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SANTA LUCIAN



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Doc Searls

Diablo Up Against It

It's political support is collapsing, renewable energy is advancing, and environmental law is catching up to California's last nuke

By The Alliance for Nuclear Responsibility

They say it's no coincidence "some things that happen in threes," and that's certainly been true this spring for Diablo Canyon and its ongoing watchdog, the Alliance for Nuclear Responsibility (A4NR).

The unifying theme: Taken together, three actions point to a limited future for Diablo Canyon and greatly diminished odds for license renewal.

1: Senate Bill 968

On March 29, SB 968, authored by Bill Monning (D-Carmel), passed unanimously out of the Senate Energy Committee on a bipartisan vote. SB 968 would require PG&E, under the supervision and auspices of the CPUC, to conduct a study of the adverse impacts to the SLO economy and include potential actions to mitigate those impacts if Diablo were to close prematurely or PG&E

decides not to pursue license renewal for an additional 20 years of operation after 2024.

The Monning bill was co-authored by Senator Hannah Beth Jackson (D-Santa Barbara) and Katcho Achadjian (R-San Luis Obispo). In addition to testimony from A4NR attorney John Geesman at the hearing, the County of San Luis Obispo and the San Luis Unified Coastal School District spoke in support and expressed their thanks to the bill's authors. The Cities of San Luis Obispo and Morro Bay also support the bill, as does the SLO Economic Vitality Corporation.

At the hearing, before calling for the vote, Senator Ben Hueso, chairman of the Energy Committee, said "In my experience working here in California, I can tell you that I don't think nuclear power is in Cali-

fornia's future. I don't think it is in the horizon.... the consensus of the legislature, of leaders, is that we want to move in a new direction."

Hardly a ringing endorsement for twenty more years of Diablo's operation, and a hint that SB 968's call for an economic "plan B" for SLO County is prescient. The bill now moves to the Senate Appropriations Committee, then to the Assembly. To watch the hearing, and for more information on SB 968, visit: a4nr.org/?p=3776.

2: State Lands Commission permit extension

On April 5, the State Lands Commission heard a staff report and public comment regarding PG&E's outfall lease permits for Diablo, which will expire in 2018 and 2019. At issue is whether or not PG&E will be required to conduct a full California Environmental Quality Act (CEQA) review in order to get the permits extended to the end of the NRC reactor licenses in 2024/2025. PG&E (and the three IBEW union representatives speaking at the hearing) were only asking for extensions to match the current license expiration and not an extra 20 years. Even if a full Environmental Impact Report under CEQA is somehow waived, PG&E would still be required to conduct an Analysis of Public Trust Resources and Values. As the staff report noted:

Notwithstanding the appropriate CEQA consideration required, the Commission must prepare an analysis of how the DCPD affects Public Trust resources and values. Unlike an EIR...[T]he Commission must consider impacts to the various Public Trust resources and values and balance them in the best

DIABLO cont. on page 6

Election Day is June 7

Sierra Club endorsements



U.S. Congress:
Salud Carbajal

The race for the 24th Congressional district is one of the most hotly contested electoral contests in the country this year.

In 2004, Carbajal was elected to the Santa Barbara County Board of Supervisors, where he has demonstrated a commitment to protecting the environment, promoting sustainability,



State Senate:
Bill Monning

Monning was the first California state senator to express deep misgivings about how the Trans-Pacific Partnership (TPP) would impact the environment, energy, and natural resources in our state (see page 5).

He authored the Sustainable Seafood Labeling Act -- the first such legislation

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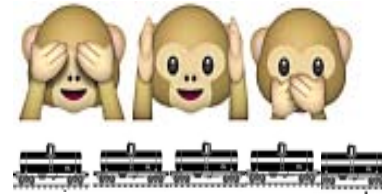
Board of Supervisors:
Eric Michielssen

It's almost as though Michielssen's multiple career paths were designed to make him uniquely qualified to represent his district on the board of supervisors.

A resident of San Luis Obispo County since enrolling at Cal Poly in 1967, he earned a degree in Sociology and Public Administration, obtained a teaching credential from Cal Poly and taught special education and coached varsity tennis from 1973-78.

After teaching, he was a real estate professional for nearly 20 years, owning

A Perfect Picture of Paso's Political Problem



Outside the ranks of Phillips 66 Santa Maria Refinery employees, it's getting pretty hard to find actual supporters of the oil company's proposal to haul millions of gallons of Canadian tar sands crude oil through the county in mile-long trains comprised of tank cars that have an increasingly dubious record of derailling, spilling, and exploding in enormous fireballs -- and that's in addition to air emissions that would exceed hazardous air pollution thresholds.

But *The Tribune* managed to find a small group of folks willing to take a firm "What me worry?" position on the project. And oddly enough, they're all running for the District 1 seat on the County Board of Supervisors.

On April 7, per the *Tribune*, "In an instance of unanimity, all four candidates said they support the proposal by oil company Phillips 66 to build a rail spur at its Nipomo Mesa refinery to allow the facility to bring up to five large oil trains a week."

No doubt, the candidates consider this position to reflect the sentiments of a majority of their constituents. They shouldn't be so sure. The oil train activists we work with, in the course of canvassing North County communities and knocking

on doors to educate people about what the Phillips 66 project would mean for them -- especially those living within half a mile of the Union Pacific main line, aka the "blast zone," home to the majority of the residents of Paso Robles -- have found no love for oil trains.

It may be that one brave and/or smart District 1 candidate will eventually prove savvy enough to realize that he is out of step with his potential constituents and it would behoove him to break away from the pack and

show some concern for the health and welfare of the North County residents who don't feel like auditioning for the role of human sacrifice in the name of an ideology that champions any industry's upward-marching profit margin at any cost.

That smart candidate may realize that such ideology wears thin fast when the realization sets in that "any cost" includes cardio-pulmonary disease, watching the oily destruction of your favorite creek, or the incineration of your home, your business, your family and a large swath of your community.

Burning Britches: The Sequel

More tall tales about oil-by-rail

Last month, we recounted the saga of the lawyer in Benicia who told the city council a whopper about the recommendation of SLO County planning staff on the proposed Phillips 66 oil train terminal ("Oil Train Project Burns Britches," April). The lawyer was urging the city council to join SLO County's Planning Department in agreeing that their city has no authority over up-rail environmental impacts from a similar oil train project bearing down on them, and could not consider such impacts in deciding whether to permit the project... the only problem being that SLO



County planners had, in fact, concluded precisely the opposite. More on that later.

We've also exposed attempts by the Phillips rail spur website to misrepresent its own p.r. efforts as editorial support by the local media, causing the local media to tell them to stop ("Phillips 66 P.R. Gets Fact Checked," Feb.), and re-

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Please recycle

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When “Community Solar” Isn’t

If you can’t beat ‘em, fool ‘em



On March 29, Kate Sheppard, senior reporter on environment and energy for the Huffington Post, published a story that illuminated the lengths energy utilities are going to in an attempt to clean up their image and pull out of the “death spiral” that the rise of rooftop solar power has plunged them into: more people switching from utility-supplied power to their own solar power when they determine rooftop solar makes better financial sense, leaving the ranks of utility ratepayers, causing the utilities to raise rates on remaining ratepayers, which causes rooftop solar to look even more attractive, which causes more ratepayers to leave the utility in favor of rooftop solar, etc.

Since the spectacle of monopoly utilities fighting to kill off rooftop solar nationwide has not been a great look for the utilities, the Edison Electric Institute, the trade organization for investor-owned electric companies, has hired a communications consultant to work on their image problem.

The Huffington Post obtained a full audio recording and transcript of EEI’s January board meeting, in which Brian Wolff, EEI’s executive VP for public policy, revealed a major image-brightener for utilities: They will start referring to their huge solar farms as “community solar” instead of “utility-scale solar.”

We’ll let Ms. Sheppard take it from there in the following judicious excerpts, which contain the crux of the matter. Her entire article is worth seeking out on line -- either under its original title “This Messaging Guru is Helping Utilities Clean Up Their Appearance” at HuffPo, or as more evocatively titled at Grist, “PR guru attempts the impossible: convince every utility companies are all right.”

This is a particularly hot issue in the world of electricity policy. Across the country, the price of installing solar panels on homes and businesses has declined, thanks to market forces and policies like tax incentives that make it more appealing.... Rooftop solar gives individuals and businesses independence, and expands energy sources beyond utility companies.

“Utility-scale” solar is nice, the advocates say, but people and communities should also be producing energy from the sun.

The messaging plan the utility industry is developing seeks to tap into that

sentiment by dropping the term “utility-scale solar” in favor of “community solar.”

“‘Community solar’ really resonated with customers... They really wanted something that defined what it meant to be community,” Wolff said at the meeting. “We should proceed with the terminology that is more favorable to us,” he said. “And ‘community’ is clearly more favorable to us.”

One problem, though: “Community solar” is already a term in use to describe something outside the utility industry. It refers to solar projects owned by the public or a joint entity

— panels on a shared housing complex, for example, or an array shared by multiple businesses pooling their funds. There are 91 community solar projects around the country, according to the Solar Energy Industries Association....

