

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 2004 NEWSLETTER

ENVIRONMENTAL DEFENSE CENTER

INSIDE:

About EDC

Mission Creek

Federal Oil Leases

Ellwood Mesa Closer to Preservation

Los Padres Faces New Threats

Hearst Ranch Conservation

San Marcos Foothills

Endangered Species Act

Steelhead

Regional Water Quality Control Board

Integrated Pest Management

CCEHP Expands

Auction Thank You

Support EDC

Events

Oceans In Peril

"The oceans affect and sustain all life on Earth."

—U.S. Commission on Ocean Policy, Preliminary Report, April 2004.

"America's oceans are in crisis and the stakes could not be higher."

—Pew Oceans Commission, America's Living Oceans: Charting a Course for Sea Change, May 2003.

A National Academy of Sciences Study estimates that the amount of oil washing off America's streets and flowing into the ocean is equal to an Exxon Valdez oil spill—11 million gallons—every eight months.

More than 13,000 U.S. beaches were closed or under pollution advisories in 2001, a 20% increase from the previous year.

Coastal wetlands—which help reduce flooding, filter out pollutants, and serve as nurseries for wildlife—are disappearing at a rate of 20,000 acres per year. California has lost over 95% of its original coastal wetlands.

Two nationally acclaimed reports, one prepared by an independent Commission and one by a federally appointed body, recently analyzed the future of our oceans and came to the same conclusions: (1) we rely on our oceans for food, recreation, health, and economic well-being; and (2) the future of our oceans is in grave danger due to increased coastal population, development and pollution. The most significant threats come from toxic run-off and discharges, loss of coastal wetlands, overfishing, marine commerce, oil and gas development, habitat destruction and degradation, and the introduction of invasive non-native species.

To address these threats, both reports call for a new national policy framework, ecosystem-based management of ocean



Santa Barbara Channel Islands. PHOTO COURTESY OF WILLIAM B. DEWEY

resources, increased research and education, a strengthened connection between coastal and watershed management, measurable water pollution reduction goals, fisheries reform, and protection of coastal habitats.

EDC is actively involved in education, advocacy and litigation aimed at protecting our ocean from regional threats. As the Conservation representative on the Channel Islands National Marine Sanctuary (CINMS) Advisory Council, EDC provides advice and expertise on issues facing our ocean environment and chairs the Conservation Working Group (CWG). EDC and the CWG are working on issues such as marine reserves, updating the CINMS management plan, noise pollution and water quality.

In 2002, EDC and others successfully convinced the California Fish and Game Commission to establish a network of marine reserves, or "no take zones," in the State portion (up to three miles around the Channel Islands) of the Sanctuary. EDC is now working to expand that network into the federal portion of the Sanctuary. Marine reserves have been scientifically proven to protect and enhance biodiversity and abundance, and to help recover depleted fisheries, but they must be large enough to work. The Channel Islands have ex-

continued on page 3

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 environmental groups by offering a service that no other organization between Los Angeles and San Francisco provides: the legal 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

From the Desk of Cameron Benson

As President John F. Kennedy once observed, "...all of us have in our veins the exact same percentage of salt in our blood that exists in the ocean...we have salt in our blood, our sweat, and in our tears. We are tied to the ocean."

For many of us living along the Central Coast, those words could not ring more true. Whether we love to spend time in the water or on the shore, when we look out across the vast blue expanse, listen to the waves crash, or smell the salt air that tells us we're home, we are reminded that the Pacific Ocean is an integral part of our lives—and a major reason we pay a high "paradise tax" to live here.

But as you will see throughout this newsletter, our coast and ocean are under assault. In the past year, two major reports have detailed the incredibly damaging impacts of water pollution, coastal development, and overfishing on our coastal and marine environments.

EDC is working to turn the tide. With help from you and our partner organizations, we have enjoyed some major victories. From protecting marine life near the Channel Islands and suing to stop oil companies from dumping toxic waste into the ocean, to permanently preserving coastal open spaces like the Ellwood Mesa and Ormond Beach, we are making a tremendous difference in our backyard. Thank you for your continued support.

