



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

Feb. 2011
Volume 48 No. 2

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Our solar permit fee campaign is pushing down the price of permits

By Kurt Newick, Chair, Global Warming and Energy Committee, Loma Prieta Chapter

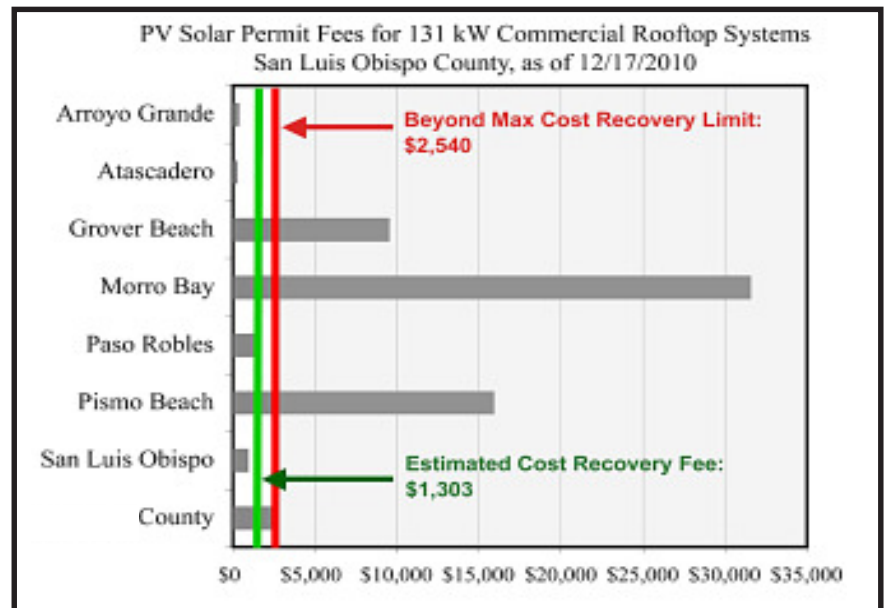
Sierra Club volunteers have published a new report for San Luis Obispo County on solar photovoltaic (PV) system permit fees.

A municipal permit is required for installing a solar-energy system. For a given type of project, the accompanying fee varies widely from city to city, though state law requires cities to minimize it. It is imperative that municipal governments complement federal and state incentives by keeping fees as low as possible. For consumers, high fees can discourage people from switching to solar power. For the installers, red tape and delays hamper profit margins, delaying projects and increase costs.

To help keep these fees down, over the past five years Sierra Club chapters in California have done a number of surveys on permit fees for home photovoltaic systems. Local newspapers have covered our campaign, and, as a result, 71 of the 131 cities in the greater San Francisco Bay Area have significantly lowered their fees on residential solar projects.

Club volunteers throughout the state are using these surveys to encourage the growth of renewable solar energy as a local solution to global climate change. The goal is to negotiate more reasonable fees for solar projects with local governments who are over-charging.

Our newest round of reports focus on commercial photovoltaic projects, showing wide variations between what local cities charge for a PV permit. These reports analyze reasonable fees, considering specific review tasks, project size, time needed for each task, and billable hourly rates. Some of the excessive charges arise when cities base fees on project valuations, because the cost of reviewing and



inspecting a commercial solar project does not vary linearly with system size. For instance, the time needed to process a 100 kW project is only about two to three times longer than for a 10 kW project. These reports include an easy-to-use downloadable spreadsheet to help municipalities determine cost-recovery levels for commercial photovoltaic projects.

Executive summary

A fall 2010 survey by the Sierra Club revealed wide variation in permit fees charged for commercial rooftop photovoltaic (PV) energy systems by municipalities in San Luis Obispo

County. The survey found that fees for commercial PV projects of 131 kW in size varied from \$273 to over \$31,000. High fees can discourage businesses and residences from making good, long-term, high-yield investments in solar power. Four (50% of the surveyed municipalities) are charging fees that exceed the maximum cost-recovery levels identified in this report for commercial PV projects. The time needed for city staff to review and inspect a commercial PV project does not increase in lock step with system size. For instance,

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DON'T MISS

**Feb. 22:
Green Gravity #3**

at

**Sustenance
CookingStudio
2033 Santa Barbara Ave.
San Luis Obispo**

*get details & RSVP
on Facebook*



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Lawsuit Halts Grazing in Carrizo Reserve

On December 27, Los Padres Forest Watch, the Sierra Club and the California Department of Fish and Game signed a settlement agreement to the legal challenge we brought over the state's approval of cattle grazing on the Carrizo Plain Ecological Reserve.

The Reserve, managed by the Department of Fish and Game, is comprised of more than 30,000 acres of ecologically sensitive habitat, including the 15,000-acre



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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.

Add your voice to protect the planet. Join the Sierra Club today.

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Explore, enjoy and protect the planet

Staff's Captive

When local government falls victim to staff capture, it ain't pretty

In October 1962, a very young president found himself confronting the prospect of Soviet missiles in Cuba aimed at the United States.

He summoned his advisors. Every one of them, along with the Joint Chiefs of Staff, urged him to attack immediately, invade Cuba and sink missile-bearing Soviet naval vessels en route. These were the best and the brightest, brilliant academics and seasoned foreign policy experts with decades more experience than the president. John F. Kennedy listened to the sage advice of the men being paid to advise him and then discarded it, electing not to start World War III and also providing history's best example of the wisdom of avoiding "staff capture."

This is the phenomenon in which elected officials surrender their authority and independent judgment to the people who work for them. All advice from independent sources and from the public whom they ostensibly serve is shut out if it is contrary to the advice and agenda of staff and consultants.

This has been the signature characteristic of the Morro Bay-Cayucos Wastewater Treatment Project as it has taken shape under the auspices of the Morro Bay City Council and Cayucos Sanitary District, whose members comprise the board of the Joint Powers Agreement (JPA) overseeing the treatment plant. Over the years, a concerted effort by local citizens and public interest groups including Sierra Club, Surfrider and the Natural Resources Defense Council succeeded in forcing reconsideration of the plant replacement project from a merely secondary to a tertiary level of wastewater treatment -- making wastewater reclamation a viable option -- and accelerating the target date by which the plant will finally come into compliance with the Clean Water Act from an absurd 20 years to a still padded 8.5 year timeline. This meant fighting staff, consultants and city officials suffering from staff capture syndrome every step of the way.

But when it came to alternatives to the plant site that staff were set on, or getting serious about a wastewater reclamation program, the shut-out was complete. And when the Sierra Club suggested a year ago that it would be a very good idea for Morro Bay and Cayucos officials to direct staff to sit down with Coastal Commission staff and discuss permitting issues *then*, at the beginning of the environmental review process, rather than now, at the end of it, the icy reply came back from JPA staff that they would consult with the Coastal planners "at the appropriate time."

Last October, staff and their hired consultants brought forth the results. The Morro Bay Planning Commission took one look, saw the glaring defects in alternatives analysis and reclamation, and called for a do-over. In November, Coastal Commission planners sent Morro Bay a 12-page letter that said the same thing, at greater length, and pointed out the unlikelihood of the project receiving a Coastal Development Permit in its present state. In January, the city council rubber stamped the deficient project rather than heeding the warnings they were getting from all sides that the project and its Environmental Impact Report (EIR) needed to be revised and recirculated.

New Times reported that City staff felt Morro Bay would be "within its rights" to approve the EIR even without alternative sites outlined, and that such an analysis could be held off until the project was appealed to the Coastal Commission.

A little poem comes to mind, a whimsical gravestone inscription most of us learn in high school when taking drivers education:

*Here lies the body of John B. Gray
 Who believed he had the right of way.
 He thought he was right, as he sped along
 But he's just as dead as if he was wrong.*

Our advice to the Morro Bay City Council at their January 11 deliberations on the project was "Don't play chicken with the California Coastal Act." They chose not to take that advice, approving the project permit on a 4-1 vote, Councilman Smukler dissenting. The specific reasons why that was a bad idea can be read in our appeal to the California Coastal Commission, as related on page 9.

The story the local media picked up on, farther down the agenda of that meeting, was the failed attempt by newly elected Mayor Bill Yates to fire every



Everything's ship-shape, Captain Elected officials can find themselves tightly bound to the agendas and priorities of staff.

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The Santa Lucian is published 10 times a year. Articles, environmental information and letters to the editor are welcome. The deadline for each issue is the 11th of the prior month.

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Printed by University Graphic Systems

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Outings, events, and more!

Oceano Dunes: Still Choking

On January 20, the California Department of Parks, the Air Pollution Control District and the County agreed to a series of pilot projects utilizing hay bales and revegetation at the Oceano Dunes State Vehicular Recreation Area in an attempt to tamp down the particulate matter pollution kicked up by off-road vehicles at the ODSVRA. Exposure to particulate matter pollution can cause decreased lung function, chronic bronchitis, pulmonary disorders, and premature death in people with heart or lung disease.

Meanwhile on the Nipomo Mesa, the grassroots group Concerned Citizens for Clean Air continues to grow, meeting with local officials and pushing the APCD and school officials to implement a flag notification system for bad air days.

