

II.5 COMMENTS AND RESPONSES: ORGANIZATIONS (O1-O7)

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The master responses provided in Section II.2, *Master Responses, MR-1 through MR-8*, address similar comments received from multiple commenters on the Draft Supplemental EIR and, therefore, many individual responses to comments refer back to the master responses. These Master Responses are:

- MR-1, Scope of the Commission's Discretionary Action
- MR-2, Lease Modification Project Scope
- MR-3, Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR
- MR-4, Piecemealing
- MR-5, Diffuser Entrainment Mortality and Species Affected
- MR-6, Marine Protected Areas
- MR-7, Cumulative Impacts
- MR-8, Alternatives

II.5.1 Comment Set O1: Association of California Cities, Orange County



500 S. Main Street, Suite #410, Orange, CA 92868 | P: (714) 953-1300 | F: (714) 953-1302 | www.ACCOC.org

July 14, 2017

The Honorable Gavin Newsom
Chairman
California State Lands Commission
100 Howe Ave., Suite 100 South
Sacramento, CA 95825-8202

Dear Chairman Newsom:

The Association of California Cities – Orange County (ACC-OC) has a mission to work collaboratively with Orange County's 34 cities to address important public policy issues through the lens of our local governments. ACC-OC achieves its mission through education that empowers, policy that is collaborative and advocacy that is service-oriented. Water is an important issue to our cities and we have a water committee that is dedicated to addressing the important water supply and water use efficiency issues affecting Orange County.

Our members are primarily made up of City Council members who remember all too well the challenges their constituents faced just 12 months ago when the Governor and the State Water Board imposed mandatory water conservation measures on cities and water districts throughout the state. Some areas of Orange County were the hardest hit in terms of mandatory cut backs – some reaching higher than a third.

New local water supplies, if they are environmentally sensitive and economically feasible, should be allowed to move forward to give Orange County more water independence and reduce our reliance on imported water that is going through increasingly volatile “boom-and-bust” cycles as our new normal.

ACC-OC has long supported the Huntington Beach Seawater Desalination Project as a new water supply for Orange County and we urge the State Lands Commission to certify the Draft Supplemental Environmental Impact Report (DSEIR) and approve the amended lease agreement at its upcoming October meeting.

Since the State Lands Commission last approved the lease for this project in 2010, several environmental improvements have been implemented including a brine diffuser that lessens the impact of the saltwater discharged into the ocean and a one-millimeter wedgewire screen that screens out all marine life larger than one millimeter. Technological improvements also will allow the project to reduce its water intake by 30 percent while still producing 50 million gallons of seawater per day.

Huntington Beach, one of our member cities, conducted two Environmental Impact Reports on this project and certified both EIRs. Thank you in advance for taking in consideration the

O1-1

COMMENT SET O1: ASSN. OF CALIFORNIA CITIES, ORANGE CO. (cont.)



500 S. Main Street, Suite #410, Orange, CA 92868 | P: (714) 953-1300 | F: (714) 953-1302 | www.ACCOC.org

support of the Association of California Cities – Orange County when making your decision in August. Should you have any questions about our position or about ACC-OC, please contact Diana Coronado, ACC-OC's Legislative Affairs Director, at (714) 953-1300 or at dcoronado@accoc.org.

O1-1
cont.

Sincerely,

Heather Stratman

CEO

Association of California Cities – Orange County

cc:

Commissioner/State Controller Betty Yee

Commissioner / Finance Director Michael Cohen

Ms. Jennifer Lucchesi, Executive Officer, State Lands Commission

Governor Jerry Brown

Assembly Speaker Anthony Rendon

Senate President Pro Tem Kevin De Leon

U.S. Congressional Representative Dana Rohrabacher

State Senator John Moorlach

State Senator Janet Nguyen

State Senator Pat Bates

State Senator Josh Newman

State Senator Tony Mendoza

State Assemblyman Travis Allen

State Assemblyman Matt Harper

State Assemblyman Phillip Chen

State Assemblywoman Sharon Quirk-Silva

State Assemblyman Steven Choi

State Assemblyman Tom Daly

State Assemblyman Bill Brough

RESPONSE TO COMMENT SET O1: ASSN. OF CALIFORNIA CITIES, ORANGE CO.

- O1-1 The commenter's expression of support for the Project will be provided to the Commission for consideration in its decision-making process. The Project that will be considered by the Commission is the proposed Lease Modification Project, as defined in Section 2 of this Supplemental EIR. (See also master responses MR-1, *Scope of the Commission's Discretionary Action*, and MR-2, *Lease Modification Project Scope*.)

II.5.2 Comment Set O2: Banning Ranch Conservancy



Officers:

Terry Welsh, M.D.
President

Suzanne Forster
Vice-President

Deborah Koken
Secretary

Jennifer Frutig, Ph.D.
Treasurer

Steve Ray
Executive Director

Board Members:

Diane Silvers, Ed.D.

Mark Tabbert

Cindy Black

Jan Vandersloot, M.D.
In Memoriam

Mailing Address:

P.O. Box 15333
Newport Beach, CA
92659-5333

Phone:

(714) 719-2148

E-Mail Address:

info@BanningRanch
Conservancy.org

July 25, 2017

The Honorable Gavin Newsom

Chairman

California State Lands Commission

100 Howe Ave, Suite 100 South

Sacramento, CA 95825-8202

Dear Chairman Newsom:

The Banning Ranch Conservancy is a non-profit environmental organization with the mission, “To preserve, acquire, conserve and manage the entire Banning Ranch as a permanent public open space, park and coastal nature preserve.”

The Banning Ranch Conservancy is writing in opposition to the State Lands Commission certifying the Draft SEIR and issuing the proposed modified lease for the proposed Huntington-Poseidon Desalination Plant.

Much has changed since 2010 when the City of Huntington certified an SEIR for the proposed project and the State Lands Commission issued Poseidon a lease of public lands. Those changed circumstances include new State regulations to ensure against marine life mortality and ocean water quality degradation and much more.

But the Draft SEIR is so narrowly focused on the addition of screens to the open ocean intake, and diffusers to the discharge, it fails to study sub-surface intakes and mixing the brine with the near-by wastewater discharge before disposal to the ocean. These are the preferred methods for seawater intake and discharge in the regulations for seawater desalination recently adopted by the State of California, and the Draft SEIR does not offer any explanation why Poseidon should be granted an exception to that rule.

Further, since 2010, the residents of Orange County have dramatically reduced our cumulative demand for freshwater – despite significant population and economic growth. The Orange County Water District has expanded Orange County’s world-renowned Groundwater Replenishment

O2-1

O2-2

COMMENT SET O2: BANNING RANCH CONSERVANCY (cont.)

System by 30 million gallons a day, and is set to expand by that size again soon. Now Los Angeles County is planning a similar Groundwater Replenishment System that will contribute 60 million gallons a day to replenish Orange County's groundwater basin. Whatever demand there was in 2010 has dramatically changed, and the SEIR must document those changes in the need for the project.

