

Appendix B

Deep Gulch and Sheridan Creek Rehabilitation Project Comments and Responses to Comments on the Draft EA/IS

INTRODUCTION

This appendix contains comments received by the Trinity River Restoration Program (TRRP) on the Draft Environmental Assessment/Initial Study (EA/IS) for the Trinity River Rehabilitation Site: Deep Gulch (River Mile 82.4–82.9) and Sheridan Creek (River Mile 81.6–82.4) and the TRRP's responses to those comments.

LIST OF COMMENTERS

Table B-1 identifies local property owners and representatives of agencies and organizations who submitted comments on the Draft EA/IS:

Table B-1. Commenters on Draft EA/IS

Commenter	Individual or Signatory	Agency/Affiliation	Date Prepared	Date Received
1	Deanna Payne	Local Resident	March 15, 2107	March 15, 2017
2	James Martin	Local Resident	March 15, 2017	March 15, 2017
3	Steve Townzen	Local Resident	March 19, 2017	March 19, 2017
4	John Nordlund	Local Resident	April 14, 2017	April 14, 2017
5	Jerry Payne	Local Resident	April 14, 2017	April 14, 2017

Comments and Responses to Comments

The five submittals commenting on the Draft EA/IS are reproduced on the following pages. Immediately following each of the submittals are the responses to each submittal.

To assist in referencing comments and responses, each commenter has been assigned a number and each specific comment a letter of the alphabet. Responses are coded to correspond to the codes used in the margin of the comment submittal. Comments that present opinions about the project or that raise issues not directly related to the substance of the Draft EA/IS are noted; in some cases, a detailed response is provided. Proposed changes to text in the Draft EA/IS are shown using italics within each response.

EAIS — Submittal 1

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**Trinity River Restoration Program
Deep Gulch and Sheridan Creek:
Trinity River Mile 81.6 to 82.9**

**Public Meeting
North Fork Grange Hall – March 15, 2017**

Comment Card

To be added or corrected on our mailing list, please provide us with the following information:

Name: Deanna Payne Title: _____
Organization: Retired resident of Sky Ranch Rd.
Address: 1708 Sky Ranch Rd.
Junction City CA 96048
Phone: (530) 623-2837 Email: dzpayne@att.net

Please provide us with your ideas or questions you have on this project. Comments may also be faxed to Brandt Guter-muth at (530) 623-5944 or e-mailed to bguter-muth@usbr.gov

My concern is the increased traffic on Sky Ranch Rd. Mainly the large equipment. There are a couple of areas on the road that are narrow & are not necessarily safe for even two cars to pass. If a large piece of equipment is traveling on the road & meets a vehicle coming the other direction there could be negative ~~consequences~~ consequences (i.e. Accident). Will there be traffic control during the times the large pieces of equipment are traveling on Sky Ranch Rd?

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Thank you for your participation

Response to Comment Submittal 1 — Deanna Payne

Comment Submittal 1 contains two distinct comments provided to the TRRP at the March 15, 2017 scoping meeting in Junction City, California. The following is a response to this submittal:

Comment 1a. Increased Construction Traffic

Section 2.1.16 of the Draft EA/IS provides a comprehensive description of access and potential construction traffic within and to the proposed project sites. Table 2-5 identifies four discrete environmental commitments that are intended to address construction related traffic on Sky Ranch Road as well as other access routes necessary for project implementation.

Environmental commitment EC-TC-2 (Traffic Control) has been revised to include the following language: *All large equipment "Lowbed" movements will be performed as required by CHP / Caltrans, etc. using pilot vehicles front/rear. A "Scout Vehicle" may be sent forward in the narrow areas to avoid/advise oncoming public traffic.*

As described in EC-TC-4, the Bureau of Reclamation (Reclamation) would require preparation and implementation of a traffic control plan. EC-TC-4 has been revised to include the following language: *During the times that truck traffic and movement of equipment may result in traffic obstacles or a safety hazard (as defined in the traffic control plan), construction flagging and/or pilot cars will be used to ensure safe traffic conditions on Sky Ranch Road and other public access routes.*

Comment 1b. Traffic Plan

Please see the response to Comment 1a. It is anticipated that development of a detailed traffic management and control plan will be coordinated with Trinity County and the local stakeholder to minimize potential impacts to land owners and others that use Sky Ranch Road and other access routes described in the Final EA/IS.



**Trinity River Restoration Program
Deep Gulch and Sheridan Creek:
Trinity River Mile 81.6 to 82.9**

**Public Meeting
North Fork Grange Hall – March 15, 2017**

Comment Card

To be added or corrected on our mailing list, please provide us with the following information:

Name: JAMES MARTIN Title: HOME OWNER
Organization: _____
Address: P.O. Box 203
1170 Sky Ranch Rd Junction City Pa 16048
Phone: 623-5813 Email: JB.MARTIN@EXCEDE.NET

Please provide us with your ideas or questions you have on this project. Comments may also be faxed to Brandt Gutermuth at (530) 623-5944 or e-mailed to bgutermuth@usbr.gov

OUR CONCERN IS DUST. IF YOU COULD
KEEP IT DOWN- WE WOULD APPRECIATE IT

Ja Martin
3-16-17

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Thank you for your participation

Response to Comment Submittal 2 — James Martin

This comment submittal contains one comment provided to the TRRP at the March 15, 2017 scoping meeting in Junction City, California. The following is a response to this submittal:

Comment 2a. Dust Generation and Control

Section 2.1.8 of the Final EA/IS has been revised to expand the discussion of dust abatement measures in response to this comment. The following text has been incorporated into this section:

Under Activity K, excavated materials would be transported across the staging area to stockpile areas. Water would be applied to the excavated materials for construction purposes, including dust abatement, as directed by the Contracting Officer. The TRRP would use water to control dust generated from project activities that would have the potential to affect sensitive receptors adjacent to the project area. It is anticipated that two water trucks would be on site, a 4,000 gallon "ten wheel" type truck and an "articulated" truck/trailer with a capacity of approximately 10,000 gallons. These would be used continuously on all access roads to and from Sky Ranch Road as well as haul roads on-site. These trucks would also use water to suppress dust where excavation and spoil activities are occurring. At the mobile gravel processing plant, planned for washing and sorting gravel in the DG U-1 or SC U-6 areas, a self-contained unit with spray bars would wash gravel and decrease dust coming off of the plant. The gravel processing operation also includes a 2-inch water hose to allow manual application of water as needed to control dust.

In addition Table 2-5 includes an air quality environmental commitment (EC-AQ-1) that requires measures that would be implemented to further reduce dust and other potential impacts to air quality. Environmental commitment EC-AQ-4 requires that a notification be posted at the rehabilitation site which contains contact information for the public to relay their concerns related to air quality.

Section 3.7.2 of the Final EA/IS also provides a discussion of potential air quality impacts associated with the proposed project and describes how the environmental commitments outlined in Table 2-5 ensure that impacts under the California Environmental Quality Act (CEQA) would be less than significant.

3/24/2017

DEPARTMENT OF THE INTERIOR Mail - deep gulch sheridan project



Gutermuth, F. <bgutermuth@usbr.gov>

deep gulch sheridan project

steve@trinityfishing.com <steve@trinityfishing.com>
To: bgutermuth@usbr.gov

Sun, Mar 19, 2017 at 7:54 PM

Hey Brandt

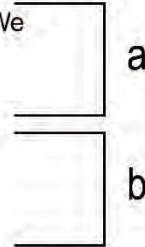
Good meeting the other night.

I have a couple concerns about our public access, to the ice box hole. We like it the way it is, its not easy to get to so not many folks use it like the residents of sky ranch rd do. Lets try to leave it as is when your done please.

Also our family uses the old road system along the river near sheridan riffle as access to other parts of the blm land and river. When you are done it would be good if we still have walking / horseback access to these areas/ If you would like to talk more on this just give me a call.

Thanks

Steve Townzen
524-1136



Response to Comment Submittal 3 — Steve Townzen

This comment submittal contains two distinct comments provided to the TRRP via e-mail on March 19, 2017. The following is a response to this submittal:

Comment 3a. Public Access to Ice Box Hole

Section 2.1.16 of the EA/IS has been revised to address this comment: *After construction of the project has been completed, a portion of the DG C-1 or U-1 activity areas, which are entirely on BLM lands, would be graded to create a small parking area (up to 10 parking spaces) and an interpretive display (e.g., historic mining landscape, TRRP activities) accessible from Sky Ranch Road. Beyond this parking area, a route for high-clearance vehicles would remain after project construction to provide public access through these activity areas to a newly proposed new turn-around area near the end of access route DG A-1 in the vicinity of its intersection with access route DG A-3. Figure 2-2 illustrates the location of this proposed turn-around. Vehicular access to the riparian corridor, the adjacent floodplain and Ice Box Hole would be blocked at the turn-around; however, pedestrian/equestrian access to BLM lands on the river, via an existing native-surface route (access route DG A-2) would remain. The existing user-created access route (DG A-1) would be closed to motorized vehicles upon completion of the project, recontoured to match the existing topography, and revegetated.*

Comment 3b. Public Access to Sheridan Riffle

With regards to access to BLM lands within the Sheridan Creek site, Section 2.1.16 of the Final EA/IS states: *Upon completion of the rehabilitation activities, access roads SC A-2, A-3, and A-6 would be rehabilitated for use as unmaintained, non-motorized access routes on BLM land. Access road SC A-7, A-4, and A-6 would be rehabilitated consistent with pre-construction conditions.*

EAIS — Submittal 4

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HAND DELIVERED and
Via email bgutermuth@usbr.gov

F. Brandt Gutermuth
Environmental Scientist
Trinity River Restoration Program
Bureau of Reclamation
U.S. Department of the Interior
1313 South Main Street
Weaverville, CA 96093

April 14, 2017

Re: Comments on the Deep Gulch and
Sheridan Creek Rehabilitation
Project and Other Related Issues

Dear Mr. Gutermuth,

Please accept this letter as my comments on the Trinity River Restoration Program’s (hereafter “TRRP”) Deep Gulch and Sheridan Creek Channel Rehabilitation Project (hereafter “DG/SC Project” or the “Project”) and other related issues. I have written these comments in good faith and with the hope these comments will have a positive effect on the DG/SC Project, as well as other projects the TRRP may undertake in the future. I have attempted to avoid casting blame over past miscommunications, misunderstandings and general unpleasantness.

PART I: INTRODUCTION

A. A New Morning?

I am able to take this approach because of recent changes that have occurred in TRRP personnel and a marked difference in how TRRP is now communicating with private landowners in the DG/SC Project vicinity. For example, after explaining to TRRP’s new Executive Director, Ms. DeCarlo, that many local landowners; 1. May not have attended TRRP’s recent public Junction City meeting; 2. May not have been aware that subsequently at the Trinity Management Council (hereafter TMC) meeting, March 27-28, that the publicly stated, and restated, one year construction schedule (July 15-Septemeber 15, 2017) was now possibly a 2, or perhaps even a 3-year construction period. See DG/SC Project’s Environmental Assessment / Initial Study (hereafter “EAIS”), pp. 2-28, 2-33; see also Director’s Report, dated March 27, 2017; and FY 17 and FY 18 TRRP Budget, dated March 27 and 28, 2017 TMC Meeting; and 3. May not have even been aware that the period to comment on the DC/SC Project closed on Friday, April 7. In order to permit greater public participation and input, the Executive Director graciously extended the DG/SC comment period one week to Friday, April 14/The Executive Director has also verbally informed the undersigned that the DG/SC Project construction schedule

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b has been reviewed and that all construction on the Sheridan Creek portion of the Project would be completed by September 15, 2017).

c Other examples of TRRP listening and making adjustments to its DG/SC Project plans in response to landowner input involved Mike Dixon, TRRP's Assistant Executive Director, who is a relatively recent addition, but who arrived a few months prior to the new Executive Director. At the TRRP Junction City public meeting, the maps displayed confirmed that the rock sorting/quarry operation had been removed from my property line (basically it was at my backdoor). Mr. Dixon also affirmed a verbal agreement concerning my "driveway" (Dredger Place) as it crosses over the wetlands. (See EAIS, figure 3-1a Impacts on Waters of the United States). In addition, last week the Executive Director said that the TRRP will provide me with a binding written agreement, setting forth the terms of the verbal agreement regarding Dredger Place. This week, I received a telephone call from TRRP, scheduling a meeting with the Assistant Director on April 21, regarding the written agreement concerning Dredger Place.

The examples described above, at least in my opinion, are an extremely positive change in approach by TRRP in its communication with vicinity landowners. This new approach, again in my opinion, is more thoughtful, prompt and respectful of the landowners. As such, my comments will be markedly different and more positive than if the above TRRP changes had not occurred.

B. The Undersigned Supports the Project

d Before setting forth specific comments, it is important that TRRP understand the general perspective of the commenter. As landowners that live along the Trinity River, my wife Judy, my adult daughter Jenny, and I would very much like to see the Trinity River become productive once again. This outcome would be good for all landowners and residents, fishing guides who make their living from the river, recreational fishermen, the entire local economy, and most importantly, the Native Americans whose way of life has virtually been destroyed. It is difficult to comprehend how anyone could oppose such laudatory objectives.

C. Our Real Property

1. A description of our real estate parcels and home near the DG/SC Project

e Before setting forth specific comments, it is important that the reader understand the nature of our real estate holdings and their relationship to the DG/SC Project. Our real property is divided into three parcels.

Parcel 17, 521 Dredger Place, is 5.07 acres in size and consists of our home, a large fenced garden / small vineyard, a small winery, 2 well pump houses and several tool/equipment sheds. Parcel 17 is generally level and open and, I believe, is zoned by the County as Rural Residential.

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Parcel 18, 341 Dredger Place, is to the north of Parcel 17, and it is 7.82 acres in size. The parcel is generally open and level and, the County, I believe, has zoned it Agricultural. Currently, the parcel has no buildings or utilities such as power.

