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EPA, Army Corps of Engineers are at odds over Newhall Ranch

The corps is expected to issue a permit for Newhall Ranch construction, but the EPA is concerned that the project could increase the potential for flooding in Santa Paula and Ventura.

By Louis Sahagun, Los Angeles Times

A project to build a community of 60,000 residents along the last wild river in Southern California has sparked a feud between two federal agencies over plans to alter areas crucial to California condors and convert nearly 20 miles of waterways into concrete drains and levees.



Lynne Plambeck, president of the Santa Clarita Organization for Planning the Environment, talks about habitat along the Santa Clara River. She is part of a coalition of environmental and Native American groups that have sued over the Newhall Ranch development. (Anne Cusack / Los Angeles Times)

The U.S. Environmental Protection Agency questions whether the U.S. Army Corps of Engineers, which is set to permit the Newhall Ranch construction 35 miles northwest of downtown Los Angeles, has

adequately considered the threat of flooding caused by building in the flood plain of the Santa Clara River or its effects on water quality, tributary streams, Native American burial sites and an array of rare and endan-

gered plants and animals. The corps is expected to issue a Clean Water Act permit this month authorizing the developer, Newhall Land, to use 20 million cubic yards of excavated soil to fill in wetlands in areas

to be developed over the next 20 to 30 years on the 12,000-acre ranch.

Of particular concern to the EPA are plans to fill in much of Potrero Canyon, which includes a rare alkali wetlands and roosting and foraging grounds for endangered California condors. Developers would also convert nearly 20 miles of tributaries and riverbank into storm drains and levees, which the EPA contends could increase flood risks to ranch residents and downstream communities, including Ventura and Santa Paula.

“We are not trying to stop this project, just modify it,” said Eric Raffini, an environmental scientist with the EPA’s wetlands regulatory program in Southern California. “We do not believe it is appropriate to put people in that flood plain, and we are proposing that they reduce the project footprint by about 80 acres in Potrero Canyon.”

“We are prepared to elevate this case, if necessary, to our headquarters in Washington for review, which could result in a veto of the project,” Raffini said.

Under the Obama administration, the EPA has overruled the Corps of Engineers before, notably in the EPA’s decision to require that the Los Angeles River be managed as a navigable waterway from its source in the west San Fernando Valley to its mouth in Long Beach. That subjects the river and its tributaries to the tight strictures of the Clean Water Act.

In West Virginia, the agency revoked a Clean Water Act permit issued by the corps in 2007 for a coal mining project that would have destroyed several miles of streams and changed the topography of thousands of mountain acres in Appalachia.

Both the corps and the Newhall Ranch development’s

managing company appear to be working to avoid a showdown. “We are continuing to evaluate the least environmentally damaging practicable alternatives,” said corps project manager Aaron O. Allen.

“We haven’t made any final decisions yet. The focus of our review of this project has been to try and avoid and minimize the impacts on the aquatic system,” he added. “We share the EPA’s concerns.”

The corps is studying alternative proposals, including one that “would avoid all of Potrero Canyon,” Allen said. But he noted that the corps has jurisdiction over only seven of the 109 acres of flood plain in dispute. “So the developer could still develop a lot of it without our permit,” he said.

“Do I believe these issues will reach the point where the project will be stopped?” asked Emile Haddad, president and chief executive of

Five Point Communities Management, a real estate management company owned by Haddad and Lennar Corp., one of the nation's largest homebuilders. "No. I want to find a solution. I'm a person who can sit down and make a deal. If the EPA's biggest problem is 80 acres and about 500 homes, we'll get rid of them. Done."

It may take more than that to satisfy the EPA. In August, Jared Blumenfeld, the agency's Pacific Southwest region administrator, informed Col. R. Mark Toy, district engineer in the corps' Los Angeles district, that the "environmental impacts that will result from the project, as a whole, are not consistent with the principles of sustainable growth."

The sprawling ranch is home to endangered flora and fauna including the San Fernando Valley spineflower, the unarmed threespine stickleback, least Bell's vireo, south-

western willow flycatcher, coastal California gnatcatcher, arroyo toads and California condors.

The U.S. Fish and Wildlife Service is expected to issue a biological opinion some time this month that could, among other things, exempt the corps and the developer from prohibitions against harming, harassing or killing endangered species, including California condors.

Adam Keats, spokesman for the Center for Biological Diversity, said that no such exemption for California condors has ever been issued. "This would make it hard to say no to every developer afterward who wants one," he said. "Yet, there are only about 150 in the wild, so the loss of a single condor could be devastating for the species."

In January, a coalition of environmental and Native American groups filed a lawsuit in San Francisco County Superior Court ac-

cusing the California Department of Fish and Game of violating environmental codes by approving the project the coalition claims will damage water quality, wildlife and cultural resources.

"We are extremely vetted," Newhall Ranch spokeswoman Marlee Lauffler said. "We hope to break ground in two years."