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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF VENTURA**

11 VENTURA COUNTY COALITION OF  
LABOR, AGRICULTURE, AND BUSINESS,

12 Plaintiff and Petitioner,

13 v.

14 COUNTY OF VENTURA, *et. al.*,

15 Defendants and Respondents.

Case No. 56-2019-00527815-CU-WM-VTA

Consolidated for hearing with Case No. 56-2019-  
00527805

**APPLICANTS' NOTICE OF MOTION AND  
MOTION TO INTERVENE;  
DECLARATIONS IN SUPPORT THEREOF**

Date: August 4, 2020  
Time: 8:30AM  
Reservation No.: 2512548  
Dept.: 43  
Judge: Hon. Kevin G. DeNoce  
Trial Date: None set  
Action Filed: April 25, 2019

1 **NOTICE OF MOTION AND MOTION TO INTERVENE**

2 TO ALL PARTIES AND COUNSEL OF RECORD:

3 Please take notice that Los Padres ForestWatch, Defenders of Wildlife, the Center for  
4 Biological Diversity, and National Parks Conservation Association (collectively, “Applicants”)   
5 move to intervene in this matter. The Motion will be heard before the Honorable Kevin G. DeNoce  
6 on August 4, 2020, at 8:30AM in Department 43, located at 800 South Victoria Avenue, Ventura,  
7 CA 93009.

8 Applicants seek leave to intervene as Defendants and Respondents in this case as a matter of  
9 right pursuant to California Code of Civil Procedure section 387, subdivision (d)(1). Alternatively,  
10 Applicants request leave to intervene with the Court’s permission pursuant to California Code of  
11 Civil Procedure section 387, subdivision (d)(2). This Motion to Intervene is based on the Notice,  
12 Motion, Memorandum of Points and Authorities, attached Declarations, exhibits, papers, and any  
13 necessary oral arguments heard before the Court on this Motion.

14  
15 DATED: June 15, 2020

ENVIRONMENTAL LAW CLINIC  
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17 By: /s/  
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19 /s/  
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20 Supervising Attorney  
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21  
22 Attorneys for Applicant Intervenors  
Los Padres ForestWatch, Defenders of Wildlife,  
23 Center for Biological Diversity, and  
National Parks Conservation Association

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **INTRODUCTION**

3 In March 2019, in an effort to improve and preserve habitat connectivity through the  
4 creation of wildlife corridors in unincorporated Ventura County (“County”) between the Los Padres  
5 National Forest and the Santa Monica Mountains National Recreation Area, the Ventura County  
6 Board of Supervisors (“Board of Supervisors” or “Board”) passed Ordinances 4537 and 4539  
7 (collectively, the “Ordinances”). Ventura, Cal., Ordinance 4537 (March 12, 2019); Ventura, Cal.,  
8 Ordinance 4539 (March 19, 2019). Thereafter, the Ventura County Coalition of Labor, Agriculture,  
9 and Business (“CoLAB” or “Petitioner”) filed a Petition for Writ of Mandate and a First Amended  
10 Petition for Writ of Mandate alleging the Board’s enactment of the Ordinances violated several  
11 laws, including the California Environmental Quality Act (“CEQA”).

12 Los Padres ForestWatch (“ForestWatch”), Defenders of Wildlife (“Defenders”), the Center  
13 for Biological Diversity (“the Center”), and National Parks Conservation Association (“NPCA”)  
14 (collectively, “Applicants” or “Applicant Intervenors”), file this Memorandum in Support of their  
15 Motion to Intervene in this action to join with the County primarily in defending, among other  
16 claims, the County’s conclusion that the Ordinances are exempt from CEQA review. Pursuant to  
17 California Code of Civil Procedure section 387, Applicant Intervenors seek intervention as-of-right,  
18 and, alternatively, by permission. Through counsel, CoLAB has indicated that it does not consent to  
19 intervention, while the County takes no position on Applicants’ intervention.

20 Applicants meet the criteria for both types of intervention: (1) Applicants’ Motion is timely  
21 and will not cause any prejudice or delay because they are filing prior to any substantive  
22 proceedings in the action; (2) Applicants have demonstrated sufficient interests implicated in this  
23 action, including an interest to uphold a government agency decision they supported and  
24 recreational, economic, aesthetic, conservation, organizational, and reputational interests;  
25 (3) Applicants’ interests may be harmed by a judgment invalidating the Ordinances; (4) no existing  
26 party adequately represents Applicants’ specific interests; and (5) intervention would not enlarge  
27 the issues in this case. Finally, Applicants’ interests in defending the litigation outweighs  
28 Petitioner’s opposition where intervention will not prejudice Petitioner.

1 **BACKGROUND**

2 Habitat loss and fragmentation threaten biological diversity worldwide, and pose particularly  
3 severe risks in southern California, “which is home to over 400 species of native plants and animals  
4 considered endangered, threatened or sensitive by government agencies and conservation groups.”  
5 Ventura Cty. Res. Mgmt. Agency, *Habitat Connectivity and Wildlife Corridor FAQ*, VCRMA,  
6 <https://vcrma.org/habitat-connectivity-and-wildlife-corridor-faq> (last visited Mar. 4, 2020); *see also*  
7 Kuyper Decl. ¶ 7. Establishing and protecting wildlife corridors can maintain critical pathways of  
8 migration for wildlife species and prevent habitat loss and fragmentation. *See* Kuyper Decl. ¶ 7,  
9 Arguelles Decl. ¶ 14–15; Flick Decl. ¶ 6. Wildlife corridors are areas of land that connect natural  
10 habitat areas or largely undeveloped lands that allow natural ecological processes, such as  
11 migration, to flourish. VENTURA CTY. PLANNING DIV., HABITAT CONNECTIVITY AND WILDLIFE  
12 CORRIDORS 3 (2019), [https://docs.vcrma.org/images/pdf/planning/HCWC/PC-Hearing-](https://docs.vcrma.org/images/pdf/planning/HCWC/PC-Hearing-Powerpoint.pdf)  
13 [Powerpoint.pdf](https://docs.vcrma.org/images/pdf/planning/HCWC/PC-Hearing-Powerpoint.pdf). Migration and other natural ecological processes are essential to wildlife and plant  
14 species survival. *Id.* Roads, development, and other infrastructure can disturb these processes,  
15 causing species die off and disease transmission in plant and animal populations. *See* Flick Decl.  
16 ¶ 7; Arguelles Decl. ¶ 15. Such disturbance can also adversely impact air quality, water quality, and  
17 food production. *Supra* Ventura Cty. Res. Mgmt. Agency, *Habitat Connectivity and Wildlife*  
18 *Corridor FAQ*; *see also* Kuyper Decl. ¶ 14.

19 At the direction of the Ventura County Board of Supervisors, the County of Ventura  
20 Resource Management Agency spent two years considering an appropriate response to these threats  
21 within the County. *See* Ventura Cty. Res. Mgmt. Agency, *Stakeholder Meetings*,  
22 <https://vcrma.org/habitat-connectivity-and-wildlife-movement-corridors> (last visited Mar. 12,  
23 2020). During those two years, the County conducted a stakeholder process, which included  
24 soliciting feedback on the Ordinances from various stakeholders. *Supra*, VENTURA CTY. PLANNING  
25 COMM’N, at 6. After considering comments, guidance, recommendations, and other input from  
26 Applicants and other stakeholders, including experts on wildlife movement and corridors, academic  
27 researchers, the general public, and non-profits organizations, the Board approved and adopted the  
28 Ordinances by a 3-2 vote. *Id.*; *see* Kuyper Decl. ¶¶ 18–19; Segee Decl. ¶ 12; *see also* Flick Decl. ¶¶

1 5, 15; Arguelles Decl. ¶¶ 12–13; Ventura, Cal., Ordinance 4537; Ventura, Cal., Ordinance 4539.  
2 Petitioner CoLAB then filed a Petition for Writ of Mandate, followed by a First Amended Petition  
3 for Writ of Mandate, alleging the Board’s adoption of the Ordinances violated several laws,  
4 including an allegation that the Board violated CEQA by exempting the Ordinances from CEQA  
5 review. CoLAB Pet. for Writ of Mandate; CoLAB First Am. Pet. For Writ of Mandate. The  
6 California Construction and Industrial Materials Association (“CalCIMA”) filed a petition for writ  
7 of mandate on similar grounds. Pet. for Writ of Mandate, Cal. Constr. & Indus. Materials Ass’n,  
8 No. 56-2019-00527805-CU-WM-VTA (April 25, 2019). Applicants have moved to intervene in  
9 both cases. The administrative record for both matters has not yet been certified. *See* Dkt. No. 32.  
10 For reasons set forth more fully below, Applicants now file this Motion to Intervene.

11 **I. Applicant Intervenors’ Interests and their Members’ Interests**

12 ForestWatch is a community-supported nonprofit organization based in Santa Barbara,  
13 California. Kuyper Decl. ¶ 3. With support from more than 20,000 members and supporters,  
14 ForestWatch works to protect the Los Padres National Forest, the Carrizo Plain National  
15 Monument, and other public lands throughout California’s central coast region. *Id.* ¶ 6. Protecting  
16 wildlife, including mountain lions in Ventura County, from urban development is an important  
17 component of ForestWatch’s mission. *Id.* ¶¶ 7; *see, e.g.*, 8, 10.

18 Defenders is a national nonprofit organization committed to “protecting all native animals  
19 and plants in their natural communities.” Flick Decl. ¶ 4. As part of its mission, Defenders is  
20 committed to protecting wildlife in Ventura County, such as the California condor, California red-  
21 legged frog, and mountain lion. *Id.* ¶¶ 5, 11. Defenders has 1.8 million members and supporters  
22 worldwide, including 279,000 members and supporters in California, and more than 7,200 members  
23 and supporters in Ventura County. *Id.* ¶ 5. Defenders engages in wildlife corridor protection  
24 throughout the United States, including advocating for and supporting Ventura County’s  
25 Ordinances. *Id.* ¶¶ 5–6; *see, e.g.*, ¶ 7.

26 The Center has more than 70,000 active members, Segee Decl. ¶ 5, and is dedicated to  
27 “ensur[ing] the long-term health and viability of animal and plant communities,” along with habitats  
28 required for their survival. Segee Decl. ¶ 6. The Center seeks to protect wildlife in Ventura County,

1 including species such as the mountain lion, bobcat, California condor, and California red-legged  
2 frog. *Id.* ¶ 7; *see, e.g.*, ¶¶ 8, 10–11.

3 NPCA is a nonprofit organization committed to providing “an independent voice for  
4 protecting and enhancing America’s National Park System for present and future generations.”  
5 Arguelles Decl. ¶ 5. NPCA has nearly 1.4 million members and supporters nationwide, including  
6 42,731 members in California and 1,289 members in Ventura County. *Id.* ¶ 5. NPCA and its  
7 members are actively engaged in protecting wildlife in the Santa Monica Mountains National  
8 Recreation Area through advocacy, public education, and the Rim of the Valley campaign. *Id.* ¶¶ 6,  
9 9–11.

