

CC_LT_1114_019

COPY

COPCO LAKE FIRE PROTECTION DISTRICT

27805 Copco Road
Montague Ca. 96064
November 7, 2011

4 2011
150 [Signature] 11/14

Honorable Kenneth Salazar
Secretary of the Department of the Interior
1849 C Street NW
Washington, DC 20240

Re: Klamath Facilities Removal, EIS/EIR, Secretarial Determination.

Dear Secretary Salazar:

The Copco Lake Fire Protection District (District), and the Siskiyou County Sheriffs Department (Sheriff), wish to thank you for sending your staff to start the "Coordination Process" on the subject project.

The first "coordination" meeting was conducted on October 20, 2011 at the Copco Lake Community Hall in the community of Copco Lake, Siskiyou County, California.

Your staff is to be complimented on their conduct and cooperation in starting this most important "process."

Comment 1 - Out of Scope

As mandated by Presidential Order 13575 and Congress the "Coordination" meeting was conducted under the framework and authority of NEPA, FLPMA (43 USC 1717), and other applicable federal statutes. In that framework the "Council on Environmental Quality" regulations were followed.

There are many "inconsistencies" in the subject EIS/EIR that need to be resolved. The Sheriff and the District look forward to the upcoming future meetings to resolve those "inconsistencies."

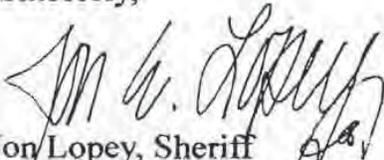
The Sheriff and the District hope that the spirit of cooperation in this "Coordination Process" continues as we are sure you want as well.

1
SCANNED

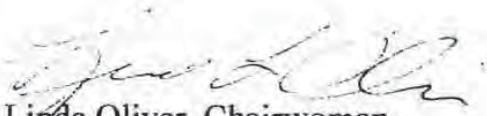
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You cannot go forward with any implementation of the KBRA and KHSA agreements, plans, policies and your "Secretarial Determination" until the "inconsistencies" between your Department and the Sheriff and District are resolved.

Sincerely,



Jon Lopey, Sheriff
Siskiyou County Sheriff's Department



Linda Oliver, Chairwoman
Copco Lake Fire Protection District

CC: C.H. Bonham, Calif. Dept. of F&G,
Elizabeth Vasquez, Bureau of Reclamation
Matthew D. Baun, F&W Service, DOI
Dennis Lynch, USGS
Mark Stauffer, Dept. F&G
Congressman Tom McClintock
Congressman Wally Herger
Governor Jerry Brown

Comment Author Oliver, Linda
Agency/Assoc. Copco Lake Fire Protection District
Submittal Date November 14, 2011

Comment Code	Comment Response	Change in EIS/EIR
CC_LT_1114_019-1 &	The comment does not delineate the alleged inconsistencies. Therefore, no response can be made.	No



CC_LT_1220_024

**COPCO LAKE FIRE PROTECTION DISTRICT
27805 COPCO ROAD
MONTAGUE, CA. 96064**

December 20, 2011

Honorable Ken Salazar
Secretary of the Interior
U. S. Department of Interior
1849 C Street NW
Washington DC 20240

SUBJECT: Klamath Facilities Removal, EIR/EIS, Secretarial Determination,
Coordination Process.

Dear Honorable Secretary Salazar:

The purpose of this letter is to express the grave concerns of the COPCO Lake Fire Protection District pertaining to recent developments in your plan to initiate the Klamath River dam removal project (Klamath Basin Restoration and Hydroelectric Agreements) and to provide you a letter that was addressed to Congressman Herger, dated October 5, 2010, wherein you made various statements about these proposals. One such statement you said that, "...undertaking scientific studies and an environmental analysis under the National Environmental Policy Act (NEPA) in order to understand the potential impacts of dam removal". You further stated in your letter: "I agree that the studies being undertaken should be based on the best available science and not be rushed..." Additionally, "Scientific studies regarding dam removal must be sound, objective, adhere to the highest principals of scientific integrity..."

