

**Chapter 3  
Individual Comments and Responses**

**County of Siskiyou**

----- Forwarded message -----

From: Elizabeth Nielsen <[enielsen@co.siskiyou.ca.us](mailto:enielsen@co.siskiyou.ca.us)>

Date: Mon, Dec 5, 2016 at 2:41 PM

Subject: Comments on the Draft EIS for the Long-Term Plan to Protect Adult Salmon in the Lower Klamath River

To: "[BOR-SLO-sha-ltpeis-public-comments@usbr.gov](mailto:BOR-SLO-sha-ltpeis-public-comments@usbr.gov)" <[BOR-SLO-sha-ltpeis-public-comments@usbr.gov](mailto:BOR-SLO-sha-ltpeis-public-comments@usbr.gov)>

Dear Ms. Long:

The Siskiyou County Department of Natural Resources is submitting this letter to inform the Bureau of Reclamation of forthcoming comments on the Draft EIS for the Long-Term Plan to Protect Adult Salmon in the Lower Klamath River. The Department intended to submit full comments to the Bureau of Reclamation by the comment deadline, but due to unforeseen circumstances this was not possible. The remaining comments to this Draft EIR will be submitted no later than close of business December 9<sup>th</sup>, 2016.

SIS1-1

Please let me know if you have any questions.

Sincerely,

**Elizabeth Nielsen**

Natural Resources Policy Specialist

County of Siskiyou

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## COUNTY OF SISKIYOU

### COUNTY ADMINISTRATIVE OFFICE

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December 09, 2016

SIS2

Julia Long  
Bureau of Reclamation, Northern California Area Office  
16349 Shasta Dam Blvd.  
Shasta Lake, CA 96019

**Subject: Comments on the Draft Environmental Impact Statement for the Long-Term Plan to Protect Adult Salmon in the Lower Klamath River**

Dear Ms. Long:

The County of Siskiyou and Siskiyou County Department of Natural Resources appreciates the opportunity to comment on the Draft Environmental Impact Statement for the Long-Term Plan to Protect Adult Salmon in the Lower Klamath River (EIS). Below are the comments and questions that the County of Siskiyou has regarding the EIS.

The proposed action of the EIS outlines increasing lower Klamath River flows (through releases from Lewiston Dam into the Trinity River) to reduce the likelihood and potentially reduce the severity of any fish die-off. These proposals seem to be largely based on the fish-die off of 2002 in the Klamath River, which has initiated this EIS along with other countless actions to eliminate the possibility of a similar die-off. One concern that Siskiyou County would like to touch on is the continuation of the 2002 fish die-off as the basis for sometimes extreme follow-up actions. Factors that resulted in the river conditions of early September 2002, and the subsequent fish die-off, are not largely abnormal to other drought related years. However, there has not been the major fish-disease and/or fish die-off which was witnessed in 2002. There should be consideration given to the fact that 2002 was an abnormal year in its results on fish health and survival, and is not a typically observed event. Proposed activities as outlined in the EIS should be based on those more typical, observable years, where mitigation actions will result in the most reliability and effectiveness.

SIS2-1

However, in reference to the 2002 fish die-off there is reputable documentation outlining that water temperature was the main cause for disease and mortality, and not necessarily the quantity of water present in the river system at that time. Water temperatures were measured hourly prior to and during the fall-run salmon migration season and it was found that

SIS2-2

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temperatures in the Upper Klamath River downstream of Iron Gate Dam were unsuitable for adult salmon. These temperatures were associated with the unseasonably warm air temperatures that year, and it was observed that by the end of September and early October, air and water temperatures had dropped to a level suitable for salmon habitat (Vogel, 2003). We understand that one of the goals in supplementing Lower Klamath flows with Trinity flows is to aide in temperature reduction when needed, but in certain cases these natural events will be unavoidable. It may prove to be much more difficult to influence the temperatures of Lower Klamath flows through supplementation with Trinity flows, and research and determination of quantifiable benefits is warranted.

SIS2-2  
(contd.)

SIS2-3

Additionally, Siskiyou County has been made aware in the past that in 2002 releases from Iron Gate Dam and Lewiston Dam were initiated as part of the requested boat dances for the Hoopa and Yurok Tribes, and that these additional releases could have contributed to the river conditions that preceded the 2002 fish die-off. If this is the case, these releases would be unusual, as typically releases for the boat dances are made from Iron Gate Dam and Lewiston Dam on alternating years. Has there been any work completed to determine if additional releases from these two sources at the same time had any impact on the 2002 fish die-off?

SIS2-4

Lastly, the County of Siskiyou would like to touch on one other important point that was outlined in Fisheries Biologist's David A Vogel's document (cited) and has been outline in other related documents. The release of additional flows to supplement Lower Klamath flows could trigger salmon to migrate upriver prior to the timing in which they are intended to migrate. As a result once salmon migrate past the area where Trinity River flows have connected with Lower Klamath flows, river conditions are not yet suitable for these fish and may result in conditions not supportive of fish health. The County of Siskiyou would like to know if the Department of the Interior has done any research into these possible conditions and if so how have they been accounted for? If water temperature is a key determination in fish health, as compared to volume, and water temperatures are primarily a result of natural conditions and seasonality, perhaps additional releases could have unintended negative consequences.

SIS2-5

Again, we appreciate the opportunity to participate in the development of the EIS and look forward to continuing to be involved throughout the process. I you have any questions; please feel free to contact me.

Sincerely,



Elizabeth Nielsen

Natural Resource Policy Specialist

**Bibliography**

Vogel, D. A. (2003). *Document by David Vogel directed to Fish and Game's statement on the 2002 fish die-off*. Red Bluff.

SIS2-5  
(contd.)

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***Responses to Comments from County of Siskiyou***

**SIS1-1:** County of Siskiyou provided a comment letter on December 9, 2016 indicating they would be providing comments after the deadline. For responses to the second letter provided by County of Siskiyou, please refer to responses to comments for SIS2-1 to SIS2-5.

**SIS2-1:** Please refer to Master Response “Scientific Support for Flow Augmentation.”

**SIS2-2:** Please refer to Master Response “Scientific Support for Flow Augmentation.”

**SIS2-3:** Chapter 5, “Surface Water Quality” of the Draft EIS discusses changes in water temperatures in the lower Klamath and Trinity River Region under the Proposed Action (Alternative 1) and Alternative 2, as compared to the No Action Alternative (see pages 5-33 to 5-51 and pages 5-66 to 5-83, respectively). See also Master Response “Scientific Support for Flow Augmentation.”

**SIS2-4:** The boat-dance flows referenced in this comment are not related to the action alternatives to reduce fish die-offs in the lower Klamath River. Any cumulative effects may be detected in the monitoring and research efforts, and adjustments may be made to the flows released to reduce fish die-off.

**SIS2-5:** Chapter 2, “Description of Alternatives” of the Draft EIS describes that both action alternatives include monitoring and research actions to further scientific understanding of causative factors of Ich infection and outbreak in the lower Klamath River (pages 2-5 to 2-9). Based on the concept of adaptive management, and utilizing additional scientific information on the causative factors, the action alternatives also provide for potential refinement of the flow augmentation criteria. This means that as additional information is obtained each year through the extensive monitoring program, flow augmentation criteria may be modified to improve the efficiency of the annual timing and amount of flow releases, improving fish survival. Table 2-3 of the Draft EIS identifies potential key scientific questions and related research and monitoring efforts to support hypothesis and conceptual model development (page 2-9). As described in Table 2-3 of the Draft EIS, Reclamation will consider what the potential inadvertent or unanticipated effects of the action are that may require monitoring, such as premature entry of fall-run fish from the ocean that are attracted by asynchronous queuing. Implementing the principles of an adaptive management approach is considered a critical component of each of the action alternatives’ ability to meet the Purpose and Need.

## Siskiyou County Water Users

SCWUA

### Siskiyou County Water Users



December 5, 2016

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

Email (sha-slo-klamath-LTP.gov)

Dear Mr. Zedonis,

The Siskiyou Water Users Association representing a large number of citizens of Siskiyou County and ardent supporters of intelligent solutions to the Klamath River and its subsidiaries in relation to protecting and invigorating the fish populations submit the following comments in relation to the Lower Klamath Solution EIR EIS developed by the Bureau of Reclamation. I would respectfully point out that we have now on several occasions reached out to the Bureau in regard to having a hearing on this proposal in Yreka. Your staff has haphazardly made efforts to contact but not produced any effort to ameliorate the issue.

SCWUA-1

Regarding Long Term Plan to Protect Adult Salmon in the Lower Klamath River (LTP)

#### Executive Summary

The proposed action "to increase lower Klamath River flows to reduce the likelihood, and potentially reduce the severity, of any fish die-off in future years due to crowded holding conditions for pre-spawn adults, warm-water temperatures, and the presence of disease pathogens—which are likely the major factors contributing to adult mortalities", for what is benignly presented in the LRP as a 'preventative' measure, in reality guarantees nothing more than the codified pre-emptory regulatory confiscation of pre-adjudicated water rights. Using conjectured hypothesis and implied assumptions cloaked in pseudo-scientific terms, this 'revision' simply furthers the apparent current regulatory rewilding agenda and usurpation of resources regardless of cost effective environmental benefit.

This proposal once again ignores the unaccountable cascading chain of hardship and loss known resulting from its unilateral imposition, and even given the LRP extensive attempt at rationalization, it in no respect meets a reasonable or responsible level of scientific justification for the mandatory policy provisions sought. By this "Plan's" own admission, there is little substantive data and no direct correlative certainty supporting LRP entailed assumptions arguably contradicted by a hundred years of available statistics.

SCWUA-2

Only upon any regionally proven and quantified correlation of significant benefit, and then only upon subsequent holistically inclusive cost-effective assessment, with inclusion and compensation for the water rights confiscations that will occur as a result, should ANY implementation of the LRP proposed policy embedded political objective be considered.

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347 N. Main Street, Yreka, CA

## Siskiyou County Water Users



### Background and History

Even though the endemic salmon conditions of the Lower Klamath have been documented as far back as 1851, and the salmon returns to the Upper Klamath main stem not only maintained, but INCREASED over the past hundred years, the regulatory premise and 'response' of the LTP relies entirely upon ONE year of salmon 'die-off'. Citing the 2002 "*unforeseen and unprecedented* fish die-off (that) occurred during a two-week period in the lower Klamath River" (emphasis added), the LTP obviously skirts around the significant concurrent circumstances occurring at that time, a lack of 'event' data, other likely now known exacerbating or causative factors, and the overall salmon year-run relative impacts. Instead, from that one event the LRP proceeds to weave a rationalization of connection to the confiscation of future flows. Within 4 short paragraphs alone, the LRP (1) extrapolates a profound requirement of action based upon that 'unprecedented' event; (2) infers that the 'unprecedented' event is somehow now routinely expected; (3) concludes that 7 brief 'flushes' occurring under very different conditions and often for unrelated purpose over 14 years following 2002 were somehow preventive of a recurrence of that 'unprecedented event'; (4) fails to include the chemical spill 'event' and the record run statistics which precluded significant 'die-off' harm to the fisheries, and (5) that the effective confiscation and future escalation of flows beyond historical levels never before producing that 'unprecedented event', will somehow 'potentially' prevent that 'unprecedented event' from ever occurring again. Not only can those assumptions and conclusions not meet the currently diminished agenda interpretation of precautionary scientific acceptance, they fail to even reach the simple level of relational logic.

SCWUA-3

Actual documented Klamath history, regional experience, and current studies challenging the simplistic and narrow 'objectives' have been presented multiple times in the past to the agencies involved. As that information is readily available upon general search, and has been dismissed or ignored entirely by those agencies at every turn, there is little benefit seen to be derived from repeating it here.

### Alternatives

"To be viable, alternatives need to have the capability of *meaningfully* and *substantially* reducing the *likelihood*—and *potentially* reducing the severity—of *any* lch epizootic event that *could* lead to an associated fish die-off."

"Alternatives were developed to meet the Purpose and Need for the project, which is to reduce the *likelihood*, and *potentially* reduce the severity, of *any* lch epizootic event that *could* lead to an associated fish die-off in future years. *The need is based on the past extensive fish die-off in 2002.*" (Emphasis added)

The LTP 'alternatives' immediately and arbitrarily present 'current conditions' as unacceptable. Without confirmatory data, guaranteed significant benefit, or accountability for implemented harm, both 'alternatives' assure the programmatic perpetual massive taking of resources at a critical time of year without fear of regulatory ascribed failure. Unaddressed are 'present condition' projections of significant need or presented evidence of unnatural or unrecoverable harm. It is not addressed because it cannot be reasonably provided using real world Klamath data. Chinook are not endangered and coho have been seen to demonstrate far less consequential impact, and both have been naturally exposed to the factors of concern since 'time immemorial'. It is known that current late summer Lower Klamath flows are already far higher since and because of the artificial storage over the past century than frequently existed before. As a result, setting an arbitrary 'minimum' flow straining a balanced system supported by the very productivity it provides is an irresponsible path towards an intended ever-increasing 'need' to 'potentially' prevent indigenous disease until no other beneficial use remains. Those proposed 'mandated' requirements, which fail to consider any long term detrimental effects such actions could have upon the very species they claim to 'protect', such as 'unnatural' migration patterns, reduced genetic disease tolerance, reduced 'nutrient provision' of dead salmon in the affected region, and the potential for altered

SCWUA-4

347 N. Main Street, Yreka, CA

### Siskiyou County Water Users



pattern induced diminished survival rates, speaks instead to the actual agenda rewilding intent of the LTP.

SCWUA-4  
(contd.)

