Sierra Club gets Community Choice into County’s Climate Action Plan

The SLO County Planning Department released its draft “EnergyWise” plan—a Climate Action Plan—last April. It lays out recommendations for the county to meet the statewide goal of reducing greenhouse gas emissions to the equivalent of 1990 levels by 2020, in addition to other energy efficiency, land use, transportation, water conservation and air quality goals.

Our comment on the public review draft of the plan was several pages long, but came down to this question: Where’s Community Choice? The main tool for the creation of clean, local decentralized energy in California was missing from the 380-page plan.

California’s Community Choice Aggregation law (CCA) lets cities and counties select their own electricity provider, prioritize renewable energy and encourage conservation without having to own the utility or the power lines. The Bay Area’s Local Clean Energy Alliance spells it out: “Community Choice is a key vehicle for meeting California’s climate goals.”

As Conoco began to clean up the Nipomo Creek crude oil leak, eight years after it was discovered, the Sierra Club pointed out to the Water Board that it’s unlikely to be an isolated problem.

How many more? As Conoco began to clean up the Nipomo Creek crude oil leak, eight years after it was discovered, the Sierra Club pointed out to the Water Board that it’s unlikely to be an isolated problem.

They Spill Your Milkshake
Sierra Club testimony puts spotlight on Conoco’s oil lines

On September 1, Santa Lucia Chapter Director Andrew Christie addressed the Regional Water Board on the subject of remediation, treatment and monitoring at the site of a growing oil spill below Nipomo Creek. The spill is believed to have come from a decommissioned 8-inch Unocal pipeline, inherited by Conoco/Phillips. His testimony prompted board action on a potentially widespread water quality problem.

In the discussion that followed between Water Board members and staff, the board came to realize that A) there are oil trans-fer lines in proximity to creeks and water bodies throughout the central coast region, B) there is no monitoring whatsoever conducted on the inactive century-old oil lines that Conoco took over from Unocal, and C) staff has found “quite a few leaks” on these lines, but remediation after the fact has been the only way they’ve ever found out about them.

The Santa Lucia Chapter had previously written to Water Board staff express-
Mr. President, Do You Know Why Airbags Are in Your Car?

On our front page this month, we take note of the local version of national anti-regulatory fervor: chemical companies are reaching into SLO and trying to whip up opposition to a single-use bag ordinance (“There’s No Such Thing As a Free Bag”). On page 9, in this issue’s installment of “Taking Issue,” we examine the most recent push to gut environmental protections in Sacramento in obedience to the conservative mantra “the economy’s in bad shape to let’s wreck the environment to save it.” Last impact, we pointed out in the local media just how wrong Congressional Republicans are when they argue that it’s bad for the environment and public health to save the economy (“Work. Ever.”, “New Times, Aug. 18: “Regulatory relief a false issue,” "The Tribune, Aug. 19.”). Now we want to point out to President Obama that adopting and catering to that mindset is a really bad idea.

On September 3, turning aside the science and downgrading government’s obligation to protect public health, President Obama told the Environmental Protection Agency to drop a proposed rule that would have significantly reduced smog and improved the quality of the air we breathe. As a result, there will be no review of the currently permitted level of smog-generating chemicals emitted by industry until 2013. And there was no getting around the other result of his decision. As the Sept. 2 Los Angeles Times reported: “The EPA estimates that up to 12,000 lives could be saved annually from heart attacks, lung disease and asthma attacks by implementing the new standards.”

It was an early Christmas present for big polluters, who cheered lustily, as did their friends in Congress, the president’s aforementioned opponents. By putting the interest of coal and oil polluters first, the White House seems to be saying that ‘clean air will have to wait,’” said Sierra Club Executive Director Michael Brune.

To the amazement of no one, the president’s capitulation also increased the intensity of the pressure the calls by polluters and their friends for more and larger capitations. As reported by Politico on September 3, Rep. John Boehner spokesman Mike Steele “wrote that Friday’s decision ‘is certainly a good first step, and we’re glad that the White House supports’ the EPA’s letter and recognized the job-killing impact of this particular regulation. But it is only the tip of the iceberg when it comes to stopping Washington Democrats’ agenda of tax hikes, more government spending and increased regulations — which are all making it harder to create more American jobs.” The story went on to that “House Majority Leader Eric Cantor last week announced plans to hold votes this fall to repeal the administration’s ‘10 most harmful job-destroying regulations,’ including seven from the EPA.”

Last issue (“Nothing Costs More Than a Bad Idea.”), Sept., we answered the Republican “job killing” mantra with figures from EPA, and NIT studies of the actual impacts of environmental regulations, specifically air quality regulations. Those studies found that those impacts have been positive, greatly stimulating investment and creating jobs.

How nice it would be if the president had read those studies instead of the in-house reports laundered at him by lobbyists. It would be nice if he had not played into opponents’ narrative that public health and environmental regulations are at odds with jobs and the economy, pulling the rule at the last minute in the face of intense political pressure.

Or as MoveOn.org put it, “President Obama repeatedly discredited tea party talking points about environmental rules costing jobs.” This was the fig leaf the administration tried to use to cover its action — the idea that it was seeking to save the fragile economy from burdensome regulations. And it won’t pass muster. Nine CEOs from companies that would have been the most affected by the new ozone rule supported it, writing: “Contrary to the claims that the EPA’s agenda will have negative environmental burdensome, our companies’ experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job-creation, while maintaining reliability.”

Such candor is rare. It would have been nice if the president had taken heed, or given some sign that he is aware of the conflict of interest response from industry historically, and that the lack of eagerness to comply with a new regulation has always manifested as promises of economic apocalypse. Delay has always been sought, and always been wrong.

Consider the airbag.

