

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.



WINTER 2004 NEWSLETTER

ENVIRONMENTAL DEFENSE CENTER

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The Ellwood Mesa Story

EDC's Role in Preserving our Precious Open Spaces

By the end of the year, the effort to permanently preserve the Ellwood Mesa will be complete. The plan to transfer development rights off the Mesa and raise funds to purchase the land has been approved by the City of Goleta. As a result, over 200 acres of prime blufftop property will be saved, including rare wetlands and native plants, the largest West Coast over-wintering site for Monarch Butterflies, important raptor habitat, public access trails, and Devereux Creek. The public will be able to continue enjoying this area for walking, jogging, beach access, wildlife viewing, picnicking, drawing and painting.

None of this would have been possible without the persistent efforts of the Environmental Defense Center and our clients. EDC began representing Save Ellwood Shores (SES) in 1989, when the first development application was submitted for the property. At that time, EDC asserted that the project would violate the California Coastal Act by destroying unique coastal resources. Over the next ten years, EDC filed three separate lawsuits challenging the development. EDC repeatedly prevailed in litigation and in hearings before the California Coastal Commission.

Then, in 2001, EDC was approached by a new developer for the property, Bob Comstock. We discussed our concerns and offered a solution that would preserve the site, while offering the landowner value for the property. Back in 1993, we had proposed a "land swap," involving a transfer of development from the Ellwood Mesa to an adjacent property then owned by the County of Santa Barbara. According to our proposal, development would be sited on the Santa Barbara Shores property, next to an existing road and away from the bluff. In exchange, the County would receive ownership of the entire Ellwood Mesa as an "open space" park. In 1993, neither the Ellwood property owner nor the County was interested in our idea. Instead, the property's future remained mired in hearings and litigation.



Monarch Butterflies of Ellwood Mesa. PHOTO BY R.E. ST. AMAND

Mr. Comstock agreed to study our proposal and returned with a plan that involved a transfer of some of the development to the Santa Barbara Shores property and a purchase, or "buy down," of the remaining development potential. By then, the City of Goleta had formed and taken ownership of Santa Barbara Shores. The City agreed to consider the land swap and accepted an application from Mr. Comstock to develop houses on the Santa Barbara Shores property. Over the next couple of years, EDC continued to monitor the project, on behalf of SES and the Santa Barbara Audubon Society, and recommended modifications to the project to improve environmental protections. Mr. Comstock and the City agreed to make those changes, and EDC was proud to support the project at the final City Council hearing this summer. The project will soon be heard by the Coastal Commission.

This project exemplifies EDC's contribution to the environment and the community in several ways. First, we preserved one of the last remaining coastal open spaces in our area for the wildlife that depend on it for survival. Second, we gained

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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

The presidential election is over. The television ads, polling and pundits are gone. But the Bush Administration's relentless assault on our environment—barely mentioned by either candidate during the campaign—will likely continue for another four years. Here is a sample of the Bush Administration's disastrous environmental legacy so far:

More

- Arsenic in our drinking water
- Oil drilling off our coast and in our national parks and forests
- Air pollution
- Toxic waste
- Clear-cutting
- Wetland destruction
- Water pollution

Less

- Wilderness
- Protection from pesticides and toxic chemicals
- Fuel/energy efficiency
- Coastal protection
- Protection for imperiled wildlife
- Information about secret energy policy meetings
- Public participation in decision-making

EDC, through its strong advocacy skills, has significantly reduced these policies' adverse impacts to our local environment. EDC has pushed for stronger environmental protections and, when necessary, represented local organizations in court to enforce existing laws. We are committed to continuing this fight, but we need your help.

The intense focus on the presidential election put a tremendous strain on local nonprofit organizations, like EDC, by redirecting essential financial and volunteer support to national campaigns. We need your support now so we can continue our efforts to preserve open spaces, improve air and water quality, and protect public health. With your help, EDC will continue to provide this community with the tools necessary to protect our environment.

Client Perspective

"It is difficult to imagine where the Sierra Club, or our community, would be without the Environmental Defense Center. The EDC has helped us in our efforts to stop offshore oil and gas development, preserve precious open spaces, protect our coast, and improve water quality. EDC is always there to help by providing friendly advice over the phone, testimony before a public agency, or representation in court. Only EDC has the clout to help us prevail against major corporations like Exxon. We hope that you will join us in our efforts by supporting the EDC."

