

*Friends of
Rose Canyon*



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**Environmental Groups Sue a Second Time
Over Proposed Road Through Rose Canyon Park**

(San Diego) On November 28, three environmental organizations filed suit to overturn the City Council's October approval of an almost \$5 million contract to do final design of a proposed road through Rose Canyon Open Space Park before the required environmental impact report has been done. The suit charges that state environmental law prohibits the City from such a major commitment to a proposed project before environmental review is complete.

"The whole purpose of an environmental impact report is to disclose to decision makers and the public the extent of a project's impacts *before* a major commitment is made to it," said Deborah Knight, President of Friends of Rose Canyon. "The City Council and Mayor cannot possibly make an informed decision about this very environmentally damaging project before they see that report."

By law, the new environmental impact report must analyze less damaging alternatives to the proposed road, known as the Regents Road bridge project. The lawsuit charges that if the City proceeds now with final design, it would likely ignore these less damaging alternatives when the environmental impact report is completed.

Plaintiffs in the lawsuit are Friends of Rose Canyon, San Diego Audubon Society, and the Endangered Habitats League. The City estimates the new environmental impact report will be finished in October, 2009 and claims that it needs to do final design in order to do the environmental review. Typically, however, preliminary design of 10-15% is considered sufficient, even by the City.

“No private developer in his right mind would spend \$5 million on final design without an approved project, and this isn’t even legally a *project* without an approved environmental document,” said Michael Beck, San Diego Director of the Endangered Habitats League.

“Caltrans and the Federal Highway Administration both specifically *prohibit* final design before environmental review is complete,” said Mel Hinton, President of San Diego Audubon Society.

The new lawsuit follows on the heels of the San Diego County Superior Court’s recent award of \$450,218 in attorneys’ fees to the same organizations (plus San Diego Coastkeeper) as a result of their previous lawsuit – a sum the City must pay. That suit successfully challenged the City Council’s 2006 vote to approve a previous environmental impact report and implement the controversial road project. As a result of the lawsuit, the City Council rescinded its approval of the project and promised in March 2007 to do a new environmental impact report “before implementation, if any” of the project.

Federal and state regulatory agencies have repeatedly called on the city not to pursue the Rose Canyon road project because of its environmental impacts. The project faces not only high environmental hurdles, but also a cost estimated by the City to be in the many tens of millions of dollars.

“This proposed road project may well never be built,” said Knight. “Throwing five million dollars at final design at this stage is not only illegal, it’s a high risk gamble of public funds that are needed for other important projects.”

The contract for final design includes work that would have harmful impacts in Rose Canyon, including drilling deep borings and digging hillside trenches in the path of the project, which crosses through the heart of one of the City’s nine open space parks. The project itself would entail construction of a major cut and fill road and massive concrete bridge.

“We are optimistic that the City will ultimately do what so many individuals and organizations have urged them to do,” Knight said. “They will preserve Rose Canyon Open Space Park for all San Diegans – now and in the future.”

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