

## **Ruling stymies Tulare Motor Sports Project**

By Lewis Griswold

Fresno Bee, Tuesday, Sept. 21, 2010

The Sierra Club scored a legal victory against Tulare and the planned Tulare Motor Sports Project when a judge ruled that the city must rework the project's environmental report.

Tulare County Superior Court Judge Lloyd Hicks' tentative ruling, which was issued last week, stymies -- but does not stop -- the controversial 700-acre project.

The ruling was made public Sept. 16 and, barring any legal protests, becomes final in three weeks.

"We won," said Gordon Nipp of Bakersfield, a member of the Sierra Club Kern-Kaweah chapter. "They're going to have to redo the EIR and go through the process."

The ruling was against the city of Tulare because the city wrote the environmental study, although Tulare Motor Sports Complex is named in the lawsuit.

No building permits can be issued until the environmental report passes legal muster. It likely won't have an immediate effect on the project being developed by Bud Long of Fresno, which has been making slow progress.

Although the ruling is a setback, "it will definitely not kill the project," said Myron Smith, Long's attorney.

The environmental report fell short by not offering "factual, reasoned analysis" in its rejection of mitigation measures to make up for loss of prime farmland, impacts on air quality and effects on climate change, the judge ruled.

City Manager Darrel Pyle downplayed the ruling and its effect on the project, which was approved in late 2008 by a 3-2 vote of the Tulare City Council. The city will soon file supplemental reports to clarify the city's rejection of the mitigations, he said.

One environmental issue noted in the judge's ruling involves generating electricity. The report says that 5% would come from solar panels, but the Sierra Club asked why a greater percentage wasn't chosen.

The city "completely ignored that question and gave no response," Hicks' ruling states.

But Pyle said the city has paperwork to back up the environmental recommendations.

The report cost the city \$1 million, which has become an issue in the current campaigns for City Council. The money is to be recouped when parcels are sold before the start of construction.

## **Renewable energy rules likely to advance**

**The California Air Resources Board is expected to approve regulations that could break an impasse in a battle to require utilities to obtain a third of their power from solar and other renewable sources by 2020.**

By Tiffany Hsu

Los Angeles Times, Thursday, Sept. 23, 2010

A state agency is expected to approve regulations Thursday that could break an impasse in a long-sought goal to require utilities in California to obtain a third of their power from solar and other renewable sources by 2020.

The vote by the California Air Resources Board is being watched closely by clean-tech companies, many of which have curtailed expansion of their operations in the state because of the regulatory deadlock.

But critics said the regulations, which would also include a streamlined permitting process for renewable energy projects, could face an uphill battle with an unsympathetic new governor and could be overturned by a ballot initiative.

As they wait for a resolution, solar, wind and other alternative power companies say they have been unable to lay out business plans, court investors or attract customers. Many said they were considering focusing their efforts in other states or abroad, where clean-tech policies are more comprehensive.

We're competing against international companies that have strong policies in their home markets that give them a huge advantage now that they're exporting into other markets," said Kevin

Smith, chief executive of SolarReserve, which develops renewable energy plants. "We find ourselves behind the curve compared to Europe and China."

The Santa Monica company has multiple projects planned across California, but its spending will hinge on whether the state imposes the 33% requirement for renewable power, Smith said.

Otherwise, the company could end up redirecting some in-state employees and more than \$10 million in development spending outside California.

"We were planning our development activities, our staffing on the assumption that there would be a standard going forward," he said. "Now we'll have to wait and see whether we ramp up on additional activities in California or if we pull back."

State lawmakers this month missed the deadline to pass SB 722 — widely considered the most important environmental bill of the year — which would have made the 33% requirement a state law. But a sprawling coalition of environmentalists, utilities and clean-tech companies bickered over a slew of amendments and prevented the bill from meeting a Sept. 1 midnight deadline.

"That's how to kill a bill," said Susan Kennedy, Gov. Arnold Schwarzenegger's chief of staff. "We need a bill that develops a robust market, not one that carves out political favors."

Schwarzenegger, who has championed renewable energy efforts, can still call a special legislative session to push the bill through or request that lawmakers fold the bill into the state budget they will consider before the Nov. 2 election.

But the governor is demanding that supporters fix some "fatal flaws" first, including a provision that requires utilities to sign 10-year renewable energy contracts.

None of the state's three investor-owned utilities are on track to meet California's current mandate to obtain 20% of their power from renewable sources by the end of this year.

In the meantime, renewable energy developers are threatening to defect to other countries or states such as Texas and Iowa, which may lack California's abundant natural resources but make up for it with eager local government support. Private investors, who are needed to get several major wind and solar projects off the ground, also may get cold feet.

Last year Schwarzenegger, who objected to caps on the amount of renewable energy piped in from outside the state, vetoed a bill similar to SB 722. Instead, he signed an executive order that directed the Air Resources Board to draft regulations to the same effect. But critics said such regulations could be thrown out by his successor.

Even if the regulations are approved by the Air Resources Board, they could still be overturned by a November ballot initiative. Proposition 23 would suspend the law that gives the board its authority to mandate the 33% renewable energy goal.

