

Last Chance Grade Working Groups Assessment Report

*Prepared for the California Department of Transportation (Caltrans) by the
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Contents

| | |
|---|----|
| Executive Summary | 2 |
| Assessment Background & Purpose | 3 |
| Interview Process | 4 |
| Results | 4 |
| Experience within the LCG working groups | 4 |
| Successes | 4 |
| Challenges..... | 5 |
| Experience with Caltrans and LCG PM | 6 |
| Successes | 6 |
| Challenges..... | 6 |
| Interviewee’s experience within their own organization & the communities they serve | 6 |
| Successes | 6 |
| Challenges..... | 7 |
| COVID19 Realities | 7 |
| Recommendations | 7 |
| Appendices | 11 |
| Appendix 1..... | 11 |
| Appendix 2..... | 12 |
| Appendix 3..... | 13 |
| Appendix 4..... | 14 |

Executive Summary

The Last Chance Grade Project (LCG) is a collaborative effort to study alternatives for a permanent solution to instability and roadway failure on a 3-mile segment of US Highway 101 in Del Norte County, extending between Wilson Creek to 9 miles south of Crescent City. The California Department of Transportation (Caltrans) has organized a variety of stakeholders (including federal, state and local governments, federally and non-federally recognized tribes, private sector industry groups, NGOs and other concerned citizen groups) into four working groups that actively discuss land management and ownership, biological resources, cultural resources, and the political viability of alternate routes. Caltrans hired the John S. McCain III National Center for Environmental Conflict Resolution (NCECR) to analyze the current state of the working groups and how this system might be more effective to serve the needs of its individual members, the working groups, and the organizations involved – as well as support the overall success of the LCG project. From May – July 2020, NCECR interviewed 22 representatives, from 14 different organizations (Reference Appendix 2).

NCECR observed that the following themes emerged from the interviews: *Experiences within the working group, Experience with Caltrans and the Project Manager (PM), Interviewee's experience within their own organization & the communities they serve, and COVID Realities.*

- Most interviewees had relatively positive experiences within their working groups, with the Caltrans staff, and with these early discussions so far. Every interviewee reiterated that their individual perspective, “felt heard”, by Caltrans.
- The working groups directly contributed to successes like the Programmatic Agreement, consensus [white paper](#) (that excluded the option of no-build); and support for the removal of three contentious alternate route options.
- Interviewees appreciated the existence of their working group. Many interviewees noted that similar projects (of size and scope) do not often have groups dedicated to regular discussion of thematic issues (i.e. biological, cultural, political) in the preliminary stages.
- Most interviewees were unaware of ongoing activity in working groups outside of their own. Interviewees wanted to know more about activities, successes, challenges and issues that might impact their own working groups and the progress of the LCG project.
- Interviewees noted the loss of institutional knowledge and lack of onboarding procedures for new working group members.
- Interviewees expressed concern for future discussions associated with more contentious and higher stake deliberations of deciding a proposed route.

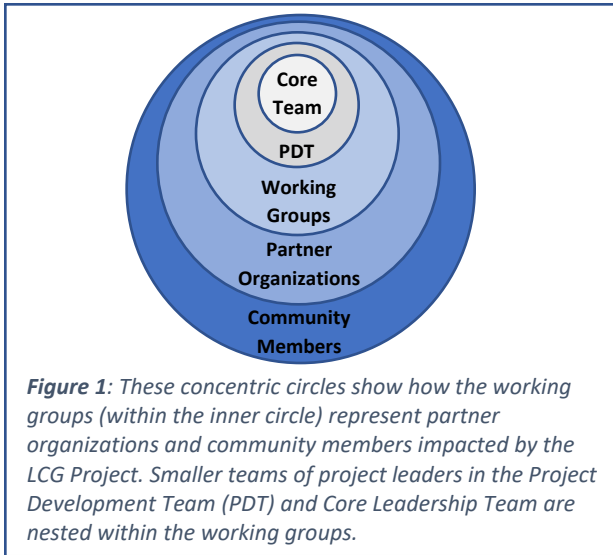
NCECR recommends that Caltrans:

- Provide standardized and consistent documentation of working group meetings.
- Share working group documents via email and on the LCG website.
- Institutionalize a formal manner of onboarding members to address the inevitable staff turnover and loss of institutional knowledge.
- Use the interview results and recommendations to develop the agenda and format for the LCG Working Groups Workshop.
- Exercise patience and understanding with partners during the ongoing pandemic and near-future COVID19 reality. Virtual meetings will be important but not always possible.
- Increase public engagement efforts to address misinformation. This might include a biannual email and/or a flyer to addresses within Humboldt and Del Norte County.

