



NATURAL RESOURCES DEFENSE COUNCIL

Via Email and U.S. Mail

March 12, 2009

Deborah Harmon
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California Department of Transportation
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Eureka, CA 95501
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RE: Richardson Grove Operational Improvement Project Draft Environmental Impact Report/Environmental Assessment and Programmatic Section 4(f) Evaluation, December 2008

Dear Ms. Harmon:

On behalf of the Natural Resources Defense Council (“NRDC”) and its more than 1.2 million members and activists, I am writing to comment on the above-referenced Draft Environmental Impact Report/Environmental Assessment (“DEIR/EA”) and Programmatic Section 4(f) Evaluation (“Section 4(f) Evaluation”) of the California Department of Transportation’s (“Caltrans”) Richardson Grove Operational Improvement Project.

NRDC’s 250,000 members and activists in California care deeply about, and are committed to, California’s state parks. Our cherished state parks serve as havens for California’s unparalleled natural and cultural resources and, as economic engines for recreation and tourism, generate billions of dollars a year in spending in local communities and support over 100,000 jobs statewide. With the country in the midst of the worst financial crisis in a generation, California can ill afford threats of any kind to such an immensely valuable source of jobs and revenue for the state.

Unfortunately, California’s treasured parklands are facing an unprecedented barrage of assaults. According to a survey conducted by the California State Parks Foundation, more than 25% of our state parks are threatened by projects that would encroach upon lands Californians had assumed were protected from harm. From a destructive six-lane highway through the heart of San Onofre State Beach, to miles of unnecessary transmission lines across sensitive areas of Anza-Borrego Desert State Park, these poorly conceived proposals comprise the most significant threats to California’s state park system today.

In that same vein, the Richardson Grove Operation Improvement Project (“Project”) reflects an astonishing failure to understand the unique and irreplaceable environmental resources of the Richardson Grove – resources that would be significantly affected and even destroyed by this Project. For example, considerable adverse impacts to Richardson Grove State Park – an exceptional natural and recreational area and a refuge for old-growth redwoods in Humboldt County – would be unavoidable. In fact, the Project would impact the Park’s iconic redwoods grove as well as the breathtaking views enjoyed by millions of tourists who drive through Richardson Grove on U.S. Highway 101.

Based on our review of the DEIR/EA and the Section 4(f) Evaluation for the Project, Caltrans has failed to fulfill the basic requirements of the California Environmental Quality Act (“CEQA”), the National Environmental Protection Act (“NEPA”), and Section 4(f) of the Department of Transportation Act (“Section 4(f)”). In that regard, we agree with the detailed comments submitted by the California State Parks Foundation (“CSPF”) on March 12, 2009. A copy of CSPF’s comment letter is attached below. By this reference, we hereby incorporate CSPF’s concerns as our own, and submit CSPF’s comments for the record as our own comments regarding the Project itself, the DEIR/EA for the Project and Section 4(f) Evaluation for the Project.

Furthermore, NRDC respectfully submits the following additional comments with regard to the DEIR/EA and Section 4(f) Evaluation:

Inadequate Analysis of Impacts to Biological Resources (Endangered Species)

The DEIR/EA acknowledges that the project limits and immediate vicinity contain suitable habitat for seven federally listed or otherwise impaired species, as well as designated critical habitat for the marbled murrelet. (DEIR/EA at 101.) With regard to the murrelet and northern spotted owl, Caltrans admits that the large trees within the project limits in the park may provide elements of suitable nesting habitat, and concludes the Project “[m]ay [a]ffect, and is likely to [a]dversely [a]ffect” those species. (DEIR/EA at 102-104.) In fact, U.S. Fish and Wildlife Service staff determined that mitigation was needed to offset impacts to the marbled murrelet. (DEIR/EA at 103.)

However, the DEIR/EA’s mitigation measures for the murrelet and spotted owl are woefully deficient. For example, although Caltrans includes as mitigation a two-year survey to determine the extent of murrelet presence in the Project area, the DEIR/EA does not contain any binding mitigation measures to offset impacts to the species once its range of occupation is known. Another way to phrase this is that Caltrans has failed to explain how ordering a survey of the murrelet’s presence in the area, without more, constitutes adequate mitigation for the species under CEQA.

Moreover, Caltrans fails to explain why the Project is not likely to adversely modify the murrelet’s designated critical habitat or the spotted owl’s habitat. The DEIR/EA claims that although a quarter of an acre of tan oak woodlands would be removed in connection

with the Project, the “quality” of the removed trees is reduced by their close proximity to the highway, businesses, and residences. (DEIR/EA at 104.) However, the Project’s *true* impact is comprised of more than just the loss of those particular trees. In fact, new tracts of lower “quality” habitat would be created at the edge of the newly cleared area, and the remaining habitat would be even more exposed to the highway, businesses, and residences. By this logic, future projects could cause the area to die a “death by a thousand cuts,” whereby while each individual project claims only a small, localized impact, soon the entire forest has been cleared. Caltrans should reexamine the Project’s impacts to biological resources and provide full and effective mitigation, and explain how the proposed mitigation adequately addresses the predicted impacts.

Failure to Analyze the Project’s Greenhouse Gas Emissions

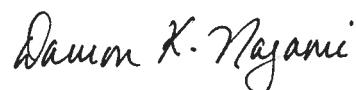
The DEIR/EA fails to address the greenhouse gas implications of the Project. Through passage of Assembly Bill 32 in 2006, California has committed to reducing greenhouse gas emissions to 1990 levels by 2020. Moreover, last year’s passage of Senate Bill 375 guarantees that regions will be looking closely at the greenhouse gas emissions associated with infrastructure projects, especially transportation projects. The DEIR/EA fails to analyze the impact that, for example, the anticipated loss of trees would have on CO₂ levels and the surrounding ecosystem. For this reason alone, a full EIS on this Project is required.

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For all the reasons set forth above and in the attached comment letter by CSPF, which we have incorporated into our comments, NRDC respectfully requests that Caltrans prepare an individual Section 4(f) Evaluation, revise the DEIR, and prepare a full EIS to comply with Section 4(f), CEQA, and NEPA.

Thank you in advance for considering and responding to our comments.

Respectfully submitted,



Damon Nagami
Staff Attorney

Attachment