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LandWatch Wins Harper Canyon Lawsuit Court Rules Monterey County Violated CEQA in Approving Subdivision

Salinas, CA – LandWatch Monterey County, a land conservation and planning organization focused on sustainable growth, announced today the Monterey County Superior Court has issued an intended decision that would set aside Monterey County’s approval of the Harper Canyon subdivision. The subdivision would create 18 sprawling residential lots on a 344 acre parcel adjacent to Highway 68. LandWatch has been involved in fighting the Harper Canyon subdivision since 2005. [Download the Intended Decision.](#)

By ruling in LandWatch’s favor, the court concluded that the draft environmental impact report’s (DEIR) Groundwater Resources and Hydrogeology analysis “was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded,” which violates the California Environmental Quality Act (CEQA). The court also concluded that the DEIR failed to adequately disclose and analyze the impacts of the subdivision on groundwater. The court stated, “the DEIR failed to acknowledge that the area from which the Project’s wells draw water is in overdraft, a condition in which the amount of water extracted exceeds recharge.” Consequently, DEIR “significantly misled the public as to Project impacts.”

“We are delighted that the court supported our 13-year effort to stop Harper Canyon,” stated Michael DeLapa, LandWatch’s executive director. “The project is exactly what should not be allowed: sprawling homes in high fire zones that would overdraft already depleted groundwater. Thanks to tremendous public support and a terrific legal team, LandWatch remains committed to protecting Monterey County’s groundwater resources and promoting infill development that generates affordable housing for local working families.”

The court noted that the Monterey County Planning Commission denied the project in 2014, finding it in violation of the County General Plans requirements for sustainable water services.

The Board of Supervisors initially supported the denial, but in 2015 reversed itself, certified the final EIR and approved the project, apparently because it believed that new water tests demonstrated “no adverse drawdowns” of groundwater, “with one well actually experiencing *increased* groundwater levels.” Apparently the court wasn’t persuaded that pumping water from a groundwater basin creates more water.

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Formed in 1998, LandWatch’s mission is to promote sound land use policies that improve economic vitality, agricultural productivity, environmental health, and social equity in Monterey County.