We’ve heard this song before. Airbags were invented in 1952. But not until 1965, when Ralph Nader wrote Unsafe at Any Speed, was Congress prodded into passage of the Highway Safety Act and the National Traffic and Motor Vehicle Safety Act, authorizing the federal government to set and regulate standards to reduce motor vehicle-related injuries and deaths.

To that end, in 1969, the Department of Transportation proposed a “passive restraint” requirement — a system not dependent on the occupant of the vehicle remembering to fasten her seat belt. Chrysler and Ford promptly filed lawsuits challenging the consequences, our companies’ experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job-creation, while maintaining reliability.”

Change of Address?

Mail changes to:
Sierra Club National Headquarters
85 Second Street, 2nd Floor
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Visit us on the Web!

www.santalucia.sierraclub.org

Outings, events, and more!

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AIRBAGS continued on page 7
Wallace's response to the fact that oaks had been cut illegally in a previous "refuge area" at the corner of Pippin Lane and See Canyon Road is in fact "a replaced by 240 saplings. Steve Johnson of the Avila Valley Advisory Council project by project.

conditions and not to evaluating slowly degrading conditions that occur taking of an already stretched groundwater supply that CEQA cannot readily see flood plain degradation in our local waterways because of the incremental subdivision of the site was to point out that ever earlier builders had "cleared out the situation we're in and will promise to tell you the truth."

This, he said, would "help us figure the audience wanted to know if their lawyers can and do go into courtrooms to overturn laws. “Here’s the point,” said Cobb: “Corporations claiming Constitutional rights or corporate personhood is not just a legally and logically indefensible idea, which it is; it's not just a legally and logically indefensible idea, which it is; it’s a lynchpin for how the ruling elite have hijacked our government. They have hijacked our legal system. They have turned our own systems against us, and we are left to argue amongst ourselves..... We have consumer choices, but we never get to partici- pate in a meaningful way in creating the democratic republic that we were promised.”

That’s why in 2009, as the Supreme Court was deliberating on Citizens United, Sierra Club Chairman Carl Pope noted with interest that “newly arrived Justice Sonia Sotomayor raised openly from the bench, for the first time in decades, the question of whether the original corporate personhood cases like Santa Clara were rightly decided. If the Court overreaches in this case, it may find that it has done the thing that Bob Dole used to say was always the worst error you could make in politics – to kick a sleeping dog.

Here’s hoping. To join the movement for a Consti- tutional amendment to strike down corporate personhood or help orga- nize a SLO County chapter of Move to Amend, go to www.movetoamend.org.

**Can See Canyon be Saved?**

On August 25, the County Planning Commission deliberated for a second time on a proposed 84-acre subdivision on See Canyon Creek in the Avila Valley.

For the second time, the Sierra Club joined concerned neighbors in weighing in on the “Negative Declaration” – a once-over-lightly environmental review that is normally accorded to projects on sites that are of such low biological value that their development is likely to have no or very minor impacts on wildlife and habitat. For the See Canyon subdivision, the County has issued a Negative Declaration for a project requiring the clearance of Coastal oak woodlands, situated on as steelhead creek, within likely habitat for the endan-

ership cases like Santa Clara, the Supreme Court decision from 1886 – Pacific Railway v. United States – that whimsically decided the 14th amendment’s guarantee of equal rights to all citizens – meant to enfanchise freed slaves – applied to corporations. This was the strangely birth of corporate personhood.

Cobb started off with two simple statements to the standing-room-only crowd: “There is nothing wrong with righteous political rage,” and “I promise to tell you the truth.”

This, he said, would “help us figure out the situation we’re in and will determine the strategies we should use.”

In 1789, when the newly constituted United States ratified its Constitution, “we the people” referred to about seven percent of the actual adult population of the country, excluding the non-white, non-male, non-property owning residents whom the Constitution did not consider to be legal persons.

Since then, and especially since the last century, when the improbable leap of corporations into the role of legal persons with Constitutional rights, things have not been looking good for the sovereign people of our allegedly free nation.

For two hours, like a meticulous prosecutor, Cobb made the case that corporate personhood is not just a handy extra tool that corporations make use of to expand their power or wield additional influence; it’s the source of the problem.

The audience wanted to know if depriving corporations of their personhood would affect small businesses. Cobb pointed out that the Fortune 500 is a net loser/exporter of jobs; that it is small and medium-size businesses that are actually making the country run, and they’re not the ones claiming Constitutional rights. That claim has been the sole province of transnational corporations, and the assumption of that right is the reason why their lawyers can and do go into courtrooms to overturn laws.

“Here’s the point,” said Cobb: “Corporations claiming Constitutional rights or corporate personhood is not just a stupid idea, which it is; it’s not just a legally and logically indefensible idea, which it is; it’s a lynchpin for how the ruling elite have hijacked our government. They have hijacked our legal system. They have turned our own systems against us, and we are left to argue amongst ourselves..... We have consumer choices, but we never get to partici-

pate in a meaningful way in creating the democratic republic that we were promised.”

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To join the movement for a Constitutional amendment to strike down corporate personhood or help organize a SLO County chapter of Move to Amend, go to www.movetoamend.org.
A Visit with EldrBill

by Steven Marx, Chapter Treasurer

There’s a lot for an environmentalist to feel hopeless about these days, from calls for the militarization of the Arctic Ocean as a response to the melting polar icecap to the prospect of our local chapter of the Sierra Club running out of money. So I decided to take a little trip to Nipomo to express a Treasurer’s appreciation to a donor whose generosity has been so important to our Chapter, and also to get my spirits raised.

“Bill’s Farm” looked no worse for wear since the last time I stopped by three years ago. I noticed an ancient carriage almost hidden by the gaggle of bicycles kept here for the use of his hostel visitors from all over the world and the array of solar panels on the roof setting off the “No Diablo” sign by the corner of the house.