O2-2
cont.

Finally, the proposed alternatives for delivering the Poseidon product water, and several large development proposals adjacent to the proposed Poseidon treatment plant, have all changed since 2010. But the Draft SEIR fails to document those changes and the impacts the changes will have on the environment.

O2-3

The State Lands Commission has a duty to fully inform the public of all the changed circumstances and adverse impacts since 2010 in the Subsequent EIR. And the Commission has a public trust duty to ensure the proposed lease protects the natural resources we all share – including marine life and ocean water quality.

O2-4

With that in mind, the Draft SEIR must be re-written and re-circulated for public comment before the Commission can consider the proposed lease amendment.

Sincerely,



Terry Welsh

President

Banning Ranch Conservancy

**RESPONSE TO COMMENT SET O2:
ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY**

- O2-1 The commenter's expression of opposition to the Project will be provided to the Commission for consideration in its decision-making process. (See also master responses MR-1, *Scope of the Commission's Discretionary Action*, and MR-2, *Lease Modification Project Scope*.)
- O2-2 See master response MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR* regarding project need.
- O2-3 See master response MR-8, *Alternatives*.
- O2-4 Part I, Section I.7, *Requirements for Recirculation*, identifies the primary examples of when an EIR must be recirculated (see State CEQA Guidelines, § 15088.5, subd. (a)(1)-(3).) As discussed in Section I.6, *Summary of Major Changes to Draft Supplemental EIR*, the major changes to the Draft Supplement EIR do not meet the Guidelines' threshold for recirculation. Section III contains the revisions to the document. See also master response MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR*.

II.5.3 Comment Set O3: Bolsa Chica Conservancy



July 21, 2017

The Honorable Gavin Newsom
Lieutenant Governor
Chairman, California State Lands Commission
100 Howe Ave., Suite 100 South
Sacramento, CA 95825-8202

RE: Huntington Beach Desalination Project Supplemental EIR – SUPPORT

Dear Chairman Newsom,

The Bolsa Chica Conservancy was founded nearly 30 years ago by community, environmental, government and business leaders with the common goal of restoring the Bolsa Chica wetlands and connecting generations through community involvement, leadership and education in wetland science, watersheds, coastal ecology and environmental sustainability.

Our organization has succeeded beyond our wildest dreams with an interpretive center, school programs, Scout programs and tens of thousands of visitors every year. With that in mind, we are extremely concerned about the future viability of the wetlands now that the mitigation funding that keeps the inlet that allows for tidal flows clear is ending within the next 24 months.

We ask that you join us and advocate to the California Coastal Commission that the mitigation funding that will be required for the Poseidon project go to the future funding of the sand management for the Bolsa Chica wetlands.

It is just that the mitigation for a Huntington Beach infrastructure project would go to support the environmental and ecological enhancement in the City where the project is located. Poseidon Water has proposed that their mitigation go to support the Bolsa Chica wetlands and the environmentalists that sit on the board and staff of the Bolsa Chica Conservancy agree wholeheartedly.

Thank you for your consideration of our viewpoints and we look forward to the approval of this permit so we can take the next step toward approval of this project that will provide environmental mitigation that will save the Bolsa Chica wetlands.

Sincerely,

Ed Mountford
Chairman of the Board

Bolsa Chica Conservancy

3842 Warner Avenue Huntington Beach, CA 92649 | (714) 846-1114 | www.bolsachica.org

O3-1

COMMENT SET O3: BOLSA CHICA CONSERVANCY (cont.)

cc:

Commissioner/State Controller Betty Yee
Commissioner/Finance Director Michael Cohen
Jennifer Lucchesi, Executive Officer, State Lands Commission
Alexandra Borack, Project Manager, State Lands Commission
Governor Jerry Brown
Assembly Speaker Anthony Rendon
Senate President Pro Tem Kevin De Leon
U.S. Representative Dana Rohrabacher
State Senator Patricia Bates
State Senator Tony Mendoza
State Senator John Moorlach
State Senator Josh Newman
State Senator Janet Nguyen
State Assemblyman Travis Allen
State Assemblyman Bill Brough
State Assemblyman Phillip Chen
State Assemblyman Steven Choi
State Assemblyman Tom Daly
State Assemblywoman Sharon Quirk-Silva

RESPONSE TO COMMENT SET O3: BOLSA CHICA CONSERVANCY

- O3-1 The commenter's expression of support for the Project and request for mitigation funding to be used towards sand management for the Bolsa Chica wetlands will be provided to the Commission for consideration in its decision-making process. The Project that will be considered by the Commission is the proposed Lease Modification Project, as defined in Section 2 of this Supplemental EIR. (See also master responses MR-1, *Scope of the Commission's Discretionary Action*, and MR-2, *Lease Modification Project Scope*.)

II.5.4 Comment Set O4: Building Industry Association of Southern California Inc.

Building Industry Association of Southern California, Inc. ORANGE COUNTY CHAPTER



July 25, 2017

The Honorable Gavin Newsom
Lieutenant Governor
Chairman, California State Lands Commission
100 Howe Ave., Suite 100 South
Sacramento, CA 95825-8202

RE: Huntington Beach Desalination Project Supplemental EIR – SUPPORT

Dear Chairman Newsom,

The Building Industry Association of Southern California, Orange County Chapter (BIA/OC) is a non-profit trade association representing 1,100 companies affiliated with the homebuilding industry throughout Southern California. Our mission is to champion housing as the foundation of vibrant and sustainable communities.

What makes vibrant and sustainable communities possible is quality infrastructure. Reliable roads, power, schools and water are all essential components of a strong community – with water being critical factor.

We are proud of the sustainable homes we build. Inside and out, new communities throughout Orange County use less water than ever before. With California-Friendly landscaping and low-flow toilets and showerheads, new homes on average use 50% less water than similarly-sized homes and yards built just a decade ago.

As you review the Supplemental Environmental Impact Report (SEIR) for the Huntington Beach Seawater Desalination Project, it is important to note that Poseidon Water will offer Orange County an additional source of reliable water for our growing region. In addition, due to the project location and precautions being taken, you can rest assured that this reliable water source will not come at the expense of the local environment. Even with our imported water source, a new local drought-proof water supply is needed.

We look forward to your certification of the SEIR and approval of the land lease at your October 19, 2017 State Lands Commission hearing.

