



**WEEKLY UPDATE
AUGUST 11 - 17, 2024**

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BOARD OF SUPERVISORS

TIGHTENING PUBLIC COMMENT RULES
GIBSON & PAULDING USE ONE RARE INCIDENT AS EXCUSE
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**TRAINWRECK: COMMISSION APPROVED
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**SPACE FORCE & AIR FORCE WON'T AGREE
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**APPROVED SMALLER MARINE SANCTUARY THAT LEAVES ROOM
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GAVIOTA COAST ADDED TO MARINE SANCTUARY

**IT TURNS OUT REACH LED EFFORT TO SUPPORT LAUNCHES
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SB SUPERVISOR BOB NELSON GAVE POWERFUL TESTIMONY

**CONGRESSMAN CARBAJAL SENT SUPPORT LETTER ON
AUGUST 5, 2024 BUT THE COMMISSION IGNORED IT ¹**



**EMERGENT ISSUES
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**GREENS AGAINST GREEN ENERGY
“NO TRANSMISSION LINES IN MY BACKYARD”**

¹ A number of Congressmen also signed the letter.

**CALIFORNIA ENERGY COMMISSION PROPOSES
STATE TAKEOVER OF OIL REFINERIES**

WIND FARM FAILURE OFF NANTUCKET

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CALIFORNIA V. LANDLORDS

*Between squatters and rent control, Golden State property owners are
under siege.*

BY JUDGE GLOCK

**AMERICANS ARE POORER: THE UNITED STATES
MISERY INDEX RISES AGAIN**

BY DANIEL LACALLE

**THE REAL ECONOMIC CATASTROPHE WILL BE
CAUSED BY THE U.S. DEBT**

SPONSORS



THIS WEEK'S HIGHLIGHTS

ALL MEETINGS ARE AT 9:00 AM UNLESS OTHERWISE NOTED

Board of Supervisors Meeting of Tuesday, August, 13, 2024(Scheduled)

Item 29 – It is recommended that the Board consider and give direction regarding amending its Rules of Procedure pertaining to the use of County equipment during public comment agenda items and add clarifying language regarding disruptive behavior and unruly conduct. At the July 16, 2024 Board meeting , during consideration of an item designating July as Gay Pride Month, speakers both supported and opposed the item. One speaker presented a video graphically showing lewd behavior during the San Francisco Gay Pride Festival.

The speaker opposed the Gay Pride designation on the grounds that the effort has gone beyond gay rights and has become an excuse to promulgate not only gayness but other varieties of sexual behavior that are deemed by many as perverted and unacceptable in public society. These include promoting man boy love, orgies, , urination on people in public, promoting gender change, teaching masturbation techniques to school children, promoting various versions of polyamory, and other fetishes which rob children of their innocence and youth. The speaker stated that a north county school district was promoting such behaviors as part of its sex education program. She further stated that such behaviors are included in the text used for some classes.

Supervisors Gibson and Paulding strongly objected to the presentation. They directed County Counsel to examine the Board Meeting Rules of procedure and provide recommendations to forbid such displays in the future. The other Supervisors concurred with the assignment.

Accordingly, County Counsel has returned with some alternatives that she hopes do not violate First Amendment and the California Open Meeting Act. Her cautious response is summarized in the alternatives below.

1. Do nothing and rely on staff to make a determination as to whether speech is unprotected and therefore, stopped. As noted above, performing an ad hoc First Amendment analysis is difficult during a public meeting. This would require the meeting and speech to be stopped by the Chair or the Clerk of the Board and then an analysis performed. This also could contribute to disruptions during the meeting. It could lead to claims of violation of First Amendment free speech rights if there were differences of opinion between staff and the public commenter.

2. Prohibit the use of County equipment. This would be a valid restriction on public comment that is content and viewpoint neutral, would make the meetings more efficient and would limit disruptions and unruly conduct.

3. Require individuals to submit any materials they wish to use during public comment on County equipment in advance for review and approval. Any review under this process would be limited to a determination as to whether speech was unprotected (i.e. hate speech or obscene). While the rule would limit review to only unprotected speech, it could lead to claims of violation of First Amendment free speech rights if there were differences of opinion between staff and the public commenter. This would also add additional work for staff as individuals would be required to submit the material in advance of the hearing.

4. Other considerations: If the Board adopts a rule prohibiting individuals from using County equipment, the Board may want to consider an exception for hearing formal appeals and allow both the applicant and appellant to use County equipment during their presentations, as

applicable. The reason is because appeals Page 3 of 4 implicates due process rights and any presentations will need to be related to the appeal item itself. Another consideration, separate from unprotected speech, is cybersecurity and a uniform requirement for any USB drive or other device that is plugged into the County's equipment be submitted to the Clerk of the Board 24 hours prior to a Board meeting so that it can be checked for any viruses or other malware. This requirement is commonly used by public agencies in California; however, we have found that compliance with this requirement is inconsistent.

The do nothing recommendation is best as this was a rare and probably one off issue. The Board has tolerated other disruptive demonstrations in the past and has not tightened up its rules. For example, the leftist demonstration protesting Andrew Holland's death in the jail with a symbolic dead body did not result in any amping up of the meeting rules.

Are some Board members actually more worried about being criticized for their policies and behavior? Is this just an excuse to limit speakers on legitimate subjects? Actually the Board has no authority over the curricula of a school district and could have already suspended the comment and video as the Rules already provide that speaker comments must relate to matters under the authority of the Board of Supervisors. For example, what if pro-Palestinian radicals come to a Board meeting and demand the annihilation of Israel? This has already happened in a number of jurisdictions. The Board has no authority over foreign policy. Supervisor Gibson, himself as often said the Board has no authority over the relicensing of Diablo or the Coastal Commission in efforts to shut the public up.

Remember that, legally, Board members of elected public bodies and officials may not forbid or interfere with speech with which they disagree during public comment.

Several new provisions proposed to be added to the Rules include:

5. Public comment remarks should be directed to the Chairperson and the Board as a whole and not to any individual supervisor or attendee. No person will be permitted to make slanderous, obscene, or threatening remarks against any individual.

Note: Did the Declaration of Independence make slanderous remarks against King George the III? Be careful, one person's slander maybe another's brilliant expose. Are those who fiercely criticized former Supervisor Adam Hill slanderous?

6. Personal attacks that are not related to County business, threatening language, slanderous remarks, obscene language and materials and other unduly unruly disruptive behavior that prevents the Board from carrying out its duties, will not be tolerated.



The Andrew Holland demonstration was disruptive and attacked Sherriff Parkinson.

MATTERS AFTER 1:30 PM

Item 31 – Any Supervisor may ask a question for clarification, make an announcement, or report briefly on his or her activities. In addition, Supervisors may request staff to report back to the Board at a subsequent meeting concerning any matter or may request that staff place a matter of business on a future agenda. Any request to place a matter of business for consideration on a future agenda requires the majority vote of the Board.

Central Coast Community Energy Authority (3CE) Operations Board Meeting of Wednesday, August 14, 2024 (Scheduled) 10:30 AM

Item 4 – Regulatory Update. The 3CE operates in a complex regulatory milieu. Each item on the list below contains complex and even some mind bending items that will ultimately affect the success and cost of to 3CE.

DISCUSSION/ANALYSIS:

Please find attached 3CE’s Regulatory Update, providing the latest information on the following:

- Resource Adequacy (RA)
- Provider of Last Resort (POLR) and Emergency Transition Planning
- Demand Flexibility
- Integrated Resource Planning (IRP)
- Bioenergy Market Adjustment Tariff (BioMAT)
- Renewables Portfolio Standard (RPS)
- Interconnections
- Diablo Canyon Power Plant Extension
- Load Management Standards (LMS) and Real-Time Pricing
- Power Source Disclosure (PSD) and Power Content Label (PCL)
- Energy Resources Recovery Account (ERRA) Compliance
- Energy Resources Recovery Account (ERRA) Forecast
- SCE General Rate Case

For example: What do you think of *Provider of Last Resort (POLR) and Emergency Transition Planning*? Does the SLO County Board of Supervisors think that 3CE should become a provider of last resort?

Issue

The Provider of Last Resort (POLR) is the backstop entity that provides electric service to customers of a load serving entity if that LSE fails suddenly. This role has historically been held by the investor-owned utilities (IOUs, namely Pacific Gas & Electric, Southern California Edison, and San Diego Gas & Electric), but this proceeding will establish a process to allow CCAs and other non-IOU LSEs to become POLR in their service areas. This proceeding is also considering rules designed to prevent LSE failures that have various implications for 3CE finances and operations. This includes changes to the fund CCAs must post as insurance called the Financial Security Requirement (FSR).

Status

Since the issuance of the CPUC's April 18 Decision, 3CE staff has actively engaged with CalCCA to shape language around financial monitoring requirements and new CCA registration guidelines. 3CE has jointly submitted two Advice Letters with guidance on these topics via CalCCA to the CPUC. 3CE's advocacy in this process has centered on ensuring that any new requirements retain flexibility within CCA contracts, preserve CCA autonomy, and align with existing regulations.

Next Steps

A schedule for the next phase of the proceeding, which will address the process for non-IOU entities to become a Designated POLR, has not yet been issued.

Issue - Diablo Canyon Power Plant Extension – R.23-01-007

SB 846 required the CPUC to consider the potential expansion of operations at the Diablo Canyon Power Plant (DCPP) for an additional five years beyond its retirement dates to improve system reliability while additional renewable energy and zero-carbon resources come online. DCPP is owned and operated by PG&E and was licensed by the Nuclear Regulatory Commission (NRC) to operate until November 2, 2024 (Unit 1) and August 26, 2025 (Unit 2). In 2023, the CPUC opened a new proceeding related to the potential extension of DCPP. 7 Phase 1 of the proceeding concluded with a Decision that authorized extended operations of DCPP and allocated the costs and benefits to LSEs.

Does 3CE support the continuation of Diablo?












Item 12 – Recommend that the Policy Board consider and adopt the Ad Hoc Committee's recommendations regarding improvements to governance related matters, including board composition, engagement, and communication. The 3CE is a joint powers authority composed of Monterey, San Luis Obispo, Santa Barbara Santa Cruz, San Benito County, and all of the cities in each County except for King City. The larger jurisdictions each have one representative while the smaller ones share a representative on a rotating basis. There are actually 2 governing boards, the Policy Board and the Operations Board. The Policy Board consists of County Supervisors while the Operations Board is made up of City Managers and County Administrative

Officers. The Policy Board meets quarterly and exercises overall authority. The Operations Board meets monthly and examines matters in more detail. It can approve some items while major items must go to the Policy Board. Each Board currently has 19 members.

It has been determined that this is unwieldy and should be reduced to 11 members each. The proposed allocation or representatives is summarized in the graphic below.

