measures described in the Mandalay Peaker Project Biological Resources Assessment prepared by Keane Biological Consulting (Special Condition 3(a)). These measures include pre-construction surveys of each construction area to identify native birds, and limitations regarding the type and quantity of hazardous materials that may be stored on-site.

In summary, the project does not impact ESHA, or any candidate, sensitive, or special-status species. Moreover, as conditioned, the Project will protect against sensitive species if they should appear on site during construction. Consequently, the proposed Project fully complies with Section 30240 (a) and (b) of the Coastal Act, which requires that ESHA be protected against any significant disruption of habitat values and that development in areas adjacent to ESHA be sited and designed to prevent impacts that would significantly degrade those areas.

**Comment CCL-3-10:** Staff notes: "The key subsection of the Coastal Energy Facility Sub-zone (Coastal Zoning Ordinance Section 17-20), states that "coastal dependent energy facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth, where consistent with this article." This subsection is the only one that specifically refers to "coastal-dependent" facilities, and it only "encourages" such facilities to locate within this zoning designation and does not prohibit non-coastal dependent facilities; ..." However, the staff interpretation that the use of "shall" merely "encourages" rather than "prohibits" does not conform with the City's intention in using that language. Throughout the relevant documents differentiation between "may" and "shall" is the definitive use of language to separate "encourages" from "mandatory." Additionally, the Report fails to elaborate on the most

important clause in the subsection: “where consistent with this article.” Clearly, the project is inconsistent with 30240 and other Sections of Article 3.

**Response CCL-3-10:** As explained in Response CCL-2-1, no provision of the City’s coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be “coastal dependent” to be permitted at the proposed site. To the contrary, as staff concluded, the City’s coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report’s finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance.

Moreover, to require energy developments to be coastal dependent in order to be permitted in the EC zone is inconsistent with the overall policy objectives of the LCP and the policies of Chapter 3 of the Coastal Act, which constitute the standards by which the permissibility of proposed developments are determined. Indeed, Chapter 3 of the Coastal Act mandates that LCPs contain policies that require concentration and consolidation of industrial developments, including energy facilities, and maintain and enhance marine resources.

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

Further, the City’s interpretation of Section 17-20 conflicts with the LCP and the Coastal Act’s policy of maintaining and enhancing marine life. Even if the LCP required the Project to be coastal dependent—which it does not, as staff concluded—such a requirement would directly conflict with the policy of maintaining and enhancing marine resources because the Project would be required to have seawater intake.

As for the Project’s compliance with section 30240 of the Public Resources Code, which requires the protection of ESHA, please see Response CCL-3-9 above. The Project does not impact ESHA, or any candidate, sensitive, or special-status species. Moreover, as conditioned, the Project will protect against sensitive species if they should appear on site during construction.

**Comment CCL-3-11:** In another passage staff offered “Other subsections of Coastal Zoning Ordinance Section 17-20 apply generally to “energy related developments,” not exclusively to “coastal-dependent” developments. Additionally, these subdivisions are

all subject to the overarching provision of Section 17-20(A), which states that this zoning designation allows “power generating facilities and electrical substations” and is therefore not limited to “coastal-dependent” facilities.” However, at the time the Zoning Ordinance was written, most electrical substations in Ventura County were essentially Coastal Dependent due to their locations and cooling systems. Therefore the language here is consistent with that understanding. Peaker plants had not been invented, so decision makers could not have been envisioning [sic] such projects.

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

**Response CCL-3-11:** The Commission is entitled to rely on the Oxnard Local Coastal Program (“LCP”), and in particular the Oxnard Coastal Zoning Ordinance, as it is written. Here, the EC zoning designation specifically allows “power generating facilities and electrical substations” and is therefore, by the plain meaning of its terms, not solely limited to “coastal-dependent” facilities. As explained in Response CCL-2-1, no provision of the City’s coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be “coastal dependent” to be permitted at the proposed site. To the contrary, as staff concluded, the City’s coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report’s finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance.

The commenter is also mistaken about the functions of an electrical substation. Electrical substations are facilities associated with the transmission and distribution of electricity. Substations contain a wide variety of high voltage equipment that transforms, switches or otherwise manages electricity, none of which requires ocean cooling. Electrical substations are not and have never been coastal dependent.

**Comment CCL-3-12:** Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. Clearly, the siting of this project conflicts with ESHA and with the McGrath State Park.

**Response CCL-3-12:** It is important to note that no portion of the Project site is designated an environmentally sensitive habitat area (“ESHA”), as the proposed location of the Project is an industrial site that has been graded and is devoid of any significant vegetation. As explained in detail in Response CCL-3-9, a biological resources assessment prepared by Keane Biological Consulting (“KBC

Report”) did not identify any “candidate, sensitive, or special-status species” on site or in areas that would be disturbed on the east side of Harbor Boulevard. A focused biological survey for special-status plant species was also conducted by Glenn Lukos Associates on the property east of Harbor Boulevard. This survey similarly concluded that no special-status plant species would be adversely impacted by the Project. The proposed landscape plan enhances ESHA habitat in Mandalay State Park by removing existing trees and invasive species and replacing them with species grown from native seed that are compatible with the adjacent habitat and that do not provide perching or nesting habitat for predatory birds of concern.

With respect to development adjacent to ESHA and parks and recreation areas, Coastal Act policy 30240(b) requires that such development be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.

Given the Project’s proximity to sensitive resources, the Commission has imposed certain special conditions designed to protect sensitive species should they appear during construction. The Staff Report thoroughly analyzed the Project’s potential impacts to adjacent ESHA, parks and recreation areas. Thus, the Commission’s conclusion that the Project, as conditioned, is consistent with Coastal Act policy 30240(b) requirements and applicable LCP policies regarding the protection of resources and sensitive habitat areas is amply supported by the record.

**Comment CCL-3-13:** The staff report fails to contain an alternatives analysis. Instead it makes a claim that is not supported by substantial evidence that no impacts exist that are not adequately mitigated. Therefore, alternatives, cumulative impact, growth inducing impacts, environmental justice and a thorough impact analysis are not contained in the Report. This omission prevents the decision makers from seeing options that would minimize impacts more efficiently than the policy of allowing impacts and attaching mitigation measures.

**Response CCL-3-13:** As per Response to Comment CCL-1-4, the California Coastal Commission, as a certified regulatory agency, prepares an EIR-equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Because the Commission’s review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment an alternatives assessment is not required and the Project is CEQA compliant.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA guidelines, in order to provide the most thorough review possible, SCE has prepared supplemental analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice that have undergone critical review by Commission staff. Please see pages 48 to 58 of the Staff Report for a discussion of these analyses.

Response to Comment CCL-1-1 summarizes the conclusions of the alternatives analysis. SCE evaluated both alternative sites and alternate generation technologies for the proposed Project. Constructing a black start peaker on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station best meets the purpose of and need for the proposed Project. This location is also the environmentally-preferred site.

Response CCL-2-2 summarizes the conclusions of the cumulative impact analysis. The only project with the potential for cumulative impacts is the adjacent Northshore at Mandalay housing project, a low-density residential development in the Project vicinity. After thorough analysis, it was concluded that the proposed Project will not have any significant cumulative impacts when combined with the impacts of the Northshore development.

Regarding growth inducing impacts, the proposed Project will not induce growth directly, since it does not include construction of new housing and will only require one or two new employees during operation. Neither will the proposed Project indirectly induce growth. The primary purpose of the proposed Project is to provide additional electrical power and/or voltage support during periods of peak power demand. Because the proposed Project is responding to past and anticipated future growth, it will not cause population growth by providing additional electrical power.

For similar reasons, the proposed Project will not remove impediments for growth. The proposed Project is not designed to enhance or extend the regional power supply; instead, it will provide an urgently needed solution to reliability issues currently facing California's electric generation and transmission infrastructure.

With respect to environmental justice, the primary environmental justice issues associated with siting and developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. These issues are discussed in detail in the Staff Report and in the MND, and it was concluded that the proposed Project will not have significant adverse effects. Since the proposed Project will not cause significant adverse effects, no impacts will exist which could disproportionately impact low-income and minority communities; therefore, environmental justice is not an issue for the proposed Project.

Even so, surveys indicate that the percentage of the population living below the poverty level and within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations.

Further, the percentage of low-income and minority populations residing in the vicinity of the Mandalay site is similar to those populations residing in the vicinity of the alternative sites and lower than those in the vicinity of the sites where peaker plants have already been constructed. Therefore, the location selected for the Mandalay site does not have the potential to impact low-income populations.

Finally, the City of Oxnard previously conducted a thorough impact analysis for the Project. Commission staff performed additional critical review of each section of the MND and required supplementary analyses which included a thorough review of greenhouse gas emissions, reassessment of compliance with Ventura County Air Pollution Control District (VAPCD) emission limits, the potential for localized air quality impacts, a biological survey of the Mandalay canal, and a focused survey for special-status plant species on the east side of Harbor Boulevard. Based on this detailed and thorough review, Commission staff have concluded that the proposed Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment.

**Comment CCL-3-14:** Southern California Edison has just announced a new energy project documented in the Ventura County Star on May 1. This article, EDISON IS PROPOSING SOLAR POWER PROGRAM by Alison Bruce documents how the Utility would install 250 megawatts of solar panels in 1 and 2 megawatt increments. This is a viable alternative to the proposed Project.

**Response CCL-3-14:** As discussed in more detail in Response to Comment CCL-1-1, small scale solar projects cannot provide the peaking and grid-reliability roles that the proposed Project is intended to serve, since it is essential that the plant be able to come on-line very rapidly, at any time of day or night regardless of weather conditions, and be able to provide high megawatt black start capability to the adjacent Mandalay Generating Station. The Project does not displace renewable power plants, nor is it inconsistent in any way with the state's move towards more use of renewable resources. On the contrary, peaker plants like the Project fill an important role in the integration of renewable energy, since their ability to follow load make them ideal to supplement and "fill in behind" intermittent renewable sources like wind and solar to keep the voltage and frequency of the grid stable.

**Comment CCL-3-15:** Additionally, an Oxnard Company EF Oxnard Inc. volunteered to provide site within the City of Oxnard to locate the proposed Project adjacent to its own energy producing facility. Use of that location would prevent impacts associated with the coastal zone. Many other alternatives were not discussed by the staff report in violation of CEQA and the Coastal Act.

**Response CCL-3-15:** As discussed in detail in the alternatives analysis and Response to Comment CCL-1-1, SCE considered the EF Oxnard site at the time it was proposed. The EF Oxnard site is not suitable for the peaker because there is

not enough unoccupied land available to house the proposed Project's 2-3 acre footprint.

An analysis of alternative sites is not required under the Commission's certified regulatory program, because the proposed Project will not cause significant unmitigated adverse impacts. However, to provide the most thorough review possible, SCE has prepared, and the Commission's EIR-equivalent document contains, a detailed discussion concerning alternatives. Please see pages 48 to 56 of the Staff Report. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

**Comment CCL-3-16:** "The Commission finds that, the proposed Project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed Project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act." This finding is not supported by substantial evidence. In fact, the comments made by the public on the Mitigated Negative Declaration are not answered by Staff. Instead all that is offered is a general statement that no impacts exist. This violates Section 21080.5(d)(2)(A) because feasible alternatives exist, including those listed in this letter.

**Response CCL-3-16:** Responses to all comments regarding the adequacy of the environmental analyses in the MND are provided in this document. As demonstrated by these responses, the finding that the proposed Project, as conditioned, will not have significant adverse effects on the environment is the correct one.

As per Response to Comment CCL-1-4, the California Coastal Commission, as a certified regulatory agency, prepares an EIR-equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment an alternatives assessment is not required and the Project is CEQA compliant.

As discussed in more detail in Response to Comment CCL-1-1, even though it is not required under section 15252 of the CEQA guidelines, SCE has prepared a supplementary alternatives analysis that evaluates both alternative sites and alternate generation technologies for the proposed Project. Constructing a black start peaker on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station best meets the purpose and need of the proposed Project. This location is also the environmentally-preferred site.

**Comment CCL-3-17:** Club comments to the City during its Project review included comments that the MND must be replaced with an EIR. These comments were supported by substantial evidence, including comments made by other witnesses. The Report fails

to consider our comments and asks the Commission to circumvent the lawful CEQA process that has not been allowed to reach its logical conclusion. The Commission must, therefore, allow the City to pursue its lawful rule in the CEQA process.

**Response CCL-3-17:** When the City denied SCE a coastal development permit based on its finding that only coastal-dependent projects could be developed in the EC subzone, SCE appealed the decision to the Commission. The Commission then began a public hearing on the appeal to determine whether it raised a “substantial issue” relative to conformance with the LCP or with Coastal Act public access policies. The Commission found that the proposed Project raised a substantial issue and thus took jurisdiction over SCE’s coastal development permit. In the current *de novo* hearing phase of the appeal, all issues relating to conformance with the LCP and Coastal Act public access and recreation policies are appropriate for consideration. Thus, the Commission’s review of the Project has not circumvented the lawful CEQA process; rather, it is completely in keeping with it.

**Comment CCL-3-18:** The Club disagrees with the Report’s conclusions regarding biological resources. Please refer to our comments to the City. We hereby incorporate by reference all comments made by all other parties and adopt them as our own.

**Response CCL-3-18:** Attachment F to the City of Oxnard’s MND that contained all comments received by the City related to the proposed Project in the City of Oxnard’s June 24, 2008 Staff Report to the Planning Commission (“City Staff Report”) does not contain comments submitted by the Sierra Club. Oral comments made by Mike Demartine, who stated he was representing the Sierra Club at the City of Oxnard Planning Commission hearing for the Project, also did not refer to impacts to biological resources. Therefore, the City’s administrative record does not include comments from the Sierra Club regarding biological resources.

For a detailed discussion of the biological surveys that were conducted in regards to the proposed Project and a summary of the Special Conditions that have been imposed by the Commission to ensure that the Project does not adversely affect biological resources, please see Response to Comment CCL-3-9.

**Comment CCL-3-19:** The LCP cannot support the staff recommendation for approval of the Project because the conditions required to mitigate specific impacts are either missing or inadequate.

**Response CCL-3-19:** This comment does not provide any basis for the assertion that mitigation measures for specific impacts are either missing or inadequate. On the contrary, the Staff Report found that the proposed Project, as conditioned, will not cause significant adverse impacts.

**COMMENT LETTER CCL-4: BARBARA FOSBRINK, CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION**

**Comment CCL-4-1:** In describing the project's location it should be noted that Mandalay State Beach is to the southeast of the proposed plant site and McGrath State Beach is to the northwest of the site and the Reliant Energy Plant.

**Response CCL-4-1:** This comment does not set forth any deficiency in the environmental review, and the directional description is noted.

**Comment CCL-4-2:** When evaluating visual impacts of the proposed Project it should be noted that, "the intervening land between Mandalay State Beach and the proposed Project site" is NOT "dotted with existing oil processing structures that are approximately 70 feet high, and the stacks of the Mandalay Power Generation Facility which is 203 feet high". All that separates Mandalay State Beach from the proposed Peaker plant site is a six foot chain link fence on the Edison property. The existing road is not part of the Master Plan for the Park unit and no assumption should be made that that road will always be at that location.

**Response CCL-4-2:** The statement referred to in the comment, on page 30 of the Staff Report, was referring to the beach area within Mandalay State Beach between the water and the front dunes. Exhibit No. 1, at the end of the Staff Report, clearly shows that the peaker site is separated from the beach by the DCOR oil processing facility and the Mandalay Generating Station. Because this area is accessible to and frequently utilized by the public, it was given special consideration in the Staff Report.

The dune land to the south of the site, which is managed by Ventura County Parks Department, was referred to in the environmental report as a resource protected area. This land is currently fenced on two sides to limit public access.

Visual simulations of the Project were prepared from all angles, including from the south, at 5th Street, which is just past the existing fence line. From all directions, including the backdune area to the south of the Project site, the Mandalay Generating Station dominates the view. The peaker does not significantly change the existing view from this direction. Therefore, the visual assessment adequately considered the impact of the Project on visual resources.

The existing road mentioned in the comment is presumably referring to the access road discussed on page 25 of the Staff Report. As stated in the Staff Report, "...a real estate parcel map ...shows that the State resource protection area starts 22 feet south of SCE's fence line, to the south of the road parcel. Since this is a permanent road, the state partitioned their land to separate the right of way from the rest of the parcel."

The access road that is referred to is a 30 foot wide paved road that is frequently used on a daily basis by large trucks accessing the DCOR facility; therefore, it is appropriate to consider the existence of the road parcel as a separation between

SCE's property and the Resource Protection Area within Mandalay State Beach to the south of the peaker site.

**Comment CCL-4-3:** Given all projects in the immediate area (Northshore at Mandalay Development) the environmental review document fails to evaluate cumulative impacts to natural resources at Mandalay State Beach and adequate mitigations have not been addressed [sic] considered.

**Response CCL-4-3:** As discussed in Response to Comment CCL-1-4, the California Coastal Commission is a certified regulatory agency and as such, it prepares an EIR-equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Therefore, the Staff Report has met CEQA's requirements regarding cumulative impacts and no further analysis is required.

The MND considered potential impacts from the proposed Project to Mandalay State Beach assuming that the Northshore development had been constructed. Cumulative impacts including the Northshore at Mandalay Bay residential development were therefore adequately considered in the original analysis.

Nonetheless, SCE has prepared, and the Staff Report has thoroughly analyzed, an evaluation of potential cumulative impacts from the proposed Project that includes consideration of impacts from the Northshore at Mandalay Bay residential development, a 292-unit low-density development approximately 750 feet southeast of the Project site. As per Response CCL-2-2 and Section K of the Staff Report, the proposed Project will not have significant cumulative impacts when combined with the impacts of the Northshore development. Therefore, mitigation measures for adverse cumulative impacts are not required.

**Comment CCL-4-4:** The extent of the project area has not been adequately defined for preconstruction biological survey purposes.

**Response CCL-4-4:** The Project area has been well defined. Special Condition 4, on pages 7 and 8 of the April 2008 Staff Report and on pages 2 and 3 of the addendum to the April 2008 Staff Report, required additional pre-construction biological surveys to ensure that all potentially impacted biological resources have been identified and mitigation implemented if required.

Specifically, Special Condition 4(b) of the April 2008 Staff Report required a survey of the locations for all project activities to the east of Harbor Boulevard to identify the presence of special status plant species. This survey was conducted on May 16, 2008 by Tony Bomkamp of Glenn Lukos Associates. The extent of the study area was proposed by Coastal Commission Staff Analyst Cassidy Teufel

in an email transmitted on May 14, 2008 and was described by Mr. Teufel as follows:

“The area surveyed should include 1) the proposed natural gas pipeline route and associated trenching, staging and equipment disturbance footprints – all areas within approximately 30+ feet of the east side of Harbor Boulevard from the point where the pipeline would pass under Harbor Boulevard north past the canal and within approx. 60 feet of the east side of Harbor Boulevard north of the canal near the natural gas pipeline tie-in point; and 2) the disturbance footprints associated with equipment access, staging, construction and removal of the transmission poles that would be added/removed from the transmission line corridor east of Harbor Boulevard and between the existing substation and the point where the transmission lines would pass over Harbor Boulevard.”

Thus, the area east of Harbor Boulevard to be included was well defined prior to the survey. All areas within the pipeline route and transmission line corridor as described by Mr. Teufel were carefully surveyed on foot in a manner that allowed for direct observation of all portions of the study area. Mr. Bomkamp was accompanied by Coastal Commission Staff Ecologist Dr. Jonna Engel during the surveys, and Dr. Engel assisted in the survey effort. The survey found that the highly degraded dune habitat east of Harbor Boulevard does not support any special-status plants, and installation of the pipeline as well as installation and removal of transmission line poles would not result in significant adverse impacts to dune-related biological resources. Similarly, there would be no impacts to the Mandalay Canal, which will be buffered by 50 feet from any work associated with power pole removal or installation. Woolly seablite detected at the canal’s edge would be protected and no potential impacts to this species will occur with implementation of the Project.

Additionally, Special Condition 3(c) requires that, no more than 30 days prior to the initiation of ground disturbing activities, SCE shall conduct a pre-construction survey for burrowing owls throughout all portions of the Project area (including the peaker plant site, construction staging areas, landscaping areas and transmission line and pipeline corridor to the east of Harbor Boulevard). If any burrowing owls are observed or burrows are found to be actively used within the Project area, prior to the initiation of construction or ground disturbing activities, SCE shall submit an Impact Avoidance and Mitigation Plan for the Executive Director’s approval.

**Comment CCL-4-5:** Given extensive restoration activities undertaken at Mandalay State Beach, a native plant palette using locally collected seed should be required for landscaping.

**Response CCL-4-5:** As requested by the commenter, the Project will use only native plant species and locally collected seed in its landscaping plan. Moreover, Special Condition 6, on page 8 of the Staff Report, requires SCE to undertake

plant installation and ongoing monitoring and maintenance as outlined in its proposal: “*McGrath Beach Peaker Landscaping Plan*,” included as Exhibit 4 of the Staff Report, for the five year term described in that document. Staff will ensure that the selected plants are appropriate for the site considering both the need to protect Mandalay State Beach, as requested by the Park Department, and the need to provide adequate visual shielding for the Northshore development, as requested by the City of Oxnard.

**Comment CCL-4-6:** The acreage of both Mandalay and McGrath State Beaches [sic] parks what remains of these habitat types and as such are protected from urban development. Construction and intensification of use in the coastal area immediately adjacent to these two State Park properties does not appear to be adequately evaluated.

**Response CCL-4-6:** The Project will be located on land that has been used for energy development for 50 years. Siting the Project at this location is consistent with the Coastal Act policy which favors consolidating energy development at existing sites. The environmental assessment took into account sensitive habitats and the proximity to State Park land and determined that there would be no impact. In compliance with Local Coastal Plan (LCP) Policy 6, Special Condition 3(d) requires the Project’s construction activities to be separated by at least 50 feet from the entire southern boundary of the Project site adjacent to the Mandalay State Beach Resource Protection area. Staff concluded that a 50-foot buffer is sufficient here given the existing paved access road that currently separates the Project site from the state park. The only activities that will be allowed within 50 feet of the southern boundary are those activities needed to update the existing entrance in order to remove existing exotic weed species and replace them with new landscaping comprised of native plant species compatible with the adjacent Resource Protection area. These activities will enhance protection of the adjacent ESHA property by removing existing exotic species to prevent them from spreading.

The Project site is located approximately 1,000 feet from McGrath State Beach, and the Reliant Mandalay Generating Station is located between the Project site and McGrath State Beach. Given this large separation between the Project site and McGrath State Beach, and the intervening presence of the Mandalay Generating Station, the Project does not have the potential to cause adverse impacts to the resources at McGrath State Beach.

Sensitive nesting habitat for the western snowy plover and California least tern exists approximately 1,000 feet to the west and southwest of the Project site in Mandalay State Beach. Special Condition 6 requires the replacement of proposed trees in the landscape plan with native brush and shrub species that are not expected to provide perching or nesting habitat for predatory birds of concern. Existing trees will be removed.

Thus, potential impacts to the Mandalay and McGrath State Beach Parks have been adequately evaluated and conditions have been imposed that ensure that significant adverse impacts will not occur.

**Comment CCL-4-7:** The MND appears to look only at the proposed site and adjacent dunes. Limited investigation of impacts to the backdune or wetland sites has been considered.

**Response CCL-4-7:** The environmental review considered all land which would be impacted by the Project. Potential impacts to the backdune portion of Mandalay State Beach is discussed on pages 20 and 25 of the Staff Report, and potential impacts to wetland areas are discussed on pages 20, 26 and 27 of the Staff Report. Special Condition 3(d), on page 7 of the Staff Report, which requires the avoidance of landscaping or construction activities within 50 feet of Mandalay State Beach, including the backdune portion, and within 50 feet of Mandalay Canal will ensure that significant adverse impacts to backdune or wetland areas will not occur.

**Comment CCL-4-8:** Given the vanishing open spaces and the need for coastal recreation opportunities along the Southern California Coast one would like to think that there is a more appropriate location outside of the coastal zone for this proposed facility. An adequate review of alternate sites must be addressed in the environmental document.

We do not support any action on this project until an adequate environmental review has been completed.

**Response CCL-4-8:** The MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required. The Staff Report's list of exhibits and substantive file documents demonstrates the depth of research and analysis that went into the Staff Report's review of the potential impact of the Project.

Nonetheless, SCE has prepared a supplemental alternatives analysis that discusses the evaluation of alternative sites (Included as Exhibit 13 of the Staff Report). SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. As discussed in more detail in Response to Comment CCL-1-1, the proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

**COMMENT LETTER CCL-5: LARRY MCGRATH, MANDALAY SHORES  
COMMUNITY ASSOCIATION AND OXNARD SHORES NEIGHBORHOOD  
COUNCIL**

**Comment CCL-5-1:** The proposed site of this Peaker plant is an abandoned fuel tank field, which may contain contaminated soil.

**Response CCL-5-1:** The potential for contaminated soil to be present at the site was addressed in Section G of the Mitigated Negative Declaration (page 63). As stated in the Mitigated Negative Declaration, contamination is not known to be present at the Project site, but environmental contamination has been identified on the Mandalay Generating Station property adjacent to the Project site. Soil samples will be taken during excavation for construction of the proposed Project. If contaminated soil is encountered, the soil will be disposed of in accordance with state and federal hazardous waste regulations. Therefore, contaminated soil at the site would not cause significant adverse impacts.

**Comment CCL-5-2:** Peaker plant emissions and noise [sic] also a concern.

**Response CCL-5-2:** Please see Response to Comment CCL-1-10 regarding potential air quality impacts. As discussed in that response, the analyses of potential air quality impacts in the MND concluded that the Project will not cause either regional or localized adverse air quality impacts.

Potential noise impacts were analyzed in Section K (pages 76-83) of the MND. The City of Oxnard Municipal Code, Chapter 7 Nuisances, Article XI Sound Regulation §7-188(D) exempts “sound sources associated with or created by construction, repair, remodeling or grading of any real property...provided the activities occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday.” Since Project construction activities involving the use of heavy construction equipment and construction-related traffic will not occur on Sunday and will only occur between 7:00 a.m. and 6:00 p.m. on other days, noise impacts associated with project-related construction activities will comply with City of Oxnard noise control standards.

The noise levels that would be generated during operation of the facility were estimated, and the noise impacts calculated using a sound propagation model. The noise modeling concluded that the noise levels from operation of the peaker facility at the nearest future residence within the Northshore at Mandalay housing development would be lower than the existing noise levels at that location. Therefore, noise from operation of the facility would not be audible above the existing noise levels, and the Project will not cause significant adverse noise impacts.

The beach and shoreline are located farther from the Project than the Northshore housing development and ambient background noise levels are higher due to closer proximity to the ocean. Since background noise is higher and Project noise

is lower at these locations than it is at the Northshore development, noise from the Project would not be audible at this location either, and would therefore not cause significant adverse noise impacts to either recreational beachgoers or local wildlife.

**Comment CCL-5-3:** Our understanding is that the proposed plant does not require an E.I.R., thus we have no way of knowing what air quality residents will be breathing during and after the construction of this plant.

