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**Trinity Lake
Revitalization Alliance, Inc.**
Trinity Center, California

July 27, 2013

Don Reck
Bureau of Reclamation
Northern California Area Office
16349 Shasta Dam Blvd
Shasta Lake, CA 96019
(VIA Email sha-slo-klamathflows@usbr.gov)

The Honorable Sally Jewell
Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240
(VIA Mail)

RE: Comments on the 2013 Lower Klamath River Late Summer Flow Augmentation from Lewiston Dam Draft Environmental Assessment (DES) and Draft Finding of No Significant Impact (FONSI)

Dear Secretary Jewell and Mr. Reck:

The Trinity Lake Revitalization Alliance (TLRA) submits the following comments into the record of the U.S. Bureau of Reclamation's (USBR) 2013 *Lower Klamath River Late Summer Flow Augmentation from Lewiston Dam* Draft Environmental Assessment (Klamath DEA) and Draft Finding of No Significant Impact (FONSI).

TLRA is a community-based, volunteer non-profit organization representing approximately 795 property owners, 900 residents, and 7 forest communities adjacent to Trinity Reservoir north of Trinity Dam.

The Trinity Lake Revitalization Alliance is opposed to the Proposed Action to release at least 62,000 acre feet (AF) from Trinity Reservoir as requested in the Klamath DEA and FONSI for these reasons:

- **The Klamath DEA's stated Need for Proposal to "restore the native Klamath Basin anadromous fish communities and the many user groups that rely upon the fishery" is misleading and biased.**

With the over-production of Trinity and Klamath hatchery fish, there are only 10-30% native fish in this year's return. Even the Trinity River Restoration Program's (TRRP) independent science advisory board's (SAB) preliminary Phase 1 review indicates that there has been no significant change in the native population since the 2000 Trinity River Mainstem Fishery Restoration Record of Decision (ROD) implementation. Therefore, a 2013 supplemental water release would be "saving" a large population of hatchery fish in the Trinity and Klamath Rivers that are harming the native fish population.

In addition, the rivers themselves do not have adequate physical spawning area capacity to support the expected number of returning adults as indicated in the TRRP SAB's preliminary report.

With the root cause of another adult migration crisis this year being hatchery over-production, the release of supplemental water would once again be just a band-aid to a deeper problem in the fishery restoration program that is not being addressed. Implementing a supplemental water release during dry hydrologic years without addressing the root problem with fishery management and offering no mitigations is not sustainable and damages all anadromous fishery restoration efforts.

The Proposed Action appears to be an attempt to avoid a visible, public-relations event of dead adult fish on the Klamath, at the expense of a “hidden” kill-off of fry and eggs when the adults return to the rivers to find inadequate spawning capacity. The latter kill-off, of course, will not be visible to the public and will not result in a poor “public perception” event, a condition noted to avoid on Klamath DEA page 2.

In both the Proposed Action and No Action alternatives, the resulting number of fry may be the same. In either case, the rivers can only support a given number of spawning adults. More water will not change this fact.

The Need of Proposal further states that the “recovery mandates” will be at risk. The TRRP’s SAB stated in their preliminary program review that they believe that the recovery mandate numbers for the program are overzealous. The SAB stated that the program goal of a 400% increase in fish was not realistic given the Trinity River’s spawning habitat capacity.

The Proposed Action is highly biased to the Tribes along the river. Many times within the Klamath DEA and FONSI, tribal rights are mentioned. Not once, in either document, are the rights and social impacts of non-fish groups along the Trinity River and within the Trinity River basin addressed. The rights of all stakeholders must be weighed equally and analysis should not be biased to those groups with extraordinary governmental access and political power.

The goal of the Trinity River Restoration Program is native fish restoration via native fry production. The goal is *not* to provide adult fish for Tribal, recreational, or commercial consumption. Having adult fish for food is a byproduct of a well managed fishery program, not an objective. The “need” to restore “the many user groups that rely on the fishery” is outside the scope of the TRRP.

- **The proposed supplemental flows are in violation of the 2000 Trinity River Mainstem Fishery Restoration Record of Decision**

TLRA concurs with San Luis and Delta-Mendota Water Authority and Westland Water District in their July 11, 2013 letter to Secretary Jewell that the ROD is the permanent and final authorization for annual water take from Trinity Reservoir. The late summer supplemental flow releases exceed the legal established limit.

If USBR and other stakeholders want water available for late summer and fall releases, then that volume should be withheld from the annual ROD Trinity River allocation during the spring. Or, additional water could be purchased from the CVP contractors and power users, and locally impacted businesses should be compensated for economic loss due to lower reservoir water levels.

