General Location:

Trinity River Corridor between Lewiston and Helena (North Fork, Trinity River) and Indian Creek Site, Trinity County, California

Legal Location: Indian Creek - M.D.M., T. 32 N., R. 9 W., section 26 (portion of), Trinity River – See Appendix B

CHAPTER 1 – INTRODUCTION

The BLM Redding Field Office administers approximately 6,130 acres of public land in the Trinity River corridor and Indian Creek Areas. This Environmental Assessment (EA) is being prepared to disclose and analyze the environmental consequences of withdrawing, from mineral entry, public lands within these areas, pursuant to Section 204 of the Federal Land Management and Policy Act [43 U.S. Code 1714]. The EA is a site-specific analysis of potential impacts that could result with the implementation of any of the alternatives and assists the BLM in project planning and ensuring compliance with the National Environmental Policy Act (NEPA) and other laws and policies affecting the alternatives. As required under NEPA, the EA analyzes a proposed action and a reasonable range of alternative actions. If the decision maker determines that this project has “significant” impacts following the analysis in the EA, then an environmental impact statement (EIS) would be prepared for the project. If not, a decision will be issued along with a Finding of No Significant Impact (FONSI) statement, documenting the reasons why implementation of the selected alternative would not result in “significant” environmental impacts.

BACKGROUND

The Trinity River has been significantly altered through decades of logging, placer mining, dam building, water diversions, and other human activities. Perhaps most significantly, the United States Congress authorized the Trinity River Division (TRD) as a component of the Central Valley Project (CVP) in 1955. Construction activities under the TRD included two large dams (Lewiston and Trinity Dams) on the upper Trinity River. Effects on fish and wildlife habitats such as changes to the flood regimes, sediment transport, and restriction of fish movement as a result of TRD construction activities are well documented in the 1999, Trinity River Mainstem Fishery Restoration Environmental Impact Statement (EIS) and other reports. Restoration projects designed to recover anadromous fish populations on the Trinity River have increased significantly over the last 10 years. These restoration projects represent a significant federal investment on the Trinity River.

The 1993 Redding Resource Management Plan (RMP), as amended by the 1994 Record of Decision (ROD) for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and
other Mitigation Measures Standards and Guidelines guides BLM management activities under the Federal Land Policy Management Act (FLPMA) land use planning authority (Section 202), recognized the need for fisheries enhancement and protection, preservation of cultural resources, along with the public interest in concurrent development and use of the Trinity River corridor for recreation.

The Forest Service is concurrently analyzing a withdrawal of up to 541 acres on the Trinity River, located in the area between the confluences of Maxwell and Sheridan Creeks with the Trinity River. To analyze potential effects of the USFS withdrawal, a separate environmental assessment dated August 2014 was prepared by the Shasta-Trinity National Forest, Trinity River Management Unit. Ultimately, decisions to withdraw lands from mineral entry are made by the Secretary of the Interior. Since the USFS is a withdrawal applicant, BLM must be included as a cooperating agency for their environmental analysis to conform to the Federal Code of Regulations (CFR) Title 43 § 2310.3 (b)(3).

The total acreage of BLM and USFS lands to be withdrawn under the proposed action and the USFS withdrawal is 3,648. Although these withdrawals are being analyzed concurrently, the two withdrawals are not considered to be connected actions. Each agency will independently decide whether to recommend withdrawal and each withdrawal could proceed without the other.

Effective October 1, 1994, the United States Congress imposed a moratorium on spending appropriated funds for the acceptance or processing of mineral patents that were not in first half final certificate (FHFC) or were not received in the Office of the Secretary of the Interior for FHFC by September 30, 1994. Since that date, BLM has not accepted any new applications for mineral patents. While the moratorium is in effect, there is no risk of mineral patents being issued for sensitive areas with cultural resources, fisheries improvements, or public recreation facilities, as discussed in the RMP. If the moratorium were ever lifted, the risk of patent would return and would again constitute an additional rationale for withdrawal.

PURPOSE AND NEED

The purpose of the withdrawal is to prevent degradation of public resources primarily in the form of cultural features, wetlands/riparian areas, and fisheries and associated habitats, from mineral exploration and development. Under the general mining law, processing of mining claims is a non-discretionary action. In other words, if a claim is properly filed, in an area open to mining, the claim must be processed in accordance with the General Mining Act of 1872 (43 U.S.C. §§ 22-42), as amended. The non-discretionary nature of claims filed under current laws and limitations in the applicable surface management regulations (43 CFR § 3809) create the need to withdraw certain areas of the public lands where resource management might conflict with non-discretionary uses.

The Trinity River is a designated component of the National Wild and Scenic River System. Under the Wild and Scenic Rivers Act, the scenery, cultural features, wildlife, fisheries and other
outstanding remarkable values (ORVs) that made the Trinity River eligible for inclusion in the Wild and Scenic River System must be managed to maintain or enhance those values to the extent possible. Future placer mining operations have the potential to negatively affect these ORVs. Withdrawal from mineral entry to prevent adverse changes and maintain the Wild and Scenic character of the Trinity River as a component of the W&SR system is central to the purpose and need for this action.

A secondary purpose is to protect federal investments in developed recreation sites as well as fisheries enhancements intended to aid in the recovery of anadromous fisheries and mitigate past alterations to the Trinity River. Many of the fishery enhancement sites on BLM administered lands have been authorized through the issuance of FLPMA Title V rights-of-way [43 U.S. Code 1761 et seq]. The rights-of-way issued for these activities create a notation to the official records (master title plats) which documents the improvements. The right-of-way also creates a “prior right” which provides limited protection for the improvement. A right-of-way would only provide limited protection because it is possible that a mining claim could at least temporarily displace the right-of-way use, depending on how the improvements in the ROW are described. Furthermore the ability of FLPMA rights-of-way to protect site features, such as floodplain plantations, is legally untested.

The need for the proposed action also stems from public demand for recreational access to the Trinity River, and the need to protect facilities constructed to support recreational use. Additionally, BLM must fulfill the legal mandate to protect sensitive cultural resources and mineral withdrawal is a valid mechanism to ensure protection of these resources.

**Decision To Be Made**

The authorized officer must decide whether to recommend a withdrawal that will completely encompass all identified cultural resource sites, developed recreation sites, past, current, existing and proposed (near term) fisheries enhancement projects, a withdrawal of less acreage, or no withdrawal. The maximum acreage of BLM administered lands that would be withdrawn under this action is 3,123. Ultimately, the decision to withdraw lands is made in the Office of the Secretary of the Interior.

**Conformance With Land Use Plan**

Due to the regional significance of the Trinity River as a recreational and environmental asset, the June, 1993 Redding Resource Management Plan and Record of Decision (RMP) recognized public resources that require protection and management. The RMP states at page 42 under Rationale for the Trinity Proposed Action,

>The Trinity has significant recreational values and is highly accessible and attractive to the public. To provide adequate protection of these regionally significant values, a withdrawal from mineral entry of developed sites and significant cultural values is deemed necessary.

EA# DOI-BLM-CAN060-2014-002
The lesser restrictions of 43 CFR 3809 regulations were deemed inadequate to protect natural and cultural values.

The RMP did not specify the size of withdrawal, in terms of acreage, needed to meet plan objectives. The RMP states on page 42 that a blanket withdrawal of existing public lands along the Trinity River was not necessary, but also states at page 19,

All significant non-linear BLM facilities and developed sites (e.g. campgrounds, fish rearing facilities, day use areas) will be withdrawn from locatable mineral entry to protect capital investments from the adverse affects of mining and loss of Federal ownership in the case of patenting. The areas of withdrawal will vary by alternative from the actual physical improvements themselves to adjoining viewsheds and buffers around the sites.

The applicable management area decision on page 39 of the RMP (Trinity Management Area – II. Land Use Allocations – A. Trinity River - #6, states,

Maintain existing withdrawal from mineral entry at Junction City and Douglas City campgrounds (58 acres and 140 acres respectively). Withdraw other proposed and developed public facilities from mineral entry. Withdraw specific cultural resources from mineral entry including Helena, Rush Creek, Ohio Flat, Salt Flat, and Montana Cabin. Withdraw anadromous fisheries habitat improvements from mineral entry including Steiner Flat and Cemetery Hole.

To be consistent with the RMP, the scope of proposed withdrawal will need to consider the goals and objectives of the RMP in addition to the specific decision to protect fisheries enhancement projects and other areas with sensitive resources and significant public investments.

