

**CALIFORNIA COASTAL COMMISSION**

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2219  
FAX (415) 904-5200  
TDD (415) 904-5400



# Th9a & Th10a

**A-5-HNB-10-225 / 9-21-0488**

**(Poseidon Water, Huntington Beach)**

**MAY 12, 2022**

**EX PARTE**

**Received between**

**April 29, 2022 and May 6, 2022**



---

**From:** Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>  
**Sent:** Friday, May 6, 2022 12:38 PM  
**To:** Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; Luster, Tom@Coastal <Tom.Luster@coastal.ca.gov>  
**Subject:** FW: Request for Ex-Parte Communication

---

**From:** Jana Zimmer <zimmerccc@gmail.com>  
**Sent:** Friday, May 6, 2022 12:36 PM  
**To:** Harmon, Meagan@Coastal <meagan.harmon@coastal.ca.gov>  
**Cc:** Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>  
**Subject:** Fwd: Request for Ex-Parte Communication

PLEASE SEE **CORRECTION** TO COMMENT LETTER SUBMITTED VIA EX PARTE PORTAL, TODAY.

I am writing as a Santa Barbara resident, and former Coastal Commissioner (June, 2011-July 2015) to provide some historical perspective on the desalination project(s) which came before the Commission during my term. I was honored to have served and proud that the Commission generally followed the science, in some very difficult cases. During my term we considered not only the Poseidon project (November 2013), but also “repair” to the Santa Barbara desalination plant which was important because it relied and relies on an open ocean intake. It was of substantial concern to me that the City decided to rely on an outdated technology even as the State had stated a clear policy to phase out these environmentally damaging systems. But staff recommended that the Commission approve the “repairs”, and the Commission followed that recommendation.

With regard to Poseidon, I have found recent editorial comments in the media so disturbing that I reviewed the record and the hearing tapes from November, 2013. (See, video, 11/13/2013, Hour 5 Minute 57 and following). I found that the issues have not really changed in a decade.

What may have been forgotten are the extensive measures that the Commission staff recommended to get Poseidon to a “yes”, in 2013, even though they proposed an antiquated, wildly expensive, environmentally devastating “solution” to the drought. Drought was already a thing. Climate change was already a thing. Marine Protected Areas were already a thing. Avoiding disproportionate impacts on economically disadvantaged communities was a thing. We have a better name for this, now: environmental justice. Agency support of desalination in appropriate locations and with appropriate mitigations was already State policy. **Open ocean intake was already disfavored.** Yet, you are now hearing a case that was continued nine years ago, with these issues unaddressed. We should have denied the project outright.

I reviewed the tape of the 2013 hearing to refresh my recollection of events.

1. Staff **recommended approval** subject to a condition prohibiting an open ocean intake.
2. Poseidon failed to present credible evidence on the technical, and economic infeasibility of subsurface intake. They wanted to continue the open ocean intake, because co-location with the power plant was their corporate mission and business



plan, and an approval would have grandfathered them in, despite forthcoming State Water Board policy.

3. The motion before the Commission (Bochco/Zimmer) was to **approve** the plant, with staff's recommendation to condition the project on subsurface intake.

4. After a good deal of confusion instigated by Commissioners who wanted to approve the project without the mitigation/subsurface technology, the appeal of the City's approval was continued, - for nine (9) years- and the Poseidon withdrew their Commission permit.

5. When I seconded Commissioner Bochco's motion I expressed concern that Poseidon had not met their burden to prove that subsurface intake was technically infeasible, or economically infeasible. I was particularly concerned that while the State had a policy of supporting desalination as one of many tools for addressing water supply, *in appropriate locations*, **there had never been a statewide siting study.**

There had never been a study of alternative locations specific to the area to be served by the Poseidon plant. (Water does travel great distances in pipes- See, e.g. the State Water Project.) Poseidon, which is now owned by a \$650 billion dollar company, Brookfield Asset Management, had all their corporate eggs in the Huntingdon Beach basket, and still does.

After the hearing, (and after the end of my term) in 2016, Poseidon entered into a series of facilitated meetings with agency staff through CONCUR, an Oakland mediation firm. A phase I report concluded that subsurface was, indeed, technically feasible. I happened to meet a principal in the firm in that time frame and asked whether there had been any consideration of alternative locations by the panel and was told that this idea had been 'abandoned'. I was shocked, but not surprised.

**Almost another decade has passed.** The staff report for the "continued" appeal demonstrates that nothing has changed with respect to **the failure to analyze alternative locations**, and Poseidon has failed to answer the questions we posed in 2013 (see, p. 198):

- The conclusion that alternative locations are infeasible is based on ten year old information.
- That 'alternatives' studies did not consider a smaller facility.
- Analysis did not include relative benefits and drawbacks of those sites with regard to environmental issues pertinent to the Coastal Act (such as sea level rise and flooding hazards).
- The Municipal Water District of Orange County ("MWDOC") completed an Orange County Water Reliability Study in **2019** that identified several different types of projects at other locations that, individually or collectively, would provide more water than Poseidon's project and would all provide that water at less cost and with greater reliability.
- The study also found that the "reliability gap," or the expected shortfall in water supply that might be needed under several future dry-year and drought scenarios was much smaller than the supply that Poseidon would provide. It also noted that integrating Poseidon's supply into the regional water systems would result in greater integration costs than the other supplies, and that the main benefits of Poseidon's proposed water production volumes would occur only if climate change was more intense than the most extreme scenario evaluated in the study. As noted above, these more extreme scenarios would also result in even greater hazards to Poseidon's site and surrounding area than described in these Findings. effects on coastal resources, unlike the significant adverse effects identified above that would result from Poseidon's proposal.
- Accordingly, it is not clear whether alternative locations are infeasible or more environmentally damaging within the meaning of Coastal Act Section 30260. **Current evidence does not clearly demonstrate that alternative locations are infeasible, and more information would be needed before the Commission could make this finding under Section 30260.(emphasis added)** However, because the project cannot meet the other two tests of Section 30260, there is no need to further analyze or definitively answer this



question.

- It is not clear that this proposed project would benefit the surrounding populations in terms of providing more reliable or higher quality water. Rather, reports such as the 2019 UCLA study titled “**Analyzing Southern California Supply Investments from a Human Right to Water Perspective**” found **that the project’s main effect would be to raise rates for area customers. That report supports the idea that the public welfare would not be harmed by denying this project; rather, it determined that a more effective approach to obtaining needed water would be to pursue conservation and alternative local water supplies.**

I’m told the three rules of real estate are Location, Location, Location. The principle that we do not locate development in the coastal zone in areas where it will damage marine resources also underlies the Coastal Act. To my knowledge, the legal principles governing determination of feasibility, and analysis of alternative sites have not changed, either. The Commission does not, and should not, base its decisions on the business plan of an individual applicant. I hope this review of history helps put your decision in perspective.

Very Truly Yours,

/s/

Jana Zimmer

Jana Zimmer, Attorney/  
Government Relations Consulting  
(805)705-3784

**STATEMENT OF CONFIDENTIALITY & DISCLAIMER:** The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (805) 705-3784 and delete the message. Thank you.

----- Forwarded message -----

From: **Jana Zimmer** <[jana2640@outlook.com](mailto:jana2640@outlook.com)>

Date: Fri, May 6, 2022 at 9:27 AM

Subject: Request for Ex-Parte Communication

To: [Meagan.Harmon@coastal.ca.gov](mailto:Meagan.Harmon@coastal.ca.gov) <[Meagan.Harmon@coastal.ca.gov](mailto:Meagan.Harmon@coastal.ca.gov)>

Cc: [CommissionerExParte@coastal.ca.gov](mailto:CommissionerExParte@coastal.ca.gov) <[CommissionerExParte@coastal.ca.gov](mailto:CommissionerExParte@coastal.ca.gov)>

Project Name and Application Number: Poseidon May 12, 2022

Nature of Communication (In Person, Telephone, Other): Telephone



Date and Time Requested: Monday, May 9, 9:00 a.m.

Full Name: Jana Zimmer

Email: [zimmerccc@gmail.com](mailto:zimmerccc@gmail.com)

On Behalf Of: Self

Comments: I am writing to you as a Santa Barbara resident, and former Coastal Commissioner (June, 2011-July 2015) to provide some historical perspective on the desalination project(s) which came before the Commission during my term. I was honored to have served and proud that the Commission generally followed the science, in some very difficult cases. During my term we considered not only the Poseidon project (November 2013), but also “repair” to the Santa Barbara desalination plant which was important because it relied and relies on an open ocean intake. It was of substantial concern to me that the City decided to rely on an outdated technology even as the State had stated a clear policy to phase out these environmentally damaging systems. But staff recommended that the Commission approve the “repairs”, and the Commission followed that recommendation. With regard to Poseidon, I have found recent editorial comments in the media so disturbing that I reviewed the record and the hearing tapes from November, 2013. (See, video, 11/13/2013, Hour 5 Minute 57 and following). The issues have not really changed in a decade.

What may have been forgotten are the extensive measures that the Commission staff recommended to get Poseidon to a “yes”, in 2013, even though they proposed an antiquated, wildly expensive, environmentally devastating “solution” to the drought. Drought was already a thing. Climate change was already a thing. Marine Protected Areas were already a thing. Avoiding disproportionate impacts on economically disadvantaged communities was a thing. We have a better name for this, now: environmental justice. Agency support of desalination in appropriate locations and with appropriate mitigations was already State policy. Open ocean intake was already disfavored and is now the State’s clear, unambiguous preference. Yet, you are now hearing a case that was continued nine years ago, with these issues unaddressed. We should have denied the project outright.

I reviewed the tape of the 2013 hearing to refresh my recollection of events.

1. Staff **recommended approval** subject to a condition prohibiting an open ocean intake.
2. Poseidon failed to present credible evidence on the technical, and economic infeasibility of subsurface intake. They wanted to continue the open ocean intake, because co-location with the power plant was their corporate mission and business plan, and an approval would have grandfathered them in, despite forthcoming State Water Board policy.
3. The motion before the Commission (Bochco/Zimmer) was to **approve** the plant, with staff’s recommendation to condition the project on subsurface intake.
4. After a good deal of confusion instigated by Commissioners who wanted to approve the project without the mitigation/subsurface technology, the appeal of the City’s approval was continued, - for nine (9) years- and the Poseidon withdrew their Commission permit.
5. When I seconded Commissioner Bochco’s motion I expressed concern that Poseidon had not



met their burden to prove that subsurface intake was technically infeasible, or economically infeasible. I was particularly concerned that while the State had a policy of supporting desalination as one of many tools for addressing water supply, *in appropriate locations*, **there had never been a statewide siting study**. There had never been a study of alternative locations specific to the area to be served by the Poseidon plant. (Water does travel great distances in pipes- See, e.g. the State Water Project.) Poseidon, which is now owned by a \$650 billion dollar company, Brookfield Asset Management, had all their corporate eggs in the Huntingdon Beach basket, and still does.

After the hearing, (and after the end of my term) in about 2016, Poseidon entered into a series of facilitated meetings with agency staff through CONCUR, an Oakland mediation firm. A phase I report concluded that subsurface was, indeed, technically feasible. I happened to meet a principal in the firm in that time frame and asked whether there had been any consideration of alternative locations by the panel and was told that this idea had been ‘abandoned’. I was shocked, but not surprised.

**Almost another decade has passed.** The staff report for the “continued” appeal demonstrates that nothing has changed with respect to **the failure to analyze alternative locations**, and Poseidon has failed to credibly answer the questions we posed in 2013 (see, p. 198):

- The conclusion that alternative locations are infeasible is based on ten year old information.
- That ‘alternatives’ studies did not consider a smaller facility.
- Analysis did not include relative benefits and drawbacks of those sites with regard to environmental issues pertinent to the Coastal Act (such as sea level rise and flooding hazards).
- The Municipal Water District of Orange County (“MWDOC”) completed an Orange County Water Reliability Study in **2019** that identified several different types of projects at other locations that, individually or collectively, would provide more water than Poseidon’s project and would all provide that water at less cost and with greater reliability.
- The study also found that the “reliability gap,” or the expected shortfall in water supply that might be needed under several future dry-year and drought scenarios was much smaller than the supply that Poseidon would provide. It also noted that integrating Poseidon’s supply into the regional water systems would result in greater integration costs than the other supplies, and that the main benefits of Poseidon’s proposed water production volumes would occur only if climate change was more intense than the most extreme scenario evaluated in the study. As noted above, these more extreme scenarios would also result in even greater hazards to Poseidon’s site and surrounding area than described in these Findings. effects on coastal resources, unlike the significant adverse effects identified above that would result from Poseidon’s proposal.
- Accordingly, it is not clear whether alternative locations are infeasible or more environmentally damaging within the meaning of Coastal Act Section 30260. **Current evidence does not clearly demonstrate that alternative locations are infeasible, and more information would be needed before the Commission could make this finding under Section 30260.(emphasis added)** However, because the project cannot meet the other two tests of Section 30260, there is no need to further analyze or definitively answer this question.
- It is not clear that this proposed project would benefit the surrounding populations in terms of providing more reliable or higher quality water. Rather, reports such as the 2019 UCLA study titled **“Analyzing Southern California Supply Investments from a Human Right to Water Perspective”** found that the project’s main effect would be to raise rates for area



**customers. That report supports the idea that the public welfare would not be harmed by denying this project; rather, it determined that a more effective approach to obtaining needed water would be to pursue conservation and alternative local water supplies.**

I'm told the three rules of real estate are Location, Location, Location. The principle that we do not locate development in the coastal zone in areas where it will damage marine resources also underlies the Coastal Act. To my knowledge, the legal principles governing determination of feasibility, and analysis of alternative sites have not changed, either. The Commission does not, and should not, base its decisions on the business plan of an individual applicant, especially not where it is implementing statewide policy. I hope this review of history helps put your decision in perspective.

Very Truly Yours,

/s/

Jana Zimmer

Public comments submitted to the Coastal Commission are public records that may be disclosed to members of the public or posted on the Coastal Commission's website. Do not include information, including personal contact information, in comments submitted to the Coastal Commission that you do not wish to be made public. Any written materials, including email, that are sent to commissioners regarding matters pending before the Commission must also be sent to Commission staff at the same time.

Sent from [Mail](#) for Windows



## EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Carole Groom

1) Name or description of project: Poseidon Water, Huntington Beach, Item #9.a & #10.a

2) Date and time of receipt of communication: May 5, 2022, 10:00 a.m.

3) Location of communication: Via Zoom

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Susan Jordan, Dr. David Revell, Raymond Hienstra,  
William Powers, Sean Bothwell, Michelle Black, Juliano Calil

5) Identity of person(s) on whose behalf communication was made: Representing  
the Stop Poseidon Coalition.

6) Identity of persons(s) receiving communication: Carole Groom, Christina Falla

7) Identity of all person(s) present during the communication: Carole Groom, Christina Falla,  
Susan Jordan, Dr. David Revell, Raymond Hienstra, William Powers, Sean Bothwell, Michelle Black, Juliano Calil

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

The Stop Poseidon Coalition is in favor of not supporting the Poseidon Water Facility  
for the reasons of Marine life mortality, it will have the highest electricity demand in Huntington Beach, and  
Orange County has a lot of water that is available.

May 5, 2022

Date

Carole Groom

Signature of Commissioner

**TIMING FOR FILING OF DISCLOSURE FORM:** File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, 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. This form may be filed with the Executive Director in addition to the oral disclosure.



EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project: May 12, 2022 Agenda Item Th 9A & 10A, the Poseidon De-Salination project appeal and permit application.

2) Date and time of receipt of communication:  
May 3, 2022 at 4:30pm-5:00pm

3) Location of communication  
On Zoom

4) Identity of person(s) initiating communication:  
Lydia Ponce w/ Society of Native Nations (SNN)

5) Identity of person(s) on whose behalf communication was made:  
Frankie Orona, Executive Director SNN on behalf of Chief Anthony Morales

6) Identity of persons(s) receiving communication:  
Donne Brownsey

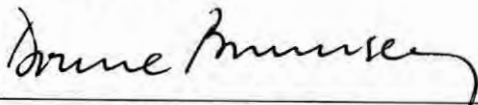
7) Identity of all person(s) present during the communication:  
Brownsey, Ponce, Orona

Complete, comprehensive description of communication content:

Orona and Ponce reviewed their concerns with the project and stated that as Coastal peoples, the oceans are sacred to them. They believe that is central to their beliefs that the water be protected. They also stated that there is sufficient water under Orange County today. And that there is sufficient time to work out the technical problems with the project. They have serious concerns about the future impacts of the loss of life and the brine to the waters and the commodification of the water by a private company.

They stated that there was not any real consultation with the applicant and that the only tribal consultation that they experienced was with the Commission staff.

