

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 air and water quality, preserving precious open spaces, saving species from extinction and guarding public health.



SPRING 2006 NEWSLETTER

ENVIRONMENTAL DEFENSE CENTER

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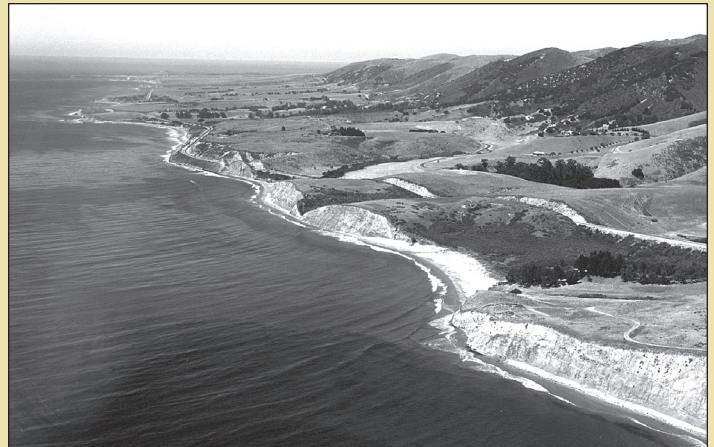
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Gaviota Coast Threatened by Multiple Development Proposals

The Gaviota Coast, once proposed for protection as a National Seashore, is now threatened with over a dozen new development projects. As noted by the National Park Service (NPS) in April 2003, the Gaviota Coast is nationally significant due to its unique natural and cultural resources, and it qualifies for protection within the National Park System. In making this determination, the NPS noted that the Gaviota Coast, a 76-mile stretch extending from Coal Oil Point at UC Santa Barbara to Point Sal, is one of the rarest ecological regions in the world, due to its unique climate and biological diversity. This incredible biodiversity results from the interaction of warm southern Pacific waters and cool northern Pacific waters, as well as the proximity to the Santa Barbara Channel and Channel Islands, which are part of a National Park and National Marine Sanctuary. 1,400 plant and animal species are found on the Gaviota Coast, including 24 federally- or state-listed endangered and threatened species, and another 60 species of rare and special concern. According to the study, the Gaviota Coast also contains some of the oldest and best-preserved Native American archeological sites in California, spanning over 10,000 years.

Despite these unique features, the NPS found that it would not be feasible to provide federal protection for Gaviota (e.g., as a National Reserve, Seashore or Preserve) due to landowner opposition and a concern that the NPS may not have the resources to take on new land preservation responsibilities. Accordingly, private lands along the Gaviota Coast remain subject to County land use plans and ordinances.

This scenario is especially troubling given that 13 subdivision and development projects, for a total of 135 new homes, are currently proposed for the Gaviota Coast. This level of development will threaten the rural nature of the coast and could undermine the viability of agricultural



Gaviota Coast.

activities for future generations.

EDC was a founding member of the Gaviota Coast Conservancy and currently represents the Naples Coalition in response to the largest development project proposed for the Gaviota Coast. The applicants hope to build 72 new mansions on the Naples property, located just west of Goleta and along the "gateway" to the Gaviota Coast. Our goal is to preserve the agricultural way of life in this region, consistent with protection for wildlife and scenic viewsheds. EDC and the Naples Coalition have proposed an alternative plan that would transfer as many development rights as is feasible from Naples to an urban area, consistent with County policies, and then locate any remaining development further inland and out of public views.

The County plans to release a draft Environmental Impact Report (EIR) and Transfer of Development Rights (TDR) Study in early 2006. For more information, please contact EDC at www.edcnet.org or the Naples Coalition at www.savenaples.org.

