

### **Lighting up the night**

By MARYLEE SHRIDER , Californian staff writer

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The Bakersfield Californian

Posted: Friday November 21st, 2003, 7:20 PM

Last Updated: Friday November 21st, 2003, 7:20 PM

To burn or not to burn?

It's a hotly debated topic in Kern County, where a temporary ban on the use of fireplaces and woodstoves went into effect Tuesday.

Support for the ban may not be unanimous, but local firewood dealers say some must be following the new rule because sales are already starting to drop.

Doug Lancaster, owner of Niles Firewood on Fairfax Road in Bakersfield, said sales are already down 5 to 8 percent from this time last year.

"Part of the problem is there's a lot of people thinking they can't burn at all anymore," he said. "All they have to do is look in the paper to find out when those burn days are."

Lancaster expects sales to drop about 20 percent this season, based on the San Joaquin Valley Air Pollution Control District's prediction of 15 to 25 mandatory no-burn days in Kern County until February.

Usually, Lancaster sells about 1,200 cords per season at an average cost of \$200 per cord. One cord equals 128 cubic feet.

A 20 percent loss would be a sizable hit -- some \$48,000 less than the usual \$240,000 -- but Lancaster, who has owned his firewood business for nearly 22 years, said his and other large lots will likely weather the no-burn storm.

"Hopefully, when the small yards go, I'll pick up their business," he said. "There will always be a market, but it'll get smaller and smaller."

Lancaster leaves the morality of burning up to his clients, although customer feedback indicates many plan to ignore the ban and burn whenever they like.

"But I know that will taper off as the citations go out," he said.

Violators face fines starting at \$50, but the penalty could eventually reach \$1,000 for repeat offenders.

In past years, firewood was locally grown as a wood crop, said Kern County Agricultural Commissioner Ted Davis. But that's no longer the case, he added.

Retailers and others looking for firewood must get permits from the U.S. Forest Service to cut wood in mountain areas or partner with farmers to harvest wood in spent orchards.

Davis said it's too soon to tell how much of an impact the ban will have on the local firewood industry, but indicators from the weights and measures side of the commissioner's office point to fewer firewood deliveries this year.

In a typical year, Davis said, his office would have already received numerous complaints about firewood dealers not meeting measuring standards. The office has received no complaints so far this season.

"Either they're doing a real good job measuring or they're not making as many deliveries," Davis said.

Philip Brothers, owner of A-Corp. Firewood on Patton Way, said his business, too, has experienced a "downturn" in sales, but there are other factors besides the ban to consider.

"Remember, we went directly from summer to winter, without much of a fall," Brothers said. "We're having to work a little harder on sales, but we're taking a wait-and-see attitude."

Felix Blanco, owner of Felix's Firewood on Piedmont Avenue, said he hasn't yet noticed any loss in sales -- and isn't expecting any.

"I do notice that people ask me more questions about when they can or cannot burn," Blanco said. "But I'm more busy now than in past years. Everybody knows about the ban, but they say they burn it anyway."

### **Agreement regulates small engines**

Monday, November 24, 2003

Merced Sun-Star staff report

Both sides of a Senate dispute over small-engine pollution declared victory Saturday following a compromise that will allow California to regulate engines smaller than 50 horsepower, but will prevent other states from doing similarly.

"This is a major victory for California. Our state already has the country's worst smog, and Senator Christopher Bond's proposal would have seriously crippled California's efforts to reduce dangerous and costly emissions," said Sen. Dianne Feinstein, D-Calif., in a statement Saturday.

Bond, R-Mo., had argued that California's regulation of small engines would have forced small-engine maker Briggs & Stratton to lay off thousands in his home state.

California Air Resources Board spokesman Jerry Martin told the Sun-Star earlier this month that eliminating the regulation would have been, by 2010, like adding 207,000 cars to the San Joaquin Valley.

Briggs & Stratton lobbyist Frank Maisano disputed the role small-engines play in polluting Valley air, noting that in total small engine emissions make up less than 2 percent of air pollution statewide.

