
Final Mitigation Monitoring and Reporting Program

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4.1 Introduction

Appendix D, Volume 5 of the Environmental Assessment/Draft Environmental Impact Report for the Trinity River Bridges Project comprises the Final Mitigation Monitoring and Reporting Program (MMRP) for the project. The purpose of discussing the MMRP in the EA-FONSI/Final EIR is to reiterate to the reader the mitigation responsibilities of the Bureau of Reclamation (BOR), Bureau of Land Management (BLM), and Trinity County in implementing the Trinity River Bridges Project. The mitigation measures listed in the MMRP are required by law or regulation and will be adopted by the Trinity County Board of Supervisors as part of the overall project approval.

Mitigation is defined by both the California Environmental Quality Act (CEQA) – Section 15370 and the National Environmental Policy Act (NEPA) as a measure which:

- Avoids the impact altogether by not taking a certain action or parts of an action
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project
- Compensates for the impacts by replacing or providing substitute resources or environments

Mitigation measures provided in this Final MMRP are identified in Chapter 3, Affected Environment and Environmental Consequences of the EA/Draft EIR, as feasible and effective in mitigating project-related environmental impacts. These Draft mitigation measures were also summarized in Appendix D of the EA/Draft EIR. Comments received on the EA/Draft EIR did not result in revisions to the originally-proposed mitigation measures contained in the Draft MMRP.

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

4.2 Legal Requirements Intent of the Mitigation Monitoring and Reporting Program

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

- 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

- 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: 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.
- 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.

NEPA 40 CFR Sections 1502.14f requires:

- Agencies shall include appropriate mitigation measures not already included in the proposed action or alternatives

4.3 Intent of the Mitigation Monitoring and Reporting Program

The MMRP is intended to satisfy the requirements of CEQA as they relate to the Trinity River Bridges EA/EIR. It is anticipated to be used by BOR, BLM, and County staff, 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.

4.4 Development and Approval Process

The timing elements for implementing mitigation measures and the definition of the approval process has been provided in detail through this MMRP to assist staff from the BOR, BLM, and County by providing the most usable monitoring document possible.

4.5 Authorities and Responsibilities

The BOR, functioning as the Trinity River Restoration Program (TRRP), will have the primary responsibility for the execution and proper implementation of the MRRP. BLM and Trinity County may provide the BOR with support, as warranted. The BOR will be responsible for the following activities:

- Coordination of monitoring activities
- Management of the preparation and filing of monitoring compliance reports
- Maintenance of records concerning the status of all approved mitigation measures

4.6 Summary of Monitoring Requirements

- Appendix D of the EA/Draft EIR summarized the mitigation measures and associated monitoring requirements proposed for the Trinity River Bridges Project. Since comments received on the EA/Draft EIR did not result in revisions to the originally-proposed mitigation measures, the measures are retained in the same form as originally prescribed in the EA/Draft EIR - Chapter 3.0, Affected Environment and Environmental

Consequences and Appendix D – Draft Mitigation Monitoring and Reporting Program. Please refer to Appendix D of the EA/Draft EIR for the full text of the MMRP.

4.7 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 Trinity River Bridges Project. The complaint shall be directed to the BOR, via the TRRP office (P.O. Box 1300, 1313 South Main Street, Weaverville, CA 96093) and the Trinity County Planning Department (P.O. Box 2819, 190 Glen Road, Weaverville, CA 96093) in written form providing detailed information on the purported violation. The BOR shall conduct an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure is verified, the BOR shall take the necessary action(s) to remedy the violation. The complaint shall receive written confirmation indicating the results of the investigation or the final corrective action that was implemented to response to the specific noncompliance issue.