

DOCKETED

Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	210302
Document Title:	Applicant's Responses to CEC Data Requests, Set 3 (75 - 76)
Description:	N/A
Filer:	Paul Kihm
Organization:	Latham & Watkins LLP
Submitter Role:	Applicant Representative
Submission Date:	2/12/2016 4:42:04 PM
Docketed Date:	2/12/2016



Application for Certification (15-AFC-01)

Puente Power Project (P3)
Oxnard, CA

Responses to CEC Data Requests Set 3 (75-76)



February 2016

Submitted to:
The California Energy Commission



Prepared by: **AECOM**

TABLE OF CONTENTS

RESPONSES TO CEC DATA REQUESTS SET 3

LAND USE
75 AND 76

ATTACHMENTS

Attachment A Parcel Map and List of Property Owners

LIST OF ACRONYMS AND ABBREVIATIONS USED IN RESPONSES

AFC	Application for Certification
CEC	California Energy Commission
MGS	Mandalay Generating Station
NRG	NRG California South LP
P3	Puente Power Project

Technical Area: Land Use
Author: Ashley Gutierrez

BACKGROUND: PUBLIC USE AREAS

Section 4.6.5.2.1 of the AFC, "California Coastal Act," states that because P3 would be constructed entirely within the boundaries of the existing MGS property it would not interfere with existing public use to the shoreline. Additionally, it states that there are adequate existing public use areas in the vicinity of the proposed P3 project site. The AFC did not address Section 25529 of the Warren-Alquist Act.

Section 25529 of the Warren-Alquist Act requires the establishment of an area for public use as a condition of certification of a facility proposed in the Coastal Zone:

"When a facility is proposed to be located in the Coastal Zone or any other area with recreational, scenic, or historic value, the [Energy] Commission shall require, as a condition of certification of any facility contained in the application, that an area be established for public use, as determined by the Commission. Lands within such area shall be acquired and maintained by the applicant and shall be available for public access and use, subject to restrictions required for security and public safety. The applicant may dedicate such public use zone to any local agency agreeing to operate or maintain it for the benefit of the public. If no local agency agrees to operate or maintain the public use zone for the benefit of the public, the applicant may dedicate such zone to the state. The [Energy] Commission shall also require that any facility to be located along the coast or shoreline of any major body of water be set back from the shoreline to permit reasonable public use and to protect scenic and aesthetic values."

Staff has looked at various potential areas in the Oxnard coastal area to satisfy the public use requirement of the Warren Alquist Act and has identified six possible options in proximity to the Mandalay Generating Station (MGS).

- 1) P3 onsite access (near McGrath Lake) within the northern portion of MGS property.
- 2) P3 onsite access (near McGrath Peaker Generating Plant area) within the southern portion of MGS property.
- 3) Existing offsite public use access located on 5th Street and Mandalay Beach Road (north of Oxnard Shores Mobile Home Park).
- 4) Existing offsite public use beach access located at the northwest corner of Harbor Boulevard and 5th Street.
- 5) P3 onsite access between McGrath State Park and Mandalay Beach City/County Park (1,800 feet beach frontage).
- 6) McGrath State Beach (north of P3) former state park and camping facility relocation and enhancement.

Staff has identified option 5 as the most practicable and feasible of the potential options, primarily because Oxnard city code includes policies on General Coastal Access Standards (CZO 2004). Furthermore, the Oxnard 2030 General Plan includes goals and policies to ensure safe pedestrian circulation throughout the city, including creating a physical link for pedestrians between parks and recreation facilities. The area would require a type of enhancement that would ensure the safety of pedestrians crossing around the MGS outfall. With the demolition of Units 1 and 2 staff believes the applicant could reduce the size of the outfall to ensure a safer passage for pedestrians. In addition, a walkway or boardwalk could be implemented to provide pedestrian safety and protect sensitive habitat from human disturbance in the nearby dune areas.

In light of the foreseeable relocation and enhancement of McGrath State Beach (located north of P3) and the build-out of the North Shore development (located south of P3) pedestrian traffic along the beach would be expected to increase and a boardwalk or pedestrian path linking McGrath Beach with recreation facilities to the south would be a welcome amenity for recreational use.

