



October 2015  
Volume 52 No. 9

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### Don't Miss:

9 a.m. Wed., Oct. 14

**Quarry Trail  
Maintenance in  
Morro Bay State Park**

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# SANTA LUCIAN



*Protecting and Preserving the Central Coast*

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

## Oil vs. Aquifer

Last February, the state's Division of Oil, Gas, and Geothermal Resources (DOGGR) got caught allowing oil companies around the state to inject toxic oil field wastewater into protected aquifers (see "Oil in Your Water," March).

Horrified by the obvious threat they had created to California's groundwater supply and the health of millions of people and the environment, the mortified agency immediately issued cease and desist orders to oil companies operating 2,500+ illegal dumping operations, promptly bringing the disastrous practice to a halt.

Just kidding.

What DOGGR really did was write up a new "emergency rule" to inconvenience oil companies as little as possible, allowing them to keep doing what they're doing for another year or so with an option to legalize the illegal practice. If they wanted to continue dumping beyond a termination date, they could go legit by asking DOGGR to find that the protected aquifers they are fouling are exempt from the Safe Drinking Water Act.

First out of the gate to take DOGGR up on that exemption offer and poten-



**Pump & dump!** Ash Lauth of the Center for Biological Diversity works the crowd outside the SLO meeting on the proposal to exempt an aquifer from the Safe Drinking Water Act.

tially set a precedent for the rest of the state: Freeport McMoRan, current proprietor of the Arroyo Grande oil field, looking to expand production with 350 new oil and injection wells and in need of an exemption to keep pumping and dumping outside their permitted area. DOGGR held a public

hearing on the exemption request on September 21.

About a hundred people showed up at the SLO Courtyard Marriott that day, first for a rally held by The Center for Biological Diversity, Californians

*AQUIFER continued on page 5*

## On October 6, Help the County Make the Right Choice

The deadline for SLO County to declare if we want to participate in a feasibility study for a Community Choice Energy program with Santa Barbara and Ventura Counties is October 15.

The County can be a part of the cost-sharing feasibility study, but they have to act fast.

Here's why they should take Santa

Barbara's offer: Community Choice allows communities to pick their energy providers, increase the amount of renewable energy produced in California and achieve statewide emission reduction goals. California counties that have implemented Community Choice have found that it provides lower electricity costs, rate stability, economic development and clean energy jobs, in addition to reducing greenhouse gas emissions at a faster and steeper rate than anything investor-owned utilities could offer.

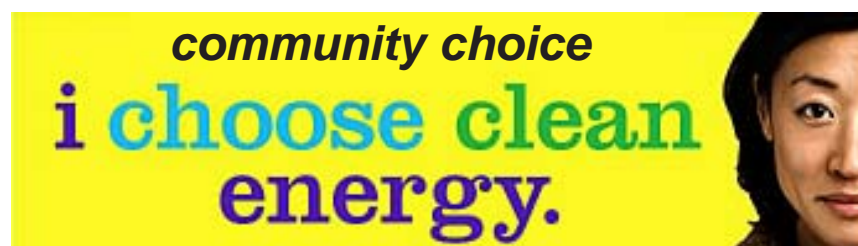
Public pressure drove a promise to evaluate Community Choice into the County's energy plan three years ago, but since then, the County has stalled.

The first step to begin actively exploring Community Choice Energy (also known as Community Choice Aggregation or CCA) is to conduct a feasibility study. Sharing the cost with neighboring counties and cities is the best way to go. The County of Santa Barbara voted to spend \$400,000, and

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photo/Karen Webb

It's time for America to get smart about energy and be less dependent on dwindling oil reserves. We need to increase our use of clean, renewable energy sources like wind and solar power.

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Explore, enjoy and protect the planet

# Carve Your NIMBY Name with Pride

by Andrew Christie, Chapter Director

How did it become socially unacceptable to defend your home?

On September 6, *L.A. Times* columnist George Skelton provided a prime example of the problem, urging the need to “reform” the California Environmental Quality Act (CEQA) and save us all from NIMBYism.

The time has come to reclaim the “NIMBY” epithet.

Development interests have advanced the narrative that CEQA destroys jobs and stifles economic growth because of NIMBYs. In truth, good projects that avoid or fully mitigate their environmental impacts and are planned responsibly rarely run afoul of CEQA. Projects that ignore or mischaracterize their impacts, cut corners in the planning process, and rely on political persuasion to get enough votes sometimes wind up in court and fare poorly there. Developers see that as untenable. Thus the annual parade of end-of-session, project-specific CEQA exemptions that has become a sad Sacramento tradition of late.

The first two get-out-of-CEQA projects, sports stadiums in Los Angeles, were completely exempted from the law. The fact that both projects fell apart under their own weight anyway is a poetic irony. This year’s proposed CEQA exemption du jour is a blanket exemption for highway projects. This means if a highway expansion fills wetlands, paves over agricultural soils or Native American sites, contributes to local congestion or degrades air quality, too bad. Since only NIMBYs object to such impacts, not only can we dismiss their objections, we can feel righteous in doing so.

But there is inherent value and dignity in people fighting to defend the places they love, whether it’s the tree-lined block they live on, or the park down the street, or the wilderness that defines their home landscape. What’s wrong with the idea of people fighting to protect their communities from development that degrades and destroys? In any context other than interfering with profits, it would be seen as patriotic and noble.

Would-be CEQA “reformers” presume the Building Industry Association, the oil industry, corporate health care industry and all the other players in the private sector to be the arbiters of the public good. Framing people who care enough about their home place to engage in its defense as selfish, narrow-minded elitists who won’t willingly sacrifice for the “greater good” – defined as high-rise buildings, residential subdivisions, power plants, late night bars and other commercial developments — is a cynical PR tactic of big business, who would otherwise be seen as the Goliath to neighborhood Davids. Following the NIMBY-as-epithet logic, the only acceptable advocacy would be for places we have no personal connection with. How does that make sense?

Environmental advocates lose far more fights than we win. One of the things that keeps me going is picturing all the other activists all over the world whom I will never meet or even hear about, knowing that they are fighting, in their own ways, to preserve their precious little corner of the planet. It lifts my heart to be a part of this disassociated resistance to the relentless dismantling of the earth, on stages big and small. I hold to the idea that if we all do what we can, where we are, to save what is dear to us, collectively the world will be a better place.

We need to reclaim the word NIMBY and wear it like a badge. (Think “Obamacare.”) We should plant a metaphorical flag in the ground and say, “Hell no, not in my back yard!” That’s what the communities around the boreal rain forest in Canada are saying, the communities overlying the Ogalalla aquifer, and the indigenous people of the Niger Delta and the Amazon rain forest and Laguna San Ignacio. Because everywhere is somebody’s back yard.



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MEMBER

Karen Merriam (12/15)

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COUNCIL OF CLUB LEADERS  
Lindi Doud, Patrick McGibney  
TREASURERS

The Executive Committee meets the second Monday of every month at 5:30 p.m. The Conservation Committee meets the second Friday at 1p.m. at the chapter office, located at 974 Santa Rosa St., San Luis Obispo. All members are welcome to attend.

#### Committee Chairs

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Vacant

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**Choice**

*continued from page 1*

the City of Santa Barbara added \$50,000, to conduct the study. Ventura County has voted to join with \$50,000.

The county and the cities within San Luis Obispo are invited to participate in the technical study to find out if Community Choice Energy is feasible and will work for our residents and businesses. If SLO County joins this cost-sharing feasibility study, we can save money and start the exploration process.

Our neighbors to the north — Monterey, Santa Cruz and San Benito counties — will be completing their joint technical feasibility study by the end of the year. Santa Barbara and Ventura counties have committed to join together in this feasibility study opportunity. *San Luis Obispo is currently the only Central Coast county not taking any action to explore Community Choice Energy.*

At the supervisors' July 14 meeting, SLO Clean Energy alerted the Board to the offer and its original deadline: Sep-

tember 1. The supervisors directed staff to look into it and report back to the Board.

The deadline came and went with no report and no action by the Board. The last chance is coming up. If SLO County is to move down the road to Community Choice Energy, it has to act now.

The SLO Supervisors have tentatively scheduled for October 6 discussion of participation with Santa Barbara and Ventura counties as the first step to explore Community Choice Energy. As we go to press, the agenda has not been confirmed, but as you read this, it should be. Go to: <http://www.slocounty.ca.gov/bos/BOSagenda.htm>.

Pending that confirmation, everyone needs to show up and speak out at this meeting. The Supervisors need to hear how important Community Choice Energy is for everyone (truly, every single person) in our community.

If you absolutely can't make it to the meeting, email your Supervisor right now:

- Supervisor Frank Mecham - [fmecham@co.slo.ca.us](mailto:fmecham@co.slo.ca.us)**
- Supervisor Bruce Gibson - [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)**
- Supervisor Adam Hill - [ahill@co.slo.ca.us](mailto:ahill@co.slo.ca.us)**
- Supervisor Lynn Compton - [lcompton@co.slo.ca.us](mailto:lcompton@co.slo.ca.us)**
- Supervisor Debbie Arnold - [darnold@co.slo.ca.us](mailto:darnold@co.slo.ca.us)**

To send a message to all the Supervisors, go to <http://www.slocounty.ca.gov/bos/BOSContactUs.htm>.

