

PG&E DIABLO CANYON DECOMMISSIONING ENGAGEMENT PANEL

PUBLIC MEETING

COUNTY GOVERNMENT CENTER

BOARD OF SUPERVISOR'S ROOM

1055 MONTEREY STREET

SAN LUIS OBISPO, CALIFORNIA

WEDNESDAY, MARCH 11, 2020

6:02 P.M. - 9:59 P.M.

**CERTIFIED
TRANSCRIPT**

REPORTED BY MELISSA PLOOY, CSR #13068

1 MR. ANDERS: I'd like to welcome everyone to
2 the Diablo Canyon Decommissioning Engagement Panel
3 meeting. This is an online meeting in response to the
4 coronavirus concerns. So we appreciate the panel's
5 flexibility and all of the panel's flexibility to adapt
6 to this modified format.

7 So to kick things off, I'd like to introduce
8 Nancy O'Malley. Nancy, give us a safety briefing and
9 welcome.

10 MS. O'MALLEY: Welcome, welcome on behalf of
11 the panel. Can we pull up the first slide? For our
12 safety briefing, we're going to do just a brief safety
13 moment. In the event of a medical emergency -- I know
14 there are a few of us here, but in the event of a
15 medical emergency -- can you pull up that slide -- I
16 will do CPR and we'll have the police and the sheriff
17 call 911 and the AED will be the police department, and
18 in the event of emergency in terms of going out to flag
19 down any fire department or ambulance, that would be
20 Chuck. Okay? In the event of a terrorist attack or an
21 active shooter, then we -- you get out or you take out.
22 Can you pull up the slide?

23 MR. ANDERS: We have a slide presentation. So
24 it will be up in about two minutes.

25 MS. O'MALLEY: Also, I want to let the public

1 know that we're grateful for your adjustment last
2 minute. We decided this can't be a full public meeting,
3 but given the current situation of the COVID-19, we
4 thought it was best to follow CDC advice and try and
5 limit the attendance to the meeting. As you know, the
6 CDC has recommended that persons over the age of 60, as
7 well as those with chronic diseases, such as diabetes,
8 heart disease, chronic lung disease or
9 immunosuppression, that they avoid large public
10 gatherings. So we decided we would change the format of
11 our meeting and so we are fortunate that we have the
12 capacity to livestream so we can have people livestream
13 and actually give public comments that we'll be able to
14 see in real time. We all have our computers set up to
15 see the comments in real time. At the end of this
16 meeting, we will have an opportunity for the public
17 comments to be reviewed and we'll be reading them in
18 public, probably about one minute for each comment or
19 less, but we're hoping we can go through all of those
20 public comments and questions.

21 So we encourage the public to go ahead and go
22 to our website and you can see that there is a button
23 you can push for public comments and you can put your
24 public comments tonight and it will be part of the
25 official record and we look forward to reading them.

1 Okay. We're working on getting our slides
2 together. So we're looking forward to a full agenda
3 today. I'll go over that just briefly. So today we're
4 going to hear from the SLO County and we're going to go
5 over the CEQA and the E9R CDP process, and then followed
6 by that, we'll have a review of the CPC Tribal Lands
7 Transfer Policy, which is a new policy that's been just
8 passed down. We'll have a short break and then we'll be
9 going over an update on some critical matters from PG&E
10 like the bankruptcy status, NCP status and settlement.
11 After that, there will be a request for proposal process
12 presentation for the new dry cask storage system. As
13 some of you may know that that request for proposal had
14 gone out. We'll be going over the time line and process
15 for that and some important considerations and then
16 there will be a summary of panel activities, charter
17 update and the new Diablo Canyon Decommissioning
18 Engagement Panel application process. If anyone is
19 interested in joining the panel, we have some terms that
20 are expiring. So you can go to our website and look for
21 new information on that. We'll be reviewing at this
22 meeting.

23 And then, lastly, we're going to have time for
24 public comment. We have at least 40 minutes here for
25 public comment and that's when we'll be looking at all

1 your public comments and reading them and asking any
2 questions that you might have. By the way, the ones
3 that have already been submitted, we already read and
4 reviewed them and we thank you very much for submitting
5 those and then we'll end with some panel discussion and
6 discussion over our next meeting topic, which will be
7 transportation issues related to decommissioning, about
8 all those truckloads of debris driving through Avila
9 Beach and Pismo. Okay?

10 So to end our safety minute, in the event of an
11 earthquake, we ask you to duck and cover, and in the
12 event of a fire, the evacuation routes, we ask you to go
13 through these front doors actually in the back and
14 there's also an exit to the left of the dais here and I
15 think I covered the safety moment. Did I miss anything
16 Tom?

17 MR. JONES: No.

18 MS. O'MALLEY: Okay. So we've already gone
19 through the agenda, Chuck, the safety moment.

20 And just one last thing about COVID-19. I just
21 want to say that there are no documented cases in San
22 Luis Obispo County. San Luis Obispo County is right now
23 considered low risk by our Health Department. So we
24 decided to change this format in the meeting really to
25 just prepare for the future and what's coming and really

1 to protect the public, as well as our panel members. So
2 thank you for your flexibility. Let's move on it, our
3 agenda.

4 MR. ANDERS: Great. Thank you very much. Ron,
5 can you work off your own? You've got yours? So I want
6 to apologize to the panel and to the public. We are
7 scrambling a little bit. Our normal staff is not here
8 and we overlooked one small detail of loading the slide
9 presentation.

10 Nancy, thank you for going over the agenda.
11 Our next agenda item is to hear from San Luis Obispo
12 County planning and building department with regard to
13 the county local CEQA and environmental impact process
14 and project development process and to learn more detail
15 about what that process looks like and the steps that
16 PG&E will have to go through to implement the
17 decommissioning strategies. Tom.

18 MR. JONES: Chuck, if we can take a five-minute
19 recess. Not everyone externally is able to see the AGP
20 video right now and the team is working on resolving
21 that. So if we can recess for five minutes.

22 MR. ANDERS: Okay. Let's take a five-minute
23 recess and we will be right back in five minutes.

24 (Recess.)

25 MR. ANDERS: Okay. So thank you very much,

1 Panel, for your patience and also for all of the people
2 who --

3 MS. WOODRUFF: Oh, wait a minute. They're
4 watching in Charter.

5 MR. JONES: Oh, we just got it. Okay. Now
6 showing on stream.

7 MR. ANDERS: Thank you. We just got
8 confirmation the meeting is streaming. Apparently, when
9 we started the meeting at 6 p.m., the meeting -- we had
10 a technical problem and the meeting was not streaming.
11 So we took a break at that time when we became aware of
12 the situation and are going to resume now. So for the
13 folks that were watching online, we apologize and I
14 think we're good to go.

15 We're going to quickly summarize the
16 introduction so the people watching online didn't miss
17 anything and go directly into our agenda. Nancy
18 O'Malley introduced -- welcomed everyone and discussed
19 the reason for the online meeting. So Dr. Nancy
20 O'Malley.

21 MS. O'MALLEY: So, again, thank you for your
22 patience. I'm sorry we had these technical
23 difficulties, but we're adjusting to this new era of
24 COVID-19. We've hoping that many of you are able to
25 livestream and listen in and give us your public

1 comments. We're going to begin our meeting here now
2 with Rob Fitzroy. Rob Fitzroy, he's the deputy director
3 of planning with the county and he's going to discuss
4 with us the whole planning process and CEQA. Okay. And
5 we have our slides up.

6 MR. FITZROY: Finally getting started. Rob
7 Fitzroy. I represent the department of planning and
8 building for the County of San Luis Obispo. My role
9 there is deputy director for the department and today
10 we're going to be talking about three topics and I'm
11 just going to touch at a high level on some of these, in
12 varying levels of detail though, and walk through,
13 generally speaking, the legal framework that the county
14 has to work within our process at the local level in
15 terms of processing a permit that will be before us
16 soon, as well as just briefly touch on some of the
17 requirements that we're going to be required to follow
18 pursuant to the California Environmental Quality Act,
19 also known as CEQA.

20 So just in terms of legal framework, so there's
21 a wide array of legal framework that we work within in
22 the planning world, everything from various planning and
23 zoning law, case law, general planning law. We work
24 within CEQA, as I had mentioned. In this particular
25 case, we'll be dealing with the Coastal Act relative to

1 the California Coastal Commission, the Clean Air Act,
2 Endangered Species Act, both the U.S. and California
3 Endangered Species Act, and the Clean Water Act, just to
4 name a few.

5 So overall, the county's general plan is, in
6 other words, sort of a blueprint for the future of the
7 county. We have mandatory, as well as optional elements
8 as a part of our blueprint for the county. Some of
9 those mandatory elements include our land use and
10 circulation element, our housing element that lays the
11 framework for where we'll accommodate affordable and
12 market rate housing, our safety element, noise element,
13 et cetera.

14 Since we're primarily talking about the coastal
15 area in this context today, we have a number of area
16 plans in the county, but I'm going to focus on coastal
17 area plans and, more specifically, the San Luis Bay Area
18 plan, which is the location of the Diablo Canyon
19 project.

20 Out of those area plans, we also have our land
21 use ordinance, which is known as Title 23 in the coastal
22 zone. The land use ordinance gets into finer level of
23 detail of how we process, as well as review projects
24 when they come through. Some examples include hike
25 setback requirements, parking requirements, things of

1 that nature, development standards, et cetera. So it's
2 kind of a high level review of the framework we work
3 within generally speaking.

4 Now, specific to the county's process, I'm
5 going to just touch on ministerial and discretionary
6 projects and really hone in on the discretionary process
7 because that's what's going to be before us in terms of
8 the decommissioning project, staff review, as well as
9 the public hearing process.

10 So ministerial or discretionary? That's an
11 important question. Ministerial permits are simple
12 permits in the planning world. They generally comply
13 with existing zoning code and there's something that we
14 can do at the staff level. There's not much discretion
15 or judgment involved. They're pretty cut and dry.
16 Discretionary projects -- discretionary permits, excuse
17 me, include decision-maker discretion, so planning
18 commission discretion or board of supervisors
19 discretion. It's a complicated project and we deal with
20 them on a case-by-case basis. Discretionary projects
21 are also subject to the California Environmental Quality
22 Act and require, in general, varying levels of
23 environmental review, anything from simple initial study
24 and maybe a negative declaration to a more complicated
25 environmental impact report.

1 So here's a few examples of types of projects.
2 Ministerial, again, are the very simple ones, solar
3 systems, garages for your home, hot water heaters,
4 things of that nature. Discretionary projects are much
5 more complicated. They are often termed and discussed
6 in context to minor use permit or conditional use
7 permit. In the case we're going to be talking about
8 today is the coastal development permit. They also
9 include larger projects such as track maps, subdivision,
10 things of that nature.

11 So in terms of the process, this is a very high
12 level overview of what the county's process is, in
13 general, when dealing with a project, discretionary
14 permit project. So generally, we have a preapplication
15 process that's available to applicants. So in this
16 case, it would be the PG&E. We've been in discussions
17 with PG&E prior to this. This is just, again, something
18 that's offered to anyone and everyone who is moving
19 forward with the project.

20 You then file an application for a project. So
21 whatever that project may be, you submit a formal
22 application to the county, we begin our review of that
23 process. Once that application's filed, we refer it out
24 to various county departments, we send it out to
25 community advisory councils. So we have -- in this

1 case, it would be AVAC, the Avila Area Advisory Council.
2 We also send it to any other agencies that we may want
3 to have plugged into the project that have some purview
4 within the project.

5 Once we do that, we get into the staff review
6 process and that's where most of the work comes into
7 play. So we review it against all of that legal
8 framework that I had previously mentioned, everything
9 from state law all the way down to our local ordinances
10 and Title 23. We synthesize a lot of that information.
11 Once we deem that application complete is where we
12 commence environmental review, which I'll get into a
13 little bit later. All of that leads ultimately to staff
14 recommendation. We prepare a staff report and we
15 provide that and set it for a public hearing, to
16 whichever public hearing is applicable. In this case,
17 it would be the Planning Commission, would be the first
18 public hearing forum for this project.

19 So in terms of the environmental review, in
20 this case, it would be -- the California Environmental
21 Quality Act would be the primary driver of what the
22 county would be responsible for complying with. So I'm
23 just going to briefly touch on the purpose of CEQA, the
24 county CEQA guidelines, the review process and some
25 environmental issues that we may deal with in general as

1 well as mitigation measures that we may deal with.

2 So the basic purpose of CEQA is to primarily
3 disclose information. It's an informational document.
4 So if we end up with an EIR at the end of a process,
5 that EIR is used to inform decision-makers. It's also
6 intended to disclose to the public as well as those
7 decision-makers what the impacts of the project would
8 be. It identifies ways to avoid impacts, it offers
9 mitigation and it also offers alternatives to the
10 project and those alternatives, in general, are intended
11 to reduce impacts that may be -- may result from the
12 project. It's a way to engage the public. So as part
13 of the CEQA process, there's a public review period. So
14 when an EIR is prepared, that goes out for public review
15 and comments are submitted. We review and respond to
16 every single comment that is submitted and then address
17 and prepare what's called a final EIR for the
18 decision-maker.

19 So first and foremost when you begin the CEQA
20 process, one of the key steps is determining who the
21 lead agency is. Sometimes that's complicated,
22 particularly when you have a project where you have
23 multiple agencies involved that have jurisdiction over a
24 certain area. In this context, we have coordinated with
25 applicable agencies involved and we've in cooperation

1 there have agreed that the county in this case will be
2 the CEQA lead agency. So what that really means is that
3 we'll be charged with preparing the environmental
4 document for the project.

5 So a bit about the environmental review process
6 itself. Again, this is in general of what we know of
7 the project and so we have our initial preliminary
8 review, we determine whether the project meets any
9 exemptions. In this case, we know that we're going to
10 be preparing an EIR. So we move forward with an initial
11 study. That initial study helps us address and hone in
12 on issues that need to be evaluated in the EIR.

13 So, for example, if we know certain issue areas aren't
14 going to be an issue, we, essentially, rule those out
15 and we hone in on the key issue areas. That helps us
16 hone in what we need to evaluate as a part of the EIR.
17 We then result in an environmental determination.

18 Oftentimes, it can be a negative declaration or, again,
19 in certain cases be an environmental impact report.

20 That all gets bundled up and gets packaged into back to
21 this slide again, the staff report review. So we take
22 that environmental document and we plug it into our
23 overall recommendation and to the package that gets sent
24 to the decision-maker.

25 So an important thing that I just wanted to

1 touch on here is about that first step in terms of
2 filing an application. So we've all been very involved,
3 clearly, with this project. We have a pretty good
4 understanding of what decommissioning means and what it
5 will mean to the community, but from the county's
6 perspective, there's a procedural process that we need
7 to follow and go through, and at this point, as many of
8 you know, we don't have an application in yet. That's
9 forthcoming. We're continuing to work with PG&E on
10 timing and then that will be submitted, but from the
11 county's perspective, our work and moving things forward
12 really begins once we get that application in. There's
13 a lot of legwork and coordination, collaboration,
14 obviously, that we're doing up to that point, but when
15 really the clock starts ticking on the process, that
16 really starts the date that we get that application and
17 we begin to hit the ground running.

18 So some environmental issues that we look at in
19 the process. I'm not going to read them all, but you
20 can see some of the key issues, air quality, biological
21 resources, greenhouse gas emissions, transportation,
22 water, recreation. All of those are issue areas that we
23 evaluate as a part of the CEQA process. Some may get
24 ruled out again during that initial study period, but we
25 really focus on those where we, based on some evidence,

1 see that there's going to be a potential impact that we
2 need to evaluate.

3 So that gets me into the mitigation aspect of a
4 project. So mitigation in the context of what we're
5 talking about here today in context to what the
6 decommissioning project will look like and what we're
7 required by CEQA to do is really going to be driven
8 primarily by some of the sections that I'm going to
9 outline here as a part of the CEQA process.

10 So generally speaking, when you see up here on
11 the screen Section 15 through 70, that is a section
12 pulled from the CEQA guidelines themselves. So this is
13 a part of that state law. So generally speaking, CEQA
14 requires that we try to avoid the impacts all together.
15 That's not always going to be the case, and when we have
16 a project that's going to result in an impact, we
17 minimize those impacts by limiting the magnitude,
18 changing the project, resulting in some form of
19 mitigation. Sometimes that mitigation may mean that we
20 rectify by repairing, rehabilitating or restoring in an
21 area that's directly impacted by a project. Sometimes
22 replacement of resources are providing substitute for
23 resources. So you often hear about wetland restoration
24 and things like that. That results when a project
25 directly impacts, for example, in this case, a wetland.

1 So mitigation measures. So those things that
2 you see that are actually detailed that a project may be
3 subject to once it's adopted. They need to be feasible.
4 That's first and foremost and this is backed and
5 supported by not only CEQA, but as well as case law that
6 has visited this topic. So if we require any mitigation
7 measure, it needs to be feasible in the context of the
8 project. Again, the project -- excuse me. The
9 mitigation measure needs to consider and really hone in
10 specifically to address the impacts that are resulting
11 from that project. They have to be fully enforceable.
12 So we need to be able to go out show and demonstrate
13 that those mitigation measures have been successfully
14 implemented.

15 One thing that we often deal with is how
16 mitigation is developed, as well as how mitigation is
17 ultimately implemented and there are two major
18 constraints that we, the county, as well as any other
19 CEQA practitioners or jurisdictions dealing with CEQA
20 have to deal with mitigation measures and there's two
21 really important concepts that we're guided by when
22 developing mitigation. Those are two things. There's
23 the nexus concept, as well as rough proportionality
24 concept, and when you see Nollan versus CCC here and
25 Dolan versus Tigard, those are two United States Supreme

1 Court rulings that weigh in on this topic, and the issue
2 with nexus is that when we prescribe a mitigation
3 measure or require a mitigation measure of a project,
4 there has to be a reasonable nexus to what we're
5 requiring and there has to be some rough proportionality
6 to what we're requiring, also.

7 So, for example, the wetland example, if a
8 project moves forward and is impacting a wetland, we
9 can't say, okay, you're impacting a wetland, now you
10 need to go fix a road. There has to be some nexus to
11 what the impact is.

12 Similarly, if a project is impacting one acre
13 of wetland, we can't say in response to that you need to
14 go and restore and purchase and protect in perpetuity a
15 thousand acres of wetland. There has to be some
16 proportionality to what the impact is.

17 So, again, I had mentioned previously that they
18 need to be generally feasible, accomplished in a
19 successful manner within a reasonable period of time and
20 these need take into account economic, environmental,
21 legal and social and technological factors in the
22 implementation of those mitigation measures.

23 So as a practitioner and as an entity, we
24 generally, when we write mitigation measures, we use
25 these concepts. I'm not going to go into all the

1 details of those, but we have a why, what, who and where
2 and when. So those are key aspects of developing any
3 measure so it's clear how that's going to be
4 implemented, who's going to be responsible, where it's
5 going to happen and when.

