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FILED

MAY 14 2013

SUPERIOR COURT OF CALIFORNIA
COUNTY OF DEL NORTE

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10 *Attorneys for Petitioners*

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF DEL NORTE

13 FRIENDS OF DEL NORTE; ENVIRONMENTAL
14 PROTECTION INFORMATION CENTER, a non-profit
corporation; CENTER FOR BIOLOGICAL DIVERSITY, a
15 non-profit corporation,

16 Petitioners

17 v.

18 CALIFORNIA DEPARTMENT OF TRANSPORTATION;
MALCOLM DOUGHERTY in his official capacity as
19 Director of the California Department of Transportation; and
DOES 1-50,

20 Respondents,
21 _____/

CASE NO. CVPT13-1154

VERIFIED PETITION FOR
WRIT OF MANDATE AND
INJUNCTIVE RELIEF

[CCP §§ 526, 1085, 1094.5;
PRC §§ 21168, 21168.6,
21168.9]

22
23 Petitioners, FRIENDS OF DEL NORTE ("Friends"), ENVIRONMENTAL
24 PROTECTION INFORMATION CENTER ("EPIC"), and the CENTER FOR BIOLOGICAL
25 DIVERSITY ("CBD"), collectively referenced as "Petitioners," allege as follows:

26 INTRODUCTION

27 1. On April 10, 2013, the State of California Department of Transportation
28 ("Caltrans") approved a project captioned "197/199 Safe STAA Access Project" (the "197/199

1 Project” or “Project”) to allow major modifications to segments of State Highways 197 and 199
2 to allow access by large STAA trucks. Caltrans certified an Environmental Impact Report
3 (“EIR”) for this Project, without complying with the California Environmental Quality Act
4 (“CEQA”), Public Resources Code section 21000 et seq., and its implementing regulations,
5 California Code of Regulations, title 14, sections 15000 et seq. (“CEQA Guidelines”). When it
6 finally completed the EIR, Caltrans failed, among other things, to evaluate the Project’s
7 significant environmental effects, mitigate those impacts, and adopt necessary alternatives.
8 Therefore, Petitioners respectfully request that approval of the 1977/199 Project and certification
9 of the EIR be set aside as detailed below.

10 **PARTIES**

11 2. Petitioner **FRIENDS OF DEL NORTE** (“Friends”) is a non-profit public interest
12 group established in 1973 in Crescent City and Gasquet, California, designed to protect the local
13 environment and educate our citizenry on the benefits of planning for living in a pristine setting.
14 For forty years, Friends has volunteered resources to foster public dialogue about natural
15 resources throughout the region, by attending federal, state and local meetings and public
16 hearings working to influence elected leaders in planning for a healthy future in Del Norte
17 County and its bioregion. In part through monitoring local planning issues, Friends’ two hundred
18 local and northern California members have tirelessly worked to protect the pristine qualities of
19 the Wild and Scenic Smith River and its salmon and steelhead fisheries habitat, scenic corridors
20 of Highways 199 and 101, ancient Redwood Forests, the Lake Earl Coastal Lagoon and the wild
21 Pacific coastline. Friends believes that, without deliberate attention and care, these great natural
22 treasures will be compromised or degraded over time and lost to future generations. Friends is
23 proud of its record of success in helping to foster the 40,000 acre expansion of Redwood
24 National and State Parks, the 180,000 acre Siskiyou Wilderness Area, the Smith River National
25 Recreation Area in the Six Rivers National Forest, long-term protection of the Point St. George
26 Heritage Area through acquisition by Del Norte County, better management of Lake Earl Coastal
27 Lagoon resulting in higher biodiversity, and participation at the stakeholder level to successfully
28 promote the creation of the Marine Life Protection Act for Del Norte, Humboldt and Mendocino

1 Counties. Over the years, Friends has worked successfully alongside Caltrans to help create the
2 arched bridge on Highway 199 over Myrtle Creek, to protect the scenic qualities of our local
3 highways, and to help plan the Cushing Creek realignment project on Highway 101 to save old
4 growth redwood trees bordering this scenic highway. Friends will continue to work with federal,
5 state and local agencies in planning to protect our natural resources. Friends actively participated
6 in the review and comment process for the 197/199 Project being challenged herein.