Bryan Miller, a vice president at the rooftop solar company Sunrun and president of the Alliance for Solar Choice, said he thinks the branding effort reflects

utilities’ growing concern about rooftop power systems taking a chunk out of their business. He called the co-option of community solar “dishonest politics,” given the fight utilities have waged against rooftop solar in some states.

“Instead of renaming their actions, they should change their actions,” said Miller. “Then they wouldn’t have to worry about how to spin them.”

Sierra Club General Meeting

David’s Dozen: The Best Unfamiliar Hikes in San Luis Obispo County

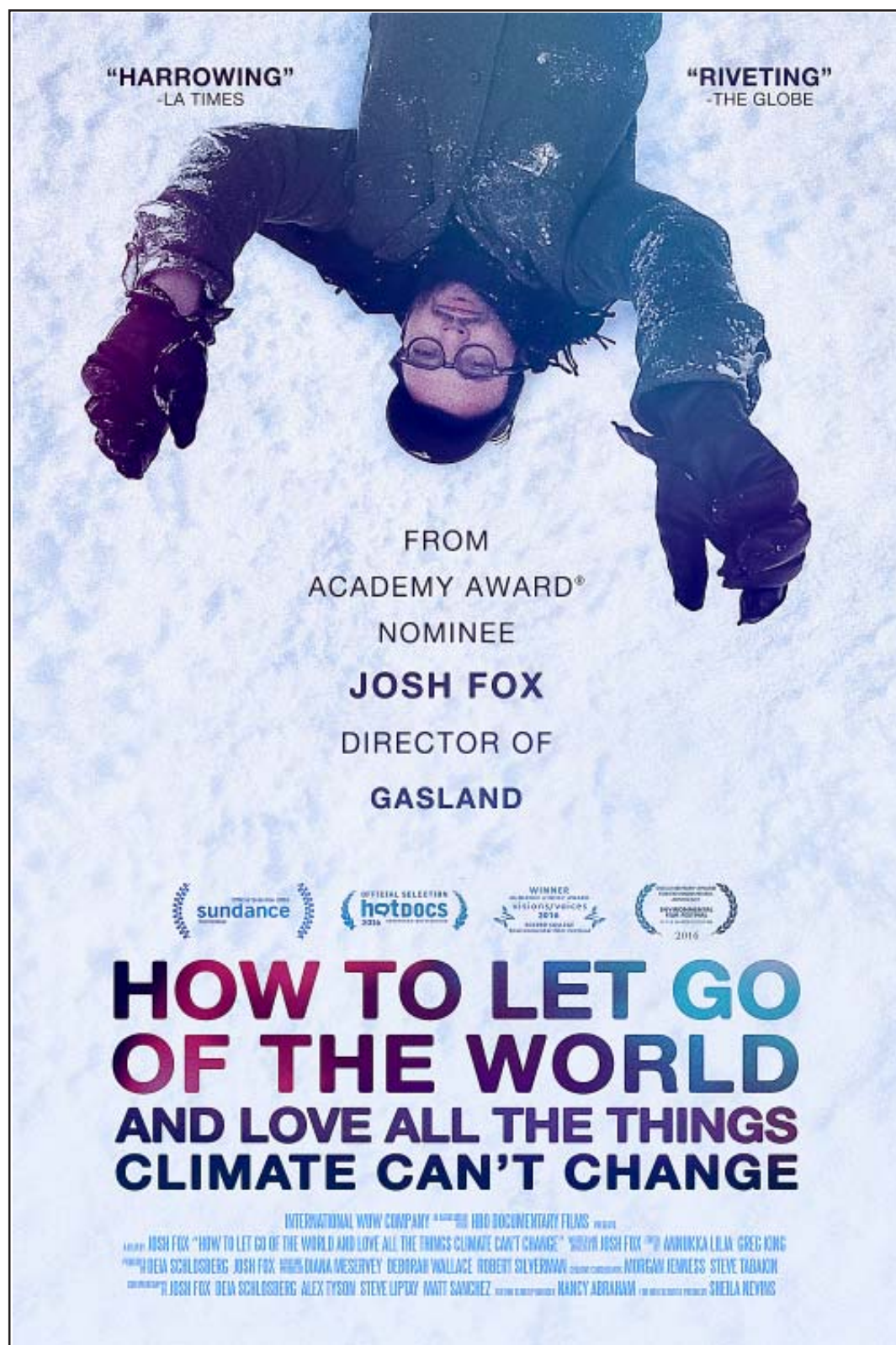
7-9 p.m., Tuesday, May 31st

Experienced outings leader David Georgi treats us to a presentation of another dozen of his favorite, less-travelled trails, with slides, of course. Last year’s edition drew an SRO crowd, so come early to get your seat. Environmental announcements begin the meeting.

Steynberg Gallery, 1531 Monterey St., SLO.
Info.: Joe Morris, 549-0355.



May 9: Josh Fox Comes to SLO with New Film



Oscar-nominated *Gasland* filmmaker Josh Fox is back with a harrowing new film on climate change. In *How to Let Go of the World and Love All the Things Climate Can't Change*, Fox continues in his deeply personal style, investigating the greatest threat the planet has ever known.

Traveling to 12 countries on 6 continents, the film acknowledges that it may be too late to stop some of the worst consequences and asks what is it that climate change can't destroy? What is so deep within us that no calamity can take it away?

We're already seeing the impacts of climate change. Now is the time for communities to come together to take action to stop fossil fuel development and transition to 100% renewable energy. That's what the Let Go And Love Tour is about -- pulling into SLO on May 9.

For venue and times, go to www.howtoletgomovie.com.

Thank You, Jerry Connor

Sierra Club lost a great Central Coast activist with the passing of Jerry Connor on April 4 in Santa Maria. Mainstay of the Los Padres Chapter's Arguello Group in Northern Santa Barbara County for at least twenty years, Jerry was known as an indefatigable outings leader and program organizer, and served as the Chapter's delegate to the annual meeting of the California-Nevada Regional Conservation Committee in San Luis Obispo.

“Jerry’s years of dedication and hard work for the Sierra Club will be deeply missed,” said Los Padres Chapter Chair Jim Hines. “I am filled with sadness but take comfort in knowing Jerry is leading great hikes in a special place now. A great man who worked for so many years on issues for us in North SB County, and his outing trips were enjoyed by so many, many people over the years.”



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The Executive Committee meets the second Monday of every month at 5:30 p.m. The Conservation Committee meets the second Friday at 1p.m. at the chapter office, located at 974 Santa Rosa St., San Luis Obispo. All members are welcome to attend.

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Britches

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counted how Phillips 66 came to have a fine levied against it by the Fair Political Practices Commission for sending out a deceptive mailer on a ballot initiative (“The Ongoing Struggle: Phillips 66 v. Truth,” April).

Maintaining tradition, Phillips 66 representatives at the April 15 County Planning Commission hearing on their proposed Nipomo Mesa oil train terminal tried to find any way they could to avoid admitting to the volatility of the diluted Canadian tar sands crude oil bitumen – “dilbit” – that they want to haul through the County every week. Company reps made several attempts to downplay the reasons why this substance is classified as “packing group one,” the highest level of hazard classification for rail shipment. Finally Planning Commissioner Jim Irving asked refinery superintendent Jim Anderson, “Is it going to blow up or not?”

“We’ll use 117-R cars,” Anderson replied.

Planning staff finally put an end to the applicants’ tap dancing, pointing out that, yes, rail-transported tar sands dilbit can and does blow up, producing the giant fireballs we’ve all seen on the news, and presents a “significant risk.”

Then the lawyer for Phillips 66 assured the commissioners that the risk assessment in the project’s Environmental Impact Report was based on five trains per week, not three; it assumed the use of older rail cars, not the 117-R type proposed for the project; and the report’s assessment of the volatility of the oil was “based on the volatility of Bakken crude as a surrogate” for the tar sands crude the trains would actually be carrying. And because the EIR made all these mistakes, the impacts of the project would be much less than supposed.

John Pierson, the County’s EIR consultant immediately responded “That’s not an accurate statement,” and pointed out that, in fact, the hazard assessment was based on tar sands crude, it *did* assess the alternatives of both five and three trains per week; it *did* assess the use of 117-R tank cars, and the result of all those assessments was that the impact of the project in any configuration “was a significant impact.”

Fortunately for the oil company’s lawyer, the three strikes law did not apply.

More rain on Phillips’ slippery parade: Staff pointed out that the oil company’s grand gesture to cut the proposed number of trains from five to three per week would reduce the heightened on-site cancer risk, but would not reduce the level of diesel particu-

What Happens Now?

On May 16, the County Planning Commission will vote on the permit for an oil train terminal at the Phillips 66 refinery on the Nipomo Mesa. At press time, we don’t know what they’re going to decide, but we know this: It ain’t over. The Planning Commission’s vote will be the end of the first chapter in the saga of what needs to be done to save the Central Coast from the threat of oil-by-rail.

On May 18, the groups that have been organizing to stop this project will lay out the rest of the story, and what part you can play in it.

A Stop Oil-by-Rail Town Hall: Next Steps
6 p.m. Wednesday, May 18, SLO County Library Meeting Room

RSVP to sierraclub8@gmail.com



PROTECTSLO.ORG

California Attorney General Kamala Harris says communities have the right to #StopOilTrains



late matter below maximum permissible levels, putting the County out of attainment for federal air quality standards and thereby triggering a county-wide regulatory crackdown on all commercial enterprises.

