

4145

PHIL ERICKSON
1125 1/2
ALABAMA, CALIFORNIA 94507
925-927-0278 Fax (707) 922-1485
E-mail PhilErick@aol.com

Mr. Joe Polos
U.S. Forest Service
1125 1/2
Alameda, CA 94507

January 5, 2000

RE: TRINITY RIVER FLOWS

Dear Mr. Polos,

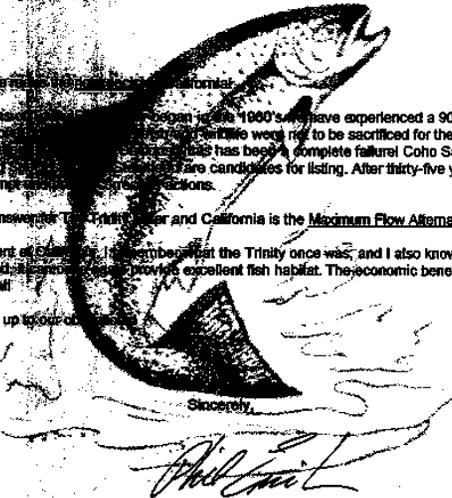
The time is always right for the right action.

Since their reintroduction to the Trinity River in the 1980's, Coho Salmon have experienced a 90% decline in its population. This is due to the fact that the river was not to be sacrificed for the sake of agriculture. The river has been a complete failure! Coho Salmon are now on the endangered species list and are candidates for listing. After thirty-five years of delays it is time to take complete and final actions.

The only RIGHT answer for the Trinity River and California is the Maximum Flow Alternative } 4145-1

As a lifelong resident of California, I remember what the Trinity once was, and I also know that with the proper flow restored, the river will provide excellent fish habitat. The economic benefits of a restored river are substantial!

We all need to live up to our obligations.



CC: California Trout
Diablo Valley Fly Fishermen

Letter from Phil Erickson Dated January 5, 2000

4145-1 Thank you for your comment. Your comment has been noted. No response is required.

4146

Jan. 5, 2000
Russell Hill
17 Oak Rd.
Fairfax CA 94930

Mr. Joe Polos
U.S. Fish and Wildlife Service
1125 16th St. Room 209
Arcata, CA 95521

Dear Mr. Polos,

I am writing to urge that the Maximum Flow Alternative should be selected for the Trinity River. I also want to go on record urging that the decision not be delayed. An April 2000 decision is long overdue.

The Trinity River Act of 1955 mandated that the fish and wildlife of the basin were not to be harmed, but 35 years of ignoring that Congressional mandate has led to a 90% decline in the fisheries. Coho salmon are now listed under the Endangered Species Act and steelhead trout are likely to follow.

During the past 35 years I have watched one species after another fall victim in the war for California's water. We humans, of course, are the final victims in any degradation of the environment. It is heartening to me that within my lifetime I might see the restoration of the Trinity River and its fishery.

Returning a 48% flow to the Trinity is not an alternative that will satisfy the congressional mandate. I urge you to exercise common sense in restoring a California resource that is part of a \$60 billion recreation and tourism industry. And I urge you to act to restore the maximum flow to the Trinity, so that my grandchildren might once again enjoy what I, as a boy, enjoyed.

Sincerely,
Russell Hill



Letter from Russell Hill Dated January 5, 2000

4146-1 Thank you for your comment. Your comment has been noted. No response is required.

} 4146-1

4147

2090 East Lakeshore Drive
Agoura, CA 91301
January 3, 2000

Mr. Joe Polos
U.S. Fish and Wildlife Service
1125 16th Street, Room 209
Arcata, CA. 95521

Dear Mr. Polos:

When I was 9 and 10 years old (some 46 years ago) I went to summer camp in the Trinity Alps on a tributary of the Trinity River. The fishing was great. The flows were plentiful. The uncontrolled logging was just beginning to ruin the area. Dams were not in place yet. Over the years I have visited the area on many occasions. It is awful what has happened to the habitat over the years and it is shameful that we humans could have permitted it to happen. Nothing but the **Maximum Flow Alternative** should be selected for the Trinity River and **delays beyond April 2000 should not be tolerated.**

Sincerely,


Michael Hart

Letter from Michael Hart Dated January 3, 2000

4147-1 Thank you for your comment. Your comment has been noted. No response is required.

} 4147-1



4148

LARATION DR., SUITE A • CHICO, CA 95973 • (530) 342-5669 • FAX (530) 342-7582 • E-MAIL tandh@stormnet.com

January 5, 2000

Mr. Joe Polos
US Fish and Wildlife Service
1125 16th Street, Room 209
Arcata, CA 95521

RE: Trinity River Flows

Dear Mr. Polos,

I am writing in support of maintaining the Trinity River at a minimum of 70% of its normal flow. In order for the salmon and steelhead of the Trinity River to have the best chance for reproduction and survival, the River needs to be at least 70% of its normal water flow. } 4148-1

As a person who has been involved with flyfishing and conservation projects for over 25 years, I know that once a species of fish is lost to an area, it is very hard to reintroduce it back into the environment.

Please make it possible for us to not lose the excellent fishery that currently exists on the Trinity River.

Sincerely,

Paul Hendricks
Thomson & Hendricks, Inc.
Architects and Planners

cc: The Inside Angler - P.O. Box 31282, San Francisco, CA 94131-0282

Letter from Paul Hendricks, Thomas & Hendricks Architects and Planners Dated January 5, 2000

4148-1 Please see thematic responses titled "Fisheries."

Letter from Harold A. Keelen, Jr., Dated January 6, 2000

4149-1 Thank you for your comment. Your comment has been noted. No response is required.

1-6-2000
 MR Joe Polos, 4149
 U.S. Fish & Wildlife Serv,
 1125 16th St RM 200
 Arcata, CA. 95521

DEAR MR JOE Polos:

Joe for 35 years the flow
 of water into Trinity River
 has been studied. (Delayed),
 more like it! Any extension
 past April 2000 only more
 delay! Time to get off pot!
 Lets get waters back
 into its watershed! Full
 flow into Trinity! No half
 assed flows! That would
 only lead to another flow
 study of 25-35 yrs!

MAKE TRINITY WATER
 shed whole again in APRIL
 2000 Harold A Keelen Jr
 over

} 4149-1

Letter from John Petersen Dated January 5, 2000

4150

January 5, 2000

Mr. Joe Polos
U.S. Fish & Wildlife Service
1125 16th Street, Room 209
Arcata, CA 95521

RE: Draft Trinity River EIS/R

EIS/R Team Members:

The Trinity River has been drained nearly to death. Its water has gone mainly to benefit commercial users who neither pay a fair price nor have incentive to conserve its use.

I support the new recommendations as being better than nothing, but they do not go far enough. Doubling the flow will help, but the Trinity needs more than half its natural flow to return as a living stream. The new "Preferred Alternative" is not adequate. I would like to see a policy that diverts no more than one-third of the river's water.

Sincerely,



247 Wagle Lane
Fieldbrook, CA 95519
(707) 839-0758

4150-1 Please see thematic responses titled "Fisheries."

} 4150-1

Letter from R. J. Hanavan Dated January 5, 2000

4151-1 Thank you for your comment. Your comment has been noted. No response is required.

4151

1/5/00

TO: MR. Joe Pops FROM: R. J. HANAVAN
 US Fish + Wildlife Service 46 Bay Area Blvd
 1125 16th St. ; Room 209 Los Altos, CA 94022
 Arcata, CA 95521 (650) 948-7312 - Phone
 (650) 948-7355 - FAX

Re: Trinity River Flow Study

Dear Sir,

This letter is written in support of the Maximum Flow Alternative for the Trinity River. Sixteen years ago Congress mandated that fish + wildlife populations be restored to the level immediately preceding dam construction. What could be clearer?

} 4151-1

Why has this been studied to death, talked to death, obfuscated, "b.s."ed to death? Very, very, clearly because the Westland Water District has opposed any level of restoration. They have been getting almost free water for so long that they can't stand the idea of having to share their free water with anyone. Too bad! If they had, even, to pay a fair price for water and/or do what Congress mandated in 1984 they would not be complaining now.

} 4151-1
cont'd

Please do the right thing - the Maximum Flow Alternative.
 S/ R. Hanavan

4152

219 Canal Ave
Fidment, Ca 94611

January 4, 2000

Mr. Joe Polos
U.S. Fish and Wildlife Service
1125 16th St., Room 209
Arcata, Ca 95521

Dear Mr. Polos,

I am not a tree hugging environmentalist, or in any way a fanatic. What I am is a fifth generation Californian who enjoys the great outdoors, and has seen the mistakes made in the name of progress and commerce to our great state. We now understand that technology, engineering, etc. cannot solve all our problems.

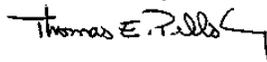
I also believe that more often than not, we must accept the fact that times change, and supporting economically or environmentally unsound policies that made sense fifty years ago no longer make sense in today's world.

Where I am going here is simple: we made some big mistakes in 1963, when dams diverted so much water flow to the Trinity River, that there was a massive decline in the fisheries in that area.

Commitments by the Dept of the Interior to maintain a healthy fishery have been a joke. The recently completed draft EIS/EIR indicates that a primary factor in the decline of the Trinity River ecosystem is the decreased water flows.

Now is the time to resist the pressures of powerful lobbyists, and **"Do The Right Thing"**, as Spike Lee would say. I implore you to resist compromise, and choose the Maximum Flow Alternative, which allows for a more natural recovery. Please, have the courage to make the right decision, and prevent any more delays, or political compromises.

Sincerely,



Thomas E. Pillsbury

Letter from Thomas E. Pillsbury Dated January 4, 2000

4152-1

Thank you for your comment. Your comment has been noted. No response is required.

} 4152-1

Letter from Thomas R. Deetz, MD, Conservation Chair, Santa Cruz Fly Fishermen, Dated January 4, 2000

4153

4153-1 Please see thematic responses titled "Fisheries."