In a statement released Saturday, Briggs and Stratton said that they've reduced emissions in their engines by 70 percent since 1995.

"This compromise will allow for cleaner air without the negative tradeoffs that would have come from widespread adoption of the California small engine

standard," said Thomas Savage, Briggs & Stratton vice-president for administration.

California's state air pollution standards have often been adopted nationwide. The dispute arose when Sen. Bond attached a provision that would have stripped states' right to regulate small engines to a much bigger spending bill.

The tradeoff for environmentalists is that other states are now prevented from regulating small engines emissions.

"I regret this 'do not travel' provision. But we had to agree to it ..." said Feinstein.

### **Gov. Fights Plan to Lift Smog Rule Schwarzenegger moves to protect California's ability to regulate small-engine pollution.**

By Gary Polakovic  
Times Staff Writer  
The Los Angeles Times  
November 21, 2003

Gov. Arnold Schwarzenegger is demonstrating his clout with Republicans in Washington as he takes a leading role in an effort to turn back a measure that would have stripped California of authority to regulate air pollution from small engines.

In his first week on the job, Schwarzenegger, along with Sen. Dianne Feinstein, a Democrat; Rep. Jerry Lewis (R-Redlands); and other lawmakers, is trying to kill a proposal that Republican Sen. Christopher Bond has sought on behalf of the nation's largest manufacturer of engines for lawn mowers, portable generators and boat motors. The company, Wisconsin-based Briggs & Stratton Corp., has two plants in Bond's home state of Missouri.

Small off-road engines are a rapidly growing pollution source and will soon release more smog-forming emissions than automobiles, according to the state Air Resources Board

Bond succeeded in getting the measure through the Senate, but after congressional leaders heard from Schwarzenegger and the state's new secretary for environmental protection, Terry Tamminen, members of a House and Senate conference committee rejected Bond's move late Wednesday.

Although Bond is still trying to re-craft the measure to impose other restrictions on states seeking to regulate the machines, Schwarzenegger's move won praise from environmental activists. They say that the turnabout would never have happened without his active involvement.

"We're winning because of the governor's intervention. This is the first concrete sign of really good stuff from these people. This is what we want, the governor of

California protecting the state from special interests by working with his Republican colleagues in a way Gray Davis could not have done," said Sierra Club lobbyist V. John White.

"It sends an important political message," said Jason Mark, clean vehicles director for the Union of Concerned Scientists. "It's only the first week and the new administration is already weighing in on environmental issues. This is an encouraging sign that the governor will flex his political muscle to protect California's air."

Upon taking office, the Schwarzenegger administration got an earful from farmers, automakers and manufacturers. They worry that if the small off-road engines are exempted from clean-air rules under Bond's measure, regulators would target other businesses to compensate. Also, failure to regulate the small engines would hamper California's ability to meet smog cleanup standards by 2010, potentially costing the state billions of dollars in federal highway funds.

Through an amendment to a spending bill, Bond sought to rescind state regulations that cut smog-forming emissions from lawn and garden equipment by 35%. Nullifying the regulations would have resulted in a 4% increase in total emissions statewide, equal to adding 2.5 million cars in the smoggiest state in the nation. .

After his inauguration Monday, Schwarzenegger enlisted environmental activist and attorney Robert F. Kennedy Jr., a cousin of the governor's wife, to urge Rep. James T. Walsh, (R-N.Y.) to oppose the Bond amendment, said sources close to Schwarzenegger. Walsh is a member of the conference committee considering the matter. Meanwhile, the sources said, Tamminen was deployed to seek support from Rep. C.W. Bill Young (R-Fla.), who is also on the conference committee, House Speaker Dennis J. Hastert (R-Ill) and Sen. Ted Stevens of Alaska.

"Just the fact that the governor would reach out to a member of Congress on this issue says a lot and speaks to what a priority this is. It was very significant," said Dan Gage, a spokesman for Walsh.