The proposed withdrawal also directly or indirectly supports the following Resource Condition Objectives on Page 38 of the RMP:

- Withdraw the Indian Creek Townsite from mineral entry.
- Maintain scenic quality along the river corridor.
- Protect and enhance the anadromous fisheries of the Trinity River.
- Interpret and protect key cultural and natural resources for the public including the Helena Townsite, Rush Creek, Montana Cabin and Salt Flat.
- Maintain the riparian habitat in Class I and Class II condition.
- Maintain the existing scenic quality of the BLM administered lands.

In addition to the RMP, the 1994 ROD provides additional guidance through the Aquatic Conservation Strategy (ACS). The ACS was developed to restore and maintain the ecological health of watersheds and aquatic systems. The standard and guidelines are designed to focus review of and ensure actions meet and would not prevent or retard attainment of any of the ACS objectives, below, in the long term at both the site and watershed level.

EA# DOI-BLM-CAN060-2014-002
1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted.

2. Maintain and restore spatial and temporal connectivity within and between watersheds. Lateral, longitudinal, and drainage network connections include floodplains, wetlands, upslope areas, headwater tributaries, and intact refugia. These network connections must provide chemically and physically unobstructed routes to areas critical for fulfilling life history requirements of aquatic and riparian-dependent species.

3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.

4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities.

5. Maintain and restore the sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.

6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows must be protected.

7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.

8. Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.

9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate, and vertebrate riparian-dependent species.

Since completion of the RMP in 1993, the acreage of riparian restoration and fisheries enhancement projects has increased significantly. The Bureau of Reclamation’s Trinity River Restoration Program (TRRP) has completed approximately 2,060 acres of restoration projects on the Trinity River. These projects are on a mixture of federal and private lands. This acreage is in addition to the sites rehabilitated by BLM as referenced in the RMP. In order to satisfy the goals, objectives, and decisions of the RMP, the proposed withdrawal will need to include sufficient acreage to protect the expanded scope of these improvements, including those projects planned for construction in the near future.

The proposed action conforms to the RMP as described above. The no action alternative would not conform to the RMP and a decision to implement the no action would require amendment or maintenance of the plan to document the findings as to why the direction contained within
the RMP could not be implemented. The analysis completed in the Proposed Redding Resource Management Plan and Final Environmental Impact Statement, July 1992, is relied upon for the analysis that follows. These documents are hereby incorporated by reference.

RELATIONSHIP TO OTHER STATUTES, REGULATIONS, AND OTHER PLANS

The Trinity River has been the focus of federal legislation since the 1950s. In 1984, Congress enacted the Trinity River Basin Fish and Wildlife Management Act to implement salmon restoration projects. The Trinity River Restoration Program was formed, and the BLM Redding Field Office has cooperated with this organization to restore the fisheries habitat in the Trinity Basin.

In 1992, Congress enacted the Central Valley Project Improvement Act (CVPIA). One purpose of the CVPIA (section 3406) was to protect, restore, and enhance fish, wildlife and associated habitats in the Trinity River Basin. The Act also directed the Secretary to finish the 12-year Trinity Flow Evaluation Study and to develop recommendations regarding “permanent instream fishery flow requirements, Trinity River Division operating criteria and procedures for the restoration and maintenance of the Trinity River fishery.”

SCOPING, PUBLIC INVOLVEMENT, AND ISSUES

Public scoping for the proposed withdrawal began on August 21, 2013, when the “Notice of Proposed Withdrawal and Opportunity for Public Meeting” was published in the Federal Register. The Notice provided an opportunity for mining claimants and members of the public to request a public meeting. One written request for a public meeting was received.

The USFS has applied to the U.S. Department of the Interior for the withdrawal of 541 acres of USFS lands on the Trinity River which is being considered concurrently with the proposed withdrawal of BLM lands that is subject to this analysis. To improve public outreach, reduce duplicative scoping efforts, and reduce confusion for the public, the scoping process was conducted in conjunction with the Shasta-Trinity National Forest. A complete listing of scoping efforts conducted by the USFS is described in their Environmental Assessment dated August 2014, and this section is incorporated by reference.

After publishing a “Notice of Public Meeting” in the Federal register and in the Trinity Journal, a public meeting was held in Weaverville, California on May 29, 2014. The meeting was co-hosted by the Shasta-Trinity National Forest and the Trinity County Resources Conservation District. The public meeting was attended by 21 members of the public. A comment period on the proposed withdrawal was opened from May 29, 2014, until June 30, 2014, to provide the public with an opportunity to provide comments on the proposed withdrawal for incorporation into this EA. Approximately 160 scoping letters were sent out to mining claimants, fishing guides, tribes, government agencies, and interested parties to coincide with the June 2014 comment period.

Agencies and groups who stated support for the proposed withdrawal include the California
Department of Fish and Wildlife, Hoopa Valley Tribe, and the Klamath Siskiyou Wildlands Center.

The California Department of Fish and Wildlife, stated that they are in support of the withdrawal because it will benefit natural resources associated with the Trinity River and will support the goals of the Trinity River Restoration Program.

The Hoopa Valley Tribe claim that the withdrawal is of importance to the Tribe in maintaining a healthy Trinity River. The Tribe is concerned about water quality in the Trinity River, both as fisheries habitat and a source of domestic water for the Tribal members, and that any project that reduces impacts to the quality of the water in the Trinity River is in the interests of the Tribe.

According to the Klamath Siskiyou Wildlands Center, they have found that mineral withdrawal is the only administrative remedy that provides certainty for maintaining and improving aquatic habitat. They also suggested the following issues for environmental analysis:

1) The recovery of Southern Oregon Northern California Coastal coho salmon (i.e. delisting) would be expedited with mineral withdrawal because stream habitat improvement would have a high certainty for the next 20 years.
2) Large wood placement and natural wood would not be disturbed by mining operations. Miners would be limited in their ability to object to large wood placement in mining claim stream areas.
3) Recreational activities would not be hampered or sullied by unsightly mining pits, equipment, encampments and stream turbidity.
4) Mining roads causing sedimentation could be decommissioned and restored to forest condition.
5) Funding for mining administration and law enforcement would be greatly reduced.
6) Mercury contamination would be reduced.

Many of the letters received from claimants stated the withdrawal would affect their ability to mine, or would affect the value of their claim. Some claimants had questions of a technical nature regarding the validity examination process and how it would affect their specific claim. Some also requested their claims be dropped or excluded from the withdrawal, or that they would be able to retain their mineral rights.

Comments also included the following: 1) BLM did not provide adequate notice of the public meeting and withdrawal; 2) Questions over why leasing for mineral and geothermal projects is allowed; 3) Activities such as commercial and tribal fish harvest have a far greater impact on fisheries than low level mining; 4) The State of California has ruled that dredging is a recreational activity. One of the reasons for the withdrawal is to protect recreational uses and values, and therefore dredging should be allowed under the withdrawal; 5) Improper use of the Public Land Survey System to describe withdrawal; lands should be described using centerline survey using the river as the basis for such survey, and 6) The existence of Dams have a far
greater impact on fisheries than mining activity.

The following comments are beyond the scope of the analysis and are not addressed:
1) Questions regarding how BLM plans to permit a “take” of fish, and how that would be justified; 2) Overreach by government attempting to limit personal rights/uses on the Trinity River and enforcement of duplicative government regulations; and 3) Technical questions or concerns on how a specific mining claim will be regulated after the proposed withdrawal is completed.

After the completion of scoping, the following issues were identified for analysis within this document:

• Air, Soil, and Water
• Botany
• Cultural Resources and Native American Cultural Values
• Fisheries and Wildlife including Riparian Areas and Wetlands
• Mining
• Recreation
• Socioeconomic Impacts/Environmental Justice
• Wild and Scenic River including Visual Resources Management

OTHER ISSUES IDENTIFIED THROUGH POLICY

The following issues are required by policy to be evaluated in NEPA documents:

Climate Change

Rising greenhouse gas (GHG) levels are likely contributing to global climate change. In the project area, climate change is typically expected to result in warmer, drier conditions and potentially more extreme weather events. Natural processes such as volcanic eruptions contribute to the increasing levels of GHGs in the atmosphere. The proposed action and alternatives will not significantly alter the degree to which human activities or natural processes contribute to or reduce GHG emissions.

Lands with Wilderness Characteristics

Lands that clearly lack wilderness characteristics are those that do not meet the naturalness criterion because they have extensive surface disturbance and/or do not meet the size criterion of 5,000 acres or larger. Areas less than 5,000 acres may have wilderness characteristics and require protective actions if BLM determines that wilderness characteristics are present. The lands being considered for withdrawal lack wilderness characteristics primarily due to size criterion.

