

The Cambrian
Thursday, July 17

Suit seeks halt to desal test drilling

Suit says federal bypass of local, state review is inappropriate

By Bert Etling

Heavy equipment should not be allowed on a Cambria beach to drill wells until plans for the desalination-related testing go through the standard state environmental review process, according to a local lawsuit challenging the project.

LandWatch San Luis Obispo County's 41-page filing asks the court to order the Cambria Community Services District, San Luis Obispo County and the California Coastal Commission to go through the coastal development permit process in accordance with the county's Local Coastal Program and the California Environmental Quality Act.

The Army Corps of Engineers is managing plans for testing to determine whether the geology under the beach by Shamel Park and the mouth of Santa Rosa Creek will accommodate intake and discharge systems for a proposed desalination plant.

The district declared a water emergency in 2001 and put a moratorium on new water hookups until a supplemental water source comes online. In 2004, district directors decided desalination was the best option available. Since 2005, the district has been working on plans and permission to put test wells on beaches, initially at the mouth of San Simeon Creek. In December, an Army Corps representative presented a timeline that showed plant construction under way in 2012.

Because it's a federal agency, the Corps notified the Coastal Commission in December that it would proceed under federal environmental regulations for the testing project, a determination accepted by the commission, with some added conditions, at a May 13 meeting.

Among the conditions is a requirement that mechanized work on the beach take place only from Sept. 1 to Oct. 31, when there's less water in the creek and the number of birds, fish and human visitors is lower than at other times of the year.

The suit claims that the corps and the district "explicitly intended to evade public review and permitting to expedite the expenditure of federal funds that could be lost if not timely used," and that the commission has "no substantial evidence in the record" to support its finding that the testing is consistent with the Coastal Act.

The lawsuit filed July 6 represents only the opponents' side of the case.

"Ms. (Cynthia) Hawley (of LandWatch) is grabbing at straws with half-baked legal theories that have no merit," services district President Greg Sanders said Tuesday.

"As far as the CCSD is concerned, the Corps of Engineers followed the law. The Coastal Commission gave the geotechnical project a thorough going-over, held a public hearing. ... The process hardly avoided public review."

Hawley could not be reached for comment Tuesday, July 13.

The suit asks the court to issue an injunction to protect public safety and the environment.

Read more: <http://www.sanluisobispo.com/2010/07/15/1215542/suit-seeks-halt-to-desal-test.html#storylink=mirelated#ixzz14c8jAiSO>