

W 19a & 20a

ADDENDUM TO COMMISSION PACKET FOR ENERGY, OCEAN RESOURCES, and FEDERAL CONSISTENCY

For Wednesday, November 13, 2013

**Item No. W19a & 20a E-06-007 / A-5-HNB-10-225
Poseidon Water**

- Ex Parte Communications
- Updated Agent List
- Correspondence

EX PARTE COMMUNICATIONS

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Date and time of receipt of communication:

November 6, 2013 at 3:00 pm

Location of communication:

800 S Victoria, Ventura 93009

Type of communication:

Teleconference and in person

Person(s) in attendance at time of communication:

Susan Jordan in person, on phone- Joe Geever, Ray Hiemstra, Sarah Sikich, Jennifer Eckersly and Sara Townsend

Person(s) receiving communication:

Brian Brennan

Detailed substantive description of the content of communication:

I received a briefing from the individuals mentioned above regarding their concerns with the Poseidon project and received their briefing book. They would prefer denial but if Commission approves they want all Special Conditions put in place.

Date: 11/6/13

Signature of Commissioner: _____





Huntington Beach Project – Coastal Commission Briefing

November 2013

THESE MATERIALS HAVE BEEN PROVIDED TO THE COASTAL COMMISSION STAFF

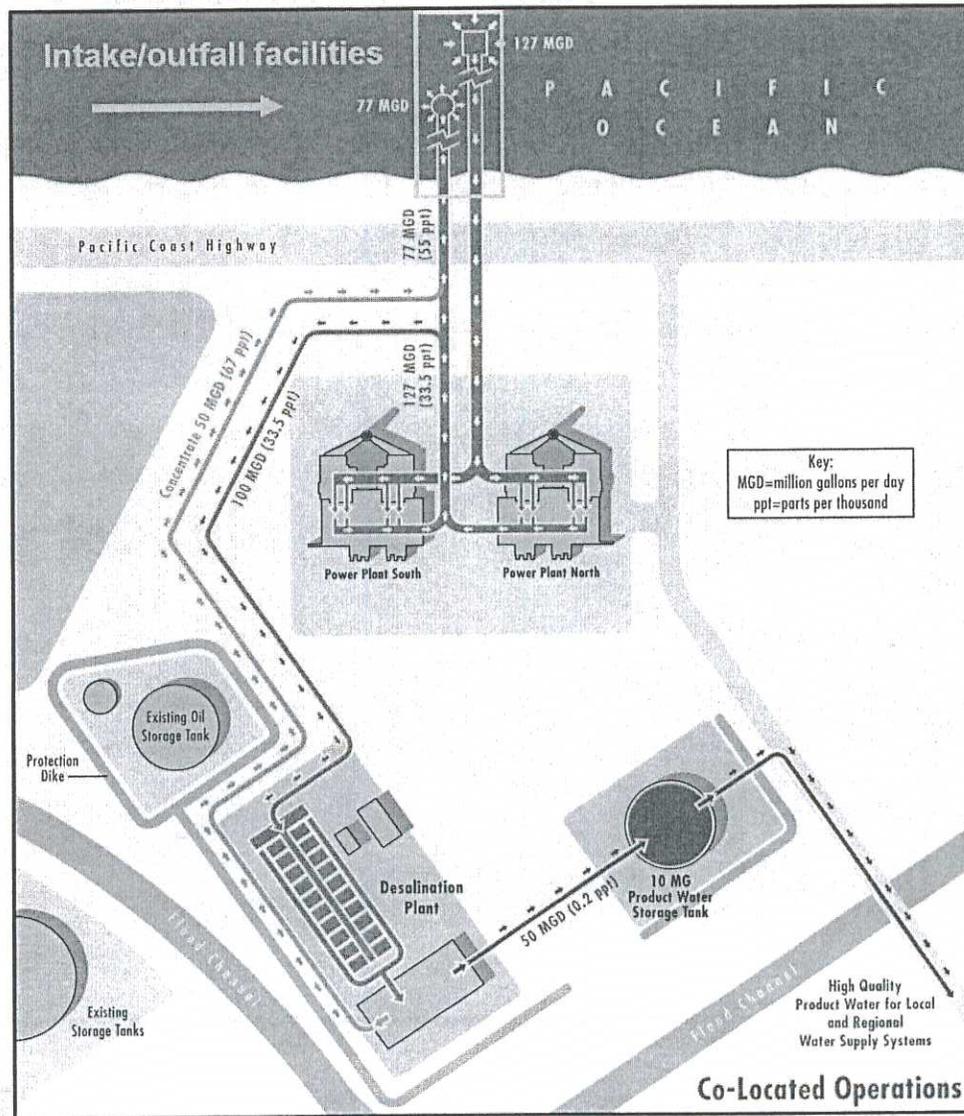
California and Orange County on Seawater Desalination

- California Department of Water Resources' Water Plan Update identifies a need for up to 400,000 acre feet / AF of desalination by 2030.
 - Project would provide 56,000 acre feet per year
- Governor Brown's recently released State Water Strategy identifies desalination as one of the pillars to increase regional self-reliance.
- Metropolitan Water District of Southern California counting on 150,000 acre feet of desalination by 2030.
- Project identified in Municipal Water District of Orange County's RUWMP as necessary to reduce demand on imported water.
- Without seawater desalination, Orange County's demand for imported water will increase.

Proposed Project



Flow Schematic – Reusing Existing Industrial Facilities



Staff Report and Recommendation

- **Staff is recommending approval, and got it right! But their permit conditions result in an entirely different project that is infeasible**
 - Staff's project would require a new entitlement process before all of the applicable permitting agencies – City of Huntington Beach, State Lands Commission and Regional Board.
 - Process would take 5-10 years
 - Staff's project violates the Coastal Act, which prohibits the Commission from taking actions that conflict with determinations of the Regional Board, or that establish or modify an emission standard established by an air district or CARB.
 - Staff's project conflicts with permits already issued to the project by the City of Huntington Beach, State Lands Commission and Regional Board.
 - Staff's project ignores site-specific environmental investigations and analysis supporting the permits issued to the project.
 - Staff's project conflicts the Commission's determinations concerning the Carlsbad desalination project.
- **Staff's alternative will result in the termination of the project and frustrate the state's goal of regional self-reliance**

Staff Recommending Infeasible Project

“Feasible means capable of being accomplished in a successful manner within a reasonable period of **time**, taking into account **economic, environmental, legal, social, and technological** factors.” (CEQA Guidelines § 15364; Pub. Res. Code § 30108).

- **Environmental**: Staff’s recommendations are more environmentally impactful
- **Technological**: Unproven technology; excessive risk
- **Economic**: Not financeable; cost of water uneconomic
- **Legal**: No legal rights to land needed to build beach or ocean floor systems
- **Social**: Impairs coastal access and public recreation
- **Time**: Would require a new entitlement process – current entitlements have taken 10 years

Project Permit – Key Issues

- Marine Life Effects / Mitigation
- Subsurface Intakes
- State Water Board's Proposed Desalination Policy
- Site Hazards (tsunami, sea-level rise, seismic)
- Environmentally Sensitive Habitat Areas (ESHA) Buffer
- GHG Plan
- Special Conditions

Marine Life Effects

As proposed, Huntington Beach Project's marine life effects are minimal - smaller than the Commissioned-approved Carlsbad project - and can be mitigated in compliance with Coastal Act.

- Intake structure is not within an Area of Special Biological Significance (ASBS) or Marine Life Protected Area (MLPA).
- No threatened or endangered species.
- Estimated daily impingement of 0.78 lbs of fish/shellfish per day.
 - 92% reduction in fish impingement compared to HBGS' impingement losses.
- Larval entrainment losses projected to affect only a small fraction of larvae.
 - (0.02-0.28%) of the source water populations.
- Project will not substantially reduce populations of affected species, and would not affect the ability of species to sustain their populations.

Marine Life Mitigation

- When operating in conjunction with the power plant (co-located scenario), the Facility will not increase the volume or the velocity of water intake, nor will it increase the number of organisms impinged and/or entrained. Therefore, when the facility is operating in co-located mode, there will be no additional impacts on marine life.
- 66 acres of marine life mitigation have already been provided by the power plant to mitigate impacts while the desalination facility and power plant are operating in conjunction.
- When power plant permanently decommissions its cooling water system, Poseidon will provide mitigation.
- Proposed Condition would require implementation of a wetland mitigation plan with specific performance criteria, to be reviewed and approved by the Commission at a later hearing (same as Carlsbad condition).

Subsurface Intakes: Site Specific Project Analysis

- The study and analysis of alternative subsurface intakes has been a primary focus throughout the Project's CDP application process.
- Nine submittals including over forty pages of site-specific analysis.
- Evaluation and feasibility analysis is supported by hundreds of pages of technical literature and legal findings from permits issued to the Project.
- A half-dozen technical reports submitted including geotechnical data and analysis of the hydro-geologic characteristics of the Talbert Aquifer.
- No Large-scale subsurface intakes utilized anywhere in the world.
- Carlsbad only project permitted in California and Commission found subsurface intakes technically infeasible and environmentally inferior.

Subsurface Intakes environmentally inferior

The construction, operation and maintenance of alternative intake facilities would result in impacts that are in direct conflict with Coastal Act policies.

- Coastal Act Section 30230: Significant impacts to the offshore benthic environment and marine resources.
 - seafloor infiltration gallery sized for the facility would impact approximately 64 acres of benthic habitat and beachfront.

- Coastal Act Section 30231: Damage to the nearby newly restored wetlands and seawater intrusion barrier.

- Coastal Act Sections 30211, 30220 and 30221: Obstruct public access to the beach; impair visual resources and recreational uses.

- Coastal Act Section 30253: Increase energy consumption.

Subsurface Intake Requirement Violates Coastal Act

- The Regional Board found that a subsurface would be “technologically infeasible and/or environmentally inferior.”
- Approval of a subsurface intake would violate the Coastal Act because “*the commission shall not . . . modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.*” (Coastal Act § 30412(b).)

SWB Proposed Desalination Policy

- Acknowledges that seawater desalination is important to meeting State's potable water demands; designed to provide permitting guidance to Regional Boards.
- Draft plan and environmental document have not been released; approval is required by the State Water Board in 2014, Office of Administrative Law, and the U.S. Environmental Protection Agency.
- Coastal Commission has statutory authority to permit HB project and does not require direction from SWB.
- SWB Policy will be implemented through Regional Board's NPDES permitting process; HB project will have to comply with policy in order to maintain its NPDES permit.
- Poseidon proposed CDP special condition: ***Poseidon shall comply with all current and future Ocean Plan requirements applicable to the Project.***

Site Hazards (earthquake, tsunami, sea-level rise)

