



**WEEKLY UPDATE
AUGUST 4 - 10, 2024**

**THIS WEEK
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NO BOARD OF SUPERVISORS

CALIFORNIA COASTAL COMMISSION

**WILL APPROVE MARINE SANCTURY & LEAVE ROOM FOR
OFFSHORE WIND ENERGY IN HUGE HYPOCRITICAL SWITCH**

**THREATENS VANDENBERG DEFENSE MISSIONS BY
RESTRICTING ROCKET LAUNCHES**

**THREATENS SANTA BARBARA AND SLO COUNTY KEY
ECONOMIC DEVELOPMENT PROGRAMS**

GAVIOTA COAST ADDED TO MARINE SANCTUARY

BOTH COUNTIES AND REACH SEEM OBLIVIOUS

**VP KAMALA HARRIS AND CONGRESSMAN CARBAJAL ARE
IN THE TANK WITH ALL OF IT**

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NO BOS MEETING

LAST WEEK & THE WEEK PRIOR VERY LIGHT

**EMERGENT ISSUES
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**ADD CHEVRON TO THE GROWING LIST OF
BUSINESSES FLEEING CALIFORNIA**

California's regulatory environment is so hostile, it is nearly impossible to dig, drill, develop, mine, log, graze grow, or manufacture anything

THE WALL STREET JOURNAL WEEKEND

SATURDAY/SUNDAY, AUGUST 3 - 4, 2024 - VOL. CCLXXXIV NO. 29

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**NO LUCK FOR CALIFORNIA TRUCKS: CARB
REGULATES SALES TO ZERO**

'Good enough for government work'

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AMERICA'S LAB RATS?

Many Americans feel that the country has become unrecognizable due to decades of globalization and a technological revolution that has eroded middle-class livelihoods and deepened social divides.

BY VICTOR DAVIS HANSON

OVERCOMING THE TRAGEDY OF PESSIMISM

You are hated. You are garbage. Give up. Die.

BY EDWARD RING

**BACKGROUND: OPPOSE THE PROPOSED
CHUMASH MARINE SANCTUARY**

BY MIKE BROWN

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SPONSORS



THIS WEEK'S HIGHLIGHTS
ALL MEETINGS ARE AT 9:00 AM UNLESS OTHERWISE NOTED

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 (Scheduled)

**INSIDIOUS COASTAL COMMISSION
&
HYPOCRITICAL NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION**

Overview: The Commission will be hearing and may take action on two major policy items 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 request 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. If either County is commenting at this point, it is without formal adoption of their respective positions. Otherwise, they may be oblivious or, more likely, their respective Board majorities are deliberately allowing the matters to proceed in the dark.

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, San Luis Obispo and Santa Barbara Counties) - Designation of the Chumash Heritage National Marine Sanctuary, draft management plan, and draft regulations. As we have reported over the past eight years, the National Oceanic and Atmospheric Administration (NOAA) is 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) pending policy determination pursuant to the consistency process outlined above.

Note: For background on the proposed sanctuary and COLAB's objections, please see the detailed report in **Appendix I** on **PAGE 26** below.

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 grantees support the modified the 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 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.

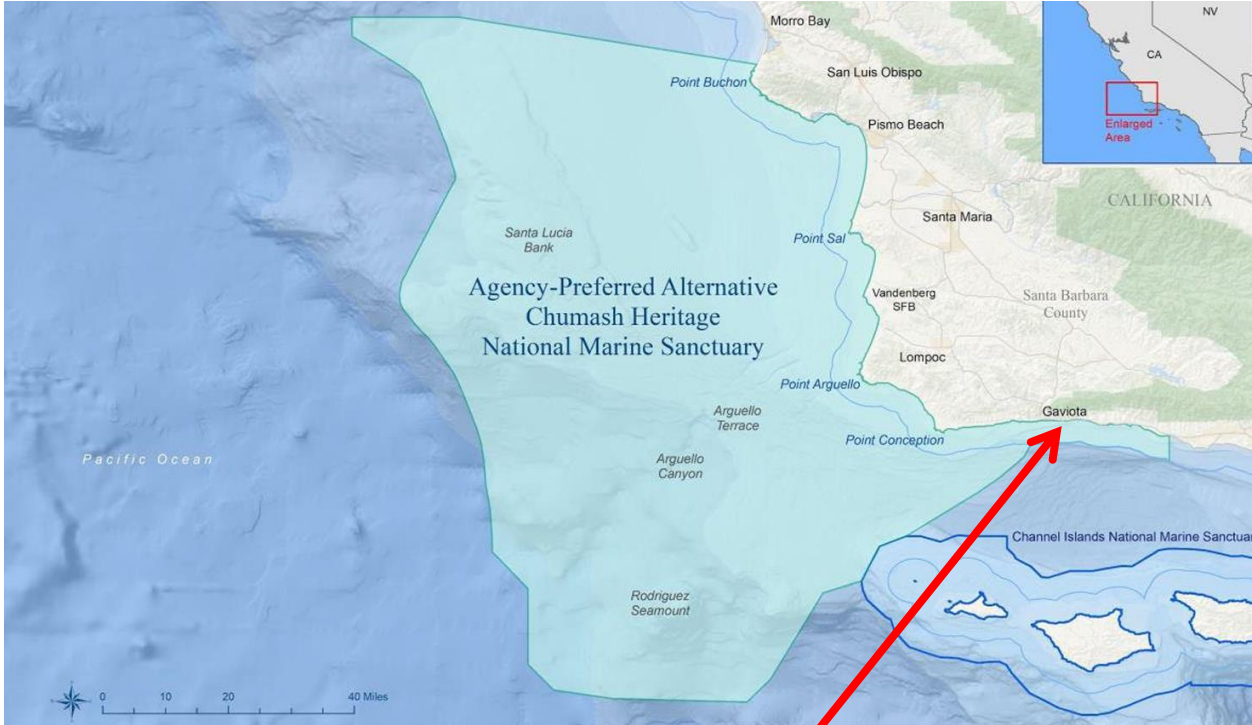
The first has to do with potential laying of subsea electrical transmission cables that may occur as part of potential future offshore wind development in federal waters off of the central coast. However, NOAA is concerned about the amount of seabed disturbance and potential ongoing impact on biological 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.

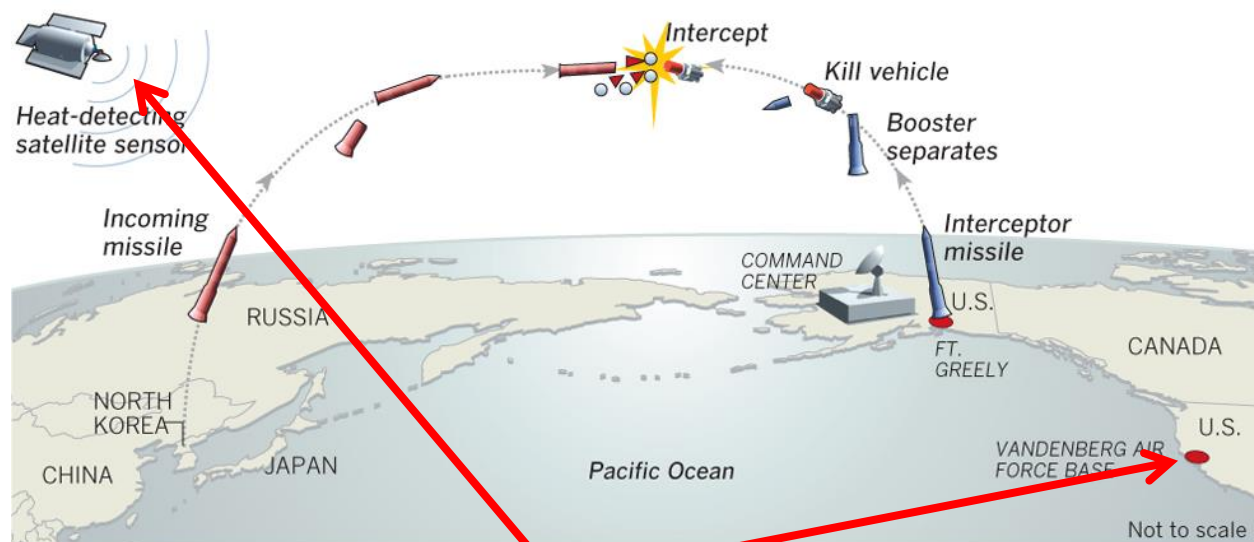
Item Th9c - Consistency determination by the United States Space Force to increase Space Exploration Technologies' (SpaceX) Falcon 9 launch and landing activities at Vandenberg Space Force Base (VSFB) from six to 36 per year as well as the addition of offshore landing locations in the Pacific Ocean Vandenberg Space Force Base, Santa Barbara County.

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.



