

June 10, 2020

Robert Kenney, VP Regulatory Affairs
Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105

Edward Randolph, Director, Energy Division
President Marybel Batjer
Commissioners Guzman-Aceves, Randolph, Rechtschaffen, and Shiroma
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Subject: **CPUC June 1, 2020 Letter to PG&E re: Diablo Canyon Lands**

Dear Mr. Kenney, Mr. Randolph, CPUC President Batjer, and CPUC Commissioners:

We are in receipt of Mr. Randolph's letter dated June 1, 2020 to Pacific Gas and Electric Company (PG&E), seeking PG&E's response to questions about the disposition of the 12,000-acre Diablo Canyon Lands that surround the Diablo Canyon Power Plant (CPUC June 1 2020 Letter).

We the undersigned do not know the origin of the CPUC June 1 2020 Letter. In any event, we want to remind the parties of the **long-standing and dedicated interest of the local community and beyond in seeking the in-perpetuity protection of and sustainable public access to all Diablo Canyon Lands.**

We provide this information for two reasons: (1) to ensure that PG&E's letter (due to the CPUC by June 30, 2020) reflects this community and statewide interest in conservation and public access; and (2) to ensure that in making future decisions regarding the disposition of the Diablo Canyon Lands, both CPUC and PG&E take into consideration the community and the state's desire to conserve in-perpetuity these uniquely beautiful and ecologically rich coastal lands for the benefit of people and wildlife.

History of Diablo Canyon Lands Conservation Efforts

Residents of the Central Coast have a long history in urging the in-perpetuity conservation of the Diablo Canyon Lands. These efforts have come from activities of national and local land trusts, the Friends of Wild Cherry Canyon, the Diablo Canyon Decommissioning Engagement Panel (reflecting community feedback after an extensive public outreach process), the San Luis Obispo County voters via the Dream Initiative, as well as the California Coastal Commission, as follows:

Land Trust Activities

Over the last twenty years, conservation groups including The Nature Conservancy, American Land Conservancy, and the Land Conservancy of San Luis Obispo County have sought to acquire (for public benefit) the land interests of Wild Cherry Canyon – the 2400-acre, southeast portion of the Diablo Canyon Lands. The property has been under a purchase option on multiple occasions with the owners of the leaseholds and in cooperation with PG&E. Although these efforts have been thus-far unsuccessful, negotiations for the protection of this property continue and an appraisal of the land value is underway.

Friends of Wild Cherry Canyon

The Friends of Wild Cherry Canyon (FOWCC) was formed several years ago, to provide community assistance for conservation efforts on the Diablo Canyon Lands. FOWCC is an informal affiliation of over a thousand local residents who have provided countless public comments and letters of support and undertaken other efforts to urge conservation and sustainable public access for not only Wild Cherry Canyon, but for all of the Diablo Canyon Lands.

In addition, FOWCC was an intervenor in the original PG&E Application to Retire Diablo Canyon Power Plant (16-08-006). Indeed, **it was FOWCC that urged the CPUC to take the action** that was ultimately ordered by the Administrative Law Judge; namely, that PG&E “will take no action with respect to any of the lands and facilities, whether owned by the utility or subsidiary, before completion of a future process including a public stakeholder process; there will be local input and further Commission review prior to the disposition of the Diablo Canyon facilities and surrounding lands” (No Action Order).

Diablo Canyon Decommissioning Engagement Panel

In response to the ALJ/CPUC No Action Order, PG&E formed the Diablo Canyon Decommissioning Engagement Panel (Engagement Panel). The Panel was convened as a “volunteer, non-regulatory body created to foster and encourage open communication, public involvement and education on DCPD decommissioning plans and activities. It is intended to serve as a forum for the local community to provide direct input to PG&E and regulatory agencies on matters related to DCPD decommissioning.” (www.diablocanyonpanel.org; Engagement Panel Strategic Vision, page 1)

In furtherance of its mission, the Engagement Panel held multiple public meetings and workshops and attended multiple tours and community forums to address and inform the issue of the disposition of the Diablo Canyon Lands. The Engagement Panel received some 1000 community comments on land issues, and nearly all were in enthusiastic support of conservation and public access.

