

F12c

ADDENDUM TO COMMISSION PACKET FOR ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY

For Friday, December 9, 2011

Item No. F12c

CD-047-11

U.S. Army Corps of Engineers

- Staff Report Modifications
- Correspondence

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December 8, 2011

TO: Coastal Commissioners and Interested Parties

FROM: Alison J. Dettmer, Deputy Director / Tom Luster, Staff Environmental Scientist – Energy, Ocean Resources, and Federal Consistency Division

SUBJECT: **ADDENDUM** to Staff Report for CD-047-11: U.S. Army Corps of Engineers – Geotechnical and Geophysical Studies in Cambria.

This addendum provides revisions to the above-referenced staff report and correspondence received regarding the proposed project. The revisions and comments received do not change staff's recommendation that the Commission **conditionally concur** with the consistency determination. The proposed revisions are provided below, followed by approximately two dozen letters.

REVISIONS TO STAFF REPORT

Staff's recommended revisions are shown below in ~~striketrough~~ and **bold underline** text, with several accompanied by explanatory text. Revisions to staff's recommended conditions are provided first, followed by revisions to other sections of the staff report.

REVISIONS TO STAFF'S RECOMMENDED CONDITIONS

The Corps requested a number of changes to the recommended conditions on pages 17-21 of the staff report. Staff's proposed modifications are shown below in ~~striketrough~~/**bold underline** text. Several of the proposed changes are accompanied by explanatory text, and those with which the Corps has not yet concurred are noted.

Proposed changes applying to more than one condition:

- **Corps' request to delete Executive Director "approval" and "concurrence":**
Conditions 2, 5, 6, and 13 in the staff report included a provision that the Corps was to provide various submittals for "Executive Director review and approval" or "Executive Director review and concurrence". Pursuant to the Corps' request, and as shown below, staff has deleted "approval" or "concurrence", and those conditions now include the following sentence:

"The Corps will carefully consider all comments resulting from the Executive Director's review and will make all reasonable efforts to ensure that the concerns expressed are resolved prior to conducting the relevant activities."

For some of these conditions, staff recommends adding language that specifies the information or standards the Corps is to incorporate into its submittals for Executive Director review. For example, **Condition 2** initially stated that a “qualified biologist” is to provide environmental training to project personnel; it now specifies that the “qualified biologist” is to have at least a Master’s of Science degree in biological sciences and at least five years experience in field work related to sensitive species protection.

- **Corps’ request to delete conditions:** The Corps requested staff delete Conditions 7, 8, 9, 10, 11, and 12 and instead accept additional information about specific provisions of the project addressed by those conditions that would be included as part of the Corps’ project description. As shown below, staff added the new information to the staff report’s project description and findings and recommends deleting these conditions.

Proposed Revisions to Condition 2 – Environmental Training and Monitoring:

“Prior to starting on-site project activities, the Corps shall submit, for Executive Director review and approval, documentation of the environmental training to be provided to all onsite project personnel. The Corps will carefully consider all comments resulting from the Executive Director’s review and will make all reasonable efforts to ensure that the concerns expressed are resolved prior to conducting the relevant activities.

Training shall be provided by one or more qualified biologists that have a Masters of Science degree in biological sciences, at least five years experience in field work related to sensitive species protection, or equivalent education and experience acceptable to the Executive Director and the Corps. The documentation submitted shall include a description of the relevant education, training, and experience of the biologist(s).

The documentation shall describe conditions contained in all project-related permits and approvals, the project’s environmental requirements and constraints, shall identify sensitive species known to occur or potentially occurring at the site, and shall describe all measures that will be implemented to avoid and minimize impacts to those species. ~~Training shall be provided by a qualified biologist.~~ The Corps shall also keep records showing which personnel have received the training and shall make those records available upon the Executive Director’s request.

Before starting daily activities at the project site, the Corps shall conduct ~~mandatory~~ meetings for all onsite project personnel to cover any ~~additional~~ **changed** site constraints or characteristics that could affect the day’s activities and result in adverse environmental effects.”

Proposed Revisions to Condition 4 – Beach Conditions and Project Activities:

“Mechanized project activities on the beach, including use of vehicles, roto-sonic drilling rigs, cone penetrometer rigs, and motorized hand-held equipment shall be consistent with all of the following:

a) **Beach slope:** *Prior to starting each day’s activities*, the Corps shall conduct a survey to determine the slope of beach areas to be used by project equipment and vehicles, including areas of the beach to be used for access to and from survey and test sites. The Corps shall not place or **transport drilling equipment or vehicles on any areas of the beach that are greater than 26% slope and shall not** operate equipment or vehicles on the beach when any of those **on** beach areas are at **of** greater than ~~12~~**13**% slope. During activities on the beach, the Corps shall continually monitor the beach slope, and if the beach slope, **If any area of the beach needed to transport drilling equipment to or from the Shamel Park access ramp increases to greater than 26%, or if any area of the beach used to operate drilling equipment increases to greater than 13% slope** increases to greater than ~~12%~~ slope (e.g., due to wave action, breakthrough of the creek, etc.), the Corps shall remove equipment and vehicles immediately or as soon as it is safe to do so. The beach slope shall not be altered by grading or digging unless it is necessary to safely remove equipment or vehicles from the beach.

b) **Beach width:** Project equipment shall be on the beach only when there is a continuous stretch of ~~dry~~**exposed** sand at least ~~150~~**125** feet wide to provide a ~~100~~feet safety zone around equipment and at least 50 feet for lateral public access. **The safety zone shall include at least 25 feet between project equipment and the line of high surf (i.e., the line of wetted sand caused by immediate wave runoff) and at least 50 feet landward of the project equipment.** The beach width provided for **the landward safety zone and** lateral public access may be above the MHTL.

In addition, the Corps shall place or operate equipment and vehicles on the beach only when all areas of the beach to be used for project activities, including access to and from survey and test sites, provide a width of at least ~~50~~**25** feet between the surveyed MHTL and the line of high surf (i.e., wetted sand caused by immediate wave runoff). During activities on the beach, the Corps shall continually monitor this beach width, and if the width decreases to less than ~~50~~**25** feet, the Corps shall remove equipment and vehicles immediately or as soon as it is safe to do so.

c) **Weather and, surf, and streamflow conditions:** The Corps shall monitor local weather and surf forecasts **and streamflow data** and shall not schedule project activities during a National Weather Service “high surf advisory”, ~~or~~ during periods of predicted rainfall **of greater than 0.5 inches in a 24-hour period, or when streamflows at the San Luis Obispo County Stream Sensor 716 (at Cambria’s Main Street and Santa Rosa Creek Road) are at or above 1800 cubic feet per second.**

- d) **Beach locations for cone penetrometer (CPT) and roto sonic sampling:** After completion of the MHTL survey required by Condition 21 above, the Corps shall identify fixed GPS coordinates for CPT and roto sonic sampling that are at least 50 feet outside wetted portions of the Santa Rosa Creek channel that cross the beach as identified in the MHTL survey. **Prior to starting CPT and roto sonic sampling, the Corps shall provide for Executive Director review a map showing these coordinates and showing the surveyed location of the creek channel. The Corps will carefully consider all comments resulting from the Executive Director's review and will make all reasonable efforts to ensure that the concerns expressed are resolved prior to conducting the relevant activities.**
- e) **Beach vegetation:** Project activities shall not occur on vegetated areas of the beach.
- f) ~~**Beach protection:** The Corps shall place fiberglass mats under the cone penetrometer rig and roto sonic drill rig during movement of the rigs along the beach and during survey and testing activities."~~

Proposed Revisions to Condition 5 – Water and Sediment Quality Sampling, Testing, and Reporting:

"Prior to starting project activities, the Corps shall submit for Executive Director review and concurrence a proposed Water Quality and Sediment Sampling and Analysis Plan that describes collection, sampling, and testing protocols that will be implemented to identify potential contaminants. **The Corps will carefully consider all comments resulting from the Executive Director's review and will make all reasonable efforts to ensure that the concerns expressed are resolved prior to conducting the relevant activities.**

In addition to the proposed sampling and testing described in the CD, the Plan shall include sediment sampling and testing for mercury and methylmercury and shall identify protocols that will be used to detect those contaminants in water and sediment samples at concentrations at or below allowable discharge limits (e.g., 0.012 parts per billion for mercury, pursuant to the NPDES Low Threat Water Quality Criterion). The Plan shall also describe chain of custody protocol the Corps will implement to ensure sampling and testing is consistent with the U.S. EPA protocols ~~referenced in the CD~~. Upon receipt of the test results, the Corps shall provide a copy to the Executive Director.

Water quality sampling and testing shall include the following:

- **EPA Method 1631E for total mercury**
- **EPA Method 1630 for methylmercury**
- **EPA Method 200.7 for dissolved metals**
- **pH, temperature, and conductivity**

Sediment quality sampling and testing shall include at least one composite sample of sediments collected from each borehole to be tested using the following:

- **EPA Method 1631 (Appendix A1) for mercury**
- **EPA Method 245.5 for methylmercury"**

Proposed Revisions to Condition 6 – Spill Prevention and Response Plan:

Note: The Corps requested deletion of Condition 6.a below because the project will not store hazardous materials. The Corps also requested that Condition 6.c's reference to the Safety Manual Section 18.G be deleted, as that section of the Safety Manual applies only to construction and industrial projects. The Corps has not yet concurred with the recommended addition in Condition 6.b below of required equipment retrieval methods.

*“Prior to starting on-site project activities, and in addition to the Spill Prevention and Response Plan provided with the CD, the Corps shall submit for Executive Director review and concurrence modifications to that Plan. **The Corps will carefully consider all comments resulting from the Executive Director's review and will make all reasonable efforts to ensure that the concerns expressed are resolved prior to conducting the relevant activities.** The modified Plan shall include the following:*

- a) ~~**Hazardous material inventory:** Consistent with the requirements of Section 01.A of the Corps' September 15, 2008 Safety and Health Requirements Manual No. 385-1-1 (herein referred to as the Safety Manual), the Plan shall include an inventory of the hazardous materials to be used during the project, including their proposed use, the approximate quantities of each, and a site map showing the locations where they will be stored and used. The Plan shall also identify all specific handling, storage, and safety management methods to be used for these materials (pursuant to the requirements of the Safety Manual's Sections 06.B.01—06.B.04—Hazardous or Toxic Agents).~~*
- b) **Spill avoidance and minimization:** The Plan shall identify measures needed to avoid and minimize potential hazards identified in all Activity Hazards Analyses (AHAs) produced for the project (pursuant to the Safety Manual's Section 01.A). The Plan shall include copies of all project AHAs, which shall include analyses for potential mercury and methylmercury hazards that may be present at the project site. The Plan shall also include the hazard evaluations required pursuant to the Safety Manual's Sections 06.A.02 (Hazard Evaluation) and 18.H (Drilling Equipment). The Plan shall also describe equipment retrieval methods that will be implemented if project equipment becomes stuck or stranded on the beach. **Equipment retrieval methods shall be adequate to remove equipment weighing up to 20 tons over a distance of up to 1000 feet of beach within one hour. For those equipment retrieval methods, the Plan shall include documentation from the land-owning and land-managing agencies (i.e., State Parks, State Lands Commission, San Luis Obispo County, and Monterey Bay National Marine Sanctuary) showing their concurrence with the selected methods.***
- c) **Inspections:** The Plan shall identify the pre-project and daily inspection measures that will be used to help ensure safe operation of, and prevent spills from, the machinery and mechanized equipment to be used during the project. The measures shall be consistent with those required pursuant to the Safety Manual's Sections ~~18.G (Machinery and Mechanized Equipment)~~ and 18.H (Drilling Equipment). Upon request, the Corps shall provide all records of inspection, maintenance, or repairs to the Executive Director.*

- d) **Contact information:** The Plan shall identify and provide contact information for the Corps' selected Site Safety and Health Officer (SSHO) and shall document the SSHO's credentials (pursuant to the Safety Manual's Section 01.A.17 – Site Safety and Health Officer).

The Corps will carefully consider all comments resulting from the Executive Director's review and will make all reasonable efforts to ensure that the concerns expressed are resolved prior to conducting the relevant activities.

Proposed Deletion of Condition 7 – Lighting:

~~“Prior to starting on-site project activities, the Corps shall provide a Night Operations Lighting Plan that describes lighting methods to be used for any project activities that may occur at night—i.e., the geophysical survey and the security/safety measures associated with rotosonic drill casings that may remain in place overnight. The Plan shall incorporate measures to minimize the effects of project lighting on coastal biological resources and on public access, and shall conform to the requirements of the Safety Manual's Sections 07.A and 11.E.06.”~~

Proposed Deletion of Condition 8 – Public Access and Safety Fencing:

~~“Prior to starting on-site project activities, the Corps shall identify the type and location of safety fencing, warning signs, and other material to be used to demarcate the exclusion zone around project activities pursuant to the Safety Manual's Section 04.A.04. All materials used shall meet the minimum requirements of that section. If the GDA determines fencing is not required, the Corps shall provide the risk assessment associated with that determination pursuant to the Safety Manual's Section 04.A.04.d. Development proposed that is in addition to that described in the CD may require submittal by the Corps of an additional CD for Commission review.”~~

Proposed Deletion of Condition 9 – Project-related Noise:

~~“Prior to starting project activities, the Corps shall provide for Executive Director review and concurrence documentation of sound attenuation measures to ensure noise generated during project activities does not exceed 75 decibels at 50 feet distance from those activities. The documentation shall describe the measures to be used and the effectiveness of those measures in maintaining noise levels at or below 75 decibels at 50 feet.”~~

Proposed Deletion of Condition 10 – Public Access and Required Safety Measures:

~~“Prior to starting on-site project activities, the Corps shall provide for Executive Director review and approval documentation describing all measures that will be implemented pursuant to the visitor safety requirements of the Safety Manual's Section 01.B.04 (Visitors and Authorized Entrants).”~~

~~The document shall include a copy of the briefing required to be provided to all project site visitors and shall describe how the Corps will provide the required visitor escort and will ensure all visitors have the Personal Protective Equipment required by this section of the Safety Manual.~~

~~Upon the request of the Executive Director, the Corps shall provide a copy of the visitor sign in/out logs required pursuant to the Safety Manual's Section 01.B.04. Those logs shall identify whether the visitors received the safety briefing."~~

Proposed Deletion of Condition 11 – Public Access and Traffic Control:

~~"**Prior to starting on-site project activities**, the Corps shall submit for Executive Director review and concurrence a Traffic Control Plan that is consistent with the requirements of the Safety Manual's Section 08.C. The Plan shall fully describe all anticipated road closures or restrictions and shall include proof of any approvals needed from local authorities for such closures or restrictions. The Plan shall also describe all measures proposed to maintain public access safety, including signage, barricades, and traffic control personnel to be used during project activities. Development proposed in this Plan that is in addition to that described in the CD may require submittal by the Corps of an additional CD for Commission review."~~

Proposed Deletion of Condition 12 – Public Access and Access Routes:

~~"**Prior to starting on-site project activities**, the Corps shall submit for Executive Director review and concurrence an Access/Haul Road Plan that is consistent with the requirements of the Safety Manual's Section 04.B. The Plan shall include the required descriptions of relevant access elements in the Safety Manual's Sections 04.B.01-15 (road layout and widths, maximum grades, drainage features, adjacent hazards, etc.). Any changes or improvements to the accessway that may be required due to Safety Manual provisions but are not described in the current CD may require the Corps to submit an additional CD for Commission review."~~

Proposed Revisions to Condition 13 – Posting Requirements:

"At least 72 hours before planned project activities on the beach or within Shamel Park, the Corps shall conspicuously post a notice at the Park describing the type, location, and duration of the planned activities. The notice shall also include the Corps' contact information for members of the public that would like additional information. ***Prior to starting project activities***, the Corps shall submit for Executive Director review and concurrence the proposed notice. **The Corps will carefully consider all comments resulting from the Executive Director's review and will make all reasonable efforts to ensure that the concerns expressed are resolved prior to conducting the relevant activities.**"

REVISIONS TO OTHER SECTIONS OF STAFF REPORT

SECTION 1.C – PROPOSED PROJECT ACTIVITIES

Page 6, first paragraph, fourth sentence:

“Project activities would be conducted in conformity with applicable provisions of the Corps’s 2008 Safety and Health Requirements Manual #EM 355-1-1 (Safety Manual).”

Page 6, second paragraph, last sentence:

“It would establish a 100-foot safety zone (~~50~~ of at least 25 feet on each side) around all project equipment.”

Page 6, fourth paragraph:

“**Surveying the Mean High Tide Line:** The Corps proposes to start each day of project activities on the beach by surveying the location of the MHTL and marking its location by placing stakes on the beach that will be removed at the end of each day’s activities. The Corps proposes to conduct all geotechnical work seaward from the MHTL on areas of exposed beach during low tides and low surf conditions. As described in Section 1.D of these Findings, the MHTL serves as a jurisdictional boundary for the above-referenced agencies, and several of the Corp’s proposed activities may be allowed or prohibited based on whether they are proposed to occur above or below the MHTL.”

Page 6, footnote 6:

“The Corps has not yet obtained all necessary permits or landowner approvals to work in these areas. ~~Condition 1 requires the Corps to submit documentation that it has obtained the necessary approvals from these entities and from the State Lands Commission.~~”

Page 7, third line of first partial paragraph:

“Condition ~~2~~1 requires that the Corps, prior to starting project activities on the beach, provide documentation to the Executive Director showing that it has completed an MHTL survey...”

