

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.



SPRING 2004 NEWSLETTER

ENVIRONMENTAL DEFENSE CENTER

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EDC's Central Coast Environmental Health Project Making Healthy Progress

In the City—On January 27, 2004, the Santa Barbara City Council unanimously approved a least-toxic Integrated Pest Management (IPM) policy to drastically curtail the use of pesticides within City limits. The policy is a result of three years of hard work by EDC's Central Coast Environmental Health Project (CCEHP) and reflects our sentiment that everyone—from local municipalities to schools to farmers—must take steps to reduce the use of harmful pesticides.

The adopted IPM policy mandates reduction and elimination of the most toxic pesticides from all City-owned properties, parks and departments. It also provides for bilingual public notification for any pesticide applications in public areas, the development of an "Approved List" of acceptable pest management materials, and the creation of a City-led IPM Committee that will include members of the public. Under the policy, 15 of the City's 55 parks will immediately become pesticide-free. Those parks not on the list of 15 will implement "pesticide-free" zones if they contain playgrounds, picnic benches and/or creeks. Finally, the IPM policy commits the City to the ultimate goal of becoming entirely pesticide-free.

The 15 pesticide-free parks included in the policy are: **Alameda, Alice Keck, Chase Palm, Douglas Family Preserve, Eastside Neighborhood, Escondido, Hilda Ray, La Mesa, Los Robles, Oak, Parque de los Niños, Shoreline, Stevens, Sunflower and Willowglen.** Others will be added as resources are made available. As with any new program, twists and turns are expected. However, with your support and encouragement and the commitment of the Santa Barbara City Council, we are sure that this program will be a model for others to follow. In the meantime, are you doing all you can to reduce pesticide use in your community?

Near Schools—CCEHP's new report on pesticide use near



Eric Cárdenas leads a press conference on IPM policy. EDC FILE PHOTO

schools has been released to the public. The report, entitled "Too Close for Comfort: Pesticide Use Near Five Santa Barbara County Schools," highlights farm pesticide use within 1.5 miles of selected schools in northern Santa Barbara County.

The report investigates the risks of attending school near agricultural operations where pesticides are heavily used and offers recommendations to farmers, schools, elected officials and parents. These recommendations include open communication between schools and farm operators, the adoption of Integrated Pest Management (IPM) policies, "no spray" times when school is in session, and the siting of schools away from agricultural land.

To read the report in its entirety, please visit the CCEHP website at www.ccehp.org.

On the Farm—For over 20 years, agricultural operations have been largely exempt from State and Federal Clean Water laws via waivers granted at the regional level. As a result, high levels of pesticides, fertilizers, nutrients, and sediment have been detected in local streams and creeks, significantly degrading water quality.

The Clean Water Act waivers expired in January 2003, and must now be replaced either with another waiver, a condi-

ABOUT EDC The Environmental Defense Center is the only environmental nonprofit law firm on California's Central Coast. EDC works with community groups to protect water quality, preserve precious open spaces, save species from extinction and guard public health. EDC provides legal, educational and advocacy support to grassroots efforts.

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

In doing so, EDC levels the playing field for citizens and gives them a voice in determining the future of their communities. EDC balances the scales of justice by providing the tools that community groups need to succeed against well-funded special interests.

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PHOTO BY ROBERT BERNSTEIN

Message from Cameron

As the new Executive Director at EDC, many people have asked me about my plans for the organization. My response: EDC will focus on issues that improve our community's quality of life—clean air, clean water, abundant and accessible open spaces and an environment free of toxic chemicals and pesticides—just as we have always done. Of course, EDC will also continue its efforts to prevent new offshore oil development, and to protect and restore wildlife habitat.

EDC will maintain its core values while reaching out and partnering with the broader community including farmers and ranchers, businesses, and our colleges and universities to develop solutions that safeguard the environment.

We on the Central Coast face significant environmental challenges—but EDC is out there every day working to protect what we still have, and making things better wherever we can. As you can see throughout this newsletter, EDC has enjoyed many recent successes.

From eliminating toxic pesticides in local parks and schools to protecting and restoring the endangered Steelhead, EDC continues to positively impact a broad range of public health and environmental issues. Having served as an EDC attorney and having recently worked with the State legislature, I know that EDC is the most effective environmental advocacy organization on the Central Coast.

