

The Environmental Defense Center (EDC) is the only nonprofit environmental law firm between Los Angeles and San Francisco. EDC works with community groups on Central Coast environmental issues such as protecting water quality, preserving precious open spaces, saving species from extinction and guarding public health.



SUMMER 2003 NEWSLETTER

ENVIRONMENTAL DEFENSE CENTER

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Restoring Wild Steelhead to Our Rivers

Southern steelhead, a highly endangered and distinct population of migratory trout, spend most of their adult lives in the ocean, returning to rivers and creeks to spawn. Tens of thousands of these fish once returned from the Pacific Ocean during rainy years to spawn in local waterways such as the Ventura, Santa Clara and Santa Ynez Rivers. Unfortunately, dams and development have since decimated steelhead runs, and today only a few hundred southern steelhead remain.

Recovering this keystone species will take vision and determination. EDC is working with CalTrout and other conservation groups to ensure that important steelhead habitats are protected and restored through increased water releases from dams and by providing access for steelhead to their historic spawning areas upstream from dams.

When steelhead were listed as endangered in 1997, the National Marine Fisheries Service (NMFS) excluded steelhead located upstream of dams and south of Malibu Creek in Los Angeles County from having protected status, prompting a lawsuit in 2000 by EDC and other organizations. In response, and after finding steelhead in San Diego County, NMFS extended the endangered designation to steelhead occurring south to the Mexican border. However, steelhead remain unprotected above dams. Through our litigation, EDC is attempting to convince NMFS to expand protections to the steelhead's entire historic range.

The Santa Ynez River steelhead run was once the largest in southern and central California and is recognized by experts as important to preventing the extinction of southern steelhead. Historically, at least 20,000 steelhead swam many miles up the Santa Ynez River to reproduce after a heavy rainfall. However, the oceangoing population of steelhead in the river has declined by approximately 99% since construction of Bradbury Dam in the 1950s. The dam blocks access to over 80% of the historic spawning habitats for oceangoing steelhead. Most of the river's steelhead live above dams, but steelhead above dams cannot get to the ocean and are not protected as an en-



Bradbury Dam on the Santa Ynez River. PHOTO: BRIAN TRAUTWEIN

dangered species. These populations are isolated, reducing the species' genetic diversity and long-term prospects for survival. EDC is seeking greater protection for landlocked steelhead and its habitat upstream of Bradbury Dam in the Santa Ynez River, restoring ocean-run populations downstream of the dam, and reconnecting these populations.

In addition, storm flows and summer flows needed by steelhead to migrate, spawn and survive below Bradbury Dam have been all but eliminated, and as a result, only a handful of steelhead occur there. EDC is seeking greater releases of water from Lake Cachuma to increase the population to sustainable levels.

A more comprehensive plan is needed to bring the Santa Ynez steelhead run back from the brink of extinction. To that end, EDC is representing CalTrout in the State Water Board's review of water rights permits held by the U.S. Bureau of Reclamation for the operation of Bradbury Dam. EDC and CalTrout are investigating the permits' compliance with the Fish and Game Code, which requires water releases to keep steelhead in good condition at all times, the Endangered Species Act, the Public Trust Doctrine and other laws.

ABOUT EDC The Environmental Defense Center is the only environmental, public interest law firm on California's Central Coast. EDC works with community groups on such environmental issues as protecting water quality, preserving precious open spaces, fighting offshore oil, saving species from extinction and guarding public health. EDC provides legal, educational and advocacy support to grassroots efforts.

EDC complements the efforts of local community and environmental groups to protect our environment by offering a service that no other organization between Los Angeles and San Francisco does: the expertise of trained staff in understanding and navigating the system of laws that are in place to protect our health and environment.



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Linda Krop

PHOTO: PAUL WELLMAN

From the Desk of Linda Krop

Our feature article this week focuses on efforts to protect steelhead, an endangered species that once symbolized the health of our coastal ecosystem but now represents its degraded and threatened state. Steelhead are unique in that they are an "anadromous species," relying on both the ocean and terrestrial rivers and streams for breeding, spawning, migration and feeding. Their numbers have plummeted over the years due to human influences such as construction of dams, water diversions, habitat destruction, and water pollution.

