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Before the Energy Resources Conservation and Development
Commission of the State of California

In the Matter of:)
)
Application for Certification for)
the PUENTE POWER PROJECT) Docket No. 15-AFC-01
_____)

EVIDENTIARY HEARING
PUENTE POWER PROJECT

OXNARD PERFORMING ARTS CENTER
800 HOBSON WAY
OXNARD, CA 93030

WEDNESDAY, JULY 26, 2017

9:00 A.M.

Reported by:
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Environmental Coalition and Sierra Club
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INTERVENOR'S WITNESSES

David Revell
Chris Campbell

United State Geological Survey

Juliette Hart
Li Erikson
Andrea (Andy) O'Neill

ALSO PRESENT

State Senator Hannah-Beth Jackson
Carmen Ramirez, Mayor Pro Tem City of Oxnard
Amanda Fagan, Community Planning Liaison Officer for
Naval Base Ventura County, U.S. Navy
Jonathon Gurish, State Coastal Conservancy
Chris Kroll, State Coastal Conservancy
Todd McNamee, director of airports for the County of
Ventura
Jordan Pinjuv, California Independent System
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P R O C E E D I N G S

JULY 26, 2017 9:02 a.m.

COMMISSIONER SCOTT: Okay. Good morning, everyone. We're going to go ahead and get started.

HEARING OFFICER KRAMER: Just make sure our court reporter is ready.

COURT REPORTER: Yes.

HEARING OFFICER KRAMER: And you're hearing us okay. Okay. Good.

COMMISSIONER SCOTT: All right. Great. Well, good morning, everyone. Welcome to the Puente Power Project Evidentiary Hearing. I am Commissioner Janea Scott. I'm the presiding member over this hearing. Two people over to my right is Commissioner Karen Douglas. She's the Associate Member on this proceeding.

To my immediate right is Paul Kramer, who is the Hearing Officer for this proceeding. And then to my left are my two Advisers, Rhetta DeMesa and Matt Coldwell. And to Commissioner Douglas' right are her two Advisers, Jennifer Nelson and Le-Quyen Nguyen.

And we also have with us here, Kristy Chew, who is the Commissioners' Technical Adviser on siting matters. Now, let me turn to the parties and ask them to introduce themselves. I'll start with the Applicant.

MR. CARROLL: Good morning. Mike Carroll, with

1 Latham and Watkins, on behalf of the Applicants. And
2 with me this morning is George Piantka, Senior Director
3 for Environmental with NRG.

4 HEARING OFFICER KRAMER: Okay. Good morning.
5 Let me turn now to the Energy Commission's Staff.

6 MS. WILLIS: Good morning. My name is Kerry
7 Willis. I'm representing Staff, and with me is Michelle
8 Chester, who is also Staff Counsel, and also Shawn
9 Pittard, who is our new Deputy Director.

10 COMMISSIONER SCOTT: Great. Good morning. I'll
11 now turn to the Intervenors, starting with the City of
12 Oxnard.

13 MS. FOLK: Good morning, Ellison Folk, on
14 behalf of the City of Oxnard.

15 COMMISSIONER SCOTT: And good morning. How
16 about Environmental Coalition, Environmental Defense
17 Center and Sierra Club?

18 MS. ROESSLER: Good morning. Alicia Roessler of
19 Environmental Defense Center and the rest.

20 COMMISSIONER SCOTT: Good morning. Do I have
21 Intervenor Bob Sarvey, either here in the room or on
22 our WebEx? If you're there, Mr. Sarvey, please speak up
23 and introduce yourself. Okay. Hearing nothing, I will
24 turn now to the California Environmental Justice
25 Alliance.

1 MS. LAZEROW: How are you?

2 COMMISSIONER SCOTT: Are you on the WebEx?

3 MS. LAZEROW: Yes. Yes, good morning. This is
4 Shana Lazerow, on behalf of the California
5 Environmental Justice Alliance.

6 COMMISSIONER SCOTT: Hold on just a moment.
7 We're going to have to turn you up. We can barely hear
8 you.

9 MS. LAZEROW: Can you hear me now? Is that any
10 better? No?

11 COMMISSIONER SCOTT: Let me see if we can get
12 our sound folks to turn up the sound coming through the
13 room on the -- from the WebEx.

14 MS. LAZEROW: Okay.

15 COMMISSIONER SCOTT: Okay. Looks like they're
16 working on it.

17 MS. LAZEROW: Okay.

18 COMMISSIONER SCOTT: Okay. Try again. Let's see
19 if we can hear you better now.

20 MS. LAZEROW: Hi. Good morning. Yes. Can -- is
21 that any better?

22 COMMISSIONER SCOTT: It's really not. Hold on
23 just a minute. Let me make sure we can make -- get the
24 sound in the room so that we're able to hear you.

25 COMMISSIONER SCOTT: Can one of you guys go

1 check what the sound guy is doing?

2 (Pause)

3 HEARING OFFICER KRAMER: And let's go off the
4 record, too, so we don't have to read this in the
5 transcript.

6 (Recess at 9:05 a.m., until 9:07 a.m.)

7 MS. LAZEROW: Sure. Good morning. Is this any
8 better?

9 COMMISSIONER SCOTT: That is better, yes. So
10 we --

11 HEARING OFFICER KRAMER: Okay. Let's go back on
12 the record.

13 COMMISSIONER SCOTT: Yes. We will go back on
14 the record. Going back to our introduction. Say hi,
15 please; introduce yourself.

16 MS. LAZEROW: Good morning. This is Shana
17 Lazerow, on behalf of the California Environmental
18 Justice Alliance.

19 COMMISSIONER SCOTT: Good morning. How about
20 Center for Biological Diversity.

21 MS. BELENKY: Yes. Good morning. Can you hear
22 me? This is Lisa Belenky.

23 COMMISSIONER SCOTT: Center for Biological
24 Diversity, if you are on our WebEx, please introduce
25 yourself so we know that you're there.

1 DR. ERIKSON: Hello. This is Li Erikson at USGS
2 in Santa Cruz.

3 COMMISSIONER SCOTT: Hello.

4 DR. ERIKSON: And we have also?

5 DR. O'NEILL: Andy O'Neill, also with USGS.

6 COMMISSIONER SCOTT: Did you get that? Sorry.

7 Hold on just a moment.

8 MS. BELENKY: Hi. This is Lisa Belenky, from --

9 COMMISSIONER SCOTT: You're not coming through
10 very clearly.

11 MS. BELENKY: -- from the Center for Biological
12 Diversity. Now, I can't hear you, either.

13 HEARING OFFICER KRAMER: I'm not sure --

14 COMMISSIONER DOUGLAS: Lisa, I can hear you.

15 MS. BELENKY: Oh, good. Well, that's something.
16 Let me just see. I had the headset on.

17 HEARING OFFICER KRAMER: Okay. We're hearing
18 you in the hearing room. Audio guys, I'm not sure our
19 monitors are on up here. I'm hearing the sound mostly
20 from the room echo and that's iffy.

21 MS. BELENKY: So you can hear me now? That
22 noise --

23 (Background noise)

24 HEARING OFFICER KRAMER: That background noise.
25 Let's mute Mr. Conway.

1 COMMISSIONER SCOTT: Okay. Let's try again.
2 Lisa, can you introduce yourself again to make sure we
3 can hear you?

4 MS. BELENKY: This is Lisa Belenky, from the
5 Center for Biological Diversity.

6 COMMISSIONER SCOTT: Yeah. You're -- I'm sorry.
7 You're not coming through at all. I'm not sure if
8 that's on this end or if it's the --

9 MS. BELENKY: This is Lisa Belenky, from the
10 Center for Biological Diversity.

11 COMMISSIONER SCOTT: Did that come through? No.

12 COMMISSIONER DOUGLAS: I can just barely hear
13 her.

14 MS. LAZEROW: Lisa, for those of us on the
15 phone, we can barely hear you. I don't know if you're
16 calling through a phone line or the computer.

17 MS. BELENKY: No. I think I understand. Can you
18 hear me now?

19 COMMISSIONER SCOTT: Yes, that's much better.

20 MS. BELENKY: Okay. I think -- I was trying the
21 headset and right through the computer. Okay. Thank you
22 very much. This is Lisa Belenky from the Center for
23 Biological Diversity.

24 COMMISSIONER SCOTT: Okay. Great. And anyone
25 else from Center for Biological Diversity? Okay. How

1 about Fighting for Informed, Environmentally
2 Responsible, Clean Energy? Dr. Chang, if you're there,
3 please introduce yourself.

4 Okay. And just because the audio was so quiet
5 earlier, let me go back and double-check. Bob Sarvey,
6 if you are there, please speak up and introduce
7 yourself. Okay. So that is our Intervenors. Let me turn
8 to others. Do we have anyone from the California
9 Independent System Operator?

10 MR. PINJUV: Yes. Jordan Pinjuv, from the
11 California Independent System Operator.

12 COMMISSIONER SCOTT: Good morning. How about
13 folks from the California Coastal Commission?

14 Okay. How about anyone from the United States
15 Geological Survey? If so, please introduce yourself.

16 All right. How about any other state --

17 DR. HART: No, wait. We're here. We're here.

18 COMMISSIONER SCOTT: Sorry.

19 DR. HART: This is USGS. This is Juliette Hart,
20 and also, Li Erikson and Andy O'Neill are on a
21 different line, but they should -- they might be muted
22 right now.

23 COMMISSIONER SCOTT: Got it. Good morning.

24 DR. HART: Good morning.

25 COMMISSIONER SCOTT: Any state or federal

1 wildlife agencies? How about any other federal, state
2 or local that we did not say, but would like to
3 introduce themselves? Please walk up to the microphone
4 so we can hear you, and let us know who you are.

5 MS. FAGAN: Good morning. I'm Amanda Fagan,
6 Community Planning Liaison Officer, for Naval Base
7 Ventura County. Good morning.

8 COMMISSIONER SCOTT: Thanks for being here.
9 Good morning.

10 MR. GURISH: Jonathon Gurish, with the State
11 Coastal Conservancy, and with me here today is also
12 Chris Kroll.

13 COMMISSIONER SCOTT: Good morning.

14 HEARING OFFICER KRAMER: Could you spell your
15 name for the court reporter?

16 MR. GURISH: G as in George, u-r-i-s-h, and
17 Kroll is K-r-o-l-l.

18 HEARING OFFICER KRAMER: Thank you.

19 MS. RAMIREZ: Good morning. Carmen Ramirez,
20 City of Oxnard, Mayor Pro Tem. Welcome back.

21 COMMISSIONER SCOTT: Good morning. Any other
22 state, federal, or local or titled officials who would
23 like to introduce themselves, please go ahead.

24 DR. O'NEILL: Hello. This is Andy O'Neill,
25 calling from USGS. We got kicked off the WebEx just as

1 we were trying to introduce ourselves.

2 COMMISSIONER SCOTT: Oh, no worries, and we did
3 hear from Dr. Hart and Dr. Erikson and some others, as
4 well. Thank you for being here.

5 DR. O'NEILL: Okay. Great.

6 COMMISSIONER SCOTT: Okay. I'd also like to
7 introduce to all of you our Public Adviser, Alana
8 Mathews. She's here at the table over there to my
9 right. It's yellow. If you'd like to make a public
10 comment she can help you with that or any questions you
11 have about the proceedings.

12 She has blue cards in her hand. That's how we
13 know that you'd like to make a public comment. So
14 please stop by her desk and fill one out if you'd like
15 to make a comment when we get that portion of our
16 proceeding. And with that, I'll now turn the conduct of
17 the hearing over to our Hearing Officer, Paul Kramer.

18 HEARING OFFICER KRAMER: Thank you. Good
19 morning, everyone. For those of you who haven't noticed
20 already, the -- right now, the WiFi in the room -- and
21 this is just for the parties, we're not opening the
22 WiFi up to the public, but it's not working right now.

23 Luckily, we have some hotspots that we're
24 using to allow us to have our WebEx conferences
25 working. When that comes back up we will, of course,

1 let you know and get everyone going. And I hope that's
2 soon, frankly, because we're suffering up here, just as
3 you are.

4 So the first matters today are the pre-hearing
5 matters that are on the Agenda. Sub-part One of that is
6 reviewing your pre-hearing statements in order of
7 subjects. What I did over the weekend was I took your
8 pre-hearing statements and your time estimates and put
9 them into the witness worksheet that I filed on Monday,
10 and then I filed a revised version yesterday.

11 The main changes in yesterday's were to add
12 the names of a couple of the witnesses, especially
13 those from USGS and I guess the Coastal Commission.
14 Nothing really changed. Does anybody have any comment
15 on the order of subjects that are contained in that
16 list? Hearing none --

17 MS. WILLIS: No. Staff is fine. Mr. Kramer,
18 could you speak up really loudly. We've got a fan right
19 in our ear back here.

20 HEARING OFFICER KRAMER: Oh, okay. Yeah, I can
21 try. So you want to hear me directly, it sounds like
22 what you're saying, rather than through the --

23 MS. WILLIS: I'd like to hear you, yes.

24 HEARING OFFICER KRAMER: -- the PA system.
25 Okay. Well, maybe we could do something with our

1 speaker, audio folks, so that they can hear, because
2 even if I speak up, I'm just one person and we're going
3 to have people on the telephone --

4 MS. WILLIS: Yeah. It's really loud.

5 HEARING OFFICER KRAMER: -- and you're going to
6 have to hear them through the speaker. So is that
7 better?

8 MS. WILLIS: Yes. Thank you.

9 HEARING OFFICER KRAMER: Okay. So hearing
10 nothing about the order of subjects, that's the way
11 we're going to do it. Couple housekeeping items, and I
12 spoke to Ms. Roessler before the hearing, asked her to
13 confirm. In her exhibit list she referred for I believe
14 it was Exhibit 4038 to -- she actually referred to an
15 old document from the February hearings, and I think
16 she meant to refer -- this is the supplemental
17 testimony of Lawrence Hunt.

18 She really meant to refer to TN220216, and
19 actually, that's what I put in the exhibit list on that
20 assumption. So could you just confirm that I guessed
21 right?

22 MS. ROESSLER: That's correct.

23 HEARING OFFICER KRAMER: Thank you. And then we
24 have a series of motions. The first one was of Staff
25 joined by the Applicant, the Motion to Strike the

1 Closing Testimony of James Caldwell. And that testimony
2 -- I think it was -- the motion is TN220297.

3 So Staff, could you briefly explain the motion
4 and argue, presumably in favor of it, since you made
5 it, and then we'll go around to the other parties and
6 hear from them.

7 MS. CHESTER: Good morning. This is Michelle
8 Chester, on behalf of Staff. Staff is requesting to
9 strike the closing supplemental testimony of James H.
10 Caldwell, in accordance with the California Code of
11 Regulations Title 20, Section 1211.5.

12 To start off, in Mr. Caldwell's discussion of
13 his closing testimony he includes discussion of
14 synchronous condensers, renewables and other preferred
15 resources to meet the LCR need. However, this is also
16 the subject of his supplemental testimony filed in
17 April of 2017.

18 Legal briefs were filed and oral arguments
19 were heard already on this matter, and the Committee,
20 while it did grant the Applicant motion to exclude that
21 testimony, this is not the correct time to reintroduce
22 that information.

23 Second, the testimony goes beyond the scope of
24 the Committee's question regarding additional evidence
25 for alternatives. The City's Opposition Motion

1 summarized Caldwell's conclusion as LMS 100 or LN 6000
2 turbine alternatives would operate less often and at
3 lower combustion levels so as to lessen the aviation
4 impacts.

5 However, this is based on speculation as to
6 the operating periods and levels of those turbines, as
7 well as the ability of the turbines to meet the LCR
8 need, the performance of alternative technology and
9 significantly, the results of the California ISO
10 special study.

11 Under Section 1212, Subsection (c)(2) of the
12 California Code of Regulations, evidence on which a
13 Committee may make a finding does not include
14 speculation and unsupported conclusions and opinions.
15 Mr. Caldwell's testimony provides no support for his
16 conclusion and prejudices the value of the California
17 ISO Study.

18 That is an issue for adjudication at a later
19 date. This is not an issue of whether Staff disagrees
20 with Mr. Caldwell's testimony, but that his testimony
21 is not relevant or supported, and addresses issues
22 outside of the scope of today's hearing.

23 It does go beyond the question posed by the
24 Committee, and therefore, is not a helpful analysis of
25 Staff's supplemented testimony, which adheres closely

1 to the Committee's question. It instead analyzes the
2 Staff's testimony in a much broader lens, which is not
3 relevant or helpful to the Committee for an
4 alternatives decision.

5 HEARING OFFICER KRAMER: Jeremy, can you -- Mr.
6 Williamson.

7 MR. WILLIAMSON: Oh, they're calling for me.

8 HEARING OFFICER KRAMER: Okay. We -- I don't
9 know if you can hear me, Mr. Williamson, but this is a
10 good time for my normal admonition that I forgot.

11 MR. WILLIAMSON: Yes, I --

12 HEARING OFFICER KRAMER: To those of you on the
13 --

14 MR. WILLIAMSON: -- this is Chris.

15 HEARING OFFICER KRAMER: -- those of you on
16 WebEx, please mute yourselves. If you're using your
17 telephone you do that by hitting star 6. If you're on
18 your computer you can right click on your name in the
19 participants' list and mute yourself.

20 We like for people to police their own noise,
21 because if we do then you may find yourself wanting to
22 say something and, you know, we're not going to hear
23 you. So thank you, whoever just did that, and everyone
24 else, please mute yourself.

25 Whatever you do, don't put us on hold, because

1 some of your office systems will play music to us, and
2 we have our own background music for breaks. So we
3 don't need your help with that. Thanks. Oh, and we'll
4 note that Dr.Chang just arrived, who represents FFIERCE
5 in this case.

6 Okay. So the proponent of the declaration of
7 Mr. Caldwell, if you want to respond next.

8 MS. FOLK: Sure. So I'll just make a few points
9 here and the first point is, the testimony that we
10 filed in response to the Supplemental Staff Assessment
11 by Mr. Caldwell was not the same testimony that was
12 filed back in May and struck by the Committee.

13 It's much, much more focused on the very
14 specific issue that this Committee ordered additional
15 analysis of, which is whether the potentially
16 significant impacts, aviation -- potentially
17 significant aviation impacts of the Inland Alternatives
18 could be reduced through the use of a smaller turbine.

19 And the point of Mr. Caldwell's testimony is
20 that when Staff analyzed these smaller turbines, the LN
21 6000 and the LMS 100 they neglected to analyze them
22 including the kind of technology that actually enables
23 these turbines to provide support to the grid without
24 combustion.

25 And these are very well-known technologies.

1 It's the use of a clutch that allows the turbine to act
2 as a synchronous condenser and the use of these
3 enhanced gas turbine packages that are now being added
4 to small peaker plants, which enable them to provide
5 support to the grid without combustion.

6 And the point of that technology is that it's
7 especially important here, because the LCR need that's
8 been identified is largely due to voltage collapse. And
9 so these technologies can meet that need without
10 creating any plume at all.

11 And that's really the purpose of his
12 testimony, is to say, Staff should have looked at those
13 technologies in connection with these smaller turbines,
14 because that's what these turbines -- they're designed
15 to be fit with that technology.

16 And Staff did not do that, and as a result,
17 over-stated any potential plume emissions from the
18 smaller turbines, and therefore, overstated any
19 potentially significant aviation impacts. And I'd just
20 like to point out, this testimony does not depend on
21 the results of the ISO study at all.

22 It's just about a type of technology that
23 could be used with these smaller turbines at an inland
24 location and which is directly related to the
25 Committee's earlier order and therefore, is relevant

1 and should be admitted.

2 HEARING OFFICER KRAMER: Does any other party
3 wish to address the motion? Mr. Carroll, you're joined
4 into it, in the motion?

5 MR. CARROLL: Yes, just very briefly. Applicant
6 supports the motion on the part of the Staff,
7 notwithstanding the attempts to cloak the proposed
8 Caldwell testimony in the subject of aviation hazards
9 and to bring us within the scope of the March Order.

10 It is not the identical testimony previously
11 filed by Mr. Caldwell, but it is essentially the same
12 testimony on which this Committee previously ruled, and
13 we think that the reasoning behind that previous ruling
14 stands and that this testimony should be excluded.

15 If Mr. Caldwell wants to propose this
16 testimony in advance of the September hearings,
17 depending on where things stand at that point and what
18 comes out of the Cal ISO study and what this Committee
19 decides, is relevant and appropriate to be filed at
20 that time, we would reconsider our position.

21 But our view is it's very clearly outside the
22 scope of the March 10th Order, and therefore, should
23 not be admitted at this time.

24 HEARING OFFICER KRAMER: Okay. One of Mr.
25 Caldwell's points is that some account should be taken

1 for the likelihood that smaller turbines would need to
2 combust gas less often. Do you see that as equally
3 irrelevant, along with his other points?

4 I mean, he appears to have -- gratuitously is
5 probably too strong a word, but you know, tossed in a
6 lot of his arguments about, again, about why there
7 should be no gas turbines being proposed to solve the
8 LCR requirement. But to the extent his point relates to
9 -- or is that because the turbines won't run as often
10 they're -- you know -- the likelihood that they're
11 going to affect aircraft is reduced, do you see that as
12 irrelevant?

13 MR. CARROLL: I do. What the Committee asked
14 for was an evaluation of the potential aviation hazards
15 associated with alternative technologies at the sites.
16 When the Energy Commission conducts analysis of
17 aviation hazards it doesn't make an assumption that,
18 you know, perhaps the turbine won't be operating when
19 aircraft happen to go over the site.

20 And I don't think there's any basis for making
21 that assumption now. I mean, the issue is, if that
22 turbine is operating at the time that an aircraft
23 passes over the site, will there be a potential hazard.
24 And that's the question I believe that the Committee
25 asked.

1 And you know, that only needs to happen one
2 time for there to be a problem. So the fact that the
3 turbine may not be operating all the time or may not be
4 operating as often as the staff has assumed I think is
5 irrelevant. The question is, if those two circumstances
6 coincide, the turbine operating and an aircraft flying
7 over, is there a hazard. So you know, how frequently
8 that occurs, I don't see as relevant to the analysis.

9 HEARING OFFICER KRAMER: Yeah. To put that a
10 different way, Ms. Roessler, if we were to discount the
11 risk because we thought that -- I'm sorry -- Ms. Folk,
12 because we thought that the turbine wasn't going to run
13 very often, frankly, I could see you in your briefs or
14 your PMPD comments saying, well, you can't do that
15 because you just don't know when it's going to run and
16 when aircraft are going to be around.

17 And you have to assume it's going to run to
18 the maximum amount it's permitted. Can you respond to
19 that?

20 MS. FOLK: I think part of the point is that
21 the analysis itself should have taken into account the
22 types of modifications to the turbines that are readily
23 available and can be included with these kind of
24 smaller turbines, to understand how often it would
25 actually be operating, under what conditions, because

1 the LCR need is based on the hottest day of the decade.

2 So the times when it would actually be
3 combusting would be when it's hot outside, and
4 therefore, the plume impacts would actually be less,
5 because the -- part of the plume problem is the
6 differential between the hot air and the temperature of
7 the plume.

8 But these are all things that should have been
9 addressed in the analysis. That's the point, so that we
10 have a more fair understanding of what the impacts will
11 be. And if one of the mitigation measures is warnings
12 to pilots, which is what they're proposing in the
13 Puente situation, then it may be that there are
14 warnings to pilots at particular times of year to avoid
15 the facility.

16 HEARING OFFICER KRAMER: Okay. Anyone else on
17 that before we take a brief deliberation here?

18 MS. CHESTER: Yeah. This is Michelle Chester
19 for Staff. The discussion of temperature, operating
20 times and limits are the sort of speculative
21 information that doesn't provide a sufficient basis for
22 evidence in the hearing record.

23 Our Staff thoroughly reviewed all options,
24 including a singular unit, as well as multiple units,
25 and I think we can hear later about the real details of

1 their analysis. But at this point, to require
2 speculation as to operating conditions doesn't provide
3 value.

4 MS. FOLK: I think the point is that this was
5 the analysis Staff could have gone through. I mean,
6 there's a lot of work that goes into determining the
7 LCR need and when it's needed, and so therefore, this
8 is the kind of thing they could have included in the
9 analysis, but did not.

10 MS. CHESTER: And I would repeat that the LCR
11 need and a discussion of need in general is outside of
12 the scope of the Committee's question, and potentially
13 outside of the scope of the discussions here
14 completely.

15 MS. FOLK: We're not questioning the
16 determination.

17 HEARING OFFICER KRAMER: Okay. We're going to
18 take just a couple minutes to discuss among ourselves,
19 otherwise known as deliberation. So please stand -- or
20 stay put. Off the record.

21 (Recess at 9:30 a.m., until 9:31 a.m.)

22 HEARING OFFICER KRAMER: Okay. We're back on
23 the record. Can somebody remind me which exhibit number
24 this is, Mr. Caldwell's testimony?

25 MS. FOLK: Actually, I last -- it's not --

1 HEARING OFFICER KRAMER: Okay. Wait.

2 MS. FOLK: I'm trying to find your --

3 HEARING OFFICER KRAMER: It must be in the
4 motion.

5 MR. FOLK: Yeah, it's probably in the motion.

6 MS. CHESTER: It is not referenced in my
7 motion.

8 HEARING OFFICER KRAMER: Okay. The ruling is
9 that we will let it in for the limited purpose of
10 discussing the parameters that Staff -- that Mr.
11 Caldwell believes Staff should have taken into account
12 in conducting the plume analysis.

13 And by parameters we mean things like
14 temperature, you know, ambient temperature. But we do
15 not believe it is appropriate to assume that any of
16 these other market factors or technological factors
17 will limit its operation to a particular time.

18 And of course, when we get to that discussion
19 -- tomorrow, right -- then, you know, you're free to
20 ask Staff about the parameters they used. But we're not
21 willing to go down the road of assuming that it's just
22 going to operate on -- burn gas on hot days when it's -
23 - it would be permitted to burn gas anytime the ISO
24 called for it to burn gas.

25 MS. CHESTER: I would note that it's Exhibit

1 3067.

2 HEARING OFFICER KRAMER: Thank you. Okay. So
3 that's the first motion, but not the last. So I
4 apologize if these are out of order. We also have the
5 Applicant's Motion to Strike the City of Oxnard's
6 Proposed Exhibit 3071. Mr. Carroll, that's the -- the
7 exhibit is called Download from Our Coast, Our Future
8 Website. It's TN220300.

9 MR. CARROLL: Thank you. Mike Carroll, for the
10 Applicant. The basis for our motion to strike this
11 exhibit is very straightforward and very simple. The
12 Committee issued orders requiring that all evidence
13 that the parties intended to introduce at these
14 Evidentiary Hearings be filed by certain dates.

15 The opening testimony was to be filed by June
16 15th, with the exception of the results of the
17 Biological Resource Surveys, which were to be filed by
18 June 23rd, and then the responsive closing testimony
19 was to be filed by July 14th.

20 And obviously, the purpose of those deadlines
21 is to put all of the parties on notice as to what
22 exhibits the other parties intend to introduce at these
23 hearings so that they can be prepared to respond. This
24 particular exhibit was filed on July 21st, well after
25 the deadline for filing evidence or proposed evidence

1 established by the Committee, and therefore, it is
2 untimely.

3 No one had notice of the City's intention to
4 introduce this exhibit until last Friday, and
5 therefore, have had no opportunity to come prepared to
6 respond to whatever it is that the City intends to say
7 about it, which isn't clear.

8 And this is sort of a recurring issue of
9 filing of documents with -- or the docketing of
10 documents with no explanation whatsoever as to their
11 relevancy or how the party intends to use them at the
12 Evidentiary Hearings. And it's not appropriate for the
13 parties to have to guess at what are exhibits going to
14 be used for.

15 But the primary issue with respect to this
16 particular exhibit is that it was simply not timely
17 filed, and therefore, should be excluded.

18 HEARING OFFICER KRAMER: Ms. Folk.

19 MS. FOLK: The primary reason we filed that
20 exhibit was so that we would be able to ask USGS
21 questions about it, since USGS is appearing today. And
22 we thought that we might want to ask them some
23 questions about their website and some of the results
24 that it shows.

25 And when projecting map -- sorry -- when

1 mapping flood hazards under using the tool on their
2 website, and that screen shot was of the 20-year flood
3 event that is mapped by CoSMoS. We simply docketed it
4 because at the prior hearings we were told we couldn't
5 ask questions about things or bring up new exhibits
6 unless they'd been previously docketed.

7 So that's why we docketed it. Now, we may use
8 it, we may not. It kind of depends on what USGS does.
9 And I would point out that USGS, their presentation was
10 docketed at what, 11:45 last night, and we've hardly
11 had a minute to look at it, and even though it includes
12 new things that weren't included in their March
13 testimony. So this is nothing new. It's just a screen
14 shot from the website for USGS.

15 HEARING OFFICER KRAMER: Okay. Anyone else?

16 MS. WILLIS: Yes. Kerry Willis, for Staff. We
17 do agree with Mr. Carroll's points that it was -- we
18 weren't sure what this actually was or what it was
19 going to be used for. It wasn't timely. There is no
20 explanation for it, except what we've just heard today.

21 The Workshops were held in March. So it's kind
22 of -- it would be unusual that we were getting this at
23 the last minute on Friday. So we do also join in Mr.
24 Carroll's motion to strike.

25 MS. FOLK: Can I point out about the -- you

1 couldn't use the tool on the website until just a
2 couple weeks ago. So I mean, this is something we
3 couldn't have presented in March.

4 MS. WILLIS: Once again, there was no
5 explanation of what it is. It's just -- it was just
6 docketed.

7 MS. FOLK: It's for -- it's to ask USGS
8 questions about; that's all.

9 HEARING OFFICER KRAMER: Okay. Let's postpone
10 this one until we get to the coastal flooding
11 discussion.

12 MS. FOLK: They're not related. I would point
13 out they're not related at all, so.

14 HEARING OFFICER KRAMER: I'm sorry?

15 MS. FOLK: The issues aren't the same for those
16 two things, but.

17 HEARING OFFICER KRAMER: Well, what does this -
18 - does this relate to the river issues?

19 MS. FOLK: No. This is the coastal flooding map
20 from the Our Coast, Our Future. It's the projected 20-
21 year flood.

22 HEARING OFFICER KRAMER: So it would be
23 relevant, if at all, to the coastal flooding topic,
24 then?

25 MS. FOLK: Yes.

1 HEARING OFFICER KRAMER: Okay. And we'll be
2 getting to that soon, we hope.

3 Okay. The next motion from the Applicant is to
4 strike the testimony of Chris Campbell and related
5 exhibits. Mr. Carroll.

6 MR. CARROLL: Thank you. We have -- Applicant
7 has two bases for its motion to strike the testimony of
8 Mr. Campbell. The first is that the testimony is beyond
9 the scope of these hearings, and beyond the scope of
10 permissible evidence that can be admitted at these
11 hearings, as dictated by the Committee's March Order.

12 We are not at these Evidentiary Hearings under
13 typical circumstances where the general standard for
14 introduction into the record of testimony or evidence
15 is whether or not it is relevant to the proceedings in
16 a general way.

17 We are here in a very unique posture as a
18 result of the March 10th Order, and the scope of these
19 proceedings, including evidence that is appropriate for
20 introduction into the record is limited to the four
21 corners of the March 10th Order. That is the sole
22 reason and purpose for these Evidentiary Hearings, is
23 to hear evidence that was requested by the Committee in
24 that Order.

25 And the Committee has been very clear about

1 that in its previous ruling on the testimony that was
2 filed by Mr. Caldwell, and the Committee's
3 consideration. And by that I'm referring not to the
4 testimony that was discussed earlier today, but to the
5 previous supplemental testimony of Mr. Caldwell.

6 And the Committee ruled that that was outside
7 the scope of the March 10th Order, and in doing so made
8 it very clear that its intent when it issued the Order
9 and its intent in going forward with these hearings was
10 that they would be strictly limited to the subtopics
11 identified in the March 10th Order.

12 With respect to Soil and Water Resources it is
13 imminently clear that the subtopic is coastal flooding.
14 All of the information that was requested by the
15 Committee in the March 10th Order related to soil and
16 water relates to coastal flooding.

17 The primary focus of those questions was
18 validation of the CoSMoS Model, which is a coastal
19 flooding model, not a riverine flooding model. All of
20 the related questions pertained to coastal flooding.
21 The Committee itself referred to the subtopic as
22 coastal flooding in multiple orders that it issued
23 subsequent to the March 10th Order.

24 So there is, you know, absolutely no question
25 that the subtopic addressed in the March 10th Order is

1 coastal flooding. There is also absolutely no question
2 that Mr. Campbell's testimony is related exclusively to
3 riverine flooding, notwithstanding attempts in the
4 City's Prehearing Statement to suggest that it also
5 relates to ocean flooding.

6 That is not the case. There are certain
7 assumptions regarding what the level of the ocean would
8 be at any given time in order to conduct the riverine
9 in addition analysis, but that is the only extent to
10 which the level of the ocean even comes into play in
11 the testimony.

12 And if you look at the testimony itself, as
13 opposed to the description of the testimony in the
14 Prehearing Statement, it's very clear that it is
15 limited to riverine flooding. Coastal flooding and
16 riverine flooding are two very different things;
17 different analyses, different models are used and they
18 simply are not the same subtopic.

19 And riverine flooding is not the subtopic that
20 is identified by the Committee in the March Order. So
21 our view is that this is very much outside the scope of
22 the March Order and these hearings, and inappropriate
23 for introduction and admission into the record.

24 The second concern that we have with respect
25 to the filing is that even if it were within the

1 substantive scope of the March Order, it was not filed
2 on a timely basis. It's clearly not responsive to any
3 other testimony filed by any party.

4 Therefore, the only thing that it could be, if
5 it was within the substantive scope, would be opening
6 testimony that was due on June 15th. This was filed in
7 two parts, on June 16th and on June 23rd. So even if it
8 was relevant evidence, it was not timely filed.

9 And beyond that, the manner in which this has
10 been brought forward would make it very prejudicial to
11 the parties for this to be admitted, because there was
12 no indication whatsoever until last Friday when the
13 city filed its Prehearing Statement that they intended
14 to present this evidence and present a witness on this
15 evidence.

16 This is not a document that was docketed by
17 the City or their counsel. It was docketed by the CEC
18 Staff, our understanding is, at the request of the
19 Coastal Conservancy. So there was no indication to the
20 parties that, "okay, this may be something that the
21 City intends to introduce at the hearings in July,"
22 because there was no indication that the City had
23 anything to do with it.

24 The consultant that prepared the analysis did
25 so on behalf of the Coastal Conservancy. They were not

1 a consultant to the City. Again, you know, no
2 indication that there was any link, you know, between
3 this evidence, these documents and the City.

4 And in fact, at the time, and I don't have --
5 I looked. I don't have recorded notes of this
6 conversation, but perhaps Ms. Willis, when given an
7 opportunity, can verify this. I phoned Ms. Willis when
8 these documents were docketed and I asked, "why is the
9 Staff docketing these documents?; is this relevant to
10 its analysis on the coastal hazards pertaining to the
11 March Order, or are they intending to use this in some
12 way in their Supplemental Analysis?"

13 And I don't recall the exact response, but it
14 was something, I'm not sure why it came in; the Coastal
15 Conservancy sent it to us and asked us to docket it,
16 and so Staff docketed it. But to my knowledge, Staff
17 isn't intending to use it in their analysis, and in
18 fact, they didn't use it in their analysis.

19 So you know, again, nothing at that time to
20 indicate that this was something that the City intended
21 to introduce. So we now find ourselves sitting here two
22 or three days later with the prospect of very highly
23 technical, detailed testimony on riverine inundation,
24 having had absolutely no opportunity whatsoever to
25 prepare for that, to prepare to cross-examine the

1 City's witness, to have our own witnesses here on
2 riverine inundation.

3 So it's outside the scope, it was not timely
4 filed and it would be a grave prejudice in this
5 particular case, at least to the Applicant, for those
6 shortcomings to be overlooked and for this to be
7 brought forward and introduced and admitted today.

8 And the last thing I will say is, it's not as
9 though we didn't cover riverine inundation in these
10 proceedings. We did. We had a lot of discussion about
11 riverine inundation. There is a lot of testimony in the
12 record about riverine inundation, including testimony
13 introduced by the city.

14 So you know, everybody knew about this topic.
15 It was addressed. It is not the topic that's identified
16 in the March Order, and there shouldn't be any
17 discussion or evidence admitted on that topic at these
18 hearings. Thank you.

19 HEARING OFFICER KRAMER: Ms. Folk.

20 MS. FOLK: So I'd like to start just by talking
21 a little bit about why this report came to be. If you
22 recall, the Coastal Conservancy submitted a letter
23 during the February hearings documenting the risk of
24 flood hazard at the site, and that was admitted as
25 hearsay.

1 After that hearing the Committee issued an
2 Order requesting further analysis of coastal flooding
3 and it asked that there be a Workshop on that issue and
4 that the Staff invite interested parties, including the
5 Coastal Conservancy.

6 And the Conservancy participated in that
7 Workshop, and at that Workshop they raised their
8 concern about the failure to evaluate flooding from the
9 Santa Clara River and its interaction with coastal
10 flooding. And after that Workshop, Staff sent the
11 Coastal Conservancy a series of questions about their
12 model and their determination that flooding would
13 result at this site.

14 And I'd point out that flooding has occurred
15 at this site as a result of the Santa Clara River in
16 the past. And those questions are set out in the
17 Coastal Conservancy's report on the second page. And
18 when the Coastal Conservancy got those they realized
19 they needed to update their model in order to evaluate
20 the questions from Staff.

21 And they prepared the report that they
22 submitted to Staff on June 15th, and that was what was
23 docketed by the Staff. So the Applicant, NRG, has taken
24 the position that because the Committee's Order
25 specifically referred to coastal flooding, this

1 document is not relevant because it also addresses
2 riverine flooding.

3 And I think you cannot draw an artificial
4 distinction between coastal flooding and riverine
5 flooding in this case, because we're talking about a
6 project that's located on the Pacific Ocean near the
7 mouth of the Santa Clara River.

8 And these are two natural forces that interact
9 together, and Mr. Campbell's testimony makes clear that
10 he is talking about the combined interaction between
11 coastal flooding and river flooding when they are
12 looking at the risk to the project site.

13 If you look at page 9 of the report it says
14 the purpose was, and I'm quoting, "to assess the
15 potential flood risks for the MGS under a range of
16 combined coastal and flood -- river flood conditions."
17 On page three it says, "The model is used to simulate
18 the complex interplay between and amongst the river,
19 adjacent flood plains and the ocean."

20 On page 3 again it says, "The model was
21 updated to allow an evaluation of potential flood risks
22 to the MGS under a range of combined coastal and river
23 flood conditions." They updated the digital terrain
24 model to best-- reflect best available data for the
25 lower Santa Clara River and its coastline.

1 And the hydrology model is based on upstream
2 flows based on rainfall, and downstream water levels
3 based on tidal data, and tidal data, of course, being
4 the influence of the ocean. And this model also goes to
5 the validation of the CoSMoS results, which was also
6 incorporated within the Committee's March 10th Order.

7 Specifically, Staff in its analysis states in
8 its Supplemental Analysis, states that the CoSMoS Model
9 accounts for riverine flooding, and that on page 3 in
10 the Supplemental Staff Assessment it says, CoSMoS
11 includes discharges from rivers.

12 Again, it references that on page 4 of the
13 Supplemental Staff Assessment. On page 13 of the
14 Supplemental Staff testimony they claim that one of the
15 factors that compensates for some of the less
16 conservative assumptions that CoSMoS makes is the fact
17 that, "It also incorporates flows from coastal rivers
18 by estimating peak fluvial discharges based on sea
19 level gradients. Fluvial discharges might impede and
20 amplify flooding associated with coastal storms."

21 So the Staff testimony also recognizes the
22 interaction between the river and the ocean when we're
23 talking about flooding at this site. Again, on page 14
24 of the Supplemental Staff testimony, and I apologize
25 that I couldn't put this in writing, because I got this

1 yesterday as I was traveling down here.

2 Staff claims that there's no flood risk on any
3 portion of the site due to a 100-year event, based on
4 conservative scenarios, which include assumptions such
5 as possible effects of river flows. So right there this
6 is -- this report from the Coastal Conservancy is
7 relevant to the direction from the Committee, the
8 contents of the Staff Assessment.

9 And with respect to its timeliness, it was
10 submitted to the Staff on June 15th. Staff docketed it
11 the next day. It was re-docketed again to correct some
12 of the links in the docket, but the report itself was
13 docketed by Staff the day after it was received.

14 It's been available for over a month to the
15 parties. Anyone who looked at the document would have
16 seen that it was directly responsive to questions from
17 Staff, that it related to the concerns over the
18 validity of the CoSMoS Model with respect to the
19 interaction between coastal and riverine flooding.

20 And the fact that -- and the reason the City
21 has called Mr. Campbell as a witness is because, one,
22 in February the Coastal Conservancy's letter was only
23 admitted as hearsay, because they didn't have a witness
24 to testify as to that. And the Coastal Conservancy is
25 not a party to these proceedings.

1 We are a party. We're entitled to call
2 witnesses. And it was clear that -- my sense of it was
3 everybody wanted to ignore this report because it shows
4 substantial flood risk at the site. It shows risks
5 under current conditions of flooding from a 100-year
6 storm at -- with a high tide of, you know, over a
7 meter-and-a-half.

8 MR. CARROLL: I'm going to object to counsel
9 characterizing or mischaracterizing what the evidence
10 shows.

11 MS. FOLK: Well, we can admit the evidence and
12 then --

13 MR. CARROLL: We, for the record, we disagree
14 with all of the characterizations and that was not the
15 first one. That was just hopefully the last one as to
16 what this testimony shows. The question is whether or
17 not it's relevant for discussion here today.

18 And I'm not going to allow counsel to
19 accomplish their objective of getting into the record -
20 -

21 MS. FOLK: Can I finish my argument, please?

22 MR. CARROLL: If you keep it on point.

23 HEARING OFFICER KRAMER: Okay. Ms. Folk, we
24 don't want to hear the whole offer of proof and the
25 summary of its conclusions at this point. Do you have

1 anything else?

2 MS. FOLK: Well, in fact, I do. I mean, the
3 point I wanted to make was that while there's been
4 great effort to invite other parties to participate in
5 these proceedings, this report, which does not support
6 the staff analysis, was basically ignored.

7 And we want to make sure that the efforts of
8 the Coastal Conservancy, which is a public agency with
9 an interest in the outcome of this matter in terms of,
10 you know, coastal protection, are represented.

11 HEARING OFFICER KRAMER: Okay. Staff.

12 MS. WILLIS: Thank you. Kerry Willis, for
13 Staff. Staff is planning on raising this issue of Mr.
14 Campbell's testimony prior to the Applicant's filing
15 their motion. Although we're not actually joining in on
16 the motion, we have many concerns, nonetheless.

17 As Ms. Folk described, how the questions were
18 presented to the State Coastal Conservancy following
19 the Workshop in March, and the Coastal Conservancy, an
20 agency, provided a technical memo. It was after Staff
21 filed their Supplemental Testimony that, nonetheless,
22 they filed it.

23 The cover memo is to Chris Kroll and John
24 Gurish, who is the attorney who is here today -- oh,
25 they're both here today -- from Chris Campbell into

1 these two, and then attached was a memo from -- to
2 Chris Campbell from David Revell, who is witness for
3 the City and has been the City.

4 So until -- we weren't sure what the document
5 was, but until -- as far as it would be agents.
6 Normally, it would be considered agency comment. And
7 then on Friday was the first time you became aware that
8 the City was actually sponsoring this as testimony and
9 Chris Campbell's résumé was put into the -- as was put
10 into the Prehearing Conference into the record.

11 So on Monday I called Mr. Gurish, and he could
12 probably tell you himself since he's here, but to ask
13 him -- to let him know that we were -- a heads up that
14 we were going to be bringing this up as an issue,
15 because we weren't sure on a -- in a usual circumstance
16 an agency, a governmental agency would be providing
17 their own independent analysis or their comment.

18 And in this case he said that they were unable
19 to -- they did not have the technical expertise. So
20 they reached out to Ms. Folk and she provided her
21 experts, apparently free of charge, to help do this
22 study. And so in that case we were -- then we were in
23 the perplexing situation of whose testimony is this; is
24 it the City's testimony or is it an independent agency.

25 So just as I said, we are not necessarily

1 opposing Mr. Campbell being seated at the table, but we
2 did want to alert the Committee that it does not -- it
3 feels like that the City has actually two different
4 party -- they're actually representing two different
5 parties with a similar bent.

6 It is very unusual for an agency to reach out
7 to a party who's been opposing a project from day one
8 and use their experts, and then present it as a state
9 agency comment. And you know, we have USGS who will be
10 here, who will be presenting their objective modeling.

11 They're not taking a side with anybody.
12 They're just presenting what they'd done. So that was
13 our concern and it was -- it just was an unusual
14 situation that we haven't seen before.

15 MS. FOLK: I do want to respond to that because
16 the City did not commission this report. We did not
17 recommend experts. The CBEC is the Coastal
18 Conservancy's expert. The one question that came up was
19 what assumptions should be used in terms of sea level
20 rise scenarios, and they asked if they could ask --
21 talk to Dr. Revell about that and I said sure, because
22 Dr. Revell is our expert and they were just checking
23 with us to make sure it was okay to contact him to know
24 what sea level rise scenarios to use, which are --
25 there's no mystery.

1 Those are the ones that the Staff recommended
2 they use, and the ones that are recommended by the
3 state when you're evaluating sea level rise. So that
4 was it. And so to characterize -- this is work that was
5 done by the Coastal Conservancy.

6 The reason we're calling them is because we
7 wanted to be part of the record and not just hearsay
8 evidence on the docket.

9 MS. WILLIS: Well, Dr. Revell's memo is
10 attached to the testimony. So I mean, he's clearly been
11 the City's witness throughout this proceeding. It's not
12 just --

13 MS. FOLK: Well --

14 MS. WILLIS: -- it wasn't just a, oh by the
15 way, can I have a -- I have a question.

16 MS. FOLK: Not -- but --

17 MS. WILLIS: They've actually attached --
18 there's references and a memo to it.

19 HEARING OFFICER KRAMER: Okay. All right.

20 MS. FOLK: -- the report is by SEBAC.

21 HEARING OFFICER KRAMER: But are you making
22 that point by way of impeachment?

23 MS. WILLIS: Well, we're making the point that
24 we need to alert the Committee of what this is -- or we
25 need to get to the point of what this testimony is. It

1 isn't necessarily Agency comment that we thought it was
2 originally. It really is -- it does appear to be part
3 and parcel of the City's case, using their experts.

4 MS. FOLK: Can I -- we do have counsel for the
5 Coastal Conservancy here.

6 HEARING OFFICER KRAMER: Okay. Well --

7 MS. FOLK: I mean, this is --

8 HEARING OFFICER KRAMER: -- I think I can put a
9 halt to that discussion. If it comes in, then you know,
10 you can certainly point out that, you know, how it came
11 about. You can argue if you want to that that somehow
12 affects the quality or the value of the testimony.

13 At this point we're still trying to decide
14 whether or not it comes in, and I don't think it's --
15 it's not really important to that particular decision.
16 Anything else before we take another brief deliberative
17 break?

18 MR. CARROLL: Yes. I'd like to respond to the
19 statements made by Ms. Folk in her effort to relate
20 this to the analysis that was conducted by the Staff,
21 and the references in the Staff's Coastal Flooding
22 Analysis to the Santa Clara River.

23 Those are two -- notwithstanding, you know,
24 the effort to go through and cherry-pick and identify
25 throughout Staff's Coastal Flooding Analysis where the

1 Santa Clara River is mentioned, that does not bring a
2 riverine flooding analysis within the scope of the
3 Order.

4 And there are two separate issues there
5 related to the river. One of the issues that's been
6 addressed in the Coastal Flooding Analysis is the beach
7 fronting the project site, and the width of that beach
8 and the permanence of that beach and that dune and
9 whether they are likely to stay there over the life of
10 the project, get larger, get smaller.

11 One of the factors that affects that is
12 sedimentation from the Santa Clara River. So it is true
13 that in the Coastal Flooding Analysis the Santa Clara
14 River is relevant because it brings sediment to the
15 coast and into the ocean that then moves down the
16 coast, and some of which is deposited on the beach in
17 front of Mandalay.

18 So yes, it is true that throughout the Coastal
19 Flooding Analysis there are references to the Santa
20 Clara River, because it is relevant to coastal flooding
21 in the manner that I've just described. However,
22 inundation from the Santa Clara River is a completely
23 different thing.

24 And so those references don't mean that an
25 analysis of the potential risk of flooding of the Santa

1 Clara River and inundation of the project site as a
2 result is all part and parcel of the Coastal Flooding
3 Analysis. So yes, the river is relevant to the Coastal
4 Flooding Analysis, but a riverine inundation analysis
5 is not the same thing as the Coastal Flooding Analysis,
6 and it's not within the subtopic of the March Orders.

7 And I would finally say, you know, it's very
8 clear that this is a classic "gotcha." None of the
9 other parties had any idea whatsoever that the City
10 intended to put this witness and these exhibits on at
11 these hearings until last Friday. And Ms. Folk's right.

12 The document has been in there since June. The
13 City had plenty of opportunity going back as far as
14 June to give some indication to the Committee or the
15 parties that they intended to bring this forward as
16 evidence so that we could have been prepared to respond
17 to it.

18 And there was no indication whatsoever of any
19 of that until we received the prehearing conference on
20 Friday, and there was a comment about the late filing
21 of our motion. We had no idea that we had to file a
22 motion until last Friday, and so we filed it Tuesday
23 morning.

24 MS. FOLK: I'd like to respond, a couple of
25 things there. The relevance of the Santa Clara River is

1 not just about the sediment. It's about flows that
2 interact with ocean flows, and in different ocean
3 conditions you get different results. And so it is
4 related to coastal flooding at the site.

5 And if you look at the questions from Staff,
6 they refer to -- they ask about some of the ocean
7 conditions that were assumed by the Coastal Conservancy
8 when it made its original determination that there was
9 a flood risk at the site.

10 HEARING OFFICER KRAMER: Okay. Well --

11 MS. FOLK: And I do want to respond on this
12 issue of no notice. I mean, first of all, they should
13 be looking at the docket and see if this is there. The
14 reason it -- people didn't -- I think people were
15 trying not to pay attention to it, because it's a
16 problem.

17 And beyond that, NRG itself has listed
18 witnesses in their Prehearing Conference Statement that
19 never submitted testimony, that were never previously
20 identified. We don't even have anything to look at for
21 them, and that includes Bill Vandever and George
22 Piantka, who both are listed for only oral testimony.

23 So they've done nothing. So it's not -- we
24 have a document that was in the record for over five
25 weeks now, or six weeks now, and --

1 HEARING OFFICER KRAMER: Okay.

2 MS. FOLK: -- and we're calling him as a
3 witness.

4 HEARING OFFICER KRAMER: Let me stop you there.
5 Let me ask the three of you who have spoken. What does
6 this report or these documents, what do they add to the
7 previously accepted testimony about riverine flooding?

8 MS. FOLK: You want me to go through the
9 various scenarios that are in the report?

10 HEARING OFFICER KRAMER: Oh, I was hoping for
11 brief.

12 MS. FOLK: They show that the site is at risk
13 for flooding from the Santa Clara River assuming
14 various ocean conditions, because we're talking about
15 the mouth of the river, essentially, there. And show
16 under current conditions it's at risk for flooding, and
17 when -- with high tides, and that in the future it --

18 HEARING OFFICER KRAMER: No. But what do they
19 add to the evidence? In other words --

20 MS. FOLK: Well, they --

21 HEARING OFFICER KRAMER: -- are they just
22 cumulative?

23 MS. FOLK: No. They're actually -- I would say
24 that this is the first really full analysis of that
25 issue that's been presented. What Staff did in its

1 Supplemental Testimony was say that CoSMoS takes into
2 account riverine flooding from the Santa Clara River.

3 And but there are different assumptions in the
4 CoSMoS Model about how they account for flows from the
5 Santa Clara River. They use a much lower intensity
6 storm in order to project that. Whereas, this is a 100-
7 year storm that the Coastal Conservancy's --

8 HEARING OFFICER KRAMER: Okay. So it sounds
9 like you're saying this would refute some of the
10 assertions in the Staff Study that they've --

11 MS. FOLK: Adequate addresses --

12 HEARING OFFICER KRAMER: -- adequately
13 combined.

14 MS. FOLK: Yes.

15 HEARING OFFICER KRAMER: Or taking into account
16 both. Mr. Carroll, anything?

17 MR. CARROLL: I'm unable to respond to your
18 question, because I have not had an opportunity,
19 neither have our experts, to review this document,
20 because again, we had no idea up until last Friday that
21 it was going to be introduced today.

22 And we've been preparing for these hearings
23 and the topics that are within the scope of these
24 hearings. So I can't tell you what it adds, if
25 anything, because we haven't reviewed it. What I can

1 tell you is that this is not the first analysis
2 introduced in these proceedings as to riverine
3 flooding.

4 The rebuttal testimony of Phil Mineart,
5 introduced at the February hearings, contained a
6 comprehensive -- we believe the most complete
7 assessment of riverine flooding from the Santa Clara
8 River and potential risks at the project site.

9 It's a very detailed analysis. It was an
10 exhibit introduced in Mr. Mineart's rebuttal testimony
11 and it was admitted into the record in February. So
12 again, this is not a new issue. This is ground we have
13 gone over. The City had plenty of opportunity to
14 provide its analysis or anyone else's analysis on
15 riverine flooding at the time, but the record has been
16 closed on that issue.

17 The March Order does not reopen the record on
18 riverine flooding, and we think it would be highly
19 inappropriate for this testimony to be allowed to
20 proceed and for this evidence to be admitted into the
21 record when it is very clear that none of the parties
22 anticipated that and have had any opportunity to
23 prepare for that.

24 HEARING OFFICER KRAMER: Okay. Any final word
25 from Staff?

1 MS. WILLIS: Yes. Thank you. Kerry Willis, for
2 Staff. We actually were planning on addressing at least
3 the Coastal Conservancy's filing as Agency comment, and
4 it would not have changed Staff's analysis or their
5 conclusions. So our witness will be able to address
6 that in a little bit more detail, but this was not
7 something that impacted their analysis or changed it.

8 HEARING OFFICER KRAMER: Okay. Thank you.

9 MS. WILLIS: Or changed their conclusions.

10 HEARING OFFICER KRAMER: We're going to
11 deliberate for a minute. Let's go off the record. I'm
12 getting reports via text messages, both --

13 (Recess at 10:10 a.m., until 10:16 a.m.)

14 HEARING OFFICER KRAMER: Okay. Our ruling is
15 that we are going to let the documents in for the
16 limited purpose of addressing the assumptions, the
17 inputs and the interpretation of the results of the
18 CoSMoS. But we want to be clear that we are not
19 reopening the topic -- you know -- the subtopic of
20 riverine flooding in general.

21 I can't resist. We're not reopening or opening
22 that floodgate, so to speak. So with that, I believe
23 there's one final motion, Mr. Carroll. Is that correct?

24 MR. CARROLL: If I may --

25 HEARING OFFICER KRAMER: Ms. Folk.

1 MS. FOLK: Well, I just want to -- we would
2 have a motion to strike, as well. It's going to be oral
3 --

4 HEARING OFFICER KRAMER: That's right.

5 MS. FOLK: -- because -- yeah. But we --

6 HEARING OFFICER KRAMER: Okay. If it was yours,
7 then I think I -- again, I'm kind of a little bit
8 handicapped, because I didn't print everything because
9 I thought my computer was going to help me, as are you
10 and everyone else. So I'm --

11 MR. CARROLL: I'm sorry. I actually have one
12 final thing with respect to the ruling that was just
13 made before we move on --

14 HEARING OFFICER KRAMER: Go ahead.

15 MR. CARROLL: -- to the other motion. My
16 request would be, then, that -- and I think this is a
17 very reasonable request under the circumstances -- that
18 that testimony not be taken today, but tomorrow, to
19 give us at least a day to review the documents and
20 understand what they are and be in at least some
21 position to respond.

22 HEARING OFFICER KRAMER: Okay. How is that
23 going to affect witness availability?

24 MS. FOLK: Well, I might let Mr. Gurish speak
25 to that. I would also point out that USGS filed

1 something at 11:45 last night that has new evidence in
2 it, as well, that we haven't had an opportunity to look
3 at. This document has been publicly available for over
4 a month.

5 HEARING OFFICER KRAMER: Yes.

6 MS. FOLK: It's specifically responsive to
7 questions asked by CEC Staff. If they had looked at it
8 they would have known it's something to respond to.

9 MR. CARROLL: I disagree with that. This
10 document was docketed by an agency. It was not --

11 HEARING OFFICER KRAMER: All right. We --

12 MR. CARROLL: -- docketed by the City and it
13 was not docketed by the deadline for docketing
14 evidence. So --

15 HEARING OFFICER KRAMER: Okay. We've -- we're
16 past that distinction, and we've ruled. So can --

17 MS. WILLIS: Mr. Kramer, may I ask a question
18 regarding the procedures? Originally, we thought this
19 was going to be informal with panels of -- all of the
20 witnesses would be on at the same time. And then it
21 looks like from your schedule it's not.

22 So is it still a panel discussion, because if
23 it's a panel, our witnesses are here for today, but not
24 for tomorrow.

25 HEARING OFFICER KRAMER: Yeah, we haven't

1 decided that yet. I'm inclined to do as much as we can
2 today, but leave the opportunity for Mr. Carroll to
3 come back additional thoughts and evidence tomorrow.
4 But we would have much of the -- almost all the
5 discussion today and see what they need to say after
6 their overnight review.

7 So for instance, I think your Staff witnesses,
8 if -- could they be available on the telephone
9 tomorrow?

10 MS. WILLIS: My witness just said she could
11 stay.

12 HEARING OFFICER KRAMER: Okay. Does anybody
13 else -- even if you have to not be physically present
14 today, could you be present on the telephone tomorrow?
15 I think the USGS folks might have the most difficulty.
16 Dr. Hart?

17 DR. HART: This is Juliette. Can I just address
18 the inclusion of our PowerPoint into the docket? We
19 also were under the impression that this was a panel.
20 So there was a lot of email back and forth over the
21 last month, and it was unclear to us until I think it
22 was Friday afternoon that we actually were doing an
23 actual presentation, which is why this went in when it
24 did.

25 And we also didn't realize it would -- sorry.

1 We're -- this is not our usual thing that we do. So
2 this is all super new to us. So all of those extra
3 slide were ones that we just had our own. They weren't
4 intended to be admitted as evidence.

5 So as we did at the last hearing back in
6 March, you know, I showed up there with the PowerPoint
7 on a flash drive and we presented it, and then based on
8 what was presented we then provided the final
9 PowerPoint, based on the stuff that was presented and
10 matched the recording. And that's what we thought was
11 happening against this time.

12 So we really apologize that it was not
13 intentional. We just didn't know the process and we
14 thought we were just doing verbal for this hearing. So
15 I don't know if that -- and then in terms of
16 availability tomorrow, I am not available, nor is Dr.
17 O'Neill. Dr. Erikson is, so but he would be calling in
18 again.

19 HEARING OFFICER KRAMER: Okay. So one of you
20 would be available.

21 MR. CARROLL: And let me just --

22 DR. HART: Yes.

23 MR. CARROLL: -- let me just clarify my -- I
24 wasn't suggesting that we put off all of the soil and
25 water topic today. My suggestion was that we put off

1 Mr. Campbell until tomorrow. I understand the logistics
2 -- logistical problems, not of our creation, but I
3 understand them.

4 If -- the only person that we would want to
5 have available tomorrow would be Mr. Campbell. So while
6 it's not ideal because our experts won't have had the
7 benefit of the background when they listen to Mr.
8 Campbell today, a compromise under which everything
9 would move forward today, but we would have an
10 opportunity to question Mr. Campbell tomorrow, would I
11 think address our primary concern.

12 HEARING OFFICER KRAMER: Right. And the only
13 reason I'm asking about the others is quite often a
14 discussion that occurs between you or the other
15 attorneys and representatives with the witnesses
16 invokes a question or two from the Committee. So I'm
17 trying to maximize my flexibility to get answers.

18 MR. CARROLL: I understand.

19 MS. FOLK: Well, I would also point out just,
20 you know, that this -- I didn't mean to, you know,
21 imply any ill will on the part of USGS with respect to
22 the timing of the filing. It just -- it was filed last
23 night. It includes new information that's never been
24 made available to us.

25 So if we're talking about making witnesses

1 available tomorrow so that we have a chance to look at
2 their information and ask questions about it and have
3 our expert look at it, then I think it would be
4 appropriate for them to be available tomorrow, as well.

5 HEARING OFFICER KRAMER: Okay. And sounds like
6 Dr. Erikson can be available. Well, so the --

7 MR. CARROLL: If that's the path that we're
8 going down, then I feel compelled to point out that Dr.
9 Revell also submitted brand new information last night.
10 And so I guess we'll have to have clarification that
11 Dr. Revell will be available for questioning tomorrow,
12 as well.

13 MS. FOLK: His information's not new. It's just
14 visual aids to explain the differences between the
15 models. They're not -- it's not new information.

16 MR. CARROLL: Well, it's --

17 HEARING OFFICER KRAMER: Okay. Well --

18 MR. CARROLL: -- information we've never seen
19 before.

20 HEARING OFFICER KRAMER: All right.

21 MS. FOLK: It's --

22 HEARING OFFICER KRAMER: We're -- so we are
23 going to do as much as we can today. So for instance,
24 the USGS will present their presentation, and I'd like
25 Mr. Campbell to --

1 MS. FOLK: Can I -- can I say one last thing
2 about Dr. Revell? He's not available tomorrow. So
3 that's --

4 HEARING OFFICER KRAMER: Okay. Well, we're
5 going to hear from everyone today.

6 MS. FOLK: Okay.

7 HEARING OFFICER KRAMER: And then some of them
8 we'll bring back for sure, and hopefully more than less
9 tomorrow so that we can finish up our discussion rather
10 quickly, we hope, because tomorrow is very full, as
11 well as today. Okay. So that's that one.

12 Again, because of the computer access, I don't
13 have -- I believe it's the last motion. We took care of
14 all of yours, Mr. Carroll. Is that correct?

15 MR. CARROLL: Unfortunately, we have not. We
16 have two additional motions.

17 HEARING OFFICER KRAMER: Okay.

18 MR. CARROLL: One pertaining to the photographs
19 taken by Mr. Williamson, and one pertaining to the
20 declaration of Mr. Trautwein.

21 HEARING OFFICER KRAMER: Okay. So go ahead with
22 either one of your choice; describe it.

23 MR. CARROLL: Okay. And I will try to be --

24 HEARING OFFICER KRAMER: Oh, and wireless may
25 be back up. Not for me, but anyway, go ahead, Mr.

1 Carroll.

2 MR. CARROLL: Thank you. So we have filed a
3 Motion to Strike the City's Proposed Exhibit Numbers
4 3060, which are a series of photos taken on the beach
5 in the vicinity of the Mandalay Generating Station
6 property by Mr. Williamson, and we have also filed a
7 Motion to Strike the City's Proposed Exhibit Number
8 3069, which are a series of photos, again taken by Mr.
9 Williamson, purportedly of the proposed Del Norte Fifth
10 Street Alternative Site, and I guess my
11 characterization would be other elements that Mr.
12 Williamson, for reasons that are not clear, deemed
13 relevant to that site.

14 The basis for this motion is again the fact
15 that the scope of these proceedings are dictated very
16 specifically by the March Order. It is not the normal
17 circumstances under which we would be here and under
18 which the Committee generally takes a liberal view of
19 what is admissible and typically admits anything that's
20 relevant to these proceedings.

21 The standard today is not whether the
22 information is relevant in some way to the proceedings
23 overall, or is related in some way to information
24 within the March 10th Order. The question today is
25 whether or not the evidence responds specifically to

1 the subtopics identified in the March 10th Order.

2 With respect to these photographs, it's not
3 clear what they pertain to. So again, we have exhibits,
4 you know, dropped into the docket and then proposed to
5 be admitted into the record, for what use we don't
6 know. Mr. Williamson is not being presented as a live
7 witness.

8 So presumably, there isn't going to be any
9 further explanation as to what the purpose of these
10 photographs are. No opportunities for us to ask any
11 questions about what the purpose of these photographs
12 are. So we have an effort on the part of the City to
13 get evidence into the record that it presumably intends
14 to use in some manner in its briefs down the road, and
15 we have no idea whatsoever what the purpose or
16 relevancy of those documents are, and no opportunity to
17 question the sponsoring witness.

18 And so for those reasons we don't think that
19 the City has satisfied its burden these are documents
20 that fall within the scope of permissible evidence
21 under the March 10th Order, and should be excluded.

22 HEARING OFFICER KRAMER: Ms. Folk.

23 MS. FOLK: So with respect to Mr. Williamson's,
24 Dr. Williamson's photos of the flooding in front of the
25 MGS site, those are directly relevant to the issue of

1 whether or not CoSMoS adequately reflects flood risk at
2 the site, because if you look at the CoSMoS data, the
3 water levels shown by CoSMoS are lower than the actual
4 observed water levels that Dr. Williamson documented
5 when he was out at the site.

