

**Appendix J** Comments and Responses to  
Comments on Draft IS/EA

---

DEC 28 2006



United States  
Department of  
Agriculture

Forest  
Service

Lassen  
National  
Forest

Supervisor's Office  
2550 Riverside Drive  
Susanville, CA 96130  
(530) 257-2151 Voice  
(530) 252-6624 TDD  
(530) 252-6428 Fax

---

File Code: 7700

Date: December 20, 2006

Brian Crane  
District Director  
California Department of Transportation

P.O. Box 496073  
Redding, CA 96049-6073

Reference: Lake Britton Bridge Replacement

Dear: Brian

We have reviewed the Initial Study/Environmental Assessment of the Lake Britton Bridge Replacement Project. We have determined that there are no impacts to 4F facilities.

Any questions you have, please contact Jack Walton, Forest Engineer at the above phone number.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Withroe".

JEFF WITHROE  
Acting Forest Supervisor

cc: Jack Walton



## DEPARTMENT OF TRANSPORTATION

P.O. Box 496073  
Redding, CA 96049-6073  
TTY Telephone (530)225-2019  
FAX (530)225-3019  
TELEPHONE (530) 225-3405



*Flex your power!  
Be energy efficient!*

November 30, 2006

MS. LAURIE TIPPIN  
Forest Supervisor  
Lassen National Forest  
2550 Riverside Drive  
Susanville, CA 96130

03-Environmental Management  
02-SHA-89-PM 26.3/30.7  
03-180-02-325600  
Lake Britton Bridge Replacement

Subject: Response to Comments Regarding Draft IS/EA—File Code 7700/2700

Dear Ms. Tippin:

Thank you for taking the time to review and comment on the Department of Transportation (Department) Draft Initial Study/Environmental Assessment for the proposed Lake Britton Bridge Replacement Project on State Route 89 (SCH #2006072099). We have addressed your August 31, 2006 comments as follows:

1. Comment: Our wildlife and fisheries biologists and botanist have not received the BA/BE for review. The initial BA/BE was inadequate and we need to review the new document.

Response: On April 14, 2006 our biologist mailed a revised (second) Draft NES with a cover letter to the Hat Creek Ranger District. The cover letter acknowledges that the 2005 biological documentation was inadequate. The second draft NES (March 2006) addresses all of the LNF concerns raised at the June 27, 2005 meeting. The Draft IS/EA on page 48 reiterates the same information.

2. Comment: In section 1.3.1 it states that the Hat Creek Construction Company property on SR89 (PM25.5) is designated for disposal of excess excavation. May we assume that this eliminates the previous proposal to dispose of excess materials in the Rocky Ledge area on National Forest lands (per letter and plans from Jill Nystrom on December 20, 2005)?

Response: That is correct, the Department has dropped its proposal to dispose of excess materials in the Rocky Ledge area on National Forest lands.

3. Comment: Throughout the document, please replace the term "U.S. Forest Service land" with "National Forest System lands."

Response: Throughout the document, the Department has replaced the term "U.S. Forest Service land" with "National Forest System lands."

Ms. Laurie Tippin  
November 30, 2006  
Page 2

4. Comment: Page 16, section 2.1.1, please change to reflect that the Forest Service is the agency that manages publicly owned federal lands rather than being the land owner.

Response: On Page 16, section 2.1.1, the Department has changed the wording to reflect that the Forest Service is the agency that manages publicly owned federal lands.

5. Comment: We request more information and detail on the access plans to the existing PG&E developed recreation sites that will be accessed by the "old" SR 89. Who will maintain this access?

Response: Your request for more information and detail on the access plans to the existing PG&E developed recreation sites that will be accessed by the "old" SR 89 will be facilitated through Caltrans' Office of Right of Way. It is not known at this time who will maintain this access.

6. Comment: Page 21, bullet #2, the Dusty Campground is located on National Forest System lands and managed cooperatively by the Forest Service **and PG&E**.

