

# Appendix M. Response to Comments

---



**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET • SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950  
FACSIMILE (707) 826-8960



January 16, 2020

Steve Croteau  
Department of Transportation, District 1  
North Region Environmental  
1656 Union Street  
Eureka, CA 95501

**SUBJECT:** Comments on Caltrans Notice of Completion of an Initial Study with Proposed Negative Declaration and Proposed Section 4(f) *de minimis* Determination, Last Chance Grade Phase 2B Geotechnical Investigation Project, located east of U.S. Highway 101 in Del Norte County, from post mile (PM) 12.0 to 15.5, south of Crescent City (State Clearinghouse Number 2019129050)

Dear Steve,

Thank you for the opportunity to provide comments on the subject draft environmental document (DED), which we received on December 17, 2019 and that was prepared for Caltrans' proposal to conduct geotechnical investigation activities (referred to as Phase 2B) in the location described above. We understand the proposed geotechnical investigations are essential to informing the future analysis of roadway alignment alternatives "to develop a permanent solution to the instability and potential roadway failure at [*Last Chance Grade (LCG)*]<sup>1</sup>."

We also appreciate Caltrans' ongoing efforts to coordinate with our staff and other resource agencies in advance of and subsequent to the release of this DED for the subject project, including recent opportunities to participate in interagency Biological Working Group meetings on August 27, 2019 and January 6, 2020; and to discuss coastal development permitting requirements and process with Caltrans and Del Norte County staff on December 2, 2019. Additionally, our staff looks forward to the opportunity to join your staff for a site visit next week on January 22, 2020 to evaluate site conditions in relation to proposed project activities. Although the site visit could not be scheduled before January 16, when comments are due for the subject DED, we know the visit will help inform any additional information that may be needed as part of the coastal development permit (CDP) application process that will be forthcoming.

The Phase 2B geotechnical investigations include a total of fifteen (15) mud rotary geotechnical borings proposed to characterize and evaluate subsurface conditions. Of these, eleven (11) boring sites are located within the coastal zone. The geotechnical investigations also include placement of fourteen (14) seismic refraction survey lines ranging in length from 200 to 600 feet long, of which nine (9) are proposed within the coastal zone. To minimize ground disturbance, the project proposes the use of helicopters

<sup>1</sup> Page 12, Initial Study/ Proposed Negative Declaration, December 2019

to deliver geotechnical investigation equipment to several of the boring sites. The purpose of this letter is to highlight certain aspects of the draft environmental document where we believe additional information and analysis is necessary to address the impacts of the project and inform project design and future coastal development permitting. The following are Commission staff comments. The Commission itself has not had the opportunity to review the environmental document.

**Jurisdiction**

The Phase 2B geotechnical investigations are proposed to occur on both private (Green Diamond Resource Company) and public lands within and outside the coastal zone. Portions of project activities will occur within Redwood National Park, managed by the National Park Service (NPS). As a follow-up to our December 2, 2019 meeting, Commission staff informed you via electronic mail (email) that for those portions of the project involving non-federal activities (work by Caltrans) on federal lands (Redwood National Park), the non-federal entity must obtain a CDP from the Commission rather than the County. Therefore, a portion of the project activities as described in the DED are within the Commission's permitting jurisdiction and the DED should be updated to reflect this additional agency approval<sup>2</sup>.

1

Although the DED does not acknowledge the Commission's retained jurisdictional permitting authority over those federally-owned portions of lands where Caltrans work will occur, the DED is partially correct in acknowledging that a portion of the project limits occur within the delegated jurisdiction of Del Norte County. For that portion of the project located within the Coastal Commission's retained jurisdiction, the policies of Chapter 3 of the Coastal Act will serve as the standard of review when Caltrans applies to our agency for a coastal development permit; additionally, the local government's certified local coastal program (LCP) may be used as guidance.

2

If Caltrans requests (and the County grants) authorization for a consolidated permit, then the Commission could process the entire CDP application and the standard of review would be the policies of Chapter 3 of the Coastal Act. CDPs approved by the Coastal Commission serve as satisfying federal consistency review requirements, whereas locally-approved CDPs do not serve to fulfill federal consistency review. Therefore, if Caltrans does not pursue a consolidated permit application or if Del Norte County does not authorize a consolidated permit request, then we would need additional information regarding federal regulatory requirements and/or funding sources for those portions of the project occurring in Del Norte County's delegated jurisdiction before we could advise on the appropriate mechanism for federal consistency review.

