North Coast Regional Water Quality Control Board

TO: Steve Croteau, Senior Environmental Scientist
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FROM: Susan Stewart, Environmental Scientist / Caltrans Liaison
NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

DATE: February 13, 2024

SUBJECT: **LAST CHANCE GRADE PERMANENT RESTORATION PROJECT DRAFT EIR/EIS AND DRAFT SECTION 4(f) EVALUATION SCH# 2021110050 (EA: 01-0F280)**

Dear Mr. Croteau,

On December 15, 2023, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Draft Environmental Impact Report (EIR)/ Environmental Impact Statement (EIS) and Draft Section 4(f) Evaluation from the California Department of Transportation (Caltrans) for the Last Chance Grade Permanent Restoration Project (Project), Del Norte County, California. The draft EIR/EIS compares and evaluates the potential impacts between the Build Alternatives (Alternative X, and Alternative F), and the No-Build Alternative. The draft EIR/EIS notes that comments must be submitted no later than February 13, 2024. The Regional Water Board hereby submits the following comments.

Project Description
Caltrans proposes to develop a long-term solution to the instability and potential roadway failure for a section of U.S. Highway 101 (U.S. 101) known as Last Chance Grade (LCG) in southern Del Norte County, California, located approximately 10 miles south of Crescent City, between post miles 12.7 and 16.5. Two build alternatives—Alternative X and Alternative F—and a No-Build Alternative.

Alternative X would involve reengineering and partially realigning a 1.6-mile-long section of the existing highway to minimize the risk of landslides. Main project components would include 1.6 miles of retaining walls along the roadway, an underground drainage system to help reduce landslide risk by capturing groundwater, and strategic eastward retreats from the existing roadway.

Alternative F would involve constructing a 6,000-foot (1.1-mile) tunnel east of the existing highway to avoid the most intense areas of known landslides and geologic instability. Main components would include a tunnel and associated portals, a bridge at the northern portal to connect the tunnel alignment to the existing highway, and an on-site Operations and Maintenance Center (OMC) for tunnel support.

Under the No-Build Alternative, no project work would be done on the existing highway. Existing conditions would persist, including the indefinite continuation of emergency repairs and enhanced maintenance which have been ongoing for more than a decade.

Regional Water Board (RWB) Permitting
The proposed Project will require a Water Quality Certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) for activities related to Project construction within or affecting waters of the U.S. and waters of the State.

2.6.2 Biological Resources

BR-4: Plant Species, Sensitive Natural Communities, and ESHA - On page 63, the draft EIR/EIS states: "B. *A Revegetation Plan would be prepared which would include a plant palette, establishment period, watering regimen, monitoring requirements, and pest control measures. The Revegetation Plan would also address measures for wetland and riparian areas temporarily impacted by the project*."

RWB Comment 1): Mitigation is required to offset permanent impacts to aquatic resources and functions that result in loss of area and/or long-term ecological function degradation within the aquatic resource. Permanent impacts require a draft Compensatory Mitigation Plan that meets the no net loss policy and addresses permanent impacts to wetlands, riparian areas, and other aquatic resources. Temporary impacts require submittal of a draft Temporary Impact Restoration Plan. Temporal loss of functions may require mitigation >1:1 ratio.

RWB Comment 2): Mitigation success shall be subject to review and acceptance by Regional Water Board staff and shall not be considered successful until a minimum of five years of monitoring has occurred. Plants shall not be considered successful until irrigation has been terminated and plants are self-sustaining for a minimum of two years.

BR-5: Wetlands and Other Waters - On page 64, the draft EIR/EIS states: "D. *If allowed by regulatory agencies, temporary wetland protection mats may be used to prevent permanent damage and minimize temporary damage to wetlands from construction activities. Mats should be designed to accommodate motorized equipment or vehicles. Mats shall be removed when wetland access is no longer needed or by November 1 of each year*."

RWB Comment 3): To protect water quality, use of wetland mats and other impacts to wetlands should also be restricted to the period between June 15 and October 15 to protect this vulnerable aquatic resource.

2.6.9 Water Quality and Stormwater Runoff

WQ-2: On page 69, the draft EIR/EIS states: “Where possible, stormwater would be directed in such a way as to sheet flow across vegetated slopes, thus providing filtration of any potential pollutants.”

RWB Comment 4): Water Quality 401 Certification will require an approved stormwater mitigation plan for implementation of post-construction stormwater control measures for treatment of new and replaced impervious surfaces. The application package should include design calculations, proposed site design and structural stormwater control measures to retain and treat stormwater runoff, and Low Impact Development (LID) measures to meet hydromodification requirements. Additional guidance is available within the Application for 401 Water Quality Certification, Section Five – Low Impact Development.

3.3.1 Water Quality and Stormwater Runoff

Affected Environment - On page 151 (last paragraph), the draft EIR/EIS states: “The project limits are located along an Area of Special Biological Significance (ASBS). ASBS’s are ocean areas monitored and maintained for water quality by the State Water Resources Control Board. ASBS’s support an unusual variety of aquatic life, and often host unique individual species. Within the ESL, there are currently two ASBS discharge points identified along U.S. 101.”