A description of the potential public use site (option 5), along with staff's suggestions on how it might be made available for public use, is discussed below:

P3 onsite lateral access between McGrath State Park and Mandalay Beach City/County Park (1,800 feet beach frontage). Enhancement opportunities include but are not limited to: providing a public use easement or dedication of land to the city of Oxnard; implementation of a pedestrian path or boardwalk linking both McGrath State Beach and Mandalay Beach City/County Park; secure MGS outfall area; provide trash cans; and signs delineating sensitive habitat areas.

DATA REQUEST

75. Please provide comments on the feasibility of public use option 5 identified by staff.

RESPONSE

Applicant agrees that Option 5, "P3 [Puente Power Project] onsite access between McGrath State Park [to the north] and Mandalay Beach City/County Park [to the south] (1,800 feet of beach frontage)," is the most practical and feasible of the potential options; however, to clarify, this option is not specifically on the P3 site. Due to safety and security issues, it is not possible to provide access directly on the P3 site. Option 5 is on property already owned by NRG California South LP (NRG), the common owner of Mandalay Generating Station (MGS). A parcel map that shows Option 5 (i.e., within parcel "23" of the attached map) and details on parcels adjoining MGS, including Option 5, is included in Attachment A to this data request response. In Appendix G of the P3 Application for Certification (AFC), NRG provided a copy of the list of owners within 1,000 feet of the P3 site. The legacy owner referenced in Attachment A (and in Appendix G of the AFC), Ocean Vista Power Generation, LLC, was acquired by NRG in 2012.

Public access is available for Option 5 on existing "Beach Road," which is adjacent and outside MGS' western perimeter fence. The road is between MGS' western perimeter fence and MGS' outfall riprap structure. This existing access will not be impeded in any way by development of P3, because P3 is a few hundred feet east of Beach Road beyond the sand dunes. Beach Road is currently covered with sand. Implementation of this option would entail maintaining and keeping Beach Road visible and accessible for safe pedestrian use, and otherwise maintaining Beach Road and the adjoining area in its natural state. Signage may be employed to increase public awareness of Beach Road and to identify sensitive habitat in the area.

Public access from McGrath State Park and Mandalay Beach City/County Park is also available west of MGS' outfall riprap structure, along the tideline. The shutdown of Units 1 and 2 by the end of 2020 will result in a substantial reduction of MGS' wastewater discharge associated with the once-through cooling system. Remaining discharges from MGS will primarily be Unit 3 bearing cooling water and stormwater. These flows will be infrequent and intermittent; for comparison purposes, the flow rate of the Unit 3 bearing cooling water pump is about 50 times less than the flow rates of Units 1 and 2 cooling water pumps (or 2 percent of the Units 1 and 2 flow rate). When considering the average annual volume of water discharged from MGS during

the past several years, the remaining contribution of discharge from Unit 3 discharge is even more insignificant in comparison to the Units 1 and 2 discharge (i.e., water associated with Unit 3 bearing cooling water pumps has been about 0.007 percent of the discharge from Units 1 and 2). When considering the insignificant amount of discharge from the MGS outfall across the beach following Units 1 and 2 shutdowns, it is apparent that public access along the tideline paralleling the MGS property will not be impeded due to discharge from the facility. NRG will continue its sand management outside the outfall riprap which is intended to enable discharge to connect with the ocean. This sand management will also facilitate continued pedestrian access and egress along the tideline. NRG does not propose modification of the outfall riprap, because the existing structure will continue to facilitate and direct MGS' discharge to the ocean in accordance with its facility National Pollutant Discharge Elimination System permit.

