Channel Rehabilitation and Sediment Management for Remaining Phase 1 and Phase 2 Sites

Final Master Environmental Impact Report
Final Environmental Impact Report

August 2009

California Lead Agency for CEQA
North Coast Regional Water Quality Control Board

Project Proponent
Trinity River Restoration Program
U.S. Department of the Interior
Bureau of Reclamation

Federal Cooperating Agencies
Shasta-Trinity National Forest
Bureau of Land Management

Cooperating Tribal Agencies
Hoopa Valley Tribe
Yurok Tribe

Project Proponent's Consultant
North State Resources, Inc.

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State Clearinghouse SCH #2008032110

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Hoopa Valley Tribe
Yurok Tribe

Project Proponent's Consultant
North State Resources, Inc.

Trinity River Restoration Program
P.O. Box 1300, 1313 South Main Street
Weaverville, California 96093

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Blvd., Suite A
Santa Rosa, California 95403

Subject: Final Master Environmental Impact Report for Trinity River Restoration Program Channel Rehabilitation and Sediment Management at Remaining Phase 1 and Phase 2 sites

Dear Interested Parties:

Under guidance of the Trinity River Restoration Program (TRRP), the Bureau of Reclamation has acted as the Project Proponent in preparation of a programmatic Master Environmental Impact Report (Master EIR) and site specific Final Environmental Impact Report (Final EIR) to evaluate impacts of proposed TRRP activities for Channel Rehabilitation and Sediment Management at Remaining Phase 1 and Phase 2 sites. The California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is the California Environmental Quality Act (CEQA) lead agency for preparation of these documents. The National Environmental Policy Act (NEPA) component of the original joint CEQA/NEPA EA/Draft EIR for Remaining Phase 1 Rehabilitation Activities has been completed with the signing of a federal Finding of No Significant Impact (FONSI) for these activities. When the Final Master EIR is certified under CEQA by the Regional Water Board, it will serve similar functions under CEQA, as the Trinity River Mainstem Fishery Restoration Environmental Impact Statement (FEIS) under NEPA. The Final Master EIR will provide programmatic CEQA level review from which site-specific project reviews may tier from. Both the FEIS, and now the Final Master EIR, are meant to support and facilitate implementation of the Secretary of Interior's December 2000 Record of Decision (ROD) for Trinity River Restoration.

The mechanical channel rehabilitation and sediment management activities evaluated by these environmental documents were originally identified in the ROD as necessary steps towards restoration of the Trinity River's anadromous fishery. To this end, the TRRP's efforts are intended to increase habitat for all life stages of wild salmon and steelhead native to the Trinity River. River restoration activities, as described in the Final Master EIR-Final EIR would create additional fish and wildlife habitat at a number of discrete locations; and over time, further increases in habitat are anticipated as riverine processes are restored. Work to be performed includes re-contouring bank and floodplain features, as well as conducting in-river work such as gravel placement and grade control removal. In addition to various construction activities, the Final Master EIR - Final EIR completes the analyses necessary to authorize ongoing restoration activities such as gravel addition during high spring flows and control of fine sediment. Construction activities, evaluated in the Final Master EIR – Final EIR, are scheduled to begin in late-summer 2009 at the Sawmill Restoration site, near Cemetery hole on the mainstem Trinity.

The attached Final Master EIR - Final EIR includes the Draft Master EIR - Draft EIR (incorporated by reference), a list of persons and agencies commenting on the Draft environmental documents, written comments, Lead Agency responses to comments, revised Draft Master EIR – Draft EIR text, and a Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project. Prior to approving the Project, the Water Control Board will certify that the Final Master EIR- Final EIR is in compliance with CEQA. The document will then be used to support necessary permit applications as well as to identify and adopt appropriate monitoring and mitigation plans.

Electronic copies of the fore-mentioned environmental documents, as well as the signed federal Finding of No Significant Impact (FONSI), are available on the TRRP's website at: http://www.trrp.net/implementation/remainingP1.htm , or on Reclamation's Mid-Pacific Region website at: http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=3138. Hard copies of the documents may also be reviewed at the TRRP Office at 1313 South Main Street (next to Tops grocery) or at the Trinity County library, 211 North Main Street; in Weaverville, California.

If you have any questions concerning this document or the Project, please contact Mr. Brandt Gutermuth, TRRP, at 530-623-1806 or bgutermuth@mp.usbr.gov. or Mr. Dean Prat, of the Water Quality Control Board, at 707-576-2801 or dprat@waterboards.ca.gov.

Sincerely,

Catherine Kuhlman
Executive Officer
Water Quality Control Board
North Coast Region
CEQA - Lead Agency

Mike A. Hamman
Executive Director
Trinity River Restoration Program
Project Proponent

Attachment – Channel Rehabilitation and Sediment Management for Remaining Phase 1 and Phase 2 Part 1: Final Master EIR and Part 2: Final EIR (Final Master EIR-FEIR)

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Introduction

Chapter 1
Introduction

This Final Master Environmental Impact Report (Final Master EIR) and Final Environmental Impact Report (Final EIR) include comments and responses to comments on the Draft Master Environmental Impact Report (Draft Master EIR) and Draft Environmental Impact Report (Draft EIR) for Channel Rehabilitation and Sediment Management for the Remaining Phase 1 and Phase 2 Sites on the Trinity River. The Final Master EIR considers activities at both the Remaining Phase 1 and the Phase 2 Sites at a programmatic level. The Final EIR tiers from the Final Master EIR and considers activities at the Remaining Phase 1 sites at a project-specific level. The Final Master EIR and the Final EIR must be considered by the North Coast Regional Water Quality Control Board (Regional Water Board) as lead agency under the California Environmental Quality Act (CEQA) before it approves or rejects the Proposed Projects described in these documents.

According to the CEQA Guidelines (Section 15132), a final EIR shall consist of the following elements:

- the draft EIR or a revision of that draft;
- comments and recommendations received on the draft EIR either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the draft EIR;
- the responses of the lead agency to significant environmental points raised in the review and consultation process; and
- any other information added by the lead agency.

The Draft EIR was included in a combined NEPA/CEQA document; the NEPA portion of the document was an Environmental Assessment (EA). The U.S. Bureau of Reclamation (Reclamation), the project proponent and NEPA lead agency, has determined that the EA prepared for the Remaining Phase 1 sites adequately evaluates the environmental effects of the Proposed Action. Based on its evaluation, Reclamation has prepared and signed a Finding of No Significant Impact (FONSI). With the signing of the FONSI, the NEPA process for the Remaining Phase 1 sites has been completed. The FONSI is included as Attachment 1 at the end of this document.

1.1 Organization of the Document

The remainder of this document is divided into three parts.

Part 1 is the Final Master EIR, which is organized into three chapters:

- **Chapter 2 –** This chapter provides a summary of the Proposed Project evaluated in the Draft Master EIR.

- **Chapter 3 –** This chapter provides a list of commenters on the Draft Master EIR, copies of their comments (alpha-numerically coded for reference), and the lead agencies' responses to the comments. No corrections and additions to the Draft Master EIR were made as a result of these comments. However, the lead agency made two minor editorial changes to Chapter 4 of the Draft Master EIR. The figure in Chapter 4 that has been changed is identified as "Revised."

- **Chapter 4 –** Changes to Draft Master EIR.

Part 2 is the Final EIR, which is organized into three chapters:

- **Chapter 5 –** This chapter provides a summary of the Proposed Project evaluated in the Draft EIR.

- **Chapter 6 –** This chapter describes the relevancy of comments made on the Draft Master EIR to the Draft EIR.

- **Chapter 7 –** No corrections and additions to the text of the Draft EIR were made as a result of public review of the document. The chapter consists of minor editorial changes to tables and figures made by the lead agency as a result of the wetland verification for two of the Remaining Phase 1 sites (Sawmill and Trinity House Gulch). Tables and figures that have been changed are identified as "Revised."

Part 3 is the required discussion of the Mitigation Monitoring and Reporting Program (MMRP):

- **Chapter 8 –** This chapter discusses the MMRP, as required by the CEQA Guidelines (Section 15097). The chapter describes the legal requirements for the MMRP, the intent of the MMRP, the development and approval process for the MMRP, the authorities and responsibilities associated with the implementation of the MMRP, and resolution of noncompliance complaints.

Following Part 3 are two appendices that apply to both the Final Master EIR and the Final EIR:

- **Appendix A –** This appendix contains the Mitigation Monitoring and Reporting Program (MMRP) required under CEQA. It is intended to provide a stand-alone document that will be used to fulfill the requirements of the MMRP over the course of the projects evaluated in the Final Master EIR and Final EIR.

- **Appendix B –** This appendix provides documentation for the U.S. Army Corps of Engineers (USACE) verification of wetlands and jurisdictional waters for two of the Remaining Phase 1 sites.

The Final Master EIR and the Final EIR incorporate by reference the Draft Master EIR and Draft EIR.

1.2 Project Overview

1.2.1 Project History

The Trinity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) identified mechanical channel rehabilitation activities along the Trinity River, including the proposed rehabilitation activities at the sites described in the Draft Master EIR and Draft EIR. Programmatically, the intent of these activities is to selectively remove fossilized berms (berms that have been anchored by extensive woody vegetation root systems and consolidated sand deposits); revegetate and provide conditions for regrowth and sustenance of native riparian vegetation; and recreate alternate point bars and complex fish habitat similar in form to those that existed prior to the construction of the Trinity River Division (TRD), although on a reduced scale. The Record of Decision (ROD) acknowledged that the TRD eliminated supplies of course sediment from upstream sources, resulting in the need to ensure that the sediment flux of the mainstem Trinity River is managed to complement the flow and mechanical channel rehabilitation components. The proposed rehabilitation activities are required for the restoration of Trinity River mainstem fisheries and are specifically designed for the benefit of anadromous fish and their habitat through development of properly functioning and diverse riparian, floodplain, and mainstem riverine habitat.

The Draft Master EIR and Draft EIR address the environmental issues, alternatives, and impacts associated with modification of the bed and bank of the Trinity River along approximately 40 miles of the mainstem Trinity River between the communities of Lewiston and Helena, California, and sediment management activities at select locations along the mainstem Trinity River. The Regional Water Board prepared the draft EIRs. This Final Master EIR and Final EIR satisfy its legal and regulatory requirements pursuant to CEQA.

As the project proponent, Reclamation is responsible for the funding and implementation of the rehabilitation and sediment management activities described for the Proposed Projects. Under CEQA, the Trinity County Resource Conservation District (TCRCD), in its role as a potential TRRP funding agency, serves as a cooperating agency, while responsible agencies include the California Department of Transportation (Caltrans), the California Department of Fish and Game (CDFG), the California Department of Water Resources (DWR), and Trinity County. As managers of public lands within the watershed and along the mainstem Trinity River, the Shasta-Trinity National Forest (STNF) and the Bureau of Land Management (BLM) serve as NEPA cooperating agencies for actions described in the Draft EA/EIR. Based on their past and on-going involvement in the TRRP and the Trinity Management Council (TMC) and their jurisdiction over tribal trust resources (e.g., fish, wildlife), the Hoopa Valley Tribe (HVT) and the Yurok Tribe (YT) also serve as NEPA cooperators.

1.3 Summary of Project Impacts and Mitigation Measures

The environmental setting and environmental impacts of implementing the Proposed Project and the alternatives for the Remaining Phase 1 and Phase 2 sites are described at a programmatic level in Chapter 4 of the Draft Master EIR; the environmental setting and environmental impacts of implementing the Proposed Project and the alternatives for the Remaining Phase 1 projects are described

at a project-specific level in Chapter 7 of the Draft EIR. The draft documents are both incorporated by reference. A summary of significant impacts and associated mitigation measures is provided in the MMRP as Appendix A to this document.

1.4 Environmental Review Process

The Regional Water Board initiated the public scoping process by forwarding a Notice of Preparation (NOP) of an EIR to the California State Clearinghouse on March 27, 2008. The NOP and agency comments on the NOP are on file at the TRRP office in Weaverville, California. The NOP was circulated to the public; to local, state, and federal agencies; and to other interested parties in order to solicit comments on the Proposed Project. The public scoping period was March 27, 2008, through May 12, 2008, and scoping comments were received through September 15, 2008.

Reclamation and the Regional Water Board held a joint NEPA/CEQA scoping meeting on April 16, 2008, at the Douglas City Fire Hall in Douglas City, California. During this meeting, members of the public were asked to assist Reclamation and the Regional Water Board in identifying issues that should be addressed in the Draft Master EIR and the EA/Draft EIR. As the public comment period continued, the lead agencies received letters that helped identify areas of concern. These areas of concern and other oral comments received at the scoping meeting were considered during the preparation of the Draft Master EIR and the EA/Draft EIR. The scoping and public involvement process is also described in Chapter 1 of the draft documents.

The following substantive issues associated with the Proposed Project were identified during the public scoping process:

- land use
- geology, fluvial geomorphology, and soils
- water resources
- water quality
- fishery resources
- vegetation, wildlife, and wetlands
- socioeconomics, population, and housing
- cultural resources
- air quality
- aesthetics
- hazardous materials
- noise
- public services and utilities/energy
- transportation and traffic circulation
- cumulative impacts

The Draft Master EIR and the EA/Draft EIR were circulated for a 45-day public comment period from June 5, 2009, to July 25, 2009. To ensure adequate public involvement, the lead agency received and considered additional comments submitted after this date. Fifteen copies of the document were submitted to the State Clearinghouse for distribution to state agencies having jurisdiction over resources affected by the project. The lead agencies also distributed copies to an extensive mailing list, including federal, state, and local agencies with similar jurisdiction or a stated interest in the project.

A Notice of Availability of the Draft Master EIR and EA/Draft EIR was published in the *Trinity Journal* on June 14 and 27, 2009, and the documents were posted on both the TRRP's website (http://www.trrp.net/implementation.htm) and the Bureau of Reclamation, Mid-Pacific Region's website for Northern California Area Office environmental documents (http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm). The notice was also mailed to all interested members of the public who participated in the project scoping process, an interested parties mailing list, and representatives of adjacent counties. The notice announced the availability of the Draft Master EIR and EA/Draft EIR and stated where these and supporting documents could be obtained or reviewed, the dates of the comment period, and the deadline for receiving written comments.

1.5 Other Necessary Decisions

Reclamation will prepare and submit to the Regional Water Board an application for Clean Water Act (CWA) section 401 Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill) to accompany its pre-construction notification sent to the USACE for CWA section 404 coverage. The Regional Water Board intends to develop and issue a general water quality certification for the TRRP class of activities that contains enrollment procedures for individual TRRP projects (Cal. Code Regs., tit. 23, section 3861.) The section 401 certification is likely to impose water quality limitations and project conditions. Once a general water quality certification is issued and individual projects enrolled, discharges from the individual projects will also be regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of the general water quality certification. Once a project is approved, the filing of a Notice of Determination (NOD) will complete the CEQA environmental review process. For the project, in accordance with standard procedures, the Regional Water Board, if it chooses to proceed, will certify the Final Master EIR and the Final EIR and will file the NOD. The Regional Water Board will then forward these documents to Reclamation along with a recommendation regarding what it believes should be the preferred alternative for each project.

As required under the federal Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), implementation of the preferred alternatives requires consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Consultation for this project has recently been completed. Additionally, implementation of the project will require a number of permit and agency approvals under local, state, and federal laws. Agencies with potential permit and approval requirements include the USACE, CDFG, and Trinity County.

PART 1

Final Master EIR

CHAPTER 2

Proposed Project: Remaining Phase 1 and Phase 2 Sites

Chapter 2
Proposed Project: Remaining Phase 1 and Phase 2 Sites

This chapter provides a summary of the Proposed Project evaluated in the Draft Master EIR. The Final Master EIR incorporates by reference the Draft Master EIR.