6 And he's got a declaration stating where he
7 took the photos, when he took the photos, and you can
8 see clearly from the photos where the water is. So and
9 I would point out, these were up on the screen at those
10 hearings in February.

11 And he submitted a declaration testifying to
12 the authenticity of the photos. And I'd point out that
13 this record is full of photos taken by people from all
14 sorts of angles, and without -- with far less
15 documentation. Mr. Mineart's testimony includes a
16 series of aerial photos that don't have -- aren't
17 specifically dated.

18 We don't know who took them and they're
19 relying on them to make points about the -- you know --
20 lack of flood risk at the site. In the declaration of
21 Julie Love there's photo after photo of the project
22 site. These are -- they're nothing different. They're
23 just photos of the site and they go to the issue of the
24 adequacy of CoSMoS in depicting flood risk at the site.

25 HEARING OFFICER KRAMER: Okay. What about the

1 other site?

2 MS. FOLK: The other site, honestly, those are
3 for context. They're, you know, they're pictures of
4 Fifth and Del Norte. The reason we submitted them was
5 because all you have to do is look at those and compare
6 them to the coastal dune that this project would
7 destroy. And you know that Fifth and Del Norte is a
8 brown field, whereas, the Puente site is not.

9 HEARING OFFICER KRAMER: Okay. But how does
10 that relate to any of the topics that we're discussing
11 today and tomorrow?

12 MS. FOLK: It relates to the preference of an
13 inland alternative over the coastal one.

14 HEARING OFFICER KRAMER: Okay. So these could
15 have been submitted when we were discussing that.
16 Anything else?

17 MS. WILLIS: Yes. This is Kerry Willis, for
18 Staff, and we agree with Mr. Carroll's comments. We do
19 not know what these photos were -- what the purpose of
20 these photos were. I mean, Ms. Folk points out that
21 photos are often included in testimony, and that's
22 true.

23 They're usually attached to someone's
24 testimony. These were just added into the record
25 without any notice of what testimony that was going to

1 be made about them. And so we would like to -- we do
2 not think that they belong in here at this point in
3 time, at least without Mr. Williamson here to talk
4 about them, as well.

5 MS. FOLK: Well, Mr. Williamson is -- he's
6 available. If someone had wanted to call him they could
7 have. Nobody asked to have him appear as a witness.

8 MS. WILLIS: Well, I guess the question that
9 Staff would have is, whose testimony is this going to
10 be associated with? I mean, Mr. Williamson going to be
11 testifying alone?

12 MS. FOLK: It's -- it's --

13 MS. WILLIS: He's not listed as a witness, and
14 then if not Mr. Williamson --

15 MS. FOLK: Well --

16 MS. WILLIS: Sorry. I'm not done yet.

17 MS. FOLK: Okay.

18 MS. WILLIS: If not Mr. Williamson, then whose
19 testimony? I'm not even sure we were in the right topic
20 area at this point. Is it flooding or is it
21 alternatives?

22 MS. FOLK: So the photos that we identified as
23 an exhibit, which were submitted with a declaration by
24 mister-- Dr. Williamson, show flooding at the site
25 that's inconsistent with what CoSMoS projects. We

1 identified Mr. Williamson as a witness who would
2 submitting oral -- written testimony only.

3 If someone wanted to identify him as someone
4 they wanted to call and cross-examine, they could.

5 MR. CARROLL: And this is precisely the problem
6 with admitting these photos without a witness that we
7 have an ability to cross-examine.

8 MS. FOLK: It's -- we made him available.

9 MR. CARROLL: Because what we will see in the -
10 - excuse me -- what we will see in the brief is exactly
11 what Ms. Folk just said, which is that these photos
12 show flooding of the site inconsistent with the CoSMoS
13 Model. That's her opinion.

14 MS. FOLK: But --

15 MR. CARROLL: We have no opportunity whatsoever
16 to probe that opinion, because the witness that is
17 sponsoring these exhibits is not being made available.
18 And so --

19 MS. FOLK: That --

20 MR. CARROLL: -- it's simply not appropriate
21 for a party to propose an exhibit, refuse to make the
22 proponent of the exhibit available for cross-
23 examination, and then expect that that exhibit is going
24 to go into the record and that the party will be able
25 to rely upon it in their briefs.

1 I mean, we would love to submit all of our
2 evidence, you know, without having to make our
3 witnesses available for cross-examination on it, and
4 have it go straight into the record without any
5 critical analysis, but that's not the way it works.

6 MS. FOLK: Nobody said we weren't making him --

7 HEARING OFFICER KRAMER: Okay. So Ms. Folk, you
8 could get Mr. Williamson here?

9 MS. FOLK: He is on the phone.

10 HEARING OFFICER KRAMER: Okay. All right. We're
11 ready to rule. 3060 is in. The parties can cross-
12 examine Mr. Williamson if they want to. I'll just note
13 that without somebody explaining the significance of
14 these photos to us by way of testimony, it's probably
15 not going to be very useful to try to spin them only in
16 your briefs.

17 3069, because it relates to an alternative
18 site, has nothing to do with the issue that's before us
19 this week, which is the affect of smaller turbines on
20 aviation. That is -- will not be admitted into
21 evidence, excluded, whatever terms you want to use.

22 Your next motion, Mr. Carroll.

23 MR. CARROLL: Yes. The final motion pertains to
24 a proposed exhibit introduced by the Environmental
25 Defense Center. This is a declaration from Mr.

1 Trautwein and it includes photographs and other
2 documents attached to the declaration.

3 The concerns that we have with this proposed
4 exhibit are very much the same as concerns that we had
5 on some of the previous exhibits that we've discussed.
6 First of all, we believe that it is beyond the scope of
7 the March 10th Order.

8 The March 10th Order directed the Applicant to
9 conduct surveys on the project site. It invited the
10 parties to critique the methodology and the results of
11 that survey work, but it did not direct any offsite
12 survey work. So we think it's outside the scope of the
13 March Order.

14 But more importantly, and again, it's similar
15 in many respects to some of the other documents, it is
16 an -- a proposed exhibit that has been advanced by the
17 City without any opportunity -- or I'm sorry, not by
18 the City, but by the Intervenor, without any
19 opportunity for the other parties to cross-examine the
20 creator and the proponents of that exhibit.

21 And so there is really no opportunity for us
22 to explore the basis for the conclusions that were
23 drawn, or the opinions that are formed in the document.
24 And we read this morning the opposition that was filed
25 by EDC, and their statement's to the effect that we

1 should have called Mr. Trautwein.

2 Mr. Trautwein's not our witness. It's not
3 incumbent upon us to guess at who the other parties
4 might be presenting as witnesses and indicate that we
5 want to cross-examine them. We only know which
6 witnesses we want to cross-examine if there's some
7 indication that they're being presented by another
8 party as a witness for direct testimony.

9 And we had no indication that Mr. Trautwein
10 was -- or that the exhibit was going to be introduced
11 without Mr. Trautwein's presence, and therefore, we
12 couldn't have, prior to last Friday, raised this
13 concern with respect to the ability to cross-examine
14 him.

15 And I will finally point out that in the
16 prepared testimony of Mr. Hunt, and I assume that we
17 will hear a lot about it tomorrow, the Intervenor has
18 been very focused on the methodologies and the
19 protocols that were utilized by our experts in
20 conducting their biological resource surveys.

21 And so the notion that -- I'm sure they would
22 be very unhappy if we were to inform them that the
23 survey results are coming in; I'm sorry we're not
24 making Ms. Love available for you to question her on
25 those. And this is essentially the same thing.

1 This is the Intervenor's survey results, and
2 I'm sorry, but the witness that conducted those surveys
3 is not available for any questioning. So it's
4 essentially the same thing, and we don't think it's
5 appropriate for that exhibit to come in without us
6 having an opportunity to explore the basis of it and
7 cross-examine the witness that is -- that created it
8 and is the proponent of it.

9 HEARING OFFICER KRAMER: Go ahead, Ms.
10 Roessler.

11 MS. ROESSLER: Me? Okay. Thank you. First of
12 all, I'd like to say that -- address the timeliness of
13 the motion. The testimony exhibit at issue, the
14 declaration of Brian Trautwein, which was submitted
15 solely for the purpose to authenticate two photographs
16 that were attached, this is not expert witness
17 testimony.

18 This is not an expert that we are putting
19 forward that went out and conducted surveys. This was
20 filed as a declaration with photographs in May, May
21 12th. This is not last-minute evidence that somehow,
22 you know, was a gotcha that took all the Applicant off
23 his seat before.

24 So I'd just like to add the timeliness of the
25 motion was May 12th. It was also cited to in Lawrence

1 Hunt's testimony, again, as a sighting of a rare
2 species that was found right near the site in the
3 buffer area, the only area, mind you, that NRG would
4 allow the public to access.

5 We asked many times if we could even accompany
6 them with any of the public agency site visits, and as
7 the Committee is aware, we were not allowed to
8 accompany them. So this is also a EDC, Environmental
9 Defense Center, this is our staff environmental
10 consultant, and there's a lot of other reasons, based
11 on confidentiality as to not put him available as a
12 witness, to the extent that Mr. Carroll wants to probe
13 his conclusions and analysis.

14 My second point is, there are no conclusions
15 and analysis in this. If you read the declaration, it
16 is a Google Earth map that has two drop points exactly
17 where the two legless lizard species were identified,
18 and it has, the declaration states, exactly where those
19 lizards are found.

20 Mr. Trautwein did not identify the species. He
21 showed those pictures of the lizards to our expert,
22 Lawrence Hunt. He's the one that did the
23 identification. He is being presented as an expert in
24 this proceedings tomorrow. So in terms of conclusions,
25 opinions or analysis that would be subject to

1 questions, I can't even imagine what those would be, in
2 addition to what NRG would want or the Applicant would
3 want, in this case, to get more information on, I found
4 this lizard right here at this spot; I dropped a point
5 and I attached a Google map. That's the extent of this
6 declaration.

7 In terms of relevance, obviously, the siting
8 of rare species, this was one of the species that was
9 subject to the Committee's Orders. The Committee Orders
10 on March 10th did not just exclusively leave it to the
11 Applicant to report any observations or sitings or
12 evidence.

13 It invited all of the parties, and we didn't
14 conduct any surveys on site. We weren't allowed. We
15 didn't conduct any observations on site, because we
16 weren't allowed. So like I said before, this is only
17 surrounding the site, walking around on public land,
18 and that's all that this is being presented for, was to
19 prove a siting of a species that was directly subject
20 to the March 10th Orders.

21 In terms of the location of the species, that
22 was clearly identified. It was in the 100-foot buffer
23 area around the project site that the Coastal
24 Commission had recommended. If you're going to say that
25 anything outside the boundary is not relevant to these

1 proceedings, then you have to ignore much of the
2 Applicant's study, which did do a boundary beyond --
3 did a study off the boundary and in a buffer area in
4 some parts of the site.

5 You'd have to ignore the Coastal Commission's
6 recommendations to study in the 100-foot area around
7 the project site. So in terms of relevance it's hard to
8 -- it would be hard to believe and even make an
9 argument for how an identification of a species, which
10 there was a lack of any sufficient studies for the
11 first time around, has now been sited to right there
12 within inches of the project site, and we're going to
13 exclude it because it's inches away from the project
14 line, which the public's not allowed to cross.

15 And lastly, if we're going to talk about
16 timeliness and scope, then I would also like to state
17 an objection to the entire testimony based on wetlands
18 and put inside the NRG, the Applicant's Final
19 Biological Survey Report did an entire new delineation
20 on wetlands, presenting new evidence and testimony,
21 which was strictly not part of the Committee's Order.

22 So there seems to be a double standard here in
23 terms of scope and relevance. My last point, in terms
24 of making the witness available, in the July Orders, as
25 we mentioned in our opposition, each part is

1 responsible for stating and identifying the witnesses
2 they want to have questioned.

3 NRG never identified anything on their
4 Prehearing Conference Statement or suggested that they
5 wanted to question Brian Trautwein. We didn't get
6 anything until, you know, this 11th hour motion to
7 strike. We were never asked. Therefore, we could have
8 never declined.

9 This has been a repeat theory this morning
10 with several of these motions to strike. Each party's
11 responsible for identifying. I did not see anything. We
12 are never -- it was never discussed. I would like to
13 add, lastly, let me see -- I guess I'll sum it up right
14 there.

15 HEARING OFFICER KRAMER: Okay. Anyone else?

16 MR. CARROLL: I would just conclude very simply
17 by saying, setting aside the substance of this
18 particular issue, it's a simple question of whether or
19 not a party is permitted to introduce evidence into the
20 record without the opportunity for cross-examination by
21 the other parties.

22 Typically, declarations are accepted into the
23 record without the witness being present only if all of
24 the parties indicate that they have no desire to cross-
25 examine that witness, and they do not object to the

1 declaration coming in without the witness being made
2 available.

3 This is a case where we do have objections to
4 the declaration coming in without the witness being
5 made available. So it's a very, you know, common issue
6 that comes up in evidentiary hearings, and in my
7 experience the ruling is always that if a party objects
8 to a declaration coming into the record without the
9 party being made -- or the witness being made available
10 for cross-examination, that the exhibit's not admitted.

11 MS. ROESSLER: I would like to ask, why didn't
12 the Applicant -- why didn't you ask in your Prehearing
13 Conference Statement? Why did this come in yesterday?
14 This was filed in May.

15 HEARING OFFICER KRAMER: Okay. Well --

16 MS. ROESSLER: Gave ample opportunity.

17 HEARING OFFICER KRAMER: -- we're -- okay.

18 MS. ROESSLER: I'm just curious why it wasn't
19 listed.

20 HEARING OFFICER KRAMER: We're not going to let
21 you guys question each other.

22 MS. WILLIS: Mr. Kramer.

23 HEARING OFFICER KRAMER: But let me ask Mr.
24 Carroll, what questions would you have -- well, Ms.
25 Roessler, so you're saying that it's impossible for

1 this witness to be made available, even by telephone?

2 MS. ROESSLER: No. I'm saying it's not
3 justified, and they -- he never act -- when they never
4 asked. This is our staff person who's working on the
5 case, and I am definitely hesitant to put on one of my
6 Staff people to be cross-examined by Mr. Carroll.

7 So if he wants to sit here and testify as to
8 the same things he put in his declaration, that's fine,
9 but what else could he say. I'm not going to open him
10 up to any other confidential or privileged
11 communications that Mr. Trautwein's had as my Staff
12 person working on this case with me.

13 MS. WILLIS: Mr. Kramer --

14 HEARING OFFICER KRAMER: Ms. Willis.

15 MS. WILLIS: -- may we comment? Thank you.
16 Kerry Willis, for Staff. We do agree with Mr. Carroll.
17 We -- in the 19 years that I've been working in power
18 plant siting cases it's very -- I think it'd be
19 unusual, if not -- I don't know if it ever happens that
20 witnesses or testimony is put into the record without
21 witnesses being present for cross -- or available for
22 cross-examination unless there is an agreement or a
23 stipulated agreement that all that information go into
24 the record without such availability.

25 I can't imagine that Mr. Carroll would be

1 asking questions regarding confidentiality or other
2 types of information. Obviously, Ms. Roessler would
3 have the opportunity to object to that information. So
4 we do think that Mr. Trautwein should be made
5 available, at least to have the -- at least for the
6 Applicant to make a cross-examination, if they so
7 choose.

8 MS. ROESSLER: I'd like to object. It's not
9 testimony. This is not testimony. This is a
10 photographic exhibit and Mr. Trautwein's was admitted
11 solely to authenticate he took the photograph and where
12 he took it. It is not akin to testimony by an expert
13 witness. I just want to make sure the Committee
14 understand the --

15 HEARING OFFICER KRAMER: Okay.

16 MS. ROESSLER: -- distinctions clearly.

17 HEARING OFFICER KRAMER: We understand those
18 points.

19 MS. ROESSLER: Okay.

20 HEARING OFFICER KRAMER: Mr. Carroll, so do you
21 have actual questions for this witness, for him?

22 MR. CARROLL: Yes.

23 HEARING OFFICER KRAMER: Okay. Well, then, if
24 you can make him available, then we can conclude --
25 it's an -- I don't know how possible it is, but Mr.

1 Carroll might be able to impeach this -- these photos,
2 in which case they wouldn't come in. But he does have
3 the right to make that effort. So if you can make the
4 witness --

5 MS. ROESSLER: I'd like you to limit the scope
6 of the questioning, unless otherwise, I can tell you
7 right now it's going to -- what is Mr. Trautwein
8 testifying on? Could we make that clear?

9 HEARING OFFICER KRAMER: Well, according to
10 you, he's authenticating these photos, and the fact
11 that the object -- the critter in the photos was found
12 at the marked locations.

13 MS. ROESSLER: I'm fine with that. It's exactly
14 what he said and swore under penalty of perjury in his
15 declaration, if that's what the extent of Mr. Carroll's
16 questions.

17 HEARING OFFICER KRAMER: Well, again, it
18 doesn't seem terribly likely that perhaps Mr. Carroll
19 can impute his integrity regarding these points. He's
20 entitled to do that if he desires. But I gather, you're
21 also saying that any opinion about what this means for
22 this case will come from Dr. Hunt and his -- on the
23 basis of what he sees in the photos, correct?

24 MS. ROESSLER: Yes, which is already included
25 in Dr. Hunt's testimony.

1 HEARING OFFICER KRAMER: Okay.

2 MS. ROESSLER: Yes. So --

3 HEARING OFFICER KRAMER: So do you want the
4 witness to come in, Mr. Carroll?

5 MR. CARROLL: Yes, we do want --

6 HEARING OFFICER KRAMER: Okay. Well, subject to
7 his being made available for questioning by Mr. Carroll
8 and follow up questions from others, we will let that
9 exhibit in.

10 MS. ROESSLER: I would also like to address my
11 oral motion to strike the wetlands testimony provided
12 in the Applicant's Final Survey Report as being outside
13 the scope of the March 10th Committee Orders and
14 irrelevant to the proceedings.

15 HEARING OFFICER KRAMER: Okay. So now, this one
16 is just coming up right now. Let's discuss that when we
17 actually get to the testimony, because you're hearing
18 that for the first time, I gather, Mr. Carroll, as are
19 we.

20 MR. CARROLL: Yes.

21 HEARING OFFICER KRAMER: Okay. We make sure we
22 remember to address that, but I don't think we're
23 prepared to address that, any of us, right at the
24 moment. And perhaps as a part of the testimony we can
25 do that. I don't know if, for instance, there was

1 actually going to be any discussion of wetlands. It's
2 quite possible, but we can address it at that point.
3 Then there was?

4 MS. ROESSLER: Well, the discussion of wetlands
5 is in the report that I wanted to move to strike, not
6 just the oral testimony, but the testimony in the
7 record.

8 HEARING OFFICER KRAMER: Okay. Well --

9 MS. ROESSLER: If that -- I just want to make
10 sure that you understand that's what I was referring
11 to, not just the witnesses he was putting on tomorrow.

12 HEARING OFFICER KRAMER: Okay. Well, Mr.
13 Carroll needs a few minutes to consider that, I'm sure.
14 I think that's appropriate.

15 MR. CARROLL: So just so I understand, the
16 motion is to strike from the -- I don't have the
17 exhibit number off the top of my head -- but to strike
18 from the Final Biological Survey Resources Report any
19 discussion pertaining to whether or not there are
20 wetlands on the site.

21 MS. ROESSLER: And Julie Love's -- the report
22 and opinions by Julie Love concerning a new wetland
23 delineation that she conducted or evaluated on site.
24 Those conclusions were included in the report, exceeded
25 the scope of the March 10th Orders. There were no

1 wetlands subtopics in that Order, so yes, if we're
2 clear. Does that --

3 MR. CARROLL: Yes. I understand the motion. So
4 if we could have an opportunity for me to look at the
5 report in light of that, then we'd be in a position to
6 respond, but I understand the motion. Thank you.

7 HEARING OFFICER KRAMER: Okay. We'll probably
8 have to -- we will have to deal with that later today,
9 it sounds like. But well, actually, no. Bio is
10 tomorrow. So we have the -- let's have that discussion
11 at the beginning of the day tomorrow, then, so that
12 people can prepare. Does that seem fair, Mr. Carroll?

13 MR. CARROLL: Yes.

14 HEARING OFFICER KRAMER: Okay. I'm predicting a
15 long evening tomorrow, but such is life.

16 MS. FOLK: So I also wanted to move to strike
17 the request to call William Vandever and George Piantka
18 as witnesses in view of the fact that they submitted no
19 written testimony at all.

20 HEARING OFFICER KRAMER: Now, okay. This is in
21 addition to the motion you filed?

22 MS. FOLK: Did we file a motion?

23 HEARING OFFICER KRAMER: Somebody -- okay. So
24 did we finish with everyone's motions? Please say yes.

25 MS. FOLK: This is an oral motion.

1 HEARING OFFICER KRAMER: Okay. But all the
2 written motions, have we covered them all?

3 MS. FOLK: I think so.

4 HEARING OFFICER KRAMER: Okay. All right. That,
5 again, to give Mr. Carroll a chance to prepare --

6 MS. FOLK: Well, it's very simple.

7 HEARING OFFICER KRAMER: Okay. But so explain
8 your motion and then we will deal with that at the
9 start of the Compliance and Closure Discussion later
10 today.

11 MS. FOLK: Well, William Vandever goes to the -
12 - I believe he --

13 HEARING OFFICER KRAMER: Oh, you're right.
14 Justin Vandever, you mean?

15 MS. FOLK: Justin, I'm sorry.

16 HEARING OFFICER KRAMER: Okay.

17 MS. FOLK: The basis of our motion is that he
18 never submitted any testimony. So we have had no
19 opportunity to review what he intends to say, how it's
20 relevant to the proceeding. We've had objection over
21 the other side that, you know, dockets -- documents
22 filed are not -- don't provide adequate notice of the
23 intended testimony of a party.

24 And so I think in this case it's quite clear,
25 based on NRG's own arguments, that we should not be

1 allowing people to testify who have not submitted any
2 evidence.

3 HEARING OFFICER KRAMER: Okay. Mr. Carroll, do
4 you want to make something on the order of an offer of
5 proof or explain what he's here to talk about?

6 MR. CARROLL: Yes. So Mr. Vandever is not
7 sponsoring any written evidence, which is why we did
8 not file any written evidence. He is offered to present
9 oral testimony only. So it's very different from a
10 document showing up at the last minute that we have not
11 had any opportunity to review.

12 So there are no documents that Mr. Vandever
13 will be sponsoring. He will be made available
14 exclusively for oral testimony. Mr. Vandever is --
15 works for AECOM, the consultant retained by the
16 Applicant. He works with Mr. Mineart.

17 He is in their Coastal Hazards Group. His
18 testimony is focused on the FEMA mapping that is
19 underway. He is consultant to FEMA, supporting them in
20 the update of the FEMA FIRM maps for Ventura County.
21 And so he would be here frankly, primarily for
22 questioning, to the extent that the parties or the
23 Committee have any questions about the FEMA FIRM map
24 development.

25 And the reason that we thought that this was

1 helpful is that the comparison between CoSMoS and FEMA
2 and the TNC modeling, FEMA never was as big a part of
3 that, frankly, as it became in the most recent filings.
4 In Mr. Revell's most recent testimony he compares and
5 contrasts all three.

6 And so we thought that it would be very
7 helpful to have someone here who is doing the FEMA FIRM
8 map development so that if the Committee has a question
9 about, well, how does FEMA do it, or is that a true
10 statement in terms of how FEMA does it, he'd be
11 available and in a very good position to answer those
12 questions.

13 MS. FOLK: There are so many problems with
14 that. First of all, it's incredibly -- all the issues
15 that he identified were listed in the Committee's March
16 10th Order. If they wanted to submit testimony about
17 this, they should have submitted it so everyone had an
18 opportunity to respond.

19 And it's incredibly prejudicial to the city to
20 have, you know, essentially a black box. We don't know
21 what he's going to say. We don't know what -- we have
22 had no opportunity to test -- we'll have had no
23 opportunity to test his assertions.

24 And you know, AECOM represents the Applicant
25 here, and to act as if they might be some independent,

1 you know, arbiter of what FEMA is doing is completely
2 inappropriate.

3 HEARING OFFICER KRAMER: Okay. Well, that's not
4 a reason to exclude him. It's something you can comment
5 upon and in effect, you have.

6 MR. CARROLL: I would --

7 HEARING OFFICER KRAMER: We -- we --

8 MR. CARROLL: -- I would offer to withdraw or
9 to not present any direct testimony from Mr. Vandever
10 if that would address the concerns, and to simply have
11 him available with Mr. Mineart as Applicant's Panel on
12 Coastal Hazards to answer questions.

13 I would introduce him and have him explain
14 his background, but I would forego our prepared
15 questioning of him if that would address the City's
16 concerns, and have him available for questioning only.

17 MS. FOLK: We haven't had an opportunity to
18 review any of the information that he might provide,
19 and then it'd be on the fly.

20 MR. CARROLL: Well, that -- you would never
21 have that opportunity, because you don't know what
22 they're --

23 MS. FOLK: Well, as I said --

24 HEARING OFFICER KRAMER: Well, the nature of
25 these hearings are that it's impossible to identify

1 everything --

2 MS. FOLK: But --

3 HEARING OFFICER KRAMER: -- that somebody's
4 going to say.

5 MS. FOLK: But this isn't even like a minimal
6 effort to identify what he might say beforehand.
7 There's been plenty of evidence submitted on FEMA and
8 the mapping, and it was within the March 10th Order.
9 For him to bring in a witness at the -- you know --
10 without having provided anything that we can respond to
11 is really prejudicial.

12 HEARING OFFICER KRAMER: Your motion is
13 overruled. We'll accept Mr. Carroll's withdrawal of
14 what I call on the chart opening discussion from Mr.
15 Vandever. As to Mr. Piantka, we'll reserve that
16 discussion when we begin Compliance and Closure later
17 this afternoon.

18 MR. CARROLL: Yes. Just very briefly. The
19 reason we were making Mr. Piantka available was as an
20 Applicant representative, we weren't exactly sure where
21 their Committee was going to go with that topic, but we
22 thought that it might get into questions of what types
23 of additional conditions or modifications the
24 conditions would be acceptable to the Applicant.

25 So I felt like I needed to have an Applicant

1 representative available to respond to those questions.
2 That was the idea behind that.

3 HEARING OFFICER KRAMER: Yeah. And that seems
4 reasonable. If you have anything further to argue, Ms.
5 Folk, you can do it when we start that topic.

6 MS. FOLK: Right. I agree that that's
7 reasonable.

8 HEARING OFFICER KRAMER: Are you then
9 withdrawing your concerns about Mr. Piantka?

10 MS. FOLK: If he exceeds the scope of that I
11 might object.

12 HEARING OFFICER KRAMER: Okay. You'll point it
13 out for us. Okay. Thank you. Okay. We've finished all
14 the motions. So seems like a good time for a break.
15 I'll go out and pray to the technical god of your
16 choice for the resumption of Internet service in the
17 room, and --

18 MS. ROESSLER: I have one question for
19 clarification, when it's appropriate, but it's based on
20 the ruling on NRG's motion to strike our exhibit. I
21 know we decided that Mr. Trautwein could be questioned,
22 but I don't recall hearing whether or not his exhibit
23 was allowed in. Is it allowed in, I assume, because
24 he's allowed to be questioned, or --

25 HEARING OFFICER KRAMER: Well, I think it's

1 still on -- it's on the table, and based on the results
2 of the questioning of him, then Mr. Carroll may want to
3 argue that it should be excluded at that point in time.
4 So it's not for sure in.

5 It's not for sure out. We need more
6 information. Okay. So 10-minute break. I've got 11:01,
7 and we'll be back in about 10 minutes. Thank you.

8 (Recess at 11:01 a.m., until 11:12 a.m.)

9 COMMISSIONER SCOTT: -- come back to the table
10 or to your seats and we'll get going in about 30
11 seconds. Okay, everyone. Come on back to the table or
12 to your seats. We are going to go ahead and get going
13 again. So let me make sure with our court reporter
14 we're back on the record. Excellent. And I will turn
15 this back over to Hearing Officer Paul Kramer.

16 HEARING OFFICER KRAMER: Okay. So we are --

17 MR. CARROLL: Mr. Kramer, I'm sorry to
18 interrupt, but one quick point from this morning's
19 proceedings. I've had a chance to look at the relevant
20 portions of our Biological Resource Survey, and
21 Applicant has no objection to the verbal motion of EDC
22 to strike from that report the discussion of the
23 wetlands.

24 And I want -- I thought I would raise that
25 today because what we can do is prepare a redline

1 strike-through of the document this evening and have
2 that tomorrow so that it will be very clear. So
3 backtracking a little bit, I thought it made sense to
4 go ahead and let the Committee know we don't have
5 objection to that motion.

6 HEARING OFFICER KRAMER: Okay. Good.

7 MS. CHESTER: I have a clarification question
8 on that. This is Michelle Chester, for Staff. There are
9 other documents submitted in this, you know, section of
10 hearings that reference and discuss wetlands. Are we
11 striking only the Applicant's discussion, or is this a
12 broader, elimination of the discussion of wetlands?

13 HEARING OFFICER KRAMER: Well, the only request
14 was made of the Applicant's Survey Report, so I would
15 say that's all.

16 MS. CHESTER: Okay. Thank you for the
17 clarification.

18 HEARING OFFICER KRAMER: Till we hear
19 otherwise. Okay. So we're to the topic of Soil and
20 Water Resources, but specifically, the topic that we
21 call Coastal Flooding. As we said in our notice, we are
22 going to use the informal hearing format.

23 It's described in the notice. I'm not going to
24 -- in the interest of time I'm not going to go through
25 that again. So we need to convene a panel of witnesses

1 at the table that faces us here. They include Phillip
2 Mineart, Justin Vandever, Dr. Revell, MaryLou Taylor
3 and Paul Marshall, Chris Campbell.

4 Let's see, and then on the phone we have --
5 from USGS we have Juliette Finzi Hart, Dr. Li Erikson
6 and Andrea O'Neill. And from my look at my chart, I
7 think that's everyone. Did I miss anyone?

8 MS. FOLK: So I did have a question about how
9 we're going to do this without Internet service.

10 HEARING OFFICER KRAMER: With who?

11 MS. FOLK: Without Internet service. Is that --
12 because I know some of our --

13 HEARING OFFICER KRAMER: Okay. Well, I now
14 have -- I through the graces of a generous share of
15 their mifi, I can access the Internet. So I can get on
16 WebEx and I'll -- I haven't done that yet, but I will,
17 and I can at least project --

18 MS. FOLK: Okay.

19 HEARING OFFICER KRAMER: -- slides on the
20 screen.

21 MS. FOLK: Okay.

22 HEARING OFFICER KRAMER: So is that your main
23 concern?

24 MS. FOLK: Yeah.

25 HEARING OFFICER KRAMER: Okay. So while we get

1 going I'll get that set up. So if all of you, including
2 those of you on the phone, USGS folks, do we have them
3 unmuted? Probably not. Dr. Hart, can you hear us and
4 speak?

5 DR. HART: Yes, hi. We -- I hear you. Can you
6 hear me?

7 HEARING OFFICER KRAMER: Okay. And do you have
8 the others right with you on the same phone line?

9 DR. HART: No. They're on a different phone
10 line. So I'll let them speak.

11 HEARING OFFICER KRAMER: Okay. So Andrea
12 O'Neill, could you just confirm that you're able to
13 speak?

14 DR. ERIKSON: This is actually Li Erikson. Yes.

15 HEARING OFFICER KRAMER: Okay.

16 DR. ERIKSON: And we're in the same room.

17 HEARING OFFICER KRAMER: Okay. So okay. We have
18 all three of you from USGS. All right. The first order
19 of business is to swear you all in. So if you would
20 raise your right hand and say, including the people
21 here in the room:

22 ALL WITNESSES DULY SWORN

23 HEARING OFFICER KRAMER: Okay. Everyone says
24 they do. On the telephone, yes?

25 (All said yes.)

1 HEARING OFFICER KRAMER: Thank you. Okay. We
2 will then begin with the USGS folks on the telephone.
3 If you could say your names and then spell them for our
4 court reporter and the transcript. Begin with Dr. Hart.

5 DR. HART: Hi. This is Dr. Juliette Finzi Hart.
6 I have a very long name. So it's J-u-l-i-e-t-t-e F as
7 in Frank, i-n as in Nancy, Z as in Zebra, i, H-a-r-t.

8 HEARING OFFICER KRAMER: Dr. Erikson.

9 DR. ERIKSON: Yes. This is Li Erikson. First
10 name is spelled L-i, and the last name, E-r-i-k-s-o-n.

11 HEARING OFFICER KRAMER: And Dr. O'Neill.

12 DR. ERIKSON: She actually left the room. So
13 she'll have to fill that in later.

14 HEARING OFFICER KRAMER: Okay. From my
15 understanding, her spelling is A-n-d-r-e-a, O'-N-e-i-l-
16 l.

17 DR. ERIKSON: Yes.

18 HEARING OFFICER KRAMER: Then in the room here
19 from my right, going across the table, could you please
20 do the same, say your name and then spell it for the
21 court reporter.

22 MR. MINEART: Phillip Mineart, M-i-n-e-a-r-t.

23 MR. VANDEVER: Justin Vandever, J-u-s-t-i-n, V-
24 a-n-d-e-v-e-r.

25 MS. TAYLOR: Marylou Taylor, T-a-y-l-o-r.

1 MR. MARSHALL: Paul Marshall, M-a-r-s-h-a-l-l.

2 DR. REVELL: David Revell, R-e-v-e-l-l.

3 MR. CAMPBELL: Chris Campbell, C-a-m-p-b-e-l-l.

4 HEARING OFFICER KRAMER: Okay. You -- did you
5 get all those?

6 COURT REPORTER: I did, but they're faint.

7 HEARING OFFICER KRAMER: Okay. So this event is
8 not for shy people. You have to, as I even have to be
9 reminded on occasion. So get real close to your mic and
10 speak. And you know, you may get some -- you hear
11 yourself rather loudly from these monitor speakers
12 here, but if we don't get feedback, we're good.

13 So I understand that some of the USGS people
14 may have to leave relatively -- or some of them may not
15 be available for the afternoon. So it's been suggested
16 to me that we begin with their giving us a summary of
17 the CoSMoS Model and what it tells us for this
18 particular project. Does anybody object to their going
19 first?

20 Seeing none, so Dr. Hart, who would like to
21 lead off? And if you give me a minute I'll be in a
22 position to show the slides, if we need to, that you
23 sent last night and that I, I guess to your chagrin,
24 shared with the world. But I apologize for that.

25 But as you may have heard this morning, we are

1 in a -- we are an operation that prefers that everybody
2 sees stuff, even if it's -- you know -- as soon as it's
3 available, and that's what I tried to achieve last
4 night.

5 MS. FOLK: Can I --

6 HEARING OFFICER KRAMER: Go ahead, Dr. Hart.

7 MS. FOLK: Oh. Can I just ask one point of
8 order? Are we going to do each set of witness and then
9 have the parties ask questions? Are the people in the
10 panel allowed to ask questions?

11 HEARING OFFICER KRAMER: Yeah. We'll try to --
12 the big thing we want to do is just have one person
13 talk at a time, and that's for the benefit of the court
14 reporter and the transcript. And actually, those of us
15 who are listening on -- even if it's the speakers here
16 in the room.

17 But yeah, we're -- this is meant to be
18 informal. You as a representative of a city get to ask
19 questions of people. But let's say, for example, you
20 were to ask a question of Dr. Revell --

21 MS. FOLK: Um-hum.

22 HEARING OFFICER KRAMER: -- if Ms. Taylor had
23 something to say on the topic that you just broached,
24 then after Dr. Revell finishes speaking she's free to
25 chime in and offer her thoughts.

1 MS. FOLK: Okay.

2 HEARING OFFICER KRAMER: And at some point, if
3 we forget, and some panelist has a burning question
4 that they want to ask of another person, you know,
5 raise your hand and we'll let you do that. It's not
6 meant to be a place for lawyers, games and gotchas.

7 It's meant to be a place where information is
8 exchanged, assumptions are tested and confirmed. And so
9 when we get done with this we understand everybody's
10 position and have a full picture of the issues.

11 MS. FOLK: Okay.

12 MS. WILLIS: So Mr. Kramer, this is Kerry
13 Willis. Just to clarify, because this sounds very
14 different than we've done in formal processes before.
15 The lawyers are allowed to basically do a cross-
16 examination, because in the past the Committee actually
17 directed all the questions in the other -- in the
18 informal hearings.

19 HEARING OFFICER KRAMER: Okay. Well, yeah. That
20 must have been a different one, then, than I conducted.

21 MS. WILLIS: Yeah. It was in --

22 HEARING OFFICER KRAMER: No, I'm -- I don't
23 need to be a gatekeeper. You know, obviously, if things
24 get out of hand I'll try to use my not shy voice and --
25 but I don't need to be in the middle of all the

1 conversations unless it's necessary.

2 MS. WILLIS: Well, I guess I'm still confused.
3 So we're going to do an opening statement or a direct
4 per witness. Is each one going to go down the line and
5 do that, and then have a discussion? Or is it basically
6 just a direct and cross while they're all sitting at
7 the same table?

8 HEARING OFFICER KRAMER: The term "cross"
9 really doesn't have a place here. You may be asking a
10 question where you're trying to impeach somebody, but
11 it's -- to us, it's just a question like any other in
12 this sort of format.

13 MS. WILLIS: I'm just trying to figure the
14 order, how the order goes, if --

15 HEARING OFFICER KRAMER: I mean, if you need
16 lead your witness with a few opening questions, that's
17 fine. Some witnesses, you can just kind of press their
18 go button and they spill out everything they need to
19 say. That's fine, as well. You know, it -- you want
20 some -- it sounds like you --

21 MS. WILLIS: I'm trying to get structure here.

22 HEARING OFFICER KRAMER: Yeah. It sounds like
23 you want more structure --

24 MS. WILLIS: I'm just trying to have structure.

25 HEARING OFFICER KRAMER: -- than I'm willing to

1 give you.

2 MS. WILLIS: Okay.

3 HEARING OFFICER KRAMER: So maybe we have to --

4 MR. CARROLL: There's some flexibility.

5 HEARING OFFICER KRAMER: -- just make it --

6 MS. WILLIS: See how it goes. Okay. Thanks.

7 HEARING OFFICER KRAMER: So Dr. Hart, you ready
8 to go?

9 DR. HART: Yes. I'm scared to even say this,
10 but per our communication last night, you know, we had
11 that one slide that we wanted to switch, and I see in
12 the docket that the one that was sent this morning is
13 available. Would it be possible to show that?

14 And the only difference is in one of the
15 slides that was at the end, we moved up and it was the
16 point that we were showing is more aligned with where
17 the actual project site is. So that's the difference,
18 but I don't want to cause a lot of discussion.

19 So we'll follow your lead, but I just wanted
20 to highlight that that version is available on the
21 docket.

22 HEARING OFFICER KRAMER: Okay. And it'll be up
23 on my computer in a little bit. So if you have some
24 introductory remarks, why don't you start with those
25 while I'm getting set up to be your projector.

1 DR. HART: Sure. And it's the number 220369.
2 And I actually don't -- we don't have any introductory
3 remarks. We, you know, we think the -- we're thankful
4 to have the opportunity to talk about our science and
5 Dr. Erikson will do the presentation, and hopefully,
6 can help give you more insight into what we're trying
7 to do at USGS.

8 And again, just you know, one of the things
9 that we do want to note is that, you know, we're
10 nonregulatory. The science that we provide is science
11 for people to use, and it -- we are not -- we do not
12 have an opinion on where the power plant should be
13 sited.

14 You know, we're just trying to provide the
15 best science that we can. So I think with that we'll
16 turn it over to Dr. Erikson, and then when you're ready
17 with the PowerPoint we can get started, and hopefully,
18 we can address all the questions.

19 HEARING OFFICER KRAMER: Okay. Dr. Erikson, if
20 you wanted to make some remarks.

21 DR. ERIKSON: Okay. Sorry. I had to take it off
22 the speaker phone there. Yes. So I don't think you have
23 the first slides up, but thank you for that
24 introduction, as well. We are, as Juliette mentioned
25 here, Dr. Finzi Hart mentioned, that there are many of

1 us involved in this work.

2 Dr. Barnard gave the presentation last time,
3 and he's our model director for the -- the Research
4 Director for this project, and I'm stepping in because
5 he's away from the office for this week. So I'm going
6 to give a brief summary overview of the work that goes
7 into CoSMoS Modeling System.

8 I'm going to go ahead with the slides, and we
9 can catch up when they are shown live. What is CoSMoS?
10 CoSMoS is a physics-based numerical modeling system for
11 assessing coastal hazards due to climate change. So
12 it's a system of models that we tied together.

13 It's been under development for the last
14 decade. It utilizes models that have been developed
15 over the past several decades; a lot of testing that
16 has gone into them. Predicts coastal hazards for the
17 full range of sea level rise going from zero to two
18 meters at 25-centimeter increments, and a five-meter
19 sea level rise event, as well.

20 And in combination with that we look at storm
21 possibilities, the annual, the 20-year and the 100-year
22 storm, using global climate and ocean modeling tools.
23 Emphasis is directly on supporting federal and state-
24 supported climate change guidance and vulnerability
25 assessments, and it is designed for community scale

1 planning.

2 What makes CoSMoS unique is that its explicit,
3 high resolution, dynamic modeling of waves, currents,
4 storm surge, flooding and beach change, and we account
5 for the nonlinear interactions between all these
6 processes. That's what makes this effort different from
7 others, in addition to the fact that we account for the
8 storm patterns, based on the latest global climate
9 models.

10 Using the state of the art projections of
11 dynamically downscaled winds and waves, it calculates
12 storm surge and seas, seas and swells. It's been
13 extensively tested, calibrated and validated for sites
14 that are within our study areas with -- that we use
15 local and historic data on waves and water levels and
16 coastal change when that's available.

17 But projections are based on dynamic wave
18 setup, that is, an area that is wet for a minute or so
19 during a storm scenario, but we also provide the runoff
20 extents as individual points. Flooding is determined by
21 the dynamic interaction of the evolving profile and
22 ocean conditions during the storm events, including
23 dune erosion and overtopping for that event, and also
24 the preceding long-term evolution of the coast.

25 The team that works on this, are you able to

1 see slides yet?

2 HEARING OFFICER KRAMER: We're getting close.

3 DR. ERIKSON: Okay. That's fine. That's fine. I
4 was just going to say that the slide I'm on actually
5 has some names listed, and I will refrain from reading
6 through those, but there are many of us that are
7 involved in this, and that can all be found. Yes, you
8 can see that later.

9 We have people working on the DEMs, the
10 socioeconomics, the web tools, extra modeling support
11 overseas, statistical downscaling and collaborations
12 with many institutions and organizations.

13 Where has CoSMoS been applied? We started, or
14 the effort started back in 2011 for Southern
15 California, with CoSMoS, what was called Version 1.0.
16 And for that effort there was -- it focused on the wave
17 climatology and the offshore conditions.

18 We've since then moved up the coast and have
19 been working at the Central Coast, and San Francisco
20 Bay, and we've added several components to this,
21 especially -- specifically including overland flow to
22 account for the flow over land, and also, incorporation
23 of fluvial discharges and evolving of the profiles.

24 And we are working ourselves up the coast and
25 applying this to the Central Coast and the North Coast,

1 as well. Users of CoSMoS span many ranges, from the
2 county to the federal to the state, and we are on slide
3 seven. That slide that you're showing now is the
4 summary of the CoSMoS efforts that have been done to
5 date, in chunks and also the 2018 as you see there on
6 the North Coast, where we're headed.

7 HEARING OFFICER KRAMER: If you could speak --

8 DR. ERIKSON: If you go down --

9 HEARING OFFICER KRAMER: -- if you could speak
10 a little louder I think it would help us to be able to
11 hear you more clearly.

12 DR. ERIKSON: Okay. You can go down a couple
13 slides. We're looking at who uses CoSMoS, slide eight,
14 as well. So this is down to the city and the regional
15 scale. We have several users. And next slide, please.
16 Where can we get more information?

17 The slide eight, this one, yes, show -- lists
18 some of the websites, for where you can download data
19 and downloaded a detailed technical report. The REV
20 Tools, Our Coast - Our Future Tool and the HERA Tool,
21 the Socioeconomic Tool. This would be on slide number
22 nine; actually, the previous slide that's showing.

23 The bottom left is a figure, screen grab from
24 the HERA Tool, and in the bottom right is a screen grab
25 from the OCOF Tool that shows the flooding. Next slide,

1 please. There's a bunch of supporting references. The
2 list continues to grow.

3 We do make an effort to get the information
4 out there, to make it available and peer-reviewed, and
5 we continue to work on that. Perfect. Slide number 11,
6 What's included in the CoSMoS approach. So on the left-
7 hand side, summary, the Static approach, the SLR
8 Viewer, the "bathtub" approach, sometimes as it's
9 referred to, the great first order assessments, the
10 passive model, hydrologic connectivity, so no SLR
11 Viewer, for example, takes this approach, includes sea
12 level rise on top of tides.

13 If you look on the bottom, the figure on the
14 bottom shows the cross-section, waves coming on the
15 right-hand side, and that includes also then the water
16 levels, and the static components, as mentioned, is the
17 tide difference and the sea level rise superimposed
18 upon each other.

19 And the additional effects is what CoSMoS
20 accounts for of the dynamic effects that are shown in
21 green, the seasonal effects, storm surge, river
22 discharge, wave setup and runup. And although that
23 figure shows a super position, just a linear addition
24 of these factors, the way we actually go about it is in
25 a numerical -- using numerical models so that the

1 physics between the interaction, between the water
2 level changes and waves, are actually accounted for.

3 It also includes winds, waves, atmospheric
4 pressures and shoreline change, and the range of sea
5 level rise in storm scenarios. And next slide, please.
6 The overall method, this slide summarizes the overall
7 method, the system of the models.

8 So we start on the global scale, take deep
9 water waves that are computed with Wave Watch 3,
10 applied Global Climate Modeled Winds. Those wave fields
11 that are produced, we analyze those, look at the time
12 series and combine those and put those into -- as
13 boundary conditions to regional scale models.

14 And on the regional scale we are running
15 Delft3D and SWAN in numerical models to account for the
16 swell propagation, so the propagation of those deep
17 water waves coming onto shore. Applied on top of that
18 are winds in order to generate -- locally generated
19 waves, and also, to account for storm surge that's
20 caused by both anomalies in seal level pressures and
21 also the wind, and astronomic tides.

22 And this is all done with downscaled winds
23 from the Scripps Institution of Oceanography that have
24 downscaled the winds to the local scale to account for
25 local orographic effects and such. Because the areas

1 that we simulate are very large, they take a lot of
2 computational power, and we're not able to do very high
3 resolution on this regional scale stuff, we take the
4 boundary conditions from the regional scale models and
5 bring that down into the local scale.

6 And the local scale models consist of the --
7 similarly, the Delft3D and SWAN, and in there we added
8 an XBeach Profile Model. And XBeach is added in order
9 to account for storm event-based erosion, and also to
10 account for infragravity waves, which are not
11 explicitly computed with the other models.

12 So if we're on the local scale computing the
13 nearshore waves, wave setup and runup, storm surge,
14 tide, and here is also included, then, the overland
15 flow with our high resolution grids and the fluvial
16 discharge is added in here that's appropriate to the
17 particular coastal storm events that we're simulating,
18 and also, the long-term topo-bathy change is included
19 in there.

20 The results from those local scale models are
21 then applied onto a two-meter resolution digital
22 elevation model. Example is shown on the bottom right.
23 And those are different to provide maps that we then --
24 that are then supplied into web tools for analysis, for
25 easy analysis.

1 CoSMoS validations, components and the
2 performance that are validated. The validations need to
3 -- time periods of validations are limited by the fact
4 that several items are needed. So the Venn diagram that
5 you see on the right-hand side, the data that's needed
6 is deep water wave forcing, as well as the nearshore
7 observations and the wind and sea level pressure
8 forcing.

9 So where all those three circles meet in the
10 middle, those are the time periods that we can actually
11 validate against. And for those data sets to meet up
12 we've been looking at the November-December 1982 event,
13 El Nino event, in December 2005 and January 2010.

14 A brief synopsis comparing water levels across
15 the Bight -- oh, I'm sorry. Next slide. Sorry about
16 that. Yes. Thank you. The water levels compared against
17 measurements of tide gauges within the Southern
18 California Bight comparisons.

19 We can see actually -- on that figure, also,
20 you can see that the lower line is what's predicted
21 with just the tides. And then you see the black and red
22 dashed lines are the observed and modeled, and that's -
23 - the model captured the changes in the water levels at
24 these tide gauges.

25 And next slide, please. Also, comparisons

1 against wave buoys. This is a comparison against CDIP
2 111, which lies outside Oxnard. It's a notoriously
3 difficult one to simulate, actually, but here we're
4 comparing the measured on the X-axis versus the
5 modeled.

6 And on the left figure is the wave heights in
7 the mean period and peak wave direction. Next slide.

8 HEARING OFFICER KRAMER: A question about that
9 slide.

10 DR. ERIKSON: Uh-huh.

11 HEARING OFFICER KRAMER: So are these pretty
12 well correlated or not at all? I don't understand the
13 distribution of dots, what it means.

14 DR. ERIKSON: Oh, sorry. If they fall on the
15 blue line it would be perfect agreement, but deviations
16 from that blue diagonal line means it's off, and the --
17 so if you look at the wave height, it's acceptable.
18 It's not -- yes. And if you look at the root mean
19 square error, about 24 centimeters off in general. And
20 then if you look at the mean wave period, the grouping
21 there is fairly well represented and the direction, as
22 well, is fairly well represented.

23 And next slide, please. So in this slide we're
24 comparing the wave runup as tested against imagery.
25 This is up at Ocean Beach in May of 2006. High temporal

1 resolution imagery that was captured with a camera, a
2 high elevation camera that extracted the leading edge
3 of the wave runup.

4 And this compares what is simulated during
5 that particular time period, as well. And the root mean
6 square values that you see on the bottom of that
7 figure, the -- see that the XBeach rms is 12
8 centimeters, or .12 meters; whereas, if we were to use
9 an empirical runup it would be nearly doubled at 22
10 centimeters.

11 And next slide, please. Also, for the Ocean
12 Beach, which is OB, and MOP -- and if you -- on that
13 figure that you can see on the bottom right-hand side,
14 you can see MOP 576 and 581. Those are output points,
15 model output points comparing -- what we're comparing
16 here is changes in the profile over storm periods.

17 And the y-axis shows the Brier Skill Score and
18 the arrows on the right-hand side saying "fair," "good"
19 and "great," those are guidelines for when a model does
20 fair, good and great. And for these sites you can see
21 that they do good to very well, actually, both here in
22 the southern part of the state and also in the central
23 part of the state.

24 And next slide, please. Oh, aha. Okay. I think
25 we lost a couple slides there. That's okay.

1 DR. HART: So Li, this is Juliette. May I say
2 something here really quickly? I think I'm -- is this
3 the profile evolution slide that you wanted to show?

4 DR. ERIKSON: No. This was --

5 DR. HART: Oh, okay.

6 DR. ERIKSON: Yeah, that's -- yeah. That's
7 okay.

8 DR. HART: Okay.

9 DR. ERIKSON: Oh, there it is. Okay. Perfect.
10 Yeah, okay. So last item there on that list with the
11 long-term shoreline change, what you're seeing here is
12 a plot. This is time, on the x-axis. The hindcast is on
13 the left part of it and the forecast is on the right
14 part of that axis.

15 And you're seeing the movement of a mean high
16 water position and what's -- during the hindcast period
17 the mean high water position is adjusted according to
18 measurements at the particular location. And so the
19 data is calibrated, and we'll talk a little bit more
20 about that on the next slide, if it's there.

21 Let's see. Is this -- aha. It's a PDF. Okay.
22 So there's no animation. Sorry. On the top figure is
23 time-series of the wave heights that are coming in on
24 this transect that you see on the bottom left-hand
25 side. You see a single transect at the Del Mar Beach.

1 And so the idea here is that the wave heights
2 are progressing, the time series here from 1995 to
3 2020, and there's a little red dot that's supposed to
4 go with this. It shows that -- well, you can see from
5 time 1995 to 2020, if you can see the seasonal
6 variations.

7 So you see the high wave events and then it
8 gets lower in the summer. And while these wave events
9 go, there -- the shoreline position is simulated, and
10 it would -- on the second panel they would actually
11 show that position of the mean high water line.

12 And the dots on that second panel are just
13 observations. And what happens is that it uses those
14 observations to tune the model and to assimilate the
15 data, the observed data into the model itself and
16 adjust the parameters.

17 And I should say that this shoreline change
18 model includes the effect of the cross-shore movement,
19 the long-shore movement, as well as sea level rise and
20 also, unknown terms that come in, the uncertainties
21 that come in, which are attributed to anthropogenic
22 activities such as nourishment and actually - and
23 adding sediment coming into the system.

24 And let's go onto the next slide, please. So
25 four -- when we're getting down into the local scale

1 simulations, we're modeling XBeach, and this is an
2 example, also -- this is also a movie. So I apologize
3 that it's not moving here. This is a transect in the
4 dune field near Tijuana Estuary and what it would show
5 would be the waves and water level heights coming on
6 from the left-hand side, and eroding the dune here and
7 overwashing the dune and flooding the inland expanse
8 area.

9 And the next slide was a similar animation for
10 closer to the site of interest here, showing also that
11 the profile is eroded during this storm, which I
12 believe is the 100-year storm, and it comes very close.
13 So it's -- what happens is in the animation it erodes
14 the dune, but it doesn't erode it all the way and it
15 comes -- it doesn't overtop the dune.

16 And next slide, please. For the very high
17 resolution or the high resolution grids that we have
18 for the overland flow where we -- oh. Sorry. Where --
19 that's okay. Oh, no. We're missing one more slide, but
20 that's all right. So this is a high resolution grid,
21 and the point here is that we have a two-meter
22 horizontal resolution digital elevation model that is
23 used to generate -- to seed the grid, to provide the
24 dyssyemmtry into the grid.

25 And next slide, please. I think we skipped one

1 here. No?

2 HEARING OFFICER KRAMER: Maybe it was missing
3 for some reason. This is a PDF of your PowerPoint.

4 DR. ERIKSON: Yeah.

5 HEARING OFFICER KRAMER: Hold on.

6 DR. ERIKSON: Okay.

7 HEARING OFFICER KRAMER: No.

8 DR. ERIKSON: That's okay.

9 HEARING OFFICER KRAMER: Yeah, sorry.

10 DR. ERIKSON: That's all right. So the
11 shoreline projections for 2050 and 100-year storm, and
12 what you see here is the mean high water positions,
13 including the uncertainty, as well, and it's eroding
14 and progressing landward, but it's -- the shoreline
15 model doesn't project actual erosion up to the
16 infrastructure until we reach the five-meter sea level
17 rise. And the next slide, please.

18 HEARING OFFICER KRAMER: So this progression is
19 due to sea level rise?

20 DR. ERIKSON: And waves and storm surge. So
21 it's actually -- so these results uses a time series
22 that we saw on one of the previous slides where you
23 would actually see the wave heights offshore, the
24 transect, and they would -- those wave heights and the
25 water levels are used in the model to move the

1 shoreline, mean high water position of the shoreline as
2 needed, as the model projects. So this is accounting
3 for all the dynamical factors, so not just sea level
4 rise. And next slide, please, yes.

5 This is a map comparing the flood inundation,
6 the hatched area that you see here with the solid line
7 is the flood inundation from the CoSMoS, and the FEMA,
8 red FEMA is in the red area for the 100-year event, one
9 percent annual inundation chance of wave hazards.

10 And the blue is the associated one percent
11 annual inundation chance from the fluvial. And also
12 coming back to the CoSMoS results, what you see there,
13 as I was saying, the hatched area is the flood expanse
14 and those are associated with where it remains wetted
15 for a minute, at least a minute of time, the little
16 dots in there are the actual runup, maximum runup
17 points that simulated with the XBeach Model.

18 And you see that the runup extent -- in this
19 case it varies along the shoreline and it happens to not
20 overtop into the low-lying back beach area. And I
21 believe on the next slide is -- the background is the
22 same, except for the fact that the CoSMoS results here
23 are shown for the half-meter sea level rise.

24 And because the profiles are evolved over time
25 with the long-term change here it's also that runup is

1 just at the peak of the dunes, but it doesn't overtop
2 here, as well. So therefore, it doesn't cause that
3 extra setting. And next slide, please.

4 Looking at the tsunami risk and comparing
5 that, see, the red line is estimated tsunami inundation
6 by the California Geological Survey, and comparing that
7 to these storm events that are simulated, which are
8 then seaward of the next anticipated tsunami event that
9 will happen.

10 Next slide, please. Future conditions, what do
11 they look like? Well, for sea level rise for -- from
12 the NRC and in the Los Angeles area, looking at 28
13 centimeters of sea level rise by 2050, with a range of
14 13 to 61, because all these things have an uncertainty,
15 of course; 93 centimeters of sea level rise by 2100
16 with a range of 44 to 107 centimeters, and those
17 include global and regional effects.

18 As we all know, these Pending State Sea Level
19 Rise Guidance, now are talking 20 to 52 centimeters by
20 2050, or 74 to 287 centimeters by 2100. For waves
21 there's -- several models are showing that there's
22 expected to be no significant change or very little
23 change in the wave height, actually a possible
24 decrease, which at first thought might be a little
25 surprising, but it appears that storm patterns are

1 moving northward, causing increases in wave heights
2 further north and to the south; so in coldward
3 directions, and a little -- and less here, or with
4 little change.

5 And that can be -- an example of -- that can
6 be seen in the lower-left box that compares -- sorry,
7 lower right spot that compares projected changes in
8 wave heights from four global climate model runs,
9 compared to a historical period.

10 The -- what atmospheric patterns, potential
11 for more extreme El Nino events, and I've mentioned the
12 storm tracks will also be moving north. Sediment inputs
13 are episodic. The lower figure here we're seeing the
14 Santa Clara -- sorry -- the Ventura River. We have a
15 feeding in 2004, 2006 -- actually, 2004, 2006 there,
16 and then otherwise, a decay of the sediment inputs
17 there.

18 So it's expected that there are longer
19 droughts with higher intensity rainfall events. We may
20 be seeing more frequent events. Yeah. Yes. That's --
21 we're not actually -- we're seeing a lowering, and --
22 sorry -- a decrease in these wave heights. Whoops, and
23 that's what -- that's what I -- that was the point I
24 was trying to make, sorry, or at least very little
25 change.

1 So next slide, please. We're going to get to
2 the next slide? Thank you. Some of the highlights is
3 it's tested and validated for waves, extreme water
4 levels and coastal change, including local, historical
5 storm events. Simulations are done for 40 possible
6 future scenarios, where it's combined with sea level
7 rise and storm events; future storm events.

8 Uses downscaled winds from GCMs. Goes down to
9 the local level, and downscaled waves, dynamically
10 downscaled waves, also from global climate models. High
11 resolution grids encompass lagoons and the protected
12 areas and the high interest areas, and there's long-
13 term coastal evolution that are accounted for with the
14 CoSMoS-COAST model for beaches and also cliffs.

15 Short-term beach and dune response is
16 accounted -- is simulated, explicitly simulated with
17 the XBeach Model. Long and short-term coastal change to
18 beaches, dunes and cliffs are integrated into the
19 coastal flooding projections, and discharge from the
20 rivers for the events response are accounted for, are
21 included in the simulations.

22 Vertical land motion is factored into the
23 flood potential layer, and the outputs are included in
24 a web-based tool that includes data visualization,
25 download and analysis for socioeconomic summaries. And

1 next slide, please.

2 All the phases of CoSMoS' results actually
3 show no significant risk of flooding to the project
4 site for the 100-year storm event or for decades
5 thereafter. The models are developed as state-of-the-
6 art. Dune fields are dynamic. They're evolved with the
7 long-term and then eroded per event.

8 Multiple lines. We have multiple lines of
9 evidence from several models and observations to be
10 used to assess the risk to get at what that risk might
11 be. And some of the contact information you can find
12 below here, and you can reach us by the -- our email is
13 the first letter of our first name and then our last
14 name @usgs.gov. And with that, I'll say thank you.

15 HEARING OFFICER KRAMER: Okay. Thank you. Let's
16 go next, then, with the -- if you wanted to have some
17 opening thoughts from the Applicant's witnesses.

18 MR. CARROLL: Okay.

19 HEARING OFFICER KRAMER: I guess that would not
20 include --

21 MS. FOLK: So are we then saving all our
22 questions till everyone presents? Is that the idea,
23 because I'm concerned about USGS being available this
24 afternoon.

25 HEARING OFFICER KRAMER: Okay. Yeah, that's a

1 good point. Do you have any -- why don't we then ask
2 some specific questions of the USGS Panel while we have
3 them all. I think Dr. Li will be able to stick around
4 this afternoon, but in case his colleagues also want to
5 chime in with an answer on some of the questions, I
6 guess one obvious one is, to what extent CoSMoS has
7 taken into account the flows from the Santa Clara
8 River.

9 You mentioned that on the slide -- I think
10 there's a previous slide, Dr. Li. Could you explain a
11 little bit more about how the river discharges are
12 factored into the model?

13 DR. ERIKSON: Yeah. So the river discharges are
14 derived from looking at atmospheric patterns, actually.
15 So we don't assume that the 100-year coastal storm
16 event is associated with the 100-year fluvial events.
17 So rather, we step back and assess -- we associate
18 rivers with discharges and look at sea level pressure
19 patterns, and look at the historical database and
20 derive relationships thereof, and then look at the
21 atmospheric patterns that we have with our particular
22 storm that we're simulating and use that relationship
23 that we established from historical data to generate a
24 peak discharge event.

25 HEARING OFFICER KRAMER: Okay. Ms. Folk, did

1 you have any questions? Go ahead.

2 MS. FOLK: Yes. I have a few questions. It's
3 hard to assimilate all this at once. So on page 21, I
4 guess it's slide 21 you -- there are some, I guess it's
5 static, an animation. Can you tell me what the storm
6 conditions for the lower one -- which I guess you said
7 was approximating the project site -- can you tell me
8 what the storm conditions are that are associated with
9 this scenario and how they match up with historic storm
10 events at the site?

11 DR. ERIKSON: So I do believe that this was the
12 100-year coastal storm event.

13 MS. FOLK: And have --

14 DR. ERIKSON: And how it matches up with the
15 historical. It's not much different. It might be at --
16 must say I have -- don't really have data for that
17 particular site to see what the 100-year event is at
18 that site. So I can't really speak to how it relates to
19 the historical period.

20 MS. FOLK: Okay. So the City did ask for some
21 information from USGS about the assumptions that went
22 into this slide. And I appreciate that you did provide
23 some information. I know there was some back and forth
24 with Chris Williamson.

25 And you stated -- actually, I believe it was

1 Dr. O'Neill stated when asked about the different
2 scenarios in which overtopping could or might occur you
3 said, "It sounds like you're asking for specific
4 probability of overtopping for a wide range of possible
5 and hypothetical conditions. The future probability of
6 risk of overtopping has not been robustly assessed, and
7 to do so would require a separate and quite rigorous
8 investigation."

9 So I'm curious what you would need to do to
10 make that assessment and whether you've done that here.

11 DR. O'NEILL: This is Andy O'Neill, if I can
12 answer that.

13 MS. FOLK: Sure.

14 HEARING OFFICER KRAMER: Please, go ahead.

15 DR. O'NEILL: Hello?

16 HEARING OFFICER KRAMER: Yes. Yes. That's the
17 exact point of the informal, is -- approach, is that
18 whoever has the answer offers it. So go ahead.

19 DR. O'NEILL: Okay. So we have not conducted
20 that study. We have not been directed to conduct that
21 study and that would be a significant amount of work to
22 do that. But potentially, if what you're looking at is
23 the probability of the dune failure you would really
24 need to look at what conditions would fully erode and
25 cause full failure of those dunes. And then number two,

1 see whether those conditions are even plausible within
2 the future scenarios.

3 MS. FOLK: And have you done that, or not?

4 DR. O'NEILL: That's a rigorous, site-specific
5 scope of work that would require some significant work.

6 MS. FOLK: Okay. I don't know if this is the
7 right time to go into this. Have you reviewed Dr.
8 Revell's closing testimony in this matter?

9 DR. O'NEILL: Which testimony? We received

10 MS. FOLK: The closing -- the --

11 DR. O'NEILL: -- numerous -- last minute --

12 MS. FOLK: -- yeah, the closing testimony with
13 the photos of various flooding events in the vicinity
14 of the site.

15 DR. O'NEILL: Okay. Is there a specific item
16 you're referring to in it?

17 MS. FOLK: So it would be, for example, the
18 flooding at Oxnard Shores and the screen grabs of the
19 Our Coast Our Future model tools showing flood extents
20 in a 100-year event.

21 DR. O'NEILL: Okay.

22 MS. FOLK: Have you seen those?

23 DR. O'NEILL: I saw those in a previous
24 document, I believe, yes.

25 MS. FOLK: Yeah. And can you explain why the

1 CoSMoS Model would show that the water does -- I mean,
2 we can pull it up if you want, but the water doesn't
3 come close to the Oxnard Shores Development, but in the
4 photos there's extensive flooding documented.

