



February 2014  
Volume 51 No. 2

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## Don't Miss:

Thursday, Feb. 12

**California Coastal Commission, Pismo Beach:**

**NO OFFSHORE FRACKING!**

- see page 3



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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

## Frack Free in '14

### Dear Governor Brown

Twenty leading climate experts are calling on Governor Jerry Brown to impose a moratorium on fracking in California. In a November 13 letter, retired NASA climate scientist James Hansen, Michael Mann of Penn State University, Michael MacCracken of the Climate Institute, Ken Caldeira of the Carnegie Institution for Science and other experts said fracking and other extreme oil and gas extraction techniques disrupt the climate and harm California's efforts to be a leader in reducing greenhouse gas emissions.

The climate experts' letter notes that much of the oil currently extracted in California is as carbon-intensive as the Canadian tar sands, one of the most climate-disrupting fuels on Earth.

At least 1,200 California oil and gas wells have been fracked in the past three years without scientific review. Senate Bill 4, recently signed into law by Governor Brown, would allow fracking to continue without sufficient safeguards for California's air, water, and climate. In contrast, the federal Bureau of Land Management has not held any oil and gas lease sales on California public lands since launching an independent study of fracking.


New York Governor Andrew Cuomo has placed a moratorium on fracking while the risks are evaluated.

Fracking uses huge volumes of water mixed with sand and dangerous chemicals to blast open rock formations and release oil and gas.

Drilling and fracking have been tied to air pollution and water contamination across America, and the disposal of fracking wastewater has been found to increase the risk of earthquakes. In a recent poll, 58 percent of Californians said they want a moratorium on the practice.

"Governor Brown is playing a dangerous game by green lighting fracking before any scientific review," Wolf said. "To have any chance of avoiding the worst impacts of climate change, we must leave most fossil fuels buried safely in the earth. The governor should start by putting a moratorium on using fracking to extract these dirty fossil fuels."

### Dear Supervisors



**city of san luis obispo**  
OFFICE OF THE CITY COUNCIL  
950 Palm Street • San Luis Obispo, CA 93401-3249 • 805/781-7119  
January 14, 2014

VIA FACSIMILE 805-781-1350

Board of Supervisors  
County of San Luis Obispo  
County Government Center, Room D-430  
San Luis Obispo, CA 93408


Re: Hydraulic Fracturing (Fracking)

Dear Supervisors:

I write on behalf of the City of San Luis Obispo to express our concerns of hydraulic fracturing ("fracking") and its potential environmental effects, including contamination of ground water, depletion of fresh water, risks to air quality, noise pollution, the migration of gases and hydraulic fracturing chemicals to the surface, surface contamination from spills and flow-back, and the health effects of these.

The City of San Luis Obispo's code does not permit drilling within City limits. However, the adverse health and environmental effects of fracking activity in the unincorporated areas are potentially far reaching, as a result of our shared resources, water, air, roadways and fault line. The City Council, on behalf of its citizens, calls on the County Board of Supervisors to take a proactive approach in adopting a countywide prohibition on fracking that protects the health and quality of life of all of our residents.

Thank you for your considerations to this very important issue.

Sincerely,  
  
Jan Marx  
Mayor

cc: City Council  
Dan Buckshii  
Rita Neal

Download at: <http://santalucia.sierraclub.org/documents/Fracking.01.14.pdf>

The Sierra Club was pleased to assist SLO Clean Water Action in making this letter happen. Ask your city council or community services district to go forth and do likewise! All SLOCWA city council presentations at <http://slocleanwateraction.org/2013/12/17/update-on-delivery-of-petition-to-slo-city-council>. And circulate the petition of your choice: <http://slocleanwateraction.org/2013/10/08/chefs-farmers-students-petition-to-ban-fracking>.

## Shale Oil Target: Nipomo Mesa

### Phillips 66 wants to put the oil that destroyed a Quebec town on a long train through SLO

On January 27, the Santa Lucia and Los Padres Chapters of the Sierra Club and North County Watch submitted to the SLO County Planning Department the following comments on the Draft Environmental Impact Report for the proposed Santa Maria refinery rail spur project.

**The evaluation of the project's potential impacts is impermissibly narrow.**

The cumulative analysis of the Rail Spur Project improperly confines itself to "the proposed rail spur unloading facilities,

where worst-case hazards would not extend beyond the SMF property."

*RAIL SPUR continued on page 8*



**It looks like this** On July 6, 2013, a train carrying Bakken crude shale oil crashed into the town of Lac-Mégantic in Quebec, wiping out half the downtown and killing 47 people.

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photo/Karin Walsh

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

## Fracking's Fiscal Folly

An economic windfall that's not all it's cracked up to be

by Andrew Christie, Chapter Director

On our front page, we present the arguments scientists have made to Governor Brown for a statewide moratorium on fracking and our comments to the County Planning Department on the explosively bad idea of transporting crude oil fracked from the Bakken shale of North Dakota to the Santa Maria Refinery.

On the facing page are the arguments we've made to the state Department of Oil Gas and Geothermal Resources and your opportunity to get the word to the California Coastal Commission when they meet in Pismo Beach on February 12 to report on the stealth-fracking of our coastal waters.

But there's another problem with fracking.

Oil and gas companies have adopted a two-pronged strategy in response to criticism of fracking: produce industry-funded studies that deny or minimize fracking's hazards to the health of humans, wildlife and livestock and its fouling of the air and water (*Gasland 2* is essential viewing for a full grasp of the industry's strategy of mendacious denial), and sign settlement agreements that pay off for damages in exchange for draconian non-disclosure agreements that bar all family members, including 7-year-old children, from ever talking to anyone about fracking.

As more data leaks out and the impacts of fracking become increasingly undeniable, frackers are increasingly retreating to a third prong of the strategy, their last redoubt: *everyone is going to get rich, and fracking will free the U.S. from unsavory foreign sources of oil and gas. We can now tap into a 100-year supply of natural gas and outstrip Saudi Arabia in oil production.*

The frackers have persuaded Governor Brown, visions of tax revenues dancing in his head, that fracking represents "a fabulous economic opportunity." Last March,

subsidy-wise, operating at an extreme disadvantage on a drastically unlevel playing field against gas, oil and nuclear — don't have the same success rate as entrenched dirty energy giants. He proclaims the future is aglow with fossil fuel energy self-sufficiency and the fracking party is going to go on forever.

Except, no. Seven months after Brooks proclaimed that he had seen the future and it is full of oil and gas, the International Energy Agency released a report that concluded, as Matthew Wald reported in the same newspaper that Mr. Brooks calls home, "production of such oil in the United States and worldwide will provide only a temporary respite from reliance on the Middle East." In the IEA forecast, "by the mid 2020's, non-OPEC production starts to fall back and countries from the Middle East provide most of the increase in global supply." And that was after a 2012 IEA downgrade of estimated U.S. shale gas reserves, cutting previous estimates by more than 40 percent.

As it turns out, there has been some significant over-sell going on. Nafeez Mosaddeq Ahmed, executive director of the Institute for Policy Research and Development, wrote in *Le Monde Diplomatique* that "New Security and Exchange Commission (SEC) rules introduced in 2009 [allowed] gas companies to claim reserve sizes without any independent third party audit." Reviewing a New Economics Foundation study and a brace of reports that appeared in *Nature*, *Energy Policy*, the *Financial Times* and *New York Times* between August 2010 and November 2012 on the industry's overproduction, declining profits and increasing production costs, he concluded: "Rather than ushering in a new wave of lasting prosperity, the eventual consequence of the gas glut is likely to be an

### Whether smashing shale or squeezing tar sands, the oil & gas revolution is turning out to be a sucker bet.

*New York Times* columnist David Brooks, a reliable source for delivery of the worldview of the one percent, mused that he goes to a lot of conferences where he hears some "brilliant technology entrepreneur... who is starting a paradigm-shifting electric car company" or "some wizard with a new solar-panel technology." But, Brooks chuckled, these operations often lose money, thereby demonstrating that "things that are sexy to politicians and paradigm-shifting to conference audiences are not necessarily attractive to consumers."

In reality, says Brooks, "boring old oil and gas engineers have transformed the global balance of power," even though they're "unfashionable," because "the revolution in oil and gas extraction has led to 1.7 million new jobs" and "added \$62 billion to federal revenues in 2012." The fabulous abundance of energy unlocked by fracking means "people in China and elsewhere are wondering if the fracking revolution means that the 21st century will be another North American century, just like the last one."

In short, David Brooks has discovered that start-up energy companies based on new technologies — and,

unsustainable shale bubble, fuelling a temporary recovery that masks deeper structural instabilities. When the bubble bursts under the weight of its own debt obligations, there will be a collapse in supply and a spike in prices, with serious economic consequences."