2.1 Goals and Objectives of the Proposed Project

The goals of the TRRP outlined in the Trinity River Restoration Program Strategic Plan (2003–2008) provide the framework for the specific goals and objectives used to develop the alternatives analyzed in the Draft Master EIR. The following goals and objectives apply to the project's lead/responsible agencies for CEQA purposes, support the Proposed Project, and provided the structure for developing the alternatives:

- Protect and/or enhance the outstandingly remarkable values (ORVs) associated with the designation of a Wild and Scenic River (federal and California).
- Induce changes in channel geometry in response to constructing channel and floodplain features designed for the river's current and future hydrologic regime.
- Evaluate the evolution of channel planform features in response to designing and implementing the Proposed Project at a river segment (1-mile) scale.
- Evaluate the biological response (aquatic, riparian, upland) to changes in the physical environment and incorporate this information into the Adaptive Environmental Assessment and Management (AEAM) Program.
- Provide safe and reasonable access as required to support project planning, implementation, and monitoring.
- Develop partnerships with willing participants and encourage positive landowner interest and involvement.
- Use the post-ROD flow regime as the basis for site design.
- Integrate known fluvial and ecological theories and relationships with the sites' measured physical and biological attributes and evaluate the response over a definitive period.
- Balance the benefits of rehabilitation activities in a manner that minimizes or reduces the resource impacts at one or more sites.

- Where practicable, preserve unique and valuable geomorphic and biological features such as hydraulic controls, high-quality spawning or adult holding habitat, and cottonwood galleries.

- Facilitate recovery of native fish and wildlife resources that are in decline or are listed as threatened or endangered.

- Encourage the use of bioengineering techniques (e.g., use of wood and vegetation) as needed to protect and/or stabilize private properties while providing aquatic habitat.

The following objectives apply to the responsible and trustee agencies for the Proposed Project, including the STNF, BLM, Regional Water Board, the HVT, the YT, the State Lands Commission (SLC), CDFG, Caltrans, Trinity County, and the TCRCD:

- compliance with the California Water Code and the Water Quality Control Plan for the North Coast Region (Basin Plan) to ensure the highest reasonable quality of waters of the state and allocation of those waters to achieve the optimum balance of beneficial uses;

- protection of the public trust assets of the Trinity River watershed;

- conservation, restoration, and management of fish, wildlife, native plant, and jurisdictional wetland resources; and

- compliance with the Water Quality Control Plan for the Hoopa Valley Indian Reservation to preserve and enhance water quality on the Reservation and to protect the beneficial uses of water.

2.2 Description of the Proposed Project and Project Alternatives

The Proposed Project and the alternative that were developed to implement activities along the Trinity River for the Remaining Phase 1 and Phase 2 sites are discussed in the Draft Master EIR, along with the No-Project Alternative, which represents the existing conditions. The two alternatives discussed below are considered feasible, and contain measures that would avoid or substantially lessen potentially significant environmental effects of the project.

Within the six Remaining Phase I sites, more than 150 discrete activity areas were established for planning purposes. In addition, 23 Phase 2 Sites were identified in the Master EIR. In addition to evaluating sediment management activities, 15 discrete rehabilitation activities were considered in the analysis. Access to the various activity areas requires existing and new roads and, in addition, constructed crossings over the Trinity River at five of the Remaining Phase 1 sites. The type, extent, and level of activity within each area at various sites may be different, depending on the alternative. These areas were defined by an interdisciplinary design team to include riverine areas, upland areas, and construction support areas. For each site, riverine areas are labeled with an R preceding the site number (e.g., R-1, R-2); upland areas are labeled with a U preceding the site number (e.g., U-1, U-2); in-channel work areas (e.g., gravel placement or grade control removal) are identified with an IC; and staging/use areas are identified with a C. Channel crossings are labeled with an X, and roads are identified as existing

or new. The locations of, and additional information on, these activity areas are provided in Chapter 2 of the Draft Master EIR (Volume II).

CHAPTER 3

Comments and Responses to Comments on the Draft Master EIR

Chapter 3

Comments and Responses to Comments on the Draft Master EIR

3.1 Introduction

Nearly every final EIR issued pursuant to CEQA includes new information provided in response to concerns raised in public and agency comments. These comments and their accompanying responses, however, are generally not "significant new information" that would require the recirculation of some or all of the Draft Master EIR for additional formal public review and commentary.

There were no substantive comments that required changes to the text of the Draft Master EIR. None of the comments or responses reveal any significant environmental effects not previously identified or any substantial increase in the severity of any previously identified effects. Therefore, recirculation of the Draft Master EIR, as set forth in CEQA Guidelines Section 15088.5, is not required. For these reasons, the Regional Water Board, the CEQA lead agency, directed that a Final Master EIR be prepared.

3.2 List of Commenters on the Draft Master EIR

Table 3.1 identifies individuals and representatives of agencies and organizations who submitted comments on the Draft Master EIR.

Table 3.1. Commenters on Draft Master EIR

COMMENT LETTER	INDIVIDUAL OR SIGNATORY	AGENCY/AFFILIATION	DATE PREPARED	DATE RECEIVED
1	Irma Lagomarsino	National Marine Fisheries Service	7/16/09	7/20/09
2	Mike Orcutt	Hoopa Valley Tribe	7/28/09	7/28/09
3	Tim Hayden	Yurok Tribe	7/27/09	7/27/09
4	Brian Person	Trinity Management Council	undated	7/10/09
5	Patrick M. Frost	Trinity County Resource Conservation District	7/13/09	7/13/09
6	Alex Cousins	Trinity River Watershed Council	7/13/09	7/13/09
7	Chuck Lydy	Stakeholder	6/16/2009	6/16/2009
8	Gary B. Stacey	California Department of Fish and Game	7/7/09	7/7/09
9	Marcelino Gonzalez	California Department of Transportation	7/2/09	7/6/09
10	Gail Goodyear	Landowner	7/27/09	7/27/09
11	Gail Goodyear	Landowner	7/30/09	7/30/09

3.3 Comments and Responses to Comments on the Draft Master EIR

The TRRP and the Regional Water Board received 11 letters commenting on the Draft Master EIR. These letters are reproduced on the following pages. Immediately following each of the comment letters are the responses to each of the comments made in the letters.

To assist in referencing comments and responses, each comment letter has been assigned a number and each specific comment a letter of the alphabet. Responses are coded to correspond to the codes used in the margin of the comment letters. Comments that present opinions about the project or that raise issues not directly related to the substance of the Draft Master EIR are noted without a detailed response.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region Arcata Area Office
1655 Heindon Road
Arcata, California 95521
Tel (707) 825-5163; Fax (707) 825-4840

Ms. Catherine Kuhlman – Executive Director
California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A.
Santa Rosa, California 95403

Dear Ms. Kuhlman,

NOAA's National Marine Fisheries Service wishes to express our support for the Master Environmental Impact Report (EIR) for Trinity River Restoration Program Channel Rehabilitation and Sediment Management at Remaining Phase 1 and Phase 2 sites and its site specific Environmental Assessment (EA)/EIR component. We expect that the Master EIR, when certified under CEQA by the Regional Water Board, will serve similar function as the Final Trinity River Mainstem Fisheries Program Final Environmental Impact Statement (FEIS), under the National Environmental Policy Act. The Master EIR and the FEIS will provide programmatic level review that will spur site-specific project reviews.

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NMFS anticipates that the Master EIR will make possible a more cost-effective and timely implementation process leading to accelerated and enhanced benefits to the Trinity River ecosystem. NMFS expects that the projects reviewed in the EIR will benefit fish and wildlife resources of the Trinity River, such as coho salmon listed under the U.S. Endangered Species Act and California Endangered Species Act.

Sincerely,

Irma Lagomarsino
Office Supervisor
National Marine Fisheries Service
Southwest Region Arcata Office
1655 Heindon Road
Arcata California, 95521
Tel (707) 825-5163; Fax (707) 825-4840

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Hoopa Valley Tribal Council
Natural Resources Division
Fisheries Department
Post Office Box 417 • Hoopa, California 95546
(530) 625-4267 • FAX (530) 625-4995

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28 July 2009

Per FAX transmission -- hardcopy to follow

Catherine Kuhlman CKuhlman@waterboards.ca.gov
Executive Officer
Water Quality Control Board
North Coast Region

Mike Hamman mhamman@mp.usbr.gov
Executive Director
Trinity River Restoration Program

Catherine and Mike:

I am writing today to express support for the Proposed Project as Described in the Draft Master Environmental Impact Report and Draft Environmental Impact Report, *Channel Rehabilitation and Sediment Management for Remaining Phase 1 and Phase 2 Sites*, dated June 2009 (State Clearinghouse SCH #2008032110).

The Fisheries Department of the Hoopa Valley Tribe is fundamentally interested in the success of habitat restoration projects intended to assist fishery flow releases from Lewiston Dam in mitigating for environmental impacts of US Bureau of Reclamation Central Valley Project facilities on the Trinity River. We see successful implementation of the Proposed Project, in accordance with the Record of Decision of 2000, as critical to restoring tribal trust assets of the Hoopa Valley Tribe including native salmon, steelhead, lamprey and sturgeon populations on which the Tribe directly depends.

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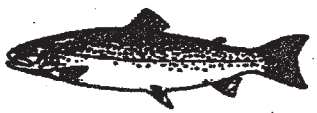
Sincerely,

Mike Orcutt,
Director

PACIFIC LAMPREY



STEELHEAD

GREEN STURGEON

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YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548
Phone: (707) 482-1350 • Fax: (707) 482-1377

3

July 27, 2009

Ms. Catherine Kuhlman – Executive Director
California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A.
Santa Rosa, California 95403

Dear Ms. Kuhlman,

Since time immemorial the Yurok Tribe has relied upon the fisheries resources of the Klamath-Trinity River Basin for subsistence, ceremonial and commercial purposes. The Yurok Tribe is the single largest harvester of Trinity River fall-run Chinook salmon populations, and is dependent on sustainable annual runs of adult spring-run Chinook salmon and steelhead. The restoration and recovery of these tribal trust fish species to pre-Trinity Dam levels is of critical importance to the Yurok people and the survival of our culture and way of life.

The Yurok Tribe strongly encourages the California Regional Water Quality Control Board to approve the Master Environmental Impact Report (EIR) for Trinity River Restoration Program Channel Rehabilitation and Sediment Management at Remaining Phase 1 and Phase 2 sites and its site specific Environmental Assessment (EA)/EIR component. We expect that the Master EIR, when certified under CEQA by the Regional Water Board, will serve similar functions as the Final Trinity River Mainstem Fisheries Program Final Environmental Impact Statement (FEIS), under the National Environmental Protection Act. The Master EIR and the FEIS will meet all NEPA and CEQA requirements and will provide programmatic level review from which site-specific project reviews may tier from.

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It is anticipated that the Master EIR will make possible a more cost-effective and timely implementation process leading to accelerated and enhanced benefits to the Trinity River ecosystem. The Yurok Tribe has waited for nearly two decades for the best available science to be developed concerning the restoration of the Trinity River, during which time our fisheries resources have continued to decline. The Yurok Tribe believes that implementation of all non-flow measures of the 2000 Trinity River Record of Decision, including timely construction of all channel rehabilitation sites is a critical step towards restoration of Trinity River Basin fish resources.

In conclusion, the Yurok Tribe requests the Regional Water Board to certify the Master Environmental Impact Report (EIR) for Trinity River Restoration Program Channel Rehabilitation and Sediment Management at Remaining Phase 1 and Phase 2 sites and its site specific Environmental Assessment (EA)/EIR component.

Sincerely,

Tim Hayden
Senior Fisheries Biologist
Yurok Tribal Fisheries Program
Trinity River Fisheries Division
23001 Hwy 96, Hoopa, CA. 95546
(530) 625-4130 x1612

Cc: DH

Trinity River Restoration Program

P.O. Box 1300, 1313 South Main Street, Weaverville, California 96093
Telephone: 530-623-1800, Fax: 530-623-5944

JUL 1 0 2009

Ms. Catherine Kuhlman – Executive Director
California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A.
Santa Rosa, California 95403

Dear Ms Kuhlman:

The Trinity Management Council wishes to support and acknowledge the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), for your assistance, guidance, and overall production of the Draft Master Environmental Impact Report (EIR) for Trinity River Restoration Program Channel Rehabilitation and Sediment Management at Remaining Phase 1 and Phase 2 sites and its site specific Environmental Assessment (EA)/EIR component. The Water Board, in its role as the California Environmental Quality Act (CEQA) Lead agency for this publication, has supported Trinity River habitat restoration efforts by producing a programmatic impact analysis for TRRP proposed implementation activities. We expect that the Master EIR, when certified under CEQA by the Regional Water Board, will serve similar functions as the Final Trinity River Mainstem Fisheries Program Final Environmental Impact Statement (FEIS), under the National Environmental Protection Act. The Master EIR and the FEIS will meet all NEPA and CEQA requirements and will provide programmatic level review from which site-specific project reviews may tier from.

By taking time to lead in development of this programmatic document, the Water Board and your collaborators have provided current environmental analyses and information to better direct and facilitate implementation of the Trinity River Restoration Program (TRRP). We support the holistic approach to restoration that is outlined in the Draft Master EIR and site specific EA/Draft EIR for activities at the Remaining Phase 1 sites. By including each of the specified mitigation measures in our project designs through construction, short-term Trinity River ecosystem implementation impacts will be minimized while assuring that long-term benefits are realized sooner. The identified restoration activities will advance our mutual agency objectives to protect and recover cold water fisheries in the Trinity River. a

It is the intention of the TRRP to implement the current schedule with construction of the remaining restoration program components and the monitoring of our results. These documents will facilitate implementation by bringing our environmental analyses up to date which will be key to the continued success of this multi-agency restoration program. Thank you for your efforts.

Brian Person, Chairman

cc: Mr. Dean Prat
California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A.
Santa Rosa, California 95403

Ms. Samantha Olson
Water Quality Control Board
Office of Chief Council
P.O. Box 100
Sacramento, California 95812-0100

Mr. Brandt Gutermuth
Trinity River Restoration Program
PO Box 1300
Weaverville, California 96093

Trinity County
Resource Conservation District

Post Office Box 1450 • One Horseshoe Lane • Weaverville, CA 96093

July 13, 2009

Mr. Brandt Gutermuth
Trinity River Restoration Program
PO Box 1300
Weaverville, California 96093

Dear Mr. Gutermuth: Brandt

The Trinity County Resource Conservation District supports the Master Environmental Impact Report (EIR) for Trinity River Restoration Program's Channel Rehabilitation and Sediment Management for the Remaining Phase 1 and Phase 2 sites and its site specific Environmental Assessment (EA)/EIR component. A certified Master EIR will complement the Final Trinity River Mainstem Fisheries Program Final Environmental Impact Statement (FEIS), completed under the National Environmental Protection Act (NEPA) and we are confident that these two documents will provide important programmatic level review from which site-specific project reviews may be completed in support of the implementation time-line. a

The Master EIR will create a more cost-effective and timely implementation process leading to accelerated and enhanced benefits to the Trinity River ecosystem and it resident fish and wildlife populations. The Trinity County RCD has been one of your partners for many years and we look forward to the more timely and effective mainstem restoration that will result from the certification of this EIR.

Sincerely,

Patrick M. Frost
District Manager

Cc: File

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6

Trinity River Watershed Council

July 13, 2009

Mr. Brandt Gutermuth
Trinity River Restoration Program
PO Box 1300
Weaverville, California 96093

Dear Brandt,

The Trinity River Watershed Council wishes to express our support for the Master Environmental Impact Report (EIR) for Trinity River Restoration Program (TRRP) Channel Rehabilitation and Sediment Management at Remaining Phase 1 and Phase 2 sites and its site specific Environmental Assessment (EA)/EIR component. We expect that the Master EIR, when certified under California Environmental Quality Act (CEQA) by the Regional Water Board, will serve similar functions as the Final Trinity River Mainstem Fisheries Program Final Environmental Impact Statement (FEIS), under the National Environmental Protection Act (NEPA). Together, the Master EIR and the FEIS will meet all NEPA and CEQA requirements and will provide programmatic level review from which site-specific project reviews may tier from.

a

It is anticipated that the Master EIR will create a more cost-effective and timely implementation process leading to accelerated and enhanced benefits to the Trinity River ecosystem and it resident fish and wildlife populations. The Trinity River Watershed Council focuses efforts on restoration of the watersheds of the mainstem Trinity River. Our work is inter-related to activities within the mainstem, such that, more timely and effective mainstem restoration efforts will directly benefit our own Trinity River Watersheds work. TRRP restoration work that improves mainstem river processes and habitat, which tributary resident salmonids must travel through in their return to their native watersheds, will assist our own restoration efforts. All efforts to improve efficiency of restoration work within the Trinity River Watershed is greatly appreciated and supported by the Trinity River Watershed Council.

