

Hearing debates EPA air deadline Valley expects to meet its goal for PM-2.5.

By E.J. Schultz / Bee Capitol Bureau
The Fresno Bee, Wednesday, March 28, 2007

The executive director of the state's air pollution agency Tuesday defended her suggestion that the federal government explore delaying a 2015 cleanup deadline for diesel soot and other airborne debris in California.

Catherine Witherspoon, executive director of the California Air Resources Board, suggested a five-year delay in a March 12 letter to the U.S. Environmental Protection Agency. The idea drew criticism from environmentalists and officials at two regional air districts, including in the Valley, prompting Witherspoon to retract the letter last week.

At a state Senate hearing Tuesday, Witherspoon said the first letter was nothing more than "routine" correspondence -- not an official request for a delay.

"The mistake in judgment that I made in this letter was how it would be perceived by outside parties," she told Sen. Dean Florez, D-Shafter, who called a special meeting of the Senate Select Committee on Air Quality to address the issue.

Witherspoon also reiterated that the suggestion of a delay applied only to the South Coast Air Basin, not the San Joaquin Valley.

"Fresno is OK by our estimation," she said.

The deadline applies to soot, dust and chemical specks known as PM-2.5, which come from vehicles, fireplaces and farm and port operations, among other sources. The tiny particles can lodge in lungs and cause health problems. The San Joaquin Valley Air Pollution Control District is due to submit a cleanup plan in about a year. District Executive Director Seyed Sadredin, who testified Tuesday, said it will be close, but the Valley should reach attainment.

In her first letter, Witherspoon said new federal standards for diesel engines -- which phase in between 2010 and 2017 -- arrive too slowly, causing timing problems for regulators trying to reach the deadline. At the hearing, she said the letter was simply a request to "leave the door open" for alternatives should the South Coast fall short.

Environmentalists testifying criticized Witherspoon for sending the letter without public input. Also, they said it made it look as if the state were giving up on the goal.

"With that letter, we felt that the [Air Resources Board] essentially signaled that they were potentially slamming the door on the public's ability to influence how and when the state's air becomes safe to breathe," said Kathryn Phillips, of the national nonprofit Environmental Defense.

Allensworth plan criticized Bill would create buffer zone around park

By Jed Chernabaeff, Staff writer
Visalia Times-Delta and Tulare Advance-Register, Wednesday, March 28, 2007

Saying it's an infringement on local land-use decisions, Tulare County officials and business interests have taken a stance against proposed legislation that would create a buffer zone five miles around a significant monument to African-American history.

If enacted, Assembly Bill 576 would prohibit construction of the two dairies proposed by landowner Sam Etchegaray and approved by Tulare County supervisors. The proposed dairies still need the approval of state and regional air and water agencies.

AB 576, introduced by Assemblywoman Wilma Amina Carter, D-Rialto, is set for its first hearing April 18 before the California State Assembly Committee on Water, Parks and Wildlife. But it already has local public officials and business groups lining up in opposition.

On Tuesday, the Tulare County Board of Supervisors adopted a resolution that opposes AB 576. Kings County adopted a similar resolution March 8.

County officials estimate that the five-mile boundary zone outlined in AB 576 would encompass 69,460 acres and halt existing and proposed animal-feeding operations, including dairies. Supervisor Allen Ishida said he will attend the April 18 hearing in Sacramento. He should have some company.

James Green, government affairs director for the Visalia Chamber of Commerce, told supervisors on Tuesday that six Tulare County organizations have formed a coalition in opposition to the AB 576.

Representatives from the coalition will travel to Sacramento.

Joining the Visalia Chamber of Commerce in the coalition:

- ? the Tulare County Farm Bureau
- ? the Tulare Chamber of Commerce
- ? the Porterville Chamber of Commerce
- ? the Tulare County Economic Development Corporation
- ? the Home Builders Association of Tulare/Kings Counties, Inc.

"AB 576 is a form of eminent domain," Green said. "The state doesn't have the right to take the authority away from local jurisdiction. We just want to give our support."

Tulare Co. opposes dairy ban State bill forbids dairies near historic state park.

Bee Staff and McClatchy News Service
The Fresno Bee, Wednesday, March 28, 2007

Tulare County supervisors on Tuesday unanimously approved a resolution opposing a state Assembly bill that would forbid any dairies within five miles of Colonel Allensworth State Historic Park.

