

IT\_MC\_1018\_003

## Klamath Falls Hearing - 10-18-2011

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## STATEMENT PROVIDED BEFORE PUBLIC HEARING

(Directly to Court Reporter)

MR. DON GENTRY: Don Gentry, G-e-n-t-r-y.

Comment 1 - Approves of Dam Removal

I'm vice chairman of the Klamath Tribes and I'm  
here to communicate the Klamath Tribes' support of the  
 findings of the Draft EIS/EIR and to express our continued  
 support of the Klamath Basin Restoration Agreements and  
 the Klamath Hydroelectric Settlement Agreements.

The Draft EIS/EIR generally confirms that the  
 KBRA and KHSAs are good for the Klamath Tribes and good for  
 the people of the Klamath Basin, from the headwaters to  
 the mouth and beyond.

Comment 2 - NEPA

As supporters to the agreements and a party to  
 the agreements, we felt that the EIS needed to be done in  
 a comprehensive and detailed way, using the best available  
 science, it needs to be open, we need to use the  
 appropriate analysis to address the complex issues around  
 this.

And I appreciate the work that was done to it  
 in addressing the complex issues head on, and just the  
 summary testifies to that.

We certainly believe that the EIS displays and reveals the positive and negative impacts. We believe -- the Klamath Tribes believe that the agreements represent the best alternative to the status quo of continued conflict and legal battles. With that, and accordingly, the Klamath Tribes support Alternative 2 or, at a minimum, Alternative 3, for full or partial removal of the lower four dams in the Klamath River. This is certainly the best way to restore our salmon and steelhead to the Klamath homelands which have been denied access to this area for over 94 years.

Comment 3 - Approves of Dam Removal

As a Klamath tribal hunter and fisherman, it's difficult to even explain how this has impacted the tribal community up here. I was taught by my father to hunt and fish for my family, as many of our tribal men and members of the community have. I have had an opportunity to fish with my native friends downriver, and each time I do, I -- I feel a sense of loss for what we have been denied up here, as the Klamath people.

Comment 4 - ITAs

I appreciate that the EIS looked at the facts and the historical information regarding the presence of salmon here in the upper basin and the importance of that salmon to the tribal community. This loss has been

Comment 5 - Fish

immeasurable to us. It's because of that that we support removal of the dams. We know that a free-flowing river is the best way and provides the greatest opportunity to restore those valuable fisheries, not only valuable to us and our lifestyle and culture, but to all the people in the whole basin, with positive impacts. We believe that this is the best solution and this will pave the way for implementation of the KBRA and KHSA, which is critical to the sustainability of our people.

Thank you.

**Comment Author** Gentry, Don  
**Agency/Assoc.** The Klamath Tribes  
**Submittal Date** October 18, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1018_003-1	Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose Dam Removal.	No
IT_MC_1018_003-2	Master Response GEN-1 Comment Included as Part of Record.	No
IT_MC_1018_003-3	Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose Dam Removal.	No
IT_MC_1018_003-4	Refer to Section 3.12.3.1 of the Draft EIS/EIR for a description of how The Klamath Tribes have been affected by a loss of fish in their diet.	No
IT_MC_1018_003-5	Master Response GEN-1 Comment Included as Part of the Record.	No

IT\_MC\_1019\_011

**PUBLIC HEARING ON THE KLAMATH DAM**

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CHILOQUIN, OREGON

OCTOBER 19, 2011

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MR. DON GENTRY: Don Gentry, G-e-n-t-r-y,

Vice-Chairman of the Klamath Tribes. Thanks for providing

this opportunity to speak.

Comment 1 - Approves of Dam Removal

On behalf of the tribes, I came here to express our

support of the findings of the Draft EIS, EIR and our

continued support of the Klamath Basin Restoration

Agreement and Klamath Hydro Electric Settlement Agreement.

After hearing much of the testimony last night, I

felt it would be important to commend the team for the

hard work done. It was a real difficult task that had to

be done in a short period of time to address many complex

and controversial issues.

Comment 2- NEPA

Though I haven't, I admit I haven't read the whole

document thoroughly, I have read the summary and I have

looked through parts of it, looked through the indices.

I would have to say that you folks did a great job.

I don't think any of the complex and controversial issues

that have been identified in this open public process,

which again was really important to us as signatories to

the KBRA, I know it is important to the Secretary and to

the public to have an open process that consider all the

potential implications and impacts on the folks in the community and all the resources.

I believe that you addressed those head-on, and I think that you used the best available science, acceptable scientific methods. And on top of that it was peer reviewed.

I think that that's real critical to point out.

Irrespective of whether you like the results or even the comments of some of the folks on the peer review team, it was peer reviewed.

I kind of say that because some of the statements that were -- some folks, the opponents of the dam removal, focused on some of those less than convincing things that support dam removal, you know. They want to focus on those things.

But to me that testifies that this was an open process. It wasn't something that was shoved down the throats of the public. Basically you cited those statements even though that maybe wouldn't necessarily support dam removal.

But the preponderance of the information gathered certainly supports dam removal and the importance of that in terms of restoring the fish. So that is evident. We can see that throughout the document.

I think you've done a commendable job in addressing some of the needs to address the wrongs here in the Basin, the long-standing wrongs that have affected the Klamath peoples and other tribal communities.

Comment 3 -  
Environmental Justice

The fact that we've been denied salmon for 94 years

is certainly an injustice. And I appreciate the environmental justice section and what was done there to address those shortcomings and the long-standing issues that have affected us as native people.

Comment 4 - NEPA

This is about all the community, the whole community. And I see that that was addressed comprehensively in the EIS and EIR, and I appreciate that. And with that I wanted to express a little bit of why we support the Klamath Basin Restoration Agreement which is related to action.

I think you did as good a job as you could to address that, knowing that it's a related action and wasn't specifically designed to look at the benefits of the Klamath Basin Restoration Agreement.

Comment 5 - KBRA

But certainly the Klamath Basin Restoration Agreement was designed to address those issues that you put up front, the legal battles that have been ongoing, the battles over water, unpredictable water supplies to the ag community, fish kills that affected people up and

down the Basin, the coastal fisheries, the stability of our region. That was the heart of the Klamath Basin Restoration Agreement to provide stability for all those involved here.

And from that perspective, removing the dams, supporting the agreement is in the best interests of the public. Though some folks realize that they weren't a party to the agreement, so that the key parties had to be there because it affected the water. At the heart of that, we addressed sustainable water to agriculture; we addressed the need of water for fish; we addressed the need to restore the system and addressed the real problems that have been ongoing. Rather than put Band-Aids on things that provide drought relief and relief to the fisherman who couldn't fish because of the reduced population. This is a meaningful solution that will provide for all of us here in the Basin.

And that really is a part of the Klamath Tribes culture, to be concerned for our neighbors. We have always been welcoming people. Maybe sometimes it can be perceived to our detriment.

But that has been our personality, that is who we are, that is in our culture, our traditions, in our legends.

I am always reminded even if we had a flea to share, we would share that flea with our neighbor. That's the heart of our people.

Though we've been wounded and injustices have occurred, we are not focused on that --

THE FACILITATOR: Time.

MR. DON GENTRY: We are not focused on that, we are focused on the solutions.

Thank you.

**Comment Author** Gentry, Don  
**Agency/Assoc.** The Klamath Tribes  
**Submittal Date** October 19, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1019_011-1	Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose Dam Removal.	No
IT_MC_1019_011-2	Master Response GEN-1 Comment Included as Part of Record.	No
IT_MC_1019_011-3	Master Response GEN-1 Comment Included as Part of Record.	No
IT_MC_1019_011-4	Master Response GEN-1 Comment Included as Part of Record.	No
IT_MC_1019_011-5	Master Response GEN-1 Comment Included as Part of Record.	No

IT\_LT\_1019\_082

Public Comments of Mary E. Gentry, at the Chiloquin Community Center, Chiloquin, Oregon October 19, 2011. *EIS/EIR PLOCS*

Comment 1 - Approves of Dam Removal

(2) My name is Mary Summers Gentry; my Klamath name is (loloka), which means "little fire." *Support* First I approve of Alternative 2, and at a minimum alternative 3. Now I will ramble on about me as seems to be the format for these hearings, but please do not clap as I am not running for office and I personally do not seek your approval or validation of my position. I am an enrolled member of the Klamath Tribes. I was born and raised in Chiloquin, Oregon. I too, am a fourth generation ranching family and own land along the banks of the Sprague River. My family is one of the few dozen remaining tribal families that own land designated through the allotment act. Prior to ranching, we as tribal people lived and gathered in the pristine lands of this great basin from time immemorial and my ancestors observed the creation of Crater Lake and always knew exactly where it was. AS a member of the Klamath Tribe I have never been able to fish for the salmon, but know our story of creation states the fish was placed here for our subsistence and as Adam named the animals in the garden we were able to name the salmon "ci'als". I also work in the community. I pay federal, state and county property taxes, buy my goods and services in the Klamath basin and I pay for electricity. Although, I know how to live without electricity as my family once did on the former Klamath Indian reservation. We did not get electricity until 1970's, *on our property,* and are very glad we have it available to power up our casino, yet when the power goes out we have a generator that kicks in after 10 seconds in outages. *Provides a warm place, meal or a cup of coffee as well jobs for our community.*

My long felt goal and personal desire and prayer is that we would treat each other honorably, with respect and rise above racial issues that continue to be rampant within the Klamath Basin. It is time for change and for the nation and this county to recognize the first peoples of this land, the "Indians, Natives, First Nations," as people with inherent rights and vital role as the first stewards of this land. We have survived "Out of Control government" policies such as annihilation, extermination, assimilation and we take our sovereign status and treaty rights seriously and are not a "special interest group" The treaties are still supreme law and should be honored.

(1) Thank you for the opportunity awarded to express my view. This historical Restoration Agreement and the Klamath Hydroelectric Settlement Agreement awards us the opportunity to build relationships, sustain our individual lifestyles and various cultures whether we are tribes, fishermen, ranchers, agriculture or rate payers and will all benefit from a healthy environment. *Undam the dams, this will provide us the opportunity to fish for the salmon as the creator intended, and so This gives me, our tribe, our leadership the courage and strength to work cooperatively with our community and partys involved in the agreement. Sup Keuca - Thank you*

**Comment Author** Gentry, Mary  
**Agency/Assoc.** The Klamath Tribes  
**Submittal Date** October 19, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_LT_1019_082-1	Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose Dam Removal.	No

IT\_MC\_1019\_006

## PUBLIC HEARING ON THE KLAMATH DAM

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 CHILOQUIN, OREGON  
 OCTOBER 19, 2011  
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MS. MARY GENTRY: Good evening, thank you for  
 being here.

(Speaker talks in native language.)

THE FACILITATOR: Could you spell your last  
 name?

MS. MARY GENTRY: Mary Gentry, G-e-n-t-r-y.

(Native language spoken), welcome to Chiloquin,  
 home of the Klamath Tribes.

I am the wife of the vice chairman, Don Gentry,  
 and I have his permission to speak. I pray that I don't  
 dishonor him or the Klamath Tribes as I speak some of my  
 mind from some of the wounded feelings that I had last  
 night, which is very tough to take.

My Indian name is Loloka, which means Little

Comment 1 - Approves of Dam Removal



Fire. First, I support Alternative 2 and, at a  
 minimum, Alternative 3.

Now I will ramble on a little about me. It  
 seems to be a position, or the format of some of these  
 hearings, or at least it was last night.

But please do not clap, anyone, for me,  
because I'm not running for any office, and I personally  
do not seek approval or validation for my position.  
I am an enrolled member of Klamath Tribes and I  
was born and raised right here in Chiloquin. I, too, am a  
fourth-generation ranching family and own land along the  
banks of the Sprague River.

Prior to ranching, my family, as tribal people,  
lived and gathered in the pristine lands of the greater  
basin from time immemorial, and my ancestors observed the  
creation of Crater Lake and always knew exactly where it  
was.

As a member of the Klamath Tribes, I have  
never been able to fish for salmon or cook it for my  
family but know our story of creation states that fish  
were placed here for our subsistence by the Creator  
himself, and as Adam was able to name the animals in the  
Garden, we as a tribe, were able to name the salmon,  
(native language spoken).

I also work in this community. I pay federal,  
state, and county property taxes. I buy my goods and  
services in the Klamath Basin and I am an electricity  
user, I pay for electricity to run our ranch, although I  
also know how to live without electricity, as we lived on

the former Klamath Indian Reservation. Electricity was not placed on our land until the mid-1970s.

And also, we are glad that we have electricity to run our casino. This is an economic self-sufficiency enterprise for the Klamath Tribes and it supports many jobs for our tribal community and the basin. It also is a very warm place to go when the power goes out, a place to get a nice meal and a warm cup of coffee, as this morning, when the power went out, because we have a generator that kicks in in ten seconds when the power goes out.

My long-felt goal and personal desire is that we would treat each other honorably, with respect, and rise above racial issues that continue to be rampant within the Klamath Basin, which has been greater than the 20 years, sir, that you have been involved in these issues.

Comment 2 - ITAs

It is a time for change and for the nation and this country to recognize the first people of this land, the Indians, Natives, First Nations, as people with inherent rights and with a vital role as the first stewards of this land. We have survived out-of-control government policies such as annihilation, extermination, and assimilation, and we take our sovereign status and treaty rights seriously and are not a special interest

group. The treaties are still supreme law and should be honored.

I'd like to thank our tribal leadership, as they gave us the right to be involved in the KBRA, and I appreciate that. And I honor these men and the battles that they have taken on, and the former chairmen of our tribes, that they have taken on, and they battle and they continue, still, on my behalf.

I thank you for the opportunity awarded to  express my view. This historical restoration agreement and Klamath Hydroelectric Settlement Agreement awards us the opportunity to build relationships, sustain our individual lifestyles and various cultures, whether we are tribes, fishermen, ranchers, agricultural or ratepayers, and will all -- we will all benefit from a healthy environment.

Undam the dams. This will provide us the opportunity for our salmon to return and that we may -- that it may sustain us as the creator intended.

This hope gives me, our tribe, our leadership, the courage and the strength to work cooperatively with our community and the parties involved in this agreement.

(Native language spoken.)

Thank you.

**Comment Author** Gentry, Mary  
**Agency/Assoc.** The Klamath Tribes  
**Submittal Date** October 19, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1019_006-1	Master Response GEN-2 Some People Approve of Dam Removal, Others Oppose Dam Removal.	No
IT_MC_1019_006-2	Refer to Section 3.12.3.1, of the Draft EIS/EIR for a history of the Klamath Tribes and a description of how The Klamath Tribes have been affected by a loss of fish in their diet.	No
IT_MC_1019_006-3	Master Response GEN-2 Some People Approve of Dam Removal, Others Oppose Dam Removal.	No

PUBLIC HEARING ON THE KLAMATH DAM  
REMOVAL DRAFT EIS/EIR

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YREKA, CALIFORNIA  
THURSDAY, OCTOBER 20, 2011

MR. BOB GOODWIN: Good evening. It's getting  
late, isn't it?

I'd like to thank you guys, Mark and Dennis,  
for putting this on --

THE FACILITATOR: Could you give us your name,  
please?

MR. BOB GOODWIN: Bob Goodwin, I'm the  
self-government coordinator for the Karuk tribe and also a  
tribal member. And it's B-o-b G-o-o-d-w-i-n.

And again, I'd like to thank you fellows for  
coming out and giving the residents of Siskiyou County an  
opportunity to speak. Obviously, there's some pretty  
strong opinions both ways.

I have been involved in the process here since  
about 2001, and when I walked in the door and started  
listening to people, I wasn't in agreement with removing  
the dams, either, but I think that I took the time and  
looked at the information that was given out, we worked  
very closely with some of the farmers in the upper basin  
to assure that they are going to have water flows up there  
and also to assure that we are going to get better water

quality in the lower Klamath River.