—Rick Skillin, Chair, Los Padres Chapter, Sierra Club

Special Announcements

EDC is very pleased to announce Dale Zurawski as our new Board Vice President. EDC also welcomes three new staff members to our dedicated team. After serving on our Board as Vice President, Alicia Finigan has joined EDC as its newest Staff Attorney, while Renée Henry and Gloria Campa bring their experience as EDC's Program Assistant and Accounting Manager respectively.

While we are pleased to have new talent joining our team, we want to take this opportunity to acknowledge three outgoing employees. Jeff Kuyper served both as a law clerk and then Legal Analyst focusing on open space and natural resource protection. Rebecca Zinger, former Program Assistant and organizer of our TGIF events, is headed to Costa Rica; we will miss her infectious smile. Last, but by no means least, Juliette Harding has worn many hats during her eight years of passionate service to EDC. She served most recently as EDC's Accounting Manager and is now headed to Oaxaca, Mexico to teach English. Her devotion to EDC over the years has enriched the organization in ways too numerous to name here. As these employees move on to pursue other dreams and life ambitions, we thank them from the bottom of our hearts for their years of service and ardent dedication to protecting our local environment. EDC will not be the same without you.

Sanctuary Advisory Council Adopts EDC Report on Noise Pollution

On September 24, the Channel Islands National Marine Sanctuary Advisory Council unanimously adopted a report written by Shiva Polefka, EDC Research Fellow, which describes the impacts of human-caused noise pollution on whales and other marine life in the Sanctuary. The report also offers recommendations to address noise pollution by increasing research on noise sources and effects on marine wildlife, partnering with other agencies and industries to reduce sources of noise, and responding to specific threats. The most significant threats appear to come from large ships, but there is also a concern about noise from oil and gas development, military activities, and marine construction. The full report can be viewed on EDC's web site (www.edcnet.org).

EPA Settles Case Challenging Oil Platform Discharges

Over twenty oil and gas platforms operate in federal waters off the central and southern coast of California. The companies operating these platforms have been dumping toxic wastes into the ocean under expired permits. Since 1996, EDC has been urging the U.S. Environmental Protection Agency (EPA) to issue a new permit that would curb these toxic discharges. Finally, in early 2004, EDC joined with Environmental Advocates to file a lawsuit on behalf of Santa Barbara Channelkeeper, Get Oil Out! and Our Children's Earth. We settled our lawsuit in August 2004, when EPA agreed to issue a new permit. In September, EPA issued a permit that met all of our conditions: incorporation of strict state clean water standards, a requirement to study alternatives to ocean discharges, and independent third-party monitoring.

Liquefied Natural Gas Projects Pose New Threat to Coast

In response to a perceived need to increase natural gas supplies for the State of California, several proposals have been submitted to import liquefied natural gas (LNG) from overseas. LNG provides a more economic means to transport natural gas because it condenses the gas to 1/600th of its volume. However, LNG also poses significant environmental and safety risks. When released into the atmosphere, the gas can explode or ignite, causing tremendous harm. In addition, the production, importation and consumption of LNG will increase our reliance on foreign sources of energy, and contribute to air and water pollution and global warming.

EDC represents the California Coastal Protection Network in responding to BHP Billiton's "Cabrillo Port" project. This project would import LNG on super tankers (the length of three football fields) to a terminal located off the coast of Oxnard, where the LNG would be converted back to a gas form and sent to shore by pipeline for distribution to market. The draft Environmental Impact Statement (DEIS) was released on November 1. We are asking the permitting agencies to consider environmentally superior alternatives, such as conservation, efficiency, and renewable sources of energy. The DEIS can be viewed at www.cabrilloport.ene.com/draft_eiseir.htm. The deadline to comment on the report is December 20.

Federal Government Continues to Push for Extension of Oil Leases

The U.S. Minerals Management Service (MMS) continues to proceed with plans to extend 36 undeveloped oil and gas leases in federal waters offshore near Ventura, Santa Barbara and San Luis Obispo Counties. Development of these leases would double all historic production off our coast. EDC won a court victory requiring MMS to complete an environmental impact analysis and allow the State to review the leases. Despite the court's ruling, MMS continues to circumvent its responsibilities by performing inadequate environmental review and asserting that the extension of the leases will not result in any environmental effects. We are requesting full review of all of the impacts that will result from the extensions, including those caused by future exploration, drilling and production activities.