7 3. Petitioner **ENVIRONMENTAL PROTECTION INFORMATION CENTER**
8 (“EPIC”) is a non-profit public interest organization formed to promote environmental values
9 and environmental protection. EPIC is located in California and has approximately 2,000
10 members, who live throughout California. EPIC is beneficially interested in the aesthetic
11 enjoyment and continued productivity of land, forest, and other water resources, in the
12 preservation of wildlife and protected species including the Marbled Murrelet, the Northern
13 Spotted Owl and anadromous salmonids at self-perpetuating population levels, in protection of
14 old growth Redwoods and Douglas fir, watersheds, and in the protection of other natural
15 resources and our environment. Members of EPIC travel throughout California for personal,
16 aesthetic, and recreational pursuits, including hiking, bird watching, and enjoying California’s
17 incredible beauty. Members of EPIC regularly visit and enjoy northern California natural
18 resources, including the remarkably beautiful and majestic Wild and Scenic Smith River and
19 parks and lands along it and within the Highways 197 and 199 corridors. EPIC members’
20 depend for their livelihood, health, culture, and well-being on the viability of vegetation and land
21 throughout California. EPIC’s members rely upon water from throughout California. Members
22 of EPIC also observe, study, recreate, gather, or otherwise enjoy the unique biologic, scientific,
23 and aesthetic benefits of the Smith River and Patrick Creek, and the corridors and lands accessed
24 by Highways 197, 199, and 101. EPIC members experience these benefits as important and
25 unique State and public resources. EPIC fully participated in the review and comment process
26 for the 197/199 Project in an effort to protect these important resources.

27 4. Petitioner **CENTER FOR BIOLOGICAL DIVERSITY** (“CBD”) is a
28 non-profit, public interest corporation with more than 42,000 members. CBD has offices in

1 Joshua Tree, San Francisco, and Los Angeles, California; as well as offices in Arizona, New
2 Mexico, Oregon, Vermont, and Washington, D.C. CBD is actively involved in wildlife and
3 habitat protection issues throughout the United States, and has members throughout our country,
4 thousands of whom reside in California. CBD's members and staff include individuals with
5 educational, scientific, spiritual, recreational and other interests in protection of natural resources,
6 including the Marbled Murrelet, the Northern Spotted Owl, and protected salmonid species.
7 CBD's members and staff enjoy the biological, recreational and aesthetic values of the public
8 lands and parks, where protected species such as the Northern Spotted Owl live, and rivers which
9 provide refugia for protected salmonid species such as the Coho, Chinook, and Steelhead. CBD's
10 members and staff have participated in efforts to protect and preserve the habitat essential to the
11 continued survival of these species. CBD brings this action on its own behalf and on behalf of its
12 adversely affected members and staff.

13 5. The above-described health, recreational, scientific, cultural, inspirational,
14 educational, aesthetic, and other interests of Petitioners will be adversely and irreparably injured
15 by Respondents' failure to comply with CEQA and its implementing regulations. These are
16 actual, concrete injuries to Petitioners and their members that would be redressed by the relief
17 sought herein. Petitioners have no adequate remedy at law.

18 6. Petitioners sue on behalf of themselves, as well as their members and supporters.
19 Petitioners are comprised of residents of the State of California who are united by the following
20 common interests of law and fact: an "interested person" in the aesthetic enjoyment and
21 protection of California's resources, including its water and water quality, streams and wetlands,
22 air quality, biological resources, fish and wildlife, and environment.

