

## **Bush administration can skip study, let Mexican trucks roll**

By ANNE GEARAN, Associated Press Writer

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WASHINGTON (AP) - The Supreme Court ruled unanimously Monday that the Bush administration can skip a lengthy environmental study and open U.S. roadways to Mexican trucks as soon as it wishes.

The high court ruled against labor and environmental organizations that have long fought expansion of Mexican trucking within the borders of the United States despite a guarantee this country made when it signed the North American Free Trade Agreement more than a decade ago.

Ruling on narrow procedural issues, the Supreme Court said the president has authority to open the border, and a federal agency responsible for truck safety has no say in the matter. Thus, the agency was under no obligation to study environmental effects from opening the border, as a lower federal court had ordered.

As a practical matter, Monday's ruling may mean little. The Bush administration had already begun the court-ordered study and is expected to complete it soon. The study could only delay, not prevent, the border opening, and the White House had already said that it would let the trucks roll as soon as it was free to do so.

President Bush ordered the opening of all U.S. roads to Mexican trucks in 2002, but the dispute has been tied up in courts.

### **News Brief from the Valley Voice online**

Week of June 7, 2004

On the clean air front the city [of Visalia] is applying for grant monies for a new clean burning CNG fuel station, funds for 10 new CNG buses, 5 Honda Civic CNG vehicles, 5 hybrid Ford SUVs and 8 CNG refuse trucks. "We want people to know the city is doing our part to help clean the air," says council member Don Landers.

### **Second Ethanol Plant Gets Air Board OK**

The Valley Voice online

Week of June 7, 2004

San Joaquin Valley - A \$65 million ethanol fuel plant received Valley Air Board approval this past week - the second project in the valley to receive their permit in the past few weeks. Calgren LLC plant - a 40 million gallon ethanol plant between Pixley and Tipton off Highway 99 at Rd. 120 could open next year.

Managing partner Matt Schmitt says the company is awaiting a June 11 final site plan hearing with the county that will be the last permit the company needs to begin construction.

However, the company faced a last minute hurdle in April when objections from the group Center For Race Poverty and the Environment and two unions sent the company back to the bargaining table with these groups. Schmitt says "some minor mitigation" of air quality impact at the plant have been agreed to with CRPE and he expects the environmental group that challenged scores of dairies here in the past few years to send a letter indicating that with the changes made they have no objection to the project.

Schmitt points to the \$1 million payroll, 32 full time jobs and air quality benefits that crop-based ethanol has on the environment.

Schmitt says it's possible one union will still object to the project at the June 11 hearing. If there is an appeal the matter goes back to the Board of Supervisors.

"We hope to begin construction in August," says Schmitt making enough ethanol to supply perhaps 5% of the state's fuel needs.

Schmitt notes that the county is starved for new fuel and ethanol has shown the way with construction nationwide of 78 plants in the past few years even as no new refineries have been built.

Schmitt notes that the company still needs its final financing but that the approvals from the county are needed to finalize that. "The bankers know California needs fuel - it's a no brainer."

Three other local ethanol projects are in the works. Just two weeks ago Pacific Ethanol went public with their project that includes two plants - one in Madera to be built first and a second near Visalia.

Ethanol is blended with gasoline in California to help clean the air. But it also adds additional fuel supply in times that we find ourselves short on gasoline.

## **Hay fire causes about \$175,000 in damages**

### **Valley air officials warn of potentially harmful emissions.**

By Susie Vang  
The Fresno Bee

(Updated Saturday, June 5, 2004, 7:00 AM)

A Friday morning blaze southwest of Fresno burned several hundred tons of baled hay, prompting Valley air officials to warn of potentially harmful emissions.

Fresno County Fire Protection District firefighters expect the fire at a cattle and dairy ranch near Manning and Marks avenues to burn until Wednesday.

The fire, which was reported at 4:28 a.m., is apparently the result of spontaneous combustion -- the result of moisture and heat, Capt. Tom Nash said.

San Joaquin Valley Air Pollution Control District officials are uncertain how much the fire will affect air quality.

The district sent an inspector to the blaze Friday afternoon to monitor it.

Winds blowing from the northwest carried smoke to nearby Alvina Elementary School, where staffers limited student activities to reduce health risks.

