



# 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

May 2015  
Volume 52 No. 5

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### Don't Miss:

May 27

**The future of SLO County's groundwater**

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# This Is a Big Deal

## Community Choice energy finally gets a local foothold

The California Legislature passed Assembly Bill 117 in 2002, offering communities an opportunity to choose their electric provider and the sources of their electricity via a program called Community Choice Aggregation (CCA).

The Sierra Club introduced the concept of Community Choice energy to San Luis Obispo nearly ten years ago (see "We've Got the Power," Oct. 2006), and has kept up a steady drumbeat ever since, reminding one and all, as recently as last month, (see "CCA OMG," April) that Community Choice is the surest, fastest and best road to a clean energy economy.

In the last few years, SLO Clean Energy formed to take up the cause, and has been working with the County and cities to encourage exploration of a Community Choice program.

On March 31, all the effort paid off: SLO Clean Energy introduced a no-cost consultant to the San Luis Obispo city council, and the City resolved to "participate in an inter-jurisdictional investigation into the feasibility of Community Choice Aggregation." Morro Bay agreed to do likewise in 2013.

"If nothing else," said SLO Clean Energy team leader Mladen Bandov, "the City of SLO and Morro Bay get a free evaluation of an alternative service that they would otherwise have to conduct a feasibility study to fund and evaluate themselves."



City Participation in the Exploration of Community Choice Aggregation

## 10 Steps to Sustainable Water

Some first principles for the County's future water management

by the Santa Lucia Chapter Water Subcommittee

We support managing water supplies in a manner that serves the greatest common good, recognizing that adequate clean and affordable water is a right, not a privilege, for every citizen.

We further recognize that fair allocation of water, as with all resources in our society, are best achieved by a representative government decided by a popular election, with adequate checks and balances, including court and governmental oversight.

We support the following principles:

1. Democratically elected members and decision-making are needed to maximize equal access to affordable water supplies.
2. County oversight of Basin management and development of Groundwater Sustainability Plans (GSP) is needed for effective and timely plan development. The County should move to become the Groundwater Sustainability Agency (GSA) for every basin in the county, including low-priority basins. The County should be the lead agency in preparing Groundwater Sustainability Plans for the groundwater basins.
3. The first priority of a GSA should be the metering and reporting of all agricultural, industrial and commercial use over the basins.
4. Water use efficiency (WUE) and Best Management Practices (BMPs) for agriculture, commercial, industrial and residential should be given a high priority in GSPs because water use efficiency provides the lowest cost and most environmentally sustainable sources of water.
5. For residential, WUE includes conservation, recycled water use (rainwater, grey water, and wastewater reuse), and low impact development (LID) storm water recharge measures. Of these measures, comprehensive indoor-outdoor conservation is the most environmentally sound and cost-effective, so it would have the highest priority. This should integrate greywater and rainwater reuse, in addition to LID options for the greatest benefits and cost effectiveness.
6. Wastewater recycling should focus on urban and ag reuse, which directly offset pumping, rather than recharge measures, which tend to have less certain benefits. (A thorough cost-benefit analysis should be applied to determine the most cost effective of wastewater reuse option, with all costs including environmental impacts factored in.)
7. Precautionary management and decision-making strategies and tools should factor in the impacts from climate change (future droughts, higher temperatures, sea level rise), as well as other potential adverse impacts (e.g., economic



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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.

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Explore, enjoy and protect the planet

## Sierra Club General Meeting

6 p.m., Wednesday, May 27

### Everything You Always Wanted to Know About the Sustainable Groundwater Management Act\*

When it comes to managing our groundwater, California stepped from the 19th century into the 21st on January 1, 2015, the day the SGMA took effect, "perhaps the most significant legislative water initiative in California in half a century" (per UC Davis, Division of Agriculture).



\*but didn't know who to ask

Bring your questions for John Diodati, the County's Paso Basin District Project Manager, to learn what the state requires, and what the County proposes, to protect imperiled groundwater basins.

Note early start time! Arrive on time and get your questions in early; John's available time tonight is limited!

Steynberg Gallery, 1531 Monterey St., SLO. Info: [sierraclub8@gmail.com](mailto:sierraclub8@gmail.com) (805) 543-8717.

## Marine Sanctuary Protection is Not a Partisan Issue

In a March *Tribune* Viewpoint, John Peschong, chairman of the San Luis Obispo County Republican Party, claimed that the proposed Chumash Heritage National Marine Sanctuary "is a bad idea in the name of preservation" and unnecessary because "local, state and federal regulations already protect our coastline and cultural heritage. . . we have plenty of those without adding more."

In 1981, the non-partisan U.S. Government Accountability Office (GAO) issued a report directly contrary to that claim. It's unambiguous title: "Marine Sanctuaries Program Offers Environmental Protection and Benefits Other Laws Do Not."

A review of the history of national marine sanctuaries published in the *Environmental Law Reporter* last year elaborated on this point: "The [National Marine Sanctuaries Act] is the most effective and comprehensive approach currently available to protect specific areas within the coastal and ocean zones, including entire marine ecosystems, and the statute is the only existing federal law structured with this end squarely in mind."

Without a shred of evidence, Peschong went on to state his opinion that the livelihoods of local fishermen "would be suffocated" and jobs would be lost due to sanctuary designation.

Last year, a study of the potential economic impacts of a national marine sanctuary off the Central Coast concluded that a sanctuary was likely to add, at a minimum, \$23 million per year to the local economy and create almost 600 jobs. The National Oceanic and Atmospheric Administration (NOAA) has documented economic benefits for communities surrounding existing national marine sanctuaries, including benefits for the recreational and commercial fishing industries.

Peschong connected his myth of economic collapse to an argument on the loss of "local control." This claim may be tested against the existence of the Morro Bay National Estuary, one of 28 National Estuaries managed by the U.S. Environmental Protection Agency. Did the establishment of the Morro Bay National Estuary Program

twenty years ago "diminish our local voice," or has it been a boon to the community?

Peschong, a former senior campaign strategist for George W. Bush, may be unaware that President Bush's father was a major force behind the establishment of the Monterey Bay National Marine Sanctuary in 1992. The presidential announcement of that designation proudly noted that it entailed "a permanent ban on oil and gas development for the area, which includes a wide variety of pristine habitats." Further, it would protect "an expanding population of sea otters and a wide variety of whales, porpoises, seals, fish, and sea birds, including many endangered and threatened species."

Governor Pete Wilson, a politician who was not known for supporting job-killing, livelihood-suffocating initiatives, said: "Californians and

visitors from all over the world who come to marvel at the beauty of the state's breathtaking central coast owe a tremendous debt of gratitude to President Bush for his wise and far-sighted decision."

Of the 14 sites within the national marine sanctuary system, half were designated under a Republican President and half were designated under a Democratic President. Marine monuments and sanctuaries have been advocated by Presidents of both parties. This should be a nonpartisan issue about vital natural resource protection for our coastal ocean.

The nomination of the Chumash Heritage National Marine Sanctuary will serve to initiate an extended public process in which all stakeholders and members of the public will be able to give their input and have their questions and concerns fully addressed. All deserve a chance to participate in a process that can keep their ocean and coastal areas safe from damaging impacts (see page 7).

So here's what we suggest to Mr. Peschong, and any others who have decided to oppose the nomination of a national marine sanctuary for the Central Coast: Let the people get the facts, and then let the people decide.



### Santa Lucian

Andrew Christie  
EDITOR [sierraclub8@gmail.com](mailto:sierraclub8@gmail.com)

Greg McMillan  
Lindi Doud  
Linda Seeley  
Sandy Simon  
EDITORIAL COMMITTEE

Denny Mynatt  
PRINT MEDIA COORDINATOR

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send to:

Editor, Santa Lucian  
c/o Santa Lucia Chapter, Sierra Club  
P.O. Box 15755  
San Luis Obispo, CA 93406  
[sierraclub8@gmail.com](mailto:sierraclub8@gmail.com)

#### Santa Lucia Chapter

##### 2015 Executive Committee

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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.

#### Committee Chairs

##### Political

Michael Jencks

##### Conservation

Sue Harvey

##### Development

Greg McMillan

##### Nuclear Power Task Force

Rochelle Becker [beckers@thegrid.net](mailto:beckers@thegrid.net)

Linda Seeley [lindaseeley@gmail.com](mailto:lindaseeley@gmail.com)

##### Climate Change Task Force

Heidi Harmon

[sacredheart9395@yahoo.com](mailto:sacredheart9395@yahoo.com)

##### Intergenerational Task Force

Victoria Carranza [vcarranza@gmail.com](mailto:vcarranza@gmail.com)

#### Other Leaders

##### CNRCC Delegates

Linda Seeley, alt: Greg McMillan

John Burdett

##### Calendar Sales

Bonnie Walters 805-543-7051

##### Outings

Joe Morris [dpj1942@earthlink.net](mailto:dpj1942@earthlink.net)

##### Canoe/Kayak

open

##### Webmaster

Monica Tarzier [monica@tarzier.org](mailto:monica@tarzier.org)

##### Trail Guide

Gary Felsman

##### Chapter Director

Andrew Christie  
805-543-8717  
[sierraclub8@gmail.com](mailto:sierraclub8@gmail.com)

##### Coordinator

Kim Ramos, Admin and Development  
[kimramos@yahoo.com](mailto:kimramos@yahoo.com)

#### Santa Lucia Chapter

P.O. Box 15755  
San Luis Obispo, CA 93406

Office hours Monday-Friday,  
1 p.m. - 7 p.m., 974 Santa Rosa  
Street, San Luis Obispo

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## A Few Facts About the Oster/Las Pilitas Quarry

Santa Margarita is an example of the best of SLO County - a quiet, peaceful, slow-paced rural enclave; a small town they way they're not making small towns anymore. Whether you live there or not, turning Santa Margarita into a mining town and haul route for gravel quarry trucks should be something nobody wants to see happen, except the proponents of the Las Pilitas/Oster Quarry project.

