

**Top Achievements** *of the*  
**Environmental Community**  
*in* **Southern California**

**Action. Results. Change. 2007.**





## Note from Environment Now®

As 2007 drew to a close, Southern California witnessed the harsh consequences of climate change on our precious resources and our way of life. We recorded our lowest rainfall in a century and massive wildfires drove hundreds of thousands of us from our homes. An increasingly alarmed and educated populace pressed for leadership to prepare for, and curtail, the environmental impacts in our region.

Through the *Top Achievements Report 2007*, we at Environment Now highlight how our community successfully responds to environmental challenges. The report features initiatives led by local nonprofits that resulted in positive, significant and permanent change in Southern California. No doubt, transformation on the global scale is daunting, but Environment Now hopes that this report exemplifies possibilities for resource protection. The *Top Achievements Report* is a practical guide of innovative solutions and a testament to Southern California's environmental leadership.

The *Top Achievements Report's* panelists, from academia and government, analyzed a wide range of nominations solicited from the environmental community. The achievement process produced lively conversations regarding the environmental community, our challenges and methods. This effort deepened the dialogue between the academic community and public officials whose contributions to the environmental movement cannot be overstated.

With a very short window of time to act, we can pause only briefly to take pride in our progress. It is our time to lead with solutions.

Kevin Wells  
President

Terry O'Day  
Executive Director

Environment Now is an activist nonprofit foundation created in Southern California by Frank and Luanne Wells in 1989. Environment Now's mission is to be an active leader in creating measurable effective environmental programs to protect and restore California's environment.

## in APPRECIATION

Environment Now sincerely thanks our distinguished selection panelists for providing their time and expertise to this report. We would also like to thank Fenton Communications for providing an in-depth review of how to create an effective online press center. Finally, Environment Now thanks The Better World Group for its vital contributions to every aspect of this report.

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BACK COVER: Leo Carrillo State Beach, Malibu (John Hanson, [www.jphdigital.com](http://www.jphdigital.com))



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# TOP ACHIEVEMENTS *of the* ENVIRONMENTAL COMMUNITY *in* SOUTHERN CALIFORNIA

## ACTION. RESULTS. CHANGE. 2007.

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# THE SELECTION PANELISTS

## AIR QUALITY

Honorable Ronald Loveridge  
Mayor, City of Riverside; Board Member, California Air Resources Board; Board Member, South Coast Air Quality Management District

Andrea Hricko, MPH  
Associate Professor, Keck School of Medicine, University of Southern California

## CLIMATE AND ENERGY

Honorable Jerry McNerney  
United States Representative, 11th District of California

Nathan Lewis, Ph.D.  
Professor, Division of Chemistry and Chemical Engineering, California Institute of Technology

## LAND USE, OPEN SPACE AND SMART GROWTH

Honorable William Fulton  
Councilmember, City of Ventura

Jennifer Wolch, Ph.D.  
Director, Center for Sustainable Cities, University of Southern California

## COASTAL PROTECTION

Honorable Pedro Nava  
Assemblymember, 35th District of California

Steven Murray, Ph.D.  
Dean, College of Natural Resources and Mathematics, California State University, Fullerton

## FOREST PROTECTION

Honorable Hilda Solis  
United States Representative, 32nd District of California

Jon Keeley, Ph.D.  
Adjunct Professor, Department of Ecology and Evolutionary Biology, University of California, Los Angeles

## FRESHWATER PROTECTION AND RESTORATION

Tracy Egoscue  
Executive Officer, Los Angeles Regional Water Quality Control Board

Arturo Keller, Ph.D.  
Professor, Bren School of Environmental Science and Management, University of California, Santa Barbara

THIS PAGE: Southern California Kelp Forest

OPPOSITE PAGE, TOP LEFT TO RIGHT: Nina Madjid; "Malibu Rose" (Chris Saul, www.chrissaul.com)

# INTRODUCTION

The *Top Achievements of the Environmental Community in Southern California (Top Achievements Report)* highlights nonprofit environmental organizations' most significant victories in 2007.

To create a balanced and objective report, Environment Now turned to distinguished experts in government and academia to serve as the selection panelists. For each category,

the report identifies the top achievement, what made the difference in accomplishing it and its overall impact. By analyzing what actions led to success, these models of change can be used to tackle future environmental challenges. The report also features a section entitled, *Environmental Setbacks and Failures*. It outlines the year's greatest challenges and identifies areas that need attention.

Finally, the report closes with *Internet and the Environment*: a look at how nonprofits can maximize their online presence through website press centers.

The *Top Achievements Report* proudly recognizes the dedicated organizations that led the Southern California environmental movement forward during 2007.



# METHODOLOGY The Approach

After Environment Now surveyed almost 400 Southern California environmental organizations for their top achievement suggestions, the panel reviewed the nominations. Panelists then chose a top achievement and a setback for each category. In two categories, the panelists concluded that a second achievement deserved honorable mention. In addition, for the first time in *Top Achievements Report* history, panelists recognized the same landmark achievement for two different categories:

"Climate and Energy" and "Land Use, Open Space and Smart Growth."

The geographic scope of this report is Southern California which includes portions of Santa Barbara, Kern and San Bernardino counties (south of "the Grapevine") and all of Ventura, Los Angeles, Orange, Riverside, San Diego and Imperial counties. California achievements occurring beyond these boundaries were eligible if they had a significant impact on Southern California.