I grew up here, I was born in Yreka and I was raised in Happy Camp. I'm 47 years old and I have seen the decline of the salmon fishery, personally. I remember, as a kid, watching the salmon and just being amazed at how many were in Indian Creek and in Elk Creek and in Clear Creek and in the main stem of the river. The fish aren't there anymore.

And people can point their fingers everywhere they want to point, but sometimes you need to look in the mirror and see what's happening right here, right in our homeland.

Our medicine people do the ceremonies, I have been in the ceremonies, I have participated in the ceremonies, it's very powerful when you go down there, but it's also sad to see the decline of the salmon that is so important to our people.

My children -- my daughter was up, speaking earlier. My son would be up here but I think he had to go buy a video game or something more important in his world, but I'm completely in support of what we are doing here.

Comment 1 - Approves of Dam Removal

I know that there's more things that could be done to assure some of the people that are in the room today, and some of the people that have left already, that

their needs are going to be met, but I know that, working  
as hard as we have with the other tribes in the basin and  
with the other participants, that it's -- this is going to  
be a living document, I can see that, I have been a part  
of it.

I wasn't for dam removal when I walked in the  
door; in fact, I was opposed to it and I had to have time  
to see what was being done by the science and also in my  
own mind, to look back at the number of fish that we used  
to have in the system.

Comment 2 - Hydrology

And when they built these dams here, you hear a  
lot of people talking about flood control and this and  
that; those aren't flood control dams, we know that. We  
have had some of the worst floods since the dams were in:  
'55, '64, '76, '97. Those dams didn't stop any of those  
floods.

Now we are talking about increasing the  
capacity of Upper Klamath Lake by 97,000 acre feet. I  
think that's going to do more because the dams, combined,  
only hold about 12,000 acre feet, 13,000 acre feet.  
It only makes sense that we can work together,  
we can get this right, we have to be careful. Today is  
not the end of it, people are going to have more time for  
comment, and I really look forward to people coming down

and talking to us at the tribe and expressing their  
opinions, and I think that we can work through this and  
that we can get it done correctly.

Again, I applaud you and thank you for your  
time.

THE FACILITATOR: Thank you.

**Comment Author** Goodwin, Bob  
**Agency/Assoc.** Karuk Tribe  
**Submittal Date** October 20, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1020_024-1	Master Response GEN-2 Some People Approve of Dam Removal, Others Oppose Dam Removal.	No
IT_MC_1020_024-2	Master Response HYDG-1 Flood Protection.	No

IT\_MC\_1020\_020

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

MS. JACLYN GOODWIN: Hello, my name is Jaclyn

Goodwin, J-a-c-l-y-n G-o-o-d-w-i-n.

I am a Karuk tribal member and long-time

Comment 1 - Approves of Dam Removal

resident of Siskiyou County. I support dam removal and

the restoration agreement. Our Karuk people have lived

for thousands of years off of the salmon. Today we hardly

get enough salmons for a few meals a year.

The lack of salmon has impacted our health and

threatens or culture. The benefits of dam removal far

outweigh any kind of negative impact there may be.

It's about doing what's right for the next

generations so, in the future, the Klamath River may be

restored to a healthy state for the salmon, the people,

and the environment.

Thank you.

**Comment Author** Goodwin, Jaclyn  
**Agency/Assoc.** Karuk Tribe  
**Submittal Date** October 20, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1020_020-1	Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose Dam Removal.	No

IT\_EM\_1118\_099

From: Ron Griffith, enrolled member Karuk 1930 11/18/2011 11/18/2011  
 643 North St.  
 Yreka CA 96097  
 Email: [reg80427@gmail.com](mailto:reg80427@gmail.com)  
 Ph. 530 598-8447

To: The Secretary of Interior and to reviewers of the Klamath Hydroelectric Project Facilities Removal Draft Environmental Impact Statement (DEIS) and the Draft Environmental Impact Report (DEIR)

Subject: Public comments to be reviewed and entered into the record of factors considered in decision making regarding the DEIS and DEIR

Dear Secretary of Interior and Reviewers:

Comment 1 - Disapproves of Dam Removal

Please reject KBRA 15.3.9 and the DEIS & DEIR documents.

Comment 2 - ITAs

These documents do not respect Indian rights, they include long-term discrimination against Indians regarding future participation in Klamath River decision-making, and they are not in the best interests of the ecological health of the river. The Klamath River situation is more complex than is reflected in the current documents, and the ideas set forward do not allow many citizens with major interests in the river to be heard or to express some of the additional complexity. If you will set aside these flawed documents then Indians and other disenfranchised individuals will have a chance to help decide these critical issues. I especially want to contribute and bring to light many important Shasta, Karuk, Yurok and Modoc Indian concerns.

Yours Truly,  
 Ron Griffith  
[KSDcomments@dfg.ca.go](mailto:KSDcomments@dfg.ca.go)

The material to follow highlighted in purple represents some brainstorming:

Public no power  
 Represent true stewardship of/for Mother Earth

Army Corp of Engineers  
 EPA (Environmental Protection Agency) - Interpretation - Provide rules/standards/thresholds for impacts - Help mitigate Pros & Cons BLM (Bureau of Land Management)

Klamath whale  
 Underwater volcanoes along the coast had just erupted Underwater geography & habitat changed due to lava coverage (wide area) Lava altered temperature, built mountains, burried plankton (Gray Whale food)  
 Plankton eat muscle waste(?)

Same time, small amounts of Japan's radioactive waste starting to hit US west coast Dredging & gold

Monday, November 21st

Deadline to respond to DEIS/DEIR ->

Negative impacts ->

Mitigation (no legal time constraint) -> Mitigated, another DEIS -> Pass as is, EIS ->

When/where was DEIS/DEIR for KBRA published/posted?

CRM = CEQA (California Environmental Quality Act) + Etc + Impact

Resighini Rancheria - Quartz Valley Indian Reservation/Del Norte Hoopa refused to sign KBRA because doing so would give up water/fishing rights

Conflicts of interest

Salmon nursery

Caution & critical state

Biased

Bulldozed over - Need right legal language in DEIS response

DEIS is power to public/private. But need to know how to use it & how it works. Tribes need to empower themselves. Need legal team, person or advocate checking daily for new DEIS or approaching laws. Need time to prepare and respond to DEIS. Water tests? Soils tests? Air tests?

Habitat data? Cultural resource data? Need time to collect facts, and to be able to prove with the right legal language and data.

Klamath River water ->

#1 Tribes want & legally have 1st rite

#2 Oregon farmers want & legally have 2nd rite (usually get 1st rite - Political/commercial bias' - Conflicts of interests with Tribes)

#3 Commercial fishermen want & have no legal right (Share some interest with Tribes - Conflict of interests with farmers)

IS/WILL? dam removal going to hurt the Oregon farmers?

What's up with Oregon farmers & commercial fisherman?

How do they feel about KBRA? Are they disputing?

KBRA allocates \$92 million TAX dollars, and 330,000 acre square feet of water from the Klamath to irrigate 20,000 Tule acres, and the lower Klamath Wildlife Refugee. EVERY year - For 50 YEARS! Pretty specific amounts here. How many acre square feet of water does the Klamath River produce? Especially during the low periods? What's left for the ecosystem, the fish and the rest of the habitat? Will the Klamath produce as much water as it does now in even 10, 15, or 20 years, much less 50? Warming trends suggest the Klamath will produce less. In this scenario, Tule will continue to be subsidized at the expense of the TAXPAYER, while the ecosystem receives less and less water (and energy).

What part/parts of the Klamath River will the 330,000 acre square feet of water be irrigated from? Above/below polluted areas?

**Comment Author** Griffith, Ron  
**Agency/Assoc.** Karuk Tribe  
**Submittal Date** November 18, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_EM_1118_099-1	Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose Dam Removal.	No
IT_EM_1118_099-2	Master Response TTA-7 Tribal Involvement in Future Discussions of Water Management.	No

December 19, 2011

Ms. Elizabeth Vasquez  
Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825

KLAMATH SETTLEMENT  
EIS/EIR COMMENTS

Dear Ms. Vasquez,

Comment is - Cultural Resources

The following documentation will clearly define who the Upper Klamath Indians really are as to tribe. In relation to:

1. TREATY WITH THE POHLIK OR LOWER KLAMATH, ETC., 1851, OCTOBER 6, 1851, UNRATIFIED.
2. A TREATY SUPPLEMENT TO THE FOREGOING TREATY.

This was signed at Camp Cor-a-tem near the mouth of the Salmon River, as an addenda to Treaty signed October 6, 1851, at the junction of the Klamath and Trinity rivers. Karok names of people and places appear on both of these treaty documents.

The Karok Tribe never was a party to Treaty "R".

3. TREATY WITH THE UPPER KLAMATH, SHASTA AND SCOTT'S RIVER, 1861, NOVEMBER 4, 1851 UNRATIFIED.

Read on....

Karok means up river, Yurok means down river, and the Shasta were upper Klamath. In tribal lexicon of the tribes on the river. This is where the term "Upper Klamath" came from.

Today we have to use documents written down by the Europeans, and the United States Government, who did not always get it right. The misuse of a term written over a hundred (100) years ago can still effect what is happening today as in the case of the treaties with the tribes on the Klamath River. The use of the term "upper" for the Karok in their treaty "Q" instead of "up river", then again in the Shasta Treaty "R", and the Shasta are the upper river people, on the Klamath River.

Treaty "Q", Karok names on this treaty are underlined.

According to Professor Bright: Up-pa-goines is a Karok town.  
"Sa-von-ra, Karok, Up-pa-grah, is Karok. Ex-fin-e-pah, is Karok.  
"Cham-ma-ko-nec, is Karok. Coc-ko-man, personal name clearly involves a Karok place name. Che-nah, Karok- across from Orleans.

Bright, "The treaty supplementary" to Treaty "Q" clearly refers to the Karok!

Bright states "Treaty R from Scott Valley is a problem for him". Because Professor Bright had studied the Karok language for years, and he did not understand the names of the Shasta on the TREATY WITH THE UPPER KLAMATH, SHASTA AND SCOTT'S RIVER, 1851. November 4, 1851./UNRATIFIED.

O-DE-I-LAH, was the Shasta area from Clear Creek up the Klamath River.

4. The National Archives, Washington D.C. Roll 8. Unratified Treaties list treaties A To R.

Q. Poh-lik, or Lower Klamath, &c., October 6, 1851.

R. Upper Klamath, Shasta, &c., November 4, 1851.

(Treaty "Q" and Treaty "R" are totally separate treaties).

5. EIGHTEENTH ANNUAL REPORT To The SECRETARY OF THE SMITHSONIAN INSTITUTION. 1896-97. J.W. Powell Director. Washington Government Printing Office 1899.

On pages 788 and 789 is the SCHEDULE OF INDIAN LAND CESSIONS ---

Page 788 show date October 6, 1851 Treaty "Q" areas of this treaty, by tribal names. Reserve a tract on Klamath river - page 789 shows map number 303. And under this line Cede claim to all other territory--page 789 shows map number 304, which does not come above the Karok furthers upstream village at Clear Creek on the Klamath River.

Now on page 788 and 789 it shows November 4, 1851. Reserve a tract on the upper Klamath river--page 789 The first of these tribes was commonly called Upper Klamath; the next three, Shasta Valley Indians; and the last two, Scotts Valley Indians. And these are referred to map numbers 305 and 306.

Please note on the map that 306 of ceded lands extend from Thompson Creek on the Klamath River to Clear Creek below Happy Camp. As you know Commissioner Redick McKee and George Gibbs, both stated in their journals that when they proceeded up the Klamath river from Clear Creek the language changed from Karok to that of the Shasta language.

Royce) LAND CESSION BY TRIBES 955

Names on Treaty "Q" October 6, 1851.

Page 958 Peh-tuck see Klamath. (This name is spelled Peh-tsick in Treaty "Q" means Karok).

Pohlik, see Klamath.

Page 955 Klamath, October 6, 1851

Names on Treaty "R" November 6, 1851

Page 957 Odeilah November 4, 1851

Names on Treaty "R" continued.

Page 955 Idakariwakaha, November 4, 1851  
Ikaruck, November 4, 1851  
Kosetah November 4, 1851  
Page 963 Watsahewa November 4, 1851  
Page 954 Eeh November 4, 1851

Comment 1b - Cultural Resources

These are all listed with November 4, 1851 Treaty, and Designation of cession on map, show numbers 305, and 306. These are Shasta names.

All these documents clearly show the Upper Klamath, Shasta and Scotts River areas of Treaty "R", concluded in Scotts Valley November 4, 1851 are all Shasta Indian aboriginal lands.

Mr. Henry Joe AKA, Henry Joseph, Shasta medicine man, lived in the area of Happy Camp to Seiad. One time he came to Tyee Jim's village in Quartz Valley to doctor my Great Aunt Clara Wicks when she was a girl, for severe headaches. She said she never did have a headache again. Clara lived to be 103 years old, passed away 1978. See Henry's photo.

Chief Idakariwakaha's village was at Boggus, on the Klamath River. His Granddaughter Missouri Ann Owens is buried in the Way Cemetery, some distance above Copco. See photo.

Chief SunRise also signed the Shasta Treaty, he lived on the Scott River, near the mouth of Kelsey Creek. His daughter Betsy Frain, lived on what is now called the Frain Ranch, way up on the upper reaches of the Klamath River. Betsy, and her daughter, also two of Betsy's brothers are buried at the Way Cemetery.

Valentine and Lucinda Griffith lived on the north side of Klamath River, just below where the "Cave Fight" took place. They had a large family. See photos.

Tom and Isabell Smith, had a Shasta Indian Allotment on Shovel Creek. They had a small ranch there.

Jake and Susan Smith. Would visit his brother Tom Smith, at Shovel Creek, sometimes for a few years, and also lived at the Reservation on Duzel Creek, Scott Valley.

All these Shasta Indians lived along the Klamath River, most near where they were born.

I have done the genealogy for the Shasta Nation, and have check records of surrounding tribes. Not one Karok Indian was ever born above Clear Creek, on the Klamath River, before contact time. (The coming of the white man).

Comment 2 - Disapproves of Dam Removal

This is my COMMENT ON THE DRAFT EIS/EIR. I WISH THE FOUR (4) KLAMATH RIVER DAMS TO REMAIN WHERE THEY ARE!

Sincerely

Betty L. Hall, Shasta Historian, 10736 Quartz Valley Rd., Fort Jones, CA. 96032.

cc: Mr. Gordon Lepping  
 California Dept. of Fish and Game  
 Northern Region  
 619 Second Street  
 Eureka, CA. 95501

Secretary of the Interior  
 Ken Salazar  
 1849 C Street N.W.  
 Washington D.C. 20240

U.S. Dept. Of The Interior  
 Bureau of Indian Affairs  
 CHUCK JAMES  
 911 NE 11<sup>th</sup> Avenue  
 Portland, OR. 97232-4169

State of California, Dept. of Fish and Game  
 Mr. Mark Stopher  
 601 Locust Street  
 Redding, CA. 96001

Congressman Wally Herger  
 2<sup>nd</sup> District, California  
 401 Hemsted Dr. Suite 115  
 Redding, CA. 96002

California Assembly  
 District 2: Jim Nielsen  
 P.O. Box 942849  
 Room 6031  
 Sacramento, CA. 94249-0002

California Senate--District 4  
 Doug LaMalfa  
 CA. State Capitol, Room 3070  
 Sacramento, CA. 95814

U.S. Senate: Dianne Feinstein  
 Hart Senate Bld., Ste.  
 331 Constitution Ave. & 2<sup>nd</sup> St., NE.,  
 Washington, D.C. 20510

U.S. President  
 BARACK OBAMA  
 The White House  
 Washington D.C. 20510

Gov. Jerry Brown  
 Ca. State Capitol  
 Suite 1173  
 Sacramento, CA. 95814

Siskiyou Co. Board of  
 Supervisors.  
 Yreka, CA. 96097

U.S. Senate  
 Barbara Boxer  
 Hart Senate Bld., Ste.  
 112 Constitution Ave. & 2<sup>nd</sup> St. NE.,  
 Washington D.C. 20510

Bureau of Reclamation  
 Att: Mr. John Bezdek  
 1849 C Street NW  
 MS 7069 MIB  
 Washington, D.C. 20240

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SANTA BARBARA · SANTA CRUZ

DEPARTMENT OF LINGUISTICS  
LOS ANGELES, CALIFORNIA 90024

September 5, 1984

James T. Rock  
U.S.D.A. Forest Service  
Klamath National Forest  
1312 Fairland Road  
Yreka, CA 96097

Dear Jim,

Regarding your letter of 29 August, I'm glad to give what comments I can on Treaties Q and R and 1851-52, g/

Treaty Q, made near Welchpec, says in its title that it refers to "the Pohlik or Lower Klamath, Gc, tribes" -- which one would of course interpret as referring to the Yurok -- except for the "Gc." In the list of signatures, the first probable reference to the Karok is the "Up-pa-goines": this is the Yurok name, Opepoi, for Red Cap, called Vuppan in Karok, but there is no doubt that this was a Karok town. Early records often refer to Karok towns (up to Katimin) with Yurok names, presumably because Yurok guides were being employed. However, I can't say anything about the names of the two Indians who "signed" for Red Cap.

