



# FRIENDS OF THE EEL RIVER

*Working for the recovery of our Wild & Scenic River, its fisheries and communities.*

Thursday, May 7, 2020

California Department of Transportation  
Attn: Cassie Nichols  
North Region Environmental—District 1  
1656 Union Street  
Eureka, CA 95501

Submitted via email to: [cassie.nichols@dot.ca.gov](mailto:cassie.nichols@dot.ca.gov)

**RE: Comments of Friends of the Eel River on Initial Study & Proposed Mitigated Negative Declaration for South Eel River (“Eight Mile”) Bridge Seismic Project**

Dear Ms. Nichols,

Thank you for the opportunity to review and comment on the proposed project. Friends of the Eel River submits the following comments on behalf of our board, staff, and members. Friends of the Eel River seeks to protect and restore the Eel River’s ecosystems, with a particular focus on its fisheries.

In general, Friends of the Eel River recognizes the need to upgrade and maintain our transportation infrastructure. We commend CalTrans for recognizing the vulnerability of the existing 8 Mile bridge structure to seismic damage and moving to provide a safer structure for future public needs, as well as the need to provide the public with a structure that meets appropriate standards. As CalTrans appropriately notes, the present bridge has dangerously narrow one foot shoulders, as well as traffic lanes more narrow than current safety standards require.

Of the options under consideration, Friends of the Eel River supports Alternative C. Alternative C would significantly improve public safety by providing four foot shoulders. Wider shoulders would allow bicycles to pass safely without entering traffic lanes, and would allow recreationists to walk more safely across the bridge.

While Alternative B would also provide a wider structure with similar safety, the potential impacts of Alternative B on the bridge’s bat colonies have not been adequately studied, and proposed mitigations are neither sufficiently specific nor certain, to go forward on the basis of the present analysis. As the document states on page 76 of the PDF,

*Lack of habitat throughout two breeding seasons could cause permanent impacts to bat species and may prevent the return of maternity roosting colonies.*

The document does not identify and analyze mitigation measures sufficient to prevent potentially significant impacts to bats. It states only that “*If Alternative B is chosen, a plan will be developed, in coordination with CDFW, for bat housing outside of the project disturbed area.*” A project that is likely to cause permanent impacts to bat species, including sensitive species, cannot legally proceed on the basis of the proposed Mitigated Negative Declaration discussed in the present document. At a minimum, an Environmental Assessment must be prepared to evaluate the potential impacts on bats and the mitigations necessary to reduce them to a less than significant level.

**HUMBOLDT OFFICE**

[foer@eelriver.org](mailto:foer@eelriver.org)  
PO Box 4945, Arcata, CA 95518 • 707.798.6345

**NORTH BAY OFFICE**

David Keller, [dkeller@eelriver.org](mailto:dkeller@eelriver.org)  
1327 I Street, Petaluma, CA 94952 • 707.763.9336

By contrast, Alternative C proposes to build a new bridge with new bat habitat and only then remove the existing bridge. This would minimize disruption to the bat colonies.

The other really important issue we have identified in the proposed project is the need to secure safe public access to the Eel River for recreational users. As Jerry Albright, a real authority on whitewater boating on the Eel River, has pointed out in his own May 1, 2020 letter commenting on the project, the 8 Mile bridge is a critical access point for recreational boaters. It's not only a put-in for the popular and easy run from Outlet Creek to Dos Rios; it's also the *only* take out for the more challenging Hearst to Outlet Creek run.

As Mr. Albright has also pointed out, California Streets and Highway code does appear to specifically require consideration of the "feasibility of providing public access to the navigable river for public recreational purposes" for any new bridge across a navigable river. The statutes he cites reflect the broad understanding that California's rivers are a public trust, and that one of the duties of government is to provide safe and secure access to our rivers where it feasibly can do so. Bridges are one of the very few places where public rights of way along our public roads allow public access to our rivers. While this is generally true, it is an especially salient fact in the remote and geologically rugged area where this project is located. Public access to the Eel River, especially the upper mainstem, is remarkably limited given the remarkable recreational values that led to its designation as a Wild and Scenic River under both the California and federal statutes; securing safe access where possible is thus especially important in this project.

The 8 Mile bridge is, as Mr. Albright makes clear, a particularly important example of such an access point. Thus, it is really vital that CalTrans take up Mr. Albright's suggestion to use this project to secure a safe footpath down to the river. As well, it would be extremely helpful if adequate safe parking could be secured above the footpath. We need hardly remind CalTrans of the undesirability of maintaining the present situation, where critical access exists but is not especially safe. This increases risks for everyone from motorists to recreationists.

### **Specific comments on the document:**

On page 7, Table 1 notes that a California Wild and Scenic Rivers Act determination "may be required" from the California Natural Resources Agency. Under what circumstances would it be? When would it be issued? What would need to be demonstrated to secure such a determination?