It was soundly rejected by the County Planning Commission based on its numerous and severe environmental impacts and incompatibility with County policies. It's coming back to the Board of Supervisors on appeal, based on emotional arguments and misinformation. The applicant has waged an aggressive campaign of misinformation in response to well-documented factual evidence and Planning staff's recommendation to deny the project. An approval would be based solely on ideology. That would be a troubling precedent for land use decisions countywide.

The applicant will be pulling out all the stops for that appeal hearing and throwing everything at the wall. All Sierra Club members with a stake in the quality of life in this county and a preference for the preservation of wildlife habitat and natural open space are urged to show up at the Board of Supervisors on May 12 to tell the Board to uphold the decision of the Planning Commission. Feel free to make some of the following points, as you can be sure the record will need to be corrected:

- This project is *not* associated with Hanson's Santa Margarita Quarry. This would be an entirely new quarry with an entirely new haul route, Highway 58, a rural roadway not suitable for an industrial transportation corridor.

- The proposal is *not* for a small ranch quarry. Las Pilitas Resources LLC is seeking a permit for an industrial scale quarry that could extract up to 500,000 tons annually (nearly 75% of the amount Hanson is permitted to extract). In drastic contrast to the existing Hanson operation nearby:

- The haul route would send all trucks through town via a dangerous rural arterial route (Highway 58) that includes many residences, a school, a community park and a rail crossing.

- A steep entrance and constrained boundaries do not accommodate staging of the large number of trucks or screening of operations and stockpiles.

- A cluster of residences on small parcels zoned Residential Rural (RR) surround the parcel on the south and west sides.

- A Conditional Use Permit (discretionary action) transfers with the land, not with individuals. The permit will last for up to 58 years. Transfer of ownership is common in the industry and could occur at any time if the project were to be approved.

- The specific parcel proposed to be mined is zoned Rural Lands (RL). Quarries/mines are an "allowable" (potentially permissible/not a guaranteed entitlement) use within Rural Lands as well as Agricultural (Ag) and Residential Rural (RR) land use categories (zoning). So while there are



### Oster/Las Pilitas Quarry Update

APRIL, 2015

**Planning Commission Decision to DENY Quarry  
APPEALED**

**NEW Hearing @ Board of Supervisors**

**Tuesday, May 12, 2015**

**SLO County Govt. Center 9:00 a.m.**



**WRONG PROJECT - WRONG LOCATION**

On February 5, 2015, the SLO County Planning Commission voted to deny this large scale industrial project proposal. Truth and the county's own land use policies informed that decision. **BUT IT'S NOT OVER...** Las Pilitas Resources, LLC has appealed the decision to the Board of Supervisors and a well funded marketing of misinformation is underway. The applicant is dismissive of the significant impacts to the community. But by being well informed and taking action, each of us can make a difference in helping uphold the denial and ensuring the future safety and livability of our community.

**This Limited Liability Corporation wants:**

- To annually extract 500,000 tons of granite rock for up to the next 58 years.
- Waivers exempting them from existing ordinances to import and crush undisclosed amounts of used concrete and asphalt and from screening material stockpiles from view.
- To generate an average of 273 daily gravel truck trips, with up to 800 daily truck trips for large projects.
- To remove a mountaintop adjacent to residents by blasting (explosives).
- To make Hwy 58 an industrial haul route without funding improvements needed to adequately address public safety.
- To use OUR extremely limited water resources to produce a product we already have adequate supply of.

**TAKE ACTION**

- Make plans and **ATTEND** the **May 12, 2015** Board of Supervisors Appeal Hearing @ the County Government Center in San Luis Obispo

*Your presence **MAKES A DIFFERENCE** whether you plan to speak or not.*

- Write the Board of Supervisors with your concerns - e-mail: [boardofsups@co.slo.ca.us](mailto:boardofsups@co.slo.ca.us)
- Request to meet with individual Board members to share your concerns.
- For more information, visit <http://margaritaproud.com/get-involved.html>
- Share information and encourage others to attend hearing.

areas known to contain mineral resources, it is *not* accurate to categorize any specific site as being "zoned for mining." The intent of the discre-

tionary permit process, which is required for any mining application, is to determine suitability/compatibility on a specific project-by-project basis.

## The SMGB Got It Wrong

The State Mining and Geology Board (SMGB) is a Sacramento-based board dominated by mining interests. It began in 1885 as The Board of Trustees overseeing the Bureau of Mines. The SMGB is the body responsible for the California Geological Survey (CGS), a 50-year demand study that the mining industry cites as evidence of a shortfall in aggregate to fill our future needs.

However, the study omits a number of existing sources of aggregate and the conclusion does not acknowledge significant amounts of aggregate resources within existing quarries already earmarked in the San Luis Obispo County General Plan. When all available information is considered, *there is no shortage of aggregate.*

The SMGB is also the body responsible for the little known process of Classification-Designation of Mineral Lands. The state geologist identifies and maps areas throughout California that contain "mineral resources." The SMGB, under the Department of Conservation, carries out the stepped process of Classification-Designation. Crucial points to understand about that process which Oster Quarry proponents seem not to grasp:

- Identification and mapping of mineral resources is *not* site specific. Vast areas are identified with the knowledge that all parts are not suitable for mining.
- Identification of a resource does not address the suitability of specific project proposals.
- Designation by the state has no relation to how a parcel is "zoned."
- Individual counties, not the state, make local land use decisions.

Obviously some locations will be better suited than others with regard to surrounding land uses and character of surrounding communities.

**Water** - Quarries use large quantities of water. The amount of water Las Pilitas Resources LLC has claimed they will use has been a moving target and does not align with usage at other quarries of similar scale. Additionally, the amount of water available (supply from Salinas River) is not sufficient to sustain such an intensive use and would be at the expense of others.

**Need** - There is no shortage of aggregate resources within existing quarries. Ample resources exist that are already earmarked to meet future demand (see SMGB sidebar). This affords the ability to carefully consider appropriateness of mining sites to their surroundings. No need exists to approve any proposals that compromise livability, character, or safety of surrounding communities.

**Crossroad** - Approval of this project would tip the balance away from that of a livable community with desirable character. Santa Margarita would become little more than an industrial mining town.

**Classification/Designation** -- the fact that there are mineral on the site -- does not trump the basic purpose of land use planning to address compatibility between uses.

## When “Local Control” Isn’t

**The proposed Paso Robles Basin District begs the question: Who exactly would be in control?**

On April 21, the County Board of Supervisors voted to apply to the Local Agency Formation Commission (LAFCO) for the go-ahead on forming a Paso Robles groundwater management district.

The Sierra Club remains opposed to the proposed district for the same reasons we opposed it when it was codified in Assembly Bill 2453, backed by Assemblyman Katcho Achadjian.

AB 2453 was described in the local press as “landmark” legislation without ever explaining why. It essentially reversed 100 years of progress in state water management.

As it was put to the County Supervisors by Katcho’s own senior consultant to the Local Government Committee that he chairs: “The general trend over the last hundred years, I would say, in spite of irrigation districts, is to move away from landowner-based districts ... and toward resident voting, or one person per parcel, one person per vote.”

And therein lies the problem. An acreage-based vote is appropriate for the management of irrigation districts, formed when virtually every resident of a district is engaged in commercial agriculture. It is not appropriate for the management of a groundwater basin on which 15,000 local non-landowners also rely. By imposing acreage-based voting requirements for directors of the

district, AB 2453 disenfranchised resident renters and other non-land owners; a significant segment of the community that will be affected by the powers granted to the district.

Subsequent to the formation of the district, a “hybrid” board would be elected—formed by a combination of landowner-based votes and a general election—that would marginalize and disenfranchise non-landowner residents. In a June 10, 2014, memo to Achadjian, Senate Governance and Finance Committee consultant Toby Ewing recommended that the “hybrid” board initially be appointed by the Board of Supervisors, transitioning to an elected board based on one-person, one-vote. That didn’t happen.

As written, AB 2453 precluded the possibility of the district ever being able to transition from an acreage-based district to a registered voter-based district, no matter what local residents decide they want in the future. If the voters vote the district into existence, it will be forever locked into its “hybrid” structure: a guaranteed six seats for directors representing the interests of commercial agriculture, and three seats for everybody else.

As the County moves the district toward a formation vote, residents will be hearing even more loudly the mantra being chanted now as the plan makes its way to LAFCO: that it would create a district that would assure

residents would have “local control.”

Fully half the land over the Paso Robles groundwater basin is owned by non-resident landowners and distant corporations. Once a district is created, the locally based representatives of those corporations can run for any seat on the board, with a permanent majority of directors pre-designated for the benefit of the class of landowners that repeatedly has said they are opposed to any conservation measures that would limit groundwater pumping and curb the expansion of their operations, and who have vigorously sought exemp-

tions from even the mild water use offset measures that have been put in place.

Agriculture accounts for 80% of the groundwater use over the basin, and vineyards represent 90% of the irrigated agriculture. AB 2453 was supported almost exclusively by wine industry groups. Their goal is to spread the cost of imported water so as to support and backstop unsustainable levels of groundwater extraction.

North County residents did a fan-

*CONTROL continued on page 7*

## A Regulatory Reality Check

**The Cambria CSD can now gauge the depth of the hole it has dug for itself**

After multiple Water Code violations provided the first official intimation that the Cambria Community Services District’s decision to build a desalination plant before, not after, a full environmental review was maybe not a great idea (see “Cambria CSD Reaps First Installment on the Whirlwind,” April), the CCSD is now facing the full, cold light of dawn.