Next is the "Sa-von-ra" tribe: this is Karok Sahvurum, at Boise Creek. The first of the three Indian names, also given as "Sa-von-ra", undoubtedly indicates that the person in question used his village name as part of his personal name, a well-known Karok practice.

Next, the "Cham-ma-ko-nee tribe", Karok čamknič, below Camp Creek. I can't say anything about the personal name. m/

Next is the "Coc-ko-man" tribe: this is Yurok ko'omen "Orleans", Karok pančmnik. The personal name "Pa-na-mo-nee" clearly involves the Karok placename.

Next is the "Chee-nah tribe": this is Karok čičnač, acrossriver from Orleans. I can't comment on the personal names.

g/   
The treaty "supplementary" to Treaty Q (Meizer 96-97), signed at the mouth of the Salmon River, clearly refers to the Karok. First, the reference to "the Si-wah band" reflects Yurok segwu, Karok ka'tim'iin. The first Indian name, "Esse-pist-i-a", clearly involves Karok 'issipiš "Ishi Pishi". The third name, "Chee-fee-cha", probably reflects Karok xančič, "frog".

-2-

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Next, the "Op-pe-o band" is Yurok apyu, Karok yúxtuuyruk, a section of Katimin. The second personal name, "Peek-neets", is probably Karok pihnič "old man" (the tail end of a longer name).

Next, the "He-ko-neck band" is Yurok ikwanek, Karok asannaamkarak "Ike's place". The second personal name "Non-a-puck-if-ma", is probably Karok xanpuk-ifmáar "tadpole married-man".

Next, "In-neck" is Yurok enek, Karok 'eexrihpippačurapuh, opposite Ike's. The personal name "Sish-kah" is probably Siškaam "big penis".

Treaty R, from Scott's Valley, of course raises a problem with regard to the "O-de-i-lah tribe or band from the Upper Klamath River". I can't identify this etnonym, and can only speculate (because all the other groups in Treaty R are Shasta-speaking) that it refers to the little-known Klamath River Shasta, living from Seiad upriver. None of the personal names make any sense to me. The one person who knows the Shasta language and might identify some of this material is Professor Shirley Silver in the Anthropology Department at Sonoma State.

Of course I am curious as to why all these matters are of interest to the Forest Service -- or is it just to you personally? Keep me posted.

All best,

*Bill*

William Bright  
Professor

## INDIAN AFFAIRS: LAWS AND TREATIES

Vol. IV, Laws (Compiled to March 4, 1927)

Compiled and edited by Charles J. Kappler. Washington : Government Printing Office, 1929.

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### PART IV.—TREATIES.

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**TREATY WITH THE POHLIK OR LOWER KLAMATH, ETC., 1851.**  
October 6, 1851. | Unratified.

Page 1117

**TREATY MADE AND CONCLUDED AT CAMP KLAMATH, AT THE JUNCTION OF KLAMATH AND TRINITY RIVERS, STATE OF CALIFORNIA, OCTOBER 6, 1851, BETWEEN REDICK MCKEE, INDIAN AGENT ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE POHLIK OR LOWER KLAMATH, &C., TRIBES OF INDIANS.**

A treaty of peace and friendship made and concluded at Camp Klamath, at the junction of the Klamath and Trinity rivers, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on free part of the United States, and the chiefs, captains, and head men of the tribes or bands of Indians now in council at this camp, representing the Poh-lik or lower Klamath, the Peh-tsick or upper Klamath, and the Hoo-pah or Trinity river Indians; containing also stipulations preliminary to future measures to be recommended for adoption, on the part of the United States.

#### ARTICLE 1.

The said tribes or bands acknowledge themselves, jointly and severally under the exclusive jurisdiction, authority and protection of the United States; and hereby bind themselves to refrain hereafter from the commission of all acts of hostility or aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

## ART. 2.

Lest the peace and friendship established between the United States and the said tribes should be interrupted by the misconduct of individuals, it is expressly agreed that, for injuries received on either side, no private revenge or retaliation shall take place or be attempted; but instead thereof, complaints shall be made by the party aggrieved to the other, through the Indian agent of the United States in their district, whose duty it shall be to investigate, and, if practicable, adjust the difficulty; or, in case of acts of violence being committed upon the person or property of a citizen of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up when demanded, to the civil authorities of the State of California for trial; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of all Indian or Indians of either of said tribes, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

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## ART. 3.

The said tribes or bands hereby jointly and severally relinquish, cede, and forever quit claim to the United States, all their right, title, claim or interest of any kind which they or either of them have to lands or soil in California.

## ART. 4.

To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed, on the part of the United States, that the following tract or district of land shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guaranteed to the said tribes, their successors, and to such other tribes as the United States may hereafter remove from other parts of the valleys of the Trinity or Klamath rivers, or the country adjacent, and settle thereupon, to wit: commencing at the mouth of a stream called John's creek, emptying into Trinity river on the north side thereof, about fourteen miles above this camp; thence running up the middle of the same with its windings, to a distance of five miles; thence north to the summit of the dividing ridge between the waters of the Trinity and Klamath rivers; thence northwestwardly in a straight line to a point on said Klamath river opposite the lower end of what is now known as "Red Cap's" bar; thence due west to the summit of the first ridge lying beyond the Klamath river; thence southwestwardly along the summit of said ridge to a point due north of the mouth of Pine creek; thence south to the mouth of Sand creek; thence up Pine creek with its windings, to a point due south of the place of beginning; and thence north to said place of beginning. The said reservation including, by estimation, a tract twenty miles in length by twelve miles in width, and containing in all six or seven square miles of farming land. It is, however, understood and agreed that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military posts, erect such buildings, and make such improvements for the accommodation of their agent and other officers or servants as the President may direct; also that said tribes or bands shall never sell or alienate their right or claim to any part thereof, except to the United States, nor shall they ever lease to or permit white men to settle, work or trade upon any part thereof without the written permission of the United States Indian agent for the district.

ART. 5.

It is further stipulated and agreed that the said tribes or bands shall, within three years from the date hereof, or sooner, if thereto required by the United States, remove to and settle upon said reservation; and that whenever said removal and settlement shall be ordered by the United States or made by said tribes, such farmers, mechanics, and school-teachers to instruct them in the language, arts, and agriculture of the whites as the President may deem expedient and proper, shall be assigned, provided for, and settled among them, so as to place the Indians on said reservation in a situation as favorable for their improvement (being in like manner supplied with facilities for farming, stock-raising, &c.,) as by the treaty of Lu-pi-yu-ma on the 20th day of August, 1851, is stipulated to be assigned to and provided for the Clear Lake Indians. It is understood, however, that if upon examination by the Indian agent it is found that any of the articles or supplies provided in said treaty for the Clear Lake Indians shall be unnecessary for or unsuited to the Indians on the Trinity and Klamath, the President may in his discretion withhold the same, and invest the value thereof in other and more suitable goods. And it is further expressly agreed and understood that if either of said tribes or bands, or other Indians harbored by them shall be guilty of theft, robbery or murder, either upon the persons and property of Indians or whites, the United States may exclude such tribe or band from all the benefits of this treaty.

ART. 6.

As early as convenient after the ratification of this treaty by the President and Senate, the United States will deliver to the said Klamath and Trinity Indians, through their agent, during each of the years 1852 and 1853, viz: five hundred pairs two and a half point Mackinaw blankets, five hundred pairs strong cotton pantaloons, five hundred cotton (hickory) shirts, five hundred red flannel shirts, five hundred strong cotton or linsey gowns, three thousand yards of calico, three thousand yards of four-fourths brown sheetings, thirty pounds Scotch thread, five thousand needles, six dozen pairs scissors, two gross thimbles, ten pounds pins, ten dozen nine-inch flat files, thirty-five dozen large size butcher knives, ten mattocks, one hundred garden or corn hoes, two hundred chopping axes, handled, common size; two hundred chopping axes, handled, small size; one hundred sheet-iron camp kettles, large size; one hundred sheet-iron camp kettles, second size.

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It is understood, however, that the agent shall use a sound discretion as to the time when, and the tribes or persons to whom the said goods shall be distributed, having reference to their peaceful disposition and good conduct.

ART. 7.

In consideration of the premises, the United States, in addition to the numerous presents of beef, bread, sugar, blankets, shirts, &c., &c., made to said tribes at this camp, will, within sixty days from the date hereof, furnish them free of charge at the ferry of C. W. Durkee, in Klamath river, to enable them to rebuild the houses recently destroyed by the whites, with four dozen chopping axes, handled, ten sacks of hard bread, and four bullocks, sixteen pairs heavy blankets, to be distributed among them by said Durkee, according to their respective losses.

ART. 8.

These articles to be binding upon the contracting parties when ratified by the president and Senate of the United States.

In testimony whereof the parties have hereunto signed their names and affixed their seals this sixth day of October, anno Domini 1851:

(SEAL.)

REDICK McKEE,  
*United States Indian Agent for California.*

For and in behalf of the Wetch-peck tribe, living at mouth of Trinity:

WUCK-UG-GRA, his x mark. [SEAL.]  
WA-PE-SHAW, his x mark. [SEAL.]  
SA-SA-MICH, his x mark. [SEAL.]  
EN-QUA or AMOS, his x mark. [SEAL.]

For and in behalf of Wuh-sl' tribe, living three miles below mouth of Trinity river:

MO-RU-KUS, his x mark. [SEAL.]

For and in behalf of the Cap-pel tribe:

MAH-ON, his x mark. [SEAL.]

For and in behalf of the Mor-ri-ahs:

MAH-ON, his x mark. [SEAL.]  
WUS-SUR, his x mark. [SEAL.]  
UP-PER-GASH, his x mark. [SEAL.]

For and in behalf of the Ser-a-goines:

UP-LA-GO-PUS, his x mark. [SEAL.]  
MOO-ROO-KUS, his x mark. [SEAL.]  
SA-ET-MA-GEHL, his x mark. [SEAL.]

For and in behalf of the Pak-wan tribe:

CAP-PEL-LA-WAH, his x mark. [SEAL.]

For and in behalf of the Ut-cha-pah tribe, living near the mouth of Bluff creek:

E-NE-NUCK, his x mark. [SEAL.]  
MOW-WEIGHT, his x mark. [SEAL.]

For and in behalf of the Up-pa-goines, living near "Red Cap's" bar, on Klamath river:

KEE-CHAP, his x mark. [SEAL.]  
RED CAP or MIK-KU-REE his x mark. [SEAL.]

For and in behalf of the Sa-von-ra tribe:

SA-VON-RA, his x mark. [SEAL.]  
UP-PA-GRAH, his x mark. [SEAL.]  
EX-FIN-E-PAH, his x mark. [SEAL.]

For and in behalf of Cham-ma-ko-nee tribe:

KA-TOP-KO-RISH, his x mark. [SEAL.]

For and in behalf of the Coc-ko-man tribe:

PA-NA-MO-NEE, his x mark. [SEAL.]

For and in behalf of the Chee-nah tribe, living ten miles below mouth of Salmon river:

AK-KA-REE-TA, his x mark. [SEAL.]

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For and in behalf of the Hoo-pahs or Trinity river Indians, residing in twelve rancherias or villages:

Principal chief, AH-ROOK-KOS, his x mark. [SEAL.]  
TE-NAS-TE-AH or JOHN, his x mark. [SEAL.]  
MET-POOKA-TA-MAH, his x mark. [SEAL.]  
NIC-A-OVA-EN-NA, his x mark. [SEAL.]  
WASH-TEN, his x mark. [SEAL.]

Signed, sealed and delivered, after being duly explained, in presence of—

JOHN MCKEE, *Secretary.*

C. W. DURKEE, GEORGE GIBBS, *Interpreters.*

H. W. WESSELLS, *Brevet Major, U. S. A., commanding escort.*

WALTER VAN DYKE, GEO. W. ELLSWORTH, MORRIS. S. THOMPSON, WALTER McDONALD, *Interpreters.*

### A TREATY SUPPLEMENTARY TO THE FOREGOING TREATY

The undersigned chiefs, captains and head men of the Si-wah, Op-pe-o, He-ko-neck and In-neck tribes or bands of Indians, residing at and near to the mouth of the Cor-a-tem or Salmon river, having had the terms and stipulations of the foregoing treaty, concluded at Durkee's ferry on the 6th instant, fully explained to them by Redick McKee, Indian agent of the United States, having expressed an earnest desire to become parties to the said treaty in all its articles and stipulations, it is therefore agreed by and between the said agent and the said chiefs, &c., that the said bands be and hereby are admitted as parties to the same, and to the advantages thereof, and become bound by the stipulations therein contained as fully in all respects as if they had been parties thereto originally.

In testimony whereof the parties have hereunto signed their names and affixed their seals at Camp Cor-a-tem, near mouth of Salmon river, this twelfth day of October, anno Domini, 1851.

[SEAL.]

REDICK McKEE,  
*United States Indian Agent*

For and in behalf of the Si-wah band:

ESSE-PISH-I-A, his x mark. [SEAL.]  
RES-SOW, his x mark. [SEAL.]  
CHEE-FEE-CHA, his x mark. [SEAL.]  
PI-RA-TEEM, his x mark. [SEAL.]

For and in behalf of the Op-pe-o band:

CA-POR-U-PUCK, his x mark. [SEAL.]  
PEEK-NEETS, his x mark. [SEAL.]

For and in behalf of the He-ko-neck band:

YAH-FEE-PAH, his x mark.  
HON-A-PUCK-IF-MA, his x mark. [SEAL.]

For and in behalf of the In-neck band:

SISH-K AH, his x mark. [SEAL.]

Signed, sealed and delivered after the foregoing treaty of 6th instant, and this addenda  
had been fully explained in presence of—  
JOHN MCKEE, *Secretary*.  
C. W. DURKEE, *Interpreter*  
GEORGE GIBBS.  
H. W. WESSELLS, *Brevet Major U.S.A., commanding escort*  
JOHN S. GRIFFIN, *Assistant Surgeon U.S.A.*  
WALTER MCDONALD.

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## INDIAN AFFAIRS: LAWS AND TREATIES

Vol. IV, Laws (Compiled to March 4, 1927)

Compiled and edited by Charles J. Kappler. Washington : Government Printing Office, 1929.

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### PART IV.—TREATIES.

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#### TREATY WITH THE UPPER KLAMATH, SHASTA AND SCOTT'S RIVER, 1851. November 4, 1851. | Unratified.

