

Many unsure about air 'empowerment zone'

By Mark Grossi and Michael Doyle

The Fresno Bee; Modesto Bee; Sacramento Bee; Sun-Star Washington Bureau

December 3, 2006

San Joaquin Valley officials have a clever plan for solving the region's tenacious air problems. Whether it succeeds in securing more money is another question.

Federal lawmakers are not on board yet, and environmentalists are raising questions. But no one argues about the Valley's air problem.

The region's breathing air and economy are among the nation's worst. Health costs related to air quality are \$3.2 billion annually. Dirty air each year kills 1,000 residents prematurely, a state study shows.

In response, local officials are crafting a plan they say would help bring in \$150 million annually in extra federal and state assistance -- more than double the annual budget of the local air district. The plan includes establishing an "air quality empowerment zone," a new twist on a program that provides tax breaks and incentives in blighted areas.

"Why can't there be an air quality version of an economic enterprise zone?" Fresno Mayor Alan Autry asked. "We need these incentives. We have to have them."

The empowerment zone would allow the money to be funneled to businesses and public agencies as tax breaks, low-interest loans and grants to buy new diesel trucks and engines. Vehicle replacement is the key, say officials at the San Joaquin Valley Air Pollution Control District. More than 60 percent of the region's air quality problem comes from vehicles, which are under the jurisdiction of federal and state governments.

"We have regulated our businesses and industry, but we don't have control of mobile sources, like cars and trucks, which are the majority of the problem. We need help," air district Executive Director Seyed Sadredin said.

The concept inspires hope, but serious political obstacles remain. And, although California lawmakers have sounded sympathetic, none has yet endorsed the idea.

"If I think it can be a positive thing, I would support it," said Rep. Jim Costa, D-Fresno. "It's a work in progress."

Democratic Sen. Barbara Boxer, the incoming chair of the Senate Environment and Public Works Committee, likewise indicated only that she was willing to look at the idea.

Environmentalists say they haven't been involved enough in the process.

"There is no other place in the country with all the problems the Valley has," said Kathryn Phillips of Oakland-based Environmental Defense. "We're glad to see lawmakers recognizing it. But we need to make sure the money gets into the right places to the people who really can't afford to replace their trucks or diesel engines."

Phillips said she isn't comfortable with tax credits, which basically reduce taxes for companies investing in clean-air technologies. She said they benefit well-established prosperous companies.

"It's one thing if tax credits encourage job-creating businesses to locate in an area," she said. "But that's far different from tax breaks for doing what air law would require you to do anyway at some point."

Similar concerns have been raised by auditors and investigators who have examined existing empowerment zones. It's an idea that some think may sound better than it is.

The empowerment zone concept arose in Great Britain in the late 1970s and then emigrated to the United States. It took some 14 years, though, before Congress established the initial round of empowerment zones in 1993.

Nine California communities have since become eligible for special benefits under a variety of related programs, including Parlier, Orange Cove and Fresno. The specific benefits can include, for instance, a \$3,000 tax credit for businesses that hire workers inside the traditional empowerment zone.

Lawmakers have since proposed extending the idea to cover areas based on health, education or trade impacts. So far, though, Congress has balked. Auditors, meanwhile, can't figure out precisely what works.

"Improvements in poverty, unemployment and economic growth had occurred," the Government Accountability Office noted in a September study of traditional empowerment zones, "but our econometric analysis could not tie these changes definitively to the 'empowerment zone' designation."

Valley officials hope for \$100 million in federal assistance and \$50 million from the state for the air pollution cleanup. The empowerment zone could be used to help secure some of the additional funds, and to direct the money that arrives.

The air district's budget currently contains about \$11 million from the state to help replace diesel engines. The district's budget has no federal funding for incentive programs, though farm programs provide money to help agriculture comply with air rules.

To get more federal funding for the Valley, California lawmakers could try to persuade President Bush to seek the money in his annual budget to be presented in February. That may be unlikely.

Fireplace use discouraged today

Modesto Bee, Monday, December 4, 2006

People in Stanislaus, San Joaquin and Merced counties are asked to refrain from using fireplaces and older wood stoves today. Forecasters say the air will be unhealthy for children, older adults and those with chronic breathing problems. The advisory comes from the San Joaquin Valley Air Pollution Control District. The next step is a mandatory prohibition on burning.

Florez, Parra to butt heads again

Longtime rivals likely to clash over fallout from E. coli outbreak, senator's efforts to expand air district board

BY VIC POLLARD , Californian Sacramento Bureau
Bakersfield Californian, Monday, Dec. 4, 2006

SACRAMENTO -- Kern County's state legislators elected Nov. 7 haven't even been sworn in yet, but sparks are already flying between two of them.

The long-running feud between the county's two Democratic lawmakers, Sen. Dean Florez of Shafter and Assemblywoman Nicole Parra of Hanford, shows no signs of abating as they approach today's first meeting of the new two-year session.

As the county's legislative delegation was asked last week about plans for bills they will sponsor, Parra and Florez clashed over at least two issues that are important to their rural Central Valley districts.

One involves fallout from the E. coli outbreak last summer that was traced to raw spinach from the Salinas Valley.

Shortly after the outbreak, Florez held a hearing of his Senate Governmental Organization Committee and announced plans to introduce legislation cracking down on the handling of vegetables by growers, processors, shippers and others in the food system.