I was welcomed by a high, ringing voice, and once inside surrounded by walls and tables completely covered with pictures and clippings. On the counter was a half-empty quart bottle of beer next to another one full of milk.

“Just did the goats,” giggled the man with flowing white hair, cascading beard, cabled arms and frighteningly tough legs swathed in shorts.

“I love goat’s milk,” I said, “reminds me of bicycling in British Columbia.”

“Take it,” he answered, “and that dumb egg from my chickens.”

“Bill, I came to say thanks,” I replied, “and here you keep giving me more.”

Then here’s Virginia Souza, the President of the Natural History Museum in Santa Maria. “It’s tiny, but she just hosted an event there for the Chamber of Commerce which brought out forty people. In Santa Maria She was a biology student of mine way back when. I introduced her to the idea of ecology. Here’s an award for the 40th anniversary of Earth Day she gave me last year.”

“And this is my woman’s wall,” he said with a sweep of his arm. Next to the fridge, pictures and articles about Barbara Rozer, Lois Capps, Hilda Zacarias, Lisa Jackson, the Drex Chickens, Sonia Solomayor, Ruth Coleman, Marian Jones, Steph Brown and Kathy Goddard Jones.

“I remember your Dad, Henry,” Bill chuckled. “He used to tell me how the dunes were ‘so sensual.’” That must have been 20 years ago, when my father was just about Bill’s age now. “How old are you?” he asked. “Sixty nine,” I answered, “just retired.”

“My sixties were my best decade,” said Bill. “Sixty nine,” I answered, “just keep going.” And she was right.

Running up it was a black lab next to a perfectly formed naked young woman.

“I’ve worked to save those Dunes and Point Sal for fifty years,” he said. “From a nuclear power plant, from a coal-fired power plant, from a housing development. And now they’re safe in perpetuity, since the SLO Land Conservancy just purchased the last developable property. Let’s go out back.”

We passed his desktop computer surrounded by magazines and books, where Bill composes his Nipomo Free Press, an e-mail newsletter that includes commentaries on the latest news and on long-term issues as well as responses from his readers—precursor of the blog. We talked of another hero, writer and 350.org organizer Bill McKibben, who was sitting in a Washington jail after leading a protest against approval of the Keystone XL tar sands pipeline. We passed the chickens scratching in the sand, the empty pigpen—the pig was in the freezer—and the goat corral. He nimbly climbed over a high gate into an overgrown orchard of apple and tangelo trees heavy with fruit that I sampled and picked. “I just can’t keep these up any more,” he said with a twinkle. “Don’t get old.”

On my way back to the car, weighted down with eggs, milk and fruit, I felt lightened. Instead of dreading yet another meeting to discuss grant applications, budgets, and liability insurance, I was eager to share Elder Bill’s harvest with the volunteers at the potluck that night.
Calling All Sierra Club Members: Protect the Arctic National Wildlife Refuge!

Comments on draft plan due November 15

by Sierra Club–Alaska Chapter

We’ve waited more than fifty years for this moment: the chance to permanently protect the coastal plain of the Arctic National Wildlife Refuge as wilderness. We need every American to get behind protecting America’s most iconic wilderness. The Arctic Refuge is about its unique wildlife, wilderness and recreational values, not its development potential. Oil and gas drilling in the Arctic Refuge would harm the unique wildlife and wilderness even as the region faces global warming. Once this wilderness is destroyed, it’s gone forever.

But even now, Big Oil wants to drill in the coastal plain and change this magical place forever. Take this historic opportunity to protect the wildlife and wilderness of the Arctic Refuge.

The U.S. Fish and Wildlife Service (USFWS) just released a draft revised Comprehensive Conservation Plan (CCP) for the Arctic Refuge. It is an important milestone in that USFWS is formally considering a Wilderness designation for the Refuge’s Coastal Plain – the biological heart of our nation’s iconic wilderness.

Write your comment to USFWS urging it to recommend a wilderness designation for the Arctic Refuge’s Coastal Plain to protect it from oil and gas development.

Submit your comment:
- by e-mail to ArcticRefugeCCP@fws.gov
- by fax to 907-435-0428
- by mail to: U.S. Fish and Wildlife Service Arctic NWR - Sharon Seim 111 12th Ave., Bn 236 Fairbanks, AK 99701

Suggested language, but please personalize it:

Subject: Comprehensive Conservation Plan: Designate the Arctic National Wildlife Refuge’s Coastal Plain as wilderness

Dear U.S. Fish and Wildlife Service Director Dan Ashe,

I urge you to recommend a wilderness designation for the Coastal Plain of the Arctic National Wildlife Refuge in order to permanently protect America’s greatest wild treasure from oil and gas development.

Already the warming Arctic is threatening the region and its wildlife so it is our job to defend the biological heart of the Arctic Refuge, its coastal plain. By protecting the Refuge we ensure critical habitat for caribou, polar bears, grizzly bears, musk oxen, Dall sheep, wolves, wolverines, and birds from all 50 states.

We cannot hand this wildlife refuge over to Big Oil. Drilling in the Arctic Refuge will not lower today’s gas prices or solve our energy crisis; it would only prolong it. Any oil drilling in the Arctic Refuge will disrupt and harm the fragile ecosystem and wildlife the USFWS Refuge system is supposed to protect.

Recommend Alternative C for a wilderness designation for the coastal plain. This is critical to keep this wildlife and wilderness icon protected for this and future generations.

