

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 2005 NEWSLETTER

ENVIRONMENTAL DEFENSE CENTER

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Back to the Future?

Offshore Oil and Gas Threatens Central Coast...Again

Our coast is again the target of major proposals for new offshore oil and gas development as well as plans to import liquefied natural gas (LNG) from overseas. EDC represents eight environmental organizations (Get Oil Out!, Sierra Club, Santa Barbara Channelkeeper, Defenders of Wildlife, The Otter Project, Environment California, Surfrider Foundation and Citizens Planning Association) in the effort to prevent development of 36 oil and gas leases that were sold by the federal government between 1968 – 1984. These leases predate many current local, state and federal environmental laws, and several were approved prior to the establishment of the Channel Islands and Monterey Bay National Marine Sanctuaries.

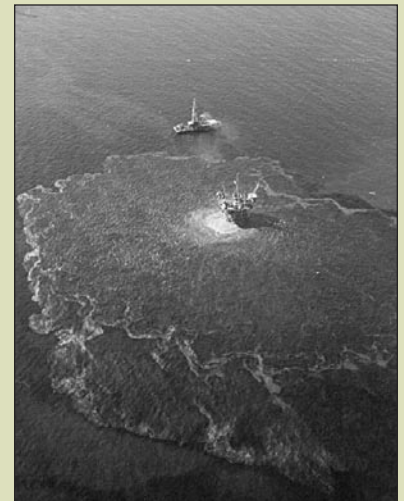
The U.S. Minerals Management Service (MMS) approved the extension of these leases in 1999; however, EDC, the State of California, and the Counties of Santa Barbara and San Luis Obispo won a federal Court of Appeals decision in December 2002, requiring MMS to conduct formal environmental and state review of the leases. In November 2004, MMS released draft Environmental Assessments (EAs) for the leases, alleging that the extensions would not result in any environmental impacts because they would simply allow the oil companies to submit new plans and would not cause any direct physical impacts. We objected to the EAs, arguing that MMS is obligated to conduct full environmental review of all future development activities on the leases. We raised concerns about the risks of oil spills as well as impacts to the southern sea otter and other marine life, air and water quality, views, and conflicts with coastal tourism, fishing and recreation. We also pointed out that clean alternatives exist to meet our energy needs without increasing our reliance on fossil fuels. Over our objections, MMS approved final EAs in February. EDC filed a new lawsuit in early March.

In addition to the threat of new local oil and gas production, our coast is threatened by several proposals to import

LNG from other countries. LNG is seen by some as an economically viable way to supply our state and nation with gas because the gas is produced overseas, compressed into a liquid form 600

times smaller in volume, and transported by supertankers to the U.S., where it is returned to a gaseous state for consumption. However, LNG is also a very dangerous and risky technology. If LNG is released into the atmosphere as a result of an accident or terrorist attack, it could result in an explosion or fire that could spread for miles.

Two LNG projects are proposed off the Ventura County coast: Crystal Energy and Cabrillo Port. The application for the Crystal Energy project is still being reviewed by the permitting agencies and has not yet been presented for public review. The Cabrillo Port project would be located offshore Oxnard and would require the construction of an offshore terminal to receive and “re-gasify” the LNG. Two or three supertankers (the size of three football fields) would arrive at the terminal every week. EDC submitted comments, on behalf of the California Coastal Protection Network, in response to the draft Environmental Impact Statement/Environmental Impact Report (DEIS/R). Those comments raised concerns about the project’s impacts to public safety, marine mammals and other wildlife, air and water quality, coastal



1969 Santa Barbara Oil Blowout, aerial view.
PHOTO COURTESY OF BOB SOLLEN

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 more things change, the more they stay the same.

Much has changed since the Environmental Defense Center first opened its doors in 1977. Unfortunately, one thing that has not changed is our society's determined reliance on non-renewable fossil fuels for energy. This path is clearly not sustainable, yet we continue following it to the detriment of our environmental and economic health.