#### Conclusions

Given the above, there is no present scientific or economic justification demanding a 'programmatic' policy embedded confiscation of a vital resource currently serving multiple beneficial needs. Such an 'event' can produce far more environmental and economic harm than the 'unprecedented' event sought to avoid.

The use of a negative logic that concludes sustained augmented Klamath flows plus ancillary flushes are required, based upon 7 'pulses' which did not result in a repeat of an 'unprecedented' event, stands no rational standard of reason. Even if that method were appropriate, such a logic would in fact produce the exact opposite conclusion. A hundred years of frequently far lower flows than currently sought failing to repeat an 'unprecedented event' clearly indicate such a disproportionate reaction is NOT warranted. Until such proof of benefit, lack of holistic environmental consequence, and accountability for confiscatory losses occur, it is scientifically, logically, and morally irresponsible to implement a proposed alternative action.

SCWUA-5

Submitted on behalf of the Siskiyou County Water Users:

Rex Cozzalio  
SCWUA Board and Scientific coordinator  
347 North Main Street  
Yreka CA 96097

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347 N. Main Street, Yreka, CA

**Chapter 3**  
**Individual Comments and Responses**

***Responses to Comments from Siskiyou County Water Users***

**SCWUA-1:** Chapter 15, “Consultation, Coordination and Compliance” (pages 15-1 to 15-6) of the Draft EIS describes the coordination and consultation with the public and interested parties during development of the Draft EIS. Reclamation appreciates that the action alternatives have the potential to affect resources over a large geographic area, including portions of the Klamath River Basin (as far north as Klamath, California near Arcata) and the Central Valley (as far south as Bakersfield). As part of the NEPA process, Reclamation conducted four scoping meetings over a broad geographical area, including Arcata, CA; Klamath Falls, OR; Weaverville, CA; and Sacramento, CA. Although not required by NEPA, Reclamation also conducted a public hearing in Redding following release of the Draft EIS. In addition, as described in Chapter 16, “Distribution of Draft EIS,” over 2,800 individuals, agencies, and organizations were notified of the availability and comment period for the Draft EIS via mail or email.

**SCWUA-2:** This Final EIS satisfies NEPA, to the fullest extent possible, by providing a meaningful analysis of all issues relevant to the human environment. This includes a reasonable range of alternatives (Chapter 2, “Description of Alternatives”) and a full and fair discussion of significant environmental impacts, including reasonably-foreseeable direct and indirect effects (Draft EIS Chapters 4 to 14).

Please also refer to Master Response “Reclamation Authority to Release Flows,” Master Response “Best Available Information,” and Master Response “Scientific Support for Flow Augmentation.”

**SCWUA-3:** Please refer to Master Response “Scientific Support for Flow Augmentation” and Master Response “Best Available Information.”

**SCWUA-4:** NEPA does not require an agency to perform a cost-benefit analysis 40 Code of Federal Regulations (CFR) 1502.23.

Please see Master Response “Range of Alternatives, Master Response “Scientific Support for Flow Augmentation,” and Master Response “Best Available Information.”

**SCWUA-5:** Please refer to Master Response “Best Available Information” and Master Response “Scientific Support for Flow Augmentation.”

Tehama Colusa Canal Authority

TCCA

**From:** jlong@usbr.gov  
**To:** [Mary Paasch](mailto:Mary.Paasch@tccanal.com); [Rina Binder-Macleod](mailto:Rina.Binder-Macleod@tccanal.com); [Amy Lehman](mailto:Amy.Lehman@tccanal.com)  
**Subject:** Fwd: Comments submitted by Tehama Colusa Canal Authority on the "Long Term Plan to Protect Adult Salmon in the Lower Klamath River; Draft Environmental Impact Statement"  
**Date:** Tuesday, December 06, 2016 9:32:25 AM

Tehama Colusa Canal Authority comment....

----- Forwarded message -----

**From:** Jeff Sutton <[jsutton@tccanal.com](mailto:jsutton@tccanal.com)>  
**Date:** Mon, Dec 5, 2016 at 5:21 PM  
**Subject:** Comments submitted by Tehama Colusa Canal Authority on the "Long Term Plan to Protect Adult Salmon in the Lower Klamath River; Draft Environmental Impact Statement"  
**To:** [BOR-SLO-sha-ltpeis-public-comments@usbr.gov](mailto:BOR-SLO-sha-ltpeis-public-comments@usbr.gov), [jlong@usbr.gov](mailto:jlong@usbr.gov)

Dear Ms. Long:

The Tehama Colusa Canal Authority (TCCA) respectfully submits the following comments on the "Long Term Plan to Protect Adult Salmon in the Lower Klamath River; Draft Environmental Impact Statement".

The TCCA is a Joint Powers Authority made of seventeen member districts, all of whom hold CVP water service contracts with USBR. TCCA operates and maintains the dual canal system that makes up the Sacramento Canals Unit of the CVP, serving 150,000 acres of prime farmland, through four counties, on the westside of the Sacramento Valley. TCCA and its member districts are also users of CVP project power.

TCCA-1

TCCA expresses the following concerns with the USBR proposal to release not less than 50,000 acre feet of CVP water from Trinity Reservoir annually, if needed, to prevent the outbreak of the "Ich" disease that can negatively impact fish on the Klamath. Alternative 1 proposes to utilize supplemental flows for this purpose; while Alternative 2 proposes to utilize existing ROD water to accomplish Reclamation's goals.

1. The DEIS fails to identify how USBR would mitigate for the lost power generation and water lost to the CVP from such an action.
2. The loss of this power generation would increase costs to project power users, and would require replacement that would likely result in negative greenhouse gas impacts.
3. The lost water to the CVP would greatly impact the economies of the rural communities that rely on CVP water, result in increased reliance and overdraft of

TCCA-2

TCCA-3

TCCA-4

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groundwater, result in increased following during droughts (which is primarily when such actions are taken), which in turn would impact terrestrial species reliant on such crop induced habitat such as giant garter snake, western pond turtle, waterfowl, and other protected bird populations.

TCCA-4  
(contd.)

4. Moreover, such an action would impact the ability of USBR to meet coldwater needs for endangered fish species on the Sacramento River, and the lost water supplies would impair USBR's ability to meet SWRCB Water Quality requirements, and could impair the ability of USBR to comply with the USFWS BO related to Delta smelt.

TCCA-5

5. In regard to Alternative 1, it is the belief and contention of TCCA that USBR lacks appropriate Authority to simply redirect CVP flows for this use on the Klamath System, and that such an action would violate state water law.

TCCA-6

6. This action would negatively impact the water storage levels of Trinity Reservoir, and other CVP reservoirs, thereby causing negative impacts that are not adequately addressed related to environmental, aesthetic, recreational, and economic concerns.

TCCA-7

TCCA strongly recommends that if any alternative is pursued in regard to the subject document, that USBR adopt Alternative 2 as its preferred alternative. Alternative 2 is the least impactful to the environment, to CVP water and power customers, and would merely require an adjustment to the current adaptive management program currently being employed on the Trinity River.

TCCA-8

Lastly, TCCA hereby adopts and incorporates herein by reference the comments submitted by the City of Redding and the comments submitted by the San Luis Delta Mendota Water Authority.

TCCA-9

Thank you for providing this opportunity to review and comment on the DEIS, TCCA looks forward to continuing to work with Reclamation toward developing a solution that is the least impactful, and most practical, that balances all of the important concerns at issue here.

Sincerely,

Jeffrey P. Sutton

General Manager  
Tehama-Colusa Canal Authority  
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Willows, CA 95988  
Phone: (530) 934-2125  
Cell: (530) 301-1030

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#### ***Responses to Comments from Tehama Colusa Canal Authority***

**TCCA-1:** Please refer to Master Response “General Comment.”

**TCCA-2:** Chapter 4, “Surface Water Supply and Management” of the Draft EIS describes the surface water resources and water supplies in the study area, and potential changes that could occur as a result of implementing the alternatives (see page 4-1). A summary of environmental consequences and consideration for mitigation measures for the Proposed Action (Alternative 1) and Alternative 2 is provided on page 4-120 through 4-125. This summary includes mitigation measures, if needed, related to environmental changes caused by changes to surface water conditions in other resource areas. The change in water supply itself does not represent an impact to the environment; it is the result of the change in water supply to resource categories described in Chapters 5 to 14 of the Draft EIS, and the impacts are evaluated under NEPA and mitigation measures are identified. While CVP water supply reductions may be over 5 percent for certain water contractor groups in certain year types, this does not necessarily translate into impacts on resource categories affected by water supply—such as water quality or socioeconomics. Even so, this EIS does offer a number of mitigation measures, which represents Reclamation’s best effort to formulate mitigation where possible.

Chapter 9, “Hydropower Generation” of the Draft EIS discusses the environmental consequences to hydropower generation from implementing the action alternatives as compared to the No Action Alternative (see pages 9-9 to 9-15). As stated on page 9-10, 9-12 and 9-13, CVP and SWP energy use, generation, and net generation over the long-term conditions would be similar under the Proposed Action (Alternative 1) and Alternative 2, as compared to the No Action Alternative (less than 1 percent change). Therefore, mitigation is not proposed.

**TCCA-3:** Chapter 10, “Air Quality, Greenhouse Gas Emissions, and Global Climate Change” of the Draft EIS describes potential impacts to GHG emissions due to implementing the action alternatives evaluated in this EIS (see pages 10-9 to 10-17). As described in Chapter 9, “Hydropower Generation” (pages 9-10 to 9-14) of the Draft EIS, CVP hydropower generation would be similar (less than 1 percent change) with implementation of either of the action alternatives.

Chapter 9, “Hydropower Generation” (page 9-1) of the Draft EIS explains that CVP generated hydropower is first used to meet CVP operation needs or loads. Any power in excess of CVP project use is offered for commercial sale. Reclamation acknowledges that reductions in hydropower generation through implementation of the action alternatives may affect power costs to power contractors. Power contractors repay costs allocated to power based on their assigned percentage share of the hydropower output of the CVP. Recovery of the Federal investment assigned to power contractors for repayment may be impacted if prices paid for CVP power significantly exceed market power rates over an extended period of time. However, based on a study conducted by Reclamation—that considered power rate projections estimated for the three hydrology and power generation scenarios—it does not appear that CVP energy costs will exceed alternative costs of power for a prolonged period of time under current operating conditions, and CVP energy costs will remain competitive and be less expensive than market energy prices (Reclamation 2015).

**TCCA-4:** Chapter 11, “Agricultural Resources” of the Draft EIS (pages 11-5 to 11-7 and 11-9 to 11-11) describes that under the action alternatives, Sacramento Valley irrigated acreage and agricultural production would be similar (less than 1 percent change) to the No Action Alternative in long-term average, dry and critical water year conditions. Chapter 12, “Socioeconomics” of the Draft EIS (pages 12-9 to 12-10, 12-14 to 12-15, and 12-18 to 12-19) describes that changes in Sacramento Valley agricultural production under the action alternatives would lead to similar (less than 1 percent change) economic output and employment to the No Action Alternative in long-term average, dry and critical water year conditions. Chapter 8, “Biological Resources – Terrestrial” (pages 8-40, 8-41 and 8-44) describe the effects of the action alternatives on terrestrial species reliant on irrigated agricultural lands.

**TCCA-5:** The environmental consequences of implementing the action alternatives on fish in the Sacramento River system, including effects caused by changes in water temperature in the Sacramento River, are described throughout Chapter 7, “Biological Resources – Fisheries” of the Draft EIS (see *Impact Analysis* section pages 7-42 to 7-107 and *Summary of Impacts* pages 7-107 to 7-113).

**TCCA-6:** Please refer to Master Response “Reclamation Authority to Release Flows.”

**TCCA-7:** The Draft EIS fully considers and discloses the effects of implementing the action alternatives (see *Impact Analysis* sections of Chapters 4 to 14). Chapter 4, “Surface Water Supply and Management” describes the average water levels in CVP and SWP reservoirs, based on water year type, for the No Action Alternative and action alternatives (see pages 4-30 to 4-60 and 4-73 to 4-106). Chapter 7, “Biological Resources – Fisheries” and Chapter 8, “Biological Resources – Terrestrial” describe the environmental consequences of implementing the action alternatives on biological resources. Chapter 12, “Socioeconomics” describes the environmental consequences of implementing the action alternatives on recreation and economics, including effects of reduced agricultural water deliveries to regional economies (see pages 12-12 to 12-20).

**TCCA-8:** Please refer to Master Response “General Comment.”

**TCCA-9:** For responses to San Luis & Delta-Mendota Water Authority comments on the Draft EIS, please refer to responses to comments for SL&DMWA-1 to SL&DMWA-33. For responses to City of Redding comments on the Draft EIS, please refer to responses to comments for RED-1 to RED-3. Please also refer to Master Response “General Comment.”

## Trinity Lake Revitalization Alliance



**Trinity Lake  
Revitalization Alliance, Inc.**  
Trinity Center, California

TLRA

December 4, 2016

Julia Long  
Bureau of Reclamation  
Northern California Area Office  
16349 Shasta Dam Blvd  
Shasta Lake, CA 96019  
(VIA email BOR-SLO-sha-ltpeis-public-comments@usbr.gov)

**RE: Comments on the 2016 Long-Term Plan to Protect Adult Salmon in the Lower Klamath River Draft Environmental Impact Statement (DEIS)**

Ms. Long,

Please accept the following comments on behalf of the Trinity Lake Revitalization Alliance, Inc. (TLRA) into the record of the U.S. Bureau of Reclamation's (USBR) 2016 Long-Term Plan to Protect Adult Salmon in the Lower Klamath River Draft Environmental Impact Statement (Klamath DEIS).

