

**CALIFORNIA COASTAL COMMISSION**

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**NOTICE OF VIOLATION****April 19, 2022**

John F. Weigold, IV, General Manager  
Cambria Community Services District  
1361 Tamson Street, Suite 201  
Cambria CA 93428  
(By U.S. Mail to the address above, and by email to [jweigold@cambriacsd.org](mailto:jweigold@cambriacsd.org))

**Violation:**<sup>1</sup> Noncompliance with Commission-issued Coastal Development Permit (CDP) No. 132-18 requiring protection of in-stream flows and other measures to protect fisheries and other creek habitat resources; continued issuance of “will serve” letters in spite of impacts from existing water extractions that are inconsistent with the CDP; issuance of “will-serve” letters and providing water to properties in Tract 1804 that are specifically prohibited from receiving water service under this CDP.

**Violation File No.: V-3-21-0105**

Dear Mr. Weigold:

The California Coastal Act<sup>2</sup> was enacted by the State Legislature in 1976 to provide long-term protection of California’s 1,250-mile coastline through implementation of a comprehensive planning and regulatory program designed to manage development and protect coastal resources in the coastal zone. The California Coastal Commission (“Commission”) is the state agency created by and charged with administering the Coastal Act of 1976. In making its permit and land use planning decisions in the coastal zone, the Commission carries out Coastal Act policies, which amongst other goals, seek

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<sup>1</sup> Please note that the description herein of the violation(s) at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act or the San Luis Obispo County LCP and that may be of concern to the Commission. Accordingly, you should not treat the Commission’s silence regarding (or failure to address) any other development and/or CDP compliance issues as indicative of Commission acceptance of, or acquiescence in, any such development and/or CDP compliance issues. Please further note that the term “violation,” as used throughout this letter, refers to alleged violations of the Coastal Act and/or the San Luis Obispo County LCP as determined by Commission staff.

<sup>2</sup> The California Coastal Act of 1976 is codified in Sections 30000 to 30900 of the California Public Resources Code.

to protect and restore sensitive habitats; protect natural landforms; protect scenic landscapes and public views; and to maximize public recreational access opportunities.

### **Violations**

Commission staff has determined that the Cambria Community Services District (CCSD) is in violation of Coastal Development Permit (CDP) No. 132-18 which, among other allowances and requirements, authorized CCSD water withdrawals from the San Simeon Creek water basin for the first time and modified the nature of CCSD water withdrawals from the Santa Rosa Creek water basin. These water sources were then, and are now, CCSD's sole sources of water supply for its customers. In authorizing said withdrawals, the CDP includes a number of terms and conditions designed to protect coastal resources and to offset resource impacts then identified, including specific creek and ecosystem protection requirements related to instream flows necessary to maintain and protect the creeks' sensitive fisheries and their riparian and related habitats, and to prevent overdraft of the underlying groundwater aquifers as part of CCSD's water extraction program.

Specifically, in 1977 the South Central Coast Regional Commission approved, with conditions, CDP No. 132-18. The permit authorized the installation of three wells in the San Simeon Creek basin to be used to withdraw water to supply CCSD customers, thereby accessing a new water source for CCSD and the Cambria community. At the same time, and to offset some of the impacts from such new water withdrawals, CCSD was also required to eliminate its use of water from Santa Rosa Creek except under limited circumstances specified by the CDP. Importantly, CCSD's then-proposed project included the parameters that were set at that time by the State Water Resources Control Board (SWRCB) via SWRCB's water extraction permit and associated conditions, some of which emanated from a protest by the California Department of Fish and Wildlife (CDFW) (then the California Department of Fish and Game) to CCSD's water rights application. That protest was withdrawn after the following two SWRCB conditions became part of the proposed project before the Commission:

- 1. The permittee [CCSD] shall maintain water levels in the lower basin to sustain stream flow to the lagoon at the mouth of San Simeon Creek to maintain fish and riparian wildlife habitat.*
- 2. The permittee [CCSD] shall provide and operate as necessary, irrigation facilities to maintain riparian vegetation within district [CCSD] owned property.*

In other words, the Commission's approval of this CDP was predicated on CCSD limiting its water extractions from San Simeon Creek in order to ensure that there are adequate lower basin flows to protect and maintain San Simeon Creek fisheries and riparian habitat. Recent studies indicate that water extractions regularly exceed that which is necessary to maintain water levels and sustain stream flow as required. As a result, impacts to fisheries and riparian habitat have occurred and are ongoing (see below). Furthermore, we are not aware of any supplementary irrigation facilities or operations to maintain riparian vegetation, also as required. Thus, the excessive water extractions and failure to irrigate constitute violations of the CDP and the Coastal Act.

CDP No. 132-18 also includes the following special condition regarding Santa Rosa Creek:

*Condition No. 4 – Santa Rosa Creek. Use of all District wells on Santa Rosa Creek shall be discontinued when water production from San Simeon Creek has been established. **Any continued permitted use of the Santa Rosa Creek wells shall be limited to the supplementing of San Simeon Creek well production in years when the 1230 acre feet cannot be safely removed.** Except in the emergency situations defined below, the withdrawal of water from Santa Rosa Creek shall not exceed 260 acre feet during the dry season which normally extends from July 1 through November 20 and shall not exceed 147 acre feet per month at any other time. At no time shall the combined withdrawal from San Simeon Creek and Santa Rosa Creek exceed 1230 acre feet annually. In addition, the following emergency situations shall be permitted: fire or an emergency use authorized by the State Water Resources Control Board of the State Health Department. Until the San Simeon Creek wells are functioning, no new water permits shall be permitted in the District. (Emphasis added)*

In the findings to support Condition No. 4 for CDP No. 132-18, the Commission found:

*The discontinuance of the use of the Santa Rosa Creek wells would increase the stream flows and enhance the coastal fishery resources. Santa Rosa Creek is the most important anadromous fish stream in San Luis Obispo [C]ounty in terms of stream flow and numbers of Steelhead [trout]. **In the consideration of the use of the San Simeon Creek wells it is important to balance the improvement of Santa Rosa Creek stream flows from the abandonment of the wells and the sewage treatment disposal field with the adverse environmental effects which will occur to San Simeon Creek. As such, the use of San Simeon Creek can be justified by the improved conditions that will exist at Santa Rosa Creek.** (Emphasis added)*

Thus, the Commission's authorization for CCSD to withdraw water from San Simeon Creek was only allowed subject to CCSD ceasing to withdraw water from Santa Rosa Creek altogether, except under the limited circumstances specified by the CDP, and only up to a maximum of 1,230 acre feet total per year,<sup>3</sup> provided resources were protected as required. In violation of the Commission's stated understanding and this requirement, Santa Rosa Creek wells have remained in production, with CCSD extracting water from Santa Rosa Creek every year but one since 1988, a period of 34

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<sup>3</sup> SWRCB recently reduced the amount of water that CCSD could extract from the Creeks to less than the level allowed under their original 1977 approval, particularly during the dry season (see "Issuance of Water Right Licenses 13916 and 13917," SWRCB, March 14, 2019). SWRCB's 2019 water right license materials reduce CCSD's allowed extractions from the Creeks to no more than 1,017 afy (i.e., a maximum of 799 afy from San Simeon Creek, where no more than 370 afy of that extraction can be during the dry season, and a maximum of 218 afy from Santa Rosa Creek where no more than 155.3 afy of that extraction can be during the dry season), all still subject to the same terms and conditions, including regarding maintaining water levels in the basin to sustain stream flow to the lagoon to protect fisheries and riparian habitats.

