

## II.5 COMMENTS AND RESPONSES: ORGANIZATIONS (O11-O29)

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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.5.11 Comment Set O11: Friends of Harbors, Beaches and Parks



July 26, 2017

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

VIA Email: [CEQA.comments@slc.ca.gov](mailto:CEQA.comments@slc.ca.gov)

RE: **Poseidon Desalination Plant Supplemental EIR Comments**

Dear Chairman Newsom:

We are 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 Beach 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, ocean water quality degradation and much more.

O11-1

But the Draft SEIR is so narrowly focused on the addition of screens to the open ocean intake and diffusers to the discharge that it fails to study subsurface intakes and mixing the brine with the nearby 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, but the Draft SEIR does not analyze these methods or explain why Poseidon should be granted an exemption from them.

Further, since 2010, the residents of Orange County have reduced the cumulative demand for freshwater – despite significant population and economic growth. The Orange County Water District has expanded its world-renowned Groundwater Replenishment System by 30 million gallons a day, and is set to expand it again soon. Now Los Angeles County is planning a similar system that will contribute 60 million gallons a day to replenish the groundwater basin. Therefore, the conditions from the baseline analysis in 2010 has dramatically changed, and the SEIR must document these significant changes for the proposed project.

O11-2

Additionally, the proposed alternatives for delivering the Poseidon desalinated water, and several large development proposals adjacent to the proposed Poseidon treatment plant, have all changed since 2010. But the Draft SEIR does not document those changes, the impacts the changes will have on the environment, nor the cumulative impacts that interlink with the numerous issues identified in our comments on the Notice of Preparation dated December 14, 2016 (attached).

O11-3

We urge the Commission to require that the Draft SEIR be re-written and re-circulated for public comment before the Commission considers the proposed lease amendment.

O11-4

Sincerely,

Michael Wellborn, President

## COMMENT SET O11: FRIENDS OF HARBORS, BEACHES AND PARKS (cont.)



FHBP Board of Directors  
Jean Watt, President  
Mike Wellborn, Vice President  
Vikki Swanson, Treasurer  
Helen Higgins, Secretary

Jim Carr  
Michelle Claud-Clemente  
Jack Eidt  
Amy Litton  
Theresa Sears  
Gloria Sefton  
Tina Thompson

Post Office Box 9256  
Newport Beach, CA 92653

[www.FHBP.org](http://www.FHBP.org)

December 14, 2016

Jennifer Lucchesi, Executive Officer  
State Lands Commission  
10 Howe Avenue, Suite 100 - South  
Sacramento, CA 95825-8202

RE: Opposition to the proposed Poseidon Desalination Project -  
Huntington Beach Desalination Outfall / Intake Lease Amendment NOP Comments

Dear Ms. Lucchesi:

Friends of Harbors, Beaches and Parks (FHBP) is a county-wide non-profit organization in Orange County, California. Our mission is to protect the natural lands, waterways and beaches of our communities. In addition to our coalition of more than 80 conservation and community groups, more than 5,000 individuals support FHBP's regional work.

We are writing you today to outline our opposition to the proposed Poseidon desalination project and its lease amendment in Huntington Beach, and specifically our concerns for why an amendment from the State Lands Commission is detrimental to the well-being of the California coast.

1. **Poseidon will harm the fragile coastal environment.** With its ocean intake pipes, Poseidon proposes infeasible protections to billions of fish eggs, mature fish, and other marine life and, as a by-product of its reverse osmosis desalination processes, will discharge highly saline wastewater into the coastal zone. Unlike the subsurface coastal geography of the Carlsbad Poseidon project, the Huntington Beach coastal geography is unlikely to adequately disperse the discharged waste product, with unknown impacts to the unique biology and highly valued recreation opportunities of this region. The Draft EIR should provide analysis and data that is beyond the existing corporate conjecture, and based on actual science from similar coastal features.
2. **Poseidon will increase GHG impacts.** Desalination not only harms marine resources, but it also affects our climate through increased greenhouse gas (GHG) emissions. Desalination is the most energy intensive water supply option available. The proposed Poseidon plant would use enough energy to power 30,000 homes. In a 2008 report, the California Air Resources Board noted that a way for the state to reach its reduced GHG goals is to replace existing water supply and treatment processes with more energy efficient alternatives. Desalination, and approval of the lease amendment is a step in the wrong direction if we are to reach this goal.
3. **Poseidon's costs are exorbitant.** Poseidon's construction costs were claimed some 12 years ago as \$237 million, and the time frame to deliver the new water was a couple of years. Now, Poseidon is projecting a cost of over \$2,600/acre foot for the new water (four times the current Metropolitan Water District of Southern California cost), a billion dollars for construction (including new

O11-5

**COMMENT SET O11: FRIENDS OF HARBORS, BEACHES AND PARKS (cont.)**



**FHBP Board of Directors**  
Jean Watt, President  
Mike Wellborn, Vice President  
Vikki Swanson, Treasurer  
Helen Higgins, Secretary

Jim Carr  
Michelle Claud-Clemente  
Jack Eidt  
Amy Litton  
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Gloria Sefton  
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Jennifer Lucchesi, Executive Officer  
Page 2

O11-5  
cont.

pipelines) and the costs of moving the water from the point of delivery to areas of new development with requests for subsidies through public tax breaks and incentives. This is a bad fiscal deal for our residents.

4. **Conservation and other solutions make Poseidon unnecessary.** As you are aware, in times of drought, water use declines and remains low for some time afterwards. For example, the City of Los Angeles has used the same amount of water as in 1978 with 1.4 million more people and was then able to reduce demand another 16% in response to the recent drought – all without costly desalination. State law requires another 20% reduction for most agencies by 2020. Also, during droughts electricity prices go up due to diminished availability of hydroelectric power.

Poseidon’s enormous demand for energy as a major portion of the cost of operating the desalination plant is a great concern. The opportunities from substantial water conservation and the pending completion of the Orange County Water District’s (OCWD) Ground Water Replenishment System (GWRS) expansion project have yet to be accomplished in Orange County, and will offer a much more immediate cost-benefit for local water consumers without the impacts of the proposed lease amendment.

5. **Privatizing water, our most precious resource, is bad policy.** We find the intrusion of the private, for-profit, out-of-state corporation proposing to sell extremely high-priced and un-needed water very troubling. Equally troubling is their proposal to locate this facility in the coastal zone, utilizing valued State lands and adjacent property that is already identified to be submerged due to sea-level rise. Poseidon’s technology is the same as the OCWD GWRS project, only far more costly due to the treatment of higher ocean water salinity. In our opinion, if OCWD really needed desalinated ocean water, the District would have already built it as a component of the GWRS expansion.

We believe the proposed project is, in effect, a maneuver to sell expensive water to communities outside of the OCWD district area at the risk and expense to State lands and the immediate community. We are opposed to this private company proposal for selling over-priced water and the obvious conflict with the best interests of local communities.

We urge the State Lands Commission to reject the Poseidon lease amendment proposal.

Respectfully,

Michael Wellborn, Vice-President  
Friends of Harbors, Beaches and Parks

**RESPONSE TO COMMENT SET O11: FRIENDS OF HARBORS, BEACHES AND PARKS**

- O11-1 See master response MR-2, *Lease Modification Project Scope*.
- O11-2 See master response MR-2, *Lease Modification Project Scope*, and MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR*.
- O11-3 See master response MR-7, *Cumulative Impacts*.
- O11-4 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 responses MR-1, *Scope of the Commission's Discretionary Action*, MR-2, *Lease Modification Project Scope*, and MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR*.
- O11-5 The commenter's resubmission of the its December 2016 scoping comments will be provided to the Commission for consideration in its decision-making process.

## II.5.12 Comment Set O12: Huntington Beach Chamber of Commerce



June 9, 2017

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

Dear Chairman Newsom:

### **RE: SUPPORT for Huntington Beach Desalination Project**

The Huntington Beach Chamber of Commerce represents nearly 700 local businesses and 160,000 employees in our community and we steadfastly support the Huntington Beach Desalination Project. Not only will the Huntington Beach business community benefit from the development of a new drought-proof water supply, but the millions in tax revenue provided to our city will benefit all of the residents and businesses in our community. On behalf of our local businesses, I urge the State Lands Commission to certify the Draft Supplemental Environmental Impact Report (DSEIR) and approve the amended lease agreement at its upcoming August 17, 2017 meeting.

There is a clear public benefit of providing a new locally-controlled, high-quality, drought-proof water supply for our community. The project has been supported for more than a decade by many public agencies including the City of Huntington Beach and the Orange County Board of Supervisors. The Orange County Water District has signed a term-sheet that sets the parameters to reach a future water reliability agreement once Poseidon Water has its regulatory approvals in hand.

Orange County in general and Huntington Beach specifically has been looking forward to this project for nearly two decades. It will bring thousands of jobs, millions in tax revenue and billions of gallons of water to our community.

Additionally, this privately-financed development will provide thousands of jobs to Orange County and will also provide millions of dollars in reliable tax revenue to the city of Huntington Beach for decades to come.

Since the State Lands Commission approved the project in 2010, technological improvements have been added to the proposal that reduces the project's environmental impacts. Since the time you last approved the project, Orange County and all of California has suffered from drought in six of those seven years, including the stretch from 2011 – 2014, which was the worst drought

O12-1

**COMMENT SET O12: HUNTINGTON BEACH CHAMBER OF COMMERCE (cont.)**



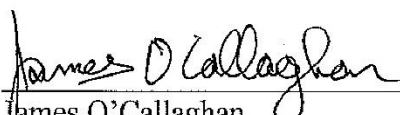
HUNTINGTON BEACH  
Chamber of Commerce

California has seen since record-keeping began. The public benefit of this project has never been greater.

O12-1  
cont.

Please certify the DSEIR and approve the amended lease at your meeting in August.

Respectfully,

  
James O'Callaghan  
CEO  
Huntington Beach Chamber of Commerce

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 O12:  
HUNTINGTON BEACH CHAMBER OF COMMERCE**

- O12-1      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.5.13 Comment Set O13: Los Angeles-Orange Counties Building and Construction Trades Council**



**RON MILLER**  
*Executive Secretary*

*Los Angeles / Orange Counties  
Building and Construction  
Trades Council*

*Affiliated with the Building & Construction Trades Dept., AFL-CIO*

1626 Beverly Boulevard  
Los Angeles, CA 90026-5784  
Phone (213) 483-4222  
(714) 827-6791  
Fax (213) 483-4419



June 16, 2017

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

Dear Lt. Governor Newsom:

I am writing you in support of the proposed Huntington Beach Desalination Project and to urge the State Lands Commission to certify the Project's Draft Supplemental Environmental Impact Report and approve the amended lease agreement when the Commission meets in August.

The lessons learned from the state's most recent historic drought are clear; we cannot confront climate change without acknowledging the ramifications of drought and the impact the state's perpetual drought cycle has on public health and safety, our environment and economy and our way of life.

As the Executive Secretary for the Los Angeles/Orange Counties Building and Construction Trades Council, I believe that a balanced and diversified water supply portfolio is essential to enhancing regional water supply self-reliance. The California State Water Plan identifies conservation, wastewater recycling, storm water capture and ocean and brackish water desalination as tools necessary to meet current and future water demands. These resources, and more, need to be developed on a community-by-community basis to ensure we have safe and reliable drinking water supplies close to population centers.

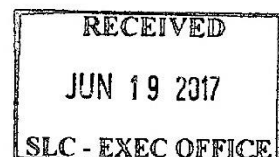
The Huntington Beach Desalination Project's 50 million gallons per day of locally controlled, drought proof drinking water is identified in Orange County Water District's Groundwater Management Plan as a planned water supply capable of serving 400,000 Southern California residents. The new supply will reduce the need to imported water from Northern California through the environmentally constrained Bay Delta and help the water district manage Orange County's groundwater basin.

