

Modesto Bee, Community Briefing, November 17, 2003

ENVIRONMENT

Burning discouraged today

Air quality officials are asking people in Stanislaus County to refrain from lighting wood-burning fireplaces today, based on forecasts for unhealthy air. It is the second time air quality officials in the valley have issued a declaration under fireplace-burning regulations that took effect Nov. 1, and the first declaration to affect this area. The San Joaquin Valley Air Pollution Control District can issue two kinds of fireplace-burning declarations: "discouraged," which is a voluntary ban on burning, such as today's declaration, and "prohibited." The fireplace declarations are issued on a county-by-county basis; Fresno and Stanislaus are the only counties affected today. Daily fireplace burning reports are available by telephone from the air district, 800-766-4463, and online, www.valleyair.org <<http://www.valleyair.org>>.

Modesto Bee, Community Briefing, November 14, 2003

ENVIRONMENT

First time for fireplace rule

Air quality officials asked people in Madera, Fresno and Tulare counties to refrain from lighting wood-burning fireplaces Thursday, based on forecasts for unhealthy air. It was the first time that air quality officials in the valley issued a declaration under fireplace-burning regulations that took effect Nov. 1. The San Joaquin Valley Air Pollution Control District can issue two kinds of fireplace-burning declarations: "discouraged," which is a voluntary ban on burning, like Thursday's declaration in the Southern San Joaquin Valley, and "prohibited." The fireplace declarations are issued on a county-by-county basis; none has been issued in the Northern San Joaquin Valley. Declarations are issued a day in advance. When declarations are issued in the Northern San Joaquin Valley, The Bee will announce them by putting "discouraged" or "prohibited" symbols with daily weather data on Page A-1. Daily fireplace burning reports are available by telephone from the air district, 800-766-4463, and online, www.valleyair.org <<http://www.valleyair.org>>.

Police Report & News Briefs

Compiled from Fresno Bee staff reports and news services
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AIR QUALITY

No-burn day retracted

The San Joaquin Valley Air District removed mandatory prohibition of fireplace use Thursday after air quality was better than originally forecast.

Thursday was expected to be in the unhealthful range for sensitive groups for particulate matter, small particles of pollutants from fireplaces that can lodge in lungs.

District spokeswoman Josette Merced Bello said favorable weather conditions and residents not using fireplaces Wednesday resulted in the better air quality.

Pollution suit dismissed by judge; standards ruled to be federal matter

By DON THOMPSON, THE ASSOCIATED PRESS, published in the Modesto Bee, November 15, 2003

SACRAMENTO -- A Sacramento County Superior Court judge on Friday dismissed a lawsuit by a group calling itself AIR -- the Association of Irrigated Residents -- that wanted the California Air Resources Board to require stricter air pollution standards for the smoggy San Joaquin Valley. The case would have been the first judicial review of how a federal air pollution reduction requirement is applied to cleaning the air of microscopic bits of dust, soot and smoke, which air quality groups blame for hundreds of deaths a year in the valley.

The region has some of the nation's worst particle pollution, which is largely attributed to agriculture.

However, Judge Lloyd Connelly ruled that the disputed standards are a federal matter, requiring a decision by the U.S. Environmental Protection Agency.

The San Joaquin Valley Air Pollution Control District approved the pollution plan June 19 and the state air board approved the plan a week later. It is now awaiting final approval from the EPA.

Had the judge ordered the district to withdraw, revise and resubmit its plan as AIR asked, it could have triggered federal economic sanctions, including the loss of about \$3 billion in highway funds and a near doubling in the cost to industry of buying air pollution emission credits.

"It kills the economy of the valley" if the sanctions kick in, said Philip Jay, the air district's legal counsel.

Connelly ruled that the plan submitted by the district and approved by the state board is not subject to state court review.

"The action by the CARB is but an intermediate step in federal approval," he said.

Differences over Clean Air Act

San Joaquin Valley air quality might be impaired because the district did not adopt the stricter standards sought by AIR, Connelly acknowledged, but he added that residents' welfare also would be impaired by additional delay in adopting the regulations.

At issue is how the Clean Air Act is interpreted.

The district's pollution plan calls for a 5 percent reduction of particle pollution or the emissions that cause such pollutants every year until 2010.

The district says its plan will show reductions in both pollution precursors and actual particle pollution that add up to an overall 5 percent reduction each year.

AIR attorney Brent Newell argued that the 5 percent reduction must be registered in one or the other category, not by adding reductions from both, because some reductions do less than others in improving overall air quality.

AIR President Tom Frantz and the air district's Jay both expect the EPA to approve the district's plan early next year, triggering an appeal by AIR to a federal court.

"We're in sort of a lose-lose situation here, even if we wait for the EPA," Frantz said. "We have the Clean Air Act. It needs to be enforced, so we're going to keep going until we find a place to enforce this."

The plan mandates, among other things, that farmers comply with strict rules, such as curtailing dust and dirt pollution on unpaved roads, and during harvesting and soil preparation.

It also calls for stricter pollution control on construction, demolition and excavation sites that send dust and dirt into the air, and offers developers and builders the option of paying fees to help lower pollution in other areas if they cannot reduce pollution on their own work sites.