On April 6, state and federal resource agencies responded to the CCSD’s Notice of Preparation of an Environmental Impact Report for its Emergency Water Supply Project.

Hanging over the agencies’ responses was the unmistakable sense of a large bill about to come due, thanks to the CCSD’s decision to pull that clever switcheroo.

Considering all the aspects of the project that the agencies identified as in need of justification, major alteration or replacement with lower-impact alternatives, it looks like a virtual do-over is in the cards for the CCSD. Having dug itself into a hole, the CCSD must now climb a mountain.

**“All of the above concerns remain”**

The California Department of Fish and Wildlife wrote that it “believes that the Project has already resulted in direct and cumulative adverse impacts to fish and wildlife resources of the San Simeon Creek, Van Gordon Creek, and the lagoon.”

Fish and Wildlife noted that the state Office of Planning and Research claimed that “the Department had issued the necessary permits when it approved the CCSD’s emergency permit. This is incorrect. The Department had informed CCSD on multiple occasions that a Lake and Streambed Alteration Agreement (LSAA) would be necessary for the Project pursuant to Fish and Game Code Section 1600 et seq. However CCSD has not yet obtained an LSAA from the Department for any portion of the Project.”

The US Fish and Wildlife Service provided a four-page list of concerns it has expressed to the CCSD since last July, including “our concerns regarding project-related impacts to federally endangered and threatened species and the District’s lack of compliance with the [Endangered Species] Act,” and the District’s “adaptive management plan that the Service has not reviewed.” Despite the Service having raised these issues over the previous nine months, “all of the above concerns remain,” in addition to the CCSD’s recent violation of “numerous provisions of permits under which the Water Board regulates the District’s project,” and the discovery of dead birds at the project’s brine pond in the first three months of this year.



**State Parks: taking CCSD to school**

Of all the agencies submitting comments, the California Department of Parks had the most to say. It began by dryly noting that it was “providing the following comments for an ‘after-the-fact’ coastal development project that was constructed under an ‘emergency permit’ from the San Luis Obispo County Planning Department” [ironic quotation marks in original]. It informed the CCSD that it will need to prepare both state and federal environmental reviews.

Hitting the highlights:

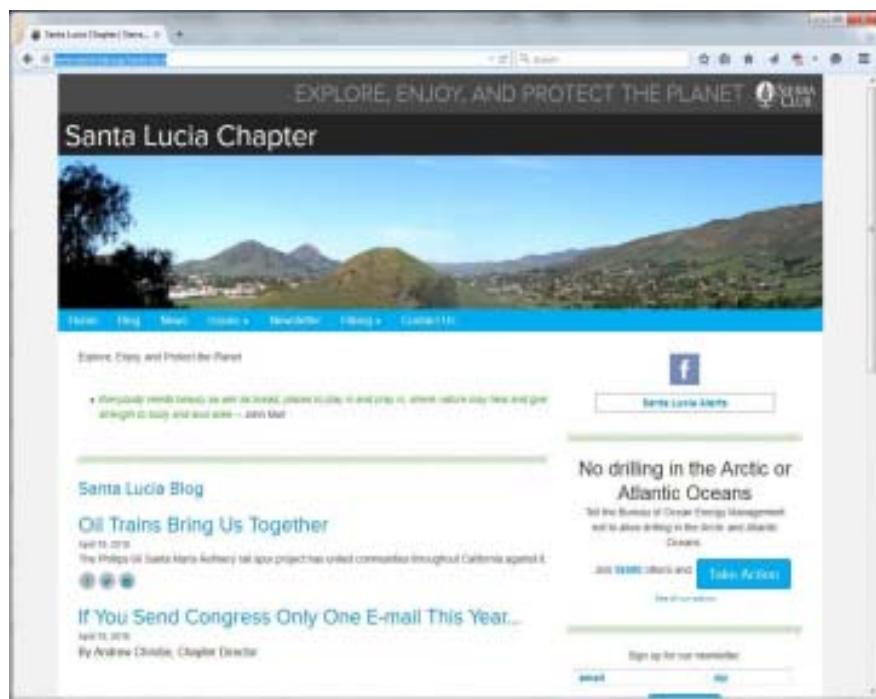
“The brine pond has become an attractive nuisance for migratory water fowl and California red legged frogs .... The blowers have not operated in accordance with permit requirements, and routinely result in mist drift off of CCSD property .... Discussions with the manufacturer of the evaporator fans have indicated that the fans were never intended for use in a residential area or adjacent to a public-use area.”

“After a notice of violation was issued by the RWQCB, the CCSD moved its outfall pipe back to the required rocky apron, but then, high levels of Strontium were detected in the natural preserve. At least two fish mortalities have been documented in San Simeon Creek.”

“Because the project acknowledges impacts including depleted lagoon levels that require recharging, as well as impairment of the fresh ground water in the aquifer, there are direct impacts to resources that DPR as well as the California Department of Fish and Wildlife (CDFW), the U.S. Fish and Wildlife Service (USFWS), NOAA, and the National Marine Fisheries Service (NMFS) are responsible for protecting.”

“Grading in and among several archaeological sites occurred and damaged historic resources. In accordance with 36 CFR 800 the

*CCSD continued on page 8*



## Check Out Our New Website

**Now fortified with blogging action!**

The Sierra Club’s Digital Strategies team has revamped the software that chapters use to create and maintain their websites. As of April 1, our chapter’s website -- and many other chapters and the national Sierra Club’s -- have migrated to the Drupal open-source content management web platform, which is maintained and developed by a community of over one million users and web developers. “Open source” means people are constantly working to make sure Drupal remains a cutting-edge platform that supports the latest technologies that the Web has to offer.

More importantly, it allows non-technical Club leaders (which is pretty much all of us, last time we checked) to get hands on, and permits enhanced content-sharing among local and national Club websites.

And it looks totally cool. Apologies to the fans of our long-time old-school site. It had it’s charms, and we’re still working out some bugs involved with the transition of years of content, but basically we’ve traded in our well-worn Victorian for a streamlined Bauhaus bungalow. Let the clean lines and ease of use grow on you.

# To Live Outside the Law You Must be Honest



## Inside PG&E's Diablo Canyon seismic safety obfuscation program

It can be difficult to tell who is in the lead in the contest to see who can rack up the most CPUC utility-related nuclear power scandals: Southern California Edison and San Onofre, or PG&E and Diablo Canyon.

The hapless post-nuclear utility to the south has been in the spotlight more recently (see apparent collusion with the former CPUC chief to stick it to ratepayers for the San Onofre decommissioning), but Diablo is a strong contender, and it's coming up fast on increasingly shaky turf.

A case in point: PG&E is looking for permission from the Public Utilities Commission to recoup the money it spent on its seismic studies at Diablo Canyon -- the studies which PG&E recently proclaimed prove the plant is completely safe.

Overlooked in those studies and their conclusions were the comments of the seismic Independent Peer Review Panel (IPRP), whose critiques of PG&E's methods and results were simply ignored or brushed aside by the utility. The IPRP was appointed by the Public Utilities Commission.

Awkward.

Bottom line: A beleaguered CPUC is trying to re-establish itself as "safety conscious" in the wake of San Bruno

and other failures to regulate. And PG&E is again skirting CPUC oversight and has stopped responding to the IPRP's requests for meetings, as if nobody had ever questioned or found flaws with their study's assumptions

*HONEST continued on page 9*

# We Like to Hike



It was standing room only at the Steynberg Gallery for our General Meeting on March 24. Outings Leader David Georgi presented "The Ten Best SLO County Hikes You've Probably Missed." If you missed the meeting, than you're still missing out. David promised to do it again soon.



## Outdoor Discovery Festival

### at Lopez Lake!




Kids activities! Live music!  
Nature boat cruises! Color slash fun run!  
Guided bike tours and hikes! Outdoor expo!

**Saturday, May 9, 2015**

**10am - 5pm**

There are tons of opportunities to  
**volunteer** at the event! Sign up here:  
<http://slocountyparks.ivolunteer.com/odf 2015>

## Sierra Club Appeals California Flats Solar Project Permit

California Flats Solar, LLC, a subsidiary of First Solar, Inc., has obtained permits to construct and operate a 280-megawatt photovoltaic solar power facility in an area straddling the borders of Monterey and San Luis Obispo counties, approximately seven miles southeast of Parkfield and 25 miles northeast of Paso Robles.

Several conservation organizations, including Sierra Club, filed numerous detailed comments on the legal inadequacy of the Environmental Impact Report (EIR) as approved by Monterey County. The groups noted that the project is poorly sited in an inappropriate area and that as designed would result in the impairment of biological resources and special status species.

"The proper siting of utility-scale renewable energy facilities is an essential feature of the effort to move California toward a future of renewable energy," said Santa Lucia Chapter Chair Michael Jencks. "The sustainability of this project depends on both the source of the energy and the impacts of the project on the habitat and wildlife. The San Luis Obispo portion of the project was approved by the SLO County Planning Commission on April 9. We filed a notice of appeal to the County on April 23."

As approved, the project would be built on a 3,000-acre portion of the Jack Ranch, owned by the Hearst Corporation. It would result in significant conversion of undeveloped grazing lands to utility-scale energy production and the loss of habitat and displacement of State and Federally listed wildlife species, including the tri-colored blackbird, San Joaquin kit fox, California tiger salamander, fairy shrimp, California red-legged frog, Swainson's hawk, Golden eagle, and Bald eagle. The area is historically foraging habitat for the California condor.

