

Date: 10/18/99

To: Honorable Board of Supervisors

From: Midcoast Community Council

RE: Request for Coastal Development Permit to replace an existing 10-inch water transmission pipeline in El Granada, with a new 16-inch transmission pipeline.

Compliance with our Local Coastal Program is the number one requirement for granting a Coastal Development Permit. CCWD's proposed project does not comply with our LCP and therefore should be denied a Coastal Development Permit. Noted below are the LCP policies which the County's analysis (see Attachment C) has inadequately addressed:

2.5 Review of Public Works Projects

- CCWD has not submitted a 5-year Capital Improvement Program, they have submitted budgets
- CCWD has not provided any explanation as to what the projects are
- County's comments that historically, capitol improvements are only reviewed by the Planning Commission at the time they are proposed, one at a time - piecemeal, as opposed to reviewing the list of projects for conformance with the LCP - is in direct conflict with the "planning" intent of the LCP.
- There is consequence for failure to adhere to this policy - denial of Coastal Development Permit. See LCP Policy 2.4 Ordinance Conformity

2.6 Capacity Limits

- The County comments fail to note that both Half Moon Bay's and the Midcoast's LCPs are currently in transition – meaning that this project is based on erroneous buildout numbers.

2.9 Phase I Capacity Limits

- The County has neglected to comment on a key point in this policy: *The County will monitor the needs of existing land uses and use these results and the existing and probable future capacity of related public works and services to document the need.*
- Related public works and services includes highways, schools etc

2.12 Timing and Capacity of Later Phases

- No information has been provided on the timing and capacity of later phases
- The County notes that this project will not increase the supply of water that the District is permitted to access – they neglect to mention that this project is one of several requirements which CCWD must meet prior to accessing an increased supply of San Francisco water

The County neglects to comment on the two most crucial concerns of the Midcoast residents:

2.12c (2) considering the availability of related public works to establish whether capacity increases would overburden the existing and probable future capacity of other public works. What is the impact of this project on our highways, currently rated at a level of service, "F"?

2.12c (3) considering the availability of funds. How and by who is this project being funded? The 4 year capital expansion program is estimated by CCWD to cost \$18M, but no funding mechanisms have been described.

2.12d The whole project has not been described. This is a water system requiring at least 4 types of projects for the components of the expansion to work together: transmission, treatment, storage and supply. The Coastal Commission regards piecemeal development as the single most common abuse of LCPs. That is why County LCP Policy 2.12d is so unequivocal in requiring "every phase [of a project] to go through the development review process." The Commission will not be fooled by CCWD's transparent attempt to separate the pipeline from the rest of the water system expansion. These other phases (storage, treatment, other pipelines, and new supply) are required to fully utilize the pipeline. To put it another way, at least some taxpayer money will be wasted on the pipeline if the other parts of the system are not expanded to

fully utilize its capacity. By ignoring the piecemeal (aka cumulative effects) area, the County is asking to be chosen for a Coastal Commission audit of its LCP compliance.

2.31 Conservation

This policy requires the County to encourage water conservation programs to reduce existing and future demand. CCWD's own records indicate that water consumption per house per day has increased from 170 gallons at the end of the drought in 1993 to about 260 gallons today. CCWD has not increased conservation programs in proportion to the 50% increase they have presided over. The County has no business approving water system expansion when the consumption data prove that it has not carried out its LCP responsibility to encourage conservation in the face of this prolonged trend of increased consumption. In short, the County has done nothing over the past 6 years while water use per house has returned to its pre-drought levels.

Note that the use of 'pre-drought' water consumption figures in CCWD's pipe size calculations is one of the areas of the HMB pipeline appeal that the Coastal Commission has already found to be a "substantive issue". The County LCP comments imply that conservation will not work here, even though the Coastal Commission in its reply to the HMB appeal indicates that conservation works everywhere else. This is another mechanism by which CCWD twists the 'demand' numbers so as to justify the largest possible expansion. Again, the Commission finding a substantive issue here indicates that they are not fooled by this approach. The County's has simply dropped the ball in that the 50% CCWD water use increase per house has been allowed to increase for 6 years without any corresponding action by the County to meet its LCP responsibility "to reduce existing and future water consumption".

Policies 2.32 thru 2.36

Storage and Supply all relate to balancing any water system expansion with other aspects of the system required for the expansion to work and provide a reliable supply. For example, the biggest pipe in the world has no utility and wastes money to build if no water is available or affordable to fill it up. All the water in the world does no good if big enough treatment plants are not available to make it potable. The fact that CCWD is not proposing to get more water at this time is more evidence of piecemealing, not evidence that more water is not an eventual part of this project. The same is true for storage. For example, the LCP is clear in Policy 2.36(2), that permitting of any facilities "to increase water supply" be accompanied by findings that "storage is adequate to insure that sufficient emergency supply is available and any additional development allowed because of this increase will be served during dry summer months". CCWD has ignored these LCP policies by considering the 260% bigger pipe line in isolation from the rest of the system it is connected to and in fact, relies on to perform to its full capability.

Conclusion

Denying this CDP will not result in a Coastal Commission appeal because the Commission's current policy is not to hear appeals of CDP denials. In fact, denial will incent CCWD to come back with a full description and environmental impact analysis of the entire expansion program to acquire, treat, transport and store Phase 2 water. This is what the LCP plainly requires. Grand Jury, engineering and piecemealing analysis based on CCWD's numbers are not a substitute for bonafide LCP compliance. The County can be assured that full disclosure and LCP compliance will be required by the Coastal Commission if the proposed CDP is granted based on the incomplete record now before the Board.