Monday, November 17, Modesto Bee

Bill's passage would affect Valley's air quality

By [Jacob Fenton](#), Merced Sun-Star, November 14, 2003

On Thursday, California air pollution regulators blasted Sen. Christopher Bond the day after he made modifications to a bill which they say will have a detrimental effect on air quality in the San Joaquin Valley.

"We are in serious trouble in Los Angeles, and in the San Joaquin and Sacramento valleys," said Jerry Martin, a spokesman with the California Air Resources Board. "Fresno has the highest rate of child asthma in the state and probably the nation."

In a move sure to please small-engine maker Briggs & Stratton - which employs thousands in his home state - Bond, R-Missouri, added a provision to a large spending bill that would preempt state air pollution rules across the country.

In September, California set stringent rules on engines smaller than 25 horsepower. Concerned that these standards would be adopted nationwide - as has frequently been the case with California air pollution rules - Briggs & Stratton argued that the company would have to redesign its engines at enormous cost of revenue and jobs.

Sen. Bond's provision would strip states' authority to set standards on engines smaller than 50 horsepower.

The smaller engines pollute far more than cars, according to the state air board's Martin. Without emission control devices, running a lawn mower for an hour pollutes as much as driving a car for 10 to 40 hours, he said.

Allowing consumers to buy current model engines would be, by 2010, like adding 207,000 cars to the San Joaquin Valley, said Martin.

Meeting the more stringent small engine requirements "is very doable, and a lot of the other engine manufacturers other than Briggs & Stratton have recognized that," said Mark Boese, deputy director of the San Joaquin Valley Air Pollution Control District.

"(Briggs & Stratton) get out of it, but it makes someone else pay the price," he said.

That someone else could be California consumers.

The state air board had already planned on reductions from the new regulations, so eliminating them will force further cuts to emissions from other industries, said Boese.

Those industries will pay considerably more to improve their operations and equipment than consumers would have paid for the small engine modifications, according to that state air board's Martin.

Still, Californians could lose considerably more.

Up to \$8 billion in funding for traffic improvements and other statewide projects could be lost if California doesn't meet national air quality standards, said Martin.

Bond's provision "took the air resources' authority away from regulating these small types of engines and put the authority with the EPA. And the EPA's track record is not very good when it comes to regulating these sources," said the local air district's Boese.

Merced County Supervisor Mike Nelson, who sits on the San Joaquin Valley Air Pollution Control District board, said he wasn't familiar enough with the issue to comment Thursday.

The provision is not yet law.

Reconciling the bill with the House in conference could eliminate the provision, said Martin. The possibility of a vote in the House today was being considered late Thursday.

Dismayed by recent accident article

Shell to close refinery

The Bakersfield Californian

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The uncertainty is over.

The Shell Oil Refinery on Rosedale Highway will close by late next year. The decision to discontinue operations by Oct. 1, 2004, was made public Thursday, confirming rumors that had been circulating for months.

The refinery employs about 250 workers with an annual payroll of \$30 million. It uses about 150 contractors, which it pays another \$13 million.

All those workers will be laid off or transferred, and the plant, which sits on 250 acres, will be dismantled.

In addition to the loss of money infused into the local economy, the Shell refinery produces 6 percent of the state's diesel fuel and 2 percent of all the gasoline sold in California. Replacing that will take some doing, Shell officials told the California Energy Commission.

Consumers may see a fuel price spike as a result because California refineries already barely make enough fuel to meet demand, and price spikes are common when there is a breakdown or other unexpected supply disruption, such as happened over the summer.

The loss of a refinery that produces 2 percent of the gasoline and 6 percent of the diesel can only make that problem worse, Energy Commission spokeswoman Claudia Chandler said.

The biggest problem will be diesel fuel, she said, noting that area truckers and farmers could see prices rise.

Aamir Farid, general manager of Shell's Bay-Valley Complex, said at a press conference Thursday, "The decision to close the facility is a result of the continual decline in San Joaquin Valley heavy crude, which is the primary source of supply for this refinery."

"After months of deliberation and analysis, we have concluded there is simply not enough crude supply to ensure the viability of the refinery in the long-term."

The company's analysis, Farid said, took into account recent studies done by the California Department of Conservation and California Energy Commission documenting the steep decline in valley crude.

But Conservation Department officials say the supply of heavy crude oil will remain relatively stable, at least for the next five years.

Although production of heavy crude has dropped somewhat, the Kern River field alone still produces more than 100,000 barrels of oil per day, far in excess of what the Shell refinery consumes. And state officials doubt there will be a sudden drop of heavy crude oil production.

"The (Conservation Department's) Division of Oil and Gas forecasts a solid future in the near term for heavy oil production in the southern San Joaquin Valley. It may decline somewhat, but our forecast is it will continue to be solid," said Hal Bopp, who heads the state agency charged with overseeing oil production.

"The Shell Refinery, of course, must make their own business decisions," Bopp said.

Farid said the refinery will be dismantled, not sold, saying that any other buyer would face similar crude supply problems. He said he did not know when Shell will start tearing the facility down or how long that process will take.

Shell will take a charge of \$200 million in the fourth quarter of this year to offset costs of closing the refinery, dismantling it and cleaning up the heavily polluted site.

