
Changes to the EA/Draft EIR

Changes to the EA/Draft EIR

3.1 Introduction

Several changes to the text of the EA/Draft EIR have been identified in the responses to comments provided in Chapter 2. Modifications made to the EA/Final EIR in response to comment letters are shown in Section 3.2 with strikeout (deletions) and underline (additions) revision marks to clearly define the changes. Additional changes to correct minor errors and omissions are shown with strikeout and underline revision marks in Section 3.3. None of the changes constitutes new significant information or results in new significant impacts.

3.2 Changes to the EA/Draft EIR in Response to Comment Letters

Chapters 1 and 2

There are no changes to either Chapter 1 or Chapter 2 of the EA/Draft EIR in response to comment letters.

Chapter 3

Section 3.6

The comment letter from CDFG (Comment Letter 2) requested more details regarding mitigation measures to reduce impacts to riparian habitat (e.g., montane riparian or shaded riparian areas) and a change in the definition of baseline conditions. The following changes to Section 3.6, Fishery Resources, have been made to address CDFG's comments.

EA/Draft EIR mitigation measure 3.5a-c on pages 3.6-43 and 3.6-44 has been renumbered and revised to conform with the CEQA Findings of Fact, as follows:

12: To maintain overall SRA and riparian habitat values (including montane riparian habitat) within the project reach, the Project shall be designed to preserve riparian vegetation and increase the diversity of native vegetation types and age classes available post-project, and to facilitate natural vegetation of constructed surfaces that is appropriate for fish and wildlife species except where necessary to re-connect the river to the floodplain. Reclamation shall install boundary markers along all riparian areas outside of delineated rehabilitation areas to stop construction access.

13: To compensate for loss of riparian vegetation within project boundaries, Reclamation shall implement the following measures:

- a.** Prior to the start of construction activities, Reclamation shall retain a qualified biologist to identify potential construction access routes necessary for the project to ensure that these features avoid and/or

minimize to the fullest extent impacts to riparian habitat. In addition, Reclamation shall clearly identify and flag biologically sensitive areas (e.g., jurisdictional waters and riparian habitat) to be protected in the field and provide specific instructions to avoid any construction activity within these features. Each jurisdictional riparian feature to be avoided will be flagged, staked, or otherwise marked to ensure that construction activities do not encroach upon them. Reclamation shall inspect and maintained marked areas on a regular basis throughout the construction phase.

- b.** Reclamation shall develop a Riparian Revegetation and Monitoring Plan (Plan), subject to approval by the Corps, Regional Water Board and CDFG, prior to implementing the Project. The Plan shall include measures that insure that all riparian vegetation removed by the TRRP projects within the 40 mile corridor of the Trinity River downstream of Lewiston Dam will be replaced by natural recruitment, replanting, or any combination thereof at an areal ratio of 1:1 within a five year time-frame. The Plan should include measures that support the TRRP objective to replace homogeneous vegetation with a diverse assemblage of riparian vegetation, including provisions for incorporation of native species that can resist invasion by noxious plant species. The Plan shall include available control methods known for a weed species consistent with those adopted by the Trinity County Weed Management Cooperative. Because the present Trinity River channel is encroached (up to 300 percent) with riparian vegetation that is homogenous in nature, the Plan need not require strict replacement based on original stem counts and species.
- c.** Reclamation shall initiate a five-year mitigation monitoring program after the first growing season following project implementation. After a period of three years, Reclamation, in consultation with the Corps, Regional Water Board and CDFG will determine the need (if any) for additional plantings and will assess and/or remedy any loss of riparian habitat, including jurisdictional wetlands within the site boundaries (as defined in the EIR) in order to ensure that there will be no-net loss of wetlands and riparian habitat at the end of the five-year monitoring period. Determining the response of riparian habitat to the channel rehabilitation project after three years of monitoring will provide a two year period for Reclamation to take additional pro-active measures towards meeting the goal of no net-loss of riparian habitat within the Project boundaries.

Reclamation shall complete a post-project wetland delineation and vegetation habitat evaluation five years after project construction as a basis for comparing pre and post-project conditions and submit the results to the Corps, Regional Water Board and CDFG. In the event that this delineation identifies a net loss in riparian habitat, Reclamation shall enhance or reestablish riparian vegetation that will function as SRA habitat within the boundaries of the rehabilitation sites. Potential options to accomplish this objective include increasing the density and diversity of riparian vegetation to supplement natural recruitment, and introducing riparian plants in locations to expand riparian habitat. In the event the conditions within the boundaries of the Project preclude the ability to adequately mitigate onsite, Reclamation may consider alternate locations for riparian vegetation mitigation within the local Trinity River corridor, subject to approval by the Corps, the Regional Water Board and CDFG.

Section 3.7

The comment letter from CDFG (Comment Letter 2) and discussions with Regional Water Board staff concerning the need to ensure that the Proposed Action does not result in a net loss of jurisdictional wetland features (i.e., acres of jurisdictional wetlands) within the project boundary provide the basis for the following changes. CDFG's letter requested additional details regarding measures that distinguish between mitigation for impacts to riparian habitat and impacts to jurisdictional wetlands, a minor change in the definition of baseline conditions for riparian habitat, and a refinement of the breeding period for the little willow flycatcher. The following changes to Section 3.7, Vegetation, Wildlife, and Wetlands, have been made to address these comments on the EA/Draft EIR.

Table 3.7-1 on page 3.7-7 has been revised, as follows. Changes to the table are shown in italic font. Original EA/Draft EIR values are included in parentheses as a comparison.

REVISED TABLE 3.7-1
HABITAT TYPES PRESENT AT EACH SITE (ACRES)*

	Conner Creek	Valdor Gulch	Elkhorn	Pear Tree Gulch
Annual grassland	3.04	4.31	0.07	0.62
Barren	<i>17.22 (10.21)</i>	<i>22.32 (15.50)</i>	<i>7.40 (3.55)</i>	<i>4.13 (2.20)</i>
Foothill pine	1.49	5.28	0.00	0.83
Klamath mixed conifer	0.59	0.00	8.20	1.51
Mixed chaparral	0.26	0.14	0.12	1.04
Montane hardwood	0.00	0.60	0.40	0.04
Montane hardwood-conifer	0.58	<i>5.18 (5.17)</i>	11.84	0.00
Montane riparian	<i>18.59 (25.60)</i>	<i>41.04 (47.84)</i>	<i>13.77 (17.62)</i>	<i>7.28 (3.79)</i>
Open water	2.23	0.00	0.00	0.00
Perennial grassland	5.18	27.79	11.92	1.37
Ponderosa pine	0.06	0.00	0.00	0.00
Riverine	7.97	<i>14.20 (14.21)</i>	7.84	3.83
Urban	0.00	0.00	1.36	0.00
TOTAL	57.21	120.86	62.92	20.65 (15.23)

*Changes to Barren and Montane riparian values are the result of a minor change in the definition of baseline conditions for these habitat types (i.e., reclassifying California bricklebrush vegetation community into the Barren WHR type).

Page 3.7-39 has been revised to replace Table 3.7-6 with the following revised table. Changes to the table are shown in italic font.

REVISED TABLE 3.7-6
EXPECTED AREA OF DISTURBANCE TO JURISDICTIONAL WATERS AND RIPARIAN HABITAT

Jurisdictional Waters And Riparian Habitat	Approximate Area of Disturbance (Acres)	
	Proposed Action	Alternative 1
CONNER CREEK		
Riparian wetland	1.50	1.29
Riverine	2.07 (2.12)	1.33 (1.34)
Fresh emergent wetland	--	--
Open-water pond	--	--
Total Jurisdictional Waters	3.57 (3.62)	2.62 (2.63)
Riparian Habitat	4.12 (3.81)	3.24 (2.92)
VALDOR GULCH		
Riparian wetland	4.10 (4.12)	4.10 (4.12)
Riverine	3.51	3.51
Intermittent creek	--	--
Total Jurisdictional Waters	7.61 (7.66)	7.61 (7.66)
Riparian Habitat	10.44 (9.10)	10.44 (9.10)
ELKHORN		
Riparian wetland	0.56	0.53
Riverine	1.49 (1.52)	1.25 (1.29)
Total Jurisdictional Waters	2.05 (2.08)	1.78 (1.82)
Riparian Habitat	2.30 (2.24)	2.00 (1.96)
PEAR TREE GULCH		
Riparian wetland	0.06	0.06
Riverine	0.79	0.79
Intermittent creek	--	--
Total Jurisdictional Waters	0.85	0.85
Riparian Habitat	0.33 (0.31)	0.33 (0.31)
Total Riparian Wetland for All Sites	6.24 (6.23)	6.00 (5.98)
Total Riverine for All Sites	7.86 (7.97)	6.88 (6.96)
Total Riparian Habitat for All Sites	17.19 (15.46)	16.01 (14.29)

*Values shown in italics represent minor changes in output from GIS analysis. Parenthetical values were excerpted from the EA/Draft EIR for comparative purposes. An additional line was included to reflect impacts to riparian habitat for each site and in total that distinguishes between impacts to jurisdictional waters and riparian habitat in general terms.

Mitigation measure 3.7-1a has been renumbered and revised, as follows:

14: Prior to the start of construction activities, Reclamation shall retain a qualified biologist to identify potential construction access routes necessary for the Project to ensure that these features avoid and/or minimize to the fullest extent impacts to jurisdictional waters. In addition, Reclamation shall clearly identify, and flag in the field, biologically sensitive areas (e.g., jurisdictional waters and riparian habitat) to be protected, and will provide the contractor specific instructions to avoid any construction activity within these features. Reclamation shall inspect and maintain marked areas on a regular basis throughout the construction phase.

Mitigation measure 3.7-1b and c has been renumbered and revised, as follows:

15: To compensate for loss of wetlands within project boundaries, Reclamation shall implement the following measures:

- a. Reclamation shall develop a Riparian Revegetation and Monitoring Plan (Plan) (see also Mitigation Measure 14), subject to approval by the Corps, Regional Water Board and CDFG, prior to implementing the proposed project. The Plan shall include measures that insure that all riparian vegetation (a key parameter of a jurisdictional wetlands) removed by the TRRP projects within the 40 mile corridor of the Trinity River downstream of Lewiston Dam is replaced by natural recruitment, replanting, or any combination thereof at an areal ratio of 1:1 within a five year time-frame. Because the present Trinity River channel is encroached (up to 300 percent) with riparian vegetation that is homogenous in nature, this Plan need not require strict replacement based on original stem counts and species. The Plan shall acknowledge that the ultimate goals of the TRRP include functional riparian habitat and no net-loss of jurisdictional wetlands throughout the 40-mile reach of the Trinity River below the TRD. Because riparian habitat and jurisdictional wetlands will respond to river restoration with some degree of spatial and temporal variability, areal habitat coverages within a river reach will remain relatively consistent while habitat changes at specific locations may be measurable
- b. Floodplain values and functions will be enhanced by the Project as well as by increased flows. Consequently, substantial new areas beyond those identified in pre-Project plant community delineations are expected to convert to riparian habitats (in some cases, jurisdictional wetlands), both seasonal and perennial, within a 3–5 year post-Project window. Reclamation will take advantage of opportunities during, or after project construction to enhance on-site wetland functions within the project boundaries to enhance or create conditions required for functional jurisdictional wetlands (i.e., hydrology, vegetation and hydric soils) in such a way that these conditions are maintained over time. For example, excavation of areas upslope (beyond the 6,000 cfs OHW line) to a depth coincident with low-flow (450 cfs) conditions may provide opportunities to establish the hydrologic conditions necessary for establishing functional jurisdictional wetlands.
- c. Reclamation shall initiate a five-year mitigation monitoring program after the first growing season following project implementation. After a period of three years, the need will be evaluated (if any) for additional wetland enhancement. At that time, Reclamation, in consultation with the Corps, Regional Water Board and CDFG, will determine the need to further enhance or create additional

areas of jurisdictional wetlands within the project boundaries defined in the EIR so that there will be no-net loss of wetlands at the end of the five-year monitoring period. Determining the need to further enhance or create additional wetland areas after three years of monitoring will provide a two-year period for Reclamation to take additional pro-active measures towards meeting the goal of no net-loss of jurisdictional wetland habitat within the Project boundaries.