ABOUT EDC The Environmental Defense Center is the only nonprofit environmental law firm on California's Central Coast. EDC works with community groups to protect air and 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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Gloria Campa *Accounting Manager*
Eric Cárdenas *CCEHP Program Director*
Marti Fallon *Development Associate*
Vickie Hormuth *Program Assistant*
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Alicia Roessler *Staff Attorney*
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PHOTO BY ROBERT BERNSTEIN

From the Desk of Cameron Benson

"I went back to Ohio but my pretty countryside had been paved down the middle by a government that had no pride." – from *My City was Gone* by Chrissie Hynde and The Pretenders

Unfortunately, these song lyrics reflect what has become an all too common American experience: pristine natural areas are converted to agriculture and eventually into strip malls and subdivisions. In Santa Barbara County alone, over 1000 acres of agricultural land is lost to residential and commercial development every single year. As that happens, farmers are forced to move further up the hillsides, clearing the oak trees and other natural habitats in the process. We have to draw the line.

We live in one of the most beautiful places on the planet – with obvious natural amenities such as the mountains, the ocean, and the weather. But, perhaps less apparent to the casual observer, our region is also home to an incredibly rich and diverse array of plants and wildlife, many of which exist nowhere else in the world. This incredible biodiversity is a primary reason that our backyard includes a National Park, National Marine Sanctuary, and National Forest, as well as numerous state, regional and local parks and wildlife refuges. Indeed, a recent federal study identified the Gaviota Coast as an area of international ecological significance.

Many people who live here recognize our responsibility to care for the natural world. But government at all levels is failing to protect these valuable resources – or worse, our government appears to be actively assisting with the exploitation and destruction of our natural communities. We are currently witnessing a rapid and systematic dismantling of the environmental protections developed over the past thirty years. Our federal government is pushing hard for new oil drilling and liquefied natural gas terminals off our coast, while trying to gut the Endangered Species Act and stealing Santa Rosa Island from the public. The state of California is mandating massive amounts of new development in local communities, while exempting itself from environmental review for major construction projects. And in Santa Barbara County, the Board of Supervisors has all but declared war on our local environment.

As a result, citizen involvement and nonprofit watchdog organizations like EDC have become even more critical to protecting our quality of life. EDC is being called upon more than ever to provide the last line of defense – to do everything legally possible – against an apathetic or even hostile government. We need your help and, as always, greatly appreciate your continued support.

Special Announcements

New Faces at EDC: EDC would like to welcome **Geoff Slaff**, **David Pierce** and **Mark Behnke** to our Board of Directors and **Susan Bower** to our Advisory Board.

EDC's Staff and Board of Directors wish to express our profound appreciation for the hard work and tireless commitment of retiring Board members **Alana Walczak** and **George Thurlow**. During her long and distinguished relationship with EDC, Alana served as a member of the Staff and Board, beginning as Development Director and retiring as President of the Board of Directors. George, with his considerable non-profit experience and business savvy, hit the ground running and never looked back – most recently serving as Chair of the Board's Development Committee. We thank them for their service and will continue to cherish their friendships.

EDC, in conjunction with CCEHP, would like to offer a special thank you to those agencies and foundations that fiscally supported last summers *The Migrant Project* photojournalistic portrait: **Santa Barbara County Arts Commission**, **The Fund for Santa Barbara**, **The Santa Barbara Foundation**, **The Lawson Valentine Foundation**, **UCSB**, and **Sustainable Agriculture and Food Systems Funders**.

National Marine Fisheries Service Refuses to Protect Steelhead Above Dams

Southern Steelhead were historically abundant in our coastal rivers and streams (including the Santa Ynez River, Ventura River, and Santa Clara River). The population has dropped substantially, primarily due to dams and other manmade barriers that interfere with steelhead migration and cut off access to the most abundant and highest quality habitat.

Although Southern Steelhead located below dams have been protected under the federal Endangered Species Act since 1997, Steelhead located above dams are not federally protected. In 2000, on behalf of several organizations (CalTrout, Center for Biological Diversity, Heal the Bay, Pacific Coast Federation of Fishermen's Associations, and Friends of Santa Clara River), EDC challenged the government's failure to protect Southern Steelhead that are trapped above dams.