Comment 1 - NEPA/CEQA

It is the COPCO Fire Protection District's opinion that the EIR/EIS documents developed in conjunction with the dam removal project do not meet the NEPA policy and do not comply with the Council on Environmental Quality standards. The EIR/EIS documents also do not conform to your commitments summarized in your letter to Congressman Herger.

The "Klamath River Expert Panel" (Atkins Company) that was hired to review the data found that the scientific data did not have adequate "peer review." The analysis concluded that the science was not based on facts, but rather relied on a questionable modeling process.

A few excerpts from their review states: "...the Panel was given insufficient time for its task."

← Comment 1 cont.

"The nature of the uncertainties precludes attaching a probability to the predictions by methods and information available to the Panel." The analysis also surmised that: "...large uncertainties about the prospects of improving water quality" are evident and the Panel had "serious reservations that the required water load allocations will be achieved." The Panel also indicated that there was a "long way to go" to before a calibrated and functional model.

Finally, the Panel reported, "the panel was not provided the ability to conduct the level of scientific review that would comport with President Obama's Statement on Scientific Integrity."

We are sure Mr. Secretary that you wish your standards to be met in this coordination process.

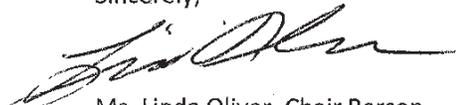
With that in mind, the Copco Lake Fire Protection District and the Siskiyou County Sheriff's Office, which has representation on our District Board, asks you to resolve these inconsistencies prior to the implementation or approval of any plans related to dam removal.

Comment 2 - General/Other

The Siskiyou County Sheriff has also expressed some serious concerns about public health and safety issue related to dam removal to include, 21 million tons of sediment and some hazardous materials flowing downstream if the dams are removed; lack of water storage for catastrophic wild lands fires in COPCO Lake (air suppression); the destruction of other wildlife habitat; the destruction of recreation and tax base precipitated by dam removal (e.g., property taxes are dropping significantly and recreational opportunities provided by the lake and corresponding tax revenues for essential public safety services will be reduced, etc.); the lake will not provide flood control, and, the coordination process required by federal and state law has not been complied with by the Department of Interior.

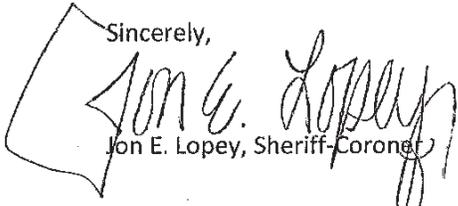
Again, we look forward to resolving these inconsistencies with the coordination process pursuant to federal and state law.

Sincerely,



Ms. Linda Oliver, Chair Person

Sincerely,

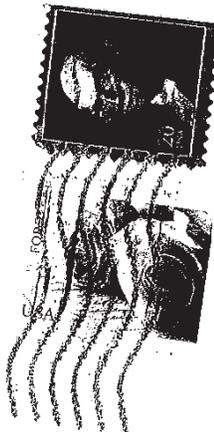


Jon E. Lopey, Sheriff-Coroner

- CC: Congressman Wally Herger
- Governor Jerry Brown
- Secretary Laird, Ca. Natural resources agency
- Director Bonham, Ca. Dept. F&G
- Ca. Dept. F&G environmental officer, Mark Stopher
- Matt Baun, DOI, F&W
- Pete Luceror, BOR

Copco Lake Fire Protection District
27805 Copco Rd.
Montague CA, 96064

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25 JAN 2012 PM 17



Peter Lucero
Public Affairs Officer
2800 Cottrage Wy.
Sacramento CA, 95825

5225+1444

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Comment Author Oliver, Linda
Agency/Assoc. Copco Lake Fire Protection District
Submittal Date December 20, 2011