23 7. Respondent **CALIFORNIA DEPARTMENT OF TRANSPORTATION**
24 ("Caltrans") is a public and state agency within the State of California, with its headquarters in
25 Sacramento, California. Caltrans is the lead agency for the 197/199 Project under CEQA.
26 Caltrans obtained federal funding from the Federal Highway Administration ("FHWA") and is
27 the lead federal agency for the 197/199 Project based on the delegation of authority to Caltrans
28 by FHWA, pursuant to 23 U.S.C. 327, to provide environmental review pursuant to the National

1 Environmental Policy Act 42 U.S.C. 4331 (“NEPA”), consultation, and any other action on
2 behalf of the FHWA. Caltrans is the agency which prepared and certified a Final Environmental
3 Impact Report/Environmental Assessment and Programmatic Section 4(f) Evaluation (“FEIR”)
4 for the 197/199 Project. Caltrans approved the 197/199 Project on April 10, 2013. Thereafter,
5 Caltrans submitted to the State Clearinghouse for posting a CEQA Notice of Determination,
6 which was posted on April 15, 2013.

7 8. Respondent **MALCOLM DOUGHERTY** is the Director of the California
8 Department of Transportation, and in this capacity resides in the County of Sacramento. As
9 Director, Mr. Dougherty is responsible for maintenance and operations of roadways comprising
10 the California state highway system. Mr. Dougherty is sued in his official capacity.

11 9. Petitioners do not know the true names and capacities of Respondents fictitiously
12 named herein as DOES 1 through 50, inclusive. Petitioners are informed and believe, and
13 thereon allege, that such fictitiously named Respondents are responsible in some manner for the
14 acts or omissions complained of or pending herein. Petitioners will amend this Petition to allege
15 the fictitiously named Respondents’ true names and capacities when ascertained.

16 **JURISDICTION AND VENUE**

17 10. Jurisdiction of this Court is invoked pursuant to Code of Civil Procedure sections
18 526 and 1085 (alternatively section 1094.5), as well as Public Resources Code sections 21168,
19 21168.5, and 21168.9.

20 11. Venue is proper in this Court under Code of Civil Procedure section 392.

21 12. Petitioners have complied with the requirements of Public Resources Code
22 section 21167.5 by serving a written notice of Petitioners’ intention to commence this action on
23 Caltrans and its Director on May 10, 2013. A copy of this written notice and proof of service is
24 attached hereto as **Exhibit A**.

25 13. Petitioners will comply with the requirements of Public Resources Code section
26 21167.6 by concurrently filing a notice of their election to prepare the record of administrative
27 proceedings relating to this Action.

1 14. Petitioners are complying with the requirements of Public Resources Code section
2 21167.7 by sending a copy of this Verified Petition to the California Attorney General on May
3 15, 2013. The Declaration of Service transmitting this Petition is attached hereto as **Exhibit B**.

4 15. Petitioners through their representatives and members have performed any and all
5 conditions precedent to the filing of this instant action and have exhausted any and all available
6 administrative remedies to the extent required by law.

7 16. At all times mentioned herein, Respondents have been able to deny the approvals
8 and reject certification of the FEIR for the Project. Notwithstanding such ability, Respondents
9 have failed and continues to fail to perform its duty to deny and reject the 197/199 Project.

10 17. Petitioners have no plain, speedy or adequate remedy in the course of ordinary law
11 unless this Court grants the requested writ of mandate to require Respondents to set aside their
12 approval of the Project. In the absence of such remedies, Respondents' approval will remain in
13 effect in violation of state law.

14 18. If Respondents are not ordered to withdraw approval of the 197/199 Project and
15 certification of the FEIR, the People of California, as well as the land, watershed, wildlife,
16 economic, and environmental values subject to and affected by the Project, will suffer
17 immediate, irreparable, and permanent damage.