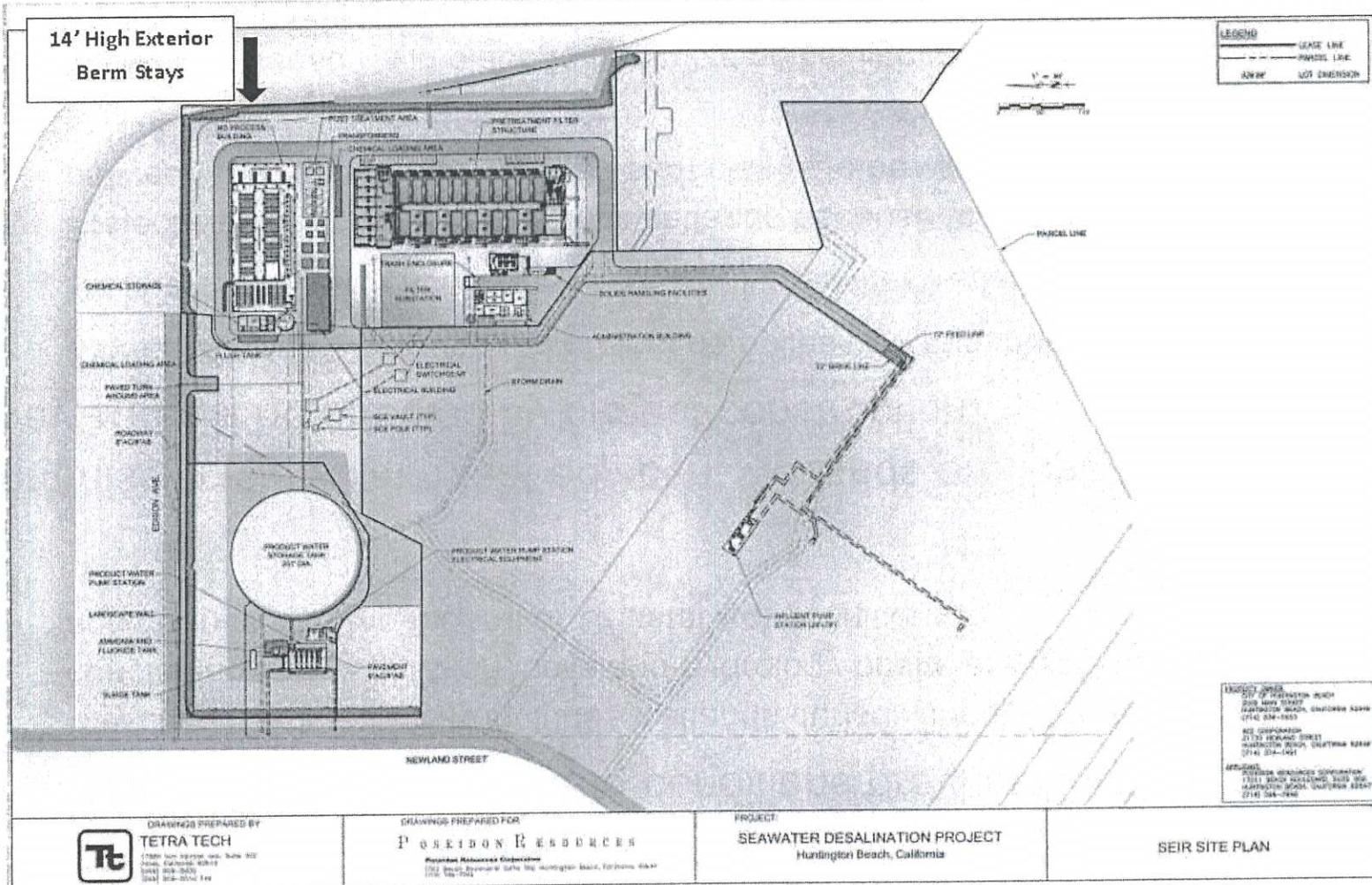
- Coastal Act requires new development to “minimize” risks to life and property and to assure structural stability in areas of flood or geologic hazard, but neither prohibit development where tsunami or geotechnical risks may be present nor impose specific development standards.
- Poseidon has submitted to Commission Staff:
 - Geotechnical Hazards Assessment Report (“Hazard Assessment Report”).
 - Seismic, Tsunami and Flood Design Mitigation and Emergency Response Plan (“Response Plan”).
- Project site hazard analysis assumes extreme, worst-case scenarios.
- Poseidon proposed CDP special condition: **Imposes requirements from Hazard Assessment Report and Response Plan that ensure Project will be structurally stable and will minimize risks to life and property.**

Wetlands Buffer

- Commission Staff claim wetland conditions previously existed onsite
 - City of HB certified SEIR includes wetlands Jurisdictional Determination concluding that vegetation, soils and hydrology onsite are not wetlands in accordance with the federal or Coastal Act definitions.

- Commission staff claim that adjacent wetlands are less than 100 feet away and will be effected by project construction.
 - City-approved CDP found the project complies with minimum wetland setbacks.
 - No substantial evidence in the record indicates that wetlands are closer to the site.
 - Project would not adversely affect wetlands because there is a containment berm between the Project and the area staff claims to be wetlands that prevents impacts to that area.
 - Mitigation measures in place to minimize noise, light and vibration impacts to the environment during construction.

Wetlands Buffer continued ...



GHG Plan

- GHG Plan approved by the City of Huntington Beach and the State Lands Commission requires Poseidon to offset “net” indirect GHG emissions.
- No authority to require “gross” indirect GHG offsets.
 - Coastal Act only requires new development to “minimize energy consumption and vehicle miles traveled.” (Coastal Act § 30253(d).)
 - Coastal Act prohibits the Commission from establishing or modifying “any ambient air quality standard, emission standard, or air pollution control program or facility which has been established by the state board or by an air pollution control district.” (Coastal Act § 30414(a).)
- California Air Resources Board endorsed Poseidon’s net GHG offset approach when it reviewed the Carlsbad project.
- Proposed Condition would require implementation of a GHG mitigation plan, to be reviewed and approved by the Commission at a later hearing (same as Carlsbad condition).

Poseidon Permit Conditions

- Poseidon proposing a separate set of Special Conditions consistent with Carlsbad approval.
- Includes additional site-specific conditions related to seismic, tsunami and flood issues.
- Eliminates requirements to start new entitlement and environmental review process, and to re-analyze issues that already have been thoroughly analyzed.

Conclusion

- Proposed Huntington Beach Project is consistent with the Commission's actions concerning the Carlsbad project.
- Project will be most technologically advanced, environmentally sensitive and energy-efficient desalination facility in western hemisphere.
- Staff's recommended alternative project is infeasible; the project will not be built and Orange County will be forced to increase its imported water supply.

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.:

Application No. E-06-007 (Poseidon, Huntington Beach) Poseidon Resources application for construction and operation of a desalination facility on the site of the AES Power Plant, 21730 Newland Avenue, Huntington Beach, Orange County.

Appeal No. A-5-HNB-10-225 (Poseidon Water, Huntington Beach) Appeal by Orange County Coastkeeper, Surfrider Foundation, Residents For Responsible Desalination, and Commissioners Wan and Mirkarimi from decision of City of Huntington Beach granting permit with conditions to Poseidon Water for removal of storage tanks, conduct remediation, and construction and operation of seawater desalination facility within the site of Huntington Beach Generating Station, 21730 Newland Ave., Huntington Beach, Orange County.

Date and time of receipt of communication: November 5, 2013 at 11:00 am

Location of communication: Sacramento, CA

Type of communication (letter, facsimile, etc.): In person meeting

Person(s) initiating communication: Scott Maloni, Rick Zbur and Susan McCabe

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

I received a briefing from the applicant's representatives in which we went through an updated briefing booklet that was provided to staff. The representatives are in agreement with the staff recommendation of approval, but disagree with the proposed special conditions, which result in a recommendation that is tantamount to denial. They stated that the permit conditions result in an entirely different project that is infeasible. As recommended, staff's project would require a new entitlement process before all of the applicable permitting agencies, which would take 5-7 years. They also stated that staff's project violates the Coastal Act, which prohibits the Commission from taking actions that conflict with determinations of the Regional Board, or that establish or modify an emission standard established by an air district or CARB. According to the representatives, staff's alternative project conflicts with permits already issued by the City of Huntington Beach, State Lands Commission and the Regional Board, and ignores site-specific environmental investigations and analysis supporting the permits already issued to the project. Staff's alternative will result in the termination of the project and frustrate the State's goal of regional self-reliance. At the time of our meeting, the applicant's representatives said they were preparing a detailed written response to the staff report and would provide that prior to the hearing.



November 6, 2013
Date

Signature of Commissioner

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

filled out.

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

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

Ex parte: Poseidon

Date: Nov 4, 2:30pm

Location/Type of communication: telephone

Persons initiating: Susan McCabe, Anne Blemker, Scott Malonie, Rick Szabur

Persons receiving: Dayna Bochco

Referred to their Power Point through the 30 minute conversation. They expressed dismay that although staff recommended approval, the conditions were tantamount to a denial. They said that HB is a unique site with an existing inflow pipe that has a velocity cap, which they said is an example of technology "best practices." That the SWB draft report approves these caps for intake flows.

Said discharge at HB is not a problem since pipe goes out in 32' of water. That HB is using only 127 million gallons per day (vs Carlsbad +300). Constructing a seafloor gallery at this site would be environmentally more problematic since would need to build a pump station, service road, power supply and disrupt 64 acres of sea floor.

The TIME it would take to get new permits for subsurface or a "gallery" would make project infeasible. Permitting would take another 5-7 years. Waiting for State Water Board Ocean Plan infeasible since it is only a draft (not yet

out) and needs input and approval of a bunch of agencies that could take another 2-3 years.

Poseidon is willing to add conditions that they WILL COMPLY WITH ALL PRESENT AND FUTURE OCEAN PLAN POLICIES and WILL PREPARE MITIGATION PLANS FOR MARINE LIFE AND GHG MITIGATION FOR COMMISSION APPROVAL LATER.

Attn: Vanessa Miller

Item W19a & W20a

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. E-06-007 (Poseidon, Huntington Beach) Poseidon Resources application for construction and operation of a desalination facility on the site of the AES Power Plant, 21730 Newland Avenue, Huntington Beach, Orange County.

Appeal No. A-5-HNB-10-225 (Poseidon Water, Huntington Beach) Appeal by Orange County Coastkeeper, Surfrider Foundation, Residents For Responsible Desalination, and Commissioners Wan and Mirkarimi from decision of City of Huntington Beach granting permit with conditions to Poseidon Water for removal of storage tanks, conduct remediation, and construction and operation of seawater desalination facility within site of Huntington Beach Generating Station, 21730 Newland Ave., Huntington Beach, Orange County.

Date and time of receipt of communication:

October 30, 2013 at 11:00 am

Location of communication:

Marin

Type of communication:

In person meeting

Person(s) in attendance at time of communication:

Scott Maloni, Susan McCabe

Person(s) receiving communication:

Steve Kinsey

Detailed substantive description of the content of communication:

I received a briefing from the applicant's representatives in which we went through a briefing booklet that was previously provided to staff. We discussed the completeness of the application, issues being discussed with CCC staff, and the timing of the project. The applicant is continuing to work with staff and anticipates a November hearing. At the time of our meeting, the staff report had not yet been released.

Date:

Signature of Commissioner:



RECEIVED

NOV 06 2013

CALIFORNIA
COASTAL COMMISSION

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. E-06-007 (Poseidon, Huntington Beach) Poseidon Resources application for construction and operation of a desalination facility on the site of the AES Power Plant, 21730 Newland Avenue, Huntington Beach, Orange County.

Date and time of receipt of communication:

October 25, 2013 at 9:00 am

Location of communication:

Huntington Beach

Type of communication:

In person meeting

Person(s) in attendance at time of communication:

Scott Maloni, Susan McCabe, Susana Gonzalez Edmond, Doug Clark, Brent Beasley, Richard Samaniego, Doug Mangione, Jim Adams, Robert, Lizarraga, John Luing, Gabiro Enriquez, Jr., Richard Byrn, Glen Nolte, Rodney Larson, Kevin Bass, Shawn Dewane, Keith Harkey, Glen Santa Cruz, Sam Hurtado

Person(s) receiving communication:

Robert Garcia and Mark Vargas

Detailed substantive description of the content of communication:

Meeting with the applicant's representatives and members of labor community in which we discussed the details of the proposed seawater desalination facility, completeness of the application, issues being discussed with CCC staff, and timing of the project. Members of the labor community expressed the importance of the project as a component to providing a long-term, local and reliable source of water to the Orange County area. The applicant is continuing to work with staff and anticipates a November hearing.

Date:

Signature of Commissioner: _____



DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. E-06-007 (Poseidon, Huntington Beach) Poseidon Resources application for construction and operation of a desalination facility on the site of the AES Power Plant, 21730 Newland Avenue, Huntington Beach, Orange County.