I would like to take this opportunity to thank you for your generous support. Unlike other organizations in town, EDC receives no public funding. We rely on funding from private donations by individuals, businesses and foundations. Without you and your strong commitment, EDC would not be here to protect and enhance our quality of life.

Client Perspective

In 2003, EDC and our client Santa Barbara Channelkeeper reached a settlement with Halaco, a metal smelting facility in Oxnard that had been violating environmental laws for decades. The settlement will ensure that the air and water pollution surrounding Ormond Beach in coastal Ventura County will be cleaned up. This settlement was the result of years of legal research surrounding the Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act and Proposition 65 (California's Safe Drinking Water and Toxic Enforcement Act); aggressive fact finding; and a lawsuit that EDC filed in January of 2001. Santa Barbara Channelkeeper became involved in this process while still under the umbrella of EDC. In January 2002, Channelkeeper incorporated as a separate nonprofit organization with the mission of monitoring and protecting the Santa Barbara Channel.

According to **Drew Bohan, Executive Director of Santa Barbara Channelkeeper**, "EDC helps groups like Santa Barbara Channelkeeper enforce important environmental protection laws where public agencies have been ineffective. EDC has represented Channelkeeper in cases involving industrial polluters and oil development. With EDC's help, we are improving the water quality of our region."

Special Announcements

EDC is pleased to announce the election of new Board Officers: Alana Walczak, President; Alicia Finigan, Vice President; Stephen Enrico, Treasurer; and Anna Bass, Secretary.

CCEHP (continued)

tioned waiver, or a permit for any farming operation in our region.

Over the last year, CCEHP has worked with the Regional Water Quality Control Board (RWQCB) and members of the farming and environmental communities to try to address this problem. In the coming months, the RWQCB will be making a final decision about what type of program will best address the polluted discharges coming from many local farms. CCEHP will continue to advocate for a reduction in pesticide use, implementation of best management practices, and a monitoring program to track progress made.

Environmental Groups Sue EPA Over Toxic Platform Discharges

EDC, along with co-counsel Environmental Advocates, filed a lawsuit on behalf of Get Oil Out!, Santa Barbara Channelkeeper, and Our Children's Earth challenging EPA's failure to update expired permits for twenty-two Federal oil platforms located offshore central and southern California. These permits, which expired between 6 and 22 years ago, allow the oil industry to discharge toxic chemicals, including ammonia and arsenic, into the ocean. The goal of this litigation is to require EPA to issue a new permit for all of the platforms that will impose strict water quality standards, best available technology, and independent third party monitoring.

In addition, EDC represents GOO!, Channelkeeper and the Sierra Club in an effort to convince EPA and the California Coastal Commission to require a study of alternatives to ocean disposal. No platform discharges are allowed in State waters; instead, any drilling wastes are barged to shore for proper disposal. Given the incredible biological significance of the Santa Barbara Channel and surrounding region, EDC and our clients hope to also eliminate the dumping of any drilling residues in the Federal ocean waters.



PHOTO BY LINDA KROP

EDC Files Lawsuit Challenging Channel Islands Harbor Development

On January 15, 2004, EDC filed a lawsuit on behalf of The Beacon Foundation challenging Ventura County's approval of a Boating Instruction and Sailing Center at the Channel Islands Harbor. As approved, the Center would disrupt an existing rookery for herons. In addition, the County's approval of the Center violates several policies of the County's Public Works Plan for the Harbor, including protections for wildlife, public access and parkland. The Beacon Foundation and EDC recognize the value of the boating center, but are trying to convince the County to relocate the Center to a preferred location in the Harbor. On February 19, the Coastal Commission rejected the project as inconsistent with the Public Works plan.

EDC Seeks Solution for Goleta Beach

EDC and our client, the Santa Barbara Chapter of the Surfrider Foundation, seek a solution to the eroding beach at Goleta Beach County Park that will protect the beach, coastal habitats, and public access for future generations. In January, the Coastal Commission approved a temporary permit for the rock wall, which included EDC's and Surfrider's request for studies of the impacts of the rocks on kelp, intertidal and sandy beach areas, and the movement of sand downcoast. In addition, the Commission required protection of public access and a mitigation plan to enhance the beach environment by limiting beach scraping and other harmful activities. EDC will continue to work with Surfrider and other stakeholders as the County develops a long-term plan for Goleta Beach.