Assessment Background & Purpose

[Last Chance Grade \(LCG\) project](#) involves a collaborative effort to study alternatives for a permanent solution to a 3-mile segment of US Highway 101 in Del Norte County, extending between Wilson Creek to 9 miles south of Crescent City. Since March 2014, the California Department of Transportation (Caltrans) has created an active, working relationship with the agencies and groups that have management responsibilities for lands and resources that would be directly impacted by any realignment of Highway 101 at Last Chance Grade. In December 2015, the Huffman Stakeholders Group members agreed in a [white paper](#) that no-build was not an option, and an alternative route must be selected.

Caltrans has brought together a variety of stakeholders and perspectives to discuss the land management responsibilities and resources that would be directly impacted by any route realignment – including federal, state and local governments, federally and non-federally recognized tribes, private sector groups, NGOs and other concerned citizen groups. The LCG Working groups were created to encourage active participation by all stakeholders (see Figure 1). The working groups were organized by important discussion topics – including biological resources, cultural resources, land ownership and management, and broad representation of stakeholder groups’ perspectives (see Figure 2). Caltrans hired the John S. McCain III National Center for Environmental Conflict Resolution (NCECR), a third-party neutral federal agency (Appendix 1), to perform this assessment. See Figure 2 for titles and a brief description of each working group.



The LCG Working groups were created to encourage active participation by all stakeholders (see Figure 1). The working groups were organized by important discussion topics – including biological resources, cultural resources, land ownership and management, and broad representation of stakeholder groups’ perspectives (see Figure 2). Caltrans hired the John S. McCain III National Center for Environmental Conflict Resolution (NCECR), a third-party neutral federal agency (Appendix 1), to perform this assessment. See Figure 2 for titles and a brief description of each working group.

Figure 2: The four working groups were arranged based on the following criteria:

| | |
|---|--|
| <p>Congressman Huffman’s Stakeholder Working Group Along with Caltrans, the group includes representatives from local government, Tribal groups, businesses, agencies, and environmental groups who provide feedback to all the partners involved.</p> | <p>Biological Resources Working Group These members have responsibilities for natural resource management and permitting.</p> |
| <p>Last Chance Grade Partners Working Group The members of this group all have land ownership and land management responsibilities.</p> | <p>Cultural Resources Working Group These members have responsibilities for cultural resource management and permitting.</p> |

This report outlines the current state of how the working groups are interacting together to deliver a successful LCG project. This report analyzes the working groups system of organization and communication. Specifically, it asks, “How can the system be more effective to serve the needs of the individual members, the working groups, and the organizations the working group members represent?”

The findings in this Assessment Report will inform the agenda for an NCECR-led LCG Working Groups Workshop in late-2020 or early-2021.

Interview Process

Joy Keller-Weidman, Senior Program Manager, and Ben Zukowski, Program Associate of NCECR, contacted 51 representatives from 31 different organizations. These representatives actively participated in at least one, or sometimes several, of the four LCG Working Groups. Joy and Ben jointly interviewed 22 representatives, from 14 different organizations between May – July 2020. Appendix 2 provides an analysis of interviewees by sector, organization, and working group. The names of interviewees are not provided for the purposes of confidentiality. The interviewers asked a series of prepared questions (Appendix 3) in a 30-minute phone call with each interviewee. These responses are summarized in the Results section, then analyzed to provide NCECR's Recommendations. These recommendations will be delivered to Caltrans leadership, as well as used to design the agenda and format of the LCG Working Groups Workshop. See Appendix 4 for the project timeline of the LCG Working Groups Assessment and Workshop.