Ask them to explore Community Choice Energy now. Your message can be this simple:

*Dear Supervisor \_\_\_\_\_,  
Please explore Community Choice Energy. Please act now to join the cost-sharing feasibility study opportunity with the counties of Santa Barbara and Ventura.*

Feel free to add any of the benefits of a local clean energy program:

- Choice & Competition
- Long Term Electrical Rate Stability
- Local Control & Accountability
- Local Jobs and a Strong Economy
- Clean Energy & Local Self-Reliance

This is it. The longer we wait, the more we miss out -- on cost savings, greenhouse gas reduction, and reinvesting in the local economy. Sonoma Clean Power saved their residents and businesses \$13.6 million after their first year of operation.

We need to have the ability to make a choice if we want to create a better future.

**The longer the County waits to make a decision, the more money you're paying on your electric bill.**

# The Long & Winding Road to Community Choice Energy



*Assembly Bill 117 establishing Community Choice Aggregation (CCA) was passed in 2002, giving California cities and counties the ability to break with the monopoly private utilities and purchase clean power for their citizens. It's been an uphill battle ever since, but lately, the forces of local clean energy have been winning.*

*As it prepares to deliberate on whether to take up Santa Barbara County's offer to participate in a joint feasibility study for a Community Choice energy program, the SLO County Board of Supervisors is in a position to make a down payment on the kind of spectacular results Marin and Sonoma Counties have achieved with Community Choice.*

*Come with us on a stroll through the past decade of struggle over Community Choice in California, via the archives of the Santa Lucian, for a picture of the state of play on CCA -- what has all led up to this moment for SLO county.*

**October 2006: From "We've Got the Power"**

San Luis Obispo is the site of "Smart Energy Solutions: It's Our Choice," a regional community summit at the SLO Vets Hall on October 10, a day of panels, booths and presentations covering the range of possibilities for the central coast's transition to a clean energy economy.... 12:30 p.m. - 1:30 p.m. Lunch Keynote: It's Our Choice – Paul Fenn, author of California's 2002 Community Choice law, San Francisco Solar Power Facility proposal, and Energy Independence Ordinance.

**November 2006: From "You Have Five Years: Landmark SLO energy summit opens window of**

**opportunity on Community Choice"**

Fenn, the author of San Francisco's Solar Power Facility proposal – the nation's largest – and of the bill that became California's Community Choice law in 2002, introduced Summit attendees to the concept of community choice aggregation (CCA), which allows communities to combine their energy-buying purchase power and put out competitive bids to buy up to 100 percent green power while also getting much better rates from providers as a public entity than private entities. CCA, in addition to meaning greener power, offers a set contract with a reliable rate structure with purchasers not at the mercy of steep

price jumps....

In response to a question from the audience, Fenn allowed that a CCA program of green power and energy efficiency could

satisfy the energy needs currently met by the Diablo Canyon nuclear power plant, provide more jobs, and cut the hard costs paid by ratepayers but which efficiency programs avoid. As far as the environmental benefits of CCA, it would "probably be the best thing to happen to the environment in this community in 100 years," he said.

**March 2007: From "CCA is On the Way- Community Choice is catching fire in California"**

Marin County and its cities are actively studying setting up a joint-powers authority to implement this procedure of "Community Choice Aggregation" (CCA). That way Marin could get more than half its electricity from clean, renewable, environmentally preferred sources while meeting or beating PG&E's rates.... Is there a risk in CCA? Robert Freehling of the

Sierra Club California Energy and Climate Change Committee reverses the question: how big a risk is it to stay with PG&E? The energy "crisis" of Enron days, says Freehling, was caused by over-reliance on one form of energy, natural gas. PG&E still gets 40 to 50% of its electricity from imported natural gas. Freehling says the price of photovoltaic solar energy "has come down a lot" in the past few decades, while the price of PG&E's electricity has gone up about 4% a year since 1980. So "in looking at risk, it's important to look at the consequences of staying where you are."

**March 2007: From "Our Energy Future is Here"**

SEA Change is a remarkable coalition working to bring together local



*CHOICE continued on page 8*

## Call for Candidates

The world's most democratic environmental organization (us) needs you!



Yes, Santa Lucia Chapter member, you can run for Executive Committee and have a say in decision-making in the Sierra Club as an elected Club leader. The ExCom is an administrative body; we need people who can take minutes, organize committees, inspire participation and/or organize members. Conservationists are welcome, but the Chapter also needs volunteers who like to handle the needs common to all organizations. If you have some time and would like to help this great organization, please volunteer to run for a seat on the ExCom. Each winning candidate will be elected to a three-year term. The Executive Committee meets monthly at the Chapter office in SLO.

You may nominate yourself or suggest anyone else to any member of the committee. Members may also run by petition, signed by 25 members of the Chapter in good standing. Nominations will be accepted for review and evaluation until 5 p.m. Friday, October 16.

You may submit nominations to [sierraclub8@gmail.com](mailto:sierraclub8@gmail.com) or Sierra Club, P.O. Box 15755, San Luis Obispo, CA 934304.



# Can This Basin be Saved?

This month, a superior court judge is expected to review and approve the Basin Plan prepared by the parties to the adjudication of the Los Osos Groundwater Basin.

The draft plan was prepared by the three water purveyors over the Los Osos basin: Los Osos Community Services District, Golden State Water Company and S&T Mutual Water Company, along with the County of San Luis Obispo, as part of the adjudication of groundwater resources.

The Los Osos Basin Plan is intended to be a comprehensive “physical solution” to the overdraft of this “high priority” endangered groundwater basin. But the evidence, including reports prepared by the County’s own retained experts, demonstrates that the Basin Plan is unlikely to adequately protect the Los Osos Basin from the rapid advancement of seawater.

Serious technical problems continue to plague the Basin Plan, including a failure to acknowledge or calculate the uncertainty factor inherent in utilizing computer models to predict seawater intrusion and the effectiveness of the proposed relocation of drinking water wells. (See “Chapter Submits Comments on Los Osos Basin Plan,” July). Other issues include a failure to maximize the effectiveness of water conservation programs, inadequate monitoring, and a failure to consider the environmental impacts of the Basin Plan.

Before the County and the Los Osos CSD formally adopt the Basin Plan, the County as the lead agency should undertake meaningful review of the potential impacts of the Basin Plan, including a discussion of feasible mitigation measures and alternatives to address any impacts deemed to be potentially significant.

The most important stated goals of the Plan are (1) to halt seawater intrusion into the Basin and (2) to provide sustainable water supplies for existing and future residential, commercial, institutional, recreational and agricultural development within Los Osos.

Unbridled residential and commer-

cial development in Los Osos has resulted in groundwater extractions that exceed the sustainable yield of the Basin. According to the Plan, this is especially true in the Lower Aquifer in the Western Area, where falling groundwater levels induced intrusion of seawater into the Basin. Seawater intrusion can irreparably damage the aquifer as a source of water supplies for Los Osos.

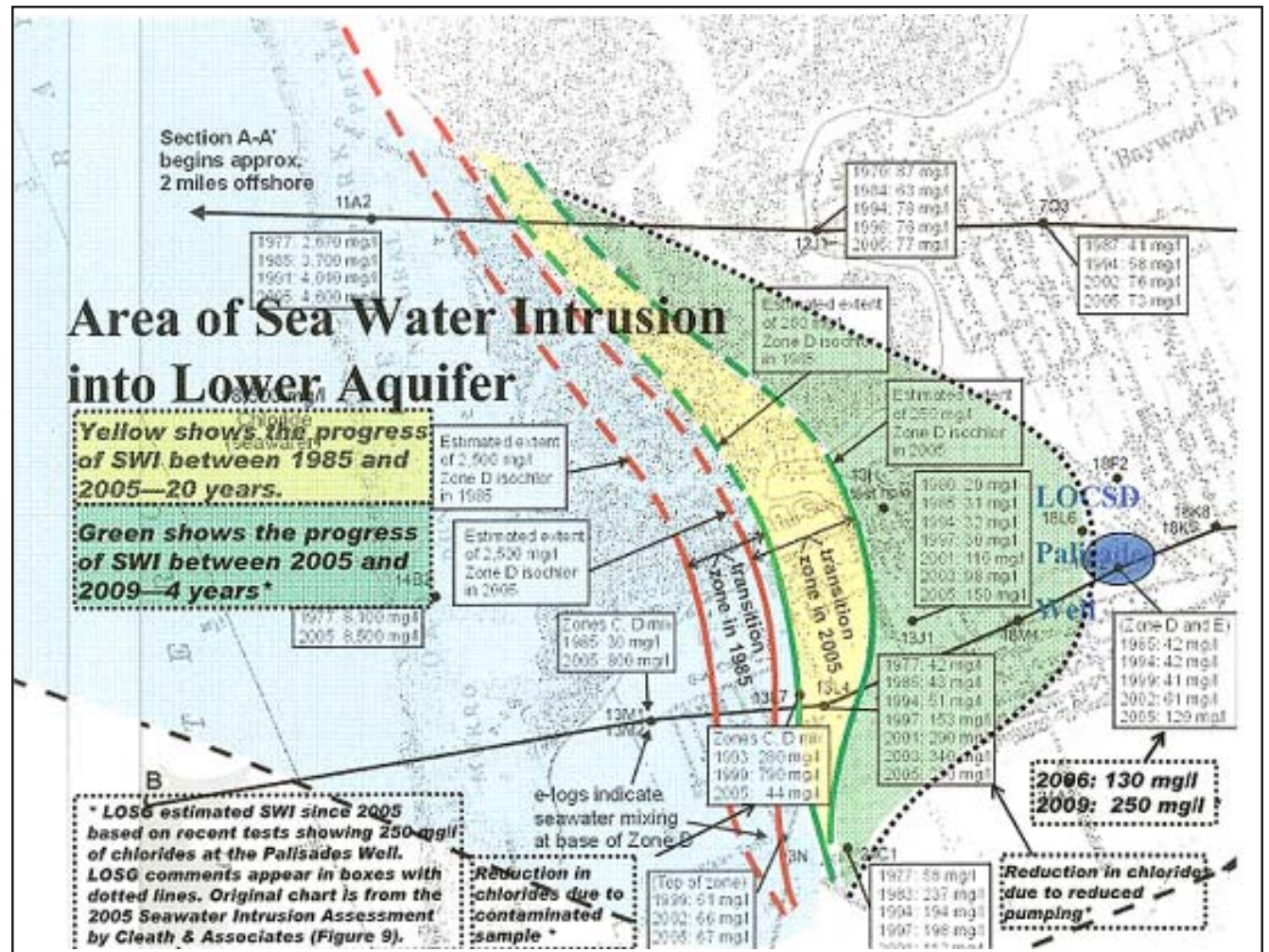
According to the Plan, it “analyzes seven potential programs of action, each of which focuses on a different aspect of Basin management.” Some programs are intended to reduce demand, while others are intended to increase sustainable yield. Some programs, such as the “Water Reinvestment Program and Supplemental Water Program,” are described as hybrids, with both demand- and supply-side impacts. The Basin Plan expects that implementation of these programs would achieve a sustainable Basin.