The Project will be 100% carbon neutral and will comply with all state environmental regulations by pioneering new ocean water screening technology that minimizes potential impact to fish eggs. The facility will be built by local union labor ensuring that hundreds of millions of dollars in private investment benefit local working families.

The proposed Huntington Beach Project serves a clear public benefit in an environmentally responsible manner. I appreciate your support.

Sincerely,

Ron Miller  
Executive Secretary



O13-1

**COMMENT SET 013: LOS ANGELES-ORANGE COUNTIES BUILDING AND CONSTRUCTION TRADES COUNCIL (BCTC)**



**RON MILLER**  
Executive Secretary

*Los Angeles / Orange Counties  
Building and Construction  
Trades Council*

*Affiliated with the Building & Construction Trades Dept., AFL-CIO*

1626 Beverly Boulevard  
Los Angeles, CA 90026-5784  
Phone (213) 483-4222  
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Fax (213) 483-4419



June 27, 2017

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

Dear Chairman Newsom,

The Los Angeles/Orange Counties Building and Construction Trades Council (BCTC) is writing in support of the proposed Huntington Beach (HB) desalination facility and to urge the extension of State Lands' leasehold for the project. BCTC is in the business of creating good jobs and lifelong careers. We are an umbrella group representing 48 local unions and district councils in 14 Trades. Our membership totals more than 100,000 skilled men and women.

Approximately 3,000 direct, indirect and induced jobs would be created during construction of the project. This includes: roughly 350 jobs on site, 394 jobs through procurement of operation and maintenance goods and services, and 774 jobs in the region's construction sector. Labor income, in the region, would increase by \$240 million during the construction period producing high value jobs.

Being cognizant of State Lands responsibility under the Public Trust Doctrine, BCTC stresses that under the Doctrine trust lands belong to the public and should be used to support beneficial uses which connect the public to water. Drinking water derived from the sea is a beneficial public use. Orange County, a growing jurisdiction, is dependent on imported water. The Orange County Water District (OCWD) has identified the 56,000 acre feet a year (afy) the HB plant would produce as the single biggest source of water available to it, while predicting a substantial shortfall in the foreseeable future. For the more than 3 million residents in drought prone OC, this potential local drought-proof water is not only beneficial, it is indispensable.

As our members would be employed to build the plant we are pleased to see that Section 4.7 verifies that "*project-related construction does not generate or require disposal of hazardous materials, and would not create new hazards to the public or the environment*".

013-2

**COMMENT SET O13: LOS ANGELES-ORANGE COUNTIES BCTC (cont.)**

BCTC urges State Lands to expeditiously certify the project and approve Poseidon's land lease.

Sincerely,



Ron Miller  
Executive Secretary

cc: Honorable Betty T. Yee  
Honorable Michael Cohen  
Jennifer Lucchesi  
Alexandra Borack, Project Manager

O13-2  
cont.

**RESPONSE TO COMMENT SET O13: LOS ANGELES-ORANGE COUNTIES BCTC**

- O13-1 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*.)
- O13-2 See Response to Comment O13-1 regarding consideration by the CSLC of the commenter's expression of support for the Project.

## II.5.14 Comment Set O14: Los Angeles County Business Federation



Strengthening the Voice of Business

**BizFed's Member Alliance**  
 202 Los Angeles  
 Alhambra Chamber  
 American Beverage Association  
 Antelope Valley Board of Trade  
 Apartment Association, California Southern Cities  
 Apartment Association of Greater Los Angeles  
 Arcadia Association of Realtors  
 Asian American Business Women Association  
 Asian American Economic Development League  
 Asian Business Association  
 Association of Independent Commercial Producers  
 Asseca Chamber  
 Bell Gardens Chamber  
 Beverly Hills Chamber  
 Beverly Hills / Greater LA Association of Realtors  
 Burbank Association of Realtors  
 Building Industry Association, LA / Ventura Counties  
 Building Owners & Managers Association, Greater LA  
 Business & Industry Council for Emergency Planning & Preparedness  
 Calabasas Chamber  
 California Apartment Association, Los Angeles  
 California Business Roundtable  
 California Cannabis Industry Association  
 California Construction Industry and Materials Association  
 California Contract Collectors Association  
 California Consumer Finance Association  
 California Fashion Association  
 California Gracery Association  
 California Hotel & Lodging Association  
 California Independent Oil Marketers  
 California Independent Petroleum Association  
 California Life Sciences Association  
 California Retail Coalition  
 California Retailers Association  
 California Small Business Alliance  
 California Trading Association  
 CALInnovates  
 Carson-Bonanza Employees Alliance  
 Central City Association  
 Corona Chamber  
 Citrus Valley Association of Realtors  
 Construction Industry Air and Water Quality Coalition  
 Consumer Healthcare Products Association  
 Council on Trade and Investment, for Filipino Americans  
 Culver City Chamber  
 Downey Association of Realtors  
 Downtown Long Beach Alliance  
 El Monte/Southern Monte Chamber  
 Escondido Group  
 Engineering Contractor's Association  
 Enterprise Organization, Los Angeles  
 E.S.P. - Fixing Angelenos' Stuck In Traffic  
 Foothill  
 Foreign Trade Association  
 Fullerton  
 Glendale Association of Realtors  
 Glendale Chamber  
 Glendora Chamber  
 Greater Los Angeles New Car Dealers Association  
 Harbor Association of Industry and Commerce  
 Harbor Trucking Association  
 Hollywood Chamber  
 Hospital Association of Southern California  
 Inglewood Association of Los Angeles  
 Industry Manufacturers Council  
 International Warehouse Logistics Association  
 Inglewood Airport Area Chamber  
 Inglewood in Times  
 Irwindale Chamber  
 Japan Business Association of Southern California  
 LA Canada Film Ridge Chamber  
 LA Coastal Area Chamber  
 Leadership for Urban Regional Network  
 League of California Cities  
 Local Search Association  
 Long Beach Area Chamber  
 Los Angeles Area Chamber  
 Los Angeles Black MBA Association  
 Los Angeles County Chamber  
 Los Angeles County Bicycle Coalition  
 Los Angeles County Consumer Affairs  
 Los Angeles County Waste Management Association  
 Los Angeles Gateway Chamber of Commerce  
 Los Angeles Latino Chamber  
 Los Angeles Parking Association  
 Los Angeles Urban League  
 Pacific Business Council  
 Pasadena Chamber  
 Pomona Chamber  
 Maple Business Council  
 Mission Picture Association of America  
 Mowela  
 NABOP Southern California Chapter  
 National Alliance for Jobs and Innovation  
 National Association of Women Business Owners, LA  
 Pacific Merchant Shipping Association  
 Pasadena-Pomona Association of Realtors  
 Planned Parenthood Southern California Affiliates  
 Recording Industry Association of America  
 Regional Black, San Fernando Valley Chamber  
 Regional San Gabriel Valley Chamber  
 Rosemead Chamber  
 Rotary Club of Los Angeles  
 San Gabriel Chamber  
 San Gabriel Valley Urban Alliance  
 San Gabriel Valley Economic Partnership  
 Santa Clarita Valley Economic Development Corp.  
 San Pedro Peninsula Chamber  
 Santa Monica Chamber  
 Santa Monica Junior Chamber  
 Small Business Association, Los Angeles  
 South Bay Association of Chambers  
 South Bay Association of Realtors  
 Southern California Golf Association  
 Southern California Grocers  
 Southern California Monthly Supplier Development Council Inc.  
 Southern California Water Consortium  
 Southland Regional Association of Realtors  
 Tarrance Area Chamber  
 Torrance Hills Los Angeles  
 Tri-County Association of Realtors  
 United Chambers San Fernando Valley  
 United States-Mexico Chamber  
 Valley Economic Alliance  
 Valley Industry & Commerce Association  
 Verizon Chamber  
 Vietnamese American Chamber  
 West Hollywood Chamber  
 West Los Angeles Chamber  
 West San Gabriel Valley Association  
 Western Homeowners Housing Association  
 Westside Council of Chambers  
 Western States Petroleum Association  
 West Valley Warner Center Chamber  
 Whittier Chamber  
 Young Professionals in Energy - LA Chapter  
 Warner Center Association

July 13, 2017

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

Dear Chairman Newsom,

On behalf of the Los Angeles County Business Federation (BizFed), a grassroots alliance of 165 business organizations that represent 325,000 employees with more than 3 million employees throughout our region, we are writing to express our support for the proposed Huntington Beach desalination facility.

Our members depend on state government to protect the environment while also providing for job creation and economic opportunity. In this regard we also consider the development of the 50 million gallons a day (MGD) of potable water which the proposed Poseidon project would provide for Orange County essential. The facility would not only provide approximately 3000 jobs over the life of the project, it would, as pointed out in the 2010 FSEIR, provide: a long-term, local and reliable source of water; reduce local dependence on imported water; strength regional self-reliance; and contribute desalinated water to satisfy regional water supply planning goals.

As an organization dedicated to promoting both the environment and economic opportunity we were pleased to see the DSEIR's conclusions that project development would produce Less Than Significant Impacts (LTS) regarding activities relevant to the Huntington Beach business community, surrounding neighborhoods, and beachgoers: visual impacts from off shore construction (Section 4.2), odors (Section 4.3), aesthetics (Section 4.8), noise (Section 4.8), vibrations (Section 4.8); and recreation (Section 4.9).

Being aware of State Lands' obligation to implement the Public Trust Doctrine on state lands, BizFed stresses the importance of ensuring the development of the HB desalination facility to both Orange County and California. The hallmark of the Public Trust Doctrine is that trust lands belong to the public and are to be used to promote publicly beneficial uses that connect the public to the water. Desalination in California is considered a "beneficial use". In point of fact the proposed HB facility would provide roughly 3 million people with local reliable and drought-proof water; a public use connecting drought prone California's to ocean drinking water.

O14-1

**COMMENT SET O14: LOS ANGELES COUNTY BUSINESS FEDERATION (cont.)**

Equally important, there are other jurisdictions throughout California waiting to see if the HB project will be approved before going forward with their own desalination plans. In so far as the project is now in its 18th year of permitting we think it imperative that State Lands approve Poseidon's lease extension at the earliest possible time.

O14-1  
cont.

Sincerely,



Mike Lewis  
BizFed Chair  
Senior VP  
Construction Industry  
Air Quality Coalition



David Fleming  
BizFed Founding Chair



Tracy Hernandez  
BizFed Founding CEO  
IMPOWER. INC

cc:

Honorable Betty T. Yee  
Honorable Michael Cohen  
Jennifer Lucchesi  
Alexandra Borack, Project Manager

**RESPONSE TO COMMENT SET O14:  
LOS ANGELES COUNTY BUSINESS FEDERATION**

- O14-1      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.5.15 Comment Set O15: Millennials for New Water



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

O15-1

June 9, 2017

Dear Chairman Newsom,

Millenials for New Water (Millenials) is writing in support of the proposed Huntington Beach (HB) desalination project.

Millineals is a UC Irvine non-partisan group formed to support the development of *all* forms of new, local water for Orange County. Our organization was formed in response to: climate change, the recent devastating drought Orange County experienced over the past 5 years, the County's dependence on imported water, along with the County's expected population growth of 300,000 by 2020.

Being aware of the Orange County Water District's (OCWD) prediction of a substantial water shortfall in the foreseeable future we urge the State Lands Commission to expeditiously approve the extension of Poseidon's leasehold so the Huntington Beach project can move forward.

As our membership includes young people concerned about the environment, recreational opportunities and beach access we were pleased to see that the proposed project is: not located in a Marine Life Protected Area of Special Biological Significance, would not impact threatened or endangered species or kelp beds, or impair beach access and use.

As set out in Section 4.9 we note that approval of the Desalination Amendment would not directly or indirectly cause increased use of regional parks or recreational facilities (including use of barge and vessels for offshore construction), that the short time required for maintenance activities would ensure any impact to recreation access would be temporary. Surfing, beach volleyball and that other beach front activities would not be directly impacted from plant construction ("*overall, the impact of construction to onshore and near shore recreationists would be less than significant.*").

