

ENVIRONMENTAL DEFENSE CENTER

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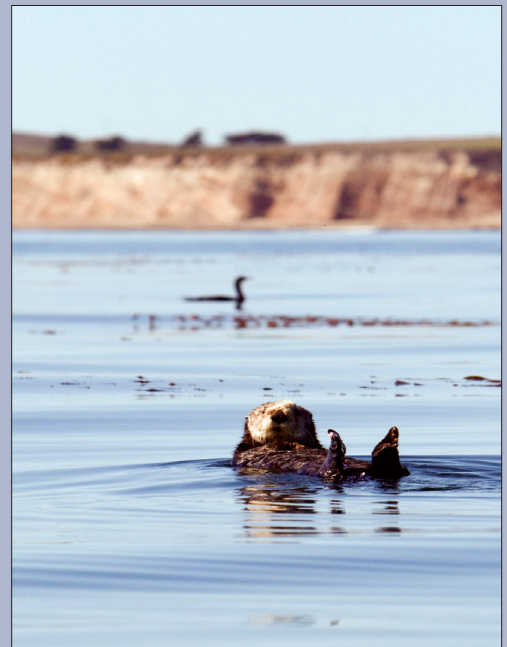
TGIF!

Victory! Under EDC Legal Settlement, "No Otter Zone" May Be No More

The Environmental Defense Center (EDC) recently settled a lawsuit brought on behalf of The Otter Project and EDC against the U.S. Fish and Wildlife Service (FWS), challenging the agency's decades-long delay in determining whether the "no otter zone"—an outdated 1987 rule prohibiting threatened southern sea otters from Point Conception to the Mexican border—has failed, and therefore must be repealed.

Intelligent and charismatic, southern sea otters historically ranged throughout the California coast but were hunted to near extinction for their luxuriant fur. Protected under the Endangered Species Act (ESA) in 1977, the sea otter population has grown but is only concentrated in a relatively small area along the central coast.

In 1982, FWS proposed to expand this range by translocating central coast otters to San Nicolas Island, in an effort to establish a second population. The shellfish industry, however, opposed the reintroduction, prompting FWS to issue a "compromise" rule in 1987 allowing the reintroduction, but prohibiting otters from all other southern California waters beyond San Nicolas Island. This no otter zone encompasses more than 23 million acres (by contrast, Yellowstone National Park is 2.2 million acres).
(Continued on page 4)



Southern CA Sea Otter relaxing on the Gaviota Coast.
Photo by Erin Feinblatt/Brooks Institute

Lawsuit Filed to Preserve Prime Farmland in North Santa Barbara County

Representing Santa Barbara County Action Network (SB CAN), in November 2010 EDC filed suit under the California Environmental Quality Act (CEQA) challenging the City of Lompoc's decision to target prime agricultural lands within the "Bailey Avenue Expansion Area" for annexation and large-scale urban development as part of its 2030 General Plan Update. At risk is a 270-acre parcel, currently farmed for lucrative row food crops, which would be developed with 2,700 homes and more than 225,000 square feet of commercial space.

Opposed by farming interests, environmental groups, and local residents for more than a decade, the proposed Bailey Avenue development would continue the unfortunate trend of urbanizing California's farmland, some of the most productive agricultural land in the world. While our state has led the nation in farm production since 1948, approximately 10 million acres of California farmland have been developed since the 1950s, a profound loss of agricultural resources and open space.

Additionally, the City's decision would establish a particularly damaging regional precedent, as it was made despite the unanimous recommendation of the Lompoc Planning Commission that the area be maintained as agriculture. *(Continued on page 5)*



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MISSION STATEMENT: The Environmental Defense Center protects and enhances the local environment through education, advocacy, and legal action.

FOCUS: Since 1977 we have empowered community-based organizations to advance environmental protection. Our program areas include protecting coast and ocean resources, open spaces and wildlife, and human and environmental health. We primarily work within Santa Barbara, Ventura and San Luis Obispo counties.