In 1977, one of EDC's first lawsuits involved a proposed Liquefied Natural Gas (LNG) plant at Point Conception on the Gaviota Coast, a biologically rich and ecologically fragile area, which is also a sacred site for local Native Americans. The project proponent, Pacific Gas & Electric (PG&E), promoted the facility as the answer to California's energy needs and absolutely essential for the future economic vitality of the state. Tiny EDC took the corporate giant to court...and WON!

As it turned out, PG&E was wrong about the "need" for an industrial LNG complex at Point Conception (or anywhere else in the state for that matter). The energy "crisis" of the 1970's subsided, and California managed to grow into the 5th largest economy in the world – even without their LNG facility. Ironically, it was the corrupt energy giants such as Enron who, by gaming California's newly deregulated energy market, created the recent energy "crisis" that nearly bankrupted the state (and did, in fact, bankrupt PG&E).

Now, two new LNG facilities have been proposed along our coast. Like PG&E in 1977, the proponents of these new projects claim that their facilities will solve California's energy demands and revitalize our economy. The new projects propose spending billions of dollars to promote and perpetuate the increased use of fossil fuels for energy, while creating enormous risks to our environment and public health and safety.

We can do better. New renewable energy technologies – even some developed right here on the Central Coast – create opportunities for commercial energy production on a grand scale. Simple conservation and efficiency measures, which save money and kilowatts, could significantly reduce energy demand across the state. As we have done since 1977, EDC will promote its vision for an environmentally healthy and sustainable future for our coastline, our community, and our economy.

Client Perspective

"With large oil companies pushing for Liquefied Natural Gas terminals along California's coast, the California Coastal Protection Network turned to EDC for help. EDC conducted a comprehensive review of the draft Environmental Impact Statement/Report for the massive floating BHP Billiton Cabrillo Port project proposed to be moored offshore Ventura, close to shipping lanes and the Santa Barbara Channel Islands. EDC's environmental analysis uncovered faulty and missing information that compelled the U.S. Coast Guard to 'stop the clock' in order to address these serious deficiencies. As our environmental watchdog, EDC once again has earned high praise and our continuing support for their work."

—Susan Jordan, CCPN Executive Director

Special Announcements

EDC salutes our long-time friend and staff attorney, John Buse, who moved to Chicago in January. John first joined EDC as a volunteer back in 1993 and worked as an attorney in EDC's Ventura office since its opening in 1997. Some of John's significant accomplishments include preventing the expansion of a gravel mining operation just east of the Santa Clara River that would have contaminated nearby ground water; halting the construction of a 16,000-seat amphitheater at Camarillo Regional Park, with adverse impacts to wetlands, endangered species and traffic; and stopping development of Ahmanson Ranch, which became a state park in 2003. We wish John great success in all his future endeavors. His sharp wit and impassioned commitment to EDC will be greatly missed!

EDC is also pleased to announce Judith Pirkowitsch as our new Board Treasurer and Whitney Abbott as our new Board Secretary. We are grateful to Judy and Whitney for taking expanded roles on EDC's Board of Directors.

Development Proposed for Naples on the Gaviota Coast

EDC represents the Naples Coalition in response to a major development project that is proposed for the eastern gateway to the Gaviota Coast. In addition to its extraordinary scenic, rural and biological characteristics, Naples is considered unique due to the existence of an ancient Naples Townsite map that was recorded in 1888. This map is comprised of a grid of small lots that do not meet current County zoning or General Plan requirements; nevertheless, as a result of litigation filed by a previous property owner in the 1980's, the County of Santa Barbara agreed to recognize 250 legal lots. In doing so, however, the County did not make a determination as to whether these lots could be developed. Many of the lots are constrained by geology, hydrology, habitats (including the Naples reef and seal haul out), and policies protecting scenic views. In 2003, an application was submitted to develop 54 units on the coastal and inland portions of Highway 101. EDC represents the Naples Coalition in an effort to ensure adequate environmental review of the proposed project as well as various other options for the property, including a potential transfer of development credits to an existing urban area or adjacent inland property.