Respectfully,

Steven C. LaMotte
Chapter Executive Officer

PRESIDENT
PHIL BODEM
MERITAGE HOMES

VICE PRESIDENT
MIKE GARTLAN
KB HOME

TREASURER
RICK WOOD
TRI POINTE HOMES

SECRETARY
SUNTI KUMJIM
MBK HOMES

IMMEDIATE PAST PRESIDENT
JIM YATES
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TRADE CONTRACTOR V.P.
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BOUDREAU PIPELINE
CORPORATION

ASSOCIATE VICE PRESIDENT
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NEWMAYER & DILLION, LLP

MEMBER-AT-LARGE
LAURA ARCHULETA
JAMBOREE HOUSING

MEMBER-AT-LARGE
SCOTT STARKEY
STARKEY COMMUNICATIONS

EXECUTIVE OFFICER
STEVE LA MOTTE

O4-1

24 Executive Park, Suite 100
Irvine, California 92614
949.553.9500 | biaoc.com

**RESPONSE TO COMMENT SET O4:
BUILDING INDUSTRY ASSOCIATION OF SOUTHERN CALIFORNIA INC.**

- O4-1 The commenter's expression of support for the Project will be provided to the Commission for consideration in its decision-making process. The Project that will be considered by the Commission is the proposed Lease Modification Project, as defined in Section 2 of this Supplemental EIR. (See also master responses MR-1, *Scope of the Commission's Discretionary Action*, and MR-2, *Lease Modification Project Scope*.)

II.5.5 Comment Set O5: CalDesal



The Honorable Gavin Newsom, Chairman
California State Lands Commission
100 Howe Ave., Suite 100 South
Sacramento, CA 95825-8202

RE: SUPPORT for Huntington Beach Desalination Project SEIR Certification
and Land Lease Approval

July 20, 2017

Dear Chairman Newsom,

CalDesal, a non-profit statewide organization composed of water industry leaders, is writing in support of the proposed Huntington Beach desalination facility and Poseidon Water's application to have its Land Lease extended.

CalDesal advocates in Sacramento and throughout the state for legislation and regulatory action to facilitate the use of desalination to meet California's water-supply challenges. As a statewide organization we are aware that many local water agencies are looking to ocean desalination as a way to provide a more reliable supply of water during droughts and as a way to reduce reliance on the Sacramento-San Joaquin Delta and Colorado River. Good water supply portfolio planning and the Governor's Water Action plan calls for the use of local sources of water, including desalination, in all weather years.

Today, at least 13-ocean water desalination projects are being planned that together could produce more than 257,000 acre-feet of water for California each year. Chief among them is the proposed Huntington Beach plant that would produce 56,000 acre-feet a year for Orange County. This project has been in the permitting process for the last 17 years. It is our belief that other projects around the state are watching to see the outcome of that permitting process before proceeding with their own desalination plants.

Given California's recent severe drought along with Southern California's dependence on imported water we believe it is essential that the Huntington Beach project be permitted at the earliest possible time thereby allowing state-wide desalination planning to proceed in a timely manner. We also

O5-1

CalDesal • 770 L Street Suite 950, Sacramento, CA 95814 • 916-449-3999

COMMENT SET O5: CALDESAL (cont.)

believe that both California's Public Trust and Beneficial Use doctrines favor State Lands adopting the DSEIR and approving Poseidon's lease extension.

O5-1
cont.

California has entrusted the State Lands Commission with administering the Public Trust Doctrine (PTD); while at the same time defining desalination as a "beneficial use" of water. Poseidon's proposed desalination plant would function in the state's navigable waters. The California Ocean Plan formally acknowledges seawater desalination as a beneficial use of the Pacific Ocean. These two guiding state policies support both early adoption of the DSEIR and lease extension for the HB project.

We also believe that it is significant that both the Orange County Water District (OCWD) and the Municipal Water District of Orange County (MWDOC) have expressed the need for this desalinated water in order to ensure adequate supplies for Orange County.

Thank you for considering these comments.

Sincerely,



Paul Kelley
Executive Director

cc:

Honorable Betty T. Yee

Honorable Michael Cohen

Jennifer Lucchesi

Alexandra Borack, Project Manager

RESPONSE TO COMMENT SET O5: CALDESAL

- O5-1 The commenter’s expression of support for the Project will be provided to the Commission for consideration in its decision-making process. The Project that will be considered by the Commission is the proposed Lease Modification Project, as defined in Section 2 of this Supplemental EIR. (See also master responses MR-1, *Scope of the Commission’s Discretionary Action*, and MR-2, *Lease Modification Project Scope*.)

II.5.6 Comment Set O6: California Chamber of Commerce



July 21, 2017

The Honorable Gavin Newsom
Lieutenant Governor, State of California
Chair, California State Lands Commission
100 Howe Ave., Suite 100 South
Sacramento, CA 95825-8202

**SUBJECT: SUPPORT - HUNTINGTON BEACH SEAWATER DESALINATION PROJECT
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

Dear Chairman Newsom:

For more than 100 years, the California Chamber of Commerce has worked to make California a better place to do business. We have over 14,000 members, representing one-fourth of the private sector workforce in California. We serve as an advocate and resource for large and small California employers and work within state and federal politics to ensure fair legislation and regulations and a pro-business climate. Our goal is to enhance the California economy and make the state a better place to live, work and do business.

CalChamber supports the proposed Huntington Beach Seawater Desalination Project because it will provide a dependable, drought-proof supply of new water for Orange County that would benefit the public and support the long-term growth and sustainability of its economy. We ask the State Lands Commission to certify the project's Supplemental Environmental Impact Report (SEIR) and approve the amended land lease agreement with Poseidon Water at its October 19 meeting.

Despite record-breaking precipitation and snowpack this past winter, which helped end the drought in California, we continue to deal with a range of challenges that affect the management and conveyance of water throughout our state. Environmental, legal and regulatory constraints are having an increasing effect on how and where water flows in California. These constraints impact people, communities, and economies, especially those that depend heavily on imported water.

Southern California imports a significant amount of water from the Colorado River and from Northern California to meet the needs of its growing economy. Orange County's pursuit of seawater desalination, as a local water supply, will help to reduce its dependence on imported water as well as provide greater certainty for residents, businesses, and potential investors that Orange County's water future is reliable and secure.

The economic benefits and environmental merits of the Huntington Beach Seawater Desalination Project are clear. The project would generate several hundred million dollars in economic activity and approximately 3,000 jobs would be created during construction. Dozens of additional high-paying jobs would be created once the facility is operational. The facility would also operate in an environmentally protective and energy efficient manner. Recent technological advancements which are reflected in the currently proposed design, marine life and water quality would receive even greater protection, the facility's energy recovery system would help to reduce energy consumption, and 30 percent less water would be required to produce the same 50 million gallons of potable water each day.

O6-1

1215 K Street, Suite 1400
Sacramento, CA 95814
916 444 6670
www.calchamber.com

COMMENT SET O6: CALIFORNIA CHAMBER OF COMMERCE (cont.)

The Honorable Gavin Newsom
July 21, 2017
Page 2

CalChamber believes the Huntington Beach Seawater Desalination Project will be an environmentally and economically responsible solution for meeting Orange County's future water needs. We continue to offer support for the project and we respectfully request the Commission's certification of the Supplemental EIR and approval of the amended land lease with Poseidon Water.

O6-1
cont.