Reclamation shall conduct post-project wetland delineations five years after project construction for comparison to the pre-construction wetland delineations. In the event that post-project wetland delineations identify a net loss of jurisdictional wetlands within the Project area, Reclamation, in consultation with the Corps, the Regional Water Board, and CDFG, will implement additional mitigation measures to further enhance or create additional jurisdictional wetlands within the Project. In the event the conditions within the Project boundaries preclude the ability to adequately mitigate onsite, Reclamation may consider alternate locations for jurisdictional wetland mitigation within the local Trinity River corridor, subject to approval by the Corps, the Regional Water Board and CDFG.

Page 3.7-41 has been revised as follows:

Proposed Action

Table 3.7-7 indicates the total acreage of permanent and temporary impacts to upland plant communities as a result of the Proposed Action. The permanent loss of 39.13 ~~38.05~~ acres and a temporary impact to 3.24 ~~3.26~~ acres of upland habitat is not considered significant due to the relative abundance of these upland plant community types within the sites and local area. Furthermore, a proportion of the permanently lost montane riparian habitat communities would be replaced with an early and diverse stage of riparian community that is relatively rare along the river. A combination of replanting and natural revegetation will occur to ensure that riparian habitat values on the Trinity meet wildlife needs. Current needs for revegetation will be determined via monitoring, coordination with local resource agencies, and adaptively managing to meet changing needs and desired future conditions. Temporary access routes and staging areas will be restored to their original condition upon completion of work. Additionally, any affected upland areas will be re-vegetated with native plant species.

Alternative 1

Alternative 1 would result in impacts to upland habitats similar to those of the Proposed Action, although fewer acres would be affected. Table 3.7-7 indicates the total acreage of permanent and temporary impacts to upland plant communities as a result of Alternative 1. The permanent loss of 35.12 ~~28.94~~ acres and a temporary impact to 3.25 ~~2.98~~ acres of upland habitat is not considered significant due to the relative abundance of these upland plant community types within the site. Furthermore, a proportion of the permanently lost montane riparian habitat communities would be replaced with an early and diverse stage of riparian community that is relatively rare along the river. A combination of replanting and natural revegetation will occur to ensure that riparian habitat values on the Trinity meet wildlife needs. Current needs for revegetation will be determined via monitoring, coordination with local resource agencies, and adaptively managing to meet changing needs and desired future conditions. Temporary access routes and staging areas

will be restored to their original condition upon completion of work. Additionally, any affected upland areas will be re-vegetated with native plant species.

Table 3.7-7 on page 3.7-42 has been revised, as follows. Changes to the table are shown in italic font.

**REVISED TABLE 3.7-7
EXPECTED AREA OF DISTURBANCE TO UPLAND PLANT COMMUNITIES**

Upland Plant Community Type	Approximate Area of Disturbance (Acres)			
	Proposed Action		Alternative 1	
	Temporary	Permanent	Temporary	Permanent
CONNER CREEK				
Annual grassland	0.35	<i>0.56 (0.55)</i>	0.35	<i>0.56 (0.55)</i>
Barren	<i>0.14 (0.00)</i>	<i>3.54 (1.67)</i>	<i>0.14 (0.00)</i>	<i>3.43 (1.58)</i>
Foothill pine	0.00	0.02	0.00	0.02
Mixed chaparral	0.00	<i><0.01 (0.001)</i>	0.00	0.00
Montane hardwood-conifer	0.00	0.00	0.00	0.00
Montane riparian	<i>0.15 (0.28)</i>	<i>3.66 (5.52)</i>	<i>0.15 (0.28)</i>	<i>2.77 (4.62)</i>
Perennial grassland	0.35	0.85	0.35	0.85
Ponderosa pine	0.01	0.00	0.01	0.00
Total	<i>1.00 (0.99)</i>	<i>8.63 (8.62)</i>	<i>1.00 (0.99)</i>	<i>7.63 (7.62)</i>
VALDOR GULCH				
Annual grassland	0.00	0.09	0.00	0.09
Barren	<i>0.36 (0.00)</i>	<i>3.33 (2.48)</i>	<i>0.36 (0.00)</i>	<i>3.33 (2.48)</i>
Foothill pine	0.00	0.25	0.00	0.25
Klamath mixed conifer	0.00	0.00	0.00	0.00
Montane hardwood	0.00	0.00	0.00	0.00
Montane hardwood-conifer	0.00	0.00	0.00	0.00
Montane riparian	<i>0.01 (0.38)</i>	<i>9.09 (9.94)</i>	<i>0.01 (0.38)</i>	<i>9.09 (9.94)</i>
Perennial grassland	0.53	4.33	0.53	4.33
Urban	0.00	0.00	0.00	0.00
Total	<i>0.90 (0.91)</i>	<i>17.00 (17.09)</i>	<i>0.90 (0.91)</i>	<i>17.00 (17.09)</i>
ELKHORN				
Annual grassland	0.00	0.01	<i>0.00 (0.35)</i>	<i>0.01 (0.35)</i>
Barren	<i>0.00</i>	<i>1.61 (0.89)</i>	<i>0.01 (0.00)</i>	<i>1.10 (0.00)</i>
Klamath mixed conifer	0.01	<i>0.27 (0.26)</i>	0.01	<i>0.24 (0.23)</i>
Mixed chaparral	0.00	0.00	0.00	0.00
Montane hardwood	0.00	<i>0.26 (0.00)</i>	<i>0.00</i>	<i>0.00</i>

REVISED TABLE 3.7-7
EXPECTED AREA OF DISTURBANCE TO UPLAND PLANT COMMUNITIES

Upland Plant Community Type	Approximate Area of Disturbance (Acres)			
	Proposed Action		Alternative 1	
	Temporary	Permanent	Temporary	Permanent
Montane hardwood-conifer	0.00	0.17	0.00	0.17
Montane riparian	0.19 (0.20)	2.05 (2.77)	0.19 (0.49)	1.77 (0.14)
Perennial grassland	1.14	4.95 (4.90)	1.14 (0.23)	3.02 (0.23)
Urban	0.00	0.00	0.00	0.00
Total	1.34 (1.35)	9.32 (9.00)	1.35 (1.08)	6.31 (0.86)
PEAR TREE GULCH				
Annual grassland	0.00	0.64 (0.61)	0.00	0.64 (0.64)
Barren	0.00	2.33 (0.48)	0.00	2.33 (0.48)
Foothill pine	0.00	0.00	0.00	0.00
Klamath mixed conifer	0.00	0.00	0.00	0.00
Mixed chaparral	0.00	0.24	0.00	0.24
Montane hardwood	0.00	0.00	0.00	0.00
Montane riparian	0.00	0.31 (2.01)	0.00	0.31 (2.01)
Perennial grassland (<i>added</i>)	0.00	0.66	0.00	0.66
Total	0.00	4.18 (3.34)	0.00	4.18 (3.34)
Total at All Sites	3.24 (3.26)	39.13 (38.05)	3.25 (2.98)	35.12 (28.91)
Total Montane Riparian	0.36 (0.86)	15.47 (20.24)	0.36 (1.15)	13.94 (16.71)

*Changes are the result of a minor change in the definition of baseline conditions for riparian habitat and a change in the classification of habitat composed primarily of California bricklebrush. Parenthetical values were excerpted from the EA/Draft EIR for comparative purposes.

Chapter 3.14

Pages 3.14-15 to 3.14-17 have been revised as follows:

Table 3.14-2 summarizes the potential aesthetic impacts resulting from construction and operation of the No-Action Alternative, Proposed Action, and Alternative 1. Underline/strikeout format is used to indicate changes to the table.

REVISED TABLE 3.14-2**SUMMARY OF AESTHETIC IMPACTS OF THE NO-ACTION ALTERNATIVE, THE PROPOSED ACTION, AND ALTERNATIVE 1**

Impact	Project Site	No-Action Alternative	Proposed Action	Alternative 1	Proposed Action with Mitigation	Alternative 1 with Mitigation
1. Implementation of the project could result in the degradation and/or obstruction of a scenic view from key observation areas.	Conner Creek	NI	S	LS	<u>LS</u> SU	N/A ¹
	Valdor Gulch	NI	LS	LS	N/A ¹	N/A ¹
	Elkhorn	NI	LS	LS	N/A ¹	N/A ¹
	Pear Tree Gulch	NI	LS	LS	N/A ¹	N/A ¹
2. Implementation of the project could substantially change the character of, or be disharmonious with existing land uses and aesthetic features.	All sites	NI	LS	LS	N/A ¹	N/A ¹
3. The project may be inconsistent with federal and state Wild and Scenic River Act or Scenic Byway requirements.	All sites	NI	LS	LS	N/A ¹	N/A ¹
4. The project may potentially generate increased daytime glare and/or nighttime lighting.	All sites	NI	LS	LS	N/A ¹	N/A ¹

Notes: LS = Less than Significant; NI = No Impact; N/A = Not Applicable; SU = Significant and Unavoidable

¹Because this potential impact is less than significant, no mitigation is required.

Impact 3.14-1: Implementation of the project could result in the degradation and/or obstruction of a scenic view from key observation areas. *No Impact for the No-Action Alternative; Less-than-Significant Impact Significant and Unavoidable Impact for the Proposed Action and Alternative 1*

VAU # 2: McCartney's Pond (Conner Creek Site)

KOP CC2 (Views of R-4, R-5, and U-2) and CC26 (Views of R-2, R-4, and U-2): The Proposed Action includes rehabilitation activities in R-2, R-4, R-5, and U-2. Rehabilitation of R-2, R-4, and R-5 would require some removal of riverbank material to construct a low-flow bench, recontour the ground surface, remove a riparian berm, and lower the floodplain. Although existing riparian vegetation in this area would be removed to allow for rehabilitation activities, revegetation would occur through the planting of native species and natural recruitment. Further, R-2, R-4, and R-5 are barely visible from KOP CC2 because of the presence of

mature trees. Thus, visual impacts as seen from KOP CC2 would be less than significant. However, vegetation in the R-2 area currently functions to screen much of the view of the existing tailings pile and proposed U-2 area from KOP CC26, which represents the view from a residence. Rehabilitation of R-2 would remove this vegetation. Although revegetation would occur, the Proposed Action would result in a temporary adverse impact on the view from KOP CC26. ~~This is considered a significant and unavoidable impact.~~ This is considered a less-than-significant impact.

3.3 Changes to the EA/Draft EIR to Correct Minor Errors and Omissions

3.3.1 Changes to Tables and Text

In addition to revisions made in response to comments provided on the EA/Draft EIR, the lead agencies have revised certain parts of the document to correct minor errors or omissions. These changes are shown below, organized by chapter/section of the EA/Draft EIR.

Chapter 1

Reclamation, as the NEPA lead agency, identified the need to clarify the term *significant* in terms of NEPA. The following text has been added to Chapter 1 and Section 3.1 to meet this objective.