Date and time of receipt of communication:

October 25, 2013 at 9:00 am

Location of communication:

Huntington Beach

Type of communication:

In person meeting

Person(s) in attendance at time of communication:

Scott Maloni, Susan McCabe, Susana Gonzalez Edmund, Doug Clark, Brent Beasley, Richard Samaniego, Doug Mangione, Jim Adams, Robert, Lizarraga, John Luing, Gabiro Enriquez, Jr., Richard Byrn, Glen Nolte, Rodney Larson, Kevin Bass, Shawn Dewane, Keith Harkey, Glen Santa Cruz, Sam Hurtado

Person(s) receiving communication:

Robert Garcia and Mark Vargas

Detailed substantive description of the content of communication:

Meeting with the applicant's representatives and members of labor community in which we discussed the details of the proposed seawater desalination facility, completeness of the application, issues being discussed with CCC staff, and timing of the project. Members of the labor community expressed the importance of the project as a component to providing a long-term, local and reliable source of water to the Orange County area. The applicant is continuing to work with staff and anticipates a November hearing.

Date: October 31, 2013



Signature of Commissioner:

UPDATED AGENT LIST



November 1, 2013

VIA E-MAIL

Mr. Tom Luster
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

**Re: 30319 Disclosure - Huntington Beach Desalination Project, Coastal
Development Permit Application No. E-06-007; Appeal No. A-5-HNB-10-225**

Dear Mr. Luster,

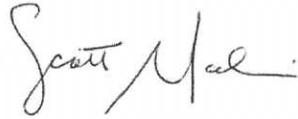
Please be advised that **McCabe and Company** has been retained to assist us in regard to Application No. E-06-007; Appeal No. A-5-HNB-10-225. Pursuant to Section 30319 of the Coastal Act, the following people may communicate with the Coastal Commission and/or Coastal Commission staff on the applicant's behalf in regard to the above-referenced appeal matter.

Susan McCabe
122 Voyage Mall
Marina del Rey, CA 90292
(310) 913-0105
smccabe@mccabeandcompany.net

Anne Blemker
10520 Oakbend Drive
San Diego, CA 92131
(310) 463-9888
ablemker@mccabeandcompany.net

Thank you for your assistance.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott Maloni". The signature is written in a cursive style with a prominent initial "S" and a long horizontal stroke at the end.

Scott Maloni
Vice President, Poseidon Water

cc: Susan McCabe
Anne Blemker

Attachment 1

Applicant's Representatives

<p>Andy Kingman CFO Poseidon Water One Boston Place, Suite 2600 Boston, MA 02108 (857) 239-8825 (857) 239-8801 fax akingman@poseidon1.com</p>	<p>Peter MacLaggan Senior Vice President Poseidon Water 5780 Fleet Street, Suite 140 Carlsbad, CA 92008 (760) 655-3900 (760) 655-3901 fax smaloni@poseidon1.com</p>
<p>Scott Maloni Vice President Poseidon Water 5780 Fleet Street, Suite 140 Carlsbad, CA 92008 (760) 655-3900 (760) 655-3901 fax pmaclaggan@poseidon1.com</p>	<p>Josie McKinley Director of Public Policy Poseidon Water 5780 Fleet Street, Suite 140 Carlsbad, CA 92008 (760) 655-3900 (760) 655-3901 fax pmaclaggan@poseidon1.com</p>
<p>Jessica Jones Assistant Project Manager Poseidon Water 5780 Fleet Street, Suite 140 Carlsbad, CA 92008 (760) 655-3900 (760) 655-3901 fax jjones@poseidon1.com</p>	<p>Jon Loveland Vice President, Technical Services Poseidon Water 5780 Fleet Street, Suite 140 Carlsbad, CA 92008 (760) 655-3900 (760) 655-3901 fax jloveland@poseidon1.com</p>

Individuals Who Will Communicate On Behalf of the Applicant for Compensation

<p>Rick Zbur Latham & Watkins LLP 355 South Grand Avenue Los Angeles, CA 90071-1560 (213) 485-1234 (213) 891-8763 fax rick.zbur@lw.com</p>	<p>Christopher Garrett Latham & Watkins LLP 600 West Broadway, Suite 1800 San Diego, CA 92101 (619) 236-1234 (619) 696-7419 fax christopher.garrett@lw.com</p>
<p>Duncan Joseph Moore Latham & Watkins LLP 355 South Grand Avenue Los Angeles, CA 90071-1560 (213) 485-1234 (213) 891-8763 fax dj.moore@lw.com</p>	<p>Clifton Williams Latham & Watkins LLP 600 West Broadway, Suite 1800 San Diego, CA 92101 (619) 236-1234 (619) 696-7419 fax clifton.williams@lw.com</p>
<p>Winston Stromberg Latham & Watkins LLP 355 South Grand Avenue Los Angeles, CA 90071-1560 (213) 485-1234 (213) 891-8763 fax winston.stromberg@lw.com</p>	<p>Susan McCabe McCabe and Company 1121 L Street, Suite 100 Sacramento, CA 95814 (916) 553-4088 (916) 553-4089 fax smccabe@mccabeandcompany.net</p>
<p>Jennifer Roy Latham & Watkins LLP 600 West Broadway, Suite 1800 San Diego, CA 92101 (619) 236-1234 (619) 696-7419 fax jennifer.roy@lw.com</p>	<p>Anne Blemker McCabe and Company 10520 Oakbend Drive San Diego, CA 92131 (310) 463-9888 (858) 368-9722 fax ablemker@mccabeandcompany.net</p>
<p>Roger Faubel Faubel Public Affairs 25 Orchard Lake Forest, CA 92630 (949) 768-1600 (949) 768-1601 fax rfaubel@faubelpublicaffairs.com</p>	<p>Scott Wetch Carter & Wetch 1225 8th Street, Suite 595 Sacramento, CA 95814 (916) 446-3413 (916) 446-4805 fax scottwetch@aol.com</p>

<p>Dr. Jeff Graham Scripps Institution Of Oceanography University of California, San Diego 9500 Gilman Drive, Dept. 0207 La Jolla, CA 99093-0207 (858) 534-8044 (858) 534-1305 fax jgraham@ucsd.edu</p>	<p>Neven Matasovic Geosyntec Consultants, Inc. 595 Market Street, Suite, 610 San Francisco, CA 94105 (415) 678-1988 NMatasovic@Geosyntec.com</p>
<p>Dr. Scott Jenkins Marine Physical Laboratory Scripps Institution of Oceanography 291 Rosecrans Street San Diego, California 92106 (858) 822-4075 sjenkins@ucsd.edu</p>	<p>Jennifer Donahue Geosyntec Consultants, Inc. 595 Market Street, Suite, 610 San Francisco, CA 94105 (415) 678-1988 JDonahue@Geosyntec.com</p>
<p>Tony Bomkamp Regulatory Specialist/Senior Biologist Glenn Lukos Associates 29 Orchard Lake Forest, CA 92630-8300 (949) 837-0404 (949) 837-5834 fax tbomkamp@wetlandpermitting.com</p>	<p>Mark Grivetti Principal Geosyntec Consultants, Inc. 924 Anacapa Street, Suite 4A Santa Barbara, CA 93101 (805) 979-9135 (805) 899-8689 (fax) mgrivetti@geosyntec.com</p>
<p>Joe Monaco Principal DUDEK 605 Third Street Encinitas, CA 92024 (760) 479-4296 (760) 479-4196 fax jmonaco@dudek.com</p>	<p>Gordon Thrupp Geosyntec Consultants, Inc. 595 Market Street, Suite, 610 San Francisco, CA 94105 (415) 678-1988 (415) 243-0821 fax gthrupp@geosyntec.com</p>
<p>Brian Grover DUDEK 605 Third Street Encinitas, CA 92024 (760) 479-4266 (760) 479-4196 fax bgrover@dudek.com</p>	<p>Michael Kavanaugh Geosyntec Consultants, Inc. Principal Geosyntec Consultants, Inc. 595 Market Street, Suite, 610 San Francisco, CA 94105 (415) 678-1988 mkavanaugh@geosyntec.com</p>

<p>Austin Melcher DUDEK 605 Third Street Encinitas, CA 92024 (760) 479-4266 (760) 632-0164 fax amelcher@dudek.com</p>	<p>Dr. David Mayer Tenera Environmental 971 Dewing Ave., Suite 101 Lafayette, California 94549 (925) 962-9769 (925) 962-9758 fax dmayer@tenera.com</p>
<p>Steve Tedesco Senior Vice President Tetra Tech 17885 Von Karman Avenue, Suite 500 Irvine, CA 92614 (949) 809-5153 (949) 809-5006 fax steve.tedesco@tetrattech.com</p>	<p>John Steinbeck Vice President / Principal Scientist Tenera Environmental 141 Suburban Rd., Suite A2 San Luis Obispo, California 93401 (805) 541.0310 (805) 541.0421 fax jsteinbeck@tenera.com</p>

David A. Goldberg
Direct Dial (213) 891-8790
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LATHAM & WATKINS LLP

May 7, 2007

VIA U.S. MAIL

Mr. Tom Luster
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

FIRM / AFFILIATE OFFICES
Barcelona New Jersey
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File No. 036182-0006

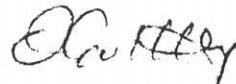
Re: Application for Coastal Development Permit for Poseidon Resources Corporation,
Proposed Desalination Facility at Huntington Beach Generating Station,
Huntington Beach, Orange County – CDP Application No. E-06-007 and Appeal
No. A-5-HNB-06-101

Dear Mr. Luster:

Pursuant to section 30319 of the California Coastal Act, we are writing to update the list of people who may communicate with the Coastal Commission and/or Coastal Commission staff on Applicant Poseidon Resource Corporation's behalf with regard to the above-referenced matters to include Emily Taylor, Susan McCabe, Scott Maloni, Scott Wetch, and Duncan McFetridge. An updated list is attached as Exhibit A.

Thank you for your continued work on these matters.

Respectfully,



David A. Goldberg
of LATHAM & WATKINS LLP

cc: Rick Zbur
Peter MacLaggan
Josie McKinley

Exhibit A

Individuals Who Will Communicate On Behalf of the Applicant for Compensation

Nancy Lucast

Principal
Lucast Consulting
P.O. Box 8892
Rancho Santa Fe, CA 92067
(858) 793-6020 Office
(858) 793-0395 Fax
lucastn@lucast.com

Rick Zbur

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Emily Taylor

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(213) 891-8763 fax
emily.taylor@lw.com

Randi Wallach

Latham & Watkins, LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-2562
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CORRESPONDENCE

- SUPPORT

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NOV 07 2013

CALIFORNIA
COASTAL COMMISSION

November 4, 2013

Ms. Mary K. Shallenberger, Chairwoman
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

Dear Chairwoman Shallenberger:

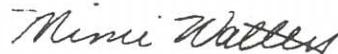
Enclosed is an op-ed article that we co-authored, which ran in the San Diego Union Tribune last month. The article emphasizes the importance of water supply reliability and diversification. The Huntington Beach Seawater Desalination is an important tool in the toolbox when it comes to that reliability and diversification.

Please carefully review the op-ed article and consider the importance of this new water supply to California's future.

Sincerely,



Lou Correa
State Senator
34th District



Mimi Walters
State Senator
37th District

Cc:

Mr. Steve Kinsey, Vice Chair, California Coastal Commission
Ms. Danya Bochco, Commissioner, California Coastal Commission
Mr. Brian Brennan, Commissioner, California Coastal Commission
Mr. Robert Garcia, Commissioner, California Coastal Commission
Ms. Carole Groom, Commissioner, California Coastal Commission
Ms. Martha McClure, Commissioner, California Coastal Commission
Ms. Wendy Mitchell, Commissioner, California Coastal Commission
Mr. Mark Vargas, Commissioner, California Coastal Commission
Ms. Jana Zimmer, Commissioner, California Coastal Commission
Mr. Greg Cox, Commissioner, California Coastal Commission
The Hon. Jerry Brown, Governor, State of California
The Hon. Darrell Steinberg, State Senate Pro Tem, State of California
The Hon. John Perez, Speaker of the Assembly, State of California
Ms. Janelle Beland, Natural Resources Agency
Mr. Charles Lester, Executive Director, California Coastal Commission
Mr. Tom Luster, Environmental Scientist, California Coastal Commission
Mr. Scott Maloni, Poseidon Water

The San Diego
Union-Tribune.

