

Track environmental impact report out soon

By Corinne Reilly
MercedSunStar.com
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A finalized environmental impact report on the proposed 1,200-acre Riverside Motorsports Park is expected to be released publicly by the end of next week, Merced County officials say.

The first public hearing on the report will likely be held before the end of the month, senior county planner James Holland said at a public presentation on the project held Wednesday morning before the Merced County Board of Supervisors.

About 70 people attended the presentation, during which city staff, park developers and environmental consultants detailed the project and its anticipated effects on the environment and economy.

Perhaps the most controversial project in local history, the park would cover about 1,200 acres just north of Castle Airport.

It's set to feature eight racing venues, including a speedway for professional racing, a 3-mile road course, a quarter-mile drag strip, a dirt race track, a dirt motocross course and a go-kart track.

The park is also proposed to house a shopping mall, restaurants, a lake, a picnic area and a video game arcade.

"It's more of an entertainment park than a racetrack," said park CEO John Condren.

Besides racing events, the park could host concerts, car shows and festivals, said Condren.

The \$230 million project could draw as many as 50,000 people on designated weekends, with average crowds of about 6,000.

Like most racing venues, the park would operate from February to November.

An initial 10,000-page environmental review of the proposal was released in November of 2005. Eighty-seven different groups and individuals submitted written comments on the report during a public comment period that ended in January.

The review, conducted by Sacramento-based EDAW, concluded that the project will result in traffic congestion, noise levels above county standards, air pollution and the loss of agricultural land.

The final environmental report, which has already been reviewed by the county, will include responses to each of the 87 comments, as well as the results of further studies done in response to the comments.

Condren pointed to the park's projected economic benefits, which include the creation of 150 full-time jobs, 525 part-time jobs, a \$70 million annual payroll and \$3.7 million to the city of Merced in annual sales tax revenues.

Approval of the project would require the county to amend its General Plan in several areas, including land use and allowable noise and traffic levels.

If approved, the park is expected to open in 2008. It was first proposed in 2003.

While many local residents stand staunchly opposed to the project, many in attendance Wednesday wore hats and shirts bearing the speedway's logo.

During a public comment period that followed the presentation, Merced resident Tom Graves questioned why the county would consider adding more pollutants to its already unhealthy air.

"We'll be the laughingstock of the Valley for this," said Graves.

Beth Kelly, assistant manager of environmental affairs at Foster Farms, said the environmental review failed to adequately study noise, health and traffic impacts of the park.

Foster Farms' property in Livingston borders the park's proposed site.

"We are surrounded by this park," said Kelly. "This will very, very much impact our business."

Several residents questioned the legitimacy of the park's projected economic impacts.

"There has been no independent economic analysis of this project," said Merced resident Ace Bowman.

Others spoke in support of the project.

"We believe this is a smart investment in the community and a good move for our economy," said Steve Newwine, CEO of the Greater Merced Chamber of Commerce.

The county held a second presentation Wednesday evening before a larger crowd.

Fortunes rising for Measure R Campaign for half-cent tax raises \$99,335

By Jed Chernabaeff, Staff writer

Visalia Times-Delta, Friday, Oct. 6, 2006

In a little over a month, the campaign for Measure R, a 30-year half-cent sales tax measure on November's ballot, has amassed a campaign war chest of \$99,335.

Most of the money was spent for campaign literature and mailings, along with consultants.

Campaign contributions filed on Thursday - the first deadline to file statements - indicate that from Aug. 16 to Sept. 30, the Measure R committee raised \$99,335. The Tulare County Board of Supervisors voted Aug. 8 to place the tax on the ballot.

Touted as a sales tax that will generate \$652 million to repair and construct roads, Measure R contributions came largely from Tulare County construction, residential development, paving, engineering, concrete and farming interests.

Measure R is a half-cent sales tax that will provide funding to repair streets, highways and intersections throughout Tulare County and its cities.

It will also repair potholes, improve safety and [air quality](#), complete bike paths and improve transit.

Most of the sales-tax backers would benefit - directly or indirectly - from road repair and construction projects.

