State of California–Natural Resources Agency

SANTA MONICA MOUNTAINS CONSERVANCY
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Memorandum

To : The Conservancy
The Advisory Committee

Date: June 1, 2020

From : Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 7(a): Consideration of resolution authorizing submittal of an application to file an amicus brief on Center for Biological Diversity and Endangered Habitats League v. County of Los Angeles, NorthLake project, unincorporated Castaic area.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing submitting an application to file an amicus brief on Center for Biological Diversity and Endangered Habitats League v. County of Los Angeles, NorthLake project, in cooperation with the Attorney General's office.

Legislative Authority: Public Resources Code Sections 33211(d) and (c).

Background: In April 2019 on a 4-1 vote, the Los Angeles County Board of Supervisors approved the 3,150-home NorthLake project and certified an Environmental Impact Report. The approved project would extend suburban development approximately three miles into the mountains between Interstate 5 and the Castaic Lake State Recreation Area adjacent to the Angeles National Forest. It would fill the Grasshopper Canyon watershed that flows directly into Castaic Lagoon with over 18 million cubic yards of earth. It would block two underpasses beneath the southbound Interstate 5 lanes within the Sierra Madre - Castaic Connection documented in the 2005 South Coast Missing Linkages planning effort.

The Conservancy submitted the attached comment letters April 2015, May 2017, April 2018, and September 2018. The letters are signed by three different Conservancy Chairpersons over that time span. The September 2018 letter to the Board of Supervisors accompanied the Conservancy's appeal of the Regional Planning Department's decision.

California State Parks also submitted two attached comment letters. The California Department of Fish and Wildlife (CDFW) submitted an extensive comment letter (attached) that cast great doubt both on the adequacy of the Environmental Impact Report and the effort to avoid biological impacts.

The Center for Biological Diversity (CBD), the Conservancy's co-appellant of the Planning Commission action, filed suit in May 2019 along with Endangered Habitats League. Golden State Environmental Justice Alliance also filed suit but quickly settled. Because of the

Conservancy's involvement and the integration of its comments into CBD's complaint, CBD asked staff if the Conservancy wanted to joint the suit by filing an amicus brief with the court.

By virtually eliminating any functional wildlife crossings under the southbound I5 lanes for over a ten-mile-long section in the Santa Clara River watershed, the project would be detrimental to the wildlife populations in both the Angeles and Los Padres National Forests. Both National Forests are biologically vital to replenish the wildlife gene pools in the Santa Monica Mountains zone and the Rim of the Valley Trail Corridor. Furthermore, permanent significant impacts to the Castaic Lake State Recreation Area, I5 viewshed, sensitive spadefoot toad habitats, rare plants, miles of riparian habitat, and hundreds of acres of coastal sage scrub all warrant the Conservancy applying to file an amicus brief with the court to produce a better outcome on the subject property. The recent action by the State Fish and Game Commission approving the Petition to begin to list the Southern/Central Coast Evolutionarily Significant Unit of Mountain Lions under the California Endangered Species Act further highlights the need to revise the subject project to provide adequate habitat connectivity to the subject underpasses. The January 2020 CDFW Memorandum on this issue is attached.

For court filings the Conservancy must go through the Attorney General's office. Staff has been in touch with Supervising Deputy Attorney General and forwarded CBD's opening brief and the joint opposition's brief (both attached). Staff is sending the Attorney General's office all pertinent information and documents. The Attorney General's office would prepare the brief. If the Conservancy approves this proposed action, there is an exceptionally tight time frame to submit to the court. Trial is scheduled for July 10th. The latest the Attorney General could submit on behalf of the Conservancy in near the end of June. The sooner it is submitted the better.