These Directors will govern an agency that has now reached an overall budgeted operation of nearly \$400 million annually. In addition to brokering electricity to the members, the agency is handing out tens of millions of dollars of consulting contracts, electric vehicles, funds for home electrification, and other patronage. The respective County District Attorneys should be carefully examine the campaign contributions to the elected official directors to make sure they are not violating campaign contribution that forbid them from receiving contributions from people and entities for which they approved contracts.

Attachment 2: Illustration of Board Seat Allocation

Recommended 11 Board Seat Allocation						
Permanent Seats (4)				San Benito Shared (1)	Large Cities (RoR >100,000 Pop.) (2)	
						
County of Monterey	County of San Luis Obispo	County of Santa Barbara	County of Santa Cruz	San Benito Shared Seat: San Benito, Hollister, San Juan Bautista	Large City pop. > 100,000 Santa Maria or revert to Santa Barbara Co. City Selection Committee	Large City pop.> 100,000 Salinas or revert to Monterey Co. City Selection Committee
City Selection Committee Shared Seats (4)						
						
Monterey City Selection Committee	SLO. City Selection Committee	Santa Barbara City Selection Committee	Santa Cruz City Selection Committee			

These directors are derivative Board members in that they are elected to city councils and boards of supervisors, not to the Authority Board. They have their own jurisdictions to govern and also serve on other joint powers authorities such as the COG's, APCD's, and LAFCOs .Their time allocation to govern the very complex 3CE energy business is extremely limited. This places the highly technical 3CE staff in a very powerful position. Unlike, the situation in the private stockholder owned companies, there is no way for the citizens to revolt and vote in a new Board,

Chairman, or CEO as they are scattered across all the cities and counties. The citizen customers have very little say and cannot sell their stock as there is none.

Presumably, Supervisor Dawn Ortiz –Legg will agenzidize the important matter to receive direction from her Board on this important matter. Or, perhaps not, as Supervisor Gibson says on CSAC matters, I vote my conscience.

Local Agency Formation Commission of Thursday, August 15, 2024 (Scheduled)

Item B -5- 1 – Review the proposed legislation and by motion provide direction to the Executive Officer if warranted. The Commission will consider supporting SB 1209 which would allow LAFCO’s to require indemnification to cover law suits resulting from their determinations. This is yet another cheesy attempt by an agency to lay off the costs of its decisions on the poor taxpayers or applicants and avoid accountability for their actions.

This has been a long practice in California where counties and cities require applicants for development permits to indemnify them if they are sued for granting approval of a permit application or other land use entitlement.

Think of it : The applicant goes through years of analysis, CEQA, must hire engineers, lawyers, biologists, geologists and other specialists to prepare and explain their applications. These jurisdictions then subject the permit applications to a review by their staff experts and consultants. If the permit is ultimately approved, the applicant must then indemnify the approving agency. Then intervenors can sue the approving jurisdiction and often shake down the applicant for settlement money.

LAFCO now wants to set up the same process. So if someone sues because they don’t agree with a valid approved annexation, the taxpayers of the applicant jurisdiction must may all the litigation costs.

A portion of the Bill states:

56383.5 (a) The commission may require, as a condition for processing a change of organization or reorganization, a sphere amendment or a sphere update, or any other action or determination requested from the commission, that the applicant agrees to defend, indemnify, and hold harmless the commission, its agents, officers, and employees from any claim, action, or proceeding against the commission, its agents, officers, or employees arising from or relating to the action or determination by the commission. to attack, set aside, void, or annul an approval by the commission.

LAST WEEK’S HIGHLIGHTS

No Board of Supervisors meeting on Tuesday, August 6, 2024 (Not Scheduled)

The next meeting is set for Tuesday, August 13, 2024.

California Coastal Commission meeting on Thursday, August 8, 2024 (Completed)

BACKGROUND: The Commission took action on two major Federal consistency determinations that negatively impact the central coast. One also undermines national defense.

1. Establishment of the so-called Chumash Marine Sanctuary.
2. Restrictions on rocket launches from Vandenberg Space Force Base.

The Boards of Supervisors of SLO and Santa Barbara Counties should have requested that both items be postponed until both Boards have received presentations, held hearings, and voted in public on their respective positions on these major issues. As noted above, neither county took formal action opposing the Commission. Only Supervisors Peschong, Lavagnino, and Nelson supported more launches individually .

Consistency Determinations: Readers may well wonder how a State agency such as the Coastal Commission would exercise authority over NOAA, much less the US Space Force's strategic anti-ICBM defense mission. The ability of the Commission to conduct such a process goes back decades. The Federal government and states with coastlines enacted reciprocal legislation that provides the ability of the coastal States to make consistency determinations on Federal projects. Thus the statute below requires the Federal agencies to submit project plans, as if they were an application, to state coastal commissions or the equivalent.

COASTAL ZONE MANAGEMENT ACT, SECTION 307 16 U.S.C. § 1456. Coordination and cooperation (Section 307)

(c) Consistency of Federal activities with State management programs; Presidential exemption; certification (1) (A) Each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs. A Federal agency activity shall be subject to this paragraph unless it is subject to paragraph (2) or (3).

In turn, some states, including California, adopted legislation that put the process into their respective Coastal Management act. This law requires not only Federal agencies to submit to the Coastal Commission but also private firms that are conducting projects for the Federal government.

The Federal Consistency Unit of the California Coastal Commission implements the federal Coastal Zone Management Act (CZMA) of 1972 as it applies to federal activities, development projects, permits and licenses, and support to state and local governments. In the CZMA, Congress created a federal and state partnership for management of coastal resources. The CZMA encourages states to develop coastal management programs and implement the federal consistency procedures of the CZMA. Upon certification of a state's coastal management program, all federal agency activities (including federal development projects, permits and licenses, and assistance to state and local governments) affecting the coastal zone must be consistent with the enforceable policies of the state's certified program. The review process used to implement this requirement is called a consistency determination for federal agency activities and development projects, and a consistency certification for federal permits and licenses, and/or federal support (i.e. funding) to state and local agencies.

The federal government certified the California Coastal Management Program (CCMP) in 1977. The enforceable policies of that document are Chapter 3 of the California Coastal Act of 1976. All consistency documents are reviewed for consistency with these policies. The Commission's goal is to use the federal consistency process to provide open communication and coordination with federal agencies and applicants and provide the public with an opportunity to participate in the process.

The complex net of the resulting regulatory interlocking legal structure provides the arena in which the 2 items below are enmeshed.

Item Th. 9b – Consistency Determination No. CD-0005-24 (National Oceanic and Atmospheric Administration, (NOAA) San Luis Obispo and Santa Barbara Counties) – Designation of the Chumash Heritage National Marine Sanctuary, draft management plan, and draft regulations. In a gushingly supportive group grope, the Commission unanimously determined that the proposed sanctuary meets all the State requirements perfectly. Only one speaker appeared in opposition. There was a great deal of rhetoric about how the SLO County Northern Chumash group was the initial proposer. The SLO County Salinian group is requesting that they be recognized in some way in the naming. The NOAA staff seems somewhat flummoxed by the controversy.

There appears to be a real rush to get the designation done before January. We can speculate that many on the left are worried that former President Trump might win and quash the deal.

Background: As we have reported over the past eight years, the National Oceanic and Atmospheric Administration (NOAA) are seeking to impose a National Marine Sanctuary (the so-called Chumash Heritage Marine Sanctuary) on San Luis Obispo County and a portion of the coast off Santa Barbara County. This agenda item represents the Coastal Commission's (the Commission's) policy determination pursuant to the consistency process outlined above.

The Hypocrisy of Wind Power trumping the ostensible public interest:

NOAA leadership understands that its own marine sanctuary regulations would prohibit the installation of the huge offshore wind project in Federal waters off San Luis Obispo and Santa Barbara counties. It also knows that President Biden, VP Harris, Congressman Carbajal, and a whole host of other grandees support the modified boundary of the proposed marine reserve to eliminate the waters off Morrow Bay which were originally included. This obliterates their own reasoning and analysis of the area that (in their view) should be protected. See the text highlighted yellow in which NOAA voluntarily takes it you know where:

Agency-Preferred Alternative Although NOAA's consistency determination does not specify which of the alternatives would be selected to move forward, its DEIS introduces an "Agency-Preferred Alternative" that combines the Cropped Bank to Coast alternative (Alternative 2) and the Gaviota Coast Extension sub-alternative. Like Alternative 2, the Agency-Preferred Alternative would exclude 545 square miles of ocean area (the "gap") between Cambria and Hazard Canyon Reef (precluding continuity between CHNMS and MBNMS to the north), as well as the deep-water areas west of Santa Lucia Bank included in the IBA.

In its DEIS, NOAA explains its preference for this alternative over others, including the significantly larger IBA and Alternative 1:

NOAA's choice of Alternative 2 rather than Alternative 1 to be part of the Agency Preferred Alternative centers on two principal concerns with designating a sanctuary from Montaña de Oro north to Cambria.

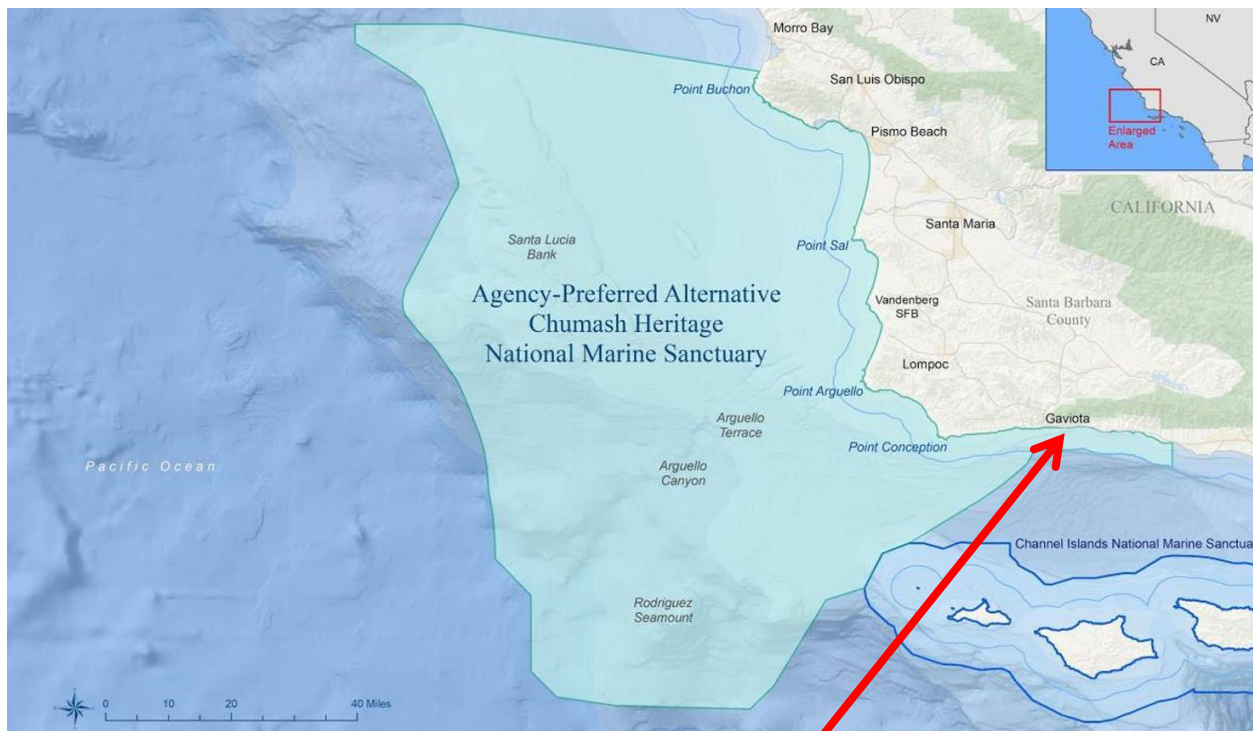
The first has to do with potential laying of subsea electrical transmission cables that may occur as part of potential future offshore wind development in federal waters off of the central coast. However, NOAA is concerned about the amount of seabed disturbance and potential ongoing impact on biological resources that could result from the construction, maintenance, and continued operation of between 20–30 cables, as well as potential floating substations, in this one corridor between the Morro Bay WEA and shore. That level of anticipated disturbance would likely be unprecedented within a national marine sanctuary.