Deputy County Counsel Whitney McDonald also pointed out that the three-trains-per-week offer is “likely not enforceable” as a condition of a permit. The popular threat heard throughout these hearings — if they can’t get a permit for an oil train terminal to bring in the world’s dirtiest oil, Phillips will just turn to lots and lots of tanker trucks — deflated when it was pointed out that such a plan would be proscribed both by the capacity of the Santa Maria pump station and by Santa Barbara County’s cap on oil truck traffic.

Word from on high

As we predicted it would last month, Phillips is concentrating its legal firepower on a two-front war: federal preemption and Environmentally Sensitive Habitat Area (ESHA).

On the federal preemption front, after the Benicia lawyer’s pants-on-fire attempt to trick the city council on this issue, the Valero oil train project was dealt a major rebuke in an April 14 letter from California Attorney General Kamala Harris -- a rebuke that applies equally to those making the same preemption argument in the attempt to push the Phillips 66 project through in SLO.

Harris wrote:

[Federal Interstate Commerce Law] does not preempt or constrain the City’s discretionary decision-making authority where, as here, the City is exercising that authority with respect to a

project undertaken by an oil company that is not subject to the jurisdiction of the Surface Transportation Board (STB).

That’s the state’s top cop pointing out that an oil company is not a railroad. She continued:

In fact, for Benicia to turn a blind eye to the most serious of the Project’s environmental impacts, merely because they flow from federally-regulated rail operations, would be contrary to both state and federal law.

On the ESHA front, Phillips is continuing to argue that twenty acres of the rail spur construction site cannot legally be considered Environmentally Sensitive Habitat Area – a no-development-allowed designation – based on administrative technicalities relating to timing of the submission of the permit application. The entity that literally wrote the book on ESHA and is the final arbiter in such disputes, the California Coastal Commission, dismissed Phillips’ arguments

in February in a letter to the County. Cassidy Teufel, a senior environmental scientist with the Commission, wrote that their staff’s 2015 evaluation of the site “support(s) the finding that a substantial area of sensitive dune vegetation is present within the proposed project footprint and that this habitat is an environmentally sensitive habitat area (ESHA) based on its rarity and susceptibility to disturbance or degradation.”

Phillips lawyer told the planning commission we have “a struggle in our gut” over this issue because it seems unfair that Phillips, after being allowed to build an oil refinery, can’t also build a rail spur just because of some rare and threatened species cluttering up the place.

The point was moot, according to the lawyer, because the original map of ESHA at the refinery site, circa 1986, did not indicate that ESHA was present on the 20-acre parcel now designated as the area for the proposed rail spur, and the fact that the County’s field review team, a Fish and Game biologist and Coastal

Commission staff subsequently determined that the site is ESHA simply doesn’t matter -- i.e. it’s too late, carved in stone, can’t make any changes.

Planning staff punctured that argument by pointing out that “there’s no vesting status” in the map of ESHA, and in fact the Planning Commission “can take all the information in the record regardless of the timing of when it was submitted and apply it to whatever decision you choose. Just because the information came later doesn’t mean you have to ignore it.”



Here’s the problem County air pollution control officer Larry Allen pointed out to planning commissioners at their April 15 meeting that the Phillips 66 project will emit particulate matter above the limit for healthful air quality, no matter how Phillips might configure the project.

A Hot Summer in Avila Beach

By Concerned Citizens for Avila

Save the Date: June 13 Budget Vote for Avila Area Plan Update

On Monday, June 13, the SLO Board of Supervisors will be deciding on allocating \$850,000 to the Avila Area General Plan update. The update allocation is



also needed for the highly important study underway of the unique traffic evaluation method for Avila which dismisses summer traffic and does not allow for its mitigation.

We have been told by Planning staff it is important for Concerned Citizens to be at the meeting, in our blue t-shirts (or any royal blue shirt you have), with a few speakers reinforcing the reasons it is so important to make sure this effort is funded. We will remind them of their 5-0 vote last October in favor of the update, and the 800+ signatures collected on the petition.

Save the Date: July 19 Traffic Study Underway

On Tuesday, July 19, the SLO Board of Supervisors will be discussing the Resource Management System (RMS) concerning traffic in Avila. The RMS Study committee is

made up of 4 members of County staff, a hired consultant, 3 members of Avila Valley Advisory Council (AVAC) and 2 members of Concerned Citizens for Avila. The purpose of the study is to analyze the historical background of and determine if the current method of accounting for traffic analysis in Avila Beach still has merit.* County staff will most likely present several options to the

Board of Supervisors for consideration. County staff hopes to have enough data to complete the study and present to AVAC at the May meeting.

Concerned Citizens are urged to attend the July 19 meeting and show support for this important issue. Wear your royal blue t-shirts! Learn more by attending the Monday, May 9, AVAC meeting, 7 p.m., at the PG&E Community Center, 6588 Ontario Road.

Chevron has its application for a resort on Avila Point “on hold” and, therefore, the EIR has not proceeded.

*Just in Avila, traffic for proposed projects is evaluated solely on a second weekday in May, even for visitor-serving projects that will have most traffic on summer weekends. The outcome is insufficient mitigation of realistic impacts.



It’s time for America to get smart about energy and be less dependent on dwindling oil reserves. We need to increase our use of clean, renewable energy sources like wind and solar power.

Add your voice to protect the planet. Join the Sierra Club today.

Join today and receive a FREE Sierra Club Weekender Bag!



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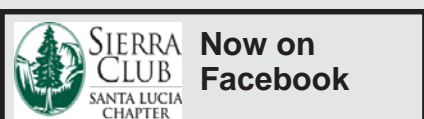
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Outings, events, and more!

Carbajal

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and community welfare.

He has stood up against developments on the Gaviota Coast that threatened preservation efforts, opposed new offshore oil development along our coast, and worked to implement a Climate Action Plan for Santa Barbara county and make solar energy an affordable efficient option for homeowners. He has promoted innovative solutions to addressing environmental sustainability and advocating for job creation in this emerging industry.

Drawing on his childhood experiences growing up in an economically disadvantaged neighborhood, he displays a passion for improving the lives of at-risk



youth, mentorship program for at-risk youth and providing summer programming for kids.

Carbajal has served on a number of national and regional committees focusing on climate change, children and families, and senior issues. He has been recognized for his leadership by a number of organizations, including the Community Environmental Council, which gave him its Environmental Hero Award in 2014.

It's almost needless to add that he has received the Sierra Club's endorsement in every race he's run.

To help out with the campaign, go to saludcarbajal.com.

Monning

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in the nation- and co-authored landmark legislation to reverse the adverse impacts of climate change; advocated for the protection of endangered species and the elimination of animal cruelty; and passed legislation to continue the voluntary tax check-off to fund research for the preservation and safety of sea otters. He worked with the Big Sur Coastal Trail Working Group to develop a community-based planning process for the California Coastal Trail through Big Sur.

When he was first elected to the 17th Senate District, we had some concerns about how the former Santa Cruz Assemblyman would adjust to representing a district containing a nuclear power plant. We needn't have worried. Last Septem-



ber, Monning hosted a Diablo Canyon seismic safety town hall at Cuesta College. He has authored both Senate Bill 968 (see front page), and SB 657, mandating that the funding of the Diablo Canyon Independent Peer Review Panel (IPRP) be extended to the end of the plant's license in 2025. The IPRP's probing questions and pointed critiques of PG&E's "everything's fine" assessments of seismic threats to the plant have been a thorn in the side of the utility, which made a habit of ignoring the IPRP and was looking forward to its early termination. Too bad for PG&E. Thank you, Senator Monning.

To help out with the campaign, go to www.billmonning.org/2016/index.html

Michielsen

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several real estate companies including Better Homes & Gardens. He also helped design and build Vista Del Norte Townhomes and Los Arboles, thoughtfully designed, small-lot infill homes and commercial properties in Atascadero. He recently retired after 17 years as Corporate Broker and Asset Manager for Peoples' Self-Help Housing, an award-winning non-profit that develops affordable housing for low-income and special needs households, where he negotiated property tax agreements with County Assessors and California Franchise Tax Board.

Today, Michielsen and his wife Dana operate Pozo Organic Farm, which they built from the ground up, employing sustainable practices. He represents other organic farmers and farmer's



markets on the County's Agricultural Liaison Advisory Board and serves as SLO Chapter Secretary/Treasurer of California Certified Organic Farmers (CCOF), President of the SLO Natural Foods Co-Op Board of Directors, and was President of the San Luis Obispo Grange. He has served his community as an Atascadero planning commissioner, President of the Chamber of Commerce, and a Special Education teacher at Templeton Elementary School.

Our Political Committee was suitably impressed with Michielsen's grasp of the issues and the fact that he opposes the Phillips 66 oil train project, whereas his opponent won't say.

To help out with the campaign, go to eric4supervisor.com.

But who should I vote for in the race for...?