Parra teamed up with Salinas-area Republican Sen. Jeff Denham and announced plans to hold a hearing when officials determine the cause of the outbreak. They have not yet determined how bacteria from a nearby cattle ranch contaminated the spinach.

Florez has charged that Parra and Denham are being too protective of growers and processors at the expense of consumers.

Parra, who said she was in the Salinas Valley last week gathering information on the issue, said Florez doesn't know what he's talking about.

"He has no credibility," she said.

The dispute sets up a looming confrontation because Florez's legislation will have to go through the Assembly Agriculture Committee, which will be chaired by Parra this year, if it is to pass.

The two are also expected to spar over legislation dealing with the Central Valley's notoriously dirty air.

Florez plans to reintroduce a bill to expand the membership of the much-criticized San Joaquin Valley Air Pollution Control District board, adding health professionals and urban representatives to the panel now controlled largely by county supervisors from the region.

Florez and other critics say the board is politically too close to agriculture, oil and other valley industries to impose the tough measures needed to clean up the air.

Parra helped defeat the bill earlier this year when it was carried by another lawmaker.

She insisted the air board is "doing a fine job," taking many new steps to control pollution.

Both houses of the Legislature meet today for the swearing in of newly elected and re-elected members and to elect leaders for the new session.

Then they will recess until early January, when the real business of the session begins.

Fire season officially over

By Denise Aday , Sierra Star

In FresnoBee.com, Friday, December 1, 2006

Just because you have a burn permit and it is a burn day, doesn't mean you are free to light up as you please.

According to the San Joaquin Valley Air Pollution District Web site, www.valleyair.org, burning must be done in a specific manner. Violations of the burning regulations may bring civil penalties.

The California Department of Forestry and Fire Protection officially closed Fire Season in the Madera-Mariposa Merced Unit Nov. 20, which means open burning will be permitted 24 hours a day on "Permissive Burn Days" as designated by the Air Pollution Control District.

Madera county residents are required to obtain burn permits for hazard reduction or agriculture burning, the only type of burning allowed in Madera County.

Burning leaves or pine needles can create excessive smoke and is strongly discouraged by the District.. Residents are encouraged to use non-burning alternatives, such as shredding and mulching, available in the area.

Smoke contains pollutants that can cause a serious threat to human health. The District states that smoke from open burning can cause a nuisance to neighbors, nearby schools and local businesses.

Nuisance smoke should be reported to the Air District's Compliance Department at (800) 870-1037.

Leaves and pine needles may be burned only under the following conditions:

- Leaves and pine needles must be dry
- Materials must be loosely stacked and piled, or added to an existing fire in such a manner to ensure that flames quickly and efficiently consume the material
- The burn pile cannot be allowed to smolder. A smoldering pile that generates excessive smoke is a rule violation and must be extinguished
- Using a propane burner may be helpful in promoting efficient burning

"Burn piles should be limited to four feet in diameter," said Chief Martin of the California Department of Forestry in a statement. "You must have a water source and shovel available at all times, and never leave burn piles unattended."

In addition, residents must provide adequate clearance around a fire, to avoid its escape, be certain that the burn pile is free of all prohibited materials, and not burn on dry or windy days, even if it is a burn day.

If a fire escapes control, you may be held liable for all fire suppression costs and for any property damage caused by the fire. Criminal charges may also apply in certain cases. Be certain to contact local fire protection immediately if there is a threat of a fire escaping control.

Burn permits may be obtained locally at staffed fire stations, including Ahwahnee, Bass Lake, Coarsegold, Rancheria, Raymond and Station 12 in Oakhurst.

Burn permits are not required in Mariposa County. This will remain in effect until May 1, 2007.

For burn day information for Mariposa County, call (209) 966-1200 or (888) 440-2876.

For burn day information in Madera County, call (559) 683-1441 or go to www.valleyair.org.

Legislation aims to ban smoking in state parks, cars carrying kids

By James P. Sweeney, COPLEY NEWS SERVICE

Published in the San Diego Union-Tribune

December 4, 2006

SACRAMENTO – Calling out Big Tobacco for what could be a long, difficult political fight, a state senator plans to introduce legislation today that would outlaw smoking at all of California's state parks and beaches as well as in cars carrying children.

Lawmakers have debated and rejected similar proposals in recent years, but the votes have been close. Moreover, of the 40 senators and 80 Assembly members who will be sworn in today for a new, two-year session, 48 are new.

"We're going to work hard to address the concerns that have been present in the past," said Sen. Jenny Oropeza, a Democrat from Carson who will carry the proposals in two bills. "The evidence is so strong about (the dangers of) secondhand smoke."

Scientists and public health officials have concluded that secondhand smoke contains toxins that cause lung cancer, heart disease, emphysema and a number of childhood maladies, including asthma.

Public support for beach and park smoking bans appears to be building, with cities such as Los Angeles, Santa Monica and Malibu taking up the cause. Local restrictions, however, do not apply to state parks, said Roy Stearns, a state parks spokesman.

Oropeza's legislation is more ambitious than a previous measure that would have covered only about 64 state beaches. California has 278 state beaches and parks, with a combined 1.7 million acres.

Supporters of beach smoking bans have argued that such laws are needed to control litter – hundreds of thousands of discarded cigarette butts – as much as the potentially harmful or unpleasant effects of wafting smoke. Public health advocates say the same argument applies to inland parks.