Meanwhile, Feinstein and Lewis, another conference committee member, lobbied members of the California congressional delegation for support and worked at developing a compromise that Bond would accept. That effort is still underway.

At the same time, officials from several other states urged their representatives to oppose the Bond amendment. Other states often adopt California's air quality regulations.

"It's a health issue and a state's rights issue. The states view this as an attack on their rights and authority. It's a message coming from lots of the states," said S.

William Becker, executive director of the State and Territorial Air Pollution Program Administrators and the Assn. of Local Air Pollution Control Officials.

The governor's intervention was clear evidence that he intended to make good on campaign pledges to protect California's environment, said Margita Thompson, Schwarzenegger's press secretary.

"The environment is a high priority for all Californians. It's one of the things that makes California unique. He is going to be someone focusing on environmental issues and he will direct his staff to be involved in this issue," Thompson said. "He's dealing with budgetary issues and other issues, but it's not a myopic view."

### **Power plant a surprise to some Salespeople mum on plan, critics say**

Sunday, Nov. 23, The Record

By Alex Gronke

Record Staff Writer

MOUNTAIN HOUSE -- Critics of a massive power plant slated for farmland next to Mountain House have charged that salespeople selling homes in the new town are not mentioning the proposed 50-acre facility to home buyers.

But homeowners in the new town say they would have bought anyway, even if they had known about the proposed plant.

Trimark Communities, the developer of Mountain House, did not respond to requests for comment.

About six weeks after the first residents began moving into Mountain House in July, the California Energy Commission approved the East Altamont Energy Center, a 1,100-megawatt, natural-gas-fired power plant just one mile west of the San Joaquin County line that marks the Mountain House border.

Irene Sundberg, a member of Tracy's Planning Commission and an unsuccessful candidate in 2002 for the Tracy City Council, said she asked about the power plant during a recent real estate agent-guided tour of Mountain House homes.

Sundberg said the salesperson responded that she had no knowledge of the facility. "It just floored me," Sundberg said.

While many residents in Mountain House said they were unaware of plans for the East Altamont Energy Center, they said they did not feel hoodwinked by real estate agents who they say didn't mention it.

Instead, they were grateful to win the lottery that allowed them to buy a home in Mountain House's white-hot market.

Demand for homes in Mountain House is so great that aspiring home buyers enter their names in a regular drawing that determines who will be able to buy a house there.

Beltran Mangabay, and his wife, Milagros, are seriously weighing a move to Mountain House. On Thursday, the Mangabays were tending two grandchildren near a model Mountain House home while their son finished paperwork to buy a home in the new city.

Beltran Mangabay said that no real estate agent told him or his son about the proposed power plant, but he wasn't troubled to learn about the plant. Mangabay said he put his faith in regulators and also recognized the state's increasing need for power because of burgeoning towns like Mountain House. "I'm sure the government is going to be concerned about the health of the community. We need power. If we don't build (power plants), where are we going to get the power?" he said.

State law governing what real estate agents must tell prospective home buyers about possible changes in the neighborhood are broad, said William Moran, assistant commissioner of enforcement for the California Department of Real Estate.

Moran said that real estate agents must tell home buyers about any developments that could affect property values or be considered an eyesore.

The plant will occupy 55 acres in the center of a 174-acre parcel about one mile northwest of the Mountain House city line. The tallest smokestack on the plant will reach 175 feet, about one-third the height of older power plants in the area.

Bob Sarvey is a longtime opponent of power plants in the area who has filed a number of lawsuits against Calpine, the builder of the East Altamont Energy Center. Sarvey, whose suits are aimed at stopping the power plant, said residents should be worried about the facility.

He pointed to a 13-month-old memo from an Energy Commission project manager to the Energy Commission chairman stating that the East Altamont Energy Center, along with other projects in the area, ["would contribute to a significant impact to the air-quality violations in the area."](#)

The East Altamont Energy Center will be one of the largest power plants in the state, and Sarvey said he doubts the project would have been approved if Mountain House had already reached its expected population of 45,000 people. "They wouldn't try to stick a monstrosity like that in there," he said, speculating that a groundswell of opposition would have sent Calpine looking for another site.

