

Federal Judge Orders Caltrans to Halt Plans to Contaminate Scenic River

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Federal Judge James Donato issued a rare injunction temporarily halting the plan of the State of California's Department of Transportation to widen Highways 197 and 199 along the Smith River, in the northwest corner of California. Finding irreparable harm, Judge Donato observed Caltrans had determined that the Project is not likely to have an adverse effect on the threatened SONCC coho salmon or their critical habitat. The Court found that: **“the biological assessment documents that Defendants bank on are contradictory and unclear, and Plaintiffs have raised serious questions about their adequacy under the law.”** The Court also determined Caltrans' documents contain “material inconsistencies and fail to reasonably explain” biological assessments.

Phil Gregory of Cotchett, Pitre & McCarthy, attorneys for the local plaintiffs, applauded Judge Donato's courageous decision to save both the coho salmon and this scenic river:

“This is a case of a road versus a river. Caltrans plans to do major roadwork along the wild and scenic Smith River, in northwestern California; and neither Caltrans nor the National Marine Fisheries Service have come close to meeting their legal obligations to adequately analyze the proposed roadwork's environmental impact.”

CPM, along with Sharon Duggan of Oakland and Stuart Gross of San Francisco, filed federal and state actions to prevent a large-scale construction project along the Smith River in Northern California. The construction was to be part of Caltrans' project to develop a network of roads in rural Northwestern California on which larger “STAA” trucks are allowed to travel from the Oregon border to the San Francisco Bay Area – the NW California STAA Network Project – and Caltrans' failure to adequately address the environmental impacts of the project.

Practice Areas

Contamination, Toxic Torts, and Environmental Justice

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Water Law

FEDERAL JUDGE ORDERS CALTRANS TO HALT PLANS TO CONTAMINATE SCENIC RIVER

The Smith River, in Del Norte County, is the last major undammed river in California. While the Smith River and its basin are important and irreplaceable habitat for numerous animal and plant species, the clean, free-flowing river is a particularly important habitat of salmon. Based on the Plaintiffs' evidence, the Court stated: **"it appears likely that the Project will increase erosion and short- and long-term delivery of sediments into the Middle Fork Smith River, threatening the SONCC coho and its critical habitat."**

Judge Donato's order notes that Caltrans' documents **reveal "contradictions and critical gaps in reasoning that give rise to serious questions."** The Court found issues about whether Defendants had discharged the "obligation to rationally identify potential impacts" or to "evaluate all the relevant factors and evidence." The Oder found major flaws with the Project: **"This is not a case of excusable minor sloppiness."**

"Judge Donato refused to rubber-stamp a haphazard consultation process," Phil Gregory observed. Gregory, along with former Congressman Pete McCloskey, has worked *pro bono* to stop Caltrans' controversial highway widening project. Judge Donato's injunction requires Caltrans to take a hard look at the effects of the Project, as it appears likely that the Project will threaten the coho salmon and its critical habitat. According to Pete McCloskey,

"This case is about Caltrans ignoring the long-term effects of its construction work in favor of large trucking companies. The Smith River, especially due to the salmon, is a profound natural resource. The River should be preserved for the fish, not destroyed for big-box trucks. We are honored to represent individuals in their fight against this unnecessary and destructive project."