“You can't go on a hiking trail without seeing cigarette butts,” said Paul Knepprath of the American Lung Association. “They are pervasive and cause fires.”

Smokers, however, already are subject to litter laws that carry steeper fines – up to \$1,000 – than the \$250 that violators could face under Oropeza's legislation, critics have countered.

The car-smoking measure would apply to vehicles carrying children younger than 18, although Oropeza said the age threshold probably will be adjusted to reflect the most vulnerable years of lung development.

“There is just undeniable evidence that secondhand smoke is affecting children really in an exponential way relative to adults,” she said. Violators would be subject to fines of up to \$100.

The Senate approved a car-smoking ban this year that would have been invoked when children ages 6 or younger were passengers. That bill fell four votes short of passage in the Assembly.

Spokesmen for the nation's two largest cigarette makers, Philip Morris USA and R.J. Reynolds, reserved judgment on the legislation, which was not yet in print. Philip Morris has a standing position that “bans on outdoor smoking go too far.”

“We do believe that particular care should be exercised where children are concerned, and adults should avoid smoking around them,” said Bill Phelps, a Philip Morris spokesman.

John Singleton, director of communications for R.J. Reynolds, said it's doubtful that the nation's second-largest tobacco company would actively oppose either bill.

“We frankly have more critical issues that we are dealing with,” Singleton said, alluding to excise-tax increases and efforts to protect smoking rights in popular adult venues, such as bars and taverns.

Grants available for improving valley

The Bakersfield Californian, Friday, Dec. 1, 2006

The state Business, Transportation and Housing Agency, on behalf of the California Partnership for the San Joaquin Valley, is requesting submissions for concept proposals for \$2.5 million in state-funded grants.

A grant proposal workshop will be held at 10 a.m. Friday at 1226 Olive Drive, room 25, in Bakersfield.

The partnership, consisting of state agency secretaries and Central Valley representatives, created a Strategic Action Proposal with six major initiatives for the valley, such as attaining clean air standards and developing high-quality health and human services.

Grants of up to \$250,000 each are available to individuals, public entities, academia and others to create proposals that would further the initiatives. The seed grants are for projects that are expected to start this spring.

Those planning to submit proposals should learn about the partnership's work and the Strategic Action Proposal.

Concept papers for the grant are due Jan. 16. For more on dates and locations of other grant workshops, visit www.bth.ca.gov.

More information on the grants can be found at the Great Valley Center Web site at www.greatvalley.org/sjpartnership/.

Synagro compost facility complete

By Doug Keeler, Midway Driller Editor
Taft Midway Driller, Friday, Dec. 1, 2006

Synagro Technologies' composting plant on South Lake Road is complete and about to begin the testing phase.

The public can get its first look at the new plant on South Lake Road next week when the Taft District Chamber of Commerce holds a formal ribbon cutting.

The ceremony will be held next Thursday at 10:30 a.m.

The plant is located south of South Lake Road about 12 miles east of Taft.

The facility is located on a new road, Santiago Road, which is just west of the first major bend in South Lake Road.

Lorrie Loder, regional technical services and public relations manager for Synagro, said the plant will undergo three to four months of testing by the construction and engineering firms that built the facility before it goes into operation.

"We are basically 100 percent complete," Loder said Tuesday. "But before they turn the keys over to us they have to do some performance testing."

[The plant will use the latest technology to process biosolids and greenwaste into compost for both residential and commercial use.](#)

The plant will employ 35 to 40 people when goes into operation and will produce about 40,000 tons of compost annually.

Synagro's product is sold both wholesale and retail under the Kellogg and Omni brands.

Natural gas buses making debut

New vehicles are 5 times more efficient than diesel engine buses

Staff reports

Visalia Times-Delta. Monday, Article Dec. 4, 2006

Seven new buses that run on compressed natural gas instead of diesel fuel are now part of the city's transit system, Visalia City Coach.

One of the new buses will be on display outside during today's 5 p.m. Visalia City Council work session at City Hall West, 707 Acequia Ave., Visalia.

The new buses will produce "five times less" or only 20 percent the polluting fumes that diesel engines produce, transit manager Monty Cox said.

"Upgrading the VCC fleet with these new vehicles allows us to better allocate resources throughout the service area," said Cox, whose transit service operates daily service along nine routes along with providing curb-to-curb service for seniors and people with disabilities.

The new Low Floor Orion VII buses also feature a function that enables the bus to lower the front of the bus closer to the curb and have wheelchair ramps.

Security cameras aboard each bus monitor all activity aboard to ensure passenger safety, and all buses are air-conditioned during the summer and heated during winter. They seat up to 31 riders each.

Bicycle racks are provided for those who wish to take their bicycles with them on transit buses.

In other business this afternoon, the council will:

- Discuss selection of a Measure R Citizen's Oversight Committee to help allocate funds raised by the Measure R sales-tax measure passed by voters on Nov. 7.
- Review and discuss the city's future sewer-system plans.

In tonight's 7 p.m. regular session, the council will:

- Continue discussion on proposed increases of transportation impact fees on local businesses.