Calpine rejected Sarvey's arguments.

Katherine Potter, a spokeswoman for San Jose-based Calpine, said that the licensing process with the California Energy Commission is extremely rigorous and already accounted for any possible effects the power plant could have on Mountain House.

Sundberg took her complaints about selling practices in Mountain House to San Joaquin County Supervisor Leroy Ornellas, who represents Mountain House and Tracy.

Ornellas said last week that he asked Eric Teed-Bose, the project manager for Trimark Communities, the lead developer of Mountain House, about Sundberg's concerns.

He said he was promptly faxed two pages of disclosure statements from Trimark Communities spelling out the facts of the East Altamont Energy Center.

"I am satisfied the buyers received this disclosure statement," Ornellas said.

The county supervisor echoed the position of the California Association of Realtors, which says buyers also must perform due diligence when buying a house.

"When you go out and spend \$400,000, probably the biggest investment of your life," Ornellas said, "take 10 minutes and read the documents."

### **Energy bill may drop MTBE protections Republicans are said to be ready to make compromises to ensure passage of legislation**

By H. Josef Hebert, Associated Press

Published in the Tri-Valley Herald

Article Last Updated: Monday, November 24, 2003 - 2:54:53 AM PST

WASHINGTON -- Hoping to rescue energy legislation stalled in the Senate, Republicans were discussing elimination of a controversial provision to give legal protection to the makers of MTBE, a gasoline additive found to contaminate drinking water, officials said.

These sources said Senate and House officials, as well as the Bush administration, have discussed the suggestion, but no decisions have been made.

Another GOP source emphasized that House Republican leaders so far have refused to give in on the MTBE liability protection. This source expressed doubt that a solution can be reached over the next three days, meaning an energy bill probably would have to be put off until next year.

The energy bill, a top priority of President Bush, is stymied in the Senate. Supporters fell two votes short of the 60 needed to advance it to final passage last week.

The proposal under discussion would remove the legal protection in the bill for makers of MBTE as well as ethanol, along the lines of a suggestion made on the Senate floor by Senate Democratic Leader Tom Daschle.

Daschle, whose state would benefit from a variety of ethanol-related provisions in the measure, supports the bill and voted to advance it to passage last week.

After that vote, he said there "should be no doubt" that if the MTBE liability provisions were taken out, the energy bill would pass the Senate and be enacted into law. He proposed that "safe harbor language be eliminated for ethanol as well as MTBE."

The MTBE provision originated in the House, where it has the strong support of Majority Leader Tom DeLay of Texas and Rep. Billy Tauzin, R-La., who led the House energy bill negotiations. Most MTBE is produced in Texas and Louisiana.

House Speaker Dennis Hastert, R-Ill., on Sunday blamed the gridlock over energy on lawyers who are flooding the courts with lawsuits against MTBE manufacturers.

"The trial lawyers held the bill up," he said, appearing on "Fox News Sunday," arguing that the industry turned to MTBE because of "a federally mandated program to reduce (air) pollution" and should be protected.

"They were forced to create the product," said Hastert.

Critics of the additive have argued that the oil industry chose MTBE to meet federal air pollution requirements, although they knew as far back as the mid-1980s that the oxygenate would be difficult to control and clean up if it got into water supplies. Cleanup costs have been put as high as \$29 billion, although the industry has said that number is exaggerated.

Senate Majority Leader Bill Frist, R-Tenn., said he was giving senators 48 hours to find a solution. "If we can't get it done by Tuesday, we won't see (the energy bill again) until January," he said on CNN.

While many senators complained the bill had too many favors for special interests, cost too much and failed to do enough to curb energy use, it was the MTBE issue that tipped sentiment against the legislation, which earlier had breezed through the House.

"A safe harbor for manufacturers of MTBE is unacceptable," said Sen. John Sununu, R-N.H., whose state has filed a lawsuit against 22 oil and chemical companies seeking damages from water contamination.

