Sierra Club settlement strikes down notorious Cayucos Viewshed Ordinance

In a major victory for the county’s natural landscapes and the integrity of local land use planning, the Sierra Club and San Luis Obispo County have agreed to settle a two-year lawsuit over the notorious Cayucos Viewshed Ordinance.

A court-ordered settlement was entered on May 18, in which the Board of Supervisors agreed to repeal the ordinance, which had become the most controversial issue in the county by the time it was voted into law by the previous board of supervisors in August 2007. As part of the settlement agreement, the County will prepare a county-wide viewshed and hillside protection ordinance.

“The 2007 ordinance effectively diverted San Luis Obispo County of the discretion to restrict the location of a development within a viewshed to protect aesthetic and environmental resources,” said local environmental lawyer Michael Jencks, who represented the Club in the lawsuit.

“The Cayucos Viewshed Ordinance was a sham and a scandal, a poster child for abuse of the public trust,” said Melody DeMerrit, Chair of the Santa Lucia Chapter. “Projects built under its auspices would have significantly degraded scenic public views in one of this county’s signature landscapes, the rolling oak-covered hillsides that are a remnant of Old California and the image people everywhere have in their minds when they think of San Luis Obispo and the Central Coast. We are very pleased that we have finally succeeded in righting the wrong that put this land at risk.”

The text of the ordinance was written in private by a “property rights” group and handed to sympathetic supervisors, who voted to pass it in August 2007 despite warnings from their legal counsel and over the objections of County Planning staff and the Planning Commission. The Sierra Club filed suit against the County under the California Environmental Quality Act in January 2008. Previous public review drafts of the ordinance would have protected public views in the 53 square miles of land roughly bounded by Highway 41 and Highway 46. The privately drafted

Welcome to the hottest election in California

Vote for Laird

Yes, that’s right: Four elections in six months. A million dollars in extra costs dropped on our county by our whimsical governor. Bummer.

But there’s a reason to turn out and vote in the June 22 special election and the potential run-off after that, and his name is John Laird.

Senate District 15 is one of the largest in the state, stretching from San Jose into Santa Barbara County. The seat was vacated by Abel Maldonado when he was appointed Lieutenant Governor on April 26. The Sierra Club is endorsing John Laird for the seat because, as an educator, former mayor, community college trustee and Assembly-member, he has been a career-long advocate for working people, environmental protection, access to health care, public education and civil rights. Laird has never wavered from his opposition to offshore drilling that endangers our coast. He successfully

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The County Needs to Step Up on Oceano Dunes

On May 10, the Santa Lucia Chapter wrote to the County Board of Supervisors to suggest they toughen up a proposed letter from the County to State Parks’ Off Highway Motor Vehicle Recreation Division on the particular matter pollution problem that has been shown to be caused by vehicles in the Oceano Dunes — the first item on the agenda for the Supervisors’ May 11 meeting.

We commended the County for the spirit and intent of the proposed letter, and suggested revisions in order to fully address the urgent public health issue before them. We pointed out that the County should not ask State Parks to focus just on emissions from the property the County owns inside the Oceano Dunes State Vehicular Recreation Area, some 580 acres. It is understood that the County would be particularly concerned about the effects associated with its property, but the health effects on residents should be the main concern, rather than the point of origin or the County’s partial culpability as the point of origin or the La Grande Tract to the entire property.

Beyond that, the letter needed to be more specific. We pointed out that there is no need for the “health effect” analysis the letter requested, as the impacts of particulate matter pollution have been thoroughly studied for many years and are well known. The daily limits are based on those well understood health effects, State Parks may do additional research if they want, but taking formal action to stop the particulate emissions must not be delayed by such a study, which is not likely to tell us anything we don’t already know. Despite the fact that the results of the study were announced last December, State Parks has yet to take any action other than mounting attacks on the study’s methodology and conclusions.

The County should be demanding immediate action based on the well-known effects of PM10 emissions, which are only going to get worse as we head into the summer season. The letter asked for a “timely” program to address the problem. Instead, it should have asked State Parks for a timeline for approving and implementing an action plan.

It would have been best to communicate a specific desired outcome rather than a general request to improve conditions to an unspecified degree. The letter should have clearly stated that mitigation must result in the reduction of particulate matter pollution to a level that is protective of public health and does not exceed the state health standard.

At the May 11 meeting, Supervisor Jim Patterson made a motion to change the focus of the letter from immediate action based on the well-known effects of PM10 emissions, which are only going to get worse as we head into the summer season. The letter asked for a “timely” program to address the problem. Instead, it should have asked State Parks for a timeline for approving and implementing an action plan.

County Board of Supervisors March 11 meeting

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The COSE is Done and We Won

...mostly

from Chapter reports

In May, after more than three years in public workshops and hearings at the County Planning Commission and Board of Supervisors, the update of the Conservation and Open Space Element was completed. The COSE has several jobs. It is to conserve and protect for future generations the 700,000 acres of the county’s protected open space, forests, and recreation areas, as well as Natural Forest land, regional parks, and open space areas owned by conservation non-profits. It sets policy on the use of alternative energy sources and the protection of prime agricultural soils and the conservation of water, and encourages “green building.”

