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Project Title:	Alamitos Energy Center
TN #:	202439
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June 9, 2014

Stephen O'Kane
AES Southland, LLC
690 Studebaker Road
Long Beach, CA 90803

Regarding: **Alamitos Energy Center (13-AFC-01), Clarification of Scope of Data Requests 45–47 in Staff Data Requests, Set 1A**

Dear Mr. O'Kane,

Energy Commission staff has reviewed the applicant's responses to staff's Data Requests 45–47 (see AES 2014; CEC 2014; Pottenger and Harris 2014). The applicant has answered Data Requests 38–42 in full and to staff's satisfaction. The applicant continues to search for the documents requested in Data Request 43. The applicant also provided the information requested in Data Request 44. (AES 2014:17–21; Pottenger 2014: Confidential Attachment DR-42.)

The applicant has objected to Data Requests 45–47. The general grounds for the applicant's objections are that the subject data requests are "burdensome and neither relevant nor reasonably necessary for a Commission decision" (Pottenger and Harris 2014:2, 5). In reviewing the applicant's justification for this position on Data Requests 45–47, staff believes that the applicant misunderstands the scope of the data requests. While staff and the applicant were unsuccessful in finding a mutually agreeable time to discuss Data Requests 45–47 over the telephone, staff offers the following written clarifications to the scope of the data requests and is available to discuss at your convenience.

DATA REQUEST 45

The applicant objects to Data Request 45 on grounds that, "Such a request is overbroad in scope and burdensome to perform, given the numerous miles and locales that constitute the San Gabriel River Channel and its associated segments and features, the number of agencies that the Applicant would be required to consult with in the entire Los Angeles Metropolitan area, and the resources that would be required to conduct the research" (Pottenger and Harris 2014:5).

Staff's request is carefully defined, requiring only that the applicant obtain readily available information. Specifically, staff's request (1) is geographically limited; (2) restrained in terms of the types of information to be sought; (3) does not require the applicant to consult with any agency; (4) does not suggest that the applicant must seek information from agencies throughout the entire Los Angeles Basin; and (5) does not require a burdensome commitment of resources. To demonstrate these qualities of Data Request 45, staff describes its expectations below.

1. Staff's intent is that the applicant would search that portion of "the Channel downstream of Whittier Narrows to the Pacific Ocean" (CEC 2014:17, 18), not the entire length of the San Gabriel River, nor any tributary streams or conveyances. The lateral extent of the focused records search need not extend beyond the exterior slope of the channel banks/levees.

2. The applicant could search records of as few as three repositories (the South Central Coastal Information Center, U.S. Army Corps of Engineers, and Los Angeles County Flood Control District).

3. Searching records of the U.S. Army Corps of Engineers would not necessitate consultation with Corps staff—the Corps maintains a digital library that includes sections on "Histories", "Maps", and "Project Management Reports (which includes environmental impact documents)" at http://cdm16021.contentdm.oclc.org/cdm/.

4. Searching the records of the Los Angeles County Flood Control District or Department of Water and Power would not require the applicant to consult with agency staff; both organizations maintain websites with links to environmental impact documents.

    a. Department of Water and Power: https://www.ladwp.com/ladwp/faces/wcnav_externalId/a-fr-envirt-repo;jsessionid=vSrmTPgcSKY1GSlv0VWsK0JCRPk9Rgn2h14R2BJy2glM2QVzGtfq!-493175903?_afrLoop=1488935441439210&_afrWindowMode=0&_afrWindowId=null#%40%3F_afrWindowId%3Dnull%26_afrLoop%3D1488935441439210%26_afrWindowMode%3D0%26_adf.ctrl-state%3D11rl4hzr3x_4

    b. Flood Control District: http://dpw.lacounty.gov/LACFCD/index.cfm

5. The records search should be focused on identifying "any previous significance evaluations or eligibility determinations for the San Gabriel River Channel or its associated segments or features" and "historical information regarding the San Gabriel River Channel as a historic period engineered structure" (CEC 2014:17, 18). The purpose of the search is to gather information on the presence or absence of previous significance evaluations or eligibility determinations for this flood control feature and its historical context; information concerning any other resource type is irrelevant to the data request and the applicant is free to ignore extraneous information.

6. The focused records search at the South Central Coastal Information Center would require the applicant to consider the mapped locations of previous cultural resource studies conducted within a narrow linear course that crosses portions of three topographic maps: El Monte, Whittier, and Los Alamitos (USGS n.d.). The search would not require the applicant to compile a large volume of materials (CEC 2014:18).

7. The applicant may provide the analysis requested in Data Request 45c and d in the form of a standalone addendum to the cultural resources inventory report (Cardenas et al. 2013).

DATA REQUEST 46

The applicant objects to Data Request 46 on grounds that the Alamitos Generating Station was evaluated (as ineligible) as a district and that the retention basins and intake channels are "secondary elements to the overall site." The applicant also characterizes the data request as burdensome in scope. (Pottenger and Harris 2014:5.) Staff believes that the applicant is mistaken about some key points of fact and the scope of the data request.

