Paradise Ridge Defense Coalition

Legal Complaint filed August 18, 2016

On Thursday, August 18, the Paradise Ridge Defense Coalition (PRDC, paradise-ridge-defense.org) filed a legal complaint against the Idaho Transportation Department (ITD) and the Federal Highway Administration (FHWA) in US District Court for Idaho, Central Division, challenging the Environmental Impact Statement and Record of Decision recently issued for reconstructing, relocating and expanding 6.5 miles of US 95 immediately south of Moscow.

The PRDC has been protecting Paradise Ridge from inappropriate highway reconstruction since 2003. Paradise Ridge is home to some of the best remnants of native Palouse Prairie vegetation. Reliable estimates of the remaining extent of Palouse Prairie vegetation type are less than one percent of the original.

ITD and FHWA propose constructing a new route for US 95 high on the shoulder of Paradise Ridge (alternative E2) while PRDC believes the needs of the traveling public and the conservation of natural resources could be better met by a central route (alternative C-3) that straightens and expands the highway using more portions of the existing right of way.

The greater environmental impacts of the E-2 route proposed by ITD, as compared to the C-3 route, are not in dispute. Documentation from ITD shows that E-2 would destroy more than three times as much wetland acreage, take twice as much prime farmland out of production, and provide more disturbed ground for potential weed establishment (36% more excavation, and road cuts more than twice as high). Because E-2 is closer to more native Palouse Prairie remnants and on-going restoration activities, the threat of weed invasion of the remaining prairie is greater.

Regulations regarding wetlands specifically state that projects impacting them must select the "least environmentally damaging practicable alternative". Both proposed alignments would be four lanes, would be designed to current specifications for new construction, and are clearly "practicable". While they are designed for similar levels of safety, any realistic assessment which takes into account the potential increased weather- and animal-related accidents on E-2 (it is higher and crosses areas with more big-game movement) would conclude that C-3 is the safer route.

The shortcomings and lack of benefits of the E-2 route, as compared to the C-3 route, have been described by local citizens for years. It is unfortunate that ITD and FHWA have stubbornly remained committed to the controversial E-2 route rather than selecting the non-controversial C-3 route that could have been expeditiously constructed years ago.

All dontions to help with this legal challenge are welcome; you may send them to the address at the bottom of this page.

Thorncreek to Moscow *Record of Decision* published April 1, 2016

The ROD specifies that the eastern-most proposed alternative alignment, E-2, is the preferred Agency alternative. The Federal Highway Administration (FHWA) accepted that alignment. ITD reponses to the public and agency comments regarding the Final Environmental Impact Statement are included in the ROD.

DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
Notice of Final Federal Agency Actions on Proposed Highway in Idaho

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, US-95 Thorncreek Road to Moscow in the County of Latah in the State of Idaho, FHWA Project # DHP-NH-4110(156); Idaho Transportation Department (ITD) Key #9294.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before August 29, 2016
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SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency actions by issuing approvals for the following highway project in the State of Idaho: US-95 Thorncreek Road to Moscow Project No. DHP-NH-4110 (156), Latah County. The project involves improvements and realignment to section of US-95. The highway will be improved from milepost 337.67 to milepost 344.00 to improve safety and capacity of this section of US-95. The existing two-lane undivided highway from Thorncreek Road to the South Fork Palouse River Bridge will be replaced with a four-lane divided highway with a 34-foot median through the majority of the corridor. A four-lane highway with center turn lane, curb, gutter and sidewalk will be constructed at the northern end of the project. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) and Final Section 4(f) Evaluation US-95 Thorncreek Road to Moscow (FHWA-ID-EIS-12-01-F) for the project, approved on July 28, 2015, in the FHWA Record of Decision (ROD) issued on March 21, 2016, and in other documents in the project records.
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The FEIS and ROD can be viewed and downloaded from the project Web site at http://US95Thorncreek.com. Select the link labelled "ROD" near the top of the page.
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Issued on: March 25, 2016. Peter J. Hartman, FHWA Idaho Division Administrator, Boise, Idaho.
[FR Doc. 2016-07412 Filed 3-31-16; 8:45 am]

Federal Register / Vol. 81, No. 63 / Friday, April 1, 2016 / Notices 18933
https://www.gpo.gov/fdsys/pkg/FR-2016-04-01/pdf/2016-07412.pdf
https://www.federalregister.gov/articles/2016/04/01/2016-07412/notice-of-final-federal-agency-actions-on-proposed-highway-in-idaho

The Final Environmental Impact Statement (FEIS) for the Idaho Transportation Department's US 95 Thorncreek Road to Moscow project was released August 14, 2015. This started a 30-day comment period.

The FEIS is available on an ITD-associated web site, us95thorncreek.com. In the FEIS, both ITD and the Federal Highway Adminstration recommend the E-2 alignment.

> The US-95 Thorncreek Road to Moscow project is located in Latah County, Idaho. The project begins near Thorncreek Road and continues north for approximately 6.34 miles, ending at the South Fork Palouse River Bridge. The purpose of this project is to improve the safety and capacity of this segment of US-95. The FEIS analyzes the benefits and effects of the No Action and three Action Alternatives (Modified W-4, C-3 and E-2) on the natural and human environment. It makes corrections to the DEIS, presents new inforrmation and responds to public comments. It also identifies the Agencies' Preferred Alternative (E-2) and preliminary mitigation measures.

The Paradise Ridge Defense Coalition works to ensure and enhance the public safety, environmental integrity, and natural aesthetics of Paradise Ridge and its environs.

Coalition members:

Palouse Broadband of the Great Old Broads for Wilderness ~~ Wild Idaho Rising Tide ~~ Palouse Environmental Sustainability Coalition ~~ Palouse Group of the Sierra Club

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Paradise Ridge Defense Coalition
PO Box 8804
Moscow, ID 83843

08/19/2016