'It's definitely not a race issue'

Attorney for dairy group says Center on Race, Poverty and Environment is stirring up opponents of plans

By Jed Chernabaeff, Staff writer

Tulare Advance-Register, Saturday, Dec. 2, 2006

David Albers knows a thing or two about trying to establish a dairy in Tulare County.

Albers was the lead attorney for the Dairy Industries Alliance, a group of industries that banded together in 2000 to get the dairy industry building again in Tulare County.

The first dairy owner he helped was Rob Hilarides of Lindsay; he successfully won approval to build a 9,000-cow dairy shortly after a series of lawsuits delayed the dairy permitting process in Tulare County.

The lawsuits, filed in 1999 and 2001 by California Attorney General Bill Lockyer and the Center on Race, Poverty and the Environment against Tulare County, halted dairy permits for three years, and led to the formation of the Dairy Industries Alliance.

Albers said the main purpose of the alliance was to create an environmental impact report template for the dairy industry, which are required for dairy applicants after two court decisions. The report describes a particular project location in its existing setting, describes the effects that a project will have on the environment both on and adjacent to the property and proposes ways to deal with, or mitigate, those effects.

Since Tulare County settled its lawsuit with the Center on Race, Poverty and the Environment in June 2001, 11 permits have been filed to establish a new dairy or feedlot, and 14 amendments have been filed for existing dairy use permits.

There are 83 pending dairy permits in the county's permitting process, about 27 of them are for new dairies.

Before the lawsuit there were 58 pending dairy permits. Since June 2001, there have been 14 new dairies approved and three amendments for expansion of existing dairies approved.

The template created by the alliance was used by Hilarides, and is now being used for another client - Sam Etchegaray of Visalia - who filed a permit for the construction of two dairies of a total of 7,500 cows near the Colonel Allensworth State Historic Park and the Pixley Wildlife Refuge.

The park, which preserves Allensworth, the only California town to be founded, financed and governed by African Americans, has created controversy during six Tulare County Planning Commission meetings and one Board of Supervisors meeting.

Several organizations that support the Allensworth park have opposed the dairy projects. Most argue the dairies would negatively affect the operations of the state park; others say building near an African-American park is fueled by racism.

Albers dismisses both arguments, saying the environmental impact report addresses the effects on the state park and wildlife preserve. He points to the Center on Race, Poverty and the Environment for stirring up various groups.

"They go out and get people all fired up," Albers said. "You always expect people to oppose a project no matter what."

As for the racism allegations, Albers said he could argue that what Etchegaray, who is a Basque immigrant, is going through is discrimination.

"It's definitely not a race issue. That is laughable," Albers said. "What can race possibly do with a farmer building a dairy on his farm ground."

Etchegaray declined to return phone calls from the Times-Delta.

Standing up for Allensworth

Historic park has support from around the state

By Jed Chernabaeff, Staff writer

Tulare Advance-Register, Saturday, Dec. 2, 2006

ALLENSWORTH - When plans to build two dairies near the southwest Tulare County hamlet of Allensworth were made public last spring, few paid attention.

Just five Allensworth residents and a school superintendent spoke up in opposition when the Tulare County Planning Commission addressed the subject on April 26. That's about what planning commissioners expect when large dairies are being considered - local residents typically complain that dairies stink and can pollute the water.

But there was something unusual about Special Use Permit No. PSP 96-072. It sought to place a total of 7,500 Holstein dairy cows on two 160-acre plots within two miles of Colonel Allensworth State Park, the site of the first African-American community established in California.

Slowly, word got out to the park's supporters across the state.

Victor Carter, president of the statewide Friends of Allensworth, attended a July meeting to see what the proposal was about. The meeting alarmed him.

A place of pride

To members of the Friends of Allensworth, Colonel Allensworth State Historic Park represents freedom and economic independence. That's certainly true for Susie Smith, 64, of Fremont, the group's membership chairwoman.

"I lived in the South, and owning property was a big reward for African Americans," said Smith, who was born in South Carolina and moved to the Bay Area in 1964. "To own something and be free is important. Putting dairies near this property is a sign of disrespect."

By Oct. 24, more than 100 members of Friends of Allensworth, some from as far as the Bay Area and Los Angeles, attended a Tulare County Board of Supervisors meeting to oppose the dairies. Carter expects more to show up Tuesday when the supervisors take up the issue again.

"Once a flag goes up, everybody gets busy with word of mouth," Carter said.

Friends of Allensworth has more than 600 members in six California chapters, plus individual members nationwide, Carter said. Friends' membership is on the decline - there once were 16 chapters - but other organizations also support Allensworth, the only California town to be founded, financed and governed by African Americans.

Allensworth, founded in 1908, was all but abandoned by the 1960s after water problems and economic difficulties. But the Friends of Allensworth haven't abandoned the town or its mission, Carter said.

Honoring the past

Since the state park was established in 1976, several groups have worked to keep Allensworth's spirit alive.

Cornelius "Ed" Pope helped write a proposal to restore the Allensworth settlement as a state historical site and pitched it to the California Department of Parks and Recreation. Pope said groups like the Buffalo Soldiers organization - which seeks to preserve the memory of African-

American Calvary units - and the National African-American RVers Association also help promote Allensworth.

Between 20,000 and 25,000 people - mostly from Los Angeles and the Bay Area - visit the park each year, mostly for special events, said Joe Ramos, supervising park ranger. For more than 20 years, the Friends of Allensworth have held five events at the park each year.

