

CALIFORNIA COASTAL COMMISSION

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A-3-SLO-04-035-A1 (PG&E)

May 12, 2023

EXHIBITS

- Exhibit 1** – Map of Project Location
- Exhibit 2** – Transporter Route
- Exhibit 3** – Horizontal Storage Modules
- Exhibit 4** – ISFSI Aerial View
- Exhibit 5** – CDP #A-3-SLO-04-035 (2004)

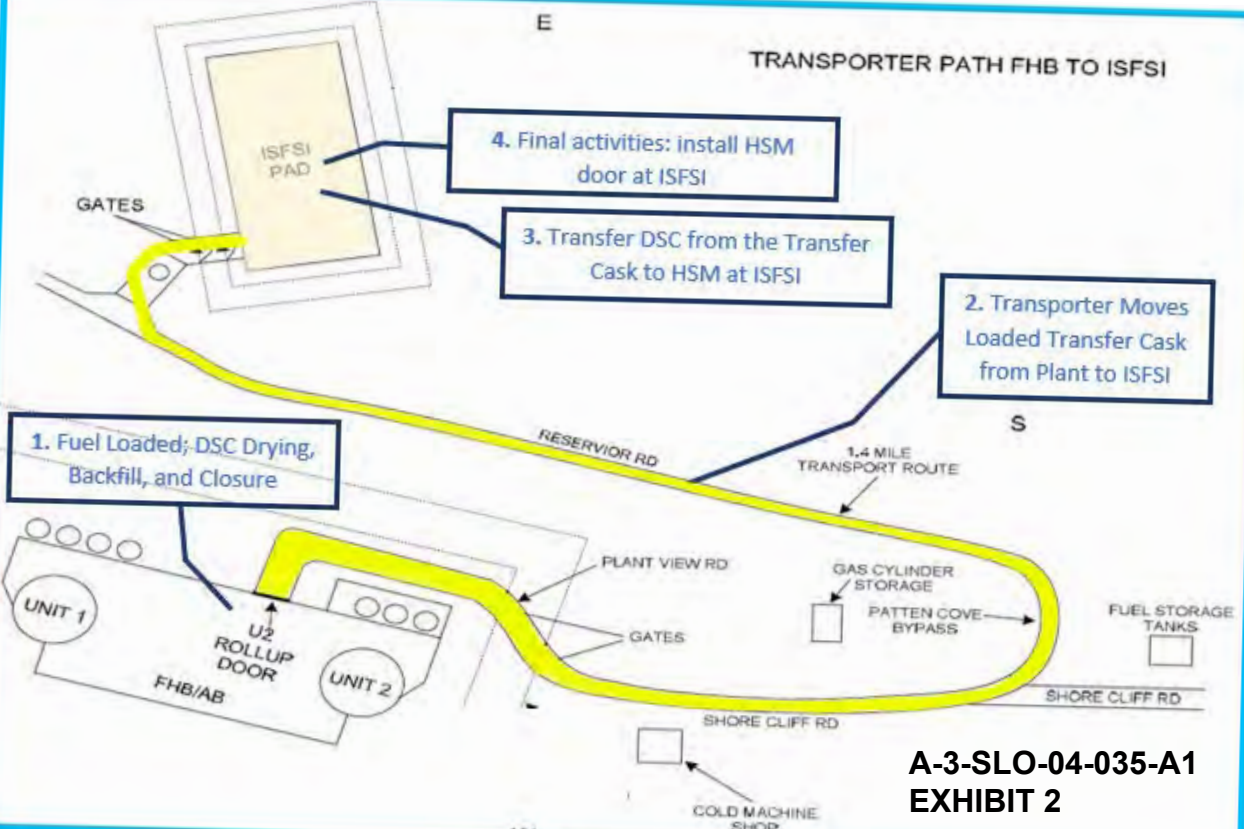


LEGEND:
 Diablo Canyon Power Plant Site Boundary

**A-3-SLO-04-035-A1
Exhibit 1**

*Site Location
Diablo Canyon Power Plant
Avila Beach, California*

TRANSPORTER PATH FHB TO ISFSI



1. Fuel Loaded; DSC Drying, Backfill, and Closure

4. Final activities: install HSM door at ISFSI

3. Transfer DSC from the Transfer Cask to HSM at ISFSI

2. Transporter Moves Loaded Transfer Cask from Plant to ISFSI

RESERVIOR RD

1.4 MILE TRANSPORT ROUTE

PLANT VIEW RD

GAS CYLINDER STORAGE

PATTEN COVE BYPASS

FUEL STORAGE TANKS

GATES

SHORE CLIFF RD

SHORE CLIFF RD

COLD MACHINE SHOP

A-3-SLO-04-035-A1
EXHIBIT 2

E

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A-3-SLO-04-035-A1
EXHIBIT 3



**A-3-SLO-04-035-A1
EXHIBIT 4**

CALIFORNIA COASTAL COMMISSION

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Page 1 of 10
January 26, 2005
Permit No. **A-3-SLO-04-035**

COASTAL DEVELOPMENT PERMIT

On December 8, 2004, by a vote of 11-0, the California Coastal Commission granted to Pacific Gas and Electric Company (PG&E) Coastal Development Permit No. A-3-SLO-04-035, subject to the attached standard and special conditions, for development consisting of:

Construction and operation of a radioactive waste storage facility known as an Independent Spent Fuel Storage Installation (ISFSI) within the high security area of the Diablo Canyon power plant complex.

The development is located approximately six miles north of Avila Beach, County of San Luis Obispo.

Issued on behalf of the Coastal Commission on January 26, 2005.

PETER DOUGLAS
Executive Director

A handwritten signature in cursive script, appearing to read "Alison Dettmer".

By: Alison Dettmer
Manager
Energy and Ocean Resources Unit

Acknowledgment:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4, which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance...of any permit..." applies to the issuance of this permit.

IMPORTANT: THE PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. (14 Cal. Admin. Code Section 13158(a).)

Date

Signature of Permittee or Representative

SPECIAL CONDITIONS

1. **Submittal of Other Permits:** Prior to starting project construction, the Permittee shall provide to the Executive Director a copy of other approved local and state permits, as applicable, from the following:
 - County of San Luis Obispo construction permit
 - California Department of Forestry/County Fire Department
 - California Regional Water Quality Control Board
 - California Department of Fish and Game
 - San Luis Obispo County Air Pollution Control District
