

DOCKETED

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Incompatible with Floodplain and Biological Resources Location

TO: California Energy Commission

FROM: Nina Danza, PE

Sierra Club Los Padres Chapter

RE: Mission Rock Energy Center (MREC)

We have comments on two areas of the environmental analysis.

FLOODPLAIN SETTING

Itâ€™s not IF a greater-than-design-storm occurs, itâ€™s WHEN. Despite meeting FEMA and LORS conditions, when a 105 or 205 year storm comes along this facility will incur damage because, as you have acknowledged, the project is located completely inside the soon-to-be updated federal 100-yr floodplain. In fact, FEMA and LORS are established as insurance claims criteria when damages are incurred. FEMA and LORS are not established as a basis of design for building in a floodplain.

Consider the following statements by the Association of State Flood Plain Managers, one of the most reputable experts in the industry:

â€œOver the past 50 years a system has developed through which local and individual accountability has been supplanted by federal programs for flood control, disaster assistance, and tax incentives that encourage and subsidize floodplain occupation and development.

At the same time, the minimum floodplain management standards of the National Flood Insurance Program have been accepted by many as the default standards for communities, even though they were designed for the purposes of an insurance program and not necessarily to control escalating flooding.

In view of this nationwide system of federal programs, it is not surprising that many local governments assume that the minimum NFIP standards provide acceptable flood protection and also allow themselves to become financially disconnected from the consequences and impacts of their land use decisions.

(ref: ASFPM No Adverse Impact White Paper 3-10-08 available digitally <http://www.floods.org/index.asp?menuid=%20349>)

Consider also that the CURRENT design criteria being used by the County for flood control facilities are from the State Dept. of Water Resources which recognizes:

Finally, it must be remembered that there is a 14 percent chance over the typical 30-year-life of a home mortgage that a flood equal to or greater than a 200-year flood will occur. While improving our levees to a 200-year level of flood protection provides significant reduction in flood risk, there is always the chance that a larger flood will occur and overwhelm the flood protection system.

(ref: Urban Levee Design Criteria, State Dept Water Resources May 2012)

Being the project is a critical utility and knowing a greater-than-design storm will occur, it is irresponsible to build this

project in the floodplain, to use FEMA and LORS as a basis of design, and to assume adequate flood protection is provided at this location.

BIOLOGICAL RESOURCES

Another error in the analysis is due to the false information that "the Santa Clara River is 0.45 mile (2,343 feet) from the project site" (ref. Mission Rock Energy Center (15-AFC-02) Data Requests, Set 1 [Nos. 1-107], p. 8 Biological Resources, 6/24/16). Where does the CEC define the River? This river is not biologically defined simply where above-ground water is located. It is more accurately defined based on ecological factors such as the presence of riparian vegetation which otherwise would be absent except for the existence of the river environment. In fact, the project is actually not 0.45 mi from the Santa Clara River. It is located only 500 feet from The Nature Conservancy property line who unquestionably purchased a part of the Santa Clara River.

All of the project impacts must be analyzed on the basis that they encroach within a few hundred feet of the Santa Clara River and that the River is an ecological community containing groundwater, riparian plants and animals, and other biological resources which are specialized and interdependent in the area.

Consider why it is crucial to protect the ecology of the area of River adjacent to the project. The following is excerpted from a biological trade periodical article written by the Ventura Nature Conservancy staff (full article available at <https://muse.jhu.edu/article/538120>):

"The concept of protecting large landscapes to maintain biodiversity has been one of the key applications of island biogeography theory. The Nature Conservancy is applying these principles to the conservation on the Santa Clara River by hypothesizing that the riparian corridor and floodplain would best support native habitat through the protection of larger contiguous sections." (ref. Ecological Restoration Journal Mar 2014).

Please expand the biological analysis to address impacts due to the noise, light, height/size and emissions from the power plant to the entire ecosystem of the Santa Clara River and not merely what effects will occur to individual plant and animal species from the transmission towers. Include in the analysis associated human activity including traffic and potential emergency events from the project during various times of year, especially sensitive ecological periods such as nesting season. What do the cumulative changes do to long-term population of animal species, common as well as special species, including avian, mammal, reptile, and amphibious.