Noxious Weeds and Invasive Species
The proposed action and alternatives are administrative actions that would have no direct impact on noxious weed populations. The scope of the proposed withdrawal limits the ability to specifically describe the affected environment beyond stating that noxious weeds do occur within the public lands described in the proposed action and alternatives. Noxious weed control practices will be implemented on a site specific basis, to the degree practicable for those actions that may follow from the completion of a withdrawal or selection of the no action alternative.

CHAPTER 2 – PROPOSED ACTION AND ALTERNATIVES

ALTERNATIVE 1 - PROPOSED ACTION

Under the proposed action, 3,123-acres of federal land would be withdrawn, subject to valid existing rights, from mineral entry under the General Mining Laws for a period of 20 years. Approximately 2,978-acres of the withdrawn lands would be within the Trinity River Corridor between Lewiston Dam and the North Fork Trinity River. The Indian Creek site would add 145-acres proposed for withdrawal outside of the Trinity River Corridor. This alternative would withdraw all significant cultural resource sites identified in the RMP, all developed recreation sites and all developed fisheries enhancement sites located within the boundaries identified for withdrawal.

This alternative would offer the maximum protection from future activities intended to extract mineral resources. A map of the lands proposed for withdrawal is located in Appendix A. The complete legal description of all BLM lands proposed for this alternative is contained in Appendix B.

ALTERNATIVE 2 - NO ACTION

Under the no action alternative, those lands currently open to mineral entry in the Trinity River Corridor and Indian Creek areas would remain open to entry under the general mining law.

Alternatives Considered But Dismissed From Further Analysis

Comments were received recommending fewer acres be withdrawn. These comments varied from removing an area affecting a single mining claim, to changing the method of describing the withdrawal parcels to remove small areas considered to be outside of the river corridor or not containing the most sensitive lands and resources. An alternative that would withdraw a reduced acreage was considered. This could be accomplished by either removing large sections of the proposed withdrawal or by attempting to remove small areas on the outside boundary of the withdrawal.

This alternative was eliminated from further analysis because removing segments of the withdrawal would not meet the purpose and need identified in Chapter One. Removing small
areas on the edge of the withdrawal would require additional work by BLM Cadastral Survey staff to resurvey these lands and create additional lots or tracts so that the reduced areas can be legally described. This effort would be cost prohibitive and time consuming and could not be accomplished in time to allow the withdrawal to be completed during the two year segregation period.

CHAPTER 3 – AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

The following resources were identified through scoping as resources that occur within the area of the proposed action and may be affected by the proposed action or no action alternative. These resources are considered to be the “affected environment” for the purpose of this analysis. All of the described effects are considered to be indirect or cumulative impacts. The effects to each resource follow the resource description and where no effect is described, it is concluded that no effect will result. The types of effects are defined below.

Council on Environmental Quality Definitions

Direct effects are those which are caused by the action and occur at the same time and place.

Indirect effects are those which are caused by the action, and are later in time or farther removed in distance, but still reasonably foreseeable.

Cumulative effects are the impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative effects can result from relatively minor but collectively significant actions taking place over a period of time.

AIR, SOIL AND WATER

Affected Environment

Soils along the Trinity River corridor are predominated by the following soil types:

1. Atter-dumps, dredge tailings-xerofluvents complex, 2 to 9 percent slopes (Soil Conservation Service - Map Unit 102);
2. Xerofluvents-riverwash complex, 0 to 5 percent slopes (Map Unit 217);
3. Brockgulch-dedrick-brownbear complex, 50 to 75 percent slopes (Map Unit 111).

The Brockgulch soils occupy the uplands while the xerofluvents occupy the floodplains and river margins. Soil profiles have commonly been altered through placer mining and dredging operations. Where altered, large cobbles will be sorted and placed in piles and fine sediments concentrated in certain areas as a by-product of sluicing. The full map unit descriptions for the
three soil types described above are contained in Appendix C.

The affected environment for water quality is limited primarily to surface water flows of the Trinity River. Groundwater in isolated valleys and along drainages adjacent to the Trinity River is of a limited quantity and quality and not within the scope of the proposed action and alternatives. Trinity River flows within the area of analysis are highly variable between precipitation years and seasons, despite flood control being provided by the Trinity and Lewiston Dams.

The Trinity River is subject to the Basin Plan for the North Coast Region as prepared by the State of California Regional Water Quality Control Board. The Basin Plan identifies quantitative and qualitative water quality objectives for the Trinity River and other major water bodies within the basin. These objectives are related to water quality parameters such as temperature, turbidity, toxicity, dissolved oxygen, and pesticides. Several of these parameters could be a component of the environment that would potentially be affected by the proposed action and alternatives. Suspended sediments, turbidity and mercury toxicity are the primary water quality parameters which could be affected by future activities within stream banks, floodplains, and riparian zones adjacent to the Trinity River.

Under Section 303(d) of the Clean Water Act, states are required to list imperiled waters and identify pollutants which are affecting water quality for those waters. The State must also set targets for Total Maximum Daily Load (TMDL) limits for those agents, or a date by which these limits will be set. Due to elevated sedimentation levels, the Trinity River was added to the California 303(d) list of Threatened and Impaired waters in 1992.

Construction activities conducted by the TRRP, and particularly those conducted along the river’s edge have temporarily increased turbidity and total suspended solids in the Trinity River. These short term increases have been the result of activities such as excavation of riparian sediments, and elevated floodplain materials, removal of riparian plant roots, and reshaping contours of the riverbanks. Fine sediments may be suspended in the river for several hours following construction activities. The extent of downstream sedimentation is typically a function of the instream flow velocity and particle size. TRRP Construction activities, which are permitted under the Clean Water Act are typically located on the river’s edge and are staged to the degree possible to minimize turbidity effects.

The area of the proposed action and alternatives is located within the North Coast Air Basin. Air quality monitoring and reporting for Trinity, Humboldt, and Del Norte Counties is conducted by the North Coast Unified Air Quality Management District. Air Quality in the areas of the proposed action is influenced mainly by meteorology, particularly, the frequency and duration of inversions, and the distance from sources of air pollution including, agricultural burning, wildfires and prescribed burns, residential heating, and motorized equipment/vehicles.
Environmental Consequences

Proposed Action

Direct Impacts

Since the proposed withdrawal is an administrative action, there will be no direct impacts to air, soil, and water resources.

Indirect Impacts

Under the proposed action claimants with existing claims may continue casual use activities such as panning, metal detecting, and hand sluicing. Casual use related to mining on public lands is defined at Title 43 CFR § 3809.5 as “activities ordinarily resulting in no or negligible disturbance of the public lands or resources.” Recreational mining and mineral collection could increase due to the reduction of claims that would normally prohibit these activities by non-claimants. Casual use mining by existing claimants could increase slightly. Existing claims that are determined to be valid after filing a notice or a plan of operation could have significant mineral exploration and development occurring under the proposed action. It is not possible to predict the exact level of future mining activity on the lands subject to the proposed withdrawal, due to the many variables involved. The proposed action would result in the lowest possible level of floodplain and riparian disturbance and therefore water quality impacts. As such, the proposed action will not result in significant indirect impacts to air, soil, and water resources.

Cumulative Impacts

None.

No Action Alternative

Direct Impacts

None.

Indirect Impacts

Under the no action alternative, the establishment and subsequent development of new mining claims, in addition to the increased likelihood of mineral exploration and development on existing claims would contribute low to moderate impacts to water quality, including liberation of mercury bound to fine sediments, increased turbidity and sedimentation. These impacts would be localized to areas of the river adjacent and downstream of the mining
activity. Impacts to water quality are likely to be intermittent and temporary, depending on the term of mining activity.

Cumulative Impacts

The no action alternative will result in the continuation of the current level of placer mining activity, which would then fluctuate depending on other factors (such as economic), as described in other portions of this document. Depending on these factors, it is possible that a single mining claim may have a level of activity that would contribute sediments, turbidity, or toxicity increases, and that effect could be sustained over long periods of time depending on the length of the activity. Depending on the level of overall activity within the corridor, the effects could be dispersed throughout the area of the proposed action, due to multiple mining claims. Other activities on Federal lands managed by the Bureau of Land Management and U.S. Forest Service would potentially contribute minor amounts of sediment into the Trinity River. These activities include road construction and maintenance, river restoration projects, and forest management projects. These effects would be combined with other mining activities, road construction, residential development, timber harvesting and similar activities on private lands which may also contribute sediments to the river. Concurrently, the Bureau of Reclamation has changed the flow regime of dam releases in an effort to create high flows to flush fine sediments from the river. The overall cumulative impact of the no action alternative is likely to be low to moderate effects to water quality that would be temporary and largely mitigated by the flushing effect of increased periodic high flows from Lewiston Dam.