Client Perspective

For 15 years, EDC has represented Save Ellwood Shores in its efforts to preserve the spectacular Ellwood Mesa, as vernal pools, birds of prey, native grasslands and monarch butterfly roosts have been threatened by development proposals. Since 1997, EDC has also represented Santa Barbara Audubon Society in its efforts to protect the Devereux Slough area and numerous wetlands from a proposed UCSB housing project. In July 2004, EDC's 14-year old land swap idea—moving the proposed Ellwood housing site off the Ellwood Mesa and onto a more suitable site along Hollister Avenue—finally came to fruition and was approved by the City of Goleta. On behalf of our clients, EDC successfully negotiated not only the land swap but a reduced-scale project that avoids and restores sensitive habitats along drainages and wetlands. In anticipation of the UC Regents hearing in September, EDC and UCSB are also discussing potential changes to UCSB's project that would site the homes away from all wetlands.

"Save Ellwood Shores and EDC have been partners in working to protect the Ellwood Mesa for nearly 15 years. During this time, EDC has represented SES through thick and thin. It is exciting to be so close to realizing our dream of permanent protection for this unique and special place." –Mike Wondolowski, President, Save Ellwood Shores

"EDC has been very helpful in Audubon's current dialogue with the City of Goleta, the University, and the County as we seek to preserve open space areas in the Devereux-Ellwood plan. They have been great advocates for natural resource protection during the City of Goleta's approval process of the Comstock Homes project, and also during the land swap proceeding which ultimately led to the protection of the Ellwood Mesa." –Darlene Chirman, President, Santa Barbara Audubon

Special Announcements

EDC welcomes Christina McGinnis, Judith Pirkowitsch, Robin Unander and George Thurlow to our Board of Directors. EDC also welcomes Craig Madsen and the Honorable Harriet Miller to our Advisory Board.

How to Contact Us

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EDC Work Continues on Mission Creek Restoration Projects

Since 1991, EDC has been working to protect and restore Mission Creek and its habitats. In 1994, we worked with other community groups, including the SB Urban Creeks Council, to prevent the concrete channelization of over a mile of the Creek. EDC is currently involved in several projects to protect Mission Creek. For example, we are working with the City of Santa Barbara and the U.S. Army Corps of Engineers to restore Steelhead passage through the existing concrete channel in the lower reaches of the Creek. We are also developing a plan to protect endangered Tidewater Goby habitat in the estuary. Finally, we are establishing the first annual Steelhead “Trout Count” as a means to document the status of Steelhead in Mission Creek and educate the public about the importance of restoring this imperiled coastal fish.

Federal Oil Leases Still Proposed For Development

EDC represents eight environmental groups in the ongoing battle to prevent new oil and gas development offshore Ventura, Santa Barbara and San Luis Obispo Counties. In 2002, the U.S. Court of Appeals agreed with our assertion that the California Coastal Commission has the right to review 36 federal oil leases that are located off our coast. Despite this ruling, the federal government refused to grant the Coastal Commission this opportunity. Finally, on June 28, the Court ordered the U.S. Minerals Management Service to initiate an environmental review and to submit the leases to the state. The environmental review is slated to begin immediately, and will be completed in approximately eight months. The leases will then be submitted to the Coastal Commission. EDC will continue to represent the environmental community in order to ensure adequate consideration of impacts to threatened and endangered species (including migrating whales and southern sea otters), risks of oil spills, increased air and water pollution, visual blight, and conflicts with other coastal industries such as tourism and fishing.

Oceans *(continued)*

perienced an alarming decline in species such as abalone and rockfish. We hope to reverse this trend through the adoption of adequately sized marine reserves.

EDC is also working on the update of the CINMS management plan. This plan, which is over twenty years old, will provide new protections for marine wildlife and provide additional opportunities for ocean research and education. In addition, EDC has initiated two projects to address noise and water pollution in the Sanctuary. EDC has prepared a report on human acoustic activities that adversely affect Sanctuary resources, ranging from large vessel traffic and active sonar, to oil seismic surveys and development. Our report, which was presented as part of a panel presentation to the Sanctuary Advisory Council in July, includes recommendations for policy and scientific research aimed at protecting marine mammals, dolphins, and other wildlife affected by the massive amounts of noise pollution in the Channel. EDC is also assisting the Sanctuary by preparing a report addressing water pollution threats and analyzing existing levels of research, monitoring, regulations and public education. Primary sources of water pollution in our area come from large ships, oil and gas development, and land-based run-off.