Sincerely,

Alex Cousins
Trinity River Watershed Council Coordinator
530-623-6004
acousins@tcrcd.net

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From: Charles Lydy [mailto:hawk191940@yahoo.com]
Sent: Tuesday, June 16, 2009 1:44 PM
To: Gutermuth, F. Brandt
Subject: Channel Rehabilitation and Sediment Management for Remaining Phase 1 and Phase 2 Sites Vol. I :Executive Summary/FONSI

Brandt :Hello to all of you. Rod and Nina especially. I really enjoyed working with you people for about 4 years until about 2 years ago. Well, I'm back. Brandt and your team are doing a great job with continuing on the Trinity River. I just finished reading it from front to back. I yellow highlighted any thoughts and wrote my questions in the margins. I called Brandt with my questions and he had all answers covered. I wish all of you a successful completion of these phases. Your report is outstanding, short and to the point and yet covers all the information completely. Job well done, Chuck Lydy

a

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Response to Comment Letters 1–7

Comment letters 1 through 7 each contain one distinct comment. Because these comments are similar, one response is provided, as follows.

Comment 1-a, 2-a, 3-a, 4-a, 5-a, 6-a, and 7-a

The commenters expressed the support of the National Marine Fisheries Service, the Hoopa Valley Tribal Council, the Yurok Tribe, the Trinity Management Council, the Trinity County Resource Conservation District, the Trinity River Watershed Council, and Mr. Charles Lydy for the Proposed Project and the anticipated utility of the Master EIR for implementing future Trinity River rehabilitation projects.

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California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Northern Region
601 Locust Street, Redding, CA 96001
http://www.dfg.ca.gov

ARNOLD SCHWARZENEGGER, Governor
DONALD KOCH, Director

8

Date July 7, 2009

Mr. Dean Prat
North Coast Water Quality Control Board
5550 Skyline Boulevard
Santa Rosa, CA 95403

RE: **Comments on the Draft Master Environmental Impact Report and Environmental Assessment/ Draft Environmental Impact Report for the Channel Rehabilitation and Sediment Management for Remaining Phase 1 and Phase 2 Sites (SCH# 2008032110)**

Dear Mr. Prat:

The Department of Fish and Game (Department) has reviewed the above-referenced Draft Master Environmental Impact Report and Environmental Assessment/Draft Environmental Impact Report (Draft Master EIR-EA/Draft EIR) that was received on June 5, 2009. The following comments have been prepared pursuant to the Department's roles as trustee agency with jurisdiction over natural resources affected by the project and responsible agency under the California Environmental Quality Act (CEQA).

The proposed channel rehabilitation and sediment management activities (Project) are located on the Trinity River between Lewiston Dam and the confluence of the North Fork Trinity River, in Trinity County. The Trinity River is an important tributary to the Klamath River and supports State and federally-listed "Threatened" Southern Oregon/Northern California Coast(SONCC) coho salmon (*Oncorhynchus kisutch*), SONCC fall- and spring-run Chinook salmon (*Oncorhynchus tshawytscha*), and Klamath Mountains Province steelhead (*Oncorhynchus mykiss*). The Project as described in the Draft Master EIR-EA/Draft EIR proposes to re-contour banks and floodplain features, construct backwater and side channels, and place gravel in or near the flowing river. These activities, in coordination with other actions, have been deemed necessary to restore the Trinity River anadromous fish populations.

The Department has been involved with the various partners in many aspects of the proposed Project during its planning stages, and believes the Project will benefit several species of salmonids within the Trinity River watershed by restoring necessary habitats crucial for increased production and survival.

a

The Department has reviewed the subject Draft Master EIR-EA/Draft EIR and believes that it adequately addresses and mitigates any potential Project impacts to the environment. However, the Department offers the following comments and recommendations:

Page 7.6-12 (Volume III) discusses the No-Project Alternative impacts to Trinity River fish species indicating "there would be no impact." We believe the Draft Master EIR-EA/Draft EIR needs more discussion regarding the impacts to the Trinity River fish populations under the No-Project Alternative. This alternative fails to meet the underlying purpose of and need for the Project. Without the Project it is expected that the Trinity River would continue to support relatively low numbers of anadromous fish, and would not achieve fish population goals as outlined in the 2000 Trinity River Mainstem Fishery Restoration Record of Decision and Final EIR/EIS. The corrected language should be added throughout the Draft Master EIR-EA/Draft EIR where appropriate.

Page H-4 (Volume IV Appendices): Item number 3a, second bullet, discusses care of heavy equipment near the Trinity River. Please add some verbiage indicating equipment used near the river will be steam cleaned to remove any grease, dirt, oil, or non-native plant seed before the equipment is transported to or near the Trinity River.

Page I-1,2 (Volume IV Appendices): The table representing the California Natural Diversity Database (CNDDB) lists spring-run Chinook salmon in three separate quadrants (quads) in Trinity County and identifies them as "Federal and State Threatened species". Spring-run Chinook occurring in the Trinity River are not listed, and Central Valley spring-run Chinook salmon (which are State and federally listed threatened) do not occur in Trinity County. Additionally, coho salmon which are State and federally listed threatened and do occur in Trinity County, are not identified on the CNDDB quads in Trinity County. This should be explained in text accompanying the table in Appendix I.

Page J-1 (Volume IV Appendices): The U.S Fish and Wildlife Service list of *Listed/Proposed Threatened and Endangered Species for Trinity County (Candidates Included)*, includes fish species which do not occur in Trinity County.

Specifically mentioned are Delta smelt (*Hypomesus transpacificus*); Central Valley and Northern California steelhead; winter-run, California coastal, Central Valley fall-/late fall-run, and Central Valley spring-run Chinook salmon. To avoid any confusion, please modify this list to include only fish and wildlife species known to occur in Trinity County.

The Department appreciates the opportunity to comment on this important Project and fully supports the proposed activities. If you have any questions regarding the Department's comments please contact Staff Environmental Scientist Mike Berry at (530) 225-2131, or e-mail mberry@dfg.ca.gov.

Sincerely,

Gary B. Stacey

GARY B. STACEY
Regional Manager

cc: Mr. Mike Berry
Staff Environmental Scientist
California department of Fish and Game
601 Locust Street
Redding, CA 96001

State Clearinghouse
P. O. Box 3044
Sacramento, CA 95812-3044

Mr. Brandt Gutermuth
Environmental Specialist
Trinity River Restoration Program
P.O. Box 1300 (mailing)
1313 S. Main Street (physical)
Weaverville, CA 96093

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Response to Comment Letter 8

This comment letter contains six distinct comments. Following are the responses to those comments.

Comment 8-a

The lead agency acknowledges the comment from CDFG regarding the benefits of the Proposed Project to salmon in the Trinity River watershed.

Comment 8-b

The lead agency acknowledges that CDFG has reviewed the Draft Master EIR–EA/Draft EIR and determined that the document adequately addresses and provides mitigation for any potential impacts of the project to the environment.

Comment 8-c

The lead agency agrees that the No-Project Alternative would not meet the goals outlined in the 2000 ROD. Page 4.6-18 of the Draft Master EIR acknowledges the inability of the No-Project Alternative to meet these goals by stating, "While the No-Project alternative is expected to improve the quality and quantity of fish habitat, it would not ensure that the TRRP meets the fundamental project objectives to restore fish populations and increase spawning or rearing habitat for anadromous fish, including coho salmon within the Trinity River." The lead agency believes that the text in the referenced section meets the intent of CDFG's request. To limit redundancy and because section 7.6 of the EA/Draft EIR tiers from the Draft Master EIR, this text was not repeated in section 7.6.

Comment 8-d

Appendix H is a summary of mitigation measures developed by the lead agency to assist CDFG in providing regulatory support regarding coho salmon to the TRRP. The Draft Master EIR is a comprehensive document that includes commitments from the project proponent and the lead agency, including mitigation measures. These commitments include requiring cleaning of equipment near the Trinity River. Page 2-50 of the Draft Master EIR describes specific water pollution control measures that are incorporated into the action alternatives, including the Proposed Project, to ensure that equipment is clean prior to working near the Trinity River. Additionally, Mitigation Measure 4.7-13d on page 4.7-42 requires thorough washing of all construction equipment prior to entering the worksite. Although steam cleaning is not specified, the lead agency believes that, taken collectively, the measures included in the Draft Master EIR are adequate to address CDFG concerns related to the potential for water pollution and the introduction of non-native plant material. Therefore, the lead agency does not agree that Appendix H requires revision.

Comment 8-e

The lead agency acknowledges that Trinity River basin populations of spring-run chinook salmon are not listed under either the state or federal endangered species acts and that the Southern Oregon Northern California Coast (SONCC) coho salmon Evolutionarily Significant Unit (ESU) is the only fish population in the project reach that is protected by listing under both the federal and state acts. However, Appendix I

is an exact copy of the results of a search of CDFG's California Natural Diversity Database (CNDDB), as described on page 4.7-8. Section 4.6, "Fisheries," provides a comprehensive discussion of aquatic organisms that occur in the Trinity River, including their status with respect to federal and state statutes. The lead agency does not agree that Appendix I requires revision.

Comment 8-f

The lead agency acknowledges that the only fish population in the Trinity River that is listed under the state and federal endangered species act is the SONCC coho salmon ESU. However, Appendix J is an exact copy of the U.S. Fish and Wildlife Service list for Trinity County retrieved from its database. Similar to our response to comment 8-e, this list was used to inform the characterization and analysis of special-status plants and animals relevant to the proposed project. Sections 4.6 and 4.7 provide comprehensive characterizations of the fish and wildlife species known to occur in Trinity County, including their listing status. The lead agency does not agree that Appendix J requires revision.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
OFFICE OF COMMUNITY PLANNING
1657 RIVERSIDE DRIVE
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IGR/CEQA Review
Tri-3/299-Admin
Trinity River Restoration
Channel Rehab
DEIR/FONSI
SCH# 2008032110

July 2, 2009

Mr. Dean Prat
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard
Santa Rosa, CA 95403

Dear Mr. Prat:

Thank you for the opportunity to review the Draft Environmental Impact Report and Finding of No Significant Impact (DEIR/FONSI) prepared for the Trinity River Restoration Project Channel Rehabilitation and Sediment Management for Phase 1 and Phase 2 sites submitted on behalf of the North Coast Regional Water Quality Control Board.

The document concludes that a less than significant impact is expected on the temporary or permanent increase in base flood elevation (Impact 4.4-1). It also concludes that project implementation would not result in significant risk of injury, death or loss involving flooding or erosion processes. If any restoration sites are located within one-mile upstream or downstream of a Caltrans structure, we request to be notified to verify that no significant impact to the structures are expected due to the proposed activities. a

The document also identifies the amount of traffic expected to occur due to the project. The mitigation measures adequately address our concerns (Impact 4.16-1 and 4). The pre-construction roadway condition survey, signage, and off-peak hour work address the impacts. [If traffic control is required on a State highway, a Caltrans encroachment permit is required. Similarly, any work done within the State highway right of way requires a Caltrans encroachment permit.] For more information regarding encroachment permit fees or the encroachment permit process, please contact the District 2 Permits Office located at 1657 Riverside Drive in Redding. The telephone number is (530) 225-3400. Encroachment permit applications are also available from the Caltrans website at www.dot.ca.gov. b

If you have any questions, please call me at (530) 225-3369.

Sincerely,

MARCELINO GONZALEZ
Local Development Review
Office of Community Planning
District 2

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Response to Comment Letter 9

This comment letter contains two distinct comments. Following are the responses to those comments.

Comment 9-a

The lead agency acknowledges the need to ensure that transportation corridors are not affected by the proposed activities. Reclamation, as the project proponent, agrees to notify Caltrans if restoration sites are within 1 mile of Caltrans structures so that Caltrans can independently verify that there will be no significant impacts to these structures as a result of project activities.

Comment 9-b

The lead agency acknowledges the need to obtain a Caltrans encroachment permit when work is required within the state highway right-of-way. This requirement is discussed on page 3-9 of the Draft Master EIR. Reclamation's contractors will obtain Caltrans encroachment permits as required.

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Email from Gail Goodyear to Brandt Gutermuth (TRRP)

7/27/09

Good morning Brandt,
The environmental assessment materials you provided noted a public meeting regarding the proposed Reading's Creek project for June 2009, with notice provided in the Trinity Journal. I missed this notice and meeting. Would you please provide the outcome of this public meetings and others held regarding this project? a

During our June 26th 2009 tour with TRRP staff, I expressed interest in the opinions of those holding parcels affected by the project. Please consider this note a request for the TRRP regarding those opinions. b

Thank you,
Gail

Gail Goodyear
P.O. 1120 Weaverville, CA 96093
530-623-4822

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Response to Comment Letter 10

This comment letter contains two comments. Following are the responses to these comments.

Comment 10-a

The Draft Master EIR provides a discussion of the public involvement process established by the lead agency in conjunction with Reclamation. Specifically, pages 1-15 and 1-16 summarize the public involvement process that led to the preparation of the Draft Master EIR. Only two comment letters were received during the scoping process. During the course of three meetings held by Reclamation, approximately 40 people attended. In general, these meetings resulted in verbal acknowledgment by attendees of support for the activities described in the Master EIR.

Comment 10-b

As stated in the previous response, there was limited input from the public during the formal scoping process. During the development of the Draft Master EIR, TRRP staff met with interested landowners and other stakeholders to better understand the specific interests, issues, and concerns that may affect private property along the Trinity River. Overall, the verbal opinions expressed during these meetings between TRRP staff and individual landowners and stakeholders provided positive input on site-specific topics, such as vegetative screening.

The members of the public who attended these meetings were primarily interested in learning about potential TRRP plans for channel rehabilitation work at sites near their homes or on their own property. The projects were conceptually described and members of the public were assured that the TRRP would not work on their property without a written landowner-government contract. This contract would include payment to local owners for temporary use of their lands during construction of channel rehabilitation sites. Several citizens noted that they had worked out reasonable agreements with the TRRP during past projects and that they felt that they had received acceptable treatment.

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Email from Gail Goodyear to Brandt Gutermuth and DJ Bandrowski (TRRP)

7/30/09

DJ and Brandt,
Without a substantive response from either of to my previously posed questions, I submit additional comment regarding the draft documents you provided to me on July 14 2009.

Respectfully,
Gail

Questions for TRRP
Gail Goodyear comments on Draft EIR
(comments due to TC planning dept 7/31/09)

The Executive Summary for the Draft EIR sets a "properly functioning, diverse floodplain and riverine habitat" as the goal. ***What are the measurable parameters that will be used in assessment of the project (i.e., what reflects the proper functions and diversity of the floodplain and riverine habitat)?*** a

/What is the anticipated future hydrologic regime?/On the June 26th tour with TRRP staff, Gail Goodyear asked what modeling had been done and what did TRRP wish to happen on the land. Gail Goodyear stated that considerable loss of private land has occurred in previous government construction along the Trinity River (and its forks) when the river has been forced to bounce from one bank side to the other, and continue bouncing back and forth. The only response given was that of DJ Bandrowski who said, "after the work on the proposed project is done, we will let the river do what it wants." b **/**Considering need for an EIR and river modeling studies, TRRP surely has, or needs to have, an anticipated hydrologic regime to share at this time.**/** c

The modeling, together with the mitigation plan, is need to address disruption to existing land use; compensation for minerals; increased exposure of people to flood and erosion; and erosion of agricultural/industrial lands. d

On the June 26th tour, Hal and Gail Goodyear were asked by DJ Bandrowski what they would like their property to look like after the TRRP work. Gail Goodyear responded that review of the environmental assessment documents were necessary prior to making such a statement. Gail noted a request for these documents had been made of Brandt Gutermuth in September 2008, yet no documents were provided.**/**Gail repeated her request to TRRP staff. DJ Bandrowski provided documents on July 14 2009; however, no mention of deadlines for comments was shared, verbally or in writing.**/** e

f /***What fine and coarse sediment management is planned?***/This is particularly import in planning for action before, during and after a storm event. In addition to the management plan, a description of short-term sedimentation needs to be shared with landowners.

g ***What are the baseline measures for ecological response to changes in flow regimes, morphological features and habitats (aquatic/riparian/upland)?***

h ***What is the definition and description of "dynamic alluvial channel" as it relates to the Trinity River between the Douglas City Bridge and the point furthest down the river of the Douglas City BLM campground?***

i ***What is the intended use or desired movement of the "sediment supply?"*** And what will cause the TRRP to re-enter private property to add or remove materials?

j ***What are the looks of an "alternate riverine habitat?"*** This, in relation to the EA/EIR, is unstated.

k /Reading's Creek Tree Farm owns mineral rights to its landholdings. The TRRP proposed project

l would affect mineral recovery/***What compensation for removal of materials containing minerals is offered?***/

m /The EIR states that no mitigation is necessary because the proposed work area is a less than significant site. Yet, to lessen the impact of this 'locally important mineral resource recovery site" mitigation of loss is necessary./

n The Trinity County General Plan, as well as community plans, is under development. To state the project is in accord with these plans is inappropriate. In fact, the Trinity County Planning Department has chosen on numerous occasions to halt development until these plans are updated. Without mention in the General Plan and community plans of work, such as is proposed by TRRP, it is inappropriate to proceed until the plans are complete. This is particularly important when the proposed Reading's Creek work is done in a community, in this case Douglas City.

o The draft EIR states no plan for road use, yet vehicles and equipment will use roads. Mitigation is needed for use of Marshall Ranch Road and any other roads (which have yet to be contracted for use by TRRP).

p The draft EIR states "All parcels within the proposed project have been subdivided to the fullest extent possible under existing zoning designations." A portion of the Goodyear property is eligible subdivision/development.

q The draft EIR describes fuel spill containment plan measures relative to the Trinity River, yet lands 150 feet or further away from the river are not included in fuel spill containment plans. This lack leaves landowners will a potentially dangerous and libelous situation for which to pay.

r The draft EIR states the project will cause no significant impact to stormwater runoff and subsequent potential for erosion. This omission is gross. Stated mitigation is essential to this project.