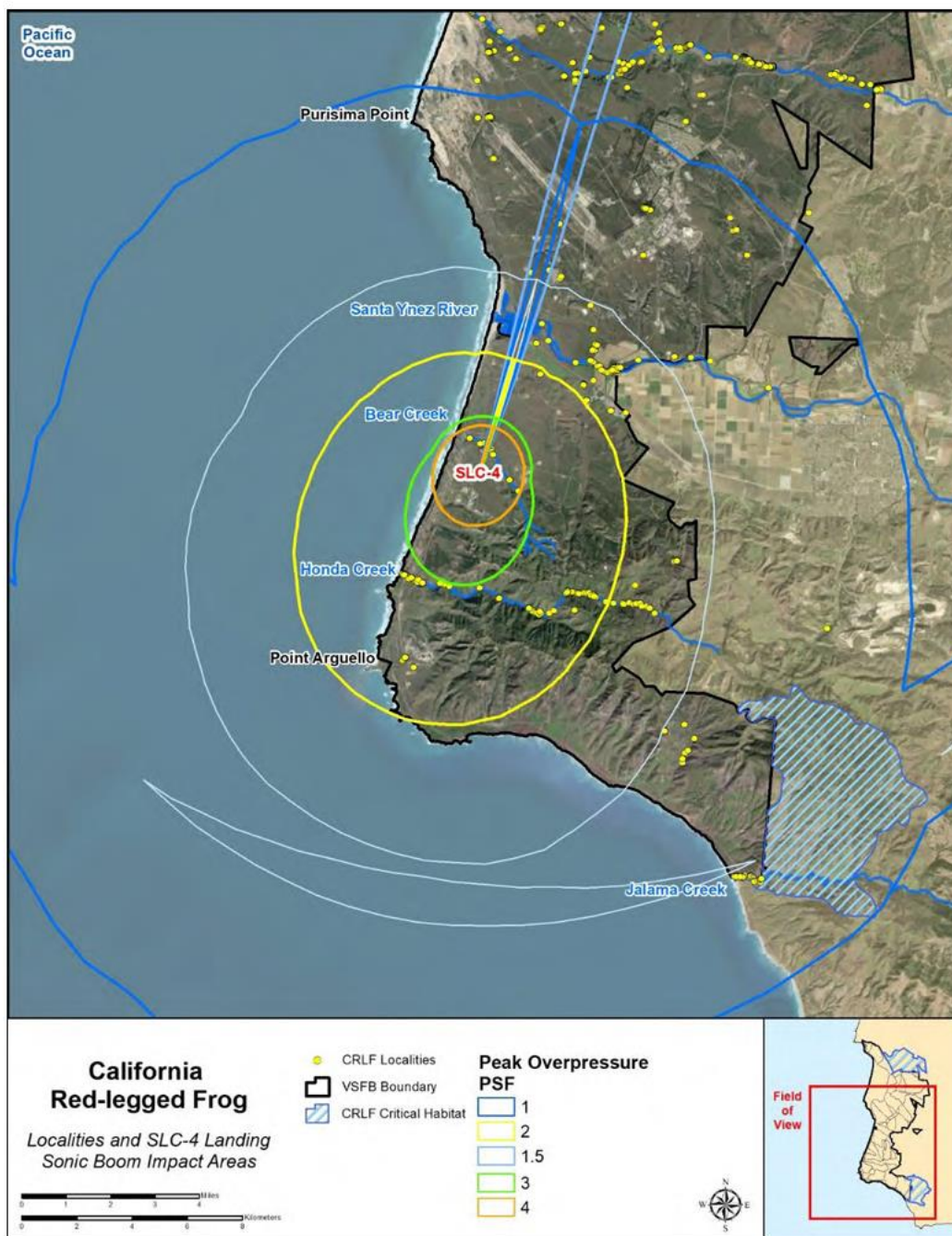
Will Vandenberg be allowed to launch these? Will Vandenberg be allowed to test the interceptor missiles based there? Both the readiness of the missiles and the crews must be tested periodically.

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 is so complex and lengthy that a table of contents is 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.¹

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.

¹ 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.

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

Shockingly, we can find no objection letters from either county or REACH. Both counties are spending millions of dollars over the years on REACH and this strategy. Will Supervisors and REACH leadership attend the Commission hearing on Thursday to complain?

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

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

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

So far the Commission has enjoyed a light summer.

LAST WEEK'S HIGHLIGHTS

No Board of Supervisors Meeting on Tuesday, July 30, 2024 (Not Scheduled)

Other Agencies were also without meetings - (light week this week and next week)

EMERGENT ISSUES

Item 1 - Add Chevron to the Growing list of Businesses Fleeing California

California's regulatory environment is so hostile, it is nearly impossible to dig, drill, develop, mine, log, graze grow, or manufacture anything

By Katy Grimes, August 3, 2024

California's own Chevron Oil company is moving its headquarters to Houston, Texas from San Ramon, California, the latest big business to flee the Golden State. Chevron is in good company joining X/Twitter, Space X, Oracle, Hewlett Packard, Charles Schwab, and Toyota Motor North America, to name a few of the mega-businesses leaving California because of the state's leftist/Marxist politics and regulatory environment.

This comes as no surprise to anyone watching California Governor Gavin Newsom deflect from his own debacles and radical policies to the oil and gas industry, demonizing producers and refiners as evil polluters and price gougers, even filing a lawsuit last year against five of the largest oil companies, including Chevron.

Except, Newsom is wrong. 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.

"We have created a regulatory environment in California where it is nearly impossible to dig, drill, develop, mine, log, graze, grow, or manufacture anything," Ed Ring said in the Globe in January. And Gov. Newsom is orchestrating all of this despite California's need for oil and gas. "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."

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.

Adding insult to injury, last year Governor Gavin Newsom appointed Tai Milder his "Oil Czar," to lead the state's investigation into California's perpetually high gasoline prices. Milder will decide "whether it should impose a cap on oil refiner profits in order to reduce the perpetual gulf between California's gas prices and the rest of the country's," Politico reported parroting the governor.

Friday Chevron announced their corporate relocation to Houston Texas from the Bay Area, where it has been based since 1879.

“The company expects all corporate functions to migrate to Houston over the next five years,” Chevron said. “Positions in support of the company’s California operations will remain in San Ramon.”

Chevron Chairman and CEO Mike Wirth and Vice Chairman Mark Nelson will move to Houston before the end of the year to be closer to other senior leaders, employees and business partners, NBC Bay Area reported. Other employees based in San Ramon won’t be impacted immediately, and the company said it expects the move to Houston to happen over the next five years. Those who work in positions that support Chevron’s California operations will remain in San Ramon. Chevron has roughly 7,000 employees in the Houston area and 2,000 employees in San Ramon, the company reports, NBC Bay Area said. The company operates crude oil fields, technical facilities and two refineries in California. It also supplies more than 1,800 gas stations across the state.

Another nail in the coffin came from local politicians. In June, Richmond city leaders voted unanimously in favor of a ballot measure that will ask voters whether or not Chevron should pay an additional business tax on its refinery operations, NBC Bay Area reported. “The mayor and vice mayor of Richmond have said the new tax would raise millions of dollars annually for the city.”

If I was the Chevron CEO, I’d also leave California.

California voters aren’t buying the governor’s lies about the price gouging either. A recent poll found nearly half of all Californians blame the state’s gas tax for why California’s gasoline prices are so high, with only around a third saying that price gouging is to blame. I have watched and reported on this for about two decades – so it’s no surprise at all, other than I’m not sure how oil and gas companies lasted so long in California.

As we reported in March, the California Governor, Legislature and State Air Resources Board are working hand in glove to restrict the availability of oil and gas and increase the cost of gas at the pump so severely, middle class and working class drivers will be making choices between groceries and fuel for the car.

The California Air Resources Board, which has targeted the oil and gas industry for many years, is mandating an additional 50 cents per gallon be added to the price of gas in California. This is all part of the goal to force California’s drivers out of their cars, and/or into electric vehicles. But ultimately, the Democrats’ goal is to ban petroleum-powered internal combustion engines by 2035 and gas-powered vehicles.

Notably, the California Air Resources Board is made up of unelected career political appointees. They are not legislators, nor should they be making law.

It is important to note that all tax increases are required to be voted on by the California Legislature. But the CARB has been bypassing the Legislature for years and passing their own “clean air” and “climate change” taxes – obviously with the implicit approval of the Legislature and governor.

The end goal is to price the middle class out of their cars. The left claims that it is all part of the goal to reduce greenhouse gas emissions by 85-percent by 2045.

And here's where the rubber meets the road – according to the Western States Petroleum Association:

“[Assembly Bill 3233](#) by Assemblywoman Dawn Addis (D-Morro Bay) and Sen. Scott Wiener (D-San Francisco), would authorize a local entity, by ordinance, to limit or prohibit oil and gas operations. In 2023, the California Supreme Court held that State law, and in particular Section 3106 of the Public Resources Code (PRC), preempts any contradictory ban or limitation imposed by a local authority on the methods of oil and gas production in its jurisdiction. The bill seeks to circumvent the recent California Supreme Court case law and Section 3106 PRC, and replace the comprehensive, longstanding State law with a patchwork of local ordinances that may ban or add unfeasible limits to oil and gas exploration, production and abandonment work.

COLAB NOTE: Where is the County Board of Supervisors on this piece of Legislation?

By allowing local governments to adopt ordinances that may prohibit or significantly restrict an operator's right to operate its existing oil and gas production wells or other facilities, AB 3233 has the potential to expose these local governments to significant liability. Operators hold valuable property rights in their existing oil and gas production operations. A local ordinance that results in a facial or de facto prohibition may result in an unconstitutional violation of the Takings Clause under the federal and state constitutions unless the local government pays just compensation for the taking of these property rights from the operator.”

Here are some of the costly taxation policies implemented in California by the Legislature, Governor and Air Resources Board that drive up the cost of gasoline:

- 59.6 cents – State gas tax – increases annually
- 28 cents – Cap and Trade (estimate)
- 23 cents – Low Carbon Fuel Standard (estimate)
- 2 cents – Underground Storage Fee
- 10-15 cents – California's switch to summer-blend costs more to produce than other types of gasoline.
- 14.4 cents – State sales tax (estimate based on 6/20 average price)
- 18.4 cents – Federal Excise tax

California's total gas tax is approximately \$1.43 per gallon today – on top of increasing gas prices, and will be nearly \$2.00 per gallon by 2026.