In addition to our work with the Sanctuary, EDC represents local environmental groups in response to new threats to develop oil and gas off our coast, and to import dangerous liquefied natural gas (LNG) for offshore processing. EDC leads monthly meetings of the Environmental Coalition, a group of organizations and individuals that monitor and respond to oil and gas development proposals and activities.



PHOTOS: BLUE WHALE COURTESY OF AMY CALE; ELEPHANT SEAL COURTESY OF DAVID O. BROWN/PASSAGE PRODUCTIONS



Ellwood One Step Closer to Preservation

The decades-long effort to save the Ellwood Mesa may soon be over! On July 6, the Goleta City Council repealed the Ellwood-SB Shores Specific Plan that would have allowed development of homes on the Mesa. The plan was in direct conflict with coastal policies that protect Monarch Butterfly habitat, wetlands, native grasslands, public access and scenic views on this 200-acre coastal bluff. After almost fifteen years of successful advocacy and litigation, EDC convinced a new developer to transfer his development rights to an adjacent inland area. The final development plan was approved by the City in July, and will be considered by the Coastal Commission in November. Trust for Public Lands expects to reach its goal of \$20 million to finalize the conservation deal by the end of the year.



Ellwood coast looking west. PHOTO COURTESY OF ROBERT BERNSTEIN, LOCAL ENVIRONMENTAL ACTIVIST AND PHOTOGRAPHER

Los Padres National Forest Faces New Threats

EDC is monitoring several issues affecting the Los Padres National Forest (LPNF), home to numerous endangered and threatened species, including the California Condor, and several critical rivers and watersheds. Currently, EDC is working with a coalition of groups opposed to new leasing for oil and gas development in the Forest. We believe the current leasing proposal is inconsistent with the mission and purpose of the National Forest and would undermine efforts to set aside significant areas for wilderness protection. In addition, we are preparing comments on the LPNF Forest Plan which, as currently written, would harm rare species and open new areas for destructive off-road vehicle use.

EDC Responds to Hearst Conservation Plan

In 1998, on behalf of Friends of the Ranchland, EDC convinced the California Coastal Commission to reject Hearst's plans to develop four massive resorts at San Simeon, the gateway to Big Sur. Since that time, Hearst has been negotiating a deal with the State to reduce development in exchange for public funds. The deal would require that Hearst transfer some land and conservation easements for \$95 million in State bond funds, \$15 million in tax credits, a \$135 million tax deduction for the Corporation, and the reservation of certain hotel and residential development rights. The deal will be considered by the California Wildlife Conservation Board on August 12 and by the State Coastal Conservancy on September 15. EDC and a coalition of over thirty state-wide organizations seek additional protections for historic coastal access, meaningful development restrictions, and public oversight of the agricultural and scenic easements. As the deal is currently proposed, the Hearst Corporation would retain ownership of 800 acres encompassing three important coastal areas—San Simeon Point, Ragged Point and Pico Cove, and would reduce existing coastal access opportunities.

San Marcos Foothills Report Released

EDC represents SWAP (Small Wilderness Area Preserves) in an effort to ensure protection of the San Marcos Foothills, a 300-acre foothill property that boasts unique scenic, archaeological and biological resources, including native grasslands, Coastal Sage Scrub, White-tailed Kite, Burrowing Owl and raptor habitats. EDC recently commented on the draft Environmental Impact Report for the project, and proposed an alternative that would increase the amount of workforce housing while enhancing protection for the sensitive environmental resources on the West Mesa. The final report should be available later this summer or early fall.

Endangered Species Act is Under Attack

The federal Endangered Species Act (ESA), enacted in 1973, is one of the strongest environmental protection laws on the books. It requires the federal government to protect plant and animal species from extinction and to improve their status so that they will no longer be at risk. The public is strongly supportive of these requirements—in a recent nationwide survey of registered voters, 86% supported the ESA.