Additionally, any local permit approval by Del Norte County on this project would be appealable to the Coastal Commission because portions of the project are located within 100 feet of wetlands and/or streams.

---

<sup>2</sup> Corrections to agency approval requirements include, but may not be limited to Table 1 on page 22, and the last sentence on page 48.

**Clarification of Project Details**

The DED includes in Section 1.4 a number of “standard measures” that Caltrans intends to implement as part of the proposed project to avoid and/or minimize potential resource impacts. However, several of the listed measures do not clearly or adequately demonstrate avoidance and minimization of potential resource impacts. Therefore, please provide additional details to clarify how the project as proposed would avoid the potential for substantial adverse effects on the environment. Examples where additional details are needed include, but are not necessarily limited to the following measures:

- 3 Nesting Prevention Measures. Biological Resources Measure BR-1 (page 24) states in part “To protect migratory and nongame birds, their occupied nests and eggs, nesting-prevention measures would be implemented.” Measure BR-1 doesn’t specify what “nesting prevention measures” are proposed. Therefore, please clarify what nesting prevention measures would be implemented;
- 4 Replanting Measures. BR-3 (page 24) describes in part that “drilling equipment and vehicles would be parked on non-vegetated surfaces “where feasible.” Please specify how vegetated areas would be protected from disturbance in those areas where it is infeasible to stage drilling equipment and vehicles in non-vegetated areas (such as, but not limited to temporarily placing geomembrane or using ground-protective mats). Measure BR-3 also proposes to salvage and replant any mature sword ferns and other native plants that may be disturbed by project activities “if practicable.” Please clarify the circumstances under which Caltrans would find it practicable, and impracticable, to replant disturbed areas.
- 5 Invasive Species Control. The standard measures refer to invasive species control in several sections, but do not detail the measures that would be undertaken to minimize risk of establishment and/or spread of invasive species following project activities. For example, Biological Resources Measure BR-3 references on page 25 that invasive weed control and annual “qualitative” monitoring would occur without specifying what this would entail. We recommend that the DED specify the methods of invasive species control and monitoring, frequency and duration of weed control efforts, success criteria, and adaptive management measures that would be pursued in the event that success criteria cannot be achieved in the envisioned time frame.
- 6 Additionally, Measure IS-5 (page 28) describes disposing of invasive species but doesn’t specify where invasive species would be disposed. Therefore, please provide additional information that demonstrates invasive species would be disposed of at an authorized facility and in a manner that ensures removed material will not re-establish in areas dominated by native vegetation.
- 7 Rock Dissipation Structure. Biological Resource Measure BR-13 describes affording NPS the opportunity to review and comment on the proposed rock dissipation structure to be located at site B-22, prior to its installation. We will need to know the design details and footprint of the proposed structure in advance of any coastal development permit authorization. Therefore, we recommend
- 8

coordinating with NPS and our staff now to develop details on this component of the proposed project.

**Protection of Biological Resources**

The DED indicates that geotechnical boring sites may require clearing vegetation to within six inches of the ground in an area up to 50-by 50-feet at each location, and that seismic refraction lines may require clearing of vegetation to create a foot path up to 4 feet wide (to accommodate laying out equipment). We appreciate that site maps included in Appendix A depict the locations of geotechnical investigation features in relation to vegetation communities and wetland features, but the scale and legends in the exhibits do not clearly depict whether any of the features occur within wetlands, streams, or environmentally sensitive habitat areas (ESHAs).

9

As we discussed during the meeting held on January 6, the map set included within the December 2019 Aquatic Resources Delineation prepared for the subject project provides some additional details, but it remains unclear from these maps whether any proposed development (including but not limited to major vegetation removal) would occur within wetlands or other ESHAs. In particular, it appears that seismic survey line SL16 (and associated vegetation clearing) may traverse a wetland and an intermittent stream. We understand from speaking with Caltrans staff at the meeting that there may be feasible alternatives to siting this seismic survey line outside of wetlands and in a location that may also avoid the stream feature.

10

Any development that occurs within wetlands must be reviewed by the Commission for its consistency with Section 30233 of the Coastal Act. Please note that Section 30233(a) only allows wetland fill in part “where there is *no feasible less environmentally damaging alternative*.” In addition, many wetlands are considered environmentally sensitive habitat area (ESHA) under Section 30240 of the Coastal Act. Development adjacent to ESHA must be sited and designed to prevent impacts that would significantly degrade the ESHA. Therefore, the analysis should clearly demonstrate with supporting documentation throughout the DED those project components that Caltrans has determined are the least environmentally damaging, feasible alternatives. Where avoidance of wetlands and other ESHAs is feasible, the DED maps should be updated accordingly to reflect avoidance of these features.