The Water Reinvestment Program calls for “reinvesting all water collected and treated by the LOWWP in the Basin, either through direct percolation to the aquifers or reuse.” This program promotes the reuse of all treated wastewater from the LOWWP for the benefit of the Basin, specifically for discharge at the Broderon and Bayridge Estates leach fields, urban reuse at various locations, and agricultural reuse in the Eastern Area.

However, at full buildout, Los Osos would generate approximately an additional 340 AFY wastewater, all of which has been designated for agricultural use.

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Basin Infrastructure Programs are intended to transfer groundwater production from the Lower Aquifer to the Upper Aquifer and shift some production from the Western Area landward into the Central and Eastern Areas. This shift is intended to increase maximum groundwater production from the Central and Eastern Areas, increasing the sustainable yield.

It is clear that the implementation of these programs is capable of causing significant impacts on the environment. The Water Reinvestment Program would result in additional water removed from the aquifer but reused in agriculture, with unknown return to the aquifer. The net loss of water to the aquifer is capable of causing a significant impact, including increasing the rate of seawater intrusion.

The most critical aspects of the Basin Plan are the Infrastructure Programs, which would relocate the community’s drinking water wells and shift the impact of such extraction from the lower aquifer to the upper and more inland.

The Basin Plan calls for three new water supply wells east of Los Osos Valley Creek. New pipelines would be required to connect the wells to the existing Los Osos Valley Road main, with lengths of approximately 1,500 feet, 2,500 feet and 5,000 feet.

The Basin Plan does not discuss the environmental impacts of the construction of new wells, the expansion of existing wells, or the construction of the necessary pipelines. The new proposed wells can have adverse impacts on sensitive habitat and related species, including the riparian habitat on Willow and Los Osos Creeks.

The Basin Plan itself estimates that the relocation of wells would stop the flow of 220 AFY of groundwater to Willow Creek, which supplies Los Osos Creek.

## Uncertainty and future mitigation

The Basin Plan vaguely admits that the models on which it relies are inherently uncertain, but does not adequately quantify the uncertainty or discuss the potential environmental

impacts of the inherent uncertainty. Likewise, the Basin Plan fails to define the type of mitigation measures needed to address the potential uncertainty.

The Basin Plan states:

*The Model assumes that a given set of conditions persists over time, without changing. This obscures potential drought impacts and precludes evaluating seasonal Basin management strategies. Use of the steady state model may also lead to a more limited understanding of the advance or retreat of the seawater-freshwater interface.... Depending on the extent to which any of the uncertainties described above are realized and impact Basin supply and demand, additional actions may need to be taken in the future to secure a reliable water supply for the Basin.*

The type of rigorous analysis required under the California Environmental Quality Act would ensure that the impacts of the uncertainty are better understood and well-defined and predictable mitigation measures are in place to ensure that circumstances such as a prolonged drought, climate change and sea level rise are adequately addressed in order to avoid or at least minimize impacts to biological resources or to the Basin itself because of accelerated levels of sea water intrusion.

Because approval of the Basin Plan is patently capable of resulting in significant environmental impacts, it should have been thoroughly vetted and rigorously analyzed before the court approves it, along with an analysis of all potentially feasible mitigation measures and alternatives that could achieve most of the Project’s basic objective, which ought to be elimination of the threat of salt water intrusion and nitrate pollution, not enabling “future residential, commercial, institutional, recreational and agricultural development.”

The failure of the County to conduct a thorough environmental analysis of the Basin Plan does not bode well for the Basin.



**Aquifer**

*continued from page 1*

Against Fracking, SLO Clean Water Action, the Santa Lucia Chapter of the Sierra Club, and SLO 350 to call on Governor Brown and his regulators to protect our water and deny the application. Then we went inside to testify against the plan.

To get their exemption, Freeport McMoRan must prove that the aquifer exemption and wastewater injection

will not harm other water that is used for drinking, agriculture, and other domestic and beneficial uses.

Local residents and representatives from the Center for Biological Diversity, Sierra Club, Clean Water Action and the Natural Resources Defense Council pointed out that Freeport McMoRan’s application does not, among other failings:

- evaluate the impacts of earthquakes (including those that could be caused by wastewater injection) and their

potential to alter groundwater flow, causing water from the contaminated aquifer to flow into groundwater sources currently tapped by more than 100 private wells in the vicinity

- provide an analysis of the chemical composition of the wastewater injected back into the aquifer

- mention those plans to dramatically expand operations in this oil field with up to a ten-fold increase in daily oil production that would likely also result in a major increase in wastewater

production, and no analysis of what will happen to the aquifer if that expansion proceeds— including possible changes in pressure, the potential for inducing fractures, chemicals that will be used, etc.

Center for Biological Diversity attorney Maya Golden-Krasner summed up the basic problem, saying “making legal what is currently illegal is not the way to proceed.”

There was no word on when state regulators might render their decision.



Are we exempt yet? A State Water Board official walks residents through the process at the September 21 DOGGR hearing in SLO.

## Why We’re Suing DOGGR

The Center for Biological Diversity and Sierra Club are suing the Division of Oil, Gas, and Geothermal Resources for continuing to permit oil companies to inject waste fluids into California’s protected aquifers.

State and federal laws safeguarding our dwindling supply of water resources are designed to prevent damage before it occurs. Strict adherence to these laws is crucial in dire circumstances like the current drought, in which the governor has declared California’s first-ever mandatory water use restrictions.

DOGGR admits that for years it has improperly allowed thousands of wells to inject oil wastewater into protected aquifers in violation of the law. Rather than halting the illegal activity, DOGGR has promulgated a new set of “emergency” rules that allow ongoing illegal injections. These rules turn the definition and purpose of a public emergency upside down.

Per state statutes, emergency rulemaking applies in a situation that calls for immediate action to avoid serious harm to the public peace, health, safety or general welfare. A finding of emergency may not be based on expediency, convenience, best interest, general public need, or speculation.

DOGGR offered two rationales for its emergency rulemaking. First, that failure to phase out illegal injections by the stated compliance deadlines “would seriously jeopardize the federal government’s ongoing approval of the State’s UIC Program;” and second, “codification of the compliance schedule as an emergency regulation will provide the level of certainty operators need in order to revise their business plans.”

A regulation is invalid if the agency’s determination that the regulation is necessary to effectuate the purpose of the statute is not supported by substantial evidence. We have pointed out that DOGGR has not provided substantial evidence of the existence of an “emergency” as defined by state law or shown that these regulations address such an emergency, therefore the emergency regulations are contrary to state and federal law.

The emergency here -- one might think -- is the ongoing contamination of California’s underground water supply. DOGGR’s promulgation of the Aquifer Exemption Compliance Schedule Regulations continues to harm the public because it continues the illegal authorization of oil wastewater injection into protected aquifers. But neither of DOGGR’s stated reasons for emergency rulemaking addresses or concerns public welfare, health or safety.

Last March, the Chief Deputy of the State Water Board testified that ongoing Class II well injections were contaminating the receiving aquifers (“Any injection into the aquifers that are not exempt has contaminated those aquifers . . . . What we found is that the aquifer, no surprise, has the material that was injected into it.”)

State legislators wrote to the governor, “Testimony at the hearing in conjunction with a recent report by CalEPA revealed that California’s [Underground Injection Control] program is broken and the state’s groundwater resources are not being adequately protected. There have been decades of poor data management, lax and effectively incompetent oversight and implementation of UIC permitting and egregious administrative confusion by DOGGR and US EPA” (Cal. Legislature Letter to Gov. E. Brown (March 20, 2015).