The project site, a verdant grassland, stands between the Carrizo Plain, now containing two large solar plants, and the Panoche Valley, where yet another utility-scale solar installation is being planned. Sierra Club said of the proposed Panoche Valley Solar Project, "As California continues its remarkable development of clean energy, our state regulators must also learn from the mistakes made



San Joaquin kit fox.

## STOP

# Oil by Rail

Our ongoing coverage of the lead-up to the release of a Final Environmental Impact Report and County Planning Commission hearing on the proposed Phillips 66 rail terminal project that would bring millions of barrels of Canadian tar sands crude oil to SLO County.



Perhaps noticing that it doesn't look good when a score of California communities and school districts are asking SLO County to deny the permit for your project (see "Here Are a Few Tips for the Paso Robles City Council," below), Phillips 66 and Union Pacific have been taking the Santa Maria Refinery oil rail terminal project on the road, making reassuring Powerpoint presentations to city councils around the county to the effect that all will be well, and hopefully forestalling any more of those deny-the-permit letters to County Planning.

The Phillips 66/Union Pacific city council presentations began on April 14, when the Arroyo Grande City Council was told a lot of things that -- how to put this delicately? -- aren't true.

As various city councils mull it over, we commend the following to their attention.

In 2005, U.S. railroads transported 6,000 carloads of oil. By 2013 that number was 400,000 car loads. By the end of this year, it will be 900,000 car loads.

It is no longer surprising that trains are derailing and exploding. After five derailments and conflagrations across the US and Canada between January 14 and March 7, the long odds are on how much longer these events will be confined to remote locations and sparsely populated areas, because it is only by chance that such a derailment has not yet occurred in the heart of a major city, or on the bank of a river, spreading thousands of gallons of tars sands crude through a watershed, doing permanent damage.

Much is made of the fact that the Santa Maria Refinery oil trains would be carrying not the notoriously volatile, jittery, explosive Bakken shale crude oil, but good old lumpy, phlegmatic, boring tar sands crude.

But that's wrong. (See "Taking Issue," page 10).

When you take a look at the industry stats about excellent rail safety records and infinitesimal risk, you'll notice something interesting: the time period they cover goes up to 2012 and stops.

2013 was the year an oil train derailment virtually destroyed the town of Lac Megantic in Ontario. In 2014, the number of derailments and fires spiked. Last July, the Department of Transportation predicted that trains hauling crude oil or ethanol will derail an average of 10 times a year over the next two decades, causing more than \$4 billion in damage.

What about new regulations? Industry representatives say it could take a decade to retrofit and modify more than 50,000 tank cars. Most of the proposed rules are designed to prevent a spill during a derailment; they will not affect the likelihood of a crash. Regulators are considering a requirement for advanced braking systems; oil and railroad lobbyists are fighting to water down that proposal because of the cost.

More than a dozen of California's communities and school districts near the Union Pacific main line have grasped the magnitude of the problem and the fact that the safety of their citizens depends on a vote of the San

OIL continued on page 8

## The Oil Train and the Butterfly

The Monarch Butterfly Grove in Pismo State Beach is across the street from the Union Pacific train tracks. The Trilogy Butterfly Conservancy is nearly adjacent to the site of the proposed Phillips 66 crude oil terminal.

The Monarch is listed as a "special status" sensitive species in California. Its population is crashing throughout North America -- down 90% over the last twenty years. Herbicides used on genetically engineered crops are wiping out their food source (milkweed). They've lost about 165 million acres of habitat. They're getting hit by climate change (drought, severe storms). Last December, the U.S. Fish and Wildlife Service began a year-long status review to determine whether the Monarch should be listed as an endangered species.

Clearly, it doesn't need any additional grief.

The following is the assessment of potential impacts on our local Monarch butterfly population in the Santa Maria Refinery projects' draft Environmental Impact Report (EIR 4.4-43):

"To evaluate the potential long-term impacts to monarch butterfly, Dr. Kingston Leong and Dr. Francis Villablanca were contacted to determine if scientific literature was available to evaluate the potential impact. Dr. Leong confirmed that there is no scientific literature currently available which evaluates pollutants on monarch butterfly.

Dr. Leong added that he has conducted unpublished research regarding the effects of smoke on monarch butterfly and has observed that smoke directly impacts the species causing the individuals to fall from their roosting location. Upon recovery, these indi-

viduals exhibited behavior indicating that they do not prefer to return to the existing roosting habitat at which the pollutant (smoke) was applied to them.

Although the Rail Spur project would not result in any additional pollutants due to smoke, this unpublished observation by Dr. Leong supports that idea that the species may be affected by other environmental pollutants. Therefore, it is reasonable to assume that long-term impacts from pollutants cannot be discounted, although the effects are unknown.

Because of the unknown effects of pollutants on this species, impacts to this species have been inferred based on existing conditions elsewhere along the UPRR route where diesel and particulates likely exceed the levels that are expected with construction and operations of the Rail Spur project. For comparison purposes, the UPRR railroad is directly located adjacent to overwintering habitat located at the Pismo Preserve and at overwintering locations near Carpinteria. Given the level of air and noise pollutants associated with operational activities along this route due to commuter rail traffic and cargo traffic, it is reasonable to assume that this activity is a greater impact than impacts associated [with the] Rail Spur project.

Considering the long-term continued success of the overwintering populations at these locations, it is inferred that the potential impacts due to construction and operational activities of the Rail Spur Project would be less than significant (Class III).

### Mitigation Measures

No mitigation measure is needed since the impact is less than significant.

### Residual Impacts

Impacts from construction and operational activities on monarch butterfly are unknown due to a lack of sufficient scientific information. However, impacts to the species are expected to be less than significant (Class III) based on a qualitative comparison of nearby successful overwintering sites for monarch butterfly."

Scratching your head, Sierra Clubber? Wondering how an environmental review could possibly come to the conclusion that adding five mile-long oil trains per week to the county's current level of rail traffic will somehow have no effect on the current "level of air and noise pollutants associated with operational activities along this route due to commuter rail traffic and cargo traffic?"

BUTTERFLY continued

on page 8

Read their letters at

[www.mesarefinerywatch.com/letters.html](http://www.mesarefinerywatch.com/letters.html)

## Here Are a Few Tips for the Paso Robles City Council



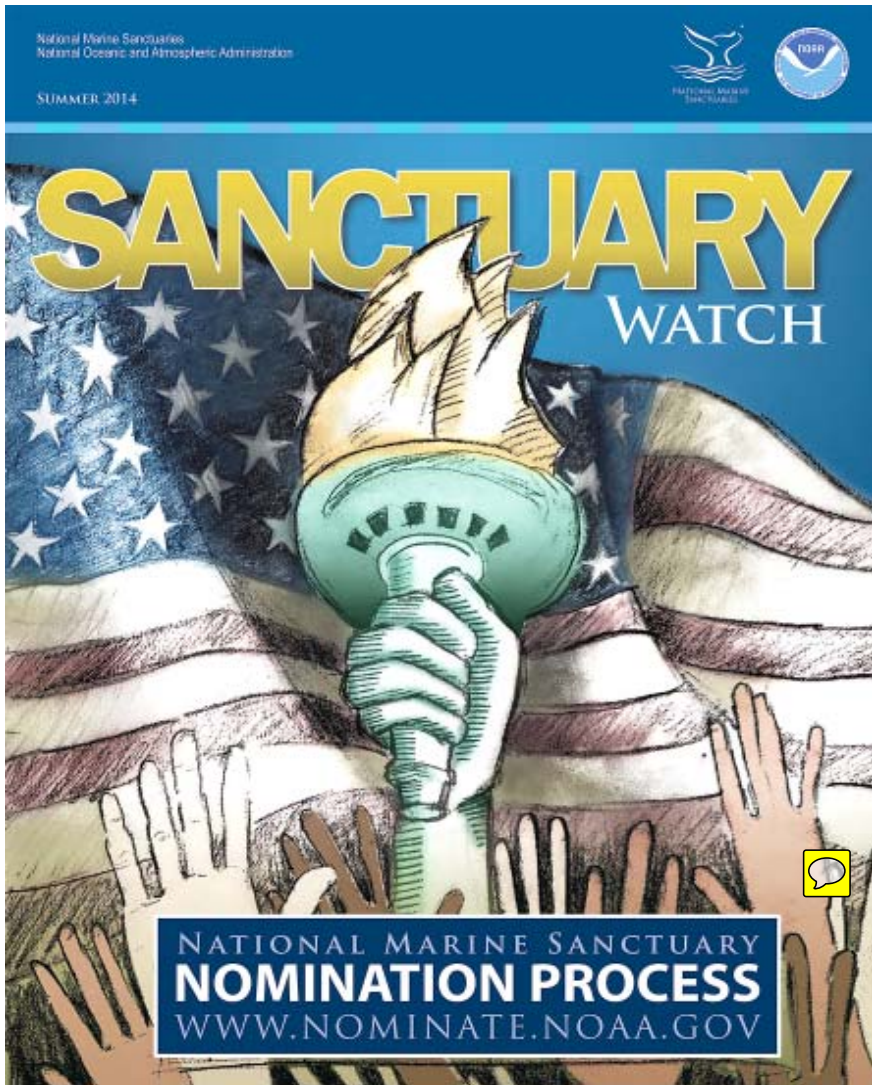
On April 7, in an impressive display of pretzel logic, the Paso Robles City Council decided that a resolution calling on the County to deny the project would be "meaningless" -- because, you see, the City should not presume to dictate to the County on land use decisions, no matter the potential impacts of the County's decision on the City's residents. But then, the council members -- each of whom has spent a goodly portion of his or her political career inveighing against regulations, the federal government, and, above all, federal regulations -- decided that the thing to do was send a letter to the U.S. Office of Management and Budget... presuming to dictate to the federal government and urging them to pass strict new federal rail safety regulations.

