

DOCKETED

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**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

Docket No. 12-AFC-02

Application for Certification for the
HUNTINGTON BEACH ENERGY PROJECT

**ENERGY COMMISSION STAFF'S
SUPPLEMENTAL RESPONSE AND COMMENTS
TO THE PRESIDING MEMBER'S PROPOSED DECISION**

Staff hereby submits these comments on the PMPD to supplement the responses and comments to the PMPD dated September 26, 2014 (TN #203120). All new proposed edits are in red, bold and underlined for recommended new language, strikethrough for recommended deletions.

DATED: October 3, 2014

Respectfully submitted,



KEVIN W. BELL
Senior Staff Counsel
California Energy Commission
1516 9th Street
Sacramento, CA 95814
Ph: (916) 654-3855
e-mail: kevin.w.bell@energy.ca.gov

VISUAL RESOURCES

1. PMPD Page 6.5-31 – “Findings of Fact” number 7.

Page 6.5-7 of the PMPD discusses potential visual impacts during the 90-month construction timeframe and concludes: “With the imposition and implementation of Condition of Certification **VIS-3**, we find the potentially significant impact of construction-related equipment and the loss of existing landscaping to be mitigated to a level of less than significant.” Staff recommends the following change to Finding of Fact number 9 to conform to the evidence:

7. Construction of the project (facility and transmission lines) and laydown and parking areas will result in ~~temporary mitigable~~ visual ~~disturbance impacts but no during the~~ long-term ~~visual impacts construction~~ schedule.

2. PMPD Page 6.5-31 – “Findings of Fact” number 9.

Page 6.5-22 of the PMPD discusses cumulative impacts, concluding that “construction of a highly visible power plant with no visual screening or enhancement would continue to contribute considerably to the cumulatively significant effect for visual resources. With implementation of all recommended conditions of certification, this cumulatively significant effect would be reduced to less than significant.” Staff recommends the following change to Finding of Fact number 9 to conform to the evidence:

9. There are no ~~potential~~ unmitigable cumulative visual impacts caused by the HBEP.

3. Page APP-150, Appendix A – edit to the second to last bulleted item on the page.

Staff recommends an edit to delete the word “all;” this deletion was originally at the request of the applicant:

- Schedule for completing construction of architectural and decorative screening structures and the surface treatments for ~~all~~ publicly visible power plant structures during the construction timeline.

4. Pages APP-151 and APP-152, Appendix A – VIS-1.

Staff recommends text changes to clarify that the City’s role in reviewing the **VIS-1** plan is discretionary. The City should be allowed the opportunity to request extending the allotted time for submitting comments.

The project owner shall provide the CPM with copies of the transmittal letters ~~submitted to the City and the Coastal Commission~~ requesting ~~those agencies’~~ the City’s ~~respective timely~~ reviews of the Plan, the Supplement, and any revisions. ~~Review comments from the City and/or the Coastal Commission must~~

~~be submitted to the project owner within 30 calendar days of receiving any of the stated plans.~~ **The City shall be allowed 30 calendar days following receipt of the stated plans to provide comments to the project owner.** In the absence of comments within that timeframe **or a request from the City for an extension of time,** the CPM shall ~~shall~~ **may** deem the Plan, the Supplement, and any revisions acceptable to the City ~~and/or the Coastal Commission.~~ **The project owner shall provide** ~~those agencies'~~ **the City's** comments on the stated plans ~~shall be provided~~ to the CPM within 3 business days of receipt.

5. Page APP-153, Appendix A – VIS-2.

Consistent with the applicant's proposed text changes detailing the roles of the California-licensed structural engineer (**VIS-1**) and the licensed landscape architect (**VIS-2**), staff recommends a text change for **VIS-2**. The requested change is in the last paragraph on page APP-153:

The Plan shall be prepared with the direct involvement of a licensed professional landscape architect familiar with local growing conditions, suitable native and non-invasive plant species for the project area, and local availability of proposed species. The licensed landscape architect's ~~report and other comments~~ shall **be attached to review and sign** the Plan. Any changes recommended by the licensed landscape architect shall be incorporated in the Perimeter Screening and On-site Landscape and Irrigation Plan before its submittal to the CPM for approval. The Perimeter Screening and On-site Landscape and Irrigation Plan shall comply with the landscape and irrigation requirements of the City of Huntington Beach General Plan and the Huntington Beach Zoning & Subdivision Ordinance.

6. Page APP-155, Appendix A – VIS-2.

Consistent with the applicant's proposed text change specifying that construction of the masonry walls pertains to the exterior perimeter of the AES generating station property, rather than the interior perimeter associated with the adjacent switchyard, staff recommends inserting the word "exterior" for this bulleted item (refer to TN #203068):

- Provide a plan view of the project site that clearly shows the planting plan for the site and the existing and new ~~solid~~ 8-foot-tall decorative masonry walls along the **exterior** site perimeter. Details on the materials and design of the masonry wall shall be included in the plan.