As always, wildlife, trees, air, water, and open space are hotly discussed, so Sierra Club and North County Watch stepped in to speak for them. We were often pitted against the many interests like the Farm Bureau and the Home Builders Association, as well as two huge corporations that are looking to smooth the path for their pending projects and were not shy about inserting themselves into the County’s long-range planning process in that quest.

It was an epic struggle, too long to recount in full in this space. But we present here instructive summaries of what went on in, around, and behind the final drafting of three of the ten chapters of the COSE.

The short version: Persistence pays.

Open Space

An Open Space element is a mandatorily part of the County’s General Plan. It is a plan for comprehensive and long-range preservation of open land and must specify plans and measures for preserving open space for natural resources, managing the production of resources, for outdoor recreation and public health and safety. State law mandates an ambitious and detailed planning effort for open space that is comparable only to the requirements for the housing element.

Last July, Dorothy Jennings of the Chapter’s Conservation Committee and North County Watch Board recognized numerous deficiencies in the Open Space chapter of the COSE. While the Open Space element still has some deficiencies, and lacks detail or planning for open space programs, Jennings’ persistence curtailed an effort to remove the state-mandated inclusion of agricultural lands from the Open Space category. Historically, county policy has rightfully recognized ag lands as open space, so the intended departure from that policy presented serious legal issues with the new Open Space element about to be adopted. Jennings’ efforts succeeded in getting the attention of the Board as to the importance of the element and recognition that lots of work is left to be done. County Counsel Tim McNulty met with Jennings and Sue Harvey in mid April, just days before the planned adoption of the element, to discuss the issues North County Watch had raised. As a result, the finalOpen Space policy adopted by the Supervisors included language to amend the Open Space ordinance within the next six months to cure some deficiencies.

The County’s failure to recognize the importance of the Open Space element is not new. In the late 1990’s, the County concluded a long, drawn-out process of combining the Open Space Element with an Ag Element. The resulting Ag and Open Space Element (AOSE) seemed to have ambitious goals for the preservation of open space. In the court’s resolution of a lawsuit filed by Life on Planet Earth challenging issues in the county’s newly adopted AOSE, the court allowed that the county “has recognized the Agricultural and Open Space Element is only the first step leading to changes on the ground.”

But in the years since the court expressed its hope for an auspicious beginning in 2003, little progress has been made in implementing viable Open Space policy or programs as the court directed.

The Ag portion of the AOSE has fared well. Thirty-four programs have been adopted. But the Open Space element cites only one program to protect and preserve open space— the highly controversial Transfer of Development Credits Program. A Land Banking program or an Open Space District are topics of discussion but none have been mandated by the newly adopted Open Space Element.

The County has a lot of work ahead to institute comprehensive open space programs but it will be worth the effort to bring about a serious commitment to preserve the county’s precious open space resources. We will continue to follow the detaile d details of amendments to the Open Space ordinance, but we remain optimistic that the seeds have been planted for a comprehensive look at the importance and potential of well crafted Open Space Programs.

Energy

To understand what happened during the Board’s deliberation on the Energy chapter of the COSE, it’s necessary to go back almost a year, when a Cambria Community Services District was being hammered out at the County Planning Commission.

Tension was obviously building at the June 2009 meetings of the Planning Commission on the COSE. In discussing revisions to the Energy Chapter, Commission Chair Sarah Christie suggested that alternative energy projects be required to avoid, not just inflict and “mitigate,” significant environmental impacts.

But when they did, they added a crucial condition. Before the Army Corps starts pumping, it must test the water in the test wells for more than 100 contaminants, including methyl mercury, and may not proceed with the desal process if contaminants exceed safe limits. They must test the water again after pumping commences.

The Coastal Commission did that because of the work of Cambria resident Lynne Harkins, who, with financing provided by the Sierra Club, went out on her own to do what the Army Corps of Engineers and the Cambria Community Services District did not: test the water for the presence of extremely toxic methyl mercury.

The possibility of legacy mercury deposits from the closed Oceanic Mine five miles upstream settling into sediments should have been an obvious concern in a proposal to put a desalination substation intake as the mouth of the creek, but it took a virtual public uprising at the CCSD’s January 5 meeting— at which the District tried and failed to declare the project exempt from the California Coastal Act— to force the issue onto the table and into the CCSD’s subsequent environmental review.

Armed with a test kit, Harkins took water samples at four locations a mile or less from the proposed site of the beach wells, and sent them to an environmental laboratory, which confirmed the presence of methyl mercury. The legally acceptable discharge level for methyl mercury is zero. Harkins alerted Coastal Commission staff to what the Army Corps hadn’t told them. (Cambria

Thank You, Lynne Harkins

The California Coastal Commission voted on May 13 to approve the U.S. Army Corps of Engineers’ plan to drill desalination test wells in the beach state just south of Santa Rosa Creek in Cambria.