TLRA-1

TLRA is a community-based, all-volunteer charitable corporation representing about 795 property owners, 500 residents, and seven forest communities that are adjacent to Trinity Reservoir north of Trinity Dam and five Trinity Lake marina businesses.

Our comments are:

- I. TLRA is opposed to any additional water releases from Trinity Lake for fish restoration outside of the 2000 Trinity River Record of Decision (ROD) allocations.

TLRA-2

The ROD clearly gives the water needed for restoration purposes based on years of science and research. Any water released outside of the restoration flow period of April to July should be taken from the existing ROD water year allocation.

TLRA • P.O. Box 128, Trinity Center, CA 96091 • 530-266-3568 • [tlra@northtrinitylake.com](mailto:tlra@northtrinitylake.com)  
[www.NorthTrinityLake.com](http://www.NorthTrinityLake.com)

- II. **If an annual augmentation release is adopted, the release volume must not be a fixed volume. The volume must be tiered to the current ROD water year and take into effect the reservoir level as of August 1.**

There is a huge difference between releasing 83,000 acre-feet of water in a Wet year with a reservoir elevation of 2,350 feet, compared to a Dry year with a reservoir elevation of 2,223 feet.

TLRA-3

It is irresponsible to release water during low reservoir carryover years based on a speculative forecast of adequate rainfall to replenish the reservoir for the following spring juveniles and a cold pool reserve. With climate change, there is less snow melt to cool Trinity Lake, therefore a larger carryover pool is needed to preserve cold water for the fishery.

- III. **The EIS/EIR does not correctly document the negative economy impact of low Trinity Lake water levels on Trinity County tourism.**

In chapter 12, USBR continues to misrepresent the impact caused by Trinity River restoration efforts on Trinity County's economy. The bundling of Trinity County's impact data into the Humboldt and Del Norte County analysis does not correctly show the economy harm that low lake levels have on Trinity County's tourism and the trickle effect to the entire business economy.

The little economic revenue generated from sport fishing and river recreation on the Trinity River does not make up the great loss of revenue that occurs when tourists and the public have almost no access to Trinity Lake.

We disagree with the analysis on page 12-13 that says:

TLRA-4

Trinity Lake recreation facility availability would change by less than 1 percent for all facilities. Changes to water surface and shoreline activity, and reservoir-recreational economic opportunities under Alternative 1 are not anticipated due to these small changes. Similarly, changes in Trinity Lake recreational visitation and spending in tourism-related sectors are not anticipated.

The late-summer and fall augmentation flows impact lake levels by reducing the lake carryover volume. Add in climate change with less snow fall and more frequent droughts, the cumulative lake elevation impact of augmentation flows is resulting in more years when access to the lake is almost impossible. Historically, Trinity Lake had only a 15% chance of full lake recovery every year. This percentage is now even lower with the change in weather patterns.

Just as a fish die-off may be "devastating" to the tribal trust fishing, a low lake elevation with no access via boat ramps is devastating to Trinity County tourism and the county economy. Lake tourism and its indirect uplift accounts for many of the unskilled jobs in Trinity County. Lake tourism spins off marina jobs, lodging housekeeping, and service and dining jobs.

The misconception seems to be that any water releases near the end of summer do not impact lake tourism. Lake tourism starts in March and trails off in October. Houseboating activity spans an even longer timeframe. Year-round recreation includes many fishing tournaments and pleasure boating during the spring and fall.

Extremely limited, unsafe, and difficult access to the lake for recreation is damaging private businesses in the region and all Forest Service camping facilities.

Any time the reservoir level reaches 2,310 feet (60 feet down), an augmentation flow volume of 83,000 acre-feet pushes the Trinity Center boat facility (the second busiest facility on the reservoir) out of the water. This leaves only one fully public facility usable—Minersville—which is in very poor condition.

From a business perspective, Forever Resorts at Cedar Stock estimates that in 2014 it cost them \$1,000 per day to “chase the water” by moving mooring docks almost weekly to keep boats in the receding water. When the lake reaches 150 feet down, Forever Resorts must completely disconnect the docks from land and anchor them offshore. This creates an added cost for the marina to shuttle moorage customers to their boats, and clearly discourages visitors from coming to the lake.

The economic well-being of one stakeholder group should not be achieved on the back of another. Equality and shared risk should be the goal, not political appeasement.

**IV. The Klamath DEIS continues to side-step the USBR's responsibility to honor its recreation impact findings and mitigation measures identified in the 2000 Trinity River Mainstem Fishery Restoration EIS/EIR.**

On page 3-284, the ROD EIS/EIR states that the ROD flows alone would have significantly impact on recreation:

"Mitigation. Implementation of the following mitigation measures would reduce Trinity and Shasta Reservoir water elevation-reacted impacts to less than significant levels.

- All affected boat ramps should be extended a sufficient distance to accommodate the new water elevations.
- Marina owners should be compensated for costs associated with moving their facilities or constructing new facilities as a result of the new water elevations.
- Campground facilities should be modified or funding provided to accommodate the new water elevations."

Furthermore, page 1-9 of the ROD EIS/EIR states:

"The following project objectives apply only to Trinity County...

Minimize avoidable impacts to recreational activities on the Lewiston and Trinity Reservoirs."

TLRA-4  
(contd.)

TLRA-5

Trinity Lake Revitalization Alliance  
December 4, 2016

page 4

In closing, we also ask the USBR to

- Stop band-aiding, a deeper Trinity and Klamath River crisis --the overall health of the rivers. Manage and fund a detailed and independent science research project to collect data for a sustainable solution.
- Allow a long-term Trinity/Klamath solution to be crafted by a collaborative team of public and private water stakeholders that includes power, irrigation, tribes, and citizens, not one written by a single agency with biased science.
- Refresh the *Trinity River Mainstem Restoration EIS/EIR* to fully analyze the impacts of any late summer river augmentation and climate change, and include new applied science and lessons learned in an updated restoration program.
- Include a true social and economic impact analysis of how augmentation flows compound the existing economic damage in Trinity County. And, identify, fund, and implement economic and recreation mitigations.

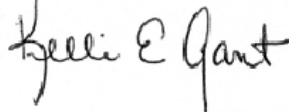
TLRA-6

TLRA-7

TLRA-8

TLRA-9

Regards,



Ms. Kelli Gant, president  
Trinity Lake Revitalization Alliance, Inc.

**Chapter 3**  
**Individual Comments and Responses**

**Responses to Comments from Trinity Lake Revitalization Alliance**

**TLRA-1:** Please refer to Master Response “General Comment.”

**TLRA-2:** Please refer to Master Response “General Comment.”

**TLRA-3:** As described in Chapter 2, “Description of Alternatives” (page 2-2) and detailed in the Analytical Tools Technical Appendix of the Draft EIS, anticipated climate change and sea-level rise have been incorporated into the analyses for the No Action Alternative and action alternatives. Chapter 4, “Surface Water Supply and Management” Figure 4-17 in the Draft EIS (page 4-28) presents the estimated flow augmentation frequency and associated volumes for the three flow augmentation components (preventive base flow augmentation, preventive pulse flow, and emergency pulse flow augmentation). The Analytical Tools Technical Appendix (pages 2-12 to 2-27) provides additional detail on the anticipated frequency of flow augmentation actions (preventive base flow augmentation, preventive pulse flow, and emergency pulse flow augmentation), including descriptions of methods and assumptions. Chapter 4, “Surface Water Supply and Management” also describes the average water levels in Trinity Lake, based on water year type for the No Action Alternative and action alternatives (see pages 4-34 and 4-76).

Please also see Master Response “Rules and Regulations for Water Operations for Alternatives.”

**TLRA-4:** Chapter 2, “Description of Alternatives” (page 2-2) of the Draft EIS explains that anticipated climate change was incorporated into the analyses for the No Action Alternative and action alternatives, and that the No Action Alternative assumes continued implementation of the Trinity River Restoration Program. As required by NEPA, the effects analyses in Chapters 4 to 15 of the Draft EIS evaluate the action alternatives in comparison to the No Action Alternative. As described in Chapter 12, “Socioeconomics” (pages 12-13 and 12-17) of the Draft EIS, the effects of implementing the action alternatives to Trinity Lake water elevations during the primary recreation season, and to recreation facility availability, would be less than 1 percent for all facilities in comparison to the No Action Alternative, and are not anticipated to impact the regional economy of Trinity County. The assertions the comment author has provided are not supported by the best available scientific and technical information. Please also see Master Response “Best Available Information.”

**TLRA-5:** Chapter 2, “Description of Alternatives” (page 2-2) of the Draft EIS identifies that the No Action Alternative assumes continued implementation of the Trinity River Restoration Program. Implementation of either of the action alternatives would be separate and independent from the Trinity River Restoration Program. Implementation of potential mitigation identified in the *Trinity River Mainstem Fisheries Restoration EIS/EIR* is outside the scope of this EIS. Impacts on Trinity Lake elevations from implementation of the action alternatives and Trinity River Restoration Program are discussed in the cumulative impact analysis. Cumulative impacts of the action alternatives on Trinity Lake levels are presented in Chapter 4, “Surface Water Supply and Management” Table 6-69 (page 4-127) and Chapter 12, “Socioeconomics” Table 12-16 (page 12-22) in the Draft EIS.

**TLRA-6:** Please refer to Master Response “Range of Alternatives.”

In addition, as described in Chapter 2, “Description of Alternatives” (page 2-6) of the Draft EIS, the action alternatives provide for monitoring and research actions that would further scientific understanding of causative factors of Ich infection and outbreak in the lower Klamath River, and the efficacy of actions taken under the action alternatives to reduce the rate of fish die-off.

**TLRA-7:** Chapter 2, “Description of Alternatives” (page 2-3) of the Draft EIS states that Reclamation would implement the action alternatives in coordination with Federal, State, and tribal resource specialists (i.e., LTP Technical Team).

**TLRA-8:** Chapter 2, “Description of Alternatives,” (page 2-2) of the Draft EIS describes that the No Action Alternative assumes continued implementation of the Trinity River Restoration Program. The Draft EIS fully considers and discloses the effects of implementing the action alternatives (see *Impact Analysis* sections of Chapters 4 to 14). Re-analysis of effects evaluated in the *Trinity River Mainstem Fisheries EIS/R* is outside of the scope of this EIS.

**TLRA-9:** Please refer to the responses to comments for TLRA-4 and TLRA-5.

## Comments from Individuals and Responses

This section contains copies of comment letters from the individuals listed in Table 3-7 and responses to their comments.

Table 3-7. Individuals Providing Comments on Draft Environmental Impact Statement

<b>Abbreviation</b>	<b>Name</b>
BAC	Bacigalupi, Jerry L., P.E.
GAR	Garlick, Chad
GIE	Gierak, Dr. Richard A.
GOO	Goodyear, Gail et al.
KRI	Krizo, Jacqui
LOE	Loegering, George
MEN	Menke, John W.
PUB	Public, Jean
SLO	Sloan, Rob

Bacigalupi, Jerry L., P.E.

BAC

December 11, 2016

Julia Long  
Project Manager, LTPEIS  
[jlong@usbr.gov](mailto:jlong@usbr.gov)

**Response to the Draft EIR for the Long Term Plan to Protect Adult Salmon in the Lower Klamath River**

The summary fails to summarize the two action plans and fails to identify the ties to the D.O.I. proposal to remove the four Klamath River Dams.

The "No Action Plan" has several advantages as listed below provided that the flows below Iron Gate Dam are managed with special goals in mind.

- A. The Klamath River Dams scheduled for removal have the capacity to maintain Calif. Fish and Wildlife's minimum Klamath River flows for a three month period given a complete shutoff of the Klamath River or during drought conditions.
- B. The Klamath River Dams can also control flows to reduce the severity of a (ICH) epizootic event.
- C. Water quality studies show that the Klamath River Dams provide river cooling and a yearly overall average improvement in water quality,
- D. The "No Action Plan" to Dam removal will retain the 20+/- million cubic yards of sediment within the reservoirs and preclude the decimation of the Klamath River for a long unknown period of time.
- E. The "No Action Plan to dam removal will retain the Iron Gate Fish Hatchery which is key to maintain the Lower Klamath River Salmon population.

BAC-1

*Jerry L. Bacigalupi*  
Jerry L. Bacigalupi P.E.

**Chapter 3**  
**Individual Comments and Responses**

***Responses to Comments from Bacigalupi, Jerry L., P.E.***

**BAC-1:** Please refer to Master Response “Removal of PacifiCorp Dams on the Klamath River.”

Garlick, Chad

GAR

Long-term Plan to Protect Adult Salmon in the Lower Klamath River

I agree with this proposed action for the protection of Salmon in the Lower Klamath River. I feel that Alternative 1 is the best alternative for this situation. Also, I am in favor of the 2020 removal of four dams on the Klamath River. I will give a brief reason for each of these areas on why I am inclined to see better avenues of success.

It was a tragedy what happened in September of 2002 for approximately 34,000 adult fish in the Lower Klamath River. During this two week period, high fish densities, low flows, and relatively high water temperatures were the cause their death. They found two diseases among the fish that were Ichthyophthirius Multifiliis and Flavobacterium Columnare.

From 2002, there has been a proactive approach to make sure this doesn't happen again, although, I did see that it came close to repeating itself in 2013-2015 when the Klamath Basin experienced similar drought conditions. The Bureau of Reclamation which manages the water in the west is doing a great job in managing, developing, and trying to protect water sources. They have developed two alternatives to help aid this problematic issue. Their goal is to protect fall-run Chinook salmon returning to the Klamath and Trinity Rivers.