Comment Code	Comment Response	Change in EIS/EIR
CC_LT_1220_024-1	<p>The Expert Panel Reports are a valuable part of the science review for the Secretarial Determination and they identified several challenges to restoration of fishery resources as addressed in the EIS/EIR. Additionally, they are an important part of the diverse and extensive scientific record for the Klamath Basin. One purpose of an EIS/EIR is to systematically identify a proposed project's environmental effects and the feasible alternatives or feasible mitigation measures which would avoid or substantially lessen such significant effects. Another purpose of an EIS/EIR is to disclose this information to the public and decision makers. The USFWS convened the Expert Panels to review, evaluate, synthesize and provide scientific assessments regarding the likely trajectories of fish populations with and without implementation of the KBRA and KHSA. The Panels provided valuable independent reviews in addition to the various studies, reports and scientific information considered in the science review process EIS/EIR analyses. Having the Expert Panel reports as a second line of analysis, which is largely consistent with the findings in the Technical Management Team reports, provides increased confidence in the science process and the findings relative to fish and fisheries. However, the EIS/EIR relied not only on the Expert Panel Reports, but on a broader record.</p> <p>The expert panels were provided a broad range of reports, information sources, and verbal presentations in order to inform their deliberations on the likely 50-year trajectory of various fish species given dam removal and implementation of KBRA versus leaving the dams in place and no KBRA. Some of the reports and information sources they reviewed were peer reviewed and some were not. There is no requirement that an information source must be peer reviewed before it can be used in formulating a conclusion. Many sources of information to inform an EIS/EIR are not peer reviewed and yet they are the "best available information". For the Secretarial Determination process, however, many new Federal reports were prepared and published, and the review of those reports followed procedures on peer review specific to the agency producing the report.</p> <p>The Expert Panels were asked to review a considerable amount of information prior to and during their 6-day deliberation before preparing their reports. We felt this amount of time was sufficient to review the available literature. We did not ask the panels to reanalyze data but to evaluate the body of information, findings, and conclusions from other studies in order to reach a conclusion (if possible) on the likely fish responses with and without dam removal. While the Chinook Expert Panel felt they had insufficient time for their review, they were able to reach independent conclusions that are being using in EIS/EIR.</p>	No

Comment Author Oliver, Linda
Agency/Assoc. Copco Lake Fire Protection District
Submittal Date December 20, 2011

Comment Code	Comment Response	Change in EIS/EIR
CC_LT_1220_024-2	<p>EIS/EIR Section 3.18, Public Health & Safety, evaluates potential public health and safety effects of the alternatives. Effects evaluated include increased risks of wildfires during construction and elimination of a water source to fight wildfires. The Lead Agencies have included a mitigation measure to develop a Fire Management Plan in consultation with city, county and state fire suppression agencies.</p> <p>There has been extensive physical and chemical testing of the sediment. Two separate studies have collected over 80 drill cores from reservoir sediments in two separate studies. These have been extensively tested for engineering properties and chemical composition. Section 3.2.4 of the Draft EIS/EIR describes the water quality impacts associated with Dam Removal. In particular, p. 3.2-121 to 3.2-125 summarizes some of the major results of the chemical testing performed for the study and p. 3.2-149 to 3.2-161 summarizes all the water quality impacts considered in the EIS and the level of significance of these impacts. Appendix C details the water quality impacts of dam removal and Section C.7 contains a detailed contaminant assessment. Camp Dresser and McKee (CDM) published a report titled "Screening-Level Evaluation of Contaminants in Sediments from Three Reservoirs and the Estuary of the Klamath River, 2009-2011" regarding the potential for adverse ecological or human health effects from chemical contamination in Klamath Reservoir sediments. It is available at: http://klamathrestoration.gov/keep-me-informed/secretarial-determination/role-of-science/secretarial-determination-studies (CDM 2011b).</p> <p>Section 3.15, Socioeconomics, discusses the effects of reductions in property taxes to Siskiyou county and economic effects of changes in recreation opportunities.</p> <p>Section 3.6, Flood Hydrology, evaluates potential changes to flood risks as a result of the Proposed Action and alternatives.</p> <p>The Lead Agencies have complied with NEPA and CEQA at all stages of the process, and gave the public the opportunity to provide input.</p>	No

