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January 16, 2020

Governor's Office of Planning & Research

JAN 16 2020

STATE CLEARINGHOUSE

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)*]¹."

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

¹ 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 approval².

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.

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.

² 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:

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;

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.

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.

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.

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

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).

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.

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.

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

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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.).

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
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