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Thank You, Madam Chair

Aloha Karen Merriam, former Santa Lucia Chapter Chair (2004–2009) received the Chapter’s highest honor, the Kathleen Goddard Dearing Award, in recognition of her outstanding service to the Sierra Club at our general meeting on May 13 at the Sayre-Youngberg Gallery in SLO. Coastal activist Carol Geising (right) joined the packed house in congratulating the guest of honor.

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The State Water Board’s Power Plant Cooling Policy is Full of Holes

By Jack McCurdy, co-founder Citizens Alliance on Plant Expansion

For five years, the California Water Resources Control Board has been developing a new state policy to require Morro Bay, Diablo and 18 other power plants along the coast to stop using an estimated 16 trillion gallons of water a year from estuaries and the ocean for cooling, killing untold billions of fish and larvace and impairing the economies of coastal communities that depend on a healthy marine environment.

But the result of board action on May 4 was an historic disappoint- ment. What the board adopted was a policy that does not have to be implemented by plants until 5 to 14 years in the future, allows waivers to avoid compliance dates and contains vague language that could allow plants to continue operating “as is” indefinitely.

Among the contradictions in the policy is permission for the Morro Bay plant to continue to use a continuing flow of water (termed once-through cooling or OTC) from the Morro Bay National Estuary until Dec. 31, 2015, even though a companion document states the plant is “not needed for resource adequacy” to meet state electricity needs—as of right now.

As a result of these deficiencies, the Coastal Alliance on Plant Expansion (CAPE), a nonprofit citizens group that has been monitoring present and future plans for the Morro Bay Power Plant for the past ten years and has worked closely with the Chapter over that span, believes the new policy fails to meet federal legal requirements and that litigation will be among the options that environmental groups will consider in response. The policy will not become final until it is reviewed by the state Office of Administrative Law in the executive branch, which could take several months or more.

Given the ambiguity of the policy, it is impossible to determine how it will affect the future of the Morro Bay plant. But Randy Hichok, a top official with Dynegy, owns the plant, said the plant almost certainly will not be able to operate after 2015 under the adopted policy’s water use restriction. He told the Morro Bay City Council the same thing last fall after reviewing an earlier draft of the policy with the 2015 date in it. But he added in an interview on May 14 that the company is exploring new water filtering technology to protect against absorbing aquatic life, which might allow the plant to still use enough water to operate beyond 2015, although he said it seems very unlikely at this time.

The OTC policy that was on the water board’s agenda on May 4 was strongly opposed by a wide array of organizations, including CAPE, the city of Morro Bay, the California Coastkeeper Alliance, the Sierra Club, the National Resources Defense Council and the Mills Legal Clinic at the Stanford Law School, plus an estimated 10,000 individuals, who filed individual comments with the board.

Nearly all the groups argued that the proposed policy had been significantly weakened in its compliance with federal requirements since an earlier version was made public last fall. And some, including CAPE and the Coastkeeper Alliance, contended the latest version failed to comply with federal law.

The federal law in question stems from the 2007 Riverkeeper II decision by the United States Court of Appeals for the Second Circuit, which held that the U.S. Clean Water Act requires “best technology available” to be used to cool power plants and prohibits use of water from estuaries, bays, deltas, the ocean, lakes, rivers or steams. That decision’s ban on use of water for cooling came about 35 years after the Clean Water Act was amended to cover power plant cooling and did the same thing. But it was never enforced until the appellate court stepped in. The same court in 2004 had issued a virtually identical decision covering new power plants that might be built.

As a consequence, the state water board five years ago began developing a statewide policy to implement the decisions. But from the beginning,
Conjoined Infant Policies Need Separation

By Eric Greening

On May 13, the County held a public kickoff for its Climate Action Plan. Joined at the hip was the “Land Use and Circulation Element Update/ Rural Area Plan.”

It is hard to establish a prognosis for these conjoined newborns because they are not twins: in fact, the greatest risk is that the LUCE/RAP will draw nourishment from her more potentially promising sister.

The very necessary purpose of the Climate Action Plan is to reduce emissions of greenhouse gases, so that we can shift from being a problem toward being part of the solution. If the CAP leans too heavily on land use planning, particularly in the rural areas, and neglects more promising approaches to achieving actual reduction, we will end up with a lot of time, energy, and paper invested while business as usual continues on its death march.

Despite the differences that wise land use planning can make, there are multiple reasons not to emphasize land use planning:

1. We are not going to get greenhouse gas reduction by growing. Unless un-smart projects currently occupied are dismantled as quickly as possible, we will get is a slower continued growth in emissions, such as requiring “smart” projects are implemented, all other endeavors are better suited. It must not be allowed to draw so much investment that the purpose of the documents on which so much time and effort have been spent is to provide distraction from what is actually going on.

2. A focus on land use ignores areas where actual and significant reductions could be achieved. Primarily, these are in transportation and sequestration.