## Top Achievements Report's six environmental categories:

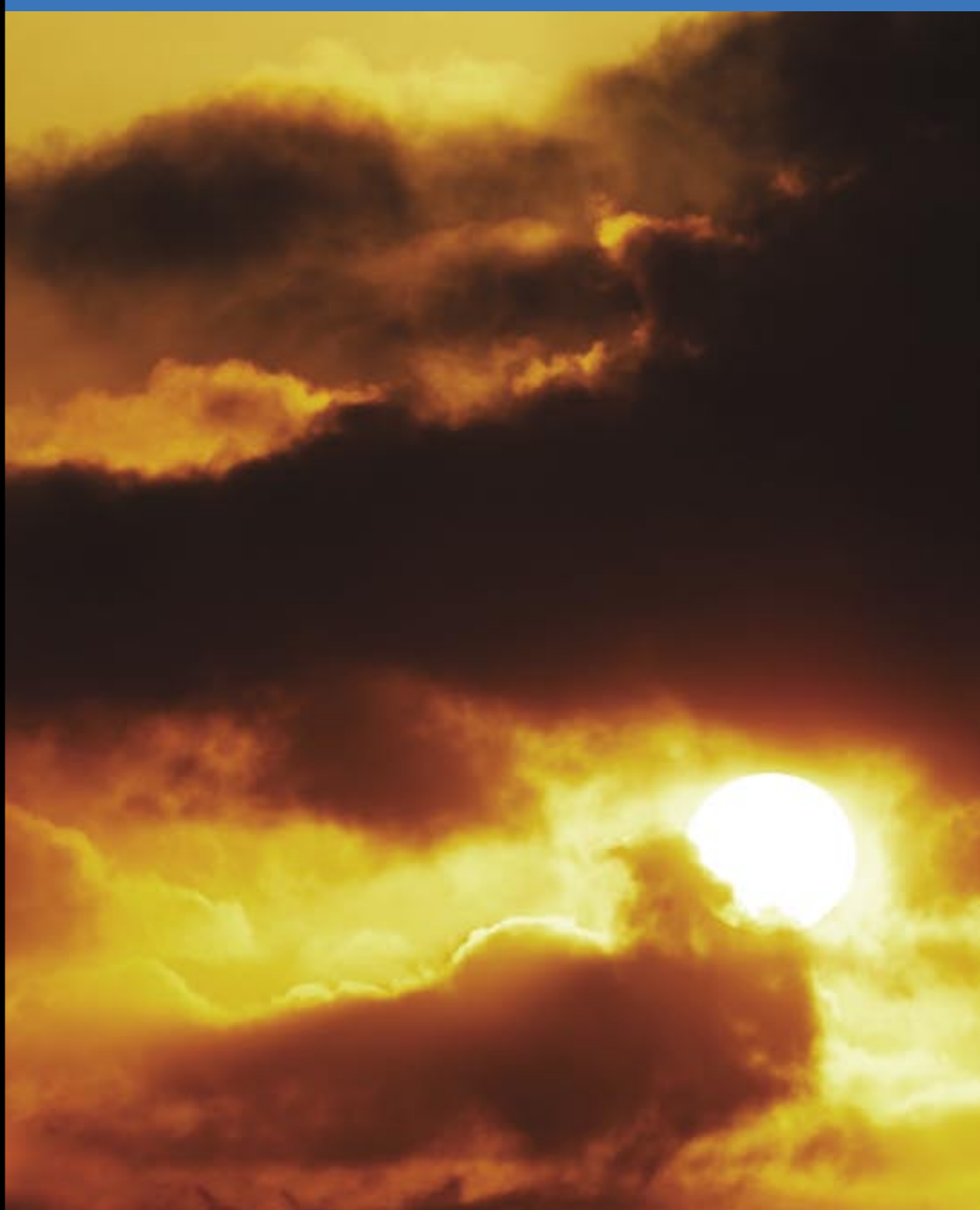
- Air Quality
- Climate and Energy
- Land Use, Open Space and Smart Growth
- Coastal Protection
- Forest Protection
- Freshwater Protection and Restoration

## Environmental nonprofit organizations must have led or been actively involved in each achievement; eight criteria were then used to evaluate the nominations:

- Significant and Measurable Environmental Improvement
- Permanent Change
- Precedent-setting
- Collaborative Effort
- Impact or Potential Impact Beyond Southern California
- Innovative Approach
- Environmental Justice Issues Addressed
- Occurred During 2007 Calendar Year



# AIR QUALITY



The Diesel Equipment Rule will achieve more health benefits than all previously adopted rules for existing diesel vehicles combined.

## THE ACHIEVEMENT

“Off-road” equipment commonly used in construction, mining and airport ground support, among other industries, accounts for 20% of all diesel emissions in California. According to the Multiple Air Toxics Exposure Study III, diesel particulate matter causes 84% of the South Coast region’s cancer risk attributed to toxic air pollutants. Diesel off-road emissions also cause premature deaths, heart and lung disease hospitalizations, asthma attacks, as well as lost work and school days.

In July 2007, the California Air Resources Board (ARB), led by its newly appointed Chairman Mary Nichols, adopted tough new rules forcing companies to retrofit or replace off-road diesel engines over the next 13 years. The regulation goes into effect for large, medium and small companies in 2010, 2013 and 2015, respectively. Each year, approximately 8-10% of the fleet horsepower will be repowered with a cleaner engine, replaced or retired. Another 20% should be retrofitted annually with ARB-verified Diesel Emission Control Systems.

In a *Los Angeles Times* article dated July 27, 2007, Nichols said the rules are “balanced, strong and progressive.” Kathryn Phillips, of Environmental Defense, commented that the vote “shows that science and public health are still the main forces that drive the agency.”

THIS PAGE: Southern California Sky

OPPOSITE PAGE, LEFT TO RIGHT: California Air Resources Board Emissions Diagram; Off-Road Vehicle Spewing Diesel Exhaust

## TOP ACHIEVEMENT *in* 2007 Off-Road Diesel Equipment Forced to Clean Up

### WHAT MADE THE DIFFERENCE?

The American Lung Association of California, Environmental Defense, Natural Resources Defense Council (NRDC) and the Union of Concerned Scientists were involved in every step of this achievement. Throughout the process, they continually employed statistics from *Digging Up Trouble*, a University of Southern California report revealing the health impacts from diesel construction equipment. The coalition:

- Organized a broad grassroots campaign of letter-writing and testifying that drew from environmental and health organizations;
- Raised awareness of the new rules and their impact through press conferences, media interviews and legislative briefings;
- Passed a model clean construction ordinance in San Francisco; and
- Pressed ARB staff and board members, industry representatives and public officials to pass these rules.

The building industry strongly opposed the rules, claiming that they would lead to construction cost increases and job losses. “Some companies may struggle to comply,

but our concern is with people who struggle to breathe,” declared Diane Bailey, a scientist with NRDC. “We followed and analyzed every detail of the rule to ensure that [it] was as strong and health protective as possible,” she said. They garnered overwhelming support from the South Coast Air Quality Management District, the environmental justice community, elected officials, the health and medical community (researchers, professionals and scientists), concerned individuals and Oakland students.

*Top Achievements Report* panelist, Mayor Ronald Loveridge, was impressed by the “environmental community’s ability to offset heavy and powerful efforts pushed by industry.” A coalition of organizations, including the American Lung Association of California, Environmental Defense, NRDC, the Union of Concerned Scientists, Coalition for Clean Air, Sierra Club, West Oakland Environmental Indicators Project, Breathe California, Regional Asthma Management and Prevention Initiative, Fresno Metro Ministries and Central Valley Air Quality Coalition—offered compelling testimony in support of the rule at the final hearings.

pollution and asthma experiences.

The media also played an important role in this achievement. A *Los Angeles Times* story revealed that the State Business, Transportation and Housing Agency employed effective tactics to delay the decision. This story was followed by the news of ARB’s former executive officer’s resignation which put an even stronger spotlight on the rule. The *Sacramento Bee* and other local papers influenced readers with editorials urging construction equipment clean up.