EDC STAFF

David Landecker *Executive Director*
Linda Krop *Chief Counsel*
Nathan Alley *Staff Attorney*
Kristi Birney *Marine Conservation Analyst*
Gloria Campa *Accounting Manager*
Karen Kraus *Staff Attorney*
Christina McGinnis *O.P.E.N. Program Director*
Nick Patton *Law Fellow*
Brian Segee *Staff Attorney*
Kelley Skumautz *Development Director*
Brian Trautwein *Environmental Analyst*
Megan Ward *Administrative Assistant*
Betsy Weber *Communications Director*

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From the Desk of David Landecker

What does EDC mean to you? The quick and easy answer is usually that EDC is an environmental law firm. We employ four full-time lawyers who represent our clients to preserve and protect the beautiful natural resources of the central coast. But that hardly tells EDC's whole story.

Our case docket today contains more than 25 active cases, many of which do not involve litigation. This is not unusual. Much of our work involves advocacy before decision-making bodies at the federal, state, and local levels. Our effectiveness at this task requires building public support, through educational efforts and through building coalitions

and collaborations, to convince officials that EDC's conservation objectives are widely held and based on a sophisticated analysis of the issue, including sound scientific evidence.

To that end, EDC employs two full-time biologists, hardly typical of a law firm, whose job is to understand the important ecology of our region and help educate our community and decision-makers. We also employ a professional planner, not only to keep abreast of local land use issues, but to reach out to others who may be affected by community planning initiatives, and to build coalitions that will support protecting open space, agricultural lands and sensitive habitat areas.

EDC assures that local groups are well informed and work effectively within our legal and political systems. Our staff leads many stakeholder groups and consensus-building coalitions to resolve conflicts that might otherwise end in lawsuits. Although we litigate important issues when necessary, many of our greatest successes have come through discussion, negotiation and collaboration.

EDC's mission is, when boiled down, to **Educate, Advocate, and (if necessary) Litigate** as means to protect and enhance our local environment. EDC's strength comes from knowledge and expertise; but more importantly it comes from the community support we have earned. Our success is totally dependent upon your support. We hope that by reading this Newsletter, you will recognize how important that is. Please become a member today.

Special Announcements



Megan Ward

Megan Ward joined EDC as our Administrative Assistant in October 2010 after graduating from UCSB with a degree in Environmental Studies.

Nick Patton came to EDC the summer of 2009 as a law clerk and has continued working with us as a law fellow over the past two years. Nick is currently working on clean water issues primarily in Ventura County and has been very helpful to have on the EDC team.



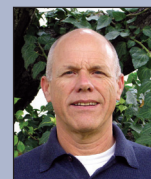
Nick Patton



Hans Cole

We are pleased to announce the newest members of our Board of Directors, Hans Cole and Russell Radom. Hans currently serves as the Environmental Grants Manager at Patagonia, Inc. Through his 12 years of work experience with various non-profits Hans has developed many skills that will benefit EDC. As our case load and outreach efforts in Ventura County continue to grow, we anticipate that Hans' familiarity with community, business leaders, and the environmental issues throughout Ventura county will be of great value.

Russell joins EDC with 20 years of marketing and business management as a former technology executive. Russ came to EDC nearly two years ago when he joined our Outreach and Marketing Committee. We greatly appreciate his dedication and look forward to utilizing his expertise to enhance EDC visibility.



Russell Radom



Carmen Ramirez

EDC thanks two former board members, Judy Pirkowitsch and Carmen Ramirez. Judy played a key role in serving for many years as our Treasurer. Carmen's familiarity with key players and environmental issues throughout Ventura County was of great assistance as we re-opened an office in Ventura just three years ago. We wish them both the best on their future endeavors.