The Greenhouse Gas Inventory prepared in advance of the CAP shows that our county, far more than the national average, emits most of its greenhouse gases through transportation: more than 2/3 of our emissions come from our streets, roads, and highways, and highway travel is a large part of this. The City of San Luis Obispo comes close to doubling its population during weekday daytime hours; most of the commuting still takes place in single-occupant vehicles. Yet our transportation

funding is still dominated by road spending, while transit operations struggle to avoid actual service cuts, and walkways and bikeways are generally funded an order of magnitude less generously than roads. While roads should not be allowed to deteriorate, much road spending goes not for maintenance but for expensive capacity-increasing projects.

If we are serious about taking real climate action, we should be ready to get serious about shifting our priorities. For example, if the Transportation Development Act funding diverted from transit operations (its primary designated use) to road work in this county were to all be placed in transit, spread among our operators, these agencies would have more fairly compensated employees and be able to expand service to meet surging needs, rather than constantly stave off (or not stave off) cutbacks.

Sequestration was not measured in the Greenhouse Gas Inventory because it is not an emission but a solution. Fundamentally, it consists of leaves taking in carbon dioxide and building it into tissue that will keep the carbon out of circulation for a while. Research is ongoing over what leaves in what situations are most effective at this task and lead to the greatest security and duration of carbon storage. There are new insights about the role of agriculture, and about what agricultural practices are most effective at this task, and what practices might be counterproductive. Preservation of natural habitat must be a critical part of our sequestration strategy. Research is ongoing about what types of habitat are most effective, and about the extent to which habitat might or might not be “managed” to allow the most productive successional stages to maximize the absorption and storage of carbon dioxide.

Land use planning will remain important; any regular reader of the Santa Lucian learns about what is at stake in proposal after proposal. But land use planning should not be leaned on to perform tasks for which other endeavors are better suited. It must not be allowed to draw so much nourishment from the Climate Action Plan that serves as a drain rather than an asset to the metabolism of a healthy plan.

In the Sanctuary of Spring

Walking under clouds shaped like teapots and sea horses, I admire the billowing bushes of ceanothus framing the trail, their fragrance from open blossoms is the incense, the view of the bay is the altar of the noisy ocean, digging toes in gritty sand, letting sun and silence saturate my inner space.

- Judith Amber

On a beach north of Cambria

Sun and Silence

At first the illusion of alone; no footprints in the sand no sign of woman or man, only sea tufts: kelp, logs, bird leavings feathers, droppings and sea carvings: rocks, shoreline, cliff. But then a shift.

First one figure, then two stand on the cliff top and then descend toward me. Now I sense the doings of others, wonder what their take is on this formerly silent place, hope that they will come and go.

Relief—they are only here to photograph a scene, drained of the stench of rotting kelp, the smash of water on unresisting rocks, the moisture of a looming fogbank. Perhaps their tryst memento will be the sand on their shoes.

But how like them I am, entrusting words to paper, a scene in one dimension, unless I put notebook aside and sit awhile, silent, staring at the noisy ocean, digging toes in gritty sand, letting sun and silence saturate my inner space.

- Kalila Volkov, May 2010
Over to You, Mr. President

On May 23, the people of California turned out at sixteen coastal rally sites from Eureka to San Diego to “Save the Whales Again,” protesting the Obama administration’s support for a move to re-legalize commercial whale hunting when the International Whaling Commission meets this month.

The petitions we gathered and hundreds of thousands more have been sent to the White House. Now it’s up to the President to listen to the people.

Clean It Up!

The Sierra Student Coalition at Cal Poly joined communities across the nation on May 16 with a “Clean It Up!” protest in Mitchell Park. The Sierra Club coordinated the events nationwide all month long to demand that BP be held fully accountable for the Gulf of Mexico oil disaster and press the Obama administration for a moratorium on offshore oil drilling. On May 18, Sierra Club and the Gulf Restoration Network filed suit against the Minerals Management Service for exempting BP from regulations requiring blowout response scenarios.

Kicking Up Dust

Off-roaders emitting obscuring clouds to make the Oceano Dunes pollution study go away

In the sincerest form of flattery, local off-roaders have imitated the beloved Santa Lucian feature “Taking Issue” as part of their attempt to persuade the public that the Sierra Club exerted sinister influence over the Air Pollution Control District study that concluded off-road vehicles in the Oceano Dunes are the cause of severe particulate matter pollution.

Two pages of the six-page conspiracy theory prepared by the off-road lobby group Friends of Oceano Dunes are devoted to the idea that we are somehow responsible for the peer-reviewed study’s findings on particulate matter pollution on the Nipomo Mesa. Their evidence: The Chapter assisted the APCD in an unrelated greenhouse gas emissions inventory project two years ago, and the fact that the APCD Board, which is comprised of city and county elected officials, invariably includes some who were endorsed by the Sierra Club in their electoral contests.

As it happens, we did not assist with, or otherwise have anything to do with the APCD study.

Off-Roaders’ New Enemy: Pelicans

Just before the courtroom spanking administered to them by the County, the Sierra Club and the Coastal Commission when the Friends of Oceano Dunes tried to force the sale of the County’s land in the dunes to State Parks’ Off-Highway Vehicles Division (see “Case Dismissed,” April), the off-road lobby group embarked upon another legal adventure -- this time, against pelicans.

