COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT	(2) MEETING DATE	(3) CONTACT/PHONE
Planning and Building	August 15, 2006	Martha Neder, 781-4576

(4) SUBJECT
Hearing to consider an appeal by the Sierra Club et al and Landwatch San Luis Obispo County; of the Planning Commission's decision of June 22, 2006, to approve Development Plan/Coastal Development Permit DRC2004-00142 that would allow a three phase geotechnical and hydrogeologic data collection project to aid in the assessment of design alternatives for a future seawater desalination facility for the community of Cambria. Supervisorial District No. 2.

(5) SUMMARY OF REQUEST
The appellants have appealed the Planning Commission's decision to approve Development Plan/Coastal Development Permit DRC2004-00142 that would allow a three phase geotechnical and hydrogeologic data collection project to aid in the assessment of design alternatives for a future seawater desalination facility. The proposed project is within the Recreation land use category and is located in the San Simeon Creek beach area across Highway One from the San Simeon State Parks Campground, north of the community of Cambria within the North Coast planning area.

(6) RECOMMENDED ACTION
Adopt the resolution to deny the appeal and affirm the Planning Commission's decision to approve the Development Plan/Coastal Development Permit DRC2004-00142 based on the Findings listed in Exhibit "A" and the Conditions listed in Exhibit "B".

(7) FUNDING SOURCE(S)	(8) CURRENT YEAR COST	(9) ANNUAL COST	(10) BUDGETED?
N/A	N/A	N/A	☐ No ☐ Yes ☒ N/A

(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):
North Coast Advisory Council, Public Works, Environmental Health, CDF, Cambria Community Services District, APCD, Department of Fish & Game, CalTrans, Coastal Commission, RWQCB, State Lands Commission, State Parks, Army Corps of Engineers, and U.S. Fish & Wildlife Service

(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? ☒ No ☐ Yes, How Many? _____
☐ Permanent _____ ☐ Limited Term ____ ☐ Contract _____ ☐ Temporary Help _____

(13) SUPERVISOR DISTRICT(S)
☐ 1st, ☒ 2nd, ☐ 3rd, ☐ 4th, ☐ 5th, ☐ All

(14) LOCATION MAP
☒ Attached ☐ N/A

(15) Maddy Act Appointments Signed-off by Clerk of the Board

(16) AGENDA PLACEMENT
☐ Consent ☒ Hearing (Time Est. _60 minutes_)
☐ Presentation ☐ Board Business (Time Est._____)

(17) EXECUTED DOCUMENTS
☒ Resolutions (Orig + 4 copies) ☐ Contracts (Orig + 4 copies)
☐ Ordinances (Orig + 4 copies) ☐ N/A

(18) NEED EXTRA EXECUTED COPIES?
☐ Number: _____ ☐ Attached ☒ N/A

(19) APPROPRIATION TRANSFER REQUIRED?
☐ Submitted ☐ 4/5th's Vote Required ☒ N/A

(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)
_____

(21) W-9
☒ No ☐ Yes

(22) Agenda Item History
☐ N/A Date_____

(23) ADMINISTRATIVE OFFICE REVIEW
OK Leslie Brown 8-15-06

C-7

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: MARTHA NEDER, AICP, CURRENT PLANNING

VIA: JOHN EUPHRAT, AICP, DIVISION MANAGER

DATE: AUGUST 15, 2006

SUBJECT: HEARING TO CONSIDER AN APPEAL BY THE SIERRA CLUB ET AL AND LANDWATCH SAN LUIS OBISPO COUNTY; OF THE PLANNING COMMISSION'S DECISION OF JUNE 22, 2006, TO APPROVE DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT DRC2004-00142 THAT WOULD ALLOW A THREE PHASE GEOTECHNICAL AND HYDROGEOLOGIC DATA COLLECTION PROJECT TO AID IN THE ASSESSMENT OF DESIGN ALTERNATIVES FOR A FUTURE SEAWATER DESALINATION FACILITY FOR THE COMMUNITY OF CAMBRIA. SUPERVISORIAL DISTRICT NO. 2.

RECOMMENDATION

Adopt the resolution to deny the appeal and affirm the Planning Commission's decision to approve the Development Plan/Coastal Development Permit DRC2004-00142 based on the Findings listed in Exhibit "A" and the Conditions listed in Exhibit "B".

DISCUSSION

On June 22, 2006, the Planning Commission, on a vote of 4 to 1, approved the Cambria Community Services District (CCSD) application for Development Plan/Coastal Development Permit (DRC2004-00142). The project is a request to allow a three phase geotechnical and hydrogeologic data collection project to aid in the assessment of design alternatives for a future seawater desalination facility for the community of Cambria.

The data collection project consists of three phases:

- Phase I – Drill approximately seven exploratory soil borings, approximately 4 to 6 inches in diameter each, in locations parallel with and in close proximity to the beach surf zone from the San Simeon Creek beach area to the parking lot beach area located approximately 1,000 feet to the south. Phase I work would also include geophysical exploration with a cone-penetrometer test vehicle that will collect data by pushing a 1 to 2 inch diameter probe into the sand within the same general beach areas. A temporary

C-72

equipment access ramp would be installed in the parking lot area and remain for all three phases.

- Phase II – Install two 4-inch diameter monitoring wells on the San Simeon Creek beach area and the parking lot beach area as well as a geophysical survey along the surf zone and ocean floor at the San Simeon Beach area.
- Phase III – Drill approximately 17 soil borings along the proposed pipeline alignments and other project elements that are not located within the beach area. Phase III will also include test pumping from the monitoring wells installed under Phase III.

The project requires an access ramp at the southern end of the existing parking area on the west side of Highway One. Aggregate rock base would be placed at the south end of the parking lot. Wood timbers or a pre-fabricated ramp would be placed on top by a crane. A winch may be used for lowering or lifting rubber wheeled trucks and equipment on the ramp. Temporary cabling and anchorage of the winch may be completed by constructing a drilled concrete pier anchor in the parking lot. The ramp would be used each evening to allow drilling and test equipment to be completely removed from the beach area. Upon removal of the temporary ramp, the base rock would either be removed or spread for use within the parking lot. All temporary anchorages for the winching system would be removed when the project is complete.

On July 6, 2006, the Planning Department received an appeal of this decision by the Sierra Club et al (Greenspace, Desal Response Group, and Mahala Burton) and Landwatch of San Luis Obispo County. The following is a summary of issues raised by the appellants and a brief response from staff.

APPEAL ISSUES

Issue 1 – The proposed project will impact public access and is inconsistent with public access policies.

Staff Response: The day-use parking area west of Highway One and south of San Simeon Creek would be used as an equipment staging area and beach access point during drilling and survey activities. This parking area is an approximately 18,000 square foot unimproved CalTrans turnout. Installation and removal of the interim equipment access ramp and testing activities would remove approximately 15 spaces in the southern portion of the parking area from public use for approximately one month. Based on the historic use of this parking area, the northern portion of this parking lot is adequate to accommodate any displaced parking. The parking lot east of Highway One, which is connected to the beach area via a boardwalk underneath the Highway One bridge, would also be able to accommodate parking displaced due to ramp installation and removal.

During weekend periods, test equipment would be relocated to CCSD property with only the interim ramp remaining in place. Work would only be conducted on weekdays when tourist activity is less frequent.

The Planning Commission did consider the potential impact of beach activities on public access and the visitor's experience. The Planning Commission felt that any impact is temporary and insignificant.

Appeal Issue 2 – The project is inconsistent with Coastal Plan Policies protecting Environmentally Sensitive Habitat Areas.

Staff Response: These policies require that development within or adjacent to environmentally sensitive habitats do not significantly disrupt the resource. In addition, projects must demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities be consistent with the biological continuance of the habitat, and that restoration of damaged habitats is accomplished (where feasible). Within an existing resource, only those uses dependent on such resources are allowable.

The purpose of the project is short term and temporary data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. There is new development is to be located more than 100 feet from the upland edge of riparian habitats. There are no permanent structures proposed with this project. While drill holes are located within the 100 foot riparian setback, the drill holes cannot be relocated further away from the environmentally sensitive habitat without compromising the objectives of the study. In all cases, drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

Appeal Issue 3 – There has been no detailed scientific study or material provided as to the effects of proposed ultrasound drilling and seismic reflection survey on specific marine life. No analysis is provided on the impacts of two kilojoules of sound.

Staff Response: The proposed seismic reflection survey would use a mini-sparker device to emit sound in order to measure geologic deposit thickness by processing of reflected sound waves. A Technical Memorandum prepared by Carollo Engineers (Attachment 6) provides more information on sound levels likely to be experienced during the proposed seismic reflection survey. The CCSD proposes to install the mini-sparker within an encased groundwater monitoring well surrounded by saturated alluvial materials which will substantially reduce the sound level at the marine interface to no more than typical conversational level, or about 60 decibels. The memorandum concludes that the anticipated sound levels within the ocean are well below agency accepted thresholds and will be safe for any marine mammals or other animals within the vicinity of the project site. Additionally, the State Lands Commission has issued a geophysical survey permit to Fugro West, Inc, the CCSD's geophysical/geotechnical consultant, for such tests within state waters. While no impact is expected to the marine life, monitoring will still be conducted by a marine mammal monitor and marine wildlife will be observed for behavioral activity.

Appeal Issue 4 – A study of impacts of the data collection project without considering the impacts of the desalination project as a whole constitutes piecemealing and is a violation of CEQA (Sierra Club, et al). Separate permits must be issued for each phase of the proposed project (Landwatch of San Luis Obispo County).

C-7 4

Staff Response: The proposed project is collection of subsurface data to aid in the assessment of design alternatives that will be subject to subsequent environmental review. The collection of this data does not pre-determine the existence or scope of a future desalination facility.

The CCSD is the Lead Agency on the project and the CCSD approved the Mitigated Negative Declaration for the project on October 17, 2005. The County, as a Responsible Agency, participated in the CEQA process by reviewing and providing comments on the proposed Mitigated Negative Declaration. Pursuant to CEQA, the County, as a Responsible Agency, must consider the document legally adequate or litigate the adequacy of the document within 30 days.

Landwatch of San Luis Obispo County states that each phase should be analyzed and permitted separately since each subsequent phase depends on results of an earlier phase. The three phases are all part of a data collection project. There is enough information available to analyze the potential impacts of each phase. Wherever possible, the project analysis has considered the "worst case scenario". Therefore, as the project is implemented, any change would result in a lesser than anticipated impact. If a necessary change to the project had the potential to result in a greater than anticipated impact, the change would not be consistent with the project approval and a new Development Plan/Coastal Development Permit would be required.

Appeal Issue 5 – The proposed project is in violation of Title 8 of the County Code because Phase III borings are in preparation for installation of pipelines that will discharge contaminants into ocean waters.

Staff Response: The proposed data collection project does will not result in the discharge of contaminants into the ocean waters of San Luis Obispo County, will not result in new pipelines or conduits to carry discharges, and will not place any pipes or conduits that carry contaminants. The soil borings proposed as part of Phase III will provide data to develop design alternatives for pipeline alignments of a future project. However when the future desalination plant is designed; environmental review of that project must address the potential for the project to result in significant environmental impacts and provide an analysis of consistency with all adopted policies and regulations.

Appeal Issue 6 – The Planning Commission made their decision on a misrepresentation of the purpose of a future desalination project; the facility is designed to produce water for new urban development.

Staff Response: Cambria's long standing water supply shortages are a matter of public record. A new water source is necessary to provide a reliable water supply during dry summer months and during drought periods. The CCSD has been under a Water Code Section 350 emergency declaration since November 2001. Historically, the CCSD relies on the San Simeon Creek and Santa Rosa Creek aquifers for its water supply. These aquifers are narrow and thin and recharge relatively quickly following the establishment of stream flow in the fall or winter season. The CCSD uses its San Simeon well field as its main source of supply. The Santa Rosa wells are currently shut down due to a methyl tert-butyl ether (MTBE) plume associated with a nearby gasoline storage tank release. Regardless of how the future desalination plant is designed,

environmental review of the project must address the potential for the project to be growth inducing and the related environmental effects.

Appeal Issue 7 – The proposed project is not consistent with the General Plan, Local Coastal Program, or Coastal Plan Policies.

Staff Response: The Planning Commission found the proposed project consistent with the General Plan, Local Coastal Program, and Coastal Plan Policies. The most relevant policies and provisions of these plans are discussed in the June 22, 2006 Planning Commission Staff Report. Regardless of when specific elements of the General Plan or when the North Coast Area Plan were adopted, their policies and regulations apply. The analysis of the project, understanding of current conditions, and evaluation of potential impacts of project implementation did not rely solely on the information contained in the General Plan, Local Coastal Program, and Coastal Plan Policies. Please see Section 4.0 – Information Sources of the Final Initial Study/Mitigated Negative Declaration and the project file for a list of information sources used.

Appeal Issue 8 – The project is not adequately described as it does not include an adequate description of the location of development.

Staff Response: A detailed project description and development location map have been provided (Please see the Final Initial Study/Mitigated Negative Declaration and the project graphics included in the June 22, 2006 Planning Commission Staff Report). The proposed project has been adequately described and there is enough information available to analyze the potential impacts of each phase. Wherever possible, the project analysis has considered the reasonable "worst case scenario". Therefore, as the project is implemented, any change would result in a lesser than anticipated impact. If a necessary change to the project had the potential to result in a greater than anticipated impact, the change would not be consistent with the project approval and a new Development Plan/Coastal Development Permit would be required.

OTHER AGENCY INVOLVEMENT/IMPACT

North Coast Advisory Council, Public Works, Environmental Health, CDF, Cambria Community Services District, APCD, Department of Fish & Game, CalTrans, Coastal Commission, RWQCB, State Lands Commission, State Parks, Army Corps of Engineers, and the U.S. Fish & Wildlife Service.

FINANCIAL CONSIDERATIONS

No appeal fees were paid because part of the appeal is based on the argument that the project does not conform to the standards set forth in the County's Certified Local Coastal Program.

RESULTS

Denying the appeal and upholding the Planning Commission decision to approve Development Plan/Coastal Development Permit DRC2004-00142 would allow the CCSD to conduct a three

phase geotechnical and hydrogeologic data collection project to aid in the assessment of design alternatives for a future seawater desalination facility for the community of Cambria.

ATTACHMENTS

1. Resolution
2. Appeal letter
3. Draft minutes of the Planning Commission meeting
4. Correspondence
5. June 22, 2005 Planning Commission Staff Report
6. Technical Memorandum, Carollo Engineers
7. Final Initial Study/Mitigated Negative Declaration; October 2005 (on file with the Clerk of the Board of Supervisors)

C-7 7

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____day_____,20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO._____

RESOLUTION AFFIRMING THE DECISION OF THE
PLANNING COMMISSION AND APPROVING
THE APPLICATION OF THE CAMBRIA COMMUNITY SERVICES DISTRICT
FOR DEVELOPMENT PLAN / COASTAL DEVELOPMENT PERMIT DRC2004-00142

The following resolution is now offered and read:

WHEREAS, on June 22, 2006, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and approved the application of the Cambria Community Services District for Development Plan / Coastal Development Permit DRC2004-00142; and

WHEREAS, the Sierra Club, Greenspace, Desal Response Group, Mahala Burton, and Landwatch of San Luis Obispo County have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on August 15, 2006, and a determination and decision was made on August 15, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeals; and

WHEREAS, the Board of Supervisors has duly considered the appeals and finds that the appeals should be denied and the decision of the Planning Commission should be affirmed and that the application should be approved based upon the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

C-7
8

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That the Board of Supervisors has reviewed and considered the adopted Mitigated Negative Declaration prepared and approved by the Cambria Community Services District acting as the Lead Agency in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et seq.).

4. That the appeals filed by the Sierra Club, Greenspace, Desal Response Group, Mahala Burton, and Landwatch of San Luis Obispo County is hereby denied and the decision of the Planning Commission is affirmed that the application of the Cambria Community Services District for Development Plan/Coastal Development Permit DRC2004-00142 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

_____
Chairperson of the Board of Supervisors

ATTEST:

_____
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: 7.19.06

C-7
9

STATE OF CALIFORNIA,)
) ss
County of San Luis Obispo)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2006.

_____
County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By:_____
Deputy Clerk

C-7
10

EXHIBIT A - FINDINGS

Environmental Determination

A. The proposed project is consistent with the previously certified Mitigated Negative Declaration for the Geotechnical/Hydrogeologic Investigation Activities for the Pending Desalination Project with the Cambria Community Services District acting as the Lead Agency under CEQA. This Development Plan/Coastal Development Permit environmental determination is recorded under ED05-438.

Development Plan

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located Highway One, a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the property is owned by State Parks and existing lateral and vertical access exists. Displace parking in the southern portion of the parking lot will be accommodated in the northern portion of the parking lot or in the parking lot east of Highway One, which is connected to the beach area via a boardwalk underneath the Highway One bridge. A temporary barricade would be constructed at the interim equipment ramp entrance to prevent use by unauthorized vehicles. Temporary construction fencing would be installed to separate investigation activities from the public. During weekend periods, test equipment would be relocated to CCSD property with only the interim ramp remaining in place. Work would only be conducted on weekdays when tourist activity is less frequent.

Sensitive Resource Area

H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the project has been designed to avoid or minimize disturbance near sensitive habitats. Disturbance is

geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because all disturbance and is located as far away from the sensitive resource areas as possible. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities..

J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.

K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the project has been designed to avoid or minimize disturbance near sensitive habitats. Disturbance is proposed in the least sensitive portions of the site feasible. The purpose of the project is data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

L. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat. Disturbance is proposed in the least sensitive portions of the site feasible. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

M. The proposed use will not significantly disrupt the habitat. Disturbance is proposed in the least sensitive portions of the site feasible. The purpose of the project is data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will

be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

N. The site would be physically unusable for the principal permitted use unless the setback is reduced. The purpose of the project is data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study.

O. The reduction is the minimum that would enable a principal permitted use to be established on the site after all practical design modifications have been considered. Geotechnical and hydrogeologic data collection is not specifically listed in the definitions of land uses in County's Land Use Element. While the project most closely fits into the water well and impoundments use group, the data collection activities are temporary. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. Due to the nature of data to be collected, the drill holes must be located in this specific area. Therefore, the data collection activities are considered a principally permitted use. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

P. The adjustment would not allow the proposed development to locate closer to the wetland than allowed by using the stringline setback method pursuant to Section 23.04.118a of this title. CZLUO Section 23.04.118a has been amended and the stringline setback method no longer exists as a means for determining bluff setback.

Q. Alternative locations and routes are infeasible or more environmentally damaging because soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. Due to the nature of data to be collected, the drill holes must be located in this specific area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study.

R. Adverse environmental effects are mitigated to the maximum extent feasible because the project has been designed to avoid or minimize disturbance near sensitive habitats. Disturbance is proposed in the least sensitive portions of the site feasible. The purpose of the project is data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

S. The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use within the standard setbacks. Geotechnical and hydrogeologic data collection is not specifically listed in the definitions of land uses in County's Land Use Element. While the project most closely fits

into the water well and impoundments use group, the data collection activities are temporary. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. Due to the nature of data to be collected, the drill holes must be located in this specific area. Therefore, the data collection activities are considered a principally permitted use. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

T. The adjustment is the minimum that would allow for the establishment of a principal permitted use because soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. Due to the nature of data to be collected, the drill holes must be located in this specific area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study.

Archeological Sensitive Area

U. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the Archaeological Monitory Plan will be followed during ground disturbing activities.

V. The site design and development cannot be feasible changed to avoid intrusion into or disturbance of archaeological resources. Construction will use appropriate methods to protect the integrity of the site and the Archaeological Monitoring Plan will be followed during ground disturbing activities.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a three phase Geotechnical and Hydrogeolgic data collection project consisting of:

   a. Phase I – Complete approximately seven exploratory soil borings, approximately 4 to 6 inches in diameter each, in locations parallel with and in close proximity to the beach surf zone from the San Simeon Creek beach area to the parking lot beach area located approximately 1,000 feet to the south. Phase I work would also include geophysical exploration with a cone-penetrometer test vehicle that will collect data by pushing a 1 to 2 inch diameter probe into the sand within the same general beach areas. A temporary equipment access ramp would be installed in the parking lot area and remain for all three phases.

   b. Phase II – Install two 4-inch diameter monitoring wells on the San Simeon Creek beach area and the parking lot beach area as well as a geophysical survey along the surf zone and ocean floor at the San Simeon Beach area.

   c. Phase III – Complete soil borings along the proposed pipeline alignments and other project elements that are not located within the beach area. Phase III will also include test pumping from the monitoring wells installed under Phase III.

   d. An access ramp at the southern end of the existing parking area on the west side of Highway One. Aggregate rock base would be placed at the south end of the parking lot. Wood timbers or a pre-fabricated ramp would be placed on top by a crane. A winch may be used for lowering or lifting rubber wheeled trucks and equipment on the ramp. Temporary cabling and anchorage of the winch may be completed by constructing a drilled concrete pier anchor in the parking lot. The ramp would be used each evening to allow drilling and test equipment to be completely removed from the beach area. Upon removal of the temporary ramp, the base rock would either be removed or spread for use within the parking lot. All temporary anchorages for the winching system would be removed.

   e. Removal of the temporary ramp and temporary anchorages for the winching system and the parking returned to its pre-construction state, shall occur within 15 days of completion of the test pumping from Phase III.

   f. Re-installation of the ramp is authorized to allow removal of the ground water monitoring wells and such ramp shall be removed within 15 days of completing the removal of the ground water monitoring wells.

Conditions to be completed prior to project activities

2. **Prior to any project activities,** the CCSD shall provide evidence that an environmental monitor approved by the County has been retained for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval and Mitigated Negative Declaration measures. Costs of the monitor shall be paid for by the applicant.

3. **Prior to any project activities**, the CCSD shall provide a copy of permits or verification that no permit is necessary from State Parks, Coastal Commission, U.S. Fish and Wildlife Services, Army Corps of Engineers, CalTrans, and the State Lands Commission.

4. **Prior to any project activities,** the CCSD shall provide an archaeological monitoring plan prepared by a qualified archaeologist for review and approval by the Department of Planning and Building. The monitoring plan shall be approved by State Parks and the State Historic Preservation Officer and include a measure that includes requirements that the drill hole will be relocated if significant archaeological resources are encountered during excavation of the control unit. All excavation shall be guided by this cultural resources monitoring plan. The monitoring plan shall provide that the following activities are excluded from designated sensitive areas:

   a. Unnecessary excavations
   b. Staging equipment on undisturbed portions of an archaeological site
   c. Collection, removal, or unnecessary displacement of any artifacts, eco-facts, or cultural remains
   d. Removal of native soil outside a sensitive area

5. **Prior to mobilization,** a pre-activity survey shall be conducted by a qualified biologist and a certified marine biologist. The survey shall include the entire project site and surrounding habitats. During the survey, the biologists shall survey for the presence/absence of marine mammals, western snowy plover, southwestern pond turtle, California red-legged frog, two-striped garter snake, foothill yellow-legged frog and special-status nesting bird species.

6. **Prior to data collection and temporary access ramp installation activities,** the project site shall be clearly delineated with stakes, flagging, rope or cord to minimize inadvertent degradation or loss of adjacent wildlife habitat during study activities. Delineation material shall be maintained by the qualified biologist for the duration of the construction activities.

7. **Prior to data collection and temporary access ramp installation activities,** a qualified biologist and certified marine biologist shall conduct an employee education program for all employees and contractors who would work on the project site. At a minimum, the program shall include the following components, as they relate to potentially-occurring special-status species:

   a. Known habitat requirements;
   b. A color photograph of the species;
   c. A summary of the occurrence of potentially-occurring special-status species in the vicinity of the project site;
   d. Special-status species protection under the Endangered Species Acts; and,
   e. A review of avoidance and minimization measures to be implemented during the project.

