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STAFF REPORT: REGULAR CALENDAR

Application No.: 1-26-0377

Applicant: California Department of Transportation (Caltrans)
District 1

Location: Wilson Creek Road (APN's 127-050-007-000, 127-050-008-000, 127-040-004-000, 126-090-005-000) and along Highway 101 between postmiles 12.7 and 16.5, approximately 10 miles north of Klamath, in Del Norte County.

Project Description: Geotechnical investigation that includes access road construction and the drilling of approximately 29 borings to a maximum depth of 400 feet to obtain information on subsurface conditions and to inform project design for the future planned Last Chance Grade Permanent Restoration Project.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The California Department of Transportation (Caltrans) proposes to conduct a geotechnical investigation along Highway 101 just south of Crescent City at an area known as Last Chance Grade in Del Norte County. The work would be on both state park and federal park lands and within the existing state highway right-of-way. Highway

101 at Last Chance Grade in Del Norte County is the sole highway link between Crescent City and communities to the south. The area known as Last Chance Grade is an approximately four-mile segment between Post Miles 12.7 and 16.5 that traverses an area of chronic geologic instability, where active landslides and slope failures continuously threaten the near and long-term viability of the roadway. Caltrans is developing the Last Chance Grade Permanent Restoration Project (EA 01-0F280) to permanently address the instability and potential roadway failure along this corridor. Caltrans recently completed a Final Environmental Document (FED) for the project and intends to move into the final design and permitting phase for the project, with construction anticipated in the 2030s. Under the FED, the preferred alternative for the permanent project involves construction of a new Highway 101 bypass tunnel that will include a South Portal, North Portal, and Operations and Maintenance Center. This CDP only authorizes the geotechnical investigation described herein. Caltrans will pursue a separate CDP for the Last Chance Grade Permanent Restoration Project.

This proposed project would provide geotechnical information necessary for the analysis of the final alternative and final designs. This geotechnical project consists of approximately 29 vertical and inclined geotechnical borings, at four investigation areas. The drill bit has a diameter of 4.75 inches, and the borings will reach a depth of approximately 400 feet. Data collected from the borings will inform final engineering design of the tunnel, portal structures, and associated facilities. The investigation requires the construction of a temporary access road to reach boring locations that are not accessible from the existing highway.

Coastal Act issues raised include, but are not limited to, impacts to environmentally sensitive habitat areas (ESHA), coastal waters, and tribal cultural resources. Primarily, because of the construction of a necessary access road to reach the potential tunnel's south portal location, the project will result in unavoidable, permanent, impacts to ESHA of approximately 0.86 acres, specifically impacts to associated communities including Red Alder (0.41 acres), Salal-Berry Brambles (0.43 acres), and Sitka spruce forest (0.02 acres). Notably, Caltrans would impact all these areas in the larger permanent project, and the access road will remain in place to serve for construction of that larger project. There will not be any removal or direct impacts to any old-growth redwoods.

As mitigation for these impacts, Caltrans proposes to provide funding to California State Parks for their Redwood Rising program, a joint effort between State Parks, the National Park Service, and Save the Redwoods to restore formerly logged redwood forests in Redwood National and State Parks. Commission staff, State Parks staff, and Caltrans have identified a proposed location for State Parks to implement Redwood Rising activities with Caltrans funding on a 69-acre parcel, with Caltrans providing funding to cover some 40 acres of Redwood Rising activities. Although this location is just outside the actual coastal zone here, it is adjacent to the coastal zone, on Redwood National and State Parks Forest land, and includes old-growth Sitka spruce forest with potential for ecological benefits.

Further, **Special Condition 2** requires the applicant to implement appropriate Best Management Practices and Avoidance and Minimization Measures to minimize potential

impacts from construction-related pollutants as the inadvertent spilling of any fuels, oils, or drilling fluids from boring activities or construction equipment could pollute coastal waters if not properly managed and contained during field work. **Special Condition 11** includes provisions for the protection of archaeological and tribal cultural resources.

Because this project has impacts to ESHA and is not a coastal dependent use, the project is inconsistent with Section 30240. Commission staff recommends the application of conflict resolution to approve the project, given the project's great importance and necessity to the provision of public access to the coast in this stretch of California.

As proposed and further conditioned, staff believes all potential adverse impacts on coastal resources are addressed to ensure consistency of the development with Chapter 3 policies of the Coastal Act. Thus, Commission staff recommends that the Commission **APPROVE** coastal development permit application 1-26-0377, as conditioned. The motion is on **page 5**.

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EXHIBITS

[Exhibit 1 - Regional Location Map](#)

[Exhibit 2 - Project Location Map](#)

[Exhibit 3 - Project Description](#)

[Exhibit 4 - Avoidance and Minimization Measures](#)

[Exhibit 5 - Boring Locations and Access Road Layout Plans](#)

[Exhibit 6 - State Parks Map of Potential Redwood Rising areas](#)

MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit Application No. 1-26-0377 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit No. 1-26-0377 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

I. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

II. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Other Agency Approvals.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, or authorizations for the approved project have been granted by all other applicable agencies, including the U.S. Fish and Wildlife Service, Redwood National and State Parks, and the State Historic Preservation Officer or evidence that no such authorizations are required from each of these entities. The Permittee shall inform the Executive Director of any changes to the project required by any other authorizations. Any such changes shall not be incorporated into the project until the Permittee obtains an amendment to this permit, unless the Executive Director determines that no amendment is legally required.
2. **Construction Responsibilities.** The Permittee shall undertake development in compliance with all proposed “best-management practices” (BMPs) and “Avoidance and Minimization Measures” (AMMs) attached as **Exhibit 4** to the project to protect water quality, sensitive habitats and species, and other coastal resources, except as supplemented or modified herein:
 - A. **Timing of Construction.** All geotechnical investigation activities authorized by this permit, including but not limited to drilling operations, temporary access road construction, vegetation clearing, grubbing, topsoil stripping, staging area preparation, and equipment mobilization, shall occur only during the period from September 16th through January 31st, outside of the Northern Spotted Owl and Marbled Murrelet nesting seasons. No project activities shall occur outside this approved work window.
 - B. **Temporary High-Visibility Fencing.** Where practicable and where additional impacts to habitats do not occur, the Permittee shall install temporary high-visibility fencing around environmentally sensitive habitat areas, sensitive natural communities, and special-status plant populations with the potential to be impacted by adjacent construction activities to clearly delineate the limits of permitted work and prevent inadvertent encroachment by equipment, vehicles, or personnel into adjacent undisturbed habitat. This includes placement of THVF along access roads and staging areas following their construction.

- C. **Biological Monitoring.** AT LEAST ONE WEEK PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall retain a qualified biological monitor, approved by the Executive Director, to be present during all ground-disturbing activities authorized by this permit, including but not limited to vegetation clearing, grubbing, topsoil stripping, temporary access road construction, drilling operations, and site demobilization and restoration. The Permittee shall submit, for the review and approval of the Executive Director, the name, qualifications, and contact information of the proposed biological monitor. The biological monitor shall have demonstrated experience with the sensitive species and habitats present in the project area, including marbled murrelet, Northern spotted owl, Humboldt marten, and the sensitive natural communities identified in the project area.
3. **Road Maintenance and Removal Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit, for the review and approval of the Executive Director, a Road Maintenance Plan (RMP). The RMP shall include, at a minimum:
- A. Photo documentation of the road condition following the completion of construction.
 - B. A description of weatherization efforts.
 - C. A proposed monitoring plan, including monitoring methods, inspection schedules, etc.
 - D. A plan for the management of invasive species to prevent invasive species from spreading from the road to adjacent habitat.
 - E. Date for removal of the road and description of activities needed for removal of the road, in the event should the long-term project not occur.
4. **Construction Pollution Prevention Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit, for the review and approval of the Executive Director, a final Construction Pollution Prevention Plan (CPPP) that addresses all potential sources of water pollution associated with the geotechnical investigation activities. The CPPP shall include:
- A. Erosion and Sediment Control Plan identifying the type and location of all erosion and sediment control devices to be deployed.
 - B. An identification of all waterways, drainages, and water bodies within 200 feet of proposed boring locations, access roads, and staging areas.
 - C. Stormwater management measures to prevent the discharge of sediment-laden runoff from disturbed areas to any waterway or drainage.
 - D. Protocols for the management, containment, and disposal of all drilling fluids, including water-based drilling muds, additives, and drill cuttings, to prevent any discharge to surface waters or groundwater.
 - E. Procedures for the decontamination of drilling equipment between boring locations to prevent cross-contamination of subsurface conditions and the spread of invasive species.

- F. A requirement that all erosion and sediment control measures be inspected daily during active work periods and within 24 hours following any precipitation event of 0.5 inches or greater, and that any deficiencies be corrected immediately.
 - G. Stabilization measures for all disturbed areas, including temporary access roads, drill pads, and staging areas.
 - H. A requirement that all temporary erosion control materials be removed upon completion of site restoration, unless their retention is necessary for ongoing stabilization as determined by the Executive Director. All best management practices shall remain in place and be maintained in good working condition throughout the duration of project activities and until all disturbed areas have been stabilized or restored.
 - I. A spill prevention and response plan identifying the types and quantities of hazardous materials to be used or stored on site, containment measures, and response procedures.
 - J. The name and contact information of the person responsible for implementing and overseeing compliance with the CPPP during all project activities. The Permittee shall implement the approved CPPP throughout the duration of all project activities.
5. **Debris Disposal Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit, for the review and approval of the Executive Director, a plan for the disposal of excess construction debris and materials including excess fill, vegetated spoils, construction debris, and waste material. The plan shall include, at a minimum, the following:
- A. A description of the anticipated excess fill, vegetated spoils, debris, and waste material expected, which shall identify any hazardous materials.
 - B. A site plan showing all proposed locations for the temporary stockpiling of construction debris, soils and vegetative spoils, excess materials, and any other debris and waste associated with the authorized work at least 100 feet from wetland and riparian areas.
 - C. A description of the manner by which the stockpiled materials will be removed from the construction site and identification of all debris disposal sites that will be used.
 - D. A schedule for removal of stockpiled materials from the construction site and temporary stockpile sites and identification of all authorized debris disposal sites that will be used for lawful disposal.