Company executives met with employees Thursday to discuss plans to close the refinery. Shell will give affected employees as many options as possible, Farid said, including transferring to other Shell operations with relocation assistance; severance benefits including four months of medical premiums; outplacement assistance and for those who want to retire, financial and retirement planning.

"They have to do what they have to do," said Eric Mather, a maintenance contractor at the refinery.

Mather, leaving a convenience store in front of the refinery Thursday afternoon, said he planned to return to self-employment. He previously worked as a painting contractor.

Jerry Youmans trucks Shell fuel for Beneto Tank Lines and said he did not expect the plant's closure to affect him.

"I doubt it," he said, cleaning a rearview window on his truck, parked near the refinery. "I just haul gasoline. From what I understand, the loading dock will stay open."

He was referring to the Shell products distribution terminal, which loads gasoline and diesel from the local refinery. The terminal, located on Fruitvale Avenue adjacent to the refinery, will continue to operate, Farid said. Shell will convert the terminal so it can receive products from other sources.

Shell will continue to supply fuel and other fuel products to Shell branded customers in Bakersfield and the Central Valley, Farid said.

Shell officials briefed the chairman of the California Energy Commission about the closing on Wednesday, laying out their plans for replacing the gasoline and diesel fuel the refinery supplies to the southern Central Valley.

The Shell refinery in Martinez will be beefed up to make more diesel fuel, Energy Commission spokeswoman Chandler said. The fuel will be shipped by pipeline and tanker to Fresno and by tanker to the Bakersfield region.

Eventually, a pipeline that currently sends gasoline to Fresno will be converted to allow shipments of diesel from Fresno to Bakersfield.

Gasoline will have to make a longer trip.

Shell plans to retrofit its refinery on Puget Sound in Washington to produce the specially blended low-smog gasoline required in California.

That gas will be sent by tanker to Long Beach, loaded onto trains and shipped through Mojave and over the Tehachapi mountains to a terminal here. That will require some new local permits, a process that will take some time.

The briefing by Shell officials came on the same day the Energy Commission released its final integrated energy plan, which noted that California needs major improvements to its infrastructure to handle increased imports of petroleum products.

The new Shell tanker traffic at Long Beach will increase pressure on an already overtaxed port facility, Chandler said.

"There are times right now where tankers have to wait to get in," she said.

"We already are vulnerable to supply disruptions at any refinery, which can result and often does result in price spikes due to the volatility of the whole market," she said. "In a sense what this does is make a thinner thread."

The energy commission will look at reliability issues to try to come up with solutions to any supply disruptions in the south valley.

For instance, a chronic shortage of diesel storage in the Fresno area often caused price spikes, until the energy commission provided money for a new storage facility. That facility has made the regional market less vulnerable, Chandler said.

There is one silver lining: The revamping of the Shell Puget Sound refinery to produce gasoline that meets California standards will add another source that can be used when supplies are tight or a refinery here breaks down.

In addition to the Bakersfield plant, Shell operates California refineries in Martinez in the Bay area and Los Angeles.

Shell said it has not made a decision about the land it owns surrounding the facility. The facility has heavy underground contamination from decades of fuel production and spills of the additive MTBE in the 1990s.

Shell also co-owns Aera Energy LLC, an oil and gas producer headquartered in Bakersfield.

The refinery has a long history here, dating to 1932, when it opened as the Mohawk Refinery. Shell has had an interest in it since 1998, when it merged its refining and fuel distribution operations in the West with Texaco into a joint-venture known as Equilon.

When Chevron and Texaco merged in 2001, Texaco was forced to sell its downstream operations, including its interest in the refinery. Shell acquired Texaco's interests in 2002.

The closure will leave three other refineries in Kern County, two of which produce gasoline, diesel or both.

Kern Oil & Refining Co. and San Joaquin Refinery Co. operate in the Bakersfield area. The former's refinery, near Lamont, processes about 25,000 barrels of light crude per day into gasoline and diesel fuel. San Joaquin in Bakersfield processes about 24,300 barrels of heavy crude per day into diesel, lubricants, asphalt and industrial fuel oil.

The third refinery, Tricor (formerly Golden Bear Oil), in Oildale currently does not refine crude oil. Some of its other processing units operate on an as-needed basis.

The Shell Bakersfield Refinery has the capacity to handle 70,000 barrels of crude oil per day.

The plant produces 20,000 barrels of gasoline and 15,000 barrels of diesel fuel per day, plus other products, such as butane, fuel oil, asphalt, ammonia and petroleum coke. Motor gasoline is the major product.

The refinery serves markets in the Southern San Joaquin Valley and the Central Coast of California.

"We were surprised by Shell's announcement," said Neil Walker, a spokesman for Kern Oil & Refining Co. "It'll take a bite out of the local production supply, but the point is gasoline had been and will continue to be shipped in to meet the local demand."

Walker said it was too early and far too speculative to try to guess if the closure will affect local fuel prices.

"They're still a year away from their announced closure, so there's going to be a lot of time to adjust. But again, nobody can predict or anticipate what the market is going to do."