Date May 3, 2022



Signature of Commissioner Donne Brownsey



## EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: \_\_\_\_\_Dayna Bochco\_\_\_\_\_

1) Name or description of project: \_\_Poseidon, Thurs, May 12\_\_\_\_\_

2) Date and time of receipt of communication: \_\_11:45 am, Tues, May 3, 1 hour\_\_\_\_\_

3) Location of communication: \_\_In Person, Santa Barbara\_\_\_\_\_

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: \_\_Susan Jordan\_\_\_\_\_

5) Identity of person(s) on whose behalf communication was made: \_\_\_\_\_

6) Identity of persons(s) receiving communication: \_\_Self, Dayna Bochco\_\_\_\_\_

7) Identity of all person(s) present during the communication: \_\_\_\_\_

Susan Jodan and myself, Dayna Bocho\_\_\_\_\_

See attached\_\_\_\_\_

5/4/2022  
Date

  
Signature of Commissioner

**TIMING FOR FILING OF DISCLOSURE FORM:** File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, 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. This form may be filed with the Executive Director in addition to the oral disclosure.



Date and Time: 11:45 am Tues May 3; 1 hour

Location: in person, Santa Barbara

Attendees: myself and Susan Jordan

She requested an ex parte on Poseidon

Ms Jordan went thru her extensive briefing book with me, which was provided in print at this meeting. (It had been online before and i had read part of it). I asked questions about some of the more technical aspects of the plant (use of the existing pipe, what happens to the diffused brine, can the brine be made into salt rather than pumped back into the ocean) and what the significance of the lack of customers really meant to the project. We also discussed the parent company a bit and the history of Poseidon selling it's Carlsbad plant. Also, the approximate 8 year gap in any mitigation in Carlsbad.



EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project: May 12, 2022 Agenda Item Th 9A & 10A, the Poseidon De-Salination project appeal and permit application.

2) Date and time of receipt of communication:  
May 2, 2022 at 4pm-5:15pm

3) Location of communication  
On Zoom

4) Identity of person(s) initiating communication:  
Susan Jordan, CA Coastal Protection Network

5) Identity of person(s) on whose behalf communication was made:  
A group of Environmental NGOs

6) Identity of persons(s) receiving communication:  
Donne Brownsey

7) Identity of all person(s) present during the communication:  
Brownsey, Jordan, Corey Brown w/ RLF, Mandy Sackett, Surfrider Foundation  
Sean Bothwell, California Coastkeeper Alliance, Ray Hiemstra, Orange County  
Coastkeeper, Bill Powers, Powers Engineering, Dr. Dave Revell, Integral Corporation  
Michelle Black, Chatten-Brown, Carstens & Minter, LLC

Complete, comprehensive description of communication content:

The group supports the denial recommendation of the staff report for the Poseidon application to build a de-salination plant at Huntington Beach AES site. There were individual presentations from members of this group on the various issues associated with the project. Issues discussed were the lack of need for the OC region given their adequate water resources and ability to pursue more cost effective conservation and water recycling, the fact that there are no current contracts to purchase the water, the use of public funds for a private venture that could be put to better use for other public purposes, the hazards associated with the site specifically flooding due to high tides, storm surge, SLR, proximity to a Superfund and Brownfield sites, impacts on wetlands, aging infrastructure of the current plant intended for integration into the new plant, catastrophic impact on marine life and proximity to MPAs, disagreement that slant wells and other sites are not viable options, concerns that the private corporate ownership would result in much higher prices for the water, inadequacy of the GHG and REC proposals, among other issues.



The group also stated that they did not believe any list of special conditions could transform this project into an approvable project under the Coastal Act and that the project must be denied.

Their presentation included reference to but not a viewing of a virtual simulation film on the impacts of flooding to the site at <https://www.californiadesalfacts.org/climate-crisis/>  
The staff have received this information.

Date May 3, 2022

A handwritten signature in black ink, appearing to read "Donne Brownsey", written over a horizontal line.

Signature of Commissioner Donne Brownsey



Received on: 5/03/22

## EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project: May 12, 2022 Agenda Item Th 9A & 10A, the Poseidon De-Salination project appeal and permit application.

2) Date and time of receipt of communication:  
May 2, 2022 at 3pm-4pm

3) Location of communication  
On Zoom

4) Identity of person(s) initiating communication:  
Anne Blemker w/ McCabe and Associates

5) Identity of person(s) on whose behalf communication was made:  
Poseidon

6) Identity of persons(s) receiving communication:  
Donne Brownsey

7) Identity of all person(s) present during the communication:  
Brownsey, Susan McCabe, Sanchin Chawla, SVP, James Golden, Project Manager, DJ Moore, external counsel to Poseidon

Complete, comprehensive description of communication content:

The group opposes the denial recommendation of the staff report for the Poseidon application to build a de-salination plant at Huntington Beach AES site. Moore presented a slide deck that was updated to reflect the major issues raised in the staff report. Their contention is that the de-sal plant is necessary to diversify the OC water portfolio for the future and that the technical issues raised by the staff report can be addressed through a series of special conditions.

For instance: the staff's points regarding the deficient mitigation, which were: site control, tidal connection, conceptual design and Sea Level Rise (SLR), the applicant believes can be addressed. They have contacted the leadership of the various sites and believe that they can work out the technical factors to ensure compliance with the staff's concerns. Further, they indicated that they were willing to build the facility to Category IV standards which was the recommended level by the Commission staff in order to better address the potential hazards.

Their presentation included additional responses to the major points in the staff report and are available for review in the attached slide deck.