 - Environmental Health Department
2. **Decommissioning or Changes to the ISFSI:** This permit does not authorize development activities associated with potential decommissioning of the ISFSI or changes to the ISFSI not described in permit submittals. The Permittee shall submit a new coastal development permit application or amendment to this permit if such activities are proposed.
3. **Managed Access to Diablo Canyon Lands:** The overarching goal of this condition is to achieve multiple public benefits, including managed public access to and along Diablo Canyon lands, natural resource conservation and restoration, and sustainable agricultural uses carried out in an environmentally sensitive manner. Another goal is to compile a comprehensive environmental baseline inventory that will provide information needed to inform decisions to further the identified public benefits in a mutually compatible manner. Diablo Canyon lands are those lands between Montana de Oro State Park and the Port San Luis Harbor District that are owned or controlled by the Permittee.
 - a) **Baseline Environmental Inventory:** The Permittee shall prepare and complete a comprehensive environmental assessment focused on the northern Diablo Canyon lands (i.e., those Diablo Canyon lands generally north of the power plant). This information will be used to develop a baseline environmental inventory of those lands that will provide a comprehensive and accurate information base to inform land use decisions that advance the public benefits envisioned by this condition. The baseline environmental inventory shall be completed no later than fifteen months after permit approval, shall be submitted to the Executive Director for review and approval, and shall thereafter serve as the baseline data needed to monitor and evaluate the environmental effects of public access.

Within three months of permit approval, the Permittee shall compile and submit to the Executive Director existing data and information in its possession about the environmental characteristics of the northern Diablo Canyon lands.

- b) **Task Force:** Within three months of permit approval, the Executive Director shall convene a task force to review existing baseline data and information and to recommend additional data collection, studies, and monitoring that may be necessary to ensure completion of a comprehensive environmental inventory to be used to inform the preparation, implementation and possible modification of an adaptive public access management plan.

The task force shall consist of representatives from appropriate public and non-governmental entities. The charge to the task force shall be to provide guidance and oversight for preparation of the environmental baseline inventory required by this condition and, based on that information, to provide recommendations for consideration in the preparation, review and approval of the Access Plan described below.