EDC represents several conservation groups working to protect steelhead through litigation, activism, agency advocacy, and education. We appreciate the work of our clients as well as the financial support of Patagonia and the Wendy P. McCaw Foundation. Through our collective efforts, we hope to protect and recover not only steelhead, but also the watersheds and coastal ecosystems that are so critical to the species' survival.

Protection of steelhead is an integral part of EDC's Biodiversity and Endangered Species program. Other program areas of EDC include Land Use and Open Space Protection, Watersheds, Water Quality, Environmental Health and Justice, Offshore Oil and Gas Development, and Public Access. We appreciate your continued support of EDC in these important efforts.

Client Perspective

In 1998, EDC achieved a huge victory by convincing the California Coastal Commission to reject a coastal development plan for San Luis Obispo County. The plan would have allowed the Hearst Corporation to build four massive new resorts along the San Simeon Coast, and would have permitted a major development project at East-West Ranch, the last remaining coastal bluff and open space in Cambria. EDC continues to represent Friends of the RanchLand in the historic effort to preserve the Central Coast. (See article on page 3 regarding the Hearst Ranch.)

EDC was at the forefront of holding off development of East-West Ranch in Cambria, which would have led to 265 homes on choice open space—with no water. EDC provided us with the legal, technical and organizational skills to help us stop totally inappropriate development and make it possible for us to seek help from the American Land Conservancy to raise \$11.1 million and actually buy the Ranch. Today, East-West Ranch is protected by an agreement that will put a conservation easement on 436 acres in the heart of Cambria — open space forever.

Without EDC's help, we would have been forced to seek expensive outside counsel. The over 800 members of Friends of the RanchLand are extremely grateful for the guidance we received. We hope a strong EDC is available for others in the coming decades, helping to preserve valuable lands and prevent their desecration and loss to the bulldozer's blade.

Doug Buckmaster, *President*
 Friends of the RanchLand

New Faces at EDC

EDC welcomes **Whitney Abbott, Nancy Dale, Dulanie Ellis-La Barre, Cindy Frings and Ray Netzley** to EDC's Board of Directors. EDC announces the election of new officers for EDC's Board of Directors:

Lisa Hall, Co-President

Alana Walczak, Vice President

Anna Bass, Secretary

Das Williams, Co-President

Ray Netzley, Treasurer

EDC is also pleased to announce that Pauline Abbe has joined EDC's Advisory Board.

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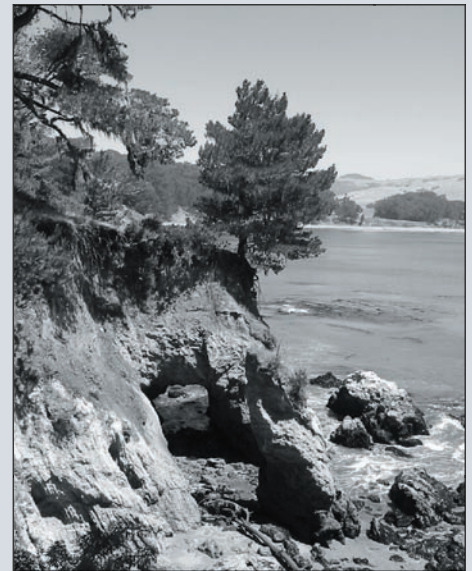
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Groups Propose Blueprint For Hearst Ranch

In May, EDC and Friends of the RanchLand released the "Blueprint," a vision for protecting the Hearst Ranch, a spectacular stretch of open space on the San Luis Obispo County coast. The Blueprint addresses habitat conservation and restoration, public access, protection of cultural and scenic resources, and recommendations on restricting future development of the Ranch. Already, over 30 state and local environmental groups representing more than 22,000 members have endorsed the Blueprint.

The release of the Blueprint is in part a response to a tentative deal between the Hearst Corporation and American Land Conservancy that was announced in late 2002. Environmental groups working to protect the Ranch have been waiting to learn more about the deal, but the only information released by Hearst indicates that it would involve resort and residential development, private beaches and an agricultural easement.

While the prospect of permanent protection for the Ranch is exciting, the devil is in the details. Since substantial public funding would be required to make this deal a reality, and such funding is scarce and in high demand, the conservation deal must offer the highest level of public benefit possible. The Blueprint is available at: <http://www.edcnet.org/ProgramsPages/hearst.htm>.