Date May 3, 2022



Signature of Commissioner Donne Brownsey



# Huntington Beach Desalination Project

## Coastal Commissioner Briefing

*May 2022*

*These materials have been provided to Coastal Commission staff*

Agenda Items Th9a & Th10a

Orange County, CA





# Aerial Imagery (Looking NW - 2019)



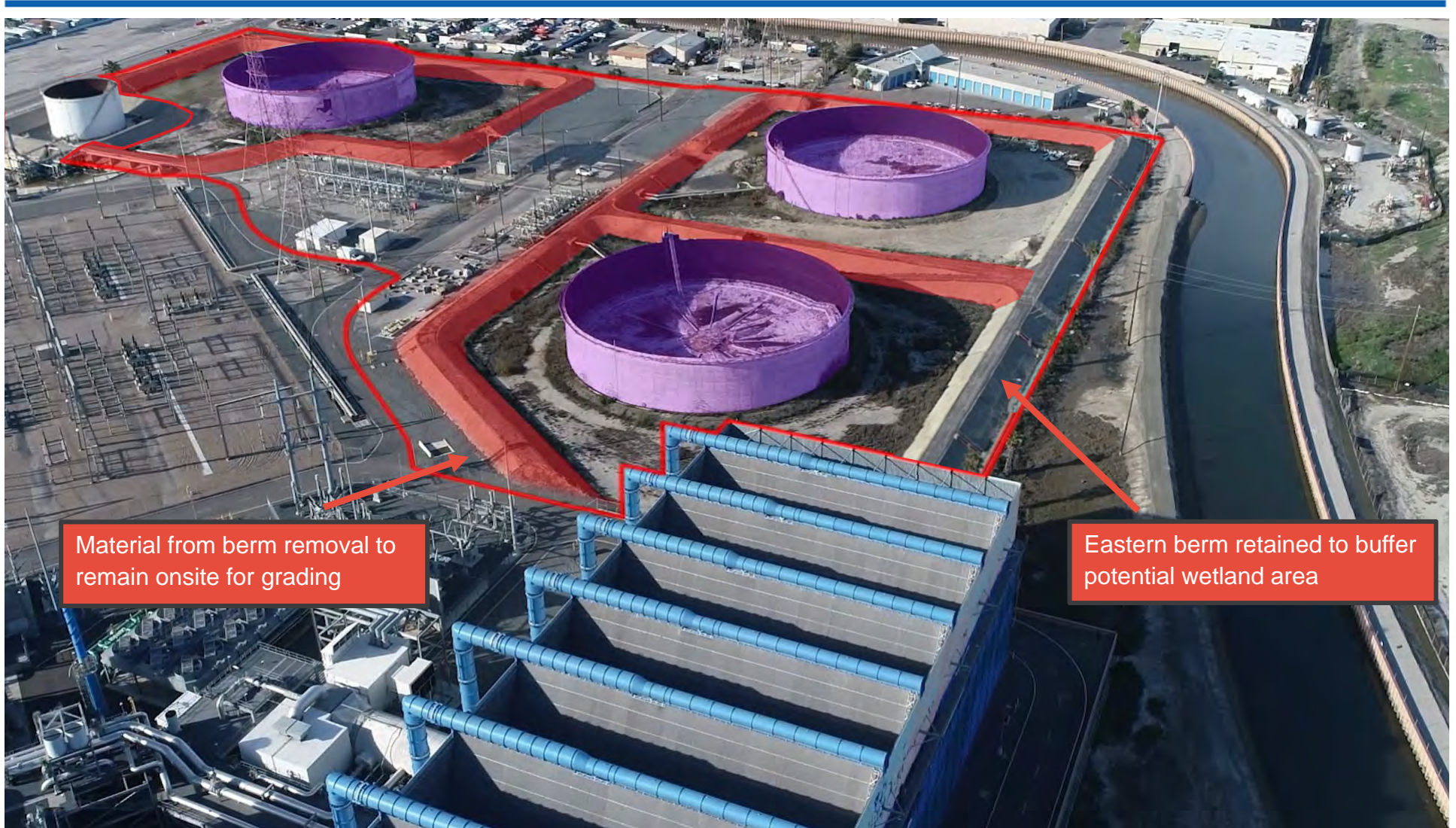


# Aerial Imagery (Looking SE - 2019)





# Berm/Tank Removal & Site Preparation



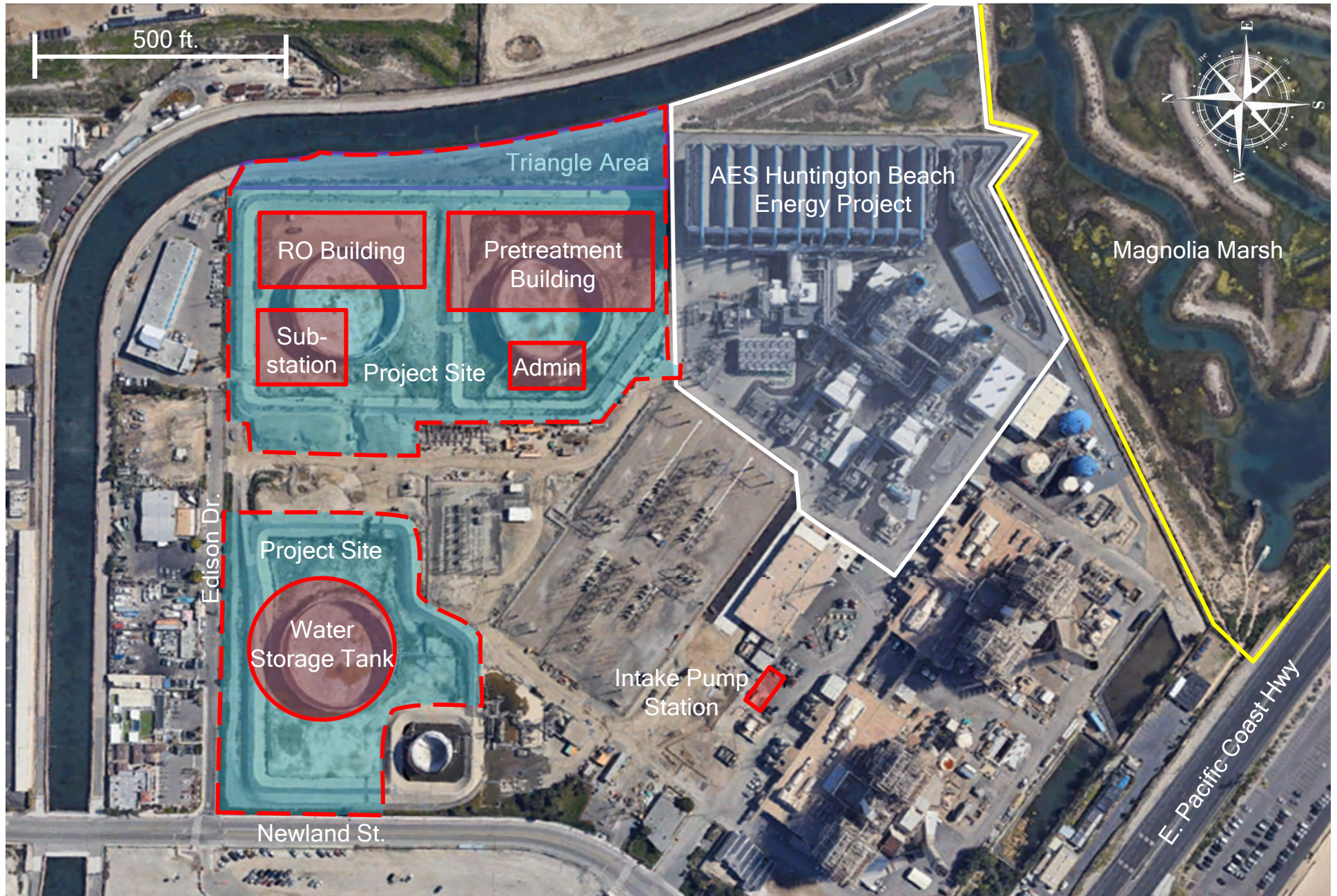


# Existing Site





# Proposed Project





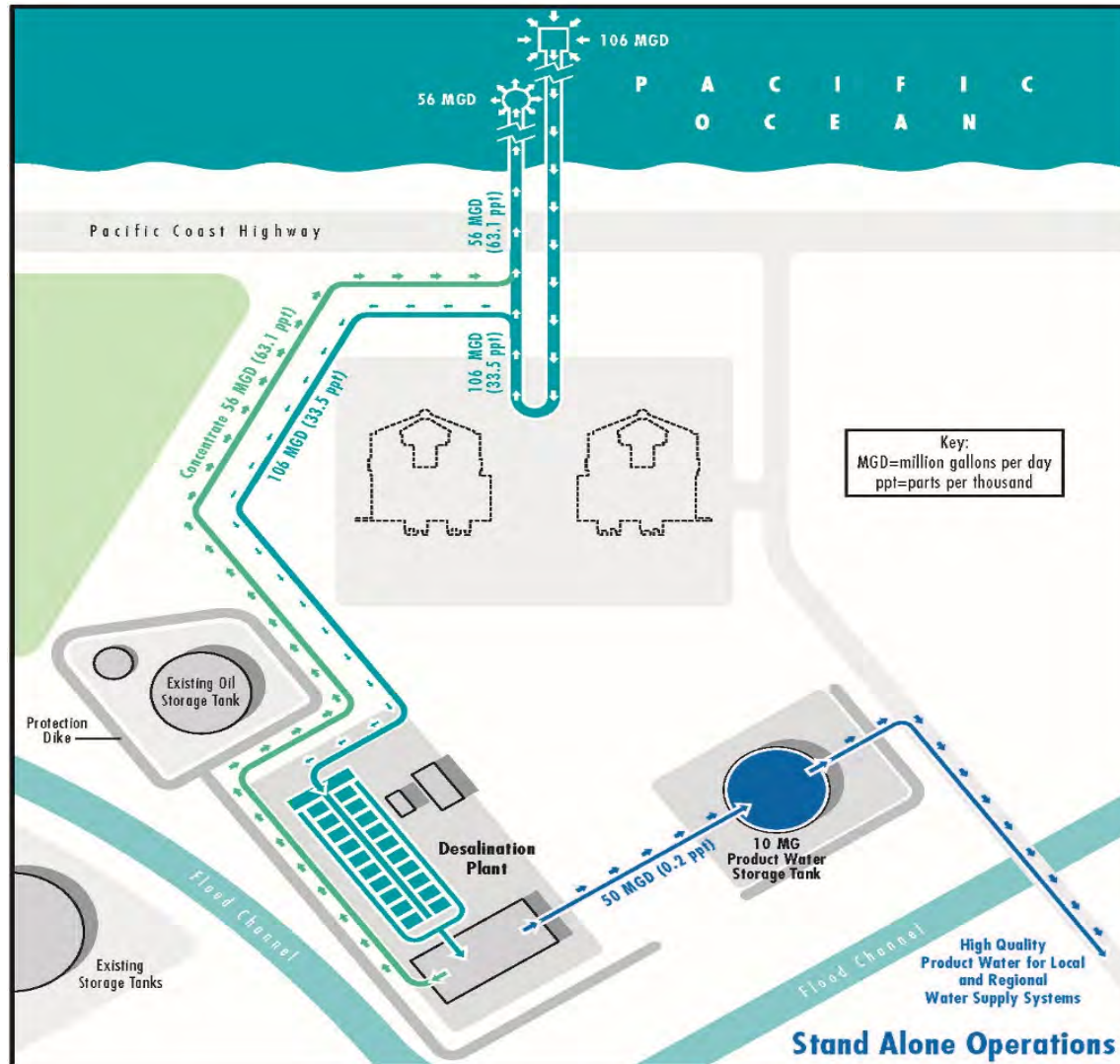
# Project Design

Conceptual rendering is currently being updated to reflect the latest site plan





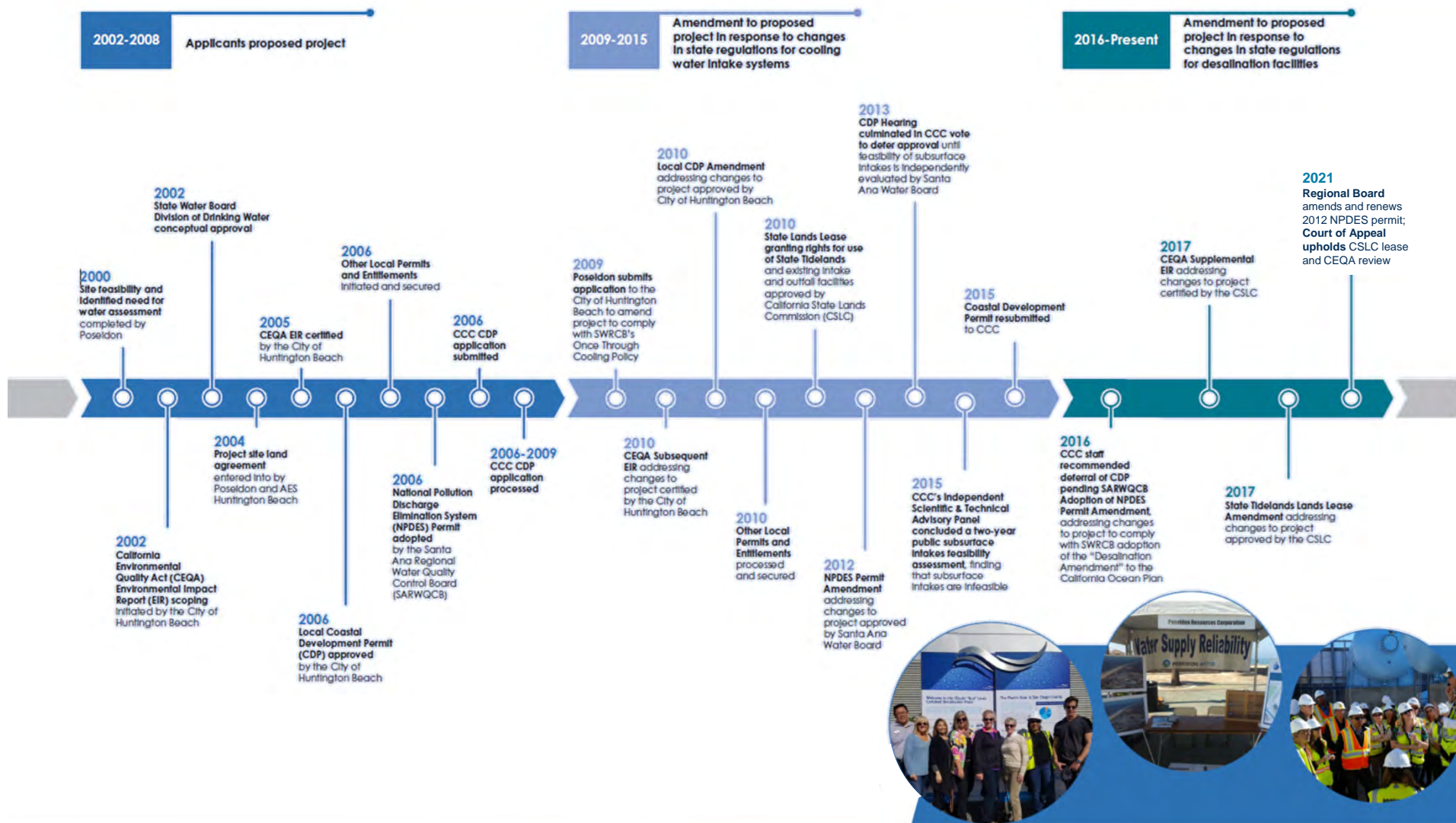
# Project Design Schematic





# 20-Year Permitting History

## PERMITTING HISTORY







Project Need





# Historic Drought

---

- Oct. 2021: Governor Newsom declared a state of emergency due to worsening drought conditions
  - California is in its third year of record-breaking drought conditions
  - 7 out of the last 10 years, the State has been in severe drought
- Groundwater: Less stormwater is percolating into groundwater basins, both from too much rain at times or not enough (MWD, April 2022)
- SWP: Last month, MWD declared emergency restrictions to reduce water use dramatically in the face of the lowest deliveries ever from the State Water Project
- Colorado River: In August, the federal government announced first-ever water shortage on lower Colorado River due to historic drought and record low water at Lake Mead
  - CNN: “Lake Powell officials face an impossible choice in the West’s megadrought: Water or electricity” (April 30, 2022)
    - Lake generates green power for 5.8 million homes and businesses in 7 states
  - AP: “Vegas water intake now visible at drought-stricken Lake Mead” (April 30, 2022)
- ***The Project would reduce imported water needs by 56,000 afy***



# Where Does Orange County's Water Comes From?

Residents of Orange County largely get their drinking water from one of two sources:

1. From the groundwater basin managed by the Orange County Water District (OCWD), or
  2. Imported water supplies through the Municipal Water District of Orange County (MWDOC)
- OCWD was created in 1933 to manage and protect the Orange County Groundwater Basin
  - Serves approximately 2.5 million Orange County residents (out of 3.2 million)
  - Customers include 13 cities, 5 retail water districts, and 1 investor-owned utility





# Southern California Needs More Water

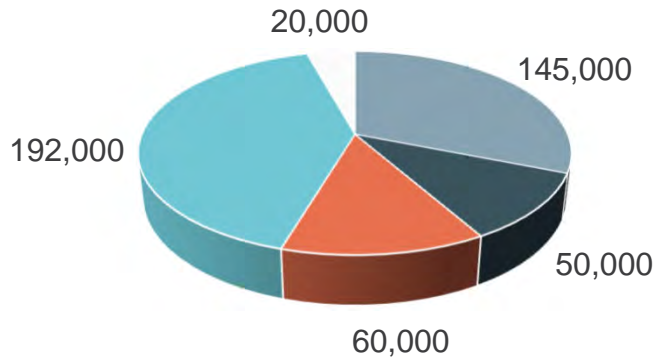
- **State**: Governor Newsom issued a 2020 Water Resilience Portfolio, which includes desalination as a strategy to combat the effects of climate change
  - Governor has asked residents to voluntarily reduce water consumption by 15%
- **Regional**: Metropolitan Water District of Southern California planning for 2.4 million acre feet of local supply by the year 2040. Need at least 400,000 additional acre feet per year of new water
  - In April 2022, MWD imposed a 35% cutback on certain member agencies that rely primarily on the State Water Project due to the historic drought
- **Local**: OCWD approved a term sheet to purchase the Project's full water output to strengthen regional self-reliance



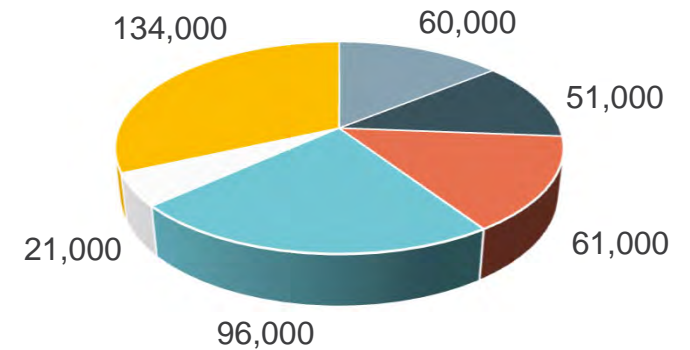


# Water Supply Reliability through Diversification

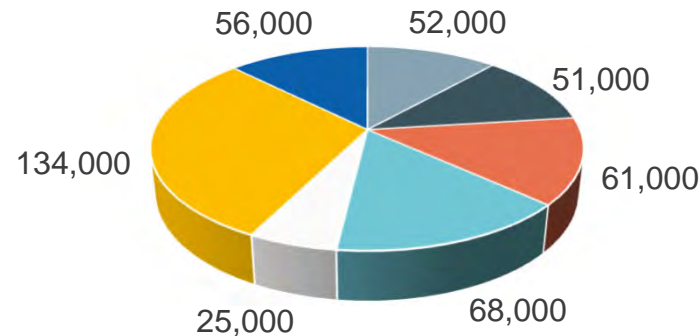
**2005**  
Total Supply: 467,000 AF



**2025**  
Total Demand: 423,000 AF



**2040**  
Total Supply: 447,000 AF



 Santa Anna River\*  
 \*OCWD rights to 34,000 AFY

 Incidental Basin Recharge

 Metropolitan Water District

 Seawater Desalination

 Santa Ana Storm Flows

 Miscellaneous

 Groundwater Replenishment System





## Marine Life Mitigation





# Interagency Permit Sequencing Framework

## INTERAGENCY PERMIT SEQUENCING FRAMEWORK AGREEMENT

This agreement ("Framework Agreement") is entered into on October 3, 2016 by and between the staffs of the California Coastal Commission, Santa Ana Regional Water Quality Control Board, and California State Lands Commission.

The California Coastal Commission, Santa Ana Regional Water Quality Control Board, and California State Lands Commission all have permitting or licensing authority over Poseidon Resources (Surfside) LLC's ("Poseidon") 50 million gallon-per-day Huntington Beach Desalination project ("Poseidon Project"). These three agencies agree that the following permit sequence framework agreement sets forth the process and sequence of their respective agency's action on the Poseidon Project, which each deem to be consistent with their respective statutory and regulatory permitting authority:

State Lands Commission - Poseidon has submitted an application to the

The Coastal Commission staff agrees to consult with the Regional Board staff on the Project's Marine Life Mitigation Plan to ensure both agencies staffs recommend approval of the same mitigation permit conditions. The Coastal Commission staff agrees the Santa Ana Regional Water Quality Control Board will determine the best available site, design, technology and mitigation measures feasible to minimize the intake and mortality of all forms of marine life as required by California Water Code Section 13142.5(b).

Santa Ana Regional Water Quality Control Board - Poseidon has submitted an application to the Santa Ana Regional Water Quality Control Board ("Regional Board") for amendment and renewal of Order No. RB-2012-0007, NPDES No. CA0000401 (2012 NPDES Permit) and the California Water Code Section 13142.5(b) compliance determination in connection with the Poseidon Project. Based on information available to the Regional Board at this time, the Regional Board may want additional environmental information and analysis on the Orange County Water District (OCWD) groundwater injection system plans (should they involve desalinated water from the Huntington Beach Desalination Facility in new injection wells) in support of the Regional Board consideration of Poseidon's NPDES Permit amendment/renewal and Water Code section 13142.5(b) compliance determination. The Regional Board agrees to make available for public review its tentative order amending and/or renewing the 2012 NPDES Permit and tentative Water Code section 13142.5(b) compliance determination within 90 days of: (a) a Regional Board determination that complete applications have been submitted for the

Sequencing Agreement - CCEC, Santa Ana Regional Board, & CCC  
Page 2 - October 3, 2016

amended or renewed 2012 NPDES Permit and the tentative Water Code section 13142.5(b) compliance determination; (b) a final approval by the State Lands Commission regarding Poseidon's application for an amendment to the October 28, 2010 Amendment of Lease No. PRC 1980.1; and (c) approval and/or certification of any and all CEQA documents and related environmental information and analysis necessary for the Regional Board to act as a CEQA Responsible Agency in connection with the Poseidon Project. As a CEQA Responsible Agency, the Regional Board shall consult, as necessary, with the State Lands Commission regarding the terms of CEQA analysis it may require on Poseidon's proposed seawater intake and discharge technology modifications prior to the release by the State Lands Commission of its CEQA analysis for public comment.

California State Lands Commission - Poseidon has submitted an application to the California State Lands Commission staff agrees to consult with the Regional Board staff on the Project's Marine Life Mitigation Plan to ensure both agencies staffs recommend approval of the same mitigation permit conditions. The Coastal Commission staff agrees the Santa Ana Regional Water Quality Control Board will determine the best available site, design, technology and mitigation measures feasible to minimize the intake and mortality of all forms of marine life as required by California Water Code Section 13142.5(b).

Nothing in this Framework Agreement is intended to constrain the ability of any public agency or body to exercise its lawful discretion to approve, deny, or impose conditions on the Poseidon Project.

This Framework Agreement has been agreed and accepted by the staffs of the California Coastal Commission, Santa Ana Regional Water Quality Control Board, and California State Lands Commission. The following signatories affirm that they have the authority to bind their respective agencies to the terms of this Framework Agreement.

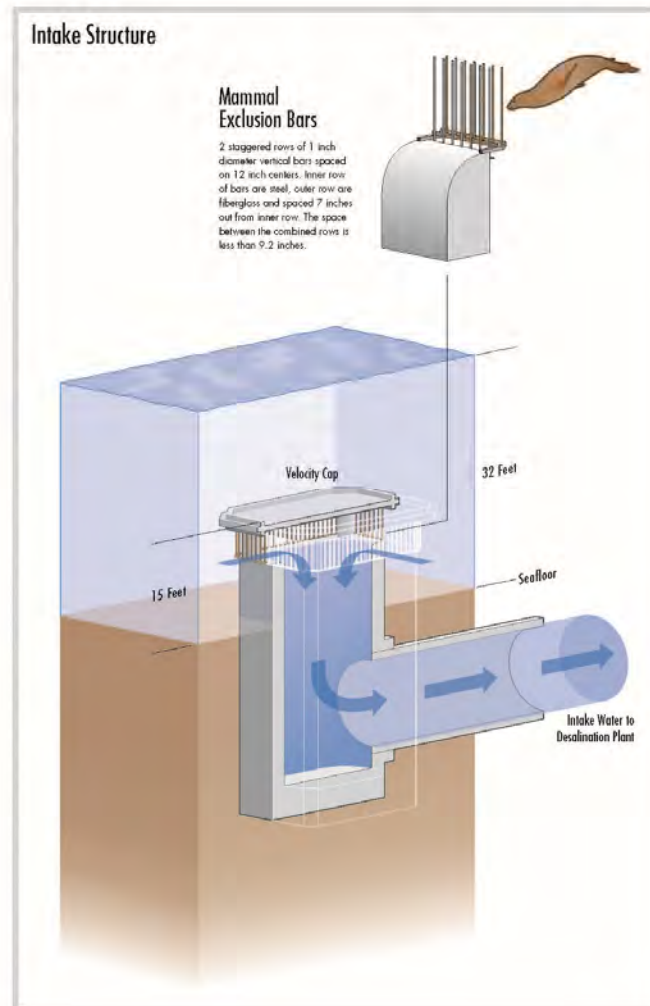


# Offshore Intake and Outfall Pipelines





# Existing Seawater Intake System

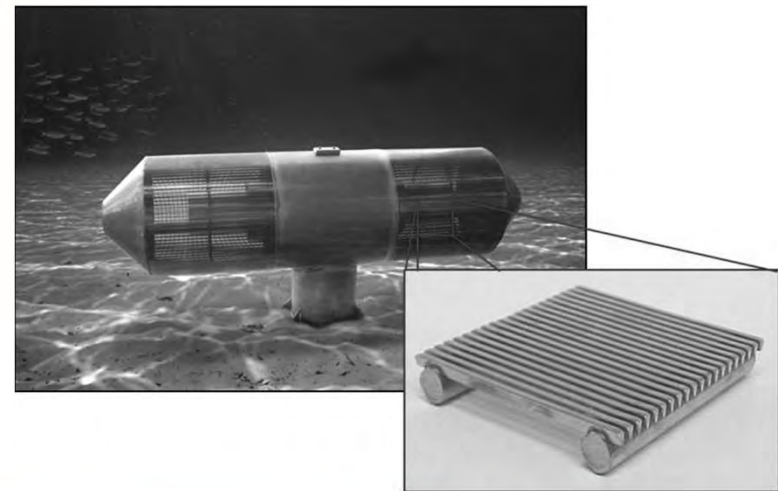
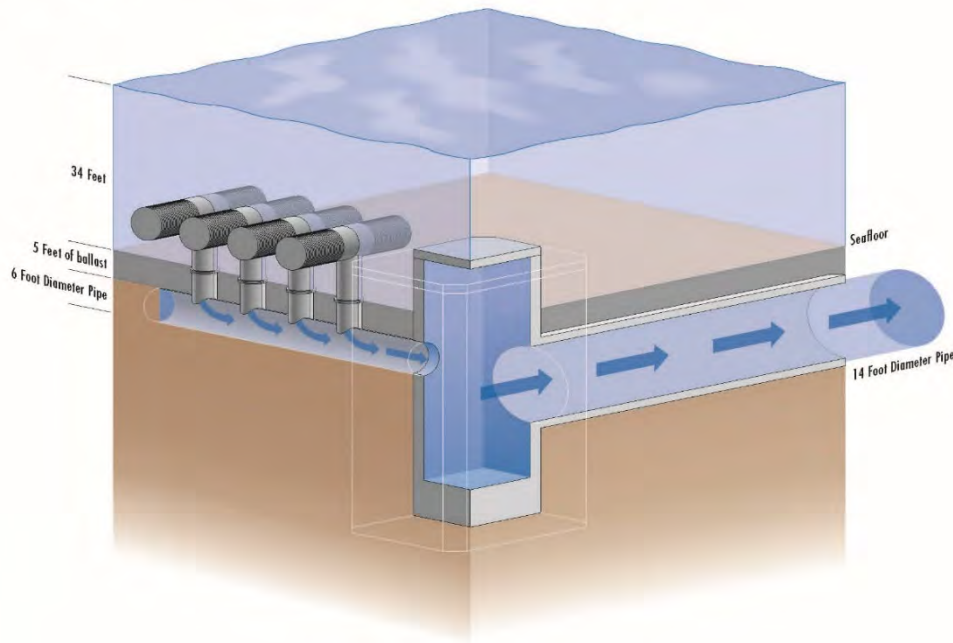




