

Mapes Ranch sets the standard

By ERIC STERN - BEE CAPITOL BUREAU

Monday, Sept. 13, Modesto Bee

On a recent tour of the family ranch, Bill Lyons Jr. pointed with pride from behind the wheel of his truck to environmental projects on the 10,000-acre cattle and farming operation.

Peach pits by the ton sat in piled rows at Mape's Ranch, drying in the sun before being sent to a biomass plant - instead of a landfill - that will turn the dimpled cores into energy.

To keep the valley air cleaner, a maze of narrow farm roads are being paved or covered with gravel so tractors and trucks don't kick up giant dust clouds.

To reduce the use of chemical fertilizers, peach and tomato waste from canneries is spread on fields as organic plant food.

And this winter, more than 50,000 once-endangered geese from the Aleutian Islands will return to forage in the pastures.

"My dad considered himself a real conservationist," said Lyons, a former state food and agriculture secretary who works the Stanislaus County ranch with his two brothers.

Bill Lyons Sr. died in December, leaving a legacy of environmental stewardship that state officials are urging others to follow.

The family's work with the U.S. Fish and Wildlife Service, which has turned part of the ranch into a bird refuge, was cited in Gov. Schwarzenegger's 2,500-page report on streamlining state government as an example of how to stretch taxpayer dollars to preserve farmland.

The California Performance Review Commission is holding a hearing Friday in Fresno on the report's environmental recommendations.

Voters have set aside billions of dollars in recent years for environmental projects. The report estimates that \$900 million in remaining bond money for land conservation could purchase 225,000 acres, or the state could spend the same amount buying conservation easements - eternal agreements to restrict or ban development - on 450,000 acres.

Under conservation easements, an increasingly popular tool among among federal agencies and private land trusts, the farmer owns and manages the land, paying property taxes and avoiding the stigma sometimes felt in rural areas of a government land grab.

The public gets assurances the land will never be turned into a subdivision or strip mall, but remains open for farming, ranching, wildlife or just nice views.

"State land acquisition ... results in unnecessary costs to the state," the report says. "The owners (of Mape's Ranch) have contracts with government wildlife agencies for land conservation easements and management that maximize economic and wildlife objectives for each party."

Down on the farm, according to Lyons, that translates to "more bang for the buck."

With generations growing farther away from the farm, the pressure to sell or split the land can be great, supporters of easements say.

In 1989, for example, the Lyons family floated the idea of turning the ranch into a 28,000-person community with a University of California campus.

"We have thousands of people who drive by every day on Highway 132," Lyons said of the road that takes valley commuters to jobs in the Bay Area. "There's always pressure to have some of type of development on the ranch."

But conservationists are making a competitive run to keep the land as it is.

Since 1987, the Fish and Wildlife Service has spent more than \$31.6 million, including \$5 million in state grant money, acquiring 9,723 acres of land and conservation easements to form the San Joaquin River National Wildlife Refuge.

The agency has paid companies controlled by the Lyons family nearly \$17.8 million. That includes more than \$11 million for 2,510 acres of land and more than \$6.7 million for 1,114 acres of conservation easements. The agency also spent \$1 million on a 777-acre parcel from the National Audubon Society, originally bought from the Lyons family.

About half of the refuge - a habitat for Aleutian Canada geese, pelicans, cranes, raptors and other birds - is on Mape's Ranch.

Conservation easements, which allow some farming to continue, make up a third of the refuge.

Conflict with public funds and private uses

But easements comes with tradeoffs, according the nonpartisan Legislative Analyst's Office.

If the state decides to pursue conservation easements, public access on land remaining in private hands will be limited, the LAO noted in a recent report.

The land under easements on Mape's Ranch isn't open to the public for hiking or hunting, but the Fish and Wildlife Service has built bird-watching platforms on the adjacent refuge. Neighboring landowner Robert Gallo, who also has been involved in adding parts of his Faith Ranch to the refuge, has helped lead school tours on his property. The agency purchased conservation easements on 1,833 acres of Faith Ranch for \$5.9 million.

If landowners are forced to open their working ranches to the public, they'll quit applying for easements, said Nita Vail, executive director of the California Range Land Trust, a group that purchases easements on cattle ranches.

She said it's too difficult for landowners to perform ranger-type duties such as security patrols.

"Public access and environmental protection aren't always compatible," Vail said, noting that ranches have had problems with teen drinking and vandalism. "Often it's disrespectful."

Pat Veasart, state chapter liaison for Sierra Club California, disagrees. He said it's disingenuous for ranchers who already graze cattle in public forests and federal lands - where there's camping and hiking - to say they can't let the public on land under taxpayer-funded conservation easements.

"It's the public's money, and the public gets to ask for what it wants," he said. If not, the conservation easement is just a subsidy for wealthy landowners, he said.

Looking for Energy in the Campaign

[Monday, Sept. 13, New York Times](#)

Presidential candidates have long dangled the promise of "energy independence" in front of the American voter. And all have known that it is an unattainable goal, largely because the United States, which uses one-quarter of the world's oil production, owns less than 3 percent of the world's oil reserves. What America can do, however, is reduce imports - by producing cars that require less gasoline and by developing other fuels that cars can run on. Over time, such a strategy could enhance our energy security and give us more influence over prices. It would also make a big dent in America's emissions of global warming gases.

John Kerry has an opportunity here. Rising gasoline prices and instability in the Persian Gulf have made energy a livelier campaign issue than usual. And while Mr. Kerry has hardly been immune to rhetorical overreach, he offers an energy agenda more adventurous than anything proposed by the Bush administration.