**BOTANY AND RANGE MANAGEMENT**

Affected Environment

The riparian plant community along the Trinity River is comprised mostly of White alder, Oregon ash, cottonwood, and several willow species. This riparian community transitions into Ponderosa pine – Douglas fir forest, California black oak forest, or Oregon white oak woodland as one moves away from the river into the uplands. A substantial investment has been made in restoring and enhancing the riparian habitat (riparian plant community) along the Trinity River (see *Fisheries and Wildlife including Riparian and Wetlands* section of this EA).

Searches of the CDFG California Natural Diversity Database, the CNPS Inventory of Rare and Endangered Plants, and past specials status plant reports for the area showed no federally or state listed, proposed, or candidate plant species occurring within the proposed withdrawal area. One BLM sensitive species, Lewisia cotyledon var. heckneri (Rare Plant Rank 1B.2), is known to occur within the proposed action area. There are no other occurrences of special status plant species (including fungi, lichen, bryophyte, and vascular plant species) within the proposed action area.
Environmental Consequences

Proposed Action

Direct Impacts and Indirect Impacts

The withdrawal action will limit the removal of vegetation from potential future mineral extraction activities. This will provide the most protection to special status plants and the native plant community by preserving existing populations within the proposed action area. This will also protect the substantial investment made in restoring and enhancing the riparian habitat (riparian plant community) along the Trinity River (see Fisheries and Wildlife including Riparian and Wetlands section of this EA).

Cumulative Impacts

No adverse direct, indirect, or cumulative impacts are expected as a result of the proposed action. The proposed action would augment other Federal activities undertaken to restore and enhance fisheries, including the riparian plant community, within the Trinity River corridor. Additionally, the USFS has applied to the U.S. Department of the Interior for the withdrawal of 541 acres of USFS lands on the Trinity River which is being considered concurrently with the proposed withdrawal of BLM lands that is subject to this analysis. The USFS and BLM withdrawals would, if both actions are taken, provide the most protection to special status plants and the native plant community by preserving existing populations within the greater area.

No Action Alternative

Direct Impacts and Indirect Impacts

Not withdrawing the proposed area will provide less protection to special status plants than the Proposed Action. Mining activities on lands that have not been withdrawn would most likely require mitigation to reduce the impacts to the species in question, but would provide little protection to the specific population being threatened. Based on the BLM’s multi-use and sustained yield mandate, the risk of impacts to the naturally occurring native plant community if the proposed action area was not withdrawn would be greater than the risk of impacts associated with the proposed action, but these impacts would mostly have inconsequential impacts on the native plant community since much of the area has been disturbed by past historic mining activities. Mining activities on lands that have not been withdrawn would most likely require mitigation to further reduce the impacts to the naturally occurring native plant community.
Cumulative Impacts

No adverse direct, indirect, or cumulative impacts are expected as a result of the no action alternative, but the no action alternative would be inconsistent with other Federal activities undertaken to restore and enhance fisheries, including the riparian plant community, within the Trinity River corridor.

Cultural Resources and Native American Cultural Values

Affected Environment

A cultural resource is considered significant in accordance with the National Historic Preservation Act (NHPA) if it is evaluated and found to be eligible for listing in the National Register of Historic Places (NRHP). The Indian Creek site has already been formally determined to be eligible for inclusion in the NRHP. The Helena Site is also eligible for inclusion in National Register, and is considered the oldest site administered by BLM in this area, and may exceed 5,000 years in age. The Salt Flat Site is a 19th century Rancheria and includes a cemetery, a large dance house pit, and scattered remains of a settlement, and is also a National Register eligible site. Beyond NHRP eligible sites, the Trinity River Corridor contains numerous scattered historic and non-historic sites of various levels of significance below the NRHP threshold, or that remain undiscovered and/or unevaluated. Several of the sites identified to be protected through withdrawal in the RMP, including Rush Creek, and Montana Cabin have not had a formal determination on eligibility for inclusion in the National Register.

Environmental Consequences

Proposed Action

The proposed action would have no direct impact on cultural resources or Native American cultural values. Long term beneficial impacts of the proposed action would likely result due to the reduction in surface disturbance in areas with cultural resource values. Likewise any cumulative affect resulting from the proposed action would be beneficial and would either contribute to overall efforts within the area to protect and manage cultural resources or Native American cultural values.

No Action Alternative

Direct Impacts

None.

Indirect Impacts

Under the no action alternative, future mining activity could conflict with known cultural
resource sites and cultural properties. Significant impacts to NHRP eligible resources can occur when historic or prehistoric sites are subjected to effects where the physical destruction of all or part of a property occurs as a result of the use of mechanized equipment in the exploration of mineral resources or removal of overburden or mineral deposits. Isolation of a cultural property from, or alteration of the properties setting can also occur and such action can reduce the properties eligibility for listing to the NRHP. The possibility exists that unknown resources could also be displaced and irreparably damaged from future non-discretionary actions that would not be subject to future survey and evaluation to prevent or limit damage to these sites. Additionally, absent the current moratorium on mineral patents, the possibility also exists that a patent application would preclude future federal management and protection of identified cultural resources. Mineral development could also restrict Native American access and use of traditional cultural properties.

Cumulative Impacts

The indirect impacts identified above would be effects that would potentially contribute to other impacts that occur as the inadvertent result of other development activities, including past, present, and future Federal actions such as power transmission projects, road construction, timber sales, and fire-fighting activity including the construction of emergency fuel breaks.

FISHERIES AND WILDLIFE INCLUDING RIPARIAN AND WETLANDS

Affected Environment

As noted previously, land use activities in the Trinity include dam construction, mining, timber harvesting, road construction, recreation and a limited degree of residential development has directly impacted wildlife and fish habitat, access to suitable habitat and those processes that maintain habitat in the Trinity River corridor ultimately leading to impacted populations of aquatic and riparian dependent species and has led to federal listing of Southern Oregon Northern California Coasts (SONCC) coho salmon as threatened in 1997.

The Proposed Action occurs within and encompasses aquatic and terrestrial ecosystems and the aquatic-terrestrial interface zone commonly referred to as the riparian zone or riparian habitat area within the 1,303,095 acre Trinity River sub-basin. Additionally, the Proposed Action encompasses the lower portion of two tier-1 key watersheds (1994 a, 1994b), Canyon Creek and North Fork Trinity River. Tier 1 key watershed management emphasis is on aquatic conservation which contributes directly to the conservation of at-risk anadromous salmonids.

A suite of native and nonnative fish species occur in the Trinity River which includes Klamath smallscale sucker (**Catostomus rimiculus**), brown trout (**Salmo trutta**), brook trout (**Salvelinus fontinalis**), native anadromous salmonids including spring and fall run chinook salmon
(Oncorhynchus tshawystcha), summer and winter run steelhead trout (Oncorhynchus mykiss), the Endangered Species Act (ESA) federally threatened coho salmon (Oncorhynchus kisutch) and it federally designated critical habitat. Additionally, Pacific lamprey (Entosphenus tridentatus) is a BLM sensitive, non-salmonid anadromous fish species that occurs within the proposed project area.

In addition to the proposed project area encompassing federally designated critical habitat for coho, the project area encompasses Essential Fish Habitat (EFH) for coho and Chinook salmon. The Magnuson-Stevens Fishery Conservation and Management Act (MSA), in accord with the Sustainable Fisheries Act of 1996 (Public Law 104-267) designated EFH for coho and Chinook salmon (Federal Register, Vol. 67, No. 12). The MSA defined EFH as “…those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (Federal Register, Vol. 67, No. 12).”

The juvenile life stage of SONCC is the most limited and quality summer and winter rearing habitat is lacking for the population (NMFS 2014). As a result, creation and expansion of suitable habitat for the protection of juvenile/fry salmonids has been a point of focus for restoration efforts by the TRRP.

In addition to fisheries resources, an expansive suite of wildlife, both aquatic and terrestrial, occurs within the Trinity watershed including such species as coyote (Canis latrans), grey fox (Urocyon cinereoargenteus), mountain lion (Puma concolor), black bear (Ursus americanus), Pacific fisher (Pekania pennanti) a species proposed for federal listing under the ESA, Western pearlshell mussel (Margaritifera falcata), Pacific pond turtle (Actinemys marmorata), and foothill yellow-legged frog (Rana boylii). The foothill yellow-legged frog and Pacific pond turtle are BLM Sensitive Species covered by BLM 6840 policy. Multiple avian species, protected by the migratory bird treaty act, have the potential to occur within the project area. Further additional species identified by the U.S. Fish and Wildlife Service (FWS) in “Birds of Conservation Concern 2008” (USDI 2008) and the Coniferous Forest Bird Conservation Plan (CalPIF 2002) have the potential to occur within this project area including bald (Haliaeetus leucocephalus) and golden (Aquila chrysaetos)eagles, osprey (Pandion haliaetus). Species of concern that have the potential to be affected by the proposed action include Western pearlshell mussel, Pacific pond turtle, and foothill yellow-legged frog; These three species are all suffering population declines throughout their ranges due to various factors and are species dependent upon the aquatic and riparian habitat of the Trinity River.

