



Vision. Passion. Community.

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

August 19, 2015

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Regional Director,  
Mid-Pacific Regional Office  
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2800 Cottage Way  
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(VIA email sha-slo-klamath-LTP@usbr.gov)

Ms. Erin Curtis  
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United State Bureau of Reclamation,  
Mid-Pacific Region  
2800 Cottage Way  
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(VIA email sha-slo-klamath-LTP@usbr.gov)

**RE: Comments on the draft *April 2015 Long-term Plan for Protecting Late Summer Adult Salmon in the Lower Klamath River***

Dear Mr. Murrillo,

The Trinity Lake Revitalization Alliance (TLRA) submits the following comments into the record of the U.S. Bureau of Reclamation's (Reclamation) *April 2015 Long-term Plan for Protecting Late Summer Adult Salmon in the Lower Klamath River* (Draft Plan).

TLRA is a community-based, all-volunteer non-profit corporation representing approximately 795 property owners, 500 residents, and 7 forest communities that are adjacent to Trinity Reservoir north of Trinity Dam and 5 Trinity Lake marina businesses.

TLRA is opposed to the Draft Plan to release up to 83,000 acre-feet (AF) from the Trinity River Basin/Trinity River Division (TRD) to supplement flows in the lower Klamath River for the perceived need to "protect" salmon.

In the revised plan, Reclamation should focus on an equitable, consensus-based plan interactively co-developed with all stakeholders. The revised plan must not be biased toward political, high-level pressure by special interest groups, and the plan must be anchored in proven science, not speculation. As is, the Draft Plan is unlawful, unsupported, and damaging to Trinity County.

The following are our priority Draft Plan issues:

**I. The Draft Plan document title is biased and expresses an option that is leading**

The title of the Draft Plan assumes that there is agreement that the late summer salmon are in danger and in need of "protection." To solicit a fair, unbiased review of available options and alternatives, the document title should not present a single-sided view.

A better title would be *Long-Term Plan for Late Summer Flow Augmentation of the Lower Klamath River*.

**II. To reach true consensus on a long-term plan that addresses the problems on the Lower Klamath and that can weather litigation, the Plan must be designed by an interactive, inclusive team that represents all river, water, and fishery stakeholders.**

After flow augmentation litigation in 2013, Reclamation invited stakeholders to a Lower Klamath Flow Augmentation Workshop on December 19, 2013 at the Red Lion Inn in Redding, CA. This was the first time in decades that a wide breadth of stakeholders met in person to discuss river and reservoir management and options.

Although the beginning of the meeting was awkward and there were times of vast disagreement, there were good ideas and a respectful understanding of stakeholder goals and needs.

One request that had the agreement of almost everyone at the Workshop was for the entire Klamath Basin to be managed by one Reclamation unit and managed as an integrated system since actions on the Trinity River influences actions on the Klamath, and vice versa.

At the time, Reclamation acknowledged the positive progress of understanding that came from this meeting and suggested that such a forum would be useful when the long-term plan was developed. Most attendees agreed.

However, Reclamation has failed in this commitment and has written a plan from a one-sided view with obvious power user and tribal input only and with no transparency.

The importance of reaching close agreement and letting stakeholders develop a permanent plan of action that affects them directly has obviously been set aside.

It is never good to have one entity spend extensive amounts of time and resources on a plan and only then solicit input because revising the plan, to include the input, adds more time and cost. There is great reluctance to spend more resources on an update. Input after a draft plan is usually given brief acknowledgement with little effort given to a rewrite.

The Plan needs to be a consensus document, starting with the first draft that requires only minor changes going forward.

Yes, having in-person meetings is difficult, time consuming, and emotionally risky. But it is the only option for crafting a plan that will hold up over time and in court.

**III. The water volume currently released to the Trinity River, and therefore into the lower Klamath, under the ROD is adequate but mismanaged.**

If others believe that there is a need for a late summer augmentation flow, there is water available within each Water Year's ROD release. Just as the TMC "shapes" each year's ROD flows now, ROD water can be held back in the spring and made available in August and September.

It was clearly Congress' intent that the Department of the Interior craft a program to restore the Trinity River fishery. The Secretary of the Interior issued a decision regarding how to meet that directive. That decision is captured in the ROD, thus any water used to address fishery health must come from the water allocated in that decision.

