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Business gets condor experts' silence in land deal

By Noaki Schwartz
The Associated Press

LOS ANGELES -- Biologist Noel Snyder got an intriguing call from a development-company representative a day after it announced it was moving forward with plans to build nearly 3,500 luxury homes, condos and hotels on land used by the endangered California condor.

Would he like to make \$3,000 for just one day's work reviewing the company's plan to safeguard the condor from the development?

There was just one catch: Snyder would have to sign a promise not to publicly criticize the Tejon Ranch Co. project.

"My jaw dropped to the floor," said Snyder, one of the foremost experts on North America's largest flying bird. "It was very clear to me I could've asked for \$10,000. I could've asked for \$50,000."

The Portal, Ariz., scientist said he turned the job down for fear it might prevent him from objectively evaluating the plan and, if he disagreed, from testifying against it in court. He has since decided the project could significantly harm the condor.



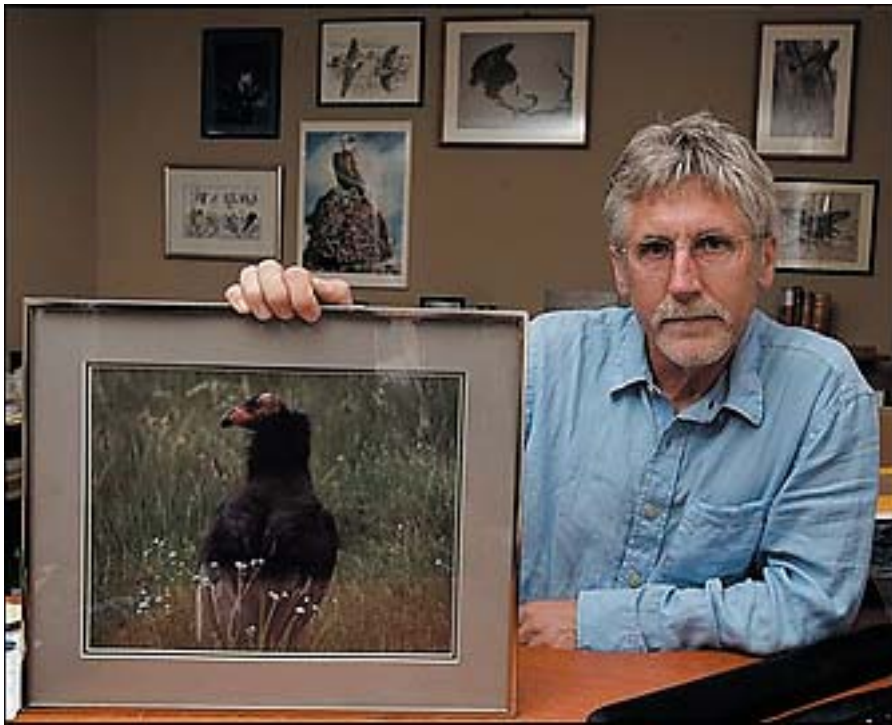
In this April 2000 file photo released by the United States Fish and Wildlife Service, a California condor prepares for flight after being released from a condor recovery program in the Hopper Mountain National Wildlife Refuge in Southern California. Many environmentalists are delighted by a deal under which Tejon will set aside an extraordinary 375 square miles for a bird and other wildlife sanctuary. It would be the biggest parcel in California history to be designated for conservation. (AP Photo/U.S. Fish and Wildlife Service, Scott Frier, File)

But others have taken the offer from Tejon (TAY-hone). The developer has retained the services _ and secured the public silence _ of three condor experts. That's a significant portion of the half-dozen or so scientists specializing in condors on Tejon, according to the developer's chief consultant on the bird, Peter Bloom.

In truth, many environmentalists are delighted by the deal, under which Tejon will set aside an extraordinary

375 square miles for the bird and other wildlife. It would be the biggest parcel in California history to be designated for conservation.

Five of the nation's most influential environmental groups, including the Sierra Club, the Natural Resources Defense Council and Audubon California, helped negotiate the plan and gave it their blessing when it was announced earlier this month.