The Permittee shall fund the work of the task force, based on an annual budget jointly approved by the Permittee and the Executive Director. In the event of objection by the Permittee to the amount or purposes of budgeted functions or costs, the matter will be presented to the Commission for resolution. Upon approval of the task force budget, the Permittee shall make direct payments to service providers based on the approved budget.

The Executive Director will ensure that the work of the task force is completed in a timely manner not to exceed two years from its first meeting, unless by mutual agreement of the Permittee and the Commission it is determined that continuation of the task force for a limited additional period of time would be beneficial.

- c) **Completion of Baseline Environmental Inventory:** The Executive Director shall consider as part of the review and approval of the Access plan recommendations provided by the task force convened to provide advice and guidance to the Permittee and the Executive Director on developing a baseline environmental inventory of important natural resources and identification of feasible management measures relative to the provision of public access while protecting natural resources and environmentally sustainable agricultural practices. The overarching goal is to compile information necessary to achieve compatible multiple public benefits including managed public access as described below as part of the Access Plan, natural resource conservation and restoration, and sustainable agricultural uses carried out in an environmental sensitive manner. Additional data collection recommended by the task force and approved by the Executive Director shall be completed within fifteen months of permit approval and shall include necessary descriptions of habitat and ecosystems types and species present on the northern Diablo Canyon lands.

- d) **Access Plan:** Within eighteen months of permit approval, the Permittee shall provide an Access Plan for Executive Director review and approval that includes the provisions described below.

Goals and Objectives of Access Plan: The level of access provided shall be at least roughly commensurate to the current value of access lost due to the ISFSI (i.e., providing access opportunities for up to 275 visitors per day). The time, place and manner of public recreational access use shall be reasonably managed to address security and safety needs and to avoid or minimize adverse impacts to sensitive habitats, environmentally sustainable agricultural operations, and other important natural coastal resources. The Access Plan shall identify the annual level of visitation anticipated for each of its accessways and the basis for determining that level of visitation. No new public accessways in the northern portion of Diablo Canyon lands shall be required to be opened for public use prior to approval of the Access Plan, provided however, that the new public accessways required by this condition shall be opened for public use no later than twenty-four months after approval of this permit.

The Access Plan shall also conform, to the extent possible given the other provisions of this condition, with applicable policies and provisions of adopted local and state coastal access plans and programs, including those of the adjacent and nearby coastal areas at Montana de Oro State Park, Port San Luis Harbor District, and San Luis Obispo County. The plan shall include measures to implement applicable goals and principles of the California Coastal Trail, pursuant to the report and maps contained in *Completing the California Coastal Trail* (January 2003). The Access Plan shall specify how aspects of its access provisions are intended to support the goals, policies, and provisions of these other access plans and programs. The plan shall describe coordination efforts with adjacent property owners to determine the potential effects of access on those properties and to identify ways to avoid or minimize conflicts.

Type and Extent of Access: The Access Plan shall provide, at a minimum, access to the shoreline at the following locations:

- Lateral bluff top access to approximately three miles of coastline along the northern portion of the Diablo Canyon lands between Montana de Oro State Park and Crowbar Creek. Precise routing of the bluff top accessway shall be identified in the Access Plan and shall include at least three opportunities for access to coastal viewing areas on projecting land promontories.
- Vertical access to at least one beach in the northern portion of the Diablo Canyon lands (e.g., Point Buchon beach, near the northern boundary) and lateral access along that beach.
- Increased access to the Pecho Coast Trail on the southern portion of the Diablo Canyon lands, as allowed within the provisions of the *Pecho Coast Trail Accessway Management Plan* and the Memorandum of Understanding governing that Plan. As part of the Access Plan, the Permittee may request an amendment to the existing Pecho Coast Plan or MOU to allow additional access, if necessary.