Changing wind patterns could carry the smoke to Fresno, Clovis, Selma, Sanger, Fowler, Kingsburg and surrounding areas.

Air officials said air quality likely will be worst during evenings and mornings, when the air is not moving as much and pollutants are more concentrated.

"Any release of emission will affect air quality," said air district spokeswoman Kelly Malay. "In general, if you can smell the smoke and can see the smoke, you should be concerned." About 750 tons of high-quality hay used to feed milk cows and part of a wooden canopy that covered it were destroyed in the fire.

Firefighters were able to save three large tanks filled with molasses and nutrients stored nearby.

An additional 350 tons of lower-grade hay also burned, Nash said.

Dairy workers used a forklift to move hay bales that sat outside the canopy.

The fire caused about \$175,000 in damage, Nash said.

Late Friday morning, about 500 cattle grazed 20 yards west of the fire.

Dairy owner John Verwey watched the flames in his shorts and sunglasses with a water bottle in hand.

Verwey said that the barn by itself costs about \$35,000.

"We didn't have time to move the hay," he said shaking his head.

Twenty firefighters, four fire engines and three water tenders worked to contain the fire.

A firefighter suffered a minor injury when he tripped and sprained a finger, Nash said.

## **Clean air programs face cuts in new SoCal air agency budget**

TIM MOLLOY, Associated Press Writer

In the S.F. Chronicle

Saturday, June 5, 2004

(06-05) 00:18 PDT DIAMOND BAR, Calif. (AP) --

Southern California clean air regulators approved a new budget calling for cuts in air monitoring and fewer inspections of polluters, but some of the cuts may be avoidable thanks to an expected \$8 million court settlement.

The South Coast Air Quality Management District, which regulates air pollution in the Los Angeles Basin, the smoggiest region in the country, approved the \$102 million budget Friday.

The district also voted to raise fees on the businesses it regulates by up to 6 percent over the next two years, and took a step toward saving an anti-smog program that the U.S. Supreme Court said it may not have had the right to create.

The budget leaves a \$5 million budget for the district, and left unfilled 44 jobs the district has kept open to save money.

Without the jobs, the district would have 3,300 fewer inspections of businesses that emit pollution, fewer new anti-smog rules, less monitoring of community air quality, and less public outreach, according to an analysis by AQMD staff.

But many of the jobs could be restored by an expected \$8 million court settlement AQMD officials learned of Thursday, district spokesman Sam Atwood said. He said a company the district accused of pollution violations has agreed to the payment, but he declined to release the company's name or other details because a judge has not approved the agreement.

Before news of the settlement, the district's staff had recommended that the board increase fees by 6 percent this year and another 6 percent next year. But in light of the agreement the staff opted to seek only 3 percent for each year.

The first increase will take effect this year, and the board will vote on whether to raise fees by another 3 percent next year.

For 95 percent of the more than 27,000 businesses regulated by the board -- including gas stations, dry cleaners, and auto body shops -- the average fee increase will be between \$5.50 and \$52 annually.

The businesses that emit the most pollution -- including oil refineries and power plants -- will have average increases of \$1,500 a year.

Environmentalists and community activists at Friday's meeting said the biggest polluters should contribute more to the cost of cleaning the air.

"We believe industries can more than afford it," said Maria Hall, an attorney for Communities for a Better Environment. "We have record gasoline prices. This is a good business climate."

But board member Bill Postmus, a San Bernardino County supervisor, said small businesses and oil companies alike would suffer if fees were too high.

The district's other major vote Friday involved the U.S. Supreme Court's 8-1 ruling in April that the AQMD did not have the right to impose anti-smog rules requiring private fleets to use engines that burn clean fuel and produce low emissions. It said a lower court would rule on whether the regulations could be applied to public fleets.

The regulations, which affected city buses, airport shuttles and other vehicles, were intended to help bring the region's air quality into compliance with federal requirements by 2010. The region could lose billions in highway funds for missing the deadline.

The district, which spans all or major portions of Los Angeles, Orange, San Bernardino and Riverside counties, imposed the rules in 2000.

The high court said the fleet regulations were a violation of the federal Clean Air Act, which bars local agencies like the AQMD from setting vehicle emissions standards. The AQMD had argued that the program set limits on what vehicles could be purchased, not what kind of vehicles could be produced.