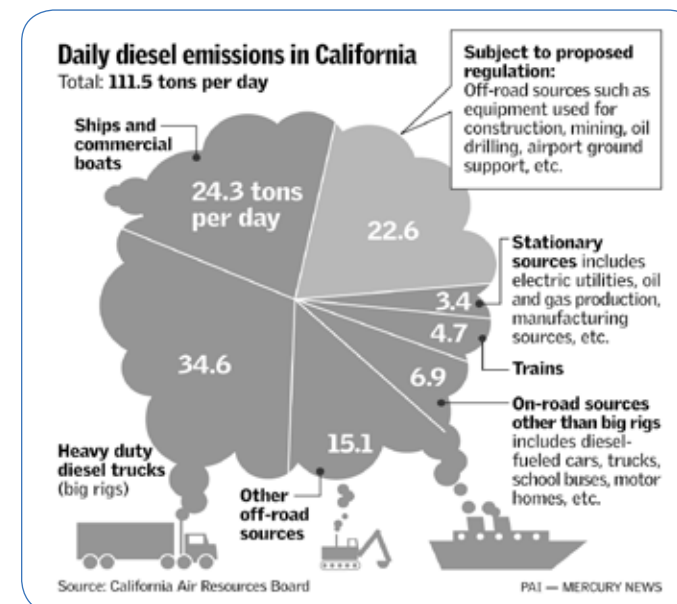
The panelists credited Nichols’ role in passing this rule. This was her first major decision as Chair and it might not have passed without her strong leadership.

### THE IMPACT

ARB’s aggressive Off-Road Diesel Equipment Rule will achieve more health benefits than all previously adopted diesel rules (affecting existing fleet vehicles) combined. State officials estimate that by 2020, it will reduce nitrogen oxides by 32% and cut diesel particulate pollution by 92%. According to ARB, this rule will prevent at least 4000 premature deaths statewide, and save \$18-26 billion in health costs.

The rule is “the first of its kind in the nation,” said Nichols, “[it] could serve as a model for other states to follow.” And it sets the stage to develop similar requirements for on-road trucks which account for 40% of nitrogen oxides and nearly a third of all diesel particulate emissions.

ARB staff noted that the turning point in this battle was when the Rose Foundation brought low-income high school students to testify about their personal diesel



# CLIMATE *and* ENERGY

## LAND USE, OPEN SPACE *and* SMART GROWTH



This achievement “immediately changed CEQA practice in a widespread way.”

—Panelist William Fulton

THIS PAGE: “Light and Power 24 Hours a Day” Highway 15, San Bernardino County (Jimmy Meyer, locationphotography@mac.com);  
OPPOSITE PAGE: “Joshua Tree” (Nina Madjid, www.designsthatrule.com)

## TOP ACHIEVEMENT *in* 2007

### Climate Change Impacts

#### from Land Use Planning Must be Addressed

9

For the first time in *Top Achievements Report* history, panelists recognized one landmark achievement for two different categories. Both the “Climate and Energy” and “Land Use, Open Space and Smart Growth” panelists separately chose the precedent-setting lawsuits against San Bernardino County, the subsequent settlement and its far-reaching consequences as 2007’s top achievement.

#### THE ACHIEVEMENT

San Bernardino County—the most egregious example of carbon dioxide automobile emissions in the country—was independently identified by the Center for Biological Diversity (CBD) and the Attorney General’s Office of California as the perfect test case to use the California Environmental Quality Act (CEQA) to require the impacts on climate change from land use planning be considered. The County was chosen based on its size (largest in the 48 contiguous states), projected population increases, tendency to “rubber stamp developer-driven sprawl-style development” and historical hostility to environmental protections. Moreover, county residents currently average nearly 10 traffic trips per household per day, 84% of which are made by cars.

In March 2007, the County approved its 25-year land use policy, the General Plan. County officials disregarded numerous public comments on the Plan’s failure to adequately address climate change, biological resources, wildfire and air quality. A month later, CBD, the San Gorgonio Chapter of the Sierra Club and the San Bernardino Valley Audubon Society filed suit. Under CEQA, they sought to require the County to address critical conservation and public safety concerns in its Plan. Legal counsel came from CBD and the firm, Chatten-Brown and Carstens. The following day, the Attorney General also filed suit, marking the first time the office sued a local agency under CEQA for failure to address climate change.

In August, the Attorney General and the County reached a monumental settlement with statewide ramifications: land use

proposed in the General Plan must address climate change impacts. The County agreed to develop a biological resource database and conservation planning mechanisms, and to mitigate global warming impacts and the risk of wildfires. As the settlement achieved the objective of the environmental nonprofits, they dismissed their case.

#### WHAT MADE THE DIFFERENCE?

By 2007, there was a growing political, scientific and legal consensus that society must address global warming. “The time was ripe to use CEQA as a tool to address the greenhouse gas emissions resulting from local planning approvals,” explained Matt Vespa, attorney for CBD. California passed the Global Warming Solutions Act of 2006 requiring greenhouse gas emissions to be reduced to 1990 levels by the year 2020. In February 2007, the Intergovernmental Panel on Climate Change released *The Physical Science Basis*, a report written by over 850 international scientists declaring that global warming was driven by human activities. Additionally, the Supreme Court ruled that greenhouse gas emissions from automobiles must be addressed under the Clean Air Act (*Massachusetts v. U.S. Environmental Protection Agency*).

In the midst of this heightened sense of urgency, CBD and the Attorney General seized the opportunity. CBD guided

policy and advocated for climate change considerations in land use decisions on several key development proposals. The Attorney General wrote more than 20 comment letters and participated in settlement negotiations on other CEQA-related challenges across the state. This generated a growing consensus from developers and cities alike: failure to address climate change leads to legal liability.

This achievement could not have been realized without the relentless advocacy of the San Bernardino Audubon and the San Gorgonio Sierra Club for increased conservation and wildfire protection throughout the General Plan development process. CBD and the Attorney General focused on climate change while the Audubon Society and the Sierra Club addressed land use issues. Each nonprofit and the Attorney General brought a different perspective and expertise to the table, highlighting how environmental organizations and the state government can work together with great success.

*Continued on page 10*



# CLIMATE *and* ENERGY

## LAND USE, OPEN SPACE *and* SMART GROWTH

Climate change must now be addressed in land use planning and projects subject to environmental review.

### THE IMPACT

Attorney Matt Vespa explained that “the cases and settlement are climate and energy successes brought through the land use realm.” CEQA requires state and local agencies to fully analyze and mitigate significant environmental impacts of all approved projects. The two lawsuits and the Attorney General’s settlement with San Bernardino County serve as a wake-up call for local governments and developers: greenhouse gas emissions and climate change must be addressed in projects subject to CEQA review. Since the settlement, local government agencies routinely consider and mitigate the global warming pollution impacts of long-term land use planning. Some considerations include requirements of on-site renewable power generation, energy conservation, transit-first policies and mixed-use development. As a result of better planning and land use restrictions, land use patterns are expected to improve. “San Bernardino now sets the pace for how local government can adopt powerful measures to combat oil dependency and climate disruption. This landmark agreement establishes one of the first greenhouse gas reduction plans in California,” said

THIS PAGE: “California Highway Horizon”

OPPOSITE PAGE, TOP TO BOTTOM: Luxury Tract Housing, Orange County; Los Angeles River (copyright City of L.A. 2007, L.A. River Revitalization Master Plan, courtesy of the Bureau of Engineering); Wind Farm

## Climate Change Impacts

from Land Use Planning Must be Addressed, *continued*

Attorney General Edmund G. Brown Jr. in a press release dated August 21, 2007.

