

Other Statutory Considerations

This chapter addresses other statutory considerations that must be evaluated pursuant to NEPA and/or CEQA. The following sections address these specific statutory considerations, with the applicable environmental guidelines noted in parentheses:

- 4.1 – Cumulative Impacts (NEPA and CEQA)
- 4.2 – Growth-Inducing Impacts (NEPA and CEQA)
- 4.3 – Significant Irreversible and Irretrievable Commitments of Resources Which Would Result from the Proposed Action (NEPA and CEQA)
- 4.4 – Relationship Between Local Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity (NEPA)
- 4.5 – Mitigation Monitoring Program for CEQA-Mandated Mitigation (CEQA)
- 4.6 – Significant and Unavoidable Adverse Impacts (CEQA)
- 4.7 – Findings of Fact and Statements of Overriding Consideration (CEQA)

4.1 Cumulative Impacts

4.1.1 LEGAL REQUIREMENTS

Cumulative impacts are the impacts on the environment that result from the incremental impacts of the proposed action when added to other past, present, and reasonably foreseeable future actions (14 CCR 15355[b], 40 CFR 1508.7), regardless of what agency (federal or non-federal) or entity undertakes such other actions. These impacts can result from individually minor but collectively significant actions taking place over time.

The State *CEQA Guidelines* and Council on Environmental Quality (CEQ) NEPA regulations require that the cumulative impacts of a proposed action be addressed in an environmental document when the cumulative impacts are expected to be significant (14 CCR 15130[a], 40CFR 1508.25[a][2]). When a lead agency is examining a project with an incremental effect that is not “cumulatively considerable,” the lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

4.1.2 METHODOLOGY

The analysis of cumulative impacts in this EA/DEIR addresses the cumulative impacts of the Proposed Action, as well as the No-Action Alternative and Alternative 1. The Proposed Action may be implemented in an interactive manner with other projects. In addition, these other projects may affect the impacts of the Proposed Action.

According to the *CEQA Guidelines*, the cumulative impacts discussion “should be guided by the standards of practicality and reasonableness.” The *CEQA Guidelines* require that a cumulative impacts analysis identify related projects, summarize the expected environmental impacts of those related projects, and analyze the cumulative impacts of the proposed and related projects. The geographic scope of the area examined for cumulative impacts is the Trinity River corridor between Lewiston Dam and the confluence of the North Fork Trinity River (Helena, California). The following section summarizes the projects and programs that, along with the Proposed Action, may contribute to cumulative impacts.

4.1.3 RELATED PROJECTS AND PROGRAMS

Fish Habitat Management

Forty-seven mechanical rehabilitation projects were identified in the FEIS/EIR for the Trinity River Mainstem Fishery Restoration Project (U.S. Fish and Wildlife Service et al. 2000a). The project evaluated in this EA/DEIR is the second in a series of channel rehabilitation projects planned by the TRRP. Currently, the TRRP is planning several additional rehabilitation projects, with oversight from the TMC.

The TRRP has two distinct program elements: 1) the Rehabilitation and Implementation Group, which is responsible for project development, engineering, and regulatory compliance, and 2) the Technical Modeling and Analysis Group, which is responsible for project development, monitoring, and integrating activities in an adaptive management framework.

A number of federal, state, and local participants are involved at both the policy and project level. Active participants include Reclamation, USFWS, NOAA Fisheries, USFS, BLM, the Regional Water Board, DWR, Trinity County, and the Hoopa Valley and Yurok Tribes.

Two projects identified in the ROD have been completed. The first of these projects was the replacement of four bridges between Lewiston and Douglas City to accommodate higher flows in the Trinity River (U.S. Bureau of Reclamation 2003). Construction of the four bridges was completed in 2005. The second of these completed projects was a mechanical channel rehabilitation project at Hocker Flat on the Trinity River from RM 78 to 79.1. The rehabilitation activities proposed in Chapter 2 are similar to those implemented at Hocker Flat in 2005.

A total of four additional mechanical channel rehabilitation projects (consisting of work at 18 originally defined FEIS/EIR rehabilitation sites) are slated for implementation by the TRRP between 2006 and 2008. The Indian Creek Channel Rehabilitation Project is expected to be implemented in 2006. The Upper Lewiston (Sites 1-4) and Dark Gulch projects are in the initial planning stages, with an estimated construction date in 2007. Projects that include eight additional original FEIS/EIR locations are planned for 2008. These projects, between Lewiston Dam and Douglas City, are similar in size and character to the projects activities described in Chapter 2.