Mosaddeq wrote in early 2013, a year after the IEA had slashed its estimate of U.S. shale gas reserves. After just a few years, the shale oil and gas boom is already running up against technical and financial limitations. Producers are finding out that the big shale formations tend to have small, concentrated core areas surrounded by a wider field where drilled wells are hit or miss, and the hits may start out at high production rates, which then drop by half in a matter of months. "Given the expense of horizontal drilling and fracking," wrote Post Carbon Institute senior fellow Richard Heinberg on *Common Dreams* last August, "it's hard to make money in non-core areas unless oil and gas prices are stratospheric.... With decline rates so high, promised production volumes are turning out

## SANTA LUCIAN

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The Executive Committee meets the second Monday of every month at 5:30 p.m. The Conservation Committee meets the second Friday at 1 p.m. at the chapter office, located at 974 Santa Rosa St., San Luis Obispo. All members are welcome to attend.

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Sue Harvey

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# TELL THE CALIFORNIA COASTAL COMMISSION THAT YOU SUPPORT A MORATORIUM ON OFFSHORE FRACKING

After learning that hydraulic fracturing, or fracking, has been secretly occurring along California's coastline for years without any analysis of its potential environmental impact, the California Coastal Commission will announce the results its investigation into the controversial and dangerous practice at their meeting on February 12, 2014 in Pismo Beach.

Investigations by the Environmental Defense Center (EDC) and the Associated Press have found **over 200 instances** of fracking operations in state and federal waters off California, **all unbeknownst to a state agency with jurisdiction over the offshore oil and gas industry.**

**Now is your chance to tell the California Coastal Commission**

**that you want them to use the full weight of their authority to protect California's coastal environment and communities from these dangerous and wrong-headed activities.**

Join your fellow Sierra Club members, neighbors and our allies for this first crucial Coastal Commission meeting on Offshore Fracking.

As always, let's show the Coastal Commissioners that when it comes to protecting our coastal environment, our communities and our people, the Sierra Club suits up, shows up and speaks up!

**When: 9 a.m., Wednesday, February 12, 2014.**

**Where: The Cliffs Resort Hotel, 2757 Shell Beach Road Pismo Beach.**



For more information and to RSVP Contact: Mike Thornton, Sierra Club Coastal Organizer, [michael.thornton@sierraclub.org](mailto:michael.thornton@sierraclub.org)

Andrew Christie, Santa Lucia Chapter Director, [sierraclub8@gmail.com](mailto:sierraclub8@gmail.com) or Fran Farina, Los Padres Chapter Political Chair, [ffarina@cox.net](mailto:ffarina@cox.net).



On January 13, the California Department of Oil, Gas and Geothermal Resources (DOGGR) held a public hearing in Santa Maria on regulations of fracking proposed under Senate Bill 4. Santa Lucia Chapter Conservation Committee member Heidi Harmon was part of the protest action outside, spoke with reporters from KSBY, KCOY and the online editor for the *Santa Maria Times*, then testified inside. Here's what she said:

Ostensibly, we are here today to discuss the regulations of SB 4, or as I prefer to call it, 4-BS. To frack or not to frack seems to be the question of the day. But in fact, as Hamlet demands, "to be or not to be" is the true question, for what is at stake is our very existence on this planet.

The dangers and dire environmental impacts of hydraulic fracturing are understood and growing. Water contaminations, toxic spills, and increases in earthquake activity, to name a few. Like the cigarette companies before them, the rogue fossil fuel industry claims that their product and process is safe, a claim refuted by respected and peer-reviewed scientists....

We must keep this dirty fossil fuel in the ground and stop placing short-term economic gains for a few ahead of long-term survival for the many. We cannot ignore the growing reality of catastrophic climate change. We owe it to our children to protect them, and that means building a secure, affordable, and sustainable future that does not include hydraulic fracturing. We must put people, not the fossil fuel industry, back in charge of our democracy.

The International Energy Agency and the U.S. Energy Department agree that shale oil is only a temporary respite from our reliance on the Middle East for our energy needs. While at the same time, Dr. Marc Jacobson of Stanford has demonstrated that it is absolutely possible to move to 100% renewable sources by 2030; the only piece missing is the political will.

Government officials are demanding that Governor Brown declare a state of emergency due to the massive drought in our state. Snowpack and reservoirs are meager, so our leadership must be substantial. It is your job as our representatives to be that substantial leadership and provide for our and our children's health, safety, and future. The people of this state and this world have a right to clean water, breathable air and a viable future. Of that there can be no question.

-- Heidi Harmon, Jan. 13, 2014.

## Folly

*continued from page 2*

to be so much hype. America's hundred years of natural gas, heralded by President Obama as a national energy game-changer, actually amounts to a mere 24 years by official estimates, even less according to unofficial but well-informed calculations."

Further harshing David Brooks's buzz, last summer the Associated Press reported equally grim tidings for the oil industry, with Exxon Mobil's profits falling 57 percent and production declining for the ninth consecutive quarter. Shell and BP fared little better, because "all of them face the same problem: The cost to get newfound oil from remote locations and tightly packed rock is high and rising...in sands that must be heated to release the hydrocarbons or trapped in shale or other tight rock that requires constant drilling to keep production steady."

In other words, whether smashing shale or squeezing tar sands, the oil & gas revolution is turning out to be a sucker bet.

Heinberg concluded his August 23 Common Dreams article by noting that our national energy conversation, which used to be "about how we should reduce our dependency on depleting, climate-changing fossil fuels...has become a one-sided harangue about the energy, jobs and tax revenues the industry insists will flow from fracking from now 'til kingdom come, and how these outweigh environmental concerns. The data do not support these claims. Therefore it is critically important that we return America's energy focus to the most critical imperative of our time – the necessary and inevitable transition away from our current dependence on fossil fuels."

All of which means now would be a good time for Governor Brown to pluck those false dollar signs out of his eyes and let the reality sink in: California needs to place a moratorium on fracking.



# Into the Wilderness

It's the 50th birthday of the Wilderness Act, and we got you a present: <http://content.sierraclub.org/outings/50-years-wilderness>



by Vicky Hoover, Co-Chair  
Wilderness National Planning Team

Have you ever wondered—perhaps on a Sierra Club trip—how our nation came to have such broad swaths of wild, natural, and undeveloped lands preserved forever?

These protected places are no accident. They are the direct result of efforts by the Sierra Club and other advocacy organizations to convince Congress to establish—by law—a National Wilderness Preservation System for the “use and enjoyment of the American people.” Throughout 2014 we will celebrate the success of those efforts fifty years ago, with the passage of the Wilderness Act.

Since 1892, the Sierra Club has promoted the principle behind the Wilderness Act: to forever set aside from human developments certain special places, by civic agreement. For over 100 years, our Outings program, led by dedicated volunteer leaders, has shared the nation’s special wild places with ordinary citizens, helping build public support for conservation projects, from the local level to the national parks system. And beginning in 1949, the Sierra Club hosted a series of biennial wilderness conferences to determine how best to preserve wild places and to strategize turning this emerging plan into law.

The landmark legislation, signed by President Lyndon B. Johnson on September 3, 1964, defines wilderness as areas where “the earth and its community of life are untrammelled by man.” Wilderness designation provides the strongest and most permanent legal protection for wilderness values such as adventure, solitude, a respite from the pressures of civilization, clean air and water, scenery, wildlife, and scientific understanding of how the natural world works when left alone.

But the story doesn’t end there. Over the next 50 years, through the continued advocacy of the Sierra Club and partner organizations, Congress continued to expand the nation’s wilderness areas from the initial 9.1 million acres set aside in 13 states to about 109 million acres in 44 states today. (Except for 2013, when no additional lands were protected.)

This year, we’ll reflect on the historic value of this major American cultural and environmental achievement. The Sierra Club, other wilderness groups, and the four federal wilderness management agencies have organized a year of celebrations to educate a broader public about the concept and benefits



of wilderness.

We’ve designed trips to give you a chance to enjoy those benefits and as a reminder of the need to set aside additional lands over the coming 50 years. Go to <http://content.sierraclub.org/outings/50-years-wilderness>. The intent of these trips is reflected in the historic legislation they helped produce “to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.”

## Forest Service Batting Zero on Los Padres Wilderness

by Jeff Kuyper, Executive Director  
Los Padres ForestWatch

Last year, more than fifty local organizations with a collective membership of more than 20,000 people signed onto a letter asking the U.S. Forest Service to place more

## 50 Years of Wilderness

We think that every year is special with Sierra Club Outings. Our adventures have a sense of purpose, and our volunteer leaders are eager to share some of their favorite places with you. What makes 2014 extra-special though is that this year we are celebrating the 50th anniversary of the Wilderness Act, the landmark 1964 law that provides the highest level of legal protection for many of the wild places our domestic trips visit.

Since its founding in 1892, the Sierra Club has been a leader in advocating for the sort of protection that the Wilderness Act provides. This year we invite you to celebrate our success by joining us on a trip to one of the designated wilderness areas protected by the Wilderness Act, or to anywhere in the United States or across the planet that needs more advocates.