Note the very large reduction in the area of the sanctuary by comparing the 2 maps below. Most of the area north and west of the red lines has been eliminated to facilitate the wind project. See the comparison maps on the page below.

Initial Boundary Alternative



New proposed boundary



Addition of the Gaviota Coast in Santa Barbara County

Note that the new agency preferred version adds the Gaviota Coast in Santa Barbara County, thus Federalizing land use control, debarring oil development, regulating fishing, and endangering ranching and farming.

Item Th9c – Consistency determination by the United States Space Force to increase Space Exploration Technologies’ (SpaceX) Falcon 9 launch and landing activities at Vandenberg Space Force Base (VSFB) from six to 36 per year as well as the addition of offshore landing locations in the Pacific Ocean Vandenberg Space Force Base, Santa Barbara County. The Commission unanimously and forcefully approved a conditional determination that more launches are consistent with the Coastal Act. The casual observer might think: “Great!, They have gotten some sense”. Actually the situation is a terrible train wreck.

The problem is in the conditional requirements. There are 7 conditions backed up by extensive minute requirements that fill pages of addenda. Three of these pertain to the analysis and mitigation of sonic booms that occur from time to time during a launches or returning booster landings. The sonic boom issue was raised after the Space Force had worked with the Commission for several years and agreed to many expensive studies , operational restrictions, and mitigation measures. The 3 conditions are listed at the end of this article on page 15 below. The tale then unfolds as follows:

1. During a July 2024 the Space Force said it would not agree to the new conditions but would accept everything else.
2. Commission staff realized that they were up against the statutory deadline for the Commission to take action on a particular determination application. If the Commission fails to take action by the deadline, the matter is determined to be approved. For this reason the Staff recommended that the Commission approve the conditional determination even though the Space Force would not agree to some of the conditions. In this way the Commission still retained jurisdiction.

3. During the Hearing, the 30th Space Wing Launch Deputy Commander gave a short presentation during which he stated he would not be taking any questions. It is likely he was subject to orders from above on this matter. The Commissioners were furious.

4. After considerable public comment, including some very prescient remarks from Santa Barbara County Supervisor Bob Nelson, the Commission began its questions and deliberations. Each Commissioner expressed his or her outrage at the Space Force. Many vowed more severe regulation in the future and the willingness to try the matter in court.

5. It was not possible on Zoom to tell if the Space Force staff had left, but it was one of the most severe lounge lashings we have ever seen by a public body. Words such as “pissed”, insulted, anti-public, etc. were used consistently.

6. One of the main contractors at the base is Elon Musk’s Space X. It launches satellites for private companies such as Starlink as well as military packages under contract to the Space Force, NASA, the Air Force, the CIA, and others. It is likely that the purpose or mission of some of these cannot be discussed with the Commission. Any conditions that would inhibit the flexibility in their launch dates and times could have severe negative ramifications. For example, what if it is necessary to place missile tracking satellite over Iraq suddenly? Should the military wait 72 hours in accordance the loony condition illustrated below?

(1) Pinniped activity at VAFB shall be monitored in the vicinity of the haulout nearest the launch and landing complex, or, in the absence of pinnipeds at that location, at another nearby haulout, for at least 72 hours prior to any planned launch, and continued for a period of time not less than 48 hours subsequent to the launch and/or landings for (a) any launches of space launch vehicles or landings of the Falcon 9 First Stage occurring from January 1 through July 31, and (b) any landings of the Falcon 9 First Stage occurring from August 1 through December 31 that are predicted to result in a sonic boom of 1.0 pounds per square foot (psf) or above at VAFB;

7. Apparently representatives of Elon Musk met with the Chair of the Commission at a Coffee Shop in Santa Rosa. Reportedly, he told her that neither Musk nor any Space X representatives would come to a Coastal Commission meeting. This further added to the Commissioners’ outrage. There was a great deal comment about how the Space Force should not be fattening billionaires and sacrificing the environment to war mongering private corporations, etc, etc,

8. Listed below are the 3 conditions to which the Space Force objected. The Commissioners said “why would you object? “These are just studies and observation measures”. “We just want to understand the impacts.” But what if the sonic booms are bad for the Red Legged Frog? What mitigation measure, would the Commission seek to impose.? The actual wording of the conditions demonstrate how grossly stupid and impractical the are- not to mention the cost.

Resolution:

The Commission hereby **conditionally concurs** with Consistency Determination CD-0003-24 on the grounds that the project is fully consistent, and thus consistent to the maximum extent practicable, with the enforceable policies of the CCMP , provided that DAF agrees to modify the project consistent with the recommended conditions, as provided for in 15 CFR §930.4.

Conditions:

1. **On-Base Enhanced Biological Monitoring Program.** Within 30 days of the Commission’s consideration of Consistency Determination No. CD-0003-24, the Department of the Air Force (DAF) shall prepare and provide for the Executive Director’s review and comment an enhanced biological monitoring program for Vandenberg Space Force Base (VSFB) focused on evaluating the biological effects of engine noise and sonic booms from launches and boost-back landings. DAF shall consider comments provided by the Executive Director and address them through modifications to the enhanced biological monitoring program and/or written responses as to why such modifications are infeasible. The enhanced biological monitoring program shall be implemented and include descriptions of how the following will be accomplished:
 - a. **Monitoring.** In addition to the monitoring required (1) by the United States Fish and Wildlife Service (USFWS) in their March 21, 2023,

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Biological Opinion (2023 USFWS BO), including for western snowy plover, California least tern, California red-legged frog, and southern sea otter, and (2) by the National Marine Fisheries Services (NMFS) in their Letter of Authorization (LOA) dated April 9, 2024 (2024 NMFS LOA), for marine mammals, DAF shall implement the following supplemental monitoring activities and measures to maintain and improve ongoing monitoring:

- i. Continue the on-base marine mammal (by daylight or nighttime video recording or by at least one NMFS-approved Protected Species Observer trained in marine mammal science) and acoustic monitoring as required by the previous NMFS LOA (dated April 10, 2019), including:
 - (1) Pinniped activity at VAFB shall be monitored in the vicinity of the haulout nearest the launch and landing complex, or, in the absence of pinnipeds at that location, at another nearby haulout, for at least 72 hours prior to any planned launch, and continued for a period of time not less than 48 hours subsequent to the launch and/or landings for (a) any launches of space launch vehicles or landings of the Falcon 9 First Stage occurring from January 1 through July 31, and (b) any landings of the Falcon 9 First Stage occurring from August 1 through December 31 that are predicted to result in a sonic boom of 1.0 pounds per square foot (psf) or above at VAFB;
 - (2) For any launches or Falcon 9 First Stage landings occurring from January 1 through July 31, follow-up surveys must be conducted within two weeks of the launch.
- ii. Monitoring of the on-base pallid bat and western red bat populations in a manner sufficient to assess potential changes in habitat use patterns and population levels;
- iii. Monitoring of the on-base monarch butterfly populations in a manner sufficient to assess potential changes in habitat use patterns and population levels;
- iv. Identification of data and appropriate ongoing monitoring of off-base reference site populations of western snowy plover, California least tern, and California red-legged frog that can be used as a basis of comparison for on-base monitoring results. If no such data and appropriate ongoing monitoring can be identified, it shall be established; and
- v. Identification of data and appropriate ongoing monitoring of off-base reference site populations of marine mammals that can be used as a basis of comparison for on-base monitoring results. If no such data and appropriate ongoing monitoring can be identified, it shall be established; and
- vi. Equipment redundancy and data-handling improvements to help ensure further loss of monitoring data is avoided.

b. **Analysis of Monitoring Data.** DAF shall conduct analysis of the USFWS- and NMFS-required monitoring data and the supplemental monitoring data described above on an annual basis, in preparation of the annual reports described below, that shall include multivariate statistical analyses of the changes in population trends using: (a) relevant historical population data; (b) frequency of launches and on-base boost-back landings over different time scales; (c) seasonality of launches and sensitive times of year for respective species; (d) geospatial variability; (e) off-base reference site data; (f) climatic and oceanographic patterns (e.g. El Niño, Pacific Decadal Oscillation, storms, ocean temperature); (g) acoustic monitoring data; (h) and patterns of other variables including (as relevant to the respective species), but not limited to, pupping rates, breeding rates, beach width, behavior during launches, and forage base or food web trends. Relevant population trends to analyze include, but are not limited to, population sizes and locations, and for western snowy plovers and least terns, rates of breeding success (including number of hatched chicks and fledglings), nest/colony abandonment, injury, or mortality to eggs or chicks. Analysis of potential impacts from individual launches shall also include use of the results of the landscape-level camera monitoring for western snowy plover and California least tern required by the 2023 USFWS BO.

c. **Reporting.** No later than July 1 of each year, DAF shall send an annual report to the Executive Director for the enhanced biological monitoring program. The annual report shall include the monitoring data and results collected over the previous year as well as any initial conclusions, including those from the analyses detailed above in part b of this condition, regarding potential effects to any monitored species as a result of space launch and landing activity at Vandenberg Space Force Base. If significant disruption or degradation of habitat values are identified from these conclusions in terms of either (i) a statistically significant change, or (ii) a change greater than the baseline annual variation over the course of two consecutive years, in monitored indicators of species population or reproductive success, and cannot confidently be attributed to other natural- or human-caused catastrophic factors not related to the launch and landing activities, DAF shall prepare and provide for the Commission's federal consistency review a proposal for avoidance, minimization and mitigation measures to address the impacts.

