



# Yolano Flame

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“To explore, enjoy, and protect the wild places of the Earth”

Number 90

## SPRING LAKE DEVELOPMENT LAWSUIT SETTLEMENT FINALIZED

*By Jean Jackman and Susan Pelican*

The Yolano Group Sierra Club tried in numerous ways to push for changes in the Spring Lake Specific Plan, formerly Turn of the Century, a 1,097 acre development proposed for 11,270 people southeast of the Woodland City limits. Yolano members wrote letters and gave public testimony, at the Woodland Planning Commission and City Council hearings regarding the many changes in the Spring Lake Plan which we found to be socially, environmentally and fiscally damaging.

After the Woodland City Council approved the revised Spring Lake project in spite of these findings, and in spite of the Woodland Planning Commission voting against the last minute revisions, the only recourse for change was a CEQA (California Environmental Quality Act) lawsuit. The law requires CEQA lawsuits to be filed within 30 days after approval of the project. All Sierra Club lawsuits must go through approval at chapter and national level which often takes more than 30 days. Yolano Board member Susan Pelican and environmentalist Shawn Smallwood, agreed to become petitioners before the deadline and before approval could be obtained from Sierra Club at the national level. After several months, national approval was given and the Sierra Club signed on. CEQA requires that petitioners and defendants (City of Woodland), and the real parties (Spring Lake developers) meet together within 45 days to try and forge a settlement before the case goes to court. As a result, the developers and environmentalists spent many hours together from March until late June negotiating a settlement. Action taken by the Woodland City Council in December 2002 finalized the Settlement Agreement. Through the Settlement Agreement we were able to have more influence on the mitigation measures and improve the biological

mitigation and monitoring originally required by the City of Woodland.

The Settlement Agreement provides:

1. That neighborhood parks be built as each neighborhood reaches 60 percent buildout;
2. For the mitigation of the loss of Swainson's Hawk foraging habitat at the ratio of 2 acres for every acre lost and for the mitigation of farmland at a ratio of 1 acre for every acre lost.
3. The establishment of a \$150,000 fund to conduct biological monitoring over the next 15 years. The biological monitoring fund to be paid into over the next 15 years, will be used for the purpose of carrying out a monitoring program on the mitigation lands and on the Swainson's Hawk population in the area, and for preparing reports on the monitoring program.
4. The establishment of a fund for the Yolo County Resource Conservation District to conduct semiannual public seminars on biologically-sensitive farming practices.

The agreement also provides for an incentive to conduct the mitigation on lands that would provide the best habitat protection for the Swainson's Hawk. In addition, there is a side agreement that stipulates that Turn of the Century, the largest landowner in the Spring Lake, will not rely upon or use the county Habitat Conservation Plan (HCP) which the Yolano Group deems deeply flawed. The HCP requires a fee rather than specific land for mitigation. Instead, the agreement provides that at least 350 acres of the mitigation land be in an area near Willow Slough, where Swainson's Hawks are concentrated and the remainder of the mitigation lands be within Yolo County.

*See Settlement, P2...*

## Settlement, cont...

Members of the local group who were involved in this process learned much from this difficult experience. We avoided going to court partly because we felt that the Spring Lake developers agreed to many things which the courts ultimately may have not demanded but also because the costs of a court case were prohibitive. The enormous cost of the administrative record, necessary if we were to go to court, was one factor in settling. CEQA does not limit the cost of the administrative record and places the burden of paying for it on the petitioners. The administrative record in this case was enormous due to the size of this project, the numbers of years it has been around and the number of hearings and studies that were conducted. The costs that Woodland sought to charge for the administrative record was significantly more than we were able to raise in nine months. We now realize how much money we really need for lawsuits and the importance of being at the table early on. With the help of many people, we did raise over \$12,000 plus; we had commitments of more should bills come due. We raised the money by holding garage sales, direct money appeals, hosting a music and story telling event at Village Homes and hosting Sweet Music, Sweet Eats and A Summer Sunset, a dessert and beverages event with three musical groups held at the home of Richard and Rachel Livingston. The settlement provides that Spring Lake pay attorney's fees, as a result we have monies remaining in a fund which we are putting into a separate fund for future conservation actions.

We wish to thank the hundreds of people who contributed to the lawsuit and attended fund raisers, the musicians who performed and the people who hosted fund raisers and wrote letters. The Yolano Group is grateful to biologist Shawn Smallwood, Ph.D. for his many contributions of expertise during settlement negotiations. We also wish to express our appreciation to the Spring Lake developers for working towards a constructive resolution of the issues raised in the litigation. And finally, we wish to acknowledge a core of 9 people (Sprawl Busters) who met each and every weekend from January through June in addition to other meetings and fund-raisers. They were the ones who kept the lawsuit and fund raising going: Four members of the Yolano Board were part

of that team; Pam Nieberg, Susan Pelican, Jean Jackman, and Holly Bishop as well as Co-Conservation Chairs Erika Gallo and Mark Graham; Nancy Price and lastly, biologist and petitioner Shawn Smallwood. Thanks also to environmental attorney Donald Mooney.

