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## Judge again blocks planned Hwy. 50 interchange

**By Steve Wiegand -- Bee Staff Writer - (Published September 8, 2004)**

A Sacramento judge has again derailed plans for a Highway 50 interchange in El Dorado County, ruling that Caltrans hasn't done enough to study the project's impacts on air quality.

The ruling by Sacramento Superior Court Judge Lloyd Connelly throws up another roadblock to construction of a planned mammoth Indian casino at Shingle Springs and threatens to delay scores of other transportation projects in six regional counties.

In a seven-page order, Connelly said the California Department of Transportation had failed to prove its contention that it was technically impossible to carry out additional studies that showed the project met state, as well as federal, air quality standards.

Connelly sought the proof in an order in June, which followed his January ruling that Caltrans wasn't trying hard enough to precisely determine the potential environmental impacts of the project.

The interchange would be paid for by Lakes Entertainment, Inc., a Minnesota company that plans to build a casino/hotel for the Shingle Springs band of Miwok Indians. The tribe's 160-acre rancheria is surrounded by private land and has no public access to Highway 50.

El Dorado County and a private group called Voices for Rural Living have filed suits to block the casino, contending it would have a devastating impact on the area's water, traffic and air quality.

"We are very pleased with this victory," said Ed Knapp, chief assistant county counsel for El Dorado County. "Basically, Caltrans had come to the conclusion that 3.5 million vehicle trips a year that would be generated by this project would not have any kind of impact that needed to be mitigated. That is ludicrous on its face."

Caltrans officials declined comment on the ruling beyond noting that, in the words of spokesman Mark DeSio, "the court's action not only affects Shingle Springs, it also jeopardizes other needed transportation projects in the Sacramento region."

Nicholas Fonesca, chairman of the Shingle Springs tribe, said in a written statement that the ruling, if it stood, would result in the tribe being "the only commercially landlocked tribe in the United States."

"We will continue to pursue all our legal options so that members of our tribe no longer face the indignity of having to seek permission to access our own property," Fonesca said.

Those options include appealing Connelly's ruling to a higher court, which sources said was all but a certainty.

In the meantime, local transportation officials are trying to minimize the ruling's impact on as many as 160 transportation projects in Sacramento, Yolo, Yuba, Sutter, El Dorado and Placer counties.

Because of the convoluted federal regulatory system and the fact that the Sacramento region's strategic plan for meeting federal clean air laws is a decade old, the fates of all of the projects are tied

together.

If one project is halted because of air quality concerns, the rest must be retested to see what their potential impacts are. But a new testing model for this region won't be finished until June, and federal authorities have said local air quality officials can't use the old models for air testing anymore.

"We're stymied," said Joan Medeiros, deputy executive director for the Sacramento Area Council of Governments, the region's transportation planning agency. "We are in this peculiar situation where one project can bring 159 other projects to a halt."

Medeiros said projects that don't expand the vehicle transportation system, such as constructing bike paths or replacing worn-out buses, won't be affected.

In addition, federal law allows the current phase a project is in - engineering, construction, etc. - to be completed, but no more than that.

She said a more detailed list of projects that will be affected should be available by the end of the week. Medeiros also said SACOG planners have been trying to shelter as much of the \$300 million in federal funding for the projects as it can from being withdrawn.

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#### About the Writer

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