The [2023 CARB Low Carbon Fuel Standard amendments document](#) unabashedly outlines in black-and-white, the new gas tax increases through 2042 (page 57):

Table 22 presents a range of potential LCFS credit price pass-through for gasoline, diesel, and fossil jet due to the proposed amendments relative to the baseline. The range is based on staff's analysis described in the sections above. Once the proposed amendments are implemented in 2024, they are projected to potentially increase the price of gasoline by an average of \$0.37 per gallon, potentially increase the price of diesel by an average of \$0.47 per gallon, and fossil jet fuel \$0.35 per gallon based on the average change in estimated annual LCFS credit price and annual deficits from 2024 through 2030. On average, from 2031 through 2046 the proposed amendments are projected to potentially increase the price of gasoline by \$1.15 per gallon, potentially increase the price of diesel by \$1.50 per gallon and fossil jet fuel by \$1.21 per gallon.

Table 22: Gasoline, Diesel, and Fossil Jet Fuel Pass-through Cost

Year	Gasoline (\$/gal)	Diesel (\$/gal)	Fossil jet fuel (\$/gal)
2024	0.12	0.14	0.00
2025	0.47	0.59	0.44
2026	0.52	0.66	0.50
2027	0.49	0.62	0.47
2028	0.39	0.50	0.38
2029	0.38	0.48	0.38
2030	0.25	0.32	0.25
2031	0.47	0.60	0.47
2032	0.59	0.76	0.60
2033	0.66	0.85	0.68
2034	0.72	0.94	0.75
2035	0.79	1.03	0.82
2036	0.86	1.12	0.89
2037	1.25	1.63	1.31
2038	1.44	1.88	1.51
2039	1.69	2.21	1.78
2040	1.80	2.35	1.90
2041	1.83	2.40	1.94
2042	1.61	2.12	1.71

CARB gas, diesel and jet fuel tax. (Photo: www2.arb.ca.gov/sites/default/files/2023-09/lcfs_sria_2023_0.pdf)

This certainly makes Chevron's departure understandable.

Texas Gov. Greg Abbott celebrated Chevron's decision to relocate, and even took a little dig: "Chevron, in Snub to California, to Move Its Headquarters to Houston."

"Texas is your true home," he posted on X. "Drill baby drill."

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? This article first appeared in the August 3, 2024 California Globe.

Why Chevron Is Fleeing California

Chevron on Friday joined the growing club of California corporations moving to Texas, and the wonder is it took so long. The company has been in the state for more than 140 years, but Democrats in Sacramento want to put it out of business. Why would anyone stay?

The list of anti-Chevron state policies include a low-carbon fuel standard, cap-and-trade fees, drilling restrictions and a penalty on “excessive” refinery margins. To add injury to insult, the Richmond City Council has put on the November ballot a \$1 a barrel tax on Chevron’s refinery, one of the largest in the state.

The war on the industry has caused production to fall by more than half in the last decade and several refineries have shut down. Gasoline prices have surged \$1.16 a gallon above the national average. Whenever a refinery has problems, prices rise even more owing to lack of supply—sometimes above \$6 a gallon.

Enter Mr. Newsom’s energy commission, which is charged with investigating the causes of California’s high gas prices. A commission staff report this week failed to find wrongdoing but nonetheless floats state control of the refining industry.

One idea is to “purchase and own refineries in the State to manage the supply and price of gasoline.” At least the commission concedes there are “significant legal issues” to address and “there are complex industrial processes that the State has no

experience in managing.” That’s for sure.

Sacramento can’t currently provide basic public services such as reliable power. How would it run an industry it wants to shut down? The report wonders too: “As demand for fossil fuel declines, will the presence of State-owned refineries inhibit an orderly phase out of refinery capacity?”

If Democrats in Sacramento want to reduce refinery production, nationalizing the industry a la Venezuela would work. But as the report muses: “What would drive how the State managed the refinery? Profit? Maximize production? Minimize production?” This is hilarious.

The commission floats a moderately less insane idea to regulate oil refiners like electric utilities, with the state setting “rules, prices, and rate of return.” The commission also contemplates requiring refiners to subsidize electric vehicles and prices for low-income customers. Yet green-energy mandates and subsidies are why California’s electricity rates are more than double the national average.

To ease fuel shortages caused by refinery shutdowns, the report floats hiring a trading company to increase imports and owning tankers compliant with the U.S. Jones Act to deliver fuel “in a timely fashion.”

To sum up, California’s regulators want to take over an industry in the name of mitigating the costs of their own destructive policies. No wonder Chevron is fleeing for its life.

ITEM 2 No Luck For California Trucks: CARB Regulates Sales to Zero

‘Good enough for government work’

By **Thomas Buckley**, July 29, 2024



So, you want to buy a truck. A big truck, a tractor trailer, a semi, a rig.

You can, just not in California, thanks to the California Air Resources Board (CARB.)

In January, yet another *blurch* of absurd CARB regulations took effect, regulations that Franz Kafka and/or a Byzantine emperor's Mesazon (chancellor) would envy.

In typical CARB fashion, it has mandated the use of electric vehicle technology that is not available at scale and will not be for some time. As with its proposed train and, thankfully, recently ended harbor boat pollution regulations, CARB demanded boat and locomotive owners do something that is literally impossible.

And the new truck regulations are even weirder. Even though NOx and particulate truck emissions have decreased 98% over the past decade, CARB is willing to bring the industry in California to a standstill to get that two percent. It's Zeno's Government – if want to walk from A to B and move 50% of the distance with every step, you will never get to point B – at work. “CARB knows what is happening to the industry in California, but doesn't know what to do,” said Kim Misfin, president of the Affinity Truck Center in Fresno and industry activist (she sits on multiple state and national truck dealer boards.)

And, before we continue, it should be noted that newer trucks in the Central Valley actually really literally seriously emit cleaner air than they take in while driving. That's how clean the engines being made now are.

But not clean enough for CARB, which is hellbent on electrifying everything in the state, electrifying everything in the state, no matter what. This obsession is driving out clean alternatives like natural gas, hydrogen, and even “renewable diesel,” and “bio diesel (the one made, in part, with the grease taken from restaurants).”

The internal combustion engine, in any form, on any fuel, is anathema to CARB, Misfin said.

“They are all in on electric technology,” Misfin lamented.

Even CARB itself estimates that the switch over to the regs will, in the end, cost more than 43,000 jobs in California. For example, Affinity sold about 400 trucks last year – this year, none.

This utterly blinkered approach by CARB is actually making the air dirtier and the state far more dependent on a shaky electric grid:

This essential invisibility of electricity is part of its green appeal. When other fuels are used, it is readily apparent to the user – they can see the gas burning in the blue flame on the stove and every time they fill up the tank they vaguely remember from junior high that gas comes from dinosaurs that got smooshed a long time ago and now it's what your car eats.

In other words, there is a certain noticeable physicality to fossil fuels, while electricity is simply on/off and pay the bill once a month. It is the disconnection caused by this ubiquity that creates the psychological shield of simple ever-presence around electricity, making it nearly immune to “up-stream” (pollution, etc.) concerns and questions about being able to use more – a lot lot lot – more of it.

In other words, CARB is playing a psychological game with people's livelihoods.

Specifically, right now one cannot buy a new regular diesel truck in the state. Not because of a lack of demand and not because they are dirty (see above,) but because of CARB's truck sales percentage standards.

As of January 1, a truck dealer had to sell one zero emission vehicle (ZEV) for every 10 vehicles they sold in total. In other words, 10 percent of sales had to be of ZEVs. And, in just a few years, that number goes to one in seven, or 14.5% of all sales.

Problem: No one wants to buy the ZEVs that are available. They do not work as well as regular trucks, they can't haul equivalent loads, they are far far more expensive, they have limited ranges and, oh yeah, not enough charging stations and if a driver happens to find a charger the trucks take TEN HOURS to charge.

If you as a dealer somehow managed to sell one ZEV, they could then sell nine diesel trucks. No such luck.

There are a couple of tricks you can use to get a new diesel truck, one being going to Arizona, buying the truck there, driving it around for 7,500 miles, and then bringing it back into California and registering it as a used truck. That, for whatever reason, is fine with CARB.

As noted before, CARB staff is, um, blinkered, leading to another fascinating aspect of the regulations. Since you can't get the newer cleaner diesel trucks, you have to keep driving older, dirtier trucks. A semi in 1980 put out 60 times more pollutants than those being sold today and CARB will let you drive your older truck (made less than 18 years ago, it must be noted) for up to 800,000 miles.

As with the proposed locomotive regulations, these new rules actually make the air dirtier because the technology does not exist in any reasonable fashion, at any reasonable scale to implement now.

As to the manufacturers, they are not yet feeling the pinch too too much – they simply sell their trucks elsewhere. But, as in the case of CARB's proposed rail regulations, if allowed to stand these same regs will spread to other states, either because those states eventually follow CARB standards (about a dozen do) and/or the industry will itself move to producing only CARB-complaint trucks for the entire nation. The state market is so large, the "knock-on effects" are enormous (see cars.)

There are a couple of new diesel trucks out now that, instead of emitting 2% of what was emitted years ago, only emit .1% of NOx (nitrous oxides – not a greenhouse gas by the way.) Problem with that? Because it's not ZERO, the manufacturer of the truck still must obtain an emissions "credit" from either an all-electric maker or somewhere else. And, unlike cap and trade, there is no open market for those credits, let alone an inkling as to how much they would cost. It should also be noted that regulations are based, Misfin said, on potential point-of-ignition emissions, not overall emissions and/or when the trucks are actually driving around. When actually going down the road, the newer trucks meet the standard.

"All of the effort to reduce is strictly to reduce upon start up," Misfin said.

There is a saying that goes "good enough for government work." That's supposed to mean that the work done was fine(ish,) maybe a corner was cut but, whatever, it's not a big deal. That's not a good thing.