Page 8, first paragraph:

“The Corps proposes to conduct up to seven CPT tests, at a rate of one or two per day, over a period of ~~two to three~~ up to four days. It expects the four to six roto sonic test holes to take a total of one to four days each, for a total of four to twenty-four work days. The CD proposes that this total of up to ~~27~~28 work days take place between November 2011 and February 2012 and between September and November of 2012.”

Page 8, second paragraph:

“The Corps proposes to conduct these geotechnical investigations on the beach only during low and minus tides. **The Corps states that the CPT and roto sonic rigs can be driven on slopes of up to 26% and can conduct sampling on slopes of up to 13%. It notes that the rigs, being tracked vehicles, exert a relatively low ground pressure of about 5 to 7 pounds per square inch on the beach, which is similar to that of a standing human.** The CD estimates that the long-term average beach slope of 6%...”

Page 8, “Groundwater sampling and testing” section:

“**Groundwater and sediment sampling and testing:** The Corps proposes to collect water quality samples during the CPT sampling. **It will collect four grab samples from four separate CPT boreholes** and will test for the following:

- pH, temperature, and conductivity
- mercury (using EPA Method ~~245.1~~**1631E**)
- methylmercury (using EPA Method 1630)
- dissolved metals (using EPA Method 200.7). These will include tests for twenty-three metals at four locations (two samples from paleochannel C and one each from paleochannel A and B), and tests for iron and manganese at the remaining locations.

The Corps has also agreed to conduct sediment quality sampling and testing. It will test at least one composite sediment sample collected from each borehole using the following:

- **EPA Method 1631 (Appendix A1) for mercury**
- **EPA Method 245.5 for methylmercury**”

SECTION 1.D – SITE CHARACTERISTICS

Page 10, add text and footnote (FN) to end of first full paragraph:

“The creek mouth and estuary are generally closed to the ocean during those parts of the year with low rainfall and calm surf; however, they can open to the sea during any time of year due to storms, changes in wave direction or energy, or other factors. **Sandbar breaching is due primarily to high streamflows, though it is also influenced by periods of high wave energy.**^{FN} **About half the average annual Santa Rosa Creek flow is discharged during January and February.**”

“Footnote: From page 89 of Santa Rosa Creek Watershed Geomorphology Assessment, San Luis Obispo County, CA – Final Technical Report, May 2010.”

Page 11, add to end of Footnote 11:

“Note: The Monterey Bay National Marine Sanctuary describes its jurisdictional boundary as “Mean High Water”, which represents the same elevation as the Mean High Tide Line.”

SECTION 1.E – ADEQUACY OF PROPOSED ACTIVITIES FOR DETERMINING SITE FEASIBILITY

Page 15, second paragraph:

“As part of determining the site’s feasibility as a water supply source, the Corps will need to conduct additional site characterization to determine mercury and methylmercury concentrations beneath the site and will need to identify exposure and risk factors for possible releases to the environment and to drinking water. **The Corps has proposed to conduct testing for dissolved metals, including mercury, but the proposed method (EPA Method 200.7) is for water samples only and is not sensitive enough to detect all environmentally harmful concentrations of mercury. The Corps will also conduct some sediment sampling for mercury and methylmercury, but not enough to characterize the potential for future water supply activities to release those contaminants into the environment.** While the Commission’s conditional concurrence for this current CD includes some of the needed contaminant sampling and testing, it appears that the Corps will not be able to conduct the pump test necessary to identify possible mobilization of contaminants that may be present.”

SECTION 5.A – MARINE RESOURCES, WATER QUALITY, AND SPILL PREVENTION

Page 25, last paragraph:

“The current CD proposes that the Corps conduct tests and surveys on the beach between November 2011 – February 2012, and between September – November 2012, which would avoid critical times for most of the sensitive species, but would include the steelhead run and the period of peak winter storms. **As noted above in Section 1.D, work would occur in January and February, a period during which about half of the creek’s total annual discharge typically occurs and when the creek is likely to break through the beach to the ocean.** The Corps proposes to have its heavy equipment operate almost entirely below the MHTL, due to the prohibition on motor vehicles in the Natural Preserve above the MHTL. However, this increases the risk that those activities would cause adverse water quality or biological effects due to their increased proximity to the water and location on a less stable beach surface. It also puts the activities within the jurisdiction of the federal marine sanctuary, state marine park, and designated essential fish habitat under three separate fishery management plans. Two of the Corps’ proposed drilling locations would result in heavy drill rigs operating within the portion of the Santa Rosa Creek channel that crosses the beach.”

Page 27, last line of first partial paragraph:

“This proposed beach width would also be inconsistent with another of the project elements proposed by the Corps, that of establishing a ~~50-foot~~ safety zone **of at least 25 feet** around each side of the equipment operating on the beach.”

Page 27, first full paragraph:

“To provide additional risk reduction, **Condition 4** acknowledges that equipment may ~~operate~~ **conduct drilling and sampling** up to the maximum ~~12~~**13%** slope ~~allowed in the Corps’ Safety Manual~~, but only when there is at least ~~100~~**25** feet of beach width between the MHTL and the highest point of wave uprush (and an additional 50-foot width for lateral public access, as described in Section 5.B below). This ~~additional~~ beach width provides a reasonable margin of safety, **when combined with other provisions of this and other agreed-upon conditions**, ~~considering the actual beach conditions likely to be encountered and recognizing that the Corps might work on grades of up to 12% rather than the cited 6% average slope.~~⁺⁸ **Condition 4** also requires the Corps to remove equipment when the beach slope **upon which sampling or drilling occurs** exceeds ~~12~~**13%**, **when any portion of the beach needed for drilling equipment transport exceeds 26%**, or when the beach width between the MHTL ~~equipment~~ and the highest point of wave uprush falls below ~~100~~**25** feet. It further prohibits activities on vegetated portions of the beach. ~~Additionally, and similar to a measure included in the Commission’s previous CD concurrence,~~ **Condition 4** ~~reduces potential disturbance of beach habitat by requiring the Corps to place weight absorbing mats under the two drill rigs when they are moving or operating on the beach.~~ **Condition 4** also requires the Corps to monitor weather and surf forecasts **and streamflows in Santa Rosa Creek** to ensure it does not conduct activities on the beach during periods of predicted rainfall **of more than 0.5 inches**, ~~or high surf,~~ **or when the creek flows are at or above 1800 cubic feet per second, which is the “bankfull discharge” rate for the lower Santa Rosa Creek watershed.**^{FN} Finally, to ensure project equipment does not operate in the portion of the Santa Rosa Creek channel that crosses the beach, **Condition 4** requires the Corps to use the approved MHTL survey to identify fixed sampling locations ~~that are~~ **and to operate** at least 50 feet from **wetted portions of** that channel.”

^{“FN} **As defined in Dunne and Leopold (1978), “bankfull discharge” is the momentary maximum flow that has an average recurrence interval of 1.5 years, as determined using a flood frequency analysis.**”

Page 27, last partial sentence:

“During the ~~October~~ 2010 sampling, the Corps did not test for methylmercury...”

Page 28 (Spill Prevention), first full paragraph:

“The beach condition restrictions of **Conditions 3 and 4** are expected to provide some reduction of potential spill risks for project activities on the beach. Additionally, the Corps provided with its CD a Hazardous Spill Contingency Plan, which includes a number of measures meant to avoid spills or reduce adverse impacts in the event of spills. However, due to the proximity of project activities to highly sensitive coastal waters and marine life, **Condition 6** requires the Corps to provide a more detailed Plan for Executive Director review ~~and concurrence~~ that includes additional protective measures. These

⁺⁸ ~~While the 6% grade provides about 17 feet of beach for every one foot drop in tidal level, a 12% grade provides only 8 feet of beach for every one foot drop.~~

additional measures are based in part on requirements of the Corps' Safety Manual, which the CD references as applying to project activities. **Condition 6** requires that the Plan include a ~~hazardous material inventory with specific measures to be used for each type of hazardous material used in the project,~~ spill avoidance and minimization measures, a description of inspections to be implemented during the project, and necessary contact information, all to be consistent with its Safety Manual requirements. In recognition that the beach could present unstable surfaces for the equipment, **Condition 6** also requires the Plan to identify measures that would be used to retrieve any equipment that becomes stuck or stranded on the beach due to unanticipated sand or water movement. **These equipment retrieval measures are to identify methods the Corps will use to remove equipment weighing up to 20 tons from a distance of up to 1000 feet of beach within one hour. These proposed removal methods may also be subject to separate review and approval by other involved agencies.**

Page 28, last paragraph:

~~"To ensure these measures minimize the risk to marine life and do not cause additional adverse effects, **Conditions 7 and 8** require the Corps to submit for Executive Director review and concurrence a detailed description of the above measures that shows the proposed lighting, signage, and barricades are the minimum needed to secure the casing while not adversely affecting marine life."~~

Page 29 (Noise):

Note: Footnotes 19 and 20 of this section remain unchanged.

- **"Potential Effects of Project Noise on Marine Life:** Although the CD states that the Corps does not expect the project to adversely affect marine mammals, some elements of the project activities could cause adverse effects to those species. ~~In addition to the requirement of **Condition 3** that project activities not take place when marine mammals are present on the beach, **Condition 9** requires the Corps to submit for Executive Director review and concurrence a proposed noise reduction measures to lessen the potential harm to marine mammals in nearby coastal waters.~~

As noted previously, the Corps proposes to use a CPT rig that produces about 89 decibels at 70 feet distance and 83 decibels at a 140-foot distance. The roto sonic drill rig produces about 85 decibels at a 100-foot distance. These levels are somewhat higher than the approximately 60-75 decibels produced by the sound of surf along the project site.

The CD identifies the nearest sensitive noise receptors as the County Park, about 250 feet from the study site, and several residences that are about 580 feet from the study site. The Corps proposes to reduce potential noise-related impacts by limiting project activities to no more than about 27 days over a six-month period and by limiting noise-generating activities to daylight hours of non-holiday weekdays.

~~Several conditions are needed to further reduce potential noise-related impacts to sensitive receptors that may be closer to the project site than described in the CD. For example, t~~The Corps states that expected noise levels are not likely to disturb sea otters

that may be present offshore, though it does not cite evidence for this assertion and does not evaluate the effects of project-related noise on other marine mammals or wildlife. As noted in U.S. Navy research, marine mammals may have a stronger response to loud noises in areas with a high ambient noise level, such as near a surf zone. The ambient noise may mask louder noises until the sound source is very close, which may elicit a “startle” response from any animals that may be present. In its CD for the previous proposed project (CD-002-10), the Corps included sound attenuation measures meant to maintain noise levels at or below 75 decibels at a 50-foot distance; however, its current CD does not include this measure.

To avoid and reduce potential noise-related impacts on nearby marine wildlife, ~~Condition 9 would require the Corps to meet that same standard—i.e., to maintain noise levels at or below 75 decibels at 50 feet distance from project activities—by using sound attenuation measures or devices. It also requires the Corps to submit those proposed measures for Executive Director review and concurrence to ensure the measures do not adversely affect other coastal resources (see Section 5.B—Public Access, Recreation, and Visual Resources for additional discussion).~~ **the Corps will use sound attenuation measures to the extent practicable, to minimize noise effects from the rigs. Further, the timing restrictions of Condition 3 will further reduce potential effects, since the project’s main sound-producing activities would occur outside of breeding, nesting, or pupping seasons of sensitive species that may be present in the project area.**

SECTION 5.B – PUBLIC ACCESS, RECREATION, AND VISUAL RESOURCES

Page 31, first paragraph, sixth sentence:

“The Corps expects activities on these areas of the project site to take a total of up to about ~~37~~**38** days over a work window of up to about six months (December 2011 – February 2012 and September – November 2012), with the geophysical survey taking up to about 10 days, the CPT activities taking up to ~~three~~**four** days, and the roto sonic drilling taking up to 24 days.”

Page 31, second paragraph:

“Project activities, including vehicle and equipment access and the geophysical and geotechnical surveys and tests on the beach, would adversely affect public access, recreation, and visual resources by excluding or displacing beachgoers and by creating noise and visual disturbances. During those activities, the Corps proposes to establish a ~~50-foot~~ safety zone **of no less than 25 feet** on each side of equipment operating on the beach, which would additionally limit the area available for public use. The movement of equipment and vehicles to and from the beach would similarly create adverse effects on access and recreation on Windsor Drive and on nearby upland portions of Shamel Park. The Corps would use the Park’s access road and ramp for beach access and would use up to 10 of the Park’s 44 parking spaces for daytime staging of equipment and vehicles. The up to ~~27~~**38** days of vehicle and equipment movement along Windsor Drive would cause short-term disruption of public access.”

Page 32, last sentence of first partial paragraph:

“**Condition 4** ensures continued lateral access by allowing project activities only when there is a continuous ~~dry~~-area of **exposed** beach at least ~~150~~**125** feet wide, which provides a width of at least 50 feet for lateral public access in addition to the Corps’ ~~100-foot~~ safety zone around project equipment (**at least 25 feet waterward of the equipment and at least 50 feet landward of the equipment**).”

Page 32, Addressing Other Access Limitations:

- **“Addressing Other Access Limitations:** The project includes a number of measures that will adversely affect recreation and public access along the shoreline. For example, the Corps ~~is required through its Safety Manual to demarcate the safety boundary around project activities with fencing and signs, and must ensure the safety of visitors to the project site by providing them a safety briefing, safety escort, and any necessary safety equipment, and to maintain a visitor sign in/sign out log. To ensure these aspects of the project do not cause substantial adverse effects, Condition 8 requires the Corps to provide documentation of the proposed fencing and signage for Executive Director review and concurrence, and Condition 10 requires the Corps to provide for Executive Director review and concurrence documentation of how it proposes to implement the safety briefing escort, equipment, and visitor log measures.~~ **will establish a safety zone around project equipment that will reduce the area of beach available to the public. The Corps will place safety tape at the safety zone boundary and the public will not be allowed within that zone.**

Project activities away from the beach are also likely to adversely affect public access and recreation. The Corps Safety Manual ~~requires a Traffic Control Plan and an Access/Haul Road Plan be developed identifying how vehicles and equipment will access the project site, and Conditions 11 and 12 require the Corps submit these Plans for Executive Director review and concurrence to ensure potential impacts are minimized~~ **will ensure that equipment movement on public streets will be consistent with the State of California Vehicle Code, and will have project personnel accompany the moving equipment to warn drivers and pedestrians and to provide a safety zone around the equipment.**

Pages 32-33, “Effects of Project Noise on Public Access, Recreation, and Visual Resources:

Note: Footnote 21 of this section remains unchanged.

- **“Effects of Project Noise on Public Access, Recreation, and Visual Resources:** Regarding the effects of project noise on public access and recreation, the CD asserted that project-related noise would not disturb the nearest sensitive receptors, though it defines those receptors as residences located 385 to 554 feet from the nearest rotonomic borehole. Other sensitive receptors that could be disturbed by project noise include marine life (as described in Section 5.A above) and members of the public that might use Santa Rosa State Beach or Shamel County Park during project activities. Without additional noise-reduction measures, beach users could be subject to noise levels of about 91 decibels at the edge of the 50-foot safety zone the Corps will establish around project equipment.

To minimize potential impacts, the Corps plans to conduct noise-producing activities only during non-weekend daylight hours, when public use of the beach is presumably reduced, and would not conduct activities during the higher summer use period. ~~Additionally, the sound attenuation requirements needed to protect marine wildlife described above in **Condition 9** would also further minimize potential impacts to the public's use of the project area by limiting equipment noise to no more than 75 decibels at the edge of the safety zone.~~ **The Corps will also use sound attenuation measures, to the extent practicable, to reduce potential noise effects from project equipment.**

Further, the posting requirements of **Condition 13** would alert the public of these activities, which could reduce potential conflicts between the project and use of the beach for access or recreation. ~~During noise-generating activities, the equipment will likely be shielded to reduce noise levels, though the method selected for shielding may increase adverse visual effects—for example, the Corps' 2010 drilling activities included installing a 10-foot opaque barrier around the drill rig. To ensure adverse visual effects are minimized, **Condition 10** requires the Corps to submit its proposed noise reduction measures for Executive Director review and concurrence prior to the start of project activities. The posting requirements of **Condition 14** would additionally allow park and beach users to choose other shoreline areas to avoid the anticipated adverse visual effects of the project."~~

Page 33, last two sentences of first partial paragraph:

~~"To ensure adverse visual effects are minimized, **Condition 10** requires the Corps to submit its proposed noise reduction measures for Executive Director review and concurrence prior to the start of project activities. The posting requirements of **Condition 14** would additionally allow park and beach users to choose other shoreline areas to avoid the anticipated adverse visual effects of the project."~~

SECTION 5.C – ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)

Page 33, last paragraph:

"The Corps has proposed conducting its activities outside the Preserve and below the MHTL. To ensure this occurs, **Condition 21** requires the Corps conduct the survey necessary to identify the Preserve boundary to ensure its activities occur outside of areas that may be ESHA. To ensure project activities do not affect areas that may include sensitive vegetation, **Condition 54** prohibits project activities from occurring on vegetated areas of the beach."

SECTION 5.D – GEOLOGIC RISK

Page 34, third paragraph:

“The CD states that risks related to these hazards are relatively low due to the short-term nature of the study and the low recurrence intervals of these types of events. The minimum beach widths and maximum beach slopes required by **Condition 54** will further reduce risks by providing an additional margin of safety should the Corps need to respond to geologic hazards during project activities. Additionally, requirements of **Condition 76** will further reduce potential risks through measures that limit spills that may occur during these events.”

