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Friends of the Trinity River
Subcommittee on Water and Power
Committee on Natural Resources
Legislative Hearing on H.R. 2733 (Thompson), Trinity River Restoration Fund Act
Tuesday, September 18, 2007, 10:00 a.m.

Madam Chair and Members of the Subcommittee, my name is Thomas Weseloh. I am the Northcoast Manager of California Trout and a member of the Board of Friends of the Trinity River. On behalf of both organizations, I thank you for holding this Hearing on the Trinity River Restoration Fund Act.

I also want to thank Congressman Thompson, who introduced legislation which, if enacted, will allow the Trinity River to be restored. This program is critical to the future of the Trinity River Basin and the North Coast of California and Southern Oregon land and ocean economies.

California Trout is a statewide conservation organization comprised of over 7,500 members most of whom are sport fishermen. Friends of the Trinity River was formed to support effective restoration of the river. It is a coalition of virtually every economic and recreational interest in this neglected part of California, as well as others throughout California and Oregon.

In addition to these roles, I have been appointed to the Trinity Adaptive Management Working Group by Interior Secretary Gale Norton.

All of us are working toward healing a badly damaged and exploited natural resource. We are working toward a restored Trinity River Basin. We are working toward a rejuvenated Northern California and Southern Oregon economy, plagued by one of the country's highest unemployment rates.

We strongly support H.R. 2733, the Trinity River Restoration Fund Act. The legislation would provide a new funding authority and source for restoration of California's Trinity River.

We appreciate the opportunity to appear before you to provide support for a unique opportunity that's being presented to you: A national model of a restored river basin ecosystem below a federally financed dam, and the strengthening of dependent and depressed economies of Northern California and Southern Oregon.

If the Trinity River ecosystem is to be restored to pre-dam levels as mandated by several Congresses, the Trinity Restoration Program needs a source of funding above and beyond the current Bureau of Reclamation (BOR), U.S. Fish and Wildlife Service (USFWS) and Central Valley Project Improvement Act (CVPIA). A source that has reliability until the envisioned and mandated work is complete.

The Trinity River Restoration Program, supported by four levels of government (Federal, State, Tribal and County), needs a firm source of funding for the Program to achieve what bi-partisan Congresses have supported for 52 years.

The pre-legislative history of the Trinity Division of the Central Valley Project is rife with federal government promises that the Trinity Basin would not be harmed by construction of Trinity Dam and related facilities.

These promises at public hearings are perhaps best summarized by a quote from then-Congressman Clair Engle that "...the Trinity project does not contemplate diversion of one bucketful of water which is needed in this (Trinity) watershed."

It also was asserted by a BOR official and a representative of Central Valley Project interests (Westlands Water District) that the "fisheries would be improved".

Legislation creating the Trinity River Division in 1955 authorized and directed the Interior Secretary "...to adopt appropriate measures to insure the preservation and propagation of fish and wildlife...". Additionally, Congress specifically provided that in-basin flows (in excess of a statutorily prescribed minimum) determined by the Secretary to be necessary to meet in-basin needs take precedence over needs to be served by out-of-basin diversion (P.L. 84-386).

Congress was told in 1956 that no more than 56 percent of the river's water would be diverted to the Central Valley Project. This statement to Congress never has been revised.

Upon completion of the dam in 1963, the BOR promptly began diverting 90 percent of the river's water. Fish populations began decreasing significantly. One measure of the destruction created by water diversions, is that fish populations in the Trinity River declined by more than 90 percent by the late 1960s.

Federal studies were initiated in the late 1960s and early 1970s to determine the cause of fishery declines, and to recommend corrective action to restore fish and wildlife in the Basin to comply with the law. The Trinity River Basin Fish and Wildlife Task Force was formed in 1974 by federal and state agencies to develop an action plan for restoration.