**Response CCL-5-3:** Please see Response to Comment CCL-1-10 regarding the evaluation of air quality impacts, including impacts to nearby residents. The air analysis that was conducted as part of the MND is the same as would be conducted in an EIR. The analyses of potential air quality impacts in the MND concluded that the Project will not cause localized adverse air quality impacts. This conclusion was concurred with by the Ventura County Air Pollution Control District. Therefore, air emissions from the proposed Project will not harm local residents.

**Comment CCL-5-4:** How will emissions and the noise of this plant affect the native birds that migrate annually to this nesting area.

**Response CCL-5-4:** Air quality impacts from emissions from the facility were discussed in Response to Comment CCL-1-10. As indicated in that response, emissions from the Project will not cause local air pollutant concentrations to exceed federal or California ambient air quality standards, and, for most pollutants, the increases in concentrations caused by emissions from the facility will be less than the existing ambient concentrations. Since emissions from the facility will not substantially increase existing concentrations, they are not anticipated to cause significant impacts to migratory birds.

Potential noise impacts on threatened and endangered species were evaluated in Section D of the MND. As discussed on pages 45 and 46 of the MND, California least terns nest at active container terminals (Port of Los Angeles, the second-largest nesting site in California in 2006) and airports (Lindberg Field in San Diego, which supported over 100 nests in 2006). Therefore, it is unlikely that the noise, vibration and other disturbances associated with construction and operation of the Project would result in significant indirect impacts on this species. This statement also holds true for snowy plovers, since snowy plovers at Camp Pendleton Marine Base nest successfully despite military operations, including frequent traffic by large tanks on the beach just west of the nesting area, which generate both noise and vibration. Among other locations adjacent to human disturbance, snowy plovers also nest successfully at a nesting site at Batiquitos Lagoon in San Diego County, which is adjacent to 4-lane Carlsbad Boulevard. Snowy plovers are more susceptible to disturbances caused by people and pets walking close to nests. Further, as noted in Comment CCL-5-2 above, operational noise from the Project would not be audible in the front dune

locations where snowy plovers and least terns nest. Therefore, noise impacts to birds and wildlife from the proposed Project are not anticipated to be significant.

**Comment CCL-5-5:** Mandalay Beach is already the home of one of the two power generation plants located in Oxnard, CA. An additional peaker plant and its noise would be aesthetically unpleasing, not only to local residents, but also to visitors and vacationers that come to enjoy our tranquil coastal area.

**Response CCL-5-5:** Visual resources and aesthetic impacts are evaluated on pages 29-32 of the Staff Report. This evaluation concluded that, with implementation of the landscaping plan, the Project's adverse visual effects will be minimized and, therefore, will be consistent with Local Coastal Plan Policy 37, which addresses impacts on visual resources from new development in the coastal zone. Please see Response to Comment CCL-1-5 for more information on visual impacts.

**Response CCL-5-5:**

Please see Response to Comment CCL-5-2 regarding noise impacts. As stated in the response, noise impacts will not be significant.

**Comment CCL-5-6:** Edison officials have publicly stated that Mandalay Beach is their "preferred" site and that there are alternative sites, not located in a Coastal Zone. Since, the proposed Peaker plant is not coastal dependent, we urge that these alternative sites be considered.

**Response CCL-5-6:** The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA Guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site, on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station, is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

**COMMENT LETTER CCL-6: KATHY LONG, SUPERVISOR THIRD DISTRICT**

**Comment CCL-6-1:** The Oxnard coastline and the wetlands are home to several endangered and threatened species such as the Western Snowy Plover, Tidewater Goby, California Least Tern and rare dune species, and must be a priority.

**Response CCL-6-1:** Potential impacts to endangered and threatened species, including the Western Snowy Plover, the California Least Tern, the Tidewater Goby, and the Ventura marsh milk-vetch (a Special Status dune plant species) were evaluated on pages 16-29 of the Staff Report.

Reports from biological surveys of the site conducted by Keane Biological Consulting on the mornings of September 20, 2006, and February 15, 2007, have noted that “no amphibian or fish species are expected to occur on the project site, which supports no aquatic or marine habitat” and “no reptile species were observed during the survey, although several species including the side-blotched lizard, western fence lizard, southern alligator lizard, San Diego coast horned lizard [a federal species of concern], western rattlesnake, and gopher snake are expected to occur in the project vicinity.” Furthermore, the biological survey notes that “very few bird species were present on the site during the survey” with the most abundant species being the non-native European starling and additional observed species including American kestrel, black phoebe, American crow, house finch and belted kingfisher (heard offsite in the adjacent Mandalay Canal). Additional wildlife was observed indirectly, with tracks of coyote or grey fox, Botta’s pocket gopher and Audubon’s desert cottontail present. Thus, no Special Status species have been detected on the Project site.

SCE’s biological consultant has also concluded that the Project area provides only marginal habitat for burrowing owls and no burrows that could feasibly support burrowing owls were observed during the various biological surveys of the Project area that SCE has conducted. Nevertheless, due to the strong site fidelity of burrowing owls and the fact that an owl was observed at the Project site during the breeding season, to ensure that this Special Status species and its habitat is not adversely affected by the proposed Project, the Commission is requiring in Special Condition 3(c) that SCE, no more than 30 days prior to the initiation of ground disturbance activities, conduct a pre-construction survey for burrowing owls throughout all portions of the Project area. This condition also requires that if any burrowing owls are observed during this survey or if burrows are found to be actively used within the Project area, prior to the initiation of construction or ground disturbing activities, SCE shall submit an Impact Avoidance Plan for the Executive Director’s approval.

Therefore, the Project will not cause significant adverse impacts to Special Status species on the Project site.

The Project also proposes the installation and removal of transmission poles and lines, and the trenching and placement of an approximately 1,800 foot natural gas pipeline east of Harbor Boulevard in an area that includes coastal dune scrub. The Staff Report notes that this area is substantially degraded with vegetation dominated by invasive ice plant (*Carpobrotus sp.*) and native heather goldenbush (*Ericameria ericoides*), which make up 60-80% of the vegetative cover. The area therefore does not provide the same level of ecological and habitat value as more intact southern dune scrub areas. However, the Staff Report notes the potential for certain sensitive plant species, including the state and federally endangered Ventura marsh milkvetch (*Astragalus pycnostachyus* var. *lanosissimus*), to exist in this area because of its proximity to other more intact dune scrub areas and rare plant communities.

Therefore, the Commission required a focused survey for Special Status plant species to be performed in the precise locations where Project activities will be conducted east of Harbor Boulevard. This focused survey was conducted by Glenn Lukos Associates on May 16, 2008 in conjunction with the Commission's staff ecologist. An additional site visit occurred in June of 2008. In none of the biological surveys that have been conducted in either September 2006, February 2007, May 2008, or June 2008 was the presence of any Special Status species detected within the proposed disturbance area east of Harbor Boulevard or its immediate vicinity.

Therefore, the Project will not cause significant adverse impacts to Special Status species east of Harbor Boulevard.

The northern border of the proposed Project is adjacent to the Mandalay Canal. On January 9, 2008, a biological survey of the Mandalay Canal was conducted by ENTRIX, Inc. to test for the presence of tidewater gobies. No tidewater gobies were taken in the Mandalay Canal. It was also noted that the habitat in this area is largely mud which is not a preferred substrate for the tidewater goby and that little or no freshwater influence exists in the canal so the water maintains a marine salinity, or nearly so, which is also undesirable for tidewater gobies. Therefore, the Project is not anticipated to cause adverse impacts to tidewater gobies.

The Staff Report notes that the canal is known to provide habitat and forage for a number of marine, estuarine, and riparian species, including large schools of juvenile topsmelt, the primary forage species of least terns. Special Status bird species observed foraging along Mandalay Canal include the California least tern, osprey, and double-crested cormorant. To ensure that the Project will not cause adverse impacts to these species, Special Condition 3(d) requires that all Project construction and landscaping activities remain more than 50 feet from the Mandalay Canal, with the exception of dewatering discharge, natural gas pipeline installation, and the use of existing roads for equipment access.

Therefore, the Project will not cause significant adverse impacts to Special Status species associated with the Mandalay Canal.

The inland portion of Mandalay State Beach, which is located south of the Project site, has been identified in the City of Oxnard's certified LCP as an environmentally sensitive habitat area and designated as a Resource Protection sub-zone in the City's Coastal Zoning Ordinance. As noted in the Local Coastal Plan (LCP), this "26-acre area of dunes at the intersection of Fifth Street and Harbor Boulevard is an excellent example of this increasingly rare habitat" and has thus been provided with protected status due to the rarity and diversity of plant and animal life it supports. Among those species that have been observed foraging or inhabiting the dune habitat within or near Mandalay State Beach, several have been granted special protection status. These species include several state and/or federally designated threatened or endangered species: western snowy plover, California least tern, peregrine falcon, Belding's savannah sparrow, and Ventura marsh milkvetch (the only known natural population of which is located to the east of Harbor Boulevard – outside the State Park and Project site). The area also supports several species included in the California Native Plant Society's list of rare native plants - red sandverbena, dunedelion, estuary seablite, and woolly seablite - and several designated as federal species of concern - the sandy beach tiger beetle, globose dune beetle, wandering skipper butterfly, silvery legless lizard, San Diego horned lizard, and California horned lizard.

To ensure that the Project will not cause adverse impacts to these species, Special Condition 3(d) requires the Project's construction activities to be separated by at least 50 feet from the entire southern boundary of the Project site adjacent to the Resource Protection area. The only Project activities that will be allowed in this area are relocation of the existing chain link fence, eradication of existing exotic weed species and the planting of native plant species from locally collected seed that is compatible with the adjacent habitat.

Therefore, the Project will not cause significant adverse impacts to Special Status species located at Mandalay State Beach.

Sensitive nesting habitat for the western snowy plover and California least tern exists approximately 1,000 feet to the west and southwest of the Project site. During local review of the Project, the US Fish and Wildlife Service raised concerns about the effect of SCE's initially proposed landscape plan on the nesting area because the trees that were included may have provided perching or nesting habitat for American crows and ravens that are known to prey on western snowy plover and California least tern chicks and eggs. Consequently, SCE revised its landscape plan to replace the proposed trees with native brush and shrub species that are not expected to provide perching or nesting habitat for predatory birds. As discussed in Response to Comment CCL-5-4, the nesting success of neither of these two species is adversely affected by adjacent industrial development.

Therefore, the Project will not cause significant adverse impacts to the nesting habitat of any Special Status species.

Although the Project site is not a burrowing owl habitat, historic records show that the burrowing owl once existed on the Project site. The biological surveys conducted by KBC did not observe any burrowing owls or any burrows that could feasibly support burrowing owls. Subsequently, during soil testing, one burrowing owl was seen on the site. In order to ensure that the Project will not have an adverse impact on this species, Special Condition 3(c) requires a pre-construction survey for burrowing owls to be undertaken throughout the Project area no more than 30 days before ground disturbance activities begin, and further requires appropriate impact avoidance and mitigation plans to be submitted and approved by the Executive Director if any owls are observed or any burrows are found to be actively used.

SCE has also agreed to implement all impact minimization measures identified in the Project's MND (Special Condition 2) and in the Mandalay Peaker Project Biological Resources Assessment prepared by Keane Biological Consulting (Special Condition 3(a)). These measures include pre-construction surveys of each construction area to identify native birds, and limitations regarding the type and quantity of hazardous materials that may be stored on-site.

In summary, the project does not impact ESHA, or any candidate, sensitive, or Special Status species. Moreover, as conditioned, the Project will protect against sensitive species if they should appear on site during construction.

Thus, as can be seen from the above, the protection of threatened and endangered species has been a priority of the staff's analysis, and the Special Conditions that have been required will ensure that there are no significant adverse direct or indirect impacts to these species from the proposed Project.

**Comment CCL-6-2:** There are many peaker plants located throughout the state in non-coastal areas and an evaluation of alternative sites should be done.

**Response CCL-6-2:** The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA Guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including sites in non-coastal areas. The proposed site, on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station, is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

**Comment CCL-6-3:** Industrial development does not completely surround the site. The addition of an energy facility will only perpetuate facilities to continue to exist along the coast, just when these non-coastal dependent facilities are moving toward being decommissioned.

**Response CCL-6-3:** Although the peaker plant may not be completely surrounded by other industrial development, this fact does not affect the finding that the Project does not cause any significant adverse environmental impacts.

Moreover, there is no requirement that an energy facility can only be placed in an area on the coast if it is completely surrounded by industrial development. The City's zoning ordinance states that "coastal dependent energy facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth." The siting of the peaker at the proposed location is consistent with the Coastal Act's industrial development policy by concentrating energy facilities in already-used energy sites rather than occupying new areas.

Finally, SCE is not aware of any plans for either Reliant Energy's Mandalay Generating Station or the other local coastal generating stations to shut down or be decommissioned. On the contrary, recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.

Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the current level of coastal generation will remain at or near its present location for the foreseeable future.

**COMMENT LETTER CCL-7: DEIRDE FRANC, VICE CHAIR, OXNARD PLANNING COMMISSIONS**

**Comment CCL-7-1:** Contrary to the staff report, the area is not primarily industrial. While there is some oil drilling taking place and the existing power plant (which is very old and rumored to be slated for decommissioning), the surrounding area is State Campground, State Beach, Agriculture and directly across the street, approximately 290 homes are being built. Harbor Blvd. is going to be expanded to 4 lanes in the exact area where this plant would be placed. None of this is mentioned in the staff's report. To assert that because there is some industrial there already so that it is appropriate to place more is poor planning.

**Response CCL-7-1:** There is no requirement that an energy facility can only be placed in an area on the coast if it is completely surrounded by industrial development. In fact, the Coastal Act mandates the concentration and consolidation of industrial developments to maintain and enhance marine resources. Section 1.2 of the Oxnard Coastal Land Use Plan also requires that "industrial developments, including coastal-dependent and energy facilities, are also to be concentrated and consolidated as much as possible." The potential impact of the Project on the surrounding area, including resource protection, recreational, agriculture and residential land uses, was fully analyzed by the MND and the Staff Report and the Project was not found to have any significant or potentially significant effects.

The widening of Harbor Boulevard is discussed on page 27 of the Staff Report. This widening will occur on the opposite side of the street from the site of the proposed Project and would not be affected by it.

**Comment CCL-7-2:** I understand the start up noise is significant and consideration should be given to that effect on birds and wildlife.

**Response CCL-7-2:** Please see Response to Comment CCL-5-2 and CCL-5-4 regarding potential noise impacts to threatened and endangered species. The discussion in those responses indicates that noise impacts to birds and wildlife are not anticipated to be significant.

**Comment CCL-7-3:** When considering this project and the MND, I was convinced that nothing could be done to mitigate the visual effects of this plant.

**Response CCL-7-3:** Please see Response to Comment CCL-1-5 regarding visual impacts from the proposed Project. Due to the existing adjacent industrial equipment, it was determined by the MND that the construction of the peaker would not result in any significant adverse visual or aesthetic impacts that require mitigation. The addition of landscaping minimizes the visual impact of the proposed Project to shield views of the facility to the extent feasible, while still protecting sensitive species.

**Comment CCL-7-4:** And, although there was some ambiguity in the LCP, it seemed clear to me that the intent was to preserve coastal energy locations for those dependent on coastal resources.

**Response CCL-7-4:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as Staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report's finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

#### **COMMENT LETTER CCL-8: PATRICIA EINSTEIN**

**Comment CCL-8-1:** The Edison Company wants to put a peaker plant in the coastal zone when it is not a coastal-dependent development.

I could not find any reference in the Coastal Act to a new non-coastal dependent energy development. This peaker plant does not need to be placed here. There are alternative sites.

**Response CCL-8-1:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report's finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

Also see Response to Comment CCL-1-1. As discussed in that response, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time which considered many alternative sites. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

**Comment CCL-8-2:** Environmental Justice should be addressed in an EIR. Oxnard has a significant minority population. Oxnard is already home to two power generation plants at Mandalay Beach and Ormond Beach as well as several cogeneration plants

operated by private companies. The Halaco metals recycling Superfund Priority listed site is also in Oxnard.

**Response CCL-8-2:** The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, the Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Therefore, the Staff Report fully addresses all issues and additional environmental review is not required.

However, although the Commission is not required to conduct an environmental justice analysis, in order to provide the most thorough review possible, SCE has presented the Commission with a supplemental environmental justice analysis.

The primary environmental justice issues that are raised when siting and developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

Further, surveys indicate that the percentage of the population living below the poverty level within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations. Please refer to Response to Comment CCL-3-13 for further discussion of environmental justice.

**Comment CCL-8-3:** Will another power plant be placed here and the public kept in the dark to the degree of contaminants or environmental damage that will occur because of the lack of an EIR? There must be a reason why no plants or animals exist on this Edison site. At least make Edison go back and complete an Environmental Impact Report so the human health factors of stirring up the sand and the other effects of the Peaker plant can be studied.

**Response CCL-8-3:** As noted above in Response to Comment CCL-8-2, the California Coastal Commission is a certified regulatory agency under the California Environmental Quality Act (CEQA). As such, it prepares an Environmental Impact Report (EIR) equivalent document, in this instance a Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission Staff Report has fully analyzed all potential impacts from the Project and has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on human health or the environment. The Staff Report's list of exhibits and substantive file documents

demonstrates the depth of research and analysis that went into the Staff Report's review of the potential impact of the Project.

As discussed on page 8 of the Staff Report, the reason the site does not have any plants or animals is that the site was a former tank farm that was used to store fuel oil for the Mandalay Generating Station. The site was remediated and graded and left in a condition suitable for future development.

SCE assumes the statement "stirring up the sand" refers to particulate matter that may be emitted by earthmoving activities during construction of the peaker facility. Emissions during construction were analyzed on pages 28-30 of the MND. As discussed on page 29 of the MND, the Ventura County Air Pollution Control District (VCAPCD) recommends that lead agencies include Fugitive Dust Mitigation Measures that are recommended in the "Ventura County Air Quality Assessment Guidelines," with special attention given to projects that require a grading permit. These mitigation measures were incorporated in the MND (pages 42-43) and are required to be implemented by the Staff Report (Special Condition 2). Therefore, particulate matter emissions during construction will not cause significant adverse impacts. For a detailed discussion of the potential air impacts of the proposed Project, please refer to Response to Comment CCL-1-10.

#### **COMMENT LETTER CCL-9: TIMOTHY CLIFFORD RILEY**

**Comment CCL-9-1:** Since the peaker plant does not require seawater for operation or cooling, it would be misguided to permit another power plant on our coveted coast when the same power plant, admittedly, can be built inland. This is true, even more so, where the power generated is intended to service inland communities.

**Response CCL-9-1:** The commenter is incorrect in asserting that the power generated by the Project is intended to service inland communities. The energy produced by the plant will be distributed and used within the local Oxnard area.

Even more importantly, the Project was sited in the Oxnard area to provide additional reliability to the local Ventura/Santa Barbara county transmission and distribution system. Within this area, the Project was sited at a location that would be able to both provide black start service for the Mandalay Generating Station and assist in providing increased emergency generation to Santa Barbara county. At its proposed location, the Project would provide an important and much-needed improvement to the local electric generation and transmission infrastructure.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are

accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.

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

Siting the project at the Mandalay site has important benefits:

- Due to its proximity, it is unlikely that the connection between the peaker and the generation station would be broken or could not be quickly repaired during an emergency.
- From this site, the peaker can connect directly into the local distribution system to quickly provide power to key local installations such as hospitals, police, fire and military sites in situations where the high voltage transmission system is damaged.
- From this site, the peaker can provide the energy, voltage and frequency support needed to allow the Santa Clara substation to provide power simultaneously to both Ventura and Santa Barbara Counties.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

**Comment CCL-9-2:** Moreover, the 2007 CPUC deadline has passed, and SCE needs a time-machine to “more fully” comply.”

**Response CCL-9-2:** The commenter is incorrect in implying that because Summer 2007 has passed, the Project is no longer needed. Even with the additional installed and anticipated new generating resources that will have come on-line between the summers of 2006 and 2008, CAISO still predicts a 10% risk that operating reserves in Southern California could be insufficient this summer.

Although new resources have been procured and will continue to come on-line, SCE predicts that there remains a significant need for additional peaking resources in the future.

Further, the local emergency functions of the proposed Project have yet to be filled. There is currently no black start facility in the Oxnard area that is capable of black starting either the Mandalay or the Ormond Beach generating stations in the event of an emergency. And, as was just demonstrated in the recent July 2008 fire, Santa Barbara does not have sufficient local generation resources to meet the existing electricity demand in the event that the main transmission line that supplies the area is taken out of service. The proposed project will address both of these emergency needs by: 1) supplying black start capability to the Mandalay Generating Station and from there to the Ormond Beach Generating Station, and 2) providing the system support needed to provide additional power to the Santa Barbara system during emergencies.

Therefore, the need for the Project still remains.

**Comment CCL-9-3:** The proposed peaker plant is not physically or practically dependent on the coast for its operation. SCE should consider building the peaker plant at an available inland site where the power generated is intended for inland use.

**Response CCL-9-3:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**COMMENT LETTER CCL-10: SHIRLEY GODWIN, CHAIRPERSON,  
SAVIERS ROAD DESIGN TEAM**

**Comment CCL-10-1:** Alternative sites must be evaluated in an EIR. Edison officials have stated in public meetings that the Mandalay beach site was their preferred site but not the only alternative. For example, since the Peaker is not coastal dependent, the SCE

substation in Moorpark, and other inland alternatives that are not in the Coastal Zone, must be evaluated.

**Response CCL-10-1:** The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, in this case a Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

**Comment CCL-10-2:** Peaker plant emission must be accurately evaluated in an EIR. SCE's statement that the Peaker will result in a slight decrease in emissions because of a local source must be questioned, because the electricity will first be transmitted to the Santa Clara Station in Ventura, CA before any distribution to the Oxnard area or to other local areas. SCE's emissions projections are calculated and averaged on a yearly basis rather than a daily basis of actual days of Peaker use, which understates the emissions during actual use.

**Response CCL-10-2:** The California Coastal Commission is a certified regulatory agency and as such, the Staff Report functions as an Environmental Impact Report (EIR) equivalent document. Power plant emissions were accurately analyzed in this document. The peaker plant emissions were originally evaluated in Section C (pages 24–43) of the Mitigated Negative Declaration, and the results from those analyses critically analyzed by Commission staff and summarized on pages 37 and 38 of the Staff Report. Commission staff also conducted an independent review of Project greenhouse gas emissions which is summarized on pages 40-48 of the Staff Report.

The comment regarding a slight decrease in emissions appears to refer to the analysis of greenhouse gas emissions summarized on page 41 of the April Staff Report and discussed in detail in Appendix A, Exhibit 10 of the report. In Exhibit

10, calculation of net Project greenhouse gas emissions indicates that a slight net decrease in emissions would occur under a scenario in which the peaker operates at its maximum permitted number of hours. This decrease is due to the reduction in transmission line losses that will occur because power from the Peaker is transmitted directly into the local Oxnard system without having to be transmitted to the Santa Clara Substation before it is distributed into the local grid. The commenter is incorrect in suggesting that energy from the peaker site must first be transmitted to the Santa Clara Station in Ventura, CA before being distributed to Oxnard or other local areas. From the peaker site, power is transmitted directly into the local system via the 66 kV sub-transmission system.

It should be noted that the greenhouse gas emissions from the proposed Project summarized on page 47 of the July Staff report differ from those summarized in April. The July Staff Report states a slight net *increase* in greenhouse gas emissions would occur from the proposed Project. This is because the July staff report refers to a scenario in which the peaker runs for the minimum expected number of hours. This is a different scenario than the one referenced in the April report, although both scenarios are included in Exhibit 10. Regardless, this slight emission increase was determined to be insignificant, and the Staff Report concludes that no mitigation or offsets are required.

The commenter is incorrect in stating that the emissions projections were only calculated and averaged on a yearly basis. Table C-10 on page 36 of the Mitigated Negative Declaration lists peak daily criteria pollutant emissions during operation of the peaker plant. These peak daily emissions were used in dispersion modeling presented in the Mitigated Negative Declaration to evaluate short-term impacts on local air quality. The modeling analyses concluded that the peaker emissions would not cause federal or California ambient air quality standards to be exceeded. The modeling was conducted using meteorological inputs for every hour of a three year period to ensure that the maximum potential impacts were adequately analyzed.

Additionally, maximum hourly toxic air contaminant emissions are listed in Table C-14 on page 40 of the Mitigated Negative Declaration, and these peak hourly emissions were used to evaluate potential acute (short-term) health risks from operation of the project. The analyses concluded that emissions from the peaker facility would not cause adverse acute health risks.

For further discussion of project air emissions analyses, please see Response to Comment CCL-1-10.

**Comment CCL-10-3:** The Mandalay Beach site cannot be presumed to be an expansion within an existing site because this site and the neighboring Reliant Generating site are under separate ownership.

**Response CCL-10-3:** The conclusion that the Project cannot be presumed to be an expansion within an existing site because it and the neighboring site are under

separate ownership is not correct. As stated on page 13 of the Staff Report and noted in Response CCL-1-1 above, development of the Project on land previously used as part of the Mandalay Power Plant and recognized by the Coastal Commission as suitable for a power plant – in order to provide an electrical power source – satisfies the “reasonable expansion” provision of section 30413(b) of the Public Resources Code even though the Project will be a stand-alone facility.

Further, Section 17-20 of the City ordinance makes no reference to common ownership with respect to the concept of energy facilities expanding within existing sites. The use of the term “expand” is used in Section 17-20 in specific reference to “coastal dependent” energy facilities. Moreover, the actual phrase used is “encouraged to locate or expand,” which means that even if “expansion” required common ownership, locat[ion] does not. Finally, Section 1.2 of the Oxnard Coastal Land Use Plan requires that “industrial developments, including coastal-dependent and energy facilities, are also to be concentrated and consolidated as much as possible.” Thus, locating the proposed Project adjacent to the existing facility is consistent with the intent of the Coastal Act.

**Comment CCL-10-4:** In addition, the Independent System Operator is studying the Reliant Mandalay Generating Station as not essential to the grid and not suitable for repowering, and it is anticipated that it will be decommissioned.

**Response CCL-10-4:** SCE is not aware of any plans for Reliant Energy’s Mandalay Generating Station to shut down or be decommissioned. Recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.

SCE is similarly unaware of any study by the Independent System Operator or other regulatory body that states that the Mandalay Generating Station is not suitable for repowering. On the contrary, the California Ocean Protection Council recently published a study indicating that Mandalay could be readily converted to comply with once through cooling requirements.

Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the Mandalay Generating Station will remain in operation for the foreseeable future in either its current or in a repowered configuration.

**Comment CCL-10-5:** Environmental Justice must be addressed in an EIR. Oxnard has a significant minority population. Oxnard is already home to two power generation plants at Mandalay Beach and Ormond Beach as well as several cogeneration plants

operated by private companies. The Halaco metals recycling Superfund Priority listed site is also in Oxnard.

**Response CCL-10-5:** The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, the Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. Therefore, the Staff Report fully addresses all issues and additional environmental review is not required.

