

BOARD OF SUPERVISORS

COUNTY OF TRINITY, STATE OF CALIFORNIA

FIRST DAY OF MAY, 2007

RESOLUTION NO. 2007-45

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE INDIAN CREEK REHABILITATION SITE: TRINITY RIVER MILE 93.7-96.5 AND MAKING CERTAIN FINDINGS RELATED THERTO

WHEREAS, the Board of Supervisors (“Board”) of Trinity County (“County”), along with the U.S. Bureau of Reclamation (“BOR”) and U.S. Bureau of Land Management (“BLM”), find necessary a project consisting of the modification and rehabilitation of a portion of the Trinity River floodplain in Trinity County, California (“Project”); and

WHEREAS, the Project is necessary due to the efforts of the Department of Interior to restore the anadromous fishery of the Trinity River pursuant to the Secretary of the Interior’s 2000 Trinity River Record of Decision (“ROD”), as implemented in the aftermath of federal court litigation allowing that ROD to proceed; and

WHEREAS, the Project is desirable because it will help to improve fish habitat in the Trinity River; and

WHEREAS, the Project is also desirable because it will protect human life and property from high stream flows occurring during unplanned flood events and fishery flow releases; and

WHEREAS, the reviewing federal district court ordered “non-flow measures” identified in the ROD to proceed; and

WHEREAS, the U.S. Ninth Circuit Court of Appeals directed that “nothing remains to prevent the full implementation of the ROD, including its complete flow plan for the Trinity River”; and

WHEREAS, the proposed mainstem channel improvements have “independent utility” and are not dependent on future ROD flows for their justification; and

WHEREAS, when implemented, the proposed Project will reduce the existing likelihood of flooding of homes and other human improvements in the Indian Creek area; and

WHEREAS, on January 20, 2006, the County released a Notice of Preparation (“NOP”) of a Draft Environmental Impact Report (“DEIR”) for the proposed Project; and

WHEREAS, the NOP was circulated to the public, to local, state, and federal agencies, and to other interested parties in order to solicit comments on the proposed Project; and

WHEREAS, the public scoping period on the NOP was January 20, 2006, through February 21, 2006, and comments were received through March 10, 2006; and

WHEREAS, on February 8, 2006, the County and the BOR held a scoping meeting at which members of the public were invited to suggest issues that should be addressed in the Draft EIR, which was to be combined with a federal Environmental Assessment (“EA”); and

WHEREAS, in preparing the EA/DEIR, the County, BOR, and the BLM considered the public comments received in response to the NOP and provided at the February 8, 2006 scoping meeting, in formulating alternatives and mitigation measures for the Project; and

WHEREAS, on August 3, 2006, the County, in conjunction with BOR and BLM, made available to the public an EA/DEIR for the Project; and

WHEREAS, the publication of the EA/DEIR initiated a 45-day public review period which began on August 3, 2006, and ended September 18, 2006; and

WHEREAS, the County received oral comments on the EA/DEIR at the public hearing held on September 14, 2006 at the Trinity County Planning Commission meeting; and

WHEREAS, the County received written comments on the EA/DEIR during the public review period, which ended September 18, 2006; and

WHEREAS, on December 29, 2006, the County, in conjunction with BOR and BLM, made available to the public an Supplemental EA/Recirculated Partial DEIR (SEA/RPDEIR) for the Project; and

WHEREAS, the publication of the SEA/RPDEIR initiated a 45-day public review period which began on December 29, 2006, and ended February 13, 2007; and

WHEREAS, the County received oral comments on the SEA/RPDEIR at the public hearing held on February 8, 2007 at the Trinity County Planning Commission meeting; and

WHEREAS, the County received written comments on the SEA/RPDEIR during the public review period, which ended February 13, 2007; and

WHEREAS, such written comments were received from private individuals and from private and public entities; and

WHEREAS, the only public agencies providing written timely substantive comments were the San Luis & Delta-Mendota Authority and the Westlands Water District, which provided joint comments through the law firm of Kronick, Moskovitz, Tiedemann & Girard; and

