

RTR001 Hoopa Valley Tribe



Hoopa Valley Tribal Council

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January 14, 2013

Via E-Mail to recirculateddpeircomments@deltacouncil.ca.gov

Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Re: Recirculated Draft Programmatic Environmental Impact Report
and Final Draft Delta Plan

Dear Delta Stewardship Council:

Thank you for the opportunity to comment on your Final Draft Delta Plan and Recirculated Draft PEIR – Volume 3. The Hoopa Valley Tribe has commented at previous stages of the CEQA process and is disappointed to see that our comments have yet to be acknowledged or incorporated in your analysis. This process of commenting on Delta Stewardship Council documents does not protect our interests. We urge you to engage in formal government-to-government consultation with us and with our federal trustee, the U.S. Department of the Interior. We will oppose any action by the Stewardship Council for Bay Delta conservation planning that does not fully and timely account for the rights of our Tribe.

RTR001-1

Enclosed are copies of our January 31, 2011 comments on scoping and our February 1, 2012 comments on the Draft EIR. As noted in our previous comments, the Bay Delta Conservation Plan portion of the Delta Stewardship Plan has the potential to seriously adversely affect the Trinity River on which the Hoopa Valley Tribe relies. Enclosed is our September 11, 2012 summary of issues concerning the impacts of the Plans on the Trinity River Basin. We urge you to consider, account for, and fully mitigate those impacts by revising the proposed action to avoid the impacts.

RTR001-2

The final Draft Delta Plan (November 2012) mentions the Trinity River in passing in three places: “Water from [Trinity and other] rivers is now largely mandated to the environment by law, with the exception of diversions from the Trinity River to the Sacramento River for CVP supplies that are limited by federal law.” (page 77); “Supplemental water supplies are conveyed from wetter regions of California, primarily through diversions of . . . some water from the Trinity River in the north state.” (page 78); and “Congress authorized additional federal reservoirs and conveyance facilities [after 1940] including . . . Trinity River dam to provide additional water from the Trinity River into the Sacramento River for CVP operations.” (page 89). CEQA is not satisfied by the Plan’s mention of diversions from the Trinity without specifying the lawful limits on those diversions. CEQA instead requires a full analysis of the impact of existing and potential diversions.

RTR001-3

Response to comment RTR001-1

Please see the responses to the commenter’s prior letter, TR3.

Response to comment RTR001-2

Comment noted. Please see the responses to the commenter’s prior letter, TR3.

Response to comment RTR001-3

Please see response to comments TR3-2, TR3-3, and TR3-4 from the commenter's prior letter, TR3. The Trinity River watershed is included in the study area because it provides water to the Delta through CVP operations. 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. Please refer to Master Response 5.

Response to comment RTR001-4

Please see response to comment RTR001-3 above.

With specific reference to the Recirculated Draft PEIR – Volume 3, we would note that the volume appears to completely omit mention of the Trinity River and of the Hoopa Valley Tribe. For the reasons set forth in our enclosed and previously submitted comments, these omissions must be corrected.

} RTR001-4

Thank you for your consideration.

Sincerely,

HOOPA VALLEY TRIBAL COUNCIL



Leonard E. Masten, Jr., Chairman

cc: Ken Salazar, Secretary, Department of the Interior