5 DR. O'NEILL: Okay. Well, I mean, I can talk
6 about the differences as I understand between the
7 models. The photos, I do have some questions on. It's
8 uncertain the source of the flooding in those photos.
9 The dunes and the shore don't show any potential
10 overtopping, so I can't talk to the source of the
11 flooding that's in those photos.

12 MS. FOLK: Okay. So that -- I think we'll wait,
13 then, because Dr. Revell will be able to talk about
14 that. Do you want to --

15 MR. CARROLL: Could we -- I was interested in
16 the answer to the question pertaining to the diagrams.
17 Can we allow the witness to go ahead and answer that
18 question, even if she can't speak to the photos?

19 HEARING OFFICER KRAMER: Yeah, go ahead, and
20 speak up a little bit or -- I'm sorry. Maybe I didn't
21 quite hear.

22 MR. CARROLL: There was a -- I'm sorry. This is
23 Mike Carroll, for the Applicant. Ms. Folk had a two-
24 part question. First part referred to the diagrams in
25 Mr. Revell's testimony and the second part spoke to the

1 photos. You indicated you couldn't speak to the photos,
2 but I thought you were about to respond to a question
3 about the -- or the portion of the question about the
4 diagrams.

5 DR. O'NEILL: Which diagram is that?

6 MR. CARROLL: It's --

7 DR. O'NEILL: There are several diagrams.

8 MR. CARROLL: -- it's the diagram that Ms. Folk
9 directed you to. Sorry. I don't recall the page number.

10 MS. FOLK: Well, I'm happy if she wants to
11 answer it, but one thought might be if Dr. O'Neill or
12 Erikson is available later, that it might be better to
13 hear Dr. Revell's testimony and then respond to it. I
14 just didn't know about availability, so.

15 MR. CARROLL: That's fine. I'll wait.

16 MS. FOLK: Yeah. I'm not --

17 MR. CARROLL: I thought that there was a
18 question on the tip of her tongue, but since it -- I've
19 apparently mis-heard. I'll come back to it later. I
20 just thought that she was prepared to answer it right
21 at the moment.

22 HEARING OFFICER KRAMER: Okay. Anybody else
23 have any specific questions they want to make sure that
24 USGS is able to answer before they have to go? Seeing -
25 -

1 MS. FOLK: Oh, yeah. Actually, I did have a few
2 more. I'm sorry.

3 HEARING OFFICER KRAMER: Okay.

4 MS. FOLK: I know the panel might have some, as
5 well. So I did have a couple questions about the wave
6 runup slides. And I will say, this is -- I believe it's
7 slide 25 and 26, or 24 and 25. So when the wave -- my
8 understanding is the wave runup information was just
9 published last Tuesday. Is that correct?

10 DR. O'NEILL: I believe so. The data was
11 officially approved through bureaucratic channels last
12 Tuesday. Yes, it's been available in limited
13 investigations before that, yes.

14 MS. FOLK: Okay. And is that runup information
15 based on the same topographic data set from 2009?

16 DR. O'NEILL: It's --

17 MS. FOLK: The LiDAR data from 2009, which I
18 believe is --

19 DR. O'NEILL: It's 2009 to 2010.

20 MS. FOLK: Okay.

21 DR. O'NEILL: Yes.

22 MS. FOLK: And on that you have -- you showed
23 the runup through dots. Is that correct?

24 DR. O'NEILL: Yes, because those runup points
25 are derived along the transect XBeach Models that Dr.

1 Erikson showed in some previous slides that should be
2 animated.

3 MS. FOLK: And can we assume that everything
4 between the dot and the ocean gets wet? Can we connect
5 the dots?

6 DR. O'NEILL: Not necessarily, because there's
7 a lot of topographic change between those.

8 MS. FOLK: So what does a dot represent, then?

9 DR. O'NEILL: So the --

10 MS. FOLK: Is it a water level? Is it a --

11 DR. O'NEILL: -- those are integrated together
12 within the algorithms that we use, but we do provide
13 some high res splicing in between there.

14 MS. FOLK: I'm -- so --

15 DR. O'NEILL: So yes, you can -- as a first
16 order estimation you can kind of connect the dots.

17 MS. FOLK: Okay. You can connect the dots?

18 DR. O'NEILL: But those are -- it should be
19 noted that the runup is maximum wetted extent through
20 waves. So it's not necessarily flooded.

21 MS. FOLK: No, I understand that.

22 DR. O'NEILL: Okay.

23 MS. FOLK: So I will say, so this is very new
24 information. We didn't -- you know, this was docketed
25 last night, as I mentioned, and we will -- we do want

1 an opportunity to be able to respond a little bit more
2 fully to this.

3 DR. O'NEILL: Okay. This is actually very
4 similar to a previous slide that we had in the March
5 testimony. It's showing no other new information, other
6 than just a different display.

7 MS. FOLK: Yeah. I guess the issue for us,
8 though, is that if the assumptions that went into that
9 were never -- weren't made available. This was all
10 published last week, is my understanding.

11 DR. O'NEILL: What was published last week, the
12 runup?

13 MS. FOLK: No, the ability to use the model to
14 look at wave runups, or the tool.

15 DR. HART: Yes. And this is Juliette. I'll jump
16 in here. I'll note that once those were made available
17 Dr. Revell was actually the second person to be emailed
18 those to work Santa Monica. So he had access.

19 MS. FOLK: Okay. Do you want to ask a few
20 questions? I don't -- I'm sorry. I can't --

21 HEARING OFFICER KRAMER: Okay. Ms. Folk
22 indicates she's done for the moment. I saw a couple
23 hands on the Panel. Let's begin with Mr. Mineart.

24 MR. MINEART: This is Phil Mineart. I'm AECOM
25 consultant to the Applicant. I just have a couple

1 clarification questions, and some questions in -- one
2 of them on the figure you just showed with a runup over
3 the dune that was near the project site.

4 I just wanted to clarify that it looks like
5 this actually was at McGrath Lake, which is a low area
6 just to the north of the site. I just wanted to clarify
7 whether that was the case or maybe just -- it was kind
8 of an unclear figure. So it's a little bit hard to see,
9 but --

10 DR. O'NEILL: The cross-section on my -- will
11 you go up a couple slides, please.

12 MR. MINEART: Yeah.

13 MS. FOLK: Twenty-one.

14 HEARING OFFICER KRAMER: I think it's 25; 25 is
15 now on the screen and it's got annotations.

16 MR. MINEART: Yeah. So it was -- yeah, the one
17 that we were looking at with the runup to the beach. I
18 guess it's a movie but it doesn't run, right. So I just
19 wanted to clarify where it --

20 DR. O'NEILL: Phil, I apologize. I think that
21 what's showing on the WebEx is time linked to what
22 you're showing on the screen. So if it's a cross-
23 section showing the blue ocean and the green land as a
24 cross-section, it should be 34-33, correct. That's just
25 to the north into the McGrath Lake. That was the one

1 that showed some of the more extreme runup locations
2 and extents.

3 MR. MINEART: I see. Okay.

4 DR. O'NEILL: So we used it as an indicative of
5 the behavior at the site, just as an example.

6 MR. MINEART: That's okay. I just was wanting
7 to clarify, make sure I read -- looked at the figure
8 correctly.

9 DR. O'NEILL: Okay.

10 MR. MINEART: Those are just a little bit lower
11 there than at our site. So I just wanted to make that
12 note.

13 DR. O'NEILL: Correct.

14 MR. MINEART: There's a couple other questions.
15 I just wanted to clarify that you use XBeach and you
16 also do your CalCoast model for erosion, whether it's
17 long-term or event-based. Both of those models include
18 accretion. So when you do sea level rise, say 2050, the
19 profile that exists at 2050 isn't the same profile that
20 existed in 2000.

21 The profile's changed over time. Is that
22 correct? So when we get to 2050 the model has modified
23 the profile based upon erosion and accretion that has
24 occurred in between run.

25 DR. O'NEILL: Correct. There's significant

1 topographic change.

2 MR. MINEART: That's right. So because I've
3 noticed sometimes you'll end up with actually with wave
4 runup could get further inland or it could get actually
5 further seaward, depending upon the change in
6 topography.

7 DR. O'NEILL: Correct. As the coast evolves
8 it's going to completely change the way the waves field
9 the beach, so to speak.

10 MR. MINEART: So it does include the accretion,
11 right. So that's why we see sometimes movement seaward,
12 actually, of sea level rise -- I mean, of --

13 DR. O'NEILL: In some cases, correct.

14 MR. MINEART: Right. Okay. And there's just one
15 last question to clarify. In some places like maybe
16 Oxnard Shores and other places the beach'll -- you'll
17 get the beach will rise up. They'll reach a crest and
18 it may actually be lower on the backside of the beach.

19 I'm just -- you know, when you -- did you stop
20 it there or did you actually extent it, the runoff into
21 the low areas?

22 DR. O'NEILL: There was a lot of topographic
23 complexities in areas south of the site of interest. We
24 tried to take into account the maximum overtopping
25 elevation and then the elevation of any runup along the

1 backside and come up with a nice flooding surface lens.

2 Due to some areas having extremely complex
3 topography that can complicate our flood surface.

4 MR. MINEART: Right.

5 DR. O'NEILL: But we do try and take those into
6 account.

7 MR. MINEART: And that's two-minute flooding,
8 right? Is that what you used, two-minute flooding?

9 DR. O'NEILL: Yes. It's a low-frequency filter.
10 And so when we have occasional spillovers, those may
11 not translate into legitimate flooding.

12 MR. MINEART: But you mean it's flooded for
13 less than two minutes.

14 DR. O'NEILL: Yes. Correct.

15 MR. MINEART: Yeah.

16 HEARING OFFICER KRAMER: Anyone else in the
17 panel? I saw a couple other raised hands. Looks like
18 next is Dr. Revell.

19 DR. REVELL: Hello. Good morning everybody over
20 there. A couple of questions. It says in several of the
21 testimony, the Staff and your presentation here, and in
22 Mr. Mineart's testimony, that you used extensive
23 historical data, including large storms in November and
24 December of 1982, December 2005 and January 2010.

25 What was the source of that data, and was that

1 data available for this site?

2 DR. O'NEILL: No. So in terms of validation for
3 the larger models, they're going to be publicly
4 available water level, atmospheric, time series and
5 wave conditions offshore.

6 DR. REVELL: Okay. But topo --

7 DR. O'NEILL: Those are --

8 DR. REVELL: -- topographic response or erosion
9 or flood depths or any of that observations was not
10 available for this site?

11 DR. O'NEILL: You mean as a site-specific look
12 at flood depths for those particular locations, for
13 those particular storms?

14 DR. REVELL: Correct.

15 DR. ERIKSON: We did not have --

16 DR. O'NEILL: We don't have access to any
17 scientific quality information to validate the models
18 for those storms at this specific site.

19 DR. REVELL: Okay. I didn't think it existed,
20 but I was hopeful. The question in the CoSMoS coast
21 module you are integrating that with the coastal
22 flooding, and you're going from the sort of CoSMoS
23 coast assimilated rates, which include cross-shore and
24 along-shore, into this 1D XBeach.

25 Can you explain which of the management

1 scenarios, armoring or nourishment that were included
2 in the coastal flooding flood-mapping?

3 DR. O'NEILL: Yes. It's no nourishment, and we
4 assume what we term, hold the line, which means that we
5 don't allow shoreline migration past a boundary where
6 we have urban infrastructure.

7 DR. REVELL: Okay. Thank you. What was the --
8 for the initial shoreline position, which drives --
9 sort of starts the CoSMoS Coast Model, what was the
10 date of the initial shoreline?

11 DR. O'NEILL: It's derived from our most recent
12 DEM, the 2009 to 2010 DEM.

13 DR. REVELL: Okay. And that was a fall LiDAR
14 data set? Is that correct?

15 DR. O'NEILL: Most of it.

16 DR. REVELL: Do you know what in site -- what
17 it is in front of this site?

18 DR. O'NEILL: I can't talk to that specific
19 one, but we tried to encapsulate a profile that's a
20 fall profile.

21 DR. REVELL: Okay. And then the mapped results
22 in CoSMoS represent a January 1st or, you know, winter
23 -- winter mean high water position?

24 DR. O'NEILL: They were pulled out
25 consistently, same time of the year, and to be

1 consistent we used the January 1st date.

2 DR. REVELL: And the initial shorelines from
3 the fall, potentially for this site?

4 DR. O'NEILL: The initial starting position,
5 yes.

6 DR. REVELL: Okay. I'm aware that USGS has been
7 collecting topographic data from in front of this site
8 and elsewhere in the beacon region for over a decade
9 now. Can you tell me what the seasonal variability is
10 of the beach at that site on average? Obviously, every
11 year is different.

12 DR. O'NEILL: It's -- at that particular site
13 or closer to the river? There's a lot of variability
14 along that stretch of coast.

15 DR. REVELL: Well, we're looking at a site --
16 we're applying the model to a site specific
17 investigation. So we're interested mainly at this site,
18 in this case.

19 DR. O'NEILL: I cannot recall offhand. Dr.
20 Barnard would definitely be the person to provide more
21 concrete information on that site.

22 DR. REVELL: Okay.

23 DR. O'NEILL: In terms of geomorphologic
24 change.

25 DR. REVELL: Sure. So in the CoSMoS Coast is

1 projecting future mean high water shoreline position.
2 Does it -- and yet, we've talked about -- can -- how do
3 you -- could you tell me out of your model results
4 where the future crest of the dunes would occur?

5 DR. O'NEILL: Do we have that slide in there?

6 DR. ERIKSON: Oh, no, we don't. That's not --
7 So the --

8 DR. O'NEILL: Wait. I think -- sorry. I think
9 that it is. I think it's all the way at the end,
10 because I think that what's showing right now is the
11 deck that was provided us.

12 DR. ERIKSON: That's okay. That's fine. Oh,
13 it's fine. It's fine.

14 DR. O'NEILL: Okay.

15 DR. ERIKSON: Just leave it. There's a -- so
16 the profiles are evolved. They are taken. The mean high
17 water position serves as the anchor point for the
18 profile to evolve, and it extends offshore to where the
19 surf zone, inner surf zone is, off to the active beach
20 width.

21 It takes that portion of the profile and
22 translate it landward, and as well. And so in the case
23 of this site the active beach profile is taken up to
24 the vegetation line, and so that's what's moved,
25 translated.

1 DR. REVELL: Okay. So it's only mapping to the
2 vegetation line.

3 DR. ERIKSON: Um-hum.

4 DR. REVELL: Okay. Can you tell me what the
5 extent of dune erosion is caused during a 100-year or
6 20-year event?

7 DR. ERIKSON: Well, that's where the XBeach
8 Model comes in and actually erodes that profile with
9 dynamically erode profiles for that 100-year storm
10 event.

11 DR. REVELL: That's my understanding of how the
12 XBeach works. Are those results publicly available
13 right now?

14 DR. ERIKSON: The initial and ending profiles?
15 Is that what you mean?

16 DR. REVELL: Of the -- yes, of the eroded
17 profile?

18 DR. ERIKSON: The --

19 DR. O'NEILL: We're in the process of pulling
20 together data for further data release. So those are
21 not available at this time, but by erosion are you
22 meaning a little bit of erosion or total erosion?
23 That's not a necessarily simplistic answer.

24 DR. REVELL: I'm just -- definitely not
25 simplistic answer. I'm just curious if we -- it's very

1 interesting data and I'm just wondering if we're -- if
2 it's available for us to evaluate and consider in, you
3 know, whether the -- how vulnerable these dunes may be
4 in the future. But they're not yet available. So that
5 was my question.

6 DR. O'NEILL: No.

7 DR. REVELL: Sorry. I'm going through some more
8 questions here.

9 HEARING OFFICER KRAMER: How many more do you
10 have?

11 DR. REVELL: I'm cutting many of them out here,
12 just perhaps a couple. So in this -- well, so in the --
13 in this new data release that came out last Tuesday,
14 and I appreciate you sending along the links to that. I
15 had a little bit of time.

16 I was not able to include it in my testimony
17 because it came out after the testimonies were due. But
18 I noticed -- so I've looked at them briefly. I am
19 curious, right now they are point locations on the
20 transect, as I understand.

21 Is there any elevation or maximum wave runup
22 elevation that is available associated with those? The
23 attributes have no information in them.

24 DR. O'NEILL: No, correct, because especially
25 with the higher sea level rise scenarios, those

1 elevations are going to be for completely evolved
2 profile. So further data will be coming out when we
3 release all the evolved profiles. But again, for sea
4 level rise scenarios that elevation cannot be directly
5 comparable to current topography.

6 DR. REVELL: Okay.

7 DR. O'NEILL: Which is why we submitted points
8 only.

9 DR. REVELL: Okay. And do you -- so then the
10 topo-bathy profile evolution data is also not
11 available. Is that what I just heard you say?

12 DR. O'NEILL: Not yet.

13 DR. REVELL: Okay. Do you have an idea when
14 that data will be available? I mean, I understand you
15 have a lot of hurdles you need to clear in the
16 bureaucracy of publishing all this data, but do you
17 have an estimate?

18 DR. O'NEILL: I can't yet. Unfortunately, like
19 most people working right now, I can't speak to the
20 timeliness of bureaucracy.

21 (Laughter)

22 DR. REVELL: Fair enough; fair enough. And
23 then -- I'm on my last page. I'm almost done. So when I
24 look at -- and this may come up again. When I look at
25 the -- this is kind of getting into my testimony. And

1 so if you rather look at it after or, you know, if --
2 Andy, are you available this afternoon?

3 Or -- I have a couple questions about some of
4 the figures that came out of the OCOF web tool, and it
5 would be easier if you saw what I was talking about and
6 then we had -- you could ask me or we could talk about
7 it a little bit more, but I'm just not sure if you're
8 available or not.

9 HEARING OFFICER KRAMER: If you can point me to
10 it, I can put it up on the screen.

11 DR. REVELL: Well, I guess the question is that
12 in the maximum flood uncertainty data, which shows sort
13 of the maximum flood potential, there's areas to the
14 south and to the north that are flooded under existing
15 100-year storm events, and these areas presently have
16 dune crests that are 20 to 30 feet high.

17 And then when we raise sea level rise over,
18 you know, over time, these areas become unflooded,
19 while the site becomes flooded. And so I'm curious if
20 flooding were to occur at 20 or 30 feet from -- as
21 shown in the model outputs, how they would not show up
22 as flooded or at least as green, you know, unconnected
23 but low-lying at the site and --

24 DR. O'NEILL: So going back to some of our
25 initial precepts for higher sea levels site rise

1 scenarios we evolved the DEM. The DEM has changed
2 within the active beach width zone. So that means that
3 the dunes can also respond and they can shift.

4 There is a dynamic, nonlinear interaction, not
5 only with the flooding, but also a different
6 topography. And so as that flood surface changes, our
7 uncertainty also changes.

8 DR. REVELL: Okay. That's -- yeah, that's
9 similar to the coastal resilience of evolving the
10 topography and eroding certain dunes over time. And
11 then I guess the last sort of set -- last question or
12 two I have related to this is, you are currently, when
13 you are evaluating a 20-year event or a 100-year event,
14 this is only a single event. You have not evaluated
15 multiple events. Is that correct?

16 DR. O'NEILL: Can you clarify?

17 DR. REVELL: So for each of the recurrence
18 interval storm events you're looking at the flooding or
19 erosion associated with a single event of that
20 magnitude. Is that correct?

21 DR. O'NEILL: No.

22 DR. REVELL: Okay. And have you looked at any
23 multiple storm recurrences like we see in the historic
24 record of El Ninos and things?

25 DR. O'NEILL: So in my -- I need to clarify

1 what you're asking. Are you saying our 20-year event
2 flood hazard is a single simulation?

3 DR. REVELL: Let me try and rephrase. So when
4 you run your 100-year storm, you know, coastal storm --

5 DR. O'NEILL: Correct.

6 DR. REVELL: -- you're looking at a single
7 storm impact on the profile, correct?

8 DR. O'NEILL: Incorrect.

9 DR. REVELL: You're --

10 DR. O'NEILL: We are -- our final hazards or
11 our final projections are actually a composite of
12 multiple simulations.

13 DR. REVELL: Okay. Have you run multiple storm
14 simulations on the same profile, sort of like what we
15 see in the major El Nino events where we have three or
16 four storms attacking a dune field?

17 DR. O'NEILL: Oh, okay, so a single event.

18 DR. REVELL: Single versus multiple --

19 DR. O'NEILL: Yes.

20 DR. REVELL: -- events is my question.

21 DR. O'NEILL: Okay. The simulation, each
22 simulation is for a single storm event. In that case,
23 yes, we do not have hazards for consecutive storms in a
24 row, if that's what you're asking.

25 DR. REVELL: Yes. Thank you. Sorry. That was

1 confusing. I'm sure I just didn't say it very clearly.
2 It's -- okay. Have you looked at how many hours --
3 because XBeach allows for a duration of storm attack --
4 have you looked at how many hours at this site waves
5 would have to attack the dune to erode it?

6 DR. O'NEILL: No. As mentioned and in response
7 to a previous question, that's actually a significant
8 line of inquiry that would require more than just a
9 couple modeling simulations, and that would require a
10 two-step process to really look at what would require
11 to erode the dunes, and then whether that's a plausible
12 scenario within the spectrum of future solutions.

13 DR. REVELL: Okay. Great. That is all my
14 questions. Thank you very much.

15 HEARING OFFICER KRAMER: Mr. Campbell, right?

16 MR. CAMPBELL: Yes. This is Chris Campbell.
17 I've got a couple questions for you. Do you happen to
18 know what the recurrence interval is of the river flows
19 in combination with your 100-year coastal simulation?

20 DR. ERIKSON: We just took a quick look. We
21 haven't combined all our data yet to our product
22 synopsis, but we think it's on the order of a 10-year
23 return interval.

24 DR. O'NEILL: For Santa Clara, in this
25 location.

1 MR. CAMPBELL: Okay. Thank you. With respect to
2 the slide that is currently shown on the top, in the
3 area that's on the north side of -- or yeah, I can see
4 through the graphic.

5 HEARING OFFICER KRAMER: And this is slide 20 -
6 -

7 MR. CAMPBELL: Yes. On the --

8 HEARING OFFICER KRAMER: -- this is slide 25,
9 just for those who are reading along in a transcript
10 later.

11 MR. CAMPBELL: Yes. So on slide 25 for zero
12 centimeters of sea level rise, representing the 100-
13 year flood extents, in the area that's non-shaded that
14 represents the north end of the property, in the
15 vicinity of the proposed Puente Facility, are you aware
16 that it flooded in 1969?

17 DR. ERIKSON: We are now.

18 DR. O'NEILL: We didn't have that information,
19 no.

20 MR. CAMPBELL: Okay. And then one final
21 question. On your shaded foot -- or your hatched
22 footprint, showing the CoSMoS extent of inundation
23 being 30 meters different than the FEMA published --

24 DR. O'NEILL: Yes.

25 MR. CAMPBELL: -- extents, I'm more interested

1 to know what is the elevation difference vertically
2 between those two water surface conditions.

3 DR. O'NEILL: Well, I would have to dig in,
4 because I don't have the FEMA elevation for that
5 particular point location at this time, and we do have
6 elevations for our water extents publicly available,
7 but that would require some digging to just look at the
8 specific elevational difference between that.

9 MR. CAMPBELL: Okay. Yeah. I was asking because
10 it -- you know -- as it relates to flood risk at the
11 site, you know, if there's actually a significant
12 difference between the absolute vertical elevation in
13 these -- between CoSMoS and what FEMA is suggesting as
14 an elevation that -- if there is a shortcoming that
15 there could be additional risk not being predicted by
16 CoSMoS.

17 DR. O'NEILL: Completely understand, but the
18 way FEMA projects flooding and the way we detect
19 flooding is also different.

20 MR. CAMPBELL: Thank you.

21 MS. TAYLOR: I have one thing to add. This is
22 Marylou Taylor from Staff. I am aware that the site
23 flooded in 1969 due to a very large flood event in the
24 Santa Clara River. Since then, a berm was constructed
25 right on the northern boundary, and has not -- for that

1 particular purpose, because it had flooded in 1969, and
2 has not flooded since.

3 HEARING OFFICER KRAMER: So you mean the
4 northern boundary of the -- basically, the Mandalay --

5 MS. TAYLOR: Of the Puente site.

6 HEARING OFFICER KRAMER: -- the Mandalay
7 Station?

8 MS. TAYLOR: The -- where that blue line stops,
9 that's where the berm is, the blue area stops.

10 HEARING OFFICER KRAMER: Okay.

11 MR. CAMPBELL: Oh.

12 DR. REVELL: Can I have a -- I have a followup
13 to your question or to her comment. Do you know if
14 that's a certified levee there?

15 MS. TAYLOR: That, I don't know.

16 HEARING OFFICER KRAMER: It's -- this levee is
17 something you observed on the site?

18 MS. TAYLOR: Yes. I have observed it on the
19 site and it was identified in the AFC as being there
20 and when it was built and why it was built.

21 HEARING OFFICER KRAMER: How tall is it
22 roughly? Do you know?

23 MS. TAYLOR: I don't have that information in
24 front of me.

25 MS. FOLK: Do you know what it's constructed

1 with?

2 MR. CARROLL: Mr. Mineart may be able to
3 answer.

4 MR. MINEART: Yeah. There's a levee -- the
5 actual levee is constructed on the northern side. You
6 can see where the edge of that blue is there's a line
7 kind of just to the south of the blue. I think that's
8 the road that's on top of the levee.

9 The levee actually goes there. Then it wraps
10 around to the east, runs along Harbor Boulevard, within
11 the property of Mandalay, down to the Edison Canal and
12 then it wraps around again and ends somewhere over
13 there, so that the Edison Canal is actually not levied
14 off.

15 You know, the water can flow to the Edison
16 Canal, but the north side and the east side are. The
17 levee's around elevation 18 feet and it's riprapped.
18 It's got riprap on it. So it's a sort of manmade
19 structure with riprap and it's wide enough for the dirt
20 road to be on the top.

21 MR. CAMPBELL: This is Chris Campbell. What is
22 the elevation datum that you're referencing to 18 feet?

23 MR. MINEART: Let me give you -- yeah.

24 MR. CAMPBELL: Okay. Thank you.

25 HEARING OFFICER KRAMER: Okay.

1 MR. CARROLL: I do have a few questions.

2 HEARING OFFICER KRAMER: Okay. Go ahead, Mr.
3 Carroll.

4 MR. CARROLL: Good afternoon. This is Mike
5 Carroll, with the Applicant, and I have a few
6 questions. And let me first say that we very much
7 appreciate your participation. This has been a
8 complicated issue for many of us who don't have
9 technical backgrounds to get our heads around, and the
10 explanation's been very helpful.

11 There has been some discussion, and you've
12 received some questions over the course of the day
13 today, about whether or not you have site-specific data
14 for particular parameters or factors, and the answer
15 was no.

16 As I understand it, what you have is data at
17 certain intervals along the coast, and you know, by
18 happenstance it could have been that one of your
19 intervals was at, you know, the project site, but in
20 fact, it's not, and therefore, you said we don't have
21 site-specific data.

22 One might argue that because you don't have
23 site-specific data your conclusions that the project
24 site is not at significant risk of coastal flooding are
25 suspect. And I'm wondering how you would respond to

1 that argument.

2 DR. ERIKSON: Yeah, this is Li. It's entirely
3 possible that there are uncertainties. We do have,
4 however, the shoreline change data includes the
5 bathymetric topo, the beach transect that has been
6 collected over the -- several years, over the past
7 several years, and that is included into the model,
8 incorporated into the model. And that serves as a
9 calibration and validation of the shoreline change.

10 DR. O'NEILL: And this is Andy speaking. We
11 also encourage everyone who uses CoSMoS to look at
12 multiple lines of evidence, and that includes even
13 within CoSMoS, not just seeing the flood extents, but
14 using the runup points in conjunction with the flood
15 extents, as well as the flood potential.

16 And that flood potential shows maximum flood
17 hazards, should there be uncertainty and error in the
18 digital elevation model, should there be uncertainty
19 and error with vertical land motion and with the model
20 itself. So we try and put bounds on a quantifiable --
21 quantifiable bounds and scientific bounds on what the
22 range of hazards could be with our physics-based model.

23 I would also say that every model out there
24 has its own limitations and assumptions, and so it's
25 good to look at those multiple models, knowing what

1 their strengths and weaknesses are.

2 MR. CARROLL: And so I don't know if this is an
3 appropriate way to ask the question, but when you said
4 that you don't have site-specific data for a particular
5 parameter, how close is the data that you have? And I'm
6 trying to get a -- again, a feel for whether or not the
7 absence of data as to any site-specific parameter
8 significantly undercuts your reliability and the
9 conclusions that you've reached in the modeling.

10 DR. O'NEILL: For a site-specific parameter as
11 for what, for example?

12 MR. CARROLL: I don't -- for anything. You
13 know, I don't have anything particular in mind, but --

14 DR. O'NEILL: These -- okay. So these models
15 have been validated across the So Cal Bight for several
16 parameters, as Dr. Erikson had mentioned, water levels,
17 wave heights and placements elsewhere. So these are
18 physics-based models, which means they work on laws
19 within the environmental realm.

20 We know how it operates along the coast, and
21 so we do have some amount of certainty with how it
22 operates in other locations. But again, there's
23 uncertainty with every model and so we try and capture
24 that within the flood potential layers.

25 HEARING OFFICER KRAMER: Mr. Carroll, Mr.

1 Mineart is dying to say something.

2 MR. MINEART: I just want to clarify. I think
3 what he's trying to -- for what Michael's trying to get
4 to, for any site, this site or any site, you did
5 profiles out of the LiDAR data you use, and you cut
6 your profile from the LiDAR data, and if there's LiDAR
7 data in front of the site, which there is, you cut your
8 profiles from that LiDAR data. And so --

9 DR. O'NEILL: Understand.

10 MR. MINEART: Yeah. So that would be the
11 profile -- that'd be the profile in front of this site,
12 not of some average you took from somewhere else. It's
13 the actual profile.

14 DR. O'NEILL: No. Oh, those are very site-
15 specific profiles, yes.

16 MR. MINEART: Yes.

17 DR. O'NEILL: And we do account for any error
18 within the LiDAR that took those profiles, as well, in
19 our flood potential.

20 MR. MINEART: And also, when you did your Cal
21 Coast Model, which is you calibrated that to existing -
22 - you know -- measured coastal, you know, coastal data.
23 You used the data --

24 DR. O'NEILL: Yes, years of coastal data --

25 MR. MINEART: -- that existed at wherever that

1 site was.

2 DR. O'NEILL: -- defines that, yes.

3 MR. MINEART: So that's actually site-specific,
4 because the data was measured to use for those sections
5 of the site.

6 DR. O'NEILL: Okay. I apologize, yes. That data
7 is site-specific. It sounded like the line of
8 questioning was down to whether or not I have specific
9 flood depth data to calibrate. I don't have that.

10 MR. CARROLL: Thank you. One other question
11 that has come up frequently in our discussion is
12 whether or not the CoSMoS Model takes erosion into
13 consideration, and it has been a source of confusion
14 for me, and I suspect that perhaps it's a matter of
15 semantics, that frequently including in the testimony
16 that has been following Mr. Revell today, he states,
17 "Dune erosion extents are not explicitly mapped in two
18 of the three available models, FEMA and CoSMoS."

19 But then when I listened to your presentation,
20 one of the things that you talk about being in the
21 CoSMoS Model is erosion. So can you help us clarify
22 what on the surface seems to be a disconnect between
23 what we're hearing from the various experts?

24 DR. ERIKSON: So we do account for the erosion
25 during the storm events. We are not counting up the

1 number of hours that the dune space is impacted by
2 waves over 100 years, and eroding the dune in that
3 sense. I think those are the differences between the
4 two.

5 MR. CARROLL: But your assessment of the extent
6 to which the site is exposed to flooding takes into
7 consideration erosion. Is that -- or not?

8 DR. O'NEILL: It does, with the simulated storm
9 event it takes into account event-based erosion.

10 MR. CARROLL: And then --

11 HEARING OFFICER KRAMER: Looks like Dr. Revell
12 maybe wanted to say something about that.

13 DR. REVELL: But is the -- as you said earlier,
14 the erosion extents that are calculated in that model
15 are not publicly available yet to evaluate. Is that
16 correct?

17 DR. O'NEILL: In terms of the volume?

18 DR. REVELL: Either the volume or the extents
19 of dune erosion. I know it's in the model, but we
20 haven't been able to look at the dune erosion extents
21 explicitly yet, because you're still stuck in
22 bureaucratic quicksand.

23 DR. O'NEILL: Yes. There's actually a
24 significant amount of forthcoming elevation and
25 topographic -- topography profile data coming. So no,

1 those are not available yet.

2 DR. REVELL: Okay. Thank you. I have --

3 HEARING OFFICER KRAMER: Okay. Let me be clear,
4 make sure I understand, then, though. The model assumes
5 that some events will erode the dunes, but did I also
6 read somewhere that the model doesn't give any credit
7 to other types of events that might increase the size
8 of the dunes? Is that correct?

9 DR. O'NEILL: We translate the dunes in
10 combination and in concert with the shoreline change
11 model, but in terms of growing the dunes, in terms of
12 some sort of long-term fashion, no, because we also
13 assume no nourishment, as well. Do I under -- I'm not
14 sure I understand your question correctly.

15 HEARING OFFICER KRAMER: Okay. Well, I'm just -
16 - what I'm -- I was left with the impression that we
17 account for a loss of the dunes, but we don't account
18 for the other kinds of events that might replace those
19 losses. So in other words -- and I guess I would call
20 that a conservative assumption, because we're not --
21 you know -- we're more worried about the dunes
22 disappearing.

23 That's the -- certainly, Dr. Revell's nodding
24 his head yes. And for purposes of modeling, we maybe
25 don't take into account some of the things that might

1 replace them. Is that -- did I get that right?

2 DR. ERIKSON: Sort of, yeah. The dune profile
3 is evolved, and in the case of no restrictions on the
4 back shore behind the dune, that dune profile migrates
5 landward, as well as some upwards, which can be due to
6 aeolian transport, and but in the overall picture the
7 mass is conserved along the profile.

8 HEARING OFFICER KRAMER: Okay. Ms. Taylor
9 wanted to say something.

10 MS. TAYLOR: This is Marylou Taylor from Staff.
11 I think what the Hearing Officer is alluding to is an
12 assumption in the Supplemental Staff Testimony. The
13 assumption was the no nourishment scenario, and Staff
14 used that as a conservative approach.

15 There's another option to continue
16 nourishment, which means that historical nourishment
17 would continue in the future, but our assumption for
18 this analysis was no nourishment.

19 DR. O'NEILL: Correct.

20 MS. TAYLOR: So that's what I think he is
21 alluding to.

22 HEARING OFFICER KRAMER: So it might tend to
23 overstate the loss of the dunes, then, over time.

24 MS. TAYLOR: With that scenario, yeah.

25 HEARING OFFICER KRAMER: I'm sorry. I'm being

1 very simplistic, and I know you always seem to be
2 nervous to say yes or no to simplistic questions.

3 MR. CARROLL: The engineers.

4 HEARING OFFICER KRAMER: Yeah. So that was a
5 yes, a reluctant yes, an engineer's yes?

6 DR. O'NEILL: We assume no additions to the
7 dunes in this case. To be overly simplistic, we assume
8 no additions to the dunes in terms of mass.

9 MS. TAYLOR: Yes. Yes.

10 HEARING OFFICER KRAMER: Okay. Mr. Carroll,
11 carry on.

12 MR. CARROLL: And just one final question, and
13 this pertains to your conclusion slide, which I think
14 was slide 30 in which you indicate that the site is not
15 at significant risk of coastal flooding between now and
16 the year 2050.

17 And I'm paraphrasing. I believe the language
18 was in decades. Here it is, "or for decades after." And
19 I'm wondering, do you have an assessment? Is that for
20 two decades after 2050, or eight decades after 2050 or
21 do you not have anything more precise than simply
22 decades?

23 DR. O'NEILL: That is up to the latest science
24 on what the sea level rise projection is. So that
25 statement is made in reference to the 50 centimeters of

1 sea level rise, which we expect to happen mid-century.
2 So depending on how sea level rise either accelerates
3 or maintains, that changes the number of decades after.

4 MR. CARROLL: Okay. Thank you.

5 MS. FOLK: So I have a couple of followup
6 questions, and I know Dr. Revell did, as well. So maybe
7 you can start.

8 DR. REVELL: My questions were based on some
9 responses that Mr. Carroll got from USGS staff, and it
10 relates to the flood potential layers. In that flood
11 potential, that includes the uncertainty in the LiDAR,
12 and that's, you know, that's how much in the weeds I
13 am. It's the .68 meters of uncertainty. Is that the --
14 what is used to calculate that flood potential?

15 DR. O'NEILL: I believe so.

16 DR. REVELL: Okay. And is that uncertainty
17 applied to the dynamic wave setup elevation or to the
18 maximum wave runup elevation?

19 DR. ERIKSON: To the maximum setup elevation.

20 DR. O'NEILL: To our flood surface, and our
21 flood surface is based off the filtered runup. So it's
22 not based off the runup elevation. It's based off our
23 flooding elevation.

24 DR. REVELL: Okay. Do you have a similar
25 estimate of uncertainty in your maximum wave runup

1 elevations?

2 DR. O'NEILL: No, because those are
3 deterministically determined.

4 DR. REVELL: Okay. Thank you.

5 HEARING OFFICER KRAMER: Okay. For the
6 transcript, LiDAR is an acronym. Who wants to take it
7 on?

8 DR. REVELL: Light Detection and Ranging.

9 HEARING OFFICER KRAMER: So LiDAR. Thank you.

10 MS. FOLK: So I just have one last question,
11 and this is about your conclusion about the risk of
12 flooding to the site. I believe your -- sorry -- your
13 mapping feature on the Our Coast - Our Future site
14 indicates this is a planning level model. Is that
15 correct?

16 DR. O'NEILL: It was designed to be a community
17 planning level model.

18 MS. FOLK: So if you were making the decision
19 to site a specific piece of infrastructure of utility,
20 would you recommend doing a site-specific assessment?

21 DR. O'NEILL: As a government agency that is
22 putting out publicly-available information I can't tell
23 you what to do with it. We oftentimes use techniques
24 that are as good or better as the site-specific
25 surveys, but our design was for community-level

1 planning. I would say that we encourage the use of
2 multiple lines of evidence.

3 MS. FOLK: Thank you.

4 DR. O'NEILL: And to include site-specific, but
5 it ultimately is up to the Applicant.

6 HEARING OFFICER KRAMER: Mr. Campbell.

7 MR. CAMPBELL: Yes. This is Chris Campbell, one
8 final question related to the riverine component of the
9 model. What was the downstream boundary condition that
10 was assumed for that?

11 DR. O'NEILL: You mean in terms of whether or
12 not it can -- it's contained within the Delft3D Model.
13 So it's within our Coastal Flood Model as a discharge
14 upstream, and so it can interact with our coastal
15 floods.

16 MR. CAMPBELL: Okay. So --

17 DR. O'NEILL: Does that answer your question?

18 MR. CAMPBELL: -- so it's a variable boundary
19 condition of sorts?

20 DR. O'NEILL: For downstream?

21 MR. CAMPBELL: For downstream. So is it mean,
22 high or high water? Is it a dynamic water level?

23 DR. O'NEILL: So our model extends far
24 offshore, and those boundaries conditions are driven by
25 surge, tides and waves. So it's an all-inclusive storm-

1 physics. So it's discharge, waves, water level. It's
2 not -- it's far more than just a mean high water.

3 MR. CAMPBELL: Okay. I appreciate that.

4 DR. O'NEILL: No worries.

5 HEARING OFFICER KRAMER: Okay. So how are you
6 USGS folks doing for time?

7 DR. O'NEILL: I think we're at the limit.

8 HEARING OFFICER KRAMER: Okay. But Dr. Erikson
9 can stick around, right, or no; your limit, too?

10 DR. ERIKSON: With very limited time.

11 HEARING OFFICER KRAMER: Okay. Well, so then
12 this may be the last call. Anymore questions for USGS?

13 MS. FOLK: Well, we did want the opportunity to
14 ask some questions about their interpretation of the
15 results from Dr. Revell. I mean --

16 HEARING OFFICER KRAMER: Okay. Can you give me
17 -- I could put any exhibit up on the screen right now,
18 so.

19 MS. FOLK: Well, I think we just tried to do
20 that and they said they had questions for him, as well.
21 So I mean, it --

22 HEARING OFFICER KRAMER: Okay.

23 MS. FOLK: -- if someone's available tomorrow
24 morning we could do that, or -- you're not.

25 HEARING OFFICER KRAMER: Well, let's do it

1 right now.

2 MS. FOLK: I need a break, actually; five
3 minutes.

4 HEARING OFFICER KRAMER: Okay. Well, yeah. So
5 USGS folks, you have some questions for Dr. Revell. Is
6 that correct?

7 MS. FOLK: We can just --

8 DR. O'NEILL: Based upon -- it depends on how
9 he testifies. So we have some questions to bring up,
10 but they're not necessary, depending on how the line of
11 discussion goes.

12 HEARING OFFICER KRAMER: Okay. But in other
13 words, you need to hear him first and then you'll --
14 then you could determine that, whether you had
15 questions. Okay. I suspect Dr. Revell is not just a
16 five-minute series of sound bytes. How long do you
17 think your --

18 DR. REVELL: My presentation should take no
19 more than 15 minutes.

20 HEARING OFFICER KRAMER: Oh, okay. Well, let's
21 try that. Go ahead.

22 DR. REVELL: Can you bring up my presentation,
23 please?

24 HEARING OFFICER KRAMER: Well, okay. We're also
25 balancing that against the need for a bathroom break.

1 MS. FOLK: Yes.

2 DR. REVELL: Can we perhaps take a bathroom
3 break while we bring up the presentation?

4 HEARING OFFICER KRAMER: Yeah. Let's do that;
5 seven minutes? Okay. And Dr. Revell, come on up and
6 we'll figure out which --

7 DR. REVELL: Okay.

8 HEARING OFFICER KRAMER: -- which of your
9 several documents you're using.

10 DR. REVELL: Right.

11
12 HEARING OFFICER KRAMER: Off the record.

13 (Off the record at 12:56 p.m.)

14 (On the record at 1:06 p.m.)

15 HEARING OFFICER KRAMER: Okay, back on the
16 record, are we?

17 COURT REPORTER: Yes.

18 HEARING OFFICER KRAMER: Okay. I have Dr.
19 Revell's, in this case it's an actual PowerPoint that
20 was in the docket, up on the screen.

21 Go ahead, sir.

22 DR. REVELL: Thank you. You can go ahead and
23 click the next slide

24 So I'm representing here the City of Oxnard.
25 And the City of Oxnard and most of the nearby

1 counties and cities, the County of Ventura, City of
2 Oxnard, County of Santa Barbara, City of Carpenteria,
3 are relying on the Coastal Resilience modeling to
4 plan for sea level rise and to direct infrastructure
5 and development away from hazardous locations. As we
6 go through vulnerability assessment and adaptation
7 planning, utilities and transportation
8 infrastructures are really the limitations to really
9 being progressive about how these communities adapt.

10 And we need to plan far in advance. It's
11 required by state guidance, by the Coastal Commission
12 and other state agencies. And we -- you know, the
13 city really wants to continue to invest in
14 infrastructure that's designed to serve areas that
15 will be not hazardous in the future. And to rebuild
16 energy infrastructure in this location is really
17 maladaptation. It forces us to be in a hazardous
18 location.

19 While dismissed by the FSA, the Coastal
20 Resilience has been verified by local public works
21 departments, and has been continued to be updated by
22 new applications in adjacent counties and cities. And
23 those enhancements and improvements have occurred in
24 2014, 2015, 2016 and 2017.

25 Next slide please. You skipped one. Thanks.

1 Maybe not. Okay.

2 So there's a lot of confusion around coastal
3 models. And my hope is that this presentation will
4 help to tease apart some of the differences between
5 them. I adapted this from a FEMA slide. And we have
6 our tide levels, we have storm tides. Then we have
7 dynamic wave setup, which is what CoSMoS has been
8 mapping for the coastal flood extents. And then we
9 have maximum wave runup or total water level. And
10 those are what both FEMA and the Coastal Resilience
11 modeling uses.

12 Next slide please.

13 So these are sort of some stick figure
14 animations to help communicate these differences.
15 USGS, please correct me if I mischaracterize this.
16 But they use a dynamic water level flooding.

17 If you click, hit the first click?

18 So we have a wave that comes up. And mean
19 high water is somewhere below -- on the black line,
20 below the peak of the wave.

21 If you hit the next click?

22 That's somewhere about representative of the
23 dynamic water level.

24 If you hit the next click?

25 That would be if that was a flood depth

1 projected across the surface, and there's a sand dune
2 there.

3 Next click.

4 So right now the CoSMoS model, while, as
5 they just testified or acknowledged, that they are
6 including some amount of dune erosion in their
7 coastal flood model, but we don't know what that is
8 yet.

9 Next click please.

10 So then they add sea level rise, and we get
11 another dynamic water surface elevation. And that
12 will have some additional -- if you'd click again --
13 that will have a little bit more dune erosion, we
14 don't know what that is, and it will flood a little
15 bit more.

16 Next one please. That one got a little mixed
17 up. The next slide please. Okay.

18 So this is how I understand the FEMA mapping
19 to occur. I've been under retainer by the County of
20 Ventura to evaluate the local FEMA maps, preliminary
21 FEMA maps. They use a one percent annual chance total
22 water level, which is based on the maximum wave
23 runup. The one percent annual chance storm is a 100-
24 year event, to kind of translate between CoSMoS and
25 FEMA speak.

1 So if you click on the first one?

2 And I guess the two-piece, so here's our
3 wave.

4 Next click.

5 That's the maximum wave runup, and that hits
6 the dunes. In the FEMA modeling the dunes don't
7 erode.

8 Next slide -- next click please.

9 FEMA doesn't map sea level rise. They may,
10 under a non-regulatory different administration in
11 the future, but right now they don't. But they raise
12 sea level rise and it doesn't overtop the dunes, so
13 it doesn't flood. So the dunes, right now, are high
14 enough to stop the flooding.

15 Coastal Resilience also uses the same one
16 percent annual chance total water level, and that
17 causes dune erosion.

18 First click please.

19 So here's our wave again.

20 And the next click.

21 Okay. Here's our water level.

22 Next click.

23 Now this star basically represent the toe of
24 the dune. Anytime the water level exceeds the toe of
25 the dune with any kind of velocity, we're going to

1 start dune erosion. We don't know how many storms or
2 how high or how long any of the future conditions are
3 going to be.

4 Next click please.

5 The Coastal Resilience model says as long as
6 it's over that toe elevation, there's a chance that
7 dune could erode and flood.

8 Next click please. Okay. That one went
9 really excited. Okay. Next one.

10 So then we raise sea level rise. We get more
11 dune erosion faster, and deeper flooding.

12 So those are, as easy as I could convey, the
13 difference between these flood models. And I hope
14 this helps everybody understand the differences.

15 Next slide please.

16 So some key facts. The proposed site has an
17 elevation of around 14 feet. The site elevation is 6
18 feet below -- I'm 6'1", so my height difference
19 between the maximum wave runup elevations calculated
20 by FEMA and Coastal Resilience, and it's protected by
21 a sand dune. So we've got 6 feet of water on one
22 side, and a pile of sand between that and something
23 that's 14 feet high.

24 The dune erosions extents are not explicitly
25 mapped in two of these three available models. FEMA

1 doesn't evaluate coastal erosion in their modeling
2 for FEMA right now -- or for the preliminary FIRM
3 maps. And CoSMoS has not yet released their dune
4 erosion extents caused by a single storm event.

5 The one model, Coastal Resilience, that does
6 contain dune erosion in it and explicitly maps the
7 extents of dune erosion and evolves the profile to
8 allow for connectivity for flood waters to move into
9 the landscape has been rejected in the FSA and in the
10 supplemental FSA as being overly conservative.

11 Next slide please.

12 If a model can accurately hindcast, we have
13 some confidence in its forecasts of the future. As is
14 very apparent here in both the proceedings and some
15 of my questions to USGS, storm impact data, measured
16 water depths, measured erosion extents is really,
17 really, really hard to get. Model validation of the
18 physics and the physical forcing parameters is much
19 easier to do, things that we measure with buoys and
20 tide gages.

21 Since my last testimony in the workshop,
22 I've looked at a lot of the USGS validation datasets
23 and scientific literature. They've done a good job of
24 validating to what we've measured in the buoy records
25 in the tides, but we don't have those storm impacts.

1 And when I look at the mapped results, something
2 seems off to me.

3 So in any kind of modeling that I've done
4 for the state, for a lot of different agencies, I
5 look at two simple tests.

6 One, does the beach get wet during an
7 extreme wave event? Every time I see a big storm, I
8 go running to the beach with my camera. And then the
9 second question is: How well do the hazard map
10 outputs replicate available ground photos and videos
11 taken during these large storm events? So I'm going
12 to apply these two simple tests to a few sites for
13 all three of these models.

14 Next slide please.

15 This is Oxnard Shores, about a half-mile
16 south of the site. All of these are going to have
17 CoSMoS on the left, the FEMA preliminary FIRM maps in
18 the center, and Coastal Resilience on the right.
19 These are snapshots taken directly from the web
20 tools, except for the PFIRMs which are from the .pdf
21 panels that are currently under review by the County
22 of Ventura. Within each of these photos there are
23 also arrows with a dot indicating a location of a
24 person standing and looking in that direction, taking
25 a photo. So if you will look at CoSMoS here for -- so

1 that's an orientation to several -- we have three
2 sites I'm going to run through this with and then --
3 so that's the orientation.

4 Now I want to point, now for CoSMoS here,
5 the beach here, under this -- these are all for 100-
6 year events projections and zero sea level rise, no
7 sea level rise at all. Right here CoSMoS says that
8 the beach does not get wet. FEMA says the beach gets
9 wet. And Coastal Resilience, which is tan color, and
10 I know the coloring is off, but you can't control the
11 colors in the web tools, so bear with me, the tan
12 color represents flooding in the Coastal Resilience
13 model. They project flooding into the streets and
14 down the street.

15 Next slide please.

16 These are photos taken. D is looking between
17 the houses. And I you could -- if it had a better
18 resolution you could tell that there's a flow path
19 coming between the houses. This is a photo from on
20 the street looking down Mandalay Beach Road, toward
21 the power plant site. And F is at the corner of Fifth
22 and Mandalay Beach Road, looking inland. If you look
23 all the way inland to where the water -- you can
24 almost see the stoplight, which is Harbor Boulevard
25 and Fifth Street. And flooding goes almost to Harbor

1 Boulevard here.

2 Next slide please. Oops, go back one please.

3 This is Pierpont Bay, which is about two-
4 and-a-half miles to the north. There are -- you'll
5 notice in this photo that there is, in that sort of
6 center part, kind of by letter D arrow, that's the
7 Pierpont Elementary School. And you can see the
8 arrows, F, E and D. Again here, CoSMoS, the beach
9 does not get wet in this 100-year no sea level rise
10 scenario. The FIRM map stops at the edge of the
11 houses. And the Coastal Resilience again, which is
12 eroded and allows flooding to go into the -- shows
13 that water goes back almost to the school.

14 Next slide please.

15 If you would please bring up that video?

16 This is D. This is the one looking back
17 toward the school.

18 You won't be able to click on that one.
19 That's just a frame grab from it. It made it like a
20 huge file and unloadable.

21 (Colloquy)

22 DR. REVELL: It's about a 30-second video.

23 (Whereupon a video is played.)

24 DR. REVELL: This is taken during December
25 11th, 2015. The dune is eroded in front. Somebody

1 shouldn't have parked there.

2 HEARING OFFICER KRAMER: Is that you --

3 DR. REVELL: And there's clearly high
4 velocity. That was not me.

5 You can also see that there's substantial
6 wrack or kelp and other debris in the road that has
7 been transported by wave energy with high velocity.

8 If you could hear the commentary by -- you
9 can see that this, the extensive flooding by wave
10 driven, matches pretty closely the Coastal Resilience
11 results.

12 Okay, back to the PowerPoint please, unless
13 anybody wants to see that again. There is a funny
14 commentary in the video that somebody's like, "Maybe
15 I should go move the car?"

16 These are other pictures. This is during
17 those same events. This is -- E is a shot taken
18 looking down the beach. You can tell that that
19 whiteout condition is complete waves and wave runup
20 and coastal flooding completely covering the beach.
21 And F is another YouTube video, you can see. It's got
22 some really jingly music. And there's about five
23 different roads-ends with large wave overtopping,
24 washing in, showing not quite the same level or
25 duration, but a lot of overtopping across.

1 Next please.

2 This is Goleta Beach. This is in the same
3 littoral cell, just north of Santa Barbara. It is a
4 notorious erosion hotspot. And if you'll look at this
5 one here, CoSMoS, there was no FIRM map available, or
6 I wasn't available that it was available so it's not
7 included here. But the CoSMoS, again, does not get
8 the beach wet. And part of it, you can see whitewater
9 and ocean that's not wet yet, whereas the Coastal
10 Resilience completely covers the beach and the park,
11 most of the park.

12 Next slide please.

13 These are some photos. That's this '97/'98
14 El Nino in C. This is March 1st, 2014, taken in D,
15 looking down toward Goleta Pier. You can see the
16 Beachside Restaurant in the background. That sailboat
17 was not parked there before this storm. And then E
18 shows about curb-level sand that has accumulated at
19 the very back of the park, transported from wave
20 overtopping, washing completely through the park and
21 deposited, before draining out into the Goleta
22 Slough.

23 Next slide please.

24 So this is our proposed site, a 100-year
25 event, no sea level rise. These are the CoSMoS.

1 Again, no sea level rise, CoSMoS, FEMA, Coastal
2 Resilience. And again, the main difference being that
3 Coastal Resilience eroded the dunes.

4 I do want to point out that this -- there's
5 a modeling oddity here that was pointed out, that Mr.
6 Campbell raised, too, asking a question about that
7 site there. That site was flooded in 1969. And I
8 understand that there's a levy of some type there.
9 But it is odd that that's not mapped in the 500-year
10 event, unless that's some kind of certified levy or
11 something. It's also odd that it abruptly ends right
12 there. There's also a blowout channel. There's a lot
13 of weird things going on in the model. Something
14 seems off to me.

15 Next slide.

16 HEARING OFFICER KRAMER: Which model is that?

17 DR. REVELL: The FEMA model, okay, where
18 they're -- it says Rio de Del Santa Clara Land Grant.
19 And it's right where the proposed site is, and it
20 doesn't have any flooding. It seems odd.

21 So again, we do not have any direct
22 measurements. USGS does not have any site-specific
23 photos or anything, so we've taken the best we can do
24 with what we have.

25 So again, thinking about the model

1 differences, one erodes the dunes, the others do not,
2 you know, entirely, or have mapped results for that.

3 This is the 1984 -- this is a wonderful
4 photo that we've talked about, I think this is time
5 number three or four. But I want to point here where
6 the proposed site is. I kind of drew that blue line
7 to help guide your eye. This would be about where
8 that access road is and stuff along the front, and
9 that's typically vegetated. And in Mr. Mineart's
10 testimony there's a couple of slides from '80, '79
11 and '87, or something like that, kind of about a five
12 or six or seven year gap between the photos.

13 This clearly, to me -- so this is a color
14 infrared photo, color infrared photography. Anytime
15 there's vegetation in the photo is shows up as pink
16 or red, depending upon how excited and happy the
17 plants are. The happier the plants, the more red it
18 is. There is no vegetation fronting those dunes in
19 front of the site because they were eroded. Now the
20 duration was not enough to completely breach the site
21 potentially, but it may have.

22 If you look farther back at the proposed
23 site itself, it appears wet. It is also completely
24 void of vegetation. If saltwater gets into a dune
25 field and sits for long enough, the salt

1 concentration kills the plants and they die.

2 Again, the photo submitted in Mr. Mineart's
3 testimony show that earlier, several years before,
4 there was vegetation on that site. And later, in '87,
5 four years after the event -- keep in mind, this is
6 also at least a year to maybe a year-and-a-half, we
7 don't have a date on this one -- there's still no
8 vegetation here.

9 The other piece of evidence we have comes
10 from Oxnard Shores, which I showed previously. That
11 beach was about 200 to 300 feet wide prior to the
12 event. And this shows that they've had to place
13 coastal armoring, and that there's been about a ten-
14 foot scour in the beach in front of it. These houses
15 are built in line with the sand dunes.

16 Next slide please.

17 This is the proposed site. Again, these are
18 -- this is the December 11, 2015. I've estimated,
19 it's about a 20-year event. And so if we look at the
20 CoSMoS outputs, again, we have -- I've tried to
21 register Chris Williams -- Williamson's photographs
22 here to some references here, so that we kind of see.
23 He took it from A, looking up, kind of the tracks.
24 And you can see, the yellow arrows are pointing at
25 the same feature. And you can see here that the

1 actual flood extent, shown in blue, do not capture
2 what we observed in that event.

3 Now there is the green which shows a low-
4 lying area that could be flooded on the beach if, you
5 know, something happened. I'm not exactly sure all of
6 the assumptions for what becomes green and doesn't
7 become green, and we can ask, you know, USGS about
8 that if, you know, if there's a need. But it is
9 underrepresenting a 20-year event, as well.

10 Next slide please.

11 So now I've looked at this maximum flood
12 potential, which I just realized was the flooding,
13 plus their uncertainty. And I sort of called this
14 out, and this is what I was hoping they would respond
15 to, the two red circles there, if you look at the
16 high points and the elevation, those dune pressed
17 elevations are between 19 and 20 feet in the top left
18 circle, and dune elevation of about 30 feet in the
19 bottom circle. When we raise sea level rise two
20 meters, these areas become un-flooded.

21 Now I know Dr. Erickson or Dr. O'Neill were
22 saying that because they're evolving the DEM, that
23 the profile shifts. Again, we don't have that data so
24 it's really hard to interpret. But when I look at
25 what we have to evaluate, it strikes me that an area

1 that gets flooded in a 100-year now that's 30 feet
2 high when the beach doesn't get wet would probably
3 flood the site. Again, they shouldn't have evolved
4 the DEM until after the 100-year event, from my
5 understanding.

6 So there's one other aspect here. When I
7 looked at the 2-meter 100-year event, there's a
8 little green line there. And I put that green line
9 there and I said, I wonder what the depth of flooding
10 is there, and if there would be -- because right next
11 to it is nothing of any kind of topographic rise that
12 would hold up any volume of water. It's a relatively
13 flat site at that point. So if you -- when I looked
14 at the flood depths along that green line, they vary
15 from -- I wrote this down so I didn't have to
16 remember it -- between seven inches and two feet. So
17 I don't know what constitutes green flooding in their
18 model or what. But if you add the two feet maximum of
19 flood depths from dynamic water and you add their
20 uncertainty of almost two more feet, we're at almost
21 four feet of flooding that, to me, four feet of
22 flooding doesn't stand; it would flow into that site.
23 So I'm not sure the model routines and stuff --
24 something just strikes me as off here.

25 Next slide please.

1 So -- well, I should pause, because I'm
2 going to start talking about some of the testimony
3 that Mr. Mineart has presented. And so if you USGS is
4 crunched for time, I know there was a little dialogue
5 before, maybe we can pause and talk about USGS stuff,
6 just to accommodate them?

7 HEARING OFFICER KRAMER: Yes, please.

8 So USGS folks, do you -- would you like to
9 respond to --

10 DR. O'NEILL: Hi.

11 HEARING OFFICER KRAMER: -- to this?

12 DR. O'NEILL: Sure. There was some questions
13 brought up specifically on CoSMoS 3.0. I'm basically
14 going to address CoSMoS 3.0. Dr. Revell and Dave know
15 his model steps, so I don't want to get into the
16 methodology that he's using, but I'll address it in
17 sequential order.

18 HEARING OFFICER KRAMER: And I've been asked
19 for each of you to identify yourselves when you
20 speak, so the court reporter can properly attribute
21 to you in the transcript.

22 DR. O'NEILL: Absolutely. This is Andy
23 O'Neill speaking.

24 So if we can go back to the slide, flooding
25 versus erosion or both on the Coastal Resilience?

1 This slide got numbered, let's see, one, two, three,
2 four, five -- six maybe?

3 DR. O'NEILL: Yes, that one.

4 HEARING OFFICER KRAMER: Okay. Should I run
5 it out to the end?

6 DR. O'NEILL: It's fine. I understand the
7 assumptions as Dave laid them out. But we would like
8 to point out, because the runup in CoSMoS keeps being
9 brought up, that if you really want to look at dune
10 integrity, you need a comprehensive and explicit dune
11 erosion model. To assume that runup will go all the
12 way through the dune for a complete dune blowout is
13 also an assumption, and extreme assumption at that.
14 So we try and explicitly model that within XBeach.
15 And hence the positions are explicitly modeled to
16 take into account friction and sediment transport.

17 So moving on --

18 DR. REVELL: Oh, do you want me to respond,
19 or do you just want her comment?

20 HEARING OFFICER KRAMER: Go ahead.

21 DR. REVELL: I totally appreciate that
22 distinction between the separate models. We have
23 tried to get away -- you know, in our modeling
24 effort, we tried to get away from, you know, how many
25 storms, and what happens if it's two storms or one

1 storm or five storms. I just said, if it gets to this
2 elevation for enough time, that dune is gone, and
3 what happens then?

4 DR. O'NEILL: Completely understand. I
5 understand. But you would agree that it's an
6 extremely complicated evolution.

7 DR. REVELL: It's super complicated.

8 DR. O'NEILL: And to assume unlimited
9 duration storms is also a big assumption.

10 DR. REVELL: Super complicated. And that's,
11 yeah, that's why I agree with you that the hours of
12 wave attack necessary to do that would be a great
13 contribution to get funded from perhaps the applicant
14 to best understand the resilience of that dune.

15 DR. O'NEILL: Okay. But I just wanted to
16 clarify that unlimited duration is also an extreme
17 assumption, so great. It's complicated.

18 If we can move on to Oxnard Shores, this is
19 as specific question that was brought up earlier. Is
20 this the diagram that was mentioned earlier --

21 DR. REVELL: Yes.

22 DR. O'NEILL: -- for me --

23 DR. REVELL: Yes, that Ms. Folk brought up
24 and was trying to ask --

25 DR. O'NEILL: Okay.

1 DR. REVELL: -- a question about.

2 DR. O'NEILL: Okay. Great. So again, looking
3 at this area, it was a very complicated area. There's
4 a lot of interactions, wave current interaction,
5 interaction with fluvial input, and runup over
6 complicated topography.

7 We would like to point out that they're only
8 showing the single output for this. But again, if you
9 take into account our flood potential layer and use
10 that in concert with our runup projections, that it
11 actually fits fairly well in terms of what Coastal
12 Resilience is showing. Again, the differences may be
13 multiple in terms of our starting point and our
14 starting conditions. So that's the first point in
15 regards to the question on CoSMoS 3.0 projections.

16 And then, two, just as a general comment to
17 a lot of the photos, we try and use some photo
18 evidence for ground-truthing, as well. We actually
19 use some very specific photos taken by Citizens
20 Science. And just as an offhand number, I can only
21 use less than 30 percent of them as scientific
22 quality comparisons.

23 And so I want to point out that it's really
24 hard to use photos that do not show specific sources
25 of flooding, as I can't use that as a direct

1 comparison to our coastal wave-driven flooding, and
2 so it's for specifically and the Oxnard Shores, and
3 to some extent the photos for Goleta. Those don't
4 necessarily show me the source of flooding
5 specifically, like on the roads and on the parking
6 lot.

7 And so I would just love more information on
8 where the source of flooding is, so I can incorporate
9 it correctly and scientifically into our validation
10 process.

11 The Pierpont flooding evidence is quite
12 striking, and we definitely need to look into that
13 more. And again, this shows a true discrepancy among
14 the spot models. And at that particular site, I would
15 say that more investigation and collaboration would
16 be necessary.

17 MS. FOLK: Can I just ask a question about
18 the photos?

19 You're saying that you need to understand
20 the source of the flooding, meaning you need to be
21 able to see that it's coming from the ocean?

22 DR. O'NEILL: Yes.

23 MS. FOLK: Okay.

24 DR. O'NEILL: That is not clear, at least in
25 those photos provided.

1 DR. REVELL: I could see how some of these,
2 perhaps, that I showed in Oxnard Shores don't have
3 the wave overtopping. Mr. Williamson was down the
4 beach, taking photos at high tide, and much of the
5 overtopping occurred during high tide. And so this
6 was standing water left about an hour-and-a-half
7 after high tide, by the time he got down there. You
8 can get some flood depths from this based on, you
9 know, how high a car is over -- you know, out of the
10 water.

11 You know, again, for the specific depth of
12 flooding, I can concur with what you're saying, that
13 it's not the idea validation dataset. But -- and when
14 I have looked at your maximum flood extents, and the
15 wave runup points, which I know you busted your butt
16 and fought an uphill battle to get those released,
17 and they do seem to match a bit better, but the
18 supplemental staff assessment and the final staff
19 assessment does not include either of those two data
20 sets' consideration, and only uses the maps that I --
21 the flood depth map.