The annual report submittal shall also include the following:

- i. Annual reports prepared for the 2023 USFWS BO on western snowy plover, California least tern, California red-legged frog, and southern sea otter (including any individual reports for those species referenced in the annual reports);

- ii. The results of marine mammal monitoring carried out consistent with the 2024 NMFS LOA and consistent with part a(i) of this condition;
- iii. The annual "Monitoring and Management of the Endangered California Least Tern and the Threatened Western Snowy Plover at Vandenberg Space Force Base" reports;
- iv. The results of on-base monarch butterfly monitoring;
- v. The results of pallid bat and western red bat monitoring; and
- vi. Modeled sonic boom conditions for each launch based on trajectory and atmospheric conditions.

Every three years, the third annual report shall include a summary of the previous three years of monitoring results as well as conclusions regarding potential effects to the monitored species as a result of space launch and landing activity at Vandenberg Space Force Base. Within 60 days of providing this three-year report of monitoring results to the Executive Director, DAF shall convene a meeting of relevant staff from the Commission, USFWS and NMFS to present and discuss the monitoring results and conclusions.

Terms and Conditions:

2. **Off-Base Sonic Boom Minimization Measures.** Within 30 days of the Commission's consideration of Consistency Determination No. CD-0003-24, the Department of the Air Force (DAF) shall submit, for Executive Director review and comment, a Sonic Boom Minimization Plan for limiting the spatial extent and severity (in terms of overpressure levels) of sonic booms caused by launches. This plan shall include measures for evaluating modeling for specific atmospheric conditions to anticipate sonic boom effects on the Northern Channel Islands and off-base areas of the mainland coast of Santa Barbara, Ventura, and Los Angeles Counties, and measures for making decisions on launch time and trajectory based on an analysis to minimize the spatial extent and severity of sonic booms experienced in those off-base areas. DAF shall consider comments provided by the Executive Director and address them through modifications to the Sonic Boom Minimization Plan and/or written responses as to why such modifications are infeasible. DAF shall implement the Sonic Boom Minimization Plan.

3. **Off-Base Acoustic and Biological Monitoring.** If implementation of the Sonic Boom Minimization Plan would not result in avoidance of sonic boom effects on the Northern Channel Islands and off-base areas of the coastal zone in mainland Santa Barbara, Ventura, and Los Angeles Counties, the Department of the Air Force (DAF) shall prepare and provide for Executive Director review and comment, an Acoustic and Biological Monitoring Program for affected coastal areas outside of Vandenberg Space Force Base that shall include: (a) monitoring that quantifies species response to sonic booms, including in areas of special biological significance, such as marine mammal haulout sites, and in Environmentally Sensitive Habitat Areas (ESHA), including dune ESHA and significant bird breeding, nesting, foraging, or roosting sites, which could be

affected by sonic booms; and (b) acoustic monitoring at those sites during launches to measure received sonic boom overpressure levels. DAF shall consider comments provided by the Executive Director and address them through modifications to the Acoustic and Biological Monitoring Program and/or written responses as to why such modifications are infeasible. DAF shall implement the Acoustic and Biological Monitoring Program.



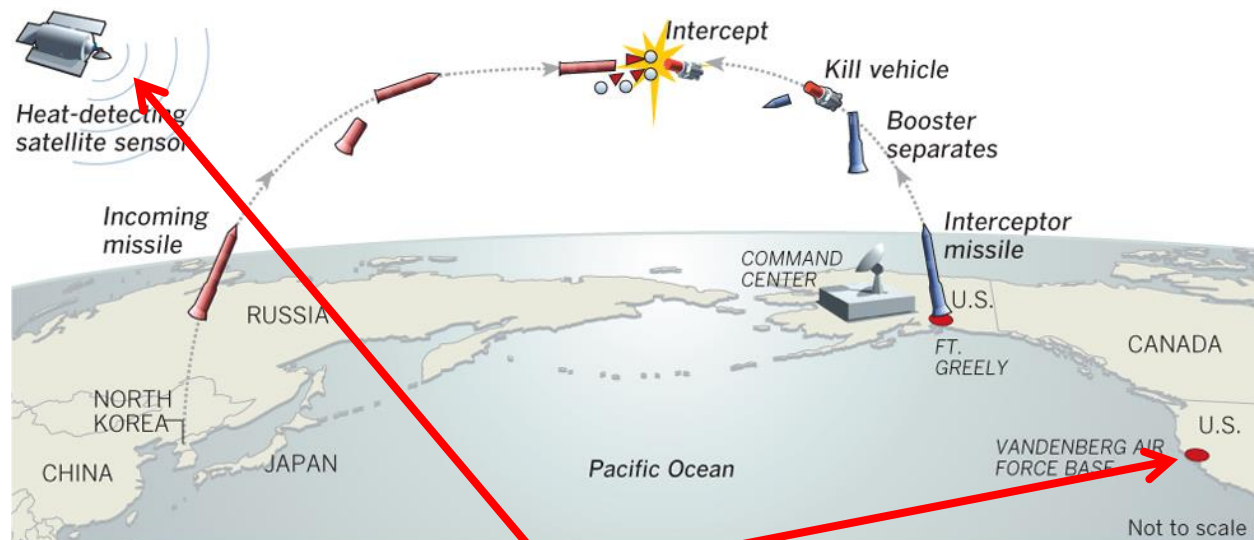
Background:

National Defense:

Here, and dangerously, provincial leftist environmentalists and doctrinaire local elected appointees on the Commission have the ability to interfere with, if not diminish, the defense capability of the United States against nuclear attack. Relatedly, presumptive Presidential candidate Kamala Harris has spoken against testing anti-ICBM interceptor missiles.

How the ground-based system should work

- 1 When space-based sensors and ground-based radar gather information on the target, they will transmit it to the so-called kill vehicle and to command centers.
- 2 Kill vehicle maneuvers itself into a collision course with incoming warhead, which it will hit at about 15,000 mph at an altitude of about 140 miles.

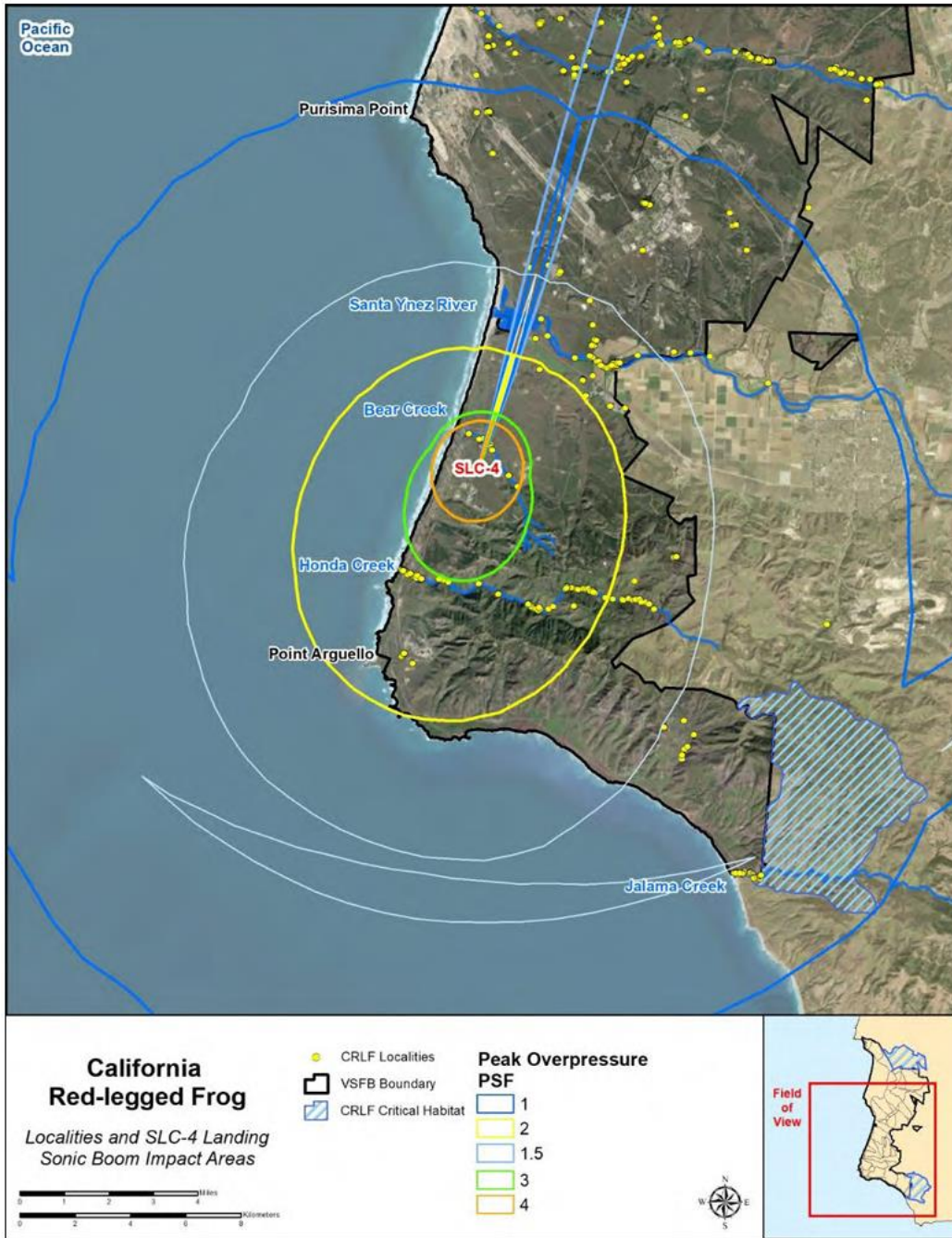


Will Vandenberg be allowed to launch these? Will Vandenberg be allowed to test the interceptor missiles based there? Both the readiness of the missiles and the crews must be tested periodically. What about our deterrent offensive ICBM's. In a system of a capped number of launches, does an added interceptor test displace a private sector communications satellite in the queue?

Two months ago the Commission considered issuing a negative consistency determination against the Space Force. Subsequently the Space Force provided thousands of pages of information and agreed to schedule launches when sonic booms would be minimized. They agreed to monitor sea life, birds, land animals and provide detailed on going reporting to the Commission. This was apparently not good enough. The Commission might issue an interim consistency determination with a number of expensive and effectiveness limiting conditions.

