

WATERSHED

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FRIENDS OF THE SANTA CLARA RIVER

Friends of the Santa Clara River is a non-profit, public-interest organization dedicated to the protection, enhancement and management of the resources of the Santa Clara River, which flows approximately 100 miles from Acton, California to the Pacific Ocean. The Santa Clara watershed is the largest natural river system remaining in Southern California, and the river was selected by American Rivers in 2005 as one of the nation's most endangered.

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❖ **California Supreme Court Sends a Message to the Newhall Ranch Project**



The photo above shows the reach of the river where the Newhall Ranch Project has been proposed. Imagine this scene replaced with 20,000 homes and millions of square feet of commercial development with 20,000,000 cubic yards of fill dumped into the river and its tributaries.

As you have read here over and over, reining in the Newhall Ranch Project has remained on the front burner of Friends' efforts to prevent major damage to the Santa Clara River Watershed and its wildlife. The project has now hit a very significant snag as a result of a November 30 California Supreme Court decision.

We will have a lot more to say about this in the future as the implications of this decision become more evident. For now, we can only say this is a great day for the Santa Clara River! Yesterday's press release is below.

California Supreme Court Upholds Environmental Challenges to Sprawling Newhall Ranch Mega-development

SAN FRANCISCO— The California Supreme Court today struck a severe blow to the Newhall Ranch mega-development project near Los Angeles, upholding environmental claims brought against state wildlife officials by the Center for Biological Diversity, Wishtoyo Foundation/Ventura Coastkeeper, Friends of the Santa Clara River, SCOPE and the California Native Plant Society, and fully reversing a 2014 ruling by the Second Appellate District, Division Five.

“This is a tremendous victory for the climate and California’s protected wildlife,” said John Buse, senior counsel and legal director at the Center. “This decision means public officials have to show their work in determining whether massive new development projects will interfere with the state’s climate goals. The court also gave one of California’s rarest fish, and all other fully protected wildlife, a reprieve from eviction in the face of ever-encroaching sprawl.”

Newhall Ranch would create a new town of more than 60,000 residents on a 12,000-acre site in northern Los Angeles County that includes a nearly six-mile stretch of the Santa Clara River. The Santa Clara is the last major free-flowing river in Southern California, and is home to many rare species, including the unarmored threespine stickleback and southern steelhead. The development also would create new greenhouse gas emissions, equivalent to roughly 260,000 metric tons of carbon dioxide each year.

The state Supreme Court’s decision today resolves a 2011 suit challenging the California Department of Fish and Wildlife’s approvals of permits for the entire development and review under the California Environmental Quality Act. The court’s decision addresses three distinct issues.

First, the court concluded it was reasonable for Fish and Wildlife to evaluate the project’s greenhouse gas emissions in light of statewide climate goals. But the court

also held that the department's conclusion — that the project's emissions were insignificant because they reduced "business as usual" emissions by roughly the amount identified as necessary in the "scoping plan" for A.B. 32, California's landmark greenhouse gas reduction law — was not adequately supported by the evidence. The court noted that the scoping plan's statewide goals could not simply be applied to individual new projects like Newhall Ranch, particularly because it may be far easier to reduce emissions from new developments than from existing buildings.

"The Supreme Court got the big picture on climate and sprawl development exactly right," said Center senior attorney Kevin Bundy. "To make good decisions, we need to know exactly how individual projects fit into California's overall climate effort. Just taking a statewide analysis out of context and applying it to individual projects doesn't produce useful results and doesn't protect our climate."

On the second issue, the court also agreed with environmental challengers that Fish and Wildlife improperly allowed the capture and relocation of unarmored threespine stickleback, a fish classified as "fully protected" under state law, to facilitate the development.

"Thanks to the court's ruling, California's fully protected wildlife species are truly fully protected," said Buse. "The highest level of protection is required, not just for the unarmored threespine stickleback, but for California condors, peregrine falcons and sea otters. Fully protected wildlife species can no longer be evicted from their native habitat to accommodate new subdivisions."

Finally, on the third issue, the court rejected the department's attempt to discount comments raised by the public, including the Wishtoyo Foundation and Chumash Ceremonial Elder Mati Waiya, regarding the project's effects on Native American cultural resources and steelhead.

"We applaud the California Supreme Court for maintaining the right of California tribes to identify and prevent impacts to tribal cultural resources in CEQA's environmental review process," said Mati Waiya, Wishtoyo executive director.

"This is a very good day for our current and future generations," said Jason Weiner, general counsel for Wishtoyo and its Ventura Coastkeeper Program. "The court fulfilled its role by upholding California's statutes needed to curb global warming, prevent species extinction, and to allow for meaningful public and tribal participation during state environmental review processes."

The other environmental challengers also praised the decision:

"Friends of the Santa Clara River thanks the California Supreme Court for agreeing to consider this important case, and appreciates the effort that each member of the court put forth in making its decision," said Ron Bottorff, Friends' chair. "We see this decision as affirming that the California Environmental Quality Act has once again served to provide the proper framework for deciding critical issues in protecting our environment."

Lynne Plambeck, president of the Santa Clarita Organization for Planning the Environment, said that today's decision creates an opportunity to reconsider unsustainable mega-projects. "In a time of severe drought throughout California due to climate change, it is appropriate that the court will now require a closer look at how we can address this problem through the land use approval process. Californians have answered the call to help by making huge changes in their lives. The development industry must now look for solutions too."

"The California Native Plant Society greatly appreciates the wisdom and thoughtfulness the California Supreme Court justices used in deciding the complex issues of this case," said David Magney of the California Native Plant Society. "The court has saved CEQA as we know it and protected our environment."

The plaintiffs were represented by John Buse, Aruna Prabhala and Kevin Bundy of the Center for Biological Diversity; Adam Keats; Jason Weiner of the Wishtoyo Foundation and Ventura Coastkeeper; Jan Chatten-Brown and Doug Carstens of the firm of Chatten-Brown and Carstens; and Sean Hecht of the Frank G. Wells Environmental Law Clinic at the University of California, Los Angeles.