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS (PAGE 35): add the following references to the list of documents:

“Cambria Community Services District, *Fiscalini Ranch Preserve Final Master Environmental Impact Report*, November 2009.

Dunne, Thomas, and Luna Leopold, *Water in Environmental Planning*, W.H. Freeman and Company, 1978.

Greenspace – The Cambria Land Trust, *Santa Rosa Creek Watershed Management Plan – Summary of Watershed Conditions and Voluntary Recommendations*, (n.d.) accessed December 6, 2011 at http://www.greenspacecambria.org/reports_menu.htm

Kamman Hydrology & Engineering, Inc., *Fiscalini Bank Stabilization Hydraulic Analysis and Preliminary Design Evaluation Report*, prepared for California State Coastal Conservancy & Greenspace – The Cambria Land Trust, February 2005

Stillwater Sciences, *Santa Rosa Creek Watershed Geomorphology Assessment, San Luis Obispo County, CA – Final Technical Report*, prepared for Greenspace – The Cambria Land Trust, May 2010.”

Tina S. Dickason
574 Leighton St.
Cambria, CA 93428

December 3, 2011

Commissioners and Alternates of the California Coastal Commission
cc: Tom Luster, Staff, California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

RE: Agenda Item for December 9, 2011

12. FEDERAL CONSISTENCY

c. 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 Commissioners :

I am writing today to voice my concerns in regard to the Consistency Determination, requested by the Army Corps of Engineers for proposed testing at the above referenced sites in Cambria.

As a member of the Cambria community, and one who has been paying close attention to the Desalination issue, I would like to share my observations of what I, (and others) saw take place during the Army Corps of Engineers geotechnical/geophysical investigation on September 22 and 23, 2010. To aid in my testimony, and for you to have a better perspective, I have enclosed with these comments, (11) pages of photos that refer to the above investigation, taken by me, Mary Webb, Brian Runcie, John Dickason, and used with their permission. I will refer to the pictures by page number and individual picture number, where necessary. (Photos have the initials of the aforementioned photographers in the corner of each photo).

POSTING REQUIREMENTS NOT ADHERED TO

On the first day of the geotechnical/geophysical investigation taking place at Shamel Park/Beach in Cambria, CA, on 9-22-10, I was shocked to see that no evidence of signage/postings was in place for the public's awareness and safety. I asked a San Luis Obispo County maintenance worker if he knew of any signs being posted; (SLO County had issued the permit for the ACE access to Shamel Park/Beach for the project); he said he was not. I asked him if he could find a way to have some signs posted, and he said he would see what he could do. It wasn't until the **next** day, Sept. 23, that I saw a letter size sheet of paper attached to the wood fence at the rear of the park, (between the beach and the park), indicating what activities were being conducted on the beach. I believe it was printed out on Cambria Community Services District letterhead stationery. The Diaz-Yourman/Fugro 129-page report of May 2, 2011 (available to the public on 8-25-11 via CCSD's website), p.77, has an image of a Public Notice, dated 10-

14-10, on Cambria Community Services District's letterhead, (see attached). This image relates to activities conducted on October 19, 2010, as indicated in the report, and is shown stapled to a wooden fence, (which I'm assuming is the rear fence at Shamel Park). Clearly, this Public Notice was **not** for the geotechnical investigation of September, 22-23, 2010, and I saw no evidence of an image re: a Public Notice for the September 2010 project in the 129-page report.

For anyone entering the park during the first day of testing (Sept. 22, 2010), there was no evidence of a sign/s posted during the several hours I spent there. And for anyone entering the park on the second day (Sept. 23, 2010), a small posting on the fence at the rear of the park, dividing the beach from the park, would have been very difficult to see. No signs were placed at the two entrances at the front of Shamel Park, (see p. 3) CAUTION tape was used in two areas: 1) at the south parking lot, toward the ocean (see pp. 4 and 5). 2) at the beach site, where a sandwich board was also placed, (see p. 10, #'s 1, 2 and 3).

The Coastal Commission's condition for conspicuous posting of a notice at Shamel Park, describing the type, location, and duration of the planned activities was not adhered to. It was my understanding, according to the conditions placed for these activities by the California Coastal Commission, that a minimum of 72 hours was required for posting a notice, so that the public could be warned of activities taking place at Shamel Park/Beach. I arrived at Shamel Park on 9/22/10, before the Army Corps and contractors, and was able to photograph the various trucks, vans, Prosonic drill rig, and other equipment being brought in to the south parking lot area, (pp. 1-2). I saw no sign(s) posted anywhere, either prior to the equipment being brought in to the park, or after, (see pp. 2&3). The various crew members gathered in the parking lot, and then began preparations for the Prosonic drill rig to be moved into the emergency access area, and onto the beach, (see p.4).

Pages 6/ 7, show crew members (9-22-10), guiding the Prosonic drill rig through the emergency access area to the concrete pad, and onto the beach. Page 6-#3, shows the Prosonic drill rig directly next to the Children's Playground. No warning signs were posted there either!

Page 8 shows the "Cambria Irregulars" (9-22-10), a group of artists in Cambria, who gather to paint on Wednesday's. The group is shown facing west, and just to the left of where testing was being performed on the beach. Note in picture #1, the yellow Caution tape in back of the artists, but in picture #2, it is not there! No signs were visible to warn these folks, or any other members of the public **entering** the park, of unusual activities taking place there. No signs were posted at **any entrance to** Shamel Park. (As referred to above, a posting was visible on the fence at an entrance to the **beach** on Sept. 23, 2010).

Page 8-#3, shows a group of school children who arrived at Shamel Park in the afternoon of 9-22-10. No signs were posted to warn the children, or the adults accompanying them, of any unusual or potentially dangerous, activity/activities at the park.

Page 9-#1, shows the Prosonic drill rig, passing the Children's Playground. Here, playground structures are visible from the picture, as is the concrete curb/boundary, separating the playground from the access area. No posting of a sign/s, or cordoning off this area with tape, were addressed.

Page 9-#1, shows a man with a beige shirt and blue jeans; his name is Todd Steeb, and he is a Deputy Sheriff in the San Luis Obispo County Sheriff's Dept. Deputy Steeb arrived at Shamel Park, shortly after ACE team members and other crew members were on site. Sheriff Steeb spoke to me, Rick Hawley and

Mahala Burton, advising us of our rights as members of the public during the Army Corps' investigative process. (He was wearing plain clothes, and arrived in a personal vehicle).

Page 9-#'s 2, 3, and 4, show a child playing on the playground equipment, accompanied by an adult. The concrete curb is obviously noticeable in these pictures, and shows how close the drill rig (see #1), was to the playground area. (The pictures are of me and my grandson, and were taken by my husband, John Dickason on 9-23-10).

CHAIN of CUSTODY

On the afternoon of September 23, I returned to Shamel Park with my three-year old grandson and my husband. We took our grandson to the playground, and shortly after, I took my grandson onto the beach. After leaving the beach, and on our way to exit the park, I saw two friends, Mary Webb and Steve Figler. They were standing on the access road between the park and the beach, and near a white pick-up truck, parked on the access road. Mary Webb told us she had just observed, and taken pictures of a project crew member, who had brought a boring sample up from the beach and deposited it in the white pick-up truck, and then returned to the testing site at the beach (see p.10). We walked toward the pick-up truck, which bore the name FUGRO on the side, and observed in the back of the pick-up, quite a lot of bagged and tagged boring samples. NO ONE from ACE, Diaz-Yourman, Fugro, or Bart-Longyear was in sight as we observed the contents in the truck, (see p.11). The pictures show very clearly that the only persons in, or around the Fugro truck, were Steve Figler, Tina Dickason and my (barely visible) grandson. Mary Webb was taking the photos.

When I arrived at Shamel Park on September 23, 2012, ACE's Project Manager, Kathleen Anderson was not at the park, (see attached-mail with her explanation). I also do not recall seeing Thomas Keeney on Sept. 23, 2010.

After reading the Diaz-Yourman, Fugro report from the September 22/23, 2010 testing, I sent comments and some photos to Tom Luster relating to the "chain of custody" item. Mr. Luster asked if I would mind him forwarding my comments and photos to the Corps; I told him I would not. ACE Senior Ecologist, Thomas Keeney, responded to Mr. Luster, disagreeing with my comments and observations. (Both my comments and Mr. Keeney's response to such, are attached).

Regarding the "Chain of Custody" issue, Steve Figler, Mary Webb and I, have agreed to sign affidavits supporting the claim that NO ONE was in the vicinity of the Fugro truck bearing the bored, bagged and tagged samples. Since these samples were being tested for contaminants, (including mercury), it was quite shocking and disconcerting to see that they were left unguarded and unprotected. (Please see attached e-mails from Steve Figler, Mary Webb and myself, agreeing to sign affidavits).

INFORMATION RETRIEVAL FROM ACE

On Monday, Sept. 27, 2010, I e-mailed ACE Project Manager, Kathleen Anderson, with some questions re: why the Corps left the site one day prior to the scheduled testing from Sept. 22-24,2010, and when the results from testing would be reported on (see attached copies of e-mails). Ms. Anderson responded on Sept. 28, 2010, saying that test results from the testing performed on 9/22 and 9/23/2010 would be back within two weeks. On October 19, 2010, I again e-mailed Ms. Anderson, re: test results. On the same day, Ms. Anderson replied that results were not available, but when they were, she would be sure to send a copy, (see attached e-mails). I never received a report from Ms. Anderson.

It wasn't until August 25, 2011, that a report from the ACE's geotechnical/geophysical testing of September, 2010, was made available to the public. It was posted on the Cambria Community Services District's (CCSD's) website. One has to wonder why the Army Corps of Engineers, whose Project Manager had thought results would be available in 2 weeks, would take months before a report was made available.

OTHER CONCERNS

CCC Staff has addressed a myriad of issues regarding the Consistency Determination requested by the Army Corps of Engineers for the proposed geophysical and geotechnical testing in Cambria, and in my opinion, has provided thorough and meticulous analysis of the CD. In the Staff Recommendation of Consistency Determination from November 17, 2011, it is stated on page 17, (1.E) that "Existing Site Data And Data Expected From The Proposed Activities Are Not Sufficient To Determine Site Feasibility." In addition, this same site was declared by the Cambria Community Services District Desalination Facility, in a 1993 Preliminary Site Analysis to "offer both the least costly projects coupled with the most uncertainty of overcoming obstacles. Fundamentally, this area appears too cramped for a full sized desalination facility."

In my opinion, the previous project/ testing (Geotech. 1), and the current CD request from the Army Corps, are nothing more than exercises in futility. They represent a huge waste of taxpayers' dollars. It would seem the only exercise that is being conducted here, is the spending of tax dollars for not the "bridge to nowhere," but the Desalination plant that is going nowhere, and likely never will.

(Please see attached, a copy of a report from the Cambrian, dated December 1, 2011, in which the CCSD Board of Directors' has decided not to renew the lobbyist's contract in Washington, DC. Furthermore, Director Allan MacKinnon is quoted as saying: "This project is dead in the water. It's quite reasonable to defer this next phase" of using a federal advocate until the district learns if the permits for the tests have been approved or denied).

The project site is located within Santa Rosa State Beach, Monterey Bay National Marine Sanctuary, Cambria State Marine Park, and Shamel County Park and Beach. This area represents some of the most amazing and stunningly beautiful sections of the California coast. It is home to many wildlife and marine species, as well as protected and threatened species. As such, the area needs, and deserves protection from any potentially harmful intrusions, as do visitors and local residents, who frequent the park on a daily basis.

Shamel County Park is truly the People's Park in Cambria. Not only does it provide access to Shamel Park and Beach, but also to Santa Rosa State Beach, and San Simeon State Beach. The park has a swimming pool, picnic tables, BBQ's, public restrooms, a gazebo, (where many weddings take place), a Children's Playground, a large, grassy area for recreation. Many events are held at the park, including major holiday celebrations, including July 4, with firework displays on the beach, (under the protection of the local fire dept.). Groups of school children frequently come for visits to the park and beaches to learn of the ocean and beaches many wonders. Dog owners' use the park for a fun and recreational resource for their animals. This is not an appropriate site for the project the Army Corps is requesting.

WEATHER CONDITIONS

Of concern also, are threats of potential earthquake/tsunami activity. When the Chilean earthquake of Feb.27, 2010, (magnitude 8.8) occurred; tsunami warning signs were posted at the entrances to the Fiscalini Ranch Preserve, warning the public not to walk on the Ranch trails. When the Japanese earthquake (magnitude 9.0) and tsunami occurred on March 11, 2011, warning signs (sandwich boards) were posted at Shamel Park, and on Moonstone Beach Dr., as well as Windsor Dr. (access street to Shamel Park). In addition, County Sheriffs' were deployed to monitor traffic and advise for possible evacuations from Moonstone Beach Dr. and low lying areas of Park Hill. Residents of Park Hill, (and I am one), where Shamel Park is located, could neither gain access to their homes from Hwy. 1, or leave their homes, to gain access to Hwy. 1 or Main St., until tsunami activity was no longer considered threatening.

Cambria is highly vulnerable to earthquake/tsunami activity, as we are certainly aware, and have been made even more aware during the last several years. In December of 2005, we experienced a magnitude 6.5 earthquake, whose epicenter was just 6 miles northeast of Cambria. (Two individuals in Paso Robles, died from this earthquake). So again I have to ask, why would Shamel Park Beach/Santa Rosa Beach sites in Cambria even be considered for further testing, yet alone an actual Desalination Plant?

I am providing (4) pages of photos, depicting various changes in the Santa Rosa Creek/Lagoon from 2010 and 2011, (see pp. 12-15). Note on p. 12-#3, where the ocean has completely covered the Shamel Park Beach area. The photos are labeled and dated, so are self-explanatory. Weather patterns have been changing dramatically, and do not seem as predictable as in the past.

SUMMARY

Living in Cambria, and especially being in close proximity to Shamel Park, gave me the opportunity to access the park during the geotechnical testing of September 22/23, 2010. I observed much of the activity, both prior to, and during, the testing, and have shared with you in my comments and photos, what I witnessed. In my opinion, the lack of postings/signage and the unguarded boring samples, clearly indicate the project was handled irresponsibly and neglectfully from the outset. Disregard for the public's safety should not be taken lightly.

It should be clear from my comments that I do not support any further testing, or any further action that would support a Desalination facility, based on reasons I have given, and also based on information included in the California Coastal Commission's Staff Report, Consistency Determination-F12c., of November 17, 2011. I trust my comments and photos will be of some aid to you, as you make your decisions regarding this agenda item on December 9, 2011.

Respectfully yours,

Tina S. Dickason

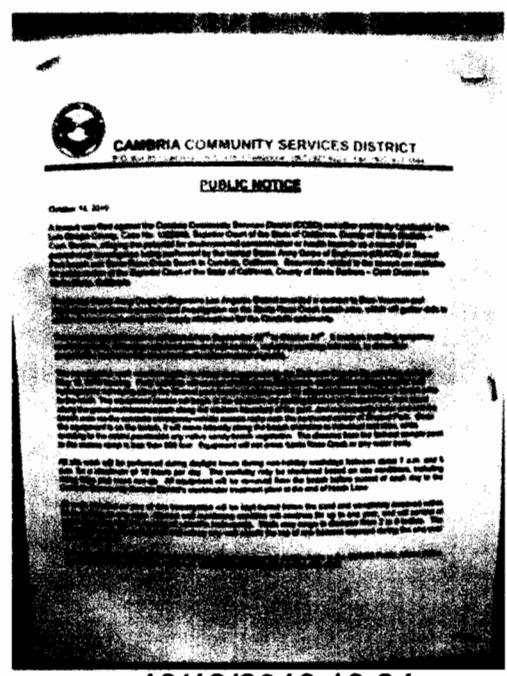
From

Diaz - Gourman - Fugro report (129 pages)

p. 77 / 129
FUGRO



10/19/2010 9:28



p. 77

C.C.S.D.
Public Notice
dated 10/14/2010

10/19/2010 10:34

Fwd: FW: Chain of custody re: boring samples performed by Diaz/Yourman/ACE 9/22 and 9/23, 2010

From: **Tina Dickason** (tenacioustina2000@gmail.com)

Sent: Fri 9/16/11 12:17 PM

To: Tina (tenacioustina2000@hotmail.com)

FMI

----- Forwarded message -----

From: **Tina Dickason** <tenacioustina2000@gmail.com>

Date: Fri, Sep 16, 2011 at 10:48 AM

Subject: Fwd: FW: Chain of custody re: boring samples performed by Diaz/Yourman/ACE 9/22 and 9/23, 2010

To: Mary Webb <maryewebb@charter.net>

----- Forwarded message -----

From: **Tom Luster** <tluster@coastal.ca.gov>

Date: Fri, Sep 16, 2011 at 10:35 AM

Subject: FW: Chain of custody re: boring samples performed by Diaz/Yourman/ACE 9/22 and 9/23, 2010

To: tenacioustina2000@gmail.com

-----Original Message-----

From: Keeney, Thomas W SPL [mailto:Thomas.W.Keeney@usace.army.mil]

Sent: Thu 9/15/2011 1:08 PM

To: Tom Luster

Cc: Anderson, Kathleen S SPL; Buxton, Darrell W SPL; Clifford, Jodi L SPL; Lisa Louie

Subject: RE: Chain of custody re: boring samples performed by Diaz/Yourman/ACE 9/22 and 9/23, 2010

Tom: From our geologist, Jeffery Divine; this will be explained in the CCD.

