

The Trinity River- A Trail of Broken Promises

Presentation to Water For 7 Generations Conference
Sierra Nevada Brewery, Chico
November 29, 2012

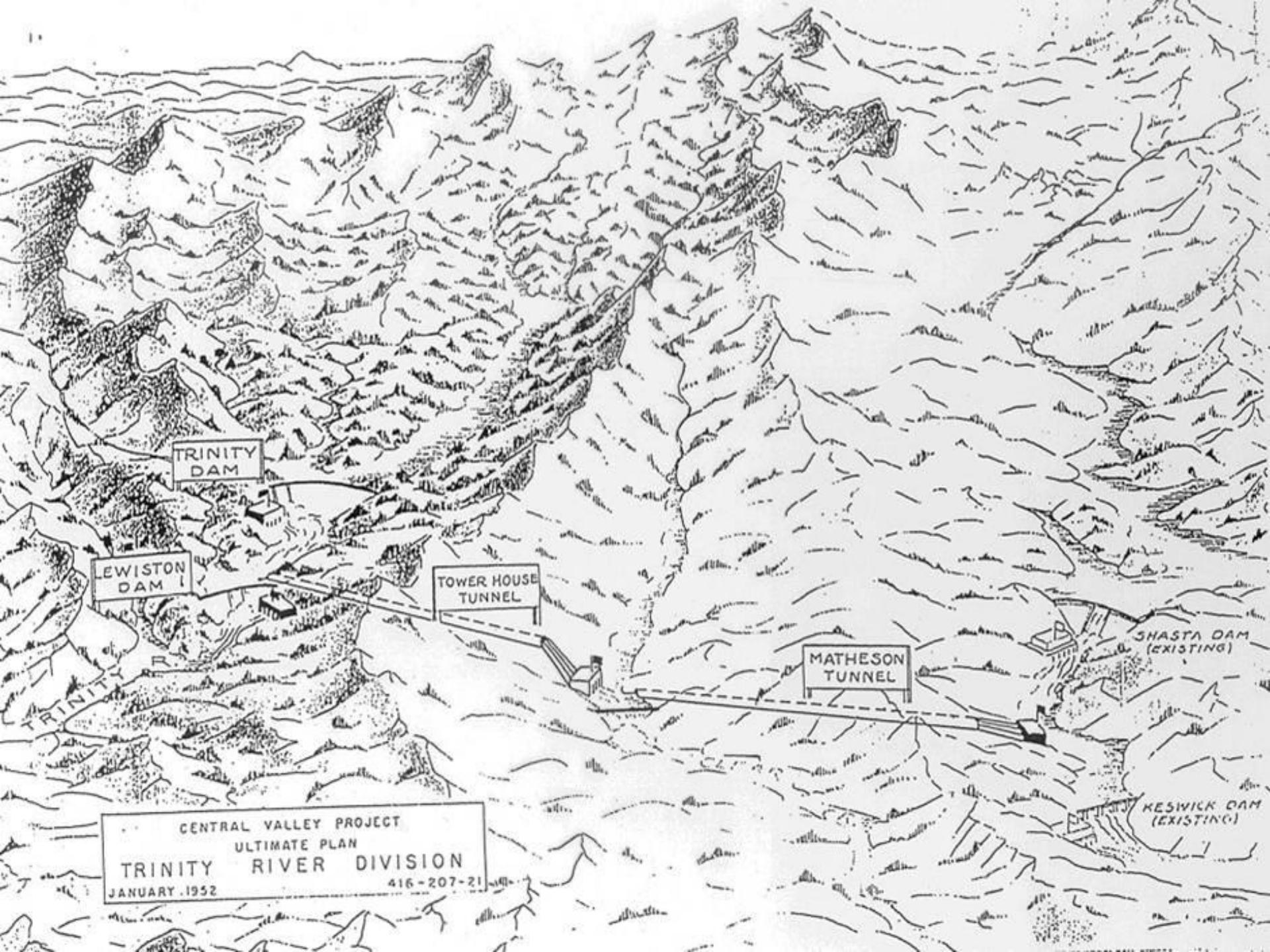
Tom Stokely, California Water Impact Network

