

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 2005 NEWSLETTER

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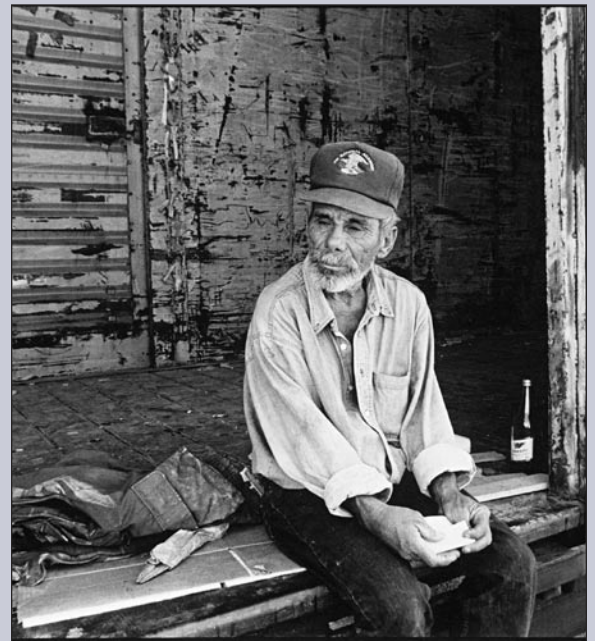
On July 7, 2005, EDC's Central Coast Environmental Health Project (CCEHP) unveiled *The Migrant Project: Contemporary California Farmworkers* at the Santa Barbara County Administration Building to an audience of nearly 200 people. The Migrant Project is a photojournalistic portrait detailing the lives and struggles of today's migrant farmworkers in California.

In bringing *The Migrant Project* to Santa Barbara County, CCEHP sought to offer residents the opportunity to witness firsthand the living and working conditions of California farmworkers. This is important for many reasons, including the fact that it is farmworkers who put food on our tables, farmworkers who drive California's agricultural economy, and farmworkers who are the population most exposed to pesticides in the home and workplace. *The Migrant Project* is intended to create awareness and spark discussion about this important component of our community.

To launch these discussions, CCEHP, in partnership with the County of Santa Barbara and the Sustainable Agriculture and Food Systems Funders, held a public forum in Santa Maria in March 2005. The focus was on farmworker health, housing, and education, and was well attended by North County residents.

On September 15, 2005, CCEHP and our partners will host a second forum in Santa Barbara to focus on farmworker labor and transportation issues. Please join us from 6-8pm at the County Administration Building (105 E. Anapamu) as we learn more about this integral, and often hidden, segment of society.

CCEHP offer special thanks to those agencies and foundations that have fiscally supported *The Migrant Project*, including The Fund for Santa Barbara, The Santa Barbara Foundation, The Lawson Valentine Foundation, UCSB, and the County of Santa Barbara.



Migrant worker waiting for paycheck. PHOTO: RICK NAHMIAS

Sustainable Agriculture Film Series

CCEHP has also launched a new film series in North County focusing on sustainable agriculture. Film topics include pesticides, farmworkers, trade policy, organics and more. The purpose of the series is to highlight how agricultural communities around the globe are affected by agricultural policies and practices, and to highlight models of sustainable farming that are healthy, profitable, and responsive to community needs.

Our first two films included *The Global Banquet: the Politics of Food*, and *The Greening of Cuba*. All films are shown on the third Wednesday of every month at Bethel Lutheran Church in Santa Maria (624 E. Camino Colegio) and are followed by a brief discussion.

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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Cameron Benson *Executive Director*
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Gloria Campa *Accounting Manager*
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Marti Fallon *Development Associate*
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PHOTO BY ROBERT BERNSTEIN

From the Desk of Cameron Benson

Over three hundred million pounds. That's the estimated amount of toxic pesticides intentionally unleashed into California's environment every single year.

Not only do we spray vast quantities of pesticides directly onto the foods we eat, but we continue to pour tons of toxic chemicals onto the places we love to play: parks, school playgrounds, golf courses and even our own backyards.

Unfortunately, pesticides do not differentiate between pests, pets and people. Nor do pesticides recognize boundaries or respect property lines. So when it rains, or we turn on the sprinklers, the toxins flow down the stormdrains and into our creeks and ocean.

Although humans are resilient enough not to drop dead on the spot, occasional acute chemical exposure, as well as long-term chronic exposure, does make us sick. This is especially true for children who tend to play on the ground a lot, put their hands in their mouths, and whose small bodies can't process the toxins fast enough. It is also true for farmworkers, who are constantly exposed to such chemicals.