11

**Visual Resources**

Coastal Act Section 30251 requires that all new development be sited and designed to (a) protect views to and along the coast, (b) minimize the alteration of natural landforms, and (c) be visually compatible with the character of the surrounding area. The DED describes that the section of Highway 101 within the project area is officially designated as a State Scenic Highway and is listed as a view corridor for the False Klamath Cove area in Del Norte County’s certified Local Coastal Program (LCP). The DED describes on pages 17 and 81 that “heavy grading and filling of an existing erosional scar (up to 15 feet deep) is proposed” followed by placement of a “rock dissipation structure” at geotechnical boring Site B-22. As we discussed during the interagency meeting held January 6, the DED should address how the proposed filling of this landform feature would be consistent with

12

**Steve Croteau**  
**Last Chance Grade IS/ Proposed ND**  
**January 16, 2020**  
**Page 5**

the visual resource protection policies of the Coastal Act and the certified LCP, particularly regarding: (1) how the proposal minimizes landform alteration, (2) how the development would be compatible with the character of the surrounding area, and (3) the effect of this development on public views along the coast, particularly as viewed from Highway 101. A graphic rendering of the proposed work may also be useful, and we look forward to viewing this site during our field visit on January 22.

**Public Recreation and Access**

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. The DED describes on pages 17 and 37 that the DeMartin Campground and the DeMartin section of the coastal trail would need to be closed for approximately 6-8 weeks to complete initial access work, drilling, and site restoration. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Please specify how access will be affected (e.g., whether the public will have limited access or no access to the campground and trail), and how impacts to access will be mitigated (such as but not limited to providing advance public notice, identifying alternate nearby access ways, etc.).

13

Thank you again for the opportunity to provide comments on the DED for the Last Chance Grade Phase 2B proposed geotechnical investigation. We look forward to visiting the site next Wednesday, January 22 with your staff, and we look forward to continued coordination with your staff as the project moves forward in the environmental review and coastal development permit processes. Should you have any questions, please call me at (707) 826-8950, extension 4.

Sincerely,

SIGNATURE ON FILE

TAMARA L. GEDIK  
Coastal Program Analyst

Cc: Jaime Matteoli, Caltrans District 1, Eureka  
Taylor Carsley, Del Norte County Department of Planning and Building Services  
Tami Grove, Statewide Development and Transportation Program Manager  
Larry Simon, Manager, Coastal Commission Federal Consistency Division

Ec: State Clearinghouse, CA Office of Planning and Research

***Caltrans' Response to the California Coastal Commission Comment Letter:***

1. Caltrans understands that a CDP is needed from the Commission rather than the County for work on federal lands (Redwood National Park). The document has been updated accordingly.
2. Thank you for the information and offer of assistance.
3. Vegetation would be trimmed prior to nesting bird season. BR-1 has been updated for clarity.
4. Vehicles will primarily be parked on existing roads and turnouts. Gravel, rubber mats, or geomembranes would be used as needed to protect vegetated ground surfaces.
5. The “if practicable” portion of measure BR-3 referred to the salvaging and planting of existing plants associated with grading existing access roads and trails. Grading along the existing access road to the DeMartin Campground, the Coastal Trail, and the erosional scar is no longer proposed; therefore, salvaging and replanting is no longer needed at these locations. Due to the small areas that would be disturbed for the project (clearing of 2- by 2-foot areas for helicopter platform legs) and the existing vegetation adjacent to ground disturbing activities, it may not be practicable to revegetate disturbed areas. Native plant cover in the project area is high, and includes brambles, herbs, and ferns; it is anticipated that native plants would either grow or spread within the disturbed soil sites via sprouting from roots or rhizomes or other vegetative regeneration methods.
6. Measures, such as cleaning equipment prior to entering the ESL, would be taken to prevent the introduction of invasive species in the project areas. Details on invasive species control once the project is complete will be detailed in the project’s Revegetation Plan.
7. Invasive plant material removed from the project site would be disposed of at an off-site waste disposal facility, such as a green waste facility or Caltrans waste disposal facility.
8. The construction of a rock dissipation structure is no longer proposed for this project. B-22, located in Caltrans’ ROW, will be accessed via helicopter, and no work is proposed on the erosional scar.
9. Vegetation trimming at bore hole locations and along seismic lines would be limited to the extent necessary to accomplish project activities; estimates of the area to be trimmed were conservative. For example, foot paths and seismic lines were estimated to require 4 feet of clearing. However, for footpaths, workers would generally find the easiest route to the project area, that would require the least amount of disturbance. The same would be true for seismic lines; vegetation would only be trimmed as needed, rather than large swaths of vegetation. Minor trimming is difficult to quantify, and the reason for the conservative estimates. No work would be conducted in wetlands or streams. Project maps have been updated for clarity.