Mr. Kerry's approach is expensive, however, and depends on his ability to persuade voters that the government can afford his proposals. He wants to create a \$5 billion incentive program to help automakers retool their assembly lines to produce more efficient cars, and he would spend the same amount on consumer tax incentives to get people to buy them. In effect, Mr. Kerry would put a ton of money on the table to help Detroit move from the comfortably profitable world of S.U.V.'s to a riskier universe of gas-electric hybrid cars.

He would also lavish billions on a large and aggressive "biofuels" program that would seek gasoline substitutes not only from

corn - the basis of today's narrowly based ethanol program - but also from a whole range of agricultural products. Some experts believe that such cellulosic fuels could eventually replace one-quarter of the gasoline used today and could also provide an income stream for farmers when the cushy export subsidies that now distort world agricultural markets come to an end.

Reducing oil dependency is one big part of the Kerry plan. Learning to live with coal is the other. For all the talk about alternatives fuels like wind and solar power, which both Mr. Kerry and Mr. Bush endorse, coal remains central to the American economy. It produces 56 percent of the nation's electricity, and its role is likely to grow as prospects for big new natural gas discoveries shrink. (Nuclear power has its enthusiasts, though judging by the few noncommittal paragraphs in his energy plan, Mr. Kerry is not among them). Yet coal is also a big contributor to smog, acid rain, mercury pollution and global warming. So Mr. Kerry would crank up the subsidy machine again to develop and deploy new technologies that strip the coal of pollutants before it is burned and, in the case of carbon dioxide, inject them into the ground.

President Bush can fairly claim to have endorsed most of these ideas. But Mr. Kerry is offering more muscular programs and, if words mean anything, a more robust commitment to seeing them through. Mr. Bush's tax incentives are too small to make much difference to the automakers or to consumers. His clean coal program has been slow off the mark. And while he has expanded research into hydrogen-powered cars - a potentially useful technology that Mr. Kerry also endorses - Mr. Bush has used hydrogen's long-term promise as an excuse to let Detroit off the hook now.

Even the president's more innovative ideas are secondary to his dominant strategy of ramping up production of oil and gas, the centerpiece of which is his proposal to open up the Arctic National Wildlife Refuge for drilling. This strategy of emphasizing energy production over energy efficiency had its roots in Vice President Dick Cheney's famously secret energy task force in 2001 and reached full flower in two dreadful energy bills. Mr. Kerry opposed the Senate version, and his campaign literature explicitly rejects drilling in environmentally sensitive areas.

On two counts, Mr. Kerry's program is irritatingly disingenuous. As a candidate for the nomination, he was openly proud of his Senate vote to require a 50 percent increase in fuel economy standards. As a presidential candidate, however, he has reduced this ambitious but achievable goal to a softer (and, to Michigan voters, much less threatening) pledge to "update and strengthen" fuel standards.

As a candidate for the nomination, Mr. Kerry also described climate change as the world's "most serious environmental challenge." Global warming, he suggested, was at least as important a reason for reducing fossil fuel use as ending dependency and bringing down prices at the pump. But his recent literature mentions climate change only in passing, and fails to mention at all his vigorous support for legislation that would set strict caps on emissions of carbon dioxide, the main global warming gas - legislation that Mr. Bush opposes.

One can understand Mr. Kerry's wish to avoid the subject of emissions caps in coal-producing states like West Virginia, where caps are controversial. But he knows that without regulatory limits on greenhouse gases, industry is less likely to develop and deploy the technologies that he hopes will lead us all to a leaner and cleaner energy future. The same can also be said of stricter fuel economy standards. History shows that progress on energy issues usually requires sticks as well as carrots, and to pretend otherwise rings false.

Parks pitted against air quality

By MARK GROSSI - THE FRESNO BEE

[Sunday, Sept. 12, in the Modesto Bee](#)

Three conservation groups have written protests over a citation issued last month to Sequoia-Kings Canyon National Parks for lighting a brush-clearing forest fire in defiance of local air authorities.

The Wilderness Society, the Sierra Club and the Sierra Nevada Forest Protection Campaign said the citation - with a fine up to \$75,000 - chills efforts to make the forest safe.

"The San Joaquin Valley Air Pollution Control District is functioning more as part of the problem than part of the solution," wrote Wilderness Society representative Jay Watson, calling it a "rogue agency."

Air district officials replied that their primary mission is protecting 3.5 million people in the valley.

The district will review the citation and notify parks officials of any possible fine in the next few months. The case could wind up in Superior Court if the two sides do not agree on the fine.

Healthy air vs. healthy forests

The incident highlights sometimes conflicting goals of protecting mountain communities and forest acres versus maintaining public health in one of the country's dirtiest air basins.

The situation puts pressure on land managers - the Park Service, the U.S. Forest Service and others. They encounter only a certain number of days with the right weather conditions to allow burning of brush, snags and small trees. They prefer not to lose opportunities.

People doused too many forest fires over the past century. Now, thick forests are primed to feed destructive wildfires, such as the 150,000-acre McNally fire two years ago.

But all fires, even brush-clearing burns, create smoke and gases. One fire last year sent out 125 tons of ozone-making gases each day.

The air district's goal: Don't let those gases or the smoke create a violation of the federal air standards.

Disagreements came to a head June 30, when parks Superintendent Richard Martin decided to ignite the burn in the face of a district ban. In a letter to the district, parks representatives said the burn ban was explained only by statements about "gunky air in the valley."

"We feel frustrated by the very vague things they say when we ask for the scientific reasons why we can't burn," said parks fire information officer Jody Lyle.

Air officials said their reasons will remain confidential until after the citation is settled.

But parks officials said their observations and meteorology reports from other sources, such as federal fire forecasters, made them believe the burn would not cause a problem. It did not.

June 30 was the third of five burning days to clear 257 acres in Giant Forest. Parks officials that day refused the district's no-burn order, saying it would cost thousands of dollars for crews and equipment to stop in the middle of the five-day job and wait.