<http://www.c-win.org/>

530-926-9727

tstokely@att.net





TRINITY
DAM

LEWISTON
DAM

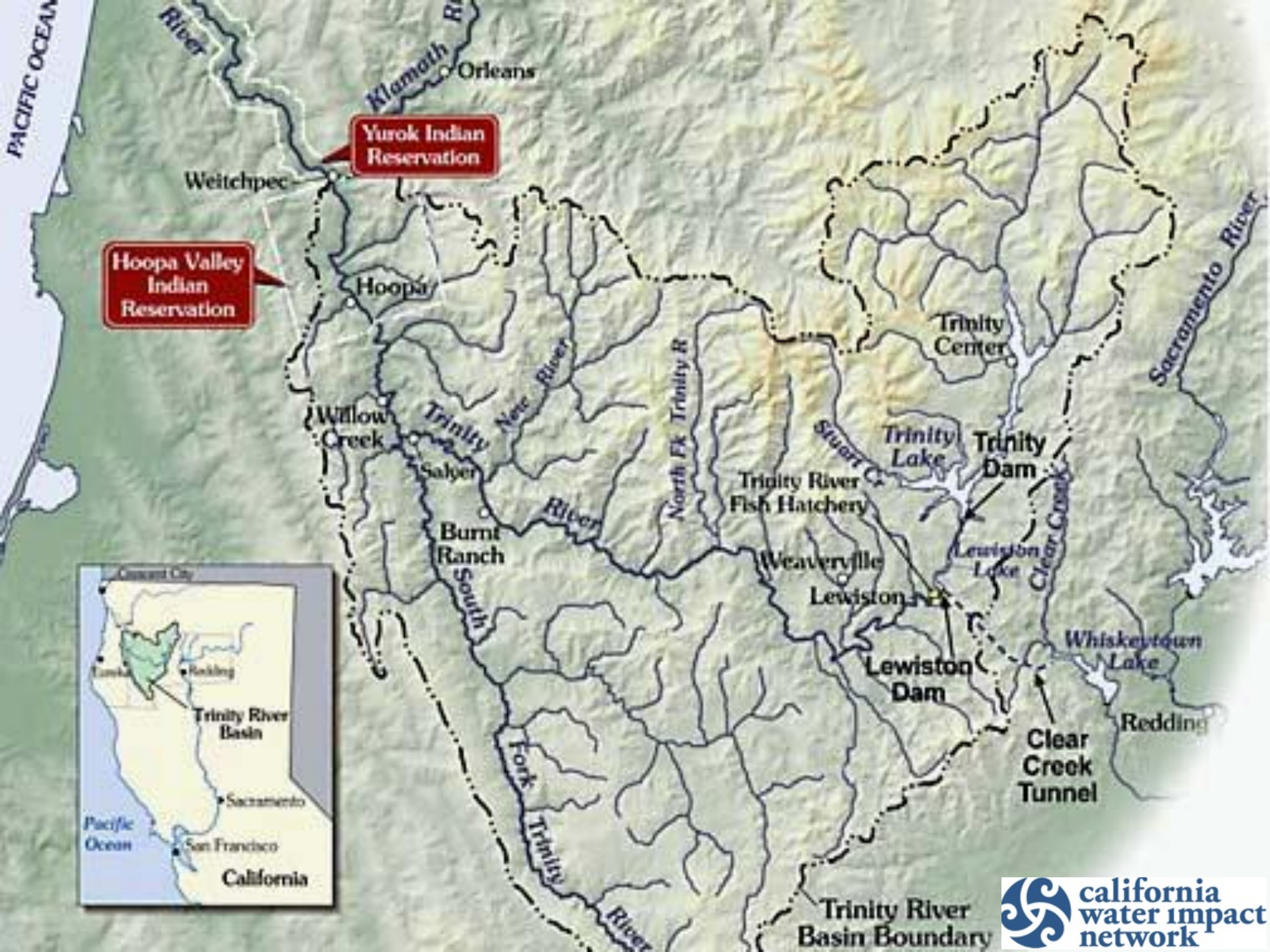
TOWER HOUSE
TUNNEL

MATHESON
TUNNEL

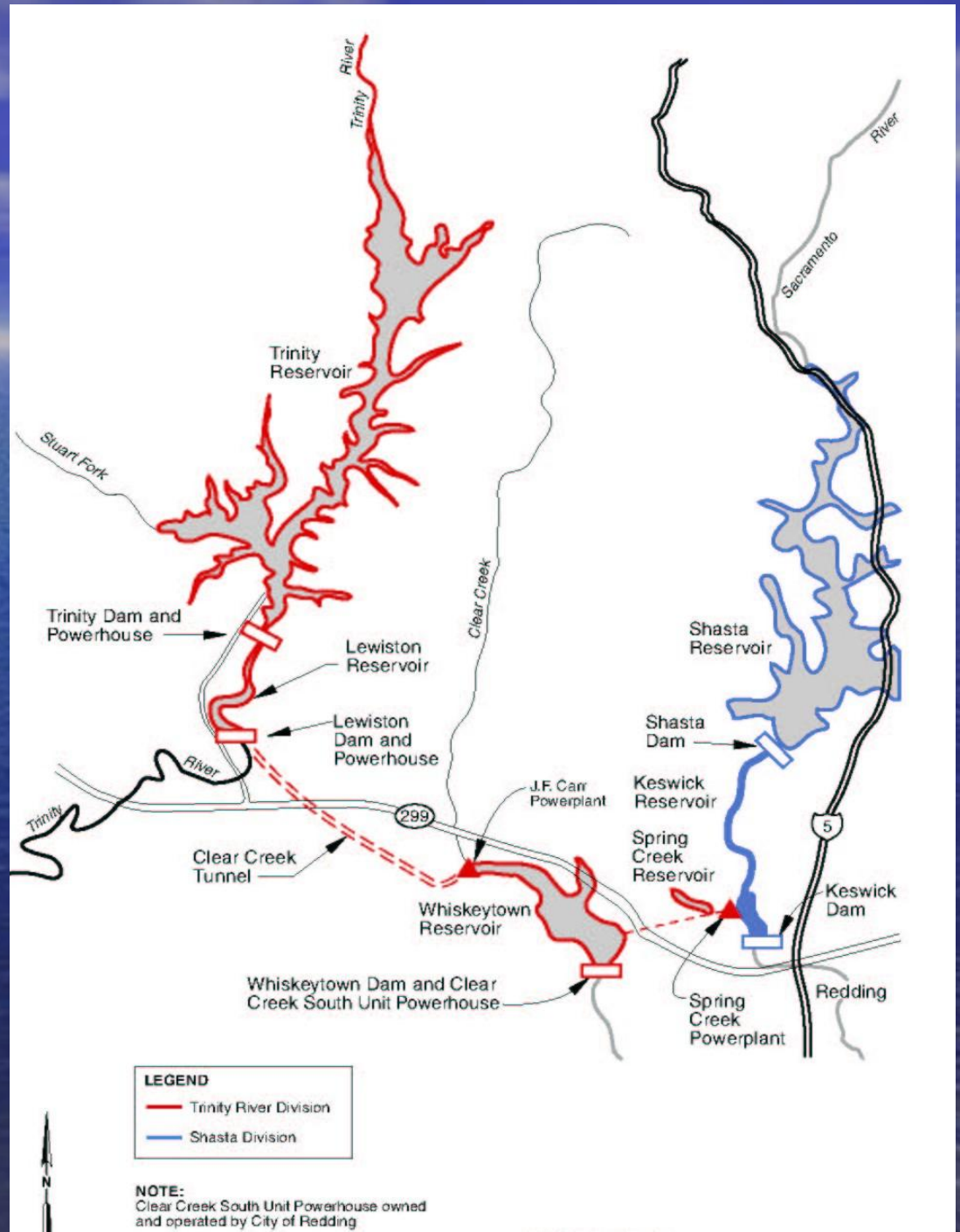
SHASTA DAM
(EXISTING)

KESWICK DAM
(EXISTING)

