

Court delays Kaweah River Rock quarry project

Judge: County made several errors in permits

By Jed Chernabaeff, Staff writer

Visalia Times-Delta, Friday, Aug. 25, 2006

The 20-year battle to expand a rock quarry near Woodlake, assumed to be over more than a year ago, has resumed.

A judge has invalidated a decision the Tulare County Board of Supervisors made to issue permits to the Kaweah River Rock Company last year, citing several errors the county made in granting the permits.

Kaweah River Rock officials say it's a project needed more than ever with the potential of an infrastructure bond in November. But to neighbors, the expansion of the quarry could mean harmful effects to the quality of air and water.

The quarry, which was first proposed in 1985, was met with resistance from neighbors concerned with the project's potential damage to wells and groundwater supplies and the potential effects on the flow of groundwater feeding wells in Woodlake and Visalia.

The quarry's biggest opponent, Valley Citizens for Water, a group of neighbors fighting the quarry project, filed a lawsuit against Kaweah River Rock Company in July 2005, saying that the county made multiple violations of the California Environmental Quality Act when the supervisors approved the permits.

Valley Citizens for Water claimed that the county approved permits that failed to adequately analyze direct and cumulative air impacts, by piecemealing the project and by failing to adequately explain the effectiveness of selected mitigation measures that included flooding and water impacts, said Caroline Farrell, a staff attorney with the Center on Race, Poverty and the Environment - who represented Valley Citizens for Water in the lawsuit.

"The intent of the lawsuit isn't to stop the mine," Farrell said. "It's to ensure that it complies with the law to minimize potential impacts."

On May 12, Superior Court Judge Paul Vortmann agreed with Valley Citizens for Water and invalidated the county's approval of the Kaweah River Rock project.

Farrell said the Kaweah River Rock Company will have to provide a supplemental analysis which will address Vortmann's ruling.

On Tuesday, the Board of Supervisors will vote to accept Vortmann's ruling and allow the supplemental analysis to be brought back for a public hearing at a later meeting.

Company's response

Dave Harrald, general manager of the Kaweah River Rock Company, said a supplemental analysis is being prepared and hopes to have it turned in to the Board of Supervisors before the end of the year.

Harrald said he wants to move along with the expansion because of the great demand for gravel, sand and rock.

"With the building boom there has been a shortage of materials," he said.

Talent

SEEKING STUDENT ARTISTS Through Sept. 30

Modesto Bee, Friday, August 25, 2006

The San Joaquin Valley Air Pollution Control District is looking for student artwork for its 2007 Clean Air Kids Calendar. 557-6400.

Valley paving over farms

21,000 acres in Stanislaus County were developed in just 12 years, report shows

By Garth Stapley

Modesto Bee, Friday, August 25, 2006

Farms are slowly but steadily giving way to development in the Northern San Joaquin Valley, according to recent figures by a state agency studying California's urban transition.

Stanislaus and San Joaquin counties each lost more than 21,000 acres of agricultural land in the dozen years preceding 2004, the Farmland Mapping and Monitoring Program reported this week.

Merced County lost nearly 17,500 acres in the same period, the program reported.

Whether the figures are cause for alarm or reassurance depends largely on the audience.

"The bigger discussion is, what are we doing with farming?" said Stanislaus County Supervisor Jeff Grover. "Just stopping urbanization of land isn't enough."

In a public meeting last week, Grover cited another study concluding that the county's farmland recently had increased.

The Farmland Mapping and Monitoring Program, operated by the California Department of Conservation, agreed that newly planted vineyards and orchards on previous grazing land helped boost total acreage for irrigated land. But that gain was more than offset by ever-creeping sprawl over the valley's richest farmland, the agency concluded.

"I'm always amazed when people seem happy to say that (farms are holding their own)," said Jeani Ferrari, president of Turlock-based Farmland Working Group. The organization is dedicated to preserving agricultural land in the face of growth.

