

CALIFORNIA COASTAL COMMISSION

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W15a

Prepared September 9, 2019 for September 11, 2019 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Brian O'Neill, Coastal Program Analyst

**Subject: Additional hearing materials for W15a
Application Number 3-19-0617 (Chevron Environmental Management Company
and Cayucos Sanitary District Cayucos Sustainable Water Project)**

Where checked in the boxes below, this package includes additional materials related to the above-referenced hearing item as follows:

- Staff report addendum
- Additional correspondence received since the staff report was distributed
- Additional ex parte disclosures received since the staff report was distributed
- Other

XOLON SALINAN TRIBE

"PEOPLE OF THE OAKS"

The Xolon Salinan Tribe are the People who have been referred to as the Salinan Indians from Missions San Miguel, San Antonio and Soledad. We have always called ourselves "Xolon Indians." The Federal government called us the "Salinans," because of the Salinas River that runs through most of our ancient territory; hence, we now call ourselves "The Xolon Salinan Tribe," so that everyone will know whom we are. Our ancient People lived (documented) along the Central Coast of California, from the northern part of San Luis Obispo – to the Big Sur area to the north – and inland to the Temblor Range. There have been erroneous writings, regarding Natives observed living along the coast, claiming that Indians called the "Playanos" inhabited this area. This is incorrect. The Salinan People – our families – would go there on a seasonal basis to fish and collect shells for regalia and trade.

September 3, 2019

Re: AB52 Notification, Ca. Coastal Commission, Cayucos Sustainable Water Project, Toro Creek – Willow Creek option, Cayucos-Morro Bay, CA.

Aki'sh (Greetings) Ms. Huckelbridge,

Thank you for the notification and links to the extensive EIR 2017 studies pertaining to this project. This has been the first information we have received pertaining to this project.

This area falls under the ancient tribal lands and boundaries of the Xolon Salinan Ancestors. After further reviewing the study, both areas of this project has substantial ancestral history of our ancestors living within the Toro Creek and Willow Creek areas. This type of project, we foresee unavoidable impact of cultural resources and possibly ancestry remains discoveries.

Here's a little history, Many of our Xolon-Salinan families lived throughout the Toro Creek area. Maria Antonia Baylon, full blood Xolon-Salinan ancestor and her family, also some of the Encinales families (Xolon-Salinan) occupied this area as well. We know this area was a before and after contact habitation of our Xolon Salinan ancestors. We also know there is at least one Indian Burial Grounds within this land.

Willow Creek, also a primary watershed and is also known as an ancestral camp area for our ancestors.

The mitigation procedures within the EIR study seems to be detailed and adequate, however the concern around CA-SLO-879H, still ways heavy on us. Is it possible to engineer a trenchless construction method around this particular area that has been declared un-avoidable?

We know our ancient people inhabited the Morro-Cayucos Lands for over 10, 000 years; some of our families lived there permanently others seasonally. We can also go back 200 years through our extensive genealogy of our Xolon Salinan families living within these lands.

As for cultural materials that may surface within this project, will they be reinterred or will they be given to an agency for safe keeping? I apologize, I may have missed reading this in the study.

Utilizing Chevron Estero Marina Terminal for a small portion of this project may take some time to clean-up. We thought this area was abandoned and no activity was taking place within this area? There are definitely some sensitive sites within that property as well.

When do you expect this project to begin? There is no doubt a Xolon-Salinan Tribal Monitor (s) must be a participant when ground disturbance begins.

Thank you for your time, please do not hesitate to contact us if you have further questions.