The samples were in constant view of the field team, myself included, during the activities. The samples were actually being loaded onto the truck and carried from the beach, during the end of the day activities and only at this time. There were other end of day activities as well, clean up of trash, carrying away hand tools and removing barriers and barrier tape. There was no threat from the public or perceived threat that anyone would compromise

the samples. The samples were very heavy, each weighing about 50 lbs and were all concealed within plastic wrapped sausages, not easy to take or compromise. There was always one or two personnel nearby actively working in the area and actively monitoring all equipment and tools, including the samples. The samples were stacked in the back of the Fugro pickup truck and were positioned close to the other support truck which was actively being loaded up at the end of the day with tools, etc, barriers and had another field technician in plain site loading this truck that could plainly see that the samples were not compromised. All sausages were accounted for.

+thomas

-----Original Message-----

From: Tom Luster [mailto:tluster@coastal.ca.gov]

Sent: Wednesday, September 14, 2011 8:51 AM

To: Keeney, Thomas W SPL

Subject: FW: Chain of custody re: boring samples performed by Diaz/Yourman/ACE 9/22 and 9/23, 2010

Hi Thomas,

FYI - I got the email below just yesterday. You may want to address some of the expressed concerns in your submittals. I'll send you the referenced photos in a separate email.

Tom L.

From: Tina Dickason [mailto:tenacioustina2000@hotmail.com]

Sent: Tuesday, September 13, 2011 12:18 PM

To: Tom Luster

Subject: FW: Chain of custody re: boring samples performed by Diaz/Yourman/ACE 9/22 and 9/23, 2010

pt.hmmessagePbody.hmmessage

Hi Tom,

FW: Chain of custody re: boring samples performed by Diaz/Yourman/ACE 9/22 and 9/23, 2010

From: **Tina Dickason** (tenacioustina2000@hotmail.com)

Sent: Tue 9/13/11 12:17 PM

To: Tom Luster (tluster@coastal.ca.gov)

pt.hmmessage P body.hmmessage

Hi Tom,

In reviewing the report from geotech./hydrological testing performed on Sept. 22 and 23 of 2010 at Shamel Park Beach, I made a couple of observations that I wish to share with you.

First, the original report was dated March 25, 2011, and then revised, May 2, 2011. Why? Secondly, why has it taken so long for us to get any kind of reporting from these tests? (You probably don't have the answers to these questions, but it seems very odd to me, in fact many of us, as to why it has taken this long to receive data).

When I first arrived at Shamel Park on Sept. 22, as Diaz Yourman was bringing in their gear, accompanied by ACE staff and a biological consultant hired by ACE, I noticed not a single sign was posted for the publics' awareness as to what was happening during the (3) days scheduled for testing--Sept. 22--Sept 24. (This activity took place in a public park, with equipment being brought onto the beach within a few feet of the childrens' designated play area). I asked a State Park employee if he was aware of there being no signs, he said he wasn't. The next day a small 8x11 sign was posted on the fence between the park and the beach. (See in the report dated Oct. 18, a posting), but I saw nothing in the report for the September activity being posted).

On page (5) of the report for the 2010 testing, there is a pgh. related to "chain of custody," clearly stating that all boring samples were in the physical perview of the testing crew, or locked up to secure the samples. I am forwarding to you in a separate e-mail, pictures of the pick-up truck the samples were loaded into, and to my amazement **no one** was guarding the truck load of samples. The Diaz Yourman crew, as well as ACE staff, were on the beach; the truck was parked outside of the beach against the fence, dividing the park from the beach. Fortunately, I was there with two other witnesses: Mary Webb and Steve Figler. Mary took (3) photos, one of which you will see Steve Figler and myself, looking into the back of the truck where the samples had been placed. I remember us commenting how anyone could have removed the bagged samples--there was simply no one guarding, or even close to guarding the bored samples.

While these observations may seem somewhat insignificant, to my line of thinking, they beg the question: what else may they have fabricated?

Sincerely,

Tina Dickason

CHAIN of CUSTODY

Tina Dickason

p.s. Depending on where this leads with the CCC and ACE, it could possibly mean that you, Mary, and I, would have to sign an affidavit as witnesses to the fact that no one was guarding the bagged and tagged samples, when we were at Shamel Park. I have no problem with telling the truth as to what I witnessed, and hope you and Mary feel the same way.

Thanks, again.

Tina Dickason

From: skfigler@gmail.com

Subject: Re: a picture for you-Fugro p/up with bored samples and Tina Dickason/Steve Figler looking at samples

Date: Mon, 19 Sep 2011 16:00:31 -0700

To: tenacioustina2000@hotmail.com

Tina,

That's what I recall, also. If you're asking whether you can use the photo with me in it, the answer is yes.

Below is an email that Gresens sent me regarding my concern about the test results.
Steve

----- Forwarded message -----

From: **Mary E. Webb** <maryewebb@charter.net>

Date: Tue, Sep 20, 2011 at 7:24 AM

Subject: RE: a picture for you-Fugro p/up with bored samples and Tina Dickason/Steve Figler looking at samples

To: Tina Dickason <tenacioustina2000@hotmail.com>, steven figler <skfigler@gmail.com>

Thanks for doggedly pursuing this Tina.

As you know I have photos and I will happily sign an affidavit. There was no one watching those samples. The samples could not be seen from the beach. We could have taken them and put them into our cars if we weren't concerned about possibly mercury contamination.

Mary

From: Tina Dickason [<mailto:tenacioustina2000@hotmail.com>]

Sent: Monday, September 19, 2011 5:43 PM

To: steven figler; Mary Webb

Subject: RE: a picture for you-Fugro p/up with bored samples and Tina Dickason/Steve Figler looking at samples

Thanks, Steve.

Tina

Subject: Re: a picture for you-Fugro p/up with bored samples and Tina Dickason/Steve Figler looking at samples

From: skfigler@gmail.com

Date: Mon, 19 Sep 2011 17:11:49 -0700

CC: maryewebb@charter.net

To: tenacioustina2000@hotmail.com

TINA,

* [REDACTED] *

[REDACTED] PERSON DENIED BY TINA. REGARDING Q#3, YOU ARE ON THE TRACK OF THAT FALSEHOOD, AND THANK YOU FOR DOING IT. I WILL SIGN AN AFFIDAVIT.

STEVE

On Sep 19, 2011, at 4:41 PM, Tina Dickason wrote:

Thanks, Steve.

*
Blacked Out
As it did
not refer to
Affidavit issue
T.D.

RE: Drilling at Shamel Park

From: **Anderson, Kathleen S SPL** (Kathleen.S.Anderson@usace.army.mil)

Sent: Tue 9/28/10 10:04 AM

To: Tina Dickason (tenacioustina2000@hotmail.com)

Hi Tina,

I'm so sorry I just heard your voice mail message and called you back but you must be out at your meeting. I'm swamped after being out of the office last week.

I'm glad we had a chance to talk last week at the park. Diaz Yourman/Fugro completed a third boring Thursday afternoon toward the southern end of the park and demobilized. They've sent their samples off to the lab and are logging the soil borings. We should have laboratory results back within two weeks. I had to leave to take care of a problem at home on Thursday there so wasn't there for the third boring. I'll let you know more after I have a chance to discuss preliminary findings with the team.

Kathleen Stryker Anderson
Project Manager
Civil Project Branch
(p) 213-452-3989
(c) 213-706-2682
kathleen.s.anderson@usace.army.mil

-----Original Message-----

From: Tina Dickason [mailto:tenacioustina2000@hotmail.com]
Sent: Monday, September 27, 2010 8:12 AM
To: Anderson, Kathleen S SPL
Subject: RE: Drilling at Shamel Park

Good morning, Kathleen:

I'm following up with you, from our conversation last Wednesday at Shamel Park. I spoke with you at the site of the ramp, as the drilling rig had just been transported onto the beach; I shared with you my concerns for the site location of the drilling activity. I spent time on Wed. and Thurs at the park, and was there on Friday, also, with my husband and visiting grandchild. I had understood you to say that the drilling activity would take place on those 3 days, but to my surprise, no drilling or sign of equipment was evident on Friday. A CCSD director also showed up Friday, and was surprised to find no activity taking place. Could you please update me on what occurred, and why drilling activity was halted?

I look forward to your response.

Tina Dickason
(805) 924-1404

RE: Drilling at Shamel Park

From: **Anderson, Kathleen S SPL** (Kathleen.S.Anderson@usace.army.mil)

Sent: Tue 10/19/10 3:05 PM

To: Tina Dickason (tenacioustina2000@hotmail.com)

Hello Tina,

I hope you're doing well.

I don't yet have the results from the lab, my initial estimate was optimistic. Results go through a quality control/quality assurance review before they can be released. Once results are QA'd and I receive the report I'll be sure to send you a copy.

Kathleen Stryker Anderson
Project Manager
Civil Project Branch
(p) 213-452-3989
(c) 213-706-2682
kathleen.s.anderson@usace.army.mil

-----Original Message-----

From: Tina Dickason [mailto:tenacioustina2000@hotmail.com]

Sent: Tuesday, October 19, 2010 12:14 PM

To: Anderson, Kathleen S SPL

Subject: RE: Drilling at Shamel Park

Hi Kathleen,

I'm following up on your attached e-mail, re: findings from the borings done at Shamel Park on 9/22 and 9/23. I would assume test results are now in to ACE, and would be available for you to send to me.

I look forward to your response.

Tina Dickason,
(805)924-1404

> Subject: RE: Drilling at Shamel Park
> Date: Tue, 28 Sep 2010 10:04:44 -0700
> From: Kathleen.S.Anderson@usace.army.mil
> To: tenacioustina2000@hotmail.com
>

> Hi Tina,
> I'm so sorry I just heard your voice mail message and called you back
> but you must be out at your meeting. I'm swamped after being out of
> the office last week.
>

Front Porch Friday

Readers are encouraged to stop by between 2 and 3 p.m. the first Friday of the month - this month, Friday, Dec. 2 - for "Front Porch Friday."

I'll be on the front porch to talk about whatever you'd like to talk about regarding The Cambrian.

You can also drop by the office at 2442 Main St., call the newsroom at 927-8895 or email cambrian@thetribune.com anytime.

Find us online at thecambrian.com, and follow us on Twitter at www.twitter.com/thecambrian.

- Bert Etling, editor

FOR THE RECORD

Culinary Corner appears in the second, fourth and any fifth Cambrian of each month, not first, third and fifth, as incorrectly stated on Page 6 of the Nov. 24 Cambrian.

The Cambrian is committed to making its news articles accurate and fair. It is the paper's policy to correct errors of fact and clarify misleading statements. If you see an error, bring it to our attention by calling 927-8895 or emailing cambrian@thetribunenews.com.

GOT NEWS?!

Contact
THE CAMBRIAN
newsroom!
927-8895

Fax: 927-4708

e-mail:
cambrian@thetribunenews.com

InBrief**District drops \$6K a month lobbyists**

Cambria's services district won't rehire its lobbyist in Washington, D.C., at least not in the immediate future.

Directors of the Cambria Community Services District unanimously agreed Nov. 17 not to renew the contract of Greg Burns of Van Scoyoc Assoc., which would have cost \$6,225 per month through June 30.

Burns had, since the firm was hired in June 2009, lobbied federal representatives to secure funding for the district's proposed desalination plant.

Congress allocated \$10.3 million toward the project in 2001. Getting the money appropriated is another matter, especially in these tight economic times when any project that even looks like a so-called earmark is apt to be lopped off the list.

Burns helped the district get \$2.5 million in American Recovery and Reinvestment Act (stimulus) funds and local-match credit for \$3 million already spent on the project.

The Army Corps of Engineers is currently trying to get approval from State Parks, the State Lands Commission

and the California Coastal Commission to perform various scientific tests below the high-tide line near the mouth of Santa Rosa Creek, tests designed to show if a desalting intake system could draw enough salty water from under the shore to supply the plant.

The Coastal Commission has set a hearing on Friday, Dec. 9, in San Francisco to see if the federally-managed program is consistent with the state's coastal regulations. For details, go to www.coastal.ca.gov and click on Public Meetings.

Director Allan MacKinnon said that, until the project gets those approvals, "This project is dead in the water. It's quite reasonable to defer this next phase" of using a federal advocate until the district learns if the permits for the tests have been approved or denied.

The district's current Van Scoyoc contract remains in effect until Dec. 31. The directors indicated they'd like Burns to use as much of that time as possible introducing district staff and board members to federal and state staffers and the representatives themselves.

When the lobbyist ap-

COMMUNITY THANKSGIV

The number of diners served at this year's Thanksgiving dinner at the Veterans Memorial this year to 651 from 612 last year. In addition, 118 volunteers made the event possible.

peared before the district board in August, he urged the directors to get involved, form their own relationships with the Corps' decision makers in Los Angeles, and to take their case in person to legislators and their staffers.

— Kathie Tanner

High school teacher arrested

Coast Union High School's business instructor remains out on bail and on paid adminis-

trative leave, pending charges after he rested in Atascadero Nov. 12.

Sgt. Gregg M. Atascadero Police Department confirmed 29 that crimes included rape and other

Vickrey was on bail from San Obispo County Nov. 12.

The county Attorney's office has a tentative date o

Vacancy

From Page 1

that action wasn't on the agenda.

The directors have until Jan. 15 to decide, before the issue automatically reverts to the county supervisors.

Immediate appointment

was a step endorsed by six of the 15 members of the public who spoke at the special district meeting; they wanted the board to add Valerie Bentz.

In the 2008 election, Bentz trailed Director Jim Barhringer by 40 votes.

Another seven speakers at Tuesday night's meeting

advocated the application-interview selection process the board ultimately approved.

Amanda Rice, former North Coast Advisory Council chairwoman; and Mike McLaughlin, a retired attorney, substitute teacher and Coast Union High School baseball coach, indi-

cated they plan to fill the post.

The director provided most application packets to the candidates.

District directors were to submit suggestions for questions to be asked of candidates.

1.



1. PROSONIC/SPIDER Drill Rig arriving at Shame! Park, Cambria for Geotech testing 9/22/10 TD

2.



2. DIAZ-YORKMAN pup arriving at Shame! Park, Cambria 9-23-10 TD

4.



4. BOART-LONGYEAR - arriving at Shame! Park 9/22/10 TD

3.



3. PROSONIC Drill Rig arriving at Shame! Park for Geotech testing 9-23-10 TD



2- PROSONIC Drill Rig in the Shamel Park Parking lot. This photo shows no areas between park + parking lot being cordoned off - OR any signage posted to alert public. 9/22/10



4- CREW members guiding drill rig through "emergency clear area" + other equipment + photo toward beach access. NO SIGNAGE POSTED. 9/22/10



1- PROSONIC Drill Rig about to turn into Shamel Park parking lot. 9/22/10 NO SIGNS WERE POSTED TO



3- CREW members busy getting equipment into parking lot at Shamel Park - but again, NO SIGNS OR cordoning off areas to alert public. 9/22/10

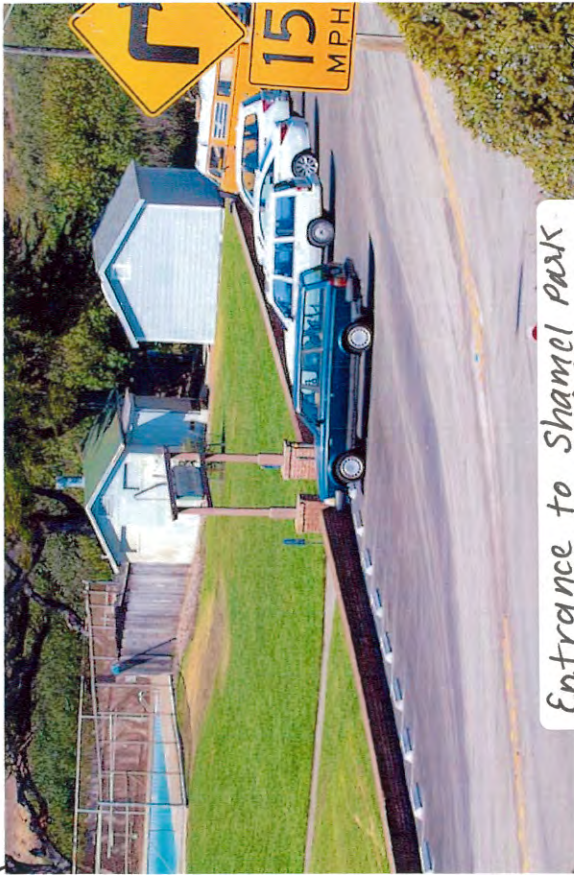


Southern entrance to Shameel park & parking area. This photo shows parking lot FULL on 9/22/10 (Drill rig in background). BR

3



Southern entrance to Shameel park & to parking lot where Geotech. equipment was parked. Note: couple entering parking - also note no evidence of SIGNAGE denoting 9/22/10 BR



Entrance to Shameel park from Windsor Ave. NOTE = NO SIGNAGE to alert public of geotech activity & equipment 9.22.10 BR

4

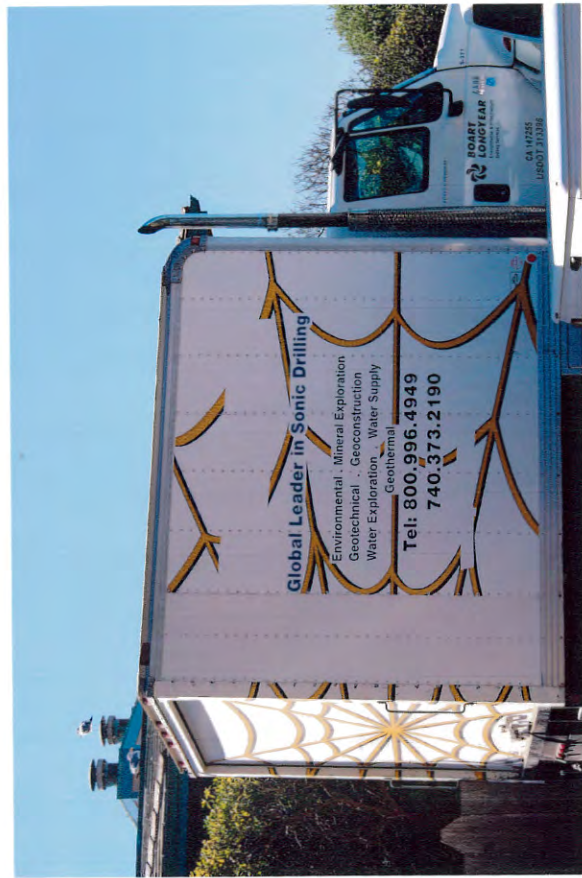


Front entrance to Shameel park. NO SIGNAGE or use of "CAUTION" tape was ever placed in these areas for public notice. BR

BR

9/22/10

1.



