

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



Click here to go  
to the staff report addendum  
posted on Wednesday, December 12.

# Th7a&b

Filed: September 19, 2007  
Staff: T. Luster-SF  
Staff Report: November 28, 2007  
Hearing Date: December 13, 2007

## **STAFF REPORT: REQUEST FOR RECONSIDERATION**

**LOCAL GOVERNMENT:** County of San Luis Obispo

**DECISION:** Approval with Conditions

**APPEAL NO.:** A-3-SLO-06-053

**APPLICATION FILE NO.:** E-07-001

**APPLICANT:** Cambria Community Services District

**PROJECT DESCRIPTION:** Temporary placement of monitoring wells and cables, use of vehicles and vessels, and other related development activities needed to conduct geotechnical and hydrogeologic tests for determining feasibility of a site for desalination wells.

**PROJECT LOCATION:** San Simeon State Beach, north of Cambria, San Luis Obispo County

**APPELLANTS:** Land Watch – San Luis County; Sierra Club – Santa Lucia Chapter; Commissioners Mary Shallenberger and Sara Wan

---

**EXHIBIT 1:** Request for Reconsideration from Cambria Community Services District, received September 19, 2007

**ATTACHMENT 1:** Correspondence received

---

## SUMMARY

On September 6, 2007, the Commission held a hearing on an appeal and coastal development permit application of the Cambria Community Services District's (CCSD) proposed geotechnical and hydrogeologic tests at San Simeon State Beach. The Commission denied the proposed development.

On September 19, 2007, the CCSD submitted a request that the Commission reconsider its decision to deny the proposed development. The Commission's regulations provide that at any time within thirty (30) days following a final vote to deny a coastal development permit, the applicant of record may request that the Commission reconsider the denial (14 CCR Section 13109.2(a)). In determining whether to grant reconsideration, the Commission must find, pursuant to Coastal Act Section 30627(3), that "...there is relevant new evidence which, in the exercise of due diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the initial decision."

Staff has reviewed the CCSD's request for reconsideration and has identified no relevant information that could not have been reasonably presented at the time of the hearing and has identified no errors of fact or law that have the potential of altering the Commission's decision. Staff therefore recommend the Commission **deny** the request for reconsideration.

### I. MOTION AND RESOLUTION

Because the Commission denied both a local coastal development permit pursuant to an appeal and a coastal development permit within its retained jurisdiction, two motions and resolutions are required.

#### **Motion**

*I move that the Commission grant reconsideration of Coastal Development Permit E-07-001.*

Staff recommends a **NO** vote on the motion. Failure to adopt the motion will result in denial of the request for reconsideration and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

#### **Resolution**

*The Commission hereby denies the request for reconsideration of the Commission's decision on coastal development permit E-07-001 on the grounds that there is no relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing, nor has an error of fact or law occurred which has the potential of altering the initial decision.*

## **Motion**

*I move that the Commission grant reconsideration of Appeal No. A-3-SLO-06-053.*

Staff recommends a **NO** vote on the motion. Failure to adopt the motion will result in denial of the request for reconsideration and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

## **Resolution**

*The Commission hereby denies the request for reconsideration of the Commission's decision on Appeal No. A-3-SLO-06-053 on the grounds that there is no relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing, nor has an error of fact or law occurred which has the potential of altering the initial decision.*

## **II. FINDINGS AND DECLARATIONS**

### **A. Project Description**

The CCSD had proposed through its coastal development permit applications to the County of San Luis Obispo and to the Commission to conduct several geotechnical and hydrogeologic tests to determine whether an area of San Simeon State Beach in San Luis Obispo County would be a suitable location for subsurface intake wells and discharge structures that may be used by a future proposed desalination facility. The project would have included the temporary placement of monitoring wells, the use of vehicles and vessels on and near the beach, partial use of a parking area used for public access to the shoreline, and other related development activities.