They also wanted to finish the job so firefighters could be available to handle Fourth of July weekend fires.

Growers combat dust

Valley's notoriously dusty almond orchards are trying clear up their act.

By Dennis Pollock, the Fresno Bee

[Sunday, Sept. 12, 2004](#)

An almond harvester rumbles through an orchard near Firebaugh. Its fan spews out dust, along with leaves and other debris being separated from one of California's most prized crops.

His face covered with a mask to keep out the choking dust, Abel Alonzo guides the harvester through the orchard, whipping up a cloud so thick it hides trees behind and on either side of him.

California's dustiest harvest is under way. It's a six-week rush to collect about a billion pounds of nuts.

Farmers are reducing dust by pouring hundreds of thousands of gallons of water on their roads. Manufacturers are modifying equipment. And growers are thinking up new ways to harvest nuts with fewer trips across their orchards.

Air-quality regulators, scientists and others give generally high marks to the industry for its efforts.

But the challenge is huge.

All San Joaquin Valley farms with 100 contiguous acres must control dust because of more stringent rules by the San Joaquin Valley Air Pollution Control District.

As the \$1 billion-a-year almond industry grows, so does its effect on air quality. Particularly notable is its contribution to what is termed "fugitive PM 10," dust particles smaller than one-seventh of the diameter of the human hair, particles that go

deep into human lungs.

Almond harvesting puts more PM 10 particles into the air than any other crop. The California Air Resources Board in 2003 reported an average of 40.8 pounds of PM 10 per acre in the almond harvest. That compares with 5.8 pounds an acre for the wheat harvest and 3.4 pounds for cotton. Almonds are grown on more than 500,000 acres in California. While the dust stays in the state, 70% of the nuts -- 712 million pounds in the past year -- go abroad.

Nobody welcomes the dust.

Not the farmers, some of whom live in the orchards.

Not the Valley residents who have respiratory problems.

Not the workers who operate the machinery that sends the clouds of dust into the air.

Workers who pull harvesters through the orchards get an up-close look -- and feel -- for the flying dirt.

"It's like being in a dust storm," says Manuel Delgado, who is in charge of the almond harvest crew at the Firebaugh farm. "It's like sitting in a bowl of dust."

A worker often goes through four OSHA-approved dust masks in a day's work, he says. Layers of clothes, including a hooded sweat shirt and a bandanna, keep dust off the worker's skin, dust that soon turns to mud on skin bathed in sweat.

"The harvest dust issue has given us a black eye," says Doug Flora, a grower with Golden Valley Ag in Stanislaus County. "When you look at PM 10, we're not only the worst offender, but by a wide margin. We're working to get the almond industry out of the bulls-eye."

Flora is among those seeking to reduce dust by modifying machinery. He and five other growers who farm 12,000 acres of almonds in Stanislaus, Kern and Merced counties are pooling their resources to develop dust-reducing machines to sell by next year.

They will include the Clean Sweep, a device with specially designed brushes and a lower velocity blower, and a conditioner that takes out debris. A new harvester will use a closed loop of air for cleaning and return dust to the ground rather than out the side of the machine.

The equipment, made by Exact Harvesting Systems, will be sold through Progressive Ag Inc. in Modesto, which manufactures orchard sprayers.

The state's major manufacturers of almond-harvesting equipment -- Weiss/McNair Ramacher in Chico and Flory Industries in Salida -- have been working for years to reduce dust. Researchers at the University of California at Davis reported in 1998 that a modified Weiss/McNair harvester cut dust to one-ninth the amount stirred up by a conventional harvester.

One challenge to reducing dust is the harvest pace. At the Firebaugh orchard, harvesters are at work 12 hours a day, seven days a week for about six weeks. In one day, nine or 10 trucks, each carrying 11,000 pounds of almonds and some hulls, leave the orchard for Central California Almond Hullers in Kerman.

Conventional harvesting of almonds is a three-step process: A shaker knocks the nuts off the tree and they dry on the orchard floor. A sweeper pushes them into a row between the trees. A harvester picks them up, the dustiest part of the operation.

One alternative harvesting method that helps cut dust involves shaking the nuts into a "catch frame," which drops them to the center of the orchard floor for air-drying.

John Gebhardt, who manages Double D Farms in Coalinga, heads a corporation formed in recent months to develop equipment using a catch-frame approach. He expects the company, Environmental Harvesting Concepts in Fresno, will be selling the equipment by 2006.

The use of his equipment would eliminate at least one sweeping of the orchard and would cost between \$130,000 and \$150,000, Gebhardt says. It would replace the shaker and sweeper.

Another maker of a catch-frame device, Shieler Harvester in Terra Bella, has sold one machine to Air-Way Farms Inc. in Fresno, and the manufacturer expects to expand its business.

Growers also need to keep parts of the orchard floor level so that sweeping equipment does not stir up so much dust, says

Mark Freeman, a Fresno County University of California farm adviser.

Outside the harvest arena, air-quality concerns have spawned brisk business for companies that make equipment to chip and shred orchard prunings -- machinery that can cost as much as \$250,000.

In addition, growers are taking other steps to cut down on dust, including what is termed "low or no-tillage," keeping equipment off the orchard floor as much as possible.

Another way to reduce dust is to coat roads, a topic that brought several vendors to an expo in Dos Palos in July.

They included Monterey Ag Resources of Fresno, which began selling an acrylic polymer in June to bind soil particles on farm roads, says technical-sales intern Kevin Robertson.

Golden West Industries, based in Reno, was displaying another product, Pennz Suppress. The petroleum resin is developed by Pennzoil and used in the coal-mining industry.

Hydrosorb Inc., based in Orange with offices in Coarsegold, also sells a dust-control polymer. General Manager Jeff Wallace says it reduces water-truck usage by up to 50%.