The group also comes to Allensworth's defense when certain projects are proposed for the area. In the 1990s, separate proposals for a compost production facility, a sludge plant and a turkey ranch failed.

Now another farmer, Sam Etchegaray of Visalia, wants to build two dairies that Allensworth supporters say threaten the park's future.

"We are surprised that they would try to put a dairy by a state park with that much significance," Carter said. "They have tried to put a turkey farm there and a dairy before. This is the another attempt to put something near, that could eventually close the park."

In 1996, Etchegaray submitted the application for a special-use permit to develop the two dairies - each covering 160 acres on 2,700 acres of land east of Highway 43, according to county records.

Under the proposal, one dairy would house up to 3,500 Holstein milk cows. The second dairy would hold a maximum of 4,000 Holstein milk cows.

The closest dairy facility to the park is a little more than a mile away.

Etchegaray's attorney has argued that environmental reports show that the facilities won't severely affect the area.

Friends of Allensworth members disagree.

Nettie Morrison of Allensworth said she moved to the town from Wasco in 1976, the year the state historic park was founded.

"Can you imagine if two dairies are built here?" Morrison asked. "Who is going to want to come to the park and have a barbecue and take a walking tour. I know I wouldn't. It would be the end of the park and town. I wouldn't stay here."

Carter said he didn't know about the proposed dairies until April. As the proposal has moved along, more supporters - from Bakersfield, Tulare County, Merced, Los Angeles, and the Bay Area - have attended the meetings.

Susie Smith of Fremont said she and her husband became Friends members in 1979, when the group was founded. She has tried to spread the story of Allensworth in clubs, schools, and churches across the U.S.

"We try to inform the public - black, white, brown, or Asian," Smith said.

She learned of the dairy plans from Ramos and quickly spread the word.

"It's very disrespectful to us," Smith said. "There are always farmers who want to put something near the historic park."

'Spare the air' tonight in Bay Area

Chronicle Staff Report

Friday, December 1, 2006 11 52 AM

SAN FRANCISCO -- The Bay Area Air District is asking residents to "spare the air" tonight, when the air quality is predicted to be unhealthy.

Residents are urged not to burn wood in their fireplaces or woodstoves and to keep their driving to a minimum, according to an alert issued by the agency.

Winter air pollution is mainly caused by wood burning and motor vehicles, according to the district.

The advisory, which was issued this morning, is in effect for 24 hours.

Although residents are encouraged to use public transportation, no free transit will be offered during the winter Spare the Air Tonight season, which runs through Feb. 16.

For more information, visit www.sparetheair.org.

[Visalia Times-Delta, Commentary, Monday, Dec. 4, 2006:](#)

Allensworth residents oppose dairy

I am deeply concerned about the racial implications of the Allensworth dairy proposal. Mr. Echegary and Mr. Phillips have suggested that those who oppose their request should thank them for bringing prosperity and opportunity to the community of Allensworth. They stress jobs for the impoverished community and say race has nothing to do with it while ignoring the fact that the Phillips dairy will be built on a large portion of the original Allensworth town site.

Also ignored is the fact that Allensworth is a registered national historical landmark. I know because I assisted in the preparation and presentation of the application, which was approved during February 1972. That action was taken to protect the historic town site with national laws. Remember, Allensworth is recognized as the only enterprise of its kind in the entire United States of America.

Two of Allensworth's most honored African-American pioneering family home-sites are threatened. Oscar Oveer, the first African-American justice of the peace elected to office in the State of California, purchased the very first piece of property in Allensworth, and from that beginning the town was born.

George Archer, a full-blooded Native American, served as a scout, guide and messenger for the 24th Infantry in numerous military encounters.

If this dairy proposal passes, these home sites will become a bathroom for the dairy cows and end up covered with cow manure.

This is a white owned and operated business requesting permission to cover a black historical site over with cow manure. If this was a black owned and operated business requesting permission to desecrate a white historical site with cow manure, it might be considered extremely disrespectful and certainly classified as environmental racism.

Race has everything to do with this proposal. Allensworth was founded for the specific purpose of helping this nation achieve its self-proclaimed ambition of equal justice for all. Allensworth knew America was going to have a difficult time with equal justice especially since our nation's historical past was littered with human injustice. This little, once an all black-town, was trying to help America overcome racism. And now this proposal requests permission to bury the town under cow manure. If Tulare County allows this landmark to be destroyed, will Kern County destroy the memorial dedicated to Caesar Chavez next? They are only 15 miles apart.

Those of us who support Col. Allensworth State Historic Park and the community of Allensworth respectfully ask the Tulare County Board of Supervisors to reject the dairy proposal.

We do not oppose dairies; however, we do oppose the location of this proposal.

The solution: locate the Phillips dairy far enough away from Col. Allensworth State Historic Park and the community of Allensworth that it is not an environmental threat.

We cannot sit idle and watch environmental racism destroy this state's only memorial dedicated to its black pioneers.

Cornelius Ed Pope is a member of the Allensworth Community Council.

Letter to the Editor, Merced Sun-Star, December 2, 2006

Clean air over raceway

Editor: On Dec. 12, the Merced County Board of Supervisors will decide if Riverside Motorsports Park makes dollars and sense for our county. Proponents of the project state that the city of Merced will gain up to an estimated \$3.7 million dollars in tax revenue.