Page 1-8 has been revised as follows:

The EA portion of this document has been prepared under NEPA in order to determine whether the Proposed Action will constitute a major federal action that would significantly affect the human environment. The term “significant” as used under NEPA requires consideration of both context and intensity (40 CFR 1508.27). To aid in this significance determination, Reclamation has determined that the affected region is the Trinity River basin, and the locale for the channel rehabilitation component of the ROD is the 40-mile reach of the mainstem Trinity River below Lewiston Dam. Chapter 3 of this document discusses the intensity (i.e., severity of impact) for each resource element. If the analysis provided in the EA supports the finding that the Proposed Action would have no significant adverse effect on the environment, a FONSI will be prepared. However, if the EA finds that the Proposed Action would result in a significant effect on the environment, an EIS will be required. At present, Reclamation, based on the analysis set forth in this document, believes that a FONSI will be appropriate and that an EIS will not be required. That determination is subject to change, however, after receipt and consideration of comments provided during the public comment period. In other words, the appropriateness of a FONSI cannot be definitively determined absent a review of information generated through public review. The NEPA process will be complete with the federal lead agency’s adoption of a FONSI, unless, through public review or the receipt of other information not presently available, the NEPA lead agency decides that preparation of an EIS is required. A draft FONSI is included in the front of this EA/DEIR.

The USFS, in its role as a cooperating agency, requested that the discussion of non-native and invasive plant species be enhanced in the EA/Final EIR. Additional text has been included in Chapter 1, Chapter 3.7 and Chapter 5.

Page 1-21 has been revised as follows:

As a federal cooperating agency under NEPA, the USFS will ensure that the activities that occur on lands managed by the USFS will be consistent with the requirements of the Land and Resource Management Plan (LRMP) for the Shasta-Trinity National Forest- and Executive Order 13112 (Invasive Species).

Chapter 2

Pages 2-16 and 2-17 have been revised as follows to reflect incorporation of the Riparian Revegetation Management Plan, as described in Section 2.2, Activity K (Revegetation).

The rehabilitation activities described in the preceding section, combined with the natural recruitment and establishment of native riparian vegetation, will help promote self-maintaining riparian habitat, off-channel pocket wetland complexes, and structurally diverse upland ecotones.

Implementation of the revegetation measures described in the preceding section may include supplemental plantings as required to help create, maintain, enhance, or restore the structural and functional integrity of aquatic, riparian, and associated upland systems needed to perpetually support populations of anadromous fish and native wildlife at both site and landscape levels.

~~The physical rehabilitation when combined with active revegetation and natural regeneration will help promote self maintaining riparian vegetation, off channel pocket wetland complexes and structurally diverse upland ecotones.~~

~~The revegetation efforts at these proposed bank rehabilitation sites will use a combination of active (planting) and passive (natural plant regeneration) vegetation restoration. This combination will help to create, maintain, enhance, or restore the structural and functional integrity of aquatic, riparian, and associated upland systems needed to perpetually support populations of anadromous fish and native wildlife at both site and landscape levels. The following considerations will be incorporated into the final revegetation plan.~~

- ~~▪ Floodplain areas above the 1.5 year recurrence flow may be planted with a native assemblage of riparian vegetation in order to meet landowner, permitting, fish or wildlife needs, including planting to limit or prohibit reintroduction of noxious and invasive plant species. Revegetation plans will be finalized as landowner agreements, permits, and project conditions are accessed during construction.~~
- ~~▪ Conditions will be developed which encourage natural revegetation as riparian functions are restored. Natural vegetation, in combination with replanting, will minimize short term losses in riparian vegetation and its associated habitat.~~
- ~~▪ Planting will occur during wet conditions (fall/winter).~~

Chapter 3

This section covers changes to the Affected Environment (CEQA existing conditions) and the Environmental Consequences (CEQA environmental impacts) sections of the EA/Draft EIR. Changes to mitigation measures are covered in Chapter 4 of this EA/Final EIR.

Section 3.1

Page 3.1-1 has been revised as follows:

Affected Environment (CEQA Existing Conditions)

The Affected Environment sections for each of the issues discussed describe the existing regional and local conditions using the most current information available. The affected environment establishes the context for each section of this chapter pursuant to 40 CFR Section 1508.27 (a). The information in these sections is used as the environmental baseline for analyzing the significance of potential effects of the Proposed Action and the significance of the effects of project alternatives with respect to each specific resource area (See *CEQA Guidelines*, Section 15125, subd. (a)).

Environmental Consequences (CEQA Environmental Impacts)

As required by the *CEQA Guidelines*, the impacts of a proposed project (action) are defined as “a change in the existing physical conditions in the affected area as they exist at the time the notice of preparation is prepared” (Section 15126.2). For purposes of NEPA, the term “environmental consequences” is synonymous with the term “impacts.” The environmental consequences discussion addresses the intensity of the project as required by 40 CFR, Section 1508.27 (b). The impacts of the project are identified and the level of significance of the impacts is determined in the following sections of this chapter.

Section 3.6

The figures on pages 3.6-29 through 3.6-32 have been revised as follows:

Figures 3.6-5a-d have been modified to simplify the presentation of impacts to riparian area habitat. These figures show impacts to montane riparian habitat and riparian wetlands relative to the low water channel of the Trinity River. The area of impact displayed in these figures includes habitat that is within the ordinary high-water line (6,600 cfs), as defined in Section 2 of the EA/Draft EIR. The acres shown on these figures provide the basis for modifying Mitigation Measure 3.7-1. The revised figures are provided at the end of this chapter.

Page 3.6-33 has been revised as follows:

Erosion and deposition of fine sediments associated with implementation of the Proposed Action are expected to be localized and temporary. Some fine-textured materials may settle near or on known spawning habitats located downstream of riverine rehabilitation areas, but these materials are not expected to impair redd excavation or spawning. The majority of grading activities are expected to be performed during dry conditions (August–October 15 or later, as weather permits), and thus would avoid most effects on adult coho migration and spawning, and smolt emigration. Any juvenile coho salmon rearing in the area during this timeframe could be temporarily displaced or their social behavior could be temporarily disrupted by an

increase in turbidity. Behavioral disruption, even temporarily, could result in some increased vulnerability to competitive interactions or predation for juvenile coho salmon (Berg and Northcote 1985). These temporary impacts were anticipated and addressed in the 2000 biological opinion and associated incidental take statement for the ROD.

Chinook Salmon. Potential impacts to Upper Klamath-Trinity Rivers ESU Chinook salmon populations in the Trinity River resulting from implementation of the Proposed Action would be similar to those previously described for coho salmon. Consequently, displacement of fine-textured sediment, potential erosion runoff, and elevated turbidity for short distances downstream could occur during the migration and rearing seasons. Spring- and fall-run Chinook salmon are known to spawn in suitable habitats encompassed by the rehabilitation sites. ~~No sites, and some construction activities may occur during their spawning periods. are proposed during the spawning period~~ Spring-run Chinook juveniles are expected to rear throughout the year within the boundaries of all restoration sites.

Section 3.7

The USFS, in its role as a cooperating agency, requested that the discussion of non-native and invasive plant species on page 3.7-16 of the EA/Draft EIR be enhanced in the EA/Final EIR. The following text includes modifications to address this request.

Page 3.7-16 has been revised as follows:

Non-Native and Invasive Plant Species

Non-native and invasive plant species occur throughout the Trinity River corridor, particularly in areas that have been subject to ground-disturbing activities (e.g., roads, recreation sites). Reclamation acknowledges that these species have the potential to inhibit the TRRP's abilities to restore the functions and values associated with riparian and upland vegetation along the Trinity River. As part of the overall TRRP program, Reclamation has funded an ongoing effort to map the distribution and abundance of non-native species along the mainstem Trinity River corridor to the North Fork Trinity River, and to determine the response of these non-native species to removing existing vegetation and modifying the River's flow regime. One outcome of this effort will be an initial management plan that assists Reclamation and other members of the TMC in developing a successful vegetation restoration component and which provides recommendations for applied control and management of invasive species at channel rehabilitation sites. This plan will support Reclamation's desire to ensure that channel rehabilitation projects do not introduce or further spread non-native plants along the Trinity River.

Weed Management Areas (WMAs) are local organizations that bring together landowners and managers (private, city, county, state, and federal) in a county, multi-county, or other geographical area to coordinate efforts and expertise against common invasive (noxious) weed species. The WMAs function under the authority of a mutually developed memorandum of understanding (MOU) and are subject to statutory and regulatory weed control requirements. The lead agency for the WMAs is the California Department of Food and Agriculture (CDFA).

The Trinity County Weed Management Cooperative (TCWMC) acts as the local Trinity County WMA. TCWMC members include, but are not limited to, ~~Cooperators in the Trinity County WMA include~~ the Trinity County Department of Agriculture, the Trinity County Planning Department, the USDA Natural Resource Conservation Service (NCRS), ~~Agricultural Research Service~~ the U.S. Forest Service, and the Trinity County Resource Conservation District (TCRCD). Trinity County has in place weed eradication programs for spotted knapweed (*Centaurea maculosa*), diffuse knapweed (*Centaurea diffusa*), dalmatian toadflax, plumeless thistle (*Carduus acanthoides*), and perennial pepperweed (*lepidium latifolium*). In addition to these species, the USFS has identified several other high-priority species that occur in close proximity to the four rehabilitation sites. These species include scotch broom (*Cytisus scoparius*) and Dyers woad (*Isatis tinctorius*). To the extent possible, the management plan prepared for the TRRP will address all these species, will make predictions concerning project effects on local populations, and will make recommendations for minimizing further spread of invasive plant species.

A number of non-native and invasive plant species were observed during the botanical surveys in 2002 and 2003. These species are typically opportunistic and will colonize particularly in areas of disturbance. The CDFA categorizes ~~recognizes~~ each invasive species of concern as being an A-, B-, or C-listed plant:

- A = Eradication, quarantine, or other holding action at the state/county level.
- B = Intensive control or eradication, where feasible, at the county level.
- C = Control or eradication as local conditions warrant, at the county level.

Non-native and/or invasive plant species observed at the four rehabilitation sites include the A-list species dalmatian toadflax, Himalayan blackberry (*Rubus discolor*), scotch broom, and tree-of-heaven (*Ailanthus altimssima*) and the C-list species yellow star-thistle, and Klamathweed. The known distribution ~~locations~~ of dalmatian toadflax and yellow star-thistle within the Canyon Creek Suite of Rehabilitation Sites is ~~are~~ shown on Figures 3.7-2a-d (EA/Draft EIR). The most apparent of these non-native/invasive plants at the sites are tree-of-heaven and yellow star-thistle. In addition to information collected during on-site floristic surveys, the TRRP incorporated information from the TCWMC about known populations of non-native and/or invasive plant species within or adjacent to the four rehabilitation sites.

Over the past 20 years, the lands adjacent to SR 299/Trinity River corridor have been subjected to substantial infestations of tree of heaven, scotch broom, and Himalayan blackberry. Several factors have influenced these infestations, including lack of historical awareness of the need to manage these species and Trinity County guidance that strongly recommends against application of herbicides within the County boundaries.

