



environmental
DEFENSE CENTER

FALL 2017 NEWSLETTER

Celebrating 40 Years Of Victories

TRUMPING THE ADMINISTRATION

Pundits rightly point out that the Trump Administration has struggled to move forward any major components of its legislative agenda. Unfortunately, when it comes to the environment so much damage can be done administratively, without legislation, and the President's team has been very focused and aggressive. The Administration wasted no time in attempting to roll back life-saving regulations, defund critical agencies, and dismantle President Obama's climate legacy - including withdrawing the U.S. from the Paris Climate Accord.

The President has put the fox in charge of the henhouse, giving industry lobbyists and executives oversight over the issues and companies from which they have derived their fortunes. He has empowered fossil fuel companies and attempted to weaken the regulations that affect their industries.

Close to home, the Administration has threatened to dismantle our national marine sanctuaries, national parks, and national monuments, as well as federal marine protected areas. The Administration is also discussing a new five-year leasing plan, which could include the Santa Barbara Channel, threatening to open more federal waters to offshore drilling. EDC recently submitted letters strongly urging the Administration to preserve existing marine monuments and sanctuaries as they are, and pushing back against what would be the first federal lease sales off the coast of California since 1984. EDC also submitted comments responding to the Administration's attempt to weaken the Endangered Species Act, Marine Mammal Protection Act, and Coastal Zone Management Act. All of these laws were passed in the wake of the 1969 Santa Barbara Oil Spill (with bipartisan support) and are critical to our efforts to protect our local environment and communities.

The Trump Administration additionally attempted to dismiss our lawsuit that challenges federal approval of offshore fracking and acidizing without proper environmental review. Fortunately, EDC and our co-client, Santa Barbara Channelkeeper, recently celebrated a significant victory when a federal judge denied this attempt, allowing us to move forward to argue the merits of the case.

As we have seen over the first months of the Trump Administration, so much of the effective resistance has come from the legal community. When it comes to our environment, as EDC has always stated from the beginning: "Education is the first line of defense of mother earth, litigation is the last." EDC is proud to continue to lead our local efforts in defense of our climate and environment, representing nonprofit organizations across the south central coast.



Photo: Linda Kopp



Photo: Brian Trautwein

PUENTE POWER PLANT

EDC is opposing the Puente Power Plant Project, which if approved, would be the fourth fossil-fuel power plant to be constructed on Oxnard's beaches. This project would negatively impact our climate and our local environment - with significant greenhouse gas emissions, adverse impacts on rare coastal wetlands and sensitive habitats, coastal water quality, air quality, and allow development in a coastal area vulnerable to sea level rise. Puente is also an important environmental justice issue with those most at risk being largely the Latino, working class, Oxnard community living in the shadow of yet another dirty fossil fuel plant.

EDC'S ROLE

Since 2014, EDC has been representing the Sierra Club Los Padres Chapter, the Environmental Coalition of Ventura County, and ourselves, and working very closely with our partners at CAUSE, NextGen Climate, and the City of Oxnard to oppose the Puente Power Plant Project.

EDC is the lead environmental law firm opposing this project before the California Energy Commission (CEC). This spring, our research and expert testimony helped persuade the CEC to demand a pause in the process to adequately consider the project's impacts. We successfully argued that the impacts on natural resources were underestimated and unmitigated. As a result, in March, the CEC directed the applicant, NRG Energy, to provide additional evidence on the impacts to rare and sensitive wildlife as well as its risks posed from sea level rise.

Additionally, EDC is the lead law firm engaging the Coastal Commission and other resource agencies in this process to ensure that coastal wetlands and habitats are properly identified and protected. Finally, we supported the successful effort to obtain an independent evaluation of clean energy alternatives to the Puente Power Plant, which was conducted by the nonprofit that operates California's electric grid: California Independent System Operators (CAISO). As noted in the report, other preferred sources exist (e.g., renewable energy) to meet the needs of the community.