Californians deserve a reliable water supply

By Mimi Walters & Lou Correa

Oct. 9, 2013

In December 2012, the pumps that send water from Northern California to Southern California were throttled back yet again in order to protect the Delta Smelt and comply with the regulations in the Endangered Species Act. Unfortunately, that month was also the only wet month that California has enjoyed over the last year. Indeed, the first half of 2013 reportedly has been the driest stretch in state history.

Due to regulatory restrictions, the allocation of water from the Delta to Southern California has been cut back significantly, with counties in Southern California only getting 35 percent of their allocations. For too long Southern California has been the victim of these “feast or famine” variations in the weather. Reservoirs fill up during wet years, and then they drain lower and lower during dry years as we hope and pray for a change in climate conditions. This is why Southern California needs new, 21st century water infrastructure that includes Delta conveyance and local waste water recycling and seawater desalination projects.

The Bay Delta Conservation Plan (BDCP) is critical to providing Southern California with a more consistent and reliable annual water flow. However, parties on all sides of the issue acknowledge that new local water resources must also be developed to complement the BDCP. Southern California has made investments in local water supply solutions, which include conservation, recycling, stormwater runoff capture and seawater desalination. Many of us remember the devastating drought that hit California from 1987 to 1992 and the impact that it had on residents and businesses throughout the state. Locally controlled water solutions are critical to the water supply reliability that we need to keep our economy strong and maintain our quality of life.

Any discussion of water supply must begin — but not end — with conservation. Southern Californians use less water per capita now than we did 20 years ago, and measurably less today on average than Northern Californians. More and more residents and businesses are using drought-tolerant “California friendly” plants and are capturing rainwater on their property to use for irrigation. We must continue to enhance our water conservation efforts throughout the region.

San Diego County Water Authority wisely worked with Poseidon Water in a public-private partnership to develop a seawater desalination facility in Carlsbad. This project will provide 50 million gallons of fresh drinking water per day and is an excellent example of how to use modern technology to develop locally controlled, drought-proof water supplies. Now, Orange County is poised to follow in San Diego's footsteps and will build its own seawater desalination facility for our communities.

In November, the California Coastal Commission is scheduled to consider approval of the final permit needed to construct the large-scale desalination project in Huntington Beach. Like the Carlsbad facility, the proposed Huntington Beach project complies with Coastal Act requirements. The entire drought-stricken state will be closely watching the Coastal Commission's proceedings to see if California is serious about its commitment to water supply reliability. Seawater desalination is not a silver bullet that will solve our water supply crisis on its own, but the technology is proven and state regulators have determined that plants can be built and operated in an environmentally responsible manner.

Meanwhile, Orange County has led the way on wastewater recycling, with the Groundwater Replenishment System (GWRS) — the world's largest water purification system for potable reuse. Operational since January 2008, GWRS has provided an additional 100 billion gallons of safe drinking water over the past five years. A phase-two expansion of GWRS is underway. Just as Orange County is following San Diego County's lead on seawater desalination, San Diego County is looking to replicate Orange County's success with recycled waste water.

Hurricane Katrina and Superstorm Sandy were devastating natural disasters and scientists predict that within the next 40 years there is a 60 percent chance of an earthquake that would devastate the Delta and the water supply for 26 million Californians. But an extended drought in California is a natural disaster in slow motion and is no less devastating. As state leaders we must put parochial interests aside and address our collective need for a holistic water supply reliability strategy now instead of waiting for the disaster that will inevitably come.

Walters (R, Laguna Hills) and Correa (D, Santa Ana) are state senators from Orange County.



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- Golden State Water Co.
- City of Huntington Beach
- Irvine Ranch Water District
- Laguna Beach County Water District
- City of La Habra
- City of La Palma
- Mesa Water District
- Moulton Niguel Water District
- City of Newport Beach
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- City of Seal Beach
- Serrano Water District
- South Coast Water District
- Trabuco Canyon Water District
- City of Tustin
- City of Westminster
- Yorba Linda Water District

November 4, 2013

Mary K. Shallenberger
Chair
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

RECEIVED
NOV 07 2013
CALIFORNIA
COASTAL COMMISSION

Dear Chair Shallenberger:

Re: Huntington Beach Seawater Desalination Facility – APPROVE PERMIT

On behalf of the undersigned water agencies in Orange County, we respectfully request the California Coastal Commission approve Coastal Development Permit No. E 06-007 for the Huntington Beach Seawater Desalination Facility (“Facility”).

The Municipal Water District of Orange County (“MWDOC”) is the County’s water resources planning agency and the wholesale provider of imported water, and we serve as the facilitator to a working group of water agencies in Orange County.

The Working Group has collectively coordinated with Poseidon Resources for several years on the contractual terms and institutional arrangements necessary to supply a new source of drinking water throughout Orange County. While each member of the Working Group has its own unique interest in the Facility, we all share the common goal of diversifying our water supply and reducing our demand for imported water.

On average, Orange County must import 50% of its water supply - which comes from the Sacramento San Joaquin Bay Delta supplying the State Water Project and the Colorado River - while some members of the Working Group in south Orange County are almost 100% dependent on imported water. Currently, these sources of water are encountering a number of challenges that impact the reliability of these supplies of water. Over the last couple of years, regulatory restrictions and below average precipitation have affected State Water Project deliveries via the Bay-Delta. The Colorado River Basin has also not improved due to the continuation of a long-term drought which has decreased storage levels in both Lake Mead and in Lake Powell.

Understanding the importance of improving the County’s reliability with a new local water supply, the Working Group continues to evaluate the Facility to determine the most efficient public-private partnership to cost effectively integrate desalinated water into the County’s water systems. In fact,

Ms. Mary Shallenberger
Page 2
November 4, 2013

within MWDOC's Regional Urban Water Management Plan, we identify seawater desalination, in particular the Huntington Beach Seawater Desalination Facility, as an important component in diversifying the County's future water supply and reducing demand on imported water. Once completed, the Facility will produce 56,000 acre feet per year of local drinking water, enough to supply 300,000 Orange County residents. We anticipate the collective demand from our agencies can utilize the full yield of the Facility.

In 2007, the Coastal Commission approved a similar large-scale desalination plant in San Diego County. We note that every permitting agency has approved the Huntington Beach Facility after determining it can be built and operated in compliance with applicable local, state and federal environmental regulations.

In order for members of the Working Group to enter into a private public partnership with Poseidon Resources, it is essential the Coastal Commission bring the project's rigorous permitting process to a close. We encourage you to do so this November when the Commission is scheduled to consider the Huntington Beach seawater desalination facility's coastal development permit.

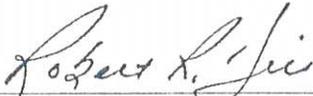
Sincerely,



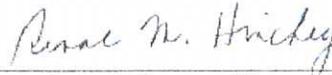
Municipal Water District of Orange
County



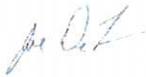
Mesa Water District



El Toro Water District



Laguna Beach County Water District



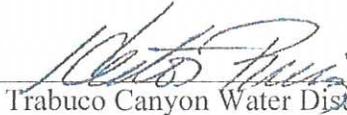
City of Orange



Santa Margarita Water District

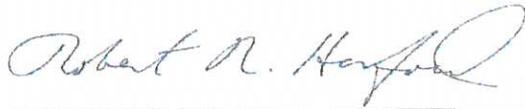


South Coast Water District

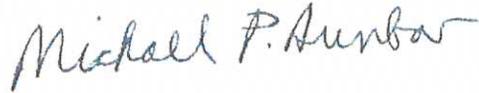


Trabuco Canyon Water District

Ms. Mary Shallenberger
Page 3
November 4, 2013



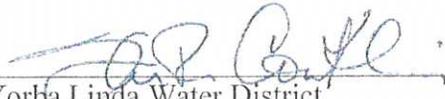
Golden State Water Company



Emerald Bay Service District



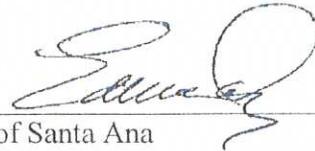
Orange County Water District



Yorba Linda Water District



City of Anaheim



City of Santa Ana

cc:

Mr. Steve Kinsey, Vice Chair, California Coastal Commission
Ms. Danya Bochco, Commissioner, California Coastal Commission
Mr. Brian Brennan, Commissioner, California Coastal Commission
Mr. Greg Cox, Commissioner, California Coastal Commission
Mr. Robert Garcia, Commissioner, California Coastal Commission
Ms. Carole Groom, Commissioner, California Coastal Commission
Ms. Martha McClure, Commissioner, California Coastal Commission
Ms. Wendy Mitchell, Commissioner, California Coastal Commission
Mr. Mark Vargas, Commissioner, California Coastal Commission
Ms. Jana Zimmer, Commissioner, California Coastal Commission
The Hon. Jerry Brown, Governor, State of California
The Hon. Darrell Steinberg, State Senate Pro Tem, State of California
The Hon. John Perez, Speaker of the Assembly, State of California
Ms. Janelle Beland, Natural Resources Agency
Mr. Charles Lester, Executive Director, California Coastal Commission
Mr. Tom Luster, Environmental Scientist, California Coastal Commission
Mr. Scott Maloni, Poseidon Resources
Orange County Seawater Desalination Working Group



CEMENT MASONS LOCAL No. 500

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www.cementmasonslocal500.org



Jaime Barton

Financial Secretary-Treasurer
Business Manager

RECEIVED

November 1, 2013 NOV 04 2013

CALIFORNIA
COASTAL COMMISSION

Ms. Mary K. Shallenberger, Chairwoman
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

Re: SUPPORT for the Huntington Beach Desalination Project

Dear Chairwoman Shallenberger:

I am the Business Manager of Trade Cement Masons Local Union No. 500 in Santa Ana, CA, am writing to you on behalf of our hard-working members in support of the Huntington Beach Desalination Project.

We urge you to approve this project at the Nov. 13, 2013, meeting of the California Coastal Commission.

The Huntington Beach Seawater Desalination Facility has undergone extensive scientific analysis and regulatory scrutiny through the permitting process for more than a decade. It has been unanimously approved by the California State Lands Commission and the Santa Ana Regional Water Quality Control Board. The evidence shows the project can be built and operated in full compliance with the Coastal Act and deserves approval by the Coastal Commission.

This plant will also add to economic development in the area. It will be built under an agreement with the Los Angeles/Orange Counties Building and Construction Trades Council. This guarantees that the construction jobs will be fairly paid, with health and retirement benefits. Our region is still combating high unemployment. The Poseidon project will create quality, middle-class jobs.

Overall, the state of California is facing a severe water shortage in the future as our population grows. Our members truly question whether California will have adequate water supplies for their children and for the generations into the future. It is the responsibility of all of us to do

Page two

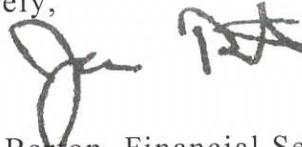
whatever is scientifically and economically feasible now to prevent a future water emergency.

Orange County has a record-low per capita water use. However, countywide we still must import almost 50 percent of our water. The desalination facility will provide a new drought-proof, high-quality water supply for Orange County and help reduce dependence on imported water.

The California State Water Plan calls for 257,000 annual acre-feet of seawater desalination to be part of our state's water portfolio by 2025. Desalination can be a significant component to our overall water portfolio.