Parcel 16, 481 Dredger Place, is east of Parcels 17 and 18. It is 9.16 acres and approximately one-half of the parcel (this is a best guess estimate) consists of large piles of rock tailings from the La Grange Mine's hydraulic operations (Trinity County Records and Book 36 of Deeds, pp. 187,189). The remainder of the parcel is level and generally open, and it has electricity and a pump house. I believe the County has zoned Parcel 16 as Open Space.

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Parcel 17's and 16's southern boundaries are bordered by BLM land; Parcel 17's and 18's western boundaries are bordered by BLM land; and Parcel 18's and 16's northern boundaries are bordered by BLM land. To the east, a small portion of Parcel 18, where Dredger Place enters our property, borders a privately owned parcel (APN 024-690-7) and the remainder of the parcel is bordered to the east by Parcel 16. Parcel 16's eastern border boundary is bordered by six privately owned parcels (APN 024-690-8,9,10,11,12,13). All of these parcels have residences with Sky Ranch Road addresses and are accessed via Sky Ranch Road and not Dredger Place.

2. Subdivision of the Land in the Vicinity of the Current DG/SC Project in the late 1980's and the Creation of Obligations regarding the Maintenance of Dredger Place

In the late 1980's, the land near the current DG/SC Project was subdivided into approximately 19 parcels (See Trinity County Assessor's Book Twenty-Four, p. 69). Interestingly, when the property was subdivided, the owner, Al Mills, was required to deed the 16.3 most western acres to the BLM (id). The 16.3 acres deeded to BLM are designated as APN 024-690-15 (id) and it is the western boundary of our Parcels 17 and 18.

Additionally, when Mills subdivided the unit, he was required, as a condition precedent to selling the parcels, that the purchasers of the parcels and their successors in ownership, be members of the Sky Ranch Homeowners Association and fund the maintenance of Dredger Place. The Sky Ranch Homeowners Association founding document provides, in part:

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"WHEREAS, all of the above-described property requires well maintained roads for its beneficial use and enjoyment; AND, whereas, the care and upkeep of the roadway on the above-described parcels necessarily affects the value and the enjoyment of each of the other above-described parcels..."

The founding document also provides that all parcel owners, and their successors, be required to pay an equal sum each year, notwithstanding the size of the parcel

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f and irrespective of whether the parcel abutted Dredger Place. If the set amount was insufficient to maintain the road for that year, ALL parcel owners would be required to contribute equal amounts to fund the shortfall. The document also made provision for elections, voting, meetings and other subjects related to governance.

3. Current Responsibility for the Maintenance of Dredger Place

As is obvious from all official maps of the area of the proposed DG/SC Project, the only landowner who needs Dredger Place to access his property and home is the undersigned. When I bought the three Dredger Place parcels in May, 2012, I was informed by the seller, Bob Estes, that the Sky Ranch Road Maintenance Committee had never met and the parcel owners had never contributed funds for the maintenance of the road. Mr. Estes was the original purchaser of the three Dredger Place parcels, 16, 17, and 18, and he built the residence and garden/vineyard/winery on Parcel 17.

g When I inquired about the Homeowners Association and Maintenance Committee, Mr. Estes informed me that he had been “the maintenance committee” since he purchased the parcels in that he assumed the responsibility of the entire road’s (the driveway’s) maintenance up to Sky Ranch Road. Since Mr. Estes was the only person who used Dredger Place to access his property, this permitted him to maintain the road to the standards that he wanted without interference from the other parcel owners. Because the other parcel owners did not use Dredger Place for access to their properties or their residences, they did not want to participate or contribute to its maintenance. Apparently, this was a satisfactory arrangement, even though it was not reduced to writing.

When I bought the Dredger Place parcels from Estes in 2012, I assumed the responsibility to maintain Dredger Place road up to Sky Ranch Road, as Estes had.

PART 11: SPECIFIC COMMENTS

A. The EAIS

1. The EAIS Contemplation of Multiple Construction Years

h To my knowledge, the TRRP had always stated that the construction schedule for Sheridan Creek would be for one year, July 15 – September 15/Initially, Sheridan Creek was a stand-alone project. The TRRP apparently combined the Sheridan Creek and Deep Gulch projects in the summer of August, 2016. When I learned of the combination in the fall of 2016, I was concerned that the Chapman Ranch Project had also been added in. When I raised this concern, I was assured that Chapman Ranch would remain as a stand-alone project and it would be constructed in 2018/i was also told, on numerous occasions, that Deep Gulch and Sheridan Creek were combined for efficiency reasons and primarily for the purpose of mitigating negative

impacts on landowners. I was told repeatedly that the construction for the combined DG/SC project would be completed in the fall of 2017 “before the rains came”. This one-year construction schedule was reaffirmed by various TRRP personnel at the March public Junction City meeting regarding the DG/SC Project. In addition, the handout provided at the meeting stated re-vegetation would commence after the rains begin “in the fall of 2017”, after the construction was completed.

At the March 27 and 28, 2017 TMC meeting, various documents were distributed that showed that TRRP was contemplating a multi-year construction period that was inconsistent with TRRP’s prior assurances to the public. For example, the FY 17 and FY 18 TRRP Budget that was distributed stated:

“The project would be constructed in one construction period (one equipment mobilization) over two fiscal years and would be estimated to be completed in Spring, 2018”.

The EAIS itself states “the proposed reclamation activities are planned for construction between 2017 and 2019...” (p. 2-33). In other portions of the EAIS, it makes clear that TRRP is contemplating a multiple-year construction schedule for the project. See id at 22-28.

I contacted the TRRP when I learned that the one-year construction period for the DG/SC project that had been communicated to the public for its buy-in was not accurate. In fact, the TRRP had been contemplating a multi-year construction schedule with in-river and left-side river construction scheduled for 2017 and beyond, and right-side river construction scheduled for 2018 and beyond. See EAIS. See also FY 17 and FY 18 TRRP Budget and Director’s Report March 27, 2017. I contacted the TRRP and the multi-year construction schedule was confirmed. I was told that the rationale for the multi-year construction schedule was that the budget to complete the DG/SC construction in 2017 was inadequate/I spoke with Executive Director, Ms. DeCarlo, and said that it appeared as though the public had been misled and I told her this was precisely the problem that some of the landowners were having with TRRP for years. In other words, TRRP would tell us their plans, TRRP would subsequently change the plans and not communicate the changes to the public. When the public heard of the changes on its own (rather than being told by TRRP), the public questioned TRRP’s motives, intentions and credibility/Ms. DeCarlo asked if another public meeting should be held. I answered in the affirmative. In subsequent conversations with Ms. DeCarlo, she has told me that the TRRP has reviewed the construction schedule and will hold a public meeting for Junction City landowners. She also stated that the Sheridan Creek portion of the construction will be completed in 2017, prior to the rainy season.

I have confidence in Ms. DeCarlo. I believe that Ms. DeCarlo will follow through on what she has told me. However, since the EAIS, as it is currently written, is in direct

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conflict with what the TRRP has told local landowners to obtain their acquiescence for the project, I felt it necessary to set forth this comment in writing.¹

2. The EAIS Description of Dredger Place is Plain Wrong

The EAIS states:

“Access to the Sheridan Creek Rehabilitation site would be via Sky Ranch Road using an existing native surface access road, SC A-7, which crosses private property before terminating on BLM land near the river”.

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Id at p. 2-31. The EAIS also mis-describes Dredger Place in the first section. It states:

“Access to the site is via a dirt road, referred to as Dredger Lane off the west side of Sky Ranch road at the northeast corner of the site. The road continues into the Deep Gulch site to the south.”

Id at p.1-3.

It is incomprehensible how an agency or organization of the United States government, planning and implementing a major multi-million dollar rehabilitation project, at the location of the finest salmon spawning area, the Sheridan riffles, could get the description of the major access road so wrong. The TRRP has had professional surveyors, scientists, construction managers visit the project location on numerous occasions. The TRRP has access to official maps of the area prepared by various agencies of Trinity County.

First, the correct name of the road (my driveway) is not Dredger Lane. The correct name is Dredger Place. Also, it is not “referred” to as, rather its official name is “DREDGER PLACE”. There is a county road sign, which clearly states the name of the road is “Dredger Place”.

Perhaps, more important than the correct name, is the mis-description of the path of the road. Dredger Place does NOT terminate on “BLM land near the river” as described in the EAIS; nor does the road continue to the Deep Gulch site. Id p.1-3. Rather, Dredger Place only crosses private land, it does not enter BLM land anywhere. Dredger Place, after it crosses the wetlands (See Figure 3-1a RW 29)² turns left (to the south) and crosses private parcels under a canopy of trees and

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¹ There has been a lot of turn-over of TRRP personnel, including Executive Directors.

² In response to my verbal inquiry, TRRP representatives said that it had not conducted any environmental impact study about the negative effects of heavy construction equipment crossing the wetlands on my driveway. These ponds are identified in the EAIS as RW 29, Riparian Wetland that is impacted by the project. I have personally seen Great Herons, hawks, Ring-tailed cats, frogs, turtles and various species of fox in the ponds.

enters onto my Parcel 18. In contrast, the un-named BLM road begins on two private parcels (APN- 024-690-19 and 20) and travels in a westerly direction through the private parcel owners' cattle gate and a sliver of another parcel owner's property, onto BLM land where it continues in a westerly direction to near the river where it turns south.

I am familiar with unofficial maps, which expressly state that they may be inaccurate, that makes the same mistake as TRRP has in locating Dredger Place. For example, Google Maps has misidentified Dredger Place where it turns south, after passage over the riparian wetlands, and proceeds under a canopy of trees, not visible from the sky. Thus, any map made of the local roads made by satellite or airplane, would reasonably make this error. As noted above, these are unofficial maps and carry disclaimers regarding their accuracy.

With all of the resources that TRRP has at its disposal and the fact that it has access to and has been present on Dredger Place on countless occasions, how is it possible that TRRP has this mistake on all of its maps of the project?³ With all of this funding, is TRRP just relying on Google Maps, rather than doing the work itself?

Imagine the negative impacts on my driveway if the description, name, location and path of Dredger Place is not corrected. Excavators, bull-dozers, trucks, rocks and logs will end up at my house by the garage. Please correct your maps.

If such a basic, fundamental error is made on all of your maps of the DG/SC Project, how can any of the information in the EAIS be relied upon as being accurate? I am not a scientist; I am not a technical person and I have never worked for any government agency. I do not understand much of the EAIS because I am not familiar with governmental, scientific or technical terminology. However, on the one aspect of the EAIS of which I have personal knowledge, it is wrong. I rely on others with the expertise to review and comment upon scientific and technical aspects. Notwithstanding this, I have a very low confidence level in the accuracy of the EAIS.

3. Science, Poor Results, Standstill

It is my understanding that the science related to the rehabilitation of the Trinity River is unsettled and, in many respects, in dispute. For example, it was conceded by TRRP officials, at the April 11, 2017 public meeting regarding river flows, that perhaps too much gravel had been released in the past and this had a detrimental effect on TRRP's goals. Also, the models used by TRRP have not produced the desired effects. Some experts believe that the gravel released has in fact had a negative effect, in that it has settled in great part in the deep pools, which are necessary for the salmon to successfully swim up-river to spawn. Other experts

³ Didn't TRRP consult official county maps such as eg. Trinity County Emergency Response Road Name Map Book or the Trinity County Assessors Office maps of the area?

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assert that the high level spring flows disrupt the spring salmon spawn. At this point, TRRP has over a decade of experience in its rehabilitation activities. Rather than the science becoming more clear and a strong consensus settled upon, there appear to be more questions.

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As noted above, I am not a scientist nor a technical person and I have no ability to comment authoritatively on the science of river reclamation and rehabilitation. However, I can read the literature, at least that I have seen, states that the salmon population is diminishing during this period of so-called river rehabilitation. This past Wednesday, on the front page of the Trinity Journal, there was an article entitled "Fall Run King Salmon Looks Bleak". The article states that the in-river allowable catch for the combined Klamath and Trinity Rivers is "129 fish"; pathetic.

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The TRRP has offered numerous explanations for the dramatic decline in the salmon population during the period of its Trinity River reclamation activities; the drought, ocean fishing, global warming etc. We have heard them all. Quoting the SNL comedic character, Rosanna Danna, "If it's not something, it is something else", but it is never that the TRRP's methods are ineffective and counter-productive.

The original sin, or if you prefer, crime, was committed in the mid-twentieth century when the dams were planned and constructed. This was a time before the passage of the Environmental Protection Act and the Civil Rights Act of 1964. Again, I am not a scientist, but I believe it fair to reason that the environmental impact on the salmon population and Native Americans who lived along the river and relied upon the fish for sustenance and a livelihood, were secondary. In my view, "playing around in the river" as TRRP has done for many years now, may never have the desired result demanded by the amount of effort and funds expended.

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The Sheridan Creek riffles are one of the finest, if not the finest, salmon spawning area in the entire river. If I were the TRRP, I would be approaching this project with a great deal of trepidation. The TRRP asserts that the DG/SC Project will improve the salmon spawning in this area. However, given TRRP's record to date, is it not more probable that the Sheridan riffle will become less productive? Why is the TRRP attempting to improve the area that is most productive for salmon spawning? Why is the TRRP not focusing its resources and effort on the areas that are not producing fish?

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For the above reasons, perhaps a standstill for the DG/SC Project, and other planned construction projects is warranted. The TRRP could put the funds available for construction activities into an escrow fund until such time as a thorough review of TRRP's methods, procedures and policies is conducted and determined to be sound. However, while construction activities should be ordered to stand still, intensive research regarding the science related to rehabilitation should proceed at an even more rapid pace.