-- City Editor Bob Christie contributed to this report

Improvement in air will be minimal

By MATT WEISER, Californian staff writer

The Bakersfield Californian

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The Shell Oil Co. refinery is Bakersfield's single biggest stationary source of air pollution, but don't expect the plant's closure next year to mark the end of smoggy skies.

The refinery's emissions represent just 10 percent of the pollution generated from all the passenger cars in Kern County, and only 2 percent of automobile emissions throughout the San Joaquin Valley.

Add in all the other pollution sources -- trucks, trains, farming, various consumer products -- and the Shell refinery begins to look like a candle in a forest fire.

Even so, the closure could improve air quality for the neighborhoods and shopping centers that have grown up around the refinery since it opened 70 years ago. Nearby areas often suffer the stinky smell of chemical vapors leaving the refinery.

"The air-quality impact of shutting something like that down will be positive, but it's still only a small fraction of overall emissions," said Rick McVaigh, permit services manager for the San Joaquin Valley Air Pollution Control District. "It will mean more for the local area than it will for the valley as a whole."

Of greater concern, perhaps, is the cleanup of the refinery property itself. It has been the site of numerous chemical spills which have contaminated the soil and groundwater.

Four spills between 1993 and 1999 resulted in MTBE contamination thousands of times above state health standards. The largest, in July 1996, involved a leak of 2,300 gallons of pure MTBE that officials called "catastrophic."

"There's definitely a lot of ongoing work we have with them, and that would clearly continue after they're closed," said Russell Walls, site cleanup chief for the Central Valley Regional Water Quality Control Board.

Shell and the refinery's previous owners have already spent millions of dollars on cleanup projects. This will continue long after the refinery closes to protect groundwater aquifers that serve Bakersfield residents.

"Shell is involved in a number of environmental remediation activities that will continue, and that we remain committed to even after the closure," said Aamir Farid, Shell's general manager for the region.

Officials praised Shell for its record in responding to environmental problems.

"The potential for violations at their facility is considerable because they run 24 hours a day, 365 days a year. They process a lot of (chemicals) and they operate a lot of combustion equipment," said Jon Adams, air district compliance manager. "When we've documented violations, they've reacted promptly to correct them."

If the land is ever suitable for re-use, it presents a lot of opportunities for Bakersfield. It could be developed into a commercial area to mirror the north side of Rosedale Highway, or turned into parks and open space, which would seem compatible with its location along the Kern River.

Kern County Planning Director Ted James said existing zoning on the industrial sites allows commercial development.

Shell has not decided what to do with the land after the refinery is dismantled.

The refinery's closure continues an industrial decline in the Rosedale corridor that started in 1985 when PG&E shut its power plant at Rosedale Highway and Coffee Road, and continued in 1995 with closure of the Sunland Refinery on Coffee Road.

The city plans to start building a new freeway in 2005, the Westside Parkway, which will pass near the refinery. The closure could make the freeway project easier because Shell had been concerned about how it would affect refinery operations.

"That'll probably be kind of a line of demarcation between more park-like uses and more commercial or industrial uses to the north," James said of the planned freeway.

Shell plans to continue using the site as a distribution point for fuel delivered from other areas by truck and pipeline.

This could offset some of the air quality benefits that might result from the refinery's closure. For instance, it would take 184 trips by tanker trucks to deliver the 35,000 barrels of refined motor fuel the refinery has been producing every day.

But Paul Gipe, chairman of the Sierra Club's Kern-Kaweah Chapter, said urban sprawl and the growing traffic problems it creates have been a much more significant air-quality problem than Shell's refinery emissions.

Losing the refinery, Gipe said, "won't clean the air at all. We believe you can have clean air and have industry. Our sympathies go with the families of our neighbors who are losing good jobs. This has a big effect on the city of Bakersfield and the people who live here."

Rain and fog expected starting this weekend

The Bakersfield Californian

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Tule fog season could ride in on the coattails of a weekend rainstorm in Kern County, according to forecasts.

Heavy fog could form starting next Monday night through Tuesday morning, according to the National Weather Service office in Hanford.

"It'll be sunny in the afternoons and then the fog will come right back," NWS meteorologist Mike Sowko said Wednesday.

Before the winter fog season begins, forecasts said another rainstorm will drift in this weekend.

A storm coming in from the northwest beginning Friday could bring scattered showers after sunset, Sowko said. The rainstorm could stick around through Saturday night.

A rainstorm that has drizzled on Kern County this week caused some minor pooling and could have contributed to some area wrecks.

Despite the recent rains, most long-range forecasts so far call for about average levels of precipitation statewide in California this winter, said Maury Roos, the state's chief hydrologist.

Government weather experts "don't see any significant trend to support large-scale increases or decreases" from normal, he said.

An independent forecaster, Art Douglas of Creighton University, shows a similar pattern for the next few months.

"It's encouraging that he doesn't have a drought for California, but that's about all you can say," Roos said.

Experts have noted a slight warming of the water in the western Pacific Ocean, which could indicate a condition known as El Niño, which usually portends somewhat higher than normal winter rainfall for California.

But Roos said it is too early to make firm predictions about a possible El Niño effect.

Poor air quality also triggered the first request for residents to voluntarily avoiding wood burning, according to the San Joaquin Valley Air Pollution Control District.

The district asked residents to refrain from burning wood all day today.