The draft EIR states the BR will initiate a 10 year mitigation monitoring program after the first growing season. This long-term relationship between BR and landowners must be included in the mitigation and compensation. s

The draft EIR states there will be no net loss in riparian habitat or wetlands. This implies that nature cannot be allowed to remove these features on the land by fire, flood, disease, etc. Also the draft EIR states that a public meeting will be held to determine the amount of vegetative screening to be retained. Removal of invasive plants is essential to all healthy habitats. t

The draft EIR states that implementation of the project will have no significant impact on local businesses and no mitigation is necessary. If river activity causes changes that result in erosion of farmland/timberland business is disrupted. Mitigation is necessary. u

The draft EIR allows DR to burn vegetative matter at times determine by BR staff. Those familiar with local fire behavior and monitoring, together with landowners, should work with BR to limit months/times in which burning is done. The value of private property at Reading's Creek necessitates such mitigation. v

w The draft EIR states there will be no increased risk of landslides or flooding, and no mitigation is necessary. Yet, the stated purpose of the project is to increase the floodplain. And TRRP staff during a June 26th tour said they wished trees to fall in the river these trapped trees will cause localization of water current that will erode and will have the potential to cause landslides. The steep hillside upstream from the Douglas City BLM campground is susceptible to landslides and erosion and this hillside grows valuable timber. Mitigation is necessary.

x The draft EIR states activities will have no impact on fishing and swimming. Yet, to-date TRRP activities upstream from the proposed site have had an impact on Trinity River fishing and swimming in the proposed Reading's Creeksite. Mitigation is necessary to retain fishing and swimming access on private land.

y The draft EIR assumes that vegetation is the desired state. This is an assumption without foundation that is used to justify, in part, re-vegetation. River history lacks support of a vegetative state.

Gail Goodyear, Ph.D.
P.O. 1120
Weaverville, CA 96093
530-623-4822

Response to Comment Letter 11

This comment letter contains 25 distinct comments. Following are the responses to those comments.

Comment 11-a

As described on page 4.3-5 of the Draft Master EIR, the Trinity River Flow Evaluation Study (U.S. Fish and Wildlife Service and Hoopa Valley Tribe 1999) defines a properly functioning river system in terms of its physical state and geomorphic processes. A properly functioning river system requires flows capable of mobilizing and transporting significant quantities of bed sediments. Transport of bed material is the fundamental process needed to build and maintain river bars and pools, flush fine sediments, and rejuvenate riparian communities and aquatic habitat. Monitoring measurable parameters such as sediment transport rates during high-flow periods and determining the total annual transport of fine and coarse sediment past specific locations along the river provides a basis for assessing project performance.

The quantity and quality of the riparian and aquatic habitat created by sediment transport processes are evaluated in a variety of ways by the Trinity River Restoration Program (TRRP) to assess project performance. The topographic complexity of the stream channel is assessed using repeated topographic surveys, including conventional surveys along cross sections, sonar surveys of the streambed, and occasional aerial surveys. Such data allow quantification of the volumes and rates of erosion or deposition, and changes in the shape of the channel. Large-scale changes in the river are monitored using sequential sets of aerial photographs, and can be quantified in terms of areas subjected to erosion or deposition, changes in bank length, and a number of other metrics. Riparian vegetation is mapped by time series to assess change, to evaluate and quantify available fish and wildlife habitat, to identify areas of riparian initiation or disturbance, and to evaluate the diversity of the riparian corridor. Aquatic habitat is evaluated by mapping the area of channel suitable for use by juvenile salmonids over a range of flows. In addition, a number of studies are being performed under the auspices of the TRRP to determine habitat utilization by fish and wildlife species.

Comment 11-b

Section 1.4.3 of the Draft Master EIR provides a summary of the flow regime stipulated by the 2000 Record of Decision (ROD) for the Trinity River Mainstem Fishery Restoration EIS. The ROD identifies five distinct water-year types that are used by the TRRP to determine the exact water allocation for release down-river each water year. The amount of water released from Lewiston Dam into the Trinity River depends on the water-year type. As described on page 1-8, the ROD set forth prescribed Trinity River water volumes and associated peak flows for the following five water-year types: extremely wet (815,200 acre-feet annually [afa] with an 11,000 cubic feet per second (cfs) peak; wet (701,000 afa with an 8,500 cfs peak); normal (646,900 afa with a 6,000 cfs peak); dry (452,600 afa with a 4,500 cfs peak); and critically dry (368,600 afa with a 1,500 cfs peak). The typical hydrographs for each of these water year types are available at http://www.trrp.net/water/flow.htm

Comment 11-c

Section 4.4 of the Draft Master EIR describes the anticipated hydrologic regime referenced in the preceding response. The flow regimes stipulated in the ROD are considered the existing condition for purposes of comparing the proposed project to the no-project alternative under CEQA. The ROD acknowledged the need for flexibility, and the TRRP is required to work with other members of the Trinity Management Council (TMC) to identify the specific flow schedule for a particular year. Consequently, Reclamation adjusts the TRD water release schedules within the water year to meet geomorphic needs (primarily targeted in wet years) or to meet habitat and temperature objectives (primarily targeted in dryer years). The most current information on the year's Trinity River releases is available to the public at http://www.trrp.net/water/index.htm

Comment 11-d

The lead agency acknowledges the necessity for studies to validate the hydraulic model and to ensure that the Master EIR is informed by the model outputs. As described in Section 2.5.2 of the Draft Master EIR, Reclamation, with assistance from technical staff from other TMC organizations, developed and calibrated the HEC-RAS hydraulic model with measured water-surface elevations at a number of locations along the Trinity River between Lewiston Dam and the North Fork Trinity River. This model has the ability to predict water surface elevations that may occur during various flow events, including base flow conditions (450 cfs), bankfull releases (bankfull releases equate to the definition of the ordinary high water mark accepted by the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, and Trinity County for regulatory purposes), and high flow releases, as described in Table 2-2 of the Master EIR, including flow regimes required to implement the 2000 ROD.

The hydraulic modeling of expected flows and their surface elevations was integral to the development of the Draft Master EIR, including the mitigation measures. The Water Resources section (Section 4.4) of the Draft Master EIR describes the modeling approach for designing floodplain activities and the potential impacts of the restoration activities. The thresholds for significant impacts related to hydraulics are listed on page 4.4-7 of the Master EIR, and these impacts are addressed in the document.

Section 4.2 of the Draft Master EIR states that significant portions of the areas included within the boundaries of the Remaining Phase 1 and Phase 2 sites are located within the 100-year floodplain of the Trinity River. Figure 4.4-2 supports this discussion. Consistent with the requirements of Trinity County's Floodplain Protection Ordinance, all TRRP designs and engineering specifications are prepared under the direction of a Professional Engineer licensed in the State of California. In general, the activities described in Chapter 2 are intended to enhance fish habitat while also reducing the risk of flooding and erosion by expanding the surface area for water to move, and thereby reducing its velocity and depth.

Impacts 4.4-1 and 4.4-3 address project impacts related to an increase in the base flood elevation and exposure of people or property to risk of injury, death, or loss involving flooding or erosional processes. Based on the best available scientific information, the lead agency determined that these impacts are less than significant and that mitigation measures were therefore not needed. Because the analysis in the Draft

Master EIR was performed at a programmatic level, the lead agency acknowledges the need for final site-specific hydraulic analysis prior to implementing activities.

Similar to Reclamation's approach to previous Trinity River restoration projects, willing landowner participation is required to perform restoration activities on private lands. In such situations, the site-specific hydraulic information will be used by Reclamation to address landowners concerns, including those specifically related to flooding, erosion, and protection of existing natural resources and physical improvements on the property.

Chapter 4.2, Land Use, provides background information and the analytical framework for assessing project impacts to existing land uses, including the availability of locally important mineral resources. It also analyzes the impacts of the project with respect to federal, state, and local plans, policies, and ordinances. A key factor in determining that Impacts 4.2-1, 4.2-2, and 4.2-3 are less than significant is the requirement that the project be consistent with the Land Use Element of the Trinity County General Plan, which is summarized on Page 4.2-22 and 4.2-23.

Impact 4.2-3 concerns mineral resources, including those that occur on federal mining claims and private lands along the Trinity River. The locations of the activity areas for Phase 1 sites were established based in part on the fact that alluvial materials associated with the river might have mineral values. Based on information available to Reclamation, including input received during scoping, some activity areas were excluded from further consideration for various reasons. To account for the uncertainty concerning the type and location of mineral resources that could be encountered during restoration activities, the lead agency determined that either action alternative considered in the Draft Master EIR would have a significant impact on mineral resources. In addition to Reclamation's willing landowner policy, Mitigation Measure 4.2-3a was developed to reduce this impact to a less than significant level. For these reasons, the lead agency believes that the Master EIR has adequately addressed the issues in this comment and no revisions to the EIR are required.

Comment 11-e

Reclamation and the Regional Water Board made a considerable effort to provide notice of the environmental document to all interested parties; however, it is possible that not everyone was fully informed for a variety of reasons.

Although the commenter was not personally informed by TRRP of the date the public comment period would end during their private meeting on July 14, 2009, the comment period was well noticed, consistent with CEQA guidelines. In addition to two public notices posted in the Trinity Journal (dated June 17 and 24, 2009), the deadline for public comment was also stated in the cover letter included in Volume I of the Draft Master EIR. The time period for comment was also posted on the TRRP website at: http://www.trrp.net/implementation/remainingP1.htm.

Several comment letters were submitted to the lead agency after July 25, 2009, as shown on Table 3-1 and considered in the preparation of the Final Master EIR and Final EIR.

Comment 11-f

Figure 1-2 of the Draft Master EIR illustrates the location of the specific fine and coarse sediment management activities proposed by the lead agency. Section 2.3.4 of the document describes the specific fine and coarse sediment management activities proposed in the two action alternatives.

Fine sediment management is anticipated at one site: the Hamilton Ponds, located near the mouth of Grass Valley Creek. The Hamilton Ponds were constructed by DWR, with Reclamation's involvement, to reduce the amount of fine sediment delivered from the Grass Valley Creek watershed to the Trinity River. Over time, these ponds fill up and periodic maintenance, consisting of excavation of fine sediment, is required to maintain their efficiency. The fine sediment management activity described in the Draft Master EIR is specifically related to ongoing maintenance of the Hamilton Ponds within the boundary of the Lowden Ranch site.

Pages 2-8, 2-13, and 2-14 discuss coarse sediment management (e.g., gravel augmentation), including how specific sites are selected, the types of methods that may be used, and the timing. Table 2-2 provides a detailed list of activity areas considered for coarse sediment addition within the Remaining Phase 1 sites, and Section 2.4.2 provides a narrative discussion of the Phase 2 sites that may be candidates for coarse sediment management.

In addition to the coarse sediment management incorporated into site-specific designs for Remaining Phase 1 and Phase 2 sites, the locations of five discrete long-term, high-flow sediment augmentation sites are illustrated on Figure 1-2. Reclamation and the U.S. Forest Service have used some of these sites for the past several years. These sites are associated with areas commonly referred to as the Lewiston Hatchery, Diversion Pool (or New Lewiston Bridge), Cableway (upstream of Old Lewiston Bridge), Sawmill (downstream from Cemetery Hole), and Lowden Ranch. Located downstream of Lewiston Dam, these sites were selected by Reclamation in consultation with the members of the Trinity Management Council (TMC) in order to ensure that introduced material is transported downstream to replenish the alluvial material that is remobilized over time.

Augmentation at these five sites is expected to occur primarily during high spring flows, when coarse sediment may be introduced to the river mechanically and immediately transported downstream. Figure 2-3j illustrates typical methods used in the past several years to augment gravel to the river during high flows. Reclamation, along with TMC representatives, will use ongoing monitoring in conjunction with water year projections to determine the precise location and extent of these activities on a yearly basis. The flow release schedule established by Reclamation for the water year type is also a factor in determining the volume of material used for augmentation during high-flow periods.

Comment 11-g

Reclamation and other members of the TMC, in conjunction with the TMC's Science Advisory Board (composed of five scientists who assist the TRRP and who are recognized as experts in the disciplines of fisheries biology, fluvial geomorphology, hydraulic engineering, hydrology, riparian ecology, wildlife biology, or aquatic ecology), have been developing an Integrated Assessment Plan (IAP). If the

commenter is interested in understanding the specific components of the IAP, it is available at http://www.trrp.net/science/IAP.htm. In addition to other informational documents on the TRRP website, some supporting documents can be accessed at http://www.fws.gov/arcata/fisheries/reportsDisplay.html. If the commenter would like a hard copy of the IAP, she is welcome to call the TRRP office at (530) 623-1800 with a specific request. TRRP staff would be happy to answer specific questions about the IAP and other source documents once the commenter has had the opportunity to review them.

Comment 11-h

This question references a relatively short section (< 2 miles of river length) of the Trinity River, including the reach upstream and within the boundary established for the Reading Creek site. Downstream of the Douglas City Bridge, the river is confined by State Route 3 on the left bank and by a high valley wall on the right side upstream of the Douglas City Campground. Without the mechanical measures described in Chapter 2 of the Draft Master EIR, these features limit the potential for the river to meander, particularly in the reach upstream of Reading Creek. Figure 2.1f illustrates the specific activity areas at the Remaining Phase 1 site identified as Reading Creek that are analyzed in the Draft Master EIR. Currently, the mechanical measures intended to initiate channel meanders at the Reading Creek site focus on expanding the inundation surfaces and establishing alternate point bars to increase the quantity and quality of riparian and aquatic habitat while maintaining bed relief, channel complexity, and riparian succession. Definitions of some of the rehabilitation features included in the Draft Master EIR are provided in the Glossary in Volume IV of the draft CEQA document.

Comment 11-i

When the TRD was completed, the coarse sediment supply that originally moved through the river from upstream of the dams was eliminated. In general, prior to the TRD, watershed erosion and sediment delivery rates to the Trinity River were in balance with the fluvial transport and export of sediment from the basin. This condition can be called a “dynamic equilibrium” in that a balance between supply and export of bed material persists.

Implementation of the ROD is a science-based effort to reverse TRD impacts below Lewiston Dam by using a combination of high-flow releases, sediment management, and channel rehabilitation along the river corridor. Over time, through the integration of the management efforts described in the ROD, the TRRP is required to implement measures to restore adequate coarse sediment storage to the channel so that the ability of the river to create and maintain high-quality aquatic and riparian habitat for a diversity of species (including invertebrates, fish, and wildlife) is restored.

As sediment is moved downriver, the TRRP is obliged to continually add more to maintain the coarse sediment supply. To the extent possible, the TRRP plans to annually replenish the gravel supply from public land sources at the designated long-term, high-flow sediment augmentation sites (Figure 1-2). Because the TRRP projects are designed to avoid exposing people or structures to a significant risk of injury, death, or loss involving flooding and erosion on private lands, the TRRP intends to limit gravel placement during channel rehabilitation projects and does not intend to reenter private property to add or remove additional alluvial material.