One of the CCCA's most helpful recent actions was notifying residents who want information on the levels of pollution we are experiencing compared to the rest of the state that they can go to this link to the California Air Resources Board Google maps of particulate matter pollution: www.arb.ca.gov/aqmis2/map_pages/gmap.php

On the map that comes up, colored dots indicate pollution levels from light (green) to hazardous (maroon). The map automatically displays today's air quality, but inputting any desired date, hour and PM 10 BAM -- the variety of particulate matter that is descending on the Mesa from the dunes -- will give you a recent history of bad air days. Inputting PM 10 BAM for April 8, May 5-7, and Sept. 20, 2010, starting at 11 a.m., will pull up maps on which the only maroon dot in the state is on Arroyo Grande.



Comments on the Central Coast Regional Water Board's Draft Order for Irrigated Agricultural Discharges

January 3, 2011

To, Howard Kolb/ Angela Schroeter
Central Coast Regional Water Quality Control Board
805 Aerovista Place, San Luis Obispo, CA 93401

Re: COMMENTS on the Central Coast Regional Water Board's November Draft Conditional Waiver for Irrigated Agricultural Discharges

Dear Regional Water Quality Control Board Members (Regional Water Board):

We are writing on behalf of the Environmental Justice Coalition for Water (EJCW), the Central Coast Alliance United for a Sustainable Economy (CAUSE), Food and Water Watch, the Santa Lucia chapter of the Sierra Club, the Desal Response Group, the Southern California Watershed Alliance, Puente de la Costa Sur, and the North Richmond Shoreline Open Space Alliance (NRSOSA) to provide public comments on the Central Coast Regional Water Board's Draft Agricultural Order No. R3-2011-0006, released on November 19, 2010 ('November Draft Order').

The Executive Summary of the November Draft Order states that, "discharges of waste associated with agricultural discharges (e.g., pesticides, sediment, nutrients) are a major cause of water pollution in the Central Coast region. The water quality impairments are well documented, severe and widespread." (Pg 7, Staff Report). The Staff Report states that the Central Coast Regional Water Board has the "statutory responsibility to protect water quality and beneficial uses such as drinking water and aquatic life habitat...The Central Coast Water Board regulates discharges of waste to the region's surface water and groundwater to protect the beneficial uses of the water. In some cases, such as the discharge of nitrate to groundwater, the Water Board is the principle state agency with regulatory responsibility for coordination and control of water quality." (Pg 11, Staff Report).

The Staff Report also clarifies that "no industry or individual has a legal right to pollute and degrade water quality, while everyone has a legal right to clean water." (Pg 13)

An Effective Program to Protect Central Coast Communities is Necessary

This statutory responsibility of the Regional Board is especially crucial since groundwater contamination from nitrates severely impacts domestic drinking water supplies in the Central Coast region. In fact, the November Draft Order reports that, "thousands of people rely on public supply wells with unsafe

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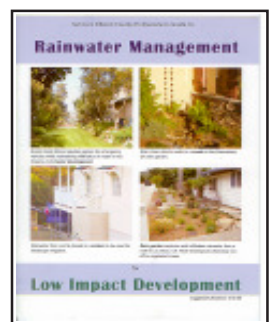


Low Impact Development: A Hit

The San Luis Obispo County Homeowner's Guide to Rainwater Mangement for Low Impact Development -- aka The LID Guide -- made its public debut at a packed event in the Morro Bay Vet's Hall on January 14, keynoted by Brock Dolman, one of the nation's foremost authorities on permaculture, watershed ecology and the weilding of ecological literacy activism in the service of societal transformation. (He cannot give a dull speech.)

The second publication in an educational series of guidelines on local applications of appropriate technology in water and wastewater re-use, the LID manual was produced by the SLO Coalition of Appropriate Technology -- SLO Green Build and the San Luis Obispo chapters of Surfrider and the Sierra Club -- in our efforts to maintain a healthy hydrological cycle in San Luis Obispo County. Or as Mr. Dolman would say: "Ask 'what would water want?' Don't pave it, pipe it and pol-lute it; spread it, sink it and save it."

The LID Guide can be ordered on line or downloaded for e-book readers at www.slogreenbuild.com (click on "News & Publications.")



DeLIDful A smashing time was had by all who came to the Appropriate Technology Campaign's January 14 LID guide publication party to hear Brock Dolman speak.

Solar Project Improved by "Opponents"

The *Tribune* found it "mind boggling."

The *New York Times* called to scold us.

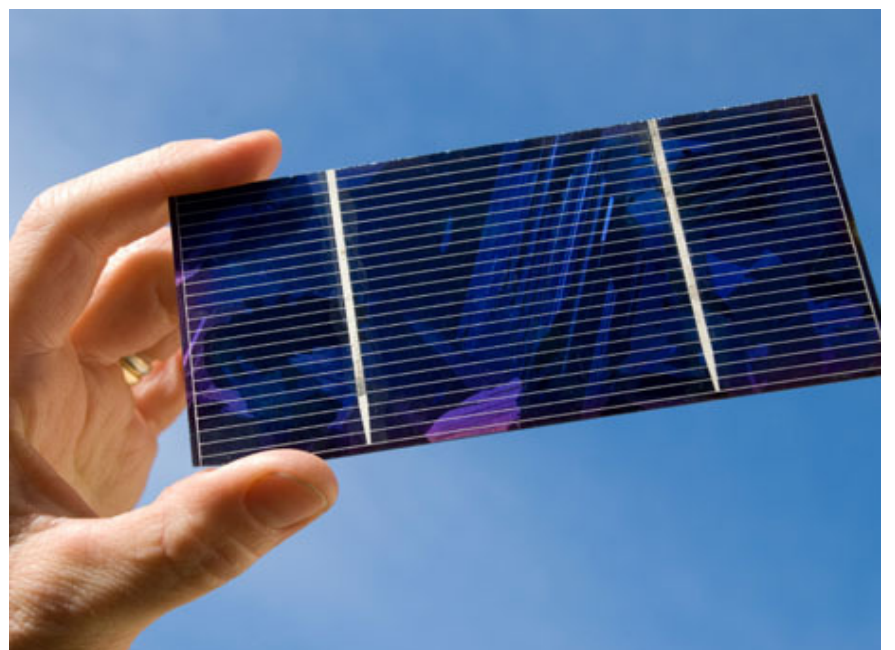
Why would anyone oppose putting solar panels on schools?

And yet, we appealed the permit allowing the San Luis Coastal Unified School District to put solar panels over the parking lots of half a dozen local schools. We filed the appeal with the California Coastal Commission because we knew the County and the District were preparing to violate our Local Coastal Plan by ignoring alternatives to the proposed project which would allow solar panels to be installed while sparing sensitive wetlands habitat and mature trees slated for removal.

On January 14, the Coastal Commission agreed and mandated a redesign of the solar arrays at Baywood Elementary School in Los Osos, sparing two Monterey cypress trees and the adjacent wetlands.

This was not an optimal resolution. There are some 100 trees still slated for the axe in order to accommodate solar carport installations district-wide, most of them at San Luis

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Children and Plants Growing this Winter

SLO Botanical Garden Children's Activities

The San Luis Obispo Garden is blooming with an abundance of low-cost outdoor children's activities this winter. With a goal of "education through exploration," children of all ages have been learning about sustainability, where food comes from and how to eat healthfully. The children's garden was built to work with nature to help conserve water and help plants grow properly. The entire garden is made of edible plants that can be used for medicinal teas, spices or a side dish for dinner. The goal is to teach children about where their food comes from and why it's important to make healthy eating choices.

The final winter program will be held February 12 at 1 p.m. – Rainy Riparian Romp. Discover the unique ecosystem in our own backyard. Meet some creek creatures and make a meaningful impact on this very special habitat that needs your protection. \$5 per family. With the purchase of an annual family membership to the San Luis Obispo Botanical Garden for \$50, families enjoy reduced cost monthly Saturday at the Garden workshops, a 10% discount on summer camp, discounts on plants at local nurseries, support a wonderful learning environment, and much more. For more information, call (805) 541-1400 ext. 304 or email collinsworth@slobg.org.

The San Luis Obispo Botanical Garden is located on 150 acres in El Chorro Regional Park off Highway One between Morro Bay and San Luis Obispo. Through its programs and facilities, the Garden fosters an appreciation and understanding of the relationship between people and nature and encourages a sense of stewardship toward the natural environment.



Poly Escapes to Host Wilderness First Aid Class

On February 12-13, the Poly Escapes Outdoor Program at Cal Poly is hosting a Wilderness First Aid class presented by the Wilderness Medicine Institute.

The two-day first aid certification and wilderness first responder re-certification program is fast paced and hands on, covering a wide range of wilderness medicine topics for people who travel in the outdoors. Whether spending time in the backcountry is your passion or your profession, you should never have to ask, "What do I do now?" With this course, you will learn how to prepare for the unexpected. Includes many advanced topics such as dislocation reduction, focused spinal assessment and epinephrine administration. In just two days, you'll 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 the American Camping Association, the United States Forest Service, and other government agencies. Does not include CPR. All students are required to submit a photocopy of their WFR certification card on the first day of the course.