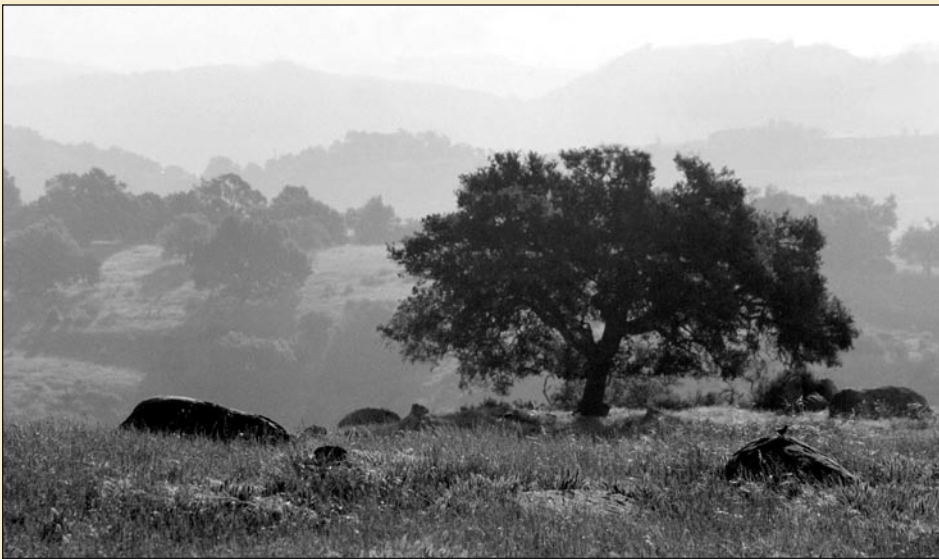
Human-generated noise in our oceans can adversely impact marine wildlife, such as these common dolphins, that rely heavily on acoustics for daily activities.

PHOTO COURTESY OF ERIC ZIMMERMAN

Noise from human activities is the most widespread, pervasive pollutant in the ocean, according to bioacoustics expert Christopher Clark of Cornell University.

State Approves Hearst Ranch Conservation Deal

The State has approved a deal that will pay the Hearst Corporation \$95 million (including a \$15 million tax credit) for a conservation easement over 80,000 acres east of Highway 1, a scenic easement over 700 acres west of the highway, and a transfer of 949 acres west of the highway to the State Department of Parks and Recreation. The Corporation will retain the right to construct a hotel at Old San Simeon, 27 new homes on 25-acre parcels, 15 new homes for Ranch employees, and an unlimited number of additional homes for hotel employees. In addition, the Corporation placed severe restrictions on public access to San Simeon Point, Ragged Point and Pico Cove – the primary coastal areas enjoyed by the public for generations. Finally, the Corporation placed restrictions on public use of the lands that will be held and managed by State Parks. EDC represents Friends of the RanchLand and has been working with a coalition of local, state and national organizations in efforts to improve the deal in order to preserve historic public coastal access, ensure protection of sensitive environmental resources, and guarantee adequate oversight and enforcement of environmental protections. We continue to work with State Parks and the California Coastal Commission in an effort to address these issues.



San Marcos Foothills. PHOTO COURTESY OF MORGAN BALL

EDC Offers Plan to Preserve San Marcos Foothills

The Santa Barbara County Planning Commission is considering a proposal to construct new houses on the San Marcos Foothills, a 300-acre property adjacent to Highway 154 that includes one of the most biologically and archaeologically rich areas in the County. On behalf of Small Wilderness Area Preserves (SWAP), EDC has developed an alternative plan that would cluster the home-sites in order to better protect native grasslands and raptor habitats on the West Mesa, reduce impacts to views, and still allow development of both affordable and market-rate homes. The Commission may take final action by the end of 2004.

