

Fresno Co. studies ban on fireplaces

By Kerri Ginis / The Fresno Bee
Tuesday, May 24, 2005

Fresno County supervisors are considering a ban on wood-burning fireplaces and stoves in new homes built in unincorporated areas.

Supervisors will discuss today the possibility of amending an existing county ordinance to further restrict wood-burning appliances in new homes.

Although no final decision will be made, the board will determine whether it wants to forge ahead with the proposed countywide ban.

Supervisor Susan Anderson brought the issue before the board, she said, because Fresno County needs to do its part to help combat the air pollution problem. Smoke from wood-burning fireplaces and stoves adds particulate matter to the air that can trigger asthma and other respiratory diseases.

"I think we need to step up to the plate as a government agency and show that we're not willing to contribute to this problem," she said. If Fresno County ultimately decides to amend its ordinance, it would be the first county in the San Joaquin Valley to put such a ban in place.

The amended ordinance would be similar to one passed in January 2003 by the Fresno City Council, which bans wood-burning fireplaces in new homes built in the city.

It also would mean Fresno County would have stricter regulations than those set by the San Joaquin Valley Air Pollution Control District, which allows for wood-burning fireplaces and stoves in new residential developments with a low density of homes.

Air district officials said they have not ruled out the possibility of a total ban in the eight-county region it covers. But the district does not plan to modify its existing rules, said Jaime Holt, public education administrator for the district.

"That's not to say it won't change," Holt said. "We do know that wood-burning fireplaces have an impact on air pollution."

The proposed countywide ban could present some problems for future residents living in the county's mountain areas. If the electricity goes out and they don't have wood-burning fireplaces, they would not have any way to heat their homes. In the winter where snowy conditions are typical, it could mean hours of waiting in the cold before utility maintenance crews are able to restore power.

One option the board might consider is to allow new homes at elevations above 3,000 feet to continue having wood-burning appliances. Existing regulations set by the air district allow homes at those elevations to use wood-burning fireplaces, even on established "no-burn" days.

"We really need to look at the least harmful options," Anderson said.

Some developers already have volunteered to stop putting wood-burning fireplaces and stoves in new homes. Homes in the Millerton New Town project northeast of Fresno won't have wood-burning fireplaces.

"It's a good place to set an example," developer Bob Ewell said. "We're supportive of the ban."

Others are not as pleased that Fresno County is proposing a ban.

Officials with Duraflame, which markets fireplace products, said there are other options besides eliminating wood-burning fireplaces from new homes.

"It's really frustrating because there are alternatives to that kind of blanket mandate," company spokeswoman Sarah Solari said. "I think it's unfortunate that other options aren't explored."

Anderson said the county needs to look for the most effective ways to combat the air pollution problem. She believes a ban on wood-burning appliances is a step in the right direction.

"I think the county of Fresno should be a leader in this and can set the pace for how to deal with this problem."

Parts of Tejon Ranch safe from development

Partners pick 100,000 acres as part of ambitious plan

By BOB CHRISTIE, Californian staff writer

Bakersfield Californian, Tuesday, May 24, 2005

Tejon Ranch and its conservation partner, The Trust for Public Land, have figured out which 100,000 acres of the ranch's 270,000 acres will be carved out into a preserve.

If the deal goes through, some of Tejon's majestic peaks and canyons in the Tehachapi Mountains could forever be saved from development.

A step is being taken in that direction today, though an actual deal is much further away.

The majority of the land is in the southeastern portion of the Tehachapis. There's also a swath next to Interstate 5 intended to connect the future preserve with the Wind Wolves Preserve west of the freeway. Another several thousand acres was identified east of Arvin at the base of Bear Mountain.

In a major change sure to bring hoots of joy from serious hikers, Tejon and the trust also have identified lands to reroute the Pacific Crest Trail onto ranch property. The trail will be brought up onto the southern ridge of the Tehachapis, long a goal of trail proponents frustrated by a hiking trail along the desert flatlands.

Tejon and the trust have an impressive list of environmental supporters, including the National Resources Defense Council, the Center for Law in the Public Interest and officials with the U.S. Fish and Wildlife Service and U.S. Forest Service.

