

January 30, 2009

Deborah Harmon, Senior Environmental Planner
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**RE: Richardson grove Operational Improvement Project
Draft Environmental Impact Report/Environmental
Assessment and
Programmatic Section 4 (f) Evaluation**

Dear Ms. Harmon:

This letter is submitted on behalf of the Environmental Protection Information Center (EPIC), the North Coast Environmental Center (NEC), Friends of the Eel River (FOER) and Californians for Alternatives to Toxics (CATs). EPIC is a Humboldt County based non-profit organization that actively works to protect and restore forests, watersheds, coastal estuaries, and native species in northwest California. EPIC was established in 1977 by local residents in Humboldt County. EPIC works to ensure that state and federal agencies follow their mandate to uphold environmental laws and protect endangered species. Many of EPIC's members use the Eel River for boating, fishing, bird watching and general recreation, as well as for aesthetic enjoyment. Particularly, members of EPIC visit and use Richardson Grove State Park, and rely upon its beauty and natural resources for personal and professional enhancement. Members of EPIC have an interest in knowing that California remains alive with wildlife and natural wonders, still beautiful and available to enjoy and utilize when they choose.

NEC is also a Humboldt County based non-profit organization, whose mission is to promote understanding of the relations between people and the biosphere and to conserve, protect and celebrate terrestrial, aquatic and marine ecosystems of northern California and southern Oregon. Since its establishment in 1971, NEC has worked to conserve the area's biological assets and to stimulate public awareness in securing the future of these natural treasures, which are vital to sustaining physically, economically, and culturally healthy communities. FOER is also a non-profit conservation organization based on the North Coast, whose primary mission is to restore the Eel River and all her tributaries to a natural state of abundance, wild and free. CATs is a public interest, membership non-profit organization whose mission is to give the general public, particularly residents of northern California, control over toxic chemicals in their environment. This mission arises from a broader underlying concern for our membership in relation to their dependence on the environment for their sustained health, education, cultural activities and livelihood.

EPIC, NEC, FOER and CATs (hereinafter 'EPIC') oppose this project as presented. Fundamentally, the DEIR/EA fails to adequately justify the need for the project, describe the project, and assess the project's significant environmental effects. On these grounds alone, the DEIR must be supplemented and recirculated. In addition, inadequate public notice requires that the DEIR be recirculated, per the requirements of the California Environmental Quality Act (CEQA) and its supporting regulations. As well, the DEIR fails to adequately analyze and disclose the potentially significant impacts of the proposed action sufficiently to support a finding of no significant impact (FONSI) under the National Environmental Policy Act (NEPA). Thus, an Environmental Impact Statement (EIS) must be prepared, and adequate public participation solicited and obtained, before any ground-disturbing activities can be undertaken pursuant to the proposed action.

The DEIR/EA suggests by its flaws a project that has been rushed to completion before thorough consideration of the potential impacts and implications of the proposed action, and a predetermined action that is being justified using carefully selected data and analyses that minimize those potentially significant impacts. Such analysis fails to meet the letter or the purpose of either CEQA or NEPA.

Inadequate Notice Requires Recirculation of the DEIR.

We have checked the CEQAnet website repeatedly during the week of January 26, 2009, and there is no record of CalTrans having submitted the Richardson Grove DEIR to the State Clearinghouse. Such submittal is required by law. It is our understanding, as of the date of these comments, that Caltrans submitted the DEIR for Richardson Grove to the State Clearinghouse on January 27, 2009; and that the document apparently won't be posted until February 5. We have been informed that the State Clearinghouse number is 2009012070. A search of the CEQAnet data base on the morning of January 30, 2009, does not include any documents for that number.

Because Caltrans has failed to follow mandatory public review requirements, by not posting the DEIR with the State Clearinghouse, EPIC and the public have been denied our right of full review. EPIC reserves the right to supplement these comments during the required review period, which properly commences when Caltrans complies with the requirement to post the DEIR with the State Clearinghouse.

Inadequate Project Description.

The DEIR advises that the purpose of the roadway realignment is to accommodate STAA truck travel, to remove restriction of STAA vehicles and improve safety and operation of Highway 101 and goods movement.