6 So, in summary, you have the -- the county's
7 process is a very public process. We have the Planning
8 Commission, we have Board of Supervisors, and in this
9 case, though, it is in the coastal zone, the Coastal
10 Commission would hear this project or see this project
11 if it were to be appealed to them. SLO County, again,
12 will be the lead agency on this project and be charged
13 with preparing the environmental impact report. In
14 that, we're going to evaluate and consider mitigation,
15 as well as alternatives, and those are requirements of
16 CEQA. There will be a number of opportunities for the
17 public to be involved. Again, that's going to be
18 involvement in the environmental review process. So
19 when the EIR is prepared, there's a public review
20 period. We will provide adequate time for people to
21 read the document and submit comments to the county and
22 there's also going to be opportunity for public
23 involvement during the public hearing process, so the
24 Planning Commission, as well as Board of Supervisors and
25 any Coastal Commission hearings that may occur. As I

1 mentioned, this project is -- per our process is
2 appealable to the Coastal Commission.

3 So I'll just wrap it up with the couple of
4 things I had mentioned before, that we're still working
5 with PG&E. When we get that application is we really
6 will have a strong understanding of what the project is.
7 There's a lot of details of the project that we just
8 don't know yet.

9 For example, you know, this is quite a large
10 scale project. It's a deconstruction project in so many
11 words. So there's things like, you know, traffic trips,
12 construction schedules, things that are very detailed in
13 nature that PG&E is diligently working on that we just
14 don't know yet. So we can't delve too much in the
15 details or what mitigations might be, but we hope that
16 through kind of outlining this higher level process you
17 have an idea what we're working within and what the
18 county is doing and that will hopefully help you
19 understand, you know, what types of things you can
20 expect as we move the process forward.

21 That concludes my presentation. I can answer
22 any questions.

23 MR. ANDERS: Thank you, Rob. Let's take a few
24 minutes for some questions, comments on -- Kara, Linda
25 and Sherri and Nancy.

1 MS. WOODRUFF: Thank you for your presentation.
2 Very informative.

3 So one of the topics we're going to be talking
4 about later in the meeting is conservation and this
5 relates to the mitigation and permitting process for
6 Diablo Canyon and I wanted to read a paragraph from a
7 letter that was submitted by the mayor of San Luis
8 Obispo and she writes, "We believe that conservation
9 should occur through the Diablo Canyon Power Plant
10 decommissioning process," and it goes on, "our residents
11 are being asked to carry the burden of that process,
12 including noise, traffic, restricted coastal access and
13 more. We'll also likely be burdened indefinitely with
14 managing the nuclear waste on site. For this, we should
15 expect PG&E to mitigate these impacts and conserve all
16 the Diablo Canyon lands," and I agree with that and I
17 hope that the county will consider it and I think
18 there's a lot of precedent that allows us to get there
19 using this permit process to conserve the lands by way
20 of mitigation and I know that you're familiar with some
21 of the history of the Diablo Canyon projects.

22 So in the past, there are three examples where
23 projects were pursued on Diablo Canyon and somebody must
24 have done this analysis of nexus and proportionality. I
25 guess they call it the Nollan Dolan test. Because when

1 we replaced the steam generator, PG&E was asked to
2 conserve 1,200 acres at Point San Luis and when the
3 ISFSI or the dry cask storage site was constructed, PG&E
4 was asked and did set aside the Buchon Trail, and when
5 the simulator building was constructed, PG&E was asked
6 and did establish the Pecho Coast, and to me, if we have
7 three historic precedents that show that permits and the
8 mitigation are appropriately translated into either
9 public access or conservation, it only follows that if
10 we're talking about decommissioning, which is a huge
11 project relative to those, it's massive, that we should
12 expect that this process will also be to the
13 conservation of those 12,000 acres.

14 So, I guess, not so much a question as just I'm
15 hoping that the county will think big and visionary and
16 look to these examples and look to historic conclusions
17 that the supreme court nexus proportionality arguments
18 have been questioned before and the answer was we got
19 some really great results. So please do think about
20 that.

21 And my one question is do we have any idea when
22 the application might be submitted to the county?

23 MR. JONES: Tom Jones, Pacific Gas & Electric
24 Company. Application, I believe, tentatively slated for
25 first quarter of next -- of 20 -- I'm going to check the

1 file. I'll get back to you. I think 2022 January or
2 it's January '21. I'll check the file and get back to
3 you. Escaping the year and confusing with the NDTCP
4 right now.

5 MS. WOODRUFF: Something about two years,
6 you're thinking?

7 MR. JONES: Yeah. Inside of two years.

8 And one comment, just for awareness, that
9 there's been comments about, well, if the ISFSI stays,
10 that should be subject for mitigation. It's already
11 been mitigated in perpetuity through its permit. So
12 that's not something that will come into play again.

13 MS. WOODRUFF: Except for the fact that, as I
14 understand it, the ISFSI isn't quite large enough to
15 house all of the spent nuclear fuel and the greater than
16 Class C waste and there will be some permanent
17 amendments.

18 MR. JONES: We'll talk about that at the next
19 portion on the ISFSI, but the request for proposal and
20 the items we're going to talk to you about require that
21 everything fit inside the current ISFSI design.

22 MS. WOODRUFF: Interesting. Look forward to
23 hearing that. Thank you.

24 MR. ANDERS: Thank you. Next comment, Linda,
25 Sherri, Nancy and Lauren.

1 MR. BROWN: Chuck, the screen is not switching
2 to a view of the speaker. It's stuck on the slide.

3 MR. ANDERS: Okay.

4 MR. BROWN: We ought to have it set up so
5 that it -- okay.

6 MR. ANDERS: There you go. Thank you. Linda.

7 MS. SEELEY: Thank you. Thank you, Rob, for
8 your presentation. I have a couple of questions. Could
9 you go back to the slide that shows the process for
10 the -- for CEQA, the file application that it goes to?

11 MR. FITZROY: Sure.

12 MS. SEELEY: I want to know when the file
13 application is introduced, is there public notice about
14 that? Is there a public notice when each one of these
15 steps is taken? And if not, is there a way that the
16 county can publicly notice when each part of this very
17 complex process has begun?

18 And in order to give the public a heads-up,
19 instead of waiting till we get to the end of the road
20 where the EIR has already been done and public comment
21 is then -- that you get the preliminary EIR and then
22 public comment is allowed then, I think it might be a
23 lot more helpful for people who live in different
24 community service districts or advisory council areas to
25 be able to attend their particular advisory councils and

1 be more involved in the on-the-ground notification and
2 contribution to this process. Is that possible?

3 MR. ANDERS: Tom, did you -- you said you...

4 MR. JONES: Sorry. I don't mean to cut off
5 Linda's comment. Just the answers is the application in
6 January 2021 is the current schedule.

7 MR. JONES: Go ahead, Rob.

8 MR. FITZROY: So a great question and great
9 comment.

10 So generally speaking, for this project in
11 particular due to its complexity and public interest, we
12 will be going above and beyond in terms of informing the
13 public of where things are at in the process and, you
14 know, steps along the way, we'll be having a special web
15 page through our site, our web page, and that will
16 outline the details of where things are in the process.
17 In addition to in terms of the environmental review
18 process, we do solicit early input prior to the document
19 being prepared. We have what's called a scoping meeting
20 where we solicit input on what we think -- what folks
21 may think ought to be analyzed in the EIR. So there's a
22 lot that goes into this that we -- and we intend to
23 ensure that folks are well-informed as this moves
24 through the process.

25 MS. SEELEY: Thank you.

1 MR. ANDERS: Sherri and then Nancy.

2 MS. DANOFF: Thank you, Rob. Rob, thank you
3 for your presentation. I was wondering if you might be
4 able to explain just a little bit about how the coastal
5 development permit dovetails with the permit that
6 planning is processing, and as I understand it, you
7 process both simultaneously.

8 MR. FITZROY: Sure. So the CDP is the permit
9 for the project that we would be processing.

10 MS. DANOFF: And that's even though not all of
11 the property or the land is within the coastal zone? Is
12 that the case?

13 MR. FITZROY: So in terms of the -- again, I
14 don't want to speak ahead of myself because we don't
15 have an application in front of us and we don't know
16 the --

17 MS. DANOFF: That's true.

18 MR. FITZROY: -- the project description
19 itself. I will say, generally speaking, we'll just
20 assume the portion that I'm talking about for today is
21 in the coastal zone, it would be the CDP that would do
22 the processing.

23 MS. DANOFF: Okay. Thank you.

24 MR. ANDERS: Okay. Nancy and that's our last
25 question because we are running quite a bit behind

1 because of our technical difficulties.

2 MS. O'MALLEY: So, quickly, Rob looks like the
3 first opportunity for public input will be when it goes
4 out to the advisory councils. Is that correct?

5 MR. FITZROY: That's correct.

6 MS. O'MALLEY: So from when they first submit
7 to when it goes out to the advisory councils, when is
8 that time frame, roughly?

9 MR. FITZROY: It's usually within the first 30
10 days we send out referral to the applicable advisory
11 councils that we have the application in and so it's
12 quite shortly thereafter.

13 MS. O'MALLEY: Okay. And then so the community
14 will have an opportunity to give input early on?

15 MR. FITZROY: Correct.

16 MS. O'MALLEY: Okay. So that's good to know.
17 We have someone on the Avila Valley Advisory Council.
18 So we'll be able to get the word out and solicit public
19 input.

20 My other question is about mitigation. For
21 people that aren't familiar with CEQA, can you give us
22 an idea -- you know, a lot of people are concerned about
23 the noise, air quality and traffic. So what would be
24 examples of mitigations that fit your criteria?

25 MR. FITZROY: Sure. So I'll just, for purposes

1 of time, just provide a quick example on some examples
2 of traffic mitigation. So we do know with construction
3 projects, there are phases of projects and there's high
4 peak traffic periods, and lower peak traffic periods.
5 Some examples of those, we might have traffic control
6 measures that go into a document that are required that
7 traffic occurs generally a certain time of day, or in a
8 certain case, we require special routing for
9 construction activities and construction projects. So
10 things of that nature, just generally speaking, are the
11 types of mitigations you commonly see with regard to
12 traffic.

13 MS. O'MALLEY: And what about noise? How would
14 you mitigate for that?

15 MR. FITZROY: So noise is complicated because,
16 generally speaking, when we're talking about noise
17 impacts, we're talking about noise impacts in terms of
18 land use compatibility. So you've got a large factory
19 that's maybe located in close proximity to residential
20 areas or a new project that's going into a residential
21 area. This one's going to be a bit unique because it's
22 quite isolated and we don't have residences nearby. In
23 context to noise, something like this we likely see it
24 would be related primarily probably to traffic and so
25 it's kind of part and parcel. So there's some overlap

1 of traffic mitigation, as well as noise mitigation.

2 So it remains yet to be seen, but in those
3 types of situations when we have noise impacts and are
4 dealing with noise impacts to sensitive receptors, we
5 then limit the times of day the construction activities
6 occur and some cases sound baffling or ensuring that
7 construction equipment has proper noise cancellation on
8 it, things of that nature.

9 MR. ANDERS: Okay. Thank you very much.

10 Tom, you had a closing comment.

11 MR. JONES: I did. Just to first thank
12 Mr. Fitzroy for his really good depiction of the
13 permitting process tonight. As the applicant, I will
14 give you a coming attractions of what to expect in that
15 application. So you need to lean forward here a little
16 bit, Rob. We expect to have three different permits
17 most likely simultaneously submitted. We will have a
18 coastal development permit, slash, conditional use
19 permit for the bulk of the project. Most of Diablo
20 Canyon is clearly in the coastal zone. You think about
21 your tours of the plant site. There is a portion that
22 is exclusively in the jurisdiction of the county inland
23 where we have some support facilities, our garage -- in
24 fact, where we store our old steam generators from the
25 steam generator permit, that was a concurrent county

1 conditional use permit and a coastal development permit.

2 And then lastly because we'll be working
3 potentially in the state's sovereign territory, meaning
4 high tide line to three miles out, if you think about
5 the break water, the intake and the discharge, that's an
6 area called original jurisdiction. The county's local
7 coastal program does not apply there, but that portion
8 of the project goes directly to the Coastal Commission,
9 but will be accounted for in their environmental
10 analysis.

11 So think about three zones of work with
12 different jurisdictional oversight and that's one of the
13 reasons the county is the logical project lead to be the
14 lead CEQA agency because they have exclusive
15 jurisdiction on the inland portions and they have a
16 local coastal program for the bulk of the project. So
17 that's how you'll see three applications to cover those
18 three distinct areas and, again, the county will be the
19 lead agency to look at that.

20 MR. ANDERS: Thank you, Tom and Rob thank you
21 very much.

22 Let's move on to our next agenda item. Before
23 we do, I'm just going to mention for the folks that are
24 out there watching livestreaming, since this is an
25 Internet and online meeting, that the family members

1 each have their laptop or iPad or some kind of pad out
2 in front of them and they are monitoring comments that
3 are being submitted online. So they are receiving
4 feedback real time on a continuous basis.

5 I do want to mention on the comment submission
6 form, it's possible to be a little confused. We have
7 two submit comment buttons. The one up on the header of
8 the web page brings you to the comment form itself. You
9 have to push the -- or click on the submit comment page
10 at the bottom of the form to actually submit the comment
11 and you will get a confirmation page. So I just wanted
12 to make that clear.

13 Our next agenda item is the CPUC tribal land
14 transfer policy. This issue has been in the newspaper
15 recently. It is a relatively new issue and there's a
16 lot of information that may be good information or bad
17 information that may be out there. So the purpose of
18 this particular agenda item is to make sure that all the
19 information is out there, everyone understands the
20 current status of this issue and so on.

21 So we have a number of panel participants that
22 are going to be involved in this and speak. Dena
23 Bellman is going to kick off the discussion.

24 Who is running the --

25 MR. LATHROP: I got it.

1 MR. ANDERS: All right.

2 MR. LATHROP: So it's not going forward.

3 MR. ANDERS: Dena or Scott? Who is going to
4 start?

5 MS. BELLMAN: Scott's going to introduce it.

6 MR. LATHROP: Yeah, as soon as we get it up,
7 but it doesn't seem to be working.

8 MR. ANDERS: We are technologically blessed
9 today.

10 MR. LATHROP: Oh, there we go. I will go ahead
11 and get started here.

12 First of all, it's really kind of exciting to
13 have an opportunity to kind of introduce this overall
14 item. It was probably a big surprise to a lot of the
15 local communities as far as how this all came about. So
16 tonight the purpose is to try to get some general
17 information to the public and the people online so that
18 everyone can be a little bit more informed as far as
19 what is coming on down the line.

20 So the next few slides, we wanted just to give
21 a little background, kind of set the stage for the
22 tribal land transfer policy, how it came about. We
23 wanted to talk a little bit about the CPUC's tribal land
24 transfer policy goals. Also, we wanted to take a look
25 about the development process, the timeline of what's

1 been the process so far today, then we wanted to zero in
2 on a couple of key components and also the requirements
3 of the investor-owned utility and then talk about what's
4 on the horizon, what's next in the process and then
5 maybe zero in a little bit on some of the local
6 opportunities that we see, and then also since we had an
7 article in today's paper, that kind of left the message
8 with a few unanswered questions. We're going to go
9 ahead and see if we can do our best to answer some of
10 those questions for the people that might have seen that
11 article.

12 So with that, it's kind of a little bit of a
13 tag team. So I'll turn it over to Dena. She's going to
14 give us some background on it.

15 MS. BELLMAN: Thanks, Scott.

16 So to be thorough, we thought it would offer
17 relevant context to the subject --

18 MR. LATHROP: It's not moving forward. Sorry.

19 MS. BELLMAN: That's okay. I'll keep going.

20 We thought it would offer some relevant context
21 to the subject to briefly detail the actions that set
22 the CPUC tribal lands policy in motion.

23 So in September of 2011, Governor Brown
24 published an Executive Order B-10-11, which established
25 the tribal advisor position to the office of the

1 governor. The tribal advisor position has a duty to
2 implement and oversee effective government-to-government
3 consultation between the governor's office and tribes on
4 policies that affect California tribal communities. The
5 tribal advisor shall facilitate communication and
6 consultations with the tribes, state agencies and agency
7 tribal liaisons and does review and make recommendations
8 on legislation regulations on these proposals.

9 In June 2019, Governor Newsom published the
10 executive order N-15-19 reaffirming that previous order.
11 So CPUC established a tribal consultation policy and
12 adopted it in April of 2018. So this comes as a result
13 of these executive orders. The goals of this policy are
14 to recognize and respect tribal sovereignty, to
15 encourage and facilitate tribal government participation
16 and CPUC proceedings, to give meaningful consideration
17 to tribal interest at issues within the CPUC's
18 jurisdiction, to encourage and facilitate tribal
19 government participation and CPUC-approved utility
20 programs, to protect tribal cultural resources and to
21 encourage investments by tribal governments and tribal
22 members in on-site renewable energy generation, energy
23 efficiently, low carbon transportation and energy
24 storage. This consultation policy is intended to
25 replace -- is not intended to replace or supplant

1 obligated mandated by federal law. It sets forth
2 provisions for consultation, communication and
3 collaboration with the tribes to the extent that a
4 conflict does not exist with applicable laws or
5 regulations. This policy is not a regulation and it
6 does not create, expand, limit, waive or interpret any
7 legal rights or obligations.

8 In December 2019, as Scott alluded to, the CPUC
9 approved the tribal lands transfer policy as it pertains
10 to investor-owned utility real property requiring a
11 first right of refusal for disposition of real property
12 within the ancestral territories of California Native
13 American tribes. This policy is to be read consistent
14 with the CPUC tribal consultation policy, which requires
15 that the commission provide notification of commission
16 proceedings to tribes, encourage tribal participation in
17 commission proceedings and meaningfully consider tribal
18 interests and the protection of tribal sacred places and
19 cultural resources. With some similar goals of the
20 tribal consultation policy, the lands transfer policy
21 goals include that the CPUC recognize and respect the
22 tribe as a sovereignty, protect tribal sacred places and
23 cultural resources, ensure meaningful consideration of
24 tribal interests and the return of lands within the
25 tribe's ancestral territory to the appropriate tribe,

1 and, lastly, I encourage and facilitate notice and
2 tribal participation in matters before the commission
3 that involve real property, transfers, subject to
4 Section 851.

5 So with that background, I'm going to turn it
6 back over to Scott for further description on how this
7 policy is intended to be implemented.

8 MR. LATHROP: We thought as we talked about
9 this this evening that it would be appropriate to give a
10 little bit of information about the timeline, how we got
11 to this stage in the game if you will because there has
12 been discussion about concerns about public comment
13 periods and things of that nature. Actually, the
14 overall draft policy was presented to the commission May
15 of 2019. Prior to that time, in the year of 2018, it
16 was in the process of being developed. After that
17 presentation to the commission, of course, from June to
18 October of that same year, there's opportunity there for
19 tribal consultation meetings, review and consideration
20 of comments of the overall policy.

21 Then in December of -- December 2019, actually
22 it was December 5th, the policy was presented to the
23 commission and approved at that time with a little
24 proviso that, of course, regulations or guidelines still
25 needed to be developed, and now at present time in the

1 month of January through April, it's in the process
2 of -- they have developed the draft guidelines and also
3 there's a comment period and there's going to be soon a
4 meeting, a workshop to go over that. Then in reference
5 to those overall guidelines, they will be reviewed and
6 approved by the commission at a later date.