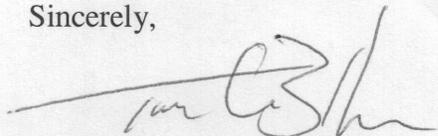
Response: Page 21, bullet #2 has been corrected to read as follows: "...Dusty Campground is located on National Forest System lands and managed cooperatively by the Forest Service and PG&E."

7. Comment: We request more information on how the crossing of the new highway by the Pacific Crest Trail will be accommodated so that hikers and equestrians can safely cross the highway.

Response: Your request for more information on how the crossing of the new highway by the Pacific Crest Trail will be accommodated so that hikers and equestrians can safely cross the highway was addressed in a meeting held in Redding on September 19, 2006. As a result of that meeting, the at-grade crossing emerged as the only feasible option. The Department is open to partnering with others who wish to pursue other options and secure funding.

If you have any questions or need additional information, please contact the project's environmental coordinator, Barbara Shields, at (530) 225-3515, or call me directly at (530) 225-3405.

Sincerely,



TOM BALKOW, Branch Chief  
Office of Environmental Management  
North Region – Redding

**File Code:** 7700/2700

**Date:** August 30, 2006

Brian Crane  
District Director  
California Department of Transportation  
Office of the District Director  
P.O. Box 496073  
Redding, CA 96001

**RECEIVED**  
SEP 05 2006  
CALTRANS D2  
DISTRICT DIRECTOR

Dear Mr. Crane:

Thank you for the opportunity to review your Initial Study/Environmental Assessment of the Lake Britton Bridge Replacement Project. The following concerns emerged from our review of the document:

1. Our wildlife and fisheries biologists and botanist have not received the BA/BE for review. The initial BA/BE was inadequate and we need to review the new document.
2. In section 1.3.1 it states that the Hat Creek Construction Company property on SR89 (PM25.5) is designated for disposal of excess excavation. May we assume that this eliminates the previous proposal to dispose of excess materials in the Rocky Ledge area on National Forest lands (per letter and plans from Jill Nystrom on December 20, 2005)?
3. Throughout the document, please replace the term "U.S. Forest Service land" with "National Forest System lands."
4. Page 16, section 2.1.1, please change to reflect that the Forest Service is the agency that manages publicly owned federal lands rather than being the land owner.
5. We request more information and detail on the access plans to the existing PG&E developed recreation sites that will be accessed by the "old" SR 89. Who will maintain this access?
6. Page 21, bullet #2, the Dusty Campground is located on National Forest System lands and managed cooperatively by the Forest Service **and PG&E**.
7. We request more information on how the crossing of the new highway by the Pacific Crest Trail will be accommodated so that hikers and equestrians can safely cross the highway.

Thank you for your consideration of our comments. Jim Steward (530)336-5320 will be the Hat Creek Ranger District contact for this project.

Sincerely,

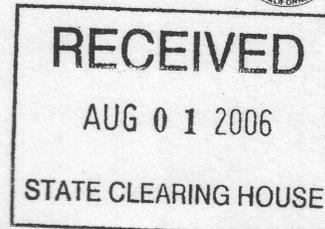
*Jack S. Walton*  
for LAURIE TIPPIN  
Forest Supervisor

cc: Carrie Christman, Jack Walton



**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
 SACRAMENTO, CA 95814  
 (916) 653-4082  
 Fax (916) 657-5390  
 Web Site www.nahc.ca.gov



clear  
 8.22.06  
 e

July 28, 2006

Ms. Barbara L. Shields

**California Department of Transportation**

1657 Riverside Drive  
 Redding, CA 96001

Re: SCH#2006072099; CEQA Neg. Dec./NEPA EA Joint Document for Lake Britton Bridge Replacement and Highway Realignment near Burney, Shasta County, California.