The legislators requested that immediate steps be taken to stop illegal injection into protected aquifers. Instead of ordering the immediate cessation of all current illegal injections, on April 2, DOGGR proposed emergency “Aquifer Exemption Compliance Schedule Regulations” to allow the illegal injections to continue.

That’s why we’re suing them.

## Morro Bay Takes a Step Toward Sanctuary

National marine sanctuary opponents lose local stronghold

Once, the City of Morro Bay could be counted on to churn out resolutions of opposition to the formation of a national marine sanctuary like the Keebler elves make cookies. For years, the perpetually regulation-averse Morro Bay Commercial Fishing Organization had only to flex its pinky finger whenever it wanted a city council majority to fall in line and draft another wildly inaccurate testament to fear-mongering as an official resolution against the imagined horrors of national marine sanctuaries.

Until the night of September 22.

The National Oceanic and Atmospheric Administration (NOAA) is due

to decide to accept or reject the nomination of the Chumash Heritage National Marine Sanctuary in early October. Seeking to beat the deadline, sanctuary foes hastily arranged for the Morro Bay Harbor Advisory Board to deliberate on the sanctuary at their September 15 meeting so that a recommendation could be agendized for the City Council meeting the following week.

The harbor board, completely in the control of commercial fishing interests, was a slam dunk, predictably passing along a unanimous recommendation

*SANCTUARY continued on page 9*

**MOTHERS FOR PEACE**

Danceable Fundraiser Featuring:

**Saturday, October 10<sup>th</sup>**  
**3 pm to 6 pm**

**Hidden Springs Tree Farm**  
 3202 Monterey Road  
 Atascadero, CA 93422

**ADMISSION – \$15 PER PERSON**

**PIZZA, WINE, BEER – \$5 EACH**

(NO CREDIT CARDS)

Please Bring Your Own Chairs



# South County Grapples with Oil-by-Rail

## Phillips 66 rail spur project gets no love in Pismo, Grover Beach, Arroyo Grande

Three South County communities that had previously taken no position on the Phillips 66 refinery rail spur project finally broke their silence last month. (See Santa Lucia Chapter blog posts at [www.sierraclub.org/santa-lucia/santa-lucia-blog](http://www.sierraclub.org/santa-lucia/santa-lucia-blog), “When Does Silence Become Scandal?” and “Cracks in the Cone of Silence.”)

Take a bow, all you Pismo Beach, Grover Beach and Arroyo Grande Sierra Club members who responded to our e-mail alerts and urged your city councilmembers to take action, and all those who trooped up the microphone for the public comment period at multiple council meetings over several months, finally forcing the three councils to agendize the Phillips 66 project.

And, of course, the work of citizens didn't stop there, because what actually got placed on the agendas of all three councils was very weak beer. All made an attempt to shift the focus from the impacts of the Phillips 66 oil-by-rail project to a vague, pointless discussion of national rail safety rules. We pointed out two problems with that strategy: 1) urging the feds to strengthen the rules for the transport of high-hazard crude oil is only an issue of local concern if such a hazardous oil train project has been permitted and those trains are already here, and 2) the opportunity to send letters urging the feds to strengthen those safety measures ended last May when the Department of Transportation issued the new rule, hence a proposal to send such a letter now is more than four months too late.

The councils also proposed to send letters to the County Planning Com-

mission citing concerns about the Phillips 66 project but did not include anything resembling a request for a specific action.

The public wasn't having it, and neither were we and the groups we work with in the **protectslo.org** movement. The Sierra Club pointed out to the Pismo Beach City Council at their September 15 meeting that if the ostensible subject of a letter addressed to the County Planning Commission is “heighten[ed] concerns about rail safety and adverse environmental impacts among many of our citizens,” such a letter should logically conclude with a discernible request for action instead of the inscrutable text that concluded the City's draft letter: “We would appreciate the Planning Commissions [sic] consideration in reviewing the rail safety issues.”

What kind of consideration? And did the Pismo Beach City Council seriously think the County Planning Commission is likely to overlook the

project's safety issues in the course of reviewing the project unless the City sent them a reminder to take a look?

At the insistence of Councilwoman Sheila Blake, Pismo's letter grew teeth. The council agreed to strike the meaningless concluding sentence and take an approach suggested by the Sierra Club. The letter they sent said: “We would like to add our opposition to the proposed project along with the large number of cities citing the 11 Class 1 environmental impacts unless those impacts can be mitigated.”

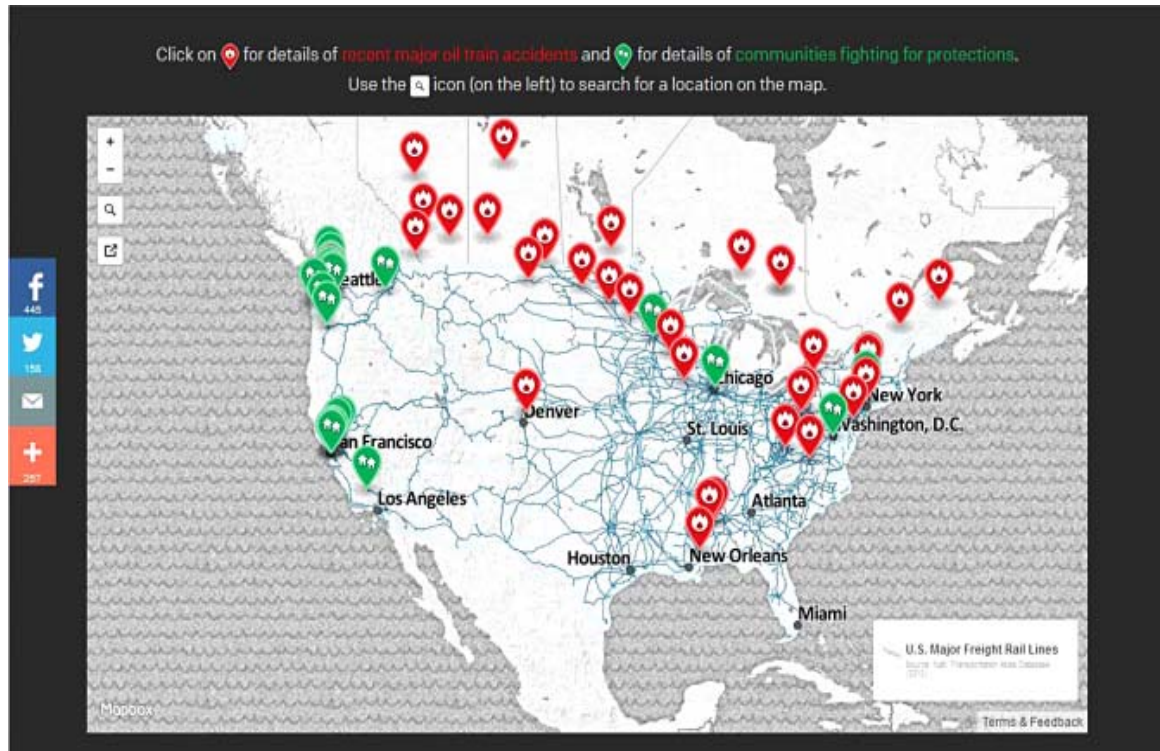
Grover Beach and Arroyo Grande were up next, with back-to-back city council meetings on September 21 and 22. Again, the “federal rail safety” diversion attempt failed at both councils. Phillips 66 brought out more than forty employees in green t-shirts to the Grover Beach City Council, representing Phillips' new “Protect SLO Jobs” p.r. campaign (an attempt at a riff on “Protect SLO”). They all repeated the line that Phillips 66 has a great safety

record, jobs allegedly at risk, etc.

The city council saw through it, went beyond their staff's recommendation to send a weak rail safety letter to the feds, and voted to formally oppose the project.

We have no doubt that the Phillips 66 machine went into high gear after their unexpected trouncing in Grover Beach and poured it on behind the scenes to try to pull out a win in Arroyo Grande.

It availed them not. The council not only refused to support the project, they nearly sent the County a letter of opposition, a motion that lost on 3-2 vote. The A.G. Council could have gone along with the Arroyo Grande-Grover Beach Chamber of Commerce, the only notable entity in the County that has gone on record in support of the project. But the Council broke with the Chamber, a testament to the power of the **protectslo.org** movement and the degree to which the word has penetrated on the extreme undesirability of this project.



It can't happen here? For oil trains' burgeoning accident rate, go to [Earthjustice.org/features/map-crude-by-rail](http://Earthjustice.org/features/map-crude-by-rail).

## Coastal Commission May Decide the Fate of Seaworld's Orcas

On October 8, the California Coastal Commission will hear a request by SeaWorld for a permit to expand their facilities for captive orcas.

Sept. 22, 2015

Dear Chairman Kinsey and Coastal Commissioners

The signatories to this letter represent non-profit NGOs, foundations, and advocacy organizations dedicated to environmental conservation and restoration, animal welfare, social justice and coastal protection. We are profoundly concerned about the plight of captive orcas around the world, including those at SeaWorld's San Diego facility. We are writing to express our support for the Commission to condition any permit that it approves for Sea World's Blue World project to prohibit the breeding of orcas and the transfer of any whales to anywhere but a sea pen sanctuary.