GAR-1

I feel that Alternative 1 is the best plan because the months of the flow components also allow for the energy flow if needed in the summer months when it is hot and water temperature increases. Since a preventative pulse flow is in this Alternative it lessens the risk of disease to the fish. I feel strongly that the Emergency Pulse Flow Augmentation is needed just in case there is a need. In this special release time it would give 5 days in August or September to initiate an emergency flow which releases a flow of 5,000 c.f. in the Lower Klamath River. Whereas, Alternative 2 does not offer that same peace of mind if a situation arises. The months that are stagnant are the winter months of October to December, which in the cold shouldn't have the same issue of high temperatures.

In Alternative 1 there is heavy monitoring and research which is needed to refine previous efforts. I liked the three flow components that were also introduced. Retime flow and temperature are monitored and the Tribal people are also involved. Tribal, Federal, State, and local stakeholders show unity and people working together for a solution and potential areas of controversy. It also keeps everyone accountable by the organizations involved. However, cooperation will be needed on everyone's part. I see the important time to intently watch is the late summer months. The emergency plan is a necessity so history doesn't repeat itself like 2002, 2013-2015. Especially since it is know that the Klamath River is warmer and flatter in its headwaters.

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On April 16, 2016 decision by the Department of the Interior, Department of Commerce, PacifiCorp, State of Oregon, and State of California were all in agreement to remove four dams on the Klamath River in 2020. I believe this decision is in the best interest of the protection of the Fish. Removing dams will remove barriers for the fish will provide access to our Nation's natural and cultural heritage.

GAR-2

***Responses to Comments from Garlick, Chad***

**GAR-1:** Please refer to Master Response “General Comment”

**GAR-2:** Please refer to Master Response “Removal of PacifiCorp Dams on the Klamath River.”

**Chapter 3  
Individual Comments and Responses**

**Gierak, Dr. Richard A.**

----- Forwarded message -----  
From: <[rgierak2@hughes.net](mailto:rgierak2@hughes.net)>  
Date: Fri, Dec 9, 2016 at 11:26 PM  
Subject: Fw: Comments regarding salmon EIS  
To: [BOR-SLO-sha-ltpeis-public-comments@usbr.gov](mailto:BOR-SLO-sha-ltpeis-public-comments@usbr.gov)

Dr. Richard Gierak  
5814 State Highway 96  
Yreka, Ca, 96097  
530 475-3212

GIE

GIE-1

**Re: Hydroelectric dams in the United States**

1. Under Federal Mandates navigable rivers fall directly under the authority of the Federal Government and not the States. The Klamath River is considered a navigable river.
2. Under the Federal ESA protection of species can only be applied to indigenous species and it has been proven that Coho Salmon were never indigenous and were planted from the Cascadia River in Mid Oregon in the 60's and 80's
3. Violation of the National Wild & Scenic Rivers Act. Dam removal would release toxic material that would destroy the habitat for all species.
4. Dormant Commerce Clause No State may impose any regulatory action against navigable rivers in the US of which the Klamath River is a navigable river.
5. Rogue Valley Irrigation Rights in Southern Oregon. Removal of these dams would remove approximately 40% of water from the Klamath that now goes to Jackson County, Oregon, for agriculture resulting in serious loss of agriculture in Southern Oregon.
6. At the present time these hydroelectric dams supply Northern California and most of Oregon homes and businesses with the least expensive power available. At present the average homeowner is liable for approximately \$200 per month and with the proposed natural gas power supply it would increase their costs to \$800 per month.
7. Removal of Iron Gate Dam would expose Shasta Indian burial grounds which would expose them to plunder and desecration.
8. Siskiyou County would be in serious loss of existing water rights.
9. Cal Fires Ability to fight Wild Fires Without these dams fire helicopters would have to make long time consuming trips to refill their buckets to fight forest fires resulting in serious delay in controlling these fires.

GIE-1  
(contd.)

10. Constitution of the United States 80% of Siskiyou County residents voted to retain the dams and their votes are being ignored.

#### **Legal infractions regarding Klamath dam removals**

Violation of the Reclamation Act of 1902

The Reclamation Act of 1902 (43 U.S.C. 391 et seq.) authorized the Secretary of the Interior to locate, construct, operate, and maintain works for the storage, diversion, and development of water for the reclamation of arid and semiarid lands in the western States.

Congress facilitated development of the Klamath Project by authorizing the Secretary to raise or lower the level of Lower Klamath and Tule Lakes and to dispose of the land uncovered by such operation for use under the Reclamation Act of 1902. Starting around 1912, construction and operation of the numerous facilities associated with Reclamation's Klamath Project significantly altered the natural hydrographs of the upper and lower Klamath River. Reclamation's Klamath Project consists of an extensive system of canals, pumps, diversion structures, and dams capable of routing water to approximately 200,000 ac (81,000 ha) of irrigated farmlands in the upper Klamath Basin. Water diversions from from UKL for the Klamath Project affects river flows downstream of Link River and Iron Gate dams.

The headwaters of the Klamath River originate in Southern Oregon and flow through the Cascade Mountain Range to the Pacific Ocean south of Crescent City, California. The river extends nearly 250 miles and is just one of three waterways that pass through the Cascades to the Pacific. It is named after a native American name - klamet - meaning swiftness. The Klamath River Basin supports Chinook salmon, coho salmon, and steelhead populations, among other anadromous species. Historically, anadromous fish populations supported important commercial, recreational, and tribal fisheries. However, many anadromous fish populations have declined substantially in abundance. Restoration of these populations will require strong partnerships and collaboration between agencies and stakeholders.

Direct violation of the Reclamation Act by removing dams deleting water resources for farmlands based on Salmon recovery which is erroneous as Coho are not a native species and Chinook were rejected for listing by USFWS based on historical research.

#### **Violation of the National Wild & Scenic Rivers Designation**

The Klamath River was designated a Recreational River within the National Wild & Scenic Rivers System in 1981. The Klamath River enters California from Oregon just north of the Gooseneck Ranger District. Heading west it is impounded by two dams forming Copco Lake and Iron Gate Reservoir. Nine miles further west it turns south and follows Interstate 5 for a few miles before again turning west and entering the Happy Camp/Oak Knoll Ranger District. The next 85 miles provide many opportunities for recreation and scenic vistas before the river enters the Six Rivers National Forest.

Dam removal is a direct violation of the National Wild & Scenic Rivers Designation as it would release toxic material that would destroy the habitat for all species in addition to physically changing the course of the Klamath River.

#### **Truth about Salmon in Southern Oregon & Northern California**

It is of interest to note that all battles over listing of Salmon in Southern Oregon and Northern California has been over the Coho Salmon. As has been stated earlier Coho Salmon are native to the Cascadia River in Central Oregon and under the ESA only a native species can be listed. Any listing in Southern Oregon and Northern California for Coho Salmon is illegal under the ESA.

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GIE-1  
(contd.)

In the 1990's there was a serious diminution of Coho Salmon in both Southern Oregon and Northern California which was blamed on the dams of the Klamath River. The reality was that the Ring of Fire volcano's were highly active raising the temperature of the Pacific Ocean and since Coho are a cold water species they migrated north into Washington and Alaskan waters. Data going back to the 1700's never demonstrated a rise in temperature of the Pacific as happened in the 1990's.

Of interest is to note that NMFS data appeared to indicate that the Pacific temperature never had a large temperature increase. What was found was that at the end of the first year of temperature rise they reported an increase of 1.6 degrees. However, when they started their survey the next year they started at 0 degrees of change. This continued throughout the 90's and in reality the total rise in temperature of the Pacific Ocean was approximately 10 degrees Fahrenheit. This is the reason Coho migrated North into Washington and Alaskan waters.

It becomes apparent that the government would manipulate data to promote the cause of dam removal.

Dr. Richard A. Gierak

Bachelors Degrees in Biology & Chemistry, Doctorate in the Healing Arts, Director of Interactive Citizens United, Director of New Frontiers Institute, Inc.

Prior Participant of FERC and FPAT (Fish passage advisory team report) and HET (Hatchery evaluation team)

Prior Vice President of Greenhorn Action Grange, Prior California State Grange Spokesman for the Water Committee, Prior National Whip of the Property Rights Congress of America, Representative of the Grange States of California, Oregon, Washington and Idaho regarding EFH regulations, Prior member of the Siskiyou County Water Users Assoc. .

5814 Highway 96

Yreka, Ca. 96097

530 475-3212

***Responses to Comments from Gierak Dr. Richard A.***

**GIE-1:** Please refer to Master Response “Removal of PacifiCorp Dams on the Klamath River.”

Chapter 3  
Individual Comments and Responses

Goodyear, Gail et al.

December 5, 2016

Julia Long BOR-SLO-sha-ltpeis-public-comments@usbr.gov  
Bureau of Reclamation  
Northern California Area Office  
16349 Shasta Dam Blvd  
Shasta Lake, CA 96019

GOO

This letter supports “No Action Alternative” for the Bureau of Reclamation proposal to release Trinity Lake water as described in the document(s) at <https://goo.gl/mR8GCh>.

GOO-1

Historically and prior to Trinity Dam, low/no water flowed above ground in the Trinity River channel during Summer and late Summer/Fall. Release of water from Trinity Lake for the lower Klamath River from July through the first winter precipitation is unnatural and creates an anti-natural riverine, as well as will create many undesirable consequences.

GOO-2

Those consequences include:

\*Higher river flows (higher than historic low-no river flow) will cause erosion of the dry ground (that is along the river edge in summer). The summer-drought soil is very different than the water-saturated soil typical of heavy rain/snow seasons—this difference and the highly erosive nature of the soil is not addressed in the documents released for public comment.

GOO-3

\*Eroded soil/silt will fill the river’s deep holes so important for adult fish, as well as fill the TRRP (Trinity River Restoration Program) rehabilitation sites where copious amounts of gravel has been dumped to create spawning ground.

\* With high Summer/Fall river flows, vegetation along the river will thrive and choke the river bed, as has already happened because low/no river flows have not been allowed for too many years. Historically, vegetation is stressed during Summer and Fall, and is washed away in winter’s high waters/floods.

GOO-4

\*With high Summer/Fall river flows, the fish runs up the rivers will be changed to times of year that will cause more and more “against nature” effects.

GOO-5

**More water released, at a time of year not typical of nature, is not a solution.** To claim there is no adverse impact of the proposed solutions is unacceptable, illogical, and unconscionable.

GOO-6

**Lower water levels in Trinity Lake cause adverse impacts.** The consequences of lower lake levels include:

GOO-7

\*The exposed soil between the lake water and the forest becomes an undesirable environment that is unnatural to Trinity County (e.g., a desert, a mud bank/cliff, a field of noxious weeds).



\*Animals and humans have absolutely no advantage to use, or live, in the area exposed during low lake levels. Cannot grow crops, graze, or use in anyway the land for simple, everyday living.

GOO-7  
(contd.)

\*Much of the Trinity County land obtained for Trinity Lake and Trinity Dam was private property and there were promises that recreation would offset losses due to removal of these lands from the County's tax base, as well as removal of agricultural and other business enterprises that produced income (personal and community livelihoods) and from which taxes were collected.

GOO-8

\*Low lake levels significantly, and negatively, impact recreation on/in Trinity Lake and Trinity County entirely: no/low income to residents and no/few positive recreation opportunities for youth and adults, and Trinity County/Trinity Lake as a destination is discouraged by staff/visitors at other CVP lakes, such as Whiskeytown and Shasta. Whiskeytown and Shasta enjoy benefits (e.g., recreational, lovely viewshed) due to high/full lake levels, while Trinity suffers from low lake levels.

\*Also the government promised, during the promotion of Trinity Dam and Trinity Lake, that "no more water will leave this watershed than is needed in Trinity." The water release proposed and discussed in the EIS/NEPA documents regard "more water" that Trinity cannot afford to lose from its watershed.

GOO-9

The public has asked at meetings tied to the Trinity River Restoration Program (TRRP), "what is the fish holding capacity of the Trinity River? This calculation, for various amounts of water flow, is needed for both the Trinity and Klamath Rivers. These calculations, together with identification of the various causes of fish diseases in these rivers, are needed. The goal needed is: to prioritize getting in tune with nature, rather than increasing the artificial riverine environment.

GOO-10

The actions forwarded in the documents shown at <https://goo.gl/mR8GCh> suggest a no/low impact picture, such as one to four percent reductions in addition to the amount of water in Trinity Lake which has been drastically, catastrophically low for years. The reality of low lake levels at Trinity Lake is huge, for wildlife, humans and the Trinity County economy. That Trinity Lake, of all Central Valley Project (CVP) lakes, is kept at low levels is simply not okay--is against social justice and community/wildlife good. Trinity Lake water, at the expense of Trinity County's environment and economy, is used to augment problems created in other counties and is used in decisions that cause suffering in Trinity County for its wild and human inhabitants.

GOO-11

The consequences mentioned in this letter are not acceptable. The "No Action Alternative" is the only appropriate choice of those presented.

Respectfully submitted,

Gail Goodyear, PO Box 1120, Weaverville CA 96093  
 Patty Hymas, PO Box 813, Weaverville CA 96093  
 Mary Macy, PO Box 2505, Weaverville CA 96093

### Chapter 3 Individual Comments and Responses

#### **Responses to Comments from Goodyear, Gail et al.**

**GOO-1:** Please refer to Master Response “General Comment.”

**GOO-2:** The impact analysis presented in the Draft EIS correctly displays the effects of not taking action, and the Draft EIS therefore uses the correct baseline against which to compare environmental effects of taking action.