The Permittee shall undertake development in accordance with the approved final Debris Disposal Plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission approved amendment to this CDP unless the Executive Director determines that no amendment is legally required.

6. **Pre-Construction Botanical Surveys.** The Permittee shall adhere to the avoidance and minimization measures outlined in the *Biological Addendum Memorandum*, dated July 9, 2026. Any changes to the memorandum or the completed Pre-construction Botanical Survey shall be submitted to the Executive Director for review

and approval. A permit amendment may be required to address any discrepancies, unless determined unnecessary by the Executive Director.

7. **Construction Impact Validation.** The Permittee shall timely submit the following reports related to validation of construction impacts.
 - A. **Pre-Construction Vegetation Maps.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit baseline maps including in print and as shapefiles, if feasible, of the vegetation communities present following characterization per the Manual of California Vegetation (online version) or a similar approved report, which shall document the physical extent and acreage of each proposed impact areas. Any sensitive species detections not previously documented in submitted materials shall be clearly reported, including with annotations identifying occurrences as new, and shall be additionally submitted to Redwood National and State Parks, CDFW, and/or USFWS, as appropriate, and to the California Natural Diversity Database (CNDDDB). Photos shall be taken from designated points across the survey area, at spacings and perspectives sufficient to represent existing conditions and support impact evaluations.
 - B. **Post-Construction Surveys.** WITHIN 90 DAYS FROM THE COMPLETION OF CONSTRUCTION, the Permittee shall submit post-construction surveys for each relevant habitat that shall document, at a minimum: the physical extent and acreage of all impacted habitats, and the activities that occurred within the area, including any vegetation clearance, mortality, or other significant reduction in vegetation cover due to project activities (e.g., pruning, side-casting), or ground disturbance. Post-construction surveys shall include photos from the designated points used for pre-construction comparison to support impact evaluations. A copy of post-construction surveys shall be provided to Redwood National and State Parks for review and confirmation.
 - C. **Impact Validation Report.** WITHIN 120 DAYS FROM THE COMPLETION OF CONSTRUCTION, the Permittee shall submit a final report comparing the extent and nature of impacts as estimated by the Permittee in the submitted materials with those observed following construction. A copy of the Impact Validation Report shall be provided to Redwood National and State Parks for review and confirmation. The observed impacts, once approved, shall form the basis of the compensatory mitigation obligation and be considered permanent. If the observed impacts are greater than what has been assessed as part of the Commission's authorization, a permit amendment will be required to address the discrepancy, unless determined unnecessary by the Executive Director.
8. **Interagency Cooperation.** UPON APPROVAL OF THE PERMIT, the Permittee shall make a good faith effort to complete a Memorandum of Understanding (MOU), cooperative agreement, or similar legally binding agreement, with the Coastal Commission and Redwood National and State Parks that provides for a mutual

framework for habitat mitigation for anticipated impacts of the Last Chance Grade Permanent Restoration Project to ESHA on State Parks property. The Permittee shall endeavor to complete the MOU within one year prior to anticipated CDP action on the permanent restoration project. The MOU shall cover the following, as consistent with the requirements of **Special Condition 9**: (a) pre-implementation surveys at the Mitigation Site; (b) development of the specific Mitigation Plan under the Redwoods Rising Program; (c) scheduling and implementation of the mitigation activities; (d) monitoring and adaptive management activities; (e) reporting responsibilities; and (f) any remedial action that may be necessary to address non-performance.

9. **Final Mitigation Plan.** WITHIN ONE YEAR FROM THE DATE OF PERMIT ISSUANCE, the Permittee shall submit a final Mitigation Plan developed in collaboration with RNSP, prepared by a qualified restoration ecologist, and as consistent with the following, to the Executive Director for review and written approval. The final Mitigation Plan shall provide for habitat enhancement activities covering no less than 40 acres through the Redwoods Rising Program (Mitigation Site) as compensation for habitat impacts of the project. The Mitigation Site shall be located within the 69-acre parcel depicted as Option 2 in **Exhibit 6**. The final Mitigation Plan shall include, at a minimum, each of the following components:
 - A. **Overview.** An overview of the proposed Redwoods Rising Program (RRP) within the Greater Mill Creek Project Area and a description of the specific Rellim Ridge Trail South area, including habitat types and existing ecological resources, and an overview of the RRP goals for ecological enhancement at the Mitigation Site.
 - B. **Impact Summary.** A summary of final impacts that the Mitigation Site is intended to compensate for, consistent with the final impacts identified in the Impact Validation Report (Special Condition 7).
 - C. **Proposed RRP Strategy and Implementation.** A description of the proposed objectives including mitigation strategy and specific implementation activities to take place, and a timetable for implementation.
 - D. **Pre-Implementation Surveys.** Prior to implementation of mitigation activities, the Mitigation Site shall be surveyed to document sensitive resources including vegetation, wildlife, wetlands, and streams. Invasive species presence and extent shall also be documented.
 - E. **Figures.** Final figures, maps, and related information depicting existing habitat resources, RRP activities, and intended outcomes, including before and after photographs from the same locations.
 - F. **Design Plans and Implementation Methods.** Specification of final Mitigation Site design and implementation methods consistent with identified goals and objectives, including detailed plans showing final topography, vegetation, and all significant features characteristic of the intended habitat (e.g., retained snags for wildlife), staging and areas for implementation of BMPs (to be listed and detailed as part of the Plan); provision for how plans relate to the surrounding environment; and consideration of future conditions including surrounding land use, climate, and other potential stressors.

- G. **Monitoring.** Provision for monitoring all California Invasive Plant Council-listed species excluding non-native annual grasses, including a description of methods. In addition, changes in understory habitat condition and wildlife use shall be documented.
- H. **Adaptive Management.** Provision for adaptive management strategies, including potential response(s) to invasive species proliferation within the Mitigation Site.
- I. **Reporting.** Provision that eight (8) weeks following completion of implementation, an as-built report summarizing mitigation activities implemented, a description of consistency with approved plans, documentation of acreage treated, maps and descriptions of any temporary infrastructure installed, photos taken from fixed points, and a description of consistency with all terms and conditions of this Permit, to be submitted to the Executive Director. In addition, provisions for annual monitoring reports on the condition of the Mitigation Site consistent with the RRP shall occur annually for no less than five (5) years. All reports shall be prepared by a qualified restoration ecologist and be submitted to the Executive Director for review and approval, no later than December 31st of each year, and consistent with the following:
 - 1. Any observations of sensitive species shall be reported to the California Department of Fish and Wildlife for inclusion in the California Natural Diversity Database via its Online Field Survey Form (see <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>) and a confirmation of this action shall be provided in the report.
 - 2. Status of native understory habitat, including species present and vegetation extent.
 - 3. Presence of invasive species in the Mitigation Site and efforts to control or eradicate invasive species.
 - 4. Record of wildlife use within the Mitigation Site.
 - 5. Any specific recommendations to adaptively manage the Mitigation Site and facilitate long-term success consistent with specified objectives. Once a monitoring report is approved by the Executive Director, recommendations identified in the report shall become prescriptive unless otherwise advised in writing.
 - 6. A final monitoring report shall be submitted no sooner than five (5) years following mitigation implementation, and shall include a summary of all prior reports, including the trajectory of habitat condition and sufficient detail to evaluate comprehensive mitigation compliance with the specified goals and objectives set forth in the approved Mitigation Plan.
- J. **Delayed implementation.** If the required mitigation has not been initiated within five (5) years of construction commencement of the development approved in this CDP, the Executive Director may require that the Permittee provide a Supplemental Mitigation Plan with additional compensatory mitigation. If the required mitigation has not been initiated within ten years of construction commencement, the Permittee shall submit a CDP amendment application to this CDP and propose new and additional mitigation.
- K. **Non-performance.** If the final annual monitoring report indicates that the objectives of the Mitigation Plan have not been met, in part or whole, the

Permittee shall submit within 90 days a revised or supplemental Mitigation Plan for review by the Executive Director. The revised or supplemental Mitigation Plan shall be prepared by a qualified restoration ecologist approved by the Executive Director and shall specify measures to remediate those portions of the original approved Mitigation Plan that have failed or have not been implemented in conformance with the original approved Mitigation Plan. These measures, and any subsequent measures necessary to carry out the approved revised or supplemental Mitigation Plan, shall be carried out in coordination with the direction of the Executive Director until the approved revised or supplemental Mitigation Plan is established to the Executive Director's satisfaction. The revised Mitigation Plan may be processed administratively by the Executive Director, unless the Executive Director determines that an amendment to the original CDP is necessary.

