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California State Senate

SENATOR
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February 15, 2023

Secretary Wade Crowfoot
California Natural Resources Agency
715 P Street
Sacramento, CA 95814

Subject: SB 846 Land Conservation and Economic Development Plan

Dear Secretary Crowfoot:

As you are well aware, in 2022 the California State Legislature passed SB 846, which – among other things -- called for the Natural Resources Agency to prepare by March 23, 2023 a Land Conservation and Economic Development Plan for the Diablo Canyon Lands (“Diablo Canyon Lands Plan”). The call for the preparation of the Diablo Canyon Lands Plan reflects the long-standing desire of the Central Coast community (which I proudly represent as the State Senator for the 17th Senate District) to conserve and make available for sustainable public access the 12,000 acres that surround the Diablo Canyon Power Plant in San Luis Obispo County.

I sincerely appreciate the time and effort that you and your colleagues invested in visiting San Luis Obispo last week to hear public comment about the proposed contents of the Diablo Canyon Lands Plan. You heard from dozens of community members and were referred to multiple published documents and a community history that speak to a conservation future for the Diablo Canyon Lands. Among those are the Conservation Framework for the Diablo Canyon Lands, prepared by the Friends of the Diablo Canyon Lands (www.diablocanyonlands.org); the Partnership Proposal, prepared by yak tityu tityu yak tilhini Northern Chumash Tribe of San Luis Obispo County (“ytt”) and partners (<https://reachcentralcoast.org/diablo-partnership-proposal/>); the Strategic Vision, prepared by the Diablo Canyon Decommissioning Engagement Panel (“Diablo Engagement Panel”) (<https://diablocanyonpanel.org/panel-reports/strategic-vision-report/>); and the 2000 DREAM Initiative passed by 75% of SLO County voters, urging conservation of and public access to the Diablo Canyon Lands.

I am encouraged by the considerable consensus contained in these published plans and as expressed in public comments during your February 10, 2023 “Listening Session” and in the last five years as expressed during several meetings of the Diablo Engagement Panel – as well as a documented public

vote. In particular, these plans and public expressions overwhelmingly support the following mutual goals for the Diablo Canyon Lands:

- **Permanent protection of the unique ecological, scenic, and other natural resources** of the 12,000-acre Diablo Canyon Lands via conservation easements that would run with the land, in perpetuity, regardless of ownership, consistent with California’s 30x30 Biodiversity Initiative (note that only 10,800 acres still need to be conserved, as 1200 acres are already conserved via the Coastal Commission’s deed restriction on lands at Point San Luis, as mitigation for PG&E’s replacement of its Steam Generator, as recorded in 2022);
- **Permanent protection of the cultural (Chumash) resources** of the Diablo Canyon Lands, including burial sites, cultural artifacts, historic Northern Chumash village sites, and other sacred areas, as well as **tribal ownership and/or management of key Diablo Canyon Lands properties;**
- **Public ownership (likely State Parks ownership given its land management expertise and local presence at Montana de Oro State Park) of the Wild Cherry Canyon (2400-acre) unit of the Diablo Canyon Lands;**
- **Managed and sustainable public access on all units of the Diablo Canyon Lands, as well as an interior, 20+ mile multi-use trail stretching from Wild Cherry Canyon to Montana de Oro State Park, through public/protected properties within the Irish Hills; and**
- **Support for the REACH/Cal Poly SLO-led Economic development/facilities repurposing plan on the 600-acre Parcel P site** where Diablo Canyon Power Plant is sited, including a Clean Tech hub for renewable energy innovation, marine science, research and development, education, and celebration of Chumash cultural heritage.

There are still, however, some areas of disagreement or perhaps where additional discussions and leadership are warranted. On these points, I offer the following:

- **Extension of the California Coastal Trail** – The Conservation Framework, the Strategic Vision, and a plethora of public comments over the last several years have expressed enthusiastic support for a 20-mile extension of the California Coastal Trail along the Diablo coastline, to connect the Point Buchon Trail on North Ranch (which was created as mitigation for PG&E’s construction of its spent nuclear fuel facility) to the Pecho Coast Trail on South Ranch (which was created as mitigation for PG&E’s construction of a training building). Along the development-constrained California coastline, the opportunity for a new twenty-mile extension of the California Coastal Trail in such a beautiful location is a rare opportunity indeed, which should not be squandered.