Results

NCECR observed that several key themes emerged from the interviews: *Experiences within the LCG working groups; Experience with Caltrans and the LCG Project Manager (PM); Each interviewee's experience within their organization & representation of the communities they serve; and COVID Realities.*

Experience within the LCG working groups

Successes

- Experiences in the working groups have been largely positive.
- Interviewees appreciated the existence of their working group. Many interviewees noted that similar projects (of size and scope) do not often have groups dedicated to regular discussion of thematic issues (i.e. biological, cultural, political) in the preliminary stages.
- Working groups are generally considered to be a safe space where diverse opinions can be heard.
- Working groups create a formal structure for communicating and decision-making, so that when difficult discussions emerge, people have a way to talk through these discussions. Working groups have been especially imperative to not overlook or bypass the tough topics. Multiple groups noted that emotionally-charged issues were discussed cordially and respectfully – with the ability to agree on short-term steps forward as a group.
- Interviewees were pleased with the organization of a field trip for all working group members to the Last Chance Grade site. This visit enabled people to examine the potential value of biological and cultural resources, as well as gain a full understanding of the geotechnical constraints facing future road construction.
- The Huffman Stakeholders Working Group members reached a consensus that “no-build” is not an option for the LCG project. These Working Group members published a [“white paper”](#) that listed their agreements, including this need for an alternative route.
- Multiple interviewees mentioned the novel Programmatic Agreement that will ensure Tribal participation in the LCG decision. The Programmatic Agreement invites Tribes to be

signatories (both federally recognized and unrecognized Tribes). The document could become a model for future state-to-Tribal government interaction.

- Working groups discussed and expressed their serious concerns re: three alternate routes (the “C” routes). These discussions led to further analysis by Caltrans, including a geotechnical risk assessment and a Value Analysis with LCG partners. Caltrans then discussed the removal of this contentious alternate route from consideration with all the working groups. As a result, Caltrans decided to eliminate the three “C” alternatives.
- Working groups discussed, then directed stakeholders from many different sectors (government, private, NGO) to write letters of support that helped secure project funding.
- Interviewees shared their positive experiences with 3rd party neutral facilitators. Joy was consistently recognized for her work to facilitate the Huffman Stakeholder Group meetings. Interviewees also appreciated the opportunity to share their opinions in the LCG Working Groups Assessment.

Challenges

- Working group members want updates from other working groups. They are interested in knowing more about activities, successes, challenges and issues that might impact their own working groups and the progress of the LCG project.
- Interviewees recognize some inherent tensions within the LCG working groups. Interviewees expressed concern about future discussions over potential alternate routes and the arduous process towards consensus on a recommended alternate route. These necessary deliberations are expected to be higher stake conversations than the current discussions. This context will likely elevate stress and bring more contention between working group members.
- Some inherently louder personalities tend to speak more during meetings. There is a concern that some personalities may dominate meetings.
- Some interviewees felt that other members have sometimes held back opinions in the meeting to later express unpopular opinions publicly.
- Staff turnover was a concern in some working groups. One interviewee mentioned that for one working group, turnover occurred so regularly in individual positions that this working group has never met with the same people.
- There is no set protocol for onboarding new members within the biological, cultural, or LCG (land) partner working groups. Multiple interviewees noted the loss of institutional knowledge when new representatives replaced former colleagues in the working groups. Given that the LCG project is expected to last multiple decades, staff turnover is inevitable.
- There was uncertainty between interviewees on when and how often some of the groups meet. Some of this uncertainty has been exacerbated by challenges associated with COVID19.
- There were concerns about lesser engagement from Tribes in the Huffman Stakeholder group. However, each Tribal representative seemed satisfied with their engagement so far. Several Tribal representatives reported more heavily on their engagement with the Cultural Resources working group than the other working groups.
- Some members want to expedite the project’s timeline; other members want to ensure there is adequate time to study the complex ecological, geotechnical, economic, or social impacts.

The required permitting process will inevitably take years to evaluate the biological, cultural, geotechnical, and political realities of this project.

- Tension exists in the nature of the project– there will be difficult conversations during the next decade. Many interviewees acknowledged that valuable resources will unavoidably be lost, no matter which alternate route is chosen.
- An interviewee reported that one working group meeting was located too far for their staff to attend. Meetings in remote areas or distant locations might limit future participation.

Experience with Caltrans and LCG PM

Successes

- Every interviewee reiterated that they “felt heard” by Caltrans.
- The current Project Manager (Jaime Matteoli) received high praise for his responsiveness, inclusiveness, and organizational skills. Many interviewees appreciate Jaime for his skills as an effective leader, listener, and communicator
- If a working group member needs more information or specific details, they felt confident that they could obtain that information by contacting Caltrans staff or the PM.
- Caltrans, “stayed well-ahead of the game by creating working groups and encouraging joint-products” (like the consensus [white paper](#) or Programmatic Agreement with Tribes). As reported by one senior level manager, working groups were the most proactive that they had experienced in their long career. They believed Caltrans’ collaborative approach has saved them millions of dollars, since they will not be caught unaware or make any urgent last-minute decisions.
- Interviewees consistently mentioned Caltrans transparency – they have presented information early on and continually.