1. The argument that the retention basins and intake channels are "secondary elements" is not pertinent to documenting and evaluating the significance of the Alamitos Generating Station under the California Environmental Quality Act (including the California Register of Historical Resources' criteria); the term is not used in these authorities' treatment of significance evaluations. Moreover, from a logical standpoint, the intake channels in particular cannot be considered "secondary elements" in an electricity generation facility that currently employs once-through-cooling (via the intake channels) in its operation. Staff finds the channels to be a primary element of the Alamitos Generating Station.

2. The applicant contends that "since the Alamitos Generating Station is not eligible as a historic district, and the retention basins and intake channels are not individually eligible, the information requested in Data Request 46, including the DPR forms, are neither relevant nor reasonably necessary for a Commission decision in this proceeding" (Pottenger and Harris 2014:5). Here, the applicant prematurely presents its evaluation of the Alamitos Generating Station as a determination; the applicant may advance an argument for significance—or lack thereof—but does not determine whether a given cultural resource is a historical resource, which is the responsibility of the lead agency (Energy Commission), State Historical Resources Commission, or local agencies (see Pub. Res. Code, §21084.1; Cal. Code Regs., tit. 14, §15064.5[a]). Staff has identified gaps in the applicant's documentation of the generating station that need to be filled in order for the Energy Commission to make an informed decision concerning the district's significance status (see item 3 below).

3. The applicant's evaluation of the Alamitos Generating Station is incomplete in that it does not provide an evaluation of the generating station under Criterion 3 of the California Register. The design of the facility needs to be placed in context with other electrical power plants in California in order to support the applicant's recommendation that the generating station meets none of the California Register criteria. Staff finds that the applicant's evaluation against California Register criteria 1, 2, and 4 are complete.

4. It seems to staff that those elements of a historic district, such as the retention basins, that would be affected by a proposed project are critical to document, since they would be altered, damaged, or destroyed.

5. The applicant characterizes the scope of Data Request 46 as burdensome (Pottenger and Harris 2014:5). In the original data request, staff asked that the applicant:

   a. Provide completed Primary Record forms for the intake channels and retention basins (Data Request 46a). In accordance with standard professional practice (see OHP 1995:7), take or use existing photographs to provide visual documentation of the current conditions of the retention basins and intake channels. As the operator of the facility, the photographs would be easy to obtain and provide to its consulting staff.

   b. Revise section D.6 of the District Record, *if* the applicant finds that inclusion of the intake channels and retention basins alter its evaluation of the district's significance (Data Request 46b).

   c. Explicitly evaluate the Alamitos Generating Station, inclusive of the intake channels and retention basins, under Criterion 3 of the California Register (Data Request 46c). Until this omission is corrected, the applicant has not provided staff with a complete significance evaluation of the generating station, nor the raw information necessary for staff to verify or conduct an evaluation itself.

   d. If the applicant changes its eligibility recommendation, staff would accept the revised impacts assessment described in Data Request 46d in the form of a standalone addendum.

DATA REQUEST 47

The applicant objects to Data Request 47, stating that the information requested regarding Los Cerritos Channel and Studebaker Road is burdensome to obtain. Concerning Los Cerritos Channel, the applicant points out that this historic structure extends through seven cities and a portion of Los Angeles County. The applicant observes that Studebaker Road is highly trafficked and extends for more than five miles. Staff offers the following clarifications to assure the applicant that staff is not asking for information that "potentially encompasses a vast area of Southern California not affected by the Project" (Pottenger and Harris 2014:5.); rather, staff is requesting that the applicant identify and evaluate those cultural resources that are located in their architectural survey area (defined at AES 2013:5.3-20, Figure 5.3-1).

1. Architectural survey of Los Cerritos Channel and Studebaker Road does not require intensive fieldwork or detailed inventory of the entire length of these structures. Rather, detailed recordation should be made to document those portions of the resources in close proximity to the proposed project. A map and aerial photograph review should guide the applicant in determining whether other features of the channel or Studebaker Road warrant field recordation to support significance evaluations. Given this direction, which is standard cultural resources management practice, the length of the two resources and the jurisdictions in which they are situated are irrelevant to information gathering.

2. Should the applicant recommend either Los Cerritos Channel or Studebaker Road as eligible for the California Register, the applicant may provide the revised impact assessment described in Data Request 47c to staff as a standalone addendum to Cardenas et al. (2013).

3. The previous two clarifications apply equally to Bridge 1563 over North Intake Channel (Caltrans' Bridge 53C0801 Land R), Bridge 3460 over South Intake Channel (Caltrans' Bridge 53C0802L and R), and Bridge 2750 over Los Cerritos Channel on Loynes Drive (Caltrans' Bridge 53C0730).

In addition, the applicant may elect to combine any impact assessments associated with Data Requests 45–47 into a single stand-alone addendum.

Staff looks forward to the applicant's revised responses to these data requests and is available to discuss any questions the applicant may have regarding the data requests. If you have any questions, please call me at (916) 654-5191.

Sincerely,

Keith Winstead, Siting Project Manager
Siting, Transmission and Environmental
Protection Division

REFERENCES CITED

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