Some of the largest contributions came from Mangano Homes, a major developer based in Visalia, and Yohokl Ranch Company, a San Diego-based company that is planning to build a 36,000-acre community in east Tulare County. Both shelled out \$10,000. Meanwhile, Sunset Waste Paper, a Visalia recycling company, also contributed \$10,000.

Those who made \$5,000 contributions include:

- KRC Safety Company, a road safety company
- South Valley Materials, manufacturers of ready-mixed concrete
- R.J. Berry Jr. Inc., a paving contractor based in Selma
- Desert Aggregates, a granite construction company based in Ducor
- Glen Wells Construction Co., based in Woodlake
- Vulcan Materials Company, a Los Angeles-based company that produces stone, sand and gravel. They also have a plant in Lemoncove.

Dave Harrald, general manager of the Kaweah River Rock Company and vice-chairman of the Measure R steering committee, said the amount raised is under the goal of \$130,000.

"Our initial pledges were closer to \$130,000," Harrald said. "Our goal is to double that."

Measure R also received a total \$6,000 from Harrald and the company he works for.

Harrald said it's no surprise that interests related to road construction were the main contributors.

"Anybody doing any trucking or using county roads were the people that are being contacted for support," Harrald said. "[Those interests] were the quickest responders."

With mailers and phone banking, Harrald said the committee will need to raise more money.

"We are a little behind and aren't satisfied," Harrald said. "We will work until the end of the line."

Sierra Club questions project

Environmental report on expansion draws opposition

BY DAVID BURGER, Californian staff writer

Bakersfield Californian, Friday, Oct. 6, 2006

The four items on the city Planning Commission's agenda all hit opposition Thursday.

Despite an air conditioning issue that left the chambers balmy, none of the disagreements grew too heated.

West Ming

The seven commissioners took comments from the public on the "adequacy" of an environmental report that is usually done before areas are developed.

The report on this huge Castle & Cooke expansion assesses the impact a development will have on traffic, [air quality](#) and animal habitats, among other things.

The project is a 3.4-square-mile development that aims to put 6,500 homes west of Buena Vista Road, north of Pacheco Road, south of Ming Avenue and east of the proposed West Beltway alignment.

It is an expansion of the Seven Oaks development.

Gordon Nipp, Sierra Club representative, said the development would introduce damaging amounts of cars to area streets. He also questioned the need for so many new homes, especially when they would be built on prime agricultural land.

A duo representing Crimson Resource Management were concerned the huge project would keep them from exploiting their oil and mineral rights in the area.

Public comments will be addressed in the final environmental report, which is due to be in front of the commission at its Dec. 21 meeting.

Old River Ranch

A vote on a parks and trails plan for Old River Ranch was postponed until the next commission meeting after it ran into opposition from a nearby homeowner.

That large project -- generally bounded by Panama Lane, Gosford Road, Taft Highway and South Allen Road -- proposes to add 6,000 homes to a 2.8-square-mile parcel of land.

Barbara Grimm-Marshall and her family are concerned because the trail plan for the development includes a trail alongside the north side of Berkshire Road, lawyer Thomas Fallgatter said.

Grimm-Marshall is the co-owner of Grimmway Farms, the world's largest grower, packer and shipper of fresh, processed and frozen carrots.

The family lives on 45 acres at the northeast corner of Berkshire and Buena Vista roads, and they want the proposed public trail to be moved. They want it on the south side of Berkshire Road so that it doesn't intrude onto their property.

Commissioners agreed to a continuance so that the parties involved can try to reach a compromise or alternate trail plan.

Signs, signs

Commissioners unanimously recommended approval of a new posting ordinance. It would require developers to post a 4-by-8-foot sign on their property at least 20 days but no more than 60 days before a public hearing.

The City Council must approve the ordinance.

The signs would be "inconvenient and cumbersome," complained Cassie Daniel, executive vice president of the Building Industry Association of Kern County.