February 12-13, 2011

COST: Students: \$145.00 Tuition Only
Non-Students: \$195 Tuition Only

LOCATION: Cal Poly State University, San Luis Obispo, CA
University Union, #220

REGISTER: Students register at Poly Escapes
Non-Students register at Poly Escapes or call/email
Nancy Clark for registration instructions

PHONE: Nancy Clark 805-756-7007

EMAIL: naclark@calpoly.edu

WEB: www.asi.calpoly.edu/poly_escapes_trips/get_active

Mini-grants

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interviews conducted in the preparation of this report revealed that the difference in time needed to process a 100 kW PV project is about two to three times longer than a 10 kW project (not ten times longer). Basing fees on the value of the solar equipment inflates permit costs to unreasonably high levels, especially for larger, more expensive solar power projects. To recover costs, therefore, permit fees should be based on specific review times and billable hourly rates, not on PV project valuations.

The authors of the study have developed a free, public fee calculator spreadsheet for PV systems mounted on commercial rooftops to help municipalities determine cost recovery: www.SolarPermitFees.org/PVFeeCalcCommercial.xls.

The report recommends best practices that municipalities can adopt to assure greater consistency, and help our society develop an energy source that leads to a healthier, safer, and more stable community. These include setting permit fees at cost-recovery levels, and instituting streamlined permit processing procedures.

Local permitting and inspection processes added 13 percent to out-of-pocket costs in 2007. Today, the SunRun report says, they add 33 percent -- and that could rise to 50 percent in a few years.

- "Solar Firms Frustrated By Permits"
New York Times, Jan. 20, 2011

In January we contacted the municipalities charging more than \$4,000 for a 131 kW system, requesting that they review their fee-calculation methods.

You can see detailed survey responses at: www.solarpermitfees.org/PVFeesSanLuisObispo2010.html.

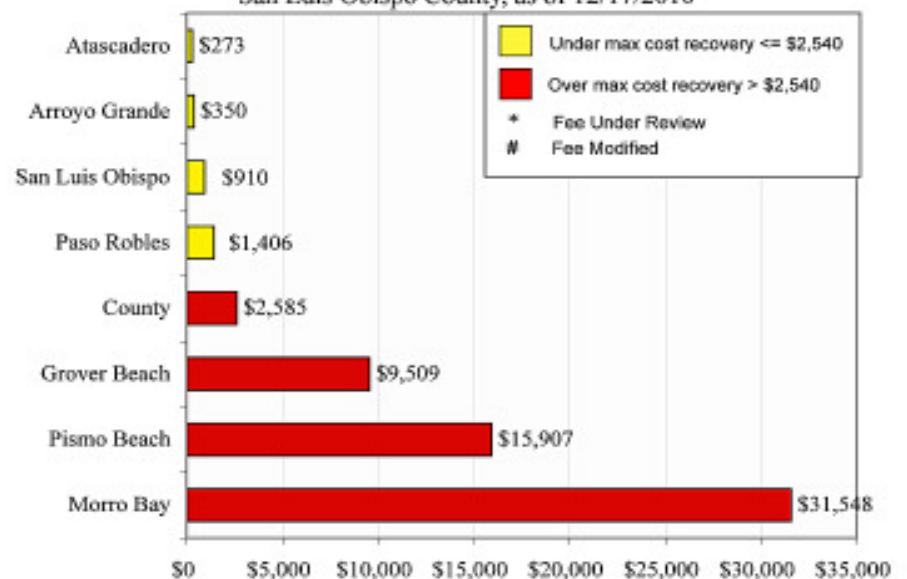
- Solar Electric Permit Fees for Commercial Installations in San Luis Obispo County :
www.SolarPermitFees.org/PVFeeStudySanLuisObispo.pdf

- San Luis Obispo County PV permit fee report, Jan. 2011:
www.solarpermitfees.org/sanluisobispo.html

- This executive summary:
www.SolarPermitFees.org/PVFeeSanLuisObispoExecSum.pdf

- Key recommendations:
www.SolarPermitFees.org/PVPermitFeeRecommend2010.pdf

PV Solar Permit Fees for 131 kW Commercial Rooftop Systems
San Luis Obispo County, as of 12/17/2010



TAKE ACTION

If your local fees are beyond the Maximum Cost Recovery Limit as indicated on the chart above, contact your elected officials and encourage them to reduce the fees for commercial solar projects.

To get involved in the Sierra Club's state-wide campaign to lower PV permit fees, contact Kurt Newick at KurtNewick@yahoo.com or 408-370-9636.

Ag discharge order

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levels of nitrate and other pollutants. Excessive nitrate concentration in drinking water is a significant public health issue.” (Pg 33, Staff Report).

In the past year, affected communities have come before the Regional Water Board to request for the protection of drinking water and human health. These Central Coast residents have asked the Board to uphold stricter regulations of agricultural discharges and to support groundwater cleanup and to prevent further nitrate contamination. About 500 community residents sent letters to the Regional Board in support of the February 2010 Draft Agricultural Order and its commitment to protect drinking water.

A multitude of supporters of the Order attended the public workshops held at San Luis Obispo on May 12, 2010 and at Watsonville on July 8, 2010. Community residents, low-income people, farm-worker women,

and representatives from environmental justice, pesticide awareness, faith-based, and sustainable agriculture organizations shared stories of their struggles with drinking water contamination and the overwhelming need to cleanup groundwater.

A common theme in their testimony is that water contamination severely hampers drinking water, human health and in turn, the health of communities. Residents highlighted the high costs to society and to communities of nitrate contamination, particularly for farm-worker camps, unincorporated areas, and disadvantaged communities.

Allowing the agricultural industry to further pollute groundwater supplies is an environmental injustice. The extent of nitrate contamination on the Central Coast and the urgent need to address the issue were acknowledged by Regional Board members in their closing comments

following both workshops. Regions such as the Salinas Valley, Santa Maria and Pajaro watershed were referred to as “hotspots”, where immediate action is essential due to the extent of nitrate contamination.

In fact, the November Draft Order acknowledges several times that drinking water and highly contaminated areas are among their highest priorities.

Key concepts identified in the Order:

- “Prioritize based on water quality impacts and make protection of human health and drinking water the highest priority” (Pg 8, Staff Report).
- “Among the highest priorities is to ensure that agricultural discharges do not continue to impair Central Coast communities’ and residents’ access to safe and reliable drinking water.” (Pg 12, Staff Report).
- “One size does not fit all.’ Require more of those discharging the most, creating the greatest impacts, or most threatening water quality.” (Pg 8, Staff Report).

We are very disappointed that in spite of the Board’s verbal commitment to regulate agricultural discharges due to overwhelming evidence of human health and drinking water concerns, the November Draft Order is significantly weaker than the Draft Recommendations released on February 1, 2010, (hereafter referred to as ‘February Draft Order’).

We support the November Draft Order ONLY to the extent that it is a vast improvement on the 2004 Conditional Waiver currently in place, which lacked a focus on water quality requirements and did not contain any compliance or verification monitoring provisions. However, we strongly feel that the November Draft Order fails to adequately address human

health concerns and contamination prevention. Hence, we urge the Regional Water Board to adopt the February Draft Order, which complied with state and federal laws and is adequate to protect water quality.

Implementation of the February Draft Order would provide Central Coast communities with a tool to help them to achieve access to clean, safe, drinking water.

The November Draft Order Fails to Protect Groundwater Quality

The November Draft Order, while verbalizing its commitment to drinking water and community concerns, has actually removed many of the provisions found in the February Draft Order that would have

allowed for an effective focus on water quality. Below please find our amendments to the November Draft Order.

Our support of the November Order is contingent on the inclusion of amendments 1-6 below.

(1). CONCERNS WITH THE TIERING STRUCTURE

We support the idea of creating a tiered structure to regulate growers with differing water quality impacts. However, we find that the criteria outlined in the November Draft Order for setting up the Tiers are grossly inadequate.

First of all, we are disappointed that in spite of the verbal commitment to addressing the nitrate contamination “hotspot” regions, these have not even been considered as criteria for creating the Tiers.

The Tiers are currently based on (1) size of the farm, (2) distance from an impaired surface water body, (3) use of the specific pesticides – chlorpyrifos and diazinon and (4) growing crops with high nitrate loading potential; however there is no groundwater contamination criterion for the Tiers.

This can easily lead to a situation where, if Dischargers’ operations are less than 1000 acres, then they may be placed in the low-risk Tier 1 even if they grow crops with high nitrate loading potential such as broccoli, cabbage, cauliflower, celery, etc. If Dischargers are under 1000 acres but are farming high nitrate risk crops in the highly nitrate-polluted regions of Salinas Valley or Santa Maria, they may still be placed in the low-risk Tier 1, even though their impact to groundwater and hence to drinking

water may be enormous. Contributing to groundwater contamination can be vast even from small farms.