House Republicans appeared to be digging in.

DeLay accused Senate opponents of the energy bill of using MTBE "as a scapegoat to obstruct" the energy legislation. He said MTBE manufacturers be protected as part of a compromise expanding use of corn-based ethanol, a rival additive.

"The MTBE and ethanol provisions are a true compromise that will become law," said DeLay, who pushed to make the waiver retroactive to Sept. 5 so a string of new lawsuits would be covered.

Once viewed as important to reducing pollution from automobiles, MTBE became an object of scorn when it was found that it was difficult to contain and clean up once it gets into drinking water. Traces of MTBE have been found in almost every state and it has the potential of becoming a serious problem in at least 28 states, according to government and private studies.

"Cash-strapped local governments should not be forced to bear the cost" of MTBE cleanup and "it is unconscionable that MTBE manufacturers should be shielded," said Donald Borut, executive director of the National League of Cities.



The National Conference of Mayors has estimated that the cleanup bill from MTBE contamination could be as high as \$29 billion.

But a spokesman for MTBE manufactures, Frank Maisano, called the number "wildly overstated" and put the cost "directly attributed to MTBE remediating" at no more than \$1 billion.

### **State's Strict Smog Law Survives**

Feinstein strikes a deal to let California keep tighter controls than federal standards on the small engines used in lawn mowers.

By Richard Simon, Los Angeles Times Staff Writer, November 23, 2003

WASHINGTON — California would be able to impose tougher anti-pollution rules on small engines used in machines such as lawn mowers, leaf blowers and chain saws under a congressional agreement announced Saturday.

The agreement between Sens. Dianne Feinstein (D-Calif.) and Christopher S. Bond (R-Mo.) ensures that California, with its distinctive smog problem, would still have a special exemption under the federal Clean Air Act to impose tougher rules for the small gasoline engines sold in the state. It would bar other states from enacting stricter regulations than the federal government, but the U.S. Environmental Protection Agency would be required to draft a federal anti-pollution rule for the engines that would apply to the other states. California's rules would be subject to EPA review to determine if they posed a safety risk.

Feinstein called the agreement "a major victory for California." And Bond, concerned about the economic implications of imposing strict emissions standards in other states, declared, "We finally won the battle to keep California from imposing its very risky regulation on small engines that would have cost 22,000 American manufacturing jobs."

Some Washington lawmakers have expressed concern that if California is allowed to set its own rules on such issues as emissions standards and financial privacy, it could lead to other states to follow suit and — as one lawmaker put it recently — "it becomes California setting national standards." Indeed, a statement released Saturday by Briggs & Stratton, an engine manufacturer, said that under the agreement, "California will be able to address pollution control without setting a costly de facto standard for the rest of the nation." At the same time, the company said, the legislation would pave the way for EPA to pursue national standards to "ensure that every state has cleaner air without causing U.S. job loss."

Bond, the influential chairman of an appropriations subcommittee, earlier this month attached to a spending bill a "job protection" measure that would have given the federal EPA sole authority to regulate engines smaller than 50 horsepower. However, House and Senate negotiators earlier this week stripped Bond's measure out of the spending bill after lobbying by Feinstein, the

administration of Gov. Arnold Schwarzenegger and key California House Republicans who said it could cost the state federal highway funds if California is unable to reduce smog.

But Bond threatened to hold up another spending measure unless his concerns were addressed, leading to negotiations Friday night. The compromise now will go into a spending measure, expected to come before the full House and Senate before the end of the year.

Bond has contended that California's proposed anti-pollution rules could lead other states to enact similar regulations, forcing Wisconsin-based Briggs & Stratton, which operates engine-manufacturing factories in his state, to close and take thousands of jobs overseas, "most likely China." Thomas Savage, Briggs & Stratton's senior vice president of administration, said in an interview Saturday that with California accounting for 6% to 7% of the market, the company should be able to produce outdoor power equipment that meets the stricter standards for California alone without closing down plants but will still need to look for economies.