**COMMENT SET O15: MILLENNIALS FOR NEW WATER (cont.)**



Of more importance to our organization is the DSEIR's reference to Climate Change. However, we think staff's analysis in not including the impacts of climate change on drinking water sustainably for Orange County is a serious omission in the DSEIR's analysis. Granted, sea level rise, land subsidence and more frequent precipitation due to climate change are all relevant issues. However, the proposed desalination plant does not exist in a seal level rise vacuum, but rather in an ecological context which includes how climate change is impacting Orange County water sustainably.

O15-2

Orange County, and Southern California, are semi-arid environments. Drought is a consequence of climate change. Indeed, climate scientists are predicting periodic sustained droughts as the "new normal" for Orange County. In this context the need for the drought-proof water the proposed HB plant would provide is essential. In our experience conservation, wastewater recycling and recharge, and stormwater capture by themselves cannot either keep up with growing water demand or the impacts of drought. Both the OCWD and the Municipal Water District of Orange County (MWDOC) have included the 50 MGD the HB plant would produce in their long range planning. State Lands approval is essential to that water actually being available. Poseidon's application should be approved.

O15-3

Sincerely,

Kevin Wen  
President

cc:

Honorable Betty T. Yee  
Honorable Michael Cohen  
Jennifer Lucchesi  
Alexandra Borack, Project Manager

**RESPONSE TO COMMENT SET O15: MILLENNIALS FOR NEW WATER**

- O15-1      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*.)
- O15-2      See master response MR-1, *Scope of the Commission’s Discretionary Action*. As also explained in Section 1.1, *Project Location and Background*, the modifications proposed by Poseidon to amend PRC 1980.1 would occur on State land offshore at the terminus of the seawater intake pipeline, which extends offshore approximately 1,650 feet seaward of the Ordinary High Water Mark (OHWM), and at the terminus of the discharge pipeline (outfall), which terminates 1,500 feet offshore. As such, drinking water sustainability within the context of climate change is beyond the scope of this Supplemental EIR.
- O15-3      See Response to Comment O15-1.



**II.5.16 Comment Set O16: National Latina Business Women's Association - Orange County**



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 6, 2017

Dear Chairman Newsom,

The National Latina Business Women's Association - Orange County (NLBWA - OC) is a non-profit organization in Orange County, California established in 2004. The NLBWA - OC's purpose is to empower women by providing opportunities to develop and increase their businesses by partnering with corporations, academic institutions, business organizations, and business owners. Speakers, conferences, mentoring programs, and educational seminars are offered to provide additional support, sharing of information, business referrals and networking. We are writing to voice our support for certification of the Huntington Beach Desalination Project SEIR and land lease approval.

O16-1

The interests of Orange County's Latino community have been routinely overlooked on this issue. Indeed, your DSEIR goes so far as to say that the water which would be provided to our community is not an Environmental Justice issue. We respectfully disagree. There are nearly one million Latinos living in Orange County who need dependable, affordable and sustainable water supplies. While we support conservation, the expansion of the Orange County Water Districts (OCWD) Ground Water Replenishment System (GWRS) and the eventual development of direct potable water from stormwater capture we remain very much aware of both the OCWD and the Metropolitan Water District of Orange County's (MWDOC) identification of the need for the entire 56,000 acre feet a year (afy) the project would approve as necessary to their long-range water sustainably planning.

At a projected rate increase of between only \$2.00 and \$4.00, for drought-proof desalinated water, we see this as imminently affordable water insurance for our community. As you know, Orange County is 50% dependent on imported water from two increasingly unreliable sources: the Colorado River and the State Water Project; both contested in their own rights. With climate scientists predicting more severe drought for our region, this dependence on imported water is obviously unsustainable.

**COMMENT SET O16: NATIONAL LATINA BUSINESS WOMEN'S ASSOCIATION - ORANGE COUNTY (cont.)**

Having testified in person at the recent June 21, 2017 State Lands Commission hearing any assertion that the DSEIR does not correctly apply the Ocean Plan Amendment criteria makes no sense. The Huntington Beach facility, similar in design to the functioning desalination plant in Carlsbad, is now in its 17th year of permitting. The proposal has complied with every conceivable requirement of all applicable laws and regulations; approvals are clearly over do. For the good of Orange County's water sustainability NLBWA - OC believes it is now time to develop this new, local, affordable and drought-proof water.

O16-1  
cont.

Sincerely,



Michelle V. Duman  
President

cc:

Honorable Betty T. Yee  
Honorable Michael Cohen  
Jennifer Lucchesi  
Alexandra Borack, Project Manager

**RESPONSE TO COMMENT SET O16: NATIONAL LATINA BUSINESS WOMEN'S ASSOCIATION - ORANGE COUNTY**

- O16-1      The commenter states its support of the Project and asserts that the Supplemental EIR incorrectly states that the water provided to the local community from the desalination facility is not an environmental justice issue. This information 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.5.17 Comment Set O17: Oakview Comunidad et al. Joint Letter

The Honorable Edmund G. Brown  
Governor, State of California  
c/o State Capitol, Suite 1173  
Sacramento, CA 95814

Felicia Marcus, Chair  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Dayna Bochco, Chair  
California Coastal Commission  
45 Fremont Street #2000  
San Francisco, CA 94105

Gavin Newsom, Chair  
California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825

William Ruh, Chair  
California Regional Water Quality Control Board  
Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, California 92501-334

July 24th, 2017

### RE: OPPOSITION - Poseidon / Huntington Beach Desalination Project

Dear Governor Brown and Honorable Chairpersons:

We are writing in strong opposition to the billion-dollar desalination plant proposed for Huntington Beach. Poseidon, the company behind this proposal, wants to profit by privatizing a public resource. They have tried to prey on drought fears to build support among the communities least well served by current infrastructure, but we know that Orange County has better options for meeting its long-term water needs. Desalination is a bad deal for ratepayers, and its high cost and outsized energy use will hit low income communities and communities of color hardest.

O17-1

Access to clean, safe, reliable and affordable water is a basic human right, and one affirmed by California state law. We appreciate that state and local officials take this mandate seriously. We applaud the progress that has been made to date in water conservation, efficiency, and recycling. All the facts indicate that we simply don't need desalination. [Orange County's most recent water plan](#), published April 2016, projects a healthy surplus through 2030. From May 2015 to May 2016, Orange County saved three times more water than the Poseidon desalination plant would produce. And, [according to the experts at Pacific Institute](#), additional water conservation and efficiency improvements could reduce water use by more than a third. Knowing all this, Poseidon wants to lock Orange County residents into a 50-year take or pay contract with no escape hatch.

O17-2

**COMMENT SET O17: OAKVIEW COMUNIDAD ET AL.**

Orange County’s state-of-the-art water recycling facility produces 100 million gallons of fresh, clean water per day, twice the capacity of Poseidon’s proposed plant. [It cost just \\$142 million](#) to expand its capacity by 30 million gallons per day in 2015, compared with the billion-dollar price tag of Poseidon’s plant. Orange County still discharges about 100 million gallons of water into the ocean every day, so we are far from maxing out our potential for water reuse.

O17-2  
cont.

Many of our constituents are already suffering from poor air quality and climate impacts like heat islands, so we are particularly concerned about the high energy cost of desalination. It is by far the [most energy intensive](#) option, using about three times as much energy as recycling. All of that energy has to come from somewhere, and powering this huge plant will undermine much of the climate progress California has made, fueling more drought in the long term. Furthermore, the proposed location is vulnerable [to floods from rising seas](#), as well as earthquakes and tsunamis.

O17-3

We are calling on you to deny the permit for this costly boondoggle. Orange County Water District should focus on water efficiency, recycling and stormwater projects that can meet future water needs without compromising the health or economic well-being of our people.

Sincerely,

Victor Valladares  
Co-Founder  
Oakview ComUNIDAD  
Huntington Beach, CA

Oscar Rodriguez  
Co-Founder  
Oakview ComUNIDAD  
Huntington Beach, CA

José Trinidad Castañeda III  
Parks and Recreation Commissioner  
Fullerton, CA

Olga Zapata-Reynolds  
Founder  
Orange County Earth Stewards

Marce Gutiérrez-Graudiņš  
Founder / Director  
Azul

Irma R. Muñoz  
President & Founder  
Mujeres de la Tierra

Colin Bailey  
Executive Director and Managing Attorney  
The Environmental Justice Coalition for Water

Hector Huezo  
President  
Alliance of River Communities

**RESPONSE TO COMMENT SET O17: OAKVIEW COMUNIDAD ET AL.**

- O17-1        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*.)
- O17-2        See master response MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR* regarding project need.
- O17-3        See Response to Comment O17-1.

**II.5.18 Comment Set O18: Orange County Association of Realtors (Public Meeting Transcript)**

MR. O'NEILL: Hello, my name is Connor O'Neill, with the Orange County Association of Realtors. On behalf of the Orange County Realtors I respectfully ask the State Lands Commission to certify the draft supplemental environmental impact report for Huntington Beach Seawater Desalination Project as well as renew the land lease agreement with Poseidon Water at the Commission meeting on August 17, 2017. The Orange County Realtors have been a long time supporter of the proposed Huntington Beach Desalination Project, because we believe that a local reliable water supply is in the best interest of Orange County homeowners. Higher long-term utility costs act as another obstacle for homeownership. The drought restrictions place unnecessary burden on homeowners. Imported water is becoming more expensive and less reliable for a variety of political, legal, environmental, and regulatory reasons. The catastrophic events like earthquakes can also have a devastating effect on our imported supply. The Huntington Beach Desalination Project has brought necessary security to Orange County's economic health.

O18-1

**COMMENT SET O18: ORANGE COUNTY ASSOCIATION OF REALTORS  
(PUBLIC MEETING TRANSCRIPT) (cont.)**

The State Lands Commission has previously been and should continue to be supportive of this project. Orange County Realtors urge the State Lands Commission to certify the DSEIR and to approve the land lease agreement with Poseidon Water at its meeting on August 17, 2017. Thanks.

O18-1  
cont.

**RESPONSE TO COMMENT SET O18:  
ORANGE COUNTY ASSOCIATION OF REALTORS**

- O18-1 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.5.19 Comment Set O19: Orange County Black Chamber of Commerce



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 19, 2017

Dear Chairman Newsom,  
The Orange County Black Chamber of Commerce (OCBCC) is writing in support of the Huntington Beach Desalination Project. We urge the State Lands Commission to approve the Draft Supplemental Environmental Impact Report (SEIR) and extend the land lease necessary for the project to proceed at its upcoming October meeting.

O19-1

OCBCC's mission is to advocate and promote Black business and economic development within both the public and private sectors. This mission is dependent upon the existence of adequate and sustainable water supplies being available to the African-American community in Orange County. Our membership is very much aware of the pressures the recent drought put on Orange County's water supplies. We therefore support the development of all forms of new local water for the County. It is simply not sustainable to continue to rely on imported water which itself is subject to drought and is being fought over by farmers, cities and environmentalist and, in the case of the Colorado River, states and Mexico.

In so far as climate scientists are predicting future severe droughts it is only reasonable to allow the proposed Huntington Beach desalination plant, a source of drought proof water, to proceed. In so far as the proposed plant has been in the permitting process for the past 17 years it is equally reasonable to expedite State Lands' approval of the SEIR and requested lease extension.

Thank you for your consideration,

Sincerely,

Bobby McDonald  
President

cc:  
Honorable Betty T. Yee  
Honorable Michael Cohen  
Jennifer Lucchesi  
Alexandra Borack, Project Manager



**RESPONSE TO COMMENT SET O19:  
ORANGE COUNTY BLACK CHAMBER OF COMMERCE**

- O19-1      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.5.20 Comment Set O20: Orange County Business Council



ORANGE COUNTY  
BUSINESS COUNCIL

2 Park Plaza, Suite 100 | Irvine, CA 92614 | P 949.476.2242 | F 949.476.0043 | [www.ocbc.org](http://www.ocbc.org)

July 26, 2017

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

**RE: HUNTINGTON BEACH SEAWATER DESALINATION PROJECT  
SUPPLEMENTAL EIR – SUPPORT**

Dear Chairman Newsom,

Orange County Business Council has historically supported infrastructure projects that improve California, enhance its business climate and grow the state's economy. Poseidon Water's Seawater Desalination Project at Huntington Beach is a perfect example of how public-private partnerships can work to provide a broad public benefit, support economic growth and jobs creation, and keep this state moving forward.