Assuming that the current roadway does not accommodate STAA trucks, the DEIR lacks a description of what engineering changes and criteria are necessary to accommodate STAA trucks. The project description includes a statement that the roadway is to be realigned so that two STAA trucks passing in the opposite direction can

be accommodated. But no standards are outlined to justify the realignment. It appears that Caltrans expects everyone to just assume that the realignment as proposed on the designs accommodates STAA truck travel as intended, without providing the public with the engineering specifications necessary for that truck travel. How wide must a road be for two STAA trucks at any given point? What must be the minimum curve distance or alignment?

Because the DEIR does not provide the roadway standards necessary for a STAA truck, it is impossible to evaluate whether the proposed realignment is adequate, necessary, the best alternative, or the most environmentally sound alternative. The DEIR lacks the very information necessary to evaluate what standards govern a realignment, and proceeds on the undemonstrated premise that such a realignment is in fact necessary.

The DEIR declares that the “current roadway geometrics do not meet current design standards for design speed, curve radii, shoulder width, superelevation rates, stopping sight and corner sight distances, distance to a fixed object, steepness of side slopes, and alignment consistency.” (DEIR at p. 41.) However, the DEIR does not advise as to what are those current design standards, and how the proposed project will meet those standards. In the absence of this information, it is really impossible to evaluate the validity of the proposed project as the appropriate alternative, even if one were to concede that the project is necessary. The lack of this information also makes it impossible to evaluate the validity of the impact analysis, particularly on the natural resources to be affected.

Nor do the Layout Maps in Appendix L provide this information. All they do is layout the proposed design, without any indication as to whether the design satisfies standards necessary to accommodate STAA trucks as desired. Moreover, the layout maps have no engineering stamp on them, and bear a disclaimer that the State of California shall not be responsible for their accuracy or completeness.

EPIC questions the validity of the project description as well because it is not at all clear that the roadway needs to change to “accommodate” STAA trucks. An STAA truck is defined as any tractor-semitrailer combination or set of doubles with length configuration such that the truck may legally operate only on National Network Highways, Terminal Access Highways, or signed accesses to service. According to Caltrans Truck Route Classifications,¹ the STAA Network is the “National Network (NN), Terminal Access (TA) and Service Access routes together make up the ‘STAA Network.’ These are the routes that allow STAA trucks.”

According to this same document, Terminal Access (TA) routes are portions of State routes or local roads that can accommodate STAA trucks. The Caltrans map for Truck Networks on California State Highways District 1 show Highway 101 to be a “Terminal Access (STAA)” route. A TA sign is posted on Highway 101 north, at the junction of Highway 1 and 101 at Leggett. Thus it appears from Caltrans’ own statements and signage that the portion of road for which this project is contemplated already is currently designated for STAA trucks.

The necessity of the project is also in question because there appears to be little recognition of the need for this project by the California Transportation Commission or even Caltrans. EPIC reviewed the Caltrans website to locate listing of the proposed project. Certain documents are keenly relevant to statewide transportation planning, particularly in terms of identifying what is priority and necessary for California transportation. EPIC found a dearth of reference for this project.

The December 29, 2006 Corridor Management Plan for Route 101: Golden Gate-Oregon Border (“Corridor Management Plan”) references only a feasibility study for STAA access to Humboldt County, but does not list the project as necessary.² “A Corridor Management Plan is a document that identifies the recommended system management strategies for a given State Highway System facility based on comprehensive performance and assessment and evaluation.”³ This document notes that Route 101 “is designated as a High Emphasis Focus Route in the State Interregional Transportation Strategic Plan (ITSP).”⁴ The Richardson Grove project area is not identified as a segment which does not meet current Route Concept.⁵ The project is also not listed in the 2006 State Transportation Improvement Program (STIP) Projects.⁶ From this, one can ascertain that as of the end of 2006, the State did not recognize this project as necessary.

The project is not listed in the 2008 State Transportation Improvement Program. The project is included in an updated “Long Lead” list from August 27, 2008, which identifies the Richardson Grove project to realign the highway. A Long Lead list identifies projects for which development work has begun but is not currently programmed.

