

DOCKETED

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CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES & FEDERAL CONSISTENCY DIVISION
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**ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION****HEARING NOTICE**

Newport Beach Civic Center
City Council Chambers
100 Civic Center Drive
Newport Beach, CA 92660

(415) 407-3211

[The phone number will only be in service during the meeting.]

Staff reports pertaining to the matters listed below are not sent to all recipients of this hearing notice. To review a staff report and recommendation or for more meeting information, please see the Commission's website at www.coastal.ca.gov. If you wish to receive a hard copy of a report, please contact the Commission's Energy, Ocean Resources and Federal Consistency Division at (415) 904-5240.

The California Coastal Commission will consider the following Energy, Ocean Resources, and Federal Consistency Division items:

FRIDAY, SEPTEMBER 9, 2016, 9:00 A.M.

10. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. For specific information contact the Commission's Energy, Ocean Resources, and Federal Consistency Division office at (415) 904-5240.
 - a. **Proposal to Upgrade Mandalay Generating Station.** Report by Commission staff and possible Commission action under Coastal Act §30413(d) on application for certification to California Energy Commission by NRG, Inc. to replace Units 1 and 2 of Mandalay Generating Station with 262-MW Puente Power Project, in Oxnard, Ventura County. (JS-SF)
11. **CONSENT CALENDAR (removed from Regular Calendar).**

[Items 12a and 13a below, will be combined into a single staff report and hearing.]

12. NEW APPEALS

- a. **Appeal No. A-5-HNB-10-225 (Poseidon Water, Huntington Beach)** Appeal by Orange County Coastkeeper, Surfrider Foundation, Residents For Responsible Desalination, and Commissioners Wan and Mirkarimi from decision of City of Huntington Beach granting permit and conditions to Poseidon Water for removal of storage tanks, conduct remediation, and construction and operation of seawater desalination facility within site of Huntington Beach Generating Station, 21730 Newland Ave., Huntington Beach, Orange County. (TL-SF)

13. COASTAL PERMIT APPLICATION

- a. **Application No. 9-15-1361 (Poseidon Water, Huntington Beach)** Application of Poseidon Water to construct and operate seawater desalination facility at Huntington Beach Generating Station, 21730 Newland Ave., Huntington Beach, and intake and outfall structures in waters of the Pacific Ocean offshore of Huntington Beach, Orange County. (TL-SF)

HEARING PROCEDURES

Permits and Consistency Items.

The Commission will conduct a public hearing on applications for permits and consistency items. The Commission may vote on an application at the conclusion of the public hearing, or it may, if additional information is needed, vote at a subsequent meeting. For federal consistency matters, in the event the Commission's action differs substantially from the staff recommendation, it may be necessary for the Commission to consider adoption of revised findings on a day following the day on which the public hearing on the matter is scheduled to occur. People wishing to testify on these matters may appear at the hearing and/or may present their concerns in writing to the Commission on or before the hearing date. All speakers must fill out a speaker's form (which will be available at the meeting) and turn it in to staff. If you wish to submit written materials for review by the Commission, please observe the following suggestions:

- We request that you submit your materials to the Commission staff no later than three working days before the hearing (staff will then distribute your materials to the Commission).
- Mark the agenda number of your item, the application number, your name and your position in favor or opposition to the project on the upper right hand corner of the first page of your submission. If you do not know the agenda number, contact the Commission lead staff person for the item.
- If you wish, you may obtain a current list of Commissioners names and addresses from any of the Commission's offices and mail the material directly to the Commissioners. If you wish to submit materials directly to Commissioners, we request that you mail the materials so that the Commissioners receive the materials no later than Thursday of the week before the Commission meeting. Please mail the same materials to all Commissioners, alternates for Commissioners, and the four non-voting members on the Commission with a copy to the Commission lead staff person for the item.
- You are requested to summarize the reasons for your position in no more than two or three pages, if possible. You may attach as many exhibits as you feel are necessary.

Please note: While you are not prohibited from doing so, you are discouraged from submitting written materials to the Commission on the day of the hearing, unless they are visual aids, as it is more difficult for the Commission to carefully consider late materials. The Commission requests that if you submit written copies of comments to the Commission on the day of the hearing, that you provide 20 copies.

Oral testimony may be limited to five minutes or less for each speaker, depending on the number wishing to be heard. If the project is to be voted on at this meeting, the applicant may reserve some time for rebuttal after the opponents speak.

The above permit items may be moved to the Consent Calendar by the Executive Director if, prior to Commission consideration of the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If this item is moved to the Consent Calendar, the Commission will either approve it with the recommended conditions in the staff report or remove the item from the Consent Calendar by a vote of three or more Commissioners. If the item is removed, the public hearing described above will still be held at the point in the meeting originally indicated on the agenda.

Local Coastal Programs (LCPs).

LCPs are prepared by local governments in two parts (a land use plan and implementing ordinances) and will provide the basis for issuing coastal permits after approval by the local government and the Commission. Copies of LCP staff reports are available on request from the Commission office. *(Note: Persons wishing to testify on these matters may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date. Copies of all correspondence will be provided to the Commission. Written comments may be of any length; oral*

testimony may be limited to five minutes or less for each speaker, depending on the number wishing to be heard.)

New Appeals.

On the recommendation of staff or of three members of the Commission, a public hearing will be held to determine whether the decision being appealed raises a substantial coastal issue under the certified LCP. The time limits for this public hearing are: three minutes combined total per side to address the question of substantial issue.

Unless a majority of the Commissioners present find that “no substantial issue” is raised by an appeal, the Commission will consider the original project “de novo” under the same rules as for Permits and Consistency items.

Who Can Testify On Appeals.

Section 13117 of the Commission’s regulations specifies who can testify before the Commission on an appeal. The regulations state:

“Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify at the Commission hearings at any stage of the appeal process. All other persons may submit comments in writing to the Commission or executive director, copies or summaries of which shall be provided to all Commissioners pursuant to Sections 13060–13061.”

When Will My Agenda Item Be Heard?

The items listed above will be considered by the Commission at a meeting at which other items are also scheduled. It is not possible to specify the exact time at which each matter will be heard, or to guarantee that an item will not be postponed. No one can predict how quickly the Commission will complete agenda items or how many will be postponed to a later date. The Commission begins each session at the time listed and considers each item in order, except in extraordinary circumstances. The Energy and Ocean Resources staff at the Commission’s Headquarters Office in San Francisco can give you more information prior to the hearing date and you can call the staff at the hearing location for last minute information.

Further Information.

For further information or if you would like a copy of any of the staff reports prior to the meeting, contact the Energy and Ocean Resources Unit at 45 Fremont Street, Suite 2000, San Francisco, California 94105–2219, (415) 904–5240. A limited number of staff reports will be available at the meeting. Correspondence should be sent to the Coastal Commission office at the above address.