

Congress of the United States
House of Representatives
Washington, DC 20515-0502

July 29, 2014

Lowell Pimley, Acting Commissioner
Bureau of Reclamation
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Acting Commissioner Pimley:

I am gravely concerned about the increasingly hazardous conditions for salmon and steelhead trout in the Klamath and Trinity River watersheds during this drought year, and the strong likelihood that Bureau of Reclamation operations have left few options to respond to the threat of a fish kill. Operations of the Trinity River Division are required by law to first protect Trinity River fisheries, yet with ongoing diversions of Trinity water out of basin to the Central Valley Project there may be neither enough water, nor cold enough water, available for needed supplemental flows.

As of July 28, Trinity Lake held just 888,000 acre feet, 288,000 acre feet above the level which would trigger a reconsultation with the National Marine Fisheries Service under the National Environmental Policy Act. Under the 2000 Secretarial Record of Decision (ROD), only 450 cubic feet per second (cfs) has been released daily into the Trinity River in July. At the same time, an average of about 3,000 cfs has been diverted to the Sacramento River – a total of 152,000 acre feet of water. Continuing to divert water to the Central Valley Project during this year's drought conditions is a pray-for-rain strategy for the Trinity and Klamath River fisheries.

Current operations are also in violation of California Water Right Order 90-05. That order states plainly that the "Permittee shall not operate its Trinity River Division for water temperature control on the Sacramento River in such a manner as to adversely affect salmonid spawning and egg incubation in the Trinity River." Reclamation has claimed that the ongoing diversions from the Trinity River serve two environmental purposes: to meet temperature objectives in the Sacramento River, and to meet salinity requirements in the overtaxed Sacramento Delta. Yet this week Reclamation is considering a plan to release additional water above ROD flows to cool and improve habitat for migrating salmon on the lower Klamath and Trinity Rivers.

The ongoing diversions from the Trinity River have left Reclamation with insufficient flexibility: there will be almost no water available in Trinity Lake by the time supplemental flows are needed, and the temperature of the water will be higher than would be if there was more water stored in the lake. Additionally, the 50,000 acre feet of water that should be made available

annually to Humboldt County and downstream users, including the Hoopa Valley Tribe, is effectively ignored by current operations and unaccounted for in lake level predictions. That right is also one of the only possible authorities Reclamation has to release these supplemental flows, as was pointed out by U.S. District Court Judge Lawrence O'Neill in his August 2013 ruling on last year's flow plan. It is long past time that Reclamation explain whether and how Humboldt County's water allocation will be honored.

There is no doubt that this multi-year drought has placed severe stress on salmon, steelhead, and the environment, as well as on water users – with or without responsible project operations. However, Reclamation's consistent refusal to develop long-range plans has left it liable for damage to fisheries and trust resources, and unable to adequately respond to crises when they occur.

I look forward to learning the details of your proposal this week to increase flows from the Trinity River to protect migrating salmon in the lower Klamath River. Please do not hesitate to call if you have any questions.

Sincerely,



JARED HUFFMAN
Member of Congress