18 19. Petitioners bring this action on the ground that Petitioners and their members, as
19 residents, landowners, citizens, and taxpayers of the State of California, will suffer irreparable
20 injuries if Respondents' actions herein are not set aside immediately. Such injuries include, but
21 are not limited to, deterioration of air quality, water quality, fish and other biological resources,
22 public safety, natural quiet, and open space.

23 20. Petitioners are groups of citizens, taxpayers, and residents of the State of
24 California. Petitioners are organizations comprised of individuals who have participated on
25 behalf of Friends, EPIC, and CBD in the review of the 197/199 Project and are concerned about
26 the effects of the proposed Project on the environment. Petitioners have standing to bring this
27 action.

1 21. In pursuing this action, Petitioners will confer a substantial benefit on the People
2 of the State of California and therefore are entitled to recover from Respondents reasonable
3 attorneys' fees pursuant to Code of Civil Procedure section 1021.5, or other appropriate
4 provision of law.

5 22. Caltrans filed a Notice of Determination regarding its approval of the 197/199
6 Project with the State Clearinghouse on April 15, 2013. This action is timely filed.

7 **FACTUAL AND PROCEDURAL BACKGROUND**

8 23. Caltrans' 197/199 Project is intended to open up two existing narrow highways to
9 large transportation trucks, referred to herein as STAA trucks. These trucks are longer and
10 slightly wider than California legal trucks. Caltrans is developing one major project – a STAA
11 network in Northern California, by widening the major roadways – Highways 101, 299, and
12 197/199 – which access Humboldt and Del Norte Counties. The 197/199 Project is but one
13 piece of this initiative, which in itself will have significant adverse environmental effects, and
14 will contribute to cumulative impacts associated with this larger network development. The
15 STAA network poses a significant and unnecessary risk to the North Coast region.

16 24. To allow STAA truck access, the 197/199 Project will widen Highways 197 and
17 199 in seven locations, along the Wild and Scenic Smith River, considered one of the “crown
18 jewels” of the National Wild and Scenic River System. The Smith River is a refugia for
19 California's last salmon, including protected Coho salmon, Chinook salmon, Steelhead, and
20 Coastal Cutthroat Trout. It is the only drinking water source for Crescent City. The Smith River
21 is a spectacular wild river, with intense scenic views and providing a host of recreational
22 opportunities.

23 25. Highway 199 winds through the Middle Fork of the Smith River Canyon, is
24 designated as an U.S. Forest Service scenic byway through the Smith River National Recreation
25 Area, and is listed as eligible for inclusion in the State Scenic Highway Program. It provides
26 dramatic views of the Smith River. It links Northern California in Del Norte County to inland
27 regions of Oregon, accessing Interstate Highway 5 at Grants Pass. Highway 197 also is located
28 along the Smith River, and is also eligible as a State Scenic Highway. It is primarily a more local

1 route, providing access to homes and public recreational facilities along the Smith River,
2 including Ruby Van Deventer County Park. It has limited sight distance, narrow shoulders, large
3 redwood trees next to the road, and sharp curves. There are approximately 70 drive-ways along
4 the portion of Highway 197 included as part of the 197/199 Project.

5 26. Caltrans' 197/199 Project is actually four projects. On Highway 197, Caltrans has
6 two projects, referred to as Ruby 1 and Ruby 2. On Highway 199, Caltrans proposes two
7 projects: Patrick Creek Narrows (Locations 1, 2 and 3), and the Narrows and Washington Curve.
8 On Highway 197, Caltrans will likely widen the roads in these locations; extend, replace, or
9 repair culverts and drainage. On Highway 199, near Patrick's Creek, Caltrans will do major
10 excavation and cut into rock slopes, install at least one retaining wall, replace a bridge, and
11 increase road widths.

