

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Center for Biological Diversity v. U.S. Fish and Wildlife Service

Center for Biological Diversity · No. 2:21-cv-01527-DJC-DMC · Decided July 17, 2025

SUMMARY

The United States District Court for the Eastern District of California reviews challenges to federal permitting of the Stonegate Development Project in Chico, California. The court holds that the U.S. Fish and Wildlife Service’s Biological Opinion was arbitrary and capricious in failing to analyze climate-change impacts on vernal-pool species, while rejecting challenges concerning the meadowfoam population baseline and certain mitigation measures. The case also involves claims under the Endangered Species Act, National Environmental Policy Act, Clean Water Act, and Administrative Procedure Act.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 17, 2025
DOCKET	2:21-cv-01527-DJC-DMC
DISPOSITION	other
PROCEDURAL POSTURE	Cross-motions for summary judgment in an action challenging federal agency approval and permitting of the Stonegate Development Project under the Endangered Species Act, Administrative Procedure Act, National Environmental Policy Act, and Clean Water Act.
STANDARD OF REVIEW	Under the APA, agency action is set aside if it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Review is narrow and confined principally to whether the agency considered relevant factors and adequately explained its decision; the court may not substitute its judgment for the agency's. Summary judgment is the mechanism for resolving APA review as a matter of law on the administrative record.
PRECEDENTIAL VALUE	Unknown; district-court order with no reported citation or stated publication status.

PARTIES

Center for Biological Diversity, AquAlliance v. United States Fish and Wildlife Service, United States Army Corps of Engineers

TOPICS

endangered species act judicial review of agency action administrative procedure act
environmental impact review wetlands

PRACTICE AREAS

environmental law administrative law federal courts

QUESTIONS PRESENTED

1. Whether the Fish and Wildlife Service's no-jeopardy Biological Opinion was arbitrary and capricious because it failed to analyze climate change's effects on ESA-listed vernal-pool species.
2. Whether the Biological Opinion was arbitrary and capricious because the agency failed to assess potential effects on the ESA-listed giant garter snake based on an erroneous factual assumption that no snake had been observed within five miles of the project.
3. Whether the agency acted arbitrarily and capriciously by relying on a draft biological opinion concerning a different project and by departing from that draft's conclusions regarding meadowfoam.
4. Whether the agency unlawfully relied on nonbinding recovery-plan mitigation measures.
5. Whether the Corps violated the Clean Water Act by failing to select the least environmentally damaging practicable alternative.
6. Whether the Corps violated NEPA by preparing an environmental assessment and finding of no significant impact rather than an environmental impact statement.
7. Whether the court should consider plaintiffs' extra-record declaration and scientific studies for the limited purpose of assessing whether the agency considered all relevant factors.

HOLDINGS

1. The Biological Opinion was arbitrary and capricious because it failed to meaningfully address climate change and its effects on ESA-listed vernal-pool species. General references to hydrologic changes and habitat loss, together with citations to documents discussing climate change, did not substitute for analysis or express incorporation of those climate-related conclusions.
2. The Biological Opinion was arbitrary and capricious because the agency failed to analyze potential effects on the giant garter snake after relying on the erroneous assumption that there had been no sightings of the species within five miles of the project.
3. The agency's limited reliance on a 2002 draft biological opinion concerning a different development project did not make the current Biological Opinion arbitrary and capricious.
4. The 2005 Recovery Plan was nonbinding, and the agency's reliance on recovery-plan mitigation measures did not violate the ESA or constitute arbitrary and capricious action merely because the

specific measures were not enforceable as obligations under the Recovery Plan.

5. The Corps did not violate the Clean Water Act by selecting Alternative 5 rather than Alternative 1 or the Bruce Road Alternative because the administrative record supported rejecting those alternatives as economically infeasible or incapable of meeting the project's purposes.
6. The Corps did not violate NEPA by preparing an environmental assessment rather than an environmental impact statement on the record before the court.
7. The court accepted plaintiffs' extra-record declaration and attached studies solely to evaluate whether the agency considered all relevant factors and the best available contemporary scientific information regarding climate change, but declined to consider the defendants' substantive rebuttal declaration.

KEY QUOTATIONS

“The Biological Opinion fails to address climate change in the context of its other discussed species.”
(Discussion § A.ii)

“The Biological Opinion only generally references changes in “hydrologic patterns” and the dangers of “habitat loss,” but does not tie either of those threats to climate change.” (Discussion § A.ii)

“The Court therefore grants Plaintiffs’ request for summary judgment on this issue.” (Discussion § B)

“The Court declares the USFWS 2020 Biological Opinion unlawful under the ESA and arbitrary and capricious under the APA.” (Conclusion)

“The Court hereby enjoins any implementation of the Proposed Project pending completion of a legally adequate Biological Opinion and consultation regarding the giant garter snake.” (Conclusion)

FACTUAL BACKGROUND

The proposed Stonegate Project is a 314-acre mixed-use development in Chico, California, including residential and commercial uses, stormwater facilities, parks, and an open-space preserve. The site contains vernal pools, wetlands, and habitat for several ESA-listed species, including vernal pool fairy shrimp, vernal pool tadpole shrimp, Butte County meadowfoam, and potentially giant garter snakes. The Corps issued a permit and environmental assessment, while the Fish and Wildlife Service issued a Biological Opinion finding no jeopardy to listed species. The Biological Opinion did not meaningfully analyze climate change and concluded that the project would have no effect on giant garter snakes based in part on the erroneous assumption that no snake had been documented within five miles of the project.