8. **Prior to any project activities,** pre-project photo-documentation shall be completed for the proposed ramp area to determine if impacts to the bluff edge or face result from the temporary placement of the access ramp.

9. **Prior to any project activities,** a Hazardous Spill Contingency Plan (HSCP) shall be prepared for the project and shall be implemented to reduce the potential of hydrocarbon spills to a less than significant level. The HSCP shall include a provision that in the event

that fuel or oil release occurs during the project activities, all work will cease and spill response and countermeasures will be implemented and project manager shall immediately notify the appropriate regulatory agencies (including, but not limited to: California Office of Emergency Services, California State Parks, California Department of Fish and Game - OSPR, California Coastal Commission and the Regional Water Quality Control Board, Central Coast Region) in the event of a reportable spill. The HSCP shall contain a contingency measures to be implemented by the contractor as approved by the regulatory agencies.

10. **Prior to mobilization, data collection and temporary access ramp installation activities,** a monitoring report prepared by the environmental monitor shall be submitted to the Department of Planning and Building verifying that the above conditions have been met.

Conditions to be completed during project activities

11. **During all project activities,** a monitoring report prepared by the environmental monitor shall be submitted weekly to the Department of Planning and Building verifying that all measures requiring environmental mitigation have been met and that all project activities are be conducted in accordance with the procedures outlined in the project-specific Wildlife Contingency Plan (WCP).

12. **During mobilization, data collection, temporary access ramp installation, and demobilization,** a qualified biologist shall monitor the project site for the presence of biological resources which have the potential to be impacted during project activities (including marine mammals). Potential impacts to non-listed species during this time shall also be avoided and minimized to the extent feasible.

13. **During mobilization, data collection, temporary access ramp installation, and demobilization,** project activities on the beach shall be conducted outside of the nesting period for western snowy plover (March 1 – September 14) to reduce impacts to nesting western snowy plovers. However, due to the potential for wintering western snowy plovers in the project site, a qualified biologist shall monitor the activity of snowy plover to ensure that construction activities are limited to a distance which would not result in an indirect or direct impact to the species, as determined by a qualified biologist monitoring the project site.

14. **During data collection and temporary access ramp installation,** any contractor, employee, or agency personnel who inadvertently kills or injures a special-status species shall immediately report the incident to the designated project representative. The representative shall contact the CDFG or USFWS immediately. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. State Dispatch will contact the local warden or biologist. The Sacramento Field Office of the USFWS and CDFG would be notified in writing within three working days of the accidental death or injury to a special-status species during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, 2800 Cottage Way Suite W-2605, Sacramento, California 95825-1846 (916-414-6000). Submittals to CDFG should be addressed to 1416 9th Street, Sacramento, California 95814 (916-654-4262).

C-7 17

15. **During data collection, temporary access ramp installation, and demobilization activities,** all trash that may attract wildlife shall be properly contained, removed from the work site and disposed of daily.

16. **During all project activities,** signs and caution flagging shall be placed around the project equipment stating the duration that the area will be restricted from recreational activities (e.g., fishing, site viewing, etc.), and recommending use of the remaining portion of the beach, parking area, or other adjacent areas for these activities until project completion. At minimum, all signs shall consist of 8.5- by 11-inch sheets placed in weatherproof plastic-sleeves containing the following information in bold print:
    a. Title of project;
    b. Brief description of proposed activities;
    c. Expected duration of project;
    d. Project manager contact information; and,
    e. Information on alternative parking and recreation access locations.

17. **During all project activities,** Lateral beach access shall be maintained.

18. **During all project activities,** energy dissipation devices, such as a hay-bale diffusion basin, shall be utilized during the proposed aquifer pump test to reduce potential erosion or sedimentation during discharge of purged groundwater. Purged groundwater shall not be discharged to the lagoon area.

19. **During all project activities,** the discharge of purged groundwater shall be conducted in accordance with a NPDES/WDR permit to be obtained from the RWQCB for the proposed pump test. Water quality testing will be utilized to determine if the water quality objectives are being violated. If a violation is indicated, the discharge will be ceased until corrective actions are implemented to ensure compliance with the water quality standards.

20. **During all project activities**, no other discharges to surface waters of concrete, asphalt, sediment, soil, drilling mud, or water shall be allowed during the proposed study activities.

21. **During all project activities,** no equipment shall be allowed below the mean high tide line unless tidal waters have receded from the authorized work area, with the exception of the geophone cable area.

<u>Conditions to be completed during geophysical survey</u>

22. **During the cable laying process,** divers shall avoid hard-bottom habitat to the extent feasible.

23. **During mobilization of the support vessel,** the vessel shall not cross directly in front of migrating whales, or foraging marine wildlife (e.g., foraging dolphins, sea otters, seals).

24. Support vessels shall make every effort to maintain a distance of 1,000 feet from sighted marine wildlife.

25. **In the event that the support vessel is paralleling migrating whales,** support vessels shall operate at a constant speed that is not to exceed the speed that the whales are

traveling at and extreme caution will be taken to ensure that female whales shall not be separated from their calves.

26. **During mobilization,** support vessels shall not be used to herd or drive whales or other marine wildlife from the project site.

27. **During mobilization and data collection activities,** if a marine animal engages in evasive or defensive action (i.e., whales), support vessels shall drop back until the animal calms or moves out of the area.

28. If a collision with marine wildlife occurs, the vessel operator in consultation with the marine wildlife monitor shall document the conditions under which the accident occurred, including the following:

    a. Location of the vessel when the collision occurred (latitude and longitude);
    b. Date and time;
    c. Speed and heading of the vessel;
    d. Observation conditions (e.g., wind speed and direction, swell height, visibility in miles or kilometers, and presence of rain or fog);
    e. Species of marine wildlife contacted;
    f. Whether an observer was standing watch for the presence of marine wildlife; and,
    g. Names of vessel, operator (the company), and captain or officer in charge of the vessel at time of accident.

    If safe to do so, the vessel shall stop after a collision. The vessel is not obliged to stand by and may proceed after confirming that it will not further damage the animal by doing so. The vessel shall then communicate by radio or telephone all details to the vessel's base of operations. From the vessel's base of operations, a telephone call shall be placed to the Stranding Coordinator, NMFS, Southwest Region, Long Beach.

    Alternatively, the vessel captain may contact the NMFS Stranding Coordinator directly using the marine operator to place the call or directly from an onboard telephone, if available.

29. **During transit to and from the project site and while at the project site,** the survey vessel will avoid crossing surface kelp to the maximum extent feasible.

30. **During the implementation of the seismic reflection survey activities,** monitoring will be conducted by a marine mammal monitor and marine wildlife will be observed for behavioral activity. The marine mammal monitor shall have appropriate educational degrees, adequate experience, and necessary certificates to be perform such work. Any observed behavioral changes, such as dive, leaving the source, or attraction to the source will be documented. Behavior will be monitored by visual and acoustical means. Should any detrimental effects be suspected, testing will be halted immediately and CDFG, USFWS, and NOAA Fisheries will be contacted immediately.

<u>Conditions to be completed during Phase III activities</u>

31. **During Phase III activities,** a 1x1 meter archaeological control unit shall be excavated at each hollow-stem auger exploratory location, with the exception of those hollow-stem auger drill holes that are placed directly in a roadway. The drill holes are estimated to reach 15 to 70 feet. Archaeological excavations may extend to a depth of 3 to 8 feet.

The excavation shall be guided by the cultural resources monitoring plan approved by the Department of Planning and Building, State Parks, and the SHPO.

32. **During drilling operations for all Phase III hollow stem auger holes,** monitoring shall be conducted by a qualified archaeologist familiar with the resource types potentially present in these locations. The qualified archaeologist shall conduct the monitoring activities based on a previously prepared cultural resources monitoring plan.

Conditions to be completed after project activities

33. Post-project photo-documentation shall be completed for the proposed ramp area to determine if impacts to the bluff edge or face result from the temporary placement of the access ramp. If damage to the bluff is identified and determined to be significant, the project proponent will consult with the California State Parks as landowner, the California Coastal Commission, and the County of San Luis Obispo regarding the need for restoration of the bluff area. Possible restoration activities could include repair of the bluff face to reduce further erosion or revegetation of the bluff area, if warranted.

34. Following project activities, all trash and debris would be removed from work areas

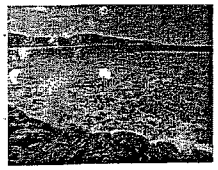
35. **At the conclusion of all project activities,** a monitoring report prepared by the environmental monitor shall be submitted to the Department of Planning and Building verifying that all measures requiring environmental mitigation have been met and that all project activities were conducted in accordance with the procedures outlined in the project-specific Wildlife Contingency Plan.

On-going conditions of approval (valid for the life of the project)

36. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

37. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

38. All activities on the site shall be completed within two years of issuance of any applicable permits from State Parks, Coastal Commission, U.S. Fish and Wildlife Service, Army Corps, CalTrans and the State Lands Commission.



Coastal Zone Appeal Application

San Luis Obispo County Department of Planning and Building

SLO CNTY

NOTE: To appeal a Board of Supervisors decision you will need to obtain appeal forms from the California Coastal Commission - 725 Front Street, Suite 300 - Santa Cruz, CA (408) 427-4863.

2006 JUL -6 PM 12:08

PROJECT INFORMATION

Type of permit being appealed:

☐ Plot Plan ☐ Minor Use Permit ☒ Development Plan ☐ Variance ☐ Land Division

☐ Lot Line Adjustment ☐ Other _____ File Number: DRC 2004-00142 CAMBRIA DESAL

The decision was made by:

☐ Planning Director ☐ Building Official ☐ Administrative Hearing Officer ☐ Subdivision Review Board

☒ Planning Commission ☐ Other _____ Date the application was acted on 6/22/06

The decision is appealed to:

☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

Please note: An appeal must be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

☒ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the certified Local Coastal Program of the county for the following reasons (*attach additional sheets if necessary*) →

Explain: significant disruption of resource, inconsistent w/ CPP ESH policies 1, 3, 7, 17, 20, 2

☒ INCOMPATIBLE WITH PUBLIC ACCESS POLICIES: The development does not conform to the public access policies of the California Coastal Act - Section30210 et seq. Of the Public Resource Code (*attach additional sheets if necessary*) →

Explain: project on State Park property will interfere w/ access to beach

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (*attach additional sheets if necessary*) →

APPELLANT INFORMATION

Print name: Sierra Club et al - co-appellants attached

Address: PO Box 15755, San Luis Obispo CA 93406 Phone Number (daytime): 543-8717

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the following grounds, as specified in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

[signature] 7/3/06

Signature Date

C-7-21

OFFICE USE ONLY
Date Received: 7/6/06 By: RHedges
Amount Paid: _____ Receipt No. (if applicable): _____ Revised 5/05/04/LF

SIERRA CLUB
FOUNDED 1892

Santa Lucia Chapter
P.O. Box 15755
San Luis Obispo, CA 93406
(805) 543-8717
www.santalucia.sierraclub.org

COASTAL ZONE APPEAL – ATTACHMENT
File # DRC2004-00142

Co-appellants:

Greenspace - The Cambria Land Trust
Post Office Box 1505
Cambria, California 93428
(805) 927-2866

Desal Response Group, Southern California Watershed Alliance
2515 Wilshire Blvd.
Santa Monica, CA 90403
(310) 829-1229

Mahala Burton
6425 Cambria Pines Road
Cambria, Ca 93428
805 927-1802

1. The proposed project is on State Park property and a public access area. Coastal public access policies require that public access to the beach be maximized and that new development shall not interfere with the public's right of access to the beach. Proponent's proposed mitigations focus on parking lots and alternative parking and pedestrian routes, but does not acknowledge that they are proposing to restrict access to public beaches - via parking that is safe, which will inevitably transfer to the shoulder of a public highway -- to those segments of society that are not either physically and/or economically at a disadvantage. Entering and exiting the parking area line of sight may be impeded by construction activity creating a hazard in an otherwise reasonably safe parking area. The project does not account for the congestion caused by people pulling into a work area expecting to find parking, finding none, then leaving again. The otherwise scenic viewshed would be cluttered with drilling equipment and water craft causing an attractive nuisance to the passerby creating yet another hazardous condition. The applicant ignores the fact that the project – drill rig, trucks on the beach, etc. – is, in and of itself, an impediment to coastal access by virtue of its occupying the project site. A similar project proposed for this location

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in 1985 was rejected by State Parks on the basis of its interference with public access.

Specific inconsistencies with public access policies:

COASTAL ACT SECTION 30211: DEVELOPMENT NOT TO INTERFERE WITH ACCESS

The access point for the project is a small unimproved dirt parking lot approx 250 ft. by 75 ft. There are no carefully marked parking spaces such as in a supermarket. Users include vehicles, campers, trucks and large motor homes. Parking is along one side of the lot only, its west side facing the ocean where benches are located for ocean viewing. There are an estimated 17 spaces for cars and fewer if there are campers and motor homes.

This parking lot's access to the beach and ocean is exceptionally convenient for public use requiring a short walk down a bluff (no steps) and depending on the tide 10-15 ft to the ocean although throughout the winter the tide is often crashing on the toe of the bluff.

This parking lot is a popular viewing area for those using Hwy One. Perhaps during a winter weekday the lot may never fill, however there is a constant turnover with vehicles pulling in for the short-term to take in the vista and access the beach. Disabled persons can sit on a bench for an unobstructed ocean view. There are 5 benches for viewing and 3 picnic tables.

The huge staging area with its cranes, winches, construction material, drilling rigs, drilling equipment, worker vehicles, personnel vehicles and many other vehicles will overwhelm the parking lot for a grossly under-stated one month up to 2 years. Permit is valid two years from vesting.

The SLO County Planning Department Staff report suggests that alternate convenient parking for the public is the Washburn day use lot parking lot East and North of the staging area lot. This parking lot is below street grade, unmarked from the highway and gated and locked from sunset to 8:30 am. To access the beach and ocean you must walk ¼ mile using a bridge beneath the highway, navigate around a large Snowy Plover enclosed area and finally come into view of the ocean... There is no access for the disabled and no place to view the ocean for the disabled. This access point is wholly inadequate for the disabled and people with children; hardly a suitable alternative for the staging area lot.

COASTAL ACT SECTION 30213: LOWER COST VISITOR AND RECREATIONAL FACILITIES

The drilling area near the lagoon will interfere with the ocean/beach experience of the campers at San Simeon Campground. Campers access the beach and ocean via a short scenic trail along San Simeon Creek and around the lagoon. The campground provides lower cost visitor and recreational facilities. Sonic drilling, drilling rigs, trucks, workers, drilling holes, noise and disruption of the tranquility of the beach will grossly interfere with the public's right to access and with the public's right to the use and enjoyment of the beach and ocean.

2. Violations of and inconsistency with Coastal Plan Policies protecting environmentally Sensitive Habitat (CPP ESH policies 1, 3, 7, 17, 20, 21, 28) are inherent in the project as designed, and the frequent tacit admission as such by project applicant ("...the drill holes are located within the 100 foot riparian setback [but] cannot be relocated without compromising the objectives of the study" – Notice of Action/Project Description, pg.6) are a clear indication that the project needs to be redesigned and mitigated and cannot be permitted in this form. Threatened ESHA includes habitat for the threatened Pacific western snowy plover, obviously subject to harassment by work at the project site.

The project is inconsistent with Coastal Act Section 30253: Minimization of adverse impacts. The placement of the ramp over a narrow eroding bluff covered with coastal bluff scrub will cause irreparable damage and harm. The only repair to the bluff in the mitigation suggested by the CCSD provides for repair by the construction of protective devices that are in violation of the Coastal Act.

3. There has been no detailed scientific study or material provided as to the effects of proposed ultrasound drilling and seismic reflection survey on specific marine life. The geophysical survey permit proffered by Fugro West, issued by the State Lands Commission more than 25 years ago, was itself based on an MND not supported by an EIR or detailed study. The stale data on which this permit relies and a technical memorandum proferred by Padre Associates are insufficient to support the conclusion of no harm to marine life by the seismic reflection survey. The requirement for an EIR is especially pertinent as this project would be conducted within the Monterey Bay National Marine Sanctuary.

4. The study covered by the MND is in essence a feasibility study and thus an integral part of the desalination plant project, described by the Department of Planning "seven sonic drillholes...for the intake structure and brine discharge areas" (New Project Referral, M. Neder, 2/1/05). But for the desal plant project, the drillhole project would not take place. A study of the impacts of the drillhole project without considering the impacts of the desalination project as a whole – construction, intake and outflow -- constitutes piecemealing and is a violation of CEQA.

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COASTAL APPEAL FORM

SLO CNTY
PLANNING/BUILDING
DEPT

San Luis Obispo County Department of Planning and Building *1/1/06*

2006 JUL -6 PM 2:38

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION File Number: DRC 2004-00142

Type of permit being appealed:
☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☑ Development Plan/Conditional Use Permit
☐ Variance ☐ Land Division ☐ Lot Line Adjustment ☐ Other: _____

The decision was made by:
☐ Planning Director (Staff) ☐ Building Official ☐ Hearing Officer
☐ Subdivision Review Board ☑ Planning Commission ☐ Other _____

Date the application was acted on: 6-22-06

The decision is appealed to:
☐ Board of Construction Appeals ☐ Board of Handicapped Access
☐ Planning Commission ☑ Board of Supervisors

BASIS FOR APPEAL
State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary

SEE ATTACHMENT

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number _____ Reason for appeal (attach additional sheets if necessary)

APPELLANT INFORMATION
Print name: LANDWATCH SAN LUIS OBISPO COUNTY / CYNTHIA HAWLEY
Address: P.O. BX 174 CAMBRIA CA 93428
Phone Number (daytime): 927-5102

We have completed this form accurately and declare all statements made here are true.

Cynthia Hawley 7-6-06
Signature Date

C-7
25

OFFICE USE ONLY
Date Received: _____ By: _____
Amount Paid: _____ Receipt No. (if applicable): _____

LANDWATCH SAN LUIS OBISPO COUNTY
P.O. Box 174 Cambria, California 93428

Coastal Zone Appeal Attachment.
File # DRC2004-00142

LandWatch San Luis Obispo County submits the following grounds for appealing the request by the Cambria Community Services District (CCSD or District) for a coastal development permit to allow three geotechnical and hydrogeologic data collection projects. These projects are part of the District's proposed seawater desalination (desal) facility and include temporary activities and semi-permanent structures on the beach near the mouth of San Simeon Creek.

The proposed projects are in violation of Title 8 of the County Code Health and Safety.

Section 8.66 et seq. of Title 8 of the County Code explicitly prohibits the discharge of contaminants including, but not limited to, pollutants and contaminants such as heavy metals into the ocean waters of San Luis Obispo County, prohibits any new pipes or conduits that carry such discharges, and prohibits the placing of any pipes or conduits which are to carry contaminants into the ocean waters of the County. These sections apply to "any person" including "public entities".

According to the project description provided in the County staff report and the District's Negative Declaration project description, phase III of the proposed project involves the boring of 17 pipeline "alignments" between the offshore intake and discharge sites and the proposed desal facility site. Such boring in preparation for installation of pipelines that are proposed for the explicit purpose of discharging contaminants including heavy metals and concentrations of other pollutants and contaminants is prohibited by Title 8.

The proposed projects call for disposal of waste in sensitive resource and habitat areas.

The District's plan calls for, among other types of waste, the disposal of excess drill cuttings in bore holes in sensitive resource areas along the shoreline and near the lagoon at San Simeon State Beach. LandWatch San Luis Obispo County strongly objects to any and all dumping of any waste in the project area in sensitive and resource and habitat areas by the District or any of their agents in relation to the proposed project and requests that the County require the District to provide detailed plans with specific systems for disposal of all waste that will occur as a result of the proposed project including but not limited to all products of the proposed drilling and boring activities.

The Planning Commission made their decision on a misrepresentation of critical fact.

The County's staff report states on Page 3 that the purpose of the proposed desal facility is to "provide a reliable water supply during dry summer months and during drought periods". (Page 3) Contrary to this information, the proposed desal facility is designed

C-7 26

to produce water for new urban development and the District plans to allocate the water from the proposed facility to new development.

The proposed projects fail to conform to the North Coast Area Plan because the North Coast Area Plan is obsolete and a finding of conformance is impossible.

The site for the proposed projects is the North Coast Planning Area. Issuance of a coastal development permit for development must be based on findings that the proposed development conforms to the requirements of the North Coast Area Plan as well as to the requirements of the broader Local Coastal Program, General Plan and Coastal Zone Land Use Ordinances and other County Ordinances. One of the functions of the North Coast Area Plan is to provide current data on resource availability. The Coastal Act, the Government Code (§§65000 et. seq.), and the San Luis Obispo Local Coastal Program all require proposed development to be analyzed in terms of their impacts on available resources. Without these analyses, coastal public resources are threatened and destroyed by development that is allowed to proceed without proper resource analyses and resulting resource protections.

LandWatch San Luis Obispo County points out that the North Coast Area Plan is obsolete and no longer functions as a valid planning tool because, among other reasons, it contains no current baseline resource data on which findings of consistency with resource protection requirements can be made. For example, it is impossible to determine what impacts the proposed project will have on wildlife habitat, on coastal streams, wetlands, or marine habitat among other things because the North Coast Area Plan lacks current data on these resources in the area. Information about the availability, health, and locations of resources provides the empirical evidence needed to show that a proposed project does or does not conform to the resource protection requirements of the Local Coastal Program. The courts have held that without such evidence, a finding that a project conforms with the resource protection requirements is impossible. The reports on which the District based its Mitigated Negative Declaration are not enough for the purposes of making the required findings of consistency with an adopted adequate North Coast Area Plan.

Until the North Coast Area Plan is properly updated by the County and certified by the Coastal Commission no legal finding of consistency can be made.

The proposed projects fail to conform to the General Plan Conservation Element because the Conservation element is obsolete and a finding of conformance is impossible

The same is true as to the San Luis Obispo General Plan Conservation Element. The Conservation Element is obsolete and no longer functions as a valid planning tool. It is impossible to make a finding of consistency with the Conservation Element until that Element of the General Plan is updated to include, among other things, current resource base line data upon which findings of consistency may be made.

C-7
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Until the Conservation Element is brought into conformance with the requirements of State General Plan law no legal finding of consistency can be made.

The proposed projects fail to conform to the Local Coastal Program Policies for Environmentally Sensitive Habitats.

As stated above, it is impossible to make a finding of consistency with an element of a general plan including a local coastal program where that element is outdated to the point that it does not provide a valid planning tool. Making any finding of consistency with the Policies for Environmentally Sensitive Habitats necessarily requires an understanding and knowledge of the current condition of the habitat – where it is and what plants and animals depend upon, it among other things. Since neither the North Coast Area Plan nor the County Conservation Element provide current baseline data on, among other things, Environmentally Sensitive Habitats in the North Coast Planning Area, it is impossible to make a finding that sensitive habitats or other resources will or will not be disrupted. No one can say whether the proposed projects will or will not significantly disrupt habitat without knowing exactly where and what the habitat is.

While some of the reports upon which the District bases it's environmental analysis are relatively current, these reports have not been adopted by the County and do not provide adopted current baseline data for the purpose of general plan consistency analyses.

No analysis is provided on the impacts of two kilojoules of sound from seismic reflection survey on marine organisms.

The projects includes a seismic reflection survey and the use of "mini-sparkers" which generate two kilojoules of sound. Based on the purposes of the policies to, among other things, protect and enhance marine biological resources, the County must provide an analysis of the impacts of these surveys on marine organisms and, prior to approval of the permit for the projects, generate findings supported by evidence that the seismic reflection processes will not harm marine organisms.