Asked Saturday on Capitol Hill if his efforts don't go against his support for states' rights, Bond said, "It's not a question of states' rights. It's a question of whether the federal government [enacts] a federal rule that takes into account the concerns of the entire nation or whether we get held hostage by a bunch of a bureaucrats in Sacramento." Bond said the compromise protects the environment with a mandate for the EPA to enact a stricter emission standard for the small engines.

California's smog problem, at its root, is a dilemma of too many people, too many motor vehicles — especially trucks and sport utility vehicles with low fuel efficiency — and massive industries with too few pollution controls, air quality experts said.

In Los Angeles, 70% of the air pollutants are emitted by cars, and air quality officials have not seen zero-emission vehicles and alternate fuels materialize as quickly as they expected.

Ozone, the main component of smog, is formed in the air when emissions from tailpipes, smokestacks, paints and household chemicals mix with sunshine; the colorless gas can cause a host of health problems, including scarred lung tissue, headaches, aggravated asthma and long-term loss of lung function.

A commercial juggernaut, the state's busy ports and ships, along with airports, aren't subject to stringent pollution controls, experts say.

Rapid suburban growth is causing the worst ozone far from urban areas in places like the San Bernardino Mountains and the Santa Clarita Valley. Suburban sprawl means more homes, businesses and traffic — all smog sources.

Feinstein has called the new anti-pollution rules crucial to the state's strategy for meeting federal air pollution standards and protecting the health of Californians. Small off-road engines are a significant source of air pollution in the state, she said in a statement. State officials warned that if Bond had succeeded in blocking the California rule, it could have resulted in 170 more tons of smog-forming emissions daily, a 4% increase in total emissions statewide.

Feinstein said she regretted the provision that would bar other states from following California's lead but "had to agree to it" because Bond was holding up a critical spending bill.

### [Editorial](#)

#### **Terminated, for now**

#### **Schwarzenegger acts in defense of California's environment.**

*(Published in the Fresno Bee - Saturday, November 22, 2003, 5:50 AM)*

Many Californians may have missed something important last week. Gov. Arnold Schwarzenegger acted effectively to preserve the state's ability to protect air quality.

Over the strong objections of environmentalists, state air regulators, governors around the country and Sen. Dianne Feinstein, Missouri Sen. Christopher Bond had attached a rider to a federal funding bill that would have barred any state from regulating emissions from small engines.

The rider was aimed at California's rules on emissions from lawn mowers, chain saws, diesel pumps and the like, and meant to protect the jobs of Briggs & Stratton Co. employees in Bond's home state..

Those new rules would have the same impact as removing 2 million cars from state highways. Without them, the San Joaquin Valley, Sacramento and Los Angeles would have even more trouble meeting federal clean air standards than we already face.

At the request of Feinstein, Schwarzenegger stepped into the fray. His office contacted Rep. David Dreier, R-San Dimas, a key supporter of his gubernatorial campaign and chairman of the House Rules Committee.

Dreier reportedly talked to Bond and the rider has been removed -- at least for now.

Would Dreier have acted without the Schwarzenegger prod? Perhaps.

Could Gray Davis, a Democrat, have pulled it off? Maybe. What is certain is that Schwarzenegger did act and the results are positive.

His swift intervention suggests three things, all hopeful. The new governor cares about the environment. He is willing to work across party lines to benefit the state. And he has the contacts and the clout in Washington to get things done.

LASTGASP

"We can't go on living this way.

And we won't."

Governor's intervention against a terrible piece of legislation is a welcome sign.

[Editorial](#)

### **Our "no burn" day is coming soon**

Sunday, November 23, 2003, Turlock Journal

By Editorial Board

Early last week, Valley smoke-watchers in Fresno and Bakersfield saw smoke coming from 22 chimneys - on a "no burn" day, no less.

Tuesday was the first day of a mandatory ban on fireplace burning in the San Joaquin Valley, in Fresno County and the lower parts of Kern County. So far, Stanislaus County has only had one change from the "no restrictions" label. Last Tuesday, as residents in the southern part of the valley were prohibited from burning, we were "discouraged" from wood burning. But it won't be long, we're told, before the "no burn" mandate is put into effect in our area.