EDC, through its Central Coast Environmental Health Project, has worked with homeowners, health care providers, schools, elected officials, farmers, and farmworkers to reduce and eliminate pesticide use on the Central Coast.

Some of the tremendous successes this project has enjoyed, includes:

- Working with local governments and school districts on the Central Coast to reduce or eliminate pesticide use on public property, such as parks
- Sponsoring successful statewide legislation to protect schoolchildren from agricultural pesticide drift
- Providing pesticide exposure and diagnosis information to hundreds of local health care providers
- Working in collaboration with local farmers to reduce and eliminate pesticide risks in our communities and our food supply
- Providing pesticide education to thousands of local farmworkers and their families
- Co-sponsoring the "Migrant Art Project," a photo exhibit chronicling the lives of California farmworkers
- Advocating in support of the Healthy Schools Act, a statewide law requiring schools to notify parents of pesticide use on public school grounds

With your continued support, EDC will continue working to improve the environmental health of our communities.

Client Perspective

"In May 2004, I met with Eric Cárdenas of CCEHP/EDC and several other community leaders from the Santa Barbara area. In less than one year, CCEHP and the coalition helped produce a two-stop engagement for my traveling photography exhibit, "The Migrant Project," which invited live interaction with the community in ways that hadn't been done before. CCEHP pulled out all stops to make the seven-month series both educational and inspiring to thousands of people on many levels. I'm incredibly grateful for having had the chance to work with them."

—Rick Nahmias, "The Migrant Project"

Special Announcements

EDC is pleased to welcome **Vickie Hormuth** and **Marti Fallon** to our staff. Vickie has joined EDC as our new Program Assistant and Marti as our Development Associate. EDC would also like to welcome Elise Arthurs, Michael Hanrahan, Steve Rice and Peter Schuyler to our Board of Directors.

We would like to thank **Renee Henry** for all of her hard work and dedication during her time with us as our Office Manager. We wish her all the best in her new endeavors.

EDC Stops Renewal Of Federal Oil Leases

EDC won two important decisions in August in our fight to protect our coast from new offshore oil development. We currently represent the Sierra Club, Get Oil Out!, Santa Barbara Channelkeeper, Citizens Planning Association, Surfrider Foundation, The Otter Project, Defenders of Wildlife, and Environment California in the effort to prevent development of 37 federal leases located off our coast. In 2002, we won a court judgment that directed the U.S. Minerals Management Service (MMS) to (a) conduct full environmental review before renewing these leases, and (b) allow the California Coastal Commission to review the leases for consistency with our state's coastal policies.

In anticipation of the Coastal Commission hearing, EDC submitted extensive evidence demonstrating that development of these leases would violate the California Coastal Act. On August 11, the Coastal Commission formally objected to the renewal of the leases due to the failure of MMS to provide complete information regarding potential future effects of development activities, and because of the potential harm to our coastal environment, marine wildlife, air and water quality, tourism, recreation, and commercial fishing.

EDC and NRDC also filed a lawsuit challenging the failure of the government's to conduct full environmental review. Specifically, MMS refused to consider the impacts of future development and production of the leases. On August 12, federal district court Judge Claudia Wilken ruled from the bench in our favor, prohibiting MMS from extending the leases without first completing an analysis of all future impacts that could result from the renewal of the leases.

LNG Proponent Seeks To Avoid Clean Air Standards

EDC represents the California Coastal Protection Network in response to a proposal by BHP Billiton to construct a Liquefied Natural Gas (LNG) import terminal off the coast of Oxnard and Malibu. Earlier this year, we successfully halted the environmental review process due to the lack of adequate information on safety and environmental impacts from the proposed Cabrillo Port project. One of the issues we raised was the failure of the permitting agencies to disclose whether the project could meet the air quality standards of the affected onshore counties of Ventura and Los Angeles. Apparently, we hit on a significant issue, because the proponent subsequently convinced U.S. EPA to change its decision so that the project will be governed by the rules of the Channel Islands, which are more lax because levels of pollution are lower. The result is that a so-called "clean air" project would actually be polluting our air without being required to mitigate its impacts. EDC attorneys are reviewing this latest development to determine whether it is legal. In addition, several newspapers recently reported that many letters in support of the Cabrillo Port project were fraudulently submitted; the Malibu City Council has requested an investigation by the state Attorney General.

EDC Monitors Naples Development Proposal

On behalf of the Naples Coalition, EDC has been monitoring a proposal to build 54 large-scale homes at the entrance to the Gaviota Coast. The Coalition submitted an alternative proposal which will hopefully be analyzed in the Environmental Impact Report (EIR). The Coalition's alternative would allow a similar sized development project, but would site the homes away from the coastal bluff and out of the viewshed. EDC and the Coalition are also investigating whether it is feasible to move the home sites to an existing urban area, as preferred by the Santa Barbara County Local Coastal Plan. The draft EIR is expected this fall.