University and County Approve Devereux Developments

The Regents of the University of California recently approved the development of 387 new homes for UCSB faculty and students near the Devereux Slough and Coal Oil Point Natural Reserve. While EDC and our clients (Save Ellwood Shores and Santa Barbara Audubon Society) appreciate and support the need for University housing, we believe that the current proposal violates state law by allowing the destruction of coastal wetlands. Coastal wetlands are disappearing at an alarming rate locally, as well as nationally, and it is critical that we protect and restore the remaining 5%-10%. We will continue our efforts to work with the University and California Coastal Commission on these issues, as the Commission will consider the project in early 2005.

In addition, a private developer has proposed constructing 60 homes, including 21 affordable units at Ocean Meadows, which is also located next to the Devereux Slough. Although EDC has achieved several modifications that will increase environmental protections, we continue to raise concerns that the project will obstruct a wildlife corridor and negatively impact water quality in the Devereux Slough.

Trout Count Focuses on Steelhead in Mission Creek

On August 7, EDC sponsored a Trout Count in Mission Creek to raise community awareness about the presence of endangered Southern Steelhead in our watersheds, and to underscore the importance of creek preservation and restoration. Steelhead numbers in this and other urban creeks have plummeted due to polluted runoff (from storm drains, landscaping, roads and agriculture), water diversions, new development, flood control projects and dams. In Mission Creek, Steelhead are threatened by a concrete channel that blocks Steelhead migration, and by a tunnel that intercepts water from aquifers around the Creek, thereby depleting the amount of water left in the Creek for fish. EDC is working with the Southern California Steelhead Coalition and other groups to restore Mission Creek. EDC is also working with the City of Santa Barbara to increase flows at Mission Tunnel and to modify the concrete channel so that Steelhead can migrate upstream to their historic spawning grounds.

EDC Seeks Additional Protections for Steelhead

EDC represents California Trout and other organizations in litigation brought to protect Steelhead that live above dams and other man-made barriers. In some local watersheds, Steelhead populations have been reduced to less than 1% of their historic numbers. One of the key reasons for this population reduction is the construction of dams on coastal rivers and creeks. As part of their life cycle, Steelhead must migrate from the ocean to upstream habitats for spawning. Many of their critical spawning grounds are now blocked by dams. By protecting Steelhead above dams, the National Oceanic and Atmospheric Administration (NOAA) Fisheries would be required to restore spawning habitats and to take measures (such as allowance of fish passage) to reconnect upstream and downstream populations. EDC submitted comments on the latest study by NOAA Fisheries in mid-November.

California Tiger Salamander Protections Reduced by Federal Agency

On August 4, the U.S. Fish and Wildlife Service reduced protections for the Santa Barbara population of the California Tiger Salamander by down-grading its status from “endangered” to “threatened,” and by adopting a rule allowing landowners to harm or kill salamanders during “routine” ranching activities. This rule was issued without any evidence that the salamander population has improved from the time it was listed as endangered in 2000 to present day. In fact, the salamanders continue to be threatened not only by ranching activities, which destroy the wetlands and burrows upon which they depend for survival, but also by development activities. Because the Santa Barbara population is genetically distinct from other salamanders, any reduction in its population could result in a loss of genetic diversity and, eventually, extinction. In an attempt to reverse this decision, EDC and the Center for Biological Diversity filed a lawsuit in October.

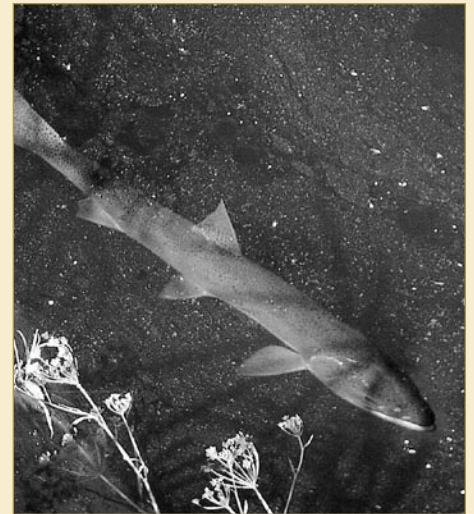
Ellwood (*continued*)

a park that provides unparalleled recreational value and coastal access for the public. Third, we were able to fashion a solution that satisfied all of the stakeholders: the public, the environment, the City and the developer.