Although he had some questions about whether the city should place the requirement on builders rather than themselves, Commissioner Russell Johnson said the ordinance was a "great idea" that would help the public be informed of development.

Two-story problems

Fourteen neighbors of a future development showed up to protest the development's plans to build two-story homes next to their one-story homes.

"It's an invasion of privacy," said Daniel Curran, a nearby resident.

The commissioners granted another two-week continuance so the developers could consider building only one-story houses in a certain section of their tract map.

Old River Ranch

Size: 2.8 square miles

Scope: 6,000 homes, 1,000 multi-family residential units, 900,000 square feet of retail and office development

Location: generally bounded by Panama Lane, Gosford Road, Taft Highway and South Allen Road

Status: approved by City Council and Planning Commission in late 2005

West Ming (also known as Seven Oaks West expansion):

Size: 3.4 square miles

Scope: 6,500 homes, 478,000 square feet of commercial space, 331,200 square feet of town center commercial and mixed use, and 1,135,000 square feet of special uses such as light industrial and oil extraction

Location: west of Buena Vista Road, north of Pacheco Road, south of Ming Avenue and east of the proposed West Beltway alignment

Status: Plans unveiled mid-2006; environmental report went before the Planning Commission on Thursday.

Panel asks assurances about crematorium

Hayward planners place Mission Boulevard project on hold to check emissions

By Matt O'Brien, STAFF WRITER

Tri-Valley Herald, Friday, Oct. 6, 2006

HAYWARD - A funeral home's plans to burn about 200 bodies a year in a crematorium near homes and a health center may be able to go forward, but only if air quality regulators confirm it will cause no harm, the Hayward Planning Commission decided Thursday night.

Owners of Mission Funeral Home want to build an on-site crematorium behind their mortuary at Mission Boulevard and Grace Street in north Hayward.

With the closest homes less than 100 feet away, many residents have protested the move.

But mortuary owners insisted the facility would cause no health dangers.

"There is no smoke, there is no odor," said Ron Peck, an attorney for funeral home owner Gene Mattauch. "There is no issue concerning emissions. ... At most, it is a trace amount."

The commission voted 4-3 Thursday night to effectively put the project on hold until city officials can get a better understanding of the crematorium's potential effects on the neighboring community.

In addition, the Bay Area Air Quality Management District, a government agency set up to maintain air quality standards locally, will take a look at the plans before they come back to the commission for approval.

Three commissioners - Al Mendall, Marvin Peixoto and Christopher Thnay - wanted to deny the proposal without prejudice, but did not have enough support from the rest of the commission to do so. Their plan also would have allowed the funeral home to come back to the city after regional air quality regulators examined the proposal.

Funeral home owners said they would use state-of-the-art afterburners and other equipment to control emissions and make the emissions almost invisible. They would also disguise the stack behind a chimney.

But city staffers advised commissioners against approving the project, releasing a report earlier this week that said having a high-tech afterburner "does not eliminate trace amounts of emissions of toxic substances such as mercury, carbon monoxide, hydrogen chloride, sulfur dioxide and dioxins."

Mission Funeral Home is on a mostly commercial stretch of Mission Boulevard, but is immediately bounded by two residential neighborhoods - Prospect Hill on the east side and the flatland Pearceville district on the west.

The closest home, a three-story apartment complex, is less than 100 feet from where the crematorium stack would be, said Carl Emura, an associate city planner. A health center is 250 feet away, and an elderly-care facility is 500 feet away, with many other single-family houses and apartments in the vicinity.

Many residents who voiced opposition to the project Thursday night said they did not believe a crematorium should be situated in a residential neighborhood.

"This is difficult for me, because my parents were cremated just six months ago, but not in a residential district," said Valerie Snart, a resident of Prospect Hill.

Mission Funeral Home owners said they already offer cremation services, but they send the bodies to a crematorium near Roselawn Cemetery in Livermore.

Of the three Hayward funeral homes that offer cremation services, only one, Machado's Hillside Chapel, is permitted to do on-site cremations.

Machado's, on Harder Road, is situated adjacent to a cemetery and about 350 feet from the nearest home.

