

# Press Release:

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### **Conservationists Challenge Inadequate Habitat Protection for Wetland Species and Habitats**

Chico, CA – Butte Environmental Council has filed a complaint against the Butte County Association of Governments over inadequacy in its *Initial Study and Mitigated Negative Declaration for the Vernal Pool Creation and Preservation Project as Mitigation for the Butte 70/149/99/191 Highway Improvement Project Butte County, California (IS/MND)*. On July 27, 2006, the BCAG Board of Directors approved the document and project despite the fact that it failed to fully analyze and mitigate the impacts of the project.

The environmental review failed to adequately determine the significance of the environmental impacts of the project, failed to present a stable and accurate project description, presented inadequate biological mitigation measures for the project, failed to consider the impact of the project on the giant garter snake (an endangered species), failed to adequately consider the designation of vernal pool critical habitat, failed to consider the U.S. Fish & Wildlife Service Recovery Plan and maps before designing the project, failed to adequately assess growth inducing impacts from the project, failed to adequately respond to comments received from petitioners and others, and failed to adequately consider cumulative impacts from past, present, and likely future projects in conjunction with the IS/MND. The complaint asks BCAG to set aside its approval of the IS/MND and preparation of more robust environmental review through either a supplemental or subsequent environmental impact report.

The *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* designated all of the land in the IS/MND as essential for the recovery of vernal pool species. The recovery of species is the ultimate priority of the Endangered Species Act. If recovery is to occur, the remaining habitat of the vernal pool and riparian species must be religiously protected from human alteration and disturbance, yet the permitting agency, the U.S. Fish and Wildlife Service, bowed to political pressure and allowed artificial creation of wetlands in healthy habitat designated for recovery, a mitigation option that they explicitly terminated in 2006. “In the haste to expand Highway 149 and place two clover leaf intersections at Highways 70 and 99, local and state governments have breached the margins of legality and utilized undo political influence to mask the seriousness of the safety and ecological issues not addressed in the entire project,” stated Barbara Vlamis, Executive Director of Butte Environmental Council. BEC has long proposed that in lieu of the unnecessary expansion project, the local and state governments could have protected the public over a decade ago at less than one percent of the cost by installing traffic signals, lengthening turn lanes, and reducing speeds.

Vernal pools are unique depressional wetlands that fill and dry every year. Altering vernal pool hydrology and the supporting uplands that are necessary for many species, in effect doubles the impacts from the highway and mitigation project. As the 2002 Proposed Vernal Pool Critical Habitat Rule indicated, noted vernal pool expert Robert Holland estimated that close to 75% of the Central Valley’s vernal pool habitat was lost by 1997; the central coast had lost at a minimum 90%; southern California’s losses exceeded 95%; and Oregon has had 60% destroyed with 18% of the remaining habitat considered

intact (2002). More recent estimates place the vernal pool habitat losses at over 90% throughout the historic range of vernal pools (Wright 2002).

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