Those who are counting on that money should be worried because, statewide and nationally, racing has suffered declining attendance and television ratings over the past year. Unfortunately, our local leaders seem to be emphasizing the financial gains of the raceway and ignoring or overlooking the human costs.

The fact is that the county may lose more money due to declining health than it will make from the raceway's tax dollars.

Traffic to and from the raceway will increase air pollution, and air pollution will increase the rates of asthma (and other diseases) in Merced County residents.

On a list of the nation's 100 worst asthma cities, Fresno is #33 and Stockton is #40, with poor Merced caught geographically in the middle. Reports out of Fresno and Stockton estimate that over 15 percent of the school age children miss school due to asthma-related problems.

If we don't act now, it seems that declining air quality is inevitable.

As Merced County's air quality worsens, we can anticipate that our childhood asthma rates also will approach 15 percent.

The economic impact of asthma on our school districts is astounding, an asthma rate of 7.5 percent will cost our Merced County School districts over \$2 million in lost revenue, and at 15 percent, Merced County school districts will lose over \$4 million in income. Has the Board of Supervisors factored that into their \$3.7 million reasons to vote for the raceway? I doubt it.

Though the economic costs are considerable, the personal costs of increased asthma are even more sobering. A 400-page study called the Fresno Asthmatic Children's Environmental Study (FACES) was produced for the Air Resources Board and released in April.

The FACES reports that 5 percent of Fresno's asthmatic children miss school on any given day, 50 percent of Fresno's asthmatic children have had to stop participating in a sport due to their disease, and 88 percent report disturbances in their sleep due to asthma.

FACES shows that the entire family also pays a price, because 44 percent of parents report staying home from work to attend their ailing child, resulting in lost wages and a lower family income.

Furthermore, over 50 percent of Fresno area children with asthma have made a costly and unscheduled emergency room visit within the past year. If you want a glimpse into the future for Merced's children, read the 400-page FACES report for yourself at <http://www.arb.ca.gov/research/faces/faces>.

Our area is in a crisis, and the raceway will not be the only cause of air pollution that threatens our health. However, the raceway's significant impact is avoidable. All the Board of Supervisors has to do is vote no.

It is time for our board to show some vision and leadership that goes beyond the easy math of increased tax revenue.

The board needs to do its homework, look in the faces of the people who will be affected by this project, and recognize that the real economic and human costs of the raceway will far exceed the tax revenue that it generates.

Instead, let's improve our air quality and our reputation by turning Merced County into a community that embraces green industries.

Let's give tax breaks to companies that research and develop green technologies.

In the same way that the Bay Area became known as the Silicon Valley when it gave a home to the computer industry, we can establish our own identity as the worldwide leaders in reducing air pollution and improving health. Perhaps we'll be known as Sinus Valley.

No matter what the name, this is a solution that will allow us to all breathe a little easier.

Jon Klingborg, DVM

Merced

[Sacramento Bee, Commentary, Sunday, December 3, 2006](#)

Daniel Weintraub: Regulating air pollution

California's drive to lead the nation in the fight against carbon dioxide emissions -- and thus global warming -- may soon rest in the hands of one very powerful native of the Golden State: Supreme Court Justice Anthony Kennedy.

Oral arguments in an important case last week suggested that four justices on the court are inclined to order the U.S. Environmental Protection Agency to regulate greenhouse gas emissions, or at least to allow a lawsuit to go forward that could force the agency to acknowledge that it has the authority to jump into the global warming issue.

The court's four more conservative jurists, meanwhile, might be moving in the opposite direction, toward ruling that the Clean Air Act as passed by Congress does not require the EPA to fight global warming by cracking down on the gases emitted when we burn carbon-based fuels in our cars.

That leaves Kennedy, the Sacramento native and veteran of 18 years on the high court, who seems to have succeeded Sandra Day O'Connor as the court's new swing vote. If the other justices line up as expected, Kennedy's vote would decide which way the decision goes -- and ultimately the pace of global warming regulation in California and the nation.

The case was brought by the government of Massachusetts, but it could be crucial for California. The state's law requiring automakers to reduce the greenhouse gases in their cars' exhaust might be in danger if the EPA's position -- that it cannot legally regulate the gases -- is allowed to stand.

And if the state law on auto emissions is blocked, that would in turn deal a significant blow to California's goal of reducing all greenhouse gas emissions by 25 percent by 2020.

At issue is the federal Clean Air Act, under which Congress authorized the EPA to regulate air pollution. The question is whether carbon dioxide, which is a harmless, naturally occurring substance in the ambient air around us, should be considered a pollutant if it rises into the atmosphere, settles there and contributes to the warming of the Earth.

Massachusetts, California and several other states petitioned the EPA to regulate greenhouse gas emissions from vehicles, but the agency declined to do so. In its statement on the issue, the EPA said it lacked the authority to regulate carbon dioxide and that, even if it did have the authority, it wouldn't do so because there is too much uncertainty surrounding the issue of global warming, the contribution of carbon dioxide to the problem and the effect U.S. regulations could have on a global problem.

Although the EPA once said it did have such authority, the Bush Administration reversed that position. A 2003 memo from the EPA's legal counsel said Congress never intended for the agency to regulate greenhouse gases.