EDC Helps Marine Sanctuary Addresses Noise and Water Pollution

As the leader of the Channel Islands National Marine Sanctuary's Conservation Working Group, EDC has developed a series of recommendations to help protect Sanctuary resources from various threats. Our first recommendation was for the Sanctuary to monitor large ships that pass through and by the Sanctuary, as they cause significant levels of air, water and noise pollution. This year, the Sanctuary initiated efforts to install an Automated Information System (AIS) that will moni-



Oil platforms off the California Coast



Sea lions. PHOTO COURTESY OF GLENN ALLEN

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EDC Seeks Additional Protections for Steelhead

Steelhead are an anadromous species that migrate between the ocean and upstream spawning grounds. The Steelhead in our area are listed as endangered under the federal Endangered Species Act because their numbers have declined to the point that they are close to extinction. One



Steelhead from Carpinteria Creek, George Bliss, 1942

of the main factors contributing to the decline is the construction of man-made barriers, such as dams, that prevent Steelhead from migrating upstream to historic spawning grounds. However, this listing does not protect those fish that live above dams. EDC filed a lawsuit to extend protections to these fish. As a result, the National Marine Fisheries Service agreed to conduct a new “status review” of these fish to determine if they are indeed part of the anadromous Steelhead population and should be protected under the ESA. NMFS recently re-opened the comment period on this issue. EDC and our clients (including CalTrout and the Center for Biological Diversity) submitted comments in support of expanding the listing to protect Steelhead above dams and barriers. We also submitted recommendations for including these areas within the designation of “critical habitat” for the Steelhead, thereby providing protection for areas that support Steelhead and may contribute to its recovery.

EDC Wins Challenge to Protect Rare Plant

On Friday, March 25, a federal district court judge ruled that the U.S. Fish and Wildlife Service violated the Endangered Species Act (ESA) when the agency rejected a request to list the San Fernando Valley Spineflower as a threatened or endangered species. Specifically, Judge James Robertson found that the Service did not justify its explanation that although the plight of the Spineflower warranted protection under the ESA, a listing decision was “precluded” due to other higher priorities for the agency.

EDC filed the lawsuit in 2003 on behalf of the California Native Plant Society, Center for Biological Diversity, Friends of the Santa Clara River, Heal the Bay, and Save Open Space. The Spineflower is a small, white-flowered annual that was thought to be extinct, but was rediscovered in May 1999. Today, the Spineflower is known to occur only at two locations: on the Ahmanson Ranch in Ventura County, and on the Newhall Ranch in Los Angeles County. Although the Ahmanson Ranch has since been preserved, massive development plans for the Newhall Ranch will significantly jeopardize the existence of this rare species.

As a result of this ruling, the Fish and Wildlife Service must either substantiate its reasons for not listing the Spineflower or, preferably, list the species and afford it the protections under the ESA.

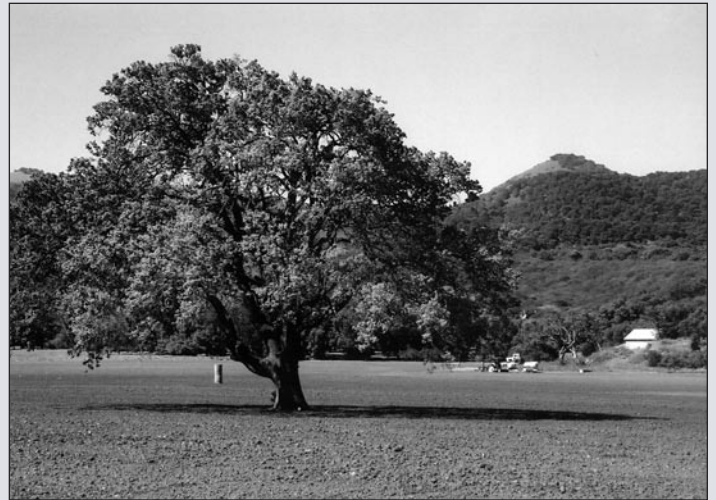
EDC Wins Victory for Local Tiger Salamander

In response to multiple lawsuits filed by the EDC, the U.S. Fish and Wildlife Service listed the Santa Barbara County population of the California Tiger Salamander as endangered in September 2000. The Salamander is a rare species that relies on ponds to breed in, as well as connected upland habitat and burrows for protection from predators and disruptive activities. Despite the fact that there has been no positive change in the plight of the Salamander, and encroaching urbanization threatens its remaining habitat, the Service inexplicably downgraded the listing of the Salamander from “endangered” to “threatened” in July 2004. As a result of the downgrade, the Service was able to also issue a rule exempting “routine ranching activities” from the normal “take” prohibitions of the Endangered Species Act. (“Take” includes actions that result in death or harm to a protected species.) Scientists that study the Salamander warn that allowing these activities could result in the extinction of the species.