Best Regards,

Karen R White, Council Chair, Xolon Salinan Tribe



P.O. Box 7045,
Spreckels, Ca. 93962

Karen R. White
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Blaise Haro
Janet Pura-Martinez

Tribal Headwoman

Donna Haro – elder
"AAKLETSE"
dhaakletse@gmail.com

Visit our new website at:
www.xolonsalinantribe.org

From: [Patti dunton](#)
To: CentralCoast@Coastal
Subject: Public Comment on September 2019 Agenda Item Wednesday 15a - Application No. 3-19-0617 (Chevron Environmental Management Company and Cayucos Sanitary District Cayucos Sustainable Water Project, Cayucos/Morro Bay)
Date: Wednesday, September 04, 2019 12:15:52 PM

Greetings Commissioners, Please remind the applicants that the project area is part of the Salinan Toro Creek reservation and a very sensitive area for cultural resources. And that we must be consulted. I do not remember getting the information that they wanted to subdivide a portion of the land into 4 residential lots. This is the first time hearing this. We should have been contacted about this under SB18. During phase I of the project we were contacted but our comments were ignored. We were told by the Cayucos Sanitary District that they were sorry that it was an oversight and that we would be allowed to consult and monitor on the project.

Salinan Tribe of Monterey and San Luis Obispo Counties
Patti Dunton, Tribal Administrator
Sent from [Mail](#) for Windows 10

From: [Huckelbridge, Kate@Coastal](mailto:Huckelbridge_Kate@Coastal)
To: [O'Neill, Brian@Coastal](mailto:O'Neill_Brian@Coastal)
Subject: FW: tribal consultation for the Cayucos Sustainable Water Project (San Luis Obispo County)
Date: Monday, September 09, 2019 10:23:54 AM

Additional correspondence.

From: Karen White [mailto:xolon.salinan.heritage@gmail.com]
Sent: Saturday, September 07, 2019 11:08 AM
To: Huckelbridge, Kate@Coastal
Subject: Re: tribal consultation for the Cayucos Sustainable Water Project (San Luis Obispo County)

Sounds good.
Thank you for the response.
Regards,
Karen R White
Xolon Salinan Tribe

On Fri, Sep 6, 2019 at 2:39 PM Huckelbridge, Kate@Coastal
<Kate.Huckelbridge@coastal.ca.gov> wrote:

Karen,

We are going to hearing on this item next Wednesday. So, if we wait until Tuesday to talk, we won't have very much time to make any potentially needed changes. Although not ideal, how about we try to discuss over email?

First of all, thank you for taking the time to include some of the history of your ancestors in the Toro and Willow Creek areas. The context is interesting and helpful. From your letter, I pulled out four main concerns/questions:

1. Can CA-SLO-979H be completely avoided?
2. What will happen to cultural materials, including human remains, that may be discovered during project work?
3. Work within Chevron's Estero Marine Terminal
4. Need for a Xolon-Salinan Tribal Monitor for ground-disturbing work

Does the list above adequately represent the concerns raised in your letter? Anything to add or change? Below are my responses to your concerns as I read them. If you have anything to add to the list above, I will address it in a subsequent email.

1. Can CA-SLO-979H be completely avoided?

The proposed project includes a small amount of ground disturbance, at lift station five, and within the Chevron Estero Marine Terminal property to connect to the shoreward end of the LL2 pipeline. My understanding is that the end of the LL2 pipeline is generally within the CA-SLO-979H footprint. According to Rick Coon at the CSD, the relatively small area (~3600 ft²) that will be disturbed has been minimized but cannot be completely avoided. Trenchless methods (like those being used to directionally drill under cultural resources along Toro Creek as part of the larger CSWP project) are not feasible here. But, it is worth noting that the disturbance footprint is within the former footprint of the old highway – an area with a history of high disturbance and existing development. Thus, the likelihood of finding resources would be low.

2. What will happen to cultural materials, including human remains, that may be discovered during project work?

The MND mitigation measure is pretty specific about what happens if human remains are discovered :

“If human remains are found, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendant of the deceased Native American, who will then serve as consultant on how to proceed with the remains (i.e. avoidance, reburial).”

If a different type of cultural resource is discovered, work would be stopped and the CSD would consult with the archeological monitor and the tribal monitors on the potential significance of the resource and how best to proceed.