years and counting.<sup>4</sup> In fact, CCSD has extracted an average of 133 acre-feet from Santa Rosa Creek in every recorded year, an average of 154 acre-feet of extractions per year since 2000, an average of 175 acre-feet of extractions per year since 2010, an average of 190 acre-feet since 2015, with a high of 269 acre-feet extracted in 2014. And in two years, 2014 and 2015, CCSD's Santa Rosa Creek extractions exceeded even CCSD's San Simeon Creek extractions. All told, since 1988 CCSD has extracted 4,382 acre-feet of water from Santa Rosa Creek despite the CDP's clear intention that such extractions should cease. These many decades of CCSD water extractions from Santa Rosa Creek not only negate the anticipated benefits to Santa Rosa Creek that were applied by the Commission to offset the allowed level of San Simeon Creek impacts, but also have led to significant adverse fisheries, riparian, and related habitat impacts (see also below) that were not authorized by the CDP.<sup>5</sup> It is clear to us that this also represents a violation of the CDP.<sup>6</sup>

And to be clear, both of these creeks are recognized in the County's LCP as environmentally sensitive habitat areas (ESHA), and they provide important habitat for several sensitive species such as South Central California steelhead, California red-legged frog, and Tidewater goby. Several studies have demonstrated that adverse impacts to creek flows, riparian habitat, and fisheries are occurring in both creeks,<sup>7</sup> in violation of the terms and conditions of CDP No. 132-18 described above (and in violation of the SWRCB permit as well). A 2014 study looked at instream flows for creeks across San Luis Obispo County compared to estimated environmental water demand (EWD) (where the EWD metric represented a minimum threshold as opposed to an optimum or sustainable level of water flow).<sup>8</sup> That report documented such

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<sup>4</sup> According to CCSD's water diversion reports, which show CCSD's water diversions from both creeks' from 1988 through 2021. These reports indicate that the only year recorded where CCSD did not extract water from Santa Rosa Creek was 2000. Given that history of Santa Rosa Creek extractions, it seems likely that the same type of extraction history extends back to 1977 when the CDP was originally approved.

<sup>5</sup> If you have evidence to the contrary showing that Santa Rosa Creek water extractions undertaken by CCSD since the effective date of CDP No. 132-18 have occurred in compliance with Condition 4 of the CDP, please provide such evidence (including at a minimum, and for each year of Santa Rosa Creek extraction, evidence that 1,230 acre-feet could not be safely removed from San Simeon Creek, documentation to show when the extractions occurred and in what amounts per calendar month, and evidence that the combined withdrawal from both creeks did not exceed 1,230 acre-feet).

<sup>6</sup> For the record, we first learned of these violations in 2019 when reviewing Appeal No. A-3-SLO-19-0199, and began an investigation at that time. Subsequently, we only more recently became aware of the full scope of the violations when considering additional appeals of County CDP decisions for development in Cambria in late 2021 and early 2022. It is those subsequent findings that form the genesis for this letter.

<sup>7</sup> See, for example, "Santa Rosa Creek Watershed Management Plan" (CDFW, 2012); "South-Central California Steelhead Recovery Plan" (NMFS, 2013); "San Luis Obispo County Regional Instream Flow Assessment (SLO Instream Flow Study)" (Coastal San Luis Resource Conservation District, 2014); and "Santa Rosa Creek Steelhead Habitat and Population Survey" (California Conservation Corps, 2005).

<sup>8</sup> See "San Luis Obispo County Regional Instream Flow Assessment (SLO Instream Flow Study)" (Coastal San Luis Resource Conservation District, 2014). EWD was defined as "the amount of water needed in an aquatic ecosystem, or released into it, to sustain aquatic habitat and ecosystem processes." Importantly, the Instream Flow Study notes that "these estimates of EWD are minimum values to maintain



instream flows in 2013, showing that San Simeon Creek instream flow was below the EWD, and Santa Rosa Creek was below the EWD in the spring, and completely dry in the summer, providing no habitat whatsoever. In that same year, CCSD continued to extract water from wells at both creeks including during the summer and including extracting 140 acre-feet from Santa Rosa Creek when such extractions were supposed to have been discontinued.

That same 2014 study states that, “[i]n Santa Rosa Creek, it has also been observed that lagoon conditions are worsened by low stream flows resulting from excessive groundwater pumping and diversions. Reduced freshwater inflows result in water temperatures and dissolved oxygen levels in the lagoon, particularly at the bottom, that can frequently exceed lethal limits for steelhead in the summer and fall” (page 31). Additionally, another such Santa Rosa Creek steelhead habitat and population survey<sup>9</sup> found that, “during the fall and summer months stream flow at approximately stream mile 6.7 ... goes subsurface leaving a portion of Santa Rosa Creek dry for a part of the year. This section of dry creek severs the upper watershed from the lower watershed and can delay or prevent upstream migration of adult steelhead and downstream migration of smolts during drier years” (page 25).

Moreover, the CDP only allows San Simeon Creek extractions if there are adequate lower basin flows to protect and maintain fisheries and riparian habitat, and relies on the benefits of ceasing Santa Rosa Creek extractions altogether to allow for even that. Contrary to these requirements, studies show that both of these creeks are significantly suffering. On this point we acknowledge, as stated in your February 25, 2022 comment letter, that CCSD has been working with Commission staff to develop and implement an instream flow study. We appreciate the work undertaken towards that end and we look forward to completion of that study. Nevertheless, CCSD is in violation of its CDP on both these points that has led for decades and is continuing to lead to unpermitted and significant resource impacts.

These resource impacts also appear to be a violation of the County’s LCP. The LCP includes a robust policy framework to prevent adverse impacts to ESHA, which includes San Simeon and Santa Rosa Creeks and their watersheds which support anadromous fish among other rare and threatened plant and animal species. ESHA Policy 2 requires “[demonstration] that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat.” Additionally, Coastal Watersheds Policy 1 and 2 protect groundwater basins and surface flows and require that “groundwater levels and surface flows shall be maintained to ensure that the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organisms, and for the protection of human health.” LCP North Coast Area Plan (NCAP) combining designations Policy 5 explicitly calls out Santa Rosa and San Simeon Creek for protection, including stating

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aquatic systems and should not be interpreted as “enough” water to support long-term, sustainable steelhead populations or the complex ecosystem in which they live.”

<sup>9</sup> See “Santa Rosa Creek Steelhead Habitat and Population Survey” (California Conservation Corps, 2005).

that these “are anadromous fish streams which should be protected from impediments to steelhead migration and spawning. Adjacent riparian and wetland areas provide important wildlife habitat. Ground water and surface waters are linked, and maintenance of the creek habitats is essential to protect many coastal resources.” In short, the LCP requires the long-term integrity of groundwater basins to be protected, prohibits extractions or other measures that exceed groundwater basin safe yields, and requires groundwater levels and surface flows to be maintained in such a way as to provide “optimum” habitat conditions. In addition, the LCP explicitly requires that Santa Rosa and San Simeon Creeks be protected against fisheries impediments, and recognizes their value otherwise, including the link between ground and surface waters as they relate to protection of creek-related resources. These policies are also explicit in the connection between the protection of these ecosystems and the protection of several sensitive species found in these two creek ecosystems (i.e., steelhead, goby, and red-legged frog).