January 4, 2000

Mr. Joe Polos
U.S. Fish and Wildlife Service
1125 16th St., Room 209
Arcata, Calif. 95521

Dear Mr. Polos:

Re: Restoration of Water Flow on the Trinity River

I am writing to urge your support of the Maximum Flow Alternative in the federal government's draft EIS/EIR report. It is clear that the major cause of our fisheries deterioration on the Trinity has been due to the excessive water diversion to users in the Central Valley. We have witnessed the near collapse of several species, including salmon and steelhead, while neglecting simple and fundamental changes that would allow for recovery. It is no longer acceptable to allow the decline and disappearance of a fishery for the sake of economic interests distant to the fishery. Only by restoring the original flows to the Trinity River can we expect the gradual return and recovery of the habitat and fish. CalFed needs to incorporate plans independent of Trinity water. The federal government needs to mandate the most effective solution, not a compromise that will have inherent need for revision in the forth coming years. I support the plan for the Secretary of the Interior to make his decision by April 2000, and am supported in the request for the Maximum Flow Alternative by our 150 member fly fishing club.

} 4153-1

} 4153-1
cont'd

Yours truly,



Thomas R. Deetz, M.D.
Conservation Chair, Santa Cruz Fly Fishermen
244 Brodin Ln.
Watsonville, Calif. 95076

Postcards from Marilyn Jasper and Shari A. Celador

- 4154-1 Please see thematic responses titled "Fisheries."
- 4155-1 Please see thematic responses titled "Fisheries."

Official Public Comment

4154

Dear EIS/EIR Team Members:

I support a diversion of no more than 30 percent of the natural water flow from the Trinity River Basin. While I support the science and study that produced the Flow Evaluation Report, the recommendations were limited by an assumption about the amount of water that could be available for the river. Legislation creating the Trinity River Division, and additional legislation clearly gives Trinity fish and wildlife priority over the diversion of any water to the CVP. Therefore, the Preferred Alternative does not go far enough to achieve a legally mandated restoration of the ecosystem.

Thank You,

Marilyn Jasper

Name:

Address:

Ms. Marilyn Jasper
3921 Dawn Dr.
Loomis, CA 95650

City/State/Zip:

Official Public Comment

4155

Dear EIS/EIR Team Members:

I support a diversion of no more than 30 percent of the natural water flow from the Trinity River Basin. While I support the science and study that produced the Flow Evaluation Report, the recommendations were limited by an assumption about the amount of water that could be available for the river. Legislation creating the Trinity River Division, and additional legislation clearly gives Trinity fish and wildlife priority over the diversion of any water to the CVP. Therefore, the Preferred Alternative does not go far enough to achieve a legally mandated restoration of the ecosystem.

Thank You,

Shari A. Celador

Name:

Address:

1401 Alrose Ln #16

City/State/Zip:

Redding, CA 96002

Postcards from Vince Jacobs and Shane Kohlbeck

4156-1 Please see thematic responses titled "Fisheries."

4157-1 Please see thematic responses titled "Fisheries."

Official Public Comment

4156

Dear EIS/EIR Team Members:

I support a diversion of no more than 30 percent of the natural water flow from the Trinity River Basin. While I support the science and study that produced the Flow Evaluation Report, the recommendations were limited by an assumption about the amount of water that could be available for the river. Legislation creating the Trinity River Division, and additional legislation clearly gives Trinity fish and wildlife priority over the diversion of any water to the CVP. Therefore, the Preferred Alternative does not go far enough to achieve a legally mandated restoration of the ecosystem.

Thank You,

Name: VINCE JACOBS
 Address: 1400 RIVER PARK DR 2ND FL
 City/State/Zip: SACRAMENTO CA 95815.

Official Public Comment

4157

Dear EIS/EIR Team Members:

I support a diversion of no more than 30 percent of the natural water flow from the Trinity River Basin. While I support the science and study that produced the Flow Evaluation Report, the recommendations were limited by an assumption about the amount of water that could be available for the river. Legislation creating the Trinity River Division, and additional legislation clearly gives Trinity fish and wildlife priority over the diversion of any water to the CVP. Therefore, the Preferred Alternative does not go far enough to achieve a legally mandated restoration of the ecosystem.

Thank You,

Name: Shane Kohlbeck
 Address: 4140 Churn Creek Rd
 City/State/Zip: Redding, CA 96001

4158

Letter from Deanna Spooner Dated January 10, 2000

January 10, 2000

Mr. Joe Polos
US Fish & Wildlife Service
1655 Heindon Road
Arcata, CA 95521

Re: Trinity River Draft Environmental Impact Statement and Report

Dear Mr. Polos:

I am writing today in support of adopting a Trinity River management plan that will implement a flow regime of at least 70 percent of the river's natural flow. The Preferred Alternative falls considerably short of that objective.

4158-1

The Trinity River long has been recognized as an important waterway for fish, wildlife, and people. It once supported thriving steelhead runs famous among anglers throughout the West. Since the Trinity River dams were completed in 1963, under the authority of the Trinity River Act of 1955, excessive water diversions have led to a nearly 90 percent decline in the fisheries. The coho salmon recently were listed under the Endangered Species Act and steelhead are a candidate for listing.

Restoration of the Trinity River is mandated in the 1955 legislation authorizing construction of the Trinity River Division, the Trinity River Basin Fish and Wildlife Management Act of 1984, and the Central Valley Project Improvement Act (CVPIA). The CVPIA reaffirms the Trinity's unique position within the Central Valley Project and clearly sets forth that restoration of the Trinity is to be considered independently from other California water issues.

The federal government's promise to maintain a healthy fishery in the Trinity River has been disregarded for the last 36 years. Let us not waste any more time in restoring this magnificent stream to its former splendor.

Sincerely,

Deanna Spooner
P.O. Box 6185
Albany, CA 94706

4158-1 Please see thematic responses titled "Fisheries."

4159

3055 23rd Avenue
 San Francisco, CA 94132-1533
 415/681-0957
 January 10, 2000

Mr. Joe Polos
 U.S. Fish and Wildlife Service
 1655 Herndon Road
 Arcata, CA 95521

Subject: DEIS/EIR Comments on "Trinity River Mainstem Fishery Restoration."

Chapter 1.5 "Indian Tribes," pp. 1-14, 1-15;

Requires an explanation of why the tribes in the Lower Klamath River Basin, of which the Trinity River is a major tributary, are entitled to enough streamflow to return the salmon to productivity so as to enable these tribes to be self-supporting. They have, by virtue of treaties and other federal enactments creating their reservations, reserved water rights in the Trinity and Klamath rivers. They have prior rights as opposed to secondary rights, their reservations having been established prior to subsequent filings by white settlers in the Klamath River Basin. Although Chapter 1.5 is enlarged upon in Chapter 3.6, many readers may miss, or decide to skip, a chapter titled "Tribal Trust." Much of the information in Chapter 3.6 might better have been included in Chapter 3.5.4., "Ocean Fisheries Economics"--the tribes will be involved in commercial fishing, page 3-192, if the salmon industry can be returned to productivity to the extent required by the Klamath River Basin Fishery Resources Restoration Act of 1986 (16 U.S.C. 460ss.)

The Yurok reservation encompasses the Klamath River from the mouth of the Trinity to the Pacific Ocean, a distance of 44 miles with a one-mile wide strip of land on each side of the river. The Tribe was deprived of sufficient flows when the Bureau of Reclamation began delivering in 1964 up to 90 percent of the flow of the Trinity--over a million acre-feet per year--to Westlands Water District. Likewise deprived was the Hoopa Valley Tribe. So was the Karuk Tribe of the Salmon River, also a tributary of the Klamath River. (The Karuk did not receive reservation status until recently.) Although page 3-211 of the DEIS-EIR refers to the advisory the Regional Solicitor gave the Bureau of Reclamation on tribal and national wildlife refuge rights in a memorandum dated July 25, 1995, the reference omits the month and date of the memorandum.

What I have had time to read of the 1113 pages of the DEIS-EIR, including the alternatives, indicates a bias in favor of continuing to provide prestine water to marginal land on the west side of San Joaquin Valley. The selection of references in the bibliography also bears this out. I feel that the record should show that in 1963 Westlands signed a contract with Secretary Stewart Udall which provided annual deliveries of 1,008,000 acre-feet instead of 704,000 acre-feet, the figure in the 1962 contract which Westlands refused to sign. It is not well

Letter from Doris Ostrander Dawdy Dated January 10, 2000

- 4159-1 Please read page 3-211 of the DEIS/EIR, "Water Rights" paragraph, specifically the explanation of the Winters Doctrine.
- 4159-2 The format of the citation in the text is correct. The date for the memorandum appears on page 6-12 of Chapter 6.0 References.

4159-1

4159-2

Letter from Doris Ostrander Dawdy continued

Understood how the Bureau of Reclamation and Congressman Clair Engle, at public hearings in Weaverville, left the impression with Trinity County residents that the Bureau had agreed to divert only 30 percent of the flow. Trinity County was told in 1952 that the flow would never fall below 175 cubic feet per second. Engle's revised bill, apparently redrafted shortly before it was passed by both houses in 1955, called for only 150 cfs, which meant that during the summer months the temperature of the water would be even higher and the deterioration of the channel and of salmon spawning areas even more pronounced. (For more details of what the revised bill provided, see Trinity River Division, Central Valley Project, 69 Stat. 719.) For the above reasons I recommend that an annual Maximum Flow of 70 percent be released to the Trinity River at Lewiston Dam by the Bureau of Reclamation.

Before leaving office in 1981, Secretary Cecil Andrus initiated an increase in flow and a flow study of the Trinity River. His efforts resulted in a tentative increase in flow to 25 percent. Apparently the highest percentage of flow Trinity County can expect from the recently completed flow study is 47 percent.

The Preferred Alternative in the DEIS-EIR anticipates that raising Trinity Dam, restoring spawning gravels to the channel (the Bureau had been doing that until 1999), and reshaping and widening the channel will bring back the salmon. At the August 1999 conference in Seattle of the American Society of Civil Engineers, a Bureau employee charged with revamping the channel showed slides of the equipment at work in the channel and candidly admitted failure. He looks to a technique called "feathering" to produce results, but that technique has been the butt of considerable criticism from private sector scientists of good reputation.