DATA REQUEST

- 76. Please identify additional areas where public use could be enhanced or implemented to satisfy Section 25529 of the Warren-Alquist Act.**

RESPONSE

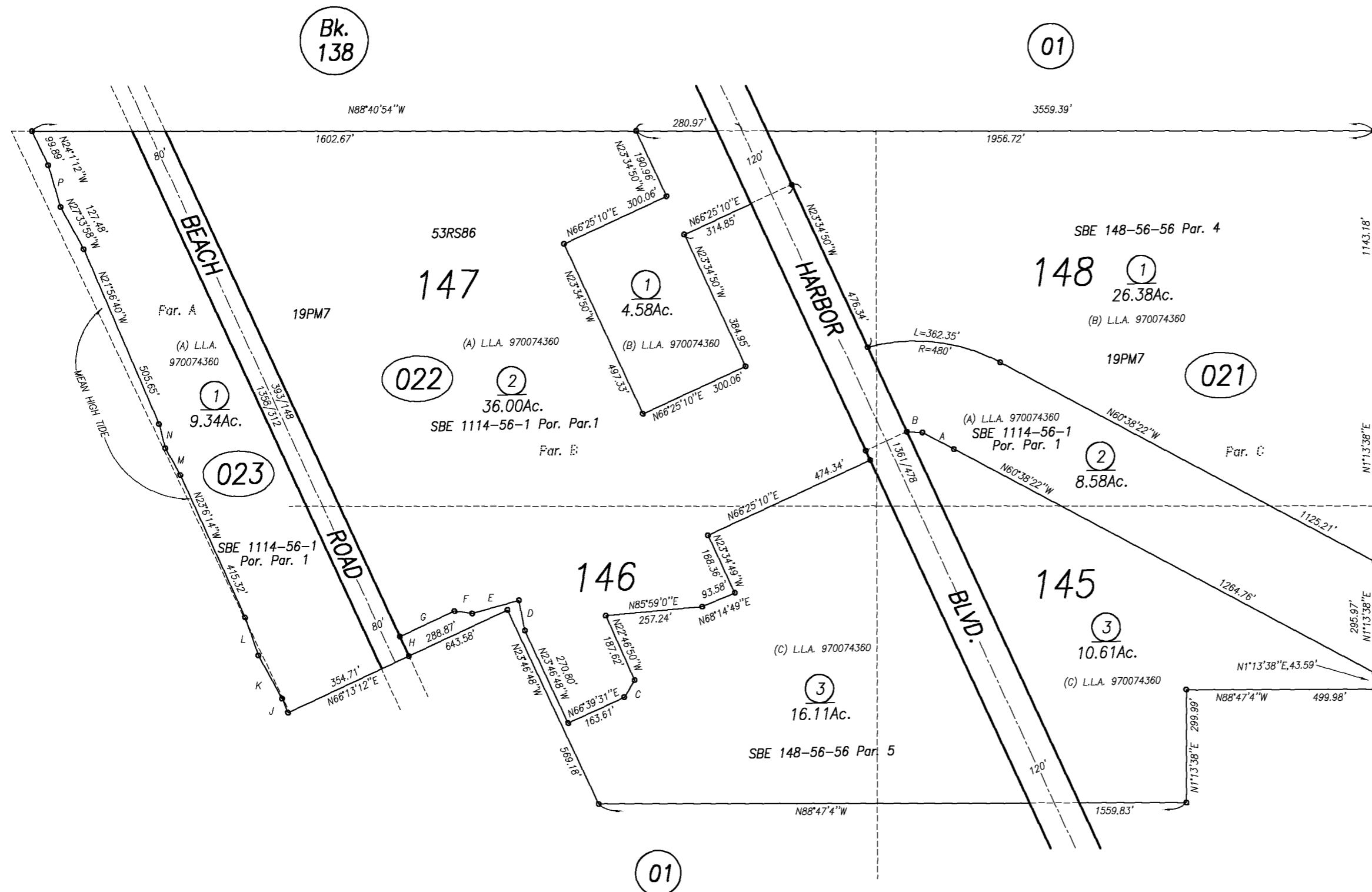
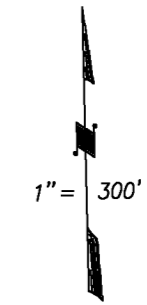
Applicant does not know of any additional areas where public use could be enhanced or implemented to satisfy Section 25529 of the Warren-Alquist Act beyond those identified above by California Energy Commission Staff.