**GOO-3:** Impacts to sediment and erosion conditions in the Trinity River were considered, but were not discussed in the Draft EIS because they were not anticipated to have significant impacts from the alternatives. The flow requirements, remedial measures and adaptive management specified in the Trinity River ROD were designed with sediment management as a major component. The flows specified in the Trinity ROD include 5-day pulse flows of 11,500 cfs in extremely wet, 8,500 cfs in wet, 6,000 cfs in normal, 4,500 cfs in dry, and 1,500 cfs in critically dry years. As described in Chapter 2, “Description of Alternatives” of the Draft EIS, maximum flow target in the lower Klamath River for the preventive pulse flow and emergency pulse flow augmentation is 5,000 cfs (pages 2-3 to 2-4) with a duration of one 24-hour period and up to five days, respectively. The preventive and emergency pulse flows would be larger than the Trinity ROD pulse flows in only 3 years of the 83-year analysis period, in all other years a similar or larger Trinity ROD-required pulse flow would have been made without the project. Because the preventive and emergency pulse flows are within the routine operational flow range, and are similar or smaller in 80 of the 83-year analysis period, they are not expected to significantly affect sedimentation or erosion.

**GOO-4:** Chapter 8, “Biological Resources – Terrestrial” of the Draft EIS discusses potential changes to riparian terrestrial habitat in the lower Klamath and Trinity River Region under the Proposed Action (Alternative 1) and Alternative 2 compared to the No Action Alternative (see pages 8-39 to 8-40, and pages 8-41 to 8-43, respectively).

**GOO-5:** Chapter 2, “Description of Alternatives” of the Draft EIS describes the monitoring and research efforts associated with the action alternatives, including both essential monitoring actions (e.g., monitoring required to measure the flow augmentation component triggers, such as Ich infestation level) as well as additional monitoring and research actions. Table 2-3 of the Draft EIS identifies potential key scientific questions, and related research and monitoring efforts, to support hypothesis and conceptual model development (see page 2-9).

In addition, Chapter 7, “Biological Resources – Fisheries” of the Draft EIS discusses potential changes to fish and aquatic resources in the lower Klamath and Trinity Rivers under the Proposed Action (Alternative 1) and Alternative 2 compared to the No Action Alternative (see pages 7-58 to 7-77, and pages 7-86 to 7-100, respectively). As presented in Chapter 2, Table 2-3, Reclamation will consider potential unanticipated effects of late-summer flow augmentation such as pre-mature entry of fall-run fish coming from the ocean attracted by asynchronous cueing.

**GOO-6:** Please refer to Master Response “General Comment.”

**GOO-7:** Chapter 4, “Surface Water Supply and Management” of the Draft EIS discusses changes in Trinity Lake storage and elevation under the Proposed Action (Alternative 1) and

Alternative 2 as compared to the No Action Alternative (see pages 4-30 to 4-34, and pages 4-73 to 4-76, respectively).

Please refer to Master Response “Rules and Regulations for Water Operations for Alternatives.”

**GOO-8:** Chapter 4, “Surface Water Supply and Management” of the Draft EIS discusses changes in Trinity Lake storage and elevation under the Proposed Action (Alternative 1) and Alternative 2 as compared to the No Action Alternative (see pages 4-30 to 4-34, and pages 4-73 to 4-76, respectively).

Chapter 12, “Socioeconomics” of the Draft EIS discusses regional changes in recreational opportunities under the Proposed Action (Alternative 1) and Alternative 2 as compared to the No Action Alternative (see pages 12-12 to 12-14, and pages 12-17 to 12-18, respectively).

Please refer to Master Response “Rules and Regulations for Water Operations for Alternatives.”

**GOO-9:** Chapters 4 to 14 of the Draft EIS include a full and fair discussion of significant environmental impacts. Neither action alternative includes removing water from the Trinity River watershed.

Please refer to Master Response “Rules and Regulations for Water Operations for Alternatives.”

**GOO-10:** Please refer to Master Response “Best Available Information,” Master Response “Scientific Support for Flow Augmentation,” and Master Response “Range of Alternatives.”

**GOO-11:** Chapters 4 to 14 of the Draft EIS include a full and fair discussion of significant environmental impacts, including potential changes to wildlife and socioeconomics, in the lower Klamath and Trinity River region under the action alternatives as compared to the No Action Alternative. See analysis in: Chapter 7, “Biological Resources – Fisheries” (pages 7-58 to 7-77, and pages 7-86 to 7-100, respectively); Chapter 8, “Biological Resources – Terrestrial” (pages 8-39 to 8-40 and pages 8-41 to 8-43, respectively); and Chapter 12, “Socioeconomics” (pages 12-12 to 12-14, and pages 12-17 to 12-18, respectively).

Please refer to Master Response “Best Available Information” and Master Response “Rules and Regulations for Water Operations for Alternatives.”

Chapter 3  
Individual Comments and Responses

Krizo, Jacqui

12/12/16

KRI

Julia,

Thank you for extending the comment period of the 'Regarding Long Term Plan to Protect Adult Salmon in the Lower Klamath River (LTP)' through today since your website was not working.

Your plan is "to increase lower Klamath River flows to reduce the likelihood, and potentially reduce the severity, of any fish die-off in future years due to crowded holding conditions for pre-spawn adults, warm-water temperatures, and the presence of disease pathogens—which are likely the major factors contributing to adult mortalities." This is a guess that it "potentially" could reduce problems for what is might happen, when the factors contributing to a dead fish are "likely."

This unscientific guess would downsize agriculture and create more massive regulations in all parts of the river basins, shorting other species of wildlife along the way. There are more than 480 species of wildlife in the Klamath Basin which your LTP does not consider in your experimental guess about one "unprecedented" fish die-off that occurred once, with no proven fact of what caused that single die-off.

Your alternatives were made based on that one die-off. Your current river flow is artificially higher than it ever was; the river at our end historically sometimes went dry.

KRI-1



Your proposed policies are not proven to do anything positive for the people, fish or watershed, or the remaining hundreds of species dependent on their water supply.

Thank you!

Jacqui Krizo

***Responses to Comments from Krizo, Jacqui***

**KRI-1:** Chapters 4 to 14 of the Draft EIS include a full and fair discussion of significant environmental impacts, including potential changes to wildlife and socioeconomics, in the lower Klamath and Trinity River region under the action alternatives as compared to the No Action Alternative. See analysis in: Chapter 7, “Biological Resources – Fisheries” (pages 7-58 to 7-77, and pages 7-86 to 7-100, respectively); Chapter 8, “Biological Resources – Terrestrial” (pages 8-39 to 8-40, and pages 8-41 to 8-43, respectively); and Chapter 12, “Socioeconomics” (pages 12-12 to 12-14, and pages 12-17 to 12-18, respectively).

Please refer to Master Response “Scientific Support for Flow Augmentation” and Master Response “Range of Alternatives.”

**Chapter 3**  
**Individual Comments and Responses**

**Loeering, George**

----- Forwarded message -----

From: [geoloe@tds.net](mailto:geoloe@tds.net) <[geoloe@tds.net](mailto:geoloe@tds.net)>

LOE

Date: Wed, Nov 16, 2016 at 8:11 AM

Subject: The Bureau of Reclamation has prepared a Draft Environmental Impact Statement (DEIS) for the Long Term Plan to Protect Adult Salmon in the Lower Klamath River.

To: [BOR-SLO-sha-ltpeis-public-comments@usbr.gov](mailto:BOR-SLO-sha-ltpeis-public-comments@usbr.gov)

Cc: Editor Journal <[editor@trinityjournal.com](mailto:editor@trinityjournal.com)>

Julia Long

LOE-1

Your organization continues to ignore the Trinity Lake "fishery" and useable status of the lake to the public and particularly the people of Trinity County. The lake has a large capacity that on average fills every two years; draining below half is unwise. If the lake is over half and there is a higher than normal rainfall then the excess can be used for down river purposes or for the farmers in the valley. This is a simple concept of always being capable of filling the lake in a year which is good for the lake fishery, generating power and having an emergency water source in the event of a long term drought.

The River fishery is important but the lake fishery is equally important. One must realize that in the real world fish are mass produced in fish farms and the natural fishery is not as critical as before the dam. But both things can be accomplished by not releasing water below the half full lake level which can result in a lake permanently below half.

See the attachment which was published in the Trinity Journal for more details.

Sincerely George Loeering, trinity Center CA

LOE-2

Trinity Lake – Management Changes Needed      DRAFT      George Loegering    7-14-2016

Today Trinity Lake is down to 2,278ft, 92ft from the spillway. The lake is down to 50% of capacity, but it has fallen to 60% of its historical average for the date. By contrast, Shasta Lake is still 83% full, but up to 108% of its historical average for the date. Those controlling the water supply continue to take Trinity Lake down faster than normal, while Shasta Lake is staying above normal.

As a result, the local residents and summer vacationers are not able to use the lake for recreational purposes unless they are willing to daily haul the boat across a dry dusty lake bed and risk getting stuck in the mud while launching or recovery. In fact the convenience of the local marina, with slips for the season, has not been operative for 3years; this has happened several times since Trinity dam was built during a prolonged drought like we have now. It is time to change the criteria for dumping the lake water. The current criteria can be summarized as follows:

LOE-3

In a "wet" year, they dump about 62ft of lake elevation down the river for their failed "restoration" project. This doesn't count the water they send down the river for the "boat dance," the "avoid-a-fish-kill-on-my-watch," the Humboldt 50,000acft "take", and other special interest group nonsense. In a "normal" year, the dump is about 56ft. In "extremely wet" years, the dump is 74ft, in "dry" years (like 2015), the dump is 37ft, and in "critically dry" years, it is 32ft.

The historical facts have accumulated over the past 60 years and can be analyzed to determine a better formula. The main factor is that the reservoir is huge compared to the watershed that fills it; Trinity Lake takes about two average rain years to fill whereas Lake Shasta fills twice a year. So we can start there – plan to never take the lake below half volume till the rainy season starts. Revised planning for this issue could work as well for the water users and; since funding has been approved to widen & extend the Trinity Center ramp next year, would also work better for the local residents, local businesses and visiting "recreators".

The other part of the revised criteria is to address wasteful runoffs of reservoir water into the ocean. California water is precious as we all know; further, there is little incentive to put in addition dams but the farmers continue to develop agricultural land and the population continues to grow. Each of these factors requires more water and/or more efficient use of the water. There are many new innovative water savings devices/concepts being used or under development simply because the amount of water/year received is rather fixed. The one issue that is not properly addressed is the "natural" fish in the river. Let's be honest, it is a fact that fish are more economically raised for food on an aqua farm than in a natural river. Again the fact is that before the dam the fish were, as part of the natural scheme, deprived of the river during drought years. We should not be trying to better nature at the cost of our precious water flushed into the ocean when the fish can survive drought and be preserved on farms.

LOE-4

North state residents are few so our views on the ways to preserve Trinity Lake for a recreational area are not seriously addressed by our government reps that are simply overwhelmed by the needs of the highly populated central valley and Southern California; that's a major reason we seek a separate state. But everyone can come and enjoy the beauty of the North State so please help us keep sufficient water to preserve the lake for our business economy and your vacation use.

### **Chapter 3 Individual Comments and Responses**

#### ***Responses to Comments from Loegering, George***

**LOE-1:** Chapter 4, “Surface Water Supply and Management” of the Draft EIS discusses changes in Trinity Lake storage and elevation under the Proposed Action (Alternative 1) and Alternative 2 as compared to the No Action Alternative (see pages 4-30 to 4-34, and pages 4-73 to 4-76, respectively). Chapter 9, “Hydropower Generation” of the Draft EIS discusses changes in energy generation related to changes in reservoir operations under the Proposed Action (Alternative 1) and Alternative 2 as compared to the No Action Alternative (see pages 9-10 to 9-12, and pages 9-12 to 9-15, respectively). Chapter 12, “Socioeconomics” of the Draft EIS discusses effects to recreation due to changes in reservoir storage and river flows; effects to commercial, sport, and tribal fisheries due to changes in river flows, river temperatures, and fish health; and effects to irrigated agricultural production value and employment due to changes in water supplies under the Proposed Action (Alternative 1) and Alternative 2 as compared to the No Action Alternative (see pages 12-12 to 12-20).

Please refer to Master Response “Rules and Regulations for Water Operations for Alternatives.”

**LOE-2:** Chapter 1, “Introduction” of the Draft EIS discusses the project Purpose and Need (see page 1-8), which briefly specifies the purpose and need to which the agency is responding (40 CFR 1502.13). The purpose of the Proposed Action is to reduce the likelihood, and potentially reduce the severity, of any Ich epizootic event that could lead to an associated fish die-off in future years. The need is based on the past extensive fish die-off in 2002, as described in Chapter 1 of the Draft EIS.

Please also refer to Master Response “Range of Alternatives.”

**LOE-3:** Chapter 4, “Surface Water Supply and Management” of the Draft EIS discusses changes in Trinity Lake storage and elevation under the Proposed Action (Alternative 1) and Alternative 2 as compared to the No Action Alternative (see pages 4-30 to 4-34, and pages 4-73 to 4-76, respectively). Chapter 12, “Socioeconomics” of the Draft EIS discusses regional changes in recreational opportunities under the Proposed Action (Alternative 1) and Alternative 2 as compared to the No Action Alternative (see pages 12-12 to 12-14, and pages 12-17 to 12-18, respectively).

Please also refer to Master Response “Rules and Regulations for Water Operations for Alternatives.”

**LOE-4:** Please refer to the response to comment LOE-2 and LOE-3.

**Menke, John W.**

**From:** John Menke [mailto:[jmenke@sisqtel.net](mailto:jmenke@sisqtel.net)]

**Sent:** Saturday, October 15, 2016 11:11 AM

**To:** Craig Moyle <[Craig.Moyle@mwhglobal.com](mailto:Craig.Moyle@mwhglobal.com)>

**Subject:** Fwd: Lower Klamath Salmon EIS comments from John W. Menke, retired UC professor in natural resources and aware person on the Klamath and Trinity Rivers since 1978

MEN

Craig Moyle, BOR Sacramento

Re: In response to your October 14, 2016 email you sent to me asking for input to the EIS.

