EDC works with citizen groups on Central Coast environmental issues such as protecting water quality, preserving open spaces, saving species from extinction and guarding public health.



Environmental

a newsletter of the Environmental Defense Center

















Governor Signs Pesticide Safety Bill

n early September, Governor Gray Davis signed into law Assembly Bill 947 (AB 947), a bill that will help protect children from potential harm posed by pesticides drifting onto schools. Written by Assemblymember Hannah-Beth Jackson and co-sponsored by the Environmental Defense Center (EDC) and Ventura County Farm Bureau, AB 947 is a victory for children across the state.

AB 947 gives County Agricultural Commissioners, who are responsible for enforcing state pesticide laws at the local level, more authority to regulate any pesticides used within one-quarter mile of schools. AB 947 also increases the maximum fine for serious pesticide-related violations from the current \$1,000 to \$5,000.

AB 947 was first drafted as a result of a pesticide drift incident at a Ventura County elementary school in 1999. A citrus grower had applied Lorsban to his lemon orchard adjacent to Mound Elementary School. When children at the school began feeling sick later that day, officials determined pesticides had drifted and closed the school.

The incident brought Jackson, EDC, the Ventura Agricultural Commissioner and the Ventura County Farm Bureau together to discuss how to avoid such events and resulted in the drafting of AB 947. EDC, through the Central Coast Environmental Health Project, continues its work to reduce the health and environmental hazards of pesticides.

Marine Reserves Adopted for Channel Islands Sanctuary

ctober 23rd marked a pivotal moment in the future of the waters and marine life off our coast. After over three years of intense community debate, the California Fish and Game Commission voted to enact the largest marine reserve system on the U.S. West Coast, banning fishing in 175 square miles of the waters in the Channel Islands National Marine Sanctuary.

EDC, representing the Conservation Working Group, had advocated for Alternative 5 in the environmental document, which would have protected 34% of the Sanctuary, consistent with the

recommendations of the Science Panel. In the face of pressure from the fishing industry to adopt no or small reserves, the Commission adopted an alternative that will ultimately protect 25% of Sanctuary waters.

Since the State has jurisdiction over only the first three miles from the islands, the reserves adopted in October are only part of the entire reserves network, representing about ten percent of all Sanctuary waters. The process for adoption of reserves in federal waters will begin in January.

Adoption of these "no take" areas is a significant milestone in efforts to protect the wealth of biodiversity found in our local waters as well as the long-term viability of fisheries, and sets an important precedent for the rest of the world.



Garibaldi in the Channel

Islands Nat'l Marine Sanctuary

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Message from Linda Linda Krop, Executive Director / Chief Counsel

omehow it is not surprising that as 2002 comes to a close, we are witnessing yet another devastating oil spill, this time offshore Spain. Thirty-three years after the Santa Barbara oil spill, we are still unable to prevent or clean up these ecological disasters. Even the Oil Pollution Act passed in the aftermath of the Exxon Valdez spill does not require double-hulled tankers until 2015, leaving U.S. waters unprotected from a major tanker spill.

Thankfully, in other areas, we do have strong environmental laws, and it is EDC's role to enforce them. For the past 25 years, EDC has been the only nonprofit environmental law firm between Los Angeles and San Francisco, enforcing such important laws as the Clean Water Act and Endangered Species Act. Sadly, these and other laws are now under attack by the Bush administration, which has chosen to prioritize corporate interests over the interests of the nation and our imperiled natural resources.

Fortunately, we stand ready and willing to accept the challenges before us, with your help.

We need to continue our efforts to block development of federal oil and gas leases off our coast; oppose massive development at Newhall and Ahmanson Ranches; ensure protection of sensitive open spaces such as San Simeon (Hearst Ranch), Naples, Ellwood Shores, San Marcos Foothills, Ormond Beach and Oxnard Dunes; provide education about protecting people and the environment from toxic chemicals; protect our region's unique biodiversity by saving rare and native species from extinction; and save our precious coastal watersheds and habitats.