12 27. Caltrans claims there are substandard curves and/or substandard shoulders along
13 these traveled ways and narrow lanes, for which Caltrans proposes so-called "improvements" at
14 "spot locations." If any one of these "improvements" does not occur, Caltrans admits that it will
15 need to reassess whether there is a need for any of the Project's "improvements." Caltrans
16 claims it will make "specific geometric improvements" within the 197/199 Project area. By
17 using a computer modeling software, AutoTURN, Caltrans claims it has designed the widening
18 or realignment needed at specific locations for STAA truck access. Because these claimed
19 "improvements," in and of themselves, are insufficient to provide compliance with Caltrans'
20 highway design standards for elements such as sight and stopping distance, shoulder width, and
21 adequate curve dimensions, Caltrans must approve exceptions to its highway design criteria as
22 part of the 197/199 Project. In this way, Caltrans has approved a project which only
23 theoretically enables the intended STAA access and is not consistent with STAA requirements
24 for additions.

25 28. The 197/199 Project as approved will have significant adverse impacts on the
26 Wild and Scenic Smith River, old-growth Redwood and Douglas fir trees and their root systems,
27 and fish and wildlife species protected by state and/or federal laws. It will adversely impact
28 tourism and recreational opportunities in both the short and long term, particularly within the

1 Smith River National Recreation Area, Six Rivers National Forest, Redwoods National and State
2 Parks, Jedediah Smith State Park, and Ruby Van Deventer County Park. Because of the
3 extensive work intended in and around Patrick's Creek, it will adversely affect the steep and
4 geologically unstable Smith River Canyon slopes, as well as rare plants and species found only in
5 the Smith River serpentine soils.

6 29. The 197/199 Project will increase motorist and pedestrian safety hazards on
7 Highways 197, 199, and 101, and pose a significant compromise to public safety. Among other
8 things, the Project will develop an alternative route for STAA trucks to avoid Interstate 5,
9 particularly during the winter months when Interstate 5 at the Siskiyou Summit (the highest point
10 on Interstate 5) is closed due to weather conditions. Because Caltrans must depend on
11 exceptions to its design standards, the increased presence of these large trucks, during already
12 dangerous winter conditions on these narrow roads, will expose all cars and traffic to an
13 increased risk of accidents and injury. Safety hazards also will increase from the likelihood of
14 truck cargo spills, including increased hazardous materials, that threaten water quality and
15 endanger the sole supply of drinking water.

16 30. Caltrans issued its notice of preparation for the EIR on September 2, 2008 and
17 released its draft EIR on June 29, 2010, permitting public comment until August 23, 2010. More
18 than two years later, on September 18, 2012, Caltrans recirculated its draft EIR, and public
19 comment closed on November 5, 2012. Petitioners participated in this review process and
20 submitted comments. Caltrans approved its 197/199 Project and certified the EIR on April 10,
21 2013, and its Notice of Determination was posted with the State Clearinghouse on April 15,
22 2013.

23 **FIRST CAUSE OF ACTION**

24 **(Violation of CEQA)**

25 31. Petitioners incorporate by reference all the allegations contained in the previous
26 paragraphs as though fully set forth herein.

27 32. CEQA and its CEQA Guidelines requires the lead agency for a project to prepare
28 an EIR that complies with the requirements of the statute. The lead agency also must provide for

1 public review and comment on the project and associated environmental documentation. An EIR
2 must provide sufficient environmental analysis such that decision-makers can intelligently
3 consider environmental consequences when acting on proposed projects.

4 33. Respondents violated CEQA by certifying an EIR for the Project that is
5 inadequate and fails to comply with CEQA. Among other things, Respondents:

6 a. Failed to provide a stable and consistent description of the 197/199 Project;

7 b. Failed to evaluate the impacts of the entire 197/199 Project, including, but not
8 limited to: degradation of the Wild and Scenic Smith River and its outstandingly remarkable
9 values and resources; increased motorist and pedestrian safety risks; water quality risks and
10 endangerment of public drinking water; degradation and loss of biological resources, plants, and
11 vegetation, including old growth trees; harm to protected salmonids and their habitat;
12 diminishment of natural and recreational resources within designated National Recreation Areas,
13 state and federal parks, and other public lands; community fragmentation; and the effects on
14 climate change.