The inadequate criterion for Tiering is an enormous concern since it has been reported by the Regional Board staff that 98.4% of farms on the Central Coast fall under the 1000 acres limit. Only 33 farms out of 3000 farming operations on the Central Coast are over 1000 acres. It has further been reported by the Staff that there is still a significant acreage of Dischargers growing crops with high nitrate loading potential that fall over 1000 acres. But the reality is that we don’t have sufficient data on who is enrolled and who is not. In addition,

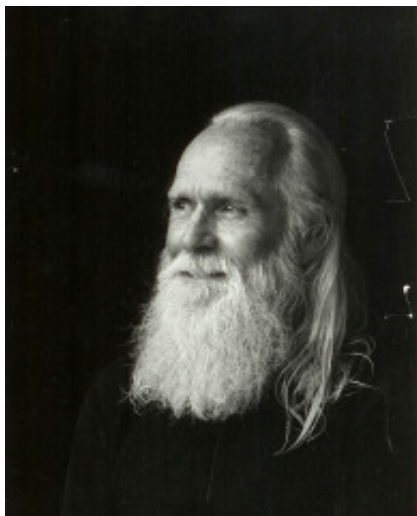
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The Bill Denneen Environmental Awards

Since 1996, the Bill Denneen Environmental Award Trust has been letting award recipients know that “The Central Coast is a better place to live because of you.”

Here’s the latest roster as of December 2010. (Thanks, EldrBill!)

- 78. Christine Mulholland
- 77. Nancy Graves
- 76. Jesse Arnold
- 75. Rosemary Wilvert
- 74. Lucia Casalnuovo
- 73. David Congalton
- 72. Martha Godinez
- 71. Virginia Souza
- 70. Andrew Christie
- 69. David Weisman
- 68. Hilda Zacarias
- 67. Terry Lilly & Sue Sloan
- 66. Russ Hodin
- 65. Dave Georgi
- 64. Karen Merriam
- 63. Betty Faas
- 62. Jane Swanson
- 61. David Gonzalez
- 60. Mariah Gonzalez
- 59. Sasha Stackhouse
- 58. Laura MacCarley
- 58. Donna Kandel
- 57. Dennis Apel
- 56. Sarah Christie
- 55. Mark DiMaggio
- 54. David Broadwater
- 53. James Murr
- 52. Silvia Toscano
- 51. Ian Wells
- 50. Brianna Martin
- 49. Charles Wells
- 48. Gwen Tindula
- 47. Clark Campagna
- 46. Katherine Greig
- 45. Monica Cruz
- 44. Jan Marx
- 43. Roger Wightman
- 42. Donna Gilbert
- 41. Lisa, East Fork Farm, OR
- 40. Jack Beigle
- 39. Peter Douglas
- 38. Peg Pinard
- 37. Jim Patterson
- 36. Richard Kransdorf
- 35. Bill Robinson
- 34. Pam Heatherington



- 33. Cindy Cleveland
- 32. Susie Aguilar (PP)
- 31. Eric Greening
- 30. Rochelle Becker
- 29. Larry Verhilig
- 28. Marla Morrissey
- 27. Patty Herrera
- 26. Mary Caldwell
- 25. Save the Mesa
- 24. Dirk & Bonnie Walters
- 23. Amy Shore
- 22. Raye Fleming
- 21. David Chipping
- 20. Bud Laurent
- 19. Bob Banner
- 18. Tim Gallagher
- 17. Jim Blakley
- 16. Vie Obern
- 15. Jean Barry Schuyler
- 14. Jim & Sue Higman
- 13. Pat Veesart
- 12. Anne Stubbs
- 11. Jim Merkel
- 10. Herb Kandel
- 9. Charlie & Cindy Gulyash
- 8. Klaus Schumann
- 7. Ernie Simpson
- 6. David Blakely
- 5. Kathy Diperi
- 4. Gary Felsman
- 3. Geof Land
- 2. Janice Fong Wolf
- 1. Steve Aslandis

Allowing the agricultural industry to further pollute groundwater supplies is an environmental injustice.

Help Wanted



The Sierra Club Executive Office is looking for a Club member willing to take notes at Board of Directors meetings. There are three day-long meetings in San Francisco: May 14, September 24, and November 19, 2011, and there is possibility of traveling in February 2012 to the off-site BOD meeting. Needed: basic understanding of Sierra Club bylaws and activities, ability to accurately record the key points of the conversations, ability to sit for long stretches, ability to commit to taking notes at all three meetings. Compensation and meals provided, as well as travel costs if necessary. If interested, contact Felicia Gotthelf: felicia.gotthelf@sierraclub.org or call 415.977.5535.

2010: The Year in Review

Your Chapter has been so busy, a year-end summary of our activities and accomplishments was too long to fit in our January edition. So, a little late, here you go.

It's hard to miss a common thread running through much of the following. Call it the beneficial consequences of taking informed, principled stands that may at first seem obscure or unpopular. Our success in protecting the natural environment of this beautiful county often becomes evident only when viewed from a long-range perspective.

So take a run through this recap of some of the highlights of the Chapter's actions in 2010, and then take a bow, Sierra Clubbers. We couldn't do any of it without you.

January

The Los Osos Sewer began its final approach to the runway on January 14 when, over the County's vigorous protests, the California Coastal Commission agreed that appeals of the project raised substantial issues of conformity with the Coastal Act and took over jurisdiction of the project. The testimony of Sierra Club, Surfrider and the

Los Osos Sustainability Group brought forward the specific concerns that the Commission cited as grounds for accepting our appeals. (See June.)

February

At the County Planning Commission, we got new wording into the County's Conservation and Open Space Element making it County policy to "support the expansion of desalination opportunities only if other new water sources are not feasible (e.g. increased efficiency and conservation...)" and clarification that "a billboard may not be replaced or reconstructed...if 75% or more of the physical structure of the sign is destroyed." (That means this particular visual blight on our local scenic highways will now melt away with each successive storm.)

We also strengthened the weak wording of the County's recycling policy from "Recycling, water diversion and reuse programs will be increased" to "Recycling, water diversion and reuse programs will achieve as close to zero waste as possible."

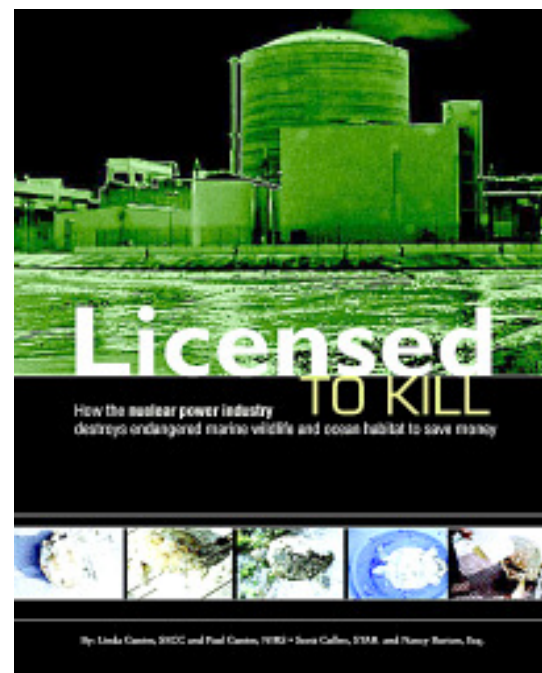
The Board of Supervisors sought to impose an \$800 fee on anyone who wanted to appeal a development in the Coastal Zone. No-cost appeals are a right written into the California Coastal Act to assure the greatest possible public access to this essential piece of public policy. The County was contemplating legislation changing state policy to make a few bucks for the SLO County general fund. We helped persuade the Supervisors that this was a very bad idea.

March

The Chapter submitted comments to the Nuclear Regulatory Commission as it was preparing the Environmental Impact Statement for the relicensing of Diablo Canyon's operating license, citing PG&E's history of attempting to deceive regulatory agencies and



suppress evidence of the plant's ongoing destruction of the marine environment. (See July.)



For the record The Nuclear Regulatory Commission is required to respond to the history of Diablo Canyon's massive marine impacts, which we submitted as part of the record on the plant's license renewal application.

April

The Morro Bay City Council and Cayucos Sanitary finally and firmly turned their backs on overwhelming public demand and spurned all possible alternatives to their sewer plant upgrade and their determination to toss cleaned effluent into the ocean, despite our warnings that trouble awaited them at the end of the path they were heading down. Seven months later, their troubles began. (see "Staff's Captive," page 2.)

On April 29, the SLO Coalition of Appropriate Technology -- SLO Green Build and San Luis Obispo chapters of Surfrider and Sierra Club -- addressed a joint meeting of the Los Osos Community Services District and

Community Advisory Council on graywater systems, which are likely to figure prominently in the Los Osos sewer's water conservation component.

May

The Chapter was one of the lead organizers for the "Save the Whales Again" rally held in Morro Bay on May 15 — the largest of 16 such events held the length of California's coast

that day to send a message to the International Whaling Commission and the Obama administration that the plan to strike down the 25-year moratorium on commercial whaling in order to cut a deal with whaling nations must NOT be on the table. They got the message, and the proposal was DOA at the Commission's meeting in June... but it will be back this year. As a result of the May 15 California coastal protests, Assembly

Joint Resolution 44 — "Resolved, that the Legislature of the State of California respectfully

opposes the International Whaling Commission's proposal to lift the whaling moratorium, which would legalize commercial whaling, leave enforcement of new whaling quotas to nations that have been violating the current moratorium, and allow whale hunting in the Southern Ocean Whale Sanctuary" — was adopted three months later.