On behalf of our hard-working members, we urge you to approve the Coastal Development Permit and allow this project to move forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jaime Barton', with a stylized flourish to the right.

Jaime Barton, Financial Secretary

Business Manager

Cement Masons Local Union No. 500



California Coastal Coalition
1133 Second Street Suite G
Encinitas, CA 92024

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City of Morro Bay

City of Newport Beach

City of Oceanside

City of Pacific Grove

City of Pismo Beach

City of Port Hueneme

STEVEN ACETI, J.D.
Executive Director

760.944.3564 tel
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steveaceti@calcoast.org

November 1, 2013

VIA EMAIL or FAX

Ms. Mary K. Shallenberger
Chairperson
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

RECEIVED

NOV 04 2013

CALIFORNIA
COASTAL COMMISSION

Re: Huntington Beach Seawater Desalination Project – APPROVE CDP Permit Application No. E-06-007

Coastal Commission staff has received a copy of this communication

Dear Chair Shallenberger and Commissioners:

On behalf of the California Coastal Coalition’s (CalCoast) board of directors¹ and our local government members, I would like to urge your approval of Coastal Development Permit (the “CDP”) application No. E-06-007 for the Huntington Beach Desalination Project (the “Project”).

CalCoast is a non-profit advocacy group comprised of 35 coastal cities, five counties, the Beach Authority for Clean Oceans and Nourishment (“BEACON”), the Orange County Sanitation District, the San Diego Association of Governments (“SANDAG”), the Southern California Association of Governments (“SCAG”), and numerous business associations and allied groups. CalCoast is committed to restoring California's coast through sand replenishment, increasing the flow of natural sediment, wetlands recovery, improved water quality, and abatement of marine debris.

In February 2012, the Santa Ana Regional Water Quality Control Board approved a National Pollution Discharge Elimination System Permit (“NPDES”) for the Project after finding that operation of the desalination facility (the “Facility”) would fully comply with California Water Code Section 13142.4(b), which ensures the facility will utilize the best available site, design, technology and mitigation measures feasible to avoid the intake and mortality of marine life.

The NPDES Permit also ensures that ocean discharge from the operation of the Facility will not degrade ocean water quality or negatively affect marine resources. Because ocean water offshore of Huntington State Beach will serve as the source water for the Facility, Poseidon has a vested interest in ensuring a clean supply, and therefore the company will

¹ This correspondence does not reflect the views or opinions of the Hon. Brian Brennan, who has recused himself from any deliberations or consideration of the Huntington Beach Desalination Project by CalCoast’s board of directors.

CalCoast is an advocacy organization comprised of coastal communities and interest groups

City of Redondo Beach
City of Rancho Palos Verde
City of San Clemente
City of Sand City
City of San Diego
City of San Francisco
City of Santa Barbara
City of Santa Cruz
City of Santa Monica
City of Seal Beach
City of Solana Beach
City of Ventura

serve as a steward for maintaining the highest quality ocean water.

The Coastal Commission's 2007 approval of Poseidon's Carlsbad desalination project included a requirement that Poseidon undertake a coastal wetlands restoration project to mitigate for the potential entrainment impacts associated with the intake of 304 million gallons of seawater per day. CalCoast believes such coastal wetlands restoration projects are invaluable to preserving coastal habitat and could also serve to mitigate the effects of anticipated sea level rise.

We understand that the Project only requires 127 million gallons of seawater per day – less than half of daily volume of the approved Carlsbad facility – however, Poseidon has proposed a wetland restoration project as a condition of approval of the Project's CDP. We encourage the Commission to accept this wetland restoration proposal which is based on Commission precedent for marine life mitigation and make it a special condition of CDP approval.

Furthermore, CalCoast opposes any requirement that the Project build and operate a subsurface seawater intake as an alternative to using the existing offshore, submerged deep water intake. Construction and operation of a beach well seawater intake system or seafloor infiltration gallery at this site would impact coastal resources along a popular state beach including the Talbert, Brookhurst and Magnolia wetlands restoration, impair public access and generally violate the mission of CalCoast to maintain and preserve the natural coast environment and encourage public access to the coast.

In closing, we have given extensive consideration to the role of seawater desalination in the state of California and we believe the Project is appropriately sited and includes the necessary design, technology and mitigation for us to conclude that the Project represents an appropriate use of coastal property and public trust resources.

Sincerely,



Steve Aceti, Executive Director
California Coastal Coalition

cc: Mr. Steve Kinsey, Vice Chair, California Coastal Commission
Ms. Danya Bochco, Commissioner, California Coastal Commission
Mr. Brian Brennan, Commissioner, California Coastal Commission
Mr. Greg Cox, Commissioner, California Coastal Commission
Mr. Robert Garcia, Commissioner, California Coastal Commission
Ms. Carole Groom, Commissioner, California Coastal Commission
Ms. Martha McClure, Commissioner, California Coastal Commission
Ms. Wendy Mitchell, Commissioner, California Coastal Commission
Ms. Jana Zimmer, Commissioner, California Coastal Commission
The Hon. Jerry Brown, Governor, State of California
The Hon. Darrell Steinberg, State Senate Pro Tem, State of California
The Hon. John Perez, Speaker of the Assembly, State of California
Ms. Janelle Beland, Natural Resources Agency
Mr. Charles Lester, Executive Director, California Coastal Commission
Mr. Tom Luster, Environmental Scientist, California Coastal Commission

CalCoast is an advocacy organization comprised of coastal communities and interest groups



*International
Brotherhood of
Electrical
Workers*

Local Union 441

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Richard Samaniego
Business Manager

Affiliated with:

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Building and Construction
Trades Council*

*State Building and Construction
Trade Council of California*

*California State Association of
Electrical Workers*

California Labor Federation

American Federation of Labor

*Congress of Industrial
Organizations*

*Orange County Federation
of Labor, AFL-CIO*

October 31, 2013

Ms. Mary K. Shallenberger, Chairwoman
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

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NOV 04 2013
CALIFORNIA
COASTAL COMMISSION

Re: Support for the Huntington Beach Desalination Project

Dear Chairwoman Shallenberger:

As the Business Manager of the International Brotherhood of Electrical Workers, Local Union 441, in Orange County, I am writing on behalf of the more than 2,000 hard-working members I represent to support the Huntington Beach Desalination Project. We urge you to approve this project at the November 13, 2013 meeting of the California Coastal Commission.

The Huntington Beach Seawater Desalination Facility has undergone extensive scientific analysis and regulatory scrutiny through the permitting process for more than a decade. It has been unanimously approved by the California State Lands Commission and the Santa Ana Regional Water Quality Control Board. The evidence shows the project can be built and operated in full compliance with the Coastal Act and deserves approval by the Coastal Commission.

This plant will also add to economic development in the area. It will be built under an agreement with the Los Angeles/Orange Counties Building and Construction Trades Council. This guarantees that the skilled construction workers will be fairly paid, with health and retirement benefits. Our region is still combatting high unemployment. The Poseidon project will create quality, middle-class jobs.

Overall, the state of California is facing a severe water shortage in the future as our population grows. Our members truly question whether California will have adequate water supplies for their children and for the generations into the future. It is the responsibility of all of us to do whatever is scientifically and economically feasible now to prevent a future water emergency.

The California State Water Plan calls for 257,000 annual acre-feet of seawater desalination to be part of our state's water portfolio by 2025. Desalination can be a significant component to our overall water portfolio.

We respectfully request your approval of the Coastal Development Permit and allow this project to move forward.

Sincerely,


Richard Samaniego
Business Manager

RS:db
Opeiu#537/afl-cio



Ironworkers Local 433

International Association Of Bridge, Structural &
Ornamental Iron Workers A.F.L.- C.I.O.

17495 HURLEY STREET EAST

CITY OF INDUSTRY, CALIFORNIA 91744

PHONE: (626) 964-2500
FAX: (626) 964-1919
mike@ironworkers433.org

MICHAEL SILVEY
Financial Secretary-Treasurer
Business Manager

October 31, 2013

Ms. Mary K. Shallenberger, Chairwoman
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

RECEIVED

NOV 04 2013

CALIFORNIA
COASTAL COMMISSION

Re: SUPPORT for the Huntington Beach Desalination Project

Dear Chairwoman Shallenberger:

I am a Journeyman with Ironworkers Local 433 in Los Angeles.

On behalf of my family and my local union, I urge you to approve the Huntington Beach Desalination Project at the Nov. 13, 2013, meeting of the California Coastal Commission.

I work hard to provide a good home in California for my family. Yet, I keep hearing that California is facing a severe water shortage in the future. Many of our members of the Building Trades work on infrastructure projects. We see firsthand how important it is to have reliable supplies of energy and water to keep our communities healthy. We must do our best now to prevent a future water emergency.

This plant will add to economic development in the area. It will be built under an agreement with the Los Angeles/Orange Counties Building and Construction Trades Council. This guarantees that the construction jobs will be fairly paid, with health and retirement benefits. Our region is still combating high unemployment. The Poseidon project will create quality, middle-class jobs.

The California State Water Plan calls for 257,000 annual acre-feet of seawater desalination to be part of our state's water portfolio by 2025. Desalination can be a significant part of our water supply. We must stop relying on imported water.

The desalination project will provide economic development and a reliable, local source of fresh water. I urge you to approve the Coastal Development Permit and allow this project to move forward.

Sincerely,

A handwritten signature in black ink that reads "David Osborne". The signature is written in a cursive, flowing style.

David Osborne, Business Agent

Local 433



Sheet Metal, Air, Rail, Transportation Workers Local Union 105

Luther B. Medina, Business Manager/President

Vernon W. Shaffer, Financial Secretary-Treasurer/Recording Secretary

Rocky Pelliccino, Vice President/Business Representative

Business Representatives

**Richard Foss, II
Sam F. Hurtado**

**Chris Gonzalez*
David Shaver**

**Steve Hinson
William "Bill" Shaver**

**Tim Hinson
Joe Whitcher**

October 31, 2013

Ms. Mary K. Shallenberger, Chairwoman
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

Re: SUPPORT for the Huntington Beach Desalination Project

Dear Chairwoman Shallenberger:

I am the Business Manager of Sheet Metal, Air, Rail, Transportation Workers Local Union 105 located in Glendora, CA. I am writing to you on behalf of our hard-working members in support of the Huntington Beach Desalination Project.

We urge you to approve this project at the November 13, 2013 meeting of the California Coastal Commission.

The Huntington Beach Seawater Desalination Facility has undergone extensive scientific analysis and regulatory scrutiny through the permitting process for more than a decade. It has been unanimously approved by the California State Lands Commission and the Santa Ana Regional Water Quality Control Board. The evidence shows the project can be built and operated in full compliance with the Coastal Act and deserves approval by the Coastal Commission.

This plant will also add to the economic development in the area. It will be built under an agreement with the Los Angeles/Orange Counties Building and Construction Trades Council. This guarantees that the construction jobs will be fairly paid, with health and retirement benefits. Our region is still combating high unemployment. The Poseidon project will create quality, middle-class jobs.

Overall, the state of California is facing a severe water shortage in the future as our population grows. Our members truly question whether California will have adequate water supplies for their children and for the generations into the future. It is the responsibility of all of us to do whatever is scientifically and economically feasible now to prevent a future water emergency.

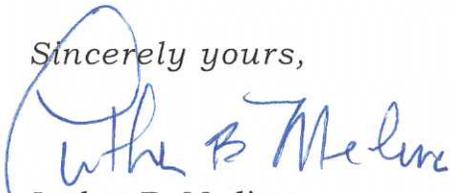
Ms. Mary K. Shallenberger, Chairwoman
California Coastal Commission
October 31, 2013
Page Two of Two

Orange County has a record low per capita water use; however, countywide, we still must import almost 50 percent of our water. The desalination facility will provide a new drought-proof, high quality water supply for Orange County and help reduce dependence on imported water.