In 1981 Interior Secretary Cecil Andrus directed that flows in the river be increased by varying amounts based upon water-type year runoff in the watershed. He also directed USFWS to initiate a 12-year flow study to determine flows needed in the river to rejuvenate the fisheries. His administrative mandate of increased flows was never implemented because of emerging drought conditions.

Congress passed the Trinity River Basin Fish and Wildlife Act (PL 98-541) in 1984 authorizing programs to “restore fish and wildlife population to levels approximating those which existed immediately prior to construction of the Trinity Division.”

In 1991 Interior Secretary Manuel Lujan ordered an increase of flows back into the Trinity River from 150 to 340 thousand acre feet annually.

The Central Valley Project Improvement Act (PL 102-575) of 1992 required and directed the Interior Secretary to determine by year-end 1996 the flows required to achieve restoration of the river, to make a decision on permanent flows back into the river, and to implement his decision.

The Trinity River Basin Fish and Wildlife Act (P.L. 104-143) was amended and reauthorized in 1996 another signal of the government’s clear intent that Trinity River restoration remained a high priority and should continue while the overdue flow study and an implementation plan were being developed. It clarified the 1984 Act stating that “restoration is to be measured not only by returning adult anadromous fish spawners, but by the ability of dependent tribal, commercial, and sport fisheries to participate fully...in the benefits of the restoration.”

In December 2000, 19 years after direction to initiate a 12-year flow study, Interior Secretary Bruce Babbitt signed the Record of Decision (ROD) for the Trinity River Mainstem Fishery Restoration Environmental Impact Statement/Report (FEIS/EIR). The purpose of the FEIS/EIR is “to restore and maintain the natural production of anadromous fish on the Trinity River mainstem downstream of Lewiston Dam”. The FEIS/EIR stated that the need for the action resulted from Congress:

“(1) mandated that diversions of water from the Trinity River to the Central Valley Project not be detrimental to Trinity River fish and wildlife resources; (2) finding that construction and operation of the Trinity River Division (TRD), as well as other factors, have contributed to detrimental effects to habitat and have resulted in drastic reductions in anadromous fish populations; (3) finding that restoration of depleted stocks of naturally produced anadromous fish is critical to the dependent tribal, commercial and sport fisheries; and (4) confirmation of the federal trust responsibility to protect tribal fishery resources affected by the TRD.”

The ROD includes an implementation plan that clearly describes actions to be taken to restore the Trinity River as well as a structure for implementing an adaptive management process.

Both by history and by law, Trinity’s fisheries and wildlife have priority over the diversion of any water to the Central Valley Project, and must be protected and restored.

In short, every administration and Congress has recognized the importance of restoring the Trinity River and although the legislative history, mandates and administrative directives are clear the required funding to meet them has yet to be provided.

The ROD was never adequately funded and funding levels were based on early estimates that have not been properly revised to reflect today's economic realities. The funding envisioned by the ROD was \$15 million initially for major construction and floodplain modifications, then reduced funding thereafter for continued watershed and tributary rehabilitation to stop sediment loading in the river, gravel introduction, monitoring of results of actions, and changes required thereafter in operations. The \$15 million was never provided. The BOR was to provide \$7 million, USF&WS \$7 million and CVPIA Restoration Fund \$1million. The BOR budget is based on ROD projections that severely underestimated program costs, especially floodplain modification projects. The average annual funding since the ROD has been \$9.8 million from sources including the state of California.

The ROD significantly underestimated the complexity and funding requirements to accomplish the floodplain modification work in advance of the ROD flow releases. As an example, the ROD estimated \$350,000 for this purpose when in fact the true cost is in excess of \$5 million. As studies were finalized and inventories completed, it was determined that roads needed to be raised, pump houses, wells and sewer systems moved or reconstructed, driveways rebuilt, houses raised or otherwise protected, and additional properties purchased in fee title. Full funding for this aspect of the program, assuming past funding levels continue, will result in other critical aspects of the program being under-funded.