Judy Pirkowitsch



Saving Ormond Beach

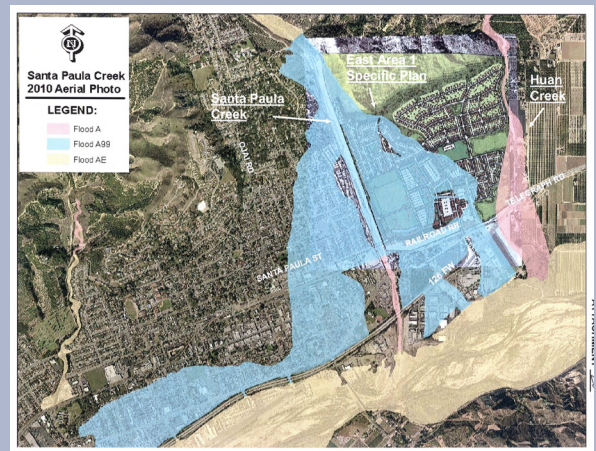
In February 2010, the Oxnard City Council deferred adopting a 2030 General Plan to make additional time to discuss land use at Ormond Beach among other issues. Feedback from hundreds of people, all expressing dismay that the Plan promotes industrial land use in Ormond Beach had significant impact on the call for delay. In February 2011, four public workshops and almost one year later, the City Council was updated on the status of the Plan. As a result of EDC's advocacy, some progress has been made since last year. Two areas previously slated for continued industrial land use (Agromin and Halaco sites) are now recommended for "resource protection." Other important areas remain at risk, however, which could undermine the State Coastal Conservancy's ongoing restoration effort. As this process continues, EDC, on behalf of our clients the Los Padres Sierra Club and the Environmental Coalition of Ventura County, will work to make sure the City supports restoration of the Ormond Beach wetlands.

Protecting Steelhead in Santa Paula Creek

On behalf of Keep Sespe Wild, EDC asked the Ventura County Local Agency Formation Commission ("LAFCo") to study the impacts of Santa Paula's East Area 1 project on flooding and steelhead in Santa Paula Creek, but on March 16, LAFCo approved annexation of the project without any such review. This project, which will annex 537 acres for development of 1,500 homes, retail, industrial and office space, as well as parks and preserved open space, was approved by the City in 2008 under the mistaken assumption that the project was not in a 100-year flood zone. In fact, almost 50% of the project area is at risk from a 100-year flood.

EDC and Keep Sespe Wild sought environmental review of flood risks, including impacts of flood control measures on endangered steelhead in the Santa Paula Creek. While we do not oppose the overall objectives of the East Area 1 project, we do support full public disclosure and analysis of the effects of flooding on people, development, and the environment - something which has never occurred for this project.

EDC and Keep Sespe Wild are considering next steps to ensure the development does not impact steelhead.