Page 3.7-23. The following portion of Table 3.7-3 has been revised using the underline/strikeout format:

California wolverine (<i>Gulo gulo luteus</i>)	SC/T, FP [†]	A variety of habitats within the elevations of 1,600 and 14,200 feet. Most commonly inhabits open terrain above timberline.	Absent. The project area is below the elevational range of the species. May be present. Denning would not likely occur at the project sites due to the moderate number of human residences. Wolverine may, on rare occasions, use the Trinity River as a travel corridor.
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On Page 3.7-29, the following has been inserted under the heading “Federal”:

Invasive Species Executive Order 13112

Executive Order 13112 directs federal agencies to use relevant programs and authorities to:

- a. Prevent the introduction of invasive species;
- b. Detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner;
- c. Monitor invasive species populations accurately and reliably;
- d. Provide for restoration of native species and habitat conditions in ecosystems that have been invaded;
- e. Conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species;
- f. Promote public education on invasive species and the means to address them; and
- g. Not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

Page 3.7-30 has been revised as follows:

Federal Endangered Species Act

The ESA defines “take” (Section 9) and generally prohibits the “taking” of a species listed as endangered or threatened (16 USC. 1532, 50 CFR 17.3). Under the ESA, the “take” of a federally listed species is deemed to occur when an intentional or negligent act or omission causes the agent of the action “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” The term “harm” includes acts that actually kill or injure wildlife. Such acts may include significant habitat modification or degradation when it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Section 7 of the ESA requires federal agencies, in consultation with the Secretary of the Interior, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of designated critical habitat for these species. ~~Three~~ Two federally listed species may occur on the sites: ~~American peregrine falcon, bald eagle, and northern spotted owl.~~

Page 3.7-32 has been revised as follows:

“Fully Protected” Species

California statutes also accord “fully protected” status to a number of specifically identified birds, mammals, reptiles, amphibians, and fish. These species cannot be “taken,” even with an incidental take permit (California Fish and Game Code, Sections 3505, 3511, 4700, 5050, and 5515). “Fully protected” species potentially occurring in the project area include the American peregrine falcon, golden eagle, ~~wolverine~~, and ring-tailed cat.

Page 3.7-38 has been revised as follows:

Proposed Action

Construction activities associated with the Proposed Action would result in ~~both permanent and~~ temporary impacts to jurisdictional waters (e.g., wetland features) within the sites. Short term losses in wetland habitat will be incurred during construction but these losses will be recovered as wetland vegetation regrows and soils and hydrology are preserved due to maintenance of on-site wetland functions and values. Table 3.7-6 lists impacts to these wetland features for the Proposed Action and Alternative 1. Construction of the Proposed Action would result in a direct impact to 6.24 acres of riparian wetland and 7.97 acres of riverine habitat. Direct impacts to jurisdictional wetlands would be considered significant.

Pages 3.7-39 and 3.7-40 have been revised as follows:

Alternative 1

Construction activities associated with Alternative 1 would result in ~~both permanent and~~ temporary impacts to jurisdictional wetland features. Project construction associated with Alternative 1 would result in the ~~permanent~~ loss of ~~5.99~~ 6.00 acres of riparian wetland and 6.96 acres of riverine habitat, slightly less than the ~~permanent~~ impacts for the Proposed Action. Construction access routes and staging areas would also temporarily disturb 0.01 acre of riparian wetland habitat. ~~Both permanent and~~ Temporary impacts to jurisdictional wetlands would be considered significant impacts.

Pages 3.7-50 and 51 have been revised as follows:

Impact 3.7-9: Construction activities associated with the project could result in impacts to nesting Vaux’s swifts, California yellow warblers, and yellow-breasted chats. ***No Impact for the No-Action Alternative; Significant Impact for the Proposed Action and Alternative 1***

No-Action Alternative

Under the No-Action Alternative, no construction-related impacts to nesting Vaux’s swifts, yellow warblers, and yellow-breasted chats would occur.

Proposed Action

The riparian habitat associated with the Trinity River corridor at all four sites provides suitable nesting and foraging habitat for the California yellow warbler and yellow-breasted chat. Both of these species are designated as Species of Special Concern by the CDFG. Conifer habitat at all four sites provides suitable nesting and foraging habitat for the Vaux’s swift, also a Species of Special Concern. Even though no recorded nest sites for the Vaux’s swift, yellow warbler, or yellow-breasted chat were identified by the CDFG

(2005) in the general vicinity of the Proposed Action and no nests were observed during surveys conducted in 2003, there is the potential for the ~~two~~ species to nest at the sites. Both the yellow warbler and yellow-breasted chat ~~species~~ were observed at the Conner Creek, Valdor Gulch, Elkhorn, and Pear Tree Gulch sites during point count surveys in 2003 (Miller, Ralph, and Herrera 2003).

The Proposed Action would result in a small, temporary reduction of foraging and/or roosting habitat for these species. However, implementation of Mitigation Measure 3.7-3 will ensure that there is no net loss of riparian habitat. Furthermore, the Proposed Action would result in a long-term increase in riparian habitat diversity, increasing the quality of the habitat for the Vaux's swift, yellow warbler and yellow-breasted chat ~~these species~~. Thus, due to the small and temporary nature of the impacts and the regional abundance of similar habitats, the project is not expected to have a significant impact on habitat for the Vaux's swift, California yellow warbler, and yellow-breasted chat. However, the removal of riparian vegetation and the noise associated with construction activities could disturb individuals nesting on or adjacent to the sites. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Loss of fertile eggs or nesting Vaux's swifts, California yellow warblers, or yellow-breasted chats or any activities resulting in nest abandonment may be considered a significant impact to the species.

Alternative 1

Construction-related impacts to Vaux's swifts, yellow warblers, and yellow-breasted chats associated with Alternative 1 would be similar to those under the Proposed Action but would affect a smaller amount of riparian habitat.

Page 3.7-52 has been revised as follows:

If vegetation is to be removed by the project and all necessary approvals have been obtained, removal of potential nesting substrate (e.g., shrubs and trees) required for project implementation shall occur prior to the onset of nesting season ~~that will be removed by the project should be removed. before the onset of the nesting season~~, if feasible. This will help preclude nesting and substantially decrease the likelihood of direct impacts.

Page 3.7-55 has been revised as follows:

Proposed Action

The Trinity River riparian corridor, including the sites for the Proposed Action, provides both foraging and perching habitat for bald eagles, golden eagles, American peregrine falcons, merlin, and black swift ~~osprey~~. The sites do not provide appropriate nesting habitat for these species; ~~however, adjacent and/or nearby mixed-conifer habitat and montane hardwood-conifer habitat provide suitable nesting habitat for three of these species~~. Cliffs and ledges appropriate for nesting by the American peregrine falcon are not present at or near the sites. The nearest known bald eagle nesting site is located approximately 20 miles upstream on Lewiston Lake. No known golden eagle ~~or osprey~~ nests occur at the sites. Trees and snags suitable for perching are located along the Trinity River. Construction activities associated with the Proposed Action could temporarily alter the foraging patterns of these species; however, this impact would be considered less than significant based on the abundance of suitable foraging habitat in the vicinity of the proposed project. No

long-term impediments to foraging habitat associated with the Proposed Action are anticipated. The loss of potential perch trees would not affect the abundance of these species or their use of the Trinity River for foraging habitat.

Alternative 1

Construction-related impacts to bald eagle, golden eagle, American peregrine falcon, merlin, and black swift ~~osprey nesting~~ foraging and perching habitat associated with Alternative 1 would be similar to or less than under the Proposed Action.

Pages 3.7-57 and 3.7-58 have been revised as follows:

Proposed Action

Implementation of the proposed project could result in the spread of non-native and invasive plant species (e.g., dalmatian toadflax, tree-of-heaven, yellow star-thistle, ~~Bermuda grass~~, ~~Klamathweed~~, and dyer's woad) during ground-disturbing activities. As a result of ground-disturbing activities associated with short-term construction and reoccurring channel maintenance flows, there is a potential for introduction and/or spread of these species, particularly during the time frame anticipated for reestablishing native and upland vegetation incorporated into the Proposed Action. The proximity of these species to the rehabilitation sites suggests that these sites will be subject to ongoing introduction of these species through various means (e.g., flows, animals, vehicles). To varying degrees, these species have the potential to reestablish populations at the rehabilitation sites, or to serve as a source for new infestations downstream. This would be considered a significant impact.

Chapter 4

Page 4-8 has been revised as follows:

Vegetation, Wildlife, and Wetlands

Under the No-Action Alternative, the Proposed Action would not be implemented, and the effects on vegetation, wildlife, and wetlands would be similar to those that have occurred since the construction and operation of the TRD. The potential for enhancing or increasing the populations of non-native and invasive plant species under the No-Action Alternative would not be affected. The potential for continued encroachment and conversion of these resources is directly related to the ability to provide a flow regime designed to restore certain habitat components. No significant cumulative impacts to these resources are anticipated to result from the No-Action Alternative. The selection of the No-Action Alternative could limit the ability of the TRRP to achieve the overall goal of restoration of the Trinity River.

No significant cumulative impacts to vegetation, wildlife, and wetlands are anticipated to occur as a result of implementation of either action alternative, particularly with regards to the introduction and/or spread of non-native and invasive plant species. The action alternatives, in conjunction with the projects and programs described in the preceding section, are a direct result of years of legislative direction, legal decisions, scientific study, and public involvement that were directed at restoring the physical processes and biological resources of the Trinity River. Since a primary objective of the TRRP is restoring the form and function of physical processes and riparian communities in the Trinity River basin, the projects and programs described

above have a collective purpose of restoring the mainstem Trinity River. Simultaneous implementation of these projects may result in short-term loss of upland, wetland, and riverine features, including Waters of the United States. In some instances, projects could result in a conversion of these features (e.g., riparian wetlands to “other waters”); however, these projects provide the foundation necessary to meet the primary objective of the TRRP. Most effects would be short-term and associated with construction related activities. Appropriate implementation of prescribed mitigation measures, coordinated by the TRRP, would adequately mitigate for potential impacts associated with these activities (e.g., removal of vegetation, loss of habitat, and impacts on wetlands). The TRRP understands the ecological importance of ensuring that the channel rehabilitation efforts (ongoing and proposed) include measures to eliminate or control non-native and invasive plant species within the Trinity River corridor. While this document includes mitigation measures to address the direct and indirect impacts associated with these species, the TRRP recognizes the importance of this issue from a cumulative perspective and has an ongoing effort to address these species in a programmatic fashion (Trinity River Invasive Species Study/Weed Management Plan). The cumulative effect of these identified actions within the scope of this analysis is considered less than significant.

In short, the project as mitigated will benefit, rather than adversely affect, vegetation, wildlife, and wetlands in the long term, as will most of the other related projects and programs described in this chapter. Thus, far from creating adverse impacts that will compound or exacerbate the adverse impacts of other projects, either action alternative will contribute to long-term vegetation, wildlife, and wetlands benefits.

Chapter 5

The USFS, in its role as a cooperating agency, requested that the discussion of non-native and invasive plant species be enhanced in the EA/Final EIR. The following text has been added to Section 5.3.4 to address this request.

