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Court fight over test well moved again — this time to Santa Cruz

■ Storms delays drilling

By KELLY NIX

A LAWSUIT aimed at stopping California American Water from drilling a desalination test well in Marina was moved from Monterey County to Santa Cruz County this week, while rainy weather forced a delay in work on the project.

On Wednesday, attorneys for Cal Am and Marina Coast Water District — the agency that filed the suit against the California Coastal Commission for issuing a permit to Cal Am for the test operation — agreed to have the case heard in Santa Cruz. Marina Coast believes it can't get a fair trial in Monterey County, although the agency has not explained why.

This week, after lawyers for Cal Am and Marina Coast went back and forth over procedural issues related to the lawsuit, Monterey County Superior Court Judge Thomas W. Wills directed them to try to reach an agreement on where the case should be heard. The parties decided on Santa Cruz County and also agreed that the case wouldn't be heard until after Jan. 6, 2015.

Unanimously approved

Marina Coast is seeking a restraining order to prevent Cal Am from drilling the test well, claiming that the well will cause environmental harm to dune habitat. That argument will be heard when a Santa Cruz judge takes up the case. The coastal commission unanimously approved the test well at a Nov. 12 meeting in Half Moon Bay.

Marina Coast originally filed the lawsuit in Sacramento Superior Court, and also removed the first judge assigned to the case. Last week, though, Sacramento County Superior Court Judge Michael P. Kenny granted Cal Am's request to have the case heard in Monterey County — a decision that

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McInchak's widow to carry on with lawsuit

■ Perotti, Fenton cases still pending, too

By MARY SCHLEY

THE WIDOW of Steve McInchak — who died in October while pursuing a lawsuit against the City of Carmel for employment discrimination and “intentional and negligent infliction of emotional distress” — will continue pursuing the suit, according to McInchak's lawyer, Michelle Welsh.

The news came after a hearing Tuesday in Monterey County Superior Court Monterey to get the suit back on track after McInchak's sudden death of a heart attack.

Some parts of the original lawsuit will be dropped because McInchak is no longer alive, and “the judge wanted to know which causes of action survived his death,” Welsh explained. Also, his widow, Karen McInchak, will become his “personal representative” in the suit for the remaining causes.

The judge set a case management conference for April 14, 2015, “to report that all has been done, and then probably he will set it for a settlement conference and trial,” Welsh said.

Meanwhile, former administrative coordinators Margi Perotti and Leslie Fenton — who were put on leave in October 2013 and fired in March of this year by former city administrator Jason Stilwell — remain in negotiations with the city to get their jobs back. The two women were fired amidst accusations of accessing

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Commission recommends rings to limit beach fires

■ Restrictions on parties also on table

By MARY SCHLEY

IF WE get good weather on Christmas, Carmel Beach will be dotted with fires as revelers enjoy the holiday amid some of the greatest scenery on the California coast. On pleasant summer evenings, more than 100 fires can often be

seen on the beach. But if the city council accepts the recommendations of the forest and beach commission, the maximum number will drop to a little more than two dozen, and there will be restrictions on what can be burned.

Fires emit a lot of smoke and leave the sand full of soot and burned detritus, and for decades, people have argued about whether they should be limited, or banned outright. Carmel Beach is reportedly one of the few government-

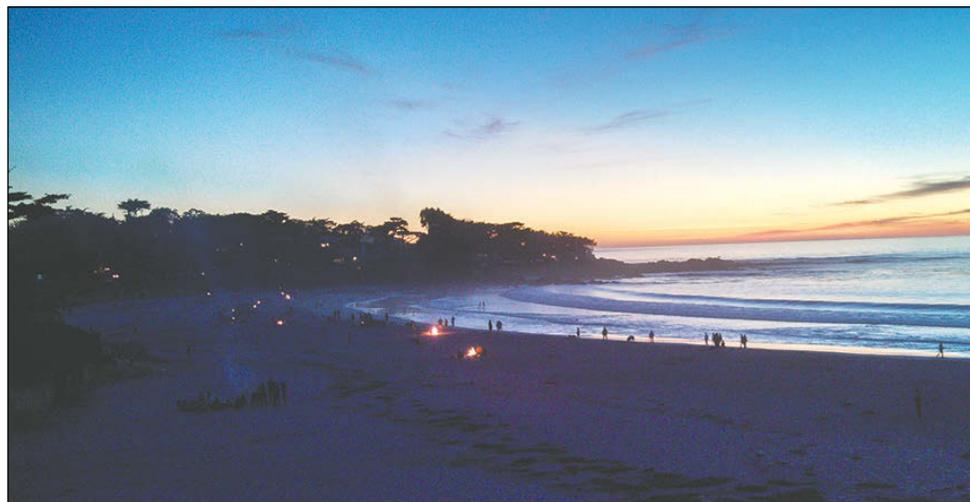
owned beaches in the state that doesn't restrict the number or type of fires.

