State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
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GAVIN NEWSOM, Governor
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July 11, 2025

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SUBJECT: DN 101 CULVERT REHABILITATION AND FISH PASSAGE PROJECT.
SCH# 2025060510

Dear Julie Price:

On June 11, 2025, 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 DN 101 Culvert Rehabilitation and Fish Passage Project (Project), Del Norte County, California. CDFW understands that the Lead Agency will accept comments on the Project through July 11, 2025.

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 (Fish & G. 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; California Public 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 Project's impacts on public trust resources.

Project Description

As stated in the IS/ND, the Project is located on a section of U.S. Highway 101 (U.S. 101) in Del Norte County, California between post miles (PM) 0.0 and 46.5. The project would rehabilitate 20 drainage systems and remediate fish passage at two of these locations (Mello Creek at PMs 37.46 and Delilah Creek at PM 41.96). As summarized in IS/ND section 1.8, the Project includes many Standard Measures and Best Management Practices to avoid or minimize impacts to biological and other resources.

Environmental Setting and Special Status Species

Coastal streams in Del Norte County 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]), Klamath Mountains Province distinct population segment (DPS) of steelhead (*O. mykiss*; Species of Special Concern [SSC]), coastal cutthroat trout (*O. clarkii clarkii*; SSC), Longfin smelt (*Spirinchus thaleichthys*; ST), Pacific lamprey (*Entosphenus tridentatus*; SSC), Western brook lamprey (*Lampetra richardsoni*; SSC), Western pond turtle (*Actinemys marmorata*; SSC), foothill yellow-legged frog (*Rana boylii*; SSC) North Coast Clade, northern red-legged frog (*R. aurora*; SSC), willow flycatcher (*Empidonax traillii*; State Endangered) 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 consultation for this Project began in February 2025, with preliminary discussions of fish passage locations. CDFW looks forward to continued communication and coordination by the Lead Agency regarding specific Project components, impacts, and proposed mitigation strategies.

CDFW Permitting

Based on information provided in the IS/ND, the proposed Project will have substantial impacts to the bed, bank or channel of streams. Caltrans should notify CDFW for a Lake or Streambed Alteration (LSA) Agreement. Based on information provided in the IS/ND, CDFW agrees with the Lead Agency that the Project could result in take[1] (e.g., capture and relocation of fish) of species listed as threatened, or endangered pursuant to Fish and Game Code. CDFW looks forward to continuing coordination with Caltrans regarding state permitting requirements.

CDFW Comments on the IS/ND:

1. **Fish Passage 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 clearly shown on figures or plans within the IS/ND for the entirety of project locations. 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 (HSU, Love 2022). 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),

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

and 15063(a)(1)). Additionally, insufficient ROW or TCE areas could result in Project delays or unforeseen additional costs to Caltrans. Prematurely approved CEQA documents can, and do, result in costly major re-work during Caltrans' design phase (Caltrans 2022). Permitting delays and design re-work can be avoided if resources for stream geomorphic assessments and associated modeling for fish passage design are allocated prior to CEQA (AB 1282).

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 for stream grading that utilize stream geomorphic assessments, long profile elevation surveys, channel cross sections, and HEC-RAS modeling (Recommendation 1). 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.

Summary of Recommendations

1. CDFW recommends the IS/ND be revised to include a minimum of 30% design plans for stream grading 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.

Thank you for the opportunity to comment on this 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 Gregory.OConnell@Wildlife.ca.gov.

Sincerely,

DocuSigned by:
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Citations

AB 1282. (2019). Transportation Permitting Task Force. 2019 Final Report. Recommendation 3: Improve Planning and Delivery. Retrieved July 1, 2025, from https://calsta.ca.gov/-/media/calsta-media/documents/ab-1282-task-force-2019-report-remediated-101320-with-appendices.pdf.

Caltrans. (2022). Highway Design Manual. Chapter 870, Topic 873 – Design Concepts. Retrieved July 1, 2025, from https://dot.ca.gov/-/media/dot-media/programs/design/documents/chp0870-a11y.pdf.

Humboldt State University [HSU], Michael Love & Associates, Inc. (2022). Fish Passage Engineering Project. Site Analysis Final Report. Retrieved July 1, 2025, from https://www.cafishpac.org/application/files/4117/2859/8724/FishPassageEngineeringReport_Final-wAppendices.pdf.