22 And so part of my testimony is calling into
23 question what was used to verify the CoSMoS model
24 results in front of the site to disregard the Coastal
25 Resilience model and to not look or consider all of

1 the sources of information. I think that, you know,
2 some of the new outputs are going to be very useful.
3 And I wish that all of those had been produced before
4 we got into this, you know, hurry up and finish your
5 science so we can apply it kind of treadmill that
6 we've been on.

7 HEARING OFFICER KRAMER: Anything else from
8 USGS?

9 DR. O'NEILL: No, other than just going to
10 the flood potential with the no SLR and SLR, again
11 was questioning what Dave had mentioned in terms of
12 not evolving the DEM until after the event, that
13 disregards any long-term evolution that would happen
14 over decades, which is what we were trying to
15 capture.

16 DR. REVELL: Yes. Can you go to that slide
17 please, which is -- I don't know. Shoot.

18 HEARING OFFICER KRAMER: Which one?

19 DR. REVELL: Toward the end. It's the pink
20 one. I think it's the next one. One more. Yes. This
21 one, Andy?

22 DR. O'NEILL: Correct.

23 DR. REVELL: So just from my understanding,
24 so those areas that I circled are very high now, and
25 100-year event is getting them wet. And so if they're

1 getting wet then -- at say 30 feet, then there should
2 certainly be flooding at 14 feet.

3 DR. O'NEILL: In the top of the bottom
4 circle?

5 DR. REVELL: Well, both. The dune elevations
6 in the top circle are at 19 to 20 feet. And from
7 LiDAR, that berm that has been discussed already
8 today, it's about 17 to 18 feet. You know, it varies
9 along the crest but, you know, those are higher.
10 Those dune elevations are higher than that water
11 level, so it would overtop that one on the north
12 side. And on the south side, those dune elevations
13 are 30-plus feet there, and so they would go over
14 anything.

15 DR. O'NEILL: Again, I'd like to point out
16 that during our simulations and with our evolved
17 DEMs, that the complete topography is evolved. And so
18 those dunes migrate inland, and they also migrate up
19 if an angle of repose an area is allowed. And so it
20 changes the complete profile, and so, again, also
21 changes the way the flood dynamics occur in the area.

22 So it's many things working in concert.

23 DR. REVELL: Okay.

24 DR. O'NEILL: And it's hard to extrapolate as
25 to one way or the other.

1 DR. REVELL: Sure. I understand. Interpreting
2 these models is, you know, slightly less difficult
3 than doing them.

4 MR. CARROLL: Can I just -- I just -- can I
5 just make sure that -- because that's the second time
6 we've heard that explanation, and I'm not sure that I
7 understand it. So I can just restate what I think was
8 said?

9 So in other words, as I understand it, the
10 explanation for what may, on the surface, appear to
11 be an inconsistency between these two models is that
12 with two meters of sea level rise, everything
13 changes. And so --

14 DR. O'NEILL: Correct.

15 MR. CARROLL: So you can't necessarily say,
16 well, you know, this area is dry with no sea level
17 rise and therefore -- or, I'm sorry, this area is wet
18 with no sea level rise, therefore, how could it
19 possibly be dry with two meters? And the answer is,
20 well, that is entirely possible because there is a
21 whole range of dynamic interactions between multiple
22 factors that are being analyzed in this modelling
23 run. I mean, is that --

24 DR. O'NEILL: Correct.

25 DR. REVELL: Yeah. That -- I can appreciate

1 that, I guess.

2 So when I looked at the maximum wave runups,
3 you know, for this, for the scenario on the right
4 with the two meters, wave runup goes beyond Harbor
5 Boulevard, well beyond this proposed site. And I'm
6 interested to look at more detail with that
7 information.

8 But the site on -- the slide on the left,
9 and maybe I'm a little fuzzy on how you're evolving
10 the DEM, so when you're looking at this 100-year wave
11 event today, you're running your XBeach model along
12 the transects, and it is evolving the profile a
13 little bit from that one storm event. But would you
14 evolve dunes that are 30 feet high in a single storm
15 event, when the beach in front doesn't get wet?

16 DR. O'NEILL: We don't evolve it in a single
17 storm event. We evolve it for the sea level rise. So
18 for all the SLR 100 scenarios, it includes an
19 involved DEM, inline with a progression that would be
20 inline with a one meter sea level rise. So we're
21 looking decades down the road for this scenario, if
22 you're looking at one meter sea level rise, or two
23 meters in this case. This is still end-of-century
24 evolution.

25 DR. REVELL: Sure. On the right-hand side.

1 But on the left-hand side --

2 DR. O'NEILL: Correct.

3 DR. REVELL: -- there is zero, no sea level
4 rise.

5 DR. O'NEILL: Okay.

6 DR. REVELL: So are you --

7 DR. O'NEILL: I'm not evolving the DEM.

8 That's erosion along the current profile that was
9 used in the simulation.

10 DR. REVELL: So then --

11 DR. O'NEILL: Extracted for LiDAR.

12 MS. FOLK: So I guess the question is: Why
13 does the slide on the left show flooding in an area
14 that's 19 to 20 feet of dune elevation or 30 feet of
15 dune elevation and it doesn't show it in immediately
16 adjacent areas, in particular the project site which
17 is only 14 feet of elevation, if there's no
18 intervening thing that's higher?

19 DR. O'NEILL: I'd have to dig into the data
20 to really see the particular reasons why those areas
21 would show as vulnerable in the flood potential
22 layer.

23 MR. CARROLL: What's the basis of, if I could
24 just ask Ms. Folk, the basis of her statement, that
25 if there's nothing intervening that's higher?

1 Obviously, there is.

2 MS. FOLK: Well, it's not higher.

3 MR. CARROLL: That's the explanation.

4 MS. FOLK: It's 17 to 18 feet.

5 DR. REVELL: This map shows that areas that
6 are 30 feet high are flooded, in pink. If it's 30
7 feet high and it's flooded, why isn't it flooded 16
8 feet below that?

9 MR. CARROLL: I don't know, perhaps because
10 there's a channel between the 30-foot area and the
11 16-foot area, and all the water ran into the channel
12 and didn't flood the 16 -- I mean, I think the
13 question's been answered by the experts, which is
14 there's a whole lot going on here. And the fact that,
15 you know, this little data point that you are
16 pointing to as a discrepancy doesn't necessarily mean
17 there's a problem with the model, it just means that
18 we don't necessarily understand right here as we sit
19 today, everything that's going on.

20 DR. REVELL: No.

21 MR. CARROLL: But that's the explanation I
22 heard.

23 MS. FOLK: Well --

24 DR. REVELL: I don't -- go ahead, Ellison.

25 MS. FOLK: Well, I was just going to say, I

1 think the issue of the DEM, which I assume is the
2 evolution of the landscape following the sea level
3 rise scenarios, that doesn't come into play in this,
4 what we're talking about in the first slide. It's
5 really just this apparent discrepancy. Because
6 especially if you look at the northern piece, we know
7 the site's about 14 feet. And even if the levy is
8 there, that's only 18 feet, and we've talking NAVD,
9 not like 18 feet high berm. So the berm itself is,
10 you know, four, three or four feet off the ground.

11 So that's -- just the question is --

12 DR. HART: This is Juliette.

13 MS. FOLK: -- yeah, we're trying to
14 understand why it might show that there.

15 HEARING OFFICER KRAMER: Okay. We've asked it
16 a couple different times in slightly different ways.
17 And the final answer from USGS on that one?

18 DR. HART: This is Juliette Hart. May I try?

19 So if you go to the -- I closed our virtual
20 viewer. I don't know if your Wi-Fi has gotten back
21 up, and if that's an appropriate protocol for these
22 hearings, but if you look at a larger extent of the
23 area, for the southern part, the lower circle, that
24 flooding is coming from some connection further down
25 the beach, and so it's kind of coming up the beach

1 and eroding in the backshore. And we don't have the
2 flood depth there.

3 So what I think may be happening at that
4 site, and we'll dig into it a little bit further, is
5 that you're seeing the extent of the water which by
6 then is probably not very deep; right? And so even
7 though it's 30 feet above whatever, the 14 feet that
8 was stated, it's that the water has sort of reached
9 the extent of what it's going to flood.

10 Similarly, at the northern point, again,
11 that flooding or the note on Dr. Revell's
12 presentation, that the dune elevation is 19 or 20
13 feet, that flooding is connecting, you can see it a
14 little bit; right? So the shoreward side, you see how
15 it's connecting that way and then coming through the
16 backshore.

17 So there's also the part that you have to
18 see, sort of the bigger picture of the flow of the
19 water, which is what the hydrodynamic modeling is
20 showing. So that might explain, you know, that might
21 help. But again, we'd have to dig back into the
22 actual data to see what the flood depth is there, the
23 duration, et cetera.

24 DR. REVELL: Yeah. I think that, to me, this
25 looks a little odd. And I don't know whether it's a

1 DEM issue or a flood depth or a connectivity or what,
2 but this looks odd. And so I would just like -- you
3 know, I think it would be worth it, you know, to look
4 at that a little closer. And the green line, too,
5 issue of, you know, why would that area not
6 necessarily be, you know, distributing water across
7 the landscape when it's, you know, two to four feet
8 high?

9 DR. O'NEILL: Dave, how did you get flood
10 depths there if we don't have flood extent? We only
11 have flood depths available for available flood
12 extent.

13 DR. REVELL: Correct. Yeah. I used
14 your -- one of your flood depth grids and pulled it
15 for this green location, right along the edge of the
16 flood depth grid where it went from flooding to not
17 flooded, and it varied. So I'm just, as every --

18 DR. O'NEILL: Well, there are -- there is
19 variation in the elevation there.

20 DR. REVELL: Totally.

21 DR. O'NEILL: And so as there's dips and
22 hills, those have different flood depths.

23 DR. REVELL: Yes. Absolutely. And that's -- I
24 reported that in my testimony. It's just that there's
25 nothing in the -- there's nothing on the site in the

1 LiDAR that is, you know, of the same elevation
2 difference that would hold up two feet of water or,
3 you know, 60 centimeters of water.

4 DR. O'NEILL: There may be something in the
5 DEM.

6 DR. REVELL: Okay.

7 DR. O'NEILL: Again, I don't have the DEM in
8 front of me, but I can check into that.

9 DR. REVELL: Yeah. These may be --

10 DR. O'NEILL: But I think that's
11 topographically driven.

12 DR. REVELL: Okay. Yeah.

13 HEARING OFFICER KRAMER: Yeah.

14 DR. REVELL: These are probably DEM issues,
15 but they just -- they raise questions in my mind. And
16 so, you know, again --

17 HEARING OFFICER KRAMER: Okay. So this is
18 going to continue to be speculation until they check.

19 Can you check? Do you have the opportunity
20 to report back tomorrow on this sort of thing or -- I
21 know that's asking quite a bit.

22 DR. O'NEILL: Are you asking USGS?

23 HEARING OFFICER KRAMER: Yes, on the specific
24 explanation for this identified alleged discrepancy?

25 DR. O'NEILL: The alleged discrepancy on the

1 flood potential going inland beyond the 30-foot
2 dunes? I think we may be able to.

3 HEARING OFFICER KRAMER: Okay. What's a good
4 time for you?

5 DR. O'NEILL: Morning.

6 HEARING OFFICER KRAMER: Okay. Right after
7 start at 9:00, does that work?

8 DR. O'NEILL: Yes.

9 HEARING OFFICER KRAMER: Okay. We'll look
10 forward to hearing from you then.

11 Marylou Taylor informed me during the break
12 that she might have one

13 MS. TAYLOR: Yeah, I do have one question.
14 But I did want to make note of something that Dr.
15 Revell said in his presentation just now. And I was
16 hoping that USGS would have caught it, but maybe they
17 were a little too deep in the technical stuff that
18 something this simple, they didn't realize he had
19 said this.

20 When he was comparing the three models, the
21 CoSMoS, FEMA and Coastal Resilience, and he showed
22 the different maps of the results from the three
23 different models, he constantly, for each example,
24 had said the CoSMoS model shows that the beach does
25 not get wet, and that's a mischaracterization of the

1 CoSMoS model. That does not map what gets wet on the
2 beach. That maps the sustained two-minute flood or
3 longer on the beach, so it could get wet, but that's
4 not what the map shows. And he mischaracterized,
5 saying that it did not get wet.

6 DR. O'NEILL: That is correct. Are you
7 looking at flooding, no-kidding flooding, not
8 intermittent wetting. For a look at intermittent
9 wetting, we have the runup points that show the
10 extents on that.

11 HEARING OFFICER KRAMER: Okay. Any other
12 questions for USGS?

13 MR. CARROLL: May I just, with respect to the
14 chart with the pink diagram, just one last comment.

15 If we're going to task USGS with doing
16 something in a limited period of time, I'd suggest
17 that we prioritize. And so my point is let's keep in
18 mind that the slide on the right assumes two meters
19 of sea level rise, which is about three times the
20 maximum extent that anybody is predicting until the
21 year 2050. So to some extent, does it really matter -
22 -

23 COMMISSIONER DOUGLAS: Mr. Carroll, the
24 question is about the slide on the left.

25 MR. CARROLL: Well, the question is -- well,

1 maybe I don't understand all the questions. But the
2 question -- I guess I just want to make sure that
3 everybody realizes that the slide on the right is on
4 a two-meter sea level rise assumption. So I just
5 don't know how much time we should be spending on it
6 since that's so far outside the realm.

7 HEARING OFFICER KRAMER: Well, I don't think
8 we want to task them with --

9 DR. REVELL: No.

10 HEARING OFFICER KRAMER: -- producing a new
11 slide. We're just answering Dr. Revell's question
12 about why they --

13 DR. O'NEILL: We'll just speak to it orally.

14 HEARING OFFICER KRAMER: Okay.

15 DR. REVELL: Yeah.

16 HEARING OFFICER KRAMER: Thank you.

17 Any other questions? Mr. Mineart, did you --

18 MR. MINEART: No. I had some questions for
19 Dr. Revell, but not for USGS. I'll just hold those.

20 HEARING OFFICER KRAMER: Okay. Well, we can
21 wait --

22 MR. MINEART: I'll hold those for later.

23 HEARING OFFICER KRAMER: -- on Dr. Revell.

24 Okay.

25 So except for the pink comparison of the two

1 pictures currently on the screen, we are about to
2 declare that we're finished with, our great thanks,
3 with USGS. But Marylou Taylor is waving at me. She
4 has one more comment.

5 MS. TAYLOR: I do. I forgot to get my second
6 question in for USGS.

7 This goes back to the community-scale intent
8 of CoSMoS. I was hoping that USGS would briefly
9 describe the model grid resolution that CoSMoS uses
10 and whether -- because the site is -- the Puente site
11 itself is approximately 3 acres, and the entire
12 Mandalay Generating Station is about 33 acres, can
13 you speak toward the grid resolution of the model and
14 how that may or may not be appropriate for that area,
15 the size of that area?

16 DR. O'NEILL: Yes. Hold on. So our grid
17 resolution actually varies across the region. We
18 bring down offshore resolutions that can be hundreds
19 of meters in terms of a grid resolution out to the
20 sea. And we downscale that to resolution that
21 captures more of the local scale behavior in the area
22 of interests. Our grids on the order of 20 to 40
23 meters in terms of size.

24 MS. TAYLOR: Okay. Thank you.

25 HEARING OFFICER KRAMER: Okay. Again, to give

1 folks from USGS our thanks for hanging in there and -
2 -

3 DR. REVELL: Thank you.

4 HEARING OFFICER KRAMER: And Dr. Revell says
5 his thanks, as well. And we will see one of you
6 tomorrow at 9:00 to answer the pink chart question.
7 So thank you very much.

8 DR. HART: Well, this is Dr. Hart. I'm
9 actually going to stay on. I can stay on but I'm not
10 the technical expert, but I will still be listening
11 in and will try to answer questions as I can, if they
12 come up.

13 HEARING OFFICER KRAMER: Okay. But you would
14 prefer that they were softballs?

15 DR. HART: Yes.

16 HEARING OFFICER KRAMER: Okay.

17 DR. HART: Always.

18 HEARING OFFICER KRAMER: Got it. Okay. Okay.

19 We're going to break for half-an-hour for
20 lunch, which would put us back here at 2:30. We're
21 off the record. Thank you.

22 (Off the record at 1:57 p.m.)

23

24 (On the record at 2:30 p.m.)

1 COMMISSIONER SCOTT: Okay. It looks like we have got
2 our critical mass to get going again, so let's go back on the
3 record, please. And I will turn the conduct of this Hearing
4 back over to Hearing Officer Paul Kramer.

5 HEARING OFFICER KRAMER: Okay. Jeremy, you can take
6 presentation back for now. I don't think we have any more.
7 That way you can show us the participants list.

8 Okay. So we were finishing with our, continuing
9 with our panel. Finishing is that we will. And, Dr. Revell,
10 you were breaking for USGS. You had a little bit more, right?
11 Is that still in your slide deck then?

12 DR. REVELL: Yes.

13 HEARING OFFICER KRAMER: Okay. Then I need
14 presentation back, Jeremy.

15 And, as a matter of housekeeping, we need to figure
16 out, at a minimum we need the USGS slides in evidence, you
17 know to be a part of the record. Does anybody care who
18 sponsors that? Staff, do you want to do that, put it onto
19 yours? Okay. So I'll figure out the numbers and let you know
20 a little later.

21 And then I think Dr. Revell's deck isn't yet
22 identified as an exhibit probably, right, since it was filed
23 yesterday?

24 MS. FOLK: Oh, yeah.

1 HEARING OFFICER KRAMER: Yeah, so take your next
2 number for the City on that?

3 MS. FOLK: Yeah.

4 HEARING OFFICER KRAMER: Okay. Okay, so let me get
5 your deck back, Dr. Revell.

6 Wait, you were the PowerPoint. This was you?

7 MS. FOLK: Yeah.

8 HEARING OFFICER KRAMER: That's just -- so he was
9 4039. No, this one. No.

10 Okay. I'm sorry, I'm here. I'm just slowly coming
11 back.

12 Go ahead.

13 MS. FOLK: It's not up on the...

14 DR. REVELL: It's not up.

15 HEARING OFFICER KRAMER: Oh, my fault, yeah. It's
16 coming.

17 DR. REVELL: Okay. So picking back up, kind of
18 shifting gears here from discussing the CoSMoS model to
19 discussing some of the testimony from Mr. Meinart, referring
20 to his closing testimony? Rebuttal testimony? I'm not sure,
21 sort of all of them.

22 He highlights in the foreshore slope in his
23 Appendix A that he started to use the foreshore slope. And
24 the slope measurement here which he applies is actually an
25 average beach slope. We're going to start getting back into

1 the weeds, and I apologize, after lunch, for that. But the
2 average beach slope is not how the Stockdon method is
3 supposed to be applied or was calibrated to be applied. The
4 average slope being something that extends from the toe of
5 the dune to the mean lower water, apparently, in some of his
6 profiles, but actually correlates to the foreshore beach
7 slope, which is a much steeper beach slope which the wave
8 actually runs up on.

9 In order to project the dune erosion at the site,
10 it is really important that the elevation of the toe of the
11 dune and the amount of time that waves exceed that elevation
12 are really what drives the dune erosion. Here, the dune
13 erosion is 14 to 15 feet high on average. It changes
14 seasonally and interannually, but by all calculations of the
15 maximum wave runup elevation, those can be in excess of 20
16 feet. So that's clearly between, say, five, four, six feet of
17 water into the side of the dune and will cause dune erosion.

18 In reviewing the -- so I have been retained by
19 Ventura County to look at the accuracy of the preliminary
20 FEMA flood maps. And, as a result, I have access to and have
21 reviewed the 50 years of FEMA data that Mr. Meinart referred
22 to. And when I reviewed that for the analysis transect at the
23 site -- in which he starts to try and calculate a probability
24 that the dunes would erode, he uses a much narrower and less
25 steep slope than that both required by the Stockton equation

1 and based on the results of the FEMA analysis, actually 138
2 of the largest total water level events from his same 50-year
3 hindcast exceed this toe elevation of 14 feet. Dune erosion
4 will happen as a result of this and these storms will affect
5 the integrity of the dune. We don't know how frequent, we
6 don't know how many storms, but I think it's pretty safe to
7 say we're going to have more than one storm impact the dunes
8 over time. As sea level rises, we're going to have more
9 storms reaching higher elevations impacting the dune for
10 longer periods of time.

11 It is very difficult to assess how frequent or how
12 many storms will happen in the future, but to assume one
13 storm impact is not sufficient. And the Coastal Resilience
14 model, while it assumes an unlimited storm duration, shows
15 the potential erosion that could occur if we do have storm
16 waters at that same elevation. These are some details.

17 So in assigning the probabilities associated with
18 dune in Meinart's testimony, he states that there is a dune
19 erosion impact only once every ten years and uses that
20 assumption to further calculate probabilities. This is likely
21 to underestimate the probability in the future.

22 You know I think I'm going to get away from some of
23 these details because we're going to start bickering about
24 coastal hazards models again. I think that what I would like
25 to say is that there's been a lot of calculations of wave

1 runup. And all of them, whether it's done by AECOM or done by
2 Coastal Resilience modeling, and it seems that even the
3 calculations of wave runup by CoSMoS and the USGS, all have
4 found elevations over the toe of the dune, which is at 14
5 feet.

6 There is very little analysis in the record of the
7 potential of dune erosion at the site. There has been no
8 calculations by Mr. Meinart of the extent of erosion caused
9 by a 20-foot total water level. And the CoSMoS dune erosion
10 results are not yet available. We have one model that shows
11 the site of the dunes eroded and we have calculations of
12 water levels in excess of 20 feet on one side of the dune,
13 and a site where we're proposing to build a power plant at 14
14 feet. At some point the water will get through.

15 Will you go to the next slide, please.

16 All three of these models show varying results. We
17 can't dismiss one model because it doesn't show the result
18 that we don't want. We need to understand all of them in
19 order to assess their usefulness. Granted, the assumption in
20 Coastal Resilience that the dune will erode is a conservative
21 one, but relying on a dune as a protection for this site and
22 not calculating erosion potential from storms, from even a
23 single storm or another storm or multiple storms, seems
24 remiss.

1 Even within an accreting shoreline, at certain
2 points in history in the site, there is variability, wide
3 variability in beach width and beach slopes. There is
4 variability in wave periods and wave heights. All of this is
5 going to affect wave runup and dune erosion. But if water
6 levels are high enough, there is going to be erosion in this
7 site.

8 If we start to think about how those coastal
9 processes interact with the river processes that have already
10 affected this site, this becomes more compounded. We need to
11 look at these models and conduct a site-specific assessment
12 based on the variability that we have observed in beach
13 slopes, not just an average, not just a single one.

14 It seems to me that the Applicant has leveraged a
15 lot of public resources, USGS time, the City of Oxnard's
16 time, Coastal Conservancy's funding, and they have yet to
17 fund a site-specific assessment. These models that we're
18 considering -- and FEMA's funding as well. These are all
19 public resources that are being used to consider a private
20 development.

21 It seems to me that with these models all saying
22 something different, and we are starting to acknowledge what
23 the differences between the models are and where some of the
24 shortcomings are, that additional funding could be put into
25 each of these models to test the sensitivity and to answer

1 some of those questions that we really need to understand,
2 and it all comes down to how safe is that dune in the future
3 because at some point in the future that dune will be gone.

4 The existing plant is 60 years old. We're only
5 considering analysis to 2050. The cities and counties that
6 live here and work here and survive here are trying out make
7 land-use decisions required by the State, to think into the
8 future. They're planning for a hundred years, they're
9 planning for end of century. They have to rely on energy,
10 they have to rely on transportation. They shouldn't have to
11 rely on a pile of sand between a power plant and a rising
12 ocean. Thank you.

13 HEARING OFFICER KRAMER: Okay. Any specific
14 responses to those words? Otherwise we'll move on then to the
15 others.

16 MR. CARROLL: To the others?

17 HEARING OFFICER KRAMER: Well, Mr. Meinart and
18 staff, we'll let them summarize what their thoughts are and
19 then we'll have dialogue as we go along. You know to
20 encourage the dialogue to be contemporaneous if there are any
21 specific thoughts in response to what he just said, and that
22 would be a good time for that.

23 MR. CARROLL: So I do have questions for Mr. Revell,
24 not necessarily pertaining to what he just said but
25 pertaining to what he's said --

1 HEARING OFFICER KRAMER: Yeah. Well, that's moving
2 the ball forward, so go --

3 MR. CARROLL: Should I do that now or should we do -
4 - I guess I'm just not clear. Are we going to question each
5 witness as I go or did you want to get all the opening
6 statements in first?

7 HEARING OFFICER KRAMER: Okay. Well, let's go
8 through the opening summaries, and then I'm sure you're
9 making a list, as I am, and we'll get around to those.

10 Mr. Meinart.

11 MR. MEINART: Yeah. I just have a short summary I
12 want to go through. I guess I'll start out by saying I don't
13 think the site is really in the danger of flooding from
14 coastal flooding. I think the data would indicate that the
15 probability of that is low, and there is numerous information
16 to say that. And I'm just going to talk about a couple of
17 instances: The CoSMoS model, I'll say a few words about that.
18 I think that's in evidence that the dunes aren't going to
19 erode. There are observations of dune and beach accretion,
20 which I think is strong evidence that the beach is pretty
21 stable and has been stable. And then the lack of evidence of
22 any historic dune erosion. So those are the three topics I
23 want to say a few words about.

24 Well, CoSMoS, I won't really say much about that.
25 We went through quite a bit this morning, so I think we're

1 all pretty familiar with the CoSMoS model. I'll say one
2 thing. Even though we talk about it, is it a planning tool or
3 is it site specific, can we use it for site-specific models,
4 but you know CoSMoS is a collection of models, right. It
5 isn't a model, it's a collection of models, and I think the
6 USGS talked about that this morning. The different wave
7 models and dune erosion models and shoreline-accretion
8 models. And those are models that we would use, such as the
9 SWAN model they use. I have used that for site-specific
10 studies at other places. So they are the same models you
11 would use at a site-specific study. They just put them
12 together into a planning tool for the coast.

13 And if you look at the results, they provided
14 results on their website for different rates the sea will
15 rise, then different periods of time, so you could look at
16 various scenarios on the website. And if you look at the
17 scenarios for a relatively large level sea, something like
18 two feet is what I think is what the staff is using. Two feet
19 is considered high under the latest OPC guidelines. Two feet
20 is at the very high end of what's expected by the year 2050.
21 So if you used that in the CoSMoS model, you end up with the
22 beach accreting for the next 20 or 30 years and then working
23 its way back as the sea level rise increases and ending up
24 somewhere where we are today at the end of 2050. So that's

1 with a relatively high rate of sea level rise. That's what
2 the model predicts.

3 If you use a lower rate of sea level rise,
4 something in the order of less than two feet, which I think
5 is what the more latest estimates are for 2050, you might be
6 in the neighborhood of one foot or one-half feet, you would
7 have ended up with actually the beach even probably bigger in
8 the future than it is today -- in the nearterm, you know over
9 the next 30 years, which is the area we're interested in.

10 So that's some good evidence, I think, that the
11 beach is pretty stable.

12 The other thing is the CoSMoS model is the only
13 model that actually has a physically-based beach-and-dune
14 erosion model. We've talked a lot about dune erosion, and I
15 understand why, because that's one of the major components
16 that protects the site from flooding from the coast. But it
17 is very physically based and it's the only model that does
18 that. And it models event-based erosion, which we've talked
19 about. And it shows that the sites of the dune will not erode
20 during a 100-year event now or in the future. And it also has
21 the coastal model, the coastal growth model. In that model,
22 which it shows the change in the shoreline, which could go
23 either direction, forward towards the sea, or it could go
24 backwards, inland. And, again, that model shows that at least
25 in the nearterm the beach is going to grow. And eventually it

1 will turn around with the sea rise and go backwards, but not
2 within the next 30 years.

3 So I think for my first thing I want to say that
4 using the CoSMoS model, it's the most state of the art model,
5 the most advanced model out there for the Ventura County
6 coast. And it shows that the risk of flooding from coastal
7 hazards is low in the next 30, 40 years, by 2050. So that's
8 one piece of evidence.

9 What we did as part of, one of the first things
10 when I did when I started working on this project was to
11 gather together all the historic photos I could find of
12 Mandalay Beach. So we found about 20 photos going from 1947
13 up to present, and they cover, they're spaced out all
14 throughout the period. And what we did was just look at how
15 big was the beach starting in 1947 and working our way to the
16 present, and over that time the beach has grown by several
17 hundred feet.

18 So even though we don't know seasonally how it
19 varied or how it might have varied between one year to the
20 next, but the trend was clear that the beach was getting
21 bigger and bigger and bigger over time. As the beach gets
22 bigger and bigger and wider and wider, it just provides more
23 protection. The waves are breaking a little further from the
24 dunes. It provides more protection, and that's consistent
25 with the CoSMoS model, right, which has shown that the beach

1 is accreting and it will continue to accrete for some time in
2 the future depending on the rate the sea will rise, and
3 that's consistent with all the historic photos we found. So,
4 again, that's another piece of evidence we have, I think just
5 the observational conditions over the last 60 years indicates
6 the beach is stable and growing.

7 And I will say we also looked as part of those
8 paragraphs occasionally you will come across actually a
9 measured shoreline. The first one is in the mid-eighteen
10 hundreds and then there are several since then. And, again,
11 they all show the beach is getting wider and wider. And so
12 it's consistently getting wider, though, from year to year;
13 from summer to winter it might change in the shortterm. But
14 in the longterm it's getting bigger. So that's another piece
15 of evidence that the beach is stable.

16 What else has come up is the sea level rise. How is
17 that going to impact that? You know the standard assumption I
18 think for most studies you will see is with sea level rise
19 the beach will get smaller. As the seas rise, you know they
20 move further inland, the beach will erode and the beach will
21 get smaller.

22 Well, during that period we just talked about,
23 where I looked from photos from '47 to present, there has
24 been about three inches of sea level rise. It's been a fairly
25 slow rate, so a lower rate than we expect in the future. But

1 even though we have had that sea level rise, the beach has
2 grown by 2- or 300 feet. So obviously the beach doesn't have
3 to erode just because the sea is rising. The beach will start
4 to erode when the rate of sea level rise exceeds the rate at
5 which the beach is accreting, and that's not projected to
6 happen for several decades.

7 So, again, even with sea level rise, we think we
8 will expect to see that the beach will continue to grow in
9 the nearterm. As it has in the past with the lower historic
10 rates of sea level rise, it has grown in spite of the fact
11 that seas are rising.

12 So, again, I think even though sea level rise --
13 some time in the future the sea level will rise at a rate
14 high enough to overcome the accretion, we don't expect that
15 to happen in the shortterm. And, besides CoSMoS predicting
16 that, that there is at least some period left for accretion
17 before it starts eroding; if you just compare the rate of
18 accretion since the plant was built 60 years ago, it's grown
19 about 300 feet in that period, to the rate of sea level rise,
20 you will see that the rate -- it's going to be a while before
21 that sea level rise exceeds that average annual rate.

22 So the last thing I want to say is this whole
23 concept of dune erosion, I think the idea that the whole dune
24 -- this dune is 100 feet wide at the base, it's about 30 to
25 40 feet wide at the top, it's about 30 feet tall, and it's

1 located way high up on the beach, so it's not like every day
2 waves are washing up on it. It takes an extreme event for a
3 wave to even reach it, and that's a lot of dune. That's a lot
4 of dune, that's a lot of sand to have to move off the beach.

5 Again, the data, again we looked through the
6 paragraphs of 60 years of data, and what the data shows,
7 besides beach accretion, the dunes themselves have actually
8 been moving seaward. So if you look at the old photos from
9 when the plant was built, essentially the dunes are at the
10 end of the beach. Now if you go out there, you can see
11 there's plants and vegetation. And further seaward is where
12 most people think of where the dunes are. The dunes are
13 actually getting bigger and moving seaward. So the idea of
14 the dune eroding doesn't seem to fit in with the observation.

15 And I will say that doesn't mean that the dunes
16 have never eroded. You know we searched pretty hard for
17 evidence. I know Dr. Revell has had that photo he claims
18 shows some dune erosion because there is an area of no
19 vegetation that's all white, which indicates there is no
20 vegetation showing up. Well, it could be all sand. That would
21 show up white also.

22 So we looked through the plan records. We looked
23 everywhere we could look. There are inspections. You know
24 they do the outfall, so they might have seen something. And
25 we haven't found any record of dune erosion. Now that doesn't

1 mean there was no -- nothing ever occurred. It's quite
2 possible some big event caused some kind of erosion of the
3 dune and nobody ever saw it or identified it. But there's
4 nothing out there now. So if any erosion has occurred in the
5 past, the dune has totally recovered, because if you go out
6 there now you're not going to see any evidence of historic or
7 past erosion.

8 So even though we have found no evidence of
9 erosion, we also -- if it did occur, there is no evidence
10 left of it occurring. The dunes have recovered. If they did
11 erode, they have recovered. And that's the other issue, even
12 if the dunes erode, it has that ability to recover because
13 there's so much sand in the system.

14 So that's kind of really where I want to leave it
15 at. You know I have looked at CoSMoS says the dunes are
16 stable, the area is stable, and the beach should accrete
17 maybe for a while, then eventually retreat. Our review of
18 historic -- 60 years of historic photos is all showing the
19 beach growing, which is consistent with the CoSMoS and
20 consistent with everything else.

21 The dunes -- CoSMoS predicts the beach could
22 accrete with low rates of sea level rise -- we expect in the
23 nearterm, anyway, the next 30 years, even eventually the sea
24 level rise will take over and it will start narrowing. And
25 the historic data shows the dunes are getting bigger and

1 expanding out towards the sea. So I think all that evidence
2 is pretty strong that the dunes are probably providing a
3 fairly high level of protection for the site. I will just
4 leave it at that.

5 MR. CARROLL: Before we move on, perhaps I will just
6 ask a couple of quick questions of Mr. Vandever, since he has
7 not been introduced to the Committee or the parties
8 previously, just to establish who he is in the event that
9 there are questions for him.

10 HEARING OFFICER KRAMER: Oh, go ahead.

11 MR. CARROLL: Mr. Vandever, you previously stated
12 and spelled your name. Who are you employed by?

13 MR. VANDEVER: Yes. I am an employee of AECOM. I'm a
14 coastal engineer.

15 MR. CARROLL: Thank you. And what experience do you
16 have that's relevant to the topics that are being discussed
17 here today?

18 MR. VANDEVER: My background is in civil and
19 environmental engineering, coastal engineering, and
20 oceanography. I'm a licensed Civil Engineer in the State of
21 California. I've been working here as a consultant for the
22 past ten years. My area of specialty and focus is coastal
23 flood hazard analysis and mapping, as well as sea level rise
24 vulnerability and risk assessments.

1 I worked also as a consultant with AECOM in support
2 of FEMA's efforts to update the Flood Insurance Rate Maps
3 along the coast of California. All 15 counties have been
4 worked on over the past few years. I participated in either
5 through leading the Coastal Hazard Analysis or supporting it
6 in 9 of the 15 counties. And in the other six counties, I
7 acted as an independent peer reviewer for work that was done
8 by a joint-venturer partner.

9 MR. CARROLL: Thank you.

10 HEARING OFFICER KRAMER: Okay. Any questions from
11 other panelists or other parties of Mr. Meinart or Mr.
12 Vandever?

13 DR. REVELL: I thought we were going through --

14 MS. WILLIS: Yeah, I thought --

15 DR. REVELL: -- we were going to go through
16 presentations first --

17 HEARING OFFICER KRAMER: Yeah, okay.

18 DR. REVELL: -- before questions.

19 HEARING OFFICER KRAMER: Okay, if you would prefer
20 that. Okay, let's Marylou Taylor then and Mr. Marshall.

21 MS. WILLIS: Thank you. Staff -- we're going to
22 actually do a short direct and Ms. Taylor prepared the
23 supplemental testimony with Mike Conway, who was unable to be
24 here today, but Mr. Marshall is here in his stead. So I'd

1 actually just like to start with the questions for Ms.
2 Taylor.

3 Could you briefly state the purpose of your
4 testimony?

5 MS. TAYLOR: The purpose was to respond to the
6 Committee's March 10th orders for additional evidence.

7 MS. WILLIS: What was required of staff by the
8 Committee orders?

9 MS. TAYLOR: Staff was directed: To discuss the
10 validation of Coastal Storm Modeling System, also known as
11 CoSMoS; to conduct a public workshop to discuss approaches
12 for assessing coastal flooding risk; to conduct a
13 supplemental analysis for a coastal flooding risk at the
14 proposed site; to compare results with the flooding risk
15 identified in FEMA maps; and to discuss any mitigation
16 measure necessary to maintain reliability of the proposed
17 project.

18 MS. WILLIS: Did staff hold a public workshop?

19 MS. TAYLOR: Yes, we did. We held a public workshop
20 on March 28th, in this very room. In addition to the parties
21 and the public, we invited USGS, the California Coastal
22 Commission, the California Coastal Conservancy, and the Ocean
23 Protection Council. And all invited agencies participated.
24 Any presentations that were given on that day were docketed.

1 As a result of the workshop, staff determined the
2 best approach to supplement the Coastal Flooding Risk
3 Assessment to use CoSMoS 3.0 Phase 2.

4 MS. WILLIS: Could you please describe the CoSMoS
5 3.0 Phase 2 model?

6 MS. TAYLOR: Phase 2 is an update to Phase 1, which
7 staff used for the FSA analysis. The Phase 2 update
8 incorporates longterm shoreline change. Phase 1 did not
9 include longterm shoreline change, so staff evaluated this
10 separately for the FSA. CoSMoS is consistent with the State
11 guidance for sea level rise and it is the best available
12 science for modeling coastal flooding in Southern California.

13 MS. WILLIS: Ms. Taylor, did you have USGS review
14 your analysis and your supplemental testimony?

15 MS. TAYLOR: Yes. I asked them to check the accuracy
16 and my description of CoSMoS and its validation process. They
17 provided me with some comments and I made the suggested
18 changes accordingly.

19 MS. WILLIS: What were the results of your analysis
20 using the CoSMoS model?

21 MS. TAYLOR: The model results show that projected
22 flooding for the 100-year event with two feet of sea level
23 rise does not reach the project site.

24 MS. WILLIS: Did staff compare the modeled risk with
25 the flooding risk identified in FEMA maps?

1 MS. TAYLOR: Yes. Using the Technical Methods Manual
2 Guidance for incorporating sea level rise into FEMA maps.

3 MS. WILLIS: And what did staff conclude?

4 MS. TAYLOR: Staff concluded that with two feet of
5 sea level rise does not place the project site in the FEMA
6 hazard zone.

7 MS. WILLIS: If Dr. Revell used the same Technical
8 Methods Manual in his opening testimony, does staff's
9 conclusion agree with his conclusion?

10 MS. TAYLOR: No.

11 MS. WILLIS: And can you explain how he reached a
12 different conclusion using the same Technical Methods Manual?

13 MS. TAYLOR: I saw three main reasons for the
14 discrepancy. First, he modeled the FEMA map for present day
15 hazard -- he modified the FEMA maps for a present day hazard,
16 so he had a different starting point which was closer to the
17 dunes. Staff used the maps released by FEMA in September
18 2016, so we used no modifications of those FEMA maps.

19 Secondly, he estimated longterm shore change using
20 empirical methods suggested by TMM, the Technical Manual, if
21 better information isn't available. Staff used the CoSMoS
22 Coast Model results to estimate longterm changes, which is
23 the Technical Guidance considers the highest-level quality
24 approach for longterm shoreline change.

1 Third, due to the assumptions I just described, he
2 concluded that waves would overtop the dunes which resulted
3 in the hazard zone adjustment into the project site. Staff's
4 results, using the Technical Guidance, does not result in
5 waves overtopping the dunes, so the site is not in the hazard
6 zone.

7 MS. WILLIS: Did staff determine if mitigation for
8 maintaining reliability would be necessary?

9 MS. TAYLOR: Staff determined that mitigation for
10 maintaining reliability against flooding is not warranted
11 because the water level elevation projected for 2050 is less
12 than 15 feet. The applicant testified that the power plant
13 can operate when flood waters are less than 15 feet, which is
14 about 1.5 feet of flooding at the site.

15 MS. WILLIS: Did you consider if the beach and dunes
16 substantially narrow or erode?

17 MS. TAYLOR: Yes. Staff evaluated the likelihood of
18 substantial erosion of the 30-year timeframe. To do this, we
19 looked at more extreme scenarios of sea level rise which is
20 expected to cause substantially more erosion. The Committee
21 Order called for a sea level rise of two feet, which is a
22 very conservative assumption for the year 2050. We looked at
23 five feet of sea level rise, which is more than double the
24 value from the Committee Order, and 6.6 feet of sea level
25 rise, which is more than three times the value. Model results

1 do not show flooding at the site. Under these extreme
2 conditions, the project could still generate power, therefore
3 mitigation is not warranted.

4 MS. WILLIS: Is staff still recommending soil --
5 condition of certification Soil and Water-6 that requires a
6 beach and dune monitoring plan?

7 MS. TAYLOR: Yes. Staff is recommending the Soil and
8 Water-6 to accommodate the 30413(D) report submitted by the
9 Coastal Commission in September of 2016. The Coastal
10 Commission report recommended a beach and dune monitoring
11 plan. And the applicant later indicated their agreement to
12 this requirement. Although staff concludes that the
13 mitigation is not warranted, this condition of certification
14 was included to acknowledge the Coastal Commission's position
15 and the applicant's willingness to address their concerns. A
16 beach and dune monitoring plan would provide an added
17 precaution by identifying possible problems early.

18 MS. WILLIS: The State Coastal Conservancy filed a
19 technical memorandum. Have you reviewed that document?

20 MS. TAYLOR: Yes. It was a steady response to staff
21 questions during the coastal workshop in March.

22 MS. WILLIS: And did you rely on the Coastal
23 Conservancy's analysis in your testimony? And I think we want
24 to pull up -- do you want to pull up an exhibit?

1 MS. TAYLOR: Yeah, I'd like to pull up an exhibit.
2 It's Exhibit 3063, the TN is 219169.

3 If we can find that, please.

4 And, in particular, I'd like on the PDF, I believe
5 it's page 18 which is Figure 6, that's titled Scenario 2. I
6 think the figure right before that, please. There we go.

7 MS. WILLIS: Okay. So the original question was did
8 you rely on the Coastal Conservancy's analysis in your
9 testimony?

10 MS. TAYLOR: No. The memorandum was docketed on the
11 same day that opening testimony was due, so it was not
12 included. Since then I have reviewed it. The results were
13 presented in a way that made it difficult to apply to my
14 analysis, so I have not changed my conclusions.

15 As mentioned earlier, the applicant testified that
16 the power plant can operate with flood levels of less than 15
17 feet, which is about 1.5 feet of flood on the site. The
18 information needed for the analysis is the depth of flooding
19 at the project site. But the depth information from the
20 Coastal Conservancy's memorandum is not precise enough to
21 provide the information needed.

22 The figure shown up there, Scenario 2, which the
23 Coastal Conservancy memorandum says represents present-day
24 conditions, the black outline that you see there is the
25 Mandalay Generating Station. The Puente site is just north of

1 that little, small notch on the north side of that outline.
2 I'm not sure if you can tell. If you could zoom in just a
3 little bit. That figure shows that flooding at the site could
4 be as little as two inches deep or as much as three feet
5 deep. The model result is not precise enough to distinguish
6 between flooding that is two inches deep and flooding that is
7 three feet deep. There isn't enough information to conclude
8 that flooding would be deep enough to cause shutdown to
9 operations.

10 Also, despite these model results, the project
11 would still comply with LORS because the City's flood
12 ordinance is based off the FEMA maps.

13 MS. WILLIS: And did you review Dr. Revell's opening
14 and closing testimonies?

15 MS. TAYLOR: Yes.

16 MS. WILLIS: In his opening testimony he states that
17 CoSMoS 3.0 was not intended for site-specific analysis. How
18 do you respond?

19 MS. TAYLOR: The size of the site is large enough
20 that the resolution of the model is appropriate for the site.
21 CoSMoS downscales ocean storms from a global climate model to
22 a local scale. Wave conditions are refined from the global
23 scale and modeled along the coastline every 330 feet.
24 Hydrodynamics modeling is in a higher resolution, which is a
25 grid of about 130 feet by 65 feet. Flooding is modeled using

1 digital topography with horizontal resolution of six feet.
2 Given the size of the project, the CoSMoS is an appropriate
3 tool. The entire property of the Mandalay Generating Station
4 is 36 acres and the Puente site is three acres. The size of
5 the site is enough that the resolution of the model is
6 appropriate for the site.

7 MS. WILLIS: Dr. Revell further states the CoSMoS
8 model relies on dynamic water level; do you agree?

9 MS. TAYLOR: Yes.

10 MS. WILLIS: And he also states that the dynamic
11 water level is not typically used as the basis for
12 engineering hazard identification; do you agree with that?

13 MS. TAYLOR: Yes, but only because FEMA maps are
14 typically used to evaluate coastal hazards, which rely on
15 more than just dynamic water levels. The hazards shown on
16 FEMA maps is based on several different wave conditions
17 including wave runup, wave overtopping, and high velocity
18 flow. CoSMoS does not represent the same hazards as the FEMA
19 maps do.

20 I use CoSMoS because flood-depth information is
21 needed to determine if the power plant can operate. CoSMoS
22 flood projections are based on dynamic wave setup to identify
23 areas of standing water that stay flooded for a minute or
24 longer during a storm. If standing water is deep enough, the
25 flood could trigger shutdown of the operations. In contrast,

1 FEMA maps do not provide depth of coastal flooding
2 specifically. Wave runups shown in FEMA maps are more erratic
3 and could possibly only result in a couple inches of standing
4 water that would quickly drain away.

5 MS. WILLIS: And Dr. Revell states that CoSMoS model
6 relies on mean high water levels to assess future shoreline
7 changes and does not explicitly show the longterm changes to
8 the upper profile of the beach. Do you agree with that
9 statement?

10 MS. TAYLOR: No. My understanding is that CoSMoS
11 predicts the horizontal and vertical evolution of the entire
12 beach profile through time. CoSMoS has been extensively
13 tested, calibrated, and validated with local historic data on
14 waves, water levels, and coastal change.

15 MS. WILLIS: Are you familiar with the Coastal
16 Resilience Ventura Model?

17 MS. TAYLOR: Yes.

18 MS. WILLIS: And why did you not rely on that model?

19 MS. TAYLOR: I have an extensive discussion in the
20 FSA explaining this. Most of it is in the Appendix SW-1. To
21 highlight some of the reasons, the potential erosion
22 projections of the Coastal Resilience Model assume that the
23 coast would erode based on maximum stormwave events with
24 unlimited duration. It also assumes that the eroded sediment
25 is completely removed from the system. The CoSMoS Model uses

1 a more realistic approach of longterm shoreline change. The
2 system is in dynamic equilibrium, which means that the sea
3 level rise displaces the sediment. As the water line slowly
4 moves inland, sediment gets pushed seaward but remains in the
5 inner surf zone.

6 Another reason. Coastal Resilience assumes that any
7 water level above the toe of the dune would remove the dune
8 entirely, which is overly conservative. Also, the Coastal
9 Resilience Model shows flood extent but does not show flood
10 depth. Flood depth information is needed to determine if the
11 power plant can operate. Without this information,
12 conclusions can't be made about whether or not flooding would
13 be deep enough to cause shutdown of the operations. Also,
14 Coastal Resilience Ventura incorporates some assumptions that
15 are overly conservative. When all these assumptions are
16 combined, the overall result is a scenario that is
17 unreasonable.

18 The engineering standard for evaluating flood risk
19 is the one-percent annual chance flood, which is commonly
20 called the 100-year flood event. When multiple conservative
21 assumptions are stacked on top of each other, you can quickly
22 exceed the one-percent annual chance event.

23 In addition, CoSMoS is calibrated to account for
24 actual shoreline changes. The Coastal Resilience Model is
25 not. The temporal and spatial resolution of CoSMoS model

1 reflects the best available science. And CoSMoS has been
2 extensively tested, calibrated, and validated with local
3 historic data on waves, water levels, and coastal change, the
4 Coastal Resilience Model has not to this extent.

5 MS. WILLIS: Does Dr. Revell's closing testimony
6 provide any new information that changes your calculations?

7 MS. TAYLOR: No. CoSMoS is the best available model
8 science for floods and provides the flood-depth information
9 needed to determine if the power plant can operate.

10 MS. WILLIS: And, finally, do you recommend that
11 additional modeling is necessary?

12 MS. TAYLOR: No, additional modeling is not
13 necessary.

14 MS. WILLIS: And does that conclude your testimony?

15 MS. TAYLOR: Yes, it does.

16 HEARING OFFICER KRAMER: Is there anything are Mr.
17 Marshall, is he just -- is he to answer questions?

18 MS. WILLIS: He's here to answer questions.

19 HEARING OFFICER KRAMER: Okay. We've finished with
20 Dr. Revell.

21 Mr. Campbell, what do you have for us?

22 MR. CAMPBELL: There should be a presentation that
23 was uploaded yesterday.

24 HEARING OFFICER KRAMER: You say just today?

25 MR. CAMPBELL: Yesterday.

1 HEARING OFFICER KRAMER: Yesterday. Okay, let me
2 find that. Can you get started without that? And I'll bring
3 it up.

4 MR. CAMPBELL: Okay. So as part of information that
5 was provided on February 6th by the State Costal Conservancy,
6 there was a letter that was provided. The Commission had
7 comments dated March 30th.

8 HEARING OFFICER KRAMER: If you could project your
9 voice more and maybe tilt the mic up so you're directly into
10 it.

11 MR. CAMPBELL: There were comments that were
12 provided to the Costal Conservancy on March 30th. So part of
13 my testimony today is to provide a response to those comments
14 as well as provide an update to the model as it was reapplied
15 to the site to better map inundation at the generating
16 facility as a result of the combined effect of coastal and
17 river flooding.

18 I think I'd like to wait for the PowerPoint to come
19 up.

20 So the model that was originally documented in that
21 letter is a might-flood model. It's a 1D-2D.

22 HEARING OFFICER KRAMER: Really you need to speak
23 up.

24 MR. CAMPBELL: It is a 1D-2D dynamically-coupled
25 hydrodynamic model. The model itself is only simulating flow.

1 It's not simulating sediment transport. Overall the model is
2 99 percent a 2D model. The one percent that is in 1D is to
3 represent bridge hydraulics. The model was originally
4 prepared for the Coastal Conservancy. It was developed
5 between 2009 and 2011. It was largely built to or developed
6 to analyze flood plain restoration opportunities upstream of
7 Harbor Boulevard. The overall model extents go from the L.A.
8 County line all the way down to the Pacific Ocean.

9 You can just go ahead and hit in the lower left.
10 There you go.

11 So as I was saying, the model was originally
12 developed to look at flood plain restoration opportunities
13 upstream of Harbor Boulevard under a 25-year flood and 100-
14 year flood. The model has subsequently been updated to better
15 represent the combined flooding downstream of Harbor
16 Boulevard due to the combined effects of coastal and river
17 flooding. And so the objectives of the study, one is to
18 address the CEC comments, dated on March 30th, as well as
19 further evaluate the potential risk of flooding at the
20 generating facility to include the effects of sea level rise
21 and climate change. Next slide. Down button.

22 MR. CARROLL: While we're waiting for the slideshow
23 to come up, it appears as though Mr. Campbell is going to
24 give his presentation as he originally intended to do coming
25 into today. And I can appreciate the difficulty of him

1 modifying his presentation in response to the Committee's
2 ruling on our motion to strike this testimony, but I just
3 want to remind everyone that the ruling was that this
4 evidence, both the written testimony and the oral testimony
5 as being given by Mr. Campbell, is being admitted solely for
6 the purpose of modifying the assumptions used in the CoSMoS
7 modeling that pertained to the Santa Clara River.

8 So I don't necessarily have any problem with Mr.
9 Campbell giving his presentation as initially proposed, but
10 in my view it's probably going to include a lot of
11 information that's not relevant -- or not admissible. That's
12 okay as long as the City recognizes that to the extent that
13 they try to rely on that in their briefs later, that will be
14 something that we object to. So it may be the easiest thing
15 to do to just have him give his presentation, but it's not
16 all admissible in light of the ruling on the motion to
17 strike.

18 HEARING OFFICER KRAMER: Okay. Well, thank you for
19 that reminder.

20 And, Mr. Campbell, to the extent you're making oral
21 embellishments to this, certainly you should focus them on
22 the issues we're looking at which are not flooding from the
23 river affecting the site but how this other river works
24 together or not with the ocean to get the -- to deliver water
25 to the site.

1 MR. CAMPBELL: And --

2 MR. CARROLL: And so I don't want -- and I'm sorry
3 to interrupt you one more time.

4 To avoid interrupting him constantly, I'm just
5 going to make a standing objection to anything that's beyond
6 the ruling of the Committee this morning on the motion to
7 strike this testimony.

8 HEARING OFFICER KRAMER: Okay, understood.

9 Go ahead.

10 MS. FOLK: I don't want to interrupt, but I do want
11 to clarify. I think that the entire presentation does get
12 into the assumptions in CoSMoS about the interactions and how
13 --

14 HEARING OFFICER KRAMER: The same admonition about
15 speaking up.

16 MS. FOLK: Sorry.

17 HEARING OFFICER KRAMER: The combination of the room
18 and the monitors, you are sometimes difficult for me to make
19 out.

20 MS. FOLK: Okay. Sorry about that. I just wanted to
21 say I do believe that the entire presentation does go to the
22 issue of the assumptions that underlie CoSMoS and whether or
23 not it accurately captures the interaction between the
24 coastal and the river flooding.

1 MS. TAYLOR: And I would disagree to that. This is
2 Marylou Taylor from staff.

3 HEARING OFFICER KRAMER: Okay, go ahead.

4 MR. CAMPBELL: Okay. So there were four questions
5 posed by CEC on March 30th to the February 6th letter. Those
6 questions are boiled down here. They're not the full extent
7 of the questions. These questions are: Why does flooding stop
8 east of McGrath Lake; why does Harbor Boulevard flood but not
9 the MGS; why are ocean depths 10 to 20 feet deep at the ocean
10 and what assumptions were made for the ocean water level.

11 And so these questions all relate to limitations of
12 the model at the time, as it wasn't -- the resolution of the
13 model was not very refined downstream of Harbor Boulevard and
14 the overall extents of the model domain did not extend much
15 beyond the northern boundary of the MGS. And, as such, these
16 questions are related to a model that was developed for
17 analyzing conditions upstream. It has subsequently been
18 updated to better address these questions downstream of
19 Harbor Boulevard now with these model refinements. With that,
20 please move to the next slide.

21 So speaking to the updates to the model as it was
22 applied most recently, as it relates to the inundation
23 mapping that was originally submitted on June 15th. The model
24 extents, which are shown in black, those were extended much
25 further downstream, originally at the MGS extended further

1 downstream to Channel Islands Harbor as well as the
2 topography in the model was also updated. Overall, the model
3 extends 40 miles, it extends from the L.A. County line all
4 the way down to the ocean. Seven miles of coastline are now
5 incorporated into the model. It was originally much shorter.
6 And controlling features on the landscape, roads, berms,
7 lagoons, levees, were all reinforced into the model.

8 And so the model itself is, like I was saying
9 earlier, it is a 2D model so it has a 2D mesh. The grid
10 resolution ranges anywhere from 100 meters on the floodplain,
11 where detailed resolution is not required, to as little as 15
12 meters in areas of interest. That being the ocean -- or not
13 the ocean - the river or the generating facility and the
14 dunes that are running along the coastline. And so we have
15 reinforced many of the topographic details into this 2D mesh
16 that would otherwise not be captured by a 15-meter-to-grid
17 resolution or, for that matter, by a 20-to-40 meter grid
18 resolution. Next slide, please.

19 So as part of that topographic update, our original
20 model was based off of the 2005 LIDAR data. That still serves
21 as the baseline information for much of the model. It has now
22 been updated along the coastline. In the nearshore area, with
23 more recent data from either NOAA, from 2009 to 2011 data;
24 the Army Corps had data that was also provided, 2014 LIDAR.
25 Additionally, we used the 2016 USGS LIDAR; and additional,

1 supplemental surveys provided by CSU and CBEC. So this
2 information was used to update and refine our representation
3 of the topography, terrain, or DEM along the entire coastline
4 represented in this seven miles, to capture the dunes, to
5 capture the topography behind the dunes. Next slide, please.

6 In terms of boundary conditions, we have two sets
7 of boundary conditions. We have boundary conditions driven by
8 the river, we have boundary conditions driven by ocean water
9 levels in this model so we can capture the effects of not
10 only coastal flooding but river flooding and the interaction
11 and interplay between those two.

12 For the river flood, we are using a 100-year flood
13 hydrology that came out of the HSPF model developed for the
14 Watershed Protection District. It is a calibrated model for
15 the entire Santa Clara River Watershed and for the more than
16 two dozen tributaries that flow into the watershed. We have
17 100-year flood hydrology, and that has been routed
18 downstream.

19 In terms of ocean water levels, we analyzed
20 multiple scenarios. One scenario relied on mean higherr high
21 water derived from NOAA tidal datums. The other relied on the
22 dynamic water level derived from FEMA calculations, as
23 provided by Dr. Dave Revell and as prepared by others.

24 And so as part of the some of the scenarios that we
25 will be presenting, we have two different conditions. We have

1 a normal-tide-- high-tide condition and we also have an
2 extreme water-level condition. Next slide, please.

3 In terms of looking at future climate change, we
4 did two things. We modified the 100-year flood hydrographs.
5 Those were done by using downscaled global climate model
6 runoff data. We analyzed the flood frequency for an historic
7 period, we analyzed the flood frequency for a future period
8 to come up with the scaling factor of 1.63. That scaling
9 factor was then applied to the flood hydrographs that were
10 used in the model for the 100-year. And this scaling factor
11 is consistent with other studies that we have reviewed in the
12 area.

13 With respect to sea level rise, we analyzed a 2050
14 condition assuming 0.61 meters or two feet. And, as I
15 understand, that is consistent with CEC guidance from the SLR
16 workshop that I was not in attendance, but I understand that
17 that's what been adopted moving forward. So we use that as a
18 projection of sea level rise. The next slide.

19 So in terms of some of the scenarios. For the
20 report that was submitted in June, we analyzed six scenarios.
21 I'm only going to discuss three of those here today, those
22 being Scenarios 1, 3, and 5.

23 And so Scenario 1 is a present-day, 2017 baseline
24 condition. So what happens if the 100-year flood comes down
25 the river and interacts with a low-tide condition. So high

1 tide. Not an extreme tide due to a storm or anything like
2 that. So what happens when this river flooding interacts with
3 a low-tide condition.

4 Scenario 3 is our 2017 extreme storm condition.
5 Again, we're using the 100-year flood hydrology, combining
6 that with an extreme water level at the ocean, based off of
7 the maximum dynamic water level of 5.39 meters and NAVD 88.
8 The thing to keep in mind with these animations that I will
9 be presenting is that at the ocean we have assumed that these
10 water levels are static in time -- or constant in time. One,
11 for the sake of simplicity, but also it allows us to --
12 allows the timing of the river flood to also coincide with
13 the timing of a higher water level condition in the ocean. So
14 it represents a conserve estimate of potential flood hazards
15 at the site.

16 Moving onto Scenario 5. This is 2050 future
17 condition. This is where we use the 100-year flood hydrology
18 as affected by climate change, so upscaling the hydrographs
19 by a factor of 1.63. That actually translates to a flood
20 condition at Highway 101. Flows actually are amplified by
21 about -- they're about 50 percent greater by the time they
22 reach Highway 101. And then we also for our ocean water
23 level, again we're using a dynamic water level of 5.39 feet,
24 and adding on top of that the 0.61 meters, or two feet, of
25 sea level rise.

1 Next slide. So this is an animation. I'm assuming
2 you will be able to hit "play" on it. Can you just click in
3 the middle of this screen? I may ask you to play it again as
4 well.

5 So while this initially plays, I will just describe
6 what's being conveyed here in the animation. So the graphic
7 on the left is basically showing inundation downstream of
8 Highway 101 to the Pacific Ocean. The depth of inundation is
9 shown in blue. Light blue colors mean shallow depths. Dark
10 blue colors mean deeper depths. And the black arrows
11 represent the direction in which -- the direction as well as
12 the magnitude in which the water is flowing across the
13 landscape.

14 The graphic in the lower -- I apologize. This is
15 not very good to view here on the monitor. But the graphic in
16 the lower right is a zoom-in between the mouth of the Santa
17 Clara River and the generating facility itself. And the
18 generating facility outline, shown in red, has actually been
19 updated to reflect a more accurate representation of the
20 property line than was represented in the report that was
21 submitted on June 15th. So it encompasses the Puente Power
22 Plant proposed location.

23 So if you can play the animation one more time by
24 clicking in the middle of the screen. You can see that flood
25 waters are moving down. Eventually they break out onto the

1 floodplain. Those waters flow south across Harbor Boulevard.
2 They continue further south, down McGrath Lake, and
3 eventually they enter the generating facility property. This
4 assumes a downstream water level at the ocean that's at high
5 tide, so the interaction between the river and the ocean is
6 relatively minimal in this case. In the next scenario it
7 won't be a minimal interaction between the river and the
8 ocean. Next slide.

9 So this is Scenario 3. You can play the animation
10 any time you want. This represents our 2017 baseline
11 condition with an extreme water level at the ocean. Let's
12 just let this play out. Can you go back one slide and then
13 come back to this, please, but don't hit "go" on the
14 animation? Come back, come forward one slide. There you go.
15 So before we play the animation one more time, so what -- you
16 hit "go" already. Okay.

17 So what this animation shows, before river flooding
18 even hits the site, that if you project the dynamic water-
19 level assumption at the ocean landward, you can see that it
20 inundates portions of the MGS as well as other areas behind
21 the dunes. And because the areas behind the dunes are highly
22 connected and the dynamic water level assumed in the model is
23 higher than the levee or berm or rivetted feature built on
24 the north side of the generating facility, water is still
25 allowed to enter the site. So in addition to flood waters

1 building up behind the berm and ultimately going out near
2 McGrath Lake, these flood waters also have the ability to
3 enter the generating facility. So next slide.

4 MR. CARROLL: May I just ask how many more slides
5 there are? Because --

6 MR. CAMPBELL: There's only -- there's only a
7 couple.

8 MR. CARROLL: -- none of this information can be
9 used to make a case that the site is at risk of riverine
10 inundation. And I'm not seeing anything that's relevant to
11 coastal inundation. So I mean I guess if we're almost done,
12 we're almost done, but we have a lot to accomplish in a
13 relatively short period of time.

14 HEARING OFFICER KRAMER: Well, a question, though.
15 So this is before we start the animation from the river's
16 contribution?

17 MR. CAMPBELL: Correct.

18 HEARING OFFICER KRAMER: So you're saying that your
19 model shows that the ocean has already put water on the site?

20 MR. CAMPBELL: So ahead of the river flood waters
21 reaching the site, if we project the boundary -- the ocean
22 water level onto the landscape, you can see that it overtops
23 or it is inundating dune features because there are low spots
24 in the dune features. And so water has the ability to already
25 be on the backside of the dunes and because the backside of

1 the dunes are relatively highly connected, even despite there
2 being a levee feature at the north side of the MGS, water has
3 the ability to communicate across that levee feature in the
4 absence of flood waters overtopping its banks and flowing
5 south and adding on top of this potential condition.

6 HEARING OFFICER KRAMER: Okay --

7 DR. REVELL: Can I add one thing to this? This is
8 consistent with what USGS showed in their flooding, that
9 these low-lying dune features, that there is flooded water
10 behind those dune features in their flood extents, and that
11 was a topic of lively discussion with them when they were on
12 the phone. And so what I understand this to show is that when
13 you consider a 100-year flood on top of the CoSMoS flood
14 depths, you're going to have more water on the site.

15 HEARING OFFICER KRAMER: Okay. There's just a couple
16 more slides, Mr. Carroll.

17 Go ahead with this 2050 Scenario 5 slide.

18 MR. CAMPBELL: So this is the Scenario 5, 2050
19 future condition. It assumes a dynamic water level of 5.39
20 meters at the ocean, coupled with 0.61 meters, or two feet,
21 of sea level rise, and includes 100-year flood hydrology that
22 has been amplified by climate change. And so by the time the
23 flood waters reach Highway 101, the peak discharge has
24 increased by 50 percent at Highway 101. If you want to go
25 ahead and play the animation, please do.

1 Again, at the start of the simulation, before the
2 flood waters even reach the site, the ocean water level
3 conditions assumed can then be projected behind the dunes
4 because there are low spots in the dunes, like I said
5 previous, and so there is connectivity behind the dunes that
6 exceed the elevations of any protecting feature. As we -- if
7 you can go ahead and hit "play" again. And so as these flood
8 waters move south Highway 101, they break out onto their
9 flood plain. Because the ocean water levels are higher, there
10 is a greater opportunity for these flood waters to break out
11 sooner as well. And so, in addition, they have a greater
12 volume of water coming down the river, there are also higher
13 water levels in the ocean. That creates a greater opportunity
14 for these waters to break out onto the floodplain, move south
15 and west across Harbor Boulevard, move down McGrath Lake, and
16 then inundate the generating facility property. So --

17 HEARING OFFICER KRAMER: So --

18 MR. CAMPBELL: -- it's not so much that you can
19 separate river and coastal flooding at this location. There
20 is an interplay between the two. And so while this may be
21 somewhat conservative with some of the assumptions in here,
22 it clearly demonstrates that there is a potential for flood
23 risk at the site.