CENTRAL VALLEY PROJECT
ULTIMATE PLAN
TRINITY RIVER DIVISION
JANUARY, 1952 416-207-21



TRINITY RIVER DIVISION AND SHASTA DIVISION OF CENTRAL VALLEY PROJECT



TRINITY RIVER DIVISION PROFILE

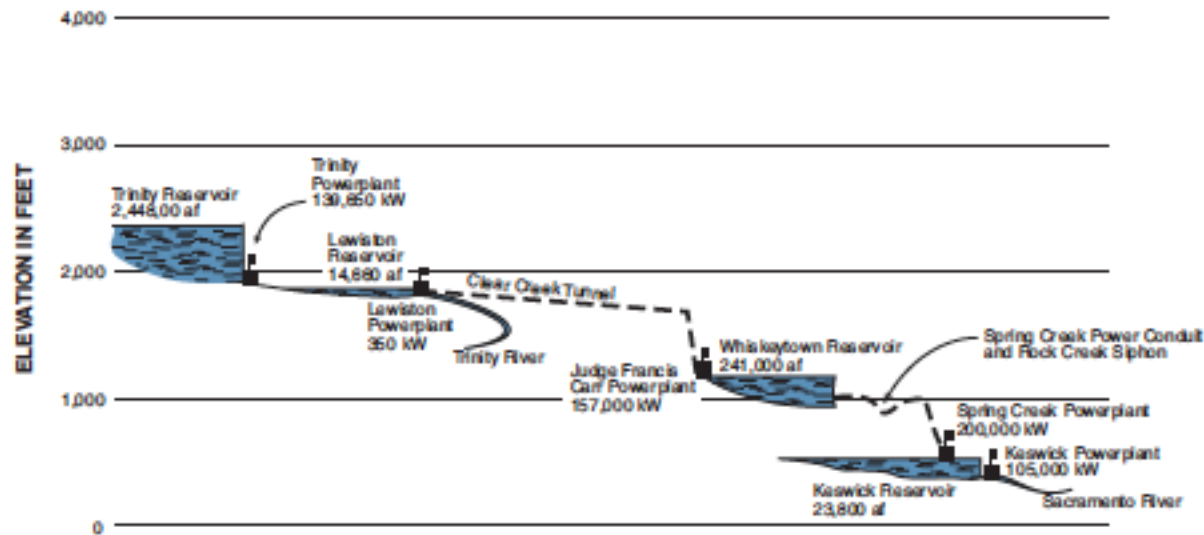


FIGURE 3-11
DEVELOPED PROFILE,
TRINITY RIVER DIVERSION
TRINITY RIVER MAINSTEM FISHERY RESTORATION EIS/EIR

1952: Congressman Clair Engle promises local control, Trinity County Board of Supervisors endorse the Trinity River Division

AVERVILLE, TRINITY COUNTY, CALIFORNIA, THURSDAY, FEBR

Engle Says Dam Bill to Be Under Trinity County Thumb

Rep. Clair Engle Friday evening told an audience in Weaver-ville he would withdraw his proposed congressional bill to authorize construction of the Trinity river diversion project, at any stage of its enactment, if the people of Trinity county were not satisfied with its provisions.

(Emphasizing this statement, Engle on Saturday morning told The Trinity Journal he would withdraw the bill any time Trinity county did not approve of it—if provisions protecting Trinity

erville to Trinity Center, in addition, to replacing other roads which may be destroyed.

County Can't Sell Power

Engle told a questioner that the county could not sell the power it would have reserved and take the proceeds. The bureau of reclamation would still sell the power, with proceeds to be applied to amortize the whole Central Valley project.

He told another questioner that the chances for his bill to get through congress substan-

sion, but as to the project set up in the bureau of reclamation report," which he said varied from the old state plan in ways "very important to Shasta and Tehama counties. He added that he felt that if legislation followed the bureau's report, Shasta and Tehama counties "are being sold down the river."

'Trinity Center . . Mud Flats'

Hill said the presently planned 1,800,000 acre-foot storage reservoir "is not the most econom-

1953: Westlands Water District joins the fight in promoting legislation to dam the Trinity River (See Sayles)

Congressman Engle and the "California Committee for Trinity River Development" promise that the Trinity project "does not contemplate diversion of one bucketful of water which is necessary in this basin" and "the argument that it will ruin fishing is absolute nonsense"



