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TRANSCRIPT OF PUBLIC SCOPING MEETING FOR
PROJECT SEAWATER DESALINATION PROJECT
HUNTINGTON BEACH
Huntington Beach Public Library
Wednesday, December 14, 2016

Reported by:
Denise Herft
CSR #12983
Pages 1 - 53

<p>1 * * * * *</p> <p>2</p> <p>3</p> <p>4 MR. OGGINS: Good afternoon, everyone.</p> <p>5 This opens the public scoping meeting for the 04:01:08</p> <p>6 Seawater Desalination Project at Huntington Beach:</p> <p>7 Outfall/Intake modifications and lease amendment</p> <p>8 project.</p> <p>9 My name is Cy Oggins. I'm chief of the</p> <p>10 division of environmental planning for the 04:01:18</p> <p>11 California State Lands Commission. I'm here today</p> <p>12 with Alexandra Borack, who is one of our</p> <p>13 environmental scientists, and Kathy Colson is in</p> <p>14 the audience with you, and we're also assisted here</p> <p>15 by the consulting firm Aspen, which is under 04:01:32</p> <p>16 contract to the State Lands Commission, not the</p> <p>17 applicant to the State Lands Commission to prepare</p> <p>18 the supplemental EIR.</p> <p>19 First of all, thank you all for coming.</p> <p>20 This is a great turnout. Been to numerous public 04:01:45</p> <p>21 scoping meetings where no one shows up. Many of</p> <p>22 you were here an hour early, so I really, really</p> <p>23 appreciate your attending tonight.</p> <p>24 So tonight we're going to cover a brief</p> <p>25 introduction and the roles of different agencies 04:02:07</p> <p style="text-align: right;">Page 2</p>	<p>1 The State Lands Commission was created in</p> <p>2 1938 by the State legislature to manage and protect</p> <p>3 State Lands, and as I mentioned earlier, we are the</p> <p>4 agency, the public agency preparing the</p> <p>5 supplemental EIR for the project pursuant to the 04:03:34</p> <p>6 California Environmental Quality Act. Other</p> <p>7 parties involved in this project are, of course,</p> <p>8 the applicant, which is Poseidon Resources, LLC, or</p> <p>9 Poseidon. There are other agencies that we are</p> <p>10 coordinating with. There are many more than I can 04:03:53</p> <p>11 put on this slide and have you still read it, but</p> <p>12 the important ones for now are the Santa Ana</p> <p>13 Regional Water Quality Control Board, and the State</p> <p>14 Water Resources Control Board, the California</p> <p>15 Coastal Commission, the California Department of 04:04:07</p> <p>16 Parks of Recreation because the facility is located</p> <p>17 right at Huntington State Beach, and the South</p> <p>18 Coast Air Quality Management District.</p> <p>19 The purpose of the meeting, as I mentioned</p> <p>20 earlier, is to obtain agency and public input and 04:04:24</p> <p>21 comment on the scope of the issues and analysis of</p> <p>22 the State Lands Commission should consider in the</p> <p>23 supplemental environmental impact report. We are</p> <p>24 also ensuring that all oral comments presented</p> <p>25 today are recorded in the public transcript, and we 04:04:37</p> <p style="text-align: right;">Page 4</p>
<p>1 involved in this project, describe the meeting</p> <p>2 purpose, give you brief information on the public</p> <p>3 description. A more detailed public description is</p> <p>4 provided in the notice of preparation, which many</p> <p>5 of you have received, which is also posted on our 04:02:21</p> <p>6 Website. Talking to you a little bit about the</p> <p>7 process for the environmental review of the project</p> <p>8 under the California Environmental Quality Act.</p> <p>9 The real purpose of the meeting today is</p> <p>10 public comments. We want your comments. You don't 04:02:35</p> <p>11 want to hear me speak; we want to hear you speak.</p> <p>12 We appreciate all of your comments, and then to</p> <p>13 close the meeting with some information and how you</p> <p>14 can provide written comments or other -- what to</p> <p>15 follow. The process is to prepare the Supplemental 04:02:48</p> <p>16 EIR.</p> <p>17 So who is the State Lands Commission? The</p> <p>18 State Lands Commission is -- consists of three --</p> <p>19 two elected officials and one appointee of Governor</p> <p>20 Brown, it's the state controller who this year is 04:03:07</p> <p>21 the chair of the Commission. Starting in January,</p> <p>22 the Lieutenant Governor Gavin Newsom will alternate</p> <p>23 as the chair of the Commission, and then the third</p> <p>24 is Governor Brown's appointee of this department of</p> <p>25 finance, Michael Cohen. 04:03:23</p> <p style="text-align: right;">Page 3</p>	<p>1 have a court reporter here today. Thank you for</p> <p>2 taking all of the comments.</p> <p>3 So what is the project before you? The</p> <p>4 project before you is to amend an existing</p> <p>5 California State Lands Commission lease to add 04:04:54</p> <p>6 1-millimeter wedgewire screens to the offshore end</p> <p>7 of the seawater intake structure for the</p> <p>8 desalination plants, also to add a multi-port</p> <p>9 seawater diffuser to the offshore end of the</p> <p>10 seawater discharge structure. 04:05:11</p> <p>11 What the project is not, it is not the</p> <p>12 first action on the Poseidon desalination plant.</p> <p>13 In 2010 the City of Huntington Beach approved a</p> <p>14 subsequent EIR for operation for construction and</p> <p>15 operation of the desalination plant to save 04:05:26</p> <p>16 Huntington Beach and approved the project to build</p> <p>17 this. In 2010 the State Lands Commission also</p> <p>18 issued a lease for the project. This project today</p> <p>19 is to amend that lease.</p> <p>20 The project -- the project, however, still 04:05:47</p> <p>21 needs to receive permits. It is not operating now.</p> <p>22 It still needs permits for other agencies,</p> <p>23 including the Santa Ana Regional Water Quality</p> <p>24 Control Board and the Coastal Commission. In the</p> <p>25 meantime, however, Poseidon has submitted its 04:06:07</p> <p style="text-align: right;">Page 5</p>