It is the policy of BLM 6840 policy to protect, manage, and conserve BLM designated sensitive species and their habitats such that any Bureau action will not contribute to the need to list any of these species. Additionally, some categories of species within the NWFP require site-specific, pre-disturbance surveys to be conducted, referred to as Survey and Manage (S&M) prior to habitat-disturbing activities. These surveys focus on the project unit with the objective of reducing the inadvertent loss of undiscovered sites by searching specified potential habitats.
**Environmental Consequences**

**Proposed Action**

Direct Impacts

From this point further, unless specified, “habitat” within the Fisheries and Wildlife Section of this document refers to the aquatic and terrestrial habitats, including riparian areas that occur within the proposed project area.

Regarding changes to the environmental baseline and potential environmental consequences, the proposed action is to withdraw 3,123-acres of federal land, subject to valid existing rights, from mineral entry under the General Mining Laws for a period of 20 years. Accordingly, this action is functionally an administrative action facilitating the protection of identified resources located within the boundaries identified for withdrawal. The withdrawal is not anticipated to result in a change to valid existing right related to mining activities, rather this alternative would offer the maximum protection from future activities intended to extract mineral resources, consequently, no direct impacts or changes to habitats which makes up the environmental baseline are expected to occur. With no change to the environmental baseline, no direct effects are anticipated to fish and wildlife species, including BLM sensitive species, SONCC, their designated critical habitat or EFH.

Indirect Impacts

Habitat within the proposed action area is highly modified due to historical and contemporary land uses that have occurred and continue to occur within the Trinity River basin and project area. Consistent with the ACS and guidelines for key watersheds, the withdrawal ensures that habitat improvements proposed within the identified areas in the withdrawal will continue to occur and not be limited by potential mining operations and those habitat improvements that have been developed will be maintained and continue to function and provide habitat for the suite of species identified that may occur within the corridor thereby mitigating some of the impacts to species and their habitat that have and continue to occur.

It is the policy of BLM 6840 policy to protect, manage, and conserve BLM designated sensitive species and their habitats such that any Bureau action will not contribute to the need to list any of these species. Additionally, some categories of species within the NWFP require site-specific, pre-disturbance surveys to be conducted, referred to as Survey and Manage (S&M) prior to habitat-disturbing activities. These surveys focus on the project unit with the objective of reducing the inadvertent loss of undiscovered sites by searching specified potential habitats.

Much of the floodplain has been determined to be unsuitable for S&M species (Trinity River Mollusk Survey 2002) due to annual flooding however suitable habitat occurs within the corridor, above the floodplain, that would be potentially subject to mineral location, disturbance and removal. The withdrawal offers protection to these suitable habitat areas,
reducing the inadvertent loss of undiscovered S&M species sites. Additionally, the withdrawal ensures the preservation of habitat which is consistent with BLM 6840 policy ensuring the conservation of BLM designated sensitive species and the habitats for which they depend.

Within the Final Recovery Plan (Recovery Plan) for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon (Oncorhynchus kisutch) (NMFS 2014), gravel extraction and mining were identified as low threats due to the low levels currently occurring and the current moratorium on suction dredge mining.

Withdrawal of 2,985 acres of public land located within the Trinity River corridor, coupled with the State of California’s moratorium on suction dredge operations, would limit future conflicts between attempts to extract minerals from mining claims to existing habitat in addition to directly impacting engineered fishery enhancement projects and would provide the greatest opportunity to monitor the effects of the habitat restoration efforts over time without outside interference. The proposed action would result in a beneficial effect by minimizing the potential for future disturbance within habitat and at fishery enhancement project sites as expected by NMFS 2014, “NMFS expects the effects of this activity to remain the same or decrease in the future.”

The Recovery Plan identified strategies and actions that would lead to the recovery of SONCC. Increased channel complexity, reconnecting the channel to the floodplain, and improving off channel refugia through the implementation of habitat improvement as conducted by the TRRP were identified as projects that would benefit coho. The withdrawal of the public lands associated with the proposed action will protect the Government’s investment in species and habitat conservation efforts ensuring that these projects continue to provide benefits to a suite of species. Consistency of the proposed action with the Recovery Plan ensures the conservation of a listed species which is the foundation of the ESA and BLM’s 6840 Special Status Species Policy and as such is an entirely beneficial action from the ESA perspective.

Additionally, by protecting sites from mineral entry, federally designated critical habitat for coho will be protected as well as Essential Fish Habitat (EFH) for coho and Chinook salmon ensuring that these habitats continue to provide habitat, “…waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity” (Federal Register, Vol. 67, No. 12).

Cumulative Impacts

The proposed action would augment other Federal activities undertaken to restore and enhance fisheries within the Trinity River corridor. The TRRP has implemented approximately 2,060 acres of fisheries enhancement projects. BLM has also implemented approximately 42 acres (CACA 33686) of fisheries enhancement projects over the last 30 years. The overall cumulative impact of the proposed action would be to mitigate to the highest degree possible, in combination with other efforts such as changes in the flow regime and restoration projects, the habitat losses and impacts from dam construction and water diversion projects, historic mining, development, and other past actions which have impacted fish populations and other
wildlife within the Trinity River corridor.

No Action Alternative

Direct Impacts

None.

Indirect Impacts

Selection of the no action alternative would allow new claims to be established and current placer mining activities to continue at their current level and expand as permitted through existing regulations. This provides the potential that a large scale mining operation, or multiple intermittent small to moderate sized mining operations would create impacts that can only be partially mitigated through regulatory restrictions, bonding, and other forms of oversight. Impacts that have a potential to occur include direct disturbance and potentially mortality of individuals, degradation, removal and or modification of habitat both in the short and long-term.

The no action alternative provides for potential inconsistency with the ACS, guidelines for key watersheds, BLM 6840 policy regarding BLM sensitive species as well as management for ESA listed species, their designated critical habitat or EFH because the BLM would no longer be able to protect, manage, and conserve sensitive species and their habitats or ensure that habitat improvements be maintained on the landscape and not be limited, modified or removed by potential mining operations due to the non-discretionary nature under the general mining law.

MINERALS

Affected Environment

The lands within the proposed withdrawal are located within the Klamath Mountains, a complex assemblage of crustal plates that have been thrust together and underneath one another. Rock types are varied and predominated by metasediments and metavolcanics. The Trinity River and tributaries have transported and deposited extensive accumulations of alluvium from the uplands within this section of the Klamath Mountains to lower portions of the watershed. These alluvial deposits originally contained large quantities of placer gold. As stated on page 1 of the May, 2014 BLM Mineral Potential Report prepared for this withdrawal,

These placer deposits have been extensively and often repeatedly mined starting with the 1849 Gold Rush. Early mining by hand using pans, picks and small sluices, evolved into ground sluicing, river bottom mining, and progressing into large scale hydraulic mining and bucket dredges in the early to mid-1900s. Most recently, small hobby
suction dredges reworked the alluvium in the river bottom. Most of these placer deposits have been mined out and the residual tailings nearly “demineralized” of most of their precious metal values. Others that remain untouched, are very low grade or dependent on hydraulic mining methods, which require very large quantities of water and the ability to dispose of great quantities of waste water and tailings. Within the Trinity River and its tributaries, sporadic, limited accumulations of gold are still found in cracks and crevices of bedrock, which could someday be extracted with suction dredges by gold hobbyists.

The last 43 CFR 3809 plan of operation (Coffee Creek Sand and Gravel) filed along the portion of the Trinity River currently considered for withdrawal was in the 1980’s and terminated in 1991. The plan was filed on a claim that was established before 1955, and therefore had exclusive surface rights and was focused on sand and gravel operations. On claims filed after 1955, sand and gravel extraction is not allowed and these mineral materials must be purchased through a mineral materials sale.

Environmental Consequences

Proposed Action

Direct Impacts

The withdrawal of 3,123 acres of BLM administered public lands would nullify any new mining claims. It could also restrict new actions such as notices and plans of operations filed for existing claims, due to triggering of validity determinations by BLM. As such, the effect of the withdrawal would be to limit, over time, mining activity by claimants on the subject acreage. Some level of recreational mineral collecting and casual use, such as panning, sluicing, and metal detecting is likely to continue, as the withdrawal would not necessarily prohibit these activities on BLM lands.

