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Coastal Commission smacks beach test

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An Army Corps of Engineers' project to test the soil and sample water near the mouth of Santa Rosa Creek is not consistent with the state's rules and goals for the habitat and coastline there, the California Coastal Commission ruled during a hearing on Friday, Dec. 9.

Whether that unanimous decision will be a death knell for the proposed tests there — and ultimately for intake and outfall facilities for a Cambria Community Services District desalination plant — is yet to be determined. Such a plant would be located elsewhere, off the beach.

Tom Luster, the commission's staff environmental scientist, said late Friday that the Corps could:

- Accept the commission's decision and focus on another location or project to meet Cambria's water needs; or
- Notify the commission that the Corps is going to proceed with the testing anyway.

If that happens, Luster said, the commission could subsequently request mediation or file a lawsuit to stop the work.

Josephine Axt, chief of planning for the Corps' Los Angeles division, told The Cambrian Tuesday, Dec. 13, that while pursuing the testing regime further isn't totally off the table, "it's unlikely at this point."

"Going over the head of the Coastal Commission would be a huge deal," Axt said, "not something we would do lightly." A decision to do that would have to be made at the regional and national level, she said, not just at the Los Angeles division.

The project

The Corps has tried for about three years to get approval from the commission, State Parks and the State Lands Commission to perform scientific tests along the state natural preserve and the Monterey Bay National Marine Sanctuary. The tests would help prove if a desalination intake system could draw enough salty water from under the ocean floor to supply the plant.

While the tests could have provided important data about the site, Axt said, they were a tiny part of the overall larger picture, the desalting plant itself and alternatives to it. That plant would be expected to provide a drought-proof supplemental source of water for a community that occasionally runs short.

Corps and district staffers have been working on dual federal and state environmental-impact studies about that "larger picture."

Those reports and a subsequent public scoping meeting likely will be where the Corps will dedicate its energies and its money for the next six months, Axt surmised. "That meeting is of paramount importance," and it would include asking the public for their opinions and suggestions.

But at press deadline, meetings and phone conferences still were being held toward deciding what's next.

Consistency hearing

A consistency hearing is used when a federal agency's plans trump state law, but still must comply with the state's requirements "to the maximum extent practicable." The commission's consistency determination takes the place of a more customary coastal development permit that would be required of an individual or a local agency, such as the services district.

Since the test project would have benefited the services district's desalination plans, Commissioner Steve Blank asked if using the consistency-ruling process would be "an end run around our process?"

Commission Executive Director Charles Lester replied that the project would be paid for by federal funding and would be done by a federal agency, which speaks to a consistency consideration.

Blank replied that he wants commission counsel to review the situation. "One can imagine desal plants marching up and down the coast, out of our purview and permit approval." He said the matter should "raise red flags with our legal staff" because it points to "issues much bigger than Cambria."

Last-minute addendum

Several commissioners noted that an addendum to the commission's staff report had been distributed on the day of the hearing. They said that revision deleted many conditions that had been previously recommended.

Luster said the addendum primarily reflected that the Corps ultimately provided answers to staff's questions, or the two agencies had come to agreement on previous areas of contention.

"Those conditions weren't necessary any longer," Luster said. "They were designed to get more information, and they did that."

Objections

People who objected to the testing proposal, six of whom testified at Friday's hearing in San Francisco and most of whom have spoken out regularly against Cambria's desalting plans, told the commission the tests could endanger the dynamic, rapidly changing beach's fragile ecology, limit public access to popular recreation areas, risk spills of potentially toxic materials and harm threatened and endangered species.

Commissioners agreed. Their unanimous decision mirrors their denial issued in September 2007 of a similar test project near the mouth of San Simeon Creek. Last year, commissioners approved with conditions a previous testing plan for Santa Rosa Creek, but State Parks wouldn't allow the Corps to bring heavy machinery into the state natural preserve.

Richard Hawley, executive director of Greenspace — The Cambria Land Trust, said Monday that the district's strategy of partnering with the Corps and "placing all their water cards on a geotech project... has failed completely and for good reason. The site has too many overlays of protection, as many in the community have been telling the CCSD for three years. And the State of California agrees."

Hawley opined that "It is time to say good-bye to the Army Corps and hello to finding a water project that is affordable, energy efficient and has far fewer environmental constraints. This will take leadership that we have not had in the past."

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