

## DOCKETED

<b>Docket Number:</b>	15-AFC-01
<b>Project Title:</b>	Puente Power Project
<b>TN #:</b>	206231
<b>Document Title:</b>	Additional scoping comments on Staff ID Report
<b>Description:</b>	Submitted on behalf of intervenors Environmental Coalition, Environmental Defense Center, and Sierra Club, Los Padres Chapter
<b>Filer:</b>	Brian Segee
<b>Organization:</b>	Environmental Defense Center
<b>Submitter Role:</b>	Intervenor
<b>Submission Date:</b>	9/29/2015 3:34:35 PM
<b>Docketed Date:</b>	9/29/2015

**STATE OF CALIFORNIA  
CALIFORNIA ENERGY COMMISSION**

IN THE MATTER OF: )  
 ) DOCKET NO. 15-AFC-01  
 )  
 ) **ADDITIONAL SCOPING COMMENTS ON BEHALF OF**  
APPLICATION FOR CERTIFICATION OF ) **INTERVENORS ENVIRONMENTAL COALITION,**  
THE **PUENTE POWER PROJECT** ) **ENVIRONMENTAL DEFENSE CENTER, AND SIERRA**  
NRG ENERGY ) **CLUB, LOS PADRES CHAPTER**

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Attorney for Intervenors

DATED: September 29, 2015

Commissioner Janea A. Scott, Presiding Member  
Commissioner Karen Douglas, Associate Member  
California Energy Commission  
1516 Ninth Street, MS-29  
Sacramento, CA 95814-5512

**RE: Comments on Proposed Puente Power Project Staff Issues Identification Report (15-AFC-01)**

Dear Presiding Commissioner Scott and Commissioner Douglas:

Thank you for the opportunity to provide scoping comments regarding staff's August 10, 2015 Issues Identification Report ("Issues ID Report") and the Puente Power Project Application for Certification ("AFC") (15-AFC-01) on behalf of Intervenor Environmental Coalition, Environmental Defense Center, and Sierra Club, Los Padres Chapter (collectively, "environmental intervenors"). These comments are supplemental to the oral comments presented by each of the environmental intervenors at the California Energy Commission's ("Commission") August 27, 2015 Environmental Scoping Meeting and Informational Hearing. Summaries of the oral comments provided by Janis McCormick of Intervenor Environmental Coalition and Mike Stubblefield of Intervenor Sierra Club, Los Padres Chapter are included as ATTACHMENT A and ATTACHMENT B to this letter, respectively. Environmental intervenors' comments below are organized by subject area, as identified at page 3 of the Issues ID Report.

**I. Subject Areas Identified as Major Issues**

AIR QUALITY AND GREENHOUSE GASES

Environmental intervenors agree with staff's conclusion that air quality and greenhouse gases ("GHG") pose a major issue, that the applicant has proposed insufficient air quality mitigation, and that developing additional mitigation measures is likely to be "difficult" and "time consuming." Issues ID Report, at p. 4. Moreover, environmental intervenors agree with staff's assessment that actual air emissions must be used as a baseline for environmental analysis, rather than the potential to emit ("PTE") standard provided for under Ventura County Air Pollution District ("APCD") regulations. *Id.*

Environmental intervenors believe that the currently available information indicates potential noncompliance with requirements of the federal Clean Air Act ("CAA") as an additional major issue that must be considered with respect to air quality and greenhouse gases. Specifically, the Application for Certification ("AFC") states that the facility net increase for PM<sub>2.5</sub> will be 9.8 tons/year, just under the 10 tons/year threshold trigger for Prevention of Significant Deterioration ("PSD") review by the U.S. EPA, which in turn would also require PSD review for GHG emissions. As detailed in the September 3, 2015 staff report of conversation, APCD staff has significant concerns with this estimate. These concerns are heightened by the fact that PSD review has not been delegated to Ventura County under the CAA. Environmental intervenors concur with the statement in the September 3, 2015 staff report of conversation that "a clear determination from the the U.S. EPA would be helpful."

### ALTERNATIVES

Environmental intervenors agree with staff's conclusion that project alternatives pose a major issue, and that the AFC fails to provide "an evaluation of alternative sites." Issues ID Report, at p. 5. However, environmental intervenors strongly object to the identification of Ormond Beach as a potential alternative site location, as the Ormond Beach location would also pose significant environmental issues, including adverse effects to threatened and endangered species, and other biological resources. Moreover, it is essential that the Commission thoroughly consider the "no action" alternative.

### BIOLOGICAL RESOURCES

Environmental intervenors agree with staff's conclusion that biological resources pose a major issue. Issues ID Report, at pp. 6-8. However, the Issues ID report presents an inaccurate and overly narrow description of the environmental setting for the project. Although the immediate project area does encompass "approximately 3 acres of disturbed habitat," the Mandalay Generating Station is, in fact, a small island of incompatible industrial use literally surrounded by relatively undisturbed wildlife habitat including the dynamic and constantly shifting Santa Clara river mouth and estuary, McGrath Lake, and other associated wetlands, and rare beach dune and coastal sage scrub habitat. McGrath State Beach lies to the immediate north and south of Mandalay and the proposed project site, as well as the Santa Clara Estuary Natural Preserve to the north and Mandalay County Park to the south.

Additional designations reflecting the specific biological importance of this area include critical habitat designations under the federal Endangered Species Act for the western snowy plover, California least tern, and tidewater goby. A chain of Environmentally Sensitive Habitat Areas ("ESHA") dune areas, designated pursuant to the California Coastal Act, are located to the immediate east, stretching from the river mouth south to residential development at Fifth Street. These coastal dune areas, some of the rarest in California, may support additional rare species, including the state species of special concern Coast Horned lizard and Silvery legless lizard.

### SOIL, WATER, AND BIOLOGICAL RESOURCES

Environmental intervenors agree with staff's conclusion that soil and water resources, and geological resources (combined with the soil and water resources discussion) are major issues. Issues ID Report, at pp. 9-10. The issues of sea level rise and tsunami risk are of particular concern, both individually and cumulatively. It is imperative that these risks are assessed from a precautionary perspective, and that they are guided by the best available and most up to date scientific information.

