CC_MC_1018_023

Klamath Falls Hearing - 10-18-2011

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STATEMENT PROVIDED BEFORE PUBLIC HEARING

(Directly to Court Reporter)

MR. THOMAS GUARINO: I am Thomas Guarino,

G-u-a-r-i-n-o. Good evening. I'm speaking on behalf of

the Board of Supervisors of Siskiyou County this evening.

We've recently received the release of the EIR/EIS

Comment 1 - NEPA

study for the four dams being removed. And we have also

made a request for an extension of time, we have yet to

hear back on.

I note in the slide show tonight nothing was

Comment 2 - Economics

mentioned, in fact, essentially all the burdens of this

removal when it occurs is in Siskiyou County, and we are

going to get a job loss.

Comment 3 - Alternatives

I think what needs to be noted at the outset is

this entire study is predicated on a false paradigm. That

is, the removal of the dams is better than doing nothing.

The exclusion of the other alternative is based

primarily on the fact that hundreds of millions of dollars

in the Klamath Basin Restoration Agreement won't flow to

the special interests who have been working on these

agreements if the dams don't come out.

If you remove the fact of the KBRA from this

equation, the conclusion is that leaving the dam then is not only more cost effective but is also appropriate. Why does this matter? You're here to talk about the EIR and EIS.

That's because the very paradigm that has been created in this analysis forces a conclusion that dam removal is the only way to go. When you look at this document, the alternatives that are excluded are excluded primarily because the Klamath Basin Restoration Agreement won't occur.

Comment 4 -NEPA

The County of Siskiyou has on multiple occasions advocated for sound findings, and, in fact, was a participant in the early discussions; and because of this participation President Obama's statement on scientific integrity was incorporated into these agreements.

It is used as a baseline, the scientific determinations. Let's see what your panel of experts say.

The panel did not have the time or resources to examine original data or redo the analysis. Such action seems straightforward and appropriate. The prospects for improvement of water quality have been acknowledged by a call for substantial funding for further investigations.

The expert panel expressed concern that the magnitude of the proposed solutions may not dash the scope

and extent of the water quality problem.

A couple other comments they made about the KBRA was that it was too vague for them to fully analyze, it was too speculative in nature.

These are the very experts retained by the federal government to advise them. This evening I will provide comments on 63 separate instances of the failure of either the KBRA or the underlying data to meet the President's standards for scientific integrity. These have been previously provided to the Secretary of the Interior, yet we received no response.

Comment 5 -NEPA

The Council on Environmental Equality has established guidance on mitigation under NEPA. This guidance identifies the threat and asks that you not go forward unless there is full funding of the identified impact.

These agreements by your own panel's analysis do not fully fund and mitigate the impact. I'm running out of time to fully cover all the flaws that have been there and that are identified in the EIR, EIS.

Comment 6 - NEPA

In short, there is no opportunity for a meaningful review. Sixty days after years of work doesn't give the citizens or the county time to fully analyze it.

THE FACILITATOR: Thank you.

MR. GUARINO: Yes, Ma'am. I speak on behalf of Siskiyou County. I represent over 40,000 people, give me a minute.

THE FACILITATOR: We have sixty-five people --

MR. GUARINO: Give me a minute. I drove all the way up here. 70, 80 percent of people in the county want to be heard.

Comment 7 - Costs

Lastly, who really believes that the expenditure of a billion dollars or more to remove perfectly good hydroelectric facilities has a chance of going forward in this economic economy. How many more jobs are going to be cost? Who thinks the people of the state of California are going to saddle themselves with an $11 billion in debt to fund this.

I would like to thank you for the opportunity to speak tonight. Wish I had a couple more seconds to talk to you. Dennis and I have talked in the past.

I would like to know where I can leave the list of comments that I have.

THE FACILITATOR: Put them in the box, box is fine. That would be great.

MR. THOMAS GUARINO: I apologize to folks for taking the extra 60 seconds.

Comment Author	Guarino, Thomas
Agency/Assoc.	General Public
Submittal Date	October 18, 2011

Comment Code	Comment Response	Change in EIS/EIR
CC_MC_1018_023-1	Master Response N/CP-12 Comment Period.	No
CC_MC_1018_023-2	Section 3.15.4.2 identifies estimated employment effects in the affected areas, which includes Siskiyou County. Siskiyou County is included in the economic region for dam decommissioning, operation and maintenance, mitigation, irrigated agriculture, in-river sport fishing, refuge recreation, whitewater boating, and KBRA effects. There would be both new jobs and job losses in Siskiyou County as a result of dam removal.	No
CC_MC_1018_023-3	The Lead Agencies did not assume that "removal of the dams is better than doing nothing," as stated in the comment. The Lead Agencies fully analyzed the environmental impacts of the No Action/No Project Alternative (Alternative 1), the Proposed Action (Alternative 2), and three other action alternatives. The comment author also states that alternatives are excluded because they do not contain the KBRA; however, two of the action alternatives do not include the KBRA (Alternatives 4 and 5).	No
CC_MC_1018_023-4	Master Response AQU-6 Expert Panel Coho, Steelhead, and Chinook. Master Response AQU-14 Expert Panel Resident Fish. Master Response AQU-15 Expert Panel for Lamprey. Master Response AQU-17 Expert Panel Second Line of Analysis, Not the Only Line of Evidence. Master Response AQU-21 NRC Dam Removal Help Coho. Master Response AQU-22 Expert Panel Considered in Entierty. Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose Dam Removal.	No
CC_MC_1018_023-5	The Council on Environmental Quality s (CEQ) guidance on mitigation, which was issued in January 2011, also recognizes that "NEPA itself does not create a general substantive duty on Federal agencies to mitigate adverse environmental effects." See p. 3. The expert panel reports are not a part of the NEPA analysis, and therefore, while the Secretary may consider their recommendations on mitigation in making his decision on whether to remove the four PacifiCorp dams, those recommendations are not binding on the DOI. The ROD will include a statement as to "whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not," as required by the CEQ regulations. 40 CFR	No

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	§ 1505.2(c). However, the guidance to which the comment author refers, is non-binding guidance issued by CEQ, and as such, does not have the same effect as the regulations promulgated through notice and comment rulemaking.	
CC_MC_1018_023-6	Master Response N/CP-12 Comment Period.	No
CC_MC_1018_023-7	Master Response COST-1 Cost Estimate.	No
	Section 3.15 evaluates effects to jobs as a result of the project alternatives.	