But CARB's version of "good enough for government work" borders on the psychotically obsessive. Somewhere out there there is a molecule of air that is not pristine and that must be fixed! says CARB.

Well, one good thing about that – CARB workers never ever ever have to be worried about being out of a job.

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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

AMERICA'S LAB RATS?

Many Americans feel that the country has become unrecognizable due to decades of globalization and a technological revolution that has eroded middle-class livelihoods and deepened social divides.

BY VICTOR DAVIS HANSON

Half the country thinks something has gone drastically wrong in America, to the point that it is rapidly becoming unrecognizable. Millions feel they are virtual lab rats in some grand research project conducted by entitled elites who could care less when the experiment blows up.

Consider: Our military turns over \$60 billion in state-of-the-art weapons to terrorists in Kabul and then flees in disgrace?

Terrorist flags fly in place of incinerated Old Glory at the iconic Union Station in Washington as radical students and green card-holding guests deface statues with threats that " Hamas is coming" while spewing hatred toward Jews—and all with impunity?

A wide-open border with 10 million unaudited illegal immigrants?

Once beautiful downtowns resembling Nairobi or Cairo—as paralyzed mayors spend billions without a clue how to remedy the self-created disaster?

Fast food drive-ins priced as if they were near-gourmet restaurants?

In truth, this apparent rapid cultural, economic, and political upheaval is well into its third decade. The disruptions are the results of the long-term effects of globalization and the high-tech revolution that brought enormous wealth into the hands of a tiny utopian elite. Almost overnight, every American household became a consumer of cellular phones and cameras, laptop computers, social media, and Google searches.

We then entered into a virtual, soulless world of hedonism, narcissism, and the cheap, anonymous cruelty of click-bait, cancel culture, doxing, ghosting, blacklisting, and trolling. The toxic COVID lockdown and the DEI racist fixations that followed the George Floyd death only accelerated what had been an ongoing three-decade devolution.

By 2000, a former market of 300 million American consumers was widening to a globalized 7 billion shoppers—at least for those mostly on the two coasts, whose expertise and merchandising were universalized in megaprofit high-tech, finance, investment, media, law, and entertainment.

Americans of the 20th century had never quite seen anything like the mega-global celebrities from Michael Jackson to Taylor Swift, or a Bezos fortune of \$170 billion, or the sorts who fly in their Gulfstream private jets to Davos, Sun Valley, and Aspen to lament the ignorance of the backward muscular classes and to plot their noblesse oblige salvation for them.

Indeed, for those reliant on muscular jobs and the production of the material essentials of life—agriculture, fuels, construction, assembly, timber, mining, and services—their livelihoods were often xeroxed abroad. Millions of their jobs were offshored or outsourced to third- and second-world countries with cheaper labor, abundant natural resources, and less overhead that made investment “wiser” and more profitable.

Anointed Americans in the “soft” or informational economy achieved levels of wealth never seen before in history. Meanwhile, Americans in the “hard” or concrete sectors saw stagnation in wages, job losses, and the erosion of middle-class life itself.

That the universities, the media, the administrative state, entertainment, high tech, and the federal government were mostly on the coasts became a geographical force multiplier of the growing economic and cultural divide—perhaps in the manner that the Civil War became not just an ideological conflict but one of definable geography as well.

Red-state and blue-state cultures followed these radical displacements in the global economy. Urban bicoastal America created an ethos and an accompanying narrative that it was blessed, rich, and all-knowing *because* it had been rightfully rewarded for supposedly being innately smarter, better credentialed, more worldly and—given its wealth—more moral than the losers who fell behind. The new multibillionaires reinvented the Democrat Party into a concord of the hyper-rich and subsidized poor, abandoning the now caricatured working and losing middle classes.

Indeed, a sort of atheistic, reverse-Calvinism arose. The elite left-wing, monied classes were left-wing and monied precisely because of some sort of fated reward for their obvious innate superior virtue and wisdom—even as millions fled from failing blue states to their freer and more prosperous red counterparts.

An entire moral vocabulary of condemnation followed to stigmatize those who supposedly lacked the know-how or morality to appreciate their elite benefactors—clingers, deplorables, irredeemables, hobbits, chumps, dregs, and “crazies,” to use the parlance of Barack Obama, John McCain, Hillary Clinton, and Joe Biden. Their targets were the relics of a vanishing America who did quirky things like salute the flag, go to church, believe there were still only two sexes, honor America as always far better than the alternative, and believe they were the muscles that kept the nation fed, fueled, and housed for one more day.

The chief characteristic of the 21st century American revolution’s vast recalibrations in wealth was not just the transition from the muscular to the supposedly cerebral, but from right to left. Look at the Fortune 400. There is a pattern in the rankings—mostly progressives and rich—and the winners’ wealth is usually not created from old sources like transportation, manufacturing, agriculture, or construction.

The real multibillion-dollar fortunes in America are now in tech and investment. The hierarchies that own and manage Amazon, Apple, Citigroup, Goldman Sachs, Google, JPMorgan, Chase, Microsoft, or Morgan Stanley are now decidedly left-wing Democrats. That 21st century reality marked a radical change from the past. Democrats now typically vastly outraise Republicans in most national campaigns. Their philanthropic foundations dwarf those of their right-wing rivals.

Elite hard-left universities are flush with multibillion-dollar endowments in a manner unimaginable just 40 years ago. And they are no longer merely liberal but overwhelmingly woke and uncompromisingly hard left—with millions of dollars to waste on their unicorn chases of mandated equality and racist “anti-racism.” Hollywood, the media, new and old, and Wall Street are not just far wealthier than ever but far more intolerant and sanctimonious as well.

It was not just money that gave the new left-wing oligarchy such clout in the administrative state, Wall Street, tech, the media, the corporate world, and the university. It was the accompanying assurance that, unlike other Americans, the lab rats of the mostly rural or interior parts of the country were exempt. They were to be free to apply their bankrupt agendas—open borders, DEI, globalism, climate change gospels, critical legal theory, modern monetary theory, critical race theory—to distant others. They assumed correctly that they were never really to be subject to the concrete and real-life disasters arising from the implementation of their ideology.

Certainly, guilt over their largess, together with our 21st century secular update of sanctimonious New England puritanism, explain this overweening left-wing new zealotry to change the world, but largely at others’ expense. They are the descendants of Salem, who share the same superstitions and fanaticism to punish all who doubt their purity and wisdom.

So arose the idea among elites of a borderless America, where yearly 2-3 million poor and downtrodden of Latin America, and soon the world at large, could surge into a humane and progressive America—without the ossified and illiberal idea of background checks, or legal “technicalities.”

The arrivals’ abject poverty would remind the bigoted American middle classes of the need to expand their welfare state—as if a lifelong victim of the institutional oppression of Oaxaca, Mexico became a legitimate victim of white capitalist America the very moment he set foot across a now mythical border. Importing massive poverty would remind the middle classes that racism and inequality were still on the rise.

The locus classicus of this self-righteousness and contrition was emblemized when a few dozen illegal aliens were redirected toward Tony Martha's Vineyard. The locals immediately rushed to reveal to us two realities: 1) shower the illegals with food, upscale clothing, and other essentials to virtue signal their universal concern for the downtrodden; and 2) bus them out of the neighborhood as quickly as possible to where they "belonged"—either among the inner-city poor or struggling rural Hispanic communities of the American southwest.

In the abstract, open borders were what any progressive nation should aspire to; in the concrete among the architects of such idealism—not in their backyard.

Following the death of George Floyd, corporations, universities, and administrative state agencies rushed to compete to "level the playing field" by eroding meritocratic criteria such as calcified SAT tests, background checks, resumes, etc., and began hiring by race, gender, and sexual orientation.

Tens of thousands of DEI commissars and their henchmen have now spread far beyond their birthplaces in the university (where elite schools routinely restrict so-called whites [ca. 65–70 percent of the population] to 20–40 percent of incoming classes). At some Ivy League schools and their kindred elite campuses, grades are "adjusted" to ensure 60-80 percent are A's.

Almost everything in revolutionary America has "evolved" beyond silly notions like "meritocracy" and "standards" and has instead become DEI hot-wired—from the hiring and promotion of airline pilots, selection of actors, management of the Secret Service, and the rank and file of FBI and CIA operatives to admissions to medical school, corporate boardrooms, and advertising.

In response, a dangerous underground cynicism grows commensurately. As in the old Soviet Union, so too here arises our official "truth" beside the subterranean truth that most rely on when an incompetent Secret Service hierarchy allows a shooter to take pot shots at a president's head, or there is a sharp rise in passenger jet near misses and go-arounds, or students in mass demand exemptions from final schedules or expect amnesties when they storm campus buildings, or major corporations—like Disney, Target, Anheuser Busch, and John Deere—ostentatiously virtue signal.

In sum, we are knee-deep in an authoritarian commissariat that we do not even dare formally acknowledge. DEI, like open borders, was predicated on the idea that the good one percent who ran the country was too good to experience the trickle-down from the commissar system it imposed on others.

Ditto the top-down green revolution. We are to assume that sweaty truckers should have no problem juicing up their battery engines every 300 miles. Hispanics in Bakersfield should appreciate turning down their air conditioning when it hits 115. Lower-middle-class moms should learn the advantages of high-cost electric stoves and ovens once they are forcibly weaned off their cheap but too-hot natural gas appliances.

Meanwhile, the sales of designer Italian cooking platforms, 10,000-square-foot air-conditioned second homes (the Obamas own three), private jets, yachts, and huge limo SUVs have reached record levels. The model is John Kerryism—or the rationale that to help the uneducated, dumber, and less moral people survive global warming, the enlightened need the tools to do it. So, they

must avoid messy airports, 9-hour delays due to missed connections, and the stuffy, cramped middle seat on modern commercial jets.