10 Protecting wildlife—including iconic species in the region such as the mountain lion,  
11 bobcat, coyote, black bear, California condor, and California red-legged frog—by advocating for  
12 habitat connectivity and wildlife corridors is an important component of the Applicant Intervenors’  
13 missions. Kuyper Decl. ¶¶ 6–8; *see* Segee Decl. ¶¶ 6–7; *see* Flick Decl. ¶¶ 11, 13; Arguelles Decl.  
14 ¶¶ 6–7, 10–11. The successful implementation of the Ordinances at issue in this action is directly of  
15 interest to Applicant Intervenors, as demonstrated in the Argument of this Memorandum. The  
16 Ordinances help protect critical pathways and habitats that wildlife use to travel between portions of  
17 the Santa Monica Mountains National Recreational Area located in Ventura County and the Los  
18 Padres National Forest. Arguelles Decl. ¶ 15; *see* Flick Decl. ¶ 10–13. Without the connectivity,  
19 wildlife populations barely clinging to survival will become further isolated, severely limiting  
20 genetic diversity and harming overall health. *See* Arguelles Decl. ¶ 15; Flick. Decl. ¶ 6; Kuyper  
21 Decl. ¶ 7. For example, when mountain lions, one of the largest predators in the region, are harmed  
22 due to habitat fragmentation, their regional population is put at risk, and the entire ecosystem  
23 suffers. *See* Arguelles Decl. ¶ 15, 20; Kuyper Decl. ¶ 7, 12; Flick Decl. ¶ 6, 12.

24 Each Applicant Intervenor has staff, members, and/or supporters who work, reside, and/or  
25 recreate in and around Ventura County. Kuyper Decl. ¶¶ 10, 13, 14; Flick Decl. ¶¶ 7, 9–10; Segee  
26 Decl. ¶¶ 2, 5, 13; Arguelles Decl. ¶¶ 2, 17, 21–23. These staff, members, and supporters rely on  
27 conservation efforts and preservation of wildlife to: promote healthy ecosystems; enjoy observing  
28 and photographing wildlife; enjoy hiking and recreating in wildlife habitat; conduct scientific

1 studies of wildlife populations; and/or support local economies, outdoor recreation, quality of life,  
2 and property values. *See* Kuyper Decl. ¶¶ 14, 17; Arguelles Decl. ¶¶ 17–18, 21–23; Flick Decl. ¶¶  
3 2–3, 9–10; Segee Decl. ¶ 5, 13. The interests of these staff, members, and/or supporters have  
4 already been harmed by habitat fragmentation and urban development. *See* Kuyper Decl. ¶ 16; Flick  
5 Decl. ¶ 13; Arguelles Decl. ¶ 20; Segee Decl. ¶ 13. Their interests will be further harmed if  
6 Petitioner prevails in its challenge against the Ordinances, preventing their successful implemented.  
7 *See* Kuyper Decl. ¶ 20; Flick Decl. ¶ 13; Arguelles Decl. ¶¶ 20–21, 23; Segee Decl. ¶ 13.

8 Applicant Intervenors were closely involved in the development and passage of the  
9 Ordinances and supported the County’s adoptions of the Ordinances. They expended time, money,  
10 and other resources to help shape and support the passage of the Ordinances. *See* Kuyper Decl. ¶¶  
11 18–19; Segee Decl. ¶ 11–12; Flick Decl. ¶¶ 5, 15; Arguelles Decl. ¶¶ 12–13. Applicant Intervenors  
12 attended stakeholder meetings, provided oral testimony at public hearings, submitted written  
13 comments, joined sign-on letters in support of the Ordinances, and presented research findings to  
14 aid the County in its decision-making. Kuyper Decl. ¶¶ 18–19; Segee Decl. ¶ 11–12; Flick Decl. ¶¶  
15 5, 15; Arguelles Decl. ¶¶ 12–13. Some of the Applicants’ members and supporters also participated  
16 in the administrative process that led to the Ordinances’ adoption. *See, e.g.,* Kuyper Decl. ¶ 20.

17 Furthermore, Applicant Intervenors have an interest in affirming the County’s proper use of  
18 CEQA exemptions for environmentally beneficial actions. *See* Segee Decl. ¶ 11; Flick Decl. ¶ 8;  
19 Arguelles Decl. ¶ 8; Kuyper Decl. ¶ 11. One of Petitioner’s causes of actions alleges that, in passing  
20 the Ordinances, the County violated its CEQA obligations. CoLAB First Am. Pet. for Writ of  
21 Mandate ¶¶ 231–41. If Petitioner prevails and the Ordinances are invalidated, Applicant  
22 Intervenors’ missions and the interests of their staffs, members, and supports in protecting wildlife  
23 in Ventura County would be directly and adversely affected, as demonstrated below.

### 24 ARGUMENT

25 California Code of Civil Procedure offers two methods for applicants to intervene in a  
26 matter: intervention as-of-right and permissive intervention. Cal. Civ. Proc. Code § 387.  
27 Intervention is intended to “promote fairness by involving” all affected parties. *Simpson Redwood*  
28 *Co. v. State*, 196 Cal. App. 3d 1192, 1199 (Ct. App. 1987). Courts recognize that California Code of

1 Civil Procedure section 387 “should be liberally construed in favor of intervention.” *City of Malibu*  
2 *v. Cal. Coastal Comm’n*, 128 Cal. App. 4th 897, 902 (2005). Applicants meet the requirements for  
3 both types of intervention.

4 **I. Applicants Are Entitled to Intervene as of Right.**

5 Courts must grant intervention where an applicant: (1) files a timely application; (2) claims  
6 an interest relating to the subject of the action; (3) is so situated that the disposition of the action  
7 may impair or impede their ability to protect that interest; and (4) demonstrates that an existing  
8 party does not adequately represent their interest. *See* Cal. Civ. Proc. Code § 387(d)(1)(B); *Citizens*  
9 *for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 897 (9th Cir. 2011).<sup>1</sup> Applicants have  
10 established each of these requirements.

11 **A. Applicants’ Motion is Timely.**

12 Timeliness is construed “broadly in favor of the [applicant] seeking intervention.” *Silver v.*  
13 *Babbitt*, 166 F.R.D. 418, 424 (D. Ariz. 1994), *aff’d*, 68 F.3d 481 (9th Cir. 1995); *see also United*  
14 *States v. Oregon*, 745 F.2d 550, 552 (9th Cir. 1984). “[T]he mere lapse of time, without more, is not  
15 necessarily a bar to intervention.” *United States v. Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir.  
16 2004); *United States v. Oregon*, 745 F.2d at 552. A motion is timely when “made at an early stage  
17 of the proceedings, the parties would not [suffer] prejudice from the grant of intervention . . . and  
18 intervention would not cause disruption or delay in the proceedings.” *Citizens for Balanced Use*,  
19 647 F.3d at 897.<sup>2</sup> Here, the case is still at an early stage and Applicants’ intervention will not delay

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21  
22 <sup>1</sup> Intervention as-of-right under California Code of Civil Procedure section 387 “is in substance an  
23 exact counterpart to rule 24(a) of the Federal Rules of Civil Procedure.” *Edwards v. Heartland*  
24 *Payment Sys., Inc.*, 29 Cal. App. 5th 725, 732 (Ct. App. 2018), *review denied* (Mar. 13, 2019)  
(quoting *Hodge v. Kirkpatrick Dev., Inc.*, 130 Cal. App. 4th 540, 556 (2005)). Therefore, section  
25 387 is “to be interpreted consistently with federal cases interpreting rule 24(a)(2).” *Hodge*, 130 Cal.  
26 App. 4th at 556.

27 <sup>2</sup> *Compare League of United Latin Am. Citizens v. Wilson*, 131 F.3d 1297, 1303 (9th Cir. 1997)  
28 (finding motion to intervene untimely when filed after the court issued a temporary restraining order  
and preliminary injunction, the court certified the class action, a motion to dismiss was filed,  
discovery proceeded for nine months, and the court heard arguments for a motion for summary  
judgment) *with Utah Ass’n of Ctys. v. Clinton*, 255 F.3d 1246, 1250–51 (10th Cir. 2001) (finding  
environmental interest groups’ motion to intervene timely when filed two and a half years after

1 or disrupt the proceedings. There have been no substantive proceedings in this action. The first case  
2 management conference occurred on May 8, 2019, Dkt. No. 9, and the next was planned for March  
3 23, 2020 but has not been held due to the Court’s closure related to the COVID-19 pandemic, *see*  
4 Dkt. No 32. Applicants are seeking intervention before the administrative record has been certified  
5 or lodged. And, Applicants do not anticipate presenting any new legal or factual issues.

6 **B. Applicants Have Significant Interests in Habitat Connectivity and Wildlife**  
7 **Corridors that are the Subject of this Litigation.**

8 When filing a motion to intervene, the applicant must demonstrate “an interest relating to  
9 the . . . subject of the action.” Cal. Civ. Proc. Code § 387(d)(1)(B). To meet the interest requirement  
10 for intervention as-of-right, applicants need only demonstrate “a significantly protectable interest.”  
11 *Siena Court Homeowners Ass’n v. Green Valley Corp.*, 164 Cal. App. 4th 1416, 1424 (2008)  
12 (internal quotation omitted) (citing *Donaldson v. United States*, 400 U.S. 517, 531 (1971),  
13 *superseded by statute on other grounds*). An applicant establishes a “significantly protectable  
14 interest” for purposes of intervention when its interest “is protectable under some law and that there  
15 is a relationship between the legally protected interest and the [plaintiff’s] claims.” *Citizens for*  
16 *Balanced Use*, 647 F.3d at 897. “The ‘interest’ test is not a clear-cut or bright-line rule, because no  
17 specific legal or equitable interest need be established.” *In re Estate of Ferdinand E. Marcos*  
18 *Human Rights Litig.*, 536 F.3d 980, 984 (9th Cir. 2008).

19 Courts consistently grant intervention as-of-right to applicants seeking to intervene in  
20 actions challenging agency decisions, or actions that the applicants supported for environmental  
21 reasons. *See, e.g., Am. Farm Bureau Fed’n v. U.S. E.P.A.*, 278 F.R.D. 98, 106 (M.D. Pa. 2011); *Cal.*  
22 *Dump Truck Owners Ass’n v. Nichols*, 275 F.R.D. 303, 305–06 (E.D. Cal. 2011). In *Am. Farm*  
23 *Bureau Fed’n*, for example, the court found that environmental organizations had sufficient  
24 interests to intervene in an action challenging a government agency’s water pollution budget when  
25 the organizations were “involved in several stakeholder meetings with the [agency] during the

26 \_\_\_\_\_  
27 commencement of action because “all that had occurred prior to the motion to intervene were  
28 document discovery, discovery disputes, and motions by defendants seeking dismissal on  
jurisdictional grounds,” and proposed intervenors promised not to seek additional discovery, file a  
counterclaim, or raise additional defenses).

1 development of the [budget]” and submitted comments during the budget drafting process. *Am.*  
2 *Farm Bureau Fed’n*, 278 F.R.D. at 106. Similarly, in *Cal. Dump Truck*, the court granted  
3 intervention as-of-right to an environmental organization that had an interest “in upholding  
4 [challenged] regulations the adoption of which [it] actively advocated” for by providing comments,  
5 participating in public workshops, and testifying before the agency to urge adoption. *Cal. Dump*  
6 *Truck Owners Ass’n*, 275 F.R.D. at 305–06; *see also e.g., Sagebrush Rebellion, Inc. v. Watt*, 713  
7 F.2d 525, 526–28 (9th Cir. 1983) (concluding that environmental organization was entitled to  
8 intervene in an action challenging a government agency’s order that established a conservation area  
9 for birds of prey when organization participated in administrative process to advocate for  
10 establishment of the conservation area); *Coal. of Ariz./N. M. Ctys. for Stable Econ. Growth v. Dep’t*  
11 *of the Interior*, 100 F.3d 837, 841 (10th Cir. 1996) (granting intervention to an individual “wildlife  
12 photographer, amateur biologist, and a naturalist” who submitted a petition to protect the spotted  
13 owl and sought to defend against a challenge to the owl’s protection); *Idaho Farm Bureau Fed’n v.*  
14 *Babbitt*, 58 F.3d 1392, 1397 (9th Cir. 1995) (holding that conservation groups could intervene in an  
15 action challenging an endangered species listing when they previously petitioned the Fish and  
16 Wildlife Service to list that species as endangered); *Utah Ass’n of Ctys.*, 255 F.3d at 1252; *In re*  
17 *Sierra Club*, 945 F.2d 776, 779 (4th Cir. 1991).<sup>3</sup>

18 Here, Applicants are nonprofit organizations that advocated for the proposed Ordinances’  
19 adoption during the County’s two-year stakeholder process because Applicants’ core, organizational  
20 objectives include conserving and protecting wildlife, plant species, and natural habitat areas.  
21 Kuyper Decl. ¶¶ 18–19; Arguelles Decl. ¶¶ 12–13; Flick Decl. ¶¶ 5, 15; Segee Decl. ¶ 12.  
22 ForestWatch provided oral testimony advocating for wildlife corridor protection during the Board’s  
23 meeting on January 24, 2017, which the Board conducted to review regulatory options for  
24 protecting these corridors. Kuyper Decl. ¶ 18. ForestWatch also attended two out of three  
25 stakeholder meetings to advocate for wildlife corridor protection. *Id.* ¶ 19. Defenders “joined sign-

26 \_\_\_\_\_  
27 <sup>3</sup> The Ninth Circuit has noted the “consistent approval of intervention of right on the side of the  
28 federal defendant in cases asserting violations of environmental statutes.” *Wilderness Soc’y v. U.S.*  
*Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011).

