



March 2015  
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# SANTA LUCIAN



Protecting and  
Preserving the  
Central Coast

The official newsletter of the Santa Lucia Chapter of the Sierra Club - San Luis Obispo County, California

## We Can be Nuclear Free

### Landmark no nukes summit in SLO

With five U.S. nuclear power plants shutting down last year, and Diablo Canyon looking more and more likely to be the next one to go (see "Believe Them Never," page 6), an impressive group of regional and national activists converged on the SLO Grange hall and SLO City Library over the weekend of January 24 for Nuclear Free California, a two-day strategy session on the best ways to bring about the end of the nuclear era on the west coast, and in San Luis Obispo County in particular.

Representatives from the Nuclear Information Resource Service, Sierra Club's Nuclear Free Campaign, Abalone Alliance, Nuclear Free Northwest, the Ecological Options Network and Code Pink joined with citizens from the San Onofre reactor community, Northern California, and SLO for the memorable event.

Subjects ranged from Diablo's long-suppressed tsunami study to the movement to press for federal prison terms for California Public Utilities Commissioners and staff who betrayed the public trust by jumping into bed with the state's biggest private utilities.

Nuclear engineer Arnie Gundersen phoned in on Sunday to discuss the framing issues of money and integrity and the industry's least mentioned statistic: one out of 100 nuclear power plants has experienced a meltdown.

Nuclear managers "are nice, safety-conscious people," he said, "but it's not about nice people." Human error can never be overcome, and nuclear power is unique as an industry that



can't afford to have "forty good years and one bad day."

The standard two-pronged nuclear hype -- "It's either coal or nukes!" and "nuclear power is necessary to combat climate change" -- was efficiently disposed of by Paul Gipe, one of the world's foremost authorities on wind power, who phoned into the meeting to discuss with SLO Clean Energy's Eric Veium the program of supplanting both fossil fuels and nuclear power with clean, safe renewable energy. Gipe ran the numbers: Germany has seen the growth rate in renewables rise from 5% to 27% in ten years. Denmark is now at 50% renewables in its electricity sector

and getting close to that in heating and transportation. Japan has installed 13,000 megawatts of renewable energy since Fukushima -- enough to replace the output of Diablo Canyon.

Gipe made clear the reason why we are being out-

stripped in wind and solar power by other developed countries with smaller economies: they have robust feed-in tariffs (FITs) -- the wonky name for the process whereby you can turn your home or farm into a profit center for feeding excess renewable power into the grid -- and we don't.

Gipe punctured the final myth of the supposed need for nuclear energy: baseload power -- a 24/7, always-on power source. "We don't need baseload any more," he said. "German

policy analysts are saying 'we don't need it now.' Nuclear and coal just don't play very well with renewables. With renewables, you need capacity and diversity."

Veium agreed, adding that the other key component for the wholesale shift to renewables -- energy storage technology -- is now being commercialized and installed. "We're there," he said.

James Lerager, author of the book *In the Shadow of the Cloud* and director of the Documentary Photography and Research Project, came from Berkeley to attend the summit. Afterward, he wrote "We experienced a fusing of perspectives, knowledge, and strategies towards and beyond shutting down the Diablo Canyon reactors and replacing our current electrical and energy systems with decentralized, efficient, carbon free, and sustainable systems. "We forged a commitment to continue our connections and to work effectively together."

### One for the Coast



Adrienne Harris, Executive Director of the Morro Bay National Estuary Program, joined representatives from CoastKeeper, Cal Poly Center for Coastal Marine Sciences, Surfrider and the Monterey Bay National Marine Sanctuary at the Sierra Club's 6th Annual Environmentalists Rendezvous, "Protectors of Our Sea and Shore," at SLO's Steinberg Gallery on January 28.



Tim Johnson, Executive Director of the Nuclear Information Resource Service; Eric Veium of SLO Clean Energy; and Greenpeace senior advisor Harvey Wasserman chat with clean energy guru Paul Gipe (on laptop) at the Nuclear Free California strategy conference.

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Explore, enjoy and protect the planet

## Sierra Club General Meeting

7 p.m., Tuesday, March 24  
Steynberg Gallery, 1531 Monterey Street, SLO

### The 10 Best SLO County Hikes You've Probably Missed

Meet David Georgi, one of our veteran chapter outings leaders, who in retirement has hiked several hundred trails in our county. He will recount the best of the ones that have been neglected by those stuck in weekend ruts traipsing one more time up Bishop Peak or around the Laguna Lake loop. Slides and descriptions will open your eyes to some surprising natural wonders nearby, from shore to summit—just in time for the best part of hiking season.



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

## The Stick in the Lion's Mouth

The Sierra Club is the reason why we still have options at the Oceano Dunes

On February 11, the California Coastal Commission convened a three-day meeting in Pismo Beach and turned its attention to the Oceano Dunes State Vehicular Recreation Area (ODSVRA) after eight years away from the issue (see "Spinning Their Wheels," page 4). It was easy to miss a telling detail or two in the course of that six-hour unfurling of the sad regulatory history of the dunes. And it was very easy to miss the how and why of the central issues of that review — a Habitat Conservation Plan, the enclosure area for the threatened Pacific snowy plover, and the disposition of the 584-acre parcel in the center of the park known as the La Grande Tract — unless you knew, a la Paul Harvey, the rest of the story.

Much was made of the Habitat Conservation Plan (HCP) — in process for more than 15 years — that State Parks needs to complete to indemnify itself against the "take" of federally endangered species at the dunes. If you listened to State Parks officials repeatedly extol the numbers of snowy plovers hatched and fledged in recent years, you could be forgiven for assuming that this was something they did all by themselves. In fact, it came about because the Sierra Club persuaded the Coastal Commission to place a mile and a half of beach off-limits to off-road vehicles and camping in 2001, and then sued State Parks over its "no HCP" violation of the Endangered Species Act and won an additional half-mile of beach closed to off-road activity and devoted to the survival of the plover. The enclosure area that is now producing those happy hatching and fledging numbers is

something State Parks was forced to accept as a provision of our settlement agreement.

Another such detail was embedded in a brief remark on the subject of State Parks' failure to acquire the La Grande tract, the 586-acre parcel of land situated between the northern entrance and southern riding area of the ODSVRA, owned by the County and leased by State Parks. Parks has been trying since 1999 to purchase the land to lock it up in perpetuity for ORV use, even though it is designated as a vehicle-free buffer area in the County's Local Coastal Plan. The comment appeared in a letter to the Commission from State Parks, attached as a late addendum to the staff report. It said:

"When the acquisition was delayed, the funding for this acquisition reverted back to the OHV Trust Fund.... The OHMVR Division is not proposing to acquire the La Grande tract at this time, and there is no need to amend the County LCP at this time."

A Coastal Commission staffer said "Commission staff has long held that the area was intended as a buffer."

The importance of the La Grande tract can be ascertained by measuring the distance between those two statements.

The actions of the Sierra Club, starting in 2007, are the reason why anyone is talking about the La Grande tract in 2015. We are the reason State Parks has failed to purchase the La Grande tract, and the reason the County and the

STICK continued on page 9

Last year, only six of the state's 279 parks made money. These were the 10 biggest losers, according to data crunched by Capital Public Radio:

Park Name	Revenue	Park Unit Costs	Loss
Empire Mine SHP	\$217,613	\$16,469,220	-\$16,251,607
Oceano Dunes SVRA	\$2,060,667	\$13,948,588	-\$11,887,921
Ocotillo Wells SVRA	\$40,945	\$10,847,681	-\$10,806,736
Hearst San Simeon SHM	\$12,827,408	\$20,775,876	-\$7,948,468
Folsom Lake SRA	\$39,601	\$7,862,959	-\$7,823,358
Hollister Hills SVRA	\$400,350	\$8,065,671	-\$7,665,321
Lake Davis CDA	\$7,447,474	\$9,340,815	-\$6,977,341

No money maker The ODSVRA is one of the biggest money pits in the State Parks system - i.e. Grover Beach gas stations are doing great; citizens are getting soaked. (From "Only Six of 279 State Parks Made Money, and Government Has a Problem with That," [allgov.com](http://allgov.com), Feb. 10, 2015).

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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 1 p.m. at the chapter office, located at 974 Santa Rosa St., San Luis Obispo. All members are welcome to attend.

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# Up from Oil

The battle was joined against fracking and crude-by-rail at Oakland convergence

## At the March for Climate Leadership

by Marty Brown



The morning of February 7 was dark and rainy. North County participants in the March for Climate Leadership met the bus to Oakland at 6:45 a.m., joining people from San Luis Obispo and our coordinator and spokesperson, SLO Clean Water Action's Jeanne Blackwell, an energetic and energizing leader.

There was excitement and good feeling on the bus. We were united for an important cause.

The trip was rainy all the way. When we arrived in downtown Oakland, there was a clearing and the sun came out. The buses came from as far south as San Diego and as far north as Humboldt.

There was mutual respect between the police and demonstrators. Along the march route, we passed many spectators who were aligned with us. People in tall apartment and hotel buildings cheered us on. There was only one climate change denier demonstration on view, consisting of about five men with signs saying "Climate Change is a Lie."

The march ended with a rally at

Merritt Lake Park, where indigenous people spoke and offered prayers. There were Pacific Islanders who were losing their land to rising sea levels, Native Americans and Latinos, people from agricultural and impoverished areas whose health, homes and property have been affected and continue to be affected by fracking that is already taking place.

Later, we learned more details about fracking when a panel discussion at Oakland's Laney College was held by activists who were successful in banning fracking in New York State, a journalist who has written for *The Nation* and other progressive publications, and a lawyer who has served people in Kern County who have been physically and psychologically damaged by oil drilling, often located close to schools and homes.