O20-1

OCBC strongly supports the Seawater Desalination Project because it will enhance water reliability and reduce Orange County's dependence on imported water to meet the needs of more than three million residents. Currently, the County must import nearly fifty percent of its water to meet its growing needs, and environmental or agricultural constraints, seismic threats or other factors beyond our control threaten its reliability. Businesses need certainty that a reliable water supply will be available when considering whether to invest, expand and move into Orange County. When completed, the Project will be able to produce 56,000 acre-feet per year of local, drought-proof water and provide our residents, businesses and potential investors with greater certainty that Orange County's water future is secure.

OCBC respectfully requests that the State Lands Commission certify the Project's Supplemental Environmental Impact Report and approve the amended land lease with Poseidon Water, so that this project can move forward through the remaining steps of the state approval process.

**COMMENT SET O20: ORANGE COUNTY BUSINESS COUNCIL (cont.)**

The Honorable Gavin Newsom  
July 26, 2017  
Page 2 of 2

The Commission's approval of Poseidon Water's desalination project in Carlsbad was wise and it is my hope that you will now afford Orange County the same opportunity of water reliability, cost-certainty and water independence that you granted San Diego County's residents and businesses.

O20-1  
cont.

Sincerely,



Lucy Dunn  
President and CEO

LD: Pd: la

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 Assemblyman Matt Harper  
State Assemblywoman Sharon Quirk-Silva

**RESPONSE TO COMMENT SET O20: ORANGE COUNTY BUSINESS COUNCIL**

- O20-1        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.5.21 Comment Set O21: Orange County Coastkeeper (Public Meeting Transcript)**

MR. HIEMSTRA: Good evening. My name is Ray Hiemstra, associate director of Orange County Coast Keeper. I'm going to echo some of the comments you heard so far. As written, the draft SEIR characterizes the project being analyzed as the limited lease modification project. The addition of screens and diffusers is an essential part of the larger desalination project. It doesn't have any independent function or achieve the objectives listed in the draft SEIR. The screen and diffusers alone don't produce fresh water. They clearly are an integral part of a larger project and must be analyzed in that context.

The EIR needs to be rewritten to analyze the project as a whole, including the many substantial changes of the project and the changed circumstances that give context to the project analysis. As we know from the draft SEIR, there are changes to the intake and discharge, changes to the circumstances surrounding the proposed site for the plant, changes proposed for the distribution system. None of these changes are speculative. They are in process as with the

O21-1

**COMMENT SET O21: ORANGE COUNTY COASTKEEPER  
PUBLIC MEETING TRANSCRIPT (CONT.)**

intake and distribution systems are reasonably foreseeable. Without documenting all the changed circumstances and project modifications for the entire project, the final SEIR will violate the rules against piecemealing the analysis. This will require additional time but doing it wrong and violating the letter of intent with CEQA won't help move the project forward or reduce your workload.

As we've seen repeatedly with this proposed project, every time corners were cut to speed up the approval process, the result is extra work and delays. Thank you.

O21-1  
cont.

**RESPONSE TO COMMENT SET O21: ORANGE COUNTY COASTKEEPER**

O21-1 See master responses MR-2, *Lease Modification Project Scope*, and MR-4, *Piecemealing*.

## II.5.22 Comment Set O22: Orange County Hispanic Chamber of Commerce

July 26, 2017

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

### ***RE: Huntington Beach Seawater Desalination Project Supplemental EIR - SUPPORT***

Dear Chairman Newsom,

The Orange County Hispanic Chamber of Commerce (OCHCC) represents the interests of and provides access to Orange County's 30,000 Hispanic-owned businesses. We promote economic programs to strengthen and expand the income potential of Hispanic businesses and participate in other programs that are designed to enhance the quality of life of the Hispanic community.

O22-1

When the State Lands Commission meets on October 19, OCHCC requests that the Commission certify the Supplemental Environmental Impact Report for the project and approve the amended land lease with Poseidon Water. It has been demonstrated through previous permit approvals and with the current Supplemental EIR (SEIR) that the Huntington Beach Seawater Desalination Project would have no significant negative impact on the surrounding community, the coastal environment, or marine life. The Commission deemed the project acceptable when it certified the project EIR seven years ago and the subsequent design modifications included in the SEIR offer even greater environmental protections. Certification of the SEIR and the amended land lease is the appropriate course of action for the Commission to take.

We support the Huntington Beach Seawater Desalination Project because it would provide Orange County with a new, local water supply that would enhance water reliability and facilitate economic development and investment opportunities for Hispanic and other minority-owned businesses. The 50 million gallons of potable water that the project would produce each day would provide enough water to meet around 10 percent of Orange County's water needs. This dependable supply of drought-proof water would help to reduce Orange County's dependence on imported water and help provide a more predictable water future. Additionally, the project would result in the creation of nearly 3,000 construction jobs, many of which will be filled by Hispanics, the investment of hundreds of millions of dollars in construction-related materials, goods and services, as well as indirect economic activity that will stimulate the local economy.

OCHCC urges the State Lands Commission to certify the Supplemental EIR for the Huntington Beach Seawater Desalination Project and approve the amended land lease with Poseidon Water. It is time for this project to move forward as part of Orange County's effort to become more water independent.

**COMMENT SET O22: ORANGE COUNTY HISPANIC CHAMBER OF COMMERCE  
(cont.)**

Thank you for your thoughtful consideration.

Sincerely,



---

Ruben Franco  
President & CEO  
Orange County Hispanic Chamber of Commerce

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 Assemblyman Matt Harper  
State Assemblywoman Sharon Quirk-Silva



**RESPONSE TO COMMENT SET O22:  
ORANGE COUNTY HISPANIC CHAMBER OF COMMERCE**

- O22-1      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.5.23 Comment Set O23: Orange County Realtors

# ORANGE COUNTY REALTORS®

June 16, 2017

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

**Subject: Huntington Beach Seawater Desalination Project Supplemental EIR and Land Lease Agreement - SUPPORT**

Dear Chair Newsom,

On behalf of the Orange County REALTORS®, I respectfully ask the State Lands Commission to certify the Draft Supplemental Environmental Impact Report (DSEIR) for the Huntington Beach Seawater Desalination Project, as well as renew the land lease agreement with Poseidon Water, when the commission meets on August 17, 2017.

O23-1

The Orange County REALTORS® have been a longtime supporter of the proposed Huntington Beach desalination project; because we believe that a local, reliable water supply is in the best interest of Orange County homeowners. Higher long term utility costs act as another obstacle to homeownership, and drought restrictions place an unnecessary burden on homeowners. Imported water is becoming more expensive and less reliable for a variety of political, legal, environmental, and regulatory reasons. A catastrophic event like an earthquake could also have a devastating effect on our imported supply. The Huntington Beach Desalination Project adds necessary security to Orange County's long term economic health.

The State Lands Commission has previously been and should continue to be supportive of this project. The Orange County REALTORS® urge the State Lands Commission to certify the DSEIR and to approve the land lease agreement with Poseidon Water at its meeting on August 17, 2017.

Sincerely,



Tony Capitelli  
Government Affairs Director  
Orange County REALTORS®

**COMMENT SET O23: ORANGE COUNTY REALTORS (cont.)**

cc:

Commissioner/State Controller Betty Yee  
Commissioner / Finance Director Michael Cohen  
Ms. 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 Assemblyman Matt Harper  
State Assemblywoman Sharon Quirk-Silva

**RESPONSE TO COMMENT SET O23: ORANGE COUNTY REALTORS**

- O23-1      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.5.24 Comment Set O24: Orange County Taxpayers Association



701 E. Chapman Ave., Orange, CA 92866  
www.octax.org

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

June 5, 2017

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

Dear Chairman Newsom,

I am writing you to urge the State Lands Commission to certify the Draft Supplemental Environmental Impact Report and approve the amended lease agreement for the proposed Huntington Beach Desalination Project at its regularly scheduled August 17, 2017 meeting.

It has been almost seven years since the SLC first approved the Huntington Beach Desalination Project and found that use of ocean water and public lands for the purposes of providing a safe, clean drinking water supply complied with the spirit and intent of the Common Law doctrine of the Public Trust. As grateful as we all are for the wet winter we had this year, we know based on California's increasingly arid climate, that these types of wet years will be fewer and further between. Desalination is a growing and necessary part of California's water portfolio. Projects must be done in an environmentally sensitive and economically feasible way.

With the new one millimeter screens, the lower seawater intake volume and the brine diffuser, the project is unquestionably environmentally superior to the project you approved in 2010. The Orange County Taxpayers Association (OCTax) respectfully invites your attention to the project's tax benefits.

The facility will generate millions of dollars per year in property tax, which will support schools, municipal services, special districts, libraries and environmental protections. It will also generate hundreds of thousands of dollars per year in sales and local taxes.

The private developer will spend several hundred million dollars for construction, creating 3,000 taxpaying jobs. Once in operation, it will create dozens of high-paying direct and indirect full-time jobs. Jobs and tax revenue are critical to California's economic growth and vibrancy.

It will be a reliable source of 50 million gallons per day of potable water. It will hedge against economic consequences of drought or other possible disruption to our water supply.

It will be operated for the benefit of the public by the taxpaying private sector. Private investors accept most of the risk and pay the bills.

OCTax first testified in support of this project in 2003. More than a decade later, the project is needed more than ever. Please grant the lease and certify the SEIR to allow it to move forward to its next regulatory step.

OCTax: Fighting to make taxes fair, understandable, cost-effective, and good for the economy!

O24-1

COMMENT SET O24: ORANGE COUNTY TAXPAYERS ASSOCIATION (cont.)



701 F. Chapman Ave., Orange, CA 92866  
www.octax.org

For more information on OCTax’s position on the Huntington Beach Desalination Project lease see the May 13, 2017 opinion piece published by the *Orange County Register*

O24-1  
cont.

Sincerely,

Carolyn Cavecche  
President  
Orange County Taxpayers Association

Enclosure: **The Value of Water Independence**  
*Orange County Register*, May 13, 2017

O24-2

DESALINATION

# The value of water independence

By Carolyn Cavecche

Twenty years ago, the elected officials who served on the boards of the Orange County Sanitation District and Orange County Water District had a visionary idea to recycle treated wastewater to drinking water standards and percolate that water into our underground aquifer where it could eventually be used again for drinking water.

The project — which would be known as the Groundwater Replenishment System — was not without opposition, much of it surrounding the cost of the project and the water it would produce. I served on the OCS D board at the time in my position as a councilmember in the city of Orange and I took my position of fiscal responsibility seriously. Being fiscally responsible means forecasting not just the value of the project in today’s dollars, but the value of building infrastructure for future generations.

Admittedly, when GWR S came online in 2008, the cost of the water it produced was more expensive than the alternative of buying imported water from the Metropolitan Water District of Southern California. However, as imported water continued to increase in cost over the past decade, the GWR S water became less expensive and we now have local reliability at a lower cost.

Today, Orange County is considering the same investment with seawater desalination, and there is a value to building a project that will provide

drought-proof, reliable, high-quality drinking water.

In Carlsbad, Poseidon Water built a 50 million gallon per day seawater desalination plant for \$1 billion in private financing. The Carlsbad Desalination Plant has produced and delivered over 20 billion gallons of drinking water since December 2015 at a cost of approximately \$.007 (just over half-a-penny) per gallon. The public-private partnership project delivery method allowed for the San Diego County Water Authority to develop new, capital-intensive public-serving infrastructure without incurring debt or negatively affecting bond ratings. Successful delivery of the project without significant impact to water rates or debt burden was a factor that led to improvement in the San Diego County Water Authority’s credit rating. On the flip side, because the price of desalinated water was determined prior to construction of the plant, public water agency customers have a greater certainty in projecting long-term water rates. In contrast, since 1978, the cost of water imported into Southern California by the Metropolitan Water District of Southern California has escalated annually by average of 6.4 percent.