### **B. Basis for Requests For Reconsideration**

Coastal Act Section 30627 allows an applicant for a coastal development permit to request the Commission grant reconsideration of the Commission's denial of a permit application.<sup>1</sup> That

---

<sup>1</sup> Coastal Act Section 30627 states:

- (a) The commission shall, by regulation, provide procedures which the commission shall use in deciding whether to grant reconsideration of any of the following:
- 1) Any decision to deny an application for a coastal development permit.
  - 2) Any term or condition of a coastal development permit which has been granted.
- (b) The procedures required by subdivision (a) shall include at least the following provisions:
- 1) Only an applicant for a coastal development permit shall be eligible to request reconsideration.
  - 2) The request for reconsideration shall be made within 30 days of the decision on the application for a coastal development permit.
  - 3) The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the initial decision.
  - 4) The commission shall have the discretion to grant or deny requests for reconsideration.
- (c) A decision to deny a request for reconsideration is not subject to appeal.
- (d) This section shall not alter any right otherwise provided by this division to appeal an action ; provided, that a request for reconsideration shall be made only once for any one development application, and shall, for purposes of any time limits specified in Sections 30621 and 30622, be considered a new application.

section also requires that the basis of such a request be either that “there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the initial decision.” Pursuant to the Commission’s regulations at 14 CCR 13109.1 – 13109.6, the Commission must receive a request for reconsideration within thirty days of the Commission’s vote and the Executive Director must prepare a staff report with a recommendation to the Commission on the merits of the request. If the Commission grants reconsideration, a *de novo* hearing on the proposed project would be scheduled for a subsequent Commission meeting.

On September 6, 2007, the Commission voted to deny the proposed coastal development permits. On September 19, 2007, the CCSD filed a timely request for reconsideration of that decision.

### **C. Applicant’s Contentions and Commission Response**

The CCSD makes two contentions in its request for reconsideration:

Contention 1 – The CCSD contends that an error of fact was made because it did not present information about its proposed desalination facility, and as a result, some Commissioners’ incorrect impression of its proposal materially affected the Commission’s vote: The CCSD contends that some Commissioners had an incorrect impression of its plans because the CCSD did not show that the conceptual design and location of its desalination facility would not include permanent structures at the beach. Similarly, the CCSD also states that it did not present information that its conceptual design for a subsurface intake and discharge at the beach was based on recommendations from a 2003 Commission staff report. The CCSD contends that the incorrect impressions arising from this missing information materially affected the Commission’s vote. The CCSD states that it did not present its plans for a proposed full-scale facility at the hearing, but had it known “this was to be a material fact upon which the Commission would act we would have provided information regarding the current concepts for the proposed desalination project.”<sup>2</sup>

For several reasons, this contention does not raise an error of fact or of law. For example, some of the information the CCSD contends was not presented – i.e., the likely location of its proposed desalination facility – was presented at the hearing. Documents and testimony provided as part of the hearing show that the project being proposed consisted only of tests and associated activities needed to determine whether subsurface intakes and outfall could be sited at the beach. They also show that the CCSD was considering locating a future desalination facility not at the beach, but at a site some distance inland or at a site yet to be determined through an EIR alternatives analysis. For instance, the Commission staff report issued about three weeks before the September 6, 2007 hearing described the proposed project as consisting of several geotechnical tests to be conducted on San Simeon Beach. It further stated that these tests would help determine whether the beach would be suitable for subterranean intake and outfall wells that

---

<sup>2</sup> This CCSD contention about information it did not provide may alternatively be viewed as a request that the Commission reconsider its decision based on “relevant new evidence which, in the exercise of due diligence, could not have been presented at the hearing.” However, if viewed in this manner, the CCSD’s contention would not provide the necessary basis for Commission reconsideration since the contention is not that the CCSD has relevant new evidence to present, but only that it had information available that it chose not to present.

may be used by a desalination facility the CCSD may propose nearby. The staff report also noted that the certified LCP would have to be modified to allow any such intake or outfall structures at the beach.

Additionally, the Addendum to the staff report provided to the Commission and the public before the hearing further clarified the location of these potential project components. The Addendum stated that the CCSD was considering constructing a desalination facility “at a site several hundred yards inland” from the beach. It further clarified that “[a]ny future development associated with a potential subterranean intake or outfall structures at this location” – i.e., the beach where the tests would be conducted – would require a modification to the LCP and additional review and approval by the Commission. The Addendum also included a fact sheet provided by the CCSD in its *ex parte* communications to several Commissioners describing the currently proposed project as consisting only of geotechnical tests on the beach and stating that alternatives for any proposed desalination facility would be evaluated in a future Environmental Impact Statement. Further, when asked by the Commission about specific aspects of its future facility, the CCSD stated that it would be premature to address those questions.

Therefore, because the information presented at the hearing clearly shows that the proposed project before the Commission did not include a proposed a facility on the beach, there was no error of fact or law, and the Commission finds the CCSD’s contention does not meet the standard needed to allow reconsideration of the Commission’s decision.