I felt there was no place I'd rather be than there at that time with 8,000 Californians who say NO to fracking and want real climate change action by those we have trusted with our future.

MARCH continued on page 10

## At the Oil Train Convergence

by Andrew Christie



The day after the February 7 March for Climate Leadership in Oakland, anti-fracking marchers and activists from communities impacted by crude-by-rail projects converged on the campus of Laney College, taking over several classrooms for twin summit meetings on fracking and oil trains.

Throughout that rainy Sunday, with representatives from the Sierra Club's San Francisco Bay Chapter, Forest-Ethics and the Center for Biological Diversity moderating, I had the privilege of representing the concerns of SLO County residents fighting the Phillips 66 railspur project in Nipomo and comparing notes on flawed Environmental Impact Reports.

The take-away message: We are not alone. And the fate of about five million people depends on what the San Luis Obispo County Planning Commission and Board of Supervisors decide to do with the permit application for the Phillips 66 project.

At the oil train summit were activists fighting oil by rail projects in Benicia (the Valero refinery project: 50,000 barrels a day; flawed draft EIR,

recirculated), Richmond and Martinez (the Tesoro refinery project: no environmental review; sued), Pittsburg (the WesPac project: 240,000 barrels per day via marine terminal, pipeline and train), Bakersfield (Alon/Plains All American refineries, in litigation), and Stockton (terminal and holding facility; 50-car trains passing through daily on their way to Bakersfield).

For me, the most valuable aspect of the gathering was the ability to meet with the good folks of CRUDE (Crockett-Rodeo United to Defend the Environment – [crockett-rodeo-united.com](http://crockett-rodeo-united.com)), who are fighting the project proposed for the other end of the pipe that connects the Phillips 66 Nipomo refinery to the Rodeo refinery in Contra Costa County. After partial refining in Nipomo, the oil company plans to send the tar sands crude up the pipe to Rodeo to be processed into propane, butane and pet coke. The fact that the two facilities comprise the front and back ends of a single unit

CONVERGENCE continued on page 8

# SLO Oil Train Forum

by Lee Perkins

Community members from across SLO County and beyond gathered at a public forum at San Luis Obispo Library on February 4 to hear and voice concerns over the Phillips 66 oil refinery rail spur expansion proposal. The event included residents, visitors from south county and San Jose, and public safety and environmental experts.

Phillips 66 is seeking permission from the SLO County Board of Supervisors to build a rail spur for oil trains at its Santa Maria Refinery. The plan would bring five oil trains a week and millions of gallons of crude oil through San Luis Obispo County.

SLO Fire Chief Garret Olson and SLO City Councilwoman Carlyn Christianson spoke, along with representatives of the sponsors of the forum: Mesa Refinery Watch, Sierra



Coming to your town SLO Councilwoman Carlyn Christianson, Sierra Club Climate Change Task Force Chair Heidi Harmon and SLO Fire Chief Garret Olson at the SLO Library oil train forum.

TRAINS continued on page 10

## Oil in Your Water

Pismo caught in oil wastewater scandal

On February 6, the day before the Climate Rally in Oakland, the Associated Press reported that a California agency has permitted more than 2,500 injection wells to dispose of oil drilling waste fluids into aquifers that are federally protected or provide drinking water for Californians.

At least 46 percent of those wells — 1,172 — have been permitted in the last four years.

The agency, the Division of Oil Gas and Geothermal Resources (DOGGR), is responsible for permitting oil and gas extraction in the state. The agency continued to permit oil industry injection wells into underground water stores even after warned against doing so by the US Environmental Protection Agency in 2011.

The oil industry uses injection wells to dispose of liquid waste created in the process of drilling for oil. This waste includes a soup of chemicals used in fracking and other well

OIL WATER continued on page 10

# Spinning Their Wheels

Why the failure of State Parks to comply with the requirements of the California Coastal Act at the Oceano Dunes, and the Coastal Commission's failure to enforce them, is a never-ending story

In California's Coastal Zone, the recipients of Coastal Development Permits are supposed to comply with the terms of those permits and conform to the policies of the Local Coastal Program. If they don't, the California Coastal Commission is supposed to take action to enforce compliance.

On February 11, a new generation of California Coastal Commissioners took on the burden of the ongoing, unresolved environmental burden of the Oceano Dunes State Vehicular Recreation Area (ODSVRA) and its decades of non-compliance with the coastal protection requirements of its Coastal Development Permit and San Luis Obispo County's Local Coastal Program.

The Commission's meeting that day at the Cliffs Resort in Pismo Beach marked the first time in eight years that the Commission had reviewed the management of coastal resources at the dunes by the California Department of Parks and Recreation since the Coastal Commission issued them a permit in 1982.

At the hearing, the Sierra Club noted that it's hard not to marvel at the timeless quality of the permit noncompliance and Local Coastal Program nonconformity that State Parks has achieved at the Oceano Dunes.

The report that Coastal Commission staff provided to Commissioners for the hearing strongly evoked the movie *Groundhog Day*. The staff report meticulously documented all of the problems that were identified in the Coastal Commission's last ODSVRA permit review, eight years ago. (And the one before that. And the one before

## What the Hay?



A primary objective of the California Coastal Act and the Coastal

Commission is the preservation, protection and enhancement of environmentally sensitive habitat areas (ESHA). The Coastal Act defines this as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an eco-system, and which could be easily disturbed or degraded by human activities and developments.

That neatly describes the Oceano Dunes.

The emergency measures State Parks has implemented in its thus far unsuccessful attempts to reduce the hazardous dust pollution coming from the ODSVRA – hay bales and wind fences — are running up against the Coastal Commission's mandate to protect ESHA.

HAY continued on next page



that. And the one before that....)

The staff report was magisterial in its historical sweep and its command of the facts, clearly laying out the narrative of this epic struggle as it enters its fourth decade. But the picture it painted could have been entitled "Portrait of A Regulatory Regime Falling Down a Staircase" -- a 160-page accounting of failure to comply and failure to enforce: actions resisted, followed by compromises formed, followed by Parks failing to hold up its end of the deal, deadlines blown, expectations and responsibilities shrugged off. The report ended with a recommendation that the Commission take no action at this time.

Instead, the staff report concluded that more of the same – more study, more evaluation, more guidance – will yield a different result.

To date, that course of action has produced a number of results:

- 33 years out of compliance with their Coastal Development Permit, which required State Parks to designate within 18 months of receiving their

permit in 1982, a permanent entrance and staging area to replace the "interim" access and staging areas at Pier and Grand Avenues, still in use today.

- 27 years of nonconformity with the Local Coastal Program, which requires Parks to designate the leased, County-owned La Grande Tract as a buffer area between the riding area and the Dunes Preserve.

- 14 years since "interim" vehicle use limits were set and never adjusted -- part and parcel of Parks' failure to conduct a carrying capacity study to determine how many vehicles the dunes ecosystem can withstand without incurring long-term damage.

- 15 years of promises to create a Habitat Conservation Plan to protect the federally listed endangered species on site – which Parks has assured Coastal staff is almost ready for release. (Funny story: they were saying exactly the same thing when we signed a settlement agreement with them 11 years ago).

- 12 years of refusals to heed the advice of scientists to study an

experimental year-round closure of Pacific snowy plover nesting area to vehicle traffic.

- 4 years of failure to reduce the hazardous dust plumes triggered by the disruption of the dunes surface by off-road vehicles, stirring up fine particulates that blow off the dunes and settle in the lungs of the residents of the Nipomo Mesa, the victims of the worst air quality in the county. That's how long it's been since the Air Pollution Control District mandated dust control measures in the ODSVRA. State Parks' application for a Coastal Development Permit for that project sits, uncompleted, in the Coastal Commission's Santa Cruz office.

A day-use carrying capacity study that Parks did carry out, Commission staff noted, was inadequate and insufficient. The requirement to conduct a real carrying capacity study was abandoned, at Park's insistence, in favor of the formation of a "technical review team."

That Technical Review Team was supposed to achieve the same outcome as environmental review, but it quickly abandoned its charge to monitor vehicle numbers and conduct studies of their impacts on park resources. The TRT declined to review an alternative access study that failed to resolve the interim status of the entrance and staging areas. The TRT has now collapsed into irrelevance. The staff report recommended more study and review to ponder what should replace it.

At the hearing, the Sierra Club suggested the obvious: replace the Technical Review Team with the real thing that the TRT was supposed to simulate -- a true environmental review and carrying capacity analysis, to be required as of now, not mulled over for a few more years.

In a footnote, the staff report suggested it might be a good idea to name an independent third party evaluator to take on the implementation of a carrying capacity study and updating of Parks' entry access and staging analyses, as a third party may be better equipped to ensure an impartial evaluation than the TRT or

## Crust to Dust

In a late addendum to the Coastal Commission's February 11 staff report on the ODSVRA, the Commission's staff ecologist felt compelled to amend a memo she had written as an appendix to the report's original draft.

The rewrite was apparently undertaken when the Dept. of Parks and Recreation objected to her observations related to the formation of a natural crust on the dunes. Attempting to re-litigate arguments that they had lost in court, presumably with an eye toward creating a record that will assist it in future arguments seeking to deflect liability should Parks fail in its efforts to mitigate the dust hazard from the ODSVRA, Parks got these references removed.

The crust that forms on the dunes sand sheet has been perhaps the single most intense point of contention for both State Parks and the local off-road lobby. Over the course of two years of APCD board hearings and a protracted failed lawsuit, they tried and failed to discredit and overturn the local ordinance and evade state and federal pollution requirements. They have lost every argument at every turn. All those failed arguments boil down to this one: It's not our fault. And that claim rests on the allegation that the primary mechanism for dust transport identified in the APCD study – dunes denuded of vegetation by off-road vehicles, which then break the natural crust, leading to the release of fine particles that would otherwise remain in place – is simply wrong.

