

## DOCKETED

<b>Docket Number:</b>	07-AFC-06C
<b>Project Title:</b>	Carlsbad Energy Center - Compliance
<b>TN #:</b>	204184
<b>Document Title:</b>	Memo re: Corrections to April 2, 2015 transcript
<b>Description:</b>	Corrections reported by Intervener Robert Sarvey and found by Hearing Adviser Paul Kramer on pages 28 - 30 of the transcript
<b>Filer:</b>	Paul Kramer
<b>Organization:</b>	Energy Commission Hearing Office
<b>Submitter Role:</b>	Committee
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# Memorandum

To: All Parties and Persons Interested in the Carlsbad Energy Center Amendments Proceeding (07-AFC-06C)

Date: April 12, 2015

From: Paul Kramer, Hearing Adviser  
Carlsbad Amendments Committee  
(916) 654-5103

Subject: April 2, 2015 Transcript Corrections

On April 11, 2015, Intervener Robert Sarvey reported an error in the April 2, 2015, Evidentiary Hearing transcript (TN 204131). His e-mailed report is attached. In reviewing the passage further, I noted additional errors. Those corrections are reflected as additions and ~~deletions~~, below:

Page 28, line 22:

MR. SARVEYKNIGHT: I'd like to just add to the

Page 29, line 24 – page 30, line 12:

And I just -- my last comment that I would like to make is that the Coastal Commission has ~~now~~ not weighed in on this proceeding; however, they did weigh in on the recent Huntington Beach Energy Project proceeding which was a 939-megawatt air cool facility also not coastal dependent. It didn't use ocean water for cooling. And the Coastal Commission's ~~three or four 13-D~~ 30413(d) report under the Coastal Act did ~~say~~ found the project to be consistent with the Coastal Act. They were primarily concerned with issues about environmentally sensitive habitat areas, flood and tsunami and geologic hazards and public access. And with certain conditions that they recommended, they found the project a non-coastal dependent project to be consistent with the Coastal Act.

My thanks to Mr. Sarvey for calling this to our attention. If he or other parties find additional corrections, please file your reports in this proceeding for all to see.

## Kramer, Paul@Energy

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**From:** Sarveybob [sarveybob@aol.com]  
**Sent:** Saturday, April 11, 2015 2:27 PM  
**To:** Kramer, Paul@Energy; siekmann1@att.net; roe@ucla.edu  
**Subject:** Transcript error

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Mr, Kramer I noticed an error in the transcript that should be repaired for the parties briefings. The April 2, 2015 transcript on page 29 of 283 Lines 22-25 attributes Eric Knights testimony to me. I was not allowed and did not provide any testimony in Land USE.

MR. SARVEY: I'd like to just add to the discussion on the Coastal Act dependency question. Terramar has stated that, you know, the amended CECP is not coastal dependent, and we would agree with that statement that it is not, and in a lot of ways that's a good thing from a biological resources standpoint.

I'd just like to add that the Coastal Act does not prohibit non-industrial dependent or non-coastal dependent industrial facilities from locating within the coastal zone, and Terramar provides in their testimony an excerpt from Mr. Faust's testimony that was given in the previous case. He's a former Coastal Commission staff counsel.

On page 21 of their testimony, there is an excerpt that reads, quote, "industrial development is not coastal dependent, cannot be approved in the coastal zone unless it is mitigated, it is fully consistent with the Chapter 3 policies of the Coastal Act."

And in the prior case, the Commission, Energy Commission found the CECP to be consistent with Chapter 3 of the Coastal Act, and in this proceeding, staff position has also -- the amended CECP is consistent with Chapter 3 policies under the Coastal Act. And those policies, which are probably most applicable to this project address public access and recreational use, marine and aquatic resources and coastal resources.

And I just -- my last comment that I would like to make is the Coastal Commission has now weighed in on this proceeding; however, they did weigh in on the recent Huntington Beach Energy Project proceeding which was a 939-megawatt air cool facility also not coastal dependent. It didn't use ocean water for cooling.

And the Coastal Commission's three or four 13-D report under the Coastal Act did say the project to be consistent with the Coastal Act. They were primarily concerned with issues about environmentally sensitive habitat areas, flood and tsunami and geologic hazards and public access. And with certain conditions that they recommended, they found the project a non-coastal dependent project to be consistent with the Coastal Act.

That's all I would like to add.