This year we’re also highlighting a set of trips that have special appeal for younger adventurers. Even if you—like myself—are a few years older than the Wilderness Act, I hope you will share these trips with a younger friend or relative—perhaps a son, daughter, grandchild, or coworker’s kid—and thus help pass the legacy of the Club and of the Wilderness Act on to new generations.

I hope to see you out on the trail in 2014!

- Bill Flower  
Sierra Club Outings Chair



areas of the Los Padres National Forest in wilderness protection. During the comment period, the Forest Service also received more than 10,000 comments, the vast majority of which called for protecting new wilderness areas.

On January 17, the Forest Service released its draft decision, completely ignoring the concerns outlined in our letter and the thousands of other letters submitted by local residents. Out of 421,058 acres of forest lands that are eligible for wilderness protec-

tion in the Los Padres National Forest, the Forest Service recommended 0 (zero) new acres for wilderness protection.

Without the Recommended Wilderness designation, these lands remain vulnerable to oil drilling, mining, commercial logging, road construction, sale of forest lands to private interests, and other development activities that would significantly impact the environment.

LOS PADRES continued on next page 9



# You Did *Not* Just Fence Off My Trail

## Showdown on Ontario Ridge



**We are not amused** Anita Bylsma's January 22 hike up from Pirates Cove came to an abrupt end.

As many have noticed, fences bearing signage informing hikers that their right to pass is by permission and subject to control of the owner have sprouted across the trail on Ontario Ridge above Pirates Cove.

For several months previously, four-foot high cattle fencing appeared parallel to the bottom of the trail by the parking area. As of January 22, new fencing, consisting of two parallel fences topped with barbed wire, reminiscent of the perimeter of a prison yard, now stretches across the main trail.

The public has been using the trail from Pirates Cove to Ontario Ridge for years. Rob McCarthy, a property owner on Ontario Ridge who wants to build a house on 37 acres there, now seeks to curtail the use of the trail. The Coastal Commission can require McCarthy to continue to provide for the trail use if the Commission can show that the public has established a "prescriptive right" to use the trail by dint of frequent use over many years.

McCarthy told KSBY that "he put up fencing to prevent hikers from getting injured on the steep slope above Cave Landing Road." A more likely motive was disclosed last year in *The Tribune*:

Property owners can limit the use of prescriptive rights by placing signs on their property saying that the right to pass is by permission and subject to control of the owner. Public use during periods of time that those signs are posted cannot be used for a prescriptive rights case. ("Beaten path near Avila Beach could become a new trail," April 13, 2013).

The stand-off has its origin in the Coastal Commission's denial of McCarthy's permit to build in January 2013. The Commission had offered to approve the permit if McCarthy dedicated an easement to allow for continued public use of the trail. He refused, suggesting instead the creation of an alternate trail on County-owned land. As *The Tribune* reported, "the family has also offered to help design an alternate trail on adjacent county property. They have filed a lawsuit against the commission in an effort to force the agency back to the negotiating table."

As the Coastal Commission cannot require a landowner (the County) to provide an easement on its land as a

condition of a development permit granted to another landowner, McCarthy's offer was a non-starter. The public is now caught in McCarthy's legal ploy.

If you, your friends or family have ever used the trail network on Ontario Ridge from the Pirates Cove parking

area, Sycamore Springs or Shell Beach, especially if you did so over five years ago, go here: [www.coastal.ca.gov/access/prc-access.html](http://www.coastal.ca.gov/access/prc-access.html), click on "Ontario Ridge" and fill out the form with a description, to the best of your recollection, of the date, circumstances, and duration of your trail use.

### TAKE ACTION

**If you've hiked the Ontario Ridge Trail over Pirates Cove any time in the last 15 years, and you want to keep doing so, tell the Coastal Commission! Go to:**

[http://www.coastal.ca.gov/access/OntarioRidge\\_PrescriptiveRights.pdf](http://www.coastal.ca.gov/access/OntarioRidge_PrescriptiveRights.pdf)  
**or better yet:**

Tell the Coastal Commission in person about hiking Ontario Ridge and why it needs to stay open. Come to the meeting of the California Coastal Commission at the Cliffs Resort, **2757 Shell Beach Road, Pismo Beach**, at 8:30 a.m. Thursday, **February 13**. Fill out a speaker slip for general public comment.

**Any questions?** Check in with local attorney Tarren Collins in the hearing room on the 13th.



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## Don't Build the Big Dumb Concrete Pipes

By Sierra Club California

Last year was the driest in 119 years of records for the state of California.

As the governor declared a state of emergency for the drought on January 17, most of the state's reservoirs were well below capacity and the Sierra

Nevada snowpack is only at 20% of the average for this time of year. Climate disruption will only mean less and less water for California. We need to do something about it.

The Bay Delta Conservation Plan (BDCP) is the Brown administration's proposed solution. It calls for the construction of two giant tunnels that will divert water out of the Bay Delta

ecosystem.

Sierra Club California opposes the proposed tunnels. They will not result in a more secure and sustainable water supply—particularly not in an era of changing water availability due to



from the pen of

# John Muir

Excerpts from *The Story of my Boyhood and Youth* by John Muir and *The Wilderness World of John Muir* edited by Edwin Way Teale



John Muir was born in Dunbar, Scotland on April 21, 1838. Muir kept extensive journals and published many accounts of his journeys.

His recollections of his early years were published in *The Story of my Boyhood and Youth* in 1913. According to Edwin Teale in *The Wilderness World of John Muir*, in 1908 Muir's friend E.H. Harriman "invited Muir to visit him.... There he assigned his expert stenographer to take down Muir's recollections as he walked in the woods or sat by the fire in evening. The typed record of these shorthand notes ran to more than 1000 pages. Revised, condensed and re-written, they formed the book which appeared five years later."

Muir recounts in *The Story of my Boyhood and Youth*: "When I was a boy in Scotland, I was fond of everything that was wild, and all my life I have been growing fonder and fonder of wild places and wild creatures. Fortunately in my native town of Dunbar, by the stormy North Sea, there was no lack of wildness, though most of the land lay in smooth cultivation. ...I loved to wander in the fields to hear the birds sing, and along the sea-shore to gaze and wonder at the shells and sea weeds, eels and crabs in the pools among the rocks when the tide was low; and best of all to watch the waves in awful storms thundering on the black headlands and craggy ruins of the old Dunbar castle when the sea and the sky, the waves and clouds, were mingled together as one.

"No Scotch boy that I know of ever failed to listen with enthusiasm to the songs of the skylarks. Oftentimes on a broad meadow near Dunbar we stood for hours enjoying their marvelous singing and soaring. From the grass where the nest was hidden the male would suddenly rise, as straight as if shot up, to a height of perhaps thirty or forty feet, and, sustaining himself with rapid wing-beats, pour down the most delicious melody, sweet and clear and strong, overflowing all bounds, then suddenly he would soar higher again and again, ever higher and higher, soaring and singing until lost to sight even on perfectly clear days...."

When Muir was 11, his father decided to immigrate to America and settled in Wisconsin. Muir wrote, "The Wisconsin oak openings were a summer paradise for song birds, and a fine place to get acquainted with them; for the trees stood wide apart, allowing one to see the happy home-seekers as they arrived in the spring, their mating, nest-building, the brooding and feeding of the young, and, after they

were full-fledged and strong, to see all the families of the neighborhood gathering and getting ready to leave in the fall.

"It was a great memorable day when the first flock of passenger pigeons came to our farm, calling to mind the story we had read about them when we were at school in Scotland. Of all God's feathered people that sailed the Wisconsin Sky, no other bird seemed to us so wonderful. The beautiful wanderers flew like the winds in flocks of millions from climate to climate in accord with the weather, finding their food - acorns, beechnuts, pine-nuts, cranberries, strawberries, huckleberries, juniper berries, hackberries, buckwheat, rice, wheat, oats, corn - in fields and forests miles apart. I have seen flocks streaming south in the fall so large they were flowing over from horizon to horizon in an almost continuous stream all day long, at the rate of forty or fifty miles an hour, like a mighty river in the sky, widening, contracting, descending like falls and cataracts, and rising suddenly here and there in huge ragged masses like high-plashing spray. How wonderful the distances they flew in a day - in a year - in a lifetime! ...The breast of the male is a fine rosy red, the lower part of the neck behind and along the sides changing from the red of the breast to gold, emerald-green, and rich crimson. The general color of the upper parts is grayish blue, the under parts white. The extreme length of the birds is about seventeen-inches; the finely modeled tail about eight inches, and extent of wings twenty-four inches. The females are scarcely less beautiful.

"In going south in the fine Indian-summer they flew high and followed one another, though the head of the flock might be hundreds of miles in advance. But against head winds they took advantage of the inequalities of the ground, flying comparatively low. All followed the leader's ups and downs over hill and dale though far out of sight, never hesitating at any turn of the way, vertical or horizontal, that the leaders had taken, though the largest flocks stretched across several States, and belts of different kinds of weather."