ESTABLISHED JANUARY, 1856. A FAMILY NEWSPAPER, INDI

Volume 99

WEAVERVILLE, CALIF

Trinity County Gets Assurance Of Adequate Water From Dam

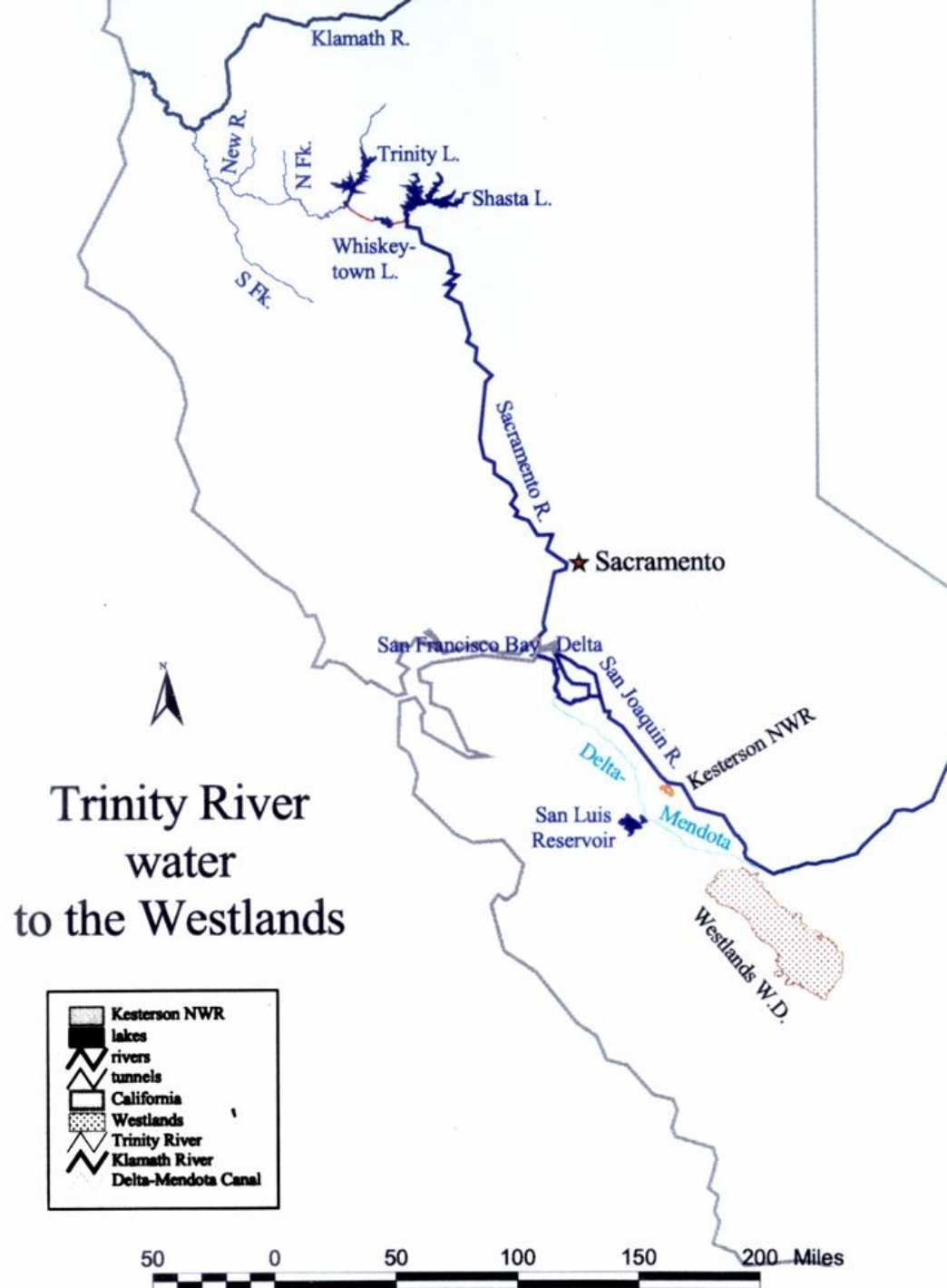
REDDING, Calif.—The people of Trinity, Tehama and Shasta counties should take immediate steps to assure that all the water of the Trinity River they can beneficially use will be reserved to meet their present and future needs.

This is the view of Jack W. Rodner, executive secretary of the California Committee for Trinity River Development and manager of the Westlands Water District in the San Joaquin Valley, expressed at a meeting here of the Trinity River Committee of the Redding Chamber of Commerce.

"As desperate as our needs are in the west San Joaquin Valley, we do not want to take a drop of water from the Trinity

diverted into the Sacramento River, to provide a steady and sufficient supply to Trinity, Shasta and Tehama counties, firm up the water supply to the Sacramento River area, and take care of the initial development of the San Luis Project in the San Joaquin Valley, with a surplus still running into the ocean," Rodner told the committee. He pointed out that sale of a portion of the water to the San Luis Project area will provide revenue which will make the Trinity River project, with its benefits to the Trinity and Sacramento river areas, economically sound and practical.

Armon Heffington of Weaver-ville, chairman of the California Committee for Trinity River De-velopment, told the Redding



The 1955 House and Senate Committee Reports on the 1955 Act clearly stated that the destination of the Trinity's water would be the San Luis Unit of the CVP.

SUMMARY OF VOLUME AND DIVERSION OF TRINITY RIVER WATER

Average Annual Volume of Trinity River at Lewiston:

(84 year period of record) (Source: TRFE):

1,249,000 acre-feet

1952 Bureau of Reclamation Ultimate Plan Report for Trinity River Division of CVP

Average Annual Diversion to Central Valley:

660,000 acre-feet

Percent Plan stated would be diverted:

52%

1955 House Report No. 602, 84th Cong., 1st Sess. 4

Average Annual Diversion to Central Valley:

704,000 acre-feet

Percent House understood would be diverted:

56%

1955 Senate Report No. 1154, 84th Cong. 1st Sess. 5

Average Annual diversion to Central Valley:

704,000 acre-feet

Percent Senate understood would be diverted:

56%

1957 Bureau of Reclamation Report on the Plan of Development

Average Annual Diversion to the Central Valley:

865,000 acre-feet

Percent to be diverted as revised by Bureau:

69%

1961-1995 Actual Trinity River Diversions to the Central Valley
as a percentage of Trinity River volume (Source: TRFE):

72%

[The 28% released to Trinity River included flood-control
releases neither related to nor scheduled for fishery needs.]

TRFE Recommended average annual release to Trinity River

(based on weighted average of five water year types):

594,500 acre-feet

Percent to be released to Trinity River:

47%

Percent to be diverted to Central Valley:

53%

THE TRINITY RIVER DIVISION ACT OF 1955- PUBLIC LAW 84-386

“For the principal purpose of increasing the supply of water available for irrigation and other beneficial uses in the Central Valley of California, the Secretary of the Interior. . . is authorized to construct, operate, and maintain, as an addition to and an integral part of the Central Valley Project, California, the Trinity River Division . . .”