With respect to tsunami risk, an August 2015 study specific to the Ventura and Oxnard coasts provides direct evidence that these coastal regions are more vulnerable to impacts of a local earthquake generated tsunami than previously believed. *See* University of California - Riverside. COMPUTER MODELS SHOW SIGNIFICANT TSUNAMI STRENGTH FOR VENTURA AND OXNARD, CALIFORNIA: SEISMOLOGISTS SHOW MODELED TSUNAMI RESULTING FROM SIMULATED EARTHQUAKE IN VENTURA BASIN FIRST PROPAGATES SOUTH BUT THEN TURNS UNEXPECTEDLY

TOWARD VENTURA/OXNARD. ScienceDaily (Aug. 19, 2015).<sup>1</sup> Specifically, the study predicts that a magnitude 7.7 earthquake generated along the Pitas Point and Red Mountain faults would propagate tsunami wave trains within five minutes, and due to local bathymetry within the Santa Barbara Channel, those waves would refract and reflect, focusing the wave energy toward Ventura and Oxnard in as little as 15 minutes. Inundation of the area, which would occur within 30 minutes, is predicted to spread several kilometers inland, well past the state of California's current inundation line.

With respect to sea level rise, staff's analysis will also benefit greatly from the recent finalization of the California Coastal Commission's Sea Level Rise Policy Guidance, unanimously adopted by the Commission on August 12, 2015. The adopted Guidance includes significant revisions from earlier draft versions. CEC staff must ensure that these revisions are incorporated into the analysis for the proposed Puente Project, including new sections on scenario-based analysis to approach sea level rise planning; storms, extreme events, and abrupt change; and sea level rise adaptation planning and environmental justice.

Under the Final Policy Guidance, power plants are generally (and correctly) considered "critical infrastructure," and therefore must be given special and heightened consideration, including a 500-year event design standard, an assumption of the highest sea level rise projections, and protection from worst-case future impacts. Final Policy Guidance, at p. 82.<sup>2</sup> Environmental intervenors thus object to staff's statement that there is an issue as to "whether or not P3 is considered critical and how the effects of flooding should be incorporated into project design." Issues ID Report, at p. 9. Environmental intervenors urge the Commission to treat the proposed Puente plant as critical infrastructure, and to apply the heightened considerations that have been established by the Final Policy Guidance after years of careful consideration, deliberation, and collaboration amongst state agencies, local governments, scientific experts, and the general public.

#### LAND USE

Environmental intervenors agree with staff's conclusion that land use is a major issue. Issues ID Report, at pp. 8-9. However, the manner and emphasis with which this issue is presented represents an inaccurate and incomplete depiction of the issues at stake.

For example, staff's report only identifies "potential inconsistency with future updates to Oxnard's Local Coastal Program" as a major issue within the land use category. Environmental intervenors respectfully submit that the City of Oxnard's *urgency* moratorium on the approval of any special use permit, coastal development permit, or any other discretionary city permit for on-

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<sup>1</sup> Available at: [www.sciencedaily.com/releases/2015/08/150819120655.htm](http://www.sciencedaily.com/releases/2015/08/150819120655.htm).

<sup>2</sup> Environmental intervenors find it unfortunate that the California Energy Commission submitted comments on the second draft of the Policy Guidance questioning the appropriateness of considering all energy facilities as critical infrastructure. See, e.g., CCC Responses to comments on the Revised Draft Sea Level Policy Guidance (May 2015 Draft) as of July 30, 2015, at p. 23; Issues ID Report, at p. 9.

site energy generation facilities within the Oxnard Coastal Zone should also be clearly identified as a major issue. *See* May 19, 2015 Moratorium Extension Resolution (ATTACHMENT C).

In addition, staff's analysis leads with the misleading statement that the "P3 project would be consistent with the current Oxnard Zoning Ordinance . . . and local coastal program." Issues ID Report, at p. 8. While technically true, the City has clearly expressed its strong intent to prevent any additional power plant construction, to require the decommissioning of existing power plants within Oxnard's coastal zone, and to amend both its Zoning Ordinance and LCP to achieve this goal. This preference has already been enshrined in the City's 2030 General Plan Update, and the City's process to amend the Zoning Ordinance and LCP is well underway. CD 21.2 ("non-Coastal dependent energy facilities are not allowed in the Energy Coastal zone with exceptions for renewable energy installations such as solar panels and wind turbines under certain conditions and consistent with the Coastal Act; CD 21.3 (LCP update "has the intent and effect of eventual decommissioning of the [electrical generating facilities] by: 1) land use designation change, 2) amortization, 3) revised development standards, 4) transferable development rights and/or other methods"). *See* May 19, 2015 Moratorium Extension Staff Report (ATTACHMENT D). Instead of respecting these strongly voiced and well known preferences of local government, NRG is forging ahead as quickly as possible to secure Commission permitting before these processes are completed. While acknowledging the unusual breadth of authority provided to the Commission under the Warren-Alquist Act, environmental intervenors implore the Commission to be guided by principles of comity and respect in this unique circumstance, and to heed the ordinances and policies of a City which has already borne far more than its share of industrial infrastructure generally, and fossil fuel power plants in particular.

## **II. Subject Areas Not Identified as Major Issues**

### PROJECT DESCRIPTION

Environmental intervenors disagree with staff's conclusion that the project description is not a major issue. Issues ID Report, at p. 1. Similar to the issues discussed in relation to biological resources, above, the staff report turns the project description on its head by describing the project location and site description as being primarily an industrial area, with "industrial uses to the north, south, and east, and agricultural uses farther to the east." *Id.* As described in more detail above, the proper characterization of the project site is an incompatible industrial use surrounded by lands and waters with protective designations under state and federal law, and high environmental and recreational values.

Properly defining the project's environmental setting is particularly important under CEQA, and an improper description will undermine the statute's procedural and substantive mandates. As stated by the CEQA Guidelines, the environmental setting must be described "*from both a local and a regional perspective.*" 14 Cal. Code Regs. § 15125, subd. (c). (emphasis added). Indeed, "[k]nowledge of the regional setting is critical to the assessment of environmental impacts," and "[s]pecial emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project." *Id.*

Moreover, carefully and accurately defining the environmental setting is critical to complying with CEQA, as this setting “will normally constitute the baseline physical conditions *by which a lead agency determines whether an impact is significant.*” § 15125, subd. (a) (emphasis added); *see San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 729 (holding that “the description of the environmental setting is not only inadequate as a matter of law but it also renders the identification of environmental impacts legally inadequate and precludes a determination that substantial evidence supports the Board’s finding that the environmental impacts on wildlife and vegetation had been mitigated to insignificance.”). Accordingly, the inaccurate and misleading project site description contained in the Issues ID Report undermines all of the issue area findings of no major issue.