This is not the first time EDC has helped preserve open space in our region. Without EDC’s advocacy and representation, many other open space areas would not be saved today, including: Ahmanson Ranch, Burton Mesa Chaparral, Carpinteria Bluffs, Douglas Family Preserve (aka Wilcox), East-West Ranch, Oxnard Shores, and the Sedgwick Ranch. EDC continues efforts to protect the Newhall Ranch, San Marcos Foothills, Gaviota Coast and Hearst Ranch.

EDC acknowledges with great appreciation the fundraising efforts of the Trust for Public Land and the Friends of the Ellwood Coast. TPL must raise a final \$1 million by the end of 2004 to complete the transaction.

Habitat & Biodiversity



Steelhead Trout stranded in Mission Creek by concrete channel. PHOTO COURTESY OF DAVID PRITCHETT

Central Coast Environmental Health Project Grand Opening

On October 17, the Central Coast Environmental Health Project (CCEHP) officially opened its doors at 509 West Morrison in Santa Maria, in front of hundreds of community members. The day featured live music and dance, food, children's activities, and an opportunity for people to learn about CCEHP's new and ongoing services.

Working jointly with the Indigenous Oaxacan Binational Front (FIOB), CCEHP has embarked on two new environmental health efforts. The first is to conduct a demographic assessment of indigenous farmworker populations in Santa Barbara County that will seek to identify key characteristics of this group, including family size, health status, and pesticide awareness.

With a growing number of immigrants from Southern Mexico and other South/Central American countries arriving to the Central Coast to work in agriculture, CCEHP believes it is important to identify the primary needs of this population, especially as related to pesticide safety. Because many of these individuals speak native languages from Mexico, local resources that are commonly available to English- or Spanish-speaking populations are not available to these immigrants due to a significant language barrier. In response, CCEHP will be working with volunteers throughout the community to complete the surveys in a culturally and linguistically appropriate manner. Once sufficient data is collected, CCEHP will produce a report highlighting our findings.

Our second effort hinges on continuing education regarding pesticide safety. In the past five years, CCEHP has taught hundreds of Spanish-speaking farmworkers how to handle pesticides properly, how to limit pesticide use in the home, and how to protect one's family from exposure. A new area of focus will include conducting similar trainings to indigenous populations in their native languages.

With the help of interpreters, CCEHP hopes to develop a "Train the Trainer" program, whereby community members can learn to conduct pesticide trainings on their own. This effort is modeled after similar efforts throughout the country, including one in Ventura County headed by the Mixteco Immigrant Health and Education Literacy Program (MIHELP). CCEHP hopes to make the "Train the Trainer" program a self-sustaining effort by 2006.



Top: CCEHP Ribbon Cutting Ceremony. Bottom: Dancers from Grupo Folklorico Cultural Se'e Savi. PHOTOS COURTESY OF TYSON PILCHER



Integrated Pest Management (IPM)

As we mentioned in our Summer 2004 newsletter, CCEHP is now working with the City of Ventura to encourage the adoption of an Integrated Pest Management (IPM) policy that will greatly reduce the amount of pesticides used on City-owned properties, including parks. This effort comes on the heels of our successful effort encouraging the City of Santa Barbara to adopt its own IPM policy.

CCEHP, along with the Wishtoyo Foundation and Children's and Community Advocates Against Pesticide Poisoning (CCAAPP), has been meeting with City staff in order to develop the most appropriate policy for the City of Ventura. Using IPM policies from around the State as a guide, we believe that the City of Ventura is on its way to implementing an IPM policy by late 2005. To encourage the City and thank them for making this a priority, please call 654-9800.



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11:00 a.m.-6:00 p.m.

You may also reach CCEHP Director
Eric Cárdenas at (805) 963-1622 or
cardenas@edcnet.org

Special Thanks to Our Outgoing Elected Officials

EDC extends its sincere gratitude and appreciation to outgoing Assemblymember Hannah-Beth Jackson and Santa Barbara County Supervisors Naomi Schwartz and Gail Marshall for their strong leadership and tireless efforts on behalf of our local environment. Through their work to protect our coast and open spaces, improve our air and water quality, and reduce the use of toxic pesticides in our communities, all three women have consistently demonstrated their commitment to enhancing the quality of life for Central Coast residents. Thank you for your service.



