



Nov./Dec. 2009
Volume 46 No. 10

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DON'T MISS

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**Our Local Ocean -
A New Regime**

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**November 10 &
December 10:**

Graywater How-To

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SANTA LUCIAN

Protecting and Preserving the Central Coast



The official newsletter of the Santa Lucia Chapter of the Sierra Club • San Luis Obispo County, California

Reserve or Feedlot?

The private destruction of public lands in the Carrizo Ecological Reserve needs to stop

*By Jeff Kuyper
Los Padres Forest Watch*

The Carrizo Plain Ecological Reserve includes more than 30,000 acres of ecologically sensitive habitat linking the Los Padres National Forest and the Carrizo Plain National Monument. The 15,355 Chimineas Ranch became part of the reserve on September 1, 2004, upon completion of an \$8 million acquisition using state bond funds authorized by the Wildlife Conservation Board.

Today, severe environmental degradation due to excessive amounts of commercial livestock grazing on the property has become all too evident.

This is in violation of the terms of the lease agreement administered by the California Department of Fish and Game and contrary to the purposes for which the Reserve was established.

Since 2006, Fish & Game has administered a lease agreement that permits the Chimineas lessee to graze livestock on 12,000 acres of the Reserve. That lease sets forth several terms and conditions designed to ensure that grazing is compatible with the protection of the Reserve.

Now severe overgrazing is evident across much of the Reserve, with fencing in disrepair, trampled wetlands and springs, cattle trespassing into areas where the lease expressly prohibits grazing, and other unsatisfactory conditions.

These observations indicate that the lessee is in violation of the terms of the 2006 lease agreement.

On October 9, Los Padres Forest Watch, the Santa Lucia Chapter of the Sierra Club, Sierra Club California/Nevada Desert Committee, Center for Biological Diversity, Western Watersheds Project, Desert Survivors and The Wilderness Society sent a letter to Fish & Game and the Wildlife Conservation Board, detailing the grazing lease violations and demanding that they remove the cattle immediately and take additional steps to protect Reserve resources.



all photos: Jeff Kuyper

When Mr. Pollan Came to Cal Poly...



By Sarah Christie

As a political geek, I am constantly fascinated to observe political patterns as they play out in their concentric national, state and local circles.

One such pattern plays out when an economic special interest becomes so confident of its power that it loses touch with reality. It seeks to leverage its power to control outcomes, but overreaching causes a boomerang effect, creating outcomes the special interest wished to avoid and which would not have been happened but for their actions. This reminds us that the universe has not only a sense of justice, but a sense of humor.

And so it was with the dust-up surrounding award-winning author Michael Pollan's free public lecture at Cal Poly on October 15. Pollan is

the celebrated champion of the family farming renaissance and all food that is local, sustainably produced and generally small scale. The announcement of his appearance ignited the ire of Harris Beef Ranch CEO David Wood.

In case you haven't driven Highway 5 between Lost Hills and Santa Nella lately, Harris Beef Ranch is that reeking, treeless wasteland of cow poop soup through which tens of thousands of condemned cattle slog as they spend their last days surrounded by razor wire, eating genetically engineered corn, waiting to die and be consumed by, among others, customers of the Harris Ranch Steak Michael Pollan's Word's of Wisdom

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photo/Karen Merriam

It's time for America to get smart about energy and be less dependent on dwindling oil reserves. We need to increase our use of clean, renewable energy sources like wind and solar power.

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Explore, enjoy and protect the planet

General Meeting

Thursday, November 12, 7p.m.

Protecting our coastal resources and creating sustainable coastal communities

Speakers from the Surfrider Foundation and SLOSEA present the latest news on efforts to protect the unique and at-risk coastal waters of the central coast—and how to navigate the tricky political waters.

Fascinating underwater high-definition video of our local coastal marine life. photography of the area.

Steynberg Gallery
 1531 Monterey Street
 San Luis Obispo

Free admission
Information: 772-1875



Terry Lilley/Sue Sloan

Are We “Protecting Agriculture?”- Part 2

Another view from Santa Barbara (Take heed, SLO Supes)

by Gail Marshall, Santa Ynez Valley News, Sept. 24, 2009

Once again, there is a threat to the long-term viability of our agricultural lands.

On October 13, the Santa Barbara County Board of Supervisors will hear a request to approve a large number of so-called “special events,” year after year, on the rural, ag zoned Crossroads property on Foxen Canyon Road.

This request, if approved, will set a terrible precedent, and it should be denied by the Board of Supervisors. The majority of these “special events” are simply “parties for profit,” such as weddings, conventions and concerts that have nothing at all to do with the agricultural use of the property.

These “special events” should not be confused with the existing right of owners of rural properties to use them occasionally for fundraisers, family weddings or large parties for friends. In contrast, requests for permission to hold large parties for profit in perpetuity are clear attempts to turn our rural lands into commercial entertainment venues. People in residentially zoned areas are not allowed to compromise zoning ordinances and change the nature of their neighborhoods by continually renting out their properties for parties. It should not be allowed on ag lands, either.

The relationship of the events to the agricultural use of the property is a critical point. There is an obvious agricultural benefit to an annual Pumpkin Festival on a pumpkin farm, or a Christmas event at a Christmas tree farm. Visitor-serving uses like vegetable stands, pick-your-own fruit, and wine tasting have clear relationships to agriculture.

Santa Barbara County land use policies and zoning ordinances have been crafted with this principle in mind. Important tests must be met prior to approval of requests for nonagricultural uses of ag-zoned properties.

AG-II zoning rules clearly state, “The intent is to preserve these lands

for long term agricultural use.” In order to ensure this preservation, land use codes require that approval of non-agricultural uses must be found to be “incidental” to the agricultural use of the property.

Otherwise, the addition of non-ag uses effectively becomes a de facto rezoning of the property to commercial zoning.

For the Crossroads property, no rational argument can be made that the requested number and type of events are “incidental” to the ag use. Economically, the events business is 10 to 20 times more lucrative than the agriculture.

This also sets a bad precedent for other ag-zoned lands. If it is acceptable in this case, then why not on all other ag-zoned properties in the Santa Ynez Valley? Why not also on the Gaviota coast or the Carpinteria foothills?

This request also drives up the value of the agricultural lands so those serious about farming simply cannot afford to buy or lease land whose prices have been driven up by the de-facto rezoning.

Another serious problem is the interference of the public events with necessary agricultural activities that produce noise, dust and pesticide drift. Does the wedding stop, or does the neighboring agriculturist have to wait?

The majority of Santa Ynez Valley residents know that our rural landscape is protected by supporting the evolution of agriculture — but converting agricultural lands to commercial entertainment venues is contrary to achieving the goal.

Until this county undertakes a comprehensive study of the nature and impacts of tourism-related activities on agriculturally zoned properties, all requests like this should be denied.

Business owner Gail Marshall is a former Santa Barbara county supervisor.

Update: On a 3-2 vote, the request for 20 commercial and 5 non-profit events per year was defeated. The Santa Barbara supervisors agreed that “temporary” commercial events on non-winery ag parcels need to be “accessory and incidental” to the primary use (ag). There was great concern about precedent because the county has several thousand ag parcels that could say “me too.”

SANTA LUCIAN

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The Executive Committee meets the third Friday of every month at 12:00 p.m. at the chapter office, located at 547-B Marsh St., San Luis Obispo. All members are welcome to attend.

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Hands across the water David Levy (left) and Karl Kempton.

Meeting Mr. Levy

by Karl Kempton

David Levy serves as the chair of Marinets, a program of Friends of the Earth that is spearheading a campaign for ocean protection in his native England which will “establish by 2015 an ecologically coherent network of highly protected Marine Reserves covering at least 30% of UK seas out to 200 nautical miles.” He also sits on the OSPAR Commission, tasked with managing international cooperation in the protection of the marine environment of the northeast Atlantic (www.ospar.org).

While attending a recent ocean protection meeting in London, David met a member of the California Ocean Conservancy that helped create marine preserves along the Central California coast, with more planned. Informed of a planning meeting in L.A., David decided to attend, paying out of his own pocket.

So in mid September, he left 50-degree England, landed in 105-degree Phoenix, rented a car, visited the Grand Canyon on his way to the Oregon coast, then drove south. At Big Sur, he headed inland and continued south until he hit the first coastal sunshine, in Shell Beach.

On the last Thursday of September, I happened to hold an informal meeting at the Shell Beach home of Carol and David Georgi on the topic of underwater nearshore Chumash sites and artifacts. Carol and David are involved in ongoing efforts to expand the boundaries of the Monterey Bay National Marine Sanctuary to include the waters off SLO County.

Four days later, Carol was walking down to the cliffs to enjoy the local beauty of the shore, nearshore and offshore seascapes. A man approached her and asked about three dead seals floating nearby. What began as a simple question opened up to a wider conversation, and he asked if she knew anything about marine sanctuary protection efforts.

She did. That’s how Carol Georgi met David Levy. By Friday, I was having lunch with Carol, her husband and Mr. Levy. Small world!

While on staff with the SLO County Planning Department in 1990, Karl Kempton was the lead author for SLO County’s 1990 Central Coast Marine Sanctuary proposal.

State Sierra Club Activists Come to SLO

By Letty French, CNRCC delegate

Sierra Club conservation activists gathered in San Luis Obispo the weekend of October 17-18 for the Club’s California-Nevada Regional Conservation Committee meeting at Rancho El Chorro.

First-day morning workshops included political races, energy-climate, and population. After lunch, we had presentations on various resolutions to be considered, and reports from the treasurer, the state office and the Desert Committee. The evening was devoted to an outstanding presentation on the Club’s Population Justice Project, which seeks to shape a new public conversation about population and the environment based on equality, justice and sustainability. Panelists included Laurie Mazur, Sierra Club national campus organizer Cassie Gardener, and Karina de la Torre Garcia from Mexico.

The Energy Committee and the Desert Committee, in conjunction with many other conservation organizations, produced the document “Renewable Siting Criteria for the California Desert Conservation Area” for renewable energy sites. Such criteria are intended to guide solar development to areas with comparatively low potential for conflict and controversy. A related topic was potential National Monument designation for the thousands of acres of Catellus lands bought with \$45 million of public conservation funds and given to federal agencies for safe-keeping. That these lands are now threatened with development is a tragic farce; Senator Feinstein’s proposal should provide the necessary protection.