1 HEARING OFFICER KRAMER: So what water levels are
2 you looking at on the project site? It should be the northern
3 part of the --

4 MR. CAMPBELL: Yeah. So if you move to the next
5 slides, which are very brief, I will quickly summarize those
6 depths. And so the graphic on the right shows the maximum
7 depth of inundation. The black outline is the generating
8 facility property. And what we can see here is that under a
9 low tide condition with high water or 100-year flood
10 conditions, that there is up to 1.7 meters of inundation in
11 the north end of the generating facility property. Moving
12 onto -- and that's for Scenario 1, our baseline condition. So
13 if a 100-year flood hit us today, there is that potential.

14 Moving onto Scenario 3. Again, our 2017 baseline,
15 100-year flood hydrology, but it's coupled with an extreme
16 water level at the downstream boundary condition. What we can
17 see here is that the -- and as I stated previously in the
18 animations, that the facility, the MGS facility could be
19 inundated due to ocean levels being higher than the dune
20 features and that the areas behind the dunes are highly
21 connected. Once you add on, couple that with riverflows
22 breaking out onto the floodplain, the inundation at the site,
23 at the north end of the MGS, could be as high -- or as deep
24 as 1.9 meters at the flood of the river peak.

25 Moving onto --

1 HEARING OFFICER KRAMER: Now when you say that
2 you're looking at the darker blue that's on the site?

3 MR. CAMPBELL: Not the darker blue. We're ignoring
4 canal that's running through or entering the site.

5 HEARING OFFICER KRAMER: Okay. Well, the site's the
6 black outline.

7 MR. CAMPBELL: The site's the black outline. We're
8 ignoring the deep blue, which is the canal.

9 HEARING OFFICER KRAMER: Okay.

10 MR. CAMPBELL: And so we're looking at -- like if
11 you were to put your cursor just a little bit further north
12 but inside the black and a little bit to the east we would be
13 pulling a data point out of that location that would
14 represent to the east, that would represent these inundation
15 depths that I am stating.

16 HEARING OFFICER KRAMER: Okay. All right, next.

17 MR. CAMPBELL: And the final slide, the 2050 future
18 conditions for Scenario 5. Again, if we just simply project
19 the dynamic water level plus sea level rise, you can see that
20 it is highly connected behind the dunes and that if you
21 combine that with climate change, under the 100-year flood,
22 that we could see up to 2.5 meters of water on the property
23 during the peak of inundation.

1 HEARING OFFICER KRAMER: Okay. Jeremy, could you
2 unmute Dr. Hart? I'll let her chime in in a minute when she's
3 unmuted.

4 Dr. Hart, could you -- you sent me a chat note just
5 reminding me that you're there, so I wanted to make sure you
6 had an opportunity now that we appear to have reached the end
7 of our panelists. Did you have anything you wanted to add in
8 response to what you heard?

9 DR. HART: Okay. Hello?

10 HEARING OFFICER KRAMER: And now we hear you.

11 DR. HART: Okay, great. No, I don't have anything
12 specific. I just wanted, in case some questions came up. Dr.
13 Erikson testified earlier that the flow that we were using
14 was more equivalent to a 10-year river discharge event. And
15 that's something perhaps that could be addressed tomorrow
16 morning in more detail by her, but the way that we do it is
17 that we look at the kind of prevailing conditions during the
18 coastal storm event, the coastal full force event. We're not
19 modeling alluvial discharge per se, right. So how we're doing
20 it is looking at the past record and seeing the most likely
21 river discharge associated with a storm. And so that would be
22 one of the big differences between the CoSMoS modeling and
23 this modeling. Here is that we'd be looking at essentially a
24 100-year storm with a 10-year river event versus the 100-year

1 and the 100-year. So that's just one of the quick
2 distinctions.

3 HEARING OFFICER KRAMER: Okay. Thank you.

4 Any other parties want to --

5 DR. HART: Sure.

6 HEARING OFFICER KRAMER: -- chime in? Mr. Carroll,
7 I'll let you go first.

8 MR. CARROLL: Just with respect to Mr. Campbell, is
9 that...

10 HEARING OFFICER KRAMER: All of them.

11 MR. CARROLL: Okay. Yeah. So, first, with respect to
12 Mr. Campbell, I don't have any specific questions. Again, not
13 having been aware that this testimony would be introduced, we
14 weren't prepared for that. But I would like to ask Mr.
15 Meinart and Mr. Vandever if either of them have any reactions
16 to the presentation that they just heard.

17 MR. VANDEVER: Yeah, this is Justin Vandever. Just
18 one comment on sort of the downstream boundary condition, the
19 use of the dynamic water level as a downstream boundary
20 condition. In my experience the use of a dynamic water level
21 is not typically applied in a riverine modeling situation. So
22 the Scenarios 3 and 5 that used dynamic water level are
23 probably extremely conservative.

24 Dynamic water level is, as has been discussed
25 today, a result of wake-setup processes along the shoreline

1 and not really an applicable water level to use at a
2 rivermouth because you don't have the same type of wave
3 breaking and setup of the water surface that you would along
4 a beach.

5 And I think Mr. Meinart has some other comments
6 more specific to the site.

7 HEARING OFFICER KRAMER: Well, but if that's not
8 appropriate what would be appropriate instead?

9 MR. VANDEVER: Well, in my experience using
10 something like a mean higher high downstream boundary
11 condition such as Scenario 1 would be more appropriate or
12 perhaps combining, say, a 100-year discharge with, say, a
13 one-year or ten-year storm surge level, which would be a
14 lower elevation than the dynamic water level.

15 HEARING OFFICER KRAMER: Okay, Mr. Meinart.

16 MR. MEINART: Yeah, I have a couple of comments. I
17 just add on to what Justin said here. Dynamic water level's
18 generated by the waves breaking on the beach. That's what
19 generates that wave setup, so you don't have waves breaking
20 on the beach of the mouth of a river. That's why Justin was
21 saying he didn't think it was an appropriate boundary
22 condition.

23 There are a couple of things I want to say. One of
24 them is like Justin's using a mean higher high water or maybe
25 a one-year or a two-year or a five-year event in the ocean as

1 a boundary condition, because the probability of a 100-year
2 event occurring on the river at the same time you get, the
3 same day you get an extreme event in the ocean is extremely
4 low. And, in fact, if you assume they are totally
5 independent, and they're not quite totally independent
6 because we do get storms on the ocean the same times we get
7 storms in the river, it would be a 10,000-year event. So
8 maybe it's not quite a 10,000-year but I think it's a 5,000-
9 year event. And that's because of a 1600-square mile
10 watershed, the chance of a 100-year event occurring on the
11 same day as a 100-year storm is almost zero. So that's one
12 thing.

13 But the other thing I wanted to say about the site,
14 you know we did the -- in one of our testimonies I have
15 submitted, I think in January maybe, there is a modeling
16 study for this area. And we used an extremely fine grid
17 because the levee going across there is about a 30-foot,
18 maybe a 35-foot-wide levee, something like that, maybe 20-
19 foot, I'm not exactly sure how wide it is, but it's wide
20 enough for a dirt road on the top. And there's also an outlet
21 from McGrath Lake to the ocean. So most -- FEMA and our
22 modeling both show that the flood comes down to McGrath Lake,
23 there is an outlet to the ocean at McGrath Lake, and then the
24 water goes out that outlet to the ocean. And it has to go --
25 there has to be enough water that that outlet can't take it

1 anymore and it rises up and then it would go to the levee.
2 That didn't happen in our modeling. We showed that the levee
3 was high enough. But there didn't seem to be an outlet to the
4 ocean at McGrath Lake here, and that's where the stormwater
5 goes in FEMA and our modeling because that's where the outlet
6 is. So it makes me wonder how it ended up on the site when we
7 have a levee and an outlet both preventing it from happening.

8 McGrath Lake is also managed for stormwater, so
9 there is some management activity going on to keep the lake,
10 I guess, drained down in a big storm event. So there is some
11 activity there to try to reduce the flooding, and it doesn't
12 seem to have been incorporated into the modeling. That's why
13 I think we're seeing it coming onto the site and going past
14 it because it didn't include those things. As I say, we used
15 a very fine grid so we could capture those roads and levees.

16 The last thing is the Edison Canal is there. You
17 can see the Edison Canal is a 100 feet wide and about 20 feet
18 deep. It actually can convey quite a bit of water, so that a
19 lot of that water should have been conveyed away down the
20 Edison Canal. And even if some did get up near the site, the
21 Edison Canal can convey quite a bit of water, not all of the
22 Santa Clara River, but not all of the Santa Clara River is
23 coming on the site, just a small piece of it is.

24 So just looking at the presentation, you know what
25 we've seen today, there seems to be some, at least relative

1 to Mandalay site, you know our site, there seemed to be
2 something missing.

3 MR. CARROLL: Thank you.

4 HEARING OFFICER KRAMER: Staff.

5 MS. TAYLOR: Yeah, I have a couple things. This is
6 Marylou Taylor from staff. First, I want to make clear that
7 for Scenario 3, if you remember before the river floods and
8 overtops its banks, this model shows that the site is already
9 flooded before any flood waters from the river approach the
10 site. And it was said that this is consistent with the CoSMoS
11 model, and it's not. The CoSMoS model doesn't show the flight
12 setting -- the site flooding for the extreme storm with no
13 sea level rise, which is the scenario that you're looking at.
14 So when you assume that the site already has water on it,
15 then adding more water would increase the elevation. So I
16 don't think that's a reasonable assumption to make for a
17 present-day scenario.

18 I want to speak to the way that this program, this
19 model would be an assumption for CoSMoS, I don't agree with
20 that, as I mentioned earlier. In this model, as was
21 presented, the boundary condition is what the ocean is going
22 to be assumed when the river floods and in this case it was
23 assumed that the ocean would be at a static level which means
24 it doesn't move, it's always there at the dynamic water

1 level, which is fine. But that's an assumption made for the
2 river model.

3 As far as CoSMoS, if you flip it around and you
4 assume that the river floods at a 100-year level, you're a
5 also assuming, as was brought up before, that it happens
6 concurrently with a 100-year coastal storm, and those are two
7 very different situations that happen.

8 So as far as using this model as an assumption for
9 CoSMoS, I don't think it's appropriate because you're
10 incorporating two 100-year events that would happen at the
11 same time. Instead, what CoSMoS does, the river flooding that
12 they assume is the atmospheric conditions at the time of the
13 coastal storm, what those atmospheric would cause rain on
14 land. So the same winds and barometric pressure and
15 everything that comes in with a coastal storm, the effects of
16 precipitation on land, which sounds like it's closer to a 10-
17 year storm, that's the water that comes down through the
18 river. So it's riverflow and coastal effects from the same
19 atmospheric conditions, not assuming that two separate
20 atmospheric conditions happen at the same time.

21 HEARING OFFICER KRAMER: Is that because
22 meteorologically that's just very unlikely? In other words,
23 the conditions that cause the ocean to be very active don't
24 cause extreme rain events on the nearby inland lands?

1 MS. TAYLOR: Yeah, not necessarily. Especially when
2 you consider the watershed area of the Santa Clara River,
3 it's huge. It begins in L.A. County and most of Ventura
4 County. So for the 100-year storm -- or the 100-year flood to
5 occur in the entire Santa Clara River Watershed, which is
6 what this model shows, for that to happen at the same time as
7 a coastal ocean, Pacific Ocean event were to happen, that is
8 very rare statistically.

9 HEARING OFFICER KRAMER: Okay, Dr. Revell.

10 DR. REVELL: So it was clearly a unique set of
11 circumstances that flooded the site in 1969, but it happens.
12 From my understanding of CoSMoS and what I just saw, so there
13 was some discussion about CoSMoS and the pink -- remember the
14 pink discussion from this morning, that, you know, Dr.
15 O'Neill has got homework tonight, that is one of the topics
16 that was arising was that some of these areas were really
17 flooded today. And so what I understand this model to show is
18 that those areas could already be elevated and then the
19 riverflow comes down. And so those are coming into this site.
20 CoSMoS is showing the flooding right adjacent to it. The
21 models outputs or assumptions for the boundary condition are
22 very consistent with FEMA, are very consistent with the
23 CoSMoS models. Now the difference being that we apply more --
24 it's applying more of a 100-year flow event.

1 Now I think a lot of that from what I heard was
2 that there was an update of the topography to 2016 conditions
3 and not 2009, so we have potentially some more connectivity.
4 I wish USGS technical staff were here to provide a little bit
5 more about how they're dealing with the ocean boundary,
6 lagoon boundary conditions for the flooding, and maybe that
7 could be questions for them tomorrow, but I think what
8 strikes me here is that if you consider even a mean higher
9 high water and 100-year event or, as Mr. Vandever or Mr.
10 Meinart have suggested, even a one- or five- or ten-year
11 ocean water level, this site could very easily flood again.
12 We've already seen it flood once.

13 HEARING OFFICER KRAMER: Okay, anything from you,
14 Mr. Caldwell? [sic]? You don't have to.

15 MR. CAMPBELL: No, I guess I have a question for Mr.
16 Meinart.

17 What management activities are performed on the
18 graph that would --

19 MR. MEINART: They can release water from it.

20 MR. CAMPBELL: They release water from it, but there
21 is no -- there isn't management that would affect the
22 connectivity between either side of the dune?

23 MR. MEINART: Well, if you release water from the
24 lake there is just more storage available from the lake.

25 MR. CAMPBELL: Yeah.

1 MR. MEINART: But more important than that, I think
2 more important is there is actually an outlet there to the
3 ocean.

4 MR. CAMPBELL: Yes, and so that me to my next
5 comment, if there is an outlet there presently but if CoSMoS
6 is showing into the future that the dune is accreting and
7 building itself back up, will that outlet continue to be
8 there. And if that outlet is not there, where will the water
9 go that comes from the river?

10 MS. TAYLOR: From what I understand, the McGrath
11 Lake is used as water flood control and they -- "they"
12 meaning -- I think it's the State Parks or the farmers, farm
13 owners who are adjacent, if the water levels in McGrath Lake
14 are too high, then it would flood the inland -- it would
15 flood some of the inland crops. So they make it a point to
16 make sure that the water elevations of McGrath Lake aren't
17 too high, so they either mechanically drain some of that
18 water out, or I'm not exactly sure what methods they use, but
19 they routinely make sure that that water level isn't too high
20 because it would affect some of those agricultural crops that
21 could be affected by it.

22 HEARING OFFICER KRAMER: Dr. Revell?

23 DR. REVELL: I don't know about the overflow channel
24 and the ability of NRG to work with the flood control
25 district and the farmers to lower the water levels. I had

1 some additional, a couple questions for Mr. Campbell about
2 his model results.

3 One, I saw that in your -- you also have flow
4 vectors in there. Did you calculate the speed of that flow?

5 MR. CAMPBELL: I unfortunately did not.

6 DR. REVELL: Okay.

7 MR. CAMPBELL: But it's likely that the velocities
8 are high enough to cause some dune erosion and breach of the
9 various locations of where there is projected overtopping.

10 DR. REVELL: So if the river found a new course,
11 whether it's at McGrath next to the south or at the dunes, --

12 MS. WILLIS: Could they actually speak closer to the
13 mic? We're having a hard time hearing --

14 DR. REVELL: Sure.

15 MS. WILLIS: -- anything you're saying over here.

16 DR. REVELL: Sure. Sorry.

17 So I guess my question was about the speed of the
18 flow and the effect of having that much water, two and a half
19 meters, up to two and a half meters water depth at or near
20 the site, and that water has got to go somewhere. And I was
21 curious about the potential to scour holes through the dunes
22 as a result of that water trying to get to the ocean.

23 MR. CARROLL: You know we now have one of the City's
24 witnesses asking the other City's witness to speculate about
25 a hypothetical scenario.

1 MS. FOLK: I thought he was asking about the extent
2 of his model and the potential for dune erosion which of
3 course is one of the issues that we are discussing.

4 MR. CARROLL: Well, yeah, that's -- that -- right,
5 he's asking him to speculate. He first asked him did you look
6 at this. The first asked the second witness did you look at
7 this, he said no. And he said, well, then could you speculate
8 about, you know, what might happen even though you didn't
9 look at it.

10 MS. FOLK: He didn't -- he asked if he assigned flow
11 rates, but I think the answer was: I didn't give specific
12 rates, but based on the model that he ran he thinks that the
13 water would be moving as --

14 MR. CARROLL: Well, he didn't give his answer yet
15 because I objected, but --

16 MS. FOLK: He did, actually.

17 MS. WILLIS: We would also like to object. This is -
18 - asking each other the same parties' witnesses is unusual,
19 at best.

20 HEARING OFFICER KRAMER: Well, I mean they're --

21 MS. FOLK: I thought it was supposed to be a
22 discussion. He's asking --

23 MR. CAMPBELL: This is an informal discussion.

24 MS. WILLIS: I think it was supposed --

25 HEARING OFFICER KRAMER: Yeah, it is a discussion.

1 MS. WILLIS: I thought the discussion was between
2 the different parties, not between one set of witnesses.

3 MS. FOLK: Well, --

4 HEARING OFFICER KRAMER: Well, when they start
5 praising each other's work, I think we'll call a halt there.
6 But you know we're trying to learn. I mean I think these are
7 two experts that are, as Mr. Carroll has pointed out, they
8 are approaching different parts of the picture of water
9 getting on the property. As we have also pointed out, we're
10 not so much interested in the river by itself, but I think
11 the problem here is that he has pretty much indicated that he
12 doesn't have any solid information upon which to render an
13 opinion. And so for that reason maybe we should move on,
14 because we're not looking for speculation. Speculation is in
15 the discovery phase and, in some ways, speculation got us to
16 the second round of hearings, but I think it's fair to say
17 we're past that at this point.

18 MS. FOLK: Can I --

19 DR. REVELL: Okay.

20 MS. FOLK: I just want to ask a question of Mr.
21 Campbell.

22 You said something in your presentation about a 2D
23 mesh and providing more detail as to the topographic features
24 than even a 20- to 40-meter grid would provide; is that --
25 did I understand that correctly?

1 MR. CAMPBELL: That's correct. So, to elaborate, a
2 15-meter resolution mesh captures greater detail than a 20-
3 to 40-meter mesh.

4 MS. FOLK: So you would capture greater -- excuse
5 me. You would capture greater detail in terms of the --

6 MR. CAMPBELL: The topography --

7 MS. FOLK: -- heights of the dunes and the depths of
8 the dunes?

9 MR. CAMPBELL: In terms of the topographic features
10 that are out there, and so when elevation information is
11 assigned to a mesh, sometimes it is under sampled. And to
12 overcome that under sampling, those yellow lines in one of
13 the graphics in the PowerPoint showed all of the features
14 that were reinforced in that mesh that controlled the way in
15 which water moves across landscape. So in addition to having
16 slightly finer mesh in the area of interest, there are also
17 controlling features on the landscape that are better
18 captured with additional elevation information that is
19 essentially burnt into the model.

20 MS. FOLK: Can you give me some examples of what
21 that might be in terms of features?

22 MR. CAMPBELL: Those features are adjoining roads,
23 berms, levees, as well as dunes, and so the crown elevations
24 of those features are added to the model to enhance the
25 elevations that are captured by the 2D mesh, which is, you

1 know, at 15 meters is slightly course but it is as fine as
2 one can go with respect to computational performance.

3 MS. FOLK: Okay.

4 HEARING OFFICER KRAMER: Okay.

5 MR. MEINART: One more.

6 HEARING OFFICER KRAMER: Mr. Meinart.

7 MR. MEINART: Yes, one more question. I took a look
8 through the report last night when I knew Chris was going to
9 be here. And one of the things I noticed was your Scenario 1
10 result which you gave up there, 1.7 meters. For Scenario 2,
11 which was the same run except you just raised the water level
12 to the average dynamic water level which was, what, it looks
13 like roughly two meters higher. It had no effect on flooding
14 on the Mandalay site, it gave you the same answer. And the
15 only way that could happen, as far as I'm concerned, is if
16 the ocean has nothing to do with the flooding on Mandalay
17 site according to your model. And since this is a coastal
18 flooding, it seems like that isn't really relevant since
19 increasing the tide level doesn't increase flooding on
20 Mandalay, it just means just in a riverflood study it had
21 really nothing to do with the ocean.

22 And then when you raised it to five meters, which
23 is 18 feet, it like almost up to the FEMA 100-year water
24 level, it only increased the water level on the site a little
25 bit. And you have increased the flood level on the ocean a

1 lot. One would expect if it was tightly tied to the tides or
2 the coastal, when you increase the coastal water level, the
3 flooding on the site should increase too for length because
4 you have coastal and river flooding, but it seemed you only
5 had river flooding.

6 And there wasn't the levee in 1969. That's why they
7 built the levee because they were flooded and they built it
8 since then because they don't want to get flood again. So the
9 '69 kind of isn't relevant anymore because they kind of built
10 mitigation against it now.

11 HEARING OFFICER KRAMER: Okay. I have one question,
12 Mr. Campbell. I think -- has everyone exhausted their
13 questions?

14 MR. CARROLL: I have questions for Mr. Revell.

15 HEARING OFFICER KRAMER: Okay.

16 MR. CARROLL: Should we do that?

17 HEARING OFFICER KRAMER: We're trying to wait and
18 see if you ask them so we don't have to.

19 MR. CARROLL: Okay.

20 HEARING OFFICER KRAMER: So go ahead.

21 MR. CARROLL: So, Mr. Revell, going back to your
22 presentation and looking at slide 6, which I don't know if
23 you have it in front of you but it's the Coastal Resilience
24 flooding versus erosion or both screen, and I just want to
25 make sure I understand how the TNC model or the Coastal

1 Resilience model review factor erosion in. And what it says
2 here is the dunes erode assuming stormwater level duration is
3 unlimited. And then in your written testimony at page 25, you
4 state: This assumes that there could be a storm of enough
5 duration to erode the dunes and expose areas behind it such
6 that the proposed Puente site -- behind it, such as the
7 proposed Puente site to coastal flooding.

8 So do I understand it correctly that in the model
9 that you're using, you are not necessarily modeling erosion,
10 you are assuming erosion. Is that...

11 DR. REVELL: That's incorrect. We are calculating
12 erosion distances, potential erosion distances by wave runup.
13 And this is the methodology that's been proposed in the FEMA
14 guidelines for how to address episodic event based erosion.

15 MR. CARROLL: So when you say on slide 6 of your
16 presentation dunes erode assuming stormwater level duration
17 is unlimited, --

18 DR. REVELL: Yes. Again, there has been a lot of
19 discussion about we eroded with a one, a single 100-year wave
20 event or a single 20-year wave event in the CoSMoS model, and
21 our model took a different approach to a calculating event
22 based erosion which was erosion happens when the water
23 exceeds that green star or the toe of the dune and that the
24 storms -- we don't know how many storms are going to be at or
25 above that green star elevation, call it 14 feet in the

1 future. And so rather than try and go to the considerable
2 expense and computational exercise that CoSMoS has done to
3 downscale climate models and transform stuff across the
4 Pacific and to come up with a single storm event, we said we
5 don't know exactly how many storm events there is going to
6 be, but there could be a lot of storm events and if those
7 storm events are realized and there is enough of them, we
8 will erode to this much of the dune.

9 So it's more of a way to account for the
10 uncertainties in the timing and frequency of storm impacts,
11 and looking at the potential erosion of the sand dune.

12 MR. CARROLL: All right. So let me put it another
13 way. Then, in other words, you are assuming that a storm will
14 continue at the level necessary to erode the dune for an
15 unlimited period of time or until such time as the dune is
16 eroded?

17 DR. REVELL: Partially, yes. It could also be that
18 we have five storms of a similar magnitude that erode the
19 dune.

20 MR. CARROLL: Right.

21 DR. REVELL: We don't know how many storms it will
22 take.

23 MR. CARROLL: But either way your assumption is that
24 either there will be one storm that lasts a very, very long

1 time or there will be many, many storms back to back that
2 will erode the dune.

3 DR. REVELL: Well, we calculated potential erosion
4 of the dune, yes.

5 MR. CARROLL: Well, you calculate potential erosion
6 of the dune or you assume that there is a storm of unlimited
7 duration that erodes the dune?

8 DR. REVELL: We calculate erosion of the dune from a
9 potential wave runup elevation.

10 MR. CARROLL: Right. And then assume that a storm at
11 that wave runup elevation will continue for a sufficient
12 period of time to erode the dune?

13 DR. REVELL: Yes.

14 MR. CARROLL: Isn't that the same as assuming that
15 the dune will be eroded? I mean so you can either assume that
16 there will be a storm of sufficient magnitude and duration to
17 erode the dune or you can skip that first assumption and go
18 straight to an assumption that the dune will be eroded? I
19 mean isn't that the same thing?

20 DR. REVELL: No. Because if you have certain wave
21 runup characteristics, it won't erode the dune entirely. In
22 this case, it does.

23 MS. FOLK: Is the point you're trying to get at is
24 the storm that you used was one of such magnitude and height

1 in terms of the wave runup elevation that it would cause
2 erosion, that the storm of record?

3 DR. REVELL: Yeah, we used the large storm that
4 would cause erosion.

5 MR. CARROLL: Well, you didn't -- you used a large
6 storm or you assumed a storm sufficient to cause the erosion?

7 DR. REVELL: There was a storm that hit in 1982-83,
8 and we took the wave characteristics from that storm and we
9 eroded the dune based on that. And that's been why I keep
10 showing the 1984 photograph that shows dune face erosion. We
11 just didn't -- that was the one storm.

12 MR. CARROLL: All right. But didn't --

13 DR. REVELL: If we had another storm of that
14 magnitude, we could have eroded further, and we may have even
15 flooded the site in that '82-83 storm, based on that photo.

16 MR. CARROLL: All right. And so what you're assuming
17 is that there would be that additional storm or that storm
18 would have --

19 DR. REVELL: Yes.

20 MR. CARROLL: -- lasted -- water.

21 DR. REVELL: We assume there will be more than one
22 storm that could cause erosion, yes.

23 MR. CARROLL: Sufficient to erode the dune?

24 DR. REVELL: Yes.

1 MR. CARROLL: I guess I'm just not -- it's not clear
2 to me if the question you are asking or -- and this is the
3 question that at least I'm asking, is whether or not the dune
4 can be eroded, to make an assumption in your model that the
5 dune will be eroded leaps to the conclusion, which is what
6 was -- but you've explained that that's what you're doing. I
7 understand that now.

8 With respect to the diagrams and the photos in your
9 testimony, and this is images -- it starts with image 9, so
10 it's the three different models applied to the three
11 different locations. In your written testimony you said that
12 the -- what was indicated in these diagrams was the extent of
13 the flooding. I think today you may have used the extent of
14 the wetting or something like that, but in your written
15 testimony, the extent of the flooding.

16 What's the definition of flooding that you're using
17 in that case?

18 DR. REVELL: I'm looking at the wave controlled
19 limit, so we're mapping maximum wave runup. But -- or --

20 MR. CARROLL: For Coastal Resilience?

21 DR. REVELL: Yes.

22 MR. CARROLL: Is that the same thing that's being
23 mapped in FEMA and in CoSMoS?

24 DR. REVELL: In FEMA, yes. There's some limits
25 sometimes in FEMA. It's not always clear what those limits

1 are. But we have just calculated what those limits would --
2 that's -- yeah.

3 MR. CARROLL: But isn't the FEMA map depicting the
4 area within which you would expect to have some damage
5 associated with the inundation?

6 DR. REVELL: That would be the velocity wave runup,
7 so it's --

8 MR. CARROLL: Is that what's being depicted in the
9 FEMA map that's on the screen?

10 DR. REVELL: Yes.

11 MR. CARROLL: Okay. And what is depicted on the
12 CoSMoS map that's on the screen?

13 DR. REVELL: This is the dynamic water level --

14 MR. CARROLL: Okay.

15 DR. REVELL: -- which doesn't get the beach wet.

16 MR. CARROLL: So just to cut to the chase of my
17 question, so my question is so these three models and what's
18 depicted in these three diagrams isn't necessarily the same
19 thing, right? I mean the three models aren't necessarily
20 mapping the same phenomenon?

21 DR. REVELL: Correct. That's why I started the
22 presentation with clarifying that they're mapping the dynamic
23 water level. And it wasn't until after my testimony was due
24 and that they presented the new maximum wave runup results

1 that have -- that they have started to create something that
2 we can do an apples-to-apples comparison.

3 MR. CARROLL: Okay. Because that was not clear --
4 the way that I understood your presentation was that you were
5 showing the mapping of the three models and essentially
6 saying this is the extent to which each of these models shows
7 the flooding and then showing a photograph that shows the
8 flooding beyond the CoSMoS level or beyond the FEMA level and
9 saying therefore there must be something wrong with those two
10 models. But based on what you have just told me, what I
11 understand is that the FEMA map shows the level at which FEMA
12 thinks there would be damage from that water. That's not
13 necessarily -- not necessarily that a drop of water doesn't
14 get past that, right?

15 In other words, your map is the only one that shows
16 the point at which no additional water would be beyond. The
17 FEMA map shows the point at which additional water would not
18 cause damage and the CoSMoS map shows the point at which
19 additional water would not stay for greater than two minutes.

20 DR. REVELL: Well, the flooding photos that were
21 shown on the next slide here were taken an hour and a half
22 after high tide, so that was clearly much longer than a one-
23 or two-minute inundation.

24 MR. CARROLL: Well, we don't know that, but okay.
25 But, in other words, I mean you have clarified it because I

1 think it was not clear. My understanding of this whole series
2 of presentations was this is the extent of the inundation
3 shown by CoSMoS, this is the extent of the inundation shown
4 by FEMA, and this is the extent of the inundation shown by
5 Coastal Resilience, and here is the water that shows it
6 beyond what FEMA or CoSMoS said the water could ever go. But
7 you're now explaining that that's not what you were trying to
8 convey?

9 DR. REVELL: Well, I'm just saying that when I
10 looked to verify those two questions that I was asking, does
11 the beach get wet during a major flood event, it should be
12 completely submerged at some point. That's the first test.
13 CoSMoS is not getting the beach wet in a lot of cases, most
14 cases during a 100-year wave event.

15 The FEMA is -- I'm not sure how they're limiting
16 their inland extents of flooding entirely. It's kind of a
17 question that we've been grappling with for the County of
18 Ventura for several months now. And then with Coastal
19 Resilience, I'm just highlighting areas that we have those
20 during, after videos and ground photos that show the extent
21 of wave-driven flooding.

22 MR. CARROLL: On the Coastal Resilience, if I
23 understood your explanation earlier, you are using the model
24 to calculate the maximum wave runup. And then what the map --

1 is it true that what the map depicts then is all of the areas
2 that are at elevations lower than that level?

3 DR. REVELL: I'm sorry. Can you ask that again?

4 MR. CARROLL: So is your approach for the mapping to
5 use the Coastal Resilience model to determine the maximum
6 dynamic wave runoff?

7 DR. REVELL: Just maximum wave runoff.

8 MR. CARROLL: I'm sorry. Maximum wave runoff.

9 DR. REVELL: Which includes the dynamic wave setup.

10 MR. CARROLL: Okay. I'm sorry. Establish what that
11 level is and then what's depicted on the map is all of the
12 areas that are at lower elevation?

13 DR. REVELL: That are connected hydraulically. So
14 there's actually got to be a flow pathway to get to that. We
15 don't -- it's not a bathtub model that just says it's to
16 here.

17 MR. CARROLL: Okay.

18 DR. REVELL: There's connections. And that's why
19 when we get to the site there, when we calculate the extent
20 of dune erosion the way we do, we erode the dune and, just
21 like in CoSMoS, we're evolving the DEM as well differently
22 than CoSMoS, but we are also accounting for the evolution of
23 the dune field. Every ten years we erode the dune and then we
24 flood it through new pathways that open up through the dunes.

1 MR. CARROLL: So in the diagram that -- the Coastal
2 Resilience diagram for the Oxnard Shores area, so this is
3 page 9, third image over, and I think we've seen other
4 versions of this image where it's not cropped quite as much
5 at the top, but you can even see on here, as I recall, your
6 modeling shows that the inundation extends all the way up to
7 the MGS site. Is that -- am I recalling that correctly, or do
8 you not recall?

9 DR. REVELL: There are -- for the MGS site there are
10 a couple of flood sources. One of them is eroding through the
11 dunes and creating a new hydraulic connectivity from in front
12 of the site and the other one is through this back channel
13 flooding that comes down the street and up the low-lying back
14 barrier or back dune.

15 MR. CARROLL: I mean just practically speaking,
16 that's -- how far is it from Oxnard Shores roughly to the
17 power plant site?

18 DR. REVELL: The south side is about a quarter of a
19 mile.

20 MR. CARROLL: So, in other words, what this shows is
21 that somehow the water is getting from Oxnard Shores a
22 quarter of on that mile up to the MGS site, including on the
23 other side of the Edison Canal. What I'm struggling with is
24 why wouldn't it be going further up the streets in Oxnard
25 Shores if it's going all the way north to the power plant?

1 DR. REVELL: Because -- well, it's low back there in
2 that area. That's also picked up in the CoSMoS model in the
3 pretty pink picture we were talking about for 45 minutes
4 earlier today. That was the same flood source.

5 HEARING OFFICER KRAMER: Just for the record, you've
6 been speaking about slide 9, I think it's TN220366, which
7 we'll get an exhibit number later, I just don't have it yet.

8 MR. CARROLL: And then just one more topic, there
9 may be one or two questions. But on page 26, and we have
10 talked a lot about this, but on page 26 of your most recent
11 submission it's the discussion of the 1983 storm and your
12 views that that storm resulted in erosion at the power plant
13 site. And you have a statement here, "I know of no photos
14 during the 1983 event taken at or directly from the site. I
15 have not seen any photos that demonstrate that the dune was
16 not eroded." I want to make sure I understand what you're
17 saying.

18 Is it your view that in the 1983 event the dune
19 eroded such that water moved from the ocean 300 feet to the
20 dune, over the top of the 30-foot dune, a 100 feet across of
21 the top of the dune, flooded the project site, receded, and
22 then that erosion restored itself, and that event went
23 largely unnoticed?

24 DR. REVELL: I'm suggesting that that color-infrared
25 photo that we're talking about still eroded the face of the

1 dune and that there was a substantive change in the
2 vegetation that is very consistent with wave overtopping and
3 saltation of the dune field that would kill vegetation. I
4 don't know. I have no photos or anything from the site during
5 that event, so I have nothing to validate this at all except
6 what I have been provided from the applicant, from anything
7 else --

8 MR. CARROLL: But the only way that the site could
9 have been flooded in the 1983 event from the ocean is if the
10 water traveled the route that I just described and then
11 receded and then dune --

12 DR. REVELL: Yeah.

13 MR. CARROLL: Then how did the dune then restore
14 itself or --

15 DR. REVELL: Dunes can grow and erode.

16 MR. CARROLL: Okay. I don't have any further
17 questions. Thank you.

18 MS. TAYLOR: This is Marylou Taylor. Really quick. I
19 wanted to point out again that he mischaracterized CoSMoS
20 3.0. And the slide that we're looking at right now, that does
21 not imply that none of the beach gets wet. The beach could
22 get wet.

23 What that shows is where two feet or two minutes of
24 flooding would occur. That entire beach could get wet, but
25 that's not what that map shows.

1 HEARING OFFICER KRAMER: Okay.

2 MS. FOLK: So I am going to have questions for staff
3 and --

4 HEARING OFFICER KRAMER: Okay. Then we --

5 MS. FOLK: -- Mr. Meinart as well.

6 HEARING OFFICER KRAMER: -- have one or two.

7 MS. FOLK: Okay.

8 MS. WILLIS: And may I ask Ms. Folk to speak up
9 really loudly because we are --

10 MS. FOLK: I'm sorry.

11 MS. WILLIS: -- having a really hard time over here
12 hearing her.

13 HEARING OFFICER KRAMER: Get that microphone up a
14 little bit.

15 MS. FOLK: Okay. Just one clarifying question to Ms.
16 Taylor in response to that last interchange. The CoSMoS Our
17 Coast, Our Future model does show what USGS considers to be
18 flooding extents; is that correct?

19 MS. TAYLOR: Are you speaking of the example that
20 we're looking? That is the extents of where flood levels are
21 sustained for one or two minutes or more.

22 MS. FOLK: Okay. And if you were to actually see
23 water, standing water at street -- at the height of the tires
24 of a car, would you not consider that to be flooding?

1 MS. TAYLOR: Are you asking me whether or not CoSMoS
2 would consider that flooding?

3 MS. FOLK: I'm asking you, actually.

4 MS. TAYLOR: If it's standing -- for the purposes of
5 this project, where I am determining whether or not standing
6 water will reach a foot and a half at the site or 15 feet
7 NAVD 88, then if standing water is there to cause the project
8 to stop operations, then I would consider that flooding.

9 MS. FOLK: Okay. And you don't consider wave runup
10 to be a risk at all to the project?

11 MS. TAYLOR: Repeat that, please.

12 MS. FOLK: Do you consider wave runup to be a risk
13 at all to the project?

14 MS. TAYLOR: Based on what the applicant testified,
15 it's standing water at 15 feet, NAVD 88. That's what would
16 stop operations. They did not indicate any other wave
17 condition or water condition that would stop operations. So
18 that's what I used to determine my criteria.

19 MS. FOLK: Okay. So I had some questions about the
20 Costal Conservancy's report that was submitted. And you
21 testified earlier that you did not rely on this report in
22 preparing your testimony and that you did not believe it
23 contained sufficient resolution to identify flood risk at the
24 site?

1 MS. TAYLOR: It didn't have clear enough information
2 for me to determine whether or not that 15-foot mark was
3 reached.

4 MS. FOLK: Did you contact Mr. Campbell or the
5 Costal Conservancy to ask them any questions about the
6 report?

7 MS. TAYLOR: I didn't contact them. I did read in
8 the report that the limits of their report were based off of
9 time and budget. I assumed that they would need to get more
10 time or funding for more information. I don't know if that
11 was probably too big of an assumption for me, but the
12 information that was presented did not give me enough
13 information to make that determination.

14 MS. FOLK: But you do realize that the report was
15 prepared in response to your -- I believe they were your
16 questions to the Conservancy?

17 MS. TAYLOR: Yes.

18 MS. FOLK: And you never followed up with them at
19 all about their answers?

20 MS. TAYLOR: They answered the questions that I
21 asked and I didn't feel the need to follow up because it did
22 give me the information that I needed, and the order was to
23 address coastal flooding.

1 MS. FOLK: And did you contact Mr. Campbell to find
2 out the extent to which his report was relevant to some of
3 the assumptions --

4 MS. WILLIS: Objection. She just answered she didn't
5 contact them or follow up on the report, so she didn't
6 contact him, as she said stated twice now.

7 MS. FOLK: Okay. Did you hear Mr. Campbell testify
8 about the use of the 2D mesh to provide greater resolution in
9 terms of the topographic features of the area?

10 MS. TAYLOR: I heard that testimony, yes.

11 MS. FOLK: Okay. And did you -- well, I already know
12 you didn't contact him, so.

13 Would that have changed your opinion about the --
14 if you had known how detailed it was and that it was actually
15 a resolution that was smaller than what USGS used, that may
16 have changed your opinion about the resolution of the model?

17 MS. TAYLOR: It didn't change my conclusions and my
18 supplemental testimony because it was not relevant to coastal
19 flooding.

20 MS. FOLK: In your testimony you talk about how
21 CoSMoS accounts for riverine flooding and did you not
22 consider that opinion when you saw the results of Mr.
23 Campbell's --

24 MS. TAYLOR: Can you please restate that?

1 MS. WILLIS: Mr. Kramer, I thought that we were
2 being asked questions to find out information. This is
3 clearly a cross-examination. I thought that was not part of
4 the informal process.

5 MS. FOLK: I'm trying --

6 HEARING OFFICER KRAMER: No, it's allowed.

7 MS. FOLK: Okay.

8 HEARING OFFICER KRAMER: And you know some people
9 are perhaps more practiced in something that appears to be
10 more formal than others. We're trying to blend the two.

11 MS. FOLK: I'm trying to get at that there was
12 testimony in the staff assessment about the CoSMoS accounting
13 for riverine flooding.

14 MS. TAYLOR: Yes.

15 MS. FOLK: And Mr. Campbell's model also addresses
16 riverine flooding.

17 MS. TAYLOR: For the 100-year storm, yes. For the
18 100-year river events, yeah. Correct --

19 MS. FOLK: In combination with coastal -- with
20 coastal conditions; is that correct?

21 MS. TAYLOR: In combination with assumptions or
22 projections of coastal conditions during a 100-year flood
23 event of the Santa Clara River.

1 MS. FOLK: Okay. And that you understand that
2 includes the current day conditions with mean higherr high
3 water as an ocean condition?

4 MS. TAYLOR: For CBEC's model? Yeah, if I understand
5 your question, yeah.

6 MS. FOLK: Yeah. And so do you know how CoSMoS
7 accounts for that?

8 MS. TAYLOR: CoSMoS accounts for what?

9 MS. FOLK: Riverine flooding under current
10 conditions.

11 MS. TAYLOR: Yes. They use the same atmospheric
12 conditions present for the coastal flood and see how it
13 affects the precipitation inland. And from that, they
14 calculated the flow from the river from that same atmospheric
15 condition.

16 MS. FOLK: Okay. So Mr. Campbell's report provides
17 another perspective on how to account for that flooding as
18 part of the model?

19 MS. TAYLOR: If you want to consider a 100-year
20 event happening at the same time as another 100-year event,
21 then yes.

22 MS. FOLK: But, again, his first scenario looks at a
23 100-year event plus mean or higher high water, not --

24 MS. TAYLOR: His first 100-year event is evaluating
25 river flooding using baseline conditions.

1 MS. FOLK: Including mean higher high water in the
2 ocean, correct?

3 MS. TAYLOR: I believe that's what Scenario 1 uses,
4 yes, but that was for river evaluation flooding.

5 MR. CARROLL: I believe that the witness also
6 testified that the Coastal Conservancy report was delivered
7 the day that the testimony on the coastal hazards was due by
8 the staff, so the point is that she should have taken it into
9 consideration. Aside from everything else she said, she
10 couldn't have because it wasn't received on time.

11 MS. FOLK: No, that wasn't my -- okay. First of all,
12 it was received by the 15th, but that wasn't really my point.
13 My point was there was an opportunity for closing testimony
14 and -- but I don't believe staff submitted any closing
15 testimony.

16 MS. TAYLOR: We had not, not for this Hearing --

17 MS. FOLK: And did you consult with USGS regarding
18 their model?

19 MS. TAYLOR: I consulted with USGS to review my
20 write-up of my description of their model for accuracy.

21 MS. FOLK: So I just have a few questions now about
22 the discussion in the staff assessment about CoSMoS. So you
23 say that storm events were tested with extensive historical
24 data, including large storms of November-December 1982,

1 December 2005, and January 2010. Was that done specifically
2 for this site?

3 MS. TAYLOR: I can't answer that question because
4 CoSMoS uses that information.

5 MS. FOLK: Okay.

6 MS. TAYLOR: And that was part of the information
7 that CoSMoS reviewed -- that USGS reviewed when checking the
8 accuracy that I for that CoSMoS.

9 MS. FOLK: Okay. I believe we heard the USGS folks
10 testify earlier that they did not have historical data for
11 storm events at this site. Did you understand that to be
12 their testimony as well?

13 MS. TAYLOR: I don't recall them -- I don't recall.

14 MS. FOLK: Okay.

15 MR. CARROLL: I did not understand that to be their
16 testimony. What I understood their testimony to be, they did
17 not have historic storm data collected at that site, I
18 believe is what they stated.

19 MS. FOLK: Okay.

20 Dr. Hart: This is Juliette. Can you hear me?

21 MS. FOLK: So did you do anything on your own -

22 Dr. Hart: Hello?

23 MS. FOLK: -- to verify the historic storm data with
24 respect to this project site?

25 MS. TAYLOR: No.

1 MS. FOLK: No, okay. So it's my understanding that -
2 - well, in your testimony you state that CoSMoS looks at two
3 different types of beach conditions, ones with cliffs and one
4 is a sandy beach?

5 MS. TAYLOR: Yes.

6 MS. FOLK: Okay. Does it include a sandy -- does the
7 sandy beach include a scenario with dunes as part of that?

8 MS. TAYLOR: Yes.

9 MS. FOLK: It does, okay.

10 MS. TAYLOR: It considers the entire profile of the
11 beach, which is the beach and the dunes.

12 MS. FOLK: Okay.

13 DR. REVELL: I heard something different from USGS
14 today. When they said they considered the entire profile,
15 they only considered to the line of vegetation, which is
16 different than the top of the dunes.

17 MS. TAYLOR: We can ask USGS when they come back
18 about that. I can't answer for them.

19 Dr. Hart: Can anybody hear me? I'm here on the
20 line.

21 HEARING OFFICER KRAMER: We still have Dr. Hart on
22 the line. I don't know if she can answer that question.

23 DR. HART: I'm trying to talk but no one can hear
24 me. Hello, hello? There we go.

25 HEARING OFFICER KRAMER: Oh.

1 DR. HART: I've been trying to speak for the better
2 part of an hour. And I've been muted.

3 HEARING OFFICER KRAMER: I'm sorry. No, we --
4 actually we were about to mute you because we were hearing
5 noise on your line, but I don't think it was anything that
6 was recognized as a -- we're sorry about that, but please
7 speak now.

8 DR. HART: But that's okay. No, there was other
9 noise. Someone was doing the dishes or something in the
10 background.

11 For -- so, sorry, I've lost a little bit of track
12 because I was frantically trying to catch people in the room
13 to try to tell them I'm muted, but I think that it warrants
14 asking that question again tomorrow morning with Dr. Erikson
15 because she can address exactly about what we did at that
16 specific site.

17 I did want to back up a little bit in terms of the
18 river discussion. I don't want to bring us backward, but
19 again that one, we did have some back-up slides to talk about
20 how we handled the river flooding. And I think that that
21 would help with the discussion as well tomorrow, so if it's
22 okay, I'd like to let Dr. Erikson know that -- could she have
23 maybe, you know, two minutes to go through those slides
24 tomorrow to explain a little how we derive our river
25 flooding?

1 HEARING OFFICER KRAMER: Okay. And are those the
2 slides you sent last night?

3 DR. HART: Yeah. They're tucked away in the extra
4 slides, but --

5 HEARING OFFICER KRAMER: Okay. No, I just want to
6 make sure --

7 DR. HART: -- now it's part of the public --

8 HEARING OFFICER KRAMER: -- I don't need to find --

9 DR. HART: -- record, but yes.

10 HEARING OFFICER KRAMER: Okay. I just want to make
11 sure I already have them preloaded for you.

12 MS. FOLK: Well, can we also --

13 DR. HART: Yes.

14 MS. FOLK: -- have them posted so that we have an
15 opportunity to --

16 HEARING OFFICER KRAMER: These apparently are --

17 MS. FOLK: So --

18 HEARING OFFICER KRAMER: -- the slides that were
19 docketed -- or were distributed in the eleven o'clock hour
20 last night, so they're already --

21 DR. HART: Yeah, they're in the docket. Yeah.

22 HEARING OFFICER KRAMER: Yeah.

23 MS. FOLK: Oh, well, what did we see earlier today?

24 HEARING OFFICER KRAMER: There was more beyond what
25 we actually scrolled through today.

1 MS. FOLK: Okay.

2 HEARING OFFICER KRAMER: I think we ended in the
3 twenties and they come up to the sixties.

4 MS. FOLK: Okay.

5 DR. HART: But I think it would be fair for USGS to
6 have the opportunity to address some of this because there
7 has been a lot of talk from people who are not USGS about
8 what the USGS modeling does, and some of the questions are
9 being repeated from when Dr. Erikson and Dr. O'Neill were on
10 the phone so that it just might open it up to
11 misinterpretation or mischaracterization. And we just really
12 want to make sure that our science with well understood and
13 represented.

14 MS. FOLK: Yeah. My only concern is if it's tomorrow
15 then I don't know if Dr. Revell can't be here, I don't know
16 about Mr. Campbell, and so then we get into a situation where
17 we don't have an opportunity to respond to those things. And
18 I do feel like we did docket all of our information and got
19 our experts are here on the day that we were told it would
20 happen.

21 HEARING OFFICER KRAMER: Okay. And he was allowed to
22 present his slide deck and we spent a lot of time with him
23 this morning and into this afternoon.

24 MS. FOLK: With USGS.

25 HEARING OFFICER KRAMER: Yes.

1 MS. FOLK: Yeah, I know. But now they're talking
2 about adding new information that --

3 HEARING OFFICER KRAMER: Well, no, they're answering
4 questions that have arisen from your conversation. If we wait
5 for --

6 DR. HART: Yeah. And I would -- yeah. I'd just like
7 to add that our understanding of this was an informal hearing
8 where we would be having discussion. So we can also talk to
9 it, we don't need to show anything, but it would just be good
10 to have the opportunity for Dr. Erikson to actually talk
11 through because there is a lot of work that's done in
12 choosing the riverine discharges, and so I just want to make
13 sure that's accurately reflected.

14 HEARING OFFICER KRAMER: Okay. Thank you.

15 Anything more, Ms. Folk?

16 MS. FOLK: Nothing.

17 HEARING OFFICER KRAMER: Okay.

18 MS. WILLIS: I actually have a couple of questions.

19 HEARING OFFICER KRAMER: Okay, Ms. Willis.

20 MS. WILLIS: Kerry Willis for staff. Dr. Revell, I
21 know we have heard that Ms. Taylor had her analysis reviewed
22 by the USGS. Did you have your opening testimony reviewed by
23 USGS?

1 DR. REVELL: Yeah, I have talked to them numerous
2 times over the past five years as they have been developing
3 CoSMoS. And I gave them a look at --

4 MS. WILLIS: I'm sorry. You're going to have to
5 speak really close to your microphone.

6 DR. REVELL: I did give them a draft of my testimony
7 to look at.

8 MS. WILLIS: And did they make comments on that?

9 DR. REVELL: Yes. They copied and pasted a lot of
10 things from some of their technical stuff and --

11 MS. WILLIS: And did you make the changes that they
12 suggested?

13 DR. REVELL: I made quite a few clarifying changes,
14 yes.

15 MS. WILLIS: But not all of them?

16 DR. REVELL: I did not copy everything that they
17 wrote and put it into my testimony, no.

18 MS. WILLIS: I'm not asking you if you copied it.
19 I'm just asking you if you made the changes that they had
20 suggested.

21 DR. REVELL: They responded to my questions. They
22 did not edit my testimony.

23 MS. WILLIS: Okay.

1 DR. REVELL: So when we were -- I had anticipated
2 them to put some edits in, and instead they just responded to
3 it. So it was more like the discussion that --

4 MS. WILLIS: And that --

5 DR. REVELL: -- we have been forced into in this
6 forum of going back and forth like this instead of working
7 together to make these models better. It's been very
8 confrontational.

9 MS. WILLIS: So the response was basically a
10 critique of your analysis?

11 DR. REVELL: It was more of -- I don't know how to
12 describe the tone. The tone has gotten odd.

13 MS. WILLIS: Thank you. That's all.

14 DR. HART: I can reply to that because I was
15 involved in the development of those. It was not cut and
16 pasted. There was a lot of deliberate thought put into the
17 responses because we felt that the testimony -- we talked
18 about this all day in terms of how all of this stuff, all of
19 the modeling, the FEMA modeling, the ESA modeling, the USGS
20 modeling, it's really complicated. And so we wanted to make
21 sure that a one- or two-line sentence, -- it's really hard to
22 capture all of that complexity in it, and then it likely
23 unintentionally leads to misinterpretation or
24 mischaracterization of the results. So the simplification is
25 necessary, but if it's not really accurately representing the

1 work, then that is the difficulty there. And our response was
2 to try to make sure that the important details that we
3 include in our modeling were accounted for in the statements
4 that were being made.

5 DR. REVELL: I totally understand what you're saying
6 at the complexities of all of this. And I have tried for
7 several years now to synthesize those into sort of a
8 comparison and I ended up with stick-figure animations and
9 PowerPoint today and I feel like that was probably the best
10 I've ever done and they're still not all there. But I hope we
11 can continue to make sure that we're all saying the correct
12 things about each others' models because they all need to get
13 better to help resolve these so we don't have these
14 discussions at every development, at every power plant
15 renewal, at every bridge replacement up and down the
16 California coast.

17 MR. CARROLL: May I just ask a follow-up question to
18 USGS? Is it your view that Dr. Revell then incorporated or
19 took to heart the comments that USGS provided on his
20 presentation in what was reflected and what was finally
21 filed?

22 MS. FOLK: I'm not really sure how this is relevant,
23 but I'll let him answer the question.

24 HEARING OFFICER KRAMER: Well, he's offering some of
25 his work as either proof that USGS' work doesn't work in the

1 field and offering an alternative set of conclusions, so I
2 think --

3 MS. FOLK: I agree.

4 MR. CARROLL: Well, I think more importantly --
5 well, I think more importantly Mr. Revell is critiquing USGS'
6 analysis. USGS reviewed the critique and provided their own
7 input, then I'm wondering if in USGS' view their input was
8 taken to heart and reflected in the final work product or
9 ignored.

10 MS. FOLK: They don't agree.

11 DR. HART: I don't know -- I don't know as a
12 government agent if I can say anything about taking things to
13 heart. You know we just really wanted to be sure that we were
14 able to provide what we thought was clarification of what he
15 said. There were -- no, we don't think that those
16 clarifications were included. But the testimony that has been
17 presented in this last round is significantly different than
18 what he did before, so it's not a direct one-to-one. So you
19 know some of the stuff that he was bringing up before is not
20 in this latest testimony. And, I'm sorry, I don't know the
21 exact details because I'm not in front of my computer at the
22 moment, but -- so I think that's all I can really say.

23 DR. REVELL: Well, and I would like to add that
24 throughout these proceedings I have been reviewing the
25 available CoSMoS data without access to the specific numbers

1 and the specific calculations and the specific -- up until
2 after this last testimony was submitted, I didn't have any
3 way to look at where the maximum wave runup was, for example.
4 These evolved profiles that are not yet available. So there
5 has been a lot of information that they have been working
6 very hard to get out. You know peer review publications take
7 time to get published, technical review.

8 A lot of my criticisms have been on the use of the
9 preliminary data and sole reliance on preliminary data by
10 staff that has not shown any additional work other than
11 here's the result and it's not in the hazard zone so it's not
12 a problem, without critically evaluating site conditions and
13 how well the model performs where we do have information.
14 And, unfortunately, that has resulted in this sort of forum
15 where we're now sort of debating science instead of working
16 together to try and improve the science.

17 MS. TAYLOR: This is Marylou Taylor from staff. I
18 don't think that we're debating science. I think science is
19 pretty solid. At least in the staff's position, we're
20 debating assumptions, what assumptions were made for the
21 different models. The different models, they represent
22 different things. I thought as staff that CoSMoS model was
23 the most appropriate. It gave me the information that I
24 needed on flood depth to make a conclusion for this project.

25 HEARING OFFICER KRAMER: Okay.

1 MS. WILLIS: Mr. Kramer, just one --

2 MS. FOLK: Can I ask just --

3 MS. WILLIS: No, just one point. Just to be clear,
4 the March 10th orders did ask staff to conduct the workshop
5 and choose the best approach, and so that's what we did.

6 HEARING OFFICER KRAMER: Right, but I don't think we
7 expected everyone to agree with you either.

8 MS. FOLK: Can I --

9 HEARING OFFICER KRAMER: We turned out to be right
10 about that.

11 MS. FOLK: Yeah. Can I just ask a question of staff
12 about the CoSMoS model? If you'd look at the results that are
13 in Dr. Revell's testimony which show the CoSMoS extent of the
14 dynamic water levels in front of Oxnard Shores, if you were
15 siting a project in that location would you rely on the
16 CoSMoS model to determine whether or not it was an
17 appropriate location?

18 MS. TAYLOR: I think that's a hypothetical. You're
19 asking me to speculate on a siting a project that's on a flat
20 beach without really looking at the site and not knowing more
21 about this hypothetical location that you're talking about.

22 MS. FOLK: But to rely on CoSMoS in terms of the
23 siting decision here.

24 MS. TAYLOR: Based off the conditions of the project
25 site, CoSMoS was appropriate to use. I didn't look at other

1 sites south of the project site to see if they're
2 appropriate. The outcome asked for -- the AFC identified the
3 project site and that is what my analysis covered.

4 MS. FOLK: Did you do any site-specific assessment
5 of the validity of the CoSMoS model for this site?

6 MS. TAYLOR: Can you restate that -- are you asking
7 me did I go, have independent efforts to validate CoSMoS
8 myself?

9 MS. FOLK: I thought that -- right.

10 MS. TAYLOR: No.

11 MS. FOLK: Okay.

12 HEARING OFFICER KRAMER: Okay. I think they're done
13 for the moment, at least. Well, hold on a second.

14 So probably for Mr. Meinart, certainly first, maybe
15 others want to chime in, but -- so the applicant has said
16 through staff and maybe even you directly -- that the project
17 can operate as normal or continue to operate at least with up
18 to, in effect, a foot and a half of water on -- on this
19 graded surface. And that's due to the elevation of an
20 electrical control panel I guess for the gas system. So could
21 that be raised to allow the site of the plant to operate with
22 slightly more water on the site; does anyone know?

23 And that's one question and while you're thinking
24 about that the second is: If the water arises above that
25 level what actually happens? We're assuming the plant has to

1 stop operating, but how long will that cause or require that
2 it cannot operate? In other words, after the waters recede,
3 what does it take to get the plant going again?

4 MR. CARROLL: Well, Mr. Meinart is not in a position
5 to respond to any of those to respond to any of those
6 questions, all of which go to the facility design and how it
7 operates. So unfortunately I don't think we're going to be
8 able to respond to those questions right here today.

9 HEARING OFFICER KRAMER: Okay. Well, they're
10 not critical. But then we will assume that we'll just
11 go with the 1.5 is -- and less is okay, evidence that
12 we have.

13 MR. MINEART: I'll just add one thing. Yeah I
14 can't answer that question because you need somebody
15 that works in the design area. I will just add to
16 that.

17 In the process of design, at least in the
18 pieces that I usually work on, which is the flood
19 part, with the numbers, I usually give them that
20 number and then they design around it. So if it
21 turned out, you know, it was 1.5 or 1.7 and that's
22 what it was, then they would just presumably design
23 around that number. That's the way it's worked in the
24 past on flood studies when we've done site-specific
25 studies and they're actually designing something is I

1 come up with a number and they just design around
2 that number.

3 So I don't know how they design around it
4 (indiscernible), but at least they do.

5 HEARING OFFICER KRAMER: Okay. Thank you.

6 MR. CARROLL: And I guess I would just -- I
7 guess I would just caution that there's been a lot of
8 discussion about, you know, the possibility of a 6-
9 foot differential between the site level and the high
10 water -- or the maximum wave runup level. Even if the
11 dune were not there, you don't have a 6-foot wall of
12 water that runs, you know, 300 feet across the beach,
13 inundates the power plant and stays at that level.

14 So I think we just -- you know, even if we
15 are to assume that some of the levels that we've been
16 talking about somehow get to the site because we
17 assume that the dune doesn't exist, keep in mind that
18 it just was the case in Mr. Revell's video, that's
19 not the way inundation occurs. Inundation comes and
20 spreads out. So that level of water isn't going to
21 necessarily reach the site. We designed the project,
22 obviously, to ensure that any conceivable level of
23 water from any possible source wouldn't adversely
24 affect the project.

25 So I guess my point is we have a lot of very

1 smart engineers who have designed a lot of power
2 plants, who certainly took the possibility of water
3 coming onto the site from the ocean or from the skies
4 or from anywhere else when they designed the plant.

5 HEARING OFFICER KRAMER: Okay. Thank you.

6 MS. FOLK: I guess I have to object, that Mr.
7 Carroll is not a witness with expertise in power
8 plant design.

9 HEARING OFFICER KRAMER: No. We're not
10 accepting his statement.

11 COMMISSIONER DOUGLAS: All right. I think
12 we've heard enough on this. Thank you.

13 HEARING OFFICER KRAMER: Okay. Okay. Ms.
14 Belenky, is she still with us? She wasn't sure, in
15 her statement, if she was going to ask any questions
16 at all.

17 MS. BELENKY: Oh, hello.

18 HEARING OFFICER KRAMER: I presume that you
19 would have spoken up if you had some questions;
20 right?

21 MS. BELENKY: Yes, I would have, and I've
22 been listening very closely. And I think most of the
23 questions that occurred to me have already been
24 asked.

25 HEARING OFFICER KRAMER: Okay. Well, we're

1 just checking to make sure we didn't miss you. It
2 sounds like you're good. Okay. She's already muted
3 herself, so that tells me all I needed to know. Okay.

4 DR. HART: Hi there. This is -- can you hear
5 me? This is Dr. Hart again. Sorry. Dr. Erikson has
6 been able to join back on. So if we can maybe address
7 some of those -- two points while Dr. Revell is still
8 around, could we do that? Or I'm not sure how these
9 proceedings will go.

10 HEARING OFFICER KRAMER: Yeah. Let's take
11 advantage of his ability to rejoin us.

12 DR. REVELL: Li is a gal; a woman, sorry.

13 HEARING OFFICER KRAMER: I'm sorry, yes,
14 you're right, her ability to join us. Okay.

15 Who wants to frame the question? Okay. Well,
16 there was the pink chart, and that was for Dr.
17 O'Neill. I think you took that as homework.

18 The question, Ms. Erikson, Dr. Erikson, was
19 we were looking for more information about how the
20 contribution of river flooding was taken into account
21 in the CoSMoS study?

22 Is that good for everyone? Okay. Nobody's
23 objecting. All right.

24 Do you understand the question, Dr. Erikson?

25 It's un-muted, although I don't see --

1 actually, I don't see a telephone. You probably have
2 to un-mute the call-in users, at least the last
3 couple. Okay.

4 DR. ERIKSON: Hello?

5 HEARING OFFICER KRAMER: Dr. Erikson --

6 DR. ERIKSON: Can you hear me?

7 HEARING OFFICER KRAMER: -- are you there
8 now?

9 DR. ERIKSON: Yes, I am. Can you hear me?

10 HEARING OFFICER KRAMER: Yes. And did you
11 understand the question?

12 DR. ERIKSON: Yes.

13 HEARING OFFICER KRAMER: Okay. Go ahead with
14 your answer then.

15 DR. ERIKSON: So the river flows are input at
16 the upper boundary of the grid, so not by the ocean
17 but inland at a point. And it is simulated with a
18 hydrograph, so water discharge that enters the system
19 from upstream. And then at the ocean end we have a
20 dynamic water level change, according to both the
21 storm surge and the waves.

22 HEARING OFFICER KRAMER: Okay. So one of the
23 alternative models uses, as its assumptions, 100-year
24 storm in the river shed combined with 100-year ocean
25 event, is that was CoSMoS does?

1 DR. ERIKSON: No.

2 HEARING OFFICER KRAMER: So --

3 DR. ERIKSON: We do not assume that the 100-
4 year coastal event occurs jointly with the 100-year
5 fluvial event. And so -- and the fluvial inputs that
6 are used with the 100-year coastal events are not the
7 100-year, more on the order of 5- to 10-year event.

8 HEARING OFFICER KRAMER: So to be clear, 10
9 years on the river, 100 years on the coast?

10 DR. ERIKSON: Uh-huh.

11 HEARING OFFICER KRAMER: Okay.

12 DR. ERIKSON: On that figure.

13 HEARING OFFICER KRAMER: That's yes? So could
14 you --

15 DR. ERIKSON: Yes.

16 HEARING OFFICER KRAMER: If you can expound
17 on why you don't think that those two could occur
18 together where it's reasonable to assume that those
19 two could occur together as 100-year events, we'd
20 appreciate that.

21 DR. ERIKSON: Yeah, not necessarily. If you
22 look -- it's very site specific. It depends where you
23 look. There are studies, I can think of one in
24 particular for the entire coastline of the U.K. where
25 they show, maybe -- I don't know if I want to say or

1 at least part of it, there is a correlation between
2 the extreme fluvial event and the extreme coastal
3 event. And then there are as many, if not more, areas
4 that show that there is no correlation between them.
5 And it's dependent on the geography and the local
6 conditions.

7 We did take a look to see in the Southern
8 California Bight. And from the perspective of the
9 coastal storm, looking at the historical data, we did
10 not see a direct relationship that those always
11 occurred with the peak fluvial event.

12 HEARING OFFICER KRAMER: And how extensive
13 was that data that you compared in years?

14 DR. ERIKSON: It was -- yeah. It was a bit
15 limited. We looked at two sites. I believe it was the
16 Santa Maria River and a near-shore wave buoy, and one
17 more, maybe it was the Ventura, but I'm not certain
18 about that. I'd have to look.