A recent communication to Trinity County from the Bureau is an agenda item of a meeting in Weaverville on January 12, 2000, which reads: "Reclamation is working on an appraisal level report to raise Trinity Dam which shows that it's infeasible to raise Trinity Dam with the Preferred Alternative." Why wasn't this determined before publication of the Preferred Alternative in the DEIS-EIR? The Bureau is credited by Ch2M Hill, its consultant who produced the DEIS-EIR, as one of the authors. In Chapter 5.1, "Lead and Participating Agencies," it is stated that the "co-leads" are the Fish and Wildlife Service, the Bureau of Reclamation, Trinity County, and the Hoopa Valley Tribe, in that order. Were Trinity County and the Hoopa Valley Tribe accorded the same amount of input to the DEIS-EIR as the Bureau and the Fish and Wildlife Service? Or did the Bureau rule the roost?

Yours sincerely,

 Doris Ostrander Dawdy

- 4159-3 Please see thematic responses titled "Fisheries."
- 4159-4 Modifications to Trinity Dam are not required under the Preferred Alternative (only under the Maximum Flow Alternative). However, Reclamation has studied the option of raising Trinity Dam as a separate action. The question being explored is: given the implementation of the Preferred Alternative, is there a benefit to be gained by undertaking a project to raise Trinity Dam? The appraisal-level report has indicated that it is not a feasible action; the hydrology of the Trinity River would not support both the proposed instream flow regime and a larger reservoir capacity. This does not affect the implementation of the Preferred Alternative.
- 4159-5 Each agency was given the same deference regarding all decisions in the preparation of the DEIS/EIR; Trinity County is the sole lead agency for the CEQA portion of the document.

4159-3

4159-4

4159-5

Letter from San Joaquin River Group Dated November 16, 1999

⁴¹⁶⁰
San Joaquin River Group *MEM*

- Modesto Irrigation District
- Turlock Irrigation District
- South San Joaquin Irrigation District
- San Joaquin River Exchange Contractors

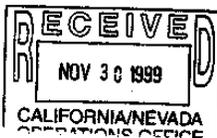
P.O. Box 4060
Modesto, CA 95352
(209) 526-7405
(209) 526-7315-Fax

- Merced Irrigation District
- Oakdale Irrigation District
- Friant Water Users Authority
- City and County of San Francisco

November 16, 1999

FAKED WORKSHOP NR 12-1-99

The Honorable Bruce Babbitt
U.S. Department of the Interior
1849 C Street, NW Room 6151
Washington, DC 20240



Re: Trinity River Mainstem Fishery Restoration EIS/EIR

Dear Secretary Babbitt:

We have recently received a copy of the Draft Environmental Impact Statement/Report (DEIS/EIR) analyzing and making recommendations for actions to "restore and maintain the natural production of anadromous fish on the Trinity River mainstem downstream of Lewiston Dam". The scope of the DEIS/EIR and the magnitude of the adverse impacts resulting from execution of the "preferred alternative" necessitate a very comprehensive and careful review of the data and analysis. We therefore request a 90-day extension in the public comment period to allow for proper consideration of the facts and alternatives for action.

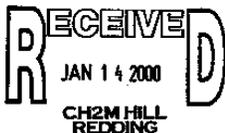
Accomplishing Trinity River environmental restoration goals in a reasonable, prudent, and feasible manner that minimizes adverse impacts and allows for concurrent resolution of CVPLA and CalFed objectives, will require additional data analysis and synthesis of alternatives not covered by the DEIS/EIR.

We understand that other stakeholders intend to prepare detailed constructive comments on the DEIS/EIR and to work with you and the responsible state and federal agencies to achieve these goals. In addition to our request for a 90-day extension of the public comment period, we ask that you consider holding informational workshops to explain to the larger public constituency the scientific basis for the preferred alternative and to engage in discussion of potential impacts.

Mr. Secretary, your decision on Trinity River fishery improvement actions will impact a broad spectrum of individuals, businesses, and communities throughout the Central Valley. We encourage collaborative efforts between the Department of the Interior and stakeholders towards resolving environmental and water resource issues whenever possible. Extending the public comment period on the Draft EIS/EIR on Trinity River Mainstem Fishery Restoration will make a positive stride in that direction.

Sincerely,

Allen
ALLEN SHORT
Coordinator



C: Mike Spear
Lester Snow
Dan Fults

4160-1 Thank you for your comments. Your comments have been noted. Regarding the length of the public comment period, the public comment period was extended to January 20th, and additional public workshops were held in Sacramento (December 6, 1999) and Weaverville (December 7, 1999).

4160-1

4161

short memo

→ Power



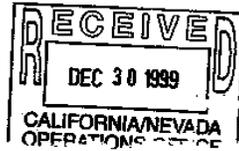
COUNTY OF DEL NORTE

563 "G" Street, Suite #1
CRESCENT CITY, CALIFORNIA 95531

BOARD OF SUPERVISORS

PHONE: (707) 464-7304
FAX: (707) 464-1166

December 15, 1999



Secretary of the Interior Bruce Babbitt
United States Department of the Interior
1849 C Street NW
Washington, D.C. 20240

RE: TRINITY RIVER FLOW

Dear Secretary Babbitt:

The Del Norte County Board of Supervisors would like to take this opportunity to inform you of its action taken on December 7, 1999 to reaffirm the Board's previous resolution, which you will find enclosed, supporting the maximum flow for the Trinity River.

As you may be aware, the Trinity River flows into the Klamath River, which is located in beautiful Del Norte County. Since the damming of the Trinity River some thirty odd years ago, we have seen a decline in the fish runs, economic development along the river and to the aquatic life supported by normal river flows. This Board has been very supportive of the maximum water flows due in part to the economic benefit to the area. However, it has now become apparent that the depravation to the aquatic life, flora and fauna of the normal water flows have now taken its toll over and above the economic impacts to the areas adjacent to the Trinity River tributaries.

This Board urge's you to return a decision supporting the maximum water flow to the Trinity River thereby supporting the environmental concerns and the economic life of the Trinity River.

} 4161-1

Very truly yours,

David Finigan, Chairman
Del Norte County Board of Supervisors

RECEIVED

JAN 12 2000

US Fish & Wildlife Service
Arcata, CA

BOS/khw

Enclosure

cc: Friends of the Trinity River
U.S. Fish & Wildlife

**Letter from County of Del Norte, Board of Supervisors,
Dated December 15, 1999**

4161-1 Thank you for your comment. Your comment has been noted. No response is required.

Letter from County of Del Norte, Board of Supervisors, continued

**COUNTY OF DEL NORTE
BOARD OF SUPERVISORS**

RESOLUTION NO. 96-59

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
IN SUPPORT OF RESTORATION OF THE TRINITY RIVER FISHERIES
AND A PERMANENT TRINITY RIVER FLOW REGIME**

WHEREAS, Del Norte County, Humboldt County and North Coast economies are directly linked and impacted by the health of the North Coast river systems, including the Trinity River; and

WHEREAS, Humboldt and Trinity Counties are, for the waters of the Trinity River, "areas of origin" under California State law; and

WHEREAS, in 1955, Congress authorized the construction of the Trinity River Division, the purpose of which was to divert Trinity River Basin water to the Central Valley Project (CVP); and

WHEREAS, Federal agencies declared at the time that the project would enhance Trinity River fisheries; and

WHEREAS, the authorizing legislation regarding the Trinity Division of the CVP is conditional, providing specific statutory limitations on diversion directing that the Trinity Division be operated to "do no harm" to the Trinity River and those who depend on it; and

WHEREAS, the Trinity Dam was completed in 1964 and diversion began immediately; and

WHEREAS, within a short period of time the fisheries began to decline and within a decade the fisheries were in crisis; and

WHEREAS, from 1964 to 1995, 31 million acre feet of water were diverted from the Trinity Division to the Central Valley Project; and

WHEREAS, Del Norte nor any of the other North Coast Counties - Trinity, Humboldt, or Mendocino received any financial benefit - or any compensation from diverted Trinity River water; and

WHEREAS, in 1981, Secretary of the Interior Andrus recognized that operations of the Trinity Division had created a "severe decline" in anadromous fish runs; and

WHEREAS, in 1984, 1992 and 1996 legislation enacted to implement the Andrus recommendations to restore the Trinity Fishery to pre-project conditions included a permanent Trinity River Flow decision to be made by the end of 1996;

BOOK 25 PAGE 121

Letter from County of Del Norte, Board of Supervisors, continued

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Del Norte that the County in conjunction with its sister counties urges the Secretary of the Interior to complete his work to establish a new flow regime as required by the Central Valley Improvement Act, pursuant to the law and policy, which restores and maintains a naturally reproducing fish stock within the Trinity River below Lewiston Dam consistent with pre-project levels of abundance;

PASSED AND ADOPTED on this 23rd day of July, 1996 by the following polled vote:

- YES: Supervisors Reese, Clausen, Eller, Bark and Mellett
- YES: None
- ABSTAIN: None
- SENT: None

Mark A. Mellett
 MARK A. MELLETT, Chairman
 Del Norte County Board of Supervisors

TEST:

Karen L. Walsh
 KAREN L. WALSH, Clerk of the Board of Supervisors, County of Del Norte, State of California

} 4161-1
 cont'd

Letter from Jim Smith Dated December 15, 1999

1-05-00 10:57A

4162

P.05

Trinity County Counsel

Memo

To: Tom Stokley

From: David Hammer, County Counsel *DRH*

CC:

Date: December 15, 1999

Re: Trinity River Mainstem Fishery Restoration EIS/EIR

Attached is copy of the comments from former Supervisor Jim Smith dated December 14, 1999. I requested Jim to review the EIS/EIR and provide his comments. As I am sure you know, Jim has many years experience in working on the restoration of the Trinity River, and was a member of the Task Force.