Upon hearing this news, all the corporate oil and railroad lobbyists working the halls of Congress to gut those proposed safety rules and ease any future financial burden on their employers immediately resigned, saying *we cannot prevail against a letter from the Paso Robles City Council*.

Just kidding.

But seriously, council members, try this:

- Turn your attention from the idea that the Paso Robles City Council needs to address the national issue of oil train safety and the future federal regulatory regime, and focus on the here and now: the potential impacts of the Phillips 66 project on your residents.
- You have no idea what regulations will be put in place in the future, how strong they will be, or how long it will be before they take effect. You certainly know that the federal government is not prone to swift action in any circumstance. The Phillips 66 project permit will most likely be approved or denied this year. If it's approved, those trains, doubling the volume of toxic, explosive, crude oil traffic coming through the county and adding the wild card of Canadian tar sands crude, will start passing through your town -- past your schools, the MidState Fairgrounds, along the 101 and the Salinas River -- while the regulations on your wish list take upwards of ten years to phase in.
- The city councils of Richmond, Oakland, Berkeley, Albany, Sacramento, San Leandro, Martinez, Davis, San Jose, Moorpark, San Luis Obispo, Camarillo, Carpinteria, Oxnard, Simi Valley, and Ventura -- joined by Santa Barbara's 3rd supervisorial district, Ventura County, and four school districts -- have asked SLO County not to approve the Phillips 66 permit. Contrary to the stated belief of Paso Robles City Councilman Fred Strong, none of them are engaging in a "publicity stunt" or seeking to preempt federal authority. They are trying to protect their citizens from an unacceptable level of hazard.
- Dropping that list into a hopper in D.C. did nothing to change that. If you want to do something for your citizens and weigh in at a venue where what you have to say might carry some weight, join with the other cities on the Union Pacific main line that are acutely aware of how many of their citizens live within the blast zone. They know what the public safety, health, environmental, and economic consequences of this project could be, and they don't want to roll the dice on disaster. Join them in asking the County to deny this project.



## Chumash Heritage National Marine Sanctuary, Take Two

In March, the National Oceanic and Atmospheric Administration asked the Northern Chumash Tribal Council for more detail in several sections of its nomination for designation of the waters off 100 miles of Central Coastal California as a national marine sanctuary, and offered to review any resubmitted nomination.

The NCTC has been hard at work ever since, and Sierra Club, Surfrider and community volunteers have been happy to lend a helping hand. Final drafts are being reviewed as we go to press, and it looks good! Stand by.

### Control

*continued from page 4*

tastic job of letting legislators know where they stood on the bill -- to no avail, in terms of fixing the district's biggest problem, the "hybrid" structure of the district's board of directors. But opponents did manage to change the district formation vote from an election controlled by the largest landowners over the basin to something resembling democracy.

Nothing has shaken up the local political equation quite like this issue, on which our allegedly progressive supervisors have found their position opposed by the Sierra Club, the Southern California Watershed Alliance, North County Watch, Clean Water Action, Defenders of Wildlife, Center for Biological Diversity, the Planning and Conservation League, California Water Impact Network, California Coastal Protection Network, California Teamsters, Community Water Centers, California Rural Legal Assistance Foundation, and all local residents who grasped the implications of the district bill.

The Sustainable Groundwater Management Act, before the legislature at the same time as AB 2453, advanced statewide policy for groundwater management, ensuring consistent requirements in the formation of groundwater districts, such as the number of directors, uniform powers, administrative penalty authority, etc. In a report to the Senate Governance and Finance Committee when AB 2453 was under consideration, staff noted: "Groundwater management is of broad public

concern; it is unclear why a one-person/one-vote district is not an alternative.... The law already authorizes the County to manage the groundwater basin, and the County has a groundwater management plan in place, with an enhanced plan under development. The San Luis Obispo County Flood and Water Conservation District also can exercise its authority to manage groundwater."

True then, and -- after the passage of the SGMA -- even more true now.

The proposed Paso district, a hundred-year throwback, would just get in the way of the state's efforts to put 21st-century water management policies in place via the Sustainable Groundwater Management Act.

When AB 2453 was before the Assembly, it received 10 letters of support and 150 in opposition. Residents knew that, once put in place, a bad water district is forever. They will likely still know that when the election for the formation of this district is held.

At one time, there was a chance to put in place a one-person, one-vote district that would have guaranteed equal access and fair representation, and empowered local residents to make meaningful groundwater management decisions. That chance disappeared with the false compromise that begat AB 2453. Now, the best possible outcome is for voters to turn down this plan for an antique, thoroughly rigged district so the County can move on, with the rest of the state, toward equitable groundwater management.

(See page 1.)

### 10 Steps

*continued from page 1*

downturns). Basin modeling, basin yield estimates, mitigation programs, and adaptive measures should factor in and plan for worse case conditions. Generous margins of safety should be added to yields and mitigations measures to avoid adaptive measures to the extent possible, which safely account for all uncertainties, e.g., gaps in data. Historically, water management has focused on maximizing yield, which leaves the resource vulnerable to unexpected events.

8. Measurable and enforceable objectives and benchmarks should be developed, along with the means to ensure they are achieved (e.g., enforcement measures). Management practices should be put in place as quickly as possible.

9. GSAs must fully develop and apply all the powers granted in the SGMA to achieve the objectives of GSPs (i.e., to reach sustainable basin yields, restore low water levels and create reserves as soon as possible). GSA's must mandate monitoring of agricultural, commercial and industrial wells, mandate restrictions on water use and establish and enforce water budgets, as needed, with fines or other penalties in place. GSAs should also exert the power to charge water users for administering, implementing, and/or operating plans as a percentage of water pumped.

10. De minimus users, as defined in SGMA, need not be metered or monitored. Well-dependent residential users are a very small fraction of basin use, and resources expended to meter and monitor will be disproportionate to the return.

#### Recommendations for the Paso Robles groundwater basin:

A 218 process that requires an affirmative vote by a majority of the voters (i.e., a special tax 218).

Development of a sustainable basin plan within a year that adheres to the sustainability principles/practices above (e.g., provisions for full monitoring of wells, aggressive conservation/WUE measures and targets, reduced yield targets, and water budgets.)

#### Recommendation for the Los Osos groundwater basin:

Set time-specific objectives and benchmarks for maximizing basin plan programs as soon as possible, and use all the rights and authorities available to water management agencies to ensure objectives are met and the basin is preserved for the environmental, human, and economic resources that depend on it.

Maximize indoor and outdoor conservation and recycling to mitigate seawater intrusion, comply with government mandates, and address impacts from the drought, climate change, the Waste Water Project, and changes in pumping.

## Water Export Ordinance a Good Deal

*By Sue Harvey, Conservation Chair*

On April 14, the SLO County supervisors voted 5-0 to adopt an Export Ordinance. Anyone wishing to export groundwater, whether native or foreign (banked) water from any groundwater basin in the county -- aka "water wheeling" -- has to get a permit and show proof that such export would not be to the detriment of the local water supply.

It might seem like a no-brainer to proactively protect our groundwater resources by requiring a permit to export, but you would be surprised. The ordinance applies to all 22 groundwater basins in the county.

How did we get here? In May 2014, when two Modesto County farmers signed a deal to export groundwater to Stanislaus County, a diverse group started working toward getting an Export Ordinance for our county.

Although the April 14 vote was 5-0, the road to that vote was marked by a good deal of skepticism from the majority of supervisors, who questioned the need for the ordinance (see "The Wet Elephant in the Room," February). Supervisor Gibson felt that not only was there no infrastructure for exporting water, there was no history of anyone seriously planning to export groundwater.

In fact, the company Limoneira, which not only grows citrus but has a thriving business in wheeling water, had approached several groups of overlying landowners in the Paso Robles groundwater basin pitching the idea of forming a water export business: The overlying landowners would form a water district for the purpose of exporting water, and the landowner shareholders would receive payments for the water sold.

The Export Ordinance adopted by the County is well written. Supervisor Debbie Arnold worked for several months with the County Counsel's office reviewing the export ordinances of about twenty other counties. We can be confident that the end product will do what it is designed to do. April 14 was a good day in SLO County.

## Happy Birthday, Eco-Hooligan!

### Celebrate Bill Denneen's 90th birthday

Mark your calendar: **12 – 3 p.m., June 7, at the Dana Adobe.** Everyone is invited. Bring food to share and your own plates and silverware if possible. Music and beverages provided.

There will be two Bill Denneen Environmental Awards given & other festivities.

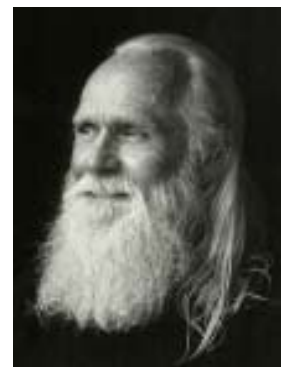
Dana Adobe is at 671 S. Oakglen Ave., Nipomo.

In lieu of gifts, please think about donating to one of Bill's favorite nonprofits:

Sierra Club Santa Lucia Chapter  
ECOSLO  
Humane Society

There will be cake!

For more info, contact:  
David Georgi, professor emeritus  
California State University  
dgeorgi@csub.edu



# Does Pismo Care?

Pismo Beach is looking at a 32% cut in residential water use in order to meet the requirements of Governor Brown/s order to cut consumption statewide. That's the second-highest percentile of cuts based on how much of a water-hog your community is. (Pismo clocks in at 192 gallons per person, per day.)