2. Off-Base Sonic Boom Minimization Measures. Within 30 days of the Commission's consideration of Consistency Determination No. CD-0003-24, the Department of the Air Force (DAF) shall submit, for Executive Director review and comment, a Sonic Boom Minimization Plan for limiting the spatial extent and severity (in terms of overpressure levels) of sonic booms caused by launches. This plan shall include measures for evaluating modeling for specific atmospheric conditions to anticipate sonic boom effects on the Northern Channel Islands and off-base areas of the mainland coast of Santa Barbara, Ventura, and Los Angeles Counties, and measures for making decisions on launch time and trajectory based on an analysis to minimize the spatial extent and severity of sonic booms experienced in those off-base areas. DAF shall consider comments provided by the Executive Director and address them through modifications to the Sonic Boom Minimization Plan and/or written responses as to why such modifications are infeasible. DAF shall implement the Sonic Boom Minimization Plan.

Where the sonic booms affect the Red Legged Frog:



A similar analysis, and accompanying pages of text has been produced for insects, plants, fish, reptiles, birds, crustaceans, and even the humans at Santa Barbara County Jalama Beach Park.

What ever happened to the patriotic notion: Jet Noise and Sonic Booms – the Sounds of Freedom.

The Commission item was so complex and lengthy that a table of contents was necessary.

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In addition to the actual Commission letter there are hundreds of pages of exhibits.

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial Overview](#)

[Exhibit 3a – Sonic Boom Modeling for Areas Outside of VSFB and NCI \(Overview\)](#)

[Exhibit 3b – Sonic Boom Launch Modeling \(By Overpressure Range\)](#)

[Exhibit 3c – Sonic Boom Launch Modeling \(Specific Runs\)](#)

[Exhibit 4 – Acoustic Field Verification Monitoring Sites](#)

[Exhibit 5 – Sonic Boom Modeling on VSFB and NCI](#)

[Exhibit 6 – Pictures of Steam from Liftoff at SLC-4E](#)

[Exhibit 7 – Weather Balloon and Radiosonde Photo](#)

[Exhibit 8 – Sonic Boom Effects Table](#)

[Exhibit 9 – USFWS Biological Opinion](#)

[Exhibit 10 – NMFS Letter of Authorization \(2024\)](#)

[Exhibit 11 – NMFS Letter of Authorization \(2019\)](#)

[Exhibit 12 – Area of Vegetation Management](#)

[Exhibit 13 – ESHA maps for Ventura County and LA-Santa Monica Mountains](#)

[Exhibit 14 – Email Notification to Campers](#)

[Exhibit 15 – Commercial Fishing Zones and Launches](#)

[Exhibit 16 – Remedial Action Letter](#)

[Exhibit 17 – 7/24/24 DAF Memo to CCC On Noise and Wildlife](#)

Here below is a sample paragraph from one of the conditions. There are literally hundreds of pages of this type of regulation..

Sample:

b. *Analysis of Monitoring Data.* **DAF shall conduct analysis** of the USFWS- and NMFS-required monitoring data and the supplemental monitoring data described above on an annual basis, in preparation of the annual reports described below, that shall include multivariate statistical analyses of the changes in population trends using: (a) relevant historical population data; (b) frequency of launches and on-base boost-back landings over different time scales; (c) seasonality of launches and sensitive times of year for respective species; (d) geospatial variability; (e) off-base reference site data; (f) climatic and oceanographic patterns (e.g. El Niño, Pacific Decadal Oscillation, storms, ocean temperature); (g) acoustic monitoring data; (h) and patterns of other variables including (as relevant to the respective species), but not limited to, pupping rates, breeding rates, beach width, behavior during launches, and forage base or food web trends. Relevant population trends to analyze include, but are not limited to, population sizes and locations, and for western snowy plovers and least terns, rates of breeding success (including number of hatched chicks and fledglings), nest/colony abandonment, injury, or mortality to eggs or chicks. **Analysis of potential impacts from individual launches shall also include use of the results of the landscape-level camera monitoring for western snowy plover and California least tern required by the 2023 USFWS BO.**

Economic Development and employment:

Separately from the limitations on national defense work, the Commission last month determined that private companies that use the base (under a Federal contract pursuant to national policy that military installations foster economic growth) may not qualify as a governmental activity. They complained that Space X and other private launchers should not be covered under the Space Force's conditional consistency determination. They began to theorize that the private companies will need a full Coastal permit. The application process could take years.

Commissioners have been particularly critical of Space X, which is owned by Elon Musk. Coincidentally, Musk has endorsed Donald Trump for reelection.²

At this point, any delay in issuing the Federal Space Force Consistency will exceed the legal time limits for processing the determination. That eventuality would result in the determination to be automatically approved. The staff and the Commissioners don't want to let the Space Force and private companies off the hook. For this reason the staff recommends that the Commission issue a conditional determination that includes a huge and costly list of actions, studies, delays, and mitigations with which the Space Force may not agree and which could hamper both the national defense mission and the commercial development of space.

One of the priorities is to expand the use of Vandenberg as a commercial spaceport. As noted above, Space X and other contractors are conducting launches and hope to expand the number of launches from a dozen per year to 60.

Key bi-county economic development project threatened:

Both counties and their not-for-profit economic development contractor REACH have pinned a major economic development outcome on the expansion of Vandenberg's private launches. The

² Musk is now publicly endorsing Trump's presidential reelection bid. And the Wall Street Journal, [citing people familiar with the matter](#), reported Monday that Musk is now planning on supporting Trump's presidential campaign by committing \$45 million a month to a new super PAC backing the former president. CNN report of July 24, 2024.

strategy also relies on attraction of off-base companies that manufacture space related equipment and maintenance services moving into the area.

Shockingly last week, we could not find any objection letters from either county or REACH. Both counties are spending millions of dollars over the years on REACH and this strategy. It turned out that REACH organized a considerable effort including elected officials, academic, and business leaders to tell the Commission how important the launches are, especially in terms of their positive impacts on the economy as engineering, manufacturing, maintenance, and support services will ramp up in proportion to the launches. The Commission does not include an attachment with correspondence until a few days before the meeting. The file with all the letters can be accessed at the link:

<https://documents.coastal.ca.gov/reports/2024/8/Th9c/Th9c-8-2024-corresp.pdf>

The REACH plan states in part per its graphic below:

Create a Thriving Space Enterprise at Vandenberg Air Force Base

ACTIONS

- Develop a VAFB Spaceport Master Plan
- Develop a multi-prong infrastructure financing strategy
- Attract private space companies



KEY STAKEHOLDERS

- VAFB
- Investors
- Federal government
- State government
- Local government
- Go-Biz
- Air Force
- Space Force
- Allan Hancock College
- UCSB
- Cal Poly
- Commercial space companies
- Economic development organizations
- Dept. of Defense

METRICS OF SUCCESS

- Number of rockets launched per year (YoY increase)
- Number of commercial space launch companies doing business on the Central Coast
- Dollars brought into the region by the space launch industry (direct, indirect and induced impacts)
- Total satellite mass launched to orbit (YoY increase)

A key measure of success is to increase the number of launches

The REACH letter on the next page is polite. The Commission blew them and everyone else off and adopted the ridiculous requirements stating that they could then violate the Space Force and take them to court.

June 7, 2024

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Subject: REACH comments on Vandenberg Space Force Base and the growth in launch cadence

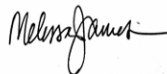
Dear Commissioners and Staff:

Thank you for the opportunity to provide comments regarding your discussion on the growing launch cadence at Vandenberg Space Force Base.

As the regional economic impact organization serving the Central Coast and the Governor's Military Council's appointed defense community support organization for Vandenberg, this is of significant importance to our mission and the work of thousands of others in our region, state, and nation. As we wrote in comments last month (attached), Vandenberg plays an indispensable role in our national security and the Central Coast's prosperity. Ahead of your upcoming meeting, we wanted to highlight several considerations as the Coastal Commission and Space Force look to move forward in a constructive way that advances our national security and the base's long-standing environmental stewardship:

- 1. Vandenberg plays a critical role in the livelihoods of the people of the Central Coast, and the opportunity to uplift our state's residents is tied directly to the increasing launch cadence.** As we noted last month, there is no comparable economic engine with the same potential to benefit the lives of the residents in this part of our state, which is essential given the vast number of struggling families and preponderance of low-wage jobs in this region.
- 2. The Central Coast and State of California have been working for many years, at all levels of government and all facets of the community, to support growth in the launch cadence and the jobs, investment and other positive community benefits that flow from that.** The Space Force and the launch operators at Vandenberg are critical partners, community members, and neighbors in this work. The state has also been a vital partner, with the Governor's launch of the Space Industry Task Force and the recent [letter](#) by nearly the entire California congressional delegation on the growing launch cadence at Vandenberg and space opportunities for the state. We appreciate the collaboration of state agencies including the Coastal Commission with Vandenberg over many years as these efforts have advanced and matured.
- 3. Vandenberg plays an important role in our state and nation's climate efforts.** In addition to being the launchpoint for many Earth observation satellites that enable greater understanding of climate change and other critical environmental issues, Vandenberg is chosen for launches precisely because it is the most fuel-efficient launch location in the country for reaching certain orbits. If launches moved away from Vandenberg to less ideal locations, that could directly result in increased emissions impacts.
- 4. It is essential that the Space Force be able to continue its mission uninterrupted on the Central Coast of California including growing the launch cadence, while continuing to build on the long-standing state-federal agency collaboration that has upheld our national security and environmental goals.** We look forward to supporting this critical collaboration for our region, state and nation.

Sincerely,



Melissa James
President/CEO
REACH
melissa@reachcentralcoast.org

Cc:
Governor's Office of Business and Economic Development
Governor's Military Council

Planning Commission meeting of Thursday, August 8, 2024 (Cancelled)

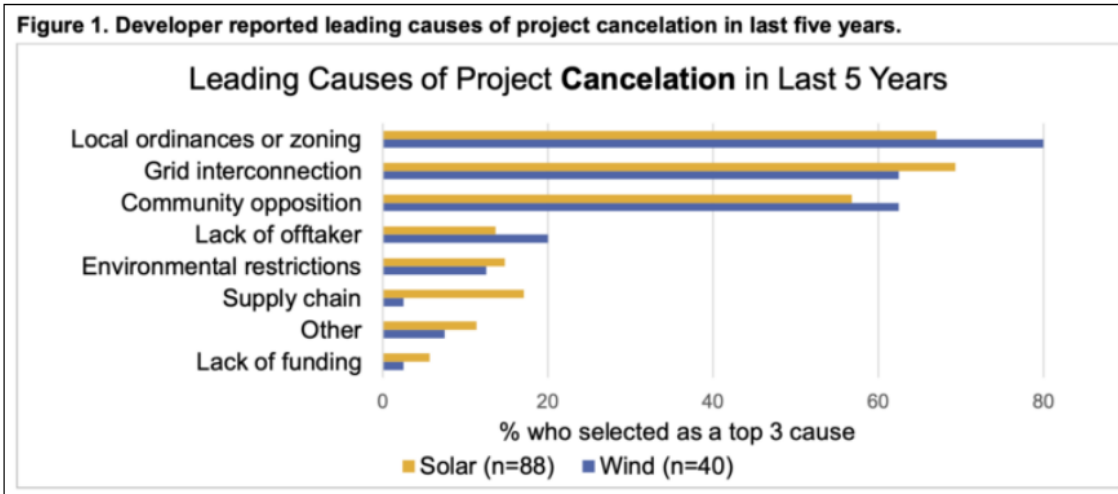
So far the Commission has enjoyed a light summer.