The debate has shifted from whether CEQA guidelines require the analysis of greenhouse gas emissions, to identifying the best method to reduce them. Jonathan Evans, attorney for CBD, explained, “Transportation and electricity generation accounts for roughly 60% of California’s greenhouse gas emissions, and much of that is tied to land use decisions.” While the settlement itself has received criticism, this achievement “immediately changed

CEQA practice in a widespread way,” said *Top Achievements Report* panelist, William Fulton. In 2006, only two Environmental Impact Reports in California addressed greenhouse gas emissions and climate change. In 2007, more than 220 did.

After the settlement, the Green County San Bernardino Initiative was launched—providing incentives and requirements for green building and renewable energy—and many other communities have recently initiated global warming pollution reduction measures.



### Climate and Energy Honorable Mention

#### NATION'S LARGEST PUBLICLY-OWNED UTILITY SETS AGGRESSIVE ENERGY EFFICIENCY TARGETS

Assembly Bill 2021 of 2006 (AB 2021) requires publicly-owned California utilities to set 10 year energy saving targets to capture all cost-effective savings. In June 2007, Natural Resources Defense Council (NRDC), Center for Energy Efficiency and Renewable Technologies (CEERT), Coalition for Clean Air, Coalition on the Environment and Jewish Life and Global Green USA worked with the L.A. Department of Water & Power (DWP)—the largest municipal utility in the country—to reach the goals of AB 2021. The result of this effort was a commitment for an unprecedented energy efficiency investment. The utility aggressively budgeted \$77.2 million for the current fiscal year, and expects to reap 275 Giga Watt Hours in energy savings. This is projected to cover DWP’s entire growth load through conservation.

“NRDC really led the push for energy efficiency programs in California by educating and empowering the community, public interest groups and decision makers, on public benefit programs,” said Rhonda Mills of CEERT. “The budget shows real initiative and is an important first step,” comments *Top Achievements Report* panelist, Congressman Jerry McNerney, “I am hopeful the full savings will be realized.”



### Land Use, Open Space and Smart Growth Honorable Mention

#### PLAN IN PLACE TO FINALLY RESTORE L.A. RIVER

In May 2007, the L.A. City Council averted development pressure and adopted the L.A. River Revitalization Master Plan to create 32 miles of interconnected trails, parks, open spaces, recreational amenities and habitat corridors along the River. The Plan will restore the River as the physical and psychological connection for people and wildlife throughout Southern California. *Top Achievements Report* panelist, Jennifer Wolch, commends the “iconic” Plan as “a significant collaborative effort to rethink urban waterways.” Friends of the L.A. River, Santa Monica Mountains Conservancy and Northeast Trees led the environmental community’s efforts.

# COASTAL PROTECTION



**A large grassroots coalition demanded that coastal power plants utilize the best available technology.**

THIS PAGE: "Startled But One" Zuma Beach (Chris Saul, [www.chrissaul.com](http://www.chrissaul.com))

OPPOSITE PAGE, LEFT TO RIGHT: "Jellyfish Chase" Monterey Bay Aquarium (mara elana burstein, [www.maraelana.com](http://www.maraelana.com)); Power Plant in El Segundo

## TOP ACHIEVEMENT *in* 2007

### Coastal Power Plants

## Phase Out Destructive Cooling Process

### THE ACHIEVEMENT

California's coastal and bay-side power plants currently use antiquated cooling technology known as "once-through cooling" that sucks in up to 17 billion gallons of seawater per day, destroying an untold number of fish larvae, plankton, fish, invertebrates and other marine life unlucky enough to be near the intake pipes.

In 2006, a broad coalition of fishing, conservation and environmental justice groups led by the California Coastkeeper Alliance (CCKA) significantly influenced the California State Lands Commission (SLC) and the Ocean Protection Council to adopt strong resolutions to phase out once-through cooling. In January 2007, CCKA, Santa Monica Baykeeper and the Surfrider Foundation sued the U.S. Environmental Protection Agency for its flawed once-through cooling rules. A Federal judge ruled in favor of the nonprofits, stating that the "location, design, construction and capacity of cooling water intake structures [must] reflect the best technology available for minimizing adverse environmental impact" (*Riverkeeper II*). Armed with this ruling, the partnership, along with Heal the Bay, focused on changing the longstanding leases of three coastal power plants: Cabrillo/Carlsbad, El Segundo and Huntington Beach. The SLC oversees the leasing of submerged land necessary for intake and outflow pipes. The environmental groups' coalition helped sway the SLC to require the following changes:

- Comply with new once-through regulations;
- Change the public review period of the leases from once every 50-years to every five years;
- Appropriately raise lease payments from dollars per year to hundreds of thousands of dollars per year; and
- Agree to modify once-through systems should cooling technology improve.

### WHAT MADE THE DIFFERENCE?

The *Riverkeeper II* decision "sparked the momentum on this issue" said Sarah Abramson of Heal the Bay. Environmentalists were able to use the ruling to challenge the dated and destructive once-through cooling system. At public hearings where power plants sought permit renewals, the coalition advocated for the use of the best technology available. Each of the four groups involved was responsible for action on its local plant and provided CCKA with expertise and updates. "The thing that truly made a difference... [was] that a large coalition of groups came before these agencies and demanded action," explained Ms. Abramson; action that could be backed up by the recent interpretation of the law.

### THE IMPACT

Changing these three coastal power plant leases has become a model strategy as other leases come up for renewal. "As a result of CCKA's written and oral comments to the SLC about shamefully low lease fees... the new 2007 leases included far more realistic payments," said Linda Sheehan, Executive Direc-

tor of CCKA. "For example, the El Segundo new annual lease fee is now \$350,000 a year, compared with \$42 per year under the prior [50-year] lease." Higher lease payments and mitigation costs provide plant owners with financial incentives to retrofit or retool with alternative technologies that would not use submerged public land and therefore would not require leases. "We're going to start to see a shift away from [the] continued use of this destructive technology," Ms. Abramson said. The El Segundo station has already decided to convert a portion of their plant to a modern, closed cooling system that not only eliminates devastating once-through impacts, but also does away with ocean discharges completely. CCKA and its partners drafted a letter of support for this proposal to the California Public Utilities Commission, which later adopted their language in its decision almost verbatim. *Top Achievements Report* panelists Dr. Steve Murray and Assemblymember Pedro Nava agree that phasing out the destructive once-through cooling process "is a heroic achievement led by grassroots efforts."



