~~90478~~

TRINITY COUNTY

BOARD OF SUPERVISORS
P.O. Drawer 1613 (530) 623-1217
WEAVERVILLE, CALIFORNIA 96093
Dero B. Forslund, Clerk
Jeannie Nix-Temple, County Administrative Officer

JUN 0 1 1998

May 19, 1998

Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Re: CALFED Bay-Delta Program Draft Programmatic EIS/EIR

Dear Mr. Breitenbach:

Trinity County is somewhat encouraged by CALFED's proposal to incorporate a Watershed Management component in any long-term plan to improve conditions of the Bay-Delta ecosystem. However, we are disappointed that the draft EIS/EIR fails to recognize the Trinity River Basin as part of the Bay-Delta watershed. If CALFED is sincere in its intention to develop a comprehensive and equitable solution for the entire Bay-Delta system, the Trinity cannot continue to be treated as California's forgotten watershed.

The Trinity River is a regular and significant source of the Delta's fresh water, having contributed an average 1,000,000 acre-feet of water per year to the Bay-Delta via the Sacramento River for 34 years. It is thus an indisputable part of the streamflow-dependent Delta "system", and of the Bay-Delta watershed as defined in the Watershed Management Strategy ("the geographic area that drains to the San Francisco Bay Estuary"). However, without explanation or discussion, the Draft EIS/EIR, the Watershed Management Strategy, and the Ecosystem Restoration Program Plan (ERPP) entirely omit the Trinity River Basin from maps which delineate the Delta watershed and the "problem", "solution", and even "study" areas for Program effort.

This omission is inconsistent with Proposition 204, which designates the entire Trinity River Basin as a Delta tributary watershed, and it is inconsistent with the March 13, 1998 consensus recommendation of the CALFED Ecosystem Roundtable to include the Trinity River Basin in the ERPP project area and associated Category 3 Grant Program. Most importantly, it is inconsistent with reality.

The massive ongoing diversion of Trinity River water is concurrently a benefit to the Bay-Delta and the cause of environmental problems in the Trinity River Basin. CALFED's apparent willingness to enjoy the annual contributions of significant amounts of Trinity River water to the Delta without addressing the associated environmental problems violates the Solution Principles which the EIS/EIR purports to embody, in particular the principle that any solution must be **equitable** ("Solutions will focus on

solving problems in all problem areas. Improvements for some problems will not be made without corresponding improvements for other problems.") In addition, CALFED's neglect jeopardizes the Delta water supply, because if problems in the Trinity River Basin cannot be effectively addressed by watershed management and other non-hydraulic measures, a larger amount of water than would otherwise be necessary will be legally required for instream Trinity River flows, leaving less available for diversion towards the Delta (see Exhibit A).

The human population of the Trinity River Basin, including the inhabitants of California's two largest Indian reservations, is distinctly "low income", in part as a direct effect of the Trinity River's ongoing contribution to the Delta water supply. The Environmental Justice and Indian Trust Assets sections of the draft document neglect this circumstance entirely.

The Draft EIS/EIR does not describe the impacts of the alternatives on the Trinity River Flow Decision required by Section 3406(b)(23) of the CVPIA, or on recreational activities at Trinity Lake, the state's third largest reservoir.

We request that the next draft EIS/EIR remedy the deficiencies of this draft by acknowledging the Trinity River as an integral and important part of the Bay-Delta ecosystem, by including the Trinity River Basin on the appropriate maps, by evaluating the impacts of the alternatives on the Trinity River Flow Decision and recreation at Trinity Lake, and by improving the Environmental Justice and Indian Trust Assets sections of the documents as indicated.

Trinity County is concerned about the possible future uses of any facilities, including the six-hundred-foot-wide canal considered in Alternative 3e, which the Program might construct to convey water from North to South. We appreciate CALFED's intention to develop an "assurances" package as part of its adopted program, and we request that any proposal to improve conveyance include assurances that 100% of the water necessary for restoration of the Trinity River and the local economy will remain in the Trinity River Basin. Specifically,, the assurances should include:

1. Flow releases at Lewiston Dam capable of meeting the fishery restoration goals of Public Laws 84-386, 98-541 and 104-143, the Public Trust Doctrine, and the Interior Secretary's trust obligations to the Hoopa Valley Tribe and Yurok Tribe; and

2. A minimum pool in Trinity Lake to ensure economic gain from recreation and compliance with existing Clean Water Act temperature standards for the Trinity River fishery specified in the Water Quality Control Plan for the North Coast Region of the North Coast Regional Water Quality Control Board; and

3. Release of the 50,000 acre-feet reserved for "Humboldt County and other downstream users" in the 1955 Trinity River Act (P.L. 84-386), State Water Resources Control Board water permits issued to the Bureau of Reclamation for the Trinity River, and a 1959 contract between Humboldt County and the Bureau of Reclamation; and

4. Adequate funding for restoration of Trinity River tributaries, forest health and watersheds - a reinvestment back into the area of origin which produces significant benefit to those outside of the basin; and

5. Delivery of low cost Trinity River Division power to Trinity County pursuant to the intent of the 1955 Trinity River Act. There should not be any increases in CVP power customer costs to pay for increased Delta pumping, i.e., no additional use of CVP "project power" as a result of implementing the Preferred Alternative.

In order to support any additional Delta conveyance facilities, Trinity County would require that the above assurances be included in the Preferred Alternative. A comprehensive and equitable solution to Bay-Delta problems cannot ignore the fundamental rights and needs of this County of Origin for Delta water. The Trinity River cannot remain California's forgotten river.

Sincerely,

TRINITY COUNTY BOARD OF SUPERVISORS

Ralph Modine

Ralph Modine, Chairman

cc: Senator Maurice Johannessen
Assemblyman Tom Woods
Senator Barbara Boxer
Senator Dianne Feinstein
Representative Wally Herger
Regional Council of Rural Counties