United States Department of the Interior

BUREAU OF RECLAMATION
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, California 95821

IN REPLY
REFER TO:

CVO-100
WTR-4.10

FEB 23 2011

Mr. Brian Person
Chairman, Trinity Management Council
P.O. Box 1300
1313 South Main Street
Weaverville, CA 96093

Subject: Operating the Trinity River Division in Accordance with Water Rights Order 90-05 and Other Operational and Regulatory Objectives

Dear Mr. Person:

This is in response to your letter to Mr. Ron Milligan dated June 9, 2009, related to the operations of the Trinity River Division. We understand that you are looking for clarification on the Bureau of Reclamation's (Reclamation) operational policies regarding the Trinity River Division of the Central Valley Project (CVP). I will address your concerns in the order we find them in your letter.

Reclamation operates the Trinity River Division as an integrated part of the CVP in accordance with all applicable laws and contractual obligations. Those include meeting the requirements of State Water Resources Control Board (SWRCB) Water Rights Order 90-05 (WR 90-05), the Trinity River Record of Decision (ROD), SWRCB Water Rights Decision 1641, and the National Marine Fisheries Service June 4, 2009, Biological Opinion regarding the effects of the long-term operations of the Central Valley Project on Central Valley Steelhead, Sacramento River winter-run Chinook salmon, spring-run Chinook Salmon, the Southern DPS of the North American green sturgeon, and the Southern Resident DPS of the killer whales (NMFS BiOp). Reclamation integrates the operations of the divisions of the CVP to meet project purposes and to balance the beneficial uses and address obligations throughout the entire CVP.

In order to evaluate the Trinity River temperature regimes and to help coordinate associated operations with other CVP facility operations, Reclamation understands that the Trinity River Restoration Program has established a Trinity Temperature Work Group (Temperature Work Group). The Temperature Work Group will be functioning as a subgroup of the Sacramento

River Temperature Task Group (SRTTG) and we look forward to the group's participation in the SRTTG. The SRTTG was created to assist with compliance with WR 90-05 and it is tasked with making recommendations to Reclamation on temperature operations for both the Trinity River Division and the Sacramento River Division while considering the coordinated operations implications to both river systems. The SRTTG also functions to meet the Reasonable and Prudent Alternatives of the NMFS BiOp.

Because the Trinity River is an integrated part of the CVP, decisions on the Trinity River operations cannot be made without evaluating impacts to other project objectives. Indeed, WR 90-5 accounts for interactions between the Trinity and the Central Valley:

> Permittee shall not operate its Trinity River Division for water temperature control on the Sacramento River in such a manner as to adversely affect salmonid spawning and egg incubation in the Trinity River.
>
> Adverse effects shall be deemed to occur when average daily water temperature exceeds 56°F at the Douglas City Bridge between September 15 and October 1, or exceeds 60°F at the North Fork Trinity River gaging station between October 1 and December 31 due to factors which are (a) controllable by permittee and (b) are a result of modification of Trinity River operations for temperature control on the Sacramento River.
>
> If the temperatures in the Trinity River exceed 56°F at the specified locations during the specified periods, Permittee shall immediately file with the Chief of the Division of Water Rights a report containing project operational data sufficient to demonstrate that the exceedance was not due to modifications of Trinity River operations for water temperature control on the Sacramento River. If, within fifteen days, the Chief of the Division of Water Rights does not advise Permittee that it is violating this condition of its water right, Permittee shall be deemed not to have caused the exceedance in order to control temperature on the Sacramento River.

It is my belief that the SRTTG, Trinity Flow Scheduling Work Group (Flow Scheduling Group), Temperature Work Group, and Reclamation all endeavor to comply with WR 90-5.
You express a desire to formalize a process to address operational and policy matters for the Trinity River Division of the CVP. The Flow Scheduling Group executes an annual process under the ROD. The Flow Scheduling Group has been successful in developing flow schedules in accordance with ROD criteria, and submitting them to Reclamation for approval. As already

stated, the SRTTG provides another forum for discussion of Trinity River operations in coordination with the rest of the CVP. As the SRTTG already includes representatives from the Trinity River Basin, the addition of representatives from both the Flow Scheduling Group and newly formed Temperature Work Group should be a welcome addition. Reclamation will coordinate with the SRTTG to include these groups' representatives in future meetings.
In your letter, you specifically ask how Reclamation operates to meet objectives included in the 1994 Trinity Basin Plan. We consider the Basin Plan to be objectives that we strive to meet, but do not consider the objectives as permit obligations. We understand that the ROD incorporated the Basin Plan; however that incorporation was done via the ROD flows. The analyses supporting the ROD assumed that operation of the CVP including ROD flows would be sufficient to meet the summertime temperature objectives contained in the Basin Plan. Therefore, if Reclamation releases flow down the Trinity River in accordance with the ROD volume, and as prescribed by the Flow Scheduling Group, then we consider that we are generally meeting our obligations to achieve the Basin Plan objectives. Reclamation does view the Basin Plan objectives incorporated into WR 90-05 as permit requirements.

You are interested in knowing what Reclamation's process is if it is anticipated that Trinity Reservoir storage will drop below 600,000 acre-feet (af). Reclamation has a forecasting process wherein each month we model a potential CVP project operation for the next twelve months for a specific hydrology. If at anytime the forecast for Trinity Reservoir storage drops below 600,000 af, Reclamation would 1) begin evaluating options to increase reservoir storage including but not limited to: reducing diversions through the Carr powerplant, and discussing with the Flow Scheduling Group the possibility of reducing instream flows to increase carryover storage for next year's use; 2) begin discussions with the TMC to inform them of the conditions that might be experienced based on the forecast and to solicit suggestions for how to best work together through a difficult hydrologic period; 3) assess potential actions to address low storage impacts to other project objectives including: impacts to reservoir recreation, reservoir fishery, and power generation; 4) evaluate operations to help maintain instream temperature such as use of the low level outlets at Trinity Dam; and 5) initiate re-consultation with the Fish and Wildlife Service and the National Marine Fisheries Service on conditions in the Trinity River basin in dry and critical years (ROD pg. C-5 (7b.).

With regard to carryover storage targets on Trinity Reservoir, there are no hard and fast carryover objectives. As a general rule, Reclamation strives to operate the CVP to balance carryover storages between Trinity Reservoir and Shasta Reservoir. We consider the refill potential of both reservoirs to help achieve the most efficient use of the CVP water supply. If Trinity Reservoir is low, and Shasta Reservoir is forecasted to have a high carryover, then Reclamation will operate the CVP to minimize Carr diversions and retain as much storage as

possible in Trinity Reservoir while still maintaining temperature objectives to the extent possible on the Trinity River, Clear Creek, and the Sacramento River. Conversely, if Trinity Reservoir storage is high, and Shasta Reservoir is low, then Carr diversions will be utilized to balance the water supply between the Trinity and Sacramento River basins.

I apologize for the delay in responding to your questions, but hope that you will still find this information helpful in understanding Reclamation's operational strategies and concerns with respect to the operation of the coordinated Trinity unit and Shasta units of the CVP. If you have additional questions concerning the operations of the Trinity River Division and the Central Valley Project, please contact Peggy Manza at 916-979-2683.

Sincerely,

Paul Fujitani
Acting, Operations Manager

cc: NCAO
CVO-400 (PManza)