<p>1 application, as I said, to amend the lease to add 2 the two structures before you. 3 CEQA still applies, the Commission has the 4 new discretionary action over the proposed screen 5 and the diffuser. As I mentioned before, in 2010 04:06:25 6 the Commission approved the original lease for -- 7 to use these structures for the desalination plant. 8 And for a matter of clarification, I'm Commission 9 staff, I'm not the commissioner, just to let you 10 know that. 04:06:42 11 The preparation of a Supplemental EIR is 12 required with evidence that indicates that the 13 proposed project changes, which is adding of the 14 diffuser and the screen would substantially 15 increase the severity of previously identified 04:06:54 16 significant effect, so if the effects that were 17 identified in the 2010 subsequent EIR if the 18 proposed changes would increase those but only make 19 minor additions or changes to make the previous EIR 20 adequate. 04:07:15 21 So the process that we'll be following is 22 in November 2016 we released the notice of 23 preparation. There is a 30-day public scoping 24 period of which halfway through approximately is 25 tonight's public meeting. That scoping period ends 04:07:36 Page 6</p>	<p>1 more severe impacts associated with these changes, 2 if any. We'll be looking at mitigation measures, 3 if feasible, to reduce or avoid any identified 4 significant impacts. We'll be looking at mostly 5 environmental impacts, CEQA social and economic 04:09:22 6 impacts are not typically considered in an EIR. 7 And we'll be looking at alternatives to the project 8 that could reduce impacts, not just mitigation 9 measures, but the project impacts to the project in 10 front of us that could produce significant impacts. 04:09:39 11 Typically an EIR evaluates a range of 12 alternatives, a range of impacts to resource areas, 13 including visual quality or aesthetics, air 14 quality, biological resources, cultural resources, 15 tribal resources, greenhouse gases, hazards, land 04:09:58 16 use impacts, marine water quality, noise, 17 recreation, I know there's some members of the 18 public who are really concerned about surfing on 19 the beach in this area, that would be recreation, 20 transportation and traffic impacts including 04:10:13 21 offshore boat traffic, and then other areas such as 22 cumulative impacts. 23 These, again, may not all be analyzed in 24 EIR depending on their severity, but this is a 25 typical range of impacts that could be looked at. 04:10:25 Page 8</p>
<p>1 on December 21st. That's when the comments are due 2 for the scoping meeting. This is not the only time 3 that you get to hear from me and the agency on this 4 project. In the meantime we'll be preparing a 5 draft supplemental EIR. We will release that 04:07:51 6 somewhere in the first and second quarter of 2017, 7 and then we will hold another meeting most likely 8 here, unless 2,000 people show up, and we will find 9 a bigger room. But that will be 30 days into the 10 public comment period for the draft supplemental 04:08:09 11 EIR, then we'll go back with a final supplemental 12 EIR, which we will respond to all of your comments 13 in writing in that document. 14 And then the final meeting is actually no 15 longer staff, it's the actual commissioners, and 04:08:23 16 that will be a hearing on whether or not to certify 17 the supplemental EIR and to approve or disapprove 18 or take other action on the project. 19 This repeats the days in a more visible 20 way of the approximate times. So the supplemental 04:08:42 21 EIR will be doing a number of things: First of 22 all, we'll be analyzing the impacts based on the 23 proposed changes, the addition of the screen and 24 the diffuser, compared to the original project that 25 was analyzed in 2010. We'll be looking at new or 04:09:02 Page 7</p>	<p>1 In terms of alternatives, again, we're 2 looking tonight for comments on any alternatives 3 that you have that would meet the project 4 objectives or most of them, that are feasible and 5 they're capable of reducing one or more significant 04:10:42 6 impacts. So, again, helpful scoping comments that 7 we hope to get from you today to help us write this 8 document, our range of action to consider in the 9 supplemental EIR, alternatives, mitigation 10 measures, and any significant impacts that we may 04:11:02 11 have left out in the notice of preparation or that 12 you want us to analyze in the document. 13 We're here until about 7 o'clock to take 14 comments. We generally like people to limit their 15 comments to about three minutes, so we can make 04:11:17 16 sure everyone who wants to speak gets a chance to 17 do that. I usually don't have as big of a timer as 18 this one, but that was that was available. My 19 timer that's back in the office would not -- I did 20 not want to take it on the plane. I might not have 04:11:31 21 gotten it back. So we'll go to that. 22 Now we're going to take public comments 23 and we have quite a few. 24 Alexandra, would you like to start calling 25 names. 04:11:50 Page 9</p>

<p>1 MS. BORACK: We will be taking three 2 commenters at a time to come up to the podium, 3 stand in line, and then present your comments as Cy 4 indicated. We will be doing a three-minute timer. 5 You will have a green, yellow, and then a red 04:12:06 6 light. The green will go at three, when there's 7 one minute left it will go to yellow, and then red 8 will be the end of the three-minute time period. 9 I apologize in advance if I'm not able to 10 pronounce it correctly. If you provide phonetic 04:12:19 11 pronunciation, I will do my best. First, we'll 12 have Richard Armendariz, Suzanne Dehritz, and 13 Michael Wellborn. 14 MR. RICHARD ARMENDARIZ: Good afternoon. 15 Members of the board, staff. Richard Armendariz I 04:12:40 16 represent -- I'm a board member of R4RD, Residents 17 for Responsible Desalination. The Poseidon changes 18 to the proposed seawater desalination plants are 19 numerous and significant. This requires a full 20 EIR, not a supplemental EIR solely on the intake 04:13:05 21 and discharge modifications. 22 The Poseidon modifications that are 23 presented today are the same ones that they 24 presented in 2001, 2010, there's nothing new. 25 Piecemealing the EIR is not allowed by CEQA. 04:13:28 Page 10</p>	<p>1 million gallons a day. And after trying 2 repeatedly, they could not deliver what they had 3 promised, so they filed bankruptcy and walked away 4 from the project leaving that water company there 5 in Tampa Bay with millions of dollars in debt. 04:15:31 6 This is the same procedure that they are asking for 7 now. This is nothing different. This is nothing 8 that's going to be changed. Thank you very much. 9 MS. BORACK: Suzanne Dehritz. 10 MS. SUZANNE DEHRITZ: My name is Suzanne 04:15:54 11 Dehritz. I'm a resident of Huntington Beach. My 12 husband and I volunteer with Surfriders, and we do 13 beach cleanup a couple times of year. Whenever we 14 go to the beach, which is a couple times a month, 15 we always bring trash bags, and we always pick up 04:16:07 16 trash. We feel like as residents of the beach 17 city, we have a responsibility to keep our beach 18 healthy. We're involved in that. 19 This year I volunteered with Coast Keeper, 20 and we did an eelgrass restoration, which is where 04:16:20 21 they take -- scuba divers take eelgrass in places 22 where it's healthy, they bring it to the surface, 23 we bundle it with biodegradable hemp, and it's 24 replanted in other places. This is how invested a 25 lot of us are in our beach, the health of our beach 04:16:34 Page 12</p>
<p>1 MR. OGGINS: Excuse me one second. 2 Could we turn up the lights, please. 3 MR. RICHARD ARMENDARIZ: OCWD, Orange 4 County Water District should prepare a separate EIR 5 for the water delivery system. All changes should 04:13:56 6 be analyzed together in one subsequent EIR. The 7 SEIR, Supplement EIR needs to reconsider the 8 purpose and alternatives for the project. 9 California regulations regarding desalination 10 plants makes subsurface intake mandatory. The 04:14:14 11 regulation was approved by the State Water 12 Resources Control Board in May 2015 and ratified by 13 the EPA in April of 2016. 14 Poseidon thinks that by putting this 15 screen on the intake and valve that they should 04:14:32 16 solve the issue of the destruction of sea life. I 17 want to inform the board of this matter of this 18 case of Poseidon versus Tampa Bay. It is the same 19 intake procedure that was used there. Poseidon at 20 that time offered a water control plant in Tampa 04:14:55 21 Bay, that they would be able to deliver 25 million 22 gallons of fresh water a day, but because they had 23 to stop the pumps every two hours to back flush the 24 creatures and sea life that was embedded on 25 screens, they weren't able to produce the 25 04:15:15 Page 11</p>	<p>1 and my concern is that Poseidon is not invested. I 2 appreciate that there is a bottom line and that 3 they're a corporation, but I view it as 4 capitalization without a conscience. And I think 5 we need to not let them set the rules for how this 04:16:49 6 is going to be done. They don't want to do 7 substrate, because they say it's going to be a 8 billion and a half dollars more, but this is a \$4 9 billion project. 10 If they have to spend more money, I don't 04:17:03 11 care. I care about the health of our beach. You 12 cannot manufacture a beach. If they screw with it, 13 we're done, we're done. There's just -- I would 14 really like you to keep in mind when you're making 15 these decisions, that it's playing for keeps, and 04:17:17 16 we care about the health of our beach; a lot of us 17 do. Thank you. 18 MS. BORACK: Michael Wellborn. 19 MR. MICHAEL WELLBORN: Good evening. It's 20 good to have Commission staff visiting Orange 04:17:37 21 County, welcome. My name is Mike Wellborn, and I'm 22 vice president of the board of Friends of Harbors, 23 Beaches, and Parks. We are a local county 24 organization and amongst many other things that we 25 do, we act as an umbrella for community groups who 04:17:48 Page 13</p>