As a result of our lawsuit, the government agreed to conduct a "status review" of Steelhead above dams. Unfortunately, in a final decision released in December 2005, the government again failed to protect Steelhead above dams and other manmade barriers. EDC is reviewing this decision and may bring another lawsuit to protect this significant coastal fish.

Santa Barbara County Approves Development for San Marcos Foothills

The San Marcos Foothills – biologically rich and offering scenic views – is one of the largest remaining open space areas in the Santa Barbara South Coast region. On November 21, the Santa Barbara County Board of Supervisors approved a development project involving construction of fifteen large homes with private "conservation areas" and five affordable units.

On behalf of our client, Small Wilderness Area Preserves (SWAP), EDC urged the Board to approve the same number of units, but on smaller lots clustered away from the ecologically sensitive West Mesa. We did not succeed, but we did negotiate an agreement with the developer, Jeff Berman, to phase the project so that we can pursue a proposal to preserve the West Mesa and dedicate additional open space lands for public use and enjoyment.

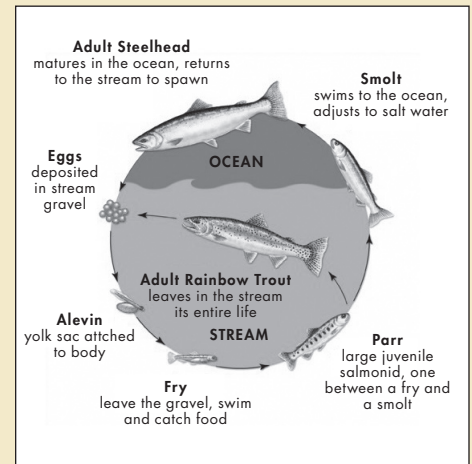
Oak Trees in Peril

In 2003, after several years of negotiation, EDC reached an historic agreement with ranchers and farmers that led to the County's first-ever comprehensive oak protection program. Thousands of mature oaks had been lost over the previous decade, resulting from conversion of open grazing lands to vineyards, row crops and development. Just two years later, new Santa Barbara County Supervisor Brooks Firestone proposed to weaken the program, and this January he proposed further modifications to the program that will reduce protections for new oak trees that naturally sprout. These important trees indicate conditions conducive to oak regeneration and are most likely to survive. With Firestone's program changes, future generations of oak trees, which are vital to ensure the continued health of our oak woodland ecosystems, may be removed without mitigation.

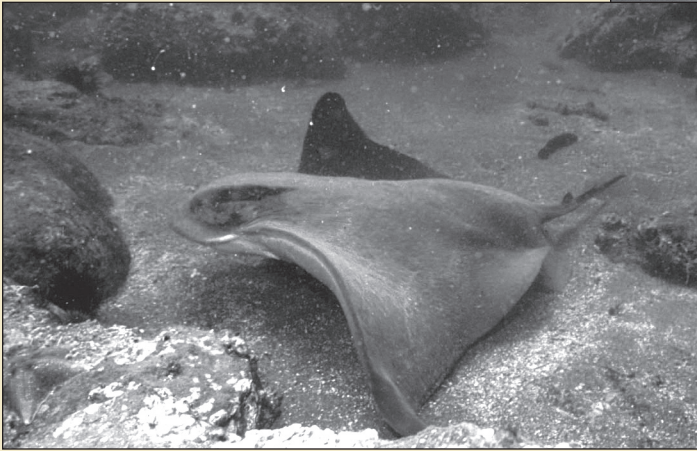


Oaks in Sedgwick Reserve. PHOTO: RICK SKILLIN

Open Space
& Wildlife



REBECCA ROBINSON



Bat Ray. PHOTO COURTESY OF CHANNEL ISLANDS MARINE SANCTUARY



Southern Sea Otter. PHOTO: KARA AKERS



Blue Shark. PHOTO: SHANE ANDERSON, COURTESY OF CHANNEL ISLANDS MARINE SANCTUARY

EDC Promotes Marine Sanctuary Protection

EDC continues to represent the conservation community on the Channel Islands National Marine Sanctuary Advisory Council. Late last year, the Advisory Council unanimously adopted a water quality report prepared by EDC that assesses the main threats to water quality in the Santa Barbara Channel, and identifies recommendations for Sanctuary action. This report was identified as the Advisory Council's greatest accomplishment for 2005!