19 HEARING OFFICER KRAMER: And did you say over
20 how many years you looked?

21 DR. ERIKSON: Dependent on the co-occurrence
22 of the buoy and fluvial discharge data, and that's on
23 the order of 20 years or so. It's a bit of guessing,
24 just so you know. But on that order.

25 HEARING OFFICER KRAMER: Okay. Hold on a

1 second. Okay. Thank you. Oh, Dr. Revell may have a
2 question for you, or a comment.

3 DR. REVELL: Yeah. Thank you, Dr. Erikson. I
4 guess my question, for this site did you look
5 specifically at the 1969 flood here which has
6 previously impacted this site?

7 DR. ERIKSON: I did not simulate the 1969
8 flood, no.

9 DR. REVELL: Okay. Another question that came
10 up in Mr. Campbell's testimony was the extent of
11 flooding caused by dynamic water levels that may
12 supersede, you know, a large rain event.

13 I was curious as how the CoSMoS model treats
14 the estuarine shoreline, in particular, activating
15 sort of the back dune area to flooding?

16 DR. ERIKSON: Uh-huh. So that's the hydraulic
17 connection with the grids. So there are 2D grids that
18 extent inland from ocean. And so any back areas,
19 estuarine areas where the water may enter from the
20 ocean side into the estuary, are accounted for in
21 that sense from the 2D grid.

22 DR. REVELL: Okay. And then -- so for these
23 fluvial events associated with the 100-year coastal
24 flood events, what did you find was the sort of
25 controlling -- I mean, I think about these ocean

1 water conditions as sort of the water dam at the
2 bottom of the river, and it's holding up the fluvial
3 flood profile. What sort of metric elevation did you
4 use for expanding that fluvial flood extent?

5 DR. ERIKSON: So I'm not sure I understand
6 your question exactly, but I think you're getting at
7 how did we come up with the discharge rates.

8 DR. REVELL: Let me try and restate. This is
9 a complicated modeling thing and I'm trying to -- so
10 for the boundary conditions in Mr. Campbell's
11 modeling, he evaluated mean higher high water,
12 dynamic wave setup as the downstream boundary
13 condition at the ocean that coincided. Does CoSMoS
14 have a related ocean water level that is
15 correspondent with that river flood, or is that the
16 100-year dynamic wave setup that you're using?

17 DR. ERIKSON: Well, we're getting at the 100-
18 year dynamic wave setup on the coastline, and not in
19 a bathtub sense, so that is a dynamic event.

20 DR. REVELL: Uh-huh.

21 DR. ERIKSON: When the bathtub approach is
22 done, so when that water level is raised along the
23 open coastline to some two percent water level, then
24 that becomes the bathtub model and it assumes an
25 infinite duration of that water level, which would

1 mean that it would be allowed to flow around dunes
2 and on the backside of dunes and such. And so that
3 would give a different answer than if you're
4 dynamically simulating. That peak elevation water
5 level that you get is of limited duration, so it
6 wouldn't flood as much.

7 However, the -- so if we're referring back
8 to Mr. Campbell's modeling results, I think part of
9 the reason why that flooding does reach the site is
10 because it is a static ocean water level, but the
11 fluvial part is clearly dynamic and clearly has an
12 effect when we're talking to large events.

13 DR. REVELL: And so the CoSMoS modeling uses
14 a dynamic ocean boundary condition during the
15 corresponding fluvial event?

16 DR. ERIKSON: Yes.

17 DR. REVELL: Okay. Okay. Thank you for
18 clarifying all of those details that everybody looked
19 at me like I'm crazy asking.

20 HEARING OFFICER KRAMER: Mr. Mineart?

21 MR. MINEART: Could I ask -- this is -- yeah,
22 I just have a quick clarification, which I think you
23 just said.

24 So from the CoSMoS model, you put in a
25 river, a hydrograph for the river, upstream of the

1 mouth somewhere. And then you put a boundary
2 condition out in the ocean, some tide or wave
3 condition out in the ocean somewhere, a long ways
4 offshore. And the boundary at the river was whatever
5 it turned out to be from the calculations within the
6 model; is that right?

7 DR. ERIKSON: Yes.

8 DR. REVELL: So you're --

9 DR. ERIKSON: That's based on the --

10 DR. REVELL: Right. So there actually
11 is --

12 DR. REVELL: Oh.

13 DR. ERIKSON: -- the test.

14 DR. REVELL: I'm sorry.

15 DR. ERIKSON: Go ahead.

16 DR. REVELL: I'm sorry. Go ahead.

17 DR. ERIKSON: That's okay. Go ahead.

18 DR. REVELL: I was going to say, so you
19 actually never put a boundary condition on the river
20 itself, it just was internal to the model?

21 DR. ERIKSON: It's not really internal to the
22 model. We tell it what the peak discharge is and what
23 the hydrograph is with the time series. Now that peak
24 discharge was determined by a relationship that we
25 derived with sea level pressures, so atmospheric

1 patterns and discharges that have been recorded. So
2 basically, it's a little complicated to explain, but
3 we're looking at atmospheric patterns and what reins
4 that results in and what river discharge that results
5 in.

6 And then once we have that relationship from
7 the historical data, now we go into our future
8 coastal storm event and check out all the atmospheric
9 patterns and look for similar sea level pressure
10 gradient that we saw in historical database, and we
11 assign that peak fluvial discharge.

12 DR. REVELL: Right. And that wasn't exactly
13 what I was asking.

14 But I was really saying, that's how you get
15 the river discharge.

16 DR. ERIKSON: Uh-huh.

17 DR. REVELL: And that's actually the only
18 river input, unlike, you know, Chris Campbell's
19 model. He put -- you know, because he did a river
20 model, he put a boundary condition at the bottom of
21 the river to represent the ocean. To represent the
22 ocean in your model, it's just the calculated ocean
23 level, whatever that is, and it's dynamic.

24 DR. ERIKSON: Yes.

25 DR. REVELL: It changes over time.

1 DR. ERIKSON: Correct. Yes.

2 DR. REVELL: Okay. I just wanted to clarify
3 that.

4 MS. FOLK: I was just going to ask a question
5 about the CoSMoS model. So it does not model the 100-
6 year river flood event at all; is that correct?

7 DR. ERIKSON: That is correct.

8 MS. FOLK: Okay.

9 HEARING OFFICER KRAMER: Okay.

10 MR. CAMPBELL: This is Chris Campbell. Just a
11 quick follow-up.

12 Could the CoSMoS model be used to model the
13 100-year flood event with a smaller or less extreme
14 ocean condition? And would --

15 DR. ERIKSON: Yes, it could.

16 MR. CAMPBELL: Would it be able to simulate
17 the joint probability of that 100-year river flood
18 with a smaller event and how it would overtop the
19 banks and effect inundation at the site?

20 DR. ERIKSON: Yes. That is possible.

21 MR. CAMPBELL: And that --

22 DR. ERIKSON: So the question is what that
23 combination is.

24 MR. CAMPBELL: True.

25 DR. REVELL: And potentially hindcast with

1 the 1969 flood event.

2 HEARING OFFICER KRAMER: Is that a question
3 or just a statement?

4 DR. REVELL: I would -- it was sort of a
5 question.

6 If they -- if it could do that, could use
7 the '69 event as a surrogate -- well, as a
8 hindcastable data event, because we have some waves
9 and some winds, and the sea level pressure fields, as
10 well as the stream flow gage?

11 HEARING OFFICER KRAMER: Yeah. Are --

12 DR. ERIKSON: The question, then the other
13 thing that would be needed would be the swell waves,
14 the deep-water waves from '69. I don't think that
15 exists.

16 DR. REVELL: We have the 50-year water levels
17 from the FEMA work that have been referenced several
18 times.

19 DR. ERIKSON: But that's water levels, not
20 waves.

21 DR. REVELL: They're transformed waves from
22 the ever elusive CDIP wave transformation model.

23 DR. ERIKSON: And --

24 MR. VANDEVER: Yeah, that's right.

25 DR. ERIKSON: Okay.

1 MR. VANDEVER: It's water level and wave
2 data.

3 DR. ERIKSON: Um-hm.

4 HEARING OFFICER KRAMER: Okay. So am I
5 hearing that the data is not available to go back to
6 test against the 1969 actual conditions?

7 MR. VANDEVER: No, I think the opposite, that
8 it is available.

9 HEARING OFFICER KRAMER: Oh. Okay.

10 Dr. Erikson, do you agree?

11 DR. ERIKSON: I'm not certain.

12 MR. CARROLL: I'm not -- I'm sorry. And the
13 purpose of doing that modeling would be to --

14 HEARING OFFICER KRAMER: Well, I'm not saying
15 we're asking for it, but I'm imagining the city is
16 going to suggest, among the additional studies that
17 they would like, that that be one of them. So if the
18 answer was that the data is not available to perform
19 the study, that would be illuminating. That's not the
20 answer we just got, though.

21 MS. FOLK: Yeah. That was not the answer.

22 MR. CARROLL: Well, are we talking about
23 modeling for purposes of riverine inundation?

24 MS. FOLK: So --

25 DR. REVELL: The combination.

1 HEARING OFFICER KRAMER: For purposes
2 of -- it sounded like they were talking about running
3 CoSMoS 3.0 with 100-year event data, and then
4 comparing that to what happened in '69 and seeing if
5 -- testing its predictive values. Am I correct?

6 MS. FOLK: I think that was the idea. I would
7 just say that the Staff testimony does say that
8 CoSMoS takes into account riverine flooding, and
9 that's one of the factors that account, you know,
10 mitigates against some of the other assumptions in
11 CoSMoS that are a little less conservative, so -- and
12 we have testimony about the depth of flooding on the
13 project site that Staff has estimated. So it is
14 relevant to the testimony that's been presented and
15 the issue with respect to this project.

16 HEARING OFFICER KRAMER: Well, ultimately
17 it's up to the Committee as to when we've studied
18 enough and made all the reasonable assumptions. And
19 does anybody have anything else? Otherwise, I think
20 we're ready to close down this subject and take a
21 break.

22 DR. ERIKSON: Just one more point on that,
23 sorry. Not to belate it, but for the 1969, the levy
24 was likely not there; right? Because that was prior
25 to the levy event. And I don't know if the dam would

1 have changed a lot between them and now. That's
2 another consideration to consider.

3 HEARING OFFICER KRAMER: Certainly another
4 input.

5 MS. FOLK: Oh, you know --

6 DR. ERIKSON: Yeah.

7 MS. FOLK: -- I'm sorry, I have one last
8 question for Staff. And this is just about the beach
9 and dune monitoring plan.

10 HEARING OFFICER KRAMER: Okay.

11 MS. FOLK: Sorry. I'm really sorry. I just
12 picked this up and realized.

13 So you testified that Staff continues to
14 recommend that condition. Could that provision to
15 trigger further action to address potential dune
16 loss, could that involve sand management on the dune,
17 sand replenishment on the dune?

18 MS. TAYLOR: I don't have an answer to that.

19 MS. FOLK: Excuse me?

20 MS. TAYLOR: I don't have an answer to that.

21 MS. FOLK: Do you know what it might involve
22 to do mitigation -- I'm sorry, what do you call it,
23 beach and dune monitoring plan, could that result in
24 actions that would require, without physical
25 fortification, modification of the dunes, addition of

1 sand?

2 MS. TAYLOR: It could imply all kinds of
3 different things. I'm not in a position to speculate
4 that.

5 MR. CARROLL: Just one more quick thing to
6 add. We referred to it earlier, but the analysis that
7 Mr. Mineart did that's already in the record was for
8 the 500-year riverine event. So I just wanted to
9 remind everybody that we do have a 500-year riverine
10 analysis already completed and in the record.

11 HEARING OFFICER KRAMER: Okay. Thank you. And
12 that, we discussed that in February --

13 MR. CARROLL: Yes.

14 HEARING OFFICER KRAMER: -- to the extent we
15 did, but it was certainly on the table then. Okay.

16 Thank you all. Thank you to USGS. Ms.
17 McNeill [sic], we're looking forward to her reporting
18 on what we technically call the pink sheet.

19 DR. ERIKSON: Oh, excuse me. Sorry. I'm
20 butting in here. She's not available tomorrow.

21 HEARING OFFICER KRAMER: Oh, she isn't?

22 DR. ERIKSON: Yes. But we looked at -- I can
23 respond to it now, if there's two minutes.

24 HEARING OFFICER KRAMER: Okay.

25 DR. ERIKSON: So the red circle were areas

1 that were flooded behind the dunes. So the dune
2 height that Dr. Revell was showing was in front of
3 the dune. And if you go back and look at the -- take
4 a broader picture, zoom out to the image, then one
5 can see in those pink maps that the -- it's water,
6 ocean water that's going around the dunes on the
7 south end and on the north end, making it around, as
8 Dr. Juliette Hart said, (indiscernible) Hart, that
9 she was bringing up.

10 MS. FOLK: Is it --

11 DR. ERIKSON: So it's actually flow going
12 around, not overtopping the dunes but coming around
13 the dunes.

14 MS. FOLK: Is it possible to pull up the
15 figure again?

16 HEARING OFFICER KRAMER: To what?

17 MS. FOLK: Pull up the figure that she's
18 discussing?

19 HEARING OFFICER KRAMER: Oh.

20 MS. FOLK: Sorry.

21 HEARING OFFICER KRAMER: The visual, yes.

22 Where? That was in Dr. Revell's --

23 MS. FOLK: It was in Revell.

24 HEARING OFFICER KRAMER: -- PowerPoint. Okay.

25 And then while we're doing that, just to set

1 up the next item, we are wondering if -- how much
2 time it's actually going to take, and whether we
3 could quickly squeeze that in before we take a dinner
4 break, and then come back at 6:00. I'm guessing that
5 some of the staff witnesses especially were not
6 planning on being here tomorrow.

7 But let me not multitask and get that
8 presentation up on the screen, so that we can deal
9 with this last question about coastal flooding.

10 Dr. Erikson, or whomever that was, that
11 might have been Dr. Hart, we have the slide up on the
12 screen. It's slide number 18. And go ahead and
13 continue with your explanation.

14 DR. ERIKSON: So this is Li Erikson.

15 The red circles that are showing inundation and
16 saying how can this be because the dune elevation is
17 19 feet on the top on the north end, and 30 feet on
18 the south end. So the actual pink areas that you're
19 seeing is not caused by overtopping of the dunes, but
20 it's entering that image from the northern part and
21 the southern part where there are no dunes.

22 HEARING OFFICER KRAMER: And so you're saying
23 that when the sea level is higher it no longer does
24 that to the extent that it does without sea level
25 rise?

1 DR. ERIKSON: Well, the question was on the
2 left figure; correct?

3 HEARING OFFICER KRAMER: Right.

4 DR. ERIKSON: Yeah.

5 HEARING OFFICER KRAMER: So they're dry with
6 two meters of sea level rise, but slightly wet --

7 DR. ERIKSON: That is because --

8 HEARING OFFICER KRAMER: Oh. Okay.

9 DR. ERIKSON: -- on the right figure there's
10 profile evolution. The dunes have migrated landward
11 and somewhat upward as happens over long decadal time
12 periods. And so therefore the underlying DEM there
13 has been change, altered according to the profile
14 evolution for many decades at two meters of sea level
15 rise, so 100 years. And that's why it shows this
16 natural system, and that would be dry, keeping up to
17 the sea level rise, basically.

18 HEARING OFFICER KRAMER: Okay.

19 DR. REVELL: So --

20 HEARING OFFICER KRAMER: Any questions about
21 that?

22 DR. REVELL: Yeah. So by that statement, does
23 that mean that the dunes in front of the site in the
24 CoSMoS model would not be migrating inland because of
25 the non-erodible shoreline assumption?

1 DR. ERIKSON: Yes.

2 DR. REVELL: Ah-ha.

3 DR. ERIKSON: And -- yeah.

4 DR. REVELL: Ah-ha. Okay. That's --

5 HEARING OFFICER KRAMER: Okay. Great. Thank

6 you.

7 DR. REVELL: That's -- that's --

8 HEARING OFFICER KRAMER: So tomorrow's

9 homework assignment --

10 MS. FOLK: Wait.

11 HEARING OFFICER KRAMER: -- is excused.

12 MS. FOLK: Can I as a couple --

13 DR. REVELL: Thank you.

14 MS. FOLK: Can I -- I'm curious about that.

15 HEARING OFFICER KRAMER: Okay.

16 MS. FOLK: So I'm still -- I guess the

17 question on the slide on the left was -- so you see

18 flooding over dunes at an elevation of 19 to 20 feet,

19 but it doesn't extend into the site. And you're

20 saying, Dr. Erikson, is that because it's reach the

21 extent of flooding?

22 DR. ERIKSON: No, because it didn't overtop

23 the dunes.

24 MS. FOLK: But if the dunes --

25 DR. ERIKSON: If you --

1 MS. FOLK: Okay.

2 DR. ERIKSON: If you have the ability to zoom
3 out, you would see that it's actually connected. The
4 water on the inland side of the dunes is connected to
5 the ocean to south and to the north --

6 MS. FOLK: Yeah.

7 DR. ERIKSON: -- of that dune field.

8 MS. FOLK: Yeah. No. I guess the question was
9 if the site itself, you know, the triangle there,
10 right below the red circle, I'm talking about the top
11 circle --

12 DR. ERIKSON: Uh-huh. Uh-huh.

13 MS. FOLK: -- if the site itself is 14 feet
14 elevation, is there a reason why the water would not
15 flow from the 19 to 20 feet into the 14 feet?

16 DR. ERIKSON: I suppose that levy is blocking
17 --

18 MS. FOLK: The levy is at --

19 DR. ERIKSON: -- the flow.

20 MS. FOLK: -- 17 to 18 feet.

21 DR. ERIKSON: I haven't looked at the exact -
22 - if it's 17 to 18 feet, maybe that's -- well,
23 actually, sorry.

24 The land elevation at that point is not 19
25 feet. The red circle does not depict that it's a 19-

1 foot elevation there. That 19-foot, the 20-foot
2 number, refers to the dune that's outside of the
3 circle, in front of, seawards of the circle.

4 MS. FOLK: Let me look at that.

5 DR. ERIKSON: I was confused myself. I think
6 that's --

7 DR. REVELL: Sir --

8 DR. ERIKSON: -- what's happening here. So
9 inside that red circle the elevation is -- I'd have
10 to check, but it's not 19 feet. That's the drier
11 area. --

12 DR. REVELL: So --

13 DR. ERIKSON: -- seaward.

14 DR. REVELL: Yeah. So the dune crests in
15 those circles are topped out around those elevations.
16 There's a portion of those, and they are the
17 westward, oceanward side. But at least in the 2016
18 LiDAR, they were. So we may have a DEM difference
19 here. But the crest of those dunes are -- and that
20 was one of my questions.

21 DR. ERIKSON: Right.

22 DR. REVELL: Yeah. But this --

23 DR. ERIKSON: The crest of the dunes -- I'm
24 sorry. The crest of the dunes are perhaps that
25 elevation, that figure. But the elevation inside the

1 red circle is lower; correct?

2 DR. REVELL: To the east side of those
3 circles. I mean, just for -- again, trying to
4 simplify these and be able to describe them on a
5 PowerPoint slide to non-geeks like us, I try to make
6 them big and bold, so there's some liberties here.
7 But within those circles the crests toward the
8 oceanside are in those elevation plans (phonetic).

9 MS. FOLK: So I guess I'm going to try -- you
10 said within the circle, the crest of the dune?

11 DR. REVELL: Yeah.

12 MS. FOLK: Yeah.

13 DR. REVELL: To the west side of it.

14 Dr. Erikson, I just realized something about
15 this in that the non-erodible shoreline assumption
16 here gets triggered in the CoSMoS model, and so
17 during your dune profile evolution; is that correct?
18 So you could potentially erode the dune over time,
19 and that dune would decrease in your evolving
20 profile, and that would explain why your maximum
21 runup points are well in Harbor Boulevard, because
22 the dune disappears over time?

23 DR. ERIKSON: Yeah. Yes.

24 DR. REVELL: Thank you for clarifying that.

25 Do you know when those evolved profiles will

1 be available for review? Because that's a really --
2 that's one of the cruxes of the discussion we've had
3 for three years, is when those dunes and how those
4 will evolve over time.

5 DR. ERIKSON: Yeah. I can't give a date on
6 that. As Andy said, we have to go through
7 bureaucracy. And I am afraid I cannot give a
8 definitive date on that.

9 DR. REVELL: Okay. Thank you.

10 DR. ERIKSON: I am looking at the elevations.
11 I have the ability here to bring up the DEM. And I
12 believe in that circle, we're talking it's on the
13 order of 2.5 meters of above NAVD 88. And then the
14 levy is higher, from what I can see.

15 HEARING OFFICER KRAMER: Okay. Nobody wants
16 to make eye contact, which I guess means -- well, Mr.
17 Mineart is, but you don't have any questions, sir?

18 MR. MINEART: Well, I'm not going to ask any
19 more.

20 HEARING OFFICER KRAMER: Okay. That was a
21 question, not an order. Okay.

22 We are completing this -- completed with
23 this topic. Thank you all.

24 Before we attempt to seat, if we do, the
25 panel on the next topic, which is Compliance and

1 Closure, I'll ask the parties, let's see, it's really
2 the applicant and Center for Biological Diversity and
3 Staff are the only persons who have identified any
4 time needs. Could we complete this in about ten
5 minutes?

6 MR. CARROLL: I believe so. From the
7 applicant's perspective, we don't have any questions
8 about the staff's analysis. We don't have anything
9 further to say about our analysis, although we're
10 happy to answer questions. We have some concerns
11 about Staff's suggestion of a surety bond, and Mr.
12 Piantka can speak to that. So that's all we were
13 intending.

14 HEARING OFFICER KRAMER: Okay. One thing I
15 noticed in the sample condition that Staff provided,
16 one of the things the Committee was thinking about
17 was requiring, rather than just, you know, the
18 closure and letting the facility sit in place, was
19 its removal. And I don't know if you understand the
20 request that way. But I don't think this language is
21 clear about that.

22 So what did you understand you would be
23 required to do by this condition? And, well, that's a
24 good starting question.

25 MR. CARROLL: So should we seat the witness?

1 HEARING OFFICER KRAMER: Okay. Yeah. Let's do
2 that.

3 So, Mr. Piantka, if you want to, you can go
4 over there, or stay where you are, your choice. You
5 appeared to be tethered.

6 MS. CHESTER: This goes to -- this is
7 Michelle Chester.

8 This goes to information that was prepared
9 by a Staff witness who is on the line and available.

10 HEARING OFFICER KRAMER: Okay.

11 MS. CHESTER: It's Christine Root.

12 HEARING OFFICER KRAMER: Okay. So can
13 we --

14 MS. CHESTER: We don't --

15 HEARING OFFICER KRAMER: -- un-mute --

16 MS. CHESTER: We don't --

17 HEARING OFFICER KRAMER: -- Christine?

18 MS. CHESTER: -- have a presentation, but I
19 just want to let you know, she's available to respond
20 to questions, as is --

21 HEARING OFFICER KRAMER: Okay.

22 MS. CHESTER: -- a condition in her
23 testimony.

24 HEARING OFFICER KRAMER: So, Jeremy, can you
25 un-mute Christine Root?

1 MS. ROOT: Yeah. I'm live --

2 HEARING OFFICER KRAMER: Okay.

3 MS. ROOT: -- if I can answer any questions.

4 HEARING OFFICER KRAMER: Okay. So it sounds

5 like the only issues to talk about, and correct me if

6 I'm wrong -- and, Ms. Belenky, are you there?

7 MS. BELENKY: Yes, I'm here.

8 HEARING OFFICER KRAMER: Lisa Belenky?

9 MS. BELENKY: Can you hear me? Yes, I'm here.

10 HEARING OFFICER KRAMER: Oh. Okay.

11 MS. BELENKY: Can you -- okay.

12 HEARING OFFICER KRAMER: You sound like

13 you're in the back of the room. You just --

14 MS. BELENKY: Well --

15 HEARING OFFICER KRAMER: You just sound odd.

16 Okay.

17 MS. BELENKY: Okay.

18 HEARING OFFICER KRAMER: Okay. So you're not

19 testifying?

20 HEARING OFFICER KRAMER: No.

21 MS. BELENKY: Okay. So those who are here and

22 Ms. Root, if you'd raise your right hand.

23 (Whereupon, George Piantka and Christine Root

24 are duly sworn/affirmed.)

25 MR. PIANTKA: I do.

1 HEARING OFFICER KRAMER: Okay. They all do.
2 Please identify yourselves quickly.

3 MS. ROOT: I do.

4 MR. PIANTKA: George Piantka, NRG, Senior
5 Director of Environmental for the applicant.

6 HEARING OFFICER KRAMER: Okay.

7 MR. LAYTON: Matthew Layton, Staff.

8 MR. KNIGHT: Eric Knight, Environmental
9 Office Manager with the Energy Commission.

10 HEARING OFFICER KRAMER: Okay. And Ms. Root?

11 MS. ROOT: Christine Root, the Compliance
12 Office Manager.

13 HEARING OFFICER KRAMER: Okay. I apologize
14 that we're trying to speed through this, but we are.
15 So as I understand the issues then, Mr. Piantka wants
16 to speak to whether a surety bond is appropriate. And
17 then we have the question I just generated which is,
18 is this going to -- and I'm not saying that the
19 Committee has committed it to anything yet. But what
20 we want to do is know how the parties feel about a
21 possible condition that would require the removal of
22 this new power plant after it was retired and
23 decommissioning -- decommissioned.

24 So with that, Mr. Carroll, do you want to
25 get started?

1 MR. CARROLL: Yeah. So Mr. Piantka is
2 prepared to speak to both of those issues. So I'll
3 allow him to introduce himself and speak to both
4 issues.

5 HEARING OFFICER KRAMER: Okay.

6 MR. PIANTKA: Again, George Piantka with the
7 applicant.

8 So I've been involved with a number of
9 siting cases, as you know. And first, looking at
10 Puente, you know, the original condition, COM-15 in
11 the FSA, we didn't have comments or objection. It had
12 a lot of standard language, which we look at as a
13 planning requirement, to plan for closure. In the
14 case for Puente, we're looking at 30-year time frame.
15 So that's the way we've approached it, and other
16 projects that we've sited recently or amended,
17 Carlsbad comes to example, El Segundo, for example.

18 And also, in looking at recent decision,
19 Alamitos and Huntington for AES come to mind, and the
20 language is very similar, as we see in the FSA. And
21 there isn't this provisional closure plan requirement
22 in there. And I did see Staff's comments and proposed
23 additional language in here.

24 And so our position is, you know, the
25 language in there, and I'm looking at the sample

1 condition of certification, you know, more
2 specifically Staff has language that provide
3 financial assurances to the Energy Commission,
4 guaranteeing adequate and reliable available funds to
5 finance interim operation facility closure and post-
6 closure site care.

7 So that's -- there's not an objection. We
8 think that anything further really is unnecessary. We
9 see this condition as a requirement for us to plan.
10 We have mechanisms internally where we look at a
11 schedule to -- it's end of life, and we have an
12 estimate and estimate how much it would take to
13 proceed with a facility closure, whether it was
14 planned or unplanned.

15 A surety bond is financially burdensome. We
16 just feel it's not necessary. And again, looking at
17 all the projects that I've gotten involved in siting,
18 we've already kind of assumed that the closure
19 requirements means that you need to be prepared at
20 the end of the life and be prepared to fund and meet
21 that obligation, so --

22 HEARING OFFICER KRAMER: Okay. But what does
23 closure mean then? Does that mean -- one level is
24 simply drain all the hazardous fluids and materials,
25 put a fence around it and a padlock and, you know,

1 make it so it's not an attractive nuisance, but it
2 sits there until somebody comes along to perhaps buy
3 it and develop it for some other use.

4 This site seems less amendable to
5 redevelopment than other power plant locations, you
6 know, for instance, which are industrial areas. You
7 know, you have people arguing that, you know, this
8 site is going to be under water, if not by -- they'll
9 say by 2050 but, you know, certainly by, they would
10 say, by 2100. So this may be the last use, you know,
11 beyond say a park or something like that at this
12 site.

13 So therefore, unlike Carlsbad where, you
14 know, the city was just itching to redevelop it for
15 tax-generating uses, this seems less -- much less of
16 a candidate. And that's why we're at least exploring
17 the idea that this current project owner has to be
18 the source of the funds to be able to remove it.

19 MS. CHESTER: If I may, I'd like to prompt my
20 witness on the phone. There's a couple of questions
21 we have prepared that I think would address both of
22 the questions.

23 HEARING OFFICER KRAMER: Okay. Go ahead.

24 MS. CHESTER: So, Ms. Root, I am looking at
25 your direct testimony, and I wanted to ask you just

1 several questions at the end. Please let me know if
2 you have any trouble figuring out where I'm pulling
3 these from.

4 But the first question is: Are you
5 recommending that the Commission include a new
6 condition of certification for financial assurance?

7 MS. ROOT: No, I'm not. I'm not recommending
8 that the Commission include the condition because, in
9 my opinion, COM-13 will ensure closure of the
10 facility.

11 MS. CHESTER: And I believe you said COM-13.
12 Are you intending to refer to COM-15?

13 MS. ROOT: Yes. I'm sorry. So again, COM-15,
14 which is titled Facility Closure Planning, is
15 sufficient to ensure closure of the facility.

16 MS. CHESTER: Do you have any particular
17 reasons that you believe COM-15 is sufficient?

18 MS. ROOT: Yes, I do. The condition requires
19 a number of conditions, including a comprehensive
20 scope of work that itemizes budgets for permanent
21 closure and site maintenance. It requires a final
22 cost estimate for all closure activities. It also
23 requires identification and assessment of all
24 potential direct, indirect and cumulative impacts,
25 imposed in the mitigation measures.

1 MS. CHESTER: If the Committee chooses to
2 require a condition of certification for financial
3 assurance, do you have a recommendation for language?

4 MS. ROOT: I do, and that is included in my
5 testimony.

6 MS. CHESTER: And is it your recommendation
7 that the financial assurance mechanism used must be a
8 surety or performance bond?

9 MS. ROOT: No, it is not. I've specifically
10 provided a recommendation in the condition of
11 certification in my supplemental testimony that
12 allows for flexibility in the type of financial
13 assurance that could be used.

14 MS. CHESTER: Thank you.

15 HEARING OFFICER KRAMER: Okay. So to follow
16 that up, so what -- we still have a question. What is
17 the meaning of closure? Is it removal of all the
18 facility, say to grade, at least, or is it simply
19 making it nonhazardous and putting a fence around it
20 so that people won't -- you know, it won't become an
21 attractive nuisance? That's, I think, the key
22 question, or one of the key questions we have. And I
23 didn't see anything in the condition that speaks to
24 anything more than making it safe and putting a fence
25 around it.

1 MS. FOLK: And I also have a couple of
2 questions about that.

3 HEARING OFFICER KRAMER: You didn't sign up
4 for any.

5 MS. FOLK: I know. But Mr. Piantka is here as
6 a witness, and he was not listed as a witness before.
7 And so now I have some questions that relate to this
8 issue.

9 MS. CHESTER: Was that a question for
10 Christine?

11 HEARING OFFICER KRAMER: Yeah. That was a
12 question for Christine Root.

13 MS. ROOT: So I'll address --

14 MS. FOLK: Also, can I ask --

15 MS. ROOT: -- the first question.

16 HEARING OFFICER KRAMER: Hold on.

17 COMMISSIONER DOUGLAS: Let's let Christine
18 answer --

19 MS. FOLK: Okay.

20 COMMISSIONER DOUGLAS: -- and then everybody
21 --

22 HEARING OFFICER KRAMER: Go ahead, Christine.

23 MS. ROOT: Okay. So if I understand
24 correctly, you're asking me what is the condition of
25 closure at the time it's closed, like if it goes down

1 to grade, or if we just drain all the fluids and, you
2 know, make the site secure; is that correct?

3 HEARING OFFICER KRAMER: Does the condition,
4 as you understand it, as you proposed require that
5 they remove the power plant when it's retired, or can
6 they do something less, like clean, you know, clean
7 up the site of any hazardous materials --

8 MS. CHESTER: Mr. Kramer?

9 HEARING OFFICER KRAMER: -- and fence it off?

10 MS. CHESTER: Mr. Kramer, I would note that
11 the condition she proposed does not touch on that
12 issue, but it is clearly in COM-15 that "permanent
13 plant closure and site maintenance includes
14 dismantling and demolition, recycling and site
15 cleanup, impact mitigation and monitoring, site
16 remediation and/or restoration, exterior
17 maintenance," et cetera. I am reading from the
18 condition of COM-15.

19 HEARING OFFICER KRAMER: Okay. Does
20 it -- it speaks of dismantling, but does it -- is it
21 clear that it's -- was it clear -- let me just ask
22 this. We can always adjust the language to be clear
23 if we don't think it is.

24 But was it intended then to require them to
25 remove the plant?

1 MS. CHESTER: I will let my witness answer
2 that.

3 HEARING OFFICER KRAMER: Christine Root?

4 MS. ROOT: Yeah. COM-15 is designed to assess
5 the situation at the time of closure and to allow for
6 other uses if those uses -- for example, if the
7 facility infrastructure could be used in a useful
8 way, COM-13 [sic] is designed to accommodate that.
9 But it is also designed to tear the facility
10 completely down to grade.

11 HEARING OFFICER KRAMER: It is?

12 MS. ROOT: So it is flexible.

13 HEARING OFFICER KRAMER: Okay. So if they
14 didn't come up with some other use of the existing
15 structures, that was acceptable, then they would have
16 to remove them?

17 MS. ROOT: That is correct.

18 HEARING OFFICER KRAMER: Okay. And did you
19 understand it that way, Mr. Piantka?

20 MR. PIANTKA: Yeah, Mr. Kramer. George
21 Piantka again with the applicant.

22 The language that I -- you know, closure is
23 wanting to be defined. But looking at the conditions,
24 even the proposed conditions in the FSA, dismantling,
25 demolition, you know, we see that as removal. And so

1 when we look at our closure testimony, if you will,
2 you know, we discussed those scenarios where we're
3 bringing it to grade.

4 So my only question or feelings of
5 unnecessary, it's unnecessary to drive to this to a
6 surety bond. I think it's -- I think financial
7 mechanisms is something for us to further discuss and
8 propose as part of the closure process, closure
9 planning. But to be clear, we look at that as removal
10 of the facility --

11 HEARING OFFICER KRAMER: Okay. Good.

12 MR. PIANTKA: -- of Puente, so --

13 HEARING OFFICER KRAMER: So we'll look at the
14 condition with that in mind. And if we think it needs
15 to be a little clearer, we'll propose something along
16 that line. Okay.

17 I'll just say, Mr. Piantka, that the one
18 concern about not having some way of setting aside a
19 pile of money to do this is, you know, quite often at
20 the end, I mean, these are single-facility
21 corporations and they tend not to be very flush when
22 -- at the end of the life of a power plant. So that
23 could leave us with a corporation with an obligation
24 and no way to satisfy it. So, you know, that's where
25 surety bonds kind of come to our mind.

1 MR. PIANTKA: If I may respond, the way the
2 condition has been written historically and the way
3 some of the language in the proposed language from
4 Staff has several scenarios, financial tests, other
5 mechanisms. And what we're basically saying is that,
6 you know, have the option to look at those different
7 mechanisms.

8 HEARING OFFICER KRAMER: Okay. So they do say
9 or -- they say "a surety bond or a CPM-approved
10 equivalent." Does that meet your needs?

11 MR. PIANTKA: Well, you know, the language
12 that was at the forefront of that condition talked
13 about financial assurances and listed a few in
14 turning -- include guaranteeing adequate and readily
15 available funds. A surety bond was among those
16 choices. But I think it's about having flexibility on
17 those mechanisms.

18 HEARING OFFICER KRAMER: Okay. Thank you.

19 Ms. Folk, I note that you did not even ask
20 for any time on this topic, so we're going to have to
21 be very quick.

22 MS. FOLK: Sure. I have one question for
23 Staff, which is whether the condition specifies a
24 specific time for closure?

25 MS. CHESTER: Can you please specify which

1 condition?

2 MS. FOLK: COM-13, I believe.

3 MS. CHESTER: COM-15 is --

4 MS. ROOT: It's 15.

5 MS. CHESTER: -- the proposed condition.

6 MS. FOLK: The one that she was just
7 testifying to that required removal.

8 MS. CHESTER: So she has proposed language
9 for a condition regarding a financial assurance. And
10 we have an existing proposed condition regarding
11 closure.

12 HEARING OFFICER KRAMER: So --

13 MS. FOLK: Right.

14 HEARING OFFICER KRAMER: -- the condition
15 does not -- it's not meant to say they have to close
16 in a particular period of time. All it says is when
17 they do cease operations, then you go through this
18 process.

19 MS. FOLK: Okay. And then to Mr. Piantka, is
20 it true that NRG purchased the Mandalay Generating
21 Station from GenOn?

22 MR. CARROLL: I'm going to object to that
23 question on --

24 MS. FOLK: It goes to financial assurances.

25 MR. CARROLL: -- grounds of relevancy.

1 MS. FOLK: It goes to financial assurances.

2 MR. CARROLL: Well --

3 MS. FOLK: GEN-ON just declared bankruptcy,

4 so --

5 HEARING OFFICER KRAMER: Overruled.

6 Go ahead and answer.

7 MR. PIANTKA: The project we're speaking of
8 is NRG Oxnard Energy Center, LLC. So Puente is, you
9 know, is a project. That's the project owner. So I
10 think we should be speaking or I think we're speaking
11 about Puente, not about any other entity.

12 MS. FOLK: I think this goes to the issue of
13 financial assurances and the concern over the long-
14 term financial stability of the company that would
15 own it.

16 So my question was: Did NRG acquire the
17 Mandalay Facility from GenOn?

18 MR. PIANTKA: NRG acquired GenOn as a --
19 yeah, I answered it, NRG acquired GenOn.

20 MS. FOLK: And did GenOn just recently
21 declare bankruptcy in June 2017?

22 MR. PIANTKA: Yes.

23 MS. FOLK: And are they still a subdivision
24 of NRG?

25 MR. PIANTKA: GenOn is a division of NRG,

1 correct.

2 MS. FOLK: And the company you just mentioned
3 as the owner of the Puente facility, is that a
4 subdivision of NRG?

5 MR. CARROLL: I'm going to object. This
6 witness is not qualified to answer, or at least not
7 prepared today to answer questions about complex
8 corporate structure. And I don't --

9 HEARING OFFICER KRAMER: Well, if he doesn't
10 --

11 MR. CARROLL: -- understand the relevancy of
12 the line of questioning.

13 HEARING OFFICER KRAMER: Overruled. If he
14 doesn't know, he can say that.

15 MR. PIANTKA: I feel like I answered the
16 question. The project owner is NRG Energy Oxnard.

17 MS. FOLK: And is that a subdivision of NRG,
18 the larger company?

19 MR. PIANTKA: That is a division of NRG, our
20 --

21 MS. FOLK: Okay. Thank you.

22 MR. PIANTKA: Yeah.

23 HEARING OFFICER KRAMER: Okay. Thank you.

24 Anything else?

25 Ms. Belenky, did you have anything? You have

1 asked potentially for some time on this topic?

2 MS. BELENKY: Yes. I had a question for
3 Staff. And I think it may come a little bit
4 from -- at the very beginning you, Mr. Kramer, said
5 that you read the Committee orders somewhat
6 differently, and so did I, of a possible scenario of
7 removing the existing project that I guess come from
8 P1 and P2 and comparing that to removing P3 30 years
9 later. And I also read it as more of comparing two
10 different things than what the staff compared.

11 And so my understanding was that we were
12 comparing removing those now with a possible no-
13 project alternative and comparing having the project
14 and then removing P3 later. And so I was actually
15 confused by why certain things came out to be the
16 same in that scenario. Because under one scenario we
17 don't have 30 years of a certain number of power
18 plants on the beach, certainly for visual resources,
19 for example, whereas under the other scenario you
20 have at least two projects on the beach during that
21 extra 30 years.

22 So this may just be how we're reading the
23 order. And I'm not sure what the Committee meant, so
24 I would like clarification of that and how the staff
25 read it.

1 HEARING OFFICER KRAMER: I'm not sure I
2 understand the question.

3 Did you, Staff?

4 MS. ROOT: I believe I was asked to provide
5 my interpretation of what the Committee asked, which
6 I can do, if that was the question.

7 MS. CHESTER: I would clarify for my witness
8 on the phone that I believe now the question is more
9 directed to our witnesses here in person, Matt and
10 Eric, as it touched on an area of the Committee's
11 question that Christine did not address.

12 HEARING OFFICER KRAMER: Okay. Did -- they
13 shook their heads. They didn't seem to understand the
14 question.

15 MR. KNIGHT: Well, I could tell you what we
16 thought the Committee asked us to do, and then go
17 from there.

18 HEARING OFFICER KRAMER: Well --

19 MR. KNIGHT: But I guess she --

20 HEARING OFFICER KRAMER: No.

21 MR. KNIGHT: -- she read what we did and she
22 doesn't think --

23 HEARING OFFICER KRAMER: No. We don't --

24 MR. KNIGHT: -- it would be following the
25 (indiscernible) as it is, so --

1 HEARING OFFICER KRAMER: It's not as if your
2 interpretation is going to change our mind about what
3 we wanted.

4 And so anything else, Ms. Belenky?

5 MS. BELENKY: No. I just -- I'm trying to
6 understand why there was -- I was just reading this
7 Committee order quite differently. And I'm still
8 confused from your earlier statement now, what the
9 Committee was asking. And so it would be helpful to
10 have that clarified because, to me, this didn't
11 answer the question.

12 HEARING OFFICER KRAMER: Okay. Well, no witness can
13 answer that. And I'll just point out that if this project is
14 not approved, then the obligation to tear down the existing
15 facilities is not going to be imposed upon NRG by this
16 Commission because we will not have issued any permit. I
17 don't know if that's relevant to your question.

18 But do you have anything else for the -- for
19 Mr. Piantka or the staff witnesses?

20 HEARING OFFICER KRAMER: Okay. Thank you.

21 MR. PIANTKA: So Mr. Kramer, this is George Piantka
22 again for the applicant. Just wanted to make sure and to
23 follow up to Ms. Folk's questions, so in my role, I'm not
24 expert on corporate association and structure division --
25 division's probably not even the correct word on that. So I'm

1 not certain how to necessarily describe it. So what I was
2 communicating was the ownership of the project itself, NRG
3 Energy, Oxnard, LLC. But I'm not sure division's the correct
4 word so I just wanted to make sure that's -- that's clear.

5 HEARING OFFICER KRAMER: Yeah, I think it was the
6 committee and its -- yeah, you know, in its past experience
7 we know that there are layers of ownership for projects like
8 this. And NRG is I think you would say somewhere in there,
9 you're just not sure of the precise relationships. But I
10 don't think those were important to the point she was making
11 anyway.

12 MR. PIANTKA: I understand.

13 HEARING OFFICER KRAMER: Okay. Thank you all. We'll
14 close this topic and we'll take a break until 6 o'clock where
15 we will return for public comment.

16 MS. BELENKY: All right. Thank you.

17 [Off the record at 5:53 p.m.]

18 [On the record at 6:02 p.m.]

19 MS. SCOTT: Okay, everyone. Thank you so much for
20 joining us at the public comment portion of our evidentiary
21 hearing today. I'd like to start to the public comments
22 with Senator Hannah-Beth Jackson, please.

23 SENATOR JACKSON: Thank you very much for the
24 opportunity to speak to you today. I'm feeling a little
25 déjà vu because I think I was here a few months ago on my

1 way back from Sacramento. And I appreciate the opportunity
2 to speak about this proposed siting a second time because I
3 do feel very passionately. In fact, I did speak on this in
4 Sacramento as well. But I do feel very passionately that
5 constructing this power plant is not in line with the
6 State's goal to move toward total carbon neutrality but
7 instead takes us further away from reducing reliance on
8 fossil fuel plants and our efforts to achieve our renewable
9 portfolio standards. I'm reminded that just this week and
10 in fact just yesterday the governor signed the Cap and
11 Trade bill. This was a very hard fought battle, this Cap
12 and Trade bill. But it sends a signal not only to the
13 people of California and to the people of the United States
14 but to the people of the world that we are committed to
15 ending our use of fossil fuels so that we can address
16 climate change which the governor has referred to as the
17 existential crisis of our time. I don't think there's any
18 doubt about that. And having spent a great deal of time and
19 hearing from my constituents both for passionately and
20 against even more passionately and we did pass that bill.

21 I think it's critically important that we put this
22 project in the context of where California is going, wants
23 to go and must go as the leader in renewable energy and in
24 climate change in this nation and indeed the world. And as
25 I have previously stated, the notion of investing \$250

1 million in a conventional gas-powered plant that runs
2 counter to the state's clean energy policies at a time when
3 we're already experiencing a glut of electricity indeed if
4 the reports that I've been reading are correct, we are
5 giving away our energy because we have too much of it. Why
6 in the world are we considering building yet another gas-
7 powered facility? And at the cost of \$250 million just to
8 build it?

9 So I understand that we're here today to discuss
10 four specific items and I appreciate the ability to vent a
11 little bit about my frustration having again endured this
12 past week and the intensity of that debate over Cap and
13 Trade, but there are four items today including the
14 potential impacts from coastal flooding to the proposed
15 project's operations as well as eventual costs and impacts
16 from decommissioning the proposed project both of which I
17 would like to comment. So on those two items.

18 We already know that sea level rise is inevitable.
19 Siting yet another plant on our coast not only exacerbates
20 our climate change problem, but it places a critical piece
21 of our energy infrastructure in an area highly vulnerable
22 to the threat of flooding. Some may claim that flooding may
23 be mitigated with the use of valuable coastline as a
24 buffer. But if we have learned anything from our recent
25 experience with climate impacts, if we have learned

1 anything from Mother Nature, it is that climate change is
2 accelerating and that impacts can and have been and will
3 continue to be significantly more than what we as human
4 beings can project. Mother Nature doesn't follow our
5 guidelines, doesn't follow our plans. Mother Nature is a
6 force of nature and we have to recognize that as we look at
7 this plant.

8 This plant -- this project, I should say, would
9 continue to disproportionately impact from coastal power
10 plants that the residents of Oxnard, my constituents, must
11 endure. Oxnard -- and this is a staggering concept, is now
12 home to more coastal power plants than any other city in
13 the entire state of California. And this project would
14 continue to saddle an identified environmental justice
15 community with the plant's associated in environmental
16 impacts for decades to come. Additionally, and this is the
17 issue of decommissioning, I can tell you, I've worked for
18 years to secure full decommissioning and cleanup of oil and
19 gas operations in my district which includes all of Santa
20 Barbara County as well, including to this day I can tell
21 you that there are very few, in fact I can't think of any
22 examples, but there might be a few where the significant
23 footprint from oil and gas operations have been
24 sufficiently cleaned up and remediated. It doesn't happen.

25 In fact, as we ramp down oil and gas operations,

1 both offshore and onshore in my district, we're finding
2 that the costs from decommissioning are far more than
3 anyone had projected and that so-called responsible
4 operators tried time and time again to shirk their actual
5 responsibility to fully clean up the impacts that their
6 facilities leave on our waters, our lands, and in our
7 communities.

8 Commissioners, more than five years have passed
9 since the approval process to building this Puente Power
10 Project began. And in that time because technology is
11 moving at the speed of light, we have witnessed a
12 tremendous growth of clean energy technologies and
13 strategies to meet local grid reliability and resiliency
14 needs including demand response, conservation, and battery
15 storage. Other California communities have already
16 benefitted from the use of preferred resources to meet grid
17 resiliency needs. San Diego Gas and Electric I'm sure
18 you're all aware has installed record energy storage
19 capacity years ahead of schedule, including the installing
20 of the world's largest lithium ion battery energy storage
21 facility which I'm told has now been superseded and is in
22 fact a generation or two prior to where we are now. We are
23 moving this technology rapidly. For a plant that will not
24 be built until 2020, I can tell you and I'm sure you know
25 as well, this plant doesn't need to be built. It shouldn't

1 be build, and if it is built, it will be obsolete the day
2 it starts producing its products. It will be obsolete
3 before it begins.

4 Do we want to send that message to the people of
5 California so the good people of Oxnard, this hard-working
6 community, where people have already endured the pollution
7 associated with various power plants, the Halaco slag heap,
8 pesticide production. We have in this community one of the
9 highest percentages of children with asthma. We don't need
10 to add to that. It would be a mistake, it would be wrong
11 from the state of California, and it would be something
12 that I think totally contradicts the efforts we've made to
13 move forward to a clean energy future.

14 Thank you.

15 MS. SCOTT: Thank you. Thank you for being here.

16 I have Tom Steyer followed by Mike Stubblefield.

17 MR. STEYER: Commissioners, fellow Californians. We
18 are here at this hearing to respond to a seemingly simple
19 but absolutely vital question about our future. What do we
20 value as a state? How do we act in our ideals of economic
21 fairness and environmental justice? How will we fulfill our
22 promise of 100 percent clean energy right here in Oxnard in
23 a manner that best serves the interest of all local
24 families and this state as a whole?

25 Last week, as Senator Jackson said, our legislative

1 leaders in Sacramento came together democrats and
2 republicans to answer these questions by passing new Cap
3 and Trade and Air Quality bills. Each of those bills
4 advanced three core goals. First, promote clean air.
5 Decrease pollution statewide with a particular focus on
6 protecting the health of our poorest communities and our
7 poor children. Second, reducing our fossil fuel usage
8 overall, tossing outdated sources of energy into the
9 dustbin of history as we embrace renewables, innovation and
10 research. Third, make that transition to clean energy in an
11 affordable way and in pursuit of a stronger economy, more
12 jobs, and greater opportunity for people throughout
13 California.

14 That's the direction we're heading in as the state. But
15 the Puente Power Project that's before you today goes 0 for
16 3 on these counts. It builds an expensive fossil fuel
17 plant, on a beach, in a low-income community, with no
18 obvious economic benefits or justification. The plant would
19 cost too much, it would drive electricity prices too high,
20 and it would extend a legacy of environmental injustice too
21 far for the people of this city. It will be as Senator
22 Jackson said, completely unnecessary. A project we don't
23 need because we'll soon be able to meet local energy
24 demands in cheaper, cleaner ways.

25 We studied an alternative of renewables plus energy

1 storage based on today's technology. It costs half as much.
2 It produces more jobs. And it safely meets the needs of
3 electricity users. Plus, it starts the process of cleaning
4 up the air and the beach in this community. It would add
5 the Puente Plant as proposed would do nothing to bolster
6 the local or regional economy, and it would be a permanent
7 stain on our state's environmental leadership.

8 We also know that Oxnard city council, Oxnard's
9 representatives at the state and federal levels, Oxnard's
10 residents, all of them, oppose this project despite
11 corporate efforts to silence their dissent. Why is this up
12 for consideration today? The reason is that 60 years ago, a
13 permit was granted, a plant was built on this site, and the
14 technology required at that point that it be on the ocean,
15 and no one cared about this community. Now the same
16 corporate interest who showed up in the '50s to build that
17 first plant know this is their last shot to try it again.
18 The technology does not require this plant to be built on
19 the ocean. But they believe that they can get their way
20 because of the history over the last 60 years of where we
21 are in this community.

22 But this Commission should not let them get away
23 with that. We should stand united for the clean sustainable
24 prosperous future that Oxnard deserves and that the state
25 of California has mandated. We should reject Puente's

1 application and continue the work of building a clean,
2 just, and affordable power system that is designed for the
3 21st Century.

4 Thank you very much.

5 MS. SCOTT: Thank you. Okay, thank you very much. I
6 have Mike Stubblefield who will be followed by Howard Choy.

7 And for those of you who are in the room and don't
8 know about the blue card system, please see our public
9 advisor, she's here at the yellow table waving at all of
10 you. If you fill out a blue card, that's how that I know
11 that you want to make a comment, she'll get those up to me.

12 Mike Stubblefield, are you here to make your
13 comment?

14 Okay. I will go with Howard Choi. And he's followed
15 by Lucas Zucker.

16 Howard Choi, are you here to make your public
17 comment? Okay. I have Lucas Zucker followed by Evelyn
18 Garcia.

19 MR. ZUCKER: Good evening. My name is Lucas Zucker,
20 I'm the policy director for CAUSE.

21 We are here to end the long legacy of environmental
22 racism in our community. For too long companies like NRG
23 has made Oxnard their sacrifice zone for the most polluting
24 facilities in our region, pumping emissions into the air
25 and contributing to some of the highest asthma rates in

1 this state.

2 Whenever utility companies decide they need more
3 production in this area, they follow the same pattern,
4 stick another fossil fuel power plant in Oxnard where the
5 working class live, where the immigrant families live,
6 where they think they can get away with it. It's time to
7 leave that legacy behind and look towards a different
8 future. Our future is not down the holes we drill for oil
9 and gas, poisoning our water, soil, and air and destroying
10 our climate. Our future is in the sun above us, in the
11 renewable energy being built across the world. We have the
12 technology for a better future, the question is whether
13 people like you in Sacramento who make decisions about our
14 community believe that Oxnard deserves that future.

15 All of our elected representatives think we deserve
16 that future. Our city council, our county supervisor, our
17 state legislatures, our congresswoman. You've been at
18 enough of these hearings to know that this community thinks
19 we deserve that future. But NRG seems determined to force
20 us to remain stuck in a past of racial inequality and
21 environmental contamination. This is the wrong project at
22 the wrong place at the wrong time. If this power plant is
23 built, by the time it is turned on and begins burning fuel,
24 it will already be obsolete technology with better cleaner
25 renewable alternatives being used in luckier, wealthier,

1 and whiter communities.

2 The location is clearly in danger of sea level rise
3 and storm flooding from the very climate change that power
4 plants like this are creating. Not only did NRG have the
5 bright idea of continuing to build power plants on the
6 beach but continuing to build them in the community with by
7 far the highest asthma rate in the region that is already
8 the most burden by pollution. Why? Because that's where
9 they've always done it before.

10 It makes even less sense to build fossil fuel
11 plants at a time when California is moving rapidly towards
12 our 100 percent renewable energy target. Building this
13 power plant is like buying a \$250 million gift card to
14 Dunkin' Donuts right before -- right after your doctor just
15 told you you have diabetes.

16 If this Commission is serious about ending the
17 longstanding environmental injustice of power plants being
18 concentrated in low-income communities of color throughout
19 this state, if this Commission is serious about facing the
20 realities of climate change, it's time to start asking
21 yourselves when will you actually start doing things
22 differently? Listen to this community. Oxnard is done being
23 dumped on for the profits of company like NRG. Oxnard is
24 done being the sacrifice zone. Clean air for Oxnard.

25 MS. SCOTT: Thank you. I have Evelyn Garcia followed

1 by Neomi Tungui.

2 MS. GARCIA: Since Puente was first proposed more
3 than three years ago, we have stood against it. I myself
4 have stood against it. Not only because it would continue
5 the cycle of environmental racism but also due to it
6 continuing the damage -- to damage the people of my
7 community. A community of hard-working individuals who
8 deserve the best there is to offer not to be stepped on
9 over and over.

10 California's already oversupplied in gas-fire power
11 plants and Oxnard has been hit the hardest being the city
12 with the most of them. Pollution has run our city for far
13 too long. We want change. Not only for us but for everyone.
14 It is time to steer away from dirty energy and get big oil
15 far away from our backyards.

16 I live in Davis because I go to school but every
17 summer, every vacation, I come here. This is my home. This
18 is where all my family is. Oxnard is the only home I have
19 ever known for most of my life. This is not about you, this
20 is about us. Remember that. Start listening to us and stop
21 stacking these dirty power plants in low-income communities
22 of color.

23 We are warriors, we have been fighting against this
24 for years. You have the power to help us rise or let dirty
25 energy win. And I promise you, if you choose to hurt us,

1 there will be resistance. Enough is enough. We want change.
2 Say no to the power plant, don't let our beautiful city be
3 stepped on by the -- these companies who don't care about
4 us at all. I want you to care for us. We've been talking to
5 you, trying to get you to listen to us. Please listen to
6 us. Clean air for Oxnard.

7 MS. SCOTT: Thank you. I am Neomi Tungui followed by
8 Dane Zuniga -- Dayane Zuniga.

9 Is Neomi here? Okay. I have Dayane Zuniga followed
10 by Karina Montoya.

11 Is Diane here? Okay. How about Karina Montoya? And she's
12 followed by Victor Cortes.

13 Where is everybody? Oh, there you are.

14 MS. MONTOYA: Hi, my name is Karina Montoya. I am a
15 senior at Channel Islands High School. And I'm part of the
16 CAUSE youth organization.

17 Oxnard is home to many people of color. It is a
18 diverse community with 85 percent of people being of color
19 and 75 percent of that being Latinos. But one thing that
20 this community faces is environmental racism. This is when
21 a community of low-income minorities are prohibited from
22 having clean air, water, and a clean environment. Puente
23 Power Plant is a huge factor of our -- of our environmental
24 racism. The NRG Company is planning to build a fourth power
25 plant in Oxnard even after being fought against by hundreds

1 of its citizens for three years.

2 Not only has the community of Oxnard been against
3 it but also our democratically elected representatives are
4 against the project. Supervisor Zaragosa, State Assembly
5 Member Limón, Senator Jackson, and Congresswoman Brownley
6 has all opposed. We as a community have come together time
7 and time again to speak up against this environmental
8 racism.

9 Not only does this community have all the power
10 plants but also a superfund toxic waste site, landfills
11 beneath our grounds and some of the highest levels of
12 agricultural pesticides used in California. We are ranked
13 among 20 percent disadvantaged community in California.
14 Most impacted by pollution. The proposed location is
15 vulnerable to flooding, disasters from sea level rise. The
16 California Coastal Commission unanimously voted against
17 this power plant warning you not to put it in our coast.

18 Climate change is already happening, we see it all
19 over California with droughts, floods, and forest fires.
20 It's time for you to wake up to it. An *L.A. Times*
21 investigation revealed that California has an oversupply of
22 gas -- fire power plants, and it is projected to have 21
23 percent more energy production than we need by 2020.

24 We need the CEC to stop approving the power plants
25 that just make more profits for multibillion corporations

1 like NRG. Stop this injustice and let the citizens know
2 that they are worth having clean air and water. Let the
3 children be able to run and play sports without having to
4 worry about asthma. And stop harming our environment and
5 ruining our beautiful beaches and wetlands. We are fed up
6 with this battle but we will not back down because this is
7 our community, this is our home. And we will keep fighting
8 until there is no more injustices to fight. Clean air for
9 Oxnard.

10 MS. SCOTT: Thank you. I have Victor Cortes followed
11 by Joceline Barrera.

12 MR. CORTES: Good afternoon. My name is Victor
13 Cortes and I am an incoming senior at Hueneme High School.

14 I'm here today with CAUSE to discuss alternatives
15 to the Puente Power Plant. The state of California is
16 requiring 50 percent clean renewable energy by the year
17 2030 and is working towards making it a law to have 100
18 percent clean energy by 2045. The construction of the
19 Puente Power Plant would only steer us away from complying
20 with these laws and set us back in our fight against
21 climate change.

22 The entirety of Oxnard's elected representatives
23 along with County Supervisor Zaragosa, State Assembly
24 Member Limón, Senator Jackson, and Congresswoman Brownley,
25 along with the community itself opposes this project.

1 Oxnard has long been -- been a victim of environmental
2 racism, already having three power plants on its coast. A
3 superfund toxic waste site, multiple landfills, and it is
4 number one in California in pesticide use around high
5 school. We are tired of being handed power plants instead
6 of being offered solar panels. We want to invest in our own
7 community and making it better, not worse for us in the
8 future. As we speak, the city is making major strides to
9 restore its coastline. We value our beaches and we don't
10 like seeing power plants near them.

11 Lately I have been taking surveys and petitions
12 with CAUSE and my family to people in the community to get
13 their input on what they want to see in Oxnard. We are
14 dedicated and actively trying to get to better our
15 community and beaches, so why aren't you? Getting clean
16 energy alternatives like solar and battery storages, meet
17 our energy needs, and would produce more jobs in our
18 community than this power plant would.

19 An *L.A. Times* investigation also revealed that
20 California already has an oversupply of gas-fired power
21 plants and is projected to have 21 percent more energy
22 production than we need by 2020. With the clean air
23 alternatives, this oversupply of energy won't cause us harm
24 and will a step towards the future. My vision has Oxnard
25 using 100 percent clean renewable energy and this power

1 plant will help us -- won't help us get to that. Clean air
2 for Oxnard.

3 MS. SCOTT: Thank you. I have a Joceline Barrera
4 followed by Karen Valencia.

5 MS. ZUNIGA: Hi, my name is Dayane Zuniga. I didn't
6 hear my name earlier.

7 MS. SCOTT: Oh, please go ahead.

8 MS. ZUNIGA: So for three years my city has strongly
9 been opposing the Puente project. The city Oxnard is a
10 thriving community filled with people with potential, lots
11 of talent, and most of all really hard-working. We have
12 been loud, we have been clear, we have traveled, we have
13 made sure that we let you guys know that we do not want the
14 Puente project.

15 You guys are poisoning us, you guys are killing our
16 children. You gave them the asthma. Like, at this point, I
17 don't understand why I'm still here trying to prove to you
18 guys that this is not necessary in my community. We have a
19 fund site, we have various power plants, and just adding
20 another one would just continue the environmental racism
21 that has been hitting my community for years and years.
22 Don't continue the cycle, end it here. Your profits are not
23 worth our health. Save the future, save our children, and
24 most important, make sure that this community is thriving.

25 You have the opportunity to make a change and I not

1 only ask you but I demand that you make a step forward into
2 better and cleaner energy. Clean air for Oxnard.

3 MS. SCOTT: Thank you. I have Joceline Barrera,

4 MS. TUNGUI: Hi --

5 MS. SCOTT: -- followed by Karen Valencia.

6 MS. TUNGUI: Hi. I also did not hear my name. My
7 name's Neomi Tungui.

8 MS. SCOTT: Yes. Please go ahead.

9 MS. TUNGUI: And I want to start off by saying thank
10 you to all of you who are here today to fight for our
11 community. It is because of you guys that we are here and
12 that that plant has not been built here. So give yourselves
13 a round of applause, first of all.

14 I cannot believe that it's 2017 and we're still
15 here fighting for clean energy. [Speaks in Spanish -
16 No puedo creer que es el año 2017 y todavía estamos aquí
17 peleando para aire limpia para nuestra comunidad.] I
18 came here at age 3, this is my second home. I migrated to
19 this country from Mexico and at age 24, I'm still fighting
20 for my community because this is my home, this is where I'm
21 going to see my younger siblings grow and where I'm hoping
22 that I don't see them sick like I see a lot of my family
23 members, a lot of my friends, a lot of the migrant workers.

24 Along with Food and Water Watch, we're here because
25 we continue to see that just like the use and everybody has

1 been mentioning, we have superfund sites, we have oil and
2 gas wells, we're deteriorating this planet quicker than we
3 can fix it. And I think we all know that. But sometimes
4 it's easier to just close our eyes and let our pockets
5 speak for themselves.

6 And, well, if -- my team members from Food and
7 Water could raise your hand, we have a petition going
8 around to sign a petition to stop the expan -- the
9 expansion of more oil and gas wells. And so this is just
10 another example that we have several battles going on in
11 Oxnard and it's really taking a toll on our community to
12 be -- to continue to fight and fight and fight. But let me
13 tell you [speaks Spanish - nosotros somos luchadores],
14 we're fighters.

15 And so again, I remind you, you know, when I see
16 it, I call it out. This is environmental racism, that's
17 what it is. Is it not? So it's pretty clear, we do not need
18 more power plants, we do not need more oil and gas wells.
19 We need thriving communities. How about you give us some of
20 that? We would -- would you guys like some of that? Thank
21 you.

22 MS. SCOTT: Thank you. All right. I have Joceline
23 Barrera followed by Karen Valencia.

24 MR. BARRERA: For 17 years Oxnard has been the place
25 where I call home. And up until a few years ago, I started

1 to not feel safe at home as a result of furthering my
2 knowledge on the air that I breathe. So my questions today
3 are why here? Why Oxnard? Is it -- is it due to the fact
4 that Oxnard is made up of 85 percent people of color and 74
5 percent Latino? Or is it because a superfund toxic waste
6 site landfills and among the highest levels of agricultural
7 pesticide exposure is -- isn't enough to damage to not only
8 our planet but to our health as well? Do we not deserve
9 clean air, a basic element for survival?

10 I love this city and I love the people in it. And I
11 know for a fact that we deserve clean air regardless of our
12 ethnicity, religion, and our beliefs.

13 So please, all I ask for is to stop using us for a
14 sacrifice zone and to help restore our coasts.

15 MS. SCOTT: Thank you. I have Karen Valencia
16 followed by Ruby Rivera.

17 MS. VALENCIA: Good afternoon, my name is Karen
18 Valencia and I am 16 years old and I am here with CAUSE.

19 I'd like to start off by saying that I am against
20 these fossil fuel power plants. Fossil fuels are a major
21 energy source often used in the world we live in today but
22 this can lead to very serious environmental issues such as
23 air pollution which is a big problem here in Oxnard.

