



COUNTY OF SISKIYOU

Board of Supervisors

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Via Facsimile: 530-276-2005

July 24, 2012

Mr. Don Reck
Bureau of Reclamation
Northern California Area Office
16349 Shasta Dam Blvd.
Shasta Lake, CA 96019

Re: Draft EA for 2012 Lower Klamath River Late Summer Flow Augmentation

Dear Mr. Reck:

Please accept these comments from the County of Siskiyou and the Siskiyou County Flood Control and Water Conservation District (collectively, "Siskiyou County") regarding the Draft Environmental Assessment for 2012 Lower Klamath River Late Summer Flow Augmentation (Draft EA).

Siskiyou County has expressed ongoing concerns regarding the potential impacts of Klamath and Trinity River summer water project operations on various salmon species and populations. Of immediate concern is the response of the Bureau of Reclamation (Bureau) and NOAA Fisheries Service (NMFS) to the request from Humboldt County, the Hoopa Valley Tribe, and other parties for increased flows on the Trinity River from mid-August into September. As noted in the Draft EA, project operations were a factor in the massive fish kill in 2002 and reflect the quite imperfect ability of the Bureau and NMFS to address and balance competing and conflicting demands for Klamath Basin water. While the Draft EA's proposed action is rooted in good intentions to benefit Trinity River Chinook salmon, it does not appear that there has been sufficient consideration as to whether this action may be detrimental to other populations of Chinook and Coho. We dread the prospect of another catastrophic fish kill coming at the hand of deliberate water project operations.

Siskiyou County appreciates the cultural and economic importance of the Klamath's salmon fishery and respects the claims of Humboldt County and the Hoopa Valley Tribe to the portion of Trinity River flows that have long been exported to the Central Valley in violation of federal statute, contractual rights, and the conditions on the Bureau's own

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water rights permits. We also respect the area-of-origin claims of Trinity County that must be factored into management of the river. Combined with the Klamath Hydroelectric Settlement Agreement (KHSA) and the Klamath Basin Restoration Agreement (KBRA), these water claims add to the overall need for more water remaining in the Klamath Basin and reduced exports to the Central Valley Project (CVP).

However, Siskiyou County occupies the central region of the Klamath River watershed, including key tributaries, and is sandwiched between the operations and impacts of the Bureau's Klamath Project upstream and the Trinity Division of the CVP downstream. Siskiyou County will not be placed in a position where it is whipsawed by the Bureau's uncoordinated and conflicting operation of the CVP and the Klamath Project or the failure of NMFS to conduct required and sufficient Endangered Species Act consultation when project operations may have detrimental effects on listed species.

The Bureau and NMFS must ensure that Trinity River cold water releases are not made in such a way as to create migration cues resulting in fish moving into the Klamath River and its tributaries at times when temperature and flow conditions are marginal or even lethal. This issue is not addressed in the Draft EA, nor is it addressed in the Biological Opinion for the Trinity River Mainstem Fishery Restoration EIS (the underlying NEPA document upon which the Draft EA appears to rely). The scope of the proposed action presented in the Draft EA is overly narrow in failing to consider any possible effects to anadromous species (whether or not listed under the Endangered Species Act) in the greater Klamath system upstream of the confluence with the Trinity. As a consequence, there is lack of analysis of the direct effects that may be created by interdependent and interrelated actions or of possible indirect effects of the proposed action.

The request for increased Trinity River flows in mid-August and September is a departure from the natural Trinity hydrograph, which typically did not produce higher flows until late in October. In August and September in the Upper Klamath region, even streams that are not subject to impoundment or diversion are running low or are completely dry. For the 2012 water year, the Draft EA acknowledges that supplemental water for late summer flows will not be available from the upper Klamath River, and the low level of Upper Klamath Lake has precluded supplemental "variable base flow" releases in both June and July. The current level of Upper Klamath Lake (4,140.42 feet) remains below the threshold required for supplemental releases in August and September (4,141.0 feet). For recovery and propagation in the upper watershed, migration must be timed to meet the more favorable natural flow and habitat conditions that do not usually occur until late October.

While the target flow of 3,200 cfs for the lower Klamath may be equivalent to average flows during years of high escapement since 1978, those years do not necessarily correlate with water-year types or conditions in the Klamath system above the confluence with the Trinity. The Draft EA does not analyze the issues that may be

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created by an unnatural imbalance of augmented Trinity flows and the ongoing minimum releases from the Upper Klamath.

In testimony before the State Water Resources Control Board on July 17, John Bezdek, representing the Department of the Interior, spoke of the need for a holistic approach in managing the Klamath Basin and decried "piecemeal" management efforts. Unfortunately, "piecemeal" is exactly what has been produced with the KHSA and KBRA, where the focus is on the mainstem of the Klamath River rather than a true holistic approach to the issues of the greater Klamath Basin. Disjointed management actions on the Trinity River threaten to be just the latest example of the Bureau and NMFS embarking on yet another tangent of piecemeal action.

In Siskiyou County alone, there are currently four major, pending lawsuits related to water management. A partial list of the agencies and parties involved includes the following:

- State Water Resources Control Board (defendant)
- California Department of Fish and Game (defendant)
- North Coast Regional Water Quality Control Board (defendant)
- Siskiyou County (defendant)
- Montague Water Conservation District (defendant)
- Klamath Riverkeeper (plaintiff)
- Karuk Tribe (plaintiff)
- Siskiyou County Farm Bureau (plaintiff)
- PacifiCorp (plaintiff)

It is ironic that a number of these agencies and entities are parties to or facilitators of the Klamath settlement agreements, which were hailed as bringing "Peace on the River" and providing a comprehensive solution to Klamath Basin water issues. In reality, all of these actors and many more continue to be entangled in litigation and continue to face the ongoing risks and complications of uncoordinated actions such as the proposed late-summer Trinity River flow augmentation.

Sincerely,



Grace Bennett
Chair, Siskiyou County Board of Supervisors