San Luis Obispo’s own Mark and Elana Shefrin presented the SLO County Renewable Energy Secure Communities project (RESOCO) as a model for state action. Ken Smokoska and Sean Basalyga presented the work that the Club has been doing in SLO with Cal Poly students in the Empower Poly Coalition and encouraged all chapters to support the students’ efforts.

On Sunday, a resolution opposing PG&E’s anti-local power ballot initiative passed overwhelmingly (see “PG&E’s Plan: Trick the Voters and Make Them Cry,” October *Santa Lucian*). Another favoring Zero Emission Motor Vehicles passed after more discussion. CNRCC approved early endorsement for several candidates; the first step toward their eventual endorsement by the Club.

Another resolution passed supporting a permanent funding source for state parks through a vehicle license

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Chapter Elections Delayed

This is a notice to our members that we are postponing our Chapter Executive Committee election until February.

In order to have full and fair elections for your Executive Committee, *we must have qualified nominees.*

From the non-response to our call for nominations in last month’s newsletter, I can only guess that this means you love your present ExCom and feel they represent your interests in the community.

Thanks, but: that won’t do! Our bylaws require that we have yearly elections. We need to hear from you, indicating your interest in serving on the ExCom, or nominating someone who has said they are willing to serve. We have two positions to fill by election. In addition, we are need to fill one seat by appointment to replace Mark Shefrin, who resigned in July in order to fulfill his work on the Renewable Energy Secure Communities (RESOCO) grant program now being conducted locally.

Nominations must be made no later than January 15, 2010. Please consider serving your Chapter in this way.

Call or email Cal French with your nomination or for more information. Cal French: 239-7338, cal.french@gmail.com

Sincerely,
Karen Merriam, Chair
Executive Committee

Graywater: Here’s How

Learn the benefits, costs and requirements to install a safe and legal graywater system. Program will cover how to calculate graywater discharge, landscape and surface areas requirements, plumbing techniques and materials and discharge options. The workshop will cover the do’s and don’ts and maintenance programs and will evaluate the costs, complexity and environmental footprint of various systems. No prior knowledge required.

* 5:00-8:00 p.m. (presentations 5:30-7:30 p.m.)

* Local contractors and vendors will be present with tables of information

* Light refreshments will be served

Morro Bay:

Tuesday, November 10

Morro Bay Vets Hall

\$5 suggested contribution at the door- no one will be turned away

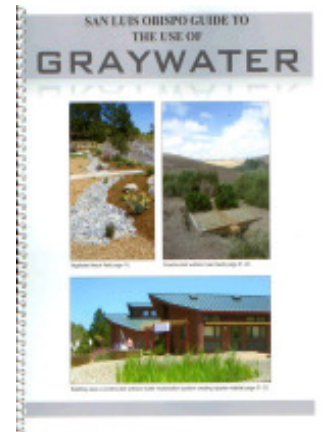
\$10 Graywater Guides will be available for only \$5 for the first 30 buyers!

Atascadero (co-sponsored by the City of Paso Robles and TCSD):

Thursday, December 10

Atascadero City Council Chambers

Free at the door



Climate: The Big Picture

We are at a historic crossroads in the fight against climate change. The Sierra Club is asking its activists to help in this critically important fight by committing to daily, weekly or monthly actions as a Sierra Club Climate Leader. Please go to: www.sierraclub.org/climateleaders and sign up.

Our first priority is an education campaign to encourage people to support the Obama Administration’s use of rules and regulations by the EPA and other agencies to address climate change. We call this campaign “the Big Picture.” Using a very successful online petition and massive phone call outreach, activists are asking Senators to urge President Obama to create rules as quickly as possible that will regulate coal ash, mercury, mining, soot, smog, and carbon pollution more effectively. Visit the Big Picture Campaign to learn more: www.sierraclub.org/bigpicture

Our other campaign, also dependent on your hard work, focuses on passing strong comprehensive climate and energy legislation in Congress. Earlier this year, the U.S. House of Representatives took the first step toward unleashing a true clean energy revolution by passing the American Clean Energy and Security Act (ACES or Waxman/Markey). Our attention is now on the Senate, where our Senators have started discussing their version of the bill and will begin voting in early fall. We urge Senators to strengthen this bill and ensure that it: creates good, clean energy jobs; makes polluters pay for the carbon pollution that causes global warming; and provides assistance for energy costs.

We need your help to get people to say to their Senators, “Support a strong clean energy and climate bill.” This will not only clean up pollution domestically, but help the United States lead the world at the international climate treaty talks in Copenhagen.

It is time to commit to create a groundswell of support for clean energy and global warming priorities. Sign up to become a Climate Leader and invite ten friends to do the same: www.sierraclub.org/climateleaders

A Will is a Way
Make a commitment to the next generation by remembering the Sierra Club in your will. Your support will help others preserve the intricate balance of nature.

Contact:
John Calaway
Director of Gift Planning at
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Explore, enjoy and protect the planet

About Your Unmet Needs

By Eric Greening

Have you heard enough lip service to non-motorized transportation and public transit? Do you want to actually push resources in that direction? We are approaching our annual opportunity to do just that: the "Annual Unmet Transit and Bikeway Needs Public Hearing."

Every jurisdiction must use 1/4 cent of its sales tax for transportation. 2% of the funds automatically go for bikeways. (Fortunately, this trickle is not the only source of funding for these; the Bicycle Transportation Account, Transportation Enhancement and Environmental Enhancement and Mitigation grants, and conditions placed to mitigate development projects provide the bulk of bikeway funding, but the "Unmet Needs" process helps with prioritizing how these larger sources will be used.) The rest, in major metropolitan areas, must go to public transit, period, but a loophole in the law allows counties with less than 500,000 people to divert this money to road work (as six of the County's eight jurisdictions in fact do), provided that the official Regional Transportation Planning Agency (in our case, the San Luis Obispo Council of Governments) can find that, before so diverting, there are no unmet transit needs "reasonable to meet." the "Unmet Needs" process gives the public the chance to make the case for transit service being needed and reasonable.

In our current economic climate, sales tax collections are down, and the TDA pie is smaller. Thus, transit agencies are threatened with *shrinking* budgets, and riders are threatened with service *cuts*. The normal criteria have been changed to allow people to argue for service *retention* as well as new service. Since dire economic times make driving less affordable and transit more needed than ever, it is to be hoped that jurisdictions would keep transit budgets whole at the expense of the funds diverted to road work, but not all jurisdictions can (SLO City and Morro Bay already use all applicable TDA for transit) or want to. Thus, this year's hearing process may resemble a fight over crumbs.

For whatever reason, this year the Unmet Needs melodrama is unfolding two months earlier than usual. The hearing is normally the first Wednesday in February, with the deadline for written or e-mailed requests a week later. This season, however, the 2010 process unfolds in 2009: the hearing is on December 2nd (Board of Supervisors Chambers, 8:30 am) and the final deadline is the 9th.

If that isn't jumping the gun, riders and advocates also need to know that possible cuts to the Regional Transit service that connects everything from Santa Maria to San Simeon to San Miguel will be on the agenda of the RTA on November 4th (also in County Government Center, 8:30 am). While the RTA staff is strongly recommending no cuts at this time, the issue of whether such cuts will be ordered will be an action item on the RTA agenda. Transit users and advocates should be present and vocal, and hold decision makers to live up to their lip service.

The December hearing and request process does make riders feel like we are on a tilted playing field. Among the findings the SLOCOG Board must make to find a request "reasonable" is "The request is projected to meet the



required farebox ratio," meaning that guesses about the future can become the basis of a finding, or refusal to find; service can be denied because decision makers don't think it will be popular, without giving the service a chance to demonstrate its popularity. Year after year, people go through the hearing process vowing never to trust the process again, but there we are again the next year. And occasionally, something useful to riders does come out of it.

For example, the current Sunday service on the RTA represents the outcome of findings from 3 years ago, and has proven very successful. Of course, now it is threatened with a possible cutoff, and said cutoff could be decided as soon as November 4th.

The community of bus users in this county numbers in the thousands. The RTA system alone gives over 2000 rides a day. Since most riders travel on round trips, this means about 1000 people a day. Thousands more use the systems in SLO, the 5 cities, Paso Robles, etc. Imagine if transit users were a geographically discrete town. Would public opinion allow the weekly quarantine of such a town from Saturday sundown to Monday sunrise? Would the residents accept it without taking to the streets?

Transit users and our supporters may eventually have to take to the streets, but our first stop is the Unmet Needs Hearing. Normally, the room is full of needy riders, and the SLOCOG Board listens politely to the requests. Then a few months later, they meet again to decide what requests are actually reasonable and will be met, and usually the room is almost empty of transit users. We won't let that happen this year, will we? (I'll keep *Santa Lucian* readers apprised of the relevant date!)

Public transit may not be as glamorous as high-tech approaches to energy efficiency and climate protection, but ultimately transit is about efficient use of the existing transportation system. Forty people on a bus take up far less road space than forty people in individual cars, each with a bubble of safe stopping distance separating it from its peers. It doesn't matter if the cars are SUV's or hybrids; if there are 40 of them traveling at highway speeds, they take up a lane mile and then some, and they add to the pressure to dig up streams and tear down mountains to provide the base for expanded roads to deal with the congestion they cause. Public transit is a paragon of frugality. At the very least, it must have first call on a funding source created specifically to support it, and we the people must do what we can to make sure this happens.

Requests can be phoned to 781-1520, faxed to 781-5703, mailed to 1114 Marsh St., SLO, CA, 93401, e-mailed to Unmet_needs@slocog.org, or spoken for at the public hearing on December 2nd. The last is the most effective, as speakers look the decision makers in the eye.

And, yes, you can get to this hearing by bus!

Pollan

continued from page 1

House right up the road. Countless children gazing out of passenger windows have become instant vegetarians upon connecting the dots between the stench, the view, and the restaurant.