EDC and the Center for Biological Diversity filed a lawsuit in October 2004, challenging the decision to reduce protections for a species that is already close to extinction. In response to our lawsuit, the Service admitted that the agency had failed to follow the criteria set forth in the ESA for considering a change to a listed species, but would not agree to retain full protection for the species pending further review. On August 19, the Judge ruled that the Service violated the ESA and reinstated the endangered listing.

Santa Barbara County Attacks Oak Protection

In 2003, the Santa Barbara County Board of Supervisors adopted an Oak Protection Program developed by EDC in cooperation with other environmentalists and agriculturalists. This effort was initiated in response to widespread clear-cutting of oak trees in the late 1990’s. Since 2003 the Program has been successful in stopping such large-scale destruction. Despite this success, the new Board majority, led by Supervisor Firestone, has decided to weaken the Program by exempting oak trees that are planted or naturally sprout after January 2005. What this means is that future generations of oaks that are needed to replace aging, diseased, and bulldozed oaks will not be protected. The Board may also eliminate all protections for Coast Live Oaks. The County will now initiate new environmental review at a cost of up to \$500,000. EDC objected to these changes and urged the Board to spend the funds on oak restoration efforts instead.



Oaks in Santa Barbara County.

EDC Appeals San Marcos Foothills Decision

On July 29, the Santa Barbara County Planning Commission approved plans to develop twenty large homes on the San Marcos Foothills, one of the most significant ecological areas in the County. On behalf of the Small Wilderness Area Preserves, EDC achieved several additional conditions that will mitigate some of the environmental impacts of the project. However, the main impact, development on the West Mesa, remains a threat to important native grasslands, wetlands, and sensitive bird habitat. EDC, SWAP and the San Marcos Foothills Coalition have filed an appeal to the Board of Supervisors. The appeal, which seeks to enforce County policies requiring preservation of natural resources by clustering development, should be heard this fall.



EDC continues to advocate for pesticide-free parks & schools. PHOTO: CAMERON BENSON



Deserted Halaco property.

A Pesticide-Free South Coast?

On July 20th, 2005, CCEHP supported the Goleta Union School District as it voted to become the first jurisdiction in the region to adopt a “no pesticide” Integrated Pest Management (IPM) Policy. In taking this position, GUSD went a step further than most of its South Coast neighbors by prohibiting the use of any and all pesticides unless in the case of an extreme emergency. Call GUSD at 681-1231 to thank them for their efforts!

CCEHP has supported the implementation of IPM policies throughout Santa Barbara County. We are proud to acknowledge the following jurisdictions that are taking steps towards a pesticide-free South Coast: City of Goleta, City of Santa Barbara, County of Santa Barbara, Goleta Union School District, Isla Vista Recreation and Park District, Santa Barbara School District.



CCEHP Santa Maria Office:

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Santa Maria, CA 93458
Tel: (805) 922-8452
Fax: (805) 922-8745

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

C C E H P

Website: www.ccehp.org

CCEHP Announcements

CCEHP would like to welcome the following individuals to our Advisory Committee: Edgar Cifuentes, Cristina Gonzales, and Diane Valenzuela. Other Advisory Committee members include: Stephanie Bressler, Greg Chittick, Cecilia Harmon, Timothy Hollingsworth, Deb Robinson and Sandra Sarrouf.

CCEHP would also like to welcome Eleuteria Olivera as a part time office assistant in our Santa Maria office. Eleuteria is a former farmworker who is assisting CCEHP with our outreach and day to day office activities. Fluent in Spanish and Mixteco, we are proud to have Eleuteria on board!

Welk Group Purchases Halaco Property; Cleanup is Next

EDC filed a lawsuit against the Halaco Engineering Company in January 2001, on behalf of EDC and the Santa Barbara Channelkeeper (then an EDC program). The lawsuit included charges that Halaco had violated the Clean Water Act, Clean Air Act and Proposition 65 by allowing offsite air and water pollution from its industrial facility at Ormond Beach in Oxnard. Just as EDC and Channelkeeper were on the brink of entering into a settlement agreement with Halaco, which would have required Halaco to install measures to protect against stormwater runoff, offsite leaching of pollutants, groundwater contamination, toxic air emissions, and odors from its property, Halaco filed bankruptcy. Last August, in response to a cease and desist order from the Ventura County Air Pollution Control District, Halaco decided to permanently shut down its operations.

