

Press Release

From: Peter Loeb for Pacificans for Highway 1 Alternatives

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Email: peterloeb1@gmail.com

Federal court judge rules that Caltrans violated Endangered Species Act in Pacifica Highway 1 widening

On September 2, 2016, Federal court Judge Vince Chhabria issued an Order that the Highway 1 Widening Project in Pacifica was “arbitrary and capricious” and that both Caltrans and the U.S. Fish and Wildlife Service violated the federal Endangered Species Act.

Before approving the project, Caltrans had to submit to the Fish and Wildlife Service a Biological Assessment to assess potential effects of the project on the endangered San Francisco Garter Snake and threatened California Red-legged Frog. Caltrans’ Biological Assessment was fatally flawed. Caltrans falsely represented that the permanent impacts to the species would be offset by preservation of a 5.14-acre City of Pacifica parcel north of the wastewater treatment plant. The problem, the Judge found, was that the Pacifica parcel is already protected. So Caltrans, with the approval of the Fish and Wildlife Service, was double dipping with that piece of land. The plaintiffs’ attorneys presented internal Caltrans memos showing that Caltrans had already caught the mistake before submitting the Biological Assessment but withheld this information from the Fish and Wildlife Service.

The Fish and Wildlife Service also violated the Endangered Species Act because the Biological Opinion it created for the project relied on another mitigation – enhancement of 5.46 acres of GGNRA land which the Park Service had not approved. Caltrans’ proposed enhancement and the details still needed to be worked out. This measure was thus so speculative, that relying on it violated the Endangered Species Act.

Judge Chhabria quotes Caltrans as claiming that the project “was shelved” and “may never go forward.” Caltrans could drop the project, which is not popular with a majority of Pacifica voters. To move forward with the project, Caltrans would need to start over with a new biological opinion.

The suit was filed by Pacificans for a Scenic Coast, Pacificans for Highway 1 Alternatives (PH1A) and the Center for Biological Diversity. PH1A is a grassroots Pacifica-based organization that seeks alternatives to the Caltrans widening plan for a variety of reasons, ranging from the quality of life for Pacifica residents to environmental concerns and increased traffic from the widening. It proposes alternatives such as better traffic signal timing, an increase in public transportation, and a reduction in single occupancy vehicles.

PH1A believes that it is crucial that this project not harm these species. The San Francisco Garter Snake, whose habitat has been severely reduced and fragmented, has been recognized as one of the most beautiful snakes in the world. Any place that offers healthy habitat to this snake is truly precious. The California Red-legged Frog, while facing a lower level of crisis, is a threatened species that must be protected. As local residents of Pacifica we are happy that we have

succeeded in preventing harm to the San Francisco Garter Snake and California Red-legged Frog.

The 5.14 acre parcel was historically excellent habitat for the frog and snake. A previous owner bulldozed it to keep the presence of the frog and snake from getting in the way of development projects. As part of settlement for that illegal action, the property owner Bottoms was forced to deed that property over to the city of Pacifica, which is obligated to maintain it in ways that are beneficial for both species.