15 c. Failed to adopt a consistent and appropriate environmental “baseline” for
16 analysis of the Project’s environmental impacts and improperly assumed, for example, that the
17 197/199 Project would not significantly increase traffic, create hazardous exposure, or damage
18 the pristine Wild and Scenic Smith River and its resources;

19 d. Failed to adequately disclose or analyze the Project’s significant impacts on the
20 environment, including, but not limited to, the Project’s impacts on hydrology, water quality,
21 water supply, groundwater flow and recharge, biological resources (included threatened,
22 endangered, and sensitive species), geology, traffic and circulation, noise, air quality, aesthetics,
23 and hazardous materials;

24 e. Failed to analyze significant cumulative and growth-inducing impacts resulting
25 from development of a STAA network within Northern California for STAA trucks and from
26 reasonably foreseeable projects underway and planned to develop this STAA network;

27 f. Improperly deferred impact analysis and mitigation measures and failed to ensure
28 that the 197/199 Project impacts would be mitigated; and

1 g. Failed to adequately consider a reasonable range of alternatives, including the “no
2 build” alternative for some or all of the Project locations.

3 34. Respondents also violated CEQA by failing to adequately respond to comments
4 on the EIR, including, but not limited to, ignoring or dismissing in a cursory fashion analysis of
5 traffic impacts, requests for additional information, and suggestions of feasible mitigation
6 measures and alternatives for consideration by Caltrans.

7 35. As a result of the foregoing defects, Respondents prejudicially abused their
8 discretion by certifying an EIR that does not comply with CEQA and by approving the 197/199
9 Project in reliance thereon. Accordingly, Respondent’s certification of the EIR and approval of
10 the 197/199 Project must be set aside.

11 WHEREFORE, Petitioners pray for relief as hereinafter set forth.

12 **SECOND CAUSE OF ACTION**

13 **(Violation of CEQA: Inadequate Findings)**

14 36. Petitioners incorporate by reference all the allegations contained in the previous
15 paragraphs as though fully set forth herein.

16 37. CEQA requires that a lead agency’s findings for the approval of a project be
17 supported by substantial evidence in the administrative record. CEQA further requires that a lead
18 agency provide an explanation of how evidence in the record supports the conclusions it has
19 reached.

20 38. Respondents violated CEQA by not adopting findings as required. To the extent
21 Respondents claim Caltrans did adopt findings, they are inadequate as a matter of law in that they
22 are not supported by substantial evidence in the record, including, but not limited to, the
23 determination that certain impacts would be less than significant, that mitigation measures would
24 avoid or lessen the Project’s significant effects on the environment, and/or that certain mitigation
25 measures or alternatives are infeasible or do not meet the 197/199 Project objectives.

26 39. As a result of the foregoing defects, Respondents prejudicially abused their
27 discretion by adopting findings that do not comply with CEQA and by approving the 197/199
28 Project in reliance thereon. Accordingly, Respondent’s certification of the EIR and approval of

1 the 197/199 Project must be set aside.

2 WHEREFORE, Petitioners pray for relief as hereinafter set forth.

3 **THIRD CAUSE OF ACTION**

4 **(Violation of CEQA: Failure to Adopt Mitigation Monitoring & Reporting Plan)**

5 40. Petitioners incorporate by reference all the allegations contained in the previous
6 paragraphs as though fully set forth herein.

7 41. CEQA requires that, whenever an agency finds that potential adverse impacts
8 exist which can be mitigated, it is required to adopt a mitigation monitoring program to ensure
9 that the mitigation measures are followed. (Pub. Res. Code §21081.6.)

10 42. Respondents have prejudicially abused their discretion by failing to adopt a legally
11 adequate reporting or monitoring program for mitigation measures identified for the Project.