# FOREST PROTECTION

The U.S. Forest Service “has a substantial financial interest in the harvesting of timber...”

—Ninth Circuit Judge’s Decision

## THE ACHIEVEMENT

In August 2005, Earth Island Institute’s John Muir Project (JMP) filed suit along with the Center for Biological Diversity (CBD) to stop two enormous post-fire “salvage” logging projects (Power and Freds) in the Sierra Nevada’s Eldorado National Forest. The organizations asserted that the U.S. Forest Service (USFS) violated longstanding federal laws by failing to adequately consider the impact of logging on the California Spotted Owl (*Strix occidentalis*), the Black-backed Woodpecker (*Picoides arcticus*) and other management “indicator” species dependent on burned forests. The organizations also requested a preliminary injunction to halt logging. The Eastern District Court of California denied the request for an injunction.

In March 2006, the Ninth Circuit Court of Appeals reversed the District Court’s decision and found that the USFS violated the law: the judges ruled that the true impacts of a project must be clearly stated and dissenting scientific opinions could not be ignored. The decision also criticized the USFS’s tendency to pursue their “substantial financial interest in the harvesting of timber” rather than “complying with environmental laws.”

The USFS appealed the case to the U.S. Supreme Court. They asked not only for a reversal of the Ninth Circuit ruling but also to disallow the plaintiffs’ expert testimony and impose a new standard whereby no injunction on logging or development projects would be

**THIS PAGE:** Aspens at Lundy Lake (Josh Bridges, Ebbetts Pass Forest Watch)

**OPPOSITE PAGE, LEFT TO RIGHT:** California Spotted Owl (Monica Bond); Black-backed Woodpecker (Dennis Paulson); Calaveras Big Trees State Park (Josh Bridges, Ebbetts Pass Forest Watch)

## TOP ACHIEVEMENT in 2007

# Science Trumps Economic Interest in National Forest

issued unless plaintiffs proved that the projects would in-and-of themselves threaten the extinction of an entire species. In March 2007, attorneys headed by JMP’s counsel, persuaded the Supreme Court to reject the appeal, thus preserving the Ninth Circuit’s ruling.

## WHAT MADE THE DIFFERENCE?

“Just filing the case made all the difference,” said Rachel Fazio, JMP’s lead attorney. The case was the first lawsuit challenging the USFS’s failure to monitor indicator species since a 2004 ruling found that annual population monitoring was required.

Ninth Circuit judges were each well versed on the facts of the case and made a sound reasonable decision, based on science. Both JMP and CBD demonstrated relentless dedication to the case. With additional support from the Public Citizen Litigation Group and the Western Environmental Law Center, the plaintiffs prevailed in getting the Supreme Court to reject a review.

Dr. Chad Hanson, Executive Director of JMP explains, “It was a real victory for science,” noting that the law requires “scientific accuracy and integrity.” He added that government agencies must meaningfully

respond to scientific opinion which opens the door for scientists to educate the courts. The cooperation and support of numerous experts who testified on the detrimental effects of salvage logging of post-fire habitat heavily influenced the courts’ decisions. It demonstrates that plaintiffs can challenge the USFS based on science. Dr. Hanson, Spotted Owl biologist Monica Bond, formerly of CBD, Dr. Edwin Royce, research associate at University of California at Davis and hydrologist, Jon Rhodes, all provided their expertise.

## THE IMPACT

The Sierra Nevada forests provide essential value to Southern California including: clean water, air quality, habitat and recreation. This decision resulted in the protection of thousands of acres of critically important burned forest habitat, benefiting California Spotted Owls and numerous woodpecker species. However, the implications of this ruling extend far beyond stopping these two logging projects:

- The USFS, under federal law, cannot ignore or minimize dissenting scientific opinion.
- Indicator species populations must be monitored; the USFS withheld most new timber sales on all Sierra Nevada national forests

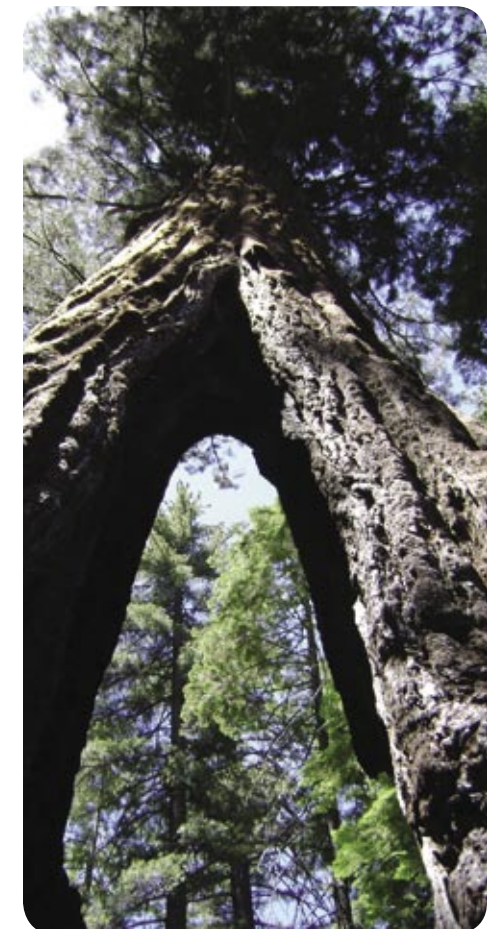
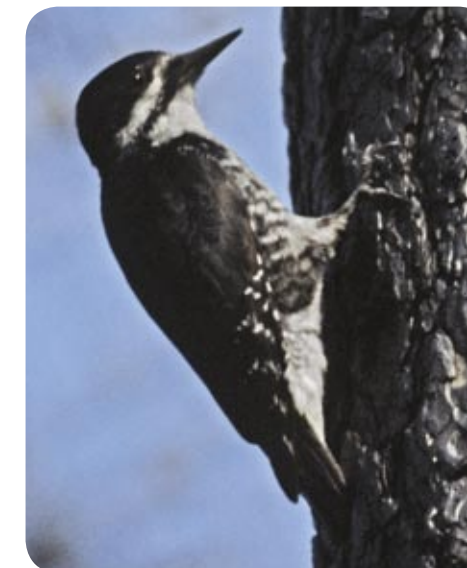
for almost a year while they attempted to find a way around the ruling.

- Plaintiffs must only show the “possibility” of irreparable harm rather than “actual” harm for a preliminary injunction.
- The USFS’s economic interest in timber sales was openly cited. It undermined their supposed “expert judgment,” on which past courts have heavily relied.

Scott Nelson, of the Public Citizen Litigation Group, noted this achievement’s significance because “this case was one of only two cases in 2006-7 where the federal government sought review by the Supreme Court and was turned down.”

## Environmental Organizations Involved

- John Muir Project
- Center for Biological Diversity



# FRESHWATER PROTECTION and RESTORATION

Fresh water resources  
must be protected as  
precious commodities.

