



BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT

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

Fritz Durst, Chairman
Sites Project Authority
P.O. Box 517
Maxwell, CA 95955

Subject: Request to Protect Humboldt County's Trinity River Interests from Adverse Impacts caused by the Sites Reservoir Project

Dear Chairman Durst:

In a letter dated January 9, 2018, the Humboldt County Board of Supervisors expressed conditional support for the proposed Sites Reservoir Project, if robust and binding assurances are provided that:

1. Construction and operation of the Sites Reservoir Project will result in no additional demands for diversions of Trinity River water to the Sacramento Basin, and
2. The Sites Project Authority and the Bureau of Reclamation will work with Humboldt County and other Trinity River stakeholders to identify opportunities to reduce out-of-basin transfers of Trinity River water as part of the coordinated operations of the Central Valley Project and the future Sites Reservoir Project.

You replied with a letter (dated January 15, 2018) to the chair of the Board of Supervisors in which you asserted that no Trinity River water would be diverted into Sites Reservoir and therefore no additional demands on the Trinity River would occur as a result of the project. However, we find that this letter is not sufficiently robust and binding.

Subsequently, we are in receipt of the January 21, 2019 report by Kamman Engineering and Hydrology in which two significant impacts affecting the Trinity River were identified within the Sites Reservoir Project Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") as follows:

1. The surface water modeling does not include an accounting of Humboldt County's 1959 water contract with the Bureau of Reclamation for annual releases of not less than 50,000 acre-feet of Trinity River water, nor does it include the anticipated flow releases described in the Bureau of Reclamation's Long-Term to Protect Adult Salmon in the Lower Klamath River (2017 Record of Decision), and
2. The surface water modeling identifies a significant change in the pattern of Trinity River exports to the Sacramento River from fall to spring in some water year types, thereby increasing residence time of water in Lewiston Reservoir and increasing Trinity River water temperatures. This change would likely violate North Coast Basin Plan Trinity River temperature objectives and SWRCB Water Right Order 90-05; however, the document fails to disclose the increased potential for temperature violations.

It is our understanding that Sites Project Authority representatives have stated that the temperature modeling results have limited accuracy due to the methods and assumptions; however, we are not reassured. Although your letter assured us that no harm would be caused to the Trinity River, we are concerned that the modeling results published in your Draft EIR/EIS show that the operations of the Sites Project would likely cause irreversible harm to migrating salmon and the document does not discuss alternatives or mitigations to address these impacts.

Based on the findings by Kamman Hydrology and the lack of robust and binding assurances, we specifically request that a water right term and condition be placed on the water rights application for the Sites Reservoir Project as follows:

"Trinity River water shall not be used to fill Sites Reservoir unless the Trinity River Division of the Central Valley Project is releasing water as a result of storage conditions requiring "Safety of Dams" releases beyond normal operating plans and concurrently when Shasta Reservoir is making flood control releases. Furthermore, Humboldt County's 1959 water contract with the Bureau of Reclamation, Trinity River Record of Decision (ROD) flows, and releases to implement the Bureau of Reclamation's Long-Term Plan to Project Adult Salmon in the Lower Klamath River shall not be reduced or negatively impacted in any way as a result of any Sites Reservoir decisions, modeling, operational plans, and water rights petitions."

Alternatively, we would consider entering into a Memorandum of Understanding with the Bureau of Reclamation and Sites Project Authority with clearly defined obligations and commitments to ensure that Humboldt County's 1959 water contract with the Bureau of Reclamation and our interests in the Trinity River are sufficiently protected.

We request a response by January 15, 2020, after which we will consider whether to withdraw our conditional support for the proposed Sites Reservoir Project.

Sincerely,



Rex Bohn, Chairman
Humboldt County Board of Supervisors

cc: Senator Dianne Feinstein
Senator Kamala Harris
Congressman Jared Huffman
Congressman John Garamendi
Congressman Doug LaMalfa
Senator Mike McGuire
Trinity County Board of Supervisors
Karuk Tribal Council
Hoopa Valley Tribal Council
Yurok Tribal Council
California Water Commission
Charles Bonham, Director CA Dept. of Fish and Wildlife
Karla Nemeth, Director CA Department of Water Resources
Ernest Conant, Regional Director Bureau of Reclamation



**BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT**

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

Fritz Durst, Chairman
Sites Project Authority
P.O. Box 517
Maxwell, CA 95955

Ernest Conant, Regional Director
Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Subject: Request for Revision and Recirculation of Draft EIR/EIS for Sites Reservoir Project

Dear Chairman Durst and Regional Director Conant:

The Humboldt County Board of Supervisors requests that the Draft Environmental Impact Statement/Environmental Impact Report ("Draft EIR/EIS") for the Sites Reservoir Project be revised and recirculated prior to certification due to significant new information regarding the expected adverse environmental effects of the project's proposed operations. After the comment period on the Draft EIR/EIS ended in 2017, serious deficiencies have been identified in the document warranting revision of the impacts analysis and new or modified alternatives and/or mitigation measures. Humboldt County has a vested interest in this project because significant impacts to the Trinity River, which is partially diverted into the Sacramento River, would cause irreversible harm to Humboldt County's commercial, sport, and tribal fisheries.

Specifically, we are in receipt of the January 21, 2019 report by Kamman Engineering and Hydrology in which two significant impacts affecting the Trinity River were identified within the Sites Reservoir Project Draft EIR/EIS as follows:

1. The surface water modeling does not include an accounting of Humboldt County's 1959 water contract with the Bureau of Reclamation for annual releases of not less than 50,000 acre-feet of Trinity River water, nor does it include the anticipated flow releases described in the Bureau of Reclamation's Long-Term Plan to Protect Adult Salmon in the Lower Klamath River (2017 Record of Decision), and
2. The surface water modeling identifies a significant change in the pattern of Trinity River exports to the Sacramento River from fall to spring, thereby increasing residence time of water in Lewiston Reservoir and increasing Trinity River water temperatures. This change would likely violate North Coast Basin Plan Trinity River temperature objectives and SWRCB Water Right Order 90-05; however, the document fails to disclose the increased potential for temperature violations.

Issuing a final EIR/EIS without correcting these serious modeling problems will not meet the basic purpose and substantive legal requirement of the California Environmental Quality Act ("CEQA") to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures (CEQA Guidelines 15002). Moreover, failure to remodel the proposed action and alternatives in a recirculated Draft EIR/EIS

will not provide the public with an opportunity to review and comment on the actions, alternatives, and potential mitigation measures as required for transparency, and therefore it will not procedurally comply with CEQA Guidelines 15088.5.

An additional issue of concern that has potential adverse impacts on Humboldt County is your proposed minimum instream flows on the Sacramento River. In a letter dated January 12, 2018, to the Sites Project Authority, the California Department of Fish and Wildlife recommended a bypass flow requirement to maintain at least 13,000 cubic feet per second (cfs) past all diversion facilities, while you are proposing 3,250 cfs (Red Bluff), 4,000 CFS (Hamilton City), and 5,000 cfs (Wilkins Slough). This discrepancy greatly concerns us and we believe this issue requires at a minimum further analysis, and potentially revision of the selected alternative and mitigation measures, in a revised and recirculated Draft EIR/EIS.

The successful migration, spawning, and rearing of native wild Sacramento River salmon is critical to ensure the "harvestable surplus" of these stocks that is required for the success of Humboldt County commercial and sport fishing industries and our resource-dependent communities. If your project cannot be economically feasible without taking flows in the Sacramento River below state recommended **minimum** instream flows, we question the benefits to salmon and environmental neutrality that you have professed for your project. A revised and recirculated Draft EIR/EIS with a comparison of alternatives with various minimum instream flow volumes is required to adequately compare what it would mean to reduce the Sacramento River to such low flows.

We request a timely response from both the Sites Project Authority and the Bureau of Reclamation to the Humboldt County Board of Supervisors so we can take appropriate action to secure the public and private interests of our constituents on these important issues.

Sincerely,



Rex Bohn, Chairman
Humboldt County Board of Supervisors

cc: Senator Dianne Feinstein
Senator Kamala Harris
Congressman Jared Huffman
Congressman John Garamendi
Congressman Doug LaMalfa
Senator Mike McGuire
Trinity County Board of Supervisors
Karuk Tribal Council
Hoopa Valley Tribal Council
Yurok Tribal Council
California Water Commission
Charles Bonham, Director CA Dept. of Fish and Wildlife
Karla Nemeth, Director CA Department of Water Resources