The project is not listed in the 2008 Interegional Transportation Improvement System. This is the listing that provides funding for projects “to improve movement of people and goods to and through urbanized areas.” The project is not included in the 2008 State Highway Operation and Protection Program (“SHOPP”) approved on March 13, 2008. However, the project is not included in the most recent January 2009 SHOPP list. The only listing for the area near Richardson Grove indicates, at line 18, an entry for area between MP 0.2 and 126.00 on Highway 101 to “reconstruct guard railing.”

Given the apparent contradictions between the prioritization assigned this project in relevant planning documents and the priority claimed in the DEIR, EPIC questions the validity of the claimed necessity and urgency of the proposed project, and wishes to underscore the rapidity with which this project has proceeded under Caltrans’ direction. Have all internal steps and Caltrans process requirements been followed as this project has moved toward to this point? EPIC is quite concerned that Caltrans may have ignored some of its own internal procedures in order to fast-track this project and its environmental analysis. Please document that all relevant procedures have been followed, or provide appropriate discussion clarifying what normally relevant procedures may not have been followed, why such decisions were taken, and what the possible implications may be of such short cuts around CalTrans’ normal procedures for a project

of this type, magnitude, and potentially significant impact on the environment.

In its search to understand why and how this project has progressed to this point, EPIC also consulted the CEQAnet database, posted by the State Clearinghouse of the Office of Planning and Research.⁷ When a state agency acts as a lead agency for a project, it must submit the draft EIR to the State Clearinghouse, even when it has independently provided notice of the DEIR to other agencies. (Guidelines § 15205.) The State Clearinghouse, in turn, posts notice of that document on the CEQAnet database. EPIC searched the CEQAnet database for all Caltrans planning projects and all projects in District 1, for all environmental documents and within a time frame from January 1 2008 to the present. EPIC did not find the Richardson Grove DEIR listed anywhere on the CEQAnet database. The DEIR itself provides no evidence that it was submitted to the State Clearinghouse. This appears to be a clear violation of state law. The DEIR has not been properly circulated for public review. This seems to suggest yet again that this project has been fast-tracked without compliance with proper procedure.

The project also appears to be a done deal, a predetermined decision taken in advance of the analysis reflected in the DEIR. In addition to the strong circumstantial evidence that this is the case, the DEIR itself declares that “[a]fter the public circulation period, all comments will be considered, and *the Department will confirm the proposed build alternative* and make the final determination of the project’s effect on the environment . . . the Department *will certify that the project complies with CEQA, prepare findings for any significant impacts identified, prepare a Statement of Overriding Considerations for impacts that will not be mitigated below a level of significance, and certify that the findings and Statement of Overriding Considerations have been considered prior to project approval.*”⁸

Such pre-determination nullifies the public’s right of review, and prejudices CalTrans against any concerns and evidence which would urge a different outcome. It also makes a mockery of the CEQA review process, making the DEIR illegitimate. The DEIR does not provide a discussion of overriding considerations. In fact, it claims there will be no unavoidable significant effects. EPIC questions how it is that a project that has yet to even be identified by any of the major state transportation planning and funding mechanisms can be predetermined with issuance of only a DEIR. We believe this to be illegal.

The DEIR Does Not Establish That This Project is Necessary for Safety.

The DEIR tries to support the need for the project on the basis of safety. On February 15, 2008, pursuant to a Public Records Act request, EPIC received from Caltrans the CHP information on traffic accidents in the Richardson Grove stretch of Highway 101. But the studies it refers to do not show what the DEIR states.⁹ The report date is February 13, 2008. What the tables reveal is that for the stretch of Highway 101 from mile post 0.920 to 2.120 – which is the scope of the project, for a period of 5 years, there were only 6 accidents involving trucks, two of which occurred within one minute of each other on August 16, 2004 at 11:10 and 11:11 p.m, and only one of the five involved

two trucks going in opposite directions. Notably, there have been no truck accidents since June 21, 2005. The CHP Report to the Legislature from August 2005, which evaluated the effect of Vehicle Code § 35401.7¹⁰ advised that “there were no collisions, citations, verbal warnings, complaints, or highway incidents involved licensed carriers of livestock vehicles on the identified portions of Highway 101.¹¹ Thus, the evidence does not support a claim that this project is necessary to allow more room for trucks because trucks are involved in or cause accidents.