CC_LT_1114_018

November 10, 2011

Draft EIS/EIR on Klamath Dam Removal
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Comment 2 - Alternatives

Comment 1 - Alternatives

Draft EIS/EIR on Klamath Dam Removal fails to address:

- "the purpose of the proposed Federal action is to advance restoration of the salmonoid fisheries in the Klamath Basin that is in the public interest, and is consistent with the KHSA and KBRA." This statement presented in the public meetings **requires a full analysis of alternatives and solutions outside the KHSA and KBRA**. The following proposed Alternatives and solutions can be accomplished outside the agreements:

1. Construction of a fish by-pass concept. The engineered by-pass, the "Shasta Nation By-Pass" or The Tunnel By- Pass require full analysis for fish passage.
2. Eradication of the C. Shasta bacteria in the Klamath River will allow salmonoid fisheries restoration. It has been proposed to dry up the flows of the Klamath below Irongate Dam. A requirement is to shift the water flows else where. The reserved 60,000 cubic acre feet diversion water right for the Shasta Valley under the Siskiyou County Flood Control and Water Conservation District can fulfill the diversion requirement with the construction of the Shasta Valley Canal. The California Department of Fish & Game has studied the Shasta Valley Canal concept with findings reported in 2007.
3. Increase spawning escapement. A full analysis of ocean conditions and the impacts on salmonoid fisheries. "The Decline of the Shasta River King Salmon Run" by J. H. Wales, Bureau of Fish Conservation California Division of Fish and Game April 10, 1951 indicates a priority of "increase spawning escapement by reducing both commercial troll fishery and the sport catch at the mouth of the Klamath".
4. Implementation of an eyed-egg injection project, (Redd-Zone) in the Klamath Basin. Redd-Zone is a viable tool to implement now for fisheries reintroduction or increase fisheries populations before the existence of Coho vanishes.

Comment 4 - Alternatives

Comment 3 - Alternatives

Comment 6 - Fish

Comment 5 - FERC

- The FERC studies and findings on dam removal alternatives and it's determination that dam removal is not a viable alternative.

- Analysis of the year to year mitigation measures by the California Department of Fish & Game at Iron Gate Hatchery on salmonoid populations.

- Analysis of the Global Warming effects on the energy facilities that will replace the current emission free hydroelectric power facilities should a determination to remove the hydro electric facilities be declared.

- Analysis of the Global Warming effects on the deconstruction of emission free hydroelectric faculties.

- Analysis of the Global Warming effects due to impact of replacement power not being emission free.

Comment 7 - GHGs

- Acceptance of the recommendations of the 2008 National Academy of Science Inflow Study Report in the Klamath Basin.

Comment 8 - Fish

- Analysis of hydro-electric utility cost borne to consumers resulting from direct federal and state imposed regulations on PacifiCorp Klamath Hydro-electric operations. The public benefit of emission free, cost efficient power to consumers must be realized over government imposed regulatory confiscation of private enterprise.

- Analysis of restoring salmonoid fisheries under existing conditions in the Klamath Basin bearing out an efficient solution to all concerns without the lenses of the KHSA and KBRA agreements.

Comment 9 - General/Other

Comment 10 - NEPA

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Agency/Assoc.	County of Siskiyou
Submittal Date	November 11, 2011

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CC_LT_1114_018-1	Master Response ALT-2 Elimination of Alternative 10 Fish Bypass: Bogus Creek Bypass and Alternative 11-Fish Bypass: Alternative Tunnel Routing from Detailed Study.	No
CC_LT_1114_018-2	Anadromous fish in the Klamath Basin have declined from historical populations levels (Draft EIS/EIR Section 3.3.3.1, Table 3.3-1, p. 3.3-4). Controlling C. Shasta and other fish pathogens would contribute to restoration of salmon in the Klamath Basin, but as an alternative, this concept would not be sufficient to address all of the elements of the purpose and need/project objectives because it would not address the other factors that are causing the decline of anadromous fish populations. The ability of the mainstem Klamath River to support the rearing and migration of anadromous species is reduced by periodic high water temperatures during summer, poor water quality (low DO and high pH; see Sections 3.2.3.5 and 3.2.3.6), and disease outbreaks during spring. The Proposed Action offers greater potential than the Current Conditions in reducing disease-related mortality in Klamath River Chinook salmon (Goodman et al. 2011; p. 12). Increased variability in flow management, and the restoration of a more natural sediment regime by implementation of the Proposed Action would likely reduce the suitability of habitat conditions for M. speciosa, the invertebrate host for P.minibicornis and C. Shasta. The removal of Iron Gate Dam would also remove a major barrier to fish migration, reducing the concentration of adults that presently occurs downsteam from the dam. Greater dispersal of spawning adult salmon would reduce their proximity to dense populations of polychaetes (Draft EIS/EIR Section 3.3.4.3, p. 3.3-88). The No Action/No Project Alternative was most likely to perpetuate the current C. Shasta and P.minibicornis problems and other disease issues because it perpetuates the factors that contribute to high infection rates (Draft EIS/EIR Section 3.3.4.3, p. 3-58). We are not aware of any proposal to dry up flows of the Klamath River below Iron Gate Dam in order to combat C. Shasta. The issue of the Shasta Valley Canal and associated 60,000 acre-foot water diversion by the Siskiyou County Flood Control and Water Conservation District is beyond the scope of this document.	No
CC_LT_1114_018-3	Wales (1951) first recommendation is increasing the spawning escapement goals to protect the Chinook salmon population in the Klamath Basin (p. 64). Wales also finds pollution from gold mining in the Yreka, California area and human predation at spawning time may have affected salmon returns to the Shasta River (p. 62). Wales also notes "Two other important predisposing factors which probably have been very important in bringing about the decline	No