# Seawater Intake – 1-mm Wedgewire Screen

Modification to make the intake compliant with the Ocean Plan Amendment

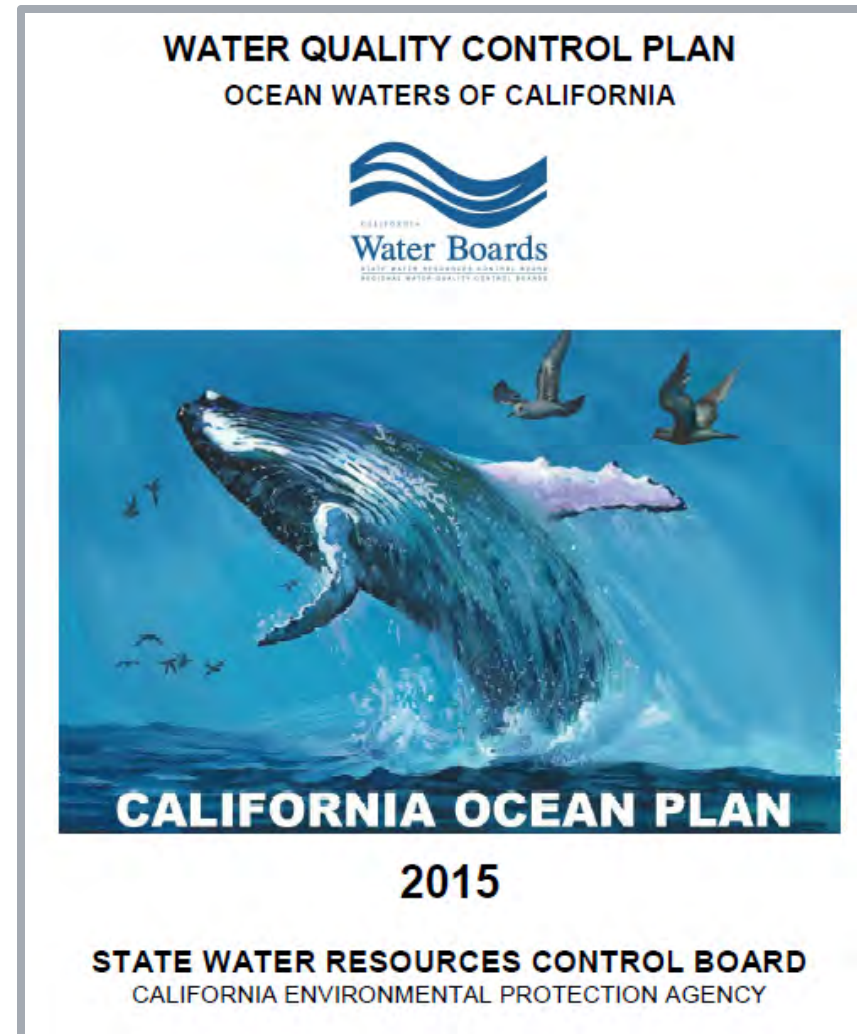
Huntington Beach Desalination Facility  
Proposed Huntington Beach Desalination Project  
1mm wedgewire screens





# Diffusers = Preferred Discharge Technology

**“The preferred technology for minimizing intake and mortality of all forms of marine life resulting from brine discharge is to commingle brine with wastewater .... Multiport diffusers are the next best method for disposing of brine when the brine cannot be diluted by wastewater . . .”**

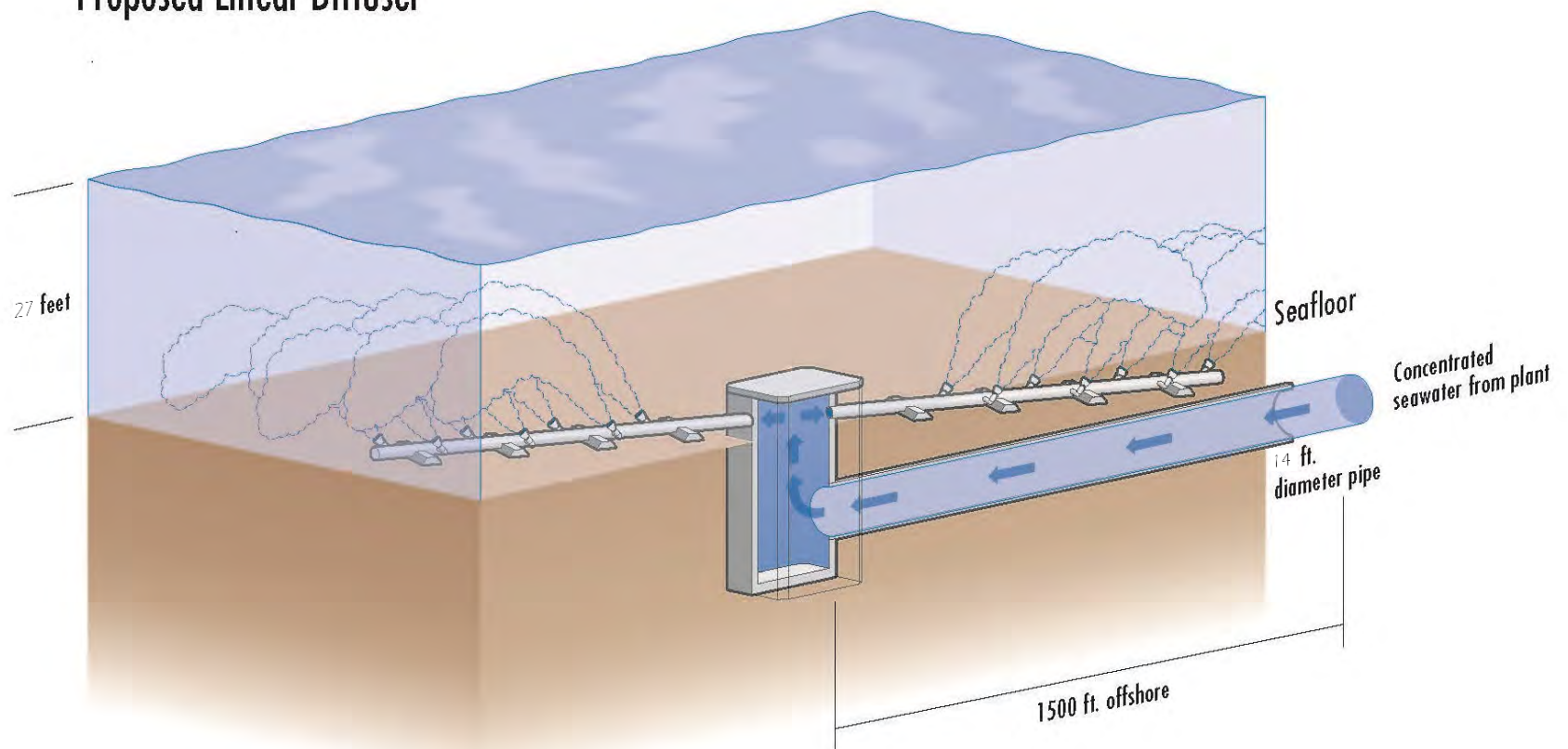




# Brine Diffuser – Enhanced Discharge Technology

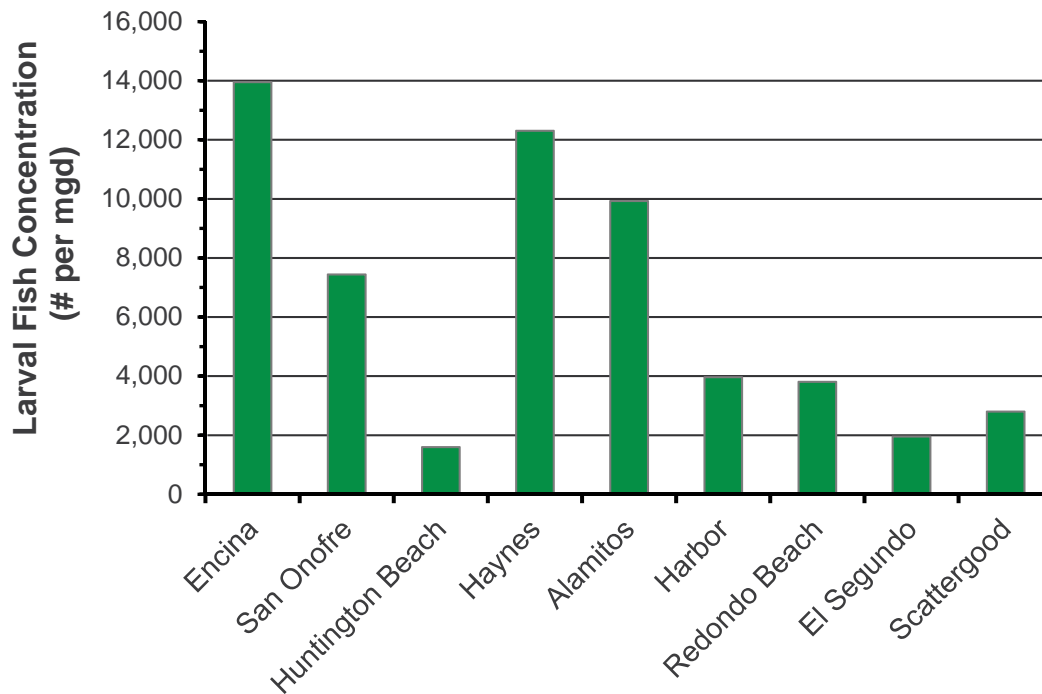
Modification to make the discharge compliant with the Ocean Plan Amendment

Huntington Beach Desalination Facility  
**Proposed Linear Diffuser**





# Poseidon Selected the Best Available Site



Less than 2 larval fish per 1,000 gallons of seawater withdrawn

0.02% of species at-risk of entrainment

- Lowest larval fish concentrations of any of the intake locations studied in southern California
- Low abundances at HB are consistent with other locations with offshore intakes in sandy coastal areas such as El Segundo and Scattergood
- Diversity of taxa also lower at HB when compared to El Segundo and Scattergood
- Low impact location due to the absence of a diversity of habitats in vicinity of intake, and low abundances and diversity of larval fishes



# Mitigation Credits Awarded Comparison

- Regional Board confirmed 100.54 acres of mitigation credit required – no dispute
  - Board found the below projects would achieve required credits and fully mitigate offshore marine life impacts

Bolsa Chica Wetlands	Mitigation Credits (Acres)	Regional Board	Coastal Commission
	Inlet Dredging	28	15
	Fieldstone Site	4.5	4.2
	Oil Pads/Roads	1.2	0.84
	West MTB Enhancement	0.71	5
	Center MTB Enhancement	4.03	7.6
	East MTB Enhancement	10.3	12.4
	Intertidal Shelf	10.5	13.8
	Palos Verdes Reef	41.3	0
	<b>Total</b>	<b>100.54</b>	<b>58.84</b>



# Coastal Commission Mitigation Deficit

- Poseidon identified 4 additional mitigation projects that are available to fill the 41.7-acre marine life credit deficit, which combined could provide over 254 acres of credits

*Restoration projects would fully offset the Project's impacts to marine life*

Coastal Commission   Menu of Potential Mitigation Opportunities			
Name	Mitigation Type	Potentially Available Acre Credits	
		Marine Life Mitigation Credits	Wetland Mitigation Credits
<b>Newland Marsh</b>	MLMP (full)	19.90	8.03
<b>Southern Los Cerritos Wetlands Restoration</b>			
Phase 1 – Short-Term	MLMP (fee-based)	19.98	3.47
Phase 2 – Mid-Term	MLMP (fee-based)	44.68	2.44
<b>Upper Los Cerritos Mitigation Bank</b>			
Phase I	Credit Purchase	21.31	-
Phase II	Credit Purchase	58	-
<b>Pond 20 Mitigation Bank</b>	Credit Purchase	64.84	11.64
<b>Total Commercially, Potentially Available Mitigation Credits</b>		<b>228.71</b>	<b>25.58</b>



# Addressing Mitigation Deficit

---

- Staff's concerns regarding site control, tidal connection, conceptual level of design, and sea level rise can be addressed
  - **Site Control:** Poseidon could enter into commercial agreement for site control of Upper Los Cerritos mitigation; other properties controlled by entities with interest in restoration funding and willingness to work with Poseidon
  - **Tidal Connection** (South Los Cerritos only): Poseidon will revise its request per Staff's suggestion that South Los Cerritos be utilized for wetlands mitigation
  - **Conceptual Design** (Upper Los Cerritos): Poseidon can deliver project and accelerate implementation if CDP is approved
  - **Sea Level Rise:** Bolsa Chica levees will not be overtopped until after 2080; site is adaptable with modest elevation grading changes over time; Upper Los Cerritos site can be designed with SLR in mind



# Coastal Habitat Projects Proximity to Facility





# Bolsa Chica Wetlands Restoration & Enhancement





# Newland Marsh

- Newland Marsh is a 54-acre area that is being proposed by the Huntington Beach Wetland Conservancy for restoration to tidal action



Newland Marsh Vegetation Communities - Huntington Beach Wetlands

April 2018



## NEWLAND MARSH WETLANDS CONCEPTUAL RESTORATION PLAN FINAL REPORT

Prepared for:  
The Huntington Beach Wetlands Conservancy



Produced by:  
Moffatt & Nichol



555 Anton Boulevard, Suite 400  
Costa Mesa, CA 92626  
(657) 261-2699  
[www.moffattnichol.com](http://www.moffattnichol.com)

May 24, 2019



# Los Cerritos Wetlands Complex

- 105-acre South LCWA wetland restoration site & 150-acre Synergy Oil Field Sites







## Wetlands and ESHA





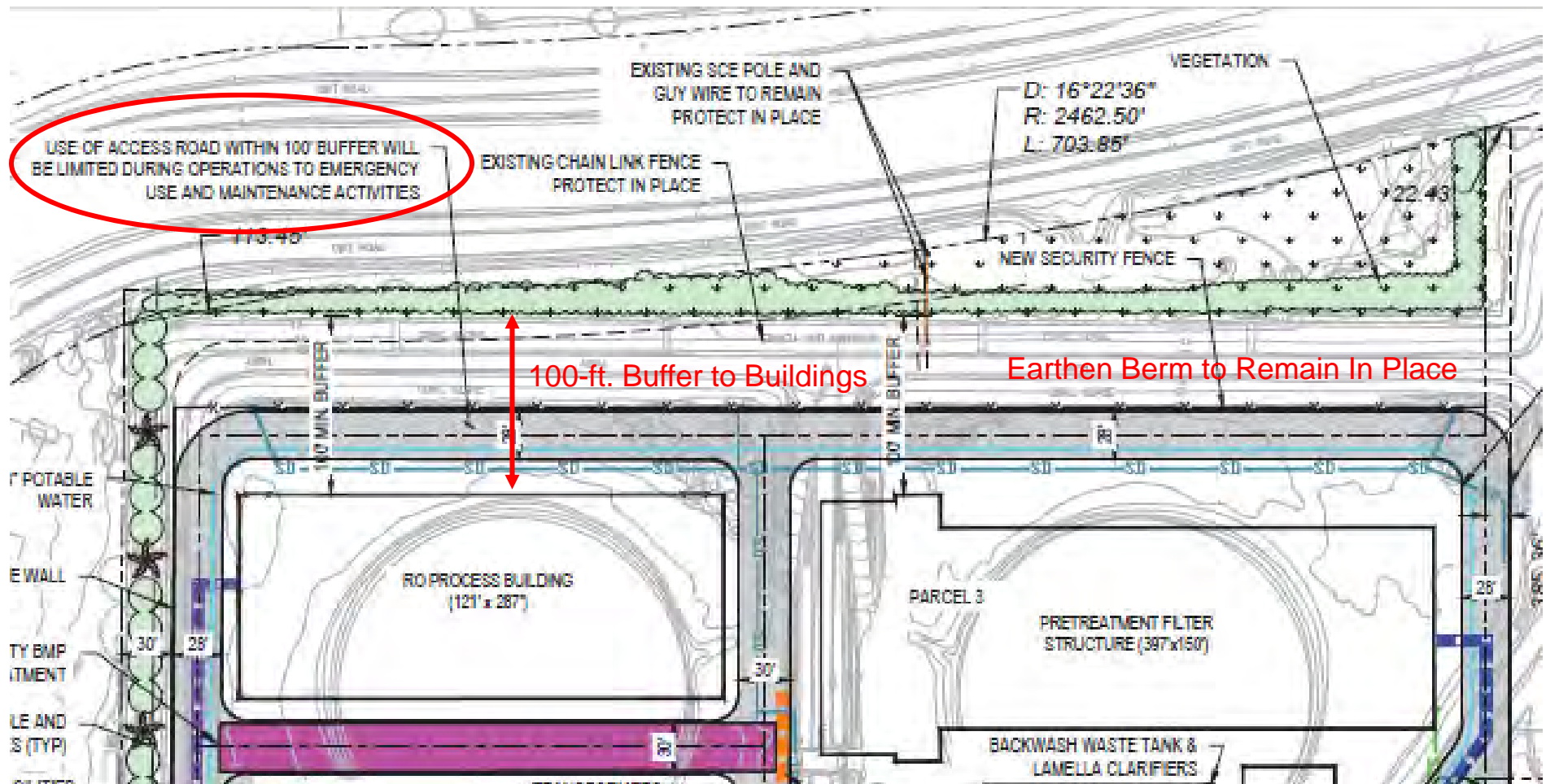
# Wetlands and ESHA Considerations

---

- **Staff Concern:** Need to provide mitigation to address past third-party impacts to historic on-site wetlands
  - **Poseidon Proposed Resolution:** Poseidon will propose a Special Condition requiring approval of a Wetlands Mitigation Plan; ideal mitigation location has been identified by Commission staff at South Los Cerritos
- **Staff Concern:** Potential impacts to adjacent potential wetland areas
  - **Poseidon Proposed Resolution:** Poseidon has revised its site plan to provide a reasonable buffer between Project activities and identified off-site areas
    - 100+ feet between buildings and potential wetland area; 65+ feet between access road and potential wetland area (with 14-foot high berm remaining)
    - Access road will be restricted to emergencies and essential maintenance
    - Mitigation measures minimize noise, light and vibration impacts
    - Poseidon will propose a Special Condition to ensure that no dewatering impacts can occur