PORT-YEAR VAN
at Shamel Park

9-22-10

TD

PAGE (4)

2.



ACE Project mgr. Kathleen
Andersen (in car) with various
crew members, & Sheriff Todd
Steeb in plain clothing with
sunglasses (in front of gentleman
w/ white hat. 9-22-10

TD

9/22/10

3.



9-22-10 Shamel Park - South
Parking lot. Picture shows crew
readying for geotech. prep.
Thomas Keeney, ACE's Senior
ecologist is shown with "CAUTION"
tape over his shoulder

TD

9/22/10

9/22/10

Shamel Park Beach
Before testing began
on 9/22/10

TD

9/22/10

4





See area in front of beach
cordoned off with "CAUTION" tape
9-22-10
BR



This photo shows the
second area where
CAUTION tape was placed: on
the beach at Shamel Park where
the drilling took place. 9/22/10
TD



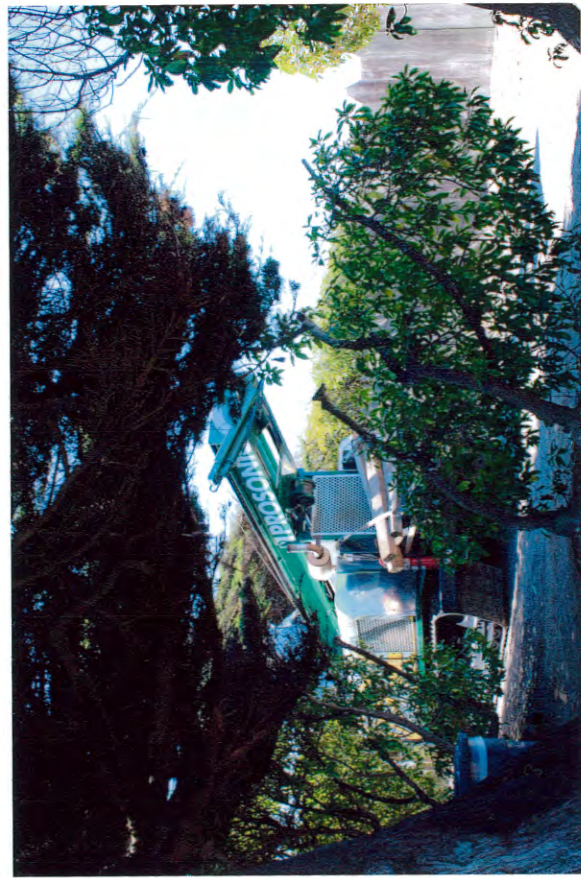
"CAUTION" TAPE was used
in 2 areas: 1) Right in
front of most southerly
facies to the beach - see in
this photo ↑ and next →
BR



BOART-LONGYEAR VAN
parked in South parking lot.
Note: close proximity to house
beside van.
BR



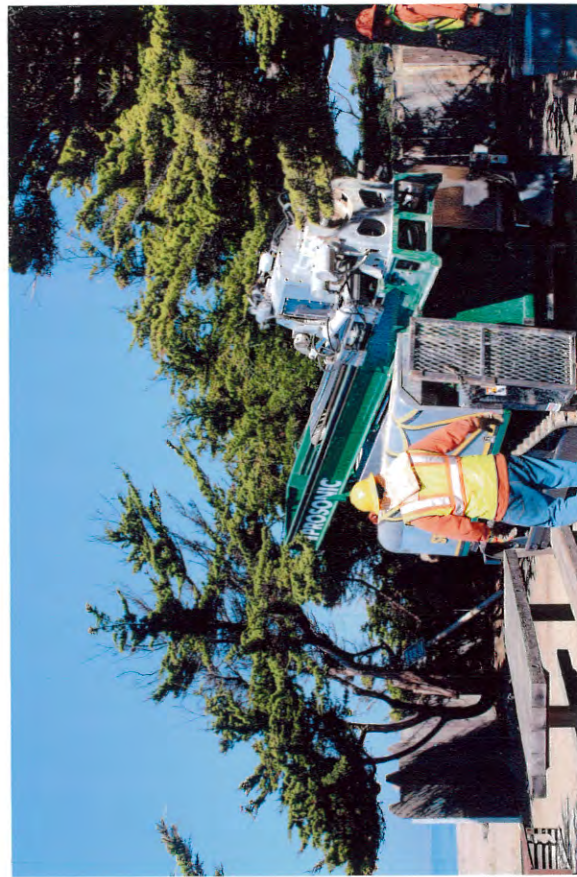
CREW MEMBER GUIDING PROSONIC
DOWN ACCESS AREA, NO SIGNS
POSTED TO BEACH ACCESS AREA. 9/22/10 TD



PROSONIC - ADVANCING THROUGH
ACCESS AREA, WHICH IS BETWEEN
THE BEACH AND PARK. 9/22/10 TD



PROSONIC BEING GUIDED THROUGH
ACCESS AREA TO BEACH SITE.
THE CONCRETE BARRIER (CURB) TO THE
RIGHT A BLUE TRASH CAN, IS THE
CHILDREN'S PLAYGROUND. NO NOTICE
OR WARNING TAPE WAS PLACED. 9/22/10 TD



CREW GUIDING PROSONIC ONTO
THE CONCRETE SLIP ENTRANCE TO
THE BEACH 9/22/10 TD

4

1-

2-

TD

TD

TD

TD

TD

TD

TD

TD

TD

TD

TD

TD

TD

TD

TD



Tree branches being propped up
to allow prosonic into pad. TD
9-22-10

NO SIGNAGE at entrance to
beach, prosonic moves onto
concrete pad. 9-23-10 TD



ACE Project Manager,
Kathleen Anderson & crew
members - as prosonic drill
rig moves down concrete
ramp. 9/22/10 TD



Crew member placing pieces of
wood - extending path for
prosonic to get onto beach
9-22-10 TD



TD

1.



The "Cambria Irregulars" Wednesday Sept. 2, 2010, gathering at Shamel Park. (this is a group of local artists who meet weekly to paint). Note the yellow caution tape behind the seated group. TD

3.



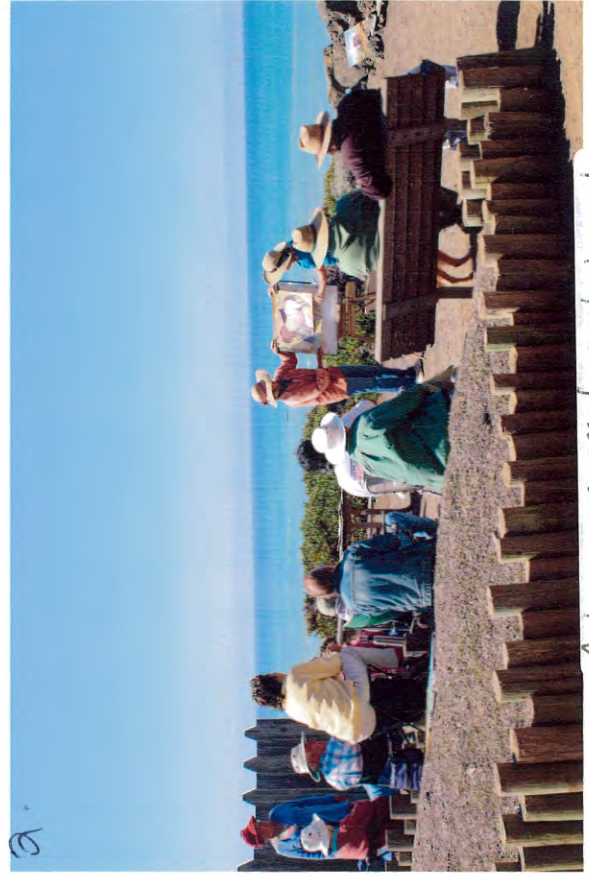
This photo shows a group of school children who had arrived by school bus for an outing at the park. NO SIGNS POSTED for public awareness of Geotech testing & equipment TD

4.



This photo shows equipment ranked in the south parking lot at Shamel Park. It also shows the area in front of the trucks cordoned off with yellow caution tape. This is the same area (in right) of tape where the artist group sat TD

2.



Art group meeting at Shamel Park - just in front of south parking area and just behind geotech. crew on the beach. NOTE: The yellow caution tape not evident in this photo. 9-2-10 TD



In this photo, you can see the close proximity of the equipment to the Children's playground. The concrete curb delineates the boundary. NO SIGNS OR CAUTION tape were in place. 9/22/10 JD

JD



This photo depicts a child on a swing in the Children's playground at Shame! Park. Note the concrete curb & proximity photo equipment in previous photo. NO SIGNS POSTED! 9/22/10 JD

JD



Shame! Park - Children's playground. No posting of signs or "Caution" tape at the site. 9/22/10 JD

JD

4



Shame! Park Children's playground. Photo taken during geotech. testing procedures 9/22/10 NO POSTINGS! JD

JD



MW

Crew member walking up the access staircase at South end of Shamel Beach with bagged sample to deposit in Fugro P/up truck. 9/23/10 MW



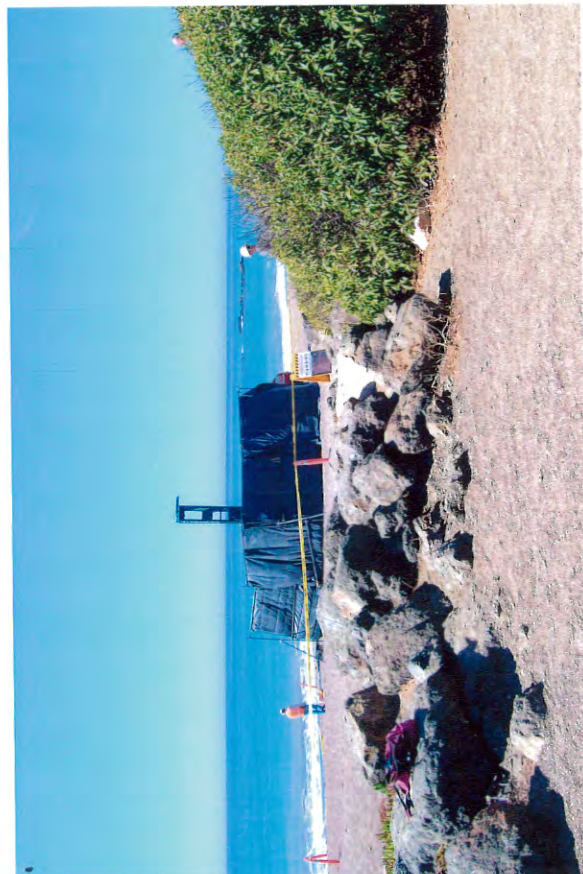
MW

Fugro P/up truck, parked near south entrance to beach. This is the truck where the bagged & tagged samples were placed. 9-23-10 MW



MW

Geotech. Crew member taking boring sample from excavation site. NOTE: The Sandwich board sign & no other signs were posted at the park-playground. 9-23-10 MW



MW

Crew member going back to the beach site, after depositing bagged boring sample in Fugro P/up. 9-23-10 MW



*1 FUGRO pickup truck, bearing bagged and tagged samples - 9-23-10 MW

9-23-10 2.
UNATTENDED
FUGRO PICK-UP
TRUCK - BEARING
TAGGED & BAGGED
BORING SAMPLES
Photos taken
by
MARY WEBB



FUGRO pickup
Tina Dickason & Steve Figler
observing boring samples. No
one was there monitoring
the truck. 9/23/10 MW



Another photo of Unattended pickup
with boring samples. Note beech
access staircase w/ no signage 9/23/10 MW



Shamel Park 9-23-10
Tina Dickason & Steve Figler
observing the bagged & tagged
boring samples. Mary Webb
took the photos. MW

2.



Berm created at Santa Rosa Creek, due to heavy surf/wave conditions 1-29-10

TD

3

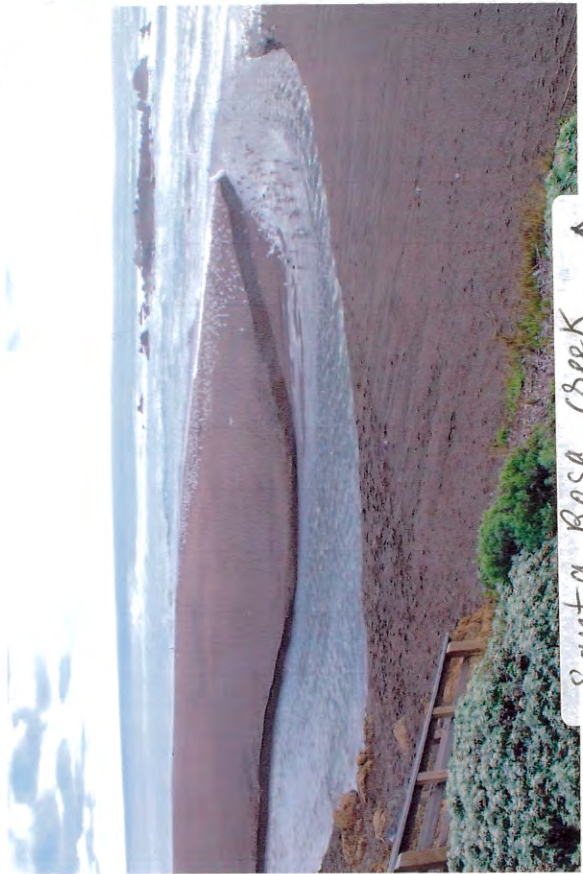


Photo of Sham el Beach where the ocean has completely covered the beach area.

1-19-10

TD

2.



Santa Rosa Creek during stormy weather 1/29/2010

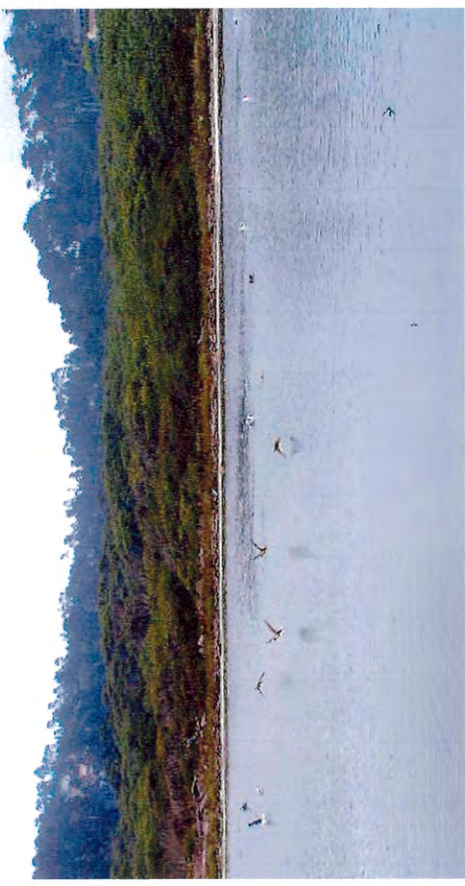
4

TD



TD

2.



TD

4.



TD

More photos of Santa Rosa
Creek/beach on 9/2/11

T.D.

1.



TD

3.



TD

2.



TD

4.



TD

1.



TD

3.



TD

These photos were all taken on 9/2/11, and show the various changes that occur at this location, Santa Rosa Beach, Cambodia TD



9-2-11 Photo of Santa Rosa Creek-hagoon and Birdlife.

TD



Santa Rosa Creek K-hagoon - swollen due to high surf activity. 9-2-11



Santa Rosa State Park Beach - High surf Wave activity 9/2/11



Santa Rosa Creek/hagoon Berm - impacted by high wave/surf activity 9-2-11 TD

Elizabeth Bettenhausen, Ph.D.
345 Plymouth Street
Cambria, CA 93428
(805) 927-0659; elizabethbettenhausen@gmail.com

21 November 2011

Commissioners and Alternates of the California Coastal Commission
cc: Tom Luster, San Francisco CCC office
Dan Carl, Central Coast District Office

Re: Agenda Item for Dec. 9, 2011

12. FEDERAL CONSISTENCY

c. **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)

I request that you vote No on the Motion recommended by the Staff on p. 16 of this item.