7. Page APP-156, Appendix A – VIS-2.

Staff recommends text changes to clarify that the City's role in reviewing the **VIS-2** plan is discretionary. The City should be allowed the opportunity to request extending the allotted time for submitting comments.

The project owner shall provide the CPM with copies of the transmittal letters submitted to the City ~~and the Coastal Commission~~ requesting ~~those agencies'~~ **the**

City's respective reviews of the Plan and any revisions. ~~Review comments from the City and/or the Coastal Commission must be submitted to the project owner within 30 calendar days of receiving any of the stated plans. The City shall be allowed 30 calendar days following receipt of the stated plans to provide comments to the project owner.~~ In the absence of comments within that time or a request from the City for an extension of time, the CPM may deem the Plan and any revisions acceptable to the City ~~and/or the Coastal Commission.~~ The project owner shall provide the City's ~~These agencies'~~ comments on the stated plans shall be provided to the CPM within 3 business days of receipt.

8. Page APP-158, Appendix A – VIS-3.

Staff recommends an edit to insert the word “property” at the end of the sentence near the top of the page:

Depending on the location of on-site construction work, the areas requiring screening include the perimeter of the wetland along the southeast-east site boundary, the west side perimeter of the project site on Newland Street, and the southwest-west perimeter of the site along the Huntington Beach Wetlands Conservancy property. The screening fencing for the power plant site shall be no less than 12 feet tall.

9. Page APP-159, Appendix A – VIS-3.

Staff recommends an edit to the first paragraph under “Verification:”

VERIFICATION: At least 60 calendar days before the start of site mobilization, the project owner shall submit a Construction Screening, Landscape Protection, and Site Restoration Plan to the CPM for review and approval. Simultaneously with the submission of a Construction Screening, Landscape Protection, and Site Restoration the Plan to the CPM, the project owner shall submit seven copies of a Construction Screening, Landscape Protection, and Site Restoration the Plan to the City of Huntington Beach Planning and Building Department ~~for review~~ for review and comment.

10. Page APP-159, Appendix A – VIS-3.

Staff recommends text changes under “Verification” to clarify that the City should be allowed the opportunity to request extending the allotted time for submitting comments. Staff’s recommended text changes and corrections pertain to the last paragraph on page APP-159:

The project owner shall provide the CPM with a copy of the transmittal letter requesting the City’s review of the Construction Screening, Landscape Protection, and Site Restoration Plan and any revisions. The City shall be allowed 30 days to provide comments on the Plan after receipt from the project owner. ~~Review comments from the City must be submitted within 30 calendar days of receiving the Construction Screening, Landscape Protection, and~~

~~Site Restoration Plan to the CPM and the project owner. Plan and any revisions. In the absence of comments within that timeframe **or a request from the City for an extension of time**, the CPM ~~shall~~ **may** deem the Construction Screening, Landscape Protection, and Site Restoration Plan to the CPM Plan and any revisions **as** acceptable to the City, and the Coastal Commission. The project owner shall provide comments received from the City and/or the Coastal Commission to the CPM within 3 business days of receipt.~~

11. Page APP-163, Appendix A – VIS-5.

Staff recommends text changes under “Verification” to clarify that the City’s role in reviewing the VIS-5 plan is discretionary. The City should be allowed the opportunity to request extending the allotted time for submitting comments. Staff’s recommended text changes pertain to paragraph at the bottom of page APP-163:

~~The project owner shall provide the CPM with copies of the transmittal letters requesting **the City’s** reviews of the Lighting Management Plan and any plan revisions. **Review comments from the City and the Coastal Commission must be submitted to the project owner within 30 calendar days of receiving the Plan and any revisions. The City shall be allowed 30 days to provide comments on the Plan review and letter report after receipt from the project owner.** In the absence of comments within that timeframe **or a request from the City for an extension of time**, the CPM ~~shall~~ **may** deem the Lighting Management Plan and any revisions **as** acceptable to the City . The project owner shall provide any comments received from the City and/or the Coastal Commission to the CPM within 3 business days of receipt.~~

12. Page APP-165, Appendix A – VIS-6.

Staff recommends text changes to the second paragraph under “Verification” to clarify that the City should be allowed the opportunity to request extending the allotted time for submitting comments:

~~**The project owner shall provide the CPM with a copy of the transmittal letter requesting the City’s review of the Plan review and letter report. The City shall be allowed 30 days to provide comments on the Plan review and letter report after receipt from the project owner. In the absence of comments within that timeframe **or a request from the City for an extension of time**, the CPM ~~shall~~ **may** deem the Plan review and letter report as acceptable to the City.** The project owner shall provide any comments on the plan received from the City shall be provided to the CPM within 3 business days of receipt.~~