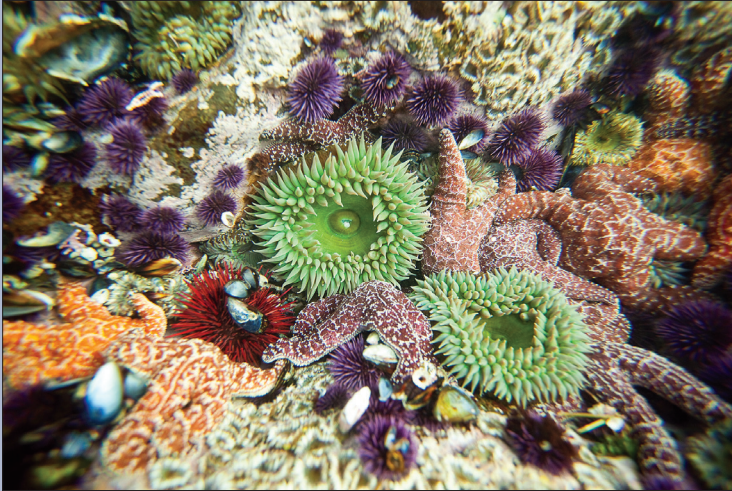


Preserving Ventura's Cañada Larga

The City of Ventura's 2005 General Plan stands out for its "Infill First" strategy, designed to avoid sacrificing farmland and natural open space areas to development. In 2010, however, a narrow majority of the City Council voted to extend the boundary of the Westside Community Plan well beyond City limits, into Cañada Larga – an undeveloped, 800-acre parcel that consisted of hillsides, meadows, wetlands and canyons. Cañada Larga is a wildlife corridor and valuable habitat for numerous birds and animals. EDC represents Ventura Citizens for Hillside Preservation to raise concerns about the significant environmental impacts that could result from development in this area. While some on the City Council would like to develop Cañada Larga for "executive housing," a record number of the community turned out in January to support preserving Cañada Larga to ask that the Westside Community Plan stick to the actual Westside of Ventura. The City Council is expected to revisit the matter in April.

Cañada Larga Valley. Photo by Carrie Vonderhaar with aerial support from LightHawk.

The Great Dissolving - EDC Receives Grant for Work on Ocean Acidification



Changes in the ocean's chemistry may make it more difficult for some marine species such as sea urchins, sea stars, and mussels to build their shells. Photo by Erin Feinblatt/ Brooks Institute

EDC continues our effort to increase public awareness about ocean acidification at the local, regional, and national level. With support from the National Marine Science Foundation's (NMSF) Ernest F. Hollings Ocean Awareness Grant, EDC will coordinate development and distribution of a Public Service Announcement (PSA) about the chemical changes taking place in the oceans as they absorb increasing atmospheric CO₂; thus, becoming more acidic. The PSA will advance understanding of how these far-reaching changes could potentially affect marine wildlife, ecosystems, and the food-web (including species we commercially harvest for food). This tool will be available through TV and the web as EDC collaborates with our partners including the NMSF, the National Marine Sanctuary System, and ocean advocates to help spread the word. Follow EDC's work on this topic at our new Ocean Acidification website: http://www.edcnet.org/learn/current_cases/CINMS_overview.html.

Venoco Pulls Ellwood Oil Application

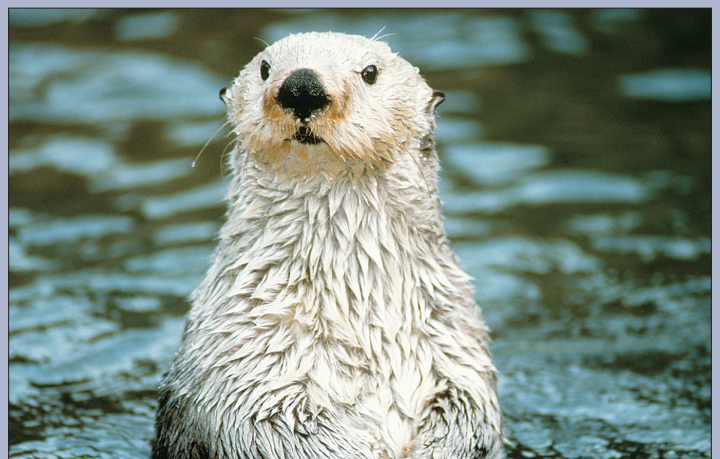
For nearly 10 years, Venoco has attempted to expand oil drilling at Platform Holly, located offshore Ellwood Mesa and the City of Goleta. Venoco's proposal posed increased risks of an oil spill adjacent to the ecologically sensitive Coal Oil Point Reserve, home to the snowy plover and other rare species.

EDC and our clients (Sierra Club, Get Oil Out!, Citizens of Goleta Valley, and Citizens Planning Association) were thrilled to learn recently that Venoco withdrew its application for the Ellwood Full Field project. In addition, in response to local and state pressure, Venoco will finally phase out its barging operations and construct an onshore pipeline to transport its oil. Pipeline transportation reduces air pollution and the risk of an offshore oil spill. The draft Environmental Impact Report (EIR) for the pipeline was released for public comment in March. You can find more information online at <http://www.countyofsb.org/energy/index.asp>.