Another EDC report, on Channel noise pollution, has resulted in the development of a partnership between the Sanctuary and Scripps Institute to monitor noise sources and levels in the Channel. This information will help assess underwater noise pollution impacts on marine mammals and other wildlife.

EDC is now preparing a report assessing the environmental impacts of ocean aquaculture.

Sea Otters May Return to Santa Barbara Channel Waters

The Southern Sea Otter was listed as a threatened species under the federal Endangered Species Act in 1977. Subsequently, the Fish and Wildlife Service (FWS), bowing to oil and commercial fishing industry interests, agreed to "translocate" a population of sea otters from northern California to San Nicolas Island, but to otherwise prevent sea otter movement to any area south of Pt. Conception.

Over half of the 140 translocated otters died or disappeared, and many attempted to swim back north. FWS stopped relocating otters to the Island because of the endangerment to the species, and a few years later, also stopped restricting migration below Pt. Conception for the same reason.

FWS recently completed an analysis of the translocation program and released a draft Environmental Impact Statement that recommends terminating the translocation program and allowing Sea Otters to naturally repopulate areas south of Pt. Conception. These recommendations are consistent with the Southern Sea Otter Recovery Plan, which concludes that Sea Otters must be allowed to naturally repopulate their historic range (all the way to Baja) to ensure the recovery of the species and adequate protection from the threat of oil spills.

EDC supported FWS's recommendations in public hearings before the FWS and the City of Santa Barbara, and in written comments to FWS.

EPA Exempts LNG Project from Air Regulations

EDC represents the California Coastal Protection Network (CCPN) in response to a proposal to build a Liquefied Natural Gas (LNG) terminal off the coast of Oxnard and Malibu. This terminal would receive LNG from overseas and convert the liquefied gas back into natural gas for transportation to shore in a sub-sea pipeline.

The draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) prepared for this project concluded that, because the Environmental Protection Agency (EPA) considered the project a “new source” under the Clean Air Act and subject to onshore Ventura County air regulations, any air impacts from the project would have to be mitigated or offset and thus would not result in any significant effects. In our comment, we requested proof that such mitigation and offsets were feasible to obtain for a project that would be the largest air polluter in Ventura County. Instead of providing that proof, EPA issued a new decision that the project will be exempt from these Clean Air Act requirements. EPA relies on an exemption for projects on Anacapa and San Nicolas Islands. However, this project is not located on the Islands, and is closer to Ventura County than the Islands. As a result of EPA’s sleight of hand, the largest polluter in Ventura County could be totally exempt from air mitigation requirements! EDC has a team of lawyers and experts working on this issue and will comment again when the revised EIS/EIR is released this spring.

In addition to air quality issues, EDC and CCPN submitted extensive other comments on the EIS/EIR and succeeded in convincing the federal and state permitting agencies to take another look at the potential impacts from this project. Our most significant concerns about the project focused on safety, air and water pollution impacts, and harm to marine mammals. We also submitted evidence that alternatives, such as energy conservation, efficiency and renewable supplies, are preferred ways to meet our state’s energy demand.