Comment 11-j

The comment refers to the phrase "alternate riverine habitat." The lead agency is unaware that this term was used in the document. The term used on page 2-36 of the Draft Master EIR is alternate bar riverine habitat. The document also refers to alternate point bar sequences or simply alternate bars.

These habitat features are referred to as "alternate" because they extend across the river in alternating patterns, from one side to the other. Alternate bars are coarse sediment (gravel) bars that extend diagonally from one bank across the channel toward the opposite bank. Alternate bars may include one or more point-bar-like components attached to the riverbanks and a submerged or partially submerged diagonal component. As stated previously, a glossary of terms is included in Volume IV.

Comment 11-k

As stated previously, consistent with the Trinity County General Plan, it is Reclamation policy to implement restoration activities in accordance with the requirements of willing landowners. Reclamation understands that mineral resources on private lands are of value to the owner of the mineral rights. Prior to receipt of this comment, the lead agency was not aware that Reading's Creek Tree Farm owned mineral resources that could be affected by restoration activities. Consistent with previous restoration efforts, Reclamation is committed to work with landowners to revise activity areas and proposed activities prior to entering into agreements with specific landowners. It is not Reclamation's intent to affect any landowner's ability to manage the resources that occur on their property without their express permission.

Comment 11-l

Consistent with the response to Comment 11-k, Reclamation policy is to work with willing landowners to develop realty agreements that stipulate the conditions of both parties prior to performing any restoration activities on private lands. These agreements, including any requirements for compensation, cannot be executed unilaterally by Reclamation. At this point in the planning process, it is premature to establish a level of compensation, if any, that will be required to perform restoration activities on the Remaining Phase 1 or Phase 2 sites described in the Draft Master EIR.

Comment 11-m

Impact 4.2-3 concerns effects to locally important mineral resources. Through the discovery process, including a review of readily available information on file with Trinity County and BLM supplemented by input provided to the lead agency during scoping, only two active mineral recovery operations were identified. Although these operations (aggregate mining) are not within the boundary of any of the Remaining Phase 1 or Phase 2 sites, one is located within the boundary of the Hocker Flat restoration project completed by Reclamation in 2006. The analysis of this impact acknowledged that mineral resources may exist within or near sites described in the Draft Master EIR, and the impact was determined to be significant. Mitigation Measure 4.2-3a was developed to reduce the potential effects on mineral resources by ensuring that Reclamation notifies landowners of proposed activities on their property in order to develop appropriate agreements to protect any resources, including minerals that may occur on private lands.

Comment 11-n

The lead agency acknowledges that some elements of the Trinity County General Plan are currently in the process of being updated; the last major update to the plan was in 2003, and there is no anticipated date for completion of the new update. The goals and policies of the currently adopted General Plan, including community plans, apply until a new General Plan is adopted. Therefore, it is appropriate for the lead agency to make the determination that the Proposed Project is consistent with the currently adopted Trinity County General Plan.

The Planning Department does not make decisions to halt development. Decisions to approve or deny a permit application are made by the Trinity County Planning Commission. Decisions to approve or deny an application for a rezone are made by the Board of Supervisors.

Through the Douglas City Community Plan, the Trinity County General Plan established several natural resource goals (Douglas City Community Plan, page 37). Goal number 3 is to protect and improve fish habitat within the Plan Area, which is the fundamental objective of the TRRP, as described in the Draft Master EIR. Page 41 of the Douglas City Community Plan goes on to acknowledge the benefits of the TRRP in restoring the fishery of the Trinity River and its tributaries.

Comment 11-o

Sections 4.16 and 7.16 of the Draft Master EIR and Draft EIR, respectively, discuss transportation and traffic circulation. In addition to characterizing the environmental setting for the Remaining Phase 1 and Phase 2 sites for this topic, six discrete impact statements were developed and analyzed. Three of these—impacts related to short-term construction traffic, wear and tear on local roadways, and safety hazards—were deemed significant by the lead agency. Mitigation measures 4.16-2a, 4.16-3a and 3b, and 4.16-5a were developed by the lead agency to reduce these impacts to a less-than-significant level. The full text of the impact statements and mitigation measures is reproduced in Appendix A, Mitigation Monitoring and Reporting Program.

The impact analysis in Section 7.16.2 provides a detailed discussion of the roads that may be used to support various restoration activities. Table 7.16-1 and Figure 7.16-1d specifically acknowledge that Marshall Ranch Road is within the boundary of the Reading Creek site and could be used in the event that landowner access is granted to Reclamation. As stated in a previous response, a legally binding agreement with any landowner will be required before any project activities occur on private lands.

Comment 11-p

Under the heading “Proposed Land Uses,” page 4.2-13 states, “In general, parcels within the rehabilitation site boundaries have been subdivided to the fullest extent possible under existing zoning designations; therefore, future rural residential development on the uplands above the river’s floodplain would be minimal. Future development is restricted by the proximity of the parcels to the Trinity River; many of these parcels are currently zoned Flood Hazard and Open Space.”

The lead agency acknowledges the reviewer's comment that some lands within the project boundaries established for the Remaining Phase 1 and Phase 2 sites may be eligible for subdivision or development.

Comment 11-q

The lead agency recognizes the importance of minimizing the impacts to lands or resources within and along the Trinity River that could occur as a result of inadequate containment of potential pollutants (e.g., diesel fuel). Impact 4.5-3, which addresses hazardous materials spills, was found to be significant. The mitigation developed by the lead agency has been used successfully to ensure that fuel containment and spill control measures do not result in significant impacts to the Trinity River or to lands (including private property) within the boundaries of the restoration sites.

Areas for fuel storage, refueling, and servicing will be located at least 150 feet from the active river channel or within an adequate secondary fueling containment area. Every reasonable precaution will be exercised during project implementation and Best Management Practices will be implemented to protect the Trinity River from being polluted. Standard water pollution prevention practices that will be employed during all channel rehabilitation projects are described on page 2-50. Additionally, Mitigation Measure 4.5-3 details pollution control requirements for hazardous material spills.

Comment 11-r

The lead agency identified that impacts related to erosion and sedimentation would be significant. In addition to the measures described on page 2-50, the Mitigation Monitoring and Reporting Plan contains a number of mitigation measures required by the lead agency to reduce these impacts to a less-than-significant level.

Detailed information concerning storm water runoff and turbidity are provided in Sections 4.5.1 and 4.5.2.

Comment 11-s

The lead agency believes that the comment refers to the Riparian Revegetation and Monitoring Plan, which is referred to in Mitigation Measure 4.7-1. A copy of this plan is on file at the TRRP's Weaverville office and available for review.

Subsequent to the ROD, the TRRP developed the Riparian Revegetation and Monitoring Plan in conjunction with key regulatory agencies, including the U.S. Army Corps of Engineers, the Regional Water Board, and the California Department of Fish and Game. This plan is a required component of any discretionary action authorized by the responsible agencies involved in restoring the Trinity River. Implementation of this plan is intended to ensure these regulatory agencies that the TRRP will protect, restore, and, if necessary, enhance riparian vegetation and wetlands along the Trinity River between Lewiston dam and the North Fork Trinity River over the long term. These agencies are responsible for approving (permitting) the TRRP projects and in some cases also have jurisdiction over public trust resources. Under the plan, Reclamation is responsible for ensuring that no net loss of riparian habitat and

jurisdictional wetlands occurs within the overall channel rehabilitation site boundaries, and generally within the 40-mile channel rehabilitation reach, regardless of ownership.

As stated previously, Reclamation is required to formulate agreements with private and public landowners before they perform work on their lands. At this time, agreements have not been established for all of the Remaining Phase 1 sites, and they consequently cannot be used as mitigation.

Comment 11-t

While there will be no net loss of riparian and wetland habitats, replacement habitat will not necessarily be required at any specific location. The Riparian Revegetation and Monitoring Plan allows Reclamation to replace vegetation using a combination of replanting, regrowth of remnant vegetation, and natural recruitment. It also allows for flexibility to ensure riparian vegetation is replaced where appropriate in close proximity to the removal area, but not necessarily at the point of removal. For instance, replacement of riparian vegetation removed by a 2006 TRRP project just down river of Lewiston dam is not appropriate in this location because ROD flows consistent with water-year requirements would scour the vegetation. Consequently, 1:1 replacement of vegetation is accomplished where appropriate in consultation with the regulatory agencies and in cooperation with willing landowners.

The lead agency suggests that the commenter may have misinterpreted the statement that the TRRP will meet with potential willing landowners to discuss site-specific vegetative treatments on a case-by-case basis. The context of this statement appears to be related to the language of Mitigation Measure 4.8-1b as it relates to working with landowners to ensure the appropriate level of vegetative screening. The lead agency has not identified a specific need for a public meeting to determine the amount of vegetation screening to be maintained along the river. Consistent with the willing landowner policy, Reclamation will work with private landowners to reach a mutually agreeable riparian vegetation condition. In addition, Reclamation's TRRP office in Weaverville has an open-door policy and is willing to discuss its projects with the public at any time.

Comment 11-u

Impact 4.9-2 states that implementation of the project would have a less-than-significant impact on local businesses. The context of this impact statement is focused on existing businesses and the potential for the project to disrupt access to the services provided to the public (e.g., rafting and fishing guides).

The lead agency acknowledges that the bed and banks of the Trinity River are dynamic and subject to change, including changes in response to post-ROD flows and various channel restoration activities. Ongoing monitoring of the changes to the channel that have occurred since the 2000 ROD suggests that most of the observable changes to the bed and banks of the river occur on lands zoned as Scenic Conservation. Specific land use zoning information for each of the Remaining Phase 1 sites is provided in the Draft EIR beginning on page 7.2-2.

Based on information available to the lead agency, the CEQA process did not identify a significant impact related to the erosion of farmland/timberland. Therefore, no mitigation was developed.

Responses to Comment 11-v

The commenter is correct that Reclamation has included burning as an option to dispose of vegetation that has been cleared from its project areas. The Draft Master EIR identified several options, including burning, to dispose of construction-related vegetative material. Other options include chipping, hauling offsite, burying within spoils areas, or other appropriate methods. In addition, Reclamation will continue to work with local agencies to encourage the efficient use of chipping as a priority method for disposing of vegetative waste.

In the event that burning is selected as a means of disposing of vegetative material, Mitigation Measures 4.11-3a, 3b, and 3c will be used to ensure that impacts are reduced and that the requirements of the California Department of Forestry and Fire Protection and any other applicable federal, state, and local requirements are met.

Comment 11-w

The risk of increased landslides and/or flooding is specifically addressed in the Draft Master EIR and Draft EIR in sections 4.13 and 7.13, respectively. Additional information on these topics is also provided in other sections of the document (i.e., Geology, Water Resources, Water Quality). Based on information available to the lead agency, Impact 4.13-4 and Impact 7.13-4 were determined to be less than significant based on the criteria presented in Section 4.13; therefore, no mitigation was developed.

Section 2.2 of the Draft Master EIR provides a comprehensive discussion of the goals and objectives that form the basis for restoration activities analyzed in the document. The lead agency acknowledges that the modifications to the bed and banks of the Trinity River will increase the areal extent of the riverbanks that may be subject to inundation (e.g., floodplains) under a range of flows. A description of the specific activities proposed to increase inundation areas is provided on page 2-7 (Rehabilitation Activities B, C, and D). As indicated in previous responses, hydraulic analysis, including additional site-specific efforts during final design, will be performed to ensure that none of the activities authorized by Trinity County will have a significant impact on the base flood elevations.

As described for Activity I on page 2-8, large woody debris (e.g., logs, rootwads) will be incorporated into the final designs as appropriate to enhance habitat complexity for juvenile salmonids (hiding cover and velocity refuge). Consistent with its willing landowner policy, Reclamation will work closely with landowners to identify site-specific locations for placement of large woody debris to ensure that adjacent resources are not jeopardized by restoration activities.

Comment 11-x

The lead agency determined that Impact 4.8-1 in the Draft Master EIR would be significant, based on the significance criteria presented on page 4.8-4. The lead agency developed Mitigation Measures 4.8-1a and 4.8-1b to reduce this impact to a less-than-significant level. The lead agency believes that these mitigation measures are adequate and that additional measures are not required.

The lead agency is unaware of information supporting the statement that previous TRRP activities upstream from the Reading Creek site have had an impact on fishing and swimming within the boundaries of the Reading Creek site. Any additional information provided to Reclamation will be taken into account as the design process continues with input from specific landowners.

Comment 11-y

The commenter is correct that the lead agency believes that vegetation is critical to a properly functioning mainstem Trinity River. Riparian vegetation provides cover for fish and wildlife, minimizes erosion, and traps sediment. Over time, vegetative material is recruited to the river and provides valuable habitat for fish and other aquatic organisms.

The lead agency acknowledges that the historic (prior to TRD) Trinity River floodplain had less riparian vegetation, although the vegetation community that persisted prior to the TRD was more diverse in terms of age and species assemblages. As described in Chapter 1, the current riparian communities that occur along the Trinity River are distinctly different; the current riparian vegetation is more homogenous in age, structure, and species diversity. Implementation of the ROD is intended to ensure that complex and diverse riparian communities are restored.

The TRRP is not attempting to restore the Trinity River to pre-TRD conditions. Rather, the intent of the ROD is to restore the river ecosystem, its processes, and resultant riparian and aquatic habitat at a scale consistent with post-ROD flow regimes. Because post-ROD flows are lower than the pre-TRD levels, Reclamation's ability to enhance the riparian and aquatic habitat, thereby increasing the fishery of the Trinity River, is constrained by a variety of factors, including the ability to implement restoration activities on private lands at various locations.

CHAPTER 4

Changes to the Draft Master EIR

Chapter 4
Changes to the Draft Master EIR

No changes were made to the Draft Master EIR as a result of public comments. The lead agency made two revisions to correct minor errors. These changes are described below.

Figure 4.2-3 has been revised to correct landownership boundaries for BLM and Reclamation lands.

On page 4.3-23, the text immediately following "Impact 4.3.-3: Implementation of the project would interfere with existing, proposed, or potential development of mineral resources," inadvertently indicates that the impact would be less than significant for the Proposed Project and Alternative 1. The text should have indicated that the impact would be significant. The analysis that follows the incorrect significance level concludes that the impact would be significant, and mitigation is provided to reduce the impact to a less-than-significant level. The significance level for Impact 4.3-3 is correct in Table 4.3-1, which summarizes the impacts related to geology, fluvial geomorphology, soils, and minerals.

Figure 4.3-7 on page 4.3-15 has been revised to reflect an update to the Bureau of Land Management database for mining claims specific to the Trinity River between Lewiston and Helena, California.

These figures are included on the following pages.