10. The project maps have been updated to show that SL 16 will not be placed within the intermittent stream or wetland at this location. There are no anticipated impacts to wetlands or waters for this project.
11. Only one overall alternative has been proposed for the geotechnical investigation. However, selection of bore holes and seismic line locations was an iterative process; locations were adjusted in order to have the fewest environmental impacts while taking into consideration geotechnical data needs and access routes. Additionally, standard measures and best management practices have been included in the project such as BR-4, which requires fencing or flagging wetlands and waters, where appropriate, and restricting work in these areas. Refer to Section 1.4 for additional measures. There are no anticipated impacts to wetlands or waters. The ESHA section of the document has been updated; ESHAs are addressed in more detail in a separate report.
12. Caltrans is no longer planning to grade and fill the erosional scar or install a rock dissipation structure at B-22. This location is now proposed to be accessed via helicopter, and would be similar to the sites in Del Norte Coast Redwoods State Park. Work at this bore hole would not change the visual character of this area.
13. The closure of the DeMartin Campground and DeMartin section of the Coastal Trail would occur between September 16<sup>th</sup> and January 31<sup>st</sup>, a time when there are fewer campers and park visitors. As stated in the Standard Measures and Best Management Practices for Public Resources (Section 1.4), signage would be posted at the trailheads, the campground, and the website for Redwood National and State Parks. In addition to their website, the Parks generally post closures on social media, and provide the information to Park Visitor Centers. The DeMartin Campground is a backcountry camp and requires a permit for overnight use; anyone applying for a permit would be notified of the campgrounds closure. In addition, based on the permit requests, only 11 campsites were used in September 2019, and 27 in September 2018. There are only approximately 150-250 users at this campground annually. Though this campground would be closed for a short duration, there are other camping opportunities nearby, such as Mill Creek State Park, and other backcountry camps, such as Little Bald Hills Camp, Flint Ridge, and Gold Bluffs Beach Campground. There are many other hiking opportunities as well, including the adjacent sections of the Coastal Trail (Last Chance and Klamath Sections). In addition, trails and campgrounds closures in the area are not uncommon – just in the local area, Nickel Creek Camp is closed due to landslides and unsafe conditions, a section of the Damnation Creek Trail is closed due to a damaged bridge, Mill Creek Campground has seasonal closures, and the Last Chance section of the Coastal Trail has a warning that the trail is often impacted by landslides.



# **Appendix N. USFWS Letter of Concurrence**

---





In Reply Refer To:  
AFWO-20B0022-2010106

## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Arcata Fish and Wildlife Office  
1655 Heindon Road  
Arcata, California 95521  
Phone: (707) 822-7201 FAX: (707) 822-8411



FEB 10 2020

Steve Croteau  
Senior Environmental Planner, Last Chance Grade  
California Department of Transportation, District 1  
P.O. Box 3700  
Eureka, California 95502-3700

Subject: Informal Consultation and Conference for the Last Chance Grade Geotech Phase 2B Project, Del Norte County, California

Dear Mr. Croteau:

We have reviewed your request, dated and received January 24, 2020, for informal consultation and conferencing with the U.S. Fish and Wildlife Service (Service) for the Last Chance Grade Geotech Phase 2B Project, Del Norte County, California. This response is prepared in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), and its implementing regulations (50 CFR § 402). As the lead Federal action agency for the project, the California Department of Transportation (Caltrans) is seeking concurrence for a “may affect, but not likely to adversely affect” (NLAA) determination for the federally threatened marbled murrelet (*Brachyramphus marmoratus*; murrelet) and northern spotted owl (*Strix occidentalis caurina*; owl), and the proposed threatened Humboldt marten (*Martes caurina humboldtensis*; marten) and West Coast Distinct Population Segment of fisher (*Pekania pennanti*; fisher). Caltrans is also seeking concurrence for a NLAA determination for designated murrelet critical habitat. No designated owl critical habitat occurs within the action area of the project and critical habitat has not been designated for the marten or fisher.