Management Considerations and Implementation: The Access Plan shall specify provisions necessary to manage access in recognition of security, public safety, protection of existing environmentally sustainable agricultural uses, and environmental conservation and restoration needs. The Access Plan shall, at a minimum:

- Provide pedestrian access during daylight hours to the accessways identified in the plan.
- Identify the minimum provisions necessary to meet federal security and public health and safety requirements and their effect on meeting the goals of this condition.
- Identify the status of access to all public trust lands (i.e., below the mean high tide line) on Diablo Canyon lands, and the measures available to ensure access to those public trust lands as well as measures in place that prohibit or limit access to those areas.
- Provide deed restrictions that will ensure legal protection to the accessways in perpetuity. In areas where coastal erosion could reduce or eliminate public use accessways, a legal mechanism to accommodate landward relocation of any affected accessway to ensure continued public use shall be provided. Deed restrictions proposed in the Access Plan shall be submitted to the Executive Director for recordation within 30 days of plan approval by the Executive Director. To the extent possible consistent with the environmental protections identified above, the accessways shall conform to the requirements of LCP Section 23.04.420 regarding minimum widths, necessary improvements, and signage, and other supporting infrastructure.
- Identify specific improvements needed along the various accessways to provide the proposed level of access, including detailed descriptions of improvements such as parking, road and trail improvements, boardwalks, fencing, benches, interpretive and instructional signs, overlooks, garbage and sewage service facilities, or other similar improvements necessary to support the proposed level of visitation. Improvements described in the approved Access Plan shall be maintained for the life of the project.
- Identify specific measures that will be taken to ensure the accessways and improvements avoid or minimize conflicts with environmentally sustainable agriculture, sensitive natural resource areas, archaeological sites, and other significant coastal resources.
- Identify provisions for the management of the accessways that may include management by a non-profit organization approved by the Executive Director or an appropriate public recreational agency.
- Implement and fund an outreach program to inform the public of the access being provided through this Access Plan. The program is to focus on currently underserved communities, particularly inner city and disadvantaged, that are likely not aware of coastal access opportunities.

The Permittee shall consider other measures to support the goals and requirements identified above, and may include in the Access Plan additional access provisions, including:

- Additional vertical and lateral access to other beaches if such access will not cause significant adverse environmental effects, or if access can be provided to those beaches subject to closure during critical or sensitive times (e.g., closure during seal pupping season).
- Improvements to adjoining or nearby properties that will support access to the shoreline of the Diablo Canyon lands, such as improving connecting trails on adjacent State Park lands, improvements to the Point San Luis lighthouse, funding support personnel to manage visitation, providing additional parking, bike lockers, or other public recreational use improvements, etc. Any such measures proposed for lands not owned or controlled by the Permittee shall be accompanied by property owner approval. Some proposed measures may require additional coastal development permit review and approval.
- Additional public access in connection with educational, research and habitat restoration programs or activities.

Timing of the Access Plan: All accessways and improvements in the Access Plan shall be constructed and made available for public use within two years of permit approval. The Access Plan shall include a schedule showing the anticipated dates of construction and implementation of the various plan components during this time period. Deadlines for submittals or for implementation of plan elements may be extended by the Executive Director for good cause.

Monitoring: The Access Plan shall include a monitoring and evaluation component to provide information documenting Access Plan implementation over the life of the project and that can be used as a basis for proposed adaptations, if any, to the Plan that may be warranted by experience. Elements to be included in the monitoring and evaluation component shall include those reasonably necessary to determine the following:

- A description of whether public use has resulted in any environmental effects, including possible negative and positive impacts, based on an evaluation using the baseline environmental inventory prepared pursuant to this condition.
- A discussion of what modifications to the Plan, if any, may be appropriate based on the evaluation described above.
- A description of whether public use has resulted in any effects, negative or positive, on the continuation of environmentally sustainable agricultural activities.
- A comparison of the levels of visitation anticipated in the plan with actual levels of visitation at the various accessways;
- A description of effects, if any, of visitation on security and public safety and on archaeological resources and any measures taken or proposed to avoid or reduce those effects.

Reporting: For each of the five years after approval by the Executive Director of the Access Plan, the Permittee shall submit annual reports to the Executive Director describing implementation of the plan and the results of the above monitoring measures. The Executive Director shall convene the task force at least once per year during this five-year period to evaluate the monitoring results and to recommend modifications to the Access Plan, if necessary. After the first five years, the Permittee shall submit reports every five years describing experience implementing the Access Plan.