Sea Otters *(continued from page 1)*

Fortunately, because of uncertainty surrounding the reintroduction's success, the 1987 rule created "failure criteria" that if met, required FWS to terminate the no otter zone. While FWS has issued multiple draft failure findings since the 1990s, it has not made a final decision. In fall 2009, EDC filed suit alleging that FWS had "unreasonably delayed" this decision. After unsuccessful attempts by government and industry to dismiss the suit, we were able to negotiate an important settlement.

Under the settlement, FWS must for the first time make its long-awaited failure decision by December 2012. A draft Environmental Impact Statement must be issued by September 2011, which will provide an opportunity for public comment. EDC is hopeful that this process will finally result in new policies allowing for this keystone species to naturally return to its southern California habitat.



Southern California Sea Otter. Photo by Jeff Foot

From its beginning, the reintroduction was plagued with difficulty, and after four years only 10 percent of the 140 translocated otters remained at San Nicolas. The remaining otters died, disappeared, or were removed from the no otter zone. Today, fewer than 50 otters exist at San Nicolas.

Under this draconian rule, otters which naturally swim into southern California waters (which hundreds have done in the last decade) are deemed "illegal," and are not entitled to full protection under the ESA. The FWS itself has recently concluded that maintaining the no otter zone jeopardizes species recovery.

Gaviota Coast Plan

Christina McGinnis, EDC's Open-Space Protection and Education Network (OPEN) Director, serves on the 11-member Gaviota Planning Advisory Committee (GavPAC), which was established by County Supervisor Doreen Farr to prepare recommendations to preserve the precious jewel of Santa Barbara County known as the Gaviota Coast. The GavPAC has been meeting for more than a year to discuss various planning issues and provide a comprehensive policy framework to preserve biodiversity, the agricultural heritage, scenic, and rural character of Gaviota. The GavPAC will finish its deliberations this summer, and recommendations will be incorporated into a draft Gaviota Coast Plan that the public can review in the fall. More information is available at <http://www.countyofsb.org>.



Photo by Erin Feinblatt/Brooks Institute

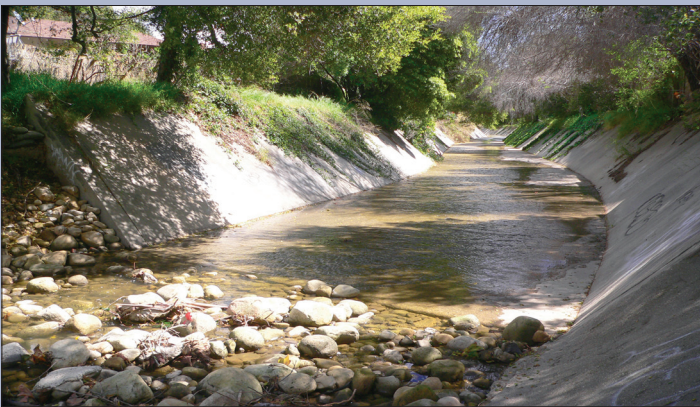
EDC will host a public educational panel and discussion on April 28 at the Santa Barbara Museum of Natural History to inform the public about the significance of the Gaviota Coast and how to get involved in this important community process.

Naples News

In December 2008, the Santa Barbara County Board of Supervisors approved the 71-unit "Naples Town Site" subdivision, which would sprawl out over the Santa Barbara and Dos Pueblos Ranches on the Gaviota Coast. According to the National Park Service, Gaviota is the largest continuous stretch of rural coastline in southern California and the healthiest remaining coastal ecosystem in the State. Gaviota is part of one of the rarest global biomes, home to approximately 1,400 species, including more than 20 federal or state-listed threatened or endangered plant and animal species. Dos Pueblos – the "Two Villages" – was the site of a significant Chumash settlement. For decades, the Naples area has also been used extensively by the public for recreational purposes, including the popular surf spot at Naples Reef.

A lawsuit filed by EDC, Surfrider and the Naples Coalition, challenging the 2008 project approvals, will finally go to trial on July 12. In April, the Board of Supervisors will conduct a hearing to examine the current ownership structure of the Santa Barbara and Dos Pueblos Ranches, as well as the owner's performance under a Development Agreement signed in 2008. Following a foreclosure sale in May 2010, and in anticipation of this summer's legal proceedings, the future of the ill-planned Naples development is (fortunately!) more uncertain than ever before.