1 on letters led by [ForestWatch]” in support of the proposed Ordinances. Flick Decl. ¶ 5. NPCA  
2 “closely monitored the two-year stakeholder process” in approving the proposed Ordinances and  
3 signed a letter “urging the County to reject proposed changes that would have reduced the  
4 effectiveness of the measures.” Arguelles Decl. ¶¶ 12–13. The Center submitted detailed written  
5 comments on drafts of the Ordinances, attended Planning Commission and Board of Supervisors  
6 meetings, provided public comment, and offered recommendations to improve the proposed  
7 Ordinances. Segee Decl. ¶ 12.

8           Recreation, economic, aesthetic, or conservation interests related to the environment can  
9 also constitute protectable interests for intervention as-of-right. *See, e.g., Citizens for Balanced Use*,  
10 647 F.3d at 897; *Am. Farm Bureau Fed’n*, 278 F.R.D. at 106; *Coal. of Ariz./N. M. Ctys.*, 100 F. 3d  
11 at 841. In *Citizens for Balanced Use*, for example, “applicants ha[d] a significant protectable  
12 interest in conserving and enjoying the wilderness character of [a forest area].” *Citizens for*  
13 *Balanced Use*, 647 F.3d at 897. In *Am. Farm Bureau Fed’n*, environmental organizations were  
14 entitled to intervene in an action challenging an agency’s water pollution budget as it applied to the  
15 Chesapeake Bay (“Bay”) when the organizations claimed their members had economic, recreation,  
16 and aesthetic interests in preventing pollution to the Bay, and “also claim[ed] that restoration and  
17 preservation of the Bay [was] a core objective of their respective organizations.” *Am. Farm Bureau*  
18 *Fed’n*, 278 F.R.D. at 106. Likewise, in *Coal of Ariz./N.M. Ctys.*, an individual “wildlife  
19 photographer, amateur biologist, and a naturalist” with recreational and conservation interests in the  
20 spotted owl he petitioned to protect, was permitted to intervene even though he had little economic  
21 interest in the owl. *Coal. of Ariz./N.M. Ctys.*, 100 F. 3d at 841; *see also United States v. Carpenter*,  
22 526 F.3d 1237, 1240 (9th Cir. 2008) (finding conservation groups entitled to intervene when they  
23 had an “interest in seeing that the wilderness area be preserved for the use and enjoyment of their  
24 members.”); *Simpson Redwood*, 196 Cal. App. 3d at 1200 (granting permissive intervention to  
25 environmental advocacy group after considering its interest in preserving the forest land at issue in  
26 the action).

27           Here, Applicants and Applicants’ members or staff regularly visit the Los Padres National  
28 Forest and the Santa Monica Mountains National Recreational Area for recreational purposes,

1 including camping; identifying, observing, and studying plant and wildlife species; outdoor  
2 photography; and hiking. Flick Decl. ¶ 9–10; *see also* Kuyper Decl. ¶¶ 9, 14, 17; Arguelles Decl. ¶¶  
3 17, 21–23; Segee Decl. ¶ 5, 13. Some of the Applicants and their members also have a “particular  
4 interest in the landscape for recreational purposes” of “outdoor education and youth development.”  
5 Arguelles Decl. ¶ 17; *see* Kuyper Decl. ¶¶ 6, 9. And, several members of ForestWatch who live in  
6 Ventura County rely on ForestWatch’s local conservation efforts and wildlife protection “to ensure  
7 healthy ecosystems services that, in turn, provide clean air and water, sustain the local economy,  
8 and enhance the region’s quality of life.” Kuyper Decl. ¶¶ 13–14.

9         Some of Applicants’ members or staff, including scientists, wildlife photographers, and  
10 nonprofit employees, depend on protection of wildlife corridors and conservation of native plant  
11 and animal species for their jobs and livelihood. Kuyper Decl. ¶ 14, 17; *see, e.g.*, Arguelles Decl. ¶¶  
12 11, 22; Flick. Decl. ¶¶ 2–4; Segee Decl. ¶¶ 4–5. Those members or staff, therefore, have economic  
13 interests in upholding the Ordinances. Further, all Applicants have members and supporters who  
14 reside in Ventura County. Kuyper Decl. ¶ 13; Flick Decl. ¶ 9; Segee Decl. ¶ 5; Arguelles Decl. ¶ 5.  
15 Accordingly, many of Applicants’ members have economic interests in preserving the Ordinances’  
16 protections of wildlife corridors because protecting wildlife corridors can attract tourists, increasing  
17 local property values and the local economy. Kuyper Decl. ¶ 17; Arguelles Decl. ¶ 18.

18         The Ordinances also help prevent wildfires, which can reduce the chances of economic harm  
19 that could result from burned and destroyed homes or natural lands. *See* Flick Decl. ¶ 9; *see also*  
20 Arguelles ¶ 16. An applicant’s interest in preserving the safety of its members is also a sufficient  
21 interest for intervention. *See People ex rel. Rominger v. Cty. of Trinity*, 147 Cal. App. 3d 655, 661–  
22 62 (1983) (permitting environmental organization to intervene to defend an ordinance that  
23 prevented pesticide spraying because its members used forest lands that might have been sprayed if  
24 the ordinance was invalidated).<sup>4</sup> Applicants’ interest in preventing physical harm that could result to

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26 <sup>4</sup> Although subsection I.B. of the Argument section of this Memorandum discusses cases  
27 concerning permissive intervention, section 387 requires an “interest” for both permissive  
28 intervention and intervention as-of-right. Cal. Civ. Code P. § 387(d)(1)(B), (d)(2). After the  
Legislature adopted section 387 as an exact counterpart to rule 24 of the Federal Rules of Civil

1 their members from wildfires, therefore, is a sufficient interest. Flick Decl. ¶ 9; *see* Arguelles Decl.  
2 ¶ 16.

3 Finally, potential harm to an organization’s reputational interests or integrity from a  
4 judgment in an action may also support a finding in favor of granting intervention as-of-right.  
5 *Simpson Redwood*, 196 Cal. App. 3d at 1201 (permitting intervention to conservation organization  
6 in part because the organization played an instrumental role in preserving a forest area with help  
7 from member-contributions and had an interest in “its reputation and integrity,” which could be  
8 harmed by a judgment in the action); *see also* *City of Malibu*, 128 Cal. App. 4th at 905. In this case,  
9 if the Ordinances are not successfully implemented and wildlife continues to decline in Ventura  
10 County, some Applicants could lose credibility with their donors and members. Flick Decl. ¶ 14;  
11 *see also* *Kuyper* Decl. ¶¶ 14–15. Consequently, they might suffer from reduced financial  
12 contributions and loss of public support. Flick Decl. ¶ 14; *see* *Kuyper* Decl. ¶¶ 14–15.

13 **C. This Litigation May Impair or Impede Applicants’ Interests in Preserving**  
14 **Habitat Connectivity and Wildlife Corridors.**

15 To show impairment of its interest, an applicant need only demonstrate that “the disposition  
16 of the action may impair or impede [the applicant]’s ability to protect that interest.” Cal. Civ. Proc.  
17 Code § 387(d)(1)(B). Courts ask whether the action *may* impair or impede the applicants’ interests.  
18 *See Ziani Homeowners Ass’n v. Brookfield Ziani LLC*, 243 Cal. App. 4th 274, 279–80 (2015). In  
19 *Idaho Farm*, for example, an action may have impaired an environmental organization’s interests in  
20 preserving an endangered species listing if the action overturned that listing. *See Idaho Farm*, 58  
21 F.3d at 1398. In *Sagebrush Rebellion*, the court found that an environmental organization’s “interest  
22 in the preservation of birds and their habitats” may have been impaired if an adverse judgment

23  
24  
25 Procedure, many California courts began demanding a lower threshold to establish an “interest” for  
26 intervention as-of-right in comparison to the “interest” requirement for permissive intervention.  
27 *Compare Edwards*, 29 Cal. App. 5th at 732 (requiring only an “interest relat[ed] to . . . the subject  
28 of the action” for intervention as-of-right), *Marken v. Santa Monica-Malibu Unified Sch. Dist.*, 202  
Cal. App. 4th 1250, 1269 (2012) (requiring as-of-right applicants merely be “someone who claims  
an interest in an action”), *with Edwards*, 29 Cal. App. 5th at 736 (requiring “a direct and immediate  
interest” for permissive intervention), *Marken*, 202 Cal. App. 4th at 1270 (requiring a “direct  
interest” for permissive intervention).

1 invalidated establishment of conservation area. *Sagebrush Rebellion*, 713 F.2d at 528. Here, a  
2 judgment invalidating the Ordinances could result in loss of wildlife, habitat, and vegetation in  
3 Ventura County, potentially impairing Applicants’ and their members’ recreation, aesthetic,  
4 economic, and conservation interests. Kuyper Decl. ¶ 20; Flick Decl. ¶ 13; Segee Decl. ¶ 13;  
5 Arguelles Decl. ¶¶ 20–23. Such a judgment could also undermine their efforts in advocating for the  
6 Ordinances’ adoption, potentially impairing Applicants’ reputational interests through lost  
7 donations, contributions, and public support. Flick Decl. ¶ 14; *see* Kuyper Decl. ¶ 15.

8 Further, a defendant-intervenor’s interest may be impaired even if a judgment in a plaintiff’s  
9 favor returns an issue to the administrative decision-making process in which defendant-intervenor  
10 can participate. *WildEarth Guardians v. Nat’l Park Serv.*, 604 F.3d 1192, 1199 (10th Cir. 2010); *see*  
11 *e.g.*, *Utah Ass’n of Ctys.*, 255 F.3d at 1254 (finding “the possibility of impairment [was] not  
12 eliminated by the intervenors’ opportunity to participate in the formulation of a revised land use  
13 plan”). Therefore, even if invalidating the Ordinances would initiate a new stakeholder process to  
14 consider similar ordinances, Applicants’ interests may still be impaired.