"The design of the 100,000-acre proposed nature preserve on Tejon Ranch is an excellent model for science-based conservation planning," Paul Henson of the Fish and Wildlife Service said in a statement. "It is designed to protect the best wildlife habitat from destruction, degradation, and fragmentation, which are the driving forces behind today's decline in species and biodiversity all over the country."

Critics, however, say it is not enough, and that the entire ranch should be preserved. In any case, they say that some of the lands left out of the conservation area -- especially grasslands at the base of the Grapevine critical to kit foxes and areas in the center of the ranch with the most important stands of oaks -- deserve to be included.

Tejon CEO Bob Stine says the ranch understands it can't please everyone, but the conservation deal will preserve a large portion of the ranch forever.

Tejon partnered with the trust in 2003 to help it identify and then buy, help sell or otherwise protect a large portion of the ranch.

A two-year survey of the property's watersheds, wildlife and vegetation led to the final map set to be officially unveiled today, said Reed Holderman, the trust's executive director for California.

"We started two years ago to identify 100,000 acres of the ranch as the best of the best," in terms of biological and environmental diversity, Holderman said. "Now we're moving from just talking about it to doing it, actually signing a contract."

Stine said with the land to be set aside for conservation now identified, Tejon and the trust have signed a contract -- Tejon is willing to sell if the price is right.

The next step is a formal third-party appraisal. Then, the trust will try to line up interested parties, must make an offer, buy the land and then turn it over to either a state or government agency or a private foundation. Tejon could reject a bid if it is too low.

Neither Stine nor Holderman would put a ballpark figure on the value of the 100,000 acres. But a buyer will have to have deep pockets.

"We're told its incredibly valuable," Stine said. "So we'll just wait and see what the appraisal says."

Stine said he hopes to maintain the ranch's traditional cattle ranching and some hunting operations on the preserve, and expects some very limited public access.

Next up for the ranch is this summer's formal unveiling of plans for Tejon Mountain Village, a development of ranch estate homes, boutique hotels and resort properties along a swath of breathtaking mountains to the east of Interstate 5. Planning documents are expected to be filed with Kern County sometime this summer.

Stine said the development will cover 5,000 acres, interspersed with 23,000 acres of open space. For example, he said, a hypothetical 10-acre estate parcel may be sold, but only one acre of it may be built on or fenced in any way, leaving nine open acres.

It will be located generally in an area east of Tejon Lake, following Bear Trap Canyon, an area environmentalists covet for its diversity and habitat.

Stine says Mountain Village is envisioned as a second-home and vacation retreat, with boutique hotels, resorts and isolated homes. All would be on public water and sewer supplies.

The conservation plan and the Tejon Mountain Village development are linked in many ways, Stine said. He noted that the ranch could have cut up the areas to be conserved into tracts and sold them off piecemeal.

The trust said the plan works well, because Tejon is protecting much of the land around the mountain village and the trust will protect its part. He conceded, however, that he'd like all the land to be protected.

"You're right, if we had our druthers we'd like to buy it, but they made clear it was not for sale," Holderman said. "If most of the area is going to be protected in private conservation, and there's public conservation next to it, that works for us."

Tejon plan alarming for what it leaves out, critics say

By BOB CHRISTIE, Californian staff writer
Bakersfield Californian, Tuesday, May 24, 2005

Critics of development on Tejon Ranch wasted no time panning the conservation plan set to be unveiled today.

"It looks like they're omitting a lot of land that is critical to endangered species," said Monica Bond, a biologist with the Center for Biological Diversity. "I don't want to disparage Tejon -- at least they're doing something -- but there are some very important ecological areas missing, and that whole Antelope Valley area is missing."

Tejon and The Trust for Public Land will publicly announce today the location of a 100,000-acre preserve they hope will be sold to either a public or private entity for preservation. That acreage was chosen after more than a year of study by a group of consultants advised by scientists who reviewed the 270,000-acre ranch and its plants, animals and geography.

Tejon CEO Bob Stine said criticism comes with the territory, but that the ranch's vision of limited growth and conservation is a sound one. He noted that the ranch land preserve could be parceled out and sold piecemeal, but that would not fulfill their commitment of being good stewards of the land.

"This 100,000 acres is not undevelopable," Stine said. "It could be divided into small ranch estates of 160 acres, or 80 acres, and you could use gravel roads and septic tanks and develop it all."