Chester Andrew, whose family owns the orchard where workers were harvesting near Firebaugh, uses multiple approaches to cut down on dust and other harmful emissions.

The Andrews chip orchard prunings so fine that the remains from last year amount to little more than a few toothpicks scattered among the trees.

"We also have a ground cover, native grasses, nine months of the year," he says. "We mow it during the season. It keeps dust down, adds nutrients to the ground and holds water better."

The farm also uses water and sand to hold dust down on its 40 miles of roads, Andrew says. During the almond harvest alone, three 3,500-gallon wagons pulled by tractors gush as much as 210,000 gallons of water a day. In addition, 1,600 tons of river sand are scattered on the roadways each season.

Like many farmers who have had to address air quality, Andrew has retrofitted pumping equipment with more efficient, low-emission diesel pumps.

"I live here," Andrew says, pointing to his house that sits among the almond trees. A son also has a house in the orchard, and Andrew's father lives in a neighboring orchard.

Fresno grower Tom Steffen says "there is not a grower in the world who wants to go out and work in that. We all want a cleaner environment. We've made big steps from 30 years ago. With one of our old sweepers, we had to stop and clean the filter every hour. Now, it's one or two days."

Andrew says dust makes a comfortable home for spider mites that can defoliate an almond orchard within days. Controlling the mites costs at least \$100 an acre.

The Almond Board of California also has been aggressive in attacking the problem, says Freeman, the UC farm adviser. The board has approved nearly \$500,000 to study environmental issues that include dust control. A 21/2-cent assessment for every pound of almonds pays for the research.

"We are partnering with academia, equipment manufacturers and regulators, and we believe we can take this quite far and make some inroads," says Chris Heintz, the board's director of production research and the environment.

One goal is "to see that the science is in place" to measure PM 10 emissions and changes that are made in harvest procedures, he says.

Scientists with Texas A&M University and UC Davis are monitoring how much dust leaves the orchard and using sensors on harvesting equipment. They also are studying soil types and the effectiveness of wetting orchard floors.

"What got me into this was seeing groups of growers trying to do this themselves," says Terry Cassel, a staff research associate with the Crocker Nuclear Laboratory at UC Davis. She says she was "very impressed with the almond industry. It's one of the most proactive and cohesive, with everyone respectful of each others' ideas."

Cassel is measuring how PM 10 dust travels from orchards, and that means use of 12 to 15 monitoring devices at a time. Heintz says Cassel's work will help establish a baseline on which improvements can be made.

The science of improving air quality lags that of water quality by as much as 30 years, says Ron Harben, an air-quality planner and coordinator with the California Association of Resource Conservation Districts.

"Part of the problem with dust control is that there isn't a lot of science that shows what practices will do that," Harben says. "Air quality is catching up, but there is not the exact science behind them."

Heintz says, "The science is so new. That's what is so exciting about it."

Dave Mitchell, planning manager for the San Joaquin Valley Air Pollution Control District, says growers of all crops have been quick to control dust.

Plans to control dust must be filed by Dec. 31 and were to be in place by July 1. Some 3,000 of 8,000 growers who could be subject to air-quality rules have submitted their plans.

Growers themselves came up with innovative ways to cut down on air emissions, Mitchell says. "I think the industry is stepping up to the plate."

Cities raise stink over dairy air

Valley's concern over pollution from cows wafts northward.

By Brian Melley, Associated Press

[Sunday, Sept. 12, 2004, The Fresno Bee,](#)

DIXON -- Alongside Interstate 80, a sign for the Milk Farm restaurant stands as a landmark to when this Sacramento Valley community was known as "Dairy City" and diners guzzled all-you-can-drink milk for a dime.

But those days are long gone since the cafe closed and some of the dairies that gave the city its distinction have dried up.

With the arrival of a 3,000-cow farm outside city limits two years ago, Dixon finds itself joining its neighbors in saying no to so-called megadairies that are blamed for pollution and a stench powerful enough to knock a buzzard off a manure wagon.

With only two big dairies in the Sacramento Valley, environmentalists are using tactics they employed to stall dairy construction in the San Joaquin Valley to halt the northward migration of cows, and government is getting in on the act, considering stiffer regulations and even a moratorium on large dairies.

Since the Heritage Dairy spewed 1.3 million gallons of manure into waterways leading to the Sacramento River in November, environmentalists have launched attacks in Solano and Yolo counties to stem the flow of dairies into the region from places such as Southern California where they're being displaced by housing. Leading the charge in litigation is attorney Brent Newell, a veteran of the San Joaquin Valley dairy wars, who is opposed to what he calls animal factories.

"I used to use the term 'factory farm,' but these things don't deserve to have farm involved," he said. "It's industrial in efficiency and scale. When you compare the amount of pollution that comes out of them, they produce pollution like any other industry. It's not agriculture anymore."

Milk remains the leading commodity in the nation's most productive agriculture state, but the scale at which it is being produced has raised objections from community groups and environmentalists who have sued to stop projects that call for as many 10,000 cows.

Opponents say manure pollutes air and water, attracts flies and creates a stink.

Farmers vehemently object to such claims, saying in part that pollution figures are based on outdated science. They say they need more cows to make a profit and the size of operations has ballooned to meet that demand.

For example, Tulare County, the nation's biggest dairy county, had about 63,000 cows on 230 farms in 1970, an average of 274 cows per farm. During a survey in 2002, it had 395,984 cows on 313 dairies, an average of 1,265 cows per dairy.

"I think when you hear those big numbers, it scares people," said David Albers, a third-generation dairyman and lawyer for many of the beleaguered dairies. "It's hard to defend because you can't understand where people are coming from. It's bad that people think dairies are polluters and bad people, and they're not."

On behalf of the Sierra Club, Newell filed notice in Sacramento federal court in January to sue Heritage Dairy for its spill.