Sincerely,

YOUR NAME HERE

Thank you for taking action to protect this special place. To find our more information and stay in touch, please visit www.chillthedrills.org or “like” us on Facebook, www.facebook.com/chillthedrills

Sacred Sites Peacewalk for a Nuclear-Free World

October 22 - November 6: Diablo Canyon to Sogorea Te/Glen Cove, Valelho, California

by San Luis Obispo Mothers for Peace

With Buddhist nun, Jun-san, we plan a two-week interfaith peace walk from the Diablo Canyon nuclear power plant near San Luis Obispo to the Bay Area. With the tragedy of Fukushima in our hearts, we will walk 15-18 miles a day looking into the safety of land and people along our route, the still-present danger of nuclear weapons, the poisonous nuclear fuel cycle and how to end the nuclear nightmare in California and worldwide.

The Diablo Canyon plant defiled a site sacred to the Chumash people, reminding us of our unresolved history. Native lands still bear the brunt of toxic mining and waste disposal that mark the nuclear industry. The walk ends at an indigenous sacred site of true power, consecrated by years of struggle to protect it from development.

We expect participation of Native elders and activists, Buddhist monks, Japanese people affected by Fukushima, and citizens who have worked for decades to expose nuclear danger and find alternatives to nuclear power. We will learn from each other and from communities along the way. Everyone is welcome to join for an hour, a day or a week. No alcohol, drugs, or weapons.

We need help with lodging, food, organizing local community, media/communications, and shuttle-transport.

Sponsors: San Luis Obispo Mothers for Peace; Indian People Organizing for Change (organizers of the Shellmound Walks in the Bay Area and a successful 110-day vigil to protect the sacred site at Sogorea Te/Glen Cove); Nipponzan Myohoji Buddhist Order.

Website: www.CAnuclearwalk.com
Contact: Louise Dunlap, lindale@mindfulsilence.org, 510-450-0631 (land); Johanna LaRose, 510-734-7750 (cell).
Links:
www.mothersforpeace.org
www.muschellmoundwalk.intuitwebsites.com
www.protectglencover.org
www.dbharrwalk.org/jgunari1.htm

Walk Schedule
10/22 (Sat) Diablo Canyon gates (Avila)—San Luis Obispo
10/23 (Sun) San Luis Obispo—Morro Bay*
10/24 (Mon) Santa Margarita—Paso Robles
10/25 (Tues) Paso Robles—Camp Roberts*
10/26 (Wed) Gonzales(?)—Salinas
10/27 (Thurs) Salinas—Watsonville
10/28 (Fri) Watsonville—Santa Cruz
10/29 (Sat) Rest Day
10/30 (Sun) Santa Cruz—San Jose*
10/31 (Mon) San Jose—Mission San Jose
11/1 (Tues) Mission San Jose—Livermore*
11/2 (Wed) Livermore—Hayward*
11/3 (Thurs) Hayward—Oakland
11/4 (Fri) Oakland—Berkeley
11/5 (Sat) Berkeley—El Sobrante
11/6 (Sun) El Sobrante—Sogorea Te (Vallejo)

*shuttle

Join us for all or part of this journey. Bring sleeping gear, water bottle, plate & fork, a good heart and good walking shoes, but please travel light. Most first-week stay-places are accessible to Amtrak.

If you are joining on the first day, please arrive on Friday night so we can start our opening ceremony first thing in the morning

www.CAnuclearwalk.com

Search: “Santa Lucia” and become our friend!
Mark Your Calendars

The annual benefit for the Santa Lucia Chapter, our popular “Celebration of Environmental Literature, Music and Art,” will take place at the Masonic Temple in downtown SLO on January 28, 2012. Local authors will give readings from their published works.

Our featured reader: Catherine Ryan Hyde

The author of Pay It Forward will be reading from her new unpublished novel and present a multimedia show of photographs and films that she’s taken while hiking, canoeing and kayaking around the County and in National Parks.

Plus: good food, great music, and an art exhibit and sale of superb local landscape paintings.

Admission $75. $35 students.

Members: watch this space & your e-mail for notification when tickets go on sale.

On the trail Catherine Ryan Hyde will be joining us in January.

Dust
continued from page 3

using a smaller sample size than the 2009 study – did not evaluate whether dust emissions varied by the number of vehicles present or their speed.

40 = 90? The data developed in the pilot project study showed that the use of hay bales reduced the rate of sand transport from the dunes between 40 and 70 percent, whereas vegetating the dunes reduced sand transport 95 to 99 percent — effectively resulting in zero fugitive dust. But the study’s conclusion implied that the two measures are essentially equivalent, stating that either “is an effective way to reduce sand movement, and the accompanying dust emissions at Oceano Dunes.” Pressed by residents on whether the District would consider ordering the dunes closed to vehicles if the ODSVRA continued to fail to attain state mandated air quality levels despite emission control measures, APCD Director Larry Allen replied “Nothing is off the table. We’re looking at all the options that are out there.” APCD staff presented the study to their Board at its September 28 meeting, discussing the approach and concepts of the draft Fugitive Dust Rule, which is scheduled for Board adoption later this year. Both the Final Report on the Oceano Dunes pilot projects and APCD’s draft Fugitive Dust Rule are available on APCD’s website, www.slocleanair.org.

The Air Pollution Control District is conducting neighborhood monitoring during spring wind season so enhance understanding of the particulate matter impacts from the Oceano Dunes. They are looking for volunteers to allow siting of monitors on their property.

To volunteer your property to be screened, contact the APCD at 781-5912 or email info@slocleanair.org.

Call for Candidates

In November, Chapter members will vote for the candidates who will lead the Santa Lucia chapter on its Executive Committee in 2012. We encourage our members to run for the ExCom and become a part of the dynamic action of Sierra Club for the ExCom and become a part of the national Sierra Club. Council of Club Leaders, a liaison to air, water, wildlife and land use issues. The ExCom meets in December to vote for the candidates who will lead

Your Elected Officials

County Board of Supervisors. Room 370, County Government Center, SLO 93408. Phone: 781-5400, fax: 781-1350. sbaker@co.slo.ca.us

Gov. Jerry Brown. State Capitol Building, Sacramento, CA 95814. Phone: (916) 445-2841; fax: (916) 445-4633. governor@governor.ca.gov

U.S. Sen. Dianne Feinstein. 1 Post St., #200, San Francisco, CA 94104. Phone: (415) 393-0707; fax (415) 393-0710; www.senate.gov/~feinstein

CA Sen. Sam Blakeslee. 605 Santa Rosa St., Suite B, SLO 93401. Phone: 549-3784; fax: 805-549-3779.