The Farmland Mapping and Monitoring Program's recent study concluded:

More than 11,000 rural Stanislaus County acres were converted from agriculture to other uses in a building boom from 2000 to 2004. That exceeds losses by San Joaquin County (9,563 acres) and Merced County (7,847 acres), even though Stanislaus County had less farmland to begin with.

The three counties built structures over a combined 18,219 acres in the same time frame. Development consumed more than 33,500 acres in those counties from 1992 to 2004.

"The majority of these changes represent new housing developments," the report states.

Prime farmland, the richest soil in the valley, was sacrificed in 70 percent of Stanislaus County's irrigated farmland loss from 2000 to 2004.

New ranchettes sprung up on more than 1,000 acres in Merced County from 2002 to 2004. Critics say ranchettes amount to low-density sprawl.

The last figure came from a pilot study requiring more information gathering on rural land uses in Stanislaus, Merced, Madera and Fresno counties. But it pales in comparison to recent landowner requests for ranchettes in Stanislaus County that could cover more than 14,000 rural acres.

State officials concerned that ranchettes are compromising agriculture are hoping to expand the rural land use study over all of California, said Molly Penberth, Farmland Mapping manager.

Armed with aerial photographs and ground data from site visits, her researchers examine changes in two-year blocks, the latest ending in 2004. Regional and statewide results of the 2002-2004 study should be released in the fall, Penberth said.

Updated results from individual counties became available in recent weeks.

The 2000-02 study concluded that urbanization in the San Joaquin Valley increased more than 75 percent over the previous two-year block. Development in California consumed 92,750 acres, or about 145 square miles, in that period, according to the report.

"It's up to local jurisdictions to determine what their thresholds are" for managing development, Penberth said.

Some counties impose fees on developers to compensate for farmland loss, or require that a certain amount of rural land remain in agriculture for every acre developed. Stanislaus County has no such measure.

Thousands of acres of farms in other counties are protected by conservation easements, where the government and private entities pay growers to keep farming forever. The Central Valley Farmland Trust includes Stanislaus County and is willing to operate here, but the county's sole easement protects poor, nonirrigated soil on its northeast edge.

"We provide the background," Penberth said, "and it's up to (local officials) to decide."

Grover noted that Modesto has seen virtually no growth and no population increase in the past year or two.

The report, which surveyed 90 percent of Stanislaus County, found 61,171 acres of unurbanized land out of the 869,338 acres included in the study — only 7 percent of the total area.

"For the most part, there isn't a whole lot (of development) going on," he said.

Others say that couldn't be further from the truth, citing increasing traffic and air pollution.

Supporters of the Stamp Out Sprawl initiative will force a countywide vote that could transfer power over subdivision approvals in unincorporated areas from county officials to voters.

But Grover and the other supervisors last week delayed the vote until June 2008. If successful, the initiative could spell doom to 2,500 future homes in Salida, the county's largest unincorporated town.

The initiative would do nothing to stop the county's nine cities from sprawling, Grover said.

Proposed crematorium site stokes neighborhood's fury Residents say smoke, structure would impose on Prospect Hill

By Matt O'Brien

Tri-Valley Herald, Friday, August 25, 2006

HAYWARD — William Fontaine tries to imagine what it might be like to have a crematorium at the foot of his classy Prospect Hill neighborhood.

He has visions of putrid smoke wafting over the back patio, marring his view of the Bay and inviting a daily sense of unpleasantness to his home life.

"We're all going to die. I'm probably going to be cremated too," Fontaine said, looking out from his backyard last week. "It's not that I'm against it, but I think the area itself is not the right place for it."

The location in question is at the intersection of Grace Street and Mission Boulevard in north Hayward, just a few skips down from Fontaine's house on Prospect Street.

Mission Funeral Home, which already has a mortuary at the intersection, wants to convert its casket storage room into a crematorium and add the necessary metal heat stack on top.