Planning Commission's finding that the proposed projects conform to the County General Plan and General Plan Policies is based on faulty analysis.

The Planning Commission made the finding that, as conditioned, "the proposed project or use is consistent with the San Luis Obispo General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan Policies."

This finding is not supported by evidence as required. The finding is legally inadequate because it is merely a conclusion unsupported by facts or evidence. We ask that the Board of Supervisors direct staff to provide analyses that include facts that are supported by evidence in the record.

C-7
28

The staff report and the County's action must include analyses and findings supported by evidence that the proposed projects are consistent with the LCP Public Works Policies.

The proposed projects are part of a major public works project. The District may not avoid conformance with all of the LCP and Coastal Zone Land Use Ordinance and General Plan requirements by separating or piecemealing the project into sections. The Planning Commission's staff report contains no analysis of whether the project conforms to LCP Coastal Plan Public Works Policies and no such findings were made by the Planning Commission.

Prior to approval of the requested coastal development permit for the project, the County must provide analysis, public discussion, and findings supported by evidence that the proposed projects conform to all requirements including the LCP Coastal Plan Public Works Policies.

The project is not adequately described.

Section 23.02.034 requires an application for a development plan must provide a description of the site for the development including the location of all proposed structures.

According to the District's project description for Phase I, the proposed seven exploratory soil borings will be located "in close proximity to the beach surf zone from the San Simeon Creek beach area to the Parking Lot beach located approximately 1,000 feet to the south". Would the County accept and approve an application for construction of a home that provided a site description of "in close proximity to the beach surf zone"?

LandWatch San Luis Obispo County points out that these are inadequate project descriptions to support project analyses and project approval. Section 23.02.034 stipulates that the District must establish the project location and the County has no jurisdiction to approve a project without a description of the project location. This failure to establish project site locations exists in each of the three phases of the project. Approval of the proposed project without site locations would be a violation of Section 23.02.034 and of the Local Coastal Program.

The project description also states that Phase I "may also include geophysical exploration with a cone-penetrometer test vehicle that will collect data by pushing a 1 to 2 inch diameter probe into the sand within the same general areas." Here the District fails to provide an accurate description of the project itself (no description is given of this process) and by stating that the project "may" include this particular type of test has apparently avoided any analysis of the conformance of the test with the LCP since no analysis was provided to the Planning Commission.

Likewise, there are no project locations provided for the proposed Phase III soil borings. Put together, the District's project description and the County's staff report inform

C-7 29

decision makers that Phase III of the project includes 17 soil borings along the "proposed pipeline alignments" which extend from the shore to the proposed on-shore desalination facility. Without knowing where the 17 soil borings will be dug there is no way of finding that the boring are consistent with any requirements of the LCP or any ordinance requirements. There is no way to determine impacts on sensitive habitats such as wetlands or riparian areas.

Certainly, disposal of the materials extracted from the borings and drillings in every phase of the proposed project, mixed as they will be with metals and oil products, must be significant elements of the project description. Yet, the project description provided to the Planning Commission contains no such description as noted above.

In addition, Phase III describes that the soil borings will be completed by "either hollow-stem auger drilling equipment or mud-rotary drilling equipment." The type of drilling equipment used should be selected and described so that decision makers can understand the impacts of the project.

We ask that the Board of Supervisors deny the permit until all elements of the project are adequately described in the permit application by the District as required by Section 23.02.034.

Separate permits must be issued for each phase of the proposed project.

According to the District's project description, the site location of the proposed Phase II monitoring wells will not be known until the seven soil borings are completed within Phase I of the project. The location of these monitoring wells is important to coastal act requirements and coastal resources because each well head will be "covered by an 8-inch-diameter PVC or steel piping set into concrete footings with piping extending several feet above the ground surface". The well head covering would also be secured by a concrete apron approximately three feet wide by three feet long and approximately one foot thick. (Page 2-10, 11)

These concrete, steel, and PVC structures will remain above ground at the beach locations for "approximately one to two years after installation". Structures such as these will, depending on their location, have a significant impact on public access to the beach and to the safety of those who visit the beach. At this time there is no way of knowing the location of these structures.

Since the siting of these semi-permanent beach structures will determine whether the Phase II will be consistent with coastal act and LCP policies for coastal access or protection of sensitive habitat and resources, and since the location can not be described until Phase I is completed, Phase II must be the subject of a separate permit application and approval.

In addition, if the location of Phase III soil borings depends on the, as-yet-unknown, Phase I borings and/or Phase II monitoring well locations, Phase III must also be the

C-7 30

subject of a separate permit that can only be received, analyzed, and issued after the locations of the 17 soil borings have been determined.

No analysis is provided to show whether the proposed projects conform to the coastal Policies for Energy and Industrial Development.

No analysis is provided to show whether the proposed projects conform to Coastal Plan Policies for Energy and Industrial Development. In order to demonstrate conformance with the County's General Plan and Local Coastal Program policies and requirements, analyses of conformance including findings supported by evidence must be provided.

Based on the above, LandWatch San Luis Obispo County respectfully requests that the County Board of Supervisors deny the permit until the application, permit analyses, findings, and LCP and General Plan elements conform with local and state statutory requirements.

C-7
31

CONSENT

a. May 25, 2006 Planning Commission minutes

Thereafter on motion by Commissioner Roos, seconded by Commissioner Rappa, and unanimously carried, the consent agenda is approved.

1. This being the time set for hearing to consider a request by the CAMBRIA COMMUNITY SERVICES DISTRICT for a Development Plan/Coastal Development Permit to allow a three-phase geotechnical and hydrogeologic data collection project to aid in the assessment of design alternatives for a future seawater desalination facility. Phase I activities include the completion of approximately seven exploratory soil borings, geophysical exploration with a cone-penetrometer test vehicle that will collect data by pushing a 1 to 2 inch diameter probe into the sand, and a temporary equipment access ramp located at the existing beach parking lot. Phase II activities include the installation of two 4-inch diameter monitoring wells on the beach and geophysical survey along the surf zone and ocean floor. Phase III activities include completing soil borings along proposed pipeline alignments and test pumping from Phase I monitoring wells. The project will result in the disturbance of approximately 2,000 square feet of a 51-acre parcel.

Martha Neder, staff: Presents staff report

Commissioner Christie: Discloses an ex -parte conversation she had with Greg Smith regarding mitigations for the Snowy Plover and what state park policies are regarding development on property, and a subsequent conversation with Ed (unknown last name).

Chairman Mehlschau, Commissioners and staff: Discuss an email received by Elizabeth Benttenhausen.

Commissioner Gibson: Comments on San Luis Obispo County acting as Responsible Agency, and E.I.R. considerations.

Jim Orton, County Counsel: Requests applicant receives copies of email.

Tammy Ruddock, manager of CCSD: Introduces staff who are available for questions from the Planning Commission.

Bob Gressens: Give a PowerPoint presentation.

Jim Orton, County Counsel: Indicates district is the Lead Agency, and clarifies county's role as Responsible Agency, and the Planning Commissioner's role in determination of this project.

C-7

32

Commissioner Christie: Discusses possible determinations on this project as to it's effect on the CCSD, any subsequent legal actions taken, beach wells, data collection,

Commissioner Roos: Addresses applicant (Mr. Gressens) and requests clarification on E.I.R.

Bob Gressens: Introduces Art Fontana, District Counsel and discusses collecting data for environmental document. States the district may go with beach wells as an alternative, geophysical testing, defers to Eric Snelling for mini sparker explanation, and state land's determination regarding no I.I.R.

Commissioner Gibson: Requests clarification on developments of data collection being brought up in the E.I.R., and piece-mealing and requests district's counsel respond. Would like more information on seismic sources, state land's permit to allow use of mini sparker in water, reflection survey of sparkers going into wells and would like a time line for this

Art Montanden, District Counsel: Addresses Commissioner Gibson's request regarding piece-mealing and gives his analysis of such.

Eric Snelling Padre Association: Clarifies mini sparker, and permit issued for usage, clarifies why no environmental review was needed. Discusses measures for biological monitoring during drilling in respect to mitigation for Snowy Plovers, knows of no scientific studies made of marine environment impact from vibration of drilling.

Commissioner Roos: Requests clarification regarding the technology and placement of the mini sparker.

Paul Sorenson: Frugo West, Hydrologist. Clarifies mini sparkers are more commonly used in open water and have been used down wells. Discusses geophones, and time line for placement of sparkers in wells.

Commissioner Roos: Questions how the technology of the rotary drill core vibration works, has concerns with energy noise made from operation with particular concern to marine environment with Mr. Gresson's responding that no studies have been made regarding noise and impaction of the vibration to the marine environment.

Commissioner Christie: Has concerns with noise impacts and there having been no studies regarding possible impact to the marine environment. Questions Mr. Snelling about sonic studies with respect to marine species with Mr. Snelling responding. Discusses sparkers used in wells and asks if state lands has been asked about any determinations, concerns of impacts of sonic testing on marine mammals. States she does not feel comfortable with current information offered regarding this technology. Discusses ravens, crows, and sea gulls as related to garbage attraction and proposes conditioning of daily removal of garbage.

C-7-33

Commissioners, Bob Gressens, & Mr. Snelling: Discuss noise impacts in marine environment, lack of scientific studies of such, kilojoules, and decibel levels,

Bob Gresses: Discusses difference of on land drilling vs. marine drilling using vibrations.

Conner Everts, Southern California Water Alliance:. Discusses statewide implications and requests this staff report not be accepted. Would like the Planning Commission to consider potential for cisterns.

Jack Morrow, Sierra Club Vice Chair: Discusses what he feels to have been an inadequate response from CCSD, policy level matters not having been addressed by CCSD, and believes this project should be supported by an E.I.R. Has concerns with marine environmental impacts due to drilling.

Mahala Burton: Resident of Cambria. Discusses her concerns over the project length, size of ramp, parking lot location, and would like another alternative rather than a desalination plant.

Richard Holly: Resident of Cambria. Discusses staff report, piece mealing, MTBE spill, well systems installed on Santa Rosa Creek, opinion that State Parks has a conflict with district, and believes an E.I.R. is required for this.

Andrew Christie, Chapter Coordinator of the Santa Lucia Sierra Club: Discusses concerns with a decision made in 1984. Would like a current study regarding sound waves and requests this project have an E.I.R.

Commissioner Roos: Addresses Mr. Christie regarding sound waves concern with Mr. Christie clarifying the differences in measurements of decibel levels in air, ocean, underground, and addresses concern that sensitivity studies conducted on marine mammals regarding impacts to marine environment have not been conducted.

Bob Gressens: Offers CCSD's approach to Cambria's water conservation program.

Commissioner Roos: Requests clarification on test pumping in Phase 3 as indicated in staff report and where the water will be pumped to, with Mr. Gressens responding the water will get filtered through a large bag and then drained to the beach.

Commissioner Gibson: Would like State Parks to discuss parking lot location.

Ed Redigan: Executive Superintendent for State Parks in Cambria. Clarifies access to the beach via the parking lot location for the project. States utilities are allowed on State Parks. Discusses permits required by State Parks before this project will be allowed to go forward, and State Parks CEQA review process.

C-7
34

Commissioner Christie: Requests clarification on how many parking spaces will be used with Mr. Redigan stating there will be 15 parking spaces and states the amount of parking spaces in the parking lot is unknown, states there will be ample parking for the public while the project is conducted. Discusses ex-parte communication with Mr. Redigan, Dept. of Parks & Recreation's permitting and independent CEQA review process.

Commissioner Christie: Requests clarification on Fig. 2-3 in the Negative Declaration (ND) regarding access routes and vehicle routes. Discusses drill hole locations, criteria used in determining drill holes, time line of project length, length structure will be in parking lot, would like specificity of structure removal addressed as part of the conditioning. Requests clarification regarding Snowy Plover nesting season in regards to this project, well head location protruding, and burial during winter months, slurry backfill materials used, impacts to public access and authorization for conditioning of public access.

Martha Neder, staff: Indicates, on screen, where access route and ramp will go. Discusses permitting required by State Parks regarding Snowy Plover mitigations. Discusses inter-agency coordination for this project,

Bob Gressens: Clarifies inland soil boring location amounts, states 7 exploratory borings will be conducted along the surf zone, and two borings to determine ground water monitoring wells, criteria for borings, time length of project discussed . Clarifies description of well pipes being buried, and is flexible to having the pipes being buried all year around.

Paul Sorenson Hydrologist: Discusses well pipe location alternatives and is agreeable to having the pipes buried. Clarifies slurry backfill material concern as part of conditioning.

Commissioner Roos: Requests clarification on whether concrete will be around the pipes with Mr. Sorenson responding.

Commissioner Gibson: Discusses public access impacts and feels this is not a significant issue due to the length of this project.

Commissioner Rappa: Agrees with Commissioner Gibson regarding lack of any disruptions and insignificant impacts to public access with Commissioner Roos and Chairman Mehlschau agreeing.

Tammy Ruddock, General Manager of CCSD: States the CCSD can look into feasibility of options for public impacts.

Commissioner Rappa: States this is an adequately covered project in the staff report. Discusses desalination plant at the Diablo Canyon Nuclear Power Plant and is in favor of approving this development plan.

C-7 35

Commissioner Gibson: Discusses county's responsibility of E.I.R. review and feels this is in order, states this project presents no permanent change to the environment. Addresses reflection seismology and his knowledge of such, calculations in Appendix E and concludes the sound levels are conservatively estimated in Appendix E, and is agreeable to the other mitigation orders in the staff report. Addresses proposed conditioning for removal of ramp, and infill of well.

Bob Gressens: Discusses flexibility for conditioning regarding the eventual removal of ramp, and the length of time the monitoring wells will be in place.

Commissioner Roos: Proposes a new Condition F requiring time line of removal of wells.

Martha Neder, staff & Commissioners: Fully discuss additional conditioning, and revisions of such.

Kami Griffen Recites added and revised condition language.

Thereafter, on motion of Commissioner Gibson, seconded by Commissioner Rappa and on the following vote:

AYES: Commissioners Roos, Rappa, Gibson and Chairperson Mehlschau

NOES: Commissioner Christie

the commission adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and California Code of Regulations Section 15000 et seq.; and RESOLUTION NO. 2006-028 granting the CAMBRIA COMMUNITY SERVICES DISTRICT Development Plan DRC2004-00142 based on the Findings listed in Exhibit A and the Conditions listed in Exhibit B. amended as follows; Conditions 1 e. and 1 f. added to read: "e. Removal of the temporary ramp and temporary anchorages for the winching system and the parking returned to its pre-construction state, shall occur within 15 days of completion of the test pumping from Phase III." And "f. Re-installation of the ramp is authorized to allow removal of the ground water monitoring wells and such ramp shall be removed within 15 days of completing the removal of the ground water monitoring wells.", Condition 15 amended to add the word "daily" at the end of the first sentence. A new Condition 38 is added to read: "All activities on the site shall be completed within two years of issuance of any applicable permits from State Parks, Coastal Commission, U.S. Fish and Wildlife Service, Army Corps, CalTrans and the State Lands Commission." Adopted.

Commissioner Christie: Offers explanation of why she cannot support the project due to concerns with mitigations not having been fully addressed and studied.

C-7
36

THE CAMBRIAN

Send letters by noon Friday to:
E-mail: cambrian@thetribunenews.com
2442 Main St.
Cambria CA 93428

Fax: (805) 927-4708
Phone: (805) 927-8895
Letters to the editor may be edited.
Shorter letters on local topics appear sooner.

EDITORIAL

All's well that ends in test desal wells

Plans for a desalination plant in Cambria are moving forward, though slowly. We support progress on the plant, partly in spite of and partly because of a report released last week critical of desalination plans in California.

Cambria needs the water. It relies on two narrow coastal aquifers, both depleted rapidly during dry months. Its use of one of the watersheds is impaired by MTBE contamination, so it depends almost exclusively on water from the San Simeon Creek area.

Residents are some of the thriftiest water users in the state. The Cambria Community Services District's conservation and recycling efforts have helped squeeze what use is possible from existing resources.

Even so, there's barely enough water to meet existing demand, and not enough should we go into another drought. Already, residents' lives — not just their lifestyles — are at stake due to a lack of adequate water storage for firefighting purposes.

The district declared a water emergency in 2001 and stopped issuing new water hookups.

It has diligently explored new water sources, including importing water via pipeline and building new reservoirs. In large part due to its relatively isolated location, the cheapest source with the least environmental impact turns out to be seawater desalination.

Much of the plant's design has been done. To avoid the kind of damage to sea life caused by water intake openings at the power plant in Morro Bay, the district plans to use wells on or near the beach to take in seawater. The plant would filter out the salt and make the water safe for consumption.

To find out where the wells should go and whether they'll be able to take in the amount of water needed for the plant, the district wants to drill some test wells near where San Simeon Creek empties into the ocean just north of Cambria.

For the well-drilling equipment to reach the beach, a temporary ramp would be installed off the parking lot on the west side of Highway 1 near San Simeon Beach Campground.

The work would take about a month, probably in October. Then the buried wells would remain in place for about a year.

Please see WELLS, Page 10

Wells

From Page 8

The county Planning Commission approved the plan on June 23. If no appeal of that decision has been filed with the county by today, July 6, the plans for the test wells will go to the state Coastal Commission for its approval.

We back the Planning Commission's approval and urge the Coastal Commission to agree.

A report on the 21 desalination plant proposals in California was released June 21 by the nonpartisan Pacific Institute in Oakland. While it concludes that energy costs and environmental impacts make most of the proposals "premature," we believe Cambria's plan has already satisfied requirements the institute says the other proposals haven't met.

Before using desalination, the report calls for water agencies to improve conservation, recycle wastewater and implement "smart land-use planning." All of these the Cambria district has done or is doing (since it does not have land-use planning authority, it is accomplishing the same goal by limiting the number of water hookups it will allow).

The communities of Arroyo Grande, Oceano and Grover Beach have discussed using desalination as a water source; they would do well to proceed as cautiously as the Pacific Institute urges and as Cambria has done.

On the Web:

Cambria Community Services District
www.cambriacsd.org

The Pacific Institute
www.pacinst.org

San Luis Obispo County Department of Planning and Building
www.slocounty.ca.gov/Page775.aspx

California Coastal Commission
www.coastal.ca.gov

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C-7
37

SIERRA CLUB LETTERHEAD

Written Comments to CCSD For Planning Commission Hearing. 6/22/06

Desal MND

PLANNING COMMISSION
EXHIBIT: #1 DEC 2004-00142
DATE: 6/22/06
DO NOT REMOVE FROM FILE

October 9, 2005

Cambria Community Services District
1316 Tamson Drive, Suite 201
Cambria, CA 93428

Gentlemen:

Re: Notice of intent to Adopt the Mitigated Negative Declaration (MND) for the proposed geotechnical and hydrogeologic investigation in connection with the proposed desalination plant in Cambria.

Gentlemen:

The written comments of the Santa Lucia Chapter of the Sierra Club are appended below. They are the result of careful research and on-site inspection by the Chapter Executive Committee representative and our Chapter Coordinator, and represent our official position.

We thank you for the opportunity to comment and for the extension of time granted for the submission of these comments.

Jack Morrow
Santa Lucia Chapter, Sierra Club
For the Executive Committee

C-7
38

GENERAL COMMENTS

The Sierra Club does not feel that this phased approval process for the desalination project is the proper approach. We feel that this feasibility study should have been part of the total project and as such, subject to a full environmental impact report in addition to all other elements of the project. We therefore wish to make clear that our commenting on this MND in no way implies our approval of other aspects of the total project. For example, the description of Phase III specifies "complete soil borings along proposed pipeline alignments..." Any comments we might make or not make regarding the soil borings themselves does not connote approval of such a proposed pipeline as to route or construction in the future. Nor should the Sierra Club's response to the details of this MND be taken to imply approval of the desalination project itself in any of its details beyond the scope of this MND. **Although we have commented on the entire content of this MND, please note that our analysis of Phase II of the MND point to a lack of suitable mitigation for the potential impacts of the Seismic Reflection Survey and therefore lead us to the conclusion that an EIR is necessary for this project.**

With regard to the "qualified biologist" mentioned in the mitigations, it appears that this one individual will carry the main load of education and enforcement of mitigations specified. He should not only be a "qualified biologist" as set forth in the MND, but should further be specified as "a licensed (or certified) independent biologist". Further, since an important portion of the survey will be marine, specifically underwater, we recommend that a similarly licensed or certified marine biologist (with marine diver certification) be employed to verify any possible impact on underwater marine life and to oversee the seismic reflection survey divers in the laying of the cable and we further recommend that a pre-cable laying bottom survey of the area be performed by the marine biologist and the divers who will lay the two cables to ensure that cable locations and runs are proper and meet the requirements of the survey (eg no runs over hard surfaces- see BIO-9).

C-7

39

The access ramp specified for ingress and egress of heavy equipment is critical to the safety of personnel and environmental integrity of the entire operation. If this alternative is used, the MND must therefore specify design by a licensed construction engineer, ensuring adequate safety factors in load-bearing capacity, footings top and bottom, support structures, and protection of exposed ramp edges sufficient to ensure no vehicle can fall from the ramp while transiting. Likewise, cables rigged to assist vehicles on and

off the ramp must meet all safety standards. It is recommended that the State of California Bureau of Industrial Safety be asked to inspect plans and completed structure. An adequate covering of the beach under and around the ramp should also be provided to prevent any liquid spill from contaminating the beach area.

With further regard to beach access, the MND alternative of the creek crossing accessed under the highway bridge from the State campground parking area north of the bridge, might be accomplished at comparable cost and increased environmental/personal safety if the bridge were constructed so as to span the creek rather than laying timbers directly in the creek as the MND postulates. With suitable heavy footings at each end it might serve as a convenient access with little personal or environmental hazard. This, in our opinion, would be preferable access rather than the ramp, with minimal or no impact on the creek ecology itself.

There is another drive-on, drive-off, possibility at the southwest end of the automobile bridge across the creek. In this location, a natural drainage arroyo might be modified into an access to the beach, and an off-highway pull-off area extending from the bridge to the beach parking lot entrance could provide staging room. However, the creek spanning equipment bridge is our preference.

It is noted that the word "would" is used throughout the MND in describing recommended actions to mitigate possible environmental impacts. Either the word "will" or the word "shall" must be used in all such instances. If such measures are considered advisable, then they should be done, not left to someone's judgment on the spot.

SPECIFIC COMMENTS

PHASE I

Page 2-10. Test Equipment. Paragraph 2.7.1 Should read: "If truck mounted drilling rigs are needed, they shall be supported on temporary wood sheeting laid along the sand where needed to avoid accidental tipping, rollover, or damage to beach surface." As written, the "they may need to be supported" carries no obligation to be observed.

Page 2-10 & 2-11. Monitoring Well Construction and Installation. While the exact location of these two wells is not specified, it appears that they would be at one of the locations along the surfline. It is further understood that they would be encased in cement at the surface and have a 4-inch diameter pipe projecting at least 3 feet above the surface. These would present an obstruction and a hazard to both persons engaged in recreation on the beach and possible to marine animals (eg seals) which are known to come ashore in the area. They should therefore be constructed and utilized at all times in the same manner as provided in the MND for winter storm season: "The locations would be carefully mapped and the upper section of the casing would be removed. Each monitoring well would be sealed…Burying and uncovering the monitoring wells shall be completed by hand."