The passenger pigeon became extinct in 1914, the

year John Muir died.

Muir's father was a strict authoritarian and disciplinarian. Muir labored long hours on the family farm.

"Father's strict rule was, straight to bed immediately after family worship, which in winter was usually by eight o'clock. I was in the habit of lingering in the kitchen with a book and candle after the rest of the family had retired, and considered myself fortunate if I got five minutes' reading before father noticed the light and ordered me to bed; an order that was of course immediately obeyed. But night after night I tried to steal minutes in the same lingering way, and how keenly precious those minutes were, few nowadays can know. Father failed perhaps two or three times in a whole winter to notice my light for nearly ten minutes, magnificent golden blocks of time, long to be remembered like holidays or geological periods.

"One evening... father was particularly irritable, and called out with hope-killing emphasis, 'John, go to bed! Must I give a separate order every night to get you to bed? Now, I will have no irregularity in the family; you must go, when the rest go, and without my having to tell you.' Then, as an afterthought, as if judging that his



words and tone of voice were too severe for so pardonable an offense as reading a religious book, he unwarily added: 'If you will read, get up in the morning and read. You may get up in the morning and read as early as you like.'

"That night I went to bed wishing with all my heart and soul that somebody or something might call me out of sleep to avail myself of this wonderful indulgence; and next morning to my joyful surprise I awoke before father called me. A boy sleeps soundly after working all day in the snowy woods, but that frosty morning I sprang out of bed as if called by trumpet blast, rushed downstairs, scarce feeling my chilblains, enormously eager to see how much time I had won; and when I held up my candle to a little clock it was only one o'clock. I had gained five hours, almost half a day! 'Five hours to myself!' I said, 'five huge, solid hours!' I can hardly think of any other event in my life, and discovery I ever made that gave birth to joy so

transportingly glorious as the possession of these five frosty hours.

"In the glad, tumultuous excitement of so much suddenly acquired time-wealth, I hardly knew what to do with it. I first thought of going on with my reading, but the zero weather would make a fire necessary, and it occurred to me that father might object to the cost of firewood that took time to chop. Therefore, I prudently decided to go down

cellar, and begin work on a model of a self-setting sawmill I had invented. Next morning, I managed to get up at the same gloriously early hour, and though the temperature in the cellar was a little below the freezing point, and my light was only a tallow candle the mill work went joyfully on.

"...My workshop was immediately under father's bed, and the filing and tapping in making cogwheels, journals, cams, etc. must, no doubt have annoyed him, but with the permission he had granted in his mind, and doubtless hoping I would soon tire of getting up at one o'clock, he impatiently waited about two weeks before saying a word. I did not vary more than five minutes from one o'clock all winter... it was a grand triumph of will-power over cold and common comfort and work-weariness in abruptly cutting

MUIR continued on following page





## Good News for Groundwater, Bad News for Sea Level Rise in the Governor's Budget

By Kathryn Phillips, Director, Sierra Club California

The debate over the state's budget for fiscal 2014-2015 officially opened on January 8 with the release of Governor Jerry Brown's proposed budget. This year, the \$154.9 billion budget held better news for the environment than has been the case in Governor Brown's previous two budgets.

But the proposed budget also held some disappointment, especially for efforts to reduce the effects of sea level rise on coastal communities.

In the category of good news for the environment, the Governor proposes to put more than \$600 million of new funds into various water programs to improve water efficiency and water management. Included in this is nearly \$8 million for improving groundwater assessment, monitoring and data collection. This kind of assessment and monitoring is a necessary precursor to forcing better groundwater management statewide, including in parts of the state where local agencies have refused to adequately protect groundwater from pollution and overdraft.

Additionally, the governor is proposing to shift responsibility for drinking water quality to the State Water Resources Control Board from the Department of Health. This move is intended to make water quality programs work better.

How the state spends revenues from the cap-and-trade program designed to help meet state goals to reduce greenhouse gas emissions has been contentious in the last year. In the

latest budget proposal, the Governor will begin repaying about half a billion dollars in cap-and-trade revenues that he withheld last year.

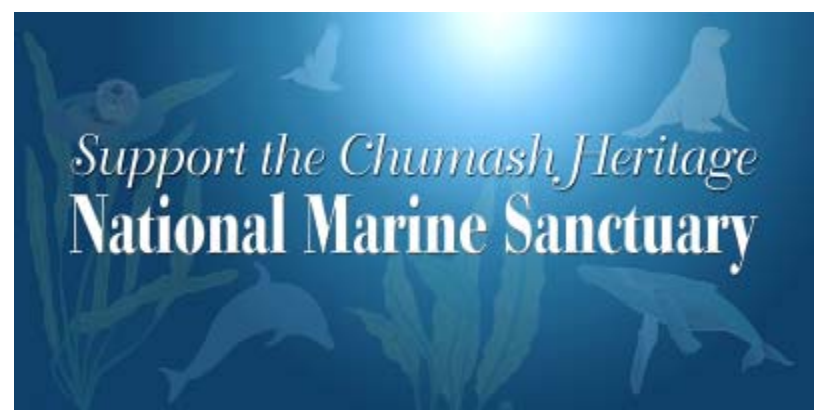
Sierra Club California and other environmental groups have been pressing the governor to repay those funds to put them to work to cut climate pollution. The \$100 million in repayment in the current budget is a laudable start, and we hope to see the balance repaid quickly so that it can be used as intended.

Additionally, the governor is proposing to spend about \$850 million of cap-and-trade revenues on a range of projects in 2014-2015, most of which will provide near-term greenhouse gas reductions. These include energy efficiency projects, freight modernization, and local rail improvements. The Club has been among the environmental groups supporting spending for such projects.

However, the Governor also proposes to spend \$250 million of the cap-and-trade revenues on the \$68-billion high speed rail project. According to a High Speed Rail Authority study, that rail project is not expected to produce greenhouse gas benefits until 2022 at the earliest.

The scientific evidence is growing that greenhouse gas reductions are urgently needed now if we are to avoid the worst forms of climate disruption. The Club continues to believe that

BUDGET continued on page 10



"California won't see any new offshore oil leases during the next seven years, under the latest Obama administration policy.... The concerns of Californians 'weighed in to the decision' by the Obama administration to exclude the California coast from the latest five-year leasing plan. According to [Richard] Charter of the Defenders of Wildlife, 'Now we have the president saying California gets a reprieve till 2017. California is ground zero next.' He's especially worried about the effects even a small oil spill off SLO County would have on the sea otter population along Big Sur. With oily fur, a sea otter dies a horrible death of hypothermia, he said. **'If the San Luis Obispo coast is considered a local and national asset, you have between now and 2017 to figure out how to protect it.'**"

— "Drill, spill, or chill, baby - Are offshore oil rigs on our horizon?"  
New Times, May 26, 2010

### We've figured out how to protect it.

"I support the designation of the Chumash Heritage National Marine Sanctuary!"

Name \_\_\_\_\_

City \_\_\_\_\_

E-mail \_\_\_\_\_

Keep me posted on the campaign

<http://santalucia.sierraclub.org/documents/Chumash%20Sanctuary%20final.pdf>

Send to:  
Sierra Club  
P.O. Box 15755  
San Luis Obispo, CA 93406

## Sierra Club Opposes Fast-Track Rush on International Trade

Legislation would promote flawed trade deals that harm the environment

On January 9, Senate Finance Committee Chairman Max Baucus (D-MT), Ranking Member Orrin Hatch (R-UT), and House Ways and Means Committee Chairman Dave Camp (R-MI) introduced the Bipartisan Congressional Trade Priorities Act of 2014, legislation that would grant "fast track" authority for trade deals, including the Trans-Pacific Partnership. Fast track was created under President Nixon and first passed in 1974, at a time when trade pacts focused on traditional trade issues such as cutting tariffs and lifting quotas.

If this legislation were approved by Congress, the President would be able to send already signed trade pacts to Congress for a straight up-or-down vote — with no room for amendments and limited floor debate.

The legislation is likely to face stiff opposition from Congress. In November, 151 House Democrats sent a letter to President Obama calling for the creation of a new mechanism for trade agreement negotiations and approval that would give Congress "exclusive constitutional authority to set the terms of trade." Another letter signed by 23 House Republicans opposing fast track was sent to the President on November 12.

"The Sierra Club opposes fast track, an outdated and inappropriate mechanism for trade pacts as expansive as the proposed Trans-Pacific Partnership agreement and the proposed U.S.-EU trade deal," said Sierra Club Executive Director Michael Brune. "This legislation strips Congress of its defining democratic characteristic — its check-and-balance structure. If Congress is not able to fully debate and, if necessary, amend the language of these all-

encompassing trade pacts, the environment, our climate, and our families could suffer as a result.

"Trade pacts must include binding protections to consumers, workers' rights, the environment, the climate,

and much more, and Congress must be able to make sure these boxes are checked.