Contention 2 – The CCSD contends that an error of law was made when Commission staff stated it believed a permanent facility could not be approved at this location: The CCSD contends that comments made by the Executive Director near the conclusion of the public hearing were an error of law. The Executive Director stated that “we don’t think that we could recommend approval of a permanent facility in this location,” and “we don’t think a permanent facility can be approved here consistent with the Coastal Act.”

These statements, however, constitute neither an error of law nor of fact. This contention is essentially a different version of the same issue the CCSD contends was at issue in the discussion above – that is, whether the proposed project includes a permanent facility at the beach. As noted above, the documents provided as part of the hearing clearly show that the project being reviewed would allow tests needed to determine whether subsurface intake and outfall structures could be built at the beach for a possible desalination facility that could be located several hundred yards inland or at a site yet to be determined. Additionally, the staff report noted that any permanent intake or outfall structure that may later be proposed at this location would require an amendment to the County LCP, as the LCP currently prohibits those types of structures at this location. The CCSD did not counter this finding and, in fact, modified its proposed test project so that the temporary structures associated with the test activities – i.e., the well casings – would be located outside the LCP jurisdiction so as not to conflict with this LCP provision.

Further, as shown in the partial hearing transcript included in the CCSD’s Request for Reconsideration (see Exhibit 1), the Executive Director’s comments were in response to public comments presented during the hearing about why staff was recommending approval of these tests in an area where the proposed facility could not be built. The comments, in fact, illustrate Commission staff’s belief that the Commission could approve the current proposed project

without considering implications of a potential future project. Finally, during Commissioner deliberations after the close of the public hearing and after the Executive Director's comments, several Commissioners noted that they recognized the project being reviewed did not include a permanent facility at this location.

Therefore, for the reasons above, the Commission finds that the CCSD's contention does not meet the standard needed to allow reconsideration of the Commission's decision.



September 19, 2007

California Coastal Commission  
Attn. Charles Lester  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

DIRECTORS:

Ilan Funke-Bilu  
*President*

Joan Cobin  
*Vice President*

Peter Chaldecott  
*Director*

Gregory Sanders  
*Director*

Donald Villeneuve  
*Director*

California Coastal Commission  
Attn. Tom Luster  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Subject: Request for reconsideration pursuant to, Public Resources Code §§ 30626, 30627, and Article 18, California Code of Regulations of:

OFFICERS:

Tammy Rudock  
*General Manager*

Arther R. Montandon  
*District Counsel*

Kathy Choate  
*District Clerk*

1. Appeal No. A-3-SLO-06-053 (Cambria Community Services District) by Land Watch, and Commissioners Shallenberger and Wan from decision of County of San Luis Obispo granting permit with conditions to Cambria Community Services District to allow geotechnical and hydrogeologic testing for a proposed desalination facility, at San Simeon State Beach, County of San Luis Obispo, and

2. Application E-07-001 (Cambria Community Services District) Application of Cambria Community Services District to allow geotechnical and hydrogeologic testing for proposed desalination facility, at San Simeon State Beach, County of San Luis Obispo, heard and decided in Eureka on September 6, 2007.

Honorable Commission and staff:

The Cambria Community Services District respectfully request that the above referenced Appeal and Application for a Coastal Development Permit be reconsidered in accord with Public Resources Code §§ 30626, 30627 and Article 18, California Code of Regulations. There was relevant material evidence that was not presented and there were errors of fact and law that could have altered the Commission's decisions.

The relevant material evidence not presented at the Commission's meeting are the CCSD's current plans for the location of the desalination plant. Since the permit for the desalination facility was not before the Commission we did not submit specific facts to the Commission or your staff regarding our current planning.

We believe some Commissioners had an incorrect impression of the CCSD's plans, which materially impacted their individual votes. If we knew this was to be a material fact upon which the Commission would act we would have provided information regarding the current concepts for the proposed desalination project to allow the Commission to make an informed decision.

The foremost fact not presented is that design concepts for the desalination project do not include any permanent structure or facility on San Simeon State beach or its bluffs. Any permanent access to ocean water will be an underground directionally bored access not involving construction activity on the beach or bluffs. (See attached illustration).

The second fact not presented is that the choice to develop concepts that require data collection at the mouth of San Simeon Creek was a response to the 2003 Coastal Commission report titled, "Seawater Desalination and the California Coastal Act" which encouraged subsurface intakes and suggested environmental mitigation measures.