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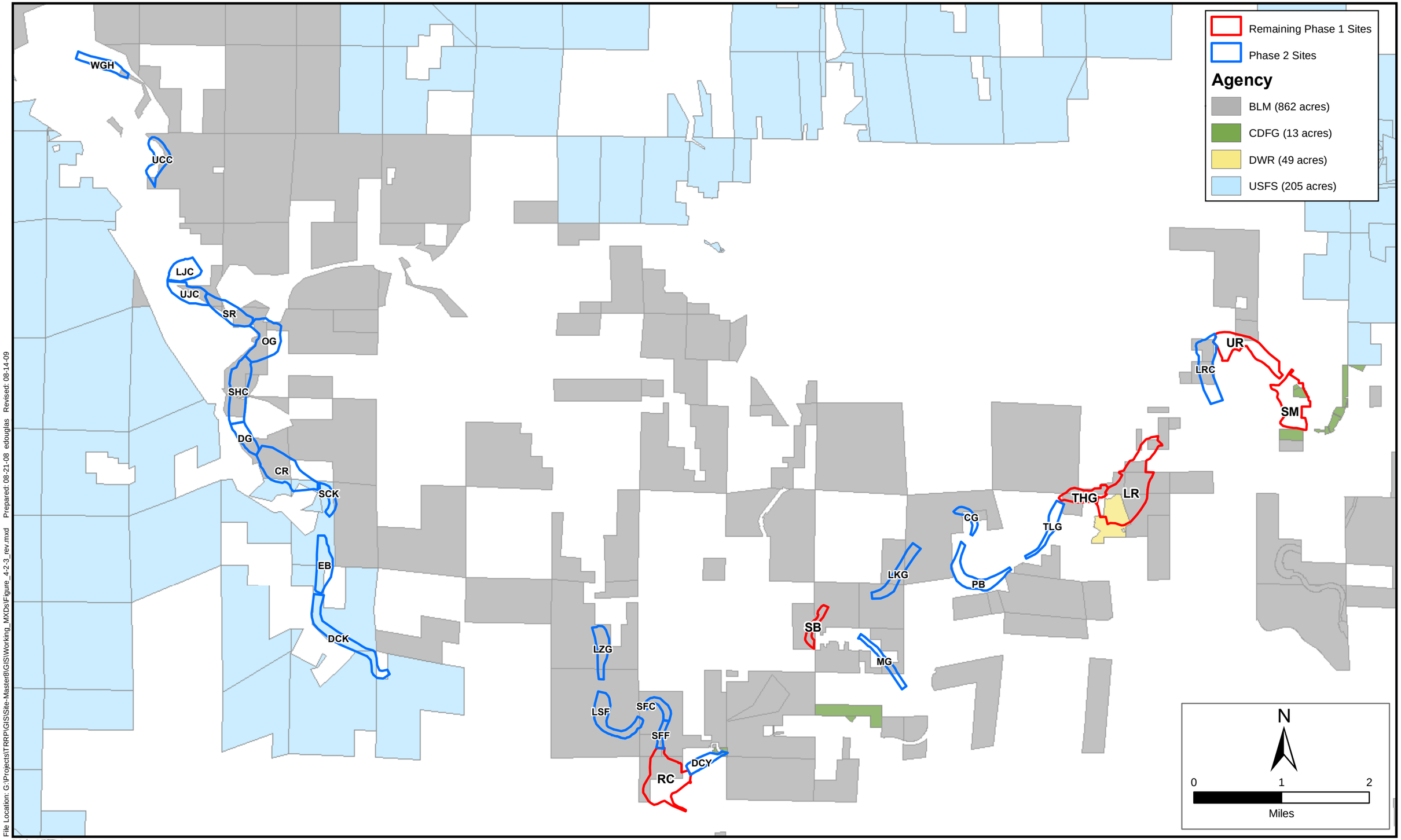
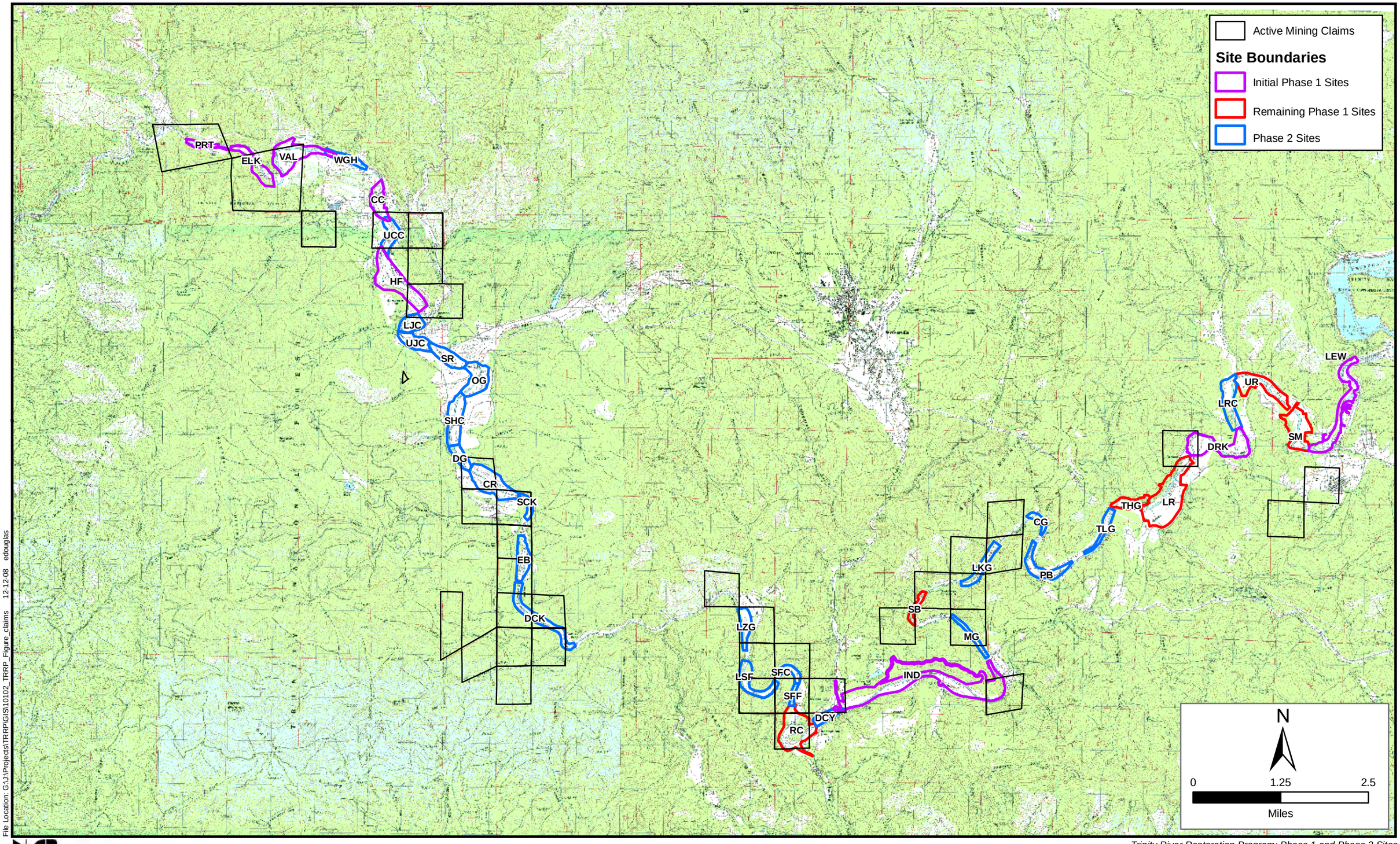


File Location: G:\Projects\TRRP\GIS\Site-Master8\GIS\Working_MXDs\Figure_4-2-3_rev.mxd Prepared: 08-21-08 edouglas Revised: 08-14-09

North State Resources, Inc.

Revised - Figure 4.2-3
TRRP Project Sites – Public Lands – Federal and State Agencies



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North State Resources, Inc.

Trinity River Restoration Program: Phase 1 and Phase 2 Sites

Revised Figure 4.3-7
Active Mining Claims in General Vicinity of TRRP Sites

PART 2

Final EIR

CHAPTER 5

Proposed Project and Project Alternatives

Chapter 5
Proposed Project and Project Alternatives

Part 2 of this document, which begins with this chapter, is the Final EIR for the six Remaining Phase 1 sites. The Final EIR will allow the lead agency to make the necessary findings concerning whether the document provides adequate environmental review under CEQA for the Remaining Phase 1 sites. As explained in Chapter 1, the Draft EIR tiers from the Draft Master EIR and, similarly, the Final EIR tiers from the Draft EIR. The Final EIR incorporates by reference the Draft EIR.

This chapter provides a brief summary of the Proposed Project and the action alternative (Alternative 1) evaluated in the Draft EIR. Detailed descriptions of the Proposed Project, Alternative 1, and the No-Project Alternative were provided in Chapter 2 of the Draft Master EIR. Mitigation measures are provided in the MMRP in Appendix A.

The two action alternatives summarized below are considered feasible and contain measures that would avoid or substantially lessen potentially significant environmental effects of the project. Information on the No-Action Alternative is provided in Chapter 2 of the Draft Master EIR.

5.1 Proposed Project

The Proposed Project addressed in this Final EIR is the implementation of the mechanical channel rehabilitation and sediment management activities at the six Remaining Phase 1 sites, as described in Chapter 2 of this document and in more detail on pages 2-36 through 2-53 of the Draft Master EIR and evaluated at a site-specific level in the Final EIR. The following are the Remaining Phase 1 sites: Sawmill, Upper Rush Creek, Lowden Ranch, Trinity House Gulch, Steel Bridge Day Use, and Reading Creek.

The Proposed Project includes activities at 157 activities areas within the boundaries of the Remaining Phase 1 sites, as shown in Table 5.1.

Table 5.1. Number of Activity Areas at the Remaining Phase 1 Sites under the Proposed Project

Remaining Phase 1 Sites	Proposed Project
Sawmill	43
Upper Rush Creek	32
Lowden Ranch	24
Trinity House Gulch	17
Steel Bridge	11

Table 5.1. Number of Activity Areas at the Remaining Phase 1 Sites under the Proposed Project

Remaining Phase 1 Sites	Proposed Project
Reading Creek	30
Total	157

5.2 Alternative 1

Alternative 1 would implement mechanical channel rehabilitation and sediment management activities at the six Remaining Phase 1 sites similar to those for the Proposed Project as evaluated in the Draft EIR. However, the size, intensity, and magnitude of the rehabilitation activities would be reduced compared to the Proposed Project. As described in the Draft Master EIR on page 2-53, Alternative 1 responds to impacts to the biological and human environment.

The rehabilitation and sediment management activities for the Remaining Phase 1 sites under Alternative 1 are identical to those described on pages 2-53 through 2-67 of the Draft Master EIR. Alternative 1 includes activities at 121 activity areas within the boundaries of the Remaining Phase 1 sites, as shown in Table 5.2.

Table 5.2. Number of Activity Areas at the Remaining Phase 1 Sites under Alternative 1

Remaining Phase 1 Sites	Proposed Project
Sawmill	43
Upper Rush Creek	19
Lowden Ranch	16
Trinity House Gulch	15
Steel Bridge	8
Reading Creek	20
Total	121

CHAPTER 6

Comments and Responses to Comments on the Draft EIR

Chapter 6

Comments and Responses to Comments on the Draft EIR

As described in Chapter 3, 11 comment letters were submitted to the lead agency during the public review process. While seven of these comment letters focused on support for the Draft EIR, two of the comment letters do have some relevance to the Draft EIR. The lead agency believes that the responses prepared for these two comment letters are adequate to address both the Draft Master EIR and the Draft EIR. Therefore, additional responses are not included in this chapter. Table 6.1 lists the comment letters and associated comments that have some relevancy to the Draft EIR and/or the appendices.

Table 6.1. Comments Relevant to Draft EIR

Comment Letter	Agency/Affiliation	Comment Code
8	California Department of Fish and Game	c, d, e, f,
11	Landowner	h, k, l, m, o,

Consistent with previous chapters, the lead agency does not consider any of the comments and accompanying responses that may be relevant to the Draft EIR to be "significant new information" that would require the recirculation of some or all of the Draft EIR for additional formal public review and commentary.

For these reasons, the Regional Water Board, the CEQA lead agency, directed that a Final EIR be prepared.

CHAPTER 7

Changes to the Draft EIR

Chapter 7
Changes to the Draft EIR

No corrections and additions to the text of the Draft EIR were made as a result of public review of the document. This chapter consists of minor changes to the text, tables, and figures made by the lead agency related to land ownership, location of federal mining claims, and a wetland verification for two of the Remaining Phase 1 sites, Sawmill and Trinity House Gulch.

Figure 7.2-1a has not been revised, but this document reflects that all lands shown on this figure as Reclamation lands (brown) are in fact BLM lands (yellow). This change does not influence the analysis presented in the Land Use sections of the Draft EIR.

Tables and figures that have been changed from those presented in the Draft EIR are identified as "Revised." Changes in tables are shown as shaded and italicized. Revised figures are included at the end of this chapter. None of the changes constitutes new significant information or results in new significant impacts.

Based on the USACE wetland verification process (Appendix B), the following changes have been made to the Draft EIR.

Page 7.7-11 and Table 7.7-4 on page 7.7-12 of the Draft EIR have been revised as follows to reflect changes in the wetland delineation. Changes in the table are indicated by shading.

Ten ~~Eight~~ jurisdictional water types, including wetlands and other waters, occur within the boundaries of the Remaining Phase 1 sites. Wetland types include riparian wetland, seasonal wet meadow, fresh emergent wetland, and seasonal wetland. Other waters include riverine, intermittent stream, ephemeral stream, vegetated ditch, pond, and non-vegetated ditch. These jurisdictional waters types are discussed in greater detail in the Draft Master EIR (section 4.7). Table 7.7-4 summarizes the jurisdictional waters that occur at the Remaining Phase 1 sites, as shown on Figures 7.7-2a–f.

Revised Table 7.7-4. Summary of Jurisdictional Waters

	Sawmill	Upper Rush Creek	Lowden Ranch	Trinity House Gulch	Steel Bridge Day Use	Reading Creek
Wetlands (acres)						
Riparian wetland	0.62	0.00	3.31	3.95	0.00	3.40
Seasonal wet meadow	0.00	0.06	10.49	0.00	0.00	0.00
Fresh emergent wetland	0.00	0.00	1.43	0.00	0.00	0.00
Seasonal wetland	0.00	0.00	0.16	0.00	0.00	0.00

Total wetlands	**0.62**	**0.06**	**15.39**	**3.95**	**0.00**	**3.40**
Other Waters (acres)						
Trinity River (riverine)	26.78	39.83	34.16	10.67	15.07	31.50
Intermittent stream	0.00	0.01	0.04	0.04	0.00	0.00
Ephemeral stream	0.00	0.00	0.00	0.01	0.00	0.00
Vegetated ditch	0.00	0.00	0.14	0.00	0.00	0.00
Non-vegetated ditch	0.00	0.00	0.03	0.00	0.00	0.00
Pond (open water)	0.004	0.00	0.00	0.00	0.00	0.00
Total other waters	**26.78**	**39.84**	**34.37**	**10.72**	**15.07**	**31.50**
Total Jurisdictional Waters (acres)	**27.40**	**39.90**	**49.76**	**14.67**	**15.07**	**34.90**

Figure 7.7-2a and Figure 7.7-2d in the Draft EIR have been revised to reflect changes in the wetland delineation.

Page 7.7-21 and Table 7.7-6 on pages 7.7-21 and 7.7-22 of the Draft EIR have been revised as follows to reflect changes in the wetland delineation. Changes in the table are indicated by shading.

Table 7.7-6 lists acres of jurisdictional waters that would be affected by the Proposed Project (Figures 7.7-3a-f) and Alternative 1 (Figures 7.7-4a-f). Construction of the Proposed Project would result in a direct temporary impact to 57.76 ~~57.74~~ acres of jurisdictional waters and construction of Alternative 1 would result in a direct temporary impact to 46.20 ~~46.18~~ acres. This impact would be significant.