<p>1 are dealing with tough issues to make their 2 communities more sustainable, healthier, and 3 greener, we hope.</p> <p>4 One of the issues that we've been 5 following for a number of years now is this 04:18:01 6 Poseidon desalination project. We have many 7 concerns about how the commission staff is going to 8 address this project through the NOP process. 9 Because there has been a history of bad science, 10 conjecture, and frankly, just pie in the sky ideas. 04:18:18 11 We do have concerns that this lease amendment will 12 forward a bad project that we think is very likely 13 to harm our fragile and highly valued coastal, that 14 it will continue to contribute to adverse climate 15 impacts, because of the energy intensity of the 04:18:41 16 project, that it will overload the community with 17 an exorbitant cost, and that there are unnecessary 18 aspects to this particular project that other 19 solutions could provide.</p> <p>20 We would like to see a number of issues 04:19:00 21 dealt with, one of which could be the Lands 22 Commission actually looking at an alternative to 23 abandon the existing lease and terminate the use of 24 the existing intakes or future intakes for 25 Poseidon. One of the big reasons is because we 04:19:18</p> <p style="text-align: right;">Page 14</p>	<p>1 what you would think back to the 1950s, and think 2 of the Chevy Impala, right, with the big fins and 3 the shiny chrome, right. Both of these met 1958 or 4 1950 needs but were horrible for the environment. 5 Continuing on with the car analogy, 04:21:15 6 replacing those with -- replacing those big white 7 wall tires, right, it's basically the same thing 8 we're going to be doing with the screens and the 9 diffusers. We're just adding on the tires, 10 replacing the tires with the screens. 04:21:29 11 The requiring the intakes to not be 12 subsurface is very detrimental to the environment 13 and instead of just adding the screens is most of 14 the study that was done with the intake had to do 15 with the intake going from the beach from the front 04:21:59 16 all the way out to the environment. Consider 17 having the intakes start from where the pipes are 18 now and bringing the subsurface from there. 19 Also, I would like to bring to your 20 attention the second deadliest earthquake in 04:22:15 21 California history occurred right where the intakes 22 basically are. That needs to be covered in the 23 analysis, thanks. 24 Dr. DALLAS WEAVER: My name is Dr. Dallas 25 Weaver, and I live near the proposed plants. I 04:22:40</p> <p style="text-align: right;">Page 16</p>
<p>1 have strong feelings that privatizing water being a 2 precious resource in California up and down the 3 state is just bad policy. We encourage the 4 Commission to take that broader viewpoint in 5 reviewing the notice of preparation process. We 04:19:37 6 would hope that quality science will be utilized to 7 look at issues and not some of the weaker suggested 8 science issues that have come up in the past from 9 this company. Thank you again and good luck this 10 evening. 04:19:52 11 MR. OGGINS: By the way, we're calling 12 people up for who filled out a speaker slip. If 13 you wish to speak, there's speaker slips in the 14 back. 15 MS. BORACK: Next three to come up will be 04:20:14 16 Scott Smith, Dallas Weaver, and Richard Fancher. 17 MR. SCOTT SMITH: Thank you, staff, for 18 coming. Hopefully you came up a little earlier 19 today and was able to maybe enjoy our beach. We 20 are very proud of it here in Huntington Beach. 04:20:39 21 So the Commission is basically a leasing 22 1958 state of the art water intake and outflow 23 technology. A good comparison of this would be 24 between the technology state of the art for the car 25 industry. So think back to the 1950s, or think 04:20:55</p> <p style="text-align: right;">Page 15</p>	<p>1 hope my voice holds out. As a 2 scientist/businessman who has hatched, reared, 3 sold, purchased tens of billions of larval fish and 4 invertebrate larvae of dozens of species for close 5 to half a century, I'm now a semi-retired 04:23:00 6 international consultant in the agriculture area 7 with fish, shrimp, shell fish hatcheries around the 8 world. 9 What I know to be relevant to the 10 entrainment issue on this desalination proposal, 04:23:14 11 one, I know from a lifetime of buying and selling 12 larval animals, that the value of fish larvae is 13 less than a thousand dollars a million, and 14 invertebrates are usually less than \$100 a million. 15 That means the commercial value of that 80 million 04:23:33 16 larvae that we're talking about is less than a 17 \$100,000 for a few hundred pounds of fish larvae, 18 that's the weight of them. 19 The Coastal Commission staff demanded a 20 billion dollar structure clearly indicates that in 04:23:50 21 this organization has gone institutionally insane, 22 with a billion dollar solution to a hundred 23 thousand dollar problem. We cannot afford that. 24 Institutional insanity is a disconnection from 25 reality. As a scientist I can actually read 04:24:10</p> <p style="text-align: right;">Page 17</p>

<p>1 mathematical models, like the area for production 2 for the model commanded by the Coastal Commission 3 staff to relate the 80 million larvae to actual 4 environmental impacts. Buried in the math of this 5 implicit assumption of larvae survival being 04:24:29 6 independent of larval density, the entire 7 scientific literature in the field of fishery 8 enhancements and agricultural has proven this 9 assumption wrong. 10 Doubling or handling the number of larvae 04:24:41 11 can sometimes have very little impact on the 12 ultimate number of fish. Wedgewire screens with a 13 one-millimeter opening at 25 centimeter per second 14 flow velocities won't work for larval fish under 15 five millimeters, that's in the data. They'll be 04:24:57 16 killed. This is an expensive fig leaf thrown on an 17 imaginary environmental issue to ultimately be paid 18 for by citizens in higher prices. 19 Conclusion for the environmental analysis, 20 the environmental impact, existing entrainment is 04:25:18 21 insignificant at only a few hundred kilos a year in 22 biomass. The wedgewire proposal is just a waste of 23 economic resources. Thank you. 24 MR. RICHARD FANCHER: Good afternoon. My 25 name is Rick Fancher. I'm a 27-year resident here 04:25:43 Page 18</p>	<p>1 issues and they turned to desalination. They 2 currently, I believe, actually had to capture 85 to 3 90 percent of their waste water. So what I'm 4 proposing is that we have a long ways to go with 5 the waste water issue that's already proven it's 04:27:21 6 cost effective, it's less impactful. 7 I really want to come back to the 8 privatization issue. It seems to me as a resident 9 that's watched this issue for many years now from 10 afar, it seems like Poseidon keeps coming back and 04:27:34 11 taking another stab, another stab, another stab. 12 They have never comprehensively answered all the 13 questions that were originally asked of them. It 14 seems like what is happening here is they're trying 15 to create a more political environment as time goes 04:27:50 16 on. There's been a lot of innuendo about backdoor 17 deals regarding direct consultation with staff, 18 possibly putting favorable people on boards and 19 Commissions here in the state that will pave the 20 way to making this thing happen. From a cost and a 04:28:03 21 resource standpoint and public policy standpoint, 22 this makes absolutely no sense to me whatsoever, 23 and I could go on about the issues that you bring 24 up, like I said, air quality and bio resources. 25 The intakes are a gross destructive 04:28:18 Page 20</p>
<p>1 in Huntington Beach, and I live within one mile of 2 the proposed Poseidon plant. I'm coming into this 3 a little bit late, and I want to voice a few broad 4 concerns regarding this. My main concern is why 5 are we privatizing the resource of the water? This 04:25:56 6 is probably one of the most important public policy 7 issues that faces this state now and in the future. 8 Why are we privatizing our water? 9 I understand that we need a broad water 10 policy. We need to have various aspects that make 04:26:12 11 up a smart, sound conserving policy as we go 12 forward, however, to take a very small part and to 13 have costs that are projected be between two and 14 five times what other water supply costs are, 15 absolutely makes no economic sense to me as a 04:26:30 16 citizen. 17 If we want to look at environmentally 18 sound water policy, why aren't we looking at waste 19 water solutions? We have a world class plant in 20 Fountain Valley that people from every continent 04:26:45 21 essentially come to learn about. We currently are 22 only capturing, I believe, 10 to 15 percent of the 23 waste water and re-purifying it. If you look at 24 countries like Israel, for example, they have 25 exhausted most of their capacity and capability 04:27:04 Page 19</p>	<p>1 proposal, the subsurface intakes. They've 2 admitted, Poseidon said, are too expensive. So, 3 again, we're back to the business model. We're not 4 talking about what's smart public policy. To me 5 this is becoming a rigged situation as time goes 04:28:34 6 on. It's becoming more and more politically 7 expedient for Poseidon to get what they want, and 8 they're doing it through backdoor measures. Thank 9 you. 10 MS. BORACK: The next three we have Mandy 04:28:53 11 Sackett, Staley Prom, and Mary Jo Baretich. 12 MS. MANDY SACKETT: Hi. Mandy Sackett, 13 Surfrider Foundation, the California policy 14 coordinator. Thank you for your time today. 15 Surfrider Foundation sees a really great 04:29:24 16 need for further analysis than that being proposed 17 today. For starters, the project -- okay. 18 (Interruption.) 19 Can I have a few more seconds at the end, 20 thanks. 04:29:43 21 Surfrider Foundation sees a great need for 22 further analysis than that being proposed today. 23 For starters, the project objectives that were 24 stated in the 2005 and 2010 proposals have already 25 at least been partially fulfilled by conservation 04:29:56 Page 21</p>

