

OR89 TLRA



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

January 31, 2012

Sent via Email and USPS:
eircomments@deltacouncil.ca.gov

Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814
Attn: Terry Macaulay and Joe Grindstaff, Executive Officer

Subject: **Comments on the Delta Plan Draft EIR**

Delta Stewardship Council,

The Trinity Lake Revitalization Alliance (TLRA) and the citizens in Trinity Reservoir communities ask that the Delta Plan EIR address impacts on the economies and environments that surround the major Delta Watershed reservoirs in Northern California. Specifically, Trinity Reservoir communities and biological resources will be impacted by any additional export of water to, and through, the Delta and are owed inclusion in the EIR.

The Draft EIR does not acknowledge or discuss the impacts that Delta Plan projects will have on county-of-origin communities, recreation, and economies. The taking of even more water from Trinity Reservoir for the benefit of water users in and south of the Delta will have a negative effect on our area.

OR89-1

Nor does the EIR discuss the impact of Delta Plan projects on the Trinity River environment (above and below the Trinity Dam). All major area-of-origin reservoir environments, namely Trinity, Shasta, and Oroville reservoirs, are impacted by the Delta Plan.

These two omission flaws must be addressed in the EIR. It is imperative that the EIR address all area-of-origin impacts, set thresholds of significance for "areas of origin," address the cumulative impact of Plan projects on the Delta Watershed, and propose area-of-origin mitigations.

The TLRA is a non-profit, volunteer community corporation representing the forest towns, with 900-plus people and businesses, that surround Trinity Reservoir. TLRA does not support the Delta Plan. We feel that the Delta Plan is yet another government policy that gives no consideration to the county-of-origin public, communities, and landowners that are impacted by water transfers south of the Delta.

OR89-2

Having to make a choice, TLRA believes that Project Alternative 2 is the best plan option, with the expectation of implementing a natural river flow regime and creating agriculture drainage treatment plants.

Response to comment OR89-1

The Trinity River watershed is included in the study area because it provides water to the Delta through CVP operations as referenced on page 3-4 of the DEIR. The Delta Plan does not directly or indirectly affect actions that occur in the Trinity River watershed, and no significant environmental impacts would occur due to implementation of the Delta Plan. In response to this comment, please see text change(s) in Section 5 in this FEIR. Please also see Master Response 5.

Response to comment OR89-2

Comment noted.

Response to comment OR89-3

Please refer to OR89-1.

Missing Area-of-Origin Economic Impact Analysis

The north end of the Trinity Reservoir area is extremely mountainous, forty-five minutes from State Highway 299, and one and a half hours from the nearest major city of Redding and Interstate Highway 5. Our area has limited Internet access, spotty cell phone coverage, and an unemployment rate of over 20%. 72% of Trinity County land is controlled by the Federal government.

According to ten years of Bureau of Labor statistics, Trinity County has a consistently higher unemployment rate than both San Joaquin and Fresno Counties. Trinity County historically ranks in the top five California counties for unemployment.

Trinity Reservoir is unique in that our rural forest communities exist right on the water's edge. Towns, such as Trinity Center, were severely impacted by the reservoir when the original town was flooded due to dam construction in 1961. Many towns were moved above the high water level and had to rebuild their economies once already due to the demand for water south of the Delta.

Since the 1990s, the US Forest Service (USFS) has drastically reduced forest logging and has implemented forest management practices that have devastated Trinity County's economy, resulting in a loss of two-thirds of all existing jobs. Furthermore, the USFS has implemented public lands access policies that have negatively impacted county businesses and recreational tourism. In addition, other government policies, such as the elimination of mining, have further reduced economic opportunities and available jobs.

OR89-3

Because Trinity County is in a mountainous forest, there is little buildable land for other jobs-producing industries, and essentially no areas for good agriculture production. To add to our business challenges, the cost to export manufactured goods is often prohibitive.

The economic vitality of the Trinity Reservoir communities is solely dependent on eco-tourism. And our eco-tourism is directly tied to water-based lake recreation and river fishing.

Since Trinity Reservoir has only a 15% chance of refilling each year (USBR, Interim CVP-OCAP), any additional water taken due to Delta Plan projects will greatly impact the local economy and available jobs.