Challenges

- Many interviewees mentioned their concerns and the inherent challenges associated with mitigation discussions and agreements. Interviewees mentioned Caltrans’ projects in Richardson’s Grove or Willit’s Bypass to be notable examples of recent challenges. However, most interviewees believed that the strong foundation and honest conversations within the LCG working groups will help avoid litigation.

Interviewee’s experience within their own organization & the communities they serve

Successes

- Each interviewee confirmed that their organization was satisfied with their individual participation in the working groups so far.
- Generally, interviewees felt they had sufficient information from the working groups to share with their own organizations and communities.

- Interviewees appreciated that Caltrans listened to key concerns in the working groups (i.e. Caltrans performed further analysis on, and ultimately removed, unacceptable LCG alternate routes from consideration).

Challenges

- Many interviewees expressed their frustration with public misinformation. This public misinformation can be misleading and occurred on topics like the project timeline, feasibility of the LCG project, and the intentions of key partners.
- Political pressure exists from constituents to get things done quickly.
- Some state and federal agencies are large – bureaucracy can be tough to get quick or concise responses needed for the working groups in a timely fashion. Several interviewees expressed the importance of knowing working group activities and deadlines in advance of decision-making.
- Some Tribal governments processes may take longer to respond than other organizations. Some of these governments are regularly understaffed, and the chain of command must include multiple levels of review – including Tribal members, representative leaders, council members, and Historic Preservation Officers.
- Federal agencies also must be careful that their participation in working groups does not result in lobbying – which is against federal mandates.

COVID19 Realities

- No working groups have held a meeting since the COVID19 pandemic began (in mid-March 2020). Some working group members were not sure of the time or date of their next meeting. The Huffman Stakeholders Group Meeting has been scheduled for September 2020 and will be conducted virtually.
- Conducting meetings virtually, with video, is preferable until in-person meetings again become feasible.
- Small government agencies and Tribal governments do not have significant capacity to deal with COVID health impacts. Response times may be more delayed in the current pandemic context. Patience and flexibility will be important to active partnerships.
- Several working group members discussed challenges of internet access and bandwidth when planning virtual meetings. Other working group members also mentioned that some rural areas have inconsistencies with the internet. These challenges may sometimes limit participation.

Recommendations

The National Center recommends the following actions for Caltrans regarding the LCG project working groups:

Provide standardized and consistent documentation of working group meetings:

- NCECR suggests taking regular notes in working group meetings. This document might alternatively be a meeting summary (1-page document). In either case, notes should provide: a big picture overview, action items from each LCG Working group meeting, a list of who attended the meeting, any key discussion points, any agreements, any outstanding issues, the status of past action items, next steps, and information about the next meeting (location, time, date).
- Ensure that all working group members receive meeting notes and future meeting notifications, regardless of whether they attend a specific meeting. Distribute these notes after each meeting to all working group members via email.
- Designate a notetaker before the meeting by either: a) a Caltrans liaison; b) a rotating responsibility of a working group member; c) a 3rd party neutral facilitator (as utilized by the Huffman Stakeholder Group).
- Consider reinforcing the role of the Caltrans liaison to facilitate communication between working groups. This critical liaison could serve as a central resource to exchange information and updates between the working groups.
- These meeting note documents might be shared on the LCG website with other important working group documents.

Documentation will provide each working group member with information most frequently asked for in this assessment – What are the other working groups? What are they working on? And, how do discussions in other working groups impact the activities of my working group and the greater LCG Project? Documentation might also address concerns about regular staff turnover, as well as institutionalizing knowledge within the working groups. Finally, Caltrans has identified “Caltrans Liaison” role for each working group. Caltrans might further activate and incorporate these liaisons as a central hub in the working group system. The person filling the liaison role could act as the primary point of contact to collect and disseminate information between working groups.