The Sierra Club only considers endorsement of candidates who elect to participate in the Club's endorsement process. The process is ongoing through much of the election season. At press time, the Sierra Club has not yet endorsed candidates for the U.S. Senate from California or other statewide offices.

Sierra Club California's Priority Bills

Each year, Sierra Club California staff and volunteer leaders work together to analyze and determine Club positions on hundreds of bills at the legislature. From among those on which we take a position, a number rise to the top as priority bills that deserve special attention and that we encourage our members to bring to the attention of their legislators.

This is our Legislative Priority List as of April 3. Check for updates at sierraclub.org/california.

The bills are listed by house and in ascending numerical order. Bills introduced by Assembly members begin with AB. Bills introduced by Senators begin with SB. At press time, some of these bills have been held or killed in a committee or on the Senate or Assembly floor, some have passed through the legislature, and some have been signed or vetoed by the governor. To stay alive, current bills will have to pass out of the Appropriations Committee by the end of May.

AB 2415 (Garcia, E) California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program. This bill, pushed by the natural gas industry, would stifle the state's efforts to accelerate commercialization of zero-emission heavy-duty trucks and buses, including electric drayage trucks and electric

transit buses, by directing funding to trucks powered by polluting methane. **Oppose.**

SB 380 (Pavley) Natural gas storage: moratorium. This would impose an immediate moratorium on natural gas injection and a restriction on natural gas production at the Aliso Canyon storage facility, where a major gas leak occurred in late 2015 and early 2016, forcing evacuation and thousands of residents and releasing tons of greenhouse gas pollution, until certain safety conditions are met. **Support.**

SB 887 (Pavley) Natural gas storage wells. This bill would develop a comprehensive reform of how the Division of Oil, Gas, and Geothermal Resources (DOGGR) oversees methane gas storage wells. **Support.**

SB 888 (Allen) Gas corporations: emergency management. This bill assures a timely response to methane leaks at storage facilities by designating an agency responsible for action and helps to fund those actions with a new account funded by violators. **Support.**

SB 1393 (De León) Intrastate transmission line: safety valves. This bill would require the Public Utilities Commission (PUC) to require utilities to install automatic or remote controlled shutoff valves on intrastate transmission lines that transport gas to or from a storage facility, if it is necessary to protect the public. **Support.**

SB 1441 (Leno) Natural gas: vented and fugitive emissions. The bill would require the California Air Resources Board to include fugitive and vented methane gas in its compliance obligations under cap-and-trade rules in an attempt to fund the reduction of fugitive methane emissions in California's methane gas infrastructure. This means that ratepayers won't be paying for gas that gets vented or leaks. **Support.**

AB 1886 (McCarty) Guarding California's Bedrock Environmental Disclosure Law: CEQA - transit priority projects. This bill weakens CEQA by allowing development further from transit stops than research shows most people will walk to catch a bus or train to receive a transit priority project and undergo less environmental analysis. **Oppose.**

AB 2356 (Gomez) Califor-

nia Environmental Quality Act: Infill Planning Projects. This bill changes baselines for CEQA to a level that will allow impacts from new development to go un-analyzed and unmitigated. It essentially cuts public disclosure and environmental protection for infill projects. **Oppose.**

AB 2002 (Stone). Restoring the Integrity of the California Coastal Commission. This bill requires people who lobby the Coastal Commission to register as lobbyists and disclose their employers. The bill requires a two-thirds vote in both houses to pass. **Support.**

AB 2616 (Burke) California Coastal Commission: Environmental Justice Membership. This bill would increase the membership of the California Coastal Commission by appointing 3 additional members who represent and work directly with environmental justice communities. **Support.**

AB 2628 (Levine) Political Reform Act of 1974: post-governmental employment. This bill prevents ex-Coastal Commissioners from immediately being able to lobby the Commission following the end of their term. **Support.**

AB 1937 (Gomez) Thermal powerplants: certification. Before the Energy Commission (CEC) certifies a new fossil fuel power plant, this bill would require the CEC to assess alternative sources to meet demand. If preferable alternatives exist, the CEC would then be able to reject the certification on the grounds that there are cleaner alternatives to building another dirty power plant. **Support.**

AB 2339 (Irwin) Net energy metering. This bill would give more Californians, especially in communities hardest hit by the recession, access to clean energy generation and its benefits by removing barriers that prohibit many from taking advantage of the net energy metering (NEM) program. **Support.**

SB 215 (Leno and Hueso) & SB 512 (Hill) Public Utilities Commission. These bills would reform the Public Utilities Commission's (PUC) governance structure by more clearly outlining the roles and responsibilities of the commissioners

Coastal Commission Ignores Public

Decision delayed on fees for access to State Beaches

By ActCoastal.org

The April 13 hearing of the Coastal Commission in Santa Rosa was electric with anticipation. A crowd of approximately 500 people gathered that first day of the three-day hearing to show their support for commission staff in recommending a "No" vote for the Department of Parks and Recreation's proposal to charge fees at historically free beaches in Sonoma County.

After seven-plus hours of presentation and public comment, Commissioners

voted to continue the item.

Prior to the vote, acting Executive Director Jack Ainsworth strongly advised against the motion to continue, emphasizing the amount of time already given to the proposal, the ever-increasing staff workload and the disruption of other priorities including efforts to assist counties with Local Coastal Plans, a long-standing issue of urgency.

The Commission's staff report highlighted the fee issue as a social justice

issue. The proposed charge of \$8 would deter many people from visiting state beaches and parks and would diminish the ability of others to visit as often. The reality is, for many residents of Sonoma County \$8 is a substantial charge, especially when the cumulative amount is considered. A weekly trip to the beach would end up costing a family over \$400 per year.

Particularly touching testimony came from Kashia Pomo tribal members who pointed out that these are

sacred spots and DPR would essentially force them to "pay to pray."

Sonoma County Regional Parks Director Caryl Hart had testified that her agency would be glad to take over management of Bodega Head – the most visited of the state beaches pegged for new fees – in order to keep the park open without new fees. Commissioners directed members of the Coastal Commission, Commission staff, DPR, Sonoma County Board of Supervisors and Sonoma County Parks convene to work out a path forward.

Despite the fact that the Commission punted its decision until after these forthcoming meetings and ignored the staff recommendation and the public's demands, the fact that DPR's proposal wasn't approved outright means coastal access hasn't been lost – yet. As the saying goes, "In the environment, every victory is temporary, every defeat permanent."

Other items heard later in the week included an after-the-fact permit for an Encinitas seawall and other bluff modifications.

This item had the beginnings of setting a good precedent; staff called for the application of mitigation fees for the loss of public access and recreation area due to the seawall's installation. This seawall not only performs as other seawalls do – inhibiting sand replenishment to maintain beach area – but is also a case where high tide already reaches all the way up to the bluff.

Factored into the public access and mitigation fee was the fact that the applicant had repeatedly disregarded permitting requirements and ignored staff's attempts to bring him into compliance for years.

Unfortunately, Commissioners thought the fee unwarranted and called for it to be removed and the permit to be granted.

Continuing coastal crisis

Corruption Charges Dog Coastal Commissioners

Howell hit by second FPCC complaint, joined by Mitchell, Vargas, McClure



Erik Howell



Martha McClure



Wendy Mitchell



Mark Vargas

The Fair Political Practices Commission is now investigating complaints against four members of the California Coastal Commission. All four voted to fire the Commission's former Executive Director, Charles Lester, against overwhelming public opposition, at the Commission's February 10 meeting in Morro Bay, a move that was widely regarded as a blow struck against the independence of Commission staff and a signal of the willingness by the majority of Commissioners to relax or ignore the requirements of the Coastal Act in order to permit more development.

A second FPCC complaint against Commissioner Erik Howell, a member of the

Pismo Beach City Council, amplifies on a complaint filed last month pertaining to the number of votes he cast on projects that were represented before the commission by McCabe & Co. after he accepted a political donation from the operations manager and life partner of uber-lobbyist Susan McCabe.

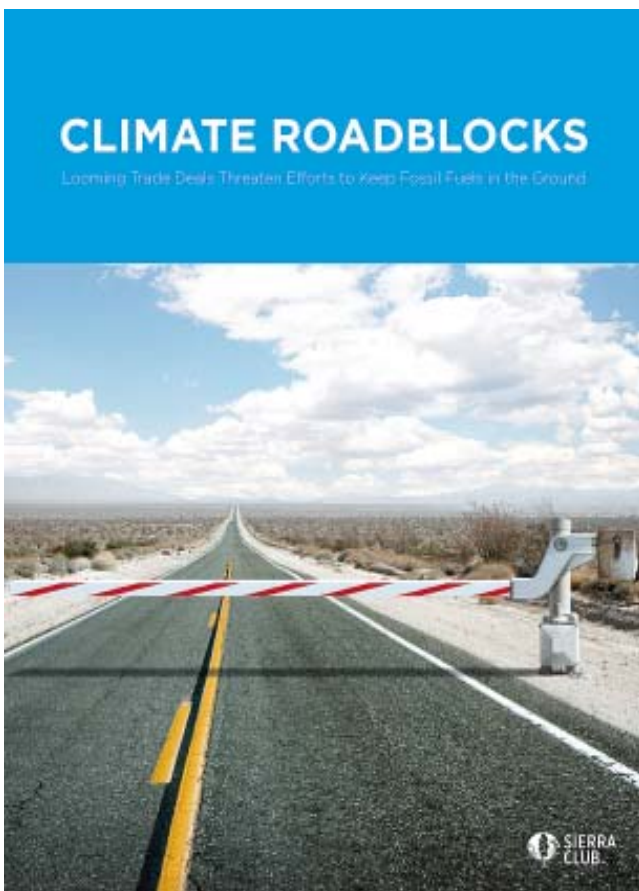
A complaint against Commissioner Martha McClure, a Del Norte County Supervisor, noted that she does not appear to have filed any financial disclosure statements in the last four years, a significant infraction, in addition to engaging in the same practice as Howell: Voting on projects brought before the Commission by McCabe & Co. after receiv-

ing donations from a representative of McCabe's firm.