3. Work within Chevron’s Estero Marine Terminal

You are correct that Chevron Estero Marine Terminal is non-operational and there has not been recent activity on the site. However, Chevron is still responsible for cleaning up the site and any remaining decommissioning activities (I am not sure of the overall status of that work).

4. Need for a Xolon-Salinan Tribal Monitor for ground-disturbing work

The CSD has agreed to ensure that your tribe is provided the opportunity to monitor any ground disturbance activities. I will include this information in an addendum to the staff report. The CSD is hoping to start construction very soon after the hearing (if they receive approval) but I am not sure of the timing of the ground disturbance work.

Please let me know if these responses address some or all of your concerns. If you have additional questions or would like to discuss, please let me know via email. Hopefully we can talk

or email on Monday to resolve any outstanding issues.

Thanks so much for your time.

Kate Huckelbridge

From: Karen White [mailto:xolon.salinan.heritage@gmail.com]
Sent: Friday, September 06, 2019 8:08 AM
To: Huckelbridge, Kate@Coastal
Subject: Re: tribal consultation for the Cayucos Sustainable Water Project (San Luis Obispo County)

Hello Kate,
Would next Tuesday be good to contact you? 12-2pm? Thx Karen

Sent from my iPhone

On Sep 5, 2019, at 9:33 AM, Huckelbridge, Kate@Coastal
<Kate.Huckelbridge@coastal.ca.gov> wrote:

Ms. White,

Thank you for your letter. I have read through it and have a few questions. Would you be available to talk to me a little more about your concerns? I'm available today before 2 and tomorrow from 9-10 and from 12-2. If there is a time in there that works, please let me know. If not, please let me know some dates/times that work for you and I will see what I can do. Thanks!

Kate Huckelbridge

P.S. The staff report for this project's Coastal Development Permit (CDP) has been posted here: <https://www.coastal.ca.gov/meetings/agenda/#/2019/9> (Item W15a).

From: Karen White [mailto:xolon.salinan.heritage@gmail.com]
Sent: Wednesday, September 04, 2019 8:38 PM
To: Huckelbridge, Kate@Coastal
Cc: Donna Haro; Karen Fontanetta; Teresa Haro aka Manning
Subject: Re: tribal consultation for the Cayucos Sustainable Water Project (San Luis Obispo County)

Good Evening,
We have attached our comments pertaining to this project.
Please contact us if you have any further questions.
Thank you,
Karen R White
Xolon Salinan Tribe

On Mon, Aug 12, 2019 at 3:11 PM Huckelbridge, Kate@Coastal

<Kate.Huckelbridge@coastal.ca.gov> wrote:

Hello! I am writing to you regarding the Cayucos Sustainable Water Project. This project includes the construction and operation of a new tertiary Wastewater Treatment Facility (WWTF), installation of new onshore effluent and influent pipelines, and repurposing of the existing Chevron Estero Marine Terminal Oil Pipeline into an outfall for the WWTF (see attached map for specific project location). San Luis Obispo County approved a Conditional Use Permit and a Development Plan/Coastal Development Permit for the portion of the project within the County's jurisdiction in June of 2017, including construction and operation for the WWTF and installation of the onshore portions of the new influent and effluent lines. The Cayucos Sanitary District has applied for a consolidated CDP from the Coastal Commission for the remainder of the project that includes project components within the City of Morro Bay, San Luis Obispo County and the Commission's original jurisdiction. Specifically, these project components include connecting the new effluent line into an existing Lift Station at Toro Creek Rd and Highway 1, installing a small segment of effluent pipeline between the lift station and the Chevron Estero Marine Terminal, and cleaning and repurposing the existing marine outfall for use by the CSD. For additional information, please see the CSD's informational page:

<https://www.cayucossd.org/cayucos-sustainable-water-project-cswp> or you can download the project's CEQA documents:

<https://www.cayucossd.org/cswp-outfall-project-component> and <https://www.cayucossd.org/cswp-environmental-impact-reports>.

