

1 Introduction

This Supplemental Environmental Assessment/Recirculated Partial Draft Environmental Impact Report (SEA/ RPDEIR) meets National Environmental Policy Act (NEPA) requirements and was prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended. CEQA Guidelines Section 15088.5 requires recirculation of some or all portions of a draft EIR when significant new information is added to the draft EIR after the public notice of the availability of the draft EIR for public review has been provided.

Trinity County (County) is the state lead agency for the environmental review of the proposed Indian Creek Rehabilitation Site: Trinity River Mile 93.7–96.5 project (the project) evaluated herein and has the principal responsibility for approving the project under CEQA. When it is time to consider approving the project, the Board of Supervisors of Trinity County, as the state lead agency’s decision-making body, shall consider the information in the full final EIR (including the DEIR and this RPDEIR) along with other information that may be presented to the County during the environmental review process and any public hearing(s) for the project.

Background

An Environmental Assessment/Draft Environmental Impact Report (EA/DEIR) for the project was circulated to the public for 45 days consistent with CEQA Guidelines Section 15105(a). The public review period began on August 3, 2006, and ended on September 18, 2006. Eleven comment letters from members of the public and state and local agencies were received during the public comment period.

Based on the comments received, the Trinity County Planning Department (the state lead agency) and the U.S. Bureau of Reclamation (Reclamation) (the federal lead agency) made the determination to analyze an additional alternative not included in the EA/DEIR. Under guidance of the Trinity River Restoration Program (TRRP), Reclamation and the County have developed a new alternative (Alternative 3) to the Proposed Action. A description of this alternative is provided in Chapter 2 of this SEA/RPDEIR. Revisions to the description of the affected environment and an analysis of the impacts that would result from Alternative 3 are presented in Chapter 3 of this document.

Alternative 3 was developed to enhance the TRRP’s ability to address the goals and objectives outlined in the EA/DEIR, specifically the goals of conducting in-channel activities in a manner that reduces construction-related impacts, maximizes the river’s ability to rehabilitate itself during high flows instead of requiring ongoing maintenance, reduces the cost and complexity of implementation, and allows maximum long-term flexibility to adaptively manage the project area to meet habitat objectives and to restore/reclaim the activity areas from construction activities. This document supplements the EA portion of the EA/DEIR that was previously circulated. It conforms to Reclamation’s NEPA requirements, while satisfying Trinity County’s requirements under CEQA.

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Alternative 3 responds to public input and information provided during the public review of the EA/DEIR and the outcome of a Value Engineering Study conducted by Reclamation in October 2006. Additionally, this alternative would assist the TRRP in developing a source of alluvial material that can be used for on-going spawning gravel enhancement efforts upstream.

While the purpose and need of the Project remains unchanged * to increase juvenile salmonid rearing habitat and reduce Trinity River flow impacts to structural improvements; Alternative 3 provides opportunities to; 1) maximize side channel habitat and 2) minimize impacts by decreasing in channel construction, reducing the overall quantity and area of excavation, and reclaiming onsite materials for use as spawning gravel at future project sites. Although no in-channel excavation is considered, this new alternative has similar flow conveyance benefits as the previously described Proposed Action.

The Alternative 3 project boundary has been modified to encompass an alternative access route to the activity areas near the Weaver Creek delta. Three new activity areas have also been added as part of this alternative. These activity areas could provide additional alluvial material associated with dredge tailing deposits and an additional location for placement of excavated materials on the left side of the Trinity River. These changes are analyzed in this SEA/RPDEIR.

Alternative 3 would utilize on-site processing of excavated alluvial materials (e.g., sand, gravel, cobbles) and dredge tailings as a source for spawning gravel enhancement efforts up-river. Such re-use of on-site materials would not only reduce potential environmental impacts resulting from placement of excavated materials within the Project boundary, but would also restore additional floodplain areas by removing dredge tailings. Export of processed gravels from the Project site would, however, require seasonal increases in truck traffic on State and local haul routes.

This alternative may provide opportunities to reduce costs for processing and transport of excavated materials that would be incurred if gravel for other TRRP projects was purchased under a separate contract. In addition, the relatively long-term construction period (up to 5 years) evaluated in this document allows the TRRP to continue working on-site until all required materials are removed, habitat objectives are met, and the area is fully stabilized and restored. The impacts associated with processing and transport of this material to off-site locations and restoring, reclaiming, and revegetating the impact areas are analyzed in this SEA/RPDEIR.