24 Oxnard, being one of the smallest cities in
25 California has more coastal power plants lining the

1 coastline than any other -- any other city here in
2 California. Because of this, Oxnard is highly rated as one
3 of the most environmentally impacted disadvantaged
4 communities in the state. One in five Oxnard residents lack
5 health coverage and the asthma rates are above the 90th
6 percentile in the state of California.

7 I'd like to give you great alternatives to fossil
8 fuels such as wind power and solar power. These energies
9 are more affordable and more available. But best of all,
10 these are pollution free, something that the citizens of
11 Oxnard deservingly need.

12 Thank you for listening. I'd like to end this by
13 saying clean air for Oxnard.

14 MS. SCOTT: Thank you. That was Karen, right? I have
15 Ruby Rivera followed by Paulina Lopez.

16 MS. RIVERA: Hi, my name is Ruby, I'm a freshman in
17 a high school and have lived in Oxnard my whole life. I'm
18 part of the CAUSE youth committee in Oxnard.

19 When I think about Oxnard, I just remember the
20 opening theme from *WALL-E*. When he's packing the trash and
21 making it into little cubes and stacking them up on top of
22 one another. The world is abandoned, everyone left because
23 of all the pollution and trash and went to go live in
24 space.

25 This reminds me of Oxnard because when we drive

1 through the city, we see the industries, we see the smoke,
2 and we smell the fumes. Instead of packing the trash and
3 stacking them on top of one another and giving up on our
4 city, we can chose to stop using fossil fuels and use
5 renewable energy so it doesn't end up as a dystopian
6 future.

7 I don't think it's fair that due to our social
8 economic status, we are being sacrificed by having the
9 power plant in our communities for the benefit of others in
10 our region. I don't want to abandon my city. I think it's
11 beautiful and it has the potential but the power plants are
12 making it look and smell foul. You see this is in all of
13 our coast. We the community and the city plans to
14 recuperate our city and remove the industries -- in the
15 industries that line our coast so that we can turn it into
16 a natural, beautiful, and healthy place to live but the
17 power plants are getting in the way of the plans for our
18 future.

19 Are we Oxnard and our beaches not as important as
20 other upper class communities that you don't care about our
21 well-being and are trying to force this on us. We're mostly
22 low income and -- and don't have enough money to take care
23 of ourselves and our families due to the pollution produced
24 by your plants. One in five residents lack health coverage.
25 We are the ones taking all the punches so the other

1 communities can reap the benefit.

2 At the end of the movie *WALL-E*, they see a plant
3 that sprouts in their boot which is the only natural
4 resource they have left. They return to earth and begin to
5 plant these plants, clean up the trash, and start to
6 restore the world. This is how I want our story to end. I
7 want to restore our beaches and clean up our trash for the
8 benefit of our residents and wildlife. Clean air for
9 Oxnard.

10 MS. SCOTT: Thank you. I have a Paulina Lopez
11 followed Lilian Bello.

12 MS. LOPEZ: Hi, I'm Paulina Lopez and I am from
13 Oxnard. I am a senior at Channel Islands High School and I
14 am an intern with CAUSE.

15 I want to emphasize that Oxnard does not need
16 another power plant along the coast. Why Oxnard? Like, why
17 the city that's 85 percent people of color? Why the city
18 that's 74 percent Latino? Not that I wish a power plant
19 upon another city, but why not put a power plant in
20 Thousand Oaks or Malibu? Why choose Oxnard? Why are we the
21 sacrifice zone for power plants? Why is our health
22 compromised?

23 This power plant will rise our already high asthma
24 rates. My cousin grew up with asthma and she couldn't play
25 tag with us for too long. And sometimes her asthma attacks

1 were so bad that she couldn't leave the house. Asthma takes
2 away our children's childhood. That is what this power
3 plant is promoting. We have a toxic waste site landfills
4 beneath our ground and some of the highest -- highest
5 levels of pesticide used in all of California.

6 We are ranked among the top disadvantaged --
7 disadvantage communities in California. All power plants in
8 Ventura County are concentrated in Oxnard. When will it
9 stop? Our city council are all opposed, why isn't the CEC?
10 Is our health not important? If you're going to build a
11 power plant, make it run on renewable energy. There are so
12 many clean energy alternatives like solar -- solar and
13 battery storage. Aren't we worth the investment? Clean air
14 for Oxnard.

15 MS. SCOTT: Thank you. I have Lilian Bello, followed
16 by Maria Palomino.

17 MS. BELLO: Good afternoon, California Energy
18 Commission. My name is Lily Bello, I'm a part of the CAUSE
19 youth committee. And I live in Oxnard and go to Hueneme
20 High School.

21 Sacrifice is all around me. My parents sacrificed
22 and risked everything crossing the border to give me and my
23 siblings a better life. My parents and friends sacrificed
24 their health working the fields so close to the power
25 plants breathing in the polluted air. The word sacrifice

1 has always carried such honor and love for me. It is
2 something that someone does for the benefits of all, but
3 there is no honor, no compassion and no love in sacrificing
4 our community by building a power plant for the benefits of
5 whiter, healthier, and more affluent communities.

6 I hope that when you vote on the construction of
7 this toxic power plant you can look at the faces of the
8 children who suffer asthma due to the breathing of these
9 toxic fumes. They're children like me whose asthma had got
10 in so bad due to these power plants and the bad air quality
11 caused by them, by pesticides and other contaminating
12 sources already in Oxnard that I had to have a home
13 nebulizer that I used daily for years. Finally, my asthma
14 subsided after I moved farther away from the power plants.
15 But after financial trouble, my family had to move to an
16 apartment whose distance from the power plant is no more
17 than a block. And I ask myself why are the power plants so
18 close to low-income housing? Why is it okay to sacrifice
19 the health of these hard-working, struggling individuals?
20 Everybody in the United States has a right to life,
21 liberty, and the pursuit of happiness.

22 Air is a necessity for all human life. Clean air
23 for Oxnard.

24 Thank you.

25 MS. SCOTT: Thank you. I have a Maria Palomino

1 followed by Ruben Flores.

2 MS. PALOMINO: Good evening, my name is Maria. I am
3 from Ventura and attend Ventura High School.

4 I am an intern with CAUSE and today I bring you my
5 concern with this proposed power plant and I say we should
6 not have it.

7 There is something off about the way this power
8 plant is going to be put on Oxnard rather than other places.
9 Oxnard is my neighbor. The fact that it's going to be
10 tarnished by another fossil fuel power plant makes me feel
11 uneasy. Why are communities of color the only ones being
12 targeted? Why should they be the ones that have the power
13 plant put in? You really think this is aesthetically
14 pleasing? You really think families with major health
15 concerns are going to enjoy this?

16 The fact that you support fossil fuel plant -- a
17 fossil fuel plant displays your lack of prudence. It's adding
18 more baggage to the environment. And when it does, you guys
19 are going to come back and ask for newer generations to pick
20 up all the garbage you left. I, a part of the youth, are sick
21 of it. Clean air for Oxnard.

22 THE AUDIENCE: Clean air for Oxnard.

23 MS. SCOTT: Thank you. I have Ruben Flores followed
24 by Jose Salazar.

25 MR. FLORES: Good afternoon. I just want to briefly

1 state my opposition to NRG's proposal to implement a fourth
2 power plant here in Oxnard. The fact that there already
3 exists three power plants within our community should in
4 itself concede some form of refusal to sanction NRG's
5 request.

6 I'm well informed of the detrimental health issues
7 the existing power plants have in our community because I
8 live less than a minute away from the power plant here in
9 Port Hueneme. I am fortunate enough to have nobody in my
10 family that has been diagnosed with asthma; however, I have
11 seen neighbors who have children with asthma and it genuinely
12 tears me apart to acknowledge that these low-income families
13 are incapable of procuring the medical treatment they
14 require.

15 Moreover, NRG is incapable of generating a
16 plausible justification to rationalize their proposal. You
17 are all here by standards tonight of how passionate our
18 community is about averting the fourth power plant. We have
19 no form or being that the decision makers in our home but we
20 are here to inform you of the liability you hold. NRG
21 discerns us as a community of minority and prolong the
22 conventional means of environmental discriminating a city
23 that isn't vastly white.

24 Our city has been already dealing with agriculture
25 pesticides the Halaco toxic waste site and three existing

1 power plants. And NRG declares that the fourth power plant
2 will benefit the city. In reality, we know that NRG
3 deliberately seeks to incorporate an additional power plant
4 for profit and power. It'd eradicate any form of reverence.
5 Clean air for Oxnard.

6 THE AUDIENCE: Clean air for Oxnard.

7 MS. SCOTT: Thank you. I have Jose Salazar followed
8 by Adam Vega. I think that's what that says.

9 MR. SALAZAR: My name's Jose Salazar. I attend
10 Hueneme High School and I'm a senior. I'm her with CAUSE
11 today to speak to you about how Oxnard is being taken
12 advantage of and the community, city, and environment paying
13 for it.

14 Oxnard has been a safe zone -- sacrifice for the
15 region's most polluting industries for too long. Ventura and
16 Santa Barbara County has used fossil fuel powered plants and
17 dumped it in Oxnard for generations. There is a large amount
18 of Hispanics and Latino community. There's a large amount of
19 Hispanic and Latino community in Oxnard and is being affected
20 by these fossil fuel power plants, pollution.

21 In this community, asthma rates is at the top 10
22 percent of this state because we lack clean air. There are
23 three fossil fuel power plants, a superfund toxic waste site,
24 landfills, and high levels of agricultural pesticides in
25 Oxnard. So adding another fossil fuel power plant to this mix

1 would just worsen Oxnard's conditions and impede any course
2 of action that is taken to reform Oxnard's environment, city,
3 or community. Why force this power plant on to our community
4 when it has already and will continue to have this disastrous
5 effects on the people and the coast.

6 Although fossil fuels are easier to find, they
7 release carbon dioxide into our atmosphere causing sea levels
8 to rise, warmer climates, and pollution. All these things are
9 -- all these things that we have seen in our -- in our
10 community. Therefore, as Oxnard is being a mainly low-income
11 city, highly polluted city and now having this -- to deal
12 with this, it's time to give Oxnard a break. Clean air for
13 Oxnard.

14 THE AUDIENCE: Clean air for Oxnard.

15 MS. SCOTT: Thank you. I have Adam Vega, followed by
16 David Gonzalez.

17 Is Adam here? Okay. I have David Gonzalez, followed
18 by Musa Basseyy.

19 Do I have either David or Musa here to make
20 comment? Okay.

21 How about Victor Melgoza. Victor?

22 All right. I will try Andrea Ramos. Do I have
23 Andrea Ramos here?

24 Saray Padilla? Oh, I see her. Come on up.

25 And I will -- I'm going to add them back to the

1 bottom of the pile, so I'll come back around for the people
2 who weren't here. Please go ahead.

3 MS. PADILLA: Good evening. I started with this
4 fight at the end of my sophomore year in high school. Now I'm
5 a sophomore in college. It's been three years and I'm still
6 here fighting vigorously and not willing to give up.

7 Our city is conceived of a majority of low-income
8 citizens which makes it an easy target to be a dumping
9 ground. This is clearly environmental racism. Instead of
10 damaging our beautiful wetland, we should be protecting
11 Ormond Beach. There's plenty of environmentally friendly
12 alternatives that can be utilized which won't harm our
13 citizens like how these power plants are doing right now.
14 Clean air for Oxnard.

15 THE AUDIENCE: Clean air for Oxnard.

16 MS. SCOTT: I have Christian Quirino followed by
17 Irene Valencia.

18 Christian, are you here?

19 MS. QUIRINO: I'm here.

20 MS. SCOTT: Oh, high. Please go ahead.

21 MS. QUIRINO: Hello. My name is Christian and I'm a
22 global study student at Cal State Channel Islands. I live
23 here in Oxnard.

24 So I was looking at NRG's website and I saw this.
25 NRG's website for its bridge to nowhere when the power

1 project claims that P3 will bridge a transition from fossil
2 fuel generation to a less impactful natural gas utilizing
3 future. The future that NRG suggests is a result of
4 California's once-through cooling water policy adopted on
5 May 4, 2010 by the state water board which sought to protect
6 the condition of the Pacific Coast, its estuaries, and
7 wildlife from against the harmful effects of coastal power
8 plants.

9 Southern California Edison is faced with this,
10 heavily modified the existing plants or retire them. I say
11 retire them. Retire the Mandalay and Ormond Beach plants and
12 do not construct P3. California Public Utilities Commission
13 says Southern California Edison must find a source for 290
14 megawatts of energy if it takes down Mandalay and Ormond. And
15 so if we need local generation, then listen to the local
16 voices when they demand an environment free from degrading
17 technologies.

18 We demand local conditions in tune with Goal 7 of
19 the United Nations Sustainable Development Goals, goals that
20 transform local and global conditions. We must change the out
21 of sync paradigm of merely thinking about tomorrow or next
22 week or only our lifetimes to a paradigm that deeply
23 considers future generations and the negative effects that
24 our decisions and inaction will have on them. Goal 7 seeks to
25 ensure access to affordable, reliability, sustainable, and

1 modern energy for all. Let us invest in completely true
2 renewable energy like solar so that we may meet the global of
3 substantially increasing energy efficiency and share of
4 renewable energy. No P3. No P3. No P3. Renewable energy.
5 Clean air for Oxnard. Thank you.

6 THE AUDIENCE: Clean air for Oxnard.

7 MS. SCOTT: Thank you. I have Irene Valencia
8 followed by Sofia Vega.

9 MS. VALENCIA: Good afternoon. Dear CEC and NRG, I'm
10 a resident of Oxnard. I'm here today as a concerned citizen,
11 but first and foremost as an advocate for environmental
12 justice.

13 I have family members that live just minutes from
14 the Mandalay generating station. They like to ride their
15 bikes to the beach, take their dogs for a walk, just as I'm
16 sure many of your own children like to do. However, they deal
17 with asthma and thanks to the poor air quality that continues
18 to grow in our community, it just makes it worse to come out
19 in the day, especially during these beautiful summer
20 weathers.

21 At ages 21, 19, and 15, what do you expect their
22 health quality to be like when they're your age? And then
23 when we think about the healthcare bill wanting to roll back
24 coverage for preexisting conditions, it just makes matters
25 that much worse.

1 So I'm here today to remind you that enough is
2 enough is not a suggestion, it is a statement. And it seems
3 like there's no clear definition on what our community needs
4 so I'm here to list them for you.

5 We need to regulate the pesticide use, especially
6 around the schools. We need to invest in more after school
7 programs and academics that steer our children away from
8 gangs and drugs and get them closer to graduating from high
9 school. If you didn't know, Oxnard has the lowest graduating
10 turnouts in high school.

11 We need to invest in more outreach efforts for the
12 mentally ill of our community, especially the Latino
13 population.

14 And we need to continue to renovate our parks, our
15 beaches, our infrastructure and our transportation system. We
16 need to explore opportunities for renewal energy in our
17 community. But more importantly, we need to remind our
18 community that we care and if you had -- didn't notice, I
19 didn't say we don't need another power plant on our beach.

20 So to the CEC, your values statement reads: The
21 California Energy Commission's highest responsibility is to
22 the people of California. Let me repeat that. Your highest
23 responsibility is to the people of California.

24 And to NRG, our core values are safety, teamwork,
25 respect, integrity, value, creation, and exemplary

1 leadership.

2 Well, do you consider the safety and the well-being
3 of our community of members when you were planning the power
4 plant project? Have you met with our community members to say
5 that you've worked in a teamwork effort? Are you respecting
6 the community's request to not install an additional power
7 plant on our beaches? It says here you listen closely and
8 strive to be a good neighbor. Well, you can be a good
9 neighbor by getting off our lawn. But if you want to be a
10 great neighbor, you can clean it up for us too.

11 [Audience cheers]

12 MS. VALENCIA: To put it simple, at the root of
13 everything is our health and dignity as human beings. Three
14 years of battling to prove to you that our lives matter makes
15 me sick to my stomach as I'm sure that the word Puente
16 Project gives you some psychosomatic symptoms as well.

17 And I'm not just speaking on some emotion as some
18 plant workers have suggested we do, I'm speaking on your
19 legal obligation to public health and the plethora of
20 evidence that indicates our community needs help.

21 I will leave you with this quote from the National
22 Association of Social Workers: Peace is not possible where
23 there are gross inequalities of money and power, whether
24 between workers and managers, nations and nations, or men and
25 women.

1 I am confident that you will stand on the right
2 side of history. Thank you. And clean air for Oxnard.

3 THE AUDIENCE: Clean air for Oxnard.

4 MS. SCOTT: Thank you. I have a Sofia Vega next,
5 followed by Jessica Torres.

6 MS. VEGA: Good evening. My name is Sofia Vega and I
7 live on the south side of Oxnard where I'm a block away from
8 where the current power plant is so I can see the fumes of
9 smoke coming out day and night. Gloomy or not, it is there.

10 Oxnard must not continue being a sacrifice for
11 polluting power plants. We deserve clean air free of air
12 pollutants like other cities that don't currently have a
13 power plant. Our parents, our siblings, our children, our
14 neighbors, and our community have a right to enjoy our local
15 beach area and live and breathe in a smog-free city.

16 The Center for Disease Control and Prevention has
17 affirmed that outdoor air pollution is a major factor that
18 can trigger an asthma attack. Which in most cases, they do
19 have been over the course of years, months, weeks, or days. I
20 have suffered from having asthma. I have seen my youngest
21 sister suffer from asthma as well. And I've seen students at
22 our local and nearby elementary school right off of Perkins
23 and Hueneme Road deal with asthma, having inhalers during
24 recess, during PE, having a hard time trying to run among
25 other health issues.

1 We need a cleaner air for Oxnard. Guys.

2 THE AUDIENCE: Clean air for Oxnard.

3 MS. VEGA: Let's try that again. Ready?

4 Clean air for Oxnard. That's what we need.

5 THE AUDIENCE: Clean air for Oxnard.

6 MS. VEGA: Thank you.

7 MS. SCOTT: Thank you. I have a Jessica Torres,
8 followed by Michelle Hasan -- I don't quite know how to say
9 your name, I'm so sorry. Hasandonckx, it looks like.

10 Go ahead.

11 MS. TORRES: Hi, my name is Jessica. As you all
12 know, Oxnard has three power plants. So is another one really
13 necessary? For what? To pollute the air even more? To harm
14 our own citizens? As we've said before, Oxnard is the number
15 one city in California with the highest rate in asthma. It's
16 ridiculous to think that this battle has been going on for
17 three years. I remember being a sophomore speaking up at
18 these hearings thinking it was going to be a pretty obvious
19 decision. But I guess not.

20 So here I am again today asking for clean air for
21 Oxnard.

22 THE AUDIENCE: Clean air for Oxnard.

23 MS. SCOTT: Thank you. I have Michelle Hasendonckx,
24 please say your name, I'm sorry about that. And you're
25 followed by Elma del Aguila.

1 MS. HASENDONCKX: Hello, good evening. My name is
2 Michelle Hasendonckx. And I'm a resident of South Oxnard.

3 Thank you to the California Energy Commission for
4 coming back to Oxnard and to hear from the community our
5 thoughts on this issue.

6 The first time you came around, there was
7 resounding opposition to the plant being built on our beach.
8 We said no. When other agencies have come to hold public
9 hearings, there are -- there was also resounding opposition
10 to the power plant being built on our beach. We said no
11 again. When the Oxnard city council voted unanimously against
12 the power plant being built on our beach, they said no. When
13 our county supervisor, state assemblywoman, state senator and
14 congressman all spoke out in opposition to the power plant
15 being built, they said no. And when the California Coastal
16 Commission voted unanimously against this power plant, they
17 said no. And here we are again. I think the message is clear.

18 Puente means bridge in Spanish. Bridges are
19 supposed to help you cross something, they're supposed to
20 help take you somewhere. This Puente is taking us backwards.
21 Meanwhile, California is moving forward. Fifty percent clean
22 renewable energy by 2030. California is now a world leader
23 and thinker on climate change. Why would we ask Oxnard to
24 move backwards? What is it about Oxnard that makes it seem
25 like we would despite all the science, climate change and sea

1 level rise, despite all the studies, beach sand depletion;
2 despite all the articles, the L.A. Times investigation that
3 revealed oversupply of gas fired power plants and 21 percent
4 more energy production than needed.

5 What is it about us that makes it seem that we
6 would want let alone be told we need another power plant in
7 our back yard? There are some other words in Spanish for
8 this. [Speaks Spanish - racismo, injusticia] Racism and
9 injustice. This is environmental racism. Oxnard is ranked
10 among the top 20 percent of disadvantaged communities in
11 California impacted by pollution. Oxnard has too long borne
12 an unfair burden for the region to host these power plants.

13 I do not want to see Oxnard continue to be treated
14 like a dumping ground. Our residents and especially our youth
15 deserve much better than this.

16 So thank you for coming back and thank you for your
17 good faith consideration. I hope you do right by our
18 community and reject the Puente Power Plant.

19 Clean air for Oxnard.

20 THE AUDIENCE: Clean air for Oxnard.

21 MS. SCOTT: Thank you. I have a Elma Del Aguila
22 followed by Ocil Herrejon.

23 MS. DEL AGUILA: Hello. My name is Elma Del Aguila.
24 For the last three years, I've come to countless meetings
25 expressing my concerns as a lifelong resident of Oxnard over

1 the construction of the Puente Project.

2 We already have the Halaco superfund site,
3 excessive amounts of agriculture pesticide use, and three
4 other power plants. These polluting projects have only
5 contributed to Oxnard being in the 90th percentile of asthma
6 rates. This is an unnecessary and unwarranted burden that for
7 years my community has had to bear. We are a majority low-
8 income community of immigrants that have had to face
9 environmental racism all our lives. These polluting practices
10 would never happen in more affluent communities such as
11 Malibu or Santa Barbara.

12 Due to the length of these proceedings, it seems
13 like ages ago that our city council members unanimously voted
14 a moratorium on the construction of power plants. Since then,
15 my community members have taken time off work and missed
16 school to go to city council, PUC, and CEC hearings. We have
17 even traveled to both San Francisco and Sacramento to speak
18 out and make sure our voices are heard. We've had multiple
19 state officials sign on in opposition to the project. Even
20 separate agency such as CAISO have offered to take charge and
21 do a study on the environmental impact of the project despite
22 NRG's outright opposition to further study on alternatives.

23 As a community, we've spoken out for ourselves and
24 for the endangered species of the Ormond Beach wetlands.
25 These animals whose entire lives depend on the health of

1 their habitat and the effort we as people put in to protect
2 them from ourselves. We are done with the dismissive
3 attitudes. Climate change is real. It affects every nation,
4 every community, and every one of us. In turn, every nation,
5 community, individual, and government agency should do their
6 part to move us forward into the future and not back into the
7 past.

8 In the movie *The Lorax*, industrial polluting
9 practices brought about degeneration of air quality in the
10 city of Needville to the point where the residents bought
11 bottled clean air from O'Hare Industries. Seems a bit
12 similar, doesn't? I don't know about you, but I would be
13 scared for the future if children's storybooks started to
14 become a reality. Clean air for Oxnard. Thank you.

15 MS. SCOTT: Thank you. I have Ocil Herrojon followed
16 by Steve Nash.

17 MS. HERROJON: Hi. We've prepared a song for you
18 guys. So can the crowd take out their lyric sheets, please?

19 AUDIENCE SINGS SONG [LYRICS]:

20 NRG is a company with an evil scheme. They said
21 don't mind their polluting 'cause we are the one who will
22 have all of the power plants!

23 They think Oxnard's a slum, but our beach is not a
24 dump!

25 They said their name was NRG, and they caused a

1 scene. They said our beach wasn't clean, so we'd be the one
2 who will have all of the power plants!

3 People always warned me be careful what you choose,
4 don't go around polluting young kids' lungs! Mother always
5 told me be careful who you trust, and be careful of what you
6 do 'cause NRG will lie to you!

7 NRG is not our lover! They pick on Oxnard and think
8 that we are the one, but our beach is not a dump! They think
9 Oxnard's a slum, but our beach is not a dump.

10 NRG is not our lover! They pick on Oxnard and think
11 that we are the one, but our beach is not a dump! They think
12 Oxnard's a slum, but our beach is not a dump.

13 MS. HERREJON: Clean air for Oxnard.

14 MS. SCOTT: Thank you. That's the first song I've
15 gotten in a public comment. Thank you.

16 I have a Judith Duncan next, followed by Dick
17 Jaquez. Steve Nash left comments to be read into the record,
18 so that's why we jumped over him to Judith.

19 Are you here, Judith?

20 Okay. I have Dick Jaquez next.

21 MR. JAQUEZ: Good afternoon. My name is Jaquez.

22 MS. SCOTT: Jaquez.

23 MR. JAQUEZ: J-A-Q-U-E-Z. It's been wrong for 50
24 years.

25 I've been a resident of the city for over 70 years.

1 And during that time I breathed all the bad air and the good
2 air and all the air that had. I was a teacher and a cook for
3 31 years in the local high school system and a high school
4 board member for 12 years. For 12 years I was proud to
5 advocate for this community and more importantly for these
6 youngsters that come up here and have been talking. And I'm
7 glad to hear them express an opinion, I really do.

8 But I've followed this project from the very
9 beginning and some of the things that were said I researched
10 them to my satisfaction. And first of all, the pollution
11 problem, I certainly don't want to live in a polluted world.
12 And so I looked at the project and the fact of the matter is
13 is it's going to be less pollution than there is right now.
14 That's just in your report.

15 The unsightly building we have on the beach over
16 there -- by the way, when I was a sophomore in high school, I
17 tried to body surf out there, along with the rest of us, and
18 you couldn't do it, the beach is so tough, it's very
19 dangerous out there. So as far as swimming out there, I don't
20 think that's taking it away from our youngsters because I
21 think it's too -- too dangerous.

22 And the idea of that building, if this project
23 doesn't go through, that building's going to be out there
24 forever. It costs so much money to get rid of that thing,
25 it'll just be there and never go down.

1 But I'm really, really talking about today is jobs.
2 I see this project as something that we need. We need -- we
3 need jobs in this city. I don't know what they've told you in
4 the political world, but we need jobs because we need money.
5 And wouldn't it be with these youngsters out there would be
6 working for a national firm, not necessarily NRG but somebody
7 like this, wages where they could buy a house with a back
8 yard and they get -- and they get retirement and good wages.
9 The city -- this city needs the millions of dollars that's
10 going to be generated by this -- by this project because we
11 do need it. The sales tax and the property tax. Oh, my
12 goodness.

13 Actually, myself, I'd like to see Oxnard get into
14 the energy business. Because I was looking at all the cell
15 phones and everything and I wondered where the energy came
16 from to keep those things going.

17 I just hope that -- I just hope that you've looked
18 everything and -- you've looked at everything, you've
19 mitigated everything, everything's been approved by the state
20 or whatever and we're down to this position right now. And I
21 would hope that you would give it a look see and give it
22 approval. Thank you.

23 MS. SCOTT: Thank you.

24 THE AUDIENCE: Clean air for Oxnard.

25 [Different comments yelled out by the audience including

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Boos]

MS. SCOTT: Let's -- I have next -- so let's have -- no, no, we want to make sure everyone feels comfortable to speak their minds.

Let me have Dick Thompson next, followed by Michael Wynn Song.

MR. THOMPSON: Good evening. My name is Dick Thompson and I'm president of the Ventura County Taxpayers Association. On behalf of VCTA, I'm here to register our strong support for the proposed Puente Power Project.

For over 60 years VCTA has been looking out for the interest of Ventura County taxpayers. VCTA, frankly, is baffled by the resistance to this project. The proposed project will bring these benefits: System reliability for the region will be maintained and improved. The local economy will benefit. Estimates of over \$100 million through the demolition phase and construction. Tax revenues, an ongoing benefit, will be enhanced. And the estimate there is close to \$3 million. That's money for parks, money for schools, that's money for the outreach programs that a number of people have mentioned here.

Two obsolete coastal power facilities will be shutdown, that's been requested several times tonight, site cleared and replaced. And they will be removed from Ormond Beach. They'll all be replaced with one smaller modern

1 facility. Air quality will not be harmed. I live here too.
2 Also my children and my grandchildren live here. Simply
3 stated, this is a great deal for the region and the city of
4 Oxnard. It's time to move forward on this project.

5 MS. SCOTT: Thank you. I have Michael Wynn Song,
6 followed by Jordan Poluck.

7 MR. SONG: Good evening, California Energy
8 Commissioners, NRG, my name is Michael Wynn Song. I'm VP for
9 community relations for Glovis America, located on the Navy
10 base here in Port Hueneme. I'm also a director for PORTUS, a
11 business alliance of 20-plus companies working in Port
12 Hueneme.

13 I have provided previous testimony to the critical
14 importance of reliable power for the business of Port
15 Hueneme. As we await final decision on this project, I wish
16 to share my final thoughts on this project and explain once
17 again why it is beneficial for the city of Oxnard. As a key
18 participant in the Port Hueneme business community who
19 employs over 300 employees, we rely on continuous dependable
20 power to keep our business operating, functioning at will.

21 From all the possible sites identified in the final
22 staff agreement, Mandalay Beach is ideal. There is no need
23 for additional transmission lines and it is consistent with
24 current uses around the site. Placement of this project near
25 Ormond Beach would not be environmentally suitable due to the

1 wetlands restoration in that area. As I have previously
2 stated the last time I appeared before this commission, this
3 project is an exceptional opportunity to modernize an aging
4 power generating facility. Mandalay fits reliability needs
5 for our area and fulfills the 230 to 290 megawatts of gas-
6 fired resources that the public utility commission has
7 authorized.

8 On a personal note, I live within a mile and a half
9 from the site that we're discussing here this evening.
10 Furthermore, we hire and employ more than 300 people less
11 than three miles from the site. If this -- if we felt that
12 this was detrimental to their health, we would of course not
13 support this project. And on a personal note, just earlier
14 this spring my brother visited Oxnard here from Texas. He has
15 COPD and I asked him one day how the air, breath, breathing
16 quality was. And his response to me was: Michael, I'm 59
17 years old and I'm breathing better here than I do in 100-plus
18 degrees in Texas.

19 So I asked the staff please keep note of this site
20 as the best location in our county that fits the requirements
21 for continuous safe power to the city. Thank you for your
22 time.

23 MS. SCOTT: Thank you. I have a Jordan Poluck
24 followed by Tony Skinner.

25 Just as a reminder as Jordan is coming up to the

1 microphone, if you'd like to make a comment, our public
2 advisor's over here to my right at the yellow table, she's
3 got the blue cards. Please just fill one out, she'll bring
4 them up to me, and that's how I know that you'd like to make
5 a comment.

6 Please go ahead.

7 MS. POLUCK: Hello. My name is Jordan Poluck and I'm
8 a junior at Ventura High School as well as an intern with
9 CAUSE.

10 As a resident of Ventura, I can visit my beach
11 nearly every day without power plants and for that reason, I
12 can easily breathe. Oxnard deserves to be able to do the
13 same. Obviously, Oxnard has been Ventura County's sacrifice
14 zone for far too long simply because it's populated by
15 communities of color. Clean air and accessible beaches
16 without power plants have become a privilege in Ventura
17 County but it shouldn't be. It's a necessity for all
18 residents of all cities in Ventura County. No longer will
19 Oxnard be Ventura County's sacrifice soon simply because of
20 NRG's environmental racism.

21 And on a personal note, I have suffered from asthma
22 my entire life and I can speak on behalf of young children
23 who suffer that and you're never treated the same. You aren't
24 able to really enjoy your childhood. Maybe you're the slowest
25 and you can't keep up with everyone else or you're like me

1 and you have to be put on breathing treatments nearly every
2 day. That was much of my childhood. And even though I didn't
3 grow up in Oxnard, I can attest that no one should suffer
4 that fate. Clean air for Oxnard.

5 THE AUDIENCE: Clean air for Oxnard.

6 MS. SCOTT: Thank you. I have Tony Skinner, followed
7 by Denise Mondragon.

8 MR. SKINNER: Good evening. My name's Tony Skinner.
9 And I'm the executive secretary and treasurer of the Tri
10 County Building Construction Trades Council and president of
11 the International Brotherhood of Electrical Workers, Local
12 952, in Ventura. And here to show our support for the Puente
13 Power Plant.

14 I represent thousands of union construction men and
15 women in Ventura, Santa Barbara, and San Luis Obispo
16 Counties. This 262 megawatt plant will be an efficient, fast
17 starting energy efficient power plant that will complement
18 renewable energy and give us a stable, reliable supply of
19 energy. This plant which is covered under a project labor
20 agreement will be built by the most highly trained, skilled,
21 and safe workforce anywhere and will also provide training
22 for all our state approved apprenticeship program ensuring a
23 steel workforce for decades to come.

24 The construction industry in Ventura County has
25 never recovered from the 2008 crash. And the latest figures

1 show we are still 5,000 jobs down from our peak before the
2 crash. This will be a boom to our industry as well as
3 business in the County as it will be built with local labor
4 We are not adding another power plant, we are replacing a
5 fossil with the newest state of the art technology. I urge
6 the Commission to approve this project and let the most
7 highly trained workforce build your project. Thank you.

8 MS. SCOTT: Thank you. I have Denise Mondragon,
9 followed by Charles McLaughlin.

10 MS. MONDRAGON: Hello. My name is Denise Mondragon,
11 and I'm an intern with CAUSE.

12 I live in Santa Paula and although this hearing is
13 based in Oxnard, I'm still opposed to the power plant. Not
14 too long ago a power plant was also proposed to be built in
15 Santa Paula. Both Santa Paula and Oxnard have a lot in
16 common. Both are made up of about 70 percent or more Hispanic
17 people and both were targeted to become a polluted area.

18 My question today is why? Why don't we use clean
19 and renewable energy in these areas instead? Why is Oxnard
20 chosen to be a wasting dump? Why are the majority of power
21 plants located in Oxnard? Is it because of a minority live
22 here? I'm part of the minority. In my whole life growing up,
23 everyone told me I was important and I mattered. So why are
24 these big companies targeting me and my family? Am I not good
25 enough as a human? These are the doubts young teens like me

1 have. If we the future of this nation matter, then stop
2 polluting our towns because this pollution can lead to big
3 health problems.

4 I thought asthma was enough of my suffering but I'm
5 not even sure. If NRG doesn't stop soon will I be able to
6 live the rest of my life happy and healthy? I suppose that
7 choice is left for you to decide. My health and well-being
8 along with many others is in your hands. Oxnard doesn't need
9 a Puente other -- Puente unless it's crossing to reusable
10 energy. Clean air for Oxnard.

11 MS. SCOTT: Thank you. I have Charles McLaughlin,
12 following by Francisco Ferreira.

13 MR. MCLAUGHLIN: My name's Charles McLaughlin, from
14 a long-time Oxnard resident and a business owner in the city
15 and county of Ventura.

16 I voice my support for this project many previous
17 hearings. Tonight I will leave you with a final statement on
18 why the community needs this project. Briefly, I'd like to
19 cover pollution, energy, and economics.

20 First, this program is a reduction in overall
21 pollution. Not just atmospheric, but visual. NRG will remove
22 two major plants and add one small peaker plant. In the end,
23 Oxnard will only have two small peaker plants to back up the
24 electrical grid.

25 Second, it's for the benefit of all the citizens of

1 Oxnard, all 200,000. By ensuring reliable energy through an
2 electrical grid whether it comes through renewable sources or
3 not. If in the future a renewable source falters or other
4 source falters, even a couple of hours this plant will pick
5 up the interim slack and ensure consistency in energy. And
6 that's for everybody in the city of Oxnard, all 200,000, it's
7 not going to discriminate.

8 Thirdly, this project is a major boost in economic
9 vitality for the city of Oxnard with over \$5 million in taxes
10 including over a million dollars in sales tax revenues that
11 will go directly to Oxnard. This is a much needed local
12 schools, police and fire departments. It will also bring a
13 wealth of employment. It estimates about \$60 million in
14 payroll for the first couple of years. This should be more
15 than enough to bring Oxnard out of its financial hole that
16 it's dug itself in over the last ten years. Our city needs
17 good business like NRG to support the community of Oxnard.

18 Just recently I took one of these cell phones and
19 Googled asthma, the state of California, and I found -- it's
20 interesting, for school children, the highest is San Joaquin
21 Valley, Fresno, Madera, Tulare, Kings, Kern, Merced,
22 Stanislaus, and San Joaquin. It doesn't mention this area at
23 all. All right.

24 Thank you very much. And I hope, and I know the
25 majority of the citizens in Oxnard and the business community

1 would love for to have the Energy Commission approve this
2 project.

3 Thank you very much.

4 MS. SCOTT: Thank you. I have Francisco Ferreira
5 followed by -- and I'd just ask to please be polite to your
6 neighbors just so everyone feels comfortable expressing their
7 opinion.

8 Francisco Ferreira followed by Nathan Ramos.

9 MR. FERREIRA: Thank you. And [Spoke Spanish -
10 buenas tardes], welcome back.

11 I just want to start off by saying how ashamed I am
12 of all these NRG supporters who are justifying their
13 environmental racism, it's pretty disgusting.

14 Anyway, my name is Francisco. I'm a lifelong
15 resident and a student of Oxnard. And I can't even, I've lost
16 count at this point how many times I've had to look a state
17 regulatory board agency in the eyes and say that enough is
18 enough. We do not want this power plant.

19 And again today I'm here to say [spoke Spanish - Ya
20 basta] enough is enough. My people will no longer sit idly by
21 why the forces of capitalism and white supremacy further
22 entrench themselves in our beautiful city.

23 I remember two years ago on my 21st birthday in this
24 very same room where over 100 citizens and residents came out
25 and gave heartfelt testimonies and read a long laundry list

1 of climate science facts including that Oxnard has more power
2 plants on our beaches than any other coastal city in
3 California. We have more students attending schools next to
4 pesticide farms than any other city in California. Sir, we
5 have over 12,000 students -- he's gone now. He's a coward.
6 But any who, we have over 12,000 students within a quarter
7 mile of pesticides. This is environmental racism.

8 My city is on the front lines of environmental
9 justice. And the fact that we're here today after we've said
10 time and time again that NRG is not welcome here is nothing
11 short of environment racism. We cannot continue to rely on an
12 industry whose business model is predicated on extreme energy
13 extraction and that the destruction of our very species. And
14 I know what it's like to stand up against a multibillion-
15 dollar fossil fuel industry. It's hard. But you all are in a
16 position to decide our future. And when the stakes are higher
17 than ever, our actions must be bolder than ever. My people
18 deserve clean energy now, and we demand clean air for Oxnard.

19 [Audience applauds]

20 MS. SCOTT: Thank you. I have Nathan Ramos, followed
21 by Jackie Lopez.

22 MS. RAMOS: My name is Andrea Ramos, I believe my
23 card was called earlier.

24 MS. SCOTT: I'm going -- I've got them at the bottom
25 of the pile and I'll get back around to folks.

1 MS. RAMOS: Is it okay if I go now? I have to get
2 going, I'm sorry.

3 MS. SCOTT: All right. Sure. Go ahead and then we'll
4 go with Nathan.

5 MS. RAMOS: Thank you. Like I said, my name is
6 Andrea Ramos. I am here standing not only for myself but for
7 my family, my child, and my city.

8 As Oxnard residents, we understand the racial and
9 ethnic disparities that come with institutional and corporate
10 racism. We happen to be on the other side of the tracks to
11 Malibu and Santa Barbara which makes us prime territory to be
12 a dumping ground.

13 I am here not because I want to but because of the
14 violated dignity of all those who have no say in what happens
15 to their home, much less their environment. I am here because
16 it is a matter of life or death for the future of my
17 community, and because the first rule of common decency is
18 you don't S-H-I-T where you eat, which is exactly what you're
19 doing to us except you don't live here. Clean air for Oxnard.

20 THE AUDIENCE: Clean air for Oxnard.

21 MS. SCOTT: I have Nathan Ramos, followed by Jackie
22 Lopez.

23 MR. JONES: [Inaudible] I submitted a card.

24 MS. SCOTT: I'm sorry, I can't hear you, could you
25 please come to the mic?

1 MR. JONES: I submitted a card.

2 MS. SCOTT: Okay. I have about 100 cards here in my
3 pile. I'm making my way through them --

4 MR. JONES: Okay.

5 MS. SCOTT: -- in the order that the public advisor
6 handed them to me.

7 MR. RAMOS: All right. May I begin?

8 MS. SCOTT: Yes, Nathan, please go ahead.

9 MR. RAMOS: All right. Good evening, my name is
10 Nathan Ramos, I'm from Santa Paula and I'm a CAUSE intern.

11 Hundreds of Oxnard residents have said no to Puente
12 in the last three years yet we're here again. We're saying no
13 to protect ourselves from pollution creeping in to our own
14 back yards and yet three years later we are still here. Why
15 is that? Why is that that Oxnard in general suffers while
16 other cities prosper, like Camarillo and Thousand Oaks. If
17 they want power, then they can have their own power plants
18 themselves. So why should we suffer the health risks? Why
19 should we suffer from the health problems we see nowadays?
20 Why? Is it because of economics? How much money are we worth
21 to all of you? How much is a child's life is worth to you?
22 Are we not good enough or is that we don't cost that much
23 compared to them? Are we that easy to sacrifice and throw
24 away?

25 Just because we're over 70 percent Latino doesn't

1 mean we could be thrown away like some flimsy plastic bag in
2 the ocean. We're not a city of pollution, we're a city of
3 beauty. And that beauty is being un -- being covered by this
4 mass pollution of what you've created. We don't want this.
5 We've been saying this for the last three years and yet
6 you're here right here not listening to our plea. We are the
7 citizens of Oxnard. They are the citizen of Oxnard. All of us
8 are here in this room and we're asking you not to do this.
9 We're asking you to choose our health over money. Clean air
10 for Oxnard.

11 [Audience applauds]

12 MS. SCOTT: Thank you. I have a Jackie Lopez,
13 followed by Ellen Bougher-Harvey.

14 MS. LOPEZ: Hello. My name is Jackie and I'm a
15 senior from San Paula. Today I am here with CAUSE. Here in
16 Oxnard 1 in 5 residents lack health coverage and the asthma
17 rates are high. The city deserves to have clean air. It
18 doesn't deserve to be in the top 20 percent disadvantaged
19 communities in California.

20 This power plant is a regional problem so even
21 though it's in Oxnard, it affects us all. The bad pollution
22 in the air hurts us all. Oxnard should not be a sacrifice
23 zone. The people who live here deserve to have fresh air,
24 this is their home so don't keep damaging their home. Oxnard
25 already has other power plants on the coast, a toxic waste

1 site landfills beneath the grounds, and some of the highest
2 levels of agriculture pesticide use in California.

3 If you're hurting the environment, you're hurting
4 the people. So protect our neighborhoods by not building this
5 awful power plant. Kids and adults don't deserve to get
6 health problems in the place they call home. You're hurting
7 me, we don't deserve to be getting hurt. Clean air for
8 Oxnard.

9 THE AUDIENCE: Clean air for Oxnard.

10 MS. SCOTT: Thank you. I have Ellen Bougher-Harvey,
11 followed by Gary Kravetz.

12 MS. BOUGHER-HARVEY: Good afternoon, Commissioners.
13 My name is Ellen Bougher-Harvey, and I'm a retired school
14 teacher and I taught in Oxnard for 35 years.

15 I live in Oxnard Shores Mobile Home Park so I'm
16 very close to Mandalay Power Plant. There's no need for the
17 fossil fuel power plant. \$250 million to be obsolete. It's
18 unnecessary and will cause significant harm to our community.
19 It'll bring more air pollution, more greenhouse gas emissions
20 and it's a risky area at sea level. There's a tsunami warning
21 sign right next to my house on the next block over.

22 It's an environmentally sensitive habitat. There
23 are rare species there. The peregrine falcon, the horned owl,
24 and the snowy plover just to mention a few.

25 I don't believe that there's going to bring a lot

1 of jobs, a lot of money to Oxnard. I think most -- the
2 majority of the people in Oxnard do not want this power
3 plant, they want our health, they want clean air, they want
4 to protect the environment and have a beautiful place to
5 live. This is the wrong project at the wrong time at the
6 wrong place.

7 The Environmental Defense Center will give you the
8 facts and statistics. I'm speaking from my heart and I am
9 giving facts. But I know the Environmental Defense Center is
10 a nonprofit agency that is working for the good of the
11 majority of the people who care about our environment.

12 And I am so thankful for all these young people and
13 everyone that's spoken, they're representing hundreds --
14 hundreds of thousands with the Sierra Club and many other
15 groups and CAUSE. The majority of Oxnard does not want this
16 plant. They don't -- I don't believe they're going to make a
17 lot of money and produce a lot of jobs. Please consider it
18 no. Thank you. Clean air for Oxnard.

19 MS. SCOTT: Thank you. I have Gary Kravetz, followed
20 by Manuel Herrera.

21 Is Gary here? Okay. Manuel Herrera, followed by
22 Vicki Paul.

23 MR. HERRERA: Hello. My name is Manuel Herrera, I'm
24 the founder for Citizens for a Better Oxnard.

25 I actually had created a speech, then I thought,

1 you know what? I'm just going to speak from the heart. And
2 I'm just going to make it short, sweet, and to the point.

3 We're trying to end this power plant the democratic
4 way because that's always supposedly the best way. But if
5 that doesn't work, then it's on to Plan B. And Plan B, you're
6 probably asking what is that? Well, I'm sure you've heard of
7 Standing Rock. And I'm sure you heard of how the natives
8 chained themselves to the tractors because they were so
9 adamant that that plant line was not going to go through.
10 Well, I hope that you do not make Oxnard the next Standing
11 Rock because we will do whatever we have to do to stop this.
12 We do not want it. We are tired of being the dumping ground,
13 we will not accept it.

14 So it's your call but you heard the saying, if you
15 build it, they will come. Well, if you build it, we will
16 come. Clean air for Oxnard.

17 MS. SCOTT: Thank you. I have Vicki Paul, followed
18 by Shirley Godwin.

19 MS. PAUL: Gas fired is the problem word. I would
20 echo Senator Jackson's priorities and assessment. This
21 project is already obsolete. The carbon emissions from the
22 proposed NRG plant are appalling. The consequences of this
23 are significant in far more than public health. It should
24 never start. Thank you.

25 MS. SCOTT: Thank you. I have Shirley Godwin,

1 followed by Jeremy Meyer.

2 MS. GODWIN: My name is Shirley, a 55-year resident
3 of Oxnard. I want to speak specifically to the last item you
4 were discussing just before you took your little break before
5 the public comment. And that was on closure when the
6 plant -- I'm saying when, I hope this plant never happens.
7 And I've been to all the hearings. That's probably why I look
8 so tired, I've been to so many hearings.

9 I want to interject. I want to thank all of you,
10 you must be tired too. I want to thank you for your diligence
11 and having these hearings in Oxnard.

12 But that item you were discussing just before
13 really bothered me because NRG representatives did not want
14 to commit if it was approved, the 30 years from now they --
15 on taking it down. The discussion, what does closure mean,
16 what does decommissioning mean? Hedging this, that's not
17 returning it to its original site. And they didn't want to
18 put up the money for a bond.

19 Let me tell you what's wrong with that. I'm part of
20 a local Oxnard group that's been working for -- with others
21 for many years to preserve and restore Ormond Beach. And of
22 course we're very interested in the Ormond Power Plant and
23 certainly the wetlands around the Mandalay Plant. We
24 personally talked to representatives from NRG. Some I don't
25 see here, I don't know if they don't work for the company

1 anymore, asking about the Ormond Power Plant. Because
2 originally, that was put in by Southern California Edison and
3 it's changed owners over this time. And originally, we have
4 people that remember way back when Edison put the plant in,
5 they were supposed to when the plant was decommissioned to
6 return the site to the wetlands.

7 Well, obviously because the sea water, use of sea
8 water, it needs to be decommissioned in 2020. So we asked
9 this question. Wasn't there a commitment that this power
10 plant go away when it was decommissioned? The answer is no,
11 those agreements didn't carry over. And since that plant went
12 in during deregulation, Edison sold the power plant to
13 Reliant, Reliant sold it to GENON and GENON sold to NRG. I
14 don't know if they're divisions of each other or not. But
15 what we heard from the NRG people, these agreements that were
16 made with Edison back in the '60s don't count anymore because
17 we're a different company now.

18 So I want you to be aware and not listen to vague
19 promises oh, we'll take it down and what does it mean taking
20 it down. That's not good enough, we know how it is and of
21 course very close to the Ormond Power Plant is the Halaco
22 slag pile. The family that owned the Halaco site, they for
23 years -- almost the time they started '65 said oh, no big
24 deal, temporary storage of material, we'll clean it up. Well,
25 we all know the size of the Halaco slag pile. So be very

1 careful. Thank you.

2 MS. SCOTT: Thank you. I have a Jeremy Meyer
3 followed by a Ron Whitehurst.

4 MR. MEYER: Good evening, Commissioners. Just
5 quickly, reams of data have already been submitted that
6 clarify that there's no need for this plant, that the two old
7 plants are going to be shutdown regardless and that more and
8 better jobs would come from solar versus this plant. So I'm
9 happy to go over all of this at great length if anybody is
10 still harboring any of those delusions.

11 I'm a resident of Oxnard and Port Hueneme for 19
12 years. My daughter was born and raised here, my wife was born
13 and raised here. I was in Port Hueneme, living in Port
14 Hueneme when the Halaco Metal Recycling Plant was still
15 operating and building its toxic slag heap and creating
16 noxious air for us before it got shut down and it's now a
17 Superfund site. And I don't know how many decades it'll take
18 to deal with that. In the midst of our precious wetlands of
19 course.

20 My beach walks pass by the Ormond Beach Plant and
21 later the Mandalay plants when I've moved near the airport.
22 I'm proud to be a board member for CAUSE and I'm so proud of
23 these inspiring young people that I'm associated with. If
24 everybody could just give them a round of applause for their
25 commitment.

1 [Audience applauds]

2 MR. MEYER: I wish I had that courage and focus when
3 I was there age.

4 So as a health services coordinator for the CDR
5 Head Start and State Preschool program, I oversee the health
6 for over 1200 low-income children and their families. We have
7 an exceedingly and increasingly high asthma rates and
8 respiratory allergy rates in the children that we serve. And
9 these are primarily concentrated in Oxnard, especially
10 central and south Oxnard which just happens to be the area
11 where the prevailing winds take the pollution from the
12 Mandalay power stations.

13 The air quality in our county is already surprising
14 poor. Despite the Texas cousin saying otherwise, we have some
15 of the worst air in the state in large part due to
16 pesticides.

17 I'm the one that creates the healthcare plans for
18 these children that have asthma and I go to the Center, I
19 train the staff on how to provide that life-saving medication
20 for the children. Now because we have so many cases, instead
21 I don't have the time to go to every single center, I bring
22 in our 150 staff and we train them en masse because that's
23 how bad it is.

24 I can talk to you about the solar on my roof that
25 generates more power than we use for 40 percent less than the

1 utility we're charges. I can talk about taking Navy showers
2 and buckets to save shower water as it warms up or bulbs we
3 use or lights we turn off. But you know what? As important as
4 individual conservation is, it's not enough. We need
5 collective action in big ways.

6 You as commissioners, and please give me just a few
7 questions. You as commissioners have an opportunity to make a
8 huge impact for our children, our grandchildren and beyond.
9 Isn't it amazing power that you have right now? And it isn't
10 fantastic that you can make the right decision for our
11 children, our community, our economy for California, the
12 nation, the world all at once. You get to be idealistic,
13 realistic, and responsible at the same time. So please think
14 about our future generations and reject this greedy
15 unnecessary proposal. Clean air for Oxnard.

16 MS. SCOTT: Thank you. I have a Ron Whitehurst,
17 followed by Cameron Gray.

18 MR. WHITEHURST: My name's Ron Whitehurst, my wife
19 and I run a beneficial insectary on North Ventura Avenue on
20 the north side of Ventura out in the Ventura oil field.

21 For us, air pollution from oil, natural gas,
22 recover -- extraction is personal. We run a business that got
23 a regenerative business prize in 2016. So we have been
24 working to lessen our carbon footprint.

25 We're also members of the Ventura Chamber of

1 Commerce. And the Chambers of Commerce do not speak for us.
2 We want to get off of fossil fuels, we see that and say way
3 to improve our business to improve our bottom line to improve
4 our competitiveness in the business community. We don't want
5 to go backwards to fossil fuels.

6 I'm also a member of the Ventura County Climate
7 Hub. And we are a group of groups that are working to
8 relocalize food supply, get off of fossil fuels, promote
9 renewables, and to build community. So as such, we are
10 promoting the -- the community choice energy for the counties
11 of Ventura, San Barbara, and San Luis Obispo County. And we -
12 - this will be 1.5 million people that will be purchasing
13 their energy in bulk instead of the incumbent utility. And if
14 I have anything to say for it, we will not buy any fossil
15 fuel energy. We will be buying electricity from renewable
16 sources.

17 And if you look at the dynamics, 60 percent of the
18 electricity in California in 2020 will be purchased by the
19 community choice aggregations. And so predominantly, those
20 aggregations, those groups are buying renewable energy. So
21 the market for the energy from this plant is going away. So
22 currently solar electric is cheaper than the fossil fuel, the
23 natural gas energy. So we just needed some batteries and
24 working on that technology.

25 And the dynamics for -- the market for fossil fuel

1 energy is not there. The future looks really bad for the
2 product from this -- this proposed plant.

3 And we have a glut of power and -- look at Goleta
4 just a few miles up the coast a more ritzy upscale more white
5 community, more politically connected. And there was a gas-
6 fired power plant proposed for their community, what did they
7 get? They get all kinds of renewable options but not here in
8 a colored community and that's poor and underrepresented
9 politically.

10 So as a senior white male, I'm calling you out for
11 environmental racism. Please no more power plant. Clean air
12 for Oxnard.

13 MS. SCOTT: Thank you. I have Cameron Gray, followed
14 by Martin Jones.

15 MR. GRAY: Good evening, Commissioners. My name is
16 Cameron Gray, speaking on behalf of Community Environmental
17 Council.

18 Our nonprofit incubates and accelerates regional
19 solutions to climate change that improve public health,
20 enhance quality of life, and build more prosperous
21 communities. The Puente Power Project will achieve none of
22 these outcomes. That's why today we are joining CAUSE and a
23 coalition of organizations advocating for the denial of NRG's
24 application. So we can begin a new process to meet the
25 Moorpark subareas grid reliability needs with lower cost,

1 clean energy alternatives.

2 We encourage the Commission to develop a resource
3 portfolio emphasizing solar and battery storage that will
4 supplant the need for Puente and Elwood Peaker Plants. We
5 have everything we need to realize this vision today. Paired
6 photovoltaic solar generation and battery storage projects
7 can come online quickly. And the cost of these technologies
8 falls every day. For example, Greensmith and Tesla
9 collectively deployed 70 megawatts of battery storage all
10 within six months to shore reliability concerns in the wake
11 of the Aliso Canyon storage facility leak. All this begs the
12 question, what are we doing here today?

13 Last year your agency published the final SB350
14 low-income barriers report which highlighted the need to
15 bring more of the benefits of clean renewable energy to
16 environmental justice communities. It is time to match these
17 words with action. Oxnard had borne disproportionate --
18 disproportionate share of air pollution and health impasse
19 from our state's electricity generation for too long. A
20 decision in favor of Puente would further entrench this long
21 legacy of injustice.

22 Surely we can do better than this. We support a
23 process where Oxnard community members are directly involved
24 in the development and implementation of grid reliability
25 solutions. So residents can define their own energy future

1 and build a prosperous clean energy economy. If we do the
2 same things, we will get the same results. It is time to take
3 a bold new direction. A direction aligned with the values of
4 our region and our state taking us away from these polluting
5 energy sources towards cleaner and renewable energy. It is
6 time to recognize the major strides we have made with the
7 development of clean energy solutions and the inspiring
8 opportunities that these technologies present. We can do this
9 by denying the Puente Power Project. A clean energy future
10 and clean air for Oxnard.

11 MS. SCOTT: Thank you. I have Martin Jones, followed
12 by Richard Arcin.

13 MR. JONES: Good evening, panel. I apologize for the
14 prior interruption, I didn't realize how many cards you had.

15 MS. SCOTT: No worries.

16 MR. JONES: I presume the panel knows the difference
17 between alternating current and direct current. The history
18 is clear at that time years ago alternating current could be
19 transmitted hundreds of miles, direct current could not.
20 Today that has changed. Today you can transmit direct current
21 thousands of miles carrying millions of volts. I submit a
22 solution maybe not satisfactory with everyone, I agree with
23 Mr. Hawkins about jobs. But you could in fact build a plant,
24 a direct current plant near a coal mine and transmit that
25 energy thousands of miles carrying millions of volts.

1 In that condition, there would be no argument about
2 where to put an alternating current plant somewhere like at a
3 beach that nobody wants. So that is a solution, certainly
4 isn't going to satisfy everyone, but that is a solution to
5 the problem of putting an alternating current plant in an
6 area that people don't want.

7 So that's what I have to say. Direct current is
8 possible, feasible, and China is way ahead of us on that. So
9 again, it's direct current thousands of miles and millions of
10 volts. Thank you for your attention.

11 MS. SCOTT: Thank you. I have Richard Arcin,
12 followed by John Brooks.

13 MR. ARCIN: Hello. Investing in another fossil fuel
14 power plant is not our only option anymore. We'd be delaying
15 our chance to be a positive example to other cities like
16 ours, deleted transition towards using clean and safe
17 renewable energy. It's new territory but it's forward and we
18 deserve and need to go forward. Thank you. Clean air --

19 MS. SCOTT: Thank you.

20 MR. ARCIN: Clean air for Oxnard.

21 MS. SCOTT: I have John Brooks, followed by Jan
22 Dietrick.

23 MR. BROOKS: Hello, members of the Energy
24 Commission. Thank you for your patience and for listening.
25 It's a good thing. I am John Brooks. I'm a board member of

1 the Citizens for Responsible Oil and Gas.

2 I do not live in Oxnard. But if you hurt Oxnard
3 with another dirty obsolete gas-fired peaker plant, you hurt
4 all of the residents of Ventura County. We are all in this
5 together. The two old plants down at the beach will be torn
6 down regardless if this plant is built.

7 I live in the Ojai Valley with an income and ethnic
8 demographic much different than Oxnard. In our valley
9 environmentalists have blocked garbage dumps, an oil
10 refinery, a uranium mine, and it goes on. We've had -- we've
11 been privileged with our success. Meanwhile, Oxnard has been
12 inflicted with the negative aspects of power generation for
13 decades. An oil waste injection well, the Halaco superfund
14 site. It's time for this to stop. All of us, including the
15 Taxpayers Association, should recognize the injustices of the
16 past. There will be plenty of jobs building clean energy
17 products -- projects. And we will work with those who live in
18 this wonderful city and we'll build solar power battery
19 peaker plants. We'll link it to rooftop solar. [Speaking
20 Spanish - sí se puede] Clean air for Oxnard.

21 MS. SCOTT: Thank you. I have Jan Dietrick, followed
22 by Kitty Merrill.

23 MS. DIETRICK: Commissioners, welcome back to
24 Oxnard, really appreciate you coming to hear from the
25 community. I'm the Ventura group leader for Citizens Climate

1 Lobby. And I'm on the steering committee for both
2 Californians for Carbon Tax and Ventura County Climate Hub.

3 I also in those roles I see the -- the --
4 anticipating the political will for rising price on carbon.
5 And so that gives us a bright future for alternatives to gas-
6 fired power plants.

7 I'm a proud member of the Sierra Club where 200,000
8 members in the state are supporting beginners in this case
9 opposing this project. But I'm here as a business owner, and
10 my thoughts are about the implications for small business and
11 I wonder about the people that I've spoken that this would
12 benefit small business. I don't think - maybe I -- aren't
13 really thinking about shrinking their own carbon footprints.

14 I don't see the usual spokesperson for the chamber
15 here. They don't usually represent the small businesses like
16 mine. The chamber -- what I would love to see is a forum
17 called by the chamber that would really look at the
18 alternatives of energy efficiency in particular but also
19 distributed generation.

20 For me the strongest arguments against this idea
21 were from Bill Powers. In 2015 in his briefing to the PUC
22 where you could boil that down into ten reasons why So. Cal
23 Edison did not give renewable energy a chance. In fact, the
24 (inaudible)on that request for offers should have thrown the
25 whole thing out right then and there and started over with a

1 longer RFO process that lets people with more innovation
2 sharpen their pencils around how we can meet this need.

3 Commercial rate payers can certainly achieve a lot
4 of the local capacity requirement that I see sort of
5 superficially right now being forecast, and I really look
6 forward to the ISO report.

7 I request that your Commission perhaps even be able
8 to work with our Ventura County Economic Development Council.
9 Maybe even the civic alliance, definitely the chamber on what
10 are really our best options going forward in the decades. An
11 investment in energy efficiency and distributed generation
12 compared to the supporting great pain on a -- on a -- on an
13 asset that's going to be obsolete.

14 Meanwhile, as was said, we're organizing Community
15 Choice Energy and we're looking forward to the mandate that
16 will be passed this session in the legislature for 100
17 percent renewables, by 2050.

18 And I also what to say to the labor unions,
19 Community Choice Energy will make sure that those are labor
20 union contracts that provide for all of the projects for our
21 area for energy efficiency and distributed generation.

22 So I say clean energy for Oxnard.

23 MS. SCOTT: Thank you. I have a Kitty Merrill
24 followed by Joan Edwards.

25 MS. MERRILL: Good evening. As a 32-year Oxnard

1 resident as a member of the Unitarian Universalist Church of
2 Ventura and as a member of the Climate Hub, I'm here to speak
3 to you tonight.

4 I know this has been a really long day for you. I
5 tuned in this morning -- actually, my name is still up there,
6 I seemed to have forgotten to sign out. I listened to the
7 USGS testimony on modeling, climate change and how the coasts
8 will be affected. It was really fascinating.

9 It's also irrelevant. This isn't issue of
10 environmental justice, this is an issue of institutional
11 racism. Peaker power is needed for Goleta, it's needed for
12 Santa Barbara. It needs to be taken care of in the area it's
13 needed. Why put it in Oxnard? Listen to your community here.
14 Listen to your citizens, listen to your neighbors.

15 We're looking for a future without fossil fuels.
16 We're looking to try to improve our environment. We need to
17 move to sustainable energy, we need to move away from
18 institutional racism Clean air for Oxnard.

19 MS. SCOTT: Thank you. I have a Joan Edwards,
20 followed by Laurain Effress.

21 MS. EDWARDS: Hello, Energy Commission, thank you
22 for coming to Oxnard.

23 I've been living in -- I was born in California and
24 lived here almost my whole life, in Ventura County the last
25 25 years. And we don't have clean air here and just want to

1 mention a couple things about a, that, you know, I'm pretty
2 sure you know that we already are way over our carbon
3 emission limit in order to not have terrible climate things
4 happening where over 400 parts per million. So this just adds
5 to that.

6 And I want to remind you that Aliso Canyon is the
7 natural gas storage facility that had horrible, horrible
8 methane leaks and is still closed. I don't know where this
9 particular plant would think that they would get their
10 natural gas by pipe or train or whatever. But Aliso Canyon
11 doesn't look like it's going to be open anytime soon.

12 I'm a member of the Los Padres chapter of the
13 Sierra Club, I'm not of course speaking for the Sierra Club.
14 But I -- after three years, I get the feeling that you're
15 just dragging this out. I'm so proud of all young people who
16 came tonight to speak out against this plant but I feel like
17 you're wearing us down. You're just wearing us down. I don't
18 think the Energy Commission is doing that, I think it's the
19 people who want to build the plant that are doing that. And
20 don't believe them when they say they're going to clean it up
21 at the end, they never do. Thank you.

22 MS. SCOTT: I have Laurain Effress, followed by
23 Antonio. It just says Antonio and it's written in orange
24 marker. So if you're the Antonio who did that, you're on next
25 after Laurain. Please go ahead.

1 MS. EFFRESS: Good evening. My name is Laurain
2 Effress. Thank you to the Energy Commission for coming back,
3 although I wish this hearing had been postponed until after
4 the ISO makes its report.

5 Speaking of the ISO, I've been at every one of
6 these hearings back through three years, five years, however,
7 and it's not my first rodeo because we also fought BHP
8 Billiton. They said if they didn't put a liquefied natural
9 gas floating platform off of our coast, we wouldn't have the
10 lights on. Well, the lights stayed on and Billiton is
11 thanking us for saving them a bunch of money since liquefied
12 natural gas, no good.

13 Okay. So now San Onofre. Remember San Onofre, they
14 went offline because of parts that didn't work. They said the
15 lights wouldn't stay on, we'd have rolling blackouts. The
16 lights stayed on.

17 Then we had Aliso Canyon which this lady just
18 mentioned. Gas leak, people had to be evacuated, rehoused.
19 Some of them are still saying that they're getting nosebleeds
20 what so -- and other physical problems and they said well,
21 without the storage of the gas, the lights wouldn't stay on.
22 The lights are still on.

23 And now Diablo Canyon is going to go offline in
24 2025. Their lease was up renewal and they said, we power a
25 million homes, we're going offline but we don't think we need

1 to be replaced by with a gas-fired plant, we should be
2 replaced with renewables.