### SOCIOECONOMICS

Environmental intervenors disagree with staff’s conclusion that socioeconomic is not a major issue. Issues ID Report, at p. 3. This conclusion is presumably based on NRG’s AFC. The AFC, however, improperly limits its consideration of socioeconomic analysis to a 6-mile radius. Relying upon this overly narrow and essentially random scope of analysis, the AFC socioeconomic analysis completely fails to address the existence of three coastal power plants within City boundaries, and improperly concludes that no minority populations will be impacted by the proposed Puente power plant, along with associated flawed conclusion that the project raises no environmental justice issues. AFC, at p. 4.10-13.

The AFC and Issues ID Report should have instead (or in addition) conducted a socioeconomic analysis based on data for the City of Oxnard as a whole, as the proposed project is located within City boundaries, the City is the principal local government that will bear the costs and impacts of the project, and the City has formally intervened in opposition to the proposed project before this Commission as well as the Public Utilities Commission.

When the scope of socioeconomic analysis is properly defined to include an analysis at the City level, the environmental justice implications are undeniable. The City of Oxnard is a majority-minority community, with 74% of residents of Hispanic descent and an additional 10% of residents identified as non-white. In addition to the three coastal power plants, Oxnard also contains an EPA Superfund site, landfills, and extensive oil and gas development adjacent to residences. State of California data contained within CalEnviro Screen 2.0 characterizes much of the City as disadvantaged, with several census tracts classified within the highest “score” (91%-100%). When all census tracts are considered, the City of Oxnard ranks within the top 10% of California communities in terms of the environmental burden of dangerous and polluting industries.

In addition, even accepting the arbitrary 6-mile radius scope of the AFC, the AFC fails to acknowledge or address that fact that between 1,000 and 3,000 people labor in agricultural fields surrounding the proposed Puente power plant, many less than half a mile away. These workers would breathe the significant amounts of air pollutants emanating from the plant on a daily basis.

It is imperative that these socioeconomic and environmental justice considerations be characterized as a major issue, and that they are fully incorporated into the CEC analysis for the proposed Puente power project.

### VISUAL RESOURCES

Environmental intervenors disagree with staff's conclusion that visual resources is not a major issue. Issues ID Report, at p. 3. This conclusion is presumably based on NRG's AFC, which states that the "mosaic of varying landscapes and intensity of uses," including the existing stacks at Mandalay Generating Station and other industrial uses including oil and gas development, inhibit the Visual Sphere of Influence "from developing a strong semblance of uniformity or harmony." AFC, at p. 4.13-3; *see also* AFC, at p. 4.13-14 ("P3 would incrementally alter existing views of the project site; however, operation of the project would not significantly change the existing visual character and quality of these views."). The underlying presumption appears to be that because Oxnard's coastline is already burdened with three existing power plants and other industrial infrastructure, the addition of a new power plant with a 188-foot stack cannot further degrade the already burdened viewshed. In other words, the analysis rests on a "business of usual" premise that the City of Oxnard (and its residents) generally, and Oxnard's beaches specifically, are still nothing more than a sacrifice zone. This mentality is not only outdated and directly counter to the strongly stated preference of Oxnard residents and their elected officials—as reflected in City law and policy—it fails to meet the requirements of CEQA. Visual resources should be treated as a major issue during this process.

### **III. Conclusion**

On behalf of environmental intervenors Environmental Coalition, Environmental Defense Center, and Sierra Club, Los Padres Chapter, we again thank you for this opportunity to provide comments on the Issues ID Report and NRG AFC. We look forward to our participation in the California Energy Commission process for the proposed Puente project, and thank you for your consideration of our comments.

Dated: September 29, 2015

Respectfully Submitted,



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Brian Segee



# **ATTACHMENT A**

Commissioner Janea A. Scott, Presiding Member  
Commissioner Karen Douglas, Associate Member  
California Energy Commission  
1516 Ninth Street, MS-29  
Sacramento, CA 95814-5512

28 Sept 2015

Dear Presiding Commissioner Scott and Commissioner Douglas:

The following are our comments, regarding the CEC Staff's August 10, 2015 Issues Identification Report (Issues ID Report) and the Puente Power Project Application for Certification (15-AFC-01). Our comments are organized by subject area, referencing page 3 of the Issues ID Report.

Subject: Reliability

Currently Ventura and Santa Barbara counties are served by two (2) major power plants, at Ormond Beach and Mandalay Bay.

Both plants will be required to be turned-off by the end of 2020, per the State of California mandates that will no longer allow the use of ocean water for thru cooling.

This will then leave, one major power source, the 245 Megawatt Edison peaker plant at Mandalay Bay.

The issue of **Reliability** at the Mandalay Bay site includes the risk of:

Sea level Rise

Earthquakes

Tsunami

Floods, shore land retreat

Air plane crashes (near a Navy aviation station, in LAX path, small local airports.)

Terrorism

And Fires (next to a small oil field.)

And yet, the NRG proposal is to locate a new power plant, right next to the existing Edison plant.

And so, all the same dangers that the Edison peaker plant is exposed to, the proposed NRG Mandalay Bay plant would be exposed to.

And most importantly, both power plants would be exposed to all the same risks at **exactly the same time**.

So, if the Edison peaker plant is damaged or destroyed, it is highly probable that the proposed NRG plant would also be damaged or destroyed.

**This is not reliability, putting both plants at the same site.**

Note references on Docket #15-AFC-01, TN# 205901.

<http://editionmobile.latimes.com/Olive/Tablet/LATimes/SharedArticle.aspx?href=LAT%2F2015%2F08%2F27&id=Ar02001>

<http://www.achangeinthewind.com/2014/01/ventura-stands-on-huge-dangerous-fault-system-vc-star.html>

<http://editionmobile.latimes.com/Olive/Tablet/LATimes/SharedArticle.aspx?href=LAT%2F2015%2F08%2F20&id=Ar01600>

## Subject: Visual Resources & Subject: Social Economic

The City of Oxnard is the only city in the county to have major power plants, ever.

And on, of all places it's Beaches.