Dear Commissioners:

The staff of California Coastal Commission provides careful, extensive, and excellent analysis of the consistency determination submitted by the Army Corps of Engineers for the proposed geophysical and geotechnical testing in Cambria. However, I ask that you vote No on the Motion for the following reasons.

1. The testing described by the Corps is not structured to provide data adequate to determine the feasibility of the Santa Rosa Creek beach for a proposed desalination plant. Evaluating this feasibility is the only reason to do the testing. The described means will not achieve the end.

2. The testing described by the Corps is not structured to provide data for the possible effects of intake and output from pipes leading to and from a desalination plant near Santa Rosa Creek and Shamel Park. Neither is this data gathering included in the EIS/EIR of the proposed desalination plant currently being written by consultants.

The "Final Program-Level EIR for the CCSD Water Master Plan"ⁱ did not designate a site for a desalination plant, yet it claimed to find any proposed plant environmentally defensible.

In my response to the "Draft Joint Environmental Assessment and Initial Study/Mitigated Negative Declaration for Geotechnical/Geophysical Research

Investigation Study at Cambria, San Luis Obispo County, California,” May 2011, I cited the Corps’ federal “Procedures for Implementing NEPA” --

“6. Actions normally requiring an EIS are: a. Feasibility reports for authorization and construction of major projects....”ⁱⁱ

Performing only an Environmental Assessment of the Geotechnical/Geophysical Research ignores this important Procedure in official Army Corps of Engineers requirements or implicitly claims an (unnamed) abnormal situation. Submitting the consistency determination without an EIS also ignores the Regulation.

3. Using the MHTL to define environmental impact of this geotechnical and hydrogeological testing is naïve. In my June 2011 comments I wrote, “Nowhere in the EA/IS is it made clear why the researchers will use the MHTL as the western boundary of the natural preserve for purposes of assessment of impact on the environment, including ecosystems.”

“On p. 5 we read this sentence, ‘Geophysical data collection work will be conducted seaward from the MHTL in areas that **may be contiguous** with the inland State Parks natural preserve boundary to avoid encroachment onto the preserve area’ (emphasis added). This sentence suggests that the researchers’ knowledge of the boundary is ambiguous.

“Is the MHTL a boundary of environmental impact of activities? If so, what evidence supports the claim? Or, is choosing the MHTL strictly a legal matter with no attention to environmental and ecological consequences of the choice?” These questions definitely pertain to the consistency determination too.

4. Environmental analysis by the Corps uses an approach that considers plants and animals as if each species were autonomous mechanisms. Marine scientists at an international conference in Spain in 2006 developed an analysis of beach investigation. The lead author of the report, Thomas A. Schlacher, and the others wrote:

Beach management often focuses only on the physical attributes and processes of beaches, particularly those related to managing sand budgets and the stability of the shoreline.... In contrast, conservation of ecological features and processes does, in many cases, not form part of routine beach management. Consequently, the impacts on ecosystems are rarely included in impact assessment.ⁱⁱⁱ

Evaluating the geotechnical and hydrogeological testing should include analysis of the ecosystems comprised cooperatively and specifically by

Santa Rosa Creek Natural Preserve,
Hearst San Simeon State Park,

Shamel Park and Beach,
Cambria State Marine Park,
Monterey Bay National Marine Sanctuary, and
the geologically distinctive Cambria Slab, to name only major systems.
The Army Corps of Engineers' consistency determination does not do such analysis.

5. I certainly support scientific research in general. However, the merits of each proposed project must be evaluated not only with the criteria of specific disciplines of engineering, hydrology, and geology. The disciplines of economics, ecology, and ethics are integral to adequate evaluation. Mitigation of negative effects on the environment is sometimes plausible. Stipulated conditions can reduce the ambiguity of insufficiently planned or mechanically invasive tests. But when the site involves protected areas such as those mentioned above, intrusive testing should be precluded from the outset. Major decisions of social policy have already been made to protect and maintain natural resources.

6. Planning for a desalination plant has taken place in Cambria since 1994. The guiding rubric has been "Provide water to meet growing demand." The Board of Directors of the Cambria Community Services District took action in 2003 and 2008 to approve a 50% increase in the standard of water use, from 12 to 18 units bimonthly. This was to improve "the quality of life" and a major reason for proposing a desalination plant.

However, use of water has steadily declined over the past decade. According to the CCSD's account^{iv} water production in 2002 was 809.43 acre-feet. In 2007 it was 748.18 acre-feet, and in 2010 it was 672.41 acre-feet. Water use in Cambria now comes near to the standard required by the state of California by 2015 to conserve water.^v

For eight years I have been a member of the Commission's Adopt-a- Beach and Coastal Stewardship programs. For the past two years I have been a volunteer at Shamel Park and beach. The complexity of the ecosystems here amazes me. At the Cambria Grammar School (where I volunteer two days a week), I talked last week with 4th graders about phytoplankton, zooplankton, oxygen, carbon dioxide, krill, barnacles, and baleen whales. Then I asked them whether they thought "Sheldon" Plankton, Mr. Krab's arch-rival in SpongeBob SquarePants, was appropriately named. What a conversation!

Conversations each week with all the 1st graders about treasures from the beach, the forest, and other embracing eco-systems give me great hope that the next generations will no longer view nature as an infinite pile of resources for human domination and consumption.

I request that you vote no on the resolution.

Sincerely,

Elizabeth Bettenhausen

cc: Tom Luster, San Francisco CCC office
Dan Carl, Central Coast District CCC Office
Nick Franco, Superintendent, Hearst San Simeon State Park

ⁱ http://www.cambriacsd.org/cm/water_wastewater/Water%20Master%20Plan.html

ⁱⁱ Department of the Army, U.S. Army Corps of Engineers' CECW-RE, Regulation No 200-2-2; 4 March 1988; Environmental Quality, Procedures for Implementing NEPA.

ⁱⁱⁱ "Sandy beach ecosystems: key features, sampling issues, management challenges, and climate change impacts" in Marine Ecology 29 (Suppl.1) (2008), 81.

^{iv} <http://www.cambriacsd.org/Library/PDFs/WATER%20WASTEWATER/Well%20Level%20Reports/2011%201115%20PRODUCTION.pdf>

^v <http://www.cambriacsd.org/Library/PDFs/BOARD%20OF%20DIRECTORS/AGENDAS/2011/2011%2008%2025%20UWMP%20Water%20Conservation%20Goal%20Setting.pdf>



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.

Signature on File

Rick Hawley
Executive Director

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



Agenda Item F12c

December 2, 2011

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

RE: Comments regarding geotechnical and hydrogeologic feasibility study for proposed desalination facility intake wells

Dear Chair Shallenberger and Members of the California Coastal Commission:

Please accept the following comments regarding a geotechnical and hydrogeologic feasibility study for proposed desalination facility intake wells in Cambria, California on behalf of Ocean Conservancy and the Natural Resources Defense Council (NRDC). We respectfully urge you to object to the consistency determination for this project submitted by the U.S. Army Corps of Engineers.

The project before you is an initial stage feasibility study designed to assess the potential suitability of the site for a future desalination related facility. Our organizations are concerned about a wide range of environmental impacts associated with conducting the feasibility study itself including impacts related to marine resources, water quality, public access and recreation as discussed in the staff report. Furthermore, we concur with your staff's conclusion about the inadequacy of the proposed study for actually determining site feasibility. As noted in your staff report at Page 12: "the limited amount of data expected to be derived from project activities will not be sufficient to determine whether the site is suitable for this intended purpose." We do not believe the Commission should concur with an obviously incomplete feasibility analysis and are concerned that any signal of support from the Commission may be misinterpreted by the applicant as implying adequacy of the feasibility analysis as proposed.

The location of this project is the mouth of Santa Rosa Creek within Santa Rosa State Beach, the Cambria State Marine Park, Shamel County Park and the Monterey Bay National Marine Sanctuary. All of these designations demonstrate the area's extraordinarily high ecological and recreational value to the local community, the people of California and to the nation. As noted in your staff report, the area supports high quality habitat and numerous marine wildlife species including several protected species.

12/2/11

Page 2

Given the proposed project site's recognized ecological importance and sensitivity and its status as a federally, state and locally protected coastal and marine area, we believe the site itself is fundamentally incompatible with any future desalination facility. We urge the Commission to object to the consistency determination submitted by the U.S. Army Corps of Engineers and advise the applicant to pursue other more feasible alternatives rather than spend additional time, money and effort exploring a misguided project alternative that we believe is ultimately unapprovable.

In conclusion, the proposed project area has been identified by state and federal agencies as having exceptional ecological and recreational values. Any future plans to develop the site for a major industrial public works project is fundamentally inconsistent with its natural resource and recreational values as well as its legal status as a state marine park and national marine sanctuary and with numerous provisions of the Local Coastal Program and California Coastal Management Program related to both resource protection and public access. Accordingly, it is our view that this exploratory project should not be pursued.

Thank you for your consideration of our comments.

Sincerely,

Signature on File

Pacific Program Director
Ocean Conservancy

Signature on File

Co-Director, Oceans Program
NRDC

December 2, 2011

AGENDA ITEM F12C

Chair Shallenberger

Members of the California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

RECEIVED

DEC 05 2011

CALIFORNIA
COASTAL COMMISSION

Dear Chair Sallenberger and Members of the California Coastal Commission:

Please note the following comments regarding the proposed geotechnical/geophysical project at the mouth of Santa Rosa Creek here in Cambria California. This creek supports a documented population of south central California coastal steelhead and its entry to the sea is through the Cambria State Marine Park. The land adjacent to the mouth of the creek is part of the Santa Rosa Creek Natural Preserve while adjacent State park beach is part of the Hearst San Simeon State Beach. This is a zone of intersecting ecosystems (estuarine intertidal, freshwater riparian habitat, near shore ocean) that has rightfully garnered the highest levels of protection commensurate with the recreational needs of the public. I respectfully urge you to object to the consistency determination for this project as submitted by the Army Corps. Of Engineers. This proposal marks the third time data gathering has been proposed at this site, with inconclusive results and inadequate design parameters to aid decision makers.

The recent adoption by California Department of Parks and Recreation of the Cambria State Marine Park was the result of years of public participation. The site was selected due to the richness of its unique habitat, multiple recreational opportunities and lack of point source pollution. It is home to seagoing and onshore enthusiasts who fish, swim, dive, surf and play within its boundaries. Tide pools, a free boat launch, free parking, a bluff top boardwalk and local hotels accommodate a wide range of interests. Otters, seals and migrating whales delight visitors and locals alike, while an unending parade of migratory and resident birds keep heads turning. Near shore rocky intertidal outcroppings host the endangered California black abalone and stand like bookends along the mouths of Santa Rosa and San Simeon creeks.

When staff opines that "the limited amount of data expected to be derived from project activities will not be sufficient to determine whether the site is suitable for this intended purpose" it is clear that this obviously flawed and incomplete feasibility analysis should not go forward. The presumption that subterranean intake wells and outfall pipes could be placed in this location regardless of the subsurface characteristics of the site is untenable. The location of desalination infrastructure, in a park designed for recreation and protection of the environment, adjacent to a Natural Preserve, is a cynical attempt to circumvent applicable regulatory regimens. Prospecting for potential paleochannels, to pump out millions of gallons of water and inject plant effluent, is a violation of park regulations.

Public Resources Code (5001.65) prohibits the commercial exploitation of resources within units of the State Parks System. The waters within the Cambria State Marine Park are "resources" within the meaning of this code. The Santa Rosa Creek Natural Preserve and Hearst San Simeon State beach on the landward side of this proposed drilling activity, are governed by all rules and regulations adopted for State Park units. Public Resources Code (5003.05) states that they also apply on granted or ungranted tideland or submerged lands abutting state property from "a line running parallel to and 1,000 feet waterward" of the ordinary high water mark.

The Monterey Bay National Marine Sanctuary also has jurisdiction over these waters and regulates "drilling into...or otherwise altering the submerged lands of the Sanctuary". They have issued detailed Desalination Guidelines. NOAA encourages an evaluation of "the potential for an integrated regional water supply project...this should include an evaluation of other potential desalination locations...as well as other forms of water supply". Yet, Cambria stands alone in its dream of limitless water for future development. In the recent Rodeo Grounds Pump station Initial Study/Mitigated Negative Declaration, the role of desalination in Cambria is bluntly stated, it shall "be designed and limited to assure that any water supplies made available as a direct or indirect result of the project will accommodate needs generated by development..."

This project site has been looked at before in the Cambria Community Services District contracted Preliminary Site Analysis from 1993. : "The Santa Rosa Creek alternatives offer both the least costly projects coupled with the most uncertainty of overcoming obstacles. Fundamentally, this area appears too cramped for a full sized desalination facility." Yet this is what district planners propose. Currently, our Wastewater Treatment Plant is considering a move from what is a Tsunami inundation zone adjacent to Santa Rosa Creek; planners contemplate a desalination plant at the same location.

Plans to develop the site for a major industrial public works project is fundamentally at odds with the values identified by state and federal agencies and embodied in their regulations. As such, this project should not be pursued.

Thank you for consideration of these comments.

Sincerely,

Signature on File

Jim Webb
1186 Hartford St.
Cambria, CA 93428

December 3, 2011

RECEIVED
DEC 05 2011
CALIFORNIA
COASTAL COMMISSION

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)

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.

Extensive conditions have been placed on this project due to a lack of information or incomplete feasibility analysis. I agree with Staff when they determined:

- **“Existing site data and data expected from the proposed activities are not sufficient to determine site feasibility.”**
- **“Studies Provide Inadequate Information to Determine the Effects of Water Withdrawals on the Estuary.”**
- **“Site Characteristics Do Not Lend Themselves to the Corps’ Proposed Modeling Approach.”**
- **“The Proposed Modeling Is Not Adequate to Characterize The Effects of the Proposed Drawdown on the Estuary.”**
- **“Studies Provide Inadequate Information To Determine Whether Water Withdrawals or Discharges Will Mobilize Mercury or Methylmercury Into the Environment.”**
- **“Concerns Remain about Information Inadequacy.”**

In addition independent verification for the NEED FOR PROJECT is necessary:

- CCSD has not produced a 2010 Urban Water Management Plan to date.
- CCSD is a signatory to the CA Urban Water Conservation Council (2005) and has not been submitting annual reports.
- CCSD future water project is designed to increase water usage 50% per capita which is in violation of SB7X - Water Conservation Act passed in 2009 which requires the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. http://www.water.ca.gov/urbanwatermanagement/docs/sbx7_7_2009.pdf
- Production report states Cambria used 672 AFY in 2010, down from a 20 year high of 819 AFY in 1988. In addition, 21.5 AFY has not been included in reports.
- CSD directors publicly state the 602 AFY Desal plant should be reduced to 300 AFY or less. (CCSD meetings 2009, 2011)
- MtBE plume was detected near district wells SR 1 and SR 3 but contamination of wells never occurred. A new well, SR 4 was drilled upstream from possible MtBE contamination. SR 4 is considered a highly productive well and is an alternative water supply to SR 1 and SR 3 but is not mentioned in the project document.
- Customer water/sewer billing data is not provided by customer class.
- Instream flow studies have not been conducted (Hudsinski A-3-SLO-02-073 and A3-SLO-02-050 CA Coastal Commission Monaco)
- Hudsinski A-3-SLO-02-073 Santa Rosa Creek Habitat Conservation Plan not conducted.

Special Considerations:

- No intake or outfall pipelines currently exist in front of San Simeon or Santa Rosa Creeks.
- Regional approach to desalination is recommended in the NOAA guidelines. No discussions for co-location have been documented with Morro Bay (desalination plant just 20 miles south of Cambria on Highway One).
- The project area was recently identified by both the California Fish and Game Commission and the California State Parks Commission as an area of special recreational significance.
- One priority for designating the Cambria State Marine Park was for the promotion of Recreational Fishing. Lateral access will not be maintained when surf is high.
- Drilling activities and driving on the beach should be limited to September and October as specified by the Coastal Commission in 2010 if entry is granted.
- Public Resources Code §5001.65 prohibits commercial exploitation of resources within units of the state park system. Water is a limited resource in Cambria and intermittent droughts and water shortages have resulted in a building moratorium. Approximately 25-30% of CCSD water is used commercially.

Public Resources Code Section 21067 defines the lead agency as: "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." CCSD is the agency carrying out the project. The USACE is a

funding source and a contractor – but not a lead agency under CEQA. The CCSD must act and take responsibility for the project.

Consideration of alternatives leads to a solution that satisfies the project needs and protects environmental and community resources. The Council on Environmental Quality (CEQ) requires rigorous exploration and objective evaluation of all reasonable alternatives and for alternatives which were eliminated from detailed study, and the reasons for their having been eliminated.

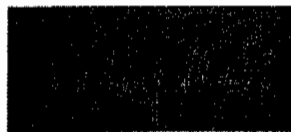
Elimination of water alternatives (including Water supply enhancement with small-scale catchment systems, tertiary treatment of wastewater, Surface Water from Lake Nacimiento, Additional Santa Rosa Creek Groundwater wells, Basin Management, Subterranean Dam in San Simeon Basin, Warren Reservoir, Seasonal Storage of Groundwater, Seasonal Storage for District Use) before evaluation process began resulted in desalination recommendation. Multiple smaller water projects that could meet either 300 or 602 AFY target were not proposed or evaluated.