"It's critical that Congress has the

FAST TRACK continued on page 10

## Leaked Trans-Pacific Partnership Environment Chapter Unacceptable

On January 15, WikiLeaks posted a draft environment chapter of the proposed Trans-Pacific Partnership (TPP) that governments have negotiated in secret for nearly four years.

TPP nations have billed the Trans-Pacific Partnership agreement as an "ambitious, 21st-century trade agreement." However, a joint analysis of the WikiLeaks document by environmental organizations reveals that countries are nowhere close to that goal.

"This peek behind the curtain reveals the absence of an ambitious 21st-century trade agreement promised by negotiating countries," said Carter Roberts, President and CEO of World Wildlife Fund (WWF). "The lack of fully-enforceable environmental safeguards means negotiators are allowing a unique opportunity to protect wildlife and support legal sustainable trade of renewable resources to slip through their fingers. These nations account for more than a quarter of global trade in fish and wood products and they have a responsibility to address trade's impact on wildlife crime, illegal logging, and overfishing."

Last fall, 24 environmental organizations, including the Sierra Club, Natural Resources Defense Council (NRDC),

and WWF, sent a letter to the U.S. Trade Representative, Ambassador Froman, calling for a strong and legally enforceable environment chapter that includes the elimination of harmful fisheries subsidies, which are a key driver of overfishing; a ban on trade in illegally harvested timber, wildlife, and fish; and obligations to uphold domestic environmental laws and commitments under multilateral environmental agreements.

"If the environment chapter is finalized as written in this leaked document, President Obama's environmental trade record would be worse than George W. Bush's," said Michael Brune, executive director of the Sierra Club. "This draft chapter falls flat on every single one of our issues - oceans, fish, wildlife, and forest protections - and in fact, rolls back on the progress made in past free trade pacts."

Since a bipartisan consensus on trade was reached in May 2007 between Congress and the Bush Administration, the environment chapters of all U.S. free trade agreements have been legally enforceable and included a list of environmental treaties that

TPP continued on page 10

### Muir

continued from previous page

down my ten hours' allowance of sleep to five. I simply felt that I was rich beyond anything I could have dreamed or hoped for. I was far more than happy."

Muir's father did not rescind his permission for John to rise early, saying "I know I gave you that miserable permission, but I never imagined that you would get up in the middle of the night." John continued to use his precious time to invent a timekeeper, fire starters, light lamps, a thermometer and others.

Muir left the farm in 1860. Hoping to get a position in a machine shop, he took his inventions to the State Fair in Madison for exhibit. At the State Fair, his inventions "seemed to attract more attention than anything else in the hall. I got lots of praise from the crowd and the newspaper-reporters. The local press reports were copied into the Eastern papers."

Muir worked at various jobs and achieved his goal of entering State University. He continued to invent while at the University, but Muir had always been intrigued by the wonders of nature.

"Although I was four years at the University, I did not take the regular course of studies, but instead picked out what I thought would be most useful to me, particularly chemistry, which opened a new world, and mathematics and physics, a little Greek and Latin, botany and geology. I was far from satisfied with what I had learned, and should have stayed longer. Anyhow I wandered away on a glorious botanical and geological excursion, which has lasted nearly fifty years and is not yet completed, always happy and free, poor and rich, without thought of a diploma or making a name, urged on and on through endless, inspiring, Godful beauty.

"I was only leaving one University for another, the University of Wisconsin for the University of the Wilderness."



## Rail Spur

continued from page 1

The DEIR fails to contemplate the risk involved in hauling crude oil into California via trains that will traverse some of the most challenging mountain passes in the U.S. The DEIR's limitation of analysis of impacts to the geographical area of the County omits any review of the environmental impacts in the Sierra Nevada and other sensitive areas and population centers in every other California county through which the oil trains would travel, areas that would not otherwise be impacted but for the construction of the rail spur and resulting train transport of crude oil into the state for processing at the Santa Maria refinery. These potential impacts have not been analyzed, avoided or mitigated.

The DEIR's discussion of the environmental impacts that would result from a fire as the result of a spill is limited to the geographical area constituting the assumed maximum circumference of a fire. The Lac-Megantic fire burned for four days. The FEIR must analyze the impacts to air, water and land resources from a fire based on likely duration, not just area.

### The project is piecemealed and cumulative impacts are omitted relative to past projects.

As defined in CEQA Guidelines Section 15355, a "cumulative impact" consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. The cumulative impacts from several projects are the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects.

The seriousness of the deficiency caused by the piecemealing of the environmental review of the Throughput Increase and Rail Spur projects can be best seen in a comparison of the Hazardous Materials analysis in the Rail Spur project DEIR to the section "Public Safety and Hazardous Materials - Transportation of Hazardous Materials on Roadways" in the 2012 Throughput Increase FEIR, which states:

Crude oil and solid sulfur are not acutely hazardous materials. . . . If crude oil was spilled, fire could occur along the transportation route at the accident location. Given the properties of crude oil, the likelihood of an explosion is virtually non-existent and consequently explosion scenarios are not addressed further in this document. Fire thermal impacts would be limited to the immediately [sic] vicinity of the spill site. Risk levels would be minimal due to the properties of crude oil and impacts would be associated primarily with environmental issues.

-Phillips Santa Maria Refinery  
Throughput Increase FEIR 4.2-30  
October 2012

Certification of the Throughput Increase EIR was granted on the applicant's representation that "risk levels would be minimal due to the properties of crude oil," and that the increased throughput volume permitted would consist of a substance for which "the likelihood of an explosion is virtually non-existent," the justification for the decision not to address explosion scenarios in that document.

By way of contrast, the Hazardous Materials section of the DEIR for the Rail Spur project paints a different

picture of the properties of crude oil and the explosive potential thereof:

Since the release streams are flammable, releases could potentially result in thermal radiation exposure from a fire, and also present an overpressure hazard due to explosions from flammable vapor clouds or boiling liquid expanding vapor explosions.

- Phillips SMR Rail Project  
Public Draft EIR, 4.7-17,  
November 2013.

Despite this admission, the discussion of the Lac-Megantic disaster in the Hazards and Materials section of the DEIR makes no mention of the nature of the crude oil the train was carrying, nor the fact that it is the same crude that this project is proposed to accommodate, nor provide any analysis of the heightened volatility and potential for explosion of Bakken shale crude oil.

Despite the discussion of the Lac-Megantic disaster and the 47 victims who perished in the explosion and fire caused by a derailed oil train, the DEIR makes this claim:

As rail traffic would occur regardless of whether additional crude oil cars were added to the train, the transportation of crude oil would not increase the accident/trauma-related injuries and fatalities associated with rail accidents (4.7-28).

This is clearly not the case. The DEIR states that it continues to rely on the Phillips SMR Throughput Increase Project FEIR for its assessment of Transportation Risk (4.7-38). The SMR Throughput Increase FEIR is clearly out of date and its assumptions contradicted by the Lac-Megantic disaster and subsequent derailments and explosions of oil unit trains carrying Bakken crude shale oil.

In a 2012 investigation of tanker car explosions, the National Transportation Safety Board concluded that such an accident involving oil unit trains could be exponentially bigger than a derailment involving one tanker car, due to the amount of crude oil involved. The NTSB internal report warned that with the "increasing number of unit train shipments" happening in North America, "the risks are greater because of high concentrations of hazardous materials," and "existing standards and regulations [are] insufficient."

An EIR that relies on those standards and regulations is likewise insufficient. The DEIR claims:

Accidents that generate spills of hazardous materials that could impact public receptors along roadways produce the risks associated with transportation. These risks are associated with the transportation of solid petroleum coke and recovered solidified sulfur. (4.7-38)... Risk levels associated with transportation would be minimal due to the properties of crude oil, sulfur, and coke and impacts would primarily affect environmental resources.

These claims are contradicted by the facts of the Lac-Megantic disaster and the findings of geologists that Bakken shale oil causes severe erosion of tank cars and is so flammable it can ignite at temperature as low as 20 C. Geologists have warned since 2010 of increased concentrations of hydrogen sulfide in Bakken crude, with increased corrosion and health and environmental risks.

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Shell Beach, CA 93448



The FEIR must incorporate this analysis.

The requirements of CEQA were not met by the Throughput Increase FEIR's Cumulative Analysis at 4.7.5, which restricted its analysis of the Refinery Throughput Increase to the release of hazardous materials from the project site, without reference to the impacts due to that project's facilitation of the Rail Spur Project.

The information that the applicant intended to refine highly volatile Bakken shale crude oil, a fact of which decision makers and the public were not informed during review of the Throughput Increase EIR and which was brought forward only in the current project, sixty days after the prior project's environmental review was certified, constitutes a gross violation of the intent and purpose of CEQA.

