



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Mr. Michael J. Spear
California- Nevada Operations Office
U.S. Fish & Wildlife Service
Department of the Interior
2800 Cottage Way, W-2606
Sacramento, CA 95825-1846

12/14/00

Dear Mr. Spear:

The Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the project entitled **Trinity River Mainstem Fishery Restoration, Trinity County, California** (CEQ # 000382). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The US Fish and Wildlife Service (FWS), US Bureau of Reclamation (BOR), Hoopa Valley Tribe, and Trinity County propose to implement recommendations for permanent instream fishery flow requirements, habitat restoration projects, and operating criteria and procedures for the Trinity River Division (TRD) of the Central Valley Project (CVP), California, necessary for the restoration and maintenance of natural production of anadromous fish in the Trinity River. These recommendations are required by the January 14, 1981, Secretarial Decision that initiated the Trinity River Flow Evaluation Study; the Trinity River Basin Fish and Wildlife Management Act (Public Law 98-541); and the Central Valley Project Improvement Act (CVPIA)(Public Law 102-575).

The Flow Evaluation alternative, coupled with additional watershed protection efforts (e.g., accelerated road decommissioning, road maintenance), is identified as the preferred alternative because it best meets the purpose, need, goals, and objectives of the project, while also minimizing adverse impacts. According to the FEIS, the preferred alternative substantially increases natural production of anadromous fish on the Trinity River mainstem, substantially restores inriver and ocean fishing opportunities, improves tribal access to trust resources, and limits flooding impacts on the Trinity River. This alternative allows for the continued operation of the TRD, including water exports, while balancing the environmental and social impacts across the Trinity River Basin, Lower Klamath River Basin/Coastal Area, and the Central Valley. The preferred alternative would significantly reduce water quality standard violations on the Trinity River.

EPA concurs with the above assessment. We strongly support the preferred alternative and urge approval, funding, and implementation of this alternative as soon as possible. We believe implementation of the preferred alternative will provide significant benefits to fisheries, water quality, and Tribal trust assets and help meet Trinity River water quality standards.

Requesting the State Water Resources Control Board (SWRCB) to amend the BOR's existing SWRCB water permit to be consistent with this Trinity River decision is also important in supporting minimum instream flows, minimum reservoir storage, and TRD operational requirements. We commend the scientifically-based holistic approach which focuses on restoration of river fluvial processes and channel morphology of a healthy alluvial river.

Of special note is the Adaptive Management proposal and detailed Implementation Plan for the proposed action. EPA believes providing adequate cold water refugia and completing channel rehabilitation projects are key in assuring restoration of healthy alluvial river characteristics and fishery benefits. Thus, we urge the proposed Adaptive Environmental Assessment and Management Team to aggressively implement actions which will ensure these key actions take place as soon as possible.

We urge you and other Trinity River interests to seek creative and collaborative ways to ensure adequate funding and resources (e.g., staff) for required infrastructure modifications, channel rehabilitation projects, spawning gravel placement, and watershed protection activities. Creative methods to achieve on-the-ground results could include collaboration and partnerships with local volunteer groups, schools, and County, State, and Federal agencies and programs (e.g., Total Maximum Daily Load (TMDL) development, CALFED, Resource Conservation Districts, State environmental funds and programs).

We appreciate the opportunity to review the FEIS. We look forward to working with you in ensuring consistency and integration with State and Tribal water quality standards and our future TMDL for the Trinity River mainstem. Please send a copy of the Record of Decision to the above letterhead address when it is officially released to the public. If you have any questions, please call me at (415) 744-1584, or Laura Fujii, of my staff, at (415) 744-1601.

Sincerely,

David Farrel, Manager
Federal Activities Office

Filename: trinityfeis.wpd
MI002317

cc: Joe Polos, US Fish and Wildlife Service
Russell Smith, Bureau of Reclamation
Jim Bybee, National Marine Fisheries Service
James M. Stubchaer, Chairman, California SWRCB
Robert Franklin and James Roble, Hoopa Valley Tribe
Mike Belchik, Yurok Tribe
Tom Stokely, Trinity County

Summary Paragraph for HQ OFA

EPA urged approval, funding, and implementation of the Preferred Alternative as soon as possible and the amendment of BOR's existing SWRCB water permit to be consistent with the minimum instream flows, minimum reservoir storage, and TRD operational requirements of this alternative.

cc:

Joe Polos, US Fish and Wildlife Service, 1125 16th St. Room 209, Arcata, CA. 95521, 707-822-7201, -Joe-C-Polos@fws.gov, Fax - 707-822-8136 or 707-822-8411.

Russell Smith, US Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA. 95825-1898

Jim Bybee, National Marine Fisheries Service, 777 Sonoma Ave, Room 325, Santa Rosa, CA. 95404

James M. Stubchaer, Chairman, State Water Resources Control Board (SWRCB), PO Box 100, Sacramento, CA. 95812

Robert Franklin and James Roble, Hoopa Valley Tribe, Hoopa Tribe Fisheries Department, P.O. Box 417, Hoopa, CA. 95546
Fax: 530-625-4995

Mike Belchik, Yurok Tribe, 15900 Highway 101 North, Klamath, CA. 95548

Tom Stokely, Trinity County Natural Resource Division (of the Planning Department), Trinity County, PO Box 156, Hayfork, CA. 96041-0156, fax 530-628-5800.

bc: Fujii will send bc's via email to those below

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