Your report concluded on pages 4 and 5 that, "The most significant direct adverse environmental impact of seawater desalination is likely to be on marine organisms." The report concludes on pages 42-44 that surface desalination intake systems can cause a primary adverse effect by the impingement and entrainment of marine organisms. On page 43, line four, of the paragraph "**Subsurface intakes;**" your report states:

Properly designed subsurface intakes are likely to completely eliminate impingement and entrainment impacts. [Emphasis added]

In the mid 1990's the Coastal Commission permitted a submerged open intake for the CCSD's desalination plant. This permit has expired. Due to the information in your 2003 report the CCSD has abandoned the previously permitted direct intake and focused our design efforts, at a great cost in time and money, to the environmentally superior subterranean intake.

In addition, the CCSD is intending on using a subterranean seawater concentrate return if appropriate conditions can be found. As shown on the aforementioned illustration, this concept would introduce concentrated seawater into a subterranean brackish underflow for mixing prior to entering the marine environment. Our intent with this concept, in combination with a lower, more energy-efficient recovery rate, is to approximate the existing ocean salinity level.

To be feasible, a subterranean site must have certain geological conditions, such as a relatively deep alluvial deposit containing a permeable sand stratum. As recommended in an earlier 1993 alternative site study commissioned by the CCSD, the most favorable site for this condition is the San Simeon Creek State Beach area. This was further confirmed by surface, geophysical investigations conducted



in 1998. If San Simeon Creek proves feasible it would allow for the plant construction in the CCSD's sewer effluent field where it was previously approved.

Access to the mouth of Santa Rosa Creek would similarly require use of State Parks property and the construction of facilities and longer pipelines in surrounding wetlands and ESHA. To be less intrusive to the environment the CCSD applied for only one test site at the mouth San Simeon Creek, the most environmentally superior and feasible site.

In addition your 2003 report discusses "Growth-inducement" on pages 29 et seq. The mitigations measures suggested in your report, pages 32-33, have all been considered and implemented by the CCSD. Your report states to avoid or minimize impacts the following mitigation measures should be evaluated:

- ***Implement local or regional water conservation and reclamation measures to reduce the need for new water projects.***

Cambria is the model community for water conservation. No other coastal city uses less water per household than Cambria. The CCSD has also planned and is committed towards the use of non-potable recycled water for irrigation. Non-potable water is currently being trucked until future funding becomes available for supporting infrastructure.

- ***Link plant capacity to the planned level of development authorized by the certified Local Coastal Program for the area.***

The CCSD should also be the model for designing facilities to meet the development proposed in the LCP. The CCSD has worked in cooperation with the County and Coastal Commission staffs to develop and obtain approval of the LCP that contains growth levels that are the lowest ever considered. The desalination plant will be sized to only meet the needs of the development authorized by the LCP. In addition, the CCSD has developed a Buildout Reduction Program that, if made a permanent by a condition of approval of the desalination plant CDP, will forever limit the total buildout of Cambria to the level approved in the LCP.

- ***Siting plants near existing water distribution systems and energy sources.***

This proposed mitigation is exactly why the CCSD chose to examine the mouth of San Simeon Creek as a potential site for a directionally drilled subsurface intake. If this location is feasible the plant could be built at its previously permitted location in the CCSD's Sewer Effluent Percolation Area, (see attached map), outside of any environmentally significant area, out of the Highway 1 view corridor, and in close proximity to an existing PG&E substation. In addition, the CCSD has planned for the use of renewable energy to offset greenhouse gas concerns. The proposed site also allows the CCSD to connect into existing pipelines for better mixing with its

primary groundwater source, which further avoids potential disruption of wetlands or ESHAs. As stated above, accessing the mouth of Santa Rosa Creek and constructing facilities would disrupt and impact wetlands and ESHAs.

The lack of this information may have led to the mistake in law that was made at the Eureka hearing on September 6, 2007. After the hearing was closed, and the CCSD could no longer provide rebuttal, Executive Director Peter Douglas, based upon a misunderstanding of the planned location and operation of the CCSD's desalination plant, its pipelines, and wells, stated two times, that staff does not think that a permanent facility is approvable here under the Coastal Act. (See attached verbatim transcript.) Mr. Douglas even suggests that the directional drilling the CCSD plans for its permanent facility would be acceptable in his comments.

This statement, made without knowledge of the plans for the desalination plant, is legally incorrect. The CCSD is planning to size and site its project in accord with all of the direction given by the Coastal Commission by its 2003 report. Its subsurface access to ocean water will not violate the Coastal Act.

