



**BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT**

825 5th Street, Suite 111, Eureka, CA 95501-1153
Telephone (707) 476-2390 Fax (707) 445-7299

December 17, 2024

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

transmitted via e-mail to: SacDeltaComments@waterboards.ca.gov

Subject: Draft Potential Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Bay-Delta Plan)

Dear State Water Board:

Humboldt County submits these comments on the draft potential updates to the Bay-Delta Plan (October 2024) as a water contractor for the Trinity River Division of the Central Valley Project, which is operated by the Bureau of Reclamation. The Bay-Delta watershed includes Clear Creek which receives water diversions from the Trinity River Division via Lewiston Dam.

Background

Humboldt County and the United States entered into a water contract on June 19, 1959, as authorized under Section 2, Proviso 2 of Public Law 84-386 which was adopted by Congress on August 12, 1955. Proviso 2 conditioned the integration of the Trinity River Division into the Central Valley Project with the requirement that not less than 50,000 acre-feet shall be released annually from Trinity Reservoir and made available to Humboldt County and downstream water users. Language from the 1959 water contract establishing the entitlement for these releases was incorporated as a condition in each of the eight water rights permits issued in 1959 by the State Water Board to Reclamation for operation of the Trinity River Division. Humboldt County has a water management plan¹ for the 1959 water contract and is currently working with Reclamation on steps to implement the plan.

Comment No. 1

Reclamation is currently preparing an Environmental Impact Statement for the reinitiation of Endangered Species Act Section 7 consultation with U.S. Fish and Wildlife Service and National Marine Fisheries Service on the long-term operation of the Central Valley Project and State Water Project. Reclamation's current hydrology and water system operation modeling for this effort reserves an annual volume of 50,000 acre-feet in Trinity Reservoir for

¹ Humboldt County Water Management Plan for Trinity River Contract Water: Supplemental Fisheries Releases (December 2023), available here:
https://humboldt.gov/DocumentCenter/View/123533/20231228_FINAL_HCWMP_with_Appendices?bidId=

Humboldt County's contract water. The State Water Board should ensure that the "Trinity imports" portion of the Sacramento Water Allocation Model that supports the Bay-Delta Plan incorporates a reserved annual volume of 50,000 acre-feet in Trinity Reservoir for Humboldt County's contract water. This measure should be clear and explicit in the modeling documentation.

Comment No. 2

The October 2024 draft update to the Bay-Delta Plan states (pg. 55) that Reclamation is required to ensure that implementation of the water quality objectives and other provisions of the Bay-Delta Plan (or provisions of any approved voluntary agreements) do not result in redirected impacts to native fish and wildlife resources in the Trinity River watershed, including temperature and instream flow impacts. Further, the October 2024 draft update states that Reclamation will be required to report at least annually to confirm there are no redirected impacts to the Trinity River. Humboldt County requests the following additions:

1. Reclamation should be required to demonstrate and certify in its reporting that diversions from the Trinity River Division into Clear Creek to implement the Bay-Delta Plan did not impact Reclamation's obligations specified in the 1959 contract between the United States and Humboldt County, the Trinity River Mainstem Fishery Restoration Record of Decision, the Long-Term Plan to Protect Adult Salmon in the Lower Klamath River, and related obligations in Reclamation's water right permits 11966, 11967, 11968, 11969, 11970, 11971, 11972, and 11973.
2. Reclamation should be required to amend its water permits to include conditions that ensure temperature protection for the Trinity River.

To engage with Humboldt County staff on this matter, please contact Hank Seemann, Public Works Deputy-Director for Environmental Services (707-445-7741 or hseemann@co.humboldt.ca.us).

Sincerely,



Rex Bohn, Chair
County of Humboldt Board of Supervisors