In addition, despite both CCSD and the County continuing to consider CCSD’s water supply to be critically constrained and overdrafted,<sup>10</sup> and despite the above-described evidence that CCSD’s extractions are leading directly to adverse impacts to the creeks (and in a way that is not allowed by the CDP or the LCP), CCSD continues to provide intent to serve (or ‘will-serve’) letters for proposed development in and around Cambria. In fact, in recent years the Coastal Commission has denied four CDP applications (on appeal from County CDP approvals)<sup>11</sup> for residential development based on the fact that the sites to be developed could not be served by a substantiable water supply,<sup>12</sup> including because existing CCSD water extractions are leading to significant adverse coastal resource impacts (as described above), among other reasons. In each appeal, notwithstanding the above CDP violations, CCSD had provided each proposed development a will serve letter.<sup>13</sup> As the Commission has made clear, a will serve from CCSD does not satisfy LCP and CDP requirements, including as the LCP finding that is

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<sup>10</sup> In 2008, the San Luis Obispo County Board of Supervisors adopted an “Alert Level III” for Cambria’s water supply under the LCP’s Resource Management System (RMS). The LCP identifies an Alert Level III as the most severe constraint level, where the existing demand of the resource has met or exceeded the available capacity. The LCP Alert Level III is still in effect. In 2014, CCSD declared a Stage 3 Water Shortage Emergency and acknowledged it did not and does not have an adequate water supply to support Cambria’s existing water demand. CCSD also issued the following statement on November 3, 2014, projecting that “the community stands a real chance of literally running out of water, forcing Cambrians to shut businesses and possibly even leave homes.” On July 15, 2021, CCSD board of directors declared a Stage 4 Water Shortage Emergency via Resolution No. 26-2021 which states that, “the demands and requirements of water consumers cannot be satisfied without depleting the water supply of the CCSD to the extent that there would be insufficient water for human consumption, sanitation and fire protection.”

<sup>11</sup> A-3-SLO-19-0199 (Hadian, denied on November 13, 2019; A-3-SLO-20-0047 (Settimi, denied on October 8, 2020); A-3-SLO-21-065 (Bookout, denied on March 11, 2022); and A-3-SLO-21-066 (Hadian, denied on March 11, 2022).

<sup>12</sup> Applicable LCP policies require that development be served by an adequate and sustainable water supply in a manner that will not lead to adverse coastal resource impacts (LCP Public Works Policy 1) and requires development that cannot be so served to be denied (LCP CZLUO Section 23.04.430).

<sup>13</sup> And CCSD again issued will-serve letters for more proposed development at its February 17, 2022 and March 10, 2022 meetings.

required on this point is not for CCSD to make, rather it is the County's independent responsibility. To this point, recent Commission's adopted findings on this issue state:<sup>14</sup>

*The County, as the initial CDP decision-making body for CDP applications that include new water use in Cambria, needs to consider these perhaps inconvenient facts, and stop approving or even considering such projects unless and until measurable steps are taken that improve water supply issues in Cambria. The County should not be even accepting applications for development in Cambria that cannot show evidence of an adequate water supply. A will-serve letter does not provide such evidence, and the County under the LCP is required to make its own finding that an adequate water supply is available to serve a proposed development, and cannot abrogate that responsibility to the CCSD. The County is giving applicants a sense of 'false hope' when it does, and is doing a disservice to these applicants and the broader community. It is also leading to a significant number of appeals to, and subsequent CDP denials by, the Commission, each of which require an expenditure of scarce public resources to process.*

And the Commission also expressed some incredulity that CCSD continued to issue will-serves in the face of the above-described evidence, suggesting that CCSD needed to stop issuing such will-serves, and instead focus on sustainable water supplies for the community, stating:

*Cambria's water situation has only become more dire and it is more clear now than ever that the water shortage is even more substantial than previously understood. Less than a year ago, CCSD declared a Stage 4 Water Shortage Emergency, stating that, "the demands and requirements of water consumers cannot be satisfied without depleting the water supply of the CCSD to the extent that there would be insufficient water for human consumption, sanitation and fire protection" (see Exhibit 3). From its own declaration it is crystal clear to the CCSD that it lacks adequate water to serve even existing development in Cambria, let alone new users. It is not obvious why the CCSD continues to provide will-serve letters in the face of such evidence. ... And, similar to the County, CCSD should not be providing such will serve letters. They appear to already be extracting water currently in excess of that allowed by the Commission's CDP, which is a Coastal Act violation, that is leading to severe ESHA impacts, including to listed sensitive species in Santa Rosa and San Simeon Creeks. CCSD is better served by looking at ways to avoid even its current level of water extraction, including so it can meet its CDP requirements, and looking at environmentally-sensitive ways to augment Cambria water supplies. As is, CCSD is doing a disservice to project applicants and the community for similar reasons as the County.*

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<sup>14</sup> See adopted Commission findings at <https://documents.coastal.ca.gov/reports/2022/3/F15b/F15b-3-2022-report.pdf>.

Please note that the Commission has consistently found that there is insufficient water supply for CCSD to serve even existing customers, let alone new water using development, under the LCP.<sup>15</sup> Please further be advised that we believe that the CCSD's continued issuance of will-serve letters, in light of the water supply issues described above and including CCSD's long term and continuing CDP violations, only exacerbates the above-described CDP inconsistencies and violations.

Finally, and in particular related to the Commission's March 11, 2022 denial of CDPs for residential development that you supported, including via will-serves associated with Tract 1804, please note that CCSD is prohibited from providing water service to those properties by CDP No. 132-18. In fact, the CDP allowed service only to the then existing developed area served by CCSD at the time.<sup>16</sup> Specifically, the Commission found:

*The location of the proposed distribution system is confined to the existing developed areas. However, the District boundaries do include 400 acres which are not subdivided, generally located within the north portion between the community of Cambria and Leffingwell Creek. The 400 acres has been in agricultural use and has been proposed for subdivision, although the Commission has not reviewed any application for subdivision of the area.*

*The inclusion of this 400 acres in the service or benefit area of the proposed project would extend the location of new development outside of the existing developed area, to an undivided area without existing streets or water and sewer lines.*

*Interpretive Guideline 7 states that new development in the coastal zone should first be channeled to existing developed areas able to accommodate it as required by Section 30250a. As such it is found that the location of the new development should be limited to the existing developed [area] which [is] able to accommodate it and the area of service and benefit should be limited to those specific areas. In addition, the new development served should be limited to the 3800 households in order to assure that the demand of the water resource is not exceeded.*

***Therefore, the project as conditioned to limit the connections to 3800 households and to limit the area to be served and benefited by the project to the existing developed areas as identified in recommended condition 1 would allow***

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<sup>15</sup> See, for example, Commission findings for the 1998 LCP North Coast Area Plan (NCAP) update, the 2001 LCP Periodic Review, and LCP Amendment SLO-MAJ-1-06 Part 1; and see, for example, appeal and CDP application cases A-3-SLO-01-122 (Cambria Pines Lodge Expansion); A-3-SLO-02-050 (Monaco SFD); A-3-SLO-02-073 (Hudzinski SFD); A-3-SLO-13-0213 (Kingston Bay Senior Living); A-3-SLO-14-0044 (Fox SFD); A-3-SLO-19-0199 (Hadian SFD); A-3-SLO-20-0047 (Settimi SFD); A-3-SLO-20; A-3-SLO-21-0065 (Bookout SFD); and A-3-SLO-21-0066 (Hadian SFD).