The AQMD could continue the program, however, with a waiver from the EPA, so the district voted Friday to ask that the state Air Resources Board request such a waiver.

An EPA spokesman did not immediately return a call for comment Friday.

## **Politics in paradise**

### **Yosemite bedeviled by crowds, plans, pollution, overseers**

By Carl Nolte

S.F. Chronicle

June 6, 2004

Springtime is a wonder in Yosemite: The dogwood is in full flower, the waterfalls are booming, the mountains are still kissed with the last snows of winter, and the air is full of harsh words.

Yosemite is one of the most beautiful places on Earth. "No temple made with hands can compare with Yosemite," said John Muir. But its politics are among the toughest in the country.

Yosemite is run by the National Park Service, in the public view, kindly men and women who wear Smokey Bear hats and give nature lectures around campfires in the summer.

The reality is a bit different. The park service is charged with both preserving the natural wonders in their care for future generations and making them accessible for the enjoyment of the public.

The top job in Yosemite can be a career wrecker -- there have been four superintendents of Yosemite National Park in six years.

In 2002, David Mihalic resigned from the park service rather than accept a transfer to a new assignment he felt was rife with political pressure. His predecessor, Stanley Albright, was forced into retirement in 1999 on direct orders of Bruce Babbitt, Secretary of the Interior in the Clinton administration.

Albright got the ax because Babbitt thought he was acting too slowly to implement a general management plan that has been in the works for years.

The present superintendent, a tall rangy park service veteran named Michael Tollefson, who started in January 2003, is under court order to stop work implementing that same plan. One superintendent was forced out for going too slow; the incumbent is in the soup for going too fast.

Nobody likes to hear about plans; planners are thought to be cautious men and women, careful people, a bit dull. When things get tough, the public prefers someone like Arnold Schwarzenegger to, say, Gray Davis.

Most people yawned when the National Park Service announced in the fall of 1997 that "The long-awaited Draft Yosemite Valley Implementation Plan (VIP) is finally here!" But the heart of the plan is of major importance: the future of Yosemite National Park.

Yosemite is spectacular, a national treasure. The first tourists came in 1855, only four years after European Americans first laid eyes on the place and took it away from the Indians.

They have been coming in growing numbers ever since -- 3,475,315 people visited Yosemite last year. Most of the visitors crowded into Yosemite Valley, which is only four miles long and rimmed

by sheer cliffs. Two years ago, 711, 711 visitors -- nearly as many as the entire population of San Francisco -- came to Yosemite in the month of August, a record for a single month.

Yosemite National Park is bigger than Rhode Island, and more than 94 percent of it is wilderness, but only 1.3 percent of the visitors camped out there overnight last year. More than 60 percent of the 3.4 million visitors last year came from Northern California.

It doesn't take a genius to see the problem: If the National Parks are America's treasures, and Yosemite is among the crown jewels, shouldn't Americans be allowed to visit them?

But huge jumps in the population have raised critical questions: How will the people get to the park, how will they get around, and where will they stay?

Should visitation be limited? Should hotels be banned? Should Yosemite be rationed?

And now the world is closing in.

The University of California is building a new campus at Merced, the valley town that is one of the gateways to Yosemite. The town's population is expected to double.

Fresno, less than 100 miles from Yosemite's southern border, is now larger than St. Louis. The smog in Fresno County is the second worst in the United States, and in April, the Environmental Protection Agency said Yosemite's air did not meet minimum federal standards.

Highway 41, the southern entrance to the park, is lined by billboards, fast food joints, and a gambling casino not far from the park boundary. "When I saw that," said a Los Angeles visitor who had not been in Yosemite for 40 years, "I knew we weren't in the wilderness any more."

Yet, once in the park, the magic of the place makes the cares of outside world drop away, in Muir's phrase, "like autumn leaves."

In springtime, the sun lights up the trees on small islands in the Merced River, and the morning sun melts the ice that still forms around the face of the cliff at Yosemite Falls.

All morning in spring, pieces of ice fall off the cliff with a crash. The spring winds cause the falls to sway back and forth, like a curtain. Some falls, like the 1,612 foot Ribbon Fall near El Capitan, only run in the spring. They dry up after the last snow melts in summer.

