

April 2004 Volume 41, No. 4

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GENERAL MEETING

county's water issues? Attend the general meeting and learn more! Tuesday, April 20 @ 7:00

Concerned about the

p.m.



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Protecting and Preserving the Central Coast

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

Public Outpouring Needed on Extending Diablo's Life

Public support is being urgently sought by the Santa Lucia Chapter and other organizations for a complete review of the full costs of PG&E's proposal to extend the life of the Diablo Canyon Nuclear Plant by replacing its steam generatorsbefore the project is allowed to go forward.

The review would include a full cost-benefit analysis—the first in the nation for an aging nuclear plantof the safety, environmental and economic costs of the replacement and continued operation of the Diablo Canyon plant. This analysis is required to determine what is best for the ratepayers—replacement of worn parts or replacement of Diablo Canyon as an electric source.

The request for the study has been made by the Chapter, the San Luis Obispo Mothers for Peace, Public Citizen, Greenpeace and The Utility Reform Network (TURN) to the California Public Utilities Commission (PUC).

If the generators are not replaced, Diablo must close by 2013. If they are, it would result in increased production of high-level radioactive waste which PG&E intends to store in our earthquake active coastal zone for many decades, perhaps

If approved by the PUC, it would be the first case in the nation to require a thorough cost-benefit analysis of replacement of aging components at a nuclear power

PUC staffers keep tallies on numbers of public comments on high-profile and controversial issues such as Diablo for the Commissioners, which is why letters can have a significant impact on their final decision on the future of the nuclear plant.

Your own letter or a sample letter below can be sent in whole or part by email to Harriet Burts, public.advisor@cpuc.ca.gov or by regular mail to Harriet Burts, PUC, Public Advisor, 505 Van Ness, Room 2103, San Francisco, CA 94102.

Sample letter:

Dear Public Advisor,

Diablo Canyon Nuclear Power Plant: Too Risky and Too Costly. In the past three years, Pacific Gas and Electric Company has submitted three applications regarding Diablo Canyon Nuclear Power Plant. The owners of this facility have filed to:

1. Replace eight leaking and aging steam generators;

2. Expand storage of high-level radioactive waste in casks;

3. Pass billions of dollars onto ratepayers.

It is time to scrutinize the costs and risks associated with the continued operation of this nuclear plant.

FULL COSTS OF REPLACING STEAM GENERATORS MUST BE **REVIEWED**

signed (YOUR NAME)

Following is additional information to include if you choose to expand your

As a resident of San Luis Obispo County I would like to express my opposition to the replacement of steam generators at Diablo Canyon. Replacement of these and other aging components results in increased production of high-level radioactive waste which PG&E intends to store in our earthquake active coastal zone for decades, perhaps forever.

The Commission must take a hard look at the true costs of operating this nuclear plant for another ten years and look at whether this project is in the best interest of ratepayers. The Commission should conduct a full investigation of all potential impacts under the California Environmental Quality Act (CEQA).

Our community was very actively opposed when the CPUC allowed electrical production from Diablo Canyon into rates without a review of the reasonableness of costs incurred. CPUC staff had at one time issued a review of costs which outlined \$4.4 billion of the \$5.7 billion in costs should be disallowed (due to earthquake and retrofit issues).

The Commission must avoid making the same mistakes by looking at the costs of all potential capital improvements necessary to ensure that the plant can be operated safely and that it does not pose a threat to the health, safety and welfare of the people and the environment.

In addition, in 1988 the only advantage to ratepayers from the Commission settlement with PG&E was that NO costs of downtime, new NRC continued on page 4

Jim Patterson Wins Supervisor Spot



Jim Patterson celebrates his win in the election

Atascadero resident Jim Patterson was elected Fifth District Supervisor in the March 2, 2004 election. He staged a strong win over two-term incumbent Mike Ryan.

Currently the Water Conservation Manager for the Atascadero Mutual Water Company, Patterson ran a grass roots campaign to unseat Ryan, known for his pro-development stance.

Among Patterson's environmental goals as Supervisor are to finish the Local Coastal Plan Update, strengthen efforts to protect and restore the area's creeks and rivers, and develop a regional approach to water resource management.

Patterson received the Bill Denneen/ ECOSLO Environmental Award in December 2003. His candidacy was endorsed by the Santa Lucia Chapter of the Sierra Club, as well as Vote the Coast, the Atascadero District Teachers Association, and the California Correctional Peace Officers Association.

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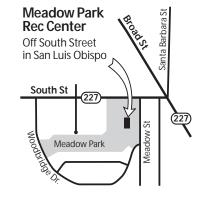
Santa Lucia Chapter General Meeting

Water, water, everywhere, will it vanish in a wink? Our county has water problems from Cambria to Carrizo, from Lake Nacimiento to Lopez Lake. What are our water resources, who is using how much, what can be done to ensure a supply, how large a population can these resources support, what is being done about these resources? Probably we won't be able to cover all these questions in one evening, but our speakers will share their knowledge about these vital

Our speakers are Susan Litteral from the Natural Resources Conservation Service, and Adrianna from the Las Tablas Resource Conservation District. Sierra Club members and the General Public are all invited to this interesting and informative meeting. Bring your friends. Refreshments will be available.

Tuesday, April 20, 7:00 p.m. Meadow Park Rec Center San Luis Obispo

Save the date!!



David Orr to Visit Cal Poly at University's **Earth Day Convocation**

by Steven Marx

Cal Poly will mark Earth Day 2004 with a public Convocation on Friday April 23, 3:30-6 pm entitled "Education for Sustainability: Engaging the Polytechnic University."

President Warren Baker will declare Cal Poly a signatory to the Talloires Declaration, a ten point pledge to make the university an agent for practising, improving and teaching methods of sustainable resource use and environmental protection signed by over 300 university chancellors and presidents worldwide. In May of 2003 the Cal Poly Academic Senate unanimously adopted Resolution AS-598-03/TC in support of signing the Declaration, and the Associated Students adopted Resolution 04-05 in support of signing the Declaration.