On July 14 the Halaco property was sold to the Welk Group for \$2,550,000. This sum will be distributed first to cover the bankruptcy costs (estimated at \$1,500,000), leaving insufficient funds to pay for the company’s debts, our settlement agreement, and cleanup of the site. EDC will continue to work with the buyer and seller and the Regional Water Quality Control Board in an effort to ensure full cleanup and (hopefully) reimbursement of our costs in pursuing this case for 4-1/2 years.

Marine Sanctuary *continued from page 3*

tor ship traffic through the Santa Barbara Channel. Our next focus was on noise pollution. In response to our recommendations, the Sanctuary is considering a partnership with Scripps Institute of Oceanography to begin monitoring acoustic sources that can affect marine mammals and other wildlife.

We also continue to advocate for marine reserves (“no-take zones”) within the Sanctuary. In 2002, the California Fish and Game Commission approved a network of reserves in state waters around the Channel Islands. However, efforts to expand the reserves into Federal Sanctuary waters have stalled due to opposition from the Pacific Fisheries Management Council. EDC has urged NOAA to direct the PFMC to cooperate with the Sanctuary to ensure an effective system of marine reserves.

Thanks To Everyone Who Helped Make the 12th Annual Benefit Auction & 2005 Environmental Hero Awards the Most Successful Auction To Date

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Environmental Heros Marc McGinnes and Naomi Schwartz.

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Pat Milliken

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Leave a healthy environment for future generations . . .

A planned gift to EDC helps ensure the future protection of the Central Coast's open spaces, clean air & water, and quality of life. You can provide a legacy of conservation through planned giving, which enables you to support the work of the Environmental Defense Center as you plan for your financial future.

There are a variety of ways to make a lasting contribution toward a better world, while helping you accomplish your financial goals. Below are some of the various ways you can make a financial commitment today to protect our local environment for future generations:

Ways You Can Give

Direct Gift to EDC - Provide a tax deductible gift today through appreciated securities, real estate, a vehicle, or artwork;

Bequest – leave a gift through your will or revocable living trust;

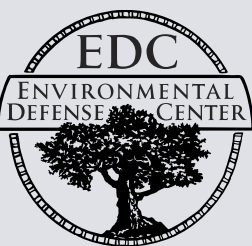
Beneficiary Designations – designate the EDC as a beneficiary in a new or existing life insurance policy, or retirement assets;

Charitable Trusts – include the EDC as a recipient of a Charitable Remainder Trust, Charitable Lead Trust, or some other planned giving instrument.

Remember, your planned gift may:

- Reduce your income tax and capital gains liability
- Provide useful gift tax and estate tax reductions
- Provide an income stream for yourself and others

We welcome the opportunity to show you the potential benefits of making a gift to support our work. Personal discussions, visits, or written presentations incur no obligation on your part and, of course, all information discussed is confidential. Remembering EDC in your will or trust is simple, and can make a world of difference for the future of our local environment. Call Cameron Benson today at (805) 963-1622.



906 Garden Street, Santa Barbara, CA 93101

ADDRESS SERVICE REQUESTED

Don't Miss the Last TGIF of 2005!

Join us in our courtyard at 906 Garden Street in Santa Barbara from 5:30–7:30 pm on October 7th for our final TGIF of the season! Say farewell to summer at this year's Fall Feast featuring dinner, drinks, live music and good company. \$15.

A Big Thank You To All Those Who Contributed to This Season's TGIFs

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SEIU Local 620

Shoreline Preservation Fund
Sierra Club - Los Padres Chapter
Surfrider Foundation
The Santa Barbara Independent

FOOD DONORS

Bucatini Restaurant
Emilio's Ristorante
Fairview Gardens
Fresco
Lazy Acres
Melinda Wax
Our Daily Bread
Palazzio

Ralph's Sojourner State & A
Trader Joe's
Yankee Farms

MUSIC

Andrew Jackson & Barbara Coventry
Antara & Delilah
Earl & the Expanding Polka Funk Experience
Rebecca Kleinmann & Chris Judge
Tom Foshee & Tompeet

A special thank you goes out to Mark Behnke of Vin Logic for providing excellent wine and stemware for all of the TGIF events this year and for the Santa Barbara opening of the Migrant Art Project.

If you would like to volunteer or donate food, wine or raffle items please contact Vickie Hormuth at 963-1622 x100 or vhormuth@edcnet.org.

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