However, although the Commission is not required to conduct an environmental justice analysis, in order to provide the most thorough review possible, SCE has presented the Commission with a supplemental environmental justice analysis.

The primary environmental justice issues that are raised when siting and developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

Further, surveys indicate that the percentage of the population living below the poverty level within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations. Please refer to Response to Comment CCL-3-13 for further discussion of environmental justice.

#### **COMMENT LETTER CCL-11: MICHELLE SMITH**

**Comment CCL-11-1:** Oxnard is already is [sic] home to 2 full scale power plants, 1 at Ormond Beach and the Mandalay Beach plant, which are both operated by Reliant Energy. There is also 1 co-generation power generator operating in Central Oxnard that is owned by Sithe Energies.

**Response CCL-11-1:** Both a cumulative impacts and environmental justice analysis was performed as part of the project's environmental analyses. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities.

**Comment CCL-11-2:** Endangered birds (Snowy Plover) have nesting sights [sic] at the property commonly known and referred to as Mandalay Beach, which is located only several hundred feet from the proposed Peaker Plant site. ... Construction and operation

of another power generator at Mandalay Beach will surely impact the environment and would be a detriment to the Snowy Plover and all birds and wildlife in the area.

**Response CCL-11-2:** Please see Response to Comment CCL-6-1 regarding the evaluation of impacts to threatened and endangered species. As indicated in that response, construction and operation of the proposed Project, as conditioned, will not cause significant adverse impacts to threatened and endangered species. The Staff Report (pages 21-23) has thoroughly analyzed the potential impact of the Project on the western snowy plover nesting site. In order to ensure no significant adverse impact to this species, SCE has developed a landscape plan that does not provide nesting or perching habitat for predators of snowy plover chicks or eggs.

**Comment CCL-11-3:** In the future, it is expected that the two existing Reliant plants will soon be decommissioned.

**Response CCL-11-3:** SCE is not aware of any plans for Reliant Energy's two existing generating stations to be decommissioned. On the contrary, recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.

Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the majority of the existing coastal generating stations will remain in operation for the foreseeable future in either their current or in a repowered configuration.

**Comment CCL-11-4:** Oxnard has been a "dumping ground" for undesirable projects that are harmful to the natural environment for many years now.

**Response CCL-11-4:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. Therefore, the Project does not have a significant adverse impact on the natural environment.

**Comment CCL-11-5:** A peaker power plant is basically a natural gas-fired jet engine generator that does not use seawater for cooling and does not need to be located on the coast.

**Response CCL-11-5:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment CCL-11-6:** The peaker would be located in the Coastal Zone. The City of Oxnard's position is that the Local Coastal Plan does not allow non-coastal dependent facilities in the Coastal Zone.

**Response CCL-11-6:** As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. The Coastal Commission was correct in its conclusion that the Local Coastal Plan allow the proposed project to be constructed at this location.

**Comment CCL-11-7:** The City of Oxnard has played host to power generators on our coastline for the last 40+ years. It's time for another city to be selected for these types of environmentally disturbing projects.

**Response CCL-11-7:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites in other cities. Four of the five peakers that were part of the current project were in fact sited in other cities. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project in the Ventura/Santa Barbara County area, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment CCL-11-8:** SCE representatives claim that Michael Peevey, president of the California Public Utilities Commission, is requiring them to build peaker plants, but there is no requirement that one be located in Oxnard, or in the coastal zone.

**Response CCL-11-8:** As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

The Project would provide an important and much-needed improvement to the local Ventura/Santa Barbara county transmission and distribution system.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area. Potential electrical system impacts from emergency situations will be reduced by siting the peaker in this location. Please see CCL-9-1 for additional information regarding the local benefits of the Project.

#### **COMMENT LETTER CCL-12: MILDRED A. MIELE**

**Comment CCL-12-1:** Volatile chemicals will be stored at the Edison sight [sic] in close proximity to residences.

**Response CCL-12-1:** Potential off-site impacts caused by a catastrophic release of hazardous chemicals stored at the facility, specifically aqueous ammonia, were analyzed in Section G.2 (pages 59-63) of the Mitigated Negative Declaration. The analyses concluded that a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts or create a hazard for local residents. Additionally, the design of the aqueous ammonia storage and delivery system includes engineering features to minimize the potential for a release. Southern California Edison has met several times with the City of Oxnard Fire Department, which is the Certified Unified Program Agency, in the design of the ammonia system, including conducting a hazard review and hazard assessment with them.

**Comment CCL-12-2:** Exhaust release stack will be high enough to affect the flight plan of planes flying to/from Oxnard Airport. Will planes be dangerously redirected to fly over homes?

**Response CCL-12-2:** The Ventura County Department of Airports (VCDOA) commented to the City that it was concerned that the exhaust stack might pose a risk to aircraft and that aircraft might alter their flight paths to avoid the stack and fly closer to residences, causing adverse noise impacts. Southern California Edison responded to VCDOA's expressed concerns by analyzing both aircraft safety and potential noise impacts. VCDOA reviewed Southern California Edison's analyses and concurred with the conclusions that the stack would not pose a hazard to aircraft nor would it cause aircraft to alter flight paths or cause adverse noise impacts.

**Comment CCL-12-3:** Oxnard citizens have had more than their fair share of polluting operations in our area:

- When Raytheon's Oxnard location was closed, pollutants were left in the ground.
- A business on 5<sup>th</sup> Street between Harbor and Victoria left contaminated soil when it closed its' operations.
- Oxnard is the home of the Ventura County Naval Base and Point Mugu which are generators of pollutants. I was employed for a government contractor and was appalled when I worked on documents for testing missiles on the bases which included nuclear energy and its hazardous waste.

The Ventura County dump was located in Oxnard, polluting our air and soil much longer than should have been allowed thanks to the California Coastal Commission.

There is a Reliant Energy Plant operating right next to the proposed site of the peaker power plant. There are already enough chemicals and pollutants involved in this operation.

**Response CCL-12-3:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities.

**Comment CCL-12-4:** There is a marine sanctuary right off out coast. Oxnard is home to many species of wild life. Their safety should also be taken into consideration.

**Response CCL-12-4:** Please see Response to Comment CCL-6-1 regarding the evaluation of impacts to threatened and endangered species. As indicated in that response, construction and operation of the proposed Project, as conditioned, will not cause significant adverse impacts to threatened and endangered species. Further, because the plant will neither use sea water for cooling nor discharge wastewater into the ocean, the plant will neither affect marine resources nor local marine sanctuaries.

**Comment CCL-12-5:** THE ENERGY WILL NOT EVEN BE USED FOR OXNARD. Why not locate the plant away from homes and in the area where the energy will be used?

**Response CCL-12-5:** The commenter is incorrect in asserting that the power generated by the Project will not be used for Oxnard. The energy produced by the plant will be distributed and used within the local Oxnard area. More importantly, the Project was sited in the Oxnard area to provide additional reliability to the local Ventura/Santa Barbara county transmission and distribution system. At its proposed location, the Project would provide an important and much-needed improvement to the local electric generation and transmission infrastructure. See Response to Comment CCL-9-1 for a more detailed discussion of local benefits.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

#### **COMMENT LETTER CCL-13: BILL MILEY**

**Comment CCL-13-1:** After reading the staff report of the Commission and seeing they found a “hole” in the Oxnard City Local Coastal Plan which they interpret as allowing power plants even though they are not coastal dependent, it seems this was never the intent of the city of oxnard [sic] to allow new or additional “anykind” of power plants on its coastal dune structures.

**Response CCL-13-1:** As discussed in Response to Comment CCL-2-1, no provision of the City’s coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be “coastal dependent” to be permitted at the proposed site. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

**Comment CCL-13-2:** I don’t believe the required section on ALTERNATIVES TO THE PROJECT was adequately done or considered by the staff in their recommendation.

**Response CCL-13-2:** The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, in this case a Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission’s review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

**Comment CCL-13-3:** 3. TURBINE NOISE – I am sure somewhere in all of the documents for this application there is a commentary about the sound levels which will be generated by this Peaker Facility. But I did not find anything that spoke to the sound/noise production when it is operating. SOUND GENERATION BOTH AT GROUND LEVEL AND AIRBORNE LEVEL WILL BE AN ADVERSE ENVIRONMENTAL ISSUE. The current Mandalay Reliant Plant when operating does not produce any, beyond ambient sound, as my family experiences on the beach have noticed. What is the staff thinking when their only “key” to recommending approval is the “loophole” in the Oxnard City LCPlan and totally failing to address the noise level of this turbine, with no comment or adverse mitigation for this sound generating Peaker Plant Facility.

Lots of sound gets generated by the gas turbine exhaust. According to this website ([http://poweracoustics.com/Tech%20Papers%20PDF/Noise Con 2003 Paper.pdf](http://poweracoustics.com/Tech%20Papers%20PDF/Noise%20Con%202003%20Paper.pdf)) POWER ACOUSTICS, INC, ORLANDO, FL,

“Gas turbine based power generation facilities require customized noise abatement features to achieve various community noise standards or regulations. While many sound sources exist within these facilities, the most complex and costly to silence is typically that related to the gas turbine exhaust.”

4. THE NOISE PROBLEM – SINCE THE PEAKER PLANT IS A GAS POWER TURBINE ENGINE AND WILL GENERATE EXHAUST SOUND FROM ITS OPERATION THIS ENVIRONMENTAL ADVERSE EFFECT MUST RECEIVE VERY CAREFUL ENGINEERING STUDY AND CONCLUSION.

**Response CCL-13-3:** Please see Response to Comment CCL-5-2 regarding the evaluation of potential noise impacts. As discussed in that response, noise modeling concluded that the noise levels from operation of the peaker facility, including the combustion turbine, at the nearest future residence would be substantially lower than the existing noise levels at that location. At the beach and shoreline, where background noise levels would be higher and Project noise levels lower, the peaker would also not be audible. Therefore, the project will sound no different than the much larger Mandalay Reliant Plant that the

commenter has noted creates no audible noise on the beach and will not cause significant adverse noise impacts.

**Comment CCL-13-4:** ANIMALS, ESPECIALLY BIRDS AND PEOPLE SHOULD NOT HAVE TO EXPERIENCE THE EXHAUST GAS NOISE FROM A PEAKER PLANT TURBINE ON OUR CALIFORNIA COAST.

**Response CCL-13-4:** See Response to Comment CCL-13-3 above regarding lack of noise impacts. See also Response to Comment CCL-5-4, which specifically addresses potential noise impacts on birds. Because the operation of the peaker will not be audible, there will not be adverse noise impacts on animals, birds, or people.

**COMMENT LETTER CCL-14: JULIA B. MULLIN AND SHERMAN N. MULLIN**

**Comment CCL-14-1:** The proposed plant does not require cooling water, as does the adjacent Reliant Energy power plant, so it need not be ocean adjacent.

**Response CCL-14-1:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

**Comment CCL-14-2:** The proposed plant is surrounded by pristine prime state owned coastal land, to which the proposed plant would be a permanent eye sore.

**Response CCL-14-2:** The statement in the comment that "The proposed plant is surrounded by pristine prime state owned coastal land..." is not correct. As stated on page 8 of the Staff Report, "The proposed site is in close proximity to the Mandalay Generating Station and adjacent to the Mandalay Canal on the north, Harbor Boulevard on the east, an existing oil processing facility and two operating oil pumps on the west and the undeveloped sand dune habitat of Mandalay State Beach on the south (as shown in Exhibit 1). Thus, industrial uses are located to the north and west of the project site, and Harbor Boulevard is located to the east. Section 1.2 of the Oxnard Coastal Land Use Plan requires that "industrial developments, including coastal-dependent and energy facilities, are [...] to be concentrated and consolidated as much as possible." Therefore, the

location of the project at this spot is consistent with the Oxnard Land Use Plan. The potential impact of the Project on the surrounding land uses, including resource protection, recreational, agriculture and residential lands was fully analyzed by the MND and the Staff Report and the Project was not found to have any significant or potentially significant impacts.

Please see Response to Comment CCL-1-5 regarding visual impacts of the facility. As discussed in that response, the facility will not cause significant adverse visual impacts. The addition of landscaping along Harbor Boulevard will also improve the current appearance of the site.

**Comment CCL-14-3:** The current Reliant Energy plant is fully capable of supplying electrical power on a peaking basis.

**Response CCL-14-3:** The current Reliant Energy plant cannot provide the same electrical benefits that would be proposed by the proposed Project. The output of all existing generation resources, including the Reliant Energy plant, was taken into account by the CAISO and the CPUC prior to determining that more peak generation was necessary. Therefore, the CPUC's order to construct 250 MW of new generation would not be satisfied by assuming that the existing unit is providing the needed electricity. Further, the Reliant plant is not able to provide the additional system reliability benefits that are needed by the local Ventura/Santa County Barbara transmission system. The proposed Project will provide much needed black start capability to the adjacent Mandalay Generating Station and would allow additional power to be transmitted to the Santa Barbara area during emergencies. See Response to Comment CCL-9-1 for further discussion of the benefits provided by the Project. See Response to Comment CCL-1-1 or Exhibit 13 of the Staff Report for further discussion of the alternatives that were considered.

#### **COMMENT LETTER CCL-15: NANCY SYMONS**

**Comment CCL-15-1:** There will be negative visual, noise and biological environmental impacts to this proposed plant that will not be able to satisfactorily be mitigated.

**Response CCL-15-1:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including potential visual, noise, and biological impacts. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that are not significant.

Please see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that response, the facility will not cause significant adverse impacts. The addition of landscaping will also minimize the visual impact of the proposed Project by shielding views of the facility to the extent feasible, while still protecting sensitive species.

Please see Response CCL-to Comment 5-2 regarding the evaluation of potential noise impacts. As discussed in that response, noise modeling concluded that the noise levels from operation of the peaker facility, including the combustion turbine, at the nearest future residence would be substantially lower than the existing noise levels at that location. At the beach and shoreline, where background noise levels would be higher and Project noise levels lower, the peaker would also not be audible. Therefore, the project will not cause significant adverse noise impacts.

Please see Response to Comment CCL-3-9 and CCL-6-1 regarding potential impacts to biological resources. As discussed in these responses, Special Condition 3(a-d) (pages 6-7 of the Staff Report) reduces potential impacts to threatened and endangered species to less than significant levels. Therefore, the project will not cause significant adverse impacts to biological resources.

#### **COMMENT LETTER CCL-16: OCTAVIO AND ROSEMARIE ELIAS**

**Comment CCL-16-1:** The old plant is now obsolete and due to be decommissioned.

SCE is not aware of any plans for Reliant Energy's Mandalay Generating Station to be decommissioned. On the contrary, recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.

Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the Mandalay Generating Station will remain in operation for the foreseeable future in either its current or in a repowered configuration.

**Comment CCL-16-2:** The proposed Peaker Plant could be with us forever. It is not coastal dependent. My understanding is that the City of Oxnard has offered other more appropriate sites with minimal red tape.

**Response CCL-16-2:** As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

To the best of SCE's knowledge, the City of Oxnard has not offered more appropriate sites with minimal red tape for the project. SCE received one e-mail from EF Oxnard, suggesting that the project be sited at their location. SCE investigated this site at the time the offer was made and determined that there was not enough unoccupied land available to house the proposed Project's 2-3 acre footprint. Therefore, it was not feasible to locate the peaker at that site.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment CCL-16-3:** Besides the aesthetic issue, Ventura County is 15<sup>th</sup> in the nation for smog. To site an industrial facility where the winds will carry particulants [sic] to the general population is absurd.

**Response CCL-16-3:** Please see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that response, the facility will not cause significant adverse impacts. The addition of landscaping will also further minimize the visual impact of the proposed Project by shielding views of the facility to the extent feasible, while still protecting sensitive species.

Please see Response to Comment CCL-1-10 regarding air quality impacts. As discussed in that response, an air quality model was used to analyze potential localized air quality impacts for criteria pollutants other than ozone, including particulate matter smaller than 10 microns diameter (PM10). Natural gas is a very clean burning fuel, so particulate emissions from the Project will be very low. The air quality modeling is discussed in detail on pages 35-38 of the Mitigated Negative Declaration. Results the air dispersion modeling are presented in Tables C-11, C-12 and C-13 (pages 37 and 38) of the MND and indicate that emissions will not cause federal or California ambient air quality standards for particulate matter to be exceeded. Since these standards have been established to protect public health with an adequate margin of safety, emissions will not cause significant adverse local air quality impacts during operation of the peaker. Thus, air quality impacts to nearby residents from particulate matter emissions will not be significant. Furthermore, the impacts to particulate matter concentrations in the atmosphere decrease with distance from the facility. Thus, impacts farther from the facility will be less than the maximum impacts identified with the air quality model. Consequently, particulate matter emissions from the project will not cause significant adverse impacts on the general population.

## **COMMENT LETTER CCL-17: NANCY PEDERSEN**

**Comment CCL-17-1:** I am opposed to the Peaker Plant because Oxnard already has two electric plants on its coastline. Other cities in Ventura County have beaches without power plants, why has Oxnard been blighted with not just the two plants (at Ormond Beach and this one off Harbor Blvd) but also a Super Fund site at Halaco. Environmental Justice would demand that Oxnard not be targeted for yet another unsightly blight on its coastline.

**Response CCL-17-1:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. The primary environmental justice issues that are raised when siting and developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

Further, surveys indicate that the percentage of the population living below the poverty level within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations. Please refer to Response to Comment CCL-3-13 for further discussion of environmental justice and Response to Comment CCL-2-2 for further discussion of cumulative impacts.

Also see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that response, the facility will not cause significant adverse impacts. The addition of landscaping will minimize the visual impact of the proposed Project by shielding views of the facility to the extent feasible, while still protecting sensitive species.

**Comment CCL-17-2:** Many businesses in Oxnard have their own peaker plants. More are being built so there is obviously another solution to the need for more power. With all these peaker plants there is even less need for this one to be built on the Oxnard coast.

**Response CCL-17-2:** The existing cogeneration peaker plants in Oxnard cannot provide the electricity and transmission system reliability benefits that will be supplied by the proposed Project. The majority of the power generated by cogeneration units is used by the industrial processes that they were built to support and is not available to the electric grid. Further, because these units were built to support an industrial process, they operate at a constant level and are not capable of peaking when needed. The output of all existing generation resources, including the existing Oxnard peakers, were taken into account by the CAISO and

the CPUC prior to determining that more peak generation was necessary. Therefore, the CPUC's order to construct 250 MW of new generation would not be satisfied by assuming that existing units are providing the needed electricity.

Further, the cogeneration peakers are not able to provide the additional system reliability benefits that are needed by the local Ventura/Santa County Barbara transmission system. The proposed Project will provide much needed black start capability to the adjacent Mandalay Generating Station and would allow additional power to be transmitted to the Santa Barbara area during emergencies. See Response to Comment CCL-9-1 for further discussion of the benefits provided by the Project. See Response to Comment CCL-1-1 or Exhibit 13 of the Staff Report for further discussion of the alternatives that were considered.

**Comment CCL-17-3:** This peaker plant is not coastal dependent. If it is needed, which is doubtful, it could just as easily be built inland where the demand for power is greater. Why not build it in a community that has no power plants?

**Response CCL-17-3:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

#### **COMMENT LETTER CCL-18: BILL AND CLARISSA MEEKER**

**Comment CCL-18-1:** Reliant has failed to show that the plant is even needed. By their own admission the plant will mainly be supplying inland markets and not the local market-It therefore should be located inland.

**Response CCL-18-1:** It should be noted that the project is being proposed by Southern California Edison adjacent to the Reliant facility. As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted

a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment CCL-18-2:** The plant is not reliant on seawater for it's [sic] operation.

**Response CCL-18-2:** As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site.

**Comment CCL-18-3:** Several hundred new homes are going in right across the street.

**Response CCL-18-3:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. These analyses included potential impacts to the Northshore development, which is being constructed to the southeast of the peaker site, across Harbor Boulevard. The Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

A separate evaluation of potential cumulative impacts has also been prepared. Given its size and proximity to the proposed Project site, the environmental impacts from the Northshore at Mandalay Bay residential development, a 292-unit low-density development approximately 750 feet southeast of the Project site, were evaluated as part of the Project's cumulative impacts analysis. As per Response to Comment CCL-2-2, the proposed Project will not have significant cumulative impacts when combined with the impacts of the Northshore development.

**Comment CCL-18-4:** There is no requirement from anyone that this must be built on the coast.

**Response CCL-18-4:** As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

**Comment CCL-18-5:** This site is located in the Coastal Zone and the City of Oxnard does not allow non-coastal dependent energy facilities in the Coastal Zone and neither should the Coastal Commission.

**Response CCL-18-5:** As noted above in Response to Comment CCL-18-2 and further discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site.

**Comment CCL-18-6:** Furthermore, we would like to add that we already have the pollution from two power plants in the area, as well as pollution from the toxic Halaco Super Fund site...

**Response CCL-18-6:** Both a cumulative impacts and environmental justice analysis was performed as part of the project's environmental analyses. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities.

#### **COMMENT LETTER CCL-19: PHYLLIS SINGER**

**Comment CCL-19-1:** Not only is the proposed Project right in the path of an airport runway and nesting grounds of many local birds, it will be unsightly and noise when in constant use..."

**Response CCL-19-1:** Please see Response to Comment CCL-12-2 regarding potential impacts to aircraft operations. As discussed in that response, Southern California Edison responded to the Ventura County Department of Airports' (VCDOA) expressed concerns regarding potential impacts on aircraft operations with various analyses related to both aircraft safety and to potential noise impacts. VCDOA reviewed Southern California Edison's analyses and concurred with the conclusions that the stack would not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths or cause adverse noise impacts.

**Response CCL-19-1:** Please see Response to Comment CCL-3-9 and CCL-6-1 regarding potential impacts to biological resources. As discussed in these responses, Special Condition 3(a-d) (pages 6-7 of the Staff Report) reduces potential impacts to threatened and endangered species to less than significant levels. Therefore, the project will not cause significant adverse impacts to biological resources.

Please see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that response, the facility will not cause significant adverse impacts. The addition of landscaping will also further minimize the visual impact of the

proposed Project by shielding views of the facility to the extent feasible, while still protecting sensitive species.

Please see Response to Comment CCL-5-2 regarding the evaluation of potential noise impacts. As discussed in that response, noise modeling concluded that the noise levels from operation of the peaker facility, including the combustion turbine, at the nearest future residence would be substantially lower than the existing noise levels at that location. Therefore, noise from operation of the facility would not be audible above the existing noise levels, and the project will not cause significant adverse noise impacts.

Additionally, as discussed on page 3 of the Mitigated Negative Declaration, the peaker unit will be operated primarily during periods of peak power demand when the electrical grid system needs additional usable electric power capacity or when local voltage support is required. Thus, as stated on page 38 of the Staff Report, the facility will operate only a limited number of hours per year (no more than 2,000 hours). Therefore, the peaker unit will not be in constant use.

**Comment CCL-19-2:** Why put it here at our beautiful coastline? It does not need ocean water to exist.

**Response CCL-19-2:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

#### **COMMENT LETTER CCL-20: JAY AND LESLIE BRAUN**

This letter does not include comments that require a response.

#### **COMMENT LETTER CCL-21: NORMAN AND BETTY EAGLE**

**Comment CCL-21-1:** The location of the peaker plant is inimical to population health.

**Response CCL-21-1:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment or human health. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment or human health alone or in conjunction with other local facilities.

**Comment CCL-21-2:** It is expected that thousands of tons of CO<sub>2</sub> will be emitted from the plant...

**Response CCL-21-2:** As part of the environmental analysis for the proposed Project, Southern California Edison conducted an in depth lifecycle analysis of the total greenhouse gas emissions that would be created by the construction and operation of the peaker plant. This analysis concluded that the operation of the peaker plant would result in no net increase in CO<sub>2</sub> emissions across the SCE system. This is because the operation of the project would be offsetting emissions from higher emitting facilities. However, in addition to the CO<sub>2</sub> emissions from the peaker plant itself, the project will also result in a small amount of greenhouse gas emissions from the construction equipment used to build the project and changes needed in transmission system equipment.

These additional emissions will be offset to a greater or lesser degree, depending on how much the peaker operates. If the peaker operates for its maximum number of permitted hours (2,000 hours per year), the project will result in a slight lifecycle decrease in CO<sub>2</sub> emissions. If the peaker operates for fewer hours, then there will be a slight lifecycle increase in CO<sub>2</sub> emissions. This is because there is a CO<sub>2</sub> benefit to generating the power closer to where it is being used. Power that is generated farther away requires additional power to transport it to its final destination. The power that is lost in transport is called a line loss. The more the peaker operates, the fewer line losses will occur, and the more CO<sub>2</sub> benefits will accrue.

Pages 40-48 of the Staff Report considers greenhouse gas emissions in detail. An independent review of SCE's analysis performed by Marine Research Specialists substantiates the above conclusions. Specifically, Marine Research Specialists found that CO<sub>2</sub> equivalent emissions would increase by approximately 726 Metric Tonnes over the anticipated 30 year project life (as demonstrated in Exhibit 12 of the Staff Report) if the project operated under an economic dispatch scenario of 93 hours per year. To provide perspective on this level of CO<sub>2</sub>E emissions, the U.S. Environmental Protection Agency has estimated that eight Toyota Prius cars operated for 15,000 miles (45% highway driving and 55% city

driving) per year would produce 744 Metric Tonnes of CO<sub>2</sub>E over this same period.

Based on these relatively low levels of greenhouse gas emissions over the life of the project, the Commission concluded that no mitigation or offset is required.

**Comment CCL-21-3:** The SCEC [sic] should be encouraged to use this investment to explore less dangerous approaches to energy production.

**Response CCL-21-3:** As discussed in Response to Comment CCL-1-1, SCE considered the use of renewable energy resources instead of the proposed project. However renewable energy resources do not provided the needed peaking and grid reliability benefits that are needed in this area and therefore do not meet the purpose and need of the proposed Project.

**Comment CCL-21-4:** Is the Commission aware that work has just begun on the construction of a residential development of OVER 200 UKNITS [sic] – JUST ACROSS THE STREET from the proposed Plant.

**Response CCL-21-4:** Please see Response to Comment CCL-18-2 which discusses the impact of the project on the Northshore at Mandalay Bay residential housing development. The Staff Report thoroughly analyzes the Project's potential impacts to the Northshore development, which is being constructed 750 feet to the southeast of the peaker site, across Harbor Boulevard. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not impact the environment, including the nearby residents.

**COMMENT LETTER CCL-22: EX-PARTE COMMUNICATION, GABRIEL SOLMER, MARCO GONZALEZ, BRUCE RESNIK AND JOANNE PEERSAN**

**Comment CCL-22-1:** Alternative sites must be evaluated in an EIR. For example, since the peaker is not coastal dependent, the SCE substation in Moorpark, and other inland alternatives that are not in the Coastal Zone, must be evaluated.

**Response CCL-22-1:** The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, in this case a Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including the Moorpark site and many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

Additionally, as discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

**Comment CCL-22-2:** Peaker plant emissions must be accurately evaluated in an EIR. Emissions will not decrease, because the electricity will first be transmitted to the Santa Clara Station in Ventura, CA before any distribution to the Oxnard area or to other local areas.