ATTACHMENT A
PARCEL MAP AND LIST OF PROPERTY OWNERS

RANCHO EL RIO DE SANTA CLARA O' LA COLONIA
T.2N, R.23W, S.B.B.&M

Tax Rate Area
03040

183-02



COURSE SCHEDULE		
A	N60°55'40"W	94.33'
B	N85°46'3"W	41.56'
C	N32°46'59"E	52.95'
D	N9°40'33"W	82.43'
E	N75°30'3"E	128.80'
F	N80°58'30"W	47.21'
G	N66°13'6"E	160.04'
H	N2°32'21"W	56.48'
J	N21°29'29"W	40.71'
K	N27°20'45"W	130.60'
L	N17°55'26"W	107.21'
M	N27°49'12"W	81.41'
N	N13°11'11"W	65.73'
P	N14°59'27"W	115.95'

01

CITY OF OXNARD
Ventura County Assessor's Map.

Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.
Assessor's Mineral Numbers Shown in Squares.

DRAWN	REVISED	6-4-2003
REDRAWN	S.N. CREATED	4-1-1999
INKED	PLOTTED EFFECTIVE	9900 ROLL
PREVIOUS Bk. 183, Portion Pg. 01		
Compiled By Ventura County Assessor's Office		

NOTE: ASSESSOR PARCELS SHOWN ON THIS PAGE DO NOT NECESSARILY CONSTITUTE LEGAL LOTS. CHECK WITH COUNTY SURVEYOR'S OFFICE OR PLANNING DIVISION TO VERIFY.

APN	NAME1	NAME2	MAIL.ADDR	CTY.STA	ZIP
1830022025	OCEAN VISTA POWER GENERATION		1111 LOUISIANA 16TH FL	HOUSTON TX	77002
1830010585	VENTURA COUNTY OF	ATTN R-W AGENT	800 S VICTORIA AVE	VENTURA CA	93009-0001
1830022015	SOUTHERN CALIF EDISON CO		PO BOX 800	ROSEMEAD CA	91770-0800
1830010565	VENTURA COUNTY OF	ATTN R-W AGENT	800 S VICTORIA AVE	VENTURA CA	93009-0001
1830010595	CALIF STATE OF-DEPT GEN SER	REAL ESTATE SERV DIVISION	915 CAPITOL MALL RM 110	SACRAMENTO CA	95814-4801
1380080055	OXNARD CITY OF		300 W THIRD ST	OXNARD CA	93030
1830021035	SOUTHERN CALIF EDISON CO		PO BOX 800	ROSEMEAD CA	91770-0800
1830021015	SOUTHERN CALIF EDISON CO		PO BOX 800	ROSEMEAD CA	91770-0800
1830023015	OCEAN VISTA POWER GENERATION		1111 LOUISIANA 16TH FL	HOUSTON TX	77002
1830010505	R H MC GRATH FARMS		PO BOX 8040	OXNARD CA	93031-8040
1830021025	OCEAN VISTA POWER GENERATION	ATTN RAYMOND SHEWMAKE	1111 LOUISIANA 44TH FL	HOUSTON TX	77002
1380080065	CALIFORNIA STATE OF	DEPT OF PARKS & RECREATION	1416 NINTH ST	SACRAMENTO CA	95814
1830010465	PARKS HARBOR LLC	ATTN CHARLEY C PARK	15048 ROCKFOLD DR	HACIENDA HEIGHTS CA	91745-4012
1830010555	OXNARD CITY OF		300 W THIRD ST	OXNARD CA	93030
1830010575	CALIF STATE OF-DEPT GEN SER	REAL ESTATE SERV DIVISION	915 CAPITOL MALL RM 110	SACRAMENTO CA	95814-4801
1830010365	R H MC GRATH FARMS		PO BOX 8040	OXNARD CA	93031-8040
1830010515	R H MC GRATH FARMS		PO BOX 8040	OXNARD CA	93031-8040
1830010545	CALIF STATE OF-DEPT GEN SER	REAL ESTATE SERV DIVISION	915 CAPITOL MALL RM 110	SACRAMENTO CA	95814-4801
1830022035	SOUTHERN CALIF EDISON CO		PO BOX 800	ROSEMEAD CA	91770-0800