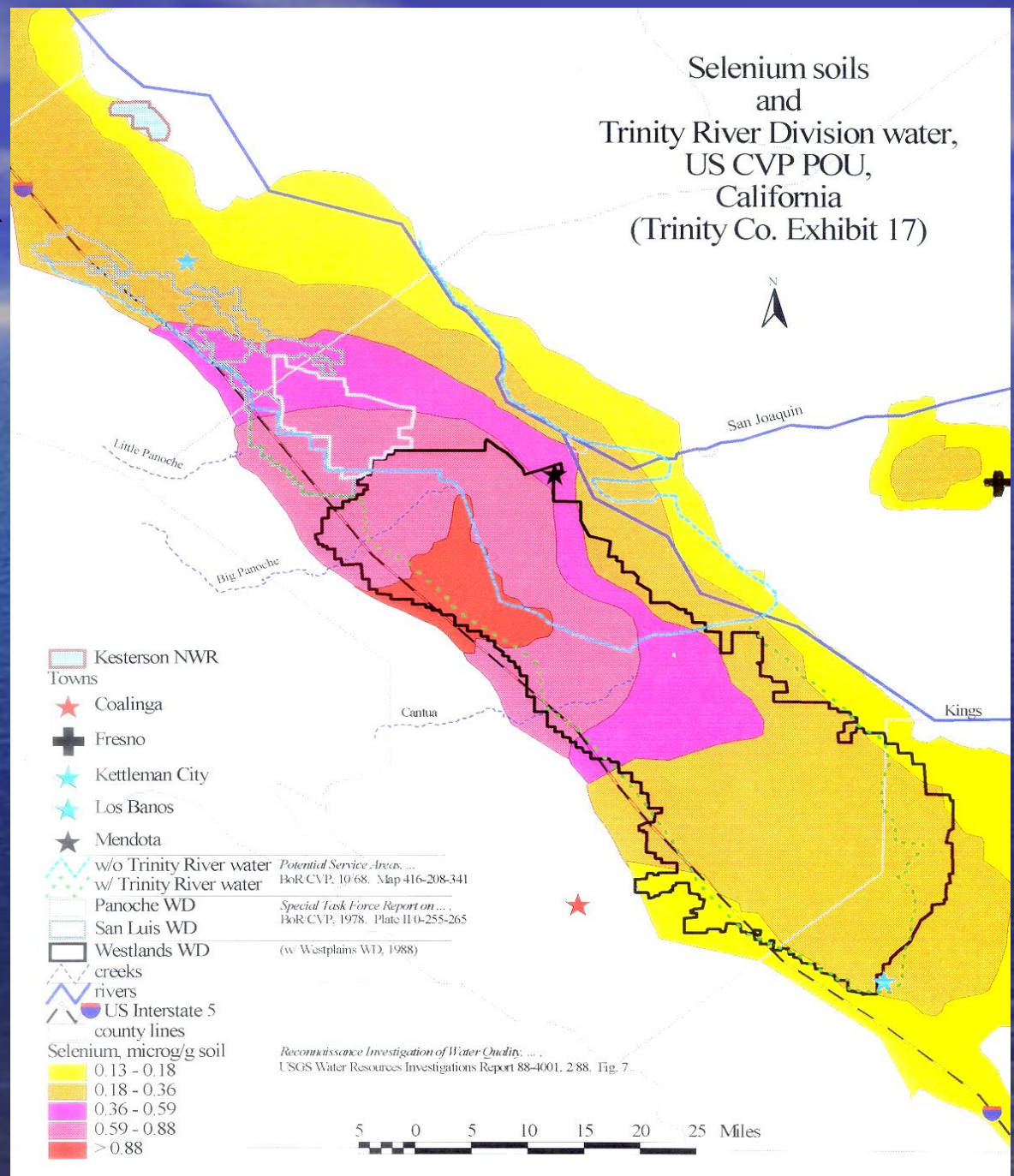
The Trinity River Division Act of 1955: Broken Promises

“Provided further, That not less than 50,000 acre-feet shall be released annually from the Trinity Reservoir and made available to Humboldt County and downstream water users.”

“... the Secretary is authorized and directed to adopt appropriate measures to insure the preservation and propagation of fish and wildlife. . . .of the Trinity River. . . .”

- **1959:** BOR applies to the State of California for water permits to store and divert the waters of the Trinity River.
- Reclamation is issued 8 State Water Right Permits, protested by Humboldt County and CA Dept. of Fish and Game.
- Permit approval included the expansion of the CVP service area in the western San Joaquin Valley' San Luis Unit to highly saline/seleniferous soils.

TRINITY RIVER DIVISION EXPANDS CVP PLACE OF USE TO HIGHLY SELENIFEROUS SOILS



John F Kennedy, Whiskeytown Dam Dedication September 28, 1963



“For too long this water
ran unused to the sea.”



That Same Year After JFK's Dedication...



Reclamation signs a 40-year water contract with the Westlands Water District and other San Luis Unit Water Districts