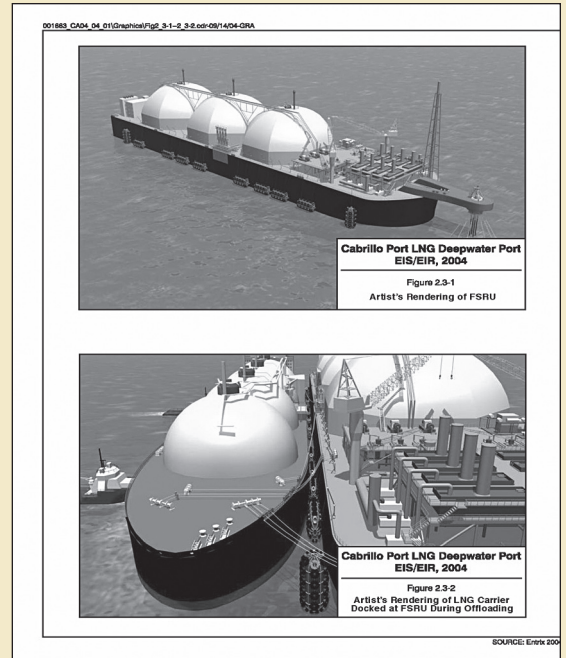
More Oil Development Threatens the Central Coast

As reported in our last newsletter, the EDC and our co-counsel NRDC won a lawsuit on behalf of ten environmental organizations, challenging the extension of 37 federal oil and gas leases located off the coasts of Ventura, Santa Barbara and San Luis Obispo Counties. The federal government has appealed that decision to the Ninth Circuit Court of Appeals.

However, our coast faces more immediate threats of development in state waters, which extend a mere three miles from shore. There are currently five projects proposed in state waters: (1) the Tranquillon Ridge project, involving slant drilling from an existing federal platform into a new State lease offshore near Pt. Arguello; (2) the Ellwood Extended Field Development project, allowing Venoco to slant drill from Platform Holly (offshore UCSB) into an expanded state lease; (3) recommissioning of Lease 421, offshore Ellwood; (4) Venoco’s Paredon project, involving construction of an onshore drill rig in Carpinteria next to City Hall, the Carpinteria Bluffs and the seal haul-out, and slant drilling into a state offshore lease; and (5) POOI’s Carone project, involving slant drilling from a federal platform into an existing lease offshore Carpinteria.

To respond to these threats, EDC leads the Environmental Coalition, a group that monitors oil and gas development projects. The Coalition also provides public education and advocacy and, when necessary, litigation to protect our coast from the threats of new oil spills, air and water pollution, and conflicts with our tourism and fishing industries.

Coastal & Ocean Protection



Proposed Cabrillo Port LNG Deepwater Port.

Human & Environmental Health

IPM Update

Two years after EDC's Central Coast Environmental Health Project (CCEHP) successfully persuaded the City of Santa Barbara to adopt a landmark Integrated Pest Management (IPM) program, revisions to the program are being sought that will increase the use of non-toxic materials while further educating the public about this important City-wide program.

In January 2004, the City adopted an IPM program to reduce the use of toxic pesticides on all City properties. In doing so, City leaders took a huge step towards protecting human and environmental health by discouraging the use of these products. In just two years, the City has greatly reduced the use of most pesticides, and has continually strived to improve the program.

In order to provide needed flexibility when using "alternative" pest control tools such as vinegar, clove oil, and corn gluten, the City has adopted a modification to the program that will create "Zones" based on intensity of public use and the risk of exposure on a given site. Because City parks are the most visible and highly frequented public area, the IPM program has focused its efforts here.

Under the new proposal, an incredible 98% of all City parks have been mapped as "Green Zones," where only "alternative" pesticides will be allowed. The remaining 2% are mapped as "Yellow," giving flexibility to use higher toxicity materials if needed, but only after all other methods have been attempted.

The zone system will include kiosks and signage at each park to indicate the zone level, materials used on each site, and appropriate contact information, providing the public with useful "right to know" information.

Lastly, in order to make individual sites sustainable over the long term, the new changes include City-wide capital improvements that will further reduce the need for pest control materials in the future.

As EDC supporters know, the IPM program continues to enjoy wide support by community members and elected officials. The changes mentioned above allow city staff and decision-makers to allocate limited funding resources into the areas of greatest need. By doing so, it is our vision that all City parks will become "Green" in the near future with other city properties following suit.