### The project is piecemealed and cumulative impacts are omitted relative to reasonably foreseeable future projects.

At a December 12, 2013, public workshop held in Arroyo Grande, a DEIR consultant stated that the refinery is capable of processing a small amount of Bakken crude oil at this time, and that extensive retrofits would be necessary to increase the amount of Bakken crude processed by the refinery relative to current levels of standard crude oil volume.

As California's conventional crude oil production is declining and the production of Bakken shale oil is increasing – so much so that it is outstripping pipeline capacity and necessitating the increasing rail transport of crude oil, the basis for this project – the rail spur project appears to be the prelude to the refinery retrofits necessary to shift the refinery's production from declining levels of conventional crude oil to increasing levels of Bakken crude.

Having piecemealed the environmental review of the throughput increase separately from the review of this project's impacts, the applicant should not be allowed to further piecemeal the analysis of this project's impacts separately from a readily foreseeable retrofit project to allow the refining of increasing quantities of Bakken crude oil, facilitated by this project.

The incremental impact of these past, present, and reasonably foreseeable future projects is likely to be cumulatively considerable, as per CEQA 15130(a)(1), and must be analyzed in the EIR's discussion of cumulative impacts.

The FEIR must also reconcile the statement by the project consultant at the December 12 public workshop with the EIR's statement that "the most likely sources [of crude oil] would be the Bakken field in North Dakota or Canada" (ES-3). This assertion is at odds with the consultant's implication that the amount Bakken crude oil shipped would be insignificant because "the refinery is capable of processing a small amount of Bakken crude oil at this time." Taken together,

the two statements further indicate the readily foreseeable intent of the applicant to come back at a future date with an application for another permit for the necessary "extensive retrofits" of the refinery. The FEIR should state the portion of total refinery throughput projected to consist of Bakken shale oil and not seek to downplay and minimize the risk of the transport of two million gallons of highly volatile Bakken crude oil, 250 times a year, as "a small amount."

The likelihood that the throughput increase and rail spur projects combined will drive the creation of an additional pipeline from the Santa Maria refinery to the applicant's Rodeo refinery – either in parallel or a twin or replacement – and the cumulative environmental impacts that would result is not addressed in the DEIR, contrary to CEQA 15355.

### The hazard calculations understate risk and substitute probability for actual analysis of impacts.

In its discussion of higher safety standards proposed for new tank cars, the DEIR states that "Nearly 25 percent of the DOT-111 fleet carrying crude today meets the higher design standards" (4.7-25). The "25 percent" figure appears to be overstated, per statistics furnished by the Association of American Railroads that only 14,000 of the 98,000 tank cars in service meet the voluntary standards for new tank cars. Even if the percentage cited by the DEIR were correct, there is no discussion of the potential impacts from the obvious inference to be drawn from it -- that 75 percent of tank cars do *not* meet the higher design standards -- nor does the DEIR mention that, per the National Transportation Safety Board, a train that mixes new and old tank cars will nullify any increased safety factor and will be no safer than a train with no tank cars that meet the new standards.

2013 saw a 37-fold increase in the number of rail oil shipments over 2007. Train derailments are a daily occurrence in the U.S. There were 100 oil tank car spills in 2012, per the Pipeline and Hazardous Material Safety Administration. The DEIR's Hazards Analysis focuses on historical figures for rail accidents and derailments, and does not appear to take into account the fact that risk rises as traffic volume increases. The DEIR's statement that the rail route in San Luis Obispo County was evaluated to determine accident rates and spill probabilities along the route points to the deficiency of both 1) restricting analysis to only San Luis Obispo County and 2) a probability analysis based on historic accident rates, which is not predictive of likely accident rates at a significantly increased current and future level of rail traffic consisting of oil unit trains. The Hazards Analysis in the FEIR should analyze the probability of accidents based on the project's proposed addition of up to five unit trains per week of 80 cars each, totaling approximately 250 trains per year, to the



**Los Padres**

*continued from page 2*

Lands not zoned as Recommended Wilderness are vulnerable to intensive forms of development like oil drilling, mining, communication facilities, “temporary” road construction, commercial logging, and the sale/disposal of federal public land to private interests.

Congress has not designated any new wilderness lands in the southern Los Padres National Forest since 1992, more than two decades ago. A RW zoning designation will result in immediate protections for key areas of the forest until Congress acts to formally designate them under the Wilderness Act.

Wilderness designation protects wildlife habitat, safeguards watersheds that provide sources of clean water for our farms and towns, enhances our quality of life, and promotes outdoor recreation opportunities that boost local businesses and tourism revenues.

As development pressures continue to increase, it is becoming increasingly important to protect large intact areas of the Los Padres National Forest so that future generations have places to enjoy the great outdoors. The Forest Service recommended 104,801 acres of new wilderness in the three other national forests in southern California. In fact, the Forest Service increased the acreage of recommended wilderness by nearly 4,000 acres in the three other forests from what was initially proposed in the draft plan, but couldn’t even eke out a single acre of new wilderness protection for the Los Padres National Forest.

The January 17 draft decision started a 60-day formal objection period. ForestWatch and our allies will be reviewing the decision and the associated Environmental Impact Statement, and will likely file an objection. You can stay informed at [www.LPFW.org](http://www.LPFW.org).

**BDCP**

*continued from page 5*

climate change. Nor will they ensure recovery of the Delta. Indeed, they may increase damage to the Delta’s species. The tunnels are a rehash of an old idea rejected by the state’s voters in 1982.

The deadline for public review and comment on the BDCP’s environmental impact report is April 14. You can read the draft plan at <http://baydeltaconservationplan.com/PublicReview.aspx>.

We oppose the current BDCP proposal because constructing these high-capacity tunnels to drain the Sacramento River before it even reaches the Delta will destroy ecosystems and fisheries, and drastically reduce the water quality in this beautiful region of our state. It will have statewide implications for water quality and supply.

The BDCP doesn’t make sense because:

- There is no more water for export and there will be less in the future. In the face of climate change, the twin tunnels will not provide reliable and

sustainable water supplies if there is little or no snow pack due to rising temperatures.

- Regional Self-Reliance is the smart

choice. Reducing dependence on the Bay Delta and managing water resources on a regional scale is the real way to achieve a reliable and sustainable water supply

- Alternatives are more sustainable. A portfolio calling for water recycling, water-use efficiency and groundwater storage among other strategies will prove to be more successful for sustainably meeting California’s water needs.

Sierra Club California’s white paper, “Clean, Sustainable and Reliable Water Supply: Alternatives to the Giant Bay Delta Tunnels,” provides a clean and concise portfolio of alternatives.

“California needs a statewide water policy that gives all Californians adequate clean drinking water; respects and protects our rivers and streams, bays and deltas; and supports a sustainable economy,” the white paper notes. “We need an approach that

[Federal Railroad Administration] made the remarkable admission that its investigative tools are so limited it ‘can only speculate’ about the number of hazardous crude shipments that were improperly shipped.’... Railways and shippers have no better idea of the volatility of the oil they are shipping by rail today than they did before Lac-Megantic.”

Additional findings by this investigation serve to point up the fact that the DEIR does not analyze the risk of explosion even when the regulatory system functions properly:

Even if the oil is tested and determined to be safe, the risk of explosion can be further compounded in transit when exposed to a hot sun [said US DOT rail accident investigator Alan] Roberts. ‘You get down the road and the sample could be entirely different,’ he said. ‘Why? Because the materials will stratify.’ In such cases, the lighter ends rise to the

**Rail Spur**

*continued from previous page*

state’s current level of rail traffic. The FEIR should also calculate the severity of the accidents statistically likely to occur based on the proportion of tank cars proposed to transport volatile Bakken shale crude oil.

The EIR should analyze the potential impact of a spill on the magnitude of the Lac-Megantic disaster (1.5 million gallons).

**The project cannot justify the risk.**

The DEIR does not take account of the heightened knowledge of the risks of rail transport of crude oil that has resulted from increased public scrutiny since the Lac-Megantic disaster and a rapid series of subsequent derailments, explosions and fires. These risks include the routine improper classification of oil for shipment, per an investigation by *The Globe and Mail*:

“In a June 19 letter to the American Petroleum Institute, the

**Congregation Beth David**

**What Happens in the Arctic Doesn't Stay in the Arctic!!**

A Climate Change Program presented by:  
**Heidi Harmon and Sharon Rippner**

- volunteers with Citizens Climate Lobby and Climate Reality Project
- activists/organizers committed to reducing global carbon emissions

**Join us as we explore key questions:**

- Can we be better stewards of our planet?
- Who is most affected by climate change?
- What spiritual or ethical values implore us to act for a solution?

**And commit to effective action as:**

- Individuals and families--
- Congregation and community--
- Residents of California--
- Citizens of the United States.

