

CALIFORNIA COASTAL COMMISSION

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March 2, 2010

Mr. Thomas Keeney
Environmental Resources Branch
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325

VIA EMAIL: Thomas.W.Keeney@usace.army.mil

RE: Consistency Determination #CD-002-10 for Geotechnical and Hydrogeologic Feasibility Investigation Study for proposed desalination facility, in Cambria, San Luis Obispo County

Dear Mr. Keeney:

Thank you for your letter received here on February 17, 2010 responding to our information requests for the above-referenced consistency determination. We also received your February 25, 2010 notice that the site plan drawing would be revised, though we have not yet received that revision. Based on the information in those responses, we will need additional documentation to deem the consistency determination complete, as described below. Accordingly, the Commission's 60-day review period under the Coastal Zone Management Act (CZMA) has not commenced and will not commence until we receive the missing necessary data and information, pursuant to the CZMA implementing regulations. See 15 C.F.R. § 930 *et seq.* Pursuant to those CZMA requirements, we have identified in this letter the information needed to complete the determination that the proposed activities will be conducted in a manner consistent to the maximum extent practicable with the enforceable policies of the state's Coastal Zone Management Program. We are happy to assist and answer any questions you may have about the needed information and the review process.

REQUIRED ADDITIONAL INFORMATION AND ANALYSES [*Note:* The page and comment numbers below refer to those in the Corps February 16, 2010 letter.]

- **Modified site plan:** As noted above, please provide the modified site plan described in your February 25, 2010 email.
- **Page 2, Responses 3a & 3b regarding access ramp:** The letter states that the project will likely not require work to strengthen the ramp or increase its size, but that it will be repaired if necessary. As noted in our previous letter, recent photographs provided to the CCSD show that the ramp is cracked and that portions of the underlying sand and rock have apparently been washed out. It therefore appears the ramp will need to be repaired to provide project equipment access to the beach. Please describe the extent of repairs the Corps would potentially conduct as part of the proposed project, including the type of work involved (e.g., pouring concrete or placing a concrete slab, grading, etc.), the expected length of time required, the types of equipment to be used, and the expected effects on coastal resources of repair work that may be needed.

- **Page 3, Response 5c – CCMP Sections 30230-30233 (Marine Environment) regarding effects on steelhead habitat:** The letter states that to protect steelhead, drawdown tests will be done only when 20-25 foot swells are present, presumably to avoid potential drawdown in nearby estuarine waters. Please provide additional information about this aspect of the project, including:
 - How often are swells of this size present, and what measures would be taken if they are not present during the anticipated work window?
 - What effects do these size swells have on project site and the ability to work safely on the beach? What additional coastal resource affects could occur due to work occurring in these conditions?

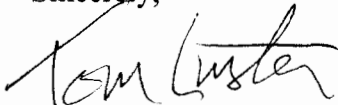
- **Pages 3-5, Response 5e – CCMP Sections 30230-30233 (Marine Environment) regarding sampling for mercury:** The letter states the Corps will conduct sampling for the potential presence of mercury in groundwater and sediments affected by the project tests, and that sampling will be consistent with requirements of NPDES General Permit No. R3-2006-0063. Please provide the following additional information:
 - Please clarify which aspects of sampling and monitoring will be consistent with relevant requirements of the above-referenced NPDES permit, and describe how those aspects of sampling and monitoring will be consistent – for example, describe, with reference to the applicable permit requirements, the number of samples to be taken, testing protocols to be used (e.g., using Cold Vapor Atomic Absorption (CVAA) analytic method for mercury), how results will be reported, etc. Please also describe the specific actions that will be taken if groundwater or sediment samples exceed approved discharge limits or hazardous waste levels (per California Title 22 requirements, as stated in the letter).
 - Response 5e(AA) states that groundwater accumulated during sampling will be stored on site in 55-gallon drums and will be disposed of after sample results are known. Please describe the expected length of time before sampling results are known and how much water will need to be stored during this time.

- **Page 5, Response 6 – CCMP Section 30230-30233 (Marine Environment) regarding hazardous spill prevention:** The letter states that the project will use a drill rig that does not require drilling fluids, though it also states that a different rig requiring drilling fluids may be used if the preferred rig is not available. Please describe the potential effects on coastal resources if the non-preferred drill rig is used, including any needed changes to the project's Spill Prevention Plan.

CONCLUSION

Thank you for your attention to these requests. Please feel free to contact me at (415) 904-5248 if you have any questions.

Sincerely,



Tom Luster

Energy, Ocean Resources, and Federal Consistency Division