

# **Chapter 1**

## **Context**

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## 1.1 History of the Project

In 1994, the U.S. Fish and Wildlife Service (Service), Hoopa Valley Tribe, Trinity County, and U.S. Bureau of Reclamation (Reclamation) began work on the Trinity River Mainstem Fishery Restoration Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR). The DEIS/EIR was initiated as a result of congressional mandates and statutory requirements to restore and maintain the natural production of anadromous fish on the Trinity River mainstem downstream of the Lewiston Dam. Since the construction of the dam, a number of studies, including an Environmental Impact Statement (EIS) released by the Service in November 1980 and the Trinity River Flow Evaluation Study (TRFES) released in June 1999, documented habitat loss and declining anadromous fish populations in the mainstem Trinity River.

The DEIS/EIR was undertaken to evaluate and disclose the potential environmental benefits and adverse impacts resulting from proposed actions to restore the fishery. These actions include mechanical restoration, implementation of the recommendations contained in the TRFES, and a range of other reasonable alternatives. The DEIS/EIR was prepared with the support of the Hoopa, Karuk, and Yurok Tribes and thirteen local, state, and federal agencies (either cooperating, responsible, or trustee agencies)<sup>1</sup>. The effort to collect, analyze, and present technical information was further complimented by six technical teams lead by representatives of the Service, Reclamation, Western Area Power Administration (Western), U.S. Army Corps of Engineers (Corps), and the U.S. Bureau of Land Management (BLM).

The Service, the designated lead agency under the National Environmental Policy Act (NEPA), began the public process on October 12, 1994, when it published a Notice of Intent (NOI) to prepare an EIS in the Federal Register (59 FR 25141). Shortly thereafter, Trinity County, the responsible California Environmental Quality Act (CEQA) agency, followed this action by forwarding a Notice of Preparation (NOP) of an EIR to the State Clearinghouse on November 16, 1994.

Soon after the publication of the NOI, a series of joint NEPA/CEQA scoping meetings were held in Willows, Weaverville, Hoopa, and Eureka, California from October 27, 1994 through November 3, 1994. Public input received during the meetings and subsequent follow-up letters helped the agencies identify potential environmental impacts and areas of concern. These concerns included: fishery resources, Tribal trust obligations, Central Valley Project (CVP) agricultural and municipal and industrial (M&I) water contractors, vegetation and wildlife resources, water quality and inriver temperature, water management, CVP power generation, recreation and recreation economics, socioeconomics, land use, Trinity River

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<sup>1</sup> See Section 5.2 in Chapter 2 of this FEIS/EIR, Changes to the DEIS/EIR, for a list of involved agencies and individuals.

flooding, aesthetics (related to reservoir drawdown), ocean sport and commercial fishing, and upland watershed rehabilitation.

As the DEIS/EIR was being prepared, additional public meetings were held from March 25 through April 4, 1996, in Orleans, Eureka, Hoopa, Weaverville, Willows, Fresno, and Sausalito, California, and Coos Bay (Oregon). This series of meetings provided the public with additional opportunities for comment and included a discussion of preliminary TRFES recommendations, EIS/EIR alternatives, impact areas, and analytical methods. In addition, the meetings provided updates on the project schedule and recent legislative actions.

An update on the alternatives and information on preliminary analysis results was held at a second round of public meetings on October 28, 29, and 30, 1997, at Hoopa, Weaverville, and Sacramento, respectively. In addition, a public meeting was held in Weaverville on February 17, 1998, to present information on proposed significance criteria that had been developed to help identify the significance of the various impacts. A series of newsletters were mailed out to a large number of interested parties in January 1996, September 1996, and October 1997 to provide additional sources of public information. Distribution of news and information concerning the DEIS/EIR was supplemented in the fall of 1998 when the Service posted an Internet web page at <http://www.ccfwo.r1.fws.gov/ccfwo/treis.htm>. Trinity County also provided electronic access to information concerning Trinity River activities by maintaining a public list server known as "env-trinity" available through subscription to [majordomo@igc.apc.org](mailto:majordomo@igc.apc.org).

On October 19, 1999, the Service published a notice in the Federal Register announcing the availability of the draft document and the commencement of the public comment period (64 FR 56364). In addition, news releases and articles announcing the availability of the DEIS/EIR were published in several area newspapers including the Trinity Journal, Sacramento Bee, San Francisco Chronicle, Eureka Times-Standard, and the San Jose Mercury News. The document was made available for public review at libraries and other public places in California and in Coos Bay and Portland, Oregon. In addition, 754 hard copies of the document, as well as 470 copies of the Executive Summary and 225 electronic versions of the DEIS/EIR on CD-ROM, were distributed to interested individuals, organizations, and agencies. A complete series of technical appendices were also included as part of the CD-ROM, and hardcopy versions of the appendices were also made available to the public and interested agencies upon request.