C-7
40

2.7.2 Phase II Study Activities: Seismic Reflection Survey

The statement "the mini-sparker has a rating of two kilojoules which creates a minimal sound source" appears to be misleading, and the statement that "Fugro has a permit from the State Lands Commission (Permit No. PRC 8392) for use of the sparker during geophysical surveys in State Waters" is cause for concern. Fugro's application for Permit No. PRC 8392 states that the devices "use no more than two kilojoules of energy." The California Coastal Commission states that "Absent an EIR, the State Lands Commission only allows devices which it considers low energy, defined as having an energy output of **less than** 2 kiloJoules [emphasis added]. (CCC Staff Recommendation on consistency determination, CD-16-00, US Geological Survey, filed 2/16/2000). Clarification is required as to what the State Lands Commission's criteria and definition for low energy devices actually are.

There is no reference to the decibel level of the 2kJ minisparker. This is a major omission. Pending its rectification, we will assume that the decibel level is similar to – and greater than – the sound level produced by the less powerful 1.5 kJ SQUID 2000 minisparker system, which produces a maximum sound level of 209dB.

Humpback whales are estimated by scientists to sing in the range of 160db to 170db. By way of comparison, fishing boats range from 150-160dB and super tankers range from 187-232dB. Although scientists differ on how to translate underwater sounds into their above-water equivalents, 180dB is comparable to what you'd hear at a Metallica concert. Scientists balk at exposing marine animals to a 180dB sound level, the level at which some species will suffer temporary hearing loss.

3.3.4.2 Environmental Setting

The location of the proposed project near "Hard substrate…just offshore of the project site…provid[ing] habitat and a permanent surface that support attached epibiota resulting in complex marine communities," "within sandy bottom habitat between stands of kelp in Kelp Bed 209," and at the mouth of San Simeon Creek raises particular concerns for impacts of soundwaves from the minisparker on fish and amphibians, in particular the tidewater goby, steelhead, and California red-legged frog.

The environmental analysis correctly notes that "Kelp forests…provide habitat structure and substrate surfaces for many epibiotic, benthic and sessile organisms, and provide food, shelter, and nursery habitat for migratory and resident species of fish, marine mammals and invertebrates" and that "giant kelp and surf grass communities are recognized as an Essential Fish Habitat (EFH) for some of the managed species." The analysis then states that "although these plant species and habitats exist adjacent to the project site, they have not been reported within the project site and therefore would not be impacted by project activities." This statement cannot be taken at face value absent measurements of the distance traveled by the sound waves emitted by the mini sparker and their decibel measurement at progressive distances from the sound source, within and outside the project area. The analysis notes the presence of "rockfish, surfperch, flatfish… the endangered southern sea otter (*Enhydra lutris nereis*), California sea lion (*Zalophus californianus*), harbor seal (*Phoca vitulina*) and the Northern elephant seal" adjacent to the project site.

C-7

41

Studies have shown harmful effects of even moderate noise on hearing in fish and the viability of fish eggs exposed to noisy environments was significantly reduced. Fish have hairs in their ears that transmit sound waves from the ear canal to the central nervous system. At 160db, these hairs shear off. A deaf fish is less likely to find food and more likely to be picked off by predators.

See:
Myrberg, A.A..(1990) The effects of Man-Made Noise on the Behavior of Marine Animals. Environment International 16: 575-586.
and:
Banner, A., and M. Hyatt. 1973. Effects of noise on eggs and larvae of two estuarine fish. Transactions of the American Fisheries Society 102:134-136.

3.3.4.4 Regional Species of Concern - Cetaceans

The analysis notes that gray whale "Cow-calf pairs frequently occur within the kelp beds and may come less than 50 ft (15 m) from the beach. In addition to grey whales, humpback whales are expected to occur within the region from May through June and September-December. As such, these cetaceans could also occur within the project site during this time."

Several studies show that grey whales begin to avoid sounds at exposure levels of 110 dB and more than 80% of the whales showed avoidance to sounds at 130 dB. Cetaceans show avoidance behavior to sounds starting around 115 dB, sufficient to change migratory patterns, cause defensive behaviors, change song patterns, and mask biologically important signals. More intense sounds can cause physiological damage. Sound levels of 195-210dB may result in immediate damage to marine mammals' auditory organs (Richardson, W.J., Green, C,R., Malme, C.I., Thompson, D. H., Moore, S.E. and Wurwig, B. (1991) *Effects of noise on marine mammals*. Report prepared by LGL Ecological Research Associates Inc., TX, for US Minerals Management Service, Atlantic OCS Region, Herndon, VA, MMS Study 90-0093, NTIS PB 91-168914, 462 pp.)

In *Underwater Noise Pollution and its Significance for Whales and Dolphins*, Jonathan Gordon and Anna Moscrop state that shock waves caused by intense underwater sound sources can cause direct tissue damage. Animals with air filled lungs and swim bladders are especially vulnerable because of the large difference in impedance between air in the lungs and their body tissues or sea water. Submerged animals exposed at short range showed hemorrhage in the lungs and ulceration of the gastro-intestinal tract.

Sperm whales stopped vocalizing in response to a seismic vessel hundreds of kilometers away. (Bowles, A.E., Smultea, M.,Wursig, B., DeMaster, P. and Plaka, D. (1994) Abundance of marine mammals exposed to transmissions from Heard Island Feasibility Test. Journal of the Acoustical Society of America 96; 2469-2484.)

Bowhead whales have been seen to react to a received level of 115 dB, with behavioral changes noted more than 8 km from seismic vessels with received noise levels of 142-156 dB. (Ljungblad, D.K., Wursig, B., Swartz,.S.L. and Keene, J.M. (1988) Observations on the behavioral responses of bowhead whales (Balacena mysticetus) to active geophysical vessels in the Alaskan Beaufort Sea. Artic 41: 183-194.)

C-7

The analysis correctly notes that "The MMPA established a moratorium on the

42

taking of marine mammals in waters under U.S. jurisdiction. The MMPA defines "take" to mean 'to harass, hunt, capture, or kill, or attempt to harass, hunt, capture or kill any marine mammal'." The project as proposed would appear likely to result in the take of marine mammals.

3.3.4.7 Impact Discussion

There is no discussion of the potential sonic impacts of the geophysical surveys beyond the statement that fish "would not be significantly impacted by the sound waves generated by the proposed geophysical surveys (e.g., mini-sparker) due to the monitoring wells being located above the mean-high tide line and the infrequency of their use."

This sentence appears to be non-sequiter. As stated in the project description, the monitoring wells will be on San Simeon and Parking Lot beaches. The geophysical survey will occur "along the surf zone and ocean floor…performed perpendicular to the shore line from the San Simeon beach and extending offshore." An assertion of no sonic impacts on fish due to the location and frequency of use of the wells appears to imply that receivers on cables laid 1500 feet offshore will be able to register the sound waves emitted by the minisparker, but fish will not.

No data is cited regarding damage to fish and fish eggs as a coefficient of repetition. With no reference to repetition of sound wave emissions in the analysis, we note the protocols of a 2000 USGS survey in near shore waters which called for the minisparker to be triggered every 4 to 6 seconds.

There is no proposed mitigation or monitoring for potential sonic **3.3.4.8 Mitigation**

impacts of the geophysical surveys. For appropriate monitoring measures, see 1995 seismic survey by Exxon at the Santa Ynez unit, incorporating visual, aerial and acoustic monitoring for marine mammals, acoustic model verification, and measures required under a NMFS marine mammal harassment permit.

In 1998, during Low Frequency Active Sonar trials off Hawaii, Navy protocols required that marine wildlife be observed for behavioral activity. Scientists studied all behaviors and recorded all 'takes' during the test, including any behavior change, such as a dive, leaving the source, or attraction to the source. Behavior was monitored by visual and acoustical means. Should any detrimental effects be suspected, the test was to stop immediately. If a stranding should occur, the study was to discontinue until the cause of stranding/death was known by a necropsy performed by a team of biologists and veterinarians, including a hearing specialist.

3.3.8 Noise

All dB measurements given are of noise traveling through air. There is no discussion of the potential seafloor sonic impacts of the 2kJ mini-sparker in geophysical surveys.

Conclusion:

The MND fails to show that the proposed activity will not harm the resource and species of concern. The potential for impacts on marine mammals and other species of concern of the seismic reflection survey, and the absence of any analysis or acknowledgment of those potential impacts, demonstrates the need for the preparation of an Environmental Impact Report for the proposed project.

APPENDIX A

BIO-9 through BIO-15. These activities would be more appropriately supervised by a marine biologist (See general note above).

HAZ-1. Preparing a Hazardous Spill Contingency Plan (HCSP) is not in itself a mitigation and cannot be commented on until it is prepared and distributed to responsible parties. This plan must be prepared and published in the same manner as this MND and an opportunity afforded to the public to comment upon it. This plan should include measures to be taken to prevent spills. Although it is stated the plan should "reduce the potential of hydrocarbon spills to a less than significant level . . ." no specifics are given. This plan must be prepared, published, and commented on by the public before adoption of the MND itself

C-7

44

Mahala Burton

6425 Cambria Pines Road ♦ Cambria California 93428
Tel (805) 927-1802 ♦ Fax (805) 927-1902 ♦ E-mail mahala1@charter.net

PLANNING COMMISSION
EXHIBIT: ORC2004-00142
DATE: 6/22/06
DO NOT REMOVE FROM FILE

June 22, 2006

San Luis Obispo County Planning Commission1
1055 Monterey Street
San Luis Obispo Ca, 93408

Subject: Cambria Community Services District Geotechnical/Hydrogeologic Investigation Activities Project for the Proposed Desalination Facility, Cambria, San Luis Obispo County, California

Dear Sir,

This project is not a simple scientific data collection project analogous to drilling for a water well. It is a project of tremendous scope utilizing immense industrial equipment and a massive engineered construction ramp. This project proposes to use Public Trust Land, State Park Land and a federally protected marine area (Monterey Bay National Marine Sanctuary). It will affect federally protected marine mammals, endangered animals, birds, plants and Native American sites. It is in an area of frequent public use by locals and visitors, on a scenic highway with views protected by the Local Coastal Plan policies and the California Coastal Act.

In fact, of all the beach areas in the North Coast this may be the premier scenic site with its sandy beaches, flowing creek and wide lagoon that is part of the pacific flyway for migrating birds and a popular place for local birds and ducks. It is adjacent to the only campground from Morro Bay to Kirk Creek in Big Sur.

The present project and acceptance of the Mitigated Negative Declaration may well lay the groundwork for future drilling of an even more massive scope and entail the implementation of a piecemeal approach to the proposed desalination project a violation of the Local Coastal Plan policies and the California Coastal Act and The California Environmental Quality act(CEQA)

This project could be completely avoided if the Cambria Community Services District (CCSD) would cease seeking desalination, as a new water source and instead put its money and manpower into developing a recycled water delivery and storage system and putting teeth into its conservation efforts. Desalination was chosen by the current Board of Directors after an advisory vote sent to ratepayers and the 650 lot owners on the water wait list that for the most part are not Cambria residents. Cambria's Water Master Plan is a 3-pronged approach: Conservation, Recycling and Desalination.

C-7-45

Parking Lot

The access point chosen for the project is a small-unimproved dirt parking lot approx 250 ft by 75 ft. There are no carefully marked parking spaces such as in a supermarket. Users include vehicles, campers, trucks and large motor homes. Parking is along its west side facing the ocean only. I estimate space for 17 cars and fewer if there are campers and motor homes. 15x17= 250. I allowed a comfortable 15 feet per car due to the nature of the lot and variety of vehicles.

The planning staff report is difficult for me to understand. It is unclear the number of spaces they are suggesting will be used by the project but it seems to range from 15 to 25. Nevertheless, in reality using the lesser number almost the entire lot will be used for the project.

This parking lots access to the beach and ocean is very convenient for public use requiring a short walk down a fragile eroding bluff (no steps) and depending on the tide 10-15 ft to water although throughout the winter the tide is often crashing on the toe of the bluff.

This parking lot is a popular viewing area for those using hwy one. Perhaps during a winter weekday the lot may never fill, however there is a constant turnover with vehicles pulling in for the short-term to take in the vista and access the beach. Disabled persons can sit on a bench for an unobstructed ocean view.

The huge staging area with its cranes, winches, construction material, drilling rigs, drilling equipment, worker vehicles, personnel vehicles and many others will overwhelm the parking lot for a most likely grossly under- stated one month up to 2 years since this is what the permit allows. Permit is valid two years from vesting.

It is suggested by the staff report that the public should use the parking lot east and north of the beach side lot. This lot is below street grade, unmarked from the hwy so unless one is a local you would drive right past it and gated and locked from sunset to 8:30 am. To access the beach you must walk about ¼ mile under the highway. There is no access for the disabled and no place to view the ocean for the disabled. This access point is wholly inadequate for the disabled and people with children; hardly a suitable alternative for the west side lot.

Ramp

There are no final plans for the ramp merely a sketch. What is the final design? How do you approve this ramp without a complete design? It is impossible to determine the exact location of the ramp mat in the parking area. However, it appears the ramp pad (mat) will be built on top of coastal bluff scrub (see photos) which is a crucial carpet of indigenous plants that stabilize the eroding bluffs. The coastal scrub is on the east edge of the

C-7
46

parking lot as well as the far southern end. An endangered thistle was found 100ft north. After the minimum of a month for this project surely all plant material will have smothered and died. There is language about not cutting the native plants but silent to smothering them. State Parks in a letter dated 9/22/05 states "any disturbance to the bluff face or the top of the bluff is unacceptable." And State Parks requires a gated locked staging area not merely fenced.

Storms

What about storms and rapid removal of the ramp.

State parks in a letter dated 9/22/05 states "the very stretch of beach where the ramp is to be placed is a location of frequent dynamic seasonal changes with periodic storm/wave events that will require the ramp being rapidly removed". Therefore, the ramp will have to be removed before the project is completed if there is an extremely high tide which often occurs during our frequent winter storms. Will a crew be ready to dismantle it? On the weekends? At night?

The Monterey Bay National Marine Sanctuary in a letter dated 9/26/05 states "all construction materials must be stored beyond the reach of tidal water." I construe the ramp to be construction material.

Attractive nuisance

A large construction ramp at least 12x40 feet left on a popular public beach 24 hours a day for no less than a month is surely a perfect example of what is legally termed" an attractive nuisance", foretelling the possibility of kids playing on it and accidents- hence liability.

Auto Trips

Staff report states a maximum of 8 auto trips per day. Grossly inaccurate. Each person associate with the project will arrive and depart and most likely leave for lunch.

Biologists and Monitors

Certified Marine Biologists, Qualified Biologist, Environmental Monitor. The report is silent to the qualifications of the qualified biologist and the definition of an environmental Monitor. Will there be a qualified person on the site the entire time?

Sincerely,

Mahala Burton

C-7
47

"elizabettenhausen"
<elizabettenhausen@netzero.net>
06/22/2006 07:25 AM

To "Martha Neder" <mneder@co.slo.ca.us>
cc
bcc
Subject CCSD permit application June 22, 2006

History: This message has been forwarded.

PLANNING COMMISSION
EXHIBIT: DRC 2004-00142
DATE: 6/22/06
DO NOT REMOVE FROM FILE

21 June 2006

Planning Commission
San Luis Obispo County
California

Dear Planning Commission:

I write concerning your review and consideration at your meeting on June 22, 2006, of a request from the Cambria Community Services District (CCSD) for a Development Plan/Coastal Development Permit (File No. DRC2004-00142).

The Mitigated Negative Declaration **is not** "in accordance with the applicable provisions of the California Environmental Quality Act" (Public Resources Code 21000 et seq.)" (CEQA). An Environmental Impact Report must be prepared for this "three phase geotechnical and hydrogeologic data collection project" as one element of a larger project. This "data collection project" is not an autonomous project but rather a small project that is integral to the desalination plant proposed by the CCSD. The entire project requires an EIR.

CEQA 21003.a. reads: "Local agencies integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, the maximum feasible extent, run concurrently, rather than consecutively." See also 21002.1. Dividing the proposed desalination project into allegedly autonomous and consecutive projects violates the Public Resources Code.

CEQA 21157.a.2. refers to a "master environmental impact report" for "a project that consists of small individual projects which will be carried out in phases." The "geotechnical and hydrogeologic data collection project" before you today is such a phase, not a separate project. A master environmental impact report is required for the entire desalination project.

Thank you for your consideration. Please enter this letter and Public Resources Code 21000 et seq. into the public record of the June 22, 2006, meeting of the Planning Commission. In addition to communication by e-mail prior to your meeting, I will also send this letter by the US Postal Service.

Sincerely,

C-7
48

Elizabeth Bettenhausen, Ph.D.
345 Plymouth Street
Cambria, CA 93428

cc: Martha Neder, AICP, Planning

C-7.
49

PLANNING COMMISSION

EXHIBIT: DRC 2004-00142

DATE: 6/22/06

DO NOT REMOVE FROM FILE

Cherie Aispuro/BOS/COSLO
06/22/2006 08:24 AM

To Ellie Porter/Planning/COSLO@Twings
cc
bcc
Subject Fw: Contact Us (response #25)

Ellie, I think this is intended to go to members of the Planning Commission. Thanks, Cherie

----- Forwarded by Cherie Aispuro/BOS/COSLO on 06/22/2006 08:23 AM -----

"System Administrator" <webmaster@co.slo.ca.us>
06/22/2006 08:15 AM

To "caispuro@co.slo.ca.us" <caispuro@co.slo.ca.us>
cc
Subject Contact Us (response #25)

Contact Us (response #25)

Survey Information

Site:	County of SLO
Page Title:	Contact Us
URL:	http://www.slocounty.ca.gov/bos/BOSContactUs.htm
Submission Time/Date:	6/22/2006 8:14:22 AM

Survey Response

Name:	Lynne Harkins
Telephone Number:	927-7271
Email address:	L.Harkins@charter.net
Comments or questions (2,000 characters max):	RE: CCSD Development Plan/Coastal Development Permit (File No. DRC2004-00142) Dear Planning Commission: Concerning your review and consideration at your meeting on June 22, 2006, of a request from the Cambria Community Services District (CCSD) for a Development Plan/Coastal Development Permit (File No. DRC2004-00142): It seems ill-advised for you to consider this matter before hearing from other agencies on this project. The RWQCB, State Lands Commission, DFG, Environmental Health should be weighing in because this entire desal project needs to be reviewed before any part of it goes forward. Otherwise, you are engaging in "piecemeal" consideration of the project and that is prohibited by CEQA. Thank you for your kind attention. Sincerely, Lynne Harkins Cambria, CA

C-7.
50

1-1

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Promoting the wise use of land
Helping build great communities

Tentative Notice of Action

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
June 22, 2006 LOCAL EFFECTIVE DATE July 6, 2006 APPROX FINAL EFFECTIVE DATE July 27, 2006	Martha Neder, AICP, Planning (805) 781-4576	CCSD	DRC2004-00142

SUBJECT

Request by the Cambria Community Services District (CCSD) for a Development Plan/Coastal Development Permit to allow a three phase geotechnical and hydrogeologic data collection project to aid in the assessment of design alternatives for a future seawater desalination facility. Phase I activities include the completion of approximately seven exploratory soil borings, geophysical exploration with a cone-penetrometer test vehicle that will collect data by pushing a 1 to 2 inch diameter probe into the sand, and a temporary equipment access ramp located at the existing beach parking lot. Phase II activities include the installation of two 4-inch diameter monitoring wells on the beach and geophysical survey along the surf zone and ocean floor. Phase III activities include completing soil borings along proposed pipeline alignments and test pumping from Phase I monitoring wells. The project will result in the disturbance of approximately 2,000 square feet of a 51 acre parcel. The proposed project is within the Recreation land use category and is located in the San Simeon Creek beach area across Highway One from the San Simeon State Parks Campground and Beach parking lot, north of the community of Cambria. The site is in the North Coast planning area.

RECOMMENDED ACTION

1. Review and consider the adopted Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et seq.).
2. Approve Development Plan/Coastal Development Permit DRC2004-00142 based on the findings listed in Exhibit A and the conditions listed in Exhibit B

ENVIRONMENTAL DETERMINATION

The proposed project is consistent with the previously adopted Mitigated Negative Declaration for the Geotechnical/Hydrogeologic Investigation Activities for the Pending Desalination Project with the Cambria Community Services District acting as the lead agency under CEQA (distributed under separate cover). This Development Plan/Coastal Development Permit environmental determination is recorded under ED05-438.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Recreation	WET, SRV, TH, AS, SRA, CAZ, LCP, FH, Water Wells	013-381-007	2

PLANNING AREA STANDARDS:

Site Selection, Site Design, Permit Requirements, Traffic Counts, Setbacks – Coastal, Limitations on Use

Does the project meet applicable Planning Area Standards: Yes - see discussion

LAND USE ORDINANCE STANDARDS:

Setbacks, Coastal Access, Combining Designations, Water Wells and Impoundments

Does the project conform to the Land Use Ordinance Standards: Yes - see discussion

FINAL ACTION

This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.

C-7 51

1-7

EXISTING USES: State Beach area and parking	
SURROUNDING LAND USE CATEGORIES AND USES: *North:* Agriculture/Single Family Residence *South:* Recreation/State Beach	*East:* Recreation/Campground *West:* Pacific Ocean
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Environmental Health, CDF, Cambria Community Services District, APCD, Department of Fish and Game, Cal Trans, California Coastal Commission, RWQCB, State Lands Commission, State Parks, Army Corps of Engineers, and the U.S. Fish and Wildlife Service	
TOPOGRAPHY: Nearly level	VEGETATION: Riparian, freshwater marsh, wetland, scrub, ornamental, ruderal, coastal foredune, coastal salt marsh, beach/coastal strand
PROPOSED SERVICES: Water supply: Not applicable Sewage Disposal: Not applicable Fire Protection: CDF	ACCEPTANCE DATE: May 9, 2006

DISCUSSION

PROJECT DESCRIPTION
The data collection project consists of three phases:

- Phase I – Drill approximately seven exploratory soil borings, approximately 4 to 6 inches in diameter each, in locations parallel with and in close proximity to the beach surf zone from the San Simeon Creek beach area to the parking lot beach area located approximately 1,000 feet to the south. Phase I work would also include geophysical exploration with a cone-penetrometer test vehicle that will collect data by pushing a 1 to 2 inch diameter probe into the sand within the same general beach areas. A temporary equipment access ramp would be installed in the parking lot area and remain for all three phases.
- Phase II – Install two 4-inch diameter monitoring wells on the San Simeon Creek beach area and the parking lot beach area as well as a geophysical survey along the surf zone and ocean floor at the San Simeon Beach area.
- Phase III – Drill approximately 17 soil borings along the proposed pipeline alignments and other project elements that are not located within the beach area. Phase III will also include test pumping from the monitoring wells installed under Phase III.

The project requires an access ramp at the southern end of the existing parking area on the west side of Highway One. Aggregate rock base would be placed at the south end of the parking lot. Wood timbers or a pre-fabricated ramp would be placed on top by a crane. A winch may be used for lowering or lifting rubber wheeled trucks and equipment on the ramp. Temporary cabling and anchorage of the winch may be completed by constructing a drilled concrete pier anchor in the parking lot. The ramp would be used each evening to allow drilling and test equipment to be completely removed from the beach area. Upon removal of the temporary ramp, the base rock would either be removed or spread for use within the parking lot. All temporary anchorages for the winching system would be removed when the project is complete.

C-7 52

1-3

PROJECT SCHEDULE
Phase I activities would require approximately five to ten working days to complete. Phase II activities would require approximately three to five working days to complete. Temporary beach access for all three phases would be left in place for approximately one month.