7 So that kind of gives you a little bit of a
8 background as far as what's happening with the timeline
9 to date. So maybe if we can advance the slide, we can
10 go to the next part, which relates to the adoption of
11 the policy as far as key components. What I think is
12 very important to everyone to understand is that when
13 you take a look at the investor-owned utility that's the
14 IOU, it's required to give notice to tribe or tribes.
15 We all understand that quite often tribal territories
16 will sometimes overlap. So it's important for the
17 utility -- the investor-owned utility to make that
18 effort to have that communication, especially at the
19 time of consideration of disposing of any utility-owned
20 land.

21 In addition, the overall policy sets in place
22 that the IOU is to provide a first right. In this case,
23 if you look at the guidelines, it talks about first
24 right to take, purchase or refuse transfer of property.
25 There's a lot of different tribal organizations that may

1 not have the capacity or may have no interest in the
2 property and so there has to be like a formal notice or
3 some kind of written verification that there's no
4 interest there and this would take place before seeking
5 a third party as far as looking at any of the
6 properties.

7 Another important part when you take a look at
8 the policy is that the policy does not prevent the IOU
9 from burdening the land with any kind of easement before
10 transfer. That -- the commission wanted to leave it
11 alone. That would be up to the public utility as far as
12 what they saw best interest, I would assume.

13 Then, also, the policy key point is that there
14 is an assumption in favor of tribe or tribes that prefer
15 transferee is in the public interest. What's kind of
16 interesting, in the California Public Utility
17 Commission's name, it talks about they are the public or
18 representing the public. So -- and, of course, that's
19 the statewide public. So they have determined that if
20 it was a transfer, that it would be in the public
21 interest to do so.

22 Do we have a slide before? So where we stand
23 right now looking at next steps for administrative
24 guidelines, again, we have said that they're completed.
25 In fact, if you take a look at the link there that we've

1 noted, if you search that, you'll see all the latest
2 information as far as the policy, the actual policy that
3 was approved and the next steps.

4 We mentioned earlier that there is a workshop
5 March 24th, which at that time there will be some review
6 and discussion of the guidelines and then, of course,
7 we'll be moving forward to approval of those guidelines.
8 I believe they're somewhat on an urgent path for that
9 because I don't know with all the utilities in the State
10 of California whether or not they're on hold or pending,
11 you know, any possible land sales. It seems like to me
12 that this is something that they would want to move
13 ahead fairly quickly to get some kind of resolution on
14 how that process would work.

15 There was some discussion that maybe we should
16 talk a little bit about the potential outcome of the
17 policy as far as it relates to local opportunities. I
18 actually see it from a tremendous benefit, of course,
19 for Native American groups, but I think it is a win-win
20 for the community. If you take a look at tribal and
21 local community collaboration, I think it really
22 provides an opportunity for a lot of collaboration with
23 different groups in the overall community as far as use
24 of lands and things of that nature. It does -- would
25 still allow for economic development both for the

1 community and also possibly for the -- I want to say the
2 welfare of any local tribe.

3 Also, looking at the other opportunities, we're
4 looking at land preservation and conservation. It
5 provides a real opportunity, but also an opportunity for
6 Native American cultural education and outreach to the
7 community, protection of Native American sacred sites
8 and wildlife and then ultimately partnerships.

9 It just so happens that if you're not a
10 federally recognized tribe in the State of California,
11 probably the tribal capacity is a little bit limited.
12 So if there is going to be any future kind of a purchase
13 or take of land, there's definitely probably going to
14 need to be a partnership of some sort with some
15 organization. So I think that really allows an
16 opportunity for those partnerships to move forward.

17 Next slide. Now, kind of the last slide that
18 we wanted to talk about a little bit was the letter that
19 was in the paper today, local press questions. If you
20 had an opportunity to look at that article today, it
21 kind of ended up with a couple of questions in there
22 that I'm sure we might not have these answers totally
23 correct, but I'm sure Tom might jump in on some of them,
24 but the question kind of related to the existing lands
25 out there right now, the 12,000 acres, as far as whether

1 or not this policy would apply to all the 12,000 acres,
2 and once again, it would not, it would only apply to the
3 IOU property, and right now in general terms, if you
4 look at the overall map that's commonly known as the
5 north ranch, there are other properties, but probably
6 they would never come up for potential sale because
7 they're needed for transmission lines and things of that
8 nature.

9 Does it include buildings near the plant that
10 may be suitable for reuse? It would include any
11 property owned by the IOU which the utility seeks CPUC
12 approval to sell. So, yes, there's other properties
13 within the -- I want to say the area of the IOU that
14 potentially would be considered or have an interest of
15 tribal groups.

16 Can PG&E attach conditions to the sale of the
17 property? The policy does not restrict the utility from
18 attaching conditions before a sale.

19 Are utilities in the interest of -- are
20 utilities in the interest of ratepayers' obligation to
21 seek fair market value? This here, basically, yes.
22 That's kind of like the bottom line there, but then,
23 again, in some cases when you have to get CPUC approval,
24 there potentially could be other arrangements made.

25 Are there funds available to help tribes

1 acquire property? That's kind of a yes-no question.
2 And to give you an example, again, if you are fortunate
3 enough to be a recognized tribe like Santa Ynez Chumash
4 area, they have a tremendous resource with the asset
5 that they have there. So, yes, they probably have cash
6 in hand to buy property if it came available. On the
7 other hand, if you look at more of the local native
8 groups around here, they really don't have the capacity,
9 meaning they would probably look at ways to build that
10 capacity and partnerships to make things happen there.

11 I can't see the last one. I'll look up here.
12 What's the last question? It got cut off. So maybe we
13 can scroll up a little bit.

14 MR. ANDERS: Scott, it says does bankruptcy
15 have any effect on the sale of the land.

16 MR. LATHROP: You know, I would not know for
17 sure, but I think that's possible and that would be up
18 to the courts on that.

19 So that kind of summarizes our presentation.
20 If there's any questions, I'd love to answer them.

21 MR. ANDERS: Quick question, Linda.

22 MS. SEELEY: One quick question is that we've
23 gotten quite a few comments from people online about the
24 fact that there are a number of different tribal
25 entities that are interested in the process, but who

1 haven't had the opportunity to participate yet and so
2 they're seeking to enter into participation now with the
3 CPUC and I'm just wondering if they, in fact, do have an
4 opportunity to enter in or is this process closed now?

5 MR. LATHROP: My understanding of the whole
6 process to date as it started a year or so ago, several.
7 In fact, I think the number's up to, like, 96, somewhere
8 in that neighborhood, tribal groups that have been
9 notified or have participated in the process. It's sort
10 of like -- I always consider this sort of like a -- you
11 know, doing the tango. You've got to have two people to
12 play the game, if you will, or dance and there's a lot
13 of people that may be out there saying I haven't had the
14 opportunity, but I surely believe that the opportunity
15 hasn't been there. It's a matter of being aware of
16 what's going on and putting forth the time to do that.

17 Now, as far as the CPUC process, whether or not
18 they would welcome any additional processing, that is a
19 decision that I can't address for them. I know that the
20 meeting that's coming about on the 24th, there has been
21 notice given and it's also on CPUC's website and people
22 are welcome to come to that. My understanding is
23 provided contact is made with the CPUC.

24 MS. SEELEY: Thank you.

25 MR. ANDERS: Okay. Thank you. Let's proceed

1 with the remainder of this discussion and Carol Woodruff
2 and Sherri Danoff have some thoughts and comments. So
3 Kara.

4 MS. WOODRUFF: Okay. It works. First of all,
5 I just want to say thank you to the community. I know
6 many of you were really disappointed in not having the
7 opportunity to be here face-to-face, but thanks for
8 sticking with us throughout this experimental process
9 and public engagement online.

10 So I just want to first summarize the policy so
11 we all have a clear idea of what the policy says and
12 it's basically this. If an investor-owned utility like
13 PG&E wants to transfer lands away like the Diablo Canyon
14 lands, the utility has to give a tribe that has a
15 historical connection to that land the right of first
16 refusal. In other words, they have the first
17 opportunity to purchase that property. I would say that
18 the thinking behind the policy is very -- it's
19 thoughtful and it's compelling and I looked online and I
20 saw that there are a number of goals of the policy and I
21 think they're very sound, recognize and respect tribal
22 sovereignty, protect tribal sacred places and cultural
23 resources. That's really an issue here. The Diablo
24 Canyon lands are extremely rich in cultural resources,
25 and ensure meaningful consideration of tribal interests

1 and the return of lands within the tribes' ancestral
2 territory to the appropriate tribe.

3 So I think it's a good policy and I like the
4 thinking behind it and it seems very fair in particular
5 to recognize the history of the ill treatment of native
6 peoples, and even during the construction of the plant,
7 there's plenty of stories how the remains of native
8 peoples were handled inappropriately or in a way that
9 wasn't quite right. So I think this policy truly has
10 some merit.

11 So if you take a look at this slide, you'll see
12 on the right a map of the Diablo Canyon lands and I
13 think it might be instructive to go over this map real
14 quick-like. What you see kind of in the middle on the
15 coast in an orangish -- well, depends on the color of
16 the slide, but orange-ish purple area, that's Parcel P.
17 That's about 700 acres. That's where the plant is
18 located and all of the significant facilities
19 surrounding the plant, the reactors, the parking lots,
20 the buildings, the steam generator, et cetera. To the
21 north of Parcel P is North Ranch, to the south in blue
22 is South Ranch and then you'll see a green piece of
23 property there. That's the 1,200 acres that was
24 conserved as a result of the steam generator replacement
25 project. There is a deed restriction that isn't in

1 place yet, but it should be soon. And then if you see
2 the gold property, that is Wild Cherry Canyon.

3 It is understood that the policy only applies
4 to investor-owned utility lands. The lands of Parcel P
5 and North Ranch are actually owned by PG&E, funded, I
6 believe, through ratepayers. The lands south of that
7 South Ranch Wild Cherry Canyon, the 1,200 acres, those
8 are owned by Eureka Energy and so they're probably
9 outside of this policy; although, there's a bit of
10 debate about that topic, but we assume for now that this
11 policy only applies to, essentially, Parcel P and North
12 Ranch, as well as the interior properties that you also
13 see in yellow. So there's like a horseshoe-shaped
14 property that's upside down. Those are the properties
15 that are at issue. So it looks like maybe 35 to 40
16 percent of the property of the Diablo Canyon lands is
17 squarely within the policy. The rest of it may not be.

18 So when we look at the new policy, I think it's
19 fair to say that there are some legal considerations
20 that challenge the policy. At first, we'd have to say
21 does the Public Utilities Commission have the authority
22 to conclude that several hundred thousand acres in the
23 State of California have to be managed in a certain way?
24 I don't know about that. I think it's a question that
25 lawyers may debate, but I think there's two issues that

1 we can certainly bring up.

2 Number one, there really was truly insufficient
3 public notice and comment about this policy. It affects
4 hundreds of thousands of acres, hundreds of thousands of
5 people and communities and, yet, the only people that
6 responded during this public period were five tribes,
7 three utilities, including PG&E, the Stewardship Council
8 and the Native American Land Conservancy. I think
9 what's important to note is who did not respond. No
10 environmental groups made a comment, no conservation
11 land trusts, no local communities, nobody from San Luis
12 Obispo County. One of the tribes with a historic
13 connection to this property, Yak Tityu Tityu, was aware
14 of this, but as I understand it, the Northern Chumash
15 Tribal Council was not aware of it. And the reason they
16 didn't receive comments is people just didn't know about
17 it and I think that if you're going to have a policy
18 with such great impact, then people have a right to
19 participate in the process and they did not have that
20 right.

21 So now the policy is complete and if you look
22 at the -- some of the materials that are online, the PUC
23 said that they would be holding workshops, plural, in
24 the formulation of guidelines that will accompany that
25 policy, but what we've learned is workshops are not

1 planned. There's only one workshop planned. It's being
2 held at a casino resort in Brooks, California, which is
3 320 miles away from here. I think that's insufficient.
4 This community will be directly impacted by this policy
5 and so many have been sending emails and reaching out to
6 the Public Utilities Commission and saying that if you
7 didn't consider us during the formulation of the policy,
8 you really ought to consider us during the formulation
9 of the guidelines.

10 So we're asking that PUC sponsor a workshop
11 here in San Luis Obispo and I would encourage anybody
12 who thinks that this is appropriate to please contact
13 the PUC. They have a special liaison on the policy.
14 Her name is Stephanie Green. Her email address is
15 Stephanie.Green@CPUC.ca.gov.

16 MS. SEELEY: Stephanie Green?

17 MS. WOODRUFF: Stephanie.Green, like the color,
18 @CPUC.ca.gov. I think we should ask as a community that
19 there should absolutely be a policy that a workshop
20 should be held here in San Luis Obispo and I think PG&E
21 is going to help us in that regard, but we'll hear more
22 about that.

23 Finally, I think there are probably some
24 constitutional issues raised here. The 5th and 14th
25 amendment of the U.S. Constitution says that you can't

1 take property without just compensation, and
2 traditionally when you require a right of first refusal,
3 it does create somewhat of a chilling effect on the
4 marketing or sale of property. That could be a decrease
5 in value and maybe that's a form of taking, I don't
6 know, but it's something worth to consider, but putting
7 aside just the legal and procedural concerns about the
8 policy, this is such an important policy for us locally
9 because for 20 years now this community has been heavily
10 engaged in the Diablo Canyon lands and what happens to
11 them after the plant closes.

12 As many of you remember, back in 2000, there
13 was an initiative on the ballot. It was called the
14 dream initiative and there was a question posed to the
15 residents of San Luis Obispo County and the question was
16 this: Shall the county Board of Supervisors recognize
17 the Diablo Canyon lands as an exceptional precious
18 coastal resources by adopting policies that promote
19 habitat preservation, sustainable agricultural
20 activities and public use and enjoyment consistent with
21 public safety and property rights once the lands are no
22 longer needed as an emergency buffer for the Diablo
23 Canyon Nuclear Plant after its remaining operating life.
24 That was on the ballot and 75 percent of the people who
25 voted in San Luis Obispo County said yes. So we have a

1 longstanding history for conservation.

2 This panel, as well, has really looked
3 carefully at the future of the lands. This will be the
4 fourth public meeting we have sponsored. More public
5 meetings have been devoted to land issues than any other
6 topic. We've received some 1,000 comments about Diablo
7 Canyon lands and that, too, I believe, is more than any
8 other topic. And overwhelmingly, if you look at those
9 comments, if you go back and see those videos, people
10 spoke in favor of conservation of and public access to
11 the Diablo Canyon lands.

12 In light of all those public hearings and
13 comments, we as a panel drafted a strategic vision and
14 that's available on our website. If you're on the
15 website, you're a few clicks away from seeing the
16 strategic vision and there are a number of provisions in
17 that document that were crafted based upon the public
18 comment we received and these were our recommendations
19 for the future of the lands as a panel in light of the
20 plant's closing and reflecting the community's
21 sentiment.

22 So first one, the 12,000 acres of the Diablo
23 Canyon land surrounding the plant are a precious
24 treasure and a spectacular natural resources that you
25 preserved in perpetuity for the public and future

1 generations and acknowledgment of its significant or
2 resources values. Also, the public should be ensured
3 access to the Diablo Canyon lands to the greatest extent
4 possible while protecting and preserving sensitive
5 habitats, cultural sites and other resources.

6 Continued, the use of the Diablo Canyon land
7 should include activities that are consistent with
8 wildlife and resource protection and visitor enjoyment,
9 including multi-use trails for hiking, mountain biking,
10 equestrian use and managed overnight camping.

11 Next, the preservation of sacred Native
12 American sites should be assured.

13 And, finally, the request for land ownership by
14 the local Native American community should be
15 acknowledged and considered as a valid claim for
16 historical reasons while bearing in mind the
17 overwhelming public testimony that the Diablo Canyon
18 lands be conserved and available to the public for --
19 this has been cut off, but I'm pretty sure it says
20 sustainable public access.

21 So we may have some conflict here. The policy
22 doesn't prohibit the use of certain protections on the
23 land, but it doesn't absolutely require it and I think
24 what we need to do as a community is to proceed very
25 carefully and balance these two interests, which could

1 be competing, but don't have to be.

2 So number one, the legitimate and compelling
3 goals of the tribal land transfer policy and, two, the
4 vision of the community for the conservation of the
5 natural, cultural and scenic resources of and
6 sustainable public access to all of Diablo Canyon lands.
7 That's our challenge, how do we balance those two very
8 important issues, and I think there's an answer.

9 The first answer is conservation easements.
10 Here is what many are urging. Any and all transfers of
11 land from PG&E must be accompanied by conservation
12 easements that provide in perpetuity -- that means
13 forever -- protection to, number one, restrict
14 development and other activities that undermine the
15 protection of the natural, cultural and scenic resources
16 and, number two, provide for sustainable, appropriate
17 public access. A conservation easement is just an
18 agreement and they are used all the time across the
19 country. It has been used extensively here in this
20 county. The local land conservancy of San Luis Obispo
21 County has entered into conservation easements with many
22 entities and the way it works is the landowner and a
23 conservation group and hopefully tribal entities, as
24 well, would sit down and negotiate what uses are
25 permissible and which uses are not allowed into the

1 future, and in that way, if it's a carefully crafted
2 agreement, we can say certain uses are not acceptable,
3 they would undermine the cultural resources. Other uses
4 cannot be done because they might undermine the
5 wildlife. A conservation easement can also put in place
6 protections for public access. It can be a very
7 carefully crafted document. Once this agreement is
8 reached, it's recorded and it forever runs with the
9 land. So no matter who owns the property, a tribe, a
10 conservation group, a government entity, a private
11 entity, it doesn't matter, whoever owns it and wherever
12 it's transferred in the future, we can assure that the
13 conservation and the cultural resources, the ecological
14 values and the public access is put in place in
15 perpetuity. I think that is the key to the future.

16 Secondly, we really do need transparency. We
17 learned that PG&E was aware of this tribal lands policy.
18 It is extremely important to this community, it's
19 extremely important to the future of the Diablo Canyon
20 lands and, yet, the corporation didn't tell the local
21 PG&E representatives. They didn't know about the
22 policy. As a result, the panel didn't know about the
23 policy. If the PG&E representatives who wrote letter
24 commenting on the policy had passed this on to the local
25 PG&E staff or passed it on to the panel, you can bet

1 that we would have commented, but that didn't happen.

2 I understand now that PG&E is going to take
3 some, I think, very appropriate measures to ensure that
4 sort of thing doesn't happen again, but I would ask not
5 only PG&E, but also members of the Engagement Panel, the
6 tribal groups and members of the community, we have to
7 work together, we have to share information. If you
8 know about something that's affecting the Diablo Canyon
9 lands, we as a panel need to know about it so we can
10 craft a really great solution that benefits everyone,
11 but if we don't have information, bad things happen. So
12 that needs to change.

13 And, third, I think the third key to the future
14 is that there may be multiple tribal claims to this
15 land. There may be more than one group that has a
16 historic and important connection to the history of the
17 Diablo Canyon lands. I think it's essential that all
18 peoples who have a historic connection to the Diablo
19 Canyon lands be a part of the process and that nobody be
20 excluded.