CC_LT_1220_025

COPCO LAKE FIRE PROTECTION DISTRICT
27805 COPCO ROAD
MONTAGUE, CA 96064

December 20, 2011

Honorable Charlton H. Bonham
Director, California Department of Fish and Game
1416 Ninth Street, 12th floor
Sacramento, CA 95814

Subject: Klamath Facilities Removal, EIR/EIS, Secretarial Determination Coordination Process.

Dear Honorable Director Bonham:

The purpose of this letter is to thank you for sending your environmental officer, Mr. Mark Stopher to engage in the coordination process with the COPCO Lake Fire Protection District, (CLFPD) and the Siskiyou County Sheriff's Office (SCSO). During the meeting, we discussed grave concerns pertaining to the Klamath Facilities Removal EIR/EIS. As you are aware, the dam removal issue is a major one that potentially impacts in a major way, the economy, traditions, livelihoods, recreation, public safety, health and welfare of the thousands of citizens impacted by the proposal.

We are looking forward to our next coordination meeting that is currently planned sometime in January of 2012.

Comment 1 - Environmental Justice

This letter is a restatement of our joint position of opposing any dam removal on the Klamath River for the following reasons.

- The subject document, (EIR/EIS) does not meet the standard as stated in the National Environmental Policy Act (NEPA) and does not meet the intent of the California Environmental Quality Act, (CEQA).
- The EIR/EIS fails to meet the definition of "Environment." Which is, the external circumstances, conditions, and things that affect the existence of man or organisms or a group of each?
- The document only address the "Environment" of Fish and no other habitat impacted by the proposal.

Comment 1 cont.

- The concept of “Environmental Justice” states that, “...the fair treatment and meaningful involvement of all people.” Further, environmental justice “seeks to redress inequitable distributions of environmental burdens, the co-modification of land, water, energy and air, unresponsive, unaccountable government policies and regulations.”
- The subject document states that the purpose of the proposal is to, “...achieve a free flowing river condition and full volitional fish passage as well as other goals in KHSA and KBRA.”
- The subject document states that the need is: “...to advance restoration of the salmonid fisheries.” Again, there is no mention of the other habitat impacted by the proposal.
- The stated purposes and needs of the EIR/EIS do not meet the standard as stated in NEPA or CEQA.

As you are probably aware, under California law and court decisions, man's environment takes precedent over animals or other natural species.

We cite the following as an example of this premise; California Constitution, Art. I sec. 3(a) “The people have the right to instruct their representatives.”

Calif. Gov. Code. Section 100, title 1, Div. 1, 100(a) “The sovereignty of the state resides in the people.” The purpose and scope of sovereignty is important and does not require further elaboration.

Calif. Government Code Section 11,120 et seq. states: “It is the public policy of this state that public agencies exist to aid in the conduct of the people’s business and proceedings of public agencies be conducted openly so that the public may remain informed.”

Title 7, California Government Code, Planning and land use, Section 65300.7 states: “The Legislature finds that the diversity of the state’s communities and their residents requires planning agencies and legislative bodies to implement this article in ways that accommodate local conditions and circumstances, while meeting the minimum requirements.”

Section 65300.9 states, “It is the intent of the legislature in enacting this chapter to provide an opportunity for each city and county to coordinate its local budget planning and local planning for federal and state program activities”

The following CEQA citations show that the local decision making bodies can override significant environmental impacts of a project or activity if it finds that overriding economic or social factors exist to the detriment of the people.