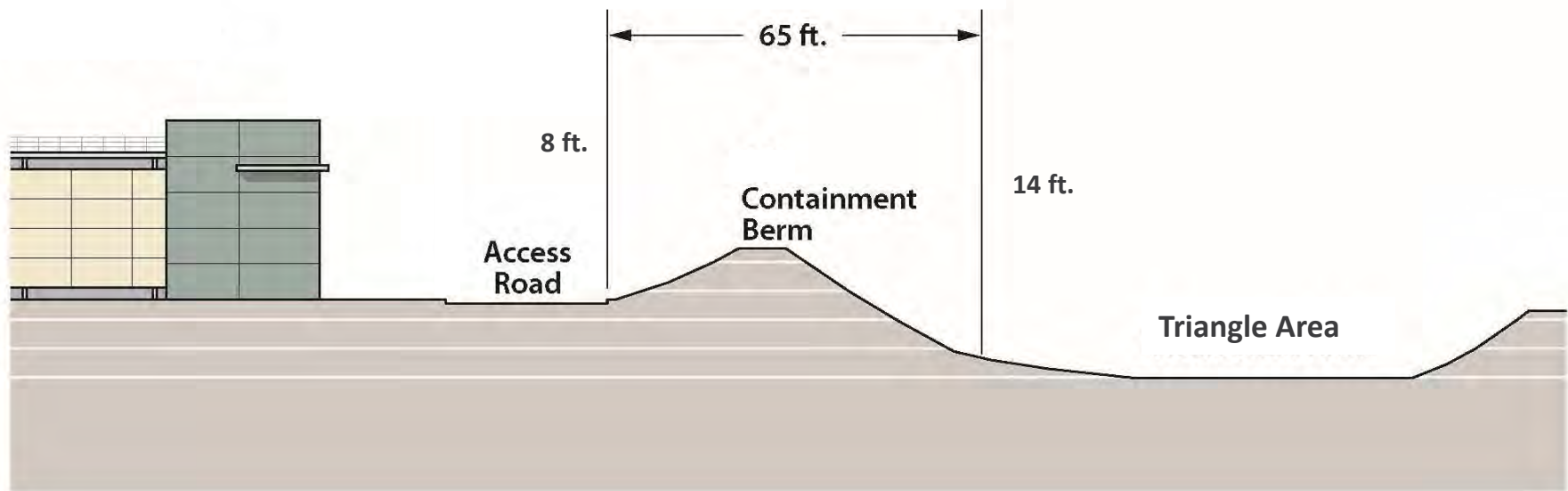
## Revisions to Provide Triangle Area Buffer





# Revisions to Provide Triangle Area Buffer

Cross Sectional View







## Site Hazards





# Coastal and Seismic Hazards

---

- **Staff Report Concern:** Whether Project can withstand extreme coastal hazards or seismic events (however, Commission staff acknowledges this concern can be addressed by designing to Risk Category IV standards)
  - **Poseidon Proposed Resolution:** Poseidon will propose a Special Condition requiring onsite elements to be built to Risk Category IV standards
- **Staff Report Concern:** Surrounding area may be susceptible to flooding or damage in an extreme coastal hazards or seismic event
  - **Poseidon Proposed Resolution:**
    - Coastal Hazards: Poseidon will propose a Special Condition requiring an adaptation plan be submitted for Executive Director review at 3.3 feet of SLR, which must be consistent with any applicable City of Huntington Beach adaptation measures; must amend Project CDP if changes necessary
    - Seismic: Mitigation measures require Poseidon to prepare an earthquake preparedness plan to address site access and operational safety



# Sea Level Rise Analysis

SLR scenario analyzed feet (cm)	Hazard Description					
	Shoreline erosion (CoSMoS)	Non-storm “king tide” flooding (NOAA/M&N)	100-yr coastal storm (CoSMoS)	100-yr fluvial storm (M&N/Anchor QEA)	Groundwater daylighting	Barrier beach flooding
1.6 (50)	None	None	None	None	None	None
3.3 (100)	None	None	None	None	None	None
4.9 (150)	None	None	None	None	None	None
6.6 (200)	None	Low*	Low*	Low*	None	None

\* Low vulnerability indicates flooding would be shallow and temporary and would not impact project.

- ***Assumes Risk Category III design standards – potential hazards effectively eliminated by transition to Risk Category IV***





## Energy and GHGs





# MOU with the Orange County Power Authority

---

- Project is committed to being 100% carbon neutral during construction and operations
  - Achieved through purchase of renewable energy and carbon offsets
  - Desalination process itself does not create any direct emissions
- 2022 MOU with Orange County Power Authority to evaluate purchasing 100% renewable energy to power desalination facility
  - **Poseidon is committed to 100% renewable power if available**
- In response to Staff Report concerns, Poseidon will propose a Special Condition requiring submittal of a **revised GHG Plan that removes any claimed contingency “cap” on price of offsets**
  - Offsets will be used only if renewable power is unavailable





Environmental Justice





# Environmental Justice Considerations

---

- Project will reduce Orange County's need to import water from the SWP, Colorado River, and other sources
- **Communities of Concern:** None of the communities surrounding Project contain minority or low-income populations of concern
  - SLC (2017): Census tracts surrounding project site have lower percentage of minority and low-income residents than City of HB or Orange County
  - Project is located on existing industrial land (and industrially-zoned site)
- **Cost of Water:** OCWD projected \$3 to \$6/month average household increase
  - OCWD projects desalinated water to become cheaper than imported water over time
- **Recreation and Access:** Project will not affect fishing, ocean recreational opportunities or beach access





Project Support





# Select Project Supporters

---

- **Governor Newsom:** *“We need more tools in the damn tool kit” – a no vote on the Project would be “a big mistake, a big setback”*
  - “We are as dumb as we want to be. What more evidence do you need that you need to have more tools in the tool kit than what we’ve experienced? Seven out of the last 10 years have been severe drought.”
- **EJ Groups:** League of United Latin American Citizens, OC Hispanic Chamber of Commerce, Millennials for Social Economic Justice, William C. Velasquez Institute
- **Economic Engines:** Black Chamber, LA BizFed, South OC Economic Coalition, OC Taxpayers Ass’n, Orange County Business Council, Cal Chamber



# Select Project Supporters

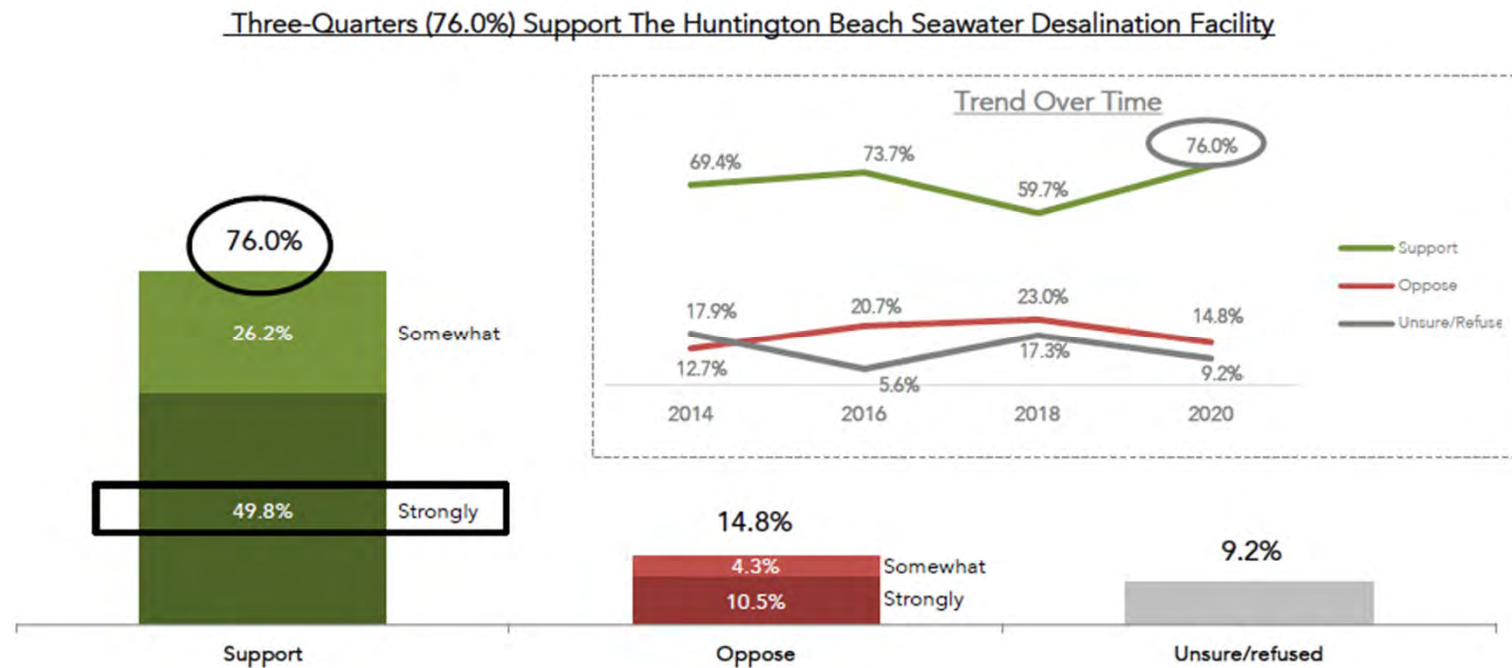
---

- **Labor**, including: LA/OC Building and Construction Trades Council, Orange County Labor Federation, Carpenters Union, LiUNA Local 652, Southwest Carpenters, Plumbers & Steamfitters Local 582, Steamfitters Local 250, Latino Water Coalition
- **Environmental Groups**: Amigos de Bolsa Chica; Bolsa Chica Conservancy, OCWISE, Center for Healthy Neighborhoods
- Numerous **Orange County water districts**
- *60+ members of **the State Legislature** requested the Commission approve Project to provide a drought-proof resource & reduce the need to import water from Northern California*



# Significant Local Support

- More than ¾ of Huntington Beach residents support desal







Questions?





Received on: 05/03/22

EXPARTE COMMUNICATION DISCLOSURE FORM  
Filed by Commissioner Donne Brownsey

1) Name or description of project: May 12, 2022 Agenda Item Th 9A & 10A, the Poseidon De-Salination project appeal and permit application.

2) Date and time of receipt of communication:  
May 2, 2022 at 2pm-3pm

3) Location of communication  
On Zoom

4) Identity of person(s) initiating communication:  
Andrea Leon-Grossman w/ Azul

5) Identity of person(s) on whose behalf communication was made:  
Environmental & Climate Justice activists

6) Identity of persons(s) receiving communication:  
Donne Brownsey

7) Identity of all person(s) present during the communication:  
Brownsey, Grossman & Alejandro Sabrera w/ Azul, Scott Wilson Badenoch Jr w/ UC Irvine Law School, Ellis Walton w/ Howard University Law School

Complete, comprehensive description of communication content:

The group supports the denial recommendation of the staff report for the Poseidon application to build a de-salination plant at Huntington Beach AES site. The advocates presented a slide deck that reviewed their perspective starting with the AB 685 Human Rights to Water. They view the rationale for this project and its impact on the community not as a water shortage problem but as a water management issue. They were especially concerned that the project is being proposed by a private equity corporation & not a government entity. This is important to them as government entities have more accountability to the community and tend to include EJ communities in sharing vital information.

It is their contention that the site itself presents adverse consequences to the community as it is co-located to a Superfund and Brownfield sites that could lead to the contamination of the community's water supply. Further the costs of the water will disproportionately adversely impact lower income and EJ communities. They pointed out that government water systems typically add 2% to the cost of the water and Poseidon has stated that they intend to add 4%.



Date May 3, 2022



Signature of Commissioner Dorine Brownsey



# **An Environmental & Social Injustice - The Case Against Brookfield's Poseidon Huntington Beach Desalination Plant**





WATER  
is a Human Right



## Human Right to Water

Since 2012, California law (AB 685) has declared that every person in the state has a **right to clean, safe, and affordable drinking water.**

In 2019, Gov. Newsom signed SB 200 to provide funding to achieve the goal to “provide safe drinking water in every California community, for every Californian.”



# Privatizing water infrastructure erodes the human right to water

It is in the CCC purview to look at alternatives

Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development **if there are feasible alternatives** or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

Cal.Pub.Res.Code Section 21080.5(d)(2)(a) (requiring that “**an activity will not be approved or adopted as proposed if there are feasible alternatives** or feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment.”)

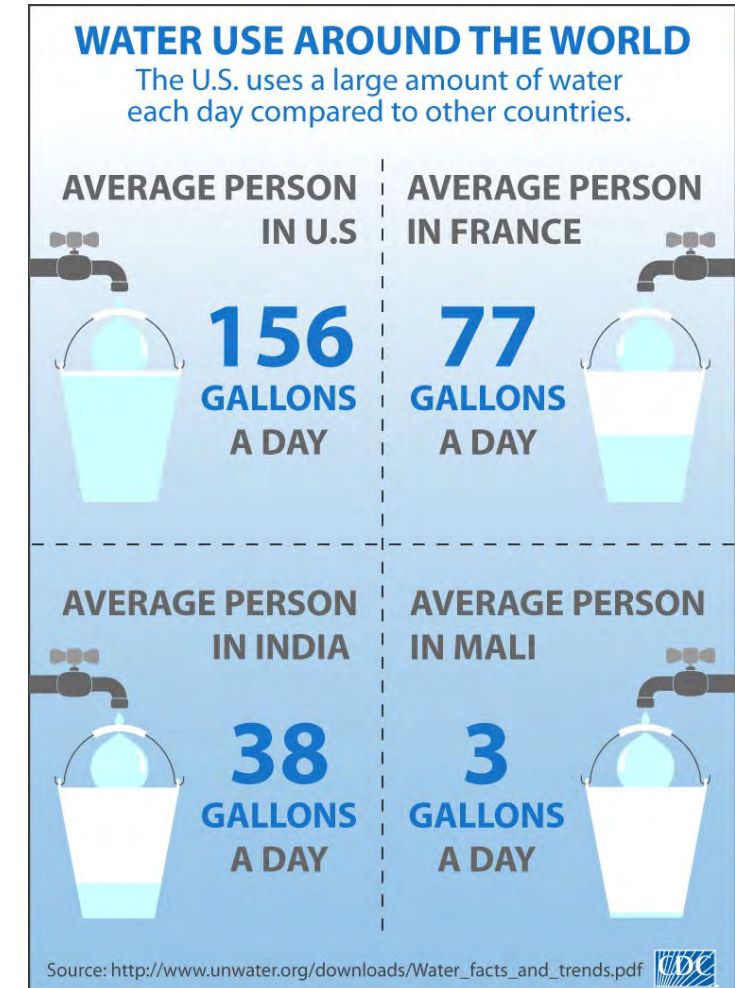




# Per capita consumption

- Assembly Bill 1668 & Senate Bill 606 requires Californians to use 50 gallons per day by 2030
- Department of Water Resources sent a letter in November 2021 to the state legislature asking for 42 gallons by 2030

The new legislation does require the target to be ratcheted downward, to 52.5 gallons in 2025, then 50 gallons in 2030. It also requires the state's Department of Water Resources and Water Resources Control Board to analyze progress on indoor water conservation, and report back to the legislature in 2021 with any recommendations to shrink the standard. So, if progress indicates the target should be lower, there's a process to make it happen.