Page 1121

#### TREATY MADE AND CONCLUDED AT CAMP, IN SCOTT'S VALLEY, SHASTA COUNTY, STATE OF CALIFORNIA, NOVEMBER 4, 1851, BETWEEN REDICK M'KEE, ONE OF THE COMMISSIONERS ON THE PART OF THE UNITED STATES, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE UPPER KLAMATH, SHASTA, AND SCOTT'S RIVER TRIBES OF INDIANS.

A treaty of peace and friendship made and concluded at camp, in Scott's valley, Shasta county, California, between Redick McKee, one of the Indian agents specially appointed to make treaties with the various Indian tribes in California, on the part of the United States, and the undersigned chiefs, captains and head men now in council at this camp, representing the Upper Klamath, Shasta, and Scott's river Indians, residing severally in twenty-four, nineteen, and seven rancherias or villages, and known as the O-de-l-ah tribe or band, I-shack chief, from the Upper Klamath river; I-ka-ruck tribe or band, Tso-hor-git-sko chief, Ko-se-tah tribe or band, Ada-war-how-ik chief; I-da-kar-i-waka-ha tribe or band, I-da-kar-i-waka-ha chief, from Shasta, valley; Wat-sa-he-wa tribe or band, Ar-rats-a-cho-i-ca chief; E-eh tribe or band, An-na-nik-a-hok chief, from Scott's valley.

#### ARTICLE 1.

The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves to refrain hereafter from the commission of all acts of hostility or aggression towards the government or citizens thereof, to live on terms of peace and friendship

among themselves and with all other Indian tribes which are now or may hereafter come under the protection of the United States.

#### ART. 2.

To preserve the peace and friendship hereby established between the United States and the said tribes or bands, it is understood and agreed that for injuries received on either side, no private revenge or retaliation shall take place or be attempted; but instead thereof complaints shall be made by the party aggrieved to the other, through the Indian agent or sub-agent of the United States for their district, who shall investigate, and, if practicable, adjust the difficulty; and in case of acts of violence being committed upon the person or property of a citizen or citizens of the United States by an Indian or Indians belonging to or harbored by either of said tribes or bands, the party or parties charged with the commission of the crime shall be promptly delivered up when demanded of the chiefs by the said agent or a duly authorized officer of the county, to be tried for the alleged offence by the civil authorities of the State of California; and in case the crime has been committed by a citizen or citizens of the United States upon the person or property of an Indian or Indians of either of said tribes or bands, the agent shall take all proper measures to bring the offender or offenders to trial in the same way.

#### ART. 3.

The said tribes or bands for and in consideration of the premises, and of the stipulations and promises hereinafter contained, hereby jointly and severally sell, cede, relinquish, and forever quit claim to the United States, all their right, title, claim or interest of any kind which they or either of them have to the lands they now occupy, and to all other lands or soil in California.

#### ART. 4.

To promote the permanent settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following described tract or district of country shall be appropriated and set apart as an Indian reservation, and the use and possession thereof forever guaranteed to the said tribes or bands and their successors, equally with such other Indian tribes or bands and their successors, as the United States may hereafter remove from the waters of the Klamath or Trinity rivers of elsewhere in northern California, and settle thereupon, to wit: commencing at a point on the easterly side of Scott's valley, about six miles above the cabin or improvement generally known as Watson, Gee & Company's ranch, where two cedar trees stand upon the southwest side of a bald hill, and midway between the said cedars; thence running in a southwesterly direction across the said valley to a point projecting into the same, behind which stands a conical peak called Saino's peak; thence over the same and over said peak to the summit of the dividing ridge between the waters of Scott's and Klamath rivers; thence following the same

Page 1122

to where a divide runs northward to a creek or large brook entering the Klamath from the northward next above the one entering at Murderer's bar, and known as Indian creek; thence along said divide and across the Klamath river to the mouth of said creek; thence up the main fork of said creek to the forty-second parallel of north latitude; thence eastward along said parallel to a point due north of a point where the ridge dividing the waters of Scott's river from the waters of Humbug creek terminates at or near the

Klamath; thence due south, crossing the Klamath river, to said point; thence following said divide and the divide separating the waters of Scott's river from the waters of Shasta river to a point in a line with the place of beginning, and thence southwesterly to said place of beginning; said tract being by estimation twenty-four miles in length from northwest to southeast by fifteen miles in average width, and containing between four and five square miles of tillable land, *Provided, however*, That those citizens of the United States who are now engaged in mining, raising, or washing gold upon that part of Scott's river lying between the first creek entering the same from the north, above the town of Scott's bar and the mouth of said river, shall be permitted to hold and work the claims of which they are now in actual possession for the term of two years from the date of this instrument, unless sooner exhausted; and *Provided further*, That such other citizens of the United States as have already thrown up earth or raised ore on any other part of said reserve shall be allowed until the first day of June next to wash the same, and that those having cabins or other improvements already erected on said reservation shall be permitted to occupy and enjoy the same, free from molestation, until said first day of June, eighteen hundred and fifty-two, and no longer. *It is also further provided*, That the said tribes or bands shall never sell or alienate their right or claim to any part thereof except to the United States, nor shall they ever lease to or permit white men to settle, work, or trade upon any part thereof without the written permission of the United States Indian agent for the district. It is agreed and understood, however, that the United States reserves the right of way over said lands, and of using for farming purposes any quantity thereof not exceeding one thousand acres; also the right to establish such military post or posts, erect such buildings, and make such other improvements for the accommodation of an Indian agent and other officers or servants as the President may direct.

ART. 5.

The said tribes or bands agree and hereby bind themselves to remove to and settle permanently upon said reservation, within two years from the date hereof, or sooner if thereto required by the Indian agent of the United States; and whenever said removal and settlement shall take place, the United States with a desire to encourage them in acquiring a knowledge of letters, agriculture, and the mechanic arts, will employ and settle among them upon said reservation, one principal school-teacher, with three male and female assistant teachers to instruct said tribes in the different branches of a common-school education and in the domestic arts of sewing and house-keeping, upon the manual labor system; also one practical farmer who shall assist said tribes in cultivating the soil and act as superintendent of agricultural operations, with two assistant farmers, one carpenter or worker in wood who shall direct and aid in the construction of houses, repairing wagons, &c., and one blacksmith or worker in iron also to be employed for their assistance and convenience; all of the above teachers, farmers, and mechanics to be paid and maintained upon said reservation by the United States for the period of five years, and as long thereafter as the President may deem advisable; also that the United States will erect suitable dwellings, school-houses and shops for the accommodation of an agent, and of the teachers, farmers and mechanics above specified, and store-houses for the protection of the public property.

ART. 6.

The United States will also appoint and settle among said tribes upon said reservation, an agent or sub-agent of the Indian department to carry out the stipulations of this treaty and the general laws and regulations of the Indian department pertaining to the government and improvement of said tribes; and until the United States shall have

established a military post on or in the neighborhood of said reservation, with a regular physician or surgeon attached thereto, the United States Indian agent for the district shall be authorized, and is hereby directed to employ at the expense of the United States, an experienced physician to reside on said reservation, attend to the sick among either whites or Indians, and especially

Page 1123

to vaccinate the members of each tribe; and when said military post shall be established, the services of the surgeon thereto attached may be substituted by said agent for those of the physician first employed, allowing him therefor a reasonable compensation.

**ART. 7.**

To aid said tribes or bands in their subsistence while removing to and making their settlement upon said reservation, the United States, in addition to twelve head of beef cattle, twenty sacks (one thousand pounds) of flour, and numerous other presents of blankets, shirts, &c., given to them at this camp, will furnish them free of charge, during each of the years 1852 and 1853, with two hundred head of beef cattle, to average in weight five hundred pounds net, and two hundred sacks (equal to twenty thousand pounds) of flour, five hundred pair of two and a half point Mackinaw blankets, five hundred pairs strong pantaloons, five hundred cotton (hickory) shirts, five hundred red flannel shirts, six hundred linsey gowns for women, and girls, three thousand yards of calico, three thousand yards 4-4 brown sheetings, twenty-five pounds of Scotch thread, five thousand needles, assorted, one gross of thimbles, ten pounds of pins, twelve dozen scissors, fifty dozen common size butcher knives, five hundred pea-jackets of heavy, strong cloth, assorted, one thousand pounds of salt, one hundred hatchets, all to be distributed among them by the agent, according to their respective numbers.

**ART. 8.**

As early as convenient after the ratification of this treaty by the President and Senate, and the settlement of said tribes or bands upon said reservation, the United States will also furnish them with twenty-four brood-mares and one stallion, thirty milch cows and one bull, fifty sheep, ten hogs (both sexes,) four yoke of work cattle, with yokes, chains, &c., two breaking ploughs, ten small ploughs, two ox wagons, one mule wagon, seeds of all proper kinds for sowing and planting, eight work mules or horses with harness, one hundred heavy spades, twelve mattocks, four hundred garden or corn hoes, two hundred chopping axes, common size, with handles, two hundred chopping axes, small size, with handles, two hundred sheet-iron camp-kettles, first size, two hundred sheet-iron camp-kettles, second size, four hundred tin pans, (two hundred large size, two hundred small size,) one set of blacksmithing tools, one set of carpenter's tools, three thousand pounds of iron, five hundred pounds of steel, assorted, fifty dozen pint tin cups, fifty dozen tin plates, fifty dozen iron-lined spoons, three United States flags. The stock enumerated above, and the product thereof, together with the farming utensils and mechanical tools to be held as the joint property of said tribes or bands, the former to be marked or branded with such letters or marks as will at all times designate the same to be their property, and no part or portion thereof shall be killed, exchanged, sold, or otherwise parted with, without the assent and direction of the agent.

**ART. 9.**

It is further agreed, that the United States will fence in with a good board or post and rail

fence, preparatory to breaking up the soil for planting, one thousand acres of land; and if, by the year 1853, the said tribes or bands shall not be in a situation to provide themselves with food and clothing, and the agent for their district shall so recommend, the President, in his discretion, may order for their use, in the year 1854, a like or smaller quantity of the articles enumerated in article 7 to be provided for the years 1852 and 1853.

ART. 10.

It is further understood and agreed that within the line of the reservation referred to and described in article 4, there shall be retained and set apart a belt or border of one mile in width on the eastern and southern sides or lines thereof, whereon it shall not be lawful for either Indians or white men to settle on or remain, or to pass over except by the highways or roads running through the same, but the same shall be exclusively within the jurisdiction of the United States.

ART. 11.

The said tribes or bands hereby bind themselves to deliver up within sixty days from the date hereof, all horses, mules, or other property which may be in their possession, stolen from the whites, the claimants making proof of ownership before the agent or such person as he may designate to act in his absence, or before a magistrate or judge of the county of Shasta; all such property claimed but not clearly identified, to be returned to the Indians.

Page 1124

In testimony whereof, the parties have hereunto signed their names and affixed their seals, this fourth day of November, anno Domini eighteen hundred and fifty-one.

REDICK McKEE,  
*United States Indian Agent.* [SEAL.]

For and in behalf of the O-de-l-lah tribe or band from the Upper Klamath river:

I-SHACK, his x mark. [SEAL.]  
E-EH-NE-QUA, his x mark. [SEAL.]  
PI-O-KUKE, his x mark. [SEAL.]  
SA-NAK-A-HA, his x mark. [SEAL.]

For and in behalf of the I-ka-ruck tribe or band in Shasta valley:

TSO-HOR-GIT-SKO, his mark. [SEAL.]  
CHE-LE-NA-TUK, his x mark. [SEAL.]

For and in behalf of the Ko-se-tah tribe or band in Shasta valley:

ADA-WAR-HOW-IK, his x mark. [SEAL.]  
QUAP-SOW-A-HA, his x mark. [SEAL.]

For and in behalf of the Ida-kar-l-waka-ha tribe or band in Shasta valley:

A-LAT-SE-WAK-A-NA, his x mark. [SEAL.]  
 IDA-KAR-I-WAK-A-HA, his x mark. [SEAL.]

For and in behalf of the Wat-sa-he-wa tribe or band in Scott's valley:

AR-RATS-A-CHO-I-C A, his x mark. [SEAL.]

For and in behalf of E-eh tribe or band in Scott's valley:

AN-NA-NIK-A-HOK, his x mark. [SEAL.]  
 SUN-RISE, his x mark. [SEAL.]

Signed, sealed and delivered, after being fully explained, in presence of—

JOHN McKEE, *Secretary.*

GEORGE GIBBS, LINDLEY ABEL, *Interpreters*

W. T. SMITH,

F. H. McKINNEY,

C. McDERMIT,

SAMUEL FLEMING,

WALTER McDONALD,

C. FULTON,

WM. H. BURGESS,

EDWARD HICKS,

WILLIAM DAIN,

LIRY SWAN,

GEO. W. TAIT.

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DOCUMENTS RELATING TO THE NEGOTIATION OF RATIFIED AND  
UNRATIFIED TREATIES WITH VARIOUS TRIBES OF INDIANS, 1801-69  
(Series 5, Records of the Bureau of Indian Affairs)

Roll 8

UNRATIFIED TREATIES

1821-65



THE NATIONAL ARCHIVES  
COLLECTION OF ARCHIVES AND RECORDS SERVICES  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, D.C. 20540

20 of 26

DEPARTMENT OF INDIAN AFFAIRS

*Treaties (unrat.) Talks & Councils*

EXECUTIVE SECTION, SENATE OF THE UNITED STATES,  
January 19, 1905.

There be printed for the use of the Senate fifty  
of the following Indian treaties: Exhibits A, B, C, D, E, F,  
G, H, I, J, K, L, M, N, O, P, Q, and R, Thirty-second Congress, first  
session.

CHARLES G. BENNETT,  
Secretary.

By H. M. ROSE,  
Chief Clerk.

(52d Congress, 1st session.)

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES  
TRANSMITTING EIGHTEEN TREATIES MADE WITH INDIANS  
IN CALIFORNIA OF THE FOLLOWING TRIBES, VIZ:

- 1. *Delta, Cahaya, &c.*, May 13, 1851.
- 2. *Ke-wah, Wo-lah, &c.*, May 13, 1851.
- 3. *Ke-wah, Wo-lah, &c.*, June 9, 1851.
- 4. *Ke-wah, Texon, &c.*, June 20, 1851.
- 5. *Ke-wah, We-chin, &c.*, May 25, 1851.
- 6. *Ke-wah, Ya-ma-do, &c.*, July 13, 1851.
- 7. *Ke-wah, Eskul, &c.*, August 1, 1851.
- 8. *Ke-wah, &c.*, August 16, 1851.
- 9. *Ke-wah, Goh-na, &c.*, September 9, 1851.
- 10. *Ke-wah, &c.*, September 18, 1851.
- 11. *Ke-wah, Bay, Kab-we, &c.*, January 5, 1852.
- 12. *Ke-wah, &c.*, January 7, 1852.
- 13. *Ke-wah, &c.*, March 19, 1851.
- 14. *Ke-wah, Chook-chans, &c.*, April 20, 1851.
- 15. *Ke-wah, Ha-hi-na-po, &c.*, August 20, 1851.
- 16. *Ke-wah, &c.*, August 22, 1851.
- 17. *Ke-wah, or Lower Klamath, &c.*, October 6, 1851.
- 18. *Ke-wah, Klamath, Shasta, &c.*, November 4, 1851.

Approved with the documents and treaties referred to the Com-  
missioner of Indian Affairs, and ordered to be printed in confidence for the use  
of the Senate.  
Injunction of secrecy removed.  
Ordered reprinted.