California Environmental Quality Act, (CEQA), Chapter 1: Policy

2100. Legislative intent; the legislature finds and declares as follows: (a) "The maintenance of a Quality environment for the people of this state now and in the future is a matter of statewide concern."
(d)...."It is the intent of the legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached."

(g) "It is the intent of the legislature that all agencies of the state government which regulate activities"..."so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian."

CEQA, 21001. Additional legislative intent: "The Legislature further finds and declares:"

(b) "Take all actions necessary to provide the people of this state with clean air and water"
But not at the expense of the peoples own human environment.

(d) "Ensure that the long-term protection of the environment, consistent with the provisions of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions."

(e) "Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations."

CEQA, Section 15003. Policies:

(j) "CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement." (Laurel Heights improvement Assoc. v. Regents of U.C. (1993) 6 Cal4th 11120 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553)

Comment 2 - CEQA

There are many inconsistencies in the subject document, (EIR/EIS) and we look forward to a substantive and meaningful coordination process to resolve the inconsistencies.

In light of the stated "Legislative Intent" in CEQA, the 6 Objectives listed in the EIR/EIS have some inconsistencies. The most glaring inconsistency is that the objectives do not meet the basic directive of CEQA, and that in Chapter 1: Policy, 2100 (d)...."decent home and suitable living environment for every California, shall be the guiding criterion in public decisions."

Again, we appreciate your agency's involvement in this vital coordination process and look forward to our next meeting to further clarify our mutual concerns and objectives. I also look forward to solutions to the problems and discrepancies we have discussed.

Sincerely,



Linda Oliver, Chair Person
COPCO Fire Protection District



Jon E. Lopey, Sheriff-Coroner
Siskiyou County Sheriff's Office

CC: Secretary Salazar, DOI
Congressman Herger
Governor Jerry Brown
Secretary Laird, Ca. Natural Resources Agency
Mark Stopher, Ca. F&G
Matt Baun, DOI F&W
Pete Lucero, BOR

Comment Author Oliver, Linda
Agency/Assoc. Copco Lake Fire Protection District
Submittal Date December 20, 2011

Comment Code	Comment Response	Change in EIS/EIR
CC_LT_1220_025-1	<p>The Lead Agencies have complied with NEPA and CEQA in development of the EIS/EIR. The EIS/EIR evaluates effects to 23 environmental resources; fish is one of the 23 resources. These 23 resources are described and evaluated in Chapter 3 of the Draft EIS/EIR, including a section on the Affected Environment, Environmental Consequences (including habitats impacted) of all the proposed alternatives, and Mitigation. Section 3.16, Environmental Justice, describes the environmental justice effects of the project alternatives.</p> <p>As described under NEPA regulations Section 1502.13, the Purpose and Need "shall briefly specify the purpose and need to which the agency is responding." CEQA regulations Section 15124 indicate that "The statement of objectives should include the underlying purpose of the project" (CCR Title 14, Chapter 3, Article 9 Section 15124).</p> <p>The NEPA purpose and need and CEQA project objectives were developed to reflect the underlying needs, goals and objectives of the federal and state action agencies.</p>	No
CC_LT_1220_025-2	<p>The comment states that the six objectives listed in the EIR/EIS "have some inconsistencies." The comment author identifies one inconsistency, which is that the objectives do not meet the basic directive of CEQA, and cites to Section 2100(d). CEQA lists many important policies. Section 21001(d) (not Section 2100(d)) states that it is the policy of the state to, among other things, "Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions." The Lead Agencies interpret the comment author to say that the Proposed Action is not consistent with the CEQA policy. However, without further details from the comment author on the specific areas of inconsistency, no further response to this comment is possible or necessary.</p> <p>The policies of CEQA, including the policy stated above, are different from the objectives of the project, which are required as part of the project description under CEQA (CEQA Guidelines Section 15124(b).)</p>	No

CC_MC_1026_011

KLAMATH DAM REMOVAL
 DRAFT EIS/EIR HEARING
 OCTOBER 26, 2011
 PUBLIC TESTIMONY
 ARCATA, CALIFORNIA

MR. SEEMAN: Good evening. Hank Seemann,
 S-e-e-m-a-n-n. I'm with the Humboldt County Public Works
 Department.