21 So the future, and I think this is possible.
22 I'm optimistic if we're all on the same page and that is
23 with careful planning, conservation easements,
24 transparency and cooperation and inclusion of all tribal
25 interests, there can be a great future with respect to

1 the Diablo Canyon lands where, number one, tribal rights
2 are acknowledged and inclusively, meaningfully addressed
3 through land ownership and access, number two, the
4 ecological scenic and cultural resources are protected
5 in perpetuity and, number three, the community is
6 offered reasonable and sustainable public access. Thank
7 you.

8 MR. ANDERS: Thank you, Kara.

9 Sherri, do you want to share your perspectives?

10 MS. DANOFF: Yes. I just have a few brief
11 words to support the importance of a conservation
12 easement and part of my perspective comes from being a
13 land use planner and, as such, I think most planners
14 want justice for the native people so this land and
15 recognition of the history and the treatment they
16 received, and also want local land use regulations
17 respected.

18 And so this is a concern that I have. At this
19 point, the local tribes don't have federal recognition
20 as tribes, only state recognition. To get federal
21 recognition, they need to have land ownership, and once
22 they have land ownership and achieve federal
23 recognition, then they are not subject to local land use
24 laws, regulations. That's a huge concern to me and I
25 think to some of the panel members, as well.

1 And so I have a couple of suggestions that I'd
2 like the panel to consider, and I don't know if there's
3 unanimity or not, but in recognition that the public has
4 really not had an opportunity to make input into the
5 land use -- or the land transfer policy and has really
6 been discouraged from participating in the guidelines
7 that we request of the PUC that there be a local meeting
8 on the implementation guidelines and that the public be
9 encouraged to participate. The information on the
10 Public Utilities Commission website mentions this single
11 workshop in Brooks, California at a casino resort in the
12 conference room and mentions that it's sponsored by the
13 local tribe there and then it says tribal governments
14 will have the opportunity to comment on the proposed
15 guidelines.

16 So I think that there needs to be input made
17 about conservation easement and I'm hoping, too, that
18 we'll support re-emphasizing what's in our strategic
19 vision, that conservation easement be required before
20 land is transferred and, as Kara mentions, it should
21 protect everybody, it should protect what the
22 understanding is is most important to the tribes that
23 their sacred places and resources be protected and then
24 we also hope that all environmental resources be
25 protected and that the public have reasonable

1 sustainable access.

2 So, again, I hope we consider those two things,
3 a local public workshop and re-emphasizing our strategic
4 vision concerning conservation easements. Thank you.

5 MR. ANDERS: Thank you, Sherri. Great
6 presentations, everyone. Good information.

7 Let's take about five minutes if we have any
8 opportunity for discussion and then because we are
9 running behind because of our technical challenges. So
10 if anybody has any other comments the panel would like
11 to make. Yes, Linda.

12 MS. SEELEY: A quick one, a matter of
13 confusion.

14 Scott, when you were talking, you said that
15 over 600 entities --

16 MR. LATHROP: No. Sorry. Not 600. I think I
17 mentioned that there was approximately 65 tribal groups
18 that were actually notified through the process and I
19 think there was only a handful that actually responded
20 to the -- during the comment period.

21 MS. SEELEY: How do people get notified? Do
22 they have to be on a list?

23 MR. LATHROP: Under the state policy for tribal
24 consultations, they have to go to the Native American
25 Heritage Commission for the list of tribes to be noticed

1 and my understanding, of course, that would also have
2 been a responsibility of the CPUC to make that contact
3 and so I'm sure that those organizations were probably
4 notified. It's a question of whether or not they chose
5 to participate.

6 Now, what I can tell you is that my
7 understanding when we first found out about it, it was a
8 direct result of our other process that we are going
9 through and that as a party status of the PG&E's
10 application process, we were kind of discovered, if you
11 will, by the commissioner that actually put together
12 this overall policy or worked on it and they contact us
13 directly because we were known to be one of the
14 potential tribal groups that was totally affected by
15 Diablo Canyon.

16 There was a discussion at that time that it
17 seemed to me, I don't know this for a fact, but the
18 original policy was, essentially, only going to relate
19 to recognized tribes, which there's very few within the
20 state, but then because of the latest policy directions
21 of the state government, they also included
22 California-recognized tribes and so, yes, we are
23 considered a California-recognized tribe and I have to
24 say, too, we were kind of noticed late in the process,
25 but I think that was part of the overall development of

1 that policy and we felt fortunate to actually get that
2 call in order to have that consultation, which is a
3 responsibility of the CPUC to do.

4 So as far as any other organization, I don't
5 know what happened or didn't happen in reference to, you
6 know, their emails, letters, telephone calls and so
7 forth. We looked at it as a tremendous opportunity and
8 definitely chose to participate.

9 MR. ANDERS: Thank you, Scott.

10 MS. BELLMAN: Linda, also, at the end of their
11 policy of the land transfer policy, it has a specific
12 section for the tribal liaison and it actually says for
13 tribes to seek advice on participating and proceedings
14 and inquiries regarding pending Section 851
15 applications, advice letters, filing documents, to
16 contact the Stephanie Green that Kara mentioned. So it
17 also has -- in that land transfer policy, it also lists
18 her phone number, as well as her email, again, the
19 Stephanie.Green@CPUC.

20 MR. LATHROP: And also in reference to the link
21 that we provided on the slide, that is a very
22 informative page and that information is also there so
23 anyone can access that.

24 MR. ANDERS: We've got Nancy and Lauren and
25 then, Kara, final comment. Nancy.

1 MS. O'MALLEY: So I thought it was interesting
2 that it sounds like it's just the North Ranch and Parcel
3 P. So we talked about -- a lot about the lands and
4 conservation, but we haven't talked much about Parcel P.
5 So I personally would love to hear from the tribes.
6 What are your ideas for Parcel P, and if you could buy
7 that, would you be interested in it and what ideas do
8 you have for it? Personally, I think it would be great
9 for the tribes to be able to earn some income, I think
10 if they could actually use some of the industrial site
11 and I think it's part of Gavin Newsom's idea here, is
12 that the tribes could use the land for green energy
13 development. So I'm just wondering -- I loved your
14 slide on the win-win. If we can find a way that maybe
15 we can have shared goals.

16 MR. LATHROP: Just my understanding of Parcel
17 P, that it's not part of the utility-owned land, it's
18 owned by Eureka. Is that correct, Tom?

19 MR. JONES: That's correct. One of the
20 clarifications PG&E sought in the policy was does this
21 only apply to fee simple interest in the parcels or is
22 it also applicable to leases.

23 So, for instance, the utility does lease Parcel
24 P from Eureka Energy. So that's a clarification that
25 all the investor utilities are looking for to -- from

1 the Public Utilities Commission as part of these
2 workshops.

3 MR. LATHROP: In reference to other buildings
4 or land, I think when we take a look at the educational
5 center on the Highway 101 is what I would consider types
6 of lands that may somewhere down the road become an item
7 that the utility would want to liquidate and, of course,
8 we would have an opportunity there potentially.

9 MS. O'MALLEY: Can I just clarify? In terms of
10 lands that we're thinking of conservation, we're really
11 only talking about the North Ranch then, is that
12 correct, and maybe a few outliers in the far east?

13 MR. LATHROP: In my opinion, if you're talking
14 about Diablo Canyon lands, that is the only area that
15 we're talking about, but, again, this is a statewide
16 policy. This affects several different utilities and
17 other lands throughout the whole state. So I think at a
18 state level, it's pretty hard to change the policy to
19 make all these conditions. That's why I think they left
20 that wide open and allowed that to each individual
21 utility and I would assume it would be best practices,
22 best business practices or community issues or desires.
23 You know, that's the way I see it anyway.

24 MR. ANDERS: Thank you. Thank you, Nancy.
25 Lauren, comment and then Kara.

1 MR. BROWN: Well, this is amazing development
2 that we've learned about here recently and I've got a
3 number of questions. We've been receiving comments on
4 our page here and it's clear that there are multiple
5 groups that are indicating that they are part of the
6 Chumash wider group and that it's not just the YTT group
7 that wants to be involved. Personally, I think it
8 wouldn't be a good idea for this panel to in any way get
9 in the middle of these kinds of arguments, that's not
10 our role, but let's -- I am encouraged by you indicating
11 that you see a way for this to be win-win, but who do we
12 talk with? That's a big question. Do we talk with YTT?
13 Do we talk to all the other groups? Do we wait until
14 some entity issues a ruling and says here's the answer?
15 And I'm wondering -- I also know that you told us,
16 Scott, that you've signed a Memorandum of Understanding
17 with the Land Conservancy. So is it our panel that can
18 have a role in trying to work out some kind of a win-win
19 on behalf of the community or is that the responsibility
20 of the Land Conservancy? I would be interested in your
21 previous, Scott.

22 MR. LATHROP: Sure. Actually, I think there's
23 a couple of key points that need to be addressed in that
24 whole discussion that you had.

25 First of all, in reference to the latest land

1 transfer policy, that that is something the state has
2 basically put on everybody's lap or everybody's table
3 right now and, yes, the questions that you have as far
4 as, well, who do we deal with, that's a little bit of a
5 nightmare in reference to the utility because instead of
6 dealing with one body, there may be two, three or ten, I
7 don't know, but I think what's more important, I think
8 what we try to do here as a Native American community in
9 reference to any impact on the panel's vision and
10 decision process is to agree to preservation
11 conservation issues or concerns. I think it's in our
12 vision document. You'll also notice the vision document
13 is general in nature. It doesn't specify one group. We
14 just said Native American community because we also knew
15 that that needs to be determined in the future. We have
16 high hopes that all the appropriate entities and
17 agencies will take that bull by the horns and make that
18 happen because there's a lot of issues happening in the
19 native community as far as the matter that we're talking
20 about, where is your ancestral homelands, and when you
21 take a look at Chumash nation, if you will, it is a very
22 large area. If you're taking a look at northern
23 Chumash, it gets a little smaller, it's more like San
24 Luis Obispo County, but there's also some overlap of the
25 lands to the north. So there's a lot of issues there

1 that relate to who has rightful -- you know, who has
2 first right there.

3 The ideal is that the groups would come
4 together, collaboration, and hopefully work out the
5 appropriate for the area, but we also are concerned that
6 we have people that would come in and maybe not have a
7 rightful claim to it and that has to be dealt with and I
8 see that the tribal policy that the state put into place
9 is going to cause that to all come to a head.

10 Now, in reference to panel, I think the panel's
11 vision document is right on. I think that's about one
12 of the biggest things that we can do. It sets the road
13 map for all the players in the future, whether that's
14 the utility and one group or many groups, and, ideally,
15 if you'll notice our own vision panel, it doesn't say
16 must have or shall have. It just says hopefully whoever
17 winds up with the land will keep this as a very strong
18 desire for that land. That's what the public is saying
19 and I think I can only speak for, let's say, my group.
20 I think we recognize that. We have committed to that.
21 We might have even gone a little further and said we'd
22 like preservation over conservation, if you know the
23 difference, but we also know the importance of having
24 public access on that land.

25 And, yes, you are correct. You're kind of

1 beating us to the punch a little bit. We were hoping to
2 have a public announcement that we are having -- I guess
3 it's public now, but we have signed an MOU that in the
4 event that an opportunity does come about, that we would
5 need to have that partner to help us through that
6 process.

7 So -- and I can only speak for our group. I
8 know that there's been at least two others that have
9 written comments, but it's funny, we've been doing this
10 for two years, but haven't really seen them at any of
11 our presentations. So sometimes you wonder how well
12 that presentation is happening or not.

13 MR. ANDERS: Thank you, Lauren. Thank you,
14 Scott. Kara, closing comments or question?

15 MS. WOODRUFF: Yeah. I just wanted to say this
16 is a really interesting issue. I'm encouraged by what
17 Scott says. I think there is great opportunity for
18 really great win-win. I hope we can reach that as a
19 community. It's not going to be resolved tomorrow, this
20 is a marathon, and I just want to encourage anyone who
21 has an interest in these issues, the land -- tribal land
22 transfer policy, the conservation and public access to
23 the Diablo Canyon lands, if you're a Facebook user,
24 please befriend Central Coast Conservation/Friends of
25 Wild Cherry Canyon. You can search for any of those

1 terms, it will come up, and just stay tuned because
2 anything that affects the lands, including this policy,
3 is very quickly updated to that Facebook page. We keep
4 things very current.

5 So if you want to stay engaged, I really
6 encourage people to do so because we're going to have to
7 grapple with these issues and search for a really
8 terrific outcome that can benefit the tribes and the
9 community and PG&E and we're going to really need the
10 public to participate and stay engaged if we want to get
11 to a great outcome. Thank you.

12 MR. ANDERS: Thank you, Kara. Thank you all
13 presenters on this topic.

14 It is time for our break. Before we do, I want
15 to remind the folks watching online that we do have a
16 public comment period coming up. It's our intention to
17 recognize all of the public comments that have been
18 received over the last two days since we announced this
19 online meeting and we've gotten about 38 comments so far
20 based on my count. So that's going to be a challenge;
21 however, if anyone out there in computer land watching
22 has a comment that they want the panel to acknowledge
23 during our public comment period, now is the time to
24 submit that comment so that we have it.

25 So let's go ahead and take our break. It's

1 scheduled for ten minutes. Let's see if we can cut that
2 by a couple minutes and be back by 8:05. Okay? Thank
3 you. We're on break.

4 (Recess.)

5 MR. ANDERS: Our next agenda item is update on
6 critical PG&E matters, bankruptcy, NDCTP status and
7 settlement with regard to that. So Tom Jones, PG&E.

8 MR. JONES: Thanks, Chuck. The slides are
9 pretty simple and straightforward. I know the panel's
10 had a chance to see them already, but bankruptcy remains
11 on track. We are looking for resolution by June 30th of
12 this year. So in context to your other questions, we
13 will know the resolution of bankruptcy long before we
14 make any disposition strategies on Diablo Canyon,
15 repurposing strategies or anything similar to that.
16 Just remember, we intend to operate through 2025, but we
17 will have this planned, hopefully confirmed by the court
18 and then moved ahead by this summer.

19 And with that, it ensures the company is
20 financially stable and can focus on the operations
21 across the 48 counties we serve in California to provide
22 safe energy needs.

23 Update on the NDCTP status. We haven't seen a
24 schedule as of yet from the Public Utilities Commission
25 to address the proposed settlement that's been submitted

1 by parties.

2 MR. LATHROP: No. Yes. Go ahead.

3 MR. JONES: Scott agrees. He's also a party.
4 So we expect something soon, and based on previous
5 filings with the CPUC, we expect resolution in this
6 summer, as well. So it could be a June, July issue, as
7 well, so we have bankruptcy behind us and some form of
8 the NDTCP adjudicated so we understand the budget
9 implications. And remember we never gave up entirely
10 what we asked for. So I'm sure there will be some
11 homework assignments from the Utilities Commission for
12 PG&E, as well, for their work. So those will be major
13 developments, though, that affect the overall
14 decommissioning process this year and this summer.

15 The slide up on the screen simply sorts out the
16 parties that were in the proceeding and how they landed
17 on the settlement. So the groups on the left are
18 supporting, the upper right descented. Some did not
19 joint the settlement and Southern California Edison, our
20 sister utility to the south, didn't take any position.
21 They were basically in an information gathering mode
22 when they signed up for the proceeding so that they
23 would get all the documents and have party status.
24 Because you've seen those feeds from the Utilities
25 Commissions. So that way they got the latest

1 information on our rate case that has some effect on
2 their similar proceedings for the San Onofre facility.

3 So, again, we estimate a proposed decision by
4 June and then the CPUC takes that proposed decision and
5 they have a couple of options. They can adopt it, they
6 can adopt with minor modifications or another
7 commissioner than the sponsoring commissioner can offer
8 what's called an alternative decision and that resets
9 the public comment period because something very
10 dissimilar -- rather than what you see as an amendment
11 might be a restructured thing. Those are rare, but
12 that's why if that happens, it does reset the public
13 comment clock for 30 days to give the public ample time
14 to review something that is dissimilar to what they've
15 been following over the proceedings. So that's where
16 we're at. We're in the holding pattern, waiting for the
17 information, but we expect resolution this summer.

18 This one's going to be quick. We had filed
19 something called a post-shutdown decommissioning
20 activities report in December of 2019. By regulation,
21 that triggers a local meeting. The NRC Today made a
22 public announcement that they had a meeting scheduled
23 for March 19th in these very chambers. They've
24 postponed it and their correspondence says they
25 anticipate potentially in June or whenever there's

1 resolution to the current coronavirus pandemic.

2 So there's no urgent matter on this. Again,
3 we're operating for another five years. So they wanted
4 to be very prudent and readdress the community with
5 their own meeting in an appropriate time, but likely in
6 this venue again. That concludes my update.

7 MR. ANDERS: Thank you, Tom. Any questions?
8 Lauren.

9 MR. BROWN: I noticed that one of the
10 dissenting parties is Southern California Edison. Why?
11 What's that about?

12 MR. JONES: They did not dissent. I'll go back
13 to the slide. If you look on the right, we jammed three
14 different categories in there for you. So the top is
15 dissenting and there's a blue bar for did not join the
16 settlement and then no position at all. So Southern
17 California Edison was basically an observer to the
18 process so that they could get all the information in
19 real time when it's issued by the Utilities Commission
20 or other intervening parties.

21 MR. BROWN: All right.

22 MR. JONES: Okay?

23 MR. ANDERS: Yes, Kara.

24 MS. WOODRUFF: Hi, Tom. Thank you for your
25 preparation. I had a couple questions for PG&E.

1 Hopefully these are appropriate for tonight.

2 As I mentioned earlier, there was this public
3 comment period on the tribal -- the new tribal land
4 transfer policy and there was -- your director of
5 regulatory affairs, I think is his title, wrote a letter
6 responding during that period, but never communicated
7 the content of that letter or even the policy itself to
8 the rest of the organization. So as a result, you
9 didn't know, so we didn't know. I ended up calling the
10 signer of that letter and talked to him about a couple
11 measures that we could take to rectify that situation.
12 I was wondering if you could speak to that.

13 MR. JONES: Yes. So the issue was that when
14 they reviewed this policy, Diablo Canyon didn't screen
15 in on their review because we don't have any pending
16 land transfer deals and they looked at things that we
17 had in flight from a previous land -- massive land
18 settlement where there were different properties that
19 had different disposition strategies. So -- and then
20 the second screening they looked at was, oh, it's not on
21 utility land. So -- the power plant itself. So they
22 were -- they did a quick cursory review and the person
23 that works for the person that signed the letter did
24 look at it and say, okay, not right for Diablo Canyon.

25 So the corrective measures we're taking will be

1 a screening process where everything in your strategic
2 vision, plus things we forecast that could affect Diablo
3 Canyon's decommissioning will be presented to that team
4 and will explain the context.

5 Here's a quick example. Let's say the Public
6 Utilities Commission gave new guidance to investor in
7 utilities on the a severance program. That would never
8 come to Diablo Canyon team. That would go to our human
9 resources department. They would look at it and see how
10 it affects their union contracts and management
11 policies, things like that, but in this county in
12 particular, when the plant closes, that could have a
13 tremendous economic impact. So we're going to add
14 things like that so that we have a much broader screen
15 of things that could affect Diablo Canyon. We call that
16 a corrective action measure. That will be put in place
17 shortly.