EIGHTEENTH ANNUAL REPORT  
OF THE  
BUREAU OF AMERICAN ETHNOLOGY

TO THE  
SECRETARY OF THE SMITHSONIAN INSTITUTION

1896-'97

BY  
J. W. POWELL  
DIRECTOR

IN TWO PARTS—PART 2



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1899



SCHEDULE OF INDIAN

Date	Where or how concluded	Reference	Tribe	Description of cession or reservation
1851	Oct. 6		Peh-llk, or Lower Klamath, Peh-tuck, or Upper Klamath, and Hoo-pah, or Trinity river.	Reserve a tract on Klamath river. Cede all claim to other territory
Nov. 4			O-ds-i-lah, I-ka-ruck, Ko-ss-tah, I-da-kay-i-waka-ha, Wat-sa-he-wa, and E-eh.	Reserve a tract on the upper Klamath river. Cede claim to all other territory
1852	Jan. 5		San Luis Rey, Kah-wé-a, and Co-com-cah-ra.	Reserve a tract in SW. California. Cede claim to all other territory
Jan. 7			Diegueno	Reserve a tract on S. line of California. Cede claim to all other territory
June 22	Washington, D. C.	Stat. L., x. 974.	Chickasaw	Question of title to reserve of 4 miles square on Big Sandy, in Tennessee, set apart by treaty of Oct. 19, 1818, to be determined by the Secretary of the Interior.
July 1	Santa Fe, New Mexico.	Stat. L., N, 979.	Apache	U. S. to settle and adjust Apache boundaries.
1853	Sept. —		Tejon, Castake, San Imirio, et al.	Superintendent Beale establishes a reserve, called Tejon Pass
Sept. 10	Table Rock, Oregon territory.	Stat. L., x. 1018.	Rogue River Indians	Cede tract within the following boundaries: Commencing at a point 1 mile below the mouth of Applegate creek, on the south side of Rogue river, running thence southerly to the highlands dividing the waters of Applegate creek from those of Althouse creek; thence along said highlands to the summit of the Siskiyou range of mountains; thence easterly to Pilot rock; thence northeasterly to the summit of the Cascade range; thence northerly along the said Cascade range to Pitt's peak, continuing northerly to Rogue river; thence westerly to the head of Jump-off-Jo creek; thence down said creek to the intersection of the same with a line due N. from the place of beginning; thence to the place of beginning. Indians to retain temporary occupancy of a portion of the ceded country until a reserve is assigned them, bounded as follows: Commencing on the N. side of Rogue river, at the mouth of Evans creek, thence up said creek to the upper end of a small prairie bearing in a northwesterly direction from Table mountain, or Upper Table rock; thence through the gap to the S. side of the cliff of the said mountain; thence in a line to Rogue river, striking the southern base of lower Table rock; thence down said river to the place of beginning.

Source]

CESSIONS OF 1851-1853

789

LAND CESSIONS—Continued.

Historical data and remarks	Designation of cession on map	
	Number	Location
	303	
	304	
The first of these tribes was commonly called Upper Klamath; the next three, Shasta Valley Indians; and the last two, Scotts Valley Indians.	305	
	306	California 1.
	307	
	308	
	309	
	310	
See treaty of May 24, 1834.		
The U. S. never formally complied with the provision of this treaty by establishing the specific boundaries of the Apache, but according to the reports of Superintendent Merriwether and Lieutenant Mowry, in 1854 and 1857, respectively, the various bands of Apache occupied or claimed the country extending from the Comanche territory on the E. to Colorado river on the W. and lying S. of the Uta, Navaho, and Paiute. Within these general limits, however, were small tracts occupied by other tribes, such as Pima and Maricopa, Papago, Yuma, Moki, etc.		
This reserve was surveyed shortly after its location, by H. D. Washburn, and contained about 75,000 acres. Nov. 25, 1856, the Secretary of the Interior ordered its reduction to 25,000 acres, to bring it within the limits prescribed by act of Mar. 3, 1855. The boundaries of the reduced reserve were never surveyed. Subsequently, ex-superintendent Beale and others obtained patents under old Spanish grants for most of the land covered by the original reserve. Measures were therefore taken to remove the Indians and to abandon the reserve. The last of the Indians were removed to Tule River reserve, as reported by Superintendent Wiley, July 11, 1864. The tract shown on the map exhibits the boundaries of the reserve as originally surveyed.	311	California 2.
	312	Oregon 1, California 2.
The boundaries of the country reserved under this clause are shown by dotted red lines. It was known as Table Rock reserve, and was abandoned and the Indians removed in 1855.		

BUREAU OF AMERICAN ETHNOLOGY

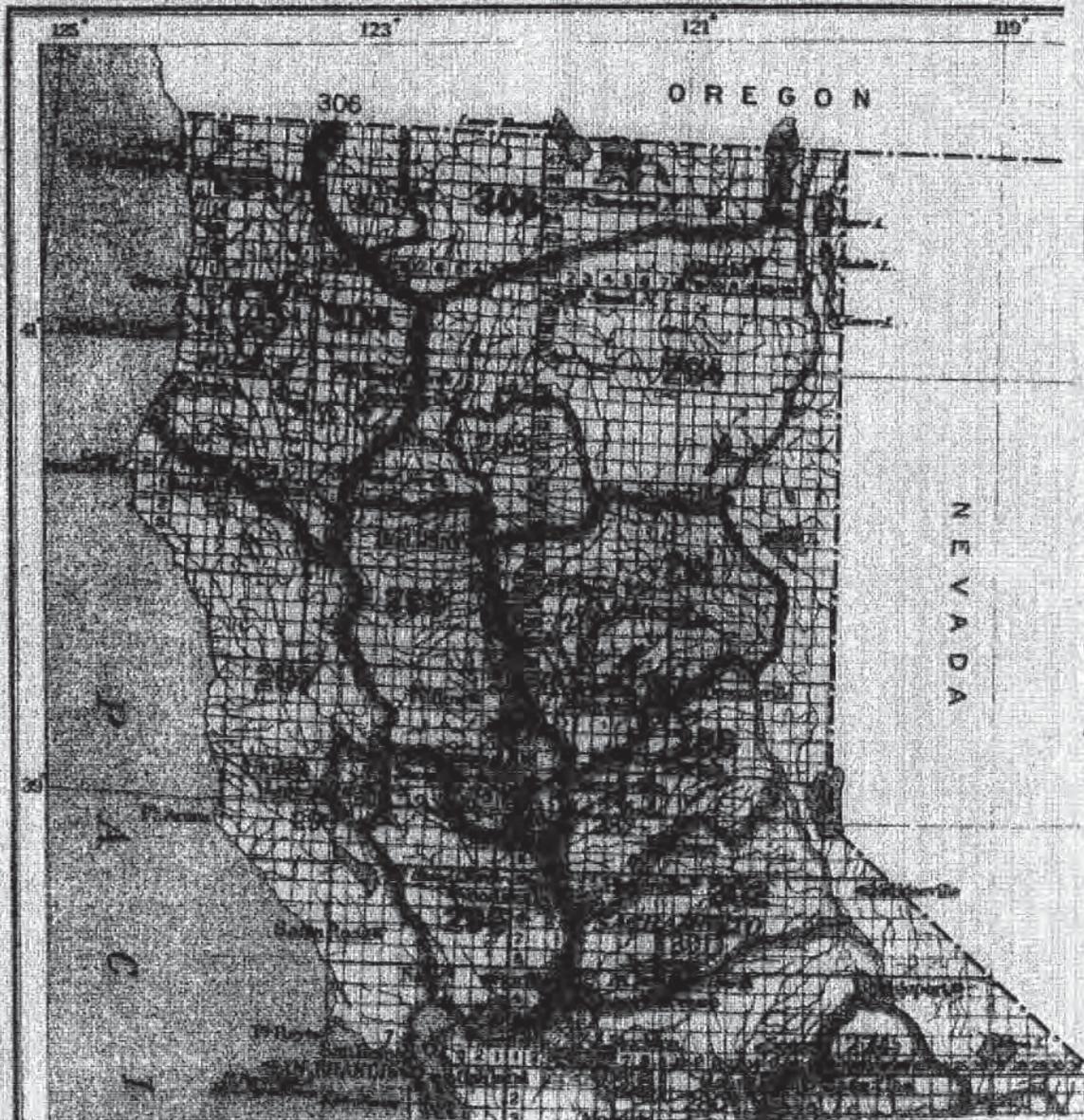
18th. ANNUAL REPORT. PL. CXV

306 - Lands ceded by 13 Shasta Chiefs when they signed a Treaty with the U.S. Government, at Fort Jones, California. On November 4, 1851.

305 - Reservation set aside according to Treaty with the Shasta on November 4, 1851.

THIS TREATY WAS NEVER RATIFIED.

BUREAU OF AMERICAN ETHNOLOGY





I DARAKIWA KAHHA - CHIEF



HENRY JOE



Shovel Creek Jake



Old Susan - Poetess

**Comment Author** Hall, Betty  
**Agency/Assoc.** Shasta Indian Nation  
**Submittal Date** December 27, 2011

Comment Code	Comment Response	Change in EIS/EIR
IT_LT_1227_093-1	<p>Master Response CUL-2 Federal Recognition.</p> <p><b>National Historic Preservation Act (NHPA) of 1966, as amended in 1992</b></p> <p>The NHPA is the primary federal legislation governing preservation of cultural and historical resources in the United States. The NHPA established a national historic preservation program which encourages the identification and protection of cultural resources. Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties listed in or eligible for the National Register of Historic Places and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings (16 USC Section 470f). The ACHP promulgated the Section 106 implementing regulations, found at 36 CFR Part 800, which sets forth the Section 106 process, including consultation requirements.</p> <p>Identifying consulting parties pursuant to 36 CFR Section 800.3(f): The public involvement process for NEPA has been extensive and sustained. It has included outreach and invitations to consult to other federal agencies, state and local governments, nongovernmental organizations, and the public. In addition, DOI has separately notified the ACHP, California SHPO, Oregon SHPO, six federally recognized Indian tribes, two Indian organizations, and other interested parties. Tribal consultation for Section 106 was initiated via letter dated October 19, 2010. Tribal consultation is ongoing.</p>	No
IT_LT_1227_093-2	<p>Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose Dam Removal.</p>	No

IT\_MC\_1020\_015

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

MS. BETTY HALL: I'm Betty Hall, and I'm a

Comment 1 - Cultural Resources

Shasta historian -- for the Shasta Tribe. First of all I want everyone here

to realize and to understand that Treaty R belongs to the

Shasta Nation. It was signed with the Shasta and Upper

Klamath Indians on November 4th, 1851 in Scott Valley

signed by 13 Shasta chiefs. It belongs to the Shasta.

The treaty does not belong to the Karuk Tribe.

I know the council is here and I think they

already know that. But the Klamath, now -- the culture

resource you have talked about, I talked to people about

it, are Shasta sites, Shasta villages, Shasta burial

grounds under those dam reservoirs.

If they come out we are very concerned what's

going to happen to them. That's a big concern of ours.

Comment 2 - Fish

Now the Klamath, you said they never had salmon

for 90 years. They never did have salmon, for centuries.

When Peter Skene Ogden came to the Klamath area, he was

the first white man to be there. And they told him that

they never had salmon on the Klamath River, and they told

him that they never had any villages on the Klamath River.

That's all Shasta aboriginal lands from Clear

Creek to the headwaters of the Klamath. The Klamath  
Indians and the BIA met with the officials when they were  
planning to put in the dams. And they talked about fish  
ladders, and they said well, the fish didn't get up there  
anyway. So they put in the fishery.  
And the Klamath people were very happy they  
could have fish planted up in the Klamath Lake and  
Williamson and Sprague.

Some of this doesn't make sense when you look  
back at history what it was on the river at that time.

Thank you.

**Comment Author** Hall, Betty  
**Agency/Assoc.** Shasta Indian Nation  
**Submittal Date** October 20, 2011

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1020_015-1	<p>Master Response CUL-1 Shasta Nation Participation.</p> <p>Master Response CUL-2 Federal Recognition.</p>	No
IT_MC_1020_015-2	<p>Historical distributions of anadromous fish are described in the Draft EIS/EIR in Section 3.3.3.1, Aquatic Resources. Historical records reviewed by Hamilton et al. (2005) and information obtained from archaeological sites analyzed by Butler et al. (2010) indicate that prior to the construction of Copco 1 Dam, Chinook salmon and steelhead spawned in the tributaries upstream of Upper Klamath Lake, including the Sprague, Williamson, and Wood rivers.</p> <p>The question regarding the historical distribution of salmon and steelhead above Iron Gate Dam was also addressed in proceedings before Administrative Law Judge Honorable Parlen L. McKenna who concluded that agencies had met their burden of proof on this issue (EIS 1.2.6.2, Federal Energy Commission Relicensing). Among other findings, Judge McKenna determined (Administrative Law Judge 2006) that:</p> <ul style="list-style-type: none"> <li>• While the precise geographic distribution is uncertain, historical records and Tribal accounts demonstrate that anadromous fish (Chinook salmon, Coho salmon, and steelhead trout) migrated past the present site of Iron Gate Dam which provided a viable ecosystem and habitat for those stocks of fish (Findings Of Fact (FOF) 2A-3, p. 12).</li> <li>• Chinook salmon (both spring and fall-run) were abundant in the tributaries of the Upper Klamath Basin, including Jenny, Fall, and Shovel Creeks, as well as the Wood, Sprague, and Williamson rivers (FOF 2A-4, p. 12).</li> <li>• Steelhead trout utilized habitat in Spencer, Shovel, Fall, Camp, and Scotch creeks, and they were likely distributed as far upstream as Link River (FOF 2A-5, p. 12). <ul style="list-style-type: none"> <li>o Coho salmon spawned in Fall Creek (FOF 2A-6, p. 12).</li> <li>o The record shows that those anadromous fish proximate to Iron Gate Dam are genetically most similar to those populations that existed in the Upper Klamath Basin prior to the construction of the dams (FOF 2A-22, p. 15).</li> </ul> </li> </ul> <p>Additionally, the Federal Energy Regulatory Commission (Federal Energy Regulatory Commission 2007) concluded that anadromous fish occurred historically above IGD.</p> <p>The comment, as written, provides no evidence to support the argument that anadromous fish did not occur upstream of IGD.</p>	No

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

MR. ROY HALL: My name is Roy, R-o-y, Hall,

H-a-l-l. I'm chairman of the Shasta Nation. The truth

about dam removal.

Comment 1 - Cultural Resources

The Klamath Basin Restoration Agreement,

Confidential and Privileged Settlement Communication with

the exclusion of the general public's participation causes

injury to the general public and the Shasta Nation.

This agreement will force the Shasta's out of

existence by the Karuk Tribe down the river and the

Klamath Tribe up river, establishing fishing rights below

Iron Gate Dam. The federal government and several states

are willing to destroy the Shasta Nation by creating

artificial low fish numbers for absolute control of

surface and groundwater and our lives through the KBRA

charter.

The Klamath Tribes never had an identified

village site on the Klamath River.

The Shasta's possess prehistoric village sites,

as identified in Gibbs Journal, while traveling up river

in 1851. Mr. Gibbs documented the Shasta language

encountered upon leaving Clear Creek on the Klamath River.

The foremost up river Shasta village site on the Klamath is near Lake Ewana, headwaters of the Klamath River. The Shasta's aboriginal recognized land base on the Klamath is identified at least 70 miles more or less below Iron Gate Dam, near Clear Creek. Upstream the Shasta's aboriginal land base on the Klamath River from Iron Gate Dam includes more or less 50 miles of the Klamath River, to the lake now known as Lake Ewana. The removal of four dams in the heart of the Shasta Nation requires that the Shasta Nation and the general public be allowed due process to file exceptions to the agreement, which has been denied.

Comment 2 - KBRA

Each party to the KBRA has an obligation to support this confidential agreement, no exceptions. Parties were selected that shall support and defend this agreement in each applicable venue or forum, including any administrative or judicial action in which it participates and which concerns the validity of any regulatory approval or authorizing legislation.

To remain confidential the agreement utilizes a conspiracy of silence, a secret agreement to keep silent about an occurrence, situation or subject in order to promote or protect interests among selective groups that promoted the same selfish interests, conspire to join in a

secret agreement to do an unlawful or wrongful act or to  
use such means to accomplish a lawful end.