San Simeon. PHOTO BY JEANNE SERGE

Feds Decline to Appeal Oil Decision

Californians received some good news in March when the federal government announced it would not appeal the court decision that granted California a say in the extension of 36 oil and gas leases off the Central Coast. In 1999, the Department of the Interior extended the life of the leases without consulting with the state of California, which has demonstrated strong and consistent opposition to new offshore oil development. EDC's Linda Krop crafted the successful legal strategy to challenge the extension of the leases. As a result of the lawsuit, these leases will now be subject to environmental review, as well as scrutiny by the public and the California Coastal Commission.

Despite this significant victory, our coast is not safe from the threat of more oil production. The Bush Administration has responded to the court ruling by proposing changes to the very law that we successfully enforced, and by supporting an energy bill that requires new oil and gas exploration off our coast. EDC will continue to seek enforcement of the laws that protect coastal resources.

Sanctuary Considering Completion of Marine Reserves Network

EDC is participating in the process to create marine reserves in federal waters that extend from 3 to 6 miles around the Channel Islands in the National Marine Sanctuary. Marine reserves are ocean areas that are set aside to protect and restore habitats and ecosystems, conserve biological diversity, provide a refuge for sea life, help rebuild depleted fisheries and enhance recreational and educational opportunities. This federal action would complete the network of reserves adopted by the State Fish and Game Commission in 2002.

EDC submitted comments on the scope of environmental review for this process and drafted a letter that was sent by the Conservation Working Group to the Sanctuary Manager. Given the strong support for reserves locally, and the compelling scientific evidence of the effectiveness of reserves, EDC recommended that the Sanctuary designate a science-based network of marine reserves as soon as possible.

"Marine reserves are ocean areas that are set aside to protect and restore habitats and ecosystems, conserve biological diversity, provide a refuge for sea life, help rebuild depleted fisheries and enhance recreational and educational opportunities."

The Future of Goleta Beach

EDC and the Coalition to Save Goleta's Beaches are working to ensure that Goleta Beach is protected from the environmental damage caused by seawalls, such as the emergency rock wall erected at Goleta Beach by Santa Barbara County during a storm in 2002. According to experts, seawalls temporarily protect structures built near beaches. In the process, they erode adjacent and down coast sandy beaches, damage fragile intertidal habitats, impair access and recreation, and mar scenic views. EDC and our client, Santa Barbara Surfrider, are asking the Coastal Commission and other agencies to enforce their permits and require immediate removal of the 2002 seawall.

EDC, Surfrider and the Coalition support balancing human use and natural resources at Goleta Beach. We host educational forums and will be involved in the County's Goleta Beach Visioning Process this fall.

Massive Newhall Ranch Project Approved

As expected, in March Los Angeles County approved the Specific Plan for the massive Newhall Ranch project, a new 21,400-unit city proposed for 12,000 acres on the Santa Clara River in Los Angeles County. This approval occurred amidst controversy surrounding allegations that the Newhall developer had intentionally and illegally destroyed rare San Fernando Valley spineflower plants to facilitate development. The Los Angeles County District Attorney's office conducted an investigation and reached a settlement with Newhall to create a spineflower preserve on the Newhall property.

In addition to the spineflower destruction, other outstanding issues include contamination from existing oil development on the Newhall site, the project's contribution to chloride levels in the Santa Clara River, threats to fish and river habitat, and the questionable water supply for the project. Due to EDC's successful lawsuit in 2000, the project still needs to be submitted to the Kern County judge who heard the case to determine if these issues have been adequately addressed. The court is expected to hear arguments on these issues in October.

Park Service Releases Gaviota Coast Study

The National Park Service recently released a long-awaited feasibility study that concludes that the Gaviota Coast is a significant national resource that is worthy of federal protection. Unfortunately, the study shies away from offering federal assistance in any form and vastly underestimates the long-term threats to the coast.

In reviewing the study, EDC found no evidence to support the study's finding that federal involvement in preserving the Gaviota Coast is infeasible. EDC submitted formal comments on the study, pointing out the widespread public support for protection of the Gaviota Coast, Southern California's largest continuous stretch of rural coastal land and its healthiest remaining coastal ecosystem. EDC also pointed out that existing and state and local efforts will not be adequate to ensure protection of the Gaviota Coast. Without additional tools and resources, especially funding, the Gaviota Coast's natural, cultural, historical and recreational resources will be lost.