Mission Creek Steelhead Project Receives \$1 Million Grant



A portion of the concrete barrier of Mission Creek that will be retrofitted so steelhead can once again make their annual journey to their spawning grounds.
Photo by David Pritchett

On March 1, the plan to return steelhead trout to downtown Santa Barbara's Mission Creek took a leap forward when the City Creeks Division received a \$1 million grant from the California Department of Fish and Game. The unprecedented project will retrofit a mile-long concrete flood control channel to enable the endangered fish to once again migrate upstream to spawning grounds in Mission Canyon.

Decades ago, southern California streams teemed with steelhead trout. Today, as a result of dams, channels and culverts, only 1% remain – about 500 fish. EDC's vision of restoring a steelhead run in Santa Barbara's largest creek will soon be realized. Construction begins this summer.

Bailey Roll-over...

On behalf of SB CAN, EDC's lawsuit alleges that the City violated CEQA by making a finding that alternative iterations of the General Plan which would preserve the Bailey Avenue farmland were "infeasible," and by failing to adequately address or mitigate greenhouse gas emissions from the proposed development.

The Bailey Avenue litigation is just one facet of EDC's agricultural preservation efforts, and is an outgrowth of its Open-Space Preservation and Education Network (OPEN) project, a proactive program established to protect rural and open space lands in Santa Barbara County through dialogue and cooperation with agricultural interests.

EDC Takes a Seat on the Integrated Pest Management Committee

EDC's Christina McGinnis was appointed to the City of Santa Barbara's Integrated Pest Management Advisory Committee (IPMAC). The purpose of the committee is to advise City staff regarding the safe use of pesticides throughout the City's parks, identifying alternatives for pesticide use, reviewing exemption requests from City Departments, and reviewing the annual pesticide report presented to the Parks and Recreation Commission and City Council.

EDC played a key role in establishing the city of Santa Barbara's IPM policy whose implementation has led to a drastic reduction in pesticide use, especially in our parks and school grounds



Defending Water Quality Against Agricultural Waste

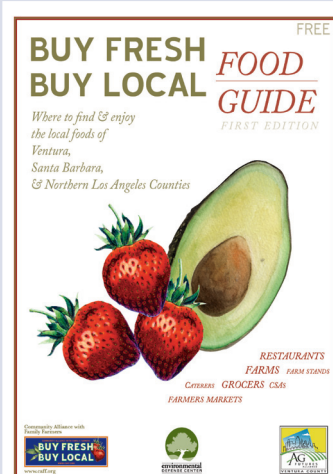
In December 2008, the Central Coast Regional Water Quality Control Board began to update policies to protect water quality from agricultural discharges (the "Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands," commonly referred to as either the "Ag Waiver" or the "Ag Order"). The Ag Order is intended to regulate discharges from irrigated lands (generally, run-off that transports pesticides, nitrates, and sediment from fields into waterways), to ensure that agriculture is not causing or contributing to exceedances of any state or federal water quality standards.

Seven years after the first Ag Order was adopted, there is no direct evidence that water quality is improving on the central coast. Drinking water supplies and aquatic habitats have suffered. Consequently, EDC and our clients at Santa Barbara Channelkeeper, San Luis Obispo Coastkeeper, and Monterey Coastkeeper have advocated for an improved, effective, efficient and enforceable Ag Order.

Specifically, Regional Board staff has presented four necessary objectives: (1) eliminate toxic discharges of agricultural pesticides; (2) reduce nutrient discharges to surface waters and groundwater; (3) minimize sediment discharges from agricultural lands; and (4) protect aquatic habitat, including riparian areas and wetlands by maintaining adequate buffer zones. A Draft Order released in February 2010 represented a welcome step forward, but a revised Draft Order released last November represented a half-step back. At a hearing on March 17, EDC and our clients pressed the Regional Board to adopt necessary revisions. The future of clean water and sustainable agriculture on our central coast depends on it.

