

<b>DOCKETED</b>	
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*Comment Received From: Roger E. BÃ¼low  
Submitted On: 7/22/2025  
Docket Number: 24-OPT-02*

## **DENY Pause Petition By Applicant**

*Additional submitted attachment is included below.*

## Deny ENGIE Petition To Pause

**Re: Docket N. 24-OPT-02, TN# 264934, dated/posted by staff on 7/21/2025 @ 12:05:30 PM.**

I submitted supplementary information to the CEC via email over the weekend to assist their deliberations, educate stakeholders and to reflect our ardent support of the the Petition To Deny said Pause, as crafted by Laguna Niguel's legal counsel, BBK Law (Mssrs. Smith and Baron).

My grass roots, watershed watchdog NGO, CLEAN WATER NOW, is in the process of dissolving. Our website should be taken down around mid-August and this entity in essence no longer functioning as it has historically.

Our participation at a wide gamut of related hearings: USACE, USFW, CF&G (now CDFW) SDRWQCB, SWRCB, San Juan Basin Authority, SOC Wastewater Authority, MNWD, SCWD, SMWD, OC BOS plus a a wide gamut of conferences and workshops hosted by OC Public Works, OC Flood, *et al* in our group's rear view mirrors

It is appropriate that I/CWN interject our input now as to save CEC Commissioners, their staff, applicant and opposition some of their time by beginning formal and properly formatted testimony-----our transmission of the 2 PDFs posted on 7/21 were sent without context nor formatted/submitted per CEC requested methodology. *Mea culpa*.

Having tracked this ENGIE proposal for several years, previously I was going to wait until the Draft EIR was released, I feel that as a profession analyst myself I'd be remiss in **NOT** responding to the Pause Petition (PP) asap.

Typifying the PP as "**preposterous**" is not hyperbole. It feels like a desperate Hail Mary pass in a football game. Or perhaps a trick running play, an end-around. **Failing to plan is planning to fail. Personally, I'd portray it as exhibiting incompetence as no Risk Assessment appears to have been performed.**

**What else didn't ENGIE know and when didn't they know it? The lack of background research, i.e., "*homework*," doesn't**

**encourage confidence but rather foments public stakeholder distrust.**

The well-crafted and succinct submission by LN/BBK has motivated me to intervene in both my name (as an individual) but also as a legitimate, acknowledged environmental CBO leader in South Orange County (SOC) since late 1997. I have visited the proposed site for the Project innumerable times starting in early 1998.

- (1) I sent the Oso Creek Resoration slide show (June 5, 2014 @ CSJC City Council), co-authored and researn'tched by CSJC (Senior Engineer Ziad Mazboudhi) + Tory Walker Engineering because I'm concerned that an insufficient, short term band-aid (like monolithic armoring, i.e., a long and tall concrete and steel revetment installation) would **"solve Oso Creek's erosion and destabilization elements."** It/they would not, and shouldn't be accepted as site development mitigation.

Mssrs. Mazboudhi and Walker were assisted greatly (albeit not accredited) by a brilliant Afghan watercourse restoration giant, Mr. Hasan Nouri (**Rivertech & Fluviatech**), a highly coveted and prestigious **Hoover Engineering Award Medalist**.

I was in attendance at CSJC City Council when it was launched (green lit for funding), I believe in late 2012 or early 2013 as well as when it was completed and officially presented. I attended many of the field visits, many had CDF&G, USF&W *et al* in attendance.

The delivered product met the goals and expectation standards which San Juan Creek Watershed (SJCW) stakeholders were in unity: A **Tier I** level of restoration (turn the clock back to the mid-50s, non-urbanized, pre-development was not possible) but a **Tier II** was.

Tier II is dubbed a "**historical restoration**," one that mimed Nature organically so to speak. The stakeholders embraced this concept, it was met with watershed-wide acclaim.

Present day stakeholders should understand this as part of their ongoing enviro-education, that the current distress can be attenuated, that it need not involve steel and concrete galore, where disequilibrium now prevails.

Funding is a function of political will and the OC's BOS have never been motivated to "**fix**" what went broken before many SOC cities existed, incorporated, inheriting the "sins of the fathers" (The County permitting rampant sprawl without mitigations).

If ENGIE is allowed to proceed, it should be aware that if it wishes that process to evolve in a positive and reduced friction rhetorical light, they should heed the needs of those committed to the ecological, hydrological and geological limitations of this lower reach---up to and including the confluence (junction) with the Arroyo Trabuco.

Watersheds should be seen as continuums, as totalities, gestalts, and due to the increased urbanization discharging into SJC and its major tributaries, tens of millions of \$\$\$ not "**chump change**" will be required.

OC Public Works and OC Flood Control District have yet to exhibit true stewardship, have given up on the Aliso Creek Watershed and seem unmotivated to fund the SJCW dysfunction, its deficiencies and vulnerabilities. What OC Flood's Director admitted would take \$10 million in 1993 would probably cost \$40-50 million today

The CEC should note that this study and its conclusions, its proposed strategies and outcomes does **NOT** require or involve monolithic revetements as they are the **least** preferred methodology, disdained.

***As we in the watershed world say "monolithic structures are not only short term band-aides to geohydrology problems, but when they fail, they fail monumentally, predictably catastrophic."***

The applicant and any agency under CEC or other agency's review or purview should be forewarned, be given an advanced alert that just as the Surfrider Foundation and the California Coastal Commission are not fans of synthetic armoring, neither are the ecological advocate and protection NGO communities. Short term fixes should be disallowed as mitigations in such circumstances, under the ***in situ*** conditions at this proposed site.

- (2) The 2nd document, a column by LAT staff writer Len Hall, with interviews of the major players published on March 19, 1993 helps provides a window into Oso Creek conditions and raging disputes 32 years ago, **alluding to the problems and confrontations, the admitted emergency measures being applied over the course of decades previously.**

That the applicant is asserting that only recently (in late June of this year) they came into possession of the nearly 1/2 Century of the ongoing dispute and alleging the Creek distress has just been adcertained, within the past year, is ridiculous.

**<https://www.latimes.com/archives/la-xpm-1993-03-19-me-12731-story.html>**

How is it possible that a \$200+ billion corporation is, like the proverbial adulterated spouse, just becoming aware of known/knowable conditions, suddenly acquiring a comprehension of the existing Creek

section, bank and contiguous slope instability, prone to erosion and collapse, in dire need of rehabilitation?

I await the Commission's decision regarding this PP. If it allows this obvious scheme to be approved, one is forced to wonder if this isn't a continuation of ENGIE's original plan?

Delayed by the CSJC's City Council refusal to rezone, alternate paths including delays which increase attrition (stakeholders dropping out), reduce oppositional force #s via CEC system deliberative manipulative maneuvers leads me to believe they'd be poor neighbors or stewards of the land.

A continuous loop, an endless cycle of what I see as dubiously motivated, should be viewed skeptically, unmasked if duplicitous in intent. The process has now degraded into transparency free fall.

*From the desk of*

Roger E. Bütow

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