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	are the Copco power dams and the Shasta Valley Irrigation projects." (p. 62). Wales describes impacts such as daily low water flows, increases in the late summer water temperatures behind Copco 1 Dam and loss of several miles of spawning area due to construction of dams. Since 1987, based, in part, on recommendations from the Klamath Fishery Management Council, the Pacific Fishery Management Council (PFMC) amended the spawning escapement goal for fall Chinook salmon within the Klamath Basin. Rather than establishing a fixed numerical ocean escapement goal, the PFMC adopted a policy of "Harvest Rate Management". Under harvest rate management the overall goal is to allow a fixed percentage of all salmon from each brood year to spawn. The allocation method allows the spawning escapement to fluctuate with population size. In high population years of high population abundance the escapement would be larger than if the stock was fished down to a fixed numerical escapement, and in low years fisheries would not be closed to meet an escapement that was not attainable. By allowing a wide range of escapements, fishery managers may be able to determine the actual carrying capacity of the river system. To protect the salmon stocks in very low abundance years, a minimum escapement "floor" level of 35,000 natural spawners was established (Kope 1992, Prager and Mohr 2001, PFMC 2011). Hendrix (2011) developed a life-cycle model to forecast and compare the response of Chinook salmon populations under the Proposed Action (Alternative 2) and No Action scenarios. The model implicitly includes changing ocean conditions as they occurred historically by incorporating productivity estimates that have been observed for hatchery Chinook salmon releases from Iron Gate and Trinity River Hatcheries. The findings of the model are summarized on p. 3.3-95 in the EIS/R and the full report is available on the klamathrestoration.gov Web site at: http://klamathrestoration.gov/sites/klamathrestoration.gov/files/EDRRA%20Report%20Hendrix%2012.15..11.pdf.	
CC_LT_1114_018-4	The EIS/EIR considers the reintroduction of anadromous salmonids to approximately 420 miles of historical anadromous salmonid habitat above Iron Gate Dam. Section 11 of the KBRA describes possible salmon and steelhead reintroduction and management plans using salmon and steelhead native to the Klamath River to reestablish runs in the Upper Klamath Basin following implementation of the KHSA. Iron Gate Hatchery would play a role in restoration of salmonid fisheries if dams are removed. The initial use of the hatchery facility at Iron Gate Dam or on Fall Creek would provide	No

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	conservation of native salmon stocks during the impact period of dam removal. The development of guidelines for the use of the conservation hatchery at Iron Gate Dam or on Fall Creek outlined in the Phase I Fisheries Reintroduction and Management Plan would be to support the establishment of naturally producing populations in the Klamath Basin following implementation of the KHSA (Draft EIS/EIR 3.3-140). Although Iron Gate Hatchery is currently operated as a mitigation hatchery to compensate for habitat blocked between Iron Gate Dam and the Copco developments (16 miles of habitat), a conservation focus for the coho program has been deemed necessary to protect the remaining genetic resources of the Upper Klamath River coho population unit (CDFG, Draft Hatchery and Genetic Management Plan for Iron Gate Hatchery). Future management of Iron Gate Hatchery is also considered part of the KHSA. Under the No Action/No Project Alternative (Alternative 1) and the Proposed Action (Alternative 2) or Alternative 3, future management of the Iron Gate Hatchery would be reevaluated. Under the No Action/No Project Alternative, PacifiCorp would continue to fund the development and implementation of a Hatchery and Genetics Management Plan for IGH (HGMP). The HGMP covers artificial production activities at Iron Gate Hatchery for the period 2010-2020. Based on additional studies by PacifiCorp, PacifiCorp would propose a post-Iron Gate Dam Mitigation Hatchery Plan to provide continued hatchery production for 8 years following the removal of Iron Gate Dam. After removal of Iron Gate Dam and for a period of 8 years, PacifiCorp would fund 100 percent of hatchery operations and maintenance costs necessary to fulfill annual objectives developed by the CDFG in consultation with the NOAA Fisheries Service (Draft EIS/EIR Section 2.4.3.1). Access to habitat within the Project would benefit coho salmon by: a) extending the range and distribution of the species thereby increasing the coho salmon's reproductive potential; b) increasing genetic diversity in the coho stocks; c) reducing the species vulnerability to the impacts of degradation; and d) increasing the abundance of the coho population (Administrative Law Judge 2006; Ultimate FOF and Conclusion of Law no. 9, p. 86). The agencies believe the strategy outlined above will be effective at protecting and conserving coho genetic resources. The Lead Agencies agree that the eyed-egg injection methodology may provide a viable tool for supplementation or reintroduction of coho salmon in coordination with the strategies described above.	

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CC_LT_1114_018-5	Action Alternatives were considered by the FERC that removed Copco No. 1 and Iron Gate (Federal Energy Regulatory Commission (2007)(FERC Final EIS), Section 2.3.4.1, p. 2-56) and removed Copco No. 1, Copco No. 2, J.C. Boyle and Iron Gate dams (FERC Final EIS, 2.36.4.2, p. 2-58). Positive and negative effects of dam removal were summarized by FERC in Table 5.2 of the FERC EIS (Section 5.2.21, p. 5.74-79). These alternatives are similar to Alternative 5, and the Proposed Action in the Klamath Facilities Removal Draft EIS/EIR. As an alternative to relicensing, numerous parties, including PacifiCorp, signed the KHSA, which looks at the possibility of decommissioning and removal of certain Reclamation Klamath Project dams. Alternatives 2 or 3 of this Draft EIS/EIR examine the possibility of dam removal occurring under the aegis of the Secretarial Determination and the KHSA (Draft EIS/EIR Section 1.3.1.1., p. 1-19). By providing an unimpeded migration corridor associated with Alternatives 2 or 3, the Proposed Action would provide the greatest possible benefit related to fish passage; hence, the highest survival (Buchanan et al. 2011b) and reproductive success for anadromous species.	No
CC_LT_1114_018-6	In response to comments, additional information on operations of the Iron Gate Hatchery has been added to Chapter 3.3 of the EIS/EIR. Operations of the Iron Gate Hatchery are addressed in each of the Alternatives, including the No Action Alternative in Section 3.3.4.3 of the EIS/EIR. Master Response AQU-8 Fate of Iron Gate Hatchery under Alternatives. Under the No Action/No Project Alternative, ongoing hatchery operations would continue to release millions of juvenile and yearling Chinook salmon annually. These fish may compete with the progeny of naturally spawned fish for food and other limited resources, such as thermal refugia, or can increase disease infection rates through crowding and concentrated release of myxospores on top of the area of highest polychaete (EIS/EIR Section 3.3.4.3) Hendrix (2011) applied a life-cycle model (EDRRA) to forecast the abundance of Chinook salmon (Type I and Type II life history strategies)fall-run and spring-run combined) for both the Proposed Action and continuation of existing conditions (No Action/No Project Alternative) for the years 2012 to 2061. The EDRRA model includes hatchery releases of Chinook salmon from both Iron Gate and Trinity River hatcheries (EIS/EIR Section 3.3.4.3). High numbers of hatchery fish may affect wild	