EDC Opposes Splitting Santa Barbara County

EDC has taken a formal position against the proposal to split what is currently Santa Barbara County into two counties, Mission County and Santa Barbara County, due to the expected profound environmental impacts.

Northern Santa Barbara County contains the bulk of the County's undeveloped natural lands and resources, which would be jeopardized by the formation of a new county with an anti-regulation and anti-environmental agenda. Mission County would have control over most of the existing and proposed oil development currently located offshore Santa Barbara. In addition, Lake Cachuma, the South Coast's water supply, would be located entirely within Mission County. Another concern is that the predicted deficit facing Mission County would encourage the supervisors to approve new commercial and oil development to generate property tax revenues. For these reasons, EDC urges voters not to sign the petition to put the split on the ballot. If you have already signed the petition, you can have your name removed by calling (805) 568-2200.

Ag Practices To Consider Water Quality

EDC, through the Central Coast Environmental Health Project (CCEHP), has been helping to develop recommendations regarding enhanced water quality practices for agricultural operations on the Central Coast. CCEHP was invited to participate in a stakeholder group to determine if consensus can be reached on how best to control polluted agricultural discharges. CCEHP is pushing for strict accountability, water monitoring, and a series of Best Management Practices to be implemented by farmers. The Regional Water Quality Control Board will hold a public hearing at the end of the year, using recommendations developed by the group.



The rural Gaviota coastline. PHOTO: © WILLIAM B. DEWEY

Oaks Get Protection; COLAB Files Suit

More than five years after almost 1,000 oaks were bulldozed by Kendall-Jackson, Santa Barbara County finally adopted an oak protection program in April. After various efforts to protect oaks failed, the County established the Oak Working Group in 2002. The group, composed environmental and agricultural representatives, including EDC, crafted a compromise program that protects farmers' rights to farm and the County's rapidly dwindling oak woodlands and savannahs. The program allows some trees to be removed for agricultural purposes, but requires replanting above certain removal levels, and also requires landowners to implement management plans whenever significant numbers are removed. It supports monetary incentives for landowners to plant and protect oak trees voluntarily and thus enlists helpful landowners in stewardship to benefit the entire community.

While EDC had hoped that this collaborative process would foster better cooperation between environmentalists and farmers, the recent lawsuit by COLAB - alleging of all things that the County did not comply with environmental laws - may prove otherwise.

EDC Settlement Requires Recovery Plan For Endangered Tidewater Goby

In April, EDC reached a lawsuit settlement that will put the tidewater goby, a federally endangered fish that inhabits coastal saltwater lagoons, on the road to recovery. The lawsuit, filed in 1999 on behalf of EDC, the Natural Resources Defense Council, Heal the Bay, and the Friends of the Ventura River, challenged the federal government's failure to prepare a recovery plan for the goby. A recovery plan is required by law and is long overdue for the goby, which was added to the list of endangered species in 1994. The settlement requires the U.S. Fish and Wildlife Service to finalize a goby recovery plan by December 2005.

The tidewater goby used to be found in most of California's coastal lagoons. Since 1900, however, about half of California's goby populations have been eliminated due to habitat destruction, pollution and non-native predators.

Environmental Groups Sue To Protect San Fernando Valley Spineflower

In July, EDC filed a lawsuit on behalf of five environmental groups against the U.S. Fish and Wildlife Service to secure protection for the San Fernando Valley spineflower, a plant now found only at two locations in southwestern California. The lawsuit, filed on behalf of the California Native Plant Society, Center for Biological Diversity, Friends of the Santa Clara River, Heal the Bay, and Save Open Space/Santa Monica Mountains, seeks protection for the plant under the Endangered Species Act before the last two remaining populations are destroyed.

Until it was rediscovered in May 1999, the spineflower was believed to be extinct, with the last confirmed collection in 1929. Today, the San Fernando Valley spineflower is known to occur only at two locations, both of which are planned for massive "new city" residential development projects - the Laskey Mesa area of the Ahmanson Ranch project in Ventura County, and on the site of the Newhall Ranch project in Los Angeles County. The primary threat to the spineflower is habitat destruction.