PROCEDURAL HISTORY

Plaintiffs challenged the U.S. Fish and Wildlife Service's 2020 Biological Opinion and the Army Corps of Engineers' permitting and environmental review for the Stonegate Development Project. Plaintiffs moved for summary judgment, Federal Defendants moved for summary judgment and to exclude plaintiffs' extra-record declaration, and defendant-intervenors separately moved for summary judgment. The court granted plaintiffs' motion in part and denied it in part, granted defendants' motions in part and denied them in part, denied the motion to exclude, vacated the Biological Opinion, and enjoined implementation of the project pending legally adequate consultation and a new Biological Opinion concerning the giant garter snake.

DISPOSITION

other

REMAND INSTRUCTIONS

The Biological Opinion is set aside and vacated. Federal Defendants must complete a legally adequate Biological Opinion and consultation regarding potential effects on the giant garter snake before implementation of the Stonegate Project may proceed. The project is enjoined pending that completed analysis. The order does not require preparation of an EIS but does not preclude the Corps from preparing one after further review.

CASES CITED

- *Sierra Club v. Mainella*, 459 F. Supp. 2d 76, 89-90 (D.D.C. 2006)
- *Conservation Congress v. U.S. Forest Service*, No. 2:12-CV-02800-TLN, 2014 WL 2092385, at *4 (E.D. Cal. May 19, 2014)
- *Native Ecosystems Council v. U.S. Forest Service*, 428 F.3d 1233, 1238 (9th Cir. 2005)
- *Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 43 (1983)
- *National Wildlife Federation v. National Marine Fisheries Service*, 524 F.3d 917, 929-30 (9th Cir. 2008)
- *Seven County Infrastructure Coalition v. Eagle County, Colorado*, 145 S. Ct. 1497, 1507 (2025)
- *Appalachian Voices v. U.S. Department of the Interior*, 25 F.4th 259, 271 (4th Cir. 2022)
- *S. Yuba River Citizens League v. National Marine Fisheries Service*, 723 F. Supp. 2d 1247, 1273-74 (E.D. Cal. 2010)
- *San Luis & Delta-Mendota Water Authority v. Locke*, 776 F.3d 971, 993 (9th Cir. 2014)
- *Lands Council v. Powell*, 395 F.3d 1019, 1030 (9th Cir. 2005)
- *United States v. Jacques*, 784 F. Supp. 2d 59, 66-67 (D. Mass. 2011)
- *W. Watersheds Project v. McKay*, No. 22-35706, 2023 WL 7042541, at *2 (9th Cir. Oct. 26, 2023)
- *Concerned Friends of the Winema v. McKay*, 614 F. Supp. 3d 756, 760-70, 774 (D. Or. 2022)
- *United States Fish & Wildlife Service v. Sierra Club, Inc.*, 592 U.S. 261, 270-71 (2021)
- *Conservation Congress v. Finley*, 774 F.3d 611, 614 (9th Cir. 2014)
- *Center for Biological Diversity v. Haaland*, 58 F.4th 412, 418 (9th Cir. 2023)
- *Whitewater Draw Natural Resources Conservation District v. Mayorkas*, 5 F.4th 997, 1009 (9th Cir. 2021)
- *Center for Biological Diversity v. Bernhardt*, 982 F.3d 723, 743 (9th Cir. 2020)
- *Selkirk Conservation Alliance v. Forsgren*, 336 F.3d 944, 955 (9th Cir. 2003)
- *Cascadia Wildlands v. Bureau of Indian Affairs*, 801 F.3d 1105, 1114 n.8 (9th Cir. 2015)
- *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 496 (9th Cir. 2011)
- *Protect Our Water v. Flowers*, 377 F. Supp. 2d 844, 871 (E.D. Cal. 2004)
- *Pacific Rivers Council v. Thomas*, 30 F.3d 1050, 1054 n.8 (9th Cir. 1994)
- *Utahns for Better Transportation v. U.S. Department of Transportation*, 305 F.3d 1152, 1163 (10th Cir. 2002)

- Resource Investments, Inc. v. U.S. Army Corps of Engineers, 151 F.3d 1162, 1167 (9th Cir. 1998)
- Friends of the Earth v. Hintz, 800 F.2d 822, 833 (9th Cir. 1986)
- Center for Biological Diversity v. National Highway Traffic Safety Administration, 538 F.3d 1172, 1185 (9th Cir. 2008)
- Ocean Advocates v. U.S. Army Corps of Engineers, 402 F.3d 846, 864-65 (9th Cir. 2005)
- American Wild Horse Campaign v. Bernhardt, 963 F.3d 1001, 1006-08, 1011-12 (9th Cir. 2020)
- Humane Society of the United States v. Locke, 626 F.3d 1040, 1057 (9th Cir. 2010)
- Save the Yaak Committee v. Block, 840 F.2d 714, 717 (9th Cir. 1988)

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