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	coho salmon in the Klamath Basin under the No Action/No Project Alternative. The vast majority of coho salmon that spawn in the Klamath Basin are believed to be of hatchery origin, although the percentage varies among years (Ackerman et al. 2006). Mitigations provided by the Iron Gate Hatchery have not restored salmonids in the Klamath Basin. In spite of 45 years of production, coho salmon and steelhead numbers are in decline. Harvest of coho salmon is disallowed and only hatchery produced steelhead may be harvested. Chinook salmon populations have declined dramatically from historic levels, but have been relatively stable at these reduced population levels for the past 30 years. Fall-run Chinook salmon are intensively monitored and managed through a cooperative system of State, Federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean recreational, ocean commercial, river recreational and Tribal fisheries. More information on Chinook salmon harvest in the Klamath Basin may be found at http://www.dfg.ca.gov/serp.html?q=Klamath+salmon+Understanding+allocation&cx_001779225245372747843%3A3y4rnp6j9ny_cof_FORID%3A10&ie_UTF-8&submit.x_9&submit.y_10.	
CC_LT_1114_018-7	As described in Section 3.10.4, climate change is a cumulative phenomenon and it is not possible to link a single project to specific climatological change. As a result, specific global warming effects due to the decommissioning of the Four Facilities cannot be determined for the Proposed Action and alternatives. However, the contribution to climate change that could occur from the proposed project and alternatives is estimated in Section 3.10, Greenhouse Gases. Estimated GHG emissions that could occur from the replacement power are described in Tables 3.10-5 and 3.10-6 for the Proposed Action, Tables 3.10-10 and 3.10-11 for Alternative 4, and Tables 3.10-14 and 3.10-15 for Alternative 5; results for Alternative 3 would be the same as the Proposed Action. Impacts associated with the deconstruction of the Four Facilities from off-road construction equipment, haul trucks, and employee commuting are also summarized in Section 3.10.4 for each of the alternatives. Master Response GHG-1 Green Power.	No
CC_LT_1114_018-8	The Inflow Study Report referenced in the comment should be referred to as the “Instream Flow Report”. The title of the	

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	document is "Evaluation of instream flow needs in the lower Klamath River. Phase II. Final report" which is cited in the Draft EIS/EIR as Hardy et al. (2006a). The Instream Flow Study Report (also referred to as Hardy Phase II) provided recommendations for instream flows below Iron Gate Dam by different water year types (Hardy et al, 2006a, p. ii). These flow recommendations are summarized in Table 27 on p. 182 of Hardy et al, 2006a. The Instream Flow Study Report was not prepared by the National Academy of Sciences as suggested by the comment. The National Academy of Sciences, NRC reviewed the Instream Flow Study Report in their publication "Hydrology, ecology, and fishes of the Klamath River Basin" which is cited as NRC 2008 in the Draft EIS/EIR. The NRC 2008 review did not make any specific recommendations for flows below Iron Gate Dam. In their review, NRC identified some significant shortcomings of Hardy et al. 2006a, including the use of monthly data instead of daily, a lack of tributary analyses, and shortcomings in the study's experimental design (NRC 2008, p. 188 to 195). The NRC review also noted successful maintenance of aquatic resources in the Klamath River depends on several aspects of water quality in addition to temperature conditions, including dissolved-oxygen levels, nutrient concentrations, sediment loads, and contaminants that were not assessed in the Inflow Study Report (NRC 2008, p. 191). According to the NRC, the most important outcome of the Instream Flow Study was that it indicated increases in existing flows downstream from Iron Gate Dam probably would benefit fish populations (NRC 2008, p. 194). The Hardy et al. (2006a) Phase II flow recommendations do not consider physical, biological, and chemical alterations to the Klamath system resulting from dam removal. The anticipated future changes to the system that would occur under the KHSA and KBRA led Hardy (2008) to conclude that future flow releases as described in the KBRA was a logical extension of the Hardy Phase 2 Flow recommendations, balancing multiple needs, including those of anadromous salmonids. Improved water quality and water temperature conditions, restoration of sediment transport processes, potential reductions in disease, restored access to thermal refugia and instream habitats upstream are all factors that led Hardy (2008) to conclude "that the threshold flow at which significant concerns over thermal and disease factors will drop well below 1000 cfs to something on the order of 700 to 800 cfs." Consistent with these findings the Federal Team incorporated minimum base flows of 800 cfs into the KBRA flow simulations during the period from October through February (Reclamation 2012d, Appendix E). Base flows of 800 cfs would provide greater than 75 percent of the currently available Chinook salmon spawning habitat from the R-Ranch study site downstream	