Guest speaker is David Orr, a renowned author and lecturer on the topic of Education for Sustainability, who spearheaded the effort to design, finance and build an Environmental Studies Center at Oberlin College—a "Green Building" described by the New York Times as "the most remarkable" of a new generation of college buildings and selected as one of 30 "milestone buildings" by the U.S. Department of Energy. Dr. Orr is the author of four books: The Nature of Design (Oxford, 2002); Earth in Mind (Island, 1994); Ecological Literacy (SUNY, 1992) and co-editor of The Global Predicament (North Carolina, 1979) and The Campus and Environmental Responsibility (Jossey-Bass, 1992). He has published 120 articles in scientific journals, social science publications, and popular magazines. His latest book, The Last Refuge, will be published in early April 2004.

Orr will be introduced by R. Thomas Jones, the new Dean of Cal Poly's College of Architecture and Environmental Design, who is Executive Director of the California Futures Network and a nationally recognized expert on "smart growth."

Other speakers will include Alison Anderson, Associated Students President, and George Lewis, Chair of the Cal Poly Academic Senate. Peter Lee, Dean of the College of Engineering will announce plans for the formation of a University Center for Sustainable Engineering.

The Convocation takes place at Chumash auditorium located in the University Union. Exhibits of student projects, faculty research, and administration programs fostering sustainability will be on display. Admission is free and open to the public.

Sponsored by the Office of the Provost and supported by many University constituencies and organizations, this event will highlight Cal Poly's emerging interdisciplinary and interdepartmental efforts to address problems created by outdated environmentally damaging technologies and to promote both innovative and traditional alternatives to solve them.

On Saturday April 24 Cal Poly will host a breakfast conference with Dr. Orr for University decision makers and sustainability activists entitled "Making It Work—Formulating Sustainability Goals and Raising the Resources to Reach Them."

SANTA LUCIAN

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The Executive Committee meets the fourth Friday of every month at 5:00 p.m. at the chapter office, located at 1204 Nipomo St., San Luis Obispo. All members are welcome

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Coastal Commission Overrules State Parks on Plover Protections

from Mark Massara's California Coastwatcher

The California Coastal Commission has overruled a suggestion by California State Parks that the Commission abandon efforts to save western snowy plovers at Ocean Dunes State Park.

Instead of rubber-stamping State Parks' decision not to implement the recommendations of a team of biologists studying the birds, the Commission signaled its intent to send a letter to State Park's urging them to abide by set of science-based recommendations made by a team of biological experts.

For State Parks to protect the birds would mean incurring the wrath of the off-road vehicle lobby, something Parks is unwilling to consider.

The dispute goes back decades. The original Coastal Commission permits date back to the early 1980s, and they required State Parks to undertake "carrying capacity" studies to determine just how many dune buggies nature can survive.

For over twenty years State Parks refused to either study or even consider limiting people and/or off-road vehicles at the Oceano Dunes. Then three years ago the Commission suggested establishing a panel of scientists to study bird biology and suggest ways to protect the birds at Oceano from the ravages of off-road vehicles.

The Coastal Commission has been having an annual review of the research for the past three years. This years State Parks asked that the Commission end its involvement at Oceano. Instead the Commission found the scientific advisors have provided an invaluable service and that all their advice and recommendations should be implemented.

Among other things the scientists have suggested that fencing to protect the birds be left up year around, that leaving the fencing up year around instead of just during nesting season results in the formation of dune habitat that attracts the birds annually.

State Parks rejected the idea, and unfortunately only one month ago an off road vehicle ran over and killed an endangered snowy plover in the area where fencing had been recommended. State Parks was unapologetic and instead took credit for recent plover successes at Oceano. Yet State Parks also refused to expand fencing, as recommended by the scientists.

Ruth Coleman, Director of State Parks, said that there were 25 nests last year, and over 60 this year. This year there were over 160 chicks, with 107 successfully fledging this year. Two years ago only 3 birds managed to fledge (fledging means they were able to leave the nest and fly, a prime indicator of species success). Last year 35 birds fledged.

Director Coleman urged the Commission to take no action and specifically asked that the Commission not send a letter to State Parks urging they do more to protect plovers.

Biologist Gordon Hensley told the Commission that a plover was killed on January 9 in an area that the scientists had previously recommended be fenced. Had State Parks not refused to put up the fence, the bird would not have been run over.

Off-road vehicle enthusiasts Friends of Oceano Dunes (FOOD) urged the Commission to do nothing so they can continue to work with State Parks to enlarge the beach driving area. Specifically FOOD contends that the fencing actually entices birds into the driving area and insures their death. FOOD believes that if State Parks works hard enough, they can convince the birds to go to other beaches and live there so that people can drive the beach in peace.

FOOD lawyers charged that the Commission had since 1982 engaged in overreaching and other aberrant behavior that is not right and has to stop. "It is time to retire the permit and the annual review process so that State Park can operate the park as intended- as an off road vehicular area," the dune buggy lawyer said.

Commissioner Mary Nichols began the discussion by supporting the Coastal staff recommendation that the Commission side with the scientists and send a letter to State Parks urging them to do the same.

Commissioner Sara Wan said she was disturbed that State Parks would refuse to implement the recommendation of the scientists. "What is the basis of the refusal?" Wan asked. Wan also clarified that while state law does mandate vehicles be allowed at Oceano it does so by requiring that car use of the beach be balanced with resource protection.