Dear Ms. Shields:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the area of project effect (APE), and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:

- If a part or the entire APE) has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) for:
  - \* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section:
- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact, particularly the contacts of the on the list.
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
  - \* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the

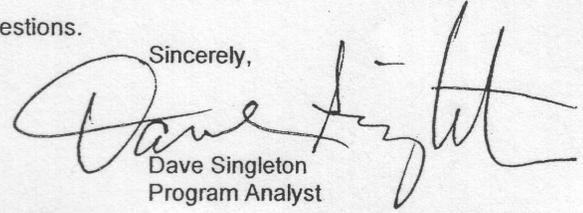
NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Dave Singleton  
Program Analyst

Cc: State Clearinghouse  
Attachment: List of Native American Contacts



# California Regional Water Quality Control Board Central Valley Region



Linda S. Adams  
Secretary for  
Environmental Protection

Redding Office  
415 Knollcrest Drive, Suite 100, Redding, California 96002  
(530) 224-4845 • Fax (530) 224-4857  
<http://www.waterboards.ca.gov/centralvalley>

Arnold Schwarzenegger  
Governor

AUG 03 2006

2 August 2006

Tom Balkow  
Environmental Branch Chief  
California Department of Transportation  
Office of Environmental Management –MS 30  
P.O. Box 496073  
Redding, CA 96049-6073

## **RESPONSE TO INITIAL STUDY/ENVIRONMENTAL ASSESSMENT AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE LAKE BRITTON BRIDGE REPLACEMENT PROJECT, BURNEY, SHASTA COUNTY (SC# 2006072099)**

On 26 July 2006, our office received an Initial Study/Environmental Assessment and a Mitigated Negative Declaration from your office regarding the proposed project referenced above. The Central Valley Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA).

The proposed project includes two alternatives, the build alternative (Alternative 1) and the no-build alternative. Alternative 1 consists of the upgrade of State Route 89 to remove dangerous curves and replace and remove the existing Lake Britton Bridge. The property is located on Dusty Campground Road/State Route 89, Burney, Shasta County. According to the Mitigated Negative Declaration and Environmental Checklist Form, a minor net loss of ephemeral channels would occur as well as a net gain of riparian vegetation. Alternative 1 would realign State Route 89 to remove non-standard curves, lower emergency response times, and redirect traffic from the failing existing Lake Britton bridge.

The following comments are provided to help outline the potential permitting required by the Regional Water Board's agency, policy issues concerning the project, and suggestions for mitigation measures should Alternative 1 be chosen. Our present comments focus primarily on discharges regulated under our Clean Water Act (CWA) §401 and storm water programs.

Regional Water Board authority related to the proposed project appears to include:



- Fill or dredged material discharges      CWA §401 water quality certification for federal waters; or Waste Discharge Requirements for non-federal waters
- Storm water and other wastewater discharges      CWA §402 NPDES permit
- Other      Waste Discharge Requirements or other permits for discharges that may affect ground water such as from proposed solid waste transfer facilities

The following summarizes project permits that may be required by our agency depending upon potential impacts to water quality:

Water Quality Certification (401 Certification) – Permit issued for activities resulting in dredge or fill within waters of the United States (including wetlands). All projects must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the state. Destruction of, or impacts to these waters should be avoided. Under the CWA § 401 and 404, disturbing these waters requires a CWA §404 permit from the U.S. Army Corps of Engineers (ACOE) and a CWA §401 certification from the Regional Water Board. The CWA §404 and 401 certifications are required for activities involving a discharge (such as fill or dredged material) to waters of the United States. “Waters” typically include, but are not limited to, wetlands, riparian zones, streambeds, rivers, lakes, and oceans. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. If required, the Section 404 and 401 certifications must be obtained prior to site disturbance.

To determine whether jurisdictional waters may be present on the site, please contact the U.S. Army Corps of Engineers in Redding at (530) 223-9534, and Andrew Jensen from our office at (530) 224-4783.

Waste Discharge Requirements (WDRs) or a Conditional Waiver of WDRs – Under authority of the California Water Code, the Regional Water Board may issue WDRs for any project, which discharges or threatens to discharge waste to waters of the state. Projects that cause disturbance to waters of the State (including any grading activities within stream courses) require permitting by the Regional Water Board.