Mark Tholke, Southwest regional director for renewable energy developer EnXco Inc., said his company might think twice before approving more money for California projects if there is no mandate. The San Diego company has two major wind projects nearing final permits in Solano and the Tehachapi region, representing around \$600 million in total expenditures.

"When we see this uncertainty from the Legislature, it injects uncertainty into our management's mind," he said.

[Fresno Bee Earth Blog, Wednesday, Sept. 22, 2010:](#)

## **Record ozone year, unless something weird happens**

By Mark Grossi

The ozone season is winding down, and the Valley is still on pace for its lowest number of violations, ever. Looks like it is almost inevitable now.

That is, unless something weird happens, like October and November filled with bad days.

In October 2003, there were a whopping 24 ozone violations. In November 1991, there were seven bad ozone days.

If the perfect ozone storm happens and the Valley gets two months like those, then the record evaporates.

But let's get real. Since 2003, October violations tapered off. It's the shoulder season. Days are shorter.

The Valley still has ozone precursors in cooler weather, but there's just less time for ozone to form. And people are doing more to prevent pollution now than they did years ago.

There hasn't been a November violation in eight years.

On the first day of autumn, Sept. 22, the Valley has 75 violations. The previous record low is 98 last year. I'm finding it hard to believe there will be 23 more bad days before the season passes.

But you never know.

[Sacramento Bee Editorial, Thursday, Sept. 23, 2010:](#)

### **Editorial: Board must stay true to smart-growth law**

California enacted a landmark law in 2008 that uses a mix of carrots and sticks to encourage smarter land-use planning – an attempt to encourage communities statewide to "grow up, instead of out."

The goal of Senate Bill 375, authored by Sen. Darrell Steinberg of Sacramento, isn't just to cut down on sprawl and build communities conducive to transit. The goal is help reduce pollution and greenhouse gas emissions by encouraging a land-use pattern that facilitates walking, biking, light rail and alternatives to the automobile.

Passing a law is one thing. Implementing it is another. Today, the California Air Resources Board will take major steps in implementing SB 375. The board should not shirk its responsibility to set ambitious targets for reducing emissions under the law, even in the face of an aggressive and misleading lobbying campaign by the Building Industry Association.

At issue are targets each region will be expected to meet to reduce "vehicle miles traveled" and resulting emissions from those vehicles. The air board's staff has called for greenhouse gas emissions to be cut 7 to 8 percent per capita by 2010, and 13 to 16 percent by 2035 in the four largest regions, including Sacramento.

Under lobbying from the BIA, the Southern California region is seeking lower targets. Officials there claim it is impossible to get 16 percent reductions by 2035, despite modeling by the air board, the Sacramento Area Council of Governments and others demonstrating that such targets are achievable.

Not all developers are opposed to the aggressive targets. But what seems to be happening is that certain builders, especially those in the San Joaquin Valley, want to continue to sprawl as usual. Aggressive targets would result in regional plans that would restrain sprawl. They don't want that to happen and are seeking targets as low as 2 percent for the San Joaquin Valley.

The air board needs to stand true to the intent and architecture of SB 375. Under this bill, regions that establish smart land-use strategies that reduce vehicle travel get breaks from time-consuming analyses under the California Environmental Quality Act. If the overall land-use plan meets the target, individual projects won't have to undergo further CEQA analysis for greenhouse gas emissions from vehicles and other impacts.

If the building industry were to succeed, these CEQA benefits would be granted to sprawl-as-usual projects. That flies in the face of SB 375's language and goals. The air board shouldn't stand for it.

[Bakersfield Californian, Letter to the Editor, Thursday, Sept. 23, 2010:](#)

### **Where's open-mindedness among UCLA researchers?**

Lois Henry's columns regarding UCLA's dismissal of researcher James Enstrom ("UCLA letting researcher remain -- for now," Sept. 1) struck a chord with me. Enstrom has spent 34 years conducting research in UCLA's environmental health sciences department. The results of his research on PM2.5 diesel emissions differ from his supervisors; they believe it causes "premature death" and he doesn't, so he had to go.

I'm an 83-year-old retiree from the California Highway Patrol. Most of my life has been around big rigs. I drove them in the '40s and '50s. I've ticketed them. I spent years at the old Wheeler Ridge truck inspection facility at the foot of the Grapevine.

I have been subjected to nearly a lifetime of diesel exhaust and have not yet suffered a "premature death." I've attended too many funerals, and PM2.5 did not contribute to a single one of those deaths. I've never even heard of a PM2.5-related death. Have you?

I'm bothered that UCLA's research staff may have a few "green" agenda-driven souls motivated to cause a "premature death" to diesel engines.

Diesel powers the trucking industry. Is their agenda to regulate the trucking industry into extinction? Who would ever question UCLA's research team? Professor Enstrom?

Open-mindedness, altruism and total honesty should be among all researchers' goals as they practice their trade.

Why doesn't UCLA recognize Enstrom's research even though it differs from their own? Good question!

Ed Trogdon, Bakersfield