

**CALIFORNIA COASTAL COMMISSION**

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

**W11****ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT**

FOR THE

**APRIL 10, 2013 MEETING OF THE CALIFORNIA COASTAL COMMISSION**

**TO: Commissioners and Interested Parties**

**FROM: Alison Dettmer, Deputy Director  
 Energy, Ocean Resources & Federal Consistency**

<b>IMMATERIAL AMENDMENTS</b>		
<b>APPLICANT</b>	<b>PROJECT</b>	<b>LOCATION</b>
<b>E-06-013-A1</b> Poseidon Water LLC	Modify the previously approved site and construction plans of Carlsbad seawater desalination facility	Carlsbad Seawater Desalination Facility San Diego County
<b>E-09-004-A5</b> Municipal Water District of Orange County (MWDOC)	Extend permit operation of existing test desalination facility for an additional year to allow further pumping and testing as needed..	Doheny State Beach Orange County



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**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT****E-06-013-A1**

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**TO:** All Interested Parties

**FROM:** Charles Lester, Executive Director

**DATE:** March 28, 2013

**SUBJECT:** Application to amend coastal development permit No. E-06-013 granted to Poseidon Resources (Channelside), L.L.P. (Poseidon) to construct and operate a desalination facility in Carlsbad, San Diego County.

The Executive Director has determined that the requested project change described herein may be approved as an immaterial amendment to the above-referenced coastal development permit (CDP). The amendment would allow several minor changes to the facility's site plan and laydown areas.

**Background and Project Description:** On November 15, 2007, the Commission approved CDP No. E-06-013 allowing Poseidon to construct and operate a desalination facility adjacent to Agua Hedionda Lagoon in Carlsbad, San Diego County. The facility would produce approximately 50 million gallons a day of potable water from seawater drawn from the Lagoon.

The Commission's CDP included a number of special conditions, including **Special Condition 6**, which specified that the facility and its associated infrastructure were to be constructed and operated in a manner consistent with Poseidon's project description and consistent with other required conditions. The CDP also included **Special Conditions 7 and 15**, which required Executive Director review and approval of final project plans and final construction plans, as well as approval by the Commission for material changes to those plans unless the Executive Director determined no amendment is necessary.

**Requested Amendment:** Poseidon proposes to modify its previously approved site and construction plans and make a number of minor modifications to its approved facility layout and construction areas. The proposed modifications involve reconfiguring several buildings and structures such as tanks, pumps, piping, and similar equipment, making minor adjustments to on-site parking and road widths, adding or adjusting the external screening of some project components, and the like. The proposed modifications are all within the existing site footprint at the Encina Power Station and none would result in a change to the facility's production capacity.

On March 5, 2013, the City of Carlsbad approved the proposed changes as a modification to Poseidon's Precise Development Plan (PDP).

**Findings:** The proposed amendment has been deemed “immaterial” for the following reasons:

- **Visual Resources:** As compared to the previously approved plans, the proposed modifications would result in only minor changes to the facility’s appearance and to its approved Lighting and Screening Plans. The modifications would be only slightly different in appearance from nearby offsite areas. Both the approved facility and these proposed modifications would be several hundred feet from the nearest public roadway and would be partially screened by vegetation.
- **Water Quality/Marine Biological Resources:** The facility would still be subject to the previously approved Stormwater Management Plan and Best Management Practices meant to protect water quality and marine biological resources. The changes do not result in new uses or increased density that would require substantial changes to those plans.

***Immaterial Permit Amendment***

Pursuant to the California Code of Regulations—Title 14, Division 5.5, Volume 19, section 13166(b)—the Executive Director has determined this amendment to be IMMATERIAL.

Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive and the amendment shall be approved.

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the immaterial amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three (3) Commissioners object to the executive director’s designation of immateriality, the amendment application shall be referred to the Commission for action as set forth in section 13166(c). Otherwise, the immaterial amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the immaterial amendment application shall be referred to the Commission for action as set forth in section 13166(c).

If you wish to register an objection to this notice, please send the objection in writing to Tom Luster at the above address. If you have any questions, you may contact him at (415) 904-5248 or via email at [tluster@coastal.ca.gov](mailto:tluster@coastal.ca.gov).

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**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT****E-09-004-A5**

**TO:** All Interested Parties

**FROM:** Charles Lester, Executive Director

**DATE:** March 28, 2013

**SUBJECT:** Application to amend coastal development permit No. E-09-004 granted to the Municipal Water District of Orange County (MWDOC) to construct and operate a desalination test well and facility at Doheny State Beach, Orange County.

The Executive Director has determined that the requested project change described herein may be approved as an immaterial amendment to the above-referenced coastal development permit (CDP). The amendment would allow MWDOC to operate its test facility for an additional year (until May 31, 2014).

**Background and Project Description:** On June 11, 2009, the Commission approved CDP No. E-09-004 allowing MWDOC to construct and operate a test slant beach well and pilot desalination facility adjacent to San Juan Creek at Doheny State Beach. The project included installing a slant beach well that produces water collected from under the seafloor, a mobile testing lab, and associated piping, tanks, and similar structures. The project involves pump testing the well to determine its likely production capacity, to identify any response of nearby surface and subsurface waters to the pumping, and to conduct various water treatment tests. The project pumps up to about 2100 gallons per minute, which, after testing, is discharged within a rock revetment on Doheny State Beach subject to conditions of the project's NPDES permit. The Commission's initial approval authorized project operations through May 31, 2012.

The Commission later approved four immaterial amendments to the permit. In July 2010, the Commission allowed MWDOC to conduct a dye study in the waters and substrate of San Juan Creek; in September 2010, the Commission allowed MWDOC to conduct core sampling offshore of the beach to better characterize subsurface conditions; in January 2011, the Commission allowed MWDOC to install and operate additional test equipment at the facility; and in August 2011, the Commission approved a one-year extension of facility operations (until May 31, 2013) and allowed MWDOC to extend the facility outfall and diffuser along an existing rock revetment.

**Requested Amendment:** MWDOC proposes to operate its facility for an additional year to allow further pumping and testing as needed (within the previously-approved parameters), ongoing monitoring, and informational tours of the facility. The additional year of operations would be subject to applicable conditions of previous Commission approvals and the project's NPDES permit. The State Lands Commission has approved a lease extension to May 31, 2014, and California State Parks has extended the project's Right-of-Entry permit until May 31, 2014.

**Findings:** The proposed amendment has been deemed “immaterial” for the following reasons:

- **Water Quality and Marine Biological Resources:** The additional year of operations would remain within previously-approved limits and within the discharge limits established in the project’s NPDES permit. The facility would be subject to the Commission’s previously approved water quality, spill prevention, and marine life protection requirements. The additional one-year test period would allow continuance of the same activities as previously approved and conditioned by the Commission.
- **Public Access and Recreation:** The proposed project is expected to result in only *de minimis* public access and recreation effects. There would be no additional construction or activities that would interrupt existing public access at the site, and operations would be subject to any timing restrictions imposed by State Parks to avoid or reduce potential impacts to the public.

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