The concern expressed by a few, however, is that the trail extension could undermine the protection of ecological and cultural resources in this region. While these concerns are valid, I suggest there is a way for the coastal trail to be appropriately aligned, just as the Point Buchon trail was carefully aligned when it was constructed in 2007. It may be that certain sections of the trail will have to be closer to the Diablo Canyon Road and/or otherwise placed to minimize impacts.

Also, the Coastal Trail can be carefully managed, just as the Point Buchon and Pecho Coast trails have been these many years. Like those trails, daily limits on public use and date/time restrictions could be considered. Further, given the long length (20 miles or more) of such a Coastal Trail extension, and the fact that a significant majority of people who visit the 6.6 mile Point Buchon loop trail never reach the south end, the visitor traffic beyond that point will likely be relatively light.

For all these reasons, I ask that the Diablo Canyon Lands Plan embrace the creation of a fantastic, world-class extension to the California Coastal Trail, which is carefully sited, sustainably managed, and science-guided. I suggest that this be implemented via the California Coastal Commission as soon as possible.

- **Land Ownership/Management Capacity and Partnerships** – As mentioned above, I see broad consensus on land ownership and management issues when the Diablo Canyon Lands are transferred away from current owners PG&E (North Ranch) and Eureka Energy (South Ranch and Wild Cherry Canyon). As for Wild Cherry Canyon, there is agreement for public ownership, and I advocate specifically for ownership by California State Parks. State Parks has supported its ownership of Wild Cherry Canyon over the last two decades, and already owns and manages the nearby Montana de Oro State Park unit. It thus has management, operations, maintenance, and law enforcement in place in the region. Also, State Parks ownership of the “book-end” properties along the Diablo Coast also enables the creation of the interior coastal trail connecting Montana de Oro to Wild Cherry Canyon via the Irish Hills, using already protected and publicly owned properties to complete this extensive, rugged, and multi-use interior trail.

There is also consensus for tribal ownership of other portions for the Diablo Canyon Lands. The California Public Utilities Commission has enacted the Tribal Lands Transfer Policy, which applies to North Coast and would allow for a tribal right of first offer on that unit of the Diablo Canyon Lands. And there is also interest and support for tribal ownership on South Ranch. Tribal ownership has many advantages, including a just and inspiring outcome for the community and for the descendants of people who lived on the Central Coast and the Diablo Canyon Lands in particular for some 10,000 years, who were forcibly removed from that land without consideration or compensation.

To enable a successful tribal outcome, there needs to be in place a solid foundation for ownership and/or management by tribes who may lack funding and/or relevant land-management experience. Toward this end, the Diablo Canyon Lands Plan should consider perpetual management endowments, as well as partnerships between tribe(s) and other groups to enable long-term stewardship of the land, including management of ecological and cultural (Chumash) resources and public access. Such partnerships could include government agencies (including State Parks, San Luis Obispo County Parks, and Cal Poly SLO), national conservation organizations (such as The Nature Conservancy), and local conservation organizations (such as the Land Conservancy of San Luis Obispo County).

- **Retained Rights under Conservation Easements** – The Partnership Proposal contains, among other things, a reference to a “reservation of a limited number of building envelopes that permit single-family residences and other infrastructure” on the Diablo Canyon Lands. I have received feedback about this issue and it may require some careful analysis and attention in the Diablo Canyon Lands Plan to ensure that this provision (and other retained rights) are carefully

implemented to ensure that the ecological, scenic, and cultural values of the Diablo Canyon Lands are not undermined in the process.

I again thank you for the considerable time and attention that you and your colleagues have invested in this process and look forward to working with you on the successful implementation of plans to conserve the Diablo Canyon Lands forever, and to provide public connection, and tribal reconnection, to them. And I thank you too for your kind comments during your stay about the unique beauty of the Central Coast – I could not agree more.

Sincerely,



JOHN LAIRD
Senator, District 17

cc: Deputy Secretary for Energy Le-Quyen Nguyen, CNRA
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