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Jerome C. Hauke  
Registered Civil Engineer  
License No C13071  
P. O. Box 400  
Douglas City, CA 96024



May 29, 2003

Trinity River Restoration Program  
P.O. Box 1300,  
Weaverville, CA 96093

RE: Draft EA/EIR Trinity River Bridges Project  
Salt Flat Bridge--Comment Number Five

Gentlemen:

The "Proposed Action" and "Alternative One" do not provide administrative access across the new Salt Flat Bridge for Bureau of Land Management (BLM) personnel. a.  
Sierra Pacific Industries (SPI) will have administrative access to their timberlands. b.  
Why is BLM excluded from administrative access to their Wild and Scenic River corridor property? Why isn't their voice being heard by the Bureau of Reclamation and Trinity County? c.

The Bureau of Land Management is the Federal Co-Lead Agency. BLM is providing construction easements, contractor staging and storage areas, permanent easements, right of way easements and private use of BLM lands for the benefit of the Salt Flat property owners. BLM should share in the benefits of this new million dollar bridge build with public funds. The new bridge would enable BLM to access previously inaccessible Wild and Scenic River corridor lands. The BLM Redding Resource Management Plan and Record of Decision will be easier to implement in this area with Salt Flat Bridge access. ) d.

The BLM lands contain a Native American Indian Cultural complex and attendant natural resources. The Bureau of Land Management has a memorandum of understanding with the Nor El Muk Wintu for stewardship of the Salt Flat Ethnohistoric Complex (CA-TRI-862). Under Executive Order 13007 it is required to accommodate access to Indian sacred sites on Federal lands. e.

The new Salt Flat Bridge provides an exceptional opportunity for BLM to meet these goals and mandates.

Sincerely yours,

Jerome C. Hauke

cc: John Hayward, Tribal Chair, Nor El Muk Wintu  
Arnold Whitridge, Chairman, TAMWG  
Charles Schultz, Area Manager, Redding BLM

## **RESPONSE TO COMMENT: 3**

### **Jerome C. Hauke**

3-a: The issue of the BLM requiring administrative access to the proposed new Salt Flat Bridge is due to the proposed bridge design. The proposed design would result in fill material or rip rap encroaching from the private property onto public land on both ends of the new bridge. That encroachment onto public property would require a right-of-way (ROW) from BLM granted to adjacent land owners. The term of the grant would be an appropriate term based on the use (permanent bridge abutments) of the ROW. As part of the federal project BLM would grant a ROW to private land owners to serve the public benefit of enhancement of anadromous fisheries. No fees would be required for the ROW grant [43 CFR §2803.1-2(b)(2)(ii)]. As a stipulation in the granting document BLM would reserve the right to inspect the ROW at least once every three years. A minimum of 48 hours notice would be given to the adjacent property owners for approval for access to inspect the ROW. BLM access to the ROW will not be withheld unreasonably.

3-b: Thank you for your comment. Your comment has been noted, and will be transmitted to the Planning Commission, the Board of Supervisors, and federal officials for their consideration in connection with the merits of the proposed project. No further response is required.

3-c: BLM has deeded access to public land on Salt Flat via the Rush Cr. Road. BLM does not require administrative access over the new bridge. No federal administrative access across the new bridge would be required because of the Wild and Scenic River designation. The public purposes of building a new bridge to replace a private bridge do not require BLM administrative access or public access across the bridge.

3-d: Thank you for your comment. Your comment has been noted, and will be transmitted to the Planning Commission, the Board of Supervisors, and federal officials for their consideration in connection with the merits of the proposed project. No further response is required.

3-e As a federal Co-Lead agency in the Trinity Bridges EA, the BLM has responsibilities for oversight of activities affecting public lands within the project area. The public purposes of this project and public benefits of other aspects of Trinity River restoration activities do not require BLM to obtain unlimited right-of-way access across the Salt Flat Bridge.

The BLM is required to provide access to public lands to Native Americans in the same manner that BLM has access to public lands. On land-locked parcels for which BLM does not have legal access, BLM is not required to obtain access. This applies to the public land parcel on Salt Flat. There is access to the parcel for BLM via the Rush Creek road. BLM administrative access to inspect the ROW would not allow access for any other purpose or for use of the bridge by the general public. The NOR-EL-MUK nation states that it will not pursue access rights from the Salt Flat Homeowners Association at this time. Please refer to Response to Comment 32-b and Comment 5-a.