18 The second part to address this is we have
19 committed to do a letter to the Public Utilities
20 Commission to request a local workshop. We have done
21 that in other proceedings, we have done that with the
22 California State Coastal Commission and other groups
23 before and we will certainly do that to help address
24 this issue where the strategic vision, while filed with
25 the Public Utilities Commission twice, was not directly

1 given to them in context of the tribal policy. So we
2 look to rectify that.

3 MS. WOODRUFF: Okay. And then I had also
4 talked to the signer of that letter in the writing of
5 the letter requesting a local public workshop. He also
6 expressed some willingness to include in that letter a
7 summary of the panel and our work with the public and
8 our conclusions regarding Diablo Canyon lands and the
9 desire to conserve those. Is that your understanding,
10 that the letter would also include that?

11 MR. JONES: That was my intention, to just
12 state that, but we will write them for the public
13 workshop and we will make them aware of the strategic
14 vision and key components of it and reattach it.

15 MS. WOODRUFF: Okay. Good. And are you
16 confident that the changes you made in the corporate
17 communication structure that if something like this
18 happened again, an issue comes across the desk of an
19 executive that has significance to the panel and the
20 decommissioning, you're confident this is going to solve
21 the problem and such a thing wouldn't occur in the
22 fruit?

23 MR. JONES: I'm confident the corrective action
24 will work. I want to correct the verb tense in your
25 last sentence. It's not fully in place yet. What we

1 have right now is broad awareness and broad sensitivity,
2 but what I need is a procedure so that it's not
3 dependent on a personality, but the position of the
4 person in case there's a turnover, things like that. So
5 we look for more of a procedure rather than just that
6 conversation. That will take a little more time. You
7 will get the letter before we have the procedure
8 complete.

9 MS. WOODRUFF: Will you be able to check in
10 with us as these procedures are adopted or something,
11 changes on the ground, or in your corporate structure,
12 could we be told about that sort of thing?

13 MR. JONES: Yeah. That would be an appropriate
14 administrative action item.

15 MS. WOODRUFF: Okay. Great. And then I have
16 one more question. As you know, prior permits relating
17 to Diablo Canyon construction projects resulted in
18 conservation or public access outcomes and there's a
19 couple of items that are still not complete and I was
20 wondering if you can summarize where those stand.

21 MR. JONES: Sure. So there's two items I
22 believe you're referring to. One is an easement with
23 regard to the Lighthouse Road. That is further out than
24 the other item, which is a 1,200-acre deed restriction.
25 On the easement, we did record one successfully where

1 the Port Harbor District, the U.S. Coast Guard, PG&E and
2 others agreed. It's been reopened. The Coastal
3 Commission had some concerns with its legal description.
4 Everyone can still use the road today. There's no
5 barriers to access the trails, use it for hiking, people
6 do events at the lighthouse, there's weddings out there,
7 they all use the road. There's no impediment to public
8 access. It's more of a refinement of language. The
9 Port Harbor District has to agree to that language, and
10 as of today, they have not. So it's a reopening of an
11 issue for them. A little difficult situation is our
12 PG&E's neighbor and an independent government body that
13 isn't subject to the condition of the permit. So we've
14 got to nuance that and work it out. That's where we're
15 at.

16 The other issue with the 1,200-acre deed
17 restriction, we have completed the survey revisions. We
18 had about probably 15 steps since we've last spoke to
19 this group and I know we conveyed that to the panel and
20 we expect to have the final exhibits in all language to
21 the Coastal Commission for their action by the end of
22 this month.

23 MS. WOODRUFF: So it's March. Maybe by April
24 would you expect it to be recorded?

25 MR. JONES: No. I don't expect Coastal

1 Commission to review it in a day or two. So we're going
2 to complete all of the things they asked for, changes
3 after our first and second revisions. We're still
4 finishing those with the surveying team, the varying
5 nuanced things about the legal description, and then
6 once we turn that into Coastal Commission, they'll have
7 their due diligence period to be sure we've satisfied
8 their intent. So after that, then we'll have the
9 recording period.

10 MS. WOODRUFF: Okay. And I guess I think it's
11 true for all of us. If the Port San Luis Harbor
12 District needs a nudge or the Coastal Commission needs a
13 nudge to move things along, I think we'd be very happy
14 to provide that. We'd really like to wrap up these
15 permit conditions that in some cases are over a decade
16 old.

17 MR. JONES: Since those are related to the
18 operations of utility, I might suggest that they're a
19 tad out of the scope of your charter, but we can
20 certainly talk about how we would engage on that
21 together.

22 MS. WOODRUFF: Well, I've never let that stand
23 in the way of sending somebody an email or making a
24 phone call and asking for some help.

25 MR. JONES: I understand as an individual

1 citizen you're empowered to do many things. What I'm
2 talking about is the panel. That's why I said we can
3 additionally talk about those steps.

4 MS. WOODRUFF: Okay. At a minimum, you'll keep
5 the panel engaged as you have been along the way?

6 MR. JONES: That's correct.

7 MS. WOODRUFF: Okay. Thank you.

8 MR. ANDERS: Thank you, Kara.

9 And, Nancy, last comment or question.

10 MS. O'MALLEY: Quick question. Tom, can you
11 just clarify about the request for proposal for dry cask
12 storage? Has that actually been sent out yet? And if
13 not, when?

14 MR. JONES: Sure.

15 MR. ANDERS: That's our next topic.

16 MR. JONES: That's our next topic. So I'll
17 address that quickly and then we'll go into the next
18 topic.

19 The RFP has not been issued yet. It's
20 scheduled to be issued this month. It's a two-step
21 process and what we've done is we've sent a signal or
22 message to all of the likely bidders in January of our
23 intent to issue an RFP. Those five entities have all
24 responded yes, anxious to see it, happy to participate.
25 So that's the current status.

1 So there's been communications with the
2 qualified bidders. We also since that time in January,
3 and I think the panel has seen this and I'll make it
4 available for the panel's website, have received report
5 from the California Energy Commission that they're
6 satisfied with our approach to the RFP and they have two
7 more steps with us to ensure that the new system
8 satisfies a lot of the interested parties.

9 The second portion is what's known as a vendor
10 walk-down. So after the RFP is issued, it's very
11 important that the engineers and the design team lays
12 eyes on the facility, see things like crane capacities,
13 depth of our spent fuel pool and not just look at a
14 blueprint, but experience the facility. The energy
15 commission will get to participate in that, as well, and
16 then they'll have a seat at the table when we deliberate
17 the technical nature of the various bids.

18 So we are step one of three with them. It's
19 more than what we committed to in the settlement, but we
20 think it's the right course of action to ensure to have
21 their eyes on the RFP for public confidence.

22 MR. ANDERS: Thank you. Our next topic is the
23 request for proposal process for dry cask storage and
24 Linda Seeley has some opening comments and observations.
25 So I'll turn it over to you, Linda.

1 MS. SEELEY: Thank you, Chuck. I just want to
2 remind everybody tonight this is March 11th, and nine
3 years ago today, the Fukushima Nuclear Power Plant
4 experienced a 9.0 earthquake and a tsunami. The only
5 thing that survived in that nuclear power plant -- as
6 you know, they had a triple meltdown and radiation is
7 still escaping from that nuclear power plant today. The
8 only thing that survived in that nuclear power plant
9 were the dry casks and they are still intact today,
10 those dry casks that were there on that day nine years
11 ago.

12 So tonight I want to talk about dry cask
13 storage of spent nuclear fuel and about a request for
14 proposals. I'm going to start out with talking about
15 what we have there now, what the request for proposals
16 is going to entail, the recommendations of our panel in
17 the strategic vision statement and also about the
18 opportunity for public comment in this process. Whoops.
19 Sorry. Okay. Here we go.

20 Right now -- I hope you can see this slide --
21 we have 58 casks of irradiated fuel in the dry cask
22 storage facility. They are five-eighths-inch thick
23 stainless steel canisters encased in steel reinforced
24 concrete casks. Each canister holds a maximum of 32
25 spent fuel assemblies storing approximately 116 million

1 curies of intermediate and long-lived radio isotopes. I
2 know that doesn't make any sense to anybody how much
3 radiation that is, but it is -- each one of those casks
4 has a huge amount of radiation stored in it. I don't
5 want people -- I want people to understand that this
6 is -- all of the talk about the land use would be
7 irrelevant if we did not store this irradiated fuel as
8 safely as humanly possible and so we are counting on
9 PG&E to do a good job with that.

10 And current casks are Whole Tech High Storm
11 100s, that's the brand, I believe, they have never been
12 inspected or repaired. They've -- apparently they
13 haven't had the need to be inspected or repaired, but
14 there's a question about whether they can be inspected
15 or repaired. So that's just an FYI kind of -- a
16 consideration for you to have at the back of your mind
17 as we're discussing this RFP.

18 In the new dry cask storage system, they are
19 going to have around 110 new casks and 100 of those will
20 be the irradiated fuel and approximately 10 of that will
21 be greater than Class C waste, which is also very
22 radioactive.

23 As Tom said, the RFP will be offered to cask
24 manufacturers at the end of this month and it will
25 cost -- the estimated cost is 219 million dollars, but

1 Tom told me the other day that's \$2,017 and they do --
2 they can go -- if they can prove that it's going to cost
3 more, then they can go on above and beyond that
4 estimated cost. That was from the decommissioning case.

5 This -- I'm going to show you our
6 recommendations from our strategic vision. We
7 recommended -- this is something that we published, I
8 believe, last May, if I'm not mistaken. Our panel
9 recommended that PG&E begin the RFP process before the
10 end of 2019. You did a good job. It's coming out at
11 the end of March. That's only three months after our
12 expected date, which I think is a big accomplishment,
13 which could support a more rapid offload of spent
14 nuclear fuel from the spent fuel pools to dry cask
15 storage.

16 If an independent risk assessment deems this to
17 be feasible and safe, we have -- PG&E has a contract and
18 is expecting a report from UCLA about this very thing
19 and that risk assessment is due to be published at the
20 end of this month. So we're looking forward to that, to
21 seeing if they -- if they do support rapid offloading
22 into dry casks.

23 I want to mention that the issue with rapid
24 offloading of spent nuclear fuel into the dry cask
25 system is because of something called high burn-up fuel.

1 It's fuel that's been exposed to radiation inside the
2 reactor vessel for a long -- longer time than they used
3 to do it, and now when they unload the fuel from the --
4 from the reactor vessel, it's hotter both thermally and
5 radioactively than it used to be.

6 So -- and this report is going to assess
7 whether or not that highly -- that high burn-up fuel is
8 safe to be unloaded out of the pools within four years,
9 I believe, rather than the current five to seven years
10 that we have right now making the rods stay in the spent
11 fuel pools.

12 The second recommendation is that PG&E
13 thoroughly investigate and research all potential dry
14 cask storage system designs, which they have done, in
15 order to determine the best site-specific system that
16 takes into consideration the unique seismic risk at
17 Diablo Canyon and the fact that the length of time the
18 spent nuclear fuel and the greater than Class C waste
19 will be stored on site cannot be estimated at this date.
20 We do not know how long it will be there. We have a lot
21 of, sort of, hopes and dreams that maybe this fuel --
22 this irradiated fuel could be moved off site to some
23 kind of repository, but there is no repository and
24 there -- for us to pretend that there's a place for it
25 to go would be irresponsible of us and so what we're

1 hoping is that PG&E put it into something that could --
2 that could last into the foreseeable future.

3 We also recommended that PG&E select a dry cask
4 fuel storage system that uses advances in the materials
5 manufacturing and engineering of the dry cask storage
6 systems in order to improve the shielding and
7 confinement of spent nuclear fuel and the heat capacity
8 of the canisters like I was talking about with the high
9 burn-up fuel. So this is -- this is extremely important
10 that they really look at what is the every best
11 available technology that's there.

12 We also recommended that they select a dry cask
13 storage system that will allow for 24-hour radiation
14 monitoring, full inspection capability that we -- that
15 PG&E or whoever is managing this can actually check that
16 those casks in real life, that they can retrieve the
17 fuel out of the casks if needed, that they have the
18 capability to either repackage or repair a damaged cask,
19 which they do not have now, and that it be licensed for
20 transportation because we are hoping that at some point
21 in the future technology will be able to provide us with
22 a way that we can take care of nuclear waste, maybe
23 something we haven't thought of yet that hasn't been
24 invented yet, but we want to have it packaged in a way
25 that if something becomes available, where it can be

1 transported to some advanced processing, that we would
2 be able to do that.

3 And then we also recommended that the new dry
4 cask system minimize dose rates to workers, dose rates
5 of radiation to the greatest extent achievable. It's
6 extremely important because our workers are community
7 members and it's our responsibility as a panel to
8 advocate for their safety and security.

9 I wanted to show you this centralized interim
10 storage facility in Sweden -- I mean Switzerland where
11 they store all of their -- inside this facility, they
12 have all of their dry casks. They also have what's
13 called a hot cell where they can -- if there's a problem
14 with the dry casks, they can take those -- they can take
15 the canisters or casks apart and change them. It's a
16 very advanced facility. It's up and running right now.
17 There is no reason in the world except for money, I
18 would say, that would prevent us from having something
19 that is this advanced.

20 I want to go back here. When we talk about
21 money, money should not be a consideration because it's
22 the security of our area and of our state and of our
23 agricultural and ocean resources that are at stake here,
24 and so if there are cost overruns, well, in my opinion,
25 it's worth it.

1 The Nuclear Regulatory Commission has a rule,
2 CFR 72.122, that says storage systems must be designed
3 to allow ready retrieval of spent fuel high level
4 radioactive waste and reactor-related greater than Class
5 C waste for further processing or disposal, and the
6 second thing that -- well, these are excerpted from the
7 CFR 72.122. Systems and components that are important
8 to safety must be designed to permit inspection,
9 maintenance and testing. So those are rules within the
10 NRC and I think it's very important for us to adhere to
11 those rules.

12 The California Energy Commission, as Tom
13 mentioned, is going to -- it is being involved in this
14 process and they -- and the quote is in the 2021 NDTCP,
15 PG&E will provide documentation affirming that the
16 California Energy Commission participated in PG&E's
17 vendor solicitation. Who gets to make these dry casks,
18 this -- who gets to win the contract for this
19 200-million-dollar-plus project that the CEC has an
20 opportunity to review and provide input into the choice
21 of who gets to do that. The CEC considers PG&E's
22 coordination and collaboration with the CEC to have been
23 satisfactory and believes that the choice of vendor by
24 PG&E will achieve transfer of spent fuel to the ISFSI,
25 which is a dry cask storage space, as promptly as

1 reasonably practical. They have actually achieved the
2 first goal here, which is that the CEC said that they --
3 that PG&E provided them with satisfactory collaboration
4 and coordination. So kudos to PG&E on that.

5 This part is about public participation. If
6 you care about how this goes, you can contact the
7 California Energy Commission, you can -- because the
8 Coastal Commission is going to be involved in this,
9 contact and tell them what you want. Contact our local
10 Board of Supervisors. They are going to have input into
11 this whole thing, not legally, but they will have
12 influence, and contact the Nuclear Regulatory
13 Commission. This is a time for us as citizens to become
14 deeply involved in this process and demand that the best
15 dry cask storage system money can buy will be the one
16 that we have at Diablo Canyon.

17 MR. ANDERS: Thank you, Linda.

18 Tom. We need a clicker hand-off here. Tom,
19 PG&E's prepared some information with regard to your dry
20 cask storage program.

21 MR. JONES: Thank you, Chuck, and thank you,
22 Linda, for the lead-in.

23 Just a couple things I'd like to mention on
24 Linda's slides. She's correct, the funding was put in
25 our NDTCP in 2017, but we don't know what the cost will

1 be. That's what the RFP will inform, right, which
2 system and how much. So that was an estimate based on
3 market conditions when we submitted our application.

4 Just to true up the cask numbers. Her slides
5 said plus or minus 110. I think it's plus or minus 90.
6 Close. If we stayed at 32 assemblies per canister, that
7 would be 80 more and then we estimated around 10 for
8 greater than Class C waste, but it's in the ballpark,
9 but that's what's in our filing at the Public Utilities
10 Commission and so the number could go down. For
11 instance, the casks at San Onofre, they hold 37
12 assemblies. There were some in older systems or
13 different types of systems that hold only 24. Again,
14 the RFP will inform the ultimate number of casks in
15 those loading strategies. Okay? So stay tuned and the
16 marketplace will define how that goes for us.

17 The first slide I have for you is an updated
18 slide. It should look somewhat familiar. They're kind
19 of painful timelines here, but what you see, the gold
20 bar in the middle third of the screen is an expanded
21 view of 2020. So what you see in March is the UCLA
22 analysis. If you look back to February, you see the CEC
23 put on the RFP. We've satisfied those so far and we
24 look to issue the RFP. Our goal is by the end of this
25 month and we're currently on schedule for that.

1 If we just migrate to the right on that gold
2 line, you'll see that vendors prepare and submit
3 proposals in that three-month window and then PG&E and
4 the Energy Commission will evaluate those vendor
5 proposals. Once we have made that selection, we then
6 would begin contract negotiations and that could take
7 quite some time. As you can imagine, this is a very
8 large complex project and I think we're going to see
9 some very innovative solutions to the used fuel and
10 greater than Class C storage.

11 If you look at the line just below that, you
12 can see the total timeline for the remainder of the
13 operations of the plant and when we start to reasonably
14 expect submitting the next NDTCP in December of 2021,
15 issue the purchase order by the first quarter of 2022,
16 go through that licensing and potential permitting
17 periods that coincides with other permit schedules
18 you've seen from us that we've talked about, and then
19 after that, you see the Unit 1 shutdown. The Unit 1
20 shutdown is important on this slide because the proposed
21 settlement states we endeavor to offload each pool
22 within four years of that unit shutdown.

23 So if the RFP is successful in giving us a cask
24 that can do that, what that means is by 2028 in that
25 scenario -- excuse me -- 2028, Unit 1 spent fuel pool

1 would be empty and Unit 2 in 2029. That pulls the
2 timeline for decommissioning to the left, and if we're
3 able to achieve those things, that also achieves one of
4 the strategic vision goals. We originally proposed 13
5 years with a seven-year loading time frame. If we
6 achieve the four-year loading time frame, that lines up
7 with your strategic vision of completing the bulk of
8 decommissioning activities in ten years. That's
9 monumental. That's a big shift to gain three years on a
10 project of this scale. We hope to achieve that.
11 However, we won't do it at the expense of safety and
12 underscore that and the settlement has provisions if the
13 fuel can't be in a licensable cask and let's say it's
14 4.6 years, then that's the path we'll take and the
15 Energy Commission will help participate in that
16 evaluation, as well. Ultimately, the approval of the
17 cask design is with the Nuclear Regulatory Commission.
18 That's an exclusive jurisdiction that they have control
19 over and that's who will license the technology.