We overturned the notorious Cayucos Viewshed ordinance after a 2-year legal battle. Named by *The Tribune* as the #1 news story of 2007 the year it was passed, the scandalous

"private ordinance" would have tied the hands of planners in controlling development and declared open season on the scenic views on the oak-covered hillsides and ridgelines of one of our most beautiful local landscapes. We sued in 2008, and made sure

the good ol' boy County Supervisors who voted for the ordinance lost their seats on the board that year.

We sent a letter of support for the preservation of Wild Cherry Canyon to the state Wildlife Conservation Board. The WCB met on May 27 and allocated \$6.7 million toward the purchase of leasehold over the 2,355 acres, to be followed by donation of fee simple interest by the owners. The acquisition of the land will greatly expand Montana de Oro State Park and protect and preserve the Irish Hills.

June

We prevailed over the County's "treat it & toss it" plan for the Los Osos Wastewater Project when the California Coastal Commission approved the permit for the sewer with added conditions based on our appeal. Over the course of three years, Sierra Club joined with other local activists in fighting for and winning relocation of the treatment plant away from the Morro Bay Estuary, a higher level of sewage treatment, sealed pipes in acknowledgment of sea level rise, more aggressive water conservation measures, agricultural reuse of treated effluent to curb seawater intrusion into the imperiled aquifer, and the creation of "green streets" to retain stormwater. At every juncture, we withstood intense pressure from

the County to withdraw our objections and just call it good. It wasn't, and we didn't.

July

Tribune editor Joe "Joetopia" Tarica fired back at the Chapter after we took him to task over his attempt to dismiss the

Diablo Canyon Nuclear Power Plant's impacts on the marine environment. Tarica's May 22 column ("Water board should chill out about Diablo's cooling"), came in for dissection in the July/August *Santa Lucian's* "Taking Issue" feature. Tarica then attempted to deflect/avoid the historical record of Diablo's devastating impacts in his July 17 column ("Sierra Club gets all upset about fish"). The Sierra Club and the Mothers for Peace refuted his



A little silhouette Our legal victory on the Cayucos Viewshed means there will be none of this.

arguments and corrected the record in letters to the editor later that month.

On July 29, Cal Poly profs Yarrow Nelson (environmental engineering) and Christopher Kitts (microbiology) came to the Chapter's general meeting to share their work on "ecoremediation" and how it applied to the oil disaster in the Gulf of Mexico, offering approaches that might allow the ocean and shoreline to recover over time. Both worked on a pilot project at the massive Unocal spill at Guadalupe-Nipomo Dunes, in which they bred bio-organisms on a diet of sugar, cornstarch, and corn syrup byproduct to support biodegradation of hydrocarbon compounds. They cut hydrocarbons in half in three weeks; in six months, the sand was clean. The tricky part: biodegradation of oil spills contributes to oxygen depletion, meaning any marine wildlife that didn't die of the disease could die of the cure.

August

On August 11, after four years of legal stalling, we won access for the public to the Harmony Coast at the California Coastal Commission, having appealed the Board of Supervisors' decision to delete a mandatory requirement for public access from a coastal development permit. Two months later, the landowners, represented by the Pacific Legal Foundation, an anti-environmental law firm, filed suit against the Coastal Commission, denying the obligation to create the easement for public coastal access that the developers had agreed to when they originally received their permit.



Access required The Harmony Coast.

The Urban Wildlands Group published *Habitat Sustainability Modeling for Western Snowy Plover in Central California*, using funds we secured in the settlement of Sierra Club's 2003 lawsuit against State Parks over unlawful "take" of the plover at the Oceano Dunes State Vehicular Recreation Area.

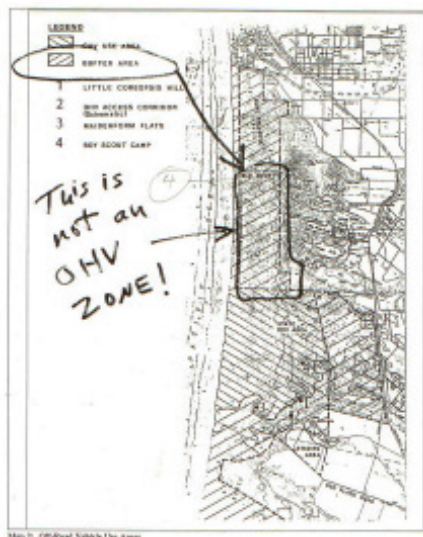
September

In the lawsuit *Sierra Club v. California Dept. of Parks and Recreation*, a SLO Superior Court judge agreed with us that County policy on the books since 1984 bars off-road vehicles from County-owned property in the Oceano Dunes State Vehicular Recreation Area, where they currently romp unimpeded, but said



Oil tragedy Attendees at our July meeting heard about solutions to the Gulf oil disaster.

there's nothing we can do about it unless an administrative action happens to occur sometime in the future updating State Parks' management plan for the ODSVRA. The judge deemed this necessary to trigger the 26-year-old requirement in our coastal land use policy



never happen, the court's ruling is vague and speculative and could bar this issue from ever being resolved. Since we think 26 years is long enough, and the people of the Nipomo Mesa are choking on the ODSVRA's dust right now, we

appealed the ruling in November.

October

The Chapter and the California Conservation Corps sponsored A Night for the Buffalo in SLO on October 6, a rare central coast appearance by Montana's Buffalo Field Campaign, raising awareness of the plight of the Yellow-stone herd — the last free-roaming herd of genetically intact wild buffalo in the U.S.

November

We helped underwrite "Green Gravity," a series of community events mixing food, drink, and social and environmental awareness organized by the Empower Poly Coalition.

December

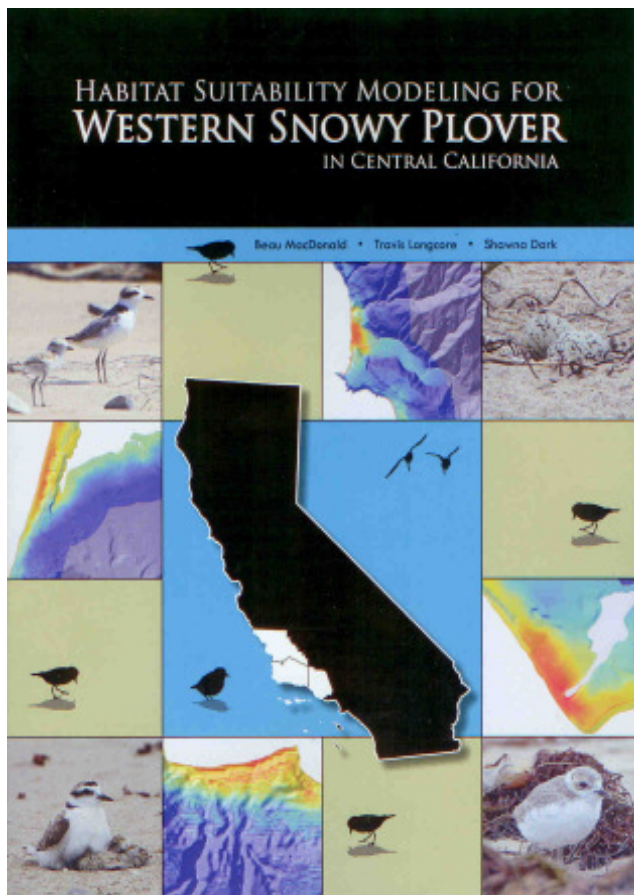
The staff of the California Coastal Commission agreed with us that jet ski and high-speed tour boat operations in the vicinity of the sensitive, biologically rich kelp beds off Avila Beach require a Coastal Development Permit and

environmental review for conformity with the California Coastal Act, instead of the recurring automatic exemptions from environmental review routinely granted by the Port San Luis Harbor District. We appealed to the Coastal Commission in June when Port San Luis Harbor District ignored pleas from the public about the intensifying motorized watercraft activity in the kelp beds. When the word came down to the Harbor District from Coastal staff, Port commissioners expressed annoyance, tried to argue against the coastal permit requirement, and delayed a high-speed watercraft relicensing hearing to February. We will continue to press the case.

We filed a protest against the U.S. Army Corps of Engineers' claim that its massive seawall project for Pismo Beach will have no significant environmental impacts. The armoring of California's coast is widely known to negatively impact sealife, marine habitat, and coastal erosion.



The Chapter initiated a high school mini-grant program, in which students in the environmental clubs at all seven high schools in the county can compete to get funding for good ideas for environmental protection.



Ag discharge order

continued from page 5

there is no safeguard against Dischargers dividing up their farms so they appear to be separate smaller farms. Hence size of the farm by itself cannot address groundwater nitrate contamination.

Therefore, we feel strongly that Dischargers farming in “hotspots” of nitrate contamination should NOT be classified as low-risk Tier 1, and the criteria for Tiering must include groundwater nitrate contamination and trends as a factor. Farms located in high nitrate contamination areas that grow high nitrate risk crops must automatically be classified as Tier 3 dischargers regardless of the size of their farms.