**Thursday, February 6th at 7-9 pm**  
**Congregation Beth David**  
**10180 Los Osos Valley Road, San Luis Obispo**

For more information, contact Elie Axelroth at [social-action@cbdslo.org](mailto:social-action@cbdslo.org) or Sari Dworkin at [saridworkin@earthlink.net](mailto:saridworkin@earthlink.net)  
Sponsored by the Social Action Committee, CBD

recognizes the water supply and demand challenges that will come with global climate disruption and population growth; one that offers responsible, cost-effective solutions.”

Mail comments on the Bay Delta Conservation Plan by April 14 to:

BDCP Comments  
Ryan Wulff, NMFS  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

or email:  
[BDCP.Comments@noaa.gov](mailto:BDCP.Comments@noaa.gov)

For more information, contact:  
Eddie Moreno  
Policy Advocate  
[edward.moreno@sierraclub.org](mailto:edward.moreno@sierraclub.org)  
916.557.1100, x 109

**Wilderness First Aid at Cal Poly**

The Poly Escapes Outdoor Adventure Program at Cal Poly is hosting a Wilderness First Aid class presented by the NOLS Wilderness Medicine Institute.

The February 22-23 class will provide NOLS wilderness first aid certification and wilderness first responder recertification.

Whether spending time in the back country is your passion or your profession, you should never have to ask, “What do I do now?” In this fast-paced, hands-on course, you will learn how to prepare for the unexpected. The

*FIRST AID continued on page 10*

top and vaporize faster, creating an explosion risk.

The DEIR does not acknowledge the opinion of the National Transportation Safety Board, as reported by the *New York Times*:

In the wake of the January 1, 2014, derailment, explosion and fire of a train transporting Bakken shale crude oil in Casselton, North Dakota, the National Transportation Safety Board called the level of threat to the public “unacceptable.”

In light of the above, we urge adoption of the No Project Alternative.

Thank you for the opportunity to comment,

Michael Jencks, Chair  
Sierra Club - Santa Lucia Chapter  
P.O. Box 15755  
San Luis Obispo, CA 93406

Gerry Ching, Chair  
Sierra Club - Los Padres Chapter  
PO Box 31241  
Santa Barbara, CA 93130

Sue Harvey, President  
North County Watch  
P.O. Box 455  
Templeton, CA 93465

**TAKE ACTION**

The County Planning Commission will deliberate on the EIR and permit approval for the Santa Maria Refinery Rail Spur Extension Project on April 24 (tentative). Check the posted agenda a week before the scheduled meeting at <http://www.slocounty.ca.gov/planning/meetings.htm>.



## Budget

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high speed rail can and must be part of a robust transportation system in California. However, expending the early rounds of cap-and-trade funds on high speed rail misses an opportunity to get near-term reductions from other projects at a time when near-term reductions are most valuable.

The Governor's budget surprisingly proposes a cut of \$3 million from the Coastal Commission for sea level rise planning. This disappointing cut will make it harder for the Commission to ensure that coastal communities update their coastal plans to take into account sea level rise.

The Governor's proposal is just the first in a series of steps before the state's budget is adopted. The legislature will develop its budget priorities and hold hearings, and negotiations between the legislative leadership and the Governor will commence. The final budget will be adopted in June.

## Fast Track

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ability to oversee trade negotiations and make sure trade protects our environment, workers, and communities here in the U.S. and abroad. The public and Members of Congress have already largely been excluded from the process of creating the Trans-Pacific Partnership — why limit our democratic rights even further?

"We urge Members of Congress to oppose fast track and retain their rights to ensure that the U.S. leads in responsible trade. We need a real debate on the cost of trade on our economy and environment — not a process to haphazardly push pacts over the finish line."

For more information on the proposed Trans-Pacific Partnership, see the Sierra Club report at <http://sc.org/RawDealReport>.

For more information on the proposed U.S.-EU trade pact, see the Sierra Club report at <http://sc.org/TTIP-report>.

## TPP

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countries committed to uphold. The leaked text does not meet the standard set by Congress.

"Environmental protections are only as effective as their enforcement provisions, and a trade agreement with weak enforcement language will do little or nothing to protect our communities and wildlife," said Peter Lehner, executive director of the NRDC. "Starting with the Bush administration, the United States has insisted that all trade pacts include enforceable environmental protections, and we should settle for nothing less in the TPP. Considering the dire state of many fisheries and forests in the Asia-Pacific region and the myriad threats to endangered wildlife, we need a modern trade agreement with real teeth, not just empty rhetoric."

The Trans-Pacific Partnership (TPP) is an expansive trade pact being negotiated by Australia, Brunei, Chile, Japan, Malaysia, New Zealand, Peru, Singapore, Vietnam, Canada, Mexico, and the U.S. Eventually, every Pacific Rim nation may be included. Completing the TPP agreement has been identified as President Obama's "top trade priority," and the President urged the United States to pass the agreement in his 2013 State-of-the-Union address.

At a lunch hosted by World Wildlife Fund on November 19, USTR Ambassador Michael Froman stated that,

# Developers Getting Sweet Deal in SLO Land Use Update

The City of San Luis Obispo's new "economic development strategy" is making its presence felt in the update of the city's Land Use and Circulation Element (LUCE) in the form of potential new subsidies for developers.

The subsidies are phrased as opportunities for the City to participate in funding infrastructure for new development, infrastructure that developers have previously had to pay for. It clear, via the adoption of the economic development strategy, that those opportunities will be taken.

A fiscal analysis will look at all the costs that different kinds of land use create but will not assess the burden of costs the city will take off developers and place on itself and its citizens. That is, the fiscal analysis will not analyze the costs to the city when it takes opportunities to subsidize development.

The theory is that reducing impact fees and making large loans to facilitate

development projects will result in benefits that will trickle down to citizens. This kind of fiscal theory -- aka "voodoo economics" -- has been discredited at the national level since the Reagan era.

The move highlights the increasing disparity and lopsided nature of the LUCE update process. The city council declined to include a statement in the Land Use element stating that the city will implement an open space committee to protect open space. This was not necessary, said the council, because such an option has long been referenced (but never implemented) in the City's Conservation & Open Space Element. But at the same January 14 meeting where the council declined to implement an open space committee, it decided to include a statement that the city will implement an "Economic Development Strategic Plan" -- even though this is already a City plan, and therefore, by the same logic, does not



need to be in the Land Use Element. (The Economic Development Strategic Committee and Economic Development Strategic Plan were "fast tracked" so that, per the City's web site, they could "influence the LUE Update." When the Sierra Club asked the city for an "Environmental & Open Space Protection Committee" for the same purpose, the council nixed it.)

It is worth noting that 95% of the population of the city of SLO probably has no idea that the "Economic Development Strategic Plan" has new policies to create more subsidies for new development, or that the LUCE Update apparently will not include a fiscal analysis of what the new subsidies may cost the city, only what the general economic impact of the proposed new land uses will be.

All of which is nowhere on the list of residents' priorities from the City's LUCE Update Survey.

## Two Seed Saving Events on Feb. 5

The SLO Seed Exchange and the Cal Poly Center for Sustainability's "Sustainable Ag Lecture Series" are co-sponsoring a seed saving workshop and a talk by Jared Zystro, California Research and Education Specialist for Organic Seed Alliance, on Wednesday, February 5.

Topics of instruction at the workshop include fundamental skills for producing organic seed: the biology of seed production, seed harvesting and cleaning, choosing appropriate seed crops for your system and climate, maintaining the genetic integrity of varieties with appropriate population sizes and isolation distances, conducting variety trials, and basic on-farm breeding techniques. All levels of seed savers are welcome.

The talk "Reclaiming Seed: why and how to strengthen the role of farmers in our seed systems" will look at the history of the seed industry and how seed saving systems have changed over the centuries from the founding of our country. It will address how modern food systems have transformed the role of farmers in seed saving and highlight how promising alternative models are evolving to reinvigorate farmers and community participation in the vital act of seed saving.

The workshop on Fundamentals of Organic Seed Production will be held at Windrose Farm in Paso Robles from 10 a.m. - 4 p.m. For directions, go to <http://windrosefarm.org/about-us/directions>.

The talk on Reclaiming Seed will be at the Ludwick Community Center at the corner of Santa Rosa & Mill Streets in San Luis Obispo, from 6:30 - 8 p.m. Both events are free and open to the public.

For more information, contact Elizabeth Johnson at (805) 543-5364, [elizabethljoh@gmail.com](mailto:elizabethljoh@gmail.com)



"President Obama will not support a TPP agreement that does not have strong environmental provisions." The leaked environment chapter text dates to Nov. 24, 2013, just before a high-level meeting of TPP leaders in Singapore. For the joint analysis of the

WikiLeaks document by the Sierra Club, NRDC, and WWF, go here: <http://sc.org/TPPEnvironment>.

## First Aid

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NOLS Wilderness Medicine Institute's (WMI) curriculum includes many advanced topics such as dislocation reduction and epinephrine administration. In two days, you will have the knowledge, skills and ability to make sound decisions in emergency situations. This course is ideal for trip leaders, camp staff, outdoor enthusiasts and individuals in remote locations. WMI's course is pre-approved by such organizations as the American Camping Association, the United States Forest Service and other governmental agencies. This course does not include CPR and cannot be used as a WFR or WEMT re-certification course unless you hold an eligible certification from WMI.