Indirect Impacts

There is a possibility that existing claims would suffer a diminution of value as a result of the proposed action. The existing claims are occasionally purchased and transferred through execution of a quitclaim deed. The proposed withdrawal would potentially affect the transferability of these claims. At the time of temporary segregation, there were 23 active placer mining claims on the BLM acreage subject to the proposed action. There were no plans of operations or notices filed for these 23 claims and activity on these claims was casual use 43 CFR 3809, such as panning, metal detecting small-scale sluice box operations.

Cumulative Impacts

The U.S. Forest Service is currently considering a withdrawal of 541 acres on the Upper Trinity
River. The proposed Forest Service withdrawal contains of 431 acres that were previously open to mineral entry, located in the area between the confluences of the Trinity River and Sheridan and Maxwell Creeks, and 110 acres within the Whiskeytown Shasta-Trinity National Recreation Area (NRA) that were not open to mineral entry, at the time of the temporary segregation.

Implementation of the proposed withdrawal and the continuation of other withdrawals within the area would restrict mining activity by claimants within the upper portion of the Trinity River corridor. This restriction, in combination with other factors such as market factors, State restrictions (suction dredging), water quality regulations, and other withdrawals would reduce overall mining activity within the area. As discussed in the section on socioeconomic impacts, this reduction in overall mining activity, that has been ongoing and which would be furthered by the proposed action, is not likely to have a significant cumulative socioeconomic impact or disproportionately affect a specific segment of the population. No other cumulative impacts are anticipated.

**No Action Alternative**

Direct, Indirect, and Cumulative Impacts

Selection of the no action alternative would allow mining activities to continue at current levels. There would be no direct, indirect, or cumulative impacts.

**RECREATION**

**Affected Environment**

The Trinity River has been the primary basis for an expanding recreation industry within Trinity County. Several prominent recreation areas exist along the river and BLM and USFS access areas along the river support recreational activities such as boating, hunting, camping, swimming, and fishing. These access areas typically contain facilities such as boat launches, campgrounds, parking areas, and restrooms. The public lands within the corridor also provide connecting access to lands with access managed by other agencies such as the California Department of Fish and Wildlife. The BLM typically issues about 100 fishing guide permits (Special Recreation Permits) each year. The Trinity River corridor is an integral component of the recreational uses within the county.

The Indian Creek portion of the withdrawal area does not support any concentrated or significant recreational use. Use in this area is typically a low volume of dispersed type use.
Environmental Consequences

Proposed Action

Direct Impacts

The proposed withdrawal as an administrative action would have no direct and immediate impact on recreational uses.

Indirect Impacts

Selection of the proposed action would shift minerals extraction from dispersed activity by claimants (mechanical soil excavation and sluicing, with some casual use activities), to a more dispersed recreational use, such as the non-commercial collection of mineral specimens as allowed under Title 43 CFR 8365.1-5(b)(2). The non-commercial collection of mineral specimens would involve casual use types of activities such as gold panning, sluicing, and metal detecting. These uses may be permitted or encouraged depending on the degree to which they interfere with or detract from other uses and activities such as fishing and fisheries restoration. Overall, it is likely that recreational opportunities for minerals collection would increase due to the absence of mining claims.

Cumulative Impacts

The restriction of future mining activity through withdrawal, in combination with other changes in State regulations, BLM rights-of-way, and other forms of restriction would reduce the potential for conflicts in areas where past fisheries rehabilitation projects have been conducted or are proposed. The cumulative effect of these restrictions will be to further allow re-vegetated areas, restored rearing habitat for salmonids, and other features that are beneficial to fishing-based recreation to remain undisturbed and thereby provide the maximum possible benefit. The overall goals and objectives of these improvements, and the cumulative effect on fisheries based recreation and recreation in general, are analyzed in Trinity Mainstem Fishery Restoration EIS (Trinity River Restoration Program, 1999) and updated through site specific analyses, such as the Canyon Creek Suite of Rehabilitation Sites EA (Trinity River Restoration Program, 2006). The proposed action would likely contribute modest beneficial impacts on recreation by reducing future conflicts and restricting uses that detract from recreational activities, and by enhancing fisheries.
No Action Alternative

Direct Impacts

Under this alternative, direct impacts to developed recreation sites could occur due to the location of mining operations that conflict with developed sites. Because the mining laws would allow for mining claimants to supplant or interfere with existing uses, it is possible that the federal investment in boat launches, and parking areas, and other facilities along with public access to the river would be compromised.

Indirect Impacts

None.

Cumulative Impacts

None.

Socio-Economics and Environmental Justice

Affected Environment

The area of the proposed action and potential effect is primarily the Trinity River corridor which runs roughly east to west through Trinity County, California. Trinity County has a total area of 3,207.54 square miles, and is one of the least densely populated areas of the state, with less than five persons per square mile. The highest population densities in the County are along the Highway 299/Trinity River corridor which includes Weaverville, the largest town in Trinity County, with a population of approximately 3,600 people. There are no incorporated cities in Trinity County.

The total population of Trinity County is 13,823. The retail sector is the largest employer in the county, accounting for more than 335 full time equivalent positions at 53 establishments (U.S. Census Bureau, 2012). The only sector to create jobs between 2002 and 2012 was administration and support (US Census Bureau, 2002, 2012).

During summer months a significant number of visitors arrive in Trinity County to enjoy a variety of outdoor recreation opportunities, such as camping, boating, backpacking and fishing. These recreational uses create a significant tourism industry within the county. As stated in the recreation section of this document, the BLM typically issues about 100 fishing guide permits (Special Recreation Permits) each year. The Trinity River Corridor is an integral component of the recreational uses within the county.

Reliable data regarding the income levels of the existing claimants is not available. It could be
argued that low to mid-level income populations would be the most active in placer mining, as a means to supplement income. It appears, anecdotally that a significant level of what is commonly referred to as “recreational mining” occurs within the area of proposed withdrawal. Additionally claimants sometimes own land in the vicinity of their claims. As such, it is more likely that existing claimants reasonably represent a cross-section of Trinity County residents, and include residents of more urban areas that travel to the area to conduct recreational mining activities. The only distinct populations or group that can definitely be considered to potentially be disproportionately affected by a decision on the subject withdrawal decision are the Native American populations that depend on the Trinity River for fishing sustenance.

Remaining federal lands located outside of the Trinity River corridor and subject to the proposed withdrawal, including Indian Creek, are surrounded with private parcels that are used for grazing, low intensity agriculture, and rural residential uses. The public lands at this location have been found to have a high mineral potential for precious metals and have not been extensively mined in the past.

**Environmental Consequences**

**Proposed Action**

**Direct Impacts**

Selection of the proposed action would serve to protect federal investments in fisheries habitat improvements made by both the BLM and the TRRP. Past and ongoing fisheries improvement projects have contributed to the juvenile recruitment and thus overall population stability of anadromous fisheries important for the local recreational use within the Trinity River, and also important for commercial salmon fishing in California coastal waters. The proposed withdrawal would directly support and protect socioeconomic benefits related to stable and productive fisheries.

As stated in the minerals section above, implementation of the proposed withdrawal would immediately and directly affect existing claimants and would limit the level of development that could be undertaken on existing claims pending a validity examination. The mineral report prepared for the subject action has determined that most areas of the Trinity River corridor have been exhausted of mineral resources and have only limited potential for further development. As a result of the proposed action, mineral extraction activities by mining claimants would likely decline somewhat from the existing depressed levels (from a historical standpoint) and recreational mining and casual uses would likely increase slightly.

Although the public lands at the Indian Creek site have been found to have a high mineral potential for precious metals, the degree to which this location could support long-term economic activity related to mineral development is unknown.

Census data indicates that the mining sector supported one business establishment in Trinity
County that employed between 1 and 4 individuals in the period between 2002 and 2007. Based primarily on the minimal economic contribution of mining over the last 10 to 20 years the proposed action is not considered to have any significant direct impacts to socioeconomic values.

Indirect Impacts

The prevention of future conflicts between mining operations and recreational uses, primarily those related to recreational use of fisheries, is likely to have a minor beneficial indirect impact to socioeconomics of Trinity County. Agriculture, forestry, fishing and hunting enterprises have fluctuated from between 2 and 15 enterprises, with total employment currently at less than 20 persons, however, the accommodation, food services, and other support sectors benefit more from recreational outdoor uses related to camping, fishing, and boating, (and potential recreation mineral collecting) than from the activities of mining claimants.