Please contact Jim directly if you have any questions regarding his comments. During the day, he can usually be reached at his antique store in the Moms Building in Weaverville.

I am returning to you one copy of the EIS/EIR, in which I have underlined the areas to which Jim has made comment.

DRH/mmt

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JAN 12 2000

US Fish & Wildlife Service
Arcata, CA

Letter from Jim Smith continued

1-06-00 10:58A

P.06

12/14/99

Trinity River Mainstem Fishery
Restoration EIS.

Comments by Jim Smith P.O. Box 310
Junction City, Ca 96048

Overall I believe this to be a well prepared EIS. I have no problem with the selection of the preferred alternative as I believe it represents a sound approach to a very complex restoration need.

I do have some comments regarding some areas that I feel need further clarification and/or consideration.

Page 2-17 First paragraph on when to convene to make plans for upstream management actions.

The suggested winter period is far too late in the year based on past history. Our bureaucracy does not move that fast. My experiences show that preparation of a plan, writing and securing contracts, getting permits and funding take too long to make such a time frame as envisioned here. These meetings must if necessary take place much earlier. Either take the time certain out of the paragraph or make it realistic.

4162-1 Please see Response 3875-4.

4162-1

Letter from Jim Smith continued

1-06-00 10:58A

P. 07

2-18

②

See stream flows 1st and 2nd paragraphs. For several years now those doing spawning surveys and comments from fishermen and personal observations has shown that the continuation of 450 cfs so late in the year has resulted in many spring run salmon spawning in the 450 cfs shallows and then becoming de-watered when flows are reduced to 300 cfs. We are destroying what we are trying to improve. This is not an occasional event it has become the norm. Temperature critical though critical is not often a problem at that time of year. To have an automated and planned flow reduction is not adaptive management. Each years situation should dictate when these reductions should take place. It may well be that as mechanical restoration improves spawning habitat that there will be enough increased area of spawning that 450 cfs could become the norm. Presently 300 cfs during the spawning season has been most effective but that could change as the river potentially heals. At first at least we should not make planned reductions from 450 to 300 cfs when spawning is likely to take place. As to 300 cfs earlier in the initial steps of the program to increase maximum spring production

4162-2

With the current available information, we do not believe that this flow reduction results in mortality of salmon eggs deposited in redds prior to the flow reduction. During the development of the flow recommendations of the Preferred Alternative (i.e., TRFES), the Trinity River Flow Evaluation team evaluated the effects of reducing dam releases from 450 to 300 cfs (identified in several alternatives) on spawners (USFWS and HVT, 1999). They concluded that maintaining a flow of 450 cfs until mid-October was necessary to ensure suitable water temperatures for adult salmon as identified in the North Coast Regional Water Quality Control Plan. Maintaining a flow of 450 cfs until mid-October was also justified based upon studies of spawner distribution at 450 cfs by the California Department of Fish and Game (CDFG) (CDFG 1994, 1995, 1996a, 1996b). They found that spawners to have a greater distribution as compared to lesser flows, thereby reducing competitive interactions including superimposition of redds (whereby salmon literally dig up each others nests). In addition, an evaluation of depths at which chinook spawn indicated that the shallowest of salmon redds (1 of 311 redds) was 4 inches deep (USFWS and HVT, 1999, page 105). At this depth, a change in stage of 4 to 5 inches, which occurs when flows are reduced from 450 to 300 cfs (Lewiston gage data, USGS), is not great enough to dewater salmon eggs to cause mortality. This is because salmon typically bury their eggs from 8 to 14 inches below the streambed surface (Briggs, 1953), leaving 3 to 4 inches of water depth to cover the eggs. However, reducing dam releases to below 300 cfs may result in risk of mortality by dewatering eggs.

4162-2

Empirical and water temperature model data indicate water temperatures can exceed the threshold for suitability for holding and spawning adult fish (i.e., the Basin Plan Objectives or the North Coast Regional Water Quality Control Plan). As an example, during the first week of October 1993, a dam release of 300 cfs was not sufficient to meet the Basin Plan objectives. However, dam releases of approximately 450 cfs were sufficient to meet the Basin Plan objectives in October 1992, 1994, and 1996 (see TRFES, page 200). Empirical and model data show that when dam-released water is relatively warm (53 degrees F), increased dam releases (e.g., 450 cfs) can ensure that downstream target temperatures are met.

Letter from Jim Smith continued4162-2
cont'd

Because of the unpredictable nature of meteorology and variable Lewiston Reservoir operations, which largely influence the dam-release water temperature and meeting the downstream objectives (see above response), we believe that scheduling water to assure that suitable water temperatures exist for holding and spawning adult salmon is the best restoration strategy.

Studies of the channel rehabilitation sites have indicated that higher flows have caused positive changes to several of the sites. Recent high flow events have been in conjunction with safety-of-dams releases and not as implementation of a flow schedule to restore the snowmelt portion of the hydrograph. Re-initiation of a snowmelt portion of the hydrograph (peak and descending limb) under the proposed flows of the Preferred Alternative will re-initiate processes necessary to maintain a functioning alluvial river. This will allow for the creation and maintenance of diverse salmonid habitats and will prevent the future formation of sediment berms. There have been some positive changes in habitat following high flow events. Encroaching alders have been removed by high flows in some areas; however, extensive sand berms and willow and blackberry stands are still common in most areas and were little affected by the floods of 1998, 1997, and 1995. There have been improvements to the habitat at channel rehabilitation sites. Gallagher (1999) reported that channel rehabilitation projects have resulted in an increased amount of fry and juvenile salmonid habitat as well as an increase in habitat diversity. McBain and Trush (1997) also found that high flow events have increased geomorphological habitat complexity and initiated functional floodplains at several channel rehabilitation sites. Some side channels above Douglas City have improved following high flow events as well. Several side channels have been used extensively by juvenile salmonids for rearing and adults for spawning (Glase, 1994). Part of the program for identifying and prioritizing channel rehabilitation sites will be to assess the stranding potential of each site.

Letter from Jim Smith continued

1-06-00 10:58A

P. 08

DATE 3

Page 2-21

*Fish habitat management.
Do not plan for maintenance of restoration sites as needed will prove to be a mistake. I do not believe that history shows there to be no need for maintenance of restored areas. Flows of the magnitude needed to do that are not in the cards or shown in the alternative likely to be approved.*

Additional concern should be given to low water areas behind existing berms that are not programmed for restoration where fish are stranded during high flows. This area should be surveyed and included for project work. Many fish are lost every time we have high flows by outcrop. Providing mechanical work on an as needed basis to prepare flow outlets where fish can escape as water recedes should produce significant fishery increases.

Page 3-18

Central valley spring run chinook impacts. It is implied here in paragraph one that the preferred alternative over the flow alternative would increase the negative impacts in the central valley on spring chinook. How could this be true when the only difference between these alternatives appears to be the addition of watershed restoration.

4162-3 The current problem of stranding of fry and juvenile salmonids is due to the presence of the riparian berms, creating an unnatural channel configuration. As flows fluctuate during the winter, especially during safety-of-dams releases, fry and juvenile salmonids move to low-velocity habitat behind the berms. As flows are reduced, fry and juveniles become stranded behind the berms. Although some degree of stranding occurs on unregulated rivers, restoration of the historic channel geometry will minimize the amount of stranding that occurs on the Trinity River. The issue of stranding will be one of the selection criteria in assessing the priority of proposed channel rehabilitation projects.

4162-4 The commentor questions why there would be a greater impact to Central Valley chinook salmon from implementation of the Preferred Alternative over the existing conditions than the Flow Evaluation Alternative over the No Action Alternative, when the only difference in these alternatives is the addition of watershed restoration. The addition of watershed restoration would only occur in the Trinity Basin. Therefore, the Preferred Alternative and the Flow Evaluation Alternative have exactly the same impacts to fishery resources in the Central Valley. For fishery resources in the Central Valley, when compared to the No Action Alternative, there are no differences in implementation of the Preferred or Flow Evaluation Alternatives.

However, there are greater incremental impacts from the implementation of the No Action Alternative over existing conditions than there are from the implementation of the Preferred/Flow Evaluation Alternative (for Central Valley fisheries resources these alternatives are the same) over the No Action Alternative. There would be a much greater incremental reduction in Shasta Reservoir carryover storage between the existing condition and the implementation of the No Action Alternative than between the No Action Alternative and implementation of the Preferred/Flow Evaluation Alternative.

The result would be that in the Central Valley, the implementation of the Preferred/Flow Evaluation Alternative compared to existing conditions would result in impacts on spring chinook salmon as a result of higher water temperatures and increases in egg and fry losses. However, the implementation of the Preferred/Flow Evaluation Alternative would not significantly increase these impacts further when compared to the No Action Alternative.

Letter from Jim Smith continued

1-06-00 10:59A

P. 09

(4)

3-185

Impacts of various alternatives on Lewiston reservoir fishery. Paragraph two indicates possible major temperature variations in the reservoir under different water release and a effort regimes. This being an accepted fact what will be the impact on this fishery for the various alternatives and are there any possible ways to mitigate these impacts.

Thanks for the opportunity to comment, I recommend that the Trinity County Board of Supervisors go on record in support of the preferred alternative with consideration for the suggestions I have made and that some will be made by others reviewing this document.

4162-5

4162-5

The commentor asks what the impacts on fishery resources are for the various alternatives from temperature variations in Lewiston Reservoir. The commentor is referred to pages 8 through 13 in Attachment B17: Reservoir Fisheries Evaluation Report found in the Fishery Resources Technical Appendix B. The fishery in Lewiston is almost entirely supported by fish stocked by CDFG. The reservoir will continue to act as a re-regulation reservoir as it does now. Depending on the alternative, there may be more or less thermal stratification occurring in Lewiston Reservoir. However, the coldwater fish that would continue to occupy the reservoir will actively seek the temperature they prefer. If there are more frequent releases from Trinity Reservoir into Lewiston Reservoir, then there would be more cold water and more suitable habitat for Lewiston's fishery. Less frequent releases of cold water from Trinity Reservoir would result in more thermal stratification in Lewiston, resulting in those coldwater fish seeking out that cold water. Either way, the fishery populations in Lewiston would remain relatively unaffected by variations in operations as they are supported by annual stocking by CDFG. Changes in operational releases would not disrupt essential reproductive physiology or behavior, which would then adversely affect the populations of those reservoir species.