When the moon is bright, the spray from Yosemite Falls even forms rainbows at night: blue, silver and white, every color but the brightest. They call this the moonbow, and it only happens in spring.

"I've never seen dogwood in bloom like this," said David Porter, a visitor from El Sobrante, who was walking at Curry Village in April. "Just breathing the air is healing."

The dogwood flowers fade away from Yosemite Valley by mid-May, but springtime moves up the mountains in slow waves as the snow melts. When it is deep summer in the valley, it is springtime in the high country. Spring in Yosemite lasts for months if you know how to follow the weather.

"This is one of my favorite seasons," said Brett Archer, the manager of Curry Village, who has lived in the valley for nearly 20 years. "Spring is a rebirth," he said. "The sky is a turquoise blue. It can't get any better than that."

"My complaint," said the late environmentalist David Brower, who knew Yosemite better than perhaps any man, "is that it is too damn beautiful."

The valley has a pull that brings people back, year after year. Karen Dwyer, who is from Burbank, and her friend, Jennifer Delaney, come every year in the third week of April. They bring their families and their friends, and the friends of friends. This April they reserved 35 cabins a year in advance. There were more than a hundred people in their group.

"Our parents started the tradition," said Delaney, "My mother came up to Yosemite the April she was pregnant with me. I came up here the spring I was pregnant with my own child."

She and her family stood on the bridge just below Yosemite Falls, with the mist blowing in their faces.

The park service and the Yosemite Fund have been working on the valley, redoing the entrance to the trail that leads to the base of the falls. The two women say they like the changes, which they call improvements.

Change is a tough word in Yosemite. Many people don't want to see it -- don't want to see a single tree cut, don't want another hotel room built, a road widened, pavement expanded.

"One of the problems with Yosemite," said former Interior boss Babbitt in an interview several years ago, "is that everybody in San Francisco thinks they own it."

The park service wants to relocate roads and expand the Yosemite Lodge. Some of the lodge buildings were destroyed in a flood in 1997. The park service wants a lodge that has more rooms than it has now, but fewer rooms than it had before the flood.

The numbers game is difficult to follow; one of the problems with the plan is that it seems to provide for more motel-style rooms and fewer campgrounds.

Right now, there are 1,260 hotel and cabin rooms in the valley, from the luxurious Ahwahnee Hotel (123 rooms) to the plain-as-dirt housekeeping camp (264 rustic shelters). The park's hotels and restaurants are run by Delaware North, which also runs concessions in Yellowstone, Sequoia and Kings Canyon parks.

There are 464 campsites in Yosemite Valley, accommodating 2,736 campers - - but there is a world of difference between the elegant Ahwahnee, where gentlemen are asked to wear coats and ties at dinner, and Camp Four, where tough rock climbers sleep on the ground and eat out of steel cups.

It is tough to accommodate both groups. Maybe impossible.

The park service's opponents say the general management plan, developed over more than 20 years and based on compromise, is really a plan to spread development, build hotel rooms, put in satellite parking lots.

The park service insists that moving roads around is good for the park --

that it improves the visitor experience -- that considering satellite parking lots in the western edge of the valley makes it possible to ban most cars from the heart of the valley. It is the opposite of development, the park service says.

The argument is sometimes hard to follow, based on numbers that change depending on who is doing the counting. But the rhetoric can be stark and nasty.

Brower himself, who co-founded a group called Friends of Yosemite Valley, said before he died nearly four years ago that the management plan would mean "converting this temple into a profit center, with pricey hotels, scant campground accommodations, wider roads to field bigger diesel buses..."

He called those responsible "criminals." The planners, he said, should be put in jail.

The Friends of Yosemite Valley, a small group based in and near the park, took the park service to court, and lost. However, in April, when crews hired by the park service started cutting down tall pine trees and incense cedars to expand the Yosemite Lodge, the group won. They got an injunction from the Ninth U.S. Circuit Court of Appeals in San Francisco to stop the work.

Further, the court declared the comprehensive plan for managing the Merced River -- one of the key parts of the whole planning process -- was invalid.

It was a crushing blow to the planners, and to most mainline conservation groups, who favor the management plan as the best hope for limiting development and crowding in Yosemite.