"But we can create a better environment and more real estate value ... with a conservation plan and mountain village than we could do just carving up."

Tejon has plans to develop portions of the ranch, including two new communities, a 23,000-home city called Centennial in the western Antelope Valley, and the Tejon Mountain Village east of Interstate 5 at Tejon Lake.

Both developments send shudders down the spines of some environmentalists, who say they're suspicious of Tejon's motives.

"Tejon is one of the most special and important lands for biodiversity for the whole state," said Kristeen Penrod, director of South Coast Wildlands, a nonprofit group that has been working to maintain habitat connectivity in Southern California. "I actually think they're going to take this money and use it to develop the mountain village -- they're land rich and cash poor and this is a way for them to move forward with their development proposals."

The lands selected for conservation do not include many of the corridors that Penrod's group believes are imperative to maintain wildlife movement between the coastal mountains, desert, Sierra Nevada and the San Joaquin Valley floor.

Penrod noted that the area to be developed as Tejon Mountain Village follows Bear Trap Canyon, considered one of the most spectacular oak habitats in California. Grasslands at the base of the Grapevine that are critical migratory habitat for kit foxes are missing from the conservation plan, she noted.

Penrod and Bond both said they would like to see the entire ranch preserved, although they acknowledge that's highly unlikely.

"The ideal thing would be for the state or the feds to buy it," Penrod said.

The ranch is critical habitat for several endangered species, including the California condor, and holds a rich array of plants and animals in a rare, relatively untouched region.

Commission to hear mining proposal

Neighbors skeptical but county staff OK with project with conditions

By SARAH RUBY, Californian staff writer

Bakersfield Californian, Tuesday, May 24, 2005

The fate of a proposed limestone mine outside Tehachapi will go before the planning commission Thursday night.

County staff recommends approving the project with conditions to minimize its impact on the rural valley along Highway 58. Some neighbors are still skeptical, wary the mine will grow bigger and last longer than its proposed 20 years.

The 280-acre site is invisible from the freeway and tucked into the hills of Loop Ranch, a 30,000-acre cattle ranch. Manteca mining outfit, The H. Lima Co., intends to be a good neighbor, said Loop Ranch Manager Dal Bunn, who recently led tours of the site for small groups of residents and city officials from Tehachapi.

"We're not ashamed of anything we're doing here," Bunn said, standing in the future mine site, a bucolic valley rich in limestone. "The supposition and innuendo -- we just feel bad (about that). We really think we've found the right mine in the right place."

The ranch has other limestone deposits that are easier to get to, he said, but mining them would be "detrimental to the ranch and the general public." The proposed site is out of the way of freeway onlookers and roaming cattle, he said.

The type of limestone found at Loop Ranch is mostly used by farmers to enrich soil.

Bunn says he's the site's closest neighbor, but most nearby residents live at least a mile away.

The distance is little comfort to Jae McIntyre, who lives in Bear Valley Springs and toured Loop Ranch on May 17.

She lives high in the mountains and will be able to see the processing site from her home, she said.

"I'll be looking at night lights ruining the sky," McIntyre said. "I don't see Tehachapi as a mining community."

If approved, the mine will disturb 155 acres in its 20-year lifetime. The H. Lima Co. will restore the land as it moves through the property, according to planning documents.

Some neighbors don't welcome more truck traffic, and they don't want a project that brings a "significant" amount of air pollution, as measured by planning documents. They worry about oak trees and habitat, they say.

Also on the agenda: The 3,100-cow Petrissans Dairy wants a permit to join 16 dairies south of Bakersfield near Bear Mountain Boulevard and Ashe Road.

Study links asthma, freeway proximity

By Cheryl Clark

San Diego Union-Tribune

May 24, 2005

The closer children live to a freeway or major thoroughfare, the more likely that they will develop asthma, say researchers from the University of Southern California who studied the health of 5,300 youngsters in 13 communities, including Alpine.

"We think that the exposure to these . . . pollutants from fresh exhaust (is) a likely reason for increased rates of asthma in this population," said the study's investigator, Dr. Rob McConnell, associate professor of preventive medicine at USC's Keck School of Medicine.

The report is important, McConnell said, "because about 15 percent of our population lives within 80 yards of a major road and one-third live within 160 yards."