PREPARED BY

DATE

Letter from Denver Nelson Dated December 11, 1999

Dec 11 4163

Joe,

These are my latest editions of
Comments. I added an administrative
over head comment and corrected the
poor grammer on the previous comment.

Thank you

Denver Nelson

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DEC 20 1999

US Fish & Wildlife Service
Arcata, CA

Letter from Denver Nelson continued**TRINITY RIVER EIS and FLOW STUDY**

**DENVER NELSON
HUMBOLDT COUNTY FISH AND GAME COMMISSION**

As you know, the Trinity River was devastated by the Trinity River Diversion project. Many millions of dollars have been spent trying to restore the Trinity River. The Trinity River has not been restored, and, in fact, has continued to decline. Many years of studying the Trinity River has shown that rivers need water to function. No amount of money without water will restore a river.

FISH

Much emphasis has been given to the decline of salmon and steelhead populations in our area. This decrease is well-documented by many studies and by my personal observations as a sport fishermen. Fish numbers are certainly one indicator of the health of our river environments. There are many other factors that influence the health and numbers of the salmonid populations.

A river is more than a natural fish hatchery. We must not over emphasize increasing fish numbers as the ultimate goal of restoring the Trinity River. If there are no fish returning to the Trinity River 20 years from now, does that mean that the entire flow of the Trinity River can then be diverted to the Central Valley? I certainly hope not.

MOVING GRAVEL

The concept of making the Trinity River 1/2 the river it was by giving it 1/2 the natural flow and spending millions to move gravel around is a noble experiment. The outcome of this experiment could be measured by the numbers of fish returning. One could simply assume the goal would be to have 1/2 of the pre-diversion fish return. If 3/4 of the pre-diversion fish

Letter from Denver Nelson continued

return, does that mean that 3/4 of the pre-diversion flow would be returned, and additional millions of dollars would have to be spent moving gravel? Or conversely if only 10 percent of the pre-diversion fish return, does that mean that 10 percent of the natural flow comes down the Trinity River, and fish restoration money is sharply cut back?

GREEN PORK

Between 1976 and 1998, \$93,952,547 was spent on Trinity River restoration. During the same time, 648,457 naturally spawning chinook returned to the Trinity River. This amounts to \$144.89 being spent per fish. There appears to be no correlation between dollars spent on restoration and numbers of fish returning to the Trinity River. A much better correlation is seen between river flows and fish returning to the Trinity River. Fish responded better to water than to dollars. It would be better to spend less money on fish restoration and increase the Trinity River flows.

ADMINISTRATIVE EXPENDITURES

I was not able to find a detailed accounting of administrative overhead expenditures for the Trinity River restoration projects. There is an accounting of Klamath restoration funds (Mid-term Evaluation; Klamath River Basin Fisheries Restoration Program, April, 1999) which shows from 1989 to 1997 \$7,968,468 was spent on Klamath River restoration expenditures. Of this total, \$627,103 was spent on planning and coordination and \$3,215,429 was spent on administration; leaving \$4,125,936 spent on restoration projects. This amounts to an administrative overhead of 48% which, to this observer, seems very excessive.

Administrative expenses for Trinity River restoration should be reported in the EIS/EIR and analyzed as a percent of overall expenditures. An on-going accounting of administrative overhead should be mandated. An administrative overhead of 20% or less should be mandated.

Letter from Denver Nelson continued

HUMBOLDT COUNTY 50,000 ACRE FEET

Humboldt County was given 50,000 acre feet of water annually in the original legislation establishing the Trinity River Diversion. This water allocation has never been accounted for either by increasing the Trinity River flows or by Humboldt County being compensated for our 50,000 acre feet flowing down the Sacramento River. One of the cornerstones of the CalFed process is the sale of water by those with excess water to those who need more water. When the final Trinity River flow is selected, that flow number should be increased by 50,000 acre feet so that we in Humboldt County can use that water to further enhance our fisheries. Conversely, if our 50,000 acre feet is going down the diversion, we should be compensated for our water by the users of that water.

FISH LADDER

The Trinity dam eliminated 109 miles of steelhead and salmon habitat above the dam. The ideal restoration of this habitat would be to remove the dam. The next best restoration would be to install a fish ladder to bypass the dam. Serious consideration has not been given to this option. The fish ladder would be a more cost-effective way of restoring fish habitat.

RIVER FLOW

My preferred flow alternative would be the restoration of the natural Trinity River flows and diverting no more water to the Central Valley. My next best flow would be that promised in the original legislation. The promised diversion originally was to be no more than 30 percent of the Trinity River flow. The Preferred Flow as outlined in this EIS/EIR would be my third choice. The other studied flows are inadequate. } 4163-1

No matter which flow is chosen, funding must be available for the bridge and structural removals needed to allow these increased flows. } 4163-2

- 4163-1 Please see thematic responses titled "Fisheries."
- 4163-2 Please see thematic response titled "Implementation Funding and Relationship to Repayment, Reimbursement, and the CVPIA Restoration Fund" and Response 5302-3.

Letter from Denver Nelson continued

ADAPTIVE MANAGEMENT

Adaptive management is the new buzzword of resource management. In this project, adaptive management should be the prime governing force. If a funded project does not increase the fish returns, the project should not be funded again. If a water flow pattern or volume does not result in increased fish returns, the flow should be changed. At a minimum, the outline of this adaptive management plan should be in place before any other changes are done.

PUBLIC TRUST

In section 1.5 of the EIS the Tribal Trust responsibility is well described. The legal basis for Tribal Trust Responsibility is based on numerous court cases and reaffirmed by the U.S. Supreme Court in 1983 in U.S. vs. Mitchell.

The public trust doctrine is not adequately described or dealt within the EIS. It is mentioned three times. Sections 1.2, 1.7, and 5.1 make reference to the public trust doctrine but there is no tie in to the Trinity River flows.

The public trust doctrine is remarkable both for its age and its vigor. Rooted in the customs of the sea faring Greeks and Romans, it has evolved to become one of the most effective safeguards of public rights. Basically, the trust reflects an understanding of the ancient concept that navigable waters, their beds and their banks, should be enjoyed by all the people because they are too important to be reserved for private use.

From earliest times, societies have recognized the importance of waterways to their people. In Roman times rivers, the sea and its shore were held in common. Any person was at liberty to use the seashore to the highest tide, to dry his nets on the shore and to fasten vessels to the banks. These principles survived in Spanish a law (which once governed California), in the civil law in effect in the continental European countries and in England, where they became incorporated into the Magna Carta.

Letter from Denver Nelson continued

4163-3 Please see Response 3362-1.

In America, the concept of public rights to public waters was recognized since the early days of the Massachusetts Bay Colony where the Great Pond Ordinance of 1641 guaranteed the right to fish and fowl in the ponds greater than 10 acres, along with the freedom to pass-through private property to do so.

By 1821 the American courts were pronouncing the law of public trust as we know it today. In *Arnold vs. Mundy*, a New Jersey decision, it was held that (1) the British crown had held the beds of navigable waters in trust for the common use of the people; (2) sees rights passed to the people of the respective states after the revolution, and (3) grants purporting to divest the citizens of these common rights were void.

In California, the public trust has constitutional dimensions. Article X, section 4 of the State Constitution guarantees the free navigation of our state's waters. In *People Vs. El Dorado County* an appellate court invalidated a County ordinance prohibiting rafting on the American River " because it denies the constitutional right of the public use and access to a navigable stream."

4163-3

The protections of the public trust go beyond the tide lands and the major lakes and rivers. Obviously, if the tributaries serving a public trust water are diverted, serious damage can occur. In *National Audobon Society Vs. Department of Water and Power*, Mono Lake was seriously threatened by diversions from the streams feeding it. The California court held that the state has an affirmative and continuing duty to evaluate the impact of water allocations on trust resources, and to protect the public trust uses whenever feasible.

The public trust doctrine obviously applies to the Trinity River diversion and should be included and given as high a priority as the Tribal Trust Doctrine.



Denver Nelson
5240 Blackberry
Eureka, California 95503

Letter from Illegible Signature

4164

Dear Secretary of the Interior,

I am concerned about the Trinity River and the water that has been diverted by the Central Valley Water Project. Here are some of my concerns. Can you please read these and add them to the (EIS/R). Thank you for your time.

I am extremely concerned please evaluate the river flow and increase it. Thanks.

} 4164-1

We should uphold the Trinity River Act of 1955. We should help the economics of the local area.

We should restore the obligation with the Hoop and Yurok Tribes.

} 4164-2

Sincerely,

Ch. 1011

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US Fish & Wildlife Service
Arcata, CA

- 4164-1 Thank you for your comment. Your comment has been noted. No response is required.
- 4164-2 Regarding tribal trust, please see thematic response titled "Tribal Trust."

Letter from Illegible Signature

4165

4165-1 Regarding tribal trust, please see thematic response titled "Tribal Trust."

Dear Secretary of the Interior,

I am concerned about the Trinity River and the water that has been diverted by the Central Valley Water Project. Here are some of my concerns. Can you please read these and add them to the (EIS/R). Thank you for your time.

They want my major concern deals with our government, especially as a world leader has broken promises with not only the natives of America, but has also contributed to the demise of American industry. Upon finding this out I am very distraught as to how we as who we profess to be could allow this to happen. I understand economics but in this case, we have sacrificed a great deal of our own integrity and this is, is not what world leading by example is about.

4165-1

Sincerely,



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JAN 12 2000

US Fish & Wildlife Service
Arcata, CA

Letter from Illegible Signature

4166

Dear Secretary of the Interior,

I am concerned about the Trinity River and the water that has been diverted by the Central Valley Water Project. Here are some of my concerns. Can you please read these and add them to the (EIS/R). Thank you for your time.