SB County Supervisor Naomi Schwartz, Assemblymember Hannah-Beth Jackson, U.S. Congresswoman Lois Capps and SB County Supervisor Gail Marshall

EDC would like to acknowledge the generous donations we have received in memory of Kendra Krop Hedblom and Louis E. Trautwein:

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Gail & Rocky Marshall
Minami, Lew & Tamaki, LLP
Amy Musante & Brian Trautwein
Minette Kwok Okimoto & Gerald Okimoto
Ann Ostrowsky
Linda & Adam Shively
Lillian & Richard Smith

Thanks to Everyone Who Made EDC's 2004 TGIF Season a Huge Success

EDC's TGIF celebrations were a tremendous success again this year! We would like to thank everyone who came out to support EDC. We trust that you had as much fun as we did. We would like to give a very special "thank you" to all of the wonderful sponsors, food and wine donors, musicians, and volunteers (too numerous to name here, but you know who you are!) for contributing to the success of the 2004 TGIF Season. We are already looking forward to the 2005 TGIF Season.

2004 TGIF Thank You's:

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Farmers Market Association
Gaviota Coast Conservancy
San Marcos Foothills Coalition
Santa Barbara Audubon Society
Santa Barbara Channelkeeper
Santa Barbara Women's Political Committee
Save Ellwood Shores
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Melinda Wax

MUSIC

Bruce Goldish
Heather Stevenson and Bill Lanphar
Jason Campbell
Eric Cárdenas, Dave Fortson and Corey Linberg



EDC's Fall Feast: Music by Corey Linberg, Dave Fortson and Eric Cárdenas. PHOTO COURTESY OF CARTER YARBROUGH

A special thank you goes out to Mark Behnke of Vin Logic, LLC for providing excellent wine and stemware for the TGIF events this year.

We encourage you to show your appreciation to our food and wine donors by supporting these local businesses.

Shop Online and Support EDC at FundIt.org

It's this easy:

1. Go to <http://www.fundit.org/environmental-defense-center/>

2. Shop at all your favorite stores online, and EDC will get a percentage of everything you buy.

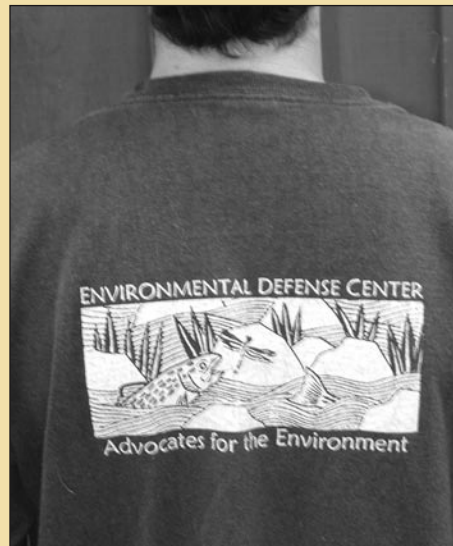
Please think of EDC as you do your holiday shopping. Some of the stores that have partnered with FundIt.org to help support nonprofits in Santa Barbara are Macy's, REI, wine.com and the Apple Store. Or for those everyday items, stores such as Office Depot, Target, and Petco are donating a percentage of their proceeds as well. You can shop year-round at FundIt.org and help the Earth at the same time.

Unique EDC Gifts for the Holidays

• The EDC hemp t-shirt is a favorite holiday (and every day) item. It is available in both short- and long-sleeved styles. Colors are forest green, ocean blue, or natural.

• EDC tote bags and hats are also available. Please go to <http://www.edcnet.org/Support-Pages/shop.html> to see our selection of merchandise. Show your loved ones how much you care and support the Earth at the same time! Stop by or call EDC at 805-963-1622 to place your order.

• Give the gift of an EDC membership or make a donation in honor or memory of someone special. Use the enclosed envelope or call EDC to contribute by telephone.



EDC's Holiday Wish List

- Digital camera
- HP C4123A Duplex Assembly
- Patio/courtyard furniture
- Lightweight portable tables
- Legal research/library subscriptions
- Easels
- Office Chairs
- Laptop computers (minimum Pentium 3 or Mac G3)
- Computer Memory (PC100, PC133, 168-pin DIMM)

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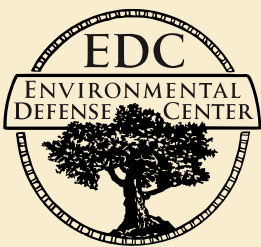
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