The DEIR Fails to Establish That The Project Is Necessary for Goods Movement and the Economy

As noted in Mr. David Spreen’s comment letter of January 23, 2009, the DEIR’s economic analysis and rationale for the proposed project largely hinges on a suggestive but indeterminate economic survey (the Gallo report) and inappropriate use of the IMPLAN economic analysis tool. Having heard from many other local business owners, including small business and people involved in transportation, EPIC believes that the proposed project will benefit some local business while injuring others. While such actions may be valid public actions if properly analyzed and disclosed, a state agency may not legally proceed on the basis of one-sided analysis that minimizes or fails even to present the negative economic impacts of the proposed action.

The Project Fails to Provide for Nonmotorized Access, as Required by CalTrans Policy and the California Highway code

Contrary to its own policy, and California highway code, and despite the fact that its project will lead to more big trucks travelling at higher speeds through the narrow grove, Caltrans has failed to provide for improved bicycle or pedestrian access as part of this project. Highway 101 is designated part of the Pacific Coast Bike Route. Note that CalTrans’ own guide to this section of the Pacific Coast Bike Route shows typical bicycle tourists travelling along the narrow roadway through Richardson Grove. There are no bike lanes along this stretch of Highway 101; indeed, there is in many areas no shoulder at all beyond the paved area of the road. Thus, bicyclists and pedestrians must either walk through the state park (where bicyclists may not ride, on or off the provided paths, which do not run the length of the park) or risk life and limb by attempting to share the road with motorized vehicles.

CalTrans Deputy Directive “Accommodating Non-Motorized Travel,” dated 3-26-01, states that the “Department fully considers the needs of non-motorized travelers (including pedestrians, bicyclists, and persons with disabilities) in all programming, planning, maintenance, construction, operations, and project development activities and products.” Similarly, California highway code (887.8. (b)) requires the agency to provide funding for bike access provisions as part of a project “(w)here the traffic safety or capacity of the highway would be increased.” Caltrans has refused to do so here, suggesting instead that State Parks may build a bike path at some point in the future.

EPIC believes that the proposed action is likely to increase risks to bicyclists in particular, by leading to increased traffic, from larger trucks, and inevitably travelling at

higher speeds due to the larger roadway. The DEIR fails entirely to analyze or discuss such impacts. Though the project clearly affects traffic safety and highway capacity, the project fails to provide any provision for bicyclists or pedestrians. Instead, it suggests that State Parks is considering the issue and may at some indeterminate point in the future construct an adequate bike and pedestrian path to channel non-motorized traffic off the stretch of Highway 101 under consideration in this project.

EPIC takes the position that CalTrans may not properly displace its responsibilities regarding non-motorized transportation to State Parks, nor may CalTrans defer provision of non-motorized access to some indeterminate later date. It is in fact because such displaced and deferred responsibilities are routinely ignored that we have policies and laws requiring CalTrans to deal with such issues as part of a given project. In addition to this substantive point, CalTrans' failure to adequately disclose and analyze the relevant facts around these issues renders the DEIR/EA inadequate under CEQA and NEPA. The agency's failure to articulate a reasoned rationale for its departure from its stated policy, or any rationale whatsoever for its failure to provide adequate non-motorized access, suggests arbitrary and capricious agency action.

Finally, we note that because a bike route through Richardson Grove State Park will necessarily risk potentially significant impacts on important cultural and environmental resources, an EIR/EIS is required to properly analyze and document such a project. Because we believe that such non-motorized access must be provided as part of the present proposed action, it is our position that an EIS is required for this project.

Impacts to Ancient Redwood Trees and Groves.

The DEIR takes the remarkable position that the construction and cutting of the structural root systems of numerous ancient redwood trees will not cause harm to those trees, or the ecology which supports them and is provided by them.