**Response CCL-22-2:** The peaker plant emissions were accurately evaluated in Section C (pages 24–43) of the Mitigated Negative Declaration, and the results from those analyses are summarized on pages 37 and 38 of the Staff Report.

The comment regarding a decrease in emissions presumably refers to the analysis of greenhouse gas emissions, referred to on page 41 of the April Staff Report. Please see Response to Comment CCL-10-2 and CCL-21-2 for an explanation of this finding. In the July Staff Report, the Commission concluded that under the worst case scenario, the peaker would result in a small net *increase* in greenhouse gas emissions. This increase was determined to be insignificant over the lifecycle of the project.

It should be noted that power generated from the proposed Peaker will be distributed directly into the local Oxnard system and does not need to be transmitted first to the Santa Clara Substation.

**Comment CCL-22-3:** SCE's emissions projections are averaged on a yearly basis rather than a daily basis of actual days of peaker use, which understates the emissions during actual use.

**Response CCL-22-3:** The comment is incorrect. Emissions were calculated on an hourly basis to ensure that maximum potential impacts from the Project were

adequately analyzed. Please see Response CCL-10-2 for a detailed discussion of the hourly basis of the air calculations.

**Comment CCL-22-4:** The Mandalay Beach site cannot be presumed to be an expansion within an existing site because this site and the neighboring Reliant Generating Station site are under separate ownership.

**Response CCL-22-4:** This conclusion is incorrect. As stated on page 13 of the Staff Report, development of the Project on land previously used as part of the Mandalay Power Plant and recognized by the Coastal Commission as suitable for a power plant – in order to provide an electrical power source – satisfies the “reasonable expansion” provision of section 30413(b) of the Public Resources Code even though the Project will be a stand-alone facility. See Response to Comment CCL-10-3 for a more detailed discussion of reasonable expansion.

**Comment CCL-22-5:** The Independent System Operator is studying the RGS as not essential to the grid and not suitable for repowering, and it could be decommissioned.

**Response CCL-22-5:** SCE is unaware of any study by the Independent System Operator or other regulatory body that states that the Mandalay Generating Station is not suitable for repowering and could be decommissioned. On the contrary, the California Ocean Protection Council recently published a study indicating that Mandalay could be readily converted to comply with once through cooling requirements. See Response to Comment CCL-10-4 for additional discussion regarding the potential shut down of the Mandalay Generating Station.

**Comment CCL-22-6:** Environmental Justice must be addressed in an EIR. Oxnard has a significant minority population. Oxnard is already home to two power generation plants at Mandalay Beach and Ormond Beach as well as several cogeneration plants operated by private companies. The Halaco metals recycling Superfund Priority listed site is also in Oxnard.

**Response CCL-22-6:** This comment is identical to Comment CCL-8-2. Please see Response to Comment CCL-8-2. Environmental justice issues were fully considered during the evaluation of the proposed Project. Because the Commission’s review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

**COMMENT LETTER CCL-23: EX-PARTE COMMUNICATION,  
ORCA/MAGGY HERBELIN**

**Comment CCL-23-1:** All alternatives need to be analyzed in a full EIR.

**Response CCL-23-1:** The California Coastal Commission is a certified regulatory agency and as such, it prepares an Environmental Impact Report (EIR) equivalent document, in this case a Staff Report, that either addresses alternatives and mitigation measures or otherwise states that there are no significant or potentially significant effects. The Commission's review of the proposed Project has concluded that the Project has been adequately mitigated and will not have any significant or potentially significant effects on the environment. Because significant adverse impacts will not occur, an evaluation of alternatives that would avoid or lessen significant effects of the proposed Project is not required.

Although the Commission is not required to conduct an alternatives analysis under § 15252 of the CEQA guidelines, in order to provide the most thorough review possible, SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff.

As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

**Comment CCL-23-2:** Emissions need to be accurately analyzed through an EIR.

**Response CCL-23-2:** This comment provides no justification for the implication that emissions were not accurately analyzed in the MND or in the Staff Report. Criteria pollutant and toxic air contaminant emissions during both construction and operation of the facility were thoroughly analyzed in Section C (pages 24-43) and Appendix E in the MND. Greenhouse gas emissions during construction and operation of the facility were thoroughly analyzed on pages 40-48 of the Staff Report.

Please see Response to Comment CCL-23-1 regarding why an EIR is not required.

**Comment CCL-23-3:** ...the project can't be considered an expansion of the existing operation because the properties are under different ownerships...

**Response CCL-23-3:** The conclusion that the Project cannot be presumed to be an expansion within an existing site because it and the neighboring site are under separate ownership is not correct. As stated on page 13 of the Staff Report and noted in Response CCL-1-1 above, development of the Project on land previously used as part of the Mandalay Power Plant and recognized by the Coastal Commission as suitable for a power plant – in order to provide an electrical power source – satisfies the “reasonable expansion” provision of section 30413(b) of the Public Resources Code even though the Project will be a stand-alone facility. See

Response to Comment CCL-10-3 for additional discussion on reasonable expansion.

**Comment CCL-23-4:** ...under environmental justice, there are already so many plants there.

**Response CCL-23-4:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities. See Response to Comment CCL-3-13 for additional discussion of environmental justice.

#### **COMMENT LETTER CCL-24: ALAN E. FRIEDMAN**

**Comment CCL-24-1:** The existing Reliant generating facility is very old and nearing the end of its useful lifetime. It is extremely likely that this aged, inefficient generating facility will be decommissioned within 15 years, and its demolition and removal will allow this section of the Coastal Zone to be returned to its natural state, without a tall smokestack and brightly lit power generation station.

**Response CCL-24-1:** The commenter does not provide any basis for the assertion that the Reliant Mandalay Generating Station will be decommissioned and demolished within 15 years. SCE is not aware of any plans for Reliant Energy to retire this unit. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay.

#### **Response CCL-24-1:**

**Comment CCL-24-2:** By allowing the construction of the proposed 45 megawatt "peaker" plant in this location, the Commission would be setting a precedent for electricity generation in this URBAN area of the coastal zone. SCE knows this, and would most likely propose construction of a new, more efficient, modern generating facility once the Reliant plant has been decommissioned.

**Response CCL-24-2:** The comment's speculation that SCE would most likely propose construction of a new generating facility once the Reliant plant has been decommissioned is incorrect. As stated in Response to Comment CCL-24-1, SCE is not aware of any plans for Reliant Energy to retire this unit. Furthermore, even if the Reliant facility were to be decommissioned and demolished, SCE has no

ownership interest or operational control over this property and has no plans to propose an additional generating facility on the Reliant site.

**Comment CCL-24-3:** This area of the coastal zone does not need an additional 45 megawatts of power during peak times. Such "peaker" plants do not require ocean water for cooling and thus COULD and SHOULD be located much further inland, near the communities that have high power demands during peak times of the day/year. Some suggested locations, away from the coastal zone are, the undeveloped areas North of Santa Clarita and North and East of the booming areas of Lancaster and Palmdale. Other excellent locations such as the hills of the Tehachapi area, now dotted with wind turbines and the area Northeast of Palm Springs, also dotted with wind turbines. No one in those areas would see nor hear a peaker plant in those locations!

**Response CCL-24-3:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. Locating the peaker north of Santa Clarita, north and east of Lancaster and Palmdale, or in the Tehachapi area, as suggested in the comment, would not provide the desired benefits to the transmission and distribution system in the Ventura/Santa Barbara area. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment CCL-24-4:** SCE already owns much land far away from the coastal zone and near areas with high peak demand. The only excuse SCE has for placing such a peaker plant in these locations is that they "are" or "may be" too distant from a large enough pipeline supply of natural gas. THIS IS A BOGUS ARGUMENT. If a peaker plant such as proposed is ONLY for a limited number of hours on any given day during a peak demand period, then SCE should be able to store enough compressed or liquefied natural gas adjacent to such "peaker" plants to meet any single period of "PEAK" demand.

**Response CCL-24-4:** The contention in the comment that other locations for the peaker plant were rejected because of distance from an existing natural gas pipeline is incorrect. SCE screened all available SCE-owned property inside its system. Initial screening criteria were: (1) that SCE owned the property; (2) there were 2-3 acres of available land within or adjacent to a 66 or 115 kV substation; and (3) the site was not within 1,000 feet of a school or hospital.

Sites that passed this initial screening were then subjected to more detailed analysis based on additional criteria: (1) transmission availability; (2) no significant environmental issues; (4) no significant engineering or construction issues; and (5) local system reliability benefits. The distance to a natural gas

pipeline was considered as part of the engineering issues analysis. All available sites were located within an acceptable distance of a main natural gas pipeline. Therefore, no sites were rejected for this reason.

The Mandalay site was selected as the preferred site for this project because it provides the needed reliability benefits and has no significant environmental impacts.

**Comment CCL-24-5:** Another extremely more logical location for such "peaker" plant locations would be on Federal land near any of the numerous Navy and Air Force flight operations locations, where the noise pollution from jet aircraft is already present and the noise and air pollution from this proposed "peaker" plant would be small in comparison. Such a superior location exists (albeit in the coastal zone) is at Point Mugu Naval Air Station in Port Hueneme.

**Response CCL-24-5:** As discussed in Response to Comment CCL-5-2 and below in CCL-24-7, the peaker will not produce audible noise outside of the project site. SCE did investigate siting the project at substations serving Point Mugu and Port Hueneme, but those locations were too far from the Mandalay Generating Station to result in a successful black start. Therefore, they do not provide the required local reliability benefits. See Response to Comment CCL-1-1 for more information about the alternatives that were analyzed.

**Comment CCL-24-6:** Why not encourage SCE to simply and quickly erect an additional 45 megawatt solar electric (photovoltaic) generation facility in the Mohave Dessert [sic], as they are already planning to do. This would provide 45 megawatts ALL DAY LONG, not just during brief periods of peak need.

**Response CCL-24-6:** As discussed in Response to Comment CCL-24-3, the proposed peaker plant is intended to provide benefits to the transmission and distribution system in the Oxnard, Ventura, and Santa Barbara area. A solar generation facility in the Mojave Desert would not provide benefits to this area. Furthermore, a solar generation facility would not provide black start, dispatchable generation or the required grid reliability benefits that are the focus of this project. See Response to Comment CCL-1-1 for more information about the renewable energy alternatives that were analyzed.

**Comment CCL-24-7:** I strongly suggest that the commission remember the simple laws of physics that state that the ability of air to carry sound (noise) is markedly increased by the relative humidity of the air through which the sound is passing. While one must be impressed by the "relative" low level of sound generated by the proposed GE turbine system, the air in the coastal zone is always blessed with a high level of humidity. Thus, the noise pollution of our nearby neighborhood, just a few hundred yards South of the proposed Reliant plant, would be far greater than if the plant were located in a desert area where the relative humidity were naturally low.

**Response CCL-24-7:** Potential noise impacts were analyzed in Section K (pages 76-83) of the MND. The noise levels that would be generated during operation of the facility were estimated, and the noise impacts calculated using a sound propagation model. The noise modeling concluded that the noise levels from operation of the peaker facility at the nearest future residence, located at Northshore at Mandalay approximately 750 feet from the peaker facility, would be lower than the existing noise levels at that location and would not be audible above the existing noise levels.

If elevated relative humidity decreased the attenuation of sound from the peaker facility, it would also decrease the attenuation of sound from the sources of the existing sound levels. As a result, existing sound levels and sound from the peaker at the nearest residence would both increase. The increase in existing noise levels would be the same as the increase in noise levels from the peaker. Therefore, noise levels from the peaker would still be lower than existing noise levels and would remain inaudible.

It should also be noted that the commenter's neighborhood, the Oxnard Shores area, is approximately 2,400 feet from the peaker facility, which is more than three times farther than the distance to the nearest future residence at Northshore at Mandalay. Therefore, sound from the peaker facility would not be audible at the Oxnard Shores area.

**Comment CCL-24-8:** Trees and shrubbery to shield this facility from view, even as proposed, are not at all compatible with the coastal zone.

**Response CCL-24-8:** As requested by the commenter, the tree and shrubbery species in the original landscape plan have been replaced by native bush, shrub, grass and groundcover species that are compatible with the coastal zone.

**COMMENT LETTER CCL-25: RICHARD J. MAGGIO, OXNARD  
COMMUNITY DEVELOPMENT DIRECTOR (RETIRED)**

**Comment CCL-25-1:** During the years 1983 through 2000 I served the City of Oxnard as Planning and Community Development Director. I was responsible for the preparation of the City Coastal Zone Ordinance, including all related studies, environmental analysis and Staff reports. My responsibility included staff recommendation of approval of the Coastal Zoning Ordinance (Chapter 17 of the City Code) to the Oxnard Planning Commission, Oxnard City Council, and the California Coastal Commission.

At the time of adoption of the Coastal Zoning Ordinance it was the intent of Staff and the Oxnard City Council to permit only Coastal Dependant Uses within the Coastal Zone. The Edison Power Plant on Harbor Blvd., now the Reliant facility, required ocean water for cooling purposes and was always considered to be "Coastal Dependant". Our intent was always that any additional, accessory, or related facilities to Oxnard's two coastal power plants were also to be "Coastal Dependant". The proposed peaker plant can now be

located as a stand alone facility on non-coastal sites within the interior of the State. An energy facility that need not be on the coast, should not be on the coast.

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

**Response CCL-25-1:** The Commission is entitled to rely on the Oxnard Local Coastal Program ("LCP"), and in particular the Oxnard Coastal Zoning Ordinance, as it is written. Thus, the City Council's request that the Commission apply a reading of the LCP which is not expressed in the Ordinance is inappropriate. Where the City Council acts as a legislative body in passing an ordinance, interpretation of that ordinance is governed by the rules of statutory construction. According to the rules of statutory construction enunciated by the United States Supreme Court, "in interpreting a statute a court should always turn to one cardinal canon before all others. . . . [C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there." *Connecticut Nat'l Bank v. Germain*, 502 U.S. 249, 252 (1992). To discover the meaning of a statute, courts first look to the words of the statute, giving them their usual and ordinary meaning. *Granberry v. Islay Investments*, 9 Cal. 4th 738, 744 (1995); *DaFonte v. Up-Right, Inc.*, 2 Cal. 4th 593, 601 (1992). "Where the words of the statute are clear, we may not add to or alter them to accomplish a purpose that does not appear on the face of the statute or from its legislative history." *Burden v. Snowden*, 2 Cal. 4th 556, 562 (1992). Indeed, "[w]hen the words of a statute are unambiguous, then, this first canon is also the last: 'judicial inquiry is complete.'" *Germain*, 502 U.S. at 252. Thus, unless the statutory language is ambiguous or unclear, there is no need to attempt to glean the City's intent by looking at City officials' after-the-fact interpretations.

The words of the Oxnard Coastal Zoning Ordinance are clear and unambiguous and therefore statutory construction is limited to giving the words of the statute their usual and ordinary meaning. The EC zoning designation specifically allows "power generating facilities and electrical substations." No provision in the zoning ordinance or elsewhere in the LCP states or can be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as Staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent in order to be located in the EC zone. The statute only requires that coastal dependent energy facilities be encouraged to locate or expand within existing sites. Plainly, Section 17-20(A)'s "encouragement" that coastal dependent energy facilities locate or expand within existing energy sites, rather than occupying new areas of the coast, does not bar, and is not inconsistent with, allowing a non-coastal dependent facility to also locate within a site already specifically zoned for, and long used for, energy facilities. Therefore, because the words of the statute are unambiguous, inquiry into statutory construction is complete and City Council members' interpretations are irrelevant.

As the commenter noted, the peaker plant does not use once through cooling. However, to have a policy that requires the peaker and similar plants to use once through cooling would be contrary to the policies of the Coastal Act.

#### **COMMENT LETTER CCL-26: COMMUNITY ENVIRONMENTAL COUNCIL**

**Comment CCL-26-1:** The Community Environmental Council would like to encourage the California Coastal Commission and Southern California Edison to examine alternative approaches to meeting peak energy demand instead of the proposed natural gas "peaker" plant

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

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

**Response CCL-26-1:** SCE has more solar electric capacity in its portfolio than any other utility in the nation, and has an aggressive program to add additional solar resources to its system in both central station and distributed configurations. However, as discussed in more detail in Response to Comment CCL-1-1, solar projects cannot provide the grid-reliability services that the proposed Project is intended to fill, since it is essential that the plant be able to come on-line very rapidly, at any time of day or night regardless of weather conditions, and be able to provide high megawatt black start capability to the adjacent Mandalay Generating Station and operate for an extended period of time during emergency situations. The Project does not displace renewable power plants, nor is it inconsistent in any way with the state's move towards more use of renewable resources. On the contrary, peaker plants like the proposed Project fill an important role in the integration of renewable energy, since their ability to follow load make them ideal to supplement and "fill in behind" intermittent renewable sources like wind and solar to keep the voltage and frequency of the grid stable.

**Comment CCL-26-2:** Moreover, we object to the assumption that simply because a new plant is more efficient, net greenhouse gas emissions will decrease, as is stated in the Coastal Commission's staff report (pg. 41). The only way that this conclusion be valid is if an older plant were taken off-line as a consequence of the new peaker plant in Oxnard. Not only is there no mention of this in the project statement, but the very purpose of the project is to provide electricity for *additional* peak demand, not to replace inefficient plants.

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

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

**Response CCL-26-2:** The analysis of greenhouse gas emissions from the proposed Project is discussed on pages 45-48 of the Staff Report. An independent review performed by Marine Research Specialists substantiates SCE's analysis. This review concluded that no increase in CO<sub>2</sub>E would occur across SCE's generation portfolio as the result of direct emissions from the project, and only a slight increase in CO<sub>2</sub>E emissions would result from the proposed project due to ancillary construction and transmission system upgrade emissions. Specifically, Marine Research Specialists found that CO<sub>2</sub>E emissions would increase by approximately 726 Metric Tonnes of CO<sub>2</sub>E over the anticipated 30 year project life (as demonstrated in Exhibit 12). This figure matches the conclusion reached by SCE considering the economic dispatch scenario. Over a 30 year project life, this is a relatively small number. To provide perspective on this level of CO<sub>2</sub>E emissions, the U.S. Environmental Protection Agency has estimated that eight Toyota Prius cars operated for 15,000 miles (45% highway driving and 55% city driving) per year would produce 744 Metric Tonnes of CO<sub>2</sub>E over 30 years.

Based on these relatively low levels of greenhouse gas emissions over the life of the project, the Commission agrees with SCE that no mitigation or offset is required.

As noted above in Response to Comment CCL-26-1, SCE explored the use of renewable energy sources for this project, but the characteristics of these types of resources did not meet the generation profile needed to provide the desired grid reliability benefits.

**COMMENT LETTER CCL-27: GEORGE C. COUDERT AND LINDA I. COUDERT**

**Comment CCL-27-1:** Edison admits that this plant would increase air pollution. Ventura County does not meet current air quality now, why would any rational Government body consider increasing the emission of nitrogen oxide, carbon monoxide, volatile organic compounds and ammonia stored on the site, sitting directly on the sand.

**Response CCL-27-1:** Please see Response to Comment CCL-1-10 regarding potential air quality impacts. As discussed in that response, the analyses of potential air quality impacts concluded that the Project will not cause air quality standards to be exceeded nor cause either regional or localized adverse air quality impacts.

Potential off-site impacts caused by a catastrophic release of hazardous chemicals stored at the facility, specifically aqueous ammonia, were analyzed in Section G.2 (pages 59-63) of the Mitigated Negative Declaration. The analyses concluded that a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts. Additionally, the design of the aqueous ammonia storage and delivery system includes engineering features to minimize the potential for a release. Aqueous ammonia will be stored in a tank on a concrete containment system. It will not be sitting directly on the sand.

**Comment CCL-27-2:** ...Our Mayor has told you on several occasions that the City of Oxnard has done more than its fair share in providing power plants and landfills in the past and now it is time for our community to protect its citizens by cleaning the environment and the air we breathe.

**Response CCL-27-2:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities. See Response to Comment CCL-3-13 for additional discussion of environmental justice.

**Comment CCL-27-3:** The citizens of California, you the commission members, the Governor, the Lands Commission, have all spoken on th[e threat of Global warming] and have concurred that we must reduce our Carbon footprint. We can only do so by supporting inevitable renewable resources such as wind, solar, and geothermal, not by continuing down the same polluting path.

**Response CCL-27-3:** As discussed in Response CCL-1-1, renewable energy options were considered, but they do not provide black start, dispatchable generation, nor do they provide the desired system reliability benefits. Therefore, they would not attain any of the basic objectives of the proposed Project. Furthermore, as discussed in Response CCL-26-2, greenhouse gas emissions over the life of the project will be relatively low, and the Staff Report agrees with SCE that no mitigation or offset is required.

**Comment CCL-27-4:** ...we feel that Edison has been less than honest with this proposal. We were first told that they were "undertaking the development of this facility in response to the Assigned Commissioner's Ruling Addressing Electric Reliability Needs in Southern California for Summer 2007"...Edison said they were told to build five plants, [sic] This is clearly not the case, the ACR directed SCE to ,"pursue, among other things, the immediate development of up to five SCE-owned, black-start capable peaker facilities" [sic] This represents a clear deception on their part,"up to" represents the maximum number of plants not the total number of plants felt needed.

**Response CCL-27-4:** As discussed in Response CCL-1-1, SCE was ordered by the CPUC to bring on-line by the Summer of 2007 up to 250 MW of SCE-owned, black-start, dispatchable generating facilities that would bring collateral benefits to SCE's transmission and distribution system as well as the CAISO grid. In order to best provide collateral benefits to the transmission and distribution system, SCE identified locations on its system that could most benefit from these projects and proposed constructing five 45-MW peaker projects as the best approach to meeting the 250 MW target.

**Comment CCL-27-5:** This directive was also specifically for the summer of 2007, this plant even if it is built would not meet these criteria.

**Response CCL-27-5:** The commenter is incorrect in implying that because Summer 2007 has passed, the Project is no longer needed. Even with the additional installed and anticipated new generating resources that will have come on-line between the summers of 2006 and 2008, CAISO still predicts a 10% risk that operating reserves in Southern California could be insufficient this summer. Although new resources have been procured and will continue to come on-line, SCE predicts that there remains a significant need for additional peaking resources in the future.

Further, the local emergency functions of the proposed Project have yet to be filled. There is currently no black start facility in the Oxnard area that is capable of black starting either the Mandalay or the Ormond Beach generating stations in the event of an emergency. And, as was just demonstrated in the recent July 2008 fire, Santa Barbara does not have sufficient local generation resources to meet the existing electricity demand in the event that the main transmission line that supplies the area is taken out of service. The proposed project will address both of these emergency needs by: 1) supplying black start capability to the Mandalay Generating Station and from there to the Ormond Beach Generating Station, and

2) providing the system support needed to provide additional power to the Santa Barbara system during emergencies.

Therefore, the need for the Project still remains.

**Comment CCL-27-6:** After telling the Planning Board and the City Council how great the need for this plant was to the citizens of Oxnard, a follow up question on how much power Oxnard would receive, the surprising answer was only 20%.

**Response CCL-27-6:** The commenter did not fully understand the answer to the follow up question. 100% of the power from the peaker would be distributed to the local Oxnard area. However, the peaker's air quality permit will limit operation of the facility to approximately 1,881 hours per year, which is approximately 20% of the total hours in a year.

**Comment CCL-27-7:** This begs the question, where is this energy needed, and could this plant be built closer to the area of intended use, and one less sensitive than our precious coast? That answer by the company was "yes". Meeting all SCE's requirements (own land, existing power plant, etc.) this "peaker" plant could be built in Moorpark. Which leads us to believe there is more to this story than meets the eye? Why are they so adamant about building the plant here in Oxnard, when it would be closer to the intended area, an area of more air conditioning, swimming pools... more need?

**Response CCL-27-7:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. Siting the project at Moorpark would not provide the desired local reliability benefits. Further, this site would place the project immediately adjacent to residential homes. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment CCL-27-8:** ... why does the company claim in their appeal to the Costal Commission, that they were denied the permit by the Planning Board and the City Council only over the issue of "coastal dependent"? They were at the same meetings when all of these concerns mentioned in this letter and more were made and cited by city leaders to deny the proposal.

**Response CCL-27-8:** The City of Oxnard Planning Commission Resolution No. 2007-19 which denied SCE's application (Staff Report Appendix A, Exhibit 5) clearly states that the application was denied because the proposed Project was

not coastal-dependent. This decision was upheld by the City Council. No other reason was cited.

**COMMENT LETTER CCL-28: ART & JANICE SEROTE**

**Comment CCL-28-1:** The plant should be put in the area where the power is needed – somewhere where the air conditioners are running day and night.

**Response CCL-28-1:** See Response to Comment CCL-9-1 regarding the need to locate the peaker plant at the proposed site.

**Comment CCL-28-2:** This plant will affect our air quality negatively. Even the Edison literature states that there are emissions of nitrogen oxide, volatile organic compounds, ammonia, and carbon monoxide.

**Response CCL-28-2:** See Response to Comment CCL-1-10 regarding potential air quality impacts from the proposed Project. As discussed in that response, the analyses of potential air quality impacts concluded that the Project will not cause air quality standards to be exceeded nor cause either regional or localized adverse air quality impacts. Therefore air quality will not be negatively affected.

**COMMENT LETTER CCL-29: LLOYD PILCH**

**Comment CCL-29-1:** I do not believe the environmental concerns have been adequately addressed as far as the effect on water quality, wetlands destruction and most importantly the air quality for the nearby population.

**Response CCL-29-1:** The commenter provides no basis for the statement that effects on water quality, wetlands destruction and air quality have not been adequately addressed. The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including water quality and air quality. Because the proposed Project is being constructed on a brownfield site, with transmission and gas pipeline connections being made in coastal dune habitat, it will not destroy wetlands. Moreover, the Staff Report imposes Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

**COMMENT LETTER CCL-30: ANGELA SLAFF**

**Comment CCL-30-1:** Please consider all of the hazards [sic] that such a plant would bring to our neighborhoods. Not only is the tower that is included in the building plans right in the flight path of Oxnard Airport, but more importantly the pollutants put out by this plant will add substantially to our already overburdened atmosphere.

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

**Response CCL-30-1:** The Ventura County Department of Airports (VCDOA), has reviewed the structures that would be constructed as part of the peaker project and concurs with SCE that the power plant stack would not pose a hazard to aircraft in the flight path for the Oxnard Airport.

See Response to Comment CCL-1-10 regarding potential air quality impacts. As discussed in that response, the analyses of potential air quality impacts concluded that the Project will not cause either regional or localized adverse air quality impacts.

The visible plume that can be seen exiting the Reliant Energy power plant stack is due to water vapor, not smoke or other pollutants. When the hot water vapor in the power plant exhaust mixes with the air, the water vapor cools and condenses, which causes the visible plume.

**Comment CCL-30-2:** It is my understanding that most of the energy this plant will provide is not for Oxnard area, but for cities quite a ways away from here. Why not build plant in not so populated area.

**Response CCL-30-2:** All the energy produced by the plant will be used in the local Oxnard area. See Response to Comment CCL-9-1 regarding the need to locate the peaker plant at the proposed site.

