



## Legislation Text

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**File #:** 18-0206, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Anne McIntosh, Community Development Director

Dana Murray, Environmental Programs Manager

**SUBJECT:**

Discuss Comments on Draft Environmental Impact Report on Ocean Desalination Plant Proposed by West Basin Municipal Water District (Community Development Director McIntosh).

**DISCUSS**

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**RECOMMENDATION:**

Staff recommends that City Council discuss comments on the draft environmental impact report (DEIR) for the Ocean Water Desalination Project (Project) proposed by West Basin Municipal Water District.

**FISCAL IMPLICATIONS:**

There is no fiscal impact associated with this action.

**BACKGROUND:**

On March 19, 2018, the City received correspondence from West Basin Municipal Water District (West Basin) announcing the release of a DEIR for the Project. The DEIR was made available for public review and comment on March 27, 2018. The comment period was initially open for 60 days with comments due by May 25, 2018; however, on May 3, 2018 West Basin's Board granted the City's request for a 30-day extension on DEIR comments, which are now due by 5:00 PM on June

25, 2018.

The proposed Project, as described in the DEIR, would consist of a desalination facility utilizing membrane filtration and reverse osmosis technologies to produce between 20 and 60 million gallons per day (mgd) of water from the ocean, depending on which configuration of the Project is constructed. The facility would have an ocean water intake system to deliver the ocean water to the facility and a brine discharge system to return concentrated seawater back to the ocean. The Project also includes a distribution system for the potable water that would be produced, with expanded facilities required to distribute the 60 million gallons per day if the full Project is developed. The proposed project site would be adjacent to Manhattan Beach at a 33-acre location within the El Segundo Generating Station (ESGS) at 301 Vista Del Mar in the City of El Segundo, California.

West Basin conducted an environmental review to evaluate the possible impacts, mitigation measures, and alternatives to the Project as required by the California Environmental Quality Act (CEQA). CEQA requires state and local agencies to identify adverse environmental impacts that projects may have, as well as identify ways to avoid or mitigate those impacts if possible. West Basin, the lead agency on the Project, determined that the Project may have impacts that could be potentially significant, and prepared the DEIR.

#### *Previous City Council action on this topic*

On October 6, 2015, City Council authorized staff to proceed in preparing written comments in response to the Notice of Preparation by October 15, 2015. In addition, on October 6, 2015, and February 16, 2016, City Council directed staff to retain an EIR consultant and authorized staff to seek EIR expertise as needed in the preparation of DEIR comments. The proposed comments are the result of this direction and staff work.

In an action separate from the EIR discussion, City Council directed staff to prepare a letter opposing the proposed desalination project, which was submitted following City Council direction on February 16, 2016. The issue of project support is not part of this item, but the City Council may wish to consider the merits of the project at the time the project is presented.

Following is a summary of the CEQA Review Process:

#### **Activity:Timeframe**

Notice of Preparation (NOP) Release: August 31, 2015

Public Comment Period: August 31-October 15, 2015 (45 Days)

Public Scoping Meeting: September 30, 2015

Draft EIR Preparation: October 16, 2015 to March 26, 2018

Draft EIR Release: March 27, 2018

Draft EIR Public Comment Period: March 27-June 25, 2018 (90 Days)

Final EIR Hearing and Certification: To Be Announced

Notice of Determination (NOD): (If Approved by the Board)

## **DISCUSSION:**

The purpose of an environmental review document is to inform decision-makers on a particular project or policy, but in this case those decision-makers are not the Manhattan Beach City Council. However, this is our City's opportunity to review and provide technical comments on the environmental impact documentation prepared for the proposed Project. Staff and the City Attorney's office have reviewed the DEIR and are in the final stages of drafting a letter, to be signed by Community Development Director Anne McIntosh, commenting on deficiencies including, but not limited to:

- The DEIR is structured to analyze impacts from both a "Local Project" (which would produce up to 20 mgd) and a subsequent, larger "Regional Project" (up to 60 mgd), but the baseline for the Regional Project is incorrect, thereby understating all impacts for that portion of the Project.
- The DEIR does not define a single project site, but instead has identified two different sites within the ESGS (the North Site and the South Site) without stating which location is the "project" for CEQA purposes.
- The DEIR understates adverse aesthetic impacts to scenic resources, including from key viewing locations identified in Manhattan Beach.
- The DEIR relies on outdated studies or defers studies to the future, thereby rendering it impossible to know the full extent of adverse impacts that the Project will cause in critical areas such as terrestrial and marine biological resources.
- The DEIR defers mitigation for the Project's adverse impacts in several areas, thereby leaving the public with no assurance that the admitted impacts will be reduced as promised.
- The DEIR also does not include all feasible mitigation, thereby leaving the public and Manhattan Beach residents unprotected from adverse impacts, including noise impacts caused by the Project.
- The DEIR fails to consider other potential alternatives to the Project that could meet the same stated Project objectives without the same adverse impacts caused by the Project.

Staff welcomes any comments that the City Council may have regarding the DEIR, and such comments will be incorporated in Ms. McIntosh's letter before it is transmitted to West Basin.

Just as a reminder, staff has scheduled a meeting in August for a presentation on the West Basin's

project, which will provide an opportunity for the public and councilmembers to provide input on the merits of the project, and whether an alternative should be considered.