



BOARD OF SUPERVISORS  
**COUNTY OF HUMBOLDT**

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March 25, 2003

The Honorable Gale Norton  
 Secretary of the Interior  
 MS6217-MIB  
 1849 "C" Street, N.W.  
 Washington, D.C. 20240

**RE: Klamath River Fishery Water Supply**

Dear Secretary Norton:

Commercial, sport, and tribal fisheries in Humboldt County are dependent on anadromous fish produced in the Klamath-Trinity River system, and were devastated by the catastrophic loss of more than 30,000 adult salmon last year. These fisheries are an integral component of Humboldt County's economy and are closely associated with the quality of life in our North Coast communities. The cause of the fish kill is largely attributable to impacts of low flows and resultant warm water temperatures, and preliminary data indicates that a significant portion of the fish killed were of Trinity River origin.

The purpose of this letter is to advise you that the Humboldt County Board of Supervisors has concluded that it is essential to act now to ensure that a similar fate does not befall returning adult spawners in the summer and fall of 2003. Accordingly, Humboldt County has decided to allocate to the lower Klamath fishery the water to which it is entitled from the Trinity River Division of the Central Valley Project under the Act of August 12, 1955 (69 Stat. 719) ("1955 Act") and the County's June 19, 1959, contract with the Bureau of Reclamation. Section 2 of the 1955 Act provides "That not less than 50,000 acre-feet shall be released annually from the Trinity Reservoir and made available to Humboldt County and downstream water users." We respectfully note that there is no federal agency discretion associated with that statutory mandate and the Bureau of Reclamation's seven (7) Trinity River Water permits contain nearly identical language for the "Beneficial Use of Humboldt County and other downstream users."

The Board understands that the projected in-river return of fall Chinook spawners is estimated to be slightly below last year's levels. Further, juvenile salmonids will be rearing in and emigrating from the Klamath/Trinity system throughout the spring and summer months. Accordingly, it is imperative that these fish that have survived the disaster of 2002 be afforded optimal conditions for growth and emigration. By exercising the entitlement, Humboldt County is able to utilize the water in a manner consistent with sensitive beneficial uses associated with maintenance of resident and anadromous fisheries in the Klamath/Trinity system, and contribute to economic and cultural benefits associated with river activities, including tribal/commercial/sports fisheries, recreation, and power generation.

The Board has been furnished a copy of the report entitled "Recommendation for Averting Another Adult Salmonid Die-off" (March 18, 2003) prepared by: Paul Zedonis, Fisheries Biologist, U.S. Fish and Wildlife Service; and Daryl Peterson, Andreas Krause, and Glenn Yoshioka, scientists with the Trinity

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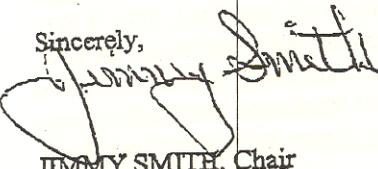
River Restoration Program. We are advised this report was ordered to be prepared by the federal court in pending proceedings regarding the Trinity River restoration program. The report sets out three water supply scenarios that we believe could provide needed protection for the lower Klamath fishery. We request the opportunity to meet with your staff as soon as possible to discuss the use of Humboldt County's entitlement pursuant to one or a combination of those scenarios.

Please be advised in this regard that a critical factor in planning the use of Humboldt County's statutory and contractual entitlement to water for the benefit of the lower Klamath fishery is that it not interfere in any way with the management of Trinity River Division releases of water for the restoration of the anadromous fishery in the mainstem of the Trinity River below Lewiston Dam. Humboldt County supports the Secretarial Record of Decision (ROD) issued on December 19, 2000, for mainstem Trinity River fish restoration. We trust that you intend to maintain a vigorous defense of the ROD in pending litigation brought by Central Valley interests, as requested in previous correspondence. If the Trinity ROD is not implemented as soon as possible, our collective efforts on the lower Klamath could well prove to be futile.

Please note that our determination to commit Humboldt County's entitlement to Trinity River Division water to the lower Klamath River will not relieve the need for appropriate water conditions on the Klamath River between the Trinity River confluence and Iron Gate Dam. That reach of the Klamath River and its tributaries are extremely important to the Klamath fishery and we request that you take appropriate measures to secure needed water supplies for that part of the basin as we are doing for the lower Klamath.

Thank you for your anticipated attention to this urgent matter. May we please hear from you at your earliest convenience?

Sincerely,



JIMMY SMITH, Chair  
Board of Supervisors

JS/kr

cc: Honorable Mike Thompson  
Honorable Dianne Feinstein  
Honorable Barbara Boxer  
Honorable Wesley Chesbro  
Honorable Patty Berg  
Board of Commissioners, Curry County  
Board of Supervisors, Del Norte County  
Board of Supervisors, Trinity County  
Clifford Lyle Marshal, Chair Hoopa Tribal Council  
Alvis Johnson, Chair Karuk Tribal Council  
Susan Masten, Chair Yurok Tribal Council  
Klamath Mngmt Zone Fisheries Coalition  
Humboldt County Fishermen's Marketing Association  
Pacific Coast Federation of Fishermen Association