Amendments to the Clean Air Act adopted in 1990, which listed carbon dioxide in the law for the first time, were aimed not at regulation but at boosting research and information gathering about global warming, the EPA analysis said. The 1990 provision went out of its way to state that the new duties were "non-regulatory" and not intended to "authorize the imposition on any person of air pollution control requirements."

As often happens at the Supreme Court, it appeared Wednesday the justices might focus on a narrower legal issue than the plaintiffs in the case, and many observers, were hoping to see decided. Before it even gets to the point of considering the EPA's proper role, the court must decide if Massachusetts and the other states have "standing" to sue the federal government. The justices could simply throw out the case on that basis or rule that while the case can go forward, the more meaty issues at stake should be heard in a lower court first.

In the one hour of oral arguments, Massachusetts' lawyer argued that the threatened loss of 200 miles of coastline gave the state a valid reason to sue the EPA. Justices Stephen G. Breyer, Ruth Bader Ginsburg, David H. Souter and John Paul Stevens seemed to be leaning at a minimum toward allowing the case to go forward, if not ruling outright that the EPA is authorized or even required to regulate carbon dioxide emissions.

Three other justices -- Chief Justice John G. Roberts Jr. and Justices Samuel A. Alito Jr. and Antonin Scalia -- seemed dubious of Massachusetts' claim that it faced imminent harm from global warming. If Justice Clarence Thomas, who said nothing, sided with them, that would leave a 4-4 deadlock to be broken by Kennedy.

Kennedy gave little indication of which way he was leaning. His only substantive comment was to suggest that the court couldn't really decide whether the states had the right to sue without also delving into the entire question of global warming, because "there's no injury if there's not global warming."

The court is expected to decide the case by next summer. If the justices return the matter to a lower court, it could be years before the question is finally decided. In the meantime, California awaits word from the EPA on the fate of its own, independent attempt to limit greenhouse gas emissions from vehicles.

[Fresno Bee editorial, Sunday, December 3, 2006:](#)

Crown jewel needs polishing

Court battle slows the pace of much-needed Yosemite projects.

The judge who halted construction projects in Yosemite Valley — a victory for the environmentalists who brought the suit and a blow to park officials — will have the matter back in his court on Jan. 9, when he will decide when the National Park Service must submit a new plan for protecting the Merced River in the valley.

That will be almost 10 years to the day since the Merced River raged outside its banks and did millions of dollars in damage to the valley and its infrastructure.

The delays are as frustrating for park officials and many visitors as they are a cause for rejoicing by the environmentalists. And there is no end in sight; the park service is still deciding whether to appeal the injunction issued by U.S. District Judge Anthony W. Ishii in November.

In the meantime, it must begin to draft a new plan that designates the river's holding capacity — the number of people who can be permitted to visit areas near the river without doing damage to the environment.

In effect, that means setting limits on the number of visitors to Yosemite Valley itself.

The nine projects that Ishii enjoined in November are pegged at a cost of \$60 million. The most recent delay has brought the amount of added costs for the improvements since the environmentalists first brought their lawsuit four years ago to about \$15 million. That's money out of taxpayer pockets.

The dispute begs several questions:

Why can't the parties reach a settlement out of court that will satisfy environmentalists' concerns while permitting repairs that, in many cases, are needed to protect the safety of visitors and park employees?

Is there any resolution, short of a complete cessation of work in Yosemite, that will satisfy the environmentalists who brought the suit? Park officials and some observers are beginning to wonder whether that's the case.

Can there ever be a perfect balance between the need to protect Yosemite's often fragile ecology and the need for the park to be accessible to its owners — the American people?

The projects include a \$35 million renovation of Yosemite Lodge, which park officials say will reduce the footprint of the lodge by nearly 40 acres, while preserving the number of accommodations available to visitors.

Other projects include improvements to the valley's utility system (which would include electrical supplies so visitors in RVs don't have to run noisy, polluting generators), replacement of the Happy Isles

Footbridge and removal of a sewage treatment plant in El Portal.

This is an extraordinarily important issue. Yosemite is a place beloved by the entire world. Care must be exercised to see that we don't love it to death, but radical notions about squeezing human beings out of the park are unreasonable and impossible.

A way must be found to resolve the issues in this disagreement. People are going to come to Yosemite, and it's incumbent on the Park Service to see to it that they have safe access. At some point soon, the Park Service must be made or permitted — depending on ones' perspective — to do that job.

[Visalia Times-Delta and Tulare Advance-Register, Editorial, Saturday, Dec. 2, 2006:](#)

Tulare County general plan update

Tulare County is in the process of updating its general plan.

Staff members of the Tulare County Resources Management Agency have been developing the general plan update after a series of community workshops beginning in 2004 and continuing with input from the Technical Advisory Committee, Tulare County Planning Commission and the Tulare County Board of Supervisors.

Staff has also been assisted by consultants Minter and Associates out of Sacramento.

The Board of Supervisors initially considered alternative growth scenarios that would map where new growth would go. Supervisors decided instead to develop a policy plan that relies on individual policies to direct growth to preferred locations in response to market forces.

In revising the general plan, staff presumed an increase in county population from about 368,000 according to the 2000 census, to 630,000 people in the year 2030.