<sup>16</sup> Specifically, in addition to enumerated and specific customers (the Air Force Radar Station, Sibley Ranch, YMCA Camp, Cambria Cemetery, and San Simeon State Park), CDP condition 1 limits the area to which water can be provided to developed areas within identified Assessment District Nos. 1 and 2; and Subdivision Tracts 358, 384, and 420 (see also attachment).

*the Commission to make the finding that the project is consistent with PRC 30250a. (Emphasis added)*

As a result, the CDP prohibits any water service to the properties currently referred to as Tract 1804. As a result, CCSD is in violation of its CDP for providing water service to development in this area.<sup>17</sup> Given the number of third parties involved, and the fact that a subset of these properties developed based on County CDP authorizations, we will need to work with CCSD to determine an appropriate resolution of this aspect of the violation and a path forward for these Tract 1804 property owners. In the meantime, any CCSD will-serve letters for proposed development in Tract 1804 must be withdrawn.

In addition to the above-described CDP violations, we have identified three additional conditions of this CDP that we would like to bring to your attention in order to request the information necessary to determine whether CCSD is in compliance. First, Condition 2 limits connections to 3,800 dwelling units. Please provide evidence that identifies the number of dwelling units that are currently served by CCSD.

Second, Condition 3 requires a San Simeon Creek basin management operation and maintenance manual to be developed consistent with SWRCB requirements and requires annual reporting (including to the Central Coast Regional Water Quality Control Board) to demonstrate that CCSD water extractions are occurring in a way that protects San Simeon Creek fisheries, riparian areas, and related habitats as required by the CDP. The Commission's findings state:

*The project as conditioned to require adequate monitoring and mitigation measures to maintain the quality of the water for the fishery and wildlife habitat of San Simeon Creek and the quality of the water basin for domestic water use will allow the Commission to make the finding that the effect of the withdrawal of water from San Simeon Creek on the biological productivity will not be adverse and that the project will be compatible with the continuance of the habitat.*

In other words, the CDP requires yearly monitoring and reporting to ensure that San Simeon Creek resources are being maintained in the manner required by the CDP. However, we have seen no evidence that the required manual was ever developed, and we have seen no evidence that the required annual reporting ever occurred. If accurate, this represents another CDP violation. Please provide any information that you have regarding the required manual and reporting. At a minimum, if no such manual exists, then it needs to be developed as soon as feasible, and CCSD needs to be undertaking

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<sup>17</sup> According to our records, there appear to be nine residences in Tract 1804 that were approved by County CDPs and that are being provided water by CCSD. In addition, it appears (from information provided by the applicants and CCSD in relation to CDP Application Nos. A-3-SLO-21-0065 and A-3-SLO-21-0066) that up to nine other properties in Tract 1804 have water service currently, including not only water meters but connection pipes and running water, all without benefit of any CDPs. As we currently understand it, CCSD apparently installed such infrastructure and started providing running water to these properties beginning in the early 2000s. Please be advised that these installations also represent a violation, and are being tracked as part of this violation case.

yearly monitoring and reporting as directed by the approved manual and the CDP requirements.

And third, Condition 7 requires that “At all times at least 20% of the permitted water production capacity shall be reserved for public commercial or recreation uses,” where such uses are identified by the Commission in a CDP or in the certified LCP. If CCSD has not been reserving 20% of such capacity for such uses, this would be another aspect of the CDP violation. Please provide evidence showing that at least 20% of CCSD’s water extractions are reserved for such public commercial and recreational uses.

### **Resolution**

To begin to resolve this CDP violation, please do all of the following:

1. Immediately cease from issuing any will-serve letters for any new water using development, retract any will-serve letters that are currently active for any projects that do not already have a CDP, and provide evidence that this has been accomplished by **May 20, 2022**.
2. Submit a water extraction and resource protection plan for Executive Director review and approval explaining how CCSD plans to achieve compliance with CDP No. 132-18 as it relates to the protection of fisheries, riparian resources, and all related habitats associated with both San Simeon Creek and Santa Rosa Creek; the use of Santa Rosa Creek wells only as allowed by the CDP; irrigation to maintain riparian habitat; and service to the Tract 1804 properties. Such plan must include implementation details, specific and measurable steps, and a timeline to reach CDP compliance, and shall be submitted no later than **June 20, 2022**.
3. Contact me by **May 20, 2022** to discuss how you intend to respond to this letter and the required two steps above.

While we are hopeful that we can resolve this matter quickly and informally, please be advised that Chapter 9 of the Coastal Act provides a number of remedies to address violations of the Coastal Act. For example, Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require a CDP from the Coastal Commission without first securing a CDP, the Executive Director may issue an order directing that person to cease and desist. Section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. Section 30811 also provides the Coastal Commission the authority to issue a restoration order to address violations at a site. A violation of a cease and desist order or restoration order can result in civil fines of up to \$6,000 for each day in which each violation persists.

Additionally, Sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the

Coastal Act. Section 30820(a)(1) provides that any person who undertakes development in violation of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500 per violation. Section 30820(b) states that, in addition to any other penalties, any person who “knowingly and intentionally” performs or undertakes any development in violation of the Coastal Act can be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 per violation for each day in which each violation persists. Finally, Section 30812 authorizes the Executive Director to record a Notice of Violation against any property determined to have been developed in violation of the Coastal Act.

Thank you for your prompt attention to this matter. If you have any questions concerning this letter, please contact me by email at [ellie.oliver@coastal.ca.gov](mailto:ellie.oliver@coastal.ca.gov) or by telephone at 831-427-4881. Due to concerns about the Coronavirus and in compliance with public health orders, Commission offices remain closed to the public. Email correspondence is preferred.

Sincerely,



Ellie Oliver  
Central Coast District Enforcement Officer

Enclosure: Coastal Commission-Adopted Findings and Conditions for CDP No. 132-18

cc: Bruce Gibson, San Luis Obispo County Second District Supervisor  
Trevor Keith, San Luis Obispo County Planning Director  
Eileen Sobeck, SWRCB Executive Director  
Matthew T. Keeling, Central Coast RWQCB Executive Officer  
Julie Vance, CDFW Central Region Regional Manager  
Stephen P. Henry, USFWS Ventura Field Office Field Supervisor  
Lisa Van Atta, NOAA Fisheries California Coastal Office Assistant Regional Administrator  
Jackie Crabb, Coastal San Luis Resource Conservation District Manager

California Coastal Commission  
SOUTH CENTRAL COAST REGIONAL COMMISSION  
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SANTA BARBARA, CALIFORNIA 93108  
(805) 969-5828



August 12, 1977

Conditions as Adopted for Application No. 132-18, Cambria Community Services District

Condition No. 1. - Service Area

Prior to the certification of the appropriate Local Coastal Program, the district shall neither guarantee nor promise to deliver any amount of the 1230 acre feet of water to be derived from the wells located in the area known as the Bonomi Ranch in the San Simeon Creek groundwater basin to any individual or entity whose property is located outside of its Assessment District Nos. 1 and 2 and Subdivision Tracts Nos. 358, 384, and 420. Provided however, that should the Commission prior to the certification of the appropriate Local Coastal Program grant a development permit for the subdivision of any land within the District which is outside of Assessment Districts Nos. 1 & 2 and Subdivision Tracts Nos. 358, 384 and 420, then the District may provide water service from this 1230 acre feet to such land and provided further, that the applicant may utilize portions of this 1230 acre feet of water to serve the following individuals and entities whose property is located outside of the District's present boundaries, but with which the District has existing water service agreements:

- a) Air Force Radar Station
- b) Sibley Ranch - agricultural uses
- c) YMCA Camp
- d) Cambria Cemetery
- e) San Simeon State Park

Since the intent of this condition is to avoid the premature commitment of any lands within the district to other than presently existing uses before adequate Coastal Planning has been done at the local level, the District shall not:

- a. Cause to be assessed for benefit received from this project,
- b. Levy any stand by fees or,
- c. Accept any future payment in exchange for the promise to serve or to issue water permits for or to annex,

Any property which is not located in the District's Assessment District Nos. 1 & 2 and Subdivision Tracts 358, 384 and 420 or which have not been subdivided pursuant to a Coastal Development Permit granted by the Commission subsequent to the effective date of this permit and prior to the certification of the appropriate Local Coastal Program.

Condition No. 2 - Service Connections

Unless and until a Local Coastal Program is certified specifically approving an increase in water supply beyond that provided by this permit:



- a. No more than a total of 3800 dwelling units shall be permitted to receive water connections (including existing and new units). For the purposes of this condition a "dwelling unit" is defined as a single apartment or condominium unit or a single family residence.
- b. *Start in year 78*  
The total number of annual hookups shall be limited to the schedule of service connections in the Feasibility Report, attached hereto and incorporated herein by reference as Exhibit 4. The effective date of this schedule shall coincide with the implementation of this project. The total number of service connections allowed shall be equal to the cumulative total to that date.

In addition to the 3800 connections allowed under this permit, the Commission may allow additional connections consistent with the other conditions of the permit if the Commission determines after public hearing that water conservation measures have achieved a reduction in water usage consistent with the requirements of Public Resources Code 30231; the number of connections allowed in this manner shall be determined by the long term reduction in water usage.

#### Condition No. 3. - San Simeon Creek Groundwater Quality

*Defer Status*  
The District shall prepare an operation and maintenance manual for a basin management program which meets the requirements of the State Water Resources Control Board's Water Right's Determination; to the extent that the State Water Resources Control Board's Water Right's Determination takes into account the existing fishery resources, the water supply appropriate for domestic purposes and a water supply appropriate for agricultural purposes.

This operations and maintenance manual shall be submitted to the State Water Resources Control Board staff. An annual report on the operation of the basin shall be prepared by a qualified hydrologist and submitted to the Regional Water Quality Control Board and State Health Department to demonstrate that the District has complied with the requirements of this condition.

#### Condition No. 4. - Santa Rosa Creek

*How Know?*  
Use of all District wells on Santa Rosa Creek shall be discontinued when water production from San Simeon Creek has been established. Any continued permitted use of the Santa Rosa Creek wells shall be limited to the supplementing of San Simeon Creek well production in years when the 1230 acre feet cannot be safely removed. Except in the emergency situations defined below, the withdrawal of water from Santa Rosa Creek shall not exceed 260 acre feet during the dry season which normally extends from July 1 through November 20 and shall not exceed 147 acre feet per month at any other time. At no time shall the combined withdrawal from San Simeon Creek and Santa Rosa Creek exceed the 1230 acre feet annually. In addition, the following emergency situations shall be permitted: fire or any emergency use authorized by the State Water Resources Control Board or the State Health Department. Until the San Simeon Creek wells are functioning, no new water permits shall be permitted in the District.

#### Condition No. 5 - Erosion Control

The areas which are disturbed by the construction work shall be restored to their approximate original condition prior to construction, this shall include but is not limited to the replanting of any vegetation removed during the course of construction.

Condition No. 6 - Water Conservation

*Memo -*

Prior to utilization of facilities, the applicant shall demonstrate the existence of a water conservation program. An acceptable water conservation program shall include, at a minimum: elimination of the decreasing block rate structure which currently exists; modification of the plumbing portions of the building code to require installation of low-flow toilets and pressure reducing devices on all taps; establishment of a retrofit program providing free water dams and pressure reducing washers; and evidence of a public information program informing the public of the need to save water, the availability of flow reduction devices, and the need to use drought-resistant plants in landscaping.

Condition No. 7 - Reservation of Capacity for Public Commercial and Recreation Uses

*Commission take action, ICP*

At all times at least 20% of the permitted water production capacity shall be reserved for public commercial or recreation uses; a public commercial or recreation use shall be a use designated as such in a permit action by the Regional or State Coastal Commission or a designated recreational use set forth in an approved Local Coastal Program for the Cambria area.

Condition No. 8 - Archaeology

Prior to construction the applicant shall have an archaeological survey made of all areas potentially affected by construction which have not been previously surveyed. All feasible recommendations made by the applicant's archaeological consultant shall become conditions of this permit. The choice of archaeological consultant, and final determination of the feasibility of the consultant's recommendations shall be subject to approval by the State Historic Preservation Officer.

# EXHIBIT 4

## TABLE D

### CAMBERIA COUNTY WATER DISTRICT

#### REVENUE AND EXPENSE ESTIMATES

(Allowing for Increased Water Rates, Availability Charge, Connection Fees and Proposed Davis Grunsky Loan)

Year Ending 6-30	Services		Unit Connection Charge	REVENUE					Total Annual Revenue Per Service	Water Rates in Dollars Per 100 c.f.		EXPENDITURES			Surplus/Deficit
	New	Total		Ad Valorem Taxes	Connection Charges	Water Avail. Charges	Water Sales	Total Revenue		Operation and Maintenance	Capital Improvts.	Total Expenditures			
													①	②	
1977	84	1584	250	28M	8.4M	35M	124M	195.4M	123	78.30	.80	141M	--	141M	54.4M
1978	84	1669	250	31	8.4	65	151	255	153	90.50	.80	157	--	157	98
1979	84	1752	500	34	21.0	65	159	279	159	90.75	.80	170	--	170	109
1980	83	1835	500	37	20.5	65	166	289	158	90.50	.80	170	93.2M	263.8	25.2
1981	78	1913	500	41	19.5	65	174	300	157	91.00	.80	180	93.8	273.8	26.2
1982	78	1991	500	44	19.5	65	203	332	167	102.00	.90	191	93.8	284.8	47.2
1983	73	2069	600	49	23.5	65	211	349	159	102.00	.90	202	196.2	390.2	(49.2)
1984	73	2147	600	53	23.5	65	219	361	168	102.00	.90	214	196.2	410.2	(49.2)
1985	78	2225	600	59	23.5	65	252	359	179	113.25	1.00	227	196.2	423.2	(24.2)
1986	66	2291	600	62	20.0	65	260	407	178	113.50	1.00	241	196.2	437.2	(30.2)
1987	66	2357	700	67	23.0	65	267	422	170	113.25	1.00	255	196.2	451.2	(29.2)
1988	66	2423	700	73	25.0	65	302	463	191	124.75	1.10	270	196.2	466.2	(3.2)
1989	66	2489	700	78	23.0	65	310	476	191	124.50	1.10	287	196.2	483.2	(7.2)
1990	66	2555	800	84	26.5	65	319	495	194	124.75	1.10	304	196.2	500.2	(5.2)
1991	56	2611	800	84	22.5	65	326	498	191	124.75	1.10	323	196.2	519.2	(21.2)
1992	56	2667	800	84	22.5	65	363	535	201	136.00	1.20	342	196.2	538.2	(3.2)
1993	56	2723	800	84	22.5	65	370	542	199	136.00	1.20	363	196.2	559.2	(17.2)
1994	56	2779	800	84	22.5	65	378	550	198	136.00	1.20	384	196.2	580.2	(30.2)
1995	56	2835	800	84	22.5	65	418	590	208	147.50	1.30	407	196.2	603.2	(13.2)
1996	56	2891	800	84	22.5	65	426	598	207	147.25	1.30	431	196.2	627.2	(29.2)
1997	56	2947	800	84	22.5	65	434	606	206	147.25	1.30	456	196.2	654.2	(48.2)
1998	56	3007	800	84	22.5	65	511	685	227	170.00	1.50	485	196.2	681.2	1.8
1999	56	3059	800	84	22.5	65	520	692	226	170.00	1.50	514	196.2	710.2	(18.2)
2000	56	3115	800	84	22.5	65	530	702	225	170.25	1.50	545	196.2	741.2	(39.2)
2001	56	3171	800	84	22.5	65	611	783	247	192.75	1.70	579	196.2	774.2	8.8
2002	56	3227	800	84	22.5	65	622	794	246	192.75	1.70	613	196.2	809.2	(15.2)
2003	56	3283	800	84M	22.5M	65M	633M	805M	245	192.75	1.70	649M	196.2M	845.2M	(40.2M)