The idea of 100,000-200,000 legal immigrants admitted annually and meritocratically, charter schools in the inner city, beefed-up policing in our major urban areas, nationwide civic education, reemphasis on assimilation, integration, and intermarriage of the melting pot, wide use of nuclear power—all the things that might make the life of the middle class more secure, more prosperous, and more confident—are deemed corny and passé.

Again, what we got in the last quarter century was a shrill elite that subjects their Jacobin theories upon a distant other but has absolutely no intention of ever getting near the very disasters they wrought, much less suffering the collateral damage that was inevitable from their social engineering.

Or, to put it another way, they were to be our few genius white-coated researchers while we were their many expendable lab rats.

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OVERCOMING THE TRAGEDY OF PESSIMISM

You are hated. You are garbage. Give up. Die.

BY EDWARD RING

If you have ever tried to reason with a San Francisco Bay Area progressive liberal, it's easy to become a pessimist. These implacable fanatics are backed up by trillions of dollars in big tech wealth, along with the most powerful tools of mass hypnosis and Pavlovian conditioning the world has ever seen. If you question any of their pieties – climate, race, gender, Trump – they immediately dehumanize you. And there is nothing you can say to change their minds. No room for nuance. No tolerance for alternative perspectives. You are hated. You are garbage. Give up. Die.

If you want to change anything in California, you have to first recognize that you are up against a coalition of extreme environmentalists, opportunistic business interests, the “renewables” lobby, the Homeless Industrial Complex, the DEI Industrial Complex, public sector unions including

the rabidly partisan and woke teachers union, and Hollywood, all backed up tech billionaires who wield stupefying wealth and influence.

At its roots, this is a coalition of lunatics, crooks, and amoral pragmatists. A prominent Democrat who was working on some genuine reforms once told me “we had the Republicans at hello.” A businessman who supports Democrats once shared with me a similar sentiment. “Why should I back Republicans,” he said, “we’ve already got them.” And yet the Republicans, especially the “MAGA Republicans,” are the threat. Go figure.

So why be an optimist?

To begin with, because the truth is more appealing than the progressive narrative, and the foundation of the progressive liberal narrative is pessimism.

What else might explain every rote proclamation that the world is coming to an end because of the climate crisis? What else explains why millions of children are coping with mental illness, suicidal thoughts, and hopelessness for the future? They’ve been convinced the earth is on the brink of burning up. What else accounts for educated adults utterly convinced that the planet may soon be uninhabitable? What else lends apocalyptic context to every report on hurricanes, floods, or winter storms?

What other word, apart from pessimism – dark, terrifying pessimism – better characterizes the incessant claim that white people are by definition racist, that we are an inherently racist nation, and that BIPOC individuals (for the blissfully uninitiated, that’s black, indigenous, and people of color) cannot possibly hope to succeed without government edicts and entitlements to compensate for the pervasive discrimination inflicted on them by privileged white people?

This is the narrative. But the truth rejects the narrative. The truth is optimistic. Burning fossil fuel is *not* going to immolate the biosphere. Forests are *not* disappearing. We can protect wildlife and wilderness, while also remaining realistic about what sort of a human footprint is necessary to power civilization. As for racism, only vestiges remain, because we have built the most inviting and inclusive culture in human history.

Perhaps the biggest tragedy of pessimism is thinking you can’t get through to voters with a message of truth and optimism. California’s population of hardcore progressive liberals is dwindling. *They* are the ones who are fading away. We are one generation away from an electorate that will be approximately 60 percent Latino, 15 percent Asian, 5 percent Black, and only 20 percent White. Those figures are extrapolated from on [K-12 public school enrollment today](#), and while these actual percentages will of course deviate from this prediction, it won’t be by very much. And the people driving progressive liberalism in California are overwhelmingly white.

One of the biggest weapons progressives use against anyone who might want to speak to voters who represent California’s future is that you have to find a spokesperson who looks like them. In practice this means white conservative activists are intimidated into sitting on the sidelines, instead of directly speaking to the emerging majority of Californians who are just as frustrated, just as receptive to new ideas, but happen to belong to a different ethnicity. Progressives tell us, if we are white, that we have no right to talk about politics to anyone who hasn’t shared our “lived experience.” All too often, conservatives believe this, and wait for someone to come along to speak for them who checks the right ethnic boxes.

This is nonsense. People, no matter what color they are, respond to passion and truth, and to think otherwise is yet another tragic consequence of pessimism. A crowd, any crowd, can be bored to tears by a speaker who looks just like them, if that speaker doesn't have anything interesting to say. But put someone in front of that crowd who shares their grievances, has solutions, captures their attention and keeps it with a delivery that is authentic and forceful, and watch that crowd come to life. Find those leaders, and send them *everywhere*. If a consultant says they're the wrong color, fire the consultant. Truth is colorblind, and people want the truth.

California is broken. People can't afford homes or any other essentials including gasoline, electricity, water, food, tuition, or health care. And the reason California is broken is because the economy is dominated by leeches who profit from inefficiency and failure, and hide behind pessimistic narratives – climate doom, race and gender resentment.

The optimistic leader knows this broken rot is not fate, but a product of political choices that can be reversed. The optimist knows how California can be fixed, and that optimism appeals to the best in people. *All* people.

Optimism is the prerequisite for everything good—the motivation and freedom to innovate, the courage to coexist in peace, the character to work hard and accept meritocracy, the vitality to stay healthy and sober, the judgment to balance the needs of the environment with the needs of humanity, the faith to believe in a bright future, the charisma to attract others to a joyful movement, and the enduring conviction that we will overcome this ongoing and escalating tyranny.

Pessimism, on the other hand, catalyzes fear, panic, despair, and desperate fanaticism. Pessimism provides the fertile soil into which manipulative agendas are planted, sowing guilt, resentment, hatred, and the dark comfort of extremist solutions to manufactured problems. Pessimism and the products of pessimism are the body on which evil festers and grows. Pessimism is also the refuge of good people who have given up.

Optimism is a weapon, a talisman, capable of recruiting and realigning California's voters. To change this broken state, it must be the foundation of an alternative political agenda, and it must be wielded with recognition of its power.

You don't have to convince Bay Area progressives of anything. They're lost. Speak to everyone else. No matter who they are or where they came from, they want the truth. They want hope. They want a California that isn't broken. Reject pessimism, embrace optimism, and offer solutions.

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APPENDIX I
PROBLEMS OF THE PROPOSED CHUMASH MARINE SANCTUARY

ALERT
PROPOSED CHUMASH MARINE “SANCTUARY”
FEDERALIZING YOUR FISH, YOUR FARM, AND YOUR FUTURE



Purpose: The purpose of the proposed Chumash Marine Sanctuary is to restrict and/or foreclose the public use of ocean resources within a vast area off shore running from Cambria to Santa Barbara. As the analogous existing Monterey Sanctuary’s web site says:

Resource Protection Overview

There are a variety of resource protection issues within the Sanctuary region due to the sensitivity of habitats and species in the region, the long stretch of adjacent populated coastline, and the multiple uses of the marine environment. The Sanctuary addresses these issues through a variety of means to reduce or prevent detrimental human impacts.



Note: It’s those problem humans again. Note the emphasis on “detrimental human impacts.”

Should we just deport them east of the Sierra? PROPOSED CHUMASH SANCTUARY

Approaches include collaborative multi-stakeholder management efforts to identify and reduce impacts, reviewing and commenting on projects which may impact the Sanctuary, regulations on prohibited activities, issuing of permits with conditions to minimize impacts, and where necessary, enforcement.

Note: You can be in a Delphi group and plead for your business, property rights, and fish while the leftist apparatchiks demand and threaten you

Resource protection issues are also addressed through response to emergency events such as spills, through educational outreach to assist the public and businesses in minimizing impacts, and by monitoring to more closely target management efforts.

Additional Regulation: The establishment of the proposed marine sanctuary would impose a new and formidable layer of regulation on the people of San Luis Obispo County in addition to

other water and land use regulatory quagmires currently in place. Thus the sanctuary would be in addition to the State of California Department of Fish and Wildlife, the State Water Resources Control Board, the Central Coast Regional Water Quality Control Board, the California Coastal Commission, the US Army Corps of Engineers, the US Bureau of Fisheries, the US Coast Guard, the US Nuclear Regulatory Commission, the California State Lands Commission, the California State Department of Boating and Waterways, the San Luis Obispo County Department of Planning and Building, the San Luis Obispo County Sheriff's Office Marine Unit, the San Luis Obispo County Air Pollution Control District, and numerous others.

Proponents: A key backer of the sanctuary proposal is the Sierra Club and its local Santa Lucia Chapter, which promotes its key benefit as being that oil, gas, and other kinds of mineral extraction activities are prohibited in Federal Marine sanctuaries. How stupid! If there were oil and gas offshore, you would think the County and others would support its recovery. Why would they slit their proverbial wrists over this kind of quackery? The royalties and taxes would help fix the horrible road and infrastructure deficit in the County (hundreds of millions). Another backer appears to be a somewhat amorphous group called the Northern Chumash, who suggest that the sanctuary is needed to protect Native American cultural and spiritual resources. A more cynical view is that their interest is simply a ploy to create a public shakedown mechanism by which jobs, contracts, and other forms of patronage are distributed to members. In other words, if you want to expand the designated fishing area, you have to get a permit from the sanctuary. Part of the permit process would require you hire a cultural resources expert to provide expert advice on whether the permit should be granted. A website supporting the Chumash Marine Sanctuary states in part:

The Sanctuary will protect now submerged Chumash Sacred sites ranging from villages to solstice alignments 6 to 13 miles offshore. Chumash records suggest occupation of the central coast area for 20,000 years with two recorded dates of:

- * 18,000 years at Point Conception, an extremely important Chumash Sacred Place
- * 14,500 years on the Channel Islands

North of Point Conception, Jalama is a Sacred Chumash village site. Other significant Chumash sites associated with the ocean ecology are found along the adjacent coastal terrain north to Point Sal including two 10,000 year-old sites within Vandenberg AFB.