Richardson Grove has existed for centuries. As William Cullen Bryant is quoted in the brochure for Richardson Grove State Park, "The groves were God's first temples." It is here where you first encounter significant old-growth redwood forests when driving north. The DEIR notes that the roadway was initially created in 1915, nearly a century ago. During this time, the grove remains intact, healthy, habitat for rare species, and a wonder for all to behold and experience. Richardson Grove is the threshold to the redwood region, and offers any traveler the cathedral experience as s/he drives through. It is an unparalleled experience along Highway 101 as one drives south from the congestion of the Bay Area and its North Bay region. There is a balance here that is finely tuned over time, and should not be undone. It particularly should not, and under CEQA may not legally, be undone on the basis of hasty and inadequate analysis of potential impacts.

This project will dramatically alter that balance, because of its impact on the many ancient trees which now shelter the road at its edge. Redwood science is clear that redwood root systems are shallow, lateral roots, which graft to other redwood roots to

develop an interconnected root system for several trees. It is common knowledge that redwood trees have a shallow and interconnected root system, and impacts to one tree's root system can mean the demise of several related trees in a grove. The interconnected root systems create a below ground network of trees.¹² “[W]hen marked radioactive water was injected into a tree in a study grove near Arcata, California, its trace was located in a tree 500 feet away.”¹³ In general, soil compaction of a tree's root system will disrupt respiration processes which power every function of the tree.¹⁴ Redwoods are particularly prone to adverse impacts from soil compaction due to their shallow root systems. “Redwood trees have a tap root, but it is their shallow roots, stretching wide and interweaving with those of neighboring trees, that give them a firm base . . . The roots are sensitive, however, to compaction of the soil and may be suffocated by gravel and logging debris that does not allow soil aeration.”¹⁵ “An undisturbed layer of thick, damp mulch on the forest floor is essential to the health of these trees.”¹⁶

The proposed realignment will harm that root system, by cutting and compacting structural root systems. This will occur through construction. It will occur from compacting the roots, as well as the road development with its associated creosote and tar elements. The project has the strong likelihood of smothering roots. This project has the potential for very negative effects on very old trees. The DEIR admits that roadbed material will be placed within the structural root zone of these ancient trees. Yet, there is no correlation between the location of large trees and the cut and fill activities. The Layout Maps do not provide this, nor does the Visual Impact discussion in Appendix K or the discussion in the Natural Environment Study in Appendix I. While it identifies an “additional 0.14 acre of roadbed material” it does not specify how much fill will occur on what trees. And because the Layout Maps are so difficult to read, particularly as to cut and fill, the DEIR does not provide adequate information to evaluate the full adverse effect which will likely occur. Moreover, in the long term the trees will suffer from increased root compaction and more intense vehicle impacts as a consequence of the road widening and realignment.

The DEIR concedes that several of these ancient trees will be affected by construction activities, and in some cases the realignment will move the roadbed even closer to the trees. The list of trees to be affected is staggering: 40 trees, with nearly half of those over 6 feet in diameter and several in the range of 10-15 feet in diameter. The DEIR plainly acknowledges that adverse effects to large trees may be a significant impact to this unique natural community. It proposes mitigation, which simply is not adequate. To quote the Natural Environment Study,

“[t]o mitigate for potential structural root zone impacts to large redwoods and potential impacts to elements of marbled murrelet Critical Habitat Caltrans will implement out-of-kind mitigation. In coordination with California Department of Parks and Recreation, Caltrans will replace the 13 existing trash containers near parking, picnic and camping areas in Richardson Grove State Park with corvid proof waste receptacles to enhance habitat for nesting migratory birds in Richardson Grove

...

Before activities associated with vegetation removal and road construction (including culvert installation and wall construction) begin, a qualified biologist approved by USFWS will conduct a training session for all personnel.”