Oil Companies Urged to Clean Up Their Debris

In 1996, Chevron removed four oil platforms offshore Summerland in Santa Barbara County. However, huge piles of debris (up to 30 feet high and 200 feet wide) remain on the seafloor to this day, despite the requirement that Chevron remove all seafloor obstructions and restore the marine environment to a natural state. Finally, after many years of advocacy work, EDC and our clients (Sierra Club, Get Oil Out!, Citizens Planning Association and Pacific Coast Federation of Fishermen's Associations) have an opportunity to ensure full cleanup. The California State Lands Commission and Coastal Commission released an environmental study evaluating various options for dealing with the debris mounds. EDC will submit comments on the study, which appears to favor full removal as the most environmentally sound alternative.

Newhall Ranch Development Threat Heats Up

A couple years ago, EDC won a major lawsuit requiring further environmental review for the proposed Newhall Ranch project, the largest development ever approved in the County of Los Angeles. This 20,000-unit “new city” would pose threats to the Santa Clara River and the San Fernando Valley Spineflower, a rare plant species once thought to be extinct but now found only at the Newhall and Ahmanson Ranches. EDC represented Sierra Club, Friends of the Ventura River, and SCOPE in this earlier litigation.



San Simeon. PHOTO COURTESY OF GARY LYNCH

Having completed these studies to the satisfaction of the Court, the developer has now applied for permission to build Phase I of the project. The developer will need approval not only from the County of Los Angeles, but also from the Army Corps of Engineers (for destruction of wetlands and development in the River floodplain) and the U.S. Fish and Wildlife Service (for impacts to endangered species). EDC will continue to represent concerned community groups to ensure adequate protection for the River, important wildlife and their habitats.

San Luis Obispo Coast at Risk

EDC represents Friends of the RanchLand in an effort to protect the beautiful San Luis Obispo County North Coast from development and degradation. Currently, the County is operating under an old Local Coastal Plan that must be updated to comply with Coastal Act provisions for resource protection, public access, and appropriate siting of development. EDC and Friends appeared before the California Coastal Commission in February, advocating for strong coastal protection policies for this region, which is often referred to as the “gateway to Big Sur.”

On another front, EDC and Friends are monitoring the Hearst Corporation’s proposal to offer partial conservation of the Ranch at San Simeon in exchange for certain development rights and close to \$100 million in public funds. EDC and Friends have asked the State to ensure full public disclosure and discussion of any proposals. Along with over 30 groups who endorsed our “Blueprint for the Conservation of the Hearst Ranch,” EDC believes that any use of public funds must be accompanied by true conservation and meaningful protection of historic coastal access.

San Marcos Foothills Developer Moving Forward

EDC is a member of the San Marcos Foothills Coalition and represents the Small Wilderness Area Preserves (“SWAP”) regarding the proposed development of San Marcos Foothills. This 370-acre property is one of the most important sites for biological resources on the Santa Barbara County South Coast that is currently threatened with development. EDC and SWAP submitted comments during the County’s environmental review process. Key issues of concern include impacts to rare birds, native grasslands, archaeological sites, and views. The draft Environmental Impact Report (EIR) is expected to be released for public review and comment in March.

Development Proposed for Gaviota Coast

EDC represents the Naples Coalition in an effort to ensure adequate environmental review of the largest development project proposed for the Gaviota Coast. The Naples property is located outside the urban boundary and boasts incredible views of the mountains and ocean. Several years ago, the County of Santa Barbara settled a lawsuit recognizing a historic “Map of Naples.” However, the old map predated current subdivision and coastal protection laws and threatens to introduce urban development to the otherwise rural Gaviota Coast. EDC and the Coalition will ask the County to conduct a review of all possible development alternatives, including an alternative that would transfer any development credits to an existing urban area, in compliance with local coastal policies.