Onshore San Luis Bay are four major Chumash Sacred sites – three known to have been occupied for 9,000 years:

- * *The site for which the City of Pismo Beach is named*
- * *The site where the Chumash people return to renew the Traditional Ritual Ceremony Cycle*
- * *The old Chumash Capital in the area of Avila Beach, now partially covered by sea level rise*
- * *The Chumash Sacred site at Diablo Cove along the coastline of the Pecho Coast*

Continuing north are the Chumash Village Sacred site in Los Osos, hundreds of Chumash Sacred sites ringing Morro Bay, the Chumash village Sacred site of Cayucos (continuously occupied for 8,000 years), other large sites found in the area to a mile north of Pt. Estero, and two Chumash village Sacred sites in Cambria (continuously occupied for 10,000 years).

Perhaps, by way of creating a cultural resources mitigation, the existing timeshare former hotel in Avila can be expanded into the new casino. It's situated well above any potential sea level rise.

Philosophical Orientation and Elitist Power: The Feds operate a number of marine sanctuaries around the country, including the Monterey Bay Sanctuary to the north and the Channel Islands Sanctuary to the south. Remember that the sanctuary, if established, will be a

regulatory program of a Federal Department with the full force and might of Federal law enforcement behind it, including the FBI and Federal Prosecutors and backed by trillions of your tax dollars. Intellectually and programmatically this new agency will have its roots in the elitist enviro-aristocracy of Boston, Georgetown, and the upper eastside of Manhattan. We would point out that there are no Federal marine sanctuaries around Cape Cod/Martha's Vineyard, the Hamptons, or Boca Raton, where these people enjoy their carbon based coal, oil, steel and other robber baron industrial inheritances to finance their yachting, sport fishing, lobster dinners, and vacation "cottages."

Collaborative Approach? Don't throw any fish guts over the side, pee, or smoke a medicinal joint when a Monterey Sanctuary patrol plane is around or you may be doing Federal time like Martha Stewart. Note the high set rearward wing configuration and camera pods to maximize crew observation potential. This thing can fly at high enough altitude where you can't hear it. The crew can sneak up on you, orbit, and zoom in with powerful telephoto lenses. It betrays the real underlying doctrine and purpose of the sanctuary.



Wonder if they use it to check out the surf or travel to conferences too?

Monterey Sanctuary Provides a Window into Potential Chumash Sanctuary Activities and

Impacts: Most busy citizens who have even faintly heard of the proposed sanctuary may believe that the regulatory focus is on fishing. In part, this is because local fisherman and other marine related interests have been quick to try to inform the public of the problems faced by their counterparts in the Monterey Sanctuary. Everyone needs to know that the program is much more pervasive and impacts on many aspects of life. Some, but not, all of the regulatory functions include the representative samples below:

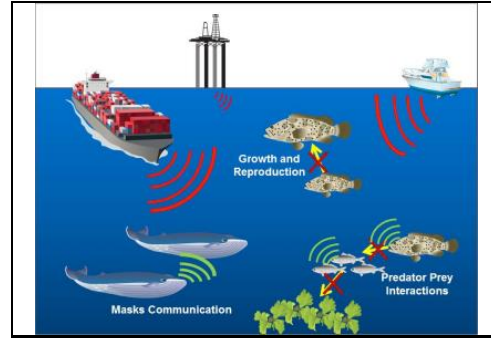
1. Agriculture: The Sanctuary will impact farming and ranching because it has the power to regulate water runoff from streams and other sources on the land. As the Monterey Sanctuary website states in its carte blanche approach to regulatory expansion: *In addition, over 7000 square miles of watersheds immediately adjacent to the Sanctuary drain to its wetlands and marine waters.* The website ominously also states:

The aspects of agriculture that potentially impact water quality include erosion and sedimentation, offsite transport of chemical fertilizers and pesticides, and microbial contamination. Stormwater, flooding, irrigation, and leaching can all mobilize substances that are beneficial while on-site, but become pollutants as they concentrate in neighboring streams, rivers, wetlands, and nearshore waters. Though each individual farm or ranch may contribute a relatively small amount of pollutants, the cumulative effects through the length of a watershed can be damaging.

a. The Monterey Sanctuary has set up a whole process and sub-organization to regulate agricultural water (the Agriculture and Rural Lands Action Plan). It also has a dedicated staff to manage this program. This is in addition to the State's infamous Agricultural Water Runoff Order.

b. Will a Central Coast Chumash Sanctuary double down as well?

2. Acoustic Impacts: *Noise generated by human activities can have a detrimental effect on marine life. Studies have documented behavioral responses, lost listening opportunities, and physical injuries in wildlife due to exposure to anthropogenic (human-induced) noise. Sources of underwater noise include large commercial shipping traffic such as container ships, freighters, barges and tankers; smaller recreational and commercial vessels; sonars used in military training; pile drivers and dredging used in marine construction; air guns and other seismic sources used in energy exploration; sonars and other active acoustic sources used in research activities; and aerial sources such as over-flights.*



3. Climate Change: *Climate change's effects on the marine environment, including warming seawater temperatures, ocean acidification, sea level rise, and changes in currents, upwelling and weather patterns, have the potential to cause fundamental changes in the nature and character of marine and coastal ecosystems.*

The waters of Monterey Bay National Marine Sanctuary, as well as surrounding coastal areas and communities, are experiencing the effects of climate change (e.g., sea level change, increasing sea surface temperature, and ocean acidification).

4. Fishing and Harvesting: *Monterey Bay National Marine Sanctuary does not directly manage any aspect of commercial or recreational fisheries. Fishing in state waters (usually 0-3 nautical miles from shore) is generally managed by the California Department of Fish and Wildlife. The responsibility for managing fishing in federal waters (beyond 3 miles) rests with NOAA's National Marine Fisheries Service (NMFS) and the Pacific Fishery Management Council (PFMC). In 2008, NOAA issued a report that provided an overview of NOAA's process for regulating fisheries in sanctuary waters as mandated by the Magnuson-Stevens Act and the National Marine Sanctuaries Act. **Current involvement of the Monterey Bay National Marine Sanctuary in issues related to fishing includes conducting fisheries-related research, sponsoring educational events and programs (Voices of the Bay, Fishermen in the Classroom and Local Catch Monterey Bay), commenting to other agencies on fishery and ecosystem management issues, and the development of ecosystem protection plans related to fishing such as the Effects of Trawling on Benthic Habitats Action Plan and the Fishing Related Education and Research Action Plan.***

a. Although they claim not to be interfering, they are feeding the other regulatory agencies. Fishermen who are struggling to survive are facing the powerful staff, financing, and advocacy of a Federal agency.

b. Who is representing the fisherman with public money? Where is the equity?

5. Oil and Gas Development: *Development of a permanent prohibition on oil and gas activity was one of the major reasons for designation of the Monterey Bay Sanctuary. **However, there is some level of remaining threat** due to potential oil development to the south of the Sanctuary. In the past 10 years the State of California has adopted legal restrictions to prohibit new oil and gas leasing and development. Temporary moratoria have been in place for federal waters since*

1982. The most current directive (June 1998, Clinton administration) under the OCS Lands Act prevents any leasing of new areas for oil and gas exploration and development through June 30, 2012. The OCS presidential deferrals do not restrict development of already leased Federal areas. There are 36 remaining undeveloped active OCS leases south of the MBNMS off the coast in San Luis Obispo and Santa Barbara counties. Should these sites eventually be developed, any potential spills could potentially cross Sanctuary boundaries and impact sanctuary resources. Oil spills could have a major impact on foraging birds, marine mammals and fishes, as well as important habitat like kelp beds, wetlands and rocky shores, and on tourism and the coastal economy.

a. Note that the Sanctuary staff writer sees oil and gas development as a “threat.” So much for fair and impartial government administration. Wonder how they power the patrol plane? Or get to work for that matter.

6. Cruise Ships: Large cruise ships began visiting Monterey in 2002. These ships can provide local businesses with economic benefits, particularly if they introduce the region to tourists who may return for later visits. However, both the public and businesses have raised concerns about environmental issues associated with these ships.

Due to cruise ship visitation to Monterey Bay, and concern over potential impacts to marine resources from these vessels, this issue has drawn significant attention from the public. At the February 7, 2003 meeting, the MBNMS Advisory Council passed a resolution recommending that MBNMS staff pursue a regulatory prohibition on harmful discharges from cruise ships.



a. Note that anonymous “concern” spurs the agency into developing a regulatory prohibition.

7. Shipping Lanes: There are approximately 4000 transits of the Sanctuary each year by large shipping vessels (greater than 300 gross tons), including container ships, bulk freighters, hazardous materials carriers, and tankers. Vessel traffic within the Sanctuary was a major issue of concern raised during the designation process due to potential impacts from a large spill should one of these vessels ground along the coastline. For example, an oil spill could severely impact the sea otter population. The Sanctuary also hosts an abundance of whales and the National Marine Fisheries Service has identified vessel strikes as one of the threats that could impede the recovery of endangered whales so it is vital to understand vessel traffic in the Sanctuary, for more information on ship strikes see [whale strikes](#).