As a result of this extensive public outreach effort, the Engagement Panel created and published its Strategic Vision, which includes the following recommendations about the Diablo Canyon Lands:

- The 12,000 acres of Diablo Canyon Lands surrounding the DCPD are a precious treasure and a spectacular natural resource that should be preserved in perpetuity for the public and future generations, in acknowledgement of its significant resources values
- The public should be ensured access to the Diablo Canyon Lands to the greatest extent possible, while protecting and preserving sensitive habitats, cultural sites and other resources

- The use of Diablo Canyon Lands should include activities that are consistent with wildlife and resource protection and visitor enjoyment including multi-use trails for hiking, mountain biking, and equestrian use and managed overnight camping
- The conservation activities on Diablo Canyon Lands should be coordinated with owners of other protected properties in the Irish Hills region, including State Parks, the US Bureau of Land Management, the Nature Conservancy, the Land Conservancy of San Luis Obispo County, and the City of San Luis Obispo
- The request for land ownership by the local Native American community should be acknowledged and considered as a valid claim for historical reasons, while bearing in mind the overwhelming public testimony that the Diablo Canyon Lands be conserved and available to the public for managed use
- The Diablo Canyon Lands should be conserved prior to the completion of the decommissioning process, as appropriate

Dream Initiative

In 2000, the “Dream Initiative” was on the ballot for voters of San Luis Obispo County. The voters were asked whether they support the conservation and recreational use of the Diablo Canyon Lands upon plant closure. The Dream Initiative passed overwhelmingly – with 75% voting “YES.”

California Coastal Commission

The California Coastal Commission has accomplished conservation of portions the Diablo Canyon Lands over the last few decades via mitigation for Coastal Development Permits (CDPs) for various PG&E projects. For example, the CDP for PG&E’s Simulator/Training Building required the utility to establish and manage the Pecho Coast Trail, on the South Ranch of the Diablo Canyon Lands. The CDP for PG&E’s Independent Spent Fuel Storage Installation (dry cask storage facility for spent nuclear fuel) required the utility to establish and manage the Point Buchon Trail, on the North Ranch of the Diablo Canyon Lands. Finally, the CDP for PG&E’s Steam Generator Replacement required the utility to set aside 1200-acres at Point San Luis (part of the South Ranch of the Diablo Canyon Lands) as conservation land, in perpetuity. It is expected that additional land mitigation requirements will be part of future CDP’s issued in connection with the Diablo plant’s decommissioning.

In addition to taking these direct actions to conserve the Diablo Canyon Lands, in 2018 the California Coastal Commission stated that it is “highly supportive of protecting the *entirety* of the lands as a combination of open space (which would allow for habitat protection and/or restoration and low-intensity public access (i.e., trails and associated amenities)) and sustainable agriculture uses.” The Coastal Commission added that such uses are a “priority under the Coastal Act and the [Local Coastal Plan], and are also priorities in [San Luis Obispo] County’s General Plan for those portions of the Lands located outside of the coastal zone.” California Coastal Commission letter dated August 13, 2018 to the Diablo Canyon Decommissioning Engagement Panel (attached).

The Future for Diablo Canyon Lands Conservation Efforts

Based upon the foregoing, we the undersigned respectfully request the following of Pacific Gas and Electric:

1. That the Diablo Canyon Decommissioning Engagement Panel have the opportunity to review and provide feedback to a draft PG&E letter in response to the CPUC June 1 2020 Letter before it is finalized and submitted to the CPUC;
2. That the PG&E response letter acknowledge the history of the Diablo Canyon Lands conservation and public access efforts described above;
3. That the PG&E response letter contain a strategy to ensure the in-perpetuity conservation of all Diablo Canyon Lands via conservation easements, public resource agency or land conservation group ownership, or similar restrictions on future development that run with the land; and
4. That the PG&E response letter contain a strategy to ensure that the public will have in-perpetuity and sustainable public access to the Diablo Canyon Lands as appropriate to enable protection of ecological, cultural, and scenic resources in a manner that is also consistent with the safe and efficient decommissioning of the Diablo plant.

We further respectfully request that both CPUC and PG&E understand and internalize the large volume of community and agency history in taking any future actions about the disposition of the Diablo Canyon Lands. Any future actions must ensure the in-perpetuity conservation of these lands as well as sustainable public access. To do anything to the contrary would be a significant dereliction of public duty and a profound loss of opportunity for the Central Coast and all Californians.

