



December 1, 2011

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

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 State Beach and Shamel County Park in Cambria, San Luis Obispo County. (TL-SF)

Dear Chair Shallenberger and Members of the California Coastal Commission:

Greenspace respectfully urges you to object to the consistency determination for this project submitted by the U.S. Army Corps of Engineers. Despite the seemingly insurmountable conditions the Coastal Commission staff has placed on this project, we believe the proposed activity is not "consistent to the maximum extent practicable" with applicable provisions of the California Coastal Management Program (CCMP) and Chapter 3 of the California Coastal Act for the following reasons:

The project area includes portions of Cambria State Marine Park, Hearst San Simeon State Park, Santa Rosa Creek Natural Preserve, Monterey Bay National Marine Sanctuary, California Sea Otter Refuge, and Shamel County Park. Each of these highly protected areas is governed by regulations that are designed to protect wildlife and habitat and enhance public recreation and enjoyment of the beach and related beach activities.

The project is inconsistent with recommendations and guidelines in the following plans:

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

The staff report states the "project will not provide adequate or meaningful information as currently proposed and the risk to the environment does not justify the implementation of the project" even though staff is recommending project as proposed is inconsistent. The project does not include the pump tests necessary to determine the effects of draw-down of fresh water



from the adjacent lagoon home to endangered species. Granting permission to the Army Corps of Engineers to conduct tests that have no objective or cannot produce any useful information places coastal resources at risk for no apparent reason, deteriorates and diminishes coastal and marine resources, imperils public access and erodes public respect for the Coastal Act.

The project is unsafe. The project area is located below mean high tide line in the wet sand. During the fall months, the Santa Rosa Creek beach is subject to high surf and high wave action which could result in drilling rigs, other equipment, and personnel being subjected to wave action. This poses both safety concerns to personnel, and environmental concerns to potential contaminants entering the water. Exposed borehole casings left in place and extending 6 feet above the surface for several days at a time impacts visual resources and poses public safety risks.

The site is fatally flawed for a desalination facility and related infrastructure due to its size, public use and sensitive species and risk of draw-down of the adjacent lagoon. This is a dynamic public beach with strong storm surges, wave run up and rogue waves. The site is not feasible for any desalination infrastructure due to environmental constraints and is inconsistent with Coastal Act and Local Coastal Policies. These obstacles cannot be overcome with any design changes or proposal modifications. The proposal risks harming sensitive species, causes needless industrialization of public beaches, and injects brine and effluent harmful discharges within a state marine park and national marine sanctuary. The project will cause loss of public coastal access and will interfere with public's right to access and use of the coastal beach.

The CCSD Desalination project is a large project that has been in process over the last two decades, for which a project level EIR has never been completed. It appears that the various activities performed over the last two decades to advance the desalination project have been segmented or piecemealed, and should have been evaluated in a single EIR. Because the proposed geo-technical and geophysical activities have no independent value and cannot stand alone without the full desalination plant development, the activities fail the independent utility test under NEPA which requires a full project level EIS be completed.

Relevant California Coastal Management Program policies include but are not limited to: Marine Resources, Water Quality, and Spill Prevention CCMP Section 30230; CCMP Section 30231; CCMP Section 30232; Environmentally Sensitive Habitat Areas (ESHA) CCMP Section 30240; Public Access, Recreation, and Visual Resources CCMP Section 30210; Section 30211; Section 30213; Section 30220; Section 30251. Public access will be diminished. County park and children's playground is the staging area for all drill rigs to pass through twice a day. Drilling site is a popular public beach that will be almost entirely utilized by the drilling and the 50 ft. cordoned off safety zone; and finally, Geologic Risk CCMP Section 30253: site is seismically active region and subject to extreme flood hazards during periods of intense or prolonged rain. In addition, Cambria State Marine Park Section 36710 and 36700(b) of the California Public Resources Code also applies.



If the Commission cannot object to this Federal Consistency application Greenspace urges you to maintain and enforce all conditions placed on this project by your staff. In addition to those conditions placed on the project by our staff, we request the following additional conditions be included:

1. Work should only take place from September 1, 2012 to November 1, 2012 in order to protect migrating species especially Steelhead. If entry is granted, request for extension of drilling time should be denied. Coastal Commission's previous approval limited the work period to September 1 to November 1, 2010 was based on the need to avoid potential effects to sensitive species (including the steelhead, tidewater goby, harbor seal, Western snowy plover, and California grunion), to avoid and minimize potential effects on nearby estuarine waters, to reduce potential effects on public access, and to minimize risks associated with storms and high surf conditions. Drilling activities and driving on the beach should be limited to September and October as specified by the Coastal Commission in 2010.
2. If work is allowed other than the times specified above, a survey of the lagoon for steelhead should be conducted. If Steelhead is present, then the project cannot move forward without approval from responsible agencies.

Thank you for your consideration.

Rick Hawley
Executive Director

Cc: Tom Luster, Coastal Commission staff
Charles Lester, Executive Director