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	to the Brown Bear study site in every year (Hardy et al. 2006a) and flow levels of this magnitude should be adequate allow adult coho salmon to migrate freely upstream. However, under real time flow management that is envisioned by the KBRA incorporation of variable flows during the spawning season would increase spawning habitat above what would be provided under a static flow condition. Results of this hydrology modeling analysis indicate that the average monthly flows at Iron Gate are generally similar between the No Action Alternative and the Dam Removal Alternative. The exceptions to this are the months of October to December, where the average flows are about 200 to 400 cfs less under Proposed Action than under the No Action Alternative, and in April, where the flows are about 300 cfs higher under the Dam Removal Alternative than under the No Action Alternative. The comment fails to specify that the reduction in flows under the Dam Removal Alternative is only relevant for the months from October through December. The annual flow at Keno Dam is generally similar between the two alternatives except for the few driest years on record. In these dry years, the agricultural supply is reduced under the No Action Alternative, whereas the agricultural supply is much less severely impacted under the Dam Removal Alternative; therefore, more flow is released to the Klamath River under the No Action Alternative than under the Dam Removal Alternative. At Iron Gate Dam from July through November, the flows are commonly around 800 cfs under the Dam Removal Alternative during these extremely dry years whereas the flows are more commonly between 1,000 and 1,300 cfs under the No Action Alternative. However, under the Dam Removal Alternative a more natural thermal regime would exist eliminating the current thermal shift caused by the presence of the dams. Sediment transport would be restored and additional spawning habitat would be available to adult anadromous salmonids upstream of Iron Gate Dam and anadromous salmonids would also have access to additional thermal refugia. Reclamation (2012d) also found that the 50 percent exceedance flows (normal years) under the Dam Removal Alternative are about 5 to 15 percent greater for the months of April and June to August and about 15 to 20 percent less for the months of October to December. The 90 percent exceedence flows (dry years) are similar for the two alternatives from March to September, but for the months of October to February, the No Action Alternative 90 percent exceedance flows are about 20 to 30 percent larger (290 to 360 cfs larger).	

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	During February and March the modeled KBRA simulated flows at the 90% exceedence are less than the 2010 BO flow simulation in February, are greater in March, and are similar in April. The KBRA simulations are very similar to Hardy Phase II flows (slightly lower or higher) from May through September. For the KBRA flow simulation (Reclamation 2012d, Appendix E) minimum base flows equal to the Ecological Base Flow (EBF) levels recommended by Hardy et al. (2006a) were incorporated into the Dam Removal Alternative hydrologic simulation for the periods from March through June, and from August through September to insure adequate protection of anadromous fish during dry water years. Flow targets that were a component of the water resource integrated modeling system (WRIMS) Run 32 Refuge model described in Hetrick et al. (2009) were also adjusted as described in Appendix E of Reclamation (2012d) to reduce the threat of a fish kill similar to the one that occurred in 2002. Those adjustments included reducing the target from 921 to 840 cfs for July 1 to 15, increasing the target from 806 to 840 cfs for July 16 to 31, increasing the target from 895 to 1,110 cfs in August, and increasing the targets from 1,010 to 1,110 cfs in September. These flow targets exceed those recommended by Hardy Phase II for years with exceedences greater than 75 percent. In general, KBRA flow simulations and WRIMS Run 32 Refuge flow simulations have similar seasonal flow patterns with the exception of drier water years when flows during August and September tend to be slightly higher under the KBRA simulation. Table 3.3-4 presents the minimum flows below Iron Gate Dam and lake elevations for Upper Klamath Lake from the 2010 BO for coho salmon. The minimum flows required by the current Biological Opinion are similar to those recommended in Hardy et al, (2006a). Maintaining minimum flows as described in Hardy 2006a would contribute to restoration of salmonids in the Klamath Basin, but as the NRC noted, that would not address the other factors that are causing the decline of anadromous fish populations. The ability of the mainstem Klamath River to support the rearing and migration of anadromous species is reduced by periodic high water temperatures during summer, poor water quality (low DO and high pH; see Sections 3.2.3.5 and 3.2.3.6), and disease outbreaks during spring. Habitat quality in the tributaries is also affected by high temperatures. (NRC 2004) (Draft EIS/EIR Section 3.3.3.2, p. 3.3-27). As described in Section 3.3.4.3 of the EIS/EIR, Alternatives 2 and 3 which includes implementation of the KBRA, would result in flows more favorable to all life stages of salmonids, and would provide suitable habitat for resident riverine species, anadromous fish and lamprey in hydroelectric reach from the upstream end of	

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	J.C. Boyle Reservoir to Iron Gate Dam. In the lower Klamath River below Iron Gate Dam, over the long term, the Proposed Action would alter the hydrograph so that the duration, timing, and magnitude of flows would be more similar to the unregulated conditions under which the native fish community evolved (Hetrick et al. 2009). Alternatives 2 and 3, which include the KBRA would also address the other factors, such as poor water quality and disease that are identified by the NRC.	
CC_LT_1114_018-9	Section 3.15, Socioeconomics, discusses potential effects to electricity bills of PacifiCorp customers as a result of the Proposed Action and alternatives, specifically on Draft EIS/EIR p. 3.15-48 for the No Action/No Project Alternative, 3.15-63 for the Proposed Action, 3.15-81 for the Partial Facilities Removal Alternative, 3.15-84 to 3.15-85 for the Fish Passage at Four Dams Alternative, and 3.15-87 for Fish Passage at J.C. Boyle and Copco 2, Remove Iron Gate and Copco 1 Alternative. PacifiCorp considers many factors in setting customer rates which in turn are subject to Oregon Public Utilities Commission (PUC) and California PUC approval; therefore, it is difficult to assess the size of potential rate effects or even the extent to which rates might increase at all under the No Action/No Project Alternative. Utility rates under the dam removal alternatives are not expected to increase above the existing surcharges as a direct result of dam removal costs. For the fish passage alternatives, customer rates would likely increase above the existing surcharges as a direct result of construction, operations and maintenance costs for fish passage facilities. The degree to which the cost could be passed to the ratepayers is not known and would be subject to Oregon and California PUCs. The cost of dam removal is discussed on Draft EIS/EIR p. 3.15-53. The costs for full facility removal are estimated to be approximately $178.4 million in 2012 dollars. Master Response COST-1 Cost Estimate. Master Response GHG-3 Replacement Power. These planned upgrades are described in the Draft EIS/EIR on p. 3.18-13 to 3.18-14, and 3.18-23 to 3.18-24.	No
CC_LT_1114_018-10	Master Response N/CP-16 Purpose and Need/Project Objectives. Master Response N/CP-18 Process to Select Alternatives for Detailed Analysis. Alternative 4 examines the impacts of constructing fish ladders at the PacifiCorp dams, rather than removing them to allow for	No

Comment Author	Kobseff, Michael
Agency/Assoc.	County of Siskiyou
Submittal Date	November 11, 2011

Comment Code	Comment Response	Change in EIS/EIR
	passage and migration past the dams. Each subchapter in Section 3 contains and analysis section for the impacts of Alternative 4.	