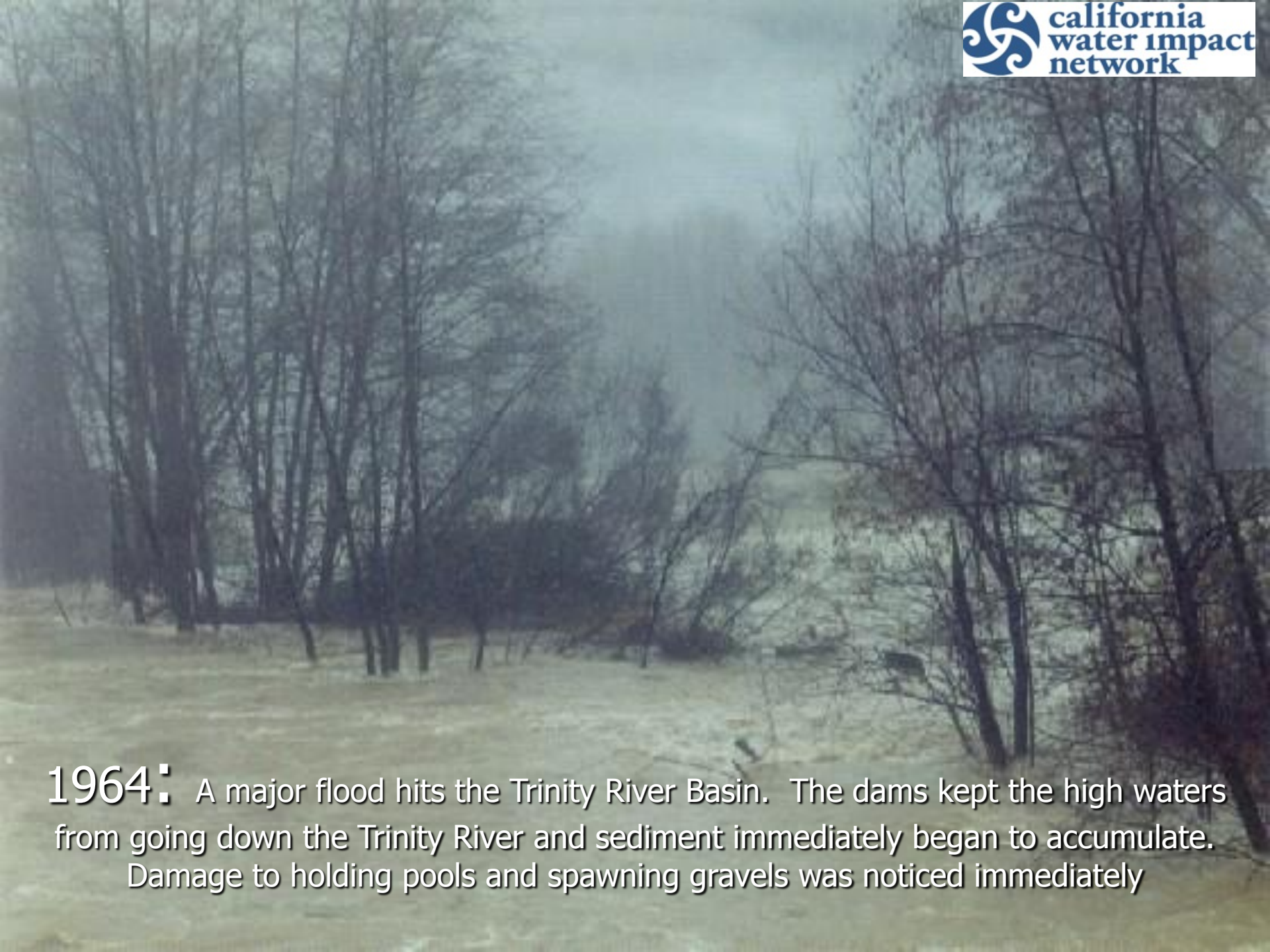


Environmental Consequences

- Perpetual drought conditions below the dam
- Loss of habitat related to the lack of flushing flows
- Poor water quality conditions due to sediment loading into the river- Trinity listed as Sediment-Impaired Water Body under Section 303d of the federal Clean Water Act
- Temperatures reaching near lethal levels for salmonid species
- Trinity River coho salmon listed as threatened under both the federal and state Endangered Species Act
- Steelhead and natural Chinook populations have been severely depleted.
- Bay-Delta Ecosystem damaged by increased Delta exports from Trinity

SOCIAL AND ECONOMIC IMPACTS AND BENEFIT

- Members of the Hoopa Valley and Yurok Tribes
- Del Norte, Humboldt and Trinity County residents
- Commercial Fishing
- Recreational Fishing- ocean and in-river
- Reservoir Recreation
- Taxpayers
- Benefits- Power Customers- Trinity Public Utilities District



1964: A major flood hits the Trinity River Basin. The dams kept the high waters from going down the Trinity River and sediment immediately began to accumulate. Damage to holding pools and spawning gravels was noticed immediately

1970's: DAMAGE TO TRINITY RIVER FISHERIES IS SEVERE -TRINITY RIVER TASK FORCE IS FORMED

1975: Experiments with increased flows begin

1977: Driest year on record in California, Trinity Lake drained to approximately 10% of its capacity (224,000 af)- cold water pool nearly exhausted, but Powerplant remains in operation

1977: Trinity River Hatchery Fish Die because Reclamation refuses to bypass the Powerplant to provide cold water to the fish until September 9, 1977

1977- COUNTY OF TRINITY VS. INTERIOR SECRETARY ANDRUS

Trinity County files a lawsuit against the Interior Secretary for cessation of the high flow experiments

Hoopa Valley Tribe intervenes on the County's behalf

Two major findings:

- NEPA is not required for ongoing CVP operations
- County of Origin Statutes could be used as a basis to keep water in the basin, but no proof provided of benefits

1980: Trinity River Stream Rectification Act (P.L. 86-335)

As a result of the Task Force's work, federal legislation was passed in 1980 regarding the Trinity River, authorizing the following:

- Construction of the Buckhorn Mountain Debris Dam in Grass Valley Creek
- Construction and Maintenance of a sand dredging system at the mouth of Grass Valley Creek in cooperation with California Department of Water Resources

1984: TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT ACT P.L. 98-541

- Findings of damage to the fishery from loss of flows and habitat from TRD, inadequate erosion control and overfishing;
- Findings of losses of wildlife habitat from inundation of the 2 reservoirs;
- Direction from the 1955 Act to “preserve and propagate” fish and wildlife was clarified to require restoration to pre-dam levels;
- Restoration will be measured by the ability of dependent tribal, commercial, and sport fisheries to participate fully in the benefits of restoration (1996 amendment);
- Role of Hatchery is to mitigate for lost habitat upstream of Lewiston Dam, but not to interfere with natural production below the dam.
- Formed Trinity River Task Force (now extinct)
- Authorized \$60 million with reimbursement from Humboldt/Trinity counties, state, and federal taxpayers, and water and power users
- 1993 – Authorized purchase and restoration of 17,000 acres in Grass Valley Creek (1993 Amendments) and an additional \$15 million

THE CENTRAL VALLEY PROJECT IMPROVEMENT ACT, 1992

- “In order to meet Federal trust responsibilities to protect the fishery resources of the Hoopa Valley Tribe, and to meet the fishery restoration goals of the Act of October 24, 1984, Pub. L. 98-541, provide through the Trinity River Division, for water years 1992 through 1996, an instream release of water to the Trinity River of not less than 340,000 acre-feet per year for the purposes of fishery restoration, propagation, and maintenance”
- “Not later than December 31, 1996, the Secretary shall forward the recommendations of the Trinity River Flow Evaluation Study. . . If the Secretary and the Hoopa Valley Tribe concur in these recommendations, any increase to the minimum Trinity River instream fishery releases . . . shall be implemented accordingly.”

Trinity Record of Decision (ROD)

Requirements:

- Increased Flow Regime
- Spawning Gravel Introduction
- Bank Feather and Channel Rehabilitation
- Watershed Component
- Trinity River Bridges and Flood Zone
- Adaptive Management



12/19/2000 Secretary of the Interior Bruce Babbitt at Hoopa for Signing of the ROD.

VII. Tribal Concurrence

In accordance with CPVIA Section 3406(b)(23)(B), this decision and the underlying recommendations were reviewed with the Hoopa Valley Tribe through the Tribal Chairman and the Tribal Council. By Tribal Resolution # 00-94 dated December 18, 2000, the Hoopa Valley Tribe formally concurred in and agreed with the underlying recommendations and this decision.