Funeral Director Mike Matteuch did not return telephone calls for comment, but city officials say the proposal, after nearly a year of planning and review, will go before the Hayward Planning Commission on Sept. 14.

So far, city officials say, Fontaine and his family members are among just a few neighbors who seem to have a problem with the proposal.

"I was looking at the wind direction, and it doesn't blow toward their home," said Carl Emura, an associate city planner.

The response in north Hayward has been markedly different from other communities where crematorium proposals recently caused an emotional uproar. In 2004, San Leandro city leaders banned crematoriums outright. In July, the Richmond City Council rejected a large-scale crematorium in North Richmond after residents objected in force.

Fears arose on both occasions about toxic emissions, particularly from mercury tooth fillings.

When the application for the Hayward facility arrived in September 2005, a notice went out to neighbors living within a 300-foot radius of Mission Funeral Home.

The business is situated on a commercial stretch of Mission Boulevard dominated by used-car shops, vacant parking lots, a health clinic and the towering 1950s-era fiberglass statue known as "Big Mike."

It is also bound by two residential neighborhoods.

On the west end is the flatland Pearce Street area, a mix of multifamily rentals and 19th century cottage homes. An informal house-to-house survey last week of residents who can see the funeral home from where they live found that none knew about the proposal.

"This is the first I've heard of it. I'm opposed to it," said Glen Stanton, a Pearce Street resident since 1996. "To me, that's a service they should be doing in an area that's less populated."

Jack Bentz, who is restoring one of the historic cottage homes on Pearce Street and lives elsewhere, said he also did not know about the plan. But he did not believe a crematorium chimney could be much worse than the exhaust billowing out from cars and trucks on busy Mission Boulevard.

Apart from Fontaine's complaints, neighborhood response also has been low on Prospect Hill, which lies just east of Mission Funeral Home and is known for its historic, well-kept houses.

Fontaine's neighbor, Larry Olson, did not know about the crematorium plan and had not yet formed an opinion.

"I'd have to review all the facts," Olson said.

Emura said the city has completed an environmental review of the crematorium proposal and found the facility, if built properly, would not have a significant effect on the local environment. Because the metal heat stack might affect scenic vistas, the city would require the funeral home to put a chimney around it, the environmental report states.

Further concerns about objectionable odors and hazardous emissions would have to be reviewed by the Bay Area Air Quality Management District, according to the report.

"Some of the things they can do is reduce the number of cremations or raise the height of the stack," Emura said.

Aaron Richardson, spokesman for the air quality district, said the agency has not yet received a permit request from Mission Funeral Home. A permit application likely would not come to the district's office before the Planning Commission approves the plan.

Truckers take a load off environment

Oakland port helps owners replace rigs with cleaner-burning vehicles

By Paul T. Rosinsky

Tri-Valley Herald, Friday, August 25, 2006

OAKLAND — It wasn't so much the environment that led Tuan Phan to a recent Port of Oakland-sponsored picnic, advertising a new truck replacement program.

It was the \$1,000 citations from the California Highway Patrol and countless repair jobs that had Phan filling out a novel-sized application for a \$31,000 grant to buy a new rig.

But it was the environment that benefited when Phan qualified as the first trucker to get a new rig under the port's truck replacement program.

"My truck was too old, and they wanted to take it away and give me a new one?" Phan said Thursday. "Yes, I would try that."

While Phan's desire to participate was not born of an idealistic view to save the environment, it serves as a perfect example of why the port's new replacement program is beginning to attract the skeptical truckers other programs chased away.

Spawned from failed efforts to clean diesel emissions at the port, the new program gives truckers money to replace pre-1990 built trucks with new models made after 2000.

The newer trucks have cleaner burning engines which could result in emissions having 45 percent less nitrogen oxide and 80 percent less diesel particulate.

But they also have newer bodies, less need forrepairs and higher gas mileage, which gets truckers excited.

"The key is that it makes a lot of sense for these drivers as well," said Tim Leong, a port environmental scientist. "It took some time, but the program has evolved."