The San Diego ratepayers only pay for that water if it is produced at the quality and quantity specified in Poseidon’s contract with the San Diego County Water Authority. While it is slightly more expensive than imported water today, by 2025 — after 10 years of operation —



PHOTO: GREGORY BULL — THE ASSOCIATED PRESS

In a Wednesday, March 11, 2015 photo, a worker adjusts equipment among some of the 2000 pressure vessels that are used to convert seawater into fresh water through reverse osmosis in the western hemisphere’s largest desalination plant, in Carlsbad, Calif.

that water is expected to be less expensive than treated imported water.

In addition to providing an affordable new local water supply, the project would create more than 300 on-site jobs over its three-year construction process and nearly 10 times that amount in indirect jobs. The project would also provide tens of millions of dollars in tax revenue to the city of Huntington Beach and the county of Orange. At a time when companies are fleeing California, we need to embrace companies willing to invest in quality infrastructure projects that benefit us all.

As the CEO and president

of the Orange County Taxpayers Association, I will be looking closely at the final water purchase agreement between Poseidon Water and the Orange County Water District to ensure the protection of the ratepayers. But — as with GWR S — it is critical to understand the difference between cost and value. And there is a significant value to Orange County becoming more water independent and less susceptible to California’s “boom and bust” climate that is prone to long-term droughts.

Carolyn Cavecche is CEO and president of the Orange County Taxpayers Association.

**COMMENT SET O24: ORANGE COUNTY TAXPAYERS ASSOCIATION (cont.)**



701 E. Chapman Ave., Orange, CA 92866  
www.octax.org

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 O24: ORANGE COUNTY TAXPAYERS ASSN.**

- O24-1      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*.)
- O24-2      See Response to Comment O24-1.

## II.5.25 Comment Set O25: Orange County Water Independence, Sustainability and Efficiency



Dr. Allan Bernstein, Chairman

Robert Sulnick,  
Executive Director

Association of California Cities -  
Orange County

Huntington Beach  
Chamber of Commerce

LA-OC Building and  
Construction Trades Council

Orange County Association  
of Realtors

Poseidon Water

South Orange County  
Economic Coalition

Orange County  
Young Democrats

Millennials for New Water

League of United Latin  
American Citizens (LULAC)

Los Angeles County  
Business Federation

Chapman University Democrats

The William C. Velasquez  
Institute (WCVI)

The Black Chamber of  
Commerce of Orange County

Cal State Fullerton  
Young Democrats

Regional Hispanic  
Chamber of Commerce

Orange County  
Young Republicans

A community coalition dedicated to the independence, sustainability and efficiency of Orange County's water supplies.

OCwise.org

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

June 14, 2017

Dear Chairman Newsom,

Orange County Water Independence Sustainability and Efficiency (OC WISE) is writing in support of the proposed Huntington Beach desalination facility and Poseidon Water's application for an amended state lands Lease.

OC WISE is a diverse non-partisan coalition of associations, labor, community groups, Environmental Justice, young people organizations, business and non-profit organizations united to support and advocate for all forms of new local water for Orange County: conservation, wastewater recycling and recharge, stormwater capture and desalination.

The coalition was formed as a direct response to Orange County's dependence on imported water, predicted shortfalls of water by the Orange County Water District (OCWD), climate change and the recent sever 5-year drought the County (and California) recently experienced.

**Public Trust and Beneficial Use Doctrines Support Poseidon's Application.** Both the Public Trust and Beneficial Use Doctrines support the State Lands Commission (State Lands) certifying the Draft Supplemental Environmental Impact Report (DSEIR) and amending Poseidon's lease. California has entrusted the State Lands Commission (State Lands) with administering the Public Trust Doctrine (PTD); while at the same time defining desalination as a "beneficial use" of water. The foundational principle of the PTD is an affirmative duty of the state to protect the people's heritage in navigable waters, from the shore out three nautical miles, for their common use. The seawater intake and discharge facilities associated with Poseidon's proposed desalination plant would function in the state's navigable waters. Because it would provide drinking water "for a common use" it should be favored as a "beneficial use".

O25-1

O25-2

**COMMENT SET O25: ORANGE COUNTY WATER INDEPENDENCE,  
SUSTAINABILITY AND EFFICIENCY (cont.)**



Dr. Allan Bernstein, Chairman

Robert Sulnick,  
Executive Director

Association of California Cities -  
Orange County

Huntington Beach  
Chamber of Commerce

LA-OC Building and  
Construction Trades Council

Orange County Association  
of Realtors

Poseidon Water

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of Orange County's water supplies.

OCwise.org

The California Ocean Plan formally acknowledges seawater desalination as a beneficial use of the Pacific Ocean, with the Desalination Amendment providing a uniform, consistent process for permitting of seawater desalination facilities statewide.

As part of its mandate to protect water quality and **beneficial** uses in California the State Water Resources Control Board (State Water Board), on May 6, 2015, approved an amendment to the state's Water Quality Control Plan for the Ocean Waters of California (Ocean Plan) to address effects associated with the construction and operation of seawater desalination facilities (Desalination Amendment). The amendment supports the use of ocean water as both a "beneficial use" and a reliable supplement to traditional water supplies while protecting marine life and water quality.

In interpreting the PTD courts have found that public uses are sufficiently flexible to encompass changing public needs; see Mallon v. Long Beach 44 C2d 199 (1995). In this regard, Orange County's dependence on imported water (50%), predicted population growth (300,000 by 2020), and predicted future droughts by climate scientists qualifies the water (which "in no way impair[s] the public interest in commerce, navigation and fisheries") as a "beneficial use" protected under the Public Use Doctrine; see People v. California Fish Co.166 Cal 576, 598.

**DSEIR and Independent Marine Science Research Conclude Less than Significant Impacts to Marine Resources.** In assessing the DSEIR's analysis regarding Ocean Water Quality and Marine Biological Resources OC WISE is pleased to see that the DSEIR acknowledges that: the proposed project is not located in a Marine Life Protected Area or Area of Special Biological Significance; does not threaten endangered species; and that due to the short term nature of construction, impacts from the screened intake and diffuser outfalls would be Less than Significant ( LTS) (Section 4.1).

O25-2  
cont.

O25-3



## COMMENT SET O25: ORANGE COUNTY WATER INDEPENDENCE, SUSTAINABILITY AND EFFICIENCY (cont.)



Dr. Allan Bernstein, Chairman

Robert Sulnick,  
Executive Director

Association of California Cities -  
Orange County

Huntington Beach  
Chamber of Commerce

LA-OC Building and  
Construction Trades Council

Orange County Association  
of Realtors

Poseidon Water

South Orange County  
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[OCwise.org](http://OCwise.org)

Additionally, the DSEIR's citation to the 2015 State Water Resources Control Board 's (SWRCB) study concluding that "observed entrainment would have less than significant impact, and would have no impact on the sustainability of local species" (Section 4.1), conforms with a study by a Scripps's Institute of Oceanography researcher, supported by 14 independent marine scientists and commissioned by OC WISE, which reached the same conclusion regarding the proposed HB desalination facility: "The assemblage of larval fishes and shellfishes in the nearshore ocean environment off of Huntington Beach is less diverse than other nearby coastal areas; no threatened or endangered species were found in entrainment surveys conducted at the desalination plant site, and the potential entrainment of commercially or recreationally valuable species would be very uncommon. The impacts of entrainment at the Huntington Beach desalination facility in permanent stand-alone mode would not be significant". (Cartamil, Seafloor Infiltration Gallery or Screened Intake at a Proposed Huntington Beach Desalination Plant (May 13, 2016 at pp9-10.)

**Climate Change Analysis is Incomplete.** The DSEIR's analysis of climate change is incomplete. While the DSEIR correctly includes climate change in its analysis, it fails by only focusing on Sea-Level Rise (Section 8.1), and not including drought and water sustainability in its analysis. Climate change is a "game changer" in considering desalination in California. Climate Scientists, predict periodic severe drought as the "new normal" for California; Southern California in particular (NASA, Megadrought Looms in American Southwest, October 15, 2016;).

Drought prone Orange County and Southern California are dependent on imported water (LA 85%, OC 50%, San Diego 80%) from two increasingly unreliable and contested sources: the Colorado River and the State Water Project (Sierra Snowpack). In this regard, both the OCWD and the Municipal Water District of Orange County (MWDOC) have identified the entire 56,000 acre-feet a year (afy) the project would provide as part of their long-range planning citing climate change and dependence on imported water in the process.

O25-3  
cont.

O25-4

**COMMENT SET O25: ORANGE COUNTY WATER INDEPENDENCE,  
SUSTAINABILITY AND EFFICIENCY (cont.)**



Dr. Allan Bernstein, Chairman

Robert Sulnick,  
Executive Director

Association of California Cities -  
Orange County

Huntington Beach  
Chamber of Commerce

LA-OC Building and  
Construction Trades Council

Orange County Association  
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Chamber of Commerce

Orange County  
Young Republicans

A community coalition dedicated to the  
independence, sustainability and efficiency  
of Orange County's water supplies.

**OCwise.org**

For all of these reasons, OC WISE urges State Lands to certify the DSEIR and  
extend Poseidon's lease at the earliest possible time.

Sincerely,

Robert H. Sulnick  
Executive Director

cc:  
Honorable Betty T. Yee  
Honorable Michael Cohen  
Jennifer Lucchesi  
Alexandra Borack, Project Manager

O25-5

**RESPONSE TO COMMENT SET O25: ORANGE COUNTY WATER  
INDEPENDENCE, SUSTAINABILITY AND EFFICIENCY**

- O25-1 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*.)
- O25-2 The commenter's assertion that the Public Trust Doctrine supports the CSLC certifying the Supplemental EIR 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*.)
- O25-3 The commenter's support and approval of the Ocean Water Quality and Marine Biological Resources impact analysis in the Supplemental EIR 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*.)
- O25-4 See Response to Comment O15-2 regarding drought and water sustainability within the context of climate change being beyond the scope of this Supplemental EIR. See master responses MR-1, *Scope of the Commission's Discretionary Action*, and MR-2, *Lease Modification Project Scope*, for an explanation of the project definition and scope of the Lease Modification Project.
- O25-5 See Response to Comment O25-1.

## II.5.26 Comment Set O26: Orange County Young Republicans



July 26, 2017

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

**RE: SUPPORT for Huntington Beach Seawater Desalination Project Draft Supplemental EIR and Land Lease Approval**

Dear Lieutenant Governor Newsom:

The Orange County Young Republicans (OCYR) organization is the voice of young people in the Republican Party in Orange County, California. On behalf of our members, we submit this letter to request certification by the State Lands Commission of the Draft Supplemental Environmental Impact Report (EIR) for the Huntington Beach Seawater Desalination Project and approval of an amended land lease with Poseidon Water.

Our organization consists of young professionals and students who support principled, common sense, and fiscally-prudent solutions to challenges that face the United States, California, and Orange County. One such challenge is the management and development of water resources to meet our current and future needs. OCYR believes all potential new sources and supplies of water for Orange County should be explored and supported when the right project is proposed. OCYR supports the seawater desalination plant in Huntington Beach because it is a project that will help secure Orange County's water future and increase the county's sustainability.

Orange County is an arid, drought-prone region, even in the best of times, and we are dependent on imported water supplies to help meet our demand. Having experienced the past five years of severe, sustained drought, OCYR believes more should be done to secure water independence for Orange County. As we see it, water conservation, recycling, and even adding stormwater capture are simply not capable of providing sustainable water supplies for our county; those methods are all dependent on the use of currently-available water and any rain that we might receive. Seawater desalination is the only drought-proof and meaningful "new" source of water potentially available to Orange County.