A year ago, the FOoD filed suit to force the removal of the brown pelican from the Endangered Species List, which finally happened in November. According to the Court, the APCD ignored Geological study’s conclusion that ORVs are a significant cause of the problem but that this is something the people breathing it should worry about. Even the state Off-Highway Vehicles Division accepts the finding that PM10 pollution is coming from the dunes and must be mitigated and reduced to protect the public health.

Whenever confronted with depressing evidence, ODSVRFA off-roaders try to change the subject and prove that the Sierra Club is at the heart of a dark conspiracy to take away their toys. Their previous mirth-inducing face-plant was triggered when County planners were caught issuing a deceptive staff report that tried to grease the wheels for the Off-Highway Vehicles Division’s purchase of the County-owned land in the dunes. When the Grand Jury concluded that hanky-panky was likely behind that report, local off-roaders produced an elaborate document claiming the Sierra Club must have stacked the Grand Jury.

We can expect to see more such off-road excursions into alternate realities in the near future as the ORV lobby continues to assert its recreational preference as a priority over the health of all the people plotting against them -- who are clearly engaged in a conspiracy of breathing.
The arc of the viewshed bends toward justice. The media storm triggered by the Cayucos Viewshed Ordinance was matched by public outrage. For the final hearing in August 2007, Kathy Longacre, President of the San Luis Obispo Parks, Open Space & Trails Foundation, brought red flags, stuck into viewshed models and signed by dozens of local residents who implored the Board of Supervisors not to pass the very bad ordinance. They didn’t listen. We did.

The version of the ordinance that the 2007 Board of Supervisors selected instead reduced the land area proposed to be covered by 90 percent, undid what protections for public views had existed on the remainder, and added multiple exemptions that would allow land owners to build mansions on ridgelines.

With the County’s agreement to vacate the ordinance, the risk of it setting a precedent and weakening viewshed protections elsewhere in the county has been eliminated. The previous permit standards for the Cayucos Viewshed will be restored and will remain in effect until a county-wide ordinance is drafted and passed.

The case highlighted the County’s consistent abuse of state law through the inappropriate use of “Negative Declarations,” the claim that a proposed development would have no environmental impacts, thereby sparing the County or developers the costs of an environmental review.

When Supervisors Achadjian, Ovitt and Lenthall voted for the financial interests of their political base, they did not even try to give a reason – that is, some other plausible sounding reason – why they voted for a viewshed protection ordinance that did not protect the viewshed.

Nowhere to hide
The most controversial local issue in the county when by the time it was voted into law in August 2007, the ordinance became a flashpoint in the turnover of the Board of Supervisors the following year. The supervisors who allowed POPR, an extremist “property rights” group, to hand them the privately drafted ordinance — discarding drafts prepared by county planners and the Planning Commission and voting to approve it despite its clear violations of the California Environmental Quality Act — paid a political price in 2008. When Ovitt and Lenthall ran for re-election, the Cayucos Viewshed Ordinance slashed across their campaigns like the mark of Zorro. It may not have been the worst thing that they and Achadjian ever did on the Board (their approval of the Santa Margarita Ranch development a year later came to top that long list), but it was their “let them eat cake” moment. On November 27, 2007, the 3-man majority ignored the Board’s legal counsel, county planning staff, local residents and responsible land use planning and endorsed a henhouse protection ordinance written by the fox.

For both Ovitt and Lenthall, subsequently turned out of office in dual landslides, their vote for the ordinance represented a blatant willingness to bow down to the wishes of economic special interests no matter how damaging the consequences, and came to symbolize the political careers of both men. They couldn’t run away from it.

As the last remaining board member from that 2007 majority, Supervisor Achadjian now faces the rollback of the ordinance as a reminder and rebuke of his vote as he makes his bid for the state Assembly seat held by a termed-out Sam Blakeslee (See “Back to Haunt Him,” below).

In a 2007 video clip circulating on the web, County Supervisor Katcho Achadjian defends his indefensible vote on the Cayucos Viewshed Ordinance by making it clear that his support was a matter of you-scratch-my-back quid pro quo.

Secure in the power of his Board majority, Katcho comes off like Machiavelli’s prince, lecturing the rabble on his personal vision of politics: a purely transactional exercise in which favors are extended or withheld on the basis of demanded loyalty or perceived enmity – the issues he damned. That raw admission and the spectacle of an irate politico hurling taunts, airing grudges and settling personal scores on camera makes for riveting political theater.

If you know anyone who is undecided on the question of whether to send Katcho to Sacramento to represent the entire population of the 33rd Assembly District, tell them to go to YouTube, type in “Kookoo for Katcho Stuff,” and watch a politician explain that he always and only votes for the side his bread is buttered on.