And finally, State Parks rests this argument on the assertion of its sister agency, the California Geological Survey, that no natural crust forms at the Oceano Dunes.

Just one problem: in an Oceano Dunes vegetation study conducted by that very

CRUST continued on next page

SPINNING continued on next page

**Spinning**

*continued from previous page*

the Department of Parks. We noted that, based on the record, that is not just a good idea, it is an essential requirement.

We mentioned another good idea: amend the Coastal Development Permit to include the plover nesting area enclosure, which could otherwise disappear when Parks completes its Habitat Conservation Plan.

Sierra Club organized the submission of 300 comments from county residents, all telling the Commission that enough is enough and urging them to take action now to ensure the ODSVRA is managed in a manner consistent with its permit requirements and mandates to protect coastal resources.

We pointed out that the staff report notes “[the Department of Parks and Recreation] is not in compliance with the CDP,” and that “the CDP and its review requirements provide the Commission with broad authority and discretion.”

Instead of taking that message to heart, the Commissioners directed staff to monitor Parks’ conservation efforts and deliver a progress report later this year.

**Can’t imagine why**

Over the course of the six-hour hearing, the Commissioners seemed genuinely mystified as to what is taking State Parks so long.

The exception to the general bafflement was long-serving Commissioner Mary Shallenberger, the only current member of the Commission with past history on the Oceano Dunes, who was able to shine some light on that question. She recounted what happened the last time the Commission visited the issue of the recommended year-round closure of the plover breeding area eight years ago, and the “stunning” arrogance of State Parks officials who, in repeatedly refusing to

agree to the scientific subcommittee’s recommendation, said the results of such a study wouldn’t matter anyway “because it wouldn’t change the way we do things at the park.”

“I’m all for working cooperatively,” Shallenberger said, “but it takes two to tango,” referring to the dead weight of the reluctant partner the Coastal

At the Coastal Commission’s Feb. 11 meeting, an instant demonstration of the bedrock reality of money and turf that lies at the bottom of the ODSVRA mystery was offered up by Commissioner Wendy Mitchell, whose aptitude for smelling money and power — immediately aligning herself therewith, and against anything that might protect

**Hay**

*continued from previous page*

As Commissioner Martha McClure put it at the Commission’s Feb. 11 meeting, “I can’t imagine that the solution is to stuff the dunes with hay.”

Commissioner Mary Shallenberger called SLO County Air Pollution Control Officer Larry Allen to the podium to note that she sees “a whole bunch of hay bales and a snow fence put in an ESHA. Staff told me that it was an emergency permit, but this is an ESHA, and we would never allow anyone to put a fence through an ESHA; we routinely do enforcement actions to have fences taken out of ESHAs.... The idea of continuing to put more and more hay bales into our dunes, and then they get covered up, and then we have to put in more... I just hope you will continue to work with something which is more environmentally sensitive to the dunes.”

But the solution is at hand, as spelled out in a letter Allen sent to Coastal staff on January 27 in response to staff’s query as to what, in the opinion of the Air Pollution Control District, would be “the most efficient and cost effective measures to reduce dust emissions to be in compliance with Rule 1001.”

Allen replied, “reestablishing vegetated foredunes in the areas where they have been destroyed by vehicle activity would appear to be the most effective strategy, followed by establishing additional vegetation islands in the inland riding areas. Studies performed by [Desert Research Institute] as described in their Oceano Dunes Pilot Projects report show vegetated areas to be nearly 100% effective in reducing sand movement and would provide year-round, permanent reductions; wind fencing is less than half as effective at best, and provides only a temporary solution.”

Sand fencing and soil binders, Allen wrote, “are not adequate without significant revegetation.”

Allen also put the question to APCD environmental consultant Melvin Zeldin, formerly with the South Coast Air Quality Management District and a veteran of “numerous studies trying to determine the best and most cost-effective ways of reducing PM10 caused by winds acting on coarse sand.” Zeldin pointed out one other obvious solution to the dust problem: “The most effective mitigation measure, and one that has the greatest possibility of meeting state PM10 standards and the provisions of Rule 1001, is to eliminate all off-road vehicle activity in the area most impacting the downwind residential areas of the Nipomo Mesa.... If vehicle activity must be accommodated, then the second most effective method will be to establish at least two parallel rectangular vegetative areas enclosed by fencing within the riding areas, such that the extent of the vegetation is of sufficient size to eventually act as a wind barrier, a collector of saltating particles, and a limiting area of the constantly disturbed sand in the riding areas.”

This “is likely the best approach, provided that it is clearly understood that revegetation areas need to be of sufficient size and strategic placement within the riding area to achieve substantial reductions in PM10 once the vegetation has achieved its growth potential.”

There you have it, Coastal Commission: Air quality and ESHA protection problems simultaneously solved — environmentally sensitive habitat not only preserved and protected, but enhanced. Please make a note of it when State Parks comes calling for its next Emergency Coastal Development Permit.

**Using our beaches as a highway is not okay. Crossing creeks like that, which have two kinds of listed species in them, is not okay.**

**- Coastal Commissioner Mary Shallenberger**

Commission has been trying to drag around the dance floor for three decades.

Here’s the problem: The California Department of Parks has an OHV Division, which generates a significant portion of the Department’s annual budget. Any reduction of riding area in any State Vehicular Riding Area means a potential reduction in budget. A reduction of — or refusal to implement — conservation measures, however, does not.

The upshot: eternal non-compliance.

The failure to recognize this reality and act accordingly has resulted in three decades of polite requests and no progress. Because no enforcement.

species or natural habitat — is akin to the ability of a shark to smell a drop of blood in the ocean from several miles away. After the Commission was presented with a panoramic overview of State Parks’ breathtaking decades-long non-compliance, Mitchell’s response was simple: “I would recommend that we not take any additional action at this point.”

So they didn’t.

Memo to Coastal Commissioners: You can compel the holders of Coastal Development Permits to undertake actions you deem necessary to protect coastal resources. You are regulators. You have regulatory authority. You should use it.

**The Delicate Dance of Intransigence**



At the Coastal Commission’s February 11 meeting in Pismo Beach, Perhaps the Coastal Commissioner most mystified by the thirty-year-plus failure to comply that has been the history of the Oceano Dunes State Vehicular Riding Area was acting Chair Jana Zimmer.

Commissioner Zimmer made a concerted effort to get to the bottom of at least one aspect of State Parks’ history of refusal when it comes to measures protecting coastal resources from off-highway vehicles. Since 2003, the Technical Review Team’s scientific subcommittee has recommended studying the effects of year-round closure of the snowy plover breeding area to compare the hatching and fledging results thus achieved to those seen under the current regime of closing the breeding area only during the mating season and letting ORVs run through it the rest of the year. And every year, State Parks has refused to implement that recommended study.

Zimmer’s effort to find out why, though valiant, was doomed.

She called Brent Marshall, District Superintendent for the ODSVRA, to the podium and asked him why Parks has never implemented the recommendation of the scientific committee to study the effects of year-round closure for the breeding area.

Instead of answering, Superintendent Marshall proceeded to ramble through a stream-of-consciousness regurgitation of basically everything he knew about the ODSVRA’s plover habitat program, Vandenberg’s program, invasive beach grass, and letters he’s

received from the U.S. Fish and Wildlife Service.

As the minutes ticked by and it became clear that the Superintendent was not going to answer the question and also was not going stop talking any time soon, Commissioner Zimmer finally interrupted.

“I’m sorry,” she said. “I didn’t mean to call for a long explanation. The scientific subcommittee of the TRT has recommended this step. Have you said to them ‘you’re wrong, the science is the other way, therefore we’re rejecting your recommendation, don’t bother to talk to us about this anymore?’ I mean, why would they make the same recommendation for a number of years in a row if you’re coming up with science that you believe invalidates that recommendation?”

“People have personal proclivities and things like that,” Marshall replied, “but I have to make my decisions based on hard science.”

“So you’re saying the scientific subcommittee of the TRT was not basing the recommendation on hard science?,” Zimmer asked.

Marshall replied, “I would say that there’s disputing science, and the overwhelming propensity of the science would indicate that the decisions we’re making are exceeding the requirements, and we provide a report to Coastal Commission staff every year—”

“Okay, thank you,” Zimmer said, cutting him off and giving up.

Whereupon Superintendent Marshall packed his proclivities into his propensities and left the podium.

**Crust**

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same California Geological Survey in 2007, before State Parks needed backup for its liability avoidance project, CGS said the opposite. It found “a thin crust in samples taken from striated (thinly bedded) vegetated areas” and determined that the “ground surface has a crust of moss, decomposed leaves, and fine silty dust.”

A few years later, not so much. The CGS flipped its position and forgot about those findings when its sister agency wanted to make that crust — and their liability — go away.

In its response brief filed in the lawsuit *Friends of Oceano Dunes v. SLO County Air Pollution Control District*, the APCD noted that “State Parks’s flat-out refusal to acknowledge a ‘crust’ is contradicted by its own past admissions,” and that “for CGS to now unequivocally deny the theory of a crust on the dunes surface is disingenuous.”

The court rejected the arguments of State Parks and the Friends of Oceano Dunes and upheld the APCD Dust Rule.

For the sake of the record, the Coastal Commission should restore to its staff ecologist’s amended memo the accurate observation acknowledging the process at the Oceano Dunes by which fine particles are exposed and easily borne aloft, even at low wind speeds, and into the lungs of residents of the Nipomo Mesa.