In light of all information a federal consistency determination appears premature. The Commission does not have adequate information before it as a basis for determining the project's consistency with the Coastal Act, which a full environmental review would provide. Further, a consistency determination would likely prejudice the current environmental review process against project alternatives.

Without a full project description of the size of plant this project is serving, the location of plant, location of intake and outfall pipelines, slant well locations and distances, verified water demand and supply, growth inducing effects of desalination, independently reviewed water alternatives, complete environmental impact studies and identification of species of concern, brine discharge solutions, and possible mitigation estimates, **I don't believe the Commission can meet the requirement of the Coastal Zone Management Act to find this project to be consistent to the maximum extent practicable with the Coastal Act.**

I respectfully urge the Coastal Commission to Vote NO on this consistency determination and instead require a complete environmental review of the Cambria Community Services District desalination project at the earliest possible date.

Thank you for the opportunity to comment on this project.



Mary Webb
1186 Hartford
Cambria, CA 93428

Tobey Crockett Ph D
1961 Chester Lane
Cambria CA 93428

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CALIFORNIA
COASTAL COMMISSION

December 2, 2011

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

RE: Agenda Item F12c Comments regarding geotechnical and hydrogeologic feasibility study for proposed desalination facility intake wells

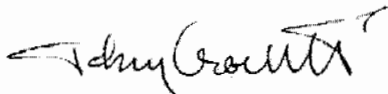
Dear Chair Shallenberger and Members of the California Coastal Commission,

I want to thank you so much for undertaking the profound work you do to safeguard our amazing California coast, such a large and complex area. My great grandfather Swepson Earle was one of the very first commissioners of conservation in the United States and did significant work to protect the oyster and softshell crab from extinction in the Chesapeake Bay. So successful was he in creating a long term program for this area that he was invited to establish eleven more such conservation programs throughout the U.S. I believe that he would be happy to see you carry forward this much-needed legacy of farsightedness and integrity.

Therefore in honor of him, I must offer comments about the proposed studies whose ultimate goal is the creation of a desalination plant in Cambria. To be blunt, it is a terrible idea. I know many experts will be presenting detailed analyses, but one simple look at the area will reveal to even a casual observer its rarity as part of an unbroken coastal area free of development. It would simply be unethical to place a large industrial monstrosity in the middle of such beauty, with its delicate ecosystems and modest recovery. To build this plant would be a slap in the face of the hard work and sacrifice of so many, including the fishermen who are now reaping the benefits of a wise conservation program that is finally in place around this stunning location. One has to travel hundreds, if not a thousand or more miles up the West coast to see another such untrammelled and well protected spot. We, the American people, deserve to have at least a few such special places. I urge you to remember your bureaucratic roots and protect this rare and fruitful place.

Two more points: 1) all appeals to virtue aside, it does not make good economic sense: we truly need biodiversity – in genetic terms, it is the gold mine, the savings account, the savings bonds as it were of our future generations. The kind of eco-damage this plant will create will deprive our children of a potentially lucrative spot of wilderness, as well as damaging many current businesses which rely on tourism. 2) There is a report from 1994 which identifies a Native American burial site at Shamel Park, discovered in the 1930's. The laws governing Native American remains are very clear and local indigenous communities will become involved if this area is tampered with in an inappropriate manner – i.e.: with ground disturbances, drilling tests, studies, etc. I am a member of such a community and I will personally bring this issue to the fore if it becomes necessary.

In closing, thank you once again for all the good things you do and peace be with you,



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CALIFORNIA
COASTAL COMMISSION

Anne Winburn
2809 Burton Circle
Cambria, California 93428

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-SI)

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

Tom Luster

From: Catherine Ryan Hyde [ryanhyde@sbcglobal.net]
Sent: Monday, December 05, 2011 4:51 PM
To: Tom Luster
Subject: Proposed geotechnical project at the mouth of Santa Rosa Creek, Cambria
 To: Tom Luster and the members of the California Coastal Commission

Re: Proposed geotechnical project at the mouth of Santa Rosa Creek, Cambria

Dear Tom Luster:

Well, here we go again.

Last time this project of the Army Corp/Cambria Community Services District (oh, who are we kidding? It's a CCSD project) came up for a consistency determination, I drove all the way up to Santa Cruz to attend your meeting, and to ask you not to approve it.

Instead, the commission placed many restrictions on the project, such as requiring the ACE to test for mercury first thing. Director Mirkarimi even joked about taking bets on how quickly they'd hit mercury (its presence had already been proved by independent tests). They pulled core samples, all right. In fact, I (and several other Cambrians) have photos of those samples sitting unattended in the back of a pickup truck near the children's playground. And when we asked the results of these mercury tests? Well, when I last checked, no information was forthcoming. The ACE said there were no results.

Then they went out onto the County Beach (after working hard to find a map that gave a broader definition of the County Beach than any other) and hit bedrock at only 24 feet, about a third of the depth predicted by their earlier studies. So, the question in my mind is, which is more of a waste? That version of the project? Or this one?

This year I am too busy with work to attend in person, but I still oppose the project and want my thoughts to be heard. I realize this letter, these thoughts, are far less technical and perhaps not as well expressed as other you will receive. But I am a Cambrian, a constituent, and these are my concerns.

Many months ago, an article appeared in The Cambrian Newspaper regarding the state of the geotech project. Nick Franco of State Parks offered a quote that pretty much said it all. I'm paraphrasing, but the intent will remain clear. He said State Parks could probably work something out with the geotesting, but that it was not legal to site a desalination plant intake at that location. As I'm sure you know, above the mean high tide line is a protected natural preserve. Below it is our new marine park. So what on earth is the point of drilling up that delicate and endangered ecosystem *if they can't put their darned desal intake there?* It has become a project without a purpose. I can't imagine what the CCSD or the ACE hope to gain by going forward with it. I won't even speculate. But it will not result in a desal plant at that location. So *why let them do it?*

I still have a video clip of Esther Sanchez speaking eloquently on her objections to this project the first time it came before the commission. You can feel her frustration that none of her colleagues seemed to want to listen. Staff recommended the consistency determination be given. I have no idea why. Maybe you do. But, frankly, Mr. Luster, a great disservice was done to our community, and all who visit it. Director Sanchez said she felt like she was "getting on a train."

12/6/2011

Ecologically concerned Cambrians felt as though we were being run over by one.

Now the commission has another chance to protect our beautiful beach and lagoon from a project which has come completely unmoored from any earthly purpose. Please do protect it.

I'd appreciate having this letter of objection entered into the meeting record.

Thank you,

Catherine Ryan Hyde

287 Weymouth St

Cambria, CA 93428

(805) 927-1783

ryanhyde@cryanhyde.com

Tobey Crockett Ph D
1961 Chester Lane
Cambria CA 93428

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DEC 05 2011
CALIFORNIA
COASTAL COMMISSION

December 2, 2011

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

RE: Agenda Item F12c Comments regarding geotechnical and hydrogeologic feasibility study for proposed desalination facility intake wells

Dear Chair Shallenberger and Members of the California Coastal Commission,

I want to thank you so much for undertaking the profound work you do to safeguard our amazing California coast, such a large and complex area. My great grandfather Swepson Earle was one of the very first commissioners of conservation in the United States and did significant work to protect the oyster and softshell crab from extinction in the Chesapeake Bay. So successful was he in creating a long term program for this area that he was invited to establish eleven more such conservation programs throughout the U.S. I believe that he would be happy to see you carry forward this much-needed legacy of farsightedness and integrity.

Therefore in honor of him, I must offer comments about the proposed studies whose ultimate goal is the creation of a desalination plant in Cambria. To be blunt, it is a terrible idea. I know many experts will be presenting detailed analyses, but one simple look at the area will reveal to even a casual observer its rarity as part of an unbroken coastal area free of development. It would simply be unethical to place a large industrial monstrosity in the middle of such beauty, with its delicate ecosystems and modest recovery. To build this plant would be a slap in the face of the hard work and sacrifice of so many, including the fishermen who are now reaping the benefits of a wise conservation program that is finally in place around this stunning location. One has to travel hundreds, if not a thousand or more miles up the West coast to see another such untrammelled and well protected spot. We, the American people, deserve to have at least a few such special places. I urge you to remember your bureaucratic roots and protect this rare and fruitful place.

Two more points: 1) all appeals to virtue aside, it does not make good economic sense: we truly need biodiversity – in genetic terms, it is the gold mine, the savings account, the savings bonds as it were of our future generations. The kind of eco-damage this plant will create will deprive our children of a potentially lucrative spot of wilderness, as well as damaging many current businesses which rely on tourism. 2) There is a report from 1994 which identifies a Native American burial site at Shamel Park, discovered in the 1930's. The laws governing Native American remains are very clear and local indigenous communities will become involved if this area is tampered with in an inappropriate manner – ie: with ground disturbances, drilling tests, studies, etc. I am a member of such a community and I will personally bring this issue to the fore if it becomes necessary.

In closing, thank you once again for all the good things you do and peace be with you,

←
Signature on File

Tom Luster

From: Stephen Figler [skfigler@gmail.com]
Sent: Tuesday, December 06, 2011 10:32 PM
To: Tom Luster; Tina Dickason
Subject: Meeting/hearing regarding Cambria, CA, and Shamel Park beach

Tom Luster, Coastal Program Analyst

TO: THE CALIFORNIA COASTAL COMMISSION
FROM: STEPHEN K. FIGLER, PH.D.
DATE: DECEMBER 6, 2011
RE: TEST DRILLING AT SHAMEL PARK, CAMBRIA, CA

DEAR COMMISSIONERS:

I was at Shamel Park in Cambria, CA, on September 23, 2010 to watch the test drilling on the beach between the park and the ocean. I asked a person with a clipboard who was clearly involved with or observing the operation what the drilling was about or for. She said it was something to the effect of 'just drilling.' A short time later in the act of leaving the beach and park, I stopped by a small open-bed pickup truck (the name FUGRO was on the side and maybe the back) in the parking lot because the bed of the pickup contained some long, round plastic covered sand/dirt filled items that might be called core samples. Two or three other Cambrians were there also, but none of those involved with the testing were in or near the truck. I don't know whether such samples should be guarded, but I was surprised that they weren't.

Some pictures were taken of the truck and its contents. If necessary for evidence, I give permission that pictures of me and my name be used. I would be willing to sign an affidavit as to the accuracy of the above comments.

Stephen Figler, Ph.D.
1855 Cardiff Drive
Cambria, CA 93428
skfigler@gmail.com

SK Figler
skfigler@gmail.com

Paul McDonnell, Jr.
395 Norfolk Street
Cambria, CA 93428
951.990.7555
805.927.1515
Paul@cmdecrinis.com

Re: Item F12C

December 1, 2011

Dr. Charles Lester
Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105- 2219

FAX (415) 904- 5400

Dear Dr. Lester:

I am a full-time Cambria resident writing to express my support of the staff recommendation to concur with the Corps of Engineers Consistency Determination. I have read the staff report and even though it "damns the project with faint praise", it comes through clearly that there is no basis to deny the Determination. The recent 10th anniversary of the declaration of a water emergency underscores the need for a reliable solution to the town's water supply needs.

It is clear that this project has faced tremendous opposition to date, but allowing simple testing which entails such limited impacts is truly in the public's interest. Should the Project truly be infeasible then let it fall on its own merits. As the Commission knows well there are numerous hurdles to clear for the Project down the road, many of which are within the purview of the Commission. Denying the Determination at this point only serves to buttress the argument that the Commission is unwilling to give the Cambria Community Services District and the Project a fair shot.

Sincerely,

Signature on File

Paul McDonnell

Cc: Cambria CSD

John G. Zettler
3820 South Mallard Lane
Doylestown, PA 18902

December 3, 2011

Dr. Charles Lester
Executive Director
CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105- 2219
FAX (415) 904- 5400

Reference: December Hearing Agenda Item F12C
Consistency Determination No. CD-047-11

Dear Dr. Lester and Coastal Commission Staff:

In May of 2010, the Coastal Commission passed Consistency Determination CD-002-10, finding that the comprehensive study that is now in part before you again was "consistent to the maximum extent practicable with applicable provisions of the California Coastal Management Program (CCMP)." In reliance on that approval, Army Corps of Engineers (ACE) has now spent a year and a half and considerable sums of public funds attempting to carry out the study. The study has not been completed simply due to difficulties in securing entry permits on state lands. The request before you now is part of the same study that was already approved as part of CD- 002-10.

During the hearing for CD-002-10, project opponents expressed concern that the study at hand should not be allowed in advance of completion of a full environmental impact study and issuance of a coastal development permit for the complete proposed project. Director Douglas explained in response and certain Commissioners agreed that it was unreasonable and impractical to expect the applicant to commit and expend such a large amount of public funds as would be necessary to complete all the required environmental documents for the full project before being allowed to determine whether the project is even feasible. I agree with and support this conclusion.

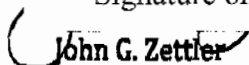
In the report before you now for CD-047-11, staff accurately notes "it is not likely the proposed activities will be sufficient to support a determination that the site is a suitable location for these structures." This is nothing new, is well understood, and really has nothing to do with this application. Thus it should not be seen as a reason not to find in favor of this application. When all feasibility studies are completed, if the project is determined to be feasible, then in due course all of the usual environmental studies and mitigations will be completed as required. It will be within the purview of the Coastal Commission to make sure that happens.

There is local opposition to the proposed desalination project, and they oppose the project primarily because they fear the potential growth inducing impact of the project. They have worked for years to derall the project, and in the process they oppose it at every turn. The application before you now is just the latest step in this process. When the Commission was due to consider CD-002-10 this opposition submitted reports attempting to cause great fear of disastrous impacts just from doing the testing alone. The first phase of testing was completed, and none of the feared impacts happened. We expect you'll be hearing some of the same doomsday predictions concerning the application before you now. I ask that you recognize what is behind these protests is not really opposition to the requested approval to do testing, it's about the ultimate project. That project is not what is before you now. It will have its day in court and will have to stand on its merits in due course, but not today.

I have owned land in Cambria for more than five years. I pay substantial property taxes year-in and year-out on this land, yet have been unable to build on our property as a result of the building moratorium resulting from the lack sufficient water supply. The lack of water not only denies tax paying citizens the right to build and enjoy their property, but it also puts the current residents at risk should a substantial fire ever occur in Cambria. As a retired chief officer of two different Fire Departments, I can assure you that Cambria is at substantial risk in the event of a major fire such as a downtown conflagration or a massive wild fire. Cambria needs a supplemental water supply, despite the protests and distortions of the opposition to this project.

I ask that you approve Consistency Determination CD-047-11 to allow the process to continue. Thank you in advance for your consideration.

Signature on File

 John G. Zettler

F12C

Dr. Charles Lester
Executive Director
CALIFORNIA COASTAL COMMISSION
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
Fax 415-904-5400

Subject: December Hearing Agenda Item F-12C

Dear Dr. Lester and Coastal Commission Staff,

Please continue to proceed with the desalination plant in Cambria. We have been members of UnLOC for many years. We bought our lot in 1997 with hopes to build at retirement. We are now in our seventies and will be unable to build due to health issues. We need the money from our lot. Retirement is difficult enough without losing assets. (It can't be sold without water.) The lot is located in a neighborhood that has two lots left to build on. We have a water position #108.

We are asking that the project (desal) progress on a schedule without the possibility of further frivolous lawsuits. What is happening are further costs to the taxpayers, like us.

Sincerely,

Frances and Donald Felich
1302 Casa Court
Santa Clara, CA 95051

December 4, 2011

RE: Item F12C

Dr. Charles Lester
Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105- 2219

Dear Dr. Lester:

My wife and I current residents of Cambria and for far too many years we have watched the no-growth proponents in the town use every possible avenue to stymie growth for their own personal interests to the detriment of the majority. Water is not only important for growth, but also for the ongoing well being on Cambria.

We have come a long way and we believe that it is important to continue moving forward and to explore all of the options available to the town and it residents. It would be fruitless to stop at this point. Therefore, we urge you to support the staff recommendation to concur with the Corps of Engineers Consistency Determination.

Thank you.

Sincerely,

Greg and Linda Hunter
Cambria, CA

Dec. 4, 2011

Dr. Charles Lester, Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105

Ref: Consistency Determination No. CD-047-11
Dec. Hearing Agenda Item F12C

To: Dr. Lester and Coastal Commission Staff:

I am a full time Cambria resident for 22 years and would like to ask the Commission find in favor of Consistency Determination CD-047-11. Cambria residents desperately need a reliable water source for both our daily needs and for fire protection. There is a small but very determined faction of residents who fight against any new water source because they favor zero growth. A past mail-in vote conducted by our CCSD determined that a majority of Cambria residents want a new, reliable source of water, as our wells have come very close to running dry in drought years. Salt water intrusion when our wells get dangerously low is also a big worry.

Our Congresswoman, Lois Capps, has worked hard to secure funding for a water project for Cambria and I fear that funding will be lost if the project is delayed endlessly.

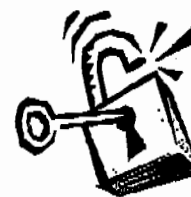
Thank you for your consideration of my opinion.

Best regards.

Signature on File

Marian Willis

United Lot Owners of Cambria
"UnLOC"



Dr. Charles Lester
Executive Director
CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105- 2219
FAX (415) 904- 5400

Subj: December Hearing Agenda Item F12C
Consistency Determination No. CD-047-11

Dear Dr. Lester and Coastal Commission Staff:

In May of 2010, the Coastal Commission passed Consistency Determination CD-002-10, finding that the comprehensive study that is now in part before you again was "consistent to the maximum extent practicable with applicable provisions of the California Coastal Management Program (CCMP)." In reliance on that approval, Army Corps of Engineers (ACE) has now spent a year and a half and considerable sums of public funds attempting to carry out the study. The study has not been completed simply due to difficulties in securing entry permits on state lands. The request before you now is part of the same study that was already approved as part of CD-002-10.