Zoologist Peter Bloom holds one of his photos of a five-year-old California Condor at his home in Santa Ana, Calif., on Tuesday, May 20, 2008. Bloom has been retained by the Tejon Ranch Co. project and is the developer's chief consultant on the bird. (AP Photo/Damian Dovarganes)

But critics say that with hundreds of millions of dollars at stake, Tejon is systematically trying to stifle any remaining opposition to its plans, which are still awaiting approval from various government entities.

"Given the small number of experts with knowledge of this land and given Tejon's behavior to now, I think one of their tactics is to bottle up some or all of those experts so there can be no dissent if this lands in court," said Adam Keats, an attorney with the Center for Biological Diversity, which is considering suing over the project.

Tejon spokesman Barry Zoeller bristled at the criticism.

"If there is any assertion or implication that any attempt was made to get an opinion or buy an opinion from someone, that is absolutely incorrect and flies in the face of the independent evaluation" of the conservation groups, he said.

"They're putting their credibility on the line as well."

Zoeller said Tejon routinely requires consultants to sign confidentiality agreements because information leaks can harm the company's stock and its shareholders.

Companies often hire environmental experts as consultants with the expectation they will give an honest assessment but not publicly bash a plan. In the past decade, however, developers have increasingly required consultants to actually sign contracts with clauses preventing them from speaking out, said Tom Scott, a former biological consultant who is now a natural resources specialist at the University of California, Berkeley.

The condor has near-mythical status in California and virtually any project seen as even remotely threatening to its habitat faces stiff opposition. Getting the conservation

groups and the condor experts to sign off on the deal _ and, in the case of the experts, not publicly criticize any parts of it _ gives the project a major boost.

David Clendenen, a condor expert who declined to work for Tejon, criticized those who accepted the consulting job, saying the arrangement "destroys their credibility completely."

"For us, the ultimate line in the sand is you don't allow development in designated critical habitat, and it's that simple," he said.

Tejon Ranch Co. is a publicly traded company dating to 1936. Its primary asset is Tejon Ranch, a 426-square-mile area about 60 miles north of Los Angeles that is the largest unbroken expanse of land under single ownership in California.

The land was mainly used for farming and ranching for decades. In 2000, the company began looking to develop parts of the property but ran into resistance from environmentalists.

The project to build 3,450 housing units on land used as a feeding ground by condors is just one piece of far larger Tejon Ranch Co. plan to build what amounts to a mid-size city that could eventually bring more than 70,000 people to the area.

Two years ago, the company began negotiating a compromise with the environmental groups, ultimately agreeing to set aside a huge tract atop the Tehachapi Mountains that is home to elk, wild turkeys, coyotes, bears, eagles and the California condor.

"We had to give up something

and we gave up the right to oppose the development,” said Joel Reynolds, an attorney at the Defense Council.

The California condor nearly went extinct in the 1980s. In 1987, the last 22 wild condors were trapped and taken to zoos for a breeding program that raised their numbers to just under 300. Now there are some 200 in the wild, with about 60 in California, many of which use Tejon for foraging.

As for the consultants hired by Tejon, “experts expect to get paid and it doesn’t mean their integrity goes by the wayside,” Reynolds said.

Bloom, who previously worked on condor issues for the National Audubon Society, was Tejon’s lead condor consultant during the confidential negotiations. He said he was paid “a healthy amount” but would not be more specific, saying it would “taint people’s opinion” about a deal he feels provides adequate protection.

Lloyd Kiff, who once called Tejon Ranch Co. the “anti-Christ for condors,” was hired to scrutinize



An aerial of an expanse of land Thursday, May 8, 2008, in Lebec, Calif., that will become part of a vast nature preserve. A group of environmentalists and the owners of a large stretch of California wilderness, announced that they would set aside the largest parcel of land for conservation in the state’s history. Five of the nation’s most influential environmental groups, including the Sierra Club, the Natural Resources Defense Council and Audubon California, helped negotiate the plan and gave it their blessing when it was announced earlier this month. (AP Photo/Ric Francis)

the condor plan about a month before the agreement was made public.

He, too, declined to say what he was paid but said he was persuaded to take the job because of the impressive roster of environmental groups that signed off on it. Kiff said he endorsed the plan only after

Tejon incorporated many of his suggestions.

Bob Risebrough, the third hired condor consultant, said he was pleased with the final product but declined to comment on his deal with Tejon, citing the confidentiality agreement.