The complaint against Commissioner Mark Vargas seeks financial records of his junket to Ireland to meet with U2 guitarist David Evans and catch a U2 concert just before voting to issue Evans a permit to build a multi-million dollar compound in Malibu.

The complaint against Wendy Mitchell alleges that she failed to disclose that Carollo Engineers was a client of her consulting firm when she deliberated and voted on a Santa Barbara desal project on which Carollo served as a representative.

The FPCC did not disclose the identity of the complainants.



Looming Trade Deals Threaten Efforts to Keep Fossil Fuels in the Ground

The Sierra Club has released a report on how new trade deals would give fossil fuel corporations more power to undermine our climate protections.

Climate Roadblocks relates how, in January 2016, TransCanada, the corporation behind the Keystone XL tar sands pipeline, laid bare the threats that two pending trade agreements pose to the movement to protect our climate and keep fossil fuels in the ground. Just two months after the Obama administration rejected the pipeline, TransCanada announced it would retaliate by using rules in the North American Free Trade Agreement (NAFTA) that empower foreign corporations to challenge domestic policies in private tribunals. TransCanada now plans to ask three tribunal lawyers to order the U.S. government to pay more than \$15 billion as “compensation” for the Keystone XL decision that avoided increased climate disruption.

But if two even larger trade deals were to take effect, TransCanada’s case may be just the beginning of a swell of such challenges to hard-fought climate protections.

Those deals are the Trans-Pacific Partnership (TPP)—a controversial pact between the U.S. and eleven Pacific Rim countries that Congress may consider this year—and the Transatlantic Trade and Investment Partnership (TTIP)—a broad pact under negotiation between the U.S. and the European Union. Both deals would dramatically expand the number of corporations that could follow TransCanada’s example and use private tribunals as a backdoor way to challenge and potentially undermine U.S. policies that keep fossil fuels in the ground.

Like NAFTA, the TPP and TTIP would give foreign corporations broad rights, including the right to challenge new fossil fuel restrictions that thwart their “expectations” for a stable business environment. The trade deals would empower the corporations to bypass U.S. courts and take such challenges to tribunals of three private lawyers, unaccountable to any domestic legal system, under a process known as “investor-state dispute settlement” (ISDS). The lawyers—over half of whom also represent corporations in cases against governments—could order the U.S. government to pay the corporations the profits they hypothetically would have earned without the new climate protections. Law firms specializing in ISDS are now explicitly advising corporations, including fossil fuel firms, to see ISDS as a “tool” to “prevent” unwanted policies, as threats of costly ISDS cases can chill policy proposals.

Policies targeted in recent ISDS cases include a fracking moratorium in Quebec, a court order to pay for oil pollution in Ecuador, and new restrictions on a coal-fired power plant in Germany. Shell, BP, Chevron, and ExxonMobil are among the fossil fuel corporations that have already used ISDS, helping to spur a rapid rise in ISDS cases. Indeed, half of the new cases launched in 2014 targeted policies affecting oil or gas extraction, mining, or power generation.

For the first time, the TPP and TTIP would enable some of the world’s largest fossil fuel firms to use ISDS to challenge U.S. policies to keep fossil fuels in the ground, including restrictions on fracking, offshore drilling, federal fossil fuel leasing, and dirty pipelines. Indeed, such firms have investments in these four fossil fuel sectors across at least 36 U.S. states (see map at www.sierraclub.org/trade-map).

Here are the report’s major findings on these key climate threats:

- The TPP and TTIP would more than double the number of foreign fossil fuel corporations with the power to challenge U.S. policies in unaccountable ISDS tribunals. The two deals would newly grant broad foreign investor rights to more than 1,000 U.S. subsidiaries of over 100 foreign fossil fuel corporations—more than the total number of fossil fuel firms that have such rights under all 56 existing U.S. trade and investment pacts combined.

- Forty-five of the 50 private corporations historically re-

ROADBLOCKS cont. on page 7



Join us for a FUNraiser at Tiber Canyon Ranch!

Come join us for some fun at Tiber Canyon Ranch in rural Arroyo Grande on June 11.

Stroll about the grounds and visit tables where you can chat up Sierra Club Chapter leaders to find out more about what we do, how you can help, and how we can help with your own environmental concerns. Of course if you want to make a donation to the Sierra Club it will be graciously accepted, but the day will be about entertainment and information.

Here’s your chance to get involved with your local chapter of the nation’s oldest and largest grassroots environmental group. Check out volunteer opportunities in chapter leadership, leading local hikes, water quality, land use, politics, marine wildlife, and all the other issues the Club is involved in.

Plus: One-of-a-kind art, jewelry, and craft items for sale.

**June 11, 2016
3 - 5:30 p.m.
280 W. Ormonde Rd., SLO**

To rsvp or get more info, contact: sierraclub8@gmail.com



SIERRA CLUB
EXPLORE, ENJOY, AND PROTECT THE PLANET
Santa Lucia Chapter



Community Choice Energy Update

For everything you’ve ever wanted to know about Community Choice Energy -- now remaking the energy landscape in California, including, with any luck, SLO County -- there’s a hot new source of information on the web: cleanpowerexchange.org, courtesy of the Center for Climate Protection. Get hooked up with news, communities, resources, informational handouts and an interactive map of CCE program development.

We’ve been telling you for ten years why CCE is a game-changer. Now you can get all the reasons why in one place. Check it out.

Meanwhile, things have not been standing still since last October when SLO County took the plunge and put up \$50,000 as its share of a tri-county CCE feasibility study with Santa Barbara and Ventura Counties. In June, Santa Barbara County will be voting on whether to include \$275,000 its 2017 budget to go toward the formation of a regional Community Choice Energy program with Ventura and San Luis Obispo Counties.

Clean energy advocates will need to get at least three Santa Barbara Supervisors to prioritize CCE funding between now and then.

We applaud the Santa Barbara Board of Supervisors for funding the feasibility study last year along with their counterparts in Ventura and San Luis Obispo and encourage them to allocate the necessary funding to continue the work the County has already devoted toward

CCE cont. on page 8



WELCOME TO THE CLEAN POWER EXCHANGE!

The Clean Power Exchange (CPE) is an online hub of information, resources, and conversation for communities interested in Community Choice energy -- whether you're an interested consumer, an elected official exploring the option, conducting a technical study, or already serving customers with clean, competitively-priced local energy. As we continue to refine the site, we'd appreciate your input. Please take a few minutes to complete a brief survey. Thank you!

[Sign up for news](#)

Morro Bay Declines Anti-Sanctuary Invitation

At its April 12 meeting, the Morro Bay City Council declined an offer by its Harbor Advisory Board to assemble, on the City’s dime, a panel stacked with national marine sanctuary antagonists for the obvious purpose of attacking the proposed Chumash Heritage National Marine Sanctuary.

In January, the City invited the National Oceanic and Atmospheric Administration’s west coast sanctuary staff – the people who manage national marine sanctuaries – to come anchor a standing-room-only, three-hour informational town hall, in which NOAA answered every question, shot down every rumor, corrected every misstatement, and dismissed every paranoid fantasy presented to them. (See “Facts vs. Fantasy,” Feb.) Turns out national marine sanctuaries are really, really good for the marine environment, water quality, schools,

coastal economies, and fishing.

The unspoken subtext of the request from the Harbor Board – die-hard sanctuary foes, all: *Let’s try that again but without professionals in the room to correct us.*

As *The Tribune* reported, the city council members, in unanimously rejecting the offer, pointed out that if more information and “a wider range of perspectives” was what the Harbor Board wanted, “a federal sanctuary designation process, if formally advanced, would hold a public infor-

mation component to allow stakeholders to learn about the effects of a sanctuary and formally weigh in.”

In fact, the entire designation process will consist of that “public information component,” in which everybody will get to have a say, at great length, in multiple forums, in a process lasting over a year.

Anyone who really wants to see a thorough public process happen can go to the link below and add his or her name to the list of people asking NOAA to initiate it.