In July, the Richmond City Council refused to let a large-scale crematorium move into a north Richmond neighborhood that residents complained was already burdened by several other toxin-emitting industries. If approved, the crematorium would have been designed to burn more than 3,000 bodies a year.

In 2004, the San Leandro City Council implemented a temporary citywide ordinance against crematoriums in response to a proposal for a facility that would have been within 1,000 feet of two schools.

And in Colma, where about 73 percent of the town is made up of cemeteries, officials adopted a rule prohibiting crematorium vents from being closer than 650 feet to the nearest home.

City impressed with developer's flexibility

Environmentalists concerned for whipsnake habitat

By Eric Kurhi, MEDIANEWS

Tri-Valley Herald, Friday, Oct. 6, 2006

While the San Ramon housing project called Faria Preserve enjoyed considerable support from city planners and residents alike at a public hearing this week, while nearby residents - as well as environmentalists - remain critical of the plan.

Despite those misgivings, most at this week's hearing agreed that developer Arthur Lorenzini of Claremont Homes Inc. has been receptive in responding to the public's suggestions for this proposed 800-house development.

Lorenzini took that another step Tuesday, eliminating parking on a stretch of road that runs behind existing homes and agreeing to search for a new location for a proposed rose garden.

"I've never seen an applicant compromise more, so willing to change and just pull money out of the pocket to redo plans," said San Ramon planner Dennis Viers.

Lorenzini compared his plight to a Greek myth.

"Remember when Odysseus had to shoot an arrow through all those rings?" he asked. "Well, the developer here has to shoot an arrow through rings that keep moving."

Lorenzini said that over the years, an original plan for 2,000 units was cut to 800, and he agreed to build on only 20 percent of the 448-acre site. He also agreed to make 25 percent of the units "affordable" housing.

Planners are eager to see the project get past major revisions and move to the "minor tweaking" stage.

"We get to the point of paralysis by analysis," said commissioner Bob Patrino. "The rate of return for more study diminishes."

Two sticking points that remain are the density of the project and the effect of the new buildings on infrastructure and the environment - arguments that had previously been heard by planners.

However, Beverly Lane of the East Bay Regional Parks District brought with her a federal study released Oct. 2 that found a protected species, the Alameda whipsnake, likely lives in and around the area.

The findings could potentially result in mitigation to preserve whipsnake habitat. The report gives two possibilities: Increasing density to levels greater than currently allowed to provide more open space or a reduction in the number of houses to achieve the same goal.

The developer has said the current density is necessary to provide the city-mandated number of affordable housing units.

The site is at the northeast corner of Crow Canyon and Bollinger Canyon roads.

A draft environmental report concluded that impacts to the area would be less than significant, except in the areas of noise and [air quality](#).

A fourth public comment meeting is slated for the Oct. 17 Planning Commission.

Ban on smoking on O.C. beaches closer

Parks commission backs a plan to stamp out butts. Supervisors would have final approval.

By JEFF OVERLEY

THE ORANGE COUNTY REGISTER

Friday, October 6, 2006

NEWPORT BEACH – A ban on beach butts got a boost Thursday night.

In a 4-3 vote, the county Harbors, Beaches and Parks Commission endorsed a plan to snuff out cigarettes and cigars on all seven miles of county-run sand.

The law now awaits approval by the Board of Supervisors, which is expected to take up the issue in coming weeks.

The ban has been spearheaded by Supervisor Tom Wilson. In interviews before Thursday's vote, supervisors Bill Campbell and Chris Norby said they would likely oppose such a measure, while Supervisor Lou Correa was leaning in favor. Supervisor Jim Silva could not be reached for comment.

If the new law succeeds, county coastline would join 18 miles of city-run beaches in Orange County that previously went smoke-free. Only state beaches, comprising 11 miles of shore, would remain smoker-friendly.

The commission soundly rejected a similar ban last year, but proponents with the county Health Care Agency and other departments had new ammunition that swayed the vote.

This year, the California Air Resources Board and U.S. Surgeon General both warned of the dangers of secondhand smoke.