**Chapter 3  
Individual Comments and Responses**

Please take this set of comments below I prepared last year as my current input to the EIS process.

Getting fine rainfall the last couple of days and the creeks are up!

Thanks,

John Menke

Begin forwarded message:

**From:** John Menke <[jmenke@sisqtel.net](mailto:jmenke@sisqtel.net)>

**Subject:** Lower Klamath Salmon EIS comments from John W. Menke, retired UC professor in natural resources and aware person on the Klamath and Trinity Rivers since 1978

**Date:** August 20, 2015 at 8:14:17 AM PDT

**To:** [sha-slo-klamath-LTP@usbr.gov](mailto:sha-slo-klamath-LTP@usbr.gov)

**Cc:** Erin Ryan <[erin@erinmryan.com](mailto:erin@erinmryan.com)>, Brenda Haynes <[haynes034@att.net](mailto:haynes034@att.net)>, "Hetrick, Nick" <[Nick\\_Hetrick@fws.gov](mailto:Nick_Hetrick@fws.gov)>, "Peter B. Moyle" <[pymoyle@ucdavis.edu](mailto:pymoyle@ucdavis.edu)>, [jmenke@sisqtel.net](mailto:jmenke@sisqtel.net)

August 20, 2015 8:15 AM

TO: Whom it May Concern

RE: Comments on BOR Lower Klamath River Salmon EIS

Base-flow in the Trinity River prior to Trinity and Lewiston dams in late-summer and fall was only approximately 125 cfs in average precipitation years (pers. comm. Tom Wesaloh, CalTrout, McKinleyville, CA and according to my colleague Dr. Peter Moyle, UC Davis, Tom is

MEN-1

the best fish biologist on the North Coast of CA, and a member of the Lewiston Fish Hatchery Management Committee), and certainly less flow in a dry year like this summer/fall of 2015 as well as last year.

MEN-1  
(contd.)

As of August 4, 2015 when I checked the USGS River Flows website, the flow in the Trinity River out of Lewiston Dam was 462 cfs. Flow in the Trinity River at Trinity Center above Trinity Dam was 29 cfs showing how low the Trinity River would be without Trinity and Lewiston dams storing water for a dry-year like now, but flow at Hoopa was only 72 cfs.

1) There must be some major diversions going on between Lewiston Dam and Hoopa—likely the marijuana grows we have read about and heard in detail about (see below—after 2), and

MEN-2

2) the overly dense riparian plant communities evapotranspiring lots of water along the Trinity River below Lewiston Dam as a result of long-term diversion of Trinity River water to the Sacramento River, sedimentation from Grass Valley Creek and other upper tributary creeks, and deposition of those sediments along the sides of the Trinity River with colonization by willow, alder and conifer trees, making a stepped river edge (Milhous, Robert T. unpublished mimeo, 18pp., Fort Collins Science Center, USGS, Ft. Collins, CO) more like the Shasta River bank shape than the lower Klamath River both of which I know well. These are not my assessments of the effect of such large diversions but that in an unpublished paper by Milhous sent to me by Tom Shaw, USFWS-Arcata years ago. From the time of Trinity River dams construction in 1962 and 1963, and lack of erosive flows to clean the gravel, cobble and boulder bed and banks of fine sediment material, 81% of all Trinity River watershed output at Lewiston was exported to the Sacramento River.

MEN-3

A shocking number and a shocking effect on the river. The outstanding spawning habitat prior to those dams construction provided sufficient rearing habitat for the king salmon as they were called at that time, but not likely for coho salmon because of lack of beaver pond-like slow-water habitat required for that salmonid. So that artificial plant community may be a significant user of Trinity River water partly explaining the 462 to 72 cfs flows at Lewiston vs. Hoopa during a dry year especially. The first fly fishing trip of my life was to the Trinity River near Lewiston in spring 1978 where the primary big fish caught was a 5 lb brown trout by my expert friend who I am as of last year fishing with again after a 25-year hiatus. The thick riparian vegetation event at that time was a hindrance to access to the stream for backcasting. Certainly the abnormal riparian plant community succession since that time has further increased transpirational demand. We see very large diurnal riparian and evaporative demands during summer and early fall on Shackleford Creek, a tributary to the Scott River, affecting flows to our diversion with recovery overnight but certainly added evaporative losses especially with more winds we have had in recent years seen all over California due to jet stream effects.

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After watching a very recent California State Legislative Hearing of the Aquaculture and Fisheries Committee in Sacramento and learning of the massive acreages of marijuana grows, dewatering of small streams, and contamination of same in the North Coast counties of CA, this issue of salmon health in the lower Klamath River is certainly affected by a large number of actions by Man well beyond the pervue of BOR—it is time for the cops. During that Senate Hearing, the Sheriff of Mendocino County stated that since legalization of medical marijuana in 1996 by the voters of California, ‘many 19-21 year-old males in the North Coast Region of California have considered the marijuana business as their only hope of becoming financially well off!

MEN-4

On that same August 4, 2015 day, flow out of Iron Gate was 900 cfs. Flow in the Shasta River was 38 cfs. Flow in the Scott River was 72 cfs, all from the USGS website.

MEN-5

First summary comment: With so much warm water at Weitchpec coming down the Klamath River, unless more water is saved back in Trinity Lake protecting the cold water deeper down in that lake kept at a much fuller state like it was designed to do to guard against droughts with capacity for 2-year’s runoff, the amount of really cold water needed to cool the large volume in the Klamath River will not be possible. That is a pure physical fact.

In my professional opinion having carefully watched actions since 1992 on the Klamath River watershed, the BOR, NMFS and others have gotten themselves into an unsolvable dilemma relative to the lower Klamath River salmon. In taking so much water away from agriculture and the Klamath Refuges in the Upper Klamath Basin for both the sucker fishes many years ago and more recently augmented flows out of Iron Gate Dam (latest NMFS B.O.), it is physically impossible to have enough cold water in drought years especially to cool the lower Klamath River without taking special action (see below).

MEN-6

During Governor Kitzhaber’s first term he asked my former student Hal Salwasser, while he was Dean of Forestry at Oregon State University, to review the first USFWS Sucker Fish Biological Opinion recommending keeping Upper Klamath Lake fuller than previously with the Link Dam (not one of the KBRA/KHSA removal targets). In a phone conversation with Hal 4 or 5 years ago, Hal told me he told Kitzhaber that he got to so-and-so page, he used page-145 for a number to indicate to me he had read all of the B.O., and that all the empirical data (that is hard data, not models) indicated no benefit from doing so. But then reference was made by USFWS authors to a sucker fish model by a young assistant professor at Cornell University, New York, that showed benefits from keeping the lake fuller. In retrospect it is clear to me that this was the first step to trying to take virtually all the water away from agriculture and re-establish Tribal sovereignty to the open-space lands of the Upper Klamath Basin.

When I shared this professional review by Hal with Richard Whitman (Kitzhaber’s Natural Resource Advisor) at the first Wyden/Kitzhaber KBRA/KHSA Senate facilitation meeting for

went of a better descriptor of that committee effort in Klamath Falls at the Oregon Institute of Technology conference room a couple of years ago during the first break, and said it was too bad Hal had retired. Whitman's response was a big smile!

Hal was really a wildlife biologist but he was trained in the University of California, School of Forestry and Conservation and took most of the forestry courses, served as a teaching assistant, and that was while I was a new assistant professor in that program so I knew him well. I served on his Ph.D. dissertation committee and helped him in the field on deer habitat relationships research, and in fact we are within 3 months of the same age. Hal always appreciated the dynamic simulation modeling training I provided in a graduate course at UC Berkeley having just finished a Ph.D. in range systems ecology at Colorado State University where outstanding computer modeling training was a very important opportunity in that curriculum. In fact it was the greatest opportunity to learn dynamic simulation modeling of natural rangeland systems ever offered. What I taught in that modeling course other than the technical aspects of building and applying models is that models should never be used for management control, only as a learning device and teaching device since garbage-in produces garbage-out and not necessarily because of the formulation but also the weak parameterization of the mathematical representations of key processes. In complex ecological systems there are too many unknowns to ever use such a model for making decisions.

MEN-6  
(contd.)

Empirical replicated research methods with hypothesis formulation, sampling design with rigorous methodology, and testing of findings with statistical assessment to put standards on criteria used for rejection of false hypotheses—this is the scientific method and any deviation from that method more often than not leads to bad decisions that don't result in successful management strategies in the case of complex natural resource systems. Only after hypotheses stand the multiple testing by independent parties does a hypothesis or series of hypotheses lead to theory development which leads to the truth about aspects of any subject. More than anything else I have observed complete abuse of models being used for management control. This is a very telling symptom of corrupted science which has run wild since 1993 and my moving from academia to applied ecology to now a rancher for 22+ years. I recognize this perverse activity often in agencies.

And in the case of dams removal on the Klamath River the corruption peaked with the Whistleblower Action by Dr. Paul Houser, Science Integrity Officer for BOR and USDI. When Paul exposed that USDI Secretary Salazar 'just wanted those dams out' and was willing to put out a bogus press release to the public stating something like there is a 94% chance of a fishery improvement on the Klamath River with removal of four dams, it was clear to me that Paul had exposed the corruption. Based upon significant digits alone Paul could see this statement could not have been made by the Expert Scientific Panel. Putting that 4 after the 9 in 94% showed precision that could not possibly be real and justified. I attended those Expert Science panel meetings and spoke to several of the scientists and they in no way ever came to that conclusion. The really stinking part was Kira Finkler (formerly with Trout Unlimited, same outfit that CDFW's latest Director Charlton Bonham came from as one of their attorneys), Paul's boss directing him to not send her an email of his evaluation of that press release she told him that she 'did not want anything traceable to his professional judgement'. Finkler told Houser he

**Chapter 3  
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was 'not being a team player'. Paul immediately did and was fired for it. This event will outlast all other pieces of history in the outright failure of agency loyalists to flow agendas of higher ups in our socio-political condition. Such politics should have NO role in natural resources management!

MEN-6  
(contd.)

In 1996 my wife and I sold our first red angus bull to a long-term resident living in Seiad Valley who first went to work for the Forest Service in Happy Camp in 1933; Walt Robinson told us that as a young boy he could walk across the Klamath River near Seiad most summers without getting his feet wet (albeit he may have been recalling the 1930s drought, where like the Great Plains the Yreka rainfall record shows a period of years of drought). Now being an agriculturalist myself for 22+ years in Siskiyou County, after a background of 10-years of college and serving as a UC professor for 25-years through 1998, and studying the continuing attempts to kill Upper Klamath Basin agriculture as well as Shasta Valley agriculture, agency and court actions have created a quandry for the lower Klamath River salmon and steelhead. The habitat has been destroyed by 'kindness of idiots' and money hungry NGOs with willingness-to-be-led, and weakly trained agency personnel. Agencies have even coined a human classification of stakeholders to foster decisions from far away urban areas and can't even hold a public meeting for this EIS process in Yreka. So we have selective use of outsider uneducated people relative to natural resources management and otherwise naive segments of our society facilitating corruption of NEPA processes.

MEN-7

I fly fished the Klamath River every Labor Day weekend from 1978-88, from 16-miles downstream of Weitchpec at Johnson's Bar where we camped and paid an Indian for the site to camp, down as far as the confluence with Blue Creek. I and my friend with his 20-foot sled and 90 hp jet outboard motor caught an average of 60 steelhead per day up to 6 lbs on brindle bug flies, 30-foot shooting-head sinking lines, and I had the best 10-years of fly fishing of my life and am now 70-years of age. We very occasionally hooked a 6-10 lb coho salmon and because it fought so hard we ate them rather than wasting them, otherwise we were catch-and-release fishers from the Davis Fly Fishers. We also fished what we called the Gorge, the last mile of the Trinity River, to catch some really active steelhead in the large cold pools just above Weitchpec to begin our three-day activities each year. The so-called half-pounder steelhead at that time were better fishing than my later and somewhat overlapping fishing of Christmas Island for bonefish, the Florida Keys for tarpon, the Skeena, Tseax and Nass Rivers of British Columbia, as well as the Henry's Fork of the Snake River and Madison Rivers of Idaho and Montana, respectively, for rainbow and brown trout.

MEN-8

The problem for the salmon in the lower Klamath River is that the flow out of Iron Gate is way too high. BOR should be desiccating the edges of the Klamath River like Nature always did to reduce polychaete worm habitat from Iron Gate to the mouth of the Scott River, filling the Klamath Refuges for ducks and geese each coming winter, providing more water to the Tulelake Irrigation District and quit stopping use by Off-Project irrigators above Upper Klamath Lake—just too much water coming out of Iron Gate Dam! It is impossible to cool such a large volume of water in the Klamath River at Weitchpec with Trinity River water at such flows in dry years that are becoming common in the cycle of weather we have been having.

MEN-9

The problem is, the government is trying to harm the Upper Klamath Basin agricultural producers because of politics so they are taking their water away but harming the fishery in the process because they have to send their ag water to the ocean.

MEN-10

CDFW, DWR and BOR do the same wasting program with the Trinity River water once it gets to the Bay Delta.