In order to ensure that the orcas actually benefit from the expansion of the tanks, it is critical that the expansion is only allowed for the orcas who are currently housed at SeaWorld rather than a blanket permit that would allow SeaWorld to breed and warehouse even more orcas, thereby defeating any benefit of the new tank. The capture, keeping and breeding of orcas in captivity for the purpose of providing entertainment is totally inconsistent with the Commission's mandate under the Coastal Act to maintain, enhance and restore and protect marine resources and to provide special protection to species of special biological significance, which orcas most certainly are.

This Commission has a long history of concern for and protection of whales and other marine mammals. On the other hand, SeaWorld has a long history of confining these highly intelligent, social animals in concrete enclosures, utterly devoid of natural

features, and handling them in ways that are detrimental to their health, all the while justifying their exploitation under the guise of public education. However, because these orcas are forced to live in such unnatural conditions and are deprived of the ability to engage in normal, species-specific behaviors, the audiences for whom they perform walk away with no real education about true orca behavior. We believe the Commission must take a hard look at SeaWorld's proposal and understand it for what it really is. If the Commission does this it can come to only one conclusion, that in the 21st century this practice must end.

This proposal does not genuinely improve or enlarge the “habitat” for SeaWorld's orcas because a concrete tank, no matter what the size, cannot be considered to be “habitat.” The new tank is a viewing tank, connected to the existing Shamu Stadium complex through a short, narrow channel that is gated at either end. SeaWorld will

retain most of the existing tanks and train the whales to transit through this channel, into the larger tank for viewing by the public. This means that the new tank will be accessible to the whales only at management's discretion; in short, it will be available to some of the whales only some of the time. Regardless of how large the tanks are, the proposed tanks will still be orders of magnitude smaller than an orca's natural home range. Moreover, if the purpose of the SeaWorld expansion is to breed or otherwise acquire additional orcas, it will negate any minimal benefit that might be served by providing a larger viewing tank.

A growing number of marine mammal experts recognize that orcas suffer unconscionably in captivity, and the practice of display for human entertainment should be phased out. That currently most of SeaWorld's orcas were bred in captivity does not





## Know Your Advisory Council

- [Avila Valley Advisory Council](#)
- [Cayucos Citizens' Advisory Council](#)
- [Creston Advisory Body](#)
- [Los Osos Community Advisory Council](#)
- [North Coast Advisory Council](#)
- [Oceano Advisory Council](#)
- [San Miguel Advisory Council](#)
- [Santa Margarita Area Advisory Council](#)
- [Shandon Advisory Committee](#)
- [South County Advisory Council](#)
- [Templeton Area Advisory Group](#)

SLO County's Community Advisory Councils are authorized to represent their communities in the county's unincorporated areas by the Board of Supervisors. They provide feedback and recommendations on current and future planning matters in the unincorporated areas to the Supervisors, the Planning Commission and the Department of Planning and Building.

Each council makes its recommendations based on the wishes of the community. They are the link between the community and the decision-makers in the unincorporated areas.

There are eleven Board-recognized Community Advisory Councils in San Luis Obispo County. Your council's agenda can be found on its website, in the local newspaper, at the post office, the community meeting room or on a general community information kiosk.

Do you want help asking your council to put the Phillips 66 rail spur project on its agenda? Drop us a note at [sierraclub8@gmail.com](mailto:sierraclub8@gmail.com).

*Ask yours to advise your Supervisor to oppose the Phillips 66 project!*

Map:  
<http://www.slocounty.ca.gov/planning/meetings/CAC.htm>

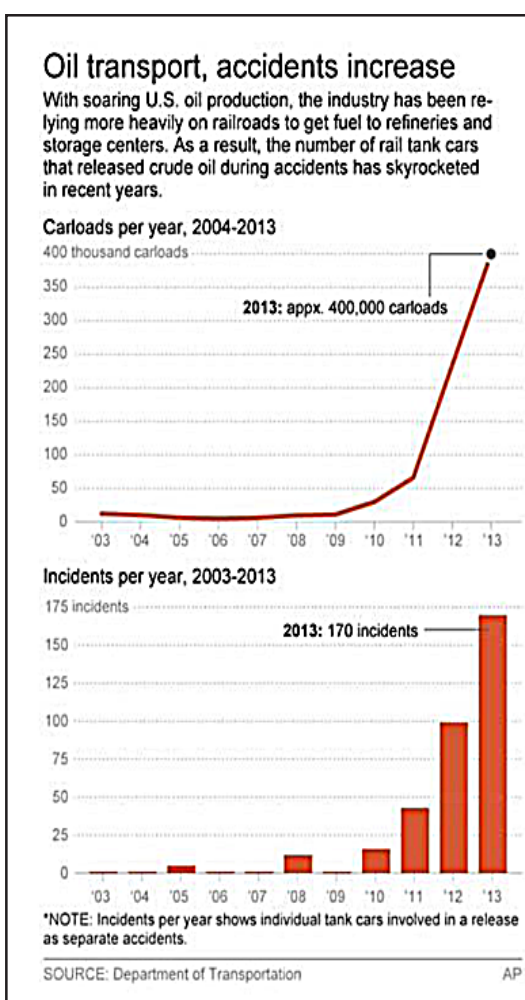


**“The serious safety issues raised by this project require that the county’s planning commission and board of supervisors insist upon full and enforceable mitigation of these risks before approving the project. We say ‘enforceable’ because it is unclear that county authorities can require structural studies of and upgrades to infrastructure or enforce speed limits on trains coming through our county. If county officials cannot enforce mitigation of the dangers this project presents to our communities, they should not approve the project.”**

**- The League of Women Voters of San Luis Obispo County**

# Well That Seems Clear

Phillips 66 project proponents make much of the safety record of Union Pacific. But the math is against them: As oil-by-rail traffic has gone up, the number of accidents goes up.



## September 2, 2015 Los Angeles City Council

**RESOLVE that the City of Los Angeles include in its 2015-16 Legislative Advocacy Program SUPPORT for administrative action URGING the San Luis Obispo Planning Commission to DENY APPROVAL of the Phillips 66 facility expansion project, inasmuch as it is far too dangerous for public safety and presents far too many environmental risks.**

**Final vote: 15-0**



## Choice

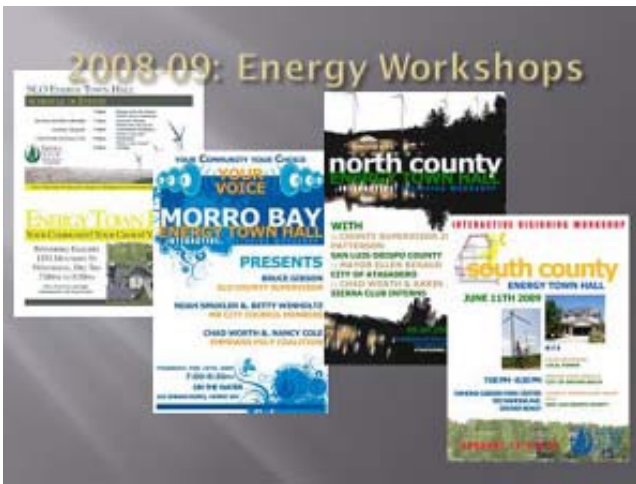
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governments, the private sector and the general public in San Luis Obispo County to promote public awareness and implement “best practices” in the generation, distribution and use of energy.

The Chapter is a founding organization of the Alliance, which includes the San Luis Obispo Chamber of Commerce, ECOSLO, the county Air Pollution Control District, Coast National Bank, SLO Green Build, Cienega Energy Systems, Cal Poly, the Home Builders Association, and PG&E.

Last year, we held a Smart Energy Solutions Summit, introducing the concept of “Community Choice Aggregation” or CCA.

### June 2008: From “San Joaquin Settlement-PG&E must cool it on CCA”



(reprinted from *Power Connections*, Mar.-Apr. 2008, Kings River Conservation District.)

On April 10, the San Joaquin Valley Power Authority (SJVPA) and Pacific Gas and Electric Company (PG&E) jointly filed a settlement agreement with the California Public Utilities Commission (CPUC). The agreement represents a proposed settlement of the complaint filed by the SJVPA in June 2007 regarding PG&E’s marketing conduct against SJVPA’s community choice aggregation program.... “The settlement agreement is in the best interest for the customers that we seek to serve and the communities that we represent,” stated SJVPA Chair Tom Haglund. “It acknowledges that PG&E has changed its position from neutrality to one of opposition and therefore establishes rules of conduct that must be followed as we move forward.... Without the interim code of conduct that the settlement provides, PG&E would be able to use its inherent advantages as a monopoly utility to unfairly market against the SJVPA without properly identifying that its strategy is one of serving its shareholders. Without the agreement, PG&E’s activities would continue to disrupt the implementation of the SJVPA program. It gives the SJVPA the ability to move forward with bringing the benefits of Community Choice to customers and other cities and counties.”

### July 2009: From “Got Clean Power if You Want It”

Dave Erickson, Senior Carbon Analyst for Local Power Inc., a Bay Area energy consulting firm, was in SLO at the invitation of the Santa Lucia Chapter. We offered to put him up for a week on our nickel, proposing

that he address several groups of local elected officials, planners and managers on the recently completed Sonoma Climate Action Plan, the most ambitious plan to cut carbon emissions to be proposed by any county in the United States.... “We’re using community choice to achieve the nation’s most ambitious greenhouse gas reduction,” said Erickson, “but Sonoma could just as easily have called our climate action plan a jobs plan, or a green economic recovery plan, or an energy independence plan.”

