

United Lot Owners of Cambria
“UnLOC”



November 5, 2003

Via e-mail: tluster@coastal.ca.gov

Tom Luster
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, California 94105

RE: Draft Report On Seawater Desalination And The California Coastal Act

Dear Mr. Luster,

First I want to thank you for writing the most un-biased report I have ever seen from the Coastal Commission staff. You have done an excellent job of presenting all the issues and possibilities connected with the potential growth of seawater desalination in California. I do have some specific comments to add in response to your report, but first I would like to give a brief rebuttal to the letter dated September 26, 2003 that was submitted to the Commissioners by Greenspace, the Cambria Land Trust.

Greenspace, the Cambria Land Trust exists primarily for the purposes of saving Cambria's Monterey pine forest and preserving open space in and around Cambria. One of their weapons to achieve these laudable goals is to block any and all attempts to supplement Cambria's domestic water supply, thereby stopping growth of the housing supply. That automatically makes them a sworn enemy of the desalination plant that is proposed by the Cambria Community Services District.

In their letter, they state that the Coastal Commission should be "*Relying only on information and recommendations provided by disinterested individuals and agencies, that is, those who have no private economic stake in the development of desalination including those who would profit from urban growth induced by expanded water sources.*" Greenspace is clearly not a disinterested party, and therefore their information and recommendations should be ignored according to their own argument. They are interested in stopping the Cambria desalination plant (or any other water project for that matter) regardless of any degree of viability. The founders and Board members of Greenspace are private property owners in Cambria who have a stake in that community, so their motivations are no less suspicious than those who would profit from growth that may be induced by expanded water resources.

Brief Comments on the Draft Report:

Experience in California

Desalination is not a new technology. Rather than get hung up on the lack of experience in California, you should start studying the impacts of plants in other regions.

Consumptive use

A privately owned and operated desalination plant would not "consume" water. It would only treat it before distributing it for public consumption.

Protecting the entitlements and value of vacant lots in Cambria

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Existing vs new development

Table 2 on Page 8 lists several proposed plants and their purposes as Municipal/domestic vs Development, as if development is inherently something different than municipal/domestic. Development in fact can be for domestic, municipal, or public (visitor serving) facilities. The report seems to really be trying to differentiate between whether a proposed plant is intending to serve *existing* development or *new* development. The debate on whether desalination is a viable water source for California within the context of the Coastal Act should be kept separate from whether any particular new development is appropriate or not.

Public Trust Doctrine

The report raises some good points that warrant further debate concerning whether any taking of seawater is consistent with public trust doctrine. But any Coastal Commission discussion on this subject should also consider the alternative of taking coastal fresh water. Why would taking seawater violate the public trust, but taking fresh water does not, when the state's fresh water is considered to be the property of the people of the state of California? One difference that is already clear is that the State's water laws already carefully regulate how fresh water can be used, and the State Water Board is authorized to grant permits for the taking of that water. The highest and best use of that resource is legally stated to be domestic use. There is presently no similar authority over seawater. If the Coastal Commission is a pretender to that throne, it should get a special mandate from the Legislature, not take it upon itself. The State Water Board is better prepared to be divvying up water resources. This point is somewhat acknowledged in paragraph 4 of Section 3.1.2 Seawater as a Public Resource.

Public or Private Ownership of water services

Section 3.1.3 raises the question: "Should access to clean water be treated as a right and not as a commodity that can be traded for profit?" The answer is that access to clean water should always be treated as a basic human right. This may sometimes mean that if it takes entrepreneurship to get clean water to the people, and government cannot get it done, then the government should not block it as long as it is done in accordance with all statutes, including environmental protections. Our very nation was built by entrepreneurship. How can it be outlawed now?

Growth Inducement

Section 3.2.1 points out very clearly that the Coastal Act provides plenty of ammunition to limit growth in the Coastal Zone without also resorting to legislatively restricting the water supply to areas that are already approved for growth. Therefore potential growth inducement need not be a reason to reject the whole concept of seawater desalination.

Every serious study projects California's population to grow dramatically over the next two decades. Most of the growth will be from within, not from immigration. Meanwhile, our neighbors Nevada, Arizona, and Mexico are increasing their demands on Colorado River water and requiring California to reduce its take. Mono Lake and the Owens Valley are suffering from the continuing taking of water by LADWP. Dams and reservoirs have severe environmental impacts too, and Northern Counties have no intention of allowing their water to come south, or the people to migrate north. But access to clean water is a basic human right. In the face of these facts, development of seawater desalination as one more source of water for domestic consumption is not an option for California, it is a mandated responsibility. Yes, conservation is necessary too, but conservation alone will not be enough.

Sincerely,

Deryl Robinson

President, United Lot Owners of Cambria