Thank you for your consideration,

Denise Allen
Founder
Friends of Wild Cherry Canyon
Member
Avila Valley Advisory Council

Sherri Danoff and Kara Woodruff
Members
Diablo Canyon Decommissioning Engagement Panel

Sam Blakeslee
Author
Diablo Canyon Lands DREAM Initiative
California State Senator and Assembly Member (former)

Mary Ciesinski
Executive Director
ECOSLO

Cheryl Conway, Jim Conway, and John Ashbaugh
Activists
Democrats of San Luis Obispo Club

Connor Culhane
President
Central Coast Concerned Mountain Bikers

Ann Feeser
Founder
Concerned Citizens 4 Avila

Dave Garth
Chief Executive Officer (former)
San Luis Obispo Chamber of Commerce

Gordon Hensley
Executive Director
Environment in the Public Interest
San Luis Obispo Coastkeeper

Stacey Hunt
Chief Executive Officer
Ecologistics

Jan Marx
Dean
San Luis Obispo School of Law
Mayor (former)
City of San Luis Obispo

Steven Marx
President
City Farm San Luis Obispo
Professor Emeritus
Cal Poly State University, San Luis Obispo

Steve McGrath
Harbor Manager (former)
Port San Luis Harbor District

Jim Miers
Executive Committee
San Luis Obispo Chapter – Surfrider Foundation

Jeff Miller
Senior Conservation Advocate
Center for Biological Diversity

Kathy Redden
Director
Atascadero Horsemen's Club

Ilona Shakibnia
Founder
Friends of Oso Flaco Lake

Robert Shanbrom
Founder
Coastal Awakenings

Sandi Sigurdson
Executive Director (former)
Leadership San Luis Obispo

Herbert Smith
Director
American Woodland Conservancy

Jody Smith
President
Atascadero Horsemen's Club

Sharon Suits
President
San Luis Bay Mobile Estates Homeowners Association

Doug Tait
Conservation Chair
Morro Coast Audubon Society

Cc: Alice Stebbins, CPUC Executive Director
Jonathan Koltz, Chief of Staff, Commissioner Guzman-Aceves
Maria Sotero, Energy Advisor, Commissioner Guzman-Aceves
Simon Baker, Energy Division, PG&E
Molly Sterkel, Energy Division, PG&E
Dorothy Duda, Energy Division, PG&E
Franz Cheng, Energy Division, PG&E
David Zizmor, Energy Division, PG&E
James Welsch, Senior Vice President, PG&E
Maureen Zawalick, Senior Director of Decommissioning, PG&E
Thomas Jones, Director of Strategic Initiatives, PG&E
Jack Ainsworth, Executive Director, California Coastal Commission
Sarah Christie, Legislative Director, California Coastal Commission
Susan Craig, Central Coast District Manager, California Coastal Commission
Karla Galvez, Senior Staff Counsel, California Coastal Commission

Allyson Hitt, Coastal Program Analyst, California Coastal Commission
Tom Luster, Senior Environmental Scientist, California Coastal Commission
Patricia Sexton, Senior Legal Analyst, California Coastal Commission
John Laird, California Secretary of Resources (former)
Bill Monning, State Senator
Jordan Cunningham, State Assemblymember
San Luis Obispo County Supervisors Peschong, Gibson, Hill, Compton, and Arnold
Trevor Keith, Director, San Luis Obispo County Planning and Building Department
Heidi Harmon, Mayor, City of San Luis Obispo
San Luis Obispo City Council Members Christianson, Gomez, Pease, and Stewart
John Headding, Mayor, City of Morro Bay
Morro Bay City Council Members Addis, Davis, Heller, McPherson
Jim Hartig, Chair, Avila Valley Advisor Council
Avila Valley Advisory Council Members
Mark Tercek, CEO, The Nature Conservancy
Kaila Dettman, Executive Director, The Land Conservancy of San Luis Obispo County
The Tribune, San Luis Obispo
New Times, San Luis Obispo

Attachment: California Coastal Commission Letter dated August 13, 2018

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



August 13, 2018

Diablo Canyon Decommissioning Engagement Panel
c/o Chuck Anders, Strategic Initiatives
1886 Deer Canyon Road
Arroyo Grande, CA 93420

VIA EMAIL: canders@strategicinit.com and engagementpanel@pge.com

Re: Diablo Canyon Lands

Dear Panel Members:

This purpose of this letter is to discuss the future uses of the almost 12,791 acres of Diablo Canyon Lands (Lands) (almost 4,000 acres of which are located in the coastal zone) after the nuclear power plant is decommissioned in 2024-2025. These Lands are located in a rural area of San Luis Obispo County and cover about twelve miles of coastline between Port San Luis to the south and Montaña de Oro State Park to the north. The Lands are adjacent to, or in the vicinity of, protected Lands such as the Hibberd Preserve and properties owned by the U.S. Bureau of Land Management and the Nature Conservancy, and are not adjacent to or contiguous with existing developed areas.