SB California Tiger Salamander Protections At Risk

The Santa Barbara County population of the California tiger salamander, listed as endangered in 2000, faces another hurdle to its recovery, this time by the very agency charged with its protection. U.S. Fish and Wildlife Service has proposed to weaken protections for the salamander, including downgrading the Santa Barbara population from endangered to threatened and creating special rules to allow activities that would harm or kill salamanders.

EDC opposes these changes because they will promote the decline of the salamander and are not supported by any scientific evidence. Fish and Wildlife has still not designated critical habitat or issued a recovery plan for the species, yet the agency is spending time and resources to reduce protections for the salamander. Please take action to help the salamander recover (see sidebar).



The mighty oak. PHOTO © RICHARD SAGE

Action Alert

Please oppose efforts to further jeopardize the existence of the California tiger salamander. Send a letter in opposition and contact EDC about how else to ensure that we do not lose this species to extinction. Comments on these proposed changes are due September 22, 2003. Call EDC for more information.

Send comments to:

Field Supervisor

ATTN: CTS, Sacramento Fish and Wildlife Office
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, CA 95825

Fax: (916) 414-6713

email: CATIGER@R1.fws.gov



Environmental Health Project Update

As the Central Coast Environmental Health Project (CCEHP) moves through its fifth year of education and advocacy on California's South Central Coast, our accomplishments in addressing pesticide use in our region continue to grow. Since the start of the Project in 1998, CCEHP has:

- Helped secure new regulations at the local level for the use of two commonly used agricultural chemicals, metam sodium and chloropicrin (2000, 2001), as a result of pesticide drift incidents in Santa Barbara County.
- Helped author and eventually pass statewide legislation (AB 947, Jackson) addressing pesticide use near California schools. AB 947 gives more authority to local agricultural agencies in ensuring the safer application of dangerous pesticides within ¼ mile of schools when children are present.
- Encouraged the City of Santa Barbara to draft a least toxic, Integrated Pest Management (IPM) policy for all city-owned properties. Once complete, the policy will help reduce and eliminate pesticide use in the City's public parks, buildings, sidewalks and other pedestrian-friendly areas.
- Educated thousands of farmworkers in appropriate steps to take to reduce the risk of exposure when working with pesticides, including how to best protect family members from pesticide residues when returning from work in the fields.
- Educated hundreds of health care providers in the proper diagnosis, treatment, and reporting of pesticide illnesses.
- Educated community members about alternative methods of pest control.
- Established an Advisory Committee to guide CCEHP activities into the future. The Committee is made up of local residents including nurses, teachers, health care providers, and others with a strong interest in pesticide-related issues.

CCEHP is actively seeking funds that will enable us to open a satellite office in Northern Santa Barbara County... We would also like to begin a bilingual media campaign...

In the coming years, CCEHP hopes to build on these successes in order to further reduce pesticide use on Central Coast. In order to do so, CCEHP is actively seeking funds that will enable us to open a satellite office in Northern Santa Barbara County to better serve those populations most at risk of pesticide exposure. We would also like to begin a bilingual media campaign, establish a "train the trainer" program among area farmworkers, conduct health surveys in select communities, and continue to disseminate critical information to the public at large about pesticide risks and alternatives.

CCEHP is currently funded by The California Wellness Foundation, The Fund for Santa Barbara, The Lawrence Foundation, The Landsberg Trust, The Burnett Foundation and The Barbara Rubin Fund. Current and past project partners include the Environmental Center of San Luis Obispo (ECOSLO), the American Lung Association, California Rural Legal Assistance (CRLA), Head Start, Community Action Commission, and many others.

To find out more, or to help support this critical work, please contact CCEHP Program Director Eric Cárdenas at (805) 963-1622 ext. 111, cardenas@edcnet.org or www.ccehp.org.



Volunteer Profile: John Roessler

EDC would like to acknowledge the help we've received from volunteer John Roessler. John has provided countless hours of computer and technology services to EDC, always with a smile. Please consider using John's services, **Prism Database Consulting**, for your technology needs. He may be reached at: (805) 698-5162 or jtr5521@yahoo.com.

Prism Database Consulting's main focus is to provide business solutions through custom relational database design, construction and administration to help track, sort, analyze and print data.