"We got here because State Parks refused for 18 years to comply with their permit," Wan said. "We're here 22 years later because we have tried to work with Parks. Now we're being told we have no jurisdiction to request any protections whatsoever. The old permit gave us the right to control vehicles entering the park. Until the latest approach the plover record at the park was abominable. It is only since the scientists came aboard that we have improvement. You cannot recover a species by only protecting it during nesting season and then saying you can kill it the rest of the year. The logic escapes me. Endangered birds need to protection throughout their lives. Now we're told to give up the permit and allow parks to ignore the scientists. The scientists aren't recommending that cars get off the beach entirely. The Commission's involvement has benefited birds and shouldn't be abandoned," Wan concluded.

Commissioner Greg Hart thanked State Parks for their hard work and urged Commissioners not send a letter supporting the scientists. "It is not

appropriate for us to continue to badger this issue," Hart said.

Commission Chair Reilly had no problems with his staff's recommendation. "I think we should urge parks to keep scientific review subcommittee in tact," Reilly said. But as the person responsible for actually signing the letter, Reilly had a number of points he wanted to clarify. "My suggestion is to work on the letter for a month," Reilly said.

In the end Commissioners Nichols, Nava, Reilly, Wan, Woolley, and Susskind supported the scientific recommendations and the letter urging State Parks to comply with them. Commissioner Greg Hart opposed.

SLO Local Coastal Plan Update

from Mark Massara's California Coastwatcher

The California Coastal Commission once again focused on the slow torture process that is the San Luis Obispo (SLO) Local Coastal Plan (LCP) Update, which is now three years old and only 18% complete after numerous hearings and expenditure of hundreds of thousands of dollars.

Specifically, the Commission debated a balancing provision proposed by the County for environmentally sensitive habitat areas (ESHA), wherein the County suggested that safety improvements—read that: Highway 1 expansion through Harmony & Cambria—could be used to "balance" destruction of habitat

Coastal staff said that while the County was free to balance away anything they want, all other LCP policies would still apply and that ESHA was protected in a variety of other ways.

Staff also specifically stated that Hwy 1 cannot be expanded in Cambria. Commissioner Scott Peters moved that the Commission approve the LCP submittal with various staff modifications. The LCP Amendment passed unanimously, with Commissioners Iseman, Nichols, Nava, Peters, Reilly, Burke, Wan, Woolley, Susskind, and Hart all voting yes.

Yet it wasn't as though all the problems with the SLO LCP were resolved. For example, much discussion ensued regarding the County's proposal to limit riparian setbacks to 50-ft, when clearly 100-ft would be preferable.

Postscript: Commission Executive Director Peter Douglas said that the update process is a "living, evolving process." Douglas then told the Commission that the SLO process has been an incredible amount of work starting with research in 1998 that led to hundreds of recommendations in 2001. So far the County has resisted nearly every improvement. And still none of the big issues have been resolved. "I would judge this whole process in large part a failure," Douglas said. In looking at the work load, staff constraints, budget constraints etc, Douglas informed the Commission that he has no choice but to begin to have staff focus on other work. "We will continue to work with local governments on their own initiative. The periodic review process, however, has not resulted in improving LCPs," Douglas concluded.

Commission Chair Mike Reilly agreed in part, saying "frankly as bad as it is and as worse as it may become it would be helpful if staff could show us where we were two years ago and where we are now so we can appreciate the difficulties facing the commission staff and all the work you've done.? Staff then agreed to provide a comprehensive SLO LCP historical record at a subsequent meeting.

Yes, I would like to help the Santa Lucia Chapter of the Sierra Club preserve precious lands on the Central Coast



by making a donation the Sierra Club Morros Preservation Fund, and/or SLO Land Preservation Fund.

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Diablo

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regulations, replacement of aging components or any other unanticipated costs would be passed on to PG&E ratepayers. Now we read that proceedings are being held to pass on costs of aging steam generators and we wonder if there was ever any public notification of a change to the original Settlement Agreement. We also would like to know how Diablo Canyon ended up in cost-of-service ratemaking without the requisite review of prudent and reasonable costs.

We understand that over the past years, numerous other nuclear plant operators around the country have sued Westinghouse for manufacturing defective steam generators, the very same generators PG&E is seeking to replace. We would like to know why PG&E did not take action to inspect the steam generators when these lawsuits were initiated and why it waited so long to start this project.

We are extremely concerned that PG&E cannot be trusted to act responsibly and instead is playing a game of hide and seek with the public. This is not just an issue of the impact on the people living near Diablo Canyon; to put it baldly, the ratepayers are not served by having to pay for PG&E's liability in the case of a nuclear accident.

Furthermore, the state of California never anticipated onsite storage of nuclear waste when PG&E and Edison applied to build these facilities. Now that PG&E is beginning to run out of room in its already reracked pools, our state is becoming a default radioactive waste storage site, on coastal bluffs which would never meet criteria for permanent nuclear waste storage.

We believe that the Commission can better serve the ratepayers of California by holding an auction for replacement generation immediately and actively soliciting renewable resources. Even if PG&E's steam generator project were approved, the ratepayers would be saddled with \$706 million to extend the life of this unreliable power source for a mere ten years. The same amount of money could instead be invested in new generation that will provide electricity to Californians for decades longer than Diablo Canyon.

We support the filing of the San Luis Obispo Mothers for Peace, Sierra Club, Public Citizen and Greenpeace and urge a complete review of the full costs of extending the life of a nuclear plant. Costs of enhanced security measures related to acts of terrorism and new seismic information from the December 22, 2003 6.5 magnitude earthquake must be included.

Sincerely,

(Your name)



Three Ways to Celebrate 40 Years of Wilderness Advocacy

by Jerry Sutherland, Chair Wild Planet Strategy Team

On September 3, 2004, the Wilderness Act will be 40 years old. At the national level, the Sierra Club joins other Wilderness advocacy groups in celebrating this landmark legislation by way of three events that all Sierra Club members are encouraged to attend.