## Upcoming Event

— A Slide Show about citizens' efforts to protect Utah's wild areas will be presented on Wednesday evening, February 12th at the Yolo County Library, Davis Branch, Blanchard Room. Mike Painter will discuss Utah as a leading example in the broader citizens' wilderness movement that has taken off across the West in the last few years, as citizens have recognized that government agencies and legislators cannot necessarily be relied on to provide permanent protection for wildlands. Mike is a member of the Sierra Club's National Utah Wilderness Task Force and coordinator of Californians for Western Wilderness. CalUWild is a statewide organization that promotes and facilitates citizen involvement in wilderness and other public lands management. The program will be co-sponsored by Yolano Group Sierra Club and CalUWild. The program will run from 7:00 - 8:30 p.m. The Yolo County Library is located at 315 E. 14th St. in Davis. For further information, call 530.756.3484 or 530.756.6856.

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## **BADLY NEEDED: Web designer**

...to bring us up to date on the Mother Lode Chapter web page. Nothing fancy. Please help us out. We are the only group in the Mother Lode chapter without a web presence. Please call Jean, 530.756.3484

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## **Outings**

For outing opportunities of all varieties for all groups of people and all skill levels, check the Mother Lode Chapter's Bonanza newsletter or the website:

<http://motherlode.sierraclub.org/outings/index.html>

The Yolano Group management committee meets on the 2nd Tuesday of each month. We welcome your attendance and ideas. There are volunteer positions waiting to be filled. Care to get involved? Call Chair, Jean Jackman, at 530.756.3484.

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## Yolano Group Elections

This election is for 3 members of the 7 member Management Committee, which is the Yolano Board. The terms are for 2 years. Next year, 4 members will be elected. Candidate statements are below.

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### **Ruben Arevalo**

As a Sierra Club member I am deeply concerned about humanities increasing impact on our natural world. Decades ago people concerned about the impacts of human development were labeled extremists. Due to the hard work of environmental organizations like the Sierra Club that concern is now widely accepted.

Many of you know me as a local citizen concerned about responsible land use, sustainable planning, and alternative transportation issues. I have objected to poorly written EIR's, habitat mitigation, and development proposals. I have researched alternative solutions, obtained government records, and testified on behalf of the environment. I have walked voter precincts, gathered signatures, and hosted community forums. Together we have both lost and won many battles against greed, corruption, ignorance and negligence. Unfortunately, there are always more threats to the health of our ecosystem.

The population of Yolo and Solano counties is expected to double by 2040. As our environmental resources dwindle we cannot afford to watch the mistakes of the last century be repeated again. As a public watchdog I am well informed of regional and local environmental issues. I do not possess any fiscal conflict of interest with the Sierra Club duties. I have never profited from my activism in defending the environment or social justice.

In an era of special interests, corporate malfeasance, and political corruption, club members can expect me to protect the spirit of the Sierra Club. Please vote for Ruben Arevalo in the local board election.

### **Jean Jackman**

Please elect me for another term. I have served for the last two years and was elected Chair of the Yolano Group for both years. My goal in running was to have a more active group. I am told repeatedly that we have achieved that. We have taken numerous positions on issues, had our first lawsuit and won substantial, precedent setting awards. We have had numerous general program meetings with at times, standing room only attendance. And we set new levels for fund raising.

In addition to serving as chair, I shared editing for our newsletter, was lead on many conservation issues, represented the group at chapter meetings, wrote letters and newsletter articles, led outings, produced successful fund raising events plus most of the general program meetings.

Prior to being on the management committee, I worked on environmental issues individually and through many organizations: I was Co-coordinator of the Davis Open Space Preservation Tax Campaign (passed with 70.4% yes vote); served on the Davis General Plan Update Open Space Committee; 1997/98 Artist in Bioregional Residence, UCD Putah/Cache Project; produced the solo show, "When Davis was A Tule Swamp," and authored "Down Home Tales of Davis," a history of Davis. I am a teacher, performer, and artist and received a Masters in Education from Stanford and a B.S. from U of Minnesota.

My goals include volunteer recruitment, responsible administration of lawsuit monies, creation of outing opportunities, and rising to challenges resulting from the administration's moves to degrade our environment.

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## Bob Schneider

We have a special opportunity to protect and restore our wild heritage along Cache Creek, Blue Ridge, Putah Creek and the Yolo Basin. In addition, we can protect open space and a sustainable agricultural heritage.