Dear Sir or Madam,

It seems to me that you have an obligation to uphold The Trinity River Act of 1955. Not only have you broken a trust with the Hopa Valley and Yurok Tribes, you have broken a trust with others who would like to enjoy fishing and recreation along this river's shore.

4166-1

Please consider restoring the once beautiful river back to its beautiful raging glory. Generations to come will thank you.

4166-2

Sincerely,
And Talvin

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JAN 12 2000
Fish & Wildlife Service
Arcata, CA

Letter from Beth Evanco Dated December 4, 1999

4167-1 Thank you for your comment. Your comment has been noted. No response is required.

4167
12/4/99

Dear Secretary of the Interior,

I am concerned about the Trinity River and the water that has been diverted by the Central Valley Water Project. Here are some of my concerns. Can you please read these and add them to the (EIS/R). Thank you for your time.

THE TRINITY RIVER ACT OF 1955 HAS NOT UPHELD ITS SIDE OF THE ACT. THE FISH AND WILDLIFE IN THE BASIN ARE BEING SEVERLY HARMED.

THE FLOW OF THE RIVER SHOULD AND NEEDS TO BE INCREASED.

} 4167-1

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JAN 12 2000

US Fish & Wildlife Service
Arcata, CA

Sincerely,

BETH EVANCO

4168

Letter from L. Williams

Dear Secretary of the Interior,

I am concerned about the Trinity River and the water that has been diverted by the Central Valley Water Project. Here are some of my concerns. Can you please read these and add them to the (EIS/R). Thank you for your time.

This is a serious problem that has been ignored for far too long. It is a shame on the government part that the Trinity River has been dispoignpoled for all these years. Please, you are the only one who can make a difference and rectify this problem.

4168-1

4168-1 Thank you for your comment. Your comment has been noted. No response is required.

Sincerely,

L. Williams

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JAN 12 2006

US Fish & Wildlife Service
Arcata, CA

Letter from Illegible Signature

4169

Dear Secretary of the Interior,

I am concerned about the Trinity River and the water that has been diverted by the Central Valley Water Project. Here are some of my concerns. Can you please read these and add them to the (EIS/R). Thank you for your time.

I feel strongly about upholding our promises to the Indians. I hope I see more positive re-enforcement to ^{successfully} ~~legislate~~ support the legislation that were passed to get the best for the whole population and especially ^{the} Indians.

4169-1

4169-1 Regarding tribal trust, please see thematic response titled "Tribal Trust."

Sincerely,



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JAN 12 2000

US Fish & Wildlife Service
Arcata, CA

4170

Dear Secretary of the Interior,

I am concerned about the Trinity River and the water that has been diverted by the Central Valley Water Project. Here are some of my concerns. Can you please read these and add them to the (EIS/R). Thank you for your time.

The federal government should fulfill its legally mandated responsibilities to the Hoopa Valley and Yurok Tribes.

4170-1

When the Trinity is restored, the commercial and sport fishing, rafting, and tourism economies of the northern California and southern Oregon will rebound.

4170-2

Letter from Dorothy Smond

- 4170-1 Regarding tribal trust, please see thematic response titled "Tribal Trust."
- 4170-2 Thank you for your comment. Your comment has been noted. No response is required.

Sincerely,
Dorothy Smond

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JAN 12 2000

US Fish & Wildlife Service
Arcata, CA

Letter from Nanette Wier

4171

Dear Secretary of the Interior,

I am concerned about the Trinity River and the water that has been diverted by the Central Valley Water Project. Here are some of my concerns. Can you please read these and add them to the (EIS/R). Thank you for your time.

For 36 years our governments trust obligations to two Native American Tribes has gone unfulfilled. Now Time has come for us to fulfill this legally mandated responsibilities to Hoopa & Yurok Tribes.

Also if Trinity is restored, the commercial & sport fishing, rafting and tourism economies of Northern California & Southern Oregon will rebound.

A restored Trinity River will allow Californians to have faith in the ongoing CALFED negotiations.

Sincerely,
Nanette Wier

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JAN 12 2000

US Fish & Wildlife Service
Arcata, CA

- 4171-1 Regarding tribal trust, please see thematic response titled "Tribal Trust."
- 4171-2 Thank you for your comment. Your comment has been noted. No response is required.

} 4171-1

} 4171-2

4172

Dear Secretary of the Interior,

I am concerned about the Trinity River and the water that has been diverted by the Central Valley Water Project. Here are some of my concerns. Can you please read these and add them to the (EIS/R). Thank you for your time.

The Trinity River Act of 1955, specifically mandated that the Fish & Wildlife in the Basin were protected. However since 1963 the water diversion of the Trinity River has led to nearly a 90% decline in the fisheries (as of the early 1990s) As a California Citizen, I would like my state to fulfill the Federal Government's trust obligations to the Native American Hopi Valley & Yurok Tribes. As a woman who has fished the Trinity, I want to see a rebound of the commercial & sport fishing, rafting & tourism economies due to a restored Trinity River flow. I would like this as another example of the benefits of River Restoration to be upheld as a National Standard!

4172-1

4172-2

Letter from Colleen M. Ohlandt

4172-1 Regarding tribal trust, please see thematic response titled "Tribal Trust."

4172-2 Thank you for your comment. Your comment has been noted. No response is required.

Sincerely,

Colleen M Ohlandt
1571 Sunset Cliffs Blvd #3
San Diego, CA 92107

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JAN 12 2006

US Fish & Wildlife Service
Arcata, CA



Davis
GUBERNOR

December 21, 1999

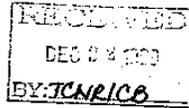
STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse

4173



Loretta Lynch
DIRECTOR

Tom Stokely
TRINITY COUNTY PLANNING DEPARTMENT
P.O. Box 156
Hayfork, CA 96041-0156



Subject: TRINITY RIVER MAINSTEM FISHERY RESTORATION
SCH#: 94123009

Dear Tom Stokely:

The State Clearinghouse submitted the above named Joint Document to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 20, 1999, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's eight-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

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JAN 12 2000

U.S. Fish & Wildlife Service
Arcata, CA

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3018 WWW.OPR.CA.GOV/CLEARINGHOUSE.HTML

Letter from State of California, Governor's Office of Planning and Research, Dated December 21, 1999

Letter from State of California, Governor's Office of Planning and Research, continued

Document Details Report
State Clearinghouse Data Base

SCH# 94123009
 Project Title TRINITY RIVER MAINSTEM FISHERY RESTORATION
 Lead Agency Trinity County

Type jd Joint Document
 Description Restoration of the natural production of anadromous fish on the Trinity River mainstem downstream of Lewiston Dam through managed flows combined with mechanical rehabilitation projects.

Lead Agency Contact
 Name Tom Stokely
 Agency TRINITY COUNTY PLANNING DEPARTMENT
 Phone 530-628-5849 Fax
 email
 Address P.O. Box 156
 City Hayfork State CA Zip 96041-0156

Project Location
 County TRINITY
 City Lewiston, Junction City
 Region
 Cross Streets
 Parcel No.
 Township Range Section Base

Proximity to:
 Highways 299
 Airports
 Railways
 Waterways Trinity River, Lewiston Reservoir & Trinity Lake
 Schools
 Land Use Open Space / Flood Hazard

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Geologic/Seismic; Recreation/Parks; Soil Erosion/Compaction/Grading; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Boating and Waterways; Department of Conservation; Department of Fish and Game, Region 1; Department of Forestry and Fire Protection; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 2; Regional Water Quality Control Board, Region 1; Native American Heritage Commission; State Lands Commission

Date Received 10/22/1999 Start of Review 10/22/1999 End of Review 12/20/1999

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter from State of California, Governor's Office of Planning and Research, continued

California

The Resources Agency of California

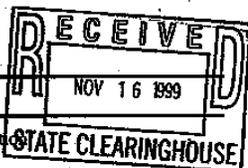
o r a n d u m

: November 9, 1999

: Mosie Boyd
State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

: Mike Sotelo

: SCH#94123009 Trinity River Mainstem Fishery Restoration



We have reviewed the above referenced EIR/S, pertaining to the restoration of the natural production of anadromous fish on the Trinity River mainstem downstream of Lewiston Dam through managed flows combined with mechanical rehabilitation projects, and we have the following comments to offer:

As proposed mitigation to minimize the impact on recreational boating (as noted in the Executive Summary, Table ES-4, under the heading, "Recreation"), the report indicates that signs will be posted at river access points when flows are outside the preferred range for boating. The signs will also be offering a toll-free telephone number so recreationists can call to obtain daily flow information.

If waterway markers are to be posted to warn or advise boaters of low or high flows, etc., the applicant should receive a copy of the state's waterways marking system regulations, i.e., Title 14, California Code of Regulations, Section 700, et seq. (copy enclosed), to be aware of requirements to place waterways markers.

If you have any questions regarding these comments, please call me at (916) 263-0787

Mike Sotelo
Environmental Review/Regulations

FROM: MONDAY, DAVID JOHNSON TRINITY RIVER EIR DOC November 9, 1999 (1:27PM)

4173-1 Thank you for your comment. Your comment has been noted. If waterway markers are to be posted to warn or advise boaters of low or high flows, etc., the applicable co-lead agency should request a copy of the state's waterways marking system regulations, i.e., Title 14, California Code of Regulations, Section 700, et. seq., and be aware of requirements to place waterways markers.

4173-1

Letter from State of California, Governor's Office of Planning and Research, continued

TITLE 14 DEPARTMENT OF BOATING AND WATERWAYS § 7001

6695. Searchlights or Other Blinding Lights.

(a) Except for law enforcement or search and rescue activities, flashing a searchlight or other blinding light onto the bridge or onto the pilothouse of any vessel underway is prohibited.

(b) All floodlights or headlights which may interfere with the proper navigation of an approaching vessel shall be so shielded that the lights will not blind the pilot of such vessel.

NOTE: Authority cited: Section 655.3, Harbors and Navigation Code. Reference: Section 655.3, Harbors and Navigation Code.