# **Resiliency, Jobs (GND) Better Alternatives**

- We can aim to have 100% local water in SoCal, if we invest in sustainable solutions like:
- Stormwater capture
- Rainwater capture
- Water recycling
- Efficiency
- Recharging groundwater and aquifers
- Greywater
- Industrial reuse



# Water Infrastructure

- Not all investments are the same!
- Private investors seek to invest in water by commodifying it and eroding the Human Right to Water
- Public investments in public infrastructure that invest in efficiency first give us the most immediate ROI.

Finance

## California Water Futures Begin Trading Amid Fear of Scarcity

By [Kim Chipman](#)

December 6, 2020, 2:00 PM PST Updated on December 7, 2020, 12:58 PM PST

- ▶ Futures on California water index launched by CME Group
- ▶ Contracts seen useful for farmers, cities to hedge water risk

LISTEN TO ARTICLE

▶ 4:22

SHARE THIS ARTICLE

 Share

 Tweet

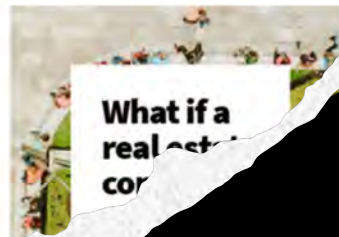
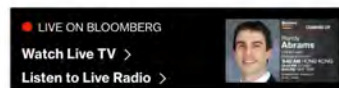
 Post

 En

Water joined gold, oil and other commodities traded on Wall Street, highlighting worries that the life-sustaining natural resource may become scarce across more of the world.

Farmers, hedge funds and municipalities alike are now able to hedge against -- or bet on -- future water availability in California, the biggest U.S.

ay. ...rest eco





A close-up photograph of a person's hands. The person is wearing a dark suit jacket over a white shirt. In their right hand, they hold a thick, brown cigar with a yellow and black band. In their left hand, they hold a stack of US dollar bills, with a green \$100 bill prominently visible. The background is plain white.

# Wall Street sees water as the new gold

## 1 Top Water Stock to Buy Now

“There is one emerging water stock that stands out: *Brookfield Infrastructure Partners*. Not only does it offer nearly double the current yield of most other water utilities at 4% but it has a much more reasonable valuation to go along with solid growth prospects and ample untapped upside.”





# Water Debt after COVID

---

**State Water Board released results of a survey exploring the impacts of the COVID-19 pandemic on water affordability**

- Total household utility debt: \$1 billion -- impacting 1.6 million California households (an estimated 4.8 million residents).
- 155,094 households have accounts with more than \$1,000 debt, all in Southern California.
- 12 water systems reported they would need financial assistance within 3 months, 18 water systems indicated they would need financial assistance within 3-6 months.



# Unaffordable water

Desalinated water is the most expensive and energy intensive water source. A 2018 MWDOC study confirmed that. The Poseidon project would be **the costliest** per acre-foot for water produced and **would produce substantially more water than is needed.**

<https://www.mwdoc.com/orange-county-water-supply-reliability-study/>





# **UCLA Report:**

Concluded this plant will hurt low-income families.

Now with the public health crisis and the economic downturn, this project will prove catastrophic for low-income residents.

## Analyzing Southern California Supply Investments from a Human Right to Water Perspective

The Proposed Poseidon Ocean Water  
Desalination Plant in Orange County



**UCLA**

Luskin Center  
for Innovation

April 2019



# CEQA Policy

- The Huntington Beach Facility will have a significant effect on the environment, thus triggering a CEQA analysis that must be conducted by Brookfield-Poseidon.
- CEQA's primary purpose is to ensure that the environmental consequences of an action are disclosed to the public and to agency decision makers before that action is taken.
- "The CEQA process is intended to be a careful examination, **fully open to the public**, of the environmental consequences of a given project, covering the entire project, from start to finish. This examination is intended to **provide the fullest information reasonably available** upon which the decision makers and the public they serve can rely **in determining whether or not to start the project at all, not merely to decide whether to finish it.**"
- The purpose of CEQA is not to generate paper, but to **compel government at all levels to make decisions with environmental consequences in mind.**



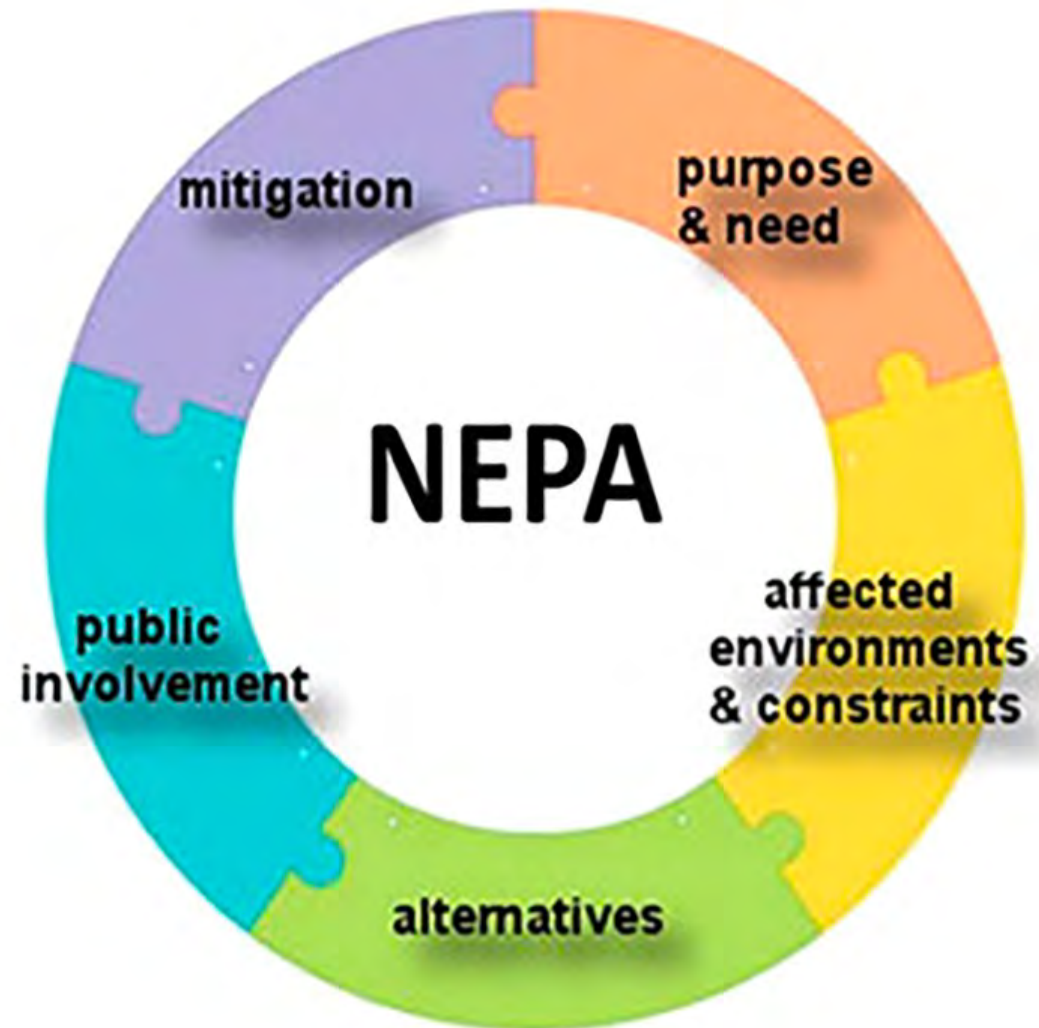


# NEPA

Brookfield-Poseidon is approved to receive **half a billion (\$585 million) from the EPA in loans** under the Water Infrastructure Finance and Innovation Act (WIFIA), which would define the Huntington Beach project as a major federal action and trigger a NEPA Environmental Impact Statement.

The federal financial assistance that Brookfield-Poseidon receives for the Huntington Beach project classifies it as a **major federal action**.

The development of this project on a brownfield site has the potential to affect the air quality and water supply go hundreds of thousands of households in North Orange County, hence a NEPA EIS is required.

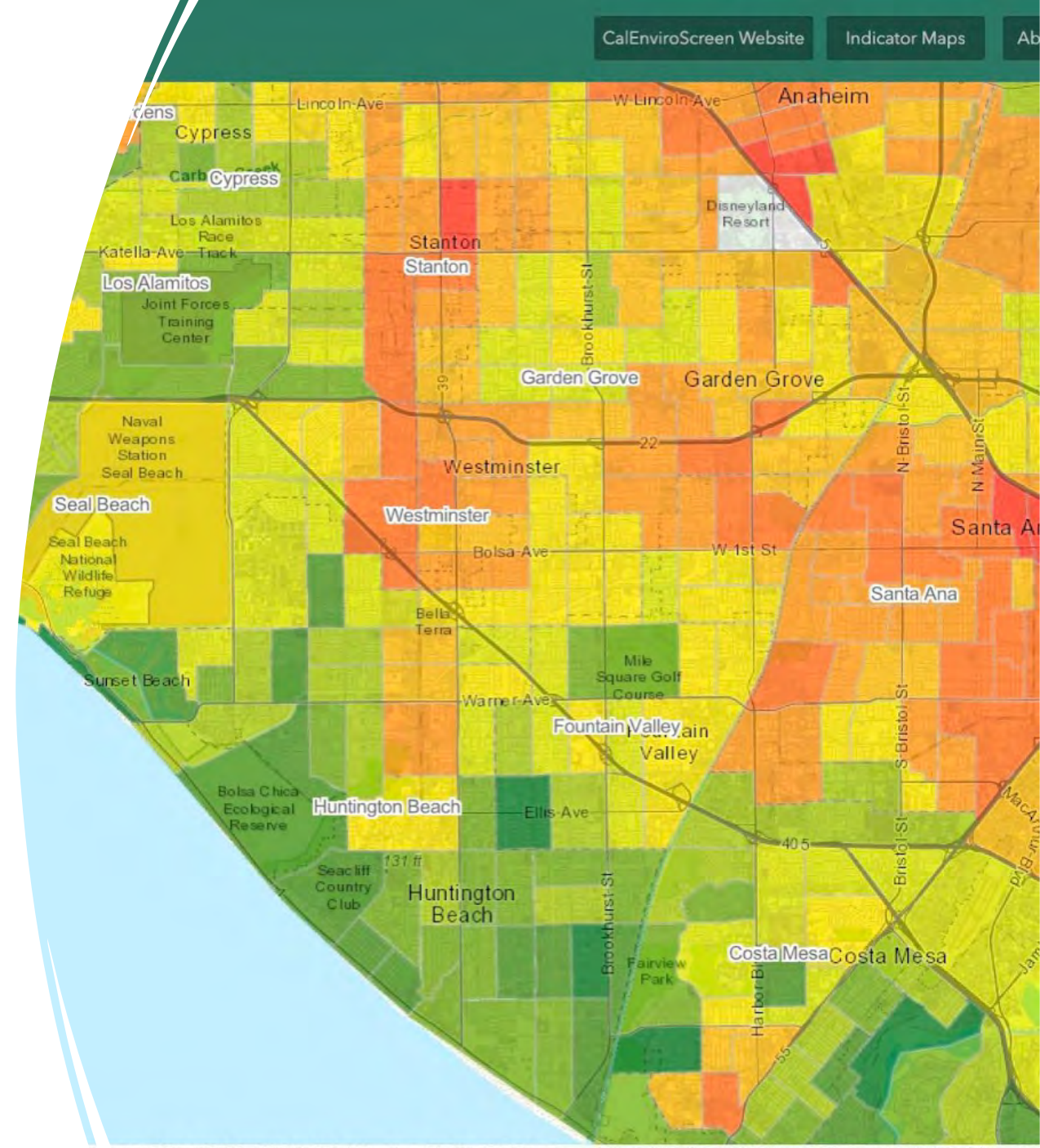




# California Environmental Justice Law

## Brookfield-Poseidon failed to do outreach to or consult EJ and Tribal Communities

- **SB 115** Environmental Justice (1999)
- **AB 2616** CA Coastal Commission EJ Law (2017)  
“When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.
- **AB 1628** (Redefining Environmental Justice for CA) (2019)







# OC Demographics



Demographic	Anaheim	Santa Ana	Garden Grove
Non-white	44%	60%	60%
Hispanic	54%	77%	36%
Owner-occupied housing rate	45%	46%	53%
Language other than English spoken at home	61%	80%	67%
Bachelor's or higher	25%	15%	22%
Per capita income	\$28,465	\$20,867	\$25,804
Persons in poverty	15%	15%	14%





# CCC Environmental Justice Policy

- **Meaningful Engagement and Participation**

Brookfield-Poseidon have failed to meaningfully engage EJ communities in North OC.

- **Accountability and Transparency**

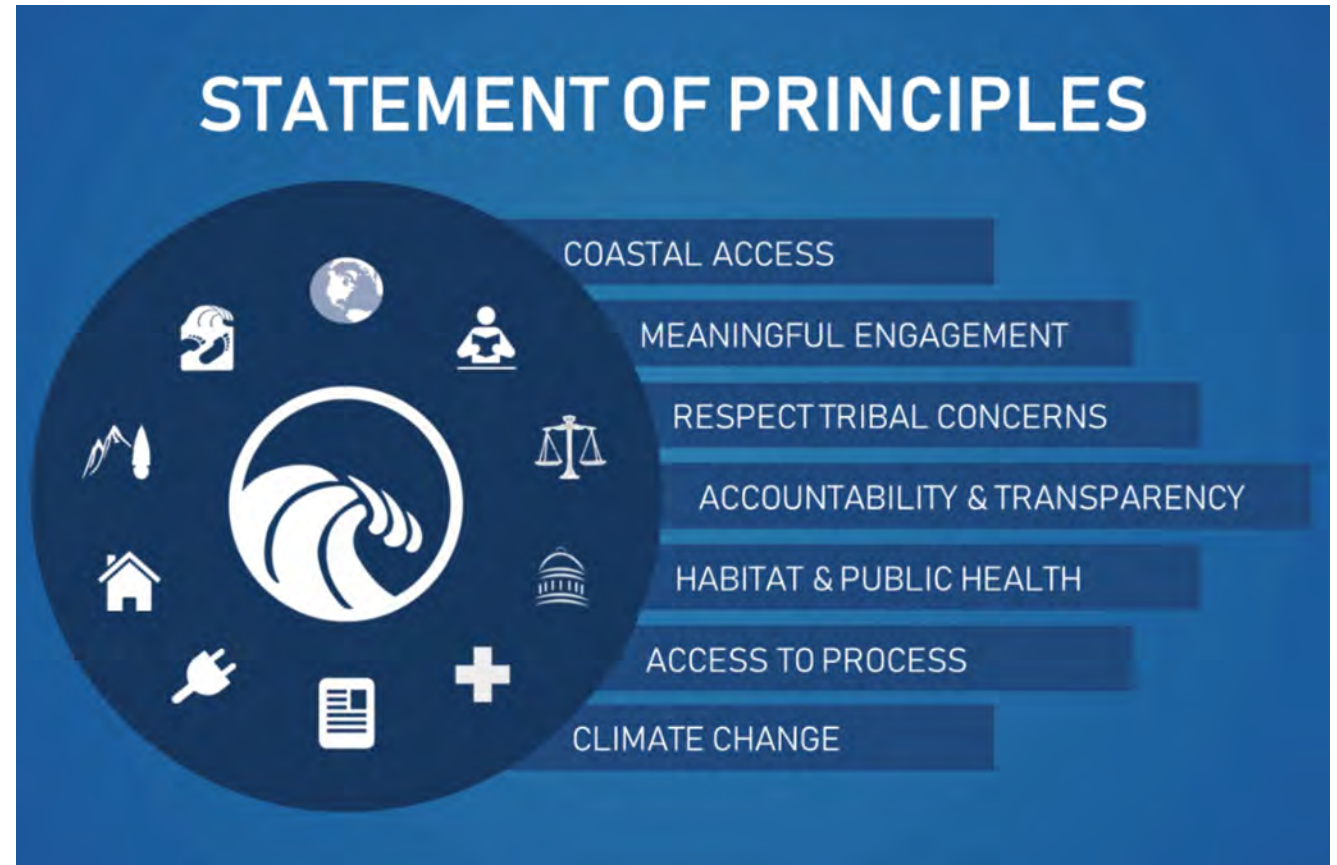
Brookfield-Poseidon have failed to be transparent in all aspects. EJ communities and the public have no understanding of the project's financial information and strategies. The applicant has not been transparent in their hiring policy and have made inflated job claims.

- **Climate Change**

Climate change and sea level rise will disproportionately impact EJ communities. This project will produce GHG that contributes to global warming.

- **Climate Habitat & Public Health**

This project violates the CCC's EJ policy by having adverse effects on environments that surround EJ communities. Toxic brine released by the facility will disrupt the local ecology and lower environmental quality.