- **The Klamath DEA and FONSI do not reference any published, defensible scientific study or data showing that the preventative release of 62 TAF is needed. The need is speculative.**

Even though the Trinity River Division Central Valley Project Act of 1955 (P.L.84-386) says that “the Secretary is authorized and directed to adopt appropriate measures to insure preservation and propagation of fish and wildlife...”, the Secretary has a responsibility to the public to justify and defend any measure with science.

The lack of transparent science behind the plan for supplemental flows to the Klamath River demonstrates that the proposed action is more politically and public-relations driven than science-driven. Any supplemental water release must be defensible and not subjective.

In both the Klamath DEA and FONSI there are references to “fish biologists who work in the basin” as the source of disease outbreak concerns. Never are these sources identified, nor are their credentials published.

There is no scientific data that the supplemental releases in 2004 and 2012 had any direct link to disease outbreak prevention. With California in a water crisis, water should not be used for any purpose that does not have a clear and defensible need.

The use of water to “prevent” an outbreak is similar to a doctor telling a patient to take vitamin C to guard against colds during the winter. If the patient does not get a cold, is it the result of the vitamin C, or a strong immune system, or not being exposed to the virus? There is no science to definitively defend the preventive measure.

The Klamath DEA even states on page 18 that “it is not possible to predict with absolute certainty that the Proposed Action will preclude a fish die-off in 2013, nor is it possible to accurately quantify the reduced disease risk attributed to the increased flows.”

On page 6, Condition 3, the Klamath DEA states “In the very unlikely case that a threshold number of examined adults are infected with Ich...” (emphasis added.)

These statements strengthen our position that the Proposed Action is not science-based and is politically motivated.

The USBR, Trinity Management Council, and Trinity River Restoration Program (TRRP) have been pushing for the use of sound science in all restoration decisions and projects. However, once again this year, the USBR is asking the public to trust them, with no scientific backing, that the supplemental flow will prevent a fish die-off .

In the 1980s, there was also a large return of fish to the Trinity and Klamath Rivers. This event occurred prior to the ROD when river water releases were very low. During this period, with even less water than this year, there was no adult fish kill-off.

- **The Klamath EA and FONSI is clearly biased to the Proposed Action by using selective analysis and disregarding any proactive planning for another dry hydrologic water year in 2014**

Within the Klamath DEA and FONSI, it is stated many times that the USBR cannot “speculate” on the forecast precipitation for 2014, the refill of Trinity Reservoir, the impact to power users, and the impact on reservoir recreation. However, in the Proposed Action analysis, the USBR willingly assumes outcomes, both negative and positive, that bias support for the Proposed Action. It appears that speculation is ok when defending the Proposed Action, but not ok for disclosing possible negative impacts.

For example, on page 13 of the Klamath DEA, the USBR forecasts the end of April 2014 storage in Trinity Reservoir at 1.987 MAF, based on undocumented data, to justify the Proposed Action. But on page 12, the USBR is unwilling to speculate on the impacts of the Proposed Action on power generation and recreation.

On Klamath DEA page 14, the statement is made that “it is not possible to meaningfully evaluate how a potential *slightly lower* Trinity Reservoir storage in 2014 may exacerbate system-wide supply conditions.” Here the USBR is clearly speculating the 2014 storage, but can’t speculate on cumulative impact. We can certainly speculate that a lower Trinity Reservoir storage in 2014 will have direct negative effect on the economic condition of the rural reservoir communities.

The NOAA Climate Prediction Center is very willing to speculate on the coming winter’s precipitation with a current forecast of “normal” for the December, January, February time period. (See cpc.ncep.noaa.gov.) This “official forecast” clearly indicates that Trinity Reservoir will have a low chance of refilling in 2014. At a 50% reservoir carryover, according to USBR’s Interim CVP-OCAP, Trinity only has a 15% chance of refill in a “normal” year. The Klamath DEA (page 8) points out that the annual watershed inflow volume is only half the volume of the reservoir capacity in an average year

It is irresponsible for the USBR to risk the entire 2014 Trinity/Klamath River fishery and cold pool for a speculative disease outbreak by releasing water that may be needed in spring 2014. The Klamath DEA presents no analysis about which fishery loss would be the largest if the reservoir does not fill—the 2013 fall run, or the 2014 runs.

The above omissions clearly identify a secondary root problem that the fishery restoration is ignoring—the mismanagement of the Trinity Reservoir under the influence of Global Climate Change. Reservoir operation guidelines, carryover policies, and safety-of-dam management have not been updated for the new cycle of longer droughts and fewer reservoir refill events.