6697. Prima-Facie Evidence of Negligent Operation.

Pursuant to the provisions of Section 655 of the Harbors and Navigation Code, the following described acts endanger life, limb or property and constitute evidence of reckless or negligent operation:

(a) Riding on the bow, gunwale or transom of a vessel propelled by machinery underway when such position is not protected by railing or other reasonable deterrent to falling overboard, or riding in a position or manner which is obviously dangerous. These provisions shall not apply to a vessel's crewmen in the act of anchoring, mooring or making fast to a dock or another vessel, or the necessary management of a sail.

(b) Maneuvering towed skiers, or other devices, so as to pass the towline over another vessel or its skier.

(c) Navigating a vessel, skis or other devices between a towing vessel and its tow or tows.

NOTE: Authority cited: Section 655, Harbors and Navigation Code. Reference: Sections 650, 655 and 655.3, Harbors and Navigation Code.

Article 6. Waterway Marking System

7000. Scope.

Pursuant to the authority vested in it by Section 659, Harbors and Navigation Code, the Department adopts rules and regulations for a uniform system for marking the State's waters; such rules and regulations to establish, (a) a system of regulatory markers for use on all waters of the State to meet needs not provided for by the U.S. Coast Guard system of navigational aids; and (b) a system of navigational aids for use on the waters of the State not marked by the U.S. Coast Guard and/or not determined to be United States navigable waters; provided that such rules and regulations shall not be in conflict with the markings prescribed by the U.S. Coast Guard.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

7001. Definition (as used in this article).

(a) Waterway marker is any device designed to be placed in, on or near the water to convey an official message to a boat operator on matters which

Letter from State of California, Governor's Office of Planning and Research, continued

§ 7002 DEPARTMENT OF BOATING AND WATERWAYS TITLE 14

may affect health, safety, or well being, except that such devices of the United States or an agency of the United States are excluded from the meaning of this definition.

(b) Regulatory Marker is a waterway marker which has no equivalent in the U.S. Coast Guard system of navigational aids.

(c) State Aid to Navigation is a waterway marker which is the equivalent of a U.S. Coast Guard aid to navigation.

(d) Buoy is any device designed to float which is anchored in the water and which is used to convey a message.

(e) Sign is any device for carrying a message which is attached to another object such as a piling, buoy, structure or the land itself.

(f) A Display Area is the area on a sign or buoy needed for display of a waterway marker symbol.

(g) Symbols are geometric figures such as a diamond, circle, rectangle, used to convey a basic message.

(h) "Department" means the Department of Boating and Waterways.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

7002. Waterway Markers Used on the Waters of This State Shall Be As Follows.

(a) State Aids to Navigation.

(1) A red buoy or sign shall indicate that side of a channel to be kept to the right of a vessel when entering the channel from the main water body or when proceeding upstream; a green buoy or sign shall indicate that side of a channel to be kept to the left of a vessel when entering the channel from the main water body or when proceeding upstream.

These buoys or signs shall normally be used in pairs and only for the purpose of marking a clearly defined channel.

(2) A red and white vertically striped buoy or sign shall indicate the center of a navigable waterway.

(3) A red and green horizontally striped buoy or sign shall indicate a junction in the channel, or a wreck or obstruction which may be passed on either side. If the top band is red, the preferred channel is to the left when proceeding upstream or leaving the main water body. If the top band is green the preferred channel is to the right when proceeding upstream or leaving the main water body.

(4) White buoys shall indicate anchorage areas.

(5) The shapes of state aids to navigation shall be compatible with the shapes established by Coast Guard regulations for the equivalent Coast Guard aids to navigation.

(6) When lights are placed on buoys as an aid to navigation, their characteristics shall be compatible with those designated by Federal Regu-

Letter from State of California, Governor's Office of Planning and Research, continued

TITLE 14 DEPARTMENT OF BOATING AND WATERWAYS § 7002

lations for federal aids to navigation. Red lights for this purpose shall be used only on red buoys and green lights only on green buoys.

(b) Regulatory Markers.

(1) A diamond shape of international orange with white center shall indicate danger. The nature of the danger may be indicated by words or well-known abbreviations in black letters inside the diamond shape, or above and/or below it on white background.

(2) A diamond shape of international orange with a cross of the same color within it against a white center without qualifying explanation shall indicate a zone from which all vessels are excluded.

(3) A circle of international orange with white center will indicate a control or restriction. The nature of the control or restriction shall be indicated by words, numerals, and/or well-known abbreviations in black letters inside the circle. Additional explanation may be given above and/or below it in black letters on white background.

(4) A rectangular shape of international orange with white center will indicate information, other than a danger, control or restriction, which may contribute to health, safety or well-being. The message will be presented within the rectangle in black letters.

(c) Letters or Numbers on Waterway Markers.

(1) Numbers, letters or words on a state aid to navigation or regulatory marker shall be placed in a manner to enable them to be clearly visible to an approaching or passing vessel. They shall be block style, well proportioned and as large as the available space permits. Numbers and letters on red or black backgrounds shall be white; numbers and letters on white backgrounds shall be black.

(2) State aids to navigation shall be numbered or lettered for identification. Red buoys and signs marking channels shall be identified with even numbers, and green buoys and signs marking channels shall be identified with odd numbers, the numbers increasing from the main water body or proceeding upstream. Buoys and signs indicating the center of a waterway or a channel junction shall be identified by letters of the alphabet. All numbers and letters used to identify state aids to navigation shall be preceded by the letters "CF."

(d) Reflectorized Material. Where reflectorized materials are used, a red reflector will be used on a red buoy, a green reflector on a green buoy, and white reflectors only will be used on all other waterway markers, except that orange reflectors may be used on orange portions of regulatory markers, and yellow reflectors may be used on Special Markers, as defined in Section 7002.1.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 659 and 659, Harbors and Navigation Code.

Letter from State of California, Governor's Office of Planning and
Research, continued

§ 7002.1 DEPARTMENT OF BOATING AND WATERWAYS TITLE 14

7002.1. Special Markers.

Special markers are not primarily intended to assist navigation, but are used to indicate a special area or feature (i.e., traffic separation, anchorage areas, dredging, fish net areas, etc.) whose nature may be apparent from reference to a chart or other nautical document.

(a) Aids used to mark these areas or systems will be all yellow.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650, 655.3, and 659, Harbors and Navigation Code.

7003. Authority to Place Markers.

(a) No waterway marker shall be placed on, in, or near the waters of the State unless such placement is authorized by the agency or political subdivision of the State having power to give such authorization, except that the provisions of this section shall not apply to private aids to navigation under the jurisdiction of the U.S. Coast Guard.

(b) Such agency or political subdivision of the State will, prior to authorizing placement, obtain the necessary clearances of any federal and state agencies concerned. Nothing herein contained shall be construed to require such prior clearance with the Department.

(c) The agency or political subdivision of the State authorizing the placement of a waterway marker will inform the Department of the following:

(1) Exact location of the marker, expressed in latitude and longitude, or in distance and direction from one or more fixed objects whose precise location is known.

(2) The description and purpose of the marker, including its identifying number, if any, as required by Section 7002(a)(5), above.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

7004. Maintenance of Waterway Markers.

Waterway markers shall be maintained in proper condition, or be replaced or removed.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

7005. Display of Waterway Markers.

(a) A waterway marker may be displayed as a sign on a fixed support, as a buoy bearing a symbol on its surface, or as a sign mounted on a buoy.

(b) When a buoy is used to carry a symbol on its surface, it will be white, with a band of international orange at the top and a band of international orange above the water line at the bottom.

(c) A buoy whose sole purpose is to carry a sign above it will be marked with three bands of international orange alternating with two bands of white, each band occupying approximately one-fifth of the total area of the buoy.

Letter from State of California, Governor's Office of Planning and Research, continued

TITLE 14 DEPARTMENT OF BOATING AND WATERWAYS § 7008

above the water line, except where the sign itself carries orange bands; however, nothing in these regulations will be construed to prohibit the mounting of a sign on a buoy which has been placed for a purpose other than that of carrying a sign.

(d) When symbols are placed on signs, a suitable white background may be used outside the symbol.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

7006. Specifications for Waterway Markers.

(a) The size, shape, material, and construction of all markers, both fixed and floating, shall be such as to be observable under normal conditions of visibility at a distance such that the significance of the marker or aid will be recognizable in time to avoid danger.

(b) Waterway markers shall be made of materials which will retain, despite weather and other exposures, the characteristics essential to their basic significance, such as color, shape, legibility and position.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

7007. Other Waterway Marking Devices.

(a) Mooring Buoys. In order that mooring buoys shall not be mistaken for aids to navigation or regulatory markers, they shall be white, with a blue band clearly visible above the waterline.

(b) Placement of markers such as mooring buoys and permanent race course markers will be processed in the same manner as waterway markers.

(c) Such markers shall not be of a color, shape, configuration or marking which could result in their confusion with any federal or state aid to navigation or any state regulatory marker, and shall not be placed where they will obstruct navigation, cause confusion, or constitute a hazard.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650 and 659, Harbors and Navigation Code.

7008. The Divers Flag.

(a) A red flag with a white diagonal from the upper left hand corner to the lower right hand corner (from masthead to lower outside corner) and known as the "Divers Flag" shall when displayed on the water, indicate the presence of a person engaged in diving in the water in the immediate area.

(b) Recognition of this flag by regulation will not be construed as conferring any rights or privileges on its users, and its presence in a water area will not be construed in itself as restricting the use of the water area so marked.

(c) Operators of vessels will, however, exercise precaution commensurate with conditions indicated.

Letter from State of California, Governor's Office of Planning and Research, continued

§ 7009 DEPARTMENT OF BOATING AND WATERWAYS TITLE 14

(d) This flag may be displayed only when diving is in progress, and its display in a water area when no diving is in progress is that area will constitute a violation of the regulation and of section 659 of the Harbors and Navigation Code.

(e) Nothing in this section will require the carriage of a divers flag for any purpose.

