

DOCKETED

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Item F10a Supporting Staff Recommendation (9/9/16 Coastal Commission Meeting)

Additional submitted attachment is included below.

Tim Flynn
Mayor



Honorable Supervisor and Chair Steve Kinsey
California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

RE: Item F10a Comment Letter Supporting Staff Recommendation (9/9/16 Coastal Commission Meeting)

Chair Steve Kinsey:

I write on behalf of the City Council of the City of Oxnard (City) to fully support adoption of the Section 30413(d) August 26, 2016 report prepared by Coastal Commission staff regarding the new 262 MW Puente Power Plant (Project) now being considered by the California Energy Commission (CEC) to replace Units 1 and 2 of the Mandalay Generating Station (MGS) located at 393 N. Harbor Boulevard.

The City strongly supports the report's recommendation that the Project be relocated to an alternative site that avoids present and future risks from sea level rise, coastal flooding, dune and beach erosion, and tsunami inundation at the MGS site. As the report acknowledges, the Mandalay site is not only at risk from sea level rise and other coastal hazards, the Project presents many other inconsistencies with the City's Local Coastal Plan (LCP) and the Coastal Act. Specifically, the Project will result in the filling of coastal wetlands and additional impacts on adjoining wetlands due to the largely unknown subsurface connections and interactions between the fluctuating high water table and intruding ocean water. The U.S. Fish and Wildlife Service found that "Operation of the existing power plant has impacted western snowy plover and its critical habitat...new power plant at this location could potentially impact listed species and critical habitat in the future."¹ And, as noted in the 30413(d) report, the existing power plant already inhibits public beach access as a result of the existing discharge of industrial wastewater from the plant over the beach and across State tidelands that front the facility. In short, this is a terrible place to build a new power plant.

While the City agrees with the staff's discussion of the Project's impacts and inconsistency with various City policies, it would like to emphasize that the Project is also inconsistent with the City's recent 2030 General Plan amendment, which were not fully addressed in the staff report. First, the City has long interpreted its existing LCP policies to allow only coastal dependent energy related facilities. Since the proposed project is not coastal dependent, it would not be consistent with the City's interpretation of its LCP. Moreover, the City's recently adopted amendment to its 2030 General Plan prohibits the siting of power plants of 50 MW or greater generating capacity in areas subject to environmental hazards including

¹ US F&W Service comment letter to Shawn Pittard, CEC docket 15-AFC-01 dated August 18, 2016.

seismic hazards, coastal hazards, and sea level rise. Although the report acknowledges these amendments, it does not address the Project's clear inconsistency with the 2030 General Plan.

While Commission staff is correct that the City has not yet submitted its updated LCP, which currently allows energy facilities as a conditionally permitted use, the City's 2030 General Plan establishes the City's land use goals for the City as a whole.² The recent 2030 General Plan amendment acts as an overlay policy that identifies additional criteria that should be applied when determining whether a new power plant, or substantial expansion or replacement of an existing plant, of 50 MW or greater capacity, should be permitted in areas with greater known and uncertain risk compared to areas of less risk. The amendment reflects the City's policy judgment that large power plants should not be built in areas subject to higher environmental hazards, including landslide, flooding, seismic, or wildfire risks than areas with less risk. The amendment is also consistent with Government Code section 65302(g)(4), which requires the City to update its general plan to include policies to respond to climate change, including an assessment of vulnerabilities and the adoption of measures to avoid and adapt to climate change impacts.

The 30413(d) report validates the City's interest in preventing the development of large energy facilities in areas subject to known and increasing coastal hazards. In fact, the report explicitly finds: "The Commission believes that the requirement of this policy [to address coastal hazards] can best be met through risk avoidance, that is, by the selection of an alternative inland site that is free of flooding hazards." 30413(d) Report at p. 34.³ There are at least two inland properties that meet all the siting criteria and avoid the impacts of the Puente Project, including inland sites in the City of Oxnard and one in unincorporated Ventura County near Santa Paula.

The City also concurs with the report's discussion on page 5 that the CEC is improperly assuming that absent the approval of the Project, the existing MGS Units 1 and 2 would remain in place indefinitely after decommissioning in 2020. It is not reasonable to assume that NRG will be permitted to allow a closed power plant to remain as a visual blight, attractive nuisance, possible source of polluted runoff and deteriorating airborne asbestos, and a source of raptor nesting sites that would prey on adjacent nesting sites of endangered Snowy Plovers and Least Terns. The CEC should assume that MGS Units 1 and 2 would be removed after their decommissioning and that the CEC's evaluation of alternative sites cannot state that the alternative sites are environmentally inferior to the Project because the old MGS units remain undemolished for another 30 years.

² Gov't. Code §§ 65300, 65302. The City has a reasonable time to bring the coastal zoning into consistency with the General Plan. Gov't. Code § 65860(c). When the City updates its LCP, it will ensure that the LCP is consistent with the City's General Plan and the Coastal Act.

³ The 30413(d) report also demonstrates that the Mandalay site is no longer an appropriate location for the "reasonable expansion" of existing electrical generating facilities. Although the Commission previously identified the site as such in a report first issued in 1978, since that time, significant new research has been conducted which demonstrates that this site in particular is subject to risk from sea level rise and coastal hazards. Moreover, these facilities are no longer coastal dependent because they are prohibited from using once through cooling systems that rely on ocean water. Given the Commission's policy to require the consideration of sea level rise when locating new or expanded electrical generating facilities, it no longer makes sense to rely on a report issued over 3 decades ago to determine now whether a site is appropriate for the reasonable expansion of an aging, obsolete facility.

Finally, the City must stress the issue of Environmental Justice (EJ) and how the majority minority population of Oxnard (85 percent not “White alone”⁴) is disproportionately impacted by being the location of three regional power plants, three closed landfills, and a large EPA Superfund site all either on the coast or relatively close to the coast or the Santa Clara River. 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.

Our community is engaged in a long struggle to crawl out of this infamous legacy, and we have made progress with the Coastal Conservancy’s Ormond Beach Wetlands Restoration project and the conversion of two landfills to a municipal golf course. The update to the City’s LCP will reflect its long-term goals to protect the natural resources and coastal recreational opportunities in its coastal zone. The Puente Project represents a big step in the wrong direction and would interfere with the City’s long-term goals for its coast. It is also inconsistent with the low-cost, low-intensity recreational opportunities afforded by the adjacent McGrath State Beach to the north, Mandalay Beach Park to the south, and public trust lands to the west—all of which serve a local, primarily minority low-income community, and the greater Central Coast region.

In closing, the City fully supports all the findings and recommendations of the 30413(d) Report and urges the Commission to adopt the Report and forward it to the CEC.

Sincerely



Tim Flynn
Mayor

cc: Chair Robert Weisenmiller, Ph.D., CEC
Janea A. Scott, CEC
President Pedro Pizarro, SCE
President and CEO Stephen Berberich, California ISO
President and CEO Mauricio Gutierrez, NRG Energy, Inc.

⁴ < <http://www.census.gov/quickfacts/table/RHI125215/0654652,06>>