Page 5-9 has been revised as follows:

Invasive Species Executive Order 13112

Executive Order 13112 directs federal agencies to use relevant programs and authorities to:

- a. Prevent the introduction of invasive species;
- b. Detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner;
- c. Monitor invasive species populations accurately and reliably;
- d. Provide for restoration of native species and habitat conditions in ecosystems that have been invaded;
- e. Conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species;
- f. Promote public education on invasive species and the means to address them; and

- g. Not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

3.3.2 Changes to Figures

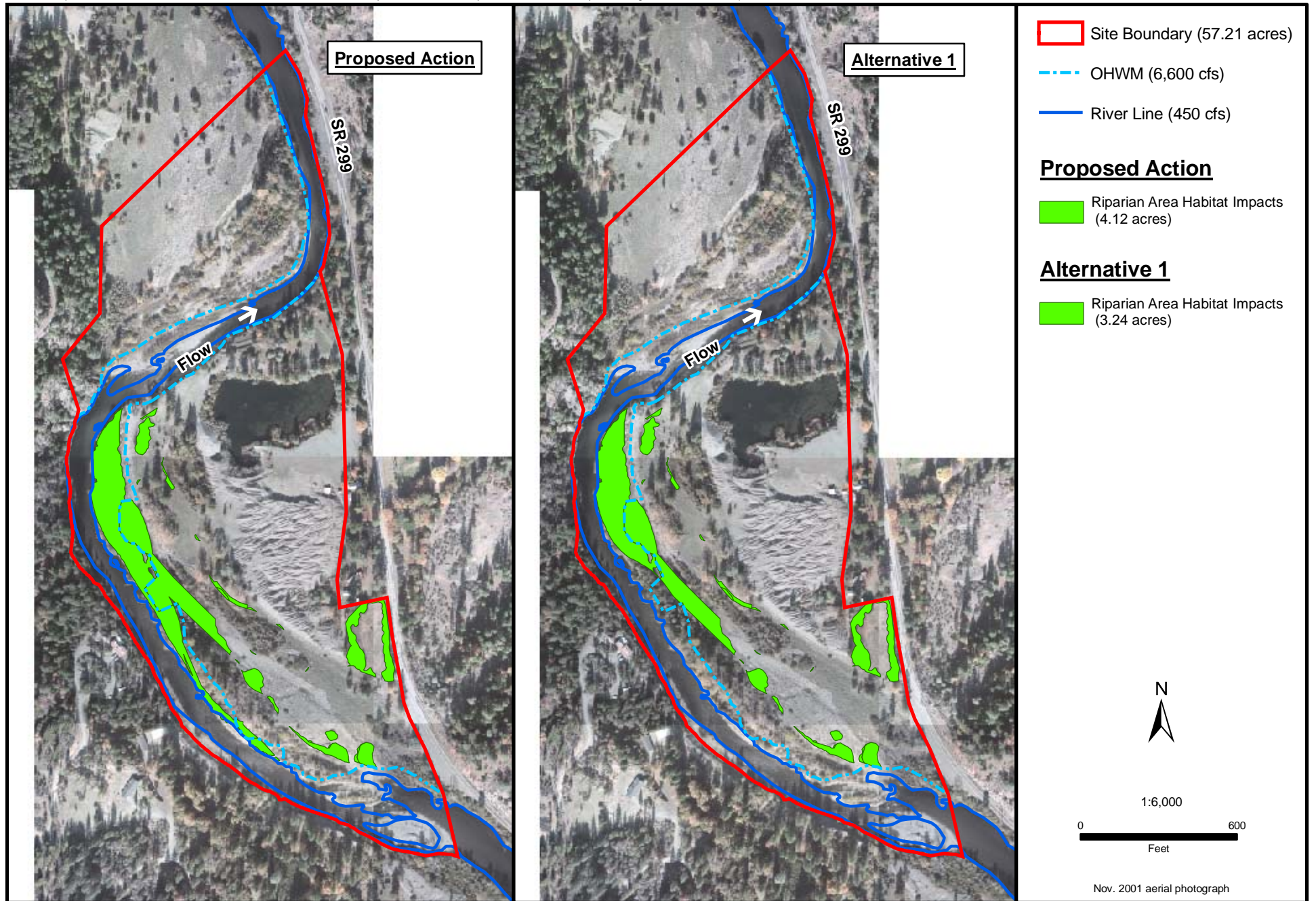
Changes have been made to several figures in the EA/Draft EIR, as follows:

Figures 3.6-5a-d, Revised Riparian Area Habitats, Conner Creek, Valdor Gulch, Elkhorn, and Pear Tree Gulch. These figures were revised to represent riparian impacts upslope from the River Line (450 cfs). River Line and ordinary high water mark (6,600 cfs) have been added.

Figures 3.7-1a-d, Revised Plant Community Types and Boundaries of Waters of the United States, including Wetlands, Conner Creek, Valdor Gulch, Elkhorn, and Pear Tree Gulch. These figures were revised to refine the delineation of Barren and Montane Riparian plant communities in accordance with Revised Table 3.7-1.

Figures 3.7-3a-d, Upland Impacts, Conner Creek, Valdor Gulch, Elkhorn, and Pear Tree Gulch. These figures were revised to reflect the changes in Revised Tables 3.7-6 and 3.7-7.

The corrected figures are on the following pages.



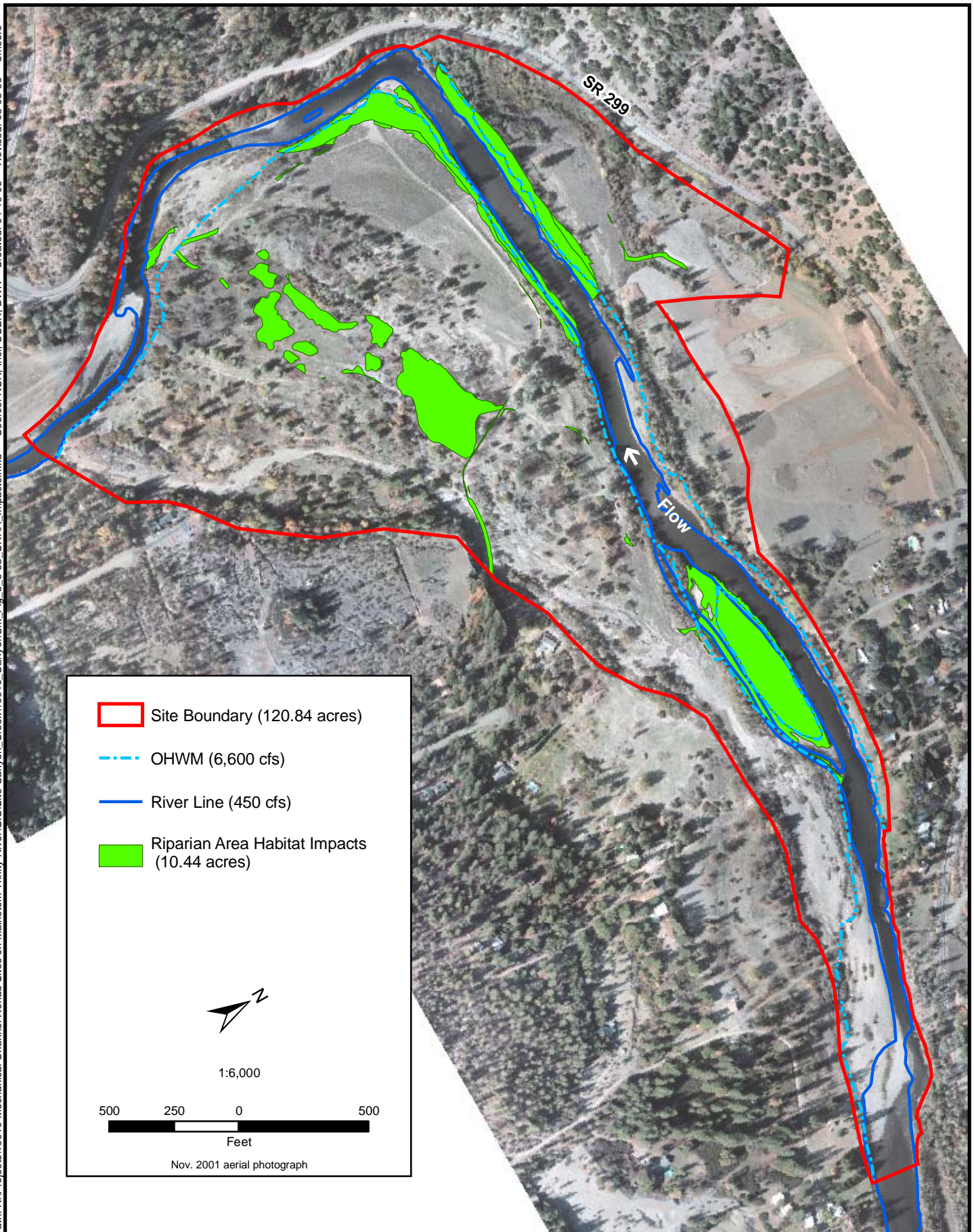
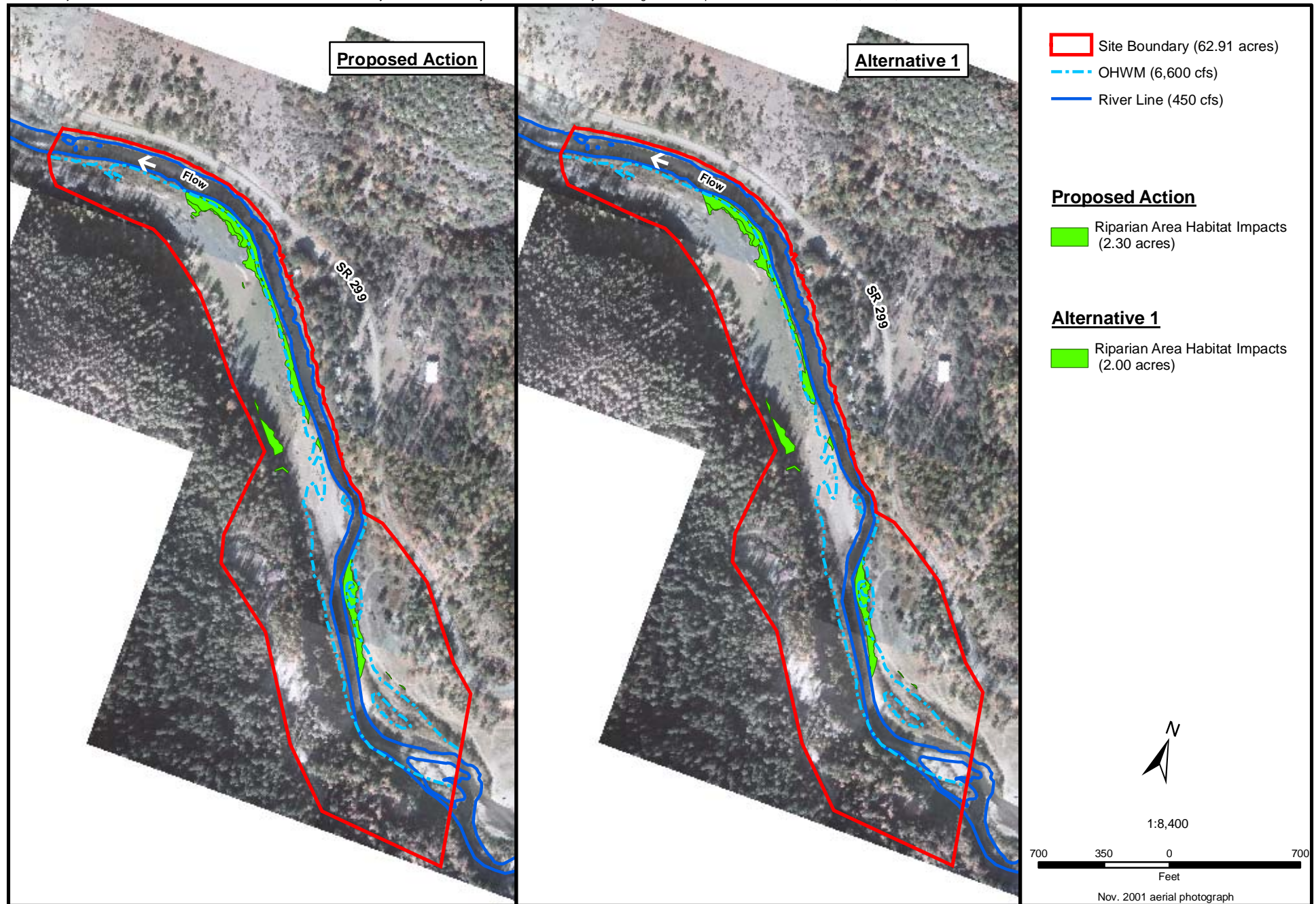