In Seattle, April 23 -25, the **2004 Northwest Wilderness Conference** will "celebrate the 40th year of the National Wilderness Preservation System and the 20th year of the Washington and Oregon Wilderness Acts. By looking into both the past and the future, the Conference will seek to increase public support for dramatic expansion of the current system and for improved protection and maintenance of existing Wilderness areas for the next 40 years and beyond." For more information visit http://www.2004wilderness.org/home.html or contact the Sierra Club's National Recreation Issues Committee Chair, Karl Forsgaard, at karlforsgaard@comcast.net or (206) 622-3536.

Travel to the **Wilderness Week** in Washington D.C., September 18-22 to attend "activities, events, and to hear powerful speakers reflect on the last 40 years of wilderness protection — and where we go from here! We'll share lessons from today's efforts to protect wild places and strategize about effective ways to preserve our nation's heritage of wilderness in the decades ahead. The week will include networking and socializing opportunities, educational brown bag lunch sessions, and a Wilderness Act commemoration and awards dinner on September 19th, to honor wilderness champions of the past four decades ... Groups are encouraged to organize a delegation of people to come to Washington and hold their own campaign-specific strategy sessions, meetings with Members of Congress, and other events during the week." For information visit http://www.wildernessforever.org/index_frames.html or contact the Sierra Club's Wildlands Campaign Committee Chair, Carole Haas, at chaas@maine.rr.com or (207) 767-1037.

The **40th Anniversary National Wilderness Conference**, October 21-23, in the Adirondacks, "commemorates this momentous legislation, focusing on the history, present-day realities, and future of our National Wilderness Preservation System. Through an in-depth series of presentations, panel discussions, and breakout learning sessions, attendees will have the opportunity to learn from a diversity of Wilderness professionals, as well as a chance to network and build supportive coalitions with other Wilderness advocates." For more information visit http://www.wilderness40th.org or the Sierra Club's Wild Planet Strategy Team Chair, Jerry Sutherland, at jerry.sutherland@comcast.net or 503-233-1552.

The history of the Seattle conference goes back before the Wilderness Act; the Adirondacks held a special place in the hearts of Wilderness visionaries Bob Marshall and Howard Zahniser; and of course Washington DC is where the eight year struggle came to fruition. Take your pick and join fellow Sierra Club members in celebrating, reminiscing, and looking to the past, present, and future of Wilderness.

A Native Tree Ordinance for SLO County?

by Tim O'Keefe

Over this past year, there has been a growing interest—in some groups—for a mandatory native tree ordinance to cover SLO County. Of course, there is also significant resistance to such an ordinance, and the SLO County Tree Committee was established several years ago to establish a voluntary system of native tree management. Since then, the Committee has met monthly to develop a number of both field (planting oak seedlings and acorns) and education projects. Most of these projects have been successful, but the question remains—"is education a reasonable substitute for a mandatory native tree ordinance?"

Some environmental groups in the county feel that heavy loss of oaks and other species of trees to development, or agricultural related practices each year, now requires the development and implementation of a countywide native tree ordinance. In the light of current political feelings today throughout the county, it seems that a native-tree ordinance *might* be established by means of a voter initiative. Clearly, in SLO County, most of the support for such an initiative would be generated from urban areas (SLO city and south) and most resistance from the rural, north county area. So the major question remains, would a "moderate" county native tree ordinance pass by voter initiative, and is it worth the effort?

Past experiences in SLO County with the idea of a native tree ordinance have been discouraging. Several years ago, a large, county-appointed committee failed to reach any agreement on a native tree ordinance. Currently, it has been proposed that a tree ordinance *might* pass if it applied only to development and not to agriculture. Even if a countywide tree ordinance did pass, implementation (i.e., enforcement) would still be a major problem.

In Santa Barbara County, a mandatory tree ordinance was recently added to county statutes. Unfortunately, this new ordinance seems to be languishing since several (Planning and Agriculture) county departments don't believe that it can be enforced, given the current levels of staff and funding. Would this experience be reported in SLO County if a mandatory native tree ordinance was passed here?

The ideas and opinions above are the responsibility of the author alone and do not represent any policy of any organization. If you wish to contact the author, please call 805-756-2021 or 466-8781.

New EPA Rules May Block Duke Plant

by Jack McCurdy

Duke Energy's plans to replace the existing Morro Bay Power Plant with a new and larger one was dealt a second serious blow in the form of new federal regulations that appear to rule out Duke's proposed method of compensating for the billions of fish larvae that would be killed by the plant.

The regulations come on the heels of a Feb. 3 landmark decision by a three-judge panel of the U.S. Court of Appeals for the Second Circuit in New York. It struck down programs that restore habitat to compensate for killing of fish through diversion of sea water for cooling new power plants. The decision could invalidate such mitigation methods for the proposed Duke plant in Morro Bay.

Both the regulations and the court decision also may affect whether PG&E will be able to use mitigations for fish kills by the Diablo Canyon Nuclear Plant that do not actually reduce or eliminate the loss of marine life in sea water that the plant uses for cooling. A federal permit for operation of the Diablo plant is under review for renewal by the Central Coast Regional Water Quality Control Board.

In light of the new Environmental Protection Agency regulations, the water board abruptly canceled a climactic meeting scheduled for April 2 where final action on Duke Energy's proposed replacement plant was expected.

After three years of study, five regulatory agencies have agreed that the new Duke plant would kill between 16% and 33% of the crab and fish larvae in water withdrawn from the Morro Bay National Estuary to cool generators. Duke has proposed what is called a "habitat enhancement plan" (HEP) mainly to buy and improve land near the Estuary as compensation for the lost marine life.

New EPA regulations govern upgrading of existing plants, like the one in Morro Bay, and allow "restoration" plans such as Duke's HEP to offset the killing of larvae. But the regulations—issued in mid-February—require such plans to be held to a "performance standard" that calls for reduction of the killing of larvae by 60% to 90% by the new plant, compared to losses by the existing plant, which also withdraws Estuary water, a board staff member said.