The restrictions are currently voluntary. When air quality becomes unhealthy for everyone, mandatory curtailment will go into effect, according to the district. According to forecasts for the next week, temperatures in the valley areas of Kern County will likely remain in the 60s during the day and dip into the 40s at night.

Mountain residents in Frazier Park and Tehachapi areas can expect temperatures close to the low 50s during the day and nighttime lows into the high 20s, according to forecasts.

Preserving Yosemite with chisel and law

By MARK BARNA, Californian staff writer

The Bakersfield Californian

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-- *Yosemite National Park*

Yosemite Valley overwhelms because so much grandeur is stuffed into so tight a package. Looking east from Cook's Meadow, a tourist can see the scraped face of Half Dome, rising 4,733 feet from a bare granite canyon. Sheer valley walls loom like bookends to the north and south, with Glacier Point, less than two miles to the southeast, pushing upward 3,214 feet.

Northwest of Cook's Meadow is Yosemite Falls, spraying off a ledge to begin a slow-motion plunge of 2,415 feet in spring, summer and parts of winter. In easy walking distance from the falls' rocky base is the graceful, almost feminine, curve of El Capitan, which at 3,593 feet is one of the largest swaths of exposed granite in the world.

The close proximity of spectacular natural sites is why 3.5 million tourists flock to Yosemite Valley each year. But when so many people converge on a 7-mile-long, 1-mile-wide ecologically sensitive habitat, there's bound to be environmental repercussions.

Such as car exhaust tainting the air. Meadows being trampled. Riverbanks being eroded by riparian campers.

For years, park officials have tried to deal with the crush of visitors to Yosemite Valley. But lack of funds and debate over whether to limit visitation or renovate the valley to accommodate visitation stood like granite boulders in their path.

Disaster and rebirth

The stalemate washed away when the Merced River, which snakes through the valley's midsection, flooded in 1997. The 100-year flood, as park officials call it, wiped out 361 campsites, some 200 rooms at Yosemite Lodge and about 300 units for employee housing. Sewers and electrical facilities were drowned in fresh mountain water, requiring a major overhaul of utility systems.

Yosemite Valley was declared a disaster area, and Congress authorized \$197 million to assist in clean-up. The torrential water baptism may have been a saving grace. It precipitated a detailed plan to renovate the valley and return parts to natural conditions.

"The flood money gave us a once-in-a-lifetime opportunity to rebuild the facilities in a wiser and better way that's in tune with the natural environment," said Scott Gediman, a National Park Service ranger.

After discarding a proposal to implement day-use reservations, deemed by the park service as impractical and by the public as unacceptable, the Yosemite Valley Plan was finalized in June 2000.

The \$442 million plan (a figure that includes the \$197 million from Congress) will take 10 to 15 years to complete. Phase 1 is already underway, and the last of its 10 projects is scheduled to be finished in May 2005. The projects include reconstructing Yosemite Lodge, renovating Lower Yosemite Fall, expanding Camp 4 and restoring two flooded campgrounds to their original wild state.

To mitigate traffic jams and air pollution in the valley, the park service hopes to reduce car use by 60 percent. Over a 7- to 10-year period, day-use parking will be curtailed from 1,315 spots to 550.

Park officials want to entice more people to ride bikes and shuttle buses by improving bike paths and upgrading and adding shuttle stops. In spring, officials expect to have clean-fuel shuttle buses operating, replacing the exhaust-spewing diesel fleet in service since 1986.

Monies for Phase 1 come mostly from donations, the flood-recovery fund and the park entrance fee, which in January 1998 was raised temporarily by Congress from \$5 to \$20. In conjunction with the fee raise, Congress passed a law allowing national parks to use 80 percent of the entrance fee collection for renovations.

Throughout the park's face-lift, all facilities and attractions will remain open.

"The work being done will last anywhere from 50 to 100 years," Gediman said. "People really are seeing history in the making."

Opposition to plan

Still, a few environmental groups, a climbing organization and a congressman have tried to derail history as written by the National Park Service.

The Merced River Wild and Scenic Plan, finalized in 2000 and a component of the Yosemite Valley Plan, was challenged in district court three years ago by two environmental groups, Friends of Yosemite Valley and Mariposans for Environmentally Responsible Growth. The river plan sets out ways to lessen the environmental impact on Yosemite's 81-mile Merced River.

After losing in district court in March 2002, the environmental groups appealed. On Oct. 27, the 9th U.S. Circuit Court of Appeals ruled that the park service's river management plan needs to include information on the number of people who've camped and hiked along the portion of the Merced River that runs through Yosemite Valley.

Joyce Eden, spokesperson for Friends of Yosemite Valley, said the ruling shows that the river plan is inadequate. "River protection needs to come first," Eden said. "The park service did it the opposite. The Yosemite Plan will cause a lot of unnecessary impact on the river."

Gediman, however, was unfazed by the appellate-court ruling. He said the court generally decided in favor of the Merced River plan. He quoted the court's conclusion, which begins by saying that the river management proposal contains "sufficient data for a programmatic plan."

"Nothing has changed," Gediman said the day after the ruling. "The work will continue."