Back to Haunt Him
Katcho’s Cayucos Viewshed moment lives forever on YouTube.
You’ve Got to Fight for Clean Water

The other day this humble Dog received a communication from the Regional Water Quality Board members of the Environmental Justice Coalition for Water, to help get the message across to the water board that they need to clean up agricultural runoff. Essentially, they punted the issue to next February, with comments and feedback solicited through August.

Regional Water Quality Control Board members gave every indication of leaning toward the extremely weak beer offered by the California Farm Bureau as an alternative to the real regulations that are being proposed by water board staff. The draft versions fell short of what the court decisions required in the opinion of state and local groups, which have been coordinated by the Coastkeeper Alliance. Twenty-one groups signed the Alliance’s comments opposing the policy that the board took up on May 4. The groups argued that the draft policy was deeply flawed and failed to meet the Clean Water Act’s direction to phase out OTC and its impacts on coastal and delta ecosystems.

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Let’s get organized Monterey Coastkeeper Steve Shimek (at right) came to SLO on May 12, along with members of the Environmental Justice Coalition for Water, to help get the message across to the water board that they need to clean up agricultural runoff. Three hundred people packed the all-day meeting at the SLO Elks Lodge (below).

The Creek Dogs joined their U-tip counterparts by Ralph Bishop Nipomo Creek Dogs

by Ralph Bishop
Nipomo Creek Dogs

SANTA LUCIAN • JUNE 2010

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Another public workshop will be held in Watsonville in July, a proposed revised order released in November, and a proposed revised order coming to the Board in February 2011. If we are to conclude the impacts suffered by our water and watersheds from toxic agricultural runoff, we must redouble our efforts between now and then. Visit www.ejcw.org and join the fight for “water justice.”

Thank You, Provision #28

The other day this humble Dog received a communication from the Regional Water Quality Board: order No. RS-2010. While wading through page after page of contastory codswaddle, I came across one sentence that was clear and concise without any conjecture about what the definition of “is” is. Provision #28 of the Draft Ag Discharge Order reads:

The discharge of Ag rubbish, refuse irrigation tubing or other solid wastes into surface waters or at any place where they may contact or maybe eventually discharge to surface waters is prohibited.

That one sentence among thousands was the culmination of nine years of blood sweat and tears that expended a caloric output greater than the national debt. The Nipomo Creek Dogs are thankful for our success against the pollutive power structure. While many of the provisions in the Ag Discharge Order are complicated, and titanic struggles are now being waged over them, provision #28 seems to be a cost-neutral—no-brainer.

The Creek Dogs are a big part of the reason why it’s there. This was a classic truth versus power situation, replete with multiple bureaucratic fireworks. We remember the scourgé of creek-choking, flood triggerign discarded irrigation tubing that was locally labeled a portion of an “urban trash” problem — blaming the victims of the flood for the flood damage — all while knowing that the tubing caused the perfect storms of destruction in Nipomo.

Once Through Cooling continued from page 4

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The other day this humble Dog received a communication from the Regional Water Quality Board members of the Environmental Justice Coalition for Water, to help get the message across to the water board that they need to clean up agricultural runoff. Three hundred people packed the all-day meeting at the SLO Elks Lodge (below).

Christie, who was courteous and didn’t seem to have a hair on his head and a pointy tail. After viewing our photographic evidence he was interested in an engaging way. We were pleasantly shocked. He set up a meeting with the board of directors, who were likewise honestly concerned and pledged their support. This support gave us the glimmer of hope and fortitude to continue. Andrew suggested we needed to engage the directors of the Water Board — at a public meeting of the Board, not just one-on-one with staff. Go to meetings with bureaucrats! Our strength was paws-in-the-mud.

We were pleasantly surprised that for two years they had not been made aware of the Nipomo Creek problem. When our 8 x 10 glossy of irrigation tubing — clumps the size of Volkswagens clogging culverts were enlarged and projected on the wall, it was apparent that there was some ‘plainin to do. The wheels of bureaucratic eco-justice turn slow, but as this issue proves, truth will out and persistence pays off. We got one sentence, but a good sentence: Provision #28.

The tubing and trash still remain in the creeks of Nipomo, four long years later. We’re grateful to the Water Board, but the Department of Fish and Game seems to equally hold the reins in this matter. I urge everyone who might appreciate our nine-year struggle to call Fish and Game higher ups and ask a simple question. Why after four years with full knowledge of this issue has nothing been done? God bless our fellow trouble makers, the Sierra Club.
Vegetarian

But perhaps the strongest personal reason for decreasing the meat in your diet is to increase your lifespan. The wisdom of adding more nutritionally and economically sounder vegetables and legumes is obvious, and reducing meat consumption means reducing the risk of heart disease, hypertension, diabetes, and certain cancers. If you have an 8 or 12-ounce steak without too much marbling, you may be satisfied with a 6-ounce rather than an 8-ounce portion. The late Lewis and Clark Jurek, who is about the best ultra distance runner in the world, and also includes John Muir, a hiker who loved nature and never hunted on his wilderness treks. Much more carnivorous than women and also have lives six years shorter. Over two-thirds of vegetarian athletes are women.