**COMMENT LETTER CCL-31: JOSEPH E. BURDULLIS, AG RX**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-32: THOMAS S. BEARDSLEY, BEARDSLEY & SON**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-33: SHANE MORGER, BUNNIN AUTOMOTIVE GROUP**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-34: YAKOUT MANSOUR, CALIFORNIA ISO**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-35: HENRY L. "HANK" LACAYO, CONGRESS OF CALIFORNIA SENIORS**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-36: PATRICK L. MILLIN, COURTYARD BY MARRIOTT**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-37: FLORENCE LAMANNO, DFD ENTERPRISES, INC.**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-38: DON HAUSER**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-39: GUADALUPE CONZALEZ, EL CONCILIO DEL CONDADO DE VENTURA**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-40: GERALD I. RICH**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-41: PETER ZIERHUT, HAAS AUTOMATION, INC.**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-42: MARC L. CHARNEY**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-43: CHRISTOPHER WOOD, MCDONALD'S**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-44: NANCY LINDHOLM, OXNARD CHAMBER OF COMMERCE**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-45: ROBERT L. DUARTE**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-46: TOM WADDELL, STATE FARM INSURANCE**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-47: THOMAS C. NIELSEN**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-48: ANTHONY C. VOLANTE**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-49: BILL BURATTO, VENTURA COUNTY ECONOMIC DEVELOPMENT ASSOCIATION**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-50: DON FACCIANO, VENTURA COUNTY TAXPAYERS ASSOCIATION**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-51: GLEN L. AALBERS**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-52: JOE ARMENDARIZ, COUNCILMEMBER, CITY OF CARPINTERIA**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-53: SANTA BARBARA COUNTY TAXPAYERS ASSOCIATION**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-54: SANTA BARBARA TECHNOLOGY AND INDUSTRY ASSOCIATION**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-55: WANDA STROUD**

**Comment CCL-55-1:** And, that it doesn't compromise my health and well-being.

**Response CCL-55-1:** As discussed in Response CCL-1-6, the MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

**Comment CCL-55-2:** I lose car radio reception along that stretch of Harbor Boulevard (do I need to worry about health issues resulting from the same interference?)

**Response CCL-55-2:** SCE understands the comment to be asking about power-frequency electric and magnetic fields (EMF), which are associated with any power generation or transmission and can sometimes interfere with radio reception. First, of course, any currently existing EMF is not from the proposed peaker, which is not yet built and operating. The EMF associated with the peaker and its very short interconnection to the existing facilities will be significantly less than that associated with the existing transmission lines, since the peaker is a relatively small generating unit and will generate at a subtransmission voltage of only 66 kV. Sixty-six kV lines are commonplace throughout California and elsewhere including in residential and commercial neighborhoods.

As required by the CPUC, SCE designs and constructs all of its overhead transmission, subtransmission and distribution facilities to meet or exceed the requirements of General Order 95 (GO 95), Rules for Overhead Electric Line Construction. GO 95 establishes the minimum design and construction requirements for overhead transmission, subtransmission and distribution facilities constructed within the State of California. In addition to the requirements of GO 95, SCE utilizes other applicable industry standards in the design of its overhead electric facilities. The proposed Project will meet or exceed the requirements of GO 95 and these other applicable industry standards.

An integrated action plan has been developed in California in response to concerns about the possibility of health impacts of EMF from electric utility facilities. This plan was established by the CPUC in Decision 93-11-013 (and reaffirmed in Decision 06-01-042), in which the CPUC adopted a policy requiring investor-owned electric utilities operating within the state to incorporate various “no-cost and low-cost” measures into the construction of new or upgraded power lines and substations, and requiring each utility to develop and publish guidelines to implement this policy.

SCE’s plan for implementing recommended “no- and low-cost” magnetic field reduction measures for the Project is consistent with CPUC Decisions 93-11-013 and 06-01-042 and also with the direction of leading national and international health agencies.

In addition, as discussed in Response CCL-1-6, the MND and the Staff Report thoroughly evaluated potential adverse impacts that may be caused by the proposed Project and concluded that the proposed Project would not cause any significant adverse impacts. Please see Response to Comment CCL-1-10 regarding the evaluation of air quality impacts, including impacts to nearby residents. Emissions from the Project will not cause local air pollutant concentrations to exceed federal or California ambient air quality standards. The analyses of potential air quality impacts in the MND concluded that the Project will not cause localized adverse air quality impacts. This conclusion was concurred with by the Ventura County Air Pollution Control District. Therefore, air emissions from the proposed Project will not harm local residents.

**Comment CCL-55-3:** ...power lines and gas lines don't bow well with earthquakes, winds, fires and rain...

**Response CCL-55-3:** Transmission and gas lines are constructed in accordance with standards that account for potential effects from earthquakes, winds, fires and rains. There are existing transmission and gas lines in the immediate vicinity of the proposed Project and throughout California. The construction of the new transmission lines and the gas pipeline for the proposed Project would not introduce new potential hazards.

**Comment CCL-55-4:** ...an industrial site is ugly no matter what landscaping could shield it ... the site gets uglier by the year with the harsh salt air producing lots of rust...

**Response CCL-55-4:** Please see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that response, the facility will not cause significant adverse impacts. The addition of landscaping will also further minimize the visual impact of the proposed Project by shielding views of the facility to the extent feasible, while still protecting sensitive species.

**Comment CCL-55-5:** ...and I have to be concerned if there's an accident or problem that would have us vacate our properties.

**Response CCL-55-5:** Potential off-site impacts caused by a catastrophic release of hazardous chemicals stored at the facility, specifically aqueous ammonia, were analyzed in Section G.2 (pages 59-63) of the Mitigated Negative Declaration. The analyses concluded that a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts. Additionally, the design of the aqueous ammonia storage and delivery system includes engineering features to minimize the potential for a release.

**Comment CCL-55-6:** Let that city build its own facility.

**Response CCL-55-6:** As per Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Project, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.

The energy produced by the plant will be distributed and used within the local Oxnard area. More importantly, the Project was sited in the Oxnard area to provide additional reliability to the local Ventura/Santa Barbara county transmission and distribution system. At its proposed location, the Project would provide an important and much-needed improvement to the local electric generation and transmission infrastructure. See Response to Comment CCL-9-1 for a more detailed discussion of local benefits.

## COMMENT LETTER CCL-56: LINDA CALDERON

**Comment CCL-56-1:** There is no reason why the power plant should be located on the coast since it is not coastal dependent and most of the power generated will be sent far inland, not in this area.

**Response CCL-56-1:** As explained in Response CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. To the contrary, as staff concluded, the City's coastal zoning ordinance expressly allows energy development on the site and does not specify that it must be coastal dependent. The record clearly supports the Staff Report's finding that the Project may be developed at the proposed site under the LCP and coastal zoning ordinance.

The energy produced by the plant will be distributed and used within the local Oxnard area. More importantly, the Project was sited in the Oxnard area to provide additional reliability to the local Ventura/Santa Barbara county transmission and distribution system. At its proposed location, the Project would provide an important and much-needed improvement to the local electric generation and transmission infrastructure. See Response to Comment CCL-9-1 for a more detailed discussion of local benefits.

**Comment CCL-56-2:** It is my understanding that at least part of the other electrical generating structures presently located in this area are not, or soon will not be, used and were supposed to be torn down by SCE who has not done this.

**Response CCL-56-2:** SCE is not aware of any plans for Reliant Energy's two existing generating stations to be decommissioned. On the contrary, recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.

Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the majority of the existing coastal generating stations will remain in operation for the foreseeable future in either their current or in a repowered configuration

**Comment CCL-56-3:** ...the ugly 80 ' high tower which will be visible for miles and miles.

**Response CCL-56-3:** As discussed in Response CCL-1-5, since the existing views of and around the Project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the Project would not cause a significant adverse aesthetic impact.

**Comment CCL-56-4:** The fact that a natural gas pipeline of 6" is also proposed to be installed, we believe is for the purpose of LNG being piped in from offshore...

**Response CCL-56-4:** The commenter is incorrect. The natural gas pipeline will connect to an existing Southern California Gas pipeline.

**Comment CCL-56-5:** The proximity of the emissions and PCB's (carcinogenic) to the campers at McGrath State Beach and the housing development.

**Response CCL-56-5:** Please see Response to Comment CCL-1-10 regarding the evaluation of air quality impacts, including impacts to nearby residents. The air analysis that was conducted as part of the MND is the same as would be conducted in an EIR. The analyses of potential air quality impacts in the MND concluded that the Project will not cause localized adverse air quality impacts. This conclusion was concurred with by the Ventura County Air Pollution Control District. Therefore, air emissions from the proposed Project will not harm local residents or campers. Additionally, contrary to the comment, PCB's will not be associated with the proposed project.

**Comment CCL-56-6:** Most of the electricity generated by this Plant is proposed to be sent to inland areas which should, therefore, be the ones having the Peaker Plant.

**Response CCL-56-6:** The energy produced by the plant will be distributed and used within the local Oxnard area. More importantly, the Project was sited in the Oxnard area to provide additional reliability to the local Ventura/Santa Barbara county transmission and distribution system. At its proposed location, the Project would provide an important and much-needed improvement to the local electric generation and transmission infrastructure. See Response to Comment CCL-9-1 for a more detailed discussion of local benefits.

**Comment CCL-56-7:** I do not believe that there is any way that construction activities and noise can NOT adversely affect the burrowing owls and other wildlife.

**Response CCL-56-7:** Potential noise impacts on threatened and endangered species were evaluated in Section D of the Mitigated Negative Declaration. As discussed on pages 45 and 46 of the Mitigated Negative Declaration, California least terns nest at active container terminals (Port of Los Angeles, the second-largest nesting site in California in 2006) and airports (Lindberg Field in San Diego, which supported over 100 nests in 2006). Therefore, it is unlikely that the noise, vibration and other disturbances associated with construction and operation of the Project would result in significant indirect impacts on this species. This

statement also holds true for snowy plovers, since snowy plovers at Camp Pendleton Marine Base nested (and continue to nest) successfully despite military operations including frequent traffic by large tanks on the beach just west of the nesting area, generating both noise and vibration. Among other locations adjacent to human disturbance, snowy plovers also nest successfully at a nesting site at Baticuitos Lagoon in San Diego County that is adjacent to 4-lane Carlsbad Boulevard. Snowy plovers are more susceptible to disturbances caused by people and pets walking close to nests. Therefore, noise impacts to birds and wildlife are not anticipated to be significant.

#### **COMMENT LETTER CCL-57: WESLEY PAULSON**

**Comment CCL-57-1:** Oxnard gets selected disproportionately for projects that are deemed necessary but which more affluent communities don't want.

**Response CCL-57-1:** Please see Response to Comment CCL-8-2. Environmental justice issues were fully considered during the evaluation of the proposed Project. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

Moreover, surveys indicate that the percentage of the population living below the poverty level and within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations.

#### **COMMENT LETTER CCL-58: DANIEL STEIN**

**Comment CCL-58-1:** Start looking into renewable resources.

**Response CCL-58-1:** As discussed in more detail in Response to Comment CCL-1-1, renewable resources, such as solar and wind power, cannot provide the peaking and grid-reliability roles that the proposed Project is intended to serve, since it is essential that the plant be able to come on-line very rapidly, at any time of day or night regardless of weather conditions, and be able to provide high megawatt black start capability to the adjacent Mandalay Generating Station. The Project does not displace renewable power plants, nor is it inconsistent in any way with the state's move towards more use of renewable resources. On the contrary, peaker plants like the Project fill an important role in the integration of renewable energy, since their ability to follow load make them ideal to supplement and "fill

in behind” intermittent renewable sources like wind and solar to keep the voltage and frequency of the grid stable.

**COMMENT LETTER CCL-59: KENNETH GILMORE**

**Comment CCL-59-1:** Edison’s effort to get approval for this project was previously denied by the Commission and the Governor. The finding should be sustained.

**Response CCL-59-1:** Contrary to the comments assertions, the proposed Project has not been denied by either the California Coastal Commission or the Governor. In fact, development of the proposed Project will further Governor Schwarzenegger’s energy policy regarding electric generation reliability. To help implement Governor Schwarzenegger’s energy policy, CPUC President Michael Peevey issued *Assigned Commissioner’s Ruling Addressing Electric Reliability Needs in Southern California for Summer 2007* on August 15, 2006 ordering SCE to pursue the immediate development of up to five SCE-owned, black-start capable peaker facilities, which could be on-line by the Summer of 2007.

**Comment CCL-59-2:** If the power is necessary, site the facility elsewhere.

**Response CCL-59-2:** As per Response to Comment CCL-1-1, SCE has conducted a detailed needs and siting assessment for the proposed Project, both at the time of its original siting and subsequent to that time. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose of and need for the proposed Project, and is also the environmentally-preferred site.

**COMMENT LETTER CCL-60: PEKANUI COLLINS**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-61: GLEN AALBERS**

This letter does not include comments that require a response.

**COMMENT LETTER CCL-62: DONALD HAUSER**

This letter does not include comments that require a response.

**COMMENTS AND RESPONSES TO COMMENTS SUBMITTED TO THE CITY  
OF OXNARD PLANNING DEPARTMENT**

**COMMENT LETTER PDL-1: SOUTHERN CALIFORNIA ASSOCIATION OF  
GOVERNMENTS**

This letter does not include comments that require a response.

**COMMENT LETTER PDL-2: CITY OF VENTURA**

**Comment PDL-2-1:** A.3 It is unclear from the photos and simulations provided in Appendix C and D how the proposed facilities will not degrade the quality of the site and view from the beaches to the north and northwest. Please illustrate how the proposed development will appear from the north and northwest.

**Response PDL-2-1:** At the request of the City, Southern California Edison (SCE) provided approximately 15-20 visual simulations and key maps of the project from numerous angles in order to conduct a thorough assessment of the potential visual impact from the project. Four of these simulations were selected by the City for inclusion in the Draft MND. From a north or northwest beach location, the project would be located behind the much taller existing infrastructure of the Mandalay Generating Station and would therefore not have an adverse impact because the project would not cause a significant change in the existing visual character of the site. Consequently, simulations were neither requested nor prepared from this direction. No additional analysis is required since the visual impacts of the project from this direction were adequately considered.

**Comment PDL-2-2:** A.4 Permanent lighting. It is unclear from the discussion and rationale how new lighting at the facility will not generate considerable nighttime glare. Please include a rendering demonstrating the location and intensity of proposed lighting.

**Response PDL-2-2:** The location of lights was included in the Coastal Development Permit application that is the subject of the MND. More detailed lighting plans and calculations were reviewed by Commission staff. The proposed lighting plan complies with the California Energy Commission's Title 24 California Code of Regulations Part 6 which governs Energy Efficiency Standards for Nonresidential Buildings, including Section 147 "Requirements for Outdoor Lighting." This regulation sets outdoor lighting standards to ensure that nighttime glare meets established limits. The proposed area lighting fixtures are cut off luminaries where no more than 2.5% of the light output extends about the horizontal (90 degrees above nadir) and no more than 10% of the light output extends at or above a vertical angle of 80 degrees above nadir. The proposed design incorporates automatic cut off switches and multi level switching as required to allow best practice management of lighting levels. As noted on page 22 of the Draft MND, the proposed lighting plan is consistent in intensity with the

existing lighting at the immediately adjacent Mandalay Generating Facility and will therefore have a less than significant impact on nighttime views in the area.

### **COMMENT LETTER PDL-3: VENTURA COUNTY WATERSHED PROTECTION DISTRICT**

**Comment PDL-3-1:** The biological resources section needs to consider potential impacts to the federally endangered tidewater goby (*Eucyclogobius Newberri*) in the Edison canal.

We recommend preconstruction surveys by a qualified natural fish biologist and appropriate protective measures (eg., exclusion nets or silt fences) during construction.

**Response PDL-3-1:** Please see Response to Comment CCL-6-1 regarding a survey for the presence of tidewater goby in the Edison canal. As recommended by the commenter, SCE's biological consultants conducted a survey of the Mandalay Canal on January 9, 2008, to test for the presence of tidewater gobies. No tidewater gobies were taken in the Mandalay Canal, and the habitat is largely mud which is not a preferred substrate for the tidewater goby. Little or no freshwater influence exists in this canal so the water maintains a marine salinity or nearly so, which is undesirable for tidewater gobies. Therefore, the project is not anticipated to cause adverse impacts to tidewater gobies. However, to ensure that the project will not cause adverse impacts to the Mandalay Canal, Special Condition 3(d) requires that all project development remain more than 50 feet from the canal.

**Comment PDL-3-2:** We have reviewed the Environmental Factor Section H. Hydrology and Water Quality Items No. 2 and 6, which are checked "No Impact". We disagree with the "No Impact" designations listed. Trucking of wastewater to an approved disposal site is acknowledged, however, the planned connection to the city wastewater system is the preferred long-term option. The proposed Project should not adversely affect water quality after connecting to the City of Oxnard sewer system. Groundwater hydrology could however, be impacted by loss of surface infiltration due to paved surfaces and building footprints. Since this project is above the "clay cap" protecting deeper useable aquifers, there should be less-than-significant losses to groundwater recharge within the unused Perched Zone aquifer. We therefore recommend changing the Initial Study findings from "No Impact" to "Less than Significant" for the reviewed Items No. 2 and 6.

**Response PDL-3-2:** As discussed on page 16 of the MND, 1.61 acres of new impervious surfaces will be created on the project site. This is only 11 percent of the total site area of 16.1 acres. As stated in the comment, the "No Impact" findings for these items should have been "Less than Significant." However, this does not alter the conclusions that the project would not cause significant unmitigated adverse impacts to hydrology and water quality.

**COMMENT LETTER PDL-4: VENTURA COUNTY PUBLIC WORKS  
TRANSPORTATION DEPARTMENT**

**Comment PDL-4-1:** The Traffic Study for the MND should evaluate and provide mitigation measures for the site-specific impacts this project may have on the County's Regional Road Network. As provided in the proposed truck route, of particular interest to the County are the potential traffic impacts at the following intersections and portion of the County road:

- Intersection of Doris Avenue and Victoria Avenue;
- Intersection of Victoria Avenue and Gonzales Road;
- Intersection of Victoria Avenue and Olivas Park Drive; and
- Portion of Victoria Avenue from Oxnard City Limit (at Teal Club Road) to Ventura City Limit (at Olivas Park Drive)

**Response PDL-4-1:** Traffic impacts were discussed in Section O of the MND, on pages 90-95. As presented on page 91 of the MND, truck trips during construction are anticipated to peak at 11 trips per day and will occur during the day outside the peak traffic periods on Victoria Avenue. Since the peak number of truck trips is so low and the trips will occur outside the peak traffic periods, they would clearly not cause a significant adverse impact to traffic at the intersections or on the portion of Victoria Avenue listed in the comment.

**COMMENT LETTER PDL-5: VENTURA COUNTY AIR POLLUTION  
CONTROL DISTRICT**

This letter does not include comments that require a response.

**COMMENT LETTER PDL-6: CALIFORNIA DEPARTMENT OF PARKS AND  
RECREATION**

**Comment PDL-6-1:** In describing the project's location it should be noted that Mandalay State Beach is to the southeast of the proposed plant site and McGrath State Beach is to the northwest of the site and the Reliant Energy Plant.

**Response PDL-6-1:** This comment is identical to Comment CCL-4-1. Please see Response to Comment CCL-4-1.

**Comment PDL-6-2:** When evaluating visual impacts of the proposed Project it should be noted that, "the intervening land between Mandalay State Beach and the proposed Project site" is NOT "dotted with existing oil processing structures that are

approximately 70 feet high, and the stacks of the Mandalay Power Generation Facility which is 203 feet high". All that separates Mandalay State Beach from the proposed Peaker plant site is a six foot chain link fence on the Edison property.

**Response PDL-6-2:** This comment is identical to Comment CCL-4-2. Please see Response to Comment CCL-4-2.

**Comment PDL-6-3:** Impacts to the access road and resources at Mandalay State Beach have not been evaluated or mitigations considered.

**Response PDL-6-3:** Access to Mandalay State Beach is from the end of Fifth Street, which is more than 2,100 feet south of the project site. Given this large distance from the project site, the project would not have significant impacts to the access to Mandalay State Beach.

The Staff Report includes an extensive review of potential impacts of the project on Mandalay State Beach. The environmental assessment, on pages 16-25 of the Staff Report, took into account sensitive habitats and the proximity to Mandalay State Beach and determined that there would be no impact. In compliance with Local Coastal Plan (LCP) Policy 6, Special Condition 3(d) requires the project's landscaping and construction activities to be separated by at least 50 feet from the entire southern boundary of the Project site adjacent to the Mandalay State Beach Resource Protection area. Staff concluded that a 50 foot buffer is sufficient here given the existing 30 foot wide paved access road that currently separates the project site from the state park and SCE's commitment to locate all development and construction activities an additional 50 feet north of this road.

Sensitive nesting habitat for the western snowy plover and California least tern exists approximately 1,000 feet to the west and southwest of the project site in Mandalay State Beach. Special Condition 6 requires the replacement of proposed trees in the landscape plan with native brush and shrub species that are not expected to provide perching or nesting habitat for predatory birds of concern. Existing trees will be removed.

Thus, potential impacts to Mandalay State Beach have been adequately evaluated and conditions have been imposed that ensure that significant adverse impacts will not occur.

**Comment PDL-6-4:** The extent of the project area has not been adequately defined for preconstruction biological survey purposes.

**Response PDL-6-4:** This comment is identical to Comment CCL-4-4. Please see Response to Comment CCL-4-4.

**Comment PDL-6-5:** Given extensive restoration activities undertaken at Mandalay State Beach, a native plant palette using locally collected seed should be required for landscaping.

**Response PDL-6-5:** This comment is identical to Comment CCL-4-5. Please see Response to Comment CCL-4-5.

**Comment PDL-6-6:** Properties entrusted to the California Department of Parks and Recreation for stewarding contain high resource and recreational values. Mandalay and McGrath State Beaches contain wetland, dune, backdune and riparian habitats. The acreage of these parks hold what remains of these habitat types and as such are protected from urban development. Construction and intensification of use in the coastal area immediately adjacent to these two State Park properties does not appear to be adequately evaluated.

**Response PDL-6-6:** The project will be located on land that has been used for energy development for 50 years. Siting the project at this location is consistent with the Coastal Act policy which favors consolidating energy development at existing sites. The environmental assessment in the Staff Report took into account sensitive habitats and the proximity to State Park land and determined that there would be no impact. Please see Response to Comment PDL-6-3 regarding potential impacts to Mandalay State Beach. As discussed in that response, the project will not cause significant unmitigated adverse impacts to Mandalay State Beach.

The project site is located approximately 1,000 feet from McGrath State Beach, and the Reliant Mandalay Generating Station is located between the project site and McGrath State Beach. Given this large separation between the project site and McGrath State Beach, and the intervening presence of the Mandalay Generating Station, the project does not have the potential to cause adverse impacts to the resources at McGrath State Beach.

**Comment PDL-6-7:** The MND appears to look only at the proposed site and adjacent dunes. Limited investigation of impacts to the backdune or wetland sites has been considered.

**Response PDL-6-7:** This comment is identical to Comment CCL-4-7. Please see Response to Comment CCL-4-7

#### **COMMENT LETTER PDL-7: U.S. FISH AND WILDLIFE SERVICE**

**Comment PDL-7-1:** Our concerns lie with the proposed row of trees. It is likely that this row of trees will provide habitat for American crows (*Corvus brachyrhynchos*) and ravens (*Corvus corax*) that prey on the California least tern and western snowy plover chicks and eggs located on the adjacent beaches. Specifically, we are concerned that these species are known to take up residence in areas with suitable breeding habitat and that are adjacent to food sources (e.g. California least tern colonies).

**Response PDL-7-1:** This comment was specifically addressed in the Staff Report (pages 21-23). To address the potential impact to sensitive species and

habitats, SCE revised its landscaping plan to replace the trees with native brush and shrub species that are not expected to provide nesting habitat for predatory birds of concern. Existing trees will be removed. If the landscaping plan is modified as described above, the Commission believes the western snowy plover and California least tern nesting sites will be adequately protected from project-related activities.

**COMMENT LETTER PDL-8: SUSAN RUIZ, VENTURENO CHUMASH COUNCIL MEMBER**

This letter does not include comments that require a response.

**COMMENT LETTER PDL-9: SHIRIN ANDERSON**

This letter does not include comments that require a response.

**COMMENT LETTER PDL-10: SAVIERS ROAD DESIGN TEAM**

This letter does not include comments that require a response.

**COMMENT LETTER PDL-11: LARRY GODWIN**

**Comment PDL-11-1:** Any industrial project in the Coastal Zone must have a full Environmental Impact Report.

**Response PDL-11-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PDL-11-2:** The peaker plant is not coastal dependent and can not be approved. There is never any justification for putting non-coastal dependent industry in the Coastal Zone. The plant is not consistent with the Coastal Zone designation of "Coastal Energy Facility".

**Response PDL-11-2:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

**Comment PDL-11-3:** The plant can not be classified as an accessory use to the existing Mandalay Power Generation facility since it will operate independent of the Mandalay facility.

**Response PDL-11-3:** The commenter's contention that the Project cannot be considered as an accessory use to the existing Mandalay facility does not affect the zoning determination. The proposed development site lies entirely within the EC subzone. Pursuant to Section 17-20 of the City's coastal zoning ordinance, the EC subzone expressly allows "electrical power generating plant and accessory uses normally associated with said power generating facility." Because the proposed peaker facility is an electrical power generating plant, it is unquestionably permitted at the proposed development site under the City's coastal zoning ordinance and is not required to be "an accessory use."

**Comment PDL-11-4:** The MND must address the requirements of AB-32 with respect to greenhouse gas. The Air Quality impact analysis does not even calculate or address the amount [sic] carbon dioxide emitted.

**Response PDL-11-4:** AB32, The California Global Warming Solutions Act of 2006, does not include specific requirements that affect the electricity sector. The California Air Resources Board has not yet adopted regulations pursuant to AB32; however the project will comply with all applicable regulations once adopted.

Potential greenhouse gas emissions associated with the project have been evaluated in the Staff Report on pages 40-48. Over a 30 year period, net CO<sub>2</sub>E emissions from the Project would be approximately 726 Metric Tonnes of CO<sub>2</sub>E emissions, a relatively small number. Consequently, the Staff Report concludes that no mitigation or offset is required. Please see Response to Comment CCL-21-2 for more information on the greenhouse gas emission analysis.

**Comment PDL-11-5:** The project does not comply with the Ventura County Air Quality Assessment (AQMP) [sic] Guidelines since it does not conform to the applicable General Plan designation.

**Response PDL-11-5:** The comment is incorrect that the project is inconsistent with the Air Quality Management Plan (AQMP). Consistency with the AQMP, as described in the VCAPCD's "Ventura County Air Quality Assessment Guidelines," is based on consistency with respect to population growth as projected in the current AQMP. The proposed Project will not induce population growth, either directly or indirectly, as discussed in Response to Comment CCL-

3-13. Since the project will not cause growth in population, it cannot be inconsistent with the growth projections in the AQMP.

**Comment PDL-11-6:** The AQMP must assume that the plant will operate 100% of the time. There is no compelling reason to believe, that after spending \$50 million to construct the plant, that Southern California Edison would not operate the plant as much as possible.