Looking to the future, OCYR believes that the Huntington Beach Seawater Desalination Project is the right project for our county and that now is the right time to secure the final approvals and start making it a reality. This project would provide a new supply of potable water that is based in Orange County. It would reduce our dependence on water that is imported from hundreds of miles away and is projected to become more expensive than desalinated water in the not-too-distant future. If there is an opportunity to reduce our dependence on imported water and develop a more reliable and less expensive future local water supply, then we should take the opportunity to do so.

Again, OCYR requests the State Land Commission's certification of the Draft Supplemental EIR and approval of an amended land lease with Poseidon Water when it meets on October 19, 2017.

Sincerely,

Chris Nguyen  
President, Orange County Young Republicans

O26-1

## COMMENT SET O26: ORANGE COUNTY YOUNG REPUBLICANS (cont.)

The Honorable Gavin Newsom  
July 26, 2017  
Page 2 of 2

cc: The Honorable Betty T. Yee, State Controller, State Lands Commissioner  
Mr. Michael Cohen, Director of the Department of Finance, State Lands Commissioner  
Ms. Jennifer Lucchesi, Executive Officer, State Lands Commission  
Ms. Alexandra Borack, Project Manager, State Lands Commission  
The Honorable Jerry Brown, Governor of California  
The Honorable Kevin De León, President Pro Tempore of the Senate  
The Honorable Anthony Rendon, Speaker of the Assembly  
The Honorable Dana Rohrabacher, United States Representative  
Members, Orange County Legislative Delegation:  
The Honorable Patricia Bates, Senate Republican Leader, Senator, 36<sup>th</sup> District  
The Honorable Josh Newman, Senator, 29<sup>th</sup> District  
The Honorable Tony Mendoza, Senator, 32<sup>nd</sup> District  
The Honorable Janet Nguyen, Senator, 34<sup>th</sup> District  
The Honorable John Moorlach, Senator, 37<sup>th</sup> District  
The Honorable Phillip Chen, Assembly Member, 55<sup>th</sup> District  
The Honorable Sharon Quirk-Silva, Assembly Member, 65<sup>th</sup> District  
The Honorable Steven Choi, Assembly Member, 68<sup>th</sup> District  
The Honorable Tom Daly, Assembly Member, 69<sup>th</sup> District  
The Honorable Travis Allen, Assembly Member, 72<sup>nd</sup> District  
The Honorable Bill Brough, Assembly Member, 73<sup>rd</sup> District

## RESPONSE TO COMMENT SET O26: ORANGE COUNTY YOUNG REPUBLICANS

O26-1      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.5.27 Comment Set O27: Residents for Responsible Desalination (R4RD) – Merle Moshiri**

**From:** PARS11@aol.com  
**Sent:** Sunday, July 23, 2017 11:17 PM  
**To:** Comments, CEQA@SLC  
**Subject:** A pox on Poseidon.

Its time someone had the courage to pull the plug on this expensive and totally unnecessary project. We have the water and will have more water with projects producing drinking water from reclamation plants, recycled water and of course, the old standby of water conservation. This Poseidon deal is going forward purely on a financial basis and not need. Certain politicos in OC are beholden now to Poseidon from taking money from them for re-election campaigns.

O27-1

This project will be a disaster to the community of S.E. Huntington Beach. FOUR major construction projects simultaneously in production in a 3 mile area, endangering our High School, Eader Elementary and our Park. The DTSC is beginning their preliminary work on the Toxic ASCON landfill, AES is reconfiguring& Actually moving closer to the homes and the Magnolia Marsh and estimates to take up to 7 years for completion. Then we have Poseidon jacking pipelines adjacent to the Park HS, and homes up Hamilton St. OC Sanitation District advised they too have a need to work on pump stations on 2 acres along Brookhurst, The Magnolia STORAGE FARM will be ridding itself of 3 enormous oil storage tanks to make room for Poseidon to store is equipment next to ASCON.

O27-2

This is a disaster. What we really need is a cumulative impacts report. This is totally unfair to the citizens who here.

O27-3

I hope you will deny Poseidon's permit. Our group has been opposed to them for 12years and we managed to hold them and their million of dollars at bay through sheer tenacity AND.....by following the law.

NO MORE CONSTRUCTION for S.E. and especially and unwanted one and unneeded one. Spare us.

Merle Moshiri, President  
 Residents for Responsible Desalination  
 Huntington Beach, CA

**COMMENT SET O27: R4RD –DAVE HAMILTON**

**From:** Dave Hamilton <de.hamilton@verizon.net>  
**Sent:** Thursday, July 27, 2017 3:26 PM  
**To:** Comments, CEQA@SLC  
**Cc:** Merle Moshiri; Marinka Horack; Milt Dardis  
**Subject:** No on Poseidon DSEIR approval

July 27, 2017

California State Lands Commission  
 Sacramento, CA

**RE: No on the Poseidon DSEIR approval'**

Dear Commissioners & Staff:

On behalf of **Residents for Responsible Desalination** (a.k.a. **R4RD**), a 501(c)3 organized for coastal protection and educating the public about seawater desalination, I am requesting that the **CSLC** not approve the DSEIR for the Poseidon Water seawater desalination project in Huntington Beach, CA. The DSEIR is inadequate and incomplete as a CEQA document and report on the impacts of this project on public resources and the environment.

O27-4

Regards,

-Dave Hamilton, *president*

**-Residents for Responsible Desalination**

**COMMENT SET O27: R4RD – JOE GEEVER & MERLE MOSHIRI  
(PUBLIC MEETING TRANSCRIPT) (cont.)**

MR. GEEVER: My name is Joe Geever and I work for Residents for Responsible Desalination. Over the past 20 years I've worked on federal litigation over cooling intake rules and advocacy in California, establishing state rules regulating the OTC, I also represent the environmental community in drafting the Ocean Plan amendment to regulate desalination facilities. I'm familiar with the impacts of seawater intakes and the regulations, and I've worked on EIRs more than I would like to remember.

This draft SEIR cites the Ocean Plan amendment but it only cites the provisions dealing with screens and diffusers. Remember, this SEIR is to inform the public about the adverse impacts of the proposed project, and the alternatives to minimize those impacts, but the draft SEIR misinterprets the Ocean Plan and misleads the public. The screens and diffusers aren't the preference in the Ocean Plan amendment. The clear policy is the express preference for subsurface intakes. You haven't cited the rule; you cited the exception to the rule. And you haven't analyzed the preferred intake technology as an alternative to screen surface intakes; that's

O27-5

**COMMENT SET O27: R4RD – JOE GEEVER & MERLE MOSHIRI  
(PUBLIC MEETING TRANSCRIPT) (cont.)**

slant wells. You haven't looked at alternative sites where slant wells would be more feasible, another relevance to ocean plan amendment and CEQA's alternative requirement. You haven't considered alternative sizes for the treatment plant, which would be required before resorting to screens and diffuser.

O27-5  
cont.

And to compound that error, the no project alternative says that without the screens and diffusers the facility would use the existing intake and outfall structures. That's ridiculous. The existing intake and outfall structures are now outlawed. The Ocean Plan amendment is one, but only one of the changed circumstances that require doing a subsequent EIR. That subsequent EIR needs to include an accurate description of the Ocean Plan amendment and a policy for the regional board will be considering, that has to happen before you certify the SEIR. You can't rely on responsible agencies to write separate EIRs, that's the definition of piecemealing and clearly prohibited. You need to rewrite the SEIR and abandon the idea that you're only acting in your continuing role as a responsible agency. You need to abandon the

O27-6

O27-7



**COMMENT SET O27: R4RD – JOE GEEVER & MERLE MOSHIRI  
(PUBLIC MEETING TRANSCRIPT) (cont.)**

idea that you can create a fictional lease modification project to analyze separate from the rest of the project. And when you write that subsequent EIR, please get the Ocean Plan amendment rules right. Some of us worked really hard on that policy, and I hate misunderstandings by the public reading the SEIR. Thank you.

O27-7  
cont.

MERLE MOSHIRI: Good afternoon. My name is Merle Moshiri, and I'm president of Residents for Responsible Desalination. Our members are primarily residents of southeast Huntington Beach where the Poseidon facility wants to co-locate and operate yet another industrial facility. I want to narrow my comments to the need for doing a thorough analysis of cumulative impacts for all the proposed demolition redevelopment about to happen on this site. While you're here, drive down to the site, drive the city streets surrounding the site within this area directly adjacent to our residential neighborhoods, schools, parks, wildlife rescue center, and wetlands, are four massive projects.

O27-8

AES will be reconfiguring and demolishing the existing power plant and simultaneously

**COMMENT SET O27: R4RD – JOE GEEVER & MERLE MOSHIRI  
(PUBLIC MEETING TRANSCRIPT) (cont.)**

building a new one closer to the home community. The Ascon toxic landfill is ready for its formidable final solution and will be digging up parts of this 36-, 38-acre state Superfunded [sic] landfill and transporting highly toxic materials left from early oil drilling construction operations within yards of Edison High School and one of our elementary schools.

A new developer is demolishing the Magnolia Tank Farm, and proposing a massive mixed use development, including a 2,021-foot hotel, 19,000 square feet of retail, and 225 residences and a little room for open space all adjacent to a toxic landfill. On top of this now we have to consider Poseidon's project. This Commission is not the first one to not see the importance of doing a cumulative impact analysis. All these projects have CEQA documents or will be required to prepare one, yet none of them deal with the cumulative impact they will have on our community and the environment. We understand it will be a significant undertaking and a great amount of work, but the law mandates a full review of the all the changed circumstances since 2010, and

O27-8  
cont.

**COMMENT SET O27: R4RD – JOE GEEVER & MERLE MOSHIRI  
(PUBLIC MEETING TRANSCRIPT) (cont.)**

there are many. If there is a chance the draft EIR will not withstand scrutiny by the courts, is it not better and more time-saving to the community and to Poseidon to get it right the first time. Streamlining for streamlining's sake is not the intent of the law, so let's do just the right thing and do it right the first time. Thank you.

O27-8  
cont.