<p>1 measures and waste water recycling. The need for 2 water has decreased drastically in Orange County. 3 Residents and businesses have made significant 4 improvements to conserving water, yet Poseidon's 5 proposal to include 50 million gallons a day into 04:30:10 6 our water supply hasn't changed since 1999. 7 The need for water has also drastically 8 increased due to the water district's ground water 9 replenishment system or GWRS, the world's largest 10 purification system for indirect potable reuse. 04:30:25 11 The GWRS currently adds 100 million gallons per day 12 and is projected to ultimately produce 130 million 13 gallons per day. 14 The LA County and the Metropolitan Water 15 District are also planning indirect potable reuse 04:30:40 16 system that's going to provide both indirect and 17 direct benefits adding 67,000 acre feet per year of 18 water per year to replenish LA and Orange County 19 ground water basins, and that's projected to double 20 in the future, further decreasing the need to 04:30:57 21 desalinate the water. 22 We also can learn from Poseidon's Carlsbad 23 desalination plant. The San Diego County Water 24 Authority had to dump Poseidon water desalinated at 25 the Carlsbad facility into the San Vicente 04:31:08 Page 22</p>	<p>1 sections of the SEIR are not required analysis of 2 the desalination plant, but they -- sorry, they are 3 not just required for analysis for the desalination 4 plants but they are also considerations in 5 analysis -- in analyzing preferred alternatives, 04:32:32 6 like the screen intake as well. 7 The SEIR also needs to look at thorough 8 and adequate description of the feasibility 9 including subsurface wells. There's also need for 10 analysis of alternatives sites. Since the cooling 04:32:49 11 water intake will be abandoned by AES in 2020, 12 Poseidon's co-location with the power plant is not 13 necessarily the best site anymore. The SEIR needs 14 to thoroughly analyze alternative sites that may be 15 more preferred. Given that the State Lands 04:33:04 16 Commission is lead agency and is undertaking 17 subsequent environmental review with respect to the 18 entire project and all relevant permits, not just 19 with respect to the State Lands Commission lease, 20 its assertion that analysis of other locations is 04:33:17 21 encompassed in a no-project alternative, it really 22 misses the mark. 23 And, finally, further SEIR must review 24 whether alternatives would minimize accumulative 25 impacts from developing a desalination plant on 04:33:34 Page 24</p>
<p>1 Reservoir, presumably because of lack of immediate 2 need, and then they had to dump the water from the 3 reservoir into a lake, again, for lack of need. 4 This occurred during a record-breaking drought. 5 Furthermore, it's now being proposed that 04:31:22 6 the desalinated water be injected into ground water 7 storage sites instead of going directly to use as 8 originally proposed. It's clear circumstances have 9 changed, and further analysis is needed here. 10 There is also more analysis needed for the 04:31:33 11 cumulative impacts. There's other nearby 12 foreseeable projects, such as Ascon, the tank farm 13 development. In the same productive sea level, 14 Tsunami runoff area, all these projects need to be 15 analyzed as cumulative impacts to the environment 04:31:49 16 and surrounding community. What protective devices 17 would these need, and what does that mean for the 18 wetlands in surrounding neighborhoods? 19 Since 2010 there's new available -- 20 information available on the sea level rise. The 04:32:02 21 site for Poseidon proposal needs to be thoroughly 22 analyzed for threats to sea level rise, Tsunami 23 runoff, and storm surge. 24 A few more things here, the project 25 purpose and -- the project purpose and alternative 04:32:15 Page 23</p>	<p>1 that site. 2 So, finally, Poseidon has in the past 3 argued that pressurized diffusers entrain and kill 4 wildlife. There needs to be further analysis as to 5 why they're now proposing to use them here. 04:33:46 6 And in conclusion, the supplemental EIR 7 proposed by State Lands is not sufficient to cover 8 all the changes since 2010, and this project needs 9 to be reviewed in a comprehensive manner. 10 Poseidon's desalination plant is no longer needed, 04:34:01 11 and my colleague Staley Prom will go into further 12 details on these legal requirements. Thank you. 13 MR. OGGINS: Can we stop the hearing for a 14 second until we fix the microphone? 15 (Interruption in the proceedings.) 04:34:14 16 MS. STALEY PROM: Thank you. Good 17 afternoon. My name is Staley Prom. I'm an 18 associate attorney for the Surfrider Foundation, 19 and today I would like to focus my comments on two 20 primary points. So the first being that the 04:35:07 21 environmental review must be conducted for the 22 entire project, that is it must encompass all 23 change circumstances, changes to the project and 24 new information that result in new or more severe 25 significant impacts for the entire project, and 04:35:22 Page 25</p>