10. Archaeological and Tribal Cultural Resource Protection

- A. Notification/Coordination with Cultural Resources Monitor(s).** AT LEAST THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF CONSTRUCTION, to reduce potential for impacts to tribal cultural resources during any ground disturbing activities on the subject parcel, the permittee shall (i) notify in writing, email, and/or phone calls, the representatives of Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list; (ii) invite tribal representatives to be present and to monitor ground-disturbing activities; and (iii) contract with any invited tribal representative that requests to monitor and/or a qualified archaeological monitor approved by the Native American Tribe(s) to be present to observe project activities with the potential to impact archaeological and/or tribal cultural resources. Evidence of written notification shall be made available to the Executive Director upon request.
- B. Discovery Protocol.** If an area of archeological and/or tribal cultural resources is discovered during the course of the project, project activities with the potential to impact such resources shall cease and shall not recommence except as provided in subsection (D) hereof, and the permittee shall retain a qualified archeological and/or tribal cultural resource specialist to analyze the significance of the find in consultation with Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan.
- C. Human Remains.** Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site

archaeologist and/or Native American monitor shall notify the county coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An "exclusion zone" may be established around the discovery area. Project activities may continue outside of the exclusion zone. If the county coroner determines that the human remains are those of a Native American, the permittee shall ensure that the NAHC is contacted within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The landowner/permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittee/ landowner shall notify the Coastal Commission's Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.

- D. Recommencing Activities Following a Discovery.** A permittee seeking to recommence construction within an exclusion zone following discovery of tribal cultural and/or archaeological resources shall submit a Supplementary Archaeological Plan (SAP) prepared by an archaeologist in consultation with the Native American Tribes listed on the NAHC list. The SAP shall be submitted for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

- 11. Minor Changes and Deadline Extensions.** The Permittee shall undertake development in conformance with the terms and conditions of this CDP, including with respect to all Executive Director-approved plans and other materials, which shall also be enforceable components of this CDP. Any proposed project changes, including in terms of changes to identified requirements in each condition, including deadline extensions or modification of work windows, shall either (a) require a CDP amendment, or (b) if the Executive Director determines that no amendment is legally required, then such changes may be allowed by the Executive Director if such changes: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- 12. Authority to Implement Conditions of Approval.** PRIOR TO ISSUANCE OF CDP 1-26-0377, the Applicant shall submit for the review and approval of the Executive Director evidence that clearly demonstrates the legal right, interest, or entitlement to carry out the conditions of approval of CDP 1-26-0377, including but not limited to evidence the Applicant has acquired all necessary right-of-way and/or temporary construction easement(s) for properties on which the proposed development would be located.
- 13. Assumption of Risk, Waiver of Liability, and Indemnity Agreement.** By acceptance of this permit, the Permittee acknowledges and agrees (A) that the site may be subject to hazards from tsunamis, storms, flooding, erosion, earth movement, and other natural hazards, which may worsen with climate change and sea level rise; (B) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (C) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (D) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 14. Liability for Costs and Attorneys' Fees.** By acceptance of this permit, the Applicant/Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees that the Coastal Commission may be required by a court to pay that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/ Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

III. FINDINGS AND DECLARATIONS

A. Environmental Setting and Project Location

The project is located along U.S. Highway 101, a designated scenic highway also known as the "Redwood Highway" in Del Norte County just south of Crescent City, between highway post miles 12.7 and 16.5. This segment of highway traverses steep, heavily forested coastal terrain along the western slopes of the Coast Range, situated above the Pacific Ocean. The forested slopes along the Last Chance Grade corridor support old-growth and mature second and third-growth Redwood, Douglas-fir and Sitka spruce forest, which constitute environmentally sensitive habitat area. The forest canopy and understory provide habitat for numerous sensitive natural communities and special status species. The highway corridor passes through and is bordered by the Redwood National and State Parks (RNSP) system.

The project area is situated within a landscape of significant ecological value. RNSP was designated a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site in 1980 due to its outstanding universal values related to the redwood forests. UNESCO promotes the identification, protection, and preservation of cultural and natural heritage sites worldwide that hold exceptional value for humanity. This mission is formalized through the Convention concerning the Protection of the World Cultural and Natural Heritage, an international treaty adopted by UNESCO in 1972.¹

B. Project Description and Background

U.S. Highway 101 at Last Chance Grade in Del Norte County is the sole highway link between Crescent City and communities to the south, providing connections up and down the coast. This approximately four-mile segment traverses an area of chronic geologic instability, where active landslides and slope failures threaten the long-term viability of the roadway. Caltrans has identified this segment as one of the most significant geotechnical hazards in the state highway system. The [Last Chance Grade Permanent Restoration Project](#)² (EA 01-0F280) is being developed to permanently address the instability and potential roadway failure along this corridor, with construction tentatively proposed to begin in the year 2031. Caltrans has identified a preferred alternative for the permanent restoration project that involves construction of a bypass tunnel with associated portal structures as well as an operations and maintenance center. The potential long-term tunnel is located east and inland of the existing highway, set back to avoid the most intense at-risk landslide areas. The potential long-term tunnel would also require a bridge at the northern portal to connect the tunnel alignment to the existing highway.

The purpose of this proposed geotechnical investigation is to further characterize subsurface geologic and geotechnical conditions at planned locations of key project features, including the South Portal, North Portal, Operations and Maintenance Center, and along the existing highway alignment. Data collected from the borings will inform final engineering design of the tunnel, portal structures, and associated facilities. Previous phases of geotechnical investigation have been conducted at Last Chance Grade under prior Coastal Development Permits issued by Del Norte County pursuant to its Local Coastal Program (LCP). This application represents a continuation of that investigative program to address remaining data gaps and refine the understanding of subsurface conditions at specific design-critical locations.

Proposed Activities

The proposed project consists of a series of vertical and inclined geotechnical borings at four investigation areas with approximately 29 specific borings proposed. Because the location of the potential tunnel is off the current highway alignment, set back to the east to avoid the most intense areas of landslide activities, Caltrans will need to construct a

¹ [UNESCO World Heritage Centre - World Heritage](#)

² Reference available at <https://lastchancegrade.com>.

temporary access road with four spurs to reach boring locations that are not accessible from the existing highway.

South Portal Investigation Area

The South Portal investigation area involves 13 borings designated B-79 through B-83, B-94 through B-97, and EF-1 through EF-5. These borings are located within the proposed footprint of the south portal approach structure. Because the boring locations are situated off the existing highway and within forested terrain, access requires construction of a temporary access road approximately 10 to 12 feet wide and approximately 1,500 feet in length. The access road will be constructed using low-ground-pressure equipment and will involve vegetation clearing, grading, and placement of temporary road surfacing materials to support track mounted drill rig access. Additionally, boring location EF-5 may require the use of a helicopter to deliver drilling equipment. A 50 x 50 foot raised steel platform would be constructed, and drilling activities would be conducted from the steel platform. A gate would be installed at the road entrance from U.S. Highway 101 to prevent unauthorized use of the road. Final design of the gate would be determined in conjunction with the National Park Service. Construction of the temporary access road here is anticipated to require approximately six weeks, followed by approximately 90 days of drilling operations at the boring locations.

North Portal Investigation Area

The North Portal investigation area involves two borings designated BR-1 and BR-2 at postmiles 15.6 and 15.7. Both are within the existing Caltrans right of way and will provide subsurface data for the planned single span bridge at the North Portal. One boring is within the northbound shoulder requiring limited traffic control, the other is in an existing pull-out. Drilling operations at this location will require approximately 12 days.

Operations and Maintenance Center Investigation Area

The Operations and Maintenance Center investigation area involves seven borings designated B-105, B-106, B-108, and OMC-1 through OMC-4. These borings are located within the proposed footprint of the Operations and Maintenance Center at approximately Post Mile 13.52 and are within Redwood National Park land. This approximately 1.4-acre area is proposed to be developed with buildings, parking spaces, and outdoor equipment storage. The boring locations will be accessed by an existing access road. The access road will be rocked with gravel to improve the surface for drill rig access.

Caltrans Right of Way Investigation Area

The Caltrans Right of Way investigation area involves seven borings designated CT-1 through CT-7, distributed along U.S. Highway 101 between Post Miles 13.5 and 14.4 within the existing highway right of way. Access to these boring locations will be from

the highway, requiring temporary lane closures and one-lane reversing traffic control. Drilling operations at these locations will take approximately 50 working days.

Drilling Equipment and Methods

The equipment required to complete the geotechnical investigation includes truck-mounted or track-mounted drill rigs equipped with a Standard Penetration Test (SPT) Hammer and specialized diamond drill bit, a water truck, crew cab, and the engineer or geologist vehicles. The SPT Hammer is a 140lb sledgehammer that free falls from 30-inches and is driven into the borehole to collect samples needed to determine the geotechnical engineering properties of the soil.

The investigation will use “Mud-Rotary” drilling methods which requires the use of drilling fluid which keeps the borehole, lubricates and cools the drill bit, and brings cuttings to the surface for analysis. The drilling fluid is made up of water, or water mixed with thickening agent such as bentonite clay and/or a liquid polymer. The drilling fluid is contained and recirculated through a closed system using an 8-inch outer steel casing. A mud tank will be placed adjacent to the drill rig and will be used as a settlement tank for soil cuttings which will then be placed in 55-gallon steel drums or a spoil storage tank. The steel drums will be stored at a designated staging area prior to being tested and transferred to an appropriate landfill site. The depth of the vertical and/or inclined borings range from 150 to 400 feet below the ground surface. Instrumentation such as vibrating wire piezometers and slope inclinometers will be installed in select boreholes and will remain in place and monitored for approximately 5-6 years. Following the completion of drilling activities and installation of instrumentation the boreholes will be backfilled or grouted in-place with bentonite or neat cement grout.

Construction Timing and Staging

The geotechnical project is anticipated to be in Fall/Winter of 2026 and will last approximately 4 months. All work will occur between September 16, 2026, through January 31, 2027, to avoid disturbance to nesting or roosting marbled murrelet and northern spotted owl. Activities will be phased across the four investigation areas based on access road construction requirements and drilling schedules. Access road construction and the use of helicopters will occur only during the daytime hours approximately 7 days a week. However, drilling activities are proposed to occur 24 hours per day, 7 days a week.