### September 2009: From “Localize It”

In the course of a 15 minute Powerpoint presentation at the Board of Supervisors on July 21, Sierra Club interns Chad Worth and Nancy Cole summed up what the Santa Lucia Chapter found over the course of four energy town halls that we conducted across the county over the last six months, attended by hundreds of

local residents: When it came to energy generation, “Localize” was a main theme that emerged. ... Town hall participants told us of the “need to look in before looking out,” said Worth. “House by house, block by block, neighborhood by neighborhood... It was very much ‘let’s to it here, do

it in our back yard, do it our way.’ That speaks for an overall theme of keeping it locally distributed....”

For the last six months, the residents of this county have been telling us that this is the energy future they want. Our County Supervisors have the opportunity to give it to them.

### October 2009: From “The PG&E Plan: Trick the Voters and Make Them Cry”

PG&E, which provides electricity to about three quarters of Northern California, has put \$750,000 into signature gathering for a statewide ballot measure that is likely to be up for a vote next June.... If it passes, the referendum would amend California’s Constitution so that communities that wish to give consumers an alternative to investor-owned utilities would first need two-thirds approval from voters.

Why two-thirds? Well, you need a two-thirds vote to raise taxes in California. PG&E is trying to trick voters into thinking that this is about taxes and taxpayers, when in fact it is about choice of energy service.... The targets of this measure are municipal utilities and a program that most Californians have probably never heard about: Community Choice .... Representatives of Community Choice programs in Marin, San Francisco and San Joaquin Valley have objected to PG&E’s strong-arm tactics. San Francisco Supervisor Ross Mirkarimi called the state ballot initiative “PG&E’s deceptive act to kill its competition and

subvert any California city’s right to chart its path toward energy independence.” Marin County Supervisor Charles McGlashan called it, “a cynical attempt to gum up the works for everyone who competes with these monopolies....” PG&E’s ballot initiative makes a mockery of its self-proclaimed leadership in clean energy and climate protection, places corporate interest above the public good, and makes it more difficult to confront global climate change.

### May 2010: From “Vote NO on Proposition 16”

Even by the historical standards of pernicious, deceitful ballot initiatives powered by geysers of special interest cash and designed to shaft the public, Prop. 16 is something special. Kersten Communications, a public policy research group, has pegged Prop. 16 as an attempt by PG&E “to use the California initiative process to further solidify their monopoly of regional electricity markets and advance their own narrow corporate interests at the expense of all Californians.” PG&E is prepared to spend \$35 million to kill any chance for new public power programs that can reduce the cost of renewable energy and allow local governments to meet goals for renewables, air pollution control, carbon reduction and energy security, and save millions on utility bills.

### July 2010: From “The Useful Death of Prop. 16”

Proposition 16 went down to defeat at the polls on June 8, despite PG&E’s spending some \$46 million to pass it, outspending the opposition by more than 500 to 1. Californians sent a message that our constitution is not for sale to corporations. The defeat of PG&E’s naked power grab is a victory for democracy and clean energy. Despite the utility’s ubiquitous deceptive advertising, voters saw through the lies and rejected the brazen effort by PG&E to eliminate competition. PG&E’s customers in Northern California and the Central Valley, who know the utility best, rejected the power grab resoundingly, with San Luis Obispo County also registering strongly in the “no” column.... Paradoxically, PG&E’s strategy has now backfired — the Prop 16 ballot battle has worked in favor of Community Choice: people throughout California now are aware as never before of CCA’s potential benefits. The Sierra Club can now help many of them to consider moving to operationalize CCAs locally and regionally.

### June 2011: From “The Climate Action Plan is Missing Something”



One year ago, Marin County flipped the switch on cleaner, greener, non-polluting energy with a plan called Community Choice. Already, Marin Clean Energy customers are reducing annual greenhouse gas emissions by approximately 70,000 tons, the equivalent of removing nearly 12,000 cars from the road each year. And anyone living in the Marin Clean Energy service area can sign up for “Deep Green:” 100% renewable energy for an extra \$10 a month. In March, Marin exceeded the state law to procure 20% renewable energy resources for their customers, racking up 27% of all energy deliveries coming from renewable resources.

Those are the results of this policy in less than a year. Need we say more?

Apparently, yes. San Luis Obispo County completed the comment period for the Public Review Draft of its Climate Action Plan, the county-wide blueprint for significantly reducing local greenhouse gas emissions, on June 3. In our comments, the Chapter pointed out that the Climate Action Plan does not include consideration of Community Choice, and it should.... In 2008, the San Luis Obispo Council of Governments directed staff to gather information on a feasibility study for a CCA program.

In June 2009, county supervisors, planners and city managers attended the Sierra Club’s Energy Town Hall in Grover Beach, where they met with Sonoma County Climate Action Plan director Dave Erikson and learned about Sonoma’s blueprint for initiating a Community Choice program to exercise local control in choosing their own energy provider and service rates while increasing their portion of non-pollution renewable energy and achieving the most ambitious greenhouse gas reduction in the nation.

At the Climate Change Adaptation Workshop held in SLO last July by the Local Government Commission, Community Choice was one of the top five recommended priority measures for the County and was included in the LGC’s November 2010 final report.... Also last year, the update of the County’s Conservation and Open Space Element (COSE) included Policy E 1.2: “Assert more local control of energy decisions and sources.” This is to be achieved via the implementation of “Strategy E 1.2.1 - Evaluate Community Choice Aggregation to determine whether it would be a cost-effective and low-risk strategy to increase use of renewable energy and realize a low-carbon, local energy portfolio....”

Yet, with all this encouragement, Community Choice is mystifyingly absent from the Public Review Draft of the San Luis Obispo County Climate Action Plan.

### October 2011: From “You’ve Come a Long Way, CCA”

In the first meeting of the SEA Change coalition after [the SLO Energy Summit in October 2006], the PG&E representative, who had been rather disengaged up to that point, became vocally disruptive, vehemently complaining that she had somehow not been kept informed or allowed to fully participate in the planning of the conference or been made fully aware of the conference agenda. She insisted that CCA never again be a topic at any future public meeting sponsored by



**Choice**

*continued from previous page*

SEA Change, and that the formation of a CCA be eliminated as a policy goal of the coalition.... From that day forward, CCA was never again discussed at any coalition meeting, and was never allowed to be a topic as a sponsored event, let alone advocated as a means by which our community can choose our own electric provider and sources of electricity.

Let's underscore this point: the existence of a state law, passed with the intention of allowing communities like ours to increase the amount of renewable energy produced in California and achieve statewide greenhouse gas emission reduction goals, could not be mentioned. Uttering the words "CCA," "Community Choice," or "AB 117" was forbidden by PG&E.

**November 2012: From "CCA Makes Hay"**

This year's Central Coast Bioneers Conference, convened at SLO's Monday Club over the weekend of October 19, was host to a powerhouse panel on Community Choice Aggregation (CCA).... Andrew Christie, director of the Santa Lucia Chapter of the Sierra Club, was joined on the panel by Paul Fenn, the father of Community Choice and author of California's CCA legislation and similar bills across the country over the last twenty years; Sean Marshall of LEAN (Local Energy Aggregation Network) and a board member of the Marin Energy Authority, the first operational CCA program in California; and Lane Sharman, co-founder of the San Diego Energy District Foundation, which has the goal of forming local energy cooperatives in San Diego....

Christie concluded with a whirlwind tour through the last six years of the Santa Lucia Chapter's CCA activism, a campaign that introduced local residents to the concept and succeeded in getting the evaluation of CCA programs written into the County's General Plan update and the Climate Action Plans for both the City and County of San Luis Obispo.

**June 2013: From "Taking Issue: PG&E Files to Lobby Against Start-ups"**

[PG&E states that it "expects that at some time it will wish to express to customers or governments its views on Community Choice programs that can only be expressed through an indepen-



**Sanctuary**

*continued from page 5*

that the City of Morro Bay inform NOAA that it is opposed to the designation of a Chumash Heritage National Marine Sanctuary.

It was the mixture as before, a formula that had worked for years... but not this time. Sanctuary supporters showed up, shooting down the perpetual gripes, misinformation and flat-out lies of opponents like a game of whack-a-mole. After three hours of public comment, the city council, noting the haste with which the item had been brought before them and the short time frame, decided it did not have enough information to take a position pro or con, and turned down the harbor board's recommendation. Instead, they resolved to ask NOAA to come to the city and give a public presentation so



**How many?** David Georgi of Surfrider showed the Morro Bay City Council the list of supporters of the Chumash Heritage National Marine Sanctuary: over 600 individuals, organizations, businesses and elected officials throughout the Central Coast.

dent marketing division....]

The PG&E filing is a bold declaration that they intend to become a "marketing utility." What this means is that they are holding out the possibility of mega-bucks public marketing campaigns designed to kill CCA programs in local communities. The law requires utilities to "fully cooperate" with a community's desire to implement CCA. But PG&E's anti-CCA marketing campaigns have been anything but cooperative — they are damaging and pervasive. If PG&E prevails, other investor-owned utilities could follow suit.

**May 2014: From "We Oppose AB 2145, the Energy Monopoly Protection Bill"**

The most serious threat to the future of clean, renewable energy in California in years is heading to its first hearing in the Assembly.... Assembly Bill 2145 (Bradford) will essentially kill existing and new Community Choice Aggregation programs. In the name of eliminating competition for PG&E.... AB 2145 will undo progress in increasing renewable energy and energy efficiency, and curtail California's progress in reducing greenhouse gas emissions.