Comment 3 - Cultural Resources

The Karuk Tribe is now attempting to use the  
stolen Shasta Treaty R as their own to control Shasta  
Nation aboriginal lands and water rights, which is where  
the dam removal currently lies.

Tribes and government agencies have erroneously  
disregarded the reserved Shasta Nation Treaty rights  
including hunting, fishing and water rights which are  
guaranteed by the Constitution of the United States. A  
tribe need not be federally recognized to establish it is  
the beneficiary of a Treaty.

In terms of agreement, the term of the  
agreement as to contractual obligations shall be 50 years  
from the effective date. The KBRA will need a Charter,  
foreign to our Constitution and unacknowledged by our laws  
and altering fundamentally the forms of our government.

THE FACILITATOR: Mr. Hall, your time is up.

If you would like to submit that, be included.

Thank you.

**Comment Author** Hall, Roy  
**Agency/Assoc.** Shasta Indian Nation  
**Submittal Date** October 20, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1020_023-1	Master Response GEN-1 Comment Included as Part of the Record.  Master Response CUL-1 Shasta Nation Participation.	No
IT_MC_1020_023-2	Master Response KHSA-1 Negotiations of KHSA and KBRA.	No
IT_MC_1020_023-3	Master Response CUL-2 Federal Recognition.	No

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

MR. HIGGINS: Patrick Higgins, P-a-t-r-i-c-k  
H-i-g-g-i-n-s, consulting fisheries biologist for 20  
years in the Klamath River, helped write the restoration  
plan for the task force to the mid program review.  
People can consult klamathwaterquality.com. That's a  
good source of information I helped put together while  
working for tribes.

And I'm currently on retainer to the Resighini  
Rancheria, a small tribe at the mouth of the Klamath.

They have major problems with what they consider  
termination, similar to those expressed by councilman  
from the Hoopa Tribe, Hayley Hutt. And neither the  
Resighini, nor any other tribe that's a nonparty, would  
be able to participate in management decisions for 50

Comment 1 - NEPA years. That's got a good precedent.

▲ Mr. Lynch sang the praises of the KBRA, and they  
were many, in his view, and, yet, the DEIS/DEIR says that  
the KBRA, the Klamath Basin Restoration Agreement, is not  
sufficiently defined in order to be analyzed in the  
current documents. 2800 pages, and it doesn't analyze  
the KBRA. That's a patent violation of the National  
Environmental Policy Act and the California Environmental  
Quality Act, and it makes this deal very subject to

Comment 2 - Fish

challenge.

I'm really -- I would very much like to see our community host a debate of sorts over this, because almost any contention that he made, I believe, lacks basis. More fish. Their fish model just says, "More miles will give you more fish." But the expert panels that were convened by the KBRA said that, in fact, the pollution would stop the fish from migrating to the Keno Reservoir. And even the FERC Final Environmental Impact Statements said that the node where fish diseases happen will move from Iron Gate up closer to Keno.

So, if the fish diseases continue and in drought cycles forward, switches of the short-term Klamath cycles, like the PDO, we're going to get very, very serious droughts, somewhat like the '76, '77. And that's when the problems will arise, because most of the binding language is for delivery of water to the water users.

The suckers will not be recovered. Three populations that have been extirpated will not be put back in place because of the KBRA land allocations. The sucker recovery is part of the TMDL. That's the Clean Water Act implementation. If they're not restored to Lower Klamath Lake, which they will not be for 50 years, then the TMDL is not implemented.

The groundwater. Groundwater in the lost river, there's a blind eye towards it. The KBRA doesn't deal with it. That means the suckers won't recover there.

More polluted water, more concentrated nutrients will go  
back into the Klamath.

And, you know, if people want to learn more  
about this, they can consult [www.klamathER](http://www.klamathER). And it's  
"ecological restoration," but if "emergency room" helps,  
that's okay. So, [klamathER.org](http://klamathER.org).

And, of course, I gave you 200 comments last  
time. I'll have more this time.

**Comment Author** Higgins, Patrick  
**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 26, 2011

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1026_065-1	<p>The Klamath Basin Restoration Agreement (KBRA) is analyzed in the EIS/EIR. The applicable resources sections in Chapter 3 and the cumulative effects section in Chapter 4, Cumulative Effects, provide a description of KBRA environmental effects.</p> <p>Master Response N/CP-13 KBRA is Analyzed as a Connected Action.</p> <p>Master Response N/CP-22 How KBRA was Analyzed.</p>	No
IT_MC_1026_065-2	<p>Master Response AQU–23 Evaluation of Dam Removal and Restoration and Anadromy (EDRRA) Model.</p> <p>Master Response AQU–19 Chinook Expert Panel Proposed Action Better Than No Action.</p> <p>The Draft EIS/EIR has been revised to acknowledge and address the Federal Energy Regulatory Commission (2007) analysis which excluded the 360 miles of anadromous fish habitat above Keno Impoundment/Lake Ewauna and associated benefits based upon poor water quality conditions in this reservoir during summer months. The Fish Disease and Parasites sections of Draft EIS/EIR have also been revised to clarify the risk of moving the node where salmon diseases happen closer to Keno under the dam removal Alternatives.</p> <p>The Federal Energy Regulatory Commission (2007) (Final EIS/EIR) raised the issue of disease introduction related to reintroducing anadromous fish on p. 3-317 and 3-325, citing the Draft 1992 Amendment to the Task Force's Long-Range Plan (LRP). This is not a valid citation because the draft was never approved by the Task Force and, therefore, never amended to the LRP. The quotes and conclusions attributed to this plan on p. 3-317 through 3-318 in FERC's document are thus incorrect.</p> <p>The comment incorrectly represents the findings of the Expert Panel regarding federally listed suckers. The Resident Fish Expert panel concluded that of the two alternatives, without Dams and with KBRA (Proposed Action) or Conditions with Dams (Current Condition), the Proposed Action provides greater promise for preventing extinction of federally listed suckers and for increasing overall population abundance and productivity (Buchanan et al. 2011; p 76). The key benefits of the Proposed Action to Lost River suckers and shortnose suckers stem from major habitat improvement activities in the Upper Klamath Lake and its tributaries that support these fishes. Specific details of most activities are not yet available; therefore, the Panel's assessment was qualitative in nature and assumes subsequent planning</p>	Yes

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**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 26, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
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activities will target actions for each species and life stage. In general, habitat improvement activities will include lake level management, water quality improvements, and habitat restorations (wetlands and spawning and rearing habitat). Water quality in streams is expected to improve in response to greater instream flows (purchase of water rights) and to revegetation of the degraded riparian corridors. Water quality should increase in lake fringe areas adjacent to improved wetlands, which are important for survival of larval and juvenile suckers (Buchanan et al. 2011; p 76).

While it is possible that the current infections nidus (breeding place) for *C. shasta* and *P. minibicornis* may move upstream where salmon spawning congregations occur, the likelihood of this happening is unknown. Any creation of an infections zone (or zones) would be the result of the synergistic effect of numerous factors, such as those that occur within the current disease zone in the Klamath River in the reach from the Shasta River downstream to Seiad Valley (factors noted by FERC (2007) and others above). Reestablishment of natural flow and sediment transport rates to the river downstream of the current location of Iron Gate Dam would develop natural geomorphic channel forming processes to the river (Hetrick et al. 2009) which would make this synergy unlikely.

The Chinook Expert Panel assessment indicated that dams out plus KBRA implementation (Alternative 2 or 3) offers greater potential than the Current Conditions in improving conditions for water quality (Goodman et al. 2011; p. 9), disease, (Goodman et al. 2011; p. 12), recolonization (Goodman et al. 2011; p. 14), increased harvest and escapement (Goodman et al. 2011; p. 16), predation (Goodman et al. 2011; p. 17), and tolerating climate change and changes in marine survival (Goodman et al. 2011; p. 19).

Master Response WQ 4 A,C,D Hydroelectric Project Impacts to Water Quality and Anticipated KHS/KBRA Improvements.

Poor water quality (e.g., severe hypoxia, temperatures exceeding 25 °C, high pH) in the reach from Keno Dam to Link Dam might prevent fish passage at any time from late June through mid-November (Sullivan et al. 2009; USGS 2010; both as cited in Hamilton et al. 2011). However, evidence indicates that Upper Klamath Lake habitat is presently suitable to support Chinook salmon for at least the October through May period (Maule et al. 2009; Draft EIS 3.3-95). Poor summer water quality conditions may necessitate seasonal trap and haul around Keno Impoundment for some life stages of Chinook until KBRA and

**Comment Author** Higgins, Patrick  
**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 26, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
	<p>TMDL implementation improve water quality. This is consistent with the fishway prescriptions of DOI and U..S Department of Commerce (DOC) (DOI 2007; NOAA Fisheries Service 2007). Overall, dam removal and associated KBRA actions would accelerate water quality improvements (Dunne et al. 2011) and TMDL water quality benefits to anadromous fish (Water Quality Subgroup 2011; Draft EIS 3.3-95).</p>	

KLAMATH DAM REMOVAL  
DRAFT EIS/EIR HEARING  
OCTOBER 25, 2011  
PUBLIC TESTIMONY  
ORLEANS, CALIFORNIA

Comment 1 - Approves of Dam Removal

MR. HIGGINS: Patrick Higgins, consulting fisheries biologist, P-a-t-r-i-c-k H-i-g-g-i-n-s, and I'm a consultant to the Resighini, R-e-s-i-g-h-i-n-i, Rancheria. And the Resighini favor dam removal, but they're very concerned about the Klamath Hydro Settlement Agreement and its interrelationship to the Klamath Basin Restoration Agreement.

Comment 2 - Hydrology

In fact, the DEIS/DEIR, I feel, doesn't use best available science, as required by the National Environmental Policy Act and the California Environmental Quality Act. They have ignored the National Academy of Sciences and the KBRA expert panel's advice on considering refilling of Lower Klamath Lake, both to restore sucker fish and the natural flows of the Klamath.

Comment 3 - Fish

In fact, the flows, under the KBRA, will depart further from normal. And if flushing flows are not available in dry years, I'm concerned that the algae blooms that currently set up fish kills will continue.

And it is also an opinion issued in the Final Environmental Impact Statement by FERC, the Federal Energy Regulatory Commission, that, in fact, the fish disease cycles will continue, but the node will reflect upstream from Iron Gate.

Comment 4 - NEPA

But the DEIS/DEIR just doesn't even analyze any of the Klamath Basin Restoration Agreement aspects, which is not legal under NEPA. It's called piecemeal-ing. And it's also illegal under CEQA, because things like maintaining agricultural activities, industrial agriculture, in the wildlife refuges of Tule Lake and Lower Klamath Lake, have profound impacts both on water supply and on water quality.

And so, when the KBRA says that those marshes within national wildlife refuges will be industrially farmed for 50 years, going forward, it has impacts on the Keno Reservoir that will make it remain toxic. Now, your expert panel says that the fish won't jump through there, so, therefore, you won't restore salmon to the Upper Basin, even if you remove the dams, because the nutrient problems that are killing the river go unaddressed by the Klamath Basin Restoration Agreement.

And my contention is, it's hard to test within the DEIS/DEIR because they don't even consider these issues. And I think it's just flat-out not in compliance with NEPA and what we state.

But, for instance, the DEIS/DEIR does not concern itself with the lands in California, Lower Klamath Lake, which was formally the water storage and water filter for the Klamath River and held the flows up through June and July and would be a wonderful floodwater storage mechanism. It's not considered by the DEIS/DEIR. It doesn't even consider California, in terms of the Upper Klamath Basin, and that region, nor Tule Lake, nor Lost River.

There is extirpated sucker populations in Lower Klamath Lake, Tule Lake, and Lower Lost River, and those will not be restored because of the KBRA's land use requirements and the water use in the Lost Basin. So, it's going to block the ESA implementation. And under this deal, the State of California will actually issue a blank take permit for endangered species, including Lost River suckers, shortnose suckers, bald eagles, peregrine falcons, sandhill cranes, and it doesn't even study California and the area that's impacted that have these species.

So, there's legal flaws here that are extremely egregious, from my perspective.

Comment 5 - NEPA

Dennis comments -- he says, "Comments are highly valued." Well, I filed a couple hundred on behalf of the Resighini in the Cooperators' Draft, and I didn't find any change in substance on the key points of my arguments

Comment 6 - Alternatives

Ecological restoration, like the Everglades, where to cure toxic blue-green algae in the seas off of Florida, they increased freshwater and they increased marsh. And then, if that's not enough, you increase it more. That's the only scientifically valid method, and yet, it's not adopted here. There's no NEPA alternative on ecological restoration.

And if folks want to explore this further and kind of fact-check on the science, they can surf Klamath -- [www.klamathER](http://www.klamathER.org), ecological restoration, .org or [klamathER](http://klamathER.org), Klamath emergency room.

When wet years, when good ocean, that's going to switch within the next decade to '76, '77, '86 and '94-type drought conditions. This is insufficient, and, unfortunately, the KBRA is a poison pill inside dam

removal.

MS. JONES: Okay.

MR. LYNCH: Thank you, Patrick.

**Comment Author** Higgins, Patrick  
**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 25, 2011

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1025_039-1	Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose Dam Removal.	No
IT_MC_1025_039-2	Master Response GEN-3 Best Available Information.	No
IT_MC_1025_039-3	<p>Master Response AQU-11A through I NOAA Fisheries Service BO, ESA and KBRA Water Management.</p> <p>Flows under the Proposed Action Alternative include minimum based flows equal to the Ecological Base Flow (EBF) levels recommended by Hardy (2006) for the periods from March through June, and from August through September to insure adequate protection of anadromous fish during dry water years. In addition, flow targets were increased above those EBF flows recommended by Hardy (2006) from 895 to 1,110 cfs in August, and from 1,010 to 1,110 cfs in September to further reduce the likelihood of another adult fish kill similar to the one that occurred in 2002. As a result of these changes daily flows at Iron Gate Dam never drop below 950 cfs in September in the driest water years. In addition, under KBRA there is anticipated to be additional operational flexibility to optimize water use through the development of a drought plan and implementation of real time water management through the Technical Advisory Team's management of environmental water.</p> <p>Master Response AQU-11J NOAA Fisheries Service BO, ESA and KBRA Water Management.</p> <p>Future Federal actions influencing mainstem Klamath River flows will be subject to interagency consultations under Section 7 of the ESA. Regardless of the outcome of the Secretarial Determination, future flow releases will require compliance under the ESA to insure flow releases avoid jeopardizing Southern Oregon Northern California Coast (SONCC) coho salmon and avoid destruction or adverse modification of their designated critical habitat</p> <p>Master Response AQU-19 Chinook Expert Panel Proposed Action Better Than No Action.</p> <p>The Federal Energy Regulatory Commission (2007) (Final EIS/EIR) raised the issue of disease introduction related to reintroducing anadromous fish on p. 3-317 and 3-325, citing the Draft 1992 Amendment to the Task Force's Long-Range Plan (LRP). This is not a valid citation because the draft was never approved by the Task Force and, therefore, never amended to the LRP. The quotes and conclusions attributed to this plan on p. 3-317 through 3-318 in FERC's document are thus incorrect.</p>	No

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**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 25, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
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Migration of anadromous fish to the Upper Klamath Basin would not be a significant factor contributing to disease in resident fish (Administrative Law Judge 2006). The Administrative Law Judge also supported this assessment in finding that the movement of anadromous fish via prescribed fishways presents a relatively low risk of introducing pathogens to resident fish above IGD (Administrative Law Judge Decision at 86, Ultimate Findings of Fact and Conclusions of Law 4). Many of the pathogens (such as *C. shasta*, *F. columnaris*, *P. minibicornis*, and Ich) present below IGD are also present above the dam (Id.).