THIS PAGE: "Canadian Geese at Sunset" San Joaquin Delta  
OPPOSITE PAGE: Delta Smelt (creator, Peterson, B. Moose; courtesy of U.S. Fish & Wildlife Service)

## TOP ACHIEVEMENT *in* 2007

17

### Small Fish Leads to Big Changes in Water Management

#### THE ACHIEVEMENT

The Delta Smelt (*Hypomesus transpacificus*) is a tiny fish endemic to the mixed fresh and salt waters of the upper San Francisco Bay and the Sacramento-San Joaquin Delta. It is considered an indicator of the habitat's ecological well-being. Historically, it was one of the most commonly found species in these waters. But in 1993, following a sharp decline in the previous decade, the Smelt was listed by both federal and state agencies as threatened. Despite this classification, its numbers continued to decline, hitting a record low in 2005.

That year, a coalition of nonprofit environmental groups led by the Natural Resources Defense Council (NRDC) and The Bay Institute (TBI)—represented by NRDC and Earthjustice—filed suit against the U.S. Fish & Wildlife Service (Fish & Wildlife). They challenged Fish & Wildlife's Biological Opinion (Opinion)—a formal report on the region's water projects—which concluded that continued and expanded water export operations would not jeopardize the Smelt or its habitat.

In May 2007, the U.S. District Court ruled in favor of the Smelt and the coalition. In his decision, Judge Wanger found that the Opinion was "arbitrary, capricious and contrary to law." He noted that it failed to: use the best available scientific information on Smelt populations and their endangerment; consider the impact of water projects on critical habitat; and account for the effects of climate change.

A few months later, after numerous experts suggested how to remedy these violations, the Court required Fish & Wildlife to develop a new Opinion. In the interim, the Court mandated significant restrictions on project operations. It ordered the Bureau of Reclamation and Fish & Wildlife to consider the effects of climate change on habitat and Smelt recovery. Also, the Bureau of Reclamation and the California Department of Water Resources were required to implement interim protective

measures for Endangered Species Act-listed species until a valid Opinion was completed.

#### WHAT MADE THE DIFFERENCE?

This far-reaching achievement was the result of a powerful collaboration and the contributions of a wide range of experts. Individual specialists provided "critical skills and expertise to make a comprehensive and very credible science-based... legal case," explained Dr. Christina Swanson of TBI. Earthjustice and NRDC provided invaluable strategic and legal skills, while TBI brought formidable scientific and analytical experience on Smelt biology and water project operations. Dr. Peter Moyle, of University of California, Davis, and Dr. Swanson furnished compelling testimony in court that helped convince the judge that water projects threatened the survival of the Smelt.

This precedent-setting decision was the result of an innovative and synergistic use of science, water resource management and policy expertise. Advocacy, litigation and a long-term dedication to understanding complex water and ecosystem management issues in the Delta were equally vital to the success of this battle.

#### THE IMPACT

As a result of this achievement, the Smelt may be saved from extinction. Moreover, because the diminutive fish is a primary indicator of the ecosystem's health, this action may have prevented the collapse of life in the entire Delta. At minimum, the ruling has transformed the region's debate about freshwater from "whether we need to reduce our reliance on the Delta... [to] how to do it" said Kate Poole of NRDC. "We need to start treat-

ing our freshwater resource like the precious commodity that it is... encouraging simple and sensible measures to more efficiently use and re-use water."

The new Opinion will have to address legal and scientific deficiencies identified by the court and incorporate most—perhaps all—of the substantially improved interim period protections. These protections reduce Smelt mortality through new monitoring requirements and management operations. Reducing the amount of water exported, increasing the release of freshwater upriver and controlling pollutants will help save not only the Smelt, but Chinook salmon, steelhead trout, green sturgeon and the entire Delta ecosystem. This ruling serves as an unmistakable signal to government agencies—ecosystem protection comes first, and the best available science, including climate change implications, must be applied to resource management.

#### Environmental Organizations Involved

- Natural Resources Defense Council
- The Bay Institute
- California Trout, Inc.
- Friends of the River
- Baykeeper
- Earthjustice
- Environmental Defense Fund
- Pacific Institute



## Challenges and Opportunities

In addition to celebrating the achievements, *Top Achievements Report* panelists identified the most significant environmental setbacks and failures of 2007 that yield important lessons. In some categories, an egregious setback was apparent. In others, panelists struggled to identify which setback offered the best lessons from which to learn. Topics considered included subdivisions in high-risk wildfire areas, the lack of enforceable clean-up standards for the drinking water contaminant perchlorate and the South Coast Air Quality Management District's decision to use Priority Reserve emission credits for fossil fuel plants instead of public facilities. The debates led to the inclusion of the following setbacks that, hopefully, the environmental community can turn around in the future.

### THE PORT OF L.A. APPROVES MASSIVE EXPANSION

The L.A. Harbor Commission unanimously approved the Port of L.A.'s TraPac Terminal expansion, vastly increasing ship and truck traffic. The Commission disregarded the fact that the emission reduction measures from last year's Clean Air Action Plan (CAAP) have yet to be approved.

*Top Achievements Report* panelist, Andrea Hricko, reminds us to "keep our attention on the ports; last year we applauded the CAAP, now it needs to be enforceable."

### U.S. EPA DENIES CALIFORNIA'S BID TO REDUCE GLOBAL WARMING POLLUTION FROM CARS

In December, the public was astonished when the U.S. Environmental Protection Agency Administrator disregarded 100,000 public comments and his staff's recommendation in denying California's bid to regulate automobile greenhouse gas emissions. The 2002 landmark Pavley law—which 19 states were looking to adopt—requires a 30% reduction of new vehicle emissions by 2016.

### LEGISLATION LINKING LAND USE AND CLIMATE CHANGE STALLS

Despite the California Global Warming Solutions Act of 2006, land use planning laws remain unchanged. The legislature failed to allocate the affordable housing funds from voter-approved, Proposition 1C and failed to pass Senate Bill 375—strong legislation to integrate land use and transportation planning to reduce emissions. Activists expect progress in 2008.

### COASTAL COMMISSION APPROVES ENVIRONMENTALLY DAMAGING CARLSBAD DESALINATION PLANT

Ocean desalination—the process of removing seawater salt to make potable water—devastates ecosystems, uses excessive energy and is costly. In November, the California Coastal Commission approved construction for the Poseidon Resources Corporation's Carlsbad desalination plant, despite hours of testimony and an 82-page staff recommendation to deny the permit. Before desalination is considered, it is far more sensible and less costly to implement conservation and water recycling.

### SOUTHERN CALIFORNIA FAILS TO CONSERVE WATER

The City of Long Beach, a successful model of municipal water conservation, achieved record water savings from September to December 2007, through mandatory prohibitions and innovative conservation measures. Unfortunately, other Southern California cities have yet to follow its lead. Voluntary programs such as L.A. Department of Water & Power's limited rebates, low-flow showerheads and the "Drought Busters" program have not achieved meaningful savings.