<p>1 second, these changes require a full subsequent 2 EIR, instead of a supplemental EIR.</p> <p>3 First, we don't just have changes to the 4 water intake and outfall components, for example, 5 there has also been changes to the project's water 04:35:34 6 delivery plans. In 2010 it was Poseidon who 7 planned to build the infrastructure and put the 8 product water, new and existing pipes to deliver it 9 to customers. And now Poseidon and the Orange 10 County Water District, same for the district to 04:35:46 11 build the infrastructure, and to possibly put some 12 or all of the water into the ground water, so this 13 raises a multitude of new concerns regarding 14 significant impacts dealing with community impacts 15 from construction or potential impacts to the 04:35:59 16 ground water. So all of these need to be analyzed 17 as well.</p> <p>18 As a reminder, under CEQA a project means 19 the whole of an activity, and California courts 20 have considered separate activities as one for CEQA 04:36:11 21 purposes where, for example, the second activity is 22 a foreseeable consequence of the first where they 23 are integral parts of the same project. So here 24 the delivery of the project isn't just a 25 foreseeable consequence, it's a critical component 04:36:24 Page 26</p>	<p>1 regional board for multiple permit violations 2 including water exceedances, eight for chronic 3 toxicity -- sorry, 13 total from September 2015 4 through June 2016 for chronic toxicity. This is 5 cause for increased concern about serious negative 04:37:48 6 impacts on the surrounding green environment, water 7 quality, and marine species, gives rise to a need 8 for stricter monitoring mitigation and cease and 9 desist condition provisions.</p> <p>10 Therefore, I ask you to undertake 04:38:02 11 comprehensive subsequent EIR review for these and 12 other changed circumstances, project changes, and 13 new information. Thank you.</p> <p>14 MR. OGGINS: If we could stop, we have our 15 technician here. 04:38:26 16 (Interruption in the proceedings.) 17 MS. MARY JO BARETICH: Good evening. My 18 name is Mary Jo Baretich. I represent the 19 Residents for Responsible Desalination, and I'm 20 also the president of the Cabrillo Wetlands 04:39:09 21 Conservancy. We are extremely concerned about the 22 adverse effects on the marine life with Poseidon's 23 proposed use of an existing AES once-through 24 cooling intake and outflow, rather than using a 25 subsurface technology than the adverse effects of 04:39:22 Page 28</p>
<p>1 delivering the entire product of the project. They 2 are plainly integral parts, and that delivery 3 system must be reviewed together now with this 4 environmental review so project segmentation cannot 5 occur. 04:36:39 6 Second, CEQA requires considering, one, 7 substantial changes to the circumstances, two, 8 changes to projects, and three, the new information 9 resulting in new or more severe significant impacts 10 in a subsequent EIR, rather than a supplemental. 04:36:50 11 Here due to several significant change 12 circumstances and project aspects in addition to 13 the intake and discharge and delivery component 14 changes, subsequent EIR is required.</p> <p>15 So I'll focus briefly with limited time on 04:37:05 16 a couple of change circumstances, first, both water 17 demand and supply have changed, as my colleague 18 Mandy Sackett described. Meanwhile, new water 19 demand projections from the Orange County Water 20 District showed significantly reduced demand. So 04:37:18 21 these changed circumstances really undermine the 22 whole need for the project and must be analyzed.</p> <p>23 Second, new information about the Poseidon 24 Carlsbad desal plant must be considered. That 25 facility has been cited by the State and the 04:37:32 Page 27</p>	<p>1 the noise and vibration on the wetlands and birds 2 and animals and nearby residents for the proposed 3 33 pumps going 24/7. Since the cooling water 4 intake will be abandoned by AES in 2020, Poseidon's 5 co-location with the power plant is not necessarily 04:39:41 6 the best site available.</p> <p>7 This SEIR needs to be thoroughly analyzed 8 and with alternative sites that may be more 9 feasible or preferred for the subsurface 10 technology. We are most concerned about the 04:39:56 11 cumulative impacts. We've only submitted four 12 proposed projects in the area being developed 13 simultaneously. We think this requires a full 14 subsequent EIR, not a narrow supplemental EIR.</p> <p>15 Cumulative impacts to the following 04:40:14 16 projects slated near the residential communities 17 will have extreme impacts upon the residents' 18 health and quality of life, traffic, parking noise, 19 dust, nighttime lighting, air pollution, asbestos, 20 and other chemical releases, and much more. 04:40:24 21 First one is AES, re-power project, which 22 will last about nine years, including demolition of 23 an old vintage power plant covered in asbestos, 24 lead, and PCB, and simultaneously construction of 25 the new plant. This AES plant has changed 04:40:42 Page 29</p>

<p>1 significantly since 2010 similar to what they do at 2 Poseidon.</p> <p>3 The Poseidon's facility modification is 4 the second one, and it also has the possibilities 5 of lead-based, cross-contaminants from the 04:40:50 6 demolition of any of the tank areas. This also -- 7 Poseidon will be sitting on top of the center where 8 the earthquake that leveled Long Beach in 1933, 9 another significant thing.</p> <p>10 Fourth thing is the hazardous waste 04:41:09 11 removal of Ascon toxic waste dump, which is 12 adjacent to the site and the demolition of the 13 building of the adjacent oil tank farm. Nearby 14 residents are extremely concerned about the air 15 quality degradation issues regarding asbestos and 04:41:22 16 lead removal from the demolition of the AES 17 facility, because it's almost impossible to tent 18 the areas when removal happens especially with 19 prevailing winds.</p> <p>20 We are concerned about the animal, 04:41:34 21 wetlands conservancy center and the humane society 22 that is nearby, plus there are mobile home parks 23 and RV parks nearby that house a thousand people, 24 and the people to the north with prevailing winds. 25 These mobile home parks could be environmental 04:41:53 Page 30</p>	<p>1 they need a full EIR. They changed the project 2 quite a bit. Like a number of speakers said they 3 even don't know where they're going to put the 4 water now. The latest proposal was that Huntington 5 Beach, Newport Beach, and Costa Mesa they want them 04:43:40 6 to take all the water, and if they don't take all 7 the water, they are going to inject all of it or 8 part of it into the ground basin. Right there you 9 need -- I'm very concerned about have they ever 10 pumped desal water into a ground basin? What's 04:43:57 11 going to happen to that? That should be a very big 12 deal for this.</p> <p>13 Again, going back, they knew -- they 14 should -- they said it's going to cost them a lot 15 more money. So what? They're already getting two 04:44:14 16 or three times the amount of money that they are 17 paying, so that's not a big deal. And, like I 18 said, it's just the way they approached this is 19 another Band-Aid approach. That is really not -- 20 they should just do the right thing. They've had a 04:44:33 21 problem doing the right thing for a long time. 22 They want to make as much money as possible. I 23 don't blame them, they're a corporation. I guess 24 if I owned stock, I would say, This is a pretty 25 cool deal. 04:44:45</p> <p style="text-align: right;">Page 32</p>
<p>1 justice issues also, according to information on 2 the EPA Website. These are home to seniors and the 3 economic disadvantaged households.</p> <p>4 Once again, we believe this requires a 5 full subsequent EIR, not a narrow supplemental EIR. 04:42:10 6 Thank you.</p> <p>7 MS. BORACK: Next three speakers. 8 MR. OGGINS: Clay Dominguez. 9 MS. BORACK: Conner Everts. 10 Please don't touch. 04:42:39 11 And Joe Greener. 12 MR. CLAY DOMINGUEZ: My name is Clay 13 Dominguez. I'm a resident of Huntington Beach, and 14 I've been following this project for quite a bit, a 15 number of years, and it just goes on and on and on. 04:42:52 16 Poseidon has known about what they need to do for 17 ten years, so this is not a big surprise. So it's 18 like they need -- a lot of people have already 19 spoken about the, you know, the problem with the 20 earthquake, there's an earthquake fault right 04:43:10 21 there.</p> <p>22 There's a problem with the -- the biggest 23 problem for me now is that -- I'm surfer too. 24 That's going to do a lot of harm to the ocean, but 25 what bothers me now is that this supplemental EIR, 04:43:23 Page 31</p>	<p>1 I think they really should do the right 2 thing. We need a full EIR. And another thing I 3 think is with all these changes, I think, while 4 Huntington Beach approved the EIR in 2010, this 5 project needs to go back to Huntington Beach. When 04:45:00 6 it's finished with all the EIRs, all the whatever 7 it's called, lines are dotted, everything done, 8 when it's completed, this is what we're going to 9 do, and this is how we're going to do it, then they 10 need to go back to Huntington Beach and see if it's 04:45:18 11 okay. It's my guess it's not going to be. Thank 12 you.</p> <p>13 MR. CONNER EVERTS: Conner Everts, the 14 Detail Response Group. It's been 16 years I've 15 been coming on this issue and talking to agencies 04:45:39 16 and others. In that time, much has changed. 17 Poseidon has not changed its perspective of wanting 18 to sell water privatized, but what has changed is a 19 storage change and amount of respect and use the 20 people of California have had with water. 04:45:57 21 Starting with the mandatory governor's 22 directive on the drought, which I worked on. We 23 have dropped demand substantially. At the same 24 time Orange County has gone from 73,000 to 103,000, 25 and it's moving 130,000 acre feet of ground water 04:46:14 Page 33</p>