The mitigation is focused on an effort to protect against harm to the marbled murrelet and the northern spotted owl, two protected bird species which depend upon the old growth habitat afforded by these ancient redwoods. It does not speak at all to the potential to kill these trees by cutting their root systems. Nor does it address the other environmental and cultural ramifications of such serious harm to these trees. This is a potentially significant environmental impact, which is neither adequately analyzed nor disclosed. Such outcome-oriented

The DEIR opines that the magnitude of compaction on these ancient trees will not substantially increase from what presently exists. What this glib conclusion ignores is that however remarkable it may be, the current relationship of road to ancient tree groves is in balance – the trees are healthy and not dying as a consequence of road adjacency. The DEIR does not analyze how the effect of cutting roots, and placing spoils and fill on root systems, and bringing the road closer to some trees will alter that balance. It does not bother to deal with this fundamental issue.

The other proposed mitigation amounts directly related to the structural root zone impacts to this:

- *excavating by hand, but with the caveat that mechanized equipment may be used with permission*
- *use of an air spade while doing excavation*
- *cutting roots less than 2 inches with a sharp instrument*
- *new pavement will be Cement Treated Permeable Base to provide greater porosity and minimize compaction.*
- *use of a brow log for areas where fill will be placed next to trunks of redwoods which are greater than three feet in diameter.*

None of these deal directly with the imperative to not cut roots, and to not compact the root systems. These are all measures which are not documented as capable of ensuring the long term safety of these trees.

Lack of consideration of viable alternatives.

The DEIR considers only the project and the no action alternative. By refusing to consider other, potentially lower-impact means to its chosen end, CalTrans has essentially predetermined the result of its CEQA and NEPA analysis. The consideration of alternatives is the heart of modern environmental analysis, and is necessary in order to insure that the agency has taken the required “hard look” at its proposed action and potential impacts.

Cumulative Impacts

The DEIR fails to mention the proposed Marina Center development within the City of Eureka, currently under review through circulation of its DEIR. It is relevant because that project states that it is being designed to accommodate STAA trucks. Is that project or its applicant driving this project, or had any influence on the manner in which this project is being forced? We believe the projects are related and Caltrans must evaluate the effects of increased STAA road traffic to accommodate the big box stores contemplated by the Marina Center development. The DEIR also fails to discuss the Humboldt Bay Harbor District plans to increase container shipping in the port, which will depend upon increased truck traffic down highway 101.

Significant Impacts and Analysis

The DEIR fails to mention the Richardson Grove State Park General Development Plan in its discussion of consistency with planning documents. All California State Parks must have general plans before permanent facilities can be provided, and once adopted, the plan is direct long-term management of the Park. The Richardson Grove General Development Plan was adopted in October 1956, according to the State Parks website, which provides a copy of the two-page plan. That plan shows a “proposed highway 101” as a bypass around the Park. While EPIC takes no position on such an alternative in the context of the proposed project, the Caltrans proposal is not consistent with the Park’s management plan. The DEIR fails to address this issue.

EPIC found the Layout Maps difficult to read, and incomplete. The legend on the first map does not include all the features that are inserted on maps which follow, such as on 7, 14-17, 19 and 20 have some orange features that are not defined. The legend refers to “existing hydraulics.” Hydraulics is the study of water, yet it appears what is being referenced is pipes. The “proposed edge of pavement” light blue line is practically invisible on most of the pages, which further prevents the reader from understanding what is being proposed and based on what criteria. On sheet 13, it is unclear precisely where the modification of berm will occur - as the map does not precisely pinpoint the modification as is shown on other maps using arrows. There are yellow lines on some of the pages, such as on 14-16, yet the legend does not indicate what those represent. The proposed retaining wall does not appear to be depicted on the sheets for the area where it is proposed. And the reader should not have to see how contours are labeled to determine cut and fill. The designs should show the limit of cut slope and the limit of fill slope. The contours on the maps are not well labeled.

Nor do the maps show any proposed transfer of easements from State Parks to Caltrans. This is part of the proposed project and it is not disclosed for review. And there is no analysis of what effects the transfer of easements and/or right-of-way to Caltrans will have on the Richardson Grove State Park. By failing to provide this data and analysis, Caltrans is segmenting the analysis of this project, which is not permissible under CEQA and NEPA.