### SOUTHERN CALIFORNIA BURNS... AGAIN

The October wildfires charred 500,000 acres of Southern California's chaparral and sage scrub ecosystems and re-burned 100,000 acres consumed in 2003. Many misunderstand the root cause of Southern California fires and the timber industry has used it as a pretext for more logging in Northern California, to the detriment of Sierra Nevada forests. Two ecologists help explain the disparate role of fire in California.

#### *Southern California Chaparral: Needs Less Fire*

Contributing Author: Jon Keeley, Ph.D.

Southern California, dominated by shrublands, grasslands and oak woodlands, is comprised of less than 10% of forest land. Rare, high severity fire is a natural part of this region's ecosystem. But population increases in fire-prone areas have led to more frequent fires, which stress the native ecosystems and profoundly alter regional ecology. Many native species, such as Manzanita, are harmed by the unnatural frequency of the blazes, and shrublands are being replaced with non-native weedy grasslands, which are more susceptible to fire. The result not only diminishes the native biota but reduces soil stability and further increases the frequency of fires.

#### *Sierra Nevada Forests: Need More Fire*

Contributing Author: Chad Hanson, Ph.D.

Fire is a necessary process in Sierra Nevada conifer forests, yet recent data reveals that the average annual California forest area affected by fire is about one-tenth of the average before the year 1800. Fire suppression in remote areas and "salvage" logging of post-fire habitat has numerous adverse consequences. Not only does fire convert soil nutrients into useable forms, but also allows some native species to reproduce while providing key habitat features. If current fire policies continue, countless species, such as the Black-backed Woodpecker, and the ecosystems that historically evolved with fire, will diminish.

With analysis and action,  
the environmental community  
can turn setbacks into  
achievements.



Journalists routinely grumble  
that nonprofit websites fail to provide  
key information.

## INTERNET and The Environment

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*Contributing Author: Parker Blackman, Managing Director, Fenton Communications*

When you have a media interview lined up, you prepare accordingly—from rehearsing your remarks to wearing the right outfit. Take the same level of care with the face of your organization that reporters refer to all the time: online press rooms. Your website is often the first place reporters go before they interview you or file a story. Yet journalists routinely grumble that nonprofit sites are poorly organized, difficult to navigate and fail to provide key information. Here are a few simple steps to make your website reporter-friendly.

### THE ESSENTIALS

The following should be clearly visible individually, but can be combined into a downloadable press kit—saving time and money for materials you would otherwise mail.

- ♦ **Contact Info:** A clear contact for press inquiries must include name, number and email address.
- ♦ **Press Releases:** Journalists—and other audiences—want to see your releases, but a long list can be overwhelming. List your most recent three to five releases on the main press page and link to another page for full archives.
  - Order in reverse chronology (most recent first). If you have many releases, create a “pull-down menu” for sorting.
  - Include headline summaries and release dates.
  - Releases with media coverage validate your efforts and assist reporters. Post article links next to the release.
- ♦ **FAQ & Fact Sheets:** Often, reporters look for a quick index of who, what, when and where. Create a fact sheet or answers to Frequently Asked Questions for statistics and background on your organization and issues. Link to press releases that explain your positions further.
- ♦ **Spokespeople:** News stories rarely exist without quotes—promote your spokesperson by creating online profiles with biographical credentials and a photo. A sample audio sound bite or colorful quote can also convince them that your spokesperson is the pithiest option.
- ♦ **About You:** Online visitors often click on “About Us” immediately, so create a link to it from your press room.
- ♦ **Media Coverage:** Journalists want to see how you or your issues have been covered in the past—and by what media. Previous coverage legitimizes your work as newsworthy: list the most recent mentions (link to a full archive) and post outstanding media coverage pieces on the main page for up to a year.
- ♦ **All Roads Lead To It:** Give the press center its own navigation tab on your homepage and site-wide navigation bar.

### HOW DO I KNOW IF MY PRESS ROOM IS WORKING?

#### Monitor Site Logs

Most web hosting services provide statistics on site activity, such as the number of visitors and pages viewed. Contact your host and identify:

- ♦ How much traffic does your press center receive?
- ♦ Which pages are most popular?
- ♦ What documents are most frequently downloaded?

#### Track Email Traffic

When you send emails about your news, track how many recipients read the article.

### ONLINE PRESS ROOMS THAT GOT IT RIGHT

#### Public Policy Institute of California

[www.ppic.org/main/pressroom.asp](http://www.ppic.org/main/pressroom.asp)

What this nonpartisan think tank is doing right:

- ♦ Spotlights spokespeople with photographs and excerpted quotes.
- ♦ Features teaser headlines about current research and press releases.
- ♦ Advanced search technology allows reporters to search within different press pages and materials.

#### Google

[www.google.com/intl/en/press/index.html](http://www.google.com/intl/en/press/index.html)

What this popular search engine is doing right:

- ♦ Features testimonials from satisfied customers and teasers about upcoming ideas and features.
- ♦ Prominently promotes their blog—an engaging way to directly communicate their messages.
- ♦ A simple email field in the top right allows reporters to sign up for alerts.

For additional tips and guidance on your online press room, go to [www.Fenton.com](http://www.Fenton.com). There you'll find:

- ♦ The top 10 smart additions to your online press room.
- ♦ Design and navigation tips.
- ♦ And insight on registering *vs.* not registering visitors to your site.

*Fenton Communications* is the nation's leading public interest communications firm. Fenton develops and executes strategic communications campaigns on environmental, public health and social justice issues, including global warming, ocean protection and land conservation.



## Air Quality

**HONORABLE RONALD LOVERIDGE, PH.D.**  
Mayor, City of Riverside; Board Member, California Air Resources Board; Board Member, South Coast Air Quality Management District

Ronald Loveridge has served as Riverside's Mayor since 1994. He is committed to improving air quality and is a longtime board member of the South Coast Air Quality Management District. In 2004, Governor Arnold Schwarzenegger appointed Mayor Loveridge to the California Air Resources Board. In 2005, Mayor Loveridge appointed a Clean and Green Task Force for Riverside and initiated approvals for a Model Clean Air Program, a California Green Builder Program, the Planting of 100,000 trees and a Master Bike Plan.

**ANDREA HRICKO, MPH**  
Associate Professor, Keck School of Medicine, University of Southern California

Andrea Hricko is Associate Professor of Preventive Medicine and Director of Community Outreach and Education for the Southern California Environmental Health Sciences Center, based at USC's Keck School of Medicine. She is a leader in the Los Angeles/Long Beach ports expansion debate, informing policymakers about the health effects of air pollution.