The study's findings were presented yesterday at the American Thoracic Society's annual meeting, which has brought 17,000 physicians, scientists, health educators and pharmacy representatives to the San Diego Convention Center.

The USC team's research is part of the large California Children's Health Study, which last year found that air pollution stunts a child's lung development.

In the USC report, the researchers interviewed the parents of children living in neighborhoods near major freeways and highways, including interstates and busy arterials running from Santa Maria in central California to Alpine.

They discovered that the number of children who suffered asthma attacks increased as the distance between their homes and a major thoroughfare decreased. Those living within 82 yards of a freeway had the highest rates of asthma, while those living 83 to 166 yards away had the second-highest rates.

The likelihood that these children would suffer from asthma also increased if they had lived in such homes since age 2, the report said.

A family's socioeconomic status, exposure to secondhand smoke and the type of housing did not explain the differences in asthma rates, McConnell said.

He cautioned that the findings require further analysis to determine whether the children living close to freeways had more severe and more frequent asthma episodes, and whether exposure to trucks or diesel exhaust worsened their symptoms.

The researchers also want to quantify the level and type of pollution in each of the homes they studied, hoping to pinpoint a particular pollutant or pollutants responsible for the asthma.

Another area of interest is the size of the exhaust particles. Scientists have a growing body of evidence suggesting that ultra-fine particles are more capable of causing bodily harm than larger ones.

Regulators are beginning to issue policies aimed at reducing the negative impact of smog on childhood health. For example, a new state law bans schools from being built within 500 feet of a freeway.

The California Children's Health Study was funded by the federal National Institute of Environmental Health Sciences, the U.S. Environmental Protection Agency, the California Air Resources Board and the Southern California Particle Center.

Governor opposes MTBE lawsuit immunity

But some Democrats call his stance on the House-passed measure a bit late.

By David Whitney -- Bee Washington Bureau
Sacramento Bee, Tuesday, May 24, 2005

WASHINGTON - Gov. Arnold Schwarzenegger has broken ranks with California House Republicans by urging rejection of a House-passed provision that immunizes manufacturers of the gasoline additive MTBE from lawsuits over groundwater contamination caused by spills.

Democrats who agree with him said Schwarzenegger should have made known his position last month when it would have mattered most.

"The governor could have been really helpful in convincing members of the House to vote to remove those provisions," said Rep. Lois Capps, D-Santa Barbara, who offered the amendment to strike the MTBE immunity clause when the House was considering an energy bill last month.

Capps' motion failed by six votes, with all of California's 20 Republican members siding with the MTBE industry against the provision.

Schwarzenegger's opposition to immunizing the MTBE industry from product liability lawsuits comes as the Senate Energy and Natural Resources Committee goes to work this week on its version of the energy package. It is not expected to contain the immunity waiver.

Schwarzenegger's letter to Senate Energy and Natural Resources Committee leaders included his recommendations on the full range of issues included in the sweeping energy bill.

The Republican governor also supported doubling the fuel-efficiency standards for cars and trucks, opposed any new federal oil and gas leasing off the California coast and any new limits on state authority over siting terminals for importing liquefied natural gas - all of which have been issues in various degrees of dispute.

On liquefied natural gas, for instance, the House and Senate are moving toward limiting the power of states under the federal Coastal Zone Management Act to essentially veto new terminals for receiving and storing the super-cold product off-loaded from tankers, and would give greater power to the Federal Energy Regulatory Commission to authorize construction despite state opposition.

Sen. Dianne Feinstein, D-Calif., on Monday introduced with Sen. Olympia Snowe, R-Maine, legislation that would give states and the FERC equal say - which is essentially what Schwarzenegger also advocated.

Feinstein's press aide, Scott Gerber, said the senator will offer her bill as an amendment when the Senate committee takes up the energy bill Wednesday.

But even energy lobbyists were a little befuddled by the fuss over Schwarzenegger's coming out now against the MTBE liability provision.

Frank Maisano, a lobbyist for oil companies that make MTBE, said it will make little difference.

"I don't see this as a big break," he said. "The Senate has already decided that they don't want the MTBE provision in their bill."

Maisano said that MTBE liability is an issue that will be decided later in a House-Senate conference committee, not by the Senate this week.

MTBE, now banned in California, was a widely used additive intended to reduce air pollution. The problem is that it spreads quickly if leaked into the ground from underground gasoline storage tanks.

