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Caltrans Agrees to Reevaluate Impacts of Del Norte Highway Project on Endangered Salmon

CRESCENT CITY, CA.— In response to a lawsuit by conservation groups, Caltrans has agreed to reassess impacts of a controversial highway-widening project in Del Norte County on protected salmon and their habitat along the Wild and Scenic Smith River. A settlement agreement will keep in place a court-ordered halt of construction work until Caltrans completes consultation with the National Marine Fisheries Service under the Endangered Species Act and Magnuson-Stevens Fisheries Conservation Act.

“The North Coast community deserves a project that does not put salmon and the Smith River at risk, as well as an honest assessment of the impacts of highway development on the region,” said Natalynne DeLapp with EPIC. “This is an opportunity for Caltrans to reassess whether this project is in the best interests of taxpayers and the environment.”

Caltrans is attempting to widen narrow sections of highways 197 and 199 along the Smith River in California’s remote Del Norte County to provide access for oversized trucks. Construction would increase erosion and delivery of sediment into the Middle Fork Smith River, harming habitat for threatened 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 tourism and local residents.

“Caltrans should reevaluate the whole premise of this expensive, unnecessary project that would cause erosion and sediment impacts to critical salmon habitat,” said Jeff Miller of the Center for Biological Diversity. “Caltrans has already wasted more than \$9 million of taxpayer money by starting major construction work along a pristine river without first doing a valid environmental review.”

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

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January and was scheduled to begin major earthmoving and construction work in May.

"Caltrans and the National Marine Fisheries Service should have pursued a scientific study to start this process rather than pay lip-service to written environmental law," said Don Gillespie with Friends of Del Norte. "The important issues of highway motorist safety on Highways 199/197 can be addressed on a smaller scale, without the massive erosive bank cuts required to allow STAA truck passage, that endanger the Smith River water quality and threaten our vital fisheries."

A Northern District Court judge issued a preliminary injunction in early May stopping Caltrans from doing any further work, citing substantial violations of the Endangered Species Act, a "haphazard" consultation process with the federal fisheries agency, and the potential for irreparable harm to the Smith River and salmon habitat. The court characterized both agencies' biological assessment documents for the project as "contradictory and unclear."

As part of the new settlement, Caltrans has now reinitiated consultation with the National Marine Fisheries Service to properly analyze whether the project would jeopardize threatened coho salmon and their critical habitat in the Smith River or adversely affect the essential fish habitat of all salmon species in the river. The conservation groups retain the right to challenge any further agency decisions or environmental documents for the project.

Caltrans has not considered alternatives besides widening the highway and tried to downplay project impacts on salmon habitat and water quality along the Smith River. The agency refused to evaluate safety hazards from increased truck traffic 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, the fisheries agency rubber-stamped the original project without sufficient review.

The plaintiffs are represented by attorneys Stuart G. Gross and Sharon Duggan and the nationally recognized firm of Cotchett, Pitre & McCarthy.

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 seven-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 road-widening 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.