12 WHEREFORE, Petitioners pray for relief as hereinafter set forth.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Petitioners pray for judgment and further relief as follows:

15 1. For alternative and peremptory writs of mandate directing Respondents to vacate and
16 set aside their certification of the EIR and approval of the 197/199 Project;

17 2. For alternative and peremptory writs of mandate directing Respondents to comply
18 with CEQA and the CEQA Guidelines, and to take any other action as required by Public Resources
19 Code section 21168.9;

20 3. For a temporary stay, temporary restraining order, and preliminary and permanent
21 injunctions restraining Respondents and their agents, servants, employees, contractors, and all others
22 acting in concert with Respondents on their behalf, from taking any action to implement or further
23 approve or construct the 197/199 Project, pending full compliance with the requirements of CEQA
24 and the CEQA Guidelines;

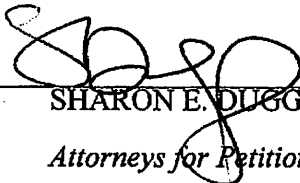
25 4. For reasonable attorneys' fees under California Code of Civil Procedure §1021.5 or
26 other appropriate provision of law;

27 5. For costs of suit under California Code of Civil Procedure §§ 1032 and 1033.5; and

28 6. For such other and further equitable or legal relief as the Court deems proper.

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DATED: May 10, 2013

By 
SHARON E. DUGGAN
Attorneys for Petitioners

1
2 **VERIFICATION**

3 I, Sharon E. Duggan, do declare:

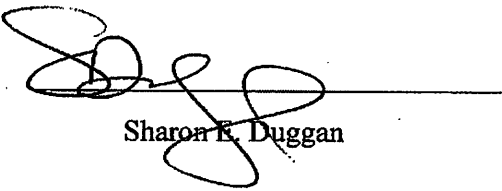
4 1. I am an attorney at law duly admitted and licensed to practice before all courts of this
5 State. I have my professional office in the County of Alameda, at 370 Grand Avenue, Suite 5 in
6 Oakland, California.

7 2. I am an attorney of record for Petitioners Environmental Protection Information Center,
8 the Friends of Del Norte and Center for Biological Diversity.

9 3. I have read the foregoing Verified Writ of Mandate and Injunctive Relief and know the
10 contents thereof. The same is true of my own knowledge, except for those matters based on
11 information and belief, and as to those matters, I believe them to be true. This Verification is
12 signed by me rather than by the Petitioners because I have my office in Oakland in Alameda
13 County, a different County than where the Petitioners reside and exist, in Humboldt, Del Norte
14 and San Francisco Counties respectively, and are not able to sign the verification.

15 I declare under penalty of perjury, under the laws of the State of California, that the
16 foregoing is true and correct.

17 Executed on the day of May 10, 2013 in Oakland, California.

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19 Sharon E. Duggan
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LAW OFFICES OF SHARON E. DUGGAN

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Facsimile: (510) 271-0829

May 10, 2013

Director Malcolm Dougherty
California Department of Transportation
P.O. Box 942873
Sacramento, CA 94273-0001

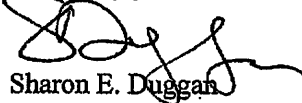
RE: 197/199 Safe STAA Access Project Final Environmental Impact
Report/Environmental Impact Statement and Section 4(f) Evaluation

Dear Director Dougherty and the California Department of Transportation:

This is to advise you that this office has been retained to and will file claims against the California Department of Transportation Game on behalf of the Environmental Protection Information Center and others challenging Department approvals of the 197/199 Safe STAA Access Project and its Final Environmental Impact Report/Environmental Assessment and Section 4(f) Evaluation. These claims shall be filed on or before May 15, 2013. This notice is sent to you pursuant to Public Resources Code 21167.5.

This action shall be premised upon, among other things, violations of the California Environmental Quality Act.

Very truly yours,


Sharon E. Duggan

sed/fw

Exhibit A