**September 2014: From "Community + Choice = Clean Energy + Local Control"**

On July 24, with an assist from the Santa Lucia Chapter, SLO Clean Energy held a key forum in the long-term effort to bring Community Choice Aggregation (CCA) to the Central Coast.

Cordell Stillman, chief engineer for the Sonoma Water Agency, came to the SLO City Library to tell attendees about the benefits of CCA.... Sonoma Clean Power has already cut the county's greenhouse gas emissions by 30 percent, delivering 33 percent renewable energy, 1.5 times more clean power than PG&E, at 5 percent lower rates (a percentage that's bound to grow as PG&E's rates are set to head skyward over the next three years).

that the council — and the public — can understand what national marine sanctuaries are and what they do.

The decision to get their information on sanctuaries straight from the horse's mouth instead of via the distortions on

tap from sanctuary's bitter opponents, thereby breaking with a long-standing Morro Bay tradition, was a sea change for the city by the bay.

We wish them a safe voyage going forward.

The state's first CCA program, Marin Clean Energy, encountered "vicious" resistance from PG&E, said Stillman, showering their prospective customers with trumped-up CCA horror stories, but a law was subsequently passed "saying you can't do that anymore." With the success of the Marin and Sonoma programs, getting a CCA up and running has become easier, faster and cheaper.

**October 2014: From "Community Electricity Wins Big"**

On August 30, David beat Goliath in Sacramento.

Senator Darrell Steinberg brought down the gavel at 3 a.m. on that Saturday morning to close the 2013-14 legislative session with no vote on Assembly Bill 2145. That bill, monopoly utility-driven legislation aimed at crushing locally based clean energy efforts known as Community Choice energy programs, immediately died.

A new statewide coalition, Californians for Energy Choice, defeated the utilities' attempt to undermine competition from emerging local programs.

In 2010, PG&E spent over \$46 million pushing Proposition 16, which would have ended Community Choice in California. Voters soundly defeated the measure. Organizers then joined with scores of new activists to form the new coalition that beat back the latest attack on Community Choice....

Senate President Pro Tem Darryl Steinberg, Minority Leader Bob Huff, Senate staff, labor unions, cities, counties and local government officials around the state saw through the misinformation put out by lobbyists for AB 2145 and added their voices to the effort that defeated the bill. Those voices included the City of San Luis Obispo and SLO County Board of Supervisors Chairman Bruce Gibson, alerted by the Sierra Club to weigh in with the Assembly and Senate in opposition to the bill. Both the City of SLO and the County have approved Climate Action Plans that include provisions to evaluate the implementation of Community Choice programs.

**January 2015: From "On Jan. 13: One Evening's Effort = Maximum return"**

On January 13, from 6 to 9 p.m., the City of SLO will hold a community forum at the Ludwick Community Center. The basic agenda for this event involves public comment on a variety of potential priorities, followed by "dotocracy," wherein all those present vote with colored dots to rank priorities captured on sheets of paper affixed to walls around the room. The City wants to hear from everyone about what its goals should be for its next fiscal year. ....

SLO is the only city in the county with a Climate Action Plan that includes a commitment to study the feasibility of Community Choice.... So here's the deal: Enough green dots in the right place on that sheet of paper will make Community Choice a priority project for the City of SLO, which will then seek Community Choice partners among its sister cities and the County.

**April 2015: From "CCC OMG" by David Roberts. (Published in Grist, Feb. 25, 2015.)**

CCA provides not just an economic and environmental but a civic counterweight to utilities. It enables electricity consumers to organize on behalf of their interests and values. Why, you could almost call it democratic.

Naturally California utilities hate this. Just hate it.... For all the same reasons utilities hate CCA, I love it. It completely cuts through the utility Gordian knot — the tangle of restructured and unstructured regions, corrupt PUCs and broken business models, obscure political maneuvering and big-money deals — and puts power directly in the public's hands. It opens up opportunities for all the talk about Utilities 2.0 to become reality, to start experimenting in the real world.

Most of all, it enables citizens who want clean energy to get it. That seems like the kind of thing Americans could rally around.



## Solar is a Great California Success Story and We Want to Keep It That Way



by Susannah Churchill, West Coast Regional Director, Vote Solar

This year, regulators at the California Public Utilities Commission will decide whether or not to change our net metering program, one of the most important state policies for empowering Californians to go solar and save. This clean local power reduces the need for expensive, polluting utility infrastructure, which delivers health, environmental and economic benefits throughout California's communities.

But big utilities are lobbying to rewrite the net metering rules to protect their profits by adding unfair fees and making rooftop solar a bad deal for their customers. We can't let corporate greed keep our families, schools, and businesses from going solar. Join us for the lunchtime rally nearest you, and urge the utilities to stop blocking solar progress and start acting in the interest of the Californians they are supposed to serve. California solar supporters will be holding raucous rallies in October at the headquarters of California's three biggest utilities to demand rooftop solar progress. Help us tell PG&E, SCE and SDG&E: "Don't block the sun!"

- \* SDG&E Rally in San Diego, Wed., Oct. 7, noon - 1 p.m.
- \* PG&E Rally in San Francisco, Wed., Oct. 14, noon - 1 p.m.
- \* SCE Rally in Rosemead, Wed., Oct 21, noon - 1 p.m.

Sign the petition to urge Governor Brown and the Commission to stand strong for rooftop solar by protecting our successful net metering program. Go to <http://action.votesolar.org/page/s/ca-nem-2-osr>

Visit [OurSolarRights.org](http://OurSolarRights.org) to learn more about the fight to keep solar shining in California.

## Orcas

continued from page 6

mean they suffer any less by being deprived of a natural habitat and the complex social structure to which they are physiologically and psychologically adapted. Orcas are large, highly intelligent mammals with a complex and very strong family structure in the wild. That social bond, so important to the lives of this species, is damaged and often destroyed in captivity.

Furthermore, orcas live shortened lives in captivity and suffer stress and physiological damage. Male dorsal fins collapse (which occurs only rarely in the wild), but captive orcas also break and wear their teeth by chewing on concrete tank walls and metal gates, requiring drilling and intensive dental care that still may result in infection, are highly medicated and fed gallons of gelatin daily to keep them hydrated (since frozen fish lose water when thawed), may be administered anti-depressants to help deal with multiple behaviors associated with depression, anxiety and possibly psychosis, just to name some of the concerns. Additionally, they exhibit abnormal levels of aggression in captivity not observed in the wild. As an indication of the stress they are under and their underlying resistance to mitigating treatment, orcas in captivity have killed four people. There are no historical records of orcas killing human beings in the wild.

Perpetuating the captive display of orcas for profit drives the continued need to capture more whales from the wild, as new genetic stock is required regularly to prevent inbreeding. Indeed, Russia

has taken up the practice of capturing wild orcas for display in that country and China, capturing at least 10 since 2012. Under the circumstances it is difficult for the United States to denounce this practice.

The Commission has the ability to set an example for the rest of the world. It can state clearly that it is time to stop the unethical practice of using the ocean's greatest predator for entertainment purposes. While not prohibiting Sea World from continuing to display the orcas currently in their possession, prohibiting the breeding and transfer of these whales will mean that eventually the exhibition of captive orcas will be phased out. If you decide to approve and not deny, we urge you to condition your approval to prohibit the captive breeding or artificial insemination of orcas in captivity, prohibit the sale or offer for sale, trade or transfer for any reason other than transport to a sea pen any orca intended for performance or entertainment purposes. This will continue the Commission's proud tradition of showing concern for the treatment and conservation of marine mammals.



## Remembering Letty French

Maybe it was those late 'forties summer trips with her mother and brother in the Chevy towing a tiny tear-drop trailer, going from one Western national park to another. Or maybe it was the youthful hikes in the San Gabriel and San Bernardino mountains in Southern California. Somehow the spirit of wild places got into young Letty Maurer and never left until she died on July 4th at age 79.

Letty had many sides: an honors student in high school and at Stanford University; a lover of the arts—literature, music, painting, sculpture; a critical care nurse and first-aid instructor for outing leaders; a member and supporter of at least a dozen environmental and progressive organizations; an avid player of tennis, pickleball, word games, and cards; and an organizer and leader of outings and work parties to wild places that need restoration. But it was wild places, the untamed lands and their plants and animals that she held close to her heart.

A fifty-year member of the Sierra Club, she explored the mountain ranges of the West, kayaked and rafted its rivers and bays, taught mountaineering, and led beginners into the wilderness. Married to Cal French for 58 years, she was also a woman devoted to her family and home, rearing her two daughters and supporting her husband in his own endeavors. She enjoyed awarding others, serving on the Club's chapter, state, and national awards committees for many years. In fact, seeing that this chapter had no awards program, she started one, and conceived the Kathleen Goddard Jones Award as our highest honor.

As program chair of the Santa Lucia Chapter, she invited Marlene Braun, the new BLM manager at the Carrizo Plain, and Alice Koch, local pronghorn antelope specialist with California Fish and Game, to talk about conservation issues involved with the survival of the pronghorn. Finding out about Alice's one-woman removal of fences so the antelope could roam more freely, Letty started a program leading Sierra Club volunteers to remove miles of barbed wire on Fish and Game and BLM lands.

