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| Docket Number: | 15-AFC-01 |
| Project Title: | Puente Power Project |
| TN #: | 207313 |
| Document Title: | California Energy Commission Staff Data Request Set 3 |
| Description: | Data Request Set 3 to P3 Applicant NRG Oxnard Energy Center, LLC |
| Filer: | Jon Hilliard |
| Organization: | California Energy Commission |
| Submitter Role: | Commission Staff |
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CALIFORNIA ENERGY COMMISSION

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January 14, 2016

John Chillemi, President
NRG Oxnard Energy Center, LLC
100 California Street, Suite 650
San Francisco, CA 94111

Regarding: **PUENTE POWER PROJECT (15-AFC-01),
DATA REQUEST SET 3 (No.s 75 & 76)**

Dear Mr. Chillemi:

Pursuant to Title 20, California Code of Regulations, section 1716, the California Energy Commission staff requests the information specified in the enclosed data requests. The information requested is necessary to: 1) assess whether the facility will be constructed and operated in compliance with applicable laws, 2) assess whether the project will result in significant environmental impacts, and 3) assess potential mitigation measures.

In this Set 3, Data Requests are being made in the technical area of Land Use. Written responses to the enclosed data requests are due to the Energy Commission staff on or before February 14, 2016.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send a written notice to the Committee and me within 20 days of receipt of this notice. The notification must contain the reasons for the inability to provide the information or the grounds for any objections (see Title 20, California Code of Regulations, section 1716 (f)).

If you have any questions regarding the enclosed data requests, please call me at (916) 654-3936.

Sincerely,

<SIGNED>

Jon R. Hilliard, Siting Project Manager
Siting, Transmission and Environmental
Protection Division

Enclosure (Data Request Packet)
cc: Docket (15-AFC-01)

Technical Area: Land Use
Author: Ashley Gutierrez

BACKGROUND: Public Use Areas

Section 4.6.5.2.1 of the AFC, "California Coastal Act," states that because P3 would be constructed entirely within the boundaries of the existing MGS property it would not interfere with existing public use to the shoreline. Additionally, it states that there are adequate existing public use areas in the vicinity of the proposed P3 project site. The AFC did not address Section 25529 of the Warren-Alquist Act.

Section 25529 of the Warren-Alquist Act requires the establishment of an area for public use as a condition of certification of a facility proposed in the Coastal Zone:

"When a facility is proposed to be located in the Coastal Zone or any other area with recreational, scenic, or historic value, the [Energy] Commission shall require, as a condition of certification of any facility contained in the application, that an area be established for public use, as determined by the Commission. Lands within such area shall be acquired and maintained by the applicant and shall be available for public access and use, subject to restrictions required for security and public safety. The applicant may dedicate such public use zone to any local agency agreeing to operate or maintain it for the benefit of the public. If no local agency agrees to operate or maintain the public use zone for the benefit of the public, the applicant may dedicate such zone to the state. The [Energy] Commission shall also require that any facility to be located along the coast or shoreline of any major body of water be set back from the shoreline to permit reasonable public use and to protect scenic and aesthetic values."

Staff has looked at various potential areas in the Oxnard coastal area to satisfy the public use requirement of the Warren Alquist Act and has identified six possible options in proximity to the Mandalay Generating Station (MGS).

- 1) P3 onsite access (near McGrath Lake) within the northern portion of MGS property.
- 2) P3 onsite access (near McGrath Peaker Generating Plant area) within the southern portion of MGS property.
- 3) Existing offsite public use access located on 5th Street and Mandalay Beach Road (north of Oxnard Shores Mobile Home Park).
- 4) Existing offsite public use beach access located at the northwest corner of Harbor Boulevard and 5th Street.

- 5) P3 onsite access between McGrath State Park and Mandalay Beach City/County Park (1,800 feet beach frontage).
- 6) McGrath State Beach (north of P3) former state park and camping facility relocation and enhancement.

Staff has identified option 5 as the most practicable and feasible of the potential options, primarily because Oxnard city code includes policies on General Coastal Access Standards (CZO 2004). Furthermore, the Oxnard 2030 General Plan includes goals and policies to ensure safe pedestrian circulation throughout the city, including creating a physical link for pedestrians between parks and recreation facilities. The area would require a type of enhancement that would ensure the safety of pedestrians crossing around the MGS outfall. With the demolition of Units 1 and 2 staff believes the applicant could reduce the size of the outfall to ensure a safer passage for pedestrians. In addition, a walkway or boardwalk could be implemented to provide pedestrian safety and protect sensitive habitat from human disturbance in the nearby dune areas.

In light of the foreseeable relocation and enhancement of McGrath State Beach (located north of P3) and the build-out of the North Shore development (located south of P3) pedestrian traffic along the beach would be expected to increase and a boardwalk or pedestrian path linking McGrath Beach with recreation facilities to the south would be a welcome amenity for recreational use.

A description of the potential public use site (option 5), along with staff's suggestions on how it might be made available for public use, is discussed below:

P3 onsite lateral access between McGrath State Park and Mandalay Beach City/County Park (1,800 feet beach frontage). Enhancement opportunities include but are not limited to: providing a public use easement or dedication of land to the city of Oxnard; implementation of a pedestrian path or boardwalk linking both McGrath State Beach and Mandalay Beach City/County Park; secure MGS outfall area; provide trash cans; and signs delineating sensitive habitat areas.

DATA REQUESTS

75. Please provide comments on the feasibility of public use option 5 identified by staff.
76. Please identify additional areas where public use could be enhanced or implemented to satisfy Section 25529 of the Warren-Alquist Act.