To help determine if the Proposed Action will advance restoration of the salmonid fisheries of the Klamath Basin, a Chinook Salmon Expert Panel was convened to attempt to answer specific questions that had been formulated by the project stakeholders to assist with assessing the effects of the Proposed Action compared with existing conditions (Goodman et al. 2011). The Panel concluded that the Proposed Action appears to be a major step forward in conserving target fish populations in the Klamath Basin. The Expert Panel predicted that, based on the information provided to them, it was possible that the Proposed Action would provide a substantial increase in the abundance of naturally spawned Klamath River Chinook salmon above that expected under existing conditions in the reach between Iron Gate Dam and Keno Dam. In addition, the Panel concluded that the Proposed Action offers greater potential than the current conditions for Chinook salmon to tolerate climate change and changes in marine survival (Goodman et al. 2011). While the Panel agreed that there was also evidence for dramatic increases in abundance associated with the Proposed Action upstream of Keno Dam, they cautioned that achieving substantial gains in Chinook salmon abundance and distribution in the Klamath Basin is contingent upon successfully resolving key factors (discussed in this report in detail) that will continue to affect population, such as water quality, disease, and instream flows. In addition, they stated the concern that successful implementation of KBRA would be required, and would need appropriate scientific leadership.

While it is possible that the current infections nidus (breeding place) for *C. shasta* and *P. minibicornis* may move upstream where salmon spawning congregations occur, the likelihood of this happening is unknown. Any creation of an infections zone (or zones) would be the result of the synergistic effect of numerous factors, such as those that occur within the current disease zone in the Klamath River in the reach from the Shasta River downstream to Seiad Valley (factors noted by FERC (2007) and others above). Reestablishment of natural flow and sediment transport rates to the river downstream of the current location of Iron Gate Dam

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Comment Code	Comment Response	Change in EIS/EIR
	<p>would develop natural geomorphic channel forming processes to the river (Hetrick et al. 2009) which would make this synergy unlikely.</p> <p>The Chinook Expert Panel assessment indicated that dams out plus KBRA implementation (Alternative 2 or 3) offers greater potential than the Current Conditions in improving conditions for water quality (Goodman et al. 2011; p. 9), disease, (Goodman et al. 2011; p. 12), recolonization (Goodman et al. 2011; p. 14), increased harvest and escapement (Goodman et al. 2011; p. 16), predation (Goodman et al. 2011; p. 17), and tolerating climate change and changes in marine survival (Goodman et al. 2011; p. 19).</p> <p>Poor water quality (e.g., severe hypoxia, temperatures exceeding 25 °C, high pH) in the reach from Keno Dam to Link Dam might prevent fish passage at any time from late June through mid-November (Sullivan et al. 2009; USGS 2010; both as cited in Hamilton et al. 2011). However, evidence indicates that Upper Klamath Lake habitat is presently suitable to support Chinook salmon for at least the October through May period (Maule et al. 2009; Draft EIS 3.3-95). Poor summer water quality conditions may necessitate seasonal trap and haul around Keno Impoundment for some life stages of Chinook until KBRA and TMDL implementation improve water quality. This is consistent with the fishway prescriptions of DOI and DOC (DOI 2007; NOAA Fisheries Service 2007). Overall, dam removal and associated KBRA actions would accelerate water quality improvements (Dunne et al. 2011) and TMDL water quality benefits to anadromous fish (Water Quality Subgroup 2011; Draft EIS 3.3-95).</p>	
IT_MC_1025_039-4	<p>Master Response N/CP-13 KBRA is Analyzed as a Connected Action.</p> <p>As described in the Section 3.3.4.3 of EIS/EIR, the Proposed Action results in higher water elevations in Upper Klamath Lake, which would benefit Lost River and shortnose suckers. The KBRA is expected to provide benefits to sucker populations through the following measures: nutrient reduction, reconnecting former wetlands to Agency Lake, reconstructing quality rearing habitat for early life stages, and restoring shoreline spring spawning habitat restoration, among others. Restoration actions associated with KBRA implementation under the Proposed Action could alter habitat availability and suitability and affect lost river and shortnose suckers and are anticipated in the long term to improve conditions for sucker populations within Klamath Lake. Based on</p>	No

**Comment Author** Higgins, Patrick  
**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 25, 2011

Comment Code	Comment Response	Change in EIS/EIR
	<p>improved habitat quality, the effect of the Proposed Action would be beneficial for Lost River and shortnose sucker populations in the long term.</p> <p>Lost River and shortnose suckers are listed as fully protected species under CDFG code; thus, any take of these species is prohibited. However, a component of the Proposed Action includes legislation to permit the take of some individuals during implementation. Reservoir removal associated with dam removal under the Proposed Action could alter habitat availability and affect lost river and shortnose suckers (Draft EIS/EIR, § 3.3.4.3, p. 3.3-126 to 3.3-127.) Based on reduction in abundance within reservoirs, the effect of the Proposed Action would be significant for Lost River and shortnose sucker populations in the short term. (Ibid.) However, as discussed above, implementation of Mitigation Measure AR-6 could be implemented to reduce the impact to individuals within reservoirs by rescuing fish prior to reservoir drawdown. Based on small numbers of individuals affected after mitigation, the effect of the Proposed Action would be less-than-significant for Lost River and shortnose sucker populations in the short term after mitigation. (Ibid.)</p> <p>Impacts on other California special-status species are presented in Section 3.5 Terrestrial resources.</p>	
IT_MC_1025_039-5	<p>Comments received from the Cooperating Agencies on the Cooperating Agency Draft were taken into consideration by the Lead Agencies during development of the Draft EIS/EIR.</p> <p>Master Response N/CP-20 Response to Public Comment.</p> <p>Additionally, all comments will be considered by the Secretary of the Interior when making his Determination on whether removal of the four hydroelectric dams on the Klamath River that are owned by PacifiCorp will accomplish the following two goals: 1) to advance restoration of the salmonid fisheries of the basin, and 2) be in the public interest, which includes, but is not limited to, consideration of the potential impacts on affected local communities and Indian Tribes.</p>	No
IT_MC_1025_039-6	<p>The comment author suggests that the EIS/EIR should include restoration alternatives other than the KBRA. The Lead Agencies recognize that restoring the Klamath Basin is a complicated process and that there are several approaches that can be taken towards restoration. But as explained more fully in Master Response ALT-4 Elimination of Alternative 8 - Dam Removal Without KBRA from Detailed Study, dam removal contemplated under the KHSA cannot be implemented without implementing the</p>	No

**Comment Author** Higgins, Patrick  
**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 25, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
	<p>KBRA. Therefore, an alternative that would implement a restoration project other than the KBRA is not feasible. Also as explained in Master Response ALT-4, KBRA as it is contemplated in the actual agreement is a whole program and one cannot implement some KBRA components but not others and still expect it to yield the same benefits as full implementation of the KBRA.</p> <p>Additionally, the comment author stated that increasing freshwater and marsh habitat is the "only scientifically valid method" for ecological restoration. The comment, however, did not include any details or scientific support for this claim. The KBRA incorporates plans and additional restoration actions in the future and does not foreclose other measures for ecosystem restoration in the Klamath Basin.</p>	

KLAMATH DAM REMOVAL  
DRAFT EIS/EIR HEARING  
OCTOBER 27, 2011  
PUBLIC TESTIMONY  
KLAMATH, CALIFORNIA

MR. HIGGINS: Good evening. Patrick Higgins,  
P-a-t-r-i-c-k H-i-g-g-i-n-s. I'm a consulting fisheries  
biologist and currently employed by the  
Resighini Rancheria to review the environmental document  
here.

I've got 20 years of studying the Klamath. I  
helped to write the long-range plan to restore the river  
for the Klamath Task Force. I helped with its  
mid-program review. I have up an information system,  
krisweb.com, and I have also helped put together a water  
quality information system called klamathwaterquality.com  
that people can review for information to substantiate my  
remarks.

Comment 1 -  
Approves of Dam  
Removal

I'm afraid I'm the purveyor this evening of some  
inconvenient truths. I have agreed that the dams need to

be removed. And the Resighini Rancheria favors speedy

dam removal. However, the Secretary's decision

Comment 2 - NEPA

encompasses not just the Klamath Hydro Settlement

Agreement, related to dam removal, but it also

encompasses the Klamath Basin Restoration Agreement.

Mr. Lynch actually went on at length to describe

its benefits, and, yet, unfortunately, you'll find that

the DEIS and DEIR do not cover the KBRA. They say that  
it is too ill-defined to yet be analyzed and that, in the  
future, we can see the analysis in another process. That  
actually is in violation of the National Environmental  
Policy Act. It's in violation of CEQA, the California  
Environmental Quality Act.

And, you know, originally, the Upper Klamath Lake, the Lower Klamath Lake, Tule Lake, vast, vast wetlands and lakes. The sky was black with ducks. These were tea-colored lakes, 300,000 acres, hundreds of square miles. Now 80 percent are filled.

The sucker fish, the canary in the Upper Klamath coal mine, it can live in dissolved oxygens of 3. We're breathing 8. That would kill a trout. It would kill us. It can take dissolved ammonia levels that are extremely high. It can take pH that would kill a rainbow trout. Why is the sucker, the indicator species, going, blinking out? And it's because they have taken too much in the Upper Basin. And, in fact, the only thing the sucker lacks is tennis shoes. It can't walk on land.  If the program  
was meeting NEPA and CEQA standards for use of best available  
science, there would  
be an ecologically-based alternative. The Resighini have  
repeatedly asked for such an alternative, and they have  
been told that they can't have it because it's not in the  
Settlement; and if it's not in the Settlement and the

KBRA, then it's not under consideration. Well, that's  
another violation of NEPA.

So, this is bad engineering. It's driven by  
land and water use negotiated by farmers and ranchers.

And it ignores the National Academy of Sciences and  
National Research Council report. It ignores the expert  
panel reports actually convened by the KBRA. And it  
doesn't follow a science-based approach.

Comment 4 - Water Quality

The only way to clean up the nutrient pollution,  
which is the essential central problem in the Klamath,  
compounded by the dams but huge without the dams, we need  
an Everglades-like program. In the Everglades, where the  
sea is poisonous because of toxic algae, they're going to  
return freshwater, they're going to increase wetlands,  
and, if it's not enough, they're going to do more under  
adaptive management.

Nutrient pollution is going to continue on the  
Klamath. Now, you can read the Chinook panel report.

You can read the Coho/steelhead expert panel report. If  
you don't have a fix at the top of the Basin that  
includes land retirement, you're not going to get there.

It's going to, basically, cause the disease nodes that  
are currently below Iron Gate. And this is in the FERC

EIS, the final report, and also in the expert panel  
reports. That node is going to move. It's going to move  
where the salmon congregate to spawn, closer to Keno, and

where the algae beds that support an intermediate host of  
 parasite will thrive.

Comment 5 - Fish

Under the DEIS/DEIR, we're not looking at  
 California habitat for suckers, and, yet, the California  
 Department of Fish and Game will issue a blank take  
 permit for suckers under this deal. That's  
 unconscionable.

Comment 6 - Alternatives

And so, I really feel that Option 8, which is no  
 longer under consideration, four-dam removal without  
 KBRA, would be preferable. I don't believe that we can  
 sign this Settlement and fund this deal, to the tune of a  
 billion dollars, and expect the government to uphold the  
 law.

Comment 7 - Water Quality

If the farmers and ranchers in the Upper Basin  
 didn't receive \$92 million in subsidies, the footprint of  
 that ag would shrink. The nutrient pollution would  
 shrink. There's no talk of abating -- there's no -- look  
 up "pesticides" in this thing. They don't even talk  
 about it. And, yet, the refuges, that really should be  
 back to ducks and back to water filtration, are the  
 highest place for pesticide use in Siskiyou County.

If people doubt what I'm saying and they would  
 like substantiation or to check it, you can look at  
 klamathecollogicalrestoration.org. That's klamathER.org.  
 If "emergency room" works better for you to remember  
 that, klamathER.org. MR. LYNCH: Thank you.

**Comment Author** Higgins, Patrick  
**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 27, 2011

Comment Code	Comment Response	Change in EIS/EIR
IT_MC_1027_054-1	Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose Dam Removal.	No
IT_MC_1027_054-2	<p>The KBRA is analyzed in the Draft EIS/EIR. The applicable resources sections in Chapter 3 and the cumulative effects section in Chapter 4 provide a description of KBRA environmental effects.</p> <p>Master Response N/CP-13 KBRA is Analyzed as a Connected Action.</p> <p>Master Response N/CP-22 How KBRA was Analyzed.</p>	No
IT_MC_1027_054-3	<p>The comment author suggests that the EIS/EIR should include restoration alternatives other than the KBRA. The Lead Agencies recognize that restoring the Klamath Basin is a complicated process and that there are several approaches that can be taken towards restoration. But as explained more fully in Master Response ALT-4 Elimination of Alternative 8 - Dam Removal Without the KBRA from Detailed Study, dam removal contemplated under the KHSR cannot be implemented without implementing the KBRA. Therefore, an alternative that would implement a restoration project other than the KBRA is not feasible. Also as explained in Master Response ALT-4, KBRA as it is contemplated in the actual agreement is a whole program and one cannot implement some KBRA components but not others and still expect it to yield the same benefits as full implementation of the KBRA.</p> <p>The Lead Agencies have worked to include the best available science in the EIS/EIR; the science process is described in Master Response GEN-3 Best Available Information.</p> <p>The comment also mentions that the Resighini have "asked repeatedly" for the document to include an ecologically-based alternative, but the comment does not provide details of what this alternative should include. The comment appears to reference other communications about this alternative with Interior. The Lead Agencies do not have a record of these requests, either in public scoping comments, comments made as a Cooperating Agency on the Administrative Draft EIS/EIR, records of government-to-government meetings, or comments on the public Draft EIS/EIR. While the Draft EIS/EIR may not include the specific ecological alternative considered by the comment author, the Draft EIS/EIR does have an ecologically-based alternative. The Proposed Action was developed specifically to be protective of natural resources in the system, and many KBRA components focus on improving habitat throughout the basin.</p>	No

**Comment Author** Higgins, Patrick  
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**Submittal Date** October 27, 2011

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1027_054-4	<p>Concern #1: Nutrient pollution will continue in the Klamath Basin and dam removal may help, but it will not be enough.</p> <p>Master Response WQ-4 Hydroelectric Project Impacts to Water Quality Anticipated KHSA/KBRA Improvements.</p> <p>Concern #2: An Everglades-like restoration program is needed to reduce nutrient pollution in the upper basin.</p> <p>The Everglades restoration program uses a variety of pollutant management / reduction techniques. Many of these same techniques are being contemplated for use as part of the Klamath River TMDL implementation program. Several water quality improvement activities have been recently funded through the KHSA Interim Measures (Interim Measures 10, 11, and 15; see Draft EIS/EIR Section 3.2.4.1, p. 3.2-34 to 3.2-35). Projects currently being considered under IM 11 include water quality pilot projects for organic matter removal, sediment sequestration of nutrients, treatment wetlands, and natural wetland restoration, among others, to address nutrient over-enrichment in Upper Klamath Lake and the Klamath River reaches downstream of the lake. As stated in the Draft EIS/EIR, pilot scale projects are still in the data collection or planning stage, so an assessment of water quality impacts from these projects is not yet practical (see p. 3.2-25).</p> <p>Concern #3: Dam removal will exacerbate fish disease by moving habitat for the parasite host upstream.</p> <p>Master Response AQU-27 Disease.</p>	No
IT_MC_1027_054-5	<p>The KBRA recognizes that certain species, including the Lost river sucker and short nose sucker, are fully protected under the California Fish and Game Code. Within sixty days of any concurrence to an Affirmative Secretarial Determination, CDFG is to provide draft legislation to the KBRA parties regarding a limited authorization for incidental take of certain fully protected species. CDFG would provide this draft legislation to KBRA parties only if such authorization is necessary for implementation of the KBRA. Any draft legislation authorizing take of fully protected species must be approved by the California legislature and put into law by the Governor before CDFG could authorize such take.</p>	No
IT_MC_1027_054-6	<p>Master Response ALT-4 Elimination of Alternative 8 - Dam Removal Without KBRA from Detailed Study.</p>	No
IT_MC_1027_054-7	<p>As part of KBRA, continued agricultural use in the Reclamation Klamath Project is part of the Purpose and Need Statement. The</p>	No

**Comment Author** Higgins, Patrick  
**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 27, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
	KBRA is a negotiated settlement and the Draft EIS/EIR does not analyze alternatives to the KBRA. Draft EIS/EIR Section 3.2.3.8 Inorganic and Organic Contaminants (p. 3.2-30 to 3.2-33) and Section (Appendix) C.7 (p. C-63 to C-72) present existing information on pesticides and herbicides in the Klamath Basin.	