Since the majority of our income comes from individual supporters, it is thanks to you that we can continue our work. We are also fortunate to have a very talented and dedicated team at EDC, including new Board members Vicki Clark, Alicia Finigan, and Alana Walczak; new Advisory Board members Richard Francis, Paul Franz, Lessie Nixon Schontzler and Bill Palladini; and new staff members Barbara Bannerman-Olitzky, Karen Kraus and Jeff Kuyper. We look forward to working with them and you in 2003.

Staff Changes

EDC bids a fond farewell to **Babak Naficy** and **Gordon Hensley**, who have worked tirelessly for environmental causes in our San Luis Obispo office. Babak will work on some of EDC's cases through his private practice, and Gordon will work on local environmental issues through his private consulting business.

EDC welcomes new staff members **Barbara Bannerman-Olitzky**, **Karen Kraus** and **Jeff Kuyper**. Barbara, our new Assistant Director, joins EDC from San Francisco where she worked with the S.P.C.A and Sierra Club. Karen and Jeff, the newest additions to our legal team, are both former

EDC law clerks. Karen left the Environmental Protection Agency in Washington, D.C. to join EDC, and Jeff returns to Santa Barbara after graduating from law school in Oregon.



Babak Naficy, Gordon Hensley, Barbara Bannerman-Olitzky, Karen Kraus, Jeff Kuyper

Groups Win Appeal Challenging Approval of Industrial Project Near Ormond Beach

n October 1st, EDC won an appeal of the Oxnard Planning Commission's approval of the Pacific Vehicles Processors (PVP) facility at Saviers and Hueneme Roads. This project, which would essentially place a large parking lot and vehicle preparation plant immediately adjacent to the sensitive Ormond Beach wetlands, raised concerns regarding runoff pollution, traffic, air pollution, aesthetics, public access, noise and night lighting. By filing the appeal on behalf of Earth Alert, the Beacon Foundation, Sierra Club, and Ventura CoastKeeper, EDC disputed the City's conclusion that the project would not affect the Ormond Beach wetlands and surrounding

area. The appeal asserted that a full Environmental Impact Report (EIR) should have been prepared for the project. Ultimately, the City agreed with EDC's position and determined that an EIR is required if the project moves forward.



The project site near Ormond Beach

Challenge to Fillmore Development on Santa Clara River Filed

In November, EDC filed a legal challenge on behalf of the Friends of the Santa Clara River to the City of Fillmore's Heritage Valley Parks project. This project would establish a Specific Plan for up to 750 residential units between Fillmore's existing limits and the Santa Clara River. The Heritage Valley project would require extensive new levees, massive filling of the River's floodplain, and would result in profound changes to the River, including increased downstream erosion. EDC and the Friends of the Santa Clara River are particularly concerned that Fillmore failed to consider less damaging alternatives, and will seek to obtain better protection for the River through this lawsuit.

Ventura County Will Require EIR for Boating Center

DC, working with the Beacon Foundation and concerned neighbors, successfully argued that Ventura County must prepare a full Environmental Impact Report (EIR) for the proposed Channel Islands Harbor Boating Instruction and Safety Center. While the Boating Center would be a valuable

addition to Channel Islands Harbor, the chosen site and design would have eliminated a heron nesting site and developed a park site in violation of the County's Public Works Plan for the harbor.

The County has now agreed to prepare an EIR that considers these and other conflicts.

Updates!

Update:

Development measures defeated

By large margins, voters in Ventura and Santa Paula refused to adopt developer-sponsored measures that would have paved the way for development of rugged hillside areas. In Ventura, voters defeated Measure A, the Hillside Development and Open Space Initiative, which would have approved a master plan for nearly 1400 houses on the hillsides and in the canyons north of Ventura.