Under current city law, fires can only be built south of 10th Avenue and must be put out by 10 p.m. To control them further, last Thursday, the forest and beach commission voted 3-2 to recommend that the planning commission and city council approve the installation of fire rings and require that fires only be built in them. Further, just “dry-aged wood” could be burned — not driftwood, scrap, treated wood, pallets or trash.

The changes would constitute a year-long experiment on ways of reducing the negative effects of beach fires.

Commissioners Karen Ferlito and Kathy Bang developed a list of recommendations, based on workshops, feedback and their own research. Specifically, they call for 26 fire rings, of a design yet to be determined, to be placed along the sand south of 10th Avenue: Two at the bottom of the staircases at 10th, 11th, 12th, 13th and Santa Lucia, and four in the stretch between

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PHOTO/MARY SCHLEY, RENDERING/CITY OF CARMEL

A warm night induces people to light numerous fires on beautiful Carmel Beach, even in the off-season (top). Aiming to keep the sand white and control the number of fires, the forest and beach commission is recommending the installation of 26 fire rings, as shown on the aerial image above.

Rain fills new channel at dam removal site

By CHRIS COUNTS

FOR THOSE who lobbied hard for the \$83 million project to remove the San Clemente Dam, the sight last week of water flowing down the recently cut channel between the old Carmel River and its new route was cause for celebration.

“I really thought of it as a historic moment,” said Lorin Letendre, president of the Carmel River Watershed Conservancy, who visited the site Dec. 10. “The river has never gone into a new channel like that. It was so gratifying to see.”

Last summer, the new channel was cut to divert the Carmel River away from San Clemente reservoir into San Clemente Creek. A dike was constructed to keep the water from flowing into its former path, which is now a stockpile of sediment that was dredged from behind the dam. If all goes according to plan, the sediment area will one day be covered with the same upland scrub vegetation found on surrounding hillsides.

Next year, the dam will be removed, and the habitat disrupted by the three-year construction project will be restored. Once the flows in the Carmel River reach a suitable level — likely in May — a section of the river will be routed into a diversion pipe, creating a dry river bed.

Next, a series of step pools will be constructed along a steep section of the river so steelhead will be able to make their way upstream from below the dam to spawn.

If all goes according to plan, next summer will also see the actual removal of the dam. It is unclear how the dam will be taken down, but Cal Am project manager Aman Gonzalez told The Pine Cone Cal Am is considering two possible meth-

ods — one that requires explosives and another that involves using heavy equipment to chip away at the concrete. California's Department of Water Resources dam safety division will need to sign off on whatever method is used.

Constructed in 1921, the 106-foot-high concrete arch dam

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Rock Scully, 73, CHS grad who managed the Grateful Dead

By CHRIS COUNTS

THE MANAGER of the Grateful Dead for two decades and a 1959 graduate of Carmel High School, Rock Scully died this week in Monterey at 73. He had been battling lung cancer.

Scully was the son of Milton Mayer, an editor and columnist for The Progressive magazine, and Jane Mayer, who was active in Carmel politics. The family moved to Carmel Point in 1951 and lived in the Custer House. Scully and his brother, Dicken, spent many an afternoon at nearby Carmel River Beach, which they knew as Stewart's Beach.

“That was our playground,” recalled Dicken, who said the

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