CA Assemblymember Katcho Achadjian. 1150 Chorro St., Suite 207, SLO 93401. Phone: 549-3381; fax 549-3400.


President Barack Obama. The White House, 1600 Pennsylvania Avenue NW, Washington, D.C. 20500. Phone (202) 456-1414; fax (202) 456-2461. president@whitehouse.gov www.whitehouse.gov

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Canyon
continued from page 3

of planning standards in order to approve your client’s project.) Several bridges previously built on the site in violation of the County building code were made part of the package with the proposed subdivision, meaning this project, if approved, would resolve prior code violations. That particular hat trick -- “give us our permit and then we’ll fix the violations” -- is one that county supervisors have rejected when attempted with other projects (see “Toro Creek Triumphant,” Nov. 2008). Faced with a welter of problems, planning commissioners directed staff to shrink a 20-acre lot to eliminate the future possibility of more subdivisions; limit development of the building envelopes to 100 feet from the edge of the riparian corridor; clarify the number of trees proposed to be removed; define the difference, if any, between “disturbance” and “grading;” and require long-term oak tree monitoring. Another hearing was scheduled for September 29. At press time, the Commission has yet to address issues raised by the Sierra Club regarding cumulative impacts and the degree to which the Commission can change the terms of the Negative Declaration without public recirculation of the document.
Air Bags (continued from page 1)

the requirement. They cried poverty and the imminent death of their industry, collapsing under the burden of impossible, odious regulations. Henry Ford II and Lee Iacocca asked President Nixon for more delay in implementing the requirements, and got it. Still more delays were granted by compliant federal regulators.

By 1977, the National Highway Traffic Safety Administration estimated that passive restraints could prevent approximately 12,000 deaths and more than 100,000 serious injuries annually.

After the requirement that cars be equipped with passive restraint systems was finally imposed, it was amended, rescinded, re-imposed, and rescinded again. In 1983, the Supreme Court stepped in and declared, in Motor Vehicle Mfrs., that the lower court had “acted arbitrarily and capriciously in revoking the requirement …that new motor vehicles produced after September 1982 be equipped with passive restraints to protect the safety of the occupants of the vehicle in the event of a collision…. The [National Traffic and Motor Vehicle Safety] Act was necessary because the industry was not sufficiently responsive to safety concerns.”

Justice Byron White, writing for the majority, observed that “for nearly a decade, the automobile industry waged the regulatory equivalent of war against the airbag and lost.”

But it wasn’t until 1998 that common sense actually won the day in dealing with the leading cause of accidental deaths and injuries in the United States, and all new cars were required to be equipped with airbags and automatic seat belts.

By that 1972 NHTSA estimate, 384,000 people had to die between the years of progress [by federal standards] resulted in the equivalent of “100 lives saved every day.”

In its first six years of existence, Prop. 65, the California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) to paid family leave, increases in the minimum wage and tax hikes on high-income residents, Cohen found that reality turned out to be the opposite of the Chamber’s predictions of fleeing businesses and economic collapse. Implementation of the regulations meant more jobs were created, employee turnover was reduced and the number of millionaires in the state increased. Prop. 65, in its first six years of existence, resulted in the equivalent of “100 years of progress” [by federal standards] in the areas of hazard identification, risk assessment and exposure assessment,” per the California Environmental Protection Agency. As the New York Times summarized the results of a Times/CBS News poll released on September 15, Americans are “more eager to see the president get tough than Mr. Obama and his conflict-averse team realize,” and “do not buy the endless calls for slashing spending and reckless deregulation…. He should not worry about voters thinking he is being mean. What he should worry about is that he is not showing them that he is fighting all out for their interests.”

The Sierra Club is calling the Obama administration to account for its failure to use the authority of the Clean Air Act to protect public health, clean air and kids. We are holding a series of large tea town halls with women in Michigan, Ohio, Pennsylvania and elsewhere. The president has to get the message that he must stand firm on actions such as finalizing the Mercury/Air Toxics standard for power plants and defending the Cross State Air Pollution rule. He cannot afford another bad call as bad as the call he made on the ozone rule. Nor can the environment, the economy, or the American people engage in scare tactics.” From the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) to paid family leave, increases in the minimum wage and tax hikes on high-income residents, Cohen found that reality turned out to be the opposite of the Chamber’s predictions of fleeing businesses and economic collapse. Implementation of the regulations meant more jobs were created, employee turnover was reduced and the number of millionaires in the state increased. Prop. 65, in its first six years of existence, resulted in the equivalent of “100 years of progress” [by federal standards] in the areas of hazard identification, risk assessment and exposure assessment,” per the California Environmental Protection Agency. As the New York Times summarized the results of a Times/CBS News poll released on September 15, Americans are “more eager to see the president get tough than Mr. Obama and his conflict-averse team realize,” and “do not buy the endless calls for slashing spending and reckless deregulation…. He should not worry about voters thinking he is being mean. What he should worry about is that he is not showing them that he is fighting all out for their interests.”

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local energy resource development, economic growth, and clean energy jobs. The basic proposition of Community Choice is that a well-designed program can combine renewable energy generation and demand reduction resources to develop an efficient local decentralized energy system.

