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Contacts: Gary Hughes, EPIC, (707) 223-5434
Don Gillespie, Friends of Del Norte, (707) 954-1634
Jeff Miller, Center for Biological Diversity, (510) 499-9185

Federal Court Halts Caltrans Highway-widening Project Along Smith River

Cites Potential Impacts to Smith River, Coho Salmon in Granting Injunction

SAN FRANCISCO— In response to a lawsuit from environmental groups, Northern District Court Judge James Donato issued a preliminary injunction late Friday stopping Caltrans from doing any further work on a controversial highway-widening project along the wild and scenic Smith River Canyon until a court hearing scheduled for Nov. 19. The judge cited substantial procedural violations of the Endangered Species Act and the potential for irreparable harm to endangered coho salmon and their critical habitat in the Smith River if the project goes forward.

“Caltrans should let this expensive, unneeded project die. Major excavation shouldn’t occur on such steep slopes along narrow, rural roads and within critical salmon habitat,” said Jeff Miller with the Center for Biological Diversity. “The court agreed that halting the project is in the public interest to protect endangered salmon.”

Caltrans is attempting to widen narrow sections of highways 197 and 199 along the Smith River in California’s remote Del Norte County in order to provide access for oversized trucks. Construction would increase erosion and delivery of sediment into the Middle Fork Smith River, harming habitat for endangered coho salmon runs that already face a high risk of extinction. The project would undermine public safety by increasing heavy and oversized truck use on narrow roadways along the Smith River Canyon; it would hurt both tourism and local residents.

“This project, with its huge cuts in our narrow Smith River Canyon, was ill-conceived from the start, as is confirmed by Judge Donato’s decision,” said Don Gillespie with Friends of Del Norte. “The Coho Salmon Recovery Plan, when implemented, will have a much greater positive economic impact on our local economy than allowing oversized trucks to have unsafe access to our local highways.”

Friends of Del Norte, the Center for Biological Diversity and the Environmental Protection Information Center filed lawsuits in state and federal court in 2013 challenging Caltrans’ approval of the \$26 million “197/199 Safe STAA Access Project” due to inadequate review of the environmental impacts. The state agency began cutting trees and removing vegetation close to the Smith River in January 2014 and was scheduled to begin major earthmoving and construction work this month.

Environmental Protection Information Center

145 G Street, Suite A, Arcata, California 95521

Tel: (707) 822-7711

Fax: (707) 822-7712

www.wildcalifornia.org

“This decision by the federal court should be a wake up call to our elected officials regarding public concerns about Caltrans playing fast and loose with environmental laws,” said Gary Graham Hughes, executive director of EPIC. “A thorough and adequate review process is needed to resolve the environmental and public safety concerns that our communities have about this project.”

The judge ruled that there is a risk of irreparable harm to the Smith River if the project were to proceed before the case is heard on its merits; he also ruled that a valid argument has been raised by plaintiffs that the National Marine Fisheries Service violated the federal Endangered Species Act by failing to properly analyze whether the project will jeopardize protected coho salmon or their critical habitat. The court characterized both agencies’ biological assessment documents for the project as “contradictory and unclear,” citing “serious questions about the adequacy of the ESA review and consultation process” raised by the plaintiffs. The court noted that it “cannot rubber-stamp a haphazard consultation process.”

Caltrans tried to downplay the threat project construction poses to salmon habitat and water quality along the Smith River and failed to look at safety hazards from increased truck traffic. The agency has thus far refused to consider alternatives besides widening the highway and ignored the cumulative impacts of numerous other associated Caltrans highway-widening projects in Northern California for oversized truck access. Despite the Fisheries Service’s own data on the imperiled status of coho salmon in the Smith River, the agency rubber-stamped the project without sufficient review.

Background

Highway 199 is a scenic byway along the Smith River Canyon that passes through the Six Rivers National Forest and the Smith River National Recreation Area and provides access to Redwood National and State Parks. The Smith River is the only undammed river in California, with the longest stretch of designated “wild and scenic” river in the lower 48. A 1989 Caltrans report acknowledged the physical constraints of the narrow, steep and rocky Smith River Canyon and concluded that environmental concerns make Highway 199 “a poor candidate for extensive upgrading.”

Highway 197 is a 7-mile, two-lane country road that runs north to south along the lower Smith River just northeast of Crescent City. It is a rural-residential route with 72 driveways directly entering onto the road. In order to avoid Jedediah Smith State Park at the western edge of the project, oversized trucks would divert off Highway 199 and travel along Highway 197 to the north of Crescent City to reach Highway 101.

Court challenges to the related Caltrans project through Richardson Grove on Highway 101 in Humboldt County have resulted in rulings determining that Caltrans failed to adequately analyze the potential impacts of highway development on the ancient redwoods protected in Richardson Grove State Park.

A recently released independent review of Caltrans called for sweeping reforms of the agency and cited a “culture of fear” within Caltrans when it comes to deviating from standard policies. The statewide Caltrans Watch coalition has highlighted the agency’s pervasive refusal to consider reasonable alternatives to massive highway projects, shoddy environmental review, lack of transparency, reliance on flawed data and disregard for public input.