Naples Seal Haul Out. PHOTO COURTESY OF CALLIE BOWDISH

Channel Islands National Marine Sanctuary (CINMS) Update

On January 21, EDC Chief Counsel Linda Krop was elected Vice Chair of the Sanctuary Advisory Council and appointed to a third term as the Conservation representative. The Advisory Council also recognized EDC Research Fellow Shiva Polefka and Intern Sara Polgar for their work on noise and water pollution threats to the Sanctuary. In addition to participation on the Advisory Council, EDC chairs the CINMS Conservation Working Group (CWG), a coalition of thirteen organizations that meets bi-monthly to discuss current Sanctuary issues, including marine reserves and the update of the Sanctuary management plan. With the help of the CWG, EDC is developing a water quality report that will identify primary threats and analyze existing research, policy and public education efforts.

On March 1, the CINMS and the Ventura County Chapter of the League of Women Voters sponsored a public forum on liquefied natural gas (LNG). Panelists included representatives of the U.S. Coast Guard, State Lands Commission, BHP Billiton (an LNG project proponent) and EDC.

Offshore Oil (*continued*)

views, geology, and climate change. Notably, our safety experts determined that the hazard zone around the LNG tankers and terminal would be four times greater than disclosed in the DEIS/R and would impact the major shipping lanes from Los Angeles to San Francisco. We also worked with energy experts who determined that at least three times as much energy can be saved through simple increases in conservation, efficiency and investments in renewable sources of energy.

Due to the many deficiencies with the Cabrillo Port DEIS/R, EDC submitted a letter on behalf of 25 environmental groups throughout the state, asking the federal government to postpone further review of the project until additional analysis is available for the public to review. On January 5, the Coast Guard agreed with our request and directed the applicant, BHP Billiton, to submit additional information.

Escrow Closes for Ellwood Mesa!

On February 4, the Trust for Public Land (TPL) closed escrow for the purchase of the Ellwood Mesa, thereby assuring the permanent preservation of over 200 acres of prime coastal bluff property. EDC and its clients (Save Ellwood Shores and the Santa Barbara Audubon Society) have worked to protect this property for over fifteen years. We filed three lawsuits on behalf of SES, including a final one in 1995 in which we were joined by the League for Coastal Protection, represented by local attorney Jana Zimmer. After prevailing in that action, EDC met with a new developer in 2001 and convinced him to consider transferring development rights from the Mesa to an adjacent inland property and to work with TPL and a local group (Friends of the Ellwood Coast) to raise funds to purchase any remaining development rights. After receiving approvals from the City of Goleta and the California Coastal Commission, the fundraising effort was completed in early 2005. The Mesa will be held and managed by the City of Goleta as a passive open space park and habitat restoration area.

On March 4, TPL hosted a celebration dedicating the “Sperling Preserve” and honoring all those involved in the long struggle to save this precious land for future generations. Linda Krop gave an accounting of EDC’s role in this triumphant achievement.



Linda Krop, at Ellwood Dedication Ceremony, giving a brief history of the long fight to save Ellwood Mesa.
PHOTO COURTESY OF MIKE LUNSFORD

San Marcos Foothills Decision Imminent

A developer has proposed a housing project that would adversely impact biologically and culturally sensitive resources at San Marcos Foothills, including habitat for over 130 species of birds, native grasslands, coastal sage scrub, oak woodlands, and several creeks. EDC and our client, Small Wilderness Area Preserves (SWAP), have proposed an alternative design that would still allow some development of the site but would preserve most of the habitat areas by clustering homes near existing neighborhoods. Due to the discovery of wetlands on site, the Planning Commission has temporarily postponed its decision on the proposed project.