The success of the Upper Lewiston and Indian Creek rehabilitation sites is contingent on the increased Trinity River flows mandated by the ROD. The goals of these projects are similar to those of the Proposed Action:

- Increase the diversity and area of habitat for salmonids, particularly habitat suitable for rearing;
- Increase the structural and biological complexity of habitat for various species of wildlife associated with riparian habitats; and
- Increase the hydraulic and fluvial geomorphic diversity and complexity.

The design of these sites will seek to encourage desirable geomorphic features, including a more sinuous channel, increased diversity in the longitudinal profile, dynamic alternate bar sequences, a floodplain frequently accessible by the future flow regime, fine sediment deposition on the floodplain during overbank flows, increased channel morphology and hydraulic complexity, more exposed gravel bars, and increased secondary high-flow channels and off-channel wetlands.

Additional restoration actions proposed for the Trinity River corridor include dredging of the Hamilton sediment ponds at the mouth of Grass Valley Creek, which control the introduction of fine sediment from the creek into the Trinity River; placement of coarse sediment (spawning gravel) at the Lewiston hatchery in August 2006; and modification of local infrastructure (e.g., raising roads at Poker Bar and moving pumps and pump houses, etc.) and facilities between Douglas City and Lewiston Dam to accommodate future ROD flow releases of up to 11,000 cfs.

The development and implementation of a Coarse Sediment Management Plan for the Trinity River may result in placement of about 10,300 cubic yards of gravel into the river annually, with an estimated range from 0 cubic yards in critically dry water years to 67,000 cubic yards in extremely wet water years. The actual amounts and locations would be determined through the TRRP monitoring program.

On May 4, 2004, the STNF published a Notice of Intent to prepare an EIS on the Trinity 1-8 Mining Operation in the Federal Register. The Proposed Trinity 1-8 Mining Operation would be a placer gold mining operation located in the Canyon Creek watershed about 9 miles north of Junction City. The mining operation would process approximately 1,138,478 tons of gold bearing placer gravels from about 22 acres over a 25-year period. Because this project is in the early planning stages, it is not known whether it could contribute to cumulative impacts.

Trinity River Mainstem Fishery Restoration Project FEIS/EIR

The Trinity River, a major tributary of the Klamath River system, has been subject to extensive water development as part of the CVP. Efforts have been underway since the TRD was constructed to mitigate its adverse effects on salmonid habitat. The ROD issued on the FEIS (U.S. Department of Interior 2000) portion of the FEIS/EIR mandates a restoration program consisting of “a combination of managed high flow releases, mechanical riparian berm removal, and gravel augmentation to redirect geomorphic processes so that a more complex channel form will evolve, creating the mosaic of aquatic habitats necessary to enhance freshwater salmonid production.”

A biological opinion issued by NMFS (now called NOAA Fisheries) found that the program “*is not likely to jeopardize the continued existence of [SONCC ESU] coho salmon,*” and “*is not likely to destroy or adversely modify critical habitat for the [SONCC ESU] coho salmon.*” Specifically, the biological opinion concluded “*that because the expected outcome of implementation of the Proposed Action is*

greatly improved fish habitat conditions (including necessary coho salmon habitat), the value of critical habitat for both the survival and recovery of SONCC coho salmon will not be appreciably diminished.” Included in this biological opinion was an incidental take statement that included terms and conditions to implement Reasonable and Prudent Measures (RPMs). RPMs related to the Trinity River Mainstem Fishery Restoration Project include:

- Complete ‘the first phase of the channel rehabilitation projects’ (U.S. Fish and Wildlife Service et al. 2000) in a timely fashion.
- The USFWS and/or Reclamation shall provide for review of individual mainstem channel rehabilitation projects via the technical team (‘designated team of scientists,’ ‘technical modeling and analysis team or equivalent group’), and provide a written recommendation to the NMFS about whether the projects are similar to those described in the Trinity River Mainstem Fishery Restoration Project DEIS and should be covered by this incidental take statement; if the technical team determines that these projects and their impacts to aquatic habitat are substantially different than described in the DEIS and U.S. Fish and Wildlife Service et al. (2000), the technical team will recommend to the NMFS that additional consultation under Section 7 of the ESA is appropriate.