In Santa Paula, voters defeated Measure F, a renewed attempt to open Adams Canyon to thousands of houses, a golf course, and other development. Santa Paula voters had previously approved a SOAR measure that specifically excluded Adams Canyon from the city's growth boundary. Measure F would have altered this boundary to include Adams Canyon, an area with little physical connection to the current city boundaries. In both Ventura and Santa Paula, developers supporting the measures outspent opponents by wide margins, yet both measures were defeated by large majorities. EDC opposed both ballot measures because of their sprawl-inducing and precedent-setting character.

Honoring Marc McGinnes

EDC thanks Gail Rappaport for hosting a Sunday brunch at her home honoring J. Marc McGinnes to benefit EDC. Many thanks to Gail, Ganna Walska Lotusland Foundation, Patagonia, Inc., Santa Barbara Athletic Club, and Victorian Vogue for donating auction items. Special thanks to: Our Daily Bread, Mesa Produce, Fresco! and Fresco North! for in-kind donations; the many musicians; and to Celeste Wiedmann for creating the beautiful flag that was presented to Marc.

Salmon Run

EDC owes a debt of gratitude to Patagonia, Great Pacific Iron Works and Real Cheap Sports for choosing EDC as the recipient of the proceeds from this year's Salmon Run. The 5K run/3K walk held on November 17th raised over \$6,000 to help EDC.

13th Annual Spaghetti Dinner

EDC thanks Olga Howard, the Orcutt Area Advisory Group and all the volunteers and auction donors who participated in our annual Spaghetti Dinner in Santa Maria on November 2. Over one hundred supporters enjoyed a great meal, lively auction and good company.

Volunteers Jennifer Barber Jessie Blair Drew Crawford Kevin Grier Lu & Mary Hintz C David & Karen Hollerbach Bruce & Olga Howard Nancy Johnson Lee & Mary LaFaille Ron & Joan Leon Chris Magana Mike Martin

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Silver Circle Members

EDC wishes to acknowledge the generous support of its 25th Anniversary Silver Circle Members for their leadership and personal commitment to the Environmental Defense Center, and to the quality of life in our community: David H. & Lyn Anderson, Anonymous, Bruce Anticouni, Drs. Michael & Carol Behrman, Vicky Blum & David Lebell, Susan Bower, Environment Now, Richard Francis & Nancy Butler Francis, Paul & Barbara Franz, The Hutton Foundation, Jan Montgomery, Lessie Nixon Schontzler & Gordon Schontzler, Angela & Anthony Ocone, Jean & Barry Schuyler, Judy & Jack Staplemann, Herman Warsh & Maryanne Mott.

25th A nnivers

EDC celebrated its 25th Anniversary on November 10th w presented Sara Wan, Chair of the California Coastal Comr stewardship in protecting coastal resources. Actress Kimb Office, shared her environmental message and presented in Board, Advisory Board and Staff members, as well as some helping EDC achieve its successes over the past quarter of a decentification.

Host Committee

Pauline Abbe David & Lyn Anderson The Beacon Foundation Drs. Carol & Michael Behrman Honorable Marty Blum Honorable Barbara Boxer Honorable Lois Capps Jim Churchill & Lisa Brenneis Marc Chytilo & Nancy Weiss Carnzu A. Clark Paul & Barbara Franz Joyce Howerton Honorable Hannah-Beth Jackson Gary & Karen Kledzik Mike & Sheila Lunsford Sherry & Craig Madsen Honorable Gail Marshall Marc McGinnes & Seyburn Zorthian Anne & Hale Milgrim Honorable Pedro Nava & Susan Jordan

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Plehration

ith over 200 friends at the Santa Barbara Radisson. EDC nission, with the 2002 Earth Award for her leadership and erly Williams, Board member of Earth Communications spirational environmental films. Former and current EDC of EDC's founders, were acknowledged as instrumental in cade. EDC thanks everyone who helped with the Celebration:

Bronze Sponsorship Vicky Blum & David Lebell Carnzu A. Clark Environmental Coalition of Ventura Get Oil Out! League of Women Voters of Santa Barbara Mike & Sheila Lunsford Seth & Barbara Olitzky Jean & Barry Schuyler Katherine E. Stone Merrill Lynch JW/CS Private Client Group

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> **Volunteers** Scott Bull Emilie Garrigou Michael Mayer Lisa Nessel Seth Olitzky Liz Podolinsky Alana Walczak Eric Zimmerman



Margaret Connell; Coastal Commissioner Pedro Nava; EDC's Linda Krop, Actress Kimberly Williams; Coastal Commission Chair Sara Wan; Carla Frisk, Linda Krop, Cameron Benson; Leslie Harvey, Linda Krop, Congresswoman Lois Capps.

TGIF Thanks

EDC would like to thank the many individual and group sponsors, restaurants, musicians and volunteers who made our 2002 Thanks Goodness It's Friday season a success. Your hard work and generosity helped EDC raise over \$11,000 from Santa Barbara TGIFs.

Restaurants & Caterers Aldo's Italian Restaurant Steve Dunn Emilio's Ristorante & Bar Fresco! Julie Summers Catering Main Squeeze Our Daily Bread Pascucci SOhO Restaurant &

Music Club Sojourner Cafe State & A The Palace Grill Trader Joe's Two Peas in a Pod Whale Tail Deli

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Music Antara & Delilah Maxwell Bromwell Vanessa Bryson & Dan Powel The Messengers Heather Stevenson & Bill Lanphar Strictly Business

Sponsors Susan Bower Citizens for Goleta Valley Community Environmental Council Matt Dobberteen Goleta Valley Land Trust Kinko's Patagonia, Inc. Rolling Hills Garden Center Santa Barbara Audubon Society Santa Barbara Bank & Trust Santa Barbara ChannelKeeper Santa Barbara County Action Network Sierra Club, Los Padres Chapter

Mark Stringer Surfrider Foundation, Santa Barbara Chapter

Above (top to bottom): Liz Podolinsky, Elizabeth Martinez; Michael Mayer, Scott Bull.

VIRONMENTAL

Updates!

Update:

Solvang Winery Project Threatens Rare Species and Historical Resources

The proposed Mission Meadows Winery Project near Solvang would forever degrade the rural, agricultural setting of Mission Santa Ines, increase traffic, and damage sensitive fish and wildlife habitat. It was denied on a 2-2 vote by the Planning Commission in July and is now before the Board of Supervisors on appeal.

EDC represents Save the Sunny Fields, a nonprofit group dedicated to preserving the bucolic nature of the Santa Ynez Valley and the historic context of the Old Mission. The Mission and its environs were designated a National Historic Landmark in part because the area has remained undeveloped. However, the winery, which would be one of the largest in the Valley, its processing plant, parking lot, ancillary structures and access road through Alamo Pintado Creek — habitat for nine protected species would significantly change this area. EDC and Save the Sunny Fields have demanded that the County comply with state law by requiring an **Environmental Impact** Report to analyze less damaging alternatives to the project.

County Adopts Critical Mitigation Measures in Approving Landfill Expansion

n behalf of the Surfrider Foundation and with support from Heal the Ocean and Gaviota Coast Conservancy, EDC convinced the County to under-

take a smaller, 15-year expansion of the Tajiguas Landfill instead of the 25-year expansion originally proposed.

The landfill was built 35 years ago in Pila Creek, ten miles west of Goleta. Recent tests revealed that the landfill is sitting in a

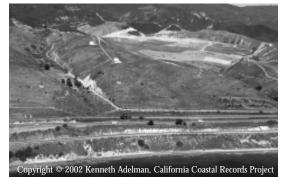
pool of underground water, lending credence to concerns that it may be leaking pollutants into Pila Creek and the ocean a thousand yards away.