EMERGENT ISSUES

Item 1 – The Daily Chart: Greens Against Green Energy, August 5, 2024 By Steven Hayward In The Daily Chart

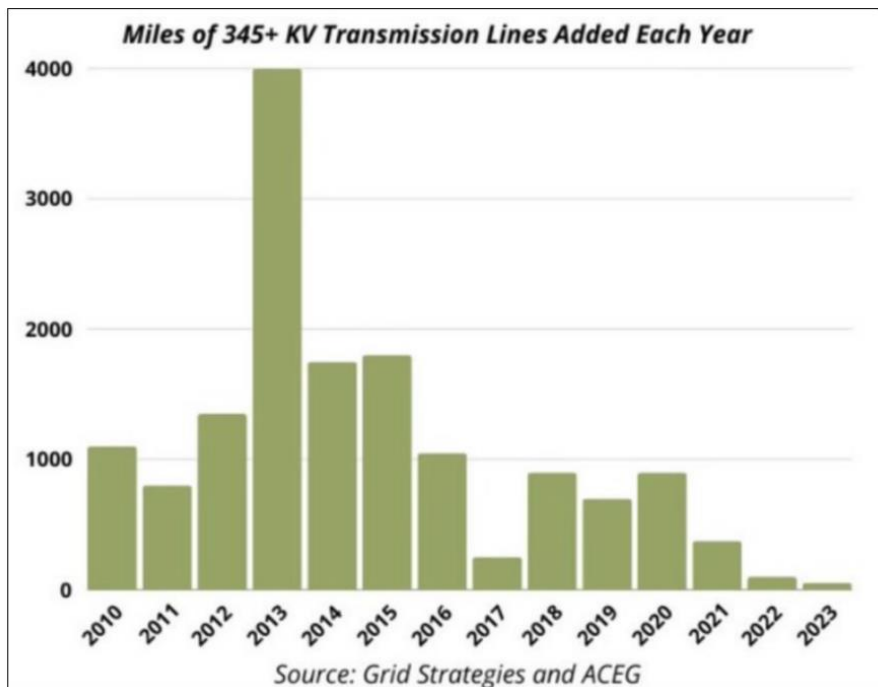
As everyone knows, we're building out massive amounts of wind and solar power with the huge subsidies the Biden regime rammed through, but as knowledgeable people (that would exclude the White House) know, none of this works even in theory if you don't build a significant amount of new high-voltage transmission lines from where the windmills and grid-scale solar panels are—typically rural areas far from where the electricity is needed.

A study just out from the excellent Energy Markets and Policy Lab at UC Berkeley include this significant finding from wind and solar power providers—pay special attention to the second horizontal bar:



The lack of ability to connect to the grid turns out to be more significant than direct environmental restrictions.

How have we been doing at expanding the grid? Not good:



There is currently a bipartisan permitting reform bill pending in Congress, the Manchin-Barrasso Bill, to enable expanding the grid, will be necessary in any case regardless of power source on account of the large projected electricity demand increase over the next 20 years. I haven't read the bill, and my default position is that it likely doesn't go far enough in rolling back overregulation.

**Item 2 – California Energy Commission Proposes State Takeover of Oil Refineries –
‘Californians Deserve a Strategic Transition Away from Petroleum Transportation Fuels’ By Katy Grimes**



Just as Chevron Oil company announced that it is moving its headquarters to Houston Texas from San Ramon California, California Energy Commission regulators announced proposed government controls of the petroleum industry, ostensibly in order to combat future energy price surges, according to a report released August 1, 2024 by the CEC.

Despite California's radical and very accelerated green agenda which does not include oil and gas as fuels, the CEC fully expects some of California's nine oil refineries to be shuttered due to falling demand, which would give the remaining refineries increased pricing power and raise the possibility of a surge in gas prices, the study said.

But the study had other interesting conclusions:

Like most product prices, gasoline prices should ideally obey the laws of supply and demand.

However, supply dynamics in California's transportation fuels market differ from many other markets in the United States. Despite being directly geographically connected to other states, California's relatively isolated transportation fuels market makes it essentially a fuel island. In addition, the critical need to address the state's unique air quality challenges means that the state must require a unique fuel specification that differs from the rest of the nation. Related to the

isolated market, the state’s opaque spot market appears to have an outsized influence on prices in a way that does not align with supply or demand fundamentals.

These factors have led to several challenges for the stability of transportation fuel prices. For example, in the last two years (2022 and 2023), California had two gasoline price spikes in September and October.

“Spikes were not seen in regions outside of the western part of the United States.”

Do my eyes deceive me?

As Ed Ring reported in the Globe in January, “Despite being a sunny, solar friendly state, with ample areas blessed with high wind, California still derives 50 percent of its total energy from crude oil. Another 34 percent comes from natural gas. This fossil fuel total for California energy, 84 percent, actually *exceeds* the world average for 2022, which – including coal – came in at 82 percent.”

Gov. Newsom claims that the state’s highest-in-the-nation gas taxes and prices are not what led to dramatically spiking gas/oil prices but because of price gouging by the oil industry. In May, Newsom even signed a gas price gouging law into place.

The California Energy Commission disagrees with the governor, showing that gas price spikes occurred in the last few years because of refineries temporarily going out of commission because not enough oil was getting to them. The CEC also said that lower prices this year were caused by many factors, including a cut in industry costs and profits, lower crude oil costs, and in how much environmental programs are getting from the industry, the Globe reported. Prices could even be lower, but as the CEC noted, the only thing that went up was the gas tax itself.

The newest CEC study reports “gasoline remains California’s dominant transportation fuel, and demand is not especially responsive to short-term price spikes.”

They further explain:

Gasoline demand is expected to continue a downward trend as demand for ZEVs increases and other climate-friendly strategies unfold. However, the CEC projects that gasoline demand will remain above two hundred thousand barrels per day (TBD) at least through 2035 if not longer. Even under the most aggressive scenario transition to ZEVs, millions of petroleum-fueled vehicles are anticipated to remain on California’s roads and highways beyond 2035.

These vehicles will need fuel to operate, and many of the vehicles may be owned by lower income individuals and families, making it even more compelling to identify ways to ensure an affordable, reliable, equitable, and safe supply.

California accounts for most of the U.S. zero-emission vehicle sales – over 40% in 2022. I’m still looking for 2023 records. But this switch to electric vehicles did not originate because of supply and demand – the California Air Resources Board has been driving the push to electric with regulations.

Ed Ring reported at the Globe:

According to the Department of Motor Vehicles, there are 30.8 million cars and light trucks currently registered in California. According to the U.S. Department of Energy, of these, 1.2 million are “BEVs,” that is, pure battery-electric vehicles and not including hybrids that combine gasoline and electric propulsion. Almost all of these BEVs were sold in the past five years, with 374,000 sold in 2023. An overwhelming 60 percent of BEVs sold were Teslas; 226,000 in 2023. The closest rival to Tesla was Chevrolet, selling 19,000 BEVs in the state, followed by Ford, Mercedes, and Hyundai, each of these three companies selling 16,000 BEVs. And then the CEC pivots to how to manage the evil, rotten and bad oil and gas industry because **“Californians Deserve a Strategic Transition Away from Petroleum Transportation Fuels:”**

...in workshops and hearings held by the CEC and in stakeholder comments, there is concern about market power abuse in the petroleum sector, and the state appears to be increasingly susceptible to price spikes as seen over the last decade. Stakeholders at CEC workshops and hearings have expressed concern about unfair market dynamics resulting from increased market power in California’s petroleum industry and potential market gaming by industry participants. Moreover, stakeholders have expressed concern that harmful industry conduct will be amplified by bad actors acting anticompetitively. During this critical transition period, additional oversight is necessary to protect Californians from further market dysfunction and potential market manipulation. The CEC proposes:

“The State of California would purchase and own refineries in the State to manage the supply and price of gasoline,” wrote the study’s authors, with the scope of the initiative ranging from “one refinery to all refineries in the state.”

(CARBOB: The California Air Resources Board’s model for California Reformulated Gasoline Blendstock for Oxygenate Blending – CARBOB)

The CEC considers closing refineries:

The specific refineries that would shut down under this pathway are uncertain, but the in-state capacity for refining would not be a smooth decline like the demand scenarios. Rather, the supply response will be “lumpy” in the sense that a typical refinery is capable of supplying about 10 to 20 percent of overall state demand. Should one refinery close or convert (to renewable diesel), a large portion of in-state CARBOB supply essentially vanishes. The position of other refineries will be temporarily bolstered, resulting in an increase in market concentration. However, suppliers could choose to secure additional CARBOB supply from other domestic or foreign refiners if it is economically viable.

And they discuss **Impacts of Continued Refinery Operations:**

Refineries are often near marginalized and disadvantaged communities, leading to disproportionate impacts on air quality and, consequently, the health of these populations.

Other proposals:

- During times of lower gas prices, fees would be levied in a variable manner to then allow for stabilization initiatives during California-specific price spikes.
- California would actively regulate the operating rules, prices, and rate of return of petroleum fuel market operators similar to the current structure used to manage private electric and fossil natural gas utilities as natural monopolies where California sellers would be required to have

prices approved by the designated State authority and spending would have to be approved for cost recovery in prices.

- **The State of California would purchase and own refineries in the State to manage the supply and price of gasoline.**
- **Measure, publicize, and potentially manage retail margins.** Assure that all gasoline that is sold at retail stations in California **is not sold at excessive retail margins.**

From the horse's mouth – the California Energy Commission said the quiet part out loud: Government control of the petroleum industry... and they did it in the last three pages of the 76-page study.

But the CEC did sort of question the whole state-owned refineries move and asked, “as demand for fossil fuel declines, will the presence of State-owned refineries inhibit an orderly phase out of refinery capacity?”

The state obviously does not understand that if you can't make any money you'll have to curtail production, and you won't be able to produce a product – or you'll have to sell the product elsewhere. You can't make this stuff up.

Katy Grimes

Katy Grimes, the Editor in Chief of the California Globe, is a long-time Investigative Journalist covering the California State Capitol, and the co-author of California's War Against Donald Trump: Who Wins? Who Loses?

Item 3 – SunPower Files for Chapter 11 Bankruptcy – Wall Street Journal, August 7, 2024.

