April 3, 2019

Sent via email and FedEx

Los Angeles County Board of Supervisors
c/o Ms. Celia Zavala
Executive Officer
500 West Temple Street
Los Angeles, CA 90012
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Re: Changed Circumstances Regarding the Centennial Specific Plan and Tejon Ranch Conservancy

Dear Los Angeles County Board of Supervisors:

These comments are submitted on behalf of the Center for Biological Diversity (“Center”) and the California Native Plant Society (“CNPS”) on the Centennial Specific Plan (“Centennial”). This letter highlights new information regarding the Tejon Ranch Conservancy (“Conservancy”) which is relevant to informed decision-making and public participation on Centennial and its Environmental Impact Report (“EIR”). As a result of this new information, a final vote on Centennial should be delayed and the EIR should be revised and recirculated for additional public comment.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over one million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Los Angeles County.

CNPS is a non-profit environmental organization with thousands of members in 35 Chapters across California and Baja California, Mexico. CNPS’s mission is to protect California’s native plant heritage and preserve it for future generations through the application of Changed Circumstances Regarding the Centennial Specific Plan & Tejon Ranch Conservancy Page 1
science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

I. Tejon Ranch Conservancy Is Losing Approximately Half Of Its Staff, Including The President And CEO.

It has come to the attention of the Center and CNPS (the “Conservation Groups”) that the Conservancy is facing severe financial challenges that may render it unable to fulfill its duties to manage mitigation lands for the Centennial development. A resignation letter authored by the President and CEO of the Conservancy published in the Conservancy’s February 6, 2019 newsletter reveals that the Conservancy will not be filling vacant positions for the President and CEO, Conservation Communications Manager, Public Access Manager, or Stewardship Manager:

The landmark 2008 Ranch-Wide Agreement (RWA) was a historic achievement, creating the Conservancy and placing 240,000 ecologically significant acres into conservation—in itself, a pretty remarkable accomplishment. Due to circumstances that no one could have anticipated, and beyond anyone’s control, the economic collapse and recession that same year impacted the future flow of funding intended to support the Conservancy beyond 2021. By far, this remains the Conservancy’s biggest challenge and one we are all hopeful will be met. The Conservancy board has been working diligently to identify the best pathway forward, keenly aware of the importance of the historic RWA.

In order to preserve resources to address this financial challenge, the Conservancy Board of Directors has had to make several difficult decisions. This includes moving forward with a smaller staff by not filling vacant positions (President and CEO, Conservation Communications Manager, Public Access Manager, as well as the Stewardship Manager position vacated in August). The Conservancy is hopeful these moves will help it prepare for the future and support its core mission of advancing conservation values here at Tejon Ranch.

The Conservancy will proceed under the capable direction of Conservation Science Director C. Ellery Mayence, Ph.D., and supported by Operations Director Tim Bulone, Biologist Mitchell Coleman, Administrative Coordinator Susan Chaney, Education Coordinator Paula Harvey, and Public Access Assistant Reema Hammad.

In other words, the Conservancy will be losing approximately half of its staff, including its key leadership. This is significant new information that has serious ramifications for the Centennial development, as described in further detail below.

1 The newsletter is currently available online at https://spark.adobe.com/page/v1eKwDenrCTge/.
II. The Tejon Ranch Conservancy Is Charged With Carrying Out Mitigation Activities For Centennial.

The EIR for Centennial expressly relies upon the Conservancy to carry out mitigation obligations for Centennial. For instance, the EIR states that the Conservancy “will adopt, update, monitor and enforce implementation of the Ranch-wide Management Plan (RWMP) (Final EIR Appendix 5.7-D) on dedicated conservation areas and option areas subject to conservation, preservation, mitigation, and enhancement measures...” (EIR at 2-123.) The EIR also relies upon the Conservancy to conduct activities to monitor pronghorn and implement habitat enhancements. (EIR at 2-146.) Elsewhere the EIR provides that “[m]aintenance of the open space or conserved lands will be the responsibility of the Conservancy, funded in large part by a fee based on a portion of the purchase price for each residential parcel on the Ranch.” (EIR at 2-156.) The EIR further states, “The open space areas that fall into the Mitigation Preserve will remain preserved in perpetuity and managed long-term by Tejon Ranch Conservancy.” (EIR at 2-533.)

The Ranchwide Agreement likewise states that the Conservancy is expected to carry out mitigation activities for the Centennial development. Section 3.10(e) of the Ranchwide Agreement transfers long-term responsibility for mitigation activities from Tejon Ranch Company to the Conservancy. Section 3.8(a) of the Ranchwide Agreement transfers the obligations to manage conservation lands and perform “conservation activities” from Tejon Ranch Company to the Conservancy. These “conservation activities” are defined in Exhibit N (section 7(b)) to include vegetation planting and management, animal control for feral and non-native animals, condor feeding, signage, non-native plant control, wetland and stream course restoration. In addition, section 3.8(d) provides that the Conservancy “shall be responsible, and shall bear all costs and liabilities of any kind related to Public Access or to the Conservation Activities, including, but not limited to, the incremental upkeep of the Conservation Easement Area due to Public Access or the Conservation Activities.”