The Trinity River Restoration Program is designed to meet Trinity Basin needs through water efficient methods. The ROD returned 47 percent of river's water, and required extensive construction and channel rehabilitation for the first few years and continued work thereafter. It directs peak Lewiston Dam releases of up to 11,000 cubic-feet-per-second (cfs) based on water year type in combination with mechanical channel rehabilitation to improve physical fish habitat and to restore the geomorphic processes present in a healthy alluvial river. Without the funds H.R. 2733 would provide for implementing the ROD through watershed restoration and channel rehabilitation projects additional water will be required to meet Program objectives.

As a Trinity River Restoration Program participant for over 15 years and a Trinity Adaptive Management Working Group member, appointed by the Secretary of Interior, I have direct experience that this legislation is of urgent need and appropriately addresses the fundamental issues delaying restoration of the Trinity River.

During the Trinity River Restoration Program annual budget process we are required to spend a tremendous amount of time attempting to prioritize project activities since we do not have adequate funding. It is not an exercise in "trimming the fat" but instead a decision on which appendage we should cut off.

In recent years we have implemented a process where we track "Full ROD Program" costs by identifying what we need instead of identifying how to spend what limited

funding we have. These estimates exceed what HR 2733 has identified as funding necessary for the Trinity River Restoration Program.

While we appreciate BOR year end funding augmentations to the program and their willingness to attempt to secure additional funds we have a gap of millions of dollars per year not hundreds of thousands.

Not only were estimates in 2000 far too low but it is no surprise today's dollars do not go as far as they used to. Costs have risen for construction, materials, labor, etc. Unanticipated costs have arisen including additional permitting.

Implementation is several years behind. Channel rehabilitation projects are years behind even with a several million dollar infusion of outside funding and we have a huge "bow wave" of costs for future projects. Science components are lagging. Watershed rehabilitation projects were to receive \$2 million per year according to the ROD and I don't believe they have received that much cumulatively since 2000.

All the above needs are in competition for scarce funding thus delaying implementation by years and recovery by decades.

Unlike most rivers throughout the United States the Trinity River has a completed flow evaluation study, a signed ROD that includes an implementation plan, a well established Trinity River Restoration Program and stakeholder support. We are not starting from square one. We are positioned for success but lack adequate funding. H.R. 2733 will specifically address this deficiency.

Without H.R. 2733:

- Costs will continue to rise and inefficiencies from spreading projects over multiple years due to a lack of funding will add to the total costs.
- We will make more mistakes than necessary due to a lack of funds to adaptively manage through proper hypothesis development, testing and subsequent improved practices.
- Construction could get ahead of the science as there is pressure to implement on the ground projects as fast as possible thus starving the science portion of the budget.
- We will fail to meet the flow study and ROD objectives.
- The Program will fail to meet mandates, directives and expectations.
- Fishing (tribal, commercial and recreational) will all be continually curtailed at a huge economic cost to northern California and southern Oregon communities where as much as 700 miles of coastline have been closed to fishing as a result of low salmon populations in the Klamath and Trinity Rivers.
- The federal government will once again fail to meet their obligations.
- We will be viewed as a continuing problem and not a solution to our economic and ecosystem crisis.
- We will not be the national model we could and should be.

We must not impede decades of scientific study, research, cooperation, project implementation, and investment. We must expedite restoration of our river, fisheries and dependent economies.

Madam Chair, I ask you not let this unique opportunity die and urge the Committee to support H.R. 2733 and provide the funding the Program requires to be completed within the timelines of the Record of Decision in order to fully implement river restoration. You can make certain that this rare, unique chance for achievement of a national model of river restoration below a federally financed dam succeeds by supporting HR 2733.

On behalf of all sportfishing organizations in California and beyond, I respectfully ask you to help achieve this once in a lifetime victory for a restored Trinity River basin ecosystem with your votes.

Thank you once again for inviting me to testify. We have a unique opportunity before us and our children and grandchildren will be grateful you made the right decision.