15 **D. No Party in this Action Adequately Represents Applicants’ Interests.**

16 An applicant only has a “minimal” burden of showing inadequate representation. *Forest*  
17 *Conservation Council v. U.S. Forest Serv.*, 66 F.3d 1489, 1498 (9th Cir. 1995), *abrogated on other*  
18 *grounds by Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173 (9th Cir. 2011); *see also Trbovich*  
19 *v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972). Applicants need only show that  
20 representation *may* be inadequate. *Forest Conservation Council*, 66 F.3d at 1498. Government  
21 agencies do not adequately represent an applicant’s interests when the applicant has narrow,  
22 specific, or personal interests because those agencies are “constrained” to representing broad public  
23 interests. *Conservation Law Found. of New Eng., Inc. v. Mosbacher*, 966 F.2d 39, 44 (1st Cir.  
24 1992); *see Forest Conservation Council*, 66 F.3d at 1499; *United States v. City of Los Angeles*, 288  
25 F.3d 391, 402 (9th Cir. 2002); *Am. Farm Bureau Fed’n*, 278 F.R.D. at 110–11 (finding government  
26 agency did not adequately represent environmental organization groups “with regional and local  
27 interests, including aesthetic, economic, educational, recreational, and resource interests” where  
28 agency “must consider not only the interests of the public interests groups, but also the possibly

1 conflicting interests from agriculture, municipal stormwater associations, and land developers.”);  
2 *see also Cal. Dump Truck*, 275 F.R.D. at 308 (finding that the California Air Resources Board did  
3 not adequately represent an environmental interest group’s interests despite “shar[ing] the same  
4 ‘ultimate objective,’ namely defending the regulation against [p]laintiff’s [challenges]” because the  
5 Board had to balance competing interests of various constituencies, including the plaintiff’s).

6 Here, Ventura County must balance the competing interests of different constituencies,  
7 including Petitioner’s business and commercial interests in promoting land development. Kuyper  
8 Decl. ¶ 21. Ventura County may not, therefore, adequately represent the Applicants’ narrow and  
9 more specific interests in wildlife conservation and habitat connectivity. *Id.* Further, two of the three  
10 Board supervisors who voted to adopt the Ordinances will be replaced at the end of the year,  
11 thereby raising the concern that a new Board might not vigorously defend the Ordinances in this  
12 litigation. *See* Ventura County Official Election Results for 2020, at 4 (Apr. 2, 2020),  
13 [https://recorder.countyofventura.org/wp-content/uploads/2020/04/Summary-Report-2-](https://recorder.countyofventura.org/wp-content/uploads/2020/04/Summary-Report-2-Column_Official_Final.pdf)  
14 [Column\\_Official\\_Final.pdf](https://recorder.countyofventura.org/wp-content/uploads/2020/04/Summary-Report-2-Column_Official_Final.pdf); Kuyper Decl. ¶ 22; Cal. State Ass’n of Ctys., *County Litigation*,  
15 <https://www.counties.org/general-information/county-structure-0> (last visited Mar. 12, 2020)  
16 (describing Board’s authority “to direct and control” litigation).

17 **II. Applicants Also Meet the Requirements for Permissive Intervention.**

18 In addition to meeting the requirements for intervention as-of-right, Applicants also meet the  
19 requirements for permissive intervention. Courts grant permissive intervention: (1) upon timely  
20 motion, when “[ (2) ] the party has a direct and immediate interest in the action; [ (3) ] the intervention  
21 will not enlarge the issues in the litigation; and [ (4) ] the reasons for the intervention outweigh any  
22 opposition by the parties presently in the action.” *U.S. Ecology, Inc. v. State*, 92 Cal. App. 4th 113,  
23 139 (2001); *see* Cal. Civ. Proc. Code § 387(d)(2).

24 As noted previously, Applicants have timely submitted this motion and will not delay or  
25 disrupt the proceedings. *Sanders v. Pac. Gas & Elec. Co.*, 53 Cal. App. 3d 661, 668 (1975); *Citizens*  
26 *for Balanced Use*, 647 F.3d at 897. There have been no substantive proceedings in this action. The  
27 first case management conference occurred on May 8, 2019, Dkt. No. 9, but the Court has not yet  
28 held the case management conference that was subsequently scheduled for March 23, 2020, *see*

1 Dkt. No. 32. Further, as previously stated, Applicants are seeking intervention before the  
2 administrative record has been certified, and intervention will cause no prejudice or delay because  
3 Applicants do not anticipate presenting any new legal or factual issues.

4 Applicants have also demonstrated their interests or their members' interests in  
5 conservation, recreation, economic stake, aesthetics, preserving their advocacy efforts, and  
6 protecting their reputations. Courts often grant permissive intervention to nonprofit organizations  
7 seeking to defend challenges to government agency decisions when a judgment might harm the  
8 organization's interests or its members' interests. *See, e.g., U.S. Ecology*, 92 Cal. App. 4th at 139;  
9 *Simpson Redwood*, 196 Cal. App. 3d at 1201 (permitting environmental organization to intervene  
10 when it had an interest in conserving a redwood forest area; it played an instrumental role in  
11 establishing the conservation area; and a judgment could harm its reputation and integrity as a  
12 conservation organization); *Rominger*, 147 Cal. App. 3d at 661–62 (permitting intervention to  
13 environmental organization to defend ordinance that prevented pesticide spraying because its  
14 members used forest lands that might have been sprayed if the ordinance was invalidated).

15 Finally, Applicants will not enlarge the issues in the litigation to matters not raised by the  
16 original parties. *See Simpson Redwood*, 196 Cal. App. 3d at 1202–03 (permitting intervention even  
17 when intervenor would raise a new legal issue). Applicants seek to intervene primarily to defend  
18 Ventura County's application of CEQA exemptions to the Ordinances. Applicants' knowledge,  
19 background, and expertise regarding wildlife conservation, habitat connectivity, and CEQA will  
20 serve to inform the adjudication of CoLAB's causes of action, *see* Kuyper Decl. ¶ 11; Flick Decl. ¶  
21 8; Arguelles Decl. ¶ 8; Segee Decl. ¶ 11, but Applicants will not raise new factual or legal issues.  
22 Intervention will not prejudice the parties but will allow Applicants to defend their interests and  
23 their members' interests. *See, e.g., Noya v. A.W. Coulter Trucking*, 143 Cal. App. 4th 838, 843  
24 (2006); *Truck Ins. Exch. v. Super. Ct. (Transco Syndicate No. 1)*, 60 Cal. App. 4th 342, 349 (1997).

### 25 CONCLUSION

26 Applicants satisfy the requirements for both intervention as-of-right pursuant to California  
27 Code of Civil Procedure section 387(d)(1)(B), and alternatively, permissive intervention pursuant to  
28 section 387(d)(2). Applicants' Motion is timely because it is filed before any substantive

1 proceedings have taken place, and Applicants’ intervention will not cause delay or prejudice.  
2 Applicants have demonstrated: sufficient interests in preserving and protecting wildlife corridors;  
3 that a judgment invalidating the Ordinances may impair Applicants’ and their members’  
4 recreational, aesthetic, economic, and conservation interests; and that no existing party adequately  
5 represents their specific interests. Accordingly, Applicants respectfully request that the Court grant  
6 them leave to intervene as Respondents and Defendants in this action.

7  
8 DATED: June 15, 2020

ENVIRONMENTAL LAW CLINIC  
University of California, Irvine School of Law

9  
10 By: /s/  
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11  
12 /s/  
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8 National Parks Conservation Association

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF VENTURA**

11 CALIFORNIA CONSTRUCTION AND  
INDUSTRIAL MATERIALS  
12 ASSOCIATION,  
13 and  
14 VENTURA COUNTY COALITION OF  
LABOR, AGRICULTURE, AND BUSINESS,

15 Plaintiffs and Petitioners,

16 v.

17 \_\_\_\_\_  
18 COUNTY OF VENTURA, *et. al.*,

19 Defendants and Respondents.  
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Case No. 56-2019-00527805-CU-WM-VTA

Consolidated for hearing with Case No. 56-2019-00527815

**DECLARATION OF JEFF KUYPER IN  
SUPPORT OF MOTION TO  
INTERVENE**

Date: August 4, 2020  
Time: 8:30AM  
Dept.: 43  
Judge: Hon. Kevin G. DeNoce  
Trial Date: None set  
Action Filed: April 25, 2019

1 I, JEFF KUYPER, declare as follows:

2 1. The following facts are personally known to me, and if called as a witness I would  
3 and could truthfully testify to these facts.

4 2. I am a resident of Santa Barbara, California.

5 3. I am currently employed by Los Padres ForestWatch (“ForestWatch”), a  
6 community-supported nonprofit organization that protects the Los Padres National Forest, the  
7 Carrizo Plain National Monument, and other public lands throughout California’s central coast  
8 region. I have served as the organization’s Executive Director for fourteen years.

9 4. In this capacity, my responsibilities include overseeing staff, developing our  
10 programs, preparing a budget, and coordinating our legal and policy advocacy. I often attend  
11 hearings and prepare and review comment letters to various agencies and decision-makers to  
12 ensure protection of wildlife. I research and monitor agency proposals; advocate for strong laws  
13 and regulations that protect wildlife at the national, state, and local levels; conduct investigations  
14 and file complaints with government agencies; write comment letters and encourage local  
15 residents to do the same; attend and present testimony at public hearings; and work with other  
16 ForestWatch staff, our Board of Directors, experts, and volunteers to safeguard our region’s  
17 wildlife for current and future generations to enjoy.

18 5. I hold a bachelor’s degree in Environmental Studies from the University of  
19 California at Santa Barbara, received in 1998, and a Juris Doctorate degree and a Certificate of  
20 Environment & Natural Resources Law from the University of Oregon School of Law, obtained  
21 in 2002. I have worked in a professional capacity with nonprofit conservation organizations for  
22 more than twenty years.

23 6. ForestWatch is a local, community-supported nonprofit organization with more  
24 than 800 members, headquartered in Santa Barbara, California. ForestWatch’s mission is to  
25 protect wildlife, wilderness, water, and sustainable access in the Los Padres National Forest,  
26 which spans California’s central coast from the famed Big Sur coastline, to San Luis Obispo’s  
27 Santa Lucia Range and the Carrizo Plain National Monument, to the rugged backcountry of  
28

1 Santa Barbara and Ventura counties. We accomplish this through a combination of legal and  
2 policy advocacy, scientific research and field work, community outreach and education,  
3 volunteerism, and providing opportunities for underserved youth to experience the outdoors.

4 7. One of ForestWatch’s primary programs involves the protection of wildlife. The  
5 Los Padres National Forest is home to more than two dozen endangered and threatened animals  
6 and plants, along with many others—like mountain lions—that are clinging to survival in an  
7 increasingly developed urban landscape. It is important for wildlife in the Los Padres National  
8 Forest to be able to travel freely throughout the county in order to access other core habitat areas,  
9 such as those in the Santa Monica Mountains and Simi Hills. Without this connectivity, wildlife  
10 in the Los Padres National Forest will become increasingly isolated, reducing genetic diversity  
11 and lowering the health of the forest’s wildlife populations.

12 8. Highlighting the importance of safeguarding habitat connectivity throughout the  
13 region, ForestWatch launched a project called Room to Roam in 2019. This project aims to  
14 protect our region’s most iconic wildlife species, including mountain lions, bobcats, coyotes,  
15 deer, and black bears. We work with landowners to reduce human-wildlife conflicts and educate  
16 the public about how to coexist with our native wildlife. We monitor the policies and activities of  
17 state and federal agencies to ensure these animals are not needlessly killed. Furthermore, we  
18 protect migration corridors by keeping them free of development, reporting incidents of roadkill  
19 from vehicle collisions, and promoting wildlife crossings to give animals the freedom to roam.

20 9. ForestWatch and its members are very concerned about the ability of our region’s  
21 large wild animals to survive amidst an increasingly fragmented and developed landscape in  
22 southern California and are working to ensure that current and future generations may continue  
23 to observe, enjoy, and study these remarkable creatures.