Alternatively, Tier 1 Dischargers who are in high-risk nitrate contaminated areas must also be subjected to assessment and reporting of Nitrate Loading Risk, reporting of nitrogen usage, etc. Under the November Draft Order, Tier 1 Dischargers will, essentially, be subjected to a very low level of regulation, especially with regard to groundwater. They will be required to enroll, to comply with general narrative standards, to create a Farm Plan, to complete education classes, participate in watershed-wide monitoring, and Tier 1 dischargers only have to conduct groundwater monitoring twice in one year during the five years of the Draft Order.

Beyond the groundwater sampling twice in five years, Tier 1 Dischargers will not be held to any real regulation of groundwater, even though this has been identified as a human health and drinking water priority. This low level of regulation is insufficient.

Tier 2 and 3 dischargers will have to meet additional requirements for groundwater protection, such as evaluation and reporting of nitrate loading risk, reporting of nitrogen usage, etc. This incomplete Tiering system may put growers with the capacity to increase groundwater nitrate contamination in the low-risk Tier 1. Tier 3 and, to some extent, Tier 2 has regulation but defined so narrowly as to render it useless.

In addition, it is unclear how Tier 2 Dischargers will be required to calculate their nitrate risk. Appendix A, pg 22 states that: “Tier 2 and Tier 3 Dischargers must calculate the nitrate loading risk factor for each ranch/farm included in their operation. The nitrate loading risk factor is a measure of the relative risk of loading nitrate to groundwater. Tier 3 Dischargers must determine the nitrate loading risk factor for each ranch/farm using the criteria below... a. Nitrate Hazard Index Rating by Crop Type b. Irrigation System Type c. Irrigation Water Nitrate Concentration.”

This paragraph neglects to explain how Tier 2 Dischargers are to calculate their nitrate risk. The language must be amended to state that Tier 2 and Tier 3 Discharges must determine the nitrate loading risk factor. In addition, Tier 1 Dischargers located in “hotspots” growing high nitrate risk crops must also be made to assess their nitrate loading risk factor using the same method.

The Appendix A of the November Draft Order further states that, “Within 10 years from adoption of this Order, Tier 2 Dischargers must demonstrate that they are not causing or contributing to exceedences of water quality standards for nitrate and salts in groundwater. Dischargers may have to implement best management practices, treatment or control measures, or change farming practices to achieve compliance with this

Order.” (Appendix A, pg 29).

Firstly, it is hard to imagine, the issue of human health having been prioritized by the Regional Board, that such a long time-frame is being given to address this issue. Already, communities are paying with their health and their money for nitrate contaminated water. We strongly urge that the Regional Board implement a reasonable time-frame and regulations that ensure communities will not continue suffering from contaminated water for another ten years.

Secondly, as mentioned above, these provisions for reduction of nitrates in groundwater are meaningless if the Tiers continue to be defined as they currently are, as this will not address

groundwater contamination at all.

(2). CONCERNS WITH REMOVING REGULATION ON TILE DRAINS

In the list of changes made to the Draft Agricultural Order due to public input, the Staff Report states that they have, “clarified the intent to address irrigation runoff in the short term with immediate conditions vs. tiledrains in the long term” (Pg 32, Staff Report). We feel that removing regulation on tile drains is a huge setback to address irrigation runoff in the short-term and the long-term, and will worsen groundwater contamination and will cause harm to human health.

For instance, the Blanco drain in

the nitrate-contaminated “hotspot” Salinas Valley often registers nitrates at over 200 mg/L, or five times over the drinking water standard! Yet the November Draft Order would remove regulation of tile drains until later. We find this unacceptable and strongly urge that tile drains be regulated immediately in order to safeguard groundwater quality.

(3). CONCERNS WITH SPECIFIC LISTING OF DIAZINON AND CHLORPYRIFOS PESTICIDES TO THE EXCLUSION OF OTHER TOXIC PESTICIDES

We agree that Diazinon and Chlorpyr-

continued on page 10

Carrizo Reserve

continued from page 1

Chimineas Ranch, forming a link between the Los Padres National Forest and Carrizo Plain National Monument. The current lessee’s grazing lease was terminated and he was given 90 days to completely remove livestock from the Reserve.

We filed suit because the Reserve was under threat from over-grazing and mismanagement. The Department of Fish and Game approved the extension of a lease for commercial livestock grazing on the Chimineas in August 2009, despite widespread environmental damage to the area resulting from over-grazing that occurred during the previous three-year term of the original lease, and without the environmental review required by the California Environmental Quality Act (CEQA). In October of that year, Forest Watch, the Santa Lucia Chapter of the Sierra Club and several other environmental groups notified the DFG that “over-grazing 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.”

The Sierra Club and Los Padres Forest Watch then filed a legal challenge due to the Department’s

having “approved the Project without required environmental review or public involvement pursuant to CEQA, and with complete disregard for CEQA’s requirements to evaluate potential significant environmental impacts associated with the discretionary Project.” We charged that DFG had abused its discretion and failed to analyze the cumulative impacts of the proposed activities on the environment, the basic purpose of the state’s premier environmental law.

Careful management of livestock grazing is particularly important on lands such as the Carrizo Reserve that provide habitat for several species of endangered or threatened plants and wildlife as well as wetland riparian areas and vernal pools.

“Much of the grazed area is bare soil or nearly bare, with residual dry matter estimated at 100 pounds per acre or less, well below the 1,000-pound standard required by the lease agreement,” said Jeff Kuyper, Executive Director of Los Padres Forest Watch.

Forest Watch and Sierra Club asked the court to bar DFG from authorizing any livestock grazing in the absence of the required environmental review and a completed Land Management Plan for the Reserve.

Under the terms of the settlement agreement, an environmental review will now compel the agency to disclose significant adverse effects of grazing on the Reserve before allowing any grazing, and to adopt feasible alternatives and mitigation measures that would eliminate or substantially lessen all significant impacts of livestock grazing. The Department also agreed to make a good faith effort to prepare a draft Land Management Plan for the Reserve by August 2011 and a final plan by March 2012.

Ecological reserves are established to provide protection for rare, threatened or endangered native plants, wildlife, aquatic organisms and specialized terrestrial or aquatic habitats. The primary purpose of DFG’s ownership and operation of the Carrizo Plain Ecological Reserve is for wildlife conservation, specifically to conserve grasslands, blue oak and juniper woodlands, tule elk, and at least 26 sensitive, threatened or endangered species, including the burrowing owl and San Joaquin kit fox. The grazing of livestock is expressly prohibited on an ecological reserve unless undertaken solely for habitat or vegetation management purposes under permit from DFG.



Jeff Kuyper

Who got the cows out? *With these guys gone, the Carrizo Ecological Reserve will return to its proper function.*

Club Appeals Morro Bay-Cayucos Sewer Project

We have filed an appeal with the California Coastal Commission of the Coastal Development Permit for the Morro Bay-Cayucos Wastewater Treatment project (see "A Tale of Two Sewers," January).

Due to deficiencies of the Environmental Impact Report prepared by the City of Morro Bay — which evaluates only one alternative site and lacks a co-equal evaluation of alternative sites — we assert that the Coastal Commission does not have sufficient information to approve the permit. All permits issued by the Coastal Commission must find that a project conforms with a municipality's Local Coastal Plan (LCP), implementing the California Coastal Act.

By failing to fully evaluate alternative sites and technologies, necessary information lacking in the EIR includes the potential for water reclamation and hazard issues including shoreline erosion and sea level rise, and impacts on water quality and biological and archaeological resources. For the same reason, the document lacks a full evaluation of impacts on public viewsheds, recreation and visitor-serving access. Proposed studies of liquefaction damage are deferred to a future date.

The City has misapplied LCP policy to maintain that the existing treatment plant is "coastal dependent" and has a "right" to continue at its current location. By erroneously maintaining that the proposed construction of a new WWTP is merely an upgrade of the existing plant and does not constitute new development, the permit appears to be inconsistent with LCP policies on tsunami threat and new development in a flood plain, and maintains an industrial site in an area better suited to visitor-serving recreation.

By providing no plans for water reclamation infrastructure, the project does not conform with LCP Policy 3.08(5) and the Estero Area Plan making reclaimed water a priority, and thereby also fails to evaluate the benefits of potential elimination of the ocean outfall and project alternatives that would increase water reclamation opportunities.

Having failed to heed the identification of these issues in the DEIR when pointed out by Coastal Commission staff -- as well as the recommendation from both Coastal planners and the City Planning Commission that the DEIR be revised and recirculated-- the City has failed to provide the information needed for the Coastal Commission to evaluate the consistency of the project with the LCP and the Coastal Act.

For these reasons, the Coastal Commission should deny the Morro Bay-Cayucos Wastewater Treatment Project a Coastal Development Permit.