Coastal Commission to Consider UCSB Housing Project

The California Coastal Commission will consider the University’s plans to construct 387 homes for faculty and students next to the Devereux Slough and Coal Oil Point Reserve. In 1990, EDC and its then-clients (Citizens Planning Association, Citizens for Goleta Valley and Isla Vista Association) entered into a settlement agreement that required the University to provide housing for its students, staff and faculty as mitigation for its plans to increase student enrollment at the Santa Barbara campus. EDC and its current clients (Save Ellwood Shores and Santa Barbara Audubon Society) support the development of University housing as a means to relieve the pressure on the surrounding neighborhoods and to reduce traffic by locating housing close to the campus. However, we continue to seek changes to the project to ensure compliance with state laws protecting coastal wetlands.

Ocean Meadows Project Nears Final Approval

Another project in the Ellwood-Devereux area is the Ocean Meadows project, a private 60-home development. Final action by the Santa Barbara County Board of Supervisors is expected this spring. Due to its proximity to the Devereux Slough and Coal Oil Point Reserve, this area serves as important wildlife habitat for many plants and animals. In addition, runoff from the project may pollute the Devereux Slough, which is part of the University’s Coal Oil Point Reserve and flows into the Pacific Ocean.



The ecologically fragile Devereux Slough is adjacent to two proposed housing projects.
PHOTO COURTESY OF CALLIE BOWDISH

EDC Advocates for Increased Steelhead Protections

NOAA Fisheries has proposed critical habitat for southern steelhead, an anadromous fish that is listed as an endangered species and that relies on coastal watersheds to migrate from the ocean to upstream spawning grounds. The purpose of critical habitat is to ensure the survival and recovery of imperiled species. While EDC supports many of the recommendations set forth by NOAA, we are concerned that several areas historically relied upon by steelhead have been omitted from the proposal. For example, areas that are now landlocked above dams are not included because they are considered “unoccupied” by steelhead. However, these areas are critical to the survival and recovery of the fish because they contain important areas for migration and spawning. EDC submitted comments on the critical habitat proposal on behalf of the Santa Barbara Urban Creeks Council.

A pair of steelhead was seen in lower Mission Creek earlier this year, marking the third time in five years that this extremely rare species was spotted in Mission Creek. Unfortunately, once again the steelhead did not reach their best spawning areas, apparently blocked by the concrete CalTrans channel at Highway 101. Additionally, the cleaning of the flood control debris basin upstream created a plume of silt (and poor conditions for steelhead) all the way down the Creek. EDC is working with steelhead experts, the City of Santa Barbara, the County Flood Control District and the Army Corps of Engineers to restore passage for migrating steelhead and to ensure that future flood control activities maintain good conditions for steelhead spawning.

Habitat Protections Proposed for Snowy Plover

A new critical habitat designation has also been proposed for the Pacific Coast population of the western snowy plover, an endangered shore bird that breeds at coastal locations in Washington, Oregon, and California, including certain beaches in Ventura, Santa Barbara and San Luis Obispo Counties. The U.S. Fish and Wildlife Service designated critical habitat for this species in 1999 but was required, as the result of a lawsuit brought by snowy

plover opponents, to reevaluate this designation and conduct an analysis of economic impacts. Consistent with the Bush administration’s drive to reduce endangered species’ protections, the Service’s new proposal eliminates many areas that were included in the 1999 designation. In February, EDC submitted comments advocating for the inclusion of all geographic areas used by this species for wintering and breeding. We are also monitoring a proposal submitted by plover opponents in 2002 requesting that the snowy plover be removed from the list of endangered and threatened species. Delisting of this species could have disastrous consequences for local populations, many of which have shown some improvement because of protections provided by the Endangered Species Act.

