

CALIFORNIA COASTAL COMMISSION

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August 11, 2011

TO: Coastal Commissioners and Interested Parties

FROM: Alison Dettmer, Deputy Director
Tom Luster, Environmental Scientist

SUBJECT: Addendum to Staff Report E-11-019 – Test Slant Well adjacent to Monterey Bay shoreline in City of Marina (Monterey County Water Resources Agency, Marina Coast Water District, and California-American Water Company)

[Click here to see the original staff report.](#)

[Click here to see additional correspondence received.](#)

This addendum includes several revisions to the above-referenced staff report. The proposed revisions herein do not change staff's recommendation that the Commission *conditionally approve* the proposed project. The addendum also includes the following correspondence and *ex parte* forms received since publication of the staff report:

CORRESPONDENCE

- July 27, 2011 letter from LandWatch Monterey County
- July 29, 2011 letter from Molly Erickson, Law Offices of Michael W. Stamp
- August 1, 2011 letter from Monterey Peninsula mayors – Cities of Carmel, Del Rey Oaks, Monterey, Pacific Grove, Sand City, and Seaside.
- August 4, 2011 letter from LandWatch Monterey County
- August 8, 2011 letter from Carmel Valley Association
- August 9, 2011 letter from CalDesal

EX PARTE FORMS

- July 28, 2011 from Commissioner Stone
- August 5, 2011 from Commissioner Zimmer
- August 8, 2011 from Commissioner Zimmer

REVISIONS TO STAFF REPORT

Staff recommends modifying the staff report as shown below in ~~striketrough~~/**bold underline** text:

Page 6, Special Condition 1:

“Necessary Approvals: *Prior to permit issuance*, the Permittees shall provide to the Executive Director a copy of the State Lands Commission lease for the project’s use of state tidelands ~~and a copy of the variance or other form of approval from the Monterey County Health Department allowing construction and operation of a new groundwater extraction facility in the Salinas Valley Groundwater Basin.”~~

Page 6, Special Condition 4:

“Future Development Restriction: This permit is only for the development described in Coastal Development Permit E-11-019. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, grading, clearing or disturbance of vegetation, additional structures, withdrawing or discharging more than 1.2 million gallons of water from the test well, or conversion of the well to permanent or long-term use, shall require an additional coastal development permit from the Commission or from the applicable certified local government.

If within 36 months of permit issuance, the Permittees have not obtained a coastal development permit from the Commission allowing conversion of the well to long-term use, they shall submit a coastal development permit application for removal of the well and the associated development approved pursuant to this permit.”

Page 9, Special Condition 8:

“Liability for Costs and Attorneys Fees: The Permittees shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees – including (1) those charged by the Office of the Attorney General; and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay – **and any damages** that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittees against the Coastal Commission, its officers, employees, agents, successors, and assigns challenging the approval or issuance of this permit, the interpretation and/or enforcement of permit conditions, or any other matter related to this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.”

Page 9, last paragraph, Section 4.1 Project Purpose and Description:

“Note: The proposed project evaluated herein is for construction and operation of a test slant well only meant to obtain data over an approximately ~~one~~**two**-year period.”

Page 10, third paragraph, Section 4.1 Project Purpose and Description:

“**Note:** The current proposal is to pump no more than approximately 1.2 million gallons of water from the test slant well and monitoring wells over about a ~~one~~**two**-year period (approximately 200,000 gallons during the two to four months of well construction and development and about 1 million gallons during the ~~three to six months of proposed testing~~). The Findings herein evaluate only this amount of water withdrawal.”

Page 16, first two bulleted paragraphs, Section 4.4 Other Permits and Approvals:

“The project is subject to a number of other permits and approvals, including:

- **State Lands Commission – pending application for lease of state tidelands:** Portions of the test slant well will be located on state tidelands under the management of the State Lands Commission. State Lands Commission staff have no objection to the Commission acting on this proposed project prior to the State Lands Commission’s consideration of the requested lease (see State Lands Commission letter in Exhibit 6). **Special Condition 1** requires the applicants to submit an approved State Lands lease prior to issuance of the coastal development permit.
- ~~**Monterey County Health Department – variance to 1995 County ordinance prohibiting new groundwater extraction facilities from this area of the Salinas Valley Groundwater Basin:**~~ The well will need a variance to allow groundwater withdrawal from this area. **Special Condition 1** requires the applicants to submit a variance or other approval prior to issuance of the coastal development permit.”

Page 18, first partial paragraph, Section 4.5.1 Coastal Erosion –

“To ensure the final design conforms to relevant Coastal Act 30253 policies, and to ensure any additional impacts to coastal resources that might result from implementing that design are addressed, **Special Condition 3** requires the applicants to submit the proposed final design for Executive Director review and approval. It also requires a description of how all surface and subsurface components will be removed, if necessary, due to seismic or other events, or if the Commission does not approve subsequent conversion of the development for long-term use. If the proposed design would result in additional impacts to coastal resources – e.g., to ESHA, water quality, etc. – beyond those evaluated in these Findings, the applicant may be required to submit an application to amend the CDP. **Additionally, if the Permittees do not obtain approval from the Commission to convert the well from a short-term test well to a long-term water source, Special Condition 4 requires that the Permittees submit within 36 months of permit issuance a coastal development permit application for removal of the well and associated development approved herein.**”