The suit never was filed after state regulators stepped in and fined the dairy \$90,000, he said.

Last month, he filed a club lawsuit against the Yolo County Board of Supervisors for approving the expansion of the 1,500-cow Cache Creek Dairy outside of Woodland. The suit, pending in Yolo County Superior Court, claimed the board failed to follow stricter rules it established for new and expanding dairies in 2000 after Jack Kasbergen moved his operation there from New Mexico.

The suit seeks to force the county to require a permit that would trigger an extensive environmental review. Sierra Club members said they want to deter other big dairies from moving to the area.

"When you have something going on with industrial ramifications, it is not the kind of agriculture we try to promote," said Susan Pelican, a Sierra Club member who lives on a rice farm near the dairy. "If they could get milk out of machines, that would be better."

Kasbergen would not comment, but Albers, his lawyer, said the lawsuit was without merit and that the Sierra Club was merely trying to get headlines.

John Bencomo, Yolo County planning and public works director, said Kasbergen had a right to expand by 700 cows without meeting the new requirements, but he acknowledged that the dairy's arrival had prompted the regulation change as the county was concerned about becoming a home for massive dairies.

"We wanted to make sure we had enough safeguards not to be consumed by dairies," Bencomo said.

Meanwhile, six of Solano County's seven cities, including Dixon, have passed resolutions asking the Board of Supervisors to halt approving big dairies until their effect on air and water quality can be determined.

Vacaville Mayor Len Augustine, a dairy moratorium supporter, said all it took for him was to take a whiff while driving up Highway 99 in the San Joaquin Valley to wonder what kind of health problems the dairy air could cause.

"We don't want to oppose the California cow that's happy," Augustine said. "Most think of dairy as lush hills with cows grazing over them. The truth is that isn't the case."

Group seeks to pull power plants' plug

Opponents say two proposed stations between Tracy and Livermore would only add to air pollution

By Matt Carter, staff writer

[Sunday, Sept, 12, 2004, Tri-County Herald,](#)

TRACY -- Opponents who have fought plans for two power plants between Tracy and Livermore are petitioning the state's highest court to nullify the California Energy Commission's approval of the 1,100-megawatt Tesla Power Project.

Tracy businessman Bob Sarvey and the group Californians for Renewable Energy Inc. (CARE) have opposed FPL Energy's Tesla plant and a similar power plant proposed by Calpine Corp., saying they would add to the San Joaquin Valley's air pollution problems.

Both plants have the approval of the Energy Commission, which said the latest emissions controls and air pollution reduction programs would protect neighboring residents.

The California Supreme Court declined a petition by Sarvey and CARE to review the Energy Commission's decision in the Calpine case.

"Our whole focus was to convince the California Energy Commission that our air quality is poor, and that two massive power plants was a very bad idea," Sarvey said. "The Supreme Court was not responsive to those issues."

Sarvey said the latest petition, filed Thursday, will argue that FPL Energy's Tesla Power Project violates Alameda County's growth control initiative, Measure D.

After it was approved by voters in

November 2000, Measure D tightened urban growth boundaries in eastern Alameda County and took away much of the county's authority to approve housing developments.

Measure D does not prohibit the construction of certain facilities needed to serve local populations -- including hospitals, research facilities and jails. But its authors testified before the Energy Commission that Measure D was intended to block the construction of power plants serving regional, rather than local, needs.

One megawatt of generating capacity is enough to supply 750 to 1,000 homes, so Tesla and the East Altamont Energy Center are each expected to be capable of powering 1 million homes.

"This is a matter of law," Sarvey said. "The initiative spells out clearly that this project shouldn't be here, and the voters of Alameda County passed it overwhelmingly."

Officials with FPL Energy and the California Energy Commission said they had not seen the petition and could not comment.

But during Energy Commission hearings, Alameda County officials said Measure D did not apply to the power plant. Energy Commission officials deferred to the county.

In licensing the Tesla plant, the Energy Commission ruled that "Alameda County's interpretation is credible, since the project can be viewed as infrastructure necessary to meet electricity needs in the county. ... We have neither jurisdiction nor good cause to second-guess the official action of the county Board of Supervisors in this case."

The Board of Supervisors ruled that although 59 acres of grazing land would be lost if the plant is built, the loss would be made up for by a 100-acre agricultural easement on land next to the plant, and more than

\$1 million in grants to acquire open space and promote agriculture in Alameda County.

Residents Fight Port Expansion

With reports of lung problems triggering increased worry over pollution, Long Beach council agrees to review construction plans.

By Deborah Schoch, Times Staff Writer
[Sunday, Sept. 12, 2004, L.A. Times](#)

Reeling from a week of revelations about local health problems, worried Long Beach residents are appealing to the City Council to oppose the wishes of their profitable port by rejecting plans for a 115-acre expansion.

The plans for what would be one of the West Coast's largest container terminals won the unanimous approval of port commissioners last month, like most such projects in a city that considers its port a leading "economic engine." But that was before Long Beach was stunned by a one-two punch: In one week, two scientific studies raised questions about whether diesel fumes and other air pollution from the port could be causing serious lung problems in the city.

Responding to residents' concerns, the City Council will review the Pier J expansion Tuesday evening in an early litmus test of how the new studies may shape public perceptions of air pollution created by a boom in cargo movement throughout the Los Angeles Basin.

One study, conducted by USC researchers and published Thursday in the New England Journal of Medicine, blames air pollution for permanently stunting some children's lung growth in Long Beach, Loma Linda and several other cities. In Long Beach, 6% of the children studied had "clinically significant reductions" in their ability to breathe.

A separate review of cancer records by a USC epidemiologist revealed high-risk pockets of two respiratory tract cancers in the Long Beach area downwind of the port complex, but could not pinpoint a cause. Scientists have recommended more studies to see whether the cancers may be linked to air pollution.