Thus, CEO Wood reacted to the announcement of the Pollan lecture by threatening to renege on a \$500,000 donation to the university unless the Pollan event was retooled to suit the interests of industrial ag. He demanded that future such events be tightly screened prior to authorization and strenuously hinted that a professor sympathetic to the cause of sustainable agriculture should be dismissed.

Cal Poly caved so fast to the Beef King's demands it left a smoking crater in the ground. Pollan was busted down from solo status, to be part of a panel with a representative from Big Cow on board. It became a news story about academic freedom and industry censorship, and Wood inadvertently stepped into a national spotlight, dragging Cal Poly President Warren Baker with him.

It was also, of course, fantastic publicity for the event. When I drove

nodding when he said that schools need to teach kids to cook again, like they used to until a decade ago, if we are ever going to address the obesity epidemic. And when Pollan articulated the need to reverse the trend of dwindling family farms by putting two million new farmers back on the land across the country, we all applauded. Together.

How did this unexpected common ground emerge from a situation that had been fertilized by conflict? Well, if you think about it, San Luis Obispo's agricultural community is still pretty much a miracle of small-scale operators. We don't really have any examples of the type of ag operations that Pollan criticizes. Sadly, our national food policy is set up to favor corporate, industrial-scale monocultures as the only economic model worth pursuing. Pollan is urging consumers to instead support local farmers and ranchers directly through farmers markets and co-ops instead of shopping at grocery stores, even if it means spending a few more dollars on food. This, he argues, appropriately values the important work of farmers and ranchers, keeps families on the

Shucks, That's Nothing

When industry gets down to the business of information suppression, threatening a university with the withdrawal of promised donations is a pop-gun compared to the full arsenal of dirty tricks and p.r. blitzkriegs that have been brought to bear against critics of Big Ag.

Such as:

"Jeremy Rifkin is a well-known social critic and author who works out of Washington D.C. His most recent book, *Beyond Beef*, is an environmental critique of the cattle industry that calls for a 50 percent reduction in consumption of beef. The Cattlemen's Association has denounced the book as 'fiction,' and, in concert with the food marketing industry, has set up a 'Food Facts Coalition' to counter *Beyond Beef*.

"In the spring of 1992, Rifkin's national book tour had to be

canceled after it was repeatedly sabotaged. Melinda Mullin, the book's publicist at Dutton Books, says she received calls from fictitious newspapers and TV reporters trying to get Rifkin's itinerary. After someone managed to get ahold of it, radio and TV producers who'd scheduled Rifkin's appearances began receiving calls from a woman claiming to be Mullin canceling or misrepresenting Rifkin's plans.

"Finally, Mullin had to begin using a code name with the producers. Liz Einbinder, a San Francisco-based radio producer who had had *Beyond Beef* on her desk for several weeks, was surprised to receive angry calls and an anonymous package denouncing Rifkin within hours of placing her first call to Mullin. This led to speculation that Dutton's New York phones might be tapped."

- *War Against the Greens*, David Helvarg, Sierra Club Books, 1994

up to the Performing Arts Center almost an hour early, the line was already around the building. By the time I parked, it was clear I would never get in the door. It was only because a friend halfway back invited me to join her that I barely got in.

Once seated, I looked around and noticed all the cowboy hats in the audience. Many of these, I had to assume, were worn by farmers and ranchers who had responded to Wood's call to arms for his local cattleman comrades to show up in a demonstration of industry solidarity.

But if they were expecting a heretical flame thrower, they must have been surprised to hear the calm, poised Pollan making points that actually resonated with them. Like the fact that the current industrial food system doesn't work very well for independent producers, who frequently have to sell their meat and crops at a loss. There was no disputing the financial havoc caused by spikes in fuel costs. There were murmurs of agreement when Pollan pointed out that consolidation of the meat packing industry has raised costs for small producers. Heads were

land, and delivers environmental benefits in the form of reduced greenhouse gas emissions, lower pesticide use and improved public health. In short, Pollan's message is for people to prepare and eat real, local food, produced by their local farmers and ranchers. Not exactly a subversive message.

It's one of my favorite mantras: information is not the enemy. Three young men seated behind me had been making sarcastic comments about Pollan for the first half of the panel discussion. By the end of the event, one said grudgingly, "Well, now I guess I'll have to read his book."

The proponents of Slow Food, sustainable agriculture, organic practices and a sane national food policy owe Harris Beef Ranch a big thanksalot. Without the participation of Mr. Wood, Pollan's lecture would have been an informative, unremarkable event, fairly well attended by Pollan's fans. Instead, Pollan was able to deliver his message to a packed house and a new audience. It may not have converted anyone, but I am sure it generated a lot of thinking. I love it when that happens!

Letters

send to: sierraclub8@gmail.com, or Sierra Club, P.O. Box 15755, San Luis Obispo, CA 93406. Letters may be edited for space.

Who sues?

Readers of the *Tribune* Viewpoint by Paul J. Beard on October 18 ("Commission crossing the line") know that the Pacific Legal Foundation is trying to guarantee that Franco DeCicco will be able to build, or grossly overbuild, on the property he owns at Ocean Blvd. and Old Creek Road in Cayucos.

In 2004, the PLF devoted its power in SLO County to assaults on the Endangered Species Act. After checking up on the PLF on the Internet, I gave a 2 minute 40 second comment before the Morro Bay City Council on 22 November 2004. It is still relevant:

It would be a wonderful thing for the reputation of Morro Bay if the new City Council could dissociate itself from a reactionary anti-environmental group, the Pacific Legal Foundation. The California Chamber of Commerce founded the PLF in 1973 as a means of bringing lawsuits for the business community under the guise of "public interest" actions. This terminology turned out to be right out of George Orwell. "Public

interest" as sponsored by big business means "private interest." The PLF organization is ultra-conservative right-wing, tax-exempt non-profit—funded by big business, such as Coors. With almost limitless money, PLF lawyers have launched assaults on wetlands, equal employment, protections of consumer health and safety, rent control, labor unions, First Amendment protection of free speech, public right to beach access, equal rights for gays, and affirmative action—as well as assaults on the Endangered Species act. In 2002, the Morro Bay Council Majority hired the PLF to sue over the western snowy plover as a way of keeping dogs on the beaches. (According to the mayor: "The whole snowy plover thing—it's all about dogs.") For the PLF, it was not all about dogs, and not about money from Morro Bay. In my opinion it just wanted the cover of the name of Morro Bay.

Now, according to the *Tribune* on the PLF is filing suit in Fresno federal court to challenge habitat protections for 48 endangered or threatened

species of animals and plants in California—ranging from the peninsular bighorn sheep to the yellow larkspur to the western snowy plover (and not just in SLO County this time).

Cities earn their reputations. There's an Internet Speed Trap Exchange to let tourists know what locations to avoid in certain towns — Agoura Hills, Bodega Bay — wherever speed traps are documented. We don't want to be known to tourists as Morro Bay, that town the PLF owns; Morro Bay, the former Bird Sanctuary, where they are trying to remove the Western Snowy Plover from protected status. Do we? Can the new City Council dissociate itself from the PLF?

Hershel Parker
Morro Bay

An English view

Please excuse this Englishman for interfering in American and Californian affairs, but as the Chairman of Friends of the Earth Marine Reserves Network (Marinet) I was interested enough to comment on the destruction of the trees in Shell Beach which provided roosting sites for cormorants.

Decisions can be made with little thought to their historic importance and role that they play within the ecosystem of a marine preserve. Such appears to be the destruction of these

trees, and it is such a pity that this reflects the lack of understanding in some people towards the unique, rich and diverse marine habitat that is around Pismo and Shell Beach

I spent the best holiday of my life watching sea life in your extended community, and let me tell you it is precious and must be protected from such cavalier decisions in the future. Everything in life is interdependent on another -- some are so unique, such as the kelp beds off Shell Beach. The sea otters that live in this environment eating the sea urchins that feed on the kelp. Each needs each other, and this is called a symbiotic relationship.

Man has a custodial role to play, and those days of raping our environment should be consigned to the dustbin of history. We need to use waste to generate energy via anaerobic digestion and feed our soils with the compost which is a byproduct. Wave tidal and solar power are free to us all and leave no wastes to dispose and do not destroy our climate via carbon dioxide production. It is time to wake up and be less of a drain on the environment and more of a steward of our planet

Thank you for this opportunity to speak to you.

David Levy
Chair, Marinet FOE MRC
OSPAR FOE International
London

Under a Cloud

Off-roaders are looking to tighten their grip on Oceano Dunes, but something's in the air

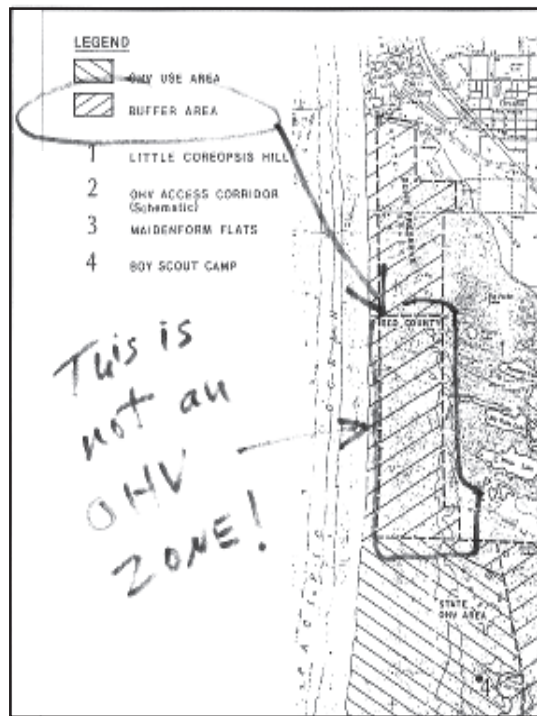
The Off-Highway Motor Vehicle Recreation Division of the California Department of Parks and Recreation is now preparing an Environmental Impact Report on the purchase of land from the County in the Oceano Dunes State Vehicular Recreation Area.