CC_MC_1020_003

PUBLIC HEARING ON THE KLAMATH DAM
REMOVAL DRAFT EIS/EIR
---o0o---
YREKA, CALIFORNIA
THURSDAY, OCTOBER 20, 2011

MR. JON LOPEY: First of all, thanks for being here. I'm Sheriff Jon Lopey, J-o-n, L-o-p-e-y, Sheriff of Siskiyou County.

First of all, I have concerns about some public safety and health and welfare issues that are going to be impacted in Siskiyou County should these agreements be implemented.

I am sworn to uphold the Constitution of the United States. I have some Constitutional concerns, especially the 10th and 14th Amendments about this process.

For example, the coordination. The federal and state agencies involved in this process really haven't conducted in coordination with public officials. And look at me, I'm the County Sheriff. We have some board supervisor members here and we get three minutes just like everybody else to address our concerns, which are significant.

We have some of the highest crime rates in the state in Siskiyou County, primarily because of our poor economy. Any damage to our economy cannot be absorbed by this fragile economy.

Right now agriculture is our number one industry. I have laid off 27 deputies and correctional officers in recent years and also just froze two deputy positions.

This broad idea here has the potential of

destroying our way of life and the economy in Siskiyou County. And I can tell you my citizens that I talk to all over the county are angry because their perception is the federal and state government do not care about them nor are they taking into account what they really think and what they really need.

As you know, the National Environment Protection Act specifically requires federal and state agencies, before enacting policies like this, to coordinate with local officials, government to government; and there is supposed to be a balance between the needs of the, to protect the environment and the needs of our people. And that means economics, traditional and our ways of life.

Also I have some real concerns about emergency planning, flood control. The sediment -- my friend Gil Gilbertson up in Josephine County encountered a lot of problems with sediment down river. There is that dam removal, there is heavy metals and also chromium VI in the water.

Comment 1 - Hydrology

Comment 2 - Sediment Toxicity

We have problems with fire suppression. Obviously agriculture is going to be short-changed as a result of this. Recreation is going to be virtually impacted.

Comment 3 - Land Use

Comment 4 - Recreation

Comment 5 - Hydropower

I'm very concerned about this electricity issue. You know, how are you going to provide electricity to 77,000?

Also, the truth. I attended a meeting where Secretary Salazar's representative advised us he had not made up his mind, yet a couple weeks ago he goes to San Francisco and pretty much explains why dam removal is such a great idea.

You have to be truthful with the Siskiyou County people, and you have got to listen to the officials, and

you got to pay attention because you're not. And I'm not the only sheriff that is upset about these federal and state involvements into our counties. Every sheriff I know in the north states also is concerned, and my friends in the south counties of Oregon as well.

Thank you very much.

Comment Author	Lopey, Jon
Agency/Assoc.	County of Siskiyou
Submittal Date	October 20, 2011

Comment Code	Comment Response	Change in EIS/EIR
CC_MC_1020_003-1	Section 3.6 of the Draft EIS/EIR, Flood Hydrology, includes Mitigation Measure H-1 to address emergency planning related to flood control. The mitigation measure requires the DRE to work with the National Weather Service, River Forecast Center to address the hydraulic changes associated with dam removal could potentially affect the timing and magnitude of flooding below Iron Gate. The measure is described in more detail on p. 3.6-39 of the Draft EIS/EIR.	No
CC_MC_1020_003-2	Master Response WQ-1B-G Sediment Deposits Behind the Dams and Potential Contaminants. Master Response WQ-2 Chromium VI / Heavy Metals in Sediments Deposited Behind the Dams.	No
CC_MC_1020_003-3	Draft EIS/EIR Section 4.4.13.1, p. 4-155 states, overall the KBRA is intended to provide long-term benefits by ensuring sustainable agriculture. Dam removal would not directly convert farmland to non-agricultural uses, and would not conflict with existing zoning or Williamson Act contracts. As noted in the Draft EIS/EIR Section 3.14.4.3. The Water Diversion Limitations is part of the On-Project Water Users Program of the KBRA. The Water Diversion Limitations would limit water diversions to specific irrigators receiving water on Reclamation's Klamath Project, and could decrease the total acreage under cultivation or indirectly convert farmland to non-agricultural use. The Water Diversion Limitations (KBRA 15.1 and 15.2) outlines water diversion limitations to specific diversions that are intended to increase water availability for fisheries purposes, especially in drier years. Agricultural water diversion limitations would be based on annual water level forecasts for Upper Klamath Lake which could result in less available water for irrigators during drought years and result in the conversion of farmland to non-agricultural uses. Implementation of the Water Diversion Limitations would include the establishment of fixed, annual water diversion amounts to agricultural uses based on available water and forecast water levels in the Upper Klamath Lake. While the diversion could reduce the availability of irrigation water by up to 100,000 acre feet less than irrigators received in the past, these fixed volumes would provide a base level for agricultural diversions and establish an irrigation framework that would provide security and increased certainty for farmers, allowing them to make decisions about the year's crops and activities based on the water forecast. This	No

Comment Author	Lopey, Jon
Agency/Assoc.	County of Siskiyou
Submittal Date	October 20, 2011

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	security would mitigate the effects of the lower delivery amount that may be expected in dry years. The activities in the Water Diversion Limitations have the potential to reduce the amount of agriculture occurring on Reclamation's Klamath Project. Implementation of the On Project Water Use Program will maximize the use of available water supplies, improve water supplies for the National Wildlife Refuges, and increase reliability for agricultural users. The conversion of farmland to non-agricultural uses that could occur as a result of agricultural diversion limitations would be a significant impact. However many of the actions described in the KBRA are anticipated to be beneficial to the environment and thus likely to have beneficial effects.	
& CC_MC_1020_003-4 &	Master Response REC-2 Recreational Use at Restored River. Mitigation Response REC-8 Flat Water Fishing.	No
CC_MC_1020_003-5	Master Response HYDP-2 Power Production at the Four Facilities. Master Response GHG-3 Replacement Power.	No