Figure 3.6-5b
Revised Valdor Gulch Riparian Area Habitat



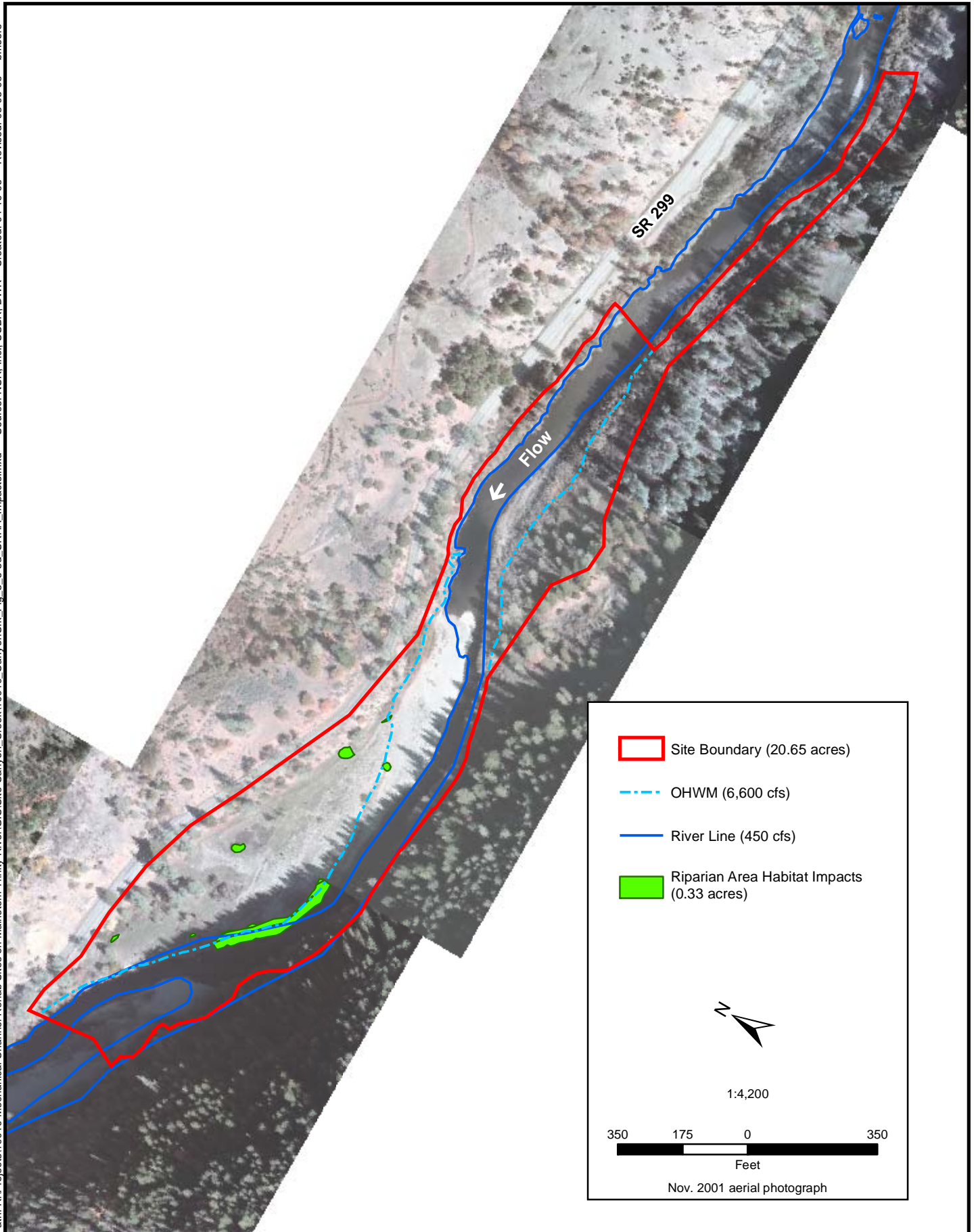


Figure 3.6-5d
Revised Pear Tree Gulch Riparian Area Habitat

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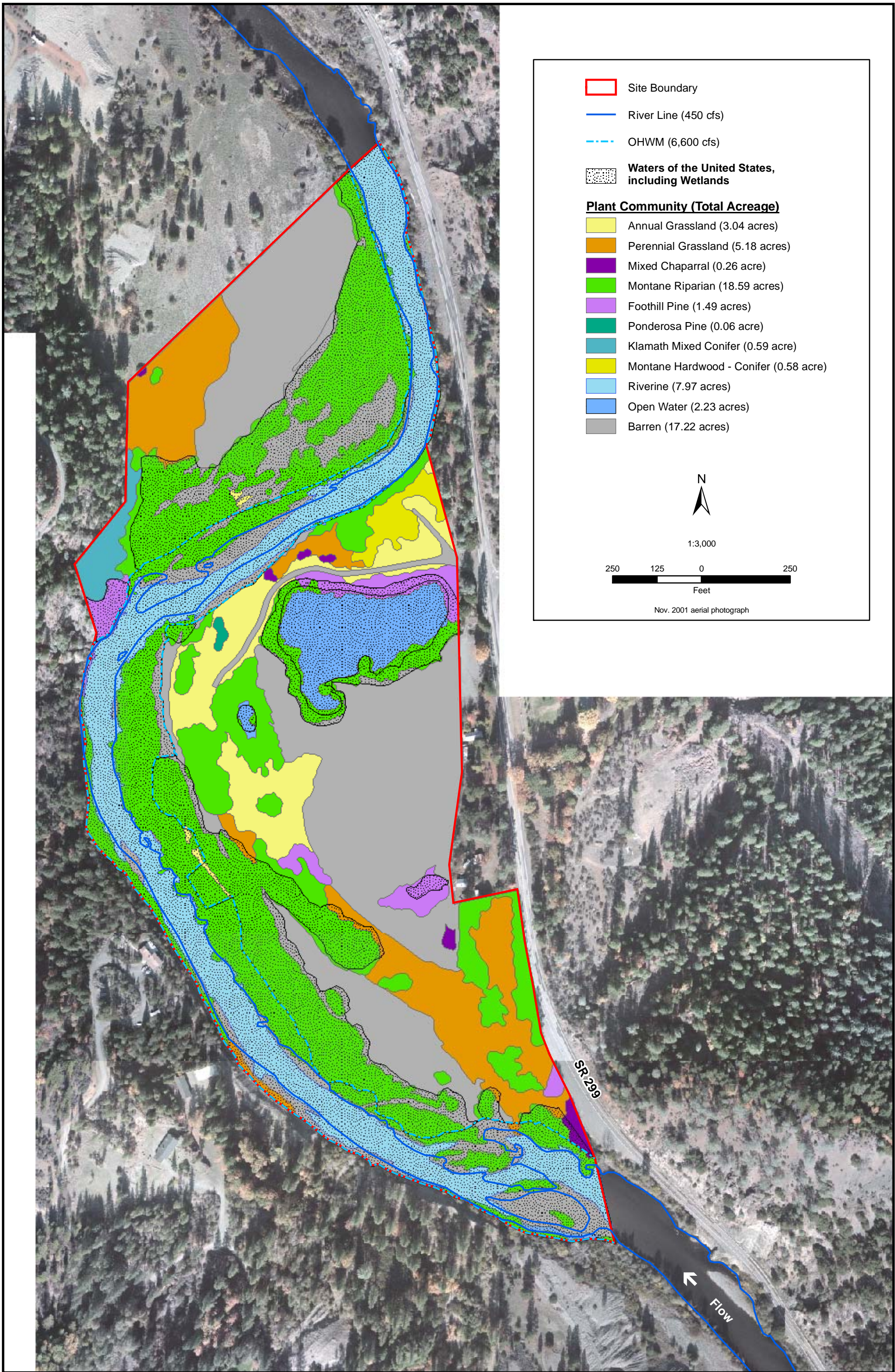


Figure 3.7-1a
Revised Conner Creek Plant Community Types and
Boundaries of Waters of the United States, including Wetlands

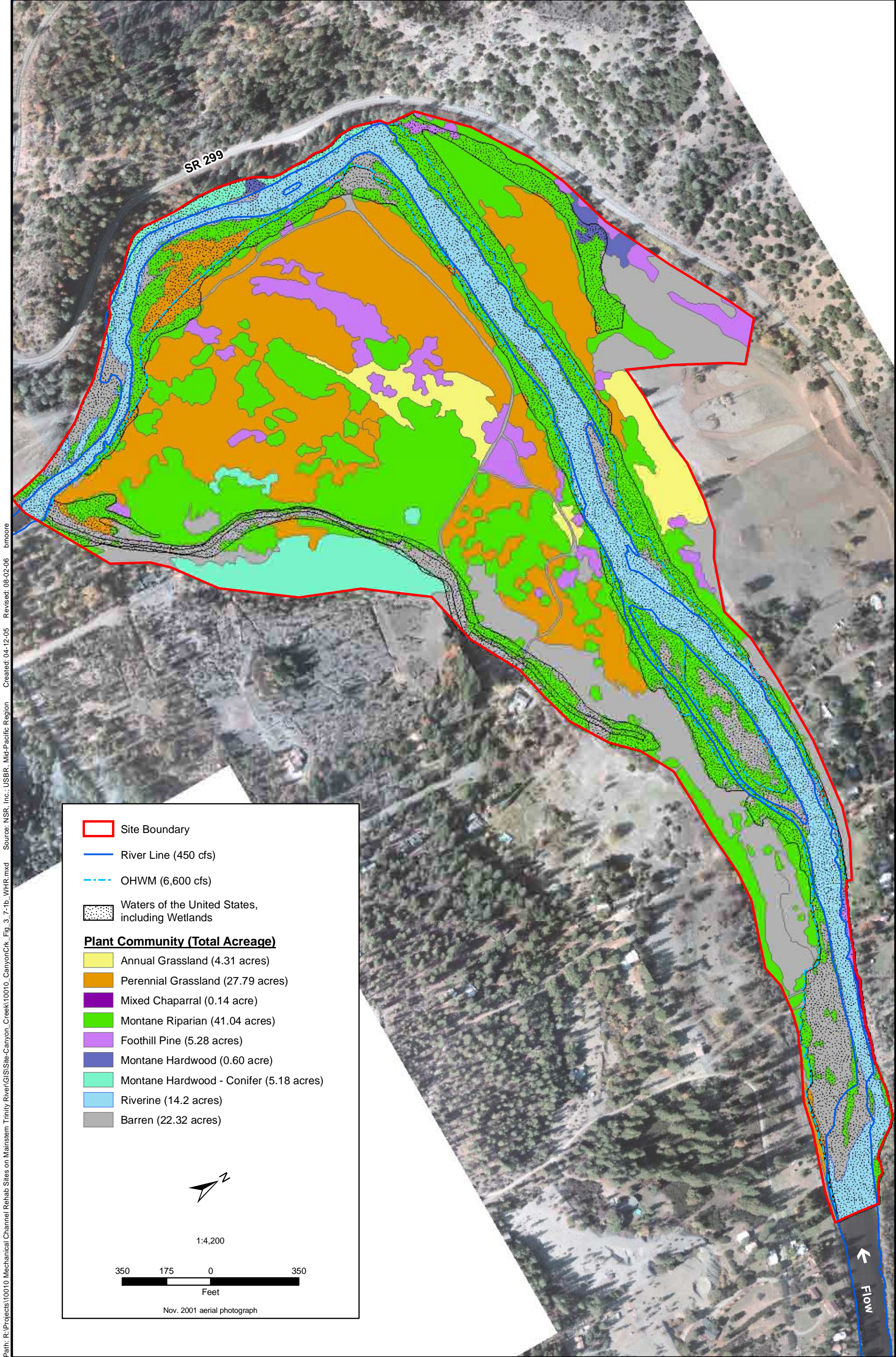
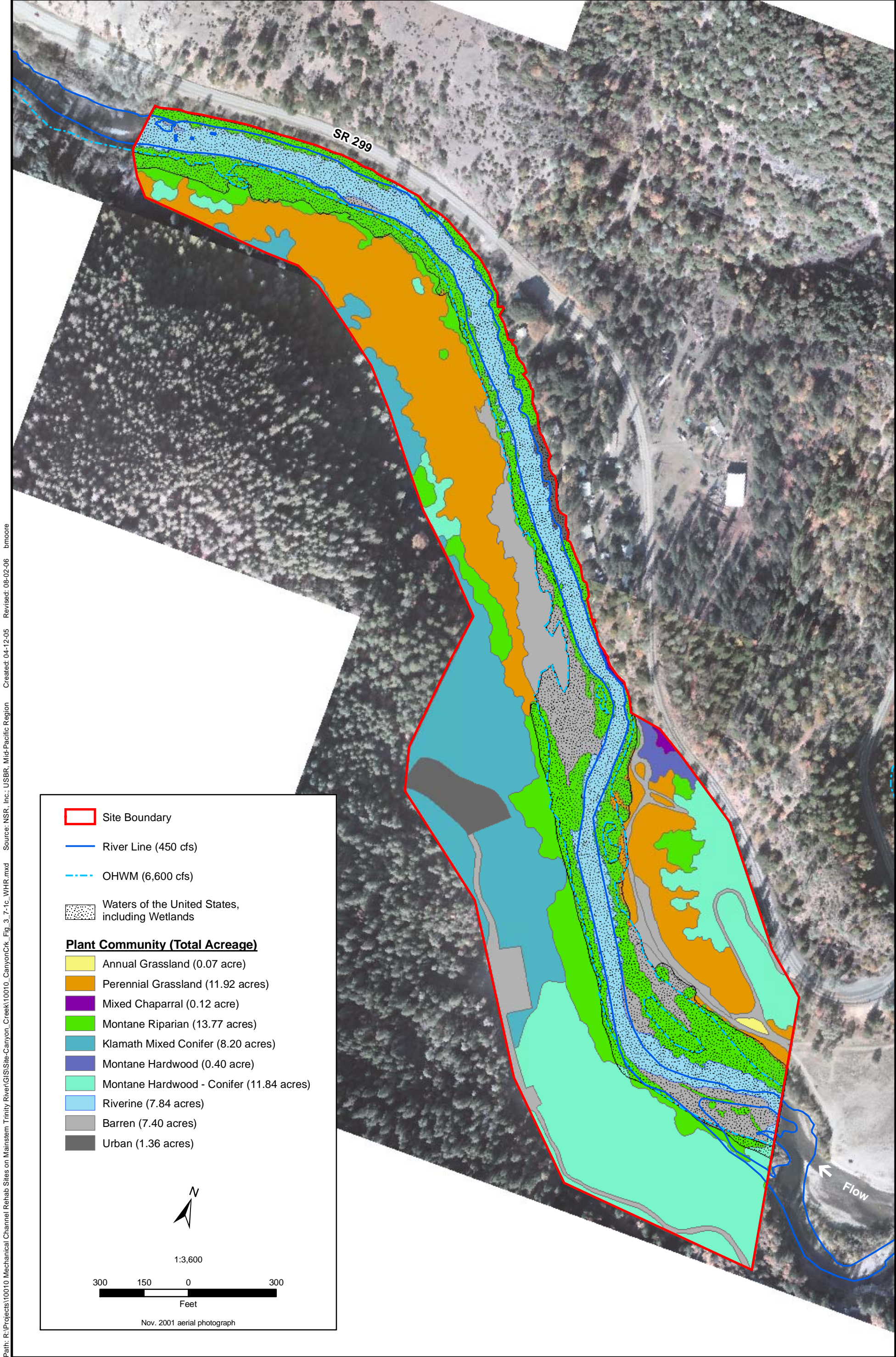


