

DOCKETED

Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	213779
Document Title:	City of Oxnard's September 23, 2016 Status Conference Statement
Description:	N/A
Filer:	PATRICIA LARKIN
Organization:	SHUTE, MIHALY & WEINBERGER LLP
Submitter Role:	Intervenor Representative
Submission Date:	9/23/2016 4:15:47 PM
Docketed Date:	9/23/2016

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the matter of:

Application for Certification of the
PUENTE POWER PROJECT

DOCKET NO. 15-AFC-01

**CITY OF OXNARD'S SEPTEMBER 23,
2016 STATUS CONFERENCE
STATEMENT**

ELLISON FOLK (State Bar No. 149232)
EDWARD T. SCHEXNAYDER (State Bar No. 284494)
SHUTE, MIHALY & WEINBERGER LLP
396 Hayes Street
San Francisco, California 94102
Telephone: (415) 552-7272
Facsimile: (415) 552-5816
Folk@smwlaw.com
Schexnayder@smwlaw.com

Attorneys for the CITY OF OXNARD

Pursuant to the September 9, 2016 Notice of Committee Status Conference, the City of Oxnard files this Status Conference Statement.

Concerns with the PSA

On July 22, 2016, the Committee granted the City's request to extend the comment period for Preliminary Staff Assessment ("PSA") to 90 days. The City appreciates the Committee's extension of the comment period as public review of the PSA revealed numerous omissions and deficiencies in the document.

As discussed in the City's September 15, 2016 comments, the City identified many problems with the PSA, most significantly its failure to adequately address the following:

- Multiple Project inconsistencies with the City's land use plans and regulations. For instance, the PSA lacked any analysis of the Project's inconsistency with the City's General Plan amendments and moratorium that would preclude siting the Project in the proposed location, even though these regulations predated the PSA's release.
- Insufficient consideration of alternative Project sites and configurations. The PSA failed to consider a renewable energy alternative to the Project. It also lacked any factual basis for rejecting many potentially feasible offsite alternatives, including the Mission Rock site and other nearby brownfield sites.
- Insufficient assessment of sea level rise and other coastal hazards. The PSA's coastal hazard analysis improperly characterized the proposed power plant as not being critical infrastructure. It also used an unvetted, draft methodology in lieu of a well-regarded, Ventura-specific model to evaluate the site's exposure to coastal hazards.
- Erroneous evaluation of the Project's foreseeable air quality impacts. The PSA failed to evaluate anticipated air quality impacts from operating the Project at full permit levels. It also failed to establish a correct baseline for evaluating air quality impacts.

Other public agencies also submitted comments that raised significant concerns with the PSA's analysis, including:

- Insufficient analysis of Project impacts to special-status species, which will require an incidental take permit (comments by U.S. Fish and Wildlife Service).

- Inadequate consideration of Project alternatives, coastal hazards, sea level rise, and inconsistency with the Coastal Act and the Oxnard Local Coastal Program (comments by California Coastal Commission).
- Conflicts with County transportation planning, including hazards to aircraft using the Oxnard airport (comments by Ventura County Transportation Commission/Airport Land Use Commission and the County of Ventura, Department of Airports).

Proceeding Schedule

Given the volume of substantive concerns raised in these and other comments on the PSA, the City anticipates substantial revision to Commission staff's analysis. It would therefore be appropriate to release a revised PSA for an additional 30-day public comment period.

For similar reasons, it appears very unlikely that the Final Staff Assessment ("FSA") will be published on October 14, 2016 as the current schedule indicates.¹ The City requests that the testimony and hearing dates in the Committee Schedule be tied to the FSA publication date, or updated once the FSA is released.

Finally, absent a revised PSA, it is very likely that the Parties will need more time than the Committee Schedule currently provides for preparing testimony that responds to new analysis and information in the FSA. The City therefore concurs with the concerns raised in the scheduling motion by the California Environmental Justice Alliance, and supports modifying the schedule to give parties additional time to prepare testimony.

To allow adequate time for testimony, the City proposes the following modifications to the Committee Schedule:

¹ For instance, VCAPCD received far fewer comments on its Preliminary Determination of Compliance but has not yet released a Final Determination of Compliance. The scheduled release date for that document was "Early September, 2016."