California Coastal Salmonid Restoration Program/Five Counties Salmonid Conservation Program

As a result of the proposed listing of the SONCC ESU coho salmon, the counties of Humboldt, Trinity, Del Norte, Siskiyou, and Mendocino joined together to assist in the recovery of coho and now steelhead. The overall goal of the counties is to address and improve anadromous salmonid habitat as well as conservation and restoration within the five-county area, such that the listings do not result in massive economic impacts similar to those that occurred when the northern spotted owl was listed. Significant funding has been or is being provided by NOAA Fisheries, the State Water Board (Proposition 204 Delta Tributary Watershed Program), CDFG’s For the Sake of the Salmon (SB 271), and the California Resources Agency (CRA).

In 1997, the CDFG established the Salmonid Restoration Program for coastal watersheds. Initiatives included in this program support watershed planning projects at a local level, coastal salmon and anadromous trout habitat restoration, and improved efforts to manage anadromous salmon. The program includes a Salmon and Steelhead Trout Restoration Account, to be expended on a wide range of issues, including watershed planning, on-the-ground habitat restoration projects, and other projects for restoring salmonid populations. This fund also finances a Watershed Restoration and Protection Council that 1) oversees state watershed protection and enhancement activities, and 2) directs and develops a Watershed Protection Program to provide for anadromous salmonid conservation.

Trinity County is participating in the Salmonid Restoration Program through the Five Counties Salmon Conservation Program. The Five Counties Program, consisting of Trinity, Del Norte, Siskiyou, Humboldt, and Mendocino counties, is coordinating and prioritizing restoration projects and developing standard practices to prevent degradation of salmonid habitat resulting from county road projects. NOAA Fisheries has nominated the Five Counties Program for the Governor’s Environmental and Economic

Leadership Award in the area of Watershed Management for “laudable efforts of restoring, enhancing, and improving California’s watersheds, while promoting sustainable economic progress.”

The Five Counties group has inventoried fish passage barriers at county road crossings and sediment delivery sources along county roads. Prioritized projects were identified to improve fish passage and reduce sediment delivery to both salmonid-bearing and non salmonid-bearing streams in the Trinity, Klamath, Eel, Mad, Van Duzen, Redwood Creek, Smith, Gualala, and other major coastal watersheds. Fish barriers have been removed at a rate of five to 10 per year for the last 3 years, and future projects are in the planning and design stage.

Clean Water Action Section 303(d) Total Maximum Daily Load Requirements

The TMDL and accompanying source allocation for sediment in various reaches and tributaries of the Trinity River have been established to comply with Section 303(d) of the CWA because the State of California has determined that the water quality standards for the Trinity River have been consistently exceeded due to excessive sediment. The TMDL for sediment describes how seasonal variation is considered. Sediment delivery in the Trinity River watershed inherently has considerable annual and seasonal variability. Due to the variability in terms of magnitude, timing, duration, and frequency, the TMDL and load allocation apply to the sources of sediment and use a 10-year rolling average. A number of contributing causes were identified, including historic mining effects, past road-building activities, certain timber-harvesting practices, and the concomitant effects of reduced bed-mobilizing river flows, due to the TRD, on sediment transport (U.S. Environmental Protection Agency 2001). The TMDL does not allocate flow; however, it does take into account critical conditions for flow, loading, and water quality parameters. The control of the streamflow below the TRD has greatly contributed to the impairment of the Trinity River below Lewiston Dam (U.S. Environmental Protection Agency 2001). The reduction in available coarse sediment upstream of Rush Creek and the significant contribution of fine sediment from Grass Valley Creek have severely affected the sediment flux in the river. These effects are observable as far downstream as the North Fork.

In 2001, the EPA established the TMDL, with assistance from Regional Water Board staff (U.S. Environmental Protection Agency 2001). The primary adverse impacts associated with excessive sediment in the Trinity River pertain to the beneficial uses ascribed to anadromous salmonid fish habitat. The main responsibility for water quality management and monitoring resides with the State of California. The EPA now expects the state to develop and submit implementation measures to the EPA as part of revisions to the state water quality management plan, as provided by the EPA regulations in 40 CFR Section 130.6.

4.1.4 ISSUE-SPECIFIC CUMULATIVE IMPACT ANALYSIS

The following discussion identifies potential cumulative impacts that are anticipated as a result of implementing the Proposed Action (including the No-Action Alternative, Proposed Action, and Alternative 1 in relation to past, present, and reasonably foreseeable future projects for each resource area described in Chapter 3. In other words, the discussion identifies those areas in which the impacts of the Proposed Action, when viewed against the backdrop of these other projects, could cause an incremental

impact that is “cumulatively considerable” within the meaning of CEQA. Where appropriate, cumulative significant impacts are described pursuant to *CEQA Guidelines*. According to Section 15130 of the *CEQA Guidelines*, effects of the project as well as surrounding projects and reasonably foreseeable development in the surrounding area should be considered.