Bills

continued from page 5

and staff and would close loopholes that have allowed regulated utilities to influence the PUC commissioners without public engagement. **Support.**

SB 1453 (De León) Electrical generation: greenhouse gases emission performance standard. This bill would prohibit utilities from recovering costs for procurement of energy if it does not comply with the PUC's greenhouse gas emission performance standards. The bill also protects California from dirty coal imports by eliminating the option for a utility to circumvent compliance with the state's landmark GHG emission performance standards. **Support.**

AB 2029 (Dahle). Protecting California's Wildlife, Natural Areas and Parks. Timber harvesting plans: exemptions. This bill would extend a controversial pilot program that allows private forest owners to cut large, older trees without a timber harvest plan under certain circumstances. The exten-

sion would be allowed early and without a full evaluation of the pilot program's effectiveness. It would also expand the exemption to trees that are 28 inches in stump diameter, even larger trees than allowed to be harvested without a plan during the existing pilot. **Oppose.**

AB 2243 (Wood) Medical Cannabis: Cannabis Production and Environment Mitigation. This bill will establish an excise tax for medical marijuana that is charged to a licensed medical cannabis cultivator and collected by a licensed medical marijuana distributor. The funds collected will pay for environmental remediation, local law enforcement, and a program to address environmentally damaging marijuana cultivation practices. **Support.**

AB 2444 (Garcia, Eduardo) California Water Quality, Coastal Protection, and Outdoor Access Improvement Act of 2016. This bill places the California Water, Climate, and Coastal Protection and Outdoor Access for All Act of 2016 Bond on the state-

wide general election ballot to finance programs to expand and promote access to and affordability of outdoor state park activities. **Support.**

SB 1062 (Lara) Elephants: prohibited treatment. This bill would provide further protection for elephants in California by updating existing law to prohibit the use of bullhooks or similar inhumane devices. **Support.**

SB 1114 (Allen) California Sustainable Swordfish and Marine Life Protection Act.

This bill phases out the use of drift gillnets, and authorizes the use of deep set buoy gear, a more sustainable alternative to drift gillnets. Drift gillnets are responsible for a substantially higher rate of accidental catch and killing of dolphins and whales than other fishing gear. **Support.**

SB 1287 (McGuire) Commercial fishing: Dungeness crab. This bill allows Dungeness Crab Fishermen to collect abandoned crab traps in the ocean during the off season, and return them

to the proper authorities in exchange for a reward. The owner of the crab trap must pay a fine in order to retrieve their trap and be eligible to renew their fishing permit for the next season. **Support.**

AB 1759 (Bonta) Hydrogen fluoride: notice of use: substitution. This bill would phase out the use of hydrofluoric acid in refineries over course of one year. During that time, it would require a refinery to notify residents and businesses that they are in a lethal zone, which means they are at high risk of exposure during an incident. **Support.**

AB 1882 (Williams) Oil and gas: groundwater monitoring. This bill protects California's groundwater from underground injection of oil waste by giving the Regional Water Boards the ability to require monitoring of wells. **Support.**

AB 2729 (Williams D) Oil and gas: operations. This bill would increase bonding levels to incentivize abandonment of wells rather than allowing for long-term idle wells to occur. This bill also provides additional oversight and enforcement to state agencies. **Support.**

AB 2756 (Thurmond D) Oil and gas operations: enforcement actions. This bill would increase Division of Oil, Gas, and Geothermal Resources' en-

forcement and oversight for oil and gas operations. It will also provide the Oil and Gas Supervisor authority to assess additional penalties to incentivize violators to take immediate corrective action. **Support.**

SB 778 (Allen): Automotive repair: oil changes: notification to customers. This bill requires automotive repair dealers to recommend the oil drain interval specified in the maintenance schedule of the vehicle's owner's manual for the next oil change, which is less frequent than what is currently recommended. Unnecessarily frequent oil changes create more waste for the state to handle and endanger public health, wildlife, ecosystems and our drinking water. **Support**

SB 900 (Jackson) State Lands: Coastal Hazard Removal and Remediation Program. This bill will protect California's coastline by requiring the State Lands Commission to remediate abandoned oil wells in California's coastal waters, while also conducting an in depth inventory and assessment of all these legacy oil wells. **Support.**

SB 1161 (Allen) Climate Science Truth & Accountability Act. This bill addresses the growing evidence that fossil fuel companies worked to deceive the public about the realities and risks of climate change for decades. Specifically, the bill would extend the statute of limitations under the state's

Unfair Competition Law from 4 to 30 years for deceptive behavior relating to the scientific evidence of climate change. **Support.**

AB 2596 (Bloom) Pesticides: use of anticoagulants. This bill expands the list of prohibited pesticides to include those that contain five newly determined anticoagulants and expands the prohibition geographically as well, from just certain wildlife areas to the entire state. This will ensure that aquatic, terrestrial and avian wildlife remain a fully functional and healthy component of the ecosystems they inhabit and move through in California. **Support.**

SB 1282 (Leno) Pesticides: neonicotinoids: labeling and restricted material designation. This bill would require labeling of plants and seeds that contain neonicotinoid pesticides, indicating that they may harm bees. **Support.**

SB 1262 (Pavley) Water supply planning. This bill strengthens water supply availability assessments to look at groundwater use, preventing development where there is no water supply to match demand by the development's occupants. **Support.**

SB 1263 (Wieckowski) Public water systems: permits. This bill prevents a permit for a new water system from going forward until the State Water Re-

BILLS cont. next page

Diablo

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interests of the State.

The SLC has two constitutional appointees, Gavin Newsom (Lieutenant Governor), Betty Yee (state controller), and the Director of Finance (Michael Cohen).

In the January 3, 2016, *San Francisco Chronicle*, Gavin Newsom said, "I just don't see that this plant is going to survive beyond 2024, 2025...and there is a compelling argument as to why it shouldn't."

Note: Mr. Newsom is running for governor.

In his comments at the hearing, Alliance Attorney John Geesman made clear that legally binding re-employment options for displaced Diablo workers must be on the table.

It is anticipated that the State Lands Commission will initiate the CEQA process at their June 28, 2016, meeting in Sacramento. They will be providing a live video linkage locally in SLO so concerned residents can make public comment. For video of the last hearing and updates on what's next, visit: a4nr.org/?p=3855.

3: PG&E's General Rate Case (GRC) at the CPUC

PG&E has applied to the CPUC to set its rate structure for the next three years in a process known as the GRC. A4NR has filed as an intervenor in the proceeding, represented by former SDG&E attorney Al Pak, and featuring testimony of John Geesman and Rochelle Becker.

One of the highlights to emerge from this case is PG&E's request for hundreds of millions of dollars in capital projects at Diablo Canyon, including the replacement of a main generator "stator" for Unit 2. The dilemma posed: The equipment to be replaced could easily extend the life of the plant for a 20-year relicensing by the NRC. But PG&E proposes to fully depreciate these large investments *by the year 2025*, when the current license expires. At the same time, PG&E contends that no expenses in their current GRC are in any way affiliated with license renewal.

There's cognitive dissonance afoot here: Rate-payers would be "paying off" these large investments over far fewer (and costlier) years than if these were truly amortized ("long term" investments. (Would you replace the transmission in your old car if you

In my experience working here in California, I can tell you that I don't think nuclear power is in California's future. I don't think it is in the horizon. I see all these different new sources of power coming on that are much more environmentally friendly, they're more productive, they're producing more power. I can go into detail, but I think generally the consensus of the legislature, of leaders, is that we want to move in a new direction.

- State Senator Ben Hueso at 3/29/2016 meeting of the Senate Energy Committee, before asking for an "aye" vote on SB 968 directing SLO to prepare for the economic effects of the closure of Diablo Canyon.

only intended to drive it another year?) By recommending that PG&E not be given ratepayer money for such a short-term fix, A4NR will be forcing PG&E to come clean regarding their relicensing attempt. Either they are serious about it (and, by the way, have covertly spent over \$50 million on the process—another finding in A4NR's discovery process) or they are not. PG&E's vague and evasive answers regarding license renewal might work as public relations, but A4NR believes more truth will be revealed when real dollars are at stake. To fol-

low the GRC and read A4NR's testimony, visit: a4nr.org/?p=3806.

All told, it appears that Diablo Canyon should not be buying any long-playing records, and that the activities outlined above are all preparing the public for the demise of California's last nuclear reactor.

"Better this way," A4NR attorney John Geesman notes, "to let the air out of the blimp slowly than to suffer the crash and burn that doomed the San Onofre reactors three years ago."

That is a lesson San Luis Obispo should readily absorb.

Diablo In the Way

In addition to all the ingredients of the perfect storm brewing for Diablo Canyon that the Alliance for Nuclear Responsibility points out in our front-page story, there's one more that really flashes TIME'S UP on the side of the reactor domes: California is moving toward renewable energy, and Diablo is in the way.

An increasingly common shibboleth in pro-nuclear, anti-renewables circles is that California now has too much renewable energy and has to selectively shut down solar plants to keep excess energy from overwhelming the grid.

Craig Morris of Renew-ables International says "Shedding green electricity... is a political decision, not a technical necessity. Germany has made a political decision to go 80 percent renewable for power by 2050, and the Germans understand that this transition will...ruin the profitability of coal and nuclear – in fact, that's the goal."

Morris recommends getting rid of baseload sources — coal and nuclear — to make room for wind and solar.

"Does California have too much solar or too much baseload? The answer is political, not technical. If you want solar and wind, call for an end to baseload."