The western snowy plover is slowly making a comeback locally due to endangered species’ protections. Here are some program statistics since protections for the species have been in place, compared to the previous 30 years when there were no such protections:

YEAR	PAIRS	NESTS	EGGS LAID	EGGS HATCHED	CHICKS FLEDGED
1970-2000	few	~2-4/30yr	~7-8/30yr	none	none
2001	1	1	2-3	2-3	1
2002	5	9	21	16	14
2003	12	24	63	45	40
2004	26	92	141	56	27
Totals	44	126	~236	119	82

Source: Report on the Western Snowy Plovers, UCSB’s Coal Oil Point Reserve 2001-2004 by Dr. Cristina Sandoval



Western snowy plover chick at UCSB’s Coal Oil Point Reserve, May 2004. PHOTO COURTESY CALLIE BOWDISH

Court to Rule on Whether to Protect Rare Plant

EDC filed a lawsuit on behalf of the California Native Plant Society in 2001, challenging the failure of the U.S. Fish and Wildlife Service to list the San Fernando Valley Spineflower under the Endangered Species Act. The Spineflower was considered extinct until it was discovered on the Ahmanson and Newhall Ranches in Ventura and Los Angeles Counties. Although the Ahmanson Ranch has been purchased and protected, the proposed development of Newhall Ranch would destroy much of the area where the plant is present. We await a ruling from the U.S. District Court, which heard our case on February 18.

Environmental Health



Tomato Pickers, Stockton. PHOTO BY RICK NAHMIAS



Tomato Tokens, Stockton. PHOTO BY RICK NAHMIAS

Current Funders:

CCEHP would like to thank our current funders: The California Endowment, California Wellness Foundation, Fund for Santa Barbara, and Landsberg Trust.

The Migrant Project: A Photojournalistic Portrait

EDC's Central Coast Environmental Health Project (CCEHP), in conjunction with the County of Santa Barbara's Equal Opportunity Office, Arts Commission, and the Sustainable Agriculture and Food System Funders, is proud to present *The Migrant Project: Contemporary California Farm Workers*. *The Migrant Project* is a photojournalistic portrait detailing the lives and struggles of today's California migrant farm workers. The project was shot during the 2002-2003 harvest in over four dozen towns across the state, including Oxnard and Guadalupe, by photographer Rick Nahmias. The exhibit depicts everything from family life, culture, children and pesticides, to the search for housing, work, health care, and forging a new community. The exhibit will run at the Betteravia Government Center in Santa Maria from March 21 through May 27, with an opening reception scheduled for March 31. The exhibit will re-open at the Channing Peake Gallery in Santa Barbara on June 27 and will run through October 21, with an opening reception scheduled for July 7. In addition to the opening receptions, a series of public forums are planned to address issues of concern to farm workers and the community at large. Current fiscal sponsors for this project include the Fund for Santa Barbara, the Lawson Valentine Foundation, the Santa Barbara Foundation and UCSB. To help sponsor the event or to find out more, please call CCEHP at (805) 963-1622, ext. 102.

Mixteco Demographic Survey

In order to provide better services to migrant farm worker communities, CCEHP is currently engaged in a demographic survey of the growing Mixteco (pronounced Meesh-teko) farm worker population. Mixteco farm workers come from states in southern Mexico and speak indigenous languages. Locally, there is very little known about this population, and CCEHP's survey seeks to learn more about trends in this community, including issues related to health, income, education and family. Working with volunteers from three local farm worker groups, our effort has yielded over 400 surveys so far, with a target goal of 500 completed surveys. The data collected will be compiled into a report for use among community agencies and foundations that seek to provide better services to Mixteco farm workers. CCEHP's demographic survey is sponsored by The California Endowment. To find out more, call CCEHP's Santa Maria office at (805) 922-8452.

EDC Files Lawsuit Challenging Methyl Bromide Regulations

On December 1, 2004, EDC, California Rural Legal Assistance, and California Rural Legal Assistance Foundation filed suit against the California Department of Pesticide Regulation (DPR) for failing to adequately protect public health from the highly toxic pesticide methyl bromide. Our lawsuit alleges that DPR failed to protect workers and residents from seasonal exposure to methyl bromide, a deadly fumigant applied to soil before the planting of crops, such as strawberries. DPR's regulations allow methyl bromide exposures that are nine times greater than those recommended for children by the California Office of Environmental Health Hazard Assessment (OEHHA), and eight times greater than the amount recommended for adults. The regulations also violate state law by allowing County Agricultural Commissioners to reduce buffer zones intended to protect surrounding neighborhoods. This is the second time that EDC and CRLA have sued DPR to ensure adequate compliance with state law and protection for workers and neighbors exposed to methyl bromide.