24 10. ForestWatch has worked to protect wildlife in and around the Los Padres National  
25 Forest in Ventura County for the last fifteen years. The Los Padres National Forest covers  
26 approximately 40% of Ventura County, and a substantial part of ForestWatch’s work takes place  
27 there. We have attended more than two dozen hearings before the Ventura County Planning  
28

1 Director, Planning Commission, and Board of Supervisors on matters pertaining to the protection  
2 of wildlife. We have also submitted comment letters on various initiatives to protect wildlife  
3 corridors at the local, state, and federal levels.

4 11. ForestWatch staff and experts have extensive experience in the areas of California  
5 Environmental Quality Act (“CEQA”) litigation, wildlife corridors, wildlife behavior and  
6 migration patterns, and wildlife habitat and species conservation. Based on this experience, our  
7 interests may not be adequately represented by the County. Based on our specialized experience  
8 in these fields, ForestWatch is uniquely positioned to defend the Ventura County Habitat  
9 Connectivity and Wildlife Corridor Ordinances (“Ordinances”) in court.

10 12. Last year, ForestWatch was one of the primary organizations working to enact a  
11 law to ban bobcat hunting in Ventura County and throughout the state of California. We  
12 educated the public about the importance of such an initiative, urged our elected officials to vote  
13 in favor of the ban, and provided an easy way for members of the public to voice their support  
14 for the legislation. In addition, we worked diligently to enact a statewide ban on anti-coagulant  
15 rodenticides. These toxic products travel up the food chain and are one of the leading causes of  
16 illness and death in mountain lions and other large mammals in our region.

17 13. ForestWatch members reside in every city within Ventura County, including Ojai,  
18 Ventura, Santa Paula, Fillmore, Oxnard, Camarillo, Simi Valley, Moorpark, Port Hueneme, and  
19 Thousand Oaks, along with many unincorporated communities.

20 14. Our members and supporters have a strong interest in ensuring that the region’s  
21 wildlife populations remain healthy. Our members and supporters rely on wildlife to ensure  
22 healthy ecosystems services that, in turn, provide clean air and water, sustain the local economy,  
23 and enhance the region’s quality of life. Many of our members and supporters enjoy observing  
24 and photographing wildlife. Many of our members and supporters are scientists who study  
25 wildlife populations, and their ability to study and conduct research requires healthy wildlife  
26 populations and habitat. Finally, many ForestWatch members and supporters gain comfort in  
27 knowing that our region’s wildlife populations are healthy and sustainable and that wildlife may  
28

1 move unimpeded from one area of the County to another, and hope that future generations will  
2 be able to appreciate and admire the same wildlife that we do today.

3 15. Many of our members have donated specifically to our Room to Roam Fund to  
4 support our education and advocacy efforts in support of the Ordinances. Our website has a  
5 specific page devoted solely to allowing our supporters to donate to this fund.

6 16. The ability of ForestWatch members to observe, photograph, study, and  
7 appreciate wildlife in Ventura County has already been compromised due to past urban and  
8 agricultural development, pollution, and a confusing network of roads and highways. This  
9 development has blocked critical travelways used by wildlife to move between core habitat  
10 areas.

11 17. Our members also have an economic stake in ensuring healthy, intact wildlife  
12 populations. The region's economy is based on a network of functional open spaces with thriving  
13 wildlife populations, which drive tourism and outdoor recreation and increase property values.  
14 Moreover, some of our members are wildlife biologists, ecologists, wildlife photographers, and  
15 nonprofit employees whose jobs and livelihood depend upon a vibrant ecosystem with wildlife  
16 being able to move freely through the area.

17 18. ForestWatch staff provided oral testimony at the Ventura County Board of  
18 Supervisors hearing on January 24, 2017, during which the Board reviewed options and staff  
19 recommendations for addressing habitat connectivity and wildlife movement corridors and  
20 provided direction to planning staff regarding regulatory options for protecting these corridors.

21 19. Over the next two years, ForestWatch staff attended two out of three stakeholder  
22 meetings during which the regulatory framework for the Ordinances was largely established.  
23 Staff from Los Padres ForestWatch went on to provide oral testimony in support of the proposed  
24 Ordinances at both the Planning Commission hearing on January 31, 2019, and the Board of  
25 Supervisors hearing on March 12, 2019. The day before each hearing, ForestWatch authored and  
26 submitted letters signed by more than forty wildlife protection organizations in support of the  
27 proposed Ordinances. ForestWatch also encouraged its members and supporters to submit  
28

1 written comments and attend the hearings, and wrote two opinion pieces for the Ventura County  
2 Star supporting the Ordinances.

3         20. ForestWatch members and supporters feel a strong obligation to participate in the  
4 defense of these Ordinances because of a firmly rooted belief in the Ordinances’ purpose and  
5 effectiveness, along with its overwhelming popularity and strong support within the scientific  
6 community. The Ordinances were approved through a thorough democratic process in which  
7 hundreds of our members and supporters participated. The interests of ForestWatch and our  
8 members and supporters—and indeed residents throughout Ventura County—will be harmed if  
9 we are not permitted to help defend the Ordinances that we all worked so hard to enact.

10         21. ForestWatch’s interests in protecting wildlife and defending the Ordinances will  
11 not be adequately represented by the County. As a government entity, the County has competing  
12 responsibilities to balance environmental regulation with economic and development interests,  
13 including responding to the interests of private property owners who elect the Board of  
14 Supervisors through a political process. Without ForestWatch’s participation, environmental  
15 interests, including wildlife protection, risk being outweighed by the interests of landowners and  
16 industries, which are represented by the Petitioner in this lawsuit.

17         22. In addition, two members of the Board of Supervisors who voted in favor of the  
18 Ordinances—including one of the Ordinances’ main sponsors—will be retiring from the Board  
19 in 2020. The outcome of the election could determine to what extent the County will diligently  
20 defend the Ordinances. ForestWatch’s goal in intervention is to strenuously defend the  
21 Ordinances regardless of shifting political leadership or financial considerations at the County.

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1 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
2 true and correct to the best of my personal knowledge and that I executed this declaration on  
3 8th of June 2020 in Santa Barbara \_\_\_\_\_, California \_\_\_\_\_.

4  
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8 \_\_\_\_\_  
9 JEFF KUYPER

1 MICHAEL ROBINSON-DORN (CA Bar No. 159507)  
BRETT KORTE (CA Bar No. 326445)  
2 MICHELLE AVIDISYANS (CA Bar Student Cert. 489744)  
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6 Attorneys for Applicant Intervenors  
7 Los Padres ForestWatch, Defenders of Wildlife,  
Center for Biological Diversity, and  
8 National Parks Conservation Association

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF VENTURA**

11 CALIFORNIA CONSTRUCTION AND  
INDUSTRIAL MATERIALS  
12 ASSOCIATION,

13 and

14 VENTURA COUNTY COALITION OF  
LABOR, AGRICULTURE, AND BUSINESS,

15 Plaintiffs and Petitioners,

16 v.

17 \_\_\_\_\_  
18 COUNTY OF VENTURA, *et. al.*,

19 Defendants and Respondents.  
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Case No. 56-2019-00527805-CU-WM-VTA

Consolidated for hearing with Case No. 56-2019-  
00527815

**DECLARATION OF PAMELA FLICK  
HORN IN SUPPORT OF MOTION TO  
INTERVENE**

Date: August 4, 2020  
Time: 8:30AM  
Dept.: 43  
Judge: Hon. Kevin G. DeNoce  
Trial Date: None set  
Action Filed: April 25, 2019

1 I, PAMELA FLICK HORN, hereby declare:

2 1. I make this declaration upon my personal knowledge and if called upon to testify,  
3 could and would do so completely.

4 2. I am a member of the Applicant-Intervenor Defenders of Wildlife (“Defenders”) and  
5 am also Defenders’ California Program Director. I have worked as the California Program Director  
6 since February 2020. Prior to this position, I worked in several capacities for Defenders since April  
7 2005, including Senior California Representative, California Representative, and California  
8 Program Coordinator. As the California Program Director, I manage and direct Defenders’ staff and  
9 programs in California. I work on a wide variety of policy and program issues around California,  
10 including biodiversity conservation, federal land management, endangered species conservation,  
11 wildlife coexistence, transportation ecology, and renewable energy. As part of this work, I work  
12 with local governments, state and federal agencies and commissions, the California legislature,  
13 scientists, landowners, farmers and ranchers, nonprofit organizations, and other stakeholders. My  
14 program work is focused on the Sierra Nevada, northern California, the Coastal Ranges, and the  
15 Central Valley.

16 3. I reside in Orangevale, California. I received a bachelor’s degree in Environmental  
17 Studies with a minor in Biological Sciences from the California State University, Sacramento in  
18 December 2008. The protection of California’s wildlife and wild places has been a driving force in  
19 my career as an environmental conservation professional for more than two decades. I have worked  
20 in a professional capacity with nonprofit conservation organizations in California for twenty-three  
21 years, four years of which I served as the Administrative Director and Communications Coordinator  
22 for the California Wild Heritage Campaign, a statewide effort to permanently protect California’s  
23 remaining roadless lands and wild rivers as federally designated Wilderness and Wild and Scenic  
24 Rivers, including within Ventura County. I currently serve on the steering committee of the  
25 International Conference on Ecology and Transportation and the advisory boards of Sierra Forest  
26 Legacy and the Southern Sierra Prescribed Fire Council. I am a member of the Emerging Wildlife  
27 Conservation Leaders Alumni Advisory Group, the California Department of Fish and Wildlife’s  
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1 Wolf Stakeholder Working Group, and the Western Section of The Wildlife Society. I formerly  
2 served on the board of directors for the Sierra Nevada Alliance, founding steering committee of the  
3 Pacific Wolf Coalition, advisory board of the Berryessa Snow Mountain National Monument  
4 campaign, executive committee for Tahoe Council for Wild Bears, the Ocean Communicators  
5 Alliance steering committee, and as a co-chair of the Sierra Yosemite Road Ecology Team.

6 4. Defenders is a nonprofit organization dedicated to protecting all native animals and  
7 plants in their natural communities. To that end, Defenders employs science, public education and  
8 participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions to  
9 prevent the extinction of species, associated loss of biological diversity, and habitat alteration,  
10 fragmentation, and destruction.

11 5. Defenders has 1.8 million members and supporters nationwide, 279,000 members  
12 and supporters in California, and more than 7,200 members and supporters in Ventura County.  
13 Defenders' California Program office is based in Sacramento with additional field staff based in Los  
14 Angeles, the West Mojave Desert, the San Francisco Bay area, the Monterey Bay area, and the  
15 North Coast. Defenders has long worked on species and habitat conservation issues in and around  
16 Ventura County, including California condor recovery, bear awareness educational events,  
17 legislatively ending the use of lead ammunition for all take of wildlife throughout California,  
18 fighting new and expanded oil and gas drilling, engaging in the forest plan revision process for the  
19 Los Padres National Forest land management plan, and working to end the so-called "no sea otter  
20 zone" south of Point Conception in Santa Barbara County to allow for southern sea otters to  
21 naturally return to their historical range in southern California waters, including those off-shore of  
22 Ventura County. Defenders has also joined sign-on letters led by Los Padres ForestWatch in support  
23 of the Ventura County Habitat Connectivity and Wildlife Corridor Ordinances ("Ordinances").

24 6. Defenders is engaged in wildlife corridor protection across the United States,  
25 including supporting the National Wildlife Corridors Conservation Act and similar state and  
26 regional efforts, such as the Ventura County Ordinances. Habitat connectivity is essential to wildlife  
27 conservation. Unconnected habitats are half as likely to support species movement as connected  
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1 habitat networks, and habitat fragmentation creates a higher risk of extirpation for isolated wildlife  
2 populations.