Beach cleanups are reportedly turning up fewer cigarette butts than in prior years, evidence restrictions are working, officials say.

And a provision to have lifeguards monitor smoking, which raised concerns last year, was stripped from the new proposal. Instead, the law is now being pitched as largely self-enforcing.

In 2005, cigarette filters constituted 37 percent of individual pieces of trash found on California beaches. Some argue that existing littering laws should be enforced instead of banning smoking.

Bush Policy Irks Judges in West Rulings Criticize Agencies for Not Protecting the Environment

By Blaine Harden

Washington Post Staff Writer

Friday, October 6, 2006; A03

SEATTLE, Oct. 5 -- Using language that suggests they are fed up with the Bush administration, federal judges across the West have issued a flurry of rulings in recent weeks, chastising the government for repeated and sometimes willful failure to enforce laws protecting fish, forests, wildlife and clean air.

In decisions in Oregon, California, Montana and Wyoming, judges have criticized the judgment, expertise and, in some cases, integrity of the federal agencies that manage natural resources on public lands.

The rulings come at a time when an emerging bipartisan coalition of western politicians, hunters, anglers and homeowners has joined conservation groups in objecting to the rapid pace and environmental consequences of President Bush's policies for energy extraction on federal land.

Specialists in environmental law cite a noticeable increase in the number of recent court rulings in which federal judges in the West have ruled against the administration, using blunt language that shows impatience and annoyance.

"You are seeing frustration in the federal judiciary," said Dan Rohlf, a law professor at Lewis & Clark Law School, in Portland, Ore. The law school has the nation's oldest environmental law program. "When judges express that frustration on paper, which is not all that often, they are often reflecting what they see as a systematic effort to get around the law."

The most scathing and exasperated of the recent court orders came late last month out of Portland, where U.S. District Judge James A. Redden has presided for six years over a stalled federal effort to prevent endangered salmon from going extinct in the Columbia and Snake rivers.

Federal agencies "have repeatedly and collectively failed to demonstrate a willingness to do what is necessary" under the Endangered Species Act to save fish at risk of extinction, wrote Redden, who was appointed in 1980 by President Jimmy Carter.

Responding to Redden's language and to other recent critical comments by federal judges in the West, Justice Department spokeswoman Cynthia J. Magnuson said: "It is regrettable whenever a

court chooses to examine and speculate about the motives of a federal agency rather than applying the applicable laws to the facts of the case."

The agencies that Redden said are refusing to enforce the law include the National Oceanic and Atmospheric Administration, which leads the salmon-recovery program, as well as the Army Corps of Engineers, the Bureau of Reclamation and the Bonneville Power Administration, which markets power from federal dams on the rivers.

Bob Lohn, regional head of NOAA Fisheries, declined to comment on Redden's criticism of his agency's work. Through a spokesman, Lohn said that any comment would be inappropriate because of legal disputes pending before Redden and other judges.

In his court last year, Redden said the administration's plans to protect fish had been proposed "more in cynicism than in sincerity." He noted in his order last month that federal agencies now "seem to be more concerned with ensuring" that Idaho irrigators get water for their crops than with mitigating the damage that dams and water diversions do to endangered fish.

Having tossed out two earlier federal plans for running the river system (one was proposed late in the Clinton era), Redden warned that he "will not allow another invalid" plan to remain in place while urgent action is needed to protect salmon. The warning suggests that the judge might halt the operation of federal dams on the Snake River -- dams that Bush has described as vital to the economy of the Northwest.

U.S. District Judge Charles R. Breyer ruled in San Francisco in late August that the "Forest Service's interest in harvesting timber has trampled" environmental laws protecting timberland in and around California's Giant Sequoia National Monument. He was appointed by President Bill Clinton in 1997.

In a much broader ruling, another federal judge in California used scolding language two weeks ago in tossing out a Bush administration plan that allowed governors to decide what national forest land is suited for logging, mining or energy development.