THE ERA OF FOSSIL FUEL POWER PLANTS IN CALIFORNIA IS OVER

As noted by CAISO and other experts, the Puente Power Plant is unnecessary. Our region's energy needs could be met with expanded renewable sources of energy and available battery storage technologies. This is consistent with what EDC has been saying all along. The project is unnecessary, dirty, and dangerous, and we will continue to fight to ensure it is stopped.



Rare legless lizard found near the proposed Puente site. Photo: Brian Trautwein

HOW YOU CAN HELP

As formal intervenors, EDC and our clients have a formal role in the CEC proceedings. EDC must continue to argue that the proposed project should not be approved because it conflicts with state and local laws and regulations. EDC and our clients will also continue to participate in the City of Oxnard's Local Coastal Plan update to ensure maximum protection of the community and its beaches. You can help by submitting your concerns to the CEC docket at <http://www.energy.ca.gov/sitingcases/puente/>.



OIL TRAINS BE GONE

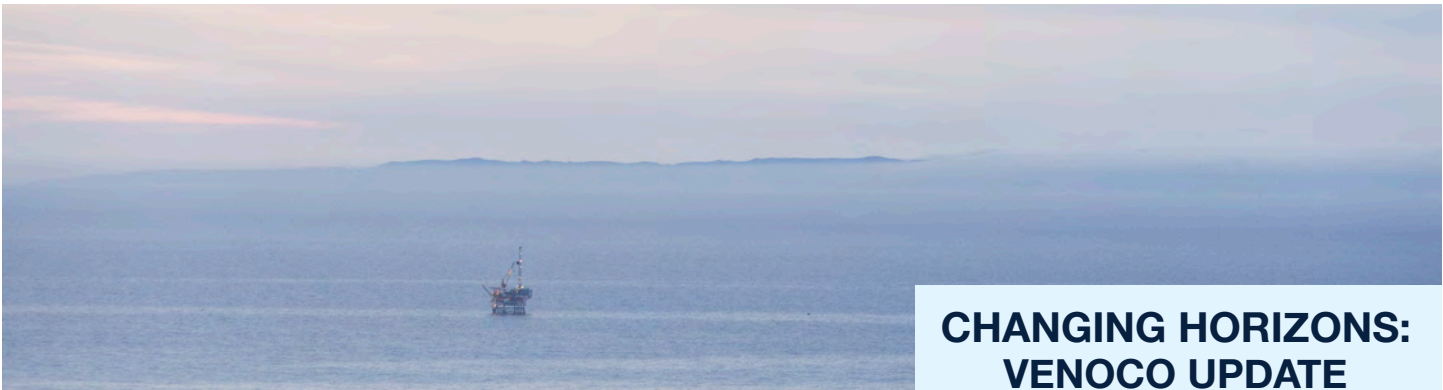
After EDC's two-year-long non-stop battle against one of the most dangerous and polluting oil projects in our entire region, Phillips 66 voluntarily dismissed its lawsuit and the risky project will not move forward. If approved, construction of the rail spur at Phillips' Nipomo refinery would have facilitated transport of multiple 80-car trains carrying crude tar sands oil through Ventura, Santa Barbara, and San Luis Obispo Counties each week, threatening our coastal environment and the millions of Californians in the blast zone stretching one mile from the tracks. On behalf of our clients at the Sierra Club, Surfrider Foundation, Stand.earth, and Center for Biological Diversity, EDC remained strong in the fight against this project, winning at the San Luis Obispo Board of Supervisors, the Planning Commission, and in court. Faced with few options, Phillips ultimately decided to dismiss its legal challenge.

Photo: Ronald L. Williams and Lighthawk



IMPROVING WATER QUALITY FROM A VENTURA LANDFILL

This summer, EDC reached a final settlement with the Ventura Regional Sanitation District for alleged violations of the Clean Water Act at the Toland Road Landfill near Santa Paula. Polluted runoff from the landfill has been flowing into the Santa Clara River watershed and then to the ocean. Under the settlement agreement, the facility will improve its storm water management practices and a large detention basin used to catch polluted water. The settlement also involves a \$75,000 donation from the District to The Nature Conservancy to help improve habitat across the Santa Clara River watershed.