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B. Agreement Regarding Dredger Place Where it Crosses the Riparian Wetlands

On or about December 2, 2016, my wife Judy, another landowner and I met with representatives from TRRP and the contractor for the DG/SC Project, the Yurok Tribe. Present for the Yurok Tribe were David "DJ" Bandrowski and Rocco Fiorina (sp?), a consulting engineer for the Yurok Tribe. Present for TRRP were Mike Dixon, Dan Nordstrom and Brandt Gutermuth. A verbal agreement was made outlining the steps TRRP would take to ensure the safety of the driveway over the wetlands: 1. Put down road base over the driveway where the road was damaged; 2. Prepare a written engineering report, stating whether the road over the ponds is safe and can handle heavy equipment and trucks so TRRP can have access to the Sheridan Creek part of the Project and whether the use of the driveway over the wetlands during the winter rainy season (October, November 2016) had damaged the foundation / integrity of the driveway; 3. If I questioned the validity of the engineering report, I would be given time to engage an engineer of my own choosing, but at my own cost; 4. Dredger Place would not be used for access by heavy trucks and equipment until the engineering report was completed; 5. TRRP would assume responsibility for any injuries, deaths or damage to property caused by their use of the driveway as an access road to the Project; 6. At the end of the construction project, in the fall of 2017, another engineering report would be issued affirming that the driveway over the wetlands had not been damaged or compromised as a result of TRRP's use to access the Project; and 7. The heavy equipment and trucks, that were being housed on a Sky Ranch Road landowner's property (near the logs and concrete barriers being stored behind the cattle gate) would be relocated to another location until construction activity commenced in the summer of 2017.

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As of the date of this letter, TRRP has undertaken only item 1, i.e. placing road base from the entry onto Dredger Place from Sky Ranch Road, over the wetlands and approximately 25 yards after the left turn of Dredger Place (to the south). Since it was raining the day the road base was put down, the Yurok consulting engineer told me that he could not access the wetlands to determine if there was a culvert, pipe or other device under the driveway to allow for the proper and safe passage of water from south to north. He also stated that he had started taking out the vegetation and he confirmed that I had been correct, in my concern about the integrity of the foundation of the driveway as it passes over the wetlands. He also said that, when he was pulling the vegetation off the northern slope of the driveway, water leached through at a greater pace. He said that he was concerned that his activity of clearing the vegetation might actually contribute to greater damage to the integrity of the driveway since the ground was so wet. He also said not to worry. This was only phase one and the engineering report would be prepared when the ground dried out.

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The Executive Director, Ms. DeCarlo, has responded to my concern that the agreement regarding the driveway was verbal and she assured me on at least two occasions, that TRRP would reduce the terms of the verbal agreement into a binding written agreement. Since the Assistant Director, Mike Dixon, was involved in the

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meeting, which resulted in the verbal agreement, Ms. DeCarlo inquired as to whether I would be willing to wait for Mr. Dixon to return from his military commitment. I responded in the affirmative. A meeting has been scheduled for Friday, April 21st for Mike Dixon and me to meet for this purpose.

I am hopeful that this will resolve the matter and I only submit comment on this issue because of the unlikely possibility that the issue may not get resolved.

C. Retaliation by TRRP Against Vicinity Landowners

As stated on numerous occasions above, TRRP has recently changed its communications and interactions to be more thoughtful, responsive and respectful of the concerns raised by landowners. However, in the past, the communication and interaction was less than responsive and actually retaliatory in nature. The following examples are raised, not to point fingers and cast blame, or resurrect unpleasantness from the past, but rather to make current TRRP leaders aware of what has transpired, so they can insure that it will not reoccur in the future.

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The following are a few examples of blatant retaliation. In one instance, a landowner was excluded from a rafting trip to show the proposed Deep Gulch and Sheridan Creek Projects (the projects were separate at the time), because he had raised issues that former TRRP leadership disagreed with (the landowner was also falsely publicly accused of assault; TRRP filed no criminal charges). Another example of retaliation is where another landowner had a tentative agreement with TRRP under which the landowner would be paid for the use of his driveway as an emergency access route. He publically advocated against certain aspects of the DG/SC Project, and he subsequently learned, from reviewing revised project maps, that the emergency road would no longer pass through his property, but would now pass through the property of another landowner.

I, personally, was subjected to retaliation by TRRP. Early in the process, when TRRP was having the Sheridan Creek area surveyed, I observed a number of men trespassing on my property. I do not recall the date, but it may have been as early as the spring of 2015. I asked them what they were doing and they said they were working for the government on a government project and they were conducting a land survey and they had the right to be on my property. I disagreed and ordered them to leave. The men asserted their right to trespass and I increased the level of my disagreement. One of the men suggested that they call the sheriff's office. I responded that if they intended to remain on my property, I thought that this was a good idea. However, if they left and wished to return, all they needed to do was to let me know in advance and I would permit them on my property to do their survey work. They elected to leave. Immediately after they left, I called TRRP and reported the trespass.⁴

⁴ Several months later, they returned and they asked if it was OK if they finished the survey. I told them it would be fine.

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The next interaction I had regarding TRRP was the next year. I was driving up my driveway and a very large excavator, that appeared to have just been off-loaded from a low-bed, was about to cross the wetlands on my driveway, Dredger Place. I spoke with the operator and asked him what was going on. He said TRRP had an access agreement with the landowner to access the TRRP's Sheridan Creek Project. TRRP had a contract with the landowner for access across Dredger Place to the unnamed BLM road and was leasing some land to store logs, concrete barriers and equipment to be used on the Sheridan Creek Project such as excavators, trucks, bulldozers etc.

I went to the TRRP office and met with several TRRP employees. I explained to them that Dredger Place was basically my driveway; I had an easement over the private parcels and, it was improper for TRRP to enter into an access agreement without first speaking with me. I stressed that I was the only landowner with a Dredger Place address; no other landowner used Dredger Place for access to their residence. The TRRP employees appeared not to understand what I was telling them. One of the TRRP employees asked if they could schedule a visit to my home so they could better see what I was attempting to communicate to them. I agreed. Subsequently, two or three TRRP employees visited me at my home. I again explained my concerns about access over Dredger Place (my driveway), especially over the wetlands. I again told them it was a driveway and not built to carry heavy construction equipment. The conversation was, again, frustrating and unproductive. Out of the blue, one of the TRRP employees asked me if I had run off a TRRP surveyor. I affirmed that I had asked their surveyor to leave. Then he showed me a site map and pointed to where TRRP planned to locate its rock sorting / quarry operation. The site map showed that the operation was to be located on my western boundary and as close to my house as possible without it being a trespass. He then said that this rock sorting / quarry operation would be so loud that I, and my family, should go on vacation while it was in operation. I asked when it would be in operation. He responded that he did not know and it was possible that the rock sorter / quarry could be used for other future projects after Sheridan Creek was completed.

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TRRP never informed me or discussed with me access on Dredger Place, until I learned of it as described above. TRRP knew from maps that we lived on Dredger Place; TRRP also knew because I had complained to TRRP about the surveyor trespass.

I later learned that one of my neighbors had told TRRP that he would not agree to any access agreement unless the TRRP spoke with me. This landowner asked the TRRP on at least three occasions whether the TRRP had spoken with me and on each occasion, TRRP stated they had not. The above speaks for itself.⁵

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⁵ It should be noted, for the record, that the new TRRP leadership agreed to place the rock sorter / quarry operation away from my property line and house further to

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D. Favoritism

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I have not been able to read the landowner agreements that TRRP has entered into with DG/SC Project vicinity landowners because they are not publicly disclosed. I have recently been told by the new Executive Director, that I can obtain copies of redacted agreements by submitting a Freedom of Information Act request (hereafter "FOIA"). I intend to do this. However, since the comment period ends tomorrow, the following examples of favoritism are in the nature of hearsay. I will supplement this comment later with direct evidence, when I receive copies of the landowner agreements.

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The following are several examples of TRRP favoritism: 1. Moving the emergency access road from one landowner's parcel to another's, who happened to be a former Assistant Director of TRRP. TRRP has also agreed to expend funds constructing protections for his wells and a promise to repair his wells if TRRP damages them during construction. This promise to protect and repair this landowner's wells was made at the same time it was rejecting requests by Douglas City citizens to repair their wells, caused by TRRP activities in that location. In addition, this landowner was unable to rent his house before leaving for his six-month trip to Alaska. It is my understanding that the Yurok Tribe has rented the house for the summer of 2017 at an above-market price; 2. TRRP agreed to lease 4 acres of a landowner's parcel for the purpose of storing logs, concrete barriers and housing trucks and construction equipment. This landowner is being paid approximately \$8200 a year for the 4 acres, even though only two of the acres are usable for TRRP's purposes; and 3. TRRP agreed to lease, from another landowner, approximately 1 acre for the purpose of storing logs and a very small sliver of the landowner's parcel for access to the un-named BLM road. Apparently, the TRRP did not negotiate this agreement directly with the landowner, but with the landowner mentioned in #2. When the actual parcel owner saw the damage caused by the placement of the logs, he objected and TRRP removed the logs. This landowner was to receive approximately \$2100 a year for the 1-acre log storage and access over the parcel sliver. This landowner is still being paid approximately \$2100 for access over a very small sliver of land to the BLM road.

E. Inadequate Oversight of TRRP

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The TRRP has virtually no oversight or supervision. The lack of oversight is probably a contributing factor of the problems discussed above and perhaps why TRRP does not follow established law or its own policies and procedures. The TMC is supposed to function as a "Board of Directors" for the TRRP. See: Implementation Plan for the Preferred Alternative of the TREIS/R, p.20. The TMC membership includes designees from various federal agencies, state and local agencies and the

the northwest, to a more appropriate place behind tailings that would mitigate the noise not only on us, but other landowners in the vicinity.

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Hoopa Valley Tribe and the Yurok Tribe. The designees are supposed to allocate approximately 10% of their working time for TMC activities. A chairperson and a vice-chair are supposed to be selected from the federal agencies. The TRRP Executive Director participates in the TMC in order to implement TMC's policy decisions. While the TMC's by-laws contemplate the TMC creating committees to strengthen its oversight responsibilities, the undersigned is not aware of the existence of any such committees. The TMC by-laws set forth provisions for voting, scheduling meetings, cancelling meetings, etc. TMC is supposed to follow Robert's Rules of Order with respect to the conduct of its meetings. See By-laws. It appears to the undersigned, that the members of the TMC are not familiar with their by-laws or their responsibilities. TMC does not follow its rules with respect to cancelling meetings and rescheduling cancelled meetings, (see for example, the January 24, 2017 meeting that was cancelled and not rescheduled), taking secret ballot votes regarding TMC policy decisions, maintaining accurate minutes of their meetings or conducting oversight of TRRP's activities.

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It is commonly understood that Boards of Directors are not supposed to get involved with day-to-day operations or the daily implementation of policy decisions. However, effective Boards of Directors are responsible for oversight and placing controls on corporate employees. Most corporations create committees and board members are assigned to committees based on their knowledge and expertise. Common types of board of director's committees are benefits, compensation, compliance, contracting, etc. I am not aware of TMC creating such Board committees so it can properly perform its oversight functions.

I have been told, and believe, that the TMC does not review TRRP's contracting practices e.g. including whether TRRP is complying with applicable law regarding competitive bidding, certified payrolls and whether contractors are paying prevailing wages. The TMC does not oversee TRRP's contracts with landowners, including whether the contracts are reasonable, conform to legal requirements and whether landowners' contracts are given out by TRRP in a manner to reward their friends and withhold them to punish landowners who advocate positions in opposition to the TRRP.

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I was told by a TRRP employee, that TRRP, at some time in the past, publicly advertised contracts. Bidding was conducted on a competitive basis and contractors were required to pay prevailing wages. In the next breath, the TRRP employee said they had stopped because "this caused problems". Of course, following applicable competitive bidding, maintaining certified payrolls and paying prevailing wages is expensive and difficult. It is supposed to be. I have never heard of any situation involving federal funds, where government contractors could get away without following the law.

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It is anticipated that the TMC or TRRP will assert that the projects are funded by money paid by Central Valley power generators; however, I am confident that TRRP's activities are funded by federal taxpayer money as well as California

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ah taxpayer money. A review of the generic “Temporary Access Agreement and Restoration Activities Permit”, which was given to a local landowner for the DG/SC Project, specifically states that it is the “United States” that compensates the landowners under terms of the agreement, p.2.

ai As best as I recall, construction contracts that are awarded and that are funded, in whole or in part, by the federal government, must be awarded and overseen

aj consistent with the requirements of the Davis Bacon Act. Since these construction contracts are funded in whole or in part by California taxpayer funds, the State’s little Davis Bacon statute would apply if the federal one does not. It is my

ak understanding that the DG/SC construction projects have been given to a construction company that is owned by a Yurok tribal member. I do not know the name of the construction company, nor has anyone from TRRP told me the name of the construction company. Is the construction company a not-for-profit corporation that exists for the benefit of the entire Yurok Tribe? Or, is it a for-profit corporation that is owned by an individual Yurok tribal member or a group of Yurok tribal members for their benefit only? Up to very recently, I generally accepted the TRRP’s terminology when referring to the contractor as being “the Yuroks”. However, on reflection, there must be a legal entity and name on the contract. If it is a legitimate construction company, it should be registered with the State of California.

al Let’s take it one step further. There is a designee of both the Hoopa Valley Tribe and the Yurok Tribe on the Management Council. Is it possible that the designee of the Yurok Tribe, for example, is the owner of the construction company that was given the construction contract for the DG/SC Project?

I intend to submit a FOIA request, under separate cover, regarding the contracts given by TRRP to the so-called Yurok “construction company”.⁶ As noted earlier, the TMC does not oversee the TRRP’s contracting activity, whether it be construction contracts or landowners’ contracts.

It is important that this be investigated and the results of the investigation made public. If the Hoopa and Yurok tribe members are sharing the benefits of these construction contracts on an equal basis, it is one thing. However, if the contracts are being given to for-profit construction companies, that happen to be owned by an individual or a group of tribal members, it is another. This is especially so if the employees who work for the construction company are not being paid in accordance with prevailing wage requirements.⁷

⁶ Under separate cover, I will also make a FOIA request for all TRRP contracts awarded over the last 10 years.

⁷ With all the equipment that was being run up and down our driveway, none had any identifiable company name, nor did they supply me with any business card. Every TRRP person I have spoken with has given me a card. Interesting.

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Above, the undersigned suggested that construction activity should stand still until there is a better consensus regarding the science. Given the extent and nature of the questions raised regarding oversight is another compelling reason to halt construction until a thorough investigation is completed.