Thanks to Greg Scott

The staff of EDC would like to extend our warmest thanks to Greg Scott, owner of **Environmentally Safe Products**, for his incredible support of EDC over the past several years. According to Greg, every ton of recycled paper saves approximately 17 trees, 7,000 gallons of water and keeps almost 60 lbs. of air pollution effluents out of the air. As an environmentalist, Greg "walks the talk" by delivering recycled paper products to homes and offices, usually on his bicycle! He supplies stationery; copier, letterhead and computer paper; envelopes; toilet paper; paper towels and facial tissue, as well as general office supplies. Please consider using Environmentally Safe Products for your home or office needs. Greg may be contacted at 962-2685.

Thanks to Everyone who made EDC's 10th Annual Auction & Environmental Hero Awards a Success

Photos by Mehosh Dziadzio Photography



Lois Capps and Environmental Heroes Thekla & Richard Sanford



Env. Hero Olga Howard



Pedro Nava



Environmental Hero Keith Zandona



J. Marc McGinnes



Linda Krop & Vicki Clark



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Become a Member of EDC

Annual membership contributions provide the Environmental Defense Center with the steady, reliable funding we need to stay on top of issues and allow us to help protect our environment on the Central Coast. By supporting EDC, you are also supporting all of the community groups EDC represents. Your membership matters!

Your annual membership donation ensures that you receive:

- EDC's newsletter
- Invitations to special events
- Email Action Alerts

Become a member today!

To help monitor our costs, these benefits will only be offered to those who give an annual donation of \$35 or more. Event contributions will not be applied toward your membership dues.

Donate the Easy Way

Monthly donations provide a hassle-free way to support EDC. EDC can help you set up either a transfer of funds from your bank account or charge your credit card for the amount you specify. You may change the amount of your monthly gift or cancel anytime you choose. This type of donation ensures continuous support for EDC and helps save on mailing costs and trees.

If interested, please call Juliette Harding at EDC at (805) 963-1622.

Save The Date! Ventura County Environmental Hero Awards November 8

Please join EDC on Saturday, November 8th for a fundraiser supporting EDC's work in Ventura County. We will honor Assemblymember Fran Pavley, Lee Quaintance of the Beacon Foundation and John Broesamle of the Ojai Valley Land Conservancy. The event will be held at the exquisite Casa Barranca/Pratt House in Ojai, a historic landmark designed by famed architects Greene & Greene, and will include hors d'oeuvres, wine and a live auction.

Please call for more information: (805) 963-1622.

Don't Miss The Last Two TGIFs Of 2003

Join us in our courtyard at 906 Garden Street in Santa Barbara from 5:30-7:30 pm for drinks, hors d'oeuvres, live music and good company. \$10. • **September 5** • **October 3 (Fall Feast)**

TGIFarming Success

On May 17th, EDC held its annual TGIFarming event at Jim Churchill's sustainably-farmed tangerine and avocado orchard in Ojai. The event raised over \$1600, which helps support our Ventura office. The day was filled with great food, farm tours, a guacamole-making contest, raffle prizes and musical entrainment by the Sulphur Mountain Boys. Our many thanks to the sponsors, donors and volunteers who made this event a great success.

Anacapa Bread
Angela's Flowers
Roma and Bill Armbrust
Ron Bottorff
Lisa Brenneis
Café Zack
Churchill Orchard
Dulanie Ellis-LaBarre
The Farmer and the Cook
Melissa Foley
Franky's
Fresh Grill

Friends of the Santa Clara River
Cindy Frings
Kendra Gonzales
Green Thumb Nursery
Lisa and Greg Hall
Debbi La Barre
Shirley La Barre
Sherry Loehr
New French Bakery
Barbara O'Grady
Ojai Brew Pub
Ojai Raptor Center

Ojai Winery
Patagonia Sample Room
MaryBeth Power
Rainbow Bridge
Jo and Ken Rogers
Michael and Shael Shevckelk
Bill Slaughter and Rain Perry
Solar Roller Educational Exhibit
Sulphur Mountain Boys
Trader Joe's
Chelsey Vivian
Yolanda's Restaurant
Yolie's Fresh Mex Grill



Photo by Linda Krop



906 Garden Street, Santa Barbara, CA 93101

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