The California State Water Plan calls for 257,000 annual acre-feet of seawater desalination to be part of our state's water portfolio by 2025. Desalination can be a significant component to our overall water portfolio.

On behalf of our hard-working members, we urge you to approve the Coastal Development Permit and allow this project to move forward.

Sincerely yours,



Luther B. Medina
President/Business Manager

LBM:lat/ SUPPORT Huntington Beach Desalination Project 103113
opeiu 537
alf-cio,clc



RON MILLER
Executive Secretary

Los Angeles / Orange Counties Building and Construction Trades Council

Affiliated with the Building & Construction Trades Dept., AFI-CIO

1626 Beverly Boulevard
Los Angeles, CA 90026-5784
Phone (213) 483-4222
(714) 827-6791
Fax (213) 483-4419



October 31, 2013

Ms. Mary K. Shallenberger, Chairwoman
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

RECEIVED

NOV 04 2013

CALIFORNIA
COASTAL COMMISSION

Re: SUPPORT for the Huntington Beach Desalination Project

Dear Chairwoman Shallenberger:

I am the Executive Secretary of the Los Angeles/Orange Counties Building and Construction Trades Council, representing 140,000 skilled men and women in 52 local unions of 14 Trades. We urge you to approve the Huntington Beach Desalination Project at the Nov. 13, 2013, meeting of the California Coastal Commission.

The Huntington Beach Seawater Desalination Facility has undergone extensive scientific analysis and regulatory scrutiny. We have supported this facility for more than a decade. It has been unanimously approved by the California State Lands Commission and the Santa Ana Regional Water Quality Control Board. The evidence shows the project can be built and operated in full compliance with the Coastal Act.

This plant will also add to economic development in the area. It will be built under an agreement with our Council. This guarantees that the construction jobs will be fairly paid, with health and retirement benefits. The Poseidon project will create quality, middle-class jobs.

As members of the Building Trades, we work on infrastructure projects throughout our state. We see firsthand the necessity of making the hard decisions for the future. There are many important considerations leading to your decision; but after projects are built, it is very rare that there are any regrets about doing so. We need this water, and we need this plant.

California is facing a severe water shortage. It is the responsibility of all of us to do whatever is scientifically and economically feasible to prevent a future water emergency.

The California State Water Plan calls for 257,000 annual acre-feet of seawater desalination to be part of our state's water portfolio by 2025. Desalination can be a significant component to our water portfolio and help reduce dependence on imported water.

On behalf of our hard-working members, we urge you to approve the Coastal Development Permit and allow this project to move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Miller". The signature is fluid and cursive, with a large initial "R" and "M".

Ron Miller
Executive Secretary

November 5, 2013

California Coastal Commission
Energy, Ocean Resources, & Federal
Consistency Division
45 Fremont, Suite 2000
San Francisco, Ca. 94105

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NOV 07 2013

CALIFORNIA
COASTAL COMMISSION

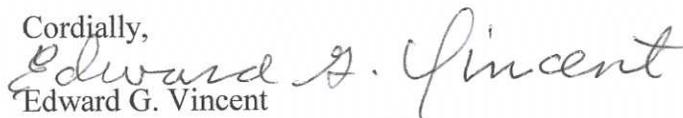
Dear Sir: I am a long time resident of Calif. and water, or the lack of has always been a question to ponder. It seems to me that it is not distributed as to need. That is, during the average year, northern Ca. has adequate supply for their needs, while the majority of the Population and industry is in the southern section.

True, water projects have greatly increased water supply for southern Ca. but it has always been lagging apparently for financial restraints.

Application No. A-5-HNB-10-225 and E-06-007. (Poseidon Water) is an opportunity to generate a water facility that would be clean, not intrusive to the community, and provide Water for the area that is urgently needed.

To grow this state, ample water is necessary to sustain industry and domestic needs, therefore, I recommend that the commission approve the request to build this facility and be the first to bring Ca. into the 21st century.

Cordially,



Edward G. Vincent
1919 W. Coronet Ave, Sp 176
Anaheim. Ca. 92801

CORRESPONDENCE

- NEUTRAL



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

November 7, 2013

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CALIFORNIA
COASTAL COMMISSION

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

Dear Mr. Luster:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the California Coastal Commission's (CCC) staff report for Poseidon Water's proposed seawater desalination project. It is our understanding that the CCC will be considering this project for approval at the upcoming November meeting. Should the CCC determine that this project is consistent with the Coastal Act, habitat mitigation to offset operational impacts has been proposed by CCC staff to be a component of that permit. In the past, the CCC has required habitat compensation from similar projects where the use or intake of ocean water would result in impingement or entrainment of marine fish, eggs, and/or larvae. In addition, desalination facilities may also result in habitat degradation from brine discharges.

For these types of habitat impacts, the CCC has required the restoration of coastal wetlands as an offsetting measure. Consistent with previous projects, the staff report for the proposed desalination project in Huntington Beach has recommended creation and/or restoration of no less than fourteen acres of coastal wetland habitat similar to wetland habitat found in the vicinity of the approved development. Given the historic losses of this habitat type in southern California, our agency has been very supportive of this form of mitigation. Tidal coastal wetlands and associated shallow water habitats are extremely important for a wide variety of NOAA trust resources, including federally managed commercial fish species, highly valuable recreational fish species, and federally listed species, such as steelhead and green sea turtles.

However, NMFS believes there is also a need to enhance and preserve the ecological integrity of coastal wetland systems that have been restored through prior actions. In particular, many of these tidal wetland systems are either underfunded or have no available funds to undertake necessary adaptive management actions. Examples include maintaining tidal circulation, invasive species management, and predator controls. Without the implementation of corrective actions, significant degradation may occur. Of utmost concern is the potential for tidal inlet closures in systems previously restored to full tidal circulation. Should a closure occur, it is likely to have a severe or catastrophic impact on many of the species that utilize that wetland system.



As a consequence, NMFS believes that priority should be placed on ensuring that existing wetland systems continue to function at a high level through mitigation funding augmentation as well as continuing to pursue restoration of historic wetland areas on a case-by-case basis. The Bolsa Chica wetland site in Huntington Beach is one example of an underfunded restoration project that is in need of additional funds. Given its close proximity to the proposed desalination project area, it would appear to be an ideal candidate for this type of mitigation derived funding augmentation.

We would appreciate the opportunity to discuss this concept in greater detail with you and your staff as the Wetland Mitigation Plan is developed. Please contact Bryant Chesney at Bryant.Chesney@noaa.gov or (562) 980-4037 at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Yates", with a long horizontal flourish extending to the right.

Chris Yates
Assistant Regional Administrator
for Protected Resources

cc: Administrative File: 150316SWR2013PR00277



San Diego County Water Authority

4677 Overland Avenue • San Diego, California 92123-1233
(858) 522-6600 FAX (858) 522-6568 www.sdcwa.org

VIA EMAIL

November 5, 2013

MEMBER AGENCIES

- Carlsbad
Municipal Water District
- City of Del Mar
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- City of Poway
- City of San Diego
- Fallbrook
Public Utility District
- Helix Water District
- Lakeside Water District
- Olivenhain
Municipal Water District
- Otay Water District
- Padre Dam
Municipal Water District
- Camp Pendleton
Marine Corps Base
- Rainbow
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Municipal Water District
- Rincon del Diabolo
Municipal Water District
- San Dieguito Water District
- Santa Fe Irrigation District
- South Bay Irrigation District
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- Valley Center
Municipal Water District
- Vista Irrigation District
- Yuima
Municipal Water District
- OTHER
REPRESENTATIVE
- County of San Diego

Ms. Mary K. Shallenberger, Chair
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: *Seawater Intake Feasibility for proposed Camp Pendleton Seawater Desalination Project*

Dear Ms. Shallenberger:

On October 30, 2013, Commission staff released its report, dated October 25, 2013, on Poseidon Water’s Huntington Beach seawater desalination project (A-5-HNB-10-225/E-06-007 (Poseidon Water)). In the report, staff referenced the Water Authority’s proposed Camp Pendleton Seawater Desalination Project and planning and technical studies that were conducted to further evaluate various conceptual seawater intake designs.

As you are aware, the Water Authority’s water supply diversification strategy for the San Diego region includes the development of multiple, local water resources including recycling, groundwater desalination, conservation and seawater desalination. In keeping with this strategy, and in collaboration with United States Marine Corps Base Camp Pendleton, the Water Authority has been conducting feasibility and planning studies regarding a proposed regional desalination plant on Camp Pendleton. I am writing you to clarify the status of those studies and the findings related to the potential feasibility of subsurface seawater intakes for a desalination plant at that location.

Since 2008, the Water Authority has completed both a conceptual “desktop” feasibility study and a follow-on site-specific investigation and evaluation of an offshore alluvial aquifer system in the study area (west of the mouth of the Santa Margarita River) in order to further evaluate the viability of a subsurface seawater intake for the proposed Camp Pendleton Seawater Desalination Project. Our initial 2009 “desktop” feasibility study, cited in the current Commission staff report, considered several subsurface intake configurations, including a deep infiltration gallery as well as a “Fukuoka” seabed infiltration gallery. However, the purpose of the study was to survey intake alternatives and to consider potential applicability to a future Camp Pendleton project, and should not be used to draw definitive conclusions on feasibility, sizing, cost or use.

A public agency providing a safe and reliable water supply to the San Diego region

Mary Shallenberger
November 5, 2013
Page 2

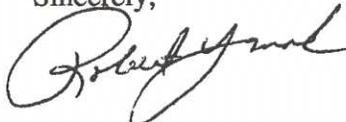
Our subsequent studies have focused on the significantly less disruptive and environmentally preferred deep infiltration gallery concept, given that our site-specific investigation revealed that the alluvial aquifer system offshore of Camp Pendleton consists of multiple paleo-channels stemming from the Santa Margarita and San Luis Rey Rivers and is a unique local feature that is known to exist at the project location. This evaluation of localized subsurface conditions was conducted to help identify the size, spatial extent and hydrogeologic characteristics of this offshore aquifer and consisted of geotechnical and hydrogeologic investigations, including an offshore geophysical survey utilizing seismic reflection, exploratory well drilling and pumping tests and groundwater modeling. The information derived from the surveys and investigations was used in the development and configuration of a potential subsurface intake system for the proposed desalination project.

The Water Authority wants to clarify that while the subsurface surveys and investigations provided valuable site-specific data, there remains much uncertainty regarding the viability of a subsurface intake for the proposed Camp Pendleton project. The construction of a subsurface intake system in the open ocean, on the scale that has been conceptualized for Camp Pendleton, has never been attempted. Until additional hydrogeologic investigation and demonstration testing is completed, we believe it is premature to conclude that a subsurface intake is viable for the Camp Pendleton site. In any case, the final determination of an intake technology would be based on multiple factors including life-cycle cost, ratepayer affordability, environmental impact, constructability as well as the practicality of operation and maintenance.

Finally, the Water Authority and MCB Camp Pendleton have made no commitment to move beyond the project feasibility and planning stage. Should the project move forward at some point in the future, the Water Authority would conduct further site-specific piloting, demonstration studies and investigations before selecting a preferred intake technology for the project.

Should you have any questions, please contact me at (858) 522-6744.

Sincerely,



Robert Yamada
Water Resources Manager
San Diego County Water Authority

Mary Shallenberger
November 5, 2013
Page 3

cc: Commissioner Gregory Cox, California Coastal Commission
Commissioner Steve Kinsey, California Coastal Commission
Commissioner Dayna Bochco, California Coastal Commission
Commissioner Brian Brennan, California Coastal Commission
Commissioner Robert Garcia, California Coastal Commission
Commissioner Carole Groom, California Coastal Commission
Commissioner Martha McClure, California Coastal Commission
Commissioner Wendy Mitchell, California Coastal Commission
Commissioner Mark Vargas, California Coastal Commission
Commissioner Jana Zimmer, California Coastal Commission
Mr. Charles Lester, Executive Director, California Coastal Commission
Mr. Tom Luster, Environmental Scientist, California Coastal Commission
The Hon. Edmund G. Brown, Jr., Governor, State of California
The Hon. Darrell Steinberg, Senate Pro Tem, State of California
The Hon. John Perez, Speaker of the Assembly, State of California
Ms. Janelle Beland, Undersecretary, California Natural Resources Agency
Mr. Scott Maloni, Vice President, Poseidon Water

CORRESPONDENCE

- OPPOSE

82 individuals had submitted this letter as of 11/7/13

Chairman Shallenberger and Commissioners:

I am opposed to Poseidon's plans for a Desalination Plant in HB. Do not support this project.

