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AND EMERGENCY MANAGEMENT

June 29, 2023

Camille Calimlim Touton, Commissioner
U.S. Bureau of Reclamation
1849 C Street NW
Washington DC 20240-0001

Dear Commissioner Touton:

I am writing with concerns about the U.S. Bureau of Reclamation's draft preliminary alternatives for the Trinity River Division (TRD) for the 2021 Reinitiation of Consultation on the long-term operation of the Central Valley Project (CVP) and State Water Project (SWP). While this draft document may provide an opportunity for positive change for TRD, it improperly links the TRD with the CVP and SWP in ways that run counter to the Central Valley Project Improvement Act (CVPIA). BOR should perform a separate Environmental Impact Statement for the TRD.

BOR's operations over the past three years of drought severely depleted storage in Trinity Lake, threatening the health of Trinity River fisheries, power production, and the overall economy of Trinity County. In 2020 and 2021 more than 170 percent of the reservoir's inflow was diverted to the Sacramento River. In 2022, with lake levels already at crisis levels, that diversion was reduced to 50 percent. As Reclamation implemented its Winter Flow Variability program, the reservoir was drawn down even further to the dismay of many in the Trinity community. While significant winter weather began to break the pattern of drought, BOR began required Record of Decision (ROD) releases from a drastically depleted reservoir.

BOR's draft preliminary alternatives attempt to address operations to prevent similar crises in the future. However, none of the alternatives are adequate to protect the Trinity fishery, tribal trust resources, or the economy of Trinity County. Any alternative must ensure the most protective flows for the Trinity River fishery. Climate change foretells that droughts will become longer and more severe. A significantly higher minimum lake level should be imposed to protect fish through droughts that might last even longer than California's most recent drought.

Under the most protective Alternative 2, a 1.2-million-acre-foot starting minimum pool may not be adequate to protect fish through a multi-year drought. This alternative also suggests that "through governance" BOR would have discretion to both lower lake levels below 750,000 acre feet or lower current minimum flows to the Trinity River during the summer, neither of which should be allowed because these would likely jeopardize temperature objectives in the river.

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BOR should also closely evaluate whether carryover of ROD flows in wet years to improve storage in Trinity Lake is beneficial, but any change in the volume of flows in a new ROD must be approved by the Hoopa Valley Tribe as it is in the current ROD. While I support the multi-agency deliberation and consensus requirement to adjust flows in Alternative 2, Trinity County should be added to this group and the Hoopa Valley Tribe and Yurok tribe be clearly identified as co-leads for the purpose of the National Environmental Policy Act. Noticeably absent from any of the alternatives is the 1955 Act's Proviso 2 which allocates 50,000 acre feet to Humboldt County and other downstream users. This must be included in any alternative.

Finally, I ask that BOR closely consider the effects of operations of the TRD on the local economy which will require an analysis of impacts to Trinity Lake users and businesses, boaters and fishers on the Trinity River, tribal fisheries, and power customers.

Any alternatives to current operations must be legally defensible even as BOR balances the interests in the Trinity River. BOR should aim to reduce conflicts between user groups by maintaining separation of the TRD from the CVP and SWP and initiating a separate EIS. If you have any questions, please contact my Senior District Representative John Driscoll at (707)407-3585.

Sincerely,



JARED HUFFMAN

Member of Congress