PROJECT HISTORY
The CCSD provides potable water service to the community of Cambria and the State Parks campground at San Simeon State Beach. The CCSD has experienced water supply shortages and has been under a Water Code Section 350 emergency declaration since November 2001. Historically, the CCSD relies on the San Simeon Creek and Santa Rosa Creek aquifers for its water supply. These aquifers are narrow and thin and recharge relatively quickly following the establishment of stream flow in the fall or winter season. The CCSD uses its San Simeon well field as its main source of supply. The Santa Rosa wells are currently shut down due to a methyl tert-butyl ether (MTBE) plume associated with a nearby gasoline storage tank release. To provide a reliable water supply during dry summer months and during drought periods, the CCSD is pursuing the completion of a seawater desalination project. Geotechnical and hydrogeologic investigations proposed as part of this permit will allow the collection of data needed to assess design alternatives for a future seawater desalination facility.

PLANNING AREA STANDARDS:
Site Selection: *Primary site selection for new development shall not be visible from Hwy 1.*
The project is consistent with this standard as no permanent structures will be constructed. Any impacts to the viewshed will be temporary (approximately one month).

Site Planning: *Proposed uses are to be concentrated in the least sensitive portions of the site.*
The project is consistent with this standard as disturbance is proposed in the least sensitive portions of the site feasible. The purpose of the project is data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

Site Design: *Development shall minimize adverse impacts on marine resources.*
The project is consistent with this standard as disturbance is located as far away from marine resources as possible while meeting the objectives of the geotechnical study. Further, field activities are temporary (scheduled to take one month to complete) study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

Permit Requirement: *Development Plan approval is required for all development in REC.*
The applicant is requesting Development Plan approval.

Traffic Counts: *Estimated traffic counts for new development must be submitted.*
A maximum of 8 vehicle trips per day would be generated as a result of the project. This estimate is expected for the duration of the project.

C-7
53

1-4

Setbacks: *Structures are to be located a minimum of 50 feet from Mean High Tide Line (MHTL) or edge of bluffs.*
The project is consistent with this standard as no permanent structures will be constructed and the proposed activities are located as far from MHTL or the edge of bluff as possible while meeting the objectives of geotechnical study.

Limitation on Use: *Non-principal permitted uses include water wells and impoundments.*
While geotechnical and hydrogeologic data collection is not specifically listed in the definitions of land uses in County's Land Use Element, the project is most closely fits into the water well and impoundments use group.

LAND USE ORDINANCE STANDARDS:
Local Coastal Plan/Coastal Appealable Zone: The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan. This project is considered appealable development because it is within 300 feet of a beach and within 100 feet of a wetland and any decision made by the county regarding this project's land use application may be appealed to the California Coastal Commission pursuant to Public Resources Codes Section 30603(a).

Flood Hazard: Temporary uses are allowed within the Flood Hazard area. The proposed use is partially within the Flood Hazard Area and is temporary. No structure will be in place from October 15 to April 15 within the Flood Hazard area.

Sensitive Resource Area/ Wetlands/Streams and Riparian Vegetation: The project is consistent with the provisions of this section. The purpose of the project is data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

New development is to be located more than 100 feet from the upland edge of riparian habitats. There are no permanent structures proposed with this project. While drill holes are located within the 100 foot riparian setback, the drill holes cannot be relocated without compromising the objectives of the study. Study activities are located as far away from the wetland as feasible and development has been designed and sited to prevent significant impacts to Sensitive Resource Areas.

Archaeologically Sensitive: The proposed project is located in an Archaeologically Sensitive Area. A Phase I Archaeological Survey was prepared by CRMS on August 16, 2005 and an Archaeological Monitoring Plan was prepared by CRMS on December 1, 2005. The project is required to implement this plan.

Water Wells and Impoundments: This section details permit and monitoring report requirements. A well monitoring report is not required as the proposed project is for Phase I exploratory activities to aid in the assessment of design alternatives for a Seawater Desalination Facility and does not include actual water wells.

C-7-54

1-5

COASTAL PLAN POLICIES: The project is consistent with the Coastal Plan Policies. The most relevant policies are discussed below.

Shoreline Access Policy 1: *Protection of Existing Access*
Recreation and Visitor Serving Facilities Policy 1: *Recreation Opportunities*
Existing access and coastal recreation and visitor-serving facilities are protected with this project. The day-use parking lot west of Highway One and south of San Simeon Creek would be used as an equipment staging area and beach access point during drilling and survey activities. Installation and removal of the interim equipment access ramp would remove approximately 15 spaces from public use for a maximum of four 8-hour workdays. The parking lot east of Highway One, which is connect to the beach area via a boardwalk underneath the Highway One bridge, would be able to accommodate parking displaced due to ramp installation and removal.

The remainder of test activities would require temporary cordoning off approximately 10 to 15 parking spaces in the southern portion of the day-use parking lot west of Highway One and south of San Simeon Creek. The northern portion of this parking lot is adequate to accommodate any displaced parking.

A temporary barricade would be constructed at the interim equipment ramp entrance to prevent use by unauthorized vehicles. Temporary construction fencing would be installed to separate investigation activities from the public. During weekend periods, test equipment would be relocated to CCSD property with only the interim ramp remaining in place. Work would only be conducted on weekdays when tourist activity is less frequent.

Environmentally Sensitive Habitats Policy 1: *Land Uses Within or Adjacent to ESHA*
Environmentally Sensitive Habitats Policy 2: *Permit Requirement*
Environmentally Sensitive Habitats Policy 3: *Habitat Restoration*
These policies requires that development within or adjacent to environmentally sensitive habitats do not significantly disrupt the resource, demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities be consistent with the biological continuance of the habitat, and restoration of damaged habitats. Within an existing resource, only those uses dependent on such resources are allowable.

The purpose of the project is data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

Environmentally Sensitive Habitats Policy 7: *Protection of ESHA*
Environmentally Sensitive Habitats Policy 17: *Wetland Buffer*
This policy recognizes coastal wetlands as environmentally sensitive habitats. The one drill hole location located within Van Gordon Creek has been deleted from the drilling program. While thirteen drill hole locations are located within the 100 foot wetland setback, the drill holes cannot be relocated without compromising the objectives of the study. Further, study activities will not have a significant impact on sensitive habitats as described above.

Environmentally Sensitive Habitats Policy 12: *State Department of Fish and Game Review*

C-7-55

1-6

This policy requires State Department of Fish and Game (Fish and Game) review of all applications for development within or adjacent to coastal wetlands. The project was referred to Fish and Game. No comments have been received. Further, conditions of approval require evidence of permits or verification that no permit is required from Fish and Game prior to issuance of any construction or grading permit.

Environmentally Sensitive Habitats Policy 16: *Adjacent Development*
The project is consistent with this policy as study activities are located as far away from the wetland as feasible and development has been designed and sited to prevent significant impacts to wetlands.

Environmentally Sensitive Habitats Policy 20: *Coastal Streams and Riparian Vegetation*
Environmentally Sensitive Habitats Policy 21: *Development in or Adjacent to a Coastal Stream*
These policies recognize coastal streams and riparian vegetation as environmentally sensitive habitat areas and require development adjacent or within the watershed to be sited and designed to prevent impacts which would significantly degrade the coastal habitat. The project is consistent with policies as disturbance is proposed in the least sensitive portions of the site feasible.

Environmentally Sensitive Habitats Policy 22: *Riparian Vegetation*
This policy prohibits cutting or alteration of naturally occurring riparian vegetation. Riparian vegetation will not be trimmed or removed.

Environmentally Sensitive Habitats Policy 28: *Buffer Zone for Riparian Habitats*
The new development is to be located more than 100 feet from the upland edge of riparian habitats. There are no permanent structures proposed with this project. While drill holes are located within the 100 foot riparian setback, the drill holes cannot be relocated without compromising the objectives of the study. Further, study activities will not have a significant impact on sensitive habitats as described above.

Environmentally Sensitive Habitats Policy 39: *Siting of Shoreline Structures*
The project is consistent with this policy because the drill locations are sited and designed to avoid and minimize impacts on marine habitats.

Coastal Watersheds Policy 9: *Techniques for Minimizing Sedimentation*
The project is consistent with this policy because mitigation measures are included which require restoration activities to address erosion impacts to the bluff.

Visual and Scenic Resources Policy 1: *Protection of Visual and Scenic Resources*
This policy requires preservation, protection, and restoration of unique and attractive features of the landscape. No permanent structures are proposed with the project and ground surface will be restored after completion of each drill hole.

Visual and Scenic Resources Policy 10: *Development on Beaches and Sand Dunes*
This policy prohibits new development on open sandy, beaches, except facilities required for public health and safety. No permanent structures are proposed with the project. The project is to allow the collection of data needed to assess design alternatives for a future seawater desalination facility to provide a reliable water supply during dry summer months and during drought periods.

C-7-56

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Hazards Policy 1: *New Development*
This policy requires all new development to be located and designed to minimize risks to human life and property. No permanent structures are proposed with this project and a Hazardous Spill Contingency Plan has been prepared for the project to present the procedures and protocols that will be utilized in the event of a release of hazardous materials either onshore or in the marine environment.

Archaeology Policy 1: *Protection of Archaeological Resources*
Archaeology Policy 4: *Preliminary Site Survey for Development within Archaeologically Sensitive Areas*
A Phase I Archaeological Survey was prepared by CRMS on August 16, 2005 and an Archaeological Monitoring Plan was prepared by CRMS on December 1, 2005. The project is required to implement this plan.

COMMUNITY ADVISORY GROUP COMMENTS: No comments

AGENCY REVIEW:
State Parks – See attached
California Coastal Commission – See attached
Public Works- No concerns, area is under jurisdiction of State Parks and CalTrans
Cambria Community Services District – Recommend approval
Cal Trans – An encroachment permit is required for work within the Hwy 1 Right of Way
APCD – No response received
Department of Fish and Game – No response received
RWQCB – No response received
State Lands Commission – No response received
Environmental Health – No response received
CDF – No response received
Army Corps of Engineers - No response received
U.S. Fish and Wildlife Service – No response received

LEGAL LOT STATUS:
The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Martha Neder and reviewed by Matt Janssen

1-8

EXHIBIT A - FINDINGS

Environmental Determination

A. The proposed project is consistent with the previously certified Mitigated Negative Declaration for the Geotechnical/Hydrogeologic Investigation Activities for the Pending Desalination Project with the Cambria Community Services District acting as the lead agency under CEQA. This Development Plan/Coastal Development Permit environmental determination is recorded under ED05-438.

Development Plan

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located Highway One, a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the property is owned by State Parks and existing lateral and vertical access exists. Displace parking in the southern portion of the parking lot will be accommodated in the northern portion of the parking lot or in the parking lot east of Highway One, which is connected to the beach area via a boardwalk underneath the Highway One bridge. A temporary barricade would be constructed at the interim equipment ramp entrance to prevent use by unauthorized vehicles. Temporary construction fencing would be installed to separate investigation activities from the public. During weekend periods, test equipment would be relocated to CCSD property with only the interim ramp remaining in place. Work would only be conducted on weekdays when tourist activity is less frequent.

Sensitive Resource Area

H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the project has been designed to avoid or minimize disturbance near sensitive habitats. Disturbance is

1-9

proposed in the least sensitive portions of the site feasible. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because all disturbance and is located as far away from the sensitive resource areas as possible. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities..

J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.

K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the project has been designed to avoid or minimize disturbance near sensitive habitats. Disturbance is proposed in the least sensitive portions of the site feasible. The purpose of the project is data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

L. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat. Disturbance is proposed in the least sensitive portions of the site feasible. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

M. The proposed use will not significantly disrupt the habitat. Disturbance is proposed in the least sensitive portions of the site feasible. The purpose of the project is data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the

1-10

greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

N. The site would be physically unusable for the principal permitted use unless the setback is reduced. The purpose of the project is data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study.

O. The reduction is the minimum that would enable a principal permitted use to be established on the site after all practical design modifications have been considered. Geotechnical and hydrogeologic data collection is not specifically listed in the definitions of land uses in County's Land Use Element. While the project most closely fits into the water well and impoundments use group, the data collection activities are temporary. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. Due to the nature of data to be collected, the drill holes must be located in this specific area. Therefore, the data collection activities are considered a principally permitted use. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

P. The adjustment would not allow the proposed development to locate closer to the wetland than allowed by using the stringline setback method pursuant to Section 23.04.118a of this title. CZLUO Section 23.04.118a has been amended and the stringline setback method no longer exists as a means for determining bluff setback.

Q. Alternative locations and routes are infeasible or more environmentally damaging because soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. Due to the nature of data to be collected, the drill holes must be located in this specific area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study.

R. Adverse environmental effects are mitigated to the maximum extent feasible because the project has been designed to avoid or minimize disturbance near sensitive habitats. Disturbance is proposed in the least sensitive portions of the site feasible. The purpose of the project is data collection. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

C-7 60

H-11

S. The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use within the standard setbacks. Geotechnical and hydrogeologic data collection is not specifically listed in the definitions of land uses in County's Land Use Element. While the project most closely fits into the water well and impoundments use group, the data collection activities are temporary. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. Due to the nature of data to be collected, the drill holes must be located in this specific area. Therefore, the data collection activities are considered a principally permitted use. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study. Further, study activities reduce disturbance to the greatest extent feasible as drill rigs will be truck mounted which can drive in and out of each drilling location without the need to construct access roads, ground surface will be restored after completion of each drill hole, storm water best management practices will be utilized, and riparian vegetation will not be trimmed or removed during the course of the proposed drilling activities.

T. The adjustment is the minimum that would allow for the establishment of a principal permitted use because soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area. Due to the nature of data to be collected, the drill holes must be located in this specific area. The drill holes are located as far away from sensitive areas as possible without compromising the objectives of the geotechnical study.

Archeological Sensitive Area

U. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the Archaeological Monitory Plan will be followed during ground disturbing activities.

V. The site design and development cannot be feasible changed to avoid intrusion into or disturbance of archaeological resources. Construction will use appropriate methods to protect the integrity of the site and the Archaeological Monitoring Plan will be followed during ground disturbing activities.

C-7-61

1-12

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a three phase Geotechnical and Hydrogeolgic data collection project consisting of:

   a. Phase I – Complete approximately seven exploratory soil borings, approximately 4 to 6 inches in diameter each, in locations parallel with and in close proximity to the beach surf zone from the San Simeon Creek beach area to the parking lot beach area located approximately 1,000 feet to the south. Phase I work would also include geophysical exploration with a cone-penetrometer test vehicle that will collect data by pushing a 1 to 2 inch diameter probe into the sand within the same general beach areas. A temporary equipment access ramp would be installed in the parking lot area and remain for all three phases.

   b. Phase II – Install two 4-inch diameter monitoring wells on the San Simeon Creek beach area and the parking lot beach area as well as a geophysical survey along the surf zone and ocean floor at the San Simeon Beach area.

   c. Phase III – Complete soil borings along the proposed pipeline alignments and other project elements that are not located within the beach area. Phase III will also include test pumping from the monitoring wells installed under Phase III.

   d. An access ramp at the southern end of the existing parking area on the west side of Highway One. Aggregate rock base would be placed at the south end of the parking lot. Wood timbers or a pre-fabricated ramp would be placed on top by a crane. A winch may be used for lowering or lifting rubber wheeled trucks and equipment on the ramp. Temporary cabling and anchorage of the winch may be completed by constructing a drilled concrete pier anchor in the parking lot. The ramp would be used each evening to allow drilling and test equipment to be completely removed from the beach area. Upon removal of the temporary ramp, the base rock would either be removed or spread for use within the parking lot. All temporary anchorages for the winching system would be removed.

Conditions to be completed prior to project activities

2. **Prior to any project activities,** the CCSD shall provide evidence that an environmental monitor approved by the County has been retained for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval and Mitigated Negative Declaration measures. Costs of the monitor shall be paid for by the applicant.

3. **Prior to any project activities**, the CCSD shall provide a copy of permits or verification tat no permit is necessary from State Parks, Coastal Commission, U.S. Fish and Wildlife Services, Army Corps of Engineers, CalTrans, and the State Lands Commission.

4. **Prior to any project activities,** the CCSD shall provide an archaeological monitoring plan prepared by a qualified archaeologist for review and approval by the Department of Planning and Building. The monitoring plan shall be approved by State Parks and the State Historic Preservation Officer and include a measure that includes requirements that the drill hole will be relocated if significant archaeological resources are encountered

C-7
62

1-B

during excavation of the control unit. All excavation shall be guided by this cultural resources monitoring plan. The monitoring plan shall provide that the following activities are excluded from designated sensitive areas:

a. Unnecessary excavations
b. Staging equipment on undisturbed portions of an archaeological site
c. Collection, removal, or unnecessary displacement of any artifacts, eco-facts, or cultural remains
d. Removal of native soil outside a sensitive area

5. **Prior to mobilization,** a pre-activity survey shall be conducted by a qualified biologist and a certified marine biologist. The survey shall include the entire project site and surrounding habitats. During the survey, the biologists shall survey for the presence/absence of marine mammals, western snowy plover, southwestern pond turtle, California red-legged frog, two-striped garter snake, foothill yellow-legged frog and special-status nesting bird species.

6. **Prior to data collection and temporary access ramp installation activities,** the project site shall be clearly delineated with stakes, flagging, rope or cord to minimize inadvertent degradation or loss of adjacent wildlife habitat during study activities. Delineation material shall be maintained by the qualified biologist for the duration of the construction activities.

7. **Prior to data collection and temporary access ramp installation activities,** a qualified biologist and certified marine biologist shall conduct an employee education program for all employees and contractors who would work on the project site. At a minimum, the program shall include the following components, as they relate to potentially-occurring special-status species:

a. Known habitat requirements;
b. A color photograph of the species;
c. A summary of the occurrence of potentially-occurring special-status species in the vicinity of the project site;
d. Special-status species protection under the Endangered Species Acts; and,
e. A review of avoidance and minimization measures to be implemented during the project.

8. **Prior to any project activities,** pre-project photo-documentation shall be completed for the proposed ramp area to determine if impacts to the bluff edge or face result from the temporary placement of the access ramp.

9. **Prior to any project activities,** a Hazardous Spill Contingency Plan (HSCP) shall be prepared for the project and shall be implemented to reduce the potential of hydrocarbon spills to a less than significant level. The HSCP shall include a provision that in the event that fuel or oil release occurs during the project activities, all work will cease and spill response and countermeasures will be implemented and project manager shall immediately notify the appropriate regulatory agencies (including, but not limited to: California Office of Emergency Services, California State Parks, California Department of Fish and Game - OSPR, California Coastal Commission and the Regional Water Quality Control Board, Central Coast Region) in the event of a reportable spill. The HSCP shall contain a contingency measures to be implemented by the contractor as approved by the regulatory agencies.

C-7

63

1-14

10. **Prior to mobilization, data collection and temporary access ramp installation activities,** a monitoring report prepared by the environmental monitor shall be submitted to the Department of Planning and Building verifying that the above conditions have been met.

Conditions to be completed during project activities

11. **During all project activities,** a monitoring report prepared by the environmental monitor shall be submitted weekly to the Department of Planning and Building verifying that all measures requiring environmental mitigation have been met and that all project activities are be conducted in accordance with the procedures outlined in the project-specific Wildlife Contingency Plan (WCP).

12. **During mobilization, data collection, temporary access ramp installation, and demobilization,** a qualified biologist shall monitor the project site for the presence of biological resources which have the potential to be impacted during project activities (including marine mammals). Potential impacts to non-listed species during this time shall also be avoided and minimized to the extent feasible.

13. **During mobilization, data collection, temporary access ramp installation, and demobilization,** project activities on the beach shall be conducted outside of the nesting period for western snowy plover (March 1 – September 14) to reduce impacts to nesting western snowy plovers. However, due to the potential for wintering western snowy plovers in the project site, a qualified biologist shall monitor the activity of snowy plover to ensure that construction activities are limited to a distance which would not result in an indirect or direct impact to the species, as determined by a qualified biologist monitoring the project site.

14. **During data collection and temporary access ramp installation,** any contractor, employee, or agency personnel who inadvertently kills or injures a special-status species shall immediately report the incident to the designated project representative. The representative shall contact the CDFG or USFWS immediately. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. State Dispatch will contact the local warden or biologist. The Sacramento Field Office of the USFWS and CDFG would be notified in writing within three working days of the accidental death or injury to a special-status species during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The USFWS contact is the Chief of the Division of Endangered Species, 2800 Cottage Way Suite W-2605, Sacramento, California 95825-1846 (916-414-6000). Submittals to CDFG should be addressed to 1416 9th Street, Sacramento, California 95814 (916-654-4262).

15. **During data collection, temporary access ramp installation, and demobilization activities,** all trash that may attract wildlife shall be properly contained, removed from the work site and disposed of regularly.

16. **During all project activities,** signs and caution flagging shall be placed around the project equipment stating the duration that the area will be restricted from recreational activities (e.g., fishing, site viewing, etc.), and recommending use of the remaining portion of the beach, parking area, or other adjacent areas for these activities until project completion. At minimum, all signs shall consist of 8.5- by 11-inch sheets placed in weatherproof plastic-sleeves containing the following information in bold print:
    a. Title of project;

C-7
64

1-15

b. Brief description of proposed activities;
c. Expected duration of project;
d. Project manager contact information; and,
e. Information on alternative parking and recreation access locations.

17. **During all project activities,** Lateral beach access shall be maintained.

18. **During all project activities,** energy dissipation devices, such as a hay-bale diffusion basin, shall be utilized during the proposed aquifer pump test to reduce potential erosion or sedimentation during discharge of purged groundwater. Purged groundwater shall not be discharged to the lagoon area.

19. **During all project activities,** the discharge of purged groundwater shall be conducted in accordance with a NPDES/WDR permit to be obtained from the RWQCB for the proposed pump test. Water quality testing will be utilized to determine if the water quality objectives are being violated. If a violation is indicated, the discharge will be ceased until corrective actions are implemented to ensure compliance with the water quality standards.

20. **During all project activities**, no other discharges to surface waters of concrete, asphalt, sediment, soil, drilling mud, or water shall be allowed during the proposed study activities.

21. **During all project activities,** no equipment shall be allowed below the mean high tide line unless tidal waters have receded from the authorized work area, with the exception of the geophone cable area.

Conditions to be completed during geophysical survey

22. **During the cable laying process,** divers shall avoid hard-bottom habitat to the extent feasible.

23. **During mobilization of the support vessel,** the vessel shall not cross directly in front of migrating whales, or foraging marine wildlife (e.g., foraging dolphins, sea otters, seals).

24. Support vessels shall make every effort to maintain a distance of 1,000 feet from sighted marine wildlife.

25. **In the event that the support vessel is paralleling migrating whales,** support vessels shall operate at a constant speed that is not to exceed the speed that the whales are traveling at and extreme caution will be taken to ensure that female whales shall not be separated from their calves.

26. **During mobilization,** support vessels shall not be used to herd or drive whales or other marine wildlife from the project site.

27. **During mobilization and data collection activities,** if a marine animal engages in evasive or defensive action (i.e., whales), support vessels shall drop back until the animal calms or moves out of the area.

C-7.
65

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28. If a collision with marine wildlife occurs, the vessel operator in consultation with the marine wildlife monitor shall document the conditions under which the accident occurred, including the following:

    a. Location of the vessel when the collision occurred (latitude and longitude);
    b. Date and time;
    c. Speed and heading of the vessel;
    d. Observation conditions (e.g., wind speed and direction, swell height, visibility in miles or kilometers, and presence of rain or fog);
    e. Species of marine wildlife contacted;
    f. Whether an observer was standing watch for the presence of marine wildlife; and,
    g. Names of vessel, operator (the company), and captain or officer in charge of the vessel at time of accident.

    If safe to do so, the vessel shall stop after a collision. The vessel is not obliged to stand by and may proceed after confirming that it will not further damage the animal by doing so. The vessel shall then communicate by radio or telephone all details to the vessel's base of operations. From the vessel's base of operations, a telephone call shall be placed to the Stranding Coordinator, NMFS, Southwest Region, Long Beach.