Duke's HEP contains no performance standard. Instead, it is designed to reduce the buildup of sedimentation in the Estuary and thereby maintain water volume, ostensibly creating more "biomass" of marine life in the future. HEP contains no mechanism for measuring whether it produces marine life to replace the larvae lost in the plant either in the short or long term.

If the HEP does not meet the performance requirements for restoration plans in the new regulations, Duke would have to come up with some other such compensation plan, or be faced with installing dry cooling technology, which the energy corporation has flatly stated it would not do.

A notice canceling the board hearing said "Regional Board staff concluded that significant revision of the permit is necessary" in light of the new regulations. A team of experts hired by the water board has been reinstituted to determine whether the HEP can be modified to make it conform to the new EPA regulations.

Duke's HEP has been rejected as mitigation for the killing of fish larvae by the proposed new plant by the California Energy Commission (CEC) staff, the California Coastal Commission, the California Department of Fish and Game and the National Marine Fisheries Service as well as the Santa Lucia Chapter, all of which support dry cooling. A two-member panel of the Energy Commission and the water board's staff have tentatively accepted HEP but that was before the new regulations and court decision were issued.

Cancellation of the board hearing followed a request by the Coastal Alliance on Plant Expansion (CAPE) to the board staff and the CEC to reconsider their tentative approval of the project. CAPE, a non-profit citizens group, is an intervenor in the long-running CEC review of the proposed plant and was to be a party in the Board's hearing.

CAPE asked for the reconsideration after the court decision, which said cooling technology that does not harm marine life should be used by new power plants. Support by the CEC panel and the water board staff for the Duke project using HEP as mitigation was based in part on the new plant rules that the court decision later overturned.

Attorneys for an environmental coalition that sued EPA and won the Second Circuit decision, who include some of CAPE's attorneys, have announced that they will sue to overturn the regulations for existing plants—which undeniably and directly affect the proposed Morro Bay plant replacement—as soon as they become final some time in March.

Their argument is that the new plant and existing plant rules are virtually identical and both are designed to carry out the U.S. Clean Water Act's protections of water bodies, such as the Estuary. Therefore, if restoration is not permitted under the new plant rules, they should not be allowed under the existing plant rules.

If restoration were stricken from the existing plant rules, the Duke project based on HEP as compensation for fish mortality obviously would be blocked by the court ruling.

County on Slippery Slope of Sludge

by David Broadwater

A proposed county ordinance regulating the application of sewage sludge to land as fertilizer, which would allow a huge influx of toxics that could have lasting harmful effects on our land, water, air, food and health, is under consideration now that the Board of Supervisors has approved an interim moratorium.

The permanent ordinance would allow application of sludge containing many times the levels of arsenic, cadmium, lead, mercury and other chemicals found in locally-generated sewage sludge. It could be applied on school playgrounds, parks, sports fields, home gardens and lawns—not just on agricultural fields where food and feed crops are

The Santa Lucia Chapter along with the Environmental Center of San Luis Obispo County (ECOSLO) and other groups are opposed to sewer sludge land application because of health risks. However, it is possible that significant changes could be made in the proposed permanent ordinance, or even a ban could be enacted, if these and other organizations and the public register their strong opposition during a public comment period expected in the near future.

On March 2, the Supervisors approved the interim moratorium, which is actually the county's first temporary ordinance containing limits on permissible sludge applications. Under the moratorium, no more than 1,500 cubic yards of sewage sludge per year may be spread on county lands. Any entity planning to spread more than five cubic yards of sewage sludge must apply for a permit from the Environmental Health Division (EHD) of the county Public Health Department 30 days in advance.

The sewage sludge must conform to the federal environmental quality (EQ) limits on heavy metals and pathogens. If less than 1,500 cubic yards is spread during the first year, the remainder may be spread during the second. Sludge from any sewage plant, regardless of geographic location, may be applied in San Luis Obispo County under the temporary ordinance. It will remain in effect for two years or until the permanent ordinance is enacted, whichever comes first.

The temporary ordinance contains no provision for notifying the public of any plans to spread sludge on land in the county. Therefore, anyone seeking notice of pending sludge projects must write to EHA Director Curt Batson and ask to be placed on a list of "interested parties." His address is 2156 Sierra Way, San Luis Obispo, CA 93401. He also can be contacted at cbatson@co.slo.ca.us or fax number 781-4211.

For comments or information about the proposed permanent ordinance, the contact is Rich Lichtenfels, same postal address and fax number, or rlichten@co.slo.ca.us.

The first public comment period on the permanent ordinance ("An Ordinance of the County of San Luis Obispo Regulating the Land Application of Treated Sewage Sludge/Biosolids") ended on Jan. 31. However, the EHD plans a public meeting and second 90-day comment period in the near future. The EHD is currently making presentations about the ordinance to advisory councils and other groups in the county.

Among other things, the ordinance would allow:

- —Spreading sewage sludge with 17 times more arsenic, 24 times more cadmium, 12 times more lead and 21 times more mercury than the average concentration found in locally generated sewage sludge on our land;
- —57 times more cadmium, 27 times more copper, seven times more lead and 32 times more mercury in our soil than in average California agricultural soil;
- —Spreading unregulated amounts of other toxic and radioactive elements, carcinogenic and mutagenic chemicals, drugs and germs on our land;
- —Spreading sewage sludge on school playgrounds, parks, sports fields, food and feed crops, forests, home gardens and lawns.

The Santa Lucia Chapter, Farm Bureau, ECOSLO, SLO Cancer Action Now, Center for Sludge Information and others have been seeking a more protective sludge ordinance for years. In 2002, the Chapter adopted the National Sierra Club position opposing sewage sludge land application.

The Center for Sludge Information, which I head, has been researching this topic, seeking to inform the public and decisionmakers and advocating responsible and protective policies since 1998. The Center has participated in both multidisciplinary task forces convened by the County on the subject since 1999. The Center can be reached at csi@thegrid.net.