**Response PDL-11-6:** The combustion turbine will be limited to 1,881 hours of normal operation per year, 120 startup events per year, and 120 shutdown events per year (MND page 31). These operating limits will be specified as conditions in the permits issued for the facility by the Ventura County Air Pollution Control District. The VCAPCD has the authority to enforce compliance with these limits. Therefore, the air quality analyses in the MND were correctly based on these operating limits.

**Comment PDL-11-7:** There is no discussion of the restoration requirements when the oil tanks on the site were removed and if any of those requirements remain.

**Response PDL-11-7:** There are currently no restoration requirements for the site. Therefore, such restoration requirements were not discussed in the MND.

**Comment PDL-11-8:** If the plant is built, it must be removed when the existing Mandalay Power Generation facility is removed and the site restored. There is a requirement that existing power plants, that use seawater for cooling, cease operation in 5 to 10 years. Since these plants are not suitable for upgrading, they most likely will be removed.

**Response PDL-11-8:** SCE is not aware of any plans for Reliant Energy's Mandalay Generating Station to shut down. Further, the California Ocean Protection Council recently published a study indicating that Mandalay could be readily converted to comply with once through cooling requirements. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay.

#### **COMMENT LETTER PDL-12: OCTAVIO AND BODINE ELIAS**

**Comment PDL-12-1:** We were very disappointed to see that an Environmental Impact Report was not required for the Peaker Plant even though Edison's own literature refers to emissions from [sic] nitrogen oxide (Nox), carbon monoxide, volatile organic compounds (VOC) and the presence of storage tanks filled with ammonia.

The siting of this plant where the prevailing winds blow from ocean to land is poorly thought out. Even with what Edison describes as 'state of the art equipment', any emissions are unacceptable. See the attached photo of the Reliant plant and note the wind direction.

**Response PDL-12-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

Please see Response to Comment CCL-1-10 regarding evaluation of air quality impacts. As discussed in that response, the peaker project will not cause adverse localized or regional air quality impacts.

Please see Response to Comment CCL-12-1 regarding potential off-site impacts caused by a catastrophic release of hazardous chemicals stored at the facility, specifically aqueous ammonia. As discussed in that response, a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts.

**Comment PDL-12-2:** Governor Schwarzenegger said when he vetoed the LNG facility that to meet California standards, the requirement is to *improve air quality and protect its coastal resources*. The Peaker Plant does neither.

**Response PDL-12-2:** A statement made by Governor Schwarzenegger does not constitute a requirement of the California Environmental Quality Act. Additionally, this comment incorrectly paraphrases Governor Schwarzenegger's statement. The statement, which was included in a letter to the United States Maritime Administration<sup>12</sup>, was "...any LNG import facility must meet the strict environmental standards California demands to continue to improve our air quality, protect our coast, and preserve our marine environment." The MND along with the Staff Report have concluded that the project will comply with required environmental standards and will not have significant adverse effects on the environment, consistent with Governor Schwarzenegger's statement.

**Comment PDL-12-3:** The noise will disturb hundreds of households.

**Response PDL-12-3:** Please see Response CCL-5-2 regarding potential noise impacts. As discussed in that response, the sound generated during operation of the peaker facility will not be audible above existing sound levels at the closest future residence. Therefore, the noise will not disturb any households.

**Comment PDL-12-4:** Why is Oxnard again a Target – Dumping Grounds for industrial blight?

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<sup>12</sup> [http://www.marad.dot.gov/Headlines/2007/0518\\_cali\\_gov\\_BHP\\_DWP.html](http://www.marad.dot.gov/Headlines/2007/0518_cali_gov_BHP_DWP.html)

**Response PDL-12-4:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

#### **COMMENT LETTER PDL-13: BILL AND CLARISSA MEEKER**

**Comment PDL-13-1:** As someone involved in the development business and having looked at the MID [sic] itself, I would ask you to reconsider this and ask for a complete, extensive EIR on the project. I realize there is a trend to minimize unnecessary EIR's but I have never seen a MID [sic] outside of residential housing. An EIR, I believe, would uncover shortcomings of the project and more importantly would open the question of whether or not this is even the right location for this project.

**Response PDL-13-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PDL-13-2:** Since this plant does not rely on the exchange of water for operation, why does it have to be on one of our beaches?

**Response PDL-13-2:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response CCL-2-1 for additional discussions regarding coastal dependency.

**Comment PDL-13-3:** We urge the Planning Department and the City Council of Oxnard to demand Edison take their “peaker plant” elsewhere, or at the very least to really explore the ramifications of such a project in this location, with an extensive Environmental Impact Report.

**Response PDL-13-3:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**COMMENT LETTER PDL-14: DAVE HERMANSON**

**Comment PDL-14-1:** I would love for our alternate site to be discussed in hopes of reaching a consensus that would allow the plant to be placed in a less controversial area.

**Response PDL-14-1:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**COMMENT LETTER PDL-15: SUZANNE SCHECHTER**

This letter does not include comments that require a response.

**COMMENT LETTER PDL-16: NANCY SYMONS AND EDWARD PAGLIASSOTTI**

**Comment PDL-16-1:** We believe the City of Oxnard should require the proponent to complete a satisfactory Environmental Impact Report.

**Response PDL-16-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PDL-16-2:** Edison's own literature states that the proposal will emit nitrogen oxide, carbon monoxide, volatile organic compounds and ammonia. We must be assured that this proposal meets air quality standards.

**Response PDL-16-2: Response 11-1:** Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded.

**Comment PDL-16-3:** Since the peak power needs are in other parts of the state like Cucamonga and not in this area of Oxnard we should not just allow this plant to be set up here without a proper and complete review. We should not just agree to it because Edison has the land available to set up the plant.

**Response PDL-16-3:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the

Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PDL-16-4:** Oxnard has been the dumping ground for too many projects with negative impacts.

**Response PDL-16-4:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

#### **COMMENT LETTER PDL-17: SINGER FAMILY**

**Comment PDL-17-1:** Once again I don't get it, why is Oxnard always the dumping zone?

**Response PDL-17-1:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in Oxnard. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PDL-17-2:** Edison has admitted to emissions of nitrogen oxide, carbon monoxide, volatile organic compounds, and ammonia.

**Response PDL-17-2:** Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause either regional or localized adverse air quality impacts.

**Comment PDL-17-3:** Oxnard won't benefit from having it here, put it where they need it high electricity demands on hot days "inland."

**Response PDL-17-3:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PDL-17-4:** Once again I'm asking Oxnard what about the noise this wills [sic] create for us and the new housing development going in on Harbor? Please address these issues.

**Response PDL-13-2:** Please see Response CCL-5-2 regarding the evaluation of noise impacts. As discussed in that response, noise levels from operation of the peaker facility at the nearest future residence would be substantially lower than the existing noise levels at that location. Therefore, noise from operation of the facility would not be audible above the existing noise levels, and the project will not cause significant adverse noise impacts.

## **COMMENT LETTER PDL-18: MILDRED MIELE**

**Comment PDL-18-1:** Was amazed to find out that Oxnard is being targeted again as a dumping ground for pollutants.

**Response PDL-18-1:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

**Comment PDL-18-2:** Was shocked when I heard that there was no Environmental Impact Report for the Proposed Peaker Power Plant proposed just north of Oxnard Shores on Harbor, Blvd., Oxnard.

**Response PDL-18-2:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PDL-18-3:** Why should Oxnard have to be polluted again to cover the needs of Cucamonga at peak electricity demands. The plant will not serve Oxnard.

**Response PDL-18-3:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. All the power produced from the project will be used in the Oxnard area.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PDL-18-4:** ...Edison's own literature speaks about the emission of Nitrogen Oxide (Nox), carbon monoxide, volatile organic compounds (VOC) and ammonia stored on tanks on site. What if the plant is built and fails to achieve the promised emission

reduction? With prevailing winds from ocean to land, any emission generated are unacceptable.

**Response PDL-18-4:** Please see Response to Comment CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded and will not cause significant adverse air quality impacts. Additionally, the permits issued by the Ventura County Air Pollution Control District (VCAPCD) will include conditions that limit emissions. Compliance with these limits will be verified through measurements. The VCAPCD has the authority to enforce compliance with those conditions.

Please see Response to Comment CCL-12-1 regarding aqueous ammonia. As discussed in that response, a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts.

**Comment PDL-18-5:** When Governor Schwarzenegger terminated the experimental floating LNG Terminal proposed by BHP Billiton, he said that any LNG facility must meet standards California requires to improve air quality and protect its coast Resources. THIS PROJECT DOES NEITHER!!!

**Response PDL-18-5:** Please see Response PDL-12-2 regarding Governor Schwarzenegger's statement. As stated in that response, the project will comply with California environmental standards and will not cause significant adverse impacts.

#### **COMMENT LETTER PDL-19: ANGELA SLAFF**

**Comment PDL-19-1:** Now Edison wants to further pollute our area with a peaker power plant right in our neighborhood with the energy generated by this plant to go to cities inland.

**Response PDL-19-1:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

**Comment PDL-19-2:** With so much concern about our environment, it is shocking to me to me that an Environmental Impact Report was NOT required by the City of Oxnard.

**Response PDL-19-2:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

#### **COMMENT LETTER PDL-20: EDWARD M. COSTILLO**

**Comment PDL-20-1:** Please allow this written letter to serve as my formal protest to the direction to adopt MND 07-02 – vs – Bringing forth a full EIR for the proposed Project of a 45-Megawatt Peaker Generation Plant.

**Response PDL-20-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

#### **COMMENT LETTER PDL-21: ART AND JANICE SEROTE**

**Comment PDL-21-1:** I fail to understand why this plant needs to be put in this area!! The plant should be put in the area where the power is needed—somewhere where the air conditioners are running day and night!

**Response PDL-21-1:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is

not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not in other cities. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PDL-21-2:** Even the Edison literature states that there are emissions of nitrogen oxide, volatile organic compounds, ammonia, and carbon monoxide!

**Response PDL-21-2:** Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded and will not cause significant adverse air quality impacts.

**Comment PDL-21-3:** Why is there no Environmental Impact Report required by the City of Oxnard??

**Response PDL-21-3:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

#### **COMMENT LETTER PDL-22: DAVID N COOK**

**Comment PDL-22-1:** On one hand, it is easy to see that an addition to an existing plant makes sense, since the infrastructure is already there. On the other hand, why not build the addition at the Ormond Beach plant where there are no houses nearby?

The land surrounding the Ormond Beach site has been purchased by the Coastal Conservancy as part of a wetland restoration project. There is not sufficient SCE-owned land remaining at this location to build the proposed Project. Further, the site is located too far away to be used as a black start location for the Mandalay Generating Station, which is an important purpose of the proposed Project.

#### **COMMENT LETTER PDL-23: NO SIGNATURE**

**Comment PDL-23-1:** Please don't put a power plant in our backyard.

**Response PDL-23-1:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

#### **COMMENT LETTER PDL-24: LEON MEEKS**

**Comment PDL-24-1:** As a resident of Oxnard and living in the area near the proposed plant I feel that it should have an environmental impact report.

**Response PDL-24-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PDL-24-2:** The literature from Edison states that the emissions of “nitrogen oxide (NOx), carbon monoxide, volatile organic compounds (VOC) and ammonia are present and could leak affecting the residents in the general area. The prevailing winds from the ocean to land would put in to [sic] our residence...”

**Response PDL-24-2:** Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause either regional or localized adverse air quality impacts.

**Comment PDL-24-3:** It was my understanding that CA standards requires [sic] to “improve air quality and protect its coastal resources.”

**Response PDL-24-3:** This comment is apparently referring to the statement by Governor Schwarzenegger regarding the BHP Billiton LNG terminal, that is discussed in Response PDL-12-2. As stated in that response, the project will comply with California environmental standards and will not cause significant adverse impacts. Therefore, it is consistent with the above statement.

## **COMMENT LETTER PDL-25: NANCY PEDERSEN**

**Comment PDL-25-1:** This should not even be a mitigated negative declaration. It should be a full EIR because of its location on our fragile coast.

**Response PDL-25-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PDL-25-2:** There is no demonstrated need that requires this project be built on Oxnard's coast. Oxnard has natural air conditioning, so it is ludicrous for SCE staff to state that this plant must be built to prevent brown outs when we all turn on our air conditioners in a heat wave. What compelling need requires that only this location can be used for this project? Why not build this plant in an area that has heat waves and a need for more electricity?

**Response PDL-25-2:** The Project would provide an important and much-needed improvement to California's electric generation and transmission infrastructure. The Oxnard/Ventura/Santa Barbara area was identified as having a need for black start capability to support local reliability, and the Mandalay-adjacent property was identified as the optimal site within this region.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.

As discussed in Response CCL-1-1, after a thorough review of potential peaker sites throughout SCE's system, SCE concluded that the Project site is optimal from both an environmental and operational standpoint.

**Comment PDL-25-3:** No other coastal area in this county has even one electric plant located on the coast. Oxnard has two with this as the third. Why dump all unwanted uses in Oxnard. Social Justice demands that this proposal be examined for its effects on the largely minority residents of Oxnard.

**Response PDL-25-3:** SCE assumes this comment refers to Environmental Justice. The primary environmental justice issues that are raised when siting and

developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

Further, surveys indicate that the percentage of the population living below the poverty level within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations. Please refer to Response to Comment CCL-3-13 for further discussion of environmental justice.

**Comment PDL-25-4:** What are the effects of this proposal on the air quality of Oxnard and Ventura County? With Global Warming a recognized reality, this project and all other projects must be examined in light of the increased air pollution they would create. What are the prevailing wind patterns? What residents would be impacted by this air pollution?

**Response PDL-25-4:** Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded and will not cause significant adverse air quality impacts. Regarding prevailing wind patterns, a wind rose is shown on page D-27 of Appendix D for the MND.

Please see Response to Comment CCL-26-2 regarding greenhouse gas emissions. As discussed in that response, greenhouse emissions from the Project will be insignificant.

**Comment PDL-25-5:** How would the fragile bird, plant and other wildlife populations in this area be affected by this increased air pollution?

**Response PDL-25-5:** Air quality impacts from emissions from the facility were discussed in Response to Comment CCL-1-10. As indicated in the response, emissions will not cause local air pollutant concentrations to exceed federal or California ambient air quality standards, and, for most pollutants, the increases in concentrations caused by emissions from the facility will be less than existing concentrations. Since emissions from the facility will not substantially increase existing concentrations, they are not anticipated to cause significant impacts to biological resources.

**Comment PDL-25-6:** This proposed plant is surrounded by homes, a beach park, nature preserves and the ocean. This project is not compatible with any of these uses.

**Response PDL-25-6:** The potential impact of the Project on the surrounding area, including resource protection, recreational, agriculture and residential land

uses, was fully analyzed by the MND and the Staff Report and the Project was not found to have any significant or potentially significant adverse effects.

**Comment PDL-25-7:** The noise will affect all the wildlife in the nearby areas, including the ocean.

**Response PDL-25-7:** Please see Response to Comment CCL-5-4 regarding potential noise impacts on threatened and endangered species. As discussed in that response, noise from the peaker project will not be audible outside of the project site. Therefore, there will not be adverse impacts on threatened or endangered species.

**Comment PDL-25-8:** The present lights already negatively affect the wildlife nearby. More light pollution will not improve the situation. What kinds of mitigation can be done to force the applicant to allow their light to affect only the areas necessary to be lighted?

**Response PDL-25-8:** The commenter does not provide any basis for the statement that existing lights affect wildlife in the vicinity of the project. However, please see Response to Comment PDL-2-2 regarding the lighting plan. As discussed in that response, the proposed lighting complies with state standards for outdoor lighting and contains features that minimize light spillage and allow for best practice management of lighting levels as requested by the commenter. As noted on page 22 of the MND, the proposed lighting plan is consistent in intensity with the lighting at the immediately adjacent Mandalay Generating Station and will therefore have a less than significant impact on nighttime views in the area.

**Comment PDL-25-9:** The 80 foot tall exhaust stack seems to be a hazard for the birds that use the ocean, dunes, nature preserves, McGrath Lake and other nearby areas. How will birds be protected from this hazard? How will air pollution and light pollution affect the already endangered wildlife? Audubon reported that bird populations are falling rapidly. Will this project cause even more losses?

**Response PDL-25-9:** The commenter provides no basis for the statement that the exhaust stack will be a hazard for birds. The stack would be clearly visible to birds, which would avoid flying into it. Therefore, it would not pose a hazard to birds.

Please see Response to Comment CCL-1-10 regarding potential impacts from air pollution. As discussed in that response, the project will not cause potential adverse air quality impacts.

Please see Response to Comment PDL-2-2 regarding potential impacts from lighting. As discussed in that response, the project will not cause adverse impacts to nighttime views in the area.

Please see Response to Comment CCL-6-1 regarding potential impacts to biological resources. As discussed in that response, the project will not cause adverse impacts to biological resources.

**Comment PDL-25-10:** The 80 foot tall stack will be a visual blight. The view is from the ocean and the land—how will people using the ocean or the land be shielded from this ugly visual blight?

**Response PDL-25-10:** Please see Response CCL-1-5 regarding visual impacts. The addition of landscaping will also minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species.

**Comment PDL-25-11:** This project must have a full Environmental Impact Report. The many negative impacts on the area must be considered, discussed and mitigation offered by the applicants. This will disclose, as I believe, the negative effects can not be mitigated, requiring the project to be denied.

**Response PDL-25-11:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

#### **COMMENT LETTER PDL-26: ART AND JANICE SEROTE**

This letter is a duplicate of letter PDL-21. Please see comments and responses to comments for letter PDL-21.

#### **COMMENT LETTER PDL-27: ROGER G. PARISEAU, JR.**

**Comment PDL-27-1:** The proposed negative declaration for a 45-Megawatt peaker generator at 251 N. Harbor Boulevard insufficiently addresses the disruption and safety issues that will be caused by closures of Harbor Boulevard, by potential releases of hazardous aqueous ammonia, by its affect [sic] on our coast, on our ocean and on the wildlife living in this area.

**Response PDL-27-1:** Please see Response to Comment PDL-27-2, below, regarding traffic impacts and Response to Comment PDL-27-3, below, regarding potential impacts from releases of aqueous ammonia.

**Comment PDL-27-2:** Closing Harbor Boulevard will seriously impact our already undersized arteries, such as Gonzales Road, Victoria Avenue, Vineyard Avenue, Ventura Road, among others, that drivers would attempt to use as alternatives to Harbor Boulevard.

**Response PDL-27-2:** Harbor Boulevard will not completely close during construction of the Project. As stated on page 93 of the MND, construction of the project may necessitate temporary closures of the northbound lane on Harbor Boulevard, during construction of the natural gas pipeline. These closures would be short-term, and a traffic control plant will be required to minimize impacts to traffic on Harbor Boulevard. Therefore, the project will not cause significant adverse impacts to Harbor Boulevard or its arteries.

**Comment PDL-27-3:** Ammonia even at dilute concentrations is highly toxic to aquatic animals...

**Response PDL-27-3:** The aqueous ammonia storage and handling systems are described on pages 57-58 of the MND. The project design will include secondary containment for the storage and unloading system, with a capacity sufficient to contain the contents of the entire storage tank plus an additional allowance for precipitation from a 25-year, 24-hour storm event. This secondary containment will prevent release of liquid aqueous ammonia offsite during either a catastrophic failure of the storage tank or an accident during ammonia unloading to the tank. Therefore, the project will not result in the release of liquid aqueous ammonia to the marine environment.

**Comment PDL-27-4:** I request that you not approve Negative Declaration 07-02 and further that you require the Oxnard Planning Department to execute a full, formal Environmental Impact Report due to this and other omissions in this declaration.

**Response PDL-27-4:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

#### **COMMENT LETTER PDL-28: LESTER GRAY**

This letter does not include comments that require a response.

**COMMENT LETTER PDL-29: WILLIAM L. TERRY**

**Comment PDL-29-1:** There needs to be a full E.I.R.. 1. Because there have been many changes in the area since the last E.I.R..

**Response PDL-29-1:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PDL-29-2:** 2. The Peaker Plant is not a Coastal Dependent project.

**Response PDL-29-2:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

**Comment PDL-29-3:** 3. There are at least four (4) peaker plants within five (5) miles of this location. In fact there is a peaker plant within the Reliant Mandalay Bay Power Plant.

**Response PDL-29-3:** The existing peaker plants in Oxnard cannot provide the electricity and transmission system reliability benefits that will be supplied by the proposed Project. See Response to Comment CCL-1-1 for further discussion of the alternatives to the Project that were considered, including the existing peaking units.

**Comment PDL-29-4:** 4. The Peaker Plants are not very efficient, which should be controlled by AB32 (GLOBAL WARMING) ...

**Response PDL-29-4:** Please see Response PDL-11-4 regarding the compliance of the Project with AB32. Potential greenhouse gas emissions are discussed in Response CCL-26-2, which indicates that any greenhouse emissions from the project will be insignificant.

**COMMENT LETTER PDL-30: SHERI CALABRESE**

**Comment PDL-30-1:** If this is approved, it will be dangerous for our children and elders, being so close to nitrogen oxide, carbon monoxide, and ammonia substances, as well as, the rest of us.

**Response PDL-30-1:** Please see Response CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded and will not cause either regional or localized adverse air quality impacts.

Please see Response to Comment CCL-12-1 regarding aqueous ammonia. As discussed in that response, a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts and would therefore not be dangerous for children or elders.

**Comment PDL-30-2:** How sad that Edison is looking at our coastal areas to pollute and ruin Oxnard's beautiful beaches, when there are remote areas for them to build a plant.

**Response PDL-30-2:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**COMMENT LETTER PDL-31: GEORGE C. COUDERT AND LINDA COUDERT**

**Comment PDL-31-1:** Our county does not meet current air quality standards now, why would any rational Government body even consider increasing the emission of nitrogen oxides, carbon monoxide, volatile organic compounds and ammonia stored at the site, if this proposal is agreed to.

**Response PDL-31-1:** Please see Response to Comment CCL-1-10 regarding potential air quality impacts. As discussed in that response, the project will not cause air quality standards to be exceeded and will not cause significant adverse air quality impacts.

**Comment PDL-31-2:** We must demand from Edison and city government an environmental impact study, anything less would be unconscionable!

**Response PDL-31-2:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PDL-31-3:** ...is the reason they want to put the plant here because it is more cost effective, should they be placing the plant nearer to the area it will most likely serve...

**Response PDL-31-3:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

#### **COMMENT LETTER PDL-32: PAULINE I. MASON**

**Comment PDL-32-1:** ...an idea like this to ruin the air.

**Response PDL-32-1:** Please see response to Comment CCL-1-10 regarding potential impacts to air quality. As discussed in that response, the peaker project will not cause adverse air quality impacts and, therefore, it will not ruin the air.

**Comment PDL-32-2:** We have already become a dumping ground. We don't need any more.

**Response PDL-32-2:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment.

**Comment PDL-32-3:** It's bad for health, Environment, beach restoration and quality of life.

**Response PDL-32-3:** As discussed in previous response, the Staff Report thoroughly evaluated all potential impacts from the peaker project and concluded that the project would not cause significant adverse impacts.

**COMMENT LETTER PDL-33: VENTURA COUNTY DEPARTMENT OF AIRPORTS**

**Comment PDL-33-1:** The Ventura County Department of Airports (VCDOA) commented that it was concerned that the exhaust stack might pose a risk to aircraft and that aircraft might alter their flight paths to avoid the stack and fly closer to residences, causing adverse noise impacts.

**Response PDL-33-1:** Southern California Edison responded to VCDOA's expressed concerns by analyzing both aircraft safety and potential noise impacts. VCDOA reviewed Southern California Edison's analyses and concurred with the conclusions that the stack would not pose a hazard to aircraft nor would it cause aircraft to alter flight paths or cause adverse noise impacts.

**COMMENT LETTER PDL-34: THOMAS S. BEARDSLEY, PRESIDENT BEARDSLEY & SON, INC.**

This letter does not include comments that require a response.

**COMMENT LETTER PDL-35: PETER ZIERHUT, HAAS AUTOMANTION, INC.**

This letter does not include comments that require a response.

**COMMENT LETTER PDL-36: TOM WADDELL, STATE FARM INSURANCE**

This letter does not include comments that require a response.

**COMMENT LETTER PDL-37: REYNA O'NEIL, EXECUTIVE DIRECTOR, EL CONCILIO DEL CONDADO DE VENTURA**

This letter does not include comments that require a response.

**COMMENTS AND RESPONSES TO COMMENTS MADE DURING THE JUNE  
28, 2007 CITY OF OXNARD PLANNING COMMISSION HEARING**

**Comment PCH-1:** We find the mitigated negative declaration deficient for the following reasons. There appears to be confusion in identifying state properties. Mandalay state beach is to the south of the proposed plant site; McGrath state beach is to the northwest of the site and the Reliant plant. This information is significant in conducting a proper analysis within the MND.

**Response PCH-1:** This comment is identical to Comment CCL-4-1. Please see Response to Comment CCL-4-1.

**Comment PCH-2:** When evaluating visual impacts, there also appears to be a misrepresentation. It should be noted, and I quote from the document:

The intervening land between Mandalay state beach and the proposed site is dotted with existing oil structures that are approximately 70 feet high and stacks from the Mandalay generation facility, which is 203 feet high.

That's incorrect. There are no visual barriers between Mandalay state beach and the proposed peaker plant with the exception of a 6-foot chain-link fence that's on the boundary of the park and the Edison property.

**Response PCH-2:** This comment is identical to Comment CCL-4-2. Please see Response to Comment CCL-4-1.

**Comment PCH-3:** Impacts to Mandalay state beach, access road and resources, which include federally listed species have not been adequately identified or addressed in the mitigated negative dec. The extent of the area of impact has not been adequately identified.

**Response PCH-3:** This comment is identical to Comment PDL-6-3. Please see Response to Comment PDL-6-3.

**Comment PCH-4:** And the landscaping as even discussed this evening proposes the installation of non native trees whose seeds can easily be transported into the park and we an active program in removing non natives there.

**Response PCH-4:** As requested by the commenter, the Project will use only native plant species in its landscaping plan. Moreover, Special Condition 6, on page 8 of the Staff Report, requires SCE to undertake plant installation and ongoing monitoring and maintenance as outlined in its proposal: "*McGrath Beach Peaker Landscaping Plan*," included as Exhibit 4 of the Staff Report, for the five year term described in that document. Staff will ensure that the selected plants are appropriate for the site and protect Mandalay State Beach.

**Comment PCH-5:** In addition, in your packet, there's a comment letter from the U.S. Fish and Wildlife Service where they raise substantial questions related to the introduction of trees in the landscape along Harbor Boulevard and around the site which appear to be an integral component for the possible result of adding roost sites for predators for listed species, California least tern and Western snowy plover.

**Response PCH-5:** To address the potential impact to sensitive species and habitats, SCE has revised its landscaping plan to replace all trees with native brush and shrub species that are not expected to provide perching or nesting habitat for predatory birds of concern. With this change in the landscape plan, California least tern and western snowy plover will be adequately protected from project-related activities.