Land Use

Under the No-Action Alternative, the Proposed Action would not be implemented and the Trinity River within and downstream of the site boundary would continue to function in response to the managed flows from the TRD. No significant cumulative land use effects 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.

There are no incompatible land uses and access impacts would be temporary under both of the action alternatives. Therefore, no significant cumulative land use effects are anticipated to occur under either of the action alternatives. The implementation of other restoration elements associated with the Trinity River may support the TRRP goal of restoration of the Trinity River.

Geology, Fluvial Geomorphology, and Soils

Under the No-Action Alternative, the Proposed Action would not be implemented, and the effects on geology, fluvial geomorphology, and soils would be similar to those that have occurred since the construction and operation of the TRD. No significant cumulative impacts 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 associated with geologic hazards, geomorphic processes, or erosional processes are anticipated to occur as a result of implementation of either action alternative. Appropriate implementation of prescribed mitigation measures will adequately mitigate for potential impacts regarding geologic hazards. The short-term erosional aspects will be addressed through implementation of the prescribed mitigation measures in conformance with the Trinity River TMDL. The fluvial geomorphic processes embodied in the Healthy River Attributes would be affected at the local level; however, these effects would not be significant at the scale previously described.

In short, either action alternative as mitigated would benefit, rather than adversely affect, geology, fluvial geomorphology, and soils in the long term, as would most of the other related programs and projects described in this chapter. Instead of creating adverse impacts that would compound or exacerbate the adverse impacts of other projects, either of these alternatives would contribute to long-term environmental benefits and assist in meeting the TMDL sediment requirements for the Trinity River.

Water Resources

Under the No-Action Alternative, the Proposed Action would not be implemented and the effects on water resources would be similar to those that have occurred since the construction and operation of the TRD. No significant cumulative impacts to water 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 water resources, specifically no increase in the 100 year flood line within the site boundaries illustrated on Figures 2.2a-d, are anticipated due to implementation of either action alternative. Since the project is within the floodplain of the Trinity River, it is subject to the jurisdiction of the Trinity County Floodplain Management Ordinance. The increased channel capacity provided by either of the action alternatives would reduce flow impacts in conjunction with other channel restoration projects and other flow-impact reduction projects (e.g., elevation and maintenance of infrastructure).

Water Quality

Under the No-Action Alternative, the Proposed Action would not be implemented and the effects on water quality would be similar to those that have occurred since the construction and operation of the TRD. No significant cumulative impacts to water quality 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 water quality are anticipated to occur as a result of implementation of either action alternative. The TRRP has identified the need to undertake a suite of restoration activities throughout the Trinity River basin. While some activities may be implemented simultaneously, the intent of the TRRP is to stage these activities, both in terms of timing and locations, in a way that minimizes the potential impacts on water quality. In the event that simultaneous implementation of these activities is required over the course of several years, some level of cumulative degradation of water quality (sedimentation) could occur within the Trinity River during construction and implementation periods. Appropriate implementation of prescribed mitigation measures, coordinated by the TRRP, will adequately mitigate for potential water quality impacts associated with turbidity, sedimentation, accidental spills, etc. The cumulative effect of activities proposed under either action alternative is considered less than significant.

In short, either action alternative as mitigated would benefit, rather than adversely affect, water quality in the long term, as would most of the other related projects described in this chapter. Instead of creating adverse impacts that would compound or exacerbate the adverse impacts of other projects, either action alternative would contribute to long-term water quality benefits.

Fishery Resources

Under the No-Action Alternative, the Proposed Action would not be implemented and the effects on fishery resources would be similar to those that have occurred since the construction and operation of the TRD. No significant cumulative impacts to fishery 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 fisheries resources are anticipated to occur due to the implementation of either action alternative. The Proposed Action, in conjunction with the projects and programs described in the preceding section, is a direct result of years of legislative direction, legal decisions, scientific study, and public involvement directed at restoring the fishery resources of the Trinity River. The 2000 biological opinion (National Marine Fisheries Service 2000) acknowledged that simultaneous implementation of these projects and programs (specifically the TRRP) may result in short-term loss of aquatic habitat and temporary displacement of aquatic organisms. Furthermore, the biological opinion stated that the activities would not have a cumulative impact on the SONCC ESU of coho salmon. 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 fishery resources in the Trinity River. Appropriate implementation of prescribed mitigation measures, coordinated by the TRRP, will adequately mitigate for potential impacts associated with removal of vegetation, loss of habitat, and effects on wetlands and short-term degradation of water quality. The cumulative effect of these identified actions within the scope of this analysis is considered less than significant.