Whale Euphoria

I have a new passion
I can't control my flaming desire
to see whales

Their plumes of gauzy clouds bursting out of the water
make me reverent and glowing with joy
I marvel at their backs glistening silver in the sun
and cherish every moment that I glimpse their jets
or spy a fluke wave and submerge

What delight to witness a pod of seven grays,
signaling their course to Baja with misty fountains
spraying out like a water show at the Bellagio
and captivating me like fireworks

The presence of whales remind us of creatures easily forgotten—
those we don't often see, hidden in oceans and forests
but who grace the planet with their magnificence
and who rekindle our connection to the natural world
and its vanishing treasures

I am awed by a whale's majesty
and am not satisfied to behold just one white watery flag blowing over the sea
I need to count many
like I need to see more than one lightning bug
or more than one shooting star



Kalila Volkov
January 2011

Solar schools *continued from page 7*

Obispo High School. Though outside the Coastal Zone and the Coastal Commission's jurisdiction, had the Commission required the project to install rooftop, not carport, solar panels, as an ancillary benefit virtually all those trees would be spared. The shifting arguments offered by the District as to why they cannot do this are related to the weight of PV solar panels and potential leaks and liability, seeking to cast this option as a novel proposal rife with unknowable consequences and liabilities. (Those arguments have not been compelling, and are belied by the existence of fourteen schools in the San Diego County Unified School District now embarking on their eighth year with light-weight thin-film solar roofs -- eleven years after initiating a successful rooftop solar pilot project with four schools.)

The District wouldn't budge on their carports-instead-of-roofs plan, but in talks with representatives of the SLCUSD and project consultants last February, accompanied by other concerned residents, we succeeded in urging the consultants to reassess the SLO High School solar site. They did

so, reconfigured the panel layout, and spared 24 trees.

After we secured that project improvement on behalf of the public and our local environment, we appealed the project's Coastal Development Permit and secured the two rather splendid cypress trees on the corner of Morro and 9th Street in Los Osos and the wetlands habitat they overspread. One town's small island of green and a little patch of biodiversity has been secured. If we hadn't spoken up, that little island would be on its way to oblivion -- accompanied by assurances from officials that the project as proposed could not have been improved by further changes, was in compliance with all policies and regulations, and had to be put exactly where it was proposed to go.

At Baywood Elementary, because we spoke up, it turned out that none of those things were true.

For the sake of the trees, we wish we had gotten more. But if you don't speak up, you get nothing.

As the massive proposed Carrizo Plain solar projects proceed through the planning process, let's all keep that basic truth in mind.



You're welcome Baywood Elementary School, Morro & 9th Street, Los Osos.

A Flash of Unexpected Color

The fall field is brown
as is the bushy-tailed rodent
diving for shelter in his hidey hole.
The shrubs are brown,
so too the gnarled trees
on the ridge top and benches
overlooking the not-brown sea.

The flash of unexpected color
is deep yellow, sunburst of petals
in a clump of spiked green leaves.

The yellow lights up the meadow
like a friend's face in a crowd of strangers
a job offer shining on an ocean of rejection
a night-light in the monster-filled dark
a day of armistice in an endless war
and remission amidst the onslaught of chemicals.

An unexpected color in a field of brown
is a winter reprieve from nature's laws.



Jessica Matiz

Judith Amber (aka Bernstein)
November 2010

Ag discharge order

continued from page 8

ifos are dangerous pesticides with high toxicity. However, we disagree with Staff's approach to specify just these pesticides in the Tiering criteria to the exclusion of other pesticides which may be just as harmful. In fact, the regulation of just these specific pesticides will provide an incentive to growers to switch to other pesticides, and will render this criterion useless.

This approach of naming two particular pesticides also ignores the public health concept of synergism: that two or more pesticides working together may create combined effects and public health harm that has not even been properly understood or documented. Toxicity does not arise merely from the use of these two pesticides, and we fear that many dischargers will escape Tier 3 high-risk monitoring merely by shifting to other toxic pesticides. Hence, we feel strongly that Staff should not specify just these pesticides in the Tiering criteria, but rather focus on general toxicity and damage to water quality.

(4). CHANGES IN NUMERIC AND NARRATIVE STANDARDS

The November Draft Order removes essential provisions from the February Draft Order regarding the fact that dischargers must meet water quality compliance at the place where the runoff leaves their farms. It seems the

November Draft Order shifts compliance from the farm to the receiving waters. We feel this significantly weakens the ability of regulation to find the most contaminated dischargers and hold them accountable. In addition, it is unclear how compliance for drinking water standards for groundwater will be met. The Regional Board must focus not just on regulation but on actual outcomes, and must identify where the contamination is arising.

We feel strongly that the point of compliance for drinking water standards must be the Discharger's farm, as this will help to find sources of contamination.

(5). BACKFLOW PREVENTION DEVICES

Backflow prevention devices are being mandated to protect groundwater. However, we find it unjustifiable that dischargers are being given 3 years to comply. We strongly urge that dischargers be required to install and maintain backflow prevention devices within 1 year.

(6). NEED FOR EFFECTIVE ENFORCEMENT AND FINES FOR NON-COMPLIANCE

The November Draft Order is very weak in explaining how enforcement will be implemented effectively. We feel that ultimately there must be an improvement in water quality and the Staff must include timelines, benchmarks and enforcement for the same. It is not sufficient merely to reduce nitrate use by some arbitrary amount, but it must be clear how water quality will improve.

We also strongly encourage the Regional Water Board to put in place significant non-compliance fines in cases when agricultural dischargers violate the stipulated conditions. As we have seen in the past Conditional Waiver, voluntary mechanisms to control agricultural discharges are not sufficient. The Water Board must use its regulatory authority to regulate discharge, and this includes application of non-compliance fees.

Provisions From The November Draft Order That We Support:

There are certain provisions in the November Draft Order that we like and support, with the above-mentioned amendments. Some of these provisions that we support are as follows:

- Regulation of both land owners and operators.
- Development of nitrate loading risk factors and tracking and reporting requirements.
- Requiring installation of backflow prevention devices.
- Timelines for compliance.
- Dischargers are required to minimize nutrient discharges from fertilizer and nitrate loading to groundwater so receiving water bodies meet water quality standards and safe drinking water is protected.
- Tier 3 dischargers with a high nitrate loading risk must develop and initiate implementation of a certified Irrigation and Nutrient Management Plan (INMP) to meet specified nitrogen balance ratio targets.
- That the discharge of waste to groundwater with the beneficial use of municipal or domestic water supply that causes or contributes to an exceedance of drinking water standards established by the United States Environmental Protection Agency (USEPA) or California Department of Public Health (CDPH), whichever is more stringent, is prohibited.
- The application of fertilizer such

that it results in a discharge of waste to groundwater, and causes or contributes to exceedances of water quality standards is prohibited.

i) Dischargers must ensure that agricultural discharges percolating into groundwater must be of such quality at the point where they enter the ground to assure the protection of all actual or designated beneficial uses of groundwater, including drinking water.

j) The Executive Officer may require Dischargers to locate (inventory) and conduct sampling of private domestic wells in or near agricultural areas with high nitrate in groundwater and submit technical reports evaluating the sampling results. In addition, in compliance with Water Code section 13304, the Central Coast Water Board may require Dischargers to provide alternative water supplies or replacement water service, including wellhead treatment, to affected public water suppliers or private domestic well owners.

The lack of surface and groundwater protections has gone on too long at the expense of community and watershed health. We applaud your efforts to address water contamination; however, the November Draft Order is significantly weaker than the February Draft Order. We support the February Draft Order and urge you to adopt it.

We strongly urge you to take timely

action to put in place stringent requirements for irrigated agriculture discharges so that California's water is truly protected and restored.

Thank you,

Dipti Bhatnagar, Program Director, Environmental Justice Coalition for Water; Marcos Vargas, Executive Director, Central Coast United for a Sustainable Economy; Elanor Starmer, Western Region Director, Food and Water Watch; Conner Everts, Executive Director, Southern California Watershed Alliance and Co-Chair, Desal Response Group; Kerry Lobel, Executive Director, Puente de la Costa Sur; Andrew Christie, Director, Santa Lucia Chapter of the Sierra Club; Whitney Dotson, President, North Richmond Shoreline Open Space Alliance; Kaley Grimland, Coordinator, ALBA Triple M Ranch Wetlands Restoration Project.

TAKE ACTION

The Regional Water Board will meet March 17 in **Watsonville — City Council Chambers, 275 Main Street, 4th Floor**. Ideally the Board will adopt the February 2010 Draft Order. If not, we hope they will adopt the November Draft with our above suggested amendments. We urge everyone who can to attend that meeting and urge the Board to do the right thing.

Letters

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

I read "A Tale of Two Sewers" (January) with sad dismay. As a close observer of the Hideous Los Osos Sewer Wars, I had hopes that poor Morro Bay would not roar off the same cliff. But apparently, there is some kind of blockheadedness that sets in on these huge public works projects. Penny wise and pound foolish, instead of heeding the red flags thrown down on the tracks and the warning signs being frantically waved by members of the public that the train track is heading for a cliff, staff and elected officials start shoveling more coal into the firebox so the train can fly off that very expensive cliff even faster.

