

Appendix N Comments on the Draft Mitigated Negative Declaration

State of California, Natural Resources Agency, Department of Parks and Recreation, San Diego Coast District (November 16, 2015)

Cabrillo Power I LLC (November 19, 2015)

City of Carlsbad, Community and Economic Development, Planning Division (November 23, 2015)



DEPARTMENT OF PARKS AND RECREATION
San Diego Coast District
4477 Pacific Highway
San Diego, CA 92110
(619) 688-3260 FAX (619) 688-3229

Lisa Ann L. Mangat, Director

November 16, 2015

California State Lands Commission
Attention: Kelly Keen
100 Howe Ave., Suite 100-South
Sacramento, CA 95825
CEQAcomments@slc.ca.gov

RE: Encina MOT Decommissioning Project MND (SCH#2015101064) October, 2015

Dear Ms. Keen,

Thank you for the opportunity to comment on the Draft Mitigated Negative Declaration (10/20/2015) for the Cabrillo Power I LLC Encina Marine Oil Terminal Decommissioning Project (Project) located in Carlsbad, California. California State Parks (CSP) is very supportive of the removal of all of the Marine Oil Terminal components and has appreciated the efforts made by Cabrillo Power to keep us informed over the past years. CSP has several concerns and comments that if addressed would reduce the potential for significant impacts and assist our stewardship of the public beach: control of the onshore work site; maintenance of the rebuilt groin; and cultural resource monitoring.

Onshore Work Site

CSP appreciates that most of the work on the Project is scheduled between Labor Day and Memorial Day, avoiding the summer months when the beach is most heavily used by people and during the grunion reproductive cycle; But the Southern California coast is heavily used all year. How will the onshore work site be controlled to protect the safety of pedestrians? CSP can provide lifeguard coverage if funding is provided with the Right of Entry (ROE) permit.

Maintenance of the Rebuilt Groin

Will the California State Lands Commission (CSLC) prepare and permit a maintenance plan for the rebuilt groin? CSP does not own or repair it now. Would CSLC provide the permits to allow CSP to perform the work?

Cultural Resources

CSP appreciates that the draft MND recognizes that the project area is culturally sensitive and that a qualified archaeological and Native American monitor will be present during all ground disturbing activities. In the event of a significant archaeological discovery during the project, CSP requests that the Principal Investigator (PI) notify CSP and provide Project related cultural resource documents (final monitoring report

Kelly Keen
November 16, 2015
Page 2

and site records) to San Diego Coast District Archaeologist Nicole Turner
(Nicole.Turner@parks.ca.gov).

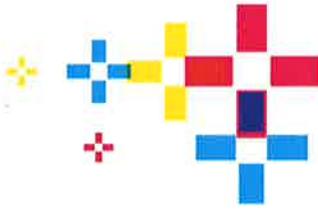
Please contact the Sector Superintendent, Robin Greene (760) 579-2066 to discuss
further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garratt Aitchison". The signature is fluid and cursive, with a large initial "G" and "A".

Garratt Aitchison, Acting San Diego Coast District Superintendent

Cc. Robin Greene, Sector Superintendent
Darren Smith, District Specialist Manager
Nicole Turner, District Archaeologist
Cindy Krimmel, District CEQA Coordinator
Reading File



Cabrillo Power I LLC
4600 Carlsbad Blvd.
Carlsbad, CA 92008
(760) 268-4000

November 19, 2015

Ms. Kelly Keen
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202
CEQAcomments@slc.ca.gov

Re: Comments to Notice of Public Review and Intent to Adopt a Mitigated Negative Declaration; SCH #2015101064; CSLC File Ref: MND #785; PRC 971.1; W30068.1

Dear Ms. Keen,

Cabrillo Power I LLC (Cabrillo) submits herein comment to the above referenced Notice. Cabrillo appreciates the efforts the California State Lands Commission (CSLC) has put forth in preparing this Mitigated Negative Declaration (MND).

Following internal review Cabrillo would like to request that CLSC redact decommissioning element No. 11 as listed on MND page ES-15, line 15 which states "Quitclaim of the remaining portions of the underpass to the City of Carlsbad". Ownership of this portion of the project property is being researched and proper title disposition will be determined following the December 18, 2015 Commission Meeting. Cabrillo has decided that is likely in its best interest to maintain ownership of this underpass if it is within its rights to do so. The physical decommissioning steps listed in decommissioning element number three (3) as listed on MND page ES-15, line 6 will not change.

Cabrillo has no further comment to the MND. If you have any questions or concerns, please contact Tim Sisk at (760) 710-2129 or Sheila Henika at (760) 268-4018.

Sincerely,
Cabrillo Power I LLC
By: Its Authorized Agent,

By: NRG Cabrillo Power Operations Inc.
Jerry Carter
Plant Manager

November 23, 2015

Kelly Keen
California State Lands Commission
Suite 100-South
100 Howe Avenue
Sacramento, CA 95825

RE: OAJ 15-03 – COMMENTS ON THE DRAFT MITIGATED NEGATIVE DECLARATION FOR THE CABRILLO POWER I LLC ENCINA MARINE OIL TERMINAL DECOMMISSIONING PROJECT

Thank you for the opportunity to review the Draft Mitigated Negative Declaration for the Cabrillo Power I LLC Encina Marine Oil Terminal Decommissioning project.

Planning

The following comments were provided by me. If you have any questions about the following section, please contact me at (760) 602-4644 or pam.drew@carlsbadca.gov.

1. Page 3-76, Section 3.7.3(a), line No. 32: The City of Carlsbad has adopted a Climate Action Plan recently, which include thresholds of significance for GHG emissions. The city has determined that new development projects emitting less than 900 MTCO₂e annual GHG would not contribute considerably to cumulative climate change impacts, and therefore do not need to demonstrate consistency with the CAP.
2. Page 3-78, Section 3.7.3(b), line No. 9: Please update the MND document to state the City of Carlsbad has adopted a Climate Action Plan, dated September 2015.
3. Page 3-112, Section 3.12.2.2, line No. 27: Please include the following additional city holidays: Martin Luther King Birthday, Presidents Day and Columbus Day.
4. Page 3-117, Section 3.12.3, line No. 9: Change the number of major holidays from seven to ten.
5. Page 3-117, Section 3.12.3, line No.31: Include a contact name and phone number on the advanced public notice sign.
6. Page 3-119, Section 3.12.3, line No. 16: Include a contact name and phone number on the advanced public notice sign.

November 23, 2015

Page 2

7. Page 3-132, Section 3.16.3, line No. 9: The sand that will be hauled to the site and used as backfill shall comply with the City of Carlsbad's Opportunistic Beach Fill Program and shall reasonably match the color of the natural beach sand (i.e. color, texture and grain size). For additional information on the city's program please contact Kasia Trojanoska, Park Planner. You can reach her at (760) 434-2838 or at kasia.trojanowska@carlsbadca.gov.
8. The City of Carlsbad is proposing street improvements in the fall of 2016 in the vicinity of your proposed project. Please coordinate your decommissioning project with Jonathan Schauble, Associate Engineer. You can reach him at (760) 602-2762 or at jonathan.schauble@carlsbadca.gov.

Sincerely,



PAM DREW

Associate Planner

c: Liz Ketabian, Park Planning Manager
Kasia Trojanowska, Park Planner
Scott Donnell, Senior Planner
Jonathan Schauble, Associate Engineer
File Copy
DMS