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PART III: CONCLUSION

I trust you will find the comments contained in this letter regarding the DG/SC Project, as well as broader questions regarding the TRRP's policies and practices, to be helpful. I am distributing this comment letter to a wide-range of people, who may be interested in the facts and questions raised herein. If you have any questions, please feel free to call me. I will be submitting FOIA requests as indicated herein, under separate cover.

Very Truly Yours,

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Tom Stokely, TAMWG Chair, TMC Member
Caryn DeCarlo, Executive Director, TRRP, TMC Member
Keith Groves, Trinity County Supervisor and TMC Member
Mike Dixon, Assistant Executive Director, TRRP
Bill Burton, Trinity County Supervisor, District Representative
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David Murillo, Acting Commissioner, US Bureau of Reclamation
Jim Kurth, Director, US Fish and Wildlife Service
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Thomas Tidwell, Chief, USDA Forest Service

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John Laird, Secretary, California Natural Resources Agency
Director, NOAA National Marine Fishery Service
Ryan Zinke, Secretary, US Department of the Interior
Deep Gulch / Sheridan Creek vicinity landowners

Response to Comment Submittal 4 — John V. Nordlund

Comment 4a. Project Schedule

The co-lead agencies for the project were optimistic early in fiscal year (FY) 2017 that funding would be available for construction of the Deep Gulch and Sheridan Creek project during one field season, and, as you note, have generally communicated this goal when describing the project to the public. The EA/IS, however, is more balanced in its approach, describing the schedule in general terms.

In section 2.1.17, Construction Methods and Schedule, a general sequence is described, with in-channel work typically occurring between July 15 and September 15. The EA/IS states that “Under ideal circumstances with respect to timing and cost, the proposed action at both sites would be constructed in one season and revegetation would be completed within the following 2 years. In-river work at both sites would be a priority, and it would be preferable to also perform the efforts associated with processing alluvial material at both sites to reduce noise and air quality impacts. To increase efficiency and reduce construction-related impacts, processing and stockpiling activities would ideally occur once, rather than several times during the course of the project.” The EA/IS also states that “The proposed rehabilitation activities are planned for construction between 2017 and 2019; the availability of funding may accelerate some elements of the project.”

Although the co-lead agencies had hoped it would be possible to accelerate project construction, we now know that funding will need to come from two fiscal year budgets—FY17 and FY18—and have developed plans intended to minimize impacts on local residents and the environment while remaining cost effective by revising the proposed construction schedule and adjusting the size and/or location of five activity areas to increase the distance from adjacent private parcels. The changes to these activity areas are reflected in Table 2-1 of the EA/IS; however, the exact timing of implementation is being finalized. The final project schedule will depend on landowner agreements, funding, and environmental limitations.

Many factors that cannot be controlled affect planned construction schedules. TRRP is committed to updating landowners with the latest information as it becomes available.

Comment 4b. In-channel Construction Schedule

The Executive Director of the TRRP regrets any miscommunication on this topic in her conversations with the commenter; she intended to convey that only in-channel construction would be completed by September 15 each year as required by Endangered Species Act restrictions.

The proposed schedule still being finalized is for all in-river and left bank construction to take place by September 15, 2017. River-right construction and final site preparation at the Sheridan Creek site is proposed to occur through December 2017. River-right construction, and potentially in-river left bank work (if not completed in 2017), at the Deep Gulch site would occur in summer/fall 2018. Revegetation, which would be performed with small equipment such as a mini-excavator and gas pumps for irrigation, would continue as needed through 2021.

See also the response to comment 4a.

Comment 4c. Gravel Processing and Landowner Agreements

In response to the commenter's concerns, TRRP has revised the location of activity areas to shift gravel processing areas farther away from the commenter's residence than was shown in the Draft EA/IS. Instead of locating the gravel processing at the SC U-4 activity area, this activity has been excluded from the SC U-4 activity area and would occur at the SC U-5 activity area or other locations further from the commenter's residence, thereby reducing the noise that the commenter would hear at his residence. The TRRP is also reviewing options for processing gravel only at the DG U-1 activity area or importing alluvial material from other TRRP sites or commercial sources.

Environmental Commitment EC-TC-3 in Table 2-5 of the EA/IS describes the requirement for TRRP and its implementation team to address the use and maintenance of Sky Ranch Road and other access routes. Section 3.6.2 of the EA/IS notes that wear and tear would occur on access roads and that project impacts would be repaired at the end of the project. Section 3.6.2 includes the following text:

“The use of local roads by trucks and heavy equipment could degrade roadway conditions due to increased wear and tear and require road restoration once the rehabilitation activities are complete. In accordance with EC-TC-3 [4.16-4a], Reclamation would survey the road conditions before the rehabilitation activities and assess the degree of post-construction restoration that may be needed. Sky Ranch Road and adjacent private roads may require some degree of grading and/or resurfacing to restore them to pre-disturbance conditions, and Reclamation would coordinate with the County and landowners to ensure that the roads are in acceptable condition after the rehabilitation activities.”

The co-lead agencies note that phased project implementation would likely require road repairs to be completed several times. The TRRP would endeavor to complete annual road repairs prior to the onset of winter so that safe travel would be maintained during wet conditions and additional road impacts from weathering would be reduced.

Finally, an agreement regarding Dredger Place (SC A-7), a private road that is used to access the commenter's property, is currently in place with the owner of the road. Post-construction repairs to this road are included as an environmental commitment in the EA/IS, consistent with the verbal agreement TRRP's Executive Director made with the commenter, and would also be included as a specification in the construction documents.

Comment 4d. Support for TRRP Objectives

Thank you for your support.

Comment 4e. Property Description

Thank you for the clarification regarding your property and other local ownership. We understand that access using the SC-A-7 road is shared near its intersection with Sky Ranch Road and that after the turn-off to the commenter's property, SC A-7 continues toward the river, where it also provides access to SC C-13 and SC C-14 as well as to BLM-managed lands.

Comment 4f. Land Subdivision and Dredger Place Maintenance

Comment noted

Comment 4g. Road Access Agreement

Comment noted.

Comment 4h. In-River Construction

Originally, TRRP staff optimistically stated that the in-river activity areas for both the Deep Gulch and Sheridan Creek sites would be completed by September 15, 2017. This was most desirable but not possible due to multi-year funding, landowner, and environmental considerations. The TRRP proposes to phase the construction portion of the project across two fiscal years¹ and would communicate updated schedules with the landowners as soon as they are available. Please refer to the response to comment 4b for additional details.

Comment 4i. Combining Deep Gulch and Sheridan Creek Sites

The 2000 Record of Decision (ROD) for the Trinity River Mainstem Fishery Restoration Environmental Impact Statement/Report prepared by the U.S. Fish Wildlife Service and signed by the Secretary of Interior with concurrence from the Hoopa Valley Tribe identified 44 potential channel rehabilitation sites for consideration by the TRRP. Subsequently, under the auspices of the Bureau of Reclamation, a systematic and detailed evaluation of the Trinity River identified 104 specific sites that offered rehabilitation opportunities. The Deep Gulch site was originally labeled as site 31 (Lower Chapman Ranch) but was renamed in the subsequent list of sites. The Sheridan Creek site was labeled as site 32; this site name has not changed. Table 1-3 of the 2009 Master EIR (*Channel Rehabilitation and Sediment Management Activities for Remaining Phase 1 and Phase 2 Sites, Part 1: Final Master Environmental Impact Report and Part 2: Environmental Assessment/Final Environmental Impact Report*²) provides additional information on TRRP Phase 2 sites and naming variations. Figure 1-2 of the Master EIR illustrates the locations of the Phase 2 sites listed in Table 1-3 of the Master EIR. The general locations of the sites illustrated on this figure were used to develop and further refine the project areas used for design and environmental review. In many cases, the project areas have been substantially adjusted to address environmental and socio-economic issues.

As shown in Table 1-2 and on Figure 1- 3 of the Master EIR, the Upper Chapman Ranch (Site 30) was subsequently renamed Chapman Ranch. Currently, this site is undergoing design review.

While the ROD and later the Master EIR set the stage for project locations and initial project boundaries, the boundaries designated for design and subsequent environmental review do not dictate the construction schedule or imply that a project would be constructed in one season since project sites vary greatly in size and complexity. Initially, two design teams were working on the Deep Gulch and Sheridan Creek sites with some degree of coordination. As the design process progressed, the TRRP and members of the Trinity Management Council (TMC) realized that consolidating these two design efforts under one environmental review process would make the process more cost-effective and potentially allow for more efficient and flexible construction opportunities. The environmental setting, land management (Bureau of Land Management [BLM]), and ownership pattern at these sites is similar, and limited access to both sites was considered when the two sites were consolidated under one environmental review process. As described in section 2.1.13 of the EA/IS, there are also

¹ Site cleanup and revegetation efforts would continue for several years after all construction activities are completed.

² Available at <http://odp.trrp.net/Data/Documents/Details.aspx?document=476>

environmental benefits and opportunities to reduce environmental impacts: “By combining the Deep Gulch and Sheridan Creek sites into one project, there is a reduction in the amount of dredge tailing features that would be impacted. Specifically, activity areas DG U-3 and DG U-4 are not currently planned to receive excavated material.”

In the past, the TRRP has conducted environmental reviews that consolidated multiple sites (EIR/EA for Four Bridges, Canyon Creek Suite EIR/EA); constructed projects at multiple sites in one year (e.g., Lowden Ranch, Reading Creek, and Trinity House Gulch were constructed in 2010); split individual projects into multiple years (Douglas City was constructed in 2013 and 2015); and revisited sites to complete habitat and functional refinements (parts of the 2008 Lewiston-Dark Gulch EIR/EA project area were revisited during the 2016 Bucktail project).

Comment 4j. Project Schedule

Please refer to the responses to comments 4b and 4h.

Comment 4k. Project Schedule

The commenter is correct that during budget discussions at the March 2017 meeting of the TMC, it was stated that the TRRP hoped to complete construction at the Deep Gulch and Sheridan Creek sites in two years. However, the statement in the distributed TRRP Budget document that construction at both sites would be completed in spring 2018 was incorrect because of a conflict between the availability of FY18 funds and bird nesting periods [construction that would have an adverse impact on migratory birds is avoided during nesting periods]. Because of this conflict, the TRRP will defer work between December 2017 and July 2018 consistent with the environmental commitments in Table 2-5 of the EA/IS.

The TRRP works diligently to provide the best information in a timely manner to landowners and other interested parties. We acknowledge that it can be frustrating when circumstances arise that modify our plans. We will continue to endeavor to improve our communication with landowners and other interested parties and provide them with updates on the proposed project and schedules, including any required modifications.

Please also refer to the responses to comments 4b and 4h.

Comment 4l. Project Schedule and Funding

Following an Independent Government Cost Estimate completed in early 2017, it became clear that the cost of implementing the full Deep Gulch/Sheridan Creek project exceeds TRRP’s FY17 construction budget. Multi-year funding for a project is not uncommon. The TRRP representatives have endeavored to work closely with landowners and other interested parties throughout the design and environmental review processes to ensure that the project would reduce impacts on local residents and the environment while remaining cost effective. As the commenter acknowledges, the EA/IS analyzed the possibility of a multi-year project because the document was intended to analyze the broadest reasonable range of implementation approaches.

Comment 4m. Public Has Been Misled

The Executive Director does not believe she stated that it appeared staff had “misled” the public; rather, she acknowledged that several changes had occurred in the project and not all had been communicated or communicated in a timely manner with the public.

TRRP restoration planning and implementation requires staff to simultaneously conduct an environmental review, obtain necessary permits, determine construction techniques and sequencing, refine construction cost estimates, conduct public involvement activities, adjust and respond to federal budgeting uncertainties and continual changes, and prepare construction documents to implement projects, while ensuring other program elements (e.g., monitoring) are performed concurrently. The TRRP works diligently throughout the planning process to listen to affected parties and provide the best information in a timely manner to landowners and other interested parties. We acknowledge that it can be frustrating when circumstances arise that require reallocation of TRRP resources and modification of its priorities. We will continue to endeavor to improve our communication with landowners and other interested parties and provide them with updates on the proposed project and schedules, including any required modifications.

Comment 4n. Informational and Schedule Update Meetings

We intend to hold an informational meeting for local landowners and other interested parties before the start of construction (anticipated in June or July 2017), preferably at the project site. Such meetings for our past projects have provided valuable opportunities to update the public with schedule refinements and to answer new questions.

Please also refer to the responses to comments 4b and 4h.

Comment 4o. Misleading Statements

Comment noted. Please also see the responses to comment 4b, 4h, and 4m.

Comment 4p. Access Route Description

The referenced text in section 2.1.16 of the EA/IS has been revised to remove ambiguity about how the access route is described. The revised text is: *Access to the Sheridan Creek rehabilitation site from Sky Ranch Road would use a private native surface road in the northeast corner of the site. Access is initially via Dredger Place (SC A-7); following a split in the road approximately 500 feet west of Sky Ranch Road, access follows the right fork on an unnamed road that crosses onto BLM land. The road then connects with other existing routes that parallel the river upstream to the Deep Gulch project site.*

The referenced text in section 2.2.16 of the EA/IS has been revised to read: *Access to the site is via Dredger Place, a private, unpaved lane that provides access from Sky Ranch Road through private land to the BLM parcel at the northeast corner of the site. The road continues into the Deep Gulch site to the south.*

Comment 4q. Access Road Name

The commenter is correct about the error concerning the road's name in section 1.1 of the document. Per the Trinity County Planning Department, the private lane (classified as such by the county Fire

Safe Ordinance 8.30.050.R because it provides vehicular access to more than one parcel, as opposed to a driveway) is Dredger Place. The error on page 1-3 of the Draft EA/IS has been corrected.

Please also refer to the response to comment 4p.

Comment 4r. Access Road Name

The road name “Dredger Place” has been corrected in the final EA/IS. Please refer to the response for comment 4p. The subsequent construction maps will be correct to ensure that project users of this access route are not misdirected to the commenter’s private driveway. None of the maps in the EA/IS use the label Dredger Place; instead, they label the access route below the split as SC-A7 (Sheridan Creek Access Road 7).

Please also refer to the responses to comments 4p and 4q.