We amplified on our concerns over the absence of CCA from the California’s Climate Action Plan in a Triune Viewpoint ("A tool for local energy choice," June 3), noting the Community Choice Act, which became state law in 2002, “gives local governments the opportunity to take a major role in achieving the state’s clean energy and climate protection mandates,” and that "Local CCA has been a smashing success since its implementation last year. After receiving public comments, County Planning staff made their first presentation of the revised Climate Action Plan to the Planning Commission on September 8. Community Choice was now present, on page 22 of Chapter 5 of the EAP.

Consider developing a Community Action Plan to the Planning Commission. The impetus for the coalition’s founding was a well-attended public meeting the Chapter had hosted the year before along with a dozen other local groups, a Smart Energy Solutions Summit that featured as its keynote address a presentation on Community Choice Aggregation by Paul Fenn, author of AB 117, the bill that made CCAs possible in California. It marked the first time many of the event’s attendees, many of them SLO County, had heard of Community Choice, and from the feedback we received afterward was by far the most remarked on and exciting component of the event. Formed out of the steering committee for that 2006 event, SEA Change proceeded in August 2007 to organize a two-day regional energy planning conference on the campus of Cal Poly. It was attended by some 100 elected officials, city managers, senior staff and community leaders who came together to advance the cause of regional energy planning. Included among them was the development director for Marin County, who spoke at length on his county’s plans to implement CCA as "the most promising thing we have in Marin to really increase our use of renewables.

"In the first meeting of our coalition after that event, the PG&E representatives told us that they had decided to get up to that point, because vocally disruptive, vehemently complaining shareholders and rich executive salaries. Rather it develops assets that bring wealth to the community, which dramatically increases the economic and job creation benefits of the program."

So guess who really hates Community Choice?

If you said "investor-owned utilities," you’ve been paying attention.

Enter the dragon

While the appearance of the words "Consider developing a Community Choice Aggregation program" may not seem like much of an achievement, it is. It is also a fragile one that could be strangled in the cradle. Therein lies a tale.

Early in 2007, the Santa Lucia Chapter of the Sierra Club became a local governmental group. It is also a fragile one that could be strangled in the cradle. Those few members of the local government, environmental groups, a local bank, Cal Poly, the Air Pollution Control District, the Builders Association, and, of course, our local energy provider, PG&E. The impetus for the coalition’s founding was a well-attended public meeting the Chapter had hosted the year before along with a dozen other local groups, a Smart Energy Solutions Summit, which dramatically increases the economic and job creation benefits of the program.

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Taking Issue

“California Democrats scramble on economy,” by Dan Walters, The Tribune, Sept. 6, 2011

Dark side to liberal government

SB 292 and AB 900 were being jammed through the legislature as Walters wrote, granting environmental exemptions. Anschutz Entertainment Group’s (AEG) proposed downtown L.A. NFL stadium – like the “one time only” exemption granted to billionaire developer Ed Roski’s proposed NFL stadium in the City of Industry – and making it much harder for small groups and individuals protesting such projects to protect their communities and get their day in court under the California Environmental Quality Act (CEQA), our bedrock environmental law.

This is the opening of Walters’ argument that lobbyists spend millions on politicians in order to gain special favors and regulatory loopholes that can mean billions of dollars in profit for their industries. Therefore, a regulatory system is an invitation to corruption. In this argument, corruption is not due to the corrupt nature of those doing the corrupting, but to the existence of regulations. The reader can only assume that Walters means to contrast this with the pure, corruption-free activities of a time when government regulation of industry was nonexistent. (See: Gilded Age, robber barons, and The Jungle, by Sinclair Lewis.)

California remains mired in its worst recession since the Great Depression…with a drumbeat of complaints from business that it is hostile to job-creating investment.

The “business hostile” drumbeat is an old song in the corporate refrain that has been seeking any pretext to shoot down California’s environmental protections for the last 30 years. The same argument was tried against AB 32, the Global Warming Solutions Act, complete with bogus study citing economic losses if the bill passed. (The California Air Resources Board found that implementing AB 32 will have no significant effect on California’s economic growth.) The “business hostile” drum beats louder when the public interest is pitted against its special, unregulated clients as Walters wrote, SB 292 and AB 900.

But Walters here is stumping for passage of AB 900, the last-minute CEQA “reform” bill, crafted to give special treatment to big developers, disfavored communities, and attack environmental protections. The bill, shoved through the legislature in the closing hours of the session, will short-circuit full environmental review on several billion-dollar projects of large development projects, including sports stadiums.

Upshot: CEQA is a vital process that provides information about projects to decision makers and community members so they can ensure communities are provided important benefits promised and avoid unintended impacts. Communities support sustainable economic development. Hiding behind the pretext of job creation, without evidence that those jobs will ever come, the measures to “reform” CEQA have invariably created different standards for the protections of CEQA. Dan Walters, who presents himself as an nonpartisan watchdog on the workings of state government, here used two installments merited back-to-back publication just before that vote was taken.) Two days later, Walters wrote a column in which he professed himself stunningly naive in his assertion that the corporate refrain that has been seeking any pretext to shoot down California’s environmental protections for the last 30 years. The same argument was tried against AB 32, the Global Warming Solutions Act, complete with bogus study citing economic losses if the bill passed. (The California Air Resources Board found that implementing AB 32 will have no significant effect on California’s economic growth.) The “business hostile” drum beats louder when the public interest is pitted against its special, unregulated clients as Walters wrote, SB 292 and AB 900.

Ironically, as Steinberg and his Assembly counterpart, Speaker John A. Perez, were pledging regulatory reform on the third floor of the Capitol, two floors below, the Assembly was taking up a bill, backed by unions and opposed by business, that would expand CEQA’s reach by imposing new conditions on “super stores” such as Wal-Mart’s.

However, environmental groups oppose any major CEQA changes. It was an attempt to bipartisan budget deal, and it’s also a big hurdle for a football-stadium deal.