For further information, go to:

Sludge.html).

- —http://www.slopublichealth.org/ for the proposed ordinance at the Environmental Health link.
- —http://www.sierraclub.org/policy/conservation/solidwaste.asp for Sierra Club Guidance on the Land Application of Sewage Sludges.
 —http://www.cfe.cornell.edu/wmi/ for the Cornell Waste Management Institute at the Sewage Sludge link (http://cwmi.css.cornell.edu/

Rain

by Jack Beigle

We are very thankful that we cancel few of our outings because of rain. I think that the weatherman must have a canoe or a kayak.

When we lived Pa., Canoeing 100% in the start up again following is actually our outings. If rain this winter to mount



in Pittsburgh, shut down fall and didn't until the June. The rain beneficial to we didn't get we might have wheels on our

boats next summer at Lake Santa Margarita and Lopez Lake. Check the outing schedule and join us on the water.

With "Friends" Like These, Does the Environment Need Enemies?

bu Ben Zuckerman

The following article and letter are in response to "Outside Interests Push to Hijack Sierra Club" by Drusha Mayhue. The article appeared in the February 2004 issue of the Santa Lucian.

It's astonishing how the press and some Sierra Club members have been stampeded into a frenzy by mostly one-sided stories charging that an army of racist, anti-immigrant, animal-loving vegetarians is aiming to take over our venerable Sierra Club. I've been a target of many of these charges. But this story, like most, has two sides.

For decades, Sierra Club leadership at the national level has been unsuccessful in passing strong environmental legislation or in electing national environmental leaders — in contrast to splendid victories achieved at the local level by Club grassroots activists. The U.S. environmental movement has not managed to elect a good environmental President since Jimmy Carter, nearly 30 years ago. The combination of the current President and Congress may be the worst in history. We will never know if the Sierra Club — with a more courageous national leadership — could have made this history better. But I strongly believe, as David Brower certainly did, that we might have.

Now, with stories in the press of hostile take-overs of our Club by outsiders and right-wing racists, certain Club leaders and their supporters have shown themselves in my view to be more interested in maligning internal Sierra Club opposition than in uniting to defeat George Bush.

In my opinion and that of numerous other Club members with whom I have spoken, the Club has failed for decades to (1) get good environmental Congresses and Presidents elected or (2) advance a suite of solid environmental legislation. Why vote for more of the same?

Etched forever in the minds of persons who dare to challenge the establishment is a vision of Club leaders who have used and continue to use unethical tactics to suppress legitimate opposition by members.

A decade or so ago, a group of "John Muir Sierrans" (JMS), with the support of David Brower, challenged the Club's ruling Directors. These JMS wanted to end commercial logging (ECL) on public lands. They lost a 1994 membership vote; the JMS argued, both informally and through an official complaint submitted by a JMS leader, that the vote was corrupted by unfair wording (yes meant no and no meant yes) imposed by the Club's controlling Directors. When the JMS managed to get another ballot vote on this issue in 1996, the membership voted strongly in favor of ECL.

1998 saw the membership vote down a proposal by grassroots activists to overturn the Club's "neutrality on immigration" policy. However, as pointed out by Club members on both sides of that issue, the 1998 vote was corrupted by the Board of Directors since the structure of the ballot imposed by the Board violated Club Bylaw 11.3.

Then, in 1999, the controlling Directors placed on the national Club ballot a proposed Bylaw change that would have made it much more difficult for grassroots initiatives to qualify for national ballots. Director David Brower opposed this change which he called a "democracy-killer". Thankfully, the proposed change was overwhelmingly defeated (2 to 1) by the membership.

The establishment understands it may lose control of the Board if new petition candidates, with national environmental stature, are elected. So, on January 30, 2004, the Board, on an 8-5 (plus one abstention) vote, interjected itself into the Club's annual election with a message on the ballot from the Club President. In my view and that of many other Club members, this is a rash move that overturns 110 years of Club history and is destined to hurt the election chances of petition candidates.

And there's more: to retain power at any cost, certain Club leaders are trying to make you believe that some petition candidates, as well as some other current Directors and I, are puppets of outside groups trying to hijack the Club. Our vitae and lifetimes of action speak otherwise. We are not the tools of outside groups or anyone; we're all strong, independent conservationists, willing to give our time and experience to try to make the Club more effective.

And, in my view and that of Sierra Club members who have already filed official protests: with ultimate disregard for the Club's welfare, some of the establishment members themselves helped place sham candidates on this year's ballot. Sham candidates — whose desire is only to attack others, not to serve the Club. This move threatens the entire future of the Club's election system.

I'm not exaggerating when I tell you that their attempts to demonize some Directors and candidates remind me of the McCarthy era 50 years ago.

According to Webster's 7th New Collegiate Dictionary, McCarthyism is: "A mid-20th century political attitude characterized chiefly by ...use of tactics involving personal attacks on individuals by means of widely publicized indiscriminate allegations, especially on the basis of unsubstantiated charges."

And from the American Heritage Dictionary, 1981 edition: "The use of methods on investigation and accusation regarded as unfair, in order to suppress opposition".

Please feel free to e-mail (ben@astro.ucla.edu) me for more details, for an open letter I wrote to Club members on the truth in election-related matters, or for other published materials.

— Ben Zuckerman, 35 year Club member, Board of Directors (2002-2005), voted in as a petition candidate with the highest vote total of all candidates in the 2002 election.

Dear Sierra Club members:

Please permit me to address a few of the fabrications in Ms. Mayhue's article that relate specifically to me:

1) The deception: "Zuckerman had close to zero Club experience when he was elected to the Board".

The truth: When elected to the Board I had been a Club member continuously for 33 years and had participated in Club activist groups in Maryland and in Los Angeles. In the late 1990s, I co-founded a grassroots Sierra Club group, SUSPS, which communicates with Club members concerning overpopulation and the democratic process. SUSPS has run two national grassroots ballot initiatives and, along with David Brower, opposed an anti-democracy initiative placed on the 1999 national ballot by the Club's Board of Directors.