State May Protect Endangered Steelhead

EDC recently submitted detailed recommendations to the State Water Resources Control Board as part of a historic proceeding to consider, for the first time in history, opportunities to protect and restore endangered Steelhead in the Santa Ynez River. Although the Santa Ynez River once supported one of the largest runs of southern Steelhead, its numbers have dropped by over 99%, to less than 100 fish. The biggest threat to the survival of the Steelhead has been the construction and operation of Bradbury Dam (Lake Cachuma). EDC represents CalTrout in an effort to ensure restoration of the entire watershed as Steelhead habitat, including measures to increase instream flows, provide fish passage around the Dam, and implement water conservation to increase water supply in the River for both people and fish. In February, EDC submitted a brief to the State Board which included specific recommendations from our science experts. The next steps in the process will be the release of the final Environmental Impact Report and potential further hearings.

California Tiger Salamander Habitat to be Protected

Last August, a Federal judge granted EDC and the Center for Biological Diversity (CBD) a victory by ordering the U.S. Fish and Wildlife Service (USFWS) to designate critical habitat for the endangered Santa Barbara County population of the California Tiger Salamander. Habitat protection is important for the salamander because it relies on wetland ponds for breeding and upland areas for the rest of its life cycle. However, rather than comply with the Court order, the USFWS filed a motion asking for a delay. In late December, the Court denied the USFWS's request and confirmed that critical habitat must be designated for the salamander in a timely manner. Accordingly, a proposed critical habitat designation was published in January. EDC and CBD will work with scientists to comment on the proposal and seek a final designation.



California Tiger Salamander.
PHOTO COURTESY OF WILLIAM FLAXINGTON

Marine Sanctuary Projects Enhance Resource Protection

As a member of the Channel Islands National Marine Sanctuary Advisory Council and chair of the Council's Conservation Working Group, EDC is working on four major efforts this year. First, we will urge the Sanctuary and the Pacific Fisheries Management Council to expand the existing network of marine reserves around the Channel Islands to incorporate Federal as well as State waters. Second, we will review and comment on the updated Sanctuary Management Plan, which will be released to the public this spring. Third, we will present recommendations to the Council to address acoustic impacts to whales and other mammals that live in the Sanctuary. Finally, we have launched a project to address water quality issues facing the Sanctuary. To receive notices of Conservation Working Group meetings, please contact EDC.

EDC Appeals Stickleback Case

The Unarmored Threespine Stickleback is a federally listed, endangered freshwater fish species. Most of the remaining populations occur in the Santa Clara River near the Los Angeles-Ventura County line (within the Newhall Ranch Project) and upstream. Although the U.S. Fish and Wildlife Service proposed a critical habitat designation for the stickleback in 1980, the proposal was never finalized. Critical habitat is important to avoid further harm to endangered species and to enable the eventual recovery and delisting of the species. In January, EDC filed an appeal of an adverse federal district court ruling on behalf of Friends of the Santa Clara River.

Special Announcements

Non-Toxic Cleaning Services: Enviro Solutions

We would like to extend our appreciation for a job well done and highly recommend this non-toxic solution to your cleaning needs. Give **Enviro Solutions** a try and keep your home and office clean and chemical free.

Bay Café – We Thank You

A special thank you to EDC Boardmember **Steve Enrico** and the **Bay Café** for hosting a wonderful reception for EDC in January. The Bay Café treated us with warm hospitality and incredible food. We encourage you to try this excellent restaurant.



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Volunteer Profile: Mike Ober

EDC would like to acknowledge Mike Ober for his exceptional work on the recently released Schools and Pesticides Report, highlighted on the front cover. Mike was responsible for researching and compiling all of the pesticide use information from various agencies such as the Department of Pesticide Regulation and the County Agriculture Commissioner. This project was long and extensive and we are very thankful for Mike's commitment and perseverance.

Mike is a 2002 graduate of the UCSB Environmental Studies Program, and plans to return to school to obtain a degree in sustainable architecture. He enjoys surfing, backpacking, hiking and running and has just embarked on a three-month trip to Hawaii, New Zealand and Australia.

Fund EDC on FundIt.org

Now you can support EDC through your monthly telephone, cell phone, internet, pager or satellite TV bills. There is no extra cost to you or EDC. If you sign up or change any of these communication services through www.fundit.org and designate EDC as the recipient, we will receive a percentage of your monthly payment. It's that easy! Go to the www.fundit.org website to find out what providers you have to choose from, sign up online and the rest is taken care of for you. Please call Katie Donovan at EDC 963-1622 x103 or email kdonovan@edcnet.org if you have questions.