The citizens of California voted for the Coastal Act, to provide access to the Beach for all of us.

The Coastal Commission works to provide affordable accommodations at the Beaches for middle class and working class people.

Surrounding the Mandalay Bay site, McGrath State Beach Park has campsites that provide affordable accommodations

The proposed NRG site is surrounded by public lands.

The land between the McGrath State Beach Park and the Ventura Harbor also belongs to the State Parks.

When is it acceptable to locate a power plant in the middle of a state park?

Nearby are homes.

The only industry in the area is the existing Edison plant and a small oil field that should be played out in the future.

The City of Oxnard and the local citizens have a vision and plan for recreation and education opportunities, tourism and its associated jobs for its Beaches.

Not another power plant with its 17 permanent jobs.

This proposed power plant on the beach violates the City of Oxnard's General Plan, their 4-time voted Moratoriums against power plants, and their on-going work on the revisions to their Local Coastal Plan.

## **Subject: Efficiency**

There is no reason to place a new power plant on the Oxnard Beach, at the end of the transmission line.

Peaker power plants should be placed along the transmission lines, inland where the peak demand is greatest – for best transmission line efficiency.

## Subject: Project Description re: Alternatives

This review should not be driven by what NRG wants.

Instead it should look at alternative sites, away from the dangers at the low-level Beach.

This should not be driven by sites that the large Corporation NRG currently owns.

And, in accordance with State and Federal mandates and laws, alternative power sources and storage should be considered as alternatives. Note, most current mandated energy sources are alternatives such as solar, wind or storage.

Instead of building a new power plant that will be rendered obsolete by State and Federal regulations in the near future or by nature, alternatives should be considered.

Also note:

For the existing Ormond Beach and Mandalay Bay plants, NRG has made no public plans nor has made any real commitments to remove them. NRG's application states no intentions by NRG, to remove any existing and soon to be closed power plants.

Thank you for this opportunity to submit comment.

And also, we want to thank the CEC, the Commissioners, the Public Advisor and the CEC Staff for taking this so seriously to come to our community to listen to our comments and feelings regarding this proposed project on our Beaches.

Thank you,

for The Environmental Coalition  
Janis McCormick, President  
P.O. 68  
Ventura, CA 93002  
[ecvcjmc@roadrunner.com](mailto:ecvcjmc@roadrunner.com)

# **ATTACHMENT B**

## Put the new NRG power plant somewhere else besides Mandalay Bay

- **There are already THREE old power plants at the Mandalay Bay site** (two steam-powered units built in 1959, and one jet-engine-powered unit built in 1970), plus an Edison-owned peaker built here several years ago. **A fourth power plant at nearby Ormond Beach was built in 1973.**
- **No other community in Ventura County has ever had even one power plant.**
- **These old plants supply electricity to a huge area in both Ventura and Santa Barbara Counties (“the Moorpark sub-region”), but they degrade OUR air quality.** In 1990, the Environmental Coalition of Ventura County sued Edison to force it to install Selective Catalytic Reduction (SCR) technology in the smokestacks of the Ormond Beach and Mandalay Bay plants. Edison appealed the decision but was ultimately compelled to install SCR, reducing the NOx emissions from the smoke stacks by about 96 percent (and lowering the NOx levels in Ventura County by almost 50 percent). At that time we were out of compliance with State *and* Federal ozone standards. Forcing Edison to install SCR got us into compliance with Federal ozone standards (though **Ventura County is still not in compliance with California standards for ozone.**)
- **All these plants are not only unhealthy, they’re unsightly, and they’re inappropriate in a coastal community like Oxnard, which is trying to attract tourism by removing them and cleaning up all old industrial sites at the beach,** such as the Halaco aluminum and magnesium recycling facility (now an EPA Superfund site), and two old Edison (now NRG) power plants at Mandalay Bay and Ormond Beach, both of which NRG must shut down no later than December 31, 2020.
- Interestingly, despite the fact that NRG’s project description says that it will shut down the old plants as soon as its proposed new plant is in operation, **NRG has never committed, in writing, to tear down the old plants.** Yet more than once I’ve personally heard labor unions and even one local NPR affiliate claiming that NRG has “promised to tear down the old plants.” This is simply not true, and it’s one of many reasons that the local community has no confidence in NRG’s good intentions.
- The phase-out and mandated shutdown of “Once-Through-Cooling” (OTC) plants is December 31, 2020. **At that point there is no longer any reason to build non-OTC plants on our beach, because they don’t need sea water for their cooling systems.**
- Oxnard, Ventura county officials and the environmental community are working with Wishtoyo Foundation’s RiverKeepers to redesign the lagoon at McGrath State Beach Park, which is located immediately west and north of the Mandalay Bay plants, and move the camping ground to the other (eastern) end of the park from the newly redesigned lagoon. The east end of the park is adjacent to – and actually encircles - the northern boundary of the NRG site. Putting another power plant at this site will not be helpful to the State Parks people, who are trying to upgrade the facilities at the park. **Who will want to camp at a state park campground located next to a power plant?!** Finally, it’s worth noting that **no other power plant anywhere in the state is located next to a state park!**

- The south side neighborhoods of Oxnard are largely lower income Latino communities. There are few parks in this part of Oxnard. Our beaches are really the only available recreational area. **Continuing to industrialize our coast is inappropriate at best and environmental racism at worst. California prides itself on its liberal and progressive culture. This project is an affront to those of us who work hard to make California the most desirable place to live in the USA.**
- **Sea level rise will threaten low-lying coastal areas (of which the Oxnard Plain is among the lowest, if not the actual lowest, in the State).** Again, with no compelling reason to put a new plant on the beach, this is bad planning for the future. **Putting a new plant here could result in abandoning the plant before the end of its useful service life if it's damaged by sea level rise and/or storm surges.**
- **Recent discoveries of a major fault deep under Ventura have the potential to set off major earthquakes via nearby interlocking fault lines below the coast and western Ventura County, with the potential to trigger a very destructive quake.** Again, this is another reason why this is a bad location for a new power plant.
- **This same earthquake could trigger a tsunami that would head south then quickly turn eastward because of the configuration of the ocean floor, putting Ventura Harbor and the south-facing Oxnard coastline – and any structures near the beach – in imminent danger.** Again, a bad choice for siting a power plant.