In the early 90's, I served as the chair of the Yolano Group, and on the Sierra Club California Executive Committee. In addition, I have worked with the California Wild Heritage Campaign and the California Wilderness Coalition of which was a co-founder in 1976. Recently with Andrew Fulks, Jim Eaton, and Chad Roberts, I formed "Cache Creek Wild" to permanently protect our wild places in this region. Wilderness and wild rivers are my passion.

I have been awarded the Mother Lode Chapter Conservationist of the Year, received the Sierra Club California John Zierold Volunteer Lobbyist award, and a special achievement award for the organization of the California Wilderness Conference 2000. I was included on the Redwood National Park volunteer grove dedication plaque.

The projects that I have worked on involved the vision, organization, cooperation and teamwork of many dedicated folks.

The Yolano Group is a key environmental voice and much hard work has been accomplished. I am running to focus our efforts and to further increase our effectiveness. With a strategic approach we can prevent sprawl, protect habitat and open space, foster sustainable agricultural practices and protect our wild heritage.

I ask for your support and vote.

## Marc Vayssières

I am running for the Yolano Management Committee to help protect the local and global environment. I have worked as a dairy science teacher and a farm advisor and first came to California from France for a couple of years in 1980 to work on farms. I came back to Yolo county in 1989 to study at U.C.Davis. I obtained a masters' degree in agronomy and range science, and a doctorate in ecology, and I settled here with my wife and two children. I now work as an environmental scientist for the California Department of Water Resources, monitoring Delta water quality. As a father, I care about the environment I am raising my children in, and the world I am leaving them. I like to take them on hikes in the mountains or camping in beautiful natural places and hope that they will be able to do the same with their kids.

## Ballot

The candidates are running for two-year terms on the Yolano Group Management Committee. Choose up to three candidates. Use one column if you have a single membership, or both columns for a joint membership.

Please mail this ballot to:

**Yolano Group Elections, Sierra Club**  
**P.O. Box 2220**  
**Davis, CA 95617-2220**

postmarked no later than Wednesday, February 5, 2003

<input type="checkbox"/>	<input type="checkbox"/>	<b>Ruben Arevelo</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Jean Jackman</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Bob Schneider</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Marc Vayssières</b>

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## Water Pollution Continues Due to State Policies

By Jean Jackman

Did you know that the state of California has recently renewed waivers of waste discharge requirements for irrigated land and confined animal facilities? This means that the state will continue to turn a blind eye to dairies, feedlots and other agribusiness' pollution of the Central Valley waters. Such pollution occurs from farm runoff that is often loaded with pesticides and animal waste.

In 1982, the Central Valley Regional Water Quality Control Board (CVRWQCB) enacted 20-year waivers for agribusiness that exempts them from the strict requirements of the Porter-Cologne Water Quality Control Act, the state's clean water act. As a result, discharges from agricultural operations have remained virtually unregulated although the Board has substantial evidence showing that agriculture is a major source of pollution to our waterways. These waivers expired this year, but the Board voted to renew the waivers for an additional two years. The new waivers are "conditional" but they lack clear benchmarks and deadlines for achieving quality water standards and reduction in pollution.

The state does not charge agribusiness sufficient fees to pay for the costs of regulating their pollution. For instance, new dairies pay a one-time fee of \$2000 and are never controlled unless citizens file a complaint with the Board to report pollution. In comparison, trailer parks pay much higher fees each year, even though their waste is sent to either a sewer or septic tank system. Large dairies handle waste by allowing it to accumulate in huge waste lagoons with a continuous risk of seepage or overflow into our ground and surface waters. It is not in the public interest to continue to issue these waivers.

These matters will be reviewed again next March. The CVRWQCB and the legislature are under intense pressure from the agriculture industry. We think that agribusinesses should be required to pay fees for monitoring of their effluents and for staff to ensure that they comply with clean water laws, like cities and other industries. The hearings were attended by Management Committee members Susan Pelican and Jean Jackman.

### What you can do:

Write to your legislators now and demand that they enact legislation to reform the structures and make sure that our waters are protected from agricultural pollution. Write our Assemblywoman and the Central Valley Regional Water Quality Control Board and let them know you want an end to the agricultural discharge waivers. Let them know how you feel about the board's actions as well.

Assemblywoman Lois Wolk,  
Room 6012 State Capitol  
Sacramento, CA 95814  
lois.wolk@assembly.ca.gov

Bob Schneider, Chairman,  
Central Valley Regional Control Board  
3443 Routier Road, Suite A  
Sacramento, CA 95827-3003

*The hearings were attended by Yolano Management Committee members Susan Pelican and Jean Jackman. Marc Vayssières and Pam Nieberg contributed to this article.*

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## Conservation Groups File Water Rights Protest

By Bob Schneider

The threat of losing significant environmental and recreational benefits on Cache Creek led local conservation groups including the Sierra Club Yolano Group to petition the State Water Resources Control Board to protest an 8-year old water application submitted by the Yolo County Flood Control and Water Conservation District. According to the protest, the water rights application could jeopardize the existence of recreational opportunities on Cache Creek, including fishing and rafting, as well as federally protected threatened species such as the southern bald eagle and the California red-legged frog.