3           7. Defenders uses a multi-faced approach to support wildlife corridor creation and  
4 protection, including community outreach, policy and legal advocacy, litigation, collaboration with  
5 federal and state agencies, scientific research and publication, and public education. For example,  
6 Defenders is engaged in public lands planning, policy advocacy, and community organizing to  
7 protect connected grizzly bear habitat in the Northern Rocky Mountains. Defenders is also  
8 advocating for the removal of outdated and destructive dams, like the four along the lower Snake  
9 River, to allow salmon movement between spawning waters and the ocean, to help further the  
10 recovery of southern resident orcas. In 2000, Defenders launched the Highways & Habitats  
11 Campaign for the purpose of reducing the impacts of highways on wildlife and preventing future  
12 habitat loss to unwise and unnecessary road building. Recognizing the need to address the impacts  
13 of highways on wildlife and habitat connectivity, Defenders published *Second Nature: Improving*  
14 *Transportation Without Putting Nature Second*, available at [https://escholarship.org/uc/item/45b3r2](https://escholarship.org/uc/item/45b3r257)  
15 *57*, in partnership with the Surface Transportation Policy Partnership in 2003 and *GETTING UP TO*  
16 *SPEED: A Conservationists' Guide to Wildlife and Highways*, available at [https://defenders.org/site](https://defenders.org/sites/default/files/publications/getting_up_to_speed_introduction.pdf)  
17 *s/default/files/publications/getting\_up\_to\_speed\_introduction.pdf*, in 2007. More recently,  
18 Defenders served on the steering committee of the 2019 International Conference on Ecology and  
19 Transportation held in Sacramento, California, during which Defenders led a symposium on  
20 wildlife-vehicle collisions and a panel on successful legislation protecting wildlife corridors in New  
21 Mexico. Defenders continues to work on transportation and linear infrastructure projects to avoid or  
22 minimize impacts on wildlife and habitat connectivity throughout California and across the United  
23 States.

24           8. Defenders' California Program also has decades of valuable experience with the  
25 California Environmental Quality Act ("CEQA") and its requirements and exemptions in many  
26 different wildlife-related contexts, including litigation. Our organization has both expertise on and  
27 an interest in the consideration of wildlife and habitat during the CEQA review process for projects  
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1 in California. Personally, I have worked on CEQA compliance and environmental impact issues  
2 related to industrial solar projects in Panoche Valley and the Carrizo Plain.

3           9.       Defenders’ members live and travel in the areas that have been identified as  
4 important wildlife corridors in Ventura County as a result of the Ordinances. The Ordinances will  
5 make the community and travel throughout the area safer by creating passages for wildlife and  
6 lessening the likelihood of wildlife-vehicle collisions. In addition to promoting community safety  
7 and the conservation of imperiled California species—a primary goal of Defenders, our members,  
8 and my own—the Ordinances will also help mitigate wildfire risk in the area, which harms  
9 Defenders’ members as well as the wildlife and natural habitat that our organization seeks to  
10 protect. Defenders’ members also often recreate in Ventura County and the surrounding area.  
11 Activities like wildlife watching, plant and wildlife species identification, outdoor photography,  
12 hiking, and many other recreational activities are linked to and would be promoted by the  
13 Ordinances.

14           10.       Personally, I travel to Ventura County and the surrounding area several times a year  
15 and enjoy visiting the nearby Los Padres National Forest for a variety of purposes, including  
16 observing wildlife, photography, monitoring land use activities, camping, hiking, swimming,  
17 participating in trash clean-up events, and observing the rare plants and animals that inhabit these  
18 areas. The Ventura County wildlife corridors would promote habitat connectivity between all the  
19 protected lands in the region, particularly along the Los Padres National Forest. Some of the areas I  
20 have visited within the Los Padres National Forest include the West Camino Cielo, Figueroa  
21 Mountain, Frazier Mountain, Mt. Pinos, Cold Springs, and the Big Sur coastline. In these areas, I  
22 have looked for California condors and have been lucky enough to see bobcats, deer, various  
23 reptiles and amphibians, numerous raptors, and a wide variety of plant species. Exploration of these  
24 places brings me much joy and personal satisfaction, whether in the form of finding a salamander  
25 hunkering down under a rock, discovering a wildflower I have never seen before, or viewing far  
26 away wildlife through my binoculars. I intend to continue to visit and explore the areas within and  
27 connected to the wildlife corridors identified in Ventura County in the future.

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1           11.     The Ordinances create heightened protections for areas designated as important  
2 wildlife corridors and require environmental review for development that might degrade those  
3 areas. The wildlife corridors will help numerous California species, such as California condors,  
4 California red-legged frogs, mountain lions, and other plants and animals by maintaining genetic  
5 diversity and habitat connectivity and avoiding mortality from vehicle strikes. The Ordinances in  
6 effect will benefit the people, wildlife, and environment of Ventura County and the surrounding  
7 area.

8           12.     Due to habitat fragmentation, species in the Ventura County area have been  
9 identified as having some of the lowest genetic diversity in the western United States. Wildlife  
10 corridors not only promote the individual survival of species, but facilitate genetic diversity,  
11 biodiversity, and healthier ecosystems. These benefits are critical to maintaining healthy and robust  
12 wildlife and habitat throughout California.

13           13.     Implementation of the Ordinances would support Defenders' mission to conserve  
14 native species and their natural communities. The ability of Defenders and our members to study,  
15 photograph, observe, and appreciate wildlife in Ventura County has been harmed by development  
16 that has blocked critical passageways and fragmented crucial habitat. The Ordinances would benefit  
17 Defenders', our members', as well as my own personal and professional interests in habitat  
18 connectivity and biodiversity conservation. The county-led Ordinances may also serve as the basis  
19 for future wildlife corridor protection efforts made by Defenders, our members, and myself.

20           14.     If the Ordinances are not successfully implemented and wildlife continue to decline  
21 in the Ventura County area, Defenders as an organization would lose credibility with our donors  
22 and members, especially locally. As mentioned above, Defenders operates a specific California  
23 Program with 279,000 members and supporters in the State and 7,200 members and supporters in  
24 Ventura County who rely upon Defenders to effectuate their personal goals of protecting native  
25 species and habitat. Those who joined Defenders and donated specifically to protect species in the  
26 Ventura County area may leave the organization or cease contributing to our cause.

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1           15.     Intervention in this action is vital to Defenders because Defenders (1) joined sign-on  
2 letters in support of the Ordinances underlying this case; (2) has expertise in wildlife and habitat  
3 connectivity in general, and the Ventura County wildlife corridor in particular; (3) benefits from our  
4 ability to successfully conserve and protect wildlife and their natural habitat; and (4) has, along with  
5 our members, invested significantly in protecting and creating wildlife corridors, including in  
6 Ventura County. Defenders' expertise and background will also greatly assist the Court in  
7 understanding the Ordinances and other issues in this case.

8  
9 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
10 and correct to the best of my personal knowledge and that I executed this declaration on 9<sup>th</sup> of June  
11 2020 in Sacramento , California .

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16 PAMELA FLICK HORN  
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1 MICHAEL ROBINSON-DORN (CA Bar No. 159507)  
BRETT KORTE (CA Bar No. 326445)  
2 MICHELLE AVIDISYANS (CA Bar Student Cert. 489744)  
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6 Attorneys for Applicant Intervenors  
7 Los Padres ForestWatch, Defenders of Wildlife,  
Center for Biological Diversity, and  
8 National Parks Conservation Association

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF VENTURA**

11 CALIFORNIA CONSTRUCTION AND  
INDUSTRIAL MATERIALS  
12 ASSOCIATION,  
13 and  
14 VENTURA COUNTY COALITION OF  
LABOR, AGRICULTURE, AND BUSINESS,

15 Plaintiffs and Petitioners,

16 v.

17 \_\_\_\_\_  
18 COUNTY OF VENTURA, *et. al.*,

19 Defendants and Respondents.  
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Case No. 56-2019-00527805-CU-WM-VTA

Consolidated for hearing with Case No. 56-2019-00527815

**DECLARATION OF BRIAN SEGEE IN  
SUPPORT OF MOTION TO  
INTERVENE**

Date: August 4, 2020  
Time: 8:30AM  
Dept.: 43  
Judge: Hon. Kevin G. DeNoce  
Trial Date: None set  
Action Filed: April 25, 2019

1 I, BRIAN SEGEE, hereby declare as follows:

2 1. The facts set forth in this declaration are based on my personal knowledge. If  
3 called as a witness, I could and would testify competently to these facts. As to those matters  
4 which reflect an opinion, they reflect my personal opinion and judgment on the matter.

5 2. I reside in Meiners Oaks, an unincorporated Ventura County community within  
6 the Ojai Valley, and have resided there since 2012.

7 3. I am a member of, and employed as a senior attorney for, the Center for  
8 Biological Diversity (“Center”). I was previously an employee with the Center while living in  
9 Tucson, Arizona from 1997–2004, and have worked for the organization in my current position  
10 since January 2017.

11 4. The Center is a nonprofit corporation incorporated in the State of California with  
12 offices in Oakland and Los Angeles in California, as well as numerous additional regional  
13 offices located throughout the country, and an international office in Baja California Sur,  
14 Mexico. The Center has nine staff members in Southern California, including in Los Angeles and  
15 Ventura County. In general, the Center works through science and environmental law to  
16 advocate for the protection of endangered, threatened, and rare species and their habitats  
17 throughout the United States and abroad.

18 5. The Center has more than 70,000 active members. The Center’s staff and  
19 members both reside in and/or regularly visit areas of Ventura County. The Center’s members  
20 and staff regularly use the federal, state, and local protected lands in Ventura County, including  
21 areas that will receive greater protections by the Ventura County Habitat Connectivity and  
22 Wildlife Corridor Ordinances (“Ordinances”), for hiking, camping, viewing and studying  
23 wildlife, photography, and other vocational and recreational activities. The Center’s members  
24 and staff derive recreational, spiritual, professional, scientific, educational, and aesthetic benefit  
25 from their activities in these areas. The Center’s members and staff have specific intentions to  
26 continue to use and enjoy these areas frequently and on an ongoing basis in the future.

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1           6.       The Center’s mission is to work to ensure the long-term health and viability of  
2 animal and plant communities, and to protect the terrestrial habitat these species need to survive.  
3 The Center believes that the health and vigor of human societies and the integrity and wildness  
4 of the natural environment are closely linked. As part of this central mission, the Center provides  
5 oversight of governmental programs, policies, and activities that impact wildlife and endangered  
6 species. The Center regularly engages in protection efforts and campaigns to ensure that our  
7 nation’s environmental laws are enforced with respect to wildlife and its habitat. Moreover, the  
8 Center actively develops and disseminates to its members; policymakers; local, state, federal and  
9 international governmental officials; non-profit organizations; and interested members of the  
10 general public a wide array of educational and informational materials concerning the status of  
11 and threats to wildlife species, including threatened and endangered species and their habitats.

12           7.       Guided by this mission, the Center has a long history and track record of  
13 protecting fish and wildlife in Ventura County, including species that would benefit from the  
14 Ordinances such as the mountain lion, bobcat, California condor, coastal California gnatcatcher,  
15 least bell’s vireo, and California red-legged frog.

16           8.       For instance, Center staff authored a scientific and legal petition to list the  
17 Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as  
18 Threatened under the California Endangered Species Act (CESA) (“Petition”), which was  
19 submitted to the California Fish and Game Commission (“Commission”) in June 2019. The  
20 Petition sought protections for mountain lions throughout Ventura County, which comprise part  
21 of the Central Coast (South) mountain lion population. The Center thereafter initiated a  
22 campaign to raise awareness of the threats facing Southern California mountain lions and  
23 advocate for increased protections at the state and local level. The California Department of Fish  
24 and Wildlife (“Department”) released a report in February 2020 concluding that the Petition  
25 contained sufficient evidence to demonstrate that protecting these mountain lions may be  
26 warranted. On April 16, 2020, the Commission voted unanimously to adopt the Department’s  
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1 recommendation and grant Southern California and Central Coast mountain lions “candidacy  
2 status” under CESA.