So, please give your decision to approve NRG's request a good hard look and then ask yourselves: "Would I want to live next to this monstrosity?" Then please do the right thing and make NRG put its new plant somewhere else.

Thanks very much for listening.

Mike Stubblefield  
 Air Quality Chair, Executive Committee, Los Padres Chapter, Sierra Club  
 1230 East Collins Street  
 Oxnard, CA 93036-1805  
 (805) 216-2630 (cell); (805) 988-0339 (home)

# **ATTACHMENT C**



# In the Superior Court of the State of California

IN AND FOR THE COUNTY OF VENTURA

## CERTIFICATE OF PUBLICATION

### TYPE OF NOTICE

NOTICE OF PUBLIC HEARING

SECOND EXTENSION OF INTERIM  
URGENCY ORDINANCE PROHIBITING  
THE EXPANSION OF EXISTING, OR  
DEVELOPMENT OF NEW

STATE OF CALIFORNIA  
COUNTY OF VENTURA

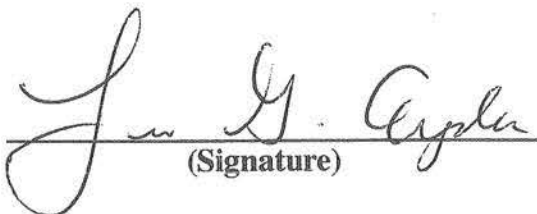
I Luis Ayala

hereby certify that Ventura County VIDA Newspaper, is a newspaper of general circulation within the provision of the Government Code of the State of California, printed and published in the County of Ventura, State of California; that I am the Principal Clerk of said newspaper; that the annexed clipping is a true printed copy and published in said newspaper on the following dates, to wit.

May 7, 2015

I certify under penalty of perjury that the foregoing is true and correct, at Oxnard, County of Ventura, State of California, on the

7th day of May 2015

  
(Signature)

### NOTICE OF PUBLIC HEARING

The Oxnard City Council will conduct a public hearing to consider the following matter on Tuesday, May 19, 2015 at 6:15 p.m. or as soon thereafter as the matter may be heard, in the Council Chambers, 305 W. Third Street, Oxnard:

SECOND EXTENSION OF INTERIM URGENCY ORDINANCE PROHIBITING THE EXPANSION OF EXISTING, OR DEVELOPMENT OF NEW, ELECTRICAL GENERATING FACILITIES WITHIN THE COASTAL ZONE PURSUANT TO THE SOUTHERN CALIFORNIA EDISON REQUEST FOR OFFER PROCESS PENDING STUDIES AND CHANGES IN THE LOCAL COASTAL PROGRAM AND ZONING ORDINANCES AND OTHER LAND USE REGULATIONS. The proposal is to extend the interim urgency ordinance for a period of 12 months from the date the ordinance is currently set to expire. This interim urgency ordinance is not a project within the meaning of Public Resources Code Section 21065 and State CEQA Guidelines Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

At the public hearing you may appear and be heard or you may write to the City Clerk's Office at 305 West Third Street, Oxnard, California, 93030, in support of or in opposition to this matter. If you plan to attend the hearing, staff suggests that you contact the City Clerk's Office at 385-7803 the Thursday prior to the scheduled date to confirm that the hearing has not been rescheduled.

If you challenge the City Council's decision on this matter in court, you may be limited to raising only those issues that were raised at this public hearing or in written correspondence delivered to the City Clerk at or before the hearing.

Beginning at 6:00 p.m., Channel 10 will broadcast the meeting at which the public hearing will be conducted. For further information, contact Stephen Fischer, Interim City Attorney, 300 West Third Street, Oxnard, at (805) 385-7483.

Published VCVN Date: 5/07/15

CITY COUNCIL OF THE CITY OF OXNARD

UNCODIFIED ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, EXTENDING THE INTERIM URGENCY ORDINANCE PROHIBITING THE EXPANSION OF EXISTING, OR DEVELOPMENT OF NEW, ELECTRICAL GENERATING FACILITIES WITHIN THE COASTAL ZONE PURSUANT TO THE SOUTHERN CALIFORNIA EDISON REQUEST FOR OFFER PROCESS PENDING STUDIES AND CHANGES IN THE LOCAL COASTAL PROGRAM AND ZONING ORDINANCES AND OTHER LAND USE REGULATIONS.

THE CITY COUNCIL OF THE CITY OF OXNARD DOES HEREBY FIND AS FOLLOWS:

WHEREAS, the California Coastal Act ("Coastal Act") was enacted to protect and preserve the California Coastal Zone as an environmental, recreational and economic resource for the benefit of all Californians; and

WHEREAS, Section 30001.5(d) of the Coastal Act states the Legislature's finding that one of the basic goals of the State for the coastal zone is to "[a]ssure priority for coastal-dependent and coastal-related development over other development on the coast;" and

WHEREAS, Section 30004(a) of the Coastal Act states the Legislature's finding that "[t]o achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement;" and

WHEREAS, Section 30006 of the Coastal Act states the Legislature's finding that "the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation;" and

WHEREAS, Section 30006.5 of the Coastal Act states the Legislature's finding that "sound and timely scientific recommendations are necessary for many coastal planning, conservation, and development decisions;" and

WHEREAS, four electrical generating facilities are currently located in the City's coastal zone, two of which are once-through cooling ("OTC") facilities that use ocean water for cooling and were originally built by Southern California Edison ("SCE") prior to enactment of the Coastal Act and certification of the Oxnard Local Coastal Program ("LCP"); and

WHEREAS, on May 4, 2010, the State Water Resources Control Board adopted Resolution No. 2010-0020, generally requiring that the use of existing OTC systems that rely on natural ocean waters be terminated throughout the State of California by 2020; and

WHEREAS, the expansion, alteration or addition of any electrical generating facility that does not require OTC would not be a coastal dependent facility within the meaning of the Coastal Act, and would therefore be inconsistent with the development policies and priorities of the Coastal Act; and

WHEREAS, the Oxnard 2030 General Plan established the City's commitment to updating the Oxnard LCP with consideration of climate change, particularly to clarify that "non Coastal-dependent energy facilities are not allowed in the Energy Coastal zone with exceptions for renewable energy installations such as solar panels and wind turbines under certain conditions and consistent with the Coastal Act" (CD-21.2) and that the LCP update "has the intent and effect of eventual decommissioning of the [electrical generating facilities] by: 1) land use designation change, 2) amortization, 3) revised development standards, 4) transferable development rights and/or other methods (CD-21.3);" and