Design a website page that has information on the working groups:

- Some working group members did not understand the extent or purpose of the other working groups. Caltrans might leverage their [LCG website](#) to identify each working group, provide a brief explanation (“10,000 foot overview”), and share the present activities or discussions in each working group. A website page dedicated to the working groups would provide a central access point for information and increase transparency of working group activities. The website page might include several of the following items:
 - Figures 1 & 2 of this assessment report that explain who the working groups are and how they represent organizations and their communities (“a 10,000 foot view”).
 - A list of members or organizations participating in each working group.
 - High-level meeting standardized template notes from each working group meeting, when comfortable with sharing activities publicly (recommended above). Working groups should discuss and identify agreed upon content to share with the public.
 - Outcomes like the “No-build” consensus [white paper](#) and the Tribal Programmatic Agreement that display successes from the working groups.

Develop content in the upcoming LCG Working Groups Workshop:

NCECR and Caltrans will host a workshop for LCG Working Group Members. When asked about potential ideas, interviewees identified the following key topics and agenda items:

- Discuss the existence and structure of all 4 working groups – including a “10,000 foot picture” of the system and mission statement of each working group.
- Discuss a note-taking process (recommended above), then make agreements on a format for taking and distributing notes.
- Discuss the current status of and priorities for each working group.
- Provide an opportunity for “unofficial” team bonding – get lunch, get to know each other.
- Review a Project timeline – discuss expectations and realities.
- Consider ways of bringing all the working groups together to discuss LCG details before key decision-making points in the timeline.
 - Share or develop a draft flowchart of decision-making processes (what is feasible vs. what is ideal at given points).
 - Highlight where in the LCG process is appropriate to discuss effective strategies for mitigation.
- Use the workshop as an opportunity to dispel any “myths” floating around – incorrect project timeline, relationship of contractors-Caltrans, public views, radio campaign.
- Discuss expectations when an organization has limited capacity to send representatives to different working groups.

Develop a formal manner of onboarding members into each working group. Discuss how to share institutional knowledge, working processes, expectations, roles and responsibilities.

Several interviewees noted the loss of institutional knowledge and lack of procedure to onboard new members into the working group. Turnover in these working groups is inevitable, especially given that the LCG project is expected to last multiple decades. An explicit document with roles and responsibilities might help guide a smooth transition between the unavoidable departure and arrival of new members into each working group. This document should help institutionalize knowledge of past working group discussions, processes, expectations, roles and responsibilities of working group members.

Finally, the interviewees note how critical the LCG PM position is to the working groups and overall project. Interviewees hope that any future PM will be as receptive, proactive and understanding of working groups history and dynamics as the current PM.

Continue to exhibit patience with partners during COVID19:

COVID19 has led to an economic slowdown, as well as the implementation of intensive, unprecedented precautionary measures. Those small governments, agencies, and other organizations already struggling with limited capacity are often hit hardest by the COVID19 epidemic. Several interviewees noted the additional challenges within their organization during the COVID19 epidemic. Working group meetings and communication should occur virtually when possible. Provide multiple follow-up emails – do not be offended if it takes extra time for a

reply or decision to be made. Additionally, some rural areas may not have consistent internet access. New work from home requirements may also impose limitations on the workspace or use of personal equipment to conduct professional meetings. Increased awareness and flexibility will help everyone adapt to shifting expectations in the post-COVID19 landscape.

Some organizations and Tribes may only have the staff or resources to send members to one group:

There were concerns about lesser engagement from Tribes in the Huffman Stakeholder group. Each Tribal representative seemed satisfied with their engagement so far. However, several Tribal representatives reported more heavily on their engagement with the Cultural Resources working group. At the LCG Working Group Workshop – it will be important to discuss the preferred protocol of an organization sending representatives to multiple working groups. If a Tribal Nation or other organization only has the capacity to send members to one working group, clarify which working group meetings are most important to attend throughout the year and when important topics will be discussed at each meeting. These protocols will be especially relevant to address capacity concerns in COVID19. Caltrans might also consider location, accessibility, and available funding for participating members when scheduling working group meetings.

Increase public engagement efforts to address misinformation and uncertainty:

1) Continue to distribute a bi-annual, electronic email “Fact Sheet” and consider including key points, successes, and activities for each working group:

Multiple interviewees noted the utility of the bi-annual Caltrans email to their own understanding of the LCG project. NCECR suggests that Caltrans provide a fact sheet in this bi-annual email with information on the LCG working groups, as well as updates on the activities and accomplishments of each working group. Furthermore, NCECR suggests that this bi-annual update might also be added to the (recommended above) *LCG Working Groups Website page*.