2) The deception: "Zuckerman recruited candidates to run for the Sierra Club board from Diversity Alliance for a Sustainable America [DASA]".

Like all of us, I'm sure that the candidates all have various organizations they belong to. But no candidates who I know have been recruited from any outside organization and I have not personally recruited any candidates in this year's election.

3) The deception: "Zuckerman has compared immigration to cancer".

The truth: I occasionally quote Ed Abbey: "growth for growth's sake is the ideology of the cancer cell". I've never compared immigration to cancer, just as I've never compared high fertility to cancer.

4) The deception: "Zuckerman has called for the Club to work on halting immigration."

The truth: I've never called for "halting immigration" in anything I've ever written or said in any context inside or outside of the Sierra Club. I do believe that reproduction and current record high levels of legal and illegal immigration should be reduced, for the sake of the environment and, as regards overimmigration, for the sake of poor people currently residing in the USA

Thank you, Ben Zuckerman, Sierra Club Director

Classifieds

Classified ads are \$10 and are limited to 20 words. They are due by the first week of the month of publication (next deadline is April 1, 2004--no fooling). Please *submit your ad and payment to:* Mariko Fujinaka 1416 Vine St. Paso Robles, CA 93446 mariko1@pacbell.net



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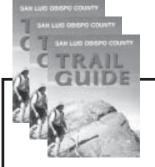
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A Will . . .

... is a way to protect the environment as well as yourself. If you do not have a will, the state decides how your property and other affairs are handled. Decisions made now can later provide financial security for family, friends, and the Sierra Club. You may even direct your beguest to a specific Club program or your home Chapter.

For more information and confidential assistance, contact

John Calaway Sierra Club Planned Giving Program 85 Second Street, 2nd Floor, San Francisco, CA 94105-3441 (415) 977-5538.

Outings and Activities Calendar

All of 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 Leader Gary Felsman (473-3694). For information on a specific outing, please contact the outing leader. Outings Leaders please get your outings or events in by the 1st for the next month's outings.

Hiking Classifications:

Distance: 1 = 0-2 mi., 2 = 3-5 mi., 3 = 6-9 mi., 4 = 10-12 mi., 5 = 12 mi. or more.

Elevation Gain: A = 500', B = 1000', C = 1500', D = 2000', E = 2500', F = 3000' or more.

Sat.-Sun., Mar. 27-28, Flowers, Birds, and Geology in the Carrizo **Plain.** Natural history oriented car camp and day hikes in a little known, but beautiful region in San Luis Obispo Co. tucked between Caliente Mts. and the Temblor Range. Springtime wildflowers and wildlife, including pronghorn antelope; birds, including spring migrants, raptors. Fascinating geology, features of the San Andreas fault, rugged mountains, soda lakes. Native American sites, pictographs. Potluck Sat eve. Limited to 12 people. Contact Ldr: Suzanne Swedo, wild@inetworld.net, (818-781-4421).

Angeles Chap/CNRCC Desert Com

Sun., Mar. 28, COAST HIKE.

To a remote area of dunes with
Chumash midden, coreopsis, flowers
at their peak. Confirm a few days
before at 929-3647 or
bdenneen@slonet.org

Sat., Apr. 3, BISHOP'S PEAK/ FELSMAN LOOP. Hike to the tallest of the Nine Sisters and see sweeping views of the San Luis Obispo area (5 mrt, 1200 ft. elev. gain). Meet at 8:45 a.m. at the SB County Government Center's easternmost parking lot in Santa Maria. Hikes are subject to change; contact the leader: JERRY 928-3598 (AR)

Sat.-Sun., Apr. 3-4, 10 a.m., Carrizo Plain Hike and Campout. Come enjoy the spring flowers on the Carrizo Plain, then spend the night under the stars for a hike on Sunday as well. Meet at Selby Campground in the Carrizo Plain. Directions: Take Highway 58 to California Valley, then turn right onto Soda Lake Road. Drive several miles to the Visitor Center turn-off; continue another ¼ mile or so then turn right onto the first dirt road heading south. Drive 2-3 miles more to Selby Campground. This is a 1.5 hour drive from San Luis Obispo. Details call George 475-2332, or Holly 543-4832.

Sun., Apr. 4, 10:00 a.m. (Daylight Savings time change), WASHBURN CREEK. Meet at

Washburn Creek, just south of San Simeon Campground. Moderate 4 mile through 4 eco-systems (beach, wetlands, pine forest, vernal pools etc). Good for beginners and active seniors. Bring water, hiking shoes, suntan lotion, binoculars. Poison oak in area. Free parking in Washburn Creek parking area. Rain cancels. Call Leaders: Jack and Bea Morrow 927-5785 for info.

Sat., Apr. 10, 8:00 a.m., Machesna Mountain Hike. Come take a 12–15 mile, with 3,000 foot elevation gain, hike through the Machesna Wilderness. Starting from American Canyon Campground, we will climb 1,500 ft. to an open meadow and pond below Machesna Mountain itself. After lunch we will climb another several hundred feet to a ridge over looking the Carrizo Plain. We will soon start our descent to a lush green valley, before climbing up to our final rest stop. We should have plenty of wildflowers, and pleasant weather. Bring lunch, water, sturdy hiking shoes, and plan to be out all day. Most of us will go to the Pozo Saloon after. Meet at Pacific Beverage Company in Santa Margarita. This is not a beginner's hike. Limit 20 people. For details, reservations and meeting place call Gary (473-3694)*(5F)*

Sun., Apr. 11, 9:30 a.m., PISMO DUNES PRESERVE: Meet at Melodrama in Oceano. Drive about a mile to a secret way to the most spectacular dunes to a remote lake. Total distance about 4 miles. Slide down steep dune faces. Join a group of hostellers from my Hostel to celebrate Easter/Hutash. Confirm a few days before at 929-3647 or bdenneen@slonet.org