Summary

This SEA/RPDEIR identifies new and modified information and data. Where information has been revised or added to the EA/DEIR, the section or sub-section of that document is referenced, and the page numbers and paragraphs noted. Additions are shown in underlined text. Deletions are shown in ~~strikeout~~ text. To ensure consistency and continuity, this document retains the organizational structure of the EA/DEIR. The chapters and sections of the EA/DEIR to which revisions have been made are listed below.

- Section 2.3, Development of Alternatives
- Section 2.4, Project Setting
- Section 2.5, Description of Project Site

- Section 2.6, Description of Alternatives
- Section 3.2, Land Use
- Section 3.3, Geology, Fluvial Geomorphology, and Soils
- Section 3.4, Water Resources
- Section 3.5, Water Quality
- Section 3.6, Fishery Resources
- Section 3.7, Vegetation, Wildlife, and Wetlands
- Section 3.8, Recreation
- Section 3.9, Socioeconomics, Population, and Housing
- Section 3.10, Tribal Trust
- Section 3.12, Air Quality
- Section 3.13, Environmental Justice
- Section 3.14, Aesthetics
- Section 3.15, Hazardous Materials
- Section 3.16, Noise
- Section 3.17, Public Services and Utilities/Energy
- Section 3.18, Transportation/Traffic Circulation
- Revised Appendix G, Hydraulics Report

This SEA/RDDEIR does not modify any other chapters or appendices to the EA/DEIR.

Submittal of Public Comments

As described above, CEQA requires a lead agency to issue a new notice and “recirculate” a revised EIR, or portions thereof, for additional comments and consultation if, subsequent to the commencement of public review and interagency consultation but prior to final EIR certification, the lead agency adds “significant new information” to an EIR [Pub. Resources Code, Section 21092.1; CEQA Guidelines Section 15088.5; *Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (1993) 6 Cal.4th 1112 (*Laurel Heights II*)]. CEQA Guidelines Section 15088.5 provides four examples of “significant new information” that would require recirculation of a revised EIR:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it; or

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4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The revised environmental document must be subjected to the same “critical evaluation that occurs in the draft stage,” so that the public is not denied “an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom” [*Sutter Sensible Planning, Inc. v. Board of Supervisors* (1981) 122 Cal.App.3d 813, 822; see also *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 131].

Recirculation of an EIR requires notice pursuant to CEQA Guidelines Section 15087 and consultation pursuant to Section 15086 [CEQA Guidelines Section 15088.5, subd. (d)]. Where an agency determines that recirculation is required, the agency can satisfy its obligation by reissuing only the revised part or parts of the EIR, rather than a whole new document. “If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified” [CEQA Guidelines Section 15088.5, subd (c)].

Notably, if only “portions” of a draft EIR are recirculated, the lead agency can determine that commenters are not permitted to comment anew on topics not subject to the partial recirculation. CEQA Guidelines Section 15088.5, subdivision (f)(2), provides:

When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency’s request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

Pursuant to this provision, the County directs that public comments must be restricted to the newly circulated information contained in this document. The County is not obligated to respond to any new comments that are directed to the portions of the DEIR that have not been revised and are not being recirculated in this document. The Final EIR for the project will contain detailed responses to all comments made on the original Draft EIR and to all comments on this RPDEIR that are properly limited to the subjects outlined in the preceding section..

Copies of this SEA/RPDEIR are available for public review at the same locations where the EA/DEIR was made available for public review:

Trinity County Planning Department
60 Glen Road
Weaverville, CA 96093

Trinity River Restoration Program Office
1313 South Main Street
Weaverville, CA 96093

Trinity County Library
211 N. Main Street
Weaverville, CA 96093

Copies of the SEA/RPEIR may also be reviewed on the internet at:
<http://www.trrp.net/implementation/IndianCreek.htm> . All referenced materials will be made available at the TRRP office in Weaverville California (1313 South Main Street).

Notification that the document is available for review has been sent to the same parties that received the EA/DEIR as well as those parties that commented on the EA/DEIR.

Written comments regarding this SEA/RPDEIR should be provided no later than 5 p.m., Tuesday, February 17, 2007 to the Trinity River Restoration Program, P.O. Box 1300, Weaverville, CA 96093. Emailed comments may be sent to Brandt Gutermuth, Environmental Specialist, Trinity River Restoration Program, at bgutermuth@mp.usbr.gov.