At EDC's request, the County agreed to additional water quality monitoring in Pila Creek

and to avoid the most sensitive habitats in the canyon. Still, several dozen acres of oak woodland, coastal sage and chaparral habitat will be destroyed. The County agreed with EDC's sug-

gestion to replace these habitats at a ratio of three acres for every one acre removed (instead of 1:1).

When the expansion was approved, EDC and Surfrider insisted the County increase its recycling efforts. Ac-



Tajiguas Landfill

cordingly, the County is pursuing various new recycling projects with assistance from EDC, is poised to unveil a strict ban on disposal of recyclables, and is evaluating waste conversion technologies that could reduce waste disposal by ninety percent.

Long-awaited Consensus on Oak Protection Appears Likely

fter more than five years of bitter dispute over how to protect oak trees throughout Santa Barbara County, a compromise Valley Oak program was forged by a committee of environmentalists and agriculturalists. This effort was led by EDC after Kendall-Jackson bulldozed 850 oaks to make way for a vineyard in 1997. Citing the increasing rarity of Valley Oaks and recent clear-cutting for vineyards, environmentalists demanded stringent regulations to minimize oak removals. Farmers and ranchers have long opposed regulation and supported only voluntary protections.

The two sides agreed that landowners should be provided with incentives to protect and plant native oaks. Building on that common ground, consensus on the program was reached after six months of intense negotiating during which both parties compromised in an effort to end the years-long controversy. The proposed program would allow the removal of a small number of Valley Oaks for agriculture to be exempt. Additional oaks could be removed if landowners agree to



hoto by Richard Sage

replant fifteen new Valley Oaks for each one removed. Larger numbers of Valley Oaks may be removed only if landowners implement an oak tree management plan. Removal of more Valley Oaks may occur only if landowners obtain an oak tree removal permit. The program would be reviewed every five years to ascertain its effectiveness, and revised as needed.

The committee is now attempting to develop a consensus-based solution for protecting Live and Blue Oaks in the County's fertile farming areas.

EDC Wins Offshore Oil Victory

n December 2, EDC won a tremendous victory in the U.S. Court of Appeals that prohibits development of 36 offshore federal oil and gas leases pending full environmental and state review. The decision was rendered in response to a legal strategy initiated by EDC in 1999, based upon 1990 amendments to the federal Coastal Zone Management Act (CZMA). Under the 1990 law, Congress gave coastal states the broad right to review

activities in federal waters, including offshore oil and gas leasing, that may affect the state's coastal resources.

Despite this law, the U.S. Minerals Management Service elected to extend the life of the 36 oil leases in November 1999 without allowing the California Coastal Commission to review the leases. EDC asked the State to sue the federal government, and then intervened in the case on behalf of eight environmental organizations. The Court of Appeals agreed with the EDC and the State, holding that the



Oil Platform in the Santa Barbara Channel

State must have the opportunity to determine whether development of the oil leases will comply with California's strict coastal policies. If not, the leases should expire. In ruling in our favor, the Court pointed out that State review will afford the public the first chance to voice opposition to development of these leases.

Environmentalists, County Defeat New Oil Drilling Project

DC recently represented Get Oil Out! (GOO) in opposition to a pro posed new oil leasing and drilling project off Point Arguello in Northern Santa Barbara County. The project, proposed by Nuevo, would have resulted in the first lease in State waters since before the 1969 oil spill, and would have extended the life of the existing Point Pedernales project up to 25 years. On October 22, the Santa Barbara County Board of Supervisors denied Nuevo's application.

EDC and GOO argued that the project would violate the intent of the 1994 California Coastal Sanctuary Act, a State law that EDC helped author and support, that bans

new oil leasing in State waters. In addition, EDC cited Nuevo's poor safety and compliance record, in particular the 1997 oil spill from Platform Irene that spoiled miles of County coastline and killed hundreds of seabirds.