**Comment PCH-6:** Given the damage of open spaces and the need for coastal recreation opportunities, we would like to think there is a more appropriate location outside the coastal [zone]

**Response PCH-6:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PCH-7:** Their logic leaves me absolutely speechless. There is talk, and it's very serious talk, of dismantling both of the plants, both Ormand and Reliant. They are both outdated. They are both useless because they are no longer within the current bounds of what's acceptable both in location and in amount of air pollution. They are both need to – in need of being removed.

**Response PCH-7:** SCE is not aware of any plans for Reliant Energy's Mandalay or Ormand Beach Generating Stations to be dismantled. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay and the coastal fleet.

**Comment PCH-8:** I think it's about time that if they need to put an eyesore on someone's beach, they look at, oh, I don't know, Santa Barbara or Ventura Harbor. There are other places on the beach in other cities that could take this peaker plant.

**Response PCH-8:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. This included sites in Santa Barbara or Ventura Harbor. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PCH-9:** Why Oxnard? Why nowhere else? Is there nowhere in Spanish Hills that they could put this thing? I mean, why are we the only place in the entire county where this plant can be located?

**Response PCH-9:** Please see Response to Comment PCH-8 regarding alternative locations.

**Comment PCH-10:** ...everything that they did in the natives is wrong. I didn't see anything that they really included. They're putting in Eucalyptus, non native.

**Response PCH-10:** As requested by the commenter, the landscape plan has been revised to only include local native species.

**Comment PCH-11:** ...they said we don't have building Savannah sparrows. Well, gee, I'll tell that to the flock that lives in my front yard, and I'll make sure that they understand that they don't exist so I won't feed them anymore.

**Response PCH-11:** Discussion of the presence of Belding's Savanna Sparrow is included on pages 238-239 of the Biological Resources Assessment in Appendix F of the MND. Although the commenter states that a flock lives in her front yard, no potential habitat for this species is present on the project site.

**Comment PCH-12:** ...and we definitely need a full EIR if anything is put there.

**Response PCH-12:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PCH-13:** This is an eyesore.

**Response PCH-13:** Please see Response to Comment CCL-1-5 regarding visual impacts. The addition of landscaping will minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species.

**Comment PCH-14:** And this is one of the reasons I think we need full EIR. Any project within the coastal zone needs a full EIR or any industrial project, particularly energy project to fully examine all of the -- all of the impacts and the alternatives.

In terms of alternatives, there's an issue of need. What are the real needs and what are the real alternatives?

**Response PCH-14:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PCH-15:** The letter that was mentioned earlier from Michael Peevey, the president of the Public Utility Commission. I'd like to read another line from it. It says:

The SCE – meaning Southern California Edison – should pursue the development and installation of up to 250 megawatts of black-start dispatchable generation capacity within its service territory for summer 2007

No place there does it say five peaker plants, and no place there does it say one of them has to be in Oxnard.

**Response PCH-15:** As discussed in Response CCL-1-1, SCE was ordered by the CPUC to bring on-line by the Summer of 2007 up to 250 MW of SCE-owned, black-start, dispatchable generating facilities that would bring collateral benefits to SCE's transmission and distribution system as well as the CAISO grid. In order to best provide collateral benefits to the transmission and distribution system, SCE identified locations on its system that could most benefit from these projects and proposed constructing five 45-MW peaker projects as the best approach to meeting the 250 MW target.

As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site.

See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PCH-16:** There are many other alternatives that we should be looking at, not only in location, but ways to meet peak demand. Edison is doing one of them right now with remote control thermostats. During peak times power – your air conditioner can be turned off and then turned back on, cycles on a short term. Private companies are doing the same thing. I'm aware of companies, big nationwide companies, like Auto Zone who now have these programmable thermostats that are controlled from a central location where they can monitor the temperature of the buildings at all times, and they can cycle the air conditioners as necessary. These things are things that should be explored as alternatives in a full EIR.

**Response PCH-16:** Air conditioner cycling and the use of programmable thermostats are methods of demand side management. These are critically important programs to reduce energy use and SCE is pursuing them vigorously. However, the expected implementation of demand side programs is already included in future energy forecasts that predict the need for more peak generation. Further reduction in energy use does not provide the needed system reliability benefits of black start and quick start emergency power that are needed in the local area.

**Comment PCH-17:** The mitigated negative dec is totally inadequate, and as the comments were made earlier on the size of the plants and the landscaping, I've looked at those beautiful drawings. Looks like those bushes are 40 feet high, and the comments made about the size they're planting, these are not going to be the -- the peaker plant is not going to be hidden behind these.

**Response PCH-17:** Please see Response to Comment CCL-1-5 regarding potential visual impacts. The landscaping has been designed to minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species. Although some elements of the project may not be completely shielded by the landscaping, the existing views of and around the project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent. Thus, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the project would not cause a significant adverse aesthetic impact, even without additional landscaping.

**Comment PCH-18:** And I think that an independent study should be done to show us that we have a need for this...

**Response PCH-18:** Please see Response to Comment PCH-14 and regarding the need for the Project.

**Comment PCH-19:** And also I know many of us would like to see us switch to solar. And I think that all of our city buildings should have to have solar panels put on them, and this would decrease our energy needs.

**Response PCH-19:** While renewable energy projects are valuable sources of energy, they do not have the generation profile needed to meet the purpose and need of the proposed Project. These options do not provide black start, dispatchable generation, nor do they provide the required system reliability benefits. Therefore, they would not attain any of the basic objectives of the proposed Project. Please see Response to Comment CCL-26-1 for additional discussion of the solar energy alternative.

**Comment PCH-20:** ...there should be a complete EIR.

**Response PCH-20:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PCH-21:** I don't know where it's mentioned about AB32, the global warming bill.

**Response PCH-21:** AB32, The California Global Warming Solutions Act of 2006, does not include specific requirements that affect the electricity sector. The California Air Resources Board has not yet adopted regulations pursuant to AB32; however the project will comply with all applicable regulations once adopted.

**Comment PCH-22:** The only reason that Edison want to put this here because they own the property already. And the question about antitrust, Edison has to buy power from Reliant. This Reliant plant has a peaker plant in it already. So they don't need a peaker plant next to it to start it up if it goes down, and this comes straight from a Reliant executive.

**Response PCH-22:** Although there is a peaker on the adjacent Reliant Energy property. It is not configured with black start capability and is only permitted to operate for a limited number of hours. In addition, as discussed in Response to Comment CCL-17-2, existing peakers within the Santa Clara system, including the Reliant Energy peaker, were already taken into account by the CAISO and the CPUC, prior to determining that more peak generation was necessary. Therefore, the CPUC's order to construct 250 MW of new generation would not be satisfied by assuming that the existing unit is providing the needed electricity.

**Comment PCH-23:** Environmental justice. Why Oxnard?

**Response PCH-23:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

The primary environmental justice issues that are raised when siting and developing power plants are potential air emissions, noise levels, and water discharges that could adversely affect the health or environmental quality of the local community. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could disproportionately impact low-income and minority communities.

Further, surveys indicate that the percentage of the population living below the poverty level within a three mile radius of the proposed Project is substantially lower than the percentage of the population below the poverty level throughout Ventura County and the State of California, and well below the 50-percent threshold typically considered when evaluating disproportionate impacts on low-income populations. Please refer to Response to Comment CCL-3-13 for further discussion of environmental justice.

**Comment PCH-24:** There's a Santa Clara substation where the power is going to be fed into the network. Why not build the peaker plant there? It's right next to the transmission lines, and it will have a better quick up start there than over here at the Reliant plant.

**Response PCH-24:** The Santa Clara substation was considered as a potential site for the Project. However, the Santa Clara location has constructability issues and

requires more green field construction than the Mandalay site. Further, having the peaker sited immediately adjacent to the Mandalay Generating Station is the optimal location for black start capability. See Response to Comment CCL-1-1, after additional discussion of the alternative sites that were considered.

**Comment PCH-25:** The question also has to be addressed and get a straight answer from Reliant is what are they planning for these plants? Are they planning to tear them down?

**Response PCH-25:** SCE is not aware of any plans for Reliant Energy's Mandalay or Ormond Beach Generating Stations to be torn down. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay.

**Comment PCH-26:** If you look at population growth between 1965 and currently from Moorpark and Simi Valley and presently to Oxnard, the percentage of growth in Oxnard is considerably less than that for Moorpark and Simi Valley. That is, the demand for energy consumption on a percentage basis increases significantly in those two communities. They're also on the power grid, so the peaker plant, which is going to be used to primarily supply power during peak hours, i.e., high demand for energy to power air conditioners and swimming pools, there's higher usage in Moorpark and Simi Valley than in Oxnard. Very few people own air conditioners in Oxnard. Why? Because it's temperate. The average temperature in Oxnard is what? 70 degrees. If we go to Simi Valley or Moorpark in the summer, we can fry an egg. So I suggest the location of this plant be moved over to that location, not here in Oxnard.

**Response PCH-26:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura, and Santa Barbara communities. The power generated from this site is not intended for inland use. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites in other cities. Siting the project in either Moorpark or Simi Valley would not provide the desired reliability benefits. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PCH-27:** And I ask the commissioners to consider the impact that this would have on that Northshore housing development that you've all have approved of. These are all going to be multimillion dollar homes, and I'm sure they don't want to be looking over an eyesore like we have now plus the peaker plant.

**Response PCH-27:** The MND and the Staff Report evaluated all potential adverse impacts required by the California Environmental Quality Act (CEQA) and concluded that the project would not cause unmitigated significant adverse impacts, including significant adverse impacts to the future residents of the

Northshore development. Specifically, please see Response to Comment CCL-1-5 regarding visual impacts. The proposed landscaping will minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species.

**Comment PCH-28:** You already have existing power plants here, but most of the power is not going to local use. It's going out of the area. I don't know why we couldn't have more power diverted here and avoid having to have this peaker plant since we already have more than one peaker plant in our area.

**Response PCH-28:** The majority of the power produced by local generating stations is used to meet local energy demand. However, none of the existing power plants can provide the required reliability needs that will be met by the proposed Project. Please see Response to Comment CCL-17-2 for further discussion of why existing peakers will not meet the purpose and need of the proposed project.

**Comment PCH-29:** So there is potential for plane crashes in that area. And I can tell you right now that the jets are flying over our neighborhoods already contrary to their flight paths, and we hear them screaming over our neighborhoods already. This is just going to make it worse.

**Response PCH-29:** Please see Response to Comment CCL-12-2 regarding an evaluation of potential effects on aircraft safety and noise. As discussed in that response, the VCDOA agrees with SCE that the project will not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths and cause adverse noise impacts.

**Comment PCH-30:** Finally I am also representing the Sierra Club tonight. They have asked me to have you deny this project, and also to ask for a full EIR on this project.

**Response PCH-30:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PCH-31:** The model used by SCE to mitigate the air quality during dense fog conditions indicate they used data from Ventura County Air Quality Management taken at Emma Woods state beach during a three-month period.

Of course, the conditions at Emma Woods is far different than that we have here in Oxnard. So the site of that I would question. But more importantly, what is the three-month period that they used? Was it April, May and June, because that's when we see the dense fog? Or was it July, August and September when we hardly ever see the fog? So

I'm just questioning that they had actually mitigated the increase in air pollution during dense fog.

**Response PCH-31:** An air quality model was used to analyze potential localized air quality impacts for carbon monoxide, nitrogen dioxide, sulfur dioxide and particulate matter smaller than 10 microns diameter, PM10. The air quality modeling is discussed on pages 35-38 of the Mitigated Negative Declaration. The statement in the comment that three months of meteorological data were used is incorrect. The air quality modeling used three years of meteorological data collected at the Ventura County Air Pollution Control District (VCAPCD) Emma Wood State Beach site, which is a coastal site that experiences meteorological conditions similar to the conditions experienced at the proposed Project site. These conditions include periods with poor dispersion of emissions, such as occurs during heavy coastal fog. Use of these data was approved by the VCAPCD for the Authority to Construct (ATC) application for the facility. To ensure that potential impacts from operation of the project were evaluated under all meteorological conditions, the modeling was conducted for every hour of the three-year period.

Results from the air dispersion modeling, presented in Tables C-11, C-12 and C-13 (pages 37 and 38) indicated that emissions will not cause federal or California ambient air quality standards to be exceeded. Since these standards have been established to protect public health with an adequate margin of safety, emissions will not cause significant adverse local air quality impacts during operation of the peaker. Thus, air quality impacts to nearby residents or visitors from criteria pollutant emissions will not be significant. Please see Response to Comment CCL-1-10 for more discussion of the air modeling that was performed to assess the potential impacts of the proposed project.

**Comment PCH-32:** Secondly, their argument about we -- we see increased demand for energy in ten years, so they want to have the peaker plant in place now. Anyone who listens to Sacramento or Washington, D.C., knows that there's a great deal of discussion now talking about carbon taxes, incentives for renewable energy to reduce our dependence on fossil fuels.

So even though there is most likely going to be an increased demand for electricity, I'm hoping that we also see an increased demand for solar roof tiles and then turbines, because I don't think that we can continue to look at these old-fashioned ways of providing our energy demands for electricity.

**Response PCH-32:** Although solar energy and other renewable resources were considered, these projects do not have the required generation profile to provide the reliability services needed by the local area. See Response to Comment CCL-26-1 for additional discussion of the solar energy alternative and CCL-1-1 for discussion of all alternatives considered.

**Comment PCH-33:** I'm not happy with the MND, and I'm also not happy with the scare tactics of the threat that we will lose electricity. That's not -- you know, that's very farfetched. It happened a very long time ago, and we all know why. But what I want to talk about is I think we have tipped the scale in the direction of needing a full EIR.

**Response PCH-33:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PCH-34:** There are three species of special concern that were not mentioned at all in any of the documentation. And I worked at the Mandalay beach plant for one year, and I know that two of these species do exist on the property. That would be the horned lizard, which is a special status species. And the *anniella pulchra*, that's the California legless lizard. It's there, and several people saw it, and we also had one that accidentally got killed. It is special status. And also the globos dune beetle also is presumed to occur in the area; it's not mentioned at all.

**Response PCH-34:** The statement that three California Department of Fish and Game Species of Special Concern are not addressed in the documentation is not correct. Discussion of these species is included in the Biological Resources Assessment (Appendix F) of the Mitigated Negative Declaration. Table 1, on page 249 of the MND, identifies the Coast horned lizard and Silvery legless lizard as potentially occurring within the project area. The globose dune beetle is discussed on page 239 of the MND. Biological resource expert Kathy Keane of Keane Biological Consulting confirmed in the MND and in subsequent discussion that no potential habitat for this species is present on the project site.

**Comment PCH-35:** Also, where they're talking about placing the transmission lines, they're not really clear on that, that it might impact the marsh milk-vetch. And I think at that point that -- and other people brought up things, I think that if you really like the idea of a peaker plant, you really need to do a full environmental impact report because that is a federally and state listed plant, and it does occur right near the site.

**Response PCH-35:** The Commission required a focused survey for Special Status plant species to be performed in the precise locations where Project activities will be conducted east of Harbor Boulevard. This included a specific survey for the Ventura marsh milk-vetch. This focused survey was conducted by Glenn Lukos Associates on May 16, 2008 in conjunction with the Commission's staff ecologist. An additional site visit occurred in June of 2008. In none of the biological surveys that have been conducted in either September 2006, February 2007, May 2008, or June 2008 was the presence of any Special Status species

detected within the proposed project area. Please see Response to Comment CCL-6-1 regarding potential impacts to threatened and endangered species.

Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PCH-36:** The MND must address requirements of AB32 with respect to greenhouse gas. CO2 or carbon dioxide, which is a major contributor from greenhouse gas release from these type of facilities. The air quality impact analysis doesn't even address CO2 emissions at all.

Also remember what was said at the BHP Billiton LNG hearings. Coastal commission executive director Peter Douglas said that as part of the environmental review process, there must be evaluation of a project's potential effect on global warming.

Also, lieutenant governor John Garamendi said that every environmental impact statement with LNG and any energy source has and must deal with the total greenhouse gas emissions and that the state – the current state law requires it.

**Response PCH-36:** The Commission has conducted a full evaluation of greenhouse gas emissions from the proposed project. Please see Response to Comment CCL-26-2 for a summary of these findings.

**Comment PCH-37:** A couple of things. Number one, all information that we have is that Mandalay and Ormand will be declared nonessential to the grid. The other thing is from what we're hearing is they're too old to really be reworked into the -- the new to gen power plants.

**Response PCH-37:** SCE is not aware of any plans for Reliant Energy's Mandalay or Ormond Beach Generating Station to be shut down. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay and other coastal generating stations.

**Comment PCH-38:** And when they go away, there's no real reason for the new power plants to be on the beach. That's too expensive; too fragile; too environmentally sensitive. There's no reason why they can't be farther inland on the grid.

**Response PCH-38:** Recent studies by the California Energy Commission, California Ocean Protection Council, and State Water Resources Control Board have concluded that the coastal power plant fleet provides important peak reliability services to the California grid and there are benefits to modernizing these plants at their existing locations.

Although it is difficult to predict the future of any particular plant, in the Ventura/Santa Barbara County area where (i) electricity demand levels are similar to existing local generating capacity, (ii) topography and other factors prevent major new transmission lines from easily being sited to bring additional power into the area, and (iii) the configuration of the system results in a considerable potential for islanding during emergencies, it is likely that the Mandalay Generating Station will remain in operation for the foreseeable future in either its current or in a repowered configuration.

**Comment PCH-39:** One of the things that struck me is the height of the emissions stack and the effect it would have on aircraft. One of the hot points on my agenda is the fact that too many planes are veering to the south over residential neighborhoods right now. And that needs to be corrected.

There's a huge ocean straight off the runway. All turns should be made over the ocean not over residential neighborhoods, and if this 80-foot stack encourages more turns to the south over residential neighborhoods, that's to the extreme detriment of our community.

**Response PCH-39:** Please see Response to Comment CCL-12-2 regarding potential impacts to aircraft operations. As discussed in that response, VCDOA concurs with SCE that the Project will not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths or cause adverse noise impacts.

**Comment PCH-40:** I'm very much opposed to this, as well as the fact that it's just another source of greenhouse gases.

**Response PCH-40:** Please see Response to Comment CCL-26-2 for a summary of the greenhouse gas emissions from the project. The Commission has thoroughly assessed the emissions from this Project and determined that they will be insignificant.

**Comment PCH-41:** And you know, if you also – if you like the idea of this peaker plant, I – I suggest that there are already five peaker plants in our city. Five. Including the one there at the Reliant plant. Why don't these companies with all this money they have – why can't they work together and just enhance those that we already have instead of building another one and bringing more pollution to our area? They just don't – you know, work together and work on those.

**Response PCH-41:** The existing peakers cannot provide the needed local reliability services. See Response to Comment CCL-17-2 for further discussion on why the existing peakers do not meet the purpose and need of the proposed project.

**Comment PCH-42:** I'm not only concerned about the wildlife, I'm concerned about our health, our children, their children's health.

**Response PCH-42:** Please see Response to Comment CCL-6-1 regarding potential impacts to threatened and endangered species. As discussed in that response, the Project will not cause significant adverse impacts to wildlife.

Further, the Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. Moreover, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. Therefore, the Project will not have adverse impacts on human health.

**Comment PCH-43:** We don't want the noise; we don't want the worse air quality coming in; we don't want the dangers of what happens if there's an accident out there.

**Response PCH-43:** Please see Response to Comment CCL-5-2 regarding potential noise impacts. As discussed in that response, the project will not cause significant adverse noise impacts.

Please see Response to Comment CCL-1-10 regarding air quality impacts. As discussed in that response, the peaker project will not cause significant adverse localized or regional air quality impacts.

Please see Response to Comment CCL-12-1 regarding potential off-site impacts caused by a catastrophic release of hazardous chemicals stored at the facility, specifically aqueous ammonia. As discussed in that response, a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts. Additionally, the design of the aqueous ammonia storage and delivery system includes engineering features to minimize the potential for a release.

**Comment PCH-44:** Now we'll go to the lead spokesman who stood before you, and she said, no, Oxnard is not the only site that we can use in the system.

**Response PCH-44:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PCH-45:** It doesn't require. Move it inland. That's where the electricity is going to go anyway.

**Response PCH-45:** As discussed in Response to Comment CCL-9-1, the peaker was sited at its current location to provide benefits to the local Oxnard, Ventura,

and Santa Barbara communities. The power generated from this site is not intended for inland use.

Oxnard and the surrounding Ventura County/Santa Barbara area are relatively vulnerable to prolonged and widespread power outages because the region's only transmission linkage to the rest of the state's power grid is through a single substation and transmission corridor. By contrast, most other areas of the power grid, and all other areas of comparable population size on SCE's system, are accessible through alternate routes. On top of that region-wide vulnerability, the Santa Barbara area specifically is particularly vulnerable to interruptions, because its only transmission linkage with Ventura County is by a single transmission corridor that runs through an historically fire-prone, mountainous area.

**Comment PCH-46:** Currently the requirement for noise abatement is that all planes take off north of Fifth. Some as have been mentioned veer, cut across too soon. But essentially this is going to move the flight path right over Oxnard Shores...

**Response PCH-46:** Please see Response to Comment CCL-12-2 regarding potential impacts to aircraft operations. As discussed in that response, the VCDOA concurs with SCE that the Project will not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths or cause adverse noise impacts.

**Comment PCH-47:** With an EIR, you're familiar with your EIRs, you would have received a notice of preparation that said to responsible and trustee agencies. And it may have read something like this. The city of Oxnard will be receiving an environmental impact report to prepare a proposed Project that describes the attached notice of preparation. The city needs to know the view of your agency regarding the scope and content of the environmental information that we use in this EIR. The project description, location, environmental issues to be addressed in the EIR or obtained material.

You would have read something like that along those lines if you had the EIR. You would also had the letter from the clearing house from the state of California telling all agencies to forward their information to you so you do a proper study of all the impacts.

Along those lines, you probably would have received a letter also probably from the California Regional Water Quality Control Board.

You may have received a letter from the Department of Toxic Substance Control whether there was any issues on that land.

You may have received some letters from the neighboring cities, maybe Camarillo, Ventura in regards to how they feel about this peaker plant taking place. But because we don't have an EIR, because we have a mitigated negative dec, we don't quite have those letters or comments or qualified testimony in the document itself.

My point is I understand the negative dec, how it works. I also understand how it kind of underscores or gets away from giving the full information to the public. If you're going to make a decision on this, you should at least have all of the information in front of you, and that's very, very important. Without the EIR, it's not a complete report.

**Response PCH-47:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PCH-48:** But one of the things that concerned me was the fact that the noise issue had not been addressed, especially with the new information that came regarding the flights.

**Response PCH-48:** Please see Response to Comment CCL-5-2 regarding potential noise impacts caused by operation of the peaker facility. As discussed in that response, the results of noise modeling indicated that noise caused by operation of the peaker facility would not be audible at offsite locations.

Please see Response to Comment CCL-12-2 regarding potential noise impacts from aircraft. As discussed in that response, As discussed in that response, the VCDOA concurs with SCE that the Project will not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths or cause adverse noise impacts.

**Comment PCH-49:** I'm not quite sure about the -- the aqueous ammonia. They said that it's not as detrimental as what they're using now, that this is a low-grade. But it doesn't say that in -- in the information that we have. It's -- it's written as if there is a danger. And so that concerned me.

**Response PCH-49:** Please see Response to Comment CCL-12-1 regarding analyses of potential off-site impacts from a catastrophic release of aqueous ammonia. As discussed in that response, analyses concluded that a catastrophic release of aqueous ammonia would not cause significant adverse off-site impacts.

**Comment PCH-50:** I -- I know that they -- they say that this plant will be supportive of the one that is already there. So if it supports the one that is already there, what happens if that one leaves? That was a concern that I had because it was mentioned that it may go away in three or four years or something like that.

**Response PCH-50:** SCE is not aware of any plans for Reliant Energy's Mandalay Generating Station to be shut down. Please see Response to Comment CCL-10-4 for additional information on the future of Mandalay. However, even if the Mandalay Generating Station would cease operations, the other benefits of having a peaker at the proposed site would remain.

**Comment PCH-51:** But it also in the information that we have talks about various impacts to the -- the plant species, the native plant species and that it would significantly affect them.

**Response PCH-51:** Please see Response to Comment CCL-6-1 regarding potential impacts to special status plant species. The project will not have a significant adverse impact on native plant species.

**Comment PCH-52:** And then it also talks about the water issue and how it may affect the vegetation and the wildlife there.

So those were some items that I was not clear on that was really mitigated because it says that it --there would be a reversal of the -- let's see, where is it? That this impact would be temporary and reversible and thus there's significant criteria presented in this specific section 5.1 would not be considered significant.

But the information they gave in 5.1 didn't really tell me what would be done to mitigate the problem.

**Response PCH-52:** This comment is presumably referring to portions of Section 5.2.4 in the biological assessment report in Appendix E for the MND. As discussed in that section of the appendix, indirect impacts on vegetation (and wildlife) could occur as the result of impacts to water quality by siltation and urban pollutants. Runoff from improper disposal of chemicals (including petroleum) and other materials construction (temporary) and use of herbicides and insecticides (permanent) could adversely impact water quality in the Edison Mandalay canal. Additionally, increased siltation caused by disturbing the soil (temporary) and increased hardscape (permanent) could also adversely affect water quality. This impact could be significant per criteria 2 of the significance criteria presented in Section 5.1 of the appendix, but can be minimized to less than significant by implementation of Mitigation Measure 4, which imposes several restrictions on construction activities to avoid impacts to water quality and potential resulting indirect impacts.

As stated in Condition 3(a) in the Staff Report (page 7), "All 'indirect impact' minimization measures described within the Mandalay Peaker Project Biological Resources Assessment, dated February 2007, prepared by Keane Biological Consulting, shall be strictly adhered to and incorporated into all final project design plans, construction methodologies and management practices." Therefore, implementation of Mitigation Measure 4 in the biological resources assessment will avoid indirect impacts on plant communities and vegetation.

**Comment PCH-53:** So those were some items that I was not clear on that was really mitigated because it says that it -- there would be a reversal of the -- let's see, where is it? That this impact would be temporary and reversible and thus there's significant criteria presented in this specific section 5.1 would not be considered significant.

But the information they gave in 5.1 didn't really tell me what would be done to mitigate the problem.

**Response PCH-53:** As stated at the conclusion of Section 5.1 of the biological assessment report in Appendix E for the MND, which presents significance criteria:

“Direct impacts are long-term and directly remove a resource such as trees and other vegetation or breeding habitat for wildlife species. Mortality (killing) of an animal that could result from such activities would also be considered a direct impact. Indirect impacts would include the potential loss of habitat used for foraging by some wildlife species, or high noise levels and project lighting that may affect wildlife populations in the project vicinity.”

Thus, impacts that are temporary and reversible would not be considered significant adverse impacts. As stated in section 5.2.4 of the biological assessment report in Appendix E for the MND, vegetation in the project vicinity, particularly the coastal dune vegetation east of the project site, could be adversely affected by dust and airborne pollutants generated by construction vehicles during project construction. However, this impact would be temporary, because it only would occur during the construction period, and would be reversible after construction ended. Therefore, it would not be a significant adverse impact, and, therefore, mitigation is not required.