In the meantime, Santa Barbara continues to lead the way in pesticide reduction efforts, setting an example for the rest of the state and nation!

Proposed Park Zone Designations

ZONE DESIGNATION	ACREAGE (SF)	% TOTAL ACREAGE
Green	1,449.80	98%
Yellow	26.2	2%
Special Circumstance/Red	0	0%
Total	1476	100%

Ag Futures Alliance

As part of the Ag Futures Alliance (AFA), EDC continues to work with a broad coalition of farmers, health advocates, environmentalists and community members to support a viable and sustainable agricultural industry in Ventura County.

Most recently, AFA published its fourth community paper entitled "A Community of Good Stewards: Building Sustainable Agriculture in Ventura County." The paper provides recommendations that growers, consumers and policy makers can implement to support an agricultural model that is economically viable, environmentally sound, and socially equitable for all residents.

A Community of Good Stewards will provide the basis for an AFA Community Summit to be held at the Oxnard Performing Arts Center on March 30th from 8am-2pm.

For more information on AFA, visit <http://agfuturesalliance.net> or call EDC.



Pesticide application in Santa Maria. PHOTO: ERIC CÁRDENAS



CCEHP Santa Maria Office:

509 W. Morrison, Suite B
Santa Maria, CA 93458
Tel: (805) 922-8452
Fax: (805) 922-8745

Website: www.ccehp.org

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

One Simple Step to Save the Earth: Monthly Giving

Our pristine local amenities and spectacular wildlife depend on EDC for their protection. EDC depends on individual supporters like you to continue our vital work protecting them. Monthly contributions provide a reliable, predictable source of revenue for EDC so that we can focus our work, knowing that the resources we need are available. Monthly giving also enables you to make a greater impact with a more significant annual contribution broken down into manageable monthly gifts – and it saves paper! For more information of EDC's monthly giving program, contact Marti Fallon at 963-1622.

EDC Now Registered on eBay Giving Works!

Now you can sell just about anything on eBay and donate 10-100% of the total sale to EDC! It takes just a few minutes to register. Here's how it works:

If you have an item to sell:

1. Create a name and description for the item
2. Take a digital picture
3. Register on eBay (if you already have a user name and password on eBay, you can skip this part)
4. Register on MissionFish: www.missionfish.org
5. Use the Giving Assistant on MissionFish to create your listing on eBay (be sure to designate EDC and a percentage of sales to donate!)
6. When your item sells, you collect payment from the buyer and ship the item. MissionFish will collect the donation, forward your gift to EDC, and issue you a tax receipt. And you're done!

If you want to buy an item to benefit EDC:

Go to eBay Giving Works: <http://givingworks.ebay.com> and search for "Environmental Defense Center" where it says Buy Items & Support a Cause.

Remember, if you are thinking of having a garage sale, this is the perfect opportunity to get rid of unwanted things and support the Environmental Defense Center's vital programs!

2005 Holiday Reception

A Big Thank You to The Wyland Gallery and All Those Who Contributed to the Success of our 2005 Holiday Reception!

HOST

The Wyland Gallery

Special Guest Speaker

Congresswoman Lois Capps

MUSIC

Andrew Jackson

FOOD DONORS

Aldo's Italian Ristorante

C'est Cheese

Fresco! Café

Pascucci

Savoy Truffles

WINE DONORS

Buttonwood Farm Winery & Vineyard

Carina Cellars

Flying Goat Cellars

Fiddlehead Cellars

Sunstone Vineyards

Oak Group Art Exhibit to Benefit EDC A Success!

EDC would like to thank The OAK Group, an association of 25 landscape artists inspired by California's open spaces and agricultural lands, and their presentation of *Santa Barbara Watersheds*. This talented group of artists exhibited their work in support of land preservation for the entire month of February at the Faulkner Gallery in the Santa Barbara Public Library downtown. EDC received 45% of the proceeds from the sale of paintings. To learn more about The Oak Group, please visit their website: www.theoakgroup.org.

