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Governor's Office of Planning & Research

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**STATE CLEARING HOUSE**

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**SUBJECT: HUM 254 CULVERT REHAB PROJECT (SCH# [2022120136](#))**

On December 7, 2022, the California Department of Fish and Wildlife (CDFW) received an Initial Study with Proposed Negative Declaration (IS/ND) from the California Department of Transportation (Caltrans; Lead Agency) for the HUM 254 Culvert Rehab Project (Project), Humboldt County, California. CDFW understands the Lead Agency would accept comments on the Project through January 13, 2023; however, Caltrans agreed to an extension to January 27, 2023, to incorporate CDFW observations from a Project site visit on January 19, 2023.

As a Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code section 21000 *et seq.*). CDFW participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize Project impacts on natural resources and avoid potential significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Project's impacts on public trust resources.

**Project Description**

As described in the IS/ND, the Lead Agency proposes to rehabilitate existing stream crossings and drainage systems, reduce sediment inputs to the South Fork Eel River, and remediate fish passage barriers by addressing various stream crossing locations along State Route (SR) 254 (Avenue of the Giants) near Weott and Miranda in

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Humboldt County. The Project begins north of US 101 at SR 254 post mile (PM) 0.00 and ends 1.9 miles north of Holmes Flat Road at SR 254 PM 43.00. The Project occurs within Humboldt Redwoods State Park. The Project proposes to construct two structures to provide fish passage, one at Chadd Creek and the other at Mowry Creek, and rehabilitate 45 existing stream crossings or drainage systems.

## **Environmental Setting and Special Status Species**

The South Fork of the Eel River and its tributaries are important fish-bearing streams that provide spawning and rearing habitat for a variety of salmonids as well as habitat for other sensitive aquatic and terrestrial species including Southern Oregon / Northern California evolutionarily significant unit (ESU) of coho salmon (*Oncorhynchus kisutch*; State Threatened [ST]), California Coastal fall Chinook salmon (*O. tshawytscha*; Federally Threatened [FT]), winter and summer runs of Northern California distinct population segment (DPS) of steelhead (*O. mykiss*; Species of Special Concern [SSC], State Endangered [SE] respectively), coastal cutthroat trout (*O. clarki clarki*; SSC), Pacific lamprey (*Entosphenus tridentatus*; SSC), Western brook lamprey (*Lampetra richardsoni*; SSC), Western pond turtle (*Actinemys marmorata*; SSC), foothill yellow-legged frog (*Rana boylei*; SSC) North Coast Clade, northern red-legged frog (*R. aurora*; SSC), yellow warbler (*Setophaga petechia*; SSC), osprey (*Pandion haliaetus*; Watch List), bald eagle (*Haliaeetus leucocephalus*; SE), and other terrestrial and aquatic species.

## **CDFW Consultation History**

CDFW staff attended a Project meeting on April 28, 2021, and conducted site visits on August 5, 2021, and January 19, 2023. CDFW appreciates ongoing communication and coordination by Caltrans staff.

## **CDFW Permitting**

Caltrans should notify CDFW for a Lake or Streambed Alteration (LSA) Agreement due to the Project's substantial alteration to the bed, bank or channel of numerous streams. Additionally, Caltrans may need incidental take<sup>1</sup> authorization for coho salmon pursuant to CESA. CDFW looks forward to continuing to coordinate with Caltrans to ensure mitigation approaches will be compatible with state permitting requirements, including further coordination on mitigation approaches for impacts to onsite habitat.

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<sup>1</sup> Take is defined as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code §86).

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### **CDFW Comments on the IS/ND:**

1. Fish passage. IS/ND Table 1 (Proposed Project Work) identifies three locations proposed for fish passage improvements (unnamed tributary at PM 8.13, Mowry Creek at PM 15.04, and Chadd Creek at PM 40.81). However, the Natural Environment Study (NES) cited in the IS/ND indicates eight Project locations where fish habitat may be present, either based on recent field work or the California Fish Passage Assessment Database (PAD) (Elston, 2023). This discrepancy is important because Senate Bill (SB) 857 (Streets and Highways Code section 156.3) requires projects using state or federal transportation funds (if the project affects a stream crossing on a stream where salmon or steelhead are, or historically were) to remediate any fish passage barrier. When barriers to fish passage are being addressed, plans and projects shall be developed in coordination with CDFW. The IS/ND does not appear to address SB 857 or associated requirements. During the January 19, 2023 site visit, CDFW staff identified Project locations at PMs 6.85, 8.13, 15.04, 16.44, 22.87, and 40.81 as likely or possibly accessible to anadromous salmonids.