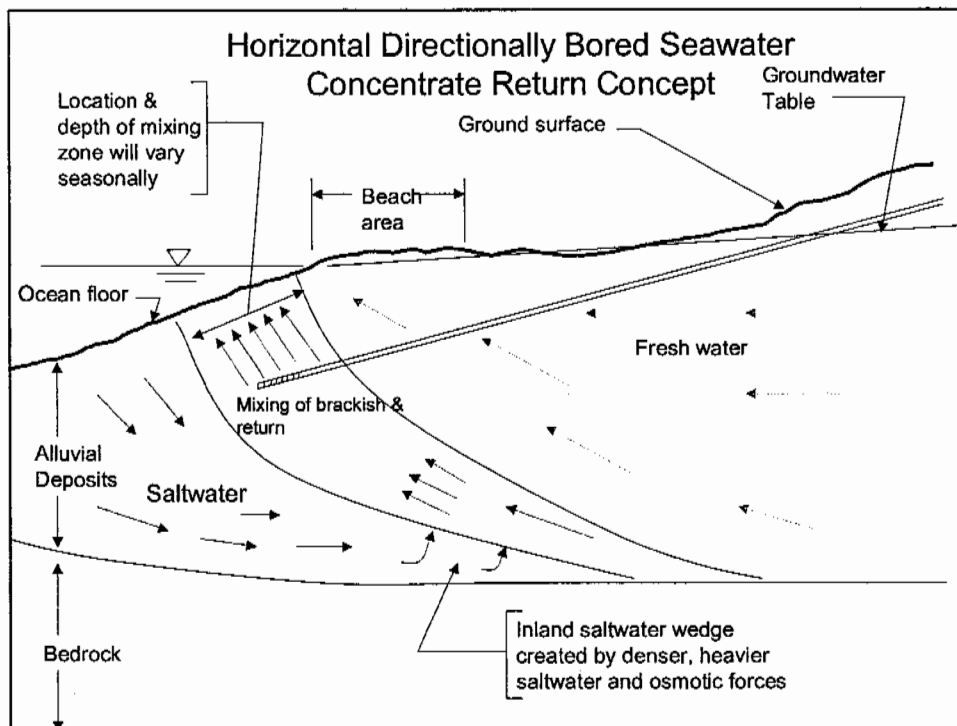
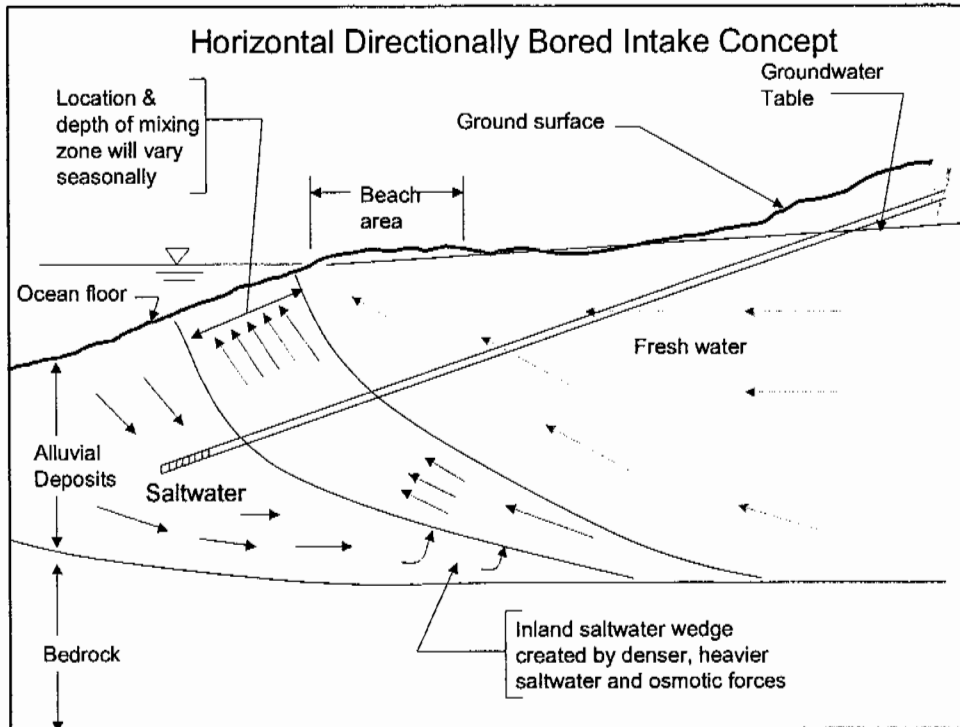
Based upon the material facts not previously considered and mistakes in law, set forth above, the CCSD respectfully requests reconsideration of the above-referred decisions. Your expeditious calendaring of this reconsideration is requested so, if approved, the project can be executed with the least impacts on the beach habitats.