A mandate, without mitigation, to supply scarce and over-allocated Trinity Reservoir water to users south of the Delta, over the rights of "counties of origin" will damage the fragile economy of our area.

While we work to diversify Trinity County's economy and create jobs that do not rely on tourism, logging, or mining, our families and towns should not be put further at risk for the benefit of regions with lower unemployment and greater, diverse economic opportunities.

Missing Area-of-Origin Ecosystem Impact Analysis

For the Delta Project to take more water from the Trinity Reservoir without detailed analysis in the EIR is irresponsible. The ecological impacts must be identified, included in the EIR, and analyzed.

Both the Delta and the Trinity River ecosystems are now largely man-made. And, neither system can be restored to its respective historical state.

The Trinity River Restoration Program's goal is to create a healthy anadromous fishery. The people of the United States spend \$10 to \$15 million annually to restore this fishery. The restoration of the Trinity River fishery is critical to the economic viability of Trinity County.

Any reduction in carryover of cold water in Trinity Reservoir at the end of September could have deep negative impacts on fishery restoration due to high water temperatures in the Trinity and Klamath Rivers.

The ecosystem *above* Trinity Dam was also permanently damaged by the construction of the dam. An artificial fishery is now maintained through fish planting and management. Visiting fishermen and fishing contests are important elements for business survival in our reservoir towns.

Further damage to the ecosystems above and below the dam will have direct, negative economic impact and must be mitigated.

OR89-4

Necessary Draft EIR Changes and EIR Comments

In addition to our prior comments on the Fifth Draft of the Delta Plan, the Trinity Lake Revitalization Alliance and the citizens within the Trinity Reservoir Delta Watershed request that the following changes be made to the Delta Plan EIR:

1. *In all aspects of the EIR*, language must be included that safeguards northern California reservoir "communities of origin" who depend upon reservoir levels and water to sustain fragile economies and create local jobs. Delta Watershed "communities of origin" should not suffer the impact of Delta "fixes" that benefit users of Trinity water hundreds of miles away.

OR89-5

New impact mitigations could include endowment funding to compensate communities for their loss of local tax revenues and assessments and to build local infrastructure that will help break "communities of origin" dependence on water-based eco-tourism.

2. *Section 2A Proposed Project and Alternatives, 2.2.1.6 Water Transfers.* We strongly object to water users being able to sell their surplus supply. Water is a public trust. Any surplus water must be returned to the State as an asset of the People of California and not privatized for the profit of the water user. Water is provided for beneficial use: selling water for profit is NOT beneficial use.

OR89-6

Response to comment OR89-4

Please refer to response to comment OR89-1. Economic impacts are not effects on the environment under CEQA, and are not analyzed in the EIR (CEQA Guidelines §§ 15064(e) and 15131). Please refer to Master Response 2.

Response to comment OR89-5

Please refer to responses to comments OR89-1 and OR89-4. Compliance with the public trust doctrine is required by the Delta Reform Act, as recognized in Water Code sections 85022(c)(3) and 85032(h).

Response to comment OR89-6

Comment noted.

- 3. *Section 2A Proposed Project and Alternatives, 2.2.5 Protection and Enhancement of Delta as an Evolving Place.* While TLRA supports the Delta Plan's protection of the Delta and its people, the Delta Plan includes projects that can harm Delta Watershed communities, land, and people.

The Delta Plan EIR must recognize that impacted areas-of-origin communities are also "evolving places" and equally as important as Delta communities. Any enhancement projects to protect Delta communities must also apply to the Delta Watershed area-of-origin communities and their legacy towns and people. OR89-7

The Delta Plan cannot simply shift economic burden from one area (the Delta) to other areas impacted by Plan projects. This shift of damage is not allowed under CEQA.

- 4. *Section 3 Water Resources, 3.3.4.1.4 Water Use and Infrastructure "Surface Water Use."* The use of Trinity Reservoir water is missing from this section's discussion. Trinity Reservoir water is diverted to the Sacramento River as noted on page 3-17. The contribution of Trinity Reservoir to the CVP must be included for fair analysis of Delta Plan projects. OR89-8

- 5. *Section 3 Water Resources, 3.3.4.1.4 Water Use and Infrastructure "Environmental Water Use."* TLRA concurs that improvements must be made to all reservoir water operations to support fishery restoration. Trinity Reservoir water allocation for the Trinity River fishery restoration is limited by the 2000 Trinity River Main Stem Record of Decision (ROD). The Trinity River fishery is a vital part of the overall economy of Trinity County and the ecosystem of northern California and the Pacific Ocean.