But it's got another problem.

The oil and gas industry uses injection wells to dispose of waste water, which has a high salt content, as well as chemicals, heavy metals, and radioactive material.

That disposal, as you might imagine, should not take place in proximity to any aquifer potentially containing potable water. Those aquifers are supposed to be protected by the Federal Safe Drinking Water Act.

In California, the entity that's supposed to ensure that those protected aquifers stay protected is the Division of Oil, Gas, and Geothermal Resources (DOGGR). A few months ago, DOGGR realized it had somehow permitted oil and gas companies to inject their waste

into those protected aquifers – via about 2,000 wells statewide, including eleven Freeport-McMoran disposal wells in the Price Canyon oilfield (see “Oil in Your Water,” March).

DOGGR snapped into action and ordered those injection wells to be shut down... next October. Or, in some cases, by December 2016.

Natural Resources Defense Council staff scientist Briana Mordick said

“The plan to ‘fix’ this problem is not to stop it, but rather to give the oil industry official permission to keep doing it — by declaring this drinking water ‘exempt’ from the environmental laws designed to protect it.”

Assembly Bill 356 (Williams) would require groundwater monitoring near Class II injection wells in order to protect potable groundwater from oil and gas wastewater disposal.

## TAKE ACTION

Senate Bill 4 (Pavley, 2013) requires groundwater monitoring for wells that receive stimulation treatments, such as fracking or acidizing. AB 356 would build on the SB 4 program to protect the aquifers that may be impacted by injection wells.

Ask the members of the Pismo Beach City Council if the City intends to support AB 356:

[shigginbotham@pismo-beach.org](mailto:shigginbotham@pismo-beach.org)  
[sblake@pismo-beach.org](mailto:sblake@pismo-beach.org)  
[ewaage@pismo-beach.org](mailto:ewaage@pismo-beach.org)  
[ehowell@pismo-beach.org](mailto:ehowell@pismo-beach.org)  
[mreiss@pismo-beach.org](mailto:mreiss@pismo-beach.org)



## Oil

continued from page 6

Luis Obispo County Planning Commission. They have pointed out to the Commission that the only action that would avoid the significant public safety risk is denial of the project.

As the Monterey County Board of Supervisors put it: “We do not feel that the increase in project revenue is worth risking both the lives of our citizenry or the integrity of our environment.”

## Butterfly

continued from page 6

Are you wondering just why “it is reasonable to assume that this activity is a greater impact than impacts associated [sic] Rail Spur project?” Is that what’s bothering you, bunky?

Here’s the problem: The EIR is pretending that the project’s impacts are largely confined to “construction and operations” of the rail spur.

Otherwise, it concludes that the addition of five trains per week coming into the county to use that terminal, and all the diesel and particulate pollution they would bring with them, will have no effect because trains are in close proximity to the Monarch preserve now. The EIR here — and in many other places — fails to grasp the concept, well embedded in the California Environmental

Quality Act, of “cumulative impacts.” If it were to acknowledge that concept in this instance, it might be forced to conclude that five more trains per week, in close proximity to a Monarch butterfly preserve, ten times a day, coming and going, might very well cause “individuals to fall from their roosting location.” And those individuals might subsequently indicate “that they do not prefer to return to the existing roosting habitat at which the pollutant (smoke) was applied to them.”

By means of 1) ignoring the cumulative impacts of added train traffic, 2) otherwise restricting its analysis to the construction and operation of a rail spur, and 3) pretending “smoke” is all the butterflies would have to deal with -- omitting the air quality impacts inherent in refining tar sands crude, including higher sulfur and lead emissions, which are nowhere recognized, analyzed or mitigated in the EIR -- those impacts are invisible. Hence, “No mitigation measure is needed since the impact is less than significant.”

These fatal flaws run through the entire EIR. In response to this study – a mixture of sly omissions and candid admissions of unknown impacts due to “a lack of sufficient scientific information” — Phillips 66 hopes to hear the response from the County: “Thanks for looking into it; here’s your permit.”

## Solar

continued from page 5

during the last wave of solar projects, which in some cases have caused significant, if unintended, environmental damage.” The survival of the San Joaquin Valley suite of species depends upon the continuation of suitable habitat and habitat connectivity. Their populations are already very small and subject to collapse, and they are only likely to survive if these habitat areas stay connected.

“In 2011, local conservation groups appealed the permits of First Solar and Sunpower to build very large solar power projects in sensitive habitat on the Carrizo Plain,” said Jencks. “Subsequent negotiations resulted in significantly better projects and better measures to mitigate the impacts of both projects on endangered species.”

When it signed that settlement agreement, First Solar expressed a commitment “to locate projects outside of important wildlife areas and sensitive natural resources.” The Santa Lucia Chapter is concerned that First Solar has forgotten the lessons learned on the Carrizo Plain.

As we go to press, a hearing date for the appeal at the County Board of Supervisors has not been set.

## CCSD

continued from page 4

damages to the archaeological sites must be assessed and documented by a qualified archaeologist.”

The CCSD tried to characterize multiple categories of potential impacts as insignificant. State Parks disagreed, finding that, contrary to the CCSD’s assertion, “This project could have substantial direct and in-direct impacts to public health and safety, from the direct impact of mist contaminants and creek contamination.”

To assist the CCSD’s comprehension, State Parks broke it down by category to explain exactly where and how the District went wrong in trying to play down the project’s impacts.

And, by the way: “Project Conditions must include the cost of relocating the San Simeon Campground, presently estimated at a value of \$35,000,000.”

## Got water rights?

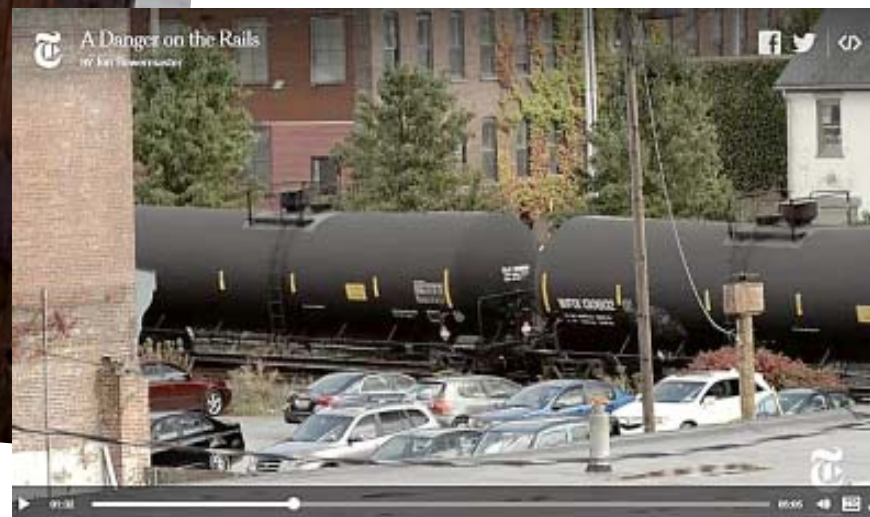
In the you-should-have-done-it-right-the-first-time department, the California Coastal Commission weighed in with this:

“The CCSD’s initial consideration last year to address its emergency situation was to bring in a temporary and portable facility that could be installed quickly and provide an immediate water supply. That solution was intended to be a limited and temporary response to abate the emergency situation and to provide water quickly, consistent with the purpose of the emergency permit. We recommend the EIR include a description and full analysis of this alternative, as it appears that it would result in fewer overall adverse effects and be more cost-efficient than the current project.”

The resource agencies are in general agreement that the evaporation basin is substantially undersized.

There was more -- much, much more. (For the full text of this article, go to [www.sierraclub.org/santa-lucia](http://www.sierraclub.org/santa-lucia).)

On April 23, after digesting the resource agencies’ devastating analysis, the CCSD gave a good indication of how it intends to proceed: It allocated \$25,000 to retain the services of a public relations firm, with the goal of trying to schmooze its way to approval of the project’s Environmental Impact Report and Coastal Development Permit.



**Spread the word** The corner of Mill & Toro Streets, SLO.

**Really spread the word** Every member of every city council in SLO County should watch the 5-minute documentary “A Danger on the Rails” on the *New York Times* website.



**Honest**

*continued from page 5*

and conclusions.

PG&E has already made a mockery of their own internal “independent” review of their report. We highly recommend two unforgettable minutes of visual evidence of just what PG&E thinks “independent review” means in this darkly funny video compilation: [youtu.be/CGUP3CljzfM](http://youtu.be/CGUP3CljzfM).

Will the “new” CPUC tolerate such behavior by PG&E?

This issue may become more widely known thanks to the intervention in the ratepayer case by the indefatigable Alliance for Nuclear Responsibility.

The Alliance bases its intervention in the case on the following points:

- 1) In granting money for the studies, the PUC put the IPRP in place to watchdog the studies.
- 2) PG&E has evaded and ignored the IPRP.
- 3) With their most recent report, the IPRP finds the very basis of PG&E’s research and conclusions to be

**PG&E is the only licensee in the history of the commercial nuclear power industry to face criminal indictment for safety-related violations.**

inadequate or not developed to the IPRP’s satisfaction. The IPRP has caught PG&E putting their “thumb on the scales.”

4) The CPUC has a lot of amends to make for their lax oversight that allowed PG&E to spend ratepayer money intended for gas pipeline upgrades to be spent on executive bonuses, as the new president of the CPUC told the California Senate.

5) The residents of San Luis Obispo have no assurance that PG&E has not been taking the same kind of shortcuts and practicing the same brand of lax disregard when it comes to seismic safety at Diablo Canyon.

In short, PG&E is behaving like a rogue utility, not the repentant utility it should be in the wake of the San Bruno verdict.