On what we think is page 20 – there are no page numbers on the document after page 7, which is not especially helpful – the document states that:

*"East of the bridge, and in the viewshed of the project site, is an abandoned railroad line and trestle structure owned by the Northwestern Pacific."*

This statement contains multiple misstatements of fact. As your own project maps show (see, e.g. Figure 3, on page 50 of the PDF), the rail line and trestle are *west* of the bridge, not east. They are owned not by 'the Northwestern Pacific,' but by the North Coast Railroad Authority (NCRA), a state agency, and have been since 1989. The rail line decidedly has not been "abandoned," a formal process before the Surface Transportation Board that would have unraveled the entire 300-mile right of way underlying the NCRA line.

In fact, the state of California is now working to turn the NCRA line into the heart of the Great Redwood Trail, a walking, hiking and biking trail that will run from Humboldt Bay to the San Francisco Bay. So the hikers and bicyclists are coming to join the boaters and beachgoers on the Eight Mile bridge, and

many of them will be coming from the GRTA just to the west of the project. Please consider and make provisions for them to safely reach the river access on the north side of the road, as they will be coming east bound, and would normally be in the eastbound bike lane. It is honestly disheartening that a transportation agency of CalTrans' sophistication and capacity would completely overlook these issues.

As Mr. Albright has pointed out, the document also seems to mischaracterize public access to the river. On what appears to be page 20, the document states that "Large pullouts are east and west of the bridge on the westbound side." However, access to the river is blocked on the west side of the river by a posted and locked gate. Thus, there is at present no public access on the west side of the river. And as Mr. Albright makes clear, the parking available on the east side, where the river access is, is only a single lane next to the traffic lane. Given that rafts and other watercraft must be unloaded and loaded here, that is an unsafe situation for all concerned.

### Coho Salmon

On page 62 of the PDF, the document states that:

*"In the mainstem Eel River, coho salmon were known to have spawned in several small tributaries of Outlet Creek during the 1988-1989 season. Surveys conducted on 42.89 miles (69 km) of Outlet Creek and on 12 of its tributaries during the 1989-1990 season were unable to find any coho salmon (Yoshiyama and Moyle 2010)."*

However, contrary to the document's implication, coho salmon are still very much present in Outlet Creek. The National Marine Fisheries Service published the final Recovery Plan for Southern Oregon and Northern California Coho in 2014. That document noted, at page 45-5, that:

*CDFG annual surveys of Outlet Creek have estimated the escapement ranges from 0 to 25 coho salmon annually (LeDoux-Bloom and Downie 2007); however, in 2007/08 over 40 spawners were observed during a survey of Willits and Mill creeks (tributaries of Outlet Creek)(Harris 2010) and in 2010/11 the spawner population was estimated to be approximately 298 individuals (Harris and Thompson 2011). However, of particular concern is that two year classes have been mostly absent. In all Middle Mainstem Eel River streams, breeding groups have been lost or severely depressed. The population growth rate is unknown but is likely negative in most years.*

It's frankly alarming that CalTrans would get such a critical biological fact so completely wrong. Outlet Creek coho salmon run the longest distance and are the southernmost population on the West Coast. Their genetic diversity is a matter of the highest conservation concern. It is absolutely critical this project have no impact on Outlet Creek coho. It is impossible to propose adequate mitigation without an accurate picture of the potential harm one seeks to mitigate. Please provide additional information about how CalTrans plans to consult with NMFS on Outlet Creek coho.

### Summer Steelhead

The document notes that summer run steelhead are a state candidate species for protection as threatened under the California Endangered Species Act. It does not note that if Scott Dam is removed, summer steelhead will again run below the Eight Mile bridge on their way to the upper Eel River. How do we know that? Rainbow trout in the upper basin above Scott Dam have been sampled and found to have the key genetic marker for the summer-run life history. So while it is technically accurate that summer steelhead are not now running below the bridge, it is very likely they will be in the years to come. Thus, the timing of this project vis-a-vis Scott Dam removal is a critical issue in considering whether it could cause impacts on summer steelhead. Please provide additional information about how CalTrans plans to

consult with NMFS and the California Department of Fish and Wildlife on steelhead, especially summer steelhead.

### Lamprey

The failure to survey for Pacific lamprey and brook lamprey for this project is really unfortunate. These species are very likely to be harmed by the project if they are present in the substrate that will be dewatered. Again, it is impossible to propose adequate mitigation without an accurate picture of the potential harm one seeks to mitigate.

### Conclusion

While the document's environmental analysis and factual basis are of lower quality than the citizens of California have a right to expect from their public agencies, the proposed project does not at this point appear to pose truly significant risks, if properly implemented, to the fisheries of the Eel River. We await confirmation of that assessment from the expert agencies. As noted above, Scott Dam removal and recovery of upper Eel River summer steelhead will require further consultation and analysis if the project is not completed prior to dam removal.

Also as noted above, the most important aspects of the project for the human communities that will use the bridge have to do with the need to better provide for safe recreational access. Friends of the Eel River's view is that Alternative C best meets the need for a larger, safer bridge surface while protecting the bat colonies that have come to depend on the bridge.

Thank you for your careful consideration of these comments.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Scott Greacen', followed by a long horizontal line extending to the right.

Scott Greacen  
Conservation Director, Friends of the Eel River  
California Bar 277346