General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) – Land disturbances of 1 acre or more requires the landowner to obtain coverage under the General Permit. As the land disturbance for the Lake Britton Bridge Replacement Project will be in excess of 1 acre, the owner of the property will need to file a Notice of Intent (NOI), along with a vicinity map, a Storm Water Pollution Prevention Plan (SWPPP), and appropriate fees to the State Water Resources Control Board (SWRCB), prior to the commencement of activities on site. The owner may call



our office to receive a permit package or download it off the Internet at <http://www.waterboards.ca.gov/stormwtr/index.html>.

Therefore, the project development plans and environmental review documents prepared pursuant to the CEQA should indicate that the proposed project applicant shall prepare an NOI, a SWPPP and where appropriate, post construction storm water development plans, as discussed above, and submit copies to the Regional Water Board for review, to mitigate pollutants from the new development proposed on the site.

If you have any questions or comments regarding this matter please contact me at (530) 224-4783 or by email at [Ajensen@waterboards.ca.gov](mailto:Ajensen@waterboards.ca.gov).



Andrew Jensen, M.S.  
Environmental Scientist  
Storm Water and Water Quality Certification Unit

AJ: sae

cc: Mr. Matt Kelley, U.S. Army Corps of Engineers, Regulatory Unit, Redding  
Mr. Bruce Webb, California Department of Fish and Game, Redding

U:\ClericalDocuments\Sonja'sAllUnitsCorrespondence\Stormwater\Jensen\2006\ThirdQuarter\August\LakeBrittonBridgeReplacementCommentLetter31July.doc



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Shasta Trinity Unit  
875 Cyprus Ave.  
Redding, Ca. 96002  
(530) 224-2418

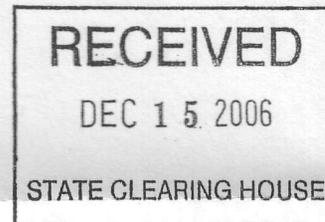


Date: December 13, 2006

TO: Barbara L. Shields  
California Department of Transportation  
1657 Riverside Drive  
Redding, CA 96001

*Clear  
8-22-06  
wate*

FROM: Benjamin Rowe  
Forester I



SUBJECT: SCH # 2006072099, Lake Britton Bridge Replacement

Dear Barbara,

If any commercial timber operations (as defined by PRC 4527) are involved with a project, they must be approved by CDF prior to undertaking operations. A Timber Harvesting Plan (THP) or a Timber Conversion Plan (TCP) may or may not be required.

PCR 4628. Exemptions from regulations; right of way construction or maintenance; subdivision development (a) states: Notwithstanding any provision of this article or of Section 4581, no public agency shall be required to submit a timber harvesting plan or file an application for conversion with the board where the purpose of its timber operations is to construct or maintain a right-of-way **on its own or on any other public property.**

Thank you for the opportunity to comment on this project. I received a copy of the proposed project on December 13, 2006.

Sincerely,

A handwritten signature in black ink that reads "Benjamin C. Rowe".

Benjamin C. Rowe  
Forester I  
Shasta Trinity Unit  
Redding, Ca. 96001

cc. State Clearinghouse,  
Brian R. Barrette

## DEPARTMENT OF TRANSPORTATION

P.O. Box 496073  
Redding, CA 96049-6073  
TTY Telephone (530)225-2019  
FAX (530)225-3019  
TELEPHONE (530) 225-3405



*Flex your power!  
Be energy efficient!*

September 13, 2006

MRS. DELORES KAUPANGER  
24545 Hwy 89  
Burney, CA 96013

03-Environmental Management  
02-SHA-89-PM 26.3/30.7  
03-180-02-325600  
Lake Britton Bridge Replacement

Subject: Draft Environmental Document

Dear Mrs. Kaupanger:

Thank you for your recent letter regarding the draft environmental document (IS/EA) for the Lake Britton Bridge Replacement project. In your letter, you asked about the next public meeting and how this project would affect your property.