Fri.—Sun., Apr. 15–17,
Pinnacles National Monument
Campout. Come join the Sierra Club
as we spend the weekend car
camping near Pinnacles National
Monument. We have reserved a
group site for all attendees. We hike
both Saturday, and Sunday in the
National Monument. Potluck on
Friday, and sometimes Saturday
night. Cost is \$14 per person. Limit
15 people. Sorry no RVs, or trailers
as space is limited. Details call Kathy
(408)559-1890.or Gary at (4733694)

Fri.-Sun., Apr. 15-17, The Santa Lucia Trail Care Committee will be working on the Avenales Trail up to Garcia Ridge Summit, and if there's time on towards Stoney Creek. This trail starts at the Avenales Station (1.650 ft.) and continues 1.5 miles up to Garcia Ridge Summit (2.800 ft.). From the Summit it descends down 1 mile to Stoney Creek junction at 1,880 ft. This trail is in the wilderness and is very overgrown. The plan is for those who can make it in on Friday to camp in American Canyon where there is stock water, outhouses and room for stock or at the Avenales Station for those who are self

contained. Work all day on Sat. and then enjoy the trail on Sun. This work weekend will open up the trails for the two horse groups who annually have a spring campout at American Canyon, Pacific Coast Longriders 4/23-25 and Atascadero Horsemen 4/30-5/2. So we hope to get lots of help from those groups. Tools and training will be provided by our Forest Service Wilderness Rangers Joe Duran and Dave Weaver. Lunch and dinner provided on Sat. This is an incredibly gorgeous area and not easily accessed by the public, so put it on your calender. Rain date is 4/30-5/2 and we will have to plan it differently because of conflict with the Atascadero Horseman at the American Canyon site. Please contact Kathy Longacre by email kll@fix.net or Ranger Joe Duran at iduran@fs.fed.us or Dave Weaver at weaver@sbceo.org or phone message

Fri.-Sun., Apr. 24-25, (Or May 1-3) Lion Den /Cruickshank Trail Work party. The SLO Trail volunteers will be spending the weekend at Lion Den Camp, then work on the upper sections of the Cruickshank Trail How much we get done depends on the number of people who attend. We may even take a hike to Silver Peak. Details call Gary at (805)473-3694, or email: gfelsman@onemain.com

Sat., Apr. 24-25, Santa
Margarita Lake Day Trip or
Campout. Our goal for this outing is
to enjoy a leisurely paddling
weekend plus check out the spring
wildflowers at Santa Margarita Lake.
We have reserved the Sapwi,
Ecological Campsite on the north
shore of the lake. We will all eat
lunch at the campsite, then the Day
Trip will return after lunch. Bring
your boat and equipment, PFDs,
camping gear, food and water. Phone
Jack Beigle 773-2147 for
reservation, park fees and details.

Sun., Apr. 25, 9 a.m., Elfin Forest Flower Walk. This is a 2-hour, 1-mile nature walk through the Elfin Forest labeling all the flowers, birds, insects and geological that we see. This is not a hike, but an excruciating, slow interactive stroll where no flower will be left behind. Meet at the north end of 15th Streeet (Not at 16th Street, the main entrance) in Los Osos. Leader Al (534-0462)(1A)

Sat., May 1, CERRO ALTO:
Short but steep hike with excellent summit views of the SLO region,
Morro Bay, and a line of extinct volcanoes (5 mrt, 1600 ft. elev. gain).
Trail initially follows creek then traverses steeply across open slopes to the summit peak. Adventure Pass or Day Use Fee required. Meet at 8:45 a.m. at the SB County Government Center's easternmost parking lot in Santa Maria. Hikes are subject to change, always call the leader. JERRY 928-3598 (AR)

Sun., May 2, 7:00 a.m., Hike to Pimkolam Peak (Junipero Serra



Photo by Joaquin Palting

or Santa Lucia). Join the leader on this strenuous hike to the highest point in the northern Los Padres National Forest. The hike is 12 miles with 3,800 ft of elevation gain. We will pass through several different ecosystems, including oak forest, chaparral, and pine forest. This is an all day outing as the drive to the trailhead is about 1 1/2 hours. We will meet at the north end of the Walmart parking lot in Paso Robles near the McDonald's and will carpool from there. Drivers should bring driver's license, auto registration, and proof of insurance which is required by Fort Hunter Liggett. Bring sufficient water, lunch, good hiking shoes, and dress for the weather. The trail may be brushy in places and there is a possibility of poison oak. The trailhead is in an adventure pass area. Please confirm with the leader. For info and confirmation contact Chuck at 927-3769. (5F)

Sun., May. 16, 10 a.m.,
CANOE/KAYAK MORRO BAY If you didn't take your mother to some place special last Sunday for Mother's Day, bring her along for a picnic on the Morro Bay Sand Spit. Bring your boat and equipment, PFDs, picnic lunch and binoculars. HIGH TIDE 11:44 A.M. 3.2'
LAUNCH AT MORRO BAY STATE PARK MARINA, LOW TIDE 5:30 P.M 1.2' PUT IN 10:00 AM Details call Jack Beigle 773-2147.

Sun., May 30, 9 a.m., Valencia Peak Conditioning Hike. This is a 2-hour, 4 ½ mile roundtrip hike with over 1200 feet of elevation gain.
Bring water, sturdy hiking shoes and dress for the weather. Everyone is welcome, but this is a vigorous conditioning hike. It is intended for already fit individuals who want to maintain a high fitness level. It is not for those who want to get into shape, as they will be left behind. Rain cancels. Leader Al (534-0462) **(3C)**

This is a partial listing of Outings offered by our chapter.

Please check the web page at www.santalucia.sierraclub.org for the most up-to-date listing of activities.