## EJ Failures

- **Water Affordability** (EJ households that struggle with financial cost will have an additional financial burden placed on them.)
- **GHG emissions** contribute to climate change and weather-related events that destabilize EJ communities.
- **The project site is a brownfield** surrounded by brownfields. Instead of conducting work in the area and possibly releasing pollutants into the area/zone of risk, money should be allocated to remediate the brownfield for sustainable end uses or return the area to being a wetland.
- **Project will employ 16,000 non-recyclable plastic membranes** that through installment and replacement will be released into the waste stream.
- **Pesticides and fertilizers used in floral walls** to block view to operations will harm residents, species, and groundwater.



# Toxic Land

Development on a brownfield will **endanger the water supply** that North OC relies on.

The contaminated soil can intrude on the pipes and cause the water to become toxic. If the toxicity of the soil were to enter the Project water pipes, either through leaks or corrosion, those toxins would be pumped into the water of the entire North Orange County or pumped into the ocean.

A Health Risk Assessment concluded that cancer and non-cancerous, yet serious health effects, both on-site and off-site, exceed acceptable regulatory health benchmarks and **require a dedicated cleanup**.

Money should be directed to the brownfield project site for remediation and **sustainable end uses rather than industrial end uses** run on fossil fuels.





# Inflated Job Claims

- Brookfield-Poseidon has floated job figures from 2,000 to 3,000 during construction and 18 to 200 permanent jobs when in operation.


poseidonwater.com/huntington-beach-desalination-plant.html

POSEIDON WATER

HOMEL WHAT WE DO DESALINATION PROJECTS MARKET REGIONS NEWS AND EVENTS COMPANY

## Huntington Beach Desalination Plant

The Huntington Beach Desalination Plant is a 50-million gallon per day facility currently in late-stage development. The desalination plant will be located adjacent to the AES Huntington Beach Power Station and is scheduled to be operational by 2023.



The Huntington Beach Desalination Plant is a cost-effective, environmentally sensitive solution to provide a safe and reliable water supply to Orange County residents and has the potential to bring significant economic benefits for the city of Huntington Beach and the region including:

- Millions of dollars in economic stimulus over the life of the facility.
- Creation of over 2,000 jobs during construction and 16 full-time jobs and 322 indirect jobs once the facility is in operation.
- Largest local, drought-proof water supply in Orange County.
- Poseidon Water is in the final phase of the project's permitting process and is currently working with state agencies to secure the remaining development permits.

Get a Progress Report

For current construction and project updates, visit our [Huntington Beach Project Site](#)

Home | What We Do | Desalination | Our Projects | Market Regions | News & Events | Company | Contact | Privacy Policy

© 1995 - 2022 Poseidon Water. All rights reserved. Login

## Water jobs in a just recovery

Jobs per every \$1M investment<sup>1</sup>

Water Conservation	Water Recycling	Poseidon Desalination Huntington Beach ONLY 60% OF THE JOBS ARE LOCAL <sup>1</sup>
16.6	12.6	8.7
✓ Climate resilient	✓ Climate resilient	✗ Climate resilient <sup>2</sup>
✓ Environmentally-friendly	✓ Environmentally-friendly	✗ Environmentally-friendly
✓ Energy-efficient	✓ Energy-efficient	✗ Energy-efficient <sup>4</sup>
✓ Complies with the Human Right to Water	✓ Complies with the Human Right to Water	✗ Complies with the Human Right to Water <sup>5</sup>
✓ Budget-friendly for struggling families	✓ Budget-friendly for struggling families	✗ Budget-friendly for struggling families <sup>5</sup>
✓ Doesn't use public funds to privatize water	✓ Doesn't use public funds to privatize water	✗ Doesn't use public funds to privatize water

1. <https://economist.org/publication/water-use-efficiency-and-jobs/>

2. [https://www.poseidonwater.com/uploads/7/2/3/4/72340546/hs\\_desal\\_plant\\_2020\\_econ\\_impact\\_final\\_report\\_june\\_2020.pdf](https://www.poseidonwater.com/uploads/7/2/3/4/72340546/hs_desal_plant_2020_econ_impact_final_report_june_2020.pdf)

3. [https://www.vox.com/2020/06/01/2040546/hs\\_desal\\_plant\\_2020\\_econ\\_impact\\_final\\_report\\_june\\_2020.pdf](https://www.vox.com/2020/06/01/2040546/hs_desal_plant_2020_econ_impact_final_report_june_2020.pdf)

4. <https://www.sciencedirect.com/science/article/pii/S0304399520304495>

5. [https://innovation.uskhu.edu/wp-content/uploads/2016/04/Analysing\\_Southern\\_CA\\_Supply\\_investments\\_from\\_a\\_Human\\_Right\\_to\\_Water\\_Perspective.pdf](https://innovation.uskhu.edu/wp-content/uploads/2016/04/Analysing_Southern_CA_Supply_investments_from_a_Human_Right_to_Water_Perspective.pdf)





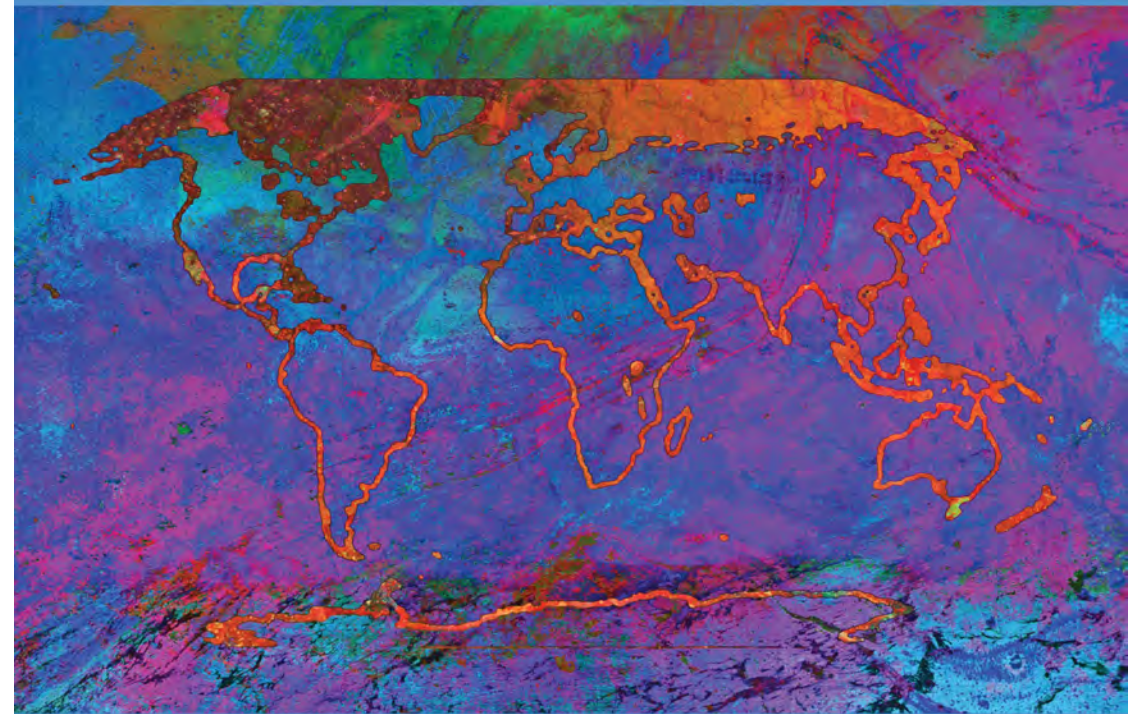
- 
- The IPCC report cites desalination as a prime example of “maladaptation” – an action intended to improve climate resilience, but that actually makes the problem worse.

**We do not need desalination.**

# Climate Change 2021

## The Physical Science Basis

Summary for Policymakers





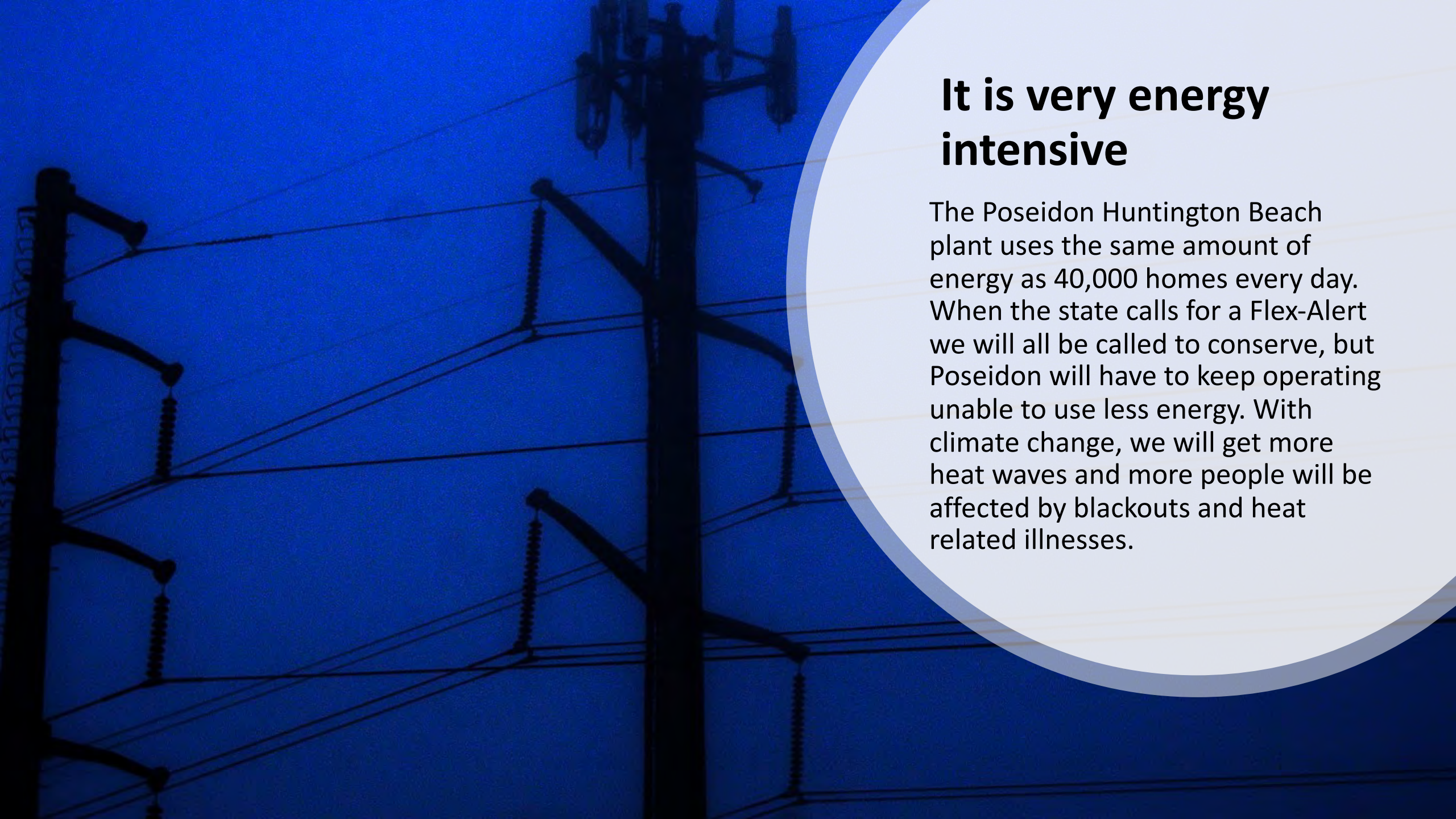
An aerial photograph of a coastal region. In the upper left, a large industrial facility, likely a power plant, is visible with several tall smokestacks. Below the plant, there are extensive parking lots filled with cars. To the right of the parking lots is a wide, sandy beach crowded with people and beach umbrellas. The ocean is visible in the bottom right corner, with waves breaking onto the shore. A large, semi-transparent white circle is overlaid on the right side of the image, containing text.

# Not carbon neutral

Poseidon claims it would be carbon neutral by buying carbon offsets out of state and even out of the country – in Ecuador. A scheme best known as pay-to-poison. It will run on dirty gas and those emissions will hurt people here, in Orange County.

<https://www.slc.ca.gov/wp-content/uploads/2018/09/G-1-1.pdf>



The background of the slide features a deep blue sky with the dark silhouettes of several power lines and utility poles stretching across the frame. A large, light blue circular graphic is positioned on the right side, containing the text.

## **It is very energy intensive**

The Poseidon Huntington Beach plant uses the same amount of energy as 40,000 homes every day. When the state calls for a Flex-Alert we will all be called to conserve, but Poseidon will have to keep operating unable to use less energy. With climate change, we will get more heat waves and more people will be affected by blackouts and heat related illnesses.



# Will kill marine life

The Poseidon proposed plant uses intakes that kill marine life by sucking it in and then will kill more by dumping brine with other chemicals back into the ocean.

Many low-income residents fish for food and their sustenance will be affected.

## The Washington Post

CLIMATE & ENVIRONMENT

### Ocean animals face a mass extinction from climate change, study finds

By Sarah Kaplan

Yesterday at 2:00 p.m. EDT Updated yesterday at 2:11 p.m. EDT

Listen to article 7 min

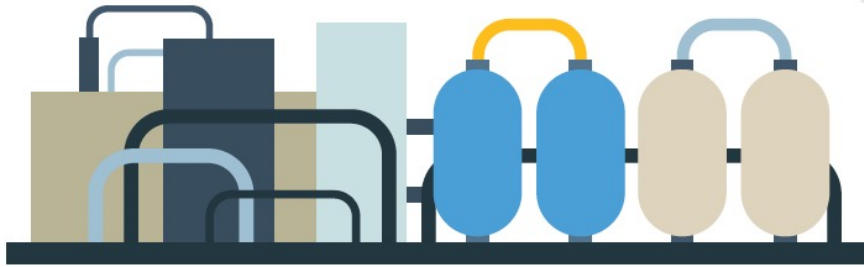


Fish swim near a head of coral in Kaneohe Bay, Hawaii, on Oct. 1, 2021. (Caleb Jones/AP)



### Recycling Plants

Rapid recycling  
of purified  
wastewater



### Reduce Demand

Focus on efficiency  
and conservation



### Capture the Rain

Stormwater  
capture and use



**It takes funding  
away from better  
alternatives**

The resources, investments and jobs could be going towards proven technologies that are more efficient, take less money and have far fewer negative impacts on the environment. These technologies provide local jobs, lower bills and reduce pollution.





## Takes away funding to address PFAS contamination

Many wells in Orange County are contaminated with PFAS, also known as forever chemicals. We must continue testing and decontaminating our groundwater first. We do not have enough money to do that and build a giant private, for-profit project like Poseidon.





Wealthy households can afford whole-house water filters, low-income households can't.



Everyone has the right to clean drinking water, not only those who can afford it.



Poseidon desalinated  
water is nearly

**FOUR  
TIMES**

**AS**

**EXPENSIVE**

as the imported water  
it is intended to replace!

[californiadesalfacts.org](http://californiadesalfacts.org)





# Millions of Americans Can't Afford Water, as Bills Rise 80% in a Decade

Analysis of U.S. cities shows emergency on affordability of running water amid COVID-19 pandemic

By Nina Lakhani, of the Guardian. Graphics by Juweek Adolphe.  
June 23, 2020



% of low-income\* residents where average water bills exceed 4% of household income

Unaffordable Affordable  
0% 25 50 75 100%

San Diego



San Diego

+\$531

## How Poseidon affected San Diego's water affordability

In San Diego, the average bill was \$1,416 in 2018: 62 percent of low-income people live in neighborhoods where the average bill was unaffordable, representing almost one in five of the city's total population. Among the poor, one in seven faced average water bills upward of 12 percent of the total household income in 2018.

<https://www.consumerreports.org/personal-finance/millions-of-americans-cant-afford-water-as-bills-rise-80-percent-in-a-decade/>



The high cost of  
Poseidon  
Carlsbad and lack  
of reliability



VOICE of SAN DIEGO

UNVEILING THE UNSEEN SINCE 2005

## ENVIRONMENT REPORT

# Environment Report: Why Your Water Bill Might Spike

This is NOT a climate-resilient project, the Voice of San Diego reported that the Poseidon Carlsbad plant had to **shut down for TWO weeks due to a red tide**, that in turn resulted in a \$15 million savings for the water district which will help balance its budget and soften for the blow a rate increase that was just passed.

MWD water is priced at \$1,300 an acre foot, Poseidon's water is \$2,800!



# Brookfield/Poseidon Lobbying Power

Why do they need an army of lobbyists and millions of dollars to try to convince us all this is a "good" project?

**In contrast, low-income families are unable to hire even one lobbyist.**



**Carter Wetch & Associates**



**LATHAM &  
WATKINS LLP**



Tuesday, July 21, 2020

[Home](#) [COVID-19](#) [Lists](#) [Finance](#) [Health Care](#) [Real Estate](#) [Manufacturing](#) [Defense](#) [Technology](#) [Travel/Leisure](#) [Services](#) [Events](#)

## Bond Deal for Poseidon Desalination Plant Deemed Among Year's Best

By [Mike Allen](#)

Wednesday, November 20, 2013



# Lobbying = Good Investments

Poseidon has been recognized by Wall Street for its ability to use **public money for private profit.**

They already secured **\$585 million** in from Trump's EPA as a WIFIA loan and are after a **\$400 million** subsidy from the Metropolitan Water District.



