

Congress of the United States
Washington, DC 20515

July 19, 2013

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Jewell:

We are greatly concerned by the prospect of a fish kill this fall in the Trinity and Klamath Rivers in northern California. Low flows and warm water on the Klamath River will imperil an expected large run of salmon this fall; experts believe that releasing colder water from the Trinity River may be the only way to improve conditions for these salmon. It is our understanding that agencies at the Department of the Interior worked cooperatively with other federal and state agencies to release sufficient flows to support the record high return of Chinook salmon in 2012, and we strongly support the proposal to do so again this year. Yesterday's announcement that the Bureau of Reclamation is considering a minimum flow of 2,800 cfs in the lower Klamath River between August 15 and September 21 is an important step in this direction.

As you know, commercial, sport, and tribal fisheries in Humboldt County are dependent on anadromous fish produced in the Klamath-Trinity River system and have been devastated by fish kills in recent years. As you can imagine, a massive fish kill would be devastating for the salmon, and for the businesses that the recreational and commercial fishery supports. It would also be disastrous for the tribes who call the region home. Finally, it could severely undermine the prospects of long-term solutions in the Klamath Basin.

We believe this situation could be further aided by utilizing some or all of the 50,000 acre-feet of water from Trinity Reservoir that is guaranteed to Humboldt County annually, under its contract with Reclamation. Humboldt County's interest in the Central Valley Project (CVP) is provided for in the Trinity River Division Act of August 12, 1955 (PL 84-386; 69 Stat. 719). Yet, despite numerous inquiries by the County, the Hoopa Valley Tribe, and others, Reclamation has refused to say whether it will honor the County's statutory and contractual right to this water.

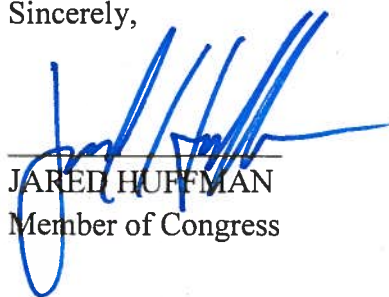
Two separate provisions included in that Act are relevant to this discussion: the first directs the Secretary of the Interior to “adopt appropriate measures to insure the preservation and propagation of fish and wildlife” in the Trinity River basin. As you know, this provision is one of several congressional directives leading to the 2000 Trinity River Restoration Record of Decision. The second relevant provision of the 1955 Act states that “not less than 50,000 acre-feet of water shall be released from the Trinity Reservoir and made available to Humboldt County and downstream water users.” This second provision is, clearly, separate and apart from the flows established by the first provision.

As you know, Humboldt County and the Hoopa Valley Tribe have asked on a number of occasions that this contracted water be made available for release; however, Reclamation has yet to provide a definitive response. It has come to our attention that in an October 26, 2010, letter to the County, Reclamation’s Regional Director Don Glaser stated that "Commissioner Connor anticipates that within the next two months the analysis will be complete and Reclamation will determine its position" on the CVP contract. Regrettably, it has been well over two years since that letter was written. This lack of clarity takes on greater urgency when you consider the planning process for the Bay Delta Conservation Plan (BDCP), as we understand that BDCP hydrologic models are not accounting for the 50,000 acre-feet due to Humboldt County.

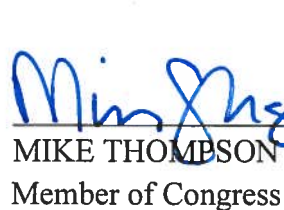
We urge you to furnish a response to the County's repeated inquiries and those issued by the Hoopa Valley Tribe and other downstream users immediately, and we strongly support Reclamation's proposal to use its statutory and contractual authorities to release water into the Trinity River this fall to avert a potential environmental, economic, and cultural disaster.

Thank you for your attention to this important issue.

Sincerely,



JARED HUFFMAN
Member of Congress



MIKE THOMPSON
Member of Congress



GEORGE MILLER
Member of Congress