

# UDOT Must Move Road to Protect Provo River

"I know we have to have roads, and I know we have to go fast, fast, and then faster. But the faster we go, the more we need places of recovery. We're losing all our curves, all our eddies. We're making a mistake in this regard. Utah's making a mistake. Utah's losing her curves - the very thing that brings people here in the first place, the very thing that allows people who live here to live a sane, significant existence."

Rick Bass - Audobon Magazine

Although a great deal of destruction has occurred in Provo Canyon as a result of UDOT forcing four lanes through the narrow, sensitive canyon, the NFPA is happy to report a small, but significant victory. The victory is small in that much of the canyon's beauty has been lost due to the arrogance of people who believe that anything can be engineered. It is significant in that we will keep a retaining wall out of the already-stressed Provo River.

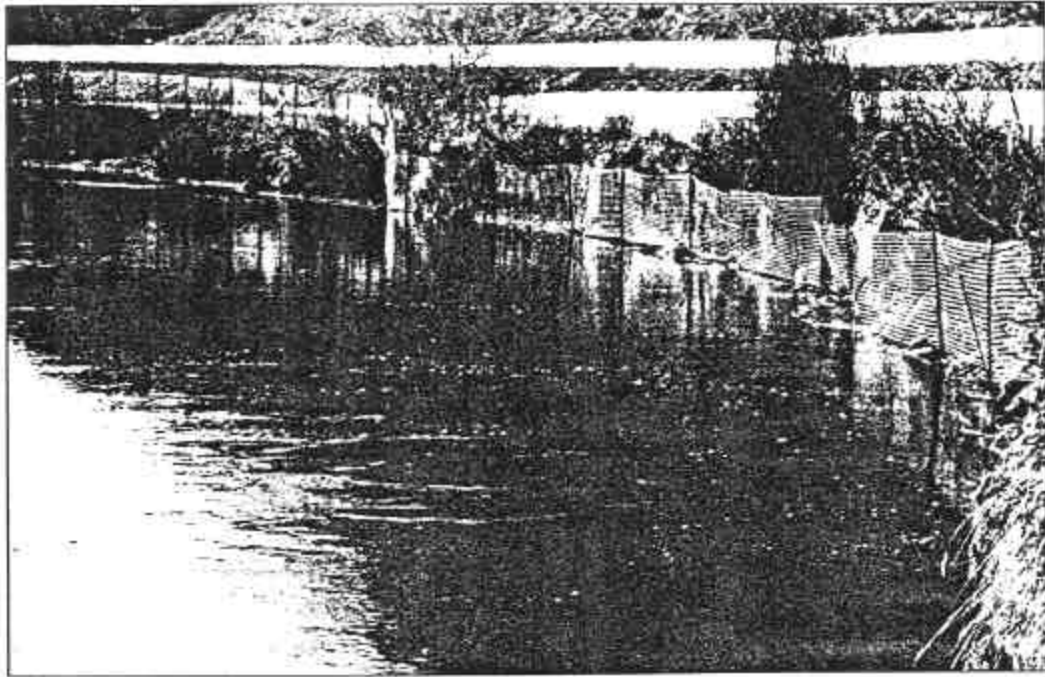
In the last issue of *The Canyon Keeper*, we reported that along with a myriad of Provo Canyon construction problems due to faulty design, engineering, and/or construction, UDOT planned to build a portion of the river retaining wall in the Provo River. Alarmed, the *North Fork Preservation Alliance*, the *Provo Canyon Coalition* and *Great Basin Earth Sciences* teamed up with *The American Canoe Association* to force UDOT to comply with their own 404 permit requiring an eight-foot buffer zone between the new roadway and the river.

For some reason we still don't understand, UDOT constructed two new lanes of roadway unnecessarily close to the river. How the mistake was made is a mystery because in this particular location there was plenty of room for the four new lanes of road and at least an eight-foot buffer. Once the problem was brought to their attention, UDOT asked the Army Corp of Engineers to alter their permit and allow construction within the eight-foot buffer zone. Still reeling from the fact that during initial public hearings, UDOT promised the public a twenty-

foot buffer zone that was later changed to eight with no public notification, the *NFPA* and *Provo Canyon Coalition* said "no way" to the proposed permit change. By then, other problems had been discovered as well: UDOT had violated their storm-water permit and had disturbed several riparian zones, also in violation of their 404 permit. Frustrated by these infractions in addition to the myriad of other problems with the project, the groups sent UDOT a letter of intent to sue if they did not agree to comply with their own existing permits.

After months of negotiations, UDOT agreed to settle out of court by signing a consent decree mandating that they:

- Comply with 404 permit and maintain an eight-foot buffer zone between the new roadway and the river. (In order to do this, UDOT must tear up hundreds of feet of new roadway).
- Comply at all times with storm-water permit to protect water quality.
- Contract with Bio-west to ensure strict compliance with Clean Water Act and minimize environmental impact of construction to water quality.
- Restore and revegetate all disturbed sites.
- Discontinue all construction within the riparian zone (eight feet from the Ordinary High Water Mark).



*In the last issue of **The Canyon Keeper** photos were published illustrating that the environmental fence marking UDOT construction boundaries was closer to the Provo River than permitted. Nevertheless, UDOT proceeded with construction. The NFPA and several other environmental organizations were forced to take legal action. Now, UDOT must tear up several hundred feet of illegally-constructed roadway.*

Additionally, UDOT must pay the attorney's fees incurred. Also as part of the agreement (pending the decision of judge Bruce Jenkins), UDOT must pay \$126,000 to \$140,000 for past violations to the Nature Conservancy to be used solely for a Provo River Restoration Project.

Longtime Provo Canyon activist, Robert Redford, who supported plans for an improved two-lane road with additional passing lanes where they fit, has opposed construction of the four-lane highway for thirty years. Said Redford, "It is extremely frustrating that legal action was needed simply to force UDOT to comply with their own permits. It is unfortunate that after thirty years of warning that four lanes simply won't fit in the narrow, geologically-sensitive canyon, the very problems we anticipated have come to pass." Despite his disappointment in the harm that has already been done in the canyon, Redford is encouraged by the outcome of this legal action.

"This is an important victory for those of us who want to protect the Provo River," said Redford.

UDOT has often touted the project as being the most studied, most environmentally-sensitive project in the state's history. Certainly it is the most expensive. Nevertheless, for now, we can only continue to monitor and insist that the road at least be built the way it was designed.