But in order to catch violators, air quality inspectors from the San Joaquin Valley Air Pollution Control District weren't just driving aimlessly through the streets. They were in fact responding to tips on 17 of the violations - by neighbors who care about the quality of the air they breathe.

The new regulations went into effect at the beginning of this month, and will last through the end of February. The restrictions, voluntary or mandatory, are issued on a county-by-county basis and based on how much particulate matter - such as soot - is in the air, as well as how much is expected the following day.

When neighbors call in a violation of the "no burn" designation - to 1-800-281-7003 - inspectors are dispatched to verify the reports, and the addresses, and then letters are sent out to the offending residents to find out if they qualify for an exemption, such as using wood as their only source of heat, or not having access to natural gas. Fines can range from \$50 to \$1,000 or even more if the violations continue.

We think it's time for everyone to do their part to clean up our air. Refraining from lighting your fireplace when the air is particularly poor quality is a good place to start.

We also urge the San Joaquin Valley Air Pollution Control District to continue keeping tabs on violators through inspections and fines.

[Editorial](#)

## **A new path**

### **Settlement of lawsuit over Copper River Ranch project a step forward.**

*(Published in the Fresno Bee - Monday, November 24, 2003, 5:00 AM)*

The settlement of a lawsuit over the Copper River Ranch project in northeast Fresno is good news for just about everyone concerned.

The developers get to move ahead, after many years, with the 700-acre project. At the same time, concerns about added air pollution because of the project have been addressed to the satisfaction of the Medical Advocates for Healthy Air and the League of Women Voters of Fresno, who brought the lawsuit. The developers will fund the construction or rehabilitation of 100 affordable housing units in older parts of town, and a fund will be started to help preserve agricultural land in the future.

The agreement appears to end a long period of contention over the vast project, with its 2,800 homes and 250,000 square feet of commercial and office space. Along the way numerous innovative approaches have been found to address the problems perceived with the project, and several important -- and we hope precedent-setting -- concessions were made by the developers.

For instance, the new homes will be built without wood-burning appliances or fireplaces. There will be bike lanes and walking trails, as well as recharging stations for electric carts.

It's estimated the project will add some 175 tons of pollutants to the air each year, mostly from the traffic generated in and out of the area. A new state law requires fees for such added pollution, and the San Joaquin Valley Air Pollution Control District is in the process of setting those fees locally. The Copper River developers generously agreed to wait until the fees have been established before getting their building permits.

The ag land preservation element of the settlement is also noteworthy. No amount has been set, but the Copper River developers -- Farid Assemi, Gary McDonald, William Tatham Sr. and the Consolidated Land Co. -- will contribute the start-up funding for a program that will be used to conserve ag lands even as development takes place in the future. Money from the fund, contributed by those who develop projects in the future, will be used to purchase conservation easements on remaining farmlands in Fresno County.

The Copper River Ranch project has come to mean many things to people in Fresno and the Valley. It has been for some a symbol of Fresno's relentless drive to the north and the concomitant abandonment of the older parts of the city. Now that Fresno has turned back on itself in its new general plan, and pledged itself to fill in and rehabilitate housing in those older areas, Copper River may come to be seen as the frontier of the city -- this far, but no farther.

The developers have also written a model for a new, smarter kind of housing and commercial project, taking such issues as transportation and air quality into account to a degree unheard of just a few years ago.

All of this is good news, and we applaud those who have worked so hard to come to this useful and positive conclusion.

LASTGASP

"We can't go on living this way.

And we won't." Settlement of lawsuit against Copper River development is a victory for all concerned.

[Editorial](#)

**Working to adjust**

**Valley growers on the lookout for ways to reduce pollution.**

*(Published in the Fresno Bee - Monday, November 24, 2003, 5:21 AM)*

Much is being asked of Valley farmers in the effort to clean our polluted air. One of the biggest impacts facing them will come from the phase-out of agricultural burning set to begin in 2005. Alternatives are needed, and soon.