Duane Sherman, Sr. Chairman
Hoopa Valley Tribal Council

12/19/00
Date

VIII. Secretarial Directive

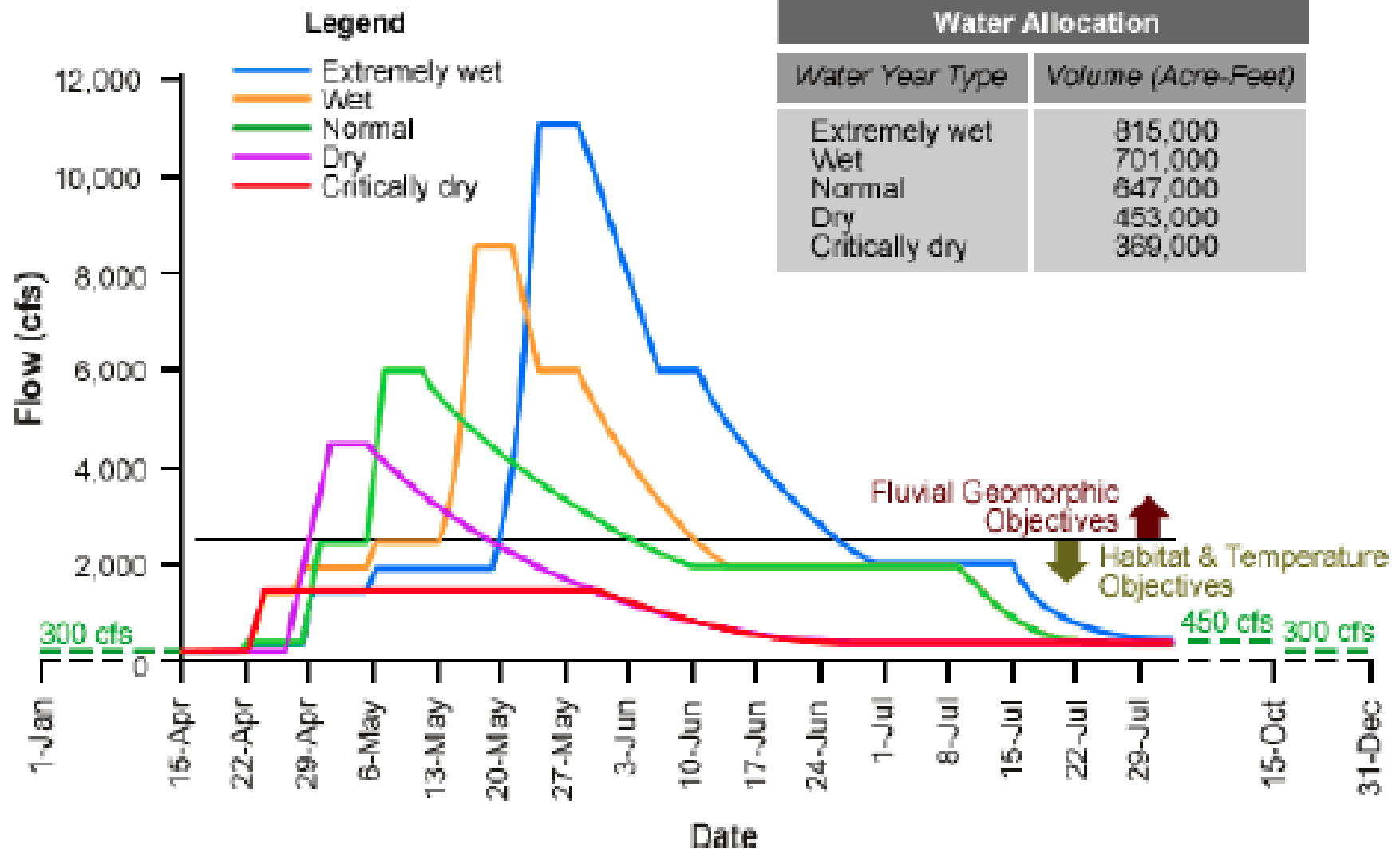
The Department's agencies are directed to implement this decision as outlined in this Record of Decision, and described in detail in the FEIS/EIR.



Bruce Babbitt
Secretary of the Interior

December 19, 2000
Date

Typical Flow Releases from Lewiston Dam to the Trinity River



Source: Trinity River Restoration Program

TRINITY RIVER PAPER WATER

- ❖ Trinity River Fishery Flows = 594,500 AF/Year
 - ❖ Bureau of Reclamation State Water Permit Fish Flows = 120,500 AF/year
- ***Trinity River "Paper Water" = 474,000 AF/year!

TRINITY RIVER WATER RIGHTS



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898



MP-460
WTR 4.10

JAN 13 2010

Ms. Victoria Whitney
Deputy Director for Water Rights
Attn: Ms. Katherine Mrowka
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Subject: Response to Allegations Presented in Protest of the Bureau of Reclamation's Petitions to Extension of Time to Put Water to Full Beneficial Use Filed on Behalf of Friends of the River, Permitted Applications 5625, 5626, 5627, 5628, 9363, 9364, 9365, 9366, 9367, 9368, 13370, 13371, 13372, 14662, 14858A, 14858B, 14859, 15374, 15375, 15376, 15764, 16767, 16768, 17374, 17375, 17376, 18115, 19303, 19304, 21542, 22316, 27319 for Integrated Operation of the Central Valley Project, California



Protestant requests that Reclamation expeditiously seek amendment of some of the subject permitted applications to conform to the Trinity ROD. The Deputy Director's December 14, 2009, letter states that the State Water Board will make such an amendment on its own. However, for purposes of this response letter, Reclamation will assume that Protestant is suggesting that Appendix B to the Trinity ROD, Lewiston Dam Releases to the Trinity River (FEIS, pages C-37 and C-38), should be made a permit term. Reclamation rejects this suggestion and finds it problematic. Such amendments would be both unnecessary and ill-advised.