Other than the 772-acre high-security site around the power plant itself, PG&E has managed these Lands as open space for agricultural and grazing operations, and for habitat values. In addition, PG&E has also constructed and is operating two public coastal trails (i.e., the Point Buchon trail and the Pecho Coast trail) as required by Coastal Commission permit conditions. The County's certified Local Coastal Program (LCP) designates most of the portions of these Lands in the coastal zone as "Sensitive Resource Areas" because they include significant areas of native habitat used by a wide variety of plant and animal species, including some designated as endangered, threatened, or sensitive. The LCP and associated planning documents¹ also contain a number of policies and provisions to protect the agricultural and grazing operations and the sensitive habitats found on these Lands. The Lands also include several significant archaeological and cultural resource sites, which are also protected under the LCP.

Existing easements and deed restrictions, which were required by previous Coastal Commission permit actions, cover more than 9,700 acres of the Lands, both within and outside of the coastal zone. The primary purpose of the easements is to protect intertidal and native terrestrial habitat and to allow for the continuation and enhancement of open space (including through restoration of native habitat), and to protect public access and sustainable coastal agricultural uses.

¹ These planning documents include, for example, the LCP's San Luis Bay Coastal Plan, Coastal Plan Policies, Coastal Zone Land Use Ordinance, and Coastal Zone Framework for Planning, and the San Luis Obispo Inland Area Plan (not part of the LCP).

Diablo Canyon Lands

August 13, 2018

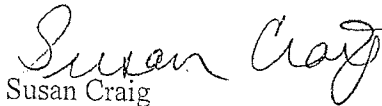
Page 2

Given all of the above (i.e., the rural and sensitive nature of the Lands, the existing connection to other protected lands, and the existing easements over the majority of the Lands), we are highly supportive of protecting the *entirety* of the Lands as a combination of open space (which would allow for habitat protection and/or restoration and low-intensity public access (i.e., trails and associated amenities)) and sustainable agriculture uses. Such uses are a priority under the Coastal Act and the LCP, and are also priorities in the County's General Plan for those portions of the Lands located outside of the coastal zone.

In terms of public access, maintaining the Lands as open space/agriculture would also allow for a California Coastal Trail (CCT) connection generally along the coastal blufftop from the southern end of the existing Point Buchon Trail (accessed from Montaña de Oro State Park) to the northern end of the Pecho Coast Trail (which terminates at Port San Luis), for a total CCT trail length of about twelve miles (with associated amenities). Furthermore, we are also highly supportive of the preservation of Wild Cherry Canyon (a portion of which is in the coastal zone, and which abuts a southern portion of the Lands) as an open space/passive recreation area. Our understanding is that, similar to the Diablo Canyon Lands, Wild Cherry Canyon contains a diverse and largely undisturbed collection of natural resources, including a number of sensitive plant and animal species. In terms of public access, Wild Cherry Canyon could provide an entry point to a 15- to 20-mile-long backcountry hiking connection to Montaña de Oro State Park, with spectacular coastal views along the way. Such a backcountry trail, along with the above-mentioned blufftop trail, would be significant attractions for both visitors to San Luis Obispo County as well as local residents. We also recommend that PG&E and other interested parties explore options for long-term protection of the Lands through public ownership, such as through State Parks or other entities.

In conclusion, we strongly support protection of the entirety of the Diablo Canyon Lands for open space, passive recreation, and sustainable agricultural uses, and also support complementary protection of Wild Cherry Canyon for open space and passive recreational uses. These types of examples of what some would call "old California" are few and far between and we believe that their care and protection as described above are critical, and that good planning and policy dictate no less. If you have any questions or would like to discuss these matters further, please do not hesitate to contact me at your convenience.

Sincerely,



Susan Craig

Central Coast District Manager
California Coastal Commission

cc: Tom Jones, PG&E

Trevor Keith, Director, San Luis Obispo County Planning and Building Department