I am reaching out to you in advance of our scheduled hearing (in September) to see if you have any additional thoughts or concerns you would like to share with the Coastal Commission regarding this project. Please feel free to email or call me (at the number below) if you wish to discuss this project and the Commission's upcoming hearing or if you have any questions.

Thank you for your time and attention!

Kate Huckelbridge

Kate Huckelbridge, PhD
California Coastal Commission
Energy, Ocean Resources & Federal Consistency Division
45 Fremont St. Ste. 2000



9/6/2019

Brian.Oniell@coastal.gov.ca

Re: Application No. 3-19-0617 (Chevron Environmental Management Company and Cayucos Sanitary District Cayucos Sustainable Water Project, Cayucos/Morro Bay)

The Surfrider Foundation (Surfrider) is dedicated to the protection of the world's oceans, waves, and beaches through a powerful activist network. Surfrider is a supporter of wastewater recycling as a means of finding beneficial uses and reducing ocean outfall, and we applaud Cayucos for making their "quantum leap" to Tertiary treatment. However, Surfrider opposes the re-purposing of Chevron's ocean outfall in Cayucos and we ask the commission to support Cayucos' continued, shared use of the outfall near Morro Rock until Cayucos and Morro Bay can find suitable practices which further reduce ocean outfall.

As outlined in the staff report, the Chevron project promises short-term pain for our county's ocean, waves, and beaches without clearly defining how the local coastal environment will benefit in the long-term. **Cayucos can plan to further reduce their ocean outfall with less pain and without this project.** Further, planned (and certified by SLO County) conveyance of effluent from Cayucos' new sewage plant to the outfall near Morro Rock will be tertiary-treated water, which represents a reduced hazard to our coast compared to the current process.

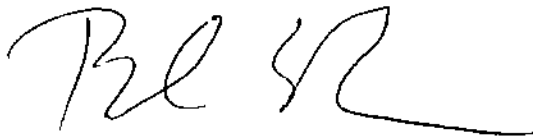
Surfrider is also aware that shared ocean outfall (when necessary) can be a functional tool for managing impacts to our coast and for streamlining permitting processes. In San Luis Obispo County, Pismo Beach, Oceano, Grover Beach, and Arroyo Grande have shared an ocean outfall to convey effluent from 2 sewage plants. All plan to work together on a wastewater recycling project called "Central Coast Blue". **Since Cayucos has minimal means for storing groundwater, we urge them to work with Morro**

Bay toward repurposing their tertiary-treated ocean outfall in constructed wetland(s) projects.

Wetlands are efficient in the burial of salts, provide wildlife habitat, and help recharge groundwater supplies. Without a wetland, brine waste will either be transported by truck or it will be conveyed through pipelines to the ocean outfall. Increased truck traffic from brine trucks to sewage plants is presently a concern for Surfrider. Our concern: the relatively low cost of ocean discharge of brine collected from desalination (Cayucos is very close to Cambria), water softeners, advanced wastewater treatment, and industrial processes will pressure decision-makers to preserve ocean outfalls. **So, the creation of a new wastewater outfall is contradictory to long-term protection of our county's ocean, waves, and beaches.**

Surfrider urges the Commission to reject the creation of new municipal ocean outfalls and to deny this Coastal Development Permit. The Chevron project represents short-term pain for our coastal environment, and the re-purposing of an ocean preserves the practice of dumping "unwanted stuff" in the ocean. Clearly, the long-term solution is for Cayucos and Morro Bay to work together, and their continued use of a shared outfall will assist in reduced impacts to the ocean and increased conservation of vital, freshwater resources.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'BS' followed by a stylized flourish.

Brad Snook,
Chair, Surfrider Foundation San Luis Obispo
chair@slo.surfrider.org