20 Important considerations in the RFP, you can
21 see them up here on the slide, and thanks to the team,
22 they've linked these two years' strategic visions so you
23 can review these at your leisure. I know we're a little
24 behind tonight, but many of your findings are directly
25 linked in there and some will be over -- some will be

1 addressed on how we manage the overall project not just
2 with RFP. So there's a distinction there, but you can
3 see that, for instance, the system is easy to inspect
4 and a place to deduce needs for management.

5 We do inspect our casks now, and, in fact, the
6 whole cask system. So I do want to address that. We
7 inspect everything from the concrete pad and the
8 vaulting of the casks and their over pack to the pad.
9 We inspect our vents daily because the venting system is
10 actually key in dissipating heat in helping reach that
11 heat from the multipurpose canister that's inside the
12 over pack.

13 What we look for, you know, what clogs those
14 up, things like birds nests and squirrels nests because
15 they find something that's a little warmer. So we have
16 daily surveillance to be sure that nothing blocks those
17 air vents and that allows the system to perform at its
18 optimum levels.

19 And then, also, in our Humboldt facility, we've
20 been able to do robotic inspections of the casks and we
21 can achieve those at Diablo Canyon, as well. It's not
22 100 percent of the service of the casks, and I think
23 that's what Linda was referring to, was actually the
24 multipurpose canister. Those inspections are called in
25 situ. So our casks are kind of like a Babushka doll,

1 right? It's something inside of something inside of
2 something. So the RFP will ask how do we inspect the
3 innermost portion of the storage system more easily than
4 we do today. So that is contemplated in the RFP and
5 that concludes my update.

6 MR. ANDERS: Thank you, Tom.

7 A couple of questions? Sherri, Kara and Linda.

8 MS. DANOFF: Okay. Linda, in your
9 presentation, you mentioned the Switzerland centralized
10 interim storage facility. Were you envisioning
11 something like that at Diablo or for -- or
12 essentially --

13 MS. SEELEY: Yes.

14 MS. DANOFF: Okay. At Diablo. Okay. I
15 wondered. Looks good to me. Yeah. Okay. Thank you.

16 MR. ANDERS: Okay. Kara and then Linda.

17 MS. WOODRUFF: So I know we covered this at our
18 workshop last year about dry cask storage, but how many
19 vendors do you think are going to be reasonably
20 submitting a proposal?

21 MR. JONES: We're not allowed to disclose the
22 participants. So I'm looking for an artful way to
23 answer your question, Ms. Woodruff. It's more than a
24 couple and it's less than a dozen. So what we've done
25 is we've selected criteria for vendors that have both a

1 credible manufacturing path and a licensing path in the
2 United States, you're familiar with all of them, and we
3 also look for support for the operations. So there's
4 also going to change to dry cask storage licensing
5 within the NRC since our first system was licensed.
6 Originally, dry cask storage systems were licensed for
7 20 years and then your license renewal was a 40-year
8 period. Plants were the opposite. You license the
9 plant for 40 and renew for 20.

10 The NRC's updated its regulations and it says
11 now you may license the dry cask storage system because
12 it's passive for 40 years with a renewal for 40. So our
13 RFP asks for that design criteria for both licensing
14 periods to cover us in case a storage system -- a
15 repository, excuse me, doesn't come online.

16 MR. ANDERS: Okay. Thank you.

17 Linda and then last question with David.

18 MS. SEELEY: Tom, I may have misunderstood you.
19 Did you say the NRC is ultimately going to select the
20 cask? You are, right, and then with their approval?

21 MR. JONES: Correct. What I said is they have
22 the ultimate authority to license the cask and
23 technology and approve its application for Diablo
24 Canyon.

25 So there's something called a generic license,

1 a Part 50 license. So if you are a plant in Kansas and
2 you want to get a manufactured cask that already has a
3 Certificate of Compliance with the NRC, you can do so,
4 but because of Diablo Canyon's seismic considerations,
5 we elected to do what's called a Part 72 site-specific
6 license that had additional criteria. So the NRC will
7 have to say yes to cask PG&E selected, is, in fact,
8 appropriate for the Diablo Canyon location and they
9 alone have the authority to grant that approval.

10 MS. SEELEY: Thank you.

11 MR. ANDERS: Okay. David and Nancy, you said
12 you had a question? Okay.

13 MR. BALDWIN: Yeah. My question was mainly
14 just to sort of finish the thought from my fellow
15 panelist here on the -- I can't remember where it was.
16 Switzerland, the facility that you showed the slide of.
17 So I guess my question is probably for you, Tom, for
18 PG&E.

19 So we get questions from folks in the public
20 pretty often about why is the ISFSI not a hardened
21 facility or an underground facility or more of like what
22 was in the picture, looked like a facility contained
23 inside a building. Can you speak to that a little bit?

24 MR. JONES: Sure. So systems like that have
25 more complexities. Our system is designed to pass the

1 NRC security and safety issues. It's -- I think of each
2 cask as a mini containment dome because of their
3 thickness and the way that they're built and
4 constructed. So you have that inch of steel and the 27
5 inches of concrete, another inch of steel in the
6 multipurpose canister inside of that and they're
7 compartmentalized. There are complexities to structures
8 like that. It no longer becomes a totally passive
9 system potentially. You might be dependent on HVAC
10 controls, power inputs to the facility, and in a high
11 seismic region, it also adds complexity to the structure
12 itself.

13 So when we went out for the original bid, there
14 were many competitors and we thought we selected the
15 best-suited application. Now, technologies have
16 changed, materials have changed, as well, and so we are
17 not prescriptive in our RFP. We give them a couple of
18 scenarios and we don't bind the market. We say bring us
19 your best solution for the Diablo Canyon facility, with
20 which they are all familiar, and, again, this is quite a
21 large contract and it is well-known throughout the used
22 fuel industry and they're all quite interested in it.
23 So we'll see what the technical solutions the various
24 vendors bring to us.

25 MR. ANDERS: Thank you. Nancy.

1 MS. O'MALLEY: Tom, can you go back to the time
2 line? So when is the first opportunity that the public
3 will have to see what these proposals are and to give
4 input?

5 MR. JONES: The RFP is a confidential process
6 and the RFP -- the language in the RFP is not available
7 to the public. So that's why we've included the CEC and
8 that's why it was part of the settlement for the parties
9 that are interested in this, and even though they're a
10 public agency, the Energy Commission -- and this is
11 normal course for them -- they had to sign a
12 non-disclosure agreement because the bids that will
13 receive have proprietary think intellectual property
14 that these corporations have developed, and if those
15 technologies and those patents became totally public, it
16 would cause them commercial harm.

17 So the public doesn't get -- everyone in this
18 room doesn't get to read the RFP. That doesn't happen.
19 The CEC will be representing the public and the public's
20 also represented through the energy -- excuse me --
21 through the Nuclear Regulatory Commission. Once we have
22 made that selection, there are some restricted things
23 like security measures that the NRC looks at in private
24 and some of the confidential technology, again, they
25 look at private, but then the overall system they do

1 discuss publicly in their licensing proceedings and
2 historically those licensing proceedings take place near
3 the storage facility and I would expect that to occur
4 again.

5 MS. O'MALLEY: So what time frame are we
6 looking at then? So probably after the contract
7 negotiation?

8 MR. JONES: Correct.

9 MS. O'MALLEY: Okay. So we won't really hear
10 of anything in this year? Probably not until next year?

11 MR. JONES: You will not hear a vendor
12 selection this year. That's correct.

13 What you will hear, though, is we've asked the
14 Energy Commission for additional letters to be publicly
15 available when we do this next second and third step
16 that they have that participation so that that is your
17 dashboard on how we're doing on that.

18 MR. ANDERS: We need to move on because of
19 the -- we have to save time for public comment and so
20 on. So thank you, Tom.

21 The next item on our agenda is a summary of the
22 panel activities in 2019 and information about the
23 charter update and the new opportunities for people to
24 apply to become members of the panel.

25 So Lauren and David, you're going to take this

1 on.

2 MR. BROWN: Yeah. I'm going to cover the first
3 slide.

4 MR. ANDERS: Okay.

5 MR. BROWN: If we could proceed to that. Thank
6 you.

7 All right. So I just want to very quickly
8 summarize the meetings that we had last year. We had
9 five public meetings and workshops. The first -- the
10 first two dealt with spent fuel management and we were
11 quite focused in on the recommendations to PG&E with
12 regard to the anticipated request for proposal that they
13 were planning and I think that that is such a good
14 example of how our panel's recommendations have been
15 received and acted on by PG&E. So you just heard from
16 Linda what the recommendations were and from Tom how
17 they were implemented. So thank you PG&E for paying
18 attention to us.

19 We had another meeting in June that was
20 intended to give us a chance to step back. We'd been in
21 existence for a year and we wanted to see how we were
22 doing, to think about what we could do better and David
23 will give a little bit of a summary of what were some of
24 the outcomes from that.

25 This fall, we focused on the economic impacts

1 and opportunities associated with the decommissioning.
2 I'm not going to go into that in detail, but I would
3 like to say that the work that our panel is doing is
4 being recorded in our strategic vision document and in
5 that document you will see, for example, the
6 recommendations that we made with regard to spent fuel.
7 We've recently completed the recommendations on economic
8 impact and opportunities. Is that uploaded yet?

9 MR. ANDERS: It's going to be -- it should be
10 uploaded in the next week.

11 MR. BROWN: Okay. So, anyway, I would invite
12 anybody from the public to access our strategic vision
13 document, which is prominently highlighted on our
14 website. David.

15 MR. BALDWIN: Thanks, Lauren. Yeah. Who's got
16 the clicker? You got it?

17 So recent updates to the charter -- I guess I
18 should start by saying that at the onset of this panel
19 in I believe it was May 2018 when we came about, we
20 agreed with PG&E on a charter and that charter outlines
21 our mission and our purpose, our organization as a
22 panel. In January, we made some revisions to that
23 charter and that was taken in part from our public
24 meetings, as Lauren referred to earlier.

25 So a few of the things we did were we added

1 language which allows for the addition of up to three ex
2 officio members to the panel. So this would be elected
3 officials, I guess, public folks -- you might have to
4 help me a little bit on that, Tom, if there's more to
5 that as I understand it, and then, additionally, we
6 established a process for filling vacancies on the
7 panel, which includes panel participation and approval,
8 and we've established an MOU and this Memorandum of
9 Understanding outlines our budget for panel
10 administration, logistics and operations.

11 With regard to the application process -- am I
12 supposed to click here? I think so. With regard to the
13 application process, we've established a public
14 application process of 30 days and I know I heard a
15 radio ad just in the last few days. So I know we are --
16 I can't remember, I'm sorry, the dates of that 30-day
17 period. If someone knows, feel free to jump in, but
18 that process is a 30-day process. PG&E and the
19 panelists that are not seeking reappointment will select
20 new panelists from the applications received. Ex
21 officio panel members shall be seated through
22 consultation of PG&E and the panel and, lastly, the
23 process will be used to fill any midterm vacancies that
24 may arise.

25 And I guess, lastly, I just want to tell any of

1 the folks listening or on this streaming to be sure to
2 go to our website, so DiabloCanyonPanel.org, and you can
3 see the charter there and the revisions to the charter,
4 as well as all the other information from the panel and
5 the meetings that we've held. Thank you.

6 MR. ANDERS: I just want to mention that the
7 application is available on the website now and if you
8 go to get involved, it's the first drop-down under that.
9 It's also available at PGE.com/EngagementPanel at that
10 location, too. So it is currently live and available.

11 MR. BALDWIN: Thank you.

12 MR. ANDERS: Thank you, David.

13 Any quick questions before we move on to public
14 comment? Great. Thank you.

15 Just an observation on my part and over the
16 last almost two years now, the panel has done an
17 absolutely incredible amount of work and it is due to
18 the hard-working and dedication of the panel and all the
19 panel members here. The strategic vision is a very
20 impressive document. It has recommendations on a broad
21 range of subjects. You've engaged the public multiple,
22 multiple times through full-day workshops and public
23 meetings and I just want to commend the panel on what I
24 think is just an extraordinary first two years. So
25 thank you.

1 Now it's time for public comment. This is
2 different because normally our public comment time would
3 be people would come up to the podium and they would
4 talk for three minutes, and depending on the number of
5 people, sometimes we would change it to one to two
6 minutes if there were more people. There are no people.
7 One person here. And we've had a lot of activity
8 online, and since we announced the online meeting and
9 the opportunity to submit comments using the online
10 method, we have gotten 44 comments so far. Some are
11 questions, some are comments during the meeting. What
12 we want to do is use the same process. We think
13 Kami Griffin has volunteered to review and read the
14 comments. Now, many of them are multiple pages in some
15 cases. They wouldn't be readable even if someone were
16 here trying to read them because it would exceed the
17 three-minute limit.

18 So what she's going to do is either read the
19 short ones and summarize the longer ones. All of these
20 comments are available to the public and hopefully
21 everybody online might even be following along as Kami
22 goes through. So -- and for any reason someone out
23 there didn't hear your comment and so on, we apologize.
24 We're implementing the best technology we can, and if
25 for any reason you didn't hear your comment, please let

1 us know and resubmit it and we want to make sure that
2 it's received and recorded.

3 So, Kami, I'll turn it over to you. I think
4 we said 44 comments, we're going to go for one and a
5 half minutes? Okay.

6 MS. GRIFFIN: That's what we're going to shoot
7 for. So what I'm going to do is I'll read these to oldest
8 to newest starting when we acknowledged that the meeting
9 would be a virtual meeting. So that would be starting
10 May -- excuse me -- March 10th.

11 The first is from Linda Clark who states that
12 the property should be transitioned to public use with
13 multiple-use non-motorized including no electric bicycle
14 trail with parking large enough for horse trails.

15 The next comment is from Heidi Harmon, mayor of
16 San Luis Obispo City. It's a significant letter about
17 the city's policies relating to decommissioning and
18 which are to ensure the continued safe operation of the
19 Diablo Canyon Power Plant so as to protect the health
20 and safety of the community, foster creative solutions
21 that will lessen and shorten long-term economic, fiscal
22 and environmental impacts to the community, investigate
23 opportunities for job creation and economic
24 diversification, develop a plan to address potential
25 long-term impacts of closing a nuclear facility and

1 explore options for the future use of protection of land
2 and marine resources, cultural resources, historic sites
3 and related facilities. She goes on to summarize that
4 the conservation of Diablo lands is a high priority and
5 that -- excuse me -- that this should occur through the
6 decommissioning process -- that the conservation of land
7 should occur through the decommissioning process. Kara
8 actually read a portion of the letter earlier. There's
9 significant precedence for the conservation of Diablo
10 Canyon lands via mitigation, for example, the steam
11 generator replacement project resulted in the
12 conservation of 1,200 acres at Point San Luis, the ISFSI
13 project resulted in the creation of the Buchon Trail.
14 In addition, the construction of the simulator training
15 building resulted in the creation of the Pecho Coast
16 Trail. Surely, the decommissioning project and the
17 largest DIR project ever pursued by the County of SLO
18 calls for the mitigation of the rest of the Diablo
19 Canyon lands.

20 MR. ANDERS: Excuse me a minute, Kami. I just
21 want to mention to the folks watching online that if
22 you're looking at the comment, if you click on the
23 comment itself, it will take you to a more detailed page
24 and some people put a letter and pasted it into the
25 comment, others attached a letter and you can click on

1 the attachment and you can actually see the letter. So
2 I just wanted to clarify that. Thank you.

3 MS. GRIFFIN: The next letter is also a
4 significantly long letter prepared by Andrew Christi of
5 the Sierra Club. It speaks again to the conservation of
6 the Diablo lands, the 12,000 acres, talks about the
7 dream initiative and that that was supported by 75
8 percent of the county electorate urging the conservation
9 of the Diablo Canyon lands. There are comments about
10 the tribal land transfer policy being completed without
11 notifying or seeking input from the public or state
12 resources agency. It goes on to say that a conservation
13 easement should be attached to the Diablo Canyon lands,
14 that the easement should contain the information that
15 was in your vision document about preservation of the
16 Diablo Canyon lands. His final paragraph is, finally,
17 pursuant to your panel's discussion of the permits
18 needed by PG&E to decommission the plant and whether
19 those permit conditions can ensure conservation of
20 public access to the Diablo Canyon lands, we point out
21 that the nexus between a requirement for a conservation
22 easement and any agreement pursuant either to the
23 continued operation or closure of the plant is
24 well-established. The need for such an easement or a
25 permit condition requiring an easement as mitigation for

1 30 years of damage from the plants once-through cooling
2 system has been affirmed by both the Regional Water
3 Board and the California Coastal Commission, which have
4 independently stated that this should be done to
5 mitigate the impacts of once-through cooling on marine
6 habitat and wildlife.

7 The next comment is from Gene Nelson,
8 Californians For Green Nuclear Power, Inc. The topic is
9 adverse environmental impacts of Diablo Canyon Power
10 Plant closure. He has attached a one-page article
11 regarding the inherent safety of zero emissions nuclear
12 power from the Forbes website by Michael Schellenberger,
13 CPUC intervenor Californians For Green Nuclear Power,
14 and will continue to advocate for the continued safe
15 operation of the Diablo Canyon Power Plant beyond 2025
16 for its public safety, environmental and ratepayer
17 benefits. Californians For Green Nuclear Powers is
18 pursuing several remedies as the planned closure of
19 Diablo Canyon Power Plant -- excuse me -- Diablo Canyon
20 Power Plant in 2025 does not serve the public interest.

21 The next comment is from Marty Brown, Mothers
22 For Peace. I am one of the thousands of people in this
23 country -- in this county who invoke you to conserve and
24 protect the 12,000 acres of Diablo Canyon lands in
25 perpetuity for the good of the community and the

1 biosphere of plants and animals that thrive there.
2 Almost 75 percent of county voters supported the dream
3 initiative to set aside these lands for habitat
4 preservation, agriculture and public use upon closure of
5 the plant. The DCDEP lists this as a top priority. We
6 don't want 15,000 homes, golf courses, Mar-a-Lago West
7 and possible oil drilling to ruin this precious land. I
8 would like to see a sustainable trail system for
9 controlled public access, biological and oceanic study
10 to be undertaken as it's being done by UCSB on the
11 Rancho Marino Preserve just below Cambria. A
12 conservation easement as has been done on the
13 82,000-acre Hearst Ranch would be ideal. If the Chumash
14 Heritage National Marine Sanctuary could be designated
15 off our coast, this whole area would be a huge benefit
16 to our community and the world. This all could provide
17 educational opportunities for all ages far into the
18 future. The historic nature of this land once inhabited
19 and protected by native people for thousands of years
20 should be honored. Native tribes should be consulted
21 and included in any decisions affecting the natural
22 resources, cultural and economic interests of their
23 ancestral lands. In these times of climate crisis,
24 extinction of species, toxic pollution of air, water and
25 soil and now with decades of radioactive waste, let's

1 make a different here and now. Please let this be a
2 legacy we can be proud of. Save the land.