Halaco Superfund Site Contaminates Ormond Beach Wetlands

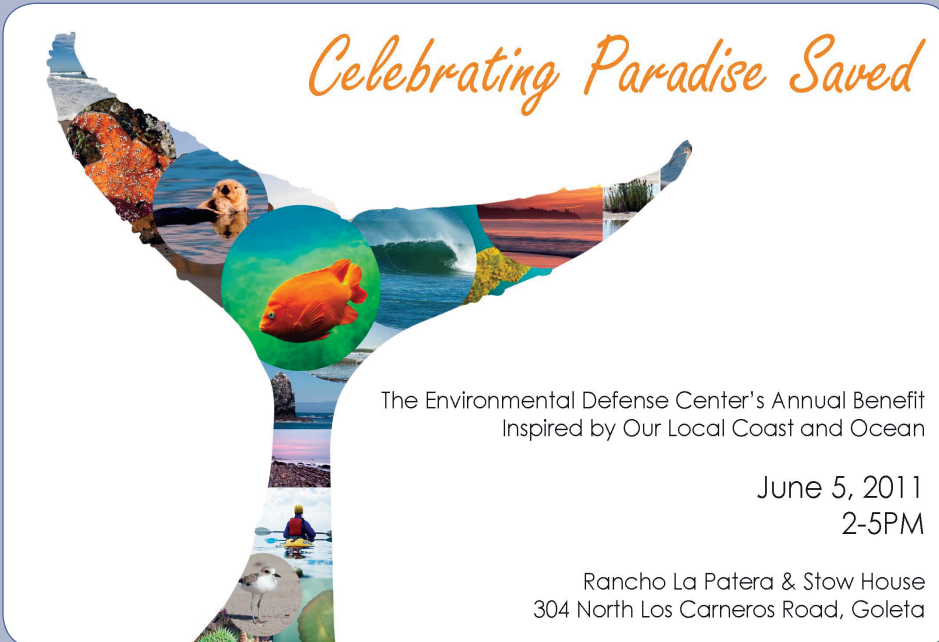
EDC continues to monitor the Halaco Superfund site – a former metals recycling plant located at Ormond Beach in Oxnard. The U.S. EPA has determined the site has contaminated an area of the Ormond Beach wetlands. EPA's testing found high levels of copper, lead, zinc and other metals closer to the Halaco waste pile, and elevated levels extending further away from the pile. The contamination of the wetlands poses great risk to the endangered least tern and snowy plover, and more studies will be done to thoroughly evaluate threats to wildlife. It may also pose a risk to people who engage in activities, like dirt bike riding, that create significant dust in the contaminated areas. This news is disappointing, but not surprising given the number of years hazardous waste was left uncontrolled at the Halaco facility. After decades of blight and contamination, this is an important step towards ridding Ormond Beach and the community of a toxic legacy.



Eat. Wisely. Buy Fresh, Buy Local

Many of you have seen the "Buy Fresh, Buy Local" food guide around town. EDC, with the help of our intern, Angela Ebner (generously provided to us from the UCSB Capps' Center Internship Program), is working to update the food guide that will include a comprehensive list of various businesses who sell or buy locally-grown food products. The new guide will also include "sustainable seafood" section to highlight restaurants and venues which feature sustainably-caught, local seafood. The 2nd edition of the guide will be available by the end of this year. In the mean time, an electronic version of the current guide can be accessed at: http://www.EnvironmentalDefenseCenter.org/learn/current_cases/pdf/bfbl_food_guide.pdf.

Get Your Fun On with EDC



Celebrating Paradise Saved

The Environmental Defense Center's Annual Benefit
Inspired by Our Local Coast and Ocean

June 5, 2011
2-5PM

Rancho La Patera & Stow House
304 North Los Carneros Road, Goleta

Celebrating Paradise Saved is EDC's annual benefit and Environmental Hero Award presentation. Please join us and help salute Jean-Michel Cousteau in recognition of his more than four decades dedicated to ocean exploration, education, conservation, and concern for our water planet. Guests will also enjoy exciting silent and live auctions, locally sourced food from SBB Gourmet Catering, wine from The Ojai Vineyard, music, and more!