<p>1 recovery. If you add to that the Metropolitan 2 Water District and the regional project they are 3 looking at with a huge potential at the county, the 4 LA County and Carson facility, which will be 5 released in January, and I've already got a draft 04:46:31 6 out on that. We were looking at a very different 7 landscape when this project first came in. 8 We're not looking at the height of the 9 drought or bad planning through a lot of agencies 10 in a bad position, what we're looking at is really 04:46:43 11 using water responsibly, and as the public trust 12 agency for the coast and the rivers, I think you 13 have an opportunity here to recognize those 14 changes. Make a full subsequent EIR and not 15 piecemeal this down with just the details. 04:46:58 16 And as a fisherman, I've seen the changes 17 that have happened here. Every impact is with a 18 real change that we've seen the way we use water in 19 the past, and I've been on both the state direct 20 potable reuse panel, advisory panel that got 04:47:13 21 through with their work, and I'm now on the 22 executive order for where we go after drought into 23 the future. We're not done with that. Until we 24 have decided all that, that's far more premature -- 25 if you look at Australia, Spain, and Israel, they 04:47:28 Page 34</p>	<p>1 don't think any of us wanted to look into. 2 The intake and discharge is not the only 3 thing that's changing here as many have kind of 4 cited, the property itself since 2010 and certainly 5 since 2005, there are new developments on that 04:49:27 6 project, and the developments that were on the 7 radar screen in 2010 has changed. The Re-power 8 project has dramatically changed since then. The 9 Ascon Landfill, the toxic landfill cleanup is 10 changing as we speak. Now there's a new proposal 04:49:45 11 to take apart an old oil tank farm and turn it into 12 residential and a hotel. 13 That property is part of this project, not 14 just the intake. It's the intake, the treatment 15 plant, and the delivery system. The delivery 04:50:01 16 system is also changing since 2010. It's one 17 project, there's one lead agency, there's one EIR, 18 and it has to cover all of these changed 19 circumstances. We'll try and write something and 20 give you a little bit more detail on those changes, 04:50:23 21 but that's the kind of overall scope we're looking 22 at. Thanks. 23 MS. BORACK: Next three. We have Shawn 24 Thompson, Gerry Brown, and Armida Brashears. 25 MS. SHAWN THOMPSON: Good evening. My 04:51:03 Page 36</p>
<p>1 all reduced demand before they even looked at 2 desal. We're nowhere near that level of per capita 3 demand. Thank you very much. 4 MR. JOE GREENER: My name is Joe Greener, 5 and I'm a member of Residents for Responsible 04:47:56 6 Desalination, R4RD. We've been commenting on this 7 project since about 2002. The intake we challenged 8 in the 2005 EIR, because at the time we were saying 9 it was reasonably foreseeable that the cooling 10 water intake was going to be prohibited. Poseidon 04:48:18 11 and their friends at the City disagreed, and we 12 took it to court, and the court agreed with their 13 argument that that was speculative, but that 14 happened and that's why they had to do their first 15 subsequent EIR in 2010. At that point we commented 04:48:36 16 that the ocean plan amendment for desal was on the 17 radar screen. It was reasonably foreseeable that 18 that intake wouldn't be allowed anymore, and again, 19 they argued that it was speculative. Again, that 20 came to be. 04:48:54 21 I tell you that because people at R4RD are 22 smart people. They're concerned citizens. They've 23 been working on this stuff for a long time. They 24 know a lot about this project. Things that -- 25 they've discovered things over the time that I 04:49:09 Page 35</p>	<p>1 name is Shawn Thompson. I'm here as a member of 2 Huntington Beach Environmental Board. I am not 3 speaking for the board, I'm speaking for myself. 4 In looking at it under 3.4.2 I was curious what 5 happens, it says 100 percent of the emissions will 04:51:18 6 be covered. If they do after the co-location bring 7 in water from the waste water plant, I'm imagining 8 that there's not enough flow, so what we gravity 9 flow it will be pumped, so that's also emissions. 10 I don't know that that was considered. 04:51:33 11 The whole issue of where they're bringing 12 that waste water and how they're getting it there, 13 I don't think has been considered as well. I think 14 that should be part of the consideration. So 15 hazards and hazardous material, I was interested to 04:51:44 16 read that the subsequent EIR that the City did in 17 2010 said the ocean outfalls would not be practical 18 for retrofitting for this. Why are we considering 19 it in the first place? The other gentleman's 20 comment these were built in 1958. How soon will 04:52:01 21 they actually be using them? Does anyone know what 22 the life of those pipes were when they first 23 constructed them? Are they going to last the 50, 24 60 years we think this is going to take? 25 That's, to me, a consideration. Even if 04:52:13 Page 37</p>