3 9. The Center also has a history of advocacy for the Southern California steelhead,  
4 which would benefit from the Ordinances. The Center and Wishtoyo Foundation filed litigation  
5 against the United Water Conservation District (the “Conservation District”) in 2016 for  
6 violating the Federal Endangered Species Act by jeopardizing steelhead survival and recovery in  
7 the Santa Clara River as a result of its inadequate fish ladder and diversion of river flows at the  
8 Vern Freeman Dam near Santa Paula. In 2018, a District Court ruled in favor of the Center and  
9 Wishtoyo Foundation and concluded that the Conservation District must design and implement a  
10 long-term steelhead passage solution for the dam and to release sufficient water downstream  
11 needed for steelhead migration. The Conservation District appealed, and the Ninth Circuit  
12 affirmed the District Court ruling in February 2020.

13 10. The Center has a long history of advocacy for the California red-legged frog,  
14 which would benefit from the Ordinances. Following Center litigation, the U.S. Fish and  
15 Wildlife Service (“Service”) designated more than 4.1 million acres of critical habitat for the  
16 California red-legged frog. After a building industry lawsuit in which the Center intervened, the  
17 Service withdrew its designation and reduced the designated critical habitat to only 450,288  
18 acres. In 2007, the Service reversed this decision after the Center warned it would challenge the  
19 decision, as well as other flawed decisions by the Service. Following a December 2007 lawsuit  
20 by the Center, the Service nearly quadrupled the critical habitat designation for the California  
21 red-legged frog to 1.6 million acres.

22 11. The Center has a history of advocacy for wildlife connectivity. For instance, the  
23 Center is leading a coalition of groups in opposing the Altair development proposed in  
24 Temecula, which would degrade a critical wildlife corridor for the Santa Ana mountain lions.  
25 The Center and allies brought litigation under the California Environmental Quality Act  
26 (“CEQA”) and State Planning and Zoning Law against the development in January 2018,  
27 received a positive tentative ruling from the Court in November 2019, and are currently awaiting  
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1 a final ruling. In addition, the Center and allies brought litigation under CEQA in May 2019  
2 challenging the Northlake development proposed for Northern Los Angeles County, which  
3 would limit wildlife movement between the Angeles and Los Padres national forests. That case  
4 is currently in the briefing stage. In December 2018, the Center also submitted extensive  
5 comments on Caltrans' California Transportation Plan 2050, which urged state officials to  
6 integrate wildlife connectivity into the design and implementation of California's transportation  
7 infrastructure.

8 12. The Center was extensively involved in supporting the Ordinances. In January  
9 2019, the Center submitted detailed written comments on drafts of the Ordinances to the Ventura  
10 County Planning Commission. In March 2019, the Center submitted detailed written comments  
11 on drafts of the Ordinances to the Ventura County Board of Supervisors. In addition, Center staff  
12 attended the Planning Commission and Board of Supervisor meetings and provided public  
13 comment in support of the Ordinances and offered recommendations on ways to improve them.  
14 Center staff also authored an OpEd on the Ordinances, which was published in a local paper.

15 13. The ability of Center members and staff to hike, camp, view and study wildlife,  
16 and engage in photography and other vocational or recreational activities in Ventura County has  
17 already been harmed by poorly planned urban development and highways, which have degraded  
18 habitat connectivity for wildlife. The interests of the Center and its members in and beyond  
19 Ventura County will be harmed if we are precluded from defending the Ordinances.

20  
21 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
22 true and correct to the best of my personal knowledge and that I executed this declaration on the  
23 eighth of June 2020 in Meiners Oaks, California.

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26 

27 BRIAN SEGEE

1 MICHAEL ROBINSON-DORN (CA Bar No. 159507)  
BRETT KORTE (CA Bar No. 326445)  
2 MICHELLE AVIDISYANS (CA Bar Student Cert. 489744)  
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6 Attorneys for Applicant Intervenors  
7 Los Padres ForestWatch, Defenders of Wildlife,  
Center for Biological Diversity, and  
8 National Parks Conservation Association

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF VENTURA**

11 CALIFORNIA CONSTRUCTION AND  
INDUSTRIAL MATERIALS  
12 ASSOCIATION,

13 and

14 VENTURA COUNTY COALITION OF  
LABOR, AGRICULTURE, AND BUSINESS,

15 Plaintiffs and Petitioners,

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18 COUNTY OF VENTURA, *et. al.*,

19 Defendants and Respondents.  
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Case No. 56-2019-00527805-CU-WM-VTA

Consolidated for hearing with Case No. 56-2019-00527815

**DECLARATION OF DENNIS  
ARGUELLES IN SUPPORT OF MOTION  
TO INTNERVENE**

Date: August 4, 2020  
Time: 8:30  
Dept.: 43  
Judge: Hon. Kevin G. DeNoce  
Trial Date: None set  
Action Filed: April 25, 2019

1 I, DENNIS ARGUELLES, declare as follows:

2 1. The facts set forth in this declaration are based upon my personal knowledge. As to  
3 those matters that reflect an opinion, they reflect my personal and professional opinion on the  
4 matter. If called upon to testify, I could and would do so competently.

5 2. I am a resident of Glendale, California. I first moved to Glendale in 2011. I live  
6 about 50 miles from Ventura County. I drive to Ventura County at least once a month to utilize its  
7 parks, beaches, and open spaces and to visit my extended family. I especially enjoy spending time  
8 by myself and with my family in the Santa Monica Mountains National Recreation Area,  
9 (“SMMNRA”), Los Padres National Forest, Channel Islands National Park, and Ventura’s  
10 numerous State and County beaches.

11 3. I graduated with a Bachelor of Arts degree in Political Science from the University  
12 of California, Los Angeles (“UCLA”) in 1990. I went on to receive a Master’s degree in Urban  
13 Planning from UCLA in 1993. Prior to starting at the National Parks Conservation Association  
14 (“NPCA”), I worked for several neighborhood-based organizations and was previously the  
15 President and Executive Director of the Asian Pacific Policy and Planning Council, a coalition of  
16 over 30 community-based institutions. I also served as the Assistant Director of the UCLA Asian  
17 American Studies Center and as an appointee to various city and county commissions. As an urban  
18 planner, I was always interested in open space access and equity issues and the preservation of  
19 cultural and historic places.

20 4. I started working for NPCA on November 8, 2013, as the Los Angeles Program  
21 Manager. In 2019, I was promoted to Los Angeles Senior Program Manager. In my position, I focus  
22 on the expansion of a national park unit (e.g., SMMNRA) that will impact parts of Ventura County  
23 and seek to conserve existing landscapes, habitats, wildlife, and watersheds. I am also a member in  
24 good standing of NPCA.

25 5. NPCA is a nonpartisan, nonprofit organization headquartered in Washington, D.C.,  
26 whose mission is to provide an independent voice for protecting and enhancing America’s National  
27 Park System for present and future generations. NPCA has nearly 1.4 million members and  
28

1 supporters nationwide. As of February 2020, NPCA has 42,731 members in California and 1,289  
2 members in Ventura County.

3           6.       NPCA members use, enjoy, and work to preserve and protect the National Park  
4 System and other protected federal lands that have an ecological, management, or other nexus to  
5 national parks including SMMNRA. NPCA and its members are actively engaged in protecting the  
6 viewsheds, soundscapes, airsheds, watersheds, wildlife, and other values that make SMMNRA  
7 unique and worthy of protection for the American people.

8           7.       NPCA’s Los Angeles Field Office operates under the Pacific Regional Office  
9 (“PARO”) and keeps watch over such treasures as Channel Islands National Park, Cesar Chavez  
10 National Monument, SMMNRA, and Cabrillo National Monument. It strives to protect and expand  
11 these parks and conserve surrounding landscapes, preserve the region’s rich cultural heritage, and  
12 empower a new generation of park stewards, advocates, and leaders.

13           8.       Besides advocating for the expansion of national park units in the area, my current  
14 work in the region includes efforts to stop the expansion of hydraulic fracturing after a recent  
15 Bureau of Land Management Supplemental Environmental Impact Statement (“EIS”) minimized its  
16 impact on public lands within Bakersfield Field Office planning area, which includes Fresno, Kern,  
17 Kings, Madera, San Luis Obispo, Santa Barbara, Tulare, and Ventura counties. Expanded oil and  
18 gas leasing threatens delicate ecosystems and cultural resources in places such as Yosemite National  
19 Park, Sequoia & Kings Canyon National Park, and the Cesar Chavez National Monument. For the  
20 past 15 years, NPCA has also played a critical role in the recovery and restoration of Channel  
21 Islands National Park, which lies just off the coast of Ventura and Santa Barbara counties.  
22 Additionally, NPCA has experience with the California Environmental Quality Act (“CEQA”),  
23 including submitting comments against weakening the statute and challenging the approval of  
24 projects under it.

25           9.       With more than 17 million people, the Los Angeles Metropolitan area is the second  
26 most populated area in the country; yet it has less open space than all other large metropolitan areas  
27 on the west coast. To rectify the shortage of open spaces near Los Angeles, NPCA has been leading  
28

1 a regional movement to expand the SMMNRA, which straddles Ventura and Los Angeles County,  
2 and to preserve the region’s unique Mediterranean ecosystem. This includes supporting the  
3 recommendations of the National Park Service’s Rim of the Valley Corridor Special Resource  
4 Study, completed in 2016, and H.R. 2546, which was passed by the House of Representatives in  
5 February 2020. The legislation proposes adding 193,000 acres to the existing park, more than  
6 doubling its current size, and would help protect and restore native habitat, critical wildlife  
7 corridors, and sensitive watersheds. Our work has included building the Rim of the Valley  
8 Coalition, which boasts over 70 diverse organizational members. Additionally, we have secured  
9 endorsement of the Rim of the Valley legislation by nearly all jurisdictions impacted by the  
10 expansion, including Los Angeles and Ventura counties, key cities such as Los Angeles, Calabasas,  
11 Glendale and Malibu, and several other special districts and local elected leaders.

12 10. NPCA’s Rim of the Valley campaign has relied heavily on the groundbreaking  
13 research by the National Park Service (“NPS”) on Southern California’s mountain lion population  
14 and other wildlife. This data has proven critical to understanding the location of strategic wildlife  
15 corridors, and the impact of habitat fragmentation throughout the region and its toll on genetic  
16 biodiversity. This information has fueled our efforts to educate the public, engage local  
17 communities, and build support for the campaign, which includes building a coalition of over 70  
18 organizations representing such diverse interests and wildlife protection, landscape conservation,  
19 outdoor recreation, environmental justice, public health, and historic preservation. Additionally, we  
20 have used the information to secure strategic endorsements, such as the Rancho Simi Recreation  
21 and Park District, which manages and preserves over 5,600 acres along the Los Angeles and  
22 Ventura County border, including key wildlife corridors, riparian environments, and critical strands  
23 of native habitat.

24 11. As an employee of NPCA, I have led numerous community service projects in both  
25 the existing SMMNRA and the Rim of the Valley, organizing volunteers to support habitat  
26 restoration, invasive species removal, and other activities critical to preserving the region’s unique  
27  
28

1 Mediterranean ecosystem. Since 2014, these activities have mobilized over 1,000 volunteers,  
2 including youth, students, families, veterans and individuals of all ethnicities and backgrounds.

