

Court issues a preliminary injunction against destruction of vernal pool habitat in the Sunrise Douglas area of Rancho Cordova, Sacramento County

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California Native Plant Society
Defenders of Wildlife
Butte Environmental Council

On Tuesday, Federal District Court Judge Martin J. Jenkins issued a preliminary injunction against the U.S. Army Corps of Engineers permits related to the Sunrise Douglas Development in the City of Rancho Cordova, Sacramento County, California. The court ordered the wetland permits suspended and enjoined any further construction, groundbreaking, earthmoving, or other on-the-ground activity that may affect vernal pool habitat or endangered or threatened species. On Thursday, cease-and-desist orders were issued by the U.S. Army Corps of Engineers to seven separate, but interrelated projects: North Douglas, Montelena, Douglas Road 98, Sunridge Park, Anatolia IV, Sunridge Village J and Grantline 208. Two additional projects, Douglas Road 103 and Arista del Sol, will also be subject to the force of the court order. The injunction will remain in effect until the case before the court has ruled on its merits. The lawsuit also names as defendants the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency.

In issuing the preliminary injunction, Judge Jenkins found that the U.S. Army Corps of Engineers environmental assessments of these projects failed to take a "hard look" at, and independently analyze, the environmental consequences of the proposed projects in violation of the National Environmental Policy Act. The judge issued the preliminary injunction based upon the irreparable harm that could be caused to the vernal pools while the case is being heard by the court.

"This is a victory for the environmental community that has spent more than a decade trying to protect vernal pool grasslands and their associated endangered species in the Rancho Cordova area" says Carol Witham of the California Native Plant Society (CNPS). "CNPS has long considered the Sunrise Douglas area being as the Yellowstone of vernal pool landscapes."(See note 1)

"We're elated that the court found that the Army Corps' reliance on documents submitted by the developers was insufficient, and that they must independently analyze environmental impacts of the proposed projects," stated Barbara Vlamis, Executive Director, Butte Environmental Council. "While this may not stop development, it will force the regulatory agencies to look holistically at vernal pool wetlands and endangered species in the Sunrise Douglas area and throughout the Central Valley."

"California's vernal pools are an integral part of the state's natural landscape and heritage, and are a vital resource for numerous native plants and animals," said Brian Segee, Defenders of Wildlife. "Today's decision moves us one step closer to ensuring that these crucial habitat areas remain intact." Plaintiffs are represented by attorneys and students in the Stanford Environmental Law Clinic and by Neil Levine.

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Note 1. Last week, in a separate case filed by CNPS, the California Superior Court found that the City of Rancho Cordova violated several state laws in their approval of an adjacent Angelo K. Tsakopoulos development called "The Preserve at Sunridge". And, earlier this year in a lawsuit by the Vineyard Area Citizens against the City of Rancho Cordova, the California Supreme Court ruled that the original Sunrise Douglas environmental analysis document failed to consider the environmental impacts of long-term water supply and ground-water pumping activities on endangered fish in the Cosumnes River.