Platform Holly has stood off the coast of UCSB and Ellwood Mesa for more than 50 years, but in April the community received the exciting news that as part of Venoco's bankruptcy proceedings, Holly would be coming out. The State Lands Commission has since contracted with ExxonMobil (the prior owner who remains liable for decommissioning) to plug the oil wells on the platform and the Ellwood Piers, a process that will take 2-3 years. Simultaneously, the State will begin preparing a decommissioning plan that will be subject to environmental and public review. Venoco's bankruptcy is also resulting in the decommissioning of the Ellwood Marine Terminal, which UCSB will oversee, as well as the Ellwood Onshore Facility. This processing facility, located near Haskell's Beach, Ellwood Mesa, and Sandpiper Golf Course, has been operating as a nonconforming use since 1990 when it was zoned for recreation. While it will remain in operation during the plugging and abandoning of the wells on the platform and piers, it will ultimately be decommissioned and converted to a public recreation area. EDC and our clients will continue to monitor these projects and will weigh in throughout the environmental review process.



Ellwood Marine Terminal



Ellwood Onshore Facility

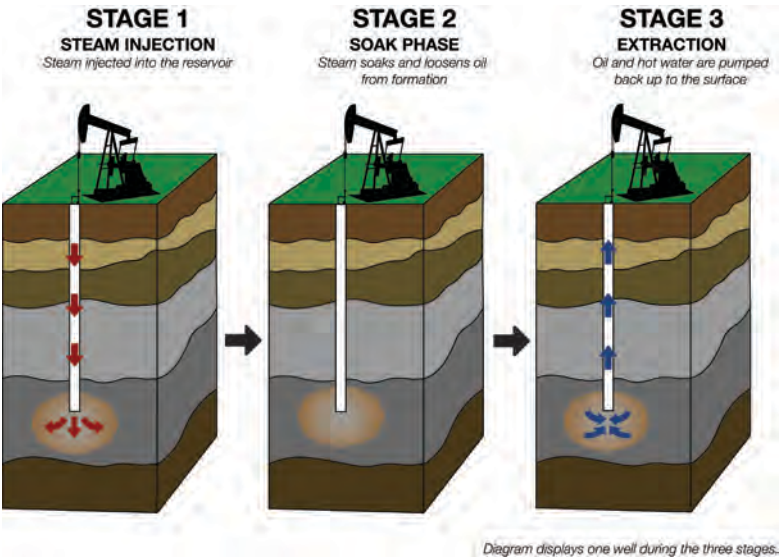
Photos: Erin Feinblatt

PLAINS PIPELINE PLANS

On May 19, 2015, the Plains All American Pipeline ruptured, spilling more than 140,000 gallons of heavy crude onto the Gaviota Coast and into the Santa Barbara Channel. The short-term results included more than 300 marine mammals and seabirds killed, 138 square miles of fisheries closed, beaches closed, and tar washing up on beaches up to 150 miles away. While EDC's work continues to ensure the coast is fully restored to pre-spill conditions, Plains has just announced its intention to rebuild the entire 120-mile pipeline. Its applications are not yet complete, and federal and state agencies as well as Santa Barbara, San Luis Obispo, and Kern Counties will all need to be involved in a process that will be very consequential for communities across the south central coast.



Photo: Bruce Reishman



MORE ONSHORE OIL PROJECTS

Oil companies are pushing for a massive increase of a controversial oil extraction method known as cyclic steam injection. This method involves superheating water and injecting the steam into the ground to loosen hard-to-access oil. The climate implications of this risky practice alone should be enough to lead Santa Barbara County to deny these projects, but they also bring potential for oil seeps and well casing failure, will require the clearcutting of up to 1,500 oak trees, and threaten our clean air and water. Two oil companies, ERG and AERA, are already moving through the application process with a third, Petro Rock, right behind them.

If these oil companies get their way, we would see more than 750 new wells in the County.