This is the latest chapter in a long saga. For years, the OHV Division has sought to consolidate its power over the money-maker for State Parks that is the Oceano Dunes State Vehicular Recreation Area and expand its sovereignty by purchasing the 584-acre portion of County land that it currently administers via an operating agreement.

A few years ago, they almost pulled it off. The sale was planned to pass quietly through the system early in 2007, but stalled when the Sierra Club filed suit over the head-on collision between State Parks' General Management Plan (which says vehicles can be driven anywhere in the SVRA) and the County's Local Coastal Program as mandated by the California Coastal Act (which says cars cannot be driven on the County-owned land and immediately surrounding acreage in the SVRA).

At the same time that we sued State Parks, the off-road lobby, as represented locally by the Friends of Oceano Dunes, sued the County for declaring that such a sale would be out of conformity with our land use policies due to the clear land use conflict it presented. (Essentially, the off-roaders have sued the County for obeying our General Plan.)

"Under a cloud" is the term realtors use to describe property that is in litigation. After the dual lawsuits were



filed, as if the double-decker cloud over the County's dunes property couldn't get any cloudier, the 2008-09 County Grand Jury took a look-see into the County Planning staff report that originally gave a thumbs-up to the sale of the County's land to the state OHV Division.

The grand jury didn't like what it found — namely, strong evidence of attempted fraud. Some person or persons in the County's employ had crafted that staff report in an apparent attempt to insert a ring in the Planning Commission's nose and lead them to a desired conclusion. The report made no mention of the map in our certified Local Coastal Program that clearly shows the County's land to be part of a buffer between the riding area and dunes preserve, and every mention of that buffer area was deleted from the cited coastal policies. This staff report was then presented to



In his letter above, Mr. Levy is referring to the removal of this eucalyptus at the end of Park Place in Shell Beach on October 17. "This was a cormorant rookery, and is noted as such on the city's planning documents," said Shell Beach resident Carol Georgi. "Pismo Beach ignores trees as habitats; soon they will all be removed, and the birds gone. After this tree was cut down, cormorants circled for hours, looking for their nests."

Become a Hike Leader

By Lynn Bomberger

Reprinted with permission from *The Ventana*, Volume 48, No. 4.

Walking is one of the most beneficial forms of exercise that we can do for our health. It's one of the least expensive outdoor recreation activities, has a low rate of injury and can be done year round! When we walk for exercise, we can lose weight, increase cardiovascular capacity, improve balance, save our joints (versus running), manage stress, prevent osteoporosis, decrease cholesterol, and on and on.

So, what more can we ask for? Well, we can add two more items to the list. One is to view, admire and learn about nature, and the other is to meet a variety of active people.

We are very lucky to have hundreds of miles of beautiful trails nearby where there are group outings on the weekends and many weekdays.

While it is great to get out and hike with a group, it is also enjoyable to lead hikes. Certainly there are some responsibilities, but there are many rewards. At this time, we are seeking additional Sierra Club hike leaders. If you are interested, please contact Joe Morris at 772-1875. Or quiz your favorite Sierra Club hike leader.

continued on page 10

Carrizo

continued from page 1

We pointed out the following terms of the lease:

Resource Protection; Lease Purposes: The primary purpose of the Department's ownership and operation of the Reserve Property is for wildlife conservation purposes. Specific resources to be conserved are grasslands, blue oak and juniper woodlands, tule elk, and at least 26 sensitive, threatened, or endangered species including burrowing owl and San Joaquin kit fox. Lessee agrees that his use of the Premises must be compatible with the protection of the biological resources of the Reserve Property. Lessee agrees that neither he nor anyone acting on his behalf or under or pursuant to his direction or control shall commit waste or damage to the biological resources, including wildlife and wildlife habitat, on the Premises.

- Grazing Lease Agreement, Paragraph 2 (October 17, 2006).

We stated that we have observed severe overgrazing on the Reserve that is completely incompatible with

the standards set forth in the lease agreement. Much of the grazed area is bare soil or nearly bare, with residual dry matter (RDM) estimated at 100 pounds per acre or less. This is well below the RDM standards in the lease agreement:

Lessee agrees to conduct managed grazing in annual grasslands and blue-oak woodlands on the Premises to benefit habitat for sensitive grassland species. The Department will determine grass height/biomass goals and communicate these with the Lessee. If no specific goals are relayed to the Lessee, Lessee shall ensure that residual dry matter (rdm) on the Premises will be maintained at a minimum of 1,000 pounds per acre.... Lessee shall promptly remove livestock from any pasture once it has reached the 1,000 pound minimum rdm level.

We believe that current RDM is significantly less than the 1,000 pounds-per-acre threshold. Livestock be removed immediately to prevent further degradation of range con-



Moonscape Hillside terracing by livestock.

agreement. The lease specifically prohibits livestock from entering the CRP area.

public agencies in improving regional water supply reliability. A portion of the funds used to acquire the Reserve

I've been to a lot of grazing allotments and I have never seen anything worse on such a large scale.

- Jeff Kuyper, Los Padres ForestWatch

the protection of biological resources, and we believe that current grazing practices are inflicting waste and damage to the biological resources of the Reserve, in violation of Paragraph 2 of the lease agreement.

We have observed conditions on the Reserve that appear to be well below

conditions and wildlife habitat pursuant to the terms and conditions of the lease agreement.

We also observed several fences in disrepair along the boundary of lands held in the Conservation Reserve Program, allowing livestock to trespass into areas where they are expressly prohibited by the lease

Evidence of livestock trespass into the CRP area is common in several areas, as well as motorized off-road vehicle use. In some areas, livestock trespass through fences is so prevalent that trailing is occurring. This is in violation of the lease agreement, which states:

Lessee shall at all times during the term of the Lease and at Lessee's sole cost, maintain in good repair and condition all fences and corrals existing on the Premises. Lessee shall take all action necessary to prevent the entry or trespassing of livestock upon land and roads outside the Premises.

We demand that livestock not be allowed to use the Reserve until all fencing is repaired in a way that will prevent future trespass into prohibited areas.

The current condition of the Reserve is particularly offensive given that the Reserve was purchased in 2004 with \$8 million in wildlife and clean water funds approved by taxpayers in 2002. The Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 (commonly known as Proposition 50) authorized the sale of bonds to protect regional water quality, protect and enhance fish and wildlife habitat, and to assist local

in 2004 also came from the Habitat Conservation Fund, which was established for the acquisition of habitat to protect rare, endangered, threatened, or fully protected species. In applying for funds, the CDFG stated in 2004 that the proposed use of the acquired lands would be for the protection and preservation of wildlife habitat. In addition, the purpose of the acquisition was "to provide landscape level linkage," "to provide protection for a unique assemblage of habitats and species," "to protect habitat for several sensitive species," "to protect habitat utilized by tule elk and prong-horn," and "to provide limited, quality recreational opportunities."

Clearly, the current use of the land is nowhere near these proposed uses and purposes. The condition of the Reserve demonstrates the urgency of completing the Reserve Management Plan. The CDFG announced the inception of the management planning process in June 2008 and solicited public comments at that time, but, to date, CDFG has not released its Initial Study pursuant to the California Environmental Quality Act.

We are concerned that the condition of the Reserve will not significantly improve until the Management Plan is in place. Therefore, we urge the CDFG to proceed expeditiously with completing the draft Management Plan and environmental document.



Wrong side of the fence The difference between grazed (left) and ungrazed vegetation (right) in Conservation Reserve Program lands.

We Stand With the People of Honduras

Earlier this year, Father Andres Tamayo marched for the restoration of democracy in Honduras. He marched with the support of thousands of Hondurans and the international community behind him. Upon his arrival in Tegucigalpa, the Honduran government stripped Father Tamayo of his citizenship.

The Sierra Club condemns the actions of the Honduran government to silence a leading defender of justice and supports Father Tamayo in his

continued defense of the voiceless of Central America. Father Tamayo won the Goldman Environmental Prize in



2005 for his work to stop clear-cutting and water contamination. He organized 3,000 followers to march 120 miles to the capital, forcing the government to stand on the side of environmental justice. He succeeded in protecting not only the fragile Central American environment, but the rights of indigenous residents of rural Honduras. In 2005, the Sierra Club was proud to host Father Tamayo for a week of sermons and talks, reaching thousands of people across

the U.S., and we are proud to support his continued struggle today.

Father Tamayo joins Honduran President Zelaya in hiding in the Brazilian embassy in Tegucigalpa, an exile of Honduran citizens in their own country imposed by an unelected regime. Please join the Sierra Club in expressing its support for Father Tamayo and all those who stand for social and environmental justice in Honduras.

Go to www.sierraclub.org/trade.

Attack of the Zombie Nukes

At the end of their licensed 40-year life-spans, California's nuclear power plants may crawl back from their graves if the Nuclear Regulatory Commission says it's okay. It's not okay.

By the Alliance for Nuclear Responsibility

Bowing to public pressure, the Nuclear Regulatory Commission (NRC) appeared in San Luis Obispo on October 20 to hear the concerns of county residents regarding the proposed changes to the Generic Environmental Impact Study (GEIS) for nuclear reactor license renewals.

The meeting was originally scheduled for Westlake Village, a suburb north of Los Angeles, and was to be the only public meeting on the issue from the Mississippi to the Columbia River. The Alliance for Nuclear Responsibility realized the inconvenient location was a deterrent to public participation and alerted county, state and federal elected officials. Pressure was soon put on the NRC to hold two meetings, in the Diablo Canyon and San Onofre areas.

At stake in the GEIS review are the standards and criteria for adding 20 more years to the life of a reactor after it turns 40. Pacific Gas & Electric has indicated that they are "studying" the prospects of renewing the licenses for the Diablo Canyon's reactors, which expire in 2024 and 2025. This is a precursor to asking for ratepayer funding for the relicensing application, which could cost customers as much as \$20 million.

At the same time, the NRC is proposing to change the ground rules for the environmental impact reports required. Relicensing issues are categorized as "generic" or "site specific." Once an issue is determined to be "generic," it is given a pass in the relicensing process, and the only way a state or group can challenge it is through the expensive litigation process. The NRC has never refused to grant a license renewal, and no state or group has ever prevailed regarding their concerns in a license renewal challenge against the NRC.