    Alternatively, the vessel captain may contact the NMFS Stranding Coordinator directly using the marine operator to place the call or directly from an onboard telephone, if available.

29. **During transit to and from the project site and while at the project site,** the survey vessel will avoid crossing surface kelp to the maximum extent feasible.

30. **During the implementation of the seismic reflection survey activities,** monitoring will be conducted by a marine mammal monitor and marine wildlife will be observed for behavioral activity. The marine mammal monitor shall have appropriate educational degrees, adequate experience, and necessary certificates to be perform such work. Any observed behavioral changes, such as dive, leaving the source, or attraction to the source will be documented. Behavior will be monitored by visual and acoustical means. Should any detrimental effects be suspected, testing will be halted immediately and CDFG, USFWS, and NOAA Fisheries will be contacted immediately.

<u>Conditions to be completed during Phase III activities</u>

31. **During Phase III activities,** a 1x1 meter archaeological control unit shall be excavated at each hollow-stem auger exploratory location, with the exception of those hollow-stem auger drill holes that are placed directly in a roadway. The drill holes are estimated to reach 15 to 70 feet. Archaeological excavations may extend to a depth of 3 to 8 feet. The excavation shall be guided by the cultural resources monitoring plan approved by the Department of Planning and Building, State Parks, and the SHPO.

32. **During drilling operations for all Phase III hollow stem auger holes,** monitoring shall be conducted by a qualified archaeologist familiar with the resource types potentially present in these locations. The qualified archaeologist shall conduct the monitoring activities based on a previously prepared cultural resources monitoring plan.

C-7 66

1-17

Conditions to be completed after project activities

33. Post-project photo-documentation shall be completed for the proposed ramp area to determine if impacts to the bluff edge or face result from the temporary placement of the access ramp. If damage to the bluff is identified and determined to be significant, the project proponent will consult with the California State Parks as landowner, the California Coastal Commission, and the County of San Luis Obispo regarding the need for restoration of the bluff area. Possible restoration activities could include repair of the bluff face to reduce further erosion or revegetation of the bluff area, if warranted.

34. Following project activities, all trash and debris would be removed from work areas

35. **At the conclusion of all project activities,** a monitoring report prepared by the environmental monitor shall be submitted to the Department of Planning and Building verifying that all measures requiring environmental mitigation have been met and that all project activities were conducted in accordance with the procedures outlined in the project-specific Wildlife Contingency Plan.

On-going conditions of approval (valid for the life of the project)

36. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

37. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

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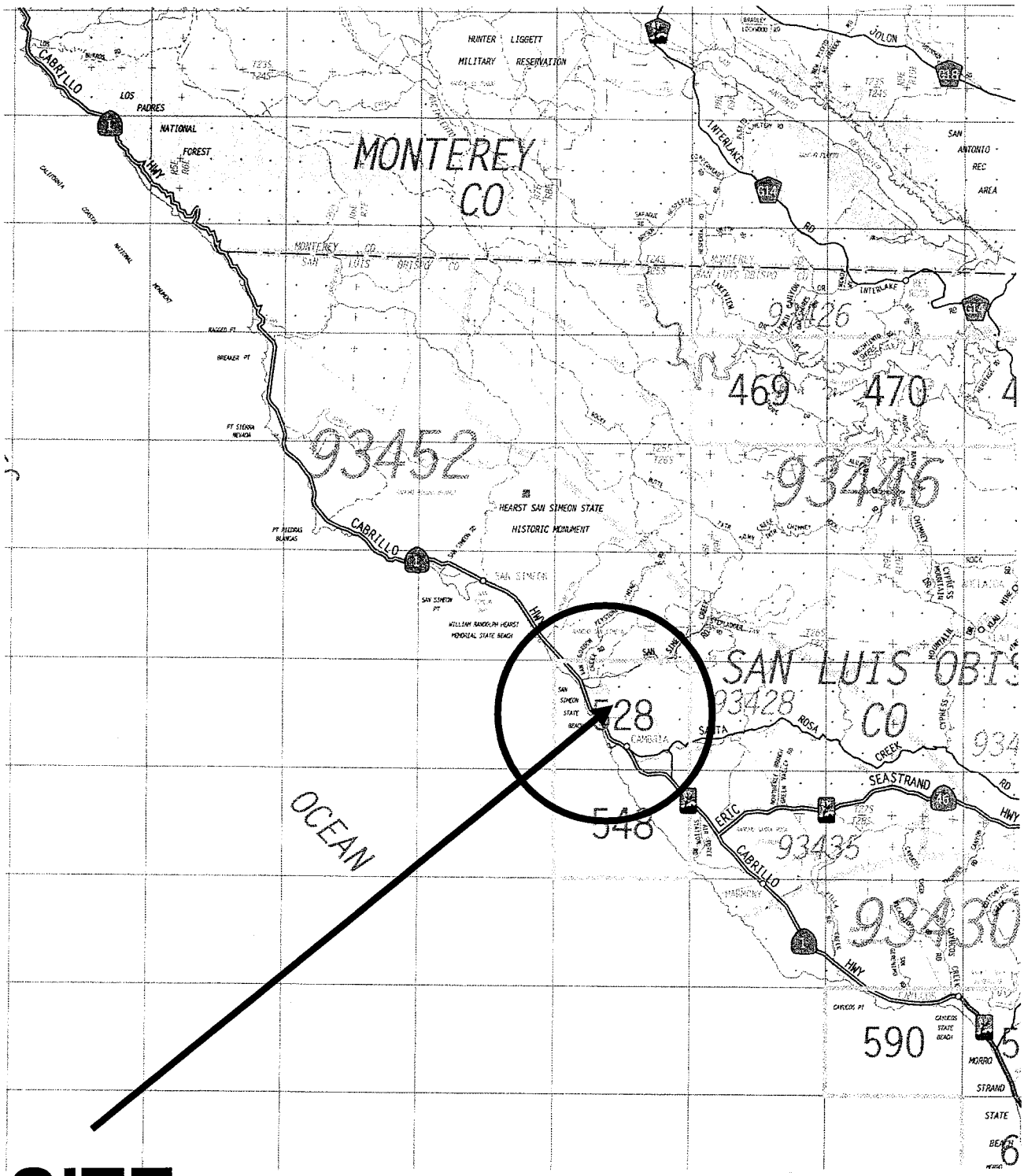
67

1-18

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



SITE

C-7 68

PROJECT

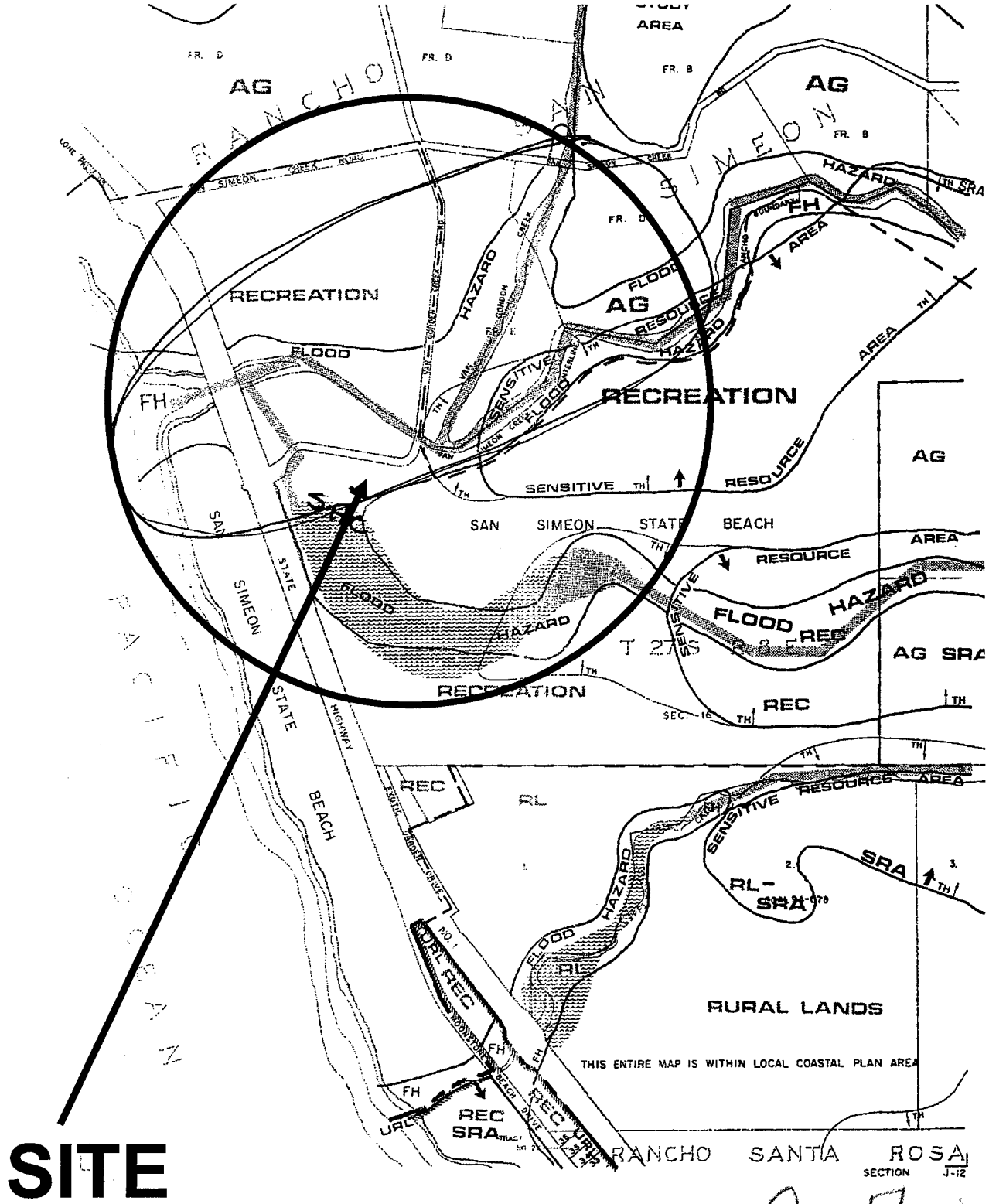
Development Plan
CCSD DRC2004-00142

EXHIBIT

Vicinity

1-19

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



SITE

C-7 69

PROJECT

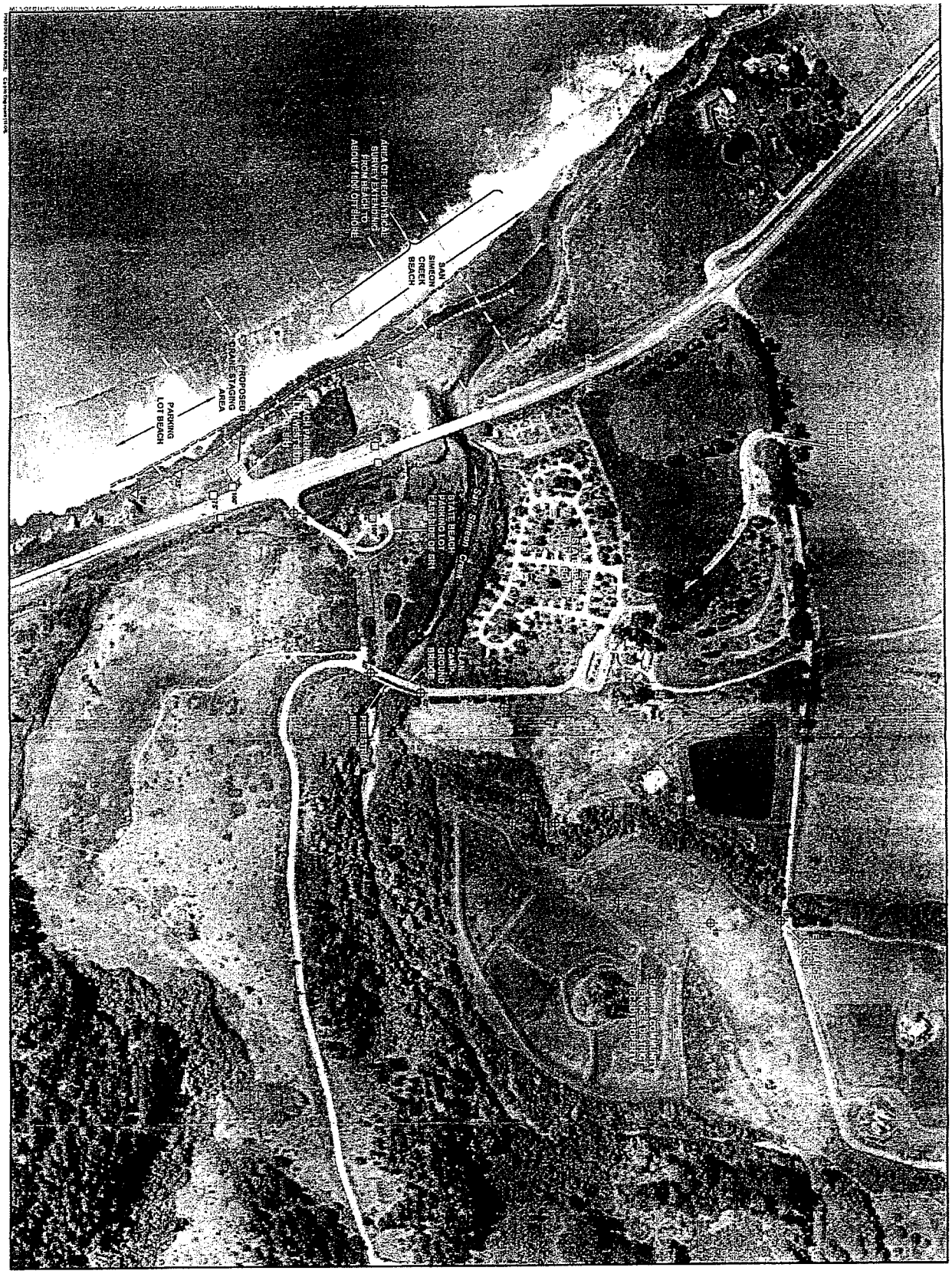
Development Plan
CCSD DRC2004-00142

EXHIBIT

Land Use Category

1-20

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



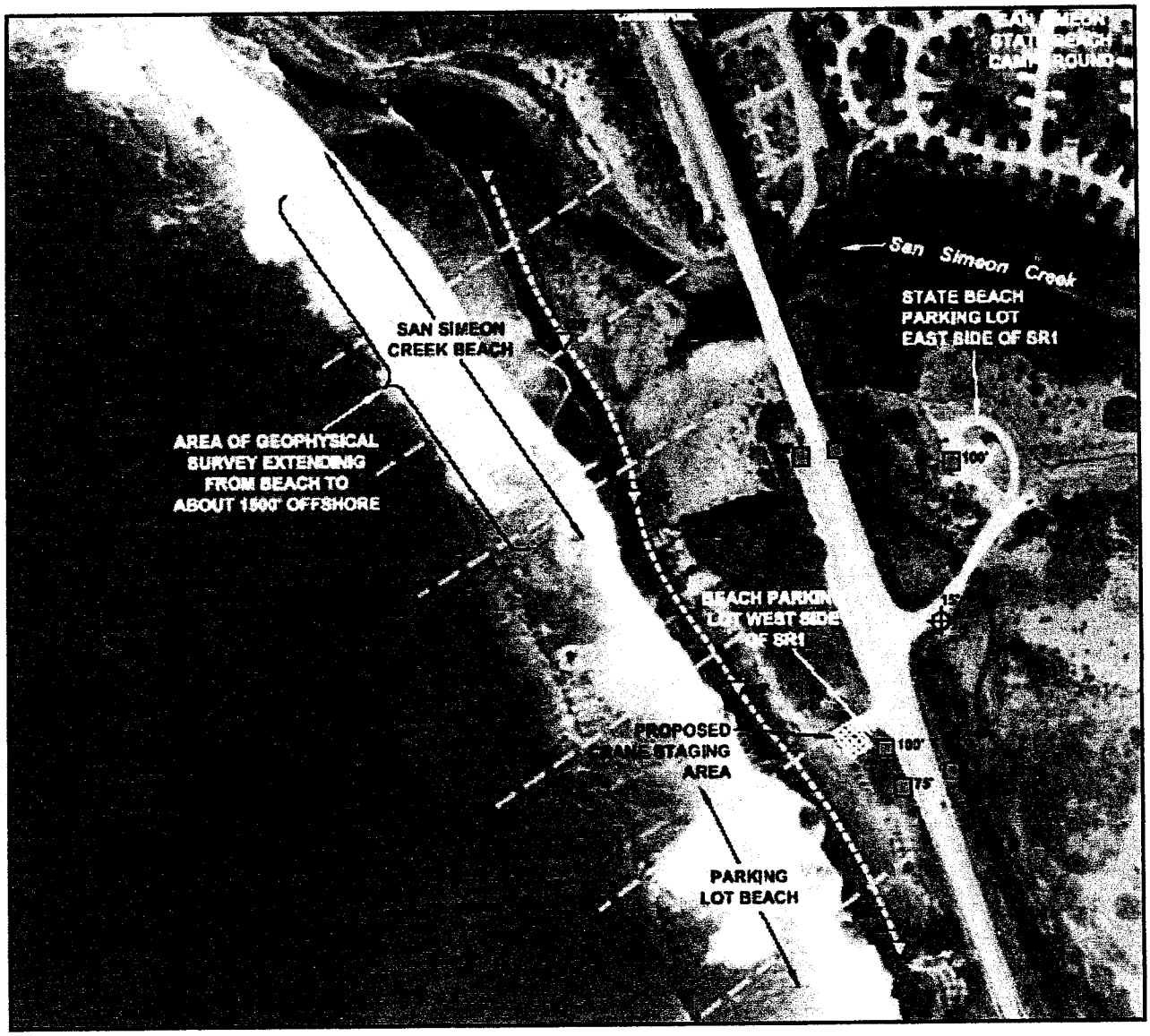
PROJECT

Development Plan
CCSD DRC2004-00142

EXHIBIT

Site Plan

C-7: 70



Source: Fugro West, Inc. 2004.

LEGEND

70' Approximate hollow stem auger drill hole location and estimated depth

A 70' Approximate hollow stem auger drill hole alternate location and estimated depth

125' Approximate sonic drill hole location and estimated depth; two or three of the boreholes may be completed as monitoring wells

100' Approximate mud-rotary drill hole location and estimated depth

Proposed beach access route

Proposed staging area

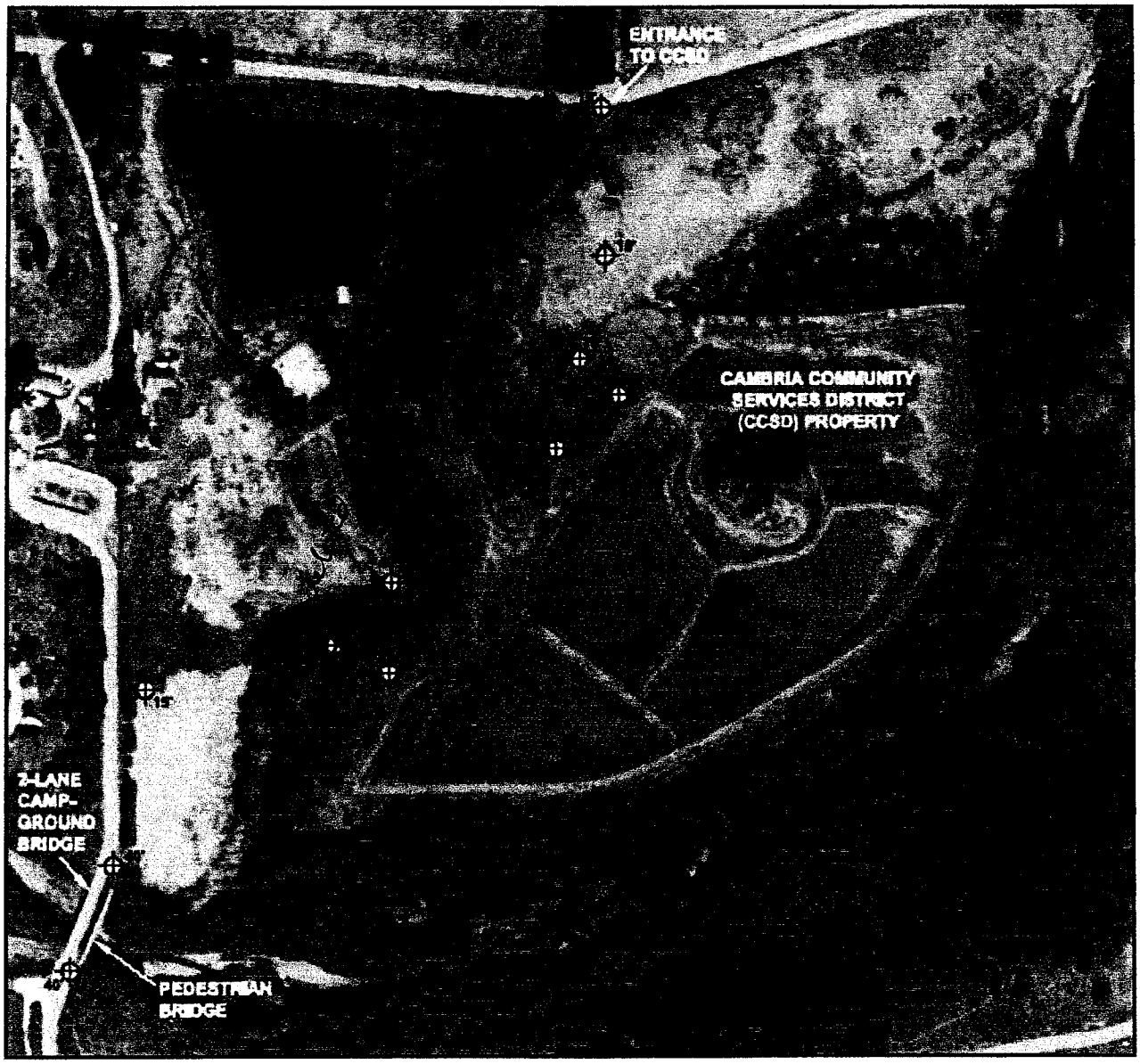
Approximate line of beach profiling survey and sediment sampling

PROJECT

Development Plan
CCSD DRC2004-00142

EXHIBIT

Site Plan-Beach Area



Source: Fugro West, Inc. 2004.