Scientists engaged in the children's study conducted their Long Beach air monitoring in Bixby Knolls, a relatively affluent neighborhood of graceful Spanish-style homes where many young couples are raising families. The Bixby Knolls air monitor recorded the highest levels of elemental carbon - a key indicator of diesel fumes - of the 12 monitors in the basin.

The Los Angeles-Long Beach port complex produces an estimated 24% of the diesel pollution in the region, with the largest share coming from diesel-burning ships. Diesel is a probable carcinogen.

"This city has to decide, are they about trade and tourism, or are they about good, healthy neighborhoods and good quality of life?" said Councilwoman Rae Gabelich, who represents Bixby Knolls. "This can't be about progress and the almighty

dollar. It's got to be about people."

Dr. Elisa Nicholas, a Long Beach pediatrician and executive director of the Children's Clinic, comprising not-for-profit community clinics, said the children's study in particular is creating awareness in Long Beach of how air pollution can harm human health.

"To have it on the front pages of all the newspapers is phenomenal," Nicholas said.

Probing the Findings

Long Beach Mayor Beverly O'Neill and City Manager Gerald R. Miller released written statements Friday afternoon, both pointing to an ongoing citywide health assessment. That study will include a review of the new findings, they said.

"The recent USC health studies reflect an issue that is always a priority for mayors and council members of any city in our country, and that is the health of our residents," O'Neill's statement said.

Spokesmen at both ports, which together form the single largest air polluter in the five-county region, said they, too, are concerned about the findings. They point at new technology installed at the ports to cut pollution, promising that more improvements will follow.

The reality is that any new project in the basin with mobile pollution sources - cars, trucks, trains or ships - is going to add to existing pollution, said Robert Kanter, planning director of the Long Beach port.

"But as a society, we don't just say we're going to stop everything that we're doing," Kanter said. "What we're going to do is continue to chip away at the causes [of pollution] and continue to progress as a society."

Some clean air activists want to halt port expansion, a notion that port officials label as impractical, noting that the port complex is a major conduit for imports and exports in an increasingly global economy. Now the nation's largest port, the complex is expected to quadruple its cargo volume by 2025, largely because of Asian imports.

Residents of San Pedro and Wilmington have been lobbying for years to reduce pollution from the Los Angeles port. They sued the port over what they said were flaws in environmental documents, leading to a landmark 2003 settlement in which the port agreed to make \$60 million in improvements.

In Long Beach, port operations have proved far less confrontational. When the harbor commissioners approved the Pier J project, only a handful of critics showed up.

"I've never not seen the port have its way in anything it wants," said activist Bry Myown.

The port swiftly has become the economic centerpiece in a city left floundering in the 1990s after the Navy's departure and the aerospace industry's collapse. That balancing act will be tested at the council meeting Tuesday at 5 p.m.

Opponents of a Long Beach port project can appeal the harbor commissioners' decision to the City Council, as they have with Pier J. But that has happened only twice before in recent memory, and the council upheld the port in both cases, Kanter said.

Dispute Over Review

The Pier J project first attracted the attention of clean-air activists because of what they call a faulty environmental review.

The 115-acre project would expand the existing Pier J to 385 acres by the year 2015, to be used by the Chinese Ocean Shipping Co., or Cosco, and other tenants.

Port officials say they have included a number of safeguards to reduce air pollution and even conducted a health assessment to ensure the project did not pose an increased risk. Voluminous environmental documents detail how the port plans to offset increases in pollution with cleaner-burning fuel and other measures.

But the Natural Resources Defense Council and the Coalition for Clean Air - groups that led the legal challenge in Los Angeles - have repeatedly criticized those documents.

Specifically, the groups say that the port is deliberately underestimating how much new pollution the Pier J project would produce. They question the port's choice of the year 2015 as the so-called "baseline" for calculating that pollution.

Because the project will be built in phases, with the first 50 acres scheduled to open in 2007, a 2015 baseline ignores the emissions created by earlier phases, the groups state.

They also lambasted the port's projections that vehicle emissions will decrease 75% by 2010, saying it grossly underestimates pollution from those vehicles.

At the port, Kanter bristles at such criticisms. The use of a 2015 baseline is appropriate, he said, and in calculating a 75% decrease in emissions, the port was relying on guidance from the state Air Resources Board.

"There's this assumption that the port's trying to do something sneaky, and that we're making assumptions in a vacuum to make the project look better than it is," Kanter said. "That's simply not true."

Some warn against demonizing the port, saying officials there have worked hard to reduce pollution. For instance, construction of the Alameda Corridor trench removed more than 200 railroad crossings north of the port, said Councilman Frank Colonna.

"That means hundreds of thousands of gallons of gasoline aren't being wasted idling at railroad crossings," Colonna said. He pointed at ongoing efforts to introduce cleaner-burning trucks and to ease freeway traffic congestion by keeping port terminals operating on weekends and at night.

But Councilwoman Tonia Reyes Uranga, who has two children with asthma, cautions that residents frightened about their children's health may grow impatient with the ports.

"People don't care about specifics and regulations and what you can and can't do," she said. "When your babies are hurting, when your children aren't healthy, parents are in pain."

Briefs

S.F. Chronicle, Sunday, Sept. 12, 2004

LONG BEACH, Calif. (AP) -- The City Council has agreed to review the proposed 115-acre expansion of this city's bustling port after one new study linked stunted lung growth in children to air pollution and another showed cancer clusters in neighborhoods downwind from the port.

The plan for what would be one of the West Coast's largest container terminals won unanimous approval from the Port Commission last month, but that was shortly before the studies were released.

"This city has to decide, are they about trade and tourism, or are they about good, healthy neighborhoods and good quality of life," said Councilwoman Rae Gabelich, who with her colleagues will review the expansion plans on Tuesday.