County officials estimate the legislation would make more than 60,000 acres of agricultural land off limits near the park, if approved.

The dairies near Allensworth are proposed by Tulare County rancher Sam Etchegaray. Supervisors approved the project last week.

The bill, AB 576, is scheduled to be heard April 18 before the Assembly's Water, Parks and Wildlife Committee.

Supervisor Steve Worthley said county leaders face a constant battle with the state over maintaining local control on land-use and other decisions. The bill is another example of that challenge, he said.

Another example came Monday when the California State Parks Foundation identified the Allensworth dairy plan as one of the top threats this year to the state's park system.

The dairies could mean 12,000 cows grazing about a mile from the park, a former village settled for and by blacks.

State Assembly Member Wilma Amina Carter, D-Rialto, who has proposed AB 576, spoke during the foundation's annual Park Advocacy Day.

"You can relocate the cows, but you can't relocate history," Carter said.

"People want to feel and touch history. They don't want to smell it."

Carter and other legislators joined foundation members on the steps of the state Capitol and pressed for attention to Allensworth's plight and other issues, such as a nearly \$1 billion maintenance backlog at 278 state parks.

Trains using new trestle 12 days after huge blaze

As second rail line is built, questions remain on cause of fire and its toxic effects.

By Tony Bizjak, staff writer

Sacramento Bee, Wednesday, March 28, 2007

Freight trains rumbled again through Sacramento on Tuesday along Union Pacific's newly constructed main line, a scant 12 days after a key trestle burned to the ground in a suspicious blaze.

And while UP's rebuilding effort received kudos as an impressive display of engineering muscle, company spokesman Mark Davis shrugged it off as typical yeoman's work to bring a vital freight corridor back on track.

"I've seen (UP) put together trestles over the years in remarkable time," a laconic Davis said from the agency's Omaha, Neb., headquarters. "This isn't unusual."

Yet even as the first trains crossed the concrete and steel structure, questions loomed in the aftermath of the March 15 fire:

The cause is unknown, the full threat of the fire's plumes of black smoke remains unmeasured, and initial results of state testing showed high levels of toxics in soil at the site of the fire.

More than 100 people have called the Sacramento Fire Department's special tip line as part of the investigation, fire Capt. Jim Doucette said.

"The chief investigator says they are knee-deep in it," Doucette said. "This is an important case."

He said investigators are interviewing witnesses and saying little about what they've found.

Although the fire scene was cleared of debris by UP the weekend after the fire, fire officials said they had inspected the scene and obtained the information they needed before rubble was cleared.

"UP wanted to get in there right away," Doucette said. "Our guys wouldn't let them in until they felt comfortable they had ... what they needed."

Local air pollution and health officials have yet to learn the type and amount of toxic air contaminants in the smoke from the fire, which spanned four days. Burning timbers contained creosote, a wood preservative that releases benzopyrene and other cancer-causing chemicals in a fire.

Government officials have not yet received full results from smoke samples collected and analyzed by a private testing firm on behalf of the railroad.

"They're still trickling in," said Larry Greene, executive officer of the Sacramento Metropolitan Air Quality Management District.

Greene said officials expect complete data from UP by Friday. State scientists will evaluate associated health risks and announce results next week, he said.

And there's the soil.

Results of initial sampling by the state -- from the river bank below the railroad bridge and from the blackened ground beneath the burned wooden approach -- show cancer-causing contaminants from burned creosote exceeding federal limits more than sevenfold in the case of benzopyrene and naphthalene.

"There's a potential for groundwater contamination," said Duncan Austin, who collected samples the day after the start of the fire for the Central Valley Regional Water Quality Control Board.

By state law, UP must conduct a more thorough environmental investigation. It's clear from the water board's limited sampling, however, that the railroad will have to remove truckloads of toxic soil and revegetate the site, Austin said. That means the area, within the American River Parkway, will remain closed to bicyclists and others during the remediation, Austin said.

UP's Davis said the company "will work with the various agencies to do whatever necessary cleanup needs to be done."

Meanwhile, UP freight is moving again, four days ahead of what was already a breakneck construction schedule. The initial freight train crossed the structure before 2 a.m. Tuesday, Davis said. Dozens more were expected to follow by day's end.