The 30-page protest notes the “chilled relations between PG&E and the IPRP” after it became clear that the IPRP’s independent review was going to be, well, independent. That realization dawned when the IPRP began submitting comments like this:

“Compared to traditional approaches, the PG&E method resulted in lower ground motion hazard estimates, particularly in the spectral period range important to [Diablo Canyon]....” In contrast, “(a) lower [shear-wave velocity estimate] brings the estimated ground motion hazards beyond the original design level when used in typical, state-of-the-practice seismic hazard analysis...”

The IPRP questioned whether PG&E’s approach adequately captured shear wave velocities at different depths beneath the plant: “With only three profiles, it is unlikely that one of them represents the lowest velocity material underlying the plant. Some of the variability seen in the 1978 data may reflect poor quality of the... measurements made 35 years ago. Interpretations of that data, however, appear to include unconservative assumptions of velocity in boreholes where no velocity was recorded....”

“The lack of correspondence between measured [shear wave velocity] profiles and... profiles estimated from the tomographic model suggests significant uncertainty remains in estimates of ‘site condi-

tions’ at DCCPP.

“IPRP previously expressed its concern regarding the adequacy of using only two earthquakes in estimating the site-specific term and made recommendations to gain confidence in the PG&E site-specific approach, including analyzing broad band ground motion data and ground motions from small earthquakes to better quantify the site specific term. PG&E has not addressed these recommendations.”

“[T]he interpretations of various faults are inconsistent.... In some seismic sections, it appears that additional faults are permitted by the data. It is not clear how the stated interpretation methodology allowed the interpretation team to draw some faults and not others.”

And so on, at devastating length, along with a record of PG&E refusing to meet with the IPRP or share the study’s results prior to submission.

The Alliance pointed out that PG&E’s public roll-out of the seismic study that triggered the above responses from the IPRP gave new meaning to the term “p.r. offensive,” adding a large twist of cynical contempt. In flogging the utility’s everything’s fine” report, PG&E Chief Nuclear Officer Ed Halpin made the following risible statements to the press:

*Independent experts also included an evaluation of the advanced seismic studies recently performed near Diablo Canyon, as well as feedback on the research provided from a state-appointed independent peer review panel.*

*[This] work also included an evaluation of the advanced seismic studies recently performed near Diablo Canyon, as well as feedback on the research provided from a state-appointed independent peer review panel.*

In summarizing their PUC protest, the Alliance wrote:

“The accumulated record of PG&E’s performance of its AB 1632 seismic studies documents a furtive, thumb-on-the-scale approach designed primarily to quell public apprehension and forestall pressure to close the plant. PG&E has received special dispensation from the NRC since October 12, 2012, to defer application of the Double Design Earthquake (DDE) standard to the Shoreline Fault until submittal of the DCNPP SSHAC analysis — despite the NRC’s acknowledgment that ‘using the DDE as the basis of comparison will most likely result in the Shoreline fault and the Hosgri earthquake being reported as having greater ground motion’ than the plant’s Safe Shutdown Earthquake.

“This remarkable prediction was repeated by Dr. Cliff Munson, an NRC seismologist, in testimony to a June 19, 2013, California Energy Commission workshop. The indifference with which California state agencies have, at least publicly, accepted this revelation has been alarming but the financial bottom line is undeniable: significant seismic retrofit requirements seem likely to be required.”

The protest noted a 2013 report by the Union of Concerned Scientists which found, of the 100 reactors currently operating in the U.S., the two at Diablo Canyon are the most likely to experience an earthquake larger than they are designed to withstand, using



**Larry Galpert, PhD, ABPP**  
Clinical Psychologist

1540 Marsh St., Suite 260  
San Luis Obispo, CA 93401  
805.781.0217

[lgalpert@att.net](mailto:lgalpert@att.net) | [www.LarryGalpert.com](http://www.LarryGalpert.com)

NRC data to calculate the probability of such an event as more than ten times greater than the nuclear fleet average.

In its most blistering passage, the PUC Protest notes that “PG&E is the only NRC power plant licensee in the history of the commercial nuclear power industry to face criminal indictment for safety-related violations by the U.S. Department of Justice. While the 27 safety-related felony counts in PG&E’s federal grand jury indictment are focused on the company’s gas division, it strains credulity to believe that DCNPP has been somehow immunized from the corporate culture rot that recently prompted Commission President Michael Picker to acknowledge during a California Senate oversight hearing that, ‘I think there’s a very clear case that in some places, the utility did divert dollars that we approved for safety purposes for executive compensation.’ And the obstruction of justice felony count which leads PG&E’s federal indictment emphatically addresses management as a whole.”

PG&E’s status as a criminal defendant and the nature of its alleged crimes should “discourage the Commission from extending any presumption of veracity to the representations in PG&E’s...report without corroboration by the most rigorous scrutiny.”

In other words, as the Alliance pointed out to the PUC, citing Bob

Dylan: when considering PG&E’s application for funds, the Commission should remind the utility that “to live outside the law, you must be honest.”

The Protest concluded: “Building upon key decisions made and implemented by PG&E in 2013, the utility intensified its efforts in 2014 to subvert what was originally conceived by the Commission as a robust reevaluation of DCNPP’s seismic setting. If PG&E is allowed to recover the costs of such subterfuge, the effect on A4NR and all PG&E customers will be electricity rates rendered both unreasonable and unjust by the Commission’s reward of unmistakable perfidy. The consequences for A4NR members and others living in communities near the plant stemming from unknowing acceptance of PG&E’s defective seismic analysis could, in some circumstances, be much worse than that – with incalculable financial impact on California.”

**TOOK ACTION**

The Sierra Club testified in support of Senate Bill 657, introduced by Senator Bill Monning, in its first hearing before the Senate Energy Committee on April 27. The bill will extend the “sunset” date of the Independent Peer Review Panel to 2025, matching the current license period of Diablo Canyon.

**A GMO Q&A**

*The Santa Lucia Chapter has long called for ban on the sale of genetically engineered crops as SLO Farmers Market. Why not just ask for labeling?*

We have already asked for labeling. The Farmers Market board voted unanimously to not require labeling. The sale of unlabeled GMO corn at this market has been taking place for about a decade.

There is no law in California requiring labeling, so the Market board can argue they have no legal authority to require labeling. They do have the authority to decide what produce can be sold at the market and which vendors will be allowed to sell at the market.

*Isn’t banning GMOs anti-competitive?*

Farmers Market is not a competitive environment. Only a limited number of growers get to participate in the market. They don’t have to compete with all the growers not in the market. The Farmers Market board controls which produce can be sold at the market. The manager has been known to limit how many vendors sell a particular item.

*Aren’t GMOs safe to eat?*

We believe GMOs are inadequately tested for safety. The company which develops a GMO does a feeding test on lab rats for 90 days. The company reports its results to the U.S. Environmental Protection Agency. Neither state nor federal governments have been able or willing to require adequate environmental and human safety testing of existing or proposed GE crops, or to protect the environment and public from resulting harms. GMOs should be tested for at least a year by an agency which is free of the influence of biotech companies.

Based on the precautionary principle, the Sierra Club supports a ban on the propagation and release of all genetically engineered organisms, including field crops, orchard and forest trees, fish, etc. (whether or not currently approved by the FDA). Until a ban is achieved we call for regulation of genetically engineered releases, transparency, labeling, and imposition of liability on manufacturers of genetically engineered seeds in cases of environmental damage or contamination. We oppose patenting of life forms and oppose trade policies that interfere with implementation of the precautionary principle.

For further information on GMO safety see: *GMO Myths and Truths: An evidence-based examination of the claims made for the safety and efficacy of genetically modified crops* (Earthopensource, June 2012).

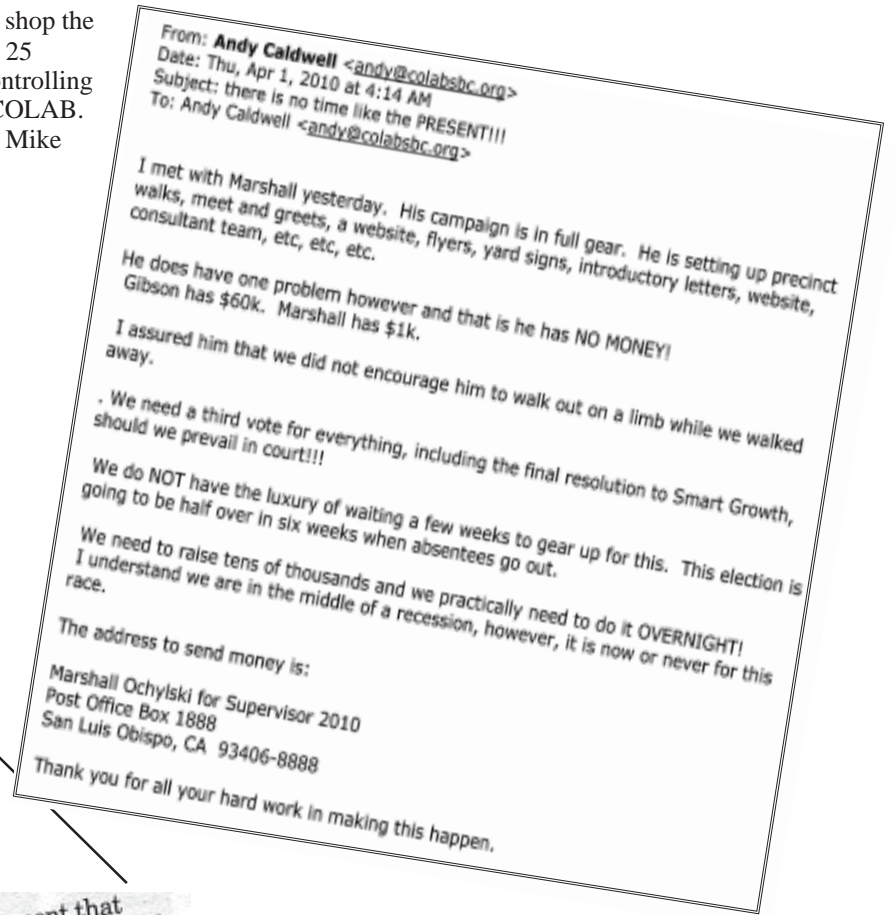


# Taking Issue

problematic environmental coverage & commentary in our local media

“Change has already come,” by Michael F. Brown, *New Times*, April 9, 2015.