WHEREAS, Goal SC-2 of the Oxnard 2030 General Plan states that "[s]ea level rise is routinely considered relative to coastal areas and other City decisions, as relevant" and Policy SC-2.3 implements this goal by directing the City to "[e]nsure that all planning, public works, and related decisions take rising sea level into consideration and take steps to reduce risk of damage or loss of life and property;" and

WHEREAS, the Oxnard 2030 General Plan included Figure 2-1 entitled "California Flood Risk: Sea Level Risk Oxnard Quadrangle" prepared by the Pacific Institute in 2009, which clearly shows all four electrical generating facilities as within an area mapped as "Current Coastal Base Flood (approximate 100-year flood extent)" or "Sea Level Rise Scenario Coastal Base Flood + 1.4 meters (55 inches)," clearly requiring the City to implement Policy SC-2.3 and evaluate risk of damage or loss of life and property for all decisions related to the facilities; and

WHEREAS, the California Coastal Commission prepared the "Draft Sea-Level Rise Policy Guidance, Public Review Draft" in March 2013, has received numerous public comments, and anticipates adopting a final Sea-Level Rise Policy Guidance document in 2015 that includes specific guidance to local governments to consider the highest sea level rise ("SLR") scenarios when considering plans and permits related to critical public infrastructure and electric generating facilities; and

WHEREAS, on February 13, 2013, the California Public Utilities Commission ("CPUC") issued D.13-02-015 (the "Track 1 decision") in the Long Term Procurement Plan proceeding; and

WHEREAS, the Track 1 decision ordered SCE to procure between 215 and 290 Megawatts ("MW") of electrical capacity in the Moorpark sub-area of the Big Creek/Ventura local reliability area to meet long-term local capacity requirements by 2021, largely due to the expected retirement of OTC systems; and

WHEREAS, the Track 1 decision also ordered SCE to file an application for approval of all cost-of-service contracts entered into as a result of the procurement process for new capacity in the Moorpark sub-area; and

WHEREAS, SCE has solicited proposals through a Request for Offer process (“RFO”) for additional electrical generating facility projects pursuant to the CPUC’s Track 1 decision, reviewed proposals and subsequently awarded the operator of the existing OTC electrical generating facilities a cost-of-service contract for the development of a new 262 MW GFG facility to be located adjacent to the existing NRG Mandalay Generating Station, which is within the City’s coastal zone; and

WHEREAS, on November 26, 2014, SCE filed with the CPUC its formal request for CPUC approval of the NRG cost-of-service contract and, on December 23, 2014, the City Council adopted a resolution authorizing the Mayor to execute the City’s protest and staff’s preparation of a motion for the City of Oxnard to become a party in the proceedings; and

WHEREAS, based on two City-initiated sea-level rise expert studies entitled “Vulnerabilities of the Proposed Mandalay Generating Station to Existing and Future Coastal Hazards and Sea Level Rise” by Dr. David Revell, and “Sea Level Rise Vulnerability Assessment: Tsunami Analysis Mandalay Bay Generating Station” by David Cannon, M.C.E., P.E., which both studies utilize best-available data and California Coastal Commission guidance regarding sea-level rise risks to critical infrastructure such as a power plant and are consistent with the California Geological Survey’s tsunami guidance using the Goleta 2 Landslide scenario for emergency evacuation and coastal planning purposes, the City prepared and filed testimony in CPUC Proceeding A.14-11-016 that will be heard at an Evidentiary Hearing on May 27 to 29, 2015, at the CPUC in San Francisco; and

WHEREAS, the City will issue a Request for Proposal in May, 2015 for expert consultants to continue the comprehensive LCP update that will almost certainly lead to changes in coastal land use designation and regulations to include adaptation measures, new or revised policies, and/or ordinances that protect energy infrastructure from expected impacts of SLR or prohibit critical energy infrastructure in areas or situations where SLR adaptation measures are not available; and

WHEREAS, at least twelve California cities and counties with LCP’s have or are developing and incorporating SLR projections, adaptations, and changes to land uses and development regulations at the direction of the Coastal Commission, and

WHEREAS, on or around April 15, 2015, NRG filed an “Application for Certification” with the California Energy Commission (“CEC”) that begins the CEC review process for the entitling permit review process for the proposed “Puente” NRG power plant; and

WHEREAS, in order to follow specific Coastal Commission SLR evaluation policies, implement policies of the Oxnard 2030 General Plan, and protect the public health, safety and welfare it is now necessary for the City to continue to review and revise applicable provisions of

the City's LCP and other City planning policies and land use regulations so that the City may properly analyze whether applications for electrical generating facilities in the City's coastal zone are consistent with the policies of the Coastal Act, Coastal Commission SLR policies, and the Oxnard 2030 General Plan; and

WHEREAS, the proposed NRG electrical generating "Puente" facility submitted through the RFO process will have generating capacity of 262 MW, and that installation of other types of electrical generating facilities, such as solar panels, would have a lower generating capacity and, thus, would not be proposed through the RFO process; and

WHEREAS, a plain interpretation of the best-available scientific information available to the City clearly indicates that development of any new electrical generating facility or alterations to any existing electrical generating facility in the City's coastal zone poses an immediate threat to the public health, safety, and welfare, in that approval of such application would result in potential placement of a critical infrastructure facility that would be subject to failure due to storm surge, wave run-up, erosion, or earthquake-generated Tsunami inundation; and

WHEREAS, Government Code section 65858 provides that a city council may adopt by a four fifths vote as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a general plan or zoning measures that the city is considering or studying or intends to study within a reasonable time; and

WHEREAS, on July 1, 2014, the City Council adopted Ordinance No. 2882, imposing a 45-day moratorium on the approval of any special use permit, coastal development permit or any other discretionary City permit or approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity on any property located within the coastal zone, as designated by the California Coastal Act, within the City of Oxnard; and

WHEREAS, Ordinance No. 2882 was set to expire on August 15, 2014 unless extended in accordance with Government Code section 65858; and

WHEREAS, on July 29, 2014, the City Council issued a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 2882 in accordance with Government Code section 65858; and

WHEREAS, on July 29, 2014, the City Council held a public hearing, duly noticed in accordance with Government Code section 65090, to consider the extension of Ordinance No. 2882 for a period of 10 months and 15 days from the date said Ordinance would otherwise expire, in accordance with Government Code section 65858; and