In short, either action alternative as mitigated would benefit, rather than adversely affect, fishery resources in the long term, as would most of the other related projects and programs described in this chapter. Instead of creating adverse impacts that would compound or exacerbate the adverse impacts of other projects, either action alternative would contribute to long-term fishery resources benefits.

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 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. 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 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.

Recreation

Under the No-Action Alternative, the Proposed Action would not be implemented, and the effects on recreation would be similar to those that have occurred since the construction and operation of the TRD. No significant cumulative impacts to recreation resources are anticipated to result from the No-Action Alternative.

No significant cumulative impacts to recreational resources are anticipated to occur due to implementation of either action alternative. The projects and programs described above are intended to benefit the aquatic environment and the Trinity River fishery. Benefits to recreational values may be achieved through the implementation of the TRRP over time.

In short, the project as mitigated will benefit, rather than adversely affect, recreation in the long term, as will most of the other related projects described in this chapter. Instead of creating adverse impacts that will compound or exacerbate the adverse impacts of other projects, either action alternative will contribute to long-term recreation benefits.

Socioeconomics, Population, and Housing

Under the No-Action Alternative, the Proposed Action would not be implemented, and the effects on socioeconomics, population, and housing would be similar to those that have occurred since the construction and operation of the TRD. No significant cumulative impacts to recreation resources are anticipated to result from the No-Action Alternative.

No significant cumulative impacts to socioeconomics, population, and housing are anticipated to occur as a result of implementation of either action alternative. The projects and programs described above are intended to benefit the Trinity River fishery, with projected benefits to the residents and communities in the general area. Some socioeconomic benefits are expected through the implementation of the TRRP, including short-term demand for construction labor and potential for increased long-term recreational use as the fishery rebounds in response to TRRP restoration activities.

Tribal Trust Assets

Under the No-Action Alternative, the Proposed Action would not be implemented, and the effects on Tribal Trust Assets would be similar to those that have occurred since the construction and operation of the TRD. The status of the Tribal Trust Assets will be related to the level of restoration achieved by the

TRRP. No significant cumulative impacts to Tribal Trust Assets are anticipated from the No-Action Alternative.

No significant cumulative impacts to Tribal Trust Assets are anticipated to occur as a result of implementation of either action alternative. The projects and programs described above are intended to benefit the Tribal Trust Assets, including the Trinity River fishery, through the implementation of the TRRP over time.

In short, either action alternative as mitigated will benefit, rather than adversely affect, Tribal Trust Assets in the long term, as will most of the other related projects and programs described in this chapter. Either action alternative will contribute to long-term environmental benefits and benefits to Tribal Trust Assets.

Cultural Resources

Under the No-Action Alternative, the Proposed Action would not be implemented, and the impacts on cultural resources would be similar to those that have occurred since the construction and operation of the TRD. No significant cumulative impacts to cultural resources are anticipated as a result of the No-Action Alternative.

No significant cumulative impacts to cultural resources are anticipated to occur as a result of implementation of either action alternative. The focus of the projects and programs described in the preceding section is on restoration efforts on the bed and banks of the Trinity River. The proximity of anticipated restoration efforts to the floodplain reduces the likelihood that cultural resources may be encountered. The PA (Appendix F) described in Section 3.11 was intended to address the multiple elements of the TRRP. Appropriate implementation of prescribed mitigation measures, in coordination with the SHPO, will adequately mitigate for potential impacts.

Air Quality

Under the No-Action Alternative, the Proposed Action would not be implemented, and the effects on air quality would be similar to those that have occurred since the construction and operation of the TRD. No significant cumulative impacts to air quality are anticipated as a result of the No-Action Alternative.

No significant cumulative impacts to air quality are anticipated to occur as a result of implementation of either action alternative. The NCUAQMD requirements will be addressed by appropriate implementation of prescribed mitigation measures.

Although, as explained in Section 3.12, either action alternative would generate some temporary air emissions, these emissions would be too limited to rise to the level of being “cumulatively considerable.” In part, this is because they would be temporary, but also because the projects and programs described in the preceding section are not anticipated to generate any long-term air pollutants. Moreover, construction activities associated with these projects and programs are not likely to occur at the same time, and the locations of the activities themselves are generally far enough apart to allow for considerable dissipation and dispersion of construction-related pollutants.