*Friends of Oceano Dunes v. SLO County Air Pollution Control District* is currently on appeal.

# Believe Them Never

PG&E's "safety is our first priority" mantra for Diablo Canyon has definitely bitten the dust

Though our local media don't seem to have grasped the fact, 2014 marked the end of an era. Henceforth, when any elected official or public relations flack seeks to defend the claims made by PG&E or the Nuclear Regulatory Commission for the safety of the Diablo Canyon Nuclear Power Plant, he or she will do so at the expense of his or her credibility.

Which doesn't mean, of course, that many won't keep trying to do so. In the book *Rattling the Cage*, Steven Wise, founder of the Center for the Expansion of Fundamental Rights, describes the phenomenon of "belief preservation" and gives the example of what happened when Galileo first trained his telescope on the moon and found that it was not, in fact, what it was supposed to be — a smooth, mirror-like orb fixed in the heavens — and that the alternately lengthening and shortening shadows of its mountains and craters meant that it and the Earth were revolving around the sun. For years afterward, many distinguished gentlemen simply refused to look through his telescope. Or did so and claimed they saw nothing of the kind. Or that there were flaws in the lens. Or their glasses. Or their eyes.

On December 3, 2014, in testimony before the Environment and Public Works Committee of the U.S. Senate, former State Senator Sam Blakeslee turned that telescope on Diablo's seismic history and examined it in forensic detail. In doing so, he decimated assurances that the plant can withstand an earthquake at any magnitude the geologic faulting around it may be expected to produce. He dismantled the alleged scientific analysis on which PG&E and the NRC have based those assurances over the last thirty years, exposing it as group-think and the opposite of science.

The hearing was entitled "NRC's implementation of the Fukushima near-term task force recommendations and other actions to ensure and maintain nuclear safety."

Blakeslee's verbal testimony was supplemented by a more detailed written document. It is 26 pages long, and it is the most devastating indictment of the operation and regulation of the Diablo Canyon Nuclear Power Plant ever compiled.

Blakeslee is a geophysicist. The text is dense with technical data in support of the conclusions he draws. You need an advanced degree in earth sciences to understand much of it. But nothing beyond a comprehension of English and logic is required to apprehend his conclusions or the underlying outrage of a scientist who has found science being twisted and deformed in service to a desired outcome. Equally obvious is the outrage of a man discovering that a large private utility has been playing fast and loose with its assertions about the safety of the nuclear power plant located in close proximity to his home.

Blakeslee shared with the Senate Committee his findings that PG&E has, over decades, betrayed its employees and this community and left a trail of mendacity that allows for only one conclusion: The utility, abetted by its ostensible regulator, has subordinated the interests of public safety to the imperative of its bottom line.

**ILLUMINATION**  
A CLOSER LOOK AT DIABLO CANYON

Learn more about Diablo Canyon's energy production, safety, economic impacts and community connections.

A PG&E Corporation Publication

2014

**Ka-boom** Sam Blakeslee's testimony before the Senate Environment and Public Works Committee blew a hole in PG&E's credibility.

It is an unanswerable indictment. One of its most damning particulars: when PG&E discovered, based on all the seismic data now available for the area around the plant, that the faults could generate a level of ground acceleration more than twice as powerful as what certain plant components were designed to withstand, they simply changed the "damping coefficient" — altering the numbers to make the problem go away on paper.

What we reproduce here is the gist of his written testimony. You can watch Dr. Blakeslee's verbal testimony before the Senate Committee and download the full text of his written statement at [www.a4nr.org](http://www.a4nr.org). We can't reprint it in its entirety, but the following passages

convey the heart of Blakeslee's argument.

"As a geophysicist and former California State Senator, I authored AB 1632, a bill that required PG&E to conduct seismic hazard research of the faults near the Diablo Canyon Nuclear Power Plant.... Just two months ago, PG&E published the Coastal California Seismic Imaging Project (CCCSIP) Report and the results were astonishing. The Report documents the presence of a number of earthquake faults discovered after the design and construction of the plant that have been found to be larger and more dangerous than previously understood. In a post-

Fukushima regulatory environment, it is important that policymakers and regulators understand the ramifications of these findings.

"In the late 1970s, when Diablo was still under construction, data surfaced on the presence of a large active fault (named the Hosgri) located just three miles offshore from the plant. PG&E first denied its existence. When that assertion was disproved, it argued the fault was likely inactive. When PG&E had to concede it was active, it argued it was not capable of producing particularly large earthquakes. It turned out it that was capable of generating very large earthquakes.

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"In a recent replay of these events concerning a newly discovered fault system, the Shoreline fault was discovered in 2008 and analyzed with state-of-the-art methods and found to be capable of generating an M7.3 earthquake within a mere 600 meters of the plant.

"There is no getting around the fact that PG&E has consistently downplayed seismic hazards on the coast near its nuclear plants. Especially disturbing is that during these past decades the NRC has repeatedly relaxed its seismic standards to accommodate the operation of Diablo Canyon.

"Now that the data about the faults near Diablo is indisputable, PG&E has changed tactics and declared the plant safe on the basis of a new set of equations it has developed. PG&E has undertaken major revisions to the complex ground motion equations that have been used to estimate how much shaking can be produced by earthquakes. Unsurprisingly, PG&E's changes to its methodologies have dramatically reduced estimated shaking at the plant from all hypothetical earthquakes. So far, NRC has largely gone along with these changes.

"With PG&E's history of playing down seismic concerns these recent developments are cause for deep concern. So is PG&E's documented history of co-opting the very regulatory bodies tasked with overseeing it. Just this year:

- PG&E was found to be inappropriately, and possibly illegally, lobbying California Public Utilities Commissioners and staff to successfully "judge shop" in a case before the CPUC. The revelation resulted in the firings of three senior PG&E executives, the reassignment of the CPUC's chief of staff, and the decision by the President of the CPUC to recuse himself from future PG&E decisions and to not seek re-appointment. The CPUC was just fined a \$1.05 million for this back-channel lobbying.

- PG&E was indicted on 12 criminal charges related to safety violations in its gas distribution, including an accusation that PG&E officials obstructed a federal investigation and that the utility "knowingly relied on erroneous and incomplete information" to avoid inspections that would have exposed risks that ultimately killed 8 people in a 2010 gas pipeline explosion

- PG&E was discovered, through email disclosures, to be exploring how and when the Diablo Canyon Independent Peer Review Panel could be disbanded. This is the state-mandated panel tasked with providing third-party quality control of seismic risk analysis at Diablo that is quantified by the Report, which is my subject here.

"In 2013, because of steam generator failures, San Onofre, California's only other nuclear power plant, was permanently shut down at great cost to ratepayers, shareholders, and grid operations. Last month, the Office of the Inspector General at the NRC issued a report criticizing the NRC's failure to call for a license amendment process, which might have identified the shortcomings of the utility's technical analysis that ultimately led to those leaks. The safety ramifications of steam generator leaks at San Onofre, as

serious as they were, are dwarfed by the risks to the public should PG&E's Diablo seismic analysis prove to be incomplete or inaccurate. You would think that after Fukushima the NRC would go beyond a "check the box" review process when confronted, as it is at Diablo, with the possibility of a 7.3 magnitude earthquake within a half-mile of the plant. So far we have been disappointed.

"Remarkably, in all the years of its operation, the facility has never gone through a formal license amendment process to deal with even the Hosgri

sion of that process. One should not be discovering such faults after building a plant. The potential earthquakes affecting the plant have increased with

"It is time to end this hodge-podge of licensing rationalizations. We know a great deal more about seismic issues than we did when Diablo Canyon was

licensed. It's time for the NRC to reassess the seismic standards for the plant and submit them to a formal licensing amendment process. The thing that both PG&E and NRC fear most is a public

hearing in which they would have to justify what they have done. It is also what we need most to assure seismic safety, and it is what the public deserves.

"Two future possible seismic threats remain unknown due to data limitations. It is not clear that the poorly imaged faults under the Irish Hills have been properly identified in the geologic cross-sections which could mean a whole new category of undiscovered threats may exist directly under the plant. The quality of the seismic data obtained onshore just under the Irish Hills is poor and due to the virtual absence of relevant geologic information from deep wells it is difficult to differentiate between active and dormant faults in the seismic data.

"Whether or not another class of active thrust faults exist under the plant remains an open question. The current data cannot be used to rule out such a possibility and the compressional nature of the topography argues that such faulting could be inferred. Additionally, the study area used by PG&E does not include the area that connects the more northerly San

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Night and day PG&E's p.r. does not fare well when it has to go up against reality.



**USGS found the Shoreline Fault within 600 meters of the reactors and within 300 meters of the intakes. When considering that the fault runs to a depth of 16 km, spatially the nuclear power plant lies virtually overtop the new fault. In the immediate aftermath of the discovery, PG&E's data demonstrates that the nearby faults could produce ground motions significantly higher than the 0.4g peak acceleration permissible under the DDE standard.**

Fault discovered in the 1970s. Instead, its possible ramifications were more or less explained away in a separate document. More significant faults have been discovered since, which speaks poorly of PG&E's original examination of the area, and of the NRC's supervi-

each major study. But what's equally striking is that the shaking predicted by PG&E for these increasing threats has systematically decreased as PG&E adopted less and less conservative analytical methodologies, and they did so with NRC approval.

# REDACTED:

## Transparency, democracy and nuclear power

### New art exhibit in SLO transforms secret and not-so-secret nuclear safety documents on the Fukushima anniversary

As scandal explodes surrounding the release of formerly secret emails cementing the cozy relationship between Pacific Gas & Electric, Southern California Edison and their regulators at the California Public Utilities Commission and Nuclear Regulatory Commission, concerned citizens have been wondering if any of the fallout affects nuclear power plants like Diablo Canyon and San Onofre.