The great importance of the Trinity River restoration must not be minimized in comparison to the Sacramento River fishery restoration. Trinity River basin water does not naturally flow to the Sacramento River. Therefore, the current artificial diversion of Trinity water to the Sacramento River is already impacting the ability to restore the Trinity River. OR89-9

Changes to the management of Trinity Reservoir, with respect to dam safety criteria, ability for year-to-year carryover, and establishment of a minimum cold-pool, is necessary to mitigate any out-of-basin diversions.

- 6. *Section 3 Water Resources, 3.4.2 Thresholds of Significance.* Threshold bullet point #3 identifies as "significant" any substantial change to the water supply available to water users "located outside of the Delta that use Delta water." This definition of outside-the-Delta water users must include Trinity County, an "area of origin", that uses water that could be artificially diverted for Delta Plan projects. OR89-10

Response to comment OR89-7

This is a comment on the project, not on the EIR.

Response to comment OR89-8

Please refer to response to comment OR89-1 and Master Response 5. Section 3 of the Draft Program EIR describes the CVP Trinity Lakes facilities.

Response to comment OR89-9

Please refer to response to comment OR89-1.

Response to comment OR89-10

Please refer to response to comment OR89-1.

7. *Section 3 Water Resources, 3.4.3.1.3 Impact 3.3a.* TLRA strongly supports the development of actions to reduce local and regional reliability on Delta water and therefore the Delta Watershed water. OR89-11

8. *Section 4 Biological Resources, 4.3.3 Delta Watershed, 4.3.3.1 Sacramento River Watershed.* Although Trinity Reservoir is not in the Sacramento River watershed, about half of Trinity Reservoir water is diverted into the Sacramento River.

Background data and information should be included in this section about the on-going Federal project to restore the Trinity River fishery. With an annual budget of \$10 to \$15 million, the Trinity River Restoration Program (TRRP) is not a biological "side project." OR89-12

A short history of the TRRP 2000 Record of Decision is worth noting in the watershed background.

A reduction in available Trinity Reservoir water for normal or emergency river temperature control on the Trinity and Klamath Rivers, as well as the Sacramento River, could greatly impact the rivers' fisheries.

9. *Section 6 Land Use and Planning, 6.3.3 Delta Watershed.* TLRA objects to the minimal information provided in 6.3.3 about towns and land uses in the Delta Watershed area. The people, communities, and culture in the Delta Watershed, including Trinity Reservoir, are no less important than the people of Delta and Suisun Marsh.

The absence of Delta Watershed land and community information gives an EIR evaluator the impression that Delta Watershed land and people have nothing of value to be impacted. OR89-13

The additional transfer of water from "counties of origin" will definitely impact the ability of many small communities to grow due to inadequate water availability for new residences and businesses (Impact 6-2a). Growth in many communities, such as Weaverville in Trinity County, are already impacted by the lack of water.

10. *Section 18 Recreation, 18.1 Study Area.* The Delta Watershed discussion must include the area-of-origin reservoir recreation impacts from changing water levels. The Delta Watershed reservoirs are just as much a "place" as the Delta Plan EIR defines the Delta as a "place" of recreation. The EIR must specifically include the Delta Watershed reservoirs by name to insure that they are included in a fair environmental review. OR89-14

11. *Section 18 Recreation, 18.4.3.1.1 Impact 18-1A Recreation Facilities.* Delta Watershed reservoirs communities must be included with the discussion of impacts on Delta Legacy Communities. Many of the communities surrounding Trinity Reservoir existed prior to the dam OR89-15

Response to comment OR89-11

Comment noted.

Response to comment OR89-12

Please see responses to comments OR89-1 and OR89-9.