This solution causes no change in damage to Trinity County, Sacramento Basin fisheries, irrigation uses, or other stakeholders.

**IV. The proposed augmentation flows significantly change the assumptions and policies under which the current river restoration program operates. Therefore, an EIS for augmentation flow should only be done in conjunction with a refresh of the 15-year old Trinity River Mainstem Restoration EIS/EIR.**

Since Reclamation and Congress have determined that ROD flows are adequate for fishery restoration, then the Record of Decision should be reviewed and updated to reflect this new issue as well as all other new knowledge and science gained via adaptive management.

Adding 83,000 acre-feet of water at a non-natural time of year to the Trinity and Klamath Rivers significantly impacts the cumulative effect on the fishery and can result in a cumulative negative impact.

This cumulative impact can only truly be vetted in an updated Mainstem EIS/EIR.

**V. Any annual augmentation release must be adjusted to the current year's Water Year and reservoir level**

It is remarkable that the Draft Plan does not include the current year's reservoir elevation and the Trinity River Record of Decision (ROD) Water Year into the augmentation release volume formula.

Water augmentation must be tiered to Water Years, similar to ROD flows, and reservoir level must also be a formula component.

There is a huge difference between releasing 83,000 acre-feet of water in a Wet year with a reservoir elevation of 2,350 feet, compared to a Dry year with a reservoir elevation of 2,223 feet.

It is poor management to set a fixed augmentation amount for all Water Year types and all starting elevations. It is irresponsible to release excessive water in low reservoir carryover years based on a speculative forecast of adequate rainfall to replenish the reservoir for the following spring juveniles, and thereby reduce the cold pool.

**VI. The Plan's NEPA study must include a social and economic analysis of the impact of low reservoir levels on Trinity County**

Although not required until NEPA analysis, the Draft Plan does not even acknowledge the broad negative social and economic impact of increased river flows

to Trinity County. In many years, augmentation releases result in low reservoir elevations that prevent safe reservoir access to the public for recreation.

In our discussions over the last five years with other water stakeholders, we have not found one entity, including the Tribes, that disagrees with TLRA that the impact of the ROD and augmentation flows on lake users and businesses should be mitigated and that Reclamation should find funding to dramatically improve the public's safe access to Trinity Lake by 2019.

Much has been written since the 2003 augmentation releases about the economic hardship of river and ocean commercial and recreation fishing groups if fish die, and how flows increased a small river recreation industry. Lake recreation accounts for more total overall county revenue than river fishing.

The misconception seems to be that any water releases near the end of summer do not impact lake tourism. Lake tourism starts in March and trails off in October. Houseboating activity spans an even longer timeframe.

Excessive late summer releases from Trinity Reservoir since 2003 have often eliminated the public's ability to freely and safely access the lake surface for recreation. Lake recreation is a year-round activity including many fishing tournaments and pleasure boating during the spring and fall.

Almost nothing has been studied about the impact on communities and people at the flow source. It seems that Reclamation simply adds a few sentences about socioeconomic impacts to the plan to satisfy the document requirements instead of doing a serious, responsible analysis of the impact.

Just as a fish die-off may be "devastating" to the tribal trust fishing, a low lake elevation with no access via boat ramps is devastating to Trinity County tourism and the county economy. Lake tourism and its indirect uplift accounts for many of the unskilled jobs in Trinity County. Lake tourism spins off marina jobs, lodging housekeeping, and service and dining jobs. These jobs are crucial to Trinity County that suffers from 10.5% unemployment and 19.2% poverty.

Extremely limited, unsafe, and difficult access to the reservoir for recreation damages private businesses in the region and all Forest Service camping facilities. The trickle-down effect of low reservoir elevations on the general tourist perception of Trinity County often prevents visitors from choosing Trinity as a vacation destination.

From a business perspective, Forever Resorts at Cedar Stock estimates that in 2014 it cost them \$1,000 per day to "chase the water" by moving mooring docks almost weekly in order to keep boats in the receding water. When the lake reaches 150 feet down, Forever Resorts has to completely disconnect the docks from land and anchor them offshore. This creates an additional cost for the marina to shuttle moorage customers to their boats, and clearly discourages visitors from coming to the lake.

