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December 3, 2011

Chair Shallenberger and  
Members of the California Coastal Commission  
45 Fremont Street Suite 2000  
San Francisco, Ca 94105-2219  
415-904-5248

RE: Federal Consistency  
CD-047-11 (Corps of Engineers, San Luis Obispo Co.) Consistency determination by Corps of Engineers for Geophysical and geotechnical testing to determine feasibility of site for subsurface desalination intake and /or outfall, at Santa Rosa Creek and Shamel County Park in Cambria, San Luis Obispo County. (TL-SF)

Dear Chair Shallenberger and Members of the California Coastal Commission,

I respectfully urge you to object to the consistency determination for this project submitted by the Army Corps of Engineers.

While I appreciate all of the thoughtful restrictions placed on this project by Coastal Commission Staff, the project is inconsistent with recommendations and guidelines in the

- San Luis Obispo County North Coast Area Plan
- NOAA/Monterey Bay Guidelines for Desalination Plants in the Monterey Bay National Marine Sanctuary
- 2004 California Coastal Commission Desalination guidelines
- California's Marine Life protection Act, Marine Managed Areas Improvement Act

Further, I object to the Army Corps of Engineer's apparent abuse of CEQA and NEPA, as well as the California Coastal Act specific prohibition of development requiring the use of protective devices now or in the future.

Abuse of CEQA/NEPA

- The CCSD and ACE are trying to get exemptions from CEQA and NEPA to go ahead with drilling wells on Moonstone Beach and by pass all environmental impact studies. In fact, the CCSD board said they are going to comply with CEQA and do an environmental study yet they have the Army Corps of Engineers submit application for a consistency determination instead of doing the environmental studies and a project plan for desalination in advance. I believe this is an abuse of federal power to evade CEQA and NEPA.

No New Development Will Require The Use Of A Protective Device Now Or In The Future.

-The California Coastal Act requires that any new development will not require the use of a protective device now or in the future. There is an entire chapter in the ACE Coastal Consistency Determination Geotechnical and Hydrogeologic Investigation Cambria, CA on Hazardous Materials Contingency plans, procedures and protocol.

Excerpt from:

U.S. Army, Corps of Engineers  
Geotechnical and Hydrogeologic Investigation  
Santa Rosa Creek State Beach Hazardous Spill Contingency Plan  
Page 33, attachment B

**“1.1 POTENTIAL SPILL SOURCES**

Potential sources of spills from the geotechnical and hydrogeologic investigation activities include the following:

- Drilling fluid (“drilling mud”) from rotary drilling activities.
- Soil cuttings that may contain drilling muds.
- Petroleum products from vehicles and equipment. “

**And from page 34 Attachment B from the same report:**

**“1.1.3 Petroleum Products from Vehicles and Equipment**

The use of conventional construction equipment during investigative activities (excavators, backhoes, dozers, loaders, generators, air compressors, welding machines, etc.)

presents the potential for specific spill scenarios. These include the leakage of fuel, motor oil, or

hydraulic fluid during operation, refueling, and equipment maintenance. To prevent equipment

leakage during operation, all equipment used at the site will be in good working condition and be

inspected daily for leaks. Any equipment observed to be leaking while onsite will immediately be

relocated to a designated equipment staging and refueling area for repair.

All equipment refueling will be conducted in a manner best suitable to minimize the potential for fuel spillage. In addition, equipment fueling and maintenance will take place at the

equipment staging areas described in Section 2.0 (Project Description). In the event of a spill,

the contractor will take the appropriate action to contain and clean up the spill. “

-This speaks for itself in terms of this project requiring protective devices.

This is the wrong place for this project. The risks to the environment are too great. The ACE and CCSD cannot be relied upon to follow laws in place that ensure no environmental damage is done. The ACE and CCSD wanted to be excluded from doing the required

environmental studies to protect this sensitive environmental location. Please do not allow them to do this project here. Thank you for your consideration. Respectfully,

Anne Winburn