At the Best Western Hotel in Pismo

I compare our existing reactors to older automobiles that do not have airbags.... Our existing nuclear plants do not have the same range of safety features that new nuclear plant designs have, and the differences in the types and physical arrangement of the safety systems makes it impossible to upgrade the old plants to meet the same standards.

- Per Peterson, Dept of Nuclear Engineering, UC Berkeley
Diablo Canyon Independent Safety Committee
March 20, 2009



Now multiply by a billion At the the Pismo Beach NRC meeting, the Alliance for Nuclear Responsibility's David Weisman integrated arts & crafts into his testimony and turned the tables on the NRC's attempt to minimize the nuclear waste hazard.

Beach on the evening of October 20, the NRC heard from a concerned crowd of about 50 people on a litany of issues that they believe cannot be glossed over as "generic." Among these were questions about Diablo Canyon's unique seismic history and hazards—which the NRC had generi-

cally lumped into a "soils and geology" category, and resolved with a scant 152 words of examination in the 600-page GEIS document.

Santa Lucia Sierra Club Chapter Director Andrew Christie pointed out that the NRC's list of "alternative" energy sources to replace nuclear power was both inadequately researched and woefully out of date. Echoing talking points provided by the Alliance, other community residents questioned how evolving and ongoing issues such as once-through cooling, security of spent fuel storage, and mitigation for environmental damages could possibly be the same at Diablo Canyon as at reactor sites in Texas or New England.

The 800-pound gorilla in the room remained the problem of radioactive waste—not only the accumulation from the first forty years of operation, but the amount to be created by a 20-year license renewal. Many speakers reminded the NRC that all promises made to remove this high level radioactive danger from our seismic shores have been broken, and that California placed a moratorium on new nuclear power specifically because they wanted assurances of a final solution to the waste problem. Logic demands that if no new reactors can be built because of intractable waste concerns, existing ones should be prevented from

creating more of it.

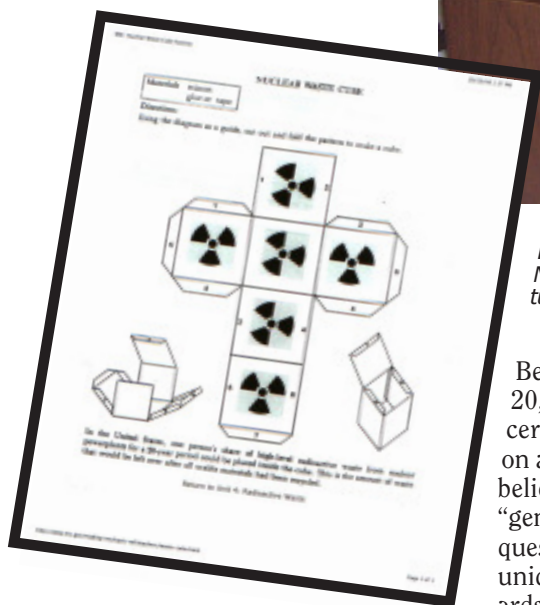
Alliance outreach coordinator David Weisman graphically demonstrated the NRC's facile dismissal of the waste conundrum with an example from the Commission's teacher education page. He took some time at the podium to cut and fold a paper cube from the student handout that makes the point that all the waste from 20 years of a nuclear reactor's operation could be placed in a one-inch square representing the amount of waste generated per person in the United States. Displaying the cube and doing the math, Weisman surmised that, with a U.S. population of 300,000,000 and the potential for up to 60 years of licensed operation, it would take nearly 1 billion such cubes to contain that waste.

Of course, size isn't the only consideration. Weisman mentioned that if genuine radioactive waste was in the paper cube, he would receive a lethal dose. (Accordingly, he had thoughtfully added the radioactive trefoil warning to each side of the cube, per NRC regulations.)

The Alliance for Nuclear Responsibility is providing input to the California Energy Commission's study of the costs, risks and benefits of continued reliance on aging nuclear reactors. Mandated by Assemblyman Blakeslee's AB 1632, this study— calling for updated seismic studies in light of the newly discovered Shoreline Fault at Diablo—demands answers to many of the same questions raised about the GEIS.

If the state regulators are not persuaded that continued reliance on nuclear power is efficient or reliable for California ratepayers, they can prohibit the utility from filing for license renewal. If that happens, concerns over the flaws in the GEIS will be a moot point, and can save ratepayers tens of millions in relicensing fees and litigation.

On October 14, the California Energy Commission (CEC) held its annual hearing on energy planning, and the nuclear section included excellent recommendations. The Alliance supports the CEC's conclusions, and has posed new questions for the draft analysis. Most importantly, the Alliance requests that all studies—including seismic—be reviewed, implemented and adopted by the CEC and the California Public Utilities Commission before any



From Canada with Tough Love

When a whole country tells SLO we have a problem with our land use policy, listen up

A report entitled *Thinking Ahead: Best Practices in Industrial Land Stewardship* was published in 2008 as part of the Canada West Foundation's Land Stewardship Initiative—a two-year research and communications endeavor focused on public policy in facilitating land stewardship in western Canada.

The report notes that "The industrial and natural resource land stewardship issues faced by western Canadians are not unique. Governments around the world are wrestling with the same issues, and employing a wide range of public policy options to address and contain the problems. Some of these have worked and some have not."



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Taking Issue

problematic environmental coverage & commentary in our local media

“Supes divide on ag events,” by Colin Rigley, *New Times*, October 8, 2009

Summary: When the County Board of Supervisors met to interpret the meaning of the ordinance that permits events on agricultural lands, it was allegedly a contest between those who like regulations and those who don't.

The Board did not set the stage for a new policy. They were asked to provide an interpretation of an existing policy and ordinance, following a dispute between the Planning Department and the Agriculture Commissioner's office. They did so largely by upholding the Planning Department's interpretation of the ordinance, which in effect preserves current practice. The ag community was not greatly in evidence at the hearing. Red-shirted central coast wedding professionals comprised most of the audience, along with Farm Bureau, wine lobbying spokespeople and the Chamber of Commerce.

In an attempt to clarify existing policy on large events hosted on agricultural land, SLO County Supervisors seem to have set the stage for a new policy that will clearly divide the board and upset an already agitated agricultural community.

The item before County Supervisors on Oct. 6 should have been easy enough: interpret the current policy, which allows events (weddings, for example) to be held on ag land, so long as such events are “temporary [sic] and incidental.” County planning commissioners voted unanimously to interpret the policy with clearly defined limits on the size and number of events allowed.

The definition of “secondary and incidental” was no longer at issue. The real issue is what constitutes a “primary ag use” of the property, and which

department will make that determination. The Planning Commission rightly concluded that the Ag Commissioner has the expertise to determine the presence or absence of a primary ag use. The supervisors sided with the Planning Department, which has recently concluded that a verbal promise to restore a defunct almond orchard sometime in the future qualifies as a “primary ag use.”

The current ordinance regulates temporary events. The permits that are being issued are for as many as 20 and more events per year in perpetuity. That is not temporary by any stretch of the imagination. That is a mis-application of the ordinance that will ultimately lead to the extinction of agriculture in this county.

But on a 3-2 vote, the board decided to firmly implement the Ag Policy and interpret it in such a way so a property owner with an event permit can only be host to a finite number. Supervisors Katcho Achadjian and Frank Mecham voted against the majority opinion, both saying they believed the county was over regulating.

Dozens of people wearing matching red t-shirts emblazoned with the message “seeing red”—to represent their disdain of being overregulated—arrived at the Oct. 6 meeting.

The people in the red shirts were organizers of unpermitted events or the owners of rural properties

where events are being held without permits. If complying with the law is being “overregulated,” is breaking the law free-market enterprise?

Many argued that agriculture can no longer be a primary source of income these days and, in fact, can only remain viable if events are allowed.

Holding non-agricultural commercial events on ag land does not make agriculture viable. It makes

commercial events viable, and agriculture becomes a backdrop at best, an inconvenient loss-leader at worst. The applications that have come forward are for properties with little or no ag activity occurring on them – essentially these permits will be competing with any one engaged in active ag who might want to hold events. How does that help farmers?

“I would like to see this more industry regulated,” Supervisor Frank Mecham said.

Supervisor Mecham seems to be suggesting that active agriculturists should be making the decisions on what constitutes primary ag and secondary and incidental. At issue were policy standards followed by the Ag Commissioner's

office, developed in collaboration with the Ag Liaison Advisory board, to determine primary ag and secondary and incidental, yet Supervisor Mecham voted against the role of the Ag Commissioner's office.

Effectively, nothing should have been changed—a new ordinance on ag events is being developed concurrently but has yet to go before county supervisors for a final vote. The supervisors, however, had starkly different perspectives.

The “new ordinance on ag events” was effectively sub-marined at a recent Planning Commission meeting by the red-shirted propo-

nents of “anything goes” events on ag land, who were also present at the Board of Supervisors meeting.

Upshot: See “Are We ‘Protecting Ag? - Pt. 2” on page 2 of this issue for an example of a neighboring county that is dealing with the same issues, the right way.

“Supes Approve Project,” by Jack Beardwood, *The Bay News*, October 15, 2009

Summary: County Supervisors approved the permit for the Los Osos sewer project, despite critics who “cling to the belief” that a pressurized effluent collection system would be environmentally and economically preferable to the gravity system approved.

The Environmental Impact Report for the 2001 project rejected a gravity system and selected STEP and an out-of-town site as the Environmentally Preferred Alternative for the project. It was overruled when the CSD insisted on a mid-town site instead, which would allow for “public amenities” – park, amphitheater, dog run, etc. — fed by a gravity system. After the Coastal Commission approved the permit, the “public amenities” were removed due to prohibitive costs, but the gravity system stayed. A Coastal Commissioner commented on the “bait and switch” appearance of this maneuver. And there is no longer any debate on relative cost; project critics, the Public Works Department and the Board of Supervisors all agree that a STEP system would cost less. The County's denial of the opportunity for submission of a bid, and the lack of a requirement for guaranteed maximum bids, has avoided the discovery of a hard dollar figure that would reveal just how much less STEP would cost.