Fortunately there is one alternative already at hand -- chipping and shredding tree prunings. The latest equipment and techniques were demonstrated to a group of almond growers in Madera County last week.

The chipped prunings can be a source of valuable mulch for the growers, adding nutrients to the soil. The price is higher -- at least twice the \$15 or so per acre that burning costs. But advances in technology may cause those costs to come down in the years ahead, and for now there are programs that may help subsidize the expense to growers who chip and shred their farm waste instead of burning it.

And there are other advantages to the chip-and-shred method of ag waste disposal, beginning with those large supplies of high-quality mulch.

Getting rid of the prunings is much faster when it is shredded, because farmers typically may have to wait days at a time before the conditions are right to permit burning.

Chipping and shredding can be done at virtually any time, which speeds the process.

It's worth the effort. Almond farmers alone burn more than 500,000 tons of tree prunings each year. Other orchard crops contribute significantly as well.

Addressing this issue is part of our larger efforts to clean our air, and we should all be grateful to the growers who are making the effort.

LASTGASP

"We can't go on living this way.

And we won't." Valley farmers seek new ways of doing business to help clean up our air.

[Letter to the Editor](#)

**Valley air quality: getting big results for a small price**

By Jem Bluestein

Fresno

*(Published in the Fresno Bee - Saturday, November 22, 2003, 5:20 AM)*

In the interest of restoring air quality locally, here are a few quick suggestions that we could perhaps discuss. (Maybe we could hold mayoral candidates to some leadership role on these issues.)

Our state, in its financial collapse and according to its usual priorities, has cut out the subsidy which had made it easier for people to afford hybrid (low-emission) cars. My folks bought one a couple of years ago with the state subsidy, and all who drive it agree it is a superior vehicle. It's quiet, smooth, zippy and powerful, comfortable, cute, economical and clean. We should make it as easy as possible for Valley residents who wish to buy and drive clean vehicles. I also think it would be very effective to continue converting our city bus system to cleaner fuels and make riding the bus free to all at all times. We can make the system cleaner, more efficient (in terms of service, schedules and routes) and free to ride.

The big question is how to pay for it. Here is my suggestion: a small gas tax. That way those who drive pay, those who don't drive need not pay. The more gas you buy, the more you contribute to the solution. Hybrid drivers will obviously pay less tax and would benefit through the subsidy.

When the fuel companies inflate our prices astronomically, we grumble but we pay. Therefore we can pay an extra cent or several and fund our own health and survival.

If this works out, perhaps we should then look into a commuter rail corridor up Highway 41 and all the way to Yosemite. Imagine the impact on fuel consumption, traffic deaths, smog in both San Joaquin and Yosemite valleys, and also on our own pride and ability to use serious and creative means to make our home safe, healthy and desirable for others to visit and appreciate.

[Letter to Editor](#)

### **Energy bill way too porky**

Monday, Nov. 24, The Record

The pork-ridden energy bill now before the U.S. House of Representatives is an ugly monument to government by and for special interests.

The bill will create a few jobs. By and large, it's economically and strategically unsound and irresponsible. It only can increase costs unnecessarily in perpetuity.

Look at the ethanol provisions. Ethanol is expensive to produce and handle and depletes arable soil. The quantities required will result in logistics problems, ranging from the vagaries of the agricultural environment, to importing and refinery blending.

Contrary to propaganda, ethanol won't significantly impact our dependence on foreign oil or its world price.

Ethanol will have virtually no effect in providing cleaner air, and will have a negative impact on the environment. Given that Californians already have

experienced the highest gasoline prices on the mainland because of additives, we should be storming the Capitol by now.

The federal government should confine itself to establishing and enforcing reasonable standards and let the marketplace determine the best way to get the job done -- without taxpayer subsidies. It's also time to remove bans on oil exploration in U.S. territories, particularly in light of new, more environment-friendly technology.

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