Deal is set to sell some of its assets to its competitor, Complete Solaria

BY COLIN KELLAHER

Solar-energy company SunPower has filed for chapter 11 bankruptcy with a deal in hand to sell some of its assets to competitor Complete Solaria.

SunPower late Monday said it agreed to sell the assets associated with its Blue Raven solar business, as well as its new-homes business and its oninstalling dealer network, for \$45 million to Complete Solaria, which will serve as the stalking horse, or lead bidder in a court-supervised auction for the assets. SunPower added it plans to continue a sale process for its remaining assets and to wind down its operations.

SunPower in April unveiled

plans to cut nearly a quarter of its workforce as part of a restructuring aimed at reducing operating costs and improving the economics of its business as the Richmond, Calif., company shifted to a low fixed-cost model.

SunPower at the time said the solar market's recovery has been slower than expected, and that the company was simplifying its business structure and moving away from areas where it has been unable to sustain profitable operations.

However, SunPower in July told solar dealers and installers that it would no longer lease panels to homeowners, a move that Guggenheim Securities analyst Joe Osha said made it likely that the company would have to stop operating entirely.

SunPower shares closed Tuesday down 43% at 46.4 cents each. Shareholders are generally wiped out in bankruptcy cases.

Item 4 – Wind- Farm Failure Off Nantucket.

Fallout From a Wind-Farm Failure

BY JENNIFER HILLER

This summer was supposed to be a breakout season for the faltering offshore-wind business in the U.S. Instead it may be defined by an ill-timed break.

A large project off the coast of Massachusetts, called Vineyard Wind, remains at a standstill following an accident that dropped a massive turbine blade into the ocean last month and washed chunks of debris onto Nantucket beaches.

The blade broke at the height of summer and at a pivotal moment for the U.S. offshore wind industry, which has struggled with rising costs, political opposition and a wave of canceled and renegotiated contracts. Efforts to launch the sector in the U.S. are considered key to President Biden's climate aspirations but would be especially vulnerable if former President Donald Trump returns to office.

Of the many clean-energy incentives and policies approved by Congress or the Biden administration in recent years, offshore wind projects and electric vehicles have been sin-

Giant shards from a broken wind turbine washed up on Nantucket beaches.

gled out repeatedly by Trump with particular ire.

"We are going to make sure the ends on day one," Trump said at a campaign event in May, talking about an offshore wind project in New Jersey. "I will write it out in an executive order."

The project offshore Nantucket and Martha's Vineyard is among the largest planned wind farms in U.S. waters, with the capacity to deliver electricity to around 400,000 homes and businesses in Massachusetts. It was the first U.S. commercial offshore wind installation to start delivering grid power earlier this year and has more than a third of its turbine in place.

As chunks of debris washed ashore in Nantucket in mid-July, beaches closed for a day. The federal Bureau of Safety and Environmental Enforcement halted construction of additional turbines along with power generation from the installed turbine. The agency said it had launched its own investigation into the incident. More debris later washed up on Martha's Vineyard and Cape Cod beaches.

Turbine maker GE Vernova has blamed "insufficient bonding," or glue, as the reason for the break. It said it was a manufacturing problem and there is no underlying design flaw that would affect other installed blades. The blade had been recently installed and the turbine was undergoing reliability tests.

"We are working with urgency to scrutinize our operations across offshore wind," Chief Executive Scott

**Continued
on the next page below**



Obama Estate, Nantucket



Assembly facilities for the Vineyard Wind project in New Bedford, Mass., above. Debris from the wind turbine blade on Nantucket, left and below.



energy and fought a protracted legal battle starting more than a decade ago over an offshore wind farm in sight of his Scottish golf resort.

Gaven Norton, owner of ACK Surf School on Nantucket, was among those collecting 4- and 5-foot chunks of the turbine before the beaches were closed. "It's probably the worst possible time that this could happen," said Norton, who has around 25 employees to help with lessons and camps from mid-June through mid-September.

While surfers have been able to return to the water, Norton can't yet gauge the financial impact on his business.

Turbine manufacturers have delivered ever-larger and more advanced machines, which are more efficient at making electricity but have struggled to become profitable. The Covid-19 pandemic caused global supply chain disruptions and inflation sent the cost of building materials soaring. Last year some manufacturers said they were running into problems with wear and tear.

Avangrid and Copenhagen Infrastructure Partners, the developers of Vineyard Wind, have had crews looking for pieces of the blade. Some pieces have sunk to the ocean floor and must be retrieved.

"The presence of debris both at sea and on land has decreased significantly," said Craig Gilvarg, spokesman for the project. "Vineyard Wind continues to monitor for debris by land, sea and air every day and is ready to respond to any reports of debris, even though most of the recent sightings have turned out to be unrelated trash."

A Lot Was Riding on This Wind Farm. Then Pieces Washed Up on the Beach.

Continued from page B1
Strazik told analysts during a July 24 earnings call. "Pace matters here, but we are going to be thorough instead of rushed."

Offshore wind turbines are massive. The broken blade was around 351 feet long, taller than the Statue of Liberty.

Manufacturing giant turbine blades is both a high-tech and hands-on process. GE Vernova takes ultrasound images of each blade it makes, a few centimeters at a time, and now is combing through images of around 150 offshore blades.

A check of those images should have caught the problem with the blade at Vineyard Wind, but didn't,

Strazik said. GE Vernova this week said it also plans inspections of installed blades with remote-operated robots.

A GE Vernova blade at an offshore project in the U.K. was damaged in May, though the company said that was because of an installation mistake and not a manufacturing problem. Onshore in the U.S., project owner American Electric Power has sued GE Vernova, alleging problems with turbines at three wind installations in Oklahoma.

This is the first blade failure at a U.S. offshore wind farm.

While the accident involved one blade and doesn't appear to signal a widespread problem, "it's not

helpful for GE both in terms of getting new orders in the future and generally given the backlash that offshore wind is getting in the U.S.," said Deepa Venkateswaran, an analyst at Bernstein.

Nantucket resident Jeanne Fones said she has long had concerns about offshore wind, including its impact on wildlife and what would happen to unprofitable projects if they are abandoned.

"We're not even started and the debris is coming in," Fones said. "Now we're dealing with fiberglass in the water and on the beaches."

Timothy Fox, managing director at Washington, D.C.-based ClearView Energy Partners, said the accident could galvanize oppo-

sition to offshore wind. If Trump wins in November, "his administration could likely point to this incident as cause to halt project reviews and lease sales," Fox said.

Vineyard Wind is one of four major projects under construction along the East Coast, a landmark for an industry trying to enter the U.S. energy mix after years of delays. Around 40 new vessels are on order or under construction—part of a massive new domestic supply chain—to help install and maintain the industry's skyscraper-sized machines.

But offshore wind energy projects require a bevy of permits, studies and approvals from federal agencies, which presidential administrations can decide to fast track or delay.

Biden has targeted 30 gigawatts of offshore wind capacity in the U.S. by 2030, a goal analysts expect the country will miss, while Trump has long complained about wind

FROM TOP: LEFT: TOWN OF NANTUCKET MARINE DEPARTMENT; RIGHT: GUYEN/SHUTTERSTOCK

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COLAB IN DEPTH
IN FIGHTING THE TROUBLESOME LOCAL DAY-TO-DAY ASSAULTS
ON OUR FREEDOM AND PROPERTY, IT IS ALSO IMPORTANT TO
KEEP IN MIND THE LARGER UNDERLYING IDEOLOGICAL,
POLITICAL, AND ECONOMIC CAUSES

CALIFORNIA V. LANDLORDS

*Between squatters and rent control, Golden State property owners are
under siege.*

BY JUDGE GLOCK

Californians have complained, with good reason, about their astronomical rents. One obvious cause is the state’s inability to build new housing. Another reason, less often discussed, is that the state makes it increasingly difficult for landlords to earn money from renting to tenants or to remove unpaying ones.

Many of California’s rental housing woes trace back to the so-called Tenant Protection Act of 2019. The law requires landlords of properties more than 15 years old to have one of several specified “just cause[s]” for removing a tenant—even if he has stayed past the end of his lease. If landlords can’t meet the terms, they must help pay tenants’ moving costs or waive the final month’s rent. Last year, the state expanded the law, letting tenants sue landlords for up to three times any “damages” and attorneys’ fees. Tenants know they have the upper hand in any removal proceeding now.

The government’s response to the pandemic worsened landlords’ headaches. The Centers for Disease Control and Prevention had instituted a national eviction moratorium, which the Supreme Court struck down in August 2021. California, however, kept its eviction pause in place until June 2022, while locally, San Francisco and Oakland did so through much of 2023. Los Angeles’s special renter protections, including a rent freeze, didn’t expire until early this year.

The end of those moratoria created a predictable flood of eviction notices, which are still working their way through and delaying housing courts. That backlog, and the state’s absurdly byzantine rules, have enabled tenants and squatters to stick around indefinitely. According to California law, if someone has lived (even illegally) in a place for 30 days, a landlord must complete a formal eviction process to remove him. If a landlord serves the tenant notice to leave, and he contests it, the law says a hearing should be scheduled in a few days. In practice, however, hearings are often put off for months.

The court process itself often leads to further delays. State law gives tenants the right to request a jury trial, and some places, like L.A., allow them to demand a free lawyer. Even if the tenant loses the suit, landlords sometimes have to wait months for an eviction warrant to be issued. If the tenants convince the sheriff that they have a “humanitarian” reason for staying, they can get more time before they are forcibly removed. The result of this ordeal is that landlords must wait months to evict a nonpaying tenant, or even a squatter, while they fail to collect rent and their properties get degraded or destroyed.

The state's tenant accommodations would be comic if they weren't so destructive. Consider one Los Angeles owner who rented out his accessory-dwelling unit for six months. After the lease expired, the resident took advantage of state and local tenancy laws and lived there, rent-free, for more than a year. She said that she would move only if the landlord paid \$100,000 in relocation costs.

Some California citizens are taking direct action. After squatters invaded his mother's house, Flash Shelton started a business that gave them a taste of their own medicine. Shelton enters squatters' "homes" and refuses to leave, setting up video cameras to record every moment; his presence often prompts them to move away. Another new California company, Squatter Squad, promises "fast and effective squatter removal." It typically charges up to \$10,000 for the service but notes that the costs of allowing squatters to stay can be higher.

Instead of coming to landlords' defense, the state government seems increasingly intent on protecting scofflaw tenants and squatters. State Attorney General Rob Bonta, for example, proclaims, "If you live in a rented home in California, you have rights. California law protects tenants from San Diego to Siskiyou—regardless of immigration status or employment status, race, or gender identity." When a radical squatting group took control of a vacant Oakland house, the city's mayor and Governor Gavin Newsom helped negotiate a deal to buy and turn over the property to them. Similarly, when a group occupied and rented out rooms at a \$4.5 million Beverly Hills mansion, a local administrator pushed back against attempts to evict them, claiming that "squatters have rights." Even the Los Angeles County Sheriff's Department admits that removing such derelicts can be hard. The department's web page explains that the "best way to deal with squatters is to prevent them from moving in."