Sincerely,



Valerie Nera
Policy Advocate

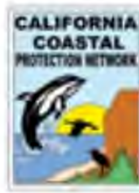
cc: The Honorable Jerry Brown, Governor, State of California
The Honorable Betty Yee, Commissioner/ CA State Controller
Michael Cohen, Commissioner/Director of Finance
Jennifer Lucchesi, Executive Officer, State Lands Commission
Alexandra Borack, Project Manager, State Lands Commission
The Honorable Dana Rohrabacher, U.S. Representative
The Honorable Kevin De León, CA State Senate, President pro Tempore
The Honorable Anthony Rendon, CA , State Assembly Speaker
The Honorable Patricia Bates, CA State Senate
The Honorable Tony Mendoza, CA State Senate
The Honorable John Moorlach, CA State Senate
The Honorable Josh Newman, CA State Senate
The Honorable Janet Nguyen, CA State Senate
The Honorable Travis Allen, CA State Assembly
The Honorable William Brough, CA State Assembly
The Honorable Phillip Chen, CA State Assembly
The Honorable Steven Choi, CA State Assembly
The Honorable Tom Daly, CA State Assembly
The Honorable Matthew Harper, CA State Assembly
The Honorable Sharon Quirk-Silva, CA State Assembly

VN:mm

RESPONSE TO COMMENT SET O6: CALIFORNIA CHAMBER OF COMMERCE

- O6-1 The commenter's expression of support for the Project will be provided to the Commission for consideration in its decision-making process. The Project that will be considered by the Commission is the proposed Lease Modification Project, as defined in Section 2 of this Supplemental EIR. (See also master responses MR-1, *Scope of the Commission's Discretionary Action*, and MR-2, *Lease Modification Project Scope*.)

II.5.7 Comment Set O7: California Coastal Protection Network (CCPN)



CALIFORNIA COASTAL PROTECTION NETWORK
2920 Ventura Drive, Santa Barbara, CA 93105 • 805-637-3037
WWW.COASTALADVOCATES.COM

July 26, 2017

Alexandra Borack, Project Manager
California State Lands Commission
100 Howe Avenue, Suite 100 – South
Sacramento, CA 95825

Sent via electronic mail to: CEQA.comments@slc.ca.gov

RE: Poseidon Supplemental EIR Comments

Dear Ms. Borack,

Attached for the State Lands Commission's consideration is a compilation of the views of water experts, community organizers and coastal advocates from around the state urging against approval of Poseidon's Huntington Beach desalination plant on the basis of its outsized cost, lack of need, availability of better water supply options, and potential harm to the coastal environment.

Thank you for the opportunity to provide this information to the Commission.

Sincerely,

Susan Jordan, Executive Director

O7-1

COMMENT SET 07: CCPN (cont.)

San Jose Mercury News

Desalination will not solve California's water woes

Leon Szeptycki and Newsha K Ajami | June 1, 2017

In the wake of the recent drought, desalination of ocean water continues to be a central topic in California water debates.

Some coastal communities were particularly hard hit by the drought, including a large swath of the central coast that is among the last regions in the state still suffering from drought conditions. Desalination seems to hold the potential for limitless, drought-proof supplies, but the reality is far more complex.

Desalination comes with the obvious downsides of very high capital costs and energy consumption, not to mention the high cost of operation and maintenance.

The potential impacts on ocean ecosystems have generated controversy and delays. In addition, communities are only starting to tap alternative sources, such as recycled wastewater and storm water, that have the potential to be less costly and more sustainable in the long-term. The decision whether to build a coastal desalination plant should be based on a consideration of all of these factors for each community.

Such decisions should not, however, be based on the hope that ocean desalination will fundamentally alter the state's overall water budget and supply portfolio. More specifically, we cannot rely on ocean desalination to meaningfully reduce the stress on freshwater ecosystems, particularly the Bay Delta and its tributaries, the heart of California's water supply.

Part of this is just due to the numbers. We withdraw approximately 42 million acre-feet per year from rivers, streams, and aquifers in California. We use up a net total of 33 million acre-feet of that. According to the 2013 update to the state's water plan, even if every proposed ocean desalination facility were built (an unlikely scenario), they would produce a combined total of approximately 382 thousand acre-feet a year, less than 1 percent of the state's existing water budget. Looking at just the Bay-Delta, humans use up or export approximately 6 million acre-feet per year. Again, even if all of the current ocean desalination proposals were built and run at full capacity, they collectively would not put a meaningful dent in our use of the Bay-Delta.

COMMENT SET 07: CCPN (cont.)

Furthermore, and just as importantly, there is no guarantee that every acre-foot of desalinated water would reduce demand on the Bay-Delta by an acre-foot. Currently there exists no systematic or legal mechanism to ensure that the water purveyors that opt into desalination facilities will directly reduce their reliance on the Delta.

To our knowledge, there is just one proposed desalination facility that will in fact reduce strain on a local freshwater ecosystem. The proposed California American Water plant near Monterey will directly reduce surface water withdrawals from the Carmel River. Those reduced withdrawals, however, were mandated by the state more than 20 years ago. Such mandates with direct links to meaningful improvements in stream flow should certainly be a factor in deciding whether to build a desalination plant. We are not aware, however, of any other proposed plant that can yet claim such a link.

While often Californians are persuaded to consider desalination as a way to future water supply security using Israel and Western Australia as examples, one should remember that California is a highly populated state of about 40 million compared to 8 million in Israel and 2.6 million in Western Australia.

Seawater desalination, while can be a very small part of water supply portfolio of some of California's coastal regions, will not be a significant part of the pie. The math is just not there.

Leon Szeptycki is an attorney specializing in water use and watershed restoration, and executive director of Stanford University's Water in the West. Newsha K. Ajami, is a hydrologist specializing in water management and policy, and directs urban water policy at Stanford's Water in the West. They wrote this for The Mercury News.

COMMENT SET 07: CCPN (cont.)

THE SACRAMENTO BEE



Why go for desal when California has cheaper options?

By Heather Cooley | June 1, 2017

While winter rains have refilled California reservoirs and dumped near-record snow on the mountains, communities across the state are wisely seeking ways reduce their vulnerability to future droughts. One option some are considering is seawater desalination.

Tapping the vast ocean seems like a promising solution, and proponents often tout Australia and Israel, which have adopted this technology.

We agree that California should look at experiences in other parts of the world. But we need to have all the facts and make the right decisions for our communities.

For example, Israel didn't turn to desalination until it had first dramatically cut production of water-intensive crops such as cotton, invested in urban conservation and efficiency far beyond what California has achieved, and massively expanded wastewater treatment and reuse.

Household water use in Israel is 44 gallons per person per day, far below the 115 for an average California household. Israel reuses 94 percent of its wastewater, compared to a paltry 13 percent in California. Israeli farmers apply an average of 1.6 acre-feet of water per acre of land, while California farmers apply nearly twice as much.