Comment 4s. Error in Naming

Comment noted. The co-lead agencies welcome and appreciate reviews of our documents and work to incorporate and address all pertinent and appropriate comments.

Comment 4t. TRRP Science

Comment noted. This topic is outside of the scope of the project being analyzed in the EA/IS but is pertinent to the TRRP’s activities.

TRRP science staff know that incorporation of science and “lessons learned” is key to success. For instance, gravel augmentation locations, quantities, and techniques have changed with time. TRRP’s geomorphologist reviews TRRP’s ongoing monitoring data for gravel augmentation annually and makes recommendations for future additions. The designers of the proposed project designed the project with the intention of maintaining Sheridan Hole.

TRRP science staff do not believe spring flows negatively affect spring chinook spawning as stated by the commenter. In fact, the flow release schedules are designed to emulate a natural snowmelt recession hydrograph which spring chinook evolved with to co-exist. The spring flow releases helps ensure cooler temperatures and better conditions for upriver migration.

Comment 4u. Declining Salmon Numbers

This topic is outside of the scope of the project being analyzed in the EA/IS but is pertinent to the TRRP’s activities.

Staff at the TRRP note that the Trinity River Flow Evaluation Final Report, upon which the Trinity ROD was based, indicated that the bottleneck for production of Trinity River salmon and steelhead is the lack of juvenile habitat available for pre-smolt and young-of-the-year fish prior to their outmigration to the ocean. Current screw trap catches of out-migrating Trinity River steelhead and salmon are generally trending upward (see Figure 1 below) and the percentage of naturally produced fish (vs. hatchery produced) is increasing.

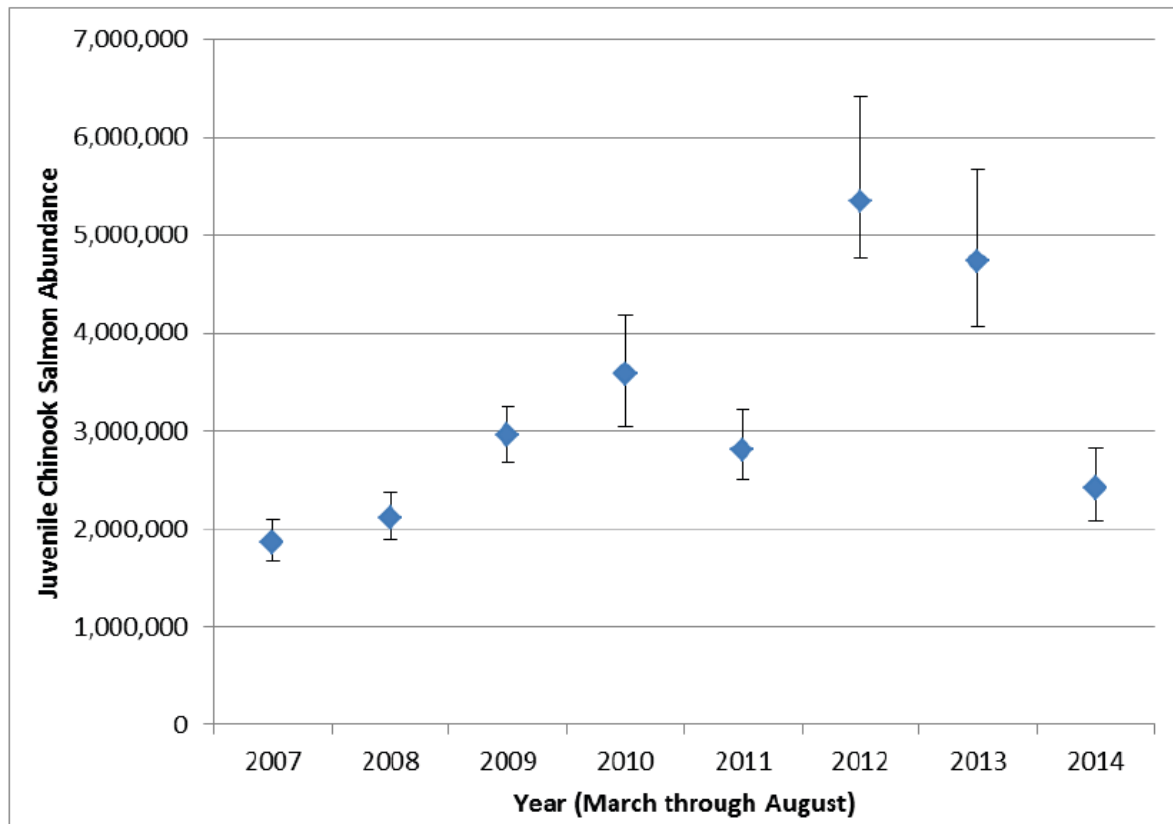


Figure 1. Abundance of naturally produced juvenile chinook salmon at the Willow Creek screw trap site from March through August 2007 – 2014. Error bars represent 95% credible limits for the annual estimates.

Source: <http://odp.trrp.net/Data/Documents/Details.aspx?document=2286>

The TRRP is charged with implementing the ROD to restore functioning river conditions and recover native salmon and steelhead populations while Reclamation maintains power production and water delivery to the Central Valley. Other factors beyond TRRP’s control (e.g., ocean conditions, harvest, hatchery interactions, impacts of multiple years of drought, high incidence of disease in juvenile fish) affect the return of adult salmon and steelhead to the Trinity River.

The commenter refers to the decline of the salmon runs in the last few years, especially with the low projected run size for 2017; we also experienced extremely low fall Chinook salmon abundance in 2016. Both of these low returns can primarily be attributed to two factors: (1) poor in-river conditions during the spring of 2014 and 2015, which resulted in the low age-3 cohort that returned in 2016, as well as the extremely low age-3 and age-4 projected returns for 2017, and (2) extreme drought conditions during 2014 and 2015. In these years, juvenile Chinook salmon experienced extremely high disease infection rates from the parasite *Ceratanova shasta* (*C. shasta*). Of the fish sampled in the Klamath River above the Trinity confluence, 81 percent and 91 percent of the juvenile Chinook of the hundreds that were sampled were infected with *C. shasta* in 2014 and 2015, respectively. While not all infected fish necessarily died, these high infection rates indicate that a large portion of the fish likely perished from the disease.

Finally, when the remaining salmon entered the ocean in 2014 and 2015, they found warm, relatively unproductive El Nino conditions.

A combination of these factors has likely resulted in the low salmon escapement in West Coast rivers during these last few years. TRRP management actions (variable flows, reduced fine sediment, and increasing habitat [including gravel augmentation]) are benefitting fish populations, but fish populations continue to be severely impacted by these factors.

Comment 4v. Protection of Sheridan Riffle

The Sheridan Riffle is a very productive spawning area in this portion of the Trinity River. Acknowledging this, we state in 2.1.13, Design Considerations, that one of our biological objectives is to “[p]rotect existing high-use spawning riffles above Sheridan Hole.” The intent of our design features is not to improve spawning; rather, per the descriptions of activities in sections 2.1.2 through 2.1.4, the intent is to expand the areas of juvenile salmon-rearing habitat.

Sheridan Riffle already provides ample spawning habitat for anadromous salmonids. However, due to the simplified channel geometry that has resulted from mining and regulated flow releases to the river (see discussion in sections 3.9 and 3.12 of EA/IS), there is very little of the slow, shallower habitat with access to cover that is required to allow the juveniles to thrive in the river prior to leaving for the ocean.

Comment 4w. Project Delay

As noted in other responses, one of the pillars of the TRRP is adaptive management, which is mandated in the ROD. We have learned a great deal from our earlier Phase 1 projects and continue to learn from our more recent Phase 2 projects, which is why we have added more complex approaches to channel rehabilitation than were used early in the program. The incorporation of science and “lessons learned” have led to the channel rehabilitation projects being more time- and funding-intensive than envisioned at the inception of the TRRP in 2000. While there has been some slippage of the timeline for implementation of the proposed project, we believe that neither additional research nor is a delay in implementation is required.

The intent of the ROD is to implement management actions quickly and to learn by monitoring so that future management will be informed by past activities and later projects can be designed to most efficiently produce conditions that benefit river function and fish production. To use the force of the river to create and maintain diverse habitat conditions for fish and wildlife, the TRRP is endeavoring to complete projects in a timely fashion.

By implementing channel rehabilitation in a timely fashion, constructed project sites will be able to interact with the highest flows³ (which bring about the greatest geomorphic change), will start to revegetate, and will provide benefit to short-lived salmon species most quickly so that recovery of populations continues.

Like all federal entities, TRRP must plan program and project budgeting as well as it can given the constraints of annual fiscal year budgeting cycles and the unknown timing and amount of funding it

³ Extremely wet years occur approximately 12 percent of the time and wet years approximately 28 percent of the time.

will receive each year. TRRP endeavors to manage its budgets in this fluid situation in the best way possible; however, it often has to adjust to internal and external influences, which causes changes to planned project implementation.

Comment 4x. Safe Equipment Access

TRRP representatives met with the commenter and discussed his concerns regarding the private lane that crosses over the swale between mine tailings. Except for the last two points (6 and 7) regarding this issue, his comments are accurate. We did agree that, in accordance with our agreement with the landowner of the property, we would assess the road at the conclusion of construction to ensure that it had been repaired to at least the condition it was in before construction; we did not, however, explicitly state that the assessment would be in the form of an engineering report (although that is one mechanism for such an assessment). Regarding point 7, while we did remove the heavy equipment from the site, it was because the owner of the construction equipment required that the equipment be stored elsewhere, not specifically because of an agreement with the commenter.

Comment 4y. Dredger Place Conditions

Based on concerns expressed by the commenter in autumn 2016, the TRRP contracted with an Engineering Geologist (PG #8066) to examine the existing condition of the private lane crossing and to prepare a geotechnical report regarding its safety for use as an access route. The geologist examined the crossing on April 14, 2017. Following the review, TRRP's road construction contractor placed gravel on the private lane from the intersection with Sky Ranch Road to the gated access to SC-A7 as it proceeds west after it splits from Dredger Place to ensure that it would be serviceable prior to authorization of the proposed project. An additional site visit by the geologist occurred on May 9, 2017, to reassess the condition of the crossing now that the rainy season has ended or nearly ended. Additional recommendations made by the geologist for pre-construction, construction, and post-construction guidelines will be incorporated to ensure the safety of the crossing. All relevant environmental commitments incorporated into the proposed project, including the obligation to repair the all roads and access routes to pre-construction condition, will be incorporated into the Performance Work Statement as part of the construction documents.

Comment 4z. Dredger Place Agreement

Reclamation has signed an agreement with the property owner that includes, among many other items, its commitment to ensure that the private lane, including the crossing in question, will be rehabilitated to at least pre-construction conditions.

The agreement for written terms that TRRP's Executive Director discussed with the commenter was intended to be a written specification in the Performance Work Statement that details the requirement to ensure that after construction, the road will be returned to at least its pre-construction condition.

Comment 4aa. TRRP Communication and Interaction with Landowners

Comment noted. Please refer to the response to comment 4m. The co-lead agencies acknowledge the opinions stated in this comment, while also believing it is important to state that we do not agree with the commenter's statement that the TRRP has been retaliatory or intentionally misleading. TRRP staff do, however, apologize for any difficulties that our past communications and/or activities have

caused your family and neighbors. We are committed to continuing and improving our communications and interactions with landowners throughout this project.

As noted in the response to comment 4z, the TRRP has signed an agreement with the property owner whose land is crossed by Dredger Place that includes authorization for storage of construction materials that would be used by the TRRP if the proposed project is authorized. As described in the responses to comments 4 x, 4y and 4z, the TRRP is currently working with both the landowner and the commenter to ensure the commenter's safety and access would be maintained if the proposed project is authorized.

Current TRRP policy, in line with state law, is that reasonable attempts will always be made to notify landowners with property boundaries to be surveyed prior to the professional land surveyor arriving on-site.

Comment 4ab. Landowner Agreements

Please refer to the response to comment 4ad concerning conditions under which the TRRP will enter into access agreements with landowners.

Comment 4ac. Privacy of Landowner Agreements

Agreements between private landowners and the TRRP are not publically disclosed, though, as noted, the commenter was advised that he can submit a request for the agreements under the Freedom of Information Act. The agreements may have redacted information, as determined by a Reclamation solicitor.

Comment 4ad. Details of Landowner Agreements

The details of individual landowner agreements are outside of the scope of the EA/IS, but an explanation is provided in response to this comment. The TRRP enters into agreements with willing landowners when necessary for rental of temporary access or storage areas or to conduct various authorized TRRP activities. (e.g., channel rehabilitation work). The value of the agreement is based on a standardized federal appraisal process that considers the appraised value of the land, the duration of the rental, and the intensity/risk of the proposed activity to the property (e.g., excavation vs. less invasive storage of materials), as well as other administratively determined factors associated with the proposed project defined in the agreement.

Landowner agreements are negotiated with landowners based on strategic geographic locations for project design to facilitate implementation of restoration projects. TRRP negotiates agreements with willing landowners only. If landowners expresses a lack of willingness or interest in having TRRP use their property for any reason, negotiations for any potential agreement are discontinued. TRRP respects landowners who communicate a lack of willingness related to use of their property and will work to identify other ways to allow implementation of the restoration project that do not include using the property of unwilling landowners.

Comment 4ae. Role of Trinity Management Council

The comment is noted; however, the role of the TMC and its bylaws are outside the scope of the EA/IS. The TMC does provide the budget approvals for implementation of rehabilitation projects

such as the Deep Gulch-Sheridan Creek project. The TMC is updated at its quarterly meetings on rehabilitation and other projects by the Executive Director of the TRRP.

Comment 4af. Federal Contracting

The TRRP, like all federal entities, is subject to federal statutes, regulations and policies. The Federal Acquisition Regulations provide the basic framework for service and construction contracts advertised and awarded by the Reclamation. Although other federal agencies that are members of the TMC are subject to these federal regulations and policies, contracting actions through Reclamation are outside the responsibilities of the TMC.

See also the response to comment 4ad.

