

ENDANGERED HABITATS LEAGUE

Dedicated to Ecosystem Protection and Improved Land Use Planning

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San Quintín Bay Development Scheme Halted

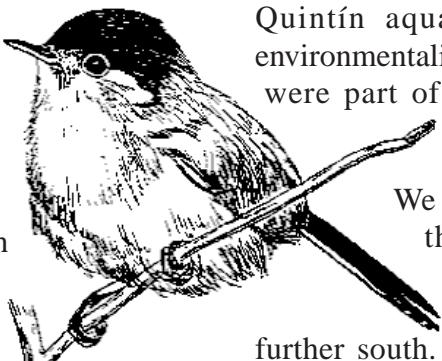
Placing ecological integrity ahead of golfing resorts, and setting an example governments around the planet should heed, the Mexican environmental agency has denied the “Cabo San Quintín” development scheme proposed for Bahía San Quintín in Baja California. Four hours south of the U.S.-Mexican border, this is a near-pristine bay with 26,000 acres of wetlands — the most important salt marsh south of San Francisco Bay. It is critical habitat for the black brant and the endangered light-footed clapper rail, least tern, and snowy plover. Surrounding uplands support coastal sage scrub and California gnatcatchers. When restoration work at the El Segundo sand dunes near LAX needed seeds from vanished native plants, these seeds came from the only source left — Bahía San Quintín. Also visited by gray whales, this is what San Diego Bay — similar in size — looked and felt like 200 years ago.

There is also sustainable economic use of the Bay — ecotourism, fishing, and a thriving aquaculture industry which employs 1,000 people raising clams and oysters. The high water quality has led to health certification for export of the shellfish to the U.S.

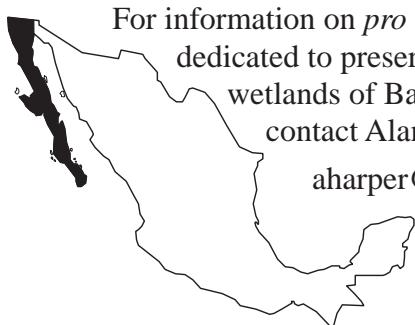
Investors, including the owner of Century 21 Mexico, had proposed a mega-development scheme for the peninsula sheltering the bay: 5 hotels, 3 golf courses, a 350-slip marina, housing for thousands, a desalination plant, a shopping mall, and underground parking.

Such transformational development would forever destroy the ecosystem and the water quality, let alone the tranquillity. According to Agromarinos, SA, the aquaculture industry would vanish due to pollution, toxic paints used on boats, and sewage.

This catastrophe was averted due to concerted action by the local community and conservation groups, especially *pro esteros*, a binational U.S.-Mexican organization. EHL played a role in the struggle, generating letters of opposition and securing an emergency foundation grant. This grant funded a crucial scientific report exposing the flaws in the project’s environmental impact report. Prepared at breakneck speed by Mexican and U.S. scientists, including San Diego’s Conservation Biology Institute, this report was hand delivered to officials in Mexico City by a San Quintín aquaculturist and prominent Mexican environmentalists. Legal and socio-economic analyses were part of the package. With this information in hand, the project was denied.



We commend the Mexican government for this far-sighted action, which closely followed its superb decision to cancel the salt works project in San Ignacio Lagoon further south. The challenge is now to institutionalize sustainable development on the bay, through a local land use process called an *ordenamiento*. We are also working on a land acquisition strategy for the peninsula, as this will not be the end of bad proposals.



For information on *pro esteros*, which is dedicated to preserving the amazing wetlands of Baja California, contact Alan Harper at:
aharper@dnai.com.

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**Steps Toward Smart Growth
in San Diego**

Smart growth means preserving rural and environmental values while reinvesting in existing urban areas. Steps in each direction were taken in San Diego recently.

On April 5, 2000, the County Board of Supervisors rezoned lands designated as "Agricultural Preserve" in the General Plan. Corresponding largely to the scenic ranchlands of the San Diego backcountry, a previous decision to zone these lands for 8-acre residential lots had been successfully challenged in court by Save Our Forests and Ranchlands. Resisting efforts by the San Diego County Farm Bureau to increase residential zoning, the County adopted a compromise position which allows 10-acre parcels in areas west of the current water service boundary, but places a 40-acre minimum lot size in the grazing lands.

**Friends of the environment reelected in
Riverside and San Diego Counties**

Three crucial supporters of habitat planning were returned to office in the November elections: Riverside County Supervisor Bob Buster, and San Diego County Supervisors Pam Slater and Dianne Jacob. Buster and Slater fought off well-funded challenges from anti-environmental opponents.

Dianne Jacob has championed land protection in her East County district and is the key to saving the rural countryside from inappropriate development. Pam Slater has led the way on numerous coastal issues, and, consistent with her "smart growth" philosophy, stopped a highway from bisecting the Multiple Species Conservation Program preserve. Bob Buster has long carried the environmental banner in the difficult environs of Riverside County and helped put in place the Santa Rosa Plateau Ecological Reserve.

Conservationists played an important role in these victories.

While the Board did not heed the call by EHL and other conservation groups for the much larger parcel sizes needed to support actual ranching operations, they rejected exceptions that would reduce the 40 acre requirement, and made a fundamental policy decision: The last open spaces of San Diego are not going to be carved into "rural residential" sprawl. These issues will be revisited during the comprehensive General Plan "2020" Update now underway. EHL will work hard for even lower densities, which truly preserve the countryside.