2) Mail a hard-copy fact sheet (flyer) to home addresses in Del Norte and Humboldt Counties:

One interviewee mentioned how effective past Caltrans mass-mail campaigns were to spread accurate information about the LCG project and timeline. Several interviewees cited concerns about public misinformation, as well as political pressure on their organizations or elective bodies. NCECR suggests that Caltrans design a flyer to be sent out to residential addresses in Del Norte and Humboldt Counties (while the LCG project is located in Del Norte County, Humboldt County is also invested in the LCG project outcome due to travel north on Highway 101). This flyer should include important project updates and information on the timeline. A link to the LCG website should also be referenced to find additional public information. The suggested mailing campaign should be similar to past Caltrans public engagement campaigns to citizens in Del Norte and Humboldt Counties.

Appendices

Appendix 1

The John S. McCain III National Center for Environmental Conflict Resolution (NCECR) was brought into this process due to its expertise in providing independent and impartial services to address environmental disputes or conflicts. NCECR's focus as a federal agency is to help parties work together in building a shared understanding of issues, and to assist in finding ways to address concerns and develop strong outcomes. The organization focuses on a wide range of environmental, natural resources and public lands issues involving the federal government. The U.S. Institute was established by Congress in 1998 as a program of the Morris K. Udall and Stewart L. Udall Foundation, which is an independent, nonpartisan federal agency of the Executive Branch, see www.udall.gov.

Appendix 2

| Interviewees by Sector, Organization, & Working Group <i>Interviewed by NCECR between May-July 2020.</i> | | | |
|--|-------------------------------|--|---|
| Sector | Number of Interviewees | Interviewee Organization | Working Groups <i>**a single interviewee can be a member of multiple working groups</i> |
| Citizen Groups | 1 | Crescent City-Del Norte Chamber of Commerce | Huffman Stakeholder Working Group |
| State & Local Government Agencies | 7 | Del Norte Transportation Commission, Humboldt County Board of Supervisors, Del Norte County Board of Supervisors, California Department of Transportation (CDOT; Caltrans) | Huffman Stakeholder, Biological Resources, Cultural Resources, LCG Partner Working Groups |
| Land Managers | 6 | Green Diamond Resource Company, Redwood National Park, California State Parks | Huffman Stakeholder, Biological Resources, Cultural Resources, LCG Partner Working Groups |
| Resource & Permitting Agencies | 5 | U.S. Forest Service, North Coast Regional Water Quality Control Board, California Fish & Wildlife, California Coastal Commission | Huffman Stakeholder, Biological Resources, Cultural Resources, LCG Partner Working Groups |
| Tribes | 3 | Tolowa Nation, Elk Valley Rancheria, Resighini Rancheria | Huffman Stakeholder, Biological Resources, Cultural Resources, LCG Partner Working Groups |
| Total | 22 | 14 | 4 |

Appendix 3

The following questions were asked of each interviewee by Ben and Joy in a 30-minute phone call.

1. What are the key successes associated with your membership in the LCG Working Group?
 - What do you see as your working group's responsibilities that are key to the success of the LCG project?
2. Where are the greatest areas of tension and challenges in your LCG Working Group(s)?
 - How often are you able to participate in the different working group meetings?
 - What would make the LCG Working Group process more meaningful/valuable to you?
3. What tools and information do you need to reach out to your organization's community that you represent?
 - a. Tools might be social media, graphic, fact sheet
4. What information/updates do you need from other LCG Working Groups, and how is that information shared?
5. Are there challenges unique to your organization that could impact the flow of information, decision making and/or leadership involvement?
 - Where do you access information about Last Chance Grade?
 - Does the public dialogue differ from the dialogue within your LCG Working Group?
6. Do you feel that the Caltrans project team is appropriately considering your individual perspective?
7. The upcoming Collaboration workshop is designed for representatives of LCG Working Groups to identify best strategies for working together to advance the LCG project. What topics would you find most valuable to cover during the workshop?
 - a. (If needed) Do you have any other recommendations for the workshop content or format?
8. Is there anything else you'd like to add that we haven't covered here?

Appendix 4

LCG Working Groups Assessment, Report, & Workshop Timeline

