



Press Release

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FOR IMMEDIATE RELEASE:

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Environmental Groups Sue State Lands Commission over Desalination Plant

Groups Charge Incomplete Assessment of Carlsbad Project Impacts

SAN DIEGO, CA – Yet another approval of the Carlsbad Desalination Project was challenged in San Diego Superior Court today. This time, it was the California State Lands Commission's August 22nd, 2008 approval of a state tidelands lease critical to Poseidon Resources operation of seawater intake and discharge infrastructure. Two environmental groups, San Diego Coastkeeper and Surfrider Foundation, San Diego Chapter, filed the lawsuit which claims the agency acted without fully assessing the project's impacts as required by law.

The City of Carlsbad prepared an environmental review of the project in 2006. However, under state law, the State Lands Commission was obliged to examine the project in light of new information and any changed circumstances that have arisen since the City's original approval.

In the two years since the initial City review, the California Coastal Commission determined that the desalination plant will impact the equivalent of at least 37 acres of sensitive lagoon habitat, and be responsible for the discharge at least 97,000 metric tons of additional carbon dioxide into the atmosphere each year. Neither impact was considered in the City's analysis, prompting the groups

to ask the State Lands Commission to more thoroughly review the project and fulfill its state law requirements.

“The State Lands Commission’s analysis was inadequate both legally and practically.” noted Gabriel Solmer, Legal Director of San Diego Coastkeeper. “Because the Commission knew of impacts the City did not include, it was legally obligated to do the subsequent analysis itself.”

Of particular concern are the project’s indirect emissions, which have never undergone environmental review under the California Environmental Quality Act (CEQA). Last year’s historic *Global Warming Solutions Act* (AB 32), coupled with recent litigation brought by the California Attorney General, have signaled that agencies must now consider, discuss, and mitigate global warming impacts in their environmental review documents. As these legislative and legal mandates occurred largely after the City completed its review, the lawsuit aims to have this further analysis included in a supplemental or subsequent environmental impact report.

Throughout the administrative process, both San Diego Coastkeeper and Surfrider asked the Commission to conduct a new analysis of the greenhouse gas emissions and marine impacts caused by the desalination plant. However, the Commission decided instead to adopt a mitigation plan almost identical to that of the Coastal Commission. The Coastal Commission’s approval of the project is currently being litigated, as is an approval by the Regional Water Quality Control Board last spring.

“The law is amazingly straightforward on these issues, and we have been completely candid about our positions before all of the agencies,” noted Surfrider attorney, Marco Gonzalez.

“Unfortunately, the political pressure to approve the project has been so great, certain environmental standards have been ignored.”

Founded in 1995, San Diego Coastkeeper protects the region's bays, beaches, watersheds and ocean for the people and wildlife that depend on them. We balance community outreach, education, and advocacy to promote stewardship of clean water and a healthy coastal ecosystem.

The Surfrider Foundation is a non-profit organization dedicated to the protection and enjoyment of the world's oceans, waves, and beaches for all people.