A staging area will be developed at the South Portal site and will be approximately 11,327 square feet in size. This will require vegetation removal, grubbing, and removal of 2 red alder trees through a combination of manual labor and heavy equipment. An existing gully requires the installation of a culvert with the water being redirected to an existing outlet. The area will be cut and filled to the proper grade then covered with a 6-inch layer of rock followed by a 6-inch layer of compacted aggregate base.

Access Road Construction

There is an existing access road at the location of the potential Operation and Maintenance Center area which will require minimal grading and vegetation removal and will be rocked to improve the road surface.

The South Portal area represents the most intensive and longest-duration component, with approximately six weeks for access road construction. Access road construction will begin with removal of all vegetation followed by the removing the top 6 inches of topsoil using a bulldozer, excavator, or skid steer. The removed soil will be stockpiled at the staging area and protected from the elements. The access road will be compacted, covered with a High Density Polyethylene (HDPE) grid which is used to provide rigidity and stability to the road surface, improve load distribution, and control erosion. Gravel will be placed on top of the HDPE grid and compacted.

Following the completion of drilling activities the access road will not be removed but will remain in place until construction of the larger Last Chance Grade Restoration project begins. However, to ensure that the access roads do not contribute to sedimentation and erosion, Caltrans will prepare a Road Maintenance Plan which will include monitoring and maintenance requirements to ensure the roads are weatherized and invasive species are managed. **Special Condition 3** requires the submittal of the Road Maintenance Plan as well as annual monitoring reports documenting maintenance activities by December 31st of each calendar year. **Special Condition 3** also requires removal of the access road in the event the larger permanent project is never constructed.

C. Standard of Review

Portions of the proposed project will occur within the Coastal Commission's retained Coastal Development Permit (CDP) jurisdiction because they are on national park lands, and portions are located within Del Norte County's Local Coastal Program (LCP) jurisdiction. Under Coastal Act Section 30601.3, when a project requires a CDP from both a local government with a certified LCP and the Commission, the Commission may process a consolidated CDP application for the proposed development when the applicant, the local government, and the Commission's Executive Director agree to process the CDP as a consolidated CDP.

The Del Norte County Board of Supervisors adopted a resolution (Resolution No. 2008-072) generally delegating to the Community Development Department Director the authority to request consolidation of CDP applications that span both the County and State permit jurisdictions. On March 16, 2026, Commission staff received documentation from Del Norte County approving Caltrans request for a consolidated CDP. The Executive Director agreed to the consolidation request on July 22, 2026. The standard of review for a consolidated CDP application is the Chapter 3 policies of the Coastal Act; the certified LCP may be used as guidance.

D. Applicant's Legal Interest in Subject Properties

Section 30601.5 of the Coastal Act states:

Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the commission shall not require the holder or owner of any superior interest in the property to join the applicant as co-applicant. All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as co-applicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

Under Section 30601.5 of the Coastal Act, an applicant for a CDP does not need to be the owner of a fee interest in the property on which the proposed development is located as long as the applicant can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, and as long as all holders or owners of any other interests of record in the affected property are notified in writing of the permit application and invited to join as co-applicants. In addition, section 30601.5 of the Coastal Act requires that the applicant demonstrate authority to comply with all conditions of approval prior to issuance of a CDP.

U.S. Highway 101 is within the existing Caltrans right of way. However, this proposed project also includes work on lands under the ownership of the National Park Service (NPS) and California Department of Parks and Recreation (CDPR). **Special Condition 11** requires Caltrans to demonstrate it has obtained the appropriate property rights of entry prior to conducting any work outside of Caltrans right of way. Caltrans invited the Redwood National and State Parks (RNSP) to join as co-applicant consistent with Section 30601.5, however, RNSP declined to join as co-applicant.

E. Other Agency Approvals

The project requires approvals from other agencies, including the U.S. Fish and Wildlife Service, State Historic Preservation Office, and Redwood National and State Parks. **Special Condition 1** requires submittal of these other agency approvals and consultations prior to commencement of construction. The applicant is required to inform the Executive Director of any changes to the project required by any other authorizations. Any such changes would not be incorporated into the project until the applicant obtains an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

F. Environmentally Sensitive Habitat Areas

Coastal Act Section 30107.5 states:

“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Coastal Act Section 30240 states:

- a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The proposed project would involve work within a highly sensitive and protected ecological area, and the project area is situated within a landscape of undisputed ecological value. The geotechnical investigation would take place in dense areas of native vegetation, including old-growth Sitka spruce forest, and in the vicinity of old-growth redwood forest. The redwood and Sitka spruce forest communities are considered sensitive and rare in California. The project would include construction on Redwood National and State Park lands, which were designated a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site in 1980 due to its outstanding universal values related to the redwood forests.

The geotechnical investigation is designed to avoid direct impacts to the most sensitive biological resources in the project area. Specifically with respect to the late-seral (old-growth) Sitka spruce, no old-growth trees will be directly impacted. However, certain impacts to ESHA cannot be fully avoided given the operational need to access investigation locations that are not served by existing roads. The access road, its spurs, and the drilling pads will mostly be confined to younger, non-late-seral community types (red alder forest and salal-berry brambles shrubland) but will include impacts to a late-seral Sitka spruce forest community.

Sensitive Natural Communities

Four sensitive natural communities have been mapped within or adjacent to the investigation areas:

- Redwood Forest (Sequoia sempervirens Alliance – G3/S3)³

³ See California Department of Fish and Wildlife's California Natural Community List - <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398&inline> for vegetation community rarity rankings as of June 2026. Global (G) and State (S) rankings of Level 1 are recognized as "critically imperiled", Level 2 as "imperiled", and Level 3 as "vulnerable", and these are considered sensitive by the State. While all alliances have been ranked, the more refined and ecologically significant unit of associations are still continually being assessed; however, where denoted with a "Y", this indicates that the association is considered sensitive even if not yet ranked. Generally, where an alliance qualifies as sensitive, so will all associations therein; if an alliance is not considered sensitive, it remains that associations within an alliance may still be determined as such.

- Sitka Spruce Forest (*Picea sitchensis* Alliance, *Picea sitchensis* / *Rubus spectabilis* Association – G5S2, G3Y)
- Red Alder Forest (*Alnus rubra* Alliance, *Alnus rubra* / *Rubus spectabilis* – *Sambucus racemosa* Association – G5S4, G3G4Y)
- Salal-Berry Brambles (*Gaultheria shallon* – *Rubus ursinus* Alliance, *Rubus parviflorus* Association – G3Y)

These communities are considered ESHA under Section 30107.5 of the Coastal Act on the basis of being designated rare and sensitive. In addition, individually and in combination, they provide for a structurally complex ecosystem, including canopy characteristics unique to old-growth conifer forests, and the provision of important ecological functions that also support many rare species documented in the area. The habitat in this area is also represented as an unusually large, contiguous, and intact swath, which has been spared from fragmentation and associated edge effects and thus provides undisturbed space for natural processes to occur unhindered. For these many reasons, the habitat areas here are not only considered rare but also especially valuable due to their special nature and role in the ecosystem.

Special Status Plants and Animals

Caltrans conducted botanical surveys on April 28th and June 29th, 2026 which determined that Pacific golden saxifrage (*Chrysosplenium glechomifolium*, G5?S3) is present near the North Portal Investigation Area. However, Caltrans does not anticipate impacting the species as the boring locations (BR-1 and BR-2) are within the shoulder of Highway 101 and the Pacific golden saxifrage is located within a forested wetland setback from the Highway. To help minimize impacts from construction activities, Caltrans will complete pre-construction botanical surveys and install Temporary High Visibility Fencing (THVF) or flagging around sensitive natural communities, rare plants, trees, streams, or wetlands adjacent to expected impact areas to ensure inadvertent impacts do not occur to surrounding habitats (**Exhibit 4**). Although rare plants are not expected to be impacted, **Special Condition 6** specifically requires pre-construction biological surveys to further enable detection and avoidance of any sensitive and rare plant species not detected by prior surveys.

The project area is within suitable habitat for federal and state listed wildlife species including marbled murrelet (*Brachyramphus marmoratus*; G3S2, federally threatened, state endangered), Northern spotted owl (*Strix occidentalis caurina*; S2, federally threatened, state threatened), and Humboldt marten (*Martes caurina humboldtensis*; S1, federally threatened, state endangered). To avoid potential impacts to these species and their denning, nesting, and roosting habitats, Caltrans is proposing to limit all construction activities to the period of September 16th through January 31st. **Special Condition 2** requires Caltrans to implement the mitigation measures proposed in **Exhibit 4**.

South Portal and Operations and Maintenance Center (OMC) Impacts

The primary locations of ESHA impacts will be the South Portal and OMC investigation areas. At the South Portal area, Caltrans is proposing construction of an approximately

1,500-foot-long access road. At the OMC site, Caltrans will improve an existing road approximately 500 feet-long. Access road construction requires vegetation clearing and grubbing through Red Alder Forest and Salal-berry Brambles shrubland, including removal of two red alder trees, resulting in approximately 0.43 acres of permanent impacts to Red Alder Forest and 0.41 acres of permanent impacts to the Salal-berry Brambles community. The access roads will also impact 0.02 acres of Sitka Spruce Forest, although no Sitka spruce trees are proposed be removed and rather, it is the mature understory component of this community that will be directly affected. Caltrans has limited the access road width to 10 to 12 feet, the minimum necessary to accommodate drill rig access. Further, Caltrans proposes to minimize vegetation disturbance by limiting clearing to fallen wood less than one foot in diameter and hand brushing and limbing of understory vegetation rather than mechanical clearing, where feasible.