3 12. Under my direction, NPCA closely monitored the two-year stakeholder process to  
4 get the County of Ventura to approve an ordinance titled “County-Initiated Proposal to Amend the  
5 General Plan and Articles 2, 3, 4, 5, 9, and 18 of the Non-Coastal Zoning Ordinance (PL16-0127) to  
6 Establish a Habitat Connectivity and Wildlife Corridors Overlay Zone and a Critical Wildlife  
7 Passage Areas Overlay Zone, and to Adopt Regulations for These Areas; Find that the Proposed  
8 Amendments are Exempt from Environmental Review Under the California Environmental Quality  
9 Act” (“Ordinance”). This Ordinance protects pathways used by wildlife to travel between the Los  
10 Padres National Forest at the northern end of the county, and SMMNRA to the south.

11 13. As an employee of NPCA, I worked with a coalition of several dozen conservation  
12 and community-based organizations to support the Ordinances, most notably signing a letter urging  
13 the County to reject proposed changes that would have reduced the effectiveness of the measures  
14 (attached as Exhibit A).

15 14. NPCA advocated on behalf of the Ordinance because it would help protect (1)  
16 wildlife within the SMMNRA in Southern California and (2) wildlife habitat outside the boundary  
17 of the national park that serve as migratory corridors for wildlife traveling to and from the national  
18 park.

19 15. The Ordinance is particularly critical to protecting mountain lion populations. As the  
20 park’s largest predator, the species is at the top of the ecosystem’s food chain and serves as a critical  
21 indicator species—a measure of the park and broader ecosystem’s overall health. The long-term  
22 survival of mountain lions in this region, however, is threatened by several factors, none more  
23 significant than the loss and fragmentation of habitat by roads and development. This leads not only  
24 to mountain lion deaths from vehicle collisions, but also multiple cases of first-order inbreeding  
25 because animals are not able to disperse in and out of the area. The Ordinance protect pathways  
26 used by wildlife to travel between the Los Padres National Forest at the northern end of the county,  
27 and the SMMNRA to the south. These pathways preserve functional connectivity for wildlife and  
28

1 vegetation by minimizing direct and indirect barriers, minimizing loss of vegetation and habitat  
2 fragmentation, and minimizing impacts to those areas that are narrow, impacted, or otherwise  
3 tenuous with respect to wildlife movement.

4 16. The Ordinance also reduces wildfire risk to local communities, as the region’s native  
5 chaparral shrublands are more resilient to drought and fire than invasive species and ornamental  
6 flora introduced by development and agricultural activities.

7 17. NPCA members, donors, and allies have supported our advocacy on behalf of the  
8 Ordinance because of their particular interest in the landscape for recreational purposes. This  
9 includes individuals and organizations representing hikers, birders, wildlife enthusiasts, and groups  
10 focused on outdoor education and youth development. Preserving the region’s biodiversity is  
11 critical to it maintaining its value for these recreation purposes.

12 18. Members and campaign supporters include tour operators, equipment rental  
13 providers, local hospitality, and other small businesses that rely on the region’s ecosystem to attract  
14 visitors and support the economies of gateway communities. In 2018, the National Park Service  
15 reported that 867,00 park visitors spent an estimated \$38.5 million in local gateway regions while  
16 visiting SMMNRA. These expenditures supported a total of 476 jobs, \$20.2 million in labor  
17 income, \$32.7 million in value added, and \$52.2 million in economic output in local gateway  
18 economies surrounding SMMNRA.<sup>1</sup>

19 19. Our members wrote and called members of Congress, attended public meetings,  
20 organized townhalls, led outdoor educational activities, and participated in community service  
21 projects and other activities to support of our Rim of the Valley campaign.

22 20. The loss of charismatic species such as the mountain lion would not only have  
23 significant ecological consequences but would also hurt the SMMNRA reputation as an intact and  
24 pristine wilderness designation and experience, which could in turn impact its value as a  
25 recreational and economic resource.

26

27

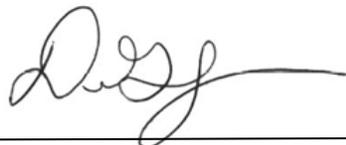
28 <sup>1</sup> NAT’L PARK SERV., U.S. DEP’T OF THE INTERIOR, 2018 NATIONAL PARK VISITOR SPENDING EFFECTS 34 (2018),  
[https://www.nps.gov/nature/customcf/NPS\\_Data\\_Visualization/docs/NPS\\_2018\\_Visitor\\_Spending\\_Effects.pdf](https://www.nps.gov/nature/customcf/NPS_Data_Visualization/docs/NPS_2018_Visitor_Spending_Effects.pdf).

1           21.     I would also be personally and professionally harmed without the Ordinance. I have  
2 traveled many times to the region. I enjoy camping, hiking, and birding in the Los Padres National  
3 Forest, Santa Monica Mountains, and other nearby open spaces, precisely because of the pristine  
4 quality of their ecosystems and the observable flora and fauna. Professionally, I utilize these open  
5 spaces for educational/interpretive hikes and to inform partners and allies of our efforts to protect  
6 the region’s landscape and wildlife. A degradation of these areas would mean the loss of a powerful  
7 tool for educational and advocacy purposes.

8           22.     I have concrete plans to take personal and professional trips to SMMNRA in the near  
9 and distant future. I plan to walk my dog, sightsee, hike, and appreciate the botany and wildlife of  
10 the area. As an NPCA employee, I am planning to visit at least once a month with professional  
11 colleagues, policymakers, community leaders, youth/students, and others to further our regional  
12 park expansion and protection goals.

13           23.     SMMNRA is where I go to get away to seek solace and renewal. My ability to enjoy  
14 the wilderness qualities and observe the local wildlife would be permanently impaired by the  
15 elimination of the Ordinance. The abundance of wildlife and vegetation would decline without the  
16 connectivity the Ordinance provides. NPCA, as an organization on behalf of its members, will be  
17 likewise harmed.

18  
19 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
20 and correct to the best of my personal knowledge and that I executed this declaration on   8   of  
21 June 2020 in   Glendale  ,   CA  .

22  
23  
24  


25 DENNIS ARGUELLES

EXHIBIT  
"A"

**LOS PADRES FORESTWATCH**

**CALIFORNIA CHAPARRAL INSTITUTE • CALIFORNIA NATIVE PLANT SOCIETY  
CALIFORNIA STATE PARKS FOUNDATION • CALIFORNIA TROUT  
CALIFORNIA WILDERNESS COALITION • CENTER FOR BIOLOGICAL DIVERSITY  
CENTER FOR REGENERATIVE AGRICULTURE • CHANNEL ISLANDS RESTORATION  
CITIZENS FOR RESPONSIBLE OIL & GAS • CONEJO OAK TREE ADVOCATES  
CONEJO VALLEY AUDUBON SOCIETY • DEFENDERS OF WILDLIFE • EARTHJUSTICE  
FOOD AND WATER WATCH • FRIENDS OF THE SANTA CLARA RIVER  
FRIENDS OF THE VENTURA RIVER • GREENLATINOS • KEEP SESPE WILD  
MATILIJA COALITION • MOUNTAIN LION FOUNDATION  
NATIONAL PARKS CONSERVATION ASSOCIATION • NORTH RANCH MOUNTAIN BIKERS  
OJAI RAPTOR CENTER • OJAI VALLEY GREEN COALITION • ONCE UPON A WATERSHED  
PASO PACIFICO • POISON FREE MALIBU • PUBLIC LAND ALLIANCE NETWORK  
SAVE OPEN SPACE AND AGRICULTURAL RESOURCES (SOAR)  
SAVE OPEN SPACE/SANTA MONICA MOUNTAINS • SIERRA CLUB, LOS PADRES CHAPTER  
SURFRIDER FOUNDATION, VENTURA COUNTY CHAPTER  
TEMESCAL CANYON ASSOCIATION • THE NATURE CONSERVANCY  
VENTURA AUDUBON SOCIETY • VENTURA CITIZENS FOR HILLSIDE PRESERVATION  
VENTURA COUNTY WILDLIFE TRACKERS • WILDEARTH GUARDIANS  
WILDLIFE CARE OF SOUTHERN CALIFORNIA**

March 11, 2019

Ventura County Board of Supervisors  
800 S. Victoria Ave.  
Ventura, CA 93009

Re: Support for Habitat Connectivity and Wildlife Movement Corridor Ordinance  
Agenda Item #31, Board of Supervisors Hearing, March 12, 2019

Dear Chair Bennett and Members of the Board:

We applaud the County of Ventura for its multi-year effort to identify wildlife corridors and develop a set of standards to protect our local wildlife as the county continues to grow. The protection of wildlife corridors will safeguard animals and their habitat within key travel ways that connect the Los Padres

National Forest, Santa Monica Mountains National Recreation Area, and other open space throughout the county.

Scientists have long studied population dynamics of local wildlife species, the decline of which has been attributed to habitat loss and fragmentation throughout our region. Animals that exemplify Ventura County's rugged nature and reflect its residents' strong will and tenacity depend on the conservation of connected habitat in order to survive long into the future. This proposal will encourage smarter development practices that will undoubtedly protect mountain lions, bears, bobcats, foxes, coyotes, badgers, birds, aquatic species, and other wildlife for generations to come.

Our region's wildlife are increasingly impacted by non-native plant infestations, outdoor night lighting, wildlife impermeable fencing, and development in sensitive areas such as along streams and across critical animal movement pathways. The proposed ordinance would substantially reduce these effects by prohibiting the intentional planting of invasive species near streams, limiting the amount and type of lighting that can be used at night, reducing the cumulative area of wildlife impermeable enclosures, and discouraging sprawling development—especially in sensitive areas. Without these standards, wildlife that live in and traverse Ventura County will continue to be negatively affected.

Importantly, the proposal benefits wildlife without placing excessive burdens on landowners. The ordinance contains dozens of exemptions designed for agricultural producers, livestock managers, and other landowners. It does not prohibit activities and development but rather relies on the County's existing permitting process to improve the mitigation of environmental impacts. For example, the ordinance will make some types of development subject to discretionary permitting rather than ministerial near surface water features. This is something already employed by neighboring counties such as Santa Barbara.

Contrary to the talking points of well-financed opponents of this proposal, the ordinance contains exemptions allowing landowners to continue creating and maintaining defensible space around their structures to protect them from wildfire. The County Fire Chief stated in a letter dated January 8, 2019 that "there are sufficient accommodations and exemptions in the ordinance to allow the Ventura County Fire Department the ability to maintain vegetation management and fuel treatments in the proposed wildlife corridors," and the Ventura County Fire Protection District stated numerous times during the January 31, 2019 Planning Commission hearing that wildfire mitigation would not be impacted by the ordinance.

Unfortunately, the draft ordinance before you now is less robust than the version that County staff presented to the Planning Commission in January 2019. We urge you to reject some of the changes which serve to weaken the ordinance's goal of protecting wildlife habitat connectivity and movement. The ordinance is already the result of significant compromise—it should not be diminished further. Specifically, the Board should approve the ordinance and reject the following amendments:

- exclusion of large areas from the overlay zones, especially the Tierra Rejada Valley; and

- reduction of surface water feature setbacks from 200 feet to 100 feet that would allow development to further encroach on sensitive riparian zones—buffer areas that help to protect all water resources downstream.

The forethought of this proposal and the Board’s original direction cannot be understated. Adoption of a strong ordinance will position Ventura County as a leader in wildlife protection not only throughout the state but throughout the nation as well. This major step forward will ensure that our children and their children will get to experience both the wonder of our local wildlife and the critical benefits that wildlife provide to the healthy ecosystems on which we rely.

Sincerely,

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