Revised Table 7.7-6. Expected Maximum Areas of Temporary Impacts to Jurisdictional Waters

Jurisdictional Water Type	Approximate Area of Disturbance (Acres)	
	Proposed Project	**Alternative 1**
Sawmill		
Riparian wetland	0.28	0.28
Fresh emergent wetland	0.00	0.00
Seasonal wetland	0.00	0.00
Seasonal wet meadow	0.00	0.00
Trinity River (riverine)	6.87	6.87
Intermittent stream	0.00	0.00
Vegetated ditch	0.00	0.00
Non-vegetated ditch	0.00	0.00
Sawmill Total	**7.15**	**7.15**

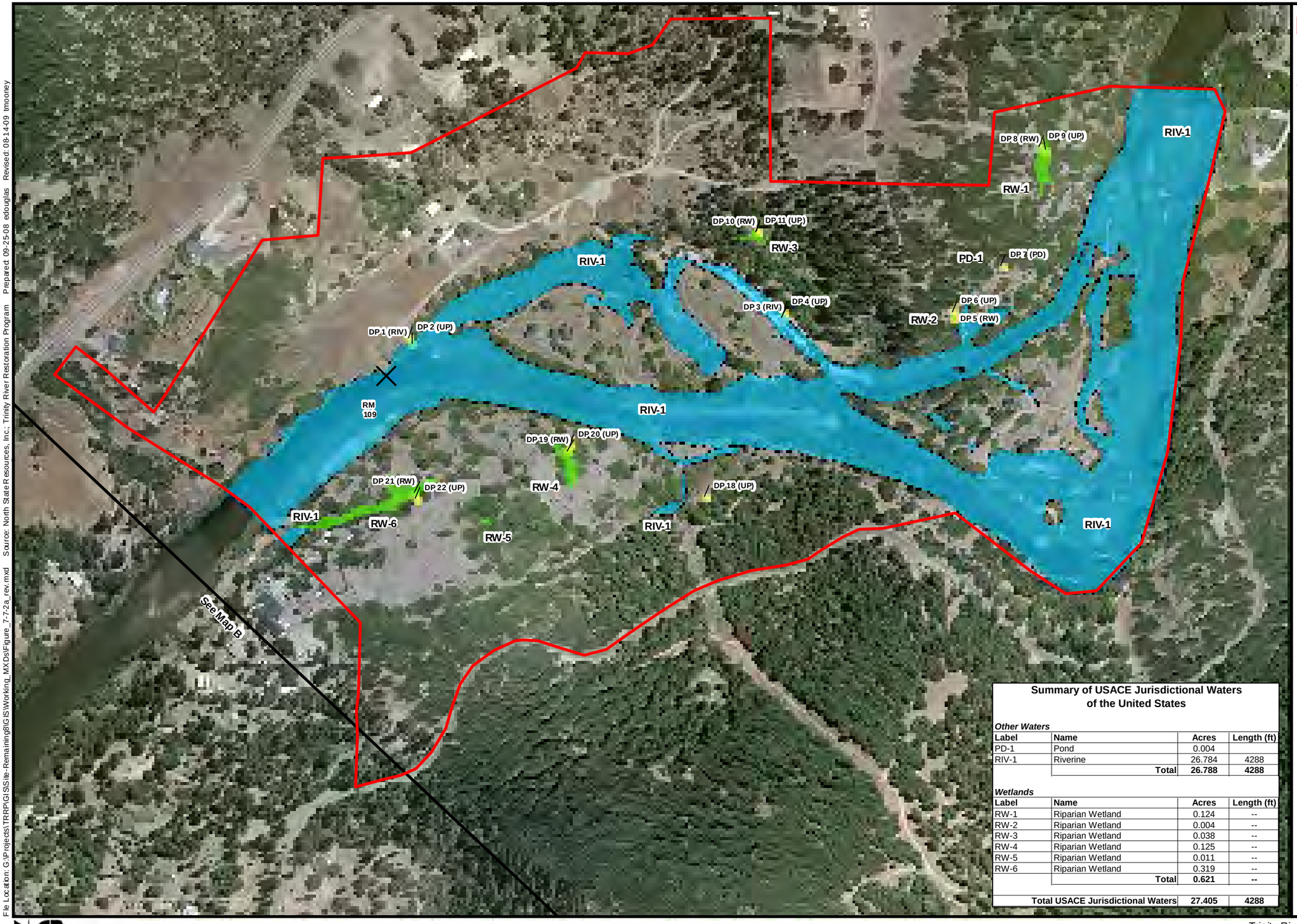
Revised Table 7.7-6. Expected Maximum Areas of Temporary Impacts to Jurisdictional Waters

Jurisdictional Water Type	Approximate Area of Disturbance (Acres)	
	Proposed Project	Alternative 1
Upper Rush Creek		
Riparian wetland	0.00	0.00
Fresh emergent wetland	0.00	0.00
Seasonal wetland	0.00	0.00
Seasonal wet meadow	0.00	0.00
Trinity River (riverine)	10.07	6.47
Intermittent stream	0.00	0.00
Vegetated ditch	0.00	0.00
Non-vegetated ditch	0.00	0.00
Upper Rush Creek Total	**10.07**	**6.47**
Lowden Ranch		
Riparian wetland	1.06	1.06
Fresh emergent wetland	1.33	1.33
Seasonal wetland	0.00	0.00
Seasonal wet meadow	7.54	7.54
Trinity River (riverine)	16.68	11.67
Intermittent stream	0.02	0.02
Vegetated ditch	0.14	0.14
Non-vegetated ditch	0.03	0.03
Lowden Ranch Total	**26.80**	**21.79**
Trinity House Gulch		
Riparian wetland	0.76	0.76
Fresh emergent wetland	0.00	0.00
Seasonal wetland	0.00	0.00
Seasonal wet meadow	0.00	0.00
Trinity River (riverine)	1.40	1.40
Intermittent stream	0.02	0.02
Pond (open water)	0.00	0.00
Ephemeral stream ~~drainage~~	0.002	0.00
Trinity House Gulch Total	**2.182**	**2.18**
Steel Bridge Day Use		
Riparian wetland	0.00	0.00
Fresh emergent wetland	0.00	0.00
Seasonal wetland	0.00	0.00
Seasonal wet meadow	0.00	0.00
Trinity River (riverine)	2.37	2.06

<u>Revised</u> Table 7.7-6. Expected Maximum Areas of Temporary Impacts to Jurisdictional Waters

Jurisdictional Water Type	Approximate Area of Disturbance (Acres)	
	Proposed Project	Alternative 1
Intermittent stream	0.00	0.00
Vegetated ditch	0.00	0.00
Non-vegetated ditch	0.00	0.00
Steel Bridge Day Use Total	**2.37**	**2.06**
Reading Creek		
Riparian wetland	1.17	1.17
Fresh emergent wetland	0.00	0.00
Seasonal wetland	0.00	0.00
Seasonal wet meadow	0.00	0.00
Trinity River (riverine)	8.02	5.38
Intermittent stream	0.00	0.00
Vegetated ditch	0.00	0.00
Non-vegetated ditch	0.00	0.00
Reading Creek Total	**9.19**	**6.55**

Figure 7.7-3a and Figure 7.7-3d in the Draft EIR have been revised to reflect changes to wetlands impacts under the Proposed Project as a result of the USACE verification. Figure 7.7-4a and Figure 7.7-4d in the Draft EIR have been revised to reflect changes to wetlands impacts under Alternative 1 as a result of the USACE verification.



Site Boundary (103.42 acres)

River Mile (RM)

Matchline

Ordinary High Water Mark (OHWM) - 6000 cfs

1 ft Contour Interval

3-parameter Data Point (DP)

RIV=Riverine
RW=Riparian Wetland
PD=Pond
UP=Upland

USACE Jurisdictional Waters of the United States

Other Waters

Pond (0.004 acre)

Riverine (26.784 acres)

Wetlands

Riparian Wetland (0.621 acre)

Summary of USACE Jurisdictional Waters of the United States

Other Waters

Label	Name	Acres	Length (ft)
PD-1	Pond	0.004	
RIV-1	Riverine	26.784	4288
	Total	**26.788**	**4288**

Wetlands

Label	Name	Acres	Length (ft)
RW-1	Riparian Wetland	0.124	--
RW-2	Riparian Wetland	0.004	--
RW-3	Riparian Wetland	0.038	--
RW-4	Riparian Wetland	0.125	--
RW-5	Riparian Wetland	0.011	--
RW-6	Riparian Wetland	0.319	--
	Total	**0.621**	**--**
Total USACE Jurisdictional Waters		**27.405**	**4288**

N

1 3,600

300 0 300

Feet

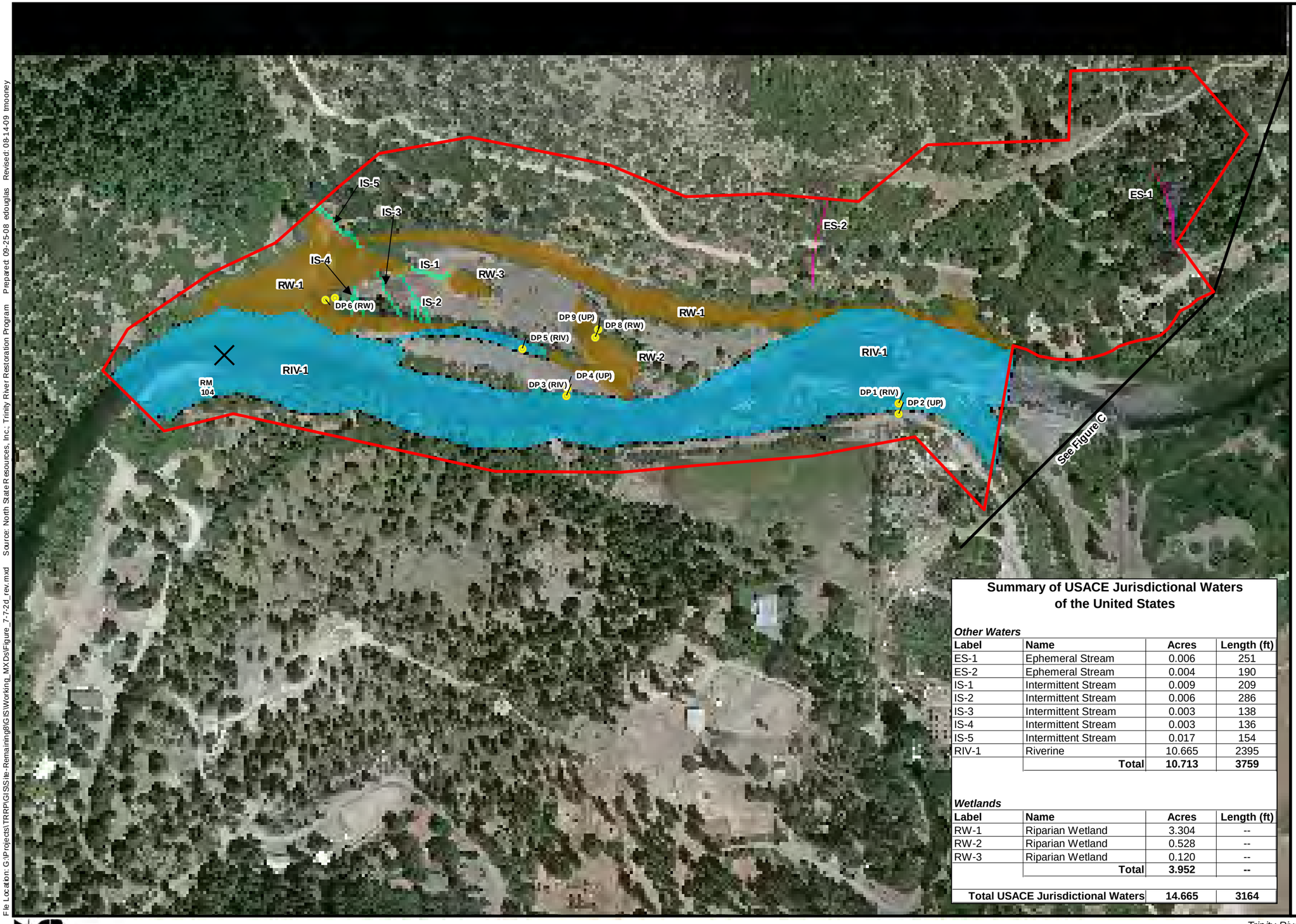
File Location: G:\Projects\TRRP\GIS\Site-Remaining8\GIS\Working_MXDs\Figure_7-7-2a_rev.mxd Source: North State Resources, Inc.; Trinity River Restoration Program Prepared: 09-25-08 edouglas Revised: 08-14-09 lmooney

North State Resources, Inc.

Trinity River Restoration Program: Remaining Phase 1 Sites

Revised - Figure 7.7-2a

Sawmill - Boundaries of Waters of the United States, Including Wetlands



Site Boundary (43.69 acres)

River Mile (RM)

Matchline

Ordinary High Water Mark (OHWM) - 6000 cfs

1 ft Contour Interval

3-parameter Data Point (DP)

RIV=Riverine
RW=Riparian Wetland
UP=Upland
NJOW=Non-jurisdictional Open Water

USACE Jurisdictional Waters of the United States

Other Waters

Ephemeral Stream (0.010 acre)

Intermittent Stream (0.039 acre)

Riverine (10.665 acres)

Wetlands

Riparian Wetland (3.952 acres)

Summary of USACE Jurisdictional Waters of the United States

Other Waters

Label	Name	Acres	Length (ft)
ES-1	Ephemeral Stream	0.006	251
ES-2	Ephemeral Stream	0.004	190
IS-1	Intermittent Stream	0.009	209
IS-2	Intermittent Stream	0.006	286
IS-3	Intermittent Stream	0.003	138
IS-4	Intermittent Stream	0.003	136
IS-5	Intermittent Stream	0.017	154
RIV-1	Riverine	10.665	2395
	Total	**10.713**	**3759**

Wetlands

Label	Name	Acres	Length (ft)
RW-1	Riparian Wetland	3.304	--
RW-2	Riparian Wetland	0.528	--
RW-3	Riparian Wetland	0.120	--
	Total	**3.952**	**--**
Total USACE Jurisdictional Waters		**14.665**	**3164**

N

1 3,000

250 0 250

Feet

File Location: G:\Projects\TRRP\GIS\Site-Remaining8\GIS\Working_MXDs\Figure_7-7-2d_rev.mxd Source: North State Resources, Inc.; Trinity River Restoration Program Prepared: 09-25-08 edouglas Revised: 08-14-09 tmooney

North State Resources, Inc.

Trinity River Restoration Program: Remaining Phase 1 Sites

Revised - Figure 7.7-2d

Trinity House Gulch - Boundaries of Waters of the United States, Including Wetlands

Site Boundary (103.421 acres)

River Mile (RM)

Matchline

Ordinary High Water Mark (OHWM) - 6000 cfs

Construction Areas

Name

Access Road - Existing

Access Road - New

Crossing

Staging Area

Activity Areas

Area

In Channel

Riverine

Upland

Impacts to Jurisdictional Waters of the United States

Other Waters

Riverine (6.866 acres)

Wetlands

Riparian Wetland (0.284 acre)

N

1 3,600

300 0 300

Feet

Note: Legend symbol swatches do not necessarily reflect map symbology based on rotation angle of north arrow.

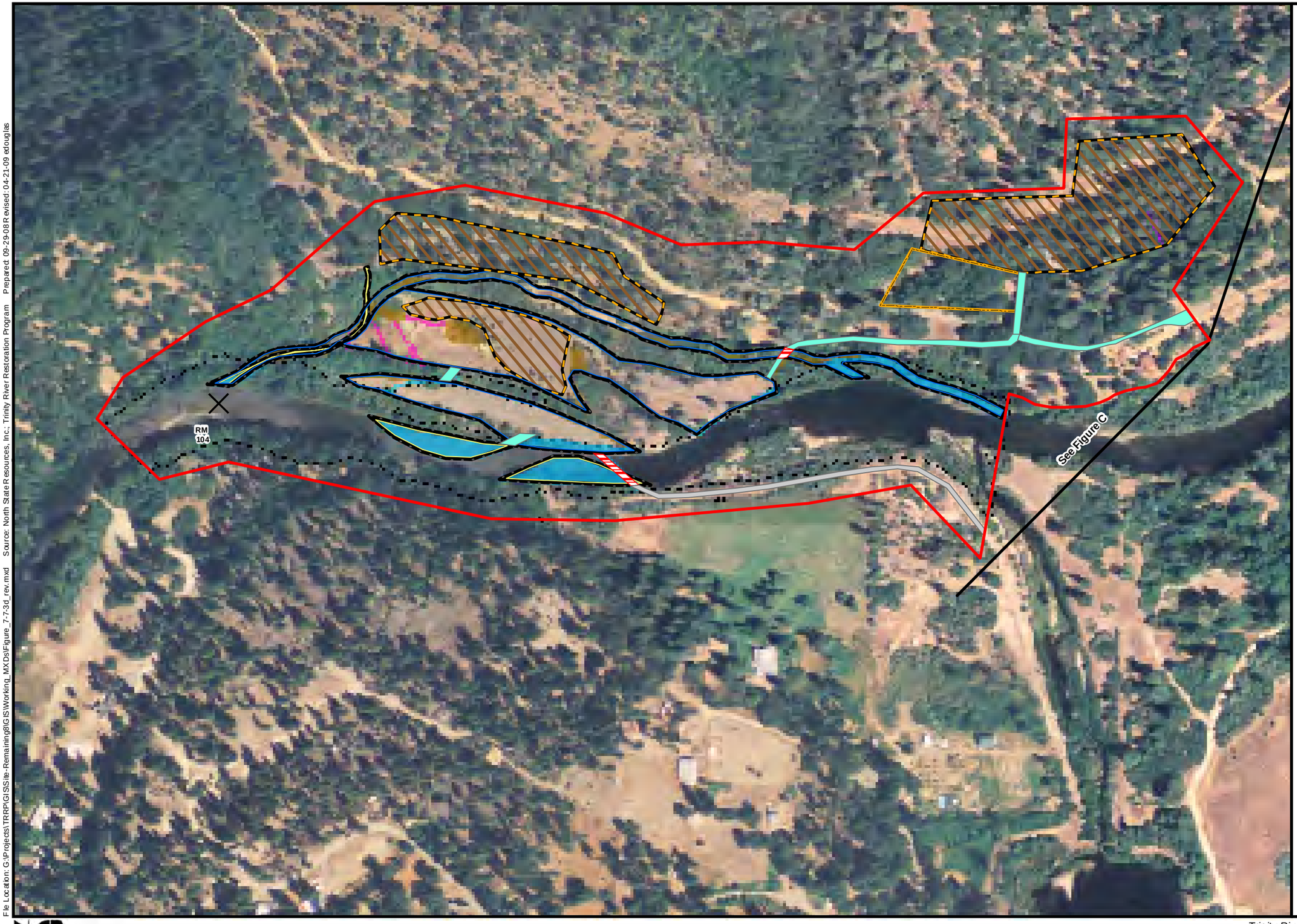
File Location: G:\Projects\TRRP\GIS\Site-Master8\GIS\Working_MXDs\Figure_7-7-3a_rev.mxd Source: North State Resources, Inc.; Trinity River Restoration Program Prepared: 09-25-08 edouglas Revised: 08-14-09 tmooney

North State Resources, Inc.

