

# Trinity River water releases halted until hearing next week

By DEVAN SCHWARTZ H&N Staff Reporter | Posted: Tuesday, August 13, 2013 11:45 pm

A temporary restraining order has stopped planned releases of Trinity River water in California to aid fish habitat at least until next week when the court will hear arguments on the issues of protecting migrating salmon vs. helping irrigators with more water in a drought year.

Details upcoming in the Herald and News.

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(Posted earlier) Lawsuit could stop flow to Klamath River

Trinity River water releases meant to supplement Klamath River flows and prevent a fish kill began Tuesday morning at 8 a.m., though court action could stop them within the week.

In July, the Bureau of Reclamation proposed releasing at least 62,000 acre-feet of water from the Klamath River's largest tributary in California in advance of a large salmon run and low water.

After a comment period, Reclamation announced its intention to release the Trinity River water, starting Aug. 13.

Yet a lawsuit seeking to block the releases was filed the same day on behalf of Central Valley water districts.

In proposing to release additional Trinity River water, Reclamation completed an environmental assessment that concluded the action wouldn't have significant environmental impacts.

The attorney for the water districts said a complete environmental impact statement is required to prove this point, which Reclamation claimed through a streamlined process called an environmental assessment.

An EIS would take significantly longer and couldn't be completed until well after fall salmon runs.

Fishing and conservation groups along with Native American tribes seek to intervene and prevent the federal district court in Fresno from blocking the releases while it deliberates.

The intervening parties are the Hoopa Valley and Yurok tribes and two fishing groups (Pacific Coast Federation of Fisherman's Associations and Institute for Fisheries Resources).

"Nearly half of the total flows from the Trinity River are already diverted from northern California to the Central Valley for irrigation needs. Westlands' demand for even more would take it from Trinity-Klamath River fish," reads part of a statement from the fishing groups.

Danielle Vigil-Masten is chairwoman of the Hoopa Valley Tribe and issued her own statement in defense of the water releases.

“Our fisheries scientists are very concerned about developing fish disease conditions in the lower Klamath River, conditions that will affect the salmon runs returning to the Trinity River,” Vigil-Masten said. “Accordingly, the Hoopa Valley Tribe has strongly supported the decision of the Bureau of Reclamation to release additional Trinity River water to ameliorate conditions in the lower Klamath River.”

Dan O’Hanlon, attorney for the water districts, said that even as Trinity releases begin Tuesday morning the parties are waiting for the federal district court in Fresno’s ruling on a temporary restraining order.

The case has been assigned to Judge Lawrence O’Neill and a ruling on the restraining order is expected this week.

If the restraining order is not granted, and the releases continue as scheduled through Sept. 21, the legal process continues until the judge decides on larger questions of whether an environmental impact statement should have been filed.

“We have a strong case and a strong motion, that’s my honest opinion, but we’ll see how the court rules,” O’Hanlon said.

The Central Valley water districts argue that lost hydroelectric power and impacts to farming and salmon habitat on the San Joaquin side should have been taken into account — this being the second straight year of Trinity River releases into the Klamath River without the legal basis.

Tom Schlosser is a Seattle-based attorney for the Hoopa Valley Tribe and thinks the judge is likely to side with the tribes, the fishing groups and the federal government.

“My gut instinct is they’ll deny the temporary restraining order,” Schlosser said. “They’ve got to show they’ve raised serious legal questions, and I don’t know that they have.”

Schlosser said the Central Valley water districts’ claim that the Trinity River releases are doing them harm are quite speculative. “Whether or not these releases are made to avert a fish kill, there won’t be additional deliveries to the San Joaquin Valley this year.”

“These emergency cold water releases will help salmon survive this drought,” said Glen Spain, Northwest regional director of Pacific Coast Federation of Fishermen’s Associations. “Why should Central Valley corporate farmers get all the water they demand while coastal fishing-dependent communities get dead fish and dry rivers?”

Yet Tom Schlosser did acknowledge that water allocations to the west side of the San Joaquin Valley are much lower than those for the Klamath Project. “They’re going to get about 20 percent of their

contract amount,” he said.

In a severe drought year in both the Klamath Basin and the Central Valley, every drop of water is precious and the legal actions on both sides exemplify this.

For now, Reclamation officials say about 750 cubic feet of water per second are being released into the Trinity River from the Lewiston Dam.

Unless Judge O’Neill blocks the releases, they will continue through late September alongside a large expected run of Klamath salmon.

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