Davis said the second track should open April 3, nearly a month ahead of schedule.

The shipping line, which connects the Port of Oakland and the Bay Area with the rest of the United States, typically handles as many as 50 trains a day, UP's Davis said.

Trains carry home-building products, automobiles, produce, electronic equipment and other market goods.

The railroad had a major incentive to rebuild fast -- "the profit motive," said Chuck Baker of the National Railroad Construction and Maintenance Association.

"If they don't move it, they don't make money," Baker said. "It is private, so there aren't a lot of bureaucratic hurdles to jump."

Capitol Corridor intercity passenger train to Auburn will use the line starting Sunday evening, with regular service Monday morning, Capitol Corridor director Gene Skoropowski said.

"I have never in my entire career seen this kind of response," Skoropowski said. "It is phenomenal. Things don't normally happen this fast. They (UP) sure have the capability."

Night-time pile driving disturbed some area residents, but city officials said they had no jurisdiction over UP, and UP officials said they intend to work nonstop until the project is done. Pile driving should be finished by Thursday, UP said.

The steel piles are being topped with a row of 30-foot-long concrete railbeds. Cranes then are adding 80-foot sections of rail -- with ties pre-attached -- and tamping them into rock ballast.

The project moved quickly into overdrive after state officials -- spurred by the Governor's Office -- gave UP a green light to begin reconstruction.

Officials determined the railroad company did not need permits to begin work.

UP deployed a 135-person force that's been working 12-hour shifts, day and night.

The new bridge is the same design the railroad uses on other new trestles -- including the 2002 reconstruction of the Yolo Causeway rail bridge -- and is made up of four main parts.

The segments had been prefabricated and stored at various sites, and were shipped via truck and train to Sacramento.

There were 282 steel piles driven into the ground at the site. "It was easier than we thought," UP's Davis said. "We found good conditions and no surprises."

Plan to save Salton Sea unveiled

Associated Press

Contra Costa Times, Wednesday, March 28, 2007

SACRAMENTO - A state official on Tuesday unveiled a \$6 billion draft plan intended to save the shrinking Salton Sea in the Southern California desert.

The proposal calls for construction of a 40-mile barrier to create a 34,000-acre open-water habitat in the northern area of the lake. To the south, 62,000 acres of habitat would be created by building giant berms.

The plan also calls for 109,000 acres of exposed lakebed, with a complex system of drip-tubing to feed drought-tolerant plants and aid air quality.

The Salton Sea, which stretches across the border of Imperial and Riverside counties, is plagued by increasing salinity.

It was created in 1905 when floodwaters broke through a Colorado River irrigation canal. The lake is a key North American stopover for several species of migratory birds.

Studies have shown that if nothing is done, the lake could shrink by more than 60 percent in the next 20 years.

The proposed 75-year plan released by California Secretary of Resources Director Mike Chrisman was the result of a three-year effort that included residents and the state departments of water resources and fish and game.

Chrisman presented the plan to the Salton Sea Advisory Committee. A final draft is expected to be submitted to the state Legislature by the end of April.

Snowmobiles Proposed for Yellowstone

By MATTHEW BROWN, Associated Press Writer

In the N.Y. Times, the S.F. Chronicle and other papers, Tuesday, March 27, 2007

Livingston, Mont. (AP) -- Snowmobiles would become a permanent winter fixture in Yellowstone National Park under a proposal, drafted by park administrators and released Tuesday, that would allow 720 lower-polluting machines daily.

The policy change would continue rules in place for the past three winters, although actual snowmobile use has averaged only about 250 machines per day.

The National Park Service's proposal is a setback for conservation groups and some former park employees who had sought an outright ban on snowmobiles. The plan would also allow 78 bus-like snowcoaches per day in the park; there is no current limit.

The park service proposed such a ban in 2000, but it was never enacted because of legal challenges. In the late 1990s, as many as 1,400 snowmobiles a day visited Yellowstone, contributing noise and air pollution that critics in Congress and elsewhere said was inappropriate for the country's first national park.

Park administrators said Tuesday that changing technology — particularly the introduction of quieter, less-polluting engines — allowed them to back off a ban and still reduce pollution.

"It's a night-and-day change between the way it used to be and the way it is now," said John Sacklin, who led the team that drafted Tuesday's proposal.