The Sierra Club sees good and bad in the Yosemite Plan. The club supports the proposal to return two riparian campsites to natural conditions. But it's against plans to reduce roadside turnouts and day-use parking, from which the club infers a backhanded attempt by the park service to set a quota on cars allowed into the valley.

"Limiting cars will impact on the family experience," said George Whitmore, chairman of the Sierra Club's Yosemite Committee. "They'll no longer be able to stop at a roadside turnout and have a picnic nearby. Instead, they'll be on a shuttle and dropped off at a picnic area. Will that fly with the public? I don't think so."

The Sierra Club also is concerned about the magnitude of the Lower Yosemite Fall renovation. "It's more urban development than restoration," Whitmore said. "They're spending a lot of money on things not necessary."

Happy climbers

But while the Sierra Club is ambivalent over projects and two groups fight for less impact on the Merced River, the Yosemite Plan is picking up endorsements from organizations like the Wilderness Society, the National Parks and Conservation Association, and the American Alpine Club.

The Alpine Club's endorsement came only after some hemming and hawing over Camp 4, a Mecca for climbers of El Capitan that was added to the National Register of Historic Places in February 2002.

In 1998, the park service was set to build a three-story employee dormitory near Camp 4. The American Alpine Club sued, arguing that the development would impinge on the camp's character. There was no resolution to the lawsuit because the park service proposed a new agenda, which later became part of the Yosemite Valley Plan.

The new proposal was a perfect toehold for climbers. Camp 4 would be redesigned and 27 campsites added by winter 2004. Also, the campground would officially reclaim its original designation after being christened Sunnyside Campground in the 1970s.

"To know it'll be here and continue on as it's been makes the climbers very happy," said Scott Norris, a 37-year-old climber from Colorado, who was camping at the site through October.

Norris, sporting a ragged beard and curly brown hair spilling from his knit cap, said climbers still honored the 1940s designation during those years when the site was officially Sunnyside Campground.

"We always referred to it as Camp 4," he said, adding that the austere name fits the no-frills camp perfectly.

The park service's compromise with the Alpine Club is an example of the public's participation in the Yosemite Plan, Gediman said. "They were able to bring forth a lot of things we didn't understand about the camp," he said of climbers. "We saw their point of view."

Another valley project involves the erstwhile upper and lower day-use camping areas along the Merced River.

The park service didn't reopen the two campgrounds after the 1997 flood, and the Yosemite Plan calls for them to revert to wetlands with low-impact hiking trails. The decision was based primarily on the heavy erosion along Merced River caused by foot traffic.

But opposition has surfaced. In July, Rep. George Radanovich, R-Mariposa, introduced a bill to restore 144 of the 361 campsites destroyed by the flood. In accordance with the Merced River Wild and Scenic Plan, no campsites would be rebuilt within 150 feet of the riverbed, Radanovich said.

The bill would also restore a portion of day-use parking to be axed by the Yosemite Plan.

Though a backer of the Yosemite Plan, Radanovich said he disagrees with this particular part of it. The riparian day-use campsites and some of the parking needs to be rebuilt, he said, because river camping is part of the history and experience of Yosemite Valley.

The Sierra Club is fighting the bill, and Yosemite park officials have remained intractable. Restoring the camps to wetlands is expected to begin in the spring.

Lower Yosemite Fall

This autumn, the area receiving the biggest and costliest renovation is Lower Yosemite Fall. Scheduled for completion in Oct. 2004, the \$12.6 million project involves creating a half-mile loop

trail to the falls, a restroom facility, viewing terrace, shuttle bus stop and picnic area where the falls' parking lot used to be.

On a weekday last month, workers pounded rivets into the infrastructure of the future shuttle stop on Northside Drive between the east and west Lower Yosemite Fall trailheads. At the east trailhead, a PVC pipe extended into a sparse pine and cedar forest. The pipe, connected to a whirling cement mixer, was transporting cement into footings for a walking bridge being built on the east trail over a dry creek bed.

Overseeing the work was Victor Goldman, a park-service restoration work leader. He said construction workers strive for no impact on the environment, even to the extent of not allowing equipment on dry creek beds because of "soil compact issues."

Along the east trail were stacks of potted alders and azaleas waiting to be planted. "The area will be re-vegetated using native plants," Goldman said, "and for two years after construction, it will be monitored to ensure that the restoration has been successful."

While walking the west trail to the lower falls, three tourists from the Netherlands passed masons carving granite chunks into trail edging.

"It doesn't look nice if you want to take a picture, but it doesn't bother me that much," Helma Ryhers said of the construction, as warblers and jays whistled in tree boughs and mason hammers clanged against stone.

Leaning against a bridge rail at Yosemite Falls were the Glinskases and their 10-year-old daughter, Julianna. The Modesto family visits the valley three times a year.

Mike Glinskas stared up at a rock face stained black in areas Yosemite Falls has pounded for millions of years. The falls weren't flowing, as they seldom do in autumn, adding a starkness to the granite -- like that of a blank screen in a movie theater before the film begins.

Nearby, a park service employee fired up an excavator to move rocks bordering the viewing terrace.

"I think it's really nice that they are upgrading," Glinskas said above the groaning machine. "I don't mind the inconveniences. There's always a little give-and-take in things like this."