Therefore, CDFW recommends the IS/ND be revised to include a discussion on SB 857 requirements and a summary of Project locations indicated as fish habitat in Appendix D of the NES (**Recommendation 1**). These locations should include fish passage design in consultation with CDFW, or the IS/ND should provide a detailed justification as to why fish passage is not needed at specific locations and a proposal to revise the PAD, if applicable.

2. Environmental Study Limits and Right of Way. The Environmental Study Limits (ESL), Right of Way (ROW), and Temporary Construction Easements (TCE) are defined generally in the IS/ND but are not shown on figures or plans within the IS/ND. In Appendix A of the NES, ESLs and ROW/TCE are presented for most, but not all locations (e.g., PM 40.81 Chadd Creek). Based on information provided, it is unclear if the ESL and ROW/TCE are large enough to encompass areas needed at Project locations where fish passage design and/or stream bed vertical adjustment is needed. More specifically, the IS/ND does not contain related information for stream geomorphic assessments, long profile elevation surveys, channel cross sections with existing and proposed Project elements, and HEC-RAS modeling<sup>2</sup>. Without this information CDFW is not able to evaluate the appropriateness of proposed engineered stream crossing lengths/widths, effects of streamflow modifications, and distance/locations of streamflow bypass around construction areas. As a result, CDFW cannot evaluate the adequacy of the ESL and ROW/TCE. These parameters are needed to identify the entire Project area and the “whole of the action,” which will inform appropriate ESL, ROW/TCE (CEQA Guidelines sections 15003 (h), and 15063(a)(1)). Additionally,

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<sup>2</sup> Several of these special studies are presented in Caltrans' Project Delivery Roadmap as needing to occur prior to preparation of a CEQA document (Caltrans 2011).

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insufficient ROW or TCE areas could result in Project delays or unforeseen additional costs to Caltrans.

Therefore, CDFW recommends the IS/ND be revised to include, for complex fish passage remediation locations and/or locations where stream bed vertical adjustment is needed, a minimum of 30% design plans that utilize stream geomorphic assessments, long profile elevation surveys, channel cross sections, and HEC-RAS modeling (**Recommendation 2**). Conducting this work prior to preparing a CEQA document will increase the likelihood that the ESL and ROW/TCE are sufficient for biological effects analyses as well as site access for construction activities.

3. Large Redwood Trees, Sensitive Natural Communities. The IS/ND states the Project may result in a total of 2.271 acres (ac) of impacts to Sensitive Natural Communities (SNC) (2.096-ac temporary impacts, 0.175-ac permanent impacts) and that these impacts are less than significant without mitigation. The IS/ND provides an impact analysis discussion for the Redwood Forest and Woodland SNC but not for other SNCs disclosed as impacted. Appendix E of the NES recommends removal of 12 trees to accomplish Project activities; however, the IS/ND only describes impacts to four redwood trees (*Sequoia sempervirens*), all over 50 inches in diameter at breast height (DBH). The IS/ND states these four trees are not proposed to be removed but indicates well over 20% of the structural root zone (SRZ) for each of the four trees may be impacted and that exceeding 20% may result in substantial effects to tree health and stability. Although the IS/ND describes work at redwood tree root impact areas as minimally invasive due to tree acclimation to higher levels of stress from compaction, previous road maintenance-related severance of structural roots, and ongoing lack of air and water availability under the road surface; these existing conditions could also be considered stressors that should be considered cumulatively with proposed Project impacts to the SRZ of large trees. The significance of these impacts (including individual trees) may be heightened due to the Project occurring within the Humboldt Redwoods State Park, whose mission, in part, is to preserve the state's extraordinary biological diversity. Additionally, Humboldt Redwoods State Park's Road and Trail Management Plan identifies large trees as highly scenic and substantial visual features (California State Parks 2019).

Therefore, CDFW recommends the IS/ND either provide further analysis to support a less than significant determination for impacts to large diameter trees and SNCs or consider these impacts potentially significant (**Recommendation 3**). CDFW appreciates Project design modifications at Mowry Creek (shifting road alignment seven feet west) to minimize impacts to an 82-inch DBH redwood tree; however, this Project modification may constitute CEQA mitigation by minimizing potentially significant impacts (CEQA Guidelines sections 15064(f)(2) and

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15370(b)). The IS/ND should be revised to include a reconciliation of trees recommend for removal in Appendix E of the NES with the trees analyzed in the IS/ND. If there is high confidence the Project can be feasibly implemented without substantial risk to trees described in the Appendix E of the NES (particularly the SRZ), this justification should be described in more detail in the IS/ND.

4. Revegetation. The IS/ND includes a revegetation measure as a Standard Measure or Best Management Practices Measure relating to Greenhouse Gas Emissions (GHG-5), but revegetation is not included as one of the Biological Standard Measures.