Noise Impacts

Geotechnical drilling activities include construction of an access road, use of heavy equipment, heavy drilling equipment, and the potential use of a helicopter to assist with the delivery of equipment to one boring location (EF-5). These activities will result in elevated short-term noise levels. To prevent impacts to nesting or roosting marbled murrelet and northern spotted owl, all work will be completed between September 16th and January 31st, outside of the nesting season. If work should occur after January 31st, construction activities, Caltrans proposes to restrict sound levels to no more than 20 decibels above ambient sound levels. Caltrans will restrict loud operations, such as chainsaw and woodchipper operation, to daytime hours, and limit unnecessary idling of construction equipment. To reduce noise associated with the use of the helicopter, a helicopter with low noise and downdraft will be used. The helicopter will fly at a high enough altitude between staging areas and boreholes to limit rotor wash on trees.

Night Lighting

Finally, some drilling activities are anticipated to occur during the nighttime hours requiring the use of artificial lighting. Caltrans has included avoidance and minimization measure BR-2(B) which states work area and security lighting will be temporary and directed specifically on the portion of the work area actively under construction.

Development Within ESHA Section 30240(a)

As cited above, Coastal Act Section 30240(a) requires ESHA to be protected against significant disruption of habitat values. Further, Coastal Act Section 30240(a) limits development in ESHA to uses dependent on those resources. As discussed, the project will result in impacts to approximately 0.86 acres of ESHA. This includes anticipated impacts of 0.41 acres of Red Alder Forest, 0.43 acres of Salal-Berry Brambles, and 0.02 acres of Sitka Spruce Forest. The project cannot avoid impacts to ESHA as the drilling locations are located within ESHA and the construction of an access road is necessary to reach areas of the project that are currently inaccessible, to obtain subsurface data including information on geology, soils, and the movement of the earth flow complex.

However, the vegetation clearing and tree removal in ESHA, as well as the disturbances associated with drilling, are activities that are not dependent on the ESHA resources. Therefore, the activities in this case are not an allowable resource-dependent use under Section 30240 and therefore, are necessarily found to be inconsistent with Section 30240.

Although these impacts are inconsistent with Section 30240, the proposed project as mitigated and conditioned is approvable pursuant to the conflict resolution provisions of the Coastal Act. As discussed in **Finding L** below, the geotechnical investigation is necessary to inform the larger Last Chance Grade Permanent Restoration Project, the purpose of which is to provide a safe, reliable, long-term highway connection that avoids repeated closures, enhances public access and recreation, and addresses the hazards posed by the deep-seated landslides.

Development Adjacent to ESHA Section 30240(b)

Section 30240(b) of the Coastal Act also requires that projects be sited and designed to avoid impacts to adjacent ESHA areas and be found compatible with the continuance of those habitat and recreation areas. In this case, to minimize impacts to areas of adjacent ESHA, Caltrans proposes a number of Avoidance and Minimization Measures (AMMs) and Best Management Practices (BMPs) to minimize impacts to ESHA – these are attached as **Exhibit 4**. **Special Condition 2** adopts the proposed AMMs and BMPs and incorporates them as enforceable terms of this CDP. A significant concern with the construction of the access road and maintenance of it is the potential spread of invasive species. **Special Condition 3** requires monitoring of the road area and a plan to manage invasive species that might spread along it and into sensitive areas. **Special Condition 4** requires the submittal of a Construction Pollution Prevention Plan, which addresses all potential sources of water pollution associated with drilling activities. **Special Condition 5** requires submittal of a plan prior to commencement of construction for the disposal of excess construction debris and materials, excess fill, vegetation spoils, and waste material to ensure that such materials/debris/waste is contained with appropriate BMPs to prevent any discharge of polluted runoff to coastal waters or wetlands and is disposed of at an authorized disposal site(s) capable of receiving such materials.

Proposed Compensatory Mitigation

As noted above, Caltrans anticipates approximately 0.86 acres of unavoidable impacts to ESHA at the South Portal and OMC investigation areas from the construction of roads to access boring locations. Notable here is that these locations would be impacted permanently upon implementation of the larger Last Chance Grade Permanent Restoration project, which will also require use of the same access road.

Staff from Caltrans, the Commission, and State Parks have collaborated to identify appropriate mitigation to compensate for the anticipated impacts of the geotechnical work. State Parks has strongly indicated a preference that Caltrans supports the Redwood National and State Park's (RNSP) Redwoods Rising Program as mitigation for these impacts.

Redwoods Rising

Redwoods Rising is a collaboration between Save the Redwoods League and Redwood National and State Parks, which aims to restore over 70,000 acres of old and second-growth forest in Redwood National and State Parks and protect the world's remaining old-growth redwood forests. The goals of Redwoods Rising broadly include removal of legacy logging roads, restoration of streams, and forest enhancement in areas of historical logging operations. Forest enhancement activities include variable density thinning, biomass removal, crown manipulation and snag creation. In variable density thinning, Redwoods Rising targets areas impacted by commercial-scale industrial logging of old-growth trees that resulted in resetting natural successional processes. These forests are now in various earlier stages of succession and are often filled with dense stands of young and spindly trees competing for sunlight. Redwood Rising strategically thins out trees and other vegetation to give remaining trees an advantage in accessing nutrient, sun, and water supplies necessary to accelerate progress towards achieving late-successional conditions (i.e., old-growth structure and functions). Forests with less dense, larger trees also tend to better withstand potential impacts from wildfire or high winds. Biomass removal includes taking the cut trees from treatment areas off-site to minimize fuel accumulation and encourage understory vegetation development as opposed to leaving it on the ground. Redwood Rising also targets remediation of direct impacts from commercial logging, namely abandoned logging roads in RNSP that directly impact forest habitat, divert or block streams, and may have sediment impacts to nearby streams. Redwood Rising removes, restores, and revegetates these abandoned roadways. Additionally, Redwoods Rising improves instream habitat and water quality to benefit anadromous fish and other aquatic species through the strategic placement of large wood in streams and floodplains for habitat value, and planting or improving riparian vegetation to improve connectivity across the landscape. Altogether, the program utilizes a landscape-scale restoration approach to improve the health of associated forest ecosystems, and proposes to do this at low cost.

Within Redwoods Rising is the Greater Mill Creek (GMC) Ecosystem Restoration Project, a 34,080-acre management area located within both the Del Norte Coast Redwoods State Park (DNCRSP) and RNSP (**Exhibit 6**). Large portions of Sitka spruce and redwood forests in the GMC area were intensively logged and clear-cut over the last century. These areas now consist of dense second- or third-growth forests where the abundance of smaller trees hinders the progress towards late-successional characteristics. Additionally, miles of unmaintained logging roads, skid trails, and stream crossings have eroded since construction, leading to sedimentation of nearby stream channels through direct discharges to waterways and stream crossing failures. Stream crossings with potential to fail have been identified throughout the GMC area. Within this management area is a specific parcel known as the Rellim Ridge Trail South area, a 69-acre parcel of primarily second-growth Sitka Spruce Forest that was once logged and is now represented by tree stands approximately 60 years in age. The forest on this parcel is many decades away from the late-successional stage, making it a good candidate for Redwoods Rising forest enhancement activities described above. Commission staff, Caltrans staff, and State and National Parks staff have collaborated to identify this location (Mitigation Site) as best serving as compensation for the impacts from this geotechnical project.

Caltrans proposes to provide compensatory mitigation for project impacts through a collaboration with RNSP to undertake Redwood Rising activities for 40 acres of the Rellim Ridge Trail South area. Like portions of the geotechnical impact area, the Rellim Ridge Trail South area is Sitka spruce-dominated, and the mitigation activities could expand the impacted understory resources. RNSP believes the area has potential for recovery of sensitive coastal-dependent resources (e.g., breeding marbled murrelets and Sitka Spruce Forest). **Special Condition 8** requires that Caltrans enter into a Memorandum of Understanding (MOU), cooperative agreement, or similar legally binding agreement, with the Coastal Commission and Redwood National and State Parks that provides for a mutual framework for habitat mitigation for anticipated impacts of the Last Chance Grade Permanent Restoration Project to ESHA on State Parks property.

Notably, the proposed Mitigation Site is outside the coastal zone, which is relatively narrow in this location compared to the extent of ecosystems under the coastal influence. The Mitigation Site is, however, adjacent to and contiguous with habitat in the coastal zone (see **Exhibit 6**), remains within RNSP boundaries, and includes similar and important habitat to that in the impacted area (i.e., Sitka spruce forest). No significant development separates the Mitigation Site from coastal zone habitat other than Highway 101 itself. The Mitigation Site is approximately 7 miles north of the project area but remains within the same watershed as the proposed geotechnical project. Thus, the proposed Mitigation Site maintains a strong nexus with the coastal zone and impacted habitats and will generally support the ecological integrity of the landscape, including areas in the nearby coastal zone.

As proposed and required by **Special Condition 9**, Caltrans and RNSP will develop a Mitigation Plan which identifies specific mitigation siting, actions, associated implementation, and monitoring and maintenance. This proposed plan will be consistent with Redwood Rising activities described above and provide for the enhancement of Sitka Spruce Forest such that successional processes may be accelerated towards old-growth conditions. Further, understory communities such as Salal-Berry Brambles, and Red Alder Forest may expand within treated areas. As proposed and memorialized in **Special Condition 9**, the Mitigation Site will cover at least 40 acres of the 69-acre parcel, a large area for mitigation relative to the 0.84 acres of impacts.