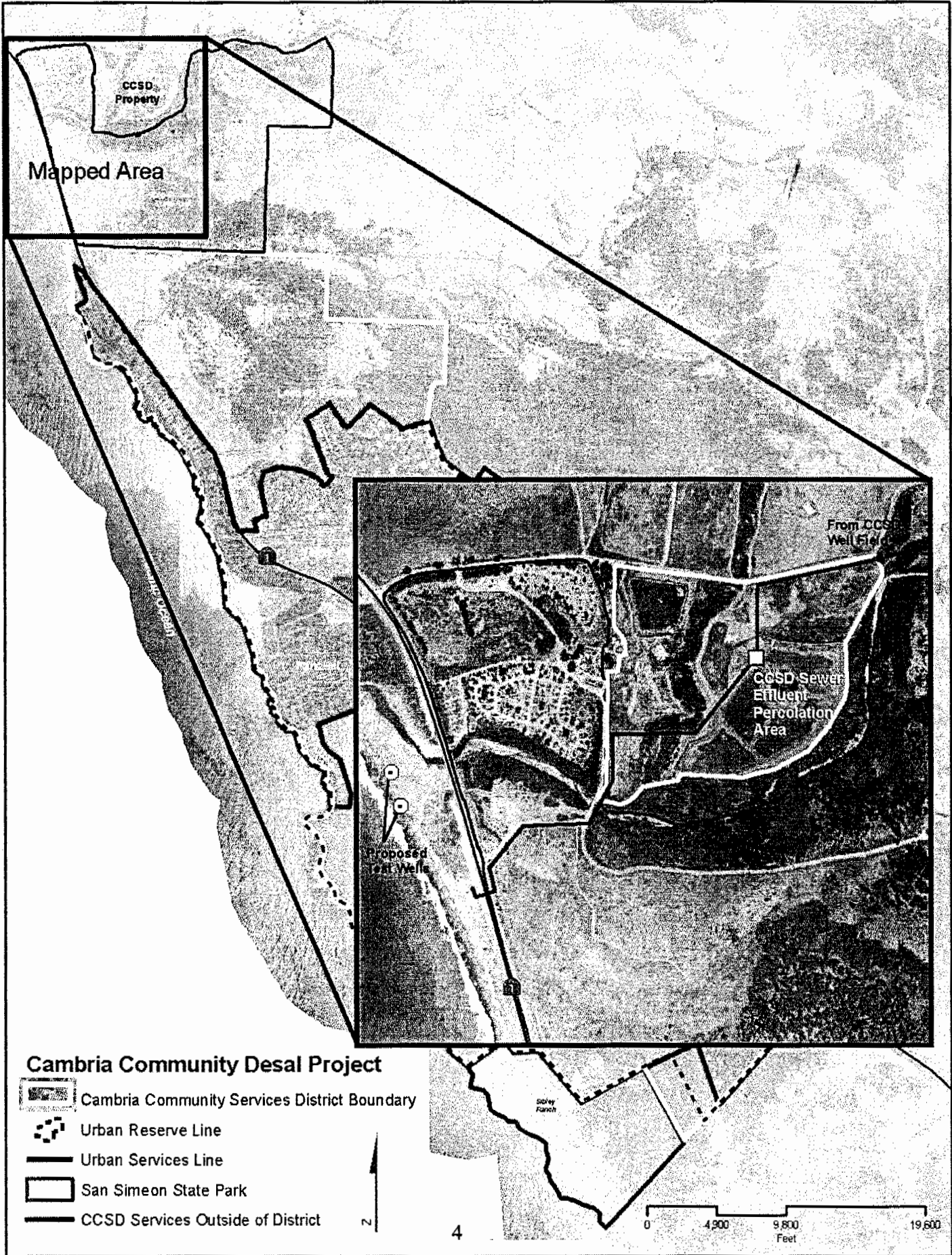
Sincerely yours,

A handwritten signature in black ink that reads "Tammy A Rudock". The signature is written in a cursive style with a large, stylized initial "T".

Tammy Rudock  
General Manager

Cc. Coastal Commissioners





CCSD Property

Mapped Area






From CCS Well Field

CCSD Sewer Effluent Percolation Area

Proposed Test Wells

Sibley Ranch

**Cambria Community Desal Project**

-  Cambria Community Services District Boundary
-  Urban Reserve Line
-  Urban Services Line
-  San Simeon State Park
-  CCSD Services Outside of District

0 4,900 9,800 19,600  
Feet

Verbatim notes of Peter M. Douglas concluding comments at California Coastal Commission meeting on 9/6/07.