Comment 4ag. TRRP Funding Agreements

Since the inception of the TRRP, Reclamation has contracted for and completed research, monitoring, rehabilitation projects, and other work under various different federal acquisition options, including competitive bids for construction by civil contractors, sole sourcing under an 8-A small business construction contract, and various grants and agreements with entities such as other federal, state and government agencies, academic institutions, and tribal governments. These agreements are made pursuant to many authorities, including the Tribal Self-Governance Act (Title IV of P.L. 93-638, as amended by Title II of P.L. 103-413); the Fish and Wildlife Coordination Act of 1934 (16 U.S.C. § 661 et seq.); the Trinity River Division, Central Valley Project Act (P.L. 84-386); the Central Valley Project Improvement Act (CVPIA) (P.L. 102-575); the Trinity River Basin Fish and Wildlife Management Act (P.L. 98-541), as amended; and the Reclamation Act of 1902 (32 Stat. 388), as amended.

For the last few years, some channel rehabilitation and sediment management projects have been funded through grant awards via Annual Funding Agreements to the governments of the Yurok Tribe and the Hoopa Valley Tribe. Funding the tribes for this work meets federal objectives to build tribal capacity and is particularly important because recovery of Trinity River anadromous fish populations has special geographic and cultural significance for their people.

Comment 4ah. TRRP Project Funding

The proportion of TRRP projects funded with congressional appropriations versus non-appropriated funds varies each year. For the 2016 Bucktail channel rehabilitation project, approximately 55 percent of the funds were from Reclamation appropriations and 45 percent were from the Central Valley Project Improvement Act – Central Valley Project Restoration Fund with revenues generated by water and power customers. Funding from the CVPIA for the TRRP has averaged \$1.5 million each year.

Irrespective of the funding mechanism, the TRRP is acting as the agent of the federal government (the “United States” as noted by the commenter) with respect to compensation related to Temporary Access Agreements and Restoration Activities Permits.

Comments 4ai, 4aj. TRRP Construction

In 2016, the Bucktail project was constructed by the Hoopa and Yurok Tribes in compliance with federal and state regulations and laws, including Davis-Bacon wage requirements and State of California prevailing wage determinations by the Director of Industrial Relations pursuant to California Labor Code part 7, chapter 1, article 2, sections 1770, 1773, and 1773.1. The project was funded by Reclamation, as part of its Annual Funding Agreements with the tribes, under multiple authorities, including the Tribal Self-Governance Act (Title IV). The primary purpose of the Tribal Self-Governance Act (Title IV) is to promote tribal self-governance. Davis-Bacon Act wage rates apply to laborers and operators employed by the contractors and subcontractors (excluding Indian Tribes, inter-Tribal consortia, and Tribal organizations) retained by Self-Governance Tribes to perform construction. The Davis-Bacon Act and wage rates do not apply when Self-Governance Tribes perform work with their own employees.

A tribal Annual Funding Agreement is a grant-based agreement that allows for unexpended funds to be re-allocated for similar additional restoration services. This is different from a “contract” by a profit-based organization that would essentially keep unexpended construction funds as profit. The grant agreement method likely provides for more restoration work to be accomplished with the funding while also building and supporting tribal capacity.

Comments 4ak, 4al. Deep Gulch-Sheridan Creek Project Construction

The TRRP has not awarded a contract or grant agreement for implementation of the Deep Gulch-Sheridan Creek Project.

See also the response to comment 4ag.

April 14, 2017

F. Brandt Gutermuth
Environmental Scientist
Trinity River Restoration Program
PO Box 1300
1313 S. Main St
Weaverville, Ca 96093

Re: Public Comment for EA/IS due by April 7, 2017

These comments are provided in protest to the incorrect Public Comment Period established by TRRP in direct violation of the TRRP Implementation Plan Rules. a

I request a minimum of 90 days to review the EIR of 2009 that was provided to me on April 5, 2009 at 4:30 pm. The comment period should be until July 5, 2009 at 4:30pm. b

I reserve the right to add additional comments after 30 days from the date all Sky Ranch Residents receive the EA/IS and the EIR of 2009 for the combined projects known as Deep Gulch/Sheridan Creek Projects. c

TRRP has failed to address all my questions from the Trinity Management Council (TMC) meeting held March 27-28, 2017, concerning the conflicts of interest, were TMC does not follow the rules of their own bylaws and Implementation Plan. TMC votes on projects that promote their self interest without public disclosure and keeping records of their actions to spend \$15,000,000 per year of taxpayer dollars. This is illegal and must be corrected by the Department of Interior before any TRRP activities proceed. d

1) The project is too intrusive to the Sky Ranch Road residents. e

2) The Sky Ranch area has many different types of wildlife that will be adversely impacted by the Deep Gulch/Sheridan Creek project. The animals will have no safe place to go and live their lives. **ALSO**, there are many endangered species in the Sky Ranch area that will be adversely effected and possibly become extinct from TRRP activities. A complaint to all the proper Societies will be able to address some of these issues, that you are attempting to destroy. f
g

3) We have an Owl House on our property that was used to house the Spotted Owls. The owl house was damaged and the Spotted Owls now live in the Sky Ranch Projects area and will be disturbed by TRRP activities. These Owls are a protected species and must not be disturbed. h

4) Also many nesting birds of all types live and breed in the Sky Ranch Project area and will be adversely affected by TRRP activities. i

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j **5)** The Deep Gulch/Sheridan Creek project will destroy many wetland areas that will never be wetlands again. You cannot recreate what took hundreds of years to create naturally, I will be contacting the Environmental Societies to seek help in protecting the environment.

k **6)** The funding to complete the project has not been secured for 2017. The 2018 budget, and 2018 monies are to be used for re-vegetation and the completion of the right side of the river. There is no guarantee that the funding will be available to complete the project after TRRP starts the project in 2017. This is irresponsible planning by TRRP. The power user are negotiating to buy power from other sources than from TPUD and hydro power sources and will not have the funds to support TRRP any longer. TRRP should only start projects that can be totally completed with the current years already funded monies.

n **7)** Too much private and public land will be destroyed to accomplish the project.

o **8)** The combination of the Deep Gulch and Sheridan Creek projects into one large project is irresponsible at best and deceptive to the public and should not proceed.

p **9)** The EA/IS states that the EIR of 2009 states that all Restoration Projects are similar in nature and a complete EIR will not be necessary for each project. I believe the Deep Gulch/ Sheridan Creek project is much different than any other project that TRRP has attempted, due to the fact there are many more residents affected by this project compared to past projects and a complete separate EIR should be done for the Sky Ranch Area. This is the first "combined project" and is so different it requires its own EIR before construction or permitting processes start.

r **10) The survey done for this project is incorrect** and must be done by a out of area surveyor to guarantee that there is no conflict with surveyors that have had much revenue from TRRP in the past and now have a conflict of interest with the landowners. A truly independent survey is the only way to proceed. (They dumped the logs on the wrong property and the surveyor surveyed the wrong side of the river as Mike Dixon stated to me last summer.)

s **11)** The boundaries' of the project are in dispute and until BLM establishes where their original corners are located and their boundaries are exposed or BLM installs new BLM corners this project should not move forward in any respect. BLM must go back to the first original survey and move forward from there with the newest survey near the river. I have researched and the TRRP surveyor has placed corners in the wrong place and I want them removed by TRRP with me present. The original Sheridan Brothers patent maps are more correct than any others.

t **12)** The so called emergency road through my neighbors property goes though my southern property as well and there will be NO Trespassing of any kind.

u **13)** There is a historic Chinese Company mine with original tailings and a cave of several hundred feet that will be disturbed by TRRP activities and it needs to be indentified and protected before TRRP proceeds in destroying it.

pg. 2

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|--|---|------------------|
| <p>14) The EA/IS maps are too confusing to understand for a property owner, many of the statements in this document are not detailed with proper identification markings that are understandable to the public.</p> | <p>5</p> <div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> | <p>V</p> |
| <p>15) The reference to the EIR of 2009 in the EA/IS do not make sense without providing the complete EIR of 2009 along with the complete EA/IS to all residents effected by the Deep Gulch/Sheridan Creek project. And a new complete EIR should be completed before destroying the lives and peace and quiet of the Sky Ranch area.</p> | <div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> | <p>W</p> |
| <p>16) The noise of the construction and rock separating quarry activates will be too loud for the residents.</p> | <div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> | <p>X</p> |
| <p>17) Sky Ranch Road was a dirt road that has been chip sealed by Trinity County and has been declared by the County as a failing/failed road that needs to be rebuilt. TRRP activities will destroy the road and make it very dangerous for the public.</p> | <div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> | <p>Y</p> |
| <p>18) Sheridan Creek runs through an old small culvert under Sky Ranch Road and cannot handle heavy loads as the hundreds of heavy loads will collapse the roadway and trap the residents in. In the event of an emergency as in ambulances or fire trucks the residents could lose their lives and/or their homes because of road failures caused by TRRP construction activities. TRRP must have an independent engineering report not conducted by the Tribes engineers but a truly independent engineer that is selected from the competitive process.</p> | <div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> | <p>Z
aa</p> |
| <p>19) Trinity County's road report concerning Sky Ranch as a failing/failed road should be used to start the process of repairing/rebuilding the road before TRRP activities begin.</p> | <div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> | <p>ab</p> |
| <p>20) Sky Ranch Road is too narrow in many places for large trucks to pass each other in opposite directions. Even a semi-truck coming from one direction and a resident driving in the opposite direction causes a very dangerous situation where TRRP personnel or contractors and/or a private resident or public member could be injured or killed.</p> | <div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> | <p>ac</p> |
| <p>21) TRRP does not have a traffic safety plan in place to protect the public from accidents occurring. All of TRRP's employees and contractors should have a California traffic safety certificate prior to TRRP beginning any construction activities. In 2016 I personally came very close to colliding with a TRRP contracted semi truck traveling on Sky Ranch Rd and reported that to Mike Dixon of TRRP. When the Dredger Place Rd was being worked on in March 2017 there was no signage and/or flagger of any kind and I almost collided with a excavator that was on Sky Ranch Road illegally. All this is against the California Traffic Codes rules and are not being implemented on TRRP's projects. When/if someone dies from your negligence TRRP will be held accountable.</p> | <div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> | <p>ad
ae</p> |
| <p>22) TRRP's EA/IS plan calls for heavy machinery to cross Sheridan Creek at the river and will destroy the ability of the water to reach the river and the small fish to enter Sheridan Creek which is in direct conflict with TRRP's established goals of saving the fisheries.</p> | <div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> <p style="text-align: right; font-size: small;">pg3</p> | <p>af</p> |

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- ag **23)** The issue of TRRP's refinements process should be complete before TRRP attempts to construct another one of their failed projects. TRRP proposed to TMC on March 28, 2017 that they be allowed to revisit all of the 32 projects of the 45 identified to RE-DO these sites because they are all failures' and need to be re-designed and re-constructed in a different manner. With this acknowledgment TRRP should stop working on the river until refinements are 100% complete.
- ah **24)** The study being conducted at this time concerning the water releases killing the salmon runs and destroying the salmons spawning cycles should be 100% complete before TRRP attempts any future projects to assure that the few remaining fish survive and are not made
- ai EXTINCT by TRRP's behavior/ You must quit KILLING the fish with your assumptions that you are doing the right things just to keep TRRP employees and associates working.
- aj **25)** With all the possible illegal activities within TRRP and its contractors not following the Laws that govern the environment and construction labor laws TRRP should cease from doing any business until the investigations are all 100% complete.
- ak **26)** The Fraud, Waste and Abuse complaint filed with the Department of Interior dated April 14, 2017 should be completely investigated and resolved prior to any commencement of work on any TRRP Project.
- al **27)** The conflict of interest issues are too great to be ignored. How does the TMC members vote on projects that directly benefit themselves and their own companies and friends and associates. They never recuse themselves in direct violations of the ethics laws of the US Department of Interior.
- am **28)** All TRRP projects need to be vetted properly to assure the public's monies are being used according to the laws of the United States. Until these investigations are 100% complete TRRP should limit its work to the watersheds, but not in or near the river.

Jerry Payne
1780 Sky Ranch Road
Junction City, California 96048

Cc: Clearinghouse to distribute to all agencies receiving the EA/IS for permitting
US Department of Interior Fraud Waste and Abuse Hotline
California State Attorney General
All Trinity Management Council Members,- All TAMWAG Members
All Trinity County Board of Supervisors
Trinity County District Attorney,- Trinity County Sherriff
Bureau of Reclamation Director,- California Department of Fish and Wildlife Director
US Fish and Wildlife Director, NOAA Director,- US Forest Service Director
All Elected State and Federal representatives in this district

pg. 4

Response to Comment Submittal 5 — Jerry Payne

Comment 5a. Comment Period

The co-lead agencies for the project are unclear about what the commenter refers to as the TRRP implementation plan rules. The co-lead agencies have endeavored to maximize public involvement in reviewing the project proposal since public input is one of the fundamental objectives of both CEQA and the National Environmental Policy Act (NEPA). For an EIR, CEQA requires that public notice be published in a newspaper of general circulation, posted on and off the project site, or directly mailed to owners and occupants of contiguous properties. These requirements were met, as described in Section 1.6, Scoping and Public Involvement, of the Draft EA/IS.

Public notices were published in the *Trinity Journal* and posted off-site at the Junction City Post Office and store. A public meeting, which the commenter attended, was held on March 15, 2017, at the North Fork Grange Hall on Dutch Creek Road in Junction City. These notifications met CEQA and NEPA requirements. In addition, the co-lead agencies extended the comment period for the Draft EA/IS at the request of two local landowners; the extension was for one week through April 14, 2017.

Comment 5b. Comment Period for Master EIR

It is unclear if the commenter is referring in this comment to the 2009 Master EIR or the 2016 Draft EA/IS. The 45-day review period for the Draft Master EIR was initiated on March 27, 2008, and ended on May 12, 2008. The Master EIR was certified by the North Coast Regional Water Quality Board (Regional Water Board) in June 2009. For reference, a copy of the 2009 Master EIR is available on the TRRP website at: <http://odp.trrp.net/Data/Documents/Details.aspx?document=476>.