Our city already has the AES Power Plant and the Sewage Plant that dump 200,000,000 gallons of waste into the ocean at Huntington Beach daily.

Poseidon's plans will make our ocean more dirty and will jeopardize Huntington Beach's tourism industry.

Name M. JEZULIN

Email

jehb@venem.net

Address 9442 Ramblev Dr.
HB CA 92646

Signature



**FHBP Board of Directors**

Jean Watt, President
 Mike Wellborn, Vice President
 Vikki Swanson, Treasurer
 Helen Higgins, Secretary
 Stephanie Barger
 Denny Bean
 Jim Carr
 Michelle Clemente
 Jack Eidt
 Bob Joseph
 Amy Litton
 Tom Maloney
 Tina Thompson Richards
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 Carolyn Wood

Supporting Organizations

Amigos de Bolsa Chica
 Audubon, Sea & Sage Chapter
 Bolsa Chica Conservancy
 Caspers Wilderness Park
 Volunteers
 Earth Resources Foundation
 Equestrian Coalition of O.C.
 Huntington Beach Wetlands
 Conservancy
 Huntington Beach Wildlife Care
 Center
 Laguna Canyon Conservancy
 Laguna Canyon Foundation
 Laguna Greenbelt, Inc.
 Newport Bay Conservancy
 Sierra Club, Orange County
 Surfrider, Newport Beach
 Stop Polluting Our Newport
 St. Mark Church Ecophilians

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 Nancy & Jack Skinner, M.D.
 Dick Zembal

Post Office Box 9256
 Newport Beach, CA 92658-9256
www.fhbp.org

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 South Coast Region

NOV 4 2013

CALIFORNIA
 COASTAL COMMISSION

November 4, 2013

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

Dear Chair Shallenberger and fellow Commissioners:

Friends of Harbors, Beaches, and Parks (FHBP) is a regional non-profit working to protect the natural lands, waterways, and beaches of Orange County. Recently we've been involved with the implementation of SB 375 and AB 32, and we are writing to oppose the Huntington Beach Ocean Desalination project that you will consider at your November hearing.

This massive ocean desalination project is just one of many the Coastal Commission will consider in the near future. Many facilities are currently being planned, and many more may be proposed in the future. Each project must be evaluated not only for its unique impact to local coastal resources, but also for its cumulative impact in tandem with multiple proposed facilities statewide.

We believe that the Huntington Beach Ocean Desalination project fails to meet scientific thresholds for:

- protecting marine life from intake impacts;
- protecting against degradation of water quality and habitat destruction from the discharge of concentrated brine; and
- ensuring that the energy-intensive facility will fully mitigate its increased greenhouse gas emissions that will conflict with SB 375 and AB 32 regulations.

A thorough evaluation of the proposal should also include a detailed assessment as to the need for the project. Less costly water supply options exist that would actually restore and protect coast and ocean water quality and habitat. Local water supply agencies have not committed to purchase the water from the proposed facility, so it is not necessary to approve this flawed project at this time.

California Coastal Commission
Page 2

We support efforts to restore and protect our ocean and coastal environment, for this and future generations, through strict enforcement of the Coastal Act. We strongly encourage the Commission to deny the Huntington Beach Ocean Desalination project permit until the proponent can demonstrate it is absolutely the last option, and the project design is revised to protect our precious coast and ocean environment.

Sincerely,



Michael Wellborn, Vice-President
Friends of Harbors, Beaches and Parks

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NOV 07 2013

CALIFORNIA
COASTAL COMMISSION

November 3, 2013

California Coastal Commission
Energy, Ocean Resources & Federal Consistency Division
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Ref: November 13, 2013 Hearing at City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Dear California Coastal Commission:

Thank you for your letter regarding the above referenced hearing.

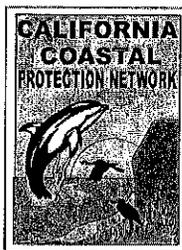
I am against Agenda items 16, 18, 19 and 20 that will be presented at the November 13, 2013. I would like to see other solutions sought before California installs any oil exploration or drilling or desalination projects.

I would like to see the option of windmills and other solutions that would not impact the ocean and its ecological balance.

Sincerely,



Kathleen Pappo
Barbareno/Ventureno Band of Mission Indians
2762 Vista Mesa Drive
Rancho Palos Verdes, CA 90275
(310) 831-5295
kathypappo@aol.com



Chair Shallenberger and Members of the California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

November 1, 2013

Re: **Appeal No. A-5-HNB-10-225 (Poseidon Water, Huntington Beach)**
Application No. E-06-007 (Poseidon Water, Huntington Beach)

Dear Chair Shallenberger and Members of the California Coastal Commission,

On behalf of the California Coastal Protection Network, I am writing to strongly urge you to deny the permits sought by Poseidon Resources for a proposed 50 MGD desalination plant in Huntington Beach until the proponent revises the size, design and technology of the facility in order to meet the requirements of all relevant laws, including the Huntington Beach Local Coastal Plan and the Coastal Act. A detailed legal comment letter citing inconsistencies with the Local Coastal Plan and the Coastal Act prepared by the Appellants and comprehensive Fact Sheets will be provided to the Coastal Commission for its review. In this letter, CCPN seeks to highlight just a few of the important statewide policy reasons that the appeal of this project should be upheld, the permits denied and the City of Huntington Beach allowed to modify the project to be consistent with its Local Coastal Plan.

Poseidon's Desalination Plant, as Designed, would Perpetuate the Use of Open Ocean Intakes Required by Law to be Phased-out Due to their Significant Adverse Impact to the Marine and Estuarine Ecosystems Along the California Coast.

Six years ago (2007), when the Coastal Commission approved Poseidon's Carlsbad Desalination Plant, the policy that would ultimately be adopted by the State Water Resources Control Board (SWRCB) that would require most coastal power plants to phase out open ocean intakes for once-through cooling was on the horizon, but had not yet been finalized. ***The same cannot be said today.***

The regulations ("Once Through Cooling Policy" or "OTC Policy")¹ that required coastal power plants to abandon the use of open ocean intakes for once-through cooling were adopted in 2010 - - the same year Poseidon's initial local CDP for the proposed Huntington Beach Desalination Plant expired. This OTC policy was based on a careful,

¹ See State Water Resources Control Board and California Environmental Protection Agency, Water Quality Control Policy on the use of Coastal and Estuarine Waters for Power Plant Cooling, Final Substitute Environmental Document 1 (2010). Available at http://www.swrcb.ca.gov/water_issues/programs/ocean/cwa316/docs/cwa316may2010/sed_final.pdf. [Hereinafter "OTC Policy"].

thorough assessment by the SWRCB and Ocean Protection Council (OPC) of the significant and long-term damage that these open ocean intakes have on marine resources. In establishing the OTC policy, the SWRCB found that:

“over the course of the year, billions of eggs and larvae are effectively removed from the coastal waters, while millions of adult fish are lost to impingement”² and that intake systems of once-through-cooled power plants are a “considerable and chronic stressor to the State’s coastal ecosystems” because they “reduc[e] important fisheries and contribut[e] to the overall degradation of the State’s marine and estuarine resources.”³

Despite having known since 2005 that the OTC Policy was in process and finalized in 2010, Poseidon has steadfastly pursued approval for the continued use of the very same destructive open ocean intake being phased out by the AES Huntington Beach Generating Station (HBGS) in 2020. Poseidon must be required to use an alternate source-water intake, other than the aged open-ocean intake of the HBGS. To do otherwise would perpetuate the use of this damaging open ocean intake, undermine the State’s hard-fought OTC Policy and encourage other proposed coastal desalination facilities to do the same.

Poseidon’s Desalination Plant’s Continued Use of an Open Ocean Intake could have Adverse Impacts on the Adjacent Marine Protected Areas (MPAs); Nine MPAs are sited within 25 Miles of the Project Site.

As far back as 2004 or earlier, Poseidon knew that the State was in the process of establishing a network of Marine Protected Areas (MPAs) as mandated by the 1999 passage of the Marine Life Protection Act. After years of an exhaustive process guided by the best available science, the MPAs for Southern California were finalized in 2010 and nine are within 25 miles of Poseidon’s proposed Huntington Beach Desalination Plant.

Despite this, Poseidon steadfastly refuses to consider or rejects as infeasible alternative intake designs like infiltration galleries that effectively eliminate adverse impacts from entrainment and impingement. This alternative intake technology has been successfully used in Japan for over 8 years⁴ and is being considered as part of a Feasibility Study by the San Diego County Water Authority for a 150 MGD facility at Camp Pendleton.⁵ Subsurface infiltration galleries would eliminate⁶ entrainment and impingement thereby removing adverse impacts from the continued use of an open ocean intake on the adjacent Marine Protected Areas. Poseidon has never conducted a formal Feasibility Study like the one in process for Camp Pendleton and should be required to do so before being allowed to continue the use of an open ocean intake adjacent to Marine Protected Areas.

² Id at 1.

³ OTC Policy, *supra* n.1 at 1.

⁴ Shimokawa, Fukuoka District desalination system with some unique methods, National Centre of Excellence in Desalination, International Desalination Intakes and Outfalls Workshop Proceedings, Adelaide, South Australia, May 16–17, 2012.

⁵ http://www.sdcwa.org/sites/default/files/files/water-management/desal/ExecSummary_desal-study_Dec09.pdf

⁶ Missimer et al., Subsurface Intakes for Seawater Reverse Osmosis Facilities: Capacity Limitation, Water Quality Improvement, and Economics. 322 *Desalination* 37, 49 (2013); available at: <http://www.kysq.org/docs/2013%20Desalination-Subsurface%20Intakes.pdf>.

Poseidon is demanding that the Coastal Commission Approve its Huntington Beach Desalination Plant Application just prior to the Imminent Release of the SWRCB's Ocean Plan Amendment that will set Standards for the Operation of Desalination Plants throughout California.

Poseidon is well aware that the SWRCB is set to release its draft Ocean Plan Amendment before the end of 2013 and, possibly, just days after the November 13th hearing. Poseidon is also aware that the SWRCB contracted with scientific experts to document the adverse impacts of seawater desalination facilities on marine resources. Expert recommendations that evaluated the best technologies and management practices to minimize marine life mortality and habitat degradation from proposed seawater desalination facilities were released in September 2013 and published on the SWRCB's website in October 2013.⁷ Poseidon has consistently lobbied to weaken those recommendations, so far unsuccessfully.

Poseidon seeks Commission approval in advance of the imminent release of the SWRCB's draft statewide desalination policy precisely because the expert panels' recommendations express a preference for sub-surface intakes (e.g. infiltration galleries, etc.) and brine diffusers as the Best Available Technology to reduce impacts to marine resources - elements that Poseidon has rejected for this project but that your staff has included as part of its recommended Special Conditions.

Should the Commission approve Poseidon's proposed Huntington Beach Desalination Plant as designed, it will be in direct conflict with the scientific recommendations of the SWRCB's expert panels on intakes and brine disposal and will set a negative statewide precedent for the design and approval of other proposed desalination facilities in California.