CC_LT_1019_015

August 16, 2011

Mr. John McCamman, Director
Department of Fish and Game
1416 9th Street, 12th Floor
Sacramento, CA 95814

Dear Director McCamman:

The purpose of this letter is to advise you that I appreciate the recent effort of the local office of the California Department of Fish and Game (CDFG) to address grievances of local land owners concerned about water issues in Scott Valley and impacted areas of Siskiyou County. On August 3, 2011, I had a meeting with Chief Carion and Lieutenant Harris to discuss a complaint communicated to me by a Scott Valley rancher about excess fish bypass water being diverted from his land. According to the complainant, 10 times the legal, allocated amount of water was being diverted from his private property, thus denying him the water for agricultural use and he was concerned that the water master fees were assessed based on the water he was receiving for agricultural use and for the water diverted by the fish bypass.

The meeting with Chief Carion and Lieutenant Harris was productive and they expressed their desire to communicate CDFG policies and plans with the citizens of Siskiyou County. They also recognized that the citizens of the county are generally unhappy and fearful of CDFG programs, tactics and plans for Scott River and impacted areas. According to information provided during the meeting, CDFG did not install or adjust the fish diversion on the complainant's property and it was claimed that the fish screen and water flow is a function of the RCD and water master. However, the complainant (DWR Diversion 11, Upper Mill Adjudication for the water right recorded April, 1859, Book #1, Page 82, Siskiyou County) asserts logically that the RCD would not have built the screen had they not been directed to do so by the CDFG. Further, the complaint claims that when the fish screen was built nothing was mentioned of the fish bypass water allocation. It is also a belief by many Scott Valley residents that ample water right allocations for agriculture and fish are codified pursuant to California Fish and Game Code 6022.

In spite of the helpful dialogue with local officials of the CDFG, I am alarmed that you have not responded to my letter, dated June 24, 2011, which reaffirmed my legal right and obligation, pursuant

To federal and state law to coordinate with the CDFG (DFG) prior to the implementation of all programs, activities, or projects conducted within Siskiyou County which impact law enforcement, the economy, or social programs. I reassert the fact that the CDFG Watershed-wide Permitting Programs impacts public health, safety, and the welfare of Siskiyou County. These programs are directly threatening public health, safety and the welfare of the citizens we serve because the very programs you are attempting to implement without proper coordination likely violates federal and state law, threatens the #1 industry in this county (agriculture), and is enraging many hard-working citizens of the county because they feel that their property rights and livelihoods are being taken from them. My capacity to provide law enforcement services to the people of the county is being threatened because these programs threaten the very tax base (property taxes and revenues) which fund public safety in Siskiyou County. I also believe, based on scientific and historical data, that many of the same programs that are being forced on county residents lack the capacity to accomplish the very objectives intended by various state and federal agencies.

As I related to you in my earlier letter, programs initiated by the CDFG (watershed programs), while intended to enhance the environment and help fish habitat, can be potentially detrimental to public health and safety. Since my primary goal is the delivery of effective public safety programs within the county, state and federal programs which potentially impact the social, economic, health, safety, traditions, and legal viability of the county at-large is a major concern.

As you will recall, I attended a meeting with local and regional DFG officials about six weeks prior to our latest session. During this meeting, Mr. Manji and Chief Carion seemed to concur with recommendations that I offered to assist the DFG with accomplishing their immediate goals (e.g., organize and attend a town hall meeting to educate the public about the efficacy and legitimacy of DFG programs; I suggested that advisories to private land owners be made prior to DFG entry onto private property if possible and/or notifications be made if stream or water flow alterations were initiated by the DFG, and, I asked that I be notified in the event that the permit process was re-initiated within Siskiyou County so that I was aware of your operations, especially in light of some adverse comments I had received from county residents pertaining to allegations of discourtesy and coercion, etc.).

I also advised the DFG authorities present that I had concerns about the constitutionality and legality of the tactics and strategies used to enforce the provisions of the programs you sought to impose on Scott

Valley residents pursuant to the DFG Watershed-Wide Permitting Programs (e.g., Incidental Take Permit, Sections 1600, 1602 enforcement, etc.). I attended a public meeting the CDFG conducted on August 16, 2011, which summarized issues related to the endangered species status of the Coho Salmon. I thought the meeting was well-conducted and there was a good exchange of information between DFG and concerned citizens, which was very beneficial. However, as you are probably aware, this meeting was a public meeting and did not constitute "coordination" pursuant to federal and state law.

As I stated in the letter I previously sent to you, I have been disappointed by the lack of response from the CDFG and the failure to coordinate with local officials. Since our first meeting with CDFG officials in February of this year, and my letter in June, no effort by the CDFG has been initiated to coordinate your programs and plans.

As you will probably recall, in my last letter, I advised you that after discussing water use issues with Scott Valley residents and listening to views of many Siskiyou County farmers, ranchers and citizens in Scott Valley and other parts of the county, and after observing the devastating economic loss sustained by Siskiyou County for many years due to the decline in tax revenues arising from years of federal and state policies and programs which have favored the protection of the natural environment over the interests of Siskiyou County citizens (human environment) I have formulated the opinion that if this trend continues, I will be incapable of providing even rudimentary public safety services to the citizens we serve, since even minor economic impacts to small businesses, farming, recreation, mining and other elements of the agricultural industry will spell economic ruin for Siskiyou County. As you may be aware, most of our citizens derive their livelihoods from these enterprises and agencies like mine survive on the tax revenues generated by property ownership and employment. Most of our citizenry has told me that their government cares more about frogs, fish and birds than they do about people.

Again, you will probably recall that I advised you previously that due to steep economic declines and loss of jobs, many in the timber, mining and other outdoor industries, sharp declines in tax revenues have resulted in deep cuts to law enforcement. The Siskiyou County Sheriff's Office, which is primarily a general fund department, has lost 27 deputy and correctional officer positions in recent years, and I was recently forced to freeze two lieutenant and two deputy positions for at least one year. Other positions have also been frozen for three years (undersheriff, several professional staff, etc.).