Students: \$150 Tuition Only, non-students: \$200 Tuition Only. The class will be held in the Recreation Center Training Room. Students register at Poly Escapes at the Recreation Center. Non-students register at Poly Escapes or call/email for registration instructions: Nancy Clark, 805-756-7007, [naclark@calpoly.edu](mailto:naclark@calpoly.edu).



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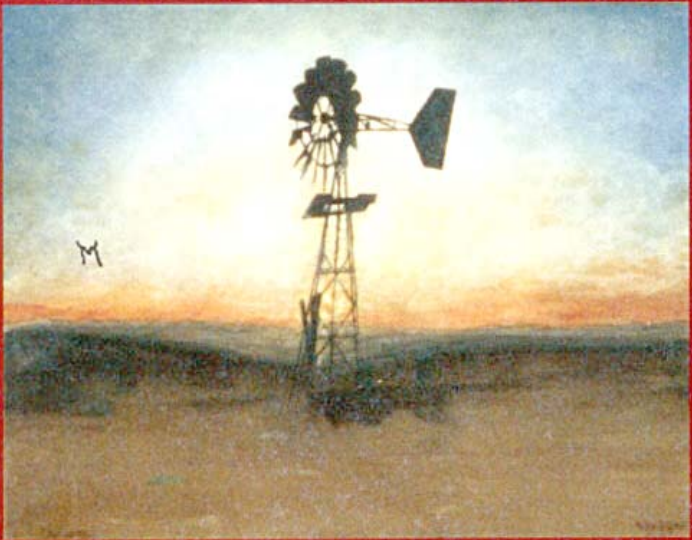
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# Outings and Activities Calendar

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. Please bring drinking water to all outings and optionally a lunch. Sturdy footwear is recommended. All phone numbers listed are within area code 805 unless otherwise noted. Pets are generally not allowed. A parent or responsible adult must accompany children under the age of 18. 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, 549-0355. For information on a specific outing, please call the listed outing leader.

**Sat., Feb. 15th, 8:30 a.m.**

**Cruickshank to Alder Creek Camp Hike.** Moderately strenuous, 11-mile, 2700 ft. gain trek through two beautiful canyons with redwoods, tanbark oaks, and alder along the creeks. This hike goes from the beginning of one trail to the end of another in the Silver Peak Wilderness. Bring lunch, water, and sturdy hiking shoes. Poison oak probably present on the trail. Hikers have option of going part way since we return on the same trail. Meet at Washburn Day Use Area north of Cambria, off Hwy 1. Rain will postpone the outing. Leader: Carlos Diaz-Saavedra, 546-0317.

**Sun., Feb. 16th, 2 p.m. City Walk of San Luis Obispo: The Post-War Years.**

Imagine SLO before its tree-lined downtown streets, the Mission Plaza, and Farmers Market. How did this unremarkable little town after the war become the dynamic and attractive place it is today? Find out the story and more on a guided stroll past stores, civic buildings, and San Luis Creek. From the forties to its rebirth in the seventies, learn how the city changed. Meet at the corner of Santa Rosa and Pacific Sts. Leader: Joe Morris, 549-0355.

**Sat., Feb. 22nd, 10 a.m. Mountain/Canyon/Creek Vista Walk in Montana de Oro Park.** Join us on a three-mile, 450 ft. gain loop, snaking up a canyon

to an old oak grove with ocean views, then descending into a lush willow canyon along Coon Creek. Meet at Coon Creek parking lot 3.8 miles from entrance to park. Leader: Vicki Marchenko, 528-5567 or [vmarchenko57@gmail.com](mailto:vmarchenko57@gmail.com).

**Sat., Feb. 22nd, Southern Nevada Wilderness Service.** One-day project helping BLM enhance wilderness in or at edge of a new (2002) wilderness area in southern Nevada managed by the BLM. Option to camp out and enjoy the area on Friday night with Vicky Hoover. To sign up, contact her at 415-977-5527 or [Vicky.hoover@sierraclub.org](mailto:Vicky.hoover@sierraclub.org) CNRCC Wilderness Committee.

**Fri.-Mon., Feb. 28th-Mar 3rd Death Valley Exploration.** Friday, meet at 11 a.m. to set up for noon hike in Amargosa Canyon. Saturday, travel through lower Death Valley, hiking at Natural Bridge and Golden Canyon, camping at Furnace Creek. Sunday, drive north, stopping at sites along the way to Mesquite Sand Dunes, camping at Stovepipe Wells. Monday hike up Mosaic Canyon. Bring your own food and water, and be sure to start with a full tank of gas. There are some services at Furnace Creek and Stovepipe Wells. Option to join the trip for only Saturday and Sunday. Leader: Carol Wiley, 760-245-8734 or [earthlingwiley2000@yahoo.com](mailto:earthlingwiley2000@yahoo.com)

CNRCC Desert Committee.

**Sat., Mar. 1st, 9 a.m. Lopez Lake Nature Exploratory.** Four-mile hike, 200 ft. gain, to identify local plants and birds, co-led by Audubon and Calif. Native Plant Society experts. We will be looking especially for waterfowl with possibility of seeing early spring wildflowers, if blessed with decent rain. Bring water, snacks, hat, sunscreen, sturdy shoes, and dress in layers for changing weather. No day use fees charged. Meet at Mabel French Boy Scout Camp. From Arroyo Grande, follow signs toward Lopez Lake. After crossing dam but before Lopez Lake County Park, turn right on Hi Mountain Rd, proceeding 0.8 mile to junction of Upper Lopez Canyon Rd. Bear left on Canyon Rd and continue 3.6 miles to entrance of Boy Scout Camp, on left side of road. Park in the parking lot; restrooms available there. Leader: Bill Waycott, 459-2103 or [bill.waycott@gmail.com](mailto:bill.waycott@gmail.com) Rain or threat of rain cancels.

**Thu.-Sun, Mar. 6th-9th Joshua Tree National Park Spring Weekend.**

Visit the park when temperatures are cooler and wildflowers may be blooming. We may explore palm oases, boulder areas, desert canyons, or climb peaks. Camp in Indian Cove campground with picnic tables, fire grates, and pit toilets. Bring your own supplies and drinking water or fill up at the Indian Cove Ranger Station. Hikes may be off trail. Some vehicle travel on dirt roads may be required. Cost \$30 per person, which includes 3 nights camping. \$20 deposit to hold reservation. Group size limited

**Island Hopping in Channel Islands National Park. 3-Days, 3-Islands: April 12-14, May 4-6, June 8-10, July 22-24, August 24-26, September 14-16.** Join us as we explore these enchanting islands! Hike wild, windswept trails bordered with blazing wildflowers. Kayak rugged coastlines. Marvel at pristine waters teeming with frolicking seals and sea lions. Train your binoculars on unusual sea and land birds. Watch for the highly endangered island fox. Look for reminders of the



Chumash people who lived on these islands for thousands of years. Or just relax at sea. A ranger/naturalist will travel with us to help lead hikes, point out items of interest and present evening programs. All cruises depart from Santa Barbara. The \$590 cost includes an assigned bunk, all meals, snacks, and beverages plus the services of a ranger/naturalist.

To reserve space, send a \$100 check, written to Sierra Club to leader Joan Jones Holtz, 11826 The Wye St., El Monte, CA 91732. For more information contact leader; 626-443-0706; [jholtzhl@aol.com](mailto:jholtzhl@aol.com).

## Activities sponsored by other organizations

**Sunday, Feb. 23, 11 a.m. - 12 p.m. Gardening from the Ground Up with UC Davis Botanic Conservancy.** Join Good Day Sacramento's "Plant Lady," Marlene Simon, staff horticulturalist from the UC Davis Botanical Conservatory, for this




interactive presentation on all things Mediterranean gardening at the SLO Botanical Garden. Explore unique drought-tolerant plants for the Mediterranean garden. This talk will help your garden thrive. Be prepared to ask questions! \$5 members/\$10 non-members. More information at [www.slobg.org/plant-lady](http://www.slobg.org/plant-lady). Lindsey Collinsworth, Education Manager, [lcollinsworth@slobg.org](mailto:lcollinsworth@slobg.org). (805) 541-1400 x304.




Johna Hurl of the Bureau of Land Management and Craig Deutsche of the Sierra Club CNRCC Desert Committee, augering post holes on Caliente Ridge for National Public Lands Day, Sept. 28, 2013.



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




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For further information contact:  
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John Malt, leader of the Sierra Club, at Yosemite

to 16. Leader: Rich Juricich at 916-492-2181 or [rich.sierraclub@pacbell.net](mailto:rich.sierraclub@pacbell.net) Delta Sierra Club Group/CNRCC Desert Committee.