We grant that excessive flow releases in Extremely Wet, Wet, and Normal water years may not always limit safe public access. But any time the reservoir level

reaches 2,310 ft (60 feet down), the preferred Draft Plan flow volume of 83,000 acre-feet pushes the Trinity Center boat facility (the second busiest facility on the reservoir) out of the water. This leaves only one fully public facility usable—Minersville—that is in very poor condition.

If Reclamation implements a late summer flow augmentation, relief must be given to affected businesses and long-term mitigations identified and funded within a reasonable timeframe.

The economic well-being of one stakeholder group should not be achieved on the back of another. Equality and shared risk should be the goal, not political appeasement.

## **VII. Agreement with current Draft Plan commenters**

**San Luis & Delta-Mendota Water Authority and Westland Water District.** TLRA concurs with all points in the San Luis and Delta-Mendota Water Authority and Westland Water District's comments on the Draft Plan dated January 30, 2015.

In particular, we strongly agree that:

- The ROD is the permanent and final authorization for annual water take from Trinity Reservoir. Reclamation lacks authority to make additional releases (Comment I)

The State Water Resources Control Board has indicated that release of Trinity water for late summer flow augmentation is not a permitted use within its water permit and conditions.

- Reclamation must obtain a change in the place of use for the TRD permits before it make future augmentation releases. (Comment III)
- The Draft Plan is based on subjective, unproven science, and uncertainty. (Comment IV).

Reclamation, Trinity Management Council, and Trinity River Restoration Program (TRRP) advocate for the use of sound science in all restoration decisions and projects. However, again, Reclamation is asking the public to trust them, with no scientific backing, that the augmentation flow will prevent a fish die-off.

There is still disagreement among members of TAMWG, TRRP, and TMC about the impact of unnatural flows on the fish. Much more effort should be spent reaching consensus on the issue and understanding if more long-term harm is being done than good.

There is no proven science for the cause of the 2002 Ich outbreak. There was an even larger Ich outbreak on the Upper Klamath River in 2014 with no fish mortality. This proves that there is no true understanding of the factors that caused of the outbreak in 2002.

The 2002 die-off was the first fish kill in the 41 years of Trinity Dam history. Thirty-plus years had lower flows with warmer water than 2002. Historic records show that the 1980s and 1990s, prior to Trinity Record of Decision flows, had much larger fish harvests on average than post-ROD years.

It is reactionary and irresponsible to damage many water stakeholders on a guess. Hope is not a management strategy.

**Northern California Power Agency.** TLRA agrees with all points in NCPA's letter. In particular, their assessment of authorizing legislation for the Trinity River Diversion clearly shows that Humboldt County's use of 50,000 acre-feet of water may only be for consumptive use.

The State Water Resources Control Board has indicated that any use by Humboldt County of 50,000 acre-feet for instream flow purposes is not authorized under its permit and conditions.

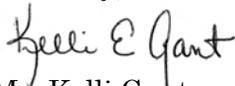
Further, we agree with prior Interior Solicitor opinions that any water due to Humboldt County can be obtained from the ROD flow as it nears the ocean and has served its purpose for fishery support.

### VIII. Conclusions

In closing, we ask the Bureau to

- Stop band-aiding a symptom of the deeper Trinity and Klamath River crisis --the overall health of the rivers. Manage and fund a detailed and independent science research project to provide data for a sustainable solution.
- Accept a long-term solution crafted by a team of public and private water stakeholders that includes power, irrigation, tribes, and citizens.
- Refresh the Trinity River Mainstem Restoration EIS/EIR to fully analyze the impacts of any late summer river augmentation and to reflect current science and lesson learned in the restoration program.
- Include a complete, truthful social and economic impact analysis in the EIS of how augmentation flows impact non-fish and Trinity Reservoir stakeholders. Identify, fund, and implement in a timely manner economic and recreation mitigations.
- Respectfully manage Trinity Reservoir's limited water as to not cause damage to the people of Trinity County.

Sincerely,



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

CC: Trinity County Board of Supervisors  
Congressman Jared Huffman