

Los Angeles Times
Wednesday, October 15, 2003

Newhall Ranch at Last Hurdle

Environmental lawyers lay out the remaining concerns about the housing development. A judge is expected to rule within 90 days.

By Richard Fausset

BAKERSFIELD — Attorneys for environmental groups laid out their remaining concerns about the massive Newhall Ranch development in court Tuesday, focusing attention on water quality and the project's effect on a small federally endangered fish that lives in the nearby Santa Clara River.

Their detailed arguments could be the final salvo in the extended war over the proposed 20,885-home project's general blueprint, which is viewed by some as one solution to the regional housing crunch and by others as an example of suburban sprawl.

Although initially approved by Los Angeles County supervisors in 1999, the project — which is planned for 12,000 acres of Santa Clarita Valley ranchland — was blocked in 2000 by a lawsuit that forced the developer to revise key environmental plans and prove that it had enough water for the project.

In May, developer Newhall Land & Farming Co. convinced supervisors that it had complied with the court's demands. But the revisions, which were under discussion Tuesday, must still be approved by Kern County Superior Court Judge Roger D. Randall.

Randall said he will issue a decision in the next 90 days.

The lawsuit was initially brought by Ventura County, which borders the Newhall project to the west, and the Sierra Club, among a number of other plaintiffs. But Ventura County officials said Tuesday that they were dropping out of the suit after Newhall Land assured them that the company would adequately protect a wildlife corridor along Salt Creek, which is part of the Santa Clara River system in Ventura County.

Newhall's new promises were "sufficient to satisfy our concerns," Ventura County Counsel Frank Sieh said.

That left the Sierra Club and two local environmental groups — Friends of the Santa Clara River and Santa Clarita Organization for Planning the Environment — to challenge Newhall's assertion that the developer has made sufficient changes to its plans.

In their written opposition, the environmental attorneys admitted that Newhall's changes were "impressive."

And though other critics of the developer have outstanding concerns about water supplies, traffic and the possible destruction of the endangered San Fernando Valley spineflower, the attorneys kept their focus Tuesday on two issues: the endangered fish and drinking water.

The first argument concerned the unarmored threespine stickleback, a small, scaleless fish that was once prevalent throughout Southern California but is now limited to the Santa Clara River and a Santa Barbara County creek.

John Buse, an attorney for the groups, said the developer's plans to stabilize the banks of the Santa Clara would speed up the flow of the river and reduce the small stagnant pools along the riverside that the stickleback, a relatively poor swimmer, uses to duck out of harm's way during floods.

Further, the increased water discharge from the project could eliminate dry stretches of river and allow the stickleback to interbreed with a more common fish that lives downstream, thus diluting the endangered breed, he said.

Environmental attorney Douglas Carstens criticized Los Angeles County for accommodating the developer by removing 355 acres from a 1,290-acre "special ecological area," a county designation that prohibits residential development along parts of the river.

"This [ecological area] was designed as a buffer for the protection of that stickleback," Carstens said.

In an animated, two-hour rebuttal, Newhall attorney Mark J. Dillon argued that all of the environmentalists' concerns were addressed in the voluminous environmental record that already exists. The endangered fish would still have backwater hide-outs and the non-endangered fish live too far downriver to mate with the stickleback, he said.

He added that of the 355 acres of ecological area, less than one was designated a "sensitive habitat" for threatened species.

"We have taken into account the impacts on the stickleback," he said. "There is no impact."

The second argument concerned water from Newhall's agricultural wells, which would provide less than one-third of the water for the new project.

To be drinkable, however, the water would first need to be treated, and Buse argued that Newhall had not sufficiently studied the effect of chlorides — the salty compounds that are the byproduct of the chlorination process — on the river's ecosystem. High levels of chlorides can have adverse effects on a river's flora and fauna.

Dillon said that the court should not take up the matter, because it was beyond the scope of the judge's original list of problems with Newhall.

The Santa Clarita-based Newhall Land & Farming Co. agreed in July to be acquired by Florida-based Lennar Corp., and a corporate partner. Groundbreaking for Newhall Ranch could start in late 2006, if the plan is approved within three months, company spokeswoman Marlee Lauffer said.