NOTE: Authority cited: Section 659, Harbors and Navigation Code. Reference: Sections 650, and 659, Harbors and Navigation Code.

7009. The Ski Flag.

(a) A red or orange flag measuring no less than 12 inches on each side, in the shape of a square or rectangle, mounted or displayed in such a manner as to be visible from every direction shall be known as a ski flag.

(b) The use of this flag will not be construed as conferring any rights or privileges on its users, and its display will not be construed in itself as restricting the use of the water in the vicinity of the vessel displaying the flag.

(c) Operators of vessels will, however, exercise precaution commensurate with conditions indicated.

(d) The ski flag shall be displayed when one or more of the following conditions exists:

- (1) A downed skier.
- (2) A skier in the water preparing to ski.
- (3) A ski line extended from the vessel.
- (4) A ski in the water in the vicinity of the vessel.

The ski flag shall not be displayed at any other time.

NOTE: Authority cited: Sections 652, 658, 658.7 and 659, Harbors and Navigation Code. Reference: Sections 650, 655.3, 658.7 and 659, Harbors and Navigation Code.

Article 7. For Hire Vessel Operator's License

7500. Definitions.

(a) As used in Article 2, (commencing with Section 760) Chapter 5 of Division 3, Harbors and Navigation Code, the terms "carrying more than three passengers for hire" and "carrying passengers for hire" mean the carriage of more than three persons by a vessel for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person interested in the vessel.

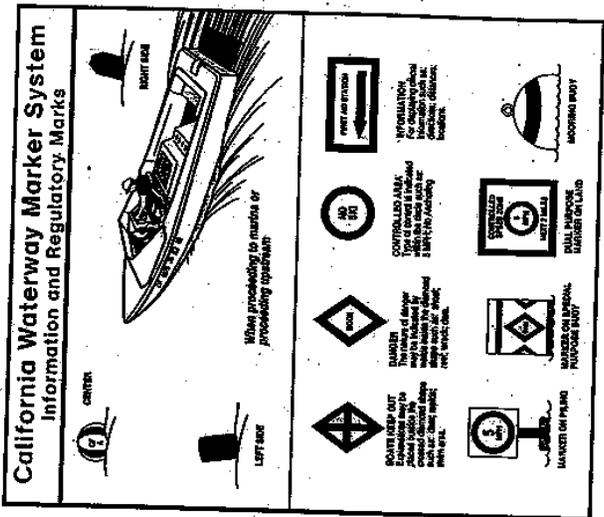
(b) "Passenger" means every person, other than the master and a member of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel.

(c) "Department" means the Department of Boating and Waterways.

NOTE: Authority cited: Section 770, Harbors and Navigation Code. Reference: Section 760, Harbors and Navigation Code.

Letter from State of California, Governor's Office of Planning and Research, continued

- Starboard-hand buoys are painted red, with red fixed or flashing lights.
- Safe water buoys, also called midchannel or fairway buoys, and approach buoys are painted with red and white vertical stripes, with flashing lights.
- Preferred channel, or junction buoys, are painted with red and green horizontal bands, with flashing lights.
- Special marks (traffic separation, anchorage areas, dredging, fishnet areas, etc.) are painted yellow. If lighted, the light may be fixed or flashing.



The waters of the United States are marked for safe navigation by the lateral system of buoyage. The system employs a simple arrangement of colors, shapes, numbers, and light characteristics to show the side on which a buoy should be passed when proceeding in a given direction. The characteristics are determined by the position of the buoy with respect to the navigable channels as the channels are entered from seaward.

The expression "red right returning" has long been used by the seafarer as a reminder that the red buoys are kept to the starboard (right) side when proceeding from the open sea into port (upstream). Likewise, green buoys are kept to the port (left) side; (see page 8). Conversely, when proceeding toward the sea or leaving port, red buoys are kept to port side and green buoys to the starboard side. Red buoys are also numbered. Green buoys are also numbered. Red and white vertically striped buoys mark the center of the channel.

Uniform State Waterway Marking System

Most waterways used by boaters are located entirely within the boundaries of the state. The California Uniform State Waterway Marking System has been devised for these waters. Examples of such aids are found on page 7.

The waterway marking system employs buoys and signs with distinctive standard shapes to show regulatory or advisory information. These markers are white with black letters and have orange borders. They signify speed zones, restricted areas, danger areas, and general information.

Aids to navigation on state waters use red and green buoys to mark channel limits. Red and green buoys are generally used in pairs. The boat should pass between the red buoy and its companion green buoy.

Mooring to Buoys

Tying up to or hanging on to any navigation buoy (except a mooring buoy) or beacon is prohibited.

Aids to Navigation

In recent years, modifications to certain aids to navigation located on coastal and inland waters have been completed. These changes apply to aids used in both the lateral and state waterway marking systems. (See charts which follow.)

Letter from State of California, Governor's Office of Planning and Research, continued

U.S. AIDS TO NAVIGATION SYSTEM ON NAVIGABLE WATERS

LATERAL SYSTEM AS SEEN ENTERING FROM SEAWARD

**PORT SIDE
ODD NUMBERED AIDS**

GREEN LIGHT ONLY

FIXED

FLASHING (2)

FLASHING

OCCLUDING

QUICK FLASH

ISO

SAFE WATER: No Numbers - May Be Lettered

WHITE LIGHT ONLY

HOSE CODE (A)

SPHERICAL

NR

LIGHTED ANCHOR SOUND

RW 'N' Mo/AJ

RW 'A'

**STARBOARD SIDE
EVEN NUMBERED AIDS**

RED LIGHT ONLY

FIXED

FLASHING (2)

FLASHING

OCCLUDING

QUICK FLASH

ISO

PREFERRED CHANNEL: No Numbers - May Be Lettered

If preferred channel is to STARBOARD
GREEN LIGHT ONLY

LIGHTED BUOY

GR 'C' Fl (2+1) G

CAN

GR 'C'

DAYMARK

SG

GR 'A'

If preferred channel is to PORT
RED LIGHT ONLY

LIGHTED BUOY

RG 'B' Fl (2+1) R

CAN

RG 'B'

DAYMARK

TR

RG 'B'

COMPOSITE GROUP FLASHING (2+1)

CALIFORNIA WATERWAY MARKER SYSTEM

Information and Regulatory Marks

BOATS KEEP OUT
Expansions may be placed outside the crossed diamond shape such as: electric rapids; swim area.

NO SKI

CONTROLLED AREA
Type of control is indicated within a circle such as: 5 MPH; 10 Anchoring.

INFORMATION
For displaying official information such as: direction; distances; locations.

MARKER ON PILING

MARKER ON SPECIAL PURPOSE BOOY

DUAL PURPOSE MARKER ON LAKE

MOVING BUOY

SPECIAL MARKS: May Be Lettered

SHAPE: Optional - but selected to be appropriate for the position of the mark in relation to the navigable waterway and the direction of buoyage.

YELLOW LIGHT ONLY

FIXED

FLASHING

LIGHTED BUOY

Y 'B' Fl

DAYMARK

A Y 'A' Bn

CAN

Y 'C' A'

CAN

Y 'C' A'

PREPARED BY: California Department of Boating and Waterways, 1609 5th Street, Sacramento, CA 95814-7204
200 Evergreen Street 75315-3376

Letter from State of California, Governor's Office of Planning and Research, continued

4173-2 Please see thematic response titled "Mitigation for Significant Impacts."

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NO. 528 001

State of California

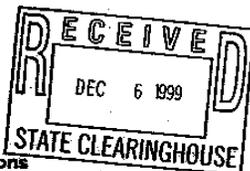
The Resources Agency

MEMORANDUM

To: Project Coordinator
Resources Agency

Clear
12/20/99
e Date: December 6, 1999

Mr. Tom Stokely
Trinity County Planning Department
P.O. Box 156
Hayfork, CA 96041-0156



From: Department of Conservation
Office of Governmental and Environmental Relations

Subject: Draft Environmental Impact Report/Statement (DEIR) for the Trinity River
Mainstem Fishery Restoration Project - SCH# 94123009

The California Department of Conservation's Division of Land Resource Protection (Division) has reviewed the DEIR for the referenced restoration project. The Division administers several agricultural land conservation programs, including the Agricultural Land Stewardship Program (ALSP). We offer the following comments on the project's agricultural land impacts for your consideration.

The DEIR has identified significant environmental impacts of the project on agricultural land resources. In particular, the diversion of water for fishery restoration will result in the loss of 7.5 percent of the highly productive agricultural lands of the Central Valley Project's San Felipe Unit. The DEIR does not offer apparent mitigation of this impact. Therefore, we recommend that the final EIR include a discussion of feasible mitigation measures that would lessen the significance of the project's impact on agricultural land.

Among the mitigation measures that should be explored are: 1) the enhancement of the Unit's remaining irrigated farmland by providing greater water availability and certainty, and, 2) compensation for the loss of irrigated farmland by the purchase of conservation easements on other irrigated farmland of equivalent quality and quantity. The latter approach to farmland mitigation is being used by agencies at state and local levels of government, and has been highlighted by a recent unpublished court decision in Orange County (El Toro Land Use Planning Authority, et al v. County of Orange, et al, San Diego Superior Court # 710123, October 28, 1997). If the acquisition of conservation easements is proposed as a mitigation measure, lands CVP-wide should be considered for easement purchase, not strictly lands within the San Felipe Unit. Also, the Division's ALSP program may serve as a mitigation bank wherein mitigation funds can be deposited for subsequent use in acquiring easements as designated by the donor.

4173-2

Letter from State of California, Governor's Office of Planning and Research, continued

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NO. 528 002

Mr. Tom Stokey
December 6, 1998
Page 2

Thank you for the opportunity to comment on this project's DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 13-71, Sacramento, CA 95814; phone, (916) 324-0850.



Jason Marshall
Assistant Director

Cc: Luree Stetson, Assistant Director
Division of Land Resource Protection

Trinity County Resource Conservation District
P.O. Box 1450
Weaverville, CA 96093

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2377 Technology Parkway, #C
Hollister, CA 95023