The proposed Mitigation Site is a larger area than is typically required by the Commission for many projects but reflects a number of unique factors. For one, the mitigation activities are primarily expected to include variable density thinning and biomass removal, which the Commission considers habitat enhancement rather than habitat creation or substantial restoration.⁴ As described above, the activities are

⁴ As has been found in past Commission decisions (e.g., CDP 2-20-0282 and CDP 2-23-0862), habitat creation is a mitigation strategy where habitat is newly developed in areas where it has not historically existed and thus, contributes to a new or expanded footprint relative to existing habitat. Substantial restoration, by contrast, focuses on improving existing habitat through the removal of stressors and active

designed to improve existing habitat already dominated by sensitive Sitka spruce by accelerating the natural successional processes already underway. The Commission has typically required more mitigation where relying on habitat enhancement strategies versus substantial restoration or newly created habitat. Some Redwood Rising activities could potentially rise to the level of substantial restoration, such as removal and revegetation of old logging roads; however, no such activities are proposed for the Mitigation Site. Also supporting the large amount of mitigation provided here is the special nature of the RNSP itself, which represents an extremely rare and valuable mosaic of habitats across the landscape that form a highly complex and irreplaceable ecosystem, as highlighted and reinforced by its recognition as a UNESCO World Heritage site. Impacts that intrude upon and affect this incredibly unique and important habitat justify increases in compensation. Additionally, the proposed Redwood Rising activities are not directly matching the project impacts to Red Alder Forest and Salal-Berry Brambles vegetation communities and thus, are considered “out-of-kind”. In addition to necessarily recognizing a nexus between the impacted and compensating resources, the Commission typically requires additional mitigation for out-of-kind of mitigation. Because the impacted communities are part of the same ecosystem complex, it is possible that following mitigation implementation, they may develop in some areas treated as understories or patches within what is generally being characterized as Sitka Spruce Forest. Lastly, another important consideration here is that although the Mitigation Site is adjacent to and is expected to provide indirect ecological benefits that flow into the coastal zone, it is not located directly in the coastal zone. The Commission typically does not approve mitigation outside the coastal zone as its jurisdiction ends at the boundary, which limits its ability to maintain oversight or compel compliance. Also, nexus between the impacts and compensation realized must be maintained and meaningful to the affected coastal resources. Although the location of the proposed Mitigation Site is outside the coastal zone in this case, it can be supported given the unique situation described above; however, additional mitigation is warranted to ensure a significant flow of benefits into the coastal zone from these outside areas.

Ultimately, the proposed mitigation represents a significant contribution aimed at providing meaningful benefits to the overall coastal redwood forest ecosystem, and does relate back to the coastal resources and habitats impacted by this project. The collaboration with RNSP to identify and define a specific area that is a high priority for the Redwoods Rising Program, further supports this as an appropriate mitigation strategy. In the unique circumstances of this permit, with the relatively small acreage impacted by the geotechnical investigations and the avoidance of direct impacts to old-growth trees but occurrence within incredibly sensitive and valuable habitats, the proposed funding to support 40 acres of the Redwood Rising Program is considered fair and appropriate compensation. However, it should be emphasized that the amount of mitigation proposed here does not in any way presume or otherwise fix expectations for

efforts to return a full suite of self-sustaining ecological functions and values. While habitat enhancement also aims to improve existing habitat, it typically focuses on a limited set of functions or values, and uses a generally more passive approach (e.g., removal of invasives but no active revegetation thereafter).

what will be determined appropriate compensation in the future for the Last Chance Grade Permanent Restoration Project.

Lastly, Caltrans will prepare a final impact validation report, pursuant to **Special Condition 7** to ensure that the final impacts are consistent with the anticipated impacts described here, and that the final mitigation amounts are appropriate. If final impacts exceed the estimates contemplated in this analysis, Caltrans may be required to return for an amendment application to this CDP, to properly determine any additional compensatory mitigation that may be required.

G. Marine Resources and Water Quality

Section 30230 of the Coastal Act states as follows:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with the surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

The geotechnical investigation involves drilling borings at multiple locations within proximity to streams, drainages, and coastal waters that ultimately discharge to the Pacific Ocean. Drilling activities and the construction of temporary access roads have the potential to result in adverse impacts to water quality and marine resources through the introduction of sediment, drilling fluids, lubricants, or other pollutants into nearby waterways. The project area includes steep, geologically unstable terrain where ground disturbance associated with drilling pads and temporary access roads could generate erosion and sedimentation if not properly controlled.

To avoid and minimize potential water quality impacts, Caltrans proposes a number of avoidance and minimization measures. These are included here as **Exhibit 4**, and **Special Condition 2** requires Caltrans to comply with these proposed AMMs. Caltrans is also required to implement a Construction Pollution Prevention Plan (CPPP) that includes erosion control measures, spill prevention and containment protocols, and stormwater management practices. Proposed best management practices include the use of silt fencing, straw wattles, and other sediment barriers around drilling locations and along temporary access roads; containment of drilling fluids and cuttings to prevent discharge to waterways; maintenance of spill kits on site; and revegetation or stabilization of disturbed areas following completion of work. To ensure these protective measures are implemented as described and are adequate to protect water quality and marine biological resources, **Special Condition 4** requires Caltrans to submit a final CPPP for review and approval by the Executive Director prior to commencement of work, and **Special Condition 4(i)** requires implementation of other specific construction-phase erosion control and spill prevention best management practices throughout the duration of drilling and access road construction activities.

As conditioned the project will avoid significant adverse impacts to water quality and marine resources. The Commission therefore finds the project, as conditioned, consistent with Sections 30230, 30231, and 30232 of the Coastal Act.

H. Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

This segment of the U.S. Highway 101 corridor between Post Miles 12.7 and 16.5, a segment that traverses the rugged and heavily forested coastal slopes of the Last Chance Grade area. This entire stretch of highway is designated as a State Scenic Highway as part of the Streets and Highways Code, and the surrounding old-growth redwood forest, steep coastal bluffs, and panoramic ocean views contribute to the outstanding scenic character of the Del Norte County coastline. Section 30251 requires that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance, and that development be sited and designed to be visually compatible with the surrounding area and to minimize the alteration of natural landforms.

Access Roads

The proposed borings and temporary access road would introduce drilling equipment, cleared vegetation corridors, and exposed soil surfaces into this visually sensitive landscape. However, several factors substantially limit the visual impact of the project. The use of drilling equipment is temporary in nature, anticipated to occur during fall and winter of 2026 through early 2027. Thus, the visual impacts will only be temporary. The South Portal access road and drill sites would not be visible from the DeMartin Trail, a segment of the California Coastal Trail. However, the access road entrance would be visible from U.S. Highway 101. However, the small gravel road is a minor visual disruption and has been designed to reduce ESHA impacts as much as possible, and in doing so reduces visual impacts. Much of the remaining work would occur within the existing Caltrans right of way along the highway corridor.

The geotechnical drilling locations identified are anticipated to be impacted through construction of the larger restoration project. Therefore, in coordination with RNSP, Caltrans is not proposing to restore and recontour the access roads constructed for the project. Rather, Caltrans will implement a Road Maintenance Plan which will document weatherization efforts and will provide parameters for maintenance and monitoring of the roads. **Special Condition 3** requires submittal of the Road Maintenance Plan as well as the submittal of monitoring reports which include success criteria for the removal of invasive species. **Special Condition 3** also requires removal of the road in the event the larger permanent project never goes forward.

With these conditions in place, the project is not anticipated to significantly impact visual resources and the project as proposed is consistent with Coastal Act Section 30251.

I. Public Access and Recreation

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212(a) of the Coastal Act states, in relevant part:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby

Coastal Act Section 30214 states in part:

The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The

capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

This segment of U.S. Highway 101 serves as the sole transportation corridor connecting Del Norte County communities to the south and providing coastal access to the public. Drilling operations within the existing Caltrans right of way would require temporary lane closures and one-lane reversing traffic control during active work periods. These temporary traffic control measures have the potential to cause short-term delays for motorists traveling to and from coastal destinations. However, the highway would remain open to through traffic at all times, and the DeMartin Trailhead and backcountry camping area would remain accessible throughout the duration of the investigation. No permanent structures or features would be constructed that would impede or restrict public access.

Geotechnical drilling activities include construction of an access road, use of heavy equipment, heavy drilling equipment, and use of a helicopter to assist with the delivery of equipment to one boring location (EF-5). These activities will result in elevated short-term noise levels that some could consider to affect coastal recreation. The nearest activity to the DeMartin Campground would be drilling at site EF-4 at the south portal. The DeMartin Campground would be shielded by topography from the proposed drilling and access road construction at the OMC location and most of the drilling locations on Highway 101. Activity at the south portal location would result in the loudest noise levels at the campground. Caltrans will restrict noise levels to 86 dBA Lmax at 50 feet from jobsite activities between from 9 p.m. to 6 a.m.

Finally, drilling of the boring locations is anticipated to occur during the nighttime hours requiring the use of artificial lighting. The drilling locations are surrounded by dense vegetation presenting an adequate visual screen of project activities and lighting to any potential users of the trail or campground. Caltrans has included avoidance and minimization measure BR-2(B) which states work area and security lighting will be temporary and directed specifically on the portion of the work area actively under construction.

As conditioned, the project would not result in any permanent reduction in public access to the coast and is therefore consistent with Sections 30210, 30212, and 30214 of the Coastal Act.

J. Coastal Hazards

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The geotechnical investigation will not create nor contribute significantly to erosion or geologic instability of the project site. The proposed geotechnical investigation is specifically designed to characterize the subsurface conditions of the active earth flow complex along Last Chance Grade, one of the most geologically hazardous segments of the state highway system. The site investigation plan identifies multiple boring locations at the South Portal, North Portal, Operations and Maintenance Center, Valentines Day Slide, and along the existing highway right of way, with drilling depths and instrumentation tailored to delineate the geometry and behavior of the landslide mass. The borings themselves, along with the installation of piezometers and inclinometers that would remain in place for up to six years, are intended to collect the precise geologic and hydrogeologic data necessary to support the engineering design of the permanent restoration project. As an investigatory activity the project does not place development in a location that would be subject to significant risk from geologic hazards in the manner contemplated by Section 30253. To the contrary, the investigation is an essential precursor to a project that would permanently address the ongoing slope instability threatening U.S. Highway 101, a critical transportation lifeline for Del Norte County and the broader North Coast region.