Environmental Justice

Under the No-Action Alternative, the Proposed Action would not be implemented, and the effects on environmental justice would be similar to those that have occurred since the construction and operation of the TRD. No significant cumulative impacts to environmental justice are anticipated to occur as a result of the implementation of any of the alternatives evaluated in this EA/DEIR.

Aesthetics

Under the No-Action Alternative, the Proposed Action would not be implemented, and the effects on aesthetic resources would be similar to those that have occurred since the construction and operation of the TRD. No significant cumulative impacts to aesthetic resources are anticipated to result from the No-Action Alternative.

No significant cumulative impacts to aesthetics are anticipated to occur as a result of implementation of either action alternative. The short-term effects that would result from other restoration and watershed projects in the river corridor will be consistent with federal and state requirements for Wild and Scenic Rivers and the Trinity County General Plan.

In short, either action alternative will benefit, rather than adversely affect, aesthetics in the long term, as will most of the other related projects described in this chapter. Instead of creating adverse impacts that will compound or exacerbate the adverse impacts of other projects, the action alternatives will contribute to long-term aesthetic values.

The aesthetic impacts of the projects are not “cumulatively considerable,” in large part because their impacts will not compound or exacerbate the aesthetic impacts of the previously identified related future projects, which are located in areas that are physically separated from the project. Because people will not be able to see all of these projects, or even many of these projects, at the same time, their visual impacts are individualized and limited to the geographic settings in which they are located.

Hazardous Materials

No significant cumulative impacts relative to hazardous materials are anticipated through the implementation of any of the alternatives evaluated in this EA/DEIR.

Noise

Under the No-Action Alternative, the Proposed Action would not be implemented and the noise effects would be similar to those in the ambient environment. No significant cumulative noise effects are anticipated to result from the No-Action Alternative.

No significant cumulative impacts related to noise are anticipated through the implementation of either action alternative. The TRRP will coordinate the implementation of other restoration projects to ensure that construction noise is minimized through project scheduling.

The noise impacts of the projects are not “cumulatively considerable,” in large part because their impacts will not compound or exacerbate the noise impacts of the previously identified related future projects,

which are located in areas that are physically separated from the location of the project. Since noise is typically a short-term impact, if the project was not constructed simultaneously with other projects, there would not be a cumulative contribution. Similarly, because people would not be able to hear noise from more than one of these projects at the same time, the separate noise sources—all of which are temporary—would not contribute to any cumulative noise impacts. Rather, each project would create only very localized noise levels.

Public Services and Utilities/Energy

No significant cumulative impacts related to Public Services and Utilities/Energy are anticipated through the implementation of any of the alternatives evaluated in this EA/DEIR.

Transportation/Traffic Circulation

Under the No-Action Alternative, the Proposed Action would not be implemented, and the effects associated with transportation/traffic circulation would be similar to those in the surrounding area. No significant cumulative impacts to aesthetic resources are anticipated to result from the No-Action Alternative.

Although, as explained in Section 3.18, either action alternative would generate some temporary construction-related traffic, such traffic would not rise to the level of being “cumulatively considerable.” This is so in part because the traffic would be temporary, but also because the previously identified related future projects would also tend not to generate any long-term traffic. Moreover, construction activities for all of the various projects are not likely to occur at once, and the locations of the activities themselves are generally far enough apart to make it unlikely that trucks serving one construction location will cross paths with trucks serving a separate location.

No significant cumulative impacts related to transportation/traffic circulation are anticipated through the implementation of either action alternative. The TRRP will coordinate with appropriate road management agencies to ensure that the mitigation prescribed in this EA/DEIR is acceptable to these agencies.

4.2 Growth-Inducing Impacts

4.2.1 INTRODUCTION

This section evaluates the potential for growth that could be induced by implementation of the alternatives and assesses the level of significance of any expected growth inducement. The potential for growth inducement is limited by the nature and location of the rehabilitation activities described in Chapter 2.

River rehabilitation projects are typically implemented in specific areas during a finite time period. Although the TRRP was established to implement the ROD, thereby increasing the fishery resources of the Trinity River, growth-inducing impacts within Trinity County were not anticipated. Section 15126 (g) of the state *CEQA Guidelines* provides definitions and guidance in determining the growth-inducing impacts of a Proposed Action.