Humboldt County participated in the negotiation
 of the Settlement Agreements and were a signatory party
 as a public agency. Humboldt County's primary interests
 have been improving flows in the Klamath River,
 protecting our commercial and recreational fisheries, and
 alleviating the hardships to our fishing and tribal
 communities.

Comment 1 - Approves of Dam
 Removal

Developing an EIS/EIR for an environmental
restoration project is almost a paradox. The document
focuses on analyzing potential adverse effects to a
project whose inherent purpose is to provide
environmental benefit. And Dennis's presentation, I
think, did a good job highlighting for Alternatives 2 and
3 that the proposed project is a massive undertaking that
will deliver immense benefits to the health of the
Klamath River, to the fisheries on the North Coast, and
to the communities who depend on the river.
The concepts that are embodied in the Agreements
that led to this EIS/EIR are simple and logical: remove
the dams, provide -- reestablish the habitat

connectivity, deliver immediate improvements to flows and water quality, and then set up a framework to tackle the more complex water quality problems, based on priority, cost, and feasibility.

This EIS/EIR document is solid. The technical analysis is detailed and robust. I think that the collective team has found the best way to manage the immense volume of sediment trapped behind the dams. And there is just a clear understanding that the hydrologic conditions during construction is uncertain, and, therefore, there's a need to prepare for multiple scenarios. And there's clearly a commitment to mitigation measures for potential adverse effects that could be significant.

The technical studies associated with this EIS/EIR provide solid evidence of the expected benefits to fisheries on the North Coast, and this EIS/EIR helps us see that the beneficial effects of the proposed project, coming out of the Klamath Settlement Agreements, those positive benefits vastly outweigh the potential adverse effects. And I think this document is a really important milestone to help us achieve those goals.

Thank you.

Comment Author Seemann, Hank
Agency/Assoc. County of Humboldt, Public Works Department
Submittal Date November 21, 2011

Comment Code	Comment Response	Change in EIS/EIR
CC_MC_1026_011-1 &	Comment Noted. Master Response GEN-2 Some People Approve of Dam Removal, Others Oppose Dam Removal.	No

CC_EM_1121_022

From: Darren Spellman [SMTP: DSPPELLMAN@CO. CALAVERAS. CA. US]
Sent: Monday, November 21, 2011 10:51:45 AM
To: BOR-SHA-KFO-Klamathsd
Subject: Damn Dam busters
Auto forwarded by a Rule

Comment 1 - Disapproves of Dam Removal

Please use the common sense God has given us and tell these damn dam busters to get lost.

In Washington and Oregon they have had some success with these plots however any person on the street can tell you California has a much different rain total and we need every drop of water for Agriculture, clean hydro energy, recreation and for human consumption.

I am a Northern California native, a California State University graduate, a former California public school teacher and currently an elected Calaveras County Supervisor.

My county has more than a half dozen dams that are used for all the above mentioned purposes and I do not want to see I precedent of any such structures taken off line in California. This concept is Utopian, Elitist, Scientifically deficient nonsense.

Sincerely,

Darren Spellman
Calaveras County Supervisor D5

(209) 380-1718

Supervisor Spellman
via iPhone

Comment Author Spellman, Darren
Agency/Assoc. County of Calavares
Submittal Date November 21, 2011

Comment Code	Comment Response	Change in EIS/EIR
CC_EM_1121_022-1 &	Master Response GEN-2 Some People Approve of Dam Removal, Others Oppose Dam Removal. Master Response GHG-1 Green Power. Master Response HYDP-1 Reservoir Water Rights.	No