LEGEND

- 70' — Approximate hollow stem auger drill hole location and estimated depth
- A 70' — Approximate hollow stem auger drill hole alternate location and estimated depth
- 125' — Approximate sonic drill hole location and estimated depth; two or three of the boreholes may be completed as monitoring wells
- 100' — Approximate mud-rotary drill hole location and estimated depth
- Proposed beach access route
- Proposed staging area
- Approximate line of beach profiling survey and sediment sampling

PROJECT

Development Plan
CCSD DRC2004-00142

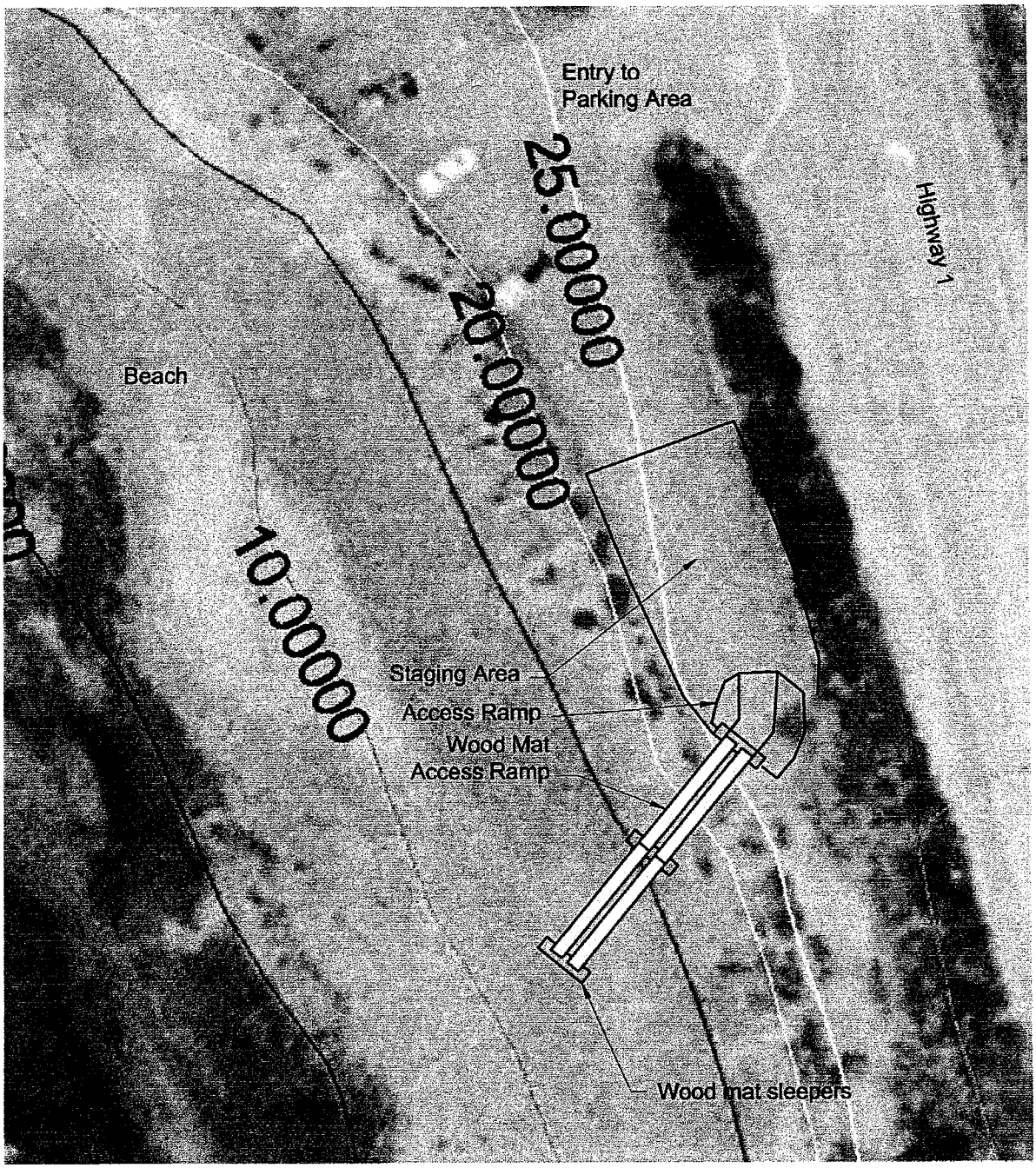
EXHIBIT

Site Plan-East of Campground

C-7-72

1-23

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



C-7-
13

NORTH

PROJECT

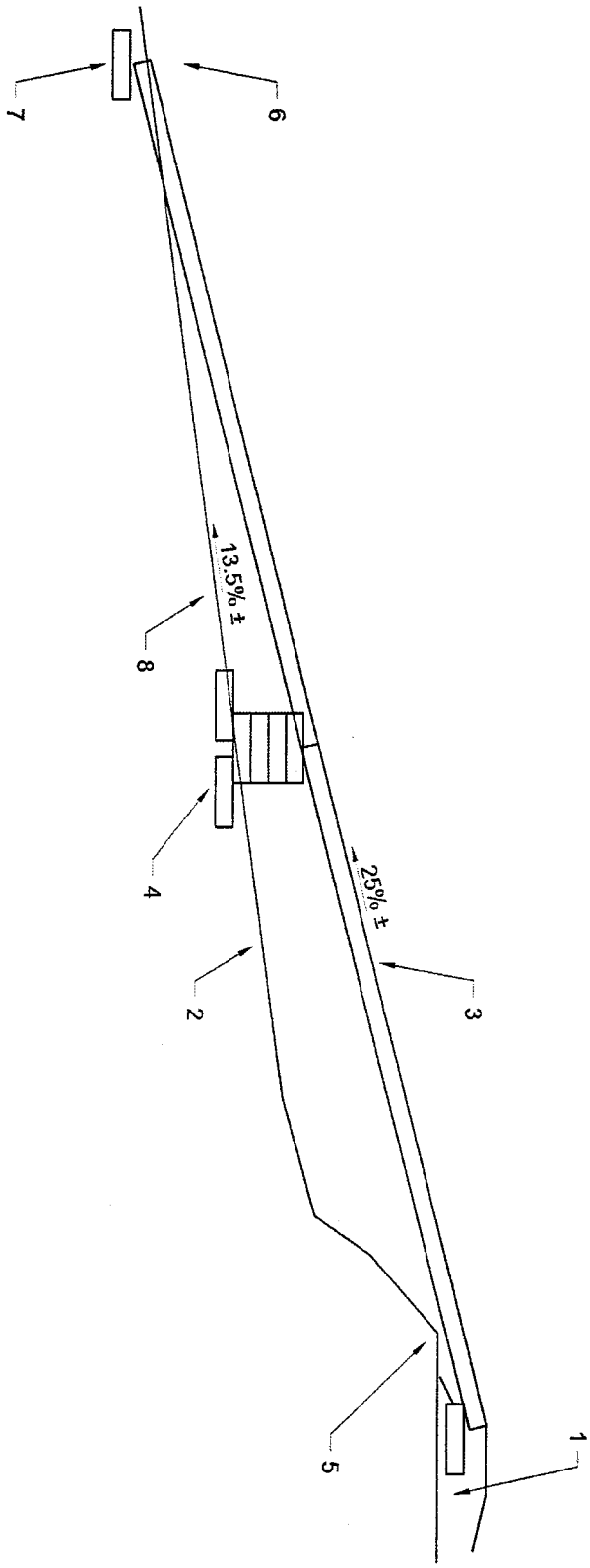
Development Plan
CCSD DRC2004-00142

EXHIBIT

Access Ramp Site

1-24

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



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24

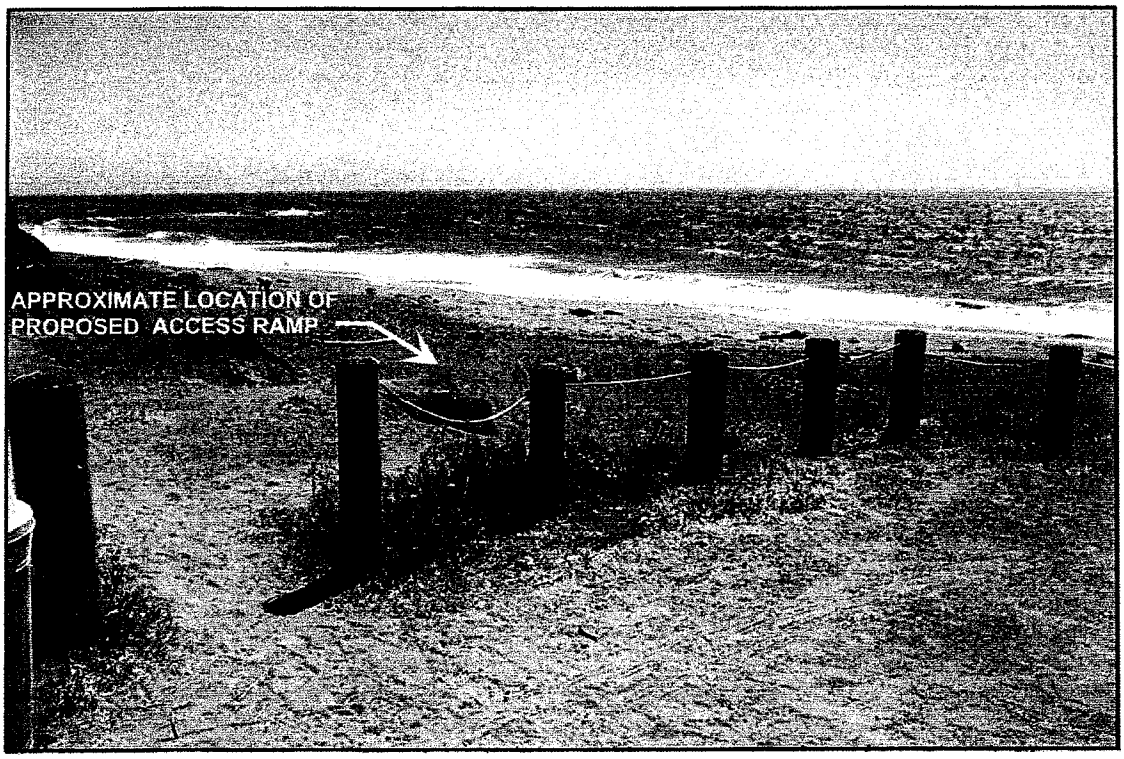
PROJECT

Development Plan
CCSD DRC2004-00142

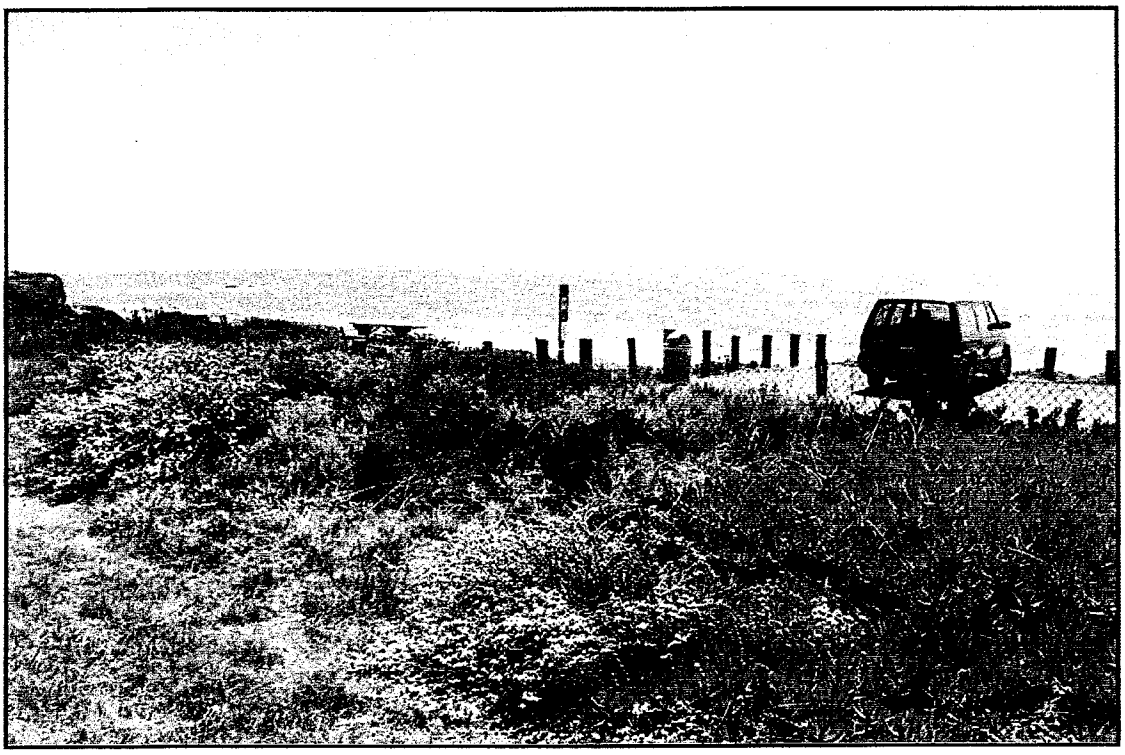
EXHIBIT

Access Ramp Detail

1-25



A. View of proposed access ramp location looking south.



B.View of proposed access ramp location from Highway 1.

C-7

75

PROJECT

Development Plan
CCSD DRC2004-00142

EXHIBIT

Access Ramp Photos

1-26

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA STATE LANDS COMMISSION
200 Oceangate, 12th Floor
Long Beach, CA 90802-4331

PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone **1-800-735-2929**
from Voice Phone **1-800-735-2922**

Contact Phone: **(562) 590-5201**
Contact FAX: **(562) 590-5295**

August 9, 2005

File Ref: PRC 8392

Fugro West, Inc.
Attention: Mr. Robin R. Villa
4820 Mc Grath Street, Suite 100
Ventura, CA 93003-7778

Dear Mr. Villa:

Attached is one fully executed copy of the "General Permit to Conduct Geophysical Surveys" issued by the State Lands Commission on August 08, 2005 to Fugro West Inc. (PRC 8392). This permit expires on September 30, 2008.

As you are aware, the permit provides for survey activity conducted with instruments using less than two kilojoules of energy input and expressly prohibits the use of air guns and water guns, as delineated in "Exhibit B".

"Exhibit C" of the permit provides for notification procedures to be implemented prior to conducting operations under the permit. Please review "Exhibit C" carefully and advise all operational staff of the procedures in "Exhibit C"

Please note that our contact and file number is: "Geophysical Survey Permit PRC 8392". Please use this PRC number when referring to permit matters.

If you have any questions regarding this permit, please contact Richard B. Greenwood of our office at (562) 590-5897 or (562) 590-5201.

Sincerely,

Paul B. Mount II, P.E.
Chief, Mineral Resources Management Division

C-7
7-6

Enclosure: Executed Copy of the General Geophysical Survey Form

1-29

Exhibit B

AUTHORIZED EQUIPMENT AND SURVEY METHODS

Under this permit, Permittee is authorized to collect geophysical data utilizing sniffers, energy receivers, and/or acoustic pulse-generating devices not utilizing chemical explosives.

Notwithstanding the above, the permittee is authorized to operate geophysical survey equipment in State waters only under the following conditions:

1. No more than 2 kilojoules of energy input may be used on any acoustic pulse generating equipment during a survey.

2. No survey equipment may be used other than the following and equipment necessary for use of the following:

    a. Mini-sparkers;
    b. Electro-mechanical devices
    c. Side scan sonar;
    d. Fathometers;
    e. Sub-bottom profilers' and,
    f. Passive data collection devices, such as magnetometers and gravity meters.

3. Use of any air or water compression devices for generating acoustic pulses is expressively prohibited.

Any question or uncertainty as to whether particular survey equipment or methods are permitted or whether more than two kilojoules of energy input are being used shall be determined by the Staff of the California State Lands Commission.

C-7
77

DEPARTMENT OF TRANSPORTATION
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111
FAX (805) 549-3329
TDD (805) 549-3259
http://www.dot.gov/dist05

MAY 4 2005

Flex your power!
Be energy efficient!

May 2, 2005

MLN

SLO –1 PM 53.22
Phase 1, Geotechnical &
Hydrologic Study for the Cambria
Desalination Plant CCSD
DRC2004-00142

New Project Referral

North Coast Planning Team
Department of Planning & Building
San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408

Dear North Coast Planning Team.

The California Department of Transportation (Department) has reviewed the above referenced development project to gauge its effects on the State highway system, as a result the following comments were generated.

It is not clear from the mapping provided in the referral if geotechnical & hydrologic work will be done within the Highway 1 Right of Way (R/W). If work will be done in the State's R/W then the applicant will need to apply for an encroachment permit from the Department. Please contact Mr. Steve Senet (459-3206) for more information on the encroachment permit process. Please be advised that all work done in the State's R/W will be done to the Department's engineering and environmental standards and at no cost to the State.

Thank you for the opportunity to comment on this New Project Referral. If you have any questions, please contact me at 549-3683

Sincerely,

James Kilmer
District 5
Development Review/CEQA Coordination

C-7-
-78

cc: File, D. Murray, R. Barnes, S. Senet

1-29

North Coast Advisory Council
P. O. Box 533
Cambria, CA 93428

February 16, 2005

Martha Neder, County Planner
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Re: Actions taken at the regular meeting of the North Coast Advisory Council (NCAC) on February16, and March 16, 2005.

Dear Ms. Neder;

The actions listed below are a result of the regular meeting of the North Coast Advisory Council on February 16, 2005.

The following projects are recommended for approval with no comments:

DRC 2004-00150/Beckstrom	Remodel and addition, needs 110 TDC
DRC 2004-00142/CCSD	Desal study
DRC 2004-00133/Lopez	Remodel and addition, needs 25 TDC
SUB 2004-00218/CCOA604-00587/Warren	Lot line adjustment
DRC 2004-00140/Carrol	Addition to SFR

The following two requests for permits in regards to cell towers were reviewed and the committee recommends a new county ordinance. It is suggested in the future the ordinance be similar to Santa Barbara County where all cell phone towers are grouped together. No other comment.

DRC 2004-00147/AT&T	Cell tower in tank
D0301570/AT&T	Cell tower in flagpole

The actions listed below are a result of the regular meeting of the North Coast Advisory Council on March 16, 2005.

The following projects are recommended for approval with no comments:

C-7

DRC 2004-00185/Balcomb	Guest house/workshop
DRC 2004-00164/Carey	Addition to SFR

79

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The following four projects have conditions to meet before approval:

DRC 2004-00180/Ellis — Guest house on garage

This request seems to violate the regulations in two areas.

1. There already exists a guesthouse shown on the property.
2. The proposed guesthouse seems to be more than fifty feet from the main dwelling.

DRC 2004-00181/Ennis — Addition to SFR

Approve with 295 TDC.

DRC2004-00176/GPSCambria LLC — Close trailer park

Any approval to close trailer park does not imply approval on plans for future use.

DRC2004-00268/Cambria Gallery — Entrance to Cambria sign

The sign design as submitted is completely unacceptable. The architects have started working on new designs to be submitted for approval

Yours truly,

Carol Broadhurst

Carol Broadhurst, Corresponding Secretary

cc: Shirley Bianchi, County Supervisor
Victor Holanda, Director Planning and Building
Anne Wyatt, Chairperson NCAC

C-7

80

JO — Comments! 14

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED
CA STATE PARKS
FEB 2 2005
SLO COAST DIST.
DISTRICT OFFICE

THIS IS A NEW PROJECT REFERRAL

DATE: 2/1/05

TO: State Parks

FROM: Martha Neder 781-4576
(Please direct response to the above)

CCSD DRC2004-00142
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNER

PROJECT DESCRIPTION: Phase 1: Geotechnical and Hydrological Study for ~~the~~ a Cambria Desalination Project. Phase 1 consists of advancing about seven sonic drill holes w/in the San Simeon Beach and Lagoon areas west of Hwy 1 for the intake structure and brine discharge areas

Return this letter with your comments attached no later than 2/15/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES (Please go on to Part II)
___ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

___ NO (Please go on to Part III)
✓ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III **INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.**

PLEASE SEE ATTACHED

2-15-05 — Date
VINCE CICERO — Name
927-2185 — Phone

C-7
81

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Revised 4/4/03

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.slocoplanbldg.com

State of California • The Resources Agency
Arnold Schwarzenegger, *Governor*
DEPARTMENT OF PARKS AND RECREATION
Ruth Coleman, *Director*
San Luis Obispo Coast District
750 Hearst Castle Road
San Simeon CA 93452
805/927-2065 telephone
805/927-2031 fax

February 15, 2005

Martha Neder
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Dear Ms. Neder:

Thank you for the opportunity to comment on the Phase 1: Geotechnical and Hydrological Study for a Cambria Desalination Project proposed by the Cambria Community Services District (CCSD DRC2004-00142). This phase of the project proposes to perform a geotechnical study on the coastal strand at San Simeon State Park. To date, the Department of Parks and Recreation has supported the proposed geotechnical assessment of state park property for the project.

Although the Department is intending to allow entry onto state park property for the geotechnical study, a Right-of-Entry permit will be authorized subject to appropriate state and federal regulatory review and approval of avoidance and minimization measures implemented for the management and protection of sensitive species, specifically the federally listed Western snowy plover.

This stretch of beach experiences dynamic seasonal changes. The barrier berm for the San Simeon Creek lagoon and the shoreface experience wave overwash during winter and spring. The physical nature of the site may limit the overnight staging area to the high beach near the creek mouth. This would place the vehicle within or directly adjacent to WSP nesting habitat.

Prior to commencement of any work, I would require receipt of permits or approvals along with the corresponding agency contact and telephone numbers, and related California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA), California Coastal Commission; Coastal Development Permit, San Luis Obispo County Planning and Building; Minor Use Permit, U.S. Fish and Wildlife Biological Opinion, or equivalent, and U.S. Army Corps of Engineers permit, as appropriate.

C-7
82

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Thank you again for the opportunity to comment. Please contact Vince Cicero of my staff regarding any scheduled meetings discussing pertinent regulatory permits related to the project. Also, please do not hesitate to contact us if you have any questions.

Sincerely,

Juventino Ortiz
for

Nicholas Franco
District Superintendent

cc: Edward Redig, Superintendent, San Simeon Sector
Juventino Ortiz, District Services Superintendent

C-7

83

CALIFORNIA STATE PARKS

San Luis Obispo Coast District
3220 South Higuera Street, Suite 311
San Luis Obispo California 93401

FAX Cover Sheet

DATE: 2/15/05 **TIME:** 3:56 PM

TO: Martha Neder,

Dept. of Planning and Building **FAX:** 781-1242
phone: 781-4576

FROM: Vince Cicero **PHONE:** 805/549-3312
State Parks **FAX:** 805/541-4799

RE: Desal Comments

Number of pages including cover sheet: 34

Hi Martha,

I've attached comments for Project referral # CCSD DRC2004-00142, the CCSD geotechnical study

Thanks again for the opportunity to comment.

Please let me know if you have any questions.

Vince Cicero

C-7
84

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14

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

FEB - 1 2005

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 2/1/05

FROM PW

FROM Martha Neder 781-4576
(Please direct response to the above)

CCSD DRC2004-00142
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCHBOARD FOR THE PLANNER

PROJECT DESCRIPTION: Phase 1: Geotechnical and Hydrological Study for ~~the~~ a Cambria Desalination Project. Phase 1 consists of advancing about seven sonic drill holes w/in the San Simeon Beach and Lagoon areas west of Hwy 1 for the intake structure and brine discharge areas

Return this letter with your comments attached no later than: 2/15/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES (Please go on to Part II)
____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

✓ NO (Please go on to Part III)
____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III **INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.**

Recommend Approval — No Concerns
Area is State Parks & Cal Trans - No County Facilities

10 Feb 2005 — Date
Godwin — Name
5252 — Phone

C-7

85

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Revised 4/4/03

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14

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED
FEB 7 ...
CAMBRIA COMMUNITY SERVICES DISTRICT

THIS IS A NEW PROJECT REFERRAL

DATE: 2/1/05

TO: CCSD- W&S

FROM: Martha Neder 781-4576
(Please direct response to the above)

CCSD DRC2004-00142
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION: Phase 1: Geotechnical and Hydrological Study for ~~the~~ a Cambria Desalination Project.
Phase 1 consists of advancing about seven sonic drill holes w/in the San Simeon Beach and Lagoon areas west of Hwy 1 for the intake structure and brine discharge areas

Return this letter with your comments attached no later than: 2/15/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES (Please go on to Part II)
___ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

✓ NO (Please go on to Part III)
___ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III **INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.**

We recommend immediate approval.

2/7/05
Date

Joyce Hannum for Bob Greens
Name

927-6225
Phone

C-7

86

Revised

M:\PI-Forms\Project Referral - #216 Word.doc

1-37

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877

RECEIVED

MAR 15 2005

SLO CO PLANNING & BLDG.