During the hearing for CD-002-10, project opponents expressed concern that the study at hand should not be allowed in advance of completion of a full environmental impact study and issuance of a coastal development permit for the complete proposed project. Director Douglas explained in response and certain Commissioners agreed that it was unreasonable and impractical to expect the applicant to commit and expend such a large amount of public funds as would be necessary to complete all the required environmental documents for the full project before being allowed to determine whether the project is even feasible. We agree with and support this conclusion.

In the report before you now for CD-047-11, staff accurately notes "it is not likely the proposed activities will be sufficient to support a determination that the site is a suitable location for these structures." This is nothing new, is well understood, and really has nothing to do with this application. Thus it should not be seen as a reason not to find in favor of this application. When all feasibility studies are completed, if the project is determined to be feasible, then in due course all of the usual environmental studies and mitigations will be completed as required. It will be within the purview of the Coastal Commission to make sure that happens.

There is local opposition to the proposed desalination project, and they oppose the project primarily because they fear the potential growth inducing impact of the project. They have worked for years to derail the project, and in the process they oppose it at every turn. The application before you now is just the latest step in this process. When the Commission was due to consider CD-002-10 this opposition submitted reports attempting to cause great fear of disastrous impacts just from doing the testing alone. The first phase of testing was completed, and none of the feared impacts happened. We expect you'll be hearing some of the same doomsday predictions concerning the application before you now. We just ask that you recognize

Protecting the entitlements and value of vacant lots in Cambria

UnLOC.org

PO Box 820, Cambria, CA 93428

Member, American Association of Small Property Owners, AASPO.com

that what is behind these protests is not really opposition to the requested approval to do testing, it's about the ultimate project. That project is not what is before you now. It will have its day in court and will have to stand on its merits in due course, but not today.

United Lot Owners of Cambria stands along with ACE, Cambria Community Services District, local Congresswoman Lois Capps, and we believe the majority of Cambria residents in support of continued work to complete feasibility studies for the proposed desalination project. We ask that you approve Consistency Determination CD-047-11 to allow the process to continue.

Sincerely,

Signature on File


President, United Lot Owners of Cambria (UnLOC)

F12C

Dr. Charles Lester
Executive Director
CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-22219
FAX (415) 904-5400

RECEIVED

DEC 05 2011

CALIFORNIA
COASTAL COMMISSION

Subj: December Hearing Agenda Item F12C
Consistency Determination No. CD-047-11

Dear Dr. Lester and Coastal Commission Staff:

In May of 2010, the Coastal Commission passed Consistency Determination CD-00 02-10, finding that the comprehensive study that is now in part before you again was "consistent to the maximum extent practicable with applicable provisions of the California Coastal Management Program (CCMP)." In reliance on that approval, Army Corps of Engineers (ACE) has now spent a year and a half and considerable sums of public funds attempting to carry out the study. The study has not been completed simply due to difficulties in securing entry permits on state lands. The request before you now is part of the same study that was already approved as a part of CD002-10.

During the hearing for CD-002-110, project opponents expressed concern that the study at hand should not be allowed in advance of completion of a full environmental impact study and issuance of a coastal development permit for the complete proposed project. Director Douglas explained in response and certain Commissioners agreed that it was unreasonable and impractical to expect the applicant to commit and expend such a large amount of public funds as would be necessary to complete all the required environmental documents for the full project before being allowed to determine whether the project is even feasible. We agree with and support this conclusion.

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Page 1 of 2

that what is behind these protests is not really opposition to the requested approval to do testing, it's about the ultimate project. That project is not what is before you now. It will have its day in court and will have to stand on its merits in due course, but not today.

As a lot owner since 2000 and unable to build our home due to this moratorium, My wife and I stand along with ACE, Cambria Community Services District, local Congresswoman Lois Capps, and we believe the majority of Cambria residents in support of continued work to complete feasibility studies for the proposed desalination project.

We ask that you approve Consistency Determination CD-047-11 to allow the process to continue.

Sincerely, _____

Signature on File

Gregory Curtis Horn
6009 Cochran Drive
Bakersfield CA 93309
661-319-5539

Signature on File

Katherine Marie Horn
6009 Cochran Drive
Bakersfield, CA 93309
661-378-8885

James and Linda Ensley
4217 Jory Trail
Las Vegas, Nevada 89108
Ph (702)645-6327

F12C

Dr. Charles Lester
Executive Director
CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105- 2219
FAX (415) 904- 5400

Subj: December Hearing Agenda Item F12C
Consistency Determination No. CD-047-11

Dear Dr. Lester and Coastal Commission Staff:

As a members of United Lot Owners of Cambria, we also stand along with ACE, Cambria Community Services District, and local Congresswoman Lois Capps. We believe the majority of Cambria residents in support of continued work to complete feasibility studies for the proposed desalination project. We ask that you approve Consistency Determination CD-047-11 to allow the process to continue for the following reasons.

Request already approve as part of CD-002-10

In May of 2010, the Coastal Commission passed Consistency Determination CD-002-10 finding that the comprehensive study that is now in part before you again was "consistent to the maximum extent practicable with applicable provisions of the California Coastal Management Program (CCMP)." In reliance on that approval, Army Corps of Engineers (ACE) has now spent a year and a half and considerable sums of public funds attempting to carry out the study. The study has not been completed simply due to difficulties in securing entry permits on state lands. The request before you now is part of the same study that was already approved as part of CD 002-10.

Full environmental study unreasonable at this point

During the hearing for CD-002-10, project opponents expressed concern that the study at hand should not be allowed in advance of completion of a full environmental impact study and issuance of a coastal development permit for the complete proposed project. Director Douglas explained in response and certain Commissioners agreed that it was unreasonable and impractical to expect the applicant to commit and expend such a large amount of public funds as would be necessary to complete all the required environmental documents for the full project before being allowed to determine whether the project is even feasible. We agree with and support this conclusion.

In the report before you now for CD-047-11, staff accurately notes "...it is not likely the proposed activities will be sufficient to support a determination that the site is a suitable location for these structures." This is nothing new, is well understood, and really has nothing to do with this application. Thus it should not be seen as a reason not to find in favor of this application. When all feasibility studies are completed, if the project is determined to be feasible, then in due course all of the usual environmental studies and mitigations will be completed as required. It will be within the purview of the Coastal Commission to make sure that happens.

Desalination project, not the testing, is opposed (by a few)

There is local opposition to the proposed desalination project, and they oppose the project primarily because they fear the potential growth inducing impact of the project. They have worked for years to derail the project, and in the process they oppose it at every turn. The application before you now is just the latest step in this process. When the Commission was due to consider CD-002-10 this opposition submitted reports attempting to cause great fear of disastrous impacts just from doing the testing alone. The first phase of testing was completed, and none of the feared impacts happened. We expect you'll be hearing some of the same doomsday predictions concerning the application before you now. We just ask that you recognize that what is behind these protests is not really opposition to the requested approval to do testing, it's about the ultimate project. That project is not what is before you now. It will have its day in court and will have to stand on its merits in due course, but not today.

Sincerely,

Signature on File

 James Ensley
Lot Owner

December 5, 2011

Dr. Charles Lester
Executive Director
CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
FAX (415) 904-5400

Subj: December Hearing Agenda Item F12C
Consistency Determination No. CD-047-11

Dear Dr. Lester and Coastal Commission Staff:

My wife and I purchased a lot in Cambria over eight years ago. We bought our lot from a couple who had purchased the lot for the same reasons we had, to build a home and retire in Cambria. They were nearing retirement and could no longer wait to start preparing so they reluctantly had to part with their dream and sell the property. We felt badly for them but lucky that our retirement plans would certainly come true. Here we are eight years later and our chances to be able to build our retirement dream on our lot are no better than the previous owners.

I have been a Cambria lot owner and member of United Lot Owners of Cambria (UNLOC) for over eight years. Two years ago I attended a Commission hearing and spoke in favor of Cambria's desalination project. Here we are again spending much time and effort debating the impacts of simply acquiring data to be able to properly determine the real effects of a project. The impacts of this data gathering project have been clearly identified and shown to be negligible. In every case steps have been taken to mitigate the possibility of even the most remote impacts. Any continued delays to clearing this simple data collection project will serve to highlight the purely political nature of the Commissions participation in protecting our coastal areas and foretell the ruin of them.

My wife and I hope the Commission can move beyond the politics and vote in favor of Consistency Determination CD-047-11.

Sincerely,

Signature on File

Signature on File

Craig Harrington
Beth Harrington

United Lot Owners of Cambria
"UnLOC"

F12C

Dr. Charles Lester
Executive Director
CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
FAX (415) 904-5400

Subj: December Hearing Agenda Item F12C
Consistency Determination No. CD-047-11

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United Lot Owners of Cambria stands along with ACE, Cambria Community Services District, local Congresswoman Lois Capps, and we believe the majority of Cambria residents in support of continued work to complete feasibility studies for the proposed desalination project. We ask that you approve Consistency Determination CD-047-11 to allow the process to continue.

Sincerely,

Karen Kalpakoff and Roy Mendrin
Lot Owner in Cambria with-out water
Ass# 022-052-041

Cam Pines US BL 4 LTS 40 to 42
0 Stafford Drive, Cambria, CA 93428
Phone:# 714-840-5272 & 559 275-4871 Cell# 559-351-5333

Signature on File

[Handwritten Signature] 12/5/2011

Dr Charles Lester
Executive Director
California Coastal Commission
45 Fremont, Suite 2000
SAN FRANCISCO CA 94105-2219

Subject December Hearing Agenda Item F12 C
Consistency determination No. CD-047-11

Dear Dr Lester and Commission staff

We are landowners in Cambria. We paid premium price for a small parcel of Land on the CCSD master water wait list in 2004 with the premise that in the next 5 to 7 years there will be a master water project that includes desalination which in turn means residential building permits.

A Minority in Cambria say we have Gambled and we have lost.

We believe otherwise. Water is a vital and scarce resource and needs to be more readily available to all Californians who need it.

We are writing to you in support of consistency determination CD-047-11 which involves a feasibility study only.

We believe that for every Cambria resident who opposes all aspects of the desalination project, there are perhaps 5 or 6 residents and landowners who support this vital project.

We hope that you will be fair and allow the feasibility process to take its course.

Sincerely

Jacob and Susan Colarian
52 W. Goshen Clovis CA 93611

Signature on File

Dr. Charles
Lester

Item F12C

Executive Director
CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105- 2219
FAX (415) 904- 5400

Dear Dr. Lester:

Bill and I are Cambria lot owners writing to express our support of the staff recommendation to concur with the Corps of Engineers Consistency Determination. We do not believe any harm can come from testing.

For the last ten Bill and I years we have seen tremendous opposition to this project. Both of us care about the environment and believe that the testing would give us valuable information on whether or not is safe. Please do not allow the huddle to continue any more.

Sincerely,

Bill and Noel Currin
noelcurrin@gmail.com

Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

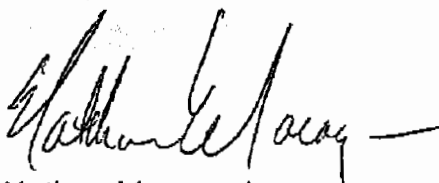
Item F12C

Dear Dr. Lester,

I am a property owner in the city of Cambria. I want to express my support to concur with the Corps of Engineers Consistency Determination.

I would like to see this project move forward. I and many others have been waiting for a very long time to see this project become a reality. Although there are many more steps in this process, we need to be reasonable and responsible to all citizens and property owners in Cambria.

I have always felt there is a way to be environmentally responsible and at the same time allow a reasonable amount of growth to occur. Lets please work together to accomplish something that we can all be proud of.

A handwritten signature in black ink, appearing to read "Nathan Maragoni", followed by a horizontal line.

Nathan Maragoni

Lance & Debbie Warner
1015 Dixie Hwy
Rossford, Ohio 43460
lancewarner@hotmail.com
419 490 8380 Cell

Executive Director
California Coastal Commission
45 Fremont, suite 2000
San Francisco, Ca. 94105-2219
Fax 415 904 5400

F12C

Dear Dr. Lester

I'm writing this letter in favor of request determination of CD 047-11. Please let me explain, Cambria has been searching for water for 30 plus years and this project for a desal plant is the best to date in other words "This Is It" no other ideas have come up to this one. There are some people in Cambria that are interested in stopping time and with the economy in the stalled position this project will create jobs for many years, add to business in town, help the economy and add much needed life to the town. Also the federal government has promised 13 million dollars and anybody that would pass up that chance would be out of there mind.

Lance & Debbie Warner Lot Owners


brownleePM

PO box 391

Carpinteria, CA 93014

Phone: (805)-732-5429

E-Mail: brownleePM@gmail.com

December 5, 2011

Dr. Charles Lester Executive Director
CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105- 2219
FAX (415) 904-5400

Subject: December Hearing Agenda Item F12C Consistency Determination No. CD-047-11

Dear Dr. Lester and Coastal Commission Staff:

I am a member of the United Lot Owners of Cambria (UnLOC). I own a buildable lot in Cambria with position 365 on the Cambria Community Services District water permit wait list. With an interest in building a modest state of the art green home for my family and for retirement, my family stands to benefit from the prospect of desalinization.

Professionally, I offer services as an Owners Representative Project Manager. Among completed projects is the phase II development for the Post Ranch Inn on the Big Sur coast just north of Cambria. This project offered an extraordinary opportunity to work with the California Coastal Commission. The Inn's on-going success as an example of minimal impact sustainable development with a well managed Habitat Conservation Plan is exemplary.

Over the past several years, I have followed the Cambria Communities desalinization development interests closely. My understanding of the project and its prospective long-term stability and security benefits for the community combined with my professional experience with sensitive coastal development projects suggests the potential for another exemplary coastal development project.

With community support for desalinization from UnLOC, ACE, Cambria Community Services District, local Congresswoman Lois Capps and a majority of Cambria residents, with the inherent long term community stability and security offered by the proposed project and with the understanding that the current feasibility studies for the proposed desalinization plant are a critical dependency, I ask that the Commission finds in favor of the requested Consistency Determination CD-047-11.

Sincerely,

Signature on File

Hugh Brownlee

Owner's Representative Project Manager

Dr. Charles Lester
Executive Director
California Coastal Commission
45 Fremont , Suite 2000
San Francisco, Ca 94105-2219
Fax (415) 904-5400

Subject : December Hearing Agenda Item F12C
Consistency Determination No. CD-047-11

Dear Mr. Lester and Coastal Commission Staff:

My husband and I are lot owners on Windsor Blvd in Cambria since 2001 and look forward to one day building a home on our property. Regarding the issue of the desalination plant proposal and the moratorium on water connections in Cambria since 2001, we urge you and the commission members to approve the matter before you.

It has been a decade of strong opposition to the desalination plant by a small and very vocal group of Cambria residents who do not want to see any growth in Cambria. Even though a majority of Cambrians are in support of the continuing work toward a resolution to this matter, the opposition carries on. The water issue in Cambria is not going to disappear. Although this small group of nay sayers might think it possible to continue their road blocks at least until they are dead and gone, the potential water shortage issue will not go away. This project simply grows more expensive as time goes on. Had the desalination project been done in the 90's the cost to the tax payers would have been a fraction of what it is now and will grow to be in the future.

As a tax payer without due process because I am unable to vote on local matters as I do not reside in Cambria or within SLO County, I urge the commission to approve the the completion of the feasibility studies for the proposed desalination project and allow this necessary process to continue on its due course.

As water should be a basic utility and one that should be made available to every property owner, particularly to those with lots in tracts established nearly a century ago, we urge you and the other commission staff to do whatever you can to make the desalination project in Cambria a reality.

Sincerely,

Joan Linton
2018 Belford Dr
Walnut Creek, CA 94598

925-890-7475

December 5, 2011

Re: Agenda Item F12C

Dr. Charles Lester
F12C
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
FAX: 415 904 5400

Dear Dr. Lester:

As members of UnLOC for nearly 20 years, and a couple who has endured two decades of frustration at the hands of those in Cambria who resist change, we humbly implore the Commission to find in favor of the requested Consistency Determination CD-047-11. Denying the Determination at this point is unfair and unjust to the many people who look to their future in Cambria and count on the "government of the people, by the people and for the people" to defend that future.

Respectfully yours,

Signature on File

James Kassebaum
626.806.7788

Signature on File

Giff Kassebaum

F12C

December 5, 2011

Dr. Charles Lester
Executive Director
California Coastal Commission
45 Freemont, Suite 2000
San Francisco, CA 94105-2219
FAX (415) 904-5400

Subject: December Hearing Agenda Item F12C
Consistency Determination No. CD-047-11

Dear Dr. Lester and Coastal Commission Staff:

United Lot Owners of Cambria stands along with ACE, Cambria Community Services District, local Congresswoman Lois Capps, and we believe the majority of Cambria residents in support of continued work to complete feasibility studies for the proposed desalination project. We ask that you approve Consistency Determination CD-047-11 to allow the process to continue.

Thank you for your help in this matter.

Sincerely,

Signature on File

Signature on File

Barbara and Allen Choate
Cambria Lot Owners on the waiting list
a_bchoate@yahoo.com