Cumulative Impacts

The moratorium on suction dredge operations, enforced by the State of California, has significantly limited placer mining operations. Due to this restriction and the near exhaustion of placer minerals within the Trinity River corridor, placer mining in this area no longer provides significant economic contributions to the local economy. The reduced scale of current and anticipated future mining activity within the Trinity River corridor translates into a reduced potential to significantly impact mining activity through withdrawal. Existing claims that are found to be valid in accordance procedures found within Title 43 Code of Federal Regulations § 3809.100 could remain active at the discretion of the claimant, if found to be valid at the time of the segregation in accordance with regulations, further limiting significant economic impacts.

The proposed action is not anticipated to have an effect to any particular low-income or minority populations, other than possibly a limited beneficial effect related to Native American populations and the use of the Trinity River for domestic water.

No Action Alternative

Direct Impacts

Under the no action alternative the subject lands would remain open to claims under the General Mining Law. It is likely that the current level of small mining operations would continue. It is possible that depending on public perceptions about the economic viability of placer mining in this area, that activity could increase depending on the price of gold. Another factor in the overall level of placer mining activity with the river corridor will be whether the current moratorium by the State of California on suction dredging is removed.

More importantly, future mining activity has the capacity to interfere with past, present, and future floodplain restoration projects. The effectiveness of federal investments restoring
fisheries would be diminished by such interference.

Indirect Impacts

Depending on the level of future mining activity, the no action alternative would provide some limited beneficial socio-economic impacts, in terms of increased mining activity, but would also contribute other long term, although minor, adverse socio-economic impacts to commercial and recreational fisheries.

The proposed action is supported by the Hoopa Valley Tribe as evidenced by a letter of support dated June 30, 2014. The letter of support states that the Trinity River is used by the Tribe for domestic water. The fishery is also a subsistence use by the Tribe. It is possible that the no action alternative would continue a pattern of use that has negatively impacted the Tribe in terms of water quality and health of the fishery. If the level of mineral extraction activity on the Trinity River continues at the current rate and degree, the no action alternative would have only minimal effects to the Tribe. If mining activity increases significantly, Tribal members would be a population that could be disproportionately affected by the selection of the no action alternative.

Cumulative Impacts

The Forest Service is concurrently analyzing a withdrawal of up to 541 acres on the Trinity River, located in the area between the confluences of Maxwell and Sheridan Creeks with the Trinity River. The total acreage of BLM and USFS lands to be withdrawn under the proposed action and the USFS withdrawal is 3,648. Past withdrawals totaling 194 acres (PLO 7308) have closed certain areas within the Trinity River corridor to entry under the general mining laws for the purpose of power sites, administrative facilities, and resource protection. Although the cumulative withdrawals within the Trinity River corridor would have a restrictive effect on mining claims and subsequent mineral development, the May, 2014 BLM Mineral Potential Report for the subject withdrawal indicates that the potential for economically viable deposits is greatly reduced due to decades of intensive mineral extraction. The depletion of locatable minerals is the main factor in why recent (within last 10-20 years) mining activity has been predominately on a small scale with only intermittent activity, despite peaks in gold and other precious metal prices. Other contributing factors for this trend are the prohibition on suction dredging, and other legal and regulatory changes.

The overall intensity of cumulative impacts to the local economy is considered to be low. Impacts will be dispersed over time, with some existing claimants maintaining their claims for a period of several years continuing what is termed “casual use” mining activities. Due to the declining economic viability of mineral extraction and the low levels of current mining activity, the cumulative socioeconomic impact of mineral withdrawal actions in Trinity County and surrounding areas is negligible.

EA# DOI-BLM-CAN060-2014-002
**WILD AND SCENIC RIVER AND VISUAL RESOURCES**

**Affected Environment**

The Trinity River was established as a component of the National Wild and Scenic River System in 1981. Those portions of the river within the Redding BLM Planning Area and the proposed withdrawal have been classified as “recreation”, which is defined as being readily accessible by road or railroad, possibly having some level of development along the shoreline and also possibly having some impoundment or diversion in the past. Rivers designated as Wild and Scenic possess outstandingly remarkable scenic qualities, fish and wildlife, or other similar values and are to be preserved in their free flowing condition for present and future generations.

Approximately 2,950-acres of the proposed withdrawal is located within the Trinity River wild and scenic river corridor. The Trinity River’s wild and scenic outstanding remarkable values (ORVs), as noted in the Final Environmental Impact Statement for the Proposed Designation of Five California Rivers (USDI - Heritage Conservation and Recreation Service 1980), are fishery, recreation, visual, wildlife, flora, fauna, historical, cultural and water quality.

Segments of the wild and scenic river corridor have been heavily impacted by human activity and cleared of much of the native vegetation. Some of the impacted BLM lands within the Trinity River Corridor, and also within the proposed withdrawal have been restored by the TRRP. TRRP restoration activities include side channel construction, floodplain enhancements, and vegetation plantings.

In order to meets its responsibility to maintain the scenic values of public lands the BLM has developed a Visual Resource Management (VRM) system as a way to identify and evaluate scenic values and determine the appropriate levels of management. The Trinity River corridor was designated as Visual Resource Management Class II in the 1993 Redding Resource Management Plan – Record of Decision. The objective for Class II lands is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low.

**Environmental Consequences**

**Proposed Action**

The proposed action would reduce the incidence of mining related disturbance such as excavation sites, stockpiled materials, and access roads within riparian areas and floodplains. This reduction will result in a long term beneficial effects to visual resources and ORVs related to fisheries and fisheries dependent recreation.

**No Action Alternative**

This alternative would leave approximately 2,950-acres of the Trinity River wild and scenic
corridor open to mineral entry. Current low level uses would continue without restriction and could expand to larger operations under notice level activities or plans of operation. Impacts to the ORVs identified above are likely and will fluctuate between low to moderate impacts depending on the value of precious metals and other factors, such as State regulations and economic conditions. These uses would contribute to visual contrasts which are likely to be inconsistent with category 2 VRM prescriptions and detract from ORVs related to visual quality and recreational use, over the term of the proposed withdrawal (20 years).

CHAPTER 4 - CONSULTATION, COORDINATION AND PUBLIC INVOLVEMENT

PERSONS, GROUPS, AND AGENCIES CONSULTED

Susan Erwin, Botanist, Planner, Resource Specialist - Weaverville Ranger District, U.S. Forest Service.

Robin Schrock, Executive Director, Trinity River Restoration Program – USDI, Bureau of Reclamation.

Michele Gallagher, Project Coordination Specialist, Trinity River Restoration Program - USDI Bureau of Reclamation.

Internal coordination occurred with the input supplied by the following list of preparers: Ilene Emry, Realty Specialist; Charlie Wright, Supervisory Realty Specialist; Eric Ritter, Archaeologist; Gary Diridon, Wildlife Management Biologist; Chase Lentz, Botanist; Jeff Bellaire, Forester; Bill Kuntz, Supervisor Outdoor Recreation Planner; Manuel Silva, Geologist, Ron Rogers, Geologist, and Tim Bradley, Fire Management Officer.
CHAPTER 5 - REFERENCES


3) U.S. Census Bureau, 2012. County Business Patterns for Trinity County. Web, (Fact Finder USA)


UNIVERSAL STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
REDDING FIELD OFFICE

FINDING OF NO SIGNIFICANT IMPACT

Trinity River and Indian Creek Withdrawal
CACA 54303

NEPA DOC#: DOI-BLM-CAN060-2014-002-EA

BACKGROUND

The Trinity River has been significantly altered over the last 150 years through placer mining, dam building, and other human activities such as road and bridge construction and changes in the size and structure of the floodplain to allow residential development. The 1993 Redding Resource Management Plan (RMP), which guides BLM management activities under the Federal Land Policy Management Act (FLPMA) land use planning authority (Section 202), recognized the need for fisheries enhancement and protection, preservation of cultural resources, along with the public interest in concurrent development and use of the Trinity River corridor for recreation.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA, and all other information available to me, it is my determination that: (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in 1993 Redding RMP and EIS; (2) the Proposed Action is in conformance with the Resource Management Plan; and (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality’s (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment.

CONTEXT

The Trinity River has been significantly altered over the last 150 years through placer mining, dam building, and other human activities such as road and bridge construction and changes in the size and structure of the floodplain to allow residential development. The withdrawal of public lands from mineral entry would limit mining activities which could conflict with the
preservation of cultural and historic resources or fisheries enhancement projects that are intended to mitigate past changes to anadromous fisheries.

INTENSITY

I have considered the potential intensity/severity of the impacts anticipated from the project decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. **Impacts that may be both beneficial and adverse.**
The proposed withdrawal would have minimal impacts, related to socio-economic conditions within Trinity County, which could be adverse in terms of direct economic activity related to mining and any support industries, but indirectly beneficial in limiting deleterious impacts to fishing, particularly recreation use and uses and activities that support commercial fishing guides.