WHEREAS, all oral and written comments received on the EA/DEIR and SEA/RPDEIR have been included within, and responded to, in the Environmental Assessment-Finding of No Significant Impact/Final Environmental Impact Report (“EA-FONSI/FEIR”), which was released on April 2, 2007; and

WHEREAS, on or about April 2, 2007, the County had provided copies of the lead agencies’ written responses to the written comments submitted by the San Luis & Delta-Mendota Authority and the Westlands Water District, sending them to their legal counsel Becky Dell Sheehan; and

WHEREAS, the EA-FONSI/FEIR consists of the following: the EA/DEIR and all of its appendices; the SEA/RPDEIR and all of its appendices, comments and recommendations received on the EA/DEIR and SEA/RPDEIR either verbatim or in summary; a list of persons, organizations, and public agencies commenting on the EA/DEIR and SEA/RPDEIR; the responses of the County to significant environmental points raised in the review and consultation process; and any other information added by the County; and

WHEREAS, the County now determines it appropriate to certify the FEIR portion of the EA-FONSI/FEIR, and to approve the findings and other statements provided for herein; and

WHEREAS, the County has reviewed the FEIR in its entirety, and has determined that the document reflects the independent judgment of the Board;

NOW THEREFORE, the Board of Supervisors of the County of Trinity does hereby resolve, determine, and order as follows:

I. SECTION 1: Recitals

The above recitals are true and correct, and the Board hereby so finds.

II. SECTION 2: Findings Related to Prior Proceedings

- A. The January 20, 2006 NOP for the DEIR was duly prepared, noticed, and properly circulated in accordance with the provisions of CEQA and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.)
- B. The August 3, 2006, EA/DEIR was duly prepared, properly circulated, and completed in accordance with the provisions of CEQA.
- C. The December 29, 2006 SEA/RPDEIR was duly prepared, properly circulated, and completed in accordance with the provisions of CEQA.
- D. All comments received during the periods of public review have been duly considered, incorporated into, and, when necessary, responded to in the EA-FONSI/FEIR, all in accordance with the provisions of CEQA.
- E. The County, working with BOR and BLM, provided written responses to all public agency comments received on the EA/DEIR at least ten days before certification of the EA-FONSI/FEIR pursuant to the provisions of CEQA.
- F. The FEIR for the Project has been properly completed and has identified all potential significant environmental effects of the proposed project, and there are no known potential significant environmental effects that are not addressed in the FEIR.

III. SECTION 3: Certification of the EA-FONSI/FEIR

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Trinity as follows:

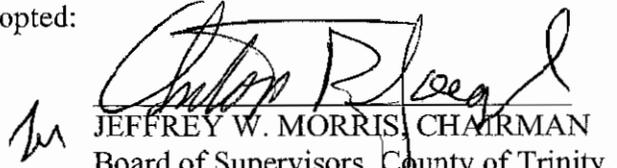
- 1. It is hereby certified that the FEIR has been completed in compliance with CEQA and the CEQA Guidelines, based on the findings in Exhibit A;
- 2. It is hereby certified that the FEIR has been presented to the Board of Supervisors, which has reviewed and considered the information and analysis contained therein; and
- 3. It is hereby certified that the EA-FONSI/FEIR reflects the independent judgment of the Trinity County Board of Supervisors.

Upon motion of Supervisor Jaegel, seconded by Supervisor Freeman on this 1st day of May and on the following roll call vote, to-wit:

AYES: Supervisors Freeman, Jaegel, Reiss, Pflueger and Morris
NOES: None

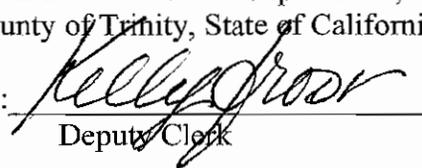
ABSENT: None
ABSTAINING: None

The foregoing resolution is hereby adopted:

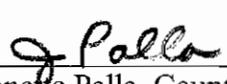

JEFFREY W. MORRIS, CHAIRMAN
Board of Supervisors, County of Trinity,
State of California

ATTEST:

WENDY TYLER
Clerk of the Board of Supervisors,
County of Trinity, State of California

By: 
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:


Jeanette Palla, County Counsel,
County of Trinity, State of California

Dated: 5.7.07