The day the work was stopped, said Jay Watson of the Wilderness Society, "cast a dark cloud over Yosemite." The park, he said, "had a cursed history of tortured decision-making and administrative gridlock."

Glaciers formed Yosemite, he noted, "and change moves at a glacial pace."

The park service was left with a public relations disaster -- a stalled plan and a field full of tree stumps. The court acted on April 21, John Muir's birthday.

The next day -- Earth Day -- Secretary of the Interior Gale Norton visited Yosemite to talk about repairing the park's infrastructure, cleaning the air, and praising national parks as "such wonderful treasures."

"The park staff has been doing wonderful things, here at Yosemite," she said. "I've been impressed with their work. "The management plan, she said, "seems to me like a very good plan. ...We will be in court, trying to move forward."

She spoke softly, so that most of her words were drowned out by the thunder of Yosemite Falls.

Once, on a spring evening 101 years ago, John Muir was invited by the president of the United States, Theodore Roosevelt, to go camping with him in Yosemite. The men talked around the campfire far into the night, and on the trail much of the day. Muir was concerned then that Yosemite Valley was being mismanaged and that more of the Sierra needed federal protection.

In the spring of this year, as April turned into May, as the first wildflowers poked up in the meadows and the snows of winter melted away, two reporters with a week off duty headed up from State Highway 41, up along the south rim of Yosemite Valley along some of the route taken by Muir and Teddy Roosevelt a century before.

They paused less than a mile from where they'd parked the car, among the camera-carrying tourists and the big buses and motor homes. Looking back over the valley, they could not see a building, a single mark that any human had ever been in the valley.

The next day, they walked along the rim of the valley, crossed Bridalveil Creek, then camped for the night at the edge of the cliff where Sentinel Creek drops 2,000 feet. They had spent a whole day on the rim of one of the most famous and crowded mountain valleys in the world and had not seen a single person.

Muir was right, they thought. Nothing could compare to Yosemite, and no season could compare to springtime.

[Fresno Bee commentary, June 5, 2004:](#)

## **Don't let Fresno drive itself into oblivion**

By Jim Becker

(Updated Saturday, June 5, 2004, 5:58 AM)

Once again, the air is as thick in the news as it is in our lungs. It's official! We have the worst air in the country. We know it's because we drive too much and we need to drive less. But how can we drive less in a city that sprawls out more and more every year?

Obviously, we need to create a different kind of city. We hear lots of talk by our leaders about this, so why is there so little actual change?

Perhaps it's because Fresno's leaders need to seriously study up on what to do. Perhaps it's because they need to get help from resources that are already successful at solving urban problems.

Do the research:

Anyone involved in building Fresno, including developers, should read "Suburban Nation." The book is an amazing resource that explains how our cities got the way they are, why they cannot continue to exist as they are and how we can change them. It was written by a group of private-sector developers who specialize in building what are called neo-traditional neighborhoods: neighborhoods that are essentially like those built before World War II. Here are some key concepts from the book that should revolutionize how we do things in Fresno.

You can't solve traffic congestion by building more roads. Extensive research on driving and road capacity has clearly shown that building new highways or adding lanes to existing ones simply creates more traffic. Trying to cure traffic congestion through adding capacity has been compared

with "trying to cure obesity by loosening your belt." It can't be done. Our focus on continually increasing road capacity is why today we drive twice as many miles a year as we did just 20 years ago.

### **Public spaces matter**

The quality of life residents of any community experience is directly tied to the kind of public spaces they have available. What prompts us to travel long distance and spend loads of money to visit European cities is that they are full of wonderful public spaces. We walk through picturesque plazas and squares, sip coffee at sidewalk cafes by tree-lined boulevards and stroll through gorgeously designed parks.

The primary public space in a modern American city like Fresno is the wide asphalt arterial and the freeway. Unfortunately, these are competitive public spaces where we do not go to be with other people but where other people are in our way. We resent their presence. That's why going out in public in modern America is not as pleasant as it is just stressful.

Urban density is not a problem, design is. Having spent a number of years working on city growth issues, I can assure you that nothing will get people up in arms faster than the threat of increasing density in their neighborhoods. You can't blame them. Nothing has killed neighborhoods in Fresno faster than the torrent of cheap, ugly and poorly planned apartment complexes that have been built in the last 50 years.