“While this application has remained dormant for eight years, the public has invested significant time and money in preserving the recreational and environmental values of the watershed,” said Marc Christopher of Friends of the River. “To allow the application to proceed without considering this new information could endanger the public watershed investments of the last eight years and is contrary to responsible public policy.”

According to the application, the district’s plan would divert 95,000 acre-feet of water from Cache Creek to be used by Yolo County farmers. We support providing reliable water supplies for Yolo County farmers, but this application does not explain how these new water diversions will affect Cache Creek.

“Flows in Cache Creek support recreational activities such as wildlife viewing, camping, and whitewater boating that directly fund the Yolo County Parks Department and contribute to the local economy,” commented Chad Roberts from the Yolo Audubon Society. “Important questions need to be answered to protect our public investment in this watershed before we allow even more water to be taken from the creek,” he said.

“Cache Creek is a local, regional and national treasure,” added Jim Eaton also of Cache Creek Wild. “It is an important resource for farmers, but it is not simply their irrigation canal.”

The sooner we move forward with necessary studies and develop a plan, the sooner we can support a water rights application that helps farmers and protects the resources of Cache Creek.

The environmental groups filing the protest are requesting that the Water Board require the district to conduct necessary studies that address new issues and information that have arisen since the application was originally filed in 1994. The protesting groups include Friends of the River, Cache Creek Wild, Yolo Audubon Society, the Sierra Club Lake County and Yolano Groups, and the California Native Plant Society-Sacramento Valley Chapter. The California Sportfishing Protection Alliance and other parties filed protests at an earlier date.

*This article was prepared by Bob Schneider with assistance of Steve Evans, Chad Roberts and Marc Christopher.*

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### Yolano Management Committee

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## Lewis and Clark Bicentennial - Follow In Their Footsteps

”It was the first report on the West, on the United States over the Hill and beyond the sunset, on the province of the American future. There has never been another so excellent or influential.” — Historian Bernard DeVoto

In 1803, shortly after the Louisiana Purchase was finalized, President Thomas Jefferson ordered 45 men — Captains Meriwether Lewis, William Clark and their Corps of Discovery — to “find the shortest and most convenient route of communication between the U.S. and the Pacific Ocean.” Jefferson instructed the explorers to map “the face of the country,” make contact and peace with the Native peoples they encountered and to be naturalists, recording species of plants, birds, reptiles, insects and mammals, “especially those not known in the U.S...”

By boat and on foot for the next three years, Lewis and Clark navigated and named two-thirds of the American continent. They traveled 8,000 miles hauling 3,500 pounds of equipment, guided for part of their expedition by Sacagawea, a Shoshone woman. By journey’s end, they had written the first scientific descriptions of 178 plants and 122 animals.

Find out more about the expedition by going to [www.sierraclub.org](http://www.sierraclub.org) home page and click on ‘lewis and clark exhibition.’

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**GIVE YOUR SWEETIE A SIERRA CLUB MEMBERSHIP FOR VALENTINE'S DAY!**

## Notes from the Chair:

*By Jean Jackman*

Thank you all for your continued membership. It means something when we give public testimony at a hearing and say that we have 1850 members in the Yolano Group. Thanks to those who have made the effort to be activists in some way. And special thanks to those who serve on your Management Committee and make some difficult decisions. Three of us on the Management Committee, your board, have terms that end in January - Jim Eaton, Andrew Fulks and myself. We are sorry to say that Andrew and Jim will not be running for re-election. Andrew has been active as Flame Editor and will work for the environment in his day job as UC Davis Reserve Manager of Putah Creek and his volunteer work for Putah and Cache Creek watersheds. Jim also continues his volunteer work serving on several boards and working for the Putah and Cache Creek watersheds. I will be running for re-election and hope to continue serving the Yolano Group. Please thank all of your seven board members. And where would Yolano Group be without the work of Ida Bryan who organizes our Sierra Club calendar sales as well as labeling, sorting and mailing of our newsletter? Wishes to you all for a peaceful world where we recognize our connection with the universe - the peoples, the air, the water - and learn to take the appropriate responsibility for how we live and affect our precious planet. There are increasing assaults on the environment. Please speak out. And VOTE in your Yolano election.

Mother Lode Chapter, Sierra Club  
**Yolano Flame**  
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**IMPORTANT: THIS NEWSLETTER CONTAINS A BALLOT.  
PLEASE USE IT TO VOTE!**