Second comment: The beginning of salmon season on the Klamath River watershed is set far too early increasing the likelihood of salmon diseases and kills associated with promoting the need for promotional Boat Dances and too early ramp ups of flow to meet the Hoopa stakeholder demands for fish to catch, eat and sell and fostering salmon diseases and kills unnecessarily. That 'time immemorial' Boat Dance celebration and request for higher flows was questioned by Tom Wesaloh when I spoke with him. He added that myth in his opinion as a corollary to the Hoopa's desire for greater flows even after the 2000 ROD set base flows at the 450 cfs minimum. It is my strong hypothesis that the first year of those directed higher flows in 2002 is what led to the salmon kill that year. Clearly if 125 cfs was sufficient for such Boat Dances in the past, certainly 450 cfs should be sufficient you would think, is what he told me (pers. comm.) probably 15 years ago at the same time he told me of the pre-dams base flow in the Trinity River. I have always found it suspicious that such a celebration would only take place every other year and not on even-numbered years since the kill. Since when would Indians want to wait two years for celebrating fish returns that occur every year.

MEN-11

Last year we witnessed a ramp up of Iron Gate Dam releases of relatively cold water flows for the first time in very early July, making for the largest salmon escapement into the Klamath River estuary ever witnessed by Mike Coopman, one of the best long-term fishing guides on the lower Klamath River and his father before him. I fished with him once and he knows his trade! He had never seen so many salmon in the river so early (first week of July!). A resident near Copco Community Center observed the boost in flows out of Iron Gate Dam and alerted me prior to my speaking with Mike and him witnessing so many salmon—he was over visiting our joint friend Ken Berryhill while Ken was on call for fires with his cat on his truck outside the Fort Jones, CalFire Office and Fire Station. At that time in mid-July 2014, I surmised a new effort for another salmon kill was in preparation, but when the Log and Happy Camp Fires created so much smoke and reduced heating by the sun on the Klamath River water I suspected that attempt failed for that reason.

During earlier too-early ramp ups I was called by our California DWR Watermaster Joe Scott in late-August one year when Joe told me in no uncertain terms, "they are going to cause another kill John"! He always watched flows like a hawk. After that I had close communication with a Trinity River Restoration Task Force woman who had taken Peter Moyle's course at UC Davis where I worked for the last 20 years of my career. She was quite open with me about Boat Dances and ramp ups. I then communicated via email with the California Department of Fish

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and Game Northern Region Fisheries Manager Steve Turek via Jim Whelan, our local Scott Valley fish biologist, about ‘false triggering’ of salmon to escape from the ocean into the estuary not due to natural freshets from rain events. The Yuroks said no but Turek said yes it was happening in his judgment. The stakeholders appear under every stone on these fish matters! Fishermen by their very nature are exaggerators and liars! How big was that fish showing outstretched arms?

MEN-11  
(contd.)

During the second Wyden/Kitzhaber Senate facilitation of KBRA/KHSA meeting at OIT in K Falls, I shared with the committee that Mike Coopman had told me that the previous year the government asked the Indians if they could please take 200,000 salmon that year and the Indians’ response was that they could only handle 70,000 fish. This shows clear indications that salmonid rearing at the Lewiston and Iron Gate hatcheries must reduce their production to not stress populations of returning spawners many years. Trying to max our ocean catch has serious pitfalls in rivers.

So my Third Comment: Too many salmon and steelhead are being reared at Lewiston and Iron Gate fish hatcheries. Work by pathologist Jerri Bartholomew and her students have shown disease transfer from spawned out salmon to healthy fish—just remember that steelhead are multi-year spawners and can be vectors of disease to future returning salmonids. And given natural hypereutrophic conditions of the Klamath River, so frequent over shoots in returning salmon numbers is a set-up for more fish kills. Unless some sort of solarization program is instituted in summer with greatly reduced flows out of Iron Gate Dam (August would be best), the interaction of these prevalent native diseases will rear its ugly head too often and unnecessarily. The ocean fishermen don’t need such an artificially high rearing program now that we see clearly that Nature’s Pacific Decadal Oscillation is a primary driver of salmon abundance both in the Pacific Ocean and the Klamath and Trinity River watersheds.

MEN-12

I began fishing as a boy on the American River outside downtown Sacramento above Watt Ave. Bridge, a mile to two miles upstream, in 1952 prior to Folsom (1948-56) and Nimbus (1952-55) dams construction. It was a warm water fishery with catfish, perch, occasional pike, and late-fall king salmon runs like you would not believe—all caught with my new Mitchell 300 spinning reel, the new fishing invention at that time after abandoning our cane rods with line tied to the end of two-piece 10-12 foot rods using liver, steak or worms as bate on mainly catfish—just like Tom Sawyer and Huckleberry Finn. I would barely be able to handle two 15-18 lb salmon holding by the gills in each hand riding my bicycle home about 1 mile with the tails worn off a bit before finishing the ride home and a salmon dinner for our family. The freshet of river flows from fall rains triggered those fish to come up the Sacramento/San Joaquin Rivers to above the city of Sacramento to the American River confluence and about 10 miles to my backyard. Same was true on the Sacramento prior to Shasta Dam construction (1938-45) according to an older red angus breeder friend in Redding who happened to be on the construction team that built part of the delivery system for transferring Trinity River water to the Sacramento River involving Lewiston and Trinity Dams. He likewise has seen way too early salmon runs on the Sacramento River since Shasta Dam construction.

MEN-13

An observation of our now-retired Livestock Farm Advisor Dan Drake while doing fish research with UC Cooperative Extension fish biologist Lisa Thompson at UC Davis on the Shasta River coho salmon, and others have noticed as well, is that the Chinook salmon have been entering the Shasta River to spawn earlier and earlier over the last 20 years. Watermaster Joe Scott observed that too-early runs on the Shasta River were being used as ammunition against Shasta Valley agriculture by the Salmon River Restoration Council folks at Sawyers Bar. Associated issues on the Shasta River led to the Klamath Riverkeeper's lawsuit and settlement costing irrigation water users in Shasta Valley excessively high per acre-foot irrigation water charges to pay the attorney fees of both sides of the suit—sue-and-settle!

MEN-13  
(contd.)

Final comment: Stop the artificial false triggering of salmon to escape from the ocean too early before Nature would have done so. Don't try any more of this late August triggering just to meet the CDFW salmon season openers—those guys don't have a clue what should be done. They even referred maxillary bone clipping as fin clipping in maiming all the reared coho and steelhead since about 1994 at both Lewiston and Iron Gate Fish Hatcheries and running video weirs blocking many salmon and steelhead spawners from returning to their rearing grounds in the Scott River watershed! Stop the artificial ramp ups. BOR, please develop strategic year-long water release plans to promote October returns, not July returns for God's and the fishes' sake.

Use agriculture's ability to sequester phosphorus from the naturally high P water and sediment content soils and parent materials from the Upper Klamath Basin. Do some good for ducks and geese for a change. Go ahead and cut PacifiCorps power production a bit each summer to solarize otherwise too much polychaete worm and disease vector habitat along Klamath River edges.

MEN-14

In 2014, 65,000 steelhead were transferred from lower Shackelford Creek when that creek became naturally disconnected due to lack of snow pack and runoff showing the tributaries of the Scott River are teaming with productivity right in my backyard. Likewise the estimated 200,000 coho juveniles reared in Emigrant, lower Mill and Shackelford Creeks in 2010 and witness by Larry Lastelle, Mr. Coho Salmon, clearly shows natural productivity of even listed salmonids in the Klamath River watershed is alive and well, just highly influenced by natural drought cycles and hot summers.

MEN-15

Use science not politics!

Thank you for this opportunity to comment. The situation is a mess currently, but the potential is extremely high without really any additional cost to the taxpayers.

John W. Menke, A.A., B.S., M.S., Ph.D.

Fort Jones, CA

### **Chapter 3 Individual Comments and Responses**

#### ***Responses to Comments from Menke, John W.***

**MEN-1:** Please refer to Master Response “General Comment.”

**MEN-2:** Please refer to the response to comment for MEN-4.

**MEN-3:** Chapter 7, “Biological Resources – Fisheries” of the Draft EIS discusses potential changes to aquatic habitat conditions in the lower Klamath and Trinity Rivers under the Proposed Action (Alternative 1) and Alternative 2 compared to the No Action Alternative (see pages 7-61 to 7-77, and pages 7-87 to 7-100, respectively).

Chapter 8, “Biological Resources – Terrestrial” of the Draft EIS discusses potential changes to riparian terrestrial habitat in the lower Klamath and Trinity River Region under the Proposed Action (Alternative 1) and Alternative 2 compared to the No Action Alternative (see pages 8-39 to 8-40, and pages 8-41 to 8-43, respectively).

The effects mentioned in this comment are not associated with actions taken by Reclamation since 2002 to reduce fish die-off, but may be affected by future flows under the action alternatives. Reclamation has committed to a robust monitoring and research program as detailed in Chapter 2, “Description of Alternatives” of the Draft EIS on pages 2-5 to 2-9 to understand the effects on the Trinity River and lower Klamath River.

**MEN-4:** In the North Coast Region, as of February 15, 2016, marijuana cultivators with 2,000 square feet or more of cannabis are required to enroll in a water quality regulatory program (Order R1-2015-0023) with the North Coast Regional Water Quality Control Board. Additionally, smaller operations or operations with similar environmental effects, where there is a threat to water quality, may be directed to enroll under the Order.

Please refer to Master Response “General Comment.”

**MEN-5:** Please refer to Master Response “General Comment.”

**MEN-6:** Chapter 5, “Surface Water Quality” of the Draft EIS discusses changes in water temperatures in the lower Klamath and Trinity River Region under the Proposed Action (Alternative 1) and Alternative 2 as compared to the No Action Alternative (see pages 5-33 to 5-51, and pages 5-66 to 5-83, respectively). Changes in water temperature are analyzed in comparison to the relevant temperature standards.

Chapter 7, “Biological Resources – Fisheries” of the Draft EIS discusses potential changes to fish and aquatic resources in the lower Klamath and Trinity Rivers under the Proposed Action (Alternative 1) and Alternative 2, compared to the No Action Alternative (see pages 7-58 to 7-77 and pages 7-86 to 7-100, respectively).

**MEN-7:** Chapter 15, “Consultation, Coordination and Compliance” of the Draft EIS summarizes completed, ongoing, and anticipated efforts associated with the preparation of this EIS. The section titled *Public Review Process* in the Final EIS Chapter 1, “Introduction” discusses the public review process following the release of the Draft EIS, including public hearing information. Reclamation and its consultants have the necessary expertise to analyze

environmental effects from the proposed action and alternatives. Please refer to Chapter 17, “List of Preparers” in the Draft EIS.

**MEN-8:** Please refer to Master Response “Scientific Support for Flow Augmentation” and Master Response “Rules and Regulations for Water Operations of the Alternatives.”

**MEN-9:** Please refer to the response to comment for MEN-6.

**MEN-10:** Please refer to Master Response “General Comment.”

**MEN-11:** Chapter 2, “Description of Alternatives” of the Draft EIS describes that both action alternatives include monitoring and research actions to further scientific understanding of causative factors of Ich infection and outbreak in the lower Klamath River. Table 2-3 of the Draft EIS identifies potential key scientific questions and related research and monitoring efforts to support hypothesis and conceptual model development (see page 2-9). As described in the Draft EIS Table 2-3, Reclamation will consider the potential inadvertent or unanticipated adverse effects of the action that may require monitoring, such as premature entry of fall-run Chinook Salmon from the ocean that are attracted by asynchronous cueing. The boat-dance flows referenced in this comment are not related to the action alternatives to reduce fish die-offs in the lower Klamath River. Any cumulative effects may be detected in the monitoring and research efforts, and adjustments may be made to the flows released to reduce fish die-off.

**MEN-12:** Chapter 2, “Description of Alternatives” of the Draft EIS describes the monitoring and research efforts associated with the action alternatives, including both essential monitoring actions (e.g., monitoring required to measure the flow augmentation component triggers, such as Ich infestation level) as well as additional monitoring and research actions. Table 2-2 of the Draft EIS identifies additional monitoring and forecasting actions that may be conducted as part of the Proposed Action to inform refinement of flow augmentation trigger criteria. As described in Draft EIS Table 2-2, Reclamation will monitor adult salmon pathology by sampling for infectivity at hatcheries.

**MEN-13:** Please refer to the response to comment for MEN-11.

**MEN-14:** Please refer to Master Response “Scientific Support for Flow Augmentation” and Master Response “Rules and Regulations for Water Operations of the Alternatives.”

**MEN-15:** Please refer to Master Response “General Comment.”

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**Public, Jean**

----- Forwarded message -----

From: **Jean Public** <[jeanpublic1@yahoo.com](mailto:jeanpublic1@yahoo.com)>

Date: Fri, Oct 21, 2016 at 1:28 PM

Subject: Re: PUBLIC COMMENT ON FEDERAL REGISTER

To: "[BOR-SLO-Sha-Itpeis-Public-Comments@usbr.gov](mailto:BOR-SLO-Sha-Itpeis-Public-Comments@usbr.gov)" <[BOR-SLO-Sha-Itpeis-Public-Comments@usbr.gov](mailto:BOR-SLO-Sha-Itpeis-Public-Comments@usbr.gov)>, "[INFORMAION@SIERRACLUB.ORG](mailto:INFORMAION@SIERRACLUB.ORG)" <[INFORMAION@sierraclub.org](mailto:INFORMAION@sierraclub.org)>

PUB

TH IS A HUGELY EXPENSIVE USE OF TAXPAYER DOLLARS.I DO NOT BELIEVE YOU CAN "BRING BACK" WHAT EXISTED BACK IN 1930. CALIFRONAI WEATHER HAS CHANGED. MORE POLLUTION IS AROUND. THE DROUGHT IS ENORMOUSLY EFFECTIVE AND THIS EXPENSIVE PLAN FOR THE RIVER IS TOO LITTLE, TOO LATE. NATURE IS NOT THAT FORGIVING. IT TOOK EONS TO PUT IT THERE. YOU DAMAGED IQ QUDKLY. IT WONT COME BACK. WASTE OF TAXPAYER DOLLARS. MIGHT AS WELL LIVE WITH IT. JEAN PUBLIEE [JEANPUBLIC1@YAHOO.COM](mailto:JEANPUBLIC1@YAHOO.COM) YOU ARE WASTING TAX DOLLRS. DROP THE ENTIRE PROJECT.