3 So it is not just NRG. NRG is just one of a bunch
4 of corporations that's greedy and looking to add their cost
5 to our rates in electricity because the law allows them to do
6 it. We do not need this plant, we're going to have a 21
7 percent electricity surplus. All of these catastrophes were
8 said that the lights were going to go off and the lights are
9 still on.

10 On my way over here, I heard on the radio and I saw
11 on TV on the news out of Santa Barbara right before I left
12 the house that several coastal communities are suing
13 electrical companies like NRG because climate change is going
14 to force them to move all their infrastructure off the coast
15 and inland. So NRG, you may be next in that line of companies
16 that's going to be sued. We may not do Standing Rock, but we
17 definitely can do lawsuits. Thank you.

18 MS. SCOTT: Thank you. I have Antonio.

19 MR. ANTONIO: Hello.

20 MS. SCOTT: Hello.

21 MR. ANTONIO: So I'm Antonio. So I'm a student at
22 the University of California, Santa Barbara. My preferred
23 gender pronoun is she, identified as gender nonconforming.
24 I'm also part of the Career Latinx Community of Ventura
25 County, and Islamic County of Ventura County.

1 And when I heard about this happening in my home
2 town, I was completely shocked. I mean, it's clearly
3 environmental racism. Like we're the only city in California
4 that has more than one power plant and now they want to build
5 a fourth power plant in a predominately brown, people of
6 color community. And destruction, genocide of native plants
7 and species that we have in our wetlands. And so I was
8 completely appalled and I just got over here just to come and
9 tell you this because I'm pretty sure what I have to say is
10 just going to be a repeat of what everyone is going to say.

11 So I'm a global studies major at Santa Barbara and
12 one of the things that we do discuss is the deregulation of
13 neoliberal policies that cause of increase of CO2 carbon
14 emissions. And isn't that what we're trying to fight incur
15 isn't that what the Paris Agreement was supposed to do was
16 for us to be in solidarity to curb CO2 emissions, gas
17 emissions? And so I'm hoping that you will listen to the many
18 citizens of Oxnard.

19 And me being highlighting that I'm part of the
20 Career Latinx Community, we held a visual here locally for
21 those lives who were taken in Orlando's shooting as well. So
22 this is also an attack on the Career Latinx LGBTQ community
23 that live here locally. And I can't say I represent everyone
24 in that community but I had this given to me by the 300
25 people that showed up for our visual and they got together

1 and they made this. And so I'm standing here asking you on
2 behalf of the Career Latinx Community as well as the Islamic
3 Community to not build this fourth power plant. Thank you.

4 MS. SCOTT: Thank you. So we have about 30 or 40
5 cards left. But we need to give our court reporter and our
6 awesome translators a little break. So we're going to take a
7 10-minute break. Come back right at 8:10.

8 At 8:10 I will start with Tim Nafaiger. And he'll
9 be followed by Rebecca Roberts.

10 Oh, and this is a great time to fill out a blue
11 card if there's anyone else in the room who'd like to make a
12 comment and has not yet done a blue card. Our public
13 advisor's there at the yellow table and can help you out with
14 that.

15 [Off the record at 7:59 p.m.]

16 [On the record at 8:10 p.m.]

17 MS. SCOTT: Okay. We are good to go. So I'm ready to
18 start with Tim Nafaiger, followed by Rebecca Roberts.

19 MR. NAFAIGER: Hello.

20 MS. SCOTT: Hello.

21 MR. NAFAIGER: Thanks for the opportunity -- [no
22 recording].

23 My name is Tim Nafaiger. And I am here -- I am part of
24 the Abundant Table Farm Church. So I'm here as a person of
25 faith. I'm also here as a leader of the Showing Up for Racial

1 Justice Ventura County Group.

2 For the last two years we've been working here in
3 the County to really educate and mobilize white people around
4 issues of racial justice. And unfortunately this project and
5 the wider use of sacrifice zones in our region have been a
6 prime example that we share with people when we're talking
7 about the way racial segregation and inequality in this
8 county and in the central coast area impacts our communities.

9 As you've heard from many people this evening, the
10 pattern of sacrifice zones benefits more affluent and whiter
11 communities and impacts poor and communities that a majority
12 people of color. And we're doing -- we're working hard to
13 mobilize white people from around our county to make sure
14 that Oxnard does not stand alone in opposing this power
15 plant.

16 One of the things I want to speak to specifically
17 is building on what Manuel Herrera mentioned, the Plan B. And
18 that is -- what would -- if you do approve this, what would
19 nonviolent disruptive direct action look like in this county?
20 And the tradition which I think is very democratic of the
21 Abolitionist Movement, the Suffragette's Movement, and the
22 Civil Rights Movement.

23 Last November I spent a week at Standing Rock and
24 saw the tens of thousands of people that came out to oppose
25 the intersection of white supremacy, colonization, and the

1 fossil fuel industry. And as you think about whether to
2 approve this, I'd like you to really think about what it
3 would look like to have a movement like that come here.

4 I don't think that as powerful as that movement is
5 -- and if this power plant is approved and we'd work --
6 there's many, many people who are ready to come here. And
7 that kind of movement, focusing on the Puente Power Plant
8 would do tremendous damage to California's image globally as
9 a leader and the fight against climate change.

10 So please don't approve this power plant. Clean air
11 for Oxnard.

12 THE AUDIENCE: Clean air for Oxnard.

13 MS. SCOTT: Thank you. I have Rebecca Roberts,
14 followed by Kimberly Rivers.

15 MS. ROBERTS: Good evening. I wanted to thank
16 everybody, I know you guys have had a long day and I know
17 there's not gratitude going that way very much. But I want
18 you to know that I believe you guys can make a difference.
19 I'm here as a daughter, as a mother, as a grandmother, as a
20 friend, as a sister, as a community member of this county.

21 Fifty-six years ago my folks decided to have me and
22 bring me into this wonderful area. And I appreciate it, I
23 stayed here my whole life. My grandchildren have -- one of my
24 grandsons has been recently diagnosed with asthma; waking up
25 every morning coughing, trying to catch his breath. Breathing

1 treatments for the first time two nights ago he slept. This
2 was amazing but this was also sad. We don't have a history of
3 asthma in my family but these children are developing
4 diseases and cancers and things like that that shouldn't have
5 to face. Not because of our environment.

6 I want you to know that I appreciate all your
7 efforts and all your hard work and I know you're going to --
8 I trust that you're going to vote no on the Puente project.
9 It's not good for us. Fossil fuel in the year 2017 is
10 archaic, it's a sad thought that we would even go there. But
11 we're here today and we're trusting you. And I am putting my
12 faith in you for my children, my grandchildren so that they
13 can run and play on the beaches that I played on my whole
14 life. And even better because we'll have clean energy.
15 Remember, gas is not clean energy. Thank you. Clean air for
16 Oxnard.

17 THE AUDIENCE: Clean air for Oxnard.

18 MS. SCOTT: Thank you. I have Kimberly Rivers,
19 followed by Catherine Vidal.

20 MS. RIVERS: Good evening, Commission. My name's
21 Kimberly Rivers. I'm executive director of CFROG, Citizens
22 for Responsible Oil and Gas. And I'm representing the
23 thousands of our supporters across Ventura County joining our
24 voices with the residents of Oxnard in opposition to this.

25 We know that that the community's downwind from the

1 proposed location rank the 90th percentile on the Cal Enviro
2 Screen Environmental Justice Rating Tool. They rate high for
3 low birth weight, asthma, respiratory rates, and other
4 diseases. And they are a designated disadvantaged community
5 on that tool. This is an environmental justice issue. And our
6 members from across Ventura County consider Oxnard our
7 neighbors. We don't want the power from a dirty power plant.

8 We also know that the green energy sector creates
9 more jobs than fossil fuel based energy production. We know
10 that clean energy is possible and that's what we want.
11 Environment justice and clean air for Oxnard.

12 MS. SCOTT: Thank you. I have Catherine Vidal,
13 followed by Raul Gomez.

14 Is Catherine here?

15 Okay. I have Raul Gomez, followed by Gabriella
16 Shufani.

17 MR. GOMEZ: Good evening. I'll speak a little bit of
18 Mixteco. [Speaking Mixtec].

19 My name is Raul Gomez and I am here representing --

20 MS. SCOTT: Excuse me. Excuse me just a moment.

21 Would you like to have the translator come as well?

22 MR. GOMEZ: I can do the English.

23 My name is Raul Gomez and I am here representing
24 the Mixteco community. And the [inaudible] and the Mixteco
25 Indigena Community Organizing Project. We have been here

1 before in front of the Commission. We are here again to say
2 we need to protect our children and our city. We ask for a no
3 vote, we need clean air for Oxnard. Thank you.

4 MS. SCOTT: Thank you. I have a Gabriella Shufani
5 followed by Don [sic] Huydie.

6 Is Gabriella here? Okay. I have -- I'm sorry, Jon.
7 Jon Huydie. Followed by Strela Cervas.

8 MR. HUVDIE: I assume you meant Jon Huydie. I'm used
9 to having my name butchered anyway.

10 MS. SCOTT: Sorry.

11 MR. HUVDIE: That's fine. Everyone likes prosperity,
12 but at what price do we have prosperity. Ever since the
13 beginning of the Industrial age, the human race has been
14 involved in a process of global engineering without a plan.
15 Carbon dioxide levels have surpassed 400 parts per billion.
16 Methane is bubbling out of the tundra in Siberia and Northern
17 Canada. Cart methane ice is bubbling out of the oceans.
18 Methane is 100 times more greenhouse. Hundred times more of
19 greenhouse affect than carbon dioxide.

20 When we have the capacity for renewables, why are
21 we doing fossil fuels? Oxnard historically has taken the
22 brunt of fossil fuel pollution from power plants. I am the
23 parent and a grandparent of those afflicted with asthma. How
24 many more generations will we sacrifice to fossil fuels?
25 There is a simple formula, profits over people does not equal

1 prosperity.

2 MS. SCOTT: Thank you. I have Strela Cervas,
3 followed by Dr. Richard Neve.

4 MS. CERVAS: Good morning. My name is Strela Cervas
5 and I'm here as an individual. I wanted to clarify that I am
6 not here in my role as codirector for the California
7 Environmental Justice Alliance.

8 I'm here to support the many residents and youths
9 of Oxnard and to support the organization CAUSE. This fight
10 as we -- as many people have mentioned is a fight about
11 environmental justice. The city where Oxnard will be -- where
12 the Oxnard power plant, the particular plant will be built is
13 75 percent people of color. That means Latino, Black, and
14 Asian-Pacific American communities. The per capita income is
15 \$20,000.

16 Oxnard is already being disproportionately
17 overburdened by pollution. The city ranks in the top 20
18 percent of environmentally burdened communities in the state.
19 It ranks in the 94th percentile for pollution burden, the 100th
20 percentile for pesticides, and the 92nd percentile for cleanup
21 sites. Contrary to what some of the supporter of energy
22 mentioned, it actually ranks in the 92nd percentile for
23 asthma, the 92nd percentile for cardiovascular rates. And the
24 list goes on and on.

25 So clearly this is a really heavily impacted

1 community that we're talking about and yet Oxnard already has
2 three gas-powered plants polluting the air and it's hard to
3 imagine that now a fourth one is being proposed in a working-
4 class community that's already dealing with devastating
5 environment degradation.

6 You've got a superfund site, oil fields, it's
7 wetlands are being turned into a dump and the list goes on
8 and on. And this is not a coincidence. A recent study by PSC
9 Healthy Energy shows that 84 percent of peaker plants are
10 actually located in disadvantaged communities. This is
11 environmental racism. Oxnard families and communities like
12 them across California deserve better. Customers of Southern
13 California who would foot the bill for this toxic power plant
14 deserve better. In a time when California is setting its
15 pathway to get to 100 percent renewable energy, working-class
16 communities of color like Oxnard should be the first in line
17 to make this renewable energy transition.

18 My vision for Oxnard and environmental justice
19 communities across the state is to be blanketed with
20 renewable energy and things like energy storage. We have all
21 of these technologies, why are we not considering them? And
22 these communities should be prioritized to get the public
23 health and economic and jobs benefits from renewable energy
24 technologies.

25 Recently, the CEC released the SP350 report to

1 barriers and access to getting renewable energy in
2 disadvantaged communities. You as a commission are
3 accountable to your own report to make sure that renewable
4 energy gets into these disadvantaged communities like Oxnard.
5 If you authorize this plan, you will not meet the renewal
6 energy goals in your own report.

7 Lastly, in this, I know that sometimes these votes
8 can be a political one. And I'll just say in this time of
9 Trump where we really need strong leaders in California and
10 consider the California Energy Commission a strong regulatory
11 agency in California, we really need you to stand up to the
12 politics and regressive policies that Trump is putting out.
13 And I want you to separate yourselves from Trump and his
14 policies and show that California can be a leader and as an
15 agency, you can be a leader and not approve this dirty fossil
16 fuel power plant.

17 Oxnard and EJ communities deserve a robust clean
18 energy economy that benefits for all, everybody. Clean air
19 for Oxnard.

20 MS. SCOTT: Thank you. I have Dr. Richard Neve
21 followed by Tomas Lopez.

22 MR. NEVE: Good evening. My name is Dr. Richard
23 Neve. I'm speaking as a member of the Ventura County Chapter
24 of Democratic Socialists of America.

25 We are here tonight to stand up and speak out

1 against the Puente Power Project. We stand in solidarity with
2 a community, the organizations, the activists, and the
3 intervenors who have all vigorously and eloquently
4 demonstrated that the Puente Power Project is unnecessary and
5 unjust.

6 Siting dirty energy in disproportionately
7 disadvantaged communities is the story of environmental
8 racism here and around the country. Building another natural
9 gas-fired plant at the Mandalay Generating Station would be a
10 continuation of decades of environmental racism. The
11 residents of Oxnard have borne the burden of that injustice
12 for far too long. This case is the frontline for environ --
13 is the fight for environmental justice in California. And the
14 state has committed itself, has made explicit ethical and
15 legal commitments to not only lead the fight for green energy
16 and environmental justice but also to do so first and
17 foremost in those communities which have sacrificed for dirty
18 energy and corporate profits.

19 The residents, activists, and our elected
20 representatives have spoken loudly and clearly, we demand
21 environmental justice for Oxnard. We all demand Oxnard no
22 longer be used as a dirty energy sacrifice zone for the rest
23 of the county. We all demand that the Energy Commission do
24 what makes sense, help put a stop to the Puente Project and
25 help us build a clean energy system based around solar and

1 battery storage. Battery storage is an existing clean energy
2 solution which is modular and scalable in ways natural gas
3 plants can never be.

4 If we need more peaker capacity, we can always
5 install more batteries and charge them with more energy
6 generated by solar as well as winds, tidal, and many other
7 forms of renewable energy that will soon become available in
8 the area.

9 Southern California Edison already operates a
10 battery storage facility at their Mira Loma substation. Why
11 not install batteries here at our local substations? Dirty
12 energy in California stops right here, right now. All people
13 should have the freedom to determine all aspects of their
14 lives to the greatest extent possible. This freedom certain
15 extends to the right to clean air, the right to not have to
16 live in a dirty industry dumping ground, and the right of
17 local communities to have the strongest voice when it comes
18 to making decisions that affected their environment and their
19 lives.

20 I just want to finish with a bit of advice for NRG.
21 Pack up and go home, your money means nothing. Your corporate
22 money is powerless in the face of the power of the people who
23 are assembled here tonight. Clean air for Oxnard.

24 MS. SCOTT: Thank you. I have Tomas Lopez, followed
25 by Andrew Rivera.

1 MR. LOPEZ: Members of the Commission. Thank you for
2 your time tonight.

3 My name is Tomas Lopez and I've been a resident of
4 Oxnard for over 20 years. I stand here tonight to oppose the
5 Puente project. This project, it's a -- this Puente Project
6 it's an old and outdated technology. We are -- this is 2017.
7 Green energy, clean energy is the future. And I stand here
8 tonight to ask the Commissioners to think about Oxnard, to
9 think about the residents, to hear all of the people that
10 spoke here tonight, that we don't want this Puente Project in
11 Oxnard. Clean air for Oxnard.

12 THE AUDIENCE: Clean air for Oxnard.

13 MS. SCOTT: Thank you. I have Andrew Rivera,
14 followed by Danielle Walsmith.

15 MR. RIVERA: Hello.

16 MS. SCOTT: Hello.

17 MR. RIVERA: Just want to say thank you guys for
18 listening to what we have to say or at least looking like
19 you're listening. Seems like you guys are.

20 I really don't have anything planned to say, I
21 didn't come up with a speech, I still don't know what I'm
22 going to say. But I do want to say, just give us a break,
23 give the citizens of Oxnard a break. I know you've heard ton
24 of facts, some that I was aware of myself, the asthma rate,
25 three power plants already. There's oil rigs in the middle of

1 produce areas here in Oxnard. I go down Hueneme Road to go to
2 work, Channel Islands University, and I drive by the power
3 plants.

4 If you look to your right going down Hueneme Road,
5 you see planes flying by spraying these crops. I see that at
6 least once every two weeks, planes going back and forth
7 spraying crops, spraying crops. The farm workers they are
8 laying down these pesticides. They look like they're about to
9 go dismantle a bomb. They're fully covered.

10 Oxnard has been through a lot. We don't need
11 another power plant, even if it means, you know, closing two
12 power plants. It's like saying okay, four bullies, that's a
13 bit too much, we're going to take out two, we're going to
14 have two more bullies left over. Oxnard doesn't need that.

15 Yesterday I got a call from my girlfriend, right.
16 She's over in Mexico. And she tells me, babe, guess what?
17 What do I say? I say, babe, what? Tell me what happened. She
18 says, you're going to be a dad. Yesterday she just told me
19 that. I'm excited, I'm still excited, I'm jumping for joy.
20 But then I hear, you know, this asthma rates, you know,
21 infant problems with, you know, already just been being born.
22 What am I supposed to feel when I'm just hearing this and I'm
23 just being told yesterday that I'm going to be a dad.

24 It's just not right what's going on what's
25 happening with Oxnard. Like you heard before from people who

1 live in other areas, you know, they're -- all this stuff
2 isn't allowed to build, you know, power plants and mining
3 fields and oil fields in other areas but here in Oxnard it's
4 allowed. It's just not right, it can't be right. Out of all -
5 - everything you've heard, there's no way you guys -- at
6 least I would think there's no way you guys would be able to
7 come to the decision oh, let's just build it. I would hope
8 that wouldn't be the case.

9 Like I said, thank you for listening. Let's just
10 not make it happen, please. Thank you. Clean air for Oxnard.

11 MS. SCOTT: Thank you. And congratulations on your
12 good news.

13 I have Danielle Walsmith, followed by Shannon
14 Lopez.

15 MS. WALSMITH: Good evening. On behalf of SWAN,
16 Suburban Women's Advocacy Network, an activist group of over
17 700 women throughout the [inaudible] Valley, I'm here to
18 oppose the Puente Power Plant. We oppose the plant not only
19 for environmental reasons but in solidarity with our
20 neighbors in Oxnard against climate injustice.

21 With one of the highest rates of asthma in the
22 state, the residents of Oxnard already live with coastal
23 power plants and exposure to large amounts of agricultural
24 pesticides. The Puente Plant is unnecessary. Let's be honest.
25 This plant would not be built in our whiter and wealthier

1 neighborhoods just to the east on the other side of the hill
2 where I'm from and where we're all from. And if it were going
3 to be, we would rise up against it and say not in my back
4 yard.

5 So we join what the Oxnard community, our neighbors
6 and say not in their back yard either. Clean air for Oxnard.
7 Thank you.

8 MS. SCOTT: Thank you. I have a Shannon Lopez,
9 followed by Todd McNamee.

10 MS. LOPEZ: Good evening, Commission, and thank you
11 for your time. I know you've been here before and we've all
12 been here before and I sincerely hope that you are listening
13 to us today, listening to us as community members, as
14 constituents, as people that will have to live with this
15 plant for the next 30 years and maybe more if they don't take
16 it down.

17 My name is Shannon Lopez, I'm a resident of Oxnard,
18 I'm a teacher. I'm also here representing the Democratic
19 Socialists of America, the Ventura County Chapter. And I'm
20 here tonight to urge you to stop building -- stop the
21 building of the Puente Power Plant. This is going to be
22 outdated before it's even built. I am shocked that the
23 Commission would ignore all of our state legislators, our
24 Congresswoman Julie Brownley, our city council of Oxnard, and
25 most obviously of all the residents many of whom oppose this

1 project.

2 I am also upset that the Commission would rubber
3 stamp a project that will add to the environmental racism
4 already burdening Oxnard. Additionally, I cannot comprehend
5 why the Commission would allow a project to go through that
6 is based in old polluting technology. That is expensive and
7 is not even needed.

8 The Puente Project will not even provide many
9 permanent jobs. I understand there will be a few jobs for
10 construction, but after that very few permanent jobs will
11 remain in the community that will even offset the
12 environmental impact. You have heard all of the statistics
13 about the plants and about California's energy needs. You
14 have heard about Oxnard's disadvantaged status and its health
15 issues due to pollution. You have heard about California's
16 commitment to clean energy and the green energy technology
17 that is available to us. With all of this information, how
18 can you allow this proposal to continue? How can you invest
19 in NRG's bank account rather than in Oxnard's future?

20 We expect our government and its institutions
21 including appointed officials like yourselves to protect us
22 and to plan for our future, not use us as a sacrifice zone.

23 It is my hope that you will remove the Puente Plant
24 from our future for good. I don't want to be back here. Make
25 a commitment now to clean energy and to ending environmental

1 racism. This is your chance to show your commitment to people
2 over profits and your commitment to this community over a
3 corporation. We are counting on you to make the right
4 decision and urge you to listen to us and to the facts. Clean
5 air for Oxnard.

6 THE AUDIENCE: Clean air for Oxnard.

7 MS. SCOTT: Thank you. I have Todd McNamee, followed
8 by Ms. Idalia Robles de Leon.

9 MR. MCNAMEE: Good evening, Commissioners. My name
10 is Todd McNamee, I'm the director of airports for the county
11 of Ventura.

12 I wanted to specifically address the traffic and
13 transportation alternative section of the supplemental
14 testimony prepared by the CEC staff.

15 With regard to proposed power plant sites, the Del
16 Norte Fifth Street site is roughly one and a half miles from
17 the western end of Camarillo Airport runway located just to
18 the southwest.

19 After discussion with the Camarillo Air Traffic
20 Control Tower staff, I've been informed of the type of
21 aircraft operations that may overfly this alternative site
22 including general aviation, aircraft and helicopter
23 operations.

24 Aircraft operations include departures from Runway
25 26 with left turns out to the coast. Left turns on instrument

1 flight rules, departures, and overflight when the traffic
2 pattern is extended due to congestion. Overflight will also
3 occur from over aircraft departing Oxnard Airport under
4 visual flight rules arriving at Camarillo Airport and when
5 aircraft are flying instrument landing approach procedures
6 and into the Oxnard Airport. It impacts both.

7 Helicopter operations will overfly the site when
8 flying special visual flight rules to and from Camarillo
9 Airport known as the Fifth Street route. Altitudes for these
10 varying operations will range from 500 feet above ground
11 level to 2500 feet. I remind you of my significant concern of
12 overflight of the Puente sight by aircraft departing and
13 arriving at Oxnard Airport at low altitudes. The CEC's PSA
14 depicted many aircraft flying directly over the Puente site
15 at altitudes that would subject them to exhaust plumes.

16 The Navy has also expressed concern over the Ormond
17 Beach alternative site. The Department of Airports believes
18 that locating a power plant at any of these sites presents a
19 hazard aviation that does not exist today.

20 For the above reasons, the Department believes that
21 Puente and the alternative sites all present an impact to
22 aviation safety and should not be approved.

23 Additionally, the Department continues to find the
24 Proposed Mitigation Measures TRANS-7 inadequate to mitigate
25 potential from a plume impacts to aircrafts. If the CEC is

1 inclined to approve a power plant at any of these proposed
2 sites, it's imperative that it require the applicant, in this
3 case NRG to use technology that would minimize the potential
4 hazard to aircraft.

5 CEC's staff testimony states that a critical
6 velocity plume from Puente could reach elevations of almost
7 2400 feet above ground level. Importantly, critical velocity
8 plumes from alternative turbine technologies would be much
9 lower. Critical plumes from LMS 100 turbines would reach
10 elevations between 656 feet to 1333 feet depending on the
11 number and location of operating stacks. Critical velocity
12 plumes from the LM6000 turbines would be even lower between
13 512 feet to 1170 feet in elevation. Thus the proposed Puente
14 technology could produce critical velocity plumes that are
15 roughly between two and four times higher to those potential
16 alternatives.

17 After evaluating these different turbine
18 technologies and/or other alternative technologies, it's the
19 opinion of the Department of Airports that the CEC should
20 only approve smaller turbine technology that minimizes the
21 height and frequency of potential exhaust plumes and the
22 resulting hazard that a plume might pose to aircraft at the
23 nearby Ventura County Airports. However, know the only way to
24 truly mitigate these hazards is to not to build one of these
25 power plants at all. Thank you.

1 MS. SCOTT: Thank you. I have Idalia Robles de Leon
2 followed by Jorge Toledano.

3 And for Jorge, he's requested translation just so
4 our translators know.

5 MS. ROBLES DE LEON: [Speaks Spanish - Buenas noches
6 a todas las personas aquí presentes] Take a breath. It's been
7 a long day.

8 Good afternoon, everyone, or good evening. My name
9 is Idalia Robles de Leon and I am a sociology graduate
10 student at UCSV so I commuted to be here today because it is
11 that important of an issue for our community out there as
12 well.

13 I want to start out by asking for permission from
14 the original people of this land, the Chumash peoples, and
15 also to all those who tend to the land today, the many
16 Zapoteca, Mixteca, Triqui, indigenous and migrant workers who
17 are feeding us every single day and get to see firsthand the
18 repercussions of the decisions that are made in spaces like
19 this one.

20 I am here speaking in conversation with many UCSV
21 students and faculty and other Goleta and Santa Barbara
22 community members who refuse to see our Oxnard neighbors
23 become the sacrificial offering whose lives are being put at
24 risk in the name of producing more dirty energy that is
25 completely unnecessary.

1 Really I'm here primarily as a decent human being.
2 I'm concerned for the well-being of fellow Californians, for
3 the people of Oxnard. I'm hearing the experts today, the
4 residents of Oxnard who are most at risk. The youth of color
5 who have come, they could be watching TV, they could be
6 playing around, they could be reading a book, you know,
7 having dinner, and yet they're making decisions to be here
8 today to speak to the realities that their lives are being
9 threatened. And I hope that you all are taking this very
10 seriously because their lives are at risk.

11 While this particular struggle has been going on
12 for three years, I see it as a continuation of a fight that
13 has lasted at least 525 years. We call that environmental
14 racism in sociology.

15 As other speakers have stated, I too am concerned
16 for the job market here in Oxnard, especially considering
17 that this plan would only provide temporary jobs and that the
18 highest paid jobs would go out of state hires. I also remind
19 the Commission that old plants are scheduled to be
20 decommissioned by 2020 which is the time for this commission
21 to permanently remove them.

22 We're keeping a watchful eye from Santa Barbara,
23 from Goleta, from USCV not just as community members but as
24 scholars, researchers, activists, concern community members.
25 And we, you know, not only encourage you but we expect that

1 there will be an opposition to creating this power plant that
2 will risk many, many lives. We're also waiting a call for
3 action into join [inaudible] next Standing Rock if need by so
4 I hope we don't get to see each other in that capacity, but
5 know that we are ready. Clean air for Oxnard.

6 MS. SCOTT: Thank you. I have Jorge Toledano, and he
7 is going to be followed by Kevin Ward.

8 MR. TOLENDANO [VIA INTERPRETER]: I will speak in
9 this [inaudible]. I am indigenous man. I am son of the earth.
10 We came to show the city how we take care of the human race
11 and how to take care of the environment. This is 2017,
12 technology is advancing rapidly and I ask myself why in
13 Oxnard? Why again? Why in Oxnard I ask myself. We already
14 have three power plants so the fourth plant that you will be
15 building here that energy is not even going to be for Oxnard.
16 Why here in Oxnard? Why don't you go to Moorpark where the
17 energy's going to be working? Why don't you take some of it
18 to your houses? I ask myself why here, why Oxnard?

19 In general, people who live here are low-income
20 people and that is the reason why you want the plant here. I
21 want to tell you just one more thing. Only after you cut the
22 last tree, only after you poison the last river, only after
23 you catch the last fish, only then you will know that you
24 cannot consume money as food.

25 Thank you for listening to me. And thank you,

1 please listen to me. We no longer want contaminated air in
2 Oxnard. We want clean air for Oxnard. Thank you.

3 MS. SCOTT: Thank you. I have Kevin Ward, followed
4 by Esha Suri.

5 MR. WARD: Good evening. I'm really sorry you have
6 to see me here again.

7 I'm a resident of Oxnard and I was here quite often
8 in the latter part of last year trying to make statements
9 convincing statements about why Oxnard should be spared this
10 archaic form of energy.

11 Obviously and not anything I said was really that
12 effectual. But I would like to say that I'm a big fan of
13 permaculture. And permaculture is a practice of gardening and
14 restoration of the natural world. Actually, the practice
15 requires you to study what is going on in the natural world
16 in order to cater to it so that you can grow things with it.
17 And I think we're pretty much at the point where we've got to
18 consider regeneration of our environment and of our city
19 rather than anything that might take away from that.

20 So what are we going to do? Well, there are
21 millions of jobs in cleaning up the mess that we've made,
22 number one. And that's something we should think about as far
23 as trying to correct what's been taken place. Since I was
24 here last, I don't know maybe it was at the time, Exxon has
25 become head of our state department and so many NRG figures

1 what the heck, we'll just keep running it up the wall until
2 finally it gets trumped.

3 But the thing is is that we are on borrowed time
4 here and unless we need that power plant to keep the doomsday
5 clock running, I can't see any need for it. It's a very
6 serious situation we're all in and it's about time we did
7 something dramatic to correct it. All of us are responsible
8 for this, each of us. To victimize Oxnard as a community of
9 color is beyond the pale, so to speak. But we are faced with
10 a disastrous situation right now. It's raining in Antarctica.

11 So somebody's actually talked about a Plan B. The
12 Plan B if you do not reject it looks to be as though it could
13 be the same Plan B that's going up against Exxon in
14 litigating them for hiding the reality of global warming --
15 warming for 35 years. And I can see this, too, being a
16 situation of litigation. Please consider that Plan B because
17 I think we're on the right side of history, however much is
18 left of it.

19 So we are a community that has stood strong against
20 LNG and we will again [speaks Spanish - sí se puede, pero no
21 con Puente]. Thank you.

22 MS. SCOTT: Thank you. I have a Esha Suri followed
23 by Jessica McCurdy.

24 Esha, are you here?

25 Okay. I have Jessica McCurdy and she is followed by

1 Peggy Abate.

2 MS. MCCURDY: Hello. My name is Jessica McCurdy, I'm
3 a member of the Ventura County Chapter of the Democratic
4 Socialists of America. I live in Ventura and I was born and
5 raised in Oxnard. When I'm driving from Ventura to Oxnard,
6 you can see this kind of awful smoggy haze above Oxnard. So
7 what people are talking about is real, the air is pretty bad.

8 I'm a mother and a teacher so naturally my mind is
9 always thinking about children's needs and the health of the
10 infants and children, pregnant women, and seniors in this
11 community are the most negatively affected by air pollution
12 and we should be thinking about these vulnerable populations
13 and how they are in the need of our protection. And it's for
14 their benefit that I ask that you reconsider this project.

15 Additionally, is this project really practical when
16 we are working toward a cleaner air solution -- or cleaner
17 energy solution in a dozen years or so? And what's going to
18 happen if sea levels rise or there's an earthquake and a
19 tsunami is triggered? Putting it on the beach just doesn't
20 really seem like the best option.

21 Additionally, our ocean is on the doorstep on the
22 Channel Islands Marine Sanctuary and is need of our
23 protection additionally. And Oxnard has one of the worst air
24 qualities in California so we should be thinking about how to
25 clean up this area with clean energy and not fossil fuels.

1 Clean air for Oxnard.

2 MS. SCOTT: Thank you. I have Peggy Abate, followed
3 by Raul Lopez.

4 Peggy, are you here?

5 Okay. Raul Lopez, followed by Gabriella Valencia.

6 MR. LOPEZ: Hey guys, welcome back. This is my
7 daughter, her name's Sochi. She wanted to come up here with
8 me when I gave my comment so I said that's fine.

9 You guys have actually heard me talk about her
10 before. Her name is actually I believe in some of the
11 paperwork in the reporting and testimony that I gave, she's
12 actually had asthma since she was a kid, since she was a baby
13 -- well, she's a kid, since she was a baby. A baby kid.

14 But I don't want you guys to hear everybody here
15 and assume that we're painting this evil cloud picture coming
16 out of NRG, right? Because I'm a realist. I understand that
17 it's small percentage, right, that's going to go into the
18 air. It's not a percentage that anybody would wow at I don't
19 think, except for the people at Oxnard.

20 We have kids here with asthma. We have pesticides
21 in our fields. We had a dump on Victoria Avenue that I could
22 smell from my doorstep when I was a kid. We've had just so
23 much crap here in Oxnard and all I know is that I was born
24 and raised in Oxnard and going through having to smell
25 pesticides that smelled like vomit in school, in every school

1 that I ever went to as a kid through high school, seeing the
2 dump, smelling the dump, smelling just all of these awful
3 things. On one side we had pesticides, on the other side we
4 had a dump. On the beach, we have power plants. So there's
5 really nowhere you can go back -- in my childhood, there was
6 nowhere you could go to escape this. So now as an adult, I
7 feel like a personal responsibility to leave it better than I
8 had it when I was here growing up. So all of this is just
9 part of that.

10 So just understand that that small percentage,
11 though it may seem tiny to most people, to a community like
12 ours, we can't afford any one single percentage point. We
13 need stuff that helps us get better. We're like a sick kid,
14 we need medicine. We don't need, you know, another shot of
15 the flu.

16 So I'm here just to beg you guys to please listen
17 to the people that are here today. None of them have to be
18 here. There's people been here sweating. Sitting, standing,
19 sweating for hours. You guys got to be here, they don't but
20 they are here. So just think about why they would sit in a
21 hot room for hours and hours pleading to you guys just to
22 hear them. Just to hear them. And then to have the thought
23 that possibly all of this wasn't even heard? It's just hard
24 to accept in thought.

25 But I appreciate you guys coming back here and I

1 hope you hear the community because the five or six dudes
2 that I heard that were in favor didn't -- I mean, if it's on
3 the Internet, it must be true, you can't just Google asthma
4 and assume you're going to find the answer. All you've got to
5 do is go to Cal and Bio screening, you can find it. If you
6 know where to look, you could find the correct information.

7 My daughter just has one quick statement.

8 MS. SOCHI: Clean air for Oxnard.

9 MS. SCOTT: Thank you. And welcome to your daughter.

10 I have Gabriella Valencia, followed by Judith
11 Duncan.

12 MS. VALENCIA: Hi. My name is Gabriella and I'm a
13 graduate student right now. Graduate student of social work
14 actually at CSUN.

15 And I'm one of those people that was born and
16 raised in south Oxnard. I live like five minutes away from
17 the beach. So, yeah, I'm going to feel those effects. And I
18 want to -- I've always like pursued education thinking that
19 like one day I'm going to go out, learn all these amazing
20 things. I'm going to come back and like raise a family in
21 Oxnard because I love it that much. But do I want to raise my
22 family in a place like that's trash, where the air is trash
23 and the beaches are trash.

24 And, you know, even though I've made it in my
25 own -- in my mind I've made it, you know. I haven't graduated

1 yet, but I've made it. And it just makes me think back to
2 when I was in high school and thinking, you know, why don't
3 they care about us? And I almost didn't graduate high school.
4 I felt -- you know, I saw our school. Instead of investing --
5 you talking about like improving our city, talking about
6 economics. Instead of investing in something like a power
7 plant, why not invest in like students and teachers and the
8 buildings, things that we teach our students in. Like, I want
9 to feel cared about. Like, why am I going to go to college?
10 That's what these kids are thinking. Why am I going to go to
11 college when nobody else believes in them.

12 And not only is it the education system that needs
13 investment, but what kind of message is Oxnard sending by
14 building another power plant? Like these kids don't matter.
15 You know, their future doesn't end up matter. They're going
16 to end up being another person stuck in the cycle of poverty.
17 You know, why do they matter? So think about that.

18 If you really want to care about our future, about
19 Oxnard, think about the message you're sending young people.
20 Like, would you want to send that message to your own
21 children, you know? That's why we don't put this trash in
22 Santa Barbara and Malibu like they're talking about, because
23 we don't want to send them that message. We want to tell
24 people, "Love your city." But how can you love it when other
25 people are trying to trash it?

1 So yeah I'm here, I'm angry. And everyone else here
2 is just as angry as me, but thank you for listening. Clean
3 air for Oxnard.

4 COMMISSIONER SCOTT: Thank you.

5 I have -- wait a second, that was Gabriela --
6 Judith Duncan? So she put in a card earlier, this is the
7 second try. I'm not seeing her, so I will go on to Sara Gepp
8 followed by Franciso Ferrera.

9 MS. GEPP: Hi, thank you so much for being here. My
10 name is Sara Gepp from Close to the Earth IT Services. I'm a
11 business owner and a business taxpayer. I run my green
12 business in Oxnard. And I've been running my business with
13 solar power and minimized power consumption while creating
14 high-paying jobs.

15 NRGs claim to create to jobs for Oxnard is an
16 outright lie. All of the jobs are going to be temporary and
17 go to the people in L.A. County. All of the high-paying jobs
18 will go to the people out of state in New Jersey and in Texas
19 where NRG, this Fortune 200 company, is based.

20 The only people who have expressed support for this
21 plant have been aging white men with a financial agenda. We
22 need to be focused on the future of all Oxnard residents. The
23 majority of Oxnard residents oppose the power plant. I've
24 been following the public comments and residents of Oxnard
25 will be greatly impacted by pollution, while not benefiting

1 from the proposed financial gains.

2 I am a technologist and a computer expert. I can
3 tell you that these high-tech plants run primarily offsite.
4 They can be operated remotely in other states like New Jersey
5 or in Texas. The false promise of new jobs is simply not
6 reality. This is not how it works.

7 I oppose the Puente power plant. I am a taxpayer
8 and a job creator. Californians and Oxnard residents want
9 green, sustainable and renewable energy and that is what we
10 demand. The opportunities for renewable and green energy jobs
11 are amazing here in Oxnard. Considering the pool of talent in
12 skilled workers, let's focus our tax dollars on developing
13 green energy and taking the lead on creating prosperity for
14 Oxnard with a clean energy plan for our city.

15 There are alternatives to this toxic power plant
16 and they're already underway in Santa Barbara and Goleta. A
17 protest site on the scale of Standing Rock would certainly
18 create an economic windfall here in Oxnard as it did for the
19 businesses of North Dakota. And I sincerely hope that it does
20 not come to that.

21 We demand that the decommissioned power plant be
22 removed without building a new plant in its place. NRG is
23 attempting to blackmail our city by refusing to clean up the
24 decommissioned power plant. In 2020, NRG needs to
25 decommission the plant and clean up the site, removing the

1 existing Units 1 and 2.

2 Thank you very much.

3 COMMISSIONER SCOTT: Thank you.

4 MS. GEPP: Clean Air for Oxnard.

5 COMMISSIONER SCOTT: And I actually had a double
6 card, so next is Pat Brown followed by Stephanie Castaneda.

7 MS. BROWN: I'm Pat Brown and I've been here most of
8 the evening since 6:00 o'clock listening to all these people.
9 And I wasn't going to say a word, but I get up before the
10 City Council here in Oxnard every once in a while and voice
11 my opinion just for the heck of it. Not that they're going to
12 pay any attention and probably won't here either.

13 However, I lived in the San Fernando Valley for 30
14 years as an adult before moving out here, finally got wise,
15 away from all of that horrible thick smog and heat. It was
16 terrible. Moved out here, got all moved in, and then decided
17 well I'd take a drive out to the coast to see what it looked
18 like. And what I found was a big power plant and I thought,
19 "Oh, my god. How would they allow such a terrible thing to
20 put here? It's so ugly."

21 Now, I'm a volunteer. I'm 76 years old and I've
22 been told by doctors that I may live to be 100, because I
23 still have all of my teeth with no cavities or fillings. And
24 I have no health problems, no cholesterol, none of any of the
25 stuff that everybody else has. And I'm not overweight either,

1 so if I can keep my wits about me I may last another 20-some
2 years. And I want to live to see these plants go and the
3 sooner the better.

4 I'm involved in tourism throughout West Ventura
5 County, I have been for a number of years and Ormond Beach,
6 and the recovery of Ormond Beach. We want to put it back to
7 its natural state. We want that plant out of there, the
8 sooner the better. Either that or the water will come in and
9 wash it away. We want it gone, all lock, stock and barrel,
10 everything. Everything gone.

11 And we want the one at Mandalay gone too, all of
12 it. You can put it where they need the power. Put it where
13 they need it. Not for us, we don't need it. We don't have air
14 conditioning. We don't have freezing cold in the winter. This
15 is a very moderate climate and we don't deserve to be treated
16 like this, okay? So just know that, that this the beginning
17 of the end, of the end of both of those power plants. I want
18 to see them gone by 2020. I want them to be hauled out of
19 here, all of it, everything gone. Not anything new, just all
20 gone.

21 Thank you very much. (Crowd cheers, applause.)

22 COMMISSIONER SCOTT: Thank you.

23 I have Stephanie Castaneda followed by Lucas
24 Meyert. Stephanie, are you here?

25 (No audible response.)

1 Okay. I have Lucas Meyer followed by Jenna Ingles.

2 MR. MEYER: Hello.

3 COMMISSIONER SCOTT: Hello.

4 MR. MEYER: My name is Lucas Meyer. First of all, I
5 wanted to thank you for your patience in listening to all of
6 us tonight.

7 I wanted to make two quick points, the first one
8 being that I am not from Oxnard. I'm from Santa Barbara. I've
9 been living there for four years, but before that I was
10 living in Boston where I was born. And the point of saying
11 that is to demonstrate that people outside of Oxnard care
12 about this issue. They're not alone in this fight. People in
13 other communities are paying attention, not just
14 Californians, but Americans as a whole. And I think that's
15 important to express, because as the federal government fails
16 to provide leadership in the climate fight, it is up to
17 communities to support each other. And that's why I'm here,
18 to express support to the Oxnard community.

19 Second of all, there is a very strong social and
20 environmental justice narrative tonight and I think that's
21 incredibly important.

22 In addition to that, I wanted to draw attention to
23 the simple fact that we don't have time. Experts are saying
24 that we have at least ten years, sorry at most ten years
25 before we reach a point where the effects of climate change

1 are irreversible. Maybe it's more than that, and whether it's
2 ten year or thirty years, the point is we don't have time.
3 When I was younger I was always aware of the climate change
4 threat, but I always thought it was something distant and far
5 away. And a couple of weeks ago I was sitting on my rooftop
6 in Santa Barbara watching the Whittier fire. And the sad
7 realization came to me that it's here, it's not a distant
8 reality anymore.

9 And in the future when it becomes desperate and
10 dire, when there are fires and rising tides that prevent us
11 from living our daily lives we're going to look back in
12 disgust and ask ourselves what else could we have done? Where
13 and when could we have made better decisions? And this
14 tonight is one of those times, so please make the right
15 decision and reject this plant. Thank you.

16 COMMISSIONER SCOTT: Thank you.

17 MR. MEYER: And clean air for Oxnard and clean air
18 for all humans actually, thank you.

19 COMMISSIONER SCOTT: I have Jenna Ingles followed by
20 Christopher Tull. Jenna, are you still here? I hear a yes,
21 please come on up. I thought you said she was back there?

22 (Off mic colloquy.)

23 Okay. All right, so if Jenna is not here I will go
24 on Christopher Tull followed by Delores Mondragon.

25 MR. TULL: Hi, thank you for being here.

1 MR. TULL: Hi, thank you for being here. My name is
2 Christopher Tull. I'm a Ventura native and relatively recent
3 resident of Oxnard. I won't talk for very long because there
4 are other people here who are spoken much more eloquently and
5 with much more passion and more knowledgeably than I can and
6 will. But I do just want to raise the point that our species
7 is facing down the catastrophic effects of climate change
8 within our lifetimes. If we have any chance to -- the other
9 guy said we have maybe 20 or 30 years. I think we're probably
10 already screwed. But I'm optimistic that we can at least
11 mitigate the worst effects. So if we have any chance to alter
12 our course towards a less dismal future, the last thing that
13 we need is more capital sunk into the consumption of fossil
14 fuels. Approving this plant will lock us into a course of
15 increasing pollution, carbon emissions for decades to come.
16 Even if this new plant is cleaner than those that it will
17 replace, it still won't be cleaner than renewable options.

18 Renewable energy generation, storage options are
19 getting cheaper by the day. And there are a variety of ways
20 that we can ensure energy reliability in our region without
21 burning more fossil fuels.

22 I also speak to you today as a father of a three
23 month old boy and when my son is older and God willing
24 asthma-free, I want to be able to look back on this time as
25 the moment that we made the right decision for our planet's

1 future, for our city's future and for our children's future.
2 Now is the time to say no to fossil fuel energy and yes to
3 renewable energy. Thank you for considering options to
4 provide clean air for Oxnard.

5 COMMISSIONER SCOTT: Thank you.

6 I have Delores Mondragon, followed by Isabella
7 Mondragon.

8 MS. D. MONDRAGON: Hello. Welcome back to my
9 community. I am Lola Mondragon. I'm the Democratic Chicano
10 Latino Caucus Vice Chair Region 5 representing San Louis
11 Obispo, Santa Barbara and Ventura. And I am also a PhD
12 student at UCSB. I am the organizer of the Women Veteran's
13 National Indigenous Healing Circle. I am here as an
14 individual, a resident of Ventura County, an activist. Social
15 justice is my fight, as a mother, grandmother, ceremonial
16 leader and as an active supporter of other activists, now
17 prepared for Plan B.

18 There are many veterans, refugees and people of
19 color who will continue the legacy of fighting for our lives.
20 I ask that you realize that history is being made with these
21 decisions, as the previous gentleman has spoken. And you're
22 legacy will be history as well. And you will be the
23 ancestors. We will be the ancestors that future generations
24 will study to determine where things went right or where
25 things went wrong. Encourage progress. Please help stop the

1 continued destructiond of those residents not privileged to
2 have time tonight to be here. They will fight for their
3 lives. We will stand. We know now how, we have Standing Rock
4 as a model.

5 I read this to you before when I was here. It was
6 the definition of genocide. Genocide is defined in Article II
7 of the Convention of the U.N., on the prevention and
8 punishment of the crimes of genocide as, "Any of the
9 following acts committed with intent to destroy in whole or
10 in part a national, ethical [sic], racial or religious group,
11 deliberately inflicting on the group conditions on the
12 grounds of life calculated to bring about its forcible
13 transferability of children, of groups, and others through
14 many forms." And this includes environmental racism.

15 I oppose this power plant. I oppose the genocide
16 through calculated environmental racism. As a native
17 indigenous woman, I am also a Navy veteran. I know many
18 veterans that went to Standing Rock. And they are ready and
19 willing to come here. Many of them are from California. We
20 have a very large veteran population that are committed to
21 social justice and have fought for that freedom. I am
22 committed to participate, motivate, and encourage the fight
23 in Oxnard, standing for the lives of all citizens. Many
24 people of color that are facing genocide through health care
25 reductions, tearing families apart in unjust immigration

1 terror sweeps, and persistent invisible exploitation of the
2 poor, the invisible and the silent.

3 Many will commit our bodies for justice and
4 freedom. As a veteran, I have done it before and we will do
5 it again. Lives might be lost, but if this isn't stopped loss
6 of life is guaranteed. The genocide will continue.

7 Thank you for listening, and thank you for being
8 here tonight (indiscernible).

9 COMMISSIONER SCOTT: Thank you.

10 I have Isabella Mondragon, followed by Diane
11 Delaney

12 MS. I. MONDRAGON: Hello. Good evening. My name is
13 Isabella Mondragon and I am here as a student at Buena High
14 School. And I identify as Chicsa Chicanx (phonetic) and I am
15 gender non-binary. I am a young person. I know that. And
16 whatever I say may not be taken seriously and it may be
17 dismissed, but I come up here to ask some questions.

18 Do you know how many people of color will be
19 affected in results with the placement of this power plant?
20 How many babies will be inhaling the poisonous gasses
21 emitted? How many children will suffer with asthma, because
22 of the hazardous environment they grow up in? How many
23 communities will be destroyed in order for those working for
24 the power plant to due profit? How many days, years,
25 centuries, will it take for people of color to have their

1 voices heard and for actions to be taken in order for us to
2 live comfortably? I tell you, that throughout history, things
3 like this have happened many times and will keep happening in
4 the future. It's a fact.

5 Please let me believe that the future of the next
6 generation will be able to live with fresh air. I oppose the
7 next deadly power plant. Clean air for Oxnard.

8 (Audience: Clean air for Oxnard.)

9 COMMISSIONER SCOTT: Thank you.

10 I have Diane Delaney, followed by Geneva Thompson.

11 MS. DELANEY: Hi. Good evening. Thank you for
12 listening to us. I know you guys look very, very tired. We
13 are too.

14 I was just remembering when NRG first came to our
15 town. And I think that was two or three years ago. It's been
16 a while. But our first indication that they were around is
17 that we started receiving these big, shiny color brochures in
18 the mail. And it talked about how NRG was going to make a
19 difference in our life and make our community better.

20 Their representatives then started to reach out to
21 us, to the community activists. And I think NRG was surprised
22 by Oxnard community, because there are a lot of activists
23 there. We're very involved with City Council. We're very
24 involved with our community as you can see with the young
25 people with Cause.

1 Oxnard didn't buy into what NRG had to say. We had
2 a lot of questions for them. Their stories didn't make sense
3 to us. We didn't believe it. When we questioned them with
4 valid questions, they started to get irritated with us. And
5 that's when the threats or the subtle threats began. That was
6 when they would tell us that if we didn't buy into their new
7 power plant, that they wouldn't take down the other power
8 plants. They had all sorts of stories.

9 There were people here. There were representatives.
10 The first one that I remember talking to was a gentleman
11 named Chris. I don't remember his last name. Since then, he's
12 gone and he's working for a solar power company. The other
13 guy that would come to City Council a lot and was the one
14 that started with the subtle threats was Tony Cordero. His
15 threats became to such an extent that we started calling him
16 Tony Soprano.

17 It's been a long fight and I hope that you guys are
18 really listening to us. If you don't buy into our arguments
19 about environmental racism, environmental injustice; if you
20 don't believe about sea-level rise, the coastal problems; if
21 you don't believe that we have environmentally-sensitive
22 beaches and dunes that need to be protected for the future
23 then please believe that Oxnard has already done their job.

24 Oxnard has already taken the burden for the rest of
25 the surrounding communities and provided not three power

1 plants, not four power plants, but five power plants. There's
2 three at Mandalay plus the Edison peaker plant plus Ormond
3 Beach. We have the other problems with the Superfunds. I
4 mean, these things surround Oxnard. You know, we have a
5 beautiful community. It's time for other communities to pay
6 the price that Oxnard's paid. If Oxnard decides to host
7 another power plant, if the tax revenue is that important,
8 then Oxnard should be the one that decides where that power
9 plant is sited and what it looks like.

10 The other argument that I've seen, and I noticed it
11 in your Internet stuff, the transparency things, is that the
12 people that oppose the power plant are members of unions who
13 are given a form to fill out and sign. And I feel for them.
14 Those are their jobs. But when we tear down those five power
15 plants those same people will have plenty of jobs. As a
16 matter of fact, we'll be out there bringing them lunch as
17 they tear down those power plants.

18 Edison power plant is supposed to be gone in 2035.
19 So Oxnard, by that time, should have no power plants on any
20 of its coast. And we hope that you guys have listened to us.
21 And we hope that you've taken all of that into consideration.
22 Thank you very much. Clean air for Oxnard. Thank you.

23 COMMISSIONER SCOTT: Thank you.

24 I have Geneva Thompson, followed by Matt Harris.

25 MS. THOMPSON: Good evening, Commissioners. My name

1 is Geneva Thompson from Wishtoyo Foundation. Wishtoyo is a
2 native-led non-profit with the mission to protect Chumash
3 cultural resources in the environment. Oxnard is in the
4 ancestral home lands Chumash people. As you have heard,
5 Puente power plant will be harmful to the Oxnard community
6 including the Chumash people.

7 I'm concerned that the CEC is considering siting
8 another power plant in a community of color already burdened
9 by polluting industries. This seems to be a trend, because
10 the CEC has another case considering Calpine's Mission Rock
11 Energy Center in Santa Paula, also a majority community of
12 color and on the Santa Clara River, which is essential
13 Chumash (indiscernible).

14 I would hope the CEC would like to move the State
15 of California away from dirty energy and environmental
16 injustice. We don't need another power plant in Oxnard. We
17 don't need a power plant in Santa Paula. And we don't need
18 another power plant in California. Clean air for Oxnard.
19 Thank you.

20 COMMISSIONER SCOTT: Thank you.

21 I have Matt Harris followed by Monica de la Hopa.
22 (phonetic)

23 MR. HARRIS: Good evening.

24 COMMISSIONER SCOTT: Good evening.

25 MR. HARRIS: My name is Matt Harris. I'm a PhD

1 candidate in the Religious Studies Department of the
2 University of California, Santa Barbara. And I have four
3 brief points.

4 First, at the beginning of this public comment
5 hearing, Senator Jackson suggested following the Governor,
6 that the environment is the existential issue of our day.
7 That may be so, but only at the intersection of the country's
8 history of settler colonialism and racism, which is its
9 fundamental existential issue and paradox.

10 Central to racism is the creation and exclusion of
11 population from the decisions of the state's civil
12 institutions. It has been made clear tonight that the people
13 of Oxnard, its elected officials, and the elected officials
14 of our state have said no to this project. Saying yes as the
15 CEC, in spite of the people's clear will and opposition, will
16 go down in history as racism.

17 Second, as a UCSB student along with my fellow
18 representatives who have spoken passionately and powerfully
19 before me, and along with the hundreds who have signed the
20 online petition as UCSB faculty, staff and students, I just
21 want to register our refusal to sit idly by and be complicit
22 as we benefit from such a project.

23 Three, the suggestion that the Puente Power Project
24 supply jobs to the City of Oxnard is overstated, and quite
25 simply laughable. Exactly how many permanent high-paying jobs

1 would the P3 provide? The fact is that most jobs would be
2 temporary. And the permanent jobs would be going out of
3 state, and with those in state and benefitting the community
4 very minimally.

5 Last, and this is important, that the existing
6 power plants already scheduled -- again, already scheduled to
7 be commissioned -- will only be removed and cleaned up should
8 the NRG power plant be built should be seen not as a promise
9 from NRG, but as a threat. Shame on NRG for attempting to use
10 scare tactics to push their project through, but the fact is
11 the people here tonight who are still here while others have
12 left, are not afraid.

13 The people are still here tonight, because they are
14 not afraid. Clean air for Oxnard.

15 COMMISSIONER SCOTT: Thank you very much. I have
16 Monica de la Hoya followed by Gavin Marin.

17 MS. DE LA HOYA: Hi. It's De La Hoya, h-o-y-a,
18 sorry.

19 COMMISSIONER SCOTT: Oh, thank you.

20 MR. VICENTE MCKAY: We have clean air now.

21 MS. DE LA HOYA: Good evening. My name is Monica de
22 la Hoya and this is my son, William Vicente McKay. And I'm
23 here as a mother -- it's past his bed time. He's a little
24 loopy, sorry -- and a resident of Oxnard. My husband --

25 MR. VICENTE MCKAY: Resident of Oxnard. (Laughter.)

1 MS. DE LA HOYA: -- and I moved to Oxnard, because
2 we wanted to live where we work. We have a Prius, we have a
3 Smart Car. We have a garden. We try to keep our footprint as
4 small as we can. And we want to raise our son here in Oxnard,
5 not in Thousand Oaks, not in Simi Valley. In Oxnard, because
6 I want him to go to school with kids who are bilingual and
7 even trilingual. He's going to go to school. He's going to
8 have friends that speak Spanish, English and Mixteco. Like
9 how cool is that?

10 But wanting to raise our son in a community with a
11 strong Latino population shouldn't mean we have to raise him
12 in a community that gets dumped on, sacrificed and
13 discriminated against, again and again. I want to the best
14 for my son, just like you want for your kids. And the best
15 for him and his friends is a city without another polluting
16 monstrosity.

17 And when I explained to him why we were here, he
18 said they need to read the Lorax.

19 MR. VICENTE MCKAY: Lorax.

20 MS. DE LA HOYA: Thank you.

21 COMMISSIONER SCOTT: Thank you. Bring your own
22 personal cheering section, I like it.

23 Next is Gavin Marin and the I will be going back to
24 the ones who I called originally, who weren't in the room
25 just to see if there's anyone still here. So if there are

1 folks who have been wanting to speak and did not put in a
2 blue card, please be sure to get it to the Public Adviser
3 right away so that we can know that you'd like to say
4 something.

5 Gavin, please go ahead.

6 MR. MARIN: Hello. My name is Gavin Marin. I am 10
7 years old. I'm in fifth grade. I was born and raised in
8 Oxnard. And I'm against the power plant, because I have
9 asthma and I love the beach. The power plant will make me
10 sick. And I want to make sure our beaches in Oxnard stay
11 clean, so everybody can play and breathe clean air. Clean air
12 for Oxnard. Thank you.

13 COMMISSIONER SCOTT: Thank you.

14 All right, I'm going back through, as promised. Do
15 I have Mike Stubblefield here? Okay. How about Howard Choy?
16 All right, Lucas Zucker?

17 UNIDENTIFIED SPEAKER: (indiscernible)

18 COMMISSIONER SCOTT: Oh, great. Adam Vega? David
19 Gonzalez? Musa Bassey? Victor Melgoza? Okay. Gary Kravetz?
20 How about Catherine Vidal? Gabriella Shufani? Esha Suri?
21 Okay. Peggy Abate or Abatay? Estefany Castaneda? Okay. Jenna
22 Ingles?

23 I just want to remind folks that you are certainly
24 welcome to put in comments by writing, that we certainly see
25 those as they come in on the docket as well.

1 The Public Adviser has informed me that she has
2 comments from Steve Nash that she would like to read into the
3 -- oh Steve Nash, I see you there.

4 MR. NASH: Hi.

5 COMMISSIONER SCOTT: Please, go ahead. I'm sorry, I
6 didn't see you earlier.

7 MR. NASH: Yes, I am here. And hello, old friends.
8 I'm a proud resident of Oxnard, but I'm also a global
9 citizen. These facts are indisputable, the site is subject to
10 sea-level rise, coastal inundation, and flooding, tsunami and
11 seismic risk and degradation of endangered species of
12 habitat.

13 The community is largely unified against the
14 project. The Oxnard City Council has stated this is an
15 inappropriate land use at this location. The project should,
16 at this point, be dead in the water. But it isn't, why?
17 Oxnard as it has been pointed out by many speakers, is a
18 predominantly Hispanic community. We do not have the
19 resources or the expertise to fight a project such as the
20 Puente Power Project that wealthier, whiter communities such
21 as Santa Barbara, Montecito, Malibu or Thousand Oaks could
22 marshal to start similar projects in their towns. This is why
23 it is always Oxnard that is asked to bear the brunt of
24 environmentally damaging uses such as power plants,
25 landfills, recycling smelters and other heavy industry. This

1 is why Oxnard is a sacrifice zone. We want environmental
2 justice for communities of color that have historically been
3 asked to bear the brunt of polluting industrial uses.

4 The air pollution from this proposed project will
5 affect residents that already suffer from the adverse
6 environmental consequences of laudable landfills, an EPA
7 Superfund site, class 2 injection wells, three existing
8 coastal energy facilities and agricultural pesticide and
9 fertilizer impacts.

10 I say enough of this overt racism. If for no other
11 reason, the California Energy Commission shall obey the moral
12 imperative and deny the PPP. The pro-project Commissioners
13 can spin this a million ways to Tuesday, but the Oxnard
14 community will know the real reason if the project is
15 approved. It is not because the facts support the decisions,
16 because quite simply they don't. It will be because of the
17 systemic and pervasive racism that says minority communities
18 don't matter. They do not deserve the same consideration for
19 the health, safety and welfare of its residents and do their
20 richer, whiter neighbors.

21 The Commissioners of the Energy Commission will
22 make a decision that will impact the health of our community
23 for decades. Do not turn your backs on the residents who have
24 already paid in full for the greater good of the region.

25 To conclude, I just want to point out the sheer

1 hypocrisy in allowing outside special interests to determine
2 local land use. We have told you over and over we don't want
3 this on our beach. You cannot mitigate sea-level rise and
4 coastal flooding. You cannot mitigate the significant impact
5 to endangered species. You cannot mitigate to the significant
6 air quality impacts and threat to local aviation. We have
7 given you alternative sites. There exists alternative energy
8 sources and storage technologies.

9 The CEC is ignoring its core responsibilities by
10 continuing to approved unneeded, outdated, polluting, natural
11 gas-burning energy facilities in environmentally sensitive
12 areas and economically disadvantaged communities of color
13 that do not have the financial resources or expertise to
14 fight billion dollar, out-of-state energy firms, or in-state
15 monopolistic energy providers that have corrupted the
16 regulatory agencies.

17 So Oxnard has born the burden of environmental
18 degradation for too long. Our residents are tired of being
19 exploited, because of their social class and skin color. And
20 by the way, thank you Commissioners Scott and Douglas, for
21 coming to our community to take these comments.

22 And finally, as has been stated so eloquently
23 before, clean air for Oxnard. Thank you.

24 COMMISSIONER SCOTT: Thank you.

25 That's all the blue cards that I have from the

1 room; any others, Alana?

2 (Off mic colloquy.)

3 COMMISSIONER SCOTT: Okay. Let me then close public
4 comment in the room and we will turn to the WebEx and I will
5 ask our IT folks to please go ahead and unmute the lines.

6 If you are on the WebEx or on the phone and would
7 like to make a comment, this is your opportunity. Please go
8 ahead and speak up, and it would help our court reporter
9 greatly if you would kindly spell your name for her.

10 Any comments on the phone, please go ahead. Let me
11 double check everyone is unmuted.

12 MS. HANNA: Hello, my name --

13 COMMISSIONER SCOTT: Yes, go ahead.

14 MS. HANNA: Hi, my name is Karen Hanna, K-a-r-en-n
15 H-a-n-n-a. And I'm a PhD candidate at UC Santa Barbara. I'm
16 calling to say no to the Puente Power Project. The family of
17 one of my very close friends lives in Oxnard and I'm calling
18 on behalf of her family, the Hodges family.

19 Now, I've been following the comments on the CEC
20 website and listening in to every public hearing. And it's
21 clear to me that the majority of people in Oxnard do not want
22 this plant. It's also clear that the commenters who support
23 the plant are all hoping for jobs, which I don't fault them
24 for. But these commenters are misguided, because as others
25 have stated more jobs will come from solar power than from

1 fossil fuel.

2 We don't have power plants in Santa Barbara, so why
3 then in Oxnard? As many have pointed out you know the
4 demographics, this is a blatant example of environmental
5 racism on working class people of color. Fossil fuel power
6 plants do not have a place anywhere, especially not in Oxnard
7 where there is a 21 percent surplus of energy. Building this
8 plant in the face of all of the opposition that we have heard
9 tonight would be an unconscionable and racist act lining the
10 pockets of yet another corporation.

11 Now, I'd like to remind the CEC that in addition to
12 state legislators and City Council members, the California
13 Coastal Commission itself recommended that the project should
14 not go forward. It is a danger to our wetlands, to our
15 wildlife, and to the residents of Oxnard.

16 And I want to say many thanks to so many already,
17 for reminding us that this is Native land, Chumash land. And
18 we need to listen to the people whose land was stolen from
19 them. If we don't take of the land and air we will not have a
20 planet for our children and future generations. It's urgent
21 that we all take climate change seriously before it's too
22 late. Clean air for Oxnard.

23 COMMISSIONER SCOTT: Thank you very much.

24 Do we have any others on the WebEx or the phone who
25 would like to make a comment? If so, please go ahead.

1 Everyone is unmuted, so if you would like to speak please go
2 ahead.

3 (No audible response.)

4 COMMISSIONER SCOTT: Okay. So going once, going
5 twice? Okay. With that we will close the public comment from
6 the WebEx and from the phone. And it is getting a little bit
7 late, so maybe for closing remarks I might just say thank you
8 to all of you for your engaged participation. And we'll back
9 tomorrow at 9:00 a.m. to continue our evidentiary hearing.

10 Have a good evening.

11 (Off the record at 9:35 p.m.)

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REPORTER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of August, 2017.



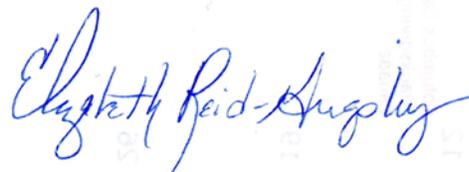
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CER-915

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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Elizabeth Reid-Grigsby
Certified Transcriber
AAERT No. CET**D-145