If you have been considering lessening the meat in your diet, start small. We have powerful emotional attachments to our meat. Thanksgiving turkeys, the aroma of bacon in the morning, the thought of hot dogs cooking over a campfire, or hamburgers being grilled in summer... just the thought of those weakens my resolution. But a few practices have worked for me, and may for you:

- Consider having a "V-day," a day with no meat once a week. This really isn't difficult.
- Find a few tasty vegetarian main dishes. There are a number of simple, obvious ones such as a baked potato with sour cream and cheese, pasta with tomato or pesto sauce, or rice and beans. This is the key to a "V-day" success. You need to enjoy the food you eat.
- Eating less meat not only helps to save the planet, it can also give you more years in life to enjoy it.

The wisdom of adding more vegetables and legumes to what we eat: Thanks to the Coalition of Appropriate Technology (CAT) and the nonvegetarians who eat less meat, not only helps to save the planet, it can also give you more years in life to enjoy it.

Cal-Nev Committee

The wisdom of adding more vegetables and legumes to what we eat: Thanks to the Coalition of Appropriate Technology (CAT) and the nonvegetarians who eat less meat, not only helps to save the planet, it can also give you more years in life to enjoy it.

Harkins

"After reading this article, my body was tense and stressed and it made me damn angry with these yahoos who fail to understand anything," he wrote that he has "loathed the Sierra Club" since childhood and that we "cannot see the forest through the trees." He attacked the study done by Harkins, a retired school teacher, taking on the task after the Corps had failed to do so, "for its lack of chain of custody documentation.

Dunes & Dust

Jenkins has made it abundantly clear that "any corporation's participation in this process will consist primarily of marketing its resources to argue that the [ODSVRA] is not responsible for the air quality on the Nipomo Mesa, the worst in the county, in an effort to contradict the APCD study that has shown this to be the case.

In other words, the priority of State Parks has been to deny its responsibility for the problem. The priority of the Office of State Parks should be the protection of the health of our citizens.

Mladen Bandon (right) of the SLO Division, as well as the fact that the ODSVRA while it awaits the implementation of pollution reduction measures. But if the state remains in denial, all of the above needs to be made clear to the OHW Division, as well as the fact that the County has the power to declare a moratorium on riding in the entire ODSVRA while it awaits the implementation of a solution to the problem. Per our South Coast Planning Area Standards: "Should the terms and conditions of the [ODSVRA] coastal permit not be enforced or accomplished or should they not be sufficient to regulate the use in manner consistent with the protection of resources, public health and safety, and community values, then the county may, in the exercise of its police powers, the imposition of an interim moratorium on OHV use may be necessary."

With absolutely no disrespect intended to our friends in the animal rights movement, we note that as long as State Parks wants to play the male, the County has access to the two-by-four that may be necessary to get its attention.

Graywater: How-To

Grayerwater systems can significantly reduce residential potable water use, a key goal of the water conservation component of the Los Osos Waste-water Project, whose permit will be reviewed by the California Coastal Commission on June 10.
The minimum requirement of the California Environmental Quality Act (CEQA) is that a project's significant environmental impacts be mitigated if possible, mitigated if not avoidable, and, if neither is possible, that "green jobs. Additionally, he worked to investing in renewable energy, creating approval. When Governor Schwarzenegger's impact Report of the Conservation and Open Space Element. And that would have meant a lawsuit, one that the County would lose. But staff refused to back down, and Supervisor Bruce Gibson led the Board to a final vote on May 11, 2015. Prime Farmland abides. The COSE wasn't all it could have been. The fight to make it better and to hold onto hard-earned gains in environmental protection left unacceptable casualties in its wake. But the Sierra Club, North County Watch, and some concerned, articu- late citizens, County staff and Super- visors fought for and won a Conserva- tion and Open Space Element that has improved the County's land use policies.

COSTE continued from page 3

So the end of the meeting, Christie's fate was sealed. She was forced to step down, taking with her one of the highest quotients of guts- to-brains possessed by any elected or appointed official in the state. Also lost was her passionate engagement with the issues, encyclopedic grasp of land use planning law and ability to prevail in court when it had to be permitted. But any municipality is free to adopt policies and site-specific plans that build on the floor that CEQA provides, with stronger protections and possibly more mitigation measures so that they will know which projects city or county officials are likely to approve.

For Sunpower, First Solar, and PG&E, preparing to bring forward massive solar power plant projects on the Carrizo Plain -- sited amidst the massive solar power plant projects on PG&E, preparing to bring forward for Sunpower, First Solar, and PG&E, the County supervisors removed from the COSE any language implying environmental protections in large-scale renewable energy project permits beyond the CEQA minimums. The also removed any reference to "local energy." Some language remained approving "distributed generation" -- "local energy" by another name -- but the Board lost its chance to establish a clear preference for the most permissi- lowest-impact form of solar power.