Tenants' advocates make big claims about the necessity of these eviction protections to stabilize households and reduce homelessness. The research does not support them. A recent study showed that while stronger tenants' rights did reduce evictions, as expected, they also led to higher rents, fewer vacancies, and higher homelessness rates.

The California legislature, meantime, keeps finding new ways to punish landlords. Sacramento recently passed a law forbidding landlords from "discriminat[ing]" against tenants with government housing vouchers. The state in fact prohibits discrimination in renting across 15 categories, from "source of income" to "genetic information" to "gender expression," with punishing costs for noncompliance. Last year, Sacramento passed a law limiting the amounts many landlords can charge for security deposits; previously, they could charge two months' rent, or three months' for furnished units. Now, they are limited to one month's worth for any apartment. (Be prepared for furnished-apartment offerings to disappear and all rents to go up to compensate for losses.)

One of the most distressing aspects of California's recent anti-landlord push is the resurgence of rent control. The Tenant Protection Act, besides limiting evictions on older properties, forbade increasing rent by more than 10 percent per year. Few policies are more universally condemned by economists, on the right, left, and center, than rent control. One study found that a 1994 San Francisco law that expanded rent control cut the effective rental supply by 15 percent, since landlords either redeveloped their buildings or sold them to owner-occupants. The supply reduction led to—you guessed it—higher rents.

For years, cities and counties in California have imposed their own special version of rent control for mobile homes. Since the pandemic, more cities, such as Santa Rosa, National City, and Petaluma, have created or expanded mobile-home rent control. The state is moving in, too.

After extensive lobbying by residents, the legislature in 2021 passed a bill to prevent a single mobile-home park, Rancho La Paz, from raising rent by more than 5 percent annually. A proposal to take the 5 percent limit statewide was put on hold as the Rancho La Paz case winds through the courts.

Radical tenants' advocates aren't satisfied with existing laws punishing landlords. The statewide tenants' union, Tenants Together, makes clear that its goal is the end of private ownership of housing. It argues that "housing is a human right, not a commodity" and that the fight for tenants is just part of an effort to overthrow "structural oppression" by seeking "racial, gender, economic, environmental, and disability justice; trans and queer liberation, and indigenous sovereignty." Tenants' unions and their allies have pushed several ballot measures to overturn a state law preventing cities from expanding typical rent control for buildings. Their 2018 and 2020 ballot measures each lost by about 20 percentage points, but they garnered enough signatures to put them on the ballot again this year. Despite California voters' sensible opposition, advocates want to keep making it harder to be a landlord.

The key to solving California's rental crisis is straightforward: build more housing. But developers will not do that, and landlords will not let, if it is impossible to collect money from tenants and remove those who don't pay. Subjecting landlords to ever more laws and ever more lawsuits is deepening California's housing crisis. The only ones truly benefiting are the activists, who can keep lamenting high rents and limited supply.

Judge Glock is the director of research and a senior fellow at the Manhattan Institute and a contributing editor of City Journal.

This article is part of a series on the squatting crisis in the United States.

AMERICANS ARE POORER: THE UNITED STATES MISERY INDEX RISES AGAIN BY DANIEL LACALLE



I frequently receive comments about the strength of the United States economy and the unfairness of perceiving things as less than stellar. Is it really the “strongest economy ever”? It’s evident that it’s far from being the “strongest economy ever.”

The United States unemployment rate has risen to 4.1%, the highest in three years, which is also significantly higher than the level seen in 2019. In June, a 70,000 increase in government jobs boosted payroll employment by 206,000. One-third of job creation is public sector jobs paid with more debt. Both the employment-to-population ratio and the labor force participation ratio are below the pre-pandemic level, and immigrants account for all the labor force growth since the pandemic, according to the Bureau of Labor Statistics and Ned Davis Research.

Inflation remains persistent and citizens have lost more than 24% of their purchasing power since 2019, with a 0.6% negative real wage growth in the January 2021–June 2024 period. Real wage growth in 2024 is rising only 0.8% year-on-year.

This shows why the United States Misery Index is rising to 7.4% in June from 6.8% in January. The Misery Index, which measures unemployment and inflation, bottomed out at 6.8% in 2023 and has been worsening since then. Furthermore, the index is far away from the pre-pandemic level of 5.4%.

All these measures allow us to understand why Americans are negative about the economy. Despite messages of redistribution, social policies, and equality, the average citizen is poorer, and only the wealthy have been able to improve their position and navigate high rates and inflation thanks to investments in the stock market. While this shouldn’t come as a surprise, it’s important to remember. There is nothing social about increasing debt, deficit spending, and taxes.

The problem for most Americans is that it is increasingly difficult to make ends meet despite record government spending, or because of its negative impact on inflation and taxes.

There is a reason why we should be worried about rising discontent and impoverishment. The placebo effect of government spending on GDP is declining. Real gross domestic income (GDI) increased by 1.3 percent in the first quarter, a downward revision of 0.2 percentage points from the previous estimate and a market slowdown. The average of real GDP and real GDI, a supplemental measure of U.S. economic activity that equally weights GDP and GDI, increased by 1.4 percent in the first quarter, according to the Bureau of Economic Analysis.

If we look forward, Americans are going to have to choose between two options: further impoverishment with Keynesian policies or making a dramatic pro-growth turn where policy is targeted at improving disposable income, increasing investment, and strengthening productivity and real economic growth.

We know that it will be impossible to cut the current deficit with tax hikes. There is no revenue measure that will generate two trillion U.S. dollars per year, and it is impossible to increase taxes further without punishing investment. The problem in the United States is mandatory spending, as the CBO expects outlays to reach 24.9% of GDP in 2036, while revenues will reach a record but insufficient 18%. If the Federal Reserve continues to monetize debt, Americans will suffer from the inflation impact as well as the rising cost of housing. The U.S. dollar’s purchasing power will continue to decline. However, it is easier to create two trillion U.S. dollars of productive GDI than to tax two additional trillion dollars per year out of the existing fiscal base.

Yes, the only solution for the United States is pro-growth, pro-business policies that defend the purchasing power of the U.S. dollar. So-called social policies have only made everyone poorer and hurt the middle class.

Daniel Lacalle, PhD, economist and fund manager, is the author of the bestselling books Freedom or Equality (2020), Escape from the Central Bank Trap (2017), The Energy World Is Flat (2015), and Life in the Financial Markets (2014).

Note: The views expressed on Mises.org are not necessarily those of the Mises Institute.

THE REAL ECONOMIC CATASTROPHE WILL BE CAUSED BY THE U.S. DEBT

The U.S. is headed for “the most predictable economic crisis in history,” as Bill Clinton’s former White House chief of staff once put it. Why? Because of the mountain of federal debt that we keep making bigger and bigger.

For the first time since the wartime economy of the late 1940s, U.S. debt is roughly equal to the value of all the goods and services our economy produces in a year. When World War II ended, all that spending on tanks and aircraft came to a quick end. But the major drivers of today’s debt crisis are Medicare and Social Security, and their price tags are set to keep rising. So what does President Joe Biden promise to do about this looming crisis? Absolutely nothing. And Republican lawmakers have cheered him on.

“Tonight, let’s all agree,” Biden said in his 2023 State of the Union address, “we will not touch social security. We will not cut Medicare. Those benefits belong to the American people...I’m not gonna allow them to be taken away—not today, not tomorrow, not ever. But apparently it’s not going to be a problem.” Not be a political problem today, but it will become one as the debt wreaks havoc on the U.S. economy.

We already spend more on paying interest on the federal debt than we do on Medicaid and defense. Even if rates remain at 4 percent for the next few decades, annual interest payments are projected to surpass what we spend on Medicare and Social Security.

It’s like having a ballooning credit card bill that gradually swallows up your entire salary.

Interest rates are like a time bomb. If they rise to 5, 6, or 7 percent, the cost of borrowing will increase so much that federal debt would be on track to surpass 300 percent of gross domestic product—or three times higher than World War II levels. Eventually, interest costs would consume nearly all of annual U.S. tax revenues.

The cause is no mystery. The combination of rising health care costs and 74 million retiring baby boomers is causing annual Social Security and Medicare costs to explode.

Social Security and Medicare have special revenue sources, but if nothing changes by 2034, these two programs will be collecting \$2.6 trillion annually in payroll taxes and related revenues while spending \$4.8 trillion in benefits and associated interest costs.

Republicans blame all the spending on Democrats. But former President George W. Bush signed legislation that collectively added \$6.9 trillion in debt. And former President Donald Trump approved \$7.8 trillion in new legislation in just one term. For both presidents, this includes both huge new spending bills and trillion-dollar tax cuts.

Republicans like to talk about slashing social spending, but to balance the budget we'd need to completely eliminate *all* funding for veterans' benefits, child credit payments, the earned income tax credit, school lunches, disability benefits, K-12 schooling, health research, unemployment benefits, food stamps, homeland security, infrastructure, embassy security, federal prisons, border security, and much more.

There's not much appetite for that.

The most basic progressive narrative is that deficits don't matter and that taxing the rich can eliminate the deficit. But approximately 70 percent of the 2001 and 2017 tax cut costs and subsequent extensions went to the middle and lower classes. If you size up their fiscal impact, only a tiny sliver can be attributed to "tax cuts for the rich."

Seizing every home, yacht, business, and investment from America's 800 billionaires would fund the federal government for just nine months. And then the money would be gone. So would your 401(k), given that most of this wealth would be seized from the stock market, causing the S&P 500 to crater.

There simply aren't enough millionaires, billionaires, and undertaxed corporations to close Social Security and Medicare's projected \$124 trillion cash shortfall over three decades or—as some Democrats propose—to finance a generous social democracy for 330 million Americans.

There's no way to protect current retirees from the impact. And there is no way to tweak our way out of it. Social Security's eligibility age will need to rise and its payout to above-average earners must be curtailed. Medicare will have to become cheaper, and wealthier people are going to have to pay more for it.

"Those benefits belong to the American people," Biden said in his 2023 State of the Union address. "They earned it. And if anyone tries to cut Social Security, which apparently no one's going to do. And if anyone tries to stop Medicare, I'll stop them. I'll veto it."

Should we blame Biden and the politicians applauding him for their unwillingness to risk addressing our looming fiscal insolvency?

Actually, voters are mostly to blame.

We simultaneously call for a balanced budget, higher spending, and no more taxes. We vote for Santa Claus candidates from both parties. We're the ones who selected those craven politicians. And eventually, we'll pay the price.

Reason Magazine Essay of August 10, 2024



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