Given the cumulative amount of ground disturbance and vegetation removal that will likely occur within a State Park to accomplish the Project, CDFW recommends the IS/ND be revised to include revegetation with success performance criteria (**Recommendation 4**).

5. Project Location Information. The IS/ND includes Highway PM numbers as the primary descriptor of Project locations. While this is helpful for on-site location of Project locations, PMs are less helpful to CDFW when conducting desk reviews utilizing Geographic Information Systems (GIS) such as CDFW's Biogeographic Information and Observation System. This is due to PMs on publicly available GIS layers being imprecise and occasionally off by 100 feet or more.

Therefore, CDFW request that, in addition to PMs, a precise latitude and longitude (WGS coordinate system in decimal degrees preferred) be provided for each Project location (**Recommendation 5**). This will facilitate a more accurate CDFW review of Project locations.

6. Initial Study Consultation. As soon as a Lead Agency has determined that an Initial Study will be required for a project, the Lead Agency shall consult informally with all Responsible Agencies and all Trustee Agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a Negative Declaration should be prepared (CEQA Guidelines section 15063(g)). While CDFW appreciates Project design modifications at Mowry Creek (shifting road alignment seven feet west) to minimize impacts to an 82-inch DBH redwood tree, this Project modification may constitute CEQA mitigation by minimizing potentially significant impacts (CEQA Guidelines sections 15064(f)(2) and 15370(b)).

Therefore, CDFW recommends Caltrans re-evaluate the potential significance of Project impacts, particularly to large diameter trees (**Recommendation 6**). If Caltrans concludes impacts may be potentially significant, a Mitigated Negative Declaration or Environmental Impact Report would be a more appropriate CEQA

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document than the current Negative Declaration.

### **Summary of Recommendations**

1. CDFW recommends the IS/ND be revised to include a discussion on SB 857 fish passage requirements and a summary of Project locations indicated as fish habitat in Appendix D of the NES. These locations should include fish passage design in consultation with CDFW, or the IS/ND should provide a detailed justification as to why fish passage is not needed at specific locations and a proposal to revise the PAD, if applicable.
2. CDFW recommends the IS/ND be revised to include a minimum of 30% design plans that utilize stream geomorphic assessments, long profile elevation surveys, channel cross sections, and HEC-RAS modeling for complex fish passage remediation locations and/or locations where stream bed vertical adjustment is needed. Conducting this work prior to preparing a CEQA document will increase the likelihood that the ESL and ROW/TCE are sufficient for biological effects analyses as well as site access for construction activities.
3. CDFW recommends the IS/ND either provide further analysis to support a less than significant determination for impacts to large diameter trees and SNCs or consider these impacts potentially significant. The IS/ND should be revised to include a reconciliation of trees recommend for removal in Appendix E of the NES with the trees analyzed in the IS/ND. If there is a high confidence the Project can be feasibly implemented without substantial risk to trees described in the Appendix E of the NES (particularly the SRZ), this should be described in more detail in the IS/ND.
4. Given the cumulative amount of ground disturbance and vegetation removal that will likely occur within a State Park to accomplish the Project, CDFW recommends the IS/ND be revised to include revegetation with success performance criteria.
5. CDFW requests that, in addition to PMs, a precise latitude and longitude (WGS coordinate system in decimal degrees preferred) be provided for each Project location. This will facilitate a more accurate CDFW review of Project locations.
6. CDFW recommends Caltrans re-evaluate the potential significance of Project impacts, particularly to large diameter trees. If Caltrans concludes impacts may

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be potentially significant, a Mitigated Negative Declaration or Environmental Impact Report would be a more appropriate CEQA document than the current Negative Declaration.

Thank you for the opportunity to comment on this draft IS/ND. CDFW staff are available to meet with you to consult with or address the contents of this letter in greater depth. If you have questions on this matter or would like to discuss these recommendations, please contact Senior Environmental Scientist Specialist Greg O'Connell at [ceqareferrals@wildlife.ca.gov](mailto:ceqareferrals@wildlife.ca.gov).

Sincerely,

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## Citations

California State Parks. (2019). Humboldt Redwoods State Park Road and Trail Management Plan, Final Draft. North Coast Redwoods District, Humboldt Redwoods State Park. Weott, CA. Retrieved January 23, 2023, from <https://www.parks.ca.gov/pages/1324/files/Environmental%20Draft.FINAL.sm.pdf>.

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Elston, Anne. (2023). California Fish Passage Assessment Database [ds69]. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System (BIOS). Retrieved January 23, 2023, from <http://bios.dfg.ca.gov>.