In Australia, per person household water use averages 54 gallons a day. During a severe multiyear drought, Australia spent \$10 billion to build six desalination plants, but closed four because the water is far too expensive compared to other options. Australia failed to pursue the cheaper options first, an important lesson we should heed.

California is reaching and in many cases has exceeded the physical, economic, ecological and social limits of traditional water-supply options. Rivers are over-allocated, and options for new surface reservoirs are expensive, controversial and offer only modest improvements.

The good news is that communities across California have plenty of other options. Recent research from the Pacific Institute, in collaboration with experts at the Natural

COMMENT SET 07: CCPN (cont.)

Resources Defense Council and UC Santa Barbara, found that widely available conservation and efficiency measures could reduce annual water use in urban areas by as much as 57 percent.

Additionally, recycled water could produce 1.2 million acre-feet per year, nearly twice as much water as Los Angeles uses a year. Finally, capturing runoff in Southern California and the San Francisco Bay area could increase supplies by 420,000 to 630,000 acre-feet a year, while also reducing flooding and water pollution.

These alternatives are typically far less expensive than seawater desalination, which is estimated to cost \$2,100 per acre-foot. Capturing and reusing storm water is the least expensive option, at \$590 per acre-foot.

Indeed, some efficiency measures have a “negative cost,” meaning that the long-term non-water benefits, such as lower energy bills, exceed the cost.

Let’s tackle the cheaper, most cost-effective things first: improving water-use efficiency, expanding water reuse and capturing more storm water. If we do the right things in the right order, we can avoid spending billions on what ultimately could be an expensive white elephant.

Heather Cooley is water program director at Pacific Institute, a water policy think tank in Oakland.

COMMENT SET 07: CCPN (cont.)

THE SACRAMENTO BEE



A billion-dollar boondoggle to increase water supply in California

By Terry Tamminen i | May 20, 2017

As former Sen. Barbara Boxer noted in her op-ed “South state desalination project is a ‘no-brainer’ ” (Viewpoints, April 30), California is facing a hotter and drier future. In order to keep our communities and economy thriving, we need to develop smart and reliable local water supplies. Fortunately, we can meet long-term needs without resorting to billion-dollar boondoggles like the proposed Huntington Beach desalination plant.

There is a reason desalination companies are spending millions of dollars in lobbying. Proposals like the Huntington Beach plant can’t stand on their own merit. Desalinated water costs twice as much as imported water, and up to 8 times as much as harvesting the rain that has fallen all around us lately.

The high cost means big profits for Wall Street water companies like Poseidon. But what about customers that will be stuck with the tab? In Orange County, Poseidon wants to lock ratepayers into a 50-year contract that would force them to buy desalinated water even in wet years. That will drive up utility bills at a time when many families are struggling to make ends meet.

We are lucky to live in a time of tremendous innovation, when there are better water solutions than costly dams or desalination plants. Those mega projects, with big environmental impacts to match their price tags, are old news. Twenty-first century water solutions are affordable, energy efficient and climate resilient.

California has rules to ensure new desalination plants minimize environmental impacts and address a real need. The Poseidon proposal fails on both counts. It would hurt sea life by sucking up baby fish and eggs and pollute coastal waters with chemical-laden brine. It would also require vast amounts of energy when California is working to kick fossil fuels. Finally, it’s an unnecessary expense since Orange County’s own water plan shows it can meet all water needs through 2040.

At the end of the day, Poseidon can hire former senators to lobby, but even politicians with previously green credentials know they can’t change the facts: We don’t need

COMMENT SET 07: CCPN (cont.)

THE SACRAMENTO BEE



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COMMENT SET 07: CCPN (cont.)

their costly water. It's a bad deal, and we have better alternatives. Indeed, a "no-brainer."

Terry Tamminen, former secretary of the California Environmental Protection Agency, is CEO of the Leonard DiCaprio Foundation. He can be reached via his assistant at April@LDCfoundation.org.

COMMENT SET 07: CCPN (cont.)

THE ORANGE COUNTY
REGISTER

Poseidon tries a new face, but facts unchanged

Garry Brown | May 17, 2017

For the last 17 years, Poseidon Water has spent millions of dollars on an army of lobbyists, consultants, lawyers and PR teams to sell Orange County ratepayers a desalination plant, urging us to sign the dotted line on a 50-year government contract that Poseidon's investors have salivated over.

Year after year, they have worked around the clock trying every sales tactic in the book. They've sent charming lobbyists to schmooze decision-makers everywhere from the offices of City Council to state legislators and regulators in Sacramento. They've invited TV news crews to see how large and impressive their technology looks. They squeezed their way onto a list of Trump's preferred private-public partnership projects. They played on drought hysteria and fears of the tap running dry. In their final days before they face a decision from state authorities, they've stooped to paying former Sen. Barbara Boxer to give them a new celebrity face, attempting to create the illusion of environmentalist support.

But despite Poseidon's efforts to obscure them, the hard facts of the proposed plant haven't changed. Poseidon's desalination plant is the most expensive, most energy-intensive, most environmentally harmful option on the market. Orange County has several other water supply technologies available that produce more water per ratepayer-dollar while using less energy and creating more jobs. There's a reason both economists and environmental scientists widely refer to Poseidon's desalination technology as a "last resort option." Why pay top dollar when cheaper, more sustainable water options are waiting to be implemented?

ADVERTISING

Poseidon's billion-dollar project would create the most expensive water in Orange County history and would only supply around eight percent of our water needs. And even that wouldn't make a difference, because there's a much bigger problem for Poseidon, and it's the toughest yet for them to spin: Orange County doesn't need more water. The current plan is to take most or all of the expensive desalinated water and re-pollute it by sending it all to the underground aquifer. We can purchase Metropolitan Water District water for the aquifer at less than half the cost of Poseidon water.

When the drought hit, Orange County got a wakeup call and stepped up to the plate. All without Poseidon, we invested millions of dollars in the largest and most advanced

COMMENT SET 07: CCPN (cont.)

water-recycling facility in the world, the Ground Water Replenishment System. Our recycling plant turns wastewater into 100 million gallons of drinking water every day. With the expansion currently underway, the number will grow to 130 million gallons daily. Sitting atop an underground aquifer the size of Lake Mead, Orange County is poised to become one of the most drought-independent counties in the United States. This is why Poseidon won't accept a contract unless it stipulates that Orange County ratepayers buy every drop of water they produce, whether or not it's actually used. They know we don't need their water.

Who would not want to own or invest in a company that had a contract with a customer that would help with financial assistance to build your facility, purchase 100 percent of all you produce for 50 years, and guarantee you a huge profit? Well, that is what Poseidon has in an approved term sheet from Orange County Water District.

Poseidon's investors are still waiting, with the hopes of a lucrative government contract and a steady stream of ratepayer-funded profits. Poseidon has already spent more than \$50 million selling this project as a legitimate public works project. So there is no doubt that Poseidon will continue to knock on our door, trying on new faces and new spins. But Orange County is too smart for slimy sales tricks and propaganda. Our money is too precious. Our environment is too important. Poseidon, we're not buying even if Barbara Boxer is now the one selling.