Poseidon's Siting in a Vulnerable Coastal Area at risk from Sea Level Rise and Flooding is in Direct Conflict with the Commission's Draft Sea Level Rise Guidance published in October 2013 and in Opposition to the Commission's Efforts to encourage the Siting of New Infrastructure and Development out of the Predicted Path of Sea Level Rise and other Hazards.

Poseidon's proposal to site its Huntington Beach Desalination Plant in an area that is highly vulnerable to sea level rise, flooding, tsunami run-up and seismicity flies in the face of coherent long term planning for the safety and reliability of new industrial infrastructure and is contrary to the state's climate change adaptation policy.

The National Research Council projected that sea level may rise by as much as 55-65 inches in California by 2100.⁸ "A 1.4 meter sea-level rise will put 480,000 people at risk of a 100-year flood event; 110,000 people are at risk in Orange County alone."⁹ Huntington Beach is the second most vulnerable city to sea level rise in California, with the largest total exposed population.¹⁰ The proposed site is not just at risk from sea level rise, which is predicted to increase by one foot by 2030 and two feet by 2050, it is in a 100-year flood zone.

⁷ Id. at "Studies"

⁸ Natural Resource Council, Sea-Level Rise Projections for California (NRC, 2012) at p. 3.

⁹ Pacific Institute, Impacts of Sea Level Rise on the California Coast p. 2,42, <http://www.pacinst.org/wp-content/uploads/2013/02/report16.pdf>

¹⁰ Climate Central, Sea Level Rise and Storm Surge Threats for California <http://slr.s3.amazonaws.com/factsheets/California.pdf>.

To avoid having to design the facility to address sea level rise over the course of the anticipated 60-year life of the facility, Poseidon just recently (10/18/13)¹¹ requested that the Commission limit the initial permit for its Huntington Beach Desalination Plant to 35-years (for an operating life of 30 years) after which the plant could be decommissioned or upgraded. It is an odd request, indeed, given that the permit for Poseidon's Carlsbad Desalination Plant has *no* end date. The implicit intent of requesting a shorter-term permit is to limit the Commission staff's ability to analyze the project for impacts over the anticipated 60-year life, thereby providing an incomplete picture of what those impacts are likely to be. Further, it is uncertain if Poseidon has informed the City or the Water Districts' of this change and the possibility of decommissioning the facility after only 30 years of operation.



This excerpt of a California Flood Risk: Sea Level Rise map for the Newport Beach quadrangle shows that the proposed facility is sited in a location that would be vulnerable to inundation from 1.4 meters of sea level rise by 2100. The light blue area indicates the current 100-year Coastal Base flood zone, and the dark blue area indicates sea level rise.

CCPN urges the Commission to follow its own draft Sea Level Rise Guidance and deny the permits to build new industrial infrastructure in this location.

Poseidon identifies itself as a "first mover and leading developer of seawater desalination in the United States" whose singular goal is to secure plant locations that are "co-located with power plants or other facilities with the capability to intake or discharge"

¹¹ Email from Scott Maloni of Poseidon Resources to Alison Dettmer, dated October 18, 2013.

¹² Pacific Institute, California Flood Risk: Sea Level Rise, Newport Beach Quadrangle (2009), available at http://www.pacinst.org/reports/sea_level_rise/hazmaps/Newport_Beach.pdf. The State of California Sea-Level Rise Guidance Document, available at http://www.opc.ca.gov/webmaster/ftp/pdf/docs/2013_SLR_Guidance_Update_FINAL1.pdf provides Sea-Level Rise projections

seawater.”¹³ Poseidon’s patent describes the efficiency of its water purification invention as dependent upon co-location with a power plant. Anything that detracts from that singular goal would be, by definition, “infeasible” within the confines of Poseidon’s business plan (*emphasis ours*).

Private, for-profit corporations, like Poseidon, have a strong financial incentive to argue against converting to newer technologies because up front costs can be more expensive. For that reason, they typically argue that newer technologies are simply “infeasible.” This is an inappropriate use of the term. This was the same argument put forth by the power plants when the SWRCB began to move forward with the phase-out of open ocean intakes but that is now a clear and real example of what was once alleged to be ‘infeasible’ as not only ‘feasible’ but in process.

In Poseidon’s case, it put all its private equity pennies into one basket betting that it would be able to co-locate with existing open ocean intakes and discharge infrastructure at two of California’s power plants (Encina Power Station and HBGS), thereby vastly minimizing its costs for construction, while greatly maximizing its profits. However, the Commission’s role is not to ensure maximum profitability of a private, for-profit corporation that seeks to privatize distribution of a public trust resource.

Under the Coastal Act, the definition of ‘feasibility’ is defined within Section 30108 as follows:

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”¹⁴

The Coastal Commission’s role under Section 30230 and Section 30231 is as follows:

Section 30230 of the California Coastal Act states that:

“Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.”

Section 30231 goes on to state that:

“the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment....”

The Coastal Act definition of ‘feasibility’ above does not give pre-eminence to ‘economic factors’ (the list is alphabetized), but indicates that the Commission must consider all four of the elements on an equal footing in its decision-making consistent with the underlying

¹³ See Poseidon Water. Overview. Available at http://poseidonwater.com/what_we_do/overview

policies of the Coastal Act. And, the burden of proof that an environmentally less damaging project that utilizes the Best Available Technology -- subsurface intakes and brine diffusers -- is infeasible is on the applicant, not on the Commission.

CCPN firmly believes that there are other designs and measures beyond what Poseidon proposes for its Huntington Beach Desalination Plant that are 'feasible' and would be consistent with the Coastal Act policies outlined above. Poseidon has not provided solid and verifiable information to the Commission to prove that those designs and measures are 'infeasible' as they are required to do under the law.

In fact, when interviewed by *The New York Times* earlier this year and queried about the possibility that the SWRCB could require the San Diego County Water Authority (SDCWA) and Poseidon to install subsurface intakes at Poseidon's Carlsbad Desalination Plant when Encina's open ocean intake is phased out, both "the county and the developers said this eventuality was covered in the financial planning."¹⁵ Yet, when Poseidon appeared before this Commission in 2007, the company and its attorneys argued strenuously that subsurface intakes were 'infeasible' in Carlsbad,¹⁶ but apparently they are 'feasible' in Carlsbad now and that "eventuality" has been accounted for in their financial planning.

Conclusion

In addition to the significant inconsistencies of Poseidon's proposed project with the Local Coastal Plan and the Coastal Act as detailed in the legal comment letter submitted separately to the Commission, any and all of the significant statewide policy concerns above are reason enough to deny both the permit issued by the City of Huntington Beach as well as the permit within the Commission's retained area of jurisdiction.

That, in fact, is the preference of a majority of the current Huntington Beach City Councilmembers. They would like to be able to review the project again and correct the inconsistencies with their Local Coastal Plan. Given that the Commission has indicated in prior hearings and workshops that it seeks greater input and cooperation with local government, CCPN believes the City of Huntington Beach should be given the opportunity to work with the applicant to modify the project consistent with the Special Conditions outlined by Commission staff in its Staff Report.

Should the Commission decide to approve the permits, CCPN urges the Commission to approve the permits consistent with all of the Special Conditions provided by staff in order to bring the project into consistency with the LCP, the Coastal Act and the statewide policies described above.

CCPN understands that seawater desalination will play a greater role in the State's water supply portfolio over the coming decades. Therefore, it is essential that the Commission adhere to its mandate, which requires that approved projects be designed to incorporate the best available technologies to ensure the least substantial environmental impacts on California's marine and coastal resources over the long-term.

¹⁵ In California, What Price Water, *New York Times*, 2/28/13:
<http://www.nytimes.com/2013/03/01/business/energy-environment/a-costly-california-desalination-plant-bets-on-future-affordability.html?pagewanted=all>

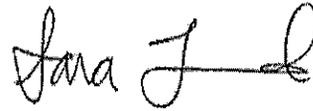
¹⁶ <http://documents.coastal.ca.gov/reports/2007/11/Th7a-11-2007.pdf> See pages 32-36.

CCPN thanks the Commission for its thoughtful consideration of our opposition to the project as it is currently designed.

Sincerely,



Susan Jordan, Director



Sara Townsend, Research Associate

Cc: Tom Luster, Coastal Commission staff at tluster@coastal.ca.gov

Marinka Horack
21742 Fairlane Circle
Huntington Beach, CA 92646

November 2, 2013

California Coastal Commission
c/o Tom Luster
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

RE: Sustain Appeal No. A-5-HNB-10-225 of Poseidon project. **Stop Poseidon**

Dear Commissioners:

What a stunning sight it was on a recent Saturday morning (October 26), to see a pod of dolphins swimming and jumping into the air, close to the Magnolia Street Beach surf line in Huntington Beach! About a dozen surfers in the water all stopped surfing to watch in awe as the lively dolphins played just a few yards away from them. There were dozens of pelicans flying and fishing just above the waves. Willets, sanderlings, and whimbrels were searching for crabs in the wet sand.

As I watched the dolphins, I couldn't help but think of Poseidon's scheme to exploit this beautiful beach. The proposed desalination project would suck in marine life and sea larvae into Poseidon's monster machines, to be chopped up and boiled on a 24/7, every-day-of-the-year basis. This would create an ever-increasing dead zone on Magnolia Street Beach: no fish, no larvae, no sea life.

The proposed site of the Poseidon plant borders directly on Magnolia Marsh (see photo). Poseidon, with its noise, 24 hour lights, and pollution, would create havoc in the marsh and its wildlife. Please protect our wetlands, beach and ocean. Stop Poseidon's extravagantly exploitive project.

Thank you for your time and consideration. Please continue your work protecting California's magnificent coastline.

Sincerely,


Marinka Horack

(Photos on back)



Magnolia Marsh borders proposed Poseidon plant; Bad news for the wildlife



Sunrise at Magnolia St. Beach: Save it from Poseidon's pollution



Shorebirds feeding at Magnolia St. Beach

October 29, 2013

W19a. & 20a.

California Coastal Commission
c/o Tom Luster
45 Fremont, Suite 2000
San Francisco, California 94105- 2219
Fax: (415) 904-5400

RECEIVED

NOV 04 2013

CALIFORNIA
COASTAL COMMISSION

Re: Sustain Appeal No. A-5-HNB-10-225

Dear Coastal Commissioners:

I request that the Commission sustain **Appeal No. A-5-HNB-10-225** and remand the coastal development permit (CDP) to the City of Huntington Beach for compliance with the City's local coastal program (LCP) and further deliberations.

I believe strongly that the subject Poseidon Water seawater desalination project does not comply with the Coastal Element, which functions as the adopted LCP, of the General Plan for the City of Huntington Beach.

The desalination project has undergone substantive changes from the project that the City approved in February 2006 and subsequently in September 2010. I believe the City should reevaluate the project to deliberate on these changes. Of particular note are the proposed size, routing and environmental impacts of locating and constructing necessary water delivery pipelines, which, in and of themselves, are inconsistent with the City's LCP concerning infrastructure.

I am also concerned that any future approval be contingent upon the project's future compliance with the State Water Resources Control Board Ocean Plan Amendment on Desalination. So far, Poseidon Resources has shown no willingness to comply with the most probable policies of that Ocean Plan Amendment regarding seawater intakes and brine discharge.

I have other concerns as well:

- The project's proximity to the Magnolia Marsh and probable impacts on that protected coastal resource;
- The project's location in known active fault and tsunami run-up zones together with being built in an area of very high liquefaction; and,
- The project's proximity to the ASCON toxic waste site and plans to lay a large pipeline along Hamilton Avenue adjacent to the ASCON site.

I oppose Poseidon Resources construction and operation of a seawater desalination plant on the proposed coastal site in Huntington Beach.

I request that the Coastal Commission deny the CDP for the project and return the matter to the City of Huntington Beach for a more thorough review and deliberation.

Regards
Charles & Maryann Rozzelle - Huntington Beach, CA

October 29, 2013

W19a. & 20a.

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Dave & Jeanette Eber
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HUNTINGTON BEACH, CA 92646