Trinity River Restoration Program: Remaining Phase 1 Sites

Revised - Figure 7.7-3a

Sawmill - Impacts of Proposed Project to Waters of the United States, Including Wetlands



Site Boundary (43.695 acres)

River Mile (RM)

Matchline

Ordinary High Water Mark (OHWM) - 6000 cfs

Construction Areas

Name

Access Road - Existing

Access Road - New

Crossing

Staging Area

Activity Areas

Area

In Channel

Riverine

Upland

Impacts to Jurisdictional Waters of the United States

Other Waters

Ephemeral Stream (0.002 acre)

Intermittent Stream (0.018 acre)

Riverine (1.404 acres)

Wetlands

Riparian Wetland (0.757 acre)

N

1 3,000

250 0 250

Feet

Note: Legend symbol swatches do not necessarily reflect map symbology based on rotation angle of north arrow.

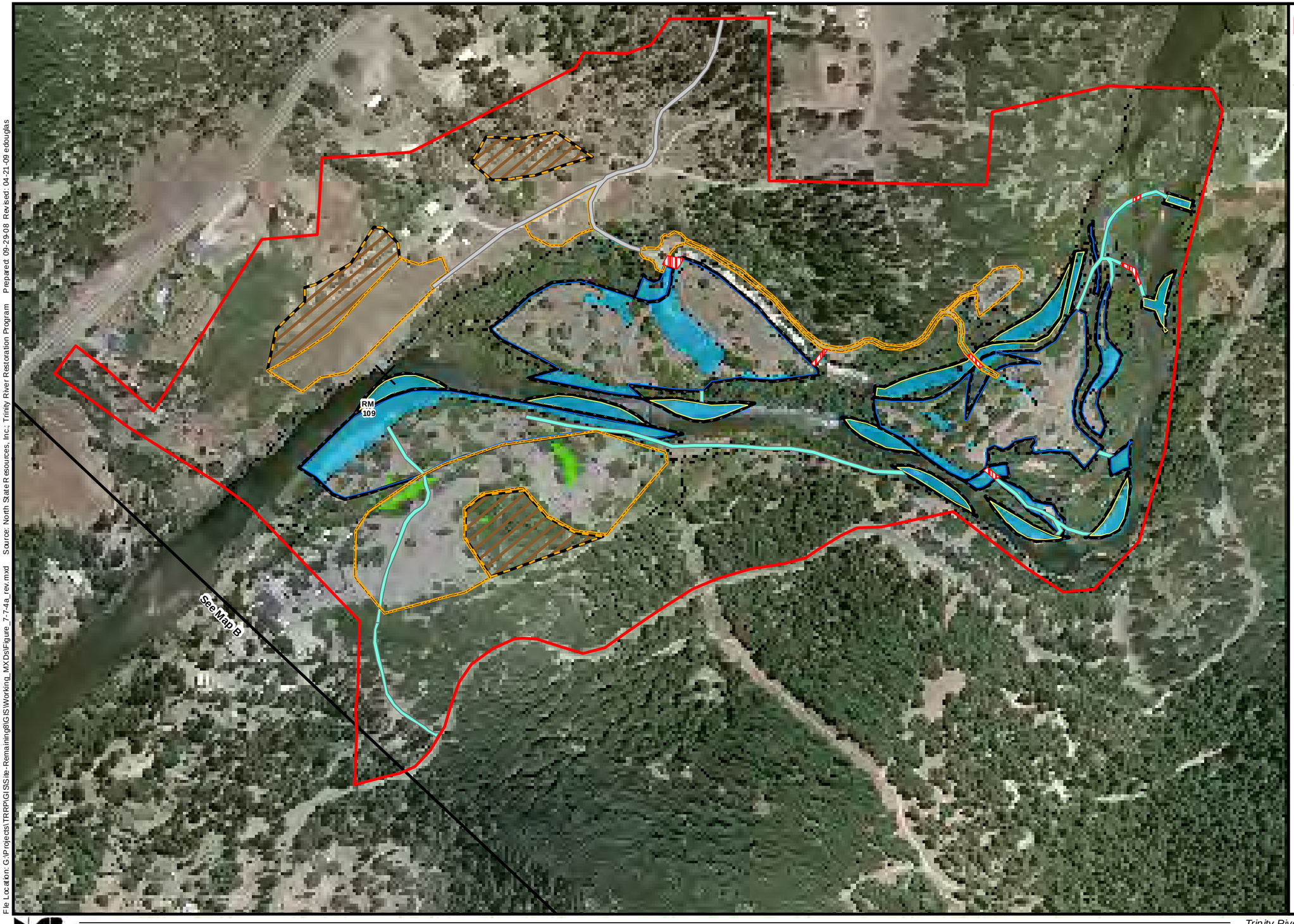
File Location: G:\Projects\TRRP\GIS\Site-Remaining8\GIS\Working_MXDs\Figure_7-7-3d_rev.mxd Source: North State Resources, Inc.; Trinity River Restoration Program Prepared: 09-29-08 Revised: 04-21-09 edouglas

North State Resources, Inc.

Trinity River Restoration Program: Remaining Phase 1 Sites

Revised - Figure 7.7-3d

Trinity House Gulch - Impacts of Proposed Project to Waters of the United States, Including Wetlands



Site Boundary (103.421 acres)

River Mile (RM)

Matchline

Ordinary High Water Mark (OHWM) - 6000 cfs

Construction Areas

Name

Access Road - Existing

Access Road - New

Crossing

Staging Area

Activity Areas

Area

In Channel

Riverine

Upland

Impacts to Jurisdictional Waters of the United States

Other Waters

Riverine (6.866 acres)

Wetlands

Riparian Wetland (0.284 acre)

N

1:3,600

300 0 300

Feet

Note: Legend symbol swatches do not necessarily reflect map symbology based on rotation angle of north arrow.

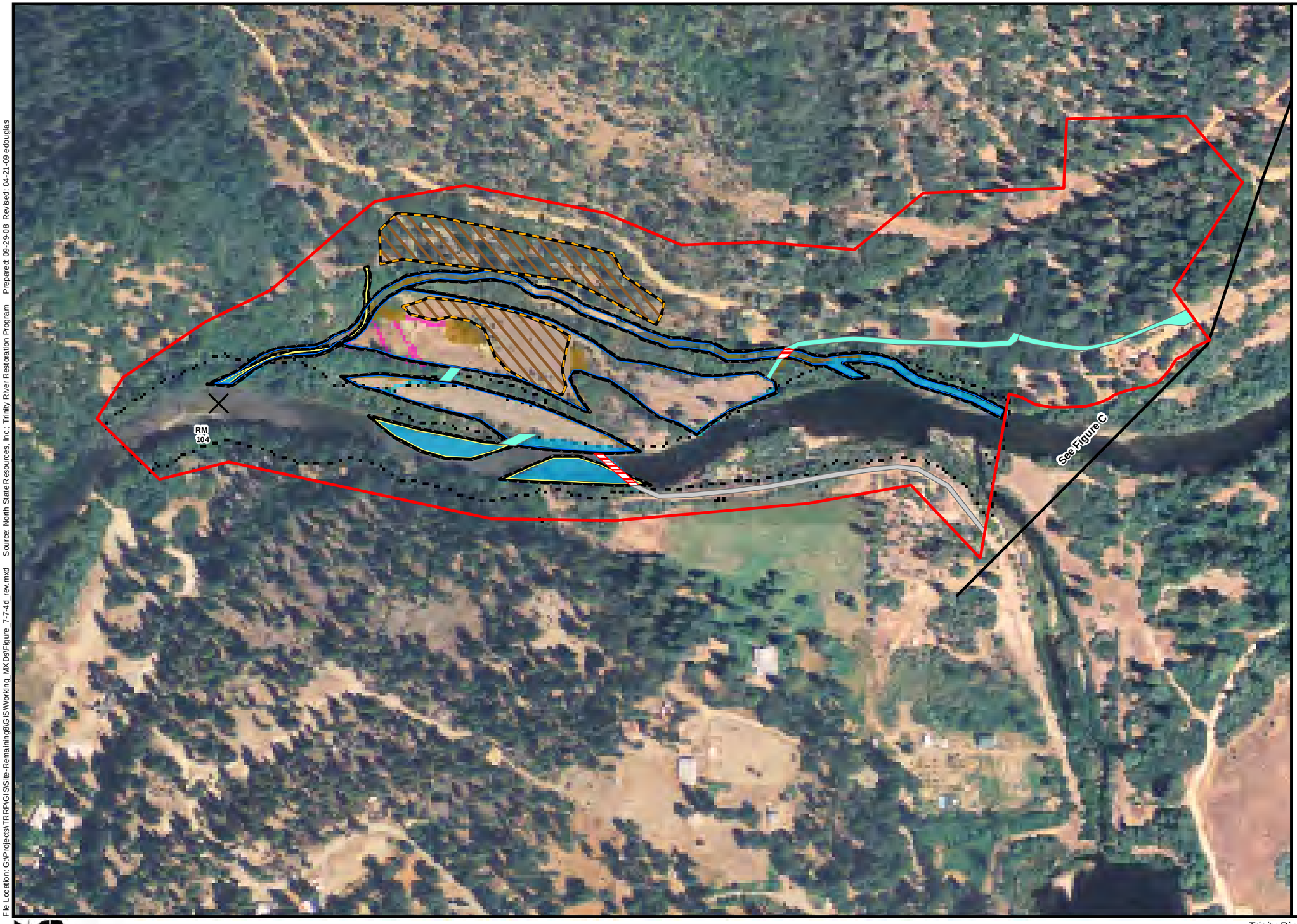
File Location: G:\Projects\TRRP\GIS\Site-Remaining8\GIS\Working_MXDs\Figure_7-7-4a_rev.mxd Source: North State Resources, Inc.; Trinity River Restoration Program Prepared: 09-29-08 Revised: 04-21-09 edouglas

North State Resources, Inc.

Trinity River Restoration Program: Remaining Phase 1 Sites

Revised - Figure 7.7-4a

Sawmill - Impacts of Alternative 1 to Waters of the United States, Including Wetlands



Site Boundary (43.695 acres)

River Mile (RM)

Matchline

Ordinary High Water Mark (OHWM) - 6000 cfs

Construction Areas

Name

Access Road - Existing

Access Road - New

Crossing

Activity Areas

Area

In Channel

Riverine

Upland

Impacts to Jurisdictional Waters of the United States

Other Waters

Intermittent Stream (0.018 acre)

Riverine (1.404 acres)

Wetlands

Riparian Wetland (0.757 acre)

N

1 3,000

250 0 250

Feet

Note: Legend symbol swatches do not necessarily reflect map symbology based on rotation angle of north arrow.

File Location: G:\Projects\TRRP\GIS\Site-Remaining\GIS\Working_MXDs\Figure_7-7-4d_rev.mxd Source: North State Resources, Inc.; Trinity River Restoration Program Prepared: 09-29-08 Revised: 04-21-09 edouglas

North State Resources, Inc.

Trinity River Restoration Program: Remaining Phase 1 Sites

Revised - Figure 7.7-4d

Trinity House Gulch - Impacts of Alternative 1 to Waters of the United States, Including Wetlands

PART 3

Discussion of Final Mitigation Monitoring and Reporting Program

CHAPTER 8

Discussion of Final Mitigation Monitoring and Reporting Program

Chapter 8

Discussion of Final Mitigation Monitoring and Reporting Program

8.1 Introduction

Volume 4 of the Draft Master EIR and Draft EIR provided a draft Mitigation Monitoring and Reporting Program (MMRP) as Appendix E. This chapter addresses the elements associated with the Final MMRP and project implementation. Appendix A contains a stand-alone version of the Final MMRP that will be included in the regulatory submittals necessary to implement this project.

The purpose of discussing the MMRP in the Final Master EIR and the Final EIR is to reiterate to the reader the mitigation responsibilities of Reclamation and the Regional Water Board in implementing the activities at the Remaining Phase 1 and Phase 2 sites. The mitigation measures listed in the Final MMRP are required by law or regulation and will be adopted by the Regional Water Board as part of its overall project approval.

Mitigation is defined by the California Environmental Quality Act (CEQA), Section 15370 as a measure which:

a) avoids the impact altogether by not taking a certain action or parts of an action

b) minimizes impacts by limiting the degree or magnitude of the action and its implementation

c) rectifies the impact by repairing, rehabilitating, or restoring the impacted environment

d) reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project

e) compensates for the impacts by replacing or providing substitute resources or environments

Mitigation measures provided in the Final MMRP are identified in Chapters 4 and 7, Environmental Setting and Environmental Impacts, of the Draft Master EIR and the Draft EIR, respectively, as feasible and effective in mitigating project-related environmental impacts. The draft mitigation measures were also summarized in Volume 1, Executive Summary, of the draft document. There were no changes to the MMRP as a result of comments received on the Draft Master EIR and Draft EIR.

This section includes discussions of the following topics related to the MMRP: legal requirements, the intent of the MMRP, the development and approval process for the MMRP, the authorities and responsibilities associated with the implementation of the MMRP, and resolution of noncompliance complaints.

8.2 Legal Requirements

The legal basis for the development and implementation of the MMRP lies within CEQA (including the California Public Resources Code). Sections 21002 and 21002.1 of the California Public Resources Code state:

a) Public agencies are not to approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects; and

b) Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.

Section 21081.6 of the California Public Resources Code further requires that:

a) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

b) The monitoring program must be adopted when a public agency makes its findings under CEQA so that the program can be made a condition of project approval in order to mitigate significant effects on the environment. The program must be designed to ensure compliance with mitigation measures during project implementation to mitigate or avoid significant environmental effects.

8.3 Intent of the Mitigation Monitoring and Reporting Program

The MMRP is intended to satisfy the requirements of CEQA as they relate to the project. It is anticipated to be used by Reclamation and the Regional Water Board, participating agencies, project contractors, and mitigation monitoring personnel during implementation of the project.

The primary objective of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMRP will provide for monitoring of construction activities as needed, on-site identification and resolution of environmental problems, and proper reporting to lead agency staff.

8.4 Development and Approval Process

The timing elements for implementing mitigation measures and the definition of the approval process have been provided in detail throughout this MMRP to assist staff from Reclamation and the Regional Water Board by providing the most usable monitoring document possible.

8.5 Authorities and Responsibilities

Through the TRRP, Reclamation will have the primary responsibility for the execution and proper implementation of the MMRP. The Regional Water Board may provide Reclamation with support, as warranted. Reclamation will be responsible for the following activities:

a) coordination of monitoring activities

b) management of the preparation and filing of monitoring compliance reports

c) maintenance of records concerning the status of all approved mitigation measures

8.6 Summary of Monitoring Requirements

Appendix E of the Draft Master EIR and EA/Draft EIR summarizes the mitigation measures and associated monitoring requirements. The final MMRP is contained as Appendix A of this Final Master EIR and Final EIR.

8.7 Resolution of Noncompliance Complaints

Any person or agency may file a complaint that states noncompliance with the mitigation measures that were adopted as part of the approval process for the project. The complaint shall be directed to Reclamation, via the TRRP office (P.O. Box 1300, 1313 South Main Street, Weaverville, CA 96093) and to the Regional Water Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, in written form, providing detailed information on the purported violation. Reclamation and the Regional Water Board shall conduct an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure is verified, Reclamation shall take the necessary action(s) to remedy the violation. The complainant shall receive written confirmation indicating the results of the investigation or the final corrective action that was implemented in response to the specific noncompliance issue.