Despite this broad-based public support, ESA opponents on Capitol Hill are trying to weaken the strong protections of the ESA. Two bills currently pending in the House Resources Committee—“The Critical Habitat Reform Act” and “The Sound Science for Endangered Species Planning Act”—would gut some of the ESA’s most important provisions. The Critical Habitat Reform Act, introduced by Rep. Cardoza (D-CA), would effectively ensure that species’ critical habitat would no longer be protected through the ESA. This bill disregards the fundamental connection between species protection and habitat conservation. The truth is that species with designated critical habitat are more than twice as likely to make progress towards recovery than species that do not have critical habitat protections.

The Sound Science Act, introduced by Rep. Walden (R-OR), similarly subverts species protection by restricting the use of important methods that scientists currently use to assess species’ protection, such as statistical tools that often provide the most telling insights about the species. If these legislative efforts are successful, it will directly impact many of our local species, including the California Tiger Salamander, the Western Snowy Plover and the Steelhead.

Unfortunately, current efforts to weaken the ESA are not limited to the legislative process. The Bush administration has also been working to undermine and eliminate the important protections this Act provides through a combination of policy changes and inaction. The Department of Interior, the federal agency responsible for implementing the ESA, has blatantly violated its duties to promote species protection by failing to promptly list species at risk of extinction, failing to protect species’ critical habitat, and actively diminishing protections for threatened and endangered species without any evidence that the species’ status has improved. EDC is currently challenging the Department of Interior’s proposal to allow private parties to harm and kill endangered California Tiger Salamanders in Santa Barbara County. EDC, on behalf of the Santa Barbara Audubon Society, is also challenging a recent decision that may allow the Pacific Coast Population of the Western Snowy Plover to be delisted.



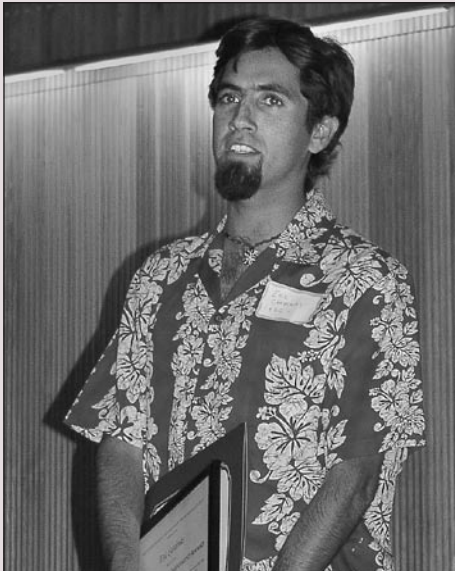
Snowy Plover and chicks.
PHOTO COURTESY OF CALLIE BOWDISH



Steelhead In Need of Additional Protection

In 2000, EDC filed a lawsuit to force the National Marine Fisheries Service (now NOAA Fisheries) to protect Steelhead that live above dams and other barriers by listing them as endangered. Steelhead rely on both ocean and coastal watersheds to meet their life cycle needs and serve as an indicator of the health of a watershed. Last year, as a result of our lawsuit, NOAA Fisheries agreed to re-evaluate whether Steelhead above dams and barriers should be protected under the Endangered Species Act. Unfortunately, NOAA Fisheries issued a proposed rule in June that would continue to deny protection to these important and imperiled fish populations. EDC is working with our clients, including the Center for Biological Diversity, to present scientific evidence of the relationship between Steelhead above and below dams, and to increase protection of Steelhead populations throughout coastal watersheds before any of them become extinct.

Environmental Health



EDC's Eric Cárdenas receiving the Environmental Achievement Award from the Citizens Planning Association PHOTO COURTESY OF DAVID PRITCHETT

Regional Water Quality Control Board

At a hearing in Watsonville, CA on July 8th and 9th, the Regional Water Quality Control Board (RWQCB) formally adopted a conditional waiver program for irrigated agricultural operations on the Central Coast that will now mandate the agricultural industry to meet certain requirements in order to protect water quality. CCEHP and EDC have been advocating for stricter controls on agricultural runoff as part of an advisory committee to RWQCB staff for nearly two years.

This action comes after multiple stakeholder meetings, hearings, and public debate on the issue of runoff from agricultural properties that may pose significant threats to local waters. The RWQCB unanimously endorsed the proposal on a 5-0 vote, after hearing from dozens of speakers from the agricultural and environmental communities, as well as the public at large.