WHEREAS, on July 29, 2014, the City Council adopted Ordinance No. 2884, extending Ordinance No. 2882 for a period of 10 months and 15 days from the date Ordinance No. 2882 would otherwise expire; and

WHEREAS, Ordinance No. 2882 is set to expire on June 30, 2015 unless extended in accordance with Government Code section 65858; and

WHEREAS, on May 19, 2015, the City Council issued a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 2882 in accordance with Government Code section 65858; and

WHEREAS, on May 19, 2015, the City Council held a public hearing, duly noticed in accordance with Government Code section 65090, to consider the extension of Ordinance No. 2882 for a period of one (1) year from the date said Ordinance would otherwise expire, in accordance with Government Code section 65858; and

WHEREAS, this extension of Ordinance No. 2882 is not a project within the meaning of Public Resources Code Section 21065 and CEQA Guidelines section 15378 because it has no potential for resulting in a physical change to the environment, either directly or indirectly.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. The moratorium imposed by Ordinance No. 2882 on the approval of any special use permit, coastal development permit or any other discretionary City permit or discretionary approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity on any property located within the coastal zone, as designated by the California Coastal Act, within the City of Oxnard is hereby extended for a period of one (1) year from the date Ordinance No. 2882 would otherwise expire; provided that the moratorium shall not apply to permits for SCE's McGrath Peaker Plant (Coastal Development Permit No. A-4-oxn-07-096) that are consistent with the Settlement Agreement between the City and SCE executed in October of 2011 (Agreement No. A-7451).

Part 2. It is the intent of the City Council that any proposal for new or modified non-coastal dependent electrical generating facilities within the City's coastal zone during the period of the moratorium shall be considered inconsistent with this Ordinance and with the City's land use policies and zoning regulations for all purposes, and by all agencies charged with reviewing any application for such use.

Part 3. The City Council hereby finds that the above recitals are true and correct and incorporates the recitals herein by reference as if set forth in full.

Part 4. This Ordinance is hereby declared to be an interim urgency measure to protect the public health, safety and welfare and shall take effect immediately upon its adoption. The findings constituting the urgency are set forth above in the recitals to this Ordinance and represent a current and immediate threat to the public health, safety or welfare in that approval of additional development or expansion of energy generating facilities within the Coastal Zone while the City's LCP update is pending would result in potential placement of a critical infrastructure facility that would be subject to failure due to storm surge, wave run-up, erosion, or Tsunami inundation.

Part 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Part 6. This Ordinance shall be effective immediately upon passage.

Part 7. Within fifteen (15) days after passage, the City Clerk shall cause this Ordinance to be published one time in a newspaper of general circulation, published and circulated in the City.

PASSED, APPROVED, AND ADOPTED this 19th day of May, 2015.

AYES:

NOES:

ABSENT:


ABSTAIN:

\_\_\_\_\_  
Tim Flynn, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen M. Fischer, Interim City Attorney

# **ATTACHMENT D**





Meeting Date: 5/19/2015

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Christopher Williamson, AICP

Agenda Item No. J-2

Reviewed By: City Manager [Signature]

City Attorney SMF

Finance [Signature]

Other (Specify)

DATE: May 8, 2014

TO: City Council

FROM: Stephen M. Fischer, Interim City Attorney  
City Attorney

**SUBJECT: Status update of Local Coastal Plan (LCP) Update, NRG "Puente" Power Plant Proposal, Extension of Interim Urgency Ordinance Prohibiting the Expansion of Existing, or Development of New, Electrical Generating Facilities Within the Coastal Zone Pursuant to the Southern California Edison (SCE) Request For Offer (RFO) Process Pending Studies and Changes in the Local Coastal Program (LCP) and Zoning Ordinances and Other Land Use Regulations, and Provide Direction to Staff Regarding Issues Raised by the NRG proposal.**

**RECOMMENDATION**

That City Council:

1. Receive a status update on the LCP Update.
2. Receive a status report on the NRG "Puente" power plant proposal.
3. Conduct a public hearing to consider extending Ordinance No. 2882.
4. Issue a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 2882.
5. Adopt an ordinance to extend the moratorium prohibiting the expansion of existing, or development of new, electrical generating facilities within the Oxnard Coastal Zone pursuant to the SCE RFO process pending studies and changes in the LCP, zoning ordinances, and other land use regulations for a period of 12 months from the date Ordinance No. 2882 is currently set to expire.
6. Provide direction to staff regarding how to proceed should the Council adopt an ordinance to extend Ordinance No. 2882.

**DISCUSSION**

*Status of the LCP Update* – The Coastal Commission has approved the scope of tasks and deliverables that are the work program for the Oxnard LCP Update. Staff will soon prepare a request for proposal (RFP), distribute the RFP, and accept proposals over a 30-day period and select an expert LCP Update

consultant team by mid-summer. Preliminary sea-level rise mapping is largely complete. During the RFP period, staff will begin to form an agency, technical and public outreach program. Attachment 1 is a report of activities completed by City staff and/or consultants and special counsel between July 30, 2014 and the present related to the LCP Update.

*Status of the NRG "Puente" Power Plant Proposal* – Staff will provide a verbal update on the SCE and NRG applications for a new 262 MW generation station named "Puente" (Spanish for "bridge") filed with the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC). SCE filed with the CPUC for approval of the NRG award on November 26, 2014. On December 23, 2014, City Council adopted a resolution authorizing the Mayor to execute a Protest and for the City to become a party in the CPUC proceedings. On March 13, 2015, the CPUC issued a scoping memo that requested formal testimony for Evidentiary Hearings scheduled for May 27 to 29, 2015, at the CPUC Commission Courtroom in San Francisco. As part of the Local Coastal Program (LCP) Update and in anticipation of the SCE approval of the NRG proposal, two expert studies were submitted on April 8, 2015 to the CPUC as the City's Protest testimony. The two studies are: "Vulnerabilities of the Proposed Mandalay Generating Station to Existing and Future Coastal Hazards and Sea Level Rise" by Dr. David Revell, and "Sea Level Rise Vulnerability Assessment: Tsunami Analysis Mandalay Bay Generating Station" by David Cannon, M.C.E., P.E. Both studies utilize best-available data and California Coastal Commission guidance regarding sea-level rise risks to critical infrastructure such as a power plant, and consistent with the California Geological Survey's tsunami guidance using the Goleta 2 Landslide scenario for emergency evacuation and coastal planning purposes. The March 13, 2015 CPUC scoping memo included a local Public Participation Hearing in the Oxnard area at a date and time to be determined. Staff is working with the CPUC to secure a large local venue and date in mid-July.