Despite the STEP system being rejected several times over the years...some continue to cling to the belief that it would cost less to build and lead to lower treatment costs.

The preface to that survey question listed every benefit the County could think of on behalf

of a gravity system, followed by every potential drawback imaginable for a STEP system. Two supervisors pointed out this “stacked deck” approach, but then agreed to drop STEP from consideration on the basis of those survey results.

...the critics say they will further appeal to the California Coastal Commission, continuing a community battle that has been waged near-continuously since the 1970s.

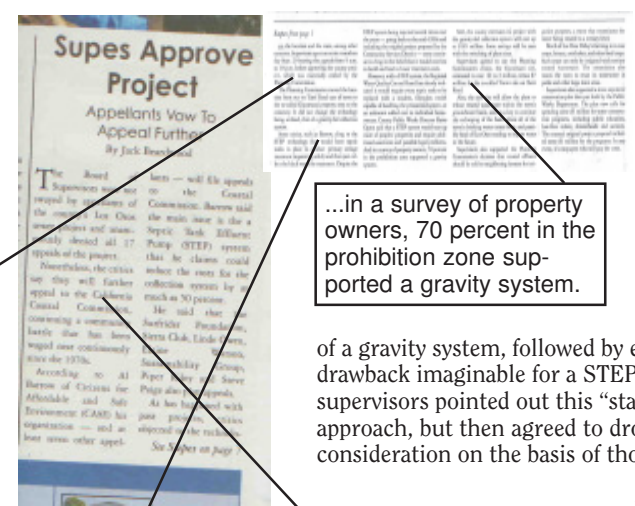
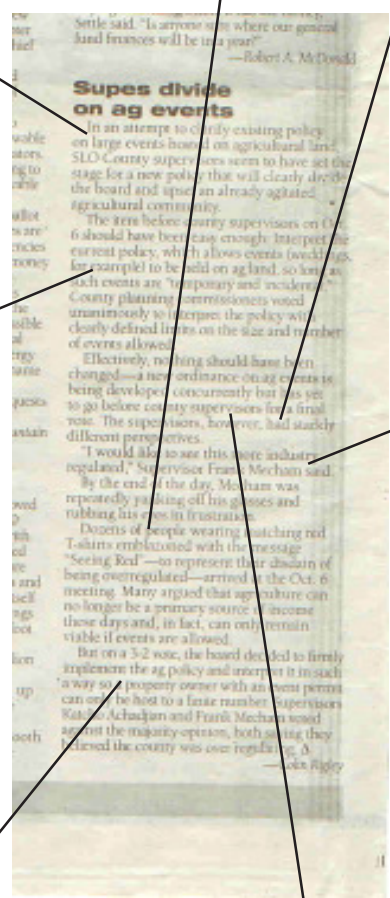
It's worth contemplating what the situation of Los Osos would be now if a sewer had been built in the 1970s, when there was far less concern or

knowledge about things like growth-inducing impacts, low-impact development, water basin management, conservation measures, etc. Its water basin would still be certified at Level of Severity III (and probably would have gotten there much sooner), an increasingly leaky gravity sewer would be sucking ever-increasing amounts of groundwater out of the basin, with secondary-only treated effluent unusable on crops to reduce pumping of the aquifer. All this would have greatly aggravated seawater intrusion, which by now would have likely destroyed the lower aquifer.

Both good things. This also means that expensive, energy-intensive, greenhouse gas-emitting efforts to remove nitrates from the effluent are unnecessary and counter-productive. The crops the water will be used on would perform that service for free, and benefit greatly from the nitrate content. (Estuary + nitrates: bad. Plants + nitrates: good).

Supervisors also supported the Planning Commission's decision that treated effluent should be sold to neighboring farmers for irrigation purposes, a move that necessitates the water being treated to a tertiary level.

Upshot: Perhaps some things are worth waiting for until they can be done right.





September 30, 2009

Charlie Hoppin, Chair and Board Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



VS.



Re: Comments on “Water Quality Control Policy on the use of Coastal and Estuarine Waters for Power Plants” Draft Substitute Environmental Document

Dear Chair Hoppin and Board Members:

Sierra Club California submits the following comments on the State Water Resources Control Board and California Environmental Protection Agency Draft *Substitute Environmental Document for the Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling* and the draft *Statewide Water Quality Control Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling*. We welcome the opportunity to comment on this important issue.

California faces a federal mandate to prevent coastal power plants from continuing to decimate sea life along the coast, but the state water board is proposing a policy that will take up to 12 years to require all remaining 19 plants to comply. This long delay would be a violation of the spirit and intent of the law. In even 10 years, many of the plants will be 50 to 60 years old, highly inefficient and unnecessary ongoing sources of significant air pollution.

The proposed timeline is unacceptable because little evidence has been provided to justify allowing the destructive and needless practice of destroying sea life to go on that much longer.

This opportunity to stop the killing before many fish species disappear and some estuaries may collapse, as one has on the East coast, stems from a 2007 landmark federal court decision, now the law of the land, which stated that coastal power plant “operations kill or injure billions of aquatic organisms every year” when swept into plants in water for cooling purposes.

In its historic ruling, the United States Court of Appeals for the Second Circuit required technology-based cooling be used by all power plants and, in effect, banned the use of water from bays, estuaries and the ocean for plant cooling. States all over the nation are required to incorporate that ban into their statutory policies governing the impacts of plant operations on the ocean, rivers and lakes.

The proposed policy allows unnecessary and unreasonable delays in complying with the court decision’s requirements, a result of the fact that it is often vague, unclear, ill-defined, contradictory, lacking in essential information and, most importantly, without dates certain by which the court decision will be complied with and OTC will end. Instead, power plant owners are presented with opportunities to exercise options made available in the policy to avoid achieving the board’s stated goal of “protecting the state’s coastal and estuarine waters.”

Perhaps the clearest example of how the proposed policy plainly anticipates ongoing use of OTC is its stated requirement for developing and implementing a mitigation program for the facility, approved by the Regional Water Board, which will compensate for the interim...impacts.”

This mitigation, or compensation, for continuing to kill marine life would be in effect until five years after the board policy is adopted. Whether OTC would actually end after five years is not clear because of the opportunities in the policy for plant owners to avoid final compliance.

The key to avoiding compliance is the “cost-benefit” analysis in the policy, which would allow plant owners to argue that the cost of ending OTC exceeds the benefit of protecting marine life. The board’s cost-benefit process contains no standards, criteria or ground rules on how cost versus benefit is to be decided by authorities.

The policy represents a significant opportunity to transform California’s dependence on pollution-emitting power plants—which the EPA has concluded imposes a severe risk to public health ranging from asthma to premature death in people with heart or lung disease—via the placement of solar panels (photovoltaic) on rooftops, mainly on parking lots and warehouses, the most practical, available and cost-effective sites. On June 17, the California Energy Commission recognized photovoltaic’s vast potential to revolutionize energy generation. The Commission’s groundbreaking ruling concluded that PV is a feasible, cost-effective alternative to conventional gas-fired power plants, which means it now will be considered in the regulatory process of selecting the most efficient, effective and environmentally safe ways to generate electricity and serve California markets.

As the Energy Commission’s June 17 ruling elevating PV to its new status as a replacement for gas-fired power plants may have come after the drafting of the Board policy on power plant cooling, the policy should be revised in light of the CEC ruling.

Additionally, the policy:

- Fails to assure that the existing coastal plants—some a half century old and the epitome of technological inefficiency—will actually stop using bay, estuary and ocean water for cooling.

- Contains no legal precedent or guidance for development of the new policy and ignores the 2004 (new plants) and 2007 (existing plants) decisions by the United States Court of Appeals for the Second Circuit, which gave rise to the board’s effort to adopt new OTC policy. This omission is misleading because it conveys the notion that the board’s pursuit of a new policy is voluntary, not a legal obligation, hence less urgency.

- Is guided by an “Energy Agencies” staff report that states, “The SWRCB’s mission is to create policy that guides OTC mitigation for existing power plants.” That is grossly misguided because the court-mandated mission is ending OTC.

- Asserts that continued operation of many, if not most, of the 19 remaining coastal power plants indefinitely is necessary to protect electricity grid reliability and ensure availability to the public. But the board’s own consultant concluded last year that “more than enough power plants are expected to be operating in 2015 to more than compensate for any or all OTC plant retirements.” (Electric Grid Reliability Impacts from Once-Through Cooling in California).

- Sets specific dates for various plants to virtually end use of OTC but then offers an escape clause if the plant owner can demonstrate that compliance is “not feasible.” No criteria, explanation or definition of “feasible” is provided.

- Orders plants that are not generating electricity or are engaged in critical system maintenance to “cease intake flows” within one year of adoption of this policy, but allows intakes to continue if the owner can demonstrate (no definition or criteria provided) it “is necessary for operations.”

- Allows plants to mitigate, or compensate, for the killing of aquatic life commencing five years after the OTC policy is adopted, even though the 2007 court decision explicitly banned habitat restoration, which is defined as mitigation.

- Is based in part on a report by the “Energy Agencies” (California Energy Commission, California Independent System Operator, California Public Utilities Commission) that focuses on means to avoid relying on existing power plants in order to end use of OTC. But the report cites as a main way to accomplish this goal is “to rely more upon remote generation.” That means building more, very costly and environmentally-damaging transmission lines, which PV on warehouse and vehicle shelters, as well as home and business, roofs would not require because they would be in local areas where power plants to be phased out are located. Therefore, this report has not taken localized PV into account as a source of energy to replace that of power plants, a major omission.

The Energy Agencies report cites the lack of air credits to upgrade or replace gas-fired plants in the Los Angeles Basin because of its poor air quality as a significant obstacle to replacing a large percentage of plants now using OTC. It fails to recognize the potential of localized PV to sharply reduce or eliminate the need for pollution-producing plants, making air credits irrelevant.