RWB Comment 5): Please provide a map or diagram identifying the two ASBS discharge locations.

Alternative X – Construction - On page 152, the draft EIR/EIS states: “Any potential impacts on coastal water quality are not expected because the project would treat stormwater runoff prior to discharge to ASBS, as stated in Caltrans’ ASBS Compliance Plan.”

RWB Comment 6): Please provide a copy of the ASBS Compliance Plan.

Alternative X – Construction - On page 153, the draft EIR/EIS states: “Varying groundwater hardness levels have the potential to affect resources. Per Standard Measure WQ-1, and the Field Guide to Construction Site Dewatering (Caltrans 2014a), groundwater hardness levels that exceed the ASBS effluent limitations would either be treated on-site prior to disposal or transported to a legally permitted off-site facility. Any potential impacts due to dewatering would be temporary and would be expected to be minimal and limited to the construction period.”

Alternative X – Operation - On page 153, the draft EIR/EIS states: “Alternative X would include the construction of an underground drainage system with a new outfall to the Pacific Ocean. The outfall would only contain groundwater. Groundwater hardness that exceeds ASBS effluent limitations would be addressed through the implementation of standard measures (see discussion above under Construction). Non-stormwater discharges to ASBS are prohibited except where specifically authorized as specified in SWRCB Resolution No. 2012-0012 and Section 3.9 of the Caltrans MS4 Permit. Per Section 3.9 of the permit, non-stormwater discharges to ASBS that are associated with slope stability are conditionally exempt if routed to an existing discharge. As currently planned, the new outfall would create a new discharge point. As a result, an exception to the California Ocean Plan discharge prohibitions to Areas of Special Biological Significance would be needed.”

RWB Comment 7): Please clarify the “standard measures” for addressing groundwater hardness that exceeds ASBS effluent limitations.

Alternative F – Construction - On page 154, the draft EIR/EIS states: “*The tunnel would be sealed during tunnel construction; however, any groundwater encountered during construction would be managed similar to that described under Alternative X and would comply with the Caltrans Field Guide to Construction Site Dewatering (Caltrans 2014a)*.”

Alternative F – Operation - On page 155, the draft EIR/EIS states:
“*Additionally, Alternative F does not propose construction of an underground drainage system. Therefore, no negative permanent impacts on groundwater or water quality are expected for the operation of Alternative F*.”

RWB Comment 8): In the operation of Alternative X, groundwater would be discharged to the underground drainage system and outlet to the Pacific Ocean within an Area of Special Biological Significance (ASBS). Would the operation of Alternative F result in groundwater discharge that would also drain to the ASBS? Explain if groundwater would be tested or treated during operation of these alternatives or if testing requirements are proposed to be waived with an exception to the California Ocean Plan.

Avoidance, Minimization, and/or Mitigation Measures - On page 156, the draft EIR/EIS states: “*No avoidance, minimization, or mitigation measures for water quality and stormwater runoff are anticipated; however, there may be conditions associated with the special exception for discharges to the ASBS. Any such conditions would likely be similar or closely related to the standard measures already included as part of the project*.”

RWB Comment 9): Please clarify “standard measures” and consider possible avoidance, minimization, and/or mitigation measures for impacts to ASBS.

3.4.1 Natural Communities

Groundwater Effects on Vegetation - On page 252, the draft EIR/EIS states: "*The groundwater drainage galleries associated with Alternative X are not expected to impact vegetation communities or surface water features, with the exception of some small seeps located just above the ocean on the west cliff face. These seeps may be dewatered*."

RWB Comment 10): Please clarify if impacts to the two seeps due to the installation of groundwater drainage galleries have been included in the impact calculations.

4.3.4 Biological Resources

Less than Significant Impact - On page 401, the draft EIR/EIS states: "*Both build alternatives would have temporary and permanent impacts on wetlands and Waters of the U.S. and State. Alternatives X and F would have relatively small impacts to wetlands. Alternative X would permanently fill approximately 0.002 acre of wetland and temporarily impact 0.014 acre. Alternative F would permanently impact approximately 0.113 acre of wetland, 329.90 linear feet (0.019 acre) of perennial stream, and 43.30 linear feet (0.001 acre) of ephemeral stream. An additional 0.009 acre of wetland and 65.65 linear feet (0.006 acre) of perennial stream would be temporarily impacted with vegetation possibly removed and the channel possibly modified*."

RWB Comment 11): Permanent impacts are impacts to aquatic resources and functions that result in loss of area (filled) and/or long-term ecological function degradation within the aquatic resource. Mitigation is required to offset these impacts and must meet the no net loss policy. Permanent impacts require a draft Compensatory Mitigation Plan. The significance determination should be made without consideration of the permit conditions.

Thank you for providing the Regional Water Board with the opportunity to comment on this draft IS/MND. If you have any questions or comments or would like to discuss these recommendations, please contact Environmental Scientist, Susan Stewart at (707) 576-2657 or by email at Susan.Stewart@waterboards.ca.gov.

Best regards,

Susan Stewart

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