#### FOOTNOTES:

- ① Current District practice is to credit full amount of ad valorem tax revenues to water revenue account. Column 4 above reflects only 50% of ad valorem tax revenues applied to the water revenue account.
- ② Connection charge income shown is net income after deducting estimated connection costs which are incurred by the District. Net income is estimated at \$100 per connection for the years 1977 and 1978, and at one-half the connection charge thereafter.
- ③ Water availability charge income is based upon \$10 charge per 6,588 parcels becoming effective July 1, 1977.
- ④ Effective November 1, 1976 increased water rates become effective. Based on estimated District population of 2,500 and annual per capita water sales revenues of \$54 (\$4.50 per month) water sales revenues are estimated allowing for future population increases.
- ⑤ Amortization of \$3.5 million Davis Grunsky Loan dated July 1, 1977 with final payment in the year 2007 (30 year term).
- ⑥ Note that surplus/deficit column 15 allows for additional capital projects in the years 1978 and 1979; and does not reflect full 100% application of ad valorem tax revenues per note ①. Estimated deficits will be further reduced to the extent that District assessed valuation increases in future years.

### III. Findings and Declarations.

The Commission finds and declares as follows:

#### 1. Project Description

The proposed project includes the replacement of all steel mains in the water distribution system which are 4" or smaller. This is approximately 90% of the existing distribution system. New pressure zones will be established to take advantage of existing storage tanks and looping would be provided to eliminate excessively long dead-end mains.

The project also includes the development of a new water source for the Cambria Community Services District in the San Simeon Creek basin. The Cambria Community Services District has applied for the water rights for 1230 acre feet per year from the San Simeon Creek basin. Three wells are planned, their locations are illustrated in Exhibit 1, and the water will be transmitted by a 14" pipeline along San Simeon Creek road and along Highway 1 as shown in Exhibit 1.

Existing water supply. The existing water supply from Santa Rosa Creek has been determined by the State Department of Public Health to be unsuitable for consumption without treatment because of the high content of manganese and iron in the well water. Continued utilization of Santa Rosa Creek would require treatment relatively expensive to reduce iron and manganese and treatment would not resolve the additional problems of hardness and salinity. The existing supply also exceeds the recommended State and

Federal standards for total dissolved solids. Therefore, the existing development requires a water supply of higher quality or the use of a treatment plant.

In addition, the water supply in lower Santa Rosa Creek is limited because the groundwater basin where the wells are located is not well connected hydraulically with the greater Santa Rosa groundwater basin, and has limited storage capacity. The supply from the Cambria Community Services District's (CCSD) wells have not met the community's needs during this drought period. Since 1970 there has been a 40% increase in service connections. The District has been supplementing the wells with water pumped from the wells upstream on Santa Rosa Creek. However, the dependability of these wells is now known, and more intensive utilization of Santa Rosa Creek groundwater by establishing upstream wells would also involve potential conflicts with upstream agricultural users. Consequently, the District is proposing to shift their well field to San Simeon Creek.

The groundwater in the San Simeon Creek basin does not require treatment for manganese and iron removal and contains half the TDS and hardness of the Santa Rosa basin groundwater. The available water to be pumped from storage in the San Simeon Creek alluvium has been estimated to be 1045 acre feet. This compares with an estimated safe yield from the District wells in the Santa Rosa Creek basin of 260 acre feet.

## 2. Development Accomodated by the Project.

The proposed project would ultimately withdraw 1230 ac. ft. annually from the San Simeon Creek basin from wells proposed to be located at the Bonomi Ranch. It has been estimated by the Feasibility Report that this would serve a population of approximately 7600 persons. This is based on historical use of water at 140 gallons per day per person. Based on an average occupancy of 2.0 persons per dwelling unit the 1230 ac. ft. would be capable of serving 3800 dwelling units.

The existing population of Cambria was found in the 1976 population special census to be the following:

### 1976

Population....2667 persons  
Housing units.1594 units  
Vacancy.....25.2%  
Population per  
occupied unit 22.2 persons/H.H.

It has been estimated that there are a total of 6300 building sites within the District as defined by the County Ordinance. Of the 6300 sites, approximately 1500 parcels have been improved leaving approximately 4800 undeveloped sites existing in Cambria.

Based on the fact the 1230 ac. ft. will serve 3800 households, it is projected that the project will be able to serve 60% of the total potential development on existing parcels. The potential new development served by this project is estimated as follows:

3800 households served by the project  
1500 existing developed parcels.  
2300 potential new development

2300 = 48% of the 4800 remaining vacant parcels.

Therefore, the proposed 1230 ac. ft. will serve the existing households plus an additional 2300 new households (or 48% of the existing vacant parcels). This is an increase of 4933 persons, or 2.9 times the existing population.

### 3. Location of Development

PRC 30250(a) provides that new development shall be located within, contiguous with, or in close proximity to, areas able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or accumulatively, on coastal resources.

The Cambria Community Services District includes both existing residential subdivided land and undivided agricultural lands. Exhibit 3 illustrates the location of the boundaries and the general land uses included in the District. The developed areas include:

Assessment District No. 1  
Improvement District No. 1  
Tracts 358, 384, and 420.

Within these developed areas, there are located the 4800 vacant parcels. Based on the proposed projects ability to serve 2300 new households, it is found that new development can be located within the existing developed area.



The location of the proposed distribution system is confined to the existing developed areas. However, the District boundaries do include 400 acres which are not subdivided, generally located within the north portion between the community of Cambria and Leffingwell Creek. The 400 acres has been in agricultural use and has been proposed for subdivision, although the Commission has not reviewed any application for subdivision of the area.

The inclusion of this 400 acres in the service or benefit area of the proposed project would extend the location of new development outside of the existing developed area, to an undivided area without existing streets or water and sewer lines.