Let’s note the spin put on the real impediment to a bipartisan budget deal: attempted legislative extortion by Assembly Republicans, who routinely demand unrelated environmental rollbacks in exchange for their votes on budget bills. Walters here is stumping for passage of AB 900, the last-minute CEQA “reform” bill, crafted to give special treatment to big developers, disfavored communities, and attack environmental protections. The bill, shoved through the legislature in the closing hours of the session, will short-circuit full environmental review on several billion-dollar projects of large development projects, including sports stadiums.

Walters’ either/or is a false: a law is not equivalent to the distortions of that law’s original purpose that lobbyists and “business friendly” lawmakers may subsequently seek to inflict on it. Walters again signals his support for passage of AB 900 and completes his attempt to confuse the wording and intent of a law with the subsequent efforts of loophole peddlers. The success of loopholes in finding obliging legislators to carry special-interest loopholes out of CEQA does not make it CEQA’s fault that not everyone is able to do so. Nor does this provide evidence or otherwise imply that CEQA is “too onerous” and therefore “should be changed.

Say what? See Walters’ column of the previous day, wherein the bill bestowing CEQA exemption on the AEG stadium, SB 292, was part of the approvingly noted “much streamlined CEQA review process to reduce delays.” that “business would like to have.” L.A. Times columnist Michael Hiltzik cleared up Walters’ confusion: “On the reasoning that what’s good for the AEG is good for the entire development business gaggle, the Legislature promptly passed yet another environmental exemption [AB 900], this time a gift so open-ended that no one has any idea how many big construction projects will be shredded beneath its capacious boughs…” You didn’t have to wait very long to see the “domino effect” of the AEG bill, Bruce Reznik, executive director of the Sacramento-based Planning and Conservation League, told me: “It happened in 24 hours…” (“California special exemption for NFL stadium plan not so special,” L.A. Times, Sept. 13, 2011.)

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IWMA board will hear the first reading of the ordinance. Come and show your support.

Really not a problem

IWMA has achieved a waste recycling rate of 69 percent.

Coalition of Agriculture, Labor and Education (CALL-E) is fighting plastic bag ordinances nationwide. The American Chemistry Council, a trade association representing manufacturers and funded a study warning of the supposed horrors of the bacterial contamination presented by reusable plastic bags, not to the sale of trash bags or availability of thin film bags used for meat and produce.

Atascadero government watchdog David Broadwater shot back, "Yes it would, and since we're adults we should be able to change our behavior."

Earlier that week, Keep Bags Free SLO mounted a protest outside Food 4 Less. Keep Bags Free SLO, as the Tribune helpfully noted, is "sponsored by the Progressive Bag Affiliates of the American Chemistry Council," a trade association representing manufacturers which is fighting plastic bag ordinances nationwide. The American Chemistry Council spent more than $2 million on lobbying in 2003, the year after it merged with the American Plastics Council.

As the Chemistry Council's local front group, Keep Bags Free SLO is running online ads against the ordinance, carrying water for the greater profit of the plastics industry but couching their complaint in the language of outrage at a supposedly unbearable economic burden being imposed on consumers.

It came from Nipomo Creek

Lumps of weathered crude oil (above) that leaked from an unmonitored ConocoPhillips pipeline, part of a web of oil transfer lines criss-crossing the watershed (below: SLO) that the Water Board now wants to take a closer look at.

Because of a lack of inspections and inadequate monitoring by regulators, the result was the fireball last Sept. 9 that killed eight people and destroyed 38 homes. One board member described a "failure of the entire system... that should have prevented this disaster."

Crude oil does not explode. But its ability to inflict silent, slow-motion, long-term damage is well established. We trust the lesson of San Bruno's un inspected, unmonitored pipeline and the permanently blackened reputation of PG&E and, by extension, the California Public Utilities Commission, which was found to have missed multiple opportunities to find the defective pipe. As reported by the Santa Cruz Sentinel, "the NSB detailed how poor pipeline welds went undetected..."
Classifieds

Next issue deadline is October 13. 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 sierralucian@gmail.com

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Solar Energy Consultant
REC Solar, Inc.
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Cambria, CA 93428

A portion of any commission donated to the Sierra Club

GREEN HOMES
Pismo to San Simeon

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All our hikes and activities are open to all Club members and the general public. Please bring drinking water to all outings and optionally a lunch. Sturdy footwear is recommended. All phone numbers listed are within area code 805 unless otherwise noted. Pets are generally not allowed. A parent or responsible adult must accompany children under the age of 18. If you have any suggestions for hikes or outdoor activities, questions about the Chapter’s outing policies, or would like to be an outings leader, call Outings Chair Joe Morris, 772-1875. For information on a specific outing, please call the listed outings leader.

### Island Hopping in Channel Islands National Park

Island hopping in Channel Islands National Park has been a long-time favorite of many of us. The Channel Islands, a group of eight islands off the coast of Southern California, are home to a rich diversity of plant and animal life. The islands are known for their unique landscapes, which range from rugged cliffs to peaceful beaches.

#### Reserve early!
October 16-18, California’s Channel Islands are Galapagos USA! Marvel at the sight of whales, seals, sea lions, rare birds & blazing wildflowers. Hike the wild, wind swept trails, kayak the rugged coastline. Snorkel in pristine waters. Discover remnants of the Chumash people who lived on these islands for thousands of years. Or just relax at sea. These fundraisers benefit Sierra Club political programs in California. Cruises depart from Santa Barbara aboard the 68’ Truth. The fee ($590 for May and Sept & Oct.; $785 for July & August) includes an assigned bunk, all meals, snacks & beverages, plus the services of a naturalist who will travel with us to lead hikes on each island and point out interesting features. To make a reservation mail a $100 check payable to Sierra Club, 1126 W. 30th St., Los Angeles, CA 90025.