2. **The degree to which the proposed action affects public health and safety.**
The proposed action would have no effect on public health and safety.

3. **Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**
Risks of future development and use that would negatively impact historic and cultural resources, wetlands, wild and scenic rivers and ecological critical areas would be minimized under the proposed action. No action would continue to allow for potentially adverse uses which could conflict with the protection of these resources.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**
No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, “controversy” is not equated with “the existence of opposition to a use.” Northwest Environmental Defense Center v. Bonneville Power Administration, 117 F.3d 1520, 1536 (9th Cir. 1997). “The term ‘highly controversial’ refers to instances in which ‘a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.’” Hells Canyon Preservation Council v. Jacoby, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**
The analysis does not show that this action would involve any unique or unknown risks.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

There are no foreseen future actions with significant affects, and the proposed action does not represent a decision in principle about a future consideration. In the future, if there are future actions identified, then further NEPA analysis will be initiated.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The Forest Service is concurrently analyzing a withdrawal of up to 541 acres on the Trinity River, located in the area between the confluences of Maxwell and Sheridan Creeks with the Trinity River. To analyze potential effects of the USFS withdrawal, a separate environmental assessment dated August 2014 was prepared by the Shasta-Trinity National Forest, Trinity River Management Unit. Ultimately, decisions to withdraw lands from mineral entry are made by the Secretary of the Interior. The instant EA considered the potential impacts of the proposed withdrawal, including potential socioeconomic impacts to local economies. Neither the current analysis, nor the previous analysis contained in the Redding RMP, which anticipated the subject withdrawal, indicate that a significant cumulative impact related to the proposed action would occur when considered with the proposed USFS withdrawal and other past, present, and future actions.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.**

The selection of the proposed action does not expose any sites listed on the National Register of Historic Places or sites known to be eligible, to any adverse effects.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

Risks of adverse effects to ESA listed species (or their habitat) is minimized through selection of the proposed action.

10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

There is no indication that this decision will result in actions that will threaten such a violation.

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Field Manager                                                                 Date
Redding Field Office
Attachment 1: Projects that Comply With the 2001 Survey and Manage Record of Decision and Plan Amendment with Subsequent ASRs except for the Red Tree Vole or the Pechman Exemptions: Language for Inclusion in NEPA/Decision Documents

A. Projects that Comply With the 2001 Survey and Manage Record of Decision and Plan Amendment with Subsequent ASRs except for the Red Tree Vole.

This project utilizes the December 2003 species list. This list incorporates species changes and removals made as a result of the 2001, 2002, and 2003 Annual Species Reviews with the exception of the Red Tree Vole. For the red tree vole, the Ninth Circuit Court of Appeals in KSWC et al. v. Boody et al., 468 F3d 549 (9th Cir. 2006) vacated the category change and removal of the red tree vole in the mesic zone, and returned the red tree vole to its status as existed in the 2001 ROD S&Gs, which makes the species Category C throughout its range. Details of the project surveys are described below:

The proposed action was examined and as noted in Redding Field Office Consistency Review of Northwest Forest Plan Implementation 1.B. checklist. Upon review of the above survey criteria, it has been determined that the project occurs within the range of S&M species consistent with the last valid Record of Decision as stated, however the proposed action does not negatively affect species or their habitat.
APPENDIX B

The federal lands to be withdrawn under the proposed action are described as follows:

Mount Diablo Meridian

T. 33 N., R. 8 W.,
sec. 18, lot 4, W1/2SE1/4SW1/4,
SE1/4SE1/4SW1/4, SW1/4SW1/4NW1/4SE1/4,
and SW1/4SW1/4SE1/4;
sec. 19, N1/2NE1/4NW1/4,
N1/2SW1/4NE1/4NW1/4, and
N1/2SE1/4NE1/4NW1/4.

T. 32 N., R. 9 W.,
sec. 4, lots 15 and 16;
sec. 5, lot 5;
sec. 6, lots 1, 6, 13, 17, and 21 to 26,
inclusive, and SE1/4NE1/4;
sec. 26, lots 11, 12, and 13, S1/2SE1/4NE1/4,
and N1/2NE1/4SE1/4.

T. 33 N., R. 9 W.,
sec. 13, lot 1, S1/2NE1/4NE1/4,
N1/2SE1/4NW1/4, and SE1/4SE1/4NW1/4;
sec. 22, S1/2SE1/4SE1/4;
sec. 23, N1/2NE1/4NE1/4,
SE1/4NE1/4NE1/4, SW1/4SE1/4SW1/4NE1/4,
NE1/4SE1/4NE1/4, S1/2SE1/4NE1/4,
S1/2SW1/4SW1/4SW1/4,
S1/2SE1/4SW1/4SW1/4, NE1/4SE1/4SW1/4,
S1/2SE1/4SW1/4, and S1/2NW1/4SE1/4;
sec. 24, lot 1;
sec. 27, lot 17;
sec. 28, lots 4, 7, 8, 9, 12, and 13;
sec. 29, SE1/4NE1/4SE1/4, NE1/4SE1/4SE1/4,
and S1/2SE1/4SE1/4;
sec. 31, SE1/4SE1/4NE1/4 and E1/2NE1/4SE1/4;
sec. 32, N1/2NE1/4NE1/4, SW1/4NE1/4NE1/4,
NW1/4NE1/4, NE1/4NE1/4NW1/4,
S1/2NE1/4NW1/4, SE1/4NW1/4NW1/4,
NE1/4SW1/4NW1/4, W1/2SW1/4NW1/4,
SW1/4SE1/4SE1/4, W1/2SE1/4SE1/4SE1/4,
SE1/4SE1/4SE1/4SE1/4; sec. 34, lot 6.

T. 32 N., R. 10 W.,
sec. 1, lots 12, 13, and 14, SW1/4NW1/4, W1/2SE1/4NW1/4, W1/2NE1/4SW1/4, NW1/4SW1/4, E1/2SW1/4SW1/4, and NE1/4SE1/4SE1/4;
sec. 2, lot 2, SW1/4NE1/4, E1/2NE1/4SE1/4, E1/2SE1/4SE1/4NW1/4, E1/2NE1/4SE1/4SW1/4, E1/2SE1/4NE1/4SW1/4, N1/2SE1/4, NE1/4SW1/4SE1/4, and N1/2SE1/4SE1/4;
sec. 12, lots 9 and 10, and NW1/4NE1/4NE1/4NE1/4.

T. 33 N., R. 10 W.,
sec. 7, lot 13;
sec. 18, lots 13 to 16, inclusive, and 18 to 22, inclusive, and a portion of lot 8 as described in the Donation Grant Deed recorded December 24, 1986 in Book 264, pages 339 and 340, and containing 16.30 acres, more or less, to wit:

That portion of Section 18, Township 33 North, Range 10 West, M.D.M., according to the official plat thereof, described as follows: Beginning at the quarter corner common to Sections 19 and 18, Township 33 North, Range 10 West, M.D.M., which point is marked by a brass capped iron pipe monument in a mound of rock set by the Bureau of Land Management in 1962; thence
1. North 0°29′ East, 1318.58 feet to the center south 1/16th corner of said Section 18, which is marked by a brass capped pipe monument in a mound of rock set by the Bureau of Land Management in 1986; thence
2. South 87°21′ East, 772.29 feet along the North line of the Southwest quarter of the Southeast quarter [lot 8] of said Section 18 to a point; thence
3. South 10°51′11″ West 579.13 feet to a
point; thence
4. South 37°08′48″ West, 904.48 feet to a
point in the South Line of said Section 18,
from which the South quarter corner thereof
bears North 86°54′ West, 127.55 feet distant;

thence
5. North 86°54′ West, 127.55 feet to the
point of beginning.

This portion of lot 8 has not been officially
surveyed and platted.

sec. 19, lots 11, 13, and 16 to 19, inclusive;
sec. 20, lot 4;
sec. 29, lots 7 and 11;
sec. 32, lots 11, 15, and 16;
sec. 35, lot 6, E1/2NE1/4SW1/4,
NE1/4SE1/4SW1/4, and SW1/4SE1/4.

T. 33 N., R. 11 W.,
sec. 1, lots 10 and 11;
sec. 12, lots 8, 9, and 14;
sec. 13, lot 6.

T. 34 N., R. 11 W.,
sec. 21, lots 4 and 11 to 14, inclusive, and
NW1/4NW1/4;
sec. 27, lots 12 and 13;
sec. 28, lots 3, 4, 6, 7, 9, 10, and 11;
sec. 34, lots 15, 16, and 19;
sec. 35, lots 4 and 12;
sec. 36, lots 2, 3, and 7.

The areas described aggregate 3,123 acres, more or less, in Trinity County.