Specifically, a project is defined to be growth-inducing if it would

- accelerate the rate of planned growth
- remove obstacles to population growth
- tax existing community service facilities
- foster, promote, or sustain economic or population growth

Growth itself is not assumed to be beneficial, detrimental, or insignificant to the environment. If a project is determined to be growth-inducing, an evaluation is made to determine if significant impacts on the environment would result from that growth.

4.2.2 GROWTH AND DEVELOPMENT POTENTIAL

Trinity County Growth Policies

The Trinity County General Plan (Trinity County 2001) does not describe specific growth policies; however, it establishes general goals and policies related to housing and residential land use. Trinity County recognizes that more than one-half of its housing is located in remote, rural areas with a high level of individual self-reliance in meeting its infrastructure needs. The County also understands that a strong tradition exists of non-involvement of local government in the area of housing and residential development.

Population

Trinity County's population is concentrated in and around the communities of Weaverville, Hayfork, and Lewiston, as described in Section 3.9. The population in the county increased significantly between 1970 and 1980, from 7,615 to 11,858 (a 55 percent increase). Although growth continued through 1990, it was substantially less (a 12 percent increase to 13,300). The population growth was furthered by an influx of retirees and of people seeking an alternative lifestyle in the mountains of northern California and a reasonable cost of living.

Vacant Land and Projected Buildout

Approximately 14.6 percent of the land in Trinity County is potentially available for private development. The USFS, the BLM, and various timber production firms manage the balance of the lands within the county. The General Plan identifies 5,517 private parcels as unimproved and potentially available for development and suggests that the actual number may be significantly lower, based on requirements for waste disposal, slope, and water sources.

Trinity County's Constraints to Development

The General Plan identifies a number of existing or potential factors that could adversely affect future residential and commercial development. A number of state and local permits and fees are currently required for new developments. Building Construction Standards and compliance with CEQA are also identified as potential constraints to development. The ability to develop the necessary infrastructure (i.e., water, sanitation, energy, and access) continues to challenge developers throughout the county.

Proposed Land Uses

In general, all parcels within the site boundary established for the action alternatives have been fully subdivided to the extent possible under existing zoning designations; therefore, future rural residential development within the site boundary is unlikely. Located directly adjacent to the river, many of these parcels fall into the Flood Hazard and Scenic Overlay designation zones, making further development of these areas difficult. Several parcels zoned for residential use are currently vacant, and the potential for development of a single-family residence on such parcels does exist. The BLM manages public land within the site boundary consistent with the WSRA and its Resource Management Plan. In general, the parcels within the site boundary have no further potential for development. There will be no growth-inducing impacts as a result of this project.

4.3 Significant Irreversible and Irretrievable Commitments of Resources Which Would Result from the Proposed Action

Specific to the requirements of the President's CEQ NEPA Regulations, Section 102 and 40 C.F.R. 1502.16, an environmental document must include a discussion of "any irreversible and irretrievable commitments of resources which would be involved in a Proposed Action should it be implemented." Additionally, Section 15126.2(c) of the *CEQA Guidelines* requires a discussion of significant irreversible environmental changes that would result from a proposed project should it be implemented. This section states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvements which provide access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The No-Action Alternative would not directly involve the use of resources or cause significant irreversible environmental effects. Implementation of either action alternative would result in an irretrievable commitment of energy (i.e., fossil fuels) and other nonrenewable resources used in the excavation, disposal, and revegetation of the rehabilitation areas, as described in Chapter 1. Since these resources are not in short supply and the material requirements for this project would be relatively minor compared to the overall demand for such materials, the use of these materials would not have a significant adverse effect on their continued availability. Additionally, the project purpose and need, as well as the project objectives discussed in Chapter 1, justify the need for the expenditure of these resources.

4.4 Relationship Between Local Short-Term Uses of the Environment And the Maintenance and Enhancement of Long-Term Productivity

Section 102 of the CEQ NEPA Regulations and CFR 1502.16 require that an environmental document include a discussion of “the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.”

The Proposed Action would not sacrifice the long-term productivity of the project area for short-term uses. The short-term impacts on the environment associated with implementation of the Proposed Action are considered minimal compared to the long-term benefit and productivity that would result from the Proposed Action in conjunction with other objectives of the TRRP. Construction-related impacts on natural resources, including water quality, fisheries, wildlife, vegetation, and wetlands, will be mitigated to a less-than-significant level. Land use conflicts associated with noise, aesthetics, air quality, and traffic would be short-term, occurring only during the construction phase of the project. This impact is considered less than significant, and no mitigation is required.