<p>1 you modify the ends of the outfalls, are those 2 welds going to hold? Are we now going to be 3 looking at constant maintenance? If there are 4 breaches in it, who is watching them? Who is 5 asking to have the repairs? Is there any 04:52:25 6 motivation for Poseidon to do those repairs? Is 7 there impact if those diffusers are no longer 8 working? Do we have fish kills? Is it going to 9 close the beach? Is there an economic impact to 10 both the City and to the State? 04:52:38 11 Those are questions I think need to be 12 addressed. When we're talking about the integrity 13 of those outfalls, do we consider sea level rise? 14 Have we talked about the flooding that might be 15 caused by sea level rise? Are there any chemicals 04:52:50 16 on-site that might be released as a result of the 17 sea level rise, or any kind of flooding if we have 18 a combination of rain and sea level? I would like 19 to see those included as part of it. 20 And then the last thing I want to bring up 04:53:07 21 is, again, the accumulative impacts. They're 22 redoing the Huntington Beach Generating Station. I 23 know they analyzed the noise of the operation of 24 that. Did they actually analyze what happens when 25 they do have Poseidon and Poseidon on or off or it 04:53:21 Page 38</p>	<p>1 three \$1 billion plants we got for free. If you 2 look at what Met (phonetic) is doing with their 3 feasibility of an advanced purified water treatment 4 facility in Carson, we would get 65,000 acre feet 5 of that, and that would be another one. If you 04:55:17 6 look at -- there's been a new study and a new 7 method on how to determine need in 2040, if you 8 look at that. There's 90,000 acre feet difference. 9 You know, you can start doing the math at 10 8 percent increments and come up with -- in the 04:55:33 11 last couple of years we've come up with five 12 equivalents of \$5 billion desal plants. 13 At some point you have to ask yourself, do 14 we need it? And I think that's something that's 15 extremely important to look at it, and certainly 04:55:47 16 how this works with the statewide desal policy, 17 that in and of itself is a lot of changes. And a 18 lot of us don't really feel that when the 19 alternative for slant wells or subsurface wells, we 20 really feel that was kind of a half-hearted 04:56:06 21 exercise, and we like to see a greater effort there 22 on analysis. So I'll cut my comments short. Thank 23 you so much. 24 MS. BORACK: Thank you. 25 MS. ARMIDA BRASHEARS: Hello. My name is 04:56:25 Page 40</p>
<p>1 needs extra energy or they're now bringing in waste 2 water and perhaps some of the pumps are on site? 3 Those kinds of impacts I think should be considered 4 as well. Thank you very much. 5 MR. GERRY BROWN: My name is Gerry Brown, 04:53:44 6 and I'm founder and president of Orange County 7 Coast Keeper. I think we are about to celebrate 8 our 18th anniversary in dealing with Poseidon and 9 the issue here in Huntington Beach. I, too, would 10 like to request a full subsequent EIR, ultimately I 04:53:58 11 would like a whole new EIR. A lot has happened 12 since 2010, and I think there's been some 13 tremendous changes. There's some land use changes, 14 there's the new statewide desal policies that has 15 changed. There's a number of things that, I think, 04:54:16 16 justify going further than just a supplemental. 17 One of the biggest things that I look at 18 is any analysis has got to really talk about the 19 purpose and certainly the need. You know, an 20 undisputable number is 8 percent. Poseidon, if 04:54:39 21 built, would be 8 percent of the water supply. 22 Well, in the last year and a half, two years we 23 successfully without putting our lives out of order 24 or really inconveniencing ourselves, we saved 24 25 and 27 percent. In my math, that's equivalent to 04:54:55 Page 39</p>	<p>1 Armida Brashears. I've lived in Huntington Beach 2 for 50 years, and so I have a long term stake in 3 this whole issue. While the desalination may prove 4 critical for a few coastal cities, not for 5 Huntington Beach. Like our previous speaker said, 04:56:45 6 we have made many improvements to our 7 infrastructure that has provided a lot more potable 8 water, so this -- the costs of this Poseidon 9 project are way out of line. The availability of 10 other sources of water such as recycled -- such as 04:57:07 11 our recycled water is a big plus. It's high energy 12 use, the energy that will be used by this 13 desalination project, they're resulting high levels 14 of greenhouse gas emissions and citing difficulties 15 given the fragility and the importance of the 04:57:28 16 California coastal Eco system. 17 Huntington Beach is supposed to be Surf 18 City USA, and with the added ocean salinity that 19 will result from putting that brine back out in the 20 ocean, that's not going to help our image as Surf 04:57:46 21 City, because all the kids will be coming in with 22 rashes when they finish their surfing. So I would 23 ask you to please look very critically at all 24 the -- all the documentation that Poseidon is 25 offering, and they've never lived up to all the 04:58:03 Page 41</p>

<p>1 requirements that they've been required over this 2 length of time that we've all been looking at this 3 issue, so I believe you really need to be very 4 critical of anything that Poseidon offers. Thank 5 you. 04:58:19 6 MS. BORACK: Thank you. 7 Susan Jordan and Dan Kalmick. 8 MS. SUSAN JORDAN: Susan Jordan, 9 California Coastal Protection Network. I'm going 10 to take this in a little bit of a different 04:58:43 11 direction. I support the prior comments of Gerry 12 Brown reiterated certain things. I'll just add, of 13 course, we support a subsequent EIR, not a 14 supplemental. I think that was kind of cutting the 15 baby in half, and I don't think it achieves the 04:58:58 16 objectives, I also don't think it's legal, but that 17 will be coming forth in our subsequent comments 18 that will be filed by the deadline. 19 But I guess what I want to impress upon 20 you as staff having to work on this, is that this 04:59:11 21 project is really going to be deciding the future 22 of desalination in California, and you're dealing 23 with a very obstinate applicant. I've watched them 24 over a decade, and I've watched how they tried to 25 get away with not complying with every regulation 04:59:28</p> <p style="text-align: right;">Page 42</p>	<p>1 though he knows that's what the policy calls for, 2 the project will be dead. Any way you slice it, 3 subsurface intakes are a non-starter for our 4 project. He then went on to talk about he has no 5 intention of looking at an alternate site. His 05:00:58 6 exact quote was, "The company official had no," 7 quote, "intention of building at any other site in 8 Orange County, not after we spent 15 years to 9 obtain a permit at this site." 10 So they have no intention of complying 05:01:13 11 with the policy, no matter what you say or do. 12 Then it becomes really up to you. It becomes your 13 responsibility. Frankly, I don't think you should 14 have been the first one out of the gate, but you 15 are, and when I talk about that, you know, you put 05:01:26 16 an MOU that was a sequencing document, that was the 17 title on it, as I recall, no sooner was that thing 18 out the door than Poseidon issued a press release, 19 through their very expensive public affairs company 20 that called that a permanent streamlining 05:01:41 21 agreement, because if it was a permanent 22 streamlining agreement, we would have been jumping 23 up and down screaming. We are amenable to 24 sequencing. We are not amenable to permanent 25 streamlining. 05:01:55</p> <p style="text-align: right;">Page 44</p>
<p>1 possible, and when it comes to this particular 2 plant, I think it's even more egregious because I 3 sat in the state water board hearing when the state 4 water board adopted these regulations. And what 5 was happening at that point was Poseidon was 04:59:43 6 essentially begging them not to make them go back 7 and do subsurface in Carlsbad, even though the San 8 Diego County Water Authority always knew because of 9 the phase-out of water cooling that that was always 10 a possibility that could happen, and Poseidon, in 04:59:58 11 my opinion, basically begged the State Water Board 12 not to make them go back and do that, even though 13 it was in the contract that they had that it was 14 possible. So that was over here, but over here in 15 Huntington Beach it was the promise that they would 05:00:14 16 comply with the policy. They would be good 17 citizens over here. 18 No sooner was the ink dry, the EPA 19 approved it, it became official, they were doing 20 everything in their power not to comply. And in a 05:00:28 21 recent article called Water Deepley, which I can 22 forward to you, Mr. Maloney made several comments 23 that made their original intention very, very 24 clear. He basically said that if the State 25 ultimately insists on subsurface intakes, even 05:00:44</p> <p style="text-align: right;">Page 43</p>	<p>1 I think I want to close with one of their 2 consultants, Mr. Sulnick said that if the State 3 denies this project, it sends a message to 4 everybody that desal is dead in California, it's 5 just the opposite. What it sends the message, is 05:02:06 6 that if you don't do subsurface intakes, you're 7 going to have a much harder time getting your 8 project approved, and if you do subsurface intakes, 9 the State will be supportive of those projects 10 where there's demonstrated need. Thank you. 05:02:21 11 MR. DAN KALMICK: Good evening. My name 12 is Dan Kalmick. I'm a member of the planning 13 commission in the City of Huntington Beach. Today 14 I'm speaking as a resident. Sitting in here 15 tonight a couple of things came to mind, I wasn't 05:02:37 16 planning on speaking, but the planning commission 17 had a meeting last night, we're dealing with sea 18 level rise, and we're dealing with removing MP3 19 designation for flood plain management in Sunset 20 Beach, which are our new FEMA maps, which are 05:02:51 21 coming out this month -- next year, early next 22 month, are showing that the Zone X to Zone VE line 23 has moved hundreds of feet since the 2009 maps. In 24 addition to that, CoSMoS status is just being 25 released right now showing the sea level rise. Sea 05:03:09</p> <p style="text-align: right;">Page 45</p>