Garry Brown founded Orange County Coastkeeper in 1999 and serves as the organization's executive director and board president.

COMMENT SET 07: CCPN (cont.)

THE ORANGE COUNTY
REGISTER

Desalination loses urgency in super-wet winter

March 7, 2017 | By Thomas D. Elias

Here's a cold, wet reality: the more water in California's reservoirs, the less urgency there is to build new ocean-water desalination plants that became a major talking point during the state's long, parched years of drought, an ultra-dry period some folks insist has still not ended despite months of heavy rains.

Those record or near-record rains have replenished everything reservoirs lost over the last few years of drought, and sometimes more.

Desalination is always tantalizing here because — like Samuel Coleridge's ancient mariner, who complained of "Water, water everywhere, nor any drop to drink" — Californians can see billions of acre-feet of water every day in the form of the Pacific Ocean, complete with all its bays and estuaries.

But that's briny salt water, containing an array of minerals that make it almost as inaccessible today as it was to the parched, fictitious sailor of 187 years ago.

It won't necessarily stay that way. Whenever the price of other water goes up, desalinating Pacific waters becomes more enticing. It will become more so if the price of filtering minerals out of salt water drops.

But if the price and availability of fresh water remains reasonable, as it surely will be this year, desal stays in the back seat.

Yes, Boston-based Poseidon Water since late 2015 has operated the largest desalination plant in America on the coast at Carlsbad, just north of San Diego. The facility supplies almost 10 percent of the San Diego area's water needs. That's a region which has long wanted to be as independent as possible from the Metropolitan Water District of Southern California (often called the Met), through which it gets supplies from the State Water Project and the Colorado River Aqueduct. Expensive as Carlsbad water may be at about \$2,200 per acre foot, it improves the San Diego County Water Authority's negotiating position with the Met.

During the drought, that water agency signed a contract with the plant operator to purchase at least 48,000 acre-feet per year of water, but it can also demand up to 56,000 acre-feet in any year it feels the need. An acre-foot of water contains about 330,000 gallons, about the amount a typical family uses in a year. That water costs

COMMENT SET 07: CCPN (cont.)

more than \$100 per acre-foot above the price of recycled water and about \$1,000 more than reservoir water or supplies from the Met, approximately doubling water cost. The San Diego authority claims that its take from the Met has been overpriced for years, and now pays more than \$300 per acre foot for Colorado River water bought from the Imperial Valley's irrigation district, which reaches San Diego County via the Met's aqueduct.

At the depth of the drought, the Met paid some farmers in the Sacramento Valley an average of \$694 per acre foot for parts of their supply. So even at drought-inflated prices, fresh surface water remained much cheaper than desalinated supplies.

These numbers all establish that desalinated water is now by far the most expensive alternative California water districts can pursue. This is one reason a proposed desal plant at Huntington Beach in Orange County has run into resistance. Environmental problems are another: The Carlsbad plant was cited several times for environmental violations during its first few months of operation.

But the price tag is the biggest problem. The Carlsbad plant cost \$1 billion to build, with about \$50 million in yearly operating costs. When treating wastewater or catching more storm runoff can keep supplies at acceptable levels, there's no need to pay so much for desalination.

But if new methods to purify sea water beyond the standard technique of reverse osmosis ever become workable, all bets will be off.

Despite claims by some companies that they can desalinate water for less than \$700 per acre foot, none has yet demonstrated it can do the job on the extremely large scale needed to assure California water supplies.

Which means the more it rains, the more the prospects for new desalinated water supplies fall. But they will surely resurface the moment a new drought arrives.

Thomas D. Elias is a writer in Southern California. Contact him at tdelias@aol.com

COMMENT SET 07: CCPN (cont.)

Daily Pilot

Orange County should learn from San Diego's mistakes

November 4, 2016 | Julia Chunn-Heer

Poseidon Water has San Diego ratepayers on the hook for the county's most expensive water for the next 30 years, whether we need that water or not.

While Poseidon's propaganda machine operates ceaselessly, no amount of spin can conceal the problems that have plagued the first year of the desalination plant in Carlsbad. But those problems haven't stopped Poseidon from pushing to build a similar plant in Huntington Beach.

Orange County deserves a look at the Carlsbad plant's short-but-troubled history because they're currently walking the same path with Poseidon. Here are five ways San Diego consumers have been misled and otherwise let down by Poseidon, and how we know that this history will repeat itself in Huntington Beach:

Making residents pay for unnecessary water.

Carlsbad: When the plant came online earlier this year, our region actually had water exceeding our needs and had to dump half a billion gallons of Poseidon's costly treated water into a lake near Chula Vista.

Huntington Beach: Orange County's most recent water plan indicates that Orange County can meet all of its water needs through at least 2040 without investing in a pricey desalination facility.

Failure to offset its huge energy use

Carlsbad: Poseidon claimed that the Carlsbad plant would be carbon neutral by offsetting water that would otherwise be imported. But the amount of water we import has not been reduced.

Huntington Beach: Poseidon is pulling the same argument in Orange County, but ocean desalination uses over 10 times more energy than water recycling, according to an Inland Empire Utilities Agency report.

Polluting our coast and poisoning fisheries

Carlsbad: In less than a year, the Carlsbad desalination plant has had water quality violations, according to the Voice of San Diego.

COMMENT SET 07: CCPN (cont.)

Huntington Beach: The brine discharge from the plant will degrade water quality and threaten marine life.

Using outdated technology that does not meet current standards

Carlsbad: Last year, California adopted a statewide desalination policy to help minimize harm to the state's coastline and its wildlife, according to [the California Environmental Protect Agency](#). The nearly completed Carlsbad plant was exempted from the requirement that its seawater intake be placed below the sand rather than exposed to open water — so as water is pulled in, marine life is destroyed.

Huntington Beach: The design of the proposed plant mirrors the same obsolete technology.

Using a billion-dollar desalination plant instead of cheaper, commonsense conservation

Carlsbad: San Diegans cut water use by 25% during the drought. So why did San Diego County Water Authority want a [special exemption](#) from conservation targets? To justify its huge and ill-advised bet on desalination.

Huntington Beach: Just this month, the Pacific Institute [released a report](#) that confirms desalination is by far the most expensive water supply option available.

On top of this, the Orange County plant is proposed to be built on an earthquake fault in a tsunami run-up zone that is subject to encroaching sea-level rise and Poseidon has not adequately studied alternative sites for the plant. And adding desalinated water would degrade the groundwater aquifer and require the desalinated water to go through a second round of treatment before use.

This month, Poseidon and state permitting agencies finally agreed on the terms of an [appropriate review process](#) for the Huntington Beach project. As proposed, the plant is not in compliance with the latest desalination regulations. This process should result in either substantial changes or disapproval of the project.