March 9, 2005

Eric Snelling
Project Permitting Coordinator
Padre Associates, Inc.
1012 Pacific Street, Suite A
San Luis Obispo, CA 93401

Subject: CDP Application 3-05-011 (CCSD Desalination Project –Proposed Phase I Geotechnical Exploration Activities, San Simeon State Beach).

Dear Mr. Snelling:

On February 9, 2005 we received the above-referenced coastal development permit application to conduct Phase I geotechnical exploration activities at San Simeon State Beach. The proposed geotechnical exploration activities include placing a drilling rig onto the beach and advancing seven drill holes between San Simeon Creek and Parking Lot beaches. We have reviewed the materials that you have submitted to date and are in need of additional information to adequately analyze the proposed project for Coastal Act conformance. Towards this end, we are unable to file this application until the following is submitted:

1. **Verification of all other permits, permissions or approvals.** The project appears to be located on or near state tidelands or public trust lands. Please provide a written determination from the State Lands Commission whether the project would encroach onto such lands and, if so, whether the State Lands Commission has approved such encroachment. In addition, please provide evidence that State Parks has granted permission to conduct drilling activities on the beach at this location. Lastly, please provide evidence of any local discretionary approvals needed for the portion of the project within Coastal Commission original jurisdiction. Attached is the Appendix B Local Agency Review Form (included in your application submittal) that must be signed and dated by the County of San Luis Obispo in order to be deemed complete.

2. **Location of drilling and future test wells.** Coastal Act Section 30253 requires new development to minimize risk to life and property in areas of high geologic and flood hazard areas. New development must assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, and must not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. In addition, Coastal Act Section 30233 only allows dredging or filling of open coastal waters, wetlands, or estuaries when there is no feasible less environmentally damaging alternative.

   Commission staff is concerned about geologic instability, ongoing shoreline erosion, and sea level rise in the San Simeon State Park beach area. If the Phase I drilling results are determined to be favorable, than installation of two groundwater monitoring wells on the

C-7 87

beach will follow. In light of these concerns, we would encourage drilling and future test well locations as far away from the actively eroding beach and bluff area as feasible. On what basis were the seven drill sites selected? Does the testing program provide sufficient data to evaluate locations further inland (e.g. east of Highway One) and away from high hazard areas? Would the future test wells and/or other infrastructure proposed at this beach location necessitate a shoreline protective device now or in the future?

3. **Biological Information.** The submitted materials do not include any information about rare or special status plant species that may exist on or adjacent to the proposed development site. This would include not only the back beach and lagoon areas, but also the blufftop staging area. Please provide a botanical survey, prepared by a qualified professional, which identifies and locates rare or special status plant species within the vicinity of the project, including equipment staging areas. In addition, please provide information about the use of the beach area, if any, by marine mammals. Also, please provide information about the amount of noise caused by the drilling activities and whether or not this noise has the potential to disturb marine mammals.

4. **Public Access and Recreation.** Coastal Act Sections 30211 and 30212 require that public access to the beach be maximized and that new development shall not interfere with the public's right of access to the beach. The project is proposed on a popular public access and recreation beach. Please submit a detailed plan that provides for maximum public access to the beach and ensures public safety. During project implementation, the plan should include details on how public high use times and locations will be avoided.

5. **Water Quality.** Coastal Act Sections 30231 and 30232 require the protection of biological productivity and the quality of coastal waters, streams, and wetlands. Does the drilling project require the temporary stockpiling of excess drill cuttings, construction equipment, or hazardous substances (e.g. oil, gas, and petroleum products)? If so, please describe in detail the containment and cleanup facilities and procedures that will be provided to prevent the possibility of waste discharge, runoff, and incidental spills that may adversely impact coastal water quality.

6. **Visual and Scenic Resources.** The proposed project is located in a highly scenic area. Commission staff is concerned that construction equipment on the beach and bluff may adversely impact public views to and along the ocean. How long will this project take to complete? Are staging and stockpiling areas available inland of Highway One and outside of the public viewshed (e.g. within State Parks parking areas)? What measures would be required to mobilize and demobilize equipment to and from areas inland of Highway One?

We will hold your client's application pending receipt of these materials. After all of the above-listed materials have been received, the application will again be reviewed and will be filed if all is in order (Government Code Section 65943(a)). Please submit all of the requested materials at the same time. Please note that there may be additional materials necessary for filing purposes depending upon the nature of the information provided pursuant to the above-listed materials.

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If you have any questions regarding your application, please contact me at the address and phone number listed above.

Sincerely,

Jonathan Bishop
Coastal Program Analyst
Central Coast District Office

Cc: Mr. Bob Gresens, CCSD
Mr. David Kraska, Carollo Engineers

C-7
89

1-40

padre
associates, inc.
ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS

May 2, 2006

Project No. 0402-2031

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Attention: Mr. Jonathan Bishop

Subject: Cambria Community Services District; Geotechnical/Hydrogeologic Investigation Activities Project for Proposed Desalination Facility, Cambria, San Luis Obispo County, California

Dear Mr. Bishop:

Padre Associates, Inc. (Padre), on behalf of Cambria Community Services District (CCSD), has prepared this letter in response to your February 3, 2006, letter. Specific responses to your request for information are presented below.

Permit Jurisdiction. A revised site plan is attached for your review and use. The site plan shows the locations of mean high tide and mean high-high tide line in relation to the proposed soil boring locations. A cross-sectional view of the beach area with elevations will be submitted under separate cover.

Other state and local permits, permissions or approvals. Permits or permissions, as requested, will be submitted to you once they are obtained from the County of San Luis Obispo, California Regional Water Quality Control Board, Department of Fish and Game, California State Parks, and the California State Lands Commission.

Location of Drilling and Future Test Wells. As discussed in the project's August 2005 Initial Study/Mitigated Negative Declaration (IS/MND), the proposed data collection activities will result in minor, short-term disturbance to the beach area due to soil boring activities, the construction of approximately two groundwater monitoring wells, and the installation of a temporary equipment access ramp. Soil boring locations are based on past geophysical exploration work that identified the approximate profile of underlying alluvial and bedrock in the area as well as recommendations of Fugro West's geotechnical engineers and hydrogeologists. Geophysical studies conducted during the 1990s found a subterranean channel that was filled in with alluvial material over geologic time. The bedrock below this material essential rises towards the ground surface as the channel moves inland. The narrower inland channel is along the riparian corridor of the San Simeon Creek, which may actually be more sensitive than the area proposed for this study. The proposed soil borings are attempting to verify the existence of an inland saltwater wedge, as well as the location of permeable lenses of alluvial deposits that

C-7 9D

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would be suited for a horizontal collector well. With this information verified, the project engineers will be better able to develop additional alternatives for consideration as part of a subsequent project EIR/EIS. Such alternatives will include assessing trenchless construction methods that may reduce or eliminate future project environmental impacts. However, in order to assess this properly, the scientific data gathering effort covered by this permit needs to be completed. No shoreline protective structures are proposed as part of the planned data collection effort.

To further minimize potential environmental impacts and to ensure the collection of high quality data, the CCSD will be using an advanced rotary sonic drilling method. This equipment is track mounted, which ensures it will avoid disturbing the beach sand. In addition, no drilling mud is required with this equipment, which further avoids potential impacts. Other considerations were given towards directionally drilling holes from the east side of Highway 1. Unfortunately, this approach would require being located within bedrock areas, and would only provide limited information within the desired study area due to the low angle of a directionally drilled hole. A vertical profile of the subsurface geologic materials is needed to properly assess the deposited materials within the subterranean channel.

Biological Information - Marine Species and habitats. The proposed seismic reflection survey using a sound source of less than 2 kilojoules is not anticipated to have an adverse effect on marine species in the vicinity of the project site. Attached to this letter is a Technical Memorandum prepared by Carollo Engineers which provided more information on the sound levels likely to be experienced during the proposed seismic reflection survey. Carollo concludes that the anticipated sound levels within the ocean are well below agency accepted thresholds and will be safe for any marine mammals or other animals within the vicinity of the project site. Additionally, the State Lands Commission has issued a geophysical survey permit to Fugro West, Inc., the CCSD's geophysical/geotechnical consultant, for such tests within state waters. A copy of Fugro's permit is attached.

Streams and Riparian Habitat/Wetlands. Pursuant to your request, Padre Associates has prepared a Wetland Delineation report to ensure protection of state-designated wetland areas within the proposed geotechnical exploration area. A copy of the Padre wetland delineation report is attached. Padre identified one drill hole site that will be eliminated to avoid any potential impacts to wetland and riparian zones. A second drill hole will be modified in the field to avoid impacts to state-designated wetlands.

The proposed groundwater pumping test is planned to extend for a 24 to 48-hour period. A pump test of such a short duration is not anticipated to have any measurable effect on San Simeon Creek or the lagoon area. The purpose of the test is to ensure adequate understanding of the subterranean deposits to develop project alternatives and mitigations that would avoid potential impacts to the lagoon and creek area. The environmental assessment of project alternatives will be included in a subsequent EIR/EIS on the desalination project.

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padre

Terrestrial Species and Habitats. As requested, the amounts of site disturbance for each phase of the project are listed below. The area of disturbance for Phase I activities, located at San Simeon State Beach, are estimated to be approximately 1,135 square feet (25 square feet of equipment set up area for each drill hole location [7 total] plus 960 square feet for the temporary access ramp location [12 feet wide by 80 feet long]). No vegetation will be removed during this phase of the project. Phase II activities will result in a total site disturbance of 50 square feet for two monitoring well locations. No vegetation will be removed during this phase of the project. The geophysical survey will not require the disturbance of any additional area, but will require the deployment of geophones and hydro-phones along two parallel lines perpendicular to the beach and extending offshore approximately 1,500 linear feet. Phase III soil boring activities will result in the total disturbance of approximately 425 square feet (17 drill hole locations with 25 square feet of disturbance at each location) for the drill holes. Temporary disturbance to grasses will result from this phase of the project. No riparian vegetation will be affected by Phase III activities. Sensitive species that may be present within the project site are presented within the IS/MND, certified by the CCSD in October 2005. Mitigation measures have been required to mitigate significant impacts resulting from the proposed data collection activities on sensitive species.

Intakes and Discharges. The intake area of the proposed groundwater monitoring wells will be located between 20 and 70 feet below the ground surface depending on the findings of the Phase I drilling activities. Groundwater will be pumped from the wells during the proposed pump test which will occur over a 24- to 48-hour period. The proposed groundwater pumping test will result in the discharge of pumped groundwater to the surrounding beach area which may affect an area of approximately 200 square feet. Energy dissipation and sediment control devices will be utilized during the pumping test to control potential erosion and sedimentation effects as described in the IS/MND.

Public Access and Recreation. CCSD proposes to utilize the day-use parking lot west of Highway One and south of the San Simeon Creek as an equipment staging area and beach access point during the planned drilling and geophysical survey activities at San Simeon State Beach. During the proposed field activities, the southern portion of the day use parking lot west of Highway One would require at least partial closure for approximately ten to fifteen working day periods during the investigation. A temporary barricade would be constructed at the interim equipment ramp entrance to prevent its use by unauthorized vehicles. Temporary construction fencing may also be installed to separate investigation activities at the ramp from the public. During weekend periods, the test equipment would be relocated to CCSD property, with only the interim ramp remaining in place. Work will only be conducted on weekdays when tourist activity is less frequent. The proposed use of the parking lot would occur in the fall of 2006 (between September and November) after the end of the summer tourist season.

The partial parking lot closure would temporarily remove approximately 15 parking spaces during the two to four 8-hour workdays when the interim equipment access ramp is

C-792

1-43

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installed and removed. The remainder of the test activities would require cordoning off approximately five to ten parking spaces at the southern end of the existing parking lot for equipment ingress and egress. During the overall test period, adequate substitute parking is available at the State Park parking lot directly east of the staging area. The parking lot east of Highway One has a capacity of 18 parking spaces with one handicapped parking space, as well as public restroom facilities. The east-side parking area also has a specially constructed boardwalk that provides coastal access underneath the Highway One bridge to the beach. The parking lot impacted by the access ramp activities typically has zero to three or four cars parked at any given time. These cars could be parked on the public access area immediately east of Highway 1 when the ramp installation and removal activities occur. During other project activities, the northern portion of the existing parking area can typically accommodate the same number of vehicles.

Water Quality. The IS/MND includes an analysis of potential impacts to water quality and mitigation measures are proposed to lessen impacts to water quality to less-than-significant levels. The proposed pump test activities will require a NPDES Low Threat Discharge Permit from the RWQCB. To further minimize potential environmental impacts and to ensure the collection of high quality data, the CCSD will be using an advanced rotary sonic drilling method. A Hazardous Substances Contingency Plan has been prepared for implementation during the proposed data collection activities to address spill prevention methods and contingency measures. In addition, no drilling mud is required with this equipment, which further avoids potential impacts. A copy of the Hazardous Substance Contingency Plan is attached for your review.

Visual and Scenic Resources. The use of the parking area west of Highway One is a necessary part of the proposed data collection activities because it will minimize the amount of mobilization time for the drilling rig to access the beach each day, thereby reducing the period of time required to complete the beach drilling activities. The equipment staging and access ramp are temporary impacts and will be removed immediately following completion of the data collection activities. As stated above, the test equipment would be relocated to CCSD property during weekend period, with only the interim ramp remaining in place. Work will only be conducted on weekdays when tourist activity is less frequent. The proposed use of the parking lot would occur in the fall of 2006 (between September and November) after the end of the summer tourist season.

The proposed groundwater monitoring wells will remain in place for approximately one year. The surface completions of the groundwater monitoring wells are proposed to be buried beneath the beach sand during the winter months when beach erosion could potentially expose the well. The CCSD will work with the Coastal Commission staff to ensure adequate screening and minimal visual impact of the monitoring well surface features.

C-7.
93

1-44

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The IS/MND mitigation measures require the completion of a pre- and post-activity photo-documentation of the access ramp area to confirm that the area has not been disturbed. Following completion of the work, the area will be inspected with State Parks personnel to ensure they are satisfied with the conditions following ramp removal. If needed, a site restoration plan can also be prepared for implementation in consultation with State Parks, the County of San Luis Obispo, and the Coastal Commission.

Please contact me if you have any questions or comments. Once the coastal development permit application is deemed complete, the CCSD would like to establish a timeline for completing the coastal development permit process to facilitate implementation of the data collection activities in the September and October of 2006.

Sincerely,

Padre Associates, Inc.

Eric K. Snelling
Project Permitting Coordinator

Enclosures
cc: Mr. Bob Gresens, CCSD
Mr. David Kraska, Carollo Engineers
Ms. Martha Neder, County of San Luis Obispo

C-7
94

Cambria Community Service District
Desalination Project
Mini-Sparker Sound Attenuation Study

TECHNICAL MEMORANDUM NO. 1
MINI-SPARKER TEST

April 2006

C-7

95

carollo engineers

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Cambria Community Service District
Desalination Project
Mini-Sparker Sound Attenuation Study

TECHNICAL MEMORANDUM
NO. 1
MINI-SPARKER TEST

TABLE OF CONTENTS

Page No.

1.0 PURPOSE 1-1

2.0 MINI-SPARKER TEST 1-2

3.0 SOUND ATTENUATION THROUGH SOIL 1-2

4.0 MITIGATION TECHNIQUES 1-5

5.0 SUMMARY 1-5

6.0 REFERENCES 1-5

LIST OF TABLES

Table 1.1 Density and Velocity of Sound for Sea Water and Beach Soil 1-3
Table 1.2 Varying Sound Levels in Beach soil and Seawater Away from Seismic Refraction Test 1-4
Table 1.3 Reference Decibel Levels 1-4

C-7
96

1.0 PURPOSE

The Cambria Community Services District (District) is currently seeking permits to complete a geotechnical and hydrogeologic investigation of subterranean deposits to support the design of its pending seawater desalination project. The purpose of this investigation is to gather scientific data that will be used to guide the development of project alternatives that could further reduce or eliminate potential environmental impacts. Once developed, the alternatives will be further described and analyzed within a subsequent project environmental impact report and environmental impact statement (EIR/EIS). The project-specific EIR/EIS will be subject to future public and regulatory review.

One of the more desired alternatives will involve drawing seawater through subterranean sand and gravel deposits. This approach has the advantage of preventing aquatic organisms from being drawn into the water treatment plant, or entrained on an inlet screening system. Another advantage with this approach is that much of the inlet system could be completed using certain trenchless construction technologies. However, to gauge the suitability of various alternatives, the characteristics of the subterranean deposits need to be further characterized and quantified. To accomplish this, the District's consulting engineers need to perform some minimally invasive preliminary geotechnical and hydrogeological testing at the San Simeon State Beach area.

Because of the sensitivity of the area, the District elected to complete an Initial Study/Mitigated Negative Declaration on the geotechnical and hydrogeologic investigation activities. This was described in an August 22, 2005 document prepared by Padre Associates Inc., and entitled "Draft Initial Study/Mitigated Negative Declaration, Geotechnical/Hydrogeologic Investigation Activities for the Pending Desalination Project." This document was advertised in the local and countywide papers, made available on the District's web site, and also sent to the State Clearinghouse. After extending the public review period, the District conducted a public hearing during an October 14, 2005 Board of Directors meeting. After deliberating on public comments, the District's Board adopted the Initial Study/Mitigated Negative Declaration. A Notice of Determination was subsequently filed with the County Clerk's office on October 19, 2005.

In parallel with the environmental clearance process for the investigation activities, the District has also completed permitting applications to both the County and California Coastal Commission. Most recently, the District received a letter dated February 3rd, 2006 from the California Coastal Commission requesting additional acoustic information on the use of a "mini-sparker" during a portion of the investigation. The purpose of this technical memorandum is to address this information request and provide information on the level of sound attenuation that occurs during mini-sparker testing. It is also estimated that the use

C-7 97

of the mini-sparker may take approximately one to three working days during the geotechnical/hydrogeologic investigation activities.

2.0 MINI-SPARKER TEST

A mini-sparker device is used to emit sound into the subterranean materials to allow thickness measurements of various geologic deposits through the processing of reflected sound waves. The device is typically towed behind a boat or ship in the open marine environment. However, rather than the typical open water application, the District's consultants are planning to install a mini-sparker within an encased groundwater monitoring well. The groundwater monitoring well will be located inland from the surf zone by at least 30 or more feet. Sounds are collected by the use of sensitive geophones and hydrophones that are placed along cables laid perpendicular to the beach (geophones are used on dry land while hydrophones are used in submerged environments). Each phone device has a small metal rod that is pushed into the sand either on shore or along the ocean floor. Cables connect the phones into a computer for signal processing and analysis. Each cable will be about 1500 feet long, with the underwater portion being installed by divers working along the ocean floor.

The acoustic analysis that follows describes how installing the mini-sparker device into an encased well surrounded by saturated alluvial materials substantially reduces the sound level at the marine interface to no more than typical conversational level, or about 60 decibels. This is also approximately 15 decibels less than the sound of the ocean surf, and about the same sound level as a clothes washer. No impact is expected to the marine life at this attenuated sound level. However, in accordance with the mitigations adopted by the District last October, biologists will serve as monitors and observers during this test. Work will be halted if disturbances to marine and other wildlife are suspected.

3.0 SOUND ATTENUATION THROUGH SOIL

The mini-sparker test is powered by a source that produces a charge of 1.5 kilojoules (kJ), subsequently producing a sound wave of 209 decibels (db) RMS at its source. The intensity of the sound wave through a constant medium can be accurately modeled by equation 3.1 [3-4]:

$$I = \frac{P_s}{4\pi d^2} \qquad (3.1)$$

where:

I	=	Intensity [Watts/meter^2]
P_s	=	Power [Joules/second]
d	=	Distance [meter]

C-7.
98

The decibel scale is most often used as a measure of intensity of sound level (β); the equation for sound level is shown in equation 3.2 [4]:

$$\beta = (10dB)\log\frac{I}{I_o}$$

dβ = Intensity Level (Decibel Level) (3.2)

The standard reference level:

I_o = 10^{-12}Watts/meter^2.

The equation does not work for changing mediums where reflection takes place; the reflection (R) and transmission (T) equations must be used to determine sound levels when the sound wave reaches the interface. These equations are shown in equations 3.3 and 3.4 respectively [4-5]

$$R = \left(\frac{V_1\rho_1 / V_2\rho_2 - 1}{V_1\rho_1 / V_2\rho_2 + 1}\right) \quad (3.3)$$

$$T = 1 - R \quad (3.4)$$

where:

V = velocity of sound in medium [meters/second]

ρ = density of the medium [kilogram/cubic meter].

The density of the two different mediums is summarized in Table 1.1 [6].

Table 1.1 Density and Velocity of Sound for Sea Water and Beach Soil
Mini-Sparker Sound Attenuation Study
Cambria Community Service District

	Density (kg/m^3)	Velocity of Sound (m/s)
Ocean Water	1030	1522
Saturated Beach Soil	2000	2000

Using these reflection and transmission equations, it is possible to model the decibel levels in the ocean at a distance from the sound level source. The sound level in the mini-sparker test is 209 db. The first interface of groundwater to beach soil will transmit 44 percent of the sound, and the next interface of beach soil to ocean water will transmit 56 percent of the sound waves. So in order to get the proper sound level in the ocean at a certain distance the following equation 3.5 can be used:

C-7
99

$$\beta = T \cdot R(10d\beta)\log\frac{I}{I_o} = T \cdot R(10d\beta)\log\frac{P}{10^{-12}}\frac{1}{4\pi d^2} \qquad (3.5)$$

From this equation the sound level can be calculated in the ocean, Table 1.1 shows the sound level intensity away from the source. It was assumed for the calculations that the test will be performed approximately 30 feet from where the beach first interfaces with the ocean.

Table 1.2 shows that the levels in the ocean range from 56 db to 46 db in the studied range away from the seismic source. Table 1.3 is provided as a reference for decibel levels.

Table 1.2 Varying Sound Levels in Beach soil and Seawater Away from Seismic Refraction Test
Mini-Sparker Sound Attenuation Study
Cambria Community Service District

Distance (ft)	Sound Level (db)	Medium
0	209	Source
10	106	Beach Sand
20	104	Beach Sand
30	100	Beach Sand
31	56	Ocean
50	55	Ocean
100	53	Ocean
200	51	Ocean
300	50	Ocean
400	49	Ocean
500	49	Ocean
600	48	Ocean
700	48	Ocean
900	47	Ocean
1500	46	Ocean

Table 1.3 Reference Decibel Levels
Mini-Sparker Sound Attenuation Study
Cambria Community Service District

Conversation	60 db
Clothes washer	60 db
Ocean surf	75 db
Traffic	90 db
Factory	90 db
Rock concert	120 db
Jet engine	150 db

C-7
100

4.0 MITIGATION TECHNIQUES

To further ensure that the proposed testing will not disturb wildlife, a cap will be added to the wellhead during all tests. This cap will attenuate noises produced by the mini-sparker test at the top of the groundwater-monitoring well. It is not anticipated, however, that any damage to the environment would occur without the soundproof cap. The cap will be utilized to further improve the environmental sensitivity of this necessary data-gathering exercise.

5.0 SUMMARY

The proposed testing is necessary to collect scientific data to be used in developing environmentally preferred design alternatives for the proposed seawater desalination plant. The proposed mini-sparker test would used over a relatively short test period of a few working days, and produce very low sound levels at the ocean interface. These levels are far below levels that are commonly accepted in open ocean seismic refraction testing, and below levels deemed safe to the marine mammals anticipated to potentially be in the area during the test [1-2,4,&7]. The additional mitigation measures should address any remaining potential environmental impact.

6.0 REFERENCES

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C-7 101