



Westlands Water District

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PRESS RELEASE

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Westlands Urges Reclamation to Comply With ESA Regarding Releases to the Trinity River That Harm Threatened and Endangered Salmon in the Sacramento River

FRESNO, CA - Today, Westlands Water District, along with the San Luis Delta-Mendota Water Authority, sent to the Department of the Interior a Notice of Violation of the federal Endangered Species Act (ESA), which asserts that the Bureau of Reclamation's action to release additional water from Trinity Reservoir to the Trinity River in August and September of 2014, violated the ESA. Specifically, Reclamation's failure to consult with the National Marine Fisheries Service (NMFS), an agency within the Department of Commerce, regarding the potential effects on winter-run Chinook salmon of reoperating Trinity Reservoir violated section 7 of the ESA.

In December 2000, former Secretary of the Interior Bruce Babbitt signed a record of decision that prescribed flow criteria for the Trinity River. These criteria were established to meet federal trust responsibilities to Native Americans and to meet the fishery restoration goals of federal law, and according to Interior the flow criteria were based on "extensive scientific effort to determine appropriate flows and other measures necessary to restore and maintain the Trinity River's anadromous fishery." These criteria were meant to be "permanent" and the record of decision signed by Secretary Babbitt provided that the annual flow volumes "may not be changed." Moreover, in adopting these flow criteria, Interior rejected alternatives that would have resulted in higher flow volumes because those higher flows would "exclude or excessively limit [Reclamation's] ability to address the other recognized purposes of the [Trinity River Division]," including providing cold water for salmon in the Sacramento River and supplying water to farmers.

Despite language in the record of decision that annual flow volumes "may not be changed," in 2012, 2013, and 2014, Reclamation did change the annual flow volumes without regard for the effects those changes would have on the winter-run Chinook salmon and other species listed under the ESA. Under intense political pressure, Reclamation increased releases down the Trinity River in 2012, 2013, and 2014, by an additional 120,000 acre-feet. But the release of that additional water down the Trinity

River impaired Reclamation's ability to maintain cool water temperatures for the benefit of endangered winter-run Chinook salmon and threatened spring-run Chinook salmon in the Sacramento River. Indeed, in the fall of 2014, excessive water temperatures in the Sacramento River significantly increased the mortality of salmon eggs and fry. Presently, the State Water Resources Control Board is considering additional restrictions on the operations of Shasta Reservoir to protect cold water temperatures, which could further diminish Central Valley Project water supplies for farms and cities. The need for these potential restrictions would have been ameliorated, at least in part, had Reclamation not released the additional 120,000 acre-feet of water from Trinity Reservoir over the past three years.

Notwithstanding these adverse consequences on listed species, Reclamation has already been asked to make additional releases from Trinity Reservoir again in 2015. In each of the past years, Westlands has warned of the potential adverse consequences for endangered fish in the Sacramento River, and has urged Reclamation to avoid any further additional releases for salmon in the lower Klamath River until it has first completed consultation under the ESA.

In the Notice issued today, Westlands and the Authority again urge Reclamation to fulfill its duty to consult regarding the impacts of these releases on listed fish species. In a year where homeowners, farmers, and communities are being asked to make responsible decisions relative to their water use, we ask the government to do the same.

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