On the urban front, a motion by San Diego Mayor Susan Golding to amend the regional transportation plan to markedly increase transit use was adopted by the San Diego Association of Governments. EHL had provided input on the need for such revision, and we look forward to working on its implementation.



Southern California Transportation and Land Use Coalition formed

Compared to the San Francisco Bay area, Southern California lacks the organizational infrastructure to advocate effectively for improved land use and transportation policies. To remedy this situation, EHL banded together with other groups to form the nucleus of a larger environmental-business-labor-community group coalition.

The general goals are to invest in existing developed areas, preserve open space, and focus compact development around a transit system. With funds from the James Irvine, Environment Now, and ARCO Foundations, staff has been hired. The Coalition will initially focus on the Los Angeles metropolitan area.

EHL victory in Army Corps lawsuit sets important precedent

The record of the U.S. Army Corps of Engineers in enforcing the wetlands provisions of the Clean Water Act is a sorry one. For many years, the “nationwide permit,” or NWP, system has functioned abysmally. NWPs allow abbreviated environmental review, without an alternatives analysis. Designed for projects of minimal impact, in practice, major cumulative impacts to wetlands have occurred. While these guidelines are now finally being tightened, the Corps still routinely accepts developers¹ contentions that there are no “feasible” means of avoiding wetland impacts. Golf courses trump wetlands, and political pressure is brought on the Corps to approve meritless permits.

EHL members in Escondido brought a particularly egregious case involving a housing development to our attention. After the Corps failed to respond to our concerns, we challenged in court the issuance of a nationwide permit. In this instance, the Corps claimed it had the discretion to exceed their own regulation limiting NWPs to projects impacting less than 500 feet of streamcourse. This regulation applies to intermittent streams — the great majority of streams in Southern California — as well as perennial ones. On May 17, 2000, after lengthy arguments, the federal district court ruled in our favor, voiding the permit. Implications are very significant, as other NWPs, which also exceed these non-discretionary limits, may now be invalid. EHL was represented by attorneys Kevin Johnson and Jared Hanson of Johnson and Edwards, LLP.

Lawsuit filed to save Vail Lake in Riverside County

At 6,000 acres, the Vail Lake parcel is a rarity in highly parcelized Riverside County — a block of intact habitat large enough to be a cornerstone of the Multiple Species Habitat Conservation Plan (MSHCP) now under development. Located east of Temecula along Highway 79, it contains expanses of coastal sage scrub, riparian woodlands, the endemic Vail Lake ceanothus, and the endangered quino checkerspot butterfly. Tragically, when this entire property was offered for sale during the late '90s at a bargain basement price, numerous state, local, and private agencies missed repeated acquisition opportunities. The property was then bought by a developer.

EHL closely monitored the situation, however, and noted activities which would degrade the resource values of the property. First, beginning in the summer of 1999, long stretches of new roads were graded into fragile hillsides, illegally, without a grading permit. The response of the County of Riverside was inconsequential, to merely halt the activities, with no penalty or remediation, and perhaps even to allow a retroactive “exemption.” Sewage sludge was then deposited over previously farmed portions of the property, harming soil characteristics for native species, and jeopardizing water quality. Finally, large tracts of native habitat were proposed for grading and clearing for the purported purpose of agriculture.

To protect the public interest from these harmful activities, and to prevent the extinction of the quino checkerspot butterfly, EHL filed suit against the County of Riverside, charging failure to enforce its own ordinances and failure to conduct environmental review under CEQA of the grading and sludge dumping activities. EHL is represented by Johnson and Sedlack.

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**The Endangered Habitats League is a non-profit organization.
All contributions are tax-deductible.**

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Beasts and Botany of the Coastal Sage Scrub

The Sound of Summer

The rains are long past; nothing but a gray green memory locked in the still wands of goldenbush, needlegrass and sagebrush under the noon sun. No wind stirs. The birds that sang to each other of a new day as dawn brightened to morning, wait. The only sounds that reach our noise-raveled ears as we move is that of boots on hard ground, the rustle of leafy stems brushed aside, the rattle of lizard flight into litter under a bush.

But stop. Pretend that you have nowhere to go. No need to move. Become nothing more than another fragment of the coastal sage scrub inhabiting this particular place at this one moment.

Now! Listen to the sounds of summer; the hum of an alien world. The air buzzes, murmurs, whirrs. It is alive with small life.

Listen! There is the drone of a mining bee, in passage toward her neatly drilled burrow with another load of pollen for the new larval chamber being stocked for an offspring she will never see. She goes to earth on a bare patch nearby, and we realize that the hole she enters is but one of dozens there.

Now that we can hear them, wings seem to be moving all around us. Flies, bees, wasps cover the rounded surface of an ashy-leaved buckwheat, moving constantly on the flowerheads, then flying off to add their wingbeats to the thrumming around us. Blue mud wasps land; explore crevices; their constantly flicking wings iridesce deep blue, green when the sun catches them. A sand wasp digs in, and a stream of loose dirt seems to erupt from under it. A male bee fly hovers, settles onto a pebble, awaiting the next passage of a possible mate.

Then we move and the spell is broken. Earth crunches under foot. Car doors slam; a motor starts; a radio spills its jabber through open windows, then is gone. Silence returns to the scrub land. Well, almost.

— Jess Morton

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