Past ideas to clean trucks failed because they failed to take into account truck driver needs.

Original ideas called for truck engines to be replaced but not the bodies.

While the idea worked for port yard equipment, such as forklifts, it did not work for larger trucks.

Since retrofitting an engine could take a truck off the road for as long as a month, truckers chose to stick with their old engines. It was not worth the financial hardship to get a cleaner engine.

In addition, the engine replacement resulted in trucks having \$25,000 engines but \$5,000 bodies.

"There is a lot more than engines that can go wrong with these trucks," said Bill Aboudi, AB Trucking owner. "For the amount of money you would put in, both the driver and the government, it was just worth it to get a new truck."

The port learned that lesson after its truck engine replacement program failed.

Instead, the port agreed to spend \$2 million on the replacement project. The money comes from a \$8.9 million mitigation fund the port was forced to create a decade ago when it began to expand its maritime terminals.

The program gives truckers up to \$40,000 to purchase a new rig. The amount of money depends on how many containers a trucker transports from the port and what type of truck the driver plans to buy.

In return, the driver is responsible for sales tax and registration.

Since the program began last year, the port has replaced 15 older trucks and hopes to replace about 80 before the \$2 million fund is spent.

About 2,000 trucks regularly access the port for business.

"What you see here today might appear like a minimal step ... but it is a step," said Harold Jones, port's deputy executive director for external affairs. "Activities at a busy seaport are the cause of a number of environmental impacts. These impacts cannot be ignored."

[Bakersfield Californian, Letter to the Editor, Friday, Aug. 25, 2006:](#)

Quality of life

A recent letter writer argues that there were a myriad of problems with the concept of reducing overpopulation.

The letter writer can't see the forest because the trees are in the way. He wants proof of overpopulation. I guess he likes to breathe unclean air (smog from too many vehicles.) I guess he likes \$3 a gallon gas (too many people chasing a limited source.)

He must like congested traffic, the lack of water in the Southwest, making a reservation a year in advance for a camping spot in a California state park, the lack of grizzly bears in California, the shrinking number of tigers in India, people starving to death in India, Bangladesh and parts of Africa.

There are now so many people waiting to climb Mt. Whitney that a lottery system has been installed! Need I go on?

He thinks some people have an agenda opposed to life. Obviously the letter writer has his narrow-minded agenda perpetuating life at all costs. People concerned about the overpopulation on the Earth are not opposed to life. Their primary concern is the quality of life for all of God's creatures.

Kudos to letter writer Joseph Licastro. His points are well-taken and his conclusion is right on when he says, "Shouldn't overpopulation be addressed as the primary cause of the world's problem?"

-- DALE STEWART, Bakersfield

[Note: The article below addresses global warming and other environment-related issues.](#)

Feinstein unveils Dem plan to cut greenhouse gas

By Carl T. Hall and Jane Kay, staff writers
S.F. Chronicle, Friday, August 25, 2006

Sen. Dianne Feinstein offered a new Democratic outline Thursday night of a plan to attack global warming in the next session of Congress -- and put political opponents on the defensive headed into the fall campaign season.

In a speech to the Commonwealth Club in San Francisco, California's senior senator unveiled a legislative package she intends to introduce when Congress reconvenes in January. The bills would require carmakers to improve mileage and would coax power producers to meet emission standards, while extending California-style green-technology programs nationwide.

"There now is a scientific consensus that global warming is happening and we can't stop it," Feinstein said during an interview. "The effort we have to make is to restrict it."

Parts of her speech touched on legislation already introduced, such as a requirement that cars, sport utility vehicles and light trucks get another 10 miles per gallon within 10 years.

But Feinstein also called for new provisions, in particular a proposal to bring agriculture and forest managers into a market system for greenhouse gas emissions known as "cap and trade." This would allow farmers and landowners who plant trees or convert crops into bio-fuels to earn emission credits that could be sold to companies that exceed emission limits.