Lastly, **Special Condition 3** provides protections for maintenance of the new access road to minimize impacts of road erosion. As such, the project as proposed is consistent with Section 30253 without the need for additional special conditions related to geologic hazards.

K. Protection of Archaeological and Tribal Cultural Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The proposed geotechnical investigation involves ground-disturbing activities, including vertical and inclined borings and the construction of a temporary access road, across multiple locations between Post Miles 12.7 and 16.5 in Del Norte County. The project area lies within the ancestral territories of the Tolowa Dee-ni' Nation, Yurok Tribe, Elk Valley Rancheria, and Pulikla Tribe of Yurok People. Caltrans has conducted tribal consultation with these tribes regarding the proposed investigation. Commission staff conducted tribal consultation on July 2, 2026. A response was received from the Pulikla Tribe of Yurok People requesting that a tribal monitor be present during ground

disturbing activities. Drilling activities have the potential to uncover previously unidentified subsurface archaeological deposits or tribal cultural resources, particularly given the cultural significance of this landscape to multiple tribal nations. To ensure that archaeological and tribal cultural resources are protected during ground-disturbing activities, the Commission imposes **Special Condition 9**, which establishes protocols to be followed in the event that archaeological materials, human remains, or tribal cultural resources are encountered during project activities. Under this condition, all work within 50 feet of a discovery must cease immediately, the Executive Director and relevant tribal representatives must be notified, and work may not resume in the discovery area until a qualified archaeologist and tribal representative have evaluated the find and the Executive Director has approved appropriate treatment measures. These conditions ensure that reasonable mitigation measures are required to protect any archaeological or paleontological resources that may be discovered during the investigation, consistent with Section 30244.

As conditioned the proposed project includes adequate measures to avoid and address potential impacts to archaeological and tribal cultural resources consistent with Section 30244 of the Coastal Act.

L. Conflict Resolution

Coastal Act section 30007.5 states:

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

Coastal Act section 30200(b) states:

Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

Section 30007.5 of the Coastal Act requires the Commission to resolve conflicts between policies in a manner that, on balance, is most protective of significant coastal resources. Section 30200(b) further provides that where policies conflict, such conflicts are to be resolved in a manner that is most protective of significant coastal resources.

As noted above, the removal of portions of sensitive natural communities (forest habitats) that meet the definition of ESHA is a necessary part of the geotechnical investigation activities for this project but is not an allowable resource dependent use under section 30240(a). However, as explained below, denying or modifying the

proposed project to eliminate this inconsistency would lead to nonconformity with other Coastal Act requirements, namely section 30210 (maximizing public access and recreation).

The standard of review for the Commission's decision whether to approve a coastal development permit in the Commission's retained jurisdiction is whether the project as proposed is consistent with the Chapter 3 policies of the Coastal Act. In general, a proposal must be consistent with all applicable policies in order to be approved. Thus, if a proposal is inconsistent with one or more policies, it must normally be denied (or conditioned to make it consistent with all relevant policies). However, the Legislature also has recognized that conflicts occur among those policies (Coastal Act section 30007.5). It therefore declared that when the Commission identifies a conflict among the policies in Chapter 3, such conflicts are to be resolved "in a manner which on balance is the most protective of significant coastal resources [Coastal Act sections 30007.5 and 30200(b)]." That approach is generally referred to as the "balancing approach to conflict resolution." Balancing allows the Commission to approve proposals that conflict with one or more Chapter 3 policies, based on a conflict among the Chapter 3 policies as applied to the proposal before the Commission.

The Commission has approved recent Caltrans projects that had unavoidable, non-resource dependent impacts to ESHA through application of the conflict resolution balancing test in a few recent actions, including, among others, the 2022 Jack Peters Creek Bridge Realignment Project CDP 1-22-0711; 2020 Gleason Beach Realignment Project CDP 2-20-0282; and 2019 Eureka-Arcata 101 Project CDP 1 18-1078.

Identification of a Conflict

For the Commission to use the balancing approach to conflict resolution, it must establish that a project presents a substantial conflict between two statutory directives contained in Chapter 3 of the Coastal Act. The fact that a proposed project is consistent with one policy of Chapter 3 and inconsistent with another policy does not necessarily result in a conflict. Virtually every project will be consistent with some Chapter 3 policy.

In order to identify a conflict, the Commission must find that although approval of a project would be inconsistent with a Chapter 3 policy, the denial of the project based on that inconsistency would result in coastal zone effects that are inconsistent with some other Chapter 3 policy. In most cases, denial of a proposal will not lead to any coastal zone effects at all. Instead, it will simply maintain the status quo. The reason that denial of a project can result in coastal zone effects that are inconsistent with a Chapter 3 policy is that some of the Chapter 3 policies, rather than prohibiting a certain type of development, affirmatively mandate the protection and enhancement of coastal resources, such as sections 30210 ("*maximum access . . . and recreational opportunities shall be provided . . .*"), 30220 ("Coastal areas suited for water- oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses"), and 30230 ("*Marine resources shall be maintained, [and] enhanced...*"). If there is ongoing degradation of one of these resources, and a proposed project would cause the cessation of that degradation, then denial would result in coastal zone effects (in the form of the continuation of the degradation)

inconsistent with the applicable policy. Thus, the only way that denial of a project can have impacts inconsistent with a Chapter 3 policy, and therefore the only way that a true conflict can exist, is if: (1) the project will stop some ongoing resource degradation, and (2) there is a Chapter 3 policy requiring the Commission to protect and/or enhance the resource being degraded. Only then is the denial option rendered problematic because of its failure to fulfill the Commission's protective mandate.

With respect to the second of those two requirements, there are relatively few policies within Chapter 3 that include such an affirmative mandate to enhance a coastal resource. Moreover, because the Commission's role is generally a reactive one, responding to proposed development rather than affirmatively seeking out ways to protect resources, even policies that are phrased as affirmative mandates to protect resources more often function as prohibitions. For example, section 30240's requirement that environmentally sensitive habitat areas "*shall be protected against any significant disruption of habitat values*" generally functions as a prohibition against allowing such disruptive development, and its statement that "*only uses dependent on those resources shall be allowed within those areas*" is a prohibition against allowing non-resource-dependent uses within these areas.

Similarly, denial of a project is not inconsistent with Chapter 3, and thus does not present a conflict, simply because the project would be less inconsistent with a Chapter 3 policy than some alternative project would be, even if approval of the proposed project would be the only way in which the Commission could prevent the more inconsistent alternative from occurring. For denial of a project to be inconsistent with a Chapter 3 policy, the project must produce tangible, necessary enhancements in resource values over existing conditions, not over the conditions that would be created by a hypothetical alternative. In addition, the project must be fully consistent with the Chapter 3 policy requiring resource enhancement, not simply less inconsistent with that policy than the hypothetical alternative project would be.

In addition, if a project is inconsistent with at least one Chapter 3 policy, and the project does not result in the cessation of ongoing degradation of a resource the Commission is charged with enhancing, the project proponent cannot "create a conflict" by adding on an essentially independent component that does remedy ongoing resource degradation or enhance some resource. The benefits of a project must be inherent in the essential nature of the project. Otherwise, project proponents could regularly "create conflicts" and then demand balancing of harms and benefits simply by offering unrelated "carrots" in association with projects that otherwise cannot be approved.

Finally, a project does not present a conflict among Chapter 3 policies if there is at least one feasible alternative that would accomplish the essential purpose of the project without violating any Chapter 3 policy. Thus, an alternatives analysis is a condition precedent to invocation of the balancing approach. If there are alternatives available that are consistent with all of the relevant Chapter 3 policies, then the proposed project does not create a true conflict among Chapter 3 policies.

In sum, the following findings support the Commission must conclude all of the following with respect to the proposed project before it: (1) approval of the project would be

inconsistent with at least one of the policies listed in Chapter 3; (2) denial of the project would result in coastal zone effects that are inconsistent with at least one other policy listed in Chapter 3, by allowing continuing degradation of a resource the Commission is charged with protecting and/or enhancing; (3) the project results in tangible, necessary resource enhancement over the current state, rather than an improvement over some hypothetical alternative project; (4) the project is fully consistent with the resource enhancement mandate that requires the sort of benefits that the project provides; (5) the benefits of the project are a function of the very essence of the project, rather than an ancillary component appended to the project description in order to “create a conflict;” and (6) there are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies.

1) The project, as proposed, is inconsistent with at least one Chapter 3 policy.

For the Commission to apply section 30007.5, a proposed project must be inconsistent with an applicable Chapter 3 policy. Here, the inconsistency is with section 30240(a) of the Coastal Act.

2) The project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources.

The Commission finds that the proposed project presents a true conflict between Chapter 3 policies of the Coastal Act. As discussed, the project will result in impacts to approximately 0.86 acres of ESHA. This includes anticipated impacts of 0.41 acres of Red Alder Forest, 0.43 acres of Salal-Berry Brambles, and 0.02 acres of Sitka Spruce Forest. The project cannot avoid impacts to ESHA as the drilling locations are located within ESHA. These activities are not an allowable resource-dependent use and are thus, inconsistent with Section 30240 of the Coastal Act. However, to not approve the project would be inconsistent with the mandates of Sections 30210. Section 30210 affirmatively mandates that “*maximum access... and recreational opportunities shall be provided for all the people consistent with public safety needs...*” Highway 101 at Last Chance Grade in Del Norte County is the sole highway link between Crescent City and communities to the south, providing connections up and down the coast.