By way of contrast, on May 16, the California-Nevada Regional Conserva- tion Committee of the Sierra Club, representing the state and the two states, affirmed a policy favoring distributed generation "primarily through the use of photovoltaic (PV) solar as a priority for the rapid increase in the percentage of renew- able sources of electricity... Utilizing DG to provide a majority of renewable energy reduces the need for large new centralized power projects, thereby greatly reducing... damage to the environment from emissions to air and water and the large-scale projects, and at the same time providing economic growth potential to local communities."

Ag Soils

As the COSE headed for a final vote at the end of April, the Soils Chapter became the final battleground for the27th Assembly District, Monterey and Santa Clara Counties, in 2002, Laird was re-elected in 2004 and 2006, receiving over 70% of the vote each time. In 2008, the San Jose Mercury News named Laird the "Most Effective Legislator" in the region. We agree. And now he can be the same for our region.

If no candidate receives over 50% of the vote on June 22, a run-off election is scheduled to be held August 17 (Agam: thanks, governor) unless a court rules otherwise and the run-off is consolidated with the general election in November.

So, right now:

Laird has been a leading voice on investing in renewable energy, creating green jobs and incorporating sustain- able building in California. He was a key figure in legislative efforts to invest in renewable fuels, technologies, advanced vehicles and alternative fuel infrastructures to help California meet its climate change goals and create green jobs. Additionally, he worked to create incentives for local governments to utilize renewable energy sources and homeowners to reduce energy use. As Budget Chair in the Assembly, Laird fought to ensure that the state adequately funded environmental resources. He fought to keep our state parks open because they protect California's landmarks and historical heritage, not to mention local hotels, restaurants and travel industry. He has been a significant leader on coastal issues that affect our local coastal environment and economy. Laird authored legislation on the coastal trail, storm water runoff, invasive aquatic species, cruise ship dumping, sea otter protection, oil spill response funding and enhancing the marine protection process. Elected to the Assembly to repre- sent the 27th Assembly District, including portions of Santa Cruz, Monterey and Santa Clara Counties, in 2002, Laird was re-elected in 2004 and 2006, receiving over 70% of the vote each time. In 2008, the San Jose Mercury News named Laird the "Most Effective Legislator" in the region. We agree. And now he can be the same for our region.

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Got Graywater if You Want It

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

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

Next issue deadline is June 14. To get a rate sheet or submit your ad and payment, contact: Sierra Club - Santa Lucia Chapter P.O. Box 15755 San Luis Obispo, CA 93406 sierracubio@gmail.com

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Trust & Estate Plans Prenuptial Agreements Domestic Partnerships
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CONTACT us... to be SEEN!
ph: 805-473-5064 or email: Solstice222@aol.com

Now on Facebook
search: “Santa Lucia” and become our friend!
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 outings leader.

**Outings and Activities Calendar**

**Drive trailhead**. Leader Mike Sims. (805) 459-1701. msims@slonet.org. Non-members are encouraged to hike with us.

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Wed., June 2, 9, 16, 23, and 30, 5:30 p.m.</td>
<td>Informal Hikes around San Luis Obispo. 1 to 2 hour hikes around San Luis Obispo, 5-6 miles, with elevation gain around 1200 feet. For more information or to sign up for Hikers List send an e-mail to Gary Felsman.</td>
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<tr>
<td>Sat., June 12, 9:30 a.m.</td>
<td>Up the Creek, but With a Paddle. We will paddle up Turri Creek with a favorable tide and sneak up on some wildlife. Bring your kayak and we will launch at the Morro Bay State Park marina behind the Bayside Cafe. Plan on being at the marina at 9:30 AM and launching at 10:00. It is required that PFDs be worn. Rain and/or high winds cancel. Hats, water, and sunscreen recommended. Do call or email at least 24 hrs. or more ahead, so we know how many to expect or with questions. For more information or to confirm, call Mike Sims (805) 459-1701, <a href="mailto:msims@slonet.org">msims@slonet.org</a>.</td>
<td></td>
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<tr>
<td>Sun., June 13, 5:00pm.</td>
<td>Sierra Singles – Ontario Ridge/Shell Beach Bluffs Coastal Trail. Join Sierra Club hike leader Stacy Talbert on this approximate 2.5 miles hike, overlook amazing coastal views and beautiful cliff side houses. Please wear comfortable walking/hiking shoes, bring plenty of water, and a desire to meet other singles from the central coast. Parking is limited so a car pool will leave from Santa Rosa Park in San Luis Obispo at 4:15pm. Driving Directions: 101 Hwy, exit Avila Beach Dr, head west 1/2 mile to the Overlook parking (on the left). Possible gathering for cool, breezy weather, water, and snacks/lunch. For more info, contact Bill Waycott, 459-2103, <a href="mailto:bill.waycott@gmail.com">bill.waycott@gmail.com</a>.</td>
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<tr>
<td>Fri., June 18, 2010</td>
<td>9:00 a.m. - 1:00 p.m.</td>
<td>San Luis Botanical Gardens, Oak Glen Pavilion</td>
<td><strong>Cost</strong>: $10 EcoLogistics Tournament Ticket, or $20 at the door. This is a 12-hour event limited to 100 people.</td>
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