CCC Video at 2:25.23

Peter M. Douglas says, "my concluding comments on this um several times before when we looked at this and when we've had discussions recently about this project the question was raised why are we recommending approval of a test facility in this location when we don't think that uh we could recommend approval of a permanent facility in this location. We've made it very clear time and again that we do not believe that this is an appropriate site for a permanent facility However its um we were told that the District needs to do this test well here to gather information about whether or not there is enough sub-surface water in this area that uh enables them to then add this information to their environmental documentation. Um they to me if they can't build the final facility here um why do a test well in this location is a question they have to answer. Um but from our perspective we want to make it clear that approving or recommending approval of this test facility does not imply and in fact we don't think a permanent facility can be approved here consistent with the Coastal Act. Um they may who knows they may come back at some point in the future and recommend directional drilling from inland somewhere to an area out under the beach um but that's in the future and we don't know uh what that's going to look like but certainly to leave no doubt here from our prospective we want to make sure that if you do approve this, uh this in no way implies any approval of a permanent facility and on the contrary from staffs perspective we don't think uh a permanent facility is approvable under the Coastal Act here

# **ATTACHMENT 1**

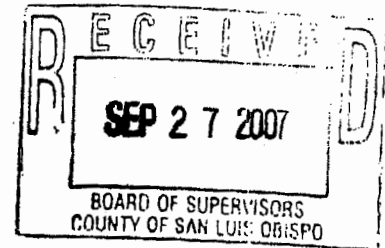
**Th 7a & 7b**

**A-3-SLO-06-053 / E-07-001**

- **CORRESPONDENCE**

**RECEIVED**

OCT 02 2007

CALIFORNIA  
COASTAL COMMISSION**Commissioner Achadjian:**

As reported, the Cambria Community Services District desalination test well request was denied approval with a six to six vote. Furthermore, it was reported that some commission members may have been misinformed in that the wells were merely for test purposes and that there was no intention to construct the plant on state park property. It defies belief that in the approximately seven months between the Coastal Commission's stoppage of the test well construction by the and the approval hearing, there was not complete understanding of CCSD plans and intentions. Which leads to one of two conclusions: either the CCSD failed in making all points clear, or that certain commissioners failed to understand those points. Either conclusion points to public official negligence that baffles powerless constituents such as me, a Cambria property owner in building limbo, or the long suffering residents who face severe rationing and extreme fire danger nearly every year due to an inadequate water supply. If the misunderstandings did indeed occur, fairness demands that the Coastal Commission grant another hearing and vote.

I agree with the commission's demands that the test wells should be constructed with reduced environmental impact from what was originally planned. Perhaps CCSD first attempts were designed to be the most cost effective, but politically risky. Perhaps it does take what seems to be an inordinate amount of time for the Coastal Commission to schedule a ruling hearing. However, watching all this government agency maneuvering leaves the rest of us scratching our collective heads and wondering how public works projects ever get accomplished.

Commissioner Achadjian, please push for another hearing. A drought-proof water supply is of great importance to the community and to my wife and me, in our eighth year of waiting since buying our property, and our twenty fourth year since we first saw Cambria and knew that was where we wanted to finally call home.

Thank you,

Richard Ferranti  
5805 Encino Drive  
Atascadero, CA 93422  
Email: [richard.ferranti@sbcglobal.net](mailto:richard.ferranti@sbcglobal.net)

**Tom Luster**

---

**From:** Santa Lucia Chapter of the Sierra Club [sierraclub8@gmail.com]  
**Sent:** Friday, September 28, 2007 4:17 PM  
**To:** Tom Luster  
**Cc:** pdouglas@coastsl.ca.gov  
**Subject:** Concerning request for reconsideration by CCSD

September 28, 2007

Tom Luster  
California Coastal Commission  
45 Fremont St., Suite 2000  
San Francisco, CA 94105  
(415) 904-5248

Dear Mr. Luster,

We note the Cambria Community Service District's request for a reconsideration of the permit for its proposed desalination data-gathering project, denied by the Commission at your September 6 meeting.