Thanks

Fish Bio Consultant +  
Watershed Scientist

20 years studying Kaweah  
consultant to Resiglini Landowner

RR Fall  
SPEEDY  
DRY  
REMOVAL

Illegal → PEIS/DEIR = KISSA + KBRA But  
Doesn't deal w/ KBRA

Transient  
Treatment → UKL, LKL, Tule Lake  
Huge shallow, tea colored lakes

300,000 acres. Hundreds of  
square miles. Now 80%  
filled, including TLNWR +  
LKNWR. Sucker - INDICATOR

If program was meeting NEPA +  
CEQA standards for use of "best  
available science", there would  
be an ecologically based  
Alternative.

Resiglini have made repeated requests

Govt says it can't because  
not in settlement

---

Driven by land + water use  
negotiated by farmers +  
ranchers + back-engineered

↳ Ignores NAS (2004) +  
Expert Panels EVERGLADES

---

Nutrient Pollution will  
continue, KBRA has no  
WQ plan. Claims CWA  
pollution abatement program  
will fix, but their  
meaningful implementation  
is also blocked.

It is my professional opinion that the short nose suckers + Lost River suckers will likely go extinct + ESA ~~will~~ will be compromised eliminated from lower Lost River LKL + Keno reaches. Not restored under deal, UKL prep unstable + WQ problems not likely to be fixed.

CA habitat not in DEIS/DEIR but a CESA take permit will be issued by CDFG - ~~PR will deal w/ soc injust~~

Dispersal nodes below ~~can~~  
 will move. Fish increase number  
 Based on false assumptions ~~back to~~  
 (source) ~~ATG~~  
 KLAMATH ER. ORG | NO ACTION

→ Negotiate details later

→ Funded @ \$1 Billion  
+ State + Federal agencies  
signed on.

- No chance to change status  
yet.

- Locking in ~~the~~ unsustainable  
land + water use for 50 yrs  
at a huge cost \$92 M.

KlamathRER.ORG

Alt B = 4 dam removal +  
no KORA

✱ Instead will support No Action  
+ return to IERC

STATE, CONDIT YESTERDAY White Salmon  
FED ABROG ~~GET IT~~ RIVER WA  
8 PAGES LONG!

**Comment Author** Higgins, Patrick  
**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 27, 2011

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1027_103-1	Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose Dam Removal.	No
IT_MC_1027_103-2	<p>The KBRA is analyzed in the EIS/EIR. The applicable resources sections in Chapter 3 and the cumulative effects section in Chapter 4 provide a description of KBRA environmental effects.</p> <p>Master Response N/CP-13 KBRA is Analyzed as a Connected Action.</p> <p>Master Response N/CP-22 How KBRA was Analyzed.</p>	No
IT_MC_1027_103-3	<p>The comment author suggests that the EIS/EIR should include restoration alternatives other than the KBRA. The Lead Agencies recognize that restoring the Klamath Basin is a complicated process and that there are several approaches that can be taken towards restoration. But as explained more fully in Master Response ALT-4 Elimination of Alternative 8 - Dam Removal Without the KBRA from Detailed Study, dam removal contemplated under the KHSA cannot be implemented without implementing the KBRA. Therefore, an alternative that would implement a restoration project other than the KBRA is not feasible. Also as explained in Master Response ALT-4, KBRA as it is contemplated in the actual agreement is a whole program and one cannot implement some KBRA components but not others and still expect it to yield the same benefits as full implementation of the KBRA.</p> <p>The Lead Agencies have worked to include the best available science in the EIS/EIR; the science process is described in Master Response GEN-3 Best Available Information.</p> <p>The comment also mentions that the Resighini have "asked repeatedly" for the document to include an ecologically based alternative, but the comment does not provide details of what this alternative should include. The comment appears to reference other communications about this alternative with Interior. The Lead Agencies do not have a record of these requests, either in public scoping comments, comments made as a Cooperating Agency on the Administrative Draft EIS/EIR, records of government-to-government meetings, or comments on the public EIS/EIR. While the EIS/EIR may not include the specific ecological alternative considered by the comment author, the EIS/EIR does have an ecologically based alternative. The Proposed Action was developed specifically to be protective of natural resources in the system, and many KBRA components focus on improving habitat throughout the basin.</p>	No

**Comment Author** Higgins, Patrick  
**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 27, 2011

Comment Code	Comment Response	Change in EIS/EIR
IT_MC_1027_103-4	<p>Master Response AQU-21 NRC Dam Removal Help Coho.</p> <p>Master Response AQU-6A Expert Panel Coho, Steelhead and Chinook.</p> <p>Master Response AQU-19 Chinook Expert Panel Proposed Action Better Than No Action.</p> <p>Master Response AQU-17 Expert Panel Second Line of Analysis, Not the Only Line of Evidence.</p> <p>Concern #1: Nutrient pollution will continue in the Klamath Basin and dam removal may help, but it will not be enough.</p> <p>Master Response WQ-4 Hydroelectric Project Impacts to Water Quality &amp; Anticipated KHSA/KBRA Improvements.</p> <p>Concern #2: An Everglades-like restoration program is needed to reduce nutrient pollution in the upper basin.</p> <p>The Everglades restoration program uses a variety of pollutant management/reduction techniques. Many of these same techniques are being contemplated for use as part of the Klamath River TMDL implementation program. Several water quality improvement activities have been recently funded through the KHSA Interim Measures (Interim Measures 10, 11, and 15; see Draft EIS/EIR Section 3.2.4.1, p. 3.2-34 to 3.2-35). Projects currently being considered under IM 11 include water quality pilot projects for organic matter removal, sediment sequestration of nutrients, treatment wetlands, and natural wetland restoration, among others, to address nutrient over-enrichment in Upper Klamath Lake and the Klamath River reaches downstream from the lake. As stated in the EIS/EIR, pilot scale projects are still in the data collection or planning stage, so an assessment of water quality impacts from these projects is not yet practical (see Draft EIS/EIR p. 3.2-25).</p> <p>Master Response WQ-4A, C and D Hydroelectric Project Impacts to Water Quality and Anticipated KHSA/KBRA Improvements.</p> <p>Master Response WQ-22 TMDLs and the No Action/No Project Alternative (and Alternative 4).</p>	No
IT_MC_1027_103-5	<p>As discussed in Section 3.3.4.3 of the Draft EIS/EIR under Alternatives 2 (p. 3.3-126) and 3, the KBRA is expected to provide benefits to sucker populations through: nutrient reduction, reconnecting former wetlands to Agency Lake, reconstructing quality rearing habitat for early life stages, and restoring spring</p>	No

**Comment Author** Higgins, Patrick  
**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 27, 2011

Comment Code	Comment Response	Change in EIS/EIR
	<p>shoreline spawning habitat among others. The KBRA speaks to the settlement of long-running disputes concerning the use of Klamath Basin water for irrigation, fish and wildlife. It also speaks to water quality improvements in the basin. Addressing the water-related issues within the basin is expected to benefit all species of resident fish, including suckers. The EIS/EIR concludes that based on improved habitat quality, the effect of the Proposed Action would be beneficial for Lost River and shortnose sucker populations in the long term (Draft EIS/EIR 3.3-127). The Resident Fish Expert Panel concluded that a “dams out plus KBRA” management scenario provides promise for preventing extinction of sucker species and for increasing overall population abundance and productivity (Buchanan et al. 2011).</p> <p>It is not the explicit objective of the KBRA to recover suckers, although suckers will benefit in many ways. There are other tools to address the challenges described in the comment. For example, the USFWS has released (October 2011) a draft revised Recovery Plan for the two endangered sucker species that identifies objectives and criteria for recovery which will inform and focus future recovery actions. Additionally, the USFWS has initiated designation of Critical Habitat for the Lost River sucker and shortnose sucker (76 FR 76337, December 07, 2011), which will be finalized by November 30, 2012.</p> <p>Master Response AQU-33 ESA Compliance.</p>	
IT_MC_1027_103-6	<p>The KBRA recognizes that certain species, including the Lost river sucker and short nose sucker, are fully protected under the California Fish and Game Code. Within 60 days of any concurrence to an Affirmative Secretarial Determination, CDFG is to provide draft legislation to the KBRA parties regarding a limited authorization for incidental take of certain fully protected species. CDFG would provide this draft legislation to KBRA parties only if such authorization is necessary for implementation of the KBRA. Any draft legislation authorizing take of fully protected species must be approved by the California legislature and put into law by the Governor before CDFG could authorize such take.</p>	No
IT_MC_1027_103-7	<p>Concern: Dam removal will exacerbate fish disease by moving habitat for the parasite host upstream.</p> <p>Master Response AQU-27 Disease.</p> <p>As part of KBRA, continued agricultural use in the Reclamation Klamath Project is part of the Purpose and Need Statement. The KBRA is a negotiated settlement and the EIS/EIR does not analyze alternatives to the KBRA. Draft EIS/EIR Section 3.2.3.8</p>	No

**Comment Author** Higgins, Patrick  
**Agency/Assoc.** Resighini Rancheria  
**Submittal Date** October 27, 2011

Comment Code	Comment Response	Change in EIS/EIR
IT_MC_1027_103-8	<p>Inorganic and Organic Contaminants (p. 3.2-30 to 3.2-33) and Section (Appendix) C.7 (p. C-63 to C-72) present existing information on pesticides and herbicides in the Klamath Basin.</p> <p>The KBRA is analyzed in the EIS/EIR. The applicable resources sections in Chapter 3 and the cumulative effects section in Chapter 4 provide a description of KBRA environmental effects.</p> <p>Master Response N/CP-22 How KBRA was Analyzed.</p> <p>The majority of Federal land where farming may occur currently in the Klamath Basin would be on the several National Wildlife Refuges. The KBRA does not require the Lower Klamath Lake and Tule Lake National Wildlife Refuges to allow or continue lease land farming. The KBRA provides for an allocation of water to the refuges. Water required for lease land farming does not count against the Refuge Allocation (KBRA Section 15.1.2.D.i). See <a href="http://www.Klamathrestoration.gov">www.Klamathrestoration.gov</a> for a copy of the KBRA.</p> <p>Future refuge management decisions with respect to lease land farming would be speculative and are beyond the scope of the analysis of this EIS/EIR.</p> <p>Farming and agricultural practices on private lands are beyond the scope of the analysis of this EIS/EIR.</p>	No
IT_MC_1027_103-9	<p>Master Response ALT-4 Elimination of Alternative 8 - Dam Removal Without KBRA from Detailed Study.</p>	No

IT\_MC\_1025\_038

KLAMATH DAM REMOVAL  
DRAFT EIS/EIR HEARING  
OCTOBER 25, 2011

PUBLIC TESTIMONY  
ORLEANS, CALIFORNIA

MR. HILLMAN: Good evening. They say, at the beginning of time, when the spirit people roamed the earth, only the spirit people, and at the time of the great transformation, some of those spirit people were transformed, some into human beings, some into rocks, trees, water, the salmon, the sun, the moon, and the stars. And from that time forward, we've continued to recognize that the salmon are our very close relatives.

This is what our world view is based on, has fixed the world people. We have a responsibility to all of our relations. They have a responsibility to us.

I took the Draft EIS to put it on my nightstand the other night, and before I went to sleep I read it, ayy. Yeah, it was -- my reading skills, I don't read that fast, but I have looked through the document and read a few chapters in it. I would like to acknowledge the effort that was put into development of this document. A lot of hard work and a lot of good science.

Comment 1 - ITAs

You said that the fundamental reason why we're here tonight is to help the Secretary to make his determination whether or not dam removal is in the public interest. And I would just like for folks and the

Secretary to acknowledge that -- I'm not sure who he  
considers public and whose interests it is, but I would  
assert that the public includes all of the spirit people.  
They are also public. We can't separate ourselves and  
think that because we're human that we're somehow above  
all of the nonhuman spirit people. They are our  
relations. And they are also part of the public  
interest, and their interest needs to be considered here,  
as well.

Thank you for allowing me to speak and giving me  
cuts. And, I guess, if my kids were worse behaved, maybe  
you'll let me go first, huh? Ayy. So, thank you.

MR. LYNCH: Thank you, Mr. Hillman.

**Comment Author** Hillman  
**Agency/Assoc.**  
**Submittal Date** October 25, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MC_1025_038-1	Master Response GEN-1 Comment Included as Part of the Record.	No

Klamath Settlement



EIS/EIR PROCESS

# Comment Form

IT\_MF\_1020\_033

Please mail your comments to:

**Ms. Elizabeth Vasquez**  
Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825

OR

**Mr. Gordon Leppig**  
California Dept. of Fish and Game  
Northern Region,  
619 Second Street  
Eureka, CA 95501

**Email:**  
KlamathSD@usbr.gov

All comments on the Draft EIS/EIR must be received by November 21, 2011.

(Please print legibly)

**Name:** ERIN HILLMAN

**Organization:** KARUK TRIBES

**Title:** DIRECTOR OF ADMIN/COMPLIANCE

**Address:** POB 460 HAPPY CAMP CA 96039

**Email:**

Comment 1 - Approves of  
Dam Removal

**Fax:**  
(916) 978-5055

**Comments:**

I'VE HAD THE BENEFIT OF SEEING THE SCIENCE OF THE PROPOSED ACTION. I AM CONVINCED THAT THE FISH HABITAT ABOVE THE DAMS WILL RESTORE NATURALLY WITHOUT THESE UNNATURAL BARRIERS. THE COST OF MAINTAINING THE DAMS AND PROVIDING FOR FISH TRANSPORTATION & PASSAGES IS AT A MUCH HIGHER COST THAN <sup>THEIR</sup> REMOVAL. NOT TO MENTION THE JOBS THAT WILL BE BROUGHT TO OUR AREA, <sup>WHICH</sup> ~~THEY~~ ARE DESPERATELY NEEDED. SISKIYOU COUNTY BOARD OF SUPERVISORS AND SPECIAL INTEREST GROUPS HAVE FAILED TO GRASP THE FACTS IN THIS ISSUE. ~~RELIGIOUS~~ OR REMOVE. REMOVAL IS NOT ONLY THE MOST COST EFFECTIVE, IT JUST MAKES SENSE AND THE COUNTY BDC HAS FAILED TO SEE IT AND COMMUNICATE THE TRUTH RESULTING IN POLARIZED communities. DONT LOSE THE FACTS TO THE MIS-UNDERSTANDINGS OF A FEW. ~~WANT~~ PLEASE REMOVE THESE DAMS! REMOVE THEM BEFORE THEY ARE SO OLD AND UNSAFE THAT THEY FAIL.

**Public Disclosure:** It is not required that you submit personal information. If you decide to do so, please note that this information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Comment Author** Hillman, Erin  
**Agency/Assoc.** Karuk Tribe  
**Submittal Date** October 20, 2011

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<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
IT_MF_1020_033-1	Master Response GEN-2 Some People Approve of Dam Removal, Others Oppose Dam Removal.	No