With a 30-day circulation of the Draft EA/IS, both the NEPA co-lead agencies (BLM and Reclamation) and the Regional Water Board met or exceeded regulations, policies, and guidelines for public review. CEQA provides for extending the review period by up to 15 days if approved by the lead agency; for the Draft EA/IS, the comment period was extended by 7 days in response to a request from local landowners.

Comment 5c. Comment Period Extension Request

Section 1.4 of the EA/IS discloses that the document was developed using “tiering” and “incorporation by reference,” both of which are accepted practices under both NEPA and CEQA: “This site-specific EA/IS for the proposed action at the Deep Gulch and Sheridan Creek sites is tiered to the previous analysis in the Trinity River Mainstem Fishery Restoration Final EIS/EIR (FEIS/EIR; USFWS et al. 2000). It also incorporates by reference the analyses in the Master EIR and EA/EIR (Regional Water Board and Reclamation 2009).”

The final paragraph in section 1.4 of the EA/IS summarizes how this EA/IS complies with NEPA and CEQA with respect to tiering and incorporation by reference: “This EA/IS for the proposed action provides site-specific details for the environmental impact analyses and has been prepared to comply with NEPA (42 USC, Section 4321 et seq.) and CEQA (California PRC, Section 21000 et seq.). This EA/IS focuses only on site-specific activities for the proposed action and serves as a joint NEPA/CEQA document for project authorization by both federal and California state regulatory agencies. This EA/IS contains a site-specific project description and other information required to apply for enrollment under General Water Quality Certification R1-2015-0028 (or subsequent

reissued Certification) for Trinity River channel rehabilitation activities, which the Regional Water Board will consider in making its determination and approval decision.”

This response acknowledges the commenter’s statement that he has the opportunity to submit additional comments to the lead agencies after the comment period has closed, but the agencies are under no obligation to delay the preparation of the EA/IS and defer decision-making in anticipation of future comments.

Comment 5d. Trinity Management Council (TMC) Concerns

These topics are outside the scope of the project analyzed in the EA/IS.

The commenter’s statements regarding TMC conflicts of interest and need for correction of these is an opinion. The TMC and its members are authorized under the Department of the Interior, as outlined in the ROD.

Comment 5e. Intrusive Nature of the Project

The TRRP is mandated to implement the actions directed in the ROD in a timely fashion in order to restore form and function to the Trinity River and fish populations. The TRRP acknowledges that short-term impacts will occur in the construction of our projects, but Reclamation, as noted in section 2.1.18 of the EA/IS, “has committed to implementing the mitigation measures identified in the Master EIR to avoid or minimize potential impacts associated with the proposed action.” These measures have been incorporated as design features into the project description and are enumerated in Table 2-5 of the EA/IS. Specific resource topics that would affect landowners are addressed in chapter 3. Through incorporation of the design features noted in the environmental impacts analyses in Chapter 3, impacts on local landowners will be minimized as much as possible.

Comment 5f. Wildlife Impacts

Section 3.12 (Fishery Resources) and section 3.13 (Vegetation, Wildlife and Wetlands) of the EA/IS provide detailed discussions of these resources and the potential effects of the proposed action on these resources. While the commenter is correct that the project area and the surrounding Sky Ranch Road community have a variety of wildlife species that occupy habitat on both BLM and private lands, the commenter offers no evidence that is contrary to the environmental consequences of the proposed action described in these sections of the EA/IS.

Comment 5g. Endangered Species Impacts

Both Reclamation and BLM work closely with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to ensure that all TRRP activities are fully compliant with the federal Endangered Species Act. The Regional Water Board, in conjunction with the TRRP, works closely with the California Department of Fish and Wildlife to ensure that all TRRP activities are fully compliant with the California Endangered Species Act.

The commenter is correct that several special-status species occur in the general vicinity of the Sky Ranch area, including anadromous salmonids and northern spotted owls. As stated in section 1.3 of the EA/IS, the TRRP is charged with increasing habitat for all life stages of naturally produced anadromous fish native to the Trinity River. Section 3.12.2 of the EA/IS provides a discussion of the

potential impacts and benefits to fishery resources. On page 3-38 of the Draft EA/IS, the document states: “Based on a site-specific assessment by a BLM biologist in conjunction with additional site reviews performed by NSR’s certified wildlife biologist, it was determined that no wildlife species listed under the ESAs as threatened or endangered or candidates for listing as threatened or endangered are present within the project area nor is there critical habitat for any listed species within the project area.”

Comment 5h. Northern Spotted Owl

Site assessments were performed by BLM wildlife biologists to determine if any of the conifer stands were occupied by northern spotted owls, or if there was suitable habitat for this species within the project area. While there is suitable habitat on BLM land in the general vicinity of Sky Ranch Road, there are no owls or suitable habitat within, or in close proximity to, the project area.

Comment 5i. Nesting Birds

Section 3.13.1 of the EA/IS acknowledges that suitable habitat exists for a variety of special-status birds, including migratory birds protected under the Migratory Bird Treaty Act. Table 2-5 describes a number of environmental commitments that would be incorporated into the proposed action to reduce or avoid impacts to these species; these include EC-VW-3 (little willow flycatcher), EC-VW-6 (California yellow warbler, yellow-breasted chat, and Vaux’s swift), and EC-VW-7 (bald eagle).

Comment 5j. Wetlands

A comprehensive wetland delineation was performed prior to preparation of the EA/IS to identify waters of the United States that would be subject to jurisdiction by the U.S. Army Corps of Engineers (Corps). Table 3-6 in the EA/IS shows the types and acreages of jurisdictional waters. Figures 3-1a and b illustrate the locations of waters of the United States and summarizes the potential impacts that would occur under the proposed action.

Construction of the proposed action would result in a temporary direct impact to a total of 10.87 acres of riparian wetlands (out of 41.47 acres of riparian wetlands) and 6.04 acres of riverine habitat (out of 20.46 acres of riparian habitat). Included in these totals are impacts associated with temporary access to, and use of, activity areas (e.g., roads, staging). Because the nature of the project, the impacts to jurisdictional waters are expected to be temporary, and it is anticipated that there will be a net increase in jurisdictional waters within 5 to 10 years after completion of the proposed action. The TRRP is committed to conducting a post-project wetland delineation 5 years after project completion to ensure that requirements of Nationwide Permit 27 (Section 404 of Clean Water Act) from the Corps are met.

Comment 5k. Funding Uncertainties

Since the ROD was signed in 2000, the Department of the Interior and the TRRP have been mandated to implement the elements of the ROD: variable annual flows, fine and coarse sediment management, watershed restoration, infrastructure improvement to allow peak flow, adaptive environmental assessment and management, and channel rehabilitation. To the extent that funds are allocated to the program annually, the TRRP will support ROD implementation until riverine processes have been restored and the fishery recovered.

Total funding to the program that is available for construction varies annually based on a variety of factors, including both congressional appropriations and funding provided from the Central Valley Improvement Act (CVPIA). CVPIA funds from power and water users fees equate to about 10 percent of the total TRRP budget on an annual basis; planned TRRP funding for fiscal year (FY) 2018 are projected by Reclamation to be approximately the same as FY17 funding.

Following an Independent Government Cost Estimate completed in early 2017, it became clear that the cost of implementing all elements of the proposed action would exceed TRRP's FY17 construction budget; multi-year funding for a project is not uncommon for federal projects, and TRRP has worked with landowners and other interested parties to refine an implementation schedule that minimizes effects on both the human and natural environment while remaining cost effective. The EA/IS does disclose the possibility of a multi-year project, as the document is intended to analyze the broadest reasonable range of implementation approaches.

Of the total funding provided to the TRRP, the TMC decides the amount to be spent on each line item in the TRRP budget. Due to the nature of the work, rehabilitation project activities (planning, design, environmental compliance, public notification, permitting, construction, revegetation, and monitoring) are typically planned and managed with consideration of seasonal limitations on projects as well as Reclamation's multi-year budget planning process. It is the TMC's decision whether to use funding across fiscal years for any given project authorized by the TRRP. Because of the Department of Interior's legal obligation to implement the ROD, there is anticipation that TRRP funding will continue until the ROD has been fully implemented.

Comment 5l. Reduced CVPIA Funding

The commenter suggests that CVPIA funds from power and water user fees are discretionary and subject to changes in the energy market. Reclamation's contracts with water users form the basis for the fees collected under CVPIA. The possibility of future reductions (or increases) in funding from CVPIA to TRRP always exist. For FY18, the projected CVPIA funds, \$1,500,000 are the same as for FY17.

The commenter suggests that CVPIA funds from power and water user fees are discretionary and subject to changes in the energy market and could impact ability to complete the project. Reclamation's contracts with water users form the basis for the fees collected under CVPIA. Approximately only 10 percent of the total annual TRRP budget is from CVPIA. The possibility of future reductions (or increases) in funding from CVPIA to TRRP always exist. For FY18, the projected CVPIA fund amount that was provided to TRRP, \$1,500,000, is the same as for FY17.

Please also see the response to comment 5k.

Comment 5m. Funded Project

Please see the response to comment 5k.

Comment 5n. Land Destruction

All elements of the proposed action that would occur on lands managed by the BLM require authorization by the BLM. Prior to this authorization, and through the NEPA process, BLM

considers the scope of the proposed action, including impacts to resources on BLM-managed public lands, and ensures the proposed activities are consistent with the goals and objectives of the 1993 Redding Resource Management Plan and Record of Decision. By definition, actions on BLM lands would occur only if BLM makes a decision that the proposed action would benefit the lands and resources it manages.

Since 2001, the TRRP has been working with Trinity County and private landowners to ensure that TRRP activities on private lands are consistent with Trinity County's General Plan and agreeable to landowners.

The TRRP acknowledges the commenter's opinion that project activities would destroy private and public land, but respectfully disagrees.

Comment 5o. Completion and Phasing of Project

Please see the response to comment 4i.

Comment 5p. EIR for Project

The description of the purpose of a Master EIR is found in section 1.4 of the EA/IS and is as follows:

“CEQA allows for preparation of a Master EIR that analyzes a series of related actions that are characterized as one large project or program, such as the channel rehabilitation and sediment management activities proposed by TRRP. A Master EIR evaluates at a programmatic level the direct and indirect environmental impacts, cumulative impacts, growth-inducing impacts, and irreversible significant effects on the environment of subsequent site-specific projects. A Master EIR forms the basis for analyzing the effects of subsequent projects (California Public Resources Code, Section 15175, et. seq.). The Master EIR meets the elements required for a Program EIR pursuant to California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15168. Therefore, the Master EIR provides programmatic CEQA level review, from which the Deep Gulch and Sheridan Creek project—a subsequent site-specific project—is tiered.

The Regional Water Board acted as the lead agency for the Master EIR (State Clearinghouse #2008032110) and for the subsequent site-specific initial studies prepared for TRRP projects. The Master EIR provides a discussion of the existing conditions, environmental impacts, and mitigation measures required to comply with CEQA (California Public Resources Code, Section 21000 et seq.). In addition to addressing direct and indirect impacts associated with the proposed project and alternatives, the Master EIR addresses cumulative and growth-inducing impacts that could be associated with activities at the remaining Phase 1 and Phase 2 sites. The Regional Water Board certified the Master EIR on August 25, 2009.

Because the Master EIR provides programmatic level review from which site-specific projects may tier, the analysis of the proposed action required under CEQA is tiered from that document. In addition, the EIS portion of the Trinity River FEIS/EIR functions as a project-level NEPA document for policy decisions associated with managing Trinity River flows and as a programmatic NEPA document providing “first-tier” review of other potential actions, including the proposed action. The EA/IS for the Deep Gulch–Sheridan Creek project focuses only on site-specific activities for the

proposed action and serves as a joint NEPA/CEQA document for project authorization by both federal and California state regulatory agencies.

The California Public Resources Code, Title 14, Section 15177 state that after a Master EIR has been prepared and certified, subsequent projects that the lead agency determines as being within the scope of the Master EIR will be subject to only limited environmental review. Further on, the California Public Resources Code, Title 14, Division 6, Chapter 3, Section 15177, subd. (b)(2)) states that the preparation of a new environmental document and new written findings will not be required if, based on a review of the IS prepared for the subsequent project, the lead agency determines, on the basis of written findings, that no additional significant environmental effect will result from the proposal, that no new additional mitigation measures or alternatives are required, and that the project is within the scope of the Master EIR. Whether a subsequent project is within the scope of the Master EIR is a question of fact to be determined by the lead agency based on a review of the IS to determine whether there are additional significant effects or new additional mitigation measures or alternatives required for the subsequent project that are not already discussed in the Master EIR.

This EA/IS for the proposed action provides site-specific details for the environmental impact analyses and has been prepared to comply with NEPA (42 USC, Section 4321 et seq.) and CEQA (California Public Resources Code, Section 21000 et seq.). This EA/IS focuses only on site-specific activities for the proposed action and serves as a joint NEPA/CEQA document for project authorization by both federal and California state regulatory agencies. This EA/IS contains a site-specific project description and other information required to apply for enrollment under General Water Quality Certification R1-2015-0028 (or subsequent reissued Certification) for Trinity River channel rehabilitation activities, which the Regional Water Board will consider in making its determination and approval decision.”

Consistent with the California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15177, subd. (b)(2)), the Regional Water Board has prepared this IS for the Deep Gulch and Sheridan Creek Project that evaluates the potential site-specific impacts of project implementation. . At this point, it appears that the Master EIR analyses remain appropriate for the Proposed Project. The Regional Water Board will consider all the information within the EA/IS when they make their final determination on whether or not to permit the project under the current General Water Quality Certification R1-2015-0028.

Please also see the response to comment 5c.

Comment 5q. Combined Sites

Please see the responses to comments 5p and 4i.

Comment 5r. Cadastral Survey

All TRRP funded lot-line (cadastral) surveys are contracted with and performed by professional land surveyors licensed by the California Board for Professional Engineers, Land Surveyors and Geologists according to BLM and State of California standards. The surveys were conducted in conformance with the Professional Land Surveyors’ Act of California’s Business and Professions

Code (§§ 8700-8805) and provide official boundary lines for the proposed Deep Gulch–Sheridan Creek Project. These surveys are appropriate for adjusting or updating lot boundary lines, setting monuments and property corners, and filing and recording maps with BLM or the Trinity County Assessor’s Office.