In responding to that growth over the course of the next 20 years, supervisors adopted the following value statements

- The beauty of the county and the health and safety of its residents will be protected and enhanced.
- The county will create and facilitate opportunities to improve the lives of all county residents.
- The county will protect its agricultural economy while diversifying employment opportunities.
- Every community will have the opportunity to prosper from economic growth.
- Growth will pay its own way providing sustainable, high quality infrastructure and services.

Following many preparatory Technical Advisory Committee meetings, on July 20, a Technical Advisory Committee Draft Goals and Policies Report was released at the Visalia Convention Center. This draft became a focus of thorough review and revision by staff, General Plan consultants, Tulare County Department heads, and ultimately the Board of Supervisors during five study sessions conducted between August and October.

A revised draft general plan containing the Goals and Policies Report and Area Plan Policies is available for public review.

This page summarizes some of the most important points of those policies.

Consultants Mintier and Associates will introduce the contents of the draft general plan at a special meeting of the Tulare County Planning Commission on Wednesday, describing the structure of the document, and highlighting key policy directions that differ from the current general plan.

A series of public information meetings will take place in the next two weeks in Visalia, Earlimart, Springville and Three Rivers. Staff will encourage written comments from the public about the Goals and Policies Report.

The draft general plan sets the project that will be analyzed by the environmental impact report. General plan consultants Mintier & Associates and sub-consultants ESA are preparing the environmental report. RMA anticipates that a draft environmental report will be available for public release in late January, and joint public hearings of the Planning Commission and Board of Supervisors on both the plan and environmental report will commence shortly thereafter.

RMA staff requests that all comments on the draft products be provided in writing. All comments received will be consolidated into a staff report and provided to county officials as part of the agenda item for the public hearings. Further written and verbal comments will be accepted up until the time that the public hearing process is closed.

Supervisors hope to adopt the revised general plan early in 2007.

The following would be among the most significant changes to the Tulare County general plan under proposed revisions presented in the public draft of the Goals and Policies Report.

The new plan would:

- Consolidate the seven required general plan elements in one place. The required elements are: Land use, Circulation, Housing, Open space, Conservation, Safety and Noise.

[Currently, each element is in a separate document.]

- Add new optional elements to address key issues identified during public workshops. Those new optional elements are:

Economic development, Agriculture, Scenic landscapes, [Air quality](#) and Water resources.

[Current general plan does not include these as specific elements.]

- Identify Hamlet Development Boundaries for 13 unincorporated areas. The lands within the boundaries are exempt from the Rural Valley Lands Plan.

The 13 hamlets would be: Allensworth, Delft Colony, East Orosi, East Tulare Villa, Lindcove, Monson, Seville, Sultana, Teviston, Tonyville, Waukena, West Goshen, Yettlem.

The provision for hamlets would allow compatible infill development other than that provided by the RVLDP, including mixed use and commercial opportunities.

[New policy. These hamlets are now subject to the RVLDP, which restricts land use to agriculture.]

- Establish Regional Growth Corridors and interim policies. These lands will also be exempt from the Rural Valley Lands Plan.

This provision allows the county to adopt urban, scenic and regional growth corridors with appropriate uses other than agriculture.

[Provisions for corridors do not exist in current plan.]

- Consolidate the Mountain Framework Plan. This would provide unified planning principles for unincorporated mountain areas under county jurisdiction.

[County has no consolidated plan for its mountain areas.]

- Establish consistent content requirements for Community Plans, including greater emphasis on community design, and consideration of infrastructure provision and financing.

The new general plan would update and enhance development standards and include requirements for long-term funding of public infrastructure and services.

[This new provision in the general plan would require that new development in unincorporated areas pay for itself, through a combination of impact fees and assessment districts.]

- Does not propose expansions to Community Plan Urban Development Boundaries, but does provide clear criteria for when and how unincorporated communities and hamlets can grow.

To grow, communities would have to fulfill specific conditions for expansion as defined by the general plan.

County would require that infrastructure exists before new development can take place.

[New policy]

- Expand upon existing new town policies. New criteria would include, but not be limited to:

New town must have fiscally neutral effect on county.

Infrastructure Master Plan must be prepared.

Applicant must demonstrate access to water.

Project must strive to have a balance of mixed uses.

[Greatly expands new town provisions in current general plan.]

- Include level of service standards for parks (by enabling Quimby Act). This would provide revenue for building a wide variety of parks, including play, neighborhood, community and regional parks.

[Provision for requiring development of new parks does not exist in current plan.]

- Provide a comprehensive policy for development impact fees to pay for building roads.

Also provide that funding mechanisms be established to cover costs of planning, capital improvement, maintenance and operation of existing public facilities and services.

[Provision for levying developer impact fees is not comprehensive in current plan.]

- Restrict export of groundwater now allocated to county users outside the area.

Establish criteria for converting water from ag to urban use.

Designate Critical Water Supply Areas that are critical to groundwater recharge, water supply, etc.

[These are new policies not in the current general plan.]

[Letter to the Editor, Washington Post, December 2, 2006](#)

Dreaming of a Green Christmas

The Nov. 28 front-page photograph of the 65-foot Capitol Christmas Tree from Olympic National Forest in Washington state prompted me to think that perhaps it's time to update this tradition.

A "greener" approach would be to plant a Capitol Christmas Tree. It would consume carbon dioxide as it grows. We'd avoid the air pollution associated with trucking this huge tree cross-country. And we'd allow a magnificent specimen to live.

JUDY USHERSON
Fairfax