The DEIR states that “[f]loristic surveys were conducted in April and July 2007 (Appendix G).” (DEIR at p. 95.) Appendix G simply provides a list of trees, shrubs,

ferns and relatives, grasses and relatives, and herbs. There is no documentation of how this survey was conducted, who conducted it, and under what authority. Did State Parks participate in this survey, or authorize it? In order for the survey to be credible, it had to follow proper protocol. In the absence of any information as to how it was conducted, it is impossible to assess its validity. Moreover, since the area of the survey is on State Park land, at a minimum State Parks should have been involved, either by allowing the survey to occur, guiding it to ensure no harm to special species, and/or contributing to it given its particular and specialized knowledge and experience with the ecology and environment.

The mitigation ratio for disturbing habitat is not adequate. A significantly greater amount of habitat is being disturbed and impacted than is being replaced or mitigated. Replacing mature trees, no matter their size, with seedlings, does not provide a 1 to 1 ratio of mitigation, because there will be a 5 to 20 year temporal separation from the time of the impact to the time of actual mitigation. This is not accounted for, nor is this impact adequately evaluated.

It appears that CalTrans intends to excavate soils that contains hazardous lead, and keep, reuse it or dispose of it onsite, so as to avoid compliance with hazardous waste laws. This will also impact the overall redwood ecology and its health, yet the DEIR fails to even acknowledge the potential for heavier soils smothering tree systems.

The Biological Assessment notes the potential for impact to marbled murrelets and northern spotted owl. It does not adequately consider the best available scientific information for both species, which would indicate that both species are in serious decline, and that the key federal frameworks for the species' conservation and recovery, having been seriously damaged by the George W. Bush administration, may no longer provide an adequate set of measures preventing continuing jeopardy to both species.

The DEIR/EA Does Not Adequately Support a Finding of No Significant Impact; an EIS is required.

Given the potentially significant impacts noted above, and in the comment letters submitted by the Intertribal Sinkyone Wilderness Council, Bruce Campbell, and others, the DEIR/EA fails to provide a level of analysis and disclosure necessary to support a finding of no significant impact. Therefore, an EIS is required. Similarly, because potentially significant impacts go unaddressed in the document, adequate mitigations may not be prescribed.

Conclusion

As noted, the DEIR fails to make the case that the proposed project is necessary; both the document and external indicia indicate that the project has been brought forward in the CalTrans process much more rapidly than would normally be the case. The fact that the DEIR does not discuss or provide a reasoned argument for this acceleration, nor discuss the potential consequences of this acceleration, is an additional reason that the document must be rewritten and recirculated.

The existing balance within Richardson Grove is fundamental to maintaining one of the most extraordinary places, not only within California, but on Earth. CalTrans must undertake any modification to this balance with the utmost caution. This DEIR appears instead to offer a hastily assembled series of justifications for a decision already made. Such a process makes a mockery of the commitments that the people of California made in CEQA, and the people of the United States in NEPA, to ensuring that public agencies take a ‘hard look’ at decisions with potentially significant environmental impacts.

Sincerely,

/s/

Scott Greacen
Executive Director

enc.

List of enclosures for Richardson Grove Draft EIR

CalTrans Deputy Directive “Accommodating Non-Motorized Travel” 3-26-01
CalTrans Truck Route Classifications
CalTrans Truck Networks for California State Highways District 1
Corridor Management Plan for Route 101, 12/29/06
“California Department of Transportation OTM22131 Table B Accident Reports.
California Highway Patrol, *United States Highway 101 Over-Length Vehicle Study Report to Legislature*, August 2005, excerpts.
Richardson Grove State Park Brochure.
Coast Redwood: A Natural and Cultural History, Ed. by John Evarts and Marjorie Popper, Cachuma Press 2001, p. *, excerpts.
Eifert, Larry, *The Distinctive Qualities of Redwoods*, Humboldt Redwoods Interpretive Association 1998, p. 18, excerpts.
Coder, Dr. Kim D., *Soil Compaction Impacts on Tree Roots*, University of Georgia 2000.
Johnston, Verna R., *California Forests and Woodlands, A Natural History* University of California Press 1994, p. 16, excerpts.
Hewes, Jeremy Joan, *Redwoods, The World’s Largest Trees*, Gallery Books 1984, p. 12, excerpts.
Richardson Grove State Park, General Development Plan, October 1956.