1991-1992: Trinity Temperature Objectives approved by NCRWQB, SWRCB and USEPA as Clean Water Act Standards

Daily Average Not to Exceed	Period	River Reach
60° F	July 1-Sept.14th	Lewiston Dam to Douglas City Bridge
56° F	Sept. 15 – Oct. 1	Lewiston Dam to Douglas City Bridge
56° F	Oct. 1 – Dec. 31	Lewiston Dam to confluence of North Fork Trinity River

TRINITY DAM RELEASE TEMPS

- 44° - 45° F Normally
- Can exceed 60 F if reservoir low
- Powerplant Bypasses Necessary when Reservoir below 1 million AF- more if lower
- Powerplant Bypasses Ineffective if cold water pool exhausted
- **2000 Trinity ROD and NMFS BO call for 600k AF minimum pool- 400k AF with PowerPlant Bypasses**

LEWISTON RESERVOIR TEMPERATURE PROBLEMS

- 7 miles long
- Requires ~1800 cfs during summer to keep Lewiston Dam releases @
- 48° - 50° F
- Trinity R. summer base flow = 450 cfs

Therefore, keeping Trinity R. cold in summer requires minimum water exports to the Sacramento River (1350 cfs)

TRINITY LAKE CARRYOVER STORAGE

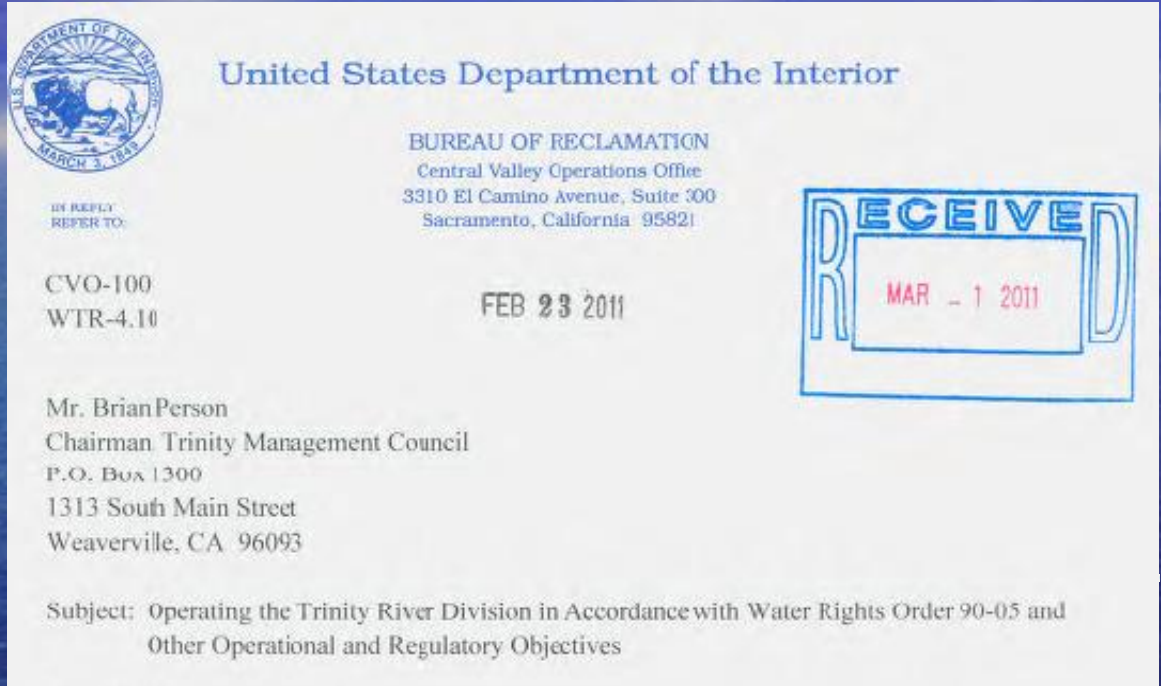


Source: US Fish and Wildlife Service

Trinity vs. Shasta Refill Potential

- Trinity Reservoir refill potential at 50% capacity (1.24 MAF) is only 15%
- Shasta Reservoir refill potential at 50% capacity (2.25 MAF) is 35%
- Folsom Reservoir refill potential at 50% capacity (500,000 AF) is 60%
- Trinity Lake is twice size of annual runoff
- CONCLUSION: ONCE TRINITY IS DRAINED, IT TAKES A LOT OF PRECIPITATION/RUNOFF TO REFILL IT

TRINITY LAKE CARRYOVER STORAGE



United States Department of the Interior

BUREAU OF RECLAMATION
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, California 95821

BY REPLY
REFER TO:

CVO-100
WTR-4.10

FEB 23 2011

RECEIVED
MAR - 1 2011

Mr. Brian Person
Chairman, Trinity Management Council
P.O. Box 1300
1313 South Main Street
Weaverville, CA 96093

Subject: Operating the Trinity River Division in Accordance with Water Rights Order 90-05 and
Other Operational and Regulatory Objectives

In your letter, you specifically ask how Reclamation operates to meet objectives included in the 1994 Trinity Basin Plan. We consider the Basin Plan to be objectives that we strive to meet, but do not consider the objectives as permit obligations. We understand that the ROD incorporated

With regard to carryover storage targets on Trinity Reservoir, there are no hard and fast carryover objectives. As a general rule, Reclamation strives to operate the CVP to balance carryover storages between Trinity Reservoir and Shasta Reservoir. We consider the refill

POTENTIAL TRINITY RIVER BASIN IMPACTS FROM BDCP

- Increased Trinity River exports to the CVP
- Decreased carryover storage in Trinity Lake
- Increased frequency of “dead pool” storage
- Increased water temperatures for fish

POTENTIAL TRINITY RIVER BDCP IMPACTS (cont.)

- Decreased power production-
more Trinity powerplant
bypasses/lower head
- Less Trinity water for Trinity and
lower Klamath fishery flows
- Increased demand for limited
funding

TRINITY RIVER SOLUTIONS

Trinity River protections in BOR's Trinity River water rights through SWRCB:

- Eliminate “paper water” in BOR's water rights and contracts
- Amend minimum instream flows from 120,500 AF/Year to Trinity ROD weighted average 594,500 AF/Year

TRINITY RIVER SOLUTIONS (cont.)

Trinity River protections in BOR's Trinity River water rights through SWRCB:

- Incorporate North Coast Basin Plan Trinity River temperature objectives into BOR's water rights
- Establish Trinity Lake carryover storage to meet Trinity ROD flows and temperature objectives during multi-year drought



Tom Stokely

530-926-9727

tstokely@att.net

<http://www.c-win.org>