At this time the Department of Transportation has no plans to hold another public meeting. As you may recall, the Department held a public meeting for this project in Burney on July 29, 2004.

As for how this project will affect your property, we forwarded your letter to our Right of Way office. In the near future, a Right-of-Way agent will be contacting you to provide this information—if such contact has not already been made.

If you have any further questions, please contact the project's environmental coordinator, Barbara Shields, at (530) 225-3515, or call me directly at (530) 225-3405.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Balkow".

TOM BALKOW, Branch Chief  
Office of Environmental Management  
North Region – Redding

c: L Harvey, E Akana

AUG 08 2006

Bev Si-

Received your Document and would  
like to know when the meeting  
is about the Lake Britton Bridge  
Project. I need to have my two

sons there because they will  
be the owners after Jan 2008 and  
I am 84. I didn't see any dis-  
cription of or how my trailer, land  
and driveway is to be taken  
care of.

Sincerely

Doreen Kampaszer

Eric  
Akana/D02/Caltrans/CAGov  
10/13/2006 11:09 AM

To "Joe & Bettelu" <jobetstu@citlink.net>  
cc Barbara Shields/D02/Caltrans/CAGov@DOT  
bcc  
Subject Re: Lake Britton Bridge Replacement Project

Hi Mr Studenicka,  
Hope this note finds you well. I want to apologize for the delay in getting back to you with the information you requested. Due to the current budget environment our funding availability is uncertain and therefore, so is our timing for construction. However, at this time we believe the project will begin construction in the summer of 2010 and will take 3 to 4 years to build.  
Thank you for your interest and support of the project.

Best Regards,  
Eric Akana  
Project Manager  
225-3530  
"Joe & Bettelu" <jobetstu@citlink.net>



"Joe & Bettelu"  
<jobetstu@citlink.net>  
08/22/2006 10:18 AM

To "Tom Balkow" <thomas\_balkow@dot.ca.gov>  
cc "Ian Nelson" <ashland@pcta.org>, "Wayne & Laura Pauley" <bfrsbf@citlink.net>, "Bruce Lynn" <blynn@parks.ca.gov>, "Eric Akana" <eric\_akana@dot.ca.gov>  
Subject Lake Britton Bridge Replacement Project

Dear Tom,

Thank you for a copy of the Draft Initial Study/Environmental Assessment for the proposed Lake Britton Bridge Replacement Project.

I am a Board member of SAVE BURNEY FALLS (SBF), a California non-profit 501 (c) (3) corporation. In November 2005, SBF initiated interest in preserving a portion of the track being abandoned and discontinued by the McCloud Railway Company. On May 12, 2006, the Surface Transportation Board found that "the expanded trail use request is reasonable and will be granted, provided that the Offer of Financial Assistance (OAF) process ends without an agreement of a sale of the railroad." The present deadline for an agreement for an OAF is August 25, 2006.

We have reviewed the Draft Environmental Document and agree that the project will "...provide a safer transportation facility..." in the local area. We also agree that the project will enhance the entrance to McArthur-Burney Falls Memorial State Park and will provide numerous benefits to the Park. The State Park is a valuable asset to the local community and a source of enjoyment to all who visit the area.

We do have a question. We are unable to find in the document any projected timetable for the project. Once environmental approval and funding is appropriated, are there any

estimated commencement and completion dates?

In anticipation of the abandonment and removal of the tracks and the relinquishing of the old highway alignment, we have been working with the State Park and Pacific Crest Trail Association (PCT) in order to connect the State Park and the PCT to the community of Burney via our proposed trail project. A concern in relation to SR89 and the bridge replacement is an adequate and safe crossing for a trail. We support the PCT's recommendation of a need for an underpass and a good trailhead facility.

Thank you for the opportunity to respond.

Joe Studenicka  
530-335-3978