A study published Thursday in the New England Journal of Medicine concluded that dirty air was to blame for stunting the lung growth of some children in Long Beach, Loma Linda and several other neighboring cities. Researchers said 6 percent of the children studied had "clinically significant reductions" in their ability to breathe.

The other study, by a USC epidemiologist, uncovered unusually high numbers of two types of respiratory cancers in residents of neighborhoods downwind from the port complex. It did not report a cause of the cancers, and scientists recommended more study to see if the disease was linked to air pollution.

The adjacent Ports of Los Angeles and Long Beach produce nearly one-quarter of the region's diesel pollution.

Smog will loosen its chokehold on Valley

Temperature will fall Sunday, and with it, air quality apt to improve.

By Barbara Anderson, The Fresno Bee

[Sat., Sept. 11, 2004](#)

Breathing should be a little easier this weekend in the central San Joaquin Valley.

For the past week, 100-plus-degree temperatures have had a chokehold on the Valley, pushing smog to unhealthy levels. But the National Weather Service shows the mercury falling to 96 by Sunday and dipping another three degrees on Monday.

Fresno reached a high of 103 on Thursday and 101 on Friday.

Air quality officials predict smog levels will improve as the week progresses and temperatures drop to near-normal levels of the low 90s for this time of year.

But a respite from the heat won't stop the sneezing for those with allergies to weeds and dust. Weeds pollinate in late August and September, and winds pick up pollen and dust from dry fields.

"All together, they make people sneeze, cough and have more symptoms," said Dr. A.M. Aminian, a Fresno allergy and asthma specialist.

Asthma and allergy patients need relief from the bad air and the heat, Aminian said.

"The past two days, we've had more calls for patients who are sick," he said. "People are coming in with a burning sensation, aggravated cough and problems with breathing, shortness of breath, eye burning and very dry nose, irritated nose."

Even when the temperature drops and some of the smog lifts, people with asthma and other respiratory problems will need to be careful. Ozone could remain high enough to be unhealthy for those sensitive groups.

"Right now, it looks like we're going to continue to have improving conditions," said Evan Shipp, supervising meteorologist at the San Joaquin Valley Air Pollution Control District.

But dust is another problem.

Air quality officials monitor the amount of tiny particles of dust and grime in the air. On Sept. 3, Shipp said, those pollution levels in Corcoran and Stockton violated health standards. Shipp said wind speeds reached between 10 and 15 mph in Corcoran, kicking up dust. He doesn't expect those conditions this weekend. Thus far, forecasts show calmer skies, which should help reduce dust pollution. Dr. Richard S. DeMera, a Fresno allergist and asthma specialist, said his patients won't get a reprieve until it rains. "Until we get some rain to come into the Valley that cleans the air out a little bit, there will be continuing problems," he said. "It's the worst time of year for air quality."

City driven to get Toyota

Autry meets with execs, Feinstein in D.C., hoping to land plant.

By E.J. Schultz, The Fresno Bee

Sat., Sept. 11, 2004

Fresno's long-shot bid to land a Toyota plant began Friday over lunch in Washington, D.C .

Dining on salmon, broccoli and berries, Fresno Mayor Alan Autry and Sen. Dianne Feinstein met for two hours with senior-level Toyota officials, plugging Fresno as a potential site for a Toyota Prius assembly plant.

The get-together yielded no commitments or specific follow-up plans. Instead, local leaders hoped it was the beginning of a dialogue that could pay dividends down the road.

"It's a long way off," Feinstein said by phone of any possible local move by the Japanese automaker. A plant could bring thousands of good-paying jobs to a region plagued by double-digit unemployment.

Yoshi Inaba, Toyota's senior managing director, and three other company officials attended the meeting, Feinstein said. Also attending was a staff member from Gov. Schwarzenegger's Washington office. Autry cautioned that no immediate breakthroughs are expected. "The Toyota company moves very methodically and judiciously," he said. "They are very concerned with not leading someone on."

Toyota declined to comment on the meeting.

Last month, a senior Toyota official said there were no imminent plans for a plant in Fresno. If Toyota were to build Priuses in North America, it would probably expand existing plants first, said Dennis Cuneo, senior vice president of Toyota Motor North America.

The Prius, a gas-electric hybrid that averages 60 miles per gallon in the city, is built in Japan. But with rising gas prices increasing demand, analysts have speculated that the automaker may expand production.

Building the environment-friendly car in smog-plagued Fresno would pay "practical and symbolic dividends," Feinstein said.

But she conceded that the state has much working against it, including expensive workers' compensation insurance.

"We have to change many laws if we're going to be attractive to manufacturing," Feinstein said.

Toyota's decision to talk with local leaders may have been induced by relationships Feinstein has with top-level company officials.

She was the mayor of San Francisco when the automaker built the NUMMI plant in the Bay Area city of Fremont in the early 1980s. Feinstein met Tatsuro Toyoda, son of the automaker's founder, in 1989 while she was president of the Japan Society of Northern California, she said. Just this week, Toyoda visited Feinstein at her office, she said.

The plan to pursue a Toyota plant was hatched during a recent bipartisan brainstorming session of local leaders.

According to Autry, the spirit of cooperation showed Friday.

Autry, a Republican, noted that he was sitting in the well-appointed Capitol meeting room with a Democratic senator and a representative from Republican Gov. Schwarzenegger's office. At one point, another key Democratic lawmaker -- Senate Minority Leader Tom Daschle -- popped his head in.

"I think it was the beginning of a new era," Autry said.

