

The Bakersfield Californian

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Wednesday, Apr 25 2012

Court upholds study of Tejon development

Environmental activists opposed to the development of a huge residential resort on Tejon Ranch south of Bakersfield may have played one of their last hands.

A three-judge panel on the 5th District Court of Appeal in Fresno unanimously ruled Wednesday that Kern County properly analyzed and evaluated the environmental impacts of the sprawling Tejon Mountain Village project

The decision may be the green light Tejon needs to move forward on construction at the mountain property on the east side of Interstate 5, about 40 miles from Bakersfield.

The ruling sided with the county of Kern and Tejon Ranch Co., but it dealt a devastating blow to the Arizona-based Center on Biological Diversity, which appealed a lower court ruling in 2010 that also found the EIR was done properly.

"We're profoundly disappointed," said Adam Keats, senior counsel for the Center on Biological Diversity. "We think the court got it wrong."

One of the core issues is the recovery of the endangered California condor, Keats said. By building roads, thousands of homes and two golf courses on critical condor habitat, the development will threaten the recovery of the species, he argued.

The Center had also argued that the project's impact on American Indian sites, air quality and the local water supply had not been sufficiently addressed by the EIR.

The court disagreed on all counts.

Tejon Ranch officials have long lauded the development as an asset for Kern County and a model of environmental sensitivity, sustainability and good planning.

Tejon spokesman Barry Zoeller said there is not a timeline in place to begin construction, but said the evaluation of such a timeline could begin anew now that the appellate court has given the go-ahead.

The construction timeline "will be driven by market forces," he said.

"We're very pleased we were able to have this particular obstacle

overcome," Zoeller said of the court's decision.

Eventually, other components of the larger project -- one at the valley floor and another in Los Angeles County -- could expand the development total to more than 26,000 acres.

In return for a promise to permanently protect huge portions of the ranch from development, the Sierra Club, the Audubon Society of California, and three other environmental groups agreed not to sue to stop the development.

"They signed off years before the EIR," Keats said.

By lending their names to the agreement, Keats said, the groups significantly weakened the center's legal argument.

"That agreement was the single biggest nail in the coffin," he said.