WHEN: June 5, 2:00-5:00 PM

WHERE: Rancho La Patera & Stow House, Goleta CA

EDC offers various levels of event sponsorship and ticket prices, each with a unique array of benefits. Please visit www.EnvironmentalDefenseCenter.org or call 805-963-1622 for more information.

Member News

Are you a member of EDC? If so, thanks! If not, please join! A strong membership is essential to our work. It is only through broad support that EDC can continue to provide education, advocacy, and legal services to safeguard the natural resources, wildlife, and recreation areas of the Central Coast. The more people we represent as members, the stronger our voice is as problem-solvers and advisors.

We are also excited to announce EDC's Stewardship Circle -- our most engaged and generous annual donors that ensure EDC remains the most effective group in the tri-county area in protecting the region's environment and quality of life. You are invited to join this indispensable group and help advance the organization's environmental legacy by making an annual gift of \$1,000 or more.

EDC offers member benefits as a special way to thank those who invest in our work, including discounts at local retailers: Aldo's Italian Restaurant, Coffee Cat, Santa Barbara Outfitters, and Source Yoga Studio. Membership levels and benefits can be found at www.EnvironmentalDefenseCenter.org/give/ways_to_give.html.



tgif! Where Good Friends Meet!



Hundreds of community members gather for tgif! in our downtown courtyard.
Photo by Erin Feinblatt/ Brooks Institute

It's that time of year that we all love—when the evenings are warmer, the days are longer, and EDC invites the community to gather in our downtown courtyard. EDC's tgif! events started 13 years ago and continue to be one of the best happy hours in town! Mark your calendars now and spread the word. Bring your friends and family and get your weekend started with live music, tasty hors d'oeuvres, New Belgium Brews, fine wine, and good company all for just \$10. We are proud to be offering the TGIF Season Pass again this year. For \$50 your VIP Pass gives you entry to all five TGIFs (including the Fall Feast which includes a full meal and has a \$20 value) and one raffle ticket per event. For more information or to purchase a pass please contact Betsy at bweber@edcnet.org or call EDC at 963-1622.

May 13 • July 8 • August 12 • September 9 • October 14



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EDC Community & Events

Are You In Touch? Stay Informed and Take Action!

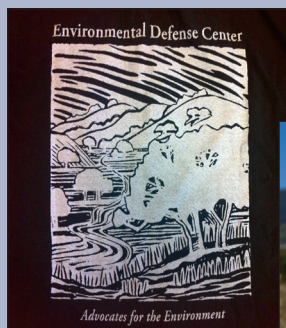
Helping make a difference in protecting our local environment starts with being an informed citizen. EDC makes it easy for you to keep up with environmental news and events in the tri-county area! Take a moment to sign up on our website to receive our electronic Messenger and Action Alerts. You can also follow EDC on Twitter at twitter.com/EDC_Action or become a fan of EDC on Facebook.



You Too Could Be Stylin'



Stop by EDC today and pick up that perfect gift for your loved one...or for yourself! Our tote bags are made of organic cotton and are sturdy enough to load up at the farmers market. Also available are men's and women's organic cotton t-shirts, kleen kanteen water bottles and unisex ball caps.



- T-shirts: \$15 • Kleen Kanteen: \$20
- Totes: \$10 • Ball Caps: \$20



Events Calendar 2011

April 9
Earth Day Festival,
Oxnard

April 16
Earth Day Festival,
Ventura &
Santa Barbara

April 17
Earth Day Festival,
Santa Barbara

May 13
TGIF

June 5
Celebrating
Paradise Saved -
EDC's Annual Event

July 8
TGIF

August 12
TGIF

September 9
TGIF

October 14
TGIF - Fall Feast