3 The next comment is from Violet Walker, who
4 also has an attachment. It's a significantly long
5 letter. So I'll try and give you a summary. Violet
6 Sage Walker is with the Northern Chumash Tribal Council.
7 She notes she was born in Avila Beach on land that was
8 held by our generation -- "our family for generations.
9 As a member of the Northern Chumash Tribal Council and
10 the last Chumash person born in Avila, I want to express
11 my objection and frustration of being left out of the
12 tribal lands transfer policy discussion months ago,"
13 noting she found out about it because of outreach by a
14 panel member. "The proposed tribal land transfer policy
15 consistent with executive order B-10-11, N-15-19 and the
16 Commission's Tribal Consultation Policy is intended to
17 further the commission's commitment to provide
18 meaningful input into the development of legislation,
19 regulation, rules and policies on matters that may
20 affect tribal communities. That includes us and a bunch
21 of other Chumash people that were not provided an
22 opportunity for input." She provides information about
23 that "all Native American communities are not
24 necessarily voting bloc. We are on different opposite
25 sides of some issues," and gave a couple of examples of

1 those. She goes on to say that "the distinction between
2 Chumash groups that may have shared territories are akin
3 to differences and religious, political, environmental
4 ideologies. These differences have created crevices as
5 wide as the Grand Canyon and as deep. Please understand
6 for personal family reasons two Northern Chumash tribes
7 should not be confused. The Northern Chumash Tribal
8 Council was formed under the guidelines of Senate Bill
9 18 on April 26, 2006, as a state-recognized mutual
10 benefit corporation. NCTC was the first to register and
11 use the name Northern Chumash in our non-profit
12 organization. It's one of several state-recognized
13 California Native American tribes." I'm trying to find
14 a summary paragraph. She states that "with all due
15 respect, please set aside the discussion on the tribal
16 lands until the CPUC can hold meetings and public
17 comments in our community. Please include us in the
18 future direction of the panel and, lastly, I have
19 documented ownership of the lands and oral traditions
20 previous to Spanish occupation of the lands in question
21 dating back to the early 1800s and we are officially
22 requesting the opportunity to get it back."

23 I'm sorry. I'm going backwards. This next
24 comment is from Fred Collins, Northern Chumash Tribal
25 Council. It's also significantly long. He notes there

1 he appreciates the opportunity to comment on the draft
2 tribal land transfer policy and looks forward to working
3 with PG&E, the CPUC and the local community to find
4 solutions and common ground to finalize and facilitate
5 the tribal lands transfer policy in the best interest of
6 all northern Chumash peoples. The policy is a step in
7 the right direction for the indigenous peoples of
8 California. He notes that the NCTC has several
9 concerns. One of the concerns is that a member of the
10 Engagement Panel has a conflict of interest, that Scott
11 Lathrop is not recognized in the Northern Chumash
12 community as a tribal spokesperson and that in their
13 opinion, he has been supplying the panel with misleading
14 information and unsubstantiated facts. A tribal
15 spokesperson must earn the right to be recognized as
16 such, that the NCTC is a California Native American
17 tribal government with tribal headquarters located in
18 Los Osos, California, was formed under the guidelines of
19 California Senate Bill 18 as a state-recognized tribal
20 government. The NCTC is spearheading with local
21 community NGO, the Chumash Heritage National Marine
22 Sanctuary, as one of a kind opportunity for all future
23 generations, was the first tribal government to
24 negotiate changes to the general plan. The first tribal
25 government in the United States to guide the county

1 Board of Supervisors on August 9th, 2011, to be the
2 first county government to support and endorse the UN
3 declaration of rights of indigenous peoples by
4 resolution and the first tribal government to place a
5 member on the Cal Poly Presidents Advisory Council, the
6 first tribal government to have ceremonies in Avila
7 Beach and Morro Bay and to support high-tech farming
8 producing first U.S. patented native organic vertical
9 farming systems in the world. He notes that there's an
10 ancient history with members of NCTC, with the land of
11 the Pecho Coast and that NCTC would like to raise our
12 bees, fruit and implement our newly patented thrivable
13 vegetable growing system, a place to bring our elders
14 and a place to have gathering of our community all while
15 sharing the beautiful land with broader local community,
16 a place for education and learning our tribal ways.
17 NCTC has always envisioned the PG&E properties as a gem
18 be seen by all that want to visit. They were not
19 notified by the CPUC of the policy. The concluding
20 paragraph says thank you for the opportunity to comment
21 on this so very important policy. The indigenous
22 peoples have long been forgotten. So it is inspiring to
23 see this great support for the reacquiring of our lands,
24 our lands that will help us heal from the dark days.
25 The next comment is -- there's no name

1 associated with this. Please make this decommission
2 land available to the public for walk and horseback
3 riding. There is a way to maintain the natural habitat
4 and still let the public recreate there. I hope it's
5 not offered as a whole property to the tribal Indians
6 for sale. This might be as a reason Gavin Newsom
7 brainstormed it as counterproductive to the public who
8 want to use and enjoy it. There should have been public
9 input about its future use.

10 The next comment is from Heather who just says
11 keeping Diablo Canyon open is the best way to protect
12 lands.

13 The next is from David Georgi. I hope I'm
14 pronouncing that right. Georgi. Thank you. "Hi,
15 Panel. I have led hikes in the local area for more than
16 50 years and can clearly see the value of connecting
17 Montana de Oro to Wild Cherry Canyon. It would extend
18 the California Coastal Trail and remove the gap in San
19 Luis Obispo County that currently exists. This would be
20 a major benefit for visitors and locals creating
21 recreational possibilities and spurring tourism. I ask
22 you to consider placing a conservation easement on any
23 new trails to ensure public access in perpetuity. Thank
24 you for your consideration."

25 Heather Nelson attached a single-page letter.

1 She agrees with San Luis Obispo Mayor Heidi Harmon's
2 letter. She goes on to say, "The Engagement Panel's
3 March 11th, 2020, meeting is focused on the Diablo
4 Canyon lands. There's a long history of the Central
5 Coast's prioritizing the conservation of the lands. It
6 is reflected in the overwhelming passage by nearly 75
7 percent by SLO County residents of the dream initiative
8 in 2000, which called for the conservation and public
9 access to the Diablo Canyon lands once the plant closes.
10 Also, the work of the Engagement Panel, including now
11 four public meetings and almost a thousand written
12 comments and the panel's strategic vision document,
13 reflects the will of this community in conserving the
14 Diablo Canyon lands. The conservation of and public
15 access to Diablo Canyon lands makes sense on multiple
16 levels. The land is remote, prone to fire danger and
17 has a single path in and out. I ask PG&E, the County of
18 San Luis Obispo for the safe and efficient
19 decommissioning of Diablo Canyon Power Plant, as well as
20 ensuring the conservation of public access to the Diablo
21 Canyon lands."

22 MR. BROWN: Kami, I think that there was a
23 second letter from Violet that you --

24 MS. GRIFFIN: It seemed to be an identical --

25 MR. BROWN: Oh, okay.

1 MS. GRIFFIN: Yeah.

2 MR. ANDERS: Kami, do you need a break?

3 MS. GRIFFIN: No. I'm okay.

4 MR. ANDERS: How about our stenographer?

5 THE STENOGRAPHER: I'm okay.

6 MR. ANDERS: I just want to remind everyone
7 that all these letters in full text are online and
8 available to the public by just going onto the panel
9 website and you get involved and view the comments.

10 MS. GRIFFIN: So the next comment is from Wendy
11 Lucas. She has a master's public health from UC
12 Berkeley and a 34-year resident of San Luis Obispo
13 County. "Dear, Panel, coming from a public health
14 perspective, I applaud the decision to close tonight's
15 meeting to the public. Allowing for all comments to be
16 submitted online is a good and wise way to handle the
17 health issue that can potentially affect us all. What I
18 would caution, though, is a last-minute maneuver for
19 folks who either were not informed about the change or
20 who don't abide by the rules to show up and ask to have
21 their voices heard anyway. We all know the important
22 impact of a speaker in person for the face-to-face
23 ability to connect with one other's passions and
24 convictions as opposed to reading them on paper or
25 online. This would negate the democratic process of

1 having all voices heard fairly. This might already be
2 planned for and I apologize if it is already dealt with,
3 but I earnestly ask that there be paper available for
4 those who do show up so that they are equally
5 represented with the ones who have been informed and are
6 abiding by the rules. Thank you for all the work you
7 have been doing and continue to do."

8 So the next --

9 MR. BROWN: We should comment that there is
10 nobody here in person. So, Wendy, your concern has been
11 addressed.

12 MR. ANDERS: And just to note, we did have
13 cards ready in case someone did come.

14 MS. GRIFFIN: The next comment is from John
15 Silveira about career opportunities for local students.
16 "Dear Panel Members, I work at the Plumbers and Pipe
17 Fitter Local" -- I'm sorry -- "I work at the Plumbers
18 and Pipefitter Union Local 403 in San Luis Obispo as an
19 instructor and supervisor. Our hall helped build Diablo
20 Canyon and through that process many current and past
21 members learned our trade through the apprenticeship
22 program. They took those skills and bettered our
23 community through starting businesses, construction and
24 maintenance. Many of us planned on working at Diablo
25 Canyon for years into the future, but sadly PG&E has

1 decided to decommission. For those who have completed
2 their apprenticeship and become journeymen, it means
3 traveling more to support our families. For those who
4 are in the apprenticeship program and those young people
5 in search of high quality blue collar jobs, this may
6 limit their opportunities. I meet with high school
7 students, teachers and counselors and many of them are
8 looking for high quality blue collar jobs. We do our
9 best to bring in as many apprentices as we can. Our
10 training combines classroom and on-the-job training.
11 When Diablo Canyon decommissions, these job
12 opportunities could be limited or go away completely.
13 One way to make sure there are high quality jobs for
14 students coming out of high school is to support all" --
15 to support our local apprenticeships by recommending a
16 communicate workforce agreement that includes all
17 trades. I know that the Panel Members do not make the
18 final decision, but your recommendations can help push
19 things in the right direction. Please consider
20 recommending a community workforce agreement that
21 includes all trades."

22 The next is a comment on spent fuel storage
23 from Franklin Frank who was a former member of the SLO
24 County Nuclear Waste Management Committee and former
25 county fire chief. "Thank you for the opportunity to

1 comment. I was a member of the County Nuclear Waste
2 Management Committee of the 1990s to make
3 recommendations on handling high level nuclear waste at
4 Diablo Canyon. The consensus of our committee was that,
5 one, the spent fuel pools should be brought down to
6 their design density as soon as possible, two, that dry
7 cask storage should be redesigned to provide safe
8 long-term onsite storage for several centuries and,
9 three, them being moved to a permanent consolidated
10 long-term storage facility with minimal risk during
11 transport. Those recommendations are still appropriate
12 and I strongly support them. I am particularly
13 concerned that the dry cask storage site be hardened
14 against terrorist attack. The casks should be shielded
15 from ground attack by berms surrounding the pad. More
16 concerning is the casks' extreme vulnerability when
17 being moved from the pools to the storage pads. The
18 slow ten-hour trip with only a water jacket for
19 radiation protection is an inviting target. I'm also
20 concerned that the casks being used for on-site storage
21 are thick-walled and loaded at a density that poses no
22 heat dissipation risks. Please seriously consider these
23 matters before burdening our county with the risk of
24 storing this dangerous high level nuclear waste. Signed
25 a concerned citizen, Franklin Frank."

1 The next comment is from Carolyn Southard.
2 She's an Avila resident and she states that the Avila
3 general plan update needs to be completed and adopted
4 before approving any new large developments.

5 The next comment is from -- I'm really going to
6 not do a good job with this name. Ilona Shakibnia.
7 Beautiful name. "I have two comments. All land
8 transfers away from PG&E must include conservation
9 easements. That is the desire of the county residents
10 as evidenced by the passage of the dream initiative in
11 2000 and the near 1,000 written comments to the
12 Engagement Panel. The Engagement Panel further outlined
13 the will of our community in its strategic vision
14 document. The conservation easement will ensure that
15 the will of the people is protected. There are
16 significant precedence for the conservation of Diablo
17 Canyon lands through mitigation. The decommissioning
18 project must include mitigation of the rest of the
19 Diablo Canyon lands. This must include public access to
20 and conservation of these lands as the community
21 deserves and has rallied for in numerous ways over the
22 past 20 years. Thank you."

23 The next is from Doug Tait and I actually think
24 I can read this whole letter in a minute and a half.
25 It's about lands and tribal transfer. "We need the

1 tonic of wildness. We can never have enough nature.
2 The Diablo Canyon lands and the Pecho Coast is where
3 wildness still reigns. As Chumash, who occupied these
4 lands for thousands of years, remind us all the land is
5 a gift. These wild places give us so much and we are
6 the lucky ones who have seen and felt the wildness this
7 land has to offer. Now is the time to return the favor.
8 These lands need us to find ways that they will not only
9 be there for our children and grandchildren, but will
10 remain wild. Decisions made on the future of these
11 lands are critical to keep the wildness in this place.
12 Opening it up to the masses unchecked would be its
13 downfall as we have loved too many places to death. On
14 the Central Coast, this coastline and coastal bluffs are
15 a rarity in that it has been relatively untouched by
16 humans. Continuing the land stewardship of managed
17 access has kept this place so special requires
18 foresight, understanding and creative effort, a
19 collaborative effort with land conservancies/trusts
20 range trusts, Cal Poly private companies and tribal
21 entities that foster understanding and respect for
22 nature and show care and commitment to the land's future
23 may just keep the Pecho Coast unspoiled for future
24 generations. Conservation may be a goal and high
25 priority for a tribal entity; however, to ensure

1 conservation of this special place and that conservation
2 values are protected in perpetuity, conservation
3 easements must be considered for any land transfer to
4 make darn sure that this incredible coastline is
5 protected and sustainable public access is assured. If
6 true, the conservation of the land is a tribal goal,
7 then any tribal entity should have no issue for PG&E to
8 place a caveat on these lands that they will be
9 protected forever. My current calling is a part-time
10 job on the stunningly beautiful Point Buchon Trail.
11 That loved trail is in existence because of prior Diablo
12 Canyon permits and mitigations. We should do the same
13 for the remaining 12,000 acres by using the tool of
14 decommissioning permits and land mitigations to help
15 conserve the complete Pecho Coast and Diablo Canyon
16 lands forever."

17 The next comment has no name associated and
18 says, "Please address how this plan fits with PG&E's
19 ongoing bankruptcy proceedings and the company's ability
20 to accommodate the great financial liability of
21 decommissioning while facing ongoing disaster-related
22 penalties and mitigation costs."

23 The next is from Vicki Bookless. She states,
24 "I urge the conservation of Diablo Canyon lands. The
25 conservation of (in perpetuity) and public access to the

1 Diablo Canyon lands makes sense on multiple levels. The
2 land is remote, prone to fire danger and has a single
3 lane in and out. There's no access to existing services
4 and amenities. These lands are truly unique from an
5 ecological perspective. Much of coastal California has
6 been forever lost to development. Here we have a chance
7 to preserve one of the last coastal stretches of natural
8 California for current and future generations."

9 This next comment is from Sally Krenn. "The
10 majestic coastal property, known as the Diablo Canyon
11 lands, if open to more public coastal access than is
12 currently available, should, in my opinion, be managed
13 like the current Point Buchon managed access trail
14 program. People should tread upon this area lightly
15 saving it for future generations as a research site and
16 a preserve for the rich diverse intertidal biological
17 resources and the abundant coastal bird rookeries in
18 this area. I am, in particular, concerned about human
19 impact to the intertidal areas. As a docent with State
20 Parks and retired biologist, I understand that
21 encountering tide pool organisms are a unique, hands-on
22 experience with sea life for the public. However, many
23 tide pool visitors often trample or harm organisms
24 during low tide. The loss of algae on rocks from
25 trampling can affect all the living things in the tide

1 pools. The easily accessible tide pools along Montana
2 De Oro State Park where harvesting of intertidal
3 organisms is permitted with a fishing license, provide a
4 stark contrast with the relatively pristine condition of
5 the intertidal areas of the Diablo Canyon lands. Tide
6 pools of the ocean's intertidal zones contain some of
7 the most diverse collections of life on our planet and
8 especially so on this coastline. It is imperative that
9 any future plans for access to the Diablo Canyon lands
10 maintain that diversity. My other concern regarding the
11 management of Diablo Canyon lands is the protection of
12 numerous cultural sites, some dating to over 9,000 years
13 old, that without a managed access plan would attract
14 collectors who know how to detect these sensitive Native
15 American sites. Cal Poly's anthropology department has
16 worked with the Native American community and currently
17 have several study sites along this coastline. Many of
18 these cultural sites are easily accessible along the
19 current Point Buchon Trail, but those who may be
20 searching for artifacts are directed by trail attendants
21 to stay on the trail. The trail attendants are aware of
22 these cultural site locations and protect them from
23 human disturbance. I urge you to work with
24 organizations like Land Conservancy of San Luis Obispo,
25 Wild Lands Conservancy Group or UC Natural Reserve

1 System. I also urge the Engagement Panel to support
2 preservation of these lands by developing managed access
3 programs to keep this majestic coastline as pristine as
4 possible. Best regards, Sally Krenn."

5 MR. ANDERS: Kami and Panel, I want to
6 recognize that we are at our adjournment time. With the
7 technical difficulties we had at the beginning, which
8 lasted about almost 30 minutes, it seems reasonable to
9 keep going in respect to the people who submitted the
10 comments. I'll leave that up to you. How many do we
11 have? About 15?

12 MS. WOODRUFF: We're up to 21 and I believe
13 there's 40.

14 MR. ANDERS: If we can summarize them quickly,
15 maybe we can be done in about 15 minutes.

16 MS. GRIFFIN: Okay.

17 MR. ANDERS: Would that be okay with the panel?

18 MS. WOODRUFF: Let's keep going.

19 MR. ANDERS: Okay. Thank you.

20 MS. GRIFFIN: The next is a letter from Mona
21 Tucker with YTT. It also is quite long. So I will try
22 and summarize. She would like to commend the panel for
23 its significant public outreach, past significant public
24 outreach. "You listened to the public's concerns and to
25 different perspectives and became a conduit between the

1 public and various regulatory agencies and PG&E." She
2 says, "On tonight's agenda is the CPUC investor-owned
3 utility first right of refusal policy. The policy is
4 compatible with the panel's vision statement." She
5 encourages everyone to read the land policy to see for
6 yourself what it does for California tribes, but also
7 what it doesn't do, notes where it can be found on the
8 CPUC website. It gives us a first chance to discuss
9 purchasing the properties, and if we become purchasers,
10 we'll be governed by the same standards as other buyers.
11 These standards should include appropriate conservation
12 easement and a variety of managed public accesses and
13 activities. Her final paragraph, "As a landless tribe,
14 we hope to find a way forward to acquire property at
15 Diablo lands. We wrote our first letter to PG&E on this
16 topic within a few days of the announcement of the power
17 plant's decommissioning and we have been working for a
18 positive outcome ever since. I'll end by, once again,
19 encouraging you to read the panel's vision statement,
20 then read the CPUC tribal land policy. Thank you, Mona
21 Tucker, chair YTT."

22 The next is a comment from Pat Renshaw, Los
23 Osos. "These are some of the most pristine lands on the
24 central coast. Do not sell them off for building
25 mansions and mega hotels. These lands should be given

1 back to the Native Americas" -- sorry -- "to the Native
2 Americans as this was all theirs to begin with. Also,
3 keep all the conservation provisions that have been
4 discussed by the panel. It is bad enough the plant
5 lands can never be restored to their original state and
6 will never be decontaminated. So keep these lands safe
7 and clean."