Because the organization charged with carrying out the mitigation responsibilities for Centennial is in serious financial trouble, the entire mitigation strategy of the EIR is called into question. It is unclear how the Conservancy can manage thousands of acres of conservation and mitigation lands if it is operating with half of its staff. Nor is it clear how the Conservancy can preserve the ecological values of Tejon Ranch or allow for public access when it will no longer have a Stewardship Manager, Public Access Manager, or other key team members.

The California Environmental Quality Act (“CEQA”) requires mitigation measures to be effective in remedying a potential significant environmental problem. (See Gray v. County of Madera (2008) 167 Cal.App.4th 1099, 1116.) CEQA further requires mitigation measures to be “feasible,” meaning that the measures are “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (Public Resources Code § 21061.1; CEQA Guidelines § 15364.) It is not clear how the mitigation measures outlined in the EIR are “feasible” when the organization charged with carrying them out is underfunded, understaffed, and lacks a President and CEO.
The Conservation Groups, the Santa Monica Mountains Conservancy, and Planning Commissioner Laura Shell have urged that the mitigation lands for Centennial should be owned and managed by an entity that is independent of Tejon Ranch Company (e.g., a public agency). The Board has the authority to require that Tejon Ranch Company transfer mitigation lands to a public agency as a condition of approval for the Centennial development.

The fact that the Conservancy has been rendered unable to manage these lands due to the actions of Tejon Ranch Company underscores the need for public ownership and management. Moreover, Tejon Ranch Company’s pattern of arbitrarily banning certain groups from accessing or studying these lands (documented in other comment letters and in the LA Times\(^2\)) further confirms that Tejon Ranch Company should not have authority over conservation lands or control over access. Tejon Ranch Company’s banning of certain groups also likely violates the terms of the conservation easements granted by the Wildlife Conservation Board which requires Tejon to “encourage[] and facilitat[e] access by the public.”

III. The County Must Revise The EIR To Reflect This New Information.

Given the significant change in circumstances described above, state law requires that the EIR be revised and recirculated. More specifically, CEQA requires that an EIR be recirculated for public comment when new data or information relevant to the decision-making process comes to light. CEQA provides:

When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report.

(Cal. Pub. Res. Code § 21092.1.) The Board cannot make a decision which “intelligently takes account of environmental consequences” without current information on the organization charged with carrying out the mitigation responsibilities for this city-sized development. (See CEQA Guidelines, § 15151; see also Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs. (2001) 91 Cal.App.4th 1344, 1356 [the EIR must set forth sufficient information to “foster informed public participation and to enable the decision makers to consider the environmental factors necessary to make a reasoned decision.”].)

IV. The Traffic Analysis For Centennial Must Be Revised To Reflect That The Grapevine Development Approvals Are Being Rescinded.

There are additional independent grounds warranting recirculation of the EIR—the Grapevine Specific Plan is no longer “approved.” More specifically, the EIR states that the cumulative traffic scenarios for Centennial include the Grapevine Specific Plan in southern Kern

County because the Grapevine Specific Plan has “been approved by Kern County....” (EIR at 2-558.) However, while the Kern County Board of Supervisors did initially approve the Grapevine Specific Plan in December 2016, a Kern County Superior Court judge issued a final writ of mandate and judgment in February 2019 directing Kern County to vacate all project approvals for the Grapevine Specific Plan. As such, Centennial’s traffic analysis needs to be revised to reflect the fact that Grapevine is not “approved” by Kern County and may not proceed forward. Given that traffic impacts are linked to impacts associated with greenhouse gases, air pollution, and growth-inducement, these sections of the EIR’s analysis (and any other appropriate sections) must also be revised and the EIR recirculated.

V. The FEIR fails to adequately disclose, analyze, or mitigate the Project’s air quality impacts.

The Supreme Court recently clarified that an EIR must disclose how the numbers or statistics in an EIR relating to emissions translate into adverse health impacts, or explain why such a translation is not possible. (Sierra Club v. County of Fresno (2018) 6 Cal. 5th 502, 521 (“Sierra Club”).) The Supreme Court explained:

CEQA requires that the EIR have made a reasonable effort to discuss relevant specifics regarding the connection between two segments of information already contained in the EIR, the general health effects associated with a particular pollutant and the estimated amount of that pollutant the project will likely produce. This discussion will allow the public to make an informed decision, as CEQA requires. Because the EIR as written makes it impossible for the public to translate the bare numbers provided into adverse health impacts or to understand why such translation is not possible at this time (and what limited translation is, in fact, possible), we agree with the Court of Appeal that the EIR’s discussion of air quality impacts in this case was inadequate. (Id.) Here, the FEIR suffers from the same defect. The FEIR generally describes the Project’s air quality impacts as “significant” without explaining how these impacts translate into adverse health impacts for community members, and particularly for sensitive receptors such as children. The FEIR needs to be revised and recirculated with a thorough analysis as required by Sierra Club.
VI. Conclusion

Thank you once again for the opportunity to comment on the Centennial Specific Plan. Please feel free to contact us with any questions.

Sincerely,

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