[Editorial, Bakersfield Californian](#)

Target homes, businesses

Posted: Sunday November 16th, 2003, 5:50 PM

Last Updated: Sunday November 16th, 2003, 5:50 PM

Indirect sources of air pollution the San Joaquin Valley Air Pollution Control District's new targets.

Air pollution officials no longer will have their noses exclusively stuck up our tailpipes or hung over smoke stacks. They will be honing in on the "indirect" consequences of urban sprawl the construction of new homes, businesses and shopping centers on city fringes.

Valley air pollution control officials are beginning work on an "indirect source" fee and strategy. The fee's development and implementation will follow public workshops and hearings a process that will take many months.

But such a fee is not a new idea in Bakersfield, where the long-awaited development of the northeast is being fought by the Sierra Club hillside by hillside. To avoid costly and prolonged court actions, some developers have agreed to pay the environmental group \$1,200 per house as an "air quality mitigation" fee.

The settlement agreements are "no sweat" for the developers, however. The fee will be collected when the house is built likely by a homebuilder or future homeowner, rather than the developer.

The "fee" is a private deal between the Sierra Club and developer to lift the threat of a lawsuit. What's troubling is that the fee's collection will not be overseen by the public and it is unclear how the money will be used.

But the legal skirmishes in Bakersfield send a strong message to the valley's air pollution control district that developers just may be ready to join in the valley's air pollution fight. Rather than being picked off like fish shot in a barrel sued by the Sierra Club they may be ready to pay a district-wide "indirect source" fee administered by a public agency that is responsible to the public.

Imposition of a districtwide "indirect source" fee also is required by an air pollution bill sponsored by state Sen. Dean Florez, D-Shafter, and passed by the Legislature this fall.

The valley is second only to Los Angeles as having the most polluted air in the nation. And the air hanging over Fresno and Bakersfield is the dirtiest in the valley.

Cleaning up the valley's air particularly Fresno's and Bakersfield's is no longer a matter of targeting "gross polluters." It requires all of us to make sacrifices, such as not using wood-burning fireplaces on high-pollution days. It requires new strategies, such as an "indirect source" fee.

The theory behind such a fee is that homes and businesses built on city fringes increase the miles people drive in polluting vehicles to get to and from homes, stores and offices. If cities are encouraged not to sprawl building homes and businesses closer to city cores pollution will not increase. Business and building strategies also can be developed to reduce the amount of pollution released into the air.

The challenge will be in developing equitable and effective strategies that actually contain or reduce pollution.

The valley air district stretches from Stockton to Bakersfield. Fees collected by a valleywide district to control air pollution must be equitably distributed to invest in cleanup programs.

The idea of developing a valleywide "indirect source" fee is a sound one. Hopefully, it will help clean up the air and allow reasonable and planned growth to occur in the valley.

But *fair*, *equitable* and *effective* must be the key words in any "indirect source" strategy imposed by the San Joaquin Valley Air Pollution Control District.

[Hanford Sentinel editorial, Nov. 16, 2003:](#)

Missouri threatens our health

This past week, another battle was apparently lost in the war to cleanse our semi-breathable Valley air. A U.S. senator from Missouri, in claiming to save jobs in his state, tacked an amendment onto a spending bill which eviscerated a California defense against dirty air.

The amendment blocked a state regulation which was to go into effect in five years which required manufacturers of small engines to add catalytic converters to their products.

Our state - in particular our Valley - often finds it tough to pass legislation which shows a glimmer of hope in reducing pollution, the stuff which makes our air the worst in the nation.

GOP Sen. Kit Bond, to save, he says, 5,100 Missouri jobs - Briggs & Stratton says 22,000 jobs in 23 states could be lost - tacked an amendment on to negate our state's coming restrictions on engines of less than 50 horsepower (that's almost twice the size of an early Volkswagen engine!).

The maker of engines powering lawn mowers and the like, implied, according to the Associated Press, the company would move the manufacturing jobs to China.

They explained something about the huge cost of retooling if our state's regulation went into effect - as though the new manufacturing plants overseas wouldn't have to be built from retooling scratch - and would have to include the pollution control, in, at least, California.

We'll just bet our old gas-powered string trimmer that when the gasping and grunting in Washington, D.C. is over, Briggs & Stratton will move the jobs overseas anyway if it makes economic sense.

But in the meantime, federal law will keep our hard-to-get-passed air pollution bill from going into effect.

California experts figure requiring catalytic converters on small engines, most of those tasked for lawn and garden use - that's, again according to the AP, is the same as removing 1.8 million cars from our clogged highways.

To equal such a move against air pollution, we'd have to remove all the cars from San Francisco! Or in Sen. Bond's state, all the cars from Kansas City!

Sen. Dianne Feinstein, in sticking up for her state's struggle for cleaner air, tried to stop Sen. Bond's amendment but eventually gave up the effort.

There is, apparently, a slim hope the amendment will be cut from the bill in future moves.

Jobs - in 23 states yet - are important. If Kings County nestled a large number of such manufacturing jobs to our collective breast, we would hate the thought of losing them overseas even more than we hate the thought of Missouri losing a single paycheck.

But in the case of a state, in this case, California, passing regulations which will help clean up Valley pollution and allow our kids to breathe better air, we think Kit Bond's provincialism stinks worse than the oily/gassy mixture from a Briggs & Stratton weed gobbler.