**Comment PCH-54:** So as far as the MND, I think we need a complete EIR.

**Response PCH-54:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PCH-55:** And she commented that the biological studies on bird migration -- birds impacting the facility; birds not knowing if it's daytime or nighttime; birds not knowing whether they should eat or not eat -- that the studies were inadequate on that.

And adapting that rationale to what I'm looking at here, which people have -- I know it's in this staff report, and I know it's in the negative mitigation declaration that we got. But I don't think it's been adequately addressed. As a matter of fact, it's just been kind of thrown aside.

The lighting to me is a very important issue. The lights are going to be pretty much the same according to the document I read that's on the existing Mandalay Reliant plant now.

**Response PCH-55:** As stated on page 22 of the MND, new lighting that will be installed on the proposed equipment will be consistent in intensity and type with the existing lighting on equipment within the Mandalay Power Generation facility. Since new lighting will be consistent with the existing lighting on the Mandalay Power Generation facility, it will not introduce a substantially different type of lighting in the area. Therefore, it is not anticipated to cause significant adverse impacts to birds.

**Comment PCH-56:** But I pointed out that the projections that they were showing on particularly northbound Harbor as you view it from Fifth did not take into account what was happening at Northshore with respect to road improvements.

Harbor Boulevard at that location -- and I told them this; I don't think anyone wrote it down because I'm seeing the identical photos tonight as I saw then.

Harbor Boulevard at that location is going to be four lanes. There is a landscape plan that's going to allow for walkways and bikeways -- bicycle paths, and all kinds of development, beautiful development from Fifth Street to the Edison canal. That is not reflected in any of the photos that you've shown us. The increase in recreational use that's being anticipated for that particular part of Harbor, not to mention the increased traffic that's going to be coming to that area of Harbor Boulevard. So as far as I'm concerned, the projections that we're seeing here are not adequate and not inclusive.

**Response PCH-56:** The widening of Harbor Boulevard is discussed on page 27 of the Staff Report. This widening will occur on the opposite side of the street from the site of the proposed Project and would not be affected by it. The visual simulations only simulated changes directly caused by the proposed Project.

**Comment PCH-57:** And in that utilities section, it doesn't say that there's any anticipated need for future electricity. It doesn't -- yeah, we're growing. We're growing like mad. But in all those huge projects that we're looking at, including the 190 houses that we just voted no on for those of you who say we don't vote no on anything. We just voted no on that last week. That one. The Southwinds -- those are the two that come off the top of my head right now since I've been working since 6:00 this morning -- have no impact with respect to utilities. So I'm questioning that why now we just automatically say growth/need, growth/need.

**Response PCH-57:** Even with the additional installed and anticipated new generating resources that will have come on-line, CAISO still predicts a 10% risk that operating reserves in Southern California could be insufficient this summer. Although new resources have been procured and will continue to come on-line, SCE predicts that there remains a significant need for additional peaking resources in the future.

Further, the local emergency functions of the proposed Project have yet to be filled. There is currently no black start facility in the Oxnard area that is capable of black starting either the Mandalay or the Ormond Beach generating stations in

the event of an emergency. And, as was just demonstrated in the recent July 2008 Gap fire, Santa Barbara does not have sufficient local generation resources to meet the existing electricity demand in the event that the main transmission line that supplies the area is taken out of service. The proposed project will address both of these emergency needs by: 1) supplying black start capability to the Mandalay Generating Station and from there to the Ormond Beach Generating Station, and 2) providing the system support needed to provide additional power to the Santa Barbara system during emergencies.

**Comment PCH-58:** And I really, you know question the timing; I question the location; you know, the fact that we have two other similar plants in close proximity. You know, I just really have – I really have some issues with this project. And again, I was hoping to be persuaded that it was -- it was needed.

**Response PCH-58:** Please see the above Response to Comment PCH-57 regarding the need for the project.

**Comment PCH-59:** You guys yourself said that it could be in another location, but you chose to put it in Oxnard.

**Response PCH-59:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the City of Oxnard. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PCH-60:** As counsel for Southern California Edison has stated, there's a number of different ways to interpret the statute. Off the top of my head, I can't recall, but I think there's something like 19 different analyses that we go through. However, the top two are usually determined, the purpose, the intent of the legislative body, and determine the plain meaning.

Southern California Edison is saying the plain meaning does not prohibit. The staff is saying look at. One of the statements made in 17-20a is (unintelligible) consistency with the Oxnard coastal land use plan following coastal act provisions in land use planned policy shall apply, one, coastal dependent energy facilities.

It's within the province of the planning commission to determine -- because this is a -- there's no permitted uses. These are all conditional permitted uses, if you will whether this is consistent with the zoning purpose.

Southern California Edison is correct in that it doesn't say only coastal dependent energy facilities. Staff is correct in saying look at the purpose.

This is -- I'm going to kick it back to the planning commission. This is within your province.

**Response PCH-60:** As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

The commenter is incorrect in asserting that the plain meaning of the statute can be ignored. According to the rules of statutory construction, "[I]n interpreting a statute a court should always turn to one cardinal canon before all others. . . [C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there." *Connecticut Nat'l Bank v. Germain*, 502 U.S. 249, 252 (1992). The words of the Oxnard Coastal Zoning Ordinance are clear and unambiguous and therefore statutory construction is limited to giving the words of the statute their usual and ordinary meaning. The EC zoning designation specifically allows "power generating facilities and electrical substations." Therefore, the proposed Project, which consists of a power generating facility, can be constructed in the EC zone. Please see CCL-25-1 for further discussion of statutory construction.

**Comment PCH-61:** Now we're back to the point of whether it's allowed here or not.

**Response PCH-61:** Please see above Response to Comment PCH-61.

**Comment PCH-62:** Another point I'm discussing MND versus going with the full EIR. One of the questions was asked and the answer we got is the four other projects all went through the MND process and not full EIRs. I'd like to interject that those weren't on our pristine coastline either. Certainly we're not talking apples and apples here.

I have trouble with the MND for -- for just that reason.

**Response PCH-62:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PCH-63:** I also feel very strongly as with Commissioner Frank on the issue of the MND. I feel that it's inadequate in the same very similar format that you had stated -- and I won't repeat it because it's getting late. But I do feel that it does need an environmental impact report in order to establish this project as being viable.

**Response PCH-63:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission

calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment PCH-64:** As far as the coastal permit, I strongly feel that the aesthetics of this project is really lacking.

**Response PCH-64:** Please see Response to Comment CCL-1-5 regarding potential visual impacts. As discussed in that response, the existing views of and around the project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent. Thus, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings and would not cause significant adverse aesthetic impacts. The landscaping will minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species.

**Comment PCH-65:** The improvements on Harbor were not even demonstrated within this proposal.

**Response PCH-65:** The improvements along Harbor Boulevard are associated with the Northshore development and will occur across the street from the proposed Project. The environmental impacts from the Northshore at Mandalay Bay residential development, were evaluated as part of the proposed Project's cumulative impacts analysis. Improvements along Harbor Boulevard associated with the Northshore development will not alter the conclusions that the peaker project will not cause significant adverse impacts.

**Comment PCH-66:** The biggest factor is that alternate locations should be considered as part of this environmental review. I think that's critical that we establish what environmental impacts would occur as an alternative location would be considered.

**Response PCH-66:** SCE has prepared a supplemental alternatives analysis that has undergone critical review by Commission staff. As discussed in Response to Comment CCL-1-1, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, both at the time of its original siting and subsequent to that time, which considered multiple alternative sites, including many sites not in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. Please see Response to Comment CCL-1-1 for a discussion of the alternatives that were considered.

**Comment PCH-67:** And I'm under the understanding that there is no problem in the amount of energy we have as far as supplying to the city of Oxnard.

The commenter is incorrect in implying that the Project is not needed. The project is being constructed to fill important reliability needs in the local area. Please refer to CCL-9-1 for a full discussion of the local benefits from and need for the proposed Project.

**Comment PCH-68:** And noting that, they said that Edison – or Reliant said that Oxnard is the best place that will benefit this. Go to the second best place and put the -- best place, and I think we have enough.

**Response PCH-68:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the city of Oxnard. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment PCH-69:** And the bottom line, it goes to the core. We're having global warming. Our ice shelves are melting. Within ten years, it was gone. Okay? I want to make a difference in burning of fossil fuels and force them or even – make a mark saying we're going to other alternative energies. I would like not -- I can't lend my vote to this at this time because of multiple reasons, and bottom line is global warming.

**Response PCH-69:** Please see Response to Comment CCL-26-2 regarding greenhouse gas emissions. As discussed in that response, potential greenhouse emissions from the Project will be insignificant.

**COMMENTS AND RESPONSES TO COMMENTS MADE DURING THE JULY  
24, 2007 CITY OF OXNARD CITY COUNCIL HEARING**

**Comment OCCH-1:** They refer to when they need a peaker plant when Reliant goes down. Reliant has a peaker plant within the plant, and within this area for five miles, there's four peaker plants. So why do we need another one here?

**Response OCCH-1:** See Response to Comment CCL-17-2 regarding why the existing peaker plants will not fulfill the purpose and need for the proposed project.

**Comment OCCH-2:** It's kind of questionable why they want to put it in Oxnard. These peaker plants, they don't have to have five of them to get 250 Megs.

**Response OCCH-2:** See Response to Comment CCL-9-1 regarding the local need for the project. See Response to Comment CCL-27-4 regarding why five projects were proposed for construction.

**Comment OCCH-3:** The other thing is that it says this is a coastal act, is a coastal-dependent development or use means development or use required onsite to be able to function at all...

**Response OCCH-3:** As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

**Comment OCCH-4:** ... and also, it's cumulative. You have a gas sweetening plant out there, along with Edison – I mean with Reliant, which accumulates quite a bit of smog.

**Response OCCH-4:** A cumulative impacts analysis was performed as part of the project's environmental analyses. This analysis concluded that that the Project will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities. See Response to Comment CCL-2-2 for additional discussion regarding the cumulative impacts analysis.

**Comment OCCH-5:** We would like to recommend to the city council of Oxnard and Southern California Edison to examine alternatives to meeting energy demand other than the natural gas peaker plant.

The Community Environmental Council is environmental nonprofit based in Santa Barbara. Our flagship campaign is actually weaning the tri-county area off fossil fuels by 2033 or sooner.

While we understand that the peaker plant proposal resulted from an order from the Public Utilities Commission to quickly meet additional peak demand, we encourage sc --

SCE to examine alternatives to natural gas as an energy source, for example, concentrating solar power.

**Response OCCH-5:** SCE considered concentrating solar energy projects, but their generation profile will not provide the desired local reliability benefits. See Response to Comment CCL-26-1 for additional discussion of the solar energy alternative.

**Comment OCCH-6:** And if -- take a look at the map over there. If you look at where the Channel Islands Harbor is, if you go out there a little bit, I've been out there in my boat. You get an excellent stereo -- stereoscopic view of two smokestacks -- or actually, three smokestacks just pouring smoke and pollutants into our -- our county right now.

This company wants to add an additional source of pollution to -- to our community and not taking into consideration that we already have two plants here that are pumping out all kinds of NOx and pollution.

**Response OCCH-6:** The visible plumes from the power plant stacks are water vapor, not smoke. When the hot water vapor in the power plant exhaust mixes with the air, the water vapor cools and condenses, which causes the visible plume. Other gases emitted from the stacks, including nitrogen oxides (NOx) are essentially invisible.

Please see Response to Comment CCL-1-10 regarding air quality impacts. As discussed in that response, the peaker project will not cause significant localized or regional air quality impacts.

**Comment OCCH-7:** So -- and we do not get the benefit from those power plants. Most of that power is being distributed elsewhere.... Why are we at the end of the power grid where we have two power plants here already, and those power plants have existing peaker plants with them. They don't need to be started by this additional plant.

**Response OCCH-7:** The bulk of the energy produced by the local power plants is consumed in the local area. It is not distributed elsewhere. See Response to Comment CCL-17-2 regarding why the existing peaker plants will not meet the purpose and need of the proposed project. Further, none of these resources have black start capability that can be used to start the Mandalay Generating Station in an emergency.

**Comment OCCH-8:** So I would encourage people to go out and take a look at the amount of pollutants coming from the plants that we have already and -- and consider that as the whole and not just look at this one peaker plant out of -- out of the whole context of the pollution that's being brought to our county.

**Response OCCH-8:** Please see Response to Comment CCL-1-10 regarding the evaluation of potential adverse air quality impacts. In particular, as discussed in that response, the peaker facility will not cause significant adverse air quality impacts. Potential regional air quality impacts caused by NOx or ROC emissions

are accounted for in the air basin planning process conducted by the VCAPCD to ensure they are being accounted for and offset. Therefore, the peaker facility will not cause adverse regional air quality impacts in the context of other regional emissions.

**Comment OCCH-9:** What we need is 21<sup>st</sup> century answers to our energy needs, and that includes solar, wind power, and we've got the technology to do it, and the price of it's all coming down.

**Response OCCH-9:** Renewable energy projects were considered for the current application, but these types of projects cannot provide the desired local reliability benefits. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment OCCH-10:** By their own admission, this plant would increase air pollution.

**Response OCCH-10:** Please see Response to Comment CCL-1-10 regarding the evaluation of potential adverse air quality impacts. As discussed in that response, the analyses of potential air quality impacts concluded that the Project will not cause either regional or localized adverse air quality impacts.

**Comment OCCH-11:** They also glossed over the fact they could build this facility in Moorpark under the same CPUC guidelines that they used to say they needed to build it in Oxnard.

**Response OCCH-11:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including the city of Moorpark. Locating the project in Moorpark would not provide the desired local reliability benefits. Further, this site would place the project immediately adjacent to residential homes. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment OCCH-12:** If we approve this power plant, we pay for it in many ways, but the most hurtful, of course, is the increase in pollutants that threaten the health of our community's citizens.

**Response OCCH-12:** Please see Response to Comment CCL-1-10 regarding the evaluation of potential adverse air quality impacts. In particular, as discussed in that comment, results from the air dispersion modeling, presented in Tables C-11, C-12 and C-13 (pages 37 and 38) in the MND indicated that emissions will not cause federal or California ambient air quality standards to be exceeded. Since these standards have been established to protect public health with an adequate margin of safety, emissions will not cause significant adverse local air quality impacts during operation of the peaker. Additionally, as shown in Table C-15 (page 41) of the MND, all of the estimated health risks from the HRA are below

the significance thresholds established by the VCAPCD. Therefore, air quality impacts to nearby residents or visitors from TAC emissions will not be significant. Thus, air quality impacts to nearby residents or visitors will not be significant and will not adversely affect the health of the community's residents.

**Comment OCCH-13:** But it also has an adverse effect on the environment.

**Response OCCH-13:** The Staff Report adequately evaluated all environmental topic areas. The Staff Report concluded, on page 42, that "...the proposed Project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970." Therefore, the project will not cause significant unmitigated adverse impacts on the environment.

**Comment OCCH-14:** It takes money and attention away from the inevitable need to find and support renewable energy sources... If we are ever going to take the issue of global warming seriously, follow our governor's call for reducing our collective carbon footprint, we must take these steps now.

**Response OCCH-14:** The proposed Project neither displaces nor diverts resources from the development of renewable energy sources. On the contrary, peaker plants like the proposed Project fill an important role in the integration of renewable energy, since their ability to follow load make them ideal to supplement and "fill in behind" intermittent renewable sources like wind and solar to keep the voltage and frequency of the grid stable. Renewable energy sources were considered, but cannot provide black start, dispatchable generation or the required grid reliability benefits that are the focus of this project. See Response to Comment CCL-1-1 for discussion of the alternatives that were considered.

**Comment OCCH-15:** There appears to be confusion in describing and analyzing state-owned property. In describing the project's location, it should be noted that Mandalay State Beach, not just state property, is on the south of the proposed plant site, and McGrath State Beach is to the northwest of the site and the Reliant Energy plant. This information is significant for both the analysis and complete evaluation required by CEQA.

**Response OCCH-15:** This comment is identical to Comment CCL-4-1. Please see Response to Comment CCL-4-1.

**Comment OCCH-16:** The MND misrepresents visual impacts. When evaluating visual impacts of the proposed Project, it should be noted that -- and I quote from the document -- "the intervening land between Mandalay State Beach and the proposed Project is not dotted with existing oil processing structures that are approximately 70 feet high and stacked so the Mandalay generation facility, which is 203 feet high. All that separates Mandalay State Beach from the proposed peaker plant site is a six-foot chain link fence on the Edison property."

**Response OCCH-16:** This comment is essentially identical to Comment CCL-4-2. Please see Response to Comment CCL-4-2.

**Comment OCCH-17:** Impacts to the access road and resource at Mandalay State Beach have not been evaluated and mitigations considered. The extent of the area impact has not been adequately defined; therefore, it's inadequately evaluated for construction biological survey purposes.

**Response OCCH-17:** This comment is essentially identical to Comments PDL-6-3 and CCL-4-4. Please see Response to Comment PDL-6-3 and Response to Comment CCL-4-4.

**Comment OCCH-18:** Of note is the proposed landscaping. It's not appropriate for a coastal dune environment. The U.S. Fish and Wildlife Service, in their comment letter on the MND, has raised concern about the landscaping, and we at State Parks who have worked diligently to remove non-native species from our property cannot support the proposed planting pallet.

**Response OCCH-18:** This comment is essentially identical to Comment PCH-5. Please see Response to Comment PCH-5.

**Comment OCCH-19:** The City's LCP is clear that this is not a coastal-dependent use.

**Response OCCH-19:** As discussed in Response to Comment CCL-2-1, no provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

**Comment OCCH-20:** Given the vanishing open space and the need for coastal recreation opportunities, we'd like to think of a more appropriate location outside the coastal zone for the proposed facility that will be used for seasonal peak purposes can be found. Such action would be consistent with the City's LCP.

**Response OCCH-20:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the coastal zone. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

Further, the MND and Staff Report concluded that the construction of the proposed Project at this location would not have a significant adverse impact on either open space or coastal recreation opportunities, and is fully complaint with all sections of the City's LCP.

**Comment OCCH-21:** It's feasible to build a substation in east Ventura County versus west Ventura County.

**Response OCCH-21:** SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including sites in east Ventura County. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment OCCH-22:** So while these two plants, Ormond Beach and Mandalay Beach, have been underutilized, there is no need to build a peaker plant where the demand isn't there. The demand actually takes place in east Ventura County.

**Response OCCH-22:** The Project was sited at the location where it would provide the greatest local reliability benefits. SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including sites in east Ventura County. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment OCCH-23:** ... keep in mind this project would have an adverse effect to the safety, health, and welfare of the public in the adjacent buildings.

**Response OCCH-23:** Impacts on the Northshore residential housing development were considered as part of the MND and Staff Report's environmental analysis. Because the Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment, no impacts exist which could affect the residents in the adjacent buildings. Therefore, there will be no significant safety, health, or welfare impacts on the public.

**Comment OCCH-24:** The other thing is a couple speakers said this would improve the appearance of the site. ... It's certainly not going to look better with this big smokestack and facility there.

**Response OCCH-24:** Please see Response to Comment CCL-1-5 regarding visual impacts of the facility. As discussed in that response, the facility will not cause significant adverse visual impacts.

**Comment OCCH-25:** It never said five peaker plants, never said Oxnard, and it certainly didn't say they -- a peaker plant had to be built in the Coastal Zone.

**Response OCCH-25:** SCE was ordered by the California Public Utilities Commission ("CPUC") to bring on-line by the Summer of 2007 up to 250

megawatts (“MW”) of SCE-owned, black-start, dispatchable generating facilities that would bring collateral benefits to SCE’s transmission and distribution system as well as the California Independent System Operator (“CAISO”) grid.

In order to best provide collateral benefits to the transmission and distribution system, SCE identified locations on its system that could most benefit from the peaker projects. One of these areas was the Ventura/Santa Barbara county area. Within this area, SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites. The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment OCCH-26:** Also, the MND for the peaker is legally deficient and must not be considered. An EIR must be done...

**Response OCCH-26:** Commission staff have reviewed the MND for the proposed Project and required supplemental analysis including biological surveys, a reassessment of local air quality impacts, and greenhouse gas emission calculations. SCE has prepared additional analyses for alternatives, cumulative impacts, growth inducing impacts, and environmental justice. The California Coastal Commission is a certified regulatory agency and as such, their Staff Report is considered an Environmental Impact Report (EIR) equivalent document. Therefore, an EIR-equivalent analysis has been performed.

**Comment OCCH-27:** ...and it also must address the requirements of AB32 with respect to greenhouse gas. CO2 is the major greenhouse gas that we have, and the air quality impact analysis of the MND does not address CO2 emission. And since the peaker proposal is in the coastal zone, you have to -- to look at what the coastal commission is looking at.

And you'll remember at the coastal commission hearing on BHP Bulletin LNG, the Lieutenant Governor, John Garamendi, said that every Environmental Impact Statement with LNG or any energy source has to be and must deal with the total greenhouse emissions and that that current state law requires it.

**Response OCCH-27:** Please see Response to Comment PDL-11-4 regarding the compliance of the Project with AB32. The Commission has conducted a full evaluation of greenhouse gas emissions from the proposed project. Response to Comment CCL-26-2 summarizes this analysis, which concludes that greenhouse emissions from the project will be insignificant.

**Comment OCCH-28:** Um, why don't they build the peaker plant and tear down all of this that they've got on our beach and move the whole thing to the east point where it's obviously needed -- their power is needed more than it is here.

See Response to Comment CCL-9-1, for a discussion of the need for the proposed project.

**Comment OCCH-29:** All this pollution they're going to emit to our air. Another thing is that I don't -- there was no mention of AB32, this global warming bill, on how it -- and how it's going to comply with this, how it's going to comply.

**Response OCCH-29:** Please see Response to Comment CCL-1-10 regarding potential adverse air quality impacts. As discussed in that response, the project will not cause significant adverse air quality impacts.

See Response to Comment PDL-11-4 regarding the compliance of the Project with AB32. The Commission has conducted a full evaluation of greenhouse gas emissions from the proposed project. Response to Comment CCL-26-2 summarizes this analysis, which concludes that greenhouse gas emissions from the Project will be insignificant.

**Comment OCCH-30:** We don't need this plant. We have several already. They can work on enhancing those that already exist.

The commenter is incorrect in implying that the Project is not needed. See Response to Comment CCL-9-1 for a discussion of the need for the proposed Project. See Response to Comment CCL-1-1 and CCL-17-2 for a discussion of why the existing facilities do not meet the purpose and need of the proposed Project.

**Comment OCCH-31:** Are we benefiting specifically the citizens of Oxnard? We should not look at it so selfishly as that is our only goal. But if we are benefiting citizens from other areas of this county at the expense of the citizens in Oxnard – an item that came up during the LNG hearings, the environmental discrimination issue, I think that's unfair. That's not share and share alike.

**Response OCCH-31:** The Staff Report thoroughly analyzes the Project's potential impacts to the natural environment including biological resources and water quality, adverse visual effects, hazards, water conservation and municipal services, air quality, public access and recreation and greenhouse gas emissions. This analysis included a consideration of cumulative impacts from existing industrial facilities as well as environmental justice concerns. Based on this analysis, the Staff Report imposes various Special Conditions that extensively and thoroughly address the Project's potential impacts and reduce impacts, where necessary, to levels that will not harm the environment. The Commission's review of the proposed Project has concluded that it will not have any significant or potentially significant effects on the environment alone or in conjunction with other local facilities.

SCE conducted a detailed needs and siting assessment for the proposed Oxnard peaker, which considered multiple alternative sites, including many sites not located in the City of Oxnard. The proposed site on SCE-owned brownfield land

adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.

**Comment OCCH-32:** If the Edison Company can state that this is the only place this site can be, it would make me look at it differently. But they have not stated that. The issue of coastal dependent use, I don't -- in my mind, this does not meet a coastal dependent use, strictly coastal dependent use.

**Response OCCH-32:** No provision of the City's coastal zoning ordinance prohibits any non-coastal dependent development on the site; nor can it be reasonably construed to imply that an energy development must be "coastal dependent" to be permitted at the proposed site. Please see Response to Comment CCL-2-1 for additional discussions regarding coastal dependency.

**Comment OCCH-33:** But I think that we still have problems with the exhaust stack out there, and I'm sure that Edison wouldn't check with the airport, but if when the airplanes take off they have to veer over towards Oxnard Shores, you know, which is a residential development, and the air quality, I think, is -- is -- is going to be, um, intruded upon.

**Response OCCH-33:** Please see Response to Comment CCL-12-2 regarding potential impacts to aircraft operations. As discussed in that response, VCDOA concurs with SCE that the Project would not pose a hazard to aircraft and that it would not cause aircraft to alter flight paths or cause adverse noise impacts.

**Comment OCCH-34:** There's rare species out there, and -- in that area.

**Response OCCH-34:** Please see Responses to Comments CCL-3-8 and CCL-6-1 regarding potential impacts to biological resources. As discussed in those responses, the project will not cause significant adverse impacts to special status animal or plant species.

**Comment OCCH-35:** And, um, the North Shore development is coming up to that -- I think it's going to be right across the street, uh, and I think it's going to probably hurt the quality of life for all those individuals there and also for the rest of the residents of Oxnard.

**Response OCCH-35:** The comment that the Northshore development will be directly across Harbor Boulevard from the peaker project is incorrect. The Northshore development will be located 750 feet to the southeast of the peaker site. Additionally, the MND and the Staff Report thoroughly evaluated potential impacts to both the future residents of the Northshore development and the City of Oxnard and concluded that the peaker project would not cause significant adverse impacts.

**Comment OCCH-36:** ...and to put something that ugly next to those homes in particular just doesn't make sense.

**Response OCCH-36:** Please see Response to Comment CCL-1-5 regarding visual impacts. As discussed in that comment, pages 25 and 26 of the Staff Report state:

“As demonstrated by the photographs in Exhibit 3, the existing views of and around the project site are primarily industrial and energy related in nature and no significant visual or aesthetic resources are apparent. Currently, the most dominant aspects of the proposed site are the adjacent Mandalay Generating Station and the approximately 10 foot high screened chain-link and barbed-wire fence that surrounds the vacant and graded site.”

Since the existing views of and around the project site are primarily industrial and energy related in nature, and no significant visual or aesthetic resources are apparent, the peaker plant would not substantially degrade the existing visual character or quality of the site and its surroundings. Therefore, the project would not cause a significant adverse aesthetic impact. The addition of landscaping will minimize the visual impact of the proposed Project to the extent feasible, while still protecting sensitive species.

**Comment OCCH-37:** ...I think any additional generating plants that are needed should be put closer to the areas in which they are not currently placed and could be just as beneficial.

**Response OCCH-37:** The Coastal Act mandates the concentration and consolidation of industrial developments to maintain and enhance marine resources. Section 1.2 of the Oxnard Coastal Land Use Plan also requires that “industrial developments, including coastal-dependent and energy facilities, are also to be concentrated and consolidated as much as possible.”

The proposed site on SCE-owned brownfield land adjacent to the existing Mandalay Generating Station is the best location to meet the purpose and need of the proposed Project, and is also the environmentally-preferred site. See Response to Comment CCL-1-1 for further discussion of the alternatives that were considered.