PUB-1

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the plan of this agency is always to kill some other animal so that humans can get it all  
the naimal have to suffer per this agency

***Responses to Comments from Public, Jean***

**PUB-1:** Please refer to Master Response “Scientific Support for Flow Augmentation” and Master Response “Range of Alternatives.”

**Chapter 3  
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**Sloan, Rob**

----- Forwarded message -----  
From: **Bob Sloan** <[rsloan22@gmail.com](mailto:rsloan22@gmail.com)>  
Date: Mon, Nov 21, 2016 at 10:36 AM  
Subject: Fall Trinity Lake Releases  
To: [BOR-SLO-sha-ltpeis-public-comments@usbr.gov](mailto:BOR-SLO-sha-ltpeis-public-comments@usbr.gov)

SLO

Dear Sirs,

SLO-1

As a property owner and recreation enthusiast in the Trinity Center area, I am AGAINST making permanent the ability to release Trinity Lake water for the Lower Klamath River in late August through Sept.

**Rob Sloan**  
10976 Ivy Hill St. #7  
San Diego, Ca 92131  
M-858-245-2988

***Responses to Comments from Sloan, Rob***

**SLO-1:** The commenter states that implementation of the proposed action is a permanent action. Chapter 1, “Introduction” of the Draft EIS states that the study period of analysis is through the year 2030, consistent with the biological opinions for the coordinated long-term operation of the CVP and SWP, therefore this is not a permanent action (see page 1-15).

Please also refer to Master Response “General Comment.”

## **Comments from Public Hearings and Responses**

This section contains transcripts of the Draft EIS public hearing held on November 9, 2016 (as described in Chapter 1, “Introduction” of this Final EIS), as listed in Table 3-8. Attendees provided independent comments during the hearing.

Table 3-8. Individuals Providing Comments on Draft Program Environmental Impact Statement During Public Hearings

<b>Abbreviation</b>	<b>Name</b>
FRA	Franklin, Robert
CHI	Chichizola, Regina

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Individual Comments and Responses

Redding, California – Wednesday, November 9, 2016

Page 5

1 into recess and then we will wait.

2 ROBERT FRANKLIN: Thank you. Well, I'm Robert  
3 Franklin. I'm hydrologist in the fisheries department at  
4 Hoopa Tribal Fisheries, and I started there in 1989.  
5 I've been involved in the technical deed on NEPA projects  
6 for the tribe including our collaboration with  
7 Reclamation on the CVPI, and co-lead the status that we  
8 held for the trinity restoration record of decision. In  
9 this project, I go back to December of 13 in this room,  
10 where some of us gathered to begin collecting ideas as to  
11 what a long-term plan to protect adult salmon might be  
12 inconsistently since that first meeting in writing in  
13 person. We have been providing input that is along the  
14 same track. This is our fishery in the Trinity River  
15 federally recognized fishing right, and it is a tribe  
16 which looks to protect over the long term. And when we  
17 look at what is in this document at this time, we have to  
18 say the problem is not reduced Trinity River flows. In  
19 fact, Trinity River flows in August and September are now  
20 considerably higher than they were before the dam was put  
21 on the Trinity River. So it strikes me that a reasonable  
22 read of the document, if you didn't know anything, would  
23 be that the flow in the Trinity has been reduced, and  
24 therefore we need to bring it back up because by the time  
25 things come together in the lower Klamath River, we're in

FRA-1

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1 sad shape. The problem arises somewhere other than in  
2 the Trinity basin, and the tribe needs to see a plan that  
3 goes forward toward the solution. The solution of the  
4 problem -- the problem, again, is not Trinity River  
5 stream flows. We are in the interim period supportive of  
6 and the called for releases down the Trinity because we  
7 don't have something better. Well, at this point in  
8 time, what would be better? Well, the problem associates  
9 with flows and water quality coming down the instant  
10 Klamath from above the Trinity confluence. So we will  
11 always be looking to work at every moment to bridge  
12 toward a solution to those problems. This NEPA document  
13 is a 15-year time scape. It considers -- puts us on a  
14 specific rung of that ladder. But we have talked from  
15 the beginning with reclamation, and, generally, with the  
16 federal trustees that the solution is not at hand except  
17 for a very temporary way right now by increasing Trinity  
18 flow. So we are continuing to write that to you and  
19 speak that to you, and certainly we have detailed  
20 comments we will, again, submit as we did on the  
21 administrative draft and thank you.

22 MR. MOORE: Mr. Franklin, thank you very much  
23 for your comments. You are the final speaker for the  
24 night. We will at this point adjourn for recess, and  
25 we'll reengage prior to closing out the hearing tonight

FRA-1  
(contd.)

FRA-2

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1 about 8:25. Please take a look at the posters, and if  
2 you have additional questions, let us know.

3 (Whereupon a recess was taken.)

4 MR. MOORE: At this time I officially open --  
5 reopen tonight's hearing. We have one additional  
6 speaker. I'm going to hit some of the highlights to make  
7 sure that Regina Chichizola is informed on the process  
8 and how she might provide her comments. And I hope that  
9 I got that correct. Chichizola? And so that you can get  
10 the writing off that.

11 REGINA CHICHIZOLA: And I'm pretty familiar  
12 with the project, so you don't have to go through the  
13 whole thing.

14 MR. MOORE: Okay. So what I'd like to just  
15 make reference to then is that if you want to make  
16 additional comments or others that you are working with  
17 want to make comments, please do so by December 5th.  
18 That is important. That is the closing date for the  
19 comment period. Also, so at this point, no further  
20 delay, please go ahead. Danielle Dzioba with Norcal  
21 Court Reporting will capture your comments.

22 REGINA CHICHIZOLA: Hi. My name is  
23 Regina Chichizola. I work with the Pacific Coast  
24 Federation of Fishermen's Association, the Institute For  
25 Fisheries Resources, and Save the Klamath Trinity Salmon.

CHI-1

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1 I also volunteer with the group called the Klamath  
2 Justice Coalitions. And I -- there are several people  
3 who told me they wanted to be here today that are doing  
4 written comments because they couldn't make it including  
5 the Klamath River keeper.

CHI-1  
(contd.)

6 So my comments are, one, thank you so much for  
7 working on this. Thank you in the last few years for  
8 doing such a great job in court with the local tribes and  
9 scientists against west lands to make sure that these  
10 flows do happen. And thank you refining to the point  
11 where everyone is feeling like this is the most  
12 scientific option possible. With that said, I also  
13 wanted to say that I do have some concerns that I think  
14 there should be some follow up out of the Klamath BOR and  
15 the State Water Resources Board -- probably division of  
16 water rights -- to make sure that there are some cold  
17 water flows going into the river above Weitchpec. Those  
18 would probably likely have to come from the Scot or  
19 salmon and some of the tributaries by making sure that  
20 some water is either purchased or water rights put aside  
21 in order to make sure that there's no water in the upper  
22 Klamath so that the fish don't start moving and then get  
23 into hot toxic algae water within the area I live which  
24 is Orleans. I wanted to also say that I support using  
25 Humboldt County's water right, the alternative that looks

CHI-2

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1 at the 50,000 acre fee and uses that water as much as  
2 possible. Obviously, there be years where we'll go  
3 beyond the 50,000 acre fee as far as what's needed to  
4 keep the fish alive. But I think that that source of  
5 water is the best water to use. I get a little worried  
6 about changing the water flows around because I feel like  
7 those flows are already allocated and they're being used  
8 in a really good way. Also, I know Humboldt County and  
9 and the Hoopa Valley tribe have fought very hard for that  
10 water, and I think it's really important at this time  
11 that that water right is defined and all the NEPA around  
12 the use of that water right is done. So that is the  
13 alternative that I support. I also was told by a couple  
14 people to mention that Trinity County believes they have  
15 a water right based on the county of origin that could  
16 also be used to help the fish. Especially if it came  
17 down to a fight about going above the 50,000 acre fee.  
18 And also that the act that was passed in 1955 included  
19 fish and wildlife provisions and also included provisions  
20 for the tribes or at least for the Hoopa Valley because  
21 that was the only one that existed at the time,  
22 officially. So I do believe that you have sound legal  
23 argument to support going beyond the 50,000 acres when  
24 you need to. We are going to turn in written comments,  
25 but I wanted, again, thank you for doing this process.

CHI-2  
(contd.)

CHI-3

CHI-3  
(contd.)

1 Thank you for listening to the science and using the best  
2 available science on bringing the process together. And  
3 if I was to have one critique, it would be that I think  
4 the Klamath Bureau of Reclamation and the State Board  
5 needs to get involved to make sure that the fish diseases  
6 dealt with above Weitchpec, and that's it. Thank you.

CHI-4

7 MR. MOORE: Ms. Chienidou, thank you very much  
8 for your comments. Again, comment period closes December  
9 5th. If you would like, there are some additional  
10 comment cards that you can share with others that you are  
11 mentioning.

12 REGINA CHICHIZOLA: Okay. And definitely let  
13 me know or anyone else know if there is anything we can  
14 do to make sure this process happens in a speedy and good  
15 way.

CHI-5

16 Malcolm, do you want to say anything about the  
17 fish? He told me on the way here that he thought it was  
18 important there are lots of fish because the orcas and  
19 the other species in the ocean need to eat fish, right?  
20 Whales eat fish and sharks too. He's more into oceans.  
21 He's kind of obsessed with sharks. He can actually tell  
22 you like five or six different types of sharks including  
23 the whale shark, which confuses people that don't know  
24 about that, because they are like that's not a thing.  
25 And he's like, yes it is. What's your favorite shark

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***Responses to Comments from Franklin, Robert***

**FRA-1:** In Chapter 2, “Description of Alternatives” of in the Draft EIS, text on page 2-13, line 13, has been revised in response to the comment that although Klamath River Basin sources would not be sufficiently effective for the Proposed Action, there is justification for further study of the impacts from water diversion in the Klamath River Basin and associated water quality concerns on fishery and other resources in the lower Klamath River. These and related issues will be addressed in a future effort. See Chapter 4, “Errata” of this Final EIS.

Please also refer to Master Response “Scientific Support for Flow Augmentation” and Master Response “Range of Alternatives.”

**FRA-2:** Chapter 1, “Introduction” of the Draft EIS states that the study period of analysis is through the year 2030, consistent with the biological opinions for the coordinated long-term operation of the CVP and SWP (see page 1-15).

Chapter 2, “Description of Alternatives” of the Draft EIS describes the monitoring and research efforts associated with the action alternatives, including both essential monitoring actions (e.g., monitoring required to measure the flow augmentation component triggers, such as Ich infestation level) as well as additional monitoring and research actions, to inform potential refinement of flow augmentation trigger criteria (see pages 2-5 to 2-9).

Please refer to the response to comment FRA-1. Additionally, please refer to the responses to the HVT1 and HVT2 comment letters.

Please also refer to Master Response “Scientific Support for Flow Augmentation” and Master Response “Range of Alternatives.”

### Chapter 3 Individual Comments and Responses

#### **Responses to Comments from Chichizola, Regina**

**CHI-1:** In Chapter 2, “Description of Alternatives” of the Draft EIS, text on page 2-13, line 13, has been revised in response to the comment that although Klamath River Basin sources would not be sufficiently effective for the Proposed Action, there is justification for further study of the impacts from water diversion in the Klamath River Basin and associated water quality concerns on fishery and other resources in the lower Klamath River. These and related issues will be addressed in a future effort. See Chapter 4, “Errata” of this Final EIS. Please also refer to Master Response “Range of Alternatives.”

The *Statutory Authority* section of Chapter 1, “Introduction” (page 1-15) and the Statutory Authority Appendix of the Draft EIS describe Reclamation's authority to implement the action alternatives.

**CHI-2:** The *Statutory Authority* section of Chapter 1, “Introduction” (page 1-15) and the Statutory Authority Appendix of the Draft EIS describe Reclamation's authority to implement the action alternatives.

Chapters 4 to 14 of the Draft EIS include a full and fair discussion of significant environmental effects from implementing either of the action alternatives.

Figure 4-17 in Chapter 4, “Surface Water Supply and Management” of the Draft EIS presents the estimated flow augmentation frequency and volumes for the action alternatives for the CalSim II period of analysis (page 4-28).

**CHI-3:** The *Statutory Authority* section of Chapter 1, “Introduction” (page 1-15) and the Statutory Authority Appendix of the Draft EIS describe Reclamation's authority to implement the action alternatives. Chapter 2, “Description of Alternatives” of the Draft EIS (page 2-2) states that for the Proposed Action (Alternative 1) water for supplemental flows would come from water stored in Trinity Reservoir, to support “appropriate measures for the preservation and propagation of fish and wildlife” (Proviso 1) and releases of “not less than 50,000 acre-feet” for Humboldt County and downstream water users (Proviso 2), as provided in the 1955 Trinity River Division Act.

**CHI-4:** Please refer to the response to comment for CHI-1.

**CHI-5:** Please refer to Master Response “General Comment.”

**CHI-6:** Please refer to Master Response “General Comment.”

## References

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USGS (U.S. Geological Survey). 2011. Simulating Water Temperature of the Klamath River under Dam Removal and Climate Change Scenarios. Open File Report 2011-1243.