For the first time in the 35 years since the Clean Water Act was adopted by the U.S. Congress, California has an opportunity to stop the killing of billions of fish and larvae that has savaged the aquatic life of our coastal waters, which studies show has contributed significantly to the disappearance of fish and the deterioration of coastal economies. The California State Water Resources Control Board is poised to implement the policy requiring that modern technology replace the outmoded and now illegal use of ocean, river and lake water—once-through cooling—by power plants. But the long-awaited Board policy to accomplish that requirement misses the opportunity to ensure that the killing will stop as soon as possible and to begin replacing or converting the outmoded power plants with technology-based cooling methods or alternative energy sources. The newest and most promising alternative is PV, which also on a broader scale has the potential of quickly reaching the state’s widely-praised goal of converting its energy generation to 33% renewables by the year 2020.

Thank you for your consideration of our comments.

Sincerely,

Jim Metropulos
Senior Advocate

From Canada

continued from page 7

To illustrate this point -- the second point, unfortunately -- the report contains a rather interesting case study, which we herewith reprint in full, for the lessons it has to offer. File under "ourselves as others see us:"

2.1.2 San Luis Obispo

San Luis Obispo County would fulfill some people's definition of paradise. Nestled on the Pacific coast of California between L.A. and San Francisco, it is home to about 250,000 people and is the third biggest wine producing region in the state.

The rugged beauty and agricultural integrity of the area has been threatened by rural subdivision, so in 1996 the county looked towards a TDC [Transfer of Development] program as a potential solution.

The degree to which it has failed to solve their problems is illuminating.

On the surface, the program, which has conserved 5,500 acres of land, has been a moderate success. A closer look reveals a less optimistic truth.

The land conserved came from just three landowners, and more than 5,200 acres came from one transaction. No credits have been created in several years, and many existing credits remain unsold.

In retrospect, the failure of the program came about from three key mistakes:

No incentives for buyers or sellers—

Potential sellers of credits would be attracted by the potential for revenue. Revenue comes from the sale of credits, but there is little need for developers to buy credits. None of the cities in the county agreed to be receiving sites for the credits, so urban developers were not interested. In the areas around cities, planning

authorities continued to approve requests to change zoning or density, so developers had no need to incur the added expense of credit purchases. Market demand was never created, so failure was almost certain.

Including non-threatened land—The biggest property involved, at more than 5,200 acres, is the Bonnheim ranch. The inclusion of the ranch in the program is controversial. The land is located in an area of the county that is not under immediate or even mid-term development pressure. Much of the land is steep and unsuitable for development. Part of the ranch was protected under the Williamson Act, so it was not under threat of being developed for at least a decade. (The Williamson Act is another land stewardship tool that restricts development and limits land to agricultural use in exchange for tax

relief. It takes ten years for land to be removed from under the Williamson Act.) More than a thousand acres of the parcel was purchased from the Bureau of Land Management just one year earlier at a low price because it was of low quality. Perhaps the land was accepted into the program to provide early admittance, but it didn't satisfy the intentions of the program, and it created a glut of credits that still exists today.

Allowing rural development—The primary market for credits appears to be rural land holders looking to subdivide property. Maria Lorca is an anti-TDC activist in the county. She lives in an area where the minimum land parcel size is 160 acres. A neighbour bought a development credit in order to subdivide his land below that threshold. Lorca rallied other neighbours and was able to get that purchase overturned, but several other purchase attempts have been successful. Shifting development from one rural area to another would seem to do little to achieve the initial goals of the program.

Under a Cloud

continued from page 5

the Planning Commission to serve as the basis for their deliberations as though it represented a faithful transcription of those policies, rather than an artfully edited revision and reversal of them.

Somebody wanted the sale to go through in the worst way, and it almost did.

For the residents of the Nipomo

Mesa, when it comes to the Oceano Dunes, the term "under a cloud" has a much more literal meaning. Nipomo is the site of the worst particulate (sand and dust) air pollution in the county, far in excess of safe exposure levels as set by the Environmental Protection Agency. That means decreased lung function and an increase in cases of chronic bronchitis

and pulmonary disorders, hazardous conditions for children and the elderly, and a hastened death for anyone with heart or lung disease.

The Air Pollution Control District has already released one study whose results pointed upwind toward the Oceano Dunes as a major source of that hazard, and, before the end of the year, is scheduled to release the results of a second study designed to determine whether there is a direct correlation between the worst air quality days in Nipomo and the heaviest vehicle use days at Oceano Dunes.

In a preemptive strike, State Parks telegraphed its intention to dismiss the results of that study, informing the APCD that Parks disagrees with the methodology, it would not be assisting it in the study, and that any results "must be viewed as potentially flawed."

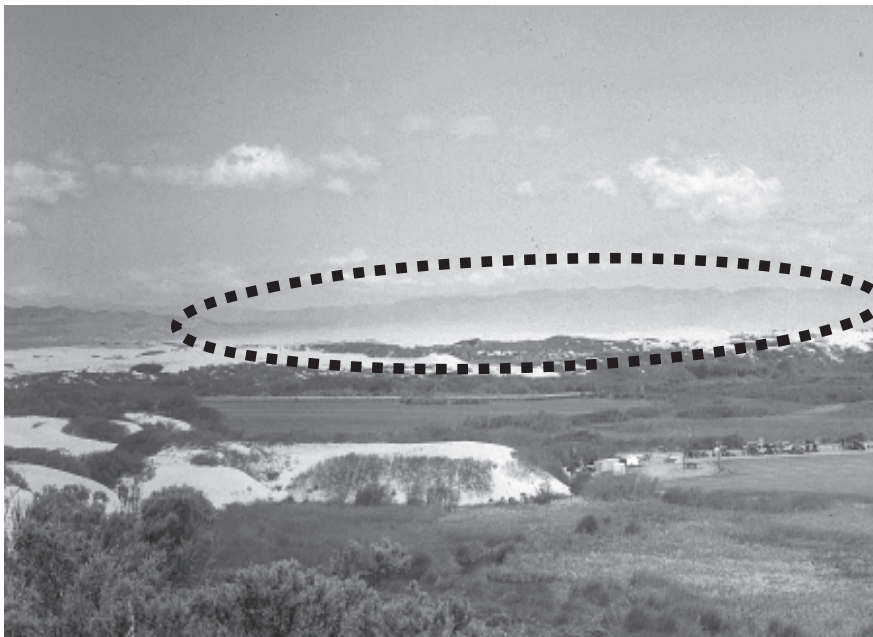
Meanwhile, the Sierra Club's lawsuit proceeds, and remains the best hope that a significant portion of the endangered species habitat that is the Pismo/Oceano Dunes complex can someday be rescued from ongoing destruction and restored to what it is supposed to be: coastal dunes habitat, one of the rarest, most fragile and biologically rich of all ecosystems on earth.

The program has stalled under the weight of public controversy and administrative reviews. Since 2001, it has been the subject of two grand jury investigations. A moratorium was proposed in 2005, but it was pushed aside in favour of a blue ribbon committee that is made up of a cross-section of interested parties. The committee meets regularly, but Lorca, who sits as a member, feels less than optimistic about the progress that is being made.

It is simplistic to say that the TDC program in San Luis Obispo County would have succeeded if it had been carefully planned from the outset and if it enjoyed the support of all levels of affected government. What is clear, though, is that several missteps were made that significantly decreased the chances of success for the program. That's a stark reminder for any jurisdiction considering the implementation of a program of their own.

Reprinted with the permission of the Canada West Foundation

David Chipping



Bad air A cloud of sand and dust heads from the dunes riding area toward Nipomo Mesa.

Help save the Oceano Dunes and the Cayucos Viewshed: Fund the Sierra Club's public interest litigation

The Sierra Club is suing the State of California to establish a vehicle-free buffer area in the Oceano Dunes, as was promised twenty years ago in our Local Coastal Plan. We are suing the County of San Luis Obispo to fix a non-protective "viewshed protection" ordinance written by special interests that opens up the Cayucos Viewshed to regulation-free development. Litigation requires a significant outlay of funds. Please donate at the highest level you can. **Your donation is tax-deductible.**

Thank you, Sierra Club! Please put my tax-deductible donation to work on your conservation campaigns and making sure the courts work for us to secure the natural habitat and scenic values of these special places for future generations!

\$50 \$100 \$200 \$500 \$1000 \$_____

Make your check out to **The Sierra Club Foundation**, and write "SLO Land Preservation Fund" in the Memo.

and mail to: name _____
Sierra Club address _____
P.O. Box 15755 city, state, zip _____
San Luis Obispo, CA 93406 e-mail _____



Because funds from the SLO Land Preservation Fund go directly to the Santa Lucia Chapter's conservation campaigns and public interest litigation, your donation to the Fund is tax-deductible.

Nukes

continued from page 7

permission is granted for utilities to file for license renewal. The NRC says that it should take no more than six years, which means PG&E has until 2018 to begin this process. But PG&E wants to start now.

Why is the utility in such a hurry? Do not the ratepayers of California deserve a thoughtful and thorough consideration of the costs, risks and benefits—particularly as other alternatives to energy generation are coming on line?

The issue is dynamic, the time is now, and the Alliance invites your participation. We welcome tech support for our website, donations, "air miles and hotel points" to reduce travel costs, and citizens who will send important letters to ensure that democracy is not forgotten in the nuclear process. To view the Alliance's comments on license renewals, find action alerts, and participate in the calendar of CEC events, visit www.a4nr.org

Classifieds

Next issue deadline is **December 11**.
To get a rate sheet or submit your ad and payment, contact:
Sierra Club - Santa Lucia Chapter
P.O. Box 15755
San Luis Obispo, CA 93406
sierraclub8@gmail.com



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Bryan Bowers
Graphic Artist

Got Graywater if You Want It

The Sierra Club has on hand a limited supply of *The San Luis Obispo Guide to the Use of Graywater*, the new manual produced by the Appropriate Technology Coalition -- SLO Green Build, the Santa Lucia Chapter of the Sierra Club and the San Luis Bay Chapter of Surfrider.

Graywater systems turn a waste product that can comprise up to 80% of residential wastewater into a valuable resource for irrigation and other non-potable uses. Harvesting graywater to meet your non-potable water needs utilizes an appropriate technology that can recover initial costs quickly. No permit required.



\$10 each, while supplies last. E-mail kim.sierraclub@gmail.com, or call (805) 543-8717 to reserve your copy.