Interpretive Guideline 7 states that new development in the coastal zone should first be channeled to existing developed areas able to accommodate it as required by Section 30250a. As such it is found that the location of the new development should be limited to the existing developed which able to accommodate it and the area of service and benefit should be limited to those specific areas. In addition, the new development served should be limited to the 3800 households in order to assure that the demand of the water resource is not exceeded.

Therefore, the project as conditioned to limit the connections to 3800 households and to limit the area to be served and benefited by the project to the existing developed areas as identified in recommended condition 1 would allow the Commission to make the finding that the project is consistent with PRC 30250a.

#### 4. Impact of Development Generated by this Project.

PRC 30254 provides that new or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division.

There could be adverse impacts on coastal resources as a result of the development generated which is an increase of 2.9 times the existing population. The impact on the community's ability to plan for the growth and its ability to accommodate the development within the policies of the Coastal Act as required by the Local Coastal Program would be mitigated if the rate of development were extended over the 30 year period required to meet the repayment plan of the Davis-Grunsky Loan (project funding).

The project as conditioned to limit the number of new services to the annual rate of connection projected in Exhibit 4, Table D, would allow the Commission to make the finding for approval because the impact of the development of the 2300 sites would be extended over the 30 year period and would allow the adverse impacts of development to be distributed over the entire period and therefore mitigated.

5. Land Modification and Erosion.

PRC 30251 provides that permitted development shall be sited and designed to minimize the alteration of natural land forms; and PRC 30253(2) provides that new development shall neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area.

The proposed project would extend a 14 inch transmission main from Moonstone Beach Drive to the new well field on San Simeon Creek, traversing agricultural lands and San Simeon State Park. The mitigation measures in the EIR indicate that "where vegetation is temporarily disturbed by construction, natural vegetation will be encouraged to return; and special attention will be given to a pipeline route and well locations which will minimize the impact on native vegetation." Although this speaks to the concerns addressed in Sections 30251 and 30253 it does not specifically require the applicant to take adequate mitigation measures.

Therefore, condition 5 allows the Commission to make the finding that the project during and after its construction will not significantly add to any potential erosion problems of the area.

6. Recreational Uses.

PRC 30254 provides that where existing or planned public works facilities can only accommodate a limited amount of new development services to coastal dependent land use, essential public services and basic industries, public recreation and commercial recreation and visitor serving land uses shall not be precluded by other development.



Cambria has been developing as a residential area for persons retiring and establishing vacation homes on the coast. The remote location and unique scenic beauty of the Santa Lucia mountains and the rich marine environment along the shoreline have made Cambria a place sought by many as a place to live. Recent growth in Cambria has been stimulated by the improvement of Highway 46 between Highway 101 and Cambria and the general increase in recreational use of our accessible coastal areas. Cambria's location along Highway 1 just south of the Big Sur area makes it a unique recreational destination point. In order to meet the recreational and visitor serving demands the allocation of ~~sewer~~<sup>water</sup> connections should reserve a minimum for those uses, exclusive of residential uses. This will become an even more important factor as Cambria becomes a community or more permanent residences. Predominantly vacation and retirement communities on the coast have realized an increase in the number of permanent residences.

The project as conditioned to reserve 20% of the water available for the designated public and commercial recreation uses will allow the Commission to make the finding that the recreational and visitor-serving demands will not be precluded by the demands of the residential development.

7. Groundwater quality in San Simeon Creek.

Even though the utilization of the San Simeon Creek basin will improve the water quality and water supply for domestic use, development of the San Simeon well field will have adverse impacts on the coastal fishery resources. PRC 30231 requires that the biological productivity of coastal waters, streams, estuaries be maintained and, where feasible, restored through, among other things, preventing depletion of groundwater supplies and substantial interference with surface waterflow. In addition PRC 30240(b) provides that development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

According to the final EIR for the water supply project, "streamflow occurs naturally in the last several hundred feet of San Simeon Creek, providing constant positive head from the lagoon to the ocean, and keeping salinity in the lagoon to a minimum. Removal of water from the basin could cause the streamflow to cease, thereby allowing degradation of the lagoon as an anadromous fish resource." The EIR points out that sea water intrusion into the basin could be established, and that the project could accelerate the dewatering of the mid-portion of the stream, with adverse effects on spawning and on fry and juvenile mortality. The use of Van Gordon and San Simeon Creek bottomlands for effluent disposal is expected to maintain freshwater inflow into the San Simeon Creek estuary, and limit saltwater intrusion, to mitigate the adverse effects on anadromous fisheries.

The Department of Fish and Game has protected the District's application for water rights to the 1230 ac. ft. from San Simeon Creek based on the adverse impacts on the stream flows. That protest has been withdrawn based on the following conditions:

1. "The permittee shall maintain water levels in the lower basin to sustain stream flow to the lagoon at the mouth of San Simeon Creek to maintain fish and riparian wildlife habitat."
2. "The permittee shall provide and operate as necessary, irrigation facilities to maintain riparian vegetation within district owned property."

Based on this agreement the Commission can find that the stream flows of San Simeon Creek will be maintained to protect the fish and riparian wildlife habitat.

The withdrawal of water by the proposed wells in the San Simeon basin could cause problems with sea water intrusion. The primary concern would be the lateral movement of saline water into the well field. The proposed District plan is to not allow the water levels in the well field vicinity to drop below sea level. According to Kenneth D. Schmidt, groundwater quality consultant in correspondence dated June 13, 1977 Gil Torres of the SWRCB staff the proposed monitoring program will allow early detection of sea water intrusion if it should occur. The rectifying measures include (1) pumpage of saline groundwater from the lower part of the valley and disposal to the ocean, and (2) pumpage from individual wells in the well field could be altered to decrease that in the lower part.

It should be emphasized that continual monitoring is essential to the protection of the water quality of the stream and its long term use as a domestic water supply.

The project as conditioned to require adequate monitoring and mitigation measures to maintain the quality of the water for the fishery and wildlife habitat of San Simeon Creek and the quality of the water basin for domestic water use will allow the Commission to make the finding that the effect of the withdrawal of water from San Simeon Creek on the biological productivity will not be adverse and that the project will be compatible with the continuance of the habitat.

8. Agricultural water users on San Simeon Creek.

PRC 30241 provides that the maximum amount of prime agricultural land shall be maintained in agricultural production through among other means, the assurance that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

This raises the issue of the impact of withdrawal on the agricultural users of the subject water basin.

A study prepared by Coastal Valley Engineering (Attachment) to examine this problem showed that the primary water related agricultural interests upstream from the Bonomi Ranch were a total of 83 acres of fields, most of which were in alfalfa production. The total maximum requirements for water on the 83 acres would be 266 acre-feet per year. The owner of those acres is Mr. Pedotti and he has lodged a protest to the CCSD water rights application with State Water Resources Control Board. The District feels the vested rights of the upstream user have been carefully considered in the project plan and that the water rights hearing process protects the vested rights of this user.

Because the State Water Resources Control Board is responsible for the determinations for appropriative and riparian water rights, and the fact the protest of the agricultural users on San Simeon Creek have been accepted for a hearing before the SWRCB the Commission can find that the viability of the agricultural productivity on San Simeon Creek will not be impaired through the loss of water supply as a result of this project.