Counting emissions from cows

[Fresno Bee editorial, Monday, Sept. 13, 2004:](#)

Just how much pollution do all those cows add to the Valley's foul air? Frank Mitloehner, a specialist in the Department of Animal Science at the University of California, Davis, has launched a two-year study hoping to find answers. Several dozen heifers and cows will be placed in airtight "bovine bio-bubbles" so that the amount of ammonia, dust and other particulate matter, and volatile organic compounds that help form ozone can be measured. It's believed to be the first such study in the country, and should help us get a better handle on how much air pollution is caused by dairies and other livestock operations.

The Fact of Global Warming

[L.A. Times editorial, Sunday, Sept. 12, 2004:](#)

The Union of Concerned Scientists plans to release a study Monday explaining the ways global warming is changing California. The report predicts a rise in average summer temperatures of up to 5.5 degrees by mid-century, far higher than previous studies have projected. Even the scientists' most optimistic scenario, a temperature rise of only 2 degrees, could cause a host of economically damaging effects, such as the premature ripening of wine grapes.

Already, global warming is drying up water sources (such as the Sierra Nevada snowpack, which is melting earlier than usual). It may also be helping some tropical diseases, such as West Nile virus, migrate north.

California may soon become the first state to curb vehicle tailpipe emissions, which after power plant emissions are the key fossil-fuel pollutants responsible for the rapid acceleration of global warming. On Sept. 23, the state's Air Resources Board is scheduled to order that new vehicles sold in the state cut their greenhouse gas emissions 30% by 2016. California, however, will get nowhere without Washington's help, and that doesn't seem forthcoming. Congress, apparently buying into the ridiculous junk-science argument that global warming is a natural phenomenon that people can do little to thwart, is poised to pass spending bills for fiscal 2005 that will only worsen the problem.

Legislators should reconsider in light of a study presented to them Aug. 25 by President Bush's own science advisor and the secretaries of Energy and Commerce. It concluded that man-made emissions of carbon dioxide and other heat-trapping gases, not Mother Nature, had caused most of the increase in temperatures around the globe over the last three decades.

Last month, various science officials abroad, including British Prime Minister Tony Blair's top science advisor, former United Nations chief weapons inspector Hans Blix and Canada's environment minister, went even further, characterizing global warming as a far greater threat in the coming decades than terrorism.

Sen. John McCain (R-Ariz.) should use his new pull with Bush to pressure Senate Majority Leader Bill Frist (R-Tenn.) to schedule a vote on the Climate Stewardship Act. This modest and pragmatic bill, which McCain co-authored with Sen. Joe Lieberman (D-Conn.), would require U.S. industrial plants to cut pollution from burning fossil fuels to 2000 levels by 2010.

More immediately, Congress should stop the phaseout of the tax deduction given to people who buy hybrid cars. The deduction started at \$2,000 in 2002, but dropped to \$1,500 this year and will fall to nothing in 2007 without new funding. Meanwhile, current tax rules heap obscene rewards on those who drive the least fuel-efficient cars on the road. One tax break, for example, gives business owners a deduction of up to \$100,000 if they buy SUVs weighing 6,000 pounds or more. The \$2 billion over 10 years that it would take to fully restore funding for the "clean"-hybrid tax deduction could be found by nixing some of the \$9 billion in tax incentives that pending appropriations bills give to the "dirty" oil and gas industries.

Those opposed to decisive measures to reduce fossil fuel emissions argue that even if all of them were enacted tomorrow, they would still only slow, not stop, global warming. Even if that's true, it's no excuse for inaction. As any successful insurance executive will attest, risk may be unavoidable but dangers can be foreseen and thwarted. Or to put it more colloquially, it's cheaper to be safe than sorry.

For kids' sakes

New study helps quantify damage to children's lungs from our bad air.

[Fresno Bee editorial, Sunday, Sept. 12, 2004:](#)

A study of air pollution's effect on children in Southern California has confirmed what has long seemed obvious here in the San Joaquin Valley: Dirty air stunts the growth of lung capacity in the youngest among us.

That diminished capacity can cause health problems that extend over a lifetime, and in the worst cases it can end those lives prematurely. In fact, only smoking represents a greater risk of respiratory problems that can lead to premature death.

The new study, by a team of researchers from the University of Southern California, is strong evidence that pollution actually causes damage in young lungs, rather than simply aggravating conditions that are caused by other factors. The difference is crucial. It means that reducing air pollution will have a direct and measurable effect on the healthy growth of children, rather than just helping at the margins of kids' health.

The study, published Thursday in the *New England Journal of Medicine*, tracked nearly 1,800 youngsters in 12 Southern California communities from the fourth grade through high-school graduation. The children who grew up breathing the dirtiest air were nearly five times more likely to grow up with weak lungs than children in less polluted areas.

Not surprisingly, the damage occurred across ethnic and economic lines. We all breathe the same air, after all. Nor was the damage restricted to children already suffering from diseases such as asthma. Otherwise healthy children suffered damage as well, especially in those areas with the worst air quality. The San Joaquin Valley wasn't part of this study, but we can draw some conclusions nonetheless. Air pollution is every bit as bad here as it is in the worst areas monitored in the study, and we can expect the same sort of damage is being done to children here -- with every breath they take.

Significantly, the study suggests that the worst damage is caused by tiny particulate matter from dust and diesel exhaust, as well as ammonia generated by large-scale farming operations, especially dairies. Ammonia combines with nitrogen oxides to create a particularly dangerous form of particulate pollution.

Such pollution hasn't been regulated much until very recently, in part because its effects haven't been well understood. That's changing, with this study and with each similar piece of research that emerges.

As that picture clears, the lines in this struggle become clearer as well. Opposition to efforts aimed at cleaning up the air is typically based on the economic self-interest of various groups among us -- and we're all part of one such group or another. On the other side stand our children, their health and the quality of their lives. Are we ready to get serious?

LASTGASP

"We can't go on living this way.

And we won't."

A new study highlights the grave danger of diminished lung capacity in children who are raised in areas with poor air quality.