Figure 3.7-1b
Revised Valdor Gulch Plant Community Types and
Boundaries of Waters of the United States, including Wetlands



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Figure 3.7-1c
Revised Elkhorn Plant Community Types and
Boundaries of Waters of the United States, including Wetlands

Path: R:\Projects\10010_Mechanical Channel Rehab Sites on Mainstem Trinity River\GIS\Site-Canyon_Creek\10010_CanyonCrk_Fig_3.7-1d_WHR.mxd Source: NSR, Inc.; USBR, Mid-Pacific Region Created: 04-12-05 Revised: 08-02-06 bmoore

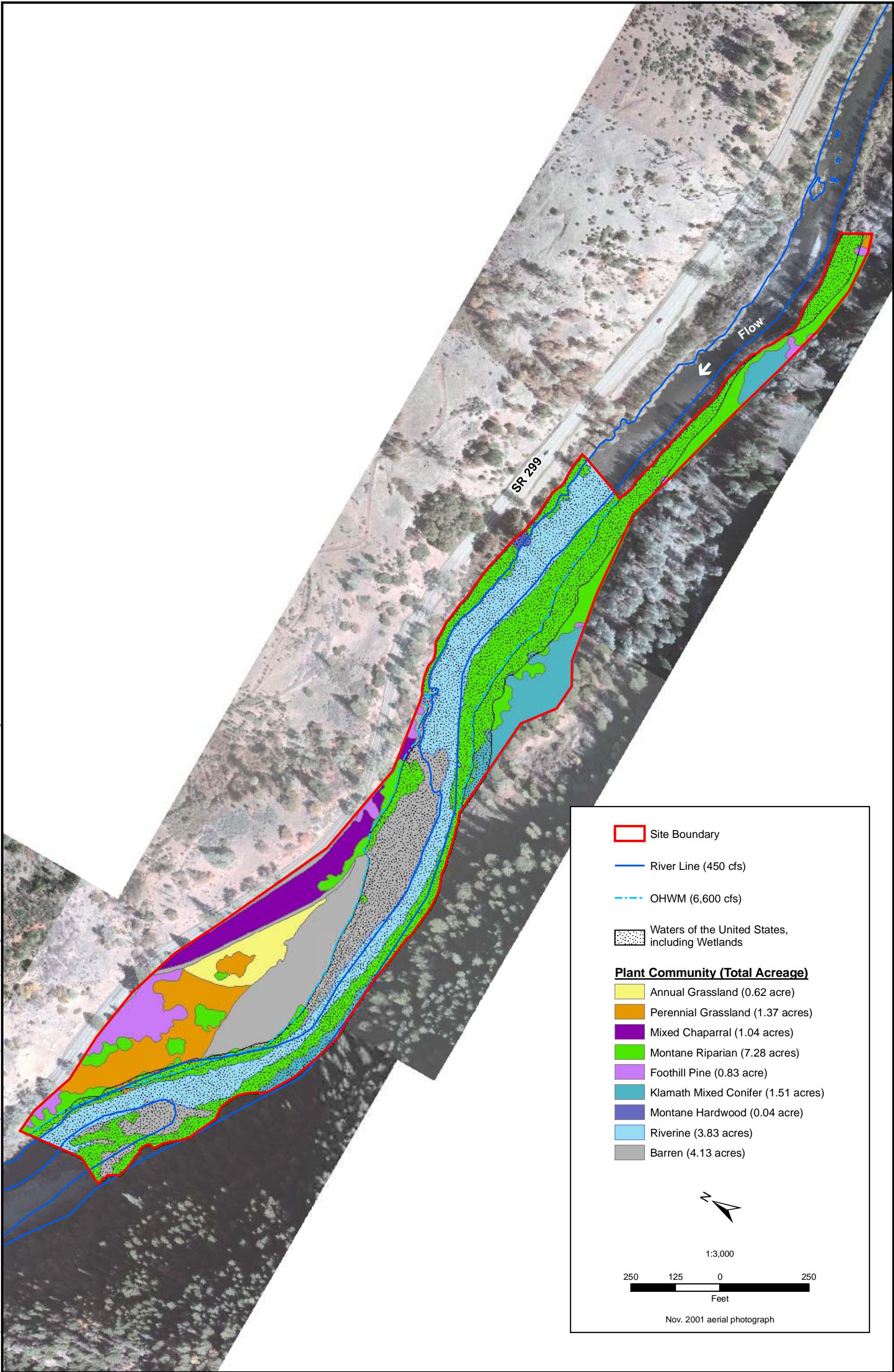
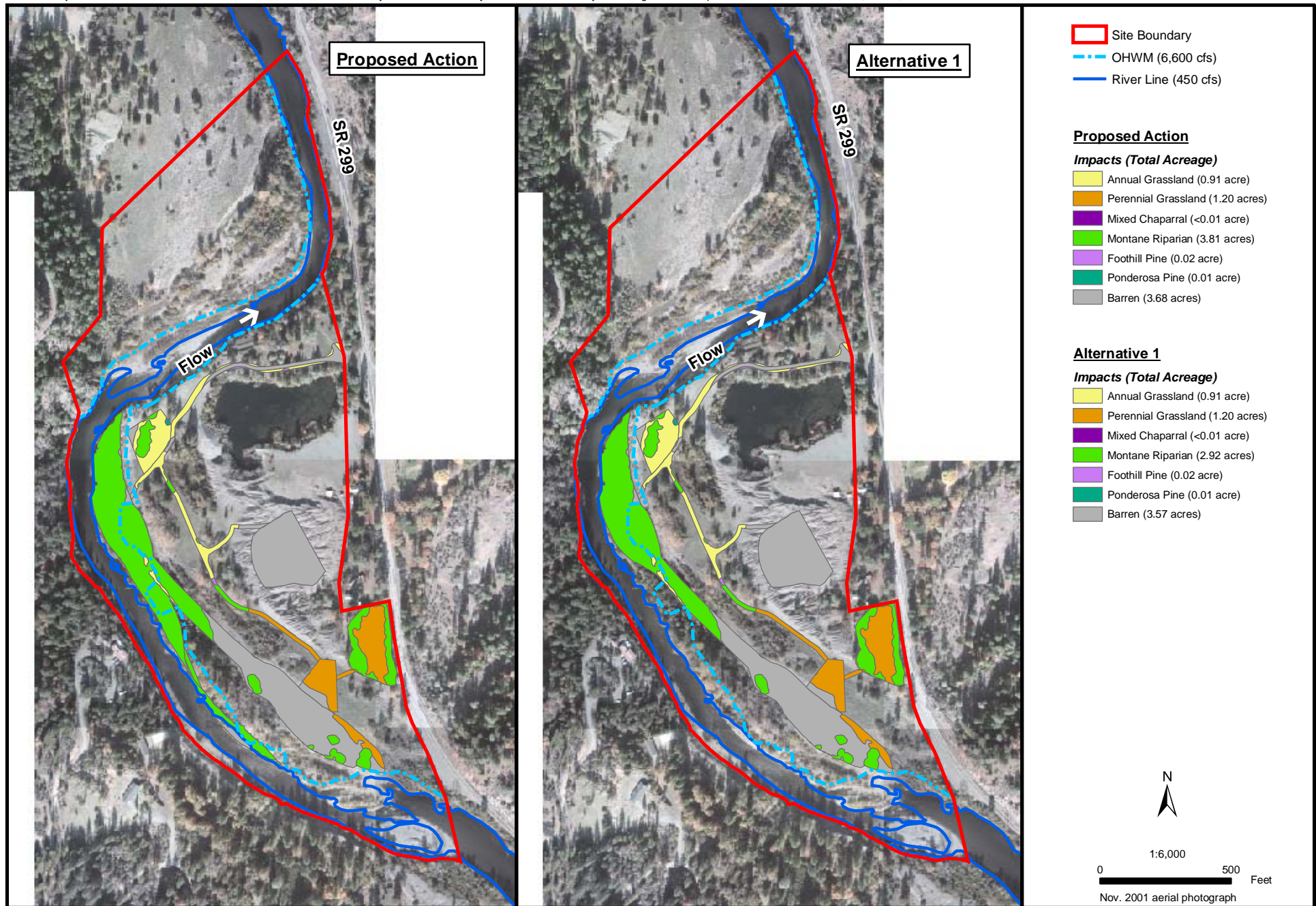