The public comment period included a series of joint NEPA/CEQA public hearings held in Redding, Sacramento, and Eureka on November 16, 18, and 23, 1999, respectively. In addition, the Trinity County Board of Supervisors held a CEQA meeting in Weaverville, California, on December 7, 1999. These meetings provided the public with an opportunity to submit both written and oral comment to the lead agencies. The comment period was originally scheduled to end on December 8, 1999. However, on December 2, 1999, the Service extended the period until December 20, 1999 (64 FR 67584). Public technical workshops were held in Sacramento on December 6, 1999, and in Weaverville on December 7, 1999. On December 27, 1999, the Service published a notice in the Federal Register to reopen the public comment period until January 20, 2000 (64 FR 72357). Public notices regarding the hearings and extensions were also published in the aforementioned newspapers and the Redding Record Searchlight.

In response to the public outreach effort, the lead agencies received a substantial number of letters and postcards commenting on the DEIS/EIR. In total, the lead agencies received written comments from 6,445 people and organizations (1,009 letters and 5,436 preprinted postcards). A list of the commentors and the response of the agencies to each of those comments is presented in Chapter 4 of this FEIS/EIR, Appendix D.

## 1.2 Relationship to Other Documents and Necessary Decisions

This Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) amends the DEIS/EIR in response to public comment and incorporates additional information, corrections, and changes. As such, this FEIS/EIR hereby incorporates the DEIS/EIR by reference. All portions of the DEIS/EIR should be considered valid and applicable except for those changes made explicitly herein. Although a number of revisions have been made in developing the FEIS/EIR, none of the revisions are sufficiently substantial or significant so as to require recirculation. For further information regarding recirculation, see thematic response titled “Requests for Recirculation” in Appendix D of this FEIS/EIR.

This FEIS/EIR functions as both a project-level FEIS/EIR and a programmatic FEIS/EIR. As both a project-level and programmatic FEIS/EIR, this document is intended to provide full environmental review for policy decisions associated with changing Trinity River flows, managing the Trinity River Division (TRD) to meet such flows, and the impact such flows could have on dependent uses of Trinity River water. However, as a programmatic FEIS/EIR, this document is intended to provide only first-tier review for the mechanical rehabilitation projects, dam modifications, spawning gravel placement, modifications to structures in the floodplain, and other site-specific activities.

The Secretary of the Interior will issue a Record of Decision (ROD) no less than 30 days after the date on which this FEIS/EIR becomes available to the public. Because the Trinity River FEIS/EIR is a non-delegated NEPA action, signatory approval is required from both the Assistant Secretary for Water and Science and the Assistant Secretary for Fish, Wildlife, and Parks. The lead CEQA agency will certify the EIR no less than 10 days after providing written response to comments received from responsible state agencies and other commenting agencies.

As required under the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), implementation of the selected alternative required consultation with the Service and the National Marine Fisheries Service (NMFS) on impacts to endangered, threatened, and proposed species. Furthermore, implementation of the selective alternative could require a number of permits and agency consultation and approval under other “cross-cutting” local, state, and federal laws. Agencies with potential permit and approval requirements include, but are not limited to, Trinity County, the California North Coast Regional Water Quality Control Board (NCRWQCB), the State Lands Commission (SLC), and the Corps.

A number of other projects with a direct and/or indirect relationship to the Trinity River are currently under environmental review. These projects include the CVPIA Final Programmatic EIS and ROD, the CALFED San Francisco Bay/Sacramento-San Joaquin Delta (Bay-

Delta) program, and ongoing issues related to the operation of the Klamath Project. However, this FEIS/EIR is not tiered to these projects. Nevertheless, the Service, Reclamation, and other involved parties are making efforts to fully coordinate the analyses, models, data and assumptions for this FEIS/EIR and other potentially related projects that are currently under review.

### 1.3 Description of the FEIS/EIR Format

This FEIS/EIR contains much of the typical introductory material that preceded this section (e.g., title page, cover sheet, abstract, and table of contents). Following this section is the body of the FEIS/EIR. The outline is identical to that of the DEIS/EIR. For each section that does not differ from the DEIS/EIR to the FEIS/EIR, the term “*NO CHANGE*” is used to designate that section. Where a change is being incorporated from what was presented in the DEIS/EIR, that change is presented and discussed. First, the nature of the change is often discussed (e.g., a paragraph being appended, a sentence is being revised, a table or figure is corrected). Next, the reason for the change may be discussed briefly. Last, the change itself is presented in redline/strikeout format. Shaded (highlighted) words and characters are additions, and the words and characters that are lined through (~~strikeout~~) are deletions. Following Chapter 2, Changes to the DEIS/EIR, Chapter 3 lists the index to this FEIS/EIR document.

There are four appendices to this document. Appendix A includes the distribution list for the FEIS/EIR and the DEIS/EIR distribution report, which lists the names of organizations and individuals who received the document for review and comment. Appendix B contains the Biological Assessment. Appendix C includes the Trinity River Implementation Plan and AEAM Plan. Appendix D consists of three sections: (D1) the names of organizations and individuals who submitted comments to the DEIS/EIR (“commentors”), (D2) thematic responses (responses designed to address certain types of comments submitted by individuals and various organizations that are substantially similar in their subject matter and the concerns they raise), and (D3) the public comments received and the agencies’ and tribes’ responses to those comments.