NRG filed for an Application for Certification (AFC) with the CEC on April 15, 2015. The CEC assigned the NRG "Puente" power plant application to a CEC Project Manager, Jon Hilliard. The first step in the CEC review process is to determine whether or not the NRG application contains all CEC required information and data. When the CEC deems the application complete, staff will begin the discovery and issue analysis phases. Over the coming months, the Energy Commission CEC will conduct local public hearings to provide the public the opportunity to ask questions and provide input on the proposed NRG project. No dates have been set as of May 7, 2015.

*Development Moratorium Extension Process* – On July 1, 2014, the City Council unanimously adopted Ordinance No. 2882, an interim urgency measure imposing a moratorium on the approval of any special use permit, coastal development permit or any other discretionary City permit or approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity with a capacity greater than 25 MW on any property located within the Oxnard Coastal Zone. On July 29, 2014, the City Council unanimously adopted Ordinance No. 2884, which extended Ordinance 2882 to June 30, 2015. The proposed action is the second and final extension for 12 months allowed by Government Code Section 65858. An interim urgency measure imposing a moratorium may be extended after a noticed public hearing and requires a four-fifths vote of the City Council for adoption.

Notices of the public hearing to extend the moratorium were published in accordance with Government Code Section 65090 (Attachment 2). The attached ordinance to extend the moratorium restates the findings of Ordinance No. 2882 regarding the current and immediate threat to public health, safety and welfare as required by State law (Attachment 3).

*LCP Update Report* – Attachment 1 is a report of activities completed by City staff and/or consultants and special counsel between July 30, 2014 and the present related to the moratorium.

*Direction to Staff* – Should Council decide to extend Ordinance No. 2882, City staff requests Council direction on how the City should proceed. Preliminary analyses has indicated that the proposed Puente facility may be vulnerable to coastal hazards and has a significant aesthetic impact. During the extended moratorium, the Council may wish to implement regulatory or other actions that address these effects or decide to take no further action.

*CEQA Applicability* – Adoption of the proposed extension of the urgency ordinance would not be considered a project within the meaning of Public Resources Code Section 21065 and Section 15378 of the State CEQA Guidelines because it does not have the potential to result in a direct or reasonably foreseeable indirect physical change in the environment. Rather the extension of the urgency ordinance would only temporarily prevent certain physical changes in the environment pending completion of the City's review and possible amendment of the regulations applicable to applications for development of electrical generating facilities in the Coastal Zone in response to SCE's RFO.

## **FINANCIAL IMPACT**

There is no financial impact from adopting the extension of the urgency ordinance.

CW/SMF

- Attachment #1 - Report on Status of Actions Related to LCP Update and Moratorium
- Attachment #2 - Public Hearing Notices
- Attachment #3 - Ordinance Extending Interim Urgency Ordinance

ATTACHMENT 1

City of Oxnard, California

Development Services Department, Planning Division

May 13, 2015

## Report on Status of Actions Related to Moratorium (Ordinance 2882)

*Purpose:* On July 29, 2014, the City Council of the City of Oxnard (City) unanimously adopted Ordinance No. 2884, an interim urgency measure extending to June 30, 2015 the moratorium adopted on July 1, 2014 by Ordinance No. 2882 on the approval of any special use permit, coastal development permit or any other discretionary City permit or approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity on any property located within the Oxnard Coastal Zone. During the period of the moratorium, the City will study, draft and adopt changes to the Oxnard Local Coastal Program (LCP), zoning ordinances, and other land use regulations regarding electrical generating facilities within the Coastal Zone.

Pursuant to Government Code Section 65858, this document is the second progress report prepared prior to the expiration of the first extension period ending June 30, 2015.

Between July 29, 2014 and May 13, 2015, City staff initiated and/or completed the following actions:

1. A joint grant application to the Ocean Protection Council and Coastal Commission for a total of \$150,000 to supplement the City's \$133,000 set aside to update the Oxnard LCP, including a complete a sea level rise (SLR) analysis and development of adaptations, was awarded to the City by the Coastal Commission and the Ocean Protection Council. The Coastal Commission has approved the LCP Update scope of work. The City is preparing and will issue a Request for Proposal to retain expert consultants by the end of May, with the goal of initiating initial public outreach in July, 2015.
2. On September 23, 2014, staff presented a LCP Update: Tasks and Schedule, report to City Council.
3. On October 22, 2015, staff authorized Rincon Consultants, Inc. to prepare three expert studies related to sea level rise, coastal hazards and risks, and environmentally sensitive habitat (ESHA) for the Oxnard Coastal Zone, and that the initial studies would focus on the NRG Mandalay Generation Station existing and proposed power plant.
4. On December 16, 2014, staff presented a summary of the California Energy Commission's (CEC) power plant site permit review process to the City Council.
5. In late December with City Council direction, the City Attorney retained special counsel with experience before the CA Public Utilities Commission (CPUC) and CEC to advise and represent the City before the CPUC and CEC.
6. On January 6, 2015, the City filed a Motion to Become a Party and a Protest with the California Public Utilities Commission (CPUC) in response to Southern California Edison's (SCE) filing with the CPUC for approval of SCE's award of a contract to NRG to build a new 262 MW power generation facility adjacent to the Mandalay Generating Station located at 393 North Harbor Blvd.
7. On April 8, 2015, the City filed Protest testimony with the CPUC following direction of a CPUC scoping memo establishing Evidentiary Hearings on the City's Protest in late May, 2015. The testimonies are incorporated as pages 2 to 47 (Testimony of Dr. David Revell, "Vulnerabilities of the Proposed Mandalay Generating Station to Existing and Future Coastal Hazards and Sea Level Rise") and pages 48 to 83 (Testimony of Dr. David Cannon, "Sea Level Rise Vulnerability Assessment: Tsunami Analysis Mandalay Bay Generating Station") of this report.
8. Staff began review of the NRG Application for Certification (AFC) filed with the CEC in April, 2015.