



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
619 Second Street
Eureka, CA 95501
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 13, 2024

Governor's Office of Planning & Research

Mar 14 2024

STATE CLEARINGHOUSE

Jason Meyer
Senior Environmental Scientist
California Department of Transportation
1656 Union Street
Eureka, CA 95501
Jason.Meyer@dot.ca.gov
TrinidadAccess@dot.ca.gov

SUBJECT: U.S. 101/TRINIDAD AREA ACCESS IMPROVEMENTS PROJECT.
SCH# [2024020328](#).

Dear Jason Meyer:

On February 8, 2024, the California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) from the California Department of Transportation (Caltrans; Lead Agency) for the U.S. 101/Trinidad Area Access Improvements Project (Project) in Humboldt County, California. CDFW understands that the Lead Agency will accept comments on the NOP through March 15, 2024.

As the 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 (Fish & G. Code, § 1802). As a Responsible Agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code 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; Pub. Resource Code, § 21000 et seq.). CDFW participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize Project impacts and avoid potentially significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

Jason Meyer, Senior Environmental Scientist
California Department of Transportation
March 13, 2024
Page 2

Project Description

As stated in the NOP, the Project is located in Humboldt County along U.S. Highway 101 between post mile (PM) 99.6 and 101.1. Potential Project elements also include locations in the vicinity of the Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria), the City of Trinidad, and Scenic Drive. The proposed project includes a highway interchange and local road improvements to provide safe, sustainable, and redundant access to the Trinidad Rancheria and surrounding communities located along Scenic Drive. The NOP describes three project alternatives for the proposed project: the No-Build Alternative, Alternative 3D, and Alternative 5C. Alternative 3D proposes a new interchange at PM 100.0, adjacent to Tribal lands; a new Class I Multi-Use trail connecting Tribal lands east and west of US 101; and improvements to Scenic Drive and Cher-Ae Lane. Alternative 5C proposes improvements to the existing US 101/Trinidad-Main Street interchange, a new Class I Multi-Use trail connecting Tribal lands east and west of US 101, including a new pedestrian overcrossing at PM 100.0, and improvements to Scenic Drive.

Environmental Setting and Special Status Species

The NOP states there are several sensitive species, communities, and other resources within the project area, including Pacific tailed frog (*Ascaphus truei*), northern red-legged frog (*Rana aurora*), foothill yellow-legged frog – North Coast DPS (*R. boylei*), southern torrent salamander (*Rhyacotriton variegatus*), and American peregrine falcon (*Falco peregrinus anatum*). The NOP states that sensitive species, environmentally sensitive habitat areas, jurisdictional waters, and wetlands will be studied and evaluated for this project and potential impacts will be evaluated through an Aquatic Resource Delineation Report, Botanical Survey Report, and Natural Environment Study.

CDFW Consultation History

CDFW received the NOP on February 8, 2024. CDFW looks forward to communication and coordination by the Lead Agency regarding specific Project components, impacts, and proposed mitigation strategies.

Jason Meyer, Senior Environmental Scientist
California Department of Transportation
March 13, 2024
Page 3

CDFW Permitting

The NOP anticipates needing a Lake and Streambed Alteration Agreement and a California Endangered Species Act Consistency Determination with the National Marine Fisheries Service's Incidental Take Statement.

CDFW Comments on the NOP:

1. Growth-Inducing Impacts

The DEIR should disclose and analyze the potential for growth-inducing effects such as changes in the patterns of land use and associated natural resource impacts, population growth, or the construction of additional housing (Pub. Resources Code, § 21100, subd. (b).; Cal. Code Regs., tit. 14, § 15126, subd. (d) and § 15126.2, subd (e); **(Recommendation 1)**).

2. Lake and Streambed Alteration

If the Project will divert or obstruct the natural flow of any river, stream, or lake; change the bed, channel, or bank of any river, stream, or lake; use material from any river, stream, or lake; or deposit or dispose of material into any river, stream, or lake, the project should submit a Lake and Streambed Alteration Notification pursuant to Fish and Game Code section 1600 et seq. after initiating early consultation with CDFW **(Recommendation 2)**).

3. Take of Threatened, Endangered, Fully Projected, or Rare Species

If the Project has the potential to need take¹ authorization for any species listed as Threatened or Endangered pursuant to the California Endangered Species Act (Fish & G. Code, § 2080 et seq.); Fully Protected

¹ "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish & G. Code, § 86).

Jason Meyer, Senior Environmental Scientist
California Department of Transportation
March 13, 2024
Page 4

pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515; or Rare pursuant to the Native Plant Protection Act (Fish & G. Code, § 1900 et seq.), the Project should initiate early consultation with CDFW as soon as possible (**Recommendation 3**).

4. Early Coordination

CDFW staff are available to attend site visits and provide technical assistance regarding California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, including additional Endangered, Rare, or Threatened Species, as defined by California Code of Regulations section 15380. As a CEQA Trustee and Responsible Agency for the project, CDFW recommends the Lead Agency conduct additional early consultation during or after completion of biological resource studies and prior to the circulation of the DEIR (**Recommendation 4**).


Summary of Recommendations

1. The DEIR should disclose and analyze the potential for growth-inducing effects such as changes in the patterns of land use and associated natural resources impacts, population growth, or the construction of additional housing.
2. The project should submit a Lake and Streambed Alteration Notification to CDFW if the Project will temporarily or permanently affect the natural flow or alter the bed, channel, or bank of any stream.
3. The Project should initiate early consultation with CDFW as soon as possible if there is potential for take of any species listed as Threatened, Endangered, Fully Protected, or Rare.
4. CDFW recommends the Lead Agency conduct additional early consultation during or after completion of biological resource studies and prior to the circulation of the DEIR.

Jason Meyer, Senior Environmental Scientist
California Department of Transportation
March 13, 2024
Page 5

Thank you for the opportunity to comment on this Notice of Preparation. If you have questions on this matter or would like to discuss these recommendations, please contact Senior Environmental Scientist Specialist Greg O'Connell at Gregory.OConnell@Wildlife.ca.gov.

Sincerely,

DocuSigned by:

B5D12ECE94324AF...

Rebecca Garwood, Environmental Program Manager
Northern Region

ec: Susan Stewart
North Coast Regional Water Quality Control Board
Susan.Stewart@waterboards.ca.gov

Abbie Strickland
California Coastal Commission
Abigail.Strickland@coastal.ca.gov

Gregory Schmidt
U.S. Fish and Wildlife Service
Gregory_Schmidt@fws.gov

Jeffrey Jahn
NOAA Fisheries
Jeffrey.Jahn@noaa.gov

Michael Orellana
U.S. Army Corps of Engineers
Michael.S.Orellana@usace.army.mil

Rebecca Garwood, Michael van Hattem, Greg O'Connell
California Department of Fish and Wildlife
CEQACommentLetters@wildlife.ca.gov

State Clearinghouse, Office of Planning and Research
State.Clearinghouse@opr.ca.gov