**Summary:** Mike Brown, Government Affairs Director of the anti-environmental lobby shop the Coalition of Labor, Agriculture and Business (COLAB), responds to Bob Cuddy’s March 25 commentary, which noted that “the Big Money folks have been on an ill-mannered roll, controlling the Board of Supervisors and frightening away ordinary citizens” with a lot of help from COLAB. Cuddy hopes people are getting fed up with it. Brown hopes not -- and then, because it’s a Mike Brown op ed, demands an apology for something.



By the way, Cuddy's statement that COLAB put money into the supervisorial campaigns of Arnold and Compton is absolutely false. COLAB does not provide campaign contributions or candidate endorsements. This is not a matter of opinion. There are no campaign reporting forms showing contributions by COLAB to candidates or payments for services to COLAB by candidates. Cuddy should correct and apologize in the same space. Δ

“Mesa oil plan draws complaints,” by Cynthia Lambert, *The Tribune*, April 3, 2015.

**Summary:** Jim Anderson, project manager for the proposed Santa Maria Refinery crude oil rail terminal, attempts to correct a local resident at a Grover Beach meeting, assuring attendees that the tar sands crude oil Phillips 66 plans to bring into the county is much safer than the famously explosive Bakken shale crude.



“(Phillips 66) won't tell you that it's such a thick substance that it has to be diluted with light crude that is extremely flammable,” Akel said. Anderson disagreed: “It's not volatile because if it was, then it would be similar to Bakken, and we wouldn't be able to process it.” Liisa Lawson Stark, Union

[Posted by Railway Age to its website shortly after an oil train carrying diluted tar sands crude -- in new, upgraded tanker cars -- derailed, exploded and burned in Ontario]:

“Why did the bitumen ignite and explode in Ontario’s -40°C weather? The reason, based on research consulted by *Railway Age*, is that the diluent added to make bitumen flow into and out of tank cars makes the blended lading quite volatile.

This blend of bitumen and petroleum-based diluents, known as ‘dilbit,’ has a low flash point. Thus, the widespread belief that bitumen from Alberta’s northern oil sands is far safer to transport by rail than Bakken crude is, for all intents and purposes, dead wrong.

- “Why bitumen isn’t necessarily safer than Bakken,” *Railway Age*, February 25, 2015.

“Ochylski is the favorite for the property-rights group, the Coalition of Labor Agriculture & Business of San Luis Obispo County. According to COLAB e-mails obtained by *New Times*, ‘This is a huge and unexpected opportunity to change the political balance in the Board of Supervisors [sic].’ ... As of his March 17 campaign-contribution filings, Ochylski had raised no money. COLAB asked its members to support his campaign in early April. In his most recent filings, Ochylski reported receiving \$37,228, including \$5,000 from the San Luis Obispo Cattleman’s Association PAC and \$3,000 from the County Wine Community PAC.”

- “Shades of Gray,” *New Times*, June 2, 2010.

**Upshot:** Mr. Cuddy, you can hold off on that correction and apology. Mr. Brown, perhaps you’d like to give both of those things a delicately parsed, carefully worded shot?

**Upshot:** We know it’s hard to keep up with all the bad news about oil-by-rail, but we hope the Phillips 66 project manager will make a greater effort to retire mistaken assertions of fact when they are overtaken by reality.

# Classifieds

Next issue deadline is **May 14**. 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.

**Wed., May 6th, 10 a.m. Los Osos Native Plant Walk.** Easy 1.3 mile, 90 ft. gain, hike to view and identify native plants in coastal scrub, woodland, and chaparral habitats. No poison oak on trails, but trailside sage and coyote bush sometimes thick, so long sleeves recommended. Park and meet at Los Osos Middle School soccer field off South Bay Blvd. and Pismo Ave, for short shuttle to San Ysabel Ave, where hike begins. Leader: Vicki Marchenko, 528-5567 or vmarchenko57@gmail.com

**Sat., May 9th, 8:30 a.m. Rinconada/Little and Big Falls Loop Hike.** Strenuous, 14-mile, 2000 ft. gain, hike, mostly in scenic Lopez Canyon area. We will be out most of the day. Middle of loop is on Lopez Canyon Rd, where there are several creek crossings. Bring sandals or other footwear for temporary use in crossings. Some poison oak on the trail. Bring lunch and water. A shorter in-and-out hike is possible, if desired. Meet in front of Pacific Beverage Co. in Santa Margarita. Extreme heat will postpone hike to May 16th. More information, call Leader: Carlos Diaz-Saavedra, 546-0317.

## Activities sponsored by other organizations

**Sat., May 2nd, and June 6th, 9:30 a.m. Citizens' Climate Lobby.** 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: citizensclimate.lobbyslo@gmail.com.

**Sat., May 9, 1 p.m.-2 p.m. Where are Bears?** SLO Botanical Garden followed by docent tour at 2pm. Learn how the wild bear population is dealing with environmental changes throughout SLO and Monterey County. Senior Wildlife Biologist with the CA Dept of Fish and Wildlife will share info on where the bears reside and how to avoid unwanted interaction and encourage wildlife health. \$5 Garden members / \$10 public. No reservations required. More info at [slobg.org/bears](http://slobg.org/bears).

**Sat., May 9th, 10 a.m. SLO City Walk: the Railroad Historic District.** An easy, guided stroll to kick off the annual San Luis Obispo Train Day, with its many events. 90" duration. See 15 sites in the old commercial district, depot area, and century-old boardinghouses. Hear the stories about the heyday of the Southern Pacific during the steam age, 1890s to 1950s, when SP dominated public life in SLO, transforming it from a cowtown to a boomtown. Meet in front of Gus's Grocery, corner of Osos and Leff Sts. Leader: Joe Morris, 549-0355.

**Sat., May 16th, 8:30 a.m. Silver Peak Wilderness/ Big Sur Coastal Hike.** Moderately strenuous eight-mile, 2000 ft. gain, hike, exploring the Cruikshank Trail to Buckeye Ridge for sweeping views of the coastline. If very hot, we may end up at Villa Creek camp. Poison oak and ticks may be present along sections of the trail. Bring lunch, water, sturdy hiking shoes, and dress for the weather. Meet at Washburn Day Use Area in San Simeon State Park, about 1.5 mile north of Cambria. Anyone wishing to carpool from Santa Rosa Park in SLO should leave no later than 7:45 a.m. More

information, call Leader: Gary Felsman, 473-3694.

**Sun., May 17th, 10 a.m. Quarry Trail Trekking-Pole Hike.** "Polecats" is dedicated to leading local Sierra Club day hikes and modeling the benefits of using trekking poles. 2 miles long 320 ft. of elevation change. Meet at the Quarry/Cabrillo Peak trailhead. Need to confirm you are coming beforehand with Leader: David Georgi, 458-5575 or hikingpoles@gmail.com.

**Fri.-Mon., May 22nd-25th. Black Rock Rendezvous.** This annual event is a great first trip here, as it typically includes a variety of speakers, guided tours, visits to hot springs, rockhounding, a Dutch Oven cook-off, drawings, and similar events. This is a family event, so can bring RVs and trailers. Dogs on leash permitted, but pick up after them. This is primitive camping, so bring water, but has portable toilets. More information at [www.blackrockrendezvous.com](http://www.blackrockrendezvous.com) For questions or signing up, contact Leader: David Book, 775-843-6443. Great Basin Group/CNRCC Desert Committee.

**Sat., May 16, 1 p.m.-3:30 p.m. Kids' Garden Fresh Cooking Class.** Head out to the Botanical Garden to enjoy hands-on gardening, harvesting and cooking of a seasonal meal. Children and guardians enjoy cooking fresh-from-the-garden meals while learning healthy habits and kitchen safety. Class is age-appropriate for grades 2-6. Limited space available, register in advance. \$25 for child and guardian, Garden members can bring an additional guest for free. More info and registration at [slobg.org/kids-cooking](http://slobg.org/kids-cooking).

San Luis Obispo Botanical Garden,  
3450 Dairy Creek Rd., SLO. 541-1400 x304.



## This Land—Revisited (2015)

*This land is your land, this land is my land,  
From California to the New York Island,  
From the redwood forests to the Gulf Stream waters,  
This land was made for you and me*

*I dreamt I wandered through old San Luis  
Past Mission padres and a Gold-Rush gambler  
Our land was wild then, its pulse beat faster  
Soon wildness was tamed for you and me.*

*The bears and bobcats, the condors soaring,  
The Chumash knew them, called them their neighbors.  
Our land must heal now, it needs much care now,  
The children will follow you and me.*


*In our time, morros shade live-oak pastures,  
And grassland birds fly, past rows of vineyards  
The Big Sur coastline still stretches northwards,  
This land still calls to you and me.*

(Repeat first verse.)

- Joe Morris, Outings Chair



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.




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For further information contact:  
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John Mead, a member of the Sierra Club, in Yosemite