For years, many Los Ososians who had devoted enormous time on keeping tabs on and offering competent, fact-based and serious warnings about the many permutations of The Hideous Los Osos Sewer Project were deliberately mischaracterized, disparaged and dismissed as "anti-sewer obstructionists," or "sewer crazies," or mere disgruntled cranks, which made it easy to dismiss their comments, many of which turned out to be all too correct. So I can't help but wonder if the false mischaracterization of public commenters in Los Osos has carried over to Morro Bay. After all, why should staff or elected officials or anybody listen to a bunch of "sewer crazies" and "anti-sewer obstructionists?"

And so another train heads off another cliff, because nobody learned anything. Sigh.

Ann Calhoun
Los Osos

Staff's captive

continued from page 2

member of the Planning Commission because he felt they had been "disrespectful" to city staff. Less reported was the source of that alleged disrespect: the refusal of planning commissioners to go along with staff and certify that everything was a-okay with the wastewater treatment project and its Environmental Impact Report.

In adopting the Staff Is Always Right mantra, Yates and the council majority have taken full ownership of this project and its fate on appeal. They have lashed themselves to the mast.

Thus the citizens of Morro Bay and Cayucos are now living through an instant replay of the events that brought them to this pass when the previous council majority repeatedly turned aside years of vocally expressed public concern about the project's lack of alternative analysis.

Yes, the city council is within its rights to hold off on what their planning commission and Coastal Commission staff urgently told them they needed to do. But state coastal planners have already told them their "preferred site location appears to be inappropriate for the development proposed" and they need to include a plan for recycled water. At the Coastal Commission appeal hearing, when City staff are asked where that plan is, and where their alternative site review is, and they say "we're going to look at that later," what response do they expect other than "come back when you've got something we can potentially permit?"

Here, apparently, is Morro Bay's plan: wait for this to get appealed to the Coastal Commission, then wait until it gets calendered for their next available agenda (which will be whenever the Commission can get around to it), then go to the Substantial Issue hearing, then wait for the De Novo hearing to be scheduled (which will be whenever they can get around to it), go to that hearing, with the same site selected, no recycling plan, denial of a permit thereby virtually certain — and after being told they can't get a permit and they

need to go back to square one, *then* go back and do what Coastal staff and their planning commission urged them to do *now*. (Worthy of ironic note: the greatest fear of the Morro Bay City Council and Cayucos Sanitary District is fines by the Regional Water Board for avoidable delays in the timeline of the project.)

When the County was in almost exactly the same position with the Los Osos sewer — actually not quite as bad as this, but close — and Coastal staff strongly suggested they pick a different site and include a recycled water plan, they did. And because they did, they got a Coastal Development Permit. If they hadn't complied when Coastal staff helpfully pointed at the flashing red warning lights in the Coastal Act, as Coastal staff has now done for Morro Bay and Cayucos, all the County would have gotten was the denial of a permit. County officials would have had to leave that Los Osos sewer hearing and explain to the citizens that they played chicken with their \$200 million sewer project and lost.

The County Public Works Department was as deeply attached to the sewer they wanted to build in Los Osos as Morro Bay City staff is attached to theirs, along with the remarkably similar deficiencies that the County's 2009 plan shares with the City's 2011 plan. The difference: the County accepted their planning commission's project changes made on the advice of Coastal planners and reams of public comment. Morro Bay decided to ignore that and go with staff instead.

The City Council should have made the best of the situation when the need to revise the EIR was made obvious. That would have meant reading the writing on the wall, taking the advice they got, and going back and doing the EIR right. Instead, they are proceeding at full speed into the wall that has the writing on it, after which, presumably, they will tell the citizens of Morro Bay and Cayucos that they were within their rights.

Classifieds

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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. 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.

Sat., Feb. 5, 10 a.m. Guided Walk of Mission-Era San Luis Obispo. Do you know where the first doctor in the city lived and the location of the "hanging corner?" Find out and much more on an easy stroll past the Mission, adobes, and Chinatown. Learn about the early days of SLO, the Chumash, and its Gold-Rush pioneers, famous and infamous. Families welcome. Meet at NW corner of Monterey and Osos Sts. Leader: Joe Morris, 772-1875.

Sat-Sun, Feb. 5-6, Winter Escape in the Carrizo Plain. This outing combines a day of assistance to the Carrizo National

Monument with a day of sightseeing and/or hiking. Weather can be cold, gray, and rainy, or it can be warm and bright - we take our chances. The service will be in removing or modifying fences to give pronghorn greater mobility on the Plain, and the recreation will be determined by the wishes of the group. This is an opportunity to combine carcamping, day-hiking, exploring, and service in a relatively unknown wilderness. Leader: Craig Deutsche, craig.deutsche@gmail.com, 310-477-6670. CNRCC Desert Committee.

Saturday, February 19, 9 a.m. She'll be comin round the mountain with the Sierra Club. We will meet at the parking lot/restrooms (dog park) at Laguna Lake at 9 for a walk around Cerro San Luis. We will go at a moderate pace and there is only one steep uphill near the beginning. Enjoy views of most of SLO. For more information call Mike Sims at 459 1701 or email msims@slonet.org. Rain cancels.

2011 Sierra Club Calendar

Accept no substitutes. Your desk will thank you. Your wall will thank you. And your friends and family will thank you. And when you buy direct from the Chapter, you support the Sierra Club's conservation work in San Luis Obispo County. We thank you.

wall calendar: \$12.50 **\$9.00**
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LAST CHANCE DISCOUNT

Sat. Feb. 19th, 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 feet elevation change. Join us for a hike with 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. Bipedals welcome.

Sat. February 19, 9 a.m., Montaña de Oro Canyon and Ridge Trail: Join us for a hike to the far eastern reaches of Montaña de Oro State Park, for an early spring walk through canyons and on ridge-tops. The hike begins on the coast and heads up Islay Creek Canyon to the old Spooner Ranch house, then climbs to the top of Hazard Peak for 360-degree views of the Pacific and the coastal mountains and valleys, finally returning to the coast once again. Total distance is 8

to 9 miles with an elevation gain of 1000 feet, and a total hike time of 3 to 4 hours. To reach the hike from the park entrance, drive 2.3 miles to the signed trail-head on the left hand side (there are parking areas on both sides of the road and the Park visitor center is still 0.3 miles ahead). Bring adequate water, snacks, and dress in layers for the weather; hat advised. For info, call Bill at (805) 459-2103 (bill.waycott@gmail.com). The plants,

animals, and the geology of the area will be topics during the hike. Rain cancels.

Sat-Sun, Feb. 26-27, Death Valley Exploration. Sample the wonders offered in this national park. Meet 8 a.m. Sat. in Shoshone. The day's tour will include stops at Badwater, Natural Bridge, and Golden Canyon with a short hike at each. Camp at Texas Springs. Sunday's activities start with an early morning drive to



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.

Zabriskie Point, followed by a stop at the Furnace Creek Visitors Center and museum, a visit to Salt Creek, home to the rare Salt Creek Pupfish, and a hike in the sand dunes. Possibility for more camping and hiking for those who wish to arrive early Friday afternoon and/or stay over Sunday night. Contact leader for reservations or more details. Details also on the Outings page at www.desertreport.org. Leader: Carol Wiley at desertlily1@verizon.net or 760-245-8734. CNRCC Desert Committee.

Island Hopping in Channel Islands National Park

Reserve early!


May 8-10; July 16-19; August 6-9; September 11-13; October 16-18

CA's Channel Islands are Galapagos USA! Marvel at the sight of whales, seals, sea lions, rare birds & blazing wildflowers. Hike the wild, windswept trails. Kayak the rugged coastline. Snorkel in pristine waters. Discover remnants of the Chumash people who lived on these islands for thousands of years. Or just relax at sea. These fundraisers benefit Sierra Club political programs in California. Cruises depart from Santa Barbara aboard the 68' *Truth*. The fee (\$590 for May and Sept & Oct.; \$785 for July & August) includes an assigned bunk, all meals, snacks & beverages, plus the services of a ranger/naturalist who will travel with us to lead hikes on each island and point out interesting features. To make a reservation mail a \$100 check payable to Sierra Club to leaders: Joan Jones Holtz & Don Holtz, 11826 The Wye St, El Monte, CA 91732. Contact leaders for more information (626-443-0706; jholtzhl@aol.com).




Sponsored by Other Organizations

Thurs. February 24, The Moon and Mercury: The First Billion Years. Join the Central Coast Astronomical Society for a talk by Dr. John Keller on the first billion years of two objects in our solar system. Dr. Keller, physics professor at Cal Poly, will be bringing lunar rocks and a treasure trove of information to this special meeting. 7p.m. at the United Methodist Church's Wesley Building at 1515 Fredericks Street in SLO. General public welcome to attend. No astronomy experience required. Info: www.CentralCoastAstronomy.org

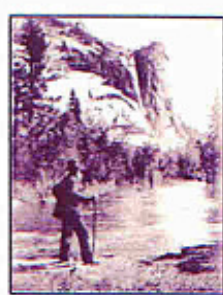


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Become an Outings Leader

- Lead hikes and camping trips
- Introduce others to nature
- Explore the outdoors
- Make new friends
- Protect the environment
- Get healthy exercise



John Muir, founder of the Sierra Club, in Yosemite

For further information contact:
Joe Morris, Outings Chair
Sierra Club, Santa Lucia Chapter
(805) 772-1875
djj1942@earthlink.net