4.5 Mitigation Monitoring Program for CEQA-Mandated Mitigation

Under NEPA, there are no specific statutes or regulations that explicitly require that all significant project impacts be avoided or mitigated to a less-than-significant level, or that any adopted mitigation measures developed as part of an EA be “monitored” to ensure that they are carried out. Under CEQA, *Public Resources Code* section 21081.6(a) requires lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.”

Throughout this EA/DEIR, mitigation measures have been clearly identified and presented in language that will facilitate establishment of a monitoring and reporting program. Any mitigation measures adopted by the Regional Water Board as conditions of project approval will be included in a Mitigation Monitoring and Reporting Program (MMRP) to verify compliance. The Draft MMRP is included as Appendix A to this document and the Final MMRP will be included as an appendix to the EA/Final EIR. The approval of such a program will be part of any action taken by the Regional Water Board with respect to the project. When other regional or state agencies subject to CEQA approve portions of the Proposed Action under their own jurisdiction or regulatory power, these “responsible agencies” will be required to adopt their own MMRPs (*CEQA Guidelines*, Section 15097(d)).

The MMRP will be used by Regional Water Board in conjunction with Reclamation staff, project contractors, participating agencies, and monitoring personnel during project implementation. The intent 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 necessary, on-site identification of environmental problems, and proper reporting to Reclamation staff.

4.5.1 RESPONSIBILITIES AND AUTHORITY

Reclamation will have the primary responsibility for implementation of the MMRP. Reclamation will be responsible for the following tasks:

- ensuring the MMRP is incorporated into the construction bid documents
- coordination of monitoring activities
- direction of the preparation and filing of compliance reports
- maintenance of records concerning the status of all mitigation measures

4.5.2 MONITORING PLAN FORMAT

The MMRP includes a summary table that identifies the mitigation measures proposed for the Proposed Action. These mitigation measures will be excerpted from this EA/DEIR. The mitigation monitoring table includes the following columns:

- **Mitigation Measure:** Presents the mitigation measures identified the EA/DEIR for a specific impact, along with the number of each measure, as presented in the EA/DEIR.
- **Timing:** Identifies when the mitigation measures will be implemented.
- **Agency/Department Consultation:** References the specific agency(ies) with which coordination is required to satisfy the requirements of the mitigation measure.
- **Verification:** Spaces to be initialed and dated by the individual designated to verify compliance with a specific mitigation measure.

4.5.3 NONCOMPLIANCE COMPLAINTS

Complaints of noncompliance with adopted mitigation measures shall be directed to Reclamation in written form, providing specific information on the alleged violation. If any complaints are received, Reclamation and the Regional Water Board shall conduct an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, Reclamation shall take the appropriate action to remedy the violation. The complainant shall receive written confirmation indicating the results of the investigation or the final action corresponding to the particular noncompliance issue.

4.6 Significant Unavoidable Adverse Impacts

Public Resources Code Section 21100(b)(2)(A) requires that an EIR include a detailed statement that summarizes any significant effects on the environment that cannot be avoided if a Proposed Action is implemented. *CEQA Guidelines* Section 15126.2(b) states that such impacts include those that can be mitigated but not reduced to a level of insignificance. When there are significant impacts that cannot be fully mitigated to a less-than-significant level or minimized by changing the project design, the implications of the impacts and the reasons why the project is being proposed must be described. The environmental analysis conducted for the Proposed Action identified one significant unavoidable impact due to degradation of a scenic view with construction of the Proposed Action at the Conner Creek site. Implementation of Alternative 1 with mitigation measures, however, would not incur any significant unavoidable impacts.

4.7 CEQA Findings of Fact and Statements of Overriding Consideration

Section 15091 of the *CEQA Guidelines* states that “no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of these significant effects, accompanied by a brief explanation of the rationale for each finding.” For this EA/DEIR, the Regional Water Board would need to prepare written findings for each significant impact identified in this document before it can approve the project.

Section 15093(a) of the *CEQA Guidelines* allows the decision-making body of the lead agency to determine if the benefits of a Proposed Action outweigh the unavoidable adverse environmental impacts of implementing the project. The lead agency can approve a project with significant unavoidable impacts if it prepares a “Statement of Overriding Considerations” that sets forth the specific reasons for making such a judgment. Since no significant unavoidable impacts were identified for Alternative 1, a Statement of Overriding Considerations would not be required for this alternative.