Diablo At Outfall's End

On December 18, 2015, saying "I don't think that PG&E, in its quiet moments, would disagree that this may not have been the ideal site for a plant," Lieutenant Governor Gavin Newsom directed the State Lands Commission to make a broad environmental determination on a lease renewal application for Diablo Canyon, California's last operational nuclear power plant.

Lt. Governor Newsom, current Chair of the Commission, cited the exceptional circumstances of the power station, which straddles the coastline among a patchwork of recently identified seismic fault lines. Newsom also asked staff to frame the review within the context

of California's long-term energy goals, including recent codification of the goals laid out in Governor Brown's January 2015 inaugural address, to generate half of the state's electricity from renewable sources by 2030.

"On the one hand we have Fukushima etched in our memories, and on the other hand we are tackling fossil-fuel driven climate change. This is incredibly complex and of no surprise that decisions have been avoided," said Newsom. "If we could decommission Diablo Canyon and replace it with an equivalent portfolio of renewable energy sources tomorrow, I would call for it. And while that is not a realistic option before us today, it is beyond time that we



begin answering what California's energy future could look like without nuclear power."

The agenda item before the State Lands Commission was the consideration of a lease application for the continued use of state property for the intake and outfall facilities associated with the Diablo Canyon Nuclear Power Plant. The application seeks a new lease for a limited term to coincide with the expiration of the Nuclear Regulatory Commission licenses in 2024.

This facility, including the offshore structures, has never been evaluated under the California Environmental Quality Act. The Lt. Governor stated that lease application should not be narrowly analyzed and should not avoid a comprehensive discussion on the broader implications associated with the future of the Diablo Canyon plant, particularly involving the various public safety and environmental issues and a long-term vision of the state's energy needs and resources.

Commission staff has made recommendations detailing the framework in which they should pursue an analysis summarizing relevant state and local permitting considerations; identifying public safety and environmental issues; describing the state's energy needs; and identifying critical data gaps regarding the future of the Diablo Canyon Nuclear Power Plant.

The purpose is to move towards providing a larger policy context to help inform the Commission in its decision-making.

The plant can't operate without the outfall leases. PG&E is opposing CEQA review.



Nuclear Plant Shutting Down? Take a Lesson from Coal

Sierra Club's approach points the way to life after Diablo

Over two days in April, *The Tribune* chose two interesting stories for front-page treatment. On April 24, the paper published an analysis of how much it's going to cost to decommission and dismantle the Diablo Canyon Nuclear Power Plant after it shuts down, complete with a chart comparing decommissioning costs for other shuttered nukes. On the 26th, for the front page of its local section, the Trib chose to run "A Nuclear Nightmare," a McClatchy newswire story marking the thirtieth anniversary of the world's worst nuclear disaster by revisiting Chernobyl and the 3,000-year wasteland surrounding it.

It looks like the Trib is joining in the effort to psychologically prepare us for the moment when we must all say goodbye to Diablo. If so, and if you've read the stories at left and above, you know that's a good idea.

Speaking of good ideas, we herewith excerpt "Quality Careers, Cleaner Planet," an article by Paul Rauber that appeared in the July 2015 issue of *Sierra*. It's about provid-

SHUTTING DOWN cont. on page 8

Roadblocks

continued from page 5

sponsible for the most climate disrupting emissions would be empowered to challenge climate policies in ISDS tribunals under the TPP and TTIP. These 45 corporations are collectively responsible for more than 20 percent of the world's historical greenhouse gas emissions. The list includes all of the eight largest private greenhouse gas emitters outside of the U.S.—BP, Shell, Total, BHP Billiton, Anglo American, RWE, Eni, and Rio Tinto—each of which would gain the ability to launch ISDS challenges against U.S. climate protections for the first time.

• The TPP and TTIP would more than double the number of foreign fracking firms that could use ISDS to challenge new U.S. fracking restrictions in private tribunals.

• The deals would newly grant ISDS rights to corporations that are currently fracking for gas and/or oil in Arkansas, California, Colorado, Kansas, Louisiana, New Mexico, Ohio, Oklahoma, Pennsylvania, Texas, West Virginia, and Wyoming.

• The TPP would give ISDS

rights to BHP Billiton, the largest foreign investor in U.S. shale, while TTIP would give them to BP and Shell, the eighth and 18th largest gas producers in the U.S., respectively.

• The TPP and TTIP would enable oil and gas corporations with more than 10 million acres' worth of U.S. offshore drilling leases to use ISDS to try to undermine new offshore drilling restrictions. That is 24 times more area than that held by the much smaller number of foreign leaseholders that currently have access to ISDS.

• TTIP would empower oil and gas corporations that control 85 percent of leased area in the U.S. Arctic to challenge new restrictions on Arctic oil exploration in private ISDS tribunals. No firm with an oil or gas lease in the U.S. Arctic currently has that power.

• One out of every three acres off the U.S. coastline that is covered by an active drilling lease is controlled by a fossil fuel corporation that would gain the ability under the TPP and TTIP to launch ISDS cases against new offshore drilling restrictions.

• The TPP and TTIP would give ISDS rights to seven of the 20 corporations whose offshore drilling leases cover the greatest amount of U.S. seabed in the Arctic, the Gulf of Mexico, and the Pacific. This includes Shell, which has U.S. offshore drilling leases that cover more acres than any other firm, and BP, which still holds the highest number of drilling leases in the Gulf of Mexico, despite its disastrous 2010 Gulf oil spill.

• Foreign corporations own leases for oil and gas extraction on more than 1.7 million acres of U.S. federal lands. More than 40 percent of that public land—over 720,000 acres—has been leased to oil and gas corporations that would gain the power under the TPP and TTIP to challenge new federal leasing restrictions in private tribunals.

• The firms that would gain this ability to undermine leasing restrictions include BP and Shell, which rank among the 30 largest onshore oil and gas leaseholders by land area.

• The TPP and TTIP would hand ISDS rights to corporations that own tens of thousands of miles' worth of U.S. fossil fuel pipelines. These pipelines cross at

least 29 states in nearly every region of the country: the West Coast, the Great Plains, the Midwest, the South, the Mid-Atlantic, the Northeast, and Alaska.

• Some of these corporations are planning to build even more fossil fuel pipelines. BP, for example, is partnering with TransCanada and others to construct an 800-mile gas pipeline across Alaska. And National Grid, the largest gas distributor in the Northeast, is taking part in a pipeline expansion to pump more fracked gas through Connecticut, Massachusetts, and New York. TTIP would give these corporations a new tool to counter growing fossil fuel pipeline opposition, allowing them to threaten to launch costly ISDS cases if policymakers would delay or deny their pipeline proliferation plans.

Thanks to years of organizing and advocating, the movement to keep fossil fuels in the ground has achieved some remarkable successes recently, from the cancellation of new sales of Arctic oil and gas leases, to a moratorium on new federal coal leasing, to the rejection of the Keystone XL pipeline. But TransCanada's use of NAFTA to challenge that pipeline rejection in a private tribunal has made abundantly clear how overreaching trade rules can undermine such climate victories.

TransCanada's warning comes just in time, given that Congress may soon consider the largest expansion to date of those trade rules. Just as the U.S. begins to transition away from fossil fuels, the TPP and TTIP would empower an unprecedented number of fossil fuel corporations to follow TransCanada's lead in asking private tribunals to help maintain the crisis-prone status quo.

The fight for climate progress already faces enough obstacles without the additional roadblocks imposed by the TPP and TTIP. Replacing these toxic deals with a new climate-friendly model of trade is an essential component of the growing effort to keep fossil fuels in the ground.

TAKE ACTION

Go to Sierraclub.org/trade – get an Activist Toolkit and tell Congress to Vote NO on the toxic Trans-Pacific Partnership!

Classifieds

Next issue deadline is **May 17**. To get a rate sheet or submit your ad and payment, contact: Sierra Club, P.O. Box 15755, San Luis Obispo, CA 93406 or sierraclub8@gmail.com

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Bills

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sources Control Board can determine that the agency has the ability to actually manage water. **Support.**

SB 1317 (Wolk) Conditional use permit: ground-water extraction facility. This bill requires a local agency to issue a conditional use permit for new wells in high use areas and prohibits permits for new wells in critical or probationary basins where water supply is critically impacted. **Support.**

SB 1318 (Wolk) Local government: drinking water infrastructure or services: wastewater infrastructure or services. This bill prevents a Local Agency Formation Commission from approving a new water agency or expanding a water agency if there are disadvantaged communities in the agency's area that do not have safe drinking water supplies and the agency supplies those communities as well. **Support.**

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Outings and Activities Calendar

Seller of travel registration information: CST 2087766-40. Registration as a seller of travel does not constitute approval by the State of California.

All our hikes and activities are open to all Club members and the general public. Please bring drinking water to all outings and optionally a lunch. Sturdy footwear is recommended. All phone numbers listed are within area code 805 unless otherwise noted. Pets are generally not allowed. A parent or responsible adult must accompany children under the age of 18. If you have any suggestions for hikes or outdoor activities, questions about the Chapter's outing policies, or would like to be an outings leader, call Outings Chair Joe Morris, 549-0355. For information on a specific outing, please call the listed outing leader.