But others argue that snowmobiles in any significant numbers degrade the park and that visitors should be limited to snowcoaches.

Denis Galvin, former deputy director of the National Park Service, said snowcoaches render snowmobiles as obsolete as stagecoaches.

"Their time has come and gone," he said.

Carbon monoxide pollution from snowmobiles, at 4,000 pounds a day under the current proposal, would be four times higher than the snowcoach-only alternative, the park service said.

Yet that is just 6 percent of the 68,000 pounds of carbon monoxide released in 1999, when snowmobiles were unregulated. Similar decreases are projected for hydrocarbon and particulate pollution.

In neighboring, much smaller Grand Teton National Park and in a parkway connecting the two, 140 snowmobiles would be allowed daily.

The new rules still face public review but are expected to be in place for winter 2007-08.

Tuesday's proposal came out of an environmental study of winter activity in Yellowstone that considered options ranging from eliminating all motorized travel in the park to allowing 1,025 snowmobiles a day.

The impact statement concluded that the "environmentally preferred alternative" for the park would be no snowmobiles at all. But Yellowstone Superintendent Suzanne Lewis said that does not meet other priorities of the park service, such as allowing public access.

[Visalia Times-Delta, Editorial, Wednesday, March 28, 2007:](#)

More talk needed on Allensworth

Allensworth State Historic Park is not going to go away as an issue for Tulare County just because supervisors have approved two dairies nearby.

There is still the matter of a bill in the state Legislature that would prohibit development of a dairy near Allensworth. Sponsors of that bill are members of the Legislative Black Caucus.

African-Americans around the state have made this a matter of racial pride. As the site of the only settlement in California founded and governed by African-Americans, the park has become a tangible shrine to African-American heritage.

And now the California State Parks Foundation has warned that building a dairy nearby would threaten the park's existence. Other parks supporters from around the state are getting on board.

Supervisors might have moved it off their table, but the issue remains.

If dairies are ever to be built near Allensworth, it will take a lot more compromise, discussion and adoption of mitigating factors. This isn't just any park, and it is not just any area of Tulare County. Besides its historic and cultural significance, the area near Allensworth is ecologically sensitive. To develop a dairy in the area, property owner Sam Etchegaray must still jump through hoops at state and regional air and water quality agencies.

The first thing that needs to happen is for all parties involved to be more sensitive to the issues of the others. There are decisions that all parties can live with, but first they must accept some parts of the opposing argument and compromise. Above all, they have to respect opposing positions.

We're not saying that supervisors were wrong in granting approval to the dairies. We agree that allowing the state to legislate what is a local land-use issue leads down a treacherous path that ends in loss of local control.

But supervisors did not show much sensitivity for the strong feelings held by African-Americans in their affection for what they regard as sacred ground. The county could have offered some provisions to the dairy permit that would have softened the decision.

On the other side, we fear that many of the people who are registering their vehement opposition to dairies in the area have never visited either the area or dairies. The operation of a dairy two miles away is not necessarily such an odious situation. More worrisome might be any development in that area at all. After all, Allensworth literally dried up as an African American settlement in the early years of the 20th century because of problems with water supply and quality.

The negative effects of dairy farming on surrounding areas have often been overstated, usually with pejorative terms such as "mega-dairies." Allensworth supporters ought to be working with the property owner to find compromises they can live with. Etchegaray is probably like most people: He doesn't want a fight with the neighbors before he even moves in.

The state's parks foundation and other agencies ought to be looking at this in terms of how Allensworth State Historic Park can continue to be viable as well as exist in the real world. As important as it is, Allensworth does not exist in a vacuum. At its best, it should be a working model of the original settlement. And those folks lived with dust, flies and smells, too.

In fact, the state has shown very little attention to Allensworth in recent years, until this controversy arose. Many of the planned features of the historic park have never even been started, let alone completed.

Now the California Parks Foundation acts as if this is the jewel in the system.

Allensworth is special, which is why special care ought to be taken in planning for the park and its surroundings. But that planning must not violate others' property rights.

Nor should it present unrealistic expectations for an area that is not likely to achieve a sophisticated level of development. The first thing that must happen, though, is for everyone to come to the table, not simply stamp a piece of paper to get the issue out of the way. The issue over Allensworth is not going away.