# Conclusion - We do not need desalination



- We need to prioritize efficiency.
- Desalination is the most expensive and risky option.
- There are several ways the county can meet water needs much more affordably, including storing rainwater and recycling water.
- Goes against the human right to water.
- **We must get the Brookfield-Poseidon permit denied.**





**Gracias!**





## EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project: May 12, 2022 Agenda Item Th 9A & 10A, the Poseidon De-Salination project appeal and permit application.

2) Date and time of receipt of communication:  
May 2, 2022 at 3pm-4pm

3) Location of communication  
On Zoom

4) Identity of person(s) initiating communication:  
Anne Blemker w/ McCabe and Associates

5) Identity of person(s) on whose behalf communication was made:  
Poseidon

6) Identity of persons(s) receiving communication:  
Donne Brownsey

7) Identity of all person(s) present during the communication:  
Brownsey, Susan McCabe, Sanchin Chawla, SVP, James Golden, Project Manager, DJ Moore, external counsel to Poseidon

Complete, comprehensive description of communication content:

The group opposes the denial recommendation of the staff report for the Poseidon application to build a de-salination plant at Huntington Beach AES site. Moore presented a slide deck that was updated to reflect the major issues raised in the staff report. Their contention is that the de-sal plant is necessary to diversify the OC water portfolio for the future and that the technical issues raised by the staff report can be addressed through a series of special conditions.

For instance: the staff's points regarding the deficient mitigation, which were: site control, tidal connection, conceptual design and Sea Level Rise (SLR), the applicant believes can be addressed. They have contacted the leadership of the various sites and believe that they can work out the technical factors to ensure compliance with the staff's concerns. Further, they indicated that they were willing to build the facility to Category IV standards which was the recommended level by the Commission staff in order to better address the potential hazards.

Their presentation included additional responses to the major points in the staff report and are available for review in the attached slide deck.



Date May 3, 2022



Signature of Commissioner Donne Brownsey



## EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Mark Gold

1) Name or description of project: Huntington Beach desalination

2) Date and time of receipt of communication: May 2, 8 am

3) Location of communication: phone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: \_\_\_\_\_

Susan Jordan

5) Identity of person(s) on whose behalf communication was made: Susan Jordan

Garry Brown, Mandy Sackett, Sean Bothwell, Michelle Black

6) Identity of persons(s) receiving communication: \_\_\_\_\_

Mark Gold, Chris Calfee

7) Identity of all person(s) present during the communication: Susan Jordan,

Garry Brown, Mandy Sackett, Sean Bothwell, Michelle Black, Da

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Members of the environmental community presented on the  
following: history of the project, lack of once through cooling co-  
location, ongoing litigation against the Regional Water Board/SWF  
lack of progress on mitigation in Carlsbad, subsurface intakes,  
impacts on marine life, current mitigation proposal, site and  
project vulnerability to sea level rise, seismic risks, and flooding,  
how the site would be isolated in a flood from surrounding  
infrastructure, an the SLR visualization of different scenarios.

May 4, 2022

Date

Mark Gold

Signature of Commissioner

 Digitally signed by Mark Gold  
Date: 2022.05.04 16:20:11 -07'00'

**TIMING FOR FILING OF DISCLOSURE FORM:** File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, 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. This form may be filed with the Executive Director in addition to the oral disclosure.



EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project: May 12, 2022 Agenda Item Th 9A & 10A, the Poseidon De-Salination project appeal and permit application.

2) Date and time of receipt of communication:  
May 2, 2022 at 4pm-5:15pm

3) Location of communication  
On Zoom

4) Identity of person(s) initiating communication:  
Susan Jordan, CA Coastal Protection Network

5) Identity of person(s) on whose behalf communication was made:  
A group of Environmental NGOs

6) Identity of persons(s) receiving communication:  
Donne Brownsey

7) Identity of all person(s) present during the communication:  
Brownsey, Jordan, Corey Brown w/ RLF, Mandy Sackett, Surfrider Foundation  
Sean Bothwell, California Coastkeeper Alliance, Ray Hiemstra, Orange County  
Coastkeeper, Bill Powers, Powers Engineering, Dr. Dave Revell, Integral Corporation  
Michelle Black, Chatten-Brown, Carstens & Minter, LLC

Complete, comprehensive description of communication content:

The group supports the denial recommendation of the staff report for the Poseidon application to build a de-salination plant at Huntington Beach AES site. There were individual presentations from members of this group on the various issues associated with the project. Issues discussed were the lack of need for the OC region given their adequate water resources and ability to pursue more cost effective conservation and water recycling, the fact that there are no current contracts to purchase the water, the use of public funds for a private venture that could be put to better use for other public purposes, the hazards associated with the site specifically flooding due to high tides, storm surge, SLR, proximity to a Superfund and Brownfield sites, impacts on wetlands, aging infrastructure of the current plant intended for integration into the new plant, catastrophic impact on marine life and proximity to MPAs, disagreement that slant wells and other sites are not viable options, concerns that the private corporate ownership would result in much higher prices for the water, inadequacy of the GHG and REC proposals, among other issues.



The group also stated that they did not believe any list of special conditions could transform this project into an approvable project under the Coastal Act and that the project must be denied.

Their presentation included reference to but not a viewing of a virtual simulation film on the impacts of flooding to the site at <https://www.californiadesalfacts.org/climate-crisis/>  
The staff have received this information.

Date May 3, 2022

A handwritten signature in black ink, appearing to read "Donne Brownsey", written over a horizontal line.

Signature of Commissioner Donne Brownsey



**From:** [Brownsey, Donne@Coastal](mailto:Brownsey.Donne@Coastal)  
**To:** [Moore, Elizabeth@Coastal](mailto:Moore.Elizabeth@Coastal)  
**Subject:** Fw: List of participants - please add Dr. Juliano Calil/Virtual Planet  
**Date:** Friday, May 6, 2022 7:03:00 AM

---

hi Lisa: can you add a copy of this email to my Enviro NGO ex parte from earlier this week.  
thanks and best donne

---

**From:** Susan Jordan <[sjordan@coastaladvocates.com](mailto:sjordan@coastaladvocates.com)>  
**Sent:** Thursday, May 5, 2022 6:35 PM  
**To:** Brownsey, Donne@Coastal <[donne.brownsey@coastal.ca.gov](mailto:donne.brownsey@coastal.ca.gov)>; Donne Brownsey <[donne@donnebrownsey.com](mailto:donne@donnebrownsey.com)>  
**Subject:** Re: List of participants - please add Dr. Juliano Calil/Virtual Planet

Sorry!

I just reviewed this list and I inadvertently left off our simulations expert: Dr. Juliano Calil, Virtual Planet

Best, Susan

***Susan Jordan, Executive Director***

California Coastal Protection Network  
2920 Ventura Drive  
Santa Barbara, CA 93105

Ph: 805-637-3037  
[Email:sjordan@coastaladvocates.com](mailto:sjordan@coastaladvocates.com)  
[www.coastaladvocates.com](http://www.coastaladvocates.com)

*"Our lives begin to end the day we become silent about things that matter."  
- Martin Luther King, Jr.*

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

On May 3, 2022, at 9:04 AM, Susan Jordan <[sjordan@coastaladvocates.com](mailto:sjordan@coastaladvocates.com)> wrote:

Thanks so much for taking the time to do the ex parte. Here is the list of participants. Also if you would like Juliano to run you through the APP on the simulations, I am happy to set that up.

**List of Participants:**

Susan Jordan, California Coastal Protection Network  
Mandy Sackett, Surfrider Foundation  
Sean Bothwell, California Coastkeeper Alliance  
Ray Hiemstra. Orange County Coastkeeper



Bill Powers, Powers Engineering  
Dr. Dave Revell, Integral Corporation  
Michelle Black, Chatten-Brown, Carstens & Minter, LLP  
Corey Brown, Resources Legacy Fund

Best, Susan

***Susan Jordan, Executive Director***

California Coastal Protection Network  
2920 Ventura Drive  
Santa Barbara, CA 93105

Ph: 805-637-3037

[Email:sjordan@coastaladvocates.com](mailto:sjordan@coastaladvocates.com)

[www.coastaladvocates.com](http://www.coastaladvocates.com)

*"Our lives begin to end the day we become silent about things that matter."*

*- Martin Luther King, Jr.*

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.



Received on: 05/05/22

## EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: \_\_\_\_\_Dayna Bochco\_\_\_\_\_

1) Name or description of project: \_Poseidon, Thurs May 12, 2022\_\_\_\_\_

2) Date and time of receipt of communication: \_May 5, 2022, 2 pm\_\_\_\_\_

3) Location of communication: \_Zoom\_\_\_\_\_

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: \_\_\_\_Susan McCabe\_\_\_\_\_

5) Identity of person(s) on whose behalf communication was made: \_\_\_\_\_

6) Identity of persons(s) receiving communication: \_\_\_\_Comissioner Dayna Bochco\_\_\_\_

7) Identity of all person(s) present during the communication: \_\_\_\_\_

Susan McCabe, Anne Blemker, Sachin Chawla, DJ Moore, James Golden

\_Comissioner Dayna Bochco\_\_\_\_\_

\_\_\_\_See Attatched\_\_\_\_\_

5/5/2022  
Date

  
Signature of Commissioner

**TIMING FOR FILING OF DISCLOSURE FORM:** File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, 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. This form may be filed with the Executive Director in addition to the oral disclosure.



Date and Time: May 5 2pm 47 minutes

Location: Zoom

Participants: Susan McCabe, Anne Blemker, Sachin Chawla, DJ Moore, James Golden

Initiated by: McCabe

Content: Went thru the Briefing Book. Poseidon is making some changes since staff report came out. One is they are keeping the berm at the flood control side because staff alleges it is a W/L.

Went thru the 20 year timeline of the project. Key events: around 2010 state decides to phase out once through cooling, so Poseidon/city did a new EIR (most of the project components stayed the same, such as size and ocean intake and outtake pipes); the Desalination Amendment of 2015 resulted in the .1mm screens and adjusting the flow though velocity of the intake pipe.

Section on “Need”: info was mostly the bad situation in California in general and the governor’s interest in desal. Poseidon claims that MWD says it needs 400,000 mgd more water in the next few years. (I had not seen this figure anywhere else)

PGE 22 of the Book: cite facts that the area around the intake pipe has the “lowest larvae fish concentration of anywhere studied —where there is an intake pipe. What would be the larval load if no intake? Unknown.

Biggest disagreement is between RWB and CCC staff: mitigation sites. Poseidon says that staff was unclear in their input to RWB about how much mitigation would not be recognized and therefore, need more sites. That’s why Poseidon came up with new sites in February, which staff did not analyze over the last two months. They don’t believe they need fully comprehensive mitigation plans now, since they will be coming back for CDPs for the programs. Problem, i said: they are quoted as saying it takes 5 to 10 years to come up with approval e plans. Plant is due to be on line in 2-3 years. How can we be sure mitigation will: a) be designed to suit the harm; and b) that Poseidon will do the mitigation for how ever many years it is required and c) if they sell the plant, like Carlsbad, will the new owners comply



## EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project: May 12, 2022 Agenda Item Th 9A & 10A, the Poseidon De-Salination project appeal and permit application.

2) Date and time of receipt of communication:  
May 2, 2022 at 4pm-5:15pm

3) Location of communication  
On Zoom

4) Identity of person(s) initiating communication:  
Susan Jordan, CA Coastal Protection Network

5) Identity of person(s) on whose behalf communication was made:  
A group of Environmental NGOs

6) Identity of persons(s) receiving communication:  
Donne Brownsey

7) Identity of all person(s) present during the communication:  
Brownsey, Jordan, Corey Brown w/ RLF, Mandy Sackett, Surfrider Foundation  
Sean Bothwell, California Coastkeeper Alliance, Ray Hiemstra, Orange County  
Coastkeeper, Bill Powers, Powers Engineering, Dr. Dave Revell, Integral Corporation  
Michelle Black, Chatten-Brown, Carstens & Minter, LLC

Complete, comprehensive description of communication content:

The group supports the denial recommendation of the staff report for the Poseidon application to build a de-salination plant at Huntington Beach AES site. There were individual presentations from members of this group on the various issues associated with the project. Issues discussed were the lack of need for the OC region given their adequate water resources and ability to pursue more cost effective conservation and water recycling, the fact that there are no current contracts to purchase the water, the use of public funds for a private venture that could be put to better use for other public purposes, the hazards associated with the site specifically flooding due to high tides, storm surge, SLR, proximity to a Superfund and Brownfield sites, impacts on wetlands, aging infrastructure of the current plant intended for integration into the new plant, catastrophic impact on marine life and proximity to MPAs, disagreement that slant wells and other sites are not viable options, concerns that the private corporate ownership would result in much higher prices for the water, inadequacy of the GHG and REC proposals, among other issues.



The group also stated that they did not believe any list of special conditions could transform this project into an approvable project under the Coastal Act and that the project must be denied.

Their presentation included reference to but not a viewing of a virtual simulation film on the impacts of flooding to the site at <https://www.californiadesalfacts.org/climate-crisis/>  
The staff have received this information.

Date May 3, 2022

A handwritten signature in black ink, appearing to read "Donne Brownsey", written over a horizontal line.

Signature of Commissioner Donne Brownsey



## EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project: May 12, 2022 Agenda Item Th 9A & 10A, the Poseidon De-Salination project appeal and permit application.

2) Date and time of receipt of communication:  
May 2, 2022 at 4pm-5:15pm

3) Location of communication  
On Zoom

4) Identity of person(s) initiating communication:  
Susan Jordan, CA Coastal Protection Network

5) Identity of person(s) on whose behalf communication was made:  
A group of Environmental NGOs

6) Identity of persons(s) receiving communication:  
Donne Brownsey

7) Identity of all person(s) present during the communication:  
Brownsey, Jordan, Corey Brown w/ RLF, Mandy Sackett, Surfrider Foundation  
Sean Bothwell, California Coastkeeper Alliance, Ray Hiemstra, Orange County  
Coastkeeper, Bill Powers, Powers Engineering, Dr. Dave Revell, Integral Corporation  
Michelle Black, Chatten-Brown, Carstens & Minter, LLC

Complete, comprehensive description of communication content:

The group supports the denial recommendation of the staff report for the Poseidon application to build a de-salination plant at Huntington Beach AES site. There were individual presentations from members of this group on the various issues associated with the project. Issues discussed were the lack of need for the OC region given their adequate water resources and ability to pursue more cost effective conservation and water recycling, the fact that there are no current contracts to purchase the water, the use of public funds for a private venture that could be put to better use for other public purposes, the hazards associated with the site specifically flooding due to high tides, storm surge, SLR, proximity to a Superfund and Brownfield sites, impacts on wetlands, aging infrastructure of the current plant intended for integration into the new plant, catastrophic impact on marine life and proximity to MPAs, disagreement that slant wells and other sites are not viable options, concerns that the private corporate ownership would result in much higher prices for the water, inadequacy of the GHG and REC proposals, among other issues.



The group also stated that they did not believe any list of special conditions could transform this project into an approvable project under the Coastal Act and that the project must be denied.

Their presentation included reference to but not a viewing of a virtual simulation film on the impacts of flooding to the site at <https://www.californiadesalfacts.org/climate-crisis/>  
The staff have received this information.

Date May 3, 2022

A handwritten signature in black ink, appearing to read "Donne Brownsey", written over a horizontal line.

Signature of Commissioner Donne Brownsey



EXPARTE COMMUNICATION DISCLOSURE FORM  
Filed by Commissioner Donne Brownsey

1) Name or description of project: May 12, 2022 Agenda Item Th 9A & 10A, the Poseidon De-Salination project appeal and permit application.

2) Date and time of receipt of communication:  
May 2, 2022 at 2pm-3pm

3) Location of communication  
On Zoom

4) Identity of person(s) initiating communication:  
Andrea Leon-Grossman w/ Azul

5) Identity of person(s) on whose behalf communication was made:  
Environmental & Climate Justice activists

6) Identity of persons(s) receiving communication:  
Donne Brownsey

7) Identity of all person(s) present during the communication:  
Brownsey, Grossman & Alejandro Sabrera w/ Azul, Scott Wilson Badenoch Jr w/ UC Irvine Law School, Ellis Walton w/ Howard University Law School

Complete, comprehensive description of communication content:

The group supports the denial recommendation of the staff report for the Poseidon application to build a de-salination plant at Huntington Beach AES site. The advocates presented a slide deck that reviewed their perspective starting with the AB 685 Human Rights to Water. They view the rationale for this project and its impact on the community not as a water shortage problem but as a water management issue. They were especially concerned that the project is being proposed by a private equity corporation & not a government entity. This is important to them as government entities have more accountability to the community and tend to include EJ communities in sharing vital information.

It is their contention that the site itself presents adverse consequences to the community as it is co-located to a Superfund and Brownfield sites that could lead to the contamination of the community's water supply. Further the costs of the water will disproportionately adversely impact lower income and EJ communities. They pointed out that government water systems typically add 2% to the cost of the water and Poseidon has stated that they intend to add 4%.



Date May 3, 2022



Signature of Commissioner Dorine Brownsey