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CNRCC Meeting
continued from page 3

tax. With this tax, every California vehicle owner would get free admission to state parks. Such a proposal will have to go through the initiative process, a long journey. When the initiative language is approved, the effort to gather signatures begins/ Every chapter can really help out by contributing time and activists.

We can't thank enough all the activists who make this event happen. Everyone pitches in to do the dishes, clear the tables, and clean up. It is inspirational to be with so many people, statewide, who care.
The next CNRCC meetings will be February 20, May 15-16, July 24, and October 9-10.

Outings and Activities Calendar

Seller of travel registration information: CST 2087766-40. Registration as a seller of travel does not constitute approval by the State of California.

All our hikes and activities are open to all Club members and the general public. If you have any suggestions for hikes or outdoor activities, questions about the Chapter's outing policies, or would like to be an outings leader, call Outings Chair Joe Morris, 772-1875. For information on a specific outing, please call the outing leader.

Fri.-Sun., November 6-8, Mojave National Preserve Service Trip. Help the Mojave National Preserve clean up a large illegal dump that has built up over the years. Work all day Saturday and until noon Sunday. Preserve staff will provide a barbecue Saturday night. A hike is planned for those arriving in the morning on Friday, and a Ranger talk about the Preserve. Camping will be rustic, but portable restroom will be provided. High clearance vehicle recommended. Contact leader for reservation information: Rich Juricich, rich.sac@pacbell.net, 916-492-2181. CNRCC Desert Committee.

Sat.-Sun., November 7-8, "Bowling Alley" Car Camp & Hike. This strip of land between Death Valley National Park and Fort Irwin is an ideal wilderness candidate. Unique and beautiful geology, several perennial springs, and habitat for desert tortoise and bighorn sheep. We'll drive in on some rough routes, then day hike from car/tent camp site. 4/wd recommended. Potluck dinner Saturday night. Leader: Carol Wiley (760)245-8734, Reservations: Kate Allen kj.allen@wildblue.net (661)944-4056. CNRCC Desert Committee.

Sat. November 7, Spring Cleaning - Mecca Hills Wilderness. Hike two easy miles from Box Canyon Rd. to Hidden Spring, the only permanent water source. We will remove palm fronds and other invasive vegetation and clean out the spring box. Then a short hike to the "Grotto." Great area with good views and interesting canyons. Car camping available on Box Canyon Rd. or Painted Canyon Rd. Limited to 10 persons. Hike leader Kathy Kelley. Organizer and contact person is Jeff Morgan (760) 324-8696, or (preferably) jckmorgan@aol.com Tahquitz Group (San Geronio Chapter).

Thurs., November 12, 7 p.m. Bi-monthly General Meeting: Protecting our coastal waters. See page 2. Info: Joe Morris, 772-1875.

Sat., November 14, 9 a.m.: Valencia Peak Trail-Oats Peak Trail-Coon Creek Trail-Bluff Trail. Moderately strenuous 10.5 mile loop hike in Montana de Oro State Park. About 2400 ft of elevation gain. Coastline views from the top of Valencia and Oats Peaks and some back country. We will finish the hike by walking along the bluffs above the ocean. Meet at Valencia Peak trailhead, just past the visitor's center. Bring lunch and/or snacks, water, dress for the weather and possible poison oak. We will do a refueling stop after the hike at a local eatery. Heavy rain cancels. Info, Chuck @ 441-7597.

Sun. November 15, 10 a.m., Islay Hill Open Space. Pole Cats is dedicated to leading local Sierra Club day hikes and modeling the benefits of using trekking poles. 1 mile/400 ft elevation change. Join us for spectacular views of Edna Valley to the south and morros to the north. From Broad, go east on Tank Farm, turn right on Wavertree, left on Spanish Oaks and veer right onto Sweetbay and park near cul-de-sac. Confirm with David Georgi at 458-5575 or polecatleader@gmail.com for upcoming activities. Bipeds welcome.

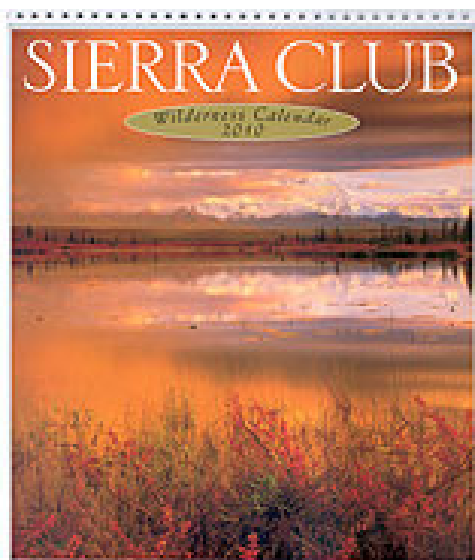
Sat., November 21, 9:30 a.m. Bowden Ranch Trail. Hike 5 miles RT with 1500 ft elevation gain over the hill to the great divide between the SLO Creek and Price Cyn drainages and back. Intense initial climb of 1200 feet will get your heart pumping, then becomes a leisurely stroll. Interesting geology and

Street in SLO across from French Hospital. Rain a few days before or day of may cancel. Call Leader Mike Sims (805) 459-1701. Co-Leader: Joe Morris.

Sat., December 5, 9 a.m.: Cerro Alto long hike. Late fall is a good time to hike to the top of the highest Morro. Wonderful views of the coast and land newly preserved by the SLO Land Conservancy. The hike is a moderately strenuous 7.1 miles with about 1900 ft elevation gain. Loop hike will start at the day use area behind Cerro Alto campground. The road to the campground is about 8 miles east of Morro Bay off Highway 41. Bring lunch and/or snacks, water, and dress for the weather. Possibility of poison oak. Taco Temple in Morro Bay after the hike. \$5 parking fee unless you have an Adventure Pass. Call Chuck @ 441-7597.

This is a partial listing of Outings offered by our chapter. Please check the web page www.santalucia.sierraclub.org for the most up-to-date listing of activities.

2010 Sierra Club Calendars



They're here, they're gorgeous, you have to have one for your desk, one for your wall, and a great many more for friends and family! And when you buy direct from the Chapter, you support the Sierra Club's conservation work in San Luis Obispo County.

wall calendar: \$12.50

desk calendar: \$13.50

To order, call 543-7051

fantastic views if clear. We may even show you the secret spot. Bring water, snack, and non-slip shoes for ascending and descending the hill. Meet at 9:30 at Adult Education parking lot on Lizzie

Sat., December 5, 10 a.m., Sierra Singles - High Ridge Trail - Join hike leader Stacy for a 5-mile hike along the east ridge of the recreation area above Lopez Lake. Total elevation gain of 450 ft, opportunities to take in the views of the lake and surrounding mountains. Bring water, hiking poles if you desire, long pants encouraged. Meet by the Turkey Ridge Trail sign, \$8 day use parking fee required. From the 101 in Arroyo Grande, take the Grand Ave. exit and head east through the Village. Bear right on Huasna Rd. at the 227 junction, continue 9.9 miles, onto Lopez Drive, to Lopez Lake Recreation Area entrance station. Park at east end of the lot by the Turkey Ridge Trail sign.

Sat-Sun., December 5-6, Carrizo Plains National Monument Exploration & Service: Pronghorn antelope will not jump fences to escape predators but attempt to crawl under. We will modify or remove several sections of fence to help their mobility. Sunday will be either a hike in the Caliente Range or a tour of popular viewing areas in the plains. Opportunity to combine carcamping, day-hiking, exploring, and service in a relatively unknown wilder-

ness. Contact Ldr: Craig Deutsche, (310-477-6670), craig.deutsche@gmail.com CNRCC Desert Com.

Sat., December 12, 10 a.m. City Walk of Victorian-Era SLO. A guided stroll past 18 historic century-old homes and 2 churches in the "Nob Hill" of downtown SLO. Learn about the coming of the railroad and the lives of the newly rich who transformed SLO from a sleepy stage stop to a thriving city. See where the affluent attended church and the homes of the mayor, newspaper editor, and Cal Poly's founder. About 1 1/2 hrs. Children welcome. Meet in front of Jack House, 536 Marsh St., SLO. Info: Joe (772-1875).

Sat-Sun., December 12-13, Service and Hiking in a Southern Desert. This is the cooler season to visit the southern deserts. Our project on Saturday will be on the east side of the North Algodones Dunes Wilderness - approximately 20 miles east of Brawley, CA, where we will rebuild facilities at the Watchable Wildlife Site. Saturday evening is a carcamp with potluck dinner. Sunday we will take a recreational hike either at our work site or else within the nearby Indian Pass Wilderness. Info: leader Craig Deutsche, craig.deutsche@gmail.com, (310-477-6670). CNRCC Desert Com.

Sun., Dec. 13, 10 a.m. Maino Open Space trail/Lemon Grove Loop. Pole Cats is dedicated to leading local Sierra Club day hikes and the benefits of using trekking poles. 2.2 miles/400 ft elevation change. The trailhead is located off the Marsh Street onramp of southbound Highway 101. From downtown SLO take Higuera Street to the intersection with Marsh Street and proceed as if to take 101 South. Immediately after the freeway underpass, bear right into the parking lot. Confirm with David Georgi at 458-5575 or polecatleader@gmail.com. Bipeds welcome.

Mon-Sat, Dec. 28, 2009 - Jan. 2, 2010 Holiday Service in Carrizo Plain National Monument. Celebrate the end of one year and the beginning of the next. The Carrizo Plain is a vast grassland, home to pronghorn antelope, tule elk, kit fox, and a wide variety of birds. Welcome hike Dec. 28, three days of service modifying barbed wire fencing, and full day for hiking planned. Use of accommodations at Goodwin Ranch included. Limited to 14 participants, \$30 covers 5 dinners. For info, contact leader: Craig Deutsche, craig.deutsche@gmail.com, (310-477-6670), or co-leader leader Melinda Goodwater, mgoodwater@sbcglobal.net, (408-774-1257). CNRCC Desert Committee.



Nipomo Native Garden. Workdays & nature walk, 1st Saturday of the month: 929-6710.