8. Desalination - Sanctuary Regulations and Desalination: *Without careful planning and mitigation measures, desalination plants have the potential to negatively impact the sensitive marine environment of the sanctuary. For example, marine organisms can be killed by impingement against seawater intake screens or by being pulled through the intake system (referred to as entrainment); marine life can be significantly impacted by discharge of the saline brine and other by-products produced by desalination, and; local seafloor habitat may be significantly altered by construction of intake and outfall structures.*

Three of the sanctuary's regulations relate directly to desalination. The first involves a prohibition on discharging or depositing any material within Sanctuary boundaries. Since the brine effluent, and in some cases other materials, are usually disposed of in ocean waters, this activity requires Sanctuary authorization of Regional Water Quality Control Board (RWQCB) permits. The second sanctuary regulation pertains to discharging materials outside of the boundaries, which subsequently enter sanctuary waters and negatively impact MBNMS resources. As with the previous regulation, MBNMS approval via authorization of the RWQCB permit is required. The third relevant regulation involves a prohibition on activities that cause alteration of the seabed. Thus installation of certain desalination facility structures such as an intake/outfall pipeline on or beneath the ocean floor will also require sanctuary authorization.

Note: Each of the substantive functional areas discussed above is backed up with some more detail examples about what they actually mean in terms of regulations and permitting. Our reading of the desalination component suggests that it will be almost, if not totally, impossible to obtain the permits from all the cognizant agencies for a central coast (say combined Santa Barbara County/SLO County large scale desal plant) even without the opposition advocacy of a new marine sanctuary. While proponents are citing prohibitions on oil and gas development as the main justification, we think that this may be a ploy to drive a final nail into the coffin of any major future desal proposal. We have included some of the detail from the Monterey Bay Sanctuary website about its position on desalination in the Addendum starting on the bottom of this page as an illustration of this potential.

As a separate concern not specific to desal, we have also included that material as an illustration of the approach which the Monterey Sanctuary takes toward each of the substantive regulatory areas such as agriculture, fishing, recreation, etc. We have done this to inform the public and our members of what is likely to be the type of regulatory language that they would face in their respective business and lives if a Chumash Marine Sanctuary is established.

Lack of Basic Information: There is the usual rhetoric about its benefits and functions but little detail about its structure and cost. This information is essential for the public to make an informed opinion concerning the creation of a new government agency. For example:

1. What is the expected annual operating budget for the new sanctuary? Does experience in the Channel Islands and Monterey Bay sanctuaries provide any data on this question?
2. Similarly, how many staffers will be employed by the new sanctuary?
3. What does the typical table of organization look like?
4. What types of professions and job titles will be involved?

5. Will any of the staff be Federal officers with police powers? Will any such officers be assigned collaterally?
6. What has been the regulatory violation and enforcement experience in the Monterey Bay and Channel Islands sanctuaries to date – year over year?
7. How much in fines is collected each year?
8. Would the Federal Government consider letting the citizens of San Luis County vote on the issue rather than simply having some Federal imperial praefect make the decision?
9. Proponents claim that there is an economic development net benefit to communities which host a Federal marine sanctuary. Where is the independent economic analysis to support this assertion?

ADDENDUM
MONTEREY BAY MARINE SANCTUARY GUIDELINES ON DESALINATION

Desalination: The italicized text is contained in the Monterey Bay Sanctuary’s web pages on desalination:

While the MBNMS does have regulatory authority over all new desalination plants within its boundaries, these guidelines are non-regulatory in nature, and were designed to address a comprehensive set of issues, reflecting the mandates of numerous agencies involved in review of desalination proposals.

COLAB NOTE: What a strange statement: We have regulatory authority over all new desalination plants, but these guidelines are non-regulatory in nature. What will they really do if a plant is proposed? (See COLAB note below)

They were developed in partnership with several resource protection agencies using a collaborative and comprehensive process based on objective scientific information, and reflect the input of numerous people. Most of the information submittal requirements detailed in the above guidelines will be routinely required as part of the environmental review process for an Environmental Impact Report under the California Environmental Quality Act, or an Environmental Impact Statement under the National Environmental Policy Act.

COLAB NOTE: In this case it appears that the Sanctuary will function as a watchdog and advocate against desalination. Thus your Federal tax dollars would be used to fight an application before other regulatory agencies such as the Coastal Commission. The Sanctuary would be in the enviable (but unethical position from our standpoint) to function in a biased manner, since it does not have to maintain the appearance, let alone the substance, of being a fair and unbiased regulator. This alone and in itself should be sufficient reason for San Luis Obispo county businesses of all types to oppose this out of hand. Moreover, it should be a compelling reason for the County government, each of the cities, and other local agencies to strenuously oppose it.

3. Environmental Impacts of Desalination

Without careful planning and mitigation measures, desalination plants have the potential to harm the marine environment. One of the major concerns associated with desalination facilities are the impacts that result from the introduction to the ocean of concentrated saline brine that may kill or harm sensitive marine organisms. A second concern is that the intake of ocean water directly through desalination plant pipelines can result in the death of marine life through impingement (where marine organisms collide with and become trapped on screens at the intake pipe) or entrainment (where animals and plants are taken into the plant through the pipe and are killed during plant processes). A third contentious environmental issue associated with desalination is the potential for the additional water supply to induce additional coastal development, which could lead to significant indirect impacts such as degradation of water quality from increased urban runoff, and other pressures to the sensitive coastal environment resulting from increased population.

COLAB NOTE: See the blatant anti-growth doctrine here – REMEMBER THIS IS A FEDERAL AGENCY SAYING THIS!

A fourth concern is that desalination plants are also energy intensive facilities whose electricity use could result in significant volumes of greenhouse gas emissions, thereby contributing to climate change impacts of concern to NOAA such as ocean acidification and habitat loss due to sea level rise. A fifth concern is that new pipeline construction associated with desalination plants can disturb the seafloor, surf zone and dunes, and has the potential to change coastal hydrology. Finally, operations and maintenance activities for desalination plants can cause negative impacts to the marine environment. Permits for desalination related to discharges into the sanctuary, and certain construction activities must be authorized by the MBNMS. NOAA recommends taking a precautionary approach since little is known about the site specific and cumulative impacts of desalination plants and we have no experience with large-scale seawater desalination facilities in California.

General Guidelines:

- *Desalination plant proponents should provide a thorough analysis of the potential impacts to the coastal ecosystem for the proposed desalination plant and all project alternatives. Specific requirements are listed below by category.*

Guidelines Regarding Cumulative Impacts:

- *Desalination plants in the MBNMS should be designed, sited, and operated to avoid or minimize cumulative impacts. The project proponent should provide a detailed analysis on the potential cumulative effects of the proposed desalination plant discharges in combination with other existing and future point sources of pollution (i.e., wastewater discharges, power plant cooling water, and other desalination plants) as well as non-point sources of pollution (i.e., large rivers and outfalls) and other seawater intakes. Where it is feasible to combine the desalination discharge with another discharge, the project proponent should compare the likely effects of the combined discharges with the two separate discharges.*

Guidelines for Entrainment and Impingement:

- *All desalination plants in the MBNMS should be designed and sited to avoid and minimize impingement and entrainment to the extent feasible. Desalination project proponents should investigate the feasibility of using subsurface intakes as an alternative to traditional intake methods. Other options for consideration should include, but may not be limited to: vertical and radial beach wells, horizontal directionally drilled (HDD) and slant-drilled wells, seabed filtration systems and other sub-seafloor structures. Where feasible and beneficial, subsurface intakes should be used. It must be ensured however, that they will not cause saltwater intrusion to aquifers, negatively impact coastal wetlands that may be connected to the same aquifer being used by the intake, and they must address the likelihood of increased coastal erosion in the future. Subsurface intakes have the potential to minimize or eliminate impingement and entrainment impacts and improve the performance and efficiency of a desalination project by providing a certain level of pretreatment.*
- *In cases where it has clearly been determined that sub-surface intakes are not feasible and that an open ocean intake is necessary, the use of appropriately sited existing pipelines of acceptable structural integrity should be investigated and if feasible, pursued, to minimize impacts to the seafloor. If a new pipeline is necessary, subseafloor placement should be evaluated to minimize disturbances to biological resources and to recreational and commercial activities.*
- *When it is necessary to use an open ocean intake, other methods to minimize impingement and entrainment should be evaluated and pursued. These should include design alternatives such as placement of the intake structure to avoid sensitive habitat or highly productive areas, screening the intake ports, if feasible, increasing the number of intake ports, or decreasing the intake velocity. The project proponent should determine expected entrainment and impingement impacts associated with various intake velocities and screen mesh sizes, based upon long-term monitoring data from the area, including diurnal and seasonal variations in planktonic abundance and location.*
- *Any impacts to EFH and the biota it supports that cannot be avoided through project design or operations will require mitigation, as per NMFS' regulatory requirements. The necessary level of mitigation is to be determined through the use of a biologically based model, such as the habitat production foregone method, in order to account for all "non-use" impacts to affected biota. Mitigation projects should attempt to directly offset the impacted species or habitat (in-place, in-kind mitigation) although NOAA will work with the project proponent to identify appropriate mitigation if this is not possible.*

Guidelines for Brine Discharge:

- *All desalination plants should be designed to minimize impacts from the discharge. Desalination project proponents should investigate the feasibility of diluting brine effluent by blending it with other existing discharges. The proponent should evaluate the use of measures to minimize the impacts from desalination plant discharges including discharging to an area with greater circulation or at a greater depth,*

increasing in the number of diffusers, increasing the velocity while minimizing the volume at each outlet, diluting the brine with seawater or another discharge, or use of a subsurface discharge structure.

