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MONTEZUMA DREDGE DISPOSAL PROJECT *FACT SHEET*

LITIGATION SUMMARY

On March 8, Friends of Suisun Marsh and Save The Bay filed suit in Solano County Superior Court, charging the Solano County Board of Supervisors erred in approving the Environmental Impact Report (EIR) for a dredge disposal and commercial processing plant in the Suisun Marsh. The lawsuit claims that the public was misled because vital details about the project were omitted from the EIR, in violation of the California Environmental Quality Act (CEQA).

Contrary to suggestions by the project sponsors, Save The Bay's participation in the lawsuit is not an attempt to prevent wetland restoration by this project sponsor or any other entity at this site, or within the greater Suisun Marsh area. We would support a project that is designed, articulated and analyzed in an adequate EIR to be a model project that can improve the environment and the health of the Bay-Delta estuary.

The Project

The Montezuma Dredge Disposal and Wetlands project would be built by Levine-Fricke Corp. in California's largest protected wetland reserve, the 89,000-acre Suisun Marsh. Extensive rural agricultural lands, including wheat farms and sheep ranches surround the area. The project would spread 20 million cubic yards of mud dredged from Bay area shipping channels onto a 2,400-acre site containing pastures and seasonal wetlands at Collinsville, due north from Antioch across the junction of the San Joaquin and Sacramento Rivers. Four million cubic yards of that material could be contaminated with as many as 65 potentially harmful substances, making it unsuitable for an aquatic environment. The contaminated mud would be buried beneath clean dredged sediments, and then dikes surrounding the site would be breached, allowing waters from Suisun Bay to flow in and restore tidal wetlands that once existed there.

(over)

The Lawsuit

The California Environmental Quality Act requires a thorough analysis of the significant environmental impacts, and adoption of feasible mitigation measures and alternatives to any project that will have a significant impact on the environment. That analysis, in the form of an EIR, must include measures designed to avoid, or mitigate for, any harmful impacts of the project. The EIR is intended to enable informed decisions to be made by the public and local government. In fact, a proper EIR process is the environment's best protection against unnecessary or unwise degradation.

The lawsuit contends that the EIR failed to analyze adequately major components of the project, including:

- impacts from 52 contaminants of 65 expected to be present in the dredge material;
- impacts from building and operating a 165-acre dredge processing facility;
- impacts from operating that industrial facility after the planned project is completed, and long-term management of the site;
- cumulative impacts from the project on the site and surrounding environment, including impacts from the creation of a footprint for development;
- proposed mitigation measures to address significant adverse impacts, including dislocation of species, salinity, and human intrusion.

Relief

The lawsuit asks the court to invalidate the certification of the EIR by the Solano County Board of Supervisors, as well as to invalidate amendments to the Solano County Zoning Ordinance and General Plan that were based on the faulty EIR. A successful outcome would be a court order requiring Solano County and the project sponsor, Levine-Fricke, to prepare a supplemental EIR with additional information, and circulate it for public comment and review.

Timing

A hearing and decision is possible later this year.