EDC and the County also pointed out that Nuevo has consistently challenged the County's ability to enforce its permit conditions, in and out of court, and thus there was no guarantee that the County's mitigation measures would be implemented. As such, the project would continue to threaten our County's coast with risks of oil spills, air pollution, and water pollution. At press time, Nuevo had already sued the County over the denial.

Update:

EDC Represents Naples Coalition

EDC is representing the Naples Coalition in reviewing proposed development at Naples, one of the largest and most threatened open space parcels on the Gaviota Coast.

Matt Osgood—an Orange County developer—and the County of Santa Barbara negotiated a Memorandum of Understanding that would allow Osgood to divide the development into two separate projects: an "inland" project consisting of 16 units, and a "coastal" project consisting of 39 units. On behalf of the Coalition, EDC has raised legal claims that dividing the project in this manner violates the California Environmental Quality Act and prevents the County from performing an adequate environmental review of the project's impacts.



Emilie Garrigou

Thanks to Volunteers

EDC would not be able to function without the generous support of volunteers who contribute their time each week to help with legal cases, research, mailings and countless other duties. Special thanks to the following devout EDC volunteers: Naoke Abe, Rebecca Elliott, Emilie Garrigou, Annie Jelnick, Camille Passon, Shaughn Ryan, Benie Shalant

Shop at EDC for the Holidays

Don't know what to buy your friends and family for the holidays? Give a gift that helps the environment. Find attractive, practical gifts online at http:// www.edcnet.org/ SupportPages/ shop.html or call EDC at (805) 963-1622.

EDC's 25th Anniversary Case Docket

EDC's 25th Anniversary Case Docket is now available! It chronicles a quarter of a century of EDC's work to protect our environment and quality of life on California's Central Coast. Call (805) 963-1622 for a copy or view it online at: http:/ /www.edcnet.org/ casedocket.html

Wish List

- Silverware
- Plates
- High volume document shredder
- Outdoor furniture
- 8' lightweight table

End of Year Giving

Year-end is a great time for giving. When you make a year-end outright gift to help others, you aren't just giving money. You're perpetuating your own values. You're saying "I see what you're doing to enhance the character of my community, and I want to make certain you keep on doing it. Your values are my values." Here are five tips to help you make the most of your year-end giving:

- **1. Calculate your income.** Try to get a handle on your tax liability for the year. Did your unearned income increase? Did you sell any appreciated assets? Will you owe more taxes? This alone may motivate you to increase your giving before December 31.
- 2. Review your gift options. Cash contributions are deductible as an itemized deduction in the year you make the donation, up to 50% of your adjusted gross income. By making a gift of cash before December 31, you may be eligible for a significant deduction. The gift of a life insurance policy you no longer want or need may make a perfect year-end way to contribute. To qualify as a gift, EDC simply needs to be named as either the owner or beneficiary of the policy. If you would like to make a gift to EDC and continue to receive a lifetime income, consider a gift annuity. You will receive a fixed quarterly income and a charitable tax deduction.
- **3. Pledge.** Make a multi-year commitment to help develop a longer term giving plan for yourself and a sustainable gift to the environment.
- **4. Do your giving early.** This is especially true if you want to make a gift of non-cash assets (stock, real estate, etc.). It also applies to life-income gifts (gift annuities, pooled income fund contributions, trust arrangements, etc.). Your professional advisors and EDC are busier as the year winds down; the sooner you can get your gift activity going, the better it will be for everyone concerned.
- **5. Talk to your advisor.** Before making any significant gift, you should have your CPA, attorney or other advisor help you understand the impact of your gift on your income tax return and estate.

What Really Matters

We know that if you support us, it's because you believe in our mission to provide legal, education and advocacy support to advance environmental quality on California's Central Coast. And for that, we thank you.

Contact Barbara Bannerman-Olitzky at 963-1622 extension 100 for more information.



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