Such leaks have been a problem in California, and Sacramento County is among the local governments that have filed a lawsuit against manufacturers of the product because of expected groundwater contamination. Such lawsuits would be made moot by the House-passed provision.

Schwarzenegger's letter was trumpeted by the Environmental Working Group on Monday.

"We commend the governor for speaking out against the Big Oil bailout, even though it meant breaking with his party's entire congressional delegation," said Ken Cook, president of the Environmental Working Group.

But Maisano charged that the EWG receives some of its money from trial lawyers who are fighting to preserve their opportunity to sue manufacturers for producing an additive that was virtually mandated by 1990 amendments to the federal Clean Air Act.

"The trial bar wants highly expensive litigation," Maisano said, adding that communities still would be able to go after gas station owners for negligence leading to the spills.

Bush: EPA Chief Will Emphasize Science

By JOHN HEILPRIN, Associated Press Writer
S.F. Chronicle, Monday, May 23, 2005

WASHINGTON, (AP) -- President Bush, in a rare visit to the Environmental Protection Agency, pledged Monday that science would be at the heart of the nation's air, water and land policies.

Bush attended a ceremonial swearing-in ceremony for Stephen Johnson, the first career employee to take over the agency's reins. Johnson, a 24-year EPA veteran, also is the first administrator with a science background.

"With this background, Steve will help us continue to place sound scientific analysis at the heart of all major environmental decisions," Bush said at a 15-minute ceremony in which White House chief of staff Andy Card administered the oath of office.

Johnson had already been sworn in and taken over as EPA administrator on May 2.

Environmentalists and some federal scientists have complained that the Bush administration often puts politics ahead of science on issues such as global warming, toxic chemicals, forest and energy policies and protections for imperiled species. Some of Bush's core beliefs are that nature requires intervention, market forces trump regulations, and environmental protections are not possible without economic growth.

With the visit, Bush became the first president to visit EPA headquarters. Bush, often at odds with environmentalists, used the occasion to plug his agenda while calling Johnson "the right man" for the job.

"As Steve leads the EPA, he will maintain our common-sense approach of collaborating with leaders and volunteers at the local level to find the best solutions to meet our national goals," Bush said.

"We'll continue to vigorously enforce our environmental laws," the president continued. "We'll encourage good stewardship of natural resources, and we will focus on results."

Bush said one of Johnson's first big tasks was to persuade Congress to pass the "Clear Skies" air pollution plan. In March, a Senate committee rejected the bill. Opponents want limits on carbon dioxide, the chief "greenhouse" gas scientists blame for global warming, but which Bush says is too costly to regulate.

Johnson said he felt "great enthusiasm and profound optimism" for his agency's work, but admitted being at a loss for words to express what his new job felt like.

"As I prepared for today, I thought about how I felt when the president asked me to lead EPA," he recounted. "Even after years of Latin, German, scientific training, the only word I could think of was 'wow.' Wow."

[Visalia Times-Delta, Editorial, May 24, 2005:](#)

Benefits of rail stop are unclear OUR VIEWS

City of Visalia officials are utterly convinced that California's high-speed rail line should stop in Visalia.

That's if the thing is ever built at all.

If it is ever built, we hope their faith in the benefits of having the bullet train stop in Visalia is vindicated, because we just don't get it. Whatever benefits a high-speed rail would bring to Visalia would be more than offset by the problems that would come speeding right along with it. Investing money in keeping the prospect alive is simply a bad investment.

California's high-speed rail looks like this on paper: A train with limited stops that travels 220 mph between the major population centers of the state - downtown Los Angeles to downtown San Francisco in less than three hours; or Visalia to either destination in about 100 minutes.

The bullet train has been discussed for years and, with each passing year, the likelihood of its construction recedes into the future. At one time, it was believed it would cost \$20 billion.

The price is much higher now. How high? Nobody knows, but the latest estimates are \$37 billion.

The Legislature originally wanted to hold a vote on a \$10 billion bond to pay for the first stage of the high-speed rail, but decided now is not the time for debt-ridden California to be thinking about maxing out the credit cards.

They have put the vote off until at least 2008.

But the dream lives.

In the latest developments, the high-speed rail authority has settled on a route that would take the train from Bakersfield to Fresno along the North Santa Fe rail line, instead of along the Union Pacific line through Visalia. The train wouldn't even stop between Bakersfield and Fresno.

