

# Press Release:

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**Butte Environmental Council** • 116 W. Second St., Suite 3 • Chico, CA 95928 • 530/891-6424 • fax 530/891-6426 **Contact:** Barbara Vlamis

### **Conservation Organizations Challenge Failure to Protect Wetland Species and Habitats**

Chico, CA – Butte Environmental Council, the California Native Plant Society, and Defenders of Wildlife have filed a 60 day notice letter to inform the Federal Highway Administration, the U.S. Department of the Interior, the Sacramento Field Office of the U.S. Fish and Wildlife Service, and the California Department of Transportation that they intend to sue the agencies over violations of the Endangered Species Act. These violations include their failure to issue a legally sufficient biological opinion and amendment for the proposed FHA/CalTrans highway improvement project for State Routes 70-99-149-191 in Butte County, failure to comply with the terms and conditions of such opinion, failure to reinitiate consultation with USFWS after new information was revealed regarding impacts to threatened and endangered vernal pool species, and failure to insure that the proposed highway expansion project will not jeopardize the continued existence of listed species or adversely modify critical habitat of listed species.

“For over two years the agencies and the local jurisdiction have all been aware of the lack of compliance with the biological opinion, yet failed to correct it,” stated Barbara Vlamis, executive director of Butte Environmental Council. “The debacle with the project permits is in keeping with CalTrans’ reluctance to install safety measures at the most dangerous intersection that would have saved lives for well over a decade, but significantly lessened the need for the current project,” Vlamis continued.

The highway improvement project creates not only direct impacts to the environment such as air quality, noise, water quality, species, habitat, and existing land uses like agriculture, but also induces many indirect effects that federal and state laws require to be mitigated. The Services’ biological opinion required the development of a regional Habitat Conservation Plan (HCP) to address the “indirect” impacts from this project – e.g., impacts from additional growth and traffic generated by the highway project. The Service required Butte County to issue a draft of this HCP by May 2004. To date, the HCP is non-existent and Butte County only recently begin to locate funding to hire a consultant.. “It is unacceptable to allow a project to destroy habitat without ensuring that the impacts will be addressed and mitigated. Based on the lack of action by the permittees, we have no confidence that the mitigation for this project -- in the form of an HCP – will be as real as the destruction we will see to those grasslands,” offered Kim Delfino, California program coordinator for Defenders of Wildlife.

Vernal pools are unique depressional wetlands that fill and dry every year. The severity of vernal pool destruction in California and Oregon has led to the listing of 22 vernal pool dependent species, three of which are found in this 4.6 mile highway corridor. As documented by the USFWS, noted vernal pool expert Robert Holland estimates that close to 75% of the Central Valley’s vernal pool habitat was lost by 1997; the central coast has lost at a minimum 90%; southern California’s losses exceed 95%; and Oregon has had 60% destroyed with 18% of the

extant habitat considered intact (2002). More recent estimates place the habitat losses at over 90% throughout the historic range of vernal pools (Wright 2002). “It is essential that local, state, and federal government demonstrate their commitment to protecting the remaining vernal pool habitat when they have their own projects, so an example is provided for private entities,” declared Carol Witham of the California Native Plant Society.

Ensuring that the project impacts on federally listed species are minimized and that the HCP is completed in a timely fashion are among the goals for the litigation.

### **Contacts**

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### **Background**

The California Department of Transportation (CalTrans) and Federal Highway Authority (FHA) are proposing a major expansion of Highway 149 in Butte County, between Oroville and Chico. The proposed project includes expansion 4.6 miles of two-lane highway into a four lane expressway, and construction of two freeway-to-freeway interchanges, medians, and various frontage and access roads and crossings. CalTrans and the FHA approved the proposed project in February 2003.

Alternatives suggested by BEC since 2002 include:

1. Signalize both intersections at a cost of approximately \$250,000 each. The estimated price for the expansion project is \$130 million.
2. Diminish traffic speed between Chico and Oroville to 55.
3. Lengthen turn lanes on Hwys 99 and 70.
4. Provide more funding for more CHP personnel in the area to enforce the lower speeds.
5. Most of the traffic on Hwy 149 is from Oroville to Chico and vice versa (DEIR/S May 2002), so it's important to increase the number and frequency of buses during peak commute hours and provide incentives to use mass transit.