- The project proponent should provide a detailed evaluation of the projected short-term and long-term impacts of the brine plume on marine organisms based on a variety of operational scenarios and oceanographic conditions. Modeling should address different types of seasonal ocean circulation patterns, including consideration of “worst case scenarios”.*
- Results of accepted plume models should be included, to illustrate how the plume will behave during variable oceanographic conditions. The plume model should estimate salinity concentrations at the discharge point, as well as where and when it would reach ambient ocean concentrations. The extent, location, and duration of the plume where the salinity is 10% above ambient salinity should also be provided.*
- The project proponent should provide information on the physical and chemical parameters of the brine plume including salinity, temperature, metal concentrations, pH, and oxygen levels. These water quality characteristics of the discharge should conform to California Ocean Plan requirements and should be as close to ambient conditions of the receiving water as feasible.*
- A continuous monitoring program should be implemented to verify the actual extent of the brine plume, when deemed necessary (see Monitoring on page 13) and to determine if the plume is impacting EFH, critical habitat, or sanctuary resources. If it is, then mitigation for the EFH impact will be required.*

Guidelines for Energy Use and Greenhouse Gas Emissions:

- The project proponent should provide estimates of a facility's projected annual electricity use and the greenhouse gas emissions resulting from that use. Applicants should also identify measures available to reduce electricity use and related emissions (e.g., energy efficient pumps, low resistance pipes, use of sustainable electricity sources, etc.) and to mitigate for all remaining emissions (e.g., purchase of offsets and/or credits that are consistent with the policies and guidelines of the California Global Warming Solutions Act of 2006 (AB 32), etc.).*

Guidelines for Co-location with Power Plant:

- Desalination plants proposing to co-locate with power plant once-through cooling systems should include an assessment, during the environmental documentation phase, of the impacts that would occur when the power plant cooling system does not operate, along with an analysis of alternative intake and outfall structures that would avoid or minimize these impacts.*

Guidelines for Co-location with Sewage Treatment Facilities:

- In consideration of recent interest by many municipalities regarding water recycling projects, the project proponent should evaluate the continued availability and reliability of that discharge in the future due to the potential for additional wastewater recycling projects. Additionally, where treated wastewater is available for recycling,*

proponents should determine the feasibility of using it as the source water to be desalinated for use in groundwater recharge – i.e., indirect potable reuse

- *The project proponent should provide a thorough analysis of the potential impacts to marine organisms resulting from the combined properties of the discharge, as well as how the addition of brine effluent would affect the dispersal/dilution of the wastewater effluent.*

- *Sewage treatment plants do not discharge at a constant rate throughout the day, typically discharging a much higher volume during daytime hours versus nighttime. Desalination plants tend to operate during the night when power is cheaper. The project proponent should evaluate these diurnal fluctuations in operation. When modeling for dilution of the brine plume, it is crucial to include a “worst case scenario” analysis of the dilution properties of the combined wastewater effluent and brine plume, during lowest expected flow rates for the treated wastewater effluent.*

- *The project proponent should include an assessment, during the environmental documentation phase, of the impacts that would occur from brine discharge if the wastewater discharge were to cease*

Guidelines for Use of Chemicals for Treatment and Cleaning:

- *The project proponent should provide a complete list of all chemicals that may be used for the desalination plant as well as how these will be stored and disposed. They should also include an evaluation of the potential for these chemicals to cause impacts to local marine organisms.*

- *The project proponent should identify and quantify all procedures and chemicals to be used for cleaning and maintaining the outfall and intake structures, filter membranes, and all other aspects of the plant. This should also include a detailed spill prevention and response plan for chemicals stored at project site.*

- *The project proponent should evaluate the feasibility of using alternative pretreatment techniques such as ozone pretreatment, subsurface intakes, and membrane filtration, aimed at reducing the use of chemicals.*

Guidelines for other Environmental and Socioeconomic Impacts:

- *Desalination plants should be designed and operated to minimize impacts to recreational and commercial activities that occur within the MBNMS. The project proponent should provide a thorough evaluation of the potential impacts of the proposed project and alternatives to recreation, public access and safety that result from the construction, operation, and maintenance of the facility. These should include but not be limited to potential impacts to SCUBA divers, kayakers, recreational boaters, and commercial and recreational fishermen.*

- *Desalination plants should not interfere with vertical or lateral public access to the shoreline or to coastal waters. The project proponent should provide an evaluation of how the construction and operation of the plant would affect coastal access at the sites.*

- *Desalination plants in the MBNMS should not contribute to coastal retreat and should not be designed to anticipate the possibility of installing coastal armoring at any time in the future to protect the plant or its infrastructure from the effects of coastal erosion, wave action, or sea level rise. The project proponent should provide a detailed evaluation of the potential for coastal erosion to affect the construction and operation of the plant, as well as the potential for the proposed project to require new coastal armoring structures in the future to protect related infrastructure including intake and outfall pipelines. The anticipated need for planned retreat of infrastructure due to coastal erosion should be considered.*

- *Desalination plants should be designed to minimize visual impacts to coastal resources.*

- *The project proponent should provide an analysis of the potential for co-location of desalination plants to make use of existing infrastructure should be required.*

Guidelines for Desalination Plant Construction Phase:

- *The project proponent should identify and provide a complete explanation of potential impacts from the construction process to the marine and coastal environment. They should also provide an evaluation of marine historical or archaeological resources that could be disturbed, and plans to mitigate any potential impacts, or recover any resources that may be disturbed during construction.*

- *All proposed projects should provide a stormwater pollution prevention plan (SWPPP). Stormwater runoff from the site should be managed to prevent any discharge of silt or chemical contaminants to the ocean or any other surface water body. The SWRCB General Construction Storm Water Permit for Construction Activities (General Permit) is required by the Central Coast Water Board for all construction activities that disturb at least one acre of soil, including grading and stockpiling. Local jurisdictions may require additional construction permits and SWPPPs at lower disturbance thresholds.*

- *Best Management Practices should be developed and adhered to in order to avoid or minimize impacts to the marine environment during the construction phase of a desalination project. This should include the use of materials and practices that minimize disturbances to the environment to the maximum extent practical*

- *In the case of any accidental spills or construction-related impacts to marine resources, MBNMS and NMFS management should be notified immediately and mitigation plans developed.*

- *The plant construction phase should include techniques and plans to avoid impacts to maritime heritage resources of the MBNMS. This includes submerged cultural and archeological resources including shipwrecks.*

- *Project proponents should adhere to the following conditions for all construction activities occurring on the beach:*

o No construction work or equipment operations may be conducted below the mean high water line unless tidal waters have receded from the authorized work area. Grading of intertidal areas is prohibited.

o Construction materials and equipment are to be delivered to the beach area via an existing access point. When transiting to the worksite, vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.

o Only natural rock material of the type and amount specified in the authorization may be discharged into the boundaries of the Sanctuary. No other material (e.g., sediment, concrete, asphalt) may be discharged into the Sanctuary at any time.

o All forms and construction materials must be stored beyond the reach of tidal waters during the construction period and must be removed from the beach when no longer needed for construction purposes.

o Equipment and construction methods that minimize noise in the marine environment should be used.

o Discharge of pH balanced water from the construction site into the adjacent marine environment shall only be done in accordance with pH level standards specified by the California Ocean Plan.

o The selected concrete grouting compound shall include accelerators that will catalyze the compound rapidly after pumping, producing a cure sufficient to avoid altering the pH level of ocean waters upon first contact. As described in the construction plan, biodegradable sand bags stuffed with straw or sand shall be positioned during grouting activities to prevent uncured concrete from migrating to adjacent waters. The sand bags shall be removed prior to contact with waters of the following flood tide.

o Barriers or cofferdams may not extend seaward of the mean high water line.

o Disturbance of marine mammals or seabirds is not allowed. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or NMFS, depending upon the species affected.

• Mitigation should be provided for the loss of EFH from the placement of the intake structure, delivery pipeline, and outfall structure.

4. Monitoring:

For all desalination projects, the project proponent should develop an ongoing monitoring program to evaluate the extent of impacts from the plant's intake and discharge operations to marine resources. The monitoring program should focus on: a) developing a statistically acceptable baseline for the project area, b) monitoring source water for potential contaminants that may require additional treatment, c) monitoring the effluent prior to discharge to ensure it is in compliance with the California Ocean Plan d)

monitoring the effects of the effluent on marine organisms within the plume, after the discharge begins, e) monitoring the impingement and entrainment effects on marine organisms, if applicable, and f) monitoring any required mitigation for unavoidable impacts to make sure the mitigation is performing as intended.

NOAA GUIDELINE:

The proposed monitoring system should be carried out for at least three years, with an evaluation report and cumulative impact evaluation generated each year. After the third year, the RWQCB and the MBNMS should determine the extent of additional water quality monitoring for the final two years of the NPDES permit, and National Marine Fisheries Service (NMFS) and MBNMS should determine the extent of additional biological monitoring that may be needed.

Minimum submittal information required for project application should include:

- 1. Initial evaluation of recreational, public use, and commercial impacts in vicinity of desalination facility.*
- 2. Initial monitoring to determine currents, tides, water depth and similar parameters of receiving waters.*
- 3. Pre-construction biological analysis with consideration of seasonal variability, of marine organisms in the affected area and control site to include ecological indices (e.g. species richness and abundance), along with evaluation of entrainment and impingement impacts.*
- 4. Pre-construction estimation of expected brine composition, volumes, and dilution rates of the brine in the zone of initial dilution.*
- 5. Plan for whole effluent toxicity (WET) testing as an ongoing monitoring requirement.*
- 6. Studies to determine properties of combined discharges (cooling water or wastewater), and their effects and toxicity on local species*
- 7. Post-operational monitoring of salinity in zone of initial dilution and control site, as indicator for plume spreading and dispersal, to be compared with expected results from plume and circulation modeling. If not in compliance then identify and implement corrective actions.*
- 8. Operational monitoring of quantities (biomass and species) of marine organisms entrained and impinged, if applicable.*
- 9. Post-construction biological analysis to compare to baseline.*
- 10. Mitigation plan including monitoring methodologies and success criteria.*



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