Coastal Act Section 30627 states, inter alia, "The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commission's initial decision." The Cambria CSD and its representatives, throughout the course of the County permit process and in two full hearings before the Coastal Commission, and in correspondence, conversations and personal meetings with Commissioners and staff prior to each hearing -- leading to the observation of your Executive Director at the September 6 meeting that "we've made it very clear, time and again, that we do not believe this is an appropriate site for a permanent facility" -- did not choose to include information on the full desalination project, and now wishes to do so in a new hearing. This does not meet the standard in the Coastal Act for "new evidence which, in the exercise of reasonable diligence, could not have been presented" previously.

Contrary to the CCSD's surmise, it is clear from the transcript of the September 6 hearing that no Commissioner who spoke to the subject of the location of the permanent facility and who subsequently voted to uphold our appeal of the CCSD's permit believed that CCSD planned to build a permanent desalination facility directly on San Simeon State Beach. Commissioner Blank's direct questioning of the District's engineer on the point the District wishes the Commission to now reconsider, and the Commissioner's conclusion -- "I think this is a precursor to a larger plant in this area. Its proximity to a state park just leaves me feeling uncomfortable" -- was clear. There is no indication in the record of an error of fact or law.

The CCSD made a strategic decision not to disclose information that was in their possession at the time they applied for their permit, thereby avoiding the requirement for a full Environmental Impact Report on the entire project. That strategy having failed, they are now making a strategic decision to disclose that information.

Granting the CCSD's request would set a terrible precedent for every project proponent whose development permit is denied by the Commission and who wants to try for a second bite at the apple.

9/28/2007



We urge the Commission to deny the request for reconsideration.

Sincerely,

Andrew Christie, Chapter Director  
Santa Lucia Chapter of the Sierra Club  
P.O. Box 15755  
San Luis Obispo, CA 93406  
(805) 543-8717

September 27, 2007

45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

**RECEIVED**

OCT 9 2007

CALIFORNIA  
COASTAL COMMISSION

Dear California Coastal Commission Staff;

We want to take this moment to voice our support for rehearing the Cambria Desal Test Well decision of September 6, 2007. It seems that some Commissioners may not have completely understood that the CCSD only wishes to test the sea water withdrawal capacity by temporary placement of wells under the sand on the beach near the mouth of San Simeon Creek. They do not plan to locate any permanent structure on the beach.

Going forward, I also respectfully ask that you consider both the positives and negatives of a Desalination facility in Cambria. There is always a balance between human need and respectful stewardship of our fragile environment.

Planning by the CCSD represents this balance. Sub-sea uptake and discharge, part of the CCSD plan, while technically more challenging, eliminates the threat of marine larvae being pulled into seawater uptake. The ring fence placed around Cambria (no water may be provided to areas outside of Cambria) and the Cambria Build Out Reduction Plan mitigates community growth considerations.

There is at least one positive aspect of a Desal facility. Currently, water is pulled from the San Simeon Creek and Santa Rosa Creek aquifers; capturing the same water that would have otherwise flowed into these creeks. Reduced water in the creeks stresses native flora and fauna. Migratory species (like steelhead) may find their historical migration routes impassable due to lack of water flow. The Desal option would provide a mechanism to allow water flow into the Ocean, as it did for eons before the arrival of modern man. Restoring an Earth system, once compromised by man, would be an accomplishment for which we can all be proud.

Regards,



Bill & Noel Currin

C/O Oxy  
PO Box 27759  
Houston, Tx 77227

Cc: Staff- HEADQUARTERS OFFICE  
Staff- Central Coast District Office

9-30-07

California Coastal Commission

Attn: Tom Luster

45 Fremont St, Suite 2000

San Francisco, CA 94105-2219

RECEIVED

OCT 09 2007

CALIFORNIA  
COASTAL COMMISSION

Subject: Request for reconsideration pursuant to, Public Resources Code 30626, 30627, and Article 18, California Code of Regulations of Appeal No. A-3-SLO-06-053 and Application E-07-001

Dear Mr. Luster:

I respectfully request a re-hearing regarding Cambria Community Services District application to allow geotechnical and hydro-logic testing for a proposed desalination facility. There were clearly errors of fact and law that could have altered the Commission's decision as clearly evident by comments of Peter Douglas, who did not understand CCSD's intent of directional drilling, with no onsite plant or structures.

As a home owner in Cambria I can tell you this project is critical to the community. We are doing all we can to conserve water but it is not enough. We desperately need an additional water source and are designing the plant to be most environmentally friendly.

Please grant the re-hearing and allow all facts to be heard. Thank you. ~~RS Keck~~

From Ronald S. Keck  
2571 Wilcombe Rd  
Cambria, CA 93428