

Elk Valley  
RANCHERIA  
Crescent City, CA



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September 17, 2014

Caltrans District 1  
1656 Union Street  
Eureka, CA 95501

Re: Last Chance Grade Alternatives; Elk Valley's Concerns

To Whom It May Concern:

The Elk Valley Rancheria, California (the "Tribe") provides its preliminary comments regarding the potential alternative routes to avoid the US 101 at Last Chance Grade.

The Tribe recognizes and appreciates the common core values outlined in the Memorandum of Understanding between Caltrans and California Department of Parks and Recreation, National Park Service, The Yurok Tribe, Smith River Rancheria and the Tribe (the "Partners") and has considered such values while evaluating the potential alternative routes.

The Tribe reviewed the various preliminary US 101 bypass alternatives to address expected failure of that highway along Last Chance Grade. The Tribe continues to analyze the options in light of the overarching need to preserve the safety of travelers along US 101 to and from Crescent City, California as well as the economic livelihood of Del Norte County.

The Tribe understands well the potential impact on old growth forests and related issues. The Tribe is also concerned about potential impacts on cultural sites of significance to the Tribe within its ancestral territory, which stretches south to Wilson Creek.

The Tribe again reiterates that US 101 is going to fail. It is not a matter of "if" but more likely "when." When the road fails, Crescent City's residents and businesses will suffer. Access to medical care, schools and colleges, needed business supplies and other basic necessities will no longer be available.

The Tribe is concerned that feasibility studies and lack of funding will lead to "paralysis by analysis." This matter requires immediate action. All immediate steps should be taken to ensure that Last Chance Grade stays open and is safe pending completion of the necessary

actions to construct and open a bypass. However, blind reliance on emergency funding and exemptions from environmental review and other potential restrictions is not a rational way to proceed.

Meanwhile, the Tribe continues to request a viable alternative plan for when the existing road fails. An alternative that simply allows for a two-lane road for emergency use only is not such an alternative. The timely construction of an alternative route is critical to reduce this threat, however a successful alternative should be planned with passenger safety in mind.

Tribal members have experienced loss of family members on Hwy 101 due to weather and road conditions that are combined with the unique hazards created when travelling through an old growth redwood forest. Large old growth redwoods that remain in the shoulder of roadways, tourists and commercial trucking can create deadly conditions through which drivers must maneuver. Although bridges and tunnels may be necessary, they too can add to the risk equation and should be utilized with careful planning.

The Tribe is concerned with the protection and preservation of both natural and cultural resources. With regard to cultural resources, the Tribe is aware of significant sites that are located at the mouth of Wilson Creek. Alternatives that impact these sites are of extreme concern to the Tribe. Furthermore, mitigation measures that would include archaeological excavations are considered unacceptable and would serve scientific interests and not those of the Tribe.

The Tribe is also aware of sensitive areas, including Indian allotments, that are located in the Mill Creek watershed and surrounding areas that are in proximity to Segment 5. We understand that resource surveys have not been completed by a Registered Professional Archaeologist ("RPA") and will look to the results of this undertaking for further comment. It must be noted that as this project lies entirely within Tribal ancestral lands, it can only be expected that resources such as hunting and gathering sites, trade routes, etc. could be located during the construction of all of the selected alternatives.

## **Conclusion**

The Tribe is deeply concerned that road failure would be catastrophic to the health and welfare of the citizens of Del Norte County. The Tribe recognizes that project costs and county population play a role in the politically charged distribution of State and Federal transportation dollars.

Because of this, the Tribe believes that the shortest route such as Alternative A1 might serve as the most economically and environmentally feasible alternative available. The shortest route also positively affects commuters between Klamath and Crescent City including children who must travel this route to school each day. Finally, a shorter route offers rapid response for emergency responders, sustainability, modest impacts to old growth redwood trees and an increase in energy conservation.

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In light of the above, the Tribe continues to review the various points of concern described in the Memorandum of Understanding among several of the interested parties and will provide more input as options are more fully described.

Thank you for your consideration of the Tribe's comments.

Sincerely,

A handwritten signature in black ink that reads "Dale A. Miller". The signature is written in a cursive style with a large, looping initial "D".

Dale A. Miller  
Chairman