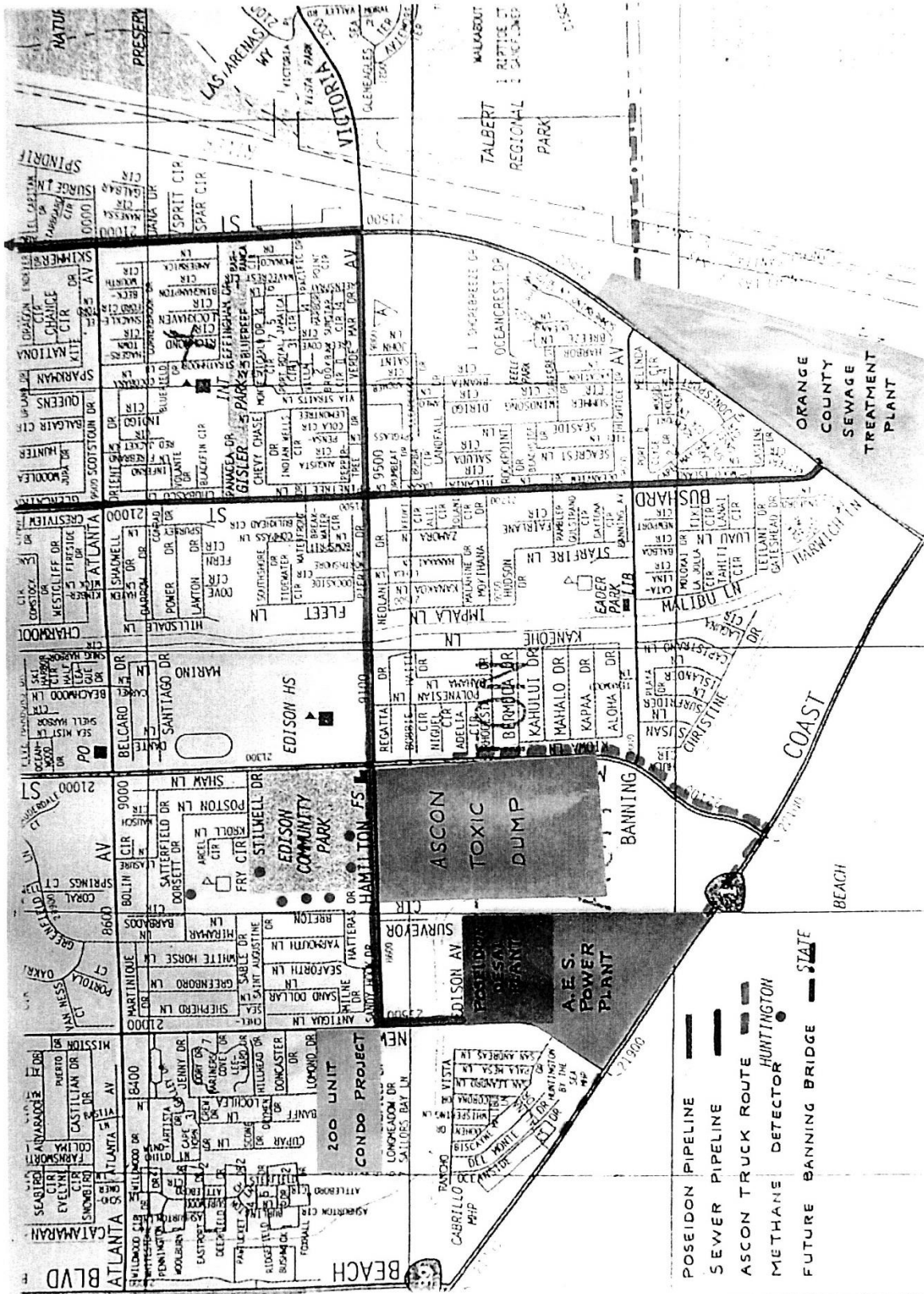
COMMENT SET O27: R4RD (Handout Submitted at Public Meeting)



O27-9

COMMENT SET O27: R4RD (Handout Submitted at Public Meeting)

COMMUNITY OF SOUTH EAST HUNTINGTON BEACH



O27-9  
cont.

**RESPONSE TO COMMENT SET O27: R4RD**

- O27-1 See master response MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR* regarding project need.
- O27-2 Please refer to the Cumulative Impacts section of each resource area in Section 4.0, *Environmental Setting and Impact Analysis*, for the analyses of the cumulative impacts of the Lease Modification Project when combined with the cumulative impacts of the planned major construction projects occurring in the vicinity of the Huntington Beach Desalination Plant site. Impact CMLTV-AQ-1, *Cumulative Air Emissions from Construction*, discussed in Section 4.3.5, *Cumulative Impacts*, is the only cumulative impact that has been identified as significant and unavoidable.
- O27-3 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*.)
- O27-4 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*.)
- O27-5 See master response MR-3, *Responsible vs. Lead Agency & Supplemental vs. Subsequent EIR*, Subpart 4D.2, *2015 Desalination Amendment and 2014 and 2015 ISTAP Reports*, regarding compliance with the Desalination Amendment.
- O27-6 See master response MR-4, *Piecemealing*, and master response MR-3, *Responsible vs. Lead Agency & Supplemental vs. Subsequent EIR*, Subpart 4D.2, *2015 Desalination Amendment and 2014 and 2015 ISTAP Reports*, regarding compliance with the Desalination Amendment.
- O27-7 See master responses MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR*, and MR-4, *Piecemealing*.
- O27-8 See master response MR-7, *Cumulative Impacts*.
- O27-9 The commenter submitted two maps at the public hearing on the Draft Supplemental EIR in July 2017. The first is an aerial photograph of the

coastal Huntington Beach area, noting the locations of several facilities around the proposed HB Desalination Plant site. The second is a street map of southeast Huntington Beach, with the Ascon Landfill remediation site and the AES power plant highlighted. Supplemental EIR Figure 3-1, Cumulative Projects, includes all of the facilities noted on the commenter's maps, and each one is described in the text of Section 3.2, Cumulative Project List. The Supplemental EIR, in Section 4, evaluates each of these projects for their potential to create cumulative impacts in combination with the impacts of the Lease Modification Project.

## II.5.28 Comment Set O28: Residents for Responsible Desalination (R4RD) & Cabrillo Wetlands Conservancy – Mary Jo Baretich

July 20, 2017

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

Re: Poseidon Supplemental EIR Comments

My name is Mary Jo Baretich. I am a Board Member of the Residents for Responsible Desalination, and the President of the Cabrillo Wetland Conservancy in Huntington Beach, California.

O28-1

We are animatedly opposed to building the Poseidon Desalination Plant in Huntington Beach, and sincerely hope that the State Lands Commission insist upon a more extensive Subsequent EIR (SEIR) because of the numerous changes in plans and issues with the Poseidon desalination plant proposals since 2000, and especially since 2010, and the lack of need for such a facility in this location.

Poseidon has planned to use the antiquated cooling water intake system of the AES Huntington Beach Energy Plant for their water rather than a more environmental subsurface intake system. The cooling water intake will be abandoned by AES in 2020. The SEIR needs to thoroughly analyze alternative sites that may be more feasible for preferred subsurface intakes, such as in South Orange County where they need the water and the ocean floor is more conducive to subsurface intake, and where there are no wetlands nearby with endangered and threatened species of birds.

O28-2

Studies conducted in the past several years show that over the life expectancy of the project, subsurface intakes can reduce operating costs that more than offset the construction costs.

The Local Coastal Program Policy 6.1.2 requires that marine resources be "maintained, enhanced, and where feasible, restored." Entrainment and impingement potentially harms millions of aquatic organisms each year. The largest impacts are likely to come from the removal of early life stages of fish and shellfish. Compare the amount of water taken in periodically now by the AES plant with the 127 million gallons per day proposed by the Poseidon desalination plant 24 /7. The resultant multiplication factor of destruction of marine life is unacceptable.

O28-3

The intake pipe proposed by Poseidon with a one millimeter filtering system will not stop the microscopic larvae from entering the pipe, and the entrainment and impingement of animals will still happen, including jellyfish which smear across the filters, causing other fish to be impinged.

The rules adopted last year by the State Water Board focus on two areas of ecological concern: how desalination plants pull seawater — rich with massive quantities of algae, plankton, fish eggs and larvae — from the Pacific, and how they dispose of the brine — twice as salty as the ocean — left over from the desalination process. Citing damage to the marine food chain, the Board barred the type of open-pipe intakes Poseidon proposes for Huntington Beach.

O28-4

As we have been saying for over a decade – Poseidon’s plans clearly are not proven to be the best site, design, and technology to minimize the intake and mortality of marine life. And even the new diffuser design for the harmful chemical and brine disposal could still create harm to the ocean inhabitants, creating a dead zone in the disposal area, and harm again to our beaches where

O28-5



**COMMENT SET O28: R4RD & CABRILLO WETLANDS CONSERVANCY –  
MARY JO BARETICH (cont.)**

numerous surfers and other swimmers have experienced eye and other infections. A dye study which I have copies of shows the brine and chemicals reaching our shoreline. In the past, when the AES was fully operational, the local beaches were periodically closed because of the dangers there. Our aquatic animals experience the most harm. The salinity concentration is expected to be about 40 parts per thousand, which is about 20 percent higher than ambient seawater salinity.

O28-5  
cont.

I have been on a few tours of the AES facility when it was fully operational, and on two of them I observed the intake vat where 8-inch to 10-inch juvenile fish were swimming. Obviously the filters were not functioning. A conveyor belt hauled up smaller fish, jellyfish, shellfish, and lobsters and dumped them into a waiting dumpster. Several full dumpsters were around the area. The intake pipe had filters which were supposed to stop the larger animals from being sucked up through the pipe, but the AES workers told me that keeping the filters clean and intact was a nightmare. The entrainment of fish, fish eggs, larvae and jellyfish on the filters caused serious intake problems. A one millimeter filtering system, which is what Poseidon is proposing will not stop the microscopic larvae from entering the pipe, and the entrainment of animals will still happen.

O28-6

Subsurface technology is the best alternative. If the SEIR shows that subsurface technology cannot be used at this site, then alternative sites should be proposed.

O28-7

Our Orange County Ground Water Replenishment System (GWRS) is phenomenal, and has proven to the world that this technology is efficient and cost worthy. It is the world's largest advanced water purification facility in the world. It supplies water for all of Central and Northern Orange County.

O28-8

The Orange County Water District plans to expand the existing GWRS plant from 100 million gallons per day to 130 million gallons a day by using treated wastewater from the Orange County Sanitation District Plant #2. This will add another 31,000 acre-feet of water supply each year, enough water to supply more than 75,000 households, and reduce the amount of imported water needed from Northern California and the Colorado River.

**There is no need for desalination water at this location.** Other cities, including the city of Los Angeles, are formulating plans to increase their own production of water through the capture and treatment of wastewater and creating their own GWRS, rather than constructing energy-intensive, expensive, and destructive desalination plants.

It is felt that there is substantial issue related to protection of marine life and water quality, excessive expensive energy use, impact on local ocean recreation, protection against seismic events, potential cross-contamination from the nearby Ascon Toxic Waste Dump (adjacent to the proposed pipeline route), liquefaction and tsunami run-up.

O28-9

The Newport-Inglewood fault branch, and the other nearby faults are also of great concern. The 1933 Long Beach Quake that leveled portions of Long Beach was centered in Huntington Beach less than 1/2 mile away from the proposed Poseidon facility. It had a magnitude of 6.4. Seismologists say quakes of similar size occurred on the fault branch in 1769, 1812, and 1855. Each one was 43 years apart. 78 years later was the 1933 Long Beach Quake, and that was 84 years ago from today. We are way overdue for a large quake.

O28-10

The analysis of the soil layers beneath the proposed plant showed unstable ground that would be prone to liquefaction and lateral movement. It is a riverbed. Also there is "the probability that the site will experience a 100-year flood or a 100-year tsunami is somewhat greater than 50%."

**COMMENT SET O28: R4RD & CABRILLO WETLANDS CONSERVANCY –  
MARY JO BARETICH (cont.)**

Additionally, there are substantial issues regarding the noise generated during the construction phase of the project and in the operational stage of the plant. We are very concerned about the noise impact on both humans and wetlands wildlife. The construction noise level range at residences is proposed to be between 77dBA to 85dBA for the expected duration of construction. During operation of the facility, the combined noise levels (decibels) from all the 33 or so desalination plant pumps have a range between 101dBA and 108dBA. Both the construction noise range and the pump noise range are not acceptable because they would exceed the City's applicable exterior noise standards, which are 55dBA during the day and 50dBA at night. Even applying an addition of pump enclosures, may not be sufficient. Vibrations from the numerous pumps will affect the wetland birds and other animals in the adjacent wetlands.

O28-11

These wetlands do exist and are environmentally sensitive habitat areas with endangered and threatened species of birds.

In summary, I will again state that because of the expansion of the GWRS resulting in ample relatively inexpensive water, the high cost of the desalination water, potential seismic activity, the noise impacts to our birds and humans, destruction of sea animals, and outflow of highly concentrated saline and chemicals, we, the R4RD and Cabrillo Wetlands Conservancy are animatedly opposed to construction of a Poseidon Desalination Plant at this location in Huntington Beach, and recommend that a full SEIR be generated thoroughly addressing all the issues.

O28-12

**COMMENT SET 028: R4RD & CABRILLO WETLANDS CONSERVANCY –  
MARY JO BARETICH (PUBLIC MEETING TRANSCRIPT)**

MS. BARETICH: Good evening. My name is Mary Jo Baretich. I'm a member of the Residents for Responsible Desalination and president for the Wetlands -- California Wetlands Conservancy. I sincerely hope that the State Lands Commission will reject the SEIR because of the numerous changes in plans and issues with Poseidon Desalination plant over the years, and especially since 2010. Since the cooling water intake will be abandoned by AES in 2020, Poseidon's co-location with the power plant is not the best site, and the SEIR needs to thoroughly analyze additional sites, alternative ones, more feasible with preferred subsurface intakes. Such as the evidence conducted over the past several years over the life expectancy of the project's subsurface intake can reduce operating costs that more than offset construction costs. One of the objectives that was issued before.