This was typical of her: seeing a need, developing a plan, and organizing volunteers to make a positive difference. These work parties continue today with new leaders and new volunteers. She enjoyed working behind the scenes, giving credit and recognition to others.

That quality, a spirit of inclusiveness and her cheerful, optimistic personality blessed her with many friends.



We remember Sierra Club President Alison Chin congratulated Cal and Letty French on receiving the Club's William Colby Award in September 2008.

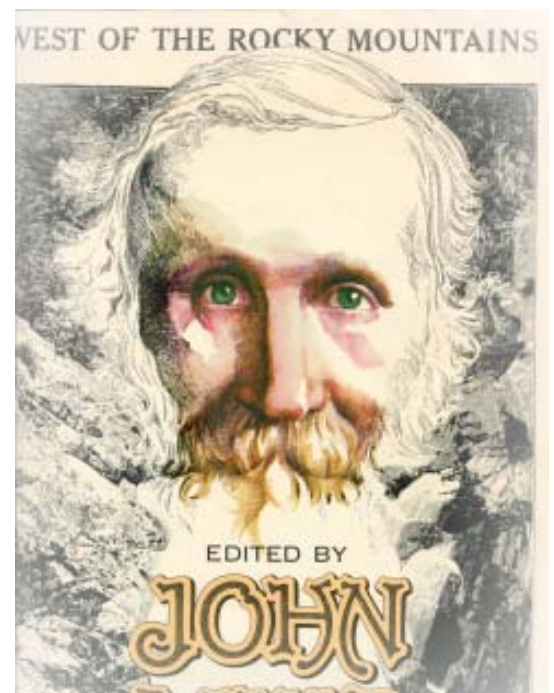
## Thank You, Joan

Many thanks to longtime Sierra Club member and friend of the Chapter Joan Carter for her donation in memory of her son Kent.

## Thanks, Bill

Our thanks to Bill Wagner for his donation of a copy of the handsome 1976 reissue of John Muir's *West of the Rocky Mountains*, a collection of essays by Muir and others that he compiled in 1888, creating, as the publisher put it, "the first large-scale attempt to present to the American people a thorough description of the mountains, forests, deserts, wildlife, and the people of the western half of the nation."

Bill passed it on to us after the passing of its previous owner, his friend and longtime Sierra Club member, John Lewis.





# Classifieds

Next issue deadline is **October 15**. To get a rate sheet or submit your ad and payment, contact:  
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# Outings and Activities Calendar

Seller of travel registration information: CST 2087766-40. Registration as a seller of travel does not constitute approval by the State of California.

All our hikes and activities are open to all Club members and the general public. Please bring drinking water to all outings and optionally a lunch. Sturdy footwear is recommended. All phone numbers listed are within area code 805 unless otherwise noted. Pets are generally not allowed. A parent or responsible adult must accompany children under the age of 18. If you have any suggestions for hikes or outdoor activities, questions about the Chapter's outing policies, or would like to be an outings leader, call Outings Chair Joe Morris, 549-0355. For information on a specific outing, please call the listed outing leader.

**Fri., Oct. 2nd, 10-11:30 a.m. Historic Walk of SLO Railroad Historic District.** Easy, guided stroll past fifteen sites in the old commercial district, depot area, and century-old boardinghouses. Hear stories about the heyday of the Southern Pacific during the steam age, the 1890s to 1950s, when the SP dominated public life in SLO, transforming it from a cow town to a boomtown. Duration about 90". Meet at Gus's Grocery, corner of Osos and Leff Sts. Leader: Joe Morris, 549-0355.

**Wed., Oct. 14th, 9 a.m.-noon. Quarry Trail Maintenance.** Join us in trimming back shrubs and some poison oak along a forty-foot section of Quarry Trail in Morro Bay State Park. Strenuous, but rewarding work. Call ahead or email if you can help and for more instructions to Leader: Vicki Marchenko, 528-5567 or vmarchenko57@gmail.com.

**Sat., Oct. 17th, 8:30 a.m. Blinn Ranch Rd. to Sapwi Camp Hike.** Although Santa Margarita Lake is dry at the east end where we begin, it still yields a scenic walk. This hike of 9 1/2 miles, 700 ft. elevation gain, is a moderate one, most of it on a dirt road. Poison oak will be present, but probably avoidable. Meet in Santa Margarita in front of the Pacific Beverage Co. A hot day will postpone this hike to a later weekend. Leader: Carlos Diaz-Saavedra, 546-0317.

**Sat., Oct. 24th, 8 a.m. Tanbark Trail Coastal Traverse** Moderately strenuous 8-10 mile hike, 2000 ft. elevation gain and loss, to explore Julia Pfeiffer Burns State Park and Big Sur coastline. Trip starts on Tanbark trail past giant redwoods and creek, then a steep ascent up canyon to the Tin House for lunch. Then we traverse

ridgeline to Ewoldsen Overlook and descend into Julia Pfeiffer Burns State Park, with a possible exploration of McWay Falls. Bring lunch, water, sturdy hiking shoes and dress for varying weather. Meet at Washburn Day Use Area in San Simeon State Park, on Hwy 1 about one mile north of Cambria. Trailhead is about an hour drive north of meeting location. Eats after for those interested. For details, call Leader: Gary Felsman at 473-3694. Rain cancels.

**Sun., Oct. 25th, 10 a.m. Eagle Rock Trekking-Pole Hike.** Two-mile, 400' elevation change, hike with Polecats, a group dedicated to demonstrating the advantages and effective use of trekking poles. For Eagle Rock trailhead, go to locked gate past Botanical Gardens, across Hwy 1 from Cuesta College, in the parking lot to the left. Parking fee may be required. Leader:

David Georgi, 458-5575 or hikingpoles@gmail.com.

**Sun., Oct. 31st, 8:30 a.m. Salmon and Spruce Creek Trails to Dutra Flat.** Moderate, 8.4 mile, 2500 ft. elevation gain, hike in Silver Peak Wilderness. Enjoy both Halloween and the last day of Daylight Savings Time. We will be hiking above Salmon Creek and through Spruce Creek Canyon, beholding good views of Silver Peak. Trail opens up to brush land before getting to Dutra Flat camp for lunch. Possibility of ticks and probability of poison oak on trail, so wear long pants. Meet at Washburn day use parking area of San Simeon State Park, on right side of Hwy 1, about 3 miles past fourth Cambria stoplight (Main & Moonstone Beach). There will probably be a refueling stop for eats afterward. For info, call Leader: Chuck Tribbey, 441-7597.

## Activities sponsored by other organizations

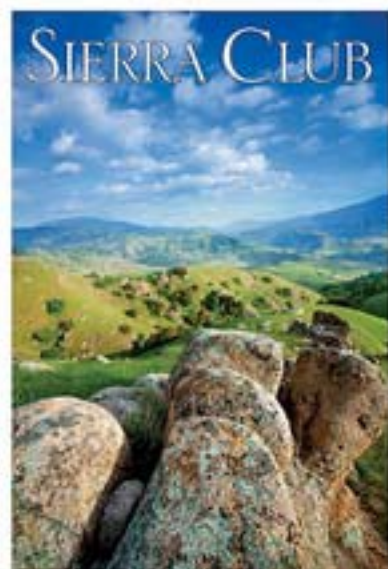


**Wed., Oct. 7, 8:00 pm. Dr. Laurie Marker Lecture at Cal Poly.** Don't miss this rare chance to hear Dr. Marker, the Jane Goodall of cats, a Time Magazine "Hero for the Planet." Dr. Marker is a world-renowned expert on cheetahs and the threats they face — from human-wildlife conflict and loss of habitat to the illegal pet trade. Saving the world's fastest animal — already endangered — is a human imperative. More information at cheetah.org/event.

**Sat., Oct., 10, 1-3 p.m. Bats: Beyond Legend at the SLO Botanical Garden.** Do bats give you the heebie-jeebies? Acquaint yourself with a

friendly bat from Pacific Wildlife Care and learn what bats do and don't do. Great presentation for all ages. Free docent-led tour of the Garden at 2 p.m. and kids can

enjoy story-time and making their own Bat-Book from 2 to 3 p.m. in the Children's Garden. \$5 for Garden members / \$10 public / kids free, but donations will be accepted for cost of book-making project. More info at slobg.org/bat.



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




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- Introduce others to nature
- Explore the outdoors
- Make new friends
- Protect the environment
- Get healthy exercise

For further information contact:  
Joe Morris, Outings Chair  
Sierra Club, Santa Lucia Chapter  
(805) 778-1875  
djm1942@earthlink.net



John Mark, founder of the Sierra Club in Yosemite

**Sat., Oct. 24, 10 a.m.-1 p.m. Fall Plant Sale Fundraiser at SLO Botanical Garden.** The rainy season is on its way and there is no better time to start thinking about gardening here on the Central Coast than right now. Set your new plants into the ground, then stand back and let "El Niño" get your plants off to a good start. Mother Nature will do her part and the Garden can help set you up with great new drought-tolerant plants. Everything will be tax-free. Sales benefit the non-profit Botanical Garden. More info at [slobg.org/sale](http://slobg.org/sale).

San Luis Obispo Botanical Garden  
3450 Dairy Creek Rd., SLO  
805.541.1400 x304  
[www.slobg.org](http://www.slobg.org)