U.S. Magistrate Judge Elizabeth D. Laporte largely reinstated a Clinton-era "roadless rule," which had put nearly a third of the national forests off-limits to development.

Laporte chastised the administration for changing the 2001 roadless rule without regard to consequences for endangered species, and for failure to cite "any new evidence" justifying the junking of land protections that had been years in the making.

Laporte was selected as a magistrate judge in 1998 by other judges in the northern district of California.

In Montana last week, U.S. District Judge Donald W. Molloy wrote that the Fish and Wildlife Service had lost touch with science when it declined to investigate whether the North American wolverine is at risk of extinction.

Molloy, appointed by Clinton in 1996, found "a dramatic loss" in the range of wolverines, a decrease in their population and growing threats to the weasel-like scavenger from genetic isolation and human encroachment.

The Fish and Wildlife Service, he ruled, had ignored "substantial scientific information that would lead a reasonable person to conclude" that listing wolverines as endangered or threatened may be warranted. He ordered the agency to look into the matter for a year.

In western Wyoming, the Bureau of Land Management ignored air-quality and wildlife data when it sold energy leases on national forest land in western Wyoming, according to a September ruling by Bruce R. Harris, a deputy chief administrative judge who works for the land appeals board in the Interior Department.

The ruling temporarily halted energy development on 20,000 acres in the Wyoming Range, where hiking outfitters and conservation groups have fought the encroachment of oil and natural gas exploration.

Specifically, Harris wrote that the BLM had not made itself aware of a recent study showing that endangered lynx were living within the leased parcel. He said that "little, if any, attention was given to air quality issues" before granting the lease. In the nearby Pinedale region, extensive gas drilling on BLM land has caused widespread air pollution.

Federal court rulings in much of the West are appealed to the San Francisco-based U.S. Court of Appeals for the 9th Circuit. Like lower courts in the West, it has often been caustically critical of the Bush administration.

[Fresno Bee editorial, Friday, October 6, 2006:](#)

Costlier not to try

We can't let high cost of cleaning up air scare us into doing nothing.

We've always known that cleaning up the Valley's dirty air would be a costly task. Now the Valley air district has put a figure on the biggest part of that cost, and it's a whopper: \$7.5 billion. That's what it will take, the district says, to reduce the pollution from all of our cars, trucks and other vehicles by the 2013 deadline set by the federal government.

But before we all start gasping and wheezing at the size of that number, let's break it down a bit.

For starters, we're already paying a hefty price for our bad air. A 2006 study set the annual cost of air pollution at \$3 billion. That's the staggering sum of all the medical costs, workdays lost to illness related to bad air, losses to crops and the like.

And that figure doesn't include all the costs of polluted air. How do we put a price tag on the health of a child? What is the cost, for instance, of the asthma that afflicts far too many Valley children, robbing them of vigor and opportunity, and leading, in a tragic number of cases, to debilitating illness and even premature death? What's the bottom line on that?

So, yes, \$7.5 billion is a lot of money. But how can we afford not make the effort?

Money isn't the only obstacle, of course. It's difficult for the San Joaquin Valley Air Pollution Control District to address the pollution caused by vehicles because it has no authority to regulate their emissions. That power rests at the state and federal levels, and they've shown little inclination to get serious about the issue as it concerns the Valley.

And vehicles are the biggest part of our smog problem, accounting for as much as 60% of the total of ozone-forming gases. It's ozone in the lower atmosphere that cooks into smog in the summer sun.

The air district says the cost could be reduced if the deadline is stretched out. Pushing it back to 2021, for instance, would cut the cost to \$2.9 billion. Some critics fear that's exactly what the district has in mind with its announcement this week: Scare people into pushing for a softer deadline, so we don't have to face that burdensome clean-up bill.

But that would also mean postponing the day when we truly begin to reduce the costs of the pollution we cause. So we save money by continuing to pollute with our cars. But we lose money — and lives — if we continue to pollute with our cars. What kind of idiot calculus is that?

We may not be able to make the 2013 deadline in any case. But we have to try. And we can't allow ourselves to be scared away from that task.