This letter transmits the Service’s concurrence with Caltrans’ NLAA determination for the murrelet, owl, marten, fisher, and designated murrelet critical habitat.

### Project Description

Caltrans has proposed geotechnical investigations that will support the Last Chance Grade (LCG) Permanent Restoration Project on U.S. Highway 101 (US 101) in Del Norte County, California. The project work area is immediately east of US 101 outside of the Caltrans right-of-way, between Post Miles 12.0 and 15.5. The geotechnical investigations consist of drilling at 29 locations (15 bore holes; 14 seismic refraction line survey sites) to characterize the geology of the project area, which includes analysis of soil and rock samples, groundwater data, and

measurements of slope movement. There are several alternative alignments under consideration for the LCG project. The proposed project is needed to evaluate and identify geotechnically critical sites, such as bridge abutments and tunnel portals.

#### *Bore Sites*

No vegetation removal or grading is proposed at two bore hole sites. Each of the remaining 13 bore holes will require trimming of understory vegetation within a 50- by 50-foot work area (2,500 square feet per bore hole), for a total of approximately 0.75 acres of temporary impacts. Brushing, tree removal, and light grading may be necessary for some access roads leading to bore sites, while other bore sites will be accessed via existing logging roads (that may require light grading). Five bore sites that are located in remote areas with heavy vegetation and no access roads will be accessed via helicopter. If practicable, a helicopter may be used for other boring locations currently scoped to be accessed by roads, further reducing ground disturbance and vegetation removal. All helicopter staging areas will be located well outside suitable breeding habitat for murrelets, owls, martens, or fishers.

#### *Seismic Line Surveys*

To help characterize subsurface conditions, estimate the depth-to-rock, and evaluate rip-ability of proposed excavations, 14 seismic refraction line surveys will be conducted. Each line survey will be approximately 200 to 600 feet long and performed on foot. Vegetation removal to complete the seismic surveys will be limited to trimming ground-level undergrowth to create a foot path and access to the ground.

#### **Avoidance and Minimization Measures**

Caltrans, as the lead Federal action agency, proposes to implement the following measures to avoid or minimize potential impacts to the murrelet, owl, marten, fisher, and murrelet critical habitat.

1. No suitable owl nesting/roosting habitat or suitable murrelet nesting habitat will be altered to the extent it no longer functions as suitable nesting habitat for owls or murrelets. No suitable owl or murrelet nest trees will be removed. Tree delimiting, tree removal, and vegetation clearing activities within potentially suitable owl or murrelet nesting habitat will be limited to the extent necessary to achieve access to conduct geotechnical activities, and will be conducted outside the owl and murrelet nesting seasons (i.e., between 16 September and 31 January).
2. Project activities generating sound levels 20 dB or more above ambient sound levels or 90 dB overall (excluding back-up alarms) will occur between 16 September and 31 January, which is outside of the owl and murrelet nesting seasons.
3. No murrelet critical habitat will be altered or removed to the extent that the physical and biological features of the habitat essential to the conservation of the species would be negatively affected.

4. Except where delivering equipment and landing (in designated staging areas), helicopters will operate at an altitude high enough to avoid damaging trees directly or by rotor wash. Helicopter use will be conducted between 16 September and 31 January, which is outside the nesting or denning seasons for owls, murrelets, marten, and fisher.
5. No potential fisher or marten denning or resting habitat (including suitable denning and resting structures: large trees, snags, logs) will be altered or removed from 01 March through 15 September, when female martens and fishers are caring for dependent young.

#### **Concurrence**

The Service concurs with Caltrans' determination that the proposed construction activities, "may affect, but are not likely to adversely affect," the murrelet, owl, marten, fisher, and murrelet critical habitat, provided Caltrans implements the avoidance and minimization measures listed above. The Service concurs with these determinations based on information provided during email and telephone correspondence with Caltrans' environmental staff, a field site visit, and information provided in a Caltrans biological assessment.

#### **Conclusion**

This concludes informal consultation on the Last Chance Grade Geotech Phase 2B Project, Del Norte County, California. However, obligations under section 7 of the Act, as amended, should be reconsidered if: (1) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) this action is subsequently modified in a manner that was not considered; (3) a new species is listed or critical habitat designated that may be affected by the action; or (4) you are unable to implement all of the measures described above.

Thank you for your coordination on this project. Please contact fish and wildlife biologist Gregory Schmidt at (707) 825-5103 should you have further questions regarding this consultation.

Sincerely,



Dan Everson  
Field Supervisor