8 There's another fairly long letter from Wendy
9 Lucas, YTT. "Dear esteemed and hard-working panel,
10 being in attendance for a recent presentation at a
11 Mothers For Peace meeting, reading the current local
12 Sierra Club newsletter, as well as reading today's
13 editorial in the Tribune, one would wonder at the
14 furious attempt to gain support to upend the new land
15 policy decision of the CPUC. Instead of recognizing the
16 progressive decision made at this ruling, efforts are
17 being directed to once again put limitations, in
18 perpetuity, on land acquisition by the local Native
19 American tribe. There seems to be a basic underlying
20 fear or mistrust directing all these efforts." She goes
21 on to say, "I wonder where this fear comes from. Fear
22 of development? Our inherent responsibility to this
23 land is preservation and conservation. Our history of
24 working with the Land Conservancy of San Luis Obispo has
25 exceeded in providing managed public access to the Pismo

1 Preserve and, yet, efforts have already been needed to
2 thwart folks from loving a place to death. Even so,
3 what we have stated from the beginning of this journey
4 in presenting to the Engagement Panel is to include
5 managed public access in our plans. We honor the
6 incredible beauty and gifted these land and want others
7 to honor them, as well." Her final paragraph is, "I
8 would ask the Panel to support the CPUC tribal lands
9 policy as written, as it aligns beautifully with the
10 vision document of this Decommissioning Engagement
11 Panel. Thank you all for your continuing work. It has
12 and continues to make a difference. Sincerely, Cindy
13 Lucas, YTT."

14 The next is also a fairly long letter from
15 Terre Dunivant. "I have planned to attend your meeting
16 to read a letter from Michael Khus-Zarate," but he was
17 writing this letter to reiterate some points. "It is
18 important that you include Michael Bear-Walking
19 Khus-Zarate of the Northern Chumash Bear Clan and Fred
20 Collins of the Northern Chumash Tribal Council in the
21 process for party status regarding PG&E application
22 A18-12-008. The Chumash were a large and varied group
23 united by language and culture who inhabited the lands
24 from north of Morro Bay to Malibu from the Channel
25 Islands to the San Gabriel Mountains for thousands of

1 years before the Europeans came. Their descendants are
2 still here, but Native American lineage is complicated
3 because an estimated nine out of ten Native people were
4 killed or died of disease throughout California and the
5 whole United States, mostly during the 1800s, and the
6 remainder disbursed. Today, there is no one group that
7 exclusively represents coastal California Native
8 peoples. Various Chumash groups exist, but all
9 represent the diverse composition of Native Californians
10 that is the reality today." And last, "I want to see
11 the lands surrounding Diablo Canyon Nuclear Power Plant
12 protected and preserved. Its unique and increasingly
13 rare habitats and wildlife who live here must not be
14 subjected to development. Thank you very much for your
15 work. Sincerely, Terre Dunivant." I don't know if I'm
16 pronouncing that correctly.

17 Next comment from Patrick. "Can a conservation
18 easement be attached and recorded to any PG&E land prior
19 to any transfer away from PG&E?"

20 The next is from Jennifer Bauer. "I am in
21 support of the in perpetuity conservation of the 12,000
22 acres of Diablo Canyon lands. As a local teacher and
23 mother, I care about the world we are leaving to our
24 children. Here we have a chance to preserve one of the
25 last coastal stretches of natural California for

1 ourselves and future generations. The County of SLO is
2 unique due to its prioritization of land conservation.
3 On any given weekend, the cars of people who are able to
4 explore nature fill the parking lots of our numerous
5 open spaces. This increases the vitality, health and
6 well-being of our community. Support for the
7 conservation of public lands is further reflected in the
8 dream initiative. In addition, as a public park, the
9 land can generate tourism dollars to support the local
10 economy. Protection of the Diablo Canyon lands not only
11 gives people recreational access to thousands of acres,
12 but also enables a 20-plus-mile coastal trail stretching
13 from Avila to Montana De Oro and, importantly, the
14 Diablo Canyon lands are truly unique from an ecological
15 perspective. Much of coastal California has been lost
16 forever to runaway ill-conceived development. I ask
17 PG&E and the County of San Luis Obispo to enact the
18 conservation of and public access to Diablo Canyon
19 lands. This is what the community has asked for and it
20 is what the community deserves."

21 Kathy Redden from the Atascadero Horsemen's
22 Club writes, "Because of the power plant of 12,000 acres
23 of land remains some of the most pristine lands in
24 California, these lands should be kept as open space
25 with multi-use trail" -- "multi-use trails, coastal

1 inland and a few in-between trails. Integrating the
2 land into the existing Montana de Oro State Park or
3 creating a new national seashore (similar to Point Reyes
4 National Seashore) would make the most sense.
5 Incorporating Wild Cherry Canyon into the park for it to
6 be sold to the land conservancy would be the icing on
7 the cake. Protection of sensitive culture, flora and
8 fauna must also happen. The Chumash would be good
9 stewards, but I have concerns about their potential
10 ability to develop projects, such as a casino, with
11 minimum public input."

12 The next comment is quite long.

13 MR. ANDERS: You're down to a minute each.

14 MS. GRIFFIN: Yeah. Oh, dear. Well, this one
15 is written by Michael Khus-Zarate and perhaps the
16 summary of the previous comments probably is a good
17 summary of his letter because it's significantly long
18 and I don't know I can do much justice to it in a
19 minute. Let me get to it. Maybe there's a concluding
20 paragraph. "Finally, I want to say that the Northern
21 Chumash Tribal Council led by Fred Collins has my
22 endorsement. Their position of inclusion for all
23 interested native groups is in keeping with the spirit
24 of community cooperation and mutual support that the
25 NCTC has upheld for decades throughout the San Luis

1 Obispo area. I join with the council to continue to
2 protect and preserve Diablo Canyon by having it restored
3 to the whole Chumash community. Sincerely, Michael
4 Khus-Zarate."

5 No name on this one. "Please ask the
6 representative from San Luis Obispo County planning to
7 comment regarding CPUC tribal lands policy, Sovereign
8 Nation status, Chumash Casino Santa Ynez, et cetera."

9 The next comment has no name. "Will Coastal
10 Commission regulations apply to Native Americans'
11 sovereign lands?"

12 The next comment, again no name. "You have had
13 several meetings regarding economic impact, a lot of
14 polite talk. Have there been any conclusions?
15 Hourglass. Please comment."

16 The next one also has no name. "I'm concerned
17 that the PUC's order about first rights of purchase is
18 beyond their scope, if there is even a federally
19 recognized tribe over that area, the possibility of
20 unfettered development and the fact that there were no
21 hearings in locals this would affect."

22 The next is Trail Alliance of San Luis Obispo.
23 "This 12,000 acres of California coastline needs to be
24 protected for the cultural flora and fauna resources.
25 It should become open space for the general public with

1 multi-use trails. The trail system should include
2 coastal and interior trails, plus some connecting
3 trails. Back country camps for hikers and equestrians
4 is important. It could become a part of Montana de Oro
5 State Park. The Trail Alliance of SLO County
6 representing equestrians, hikers and mountain bikers
7 from a number of local organizations could be a key
8 partner in providing input."

9 Another comment with no name. "Why would the
10 project not also go to the Los Osos Community Advisory
11 Council since the lands back up to and affect the Los
12 Osos community?"

13 There's another significantly long letter from
14 Margaret Webb of Cambria. "In order to provide" -- I'm
15 just going to summarize. "In order to provide
16 meaningful input for these very important decisions that
17 will determine the fate of the land involved, I will add
18 my voice to the Northern Chumash Tribal Council's
19 comments in support of commitment to Native American
20 tribal government self-determination, commitment to open
21 space and public access, protection of tribal resources,
22 sacred sites and culturally sensitive grounds through
23 deed restrictions and preservation and collaboration
24 with the community to create a dynamic multi-use
25 sustainable seashore that includes indigenous peoples."

1 Next has no name. "I'm very concerned to learn
2 about the new CPUC tribal land transfer policy and the
3 potential impacts this policy could have to Wild Cherry
4 Canyon, other Diablo lands and Avila Beach. During the
5 meeting, I was happy to hear that conservation easements
6 could be attached prior to any transfer away from PG&E
7 such that regardless of who owns the land, the
8 conservation values are protected and sustainable public
9 access is assured, in perpetuity. I strongly recommend
10 this occurs. The CPUC needs to have meeting for Avila
11 citizens to hear our concerns."

12 This is a question, again no name. "What is
13 the length of time for the first right of refusal?"

14 Another significantly long letter from Kathleen
15 Phelps. "Submitting comments to the newly adopted
16 tribal land transfer policy. Not significant" -- "not
17 sufficient public input. No one was aware that the
18 policy was being considered, not even the panel. We
19 should also be involved in any rule making for a policy
20 that affects the disbursement of any public utility
21 lands, and that your panel has heard a running support
22 for conservation," and that she thinks that the policy
23 is inappropriate. "Public utility investments have been
24 funded by all the public and all the public should
25 benefit from a disbursement of public utility lands."

1 The public utility did not steal these lands from Native
2 Americans. They bought them and presumably anyone else
3 could have bought the lands when they were for sale.
4 Lastly, if the lands are transferred to tribes or any
5 other entities, a conservation easement should be
6 attached."

7 The next -- oh, no. I thought I lost it. I
8 touched something wrong. The next is also a comment
9 from Kathleen Phelps. "If the lands go to a tribe and
10 become part of tribal lands, what controls do the
11 counties have on development as the tribes are a
12 sovereign nation?"

13 The next is a comment from John Ashbaugh. It's
14 a significant comment. He notes that he has been
15 actively advocating for the creation of the Pecho Coast
16 National Seashore, notes four significant reasons why
17 this would be a good idea and thanks you for considering
18 his views. Generally, that as a unit of the national
19 park system, federal funds are available, that the
20 national park system is founded on a premise of broad
21 public engagement and participation. As a national
22 park, it would continue to serve as an intact ecological
23 unit and that it would attract visitors from around the
24 world.

25 Linda Becker asks, "What is the status of

1 repurposing the desal plant and what is the status of
2 California recognizing nuclear power as an important
3 renewable power source?"

4 And Ariana, which is the last comment I have,
5 states that, "It is imperative land transfers from PG&E
6 include conservation easements. County residents have
7 been fighting for this for years. Additionally, the
8 decommissioning project must include protection of and
9 access to Diablo Canyon lands. Thank you."

10 MR. ANDERS: There's one more if you refresh
11 your screen.

12 MS. GRIFFIN: Okay. I'm refreshing. Oh, I
13 have, actually, a couple more.

14 Okay. Vita Miller says, "Tribal lands issue of
15 rights of first refusal: I do not have a problem with
16 that; however, there must be easement restrictions and
17 development restrictions in place and nature and
18 educational facility on site would be acceptable, but
19 access to areas that should remain pristine should be
20 allowed only on guided trail walks with knowledgeable
21 and conservation-leaning persons in charge. I'm not
22 supportive of any casino or resort-like development and,
23 yes, please urge the CPUC to have an informational
24 meeting in the County of San Luis Obispo with public
25 comment." And that's from Vita Miller, Los Osos.

1 This is the last one I have from Russell Hodin.
2 "While conservation of the Diablo Canyon lands has been
3 repeatedly affirmed by San Luis Obispo residents, I'm
4 concerned about the disposition of the land's ownership
5 in the face of the current bankruptcy proceedings and
6 looming court deadline for a proposed resolution. It is
7 all well and good to propose any number of conservation
8 and ownership options for public and/or tribal benefit,
9 but realistically, does this present" -- "does this
10 present exercise have legal standing under the current
11 legal cloud hanging over PG&E?"

12 MR. ANDERS: Thank you very much, Kami. I
13 think we all owe Kami a hand. Awesome.

14 Our last agenda item, I'm assuming the panel
15 doesn't want to do much discussion on this because we've
16 consumed that time slot. Anybody? Okay, Kara.

17 MS. WOODRUFF: I think we should have a chance
18 to make comments about the comments, right?

19 MR. ANDERS: Yes.

20 MS. WOODRUFF: Do you want me to proceed?

21 MR. ANDERS: Yes.

22 MS. WOODRUFF: First of all, thank you to the
23 community. It's amazing that so many people hung in
24 there with us and took the time to submit the comments.
25 So thank you.

1 MR. ANDERS: We had 46 comments.

2 MS. WOODRUFF: So by my count, about 33 of the
3 44 comments that were read concerned the land. So this
4 continues to be the issue that attracts the most
5 attention and interest by the public. I think three
6 questions came up. Number one, what conservation
7 easements being placed on lands that might belong to
8 tribes. I think Wendy brought up that question and my
9 response would be I think, and I think this community
10 believes, that any land transfers from PG&E should be
11 subject to conservation easements whether the land goes
12 to the tribe or governmental entity, a conservation
13 organization or a private entity because the only way to
14 ensure that the land is forever protected is there to be
15 a conservation easement attached. We may have great
16 intentions today, but there's no way of predicting what
17 governments or tribes or private entities or even
18 conservation groups will do two to three generations
19 from now. The conservation easement ensures that it's
20 protected and we don't have to worry about anything that
21 we can't foresee in the future.

22 One question, can a conservation easement
23 attach to any land? Yes. If PG&E either voluntarily
24 agrees to sell a conservation easement or is required to
25 turn over a conservation easement, in theory, that could

1 be done on any part of the lands, not only the 12,000
2 acres, but anything on the Parcel P, as well.

3 Another question, can a conservation
4 easement -- or do any policies apply to sovereign lands?
5 And I think this is a question that Sherri addressed
6 earlier, but if -- as I understand it, if land is owned
7 by a federally recognized tribe, then what they do with
8 that land is outside the purview of the local or state
9 government to control. This very question was
10 challenged in Santa Barbara County and I think the
11 courts upheld that sovereign nations are separate
12 nations and they're not subject to local or state rules
13 or regulations.

14 I think that covers the questions I saw. Thank
15 you.

16 MR. ANDERS: Thank you. Anyone else? Lauren.

17 MR. BROWN: There were several comments there
18 objecting to the fact that the CPUC's tribal ruling was
19 implemented, adopted without proper public input and the
20 suggestion that they should have a public meeting here
21 to at least give us some input into the guidelines, and
22 I think if I get the sense of this panel right, we agree
23 and I would propose that we ask Kara, on our behalf, to
24 draft a letter from the whole panel asking them to
25 schedule such a hearing here.

1 MS. SEELEY: I agree.

2 MS. DANOFF: Good idea.

3 MR. ANDERS: Any other comments or thoughts?

4 MS. WOODRUFF: I would love to draft the
5 letter.

6 MR. JONES: Just a comment on that expectation.
7 It wouldn't be a hearing. It would be a workshop for
8 implementation. The hearing process on the policy is
9 closed.

10 MR. ANDERS: Is anyone opposed to Lauren's
11 suggestion?

12 MS. WOODRUFF: I'd be happy to draft a letter
13 and send it around for everyone's input.

14 MR. ANDERS: So, Kara, if you'll draft that
15 letter and circulate it for comment before it goes out.

16 MS. WOODRUFF: Yeah. I think that's great.
17 And remember PG&E is also going to write such a letter.
18 So I think the two letters together could be pretty
19 powerful for the CPUC.

20 MR. ANDERS: Thank you. Yes, David.

21 MR. BALDWIN: I just wanted to, in the interest
22 of time, I guess, first compliment Linda on the really
23 informative and good report she did on dry cask storage
24 RFP process. I know it's kind of getting late tonight.
25 So maybe we won't go into a lot of discussion, but I

1 think that's an item that deserves more discussion. The
2 public has a lot of interest in it. It's not always
3 well understood, I don't think, by a layperson. It's
4 complicated and how it relates to decommissioning in
5 particular. After all this decommissioning expense and
6 process that we talk so much about, the ISFSI facility
7 will still be there when all that's done and so I think
8 it's important that we devote the amount of time and
9 also that might mean more information on our website,
10 for instance, or bringing this up at another meeting. I
11 just don't want that issue to end tonight without enough
12 proper discussion that I think it deserves.

13 MR. ANDERS: And I think by the end of this
14 month, we will have the risk assessment study available,
15 too. So that will be an opportunity for discussion.

16 MR. JONES: You'll have more information at the
17 end of this month and it's the topic, I believe, of your
18 September meeting, correct? Yeah, transportation this
19 summer and fuel in September.

20 MR. ANDERS: Yes, Sherri.

21 MS. DANOFF: Quick question for Tom. Does the
22 RFP for the dry cask storage solutions potentially
23 include containment with climate control?

24 MR. JONES: It's up to the vendors that bid on
25 that.

1 MS. DANOFF: Okay. Thank you.

2 MR. ANDERS: Any other questions or comments?

3 Yes, Nancy.

4 MS. O'MALLEY: Two words that I heard over and
5 over in the comments were mitigation and easements and
6 it seems like there really seems to be overwhelming
7 interest in finding out if there can be any further
8 mitigation of the lands and I think that the community,
9 you know, they stated really there's a burden not just
10 on having this long-term ISFSI in the spent fuel on the
11 land, but also the whole decommissioning process that's
12 going to go on for ten years and so I think those are
13 issues we don't have answers now, but they will be
14 things that will be addressed.

15 Somebody asked about how is the land
16 transferred, is it sold, is it donated. Those are all
17 unanswered questions, but it could be any of those
18 things and that's where the whole permitting process
19 ties into that. So stay tuned for more information.

20 MR. ANDERS: Thank you. I would like to thank
21 the panel and particularly those who submitted comments.
22 They would all love to be here in person or many of them
23 and it was hard for them to give that up and it took
24 work to put these comments together. So 44, 46
25 comments, that's pretty impressive and I thank everyone

1 for taking the time to submit those comments to the
2 panel.

3 MS. SEELEY: I just want to say one thing.
4 Thank you, Chuck, because you actually made this process
5 possible for the public to input their comments and to
6 be received online and I really, really appreciate that
7 and I think all of us panelists do. Thank you.

8 MR. ANDERS: Thank you. That's my pleasure.

9 Next item, last item on the agenda is Sherri,
10 quick update about what's in store. I've got the
11 clicker. I'll do it for you.

12 MS. DANOFF: Thank you.

13 MR. ANDERS: Just give me the eye sign.

14 MS. DANOFF: Okay. Well, our next meeting,
15 which is June 24th, is for transportation considerations
16 for decommissioning and this relates only to
17 non-contaminated waste, and in a future meeting, we'll
18 talk about the contaminated waste such as used fuel,
19 spent fuel.

20 Do the next. There's a study being prepared by
21 the Garrick Institute for Risk Sciences at UCLA. They
22 will be doing a transportation risk assessment and look
23 at different transportation modes and that would include
24 barging from Diablo.

25 So last one. And the objectives of

1 transportation analysis are to maximize safety and
2 minimize disruption to affected communities. Thank you.

3 MR. ANDERS: Thank you. That concludes our
4 agenda. I want to apologize again for technical
5 difficulties, not sure what happened, but we got it all
6 worked out, and, also, thank the panel and everyone
7 watching online for hanging in there and being part of
8 this important discussion. Thank you and we are
9 adjourned.

10 (The proceedings adjourned at 9:59 p.m.)

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