It does. As legal participants in cases involving PG&E and Southern California Edison, the watchdog group Alliance for Nuclear Responsibility ([www.a4nr.org](http://www.a4nr.org)) has requested documents vital to understanding decisions that affect the nuclear reactors at PG&E's Diablo Canyon and SCE's now closed San Onofre nuclear power plants.

Availing itself of legal discovery in regulatory proceedings, the state Public Records Act and the federal Freedom of Information Act, A4NR requested documents involving the costs of seismic safety, tsunami threats, and the regulatory lapses evidenced in the wake of the Fukushima nuclear disaster.

Many of these requests come back redacted—page after page covered with swaths of black ink or blank white fields, their contents and text obliterated, a Rorschach test of expunged diagrams, figures and bullet points. Visually, they bring to mind the "color fields" of Mark Rothko. More somberly, they reflect vital information withheld from public scrutiny.

And now they have been turned into art, hanging on the walls of the Steynberg Gallery.

Sharing the gallery walls is the work of Russell Hodin, whose editorial cartoons add highly visible layers of un-redacted meaning and social comment to the discussion of nuclear power. A video installation examines PG&E's seismic studies.

Art After Dark, Friday March 6, 2015, 6-9 p.m. Exhibit runs through March 13. Steynberg Gallery, 1531 Monterey St., San Luis Obispo. (805) 547-0278.



recent analysis re-affirms existing faults

## Convergence

continued from page 3

(the San Francisco Refinery) means that the impacts of any project planned for one facility must be evaluated and mitigated for its impacts on the communities and environment around both facilities. The Nipomo rail spur project's EIR failed to do that. On February 3, the Contra Costa County Board of Supervisors voted to approve the project and deny that the two facilities and the two projects were even connected. Phillips 66 spent \$4 million to secure that vote. Watch for trends.

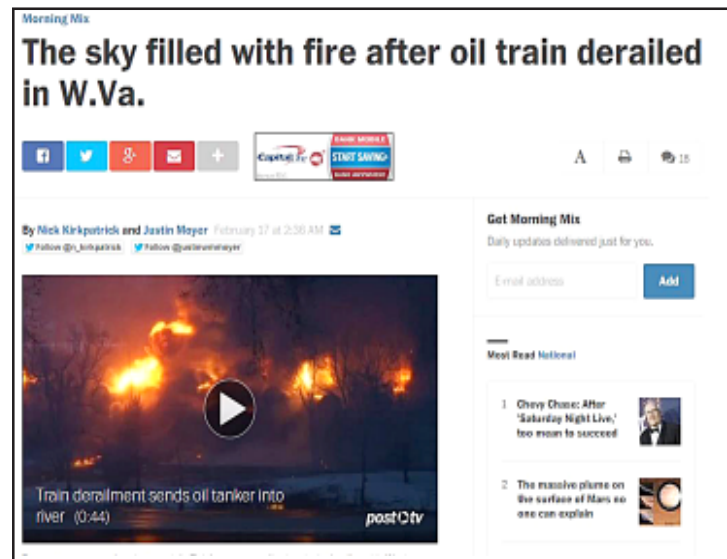
Breakout groups, strategy sharing and campaign stories covered canvassing, schools outreach, media relation mobilizing front line communities, establishing a research base and building regional support.

Eight days after that Oakland convergence, a crude oil train derailed and caught fire in Ontario. The next day, another oil train did the same in West Virginia. As Reuters reported, the "cars on the 109-car train were CPC 1232 models...the newer, supposedly tougher version of the DOT-111 cars."

The day after that, the City of San Luis Obispo authorized sending a letter to the SLO County officials urging denial of the Phillips 66 rail spur project.

There is no safe way to ship crude oil by rail.

**Cars and a house were engulfed by flames, and at least one tanker ended up in a river. West Virginia's governor declared a state of emergency, hundreds of families were evacuated from the area and two water treatment plants — at risk because of oil in the river — were shut down.**



-- Washington Post, Feb. 17, 2015

### TAKE ACTION

As we go to press, the County Planning Commission has yet to re-re-schedule its oft-delayed deliberations on the project permit. While the deadline to comment on the Environmental Impact Report has passed, you can let the Commissioners know what

you think about the project any time before that meeting. Check out the facts at [mesarefinerywatch.com](http://mesarefinerywatch.com), and then drop a note to the Commission. Send to Ramona Hedges, Clerk of the Planning Commission, at [rhedges@co.slo.ca.us](mailto:rhedges@co.slo.ca.us).



**Who's with me?** Sierra Club California Director Kathryn Phillips and Greenpeace organizer Mary Sweeters (above) look on as David Solnit leads the Oakland oil train convergence in an open space skill-sharing on "What happens if appeals to government fail?" (right).



## It's Time for California to End Risky Fracking

By Michael Brune, Executive Director of the Sierra Club  
Special to the Sacramento Bee, Feb. 4, 2015

At the end of last year, Gov. Andrew Cuomo banned hydraulic fracturing in New York, citing the threat it poses to public health. His state's acting health commissioner put it this way: "The potential risks are too great. In fact, they are not even fully known."

Here in California, however, fracking is already happening and is poised to spread more widely. A report released last month by the California Council on Science and Technology showed that as many as 175 new fracking wells are drilled in the state every month, even though most residents are against it.

Why would the Golden State allow fracking after New York found the practice — already linked to water contamination and earthquakes in Colorado, Oklahoma and Pennsylvania — too risky?

On Saturday, thousands of people from every corner of the state — including the communities hit hardest by fracking, such as Kern County — will take to the streets of Oakland in a March for Climate Leadership. We will call on the governor to protect all Californians by curtailing a practice

that directly threatens our water, our health and our communities.

One out of every seven Californians lives within a mile of an oil or gas well. If all the potential risks of fracking are "not even fully known," then perhaps we should consider what we do know about fracking.

First, we know that it's risky. Even fracking's supporters (the oil and gas industries and anyone else who stands to profit from it) use words such as "acceptable," "minimal" and "mitigating" when discussing the risks. Not even fracking's biggest boosters pretend there are no dangers. The truth is that we won't know the full price of expanding fracking until after it's too late. If your drinking water supply is contaminated, it's small solace that the risk of it happening was minimal.

Second, we know that more oil and gas fracking means more pollution. That means more of the air pollution that has already made the San Joaquin Valley the most dangerous place in America to breathe. Why sabotage our progress on clean air by promoting a huge new source of pollution?

Third, and most importantly, scien-



tists know that we need to leave as many fossil fuels in the ground as possible. To avert catastrophic global warming, they say, more than 80 percent of known fossil fuel reserves must stay untouched. This reality must be factored into every energy decision. And if our political leaders cannot accept this reality in California, an international leader on climate, can we really expect much progress globally?

Largely thanks to Gov. Jerry Brown, California boasts the most ambitious state targets in the nation for cutting climate pollution. That's a logical and necessary response to the threat of global warming, and a reflection of

BRUNE continued on page 10



This year's SLO International Film Festival features a number of presentations of interest to Sierra Club members:

### Growing Local

Three short vignettes, each focusing on a different challenge hindering the growth of the local food movement. We meet father and son organic dairy farmers struggling with the realities of producing a commodity food product to keep their farm going, and in the family. We follow an artisanal butcher who helps us understand how healthy, thoughtful meat production can be supported and sustained. And we meet a young farm couple who, on risky sweat-equity, have revitalized a fertile piece of farmland into a thriving community food hub. USA. 46 min. Thurs, 3/12, MC 4pm; Friday, 3/13, Palm (PM), 10 am.

### Oil & Water

The true story of two boys coming of age during the contamination of Ecuador's Amazon region by reckless oil drilling. Hugo and David were born on opposite ends of the oil pipeline. Hugo, a member of the Cofan tribe, comes to America to fight for the survival of his people and their traditional way of life, while David goes to Ecuador to launch the world's first company to certify oil as "fair trade." Their journeys lead them to explore what could be a more just future, not just for the Cofan, but for all people around the world born with oil beneath their feet. USA/Ecuador. 78 min. Wed, 3/11, MC, 4 pm; Sat, 3/14, MC, 4 pm.

### Farmland

Most Americans have never set foot on a farm or ranch, or even spoken with the people who grow and raise the food we eat. *Farmland* takes an intimate look at the lives of six young farmers and ranchers, all in their twenties and thirties, responsible for running their own agriculture businesses. Academy Award winning director James Moll travels across the country to capture a first-hand glimpse into this high-risk/high-reward job, along the way discovering the passion these farmers have for a way of life, passed down from generation to generation, which continues to evolve. USA. 70 min. Fri, 3/13, DT, 7 pm; Sun 3/15, 4 pm Galaxy Theater, Atascadero.

### Short Film

#### Net Positiva

Discarded fishnets are responsible for 10% of the oceans' plastic pollution. In this inspiring film, three friends set out to eliminate these derelict nets by repurposing them a surprising and inventive way. Their journey takes them to Chile, where they establish a groundbreaking recycling program that has the potential to make waves in the global fight against oceanic plastic pollution. Documentary. USA/Chile. 11 min. Thu, 3/12, DT, 1 pm; Sat, 3/14, Palm, 1 pm.

For the full schedule, purchase of passes and tickets, special events, celebrity guests etc., go to [slofilmfest.org](http://slofilmfest.org) or call (805) 546-3456.