In my opinion, CDFG has not demonstrated a sincere and concerted effort to comply with proper coordination and the consistency required between state programs and policies and local preferences, needs and concerns. Again, when there is an imbalance between protections implemented to protect the natural environment and the human environment, the applicable federal and state laws are not being followed. Since the DFG receives federal funding for some of its programs, compliance with

Jon Lopey
Terry - B

Director John McCamman
Page 4
August 16, 2011

federal and state laws are applicable when planning and implementing programs and policies which impact Siskiyou County.

Again, I related to you in my previously letter and during our meeting at KSYC Radio, that traditionally, Siskiyou County residents have survived and supported themselves and their families and communities directly or indirectly around the primary economic activities of land and natural resource development (e.g., ranching, farming, timber harvesting, mineral recovery, tourism and recreation). Obviously, the use of our water resources plays a vital role in these activities, along with other domestic and commercial usages. Access to lands and resources within Siskiyou County are vital to the county's survival – now and in the future.

Again, since the timber industry was nearly destroyed by what most Siskiyou County residents would characterize as questionable environmental strategies and tactics at the expense of the "human environment" within this county, the top economic industry in Siskiyou County is farming and ranching, which, by most estimates, is being severely threatened by DFG policies and programs. My assessment since taking office on January 3, 2011, is that these programs are being implemented and tied to other potentially disastrous projects (e.g., Klamath Basin Restoration Agreement, Klamath Hydroelectric Settlement Agreement, mining prohibitions, decline in fish planting, endangered species status of Coho salmon, etc.) without full compliance with the law.

In other words, I see no evidence that proper coordination and "consistency" has been initiated or achieved pursuant to federal and state law. The implementation of overly-protective environmental policies at the expense of people and jobs have adversely impacted wages and tax revenues by over-regulating mining, logging, fishing, and grazing. Again, these policies adversely impact public safety and compliance with constitutional provisions (e.g., 10th And 14th Constitutional Amendments) and other laws is questionable. The listing of the Coho Salmon as an endangered species, practices such as the elimination of hundreds of Northern California lakes from fish planting, and support for the Klamath Basin Restoration Project even though this project was voted down by county residents by a margin of nearly 80% opposed to 20% in favor of the plan, without proper coordination or required consistency has served to adversely impact the economic vitality of this county and has severely injured public safety and other vital services badly needed by a county besieged with one of the highest unemployment, child abuse, substance abuse and elder abuse rates in the State of California.

Again, my observations of these practices since I assumed office have been interesting and at the same time alarming. For example, the National Environmental Policy Act (NEPA) defines the environment as "human" and "natural." Federal and state laws require that Environmental Impact Statements include

DENNIS LYNCH

detailed studies as to the impact programs have on the local community and the safety of citizens. As you may be aware, the Council on Environmental Quality (CEQ) issued regulations which implement NEPA. Part of the regulations state that there should be no confusion that the impact on man's environment is a valuable and critical element in every NEPA document. Coordination is required between federal and state officials. As you know, the wants, needs and objectives of federal and state agencies must be balanced with the wants, needs, desires and objectives of local citizens and local officials and "consistency" must be achieved to comply with the law.

Again, other state laws such as the California Administrative Code, Water Code, California Government Code, Public Resources Code, numerous federal and state court decisions and Executive Orders affirm the requirement for coordination and reaffirm the rights of states, counties and local officials and the citizens we serve. These provisions of law also reaffirm a fundamental U.S. and California Constitutional right – that of private property ownership and freedom of access to public lands.

Comment 1 - NEPA

In closing, I am again claiming my legal standing and I am formally asserting my right to coordinate with the CDFG and all other federal and state agencies, pursuant to federal and state law (e.g., Title 7 of the Government Code of California Entities, Planning and Land Use, Sections 65300.7 and 65300.9; Government Code Section 65103; 40 CFR 1501.6 & 1508.5; 42 USC, Section 4331(a) & 4332 (2); 16 USC, Section 4601; Public Resources Code 5099.3; Water Code Sections 8125 – 8129; and the California Environmental Quality Act; and 43 USC, Section 1701-84, Federal Land Policy and Management Act of 1976; and 16 USCA 1600 National Forest Management Act of 1976).

These sections required that state and federal governmental agencies coordinate with local agencies such as the Siskiyou County Sheriff's Office. Since I have a vested interest and sacred trust to safeguard the citizens of this county and your decisions directly impact public health and safety, I assert my right and obligation to coordinate with the DFG prior to the implementation of any project, program, regulatory proceedings, or joint venture which impacts the economic, social, health, safety or welfare of Siskiyou County residents. This coordination requirement is also consistent with the Siskiyou County Comprehensive Land & Resource Management Plan (February 1996), pursuant to Government Code Sections 65300 and 65103.

I will contact you within the next two weeks to schedule a coordination meeting. Since there has been a lack of response from the DFG thus far, I am forwarding a copy of this letter to our elected representatives and the California Attorney General. I look forward to meeting with you and members of your staff to properly coordinate all actions scheduled for renewal or implementation. I will endeavor to synchronize my actions and coordination efforts with other county officials to the extent possible.

Again, I applaud the efforts of the regional and local DFG offices to reach out to the public in a beneficial way; however, policies that are being proposed or implemented have originated at your level and require coordination pursuant to the aforementioned laws.

Should you have any questions, please contact me at (530) 842-8300, or (530) 598-2910.

Sincerely,

Jon E. Lopey, Sheriff-Coroner

cc: Assemblyman Jim Nielsen
Senator Doug Lamalfa
Attorney General, Kamala Harris
Board of Supervisors

Comment Author	Lopey, John
Agency/Assoc.	County of Siskiyou
Submittal Date	October 19, 2011

Comment Code	Comment Response	Change in EIS/EIR
CC_LT_1019_015-1 &	Master Response GEN-1 Comment Included as Part of Record. Master Response N/CP-2 Coordination.	No