JULIA CHUNN-HERR is with the [Surfrider Foundation](#)'s San Diego Chapter.

COMMENT SET 07: CCPN (cont.)



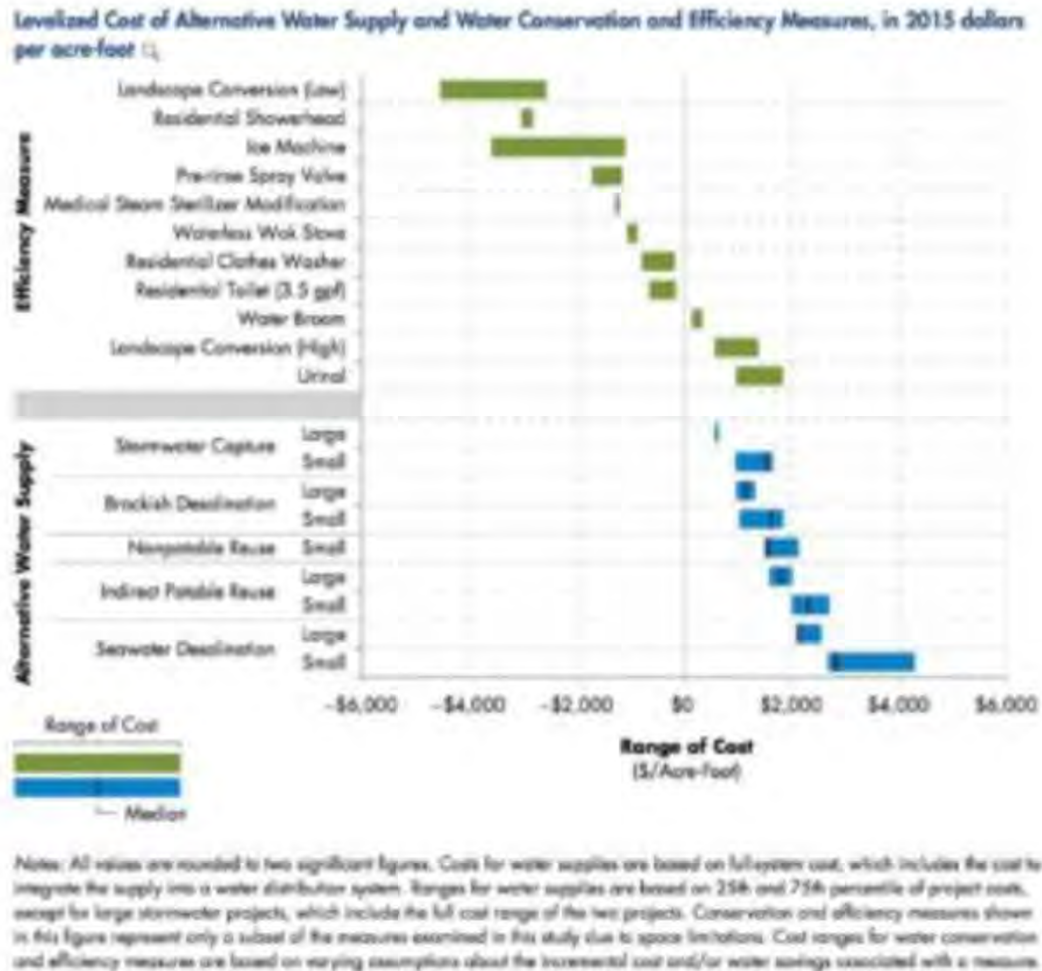
**Rodriguez and Valladares: Velasquez
Institute Poll on Latino Voters & Water
Issues Ignores True Community Interests**

October 30, 2016 | By OSCAR RODRIGUEZ AND VICTOR VALLADARES

We grew up in the Oak View community in Huntington Beach. Like all Californians, our Oak View neighbors are aware of the ongoing drought. We want safe, reliable water for today and tomorrow. We also expect it to be affordable for families, and that is why we take the marketing efforts of the desalination industry with a grain of salt. Orange County voters and water customers deserve to understand the costs of any projects they will have to pay for.

Earlier this month, William C. Velasquez Institute (WCVI) and Sextant Research released an internet survey that was designed to show Latino support for desalination. As organizers in Oak View, we knew right away that the survey results did not represent the views of my community, so we dug into the background materials to understand how it was conducted. The first thing we noticed is that respondents had to receive an email to participate, therefore, our parents could not participate. The second thing we noticed was that the survey was conducted in English, so some people in our community could not participate. The biggest problem, though, is that the survey left out vital information to help voters decide which water investments they support: it said nothing about cost.

A new study released this month by the Pacific Institute helps put our choices in perspective. This independent report shows what ratepayers in San Diego already know: seawater desalination is by far the most expensive water supply.

COMMENT SET O7: CCPN (cont.)

Credit: Pacific Institute

The Cost of Alternative Water Supply and Efficiency Options in California

By contrast, harnessing the rain that falls on our roofs—stormwater that currently gets funneled into drains dumped into the ocean—costs about one quarter as much as treating seawater for drinking. The survey also didn't educate voters about recycled water, which will soon supply almost half the drinking water we need in Orange County, for a fraction of the cost of desalination.

Pursuing expensive water projects when we aren't even maximizing the more cost effective solutions doesn't make sense. Members of my community cannot afford the increases in their water bill that would be passed on to ratepayers from costly projects like the Poseidon desalination plant.

COMMENT SET 07: CCPN (cont.)

highly concentrated salty brine they spew back into the ocean. The Carlsbad desalination plant that Poseidon built last year has racked up more than a dozen water quality violations for polluting the nearby coastline. Oak View is already ~200ft away from a waste transfer station that impacts the community with constant foul-smelling odors. The last thing we need is to worry about where the waste from desalination will go and how it will impact our existing water supply.

In volunteering in the Oak View Community and in speaking with our neighbors, we know that environmental concerns are top priorities for Latinos. Let's present the Latino community with all of the evidence about the costs and the environmental impacts of water projects to address before jumping to conclusions about what the community wants.

Oscar Rodriguez is co-founder of [Oak View ComUNIDAD](#), a grassroots group advocating for the Oak View community in Huntington Beach. He is a recent graduate from California State University, Long Beach and is currently working on pre-requisites for medical school. He is currently working as a high school academic advisor in Buena Park and Huntington Beach.

Victor Valladares is co-founder of [Oak View ComUNIDAD](#), a grassroots group advocating for the Oak View community in Huntington Beach. He also sat on the Citizens Participation Advisory Board (CPAB) for the City of Huntington Beach which allocated nearly 1 million dollars in CDBG fund for the 2016/2017 fiscal year. Currently, he is running for Coast Community College Trustee, Area 3 which includes Golden West College, Orange Coast College and Coastline.

Opinions expressed in editorials belong to the authors and not Voice of OC.

Voice of OC is interested in hearing different perspectives and voices. If you want to weigh in on this issue or others please contact Voice of OC Involvement Editor Theresa Sears at TSears@voiceofoc.org

COMMENT SET 07: CCPN (cont.)