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Website:
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Current office hours:
Mondays and Wednesdays
11:00 a.m.-6:00 p.m.

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

In Memory of Katie Donovan

September 27, 1970 – January 19, 2005

Katie Donovan brought warmth, charm and a sparkle to our lives during the three years she worked at the Environmental Defense Center. She was our Development Director, ensuring that we had the financial resources to support our environmental education, advocacy and legal programs. She was the energy and spirit behind our community events, including our popular TGIFs and our annual environmental hero awards ceremony and auction. She was the smiling force behind the scenes, keeping things flowing and keeping our volunteers happy. Most importantly, she was a close friend.

Katie loved the outdoors. She traveled, hiked, camped, learned to scuba dive, and spent many weekends river kayaking with her boyfriend, Joe, and her best friends, Mike and Laura. She taught us to keep balance and perspective in our lives. In a world of conformity, Katie was a breath of fresh air. She loved changing her hair color, meeting friends in dive bars, and savoring a great sandwich or garden burger! She reminded us how important it is to love your work but also to spend time with your family, friends and loved ones outside of work.

We will remember Katie often, at the beach or on a hike, over drinks at Jimmy's, or at one of EDC's many community events and fundraisers. We will remember her sparkling blue eyes, radiant smile, keen intelligence, boundless kindness and enduring sense of humor. We will keep Katie alive in our hearts for the rest of our days, each of us made richer for having known her.



EDC would like to acknowledge the generous donations we have received in memory of our dear friend & co-worker Katie Ann Donovan:

Ada Babine
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Thanks to Our Year-End Donors

We would like to extend our gratitude to our year-end donors who made a contribution of \$100 or more:

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ZAD

We are very grateful for the outpouring of support we have received from the community during this time.

"Dine Out" for Earth Day to Benefit EDC

You can support EDC and all you have to do is enjoy a dinner at one of your favorite local restaurants! Dine out for the Earth on **Thursday, April 21, 2005** (the day before Earth Day), and some of your favorite restaurants will donate a portion of the day's proceeds to EDC. Stay tuned to EDC's website and Action Alerts for the list of participating restaurants.

EDC's 12th Annual Benefit Auction & Environmental Hero Awards

Sunday, June 5, 2005

Please join us on **Sunday, June 5, 2005**, at Nu Restaurant in Santa Barbara from 2:00-5:30 p.m. for wine, hors d'oeuvres, music, live and silent auctions, and award presentations. You won't want to miss it this year!

Plan Ahead for Auction Packages...

Have you been wanting to plan a special get-away weekend? Perhaps take music lessons or throw a dinner party for 12? 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 and the Earth at the same time.

Help Plan EDC's Auction

We need YOU—Yes, YOU! EDC's annual auction could not be successful without the help of our enthusiastic Auction Committee volunteers. Please contact Renée at (805) 963-1622 or by email at rhenry@edcnet.org if you are interested in being part of this fun and rewarding team.

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

Spring is in the air heralding the arrival of EDC's TGIF season. Where else can you rub elbows with grassroots environmentalists, elected officials, artists and philosophers, all while enjoying a great glass of wine, grooving to live local music, and supporting EDC? Join us for the best environmental happy hour in Santa Barbara! Mark your calendars now for:

May 6

July 8

September 2

October 7: Fall Feast

Farm Day (Ojai): Date TBA

How to Contact Us

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Calling All Volunteers!

Please let us know if you have a few extra hours to volunteer at EDC. We always need help with general administrative office work, mailings or event planning and preparation. Contact Renée Henry at (805) 963-1622 or rhenry@edcnet.org for more information.



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