Advocates of a Visalia stop achieved a victory of sorts last week when state legislators agreed in committee to spend \$325,000 toward a \$600,000 study on the merits of having the bullet train run through Visalia.

Local entities have to come up with the balance of the cash.

The Tulare County Association of Governments pledged \$75,000. Visalia is thinking of anteing up \$50,000.

What a state on the verge of bankruptcy is doing spending \$600,000 to discern the merits of a project that might never be built in the first place is a mystery that deserves its own study. But we digress.

We're wondering why the city is pursuing this so strongly.

We understand their arguments: Visalia must stay in the game to be a player. A rail stop in Visalia would bring traffic, tourists, jobs and economic development opportunities.

It would also bring settlers, sprawl, commuters and other problems while increasing the need for more services, such as lighting, water, sewer, garbage disposal, police and fire protection, recreation, and roads.

Having a stop in Visalia, say the advocates, would allow Visalians to go from their homes to downtown San Francisco in a little more than an hour and a half, without using gas, causing pollution or paying for parking.

So what? The same thing could be achieved with just 30 more minutes' time from Fresno.

The fact is that even if the route is directed through Visalia, it is not likely Visalia will get a stop. Fresno will definitely get a stop -it's four times Visalia's size.

Visalia officials are betting that high-speed rail authorities are going to think it's a good idea to fire up a 220 mph train for 12 minutes to make the 35-mile run to Fresno. They can take that bet. We won't.

We understand the city is going to follow this through because city officials believe that it's better to be involved in influencing something that has such a profound effect on the area than not. So be it.

But early in the last century, Visalia made a conscious decision not to pursue a terminal on the Union Pacific line while other Valley communities did. History shows who made the better decision.

History will end up judging this one, too.

[Bakersfield Californian, Letter to the Editor, Tuesday, May 24, 2005](#)

Be a winner, not whiner

It is too bad that "Mr. Dairy," a recent letter writer, makes a challenge to anyone who works to improve the quality of life in our county.

I agree with his assertion that Sen. Dean Florez is a "dragon slayer." Sen. Florez has attacked the "pollution dragons" that have come from outside our county to abuse our ground, water and air. The witches' brew of ignorance was concocted by our county leaders who allowed these outsiders to set up shop without public hearings, expert testimony or local notifications.

I commend Sen. Florez and The Californian for presenting all information to my residents.

Knowledge will kill many dragons. Ask the residents of Wasco, (82 percent) who supported Measure "U," a 10-mile dairy buffer zone.

Does "Mr. Dairy" think the residents of Kern County should sit around while there is a huge dragon -- 600,000 tons of calcium oxide -- lying on the ground northwest of Wasco? Does he know what this material does when it interacts with moisture? Like the moisture in your eyes or lungs?

Our local farmers and dairy operators know. They are the ones who understand the risks to their farm ground and animals.

Did you know that this material is never put on crop ground? It is applied over and over again to the same sterile property. Of course, this ground wasn't always sterile.

Just maybe "Mr. Dairy" is on the wrong team. Perhaps he should join the winners, not the "whiners" and help make our county a better place to raise our families.

-- LARRY ALONSO PEARSON, Council member, Wasco

[Bakersfield Californian, Letter to the Editor, Tuesday, May 24, 2005](#)

Spraying controversy swirling

Break pesticide 'habit' The four women hospitalized due to drift of a toxic pesticide is yet another tragic example of the failure of the state Department of Pesticide Regulation to put in place common-sense safety measures that would protect us from pesticide air pollution.

And while these workers received a high enough dose to need to go to the hospital, anyone who is living, working or attending school near fields is being exposed to these "secondhand pesticides."

As with secondhand cigarette smoke, repeated low-level exposures to many pesticides have been linked to many chronic diseases, including childhood leukemia, brain tumors, non-Hodgkins lymphoma, prostate cancer, Parkinson's disease and more.

In California, where we use more pesticides than anywhere else in the nation, we must begin to prioritize human health by enforcing strict regulations on toxic pesticides, levying heavy fines for those who break the law and providing incentives for farmers to transition to sustainable and organic agriculture.

-- SUSAN KEGLEY, Pesticide Action Network, San Francisco