THE ORANGE COUNTY REGISTER

O.C. needs desalination like it needs another housing development

August 4, 2016 | Adriana Maestas

California has never been a stranger to environmental justice problems – at one point or another our communities, including farmworkers, families and students have had to fight against the health impacts caused by poisons in pesticides, persistent industrial contaminants produced by refineries, decades of urban oil drilling and toxic battery recycling operating next to their homes and schools, as well as fracking and poor air quality, to name a few.

In this context, it is perplexing to see some in the community refer to the \$1 billion Poseidon desalination boondoggle as an environmental justice priority while irresponsibly mentioning drought stricken Porterville as if the plant would benefit them. The proposed desalination plant in Huntington Beach has some hurdles to cross before the project can proceed. But one thing we do know is that the Orange County Water District plans to continue taking its full allocation from the State Water Project every year, so building this plant will not benefit dry inland communities like Porterville. The water is going to stay in the county, and, while Poseidon is trying to play off drought fears, the latest Urban Water Management Plan shows that Orange County has all the water it needs for now and the next 25 years.

Orange County residents need to re-evaluate the cost and energy that will go into this project. On its surface, desalination sounds like a good idea, but there are hidden costs once you scratch that surface. According to a 2013 study from the Department of Water Resources, the cost of water obtained from desalination is roughly double that from water that comes from building a new reservoir or wastewater recycling. The energy that a desalination plant requires is outrageous because of the reverse osmosis process. And then, with rising sea levels, planners would have to factor in how to protect the desalination plant from the water that it is supposed to treat.

Before resorting to an expensive solution to get more water, we should look to maximize conservation efforts and for ways to capture rainwater. In some parts of Orange County, there are still sprinklers that aren't scheduled to water at night and plenty of properties where lawns could still be ripped out and replaced with drought tolerant native plants. When we do get rain, much of it simply goes back down the storm drains instead of staying in the ground or finding its way into storage

COMMENT SET 07: CCPN (cont.)

receptacles. Green alleyways could be restored in some of our cities to promote the capture of rainwater as well as water barrels strategically placed under public and private buildings.

The latest attempt to frame the desalination plant as a social justice issue for Latinos is probably one of the more ridiculous arguments in favor of this project. The Latino community is sensitive to cost, and a project that will raise water costs in the immediate term is not something that a community who is impacted by price hikes needs. We are quite good at conserving and know how to stretch resources. If we aren't even maximizing our efforts with water capture and preserving the ground water that we do have, why should we rush to support the expensive Poseidon project?

Latinos in California have fought for decades to overcome environmental injustices. Equating an expensive, superfluous project that benefits only investors to the life-threatening struggles at hand is not only offensive, it belies an ignorance about our environmental justice issues, and ultimately, confirms how worthless the plant would be to our communities.

Adriana Maestas resides in Fullerton and is a freelance writer, educator and environmentally conscious citizen.

COMMENT SET 07: CCPN PUBLIC MEETING TRANSCRIPT

MS. JORDAN: Ray is a lot taller than I am. I'm Susan Jordan director for California Coastal Protection Network. I'm going to sound a little bit like him, a repetitive message here, we're just hoping that you get it. As you know, CPN strongly objects to the State Lands Commission decision to act as a responsible agency in the preparation of the supplemental EIR instead of assuming the appropriate role of the lead agency, and we find that the narrow scope of this document is effectively piecemealed, which should be a comprehensive review of the many changes that have occurred to the project since 2010.

The question really is who is in charge here, and who is going to ensure that there is a reliable cumulative impact analysis for later permitting agencies to rely on. Instead State Lands Commission apparently intends to rely on the Regional Water Quality Control Board, Coastal Commission, and OCWD to complete additional CEQA documents after this document is certified with no lead agency taking action. That in and of itself is the definition of piecemealing, which is clearly prohibited by the statute.

07-2

COMMENT SET 07: CCPN PUBLIC MEETING TRANSCRIPT (cont.)

In sum, if each agency created some CEQA document, it will likely add information to similar impact subject areas that you have addressed. For example, this draft SEIR analyzes air quality impacts and GHG emissions, other agencies may review another part of the project that also generates air quality impacts and GHG emissions. But each subject area like air quality and GHG needs to have a thorough cumulative impact analysis and mitigation recommendation before any agency takes an action like issuing a lease or a permit. The problem you have is that your approach guarantees that there will be none.

07-3

Further, the Orange County Water District has indicated that it intends to wait until every other agency has issued their permits before they analyze a key substantial part of the project that has numerous foreseeable impacts and that's the delivery system. May I remind everyone that without a delivery system, there is no project. The construction of the delivery system will also create traffic and parking impacts at the site, regional air degradation from construction and noise and also the construction of the Poseidon plant, AES, Ascon, the tank farm development,

07-4

COMMENT SET 07: CCPN PUBLIC MEETING TRANSCRIPT (cont.)

et cetera.

Your draft SEIR analyzes air quality and GHG impacts for the offshore components only, and it ignores the cumulative impacts from all the integral parts of the project as a whole that have changed since 2010 as if they don't exist or have relevance, but they do. Worst, your sister agencies must be able to rely on a comprehensive cumulative impact analysis before they issue their permits. I believe that intent was clear in the sequencing MOU but the approach you have taken ensures they will not have the information they need to legally do so.

Bottom line, this approach is adopted to legally permit State Lands to perform truncated and siloed environmental review leaving it to other responsible agencies to address related concerns sequentially. In closing, it seems pertinent to ask two questions -- I'm almost done -- according to the CEQA guidelines an agency can decide to perform a supplemental EIR if two prongs are met, one of which is finding the conditions required for preparation of a subsequent EIR. In deciding to do a supplemental EIR did your agency make a determination that the

O7-4
cont.

O7-5

O7-6

COMMENT SET 07: CCPN PUBLIC MEETING TRANSCRIPT (cont.)

preparation of the subsequent EIR was required?
And in closing since 2016, to your knowledge, did the City make any determination to do a subsequent or supplemental EIR based on lease modifications, or did State Lands Commission staff alone make this decision? Thank you very much.

07-6
cont.

RESPONSE TO COMMENT SET 07: CCPN

- O7-1 The commenter's expression of opposition to the Project will be provided to the Commission for consideration in its decision-making process. The Project that will be considered by the Commission is the proposed Lease Modification Project, as defined in Section 2 of this Supplemental EIR. (See also master responses MR-1, *Scope of the Commission's Discretionary Action*, and MR-2, *Lease Modification Project Scope*.)
- O7-2 See master responses MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR*, and MR-4, *Piecemealing*.
- O7-3 See master response MR-7, *Cumulative Impacts*.
- O7-4 See master response MR-2, *Lease Modification Project Scope*.
- O7-5 See master response MR-4, *Piecemealing*.
- O7-6 See master response MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR*.