Now, at the request of oil companies, the U.S. Fish and Wildlife Service is beginning a process that, if successful, would fast-track permits allowing oil projects to harm or kill federally listed endangered species, including the red legged frog and California tiger salamander. It will come as no surprise that these endangered animals find a home exactly where these new oil projects are proposed. EDC and our client, Sierra Club Los Padres Chapter, are dedicated to stopping these risky projects and protecting our threatened wildlife.



EDC'S LEGACY SOCIETY

"I grew up on the Beaver Dam River in rural New York. I witnessed my mother's fierce environmental activism as she confronted the driver of a DDT tanker while he flushed his tanks into the river 1/2 mile upstream from our home. We moved west in 1976. Mom supported many local environmental organizations and was most generous with EDC for decades. In May, while consulting a financial advisor, I learned that despite having named EDC in my will, a large portion of my estate would go to the IRS via estate taxes! Through careful planned giving, I was able to redirect most of this towards EDC to protect future generations. Santa Barbara is my home. EDC is my family. I believe my mother would be proud that I am continuing her legacy."

—Katy Montgomery Allen

A WIN FOR AGRICULTURAL LAND

Backing up the Planning Commission's decision earlier this year, the Santa Barbara County Board of Supervisors made a final vote to protect spectacular agricultural land in the Santa Ynez Valley known as Rancho La Laguna. With agriculture as Santa Barbara County's number one industry, subdividing this 4,000-acre property of incredibly rich and scenic farmland in the San Rafael Mountains into 13 lots for upscale estates would have been precedent-setting. Its rolling hills, deep canyons, and oak forests are home to amazing biodiversity. This project would have undermined the property's agricultural integrity and nearby farms, and would have eliminated much of the natural resources that make this area so beautiful.

THANK YOU TO OUR GENEROUS SPONSORS OF THIS YEAR'S GREEN & BLUE: A COASTAL CELEBRATION

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Photos: Laurie Bailey





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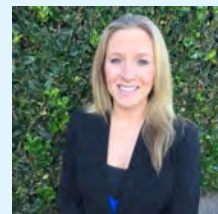
The Environmental Defense Center protects and enhances the local environment through education, advocacy, and legal action.

FOCUS

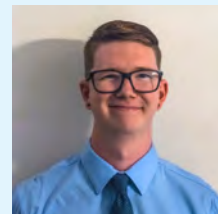
Since 1977, we have empowered community-based organizations to advance environmental protection. Our program areas include protecting coast and ocean resources, open spaces and wildlife, and human and environmental health. We primarily work within Santa Barbara, Ventura, and San Luis Obispo counties.

OUR SOLID LEGAL TEAM

After an exhaustive search, we are most excited to welcome Tara Messing as our newest staff attorney. Tara first came to EDC as a summer law clerk in 2014, while she was working on her law degree at the University of Maryland Carey School of Law. She also had the opportunity to intern at the U.S. Department of Justice, Environment and Natural Resources Division. Before landing at EDC, Tara practiced as a civil litigator in Santa Barbara, handling a variety of cases involving intellectual property, contract disputes, and employment law.



We also had the pleasure of having Peter Blair join us this summer as a law clerk. A second-year student at the University of Oregon School of Law, Peter jumped right in and helped EDC in our defeat of the Trump Administration's attempt to dismiss our lawsuit on offshore fracking, assisted in preparation for our evidentiary hearings in opposition to the Puente Power Plant, and completed legal research to support our lawsuit to end the no-otter zone.



NON-PROFIT OF THE YEAR



Earlier this summer, EDC was honored as a Nonprofit of the Year at the celebration of California Nonprofits Day held at the State Capitol in Sacramento. EDC was selected by State Senator Hannah-Beth Jackson as an exceptional nonprofit organization in her 19th Senate District community, and joined by nearly one hundred other nonprofit leaders from across the state being honored at the annual event. "For decades, the Environmental Defense Center has been fighting to protect our coast, our water and air quality. Their work has enhanced the quality of life that all of us hold so dear along our central coast. For these reasons, I am honored to recognize them as our non-profit of the year," said Senator Jackson.