We suggest building a plant in South Orange County where they need water where it's more conducive to subsurface intake. (Inaudible) fault to residents who live in the area. The 1933 Long Beach quake that leveled portions of Long Beach were centered in Huntington Beach less than

028-13

028-14

**COMMENT SET O28: R4RD & CABRILLO WETLANDS CONSERVANCY –  
MARY JO BARETICH (PUBLIC MEETING TRANSCRIPT)**

a half mile away from the Poseidon facilities. That was 84 years ago today and we're overdue for a large quake. The analysis of the (inaudible) opening for the proposed plant showed unstable ground. It will be prone to unlevel ground and lateral movement. The local Coastal program policy 6.1.2 requires that marine resources be maintained and feasibly restored, and preliminarily creating a potential harm to many millions of aquatic organisms each year, the impact on likely early life stages of fish and shell fish. The intake project proposed by Poseidon will be a one-millimeter opening that cannot stop the microscopic larvae from entering the pipe, and the periodic removal of the entrained jellyfish and other animals is going to be expected. Even with new diffuser plan the brine disposal will still create harm to our beaches, surfers, our swimmers, and experience eye and other infections from the previous AES facility. A dye study, which I have copies of, shows the dye and chemicals reached our shoreline in the past AES operations. Local beaches were periodically closed because of the dangers there. Our ground water replenishment system is

O28-14  
cont.

O28-15

O28-16

O28-17

**COMMENT SET O28: R4RD & CABRILLO WETLANDS CONSERVANCY –  
MARY JO BARETICH (PUBLIC MEETING TRANSCRIPT)**

phenomenal and it's efficient and cost-worthy and takes the place of any water system that we need. In summary, there's high cost to desalination water, there's a potential for seismic activities, and noise obstructing the sea animals and the highly concentrated chemicals and cumulative concurrent projects which our program, California Conservancy Wetlands, recommends a full SEIR study done, and I do hope that you will agree with us. Thank you.

O28-17  
cont.

O28-18

**RESPONSE TO COMMENT SET O28: R4RD &  
CABRILLO WETLANDS CONSERVANCY**

- O28-1 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*.)
- O28-2 See master response MR-8, *Alternatives*.
- O28-3 The commenter's expression of concern regarding impacts to marine organisms 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*.) The commenter references Local Coastal Program (LCP) Policy 6.1.2 that marine resources be "maintained, enhanced and where feasible, restored." Implementation of mitigation measure OWQ/MB-7 would require protection or restoration of marine resources.

Impingement occurs when relatively larger marine organisms are trapped against intake screens. As presented in Supplemental EIR Table 4.1-6, *Impingement/Entrainment Comparison*, the proposed installation of

1-millimeter slot wedgewire screens with a through-screen velocity of 0.5 foot per second or less would minimize impingement. As described under Impact OWQ/MB-6, *Impact to Special Status Species Populations of Intake Flow Reduction (Compared to 2010 Project) and Use and Maintenance of Wedgewire Screens*, intake entrainment of smaller organisms (e.g., larvae) would occur, but it would be less than that evaluated in the 2010 FSEIR. Since the 2010 FSEIR concluded that intake entrainment would be less than significant and the proposed Lease Modification Project would result in less intake entrainment than the 2010 Project, this impact of the proposed project would also be less than significant.

- O28-4 As described in Section 2.4, *Description of Proposed Lease Modification Project*, Poseidon is proposing to install 1-millimeter slot wedgewire screens on the existing intake pipe to comply with the Desalination Amendment, which prohibits open (unscreened) intakes. If the RWQCB, pursuant to Water Code section 13142.5, subdivision (b), determines subsurface intakes are not feasible and brine cannot be diluted by wastewater and there are no live organisms in the discharge, both the multiport diffuser and wedgewire screens must be installed prior to operation of the HB Desalination Plant consistent with Desalination Amendment requirements (see Ocean Plan Chapters III.M.2.d(1)(c)(i) and III.M.2.d(a),(b)).
- O28-5 As modified in the Final Supplemental EIR, the screens installed would be stainless steel, which would eliminate any copper leaching. This is addressed under Impact OWQ/MB-5 (Impact to Ocean Water Quality from Wedgewire Screen and Diffuser Operation and Maintenance). Any chemical constituents, including salinity would be dissipated by the proposed diffusers. As described under Impact OWQ/MB-5, salinity would be reduced to within 2 ppt of natural background at distances between 13.1 and 18 feet from the point of discharge, which would be in compliance with Desalination Amendment requirements. Impacts to marine organisms from salinity and other constituent discharges would be less than significant, as described under Impact OWQ/MB-7 (Impact to Special Status Species Populations of Diffuser Operation, Diffuser Operation – Salinity and Other Constituent Discharges).
- O28-6 See Response to Comment O28-3 regarding intake impingement and entrainment.
- O28-7 See master response MR-8, *Alternatives*.

- O28-8 See master response MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR* regarding project need.
- O28-9 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*.)
- O28-10 Supplemental EIR Section 4.0, under No Impacts/Not Significant Impacts, Geology and Soils, explains why the subjects of geology, soils, and seismicity were found to have no impact from the proposed Lease Modification Project. The potential for a future seismic event was taken into consideration in that analysis. While certain soil structures may be present at the onshore site of the proposed desalination plant, this Supplemental EIR focuses on the impacts associated with the Lease Modification Project. Please refer to master response MR-2, *Lease Modification Project Scope*, regarding the onshore facility and its impact analysis. No change to the Supplemental EIR is required.
- O28-11 Section 4.8.4, *Environmental Impact Analysis and Mitigation*, identifies expected noise and vibration levels onshore that would be generated by the short-term construction activities associated with the Lease Modification Project occurring 1,500 to 1,650 offshore the OHWM, and determines that such impacts would be less than significant. Impact NOI-3 shows that noise levels from offshore construction could reach 60 dbA Leq directly onshore at Huntington State Beach but would not exceed applicable community noise standards (Table 4.8-4 identifies ambient noise levels at Huntington State Beach as reported in the City of Huntington Beach's 2010 FSEIR). Noise levels would be further attenuated by the time they reach the wetlands referenced by the commenter, which are farther inland and at a greater distance from the construction activities associated with the Lease Modification Project. As noted in Impact NOI-3, implementation of mitigation adopted with the 2010 Project approvals would ensure that the construction noise impact at all locations would be less than significant.
- O28-12 See master response MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR*. The commenter's expression of opposition to the Project will be considered by the CSLC 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 response MR-1, *Scope of the Commission's Discretionary Action*).
- O28-13 See master response MR-8, *Alternatives*.
- O28-14 Please refer to Response to Comment O28-10.
- O28-15 See Response to Comment O28-3.
- O28-16 See Response to Comment O28-5.
- O28-17 See master response MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR* regarding project need.
- O28-18 See master response MR-3, *Responsible Vs. Lead Agency & Supplemental Vs. Subsequent EIR*.



## II.5.29 Comment Set O29: South Orange County Economic Coalition



June 7, 2017

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

### **RE: Support Poseidon & Water Reliability for Southern California**

Dear Chairman Newsom:

As the Chairman of the South Orange County Economic Coalition that covers a region that creates more than \$25 billion in economic activity annually, I'm writing on behalf of hundreds of businesses through the region that urge the State Lands Commission to certify the Draft Supplemental Environmental Impact Report (DSEIR) and approve the amended lease agreement at its upcoming August 17, 2017 meeting.

**We want and need this new water reliability project!** The South OC Economic Coalition recognizes that bringing this high-quality, local new water supply online may increase the average water bill by a couple of dollars a month, however, we believe there is value in the certainty and drought-proof aspect to this water supply.

This project will protect us during times of drought the likes of which we experienced from 2012 through the end of 2016. In fact, going back to 2006, eight of the last 11 years have been drought years for our state.

Additionally, this privately-financed development will provide thousands of jobs to Orange County and will also provide millions of dollars in reliable tax revenue to the city of Huntington Beach for decades to come.

This project exceeds the standards of the State Lands Commission's Public Trust Doctrine. There is a clear public benefit to developing new local water supplies, which relieves pressure on imported sources. The drinking water produced by the project will be used by the public and the project will only move forward if there is a contract with a public water agency, which ensures a public benefit. In 2010, your commission found that this project complied with the Public Trust and the public benefits of the project have only become more needed while the environmental impacts have diminished.

To that end, Poseidon Water has taken the responsible approach of proposing state-of-the-art improvements that reduce the amount of seawater needed and further protect

O29-1

**COMMENT SET O29: SOUTH ORANGE COUNTY ECONOMIC COALITION (cont.)**

marine life both with a 1 mm screen and a brine diffuser. The scientific analysis in your SEIR clearly shows that this project has no significant environmental impact.

O29-1  
cont.

I encourage you and the commission to certify the SEIR and approve the lease at your August meeting to allow this project to move forward.

Sincerely,



Paul Simonds  
Chairman  
South Orange County Economic Coalition

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

**COMMENT SET O29: SOUTH ORANGE COUNTY ECONOMIC COALITION  
(PUBLIC MEETING TRANSCRIPT)**

MR. BROWN: Good evening. My name is Wayne Brown, and I'm here representing the South Orange County Economic Coalition. South Orange County Economic Coalition serves as a voice of business community in South Orange County. We advocate the policies, programs, and projects that will foster economic strength, business opportunity, and jobs created in a region that generates more than \$25 billion in economic activity each year. The Coalition urges the State Lands Commission to certify this August the draft supplemental EIR for the Huntington Beach Seawater Desalination Project and approve the amended land lease agreement with Poseidon Water.

We view the Huntington Beach Seawater Desalination project that is one such project that will enhance water reliability and support continued economic growth and vitality throughout Orange County, including South Orange County.

Having a new locally developed and managed water supply that is drought proof and helps to reduce the county's dependence on imported supplies is an investment in our future with water security and economic prosperity. The drastic reduction in our imported water supply and

O29-2

**COMMENT SET O29: SOUTH ORANGE COUNTY ECONOMIC COALITION  
(PUBLIC MEETING TRANSCRIPT) (cont.)**

prolonged drought, a long term outage of the imported water delivery system, or some other factor could have a catastrophic impact on Orange County. Several years ago the commission found that this project's proposed use of ocean water in public lands, the provision of a reliable drinking water supply, was consistent with the spirit and intent of the common-law doctrine of public trust.

There continues to be a clear public benefit to developing this new local water supply from Orange County and the economic coalition hopes that the State Lands Commission will continue to share this view. Further, Poseidon Water has proposed modifications to the design, development, and operation of the desalination facility that reduce the amount of seawater needed as well as provide additional environmental protections. The addition of a one-millimeter screen on the intake pipeline will further reduce impingement and entrainment risks for fish and larvae, and brine diffuser caps on the outfall will provide better control of salinity level.

Scientific analysis in the draft supplemental EIR shows that this project will have no significant environmental impact. The Economic

O29-2  
cont.

**COMMENT SET O29: SOUTH ORANGE COUNTY ECONOMIC COALITION  
(PUBLIC MEETING TRANSCRIPT) (cont.)**

Coalition, therefore, encourages the Commission to certify the draft SEIR to approve the land lease agreement with Poseidon at its August meeting.  
Thank you.

O29-2  
cont.

**RESPONSE TO COMMENT SET O29:  
SOUTH ORANGE COUNTY ECONOMIC COALITION**

- O29-1      The commenter’s expression of support for the Project and assertion that the desalination facility exceeds the standards of the Public Trust Doctrine 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*.)
- O29-2      See Response to Comment O29-1.