# Now a Word from a County Not Run by COLAB

By David Gold

[Editor's note: Writing on the issue of protecting Ventura's ground water resources, Sierra Club Los Padres Chapter Chair David Gold published this article under the title "Flood of Water Well Apps Halted" in the *Ventura County Star*, refuting COLAB Executive Director Lynn Gray Jensen's Dec. 3 guest column: "County's water-well moratorium is damaging."]

The column grossly distorts the facts concerning Ventura County's water-well moratorium, and the misleading portrayal of Supervisor Steve Bennett's comments on the subject amounts to a gratuitous personal attack.

The Sierra Club testified in support of the Board of Supervisors' decision to impose the temporary moratorium. Some of the county's groundwater basins are so severely depleted that they are at risk of drawn-in toxic contamination, threatening the quality and safety of our drinking water.

While the new groundwater agencies are developing plans to ensure a safe, sustainable and reliable groundwater extraction rate, common sense dictates a temporary halt to the introduction of still more wells. In basins where pumping exceeds a sustainable level, it will be hard enough to require existing users to cut back, without new wells making the problem worse.

The attacks in the Dec. 3 column may reflect the frustration of some high-volume pumpers that they were not tipped off in advance, which would have enabled them to get wells approved ahead of the moratorium. The Board of Supervisors had an ethical responsibility not to leak the fact that supervisors were considering a moratorium until it was properly noticed on the board's agenda. A leak would have advantaged some pumpers over others and led to a rush of new wells. In fact, 37 new well applications were submitted in just the two days between the public announcement of a potential moratorium and the board's emergency hearing on the subject. Appropriately, none of those wells were permitted, due to the board's

prompt action.

Had the board followed CoLAB's demand for delay, far more new wells would have been allowed. At this point, can anyone really believe the right policy is that anybody should be allowed to drill any well he wants and pump water without regulation? The new state law will end this practice, and a temporary moratorium until the new regulations are in place makes common sense.

The county's moratorium is similar to the same good government policy adopted by the Fox Canyon Groundwater Management Agency — an agency dominated by agricultural interests. Both policies wisely call for a temporary halt to new wells until proper pumping limits are established. Fox Canyon's regulatory tools allowed it to discourage new well permits before a moratorium. The county lacks those tools but, by moving promptly,

was able to enact the same sound public policy without a rush of new approvals.

CoLAB suggests in utterly misleading fashion that the temporary moratorium will keep any wells from being drilled for six to eight years. First, replacement, repair and backup wells are all exempted. Second, waivers are available for hardship cases such as a single home with no other water option. Finally, as soon as an agency submits a groundwater sustainability plan to the state, the moratorium ends. Those agencies will have enormous incentive to submit those plans quickly.

Additionally, and nonsensically, CoLAB suggests that new wells will not in any way increase groundwater use. Not surprisingly, given the obvious weakness of its case, instead of discussing the merits of a temporary moratorium, the Dec. 3 column launched a personal attack on Supervi-

sor Bennett. The approach suggests the frustration of entrenched interests who no longer have veto power over groundwater policy. The status quo changed when the supervisors set a groundwater policy despite their opposition. The distortions and personal attacks are an attempt to perpetuate overuse of a public resource. This pattern of political intimidation is a common tactic of those who do not like their status quo power being challenged. It is important that the public be aware of these tactics so that CoLAB and others will have less ability to intimidate elected officials into avoiding policies that serve the public interest.

Our elected representatives took a stand for sustainable groundwater use in the face of tremendous political pressure from powerful interests. The public should take a moment to appreciate that.

## Stick

*continued from page 2*

Coastal Commission still have a lever they can lean on to compel compliance from State Parks and perhaps one day allow the residents of the Nipomo Mesa to breathe freely.

It was the Sierra Club that brought the existence of the buffer designation to the attention of the County Planning Commission in 2007, just as it was about to approve the sale of the land to State Parks, causing the Commission to reverse course and declare the proposed sale presented a land use conflict and would not conform with the County's General Plan. Appeals of the Planning Commission's decision by off-roaders flew fast and furious. That's how the long-forgotten designation came to the attention of Coastal Commission staff, which agreed: The La Grande tract is supposed to be a buffer. Further, "a transfer of ownership to State Parks for the stated purpose of continued OHV use may affect implementation of the long term planning and resource management requirements established by CDP 4-82-

300 and the certified LCP."

We sued State Parks for failing to designate the buffer area in the ODSVRA as required by the LCP. The local off-road lobby group sued in an effort to declare State Parks exempt from having to comply with the Local Coastal Plan (*Friends of Oceano Dunes v. County of San Luis Obispo*). The Sierra Club intervened in that case and got it dismissed "with prejudice" in 2010. As a result, both the authority of the LCP and the County's determination of land use nonconformity are beyond legal challenge.

But the court also ruled that we couldn't compel State Parks to conform to the LCP, including the buffer designation for the La Grande tract, even though the LCP specifically requires them to. Because the LCP "didn't say when" this has to occur, the time was not ripe. But the appellate court spelled out what *would* make the time ripe: an amendment of the LCP or the issuance of a new Coastal Development Permit to State Parks for the Oceano Dunes.

State Parks is now in the process of

applying for a Coastal Development Permit for its dust control project.

In 2011, the Air Pollution Control District issued its rule requiring State Parks to cut the hazardous dust emissions caused by off-road vehicles and zeroed in on the area of the park that was the biggest problem: lo and behold, the La Grande tract — four years after the Sierra Club had blocked its sale to State Parks, a sale that would have forever removed it from the County's General Plan proscriptions against off-road vehicles on County-owned land, and any chance of future enforcement.

Three years later, we blocked the next installment of State Parks' relentless attempts to buy the La Grande tract. Along with the Center for Biological Diversity, Defenders of Wildlife and Public Employees for Environmental Responsibility, we interceded with the Senate and Assembly subcommittees that approve the budgets for state agencies, pointing to the land use controversy around the La Grande tract and urging them to deny

*STICK continued on page 10*

## Never

*continued from page 7*

Simeon Fault with the San Gregorio Fault. The Report agrees that the Hosgri Fault is connected with the San Simeon Fault, which has caused the maximum possible earthquake to increase significantly. If the San Gregorio Fault to the north is similarly connected then the Report has underestimated the maximum earthquake that Diablo might need to survive.

"The utility has a long and remarkable history of producing sanguine technical reports that get the seismic hazard analysis at Diablo exactly wrong. Whenever new data has emerged identifying possible new seismic threats the utility has mobilized its internal and external experts to sequentially argue that nearby faults simply didn't exist, they did exist but were inactive, they were active but not large, and then that they were large but segmented and unconnected. Now that the evidence about the size and location of the faults is indisputable, the argument has suddenly changed again. Now the utility declares that although the faults are quite large, nearby, and

interconnected, the prior equations used during the licensing process to predict shaking should be abandoned and replaced with less conservative methodologies which allows the utility to claim that the plant is safe...even from a M7.3 [earthquake] within 600 meters of the facility.

"One must ask, if the utility has been proven to be wrong so many times in the past on so many similar issues, and given the high stakes of mishandling this critical issue, should the utility's new-found conclusions be relied upon without the direct regulatory oversight of the NRC's license amendment process?"

"As a scientist and a policy maker I believe the responsible answer is "No."

Blakeslee concluded that the decision by the NRC, in the aftermath of the difficult lessons of Fukushima, "to rely upon the utility's assertion that the facility is operating in conformance with its license based on these new, evolving, less-conservative equations... without the third party objectivity, regulatory safeguards, and

technical rigor of the license amendment process... could come back to haunt the NRC, the utility, and more importantly, the public."

Blakeslee's responsible "no" means every assurance made by PG&E and the NRC about the seismic safety of the plant is demonstrably false -- a claim that can't be backed up or tested, a circumstance created by the utility and its ostensible regulator, who have gone to great lengths to shield that claim from potentially unpleasant facts.

That means when PG&E says Diablo Canyon is "appropriately designed to withstand any credible earthquake that could occur in this region," that's false.

When they say "Nothing exceeds the engineering and other designs of the plant," that's false.

When they say "lessons learned from Japan will be incorporated so that we can continue to meet the highest standards for safety and reliability," that's false.

When they say "Diablo Canyon is seismically safe," that's false.

When they say "safety is at the heart of everything we do," that's false.

In *Rattling the Cage*, Steven Wise wrote: "We stubbornly fight to pre-

serve our core beliefs, consciously and unconsciously, fair and foul, any way we can.... In short, beliefs survive unless we are strongly motivated to examine the contradictory data with as unbiased a mind as we can muster and are both able and willing to think deeply about it."

Defenders of the seismic safety of the Diablo Canyon Nuclear Power Plant are not arguing on the basis of facts. They are defending a belief.

Profit is their first priority.

## TAKE ACTION

The next time you read an inevitable *Tribune* or *New Times* editorial by a PG&E executive defending the safety of Diablo Canyon and promoting the renewal of the plant's operating license, write a letter to the editor citing Dr. Blakeslee's December 3, 2014, testimony before the Senate Environment and Public Works Committee and point out that PG&E's evasion of the public requirements for a license amendment means that relicensing the plant is out of the question.

## Trains

continued from page 3

Club's Santa Lucia Chapter, ForestEthics, the Center for Biological Diversity, SLO Clean Water Action, People of Faith for Justice, and the Cal Poly Student Sustainability Coalition.

They had a number of eye-opening things to say.

Our rail system was designed to connect population centers, not move crude oil. If the Board of Supervisors approved this new hub, more than five million Californians will be in the "Blast Zone" — within one mile of the railroad main line, which means they are within the Evacuation Zone and Potential Impact Zone in the case of an oil train derailment or fire (see blast-zone.org).