For the areas of concern identified by the commenter, two surveys for the proposed Deep Gulch–Sheridan Creek project were completed. The initial survey began in late 2014 and was contracted to perform a Record of Survey for the proposed TRRP “Lower Valley” channel rehabilitation sites in (From Evans Bar downstream through the Sheridan Creek site). This survey spanned miles of boundary on both sides of the river; the intent was to clarify the lines between public and private ownership. This Record of Survey was examined by the Trinity County Surveyor and filed with the County Clerk on February 22, 2016, in Book 23 Maps and Surveys, Pages 141–143.

The second survey for the proposed Deep Gulch–Sheridan Creek project was contracted in late 2016 to help define the side lot lines between three parcels, two of which are within the project limits. This survey involved retracement of property corners that were not recovered in the previous survey. The Record of Survey for this contract was examined by the Trinity County Surveyor and filed with the County Clerk on January 17, 2017, in Book 23 Maps and Surveys, Page 164.

The TRRP acknowledges the commenter’s opinion regarding local surveyors and perceived conflict of interest, but respectfully disagrees that it is necessary to obtain the services of Professional Land Surveyors with no prior experience working in Trinity County under the auspices of the TRRP.

The error in log placement noted by the commenter was due to our wood procurement contractor beginning to stage materials on a private parcel prior to the flagging of the log storage area by field staff. It was not due to a surveying error.

Comment 5s. BLM Parcel Boundaries

The boundary lines of the proposed Deep Gulch–Sheridan Creek project are clearly defined on the ground and have been surveyed accurately. These surveys were conducted in conformance with the Professional Land Surveyors’ Act of California’s Business and Professions Code (§§ 8700-8805) and were consistent with BLM’s 2009 Manual of Surveying Instructions; the surveys established the official boundary lines for the proposed Deep Gulch–Sheridan Creek project. BLM approved a Dependent Resurvey and Subdivision of Sections of Township 33 North, Range 10 West, Mount Diablo Meridian on December 16, 1975. This resurvey, which began in 1962 and ended in 1973, shows the boundaries of many land parcels for the proposed TRRP project sites in the “Lower Valley” area. This resurvey included the Sheridan Placer Mine, shown since as early as 1873 as government Lot 41. The original Township Plat shown for this area was approved on June 6, 1882. From the survey information on Sheet 1 of the 1975 Dependent Resurvey, the survey was, in part, “designed to restore the corners in their true original locations according to the best available evidence.” During this survey, BLM established its original corner locations and set iron pipes with brass caps stamped with location information and dates. This 1975 resurvey was used and cited in the Parcel Map for Rune & Marja Svensson, filed in Book 10 of Maps & Surveys, Page 37 at the Trinity County Recorder’s Office. This parcel map shows, among other divisions, government Lot 41 (Sheridan Placer Mine) as being divided into Parcel 1 and Parcel 2. Parcel 1 of this map subsequently became the commenter’s parcel.

BLM commenced another Dependent Resurvey of the township in 1977, with the resultant plat being approved on February 8, 1989. This resurvey and the field notes show many of the corners from the 1975 survey as being found and accepted. Corners recovered in the TRRP contracted Record of Survey (Book 23 Maps and Surveys, Pages 141-143), particularly in the Sheridan Placer Mine (government Lot 41) area, are BLM brass caps stamped 1969, and this plat uses the 1975 and 1989 dependent resurveys as references.

Property corners that were set during TRRP's contracted survey are not a part of the commenter's parcel. Corners recovered in the commenter's area are BLM brass caps; federal law (108 Stat. 1796, 2146; 18 U.S.C. 1858) cited on page 9 of the 2009 BLM Manual of Surveying Instructions states: "The law provides a penalty for the unauthorized alteration or removal of any Government survey monument" TRRP staff are using these survey markers to ensure that work does not occur on the commenter's property.

Comment 5t. Legal Access

We acknowledge that proposed access road DG A-6 as illustrated on Figure 2-2 in the Draft EA/IS would cross a short portion of the commenter's property. The road was proposed for use only in the event of an emergency during construction, such as a life threatening medical emergency. Based on the commenter's statement that there will be no trespassing and access is not allowed on his portion, the road has been removed as an access route from the proposed project and excluded from text and figures in the EA/IS.

Comment 5u. Cultural Resource Protection

Reclamation's survey of the project's Area of Potential Effect indicated that the proposed action would have no adverse effect on properties eligible for listing on the National Register of Historic Places (NRHP). Figure 2-1 in the EA/IS illustrates several features that were considered in the design and subsequent environmental review process. One of these is a historic feature labeled as the Sturdivant Tunnel Debris Fan. While this feature is within the boundary of the project area illustrated on Figure 2-1, this feature was excluded during the design phase from the activity areas for the project and an additional buffer was added during the environmental review to ensure that this debris fan will not be affected by project activities.

The Sturdivant Tunnel is a historic feature constructed as part of the Sturdivant Mine west of the project area in the general vicinity of Dutch Creek Road. The TRRP has conducted comprehensive surveys for cultural resources throughout the project area, Reclamation's Principal Investigator, who managed these surveys, is unaware of any features similar to those described by the commenter within the boundary of the project area.

Section 3.5 of the EA/IS addresses cultural resource protection as follows: "Cultural resources is a broad term that includes prehistoric, historic, archeological, and tribal cultural resources. The National Historic Preservation Act (NHPA) of 1966 is the primary federal legislation that outlines the federal government's responsibility related to cultural resources. Title 54 U.S.C. § 306108, commonly known as section 106 of the NHPA, requires the federal government to take into consideration the effects of the undertaking on any historic property, i.e., cultural resources listed on or eligible for inclusion in the National Register of Historic Places (NRHP)."

The project area's cultural resources identification and significance determinations were performed by Reclamation in consultation with BLM, consistent with the terms and stipulations of a Programmatic Agreement (PA) (USFWS et al. 2000) pursuant to the NHPA's section 106 process and its implementing regulations at 36 CFR Part 800. Based on the information presented in the EA/IS, supported by confidential comprehensive cultural resource reports, the proposed action would not be expected to have significant impacts on cultural resources that are known to exist within the project area. There are two environmental commitments incorporated into the proposed action to address undiscovered historic or prehistoric resources (EC-CU-1) and the encounter of human remains (EC-CU-2).

Comment 5v. Map Clarity

The maps and figures in the EA/IS are similar with respect to content, level of detail, and scale to NEPA/CEQA documents prepared by the TRRP since the Hocker Flat project was authorized in 2004. The maps have been prepared to assist the reader in understanding the size, context, and spatial orientation of the proposed action with respect to various land uses and resources. They are intended to be used in conjunction with the text in the EA/IS sections. The figures in Chapter 2 are most enlightening when read closely alongside the descriptions of the proposed action.

The TRRP has an open door policy, and staff members are available to answer questions or explain maps, as needed. The commenter is welcome to meet with TRRP staff to get clarifications on maps. Project designers were available at the March 15, 2017, public meeting to answer detailed project questions from those in attendance. TRRP will also hold a pre-construction meeting with local landowners to any answer additional questions.

Comment 5w. EIR Requested

Please refer to the responses to comments 5b and 5p.

Comment 5x. Construction Noise

Please refer to the responses to comments 4a and 4c.

Comment 5y. County Road Damage

Please refer to the response to comment 4c.

Comment 5z. Sky Ranch Road–Sheridan Creek Crossing

The TRRP thanks the commenter for bringing the Sky Ranch Road crossing of Sheridan Creek to our attention. This location is not within the boundary of the project area, and while we have coordinated with representatives of Trinity County's Department of Transportation on this project, potential for road failure at this crossing has not been identified by County staff prior to this comment.

While this location is not within the boundary of the project area, Section 3.6 of the EA /IS provides a description of the existing transportation network and acknowledges the environmental commitments incorporated into the proposed action to minimize traffic related impacts. Environmental commitment EC-T-3 requires coordination with Trinity County to evaluate the condition of Sky Ranch Road prior to project implementation, address potential impacts to Sky Ranch Road, and identify and implement measures necessary to ensure impacts to this road would be addressed both

during and after project implementation. Environmental commitment EC-T-4 requires preparation and implementation of a traffic control plan that will address public safety and emergency access issues.

Please also refer to the response to comment 4c.

Comment 5aa. Public Safety and Emergency Access

Please see the response to comment 5z.

Comment 5ab. Repair County Road Pre-construction

Consistent with the requirements of Trinity County's Department of Transportation for using Sky Ranch Road to implement the proposed action, the TRRP would require that construction documents include provisions to ensure a safe and stable running surface prior to use by construction equipment. These provisions would apply only to those segments of Sky Ranch Road that would be affected as a result of traffic associated with the proposed action per TRRP's agreement with Trinity County.

Comments 5ac, 5ad. Traffic Safety

Please see the response to comment 5z. Please also see the responses to comments 1a and 1b.

Comment 5ae. Traffic

Consistent with environmental commitment EC-TC-4, any traffic associated with TRRP's proposed action, including the transport of legal non-highway vehicles, will be in accordance with state law. Traffic by highway-legal trucks too wide to allow a passenger vehicle to pass will be consistent with the proposed Traffic Management Plan.

Comment 5af. Sheridan Creek Confluence

The commenter suggests that the proposed action would have an adverse effect on the hydrology and aquatic connectivity of Sheridan Creek at its confluence with the Trinity River. The proposed action describes activities at two activity areas associated with Sheridan Creek within the boundary of the project area: SC-W-4 (Sheridan Creek) and SC W-5 (River Right Wetland Complex). These two areas are illustrated on Figure 2-2. In addition, Figure 2-1 illustrates what the TRRP refers to as the Relic Sheridan Creek Riparian Corridor, an environmentally sensitive area that was avoided in the design process.

Historic dredging operations throughout the project area dramatically changed the topographic features and altered the hydrology of both the Trinity River and Sheridan Creek. The corridor illustrated on Figure 2-1 reflects a riparian area that was essentially isolated from the floodplain of the Trinity River by large tailings pile deposits, as well as the formation of an alluvial deposit along the river. The construction at SC W-5 is intended to reestablish a functional riverine/wetland complex in the general vicinity of the pre-mining era Sheridan Creek confluence. This is fully described in Section 2.1.14 of the EA/IS. The construction of SC W-4 is intended to enhance the flow from a feature identified as Sheridan Spring and redirect it into the existing riparian corridor to enhance the riparian functions and values of the larger area.

Comment 5ag. TRRP Refinements Review

This topic is outside the scope of the project analyzed in the EA/IS but is pertinent to the TRRP's activities.

During the March 28, 2017, TMC meeting, the TRRP Implementation Branch Chief provided an overview of future channel rehabilitation work, including a brief discussion of the potential to conduct high-value (environmentally beneficial), low-cost site revisits at key locations based on science and observations since the sites were constructed (for example, refining the inundation elevation of floodplains or adding beaver dam analogs), in keeping with the TRRP's adherence to the principle of adaptive management.

The refinements process referred to by the commenter is a programmatic review requested by the Hoopa Valley Tribe and Yurok Tribe and approved by the Regional Directors for Reclamation and U.S. Fish and Wildlife Service. An adaptive management consulting service hired by Reclamation will review the goals and mandates of the Trinity River Flow Evaluation and the ROD, identify refinements to TRRP management and functions that will better serve those goals and mandates, and assist the Department of Interior in implementing refinements. There is no expectation on the part of the TMC or Department of Interior agencies that design, environmental review/permitting, and project implementation or other authorized TRRP activities, such as flow management and monitoring, will be deferred during the 2-year refinement contract review period.

Comment 5ah. Flow Releases

This topic is outside the scope of the project analyzed in the EA/IS but is pertinent to the TRRP's activities.

Many studies and monitoring efforts are ongoing as part of the TRRP's overall program of work. The restoration activities identified in the ROD, including the water releases referenced by the commenter, culminated nearly 20 years of detailed, scientific efforts; the ROD documents the actions determined to be necessary and appropriate to restore and maintain anadromous fishery resources of the Trinity River. The TRRP's adaptive management program involves continual monitoring, assessment, and adjustment of implementation activities. The result of adaptive management is a refinement of the restoration activities, within allowable authorizations, that the Department of Interior agencies are directed to implement.

Comment 5ai. TRRP Assumptions

This topic is outside the scope of the project analyzed in the EA/IS but is pertinent to the TRRP's activities.

The Department of Interior agencies, including the TRRP and its agency partners in the TMC, are directed to implement the Preferred Alternative described in the ROD. This alternative includes variable annual instream flows, physical channel rehabilitation, sediment management, and watershed restoration efforts, as well as completed infrastructure improvements/modifications to structures affected by peak instream flows.

Please also see the response to comment 5e.

Comment 5aj. TRRP Contracting

This topic is outside the scope of the project analyzed in the EA/IS but is pertinent to the TRRP's activities.

Please see the responses to comments 4af, 4ag, 4ai, and 4aj.

Comment 5ak. Complaint

This topic is outside the scope of the project analyzed in the EA/IS but is pertinent to the TRRP's activities.

Neither TMC nor TRRP have received any correspondence or direction from the Department of Interior regarding a complaint of fraud, waste, and abuse or any authorized actions or direction to cease actions.

Comment 5al. Conflict of Interest

This topic is outside the scope of the project analyzed in the EA/IS but is pertinent to the TRRP's activities.

The statement that the TMC members never recuse themselves from votes is inaccurate. TMC members have recused themselves from votes as shown in records of motions in the TMC meeting notes.

Comment 5am. TRRP Oversight

The TRRP is mandated to implement the ROD. TRRP projects are vetted through the established technical Work Groups (Watershed, Fish, Flow, Physical/Gravel, and Wildlife and Riparian) and Interdisciplinary Team processes, the TMC and Trinity River Adaptive Management Working Group, NEPA/CEQA processes where appropriate, public involvement and notifications, scientific report reviews, and peer reviews of scientific publications in journals.

Please also refer to the response to comment 5ag.