#### Outings and Activities Calendar

Outings and Activities are open to all Club members and the general public. Please bring drinking water to all outings and optionally a lunch. Sturdy footwear is recommended. All phone numbers listed are within area code 805 unless otherwise noted. Pets are generally not allowed. A parent or responsible adult must accompany children under the age of 18. If you have any suggestions for hikes or outdoor activities, questions about the Chapter’s outing policies, or would like to be an outings leader, call Outings Chair Joe Morris, 772-1875. For information on a specific outing, please call the listed outings leader.

### Outings and Activities Calendar

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location</th>
<th>Activity</th>
<th>Leader</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sat., Oct. 8th</td>
<td>8:30 a.m.</td>
<td>Gaviota Peak or Butt Hike</td>
<td>Explore a portion of the Gaviota coast in climb of 2,485' Gaviota Peak along Hwy 101.</td>
<td>Joe Morris</td>
</tr>
<tr>
<td>Sat., Oct. 22nd</td>
<td>9:00 AM</td>
<td>Bishop Peak Hike via Felsman Loop</td>
<td>Meet at Patricia Drive trailhead for hike around Felsman Loop and then to top of Bishop Peak. The trail is 5.5 miles and will take 2.5 – 3 hours. There are rough areas on the trail and appropri- ate hiking footwear is recommended. We will go at a moderate pace and while there is significant elevation change, the trail inclines are mostly gentle. Enjoy views of must of SLO. Info: Mike Sims, 459-1701 or email <a href="mailto:mimos@sonet.com">mimos@sonet.com</a>.</td>
<td>Mike Sims</td>
</tr>
<tr>
<td>Sun., Oct. 15, Junipero Serra Loop Hike</td>
<td>For adventurous and determined hikers seeking a unique Ventana experience, we will climb iconic Junipero Serra Peak by an off-trail loop route instead of the usual outing via the ridge hike. Starting from an old ranch gravestones, ½ mile of medium bushwhacking up a steep slope gets us to jeep road, which we follow up the ridge to Junipero Serra Peak. We return first via the usual trail and then to the old Indian station, where we’ll visit the historic adobe, and then complete the loop. Grand views, including Cerro Alto and Pinyon Peaks. A very strenuous day hike leaving Monterey in the very early a.m. and returning after dark, 14 miles with 4609' elevation gain. Not for beginners. Must call leader for meeting time and place.</td>
<td>Jack Glendening, 581-484-6929.(Ventana Chapter of Sierra Club).</td>
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<tr>
<td>Sat., Oct. 29th, 10 a.m.</td>
<td>Reservoir Canyon Hike</td>
<td>Easy guided 3-mile hike of canyon on N. outskirts of SLO—an 80-acre are dedicated for birding around wetland pond and filled with native flora and fauna. Will introduce you to characteristics of natural ponds and wonders of wet- lands. Duration about 2 hrs. Rain cancels. Suggest bringing binoculars, sunglasses, jacket, and water. Take Hwy 101 north, exit Reservoir Canyon Rd. Turn right and drive to end of dirt road. Meet at trailhead. Info: Victoria Carranza, 459-6752. Asst.: Joe Morris, 772-1875.</td>
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<td>Sat., Oct. 29, 20-30, Ghost Town Service Trip</td>
<td>Spend Halloween weekend visiting the ghosts of California’s colorful past. Visit this eerie desert landscape near Heath Valley: camp at historic ghost town of Ballarat (flush toilets &amp; hot showers). On Sat., challenging hike to ghost town of Lookout City with historian Hal Fowler’s tales of this wild west town. Return to camp for Happy Hour and potluck feast, followed by a midnight visit to Ballarat’s graveyard. On Sun, visit the infamous Ryle townsite. Group size strictly limited. Send $8 per person (Sierra Club), 2 SASSE, H&amp;GW phones, email ridebar info to Ldr; Lygiea Gerard, F/O. Box 294274, Phelan, CA 92329, 760-868-2179. CNRCC/Desert Committee.</td>
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<tr>
<td>Sat., Sun., Oct 29-30, Rock Art in Eastern California</td>
<td>This outing visits four different petroglyph sites. On Saturday, we visit sites in the south- ern Owens Valley area bordering the Coso Mountains, and on Sunday to the famous sites in China Lake Naval Weapons Center. Government restrictions apply on the weapons center, and all arrangements and confirmations must be completed by October 10. High clearance 2WD suggested. Cred by our CJC_partici- pants. Contact leader Craig Deutsche for further information. (310-477-6679; <a href="mailto:craig.deutsche@gmail.com">craig.deutsche@gmail.com</a>.</td>
<td>Craig Deutsche</td>
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#### Outings Sponsored by other organizations

Outings offered by other organizations include:

- **Sweet Springs Nature Preserve**: The Audobon Society, which manages Sweet Springs Nature Preserve in Los Osos, has received a grant to work on pathways and restoration. Volunteers are needed on the second Saturday of the month from 9:12 to 12:30 on Roman Nose, waving, planting, etc. More info at www.morro.coastaludobon.org.
- **CNRCC/Desert Committee**: Join members of Mojave National Preserve Conservancy and National Park Service to remove barbed-wire fence from the Preserve. Meet in the Kelso Depot center, and all arrangements and restrictions apply on the weapons center. Government regulations govern the use of weapons on the Preserve.
- **Coso Mountains, and on Sunday to the famous sites in China Lake Naval Weapons Center. Government restrictions apply on the weapons center, and all arrangements and confirmations must be completed by October 10. High clearance 2WD suggested. Cred by our CJC_participants. Contact leader Craig Deutsche for further information. (310-477-6679; craig.deutsche@gmail.com.**

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**Santa Lucian • October 2011**