9. Withdrawals from Santa Rosa Creek.

PRC 30231 provides that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, preventing depletion of groundwater supplies and substantial interference with surface water flow.

The district proposes to supplement the water supply of San Simeon Creek with water from the existing Santa Rosa Creek wells. Although the District is requesting the appropriative rights for 1230 ac. ft. cannot be safely withdrawn without adversely affecting the Stream flow in any year which is drier than normal. This is estimated to occur in 50 out of every 100 years.

If the San Simeon supply were not supplemented with the Santa Rosa Creek supply the actual capacity of the San Simeon source would be approximately 5200 persons.

The discontinuance of use of the Santa Rosa Creek wells would increase the stream flows and enhance the coastal fishery resources at Santa Rosa Creek is the most important anadromous fish stream in San Luis Obispo county in terms of stream flow and numbers of Steelhead. In the consideration of the use of the San Simeon Creek wells it is important to balance the improvement of Santa Rosa Creek stream flows from the abandonment of the wells and the sewage treatment disposal field with the adverse environmental effects which will occur to San Simeon Creek. As such, the use of San Simeon Creek can be justified by the improved conditions that will exist at Santa Rosa Creek.

The condition to restrict the use of the Santa Rosa Creek wells to the safe yield of 260 ac. ft. during a dry season allows the Commission to make the finding that the withdrawals from Santa Rosa Creek will have minimal adverse effects on Santa Rosa Creek as an anadromous fish resource and on the quality of the ground water.

10. Water Conservation.

PRC 30250a provides that development shall be located in areas where it will not have significant adverse effects either individually or cumulatively on coastal resources. In this case the protection of the limited water supply for the residential and commercial uses should include conservation measures to insure that the available water resource is carefully utilized. The project as conditioned for the implementation of a water conservation program allows the Commission to make the finding that the project will mitigate adverse effects by reducing average per capita use.

11. Archaeological Sites.

The EIR of the Project Feasibility Report identifies several prehistoric sites of scientific interest and a letter from the Central Coast Indian Council also indicates concern for the protection of potential and existing sites of archaeological importance. Conditions 7 was developed to insure that the project would not adversely affect these coastal cultural resources as required by PRC 30244.

12. Local Coastal Program.

PRC 30604a provides that prior to the certification of LCP; a coastal development permit shall be issued if the Commission finds that the proposed development is in conformity of the policies of Ch. 3 and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program. The project raises two issues the development generated by the project and its impact on the Highway 1 remaining as a scenic two land road.

In terms of the development generated, the gradual build<sup>out</sup> of Cambria as provided in condition 2 would allow the local government the opportunity to prepare the Local Coastal Program. The impact of the development on the policy in 30254 which provides that Highway 1 should remain a scenic two lane road is not clear in the absence of detailed planning consistent with the LCP.

Substantive Documents

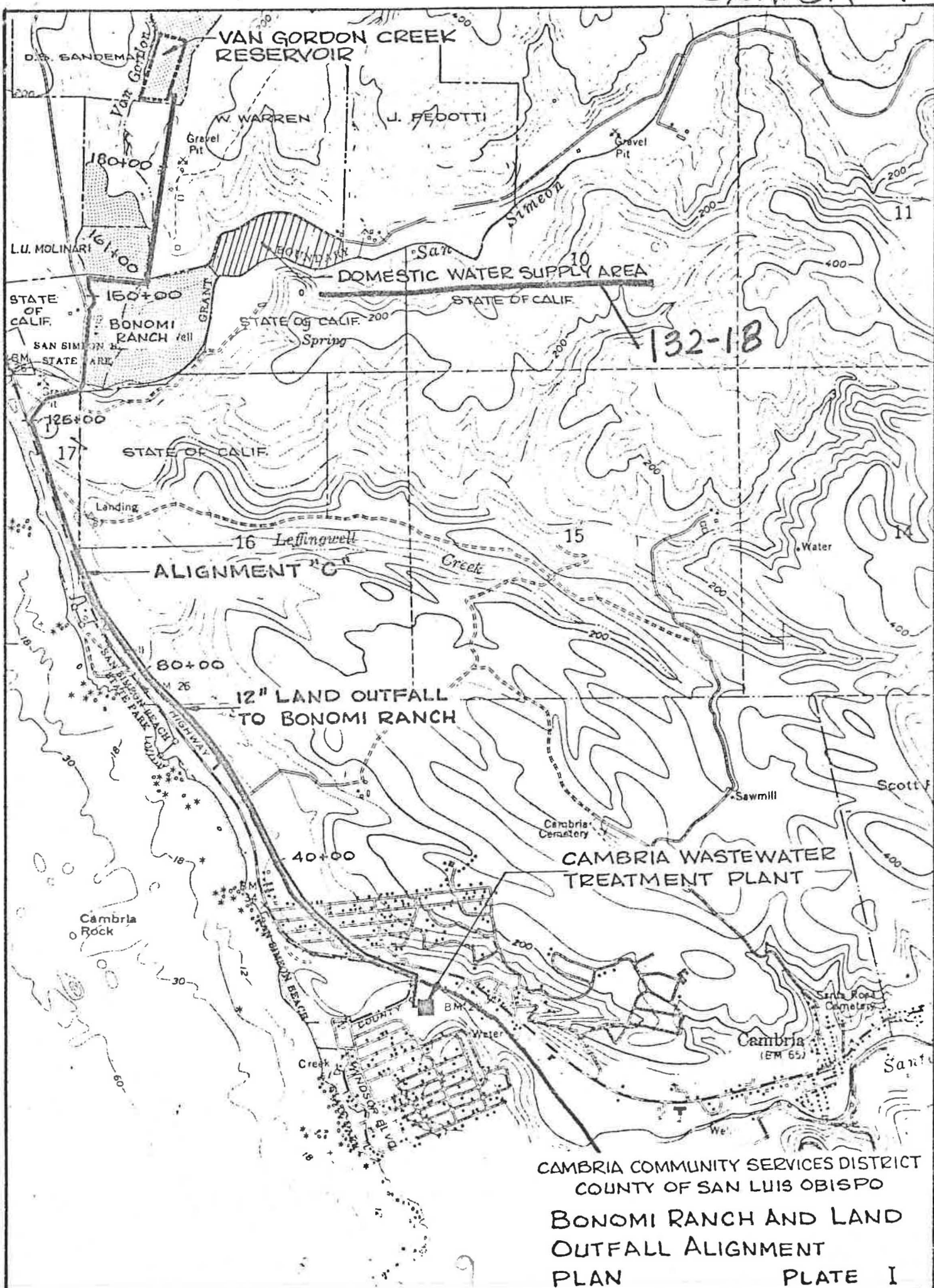
Feasibility Report  
EIR

Correspondence to JoAnne Yokota date June 24, 1977  
from William McFerrin, Coastal Valley Engineering.

Correspondence to Gil Torres, SWRCB, dated June 13,  
1977 from Kenneth D. Schmidt

Hydrogeology and Basin Management for the proposed  
San Simeon Project, prepared by Kenneth D. Schmidt,  
Groundwater Quality Consultant.





CAMBRIA COMMUNITY SERVICES DISTRICT  
 COUNTY OF SAN LUIS OBISPO  
 BONOMI RANCH AND LAND  
 OUTFALL ALIGNMENT  
 PLAN  
 PLATE I



EXHIBIT 2

10

PROPOSED DIST