Shame on you Senator Bond.

The upper chamber should handle national and international issues, not interfere with a state's efforts to clean the environment.

[Letters to the Fresno Bee:](#)

PG&E price hikes make it harder to help clean the air

By Connie Lopez
Sanger

(Published Monday, November 17, 2003, 5:42 AM)

My mother was relieved to hear that residential wood-burning was not completely banned. For years her wood stove has been her heating source for her home in the winter, and it has saved her a few dollars on her Pacific Gas & Electric bill.

It scared her just to think that she would have to use her heater. She's living on a fixed income and as it is, her Social Security barely pays her bills.

After I read her the article "A simple test" (Nov. 1), she came to understand the reason behind the new rules. She agreed that we need to clean our air up for the generations to come. What she can't understand is why PG&E is planning to raise prices this winter. Are they just taking advantage of the situation?

If PG&E can leave its prices at a reasonable cost, many people -- including my mother -- won't mind making a little sacrifice.

'Going to burn'

By Bill Niehoff
Fresno

(Published Sunday, November 16, 2003, 5:40 AM)

With natural gas at an all-time high, we won't be allowed to use our fireplace to help keep warm on "no burn days." Instead the San Joaquin Valley Air Pollution Control District would like us to think that it is trying to help clean up our air, but I think that it is getting a cut of the Pacific Gas and Electric action to hammer us with high energy bills.

I'm going to burn to keep my family warm. Go ahead and fine me, I won't pay -- ever!

[Letter to the Porterville Recorder, November 15, 2003:](#)

Air quality and farming

Editor:

In reference to a letter printed on Oct. 28, the writer stated the air quality was so bad because of all the farming and the dairy farmers.

I am sure that they contribute to the bad air somewhat, but there are a lot less tractors and milkers than there are cars, busses, trucks, lawn mowers, leaf-blowers - the list goes on.

One thing I would like to point out is that farmers produce the food we eat and dairies produce the milk we drink. Along with these productions comes many other things that we enjoy like cheese, butter, etc.

Dolores Baker, Springville

[Letters to the Editor, Bakersfield Californian:](#)

Enough is enough

By JOSEPH L. DOTY, Bakersfield

Posted: Wednesday November 12th, 2003, 4:55 PM

Last Updated: Wednesday November 12th, 2003, 4:55 PM

I cannot believe what is happening right here in Bakersfield. It is time for every person to speak out against the trend developing in this city and county. The tax-and- spend policies of city and county government are appalling.

From Measure G, the great community college "tax" shoved down our throats by the same liberal politicians who are now behind the new tripling of the traffic impact fees, to the doubling of the park fees, the doubling of the water connection fees and the same liberals who are proposing a smog fee on all new development.

Every person, whether you are a homeowner now, would like to be a homeowner, a merchant, a small business owner, big business, this is where you have to speak up and say enough is enough.

I support the recall of any City Council member who votes for these taxes and tries to shove them down our throats. Call your council member. Write letters and e-mail and let them know how you feel. All of those shortsighted people who think this is good, go try to buy a new house after all these fees kick in, and see how you feel when 7,000 to 9,000 thousand extra dollars are added to your purchase. They say development should pay for itself, and it does.

It also pays traffic fees, park fees, school fees, permit fees and don't forget taxes.

Bob Price and Roy Weygand (who hasn't met a tax he doesn't like in five years) don't speak for me when they say more taxes are needed.

Less spending, less perks, less fat, maybe we should try something else?

Fireplace snoop prowls

By GENE ROWELL, Bakersfield

Posted: Thursday November 13th, 2003, 8:10 PM

Last Updated: Thursday November 13th, 2003, 8:10 PM

This is regarding the "illegal fireplace" burning. They say these "no burn" nights are to help our pollution problem. It sounds like just another way to get more money out of us.

Just to help with the enforcement, why not have a Neighborhood Fire Watch. If the first fine is \$50, they can give the informant \$25 and so on. That would save the time and cost of the air pollution control district hiring "illegal fire snoops."

One other thing, if I was an illegal alien, could I get a legal permit for my fireplace along with my legal driver's license?

Those illegal fireplace snoops get to drive around looking for illegal fires. How do I get one of those jobs? Does anybody know where I can buy some smokeless wood? I sure do hope it's not a cold winter.

[Letters to the Editor, Modesto Bee, November 17, 2003:](#)

Urban sprawl is the real culprit

"Dairies not at fault for pollution" (Letters, Nov. 9) is right. What happens if and when you take a 200-acre dairy operation, pave it over and put up 1,000 tract homes with 2 1/2 cars each in its place?

Far more smog and pollution result than the dairy ever might have caused. The dairy and ag businesses in general are the backbone of our economy -- they all create jobs and provide a tax base -- contrary to more urban sprawl, which never pays for itself and ends up costing higher taxes and fees to subsidize growth.

We need more dairies and less urban sprawl. I hope the Stanislaus County Board of Supervisors pays heed to the passage of Measure H. And I hope that the new mayor will not use his or her election to further the urban sprawl here. Voters like me will be watching!

DOUGLAS CLAY

Modesto