Our county is at increased risk because of the number of bridges, curves and grades. Most of downtown Paso Robles is along the tracks. Most of SLO is within half a mile of the tracks, which go through the campuses of Cal Poly and UC Davis.

The proposed rail terminal would increase air and noise pollution on the Nipomo Mesina, in addition to hazardous dust pollution levels from the Oceano Dunes.

A number of California communities on the Union Pacific main line have written to the SLO County Planning Department and the Board of Supervisors asking that they not approve the rail spur project, which will bring oil trains from Canada through their cities

on the way to the refinery.

The SLO fire chief said underfunded local fire departments do not have the equipment to handle a derailment and oil fire and would have to call in other fire departments for help.

In the last 24 months, there have been 33 derailments of oil trains in the US and Canada.

Heidi Harmon, California Assembly Candidate, said "This is not just a case of not in our backyard. This is a dangerous, dirty, and detrimental project that should not be in anybody's backyard."

### Try again, Trib

The Tribune reported on February 19 that the SLO City Council sent a letter to the County Planning Department simply expressing "concerns" about the Phillips 66 crude-by-rail project. The City's letter actually asks the County to deny the permit and reject the project "to protect the health, safety and welfare of San Luis Obispo County residents, including over 46,000 City residents."



## Stick

continued from page 9

the \$5 million requested by State Parks to purchase the land. When the Senate budget subcommittee killed the appropriation, they made it clear they won't open the purse strings until and unless the issues surrounding the La Grande tract are resolved.

And so it was that, at the time of the February 11, 2015, Coastal Commission meeting, the La Grande tract still had not fallen into the hands of State Parks, which, as we pointed out eight years ago, is still violating the LCP.

From the remarks of Coastal Commissioners at their Feb. 11 meeting and

## Brune

continued from page 8

California's desire to show international leadership.

By that same logic, though, we should also be looking for every opportunity not to increase the oil and gas production that is creating that pollution. Finding reasons to continue and even to expand fracking in our state is exactly the opposite of what we should be doing. Why work to solve the problem of climate change with one hand, and then make it worse with the other?

Brown has a singular leadership opportunity to put a stop to this logical fallacy by refusing to give in to the fossil fuel lobby and simply saying,

from reading their staff report, it is clear that the Commission, after eight years away from the issue, lacks crucial institutional memory of the problems that plague the Oceano Dunes State Vehicular Recreation Area.

We will continue to try to fill in the blanks for them, and continue to create the space in which "implementation of the long term planning and resource management requirements established by CDP 4-82-300 and the certified LCP" can happen on the Oceano Dunes. We will continue to hold the stick in the lion's mouth for as long as we can. But at some point, the Commission will need to realize that it has to be the lion tamer.

"No more."

The good news is that California has superior energy options that don't require fracking. We have excellent renewable energy resources and strong goals. We're the home of Tesla, Sungevity, Solar City, Sunrun, and SunPower — companies creating the technology, financing and infrastructure for our clean energy future.

Within decades, California's economy can and should be powered with 100 percent clean, renewable energy, replacing our oil-guzzling transportation infrastructure with clean-powered electric vehicles and high-speed rail.

It's time for California to follow New York's lead and kick fracking to the curb.

## March

continued from page 3

It was encouraging to be outnumbered or at least matched by young people — it was not a grey-hair convention as it often is. Students from Cal Poly, Cuesta College and UCSD, Humboldt State, UCSB and others were marching with us and had such energy and optimism.

Alternative, sustainable energy technology was widely discussed. There is no reason to keep polluting our Mother Earth. One of the speakers from the Catskills Citizens who were the driving force behind having New York's Governor Cuomo sign onto a state ban said education is a big factor in getting climate action, doing the research, telling the truth and using the science.

The young Cuesta student I was seated next to on the bus said, "That was a life-changing event." It was the first demonstration she has been a part of — hopefully the first of many.

### Thanks from Jeanne Blackwell

We had fresh coffee and pastries for the trip from Black Horse and Cowboy Cookies and munchies from SLO Food co-op. Tori, Linda and Holly. Take charge ladies that just made things happen. And to our sponsors who subsidized seats and made sure this happened: THANK YOU. We always get just what we need when we need it. This community rocks.

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Linda Seeley  
Jerome White  
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### Our Riders

Alexandrea-Silver Helms  
Alyssa H. Parr  
Ariana Brandao  
Cal Wilvert  
Cindy Dixon Levine, son & 3 friends  
Dana Gibson  
David Koi & 8 fellow Cuesta students  
Elysia Ruiz  
Eric Greening  
Eric Veium  
Erin Grise  
Greg McMillan  
Jamie May  
Jane Eddy  
Jeanne Blackwell  
Jesse Gibson  
June Cochran  
Kai Lord-Farmer  
Kathleen Minke & granddaughter  
Linda Poppenheimer  
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Maia Kiley  
Marty Brown  
Marty Farahat  
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Nancy Hilyard  
Paula McCambridge  
Rachael Foe  
Ray Weymann  
Rosemary Wilvert  
Sean Fowler  
Shane Bennett  
Steve LePell  
Steven Marx & grandson Lucas  
Tori Poppenheimer  
Victoria Carranza

Thank you June Cochran for handling the check-ins — no small task. Never did find out where that extra person came from on the way home, but at least we didn't lose anyone.

- Jeanne Blackwell

## Oil Water

continued from page 3

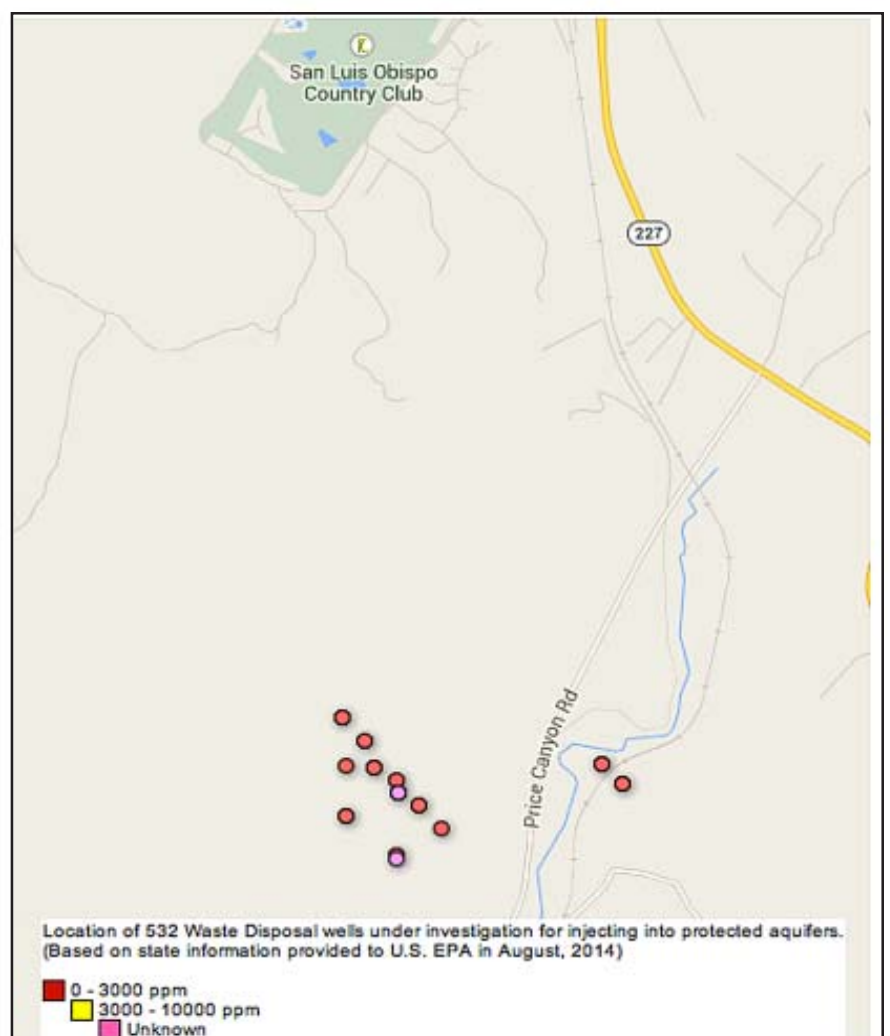
water pulled up from underground during drilling.

The EPA has told DOGGR to produce a plan for halting the practice of allowing oil companies to inject drilling waste into aquifers that provide drinking water or are federally protected, according to the AP report. The agency has until 2017 to actually stop injection into aquifers that US EPA has not designated for waste disposal.

"It is extraordinarily distressing that for so many years the state has essen-

tially put California's diminishing water supply in the pathway of serious pollution," said Kathryn Phillips, Director of Sierra Club California. "If this were a one-time incident, it would be bad enough. But to permit thousands of questionable wells defies common sense.

"It's time for an outside investigation into DOGGR's practices. While US EPA calling for a plan to stop injecting into sensitive aquifers is commendable, that's not enough. It's time for the U.S. Attorney's office to investigate how and why these permits continued even after the federal agency warnings."



Our share of the grief 11 of 13 oil waste disposal wells in the Price Canyon area have been allowed to inject oil drilling waste into protected aquifers. Full state map at [cbdnet.info/public/injectionwells.html](http://cbdnet.info/public/injectionwells.html).

# Classifieds

Next issue deadline is **March 13**. To get a rate sheet or submit your ad and payment, contact:  
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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.