Response to comment OR89-13

Upper watershed existing conditions are described in the Environmental Setting subsections of EIR Sections 3 through 21. Section 6 covers Land Use and Planning. This EIR concludes that there would be no reduction in water supplies to areas in the upper Delta watershed due to the Delta Plan; therefore, there would be no change with respect to existing conditions based on the available water supply. Please see responses to comments OR89-1 and OR89-15.

Response to comment OR89-14

Section 18.3.3.1 Reservoirs and Lakes, specifically identifies all reservoirs (including Trinity) and lakes in the text and in Tables 18 -7 and 18-8 within the Sacramento, Trinity, and San Joaquin watersheds. Please also refer to response to comment OR89-1.

Response to comment OR89-15

Please refer to response to comments OR89-14 and OR89-1. Trinity Reservoir levels will not be negatively impacted by the project.

construction and are as old, if not older, than many Delta communities. One community, Trinity Center founded in 1851, was greatly impacted once already by the reservoir and had to be moved from the valley floor as the valley was inundated.

OR89-15

This EIR section notes that “users outside of the Delta that use Delta water” could see decreases in water storage, but “reservoirs of origin” are not included in the impact discussion. Trinity, Shasta, and Oroville reservoir towns could experience the same impair or degraded recreation activities as the Delta communities and communities south of the Delta.

12. *Section 18 Recreation, 18.4.3.3.6.1 Mitigation Measure 18-1.* The TLRA fully supports Mitigation 18.1, especially mitigation bullet point #4 that increases the minimum amount of emergency stand-by storage water to provide for water-based recreation.

OR89-16

During the drought of 2007 to 2010, all Trinity Reservoir launch ramps with facilities were out of the water in the summers of 2008, 2009, and 2010. These low water levels were devastating to the local economy. The northern Trinity Reservoir area lost its only grocery store and restaurant.

13. *Section 18 Recreation, 18.4.3.3.6.2 Mitigation Measure 18-2 Increased Use of Existing Recreational Facilities.* Unlike Shasta Reservoir, Trinity Reservoir has only one low-water launch ramp, but this ramp has minimal facilities. During low water level years, all lake recreation activity is pushed to this one open facility.

OR89-17

An annually lower reservoir level, as a result of additional water diversion for Delta Plan projects, will put extreme pressure on the low-water Minersville ramp facility. This facility is already in the poorest condition of all reservoir ramps.

Mitigation for Trinity Reservoir launch ramp facilities, and all Delta Watershed reservoir facilities, must be included in this EIR section.

14. *Section 22 Cumulative Impact Assessment.* Since water is already artificially diverted out of the Trinity River watershed into the Sacramento River watershed, the cumulative impact of additional diversions must be addressed for Trinity Reservoir as well as other area-of-origin reservoirs.

OR89-18

15. *Section 22 Cumulative Impact Assessment, 22.2.16 Recreation.* The Delta Plan has the potential to further degrade recreational opportunities, biological resources, land uses, and the local economy of Trinity Reservoir and Trinity County.

The cumulative effect of Delta Plan projects combined with existing government policies that limit recreation, water availability, and biological restoration must be documented and analyzed. An example of cumulative

OR89-19

Response to comment OR89-16

Comment noted.

Response to comment OR89-17

Please refer to responses to comments OR89-1 and OR89-14. Reservoir levels would not decline due to implementation of the proposed Delta Plan.

Response to comment OR89-18

Please refer to response to comment OR89-1.

Response to comment OR89-19

Please refer to response to comment OR89-1.

OR89-19

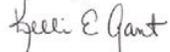
impact is an increased spring water diversion from Trinity Reservoir for a Delta Plan project added to the ROD requirement for heavy spring releases into the Trinity River for fishery restoration.

In conclusion, we strongly urge you to not put the Delta Watershed forest "communities of origin" further in economic jeopardy as a result of the Delta Plan. We ask that the Delta Plan EIR provide protection for area-of-origin communities, businesses, water resources, biological resources, land use, and recreation.

OR89-20

Just as the people in Trinity County are working to create a new economy without logging or mining, the water users in the Delta and South of the Delta must also diversify their economies away from water dependence and thereby create jobs and economies that will survive droughts and climate change and lower the demand on our State's shrinking water supply.

Sincerely,



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

Response to comment OR89-20

Comment noted.