The writers of "Suburban Nation" devote the end of their book to what they call a "Neighborhood development checklist." It is a detailed description of how to make a neighborhood not only livable but delightful, no matter how densely it is populated. This checklist could be transferred into a city code book. Development standards make the difference.

Get help:

An organization that every Fresno and Clovis city leader should know as well as his or her secretary's name is The Great Valley Center. This Modesto-based organization has been around well over a decade and understands the pragmatics as well as the theory of how to turn around the unending and unsustainable sprawl that is our contemporary city.

Strangely, we never seem to hear our leaders refer to this resource that has helped towns and cities all over the Valley build beautifully, creative, livable and prosperous communities.

### **Powerful presentation**

Perhaps the reason was indicated at a meeting hosted by our city government in the late '80s. After a nice introduction to a representative from The Great Valley Center by our mayor at the time, the mayor retired to the back of the chambers and slipped out about five minutes later. There were no other council members present whom I could see. What they missed was a powerful, articulate, startling presentation of research that created a new vision of what kind of city Fresno could be.

When are we going to finally get fed up with choking air, ugliness as usual and paying more and more to drive farther and farther to get away from the dreariness of where we are now?

Let's start by insisting our city leaders do some basic research on what to do about our current problems. Then let's ask them to get help from people who know what they are doing. Is this too much to expect?

Hardly!

[Letters to the Merced Sun-Star, JUNE 2, 2004:](#)

### **Dusty air much worse in the past**

Editor: The air in Merced County has nowhere near the pollution of dust it had in the 1960s and 1970s. The main cause of the dust: Mother Nature!

There is so much less dust in the air today than there was. Doesn't anyone remember what it was like 30-40 years ago, when the Santa Ana winds from the south blew dust upon us so heavy and inhibiting to the vision that tractor operations on farms had to be stopped until the wind settled, out of safety to the driver and the equipment.

Doesn't the dust from the new subdivision leveling cause any dust to the cities? No, you blame only farmers! You cannot cultivate wet, dust-free soil to produce a crop. Without crops there is no farmed food.

The filthy air that is breathed in the Central Valley is from the breath of the liberal environmentalist wackos. If they were true environmentalists, they would unhook their city water connections and electricity, then live in the environment.

WAYNE STICKLES

Merced

### **Regulation flexibility needed**

Editor: Our great agricultural industry in San Joaquin County, which provides much needed jobs to local families, is being overcome by excessive environmental regulations being imposed upon our farmers by the San Joaquin Valley Air Pollution Control District.

A more reasonable approach should be explored that provides more flexibility and less "red tape" in order to help our essential agricultural industry remain a viable economic force.

ARTHUR MURRILLO

Stockton

### **Valley ag getting unfair blame**

Editor: The complaints you wage against Valley agricultural practices are not based on sound scientific evidence. Just as Congressmen Dennis Cardoza and Richard Pombo have opposed blanket protection for tiger salamanders, small producers of food and fiber here in the Valley should demand another arbitrary extension of the exemption on particulate emissions. This would allow a more thorough review of the economic impacts of complying with such capricious action by our regional air quality czars (cognoscenti such as supervisors Nelson and O'Banion, both highly qualified specialists helping to make these policy decisions).

We in the San Joaquin Valley are compared with the Los Angeles air basin, which 50 years ago was still predominantly agricultural. L.A.'s air pollution problems grew with the massive influx of cars and people. The agriculture is gone from Los Angeles now, but the air pollution returns day after day.

On behalf of farmers and farm workers who form the backbone of Merced County's economy I have to ask, can you please publish stand-up investigative reporting about the benefits agricultural operations offer to all of us?

Also, we in Merced County are at the end of the pipeline when it comes to claiming water. So, we continue to drill deeper as our ground water steadily diminishes. How long can that go on really?!

We all need to eat, drink and breathe, but we don't all have to live in the Central Valley. I hate to sound so inhospitable, but won't some of you please go home as we have work to do, which, according to the Farm Bureau Federation, is vital to our national security, and you are getting under foot and in the way.

BRYANT OWENS

Merced