

NEWS RELEASE



REGIONAL TRANSPORTATION COMMISSION
Planning • Streets and Highways • Public Transportation
Metropolitan Planning Organization

For Immediate Release

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LAWSUIT AGAINST RTC DISMISSED RTC's Statement on the Dismissal

Reno, NV (September 24, 2013) – The Regional Transportation Commission was informed today that the Upper Southeast Communities Coalition voluntarily dismissed its Federal lawsuit seeking to stop construction of Phase I of the SouthEast Connector (SEC) based on alleged violations of the Clean Water Act. This withdrawal is not surprising because at no time did the RTC ever violate the Clean Water Act (CWA) or any other federal requirement.

As stated by RTC Executive Director Lee Gibson, "There was never a discharge of dredge and fill material into the Truckee River or Steamboat Creek from any construction activities associated with Phase I." Further, the U.S. Army Corps of Engineers (USACE) expressly determined that a permit was not required for the Phase I construction activities. The RTC acted in accordance with this determination – a clear and compelling fact that the Coalition failed to acknowledge in its now withdrawn complaint even though the Coalition was aware of this fact before the complaint was filed.

The USACE is currently considering the RTC's application for a Section 404 permit under the CWA for Phase II of the SEC and will make an appropriate decision consistent with the requirements of dredge and fill activities under Section 404 of the CWA. A public comment process is underway ensuring regional community participation. No final agency decision regarding the RTC's permit application for the Phase II work has yet been made.

The permit application details specific wetland mitigation measures based on detailed studies of the biology and hydrology of the area. The RTC understands that the USACE has extended the deadline for public comments until October 15, 2013. The USACE will continue to review the RTC's application and make a decision on the issuance of a permit in due course.

The SEC is a 5.5 mile long roadway. It will only impact 11.2 acres out of 173.3 acres of waterways and wetlands within the project corridor. The RTC is still committed to replacing impacted wetlands at the ratio prescribed by the USACE as part of the Mitigation Plan submitted. The project also includes the removal of some of the vertical banks along Steamboat Creek to restore a more natural flood plain as well as the creation of additional wetlands. The project is proposing to provide the community with a net increase of approximately 150 acres of wetlands. Moreover, the SEC will enhance biological diversity, increase wildlife habitat, permanently sequester existing contaminated soils, and create a multi-use path that will connect South Reno to the Truckee River.

Copies of key pleadings filed in the litigation can be found at www.rtcwashoe.com and www.SouthEastConnector.com.

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***About RTC:** The Regional Transportation Commission of Washoe County, Nevada serves the citizens of Reno, Sparks and unincorporated areas of Washoe County. As the federally designated Metropolitan Planning Organization for the region, the RTC provides leadership in planning, public policy development and implementation of quality transportation systems through a commitment to excellence and stewardship to meet the community's present and future transportation needs. For more information about RTC projects visit rtcwashoe.com and sign up for free email updates using MyRTC or call (775) 348-0400.*

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