That could help alter the politics of the climate change debate in farm states and perhaps in some corporate circles, although coal producers have made clear that they will fight any program along the lines that Feinstein is proposing.

Internationally, the program would put the United States in a position to lead, Feinstein said, and would help coax countries such as China and India to hold down their emissions, too, despite fast-growing economies.

The goal would be to keep global temperature increases to a manageable 1 or 2 degrees by the end of the century. To do so by 2050, she said, the United States would have to cut carbon dioxide emissions to levels 70 percent below those of 1990.

Without such measures, she said, the global temperature could rise by maybe 9 degrees. In that scenario, 3 of every 5 species would die, the sea would rise by 2 feet, massive floods would hit every 10 years, and the state's drinking water supply would be in jeopardy, Feinstein told the audience.

Political analysts said it's hard to gauge chances for global warming legislation in the next Congress. Former Vice President Al Gore's movie, "An Inconvenient Truth," might have raised public appetite for action, they say. But the Bush administration and Republican allies on Capitol Hill have shown little enthusiasm for measures they suggest are unnecessary and potentially damaging for job growth and energy independence.

Coal producers maintain Feinstein's approach would "solve the so-called global warming problem by rationing the use of coal, essentially taxing the use of coal," said Luke Popovich, spokesman for the National Mining Association, which represents coal interests in 38 states.

Feinstein's proposals aren't the boldest to come forward in recent months. But environmental groups say there is a growing consensus that something needs to be done.

"People are waking up to the increasing threat of higher temperatures to the planet and impact that will have," said Brenda Ekwurzel, climate scientist at the Union of Concerned Scientists. "People also are realizing if we delay action on starting to reduce our heat-trapping emissions, then we will have lost precious time we can't get back."

Moves by California and a coalition of Eastern states to rein in greenhouse gas emissions also are changing the policymaking dynamic.

In California, for instance, UC Berkeley experts recently issued a study suggesting that clean-energy and other global warming policies actually boost economic activity, a theme championed by Republican Gov. Arnold Schwarzenegger.

Controversial caps on industrial emissions would be more effective, and perhaps more politically palatable, if incorporated into a carefully designed "cap and trade" system, said Alex Farrell, a UC Berkeley assistant professor of energy and resources who has studied market-based environmental regulations.

Details are critical, however, and Feinstein has yet to work those out. For instance, one key issue involves how the carbon-emissions credit-swapping would be monitored, to be sure that actual reductions are implemented.

Such systems have been tested before and shown to be "very effective in the United States at protecting human health and at very reasonable cost," Farrell said. "This is not a panacea, but greenhouse gas emissions are a good case for this."

Feinstein told her Commonwealth Club audience that global warming will be her top environmental priority in the coming Congress. She portrayed California's innovation-based economy as the pacesetter for the nation.

"With every challenge comes a new opportunity, and California is well positioned to take advantage of a new low-carbon economy," she said. "The state has already begun to reap the economic benefits of cleaner, greener and more efficient technologies and standards."

Speech highlights

Main points of Sen. Dianne Feinstein's global warming talk:

- Action now can limit global temperature increases to 1 or 2 degrees by 2050. Without action now, there will be catastrophic increases on the order of 5 to 9 degrees.
- A 70 percent cut in carbon dioxide emissions below 1990 levels could stabilize the atmosphere
- Cars, SUVs and trucks account for one-third of carbon dioxide emissions and should be forced to improve mileage by 10 mpg by 2017.
- Power plants and major emitters of greenhouse gases should have to cap emissions or obtain credit from other companies that have lowered their emissions below target levels. Farmers could obtain credits by planting trees or tilling land less often. Protecting rain forests in developing countries also could generate credits.
- Parts of California's program to encourage energy-efficient construction and renewable technologies should be incorporated into a national program. The program should require that utilities meet a portion of energy demand with clean energy sources like wind and solar.

Source: Speech to the Commonwealth Club