**Mon, Mar. 2nd, 10 a.m. Valley and Islay Creek Hike.** Identify a dozen wildflower species on a scenic two-mile loop hike, 250 ft. elevation gain, in Montana de Oro State Park. Meet at Spooner Ranch House, 2.5 miles past park entrance. Leader: Vicki Marchenko, 528-5567 or [vmarchenko57@gmail.com](mailto:vmarchenko57@gmail.com)

**Fri.-Mon., Mar. 6th-9th, Death Valley Exploration.** Four days of hiking and touring. Hikes include Golden Canyon, Amargosa Canyon, Mosaic Canyon, Natural Bridge and the Mesquite Sand Dunes, all 4 miles or under. Visits to China Ranch, Salt Creek, Zabriskie Point, the Artist Palette and Badwater. Two nights of primitive camping, one night at a developed campground. Potluck on Saturday night. Contact leader Carol Wiley at [desertlily1@verizon.net](mailto:desertlily1@verizon.net) or (760) 245-8734. Mojave Group/CNRCC Desert Committee.

**Sat., Mar. 7th, 8:30 a.m. E. Cuesta Ridge to Lopez Canyon Trail.** Walk on Mt. Lowe Rd. (E. Cuesta Ridge) 4.6 miles from gate near highway, then down Lopez Canyon Trail as far as we feel comfortable, returning the same way. Some trailside poison oak present. Expect to be out all day unless you wish to turn back early. Meet at Santa Rosa Park in SLO to carpool to the top of the grade. If you are from North County, you can meet us at the gate at about 8:45. Bring lunch and water. Leader: Carlos Diaz-Saavedra, 546-0317.

**Sun., Mar. 8th, 10 a.m. Trekking-Pole Hike at Johnson Ranch** Hike to model the techniques and benefits of using trekking poles, 2.2 miles, 150 ft. gain. Meet at trailhead, located just after lower Higuera goes under Hwy 101 and becomes Ontario Rd. Need to confirm beforehand with Leader: David Georgi, 458-5575 or [hikingpoles@gmail.com](mailto:hikingpoles@gmail.com).

**Sat.-Sun., Mar. 14th-15th, Serve and Discover the Carrizo Plains.** We pray for winter rains, and if they arrive we can look forward to spring wildflowers in the Carrizo Plain National Monument. Our service on Saturday will either remove or modify sections of fence to facilitate the mobility of pronghorn antelope. These residents prefer to crawl under rather than jump fences to escape predators. Sunday will be, at the choice of the group, either a hike in the Caliente Range or else a tour of popular viewing areas in the plains. Leader: Craig Deutsche, [craig.deutsche@gmail.com](mailto:craig.deutsche@gmail.com), 310-477-6670. CNRCC Desert Committee.

**Sun., Mar. 22nd, 2 p.m. Historic Walk: Victorian-Age San Luis Obispo.** Guided stroll past 21 stately, century-old homes and churches in the Old Town Historic District, SLO's former "Nob Hill." See residences of past mayors, newspaper editor, and founder of Cal Poly. Eavesdrop on the lives of the newly rich who dominated SLO in its horse-and-buggy days. Duration about 1 1/2 hrs. Meet in front of Jack House, 536 Marsh St. Leader: Joe Morris, 549-0355.

**Sat.-Sun., Mar. 14th-15th, Ghost Town Extravaganza.** Explore the ruins of California's colorful past in this spectacular desert landscape near Death Valley. Camp near the historic ghost town of Ballarat (flush toilets). Sat. a challenging hike to ghost town Lookout City with expert Hal Fowler who will regale us with tales of this Wild West town. Return to camp for Happy Hour and a special St. Patty's Day potluck and campfire. Sun. a.m. a quick visit to the infamous Riley townsite. Group size strictly limited. Send \$8/person (Lygeia Gerard), 2 sase, H&W phones, email address, rideshare info to Ldr: Lygeia Gerard, P.O. Box 721039, Pinon Hills, CA 92372, 760-868-2179. CNRCC Desert Committee.


**Sat.-Wed., Mar. 14th-17th, Tamarisk Eradication in Saline Valley.** Join us in eradicating tamarisk in an Inyo Mountain canyon west of Saline Valley. Meet 10 a.m. Sat. at the intersection of Hwys 395 & 168, just north of Big Pine and drive into Saline Valley. Camp at Saline Hot Springs. We will work Sat afternoon, Sunday and Monday with Ridgecrest BLM Wilderness Coordinator Marty Dickes. On Tuesday there will be a hike in the area. High clearance vehicles preferred. Leader: Kate Allen, [kj.allen96@gmail.com](mailto:kj.allen96@gmail.com), 661-944-4056.

**Wed.-Sun., Mar. 18th-22nd, Death Valley National Park - Spring Weekend.** Visit Death Valley when temperatures are mild and wild flowers may be blooming. We'll hike to waterfalls including oasis-like Darwin Falls, through stunning desert canyons including Titus Canyon, visit ghost towns and mining areas, and explore some lesser known but truly fantastic areas outside of the Park. We will also tour Scotty's Castle. The hikes are rated moderate to strenuous with several hikes off maintained trails. Strenuous hikes to the most interesting locations require short sections of rock scrambling and minor exposure to heights. The hikes range from five to ten miles, with elevation gains up to 500 feet. Cost is \$60 per person and includes 4 nights of camping and tour of Scotty's Castle. Group size limited to 15 people. Email or call leader for reservation information. Leader: Rich Juricich, [rich.sierraclub@pacbell.net](mailto:rich.sierraclub@pacbell.net) 916-492-2181. Sacramento Group/CNRCC Desert Committee.

**Tues., Mar. 24th, 7-9 p.m. Bi-monthly Meeting: "Ten Best SLO County Hikes You've Probably Missed"** Tonight, meet one of our veteran chapter outings leaders, David Georgi, who in retirement has hiked several hundred trails in our county.



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




**The Sierra Club Needs You!**

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- Explore the outdoors
- Make new friends
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- Get healthy exercise

*For further information contact:*  
**Joe Morris**  
 Sierra Club  
 (805) 549-0355  
[djp1942@earthlink.net](mailto:djp1942@earthlink.net)



John Mead, a member of the Sierra Club, in Yosemite

He will recount the best of the ones that have been unfairly neglected by those stuck in weekend ruts traipsing another time up Bishop Peak or doing the Laguna Lake loop. This evening's slides and descriptions will open your eyes to some surprising natural wonders nearby, from shore to summit—just in time for the best part of hiking season. Join us! Location: Steynberg Gallery, 1531 Monterey St., SLO. Info: Joe Morris, 549-0355.

## JOIN THE CAL FRENCH CIRCLE AND GET THE 2015 GUIDE TO SLO COUNTY TRAILS FREE!

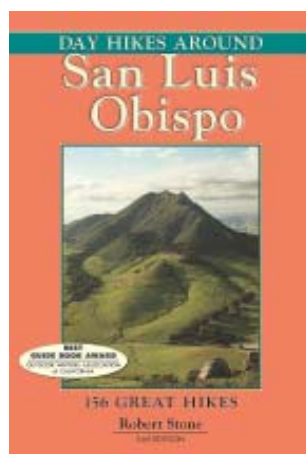
Did you know that only 15% of Sierra Club membership dues go to pay the expenses of this chapter—the rest goes to the Club's vital national conservation campaigns. We thank our members for that, but it's only by their additional contributions that we are able to maintain a chapter office, staff, our local conservation work and this newsletter.

So here's a way to keep us healthy *and* for you to get a copy of the brand new third edition of Robert Stone's *Day Hikes Around San Luis Obispo*, with 158 mostly short hikes — several dozen more than the previous edition, with locales from seacoast to summits and everywhere in between.

Here's what you do: Join the Cal French Circle of donors by signing up for a monthly contribution of \$20 or more. Go to [www.santalucia.sierraclub.org](http://www.santalucia.sierraclub.org), click the "Donate" button and either donate \$240 or select an automatic monthly contribution of at least \$20 per month. Or you can set up a monthly donation through your bank, using their free "bill pay" service.

For this limited time/limited quantity offer, **you need to sign up by March 31st** to receive a copy of *Day Hikes* as a thank-you gift. But there's more. Cal French Circle donors are invited to exclusive events, such as special films or wine & cheese receptions with environmental leaders.

Join your fellow Santa Lucia Sierra Club members who have already joined CFC. Give a present to the environment and yourself!



## Activities sponsored by other organizations

**Citizens' Climate Lobby, Sat., March 7th, and Sat., April 4th, 9:30 a.m.** Meeting at the Unitarian Universalist Fellowship, 2201 Lawton Ave, SLO. Join us and learn what you can do to slow climate change and make a difference in our community. Become a climate activist and part of the solution to the most pressing issue of our time. For more information, email [citizensclimatelobby@slo@gmail.com](mailto:citizensclimatelobby@slo@gmail.com).

**Saturday, March 14, 1 p.m. San Luis Obispo Botanical Garden: Saturday at the Garden -- Creating Container Gardens Workshop.** Even if you don't have a large yard you can still enjoy the many benefits of gardening! If you love birds, butterflies, fresh vegetables or low maintenance plants but have limited space or time, this is the class for you! Join landscaper Pat Thomas as we learn about containers for ornamental plants and vegetables. Following a demonstration, class participants will plant their own containers to bring home. Participants should bring a planting container approximately 18" diameter by 18" deep or larger to the program. Some plants will be provided and others will be for sale or bring your own. Soil, trowels and gloves provided. Presentation is followed by a free docent-led tour in the Garden at 3 p.m. Pam has a horticulture degree from Cal Poly and worked in botanical gardens in California, the east coast and abroad before she started her own landscaping business in San Luis Obispo. Limited Class size, registration required. Workshop is \$10 for Garden members, \$15 for public. 3450 Dairy Creek Rd., SLO. Go to the San Luis Obispo Botanical Garden Facebook page, or 805-541-1400, or [www.slobg.org/container](http://www.slobg.org/container).