Looking Back on a Successful TGIF Season

The 2005 TGIF season went out with a bang on October 7th, 2005. We would like to thank everyone who contributed to our Fall Feast: Big Easy Catering Company, New Belgium Brewery, Mark Behnke of Vin Logistics, Shepherds Farms, Fairview Gardens, Antara & Delilah, Surfrider Foundation, The Ocean Conservancy, The Shoreline Preservation Fund, and Get Oil Out!

EDC Event Calendar

Earth Day "Dine Out" for EDC

On the evening of Thursday, April 20th, many of your favorite restaurants will donate a portion of their Earth Day revenues to EDC. Stay tuned to EDC's website and Action Alerts for the list of participating restaurants.

EDC's TGIF (Thank Goodness It's Friday) 2006 Season

Join us this season for the best environmental happy hour in Santa Barbara. Mark your calendar: **May 12, July 14, August 11, September 8, October 6 Fall Feast**

If you would like to volunteer, donate food or live music, or sponsor a TGIF event, please contact Vickie Hormuth at EDC at 963-1622 or vhormuth@edcnet.org.

Aldo's Ten Percent Tuesdays

During the month of August, locally owned Aldo's Italian Ristorante will donate 10% of the Tuesdays' gross to EDC. So when you eat at Aldo's on a Tuesday, you're donating a portion of your bill to EDC!

In conjunction with Ten Percent Tuesdays, Aldo's has created the Third Tuesday Lecture Series. On the third Tuesday of the month, the 6:30 PM dinner seating will be followed by a guest speaker at 7:30 PM during coffee and dessert. Stay tuned to EDC's website and Action Alerts for updates.

Aldo's Ristorante is located at 1031 State Street in Santa Barbara, (805) 963-6687.

Two-Day SCAPE Art Exhibit & Sale to Benefit EDC

Join the local artists of SCAPE (Southern California Artists Painting for the Environment) for a two-day exhibit and sale of paintings to benefit EDC! Over two hundred paintings of various media representing precious open spaces in the county will be presented and 40% of the proceeds will be donated to EDC for our work in protecting these places. The open-air festival will include live acoustical music by local musicians and several prize-winning artists who will demonstrate by painting at the exhibit.

Where: La Arcada Courtyard, 1114 State St. (between the SB Library and the SB Museum of Art)

When: Saturday May 20th & Sunday May 21st

Time: 11am-6pm

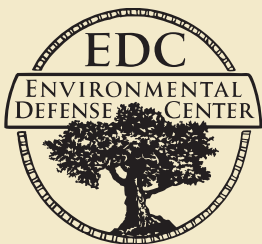
SCAPE (www.s-c-a-p-e.org) was founded in 2002 by a group of distinguished plein air painters. The group raises money to preserve open space while promoting camaraderie among Southern California landscape artists. To date, SCAPE has helped raise over \$40,000 for local conservation organizations while raising awareness of conservation issues. Santa Barbara News Press arts writer, Josef Woodard, recognized members of SCAPE as "artists who find plenty to paint about in the area's unspoiled wilds and who are intrinsically passionate about preserving nature's beauty in our midst." **Contact:** Sally Hamilton 962-1402

EDC's 13th Annual Benefit Auction & Environmental Hero Awards

Please join us in June for live music, wine, hors d'oeuvres, live and silent auctions, and our 2006 Environmental Hero award presentations on June 11th at Nu Restaurant. Tune into our website for more information on the Heroes for this spectacular event!

Plan Ahead for Auction Packages... Do you have plans to travel someplace special? Hawaii? Mexico? Take a sailing trip? Want to throw a dinner party for 12? Let us know, we may have a live auction package for you. It is a great way to get friends together to chip in, have fun, and support the EDC.

Help Plan EDC's Auction Volunteers are needed! EDC's annual Auction would not be successful without the help of our dedicated auction committee volunteers. Please contact Marti Fallon at EDC at 963-1622 or mfallon@edcnet.org if you are interested in being part of a fun and hardworking team.



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