

# 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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## Lawsuit Filled in Federal Court Against Army Corps of Engineers and Environmental Protection Agency

Friends of the Santa Clara River, the Center for Biological Diversity, Wishtoyo's Ventura Coastkeeper Program, and the Santa Clarita Organization for Planning and the Environment filed suit on March 6 against the Army Corps of Engineers and the Environmental Protection Agency for failing to adequately assess and mitigate impacts to wildlife and Native American sites on the proposed 20,000-home Newhall Ranch project.

In the next issue of E-News, we will provide an update on Newhall Ranch litigation, which now involves four active lawsuits. Meanwhile, here is the press release for yesterday's (3/6/14) action, which covers violations of the federal Clean Water Act.

### **Lawsuit Fights to Save River, Wildlife from Sprawling Newhall Ranch Project *New 20,000-home City Would Wipe Out Wildlife Habitat, Threaten Cultural Resources***

LOS ANGELES — A group of public-interest organizations sued the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency in federal court today over the agencies' approval of permits for the sprawling Newhall Ranch development. The development is one of the largest residential projects ever approved in California and would transform more than 2,000 acres along the Santa Clara River from rugged open space and agricultural land into a sprawling new suburban city.

"These federal permits pave the way for the destruction of the Santa Clara River, one of the most endangered rivers in America, by bringing massive development within the river's floodplain and along its tributaries," said John Buse, a senior attorney with the Center for Biological Diversity. "It's unconscionable that the federal agencies charged with protecting the river have permitted the destruction of its floodplain and tributaries on a scale that would have been unthinkable in the 1950s, much less today."

Filed in the Central District of California, the lawsuit challenges the Army Corps' failure to comply with the Clean Water Act, National Environmental Policy Act and National Historic Preservation Act when the agency issued permits for the Newhall Ranch development in 2011. The lawsuit also challenges the EPA's approval of the project's permits despite repeatedly voicing serious and unresolved concerns about the development's environmental impacts. The suit was filed by the Center for Biological Diversity, Friends of the Santa Clara River, Santa Clarita Organization for Planning the Environment (SCOPE), and Wishtoyo Foundation and its Ventura Coastkeeper program.

The Newhall Ranch development, conceived in the 1980s, will include nearly 20,000 housing units spread throughout the fragile landscape of the Santa Clara River

Valley. The proposed development approved by the Army Corps will require extensive modification of the river and its floodplain, harming habitat for a variety of rare fish, wildlife and plants, including the unarmored threespine stickleback, the California condor, least Bell's vireo, southwestern willow flycatcher, California red-legged frog, arroyo toad, southern California steelhead and San Fernando Valley spineflower. The project is also likely to destroy Chumash Native American burial sites and ancestral remains, while permanently erasing sacred places and natural cultural resources essential to Chumash heritage.

"The Army Corps brushed off better alternatives for Newhall Ranch that would have reduced the harm to the river and its floodplain," said Ron Bottorff, chairman of Friends of the Santa Clara River. "Instead the Army Corps, with the EPA's willing cooperation, adopted an alternative that will cause unacceptable impacts to some of the finest riparian areas to be found anywhere in Southern California — a region which has lost all but 3 percent of its historic river woodlands."

"The project's discharges of pollutants into the Santa Clara will impart irreversible impacts to the wellbeing of watershed residents for years to come, and threatens the tremendous southern California steelhead recovery effort in the watershed," said Jason Weiner, associate director and staff attorney at the Wishtoyo Foundation's Ventura Coastkeeper Program.

"The impacts to hundreds upon hundreds of our burial sites and natural cultural resources, such as river rock, willow, and the California condor, that are such a vital components of our culture and religious practices, will be devastating and irreversible," said Mati Waiya, a Chumash ceremonial elder and executive director of the Wishtoyo Foundation.

"Rather than ensuring that the last free-flowing river in the county is preserved, the agencies have approved development directly in the Santa Clara River's fragile floodplain," said Lynne Plambeck, president of the Santa Clarita Organization for Planning the Environment. "Such a massive development in sensitive habitat and prime farmland is out of step with contemporary urban planning. It is time to implement new planning concepts that protect, not destroy, wildlife habitat, water resources and our local agriculture."

## 20<sup>th</sup> Anniversary of 1994 ARCO Oil Spill in the Santa Clara River

January 17, 2014 marked the 20<sup>th</sup> anniversary of the 6.7 magnitude Northridge earthquake that left parts of northern Los Angeles in shambles, killed 60 people, and caused major damage to the City of Fillmore in Ventura County.

The quake also ruptured an ARCO oil pipeline that stretched across the Santa Clara River in the City of Santa Clarita, spilling 190,000 gallons of oil into the

river channel, and eventually affecting 16 miles of the river. A prompt response by the California Department of Fish and Wildlife (CDFW) cleaned up most of the spilled oil, but of course not all oil was recoverable.

ARCO was ordered to pay \$7.1 million dollars for natural resource damages resulting from the spill. A Santa Clara River Trustee Council consisting of representatives from CDFW and the U.S. Fish and Wildlife Service was subsequently established to administer the funds. Over the ensuing years, the funds have been allotted to several restoration projects along the river. These included over \$200,000 in grants to Friends of the Santa Clara River for restoration work at the Hedrick Ranch Nature Area (HRNA), where over 80 acres have now been restored to native habitats. Bird surveys at HRNA indicate these restoration efforts have paid off extremely well, with over 70 active least Bell's vireo nests on the property in 2010 and a recent sighting (June 2011) of a migrating yellow-billed cuckoo.

For further information on this and other spills, see <http://dfg.ca.gov/ospr/NRDA/> which has links to other trustee council accomplishments, and <http://dfg.ca.gov/NRDA/arco-sc.aspx> which includes a report on the Santa Clara River spill recovery plan.

## Update on Los Angeles' Hidden Creeks Estates Development Project

The City of Los Angeles is now in the process of certifying a Final Environmental Impact Report (FEIR) for a project called Hidden Creek Estates. The project area, currently within unincorporated Los Angeles County, is proposed for annexation into the City as part of the adjacent community of Porter Ranch. The land is zoned for 33 homes but the developer, Forestar Real Estate of Austin, Texas, hopes to be allowed to build 188 under City jurisdiction. Total grading on the site would involve moving 6.5 million cubic yards of earth. If piled on a football field, this amount of dirt would reach over half a mile.

We have previously reported that numerous scientific experts have weighed in on the project's many impacts to wildlife resources. Paul Edelman, Deputy Director of Natural Resources for the Santa Monica Mountains Conservancy, told the Los Angeles Times in a November 21 article that "You couldn't pick an ecologically worse place to plop down a big subdivision."

The project site lies a few miles south of Newhall Ranch and forms part of the critical wildlife corridor connecting the Santa Monica Mountains with the Los Padres National Forest. Even though the site is outside the Santa Clara watershed, Friends has always considered the entirety of the Santa Susana Mountains to be within our area of interest and we will be monitoring this development closely as it moves toward approval.