Sat., May 7th, 8 a.m., Twitchell, Stone Ridge, and Kirk Creek Hike. Strenuous, eleven-mile, 3,000 ft. gain loop hike within the shadow of Cone Peak, including a 2.5 mile car shuttle. We start at north end past Limekiln and have a strenuous climb of 2,000 ft in first two hours; rest of loop is less steep. Poison oak present along trail. Bring lunch, lots of water, and expect to be on the trail 6-7 hours. Meet at Washburn Day Use area north of Cambria on Hwy 1 to carpool. Extreme heat will postpone hike. Need to call leader beforehand if going: Carlos Diaz-Saavedra, 546-0317.

Sat., May 21st, 10 a.m. Trekking-Pole Hike at Eagle Rock. Come on a two-mile, 400 ft. gain hike,

to learn, practice and see demonstrated the energy-conserving use of trekking poles. Meet at the trailhead for Eagle Rock, going to the locked gate past the Botanical Gardens, across Hwy 1 from Cuesta College, in the parking lot to the left. There may be a small entry fee. Leader: David Georgi, 458-5575 or hikingpoles@gmail.com.

Sun., May 22nd, 2 p.m. Historic Walk of Arroyo Grande Village. Come on an easy, guided stroll through the well-preserved, century-old downtown of Arroyo Grande to see such sights as the 1901 one-room schoolhouse, the 1906 hoosegow, the famous swinging bridge, and charming Victorians where the town's pioneers lived. Meet at corner of Branch and Bridge Sts., parking



Weepah Spring Wilderness

lots nearby. Leader: Joe Morris, 549-0355.

Fri.-Mon., May 27th-30th. Memorial Day Nevada Wilderness Service Trip. Annual service trip of Calif/Nev. Wilderness Committee, this year to Weepah Spring Wilderness, on northern edge of Nevada's new Basin and Range National Monument, working with ranger John Miller. Included is hike to Mt. Irish. Optional central commissary. Leader: Vicky Hoover, 415-977-5527 or vicky.hoover@sierraclub.org

Tues., May 31st, 7-9 p.m. Bimonthly General Meeting: "David's Dozen: The Best Unfamiliar Hikes in San Luis Obispo County." Last year drew a SRO crowd, so tonight experienced outings leader David Georgi treats us to another presentation of another dozen of his favorite, less-travelled trails, with slides, of course. Environmental announcements begin the meeting. Meets at the Steynberg Gallery, 1531 Monterey St., SLO. Leader: Joe Morris, 549-0355.



This is a partial listing of Outings offered by our chapter. Please check the web page www.santalucia.sierraclub.org for the most up-to-date listing of activities.

Island Hopping in Channel Islands National Park

May 8-10, Jun. 12-14, Jul. 17-19, Aug. 21-23, Sept. 25-27, Oct. 23-25. Join us for a 3-day, 3-island, live-aboard cruise to the Channel Islands. Hike windswept trails bordered with blazing wildflowers. Kayak rugged coastlines. Snorkel in pristine waters teeming with colorful fish. Swim with frolicking seals and sea lions. Look for unusual sea and land birds. Watch for the endangered island fox. Or just relax at sea!



All cruises depart from Santa Barbara. \$650 cost includes an assigned bunk, all meals, snacks and beverages plus the services of a naturalist-docent assigned by the national park to help lead hikes, point out items of interest and give evening program. For more information, contact leader: Joan Jones Holtz; 626-443-0706; jholtzhl@aol.com.

To hold a reservation, mail a \$100 check to Sierra Club, and send to Joan Jones Holtz, 11826 The Wye St., El Monte, CA 91732.



Activities sponsored by other organizations

Fri., May 6, 11 a.m. Mother's Day Brunch Cooking Class at SLO Botanical Garden. Join fabulous foodie Mary Ann Rutshaw for a spectacular cooking class that is sure to spruce up your brunch menu. Learn to make tasty, beautiful treats to "wow" your guests! More info at slobg.org/cooking. Oak Glen Pavilion, SLO Botanical Garden, 3450 Dairy Creek Rd, SLO. \$15 for Garden members, \$20 for public. 805-541-1400 x305.

Sat., May 7, 9-11 a.m. Birding at SLO Botanical Garden with Morro Coast Audubon Society. Join Jay Carroll and Eric Wier of the Morro Coast Audubon Society on this fun, family-friendly birding walk through SLO Botanical Garden. For more info, visit slobg.org/birding. SLO Botanical Garden, 3450 Dairy Creek Rd, SLO. \$5 for Garden members, \$10 for public. 805-541-1400 x305.



Sat., May 14, 1-2 p.m. Getting to Know

Your Palms at SLO Botanical Garden. Join Dr. Jenn Yost, professor of botany at Cal Poly State University, for this engaging lecture on the diversity of palm plants. Learn about palm biology, conservation, and much more! Free docent led tour at 2PM. Info at slobg.org/palm. SLO Botanical Garden, 3450 Dairy Creek Rd, SLO. \$5 for Garden members, \$10 for public.



Shutting down

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ing transition assistance to coal workers and communities as coal-fired power plants shut down, but the lessons are transferrable.

Quality Careers, Cleaner Planet

The Sierra Club supports a fair and just transition to clean energy, with job security and livelihood support for affected workers, preservation of pensions and healthcare, and training for jobs in other industries—ideally unionized—with similar pay and benefits. The Sierra Club is working toward this larger goal in sometimes-small steps, even as Club activists and attorneys target coal plants for closure.

In the 2013 shutdown of the Big Sandy plant in

Kentucky, for example, the Club insisted on and won concessions from American Electric Power to ease the transition for the community.

These included funds for economic development and for weatherization and other energy-efficiency programs, in order to stretch utility dollars.

And when the closure of the giant coal-fired power plant in Centralia, Washington, was negotiated, the Club, together with affected unions, insisted that a multi-million-dollar package for workers and the community be part of the final deal.

The other side of the Just Transition equation is job creation. A report from the University of California at Berkeley noted that a partnership between the Sierra

Club and the International Brotherhood of Electrical Workers helped lead to more than 15,000 green jobs in California's solar industry alone. Workers building solar arrays earn an average salary of \$78,000 per year, plus healthcare and other benefits. Nationwide, median wages in the clean energy sector are 13 percent higher than those in the broader economy.

Key to this employment boom, the report said, were the policies advocated by the Sierra Club/IBEW alliance: strong state and national clean energy policies coupled with "high road" practices favoring good-quality jobs, strong prevailing-wages laws, and union apprenticeship programs.

—Paul Rauber

CCE

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Community Choice Energy.

Marin Clean Energy, Sonoma Clean Power, and Lancaster Choice Energy have clearly demonstrated that CCE programs can offer both greenhouse gas reductions and substantial financial savings though competitive and most often cheaper electricity rates. In the next year, three new CCE programs will launch in San Francisco, San Mateo and Humboldt Counties. The emergence of these programs reflects the fact that communities across California are recognizing the advantages of Community Choice Energy. That's because Community Choice Energy is providing both economic and environmental benefits.

One of the most significant benefits: Competitive, stable energy costs. Marin Clean Energy, Sonoma Clean Power, and Lancaster Choice Energy all offer electricity rates competitive with or cheaper than the investor owned utilities. In 2014-15, Marin Clean Energy and Sonoma Clean Power combined to save their customers more than \$29.6 million on electricity bills. Furthermore, revenues generated by CCE programs

can be reinvested into a suite of services (energy efficiency upgrades, distributed energy generation, automated demand response, and smart grid technology) that can reduce energy use, foster a more resilient energy system and create additional cost savings for ratepayers.

All three existing programs offer energy mixes with higher percentages of clean renewable energy (and lower GHG emissions) than the incumbent investor-owned utilities. Community Choice Energy is identified in Santa Barbara County's Climate Action Plan as the most impactful measure for reducing GHG emissions. Marin and Sonoma's CCE programs have avoided the emission of more than 117,000 metric tons of carbon dioxide.

CCE means new business opportunities. Community Choice Energy programs have the power to turn rooftops, parking lots, and other under-utilized spaces into generation sites that produce energy and revenue as surplus power is sold into the grid.

Community-wide economic gains, including local job creation, can be realized

by retaining the millions of dollars of electricity payments currently flowing from counties to investor owned utilities, and reinvesting these dollars into community and local energy projects. A CCE program will stimulate the economy and create jobs, especially for building trades.

In light of these potential benefits, we trust Santa Barbara County next month will put funding toward the development of a CCE program. Santa Barbara has the resources to realize the vision and promise of a program that offers ratepayers competition and choice, stimulates the local economy, improves resiliency, and maximizes environmental benefits. We urge the Board of Supervisors to include the funds in their 2016-17 budget to support Community Choice Energy.

SLO County and Ventura County will not be contemplating allocation of funds until the regional Community Choice feasibility study is completed in September (see "All In," March).

So this summer and fall, SLO County residents will need to let our supervisors know we support Community Choice.



Cost to decommission Diablo Canyon escalates

The estimated cost to decommission the nuclear power plant has increased. The latest plan calls for shipping decommission debris out of state by rail. PG&E has asked the state Public Utilities Commission to approve a small rate



It doesn't look good Two days, two front pages. The days when *The Tribune* would print PG&E press releases about Diablo Canyon and call it good appear to be over.