- e) **Access Plan Amendments:** Amendments to the approved Access Plan that are based on monitoring results and are consistent with the scope, intent, and purpose of this condition may be approved by the Executive Director.
4. **Monitoring Cut Slopes:** The Permittee shall monitor the cut slopes above the ISFSI storage area and the transport road for sliding, ground movement, or other motion using the measures and monitoring devices described in the project's *Safety Analysis Report*. Any protective devices such as rock bolts or tiebacks shall be monitored for signs of corrosion, distress, or failure and shall be replaced as necessary to maintain their effectiveness. No later than June 30 of each year, the Permittee shall submit annual reports, prepared by a licensed Civil Engineering Geologist and Civil Engineer, to the Executive Director describing the results of the monitoring. The Permittee shall notify County staff and the Executive Director immediately in the event of slope failure or movement that may indicate imminent slope failure. If monitoring results for any annual report indicate slope movement may require additional measures to protect the development, the Permittee shall submit a coastal development permit application or request for an amendment to this permit.
5. **Monitoring Shoreline Erosion:** The Permittee shall conduct annual surveys of the shoreline nearest the ISFSI transport road and Soil Disposal Site #2 (i.e., from the corner of Shore Cliff Road and Plant View Road on the west to the headland east of the soil disposal site). The surveys shall start during the first year of project construction and continue through the life of the project. Surveys shall be conducted by a licensed Surveyor or Civil Engineer. Each annual survey shall be performed in the early spring when the beach level is lowest and the lower bluff face is most exposed, or as close to that time as is feasible. Each survey shall record the position of the upper bluff edge and lower toe of the bluff using conventional survey techniques (total station, rod and level, plane table, etc.), differential Global Positioning System (GPS), photogrammetry (with current ortho-rectified aerial photographs), by ground Light Detection and Ranging (LIDAR), or other comparable technique. Survey techniques used shall be consistent throughout the survey period or shall allow consistent comparison of yearly data. Survey measurements shall be accurate within 0.5' horizontal and 1.0' vertical.

The Permittee shall report the results of each survey to the Executive Director by June 30 of each year. Each report shall include narrative and mapped analysis of the survey data, a determination of the average retreat rate for the full survey area, identification of any locations where the bluff change rate is more than two standard deviations from the average. Bluff change shall be calculated at 50' intervals (or smaller) to determine the average retreat, standard deviation and to identify areas of outlier retreat rates. The report shall also include monitoring data from the existing inclinometers installed to measure movement of the Patton Cove landslide area.

If monitoring results for any annual survey indicate the development may be threatened by coastal erosion in less than 75 years from the start of construction, the Permittee shall submit within sixty days of the annual survey report a coastal development permit application or request for an amendment to this permit to relocate the transport road and other project components as needed.

6. **Restoration Plan:** PRIOR TO PERMIT ISSUANCE, the Permittee shall submit for Executive Director review and approval a revision of the *Native Vegetation Restoration and Monitoring Plan* submitted in August 2004 that includes two additional provisions: (1), that reports identified in the plan (e.g., "as-built" report, annual monitoring reports, etc.) to be submitted to the County are also submitted to the Executive Director for review and approval; and (2), that seeds or propagules used to revegetate restore areas are collected or obtained from sources within 35 miles of the Diablo Canyon lands, and any vendor or collector shall certify the origin of these seeds or propagules.
7. **Protection of Archaeological Resources:** Prior to starting construction, the Permittee shall submit for Executive Director review and approval a plan describing the measures to be included as part of project activities to protect archaeological resources. The plan (known in the County's requirements as a *Construction Treatment Plan*) shall be developed by a County-qualified archaeologist and shall describe, at minimum:
 - Procedures for notifying the Executive Director and other involved or interested parties in the event of a discovery, including the procedures to stop project-related activities until an archaeologist can determine the status and significance of the discovery and the procedures for re-starting project activities;
 - Procedures that would be used to record, evaluate, and mitigate discoveries; and,
 - Procedures that would be followed in the event of discovery of disturbed as well as intact human burials and burial-associated artifacts.

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment:** This permit is not valid until a copy of the permit is signed by the Permittee or authorized agent, acknowledging receipt of the permit and the acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration:** Construction activities for the proposed project must be initiated within two years of issuance of this permit. This permit will expire two years from the date on which the Commission approved the proposed project if development has not begun. Construction of the development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made at least six months prior to the expiration date.
3. **Interpretation:** Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission (hereinafter, "Executive Director") or the Commission.
4. **Assignment:** The permit may be assigned to any qualified person, provided the assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land:** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.