## Climate and Energy

**HONORABLE JERRY MCNERNEY**  
U.S. Representative, 11th District of California

Before his election to Congress, Rep. McNerney spent more than 20 years involved with wind and other forms of new energy technology. During his career, McNerney's work contributed to saving the equivalent of approximately 30 million barrels of oil. Since arriving in Congress he has worked to pursue policies that encourage renewable energy use and production, especially through his service on the Select Committee on Energy Independence and Global Warming and the Committee on Science and Technology.

**NATHAN LEWIS, PH.D.**  
Professor, Division of Chemistry and Chemical Engineering, California Institute of Technology

Dr. Lewis, professor of chemistry and chemical engineering at the California Institute of Technology, studies the connection between energy, environment and climate. Lewis served on BP's technical advisory council and has served for the last 15 years as a consultant to the U.S. government, looking across technology areas relevant to national security. He has advised a variety of corporations and funds on investment strategies in the chemical sensing and energy sectors.

## Land Use, Open Space and Smart Growth

**HONORABLE WILLIAM FULTON**  
Ventura City Councilmember

William "Bill" Fulton was elected to the Ventura City Council in 2003 and is a senior scholar at the School of Policy, Planning, and Development at the University of Southern California. He has also taught urban planning at Cal Poly Pomona, USC and UCSB. Mr. Fulton is the author of "The Reluctant Metropolis: The Politics of Urban Growth in Los Angeles" and "Guide to California Planning", and is the founder and publisher of the monthly periodical *California Planning and Development Report*.

**JENNIFER WOLCH, PH.D.**  
Director, Center for Sustainable Cities University of Southern California

Dr. Jennifer Wolch is Professor of Geography at USC. She directs the Center for Sustainable Cities and leads the Green Vision Plan for 21st Century Southern California, a planning guide and decision support toolkit for habitat conservation, watershed health and recreational open space in the region. Her research focuses on metropolitan sprawl, physical activity and urban design, parks and environmental justice. She is a past recipient of several awards from the American Planning Association.

## CATEGORY DEFINITIONS

**AIR QUALITY** Panelists considered achievements that reduced Southern California's six common "criteria" pollutants, air toxins or pollution from stationary or mobile sources, as well as, achievements that focused on disproportionate impacts and regional pollution. Human health effects, environmental justice, education and measurable and quantifiable work were also considered. Eligibility was limited to outdoor air quality achievements.

**CLIMATE AND ENERGY** Panelists considered achievements that addressed transportation, energy generation or use, greenhouse gas emissions and climate change. Projects could include conservation, fuel efficiency, renewable energy, alternative fuels, clean or energy efficient technologies, trip reduction, transit, education or environmental justice. Statewide projects were considered if they had a significant impact on Southern California.

**LAND USE, OPEN SPACE AND SMART GROWTH** Panelists considered achievements that improved sustainability in Southern California by preserving sensitive open spaces, wildlands or wildlife corridors; creating or improving urban parks; improving efficiency of human development patterns; or reducing urban sprawl. Land use planning, education and environmental justice projects were also eligible.



## Coastal Protection

**HONORABLE PEDRO NAVA**  
Assemblymember, 35th District of California

Before Pedro Nava's election to the State Assembly in 2004, he served on the California Coastal Commission for eight years. He is the Chair of the Assembly Transportation Committee, ex-officio member of the California Transportation Commission and Assembly representative to the Ocean Protection Council. Assemblymember Nava is a member of three committees: Assembly Appropriations; Environmental Safety and Toxic Materials; and Water, Parks and Wildlife.

**STEVEN MURRAY, PH.D.**  
Dean, College of Natural Resources and Mathematics, California State University, Fullerton

Dr. Steven Murray is Professor of marine ecology at California State University, Fullerton. He studies human impacts on coastal ecosystems, marine life refuges, marine herbivory and seaweeds. Dr. Murray was nominated to the National Marine Protected Areas Federal Advisory Committee, where he provided recommendations to the secretaries of Commerce and the Interior on Marine Protected Areas.

## Freshwater Protection and Restoration

**TRACY J. EGOSCUE**  
Executive Officer, Los Angeles Regional Water Quality Control Board

Tracy Egoscue is the Executive Officer of the L.A. Regional Water Quality Control Board. As the previous Executive Director of Santa Monica Baykeeper, she settled Baykeeper's six-year Clean Water Act lawsuit against the City of L.A. for illegal sewage spills, leading directly to the City's sewer pipe infrastructure rehabilitation program. Ms. Egoscue has served on the L.A./Long Beach Harbor Safety Committee, California Coastkeeper Alliance and the Santa Monica Bay Restoration Commission.

**ARTURO A. KELLER, PH.D.**  
Bren School of Environmental Science and Management, University of California, Santa Barbara

Dr. Arturo A. Keller is Professor of Environmental Biogeochemistry at the Bren School of Environmental Science and Management at the University of California, Santa Barbara. His research and teaching focus on water quality management and pollution. His current projects involve developing Best Management Practices for runoff and nutrient trading programs to meet Total Maximum Daily Loads.

## Forest Protection

**HONORABLE HILDA L. SOLIS**  
U.S. Representative, 32nd District of California

Congresswoman Hilda L. Solis of Los Angeles is serving her fourth term in Congress. In 2000, she became the first woman to receive the John F. Kennedy Profile in Courage Award for her work on environmental justice. In 2003, she became the first Latina appointed to the House Committee on Energy and Commerce. Rep. Solis is also a member of the House Committee on Natural Resources and the House Select Committee on Energy Independence and Global Warming.

**JON E. KEELEY, PH.D.**  
Adjunct Professor, Department of Ecology and Evolutionary Biology, University of California, Los Angeles

Dr. Jon Keeley is Adjunct Professor in the Department of Ecology and Evolutionary Biology at the University of California, Los Angeles. Dr. Keeley's research specialties include the study of fire-prone ecosystems in Mediterranean climates and the impact of fire and the invasion of natural ecosystems by non-native species. He has written more than 250 publications and served on the National Science Foundation, L.A. County Department of Regional Planning Environmental Review Board and the State Natural Communities Conservation Program Scientific Board.

## CATEGORY DEFINITIONS

**COASTAL PROTECTION** Panelists considered achievements that had a direct affect on Southern California's coastal ecosystem. Projects addressed: restoration, protection, water quality, biodiversity, ecosystem functionality, habitat, wetland or coastal preservation, education or environmental justice. Projects on Islands off the coast of Southern California were also eligible.

**FOREST PROTECTION** Panelists considered achievements that reformed logging practices, or prevented harmful projects such as over-grazing or poor development. Restoration, species protection, education and environmental justice all qualified, as well as projects that addressed public or private forests and wildland. In addition to projects in Southern California, those in the Sierra Nevada and other regions of the state were considered, because healthy forests are critical to Southern California's water supply.

**FRESHWATER PROTECTION AND RESTORATION** Panelists considered achievements that concerned contamination, runoff, mitigation measures and technologies, protection and restoration of inland waterways and habitats, conservation, groundwater recharge, education or environmental justice. Statewide projects were considered if significant effects were seen in Southern California.



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