In addition, if the 2014 statewide water year is a repeat of 2013, then low reservoir carryover with low precipitation plus the demand for Trinity Reservoir water by statewide water users and power producers will be devastating to the rural communities adjacent to Trinity Reservoir. These economies are beginning to recover from the reservoir mismanagement in 2008 and 2009 that led to all of the Trinity Reservoir boat launching ramps being out of the water for two years and the enormous number of bankruptcies of the local businesses.

Already this year, as of July 20, extraordinary dry year reservoir drawdown has resulted in only two useable boat ramps out of nine facilities on the shoreline. At the current rate, only one ramp will be usable by late August.

Therefore, the USBR's statement on Klamath DEA page 12 that "there is a small chance that some boat ramps might not be usable due to a reduced water elevation in the lake during the latter part of summer 2014" is extremely misleading without speculating that there will be an above normal 2014 water year.

- **The criteria/triggers for the supplemental release are vague, not science-based, and not measurable.**

The biological conditions listed on Klamath DEA page 6 and FONSI page 2 are not measurable, are subjective, and some are not conditions at all.

Condition 1 states that the release trigger is when "the abundance of adult fall-run salmon present in the lower Klamath River" and "a good portion of the run has entered the lower Klamath River." This is not a measurable trigger. There is no stated definition of "abundance" or "good portion." This data omission makes the trigger unscientific, far from transparent, and open to political interpretation.

Condition 2 states a trigger of 23°C at KNK or "the presence of observed fish behavior of concern." First, there is no referenced science of why 23° was selected and, again, the latter criterion is subjective and open to political interpretation. Second, using KNK as a gauge in 2012 was problematic due to the difficulty in maintaining calibration of the gauge. A recommendation was made to use the "Orleans plus Hoopa" gauge for better monitoring. This monitoring issue is not addressed in the Klamath DEA.

Condition 3 is poorly written and unclear. We assume that the condition relates a trigger threshold of the number of adults with Ich. If so, this condition must be rewritten to clearly state the trigger, define the threshold, and identify the science that supports this trigger. The remainder of the condition description is not a condition, but a result.

The possible need for an "immediate emergency flow release" is hidden in Condition 3 and must be moved to the full description of the Proposed Action to be very transparent about how the supplemental flow(s) will be implemented. Are there two releases that total 62 TAF or is there a cumulative larger volume?

Condition 4 is not a condition or trigger. It is a process statement. The statement also says that "up to 62 TAF of supplemental water would be needed to implement the Proposed Action, not including the Ceremony flow *and assuming water temperatures remain below 23°C*". It is unclear what happens if the temperature exceeds 23°. Is there another release?

- **The Klamath DEA falsely states on page 18 that the Proposed Action would "be expected to decrease water temperature in the lower Klamath River during the period of flow augmentation."**

TRRP staff has stated that the distance is so great from Lewiston Dam to the lower Klamath that there is no temperature benefit from this level of water release.

- **The Klamath DEA completely omits the Trinity County population from the Affected Environment discussion within the Environmental Justice review**

Clearly; the Trinity Reservoir and Trinity River are major contributors to the Trinity County economy. And, with 18.7% of the Trinity County population under the Federal Poverty Line, an 11.5% unemployment rate (compared to a State rate of 8.8%), and a \$37,672 median household income (compared to a State level of \$61,632), Trinity County is a lower-income population that must be included in the Environmental Justice analysis.

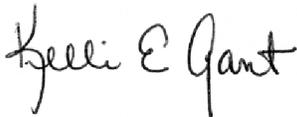
This omission from an Environmental Justice review again shows the one-sided bias of the EA and FONSI to fish-based groups.

In closing, TLRA asks that the Department of Interior and USBR to step up to their long term responsibility of fairly improving the native fishery on the Trinity River mainstem by

1. Not implementing the Proposed Action and reserving limited water to safeguard the 2014 Coho juvenile outmigration
2. Fixing the underlying problem of overproduction of hatchery fish that is threatening and slowing the restoration of native populations and causing unsustainable numbers of adult fish in the lower Klamath River during the late summer
3. Updating reservoir management, carryover policies, and safety-of-dam criteria to reflect current conditions, Climate Change realities, and environmental need
4. Allowing water banking to help safeguard the Trinity and Klamath River fishery during year-to-year cycles of uncertain precipitation
5. Including complete socio and economic impact analysis on non-fish user groups and users of Trinity Reservoir water in all future environmental assessment reports

Band-aiding a symptom will not fix the larger native fishery problem. An improved Trinity/Klamath fishery restoration focus must be established that builds a sustainable population of native Coho and other species within the current river constraints while achieving an equitable and balanced triple bottom line for fish-based and non-fish based stakeholders.

Sincerely,



Ms. Kelli Gant, president
Trinity Lake Revitalization Alliance, Inc.

C: Trinity County Board of Supervisors