This approximately four-mile segment traverses an area of chronic geologic instability, where active landslides and slope failures threaten the long-term viability of the roadway. Caltrans has identified this segment as one of the most significant geotechnical hazards in the state highway system. The [Last Chance Grade Permanent Restoration Project](#)⁵ is being developed to permanently address the instability and potential roadway failure along this corridor, with construction proposed in the year 2031. The purpose of this proposed geotechnical investigation is to characterize subsurface geologic and geotechnical conditions at planned locations of key project features. Data collected from the borings will inform final engineering design of the tunnel, portal structures, and associated facilities. The information from the geotechnical

⁵ Reference available at <https://lastchancegrade.com>.

investigation is necessary for the design and ultimate implementation of the permanent project, indeed, in many ways, and from Caltrans project delivery perspective, the geotechnical investigation is part of the same overall project, though subject to different permitting actions before the Commission.

In most cases, denying a proposed project will not cause adverse effects on coastal resources for which the Coastal Act mandates protection or enhancement, but will simply maintain the status quo. However, where denial of a project would result in significant impacts to public access and recreation consistent with public safety requirements and approval is inconsistent with another policy, a conflict between or among two or more Coastal Act policies is presented. Here the geotechnical investigation is essentially part of the larger project – indeed, Caltrans considers them the same project overall, it is only that for Coastal Commission permitting reasons they have been separated. Denial of the geotechnical project is essentially a denial of the larger project, because without the geotechnical information the larger project cannot proceed to further evaluation and design. Denial of the larger project would result in ongoing longer temporary closures of Highway 101, and eventual full closure of Highway 101 here, with significant losses to public access up and down the coast. Therefore, the project is essential to maintaining the safety and continuity of the primary public access corridor in this region. Although the proposed projects impacts to ESHA are inconsistent with the requirements of Section 30240 that protects ESHA, denial would preclude achieving Sections 30210's mandate to ensure maximum safe public access.

3) The project, if approved, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement.

The project is a necessary step and an integral part of the larger restoration project which would improve the safety and infrastructure reliability of a major highway that ensures safe public access to the coast. In this case the benefits of the project result from its primary purpose – an upgraded highway corridor that will remain open for public access with the removal of unsafe conditions and increased safety overall. The project is therefore fully consistent with the Coastal Act public access and recreation policies. Additionally, as discussed further below, there are no alternatives identified that were both feasible and less environmentally damaging.

4) The project, if approved, would result in tangible resource enhancement over existing conditions.

This aspect of the conflict between policies may be looked at from two perspectives – either approval of the project would result in improved conditions for a coastal resource subject to an affirmative mandate, or denial or modification of the project would result in continued degradation of that resource.

Highway 101 in this location is actively suffering from large-scale erosion and landslide events that necessitate frequent closures and ongoing emergency repairs. These repairs do not appear to be able to keep up with the ongoing landslides, and unless

Highway 101 is relocated, a full closure of Highway 101 here is likely. Therefore, approval of the project would result in improved conditions for public access and denial would result in continued degradation of that resource.

5) The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to “create a conflict.”

A project's benefits to coastal resources must be integral to the project purpose. If a project is inconsistent with a Chapter 3 policy, and the main elements of the project do not result in the cessation of ongoing degradation of a resource the Commission is charged with enhancing, the project proponent cannot “create a conflict” by adding to the project an independent component to remedy the resource degradation. The benefits of a project must be inherent in the purpose of the project. If this provision were otherwise, project proponents could regularly “create conflicts” and then request that the Commission use section 30007.5 to approve otherwise unapprovable projects. The balancing provisions of the Coastal Act could not have been intended to foster such an artificial and easily manipulated process and were not designed to barter amenities in exchange for project approval.

The main purpose of the geotechnical investigation project is necessary to inform the larger Last Chance Grade Permanent Restoration Project, the purpose of which is to provide a safe, reliable, long-term highway connection that avoids repeated closures, enhances public access and recreation, and addresses the hazards posed by the deep-seated landslides. The project's benefits to public access are integral to the project purpose.

6) There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies.

As noted above, a true conflict among Chapter 3 policies would not exist if there are feasible alternatives available that are consistent with all of the relevant Chapter 3 policies. Alternatives that have been identified that conceivably could accomplish the essential purposes of the project (i.e., highway safety improvements) include (1) alternative sites; (2) alternative methods; and (3) the “no project” alternative, as discussed below.

1. Alternative Sites and Project Methods

The proposed geotechnical investigation consists of a series of vertical and inclined geotechnical borings at four investigation areas with approximately 29 specific borings proposed. The boring locations are sited specifically to characterize the subsurface geologic and geotechnical conditions at the South Portal, North Portal, Operations and Maintenance Center, and along the existing highway alignment consistent with the preferred alternative identified within the Final Environmental Impact Statement for the Last Chance Grade Permanent Restoration Project. Therefore, there are no alternative sites that would provide the necessary subsurface information to inform the larger restoration project. Additionally, because the location of the potential tunnel is off the

current highway alignment, set back to the east to avoid the most intense areas of landslide activities, Caltrans will need to construct a temporary access road with four spurs to reach boring locations that are not accessible from the existing highway. One alternative project method Caltrans has included in the project is the use of a helicopter to deliver drilling equipment to one drilling location which will help minimize impacts to ESHA from access road construction. However, in general, use of helicopters to undertake such geotechnical drilling is not feasible given the need to have geotechnical drilling equipment on the ground and the large and extensive size of that equipment.

2. “No project” Alternative

The “no project” alternative would maintain the status quo of the site and would not solve the safety concerns from the active landslides and ongoing impacts to public access from continued road closures. Under the “no project” alternative, the highway, which is essential for public access in the area, would continue to degrade and require temporary improvements to address impacts from the active landslides.

At this time, the geotechnical investigation is necessary to identify if the preferred tunnel option is a viable alternative and if and how it can be designed to support Highway 101 while avoiding impacts to the greatest extent feasible. Other alternatives to the tunnel would involve closing Highway 101, significantly realigning Highway 101, or leaving Highway 101 in its current alignment and situation. Highway 101 is vital for transportation up and down the Del Norte County coast and necessary for connection Crescent City and points north. There are no practical detour routes either. Thus closing it is not a viable alternative. Significantly realigning Highway 101 is not feasible given the mountainous terrain, significant detour time this would add to the transportation route, and the enormous financial costs.

As discussed above, none of the identified alternatives to the proposed project would be both feasible and consistent with all relevant Chapter 3 policies. The Commission further finds that based on the alternatives analysis above, the proposed project is the least environmentally damaging feasible alternative.

Conflict Resolution

After establishing a conflict among Coastal Act policies, Section 30007.5 requires the Commission to resolve the conflict in a manner that is on balance most protective of coastal resources. In this case, the Commission finds that the impacts on coastal resources from not constructing the project would be more significant than the project’s ESHA impacts. The approved project is more protective of coastal resources than denial would be because the purpose of the project is to provide key information needed to complete the larger restoration project. The larger restoration project will improve the safety and infrastructure reliability of a major highway that ensures safe public access to and along the coast. That project will ensure ongoing safe public access up and down the coast, while also reducing the risks of coastal hazards and removing/avoiding future hard shoreline armoring, all the benefit of multiple coastal resources. The proposed improvements are therefore essential under the requirements of Sections 30210. Denial of the geotechnical investigation is essentially a denial of the larger project, and that

larger project is necessary to maintain public access up and down the coast. Therefore, the Commission finds that the geotechnical investigation is necessary as it will inform the larger restoration project which would improve the safety and infrastructure reliability of a major highway that ensures safe public access to the coast in the region and is more protective of coastal resources than the impacts to ESHA. Caltrans will also provide mitigation for these impacts as discussed below.

Mitigation

As stated above, the conflict resolution provisions of the Coastal Act require that the conflict be resolved in a manner that on balance is the most protective of significant coastal resources. To meet this test, in past actions where the Commission has invoked the balancing provisions of the Coastal Act, the Commission has found it necessary to mitigate adverse impacts on coastal resources to the maximum extent feasible.

In this case, as described above in **Section F**, Caltrans has taken numerous steps to reduce the number of trees and shrubs that have to be removed for the project and to reduce impacts to ESHA to the greatest extent feasible. As also discussed above, Caltrans is proposing compensatory mitigation for the ESHA impacts through the Redwood Rising Program in collaboration with Redwood National and State Parks.

The Commission finds that in this particular case because (1) the project is a necessary step prior to safe implementation of a larger project; (2) that larger project is a necessary project to maintain a safe highway corridor which is essential for public access to the coast; (3) the project minimizes impacts to ESHA to the greatest extent feasible; and (4) the impacts are compensated for with habitat enhancement, the Commission finds that the impacts on coastal resources from not constructing the project will be more significant than the project's ESHA habitat impacts, if these impacts are minimized and mitigated as proposed and conditioned. Therefore, the Commission finds that approving the project, as conditioned, is, on balance, most protective of coastal resources.

M. California Environmental Quality Act

Caltrans served as the lead agency for California Environmental Quality Act (CEQA) purposes for the bridge replacement project. Caltrans prepared an Initial Study and adopted a Final Environmental Impact Statement for the for the Last Chance Grade Permanent Restoration Project on May 2026 and issued the Notice of Determination on July 17, 2026.

The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of environmental review under CEQA. (14 CCR § 15251(c).) Section 13096 of Title 14 of the Commission's regulations requires Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirement of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are any feasible alternatives or feasible mitigation measures available, which would

substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. No public comments regarding potential significant adverse environmental effects of the project were received by the Commission prior to preparation of the staff report. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

1-26-0377 (Caltrans)

APPENDIX A – Substantive File Documents

1. Del Norte County Certified Local Coastal Program
2. File for Coastal Development Permit 1-26-0377