Figure 3.7-1d
Revised Pear Tree Gulch Plant Community Types and
Boundaries of Waters of the United States, including Wetlands



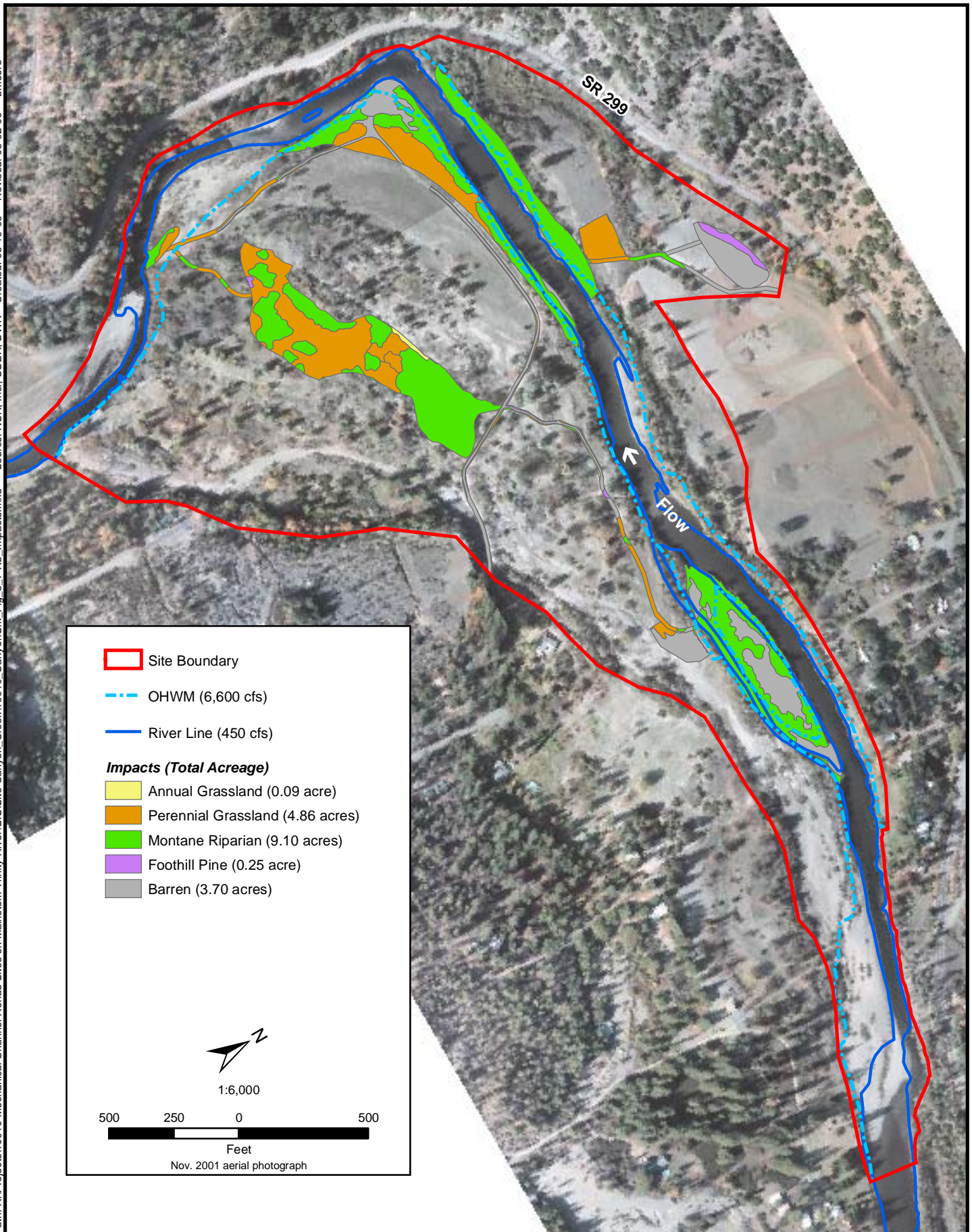
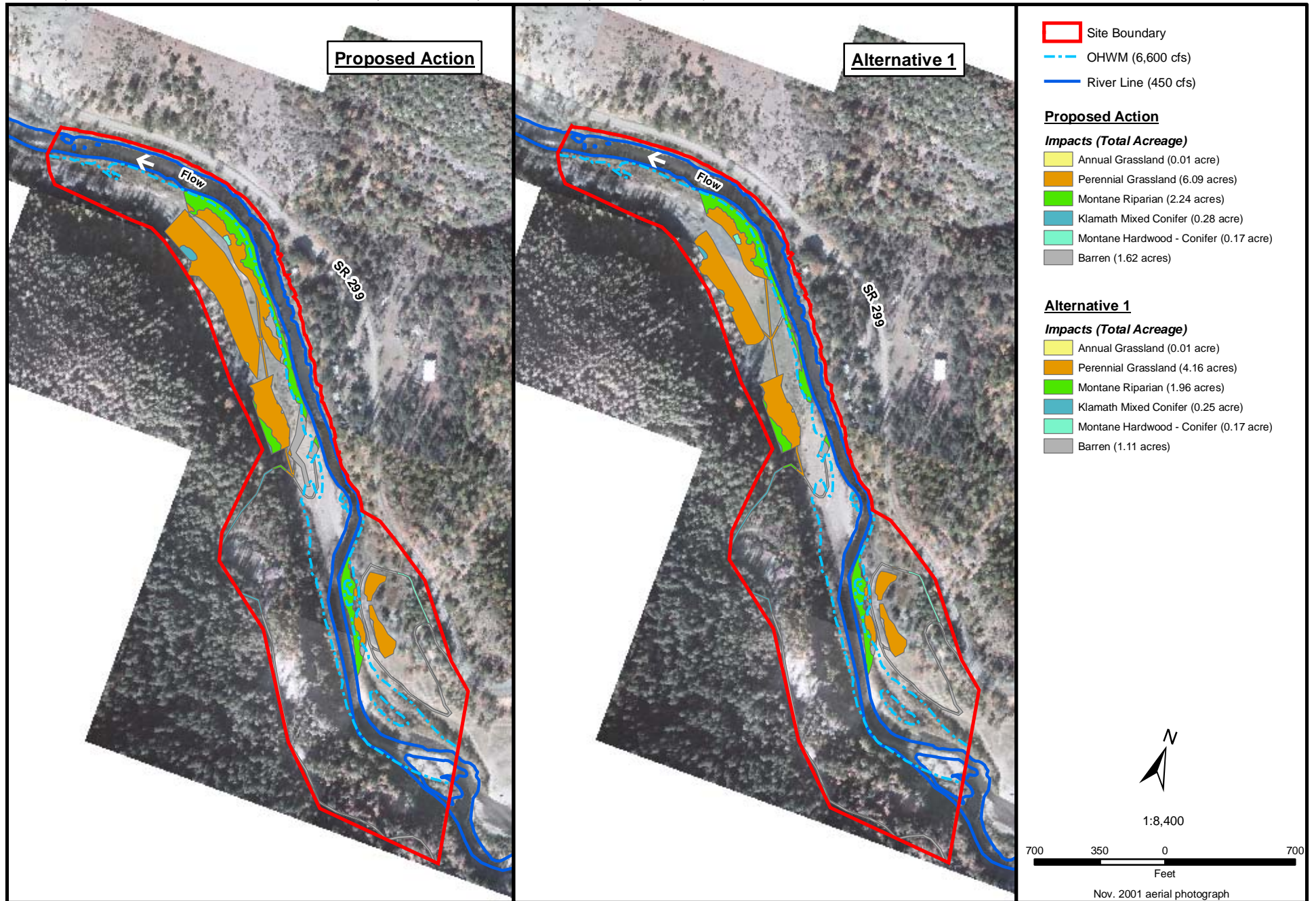


Figure 3.7-3b
Revised Valdor Gulch Vegetation Impacts



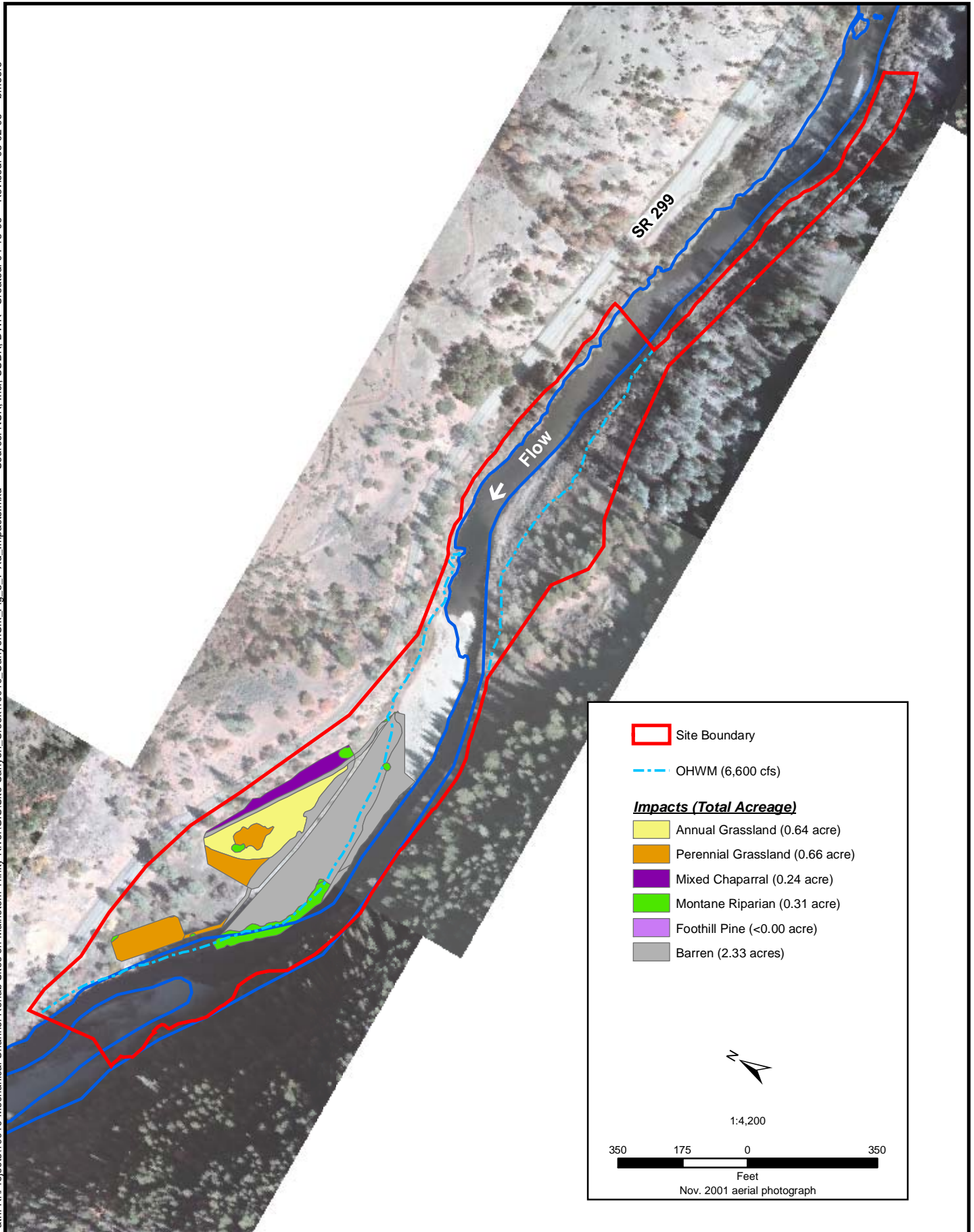


Figure 3.7-3d
Revised Pear Tree Gulch Vegetation Impacts