<p>1 level rise and coastal inundation and our own 2 Moffatt & Nichol vulnerability study is part of our 3 coastal resiliency plan, but our general plan 4 update shows the Poseidon area under water in both 5 2050 and 2100. I hope this will be evaluated as 05:03:24 6 part of the significant impacts placing a structure 7 in the flood plain for a hundred year flood. 8 Because of that, the mitigation measure would 9 initially be revetment for shielding, which the 10 Coastal Commission said we're not doing anymore, so 05:03:40 11 I just wanted to add that in. And additionally, I 12 think a subsequent EIR is appropriate and needed 13 for this because the project has changed a great 14 deal. 15 I happen to live down Newland and one of 05:03:50 16 the first times I saw the pipeline was later on in 17 the project, it was originally not part of the 18 project. I saw a giant pipeline running right up 19 Newland. There's a lot of people up in Garden 20 Grove that weren't aware that that was going to 05:04:05 21 happen, so thank you very much. 22 MR. OGGINS: Does anybody else wish to 23 speak again, we have speaker slips in the back? 24 The good news is we're here until 7:00. So if you 25 wish to speak more, we might get people after work 05:04:30 Page 46</p>	<p>1 shut down public comments until we have more 2 speakers, and thank you all for attending. Thank 3 you. 4 (Recess taken from 5:05 until 5:31.) 5 MR. OGGINS: We are open to the public 05:30:43 6 comment period to take an additional speaker. 7 Alexandra, would you read the name, 8 please. 9 MS. BORACK: Bruce Wareh. 10 MR. BRUCE WAREH: My name is Bruce Wareh. 05:31:01 11 I am a 27-year resident of Huntington Beach. I 12 just had concerns about a few things. One, you 13 know, the common things is the brine in the water, 14 also the boron in our drinking water is a concern, 15 but a big thing is are you evaluating the extra 05:31:24 16 salt in the water, and what's going to happen? Are 17 we going to -- 10 years, 20 years down the road 18 we're going to have double the stingrays and double 19 the jellyfish, and that's going to scare all the 20 tourists away, and Huntington Beach will get 05:31:46 21 hammered on loss of revenue, sales tax revenue, and 22 then are they paying anything for that, or are they 23 going to be responsible for any damage to our 24 visitors and loss of revenue? 25 Those are the big issues I had. And I 05:32:02 Page 48</p>
<p>1 coming in. If you want to stay and join us, you're 2 welcome. Until then, I'll let you know what the 3 process is, the next steps are. 4 Very quickly, the oral portion of our 5 comment period is not the only opportunity you have 05:04:52 6 to comment. A number of you who speak today 7 promised written comments, we welcome those, we 8 especially welcome comments that have the sources 9 of information you would like to evaluate, like the 10 last speaker. If we can get those sources, that 05:05:08 11 would be wonderful. They must be received by 12 December 21st. 13 You can send your comments in several 14 ways: You can e-mail them. We have a special 15 Website for State Lands Commission to accept all 05:05:19 16 written comments. And that is our preferred 17 notice, electronic. We can process it very 18 quickly. Just Poseidon NOP comments under e-mail 19 subject line, and all that information is in the 20 notice of preparation. You can also mail or fax 05:05:35 21 your comments and the information is there. 22 In the meantime, if you have questions, 23 you've got Alexandra's contact information and my 24 contact information here. Please feel free to 25 contact us by e-mail or by phone. We will for now 05:05:49 Page 47</p>	<p>1 haven't heard that, you guys talk about what is the 2 salinity or the discussion about how the salinity 3 is going to affect -- you add 30 percentage of salt 4 in the water, it's going to change what's going to 5 want to live there. They are going to be hardcore 05:32:20 6 fish or something, and there's going to be damage. 7 I like the stingrays, but I think that's going to 8 be ugly for the surfing industry and tourism 9 industry. And now we have all these new hotels, 10 how is that going to affect it? 05:32:38 11 I mean, it's already scary when we have 12 this month of extra stingrays in the water. It's 13 already scaring tourism away. What's going to 14 happen when it's serious like this, if that is one 15 of the effects. That's what would I like to see. 05:32:51 16 Thank you. 17 MR. OGGINS: Thank you. Again, if anyone 18 else wishes to speak, we have speaker cards here. 19 Hearing none, we will temporarily shut down the 20 meeting. We will be here until 7:00, so if you 05:33:09 21 change your mind, please feel free to come. Thank 22 you. 23 (Recess taken from 5:33 until 6:08.) 24 (At the request of the public, the 25 presentation was given again that was given at the 05:50:42 Page 49</p>

1 beginning of the meeting.)
 2 MR. OGGINS: Again, this officially opens
 3 the new scoping comments.
 4 MR. BRUCE WAREH: My name is Bruce Wareh.
 5 I spoke earlier. I would like to add another item 06:09:01
 6 to my issues. This is -- Huntington Beach doesn't
 7 need water. This is going to be emergency water is
 8 one of the selling points for it. The first thing
 9 in any emergency to go is power, to go out. So if
 10 there's -- if we don't have power, it's heavy 06:09:23
 11 intensive demand for power, so we're not getting
 12 water. I wanted to make that comment regarding the
 13 water is not going to be there in an emergency
 14 because the power is the first thing to go out
 15 generally. And, then, part of that is the plant is 06:09:39
 16 going to be inundated in water if the sea level
 17 rises, and the berms that you have in this original
 18 plan aren't going to handle that. So it's going to
 19 be a joke for any disaster, not only not going to
 20 have power, it's going to be inundated in water, 06:09:58
 21 it's going to be flooded.
 22 Those two concerns, I think it should be
 23 raised up or -- you know, sticking the berm around
 24 is not going to handle the ocean coming at ten-foot
 25 title wave or whatever. Those are the concerns I 06:10:17
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1 are no more speakers. The meeting is officially
 2 closed. Thank you. 07:00:12
 3 (The meeting has adjourned at 7:00 p.m.)
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1 would like to add that I talked earlier about.
 2 Thank you.
 3 MR. OGGINS: Thank you. So I wanted to
 4 remind people to please submit written comments as
 5 well if you feel you would like to do so. There 06:10:36
 6 are various ways to do that. You can submit them
 7 by e-mail. The address for the e-mail is on the
 8 slide and in the notice of preparation. You can
 9 send them by mail or by fax. Again, the contact
 10 information is here. If you would like a copy of 06:10:52
 11 the notice of preparation, it's on our Website at
 12 www.slc.ca.gov, or if you have questions, you can
 13 contact Alexandra here or contact me.
 14 Again, we're here to until 7:00. If you
 15 have more questions, you can talk to us or talk to 06:11:1
 16 our consultant team, Aspen, we'd be happy to answer
 17 further questions. So for now we will, again, stop
 18 the public meeting, and again, we'll be here until
 19 7:00 p.m. Thank you for your patience and hope to
 20 see you at the next meeting. Thank you. 06:11:27
 21 (Recess taken from 6:11 until 7:00.)
 22 We are now reopening the public scoping
 23 meeting for the Huntington Beach Project. There
 24 ///
 25 ///
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1 CERTIFICATE
 2 OF
 3 CERTIFIED SHORTHAND REPORTER
 4
 5 I, the undersigned, Certified Shorthand
 6 Reporter of the State of California do hereby certify:
 7 That the foregoing proceedings were taken
 8 before me at the time and place therein set forth; that
 9 any witnesses in the foregoing proceedings, prior to
 10 testifying, were placed under oath; that a verbatim
 11 record of the proceedings was made by me using machine
 12 shorthand which was thereafter transcribed under my
 13 direction; further, that the foregoing is an accurate
 14 transcription thereof.
 15 I further certify that I am neither
 16 financially interested in the action nor a relative of
 17 employee of any attorney of any of the parties.
 18 IN WITNESS WHEREOF, I have this date
 19 subscribed my name
 20
 21
 22
 23 *Denise C. Heft*
 24 Dated: December 20, 2016
 25 Certificate Number 12983
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[& - allowed]

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[commanded - damage]

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[dan - economic]

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