Under the program, growers on the Central Coast will continue to be granted waivers, but will have to implement a series of Best Management Practices (BMPs). These include controlling runoff, providing maps of their operations and BMPs to local RWQCB staff, taking continuing education courses on water quality protection, and periodically monitoring their watersheds to make sure that the steps they are taking are indeed maintaining or improving water quality.

CCEHP/EDC was a key participant in a collaborative stakeholder process and, along with other environmental organizations, will continue to track the progress of the program and any proposed changes that may be made in the future.

Integrated Pest Management

As promised, CCEHP has taken its Integrated Pest Management (IPM) efforts into new territories. After a long but rewarding process to convince the City of Santa Barbara to adopt an IPM policy, CCEHP is now encouraging the City of Ventura to do the same.

With the support of the Wishtoyo Foundation, Community and Children's Advocates Against Pesticide Poisoning (CCAAPP), and Ventura City Council members and staff, we are currently working to develop an appropriate strategy that will reduce pesticide use on City owned properties. Although only in the beginning stages, there has already been great progress, with the Ventura City Council recently directing its staff to begin drafting language for a new IPM policy.

Call the City of Ventura at (805) 654-7800 to thank them for their commitment, and to urge them to adopt IPM as soon as possible.

Finally, CCEHP has approached the City of Port Hueneme to determine whether adoption of an IPM policy may be possible in this small seaside community. After initial conversations with City Council members and staff, we feel optimistic that an IPM policy could work very well. CCEHP staff will continue to work with the City of Port Hueneme to encourage the adoption of a formal policy.

Please call the Port Hueneme City Council at (805) 986-6500 to ask them to strongly consider an IPM policy for all City properties in the near future.

Santa Maria

We are thrilled to announce that the CCEHP is poised to open a satellite office in Santa Maria! The office will be located at 509 W. Morrison at the Center for Employment Training. To find out more about the office and our educational programs, call (805) 886-0355 or email CCEHP director Eric Cárdenas at cardenas@edcnet.org.

Thanks to Greg Scott and Environmentally Safe Products

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 used 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 11th Annual Auction & Environmental Hero Awards a Tremendous Success

Photos courtesy of Bob Duncan



Environmental Hero Brenton Kelly on behalf of Island Seed & Feed.



Environmental Hero Selma Rubin with Richard Sanford and Linda Krop.



Cameron Benson and Harriett Phillips.



Auctioneer Hannah-Beth Jackson.



Auction volunteers Nicole & Robin Lacks and Christine Cote.



Environmental Hero Jean Holmes.



Environmental Hero Connie Hannah with Linda Krop.

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Leslie Lembo & Friends

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Lisa Moreno
Alex Palley
Mark Raffetto
Jodi Segal
Chelsey Swanson
Rebecca Zinger

Don't Miss the Last Two TGIFs of 2004

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.

• August 13 • October 1 (Fall Feast)

If you would like to volunteer or donate food, please contact Rebecca Zinger at (805) 963-1622 x100 or rzinger@edcnet.org.

Donate the Easy Way

Monthly electronic transfers 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 (805) 963-1622.

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Farm Day Success

Jim Churchill hosted another successful Farm Day at his sustainably farmed avocado and tangerine orchard in Ojai. All proceeds of the May 15th event will help support EDC's Ventura office. Attendees enjoyed musical entertainment by the Sulphur Mountain Boys, great food and drink, and raffle prizes. Farm tours provided guests with a chance to learn about sustainable farming and the guacamole contest concluded in a three-way tie for first place. Our many thanks to the sponsors, donors and volunteers who helped make this event possible.

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Ron Bottorff
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Churchill Orchard
The Farmer and the Cook
Franky's
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Ojai Brew Pub
Ojai Winery
Gail Osherenko
Rainbow Bridge
Jo and Ken Rogers
Solar Roller Educational Exhibit
Sulphur Mountain Boys
Trader Joe's
Yolanda's Restaurant

EDC would like to acknowledge the donations we have received in honor of Mike Wondolowski's birthday. These donations will be put directly towards our efforts to save the Ellwood Mesa. Thanks Mike!



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