Don't Lose Your EDC Member Benefits!

Please send us your annual membership dues of \$35 or more (if you have not done so already) so you can continue to receive our newsletter and enjoy the benefits of membership. If you are already a member, we thank you. Don't forget...an EDC membership makes a great gift for people who want to stay informed about the issues affecting their life on the Central Coast.

Credit Card or Electronic Funds Transfer

Making a yearlong pledge to EDC allows us to transfer funds or charge a designated amount to your credit card. Even a small donation of \$10 - \$100 per month makes a tremendous difference to us. This is a hassle-free way to donate on a regular basis and provides EDC a steady and reliable source of income.

Annual contributions provide the funding we need to stay on top of the issues and protect our environment on the Central Coast. By supporting EDC, you are also supporting all of the grassroots community groups EDC represents.

35th Anniversary Reception Commemorating the 1969 Oil Spill

On January 30th, 2004 EDC and GOO! hosted a 35th anniversary reception commemorating the 1969 oil spill. **Congresswoman Lois Capps**, **Assemblymember Hannah-Beth Jackson** and **County Supervisor Naomi Schwartz** were honored for their work on oil issues. **Bob Sollen** was honored for his journalistic coverage of the spill and a **VERY** surprised **Linda Krop** was honored for her tireless efforts and brilliant legal strategies used to help keep oil out of our coastal waters.

EDC would like to acknowledge Martha Clyde, Bob Duncan and Bob Sollen for their contribution of photographs for the oil spill slide show at the event.



Naomi Schwartz



Marty Blum & Joe Blum



Bob Sollen



Cameron Benson & Charlie Eckberg

ALL PHOTOS COURTESY OF
BOB DUNCAN



Charlie Eckberg & Linda Krop



Hannah-Beth Jackson



Lois Capps

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A heartfelt thank you to our year-end donors who made a contribution of \$100 or more:

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EDC's 11th Annual Benefit Auction and Environmental Hero Awards

Please join us on **Sunday, June 27th** at **Nu Restaurant** in Santa Barbara from 2:00-5:30pm for wine, hors d'oeuvres, live and silent auctions, and award presentations.

Help Us Honor Our 2004 Environmental Hero Recipients:

Lifetime Achievement: **Selma Rubin**
Public Leader: **Congresswoman Lois Capps**
Business: **Island Seed and Feed**
Advocacy: **Connie Hannah and Jean Holmes**
Special Tribute: **Wanda Michalenko**

Plan Ahead for Auction Packages...

Do you have plans to travel someplace special? Vermont? Breckenridge? Take a sailing trip? Want to throw a dinner party for 12? Let us know, we may have a live auction package for you. It is a great way to get friends together to chip in, have fun and benefit EDC at the same time.

Help Plan EDC's Auction

Volunteers needed! EDC's annual Auction would not be successful without the help of our dedicated auction committee volunteers. Please contact Katie Donovan at EDC 963-1622 or kdonovan@edcnet.org if you are interested in being part of a fun and hard working team.

This Earth Day "Dine Out" to Benefit EDC

On the evening of Thursday, April 22, some of your favorite restaurants will donate a portion of their Earth Day revenues to EDC. Stay tuned to EDC's website and Action Alerts for the list of participating restaurants.

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EDC's TGIF (Thank Goodness It's Friday) Season

When the weather gets warmer and the days get longer you know it is TGIF season at EDC, the best environmental happy hour in Santa Barbara. Mark your calendars now for:

May 7th

May 15th, Farm Day in Ojai

July 9th

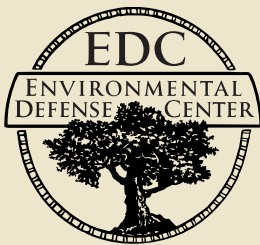
August 13th

October 1st

If you would like to volunteer, donate food, live music or sponsor a TGIF event, please contact Rebecca Zinger at 963-1622 x100 or rzinger@edcnet.org.

Call for Volunteers

Please let EDC know if you have a couple hours per week to help around our offices. We always need help with general administrative work, mailings or yard maintenance. Contact Rebecca Zinger at 963-1622 x100 or rzinger@edcnet.org or more information.



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